



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-110M 324 Kingsleigh Court

#### General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variance(s) to Zoning By-law 016-2014, as amended, has been requested to permit a secondary dwelling unit as well as recognize an increase in gross floor area for existing accessory structures:

1. To allow the residential driveway width to be 8.25 metres, a difference of + 0.25 metres; and
2. To allow the permitted gross floor area to be 14.1 square metres, a difference of + 0.1 square metres.

The subject property is known as 324 Kingsleigh Court and located on the south side of Kingsleigh Court and directly backs onto W.I.D Middle School. The subject property contains a single-detached dwelling and two accessory structures. Surrounding uses are residential and commercial.

The applicant is proposing to construct a basement apartment, where the entrance to the accessory apartment is located in the exterior side yard. The proposed variances are related to extending the existing driveway to allow for parking for three (3) vehicles as well as recognizing the existing gross floor area of accessory buildings in the rear yard.

#### Official Plan Designation (including any applicable Secondary Plan designations):

The subject property is designated as Residential Area in the Town of Milton Official Plan. This designation permits single detached dwellings and associated accessory structures. Secondary Residential Units are also permitted. It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan.

#### Zoning:

The subject lands are zoned as Site Specific Residential Low Density Two (RLD2\*299) under the Town of Milton Zoning By-law 016-2014, as amended. The RLD2\*299 zone permits a variety of residential uses, including detached dwellings and accessory buildings and structures.

Section 5.6.2 iv) d) e) of the Town's Zoning By-law states that lots having a frontage greater than 11.5 metres are permitted a maximum residential driveway width of 8.0 metres. The applicant is requesting permission to allow the residential driveway width to be 8.25 metres, a difference of + 0.25 metres, to facilitate the proposal.

Section 4.2.1 Table 4A (I) of the Town's Zoning By-law states that the maximum gross floor area for accessory building on a lot having an area between 660-830 square metres is 14 square metres. The applicant is requesting permission to allow the permitted gross

floor area to be 14.1 square metres, a difference of + 0.1 square metres, to facilitate the proposal.

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on November 29, 2023. As of the writing of this report on December 6, 2023, staff have not received any comments from members of the public.

### *Agency Consultation*

No objections were filed with respect to the variance application from Town staff or external agencies.

## **Planning and Development Department Comments:**

The applicant has requested a minor variance to facilitate the construction of an accessory apartment in the basement of an existing single detached dwelling, at the above-noted address. In order for a permit to be issued to construct an accessory apartment, all relevant zoning by-law provisions must be met, including the provision of one parking space, in addition to the two parking spaces required for the primary dwelling unit.

The applicant is requesting permission to allow the residential driveway width to be 8.25 metres, a difference of + 0.25 metres, to facilitate the proposal. Further, as part of the application process it was identified that the two existing accessory buildings in the rear yard do exceed the gross floor allowance and the applicant is also requesting permission to allow the permitted gross floor area to be 14.1 square metres, a difference of + 0.1 square metres.

The minimum parking space size requirement in the zoning by-law ensures that adequate space is available for vehicles to park, and be functional for access. The driveway is proposed to remain in its current state, in which the owner has demonstrated the ability to adequately park three vehicles.

It should also be noted that the accessory apartment will be accessed through an entrance in the side yard and the external character of the single-detached dwelling will not be negatively impacted. Further, Planning Staff note that a minor variance was not required for the proposed entrance in the side yard.

Planning staff also do not have concerns with the proposed gross floor area to recognize the two existing accessory buildings. Both buildings meet the other zoning by-law provisions for setbacks and height and the increase is minor and will be negligible on surrounding properties.

Planning staff have reviewed the request to reduce the size of the parking space and offer no objection to the proposed variance approval. In regards to the proposed driveway reduction, the owner has provided photographs that demonstrate the vehicles can adequately park wholly on the existing driveway and access to the interior of the vehicles can be achieved.

As such, the proposed development is appropriate for the efficient use of the land by providing an accessory dwelling unit which contributes to housing affordability, will not

result in overbuilding of the property, will not impact the personal enjoyment of the lands or any neighboring property and will not be of detrimental impact to the lands, the street or surrounding area.

**Recommendation:**

**THAT** the application for minor variance **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the proposed development shall be generally located and constructed in accordance with the site plan, prepared by MEM Engineering Inc. date stamped by Town Zoning on October 26, 2023;
2. That a building permit application be obtained within two (2) years from the date of this decision; and
3. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a building permit is not secured.

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December 6, 2023