



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Development Services

Date: May 15, 2024

File No: A-24-019

Subject: 1483 Kitchen Court

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

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

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 2.46 metres, whereas the Zoning By-law requires 2.75 metres (a reduction of - 0.29 metres).
- Allow a reduced side yard setback to allow for the installment of a landing and stairs to access the existing basement unit entrance. Resulting in a side yard setback of 0.35 metres.

The subject property is municipally known as 1483 Kitchen Court and is generally located north of the intersection of Tremaine Road and Britannia. The subject property contains a single-detached dwelling with an attached garage. Surrounding uses are residential and is primarily comprised of single-detached dwellings.

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. Further, the applicant is proposing a single step and landing to access the existing entrance to the proposed additional dwelling unit.

Official Plan Designation (including any applicable Secondary Plan designations)

The subject property is designated as Residential Area on Schedule B - Urban Area Land Use Plan within the Town of Milton Official Plan and further designated as Residential Area 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 (RMD1*220) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*220 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

Zoning

- 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 2.46 metres, a difference of -0.29 metres per parking space, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on May 9th, 2024. As of the writing of this report on May 15th, 2024, staff have not received any comments from members of the public.

Agency Comments

Fire

The setbacks on the drawing show a path of travel only .96m wide. The drawing doesn't indicate the location of the gas meter or other obstacles in that travel path. From a Fire and Life Safety perspective the .96m width leading to the proposed landing is not sufficient enough to allow access during an emergency, therefore Milton Fire & Rescue Services objects to this request.

An alternative solution would be for the resident to sprinkler the proposed basement apartment to mitigate the Fire and Life Safety Risk.

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



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Development Services Comments

In order for a permit to be issued to construct an additional residential unit, all relevant Zoning By-law provisions must be met, including the provision of one parking space for the additional dwelling unit (ADU), in addition to the two parking spaces required for the primary dwelling unit.

The applicant is requesting permission to reduce the size of a parking size by -0.29 metres for both of the parking spaces in the driveway, in order to accommodate three required parking spaces. The applicant is also requesting permission to install a landing and stairs to access the existing side yard entrance to the ADU.

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 two vehicles. And, despite being deficient in the minimum width required by the Zoning By-law, the driveway is currently being used to park two 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.

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.

The applicant is also requesting permission to allow for stairs and a landing to encroach into the interior side yard, resulting in a side yard of 0.35 metres. Planning Staff do not have any objection to the proposed stairs and landing so long as an unobstructed path of travel remains available to the entrance for life-safety personnel. Similarly, the alternate side yard is to remain unobstructed and accessible so far as access to the rear yard. Planning Staff acknowledges the comments from Milton Fire, however, the 0.96 metre setback is existing and is not impacted by the variance. There are also no further obstructions in the side yard, before or after the point of access.

It is important to note that Town staff have confirmed that the subject site is not within the floodplain/Conservation Halton regulated area, despite indication from internal GIS



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systems. Through previous approvals, the floodplain was realigned and no longer impacts the subject property.

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. Therefore, Planning Staff are of the opinion that the relief being requested is minor in nature, desirable for the development of the subject lands, maintains the intent of the Zoning By-law and conforms to the Official Plan.

Respectfully submitted,
Madison Polidoro
Planner, Development Review

For questions, please contact: Madison.Polidoro@Milton.ca Phone: Ext. 2311