



Memorandum to Committee of Adjustment Members

Minor Variance Application: A24-006M - 1318 Kovachik Boulevard

General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variance to Zoning By-law 016-2014, as amended, has been requested to:

- Allow the width of a parking space on a residential driveway to be 2.56 metres, whereas the Zoning By-law requires 2.75 metres (a reduction of - 0.19 metres).

The subject property is known municipally as 1318 Kovachik Boulevard and is generally located northeast of the intersection of Britannia Road and Tremaine Road. The subject property contains a single-detached dwelling with an attached garage. Surrounding uses are residential and is primarily comprise of single-detached dwellings and townhomes.

The applicant is proposing to construct an additional residential unit. In order to permit the basement apartment, the Zoning By-law requires a minimum of three parking spaces. The applicant is proposing to provide one parking space in the garage and two parking spaces on the driveway.

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

The subject property is designated Residential Area on Schedule B - Urban Area land Use Plan within the Town of Milton Official plan and is located within the Boyne Survey Secondary Plan . This designation establishes that the primary use of land shall be a mix of low, medium and high density residential development. A variety of medium and high density residential uses are permitted. Secondary Residential Units are permitted as-of-right in the residential area, subject to the following criteria as set out in Section 3.2.3.9:

- a) the use shall be located in an existing single detached, semi-detached, row houses, and in accessory structures where adequate municipal piped water and wastewater services are available and connected;
- b) the site is accessible to public transit;
- c) there will be no significant changes to the external character of the building or property;
- d) all of the requirements of the Zoning By-law, including the provision of adequate parking, of the Ontario Building Code, of the Property Standards By-law and other relevant municipal and provincial regulations are satisfied; and
- e) the existing dwelling is not within the Regulatory Flood Plain.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan. The proposed additional dwelling unit is located within an existing single detached dwelling on full municipal services. The subject lands are located in close proximity to municipal transit and no significant changes to the external character of the building or property are being proposed.

Zoning

The subject lands are zoned Site Specific residential Medium Density 1 (RMD*269) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*269 zone permits a variety of residential uses, including detached and townhouse dwellings. The by-law permits Accessory Dwelling Units in single detached dwellings or semi-link dwellings, under Section 4.10, subject to the following criteria:

- i) Only 1 accessory dwelling unit shall be permitted per lot and shall be located within the main dwelling unit;
- ii) A minimum of 1 parking space per accessory dwelling unit is provided in addition to the required parking for the main dwelling unit;
- iii) The dwelling must be on full municipal water and wastewater services; and,
- iv) The accessory dwelling unit shall not exceed a maximum size of 85 m².

Zoning Staff have confirmed that, with the exception of provision ii), the above noted criteria has been satisfied.

Section 5.6.2 i) of the Zoning By-law states that the minimum size of a required parking space on a residential driveway is 2.75 metres wide and 5.5 metres in length. The applicant is requesting permission to allow a minimum size of a parking space on a residential driveway to be a width of 2.56 metres, a difference of -0.19 metres per parking space, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on March 14, 2024. As of the writing of this report on March 20th, 2024, staff have not received any comments from members of the public

Agency Comments

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

While Milton Fire originally expressed concerns about the proposal, Planning Staff have ensured that unobstructed access to the entrance will be provided to their satisfaction.

Planning and Development Department Comments:

The applicant has requested a minor variance to facilitate the construction of an additional residential unit in the basement of an existing single detached dwelling, at the above-noted address. Prior to building permit issuance, 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 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 and the owner has demonstrated that two vehicles can adequately be parked, despite the requested relief. Based on this, Planning Staff acknowledge that the driveway can functionally provide the required parking and therefore, maintains the intent of the Zoning By-law.

It should also be noted that the additional residential unit will be accessed through an entrance in the side yard and the external character of the single-detached dwelling will not be negatively impacted. A minor variance was not required with respect to the proposed entrance in the side yard.

Ultimately, the proposed development is desirable as it creates an additional residential unit which contributes to housing affordability, will not result in overdevelopment 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.

Therefore, Planning Staff have reviewed the requested relief and offer no objection to the approval of this application as it maintains the intent of the Zoning By-law, conforms to the Official Plan, is desirable for the development of the subject lands and is minor in nature.

Recommendation:

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

1. That a building permit application be obtained within two (2) years from the date of this decision.
2. 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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