



# The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Madison Polidoro

Date: 10/24/2024

File No: A24-049M

Subject: 4193 20 Sideroad

**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 permit:

- To permit a detached garage to have a gross floor area of 111.5 square metres, whereas the Zoning By-law permits a maximum gross floor area of 93 square metres for detached garages.

The subject property is known municipally as 4193 20<sup>th</sup> Sideroad and is generally located northeast of the intersection of Fourth Line Nassagaweya and 20<sup>th</sup> Sideroad. Surrounding uses are primarily agricultural and rural residential.

The subject lands currently contain a single detached dwelling. The applicant is proposing to construct a detached garage and is requesting relief to the Zoning By-law to allow the size of the garage to be 111.5 square metres.

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

The subject property is designated as Agriculture on Schedule A - Rural Land Use Plan within the Town of Milton Official Plan. The property is also subject to the Greenbelt Natural Heritage System, as identified on Schedule 1 - Town Structure Plan.

The objective of the Greenbelt NHS overlay policies seek to protect Key Features - however, the overlay does permit existing uses and accessory structures, provided that the impact on the natural environment will be minimal.

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

Based on intent of the above-noted policies, it is Staff's opinion that the proposal is consistent with the Greenbelt Plan and is in conformity with the Town of Milton Official Plan in regard. The proposed development is replacing what currently exists and there is not impact anticipated on the adjacent natural heritage system.

## Zoning

The subject property is zoned Rural (A2) and Greenlands A (GA) under Comprehensive Rural Zoning By-law 144-2003, as amended. The general A2 Zone permits agricultural operations and single detached dwellings when located on existing lots.

Per Section 4.1.2.2 of Zoning By-law, accessory buildings and structures, including detached garages and carports are permitted in any yard on a lot in the Rural Zones and Greenlands Zones provided that:

- i) It maintains the minimum yard requirements of the applicable zone;
- ii) It does not exceed a maximum height of 5.5m or maximum gross floor area of 93m<sup>2</sup>;
- iii) No more than two accessory buildings exists on a lot that has a lot area of 0.8 hectares or less;
- iv) Within a Greenlands A Zone, accessory buildings and structures are not permitted, unless otherwise specified in Section 2.4 of this By-law.”;
- v) Within a Greenlands A or Greenlands B Zone, accessory buildings and structures are also subject to the Regional Tree Cutting By-law; and,
- vi) Notwithstanding the above requirements, a detached gatehouse or private rural bus shelter of a maximum size of 9.3m<sup>2</sup> with a maximum height of 3.0m is permitted in the front yard, and in the landscape buffer strip required by this By-law provided it is located no closer than 3.0m from any street line.

Zoning Staff have confirmed that with exception of provision ii), the proposed accessory structure has satisfied these criteria. The applicant is seeking relief to provision ii) to allow a gross floor area of 111.5 square metres.

## Consultation

### *Public Consultation*

Notice for the hearing was provided pursuant to the Planning Act on October 9<sup>th</sup>, 2024. As of the writing of this report on October 17<sup>th</sup>, 2024, 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.



## Consultation

### Development Engineering

Please be further advised that Development Engineering has no objection to the approval of this application; however, the Owner must acknowledge and agree that at time of Building Permit, Development Engineering will require the following information:

- Clearance from Conservation Halton.
- Additional information, including driveway slop and hatch the existing driveway area.

### Conservation Halton

The subject property is regulated by Conservation Halton (CH) as a portion of the lands contains a Provincially Significant Wetland. CH regulates 30 metres from the extent of the wetland. The applicant is seeking to facilitate the construction of a detached garage on the property. The proposed location is more than 30m from the wetland, and is outside of the regulated portion of the property. As such, CH does not object to the approval of the variances being requested.

Although the proposed location of the detached garage is outside of CH's regulated area, the applicant will need to obtain a Development Clearance Letter from CH prior to construction.

## Development Services Comments

The applicant has requested a minor variance facilitate the creation of a detached garage on the subject lands. The structure is proposed east of the dwelling, adjacent to an existing driveway. The applicant intends to use the garage for personal vehicular storage. The structure will not be used for human habitation.

To facilitate the construction of the detached garage, the applicant has requested a variance to the gross floor area provisions for accessory buildings and structures within the Zoning By-law. The proposed accessory structure has a gross floor area of 111.5 square metres, whereas the Zoning By-law permits a maximum gross floor area of 93 square metres. The intent of this provision is to avoid the over development of rural properties and to ensure that structures do not impact neighbouring properties.

The siting of the proposed detached garage is located in an area that has been previously disturbed for the existing driveway - this makes it an ideal location from the perspective of minimizing impact on the natural environment and maximizing the efficiency of existing site conditions. The applicant has confirmed that four trees will be removed to facilitate this proposal, all of which are entirely located on the subject lands and are not within the Conservation Halton regulated area.

Planning Staff are of the opinion that the secondary garage enhances the primary residential use and will not result in over development of the lands. The subject property is large enough to accommodate the proposed detached garage and existing dwelling while maintaining all required setbacks. Therefore, the additional gross floor area proposed will have no impact on the site, or those adjacent, beyond what is permitted as-of-right.

Overall, Planning Staff offer no objection to the approval of this application as the structure will remain clearly secondary to the primary residential use and does not impact the rural residential character of the surrounding community. As previously mentioned, the proposed siting of the



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## Consultation

garage is both efficient and logical in respect to existing driveways and disturbed lands. Therefore, Planning Staff are of the opinion that the variance 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*

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