



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Development Services

Date: July 25th, 2024

File No: A24-027/M

Subject: 12199 Sixth Line Nassagaweya

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

1. That a Building Permit be applied for and received prior to construction of the new single detached dwelling and a demolition permit be received for the existing detached dwelling prior to demolition.
2. That prior to Building Permit issuance for the new single-detached dwelling, the applicant must provide a Letter of Undertaking to the Town of Milton agreeing to:
 - a. Provide a performance guarantee in the amount of \$10,000 to ensure the demolition of the existing single detached dwelling upon completion of the new dwelling.
 - b. Obtain a Demolition Permit for the demolition of the existing dwelling prior to occupancy being granted for the new single detached dwelling.
 - c. Complete all works associated with the demolition of the existing detached dwelling within 90 days of occupancy being granted for the new single detached dwelling.
3. That prior to Building Permit issuance, the applicant provide a detailed Grading Plan, to the satisfaction of Development Engineering.
4. That the approval be subject to an expiry of three (3) years from the date of decision in which time occupancy for the new single detached dwelling must be received.

General Description of Application

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

- Temporarily permit two residential buildings on a lot, whereas the Zoning By-law only permits one residential building on a lot.



General Description of Application

- Permit an accessory building to have a maximum height of 7.3 metres, whereas the Zoning By-law permits a maximum of 5.5 metres.
- Permit an accessory building to have a total gross floor area of 222 square metres, whereas the Zoning By-law permits a maximum of 93 square metres.

The subject property is municipally known as 12199 Sixth Line Nassagaweya and is generally located north of the Sixth Line Nassagaweya and 20th Side Road intersection. Surrounding uses are primarily agricultural and rural residential.

The applicant is proposing to construct a new dwelling as well as a garage with a small upper loft space. The Zoning By-law only permits one residential dwelling on the lot. The applicant is seeking relief in order to reside in the existing dwelling while the proposed dwelling is being built. The intent is that the existing dwelling will be demolished once the proposed dwelling receives occupancy. This is a condition of Planning Staff support. Further, the applicant is seeking relief from the Zoning By-law to permit an increase in both the size and height of the proposed garage.

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.

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.

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.

Variance 1: Two Dwellings on One Lot (Temporary)

Zoning

Section 4.2 i) of the Zoning By-law states that no more than one residential building is permitted on a lot. The applicant is seeking relief to temporarily allow two residential buildings on a lot. The proposed dwelling maintains all other zoning provisions.

Variances 2 and 3: Increase in Height and Gross Floor Area of an Accessory Structure

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 93m²;
- 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 9.3m² 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 provisions ii), the proposed accessory structure has satisfied these criteria. The applicant is seeking relief to provision ii) to allow a height of 7.3 metres and a gross floor area of 222 square metres.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on July 10th, 2024. As of the writing of this report on July 17th, 2024, staff have not received any comments from members of the public.

Agency Comments

Development Engineering

Development Engineering reviewed the proposal and offered no objection, subject to the applicant providing the following information prior to Building Permit issuance. Should the Committee approve this application, the information below has been added as a condition of approval.

Consultation

The Owner must acknowledge and agree Development Engineering will require a detailed Grading Plan (all proposed features) following the Town of Milton Std. No. E-18. The Town wants to ensure that the increase in lot coverage doesn't have a negative impact on the surrounding area. Want to understand how the additional runoff will be controlled.

- a) A note stating that "Silt controls are to be in place prior to the start of site works, and be maintained for the duration of construction."
- b) A note stating that, "Prior to commencement of any works within municipal road allowance, the Owner is responsible for obtaining all necessary permits from the Engineering Services Department, Town of Milton, for the purposes of vehicular access to the property, (Entrance Permit), and servicing excavations within the municipal road allowance, (Road Occupancy Permit)."
- c) Location of the sediment control fence.
- d) Proposed elevations at building corners, sump pump and downspouts discharge location.
- e) Proposed elevations for the interior property; (driveway, other hard surface edges).
- f) Swale locations, directions and slopes.
- g) The Owner must ensure that the intent of the original drainage pattern is maintained, that any existing external drainage pattern is not impeded and that adjacent properties are not negatively impacted.
- h) The grading plan must ensure that existing elevations at property line are not altered.
- i) Provide the CH (Conservation Halton) letter.

Halton Region

Halton Region initially recommended a Hydrogeological Assessment be provided to review the anticipated increase in water usage. Given that the subject lands are an existing lot of record and the condition of two dwellings is temporary in nature, Town Planning Staff acknowledge the recommendation but are of the opinion that it is no necessary based on the rationale previously mentioned. Private servicing is reviewed at time of Building Permit issuance and therefore, Planning Staff are satisfied that this matter will be resolved through that review.

Development Services Comments

The applicants intend to construct a new two-storey dwelling with an attached garage. The lands currently contain a single detached dwelling (that will be demolished upon the new dwelling receiving occupancy). There is a pond located in the front of the property with a woodlot to the rear. The footprint of the new dwelling is proposed immediately to the rear of the existing dwelling and that was previously disturbed.

Variance 1: Two Dwellings on One Lot (Temporary)

The applicant is requesting relief from the Rural Zoning By-law 144-2003, as amended, to allow two (2) residential dwellings on one lot on a temporary basis. The proposed minor variance is



being requested to allow for the family to reside on the subject property while the proposed single-detached dwelling is being constructed.

It is the opinion of Planning Staff that the application is minor in nature as the allowance for two residential dwellings on single lot will be temporary. The impact of temporarily having two dwellings on the lot will be minimal as there are large setbacks and tree screening to protect the sightlines of surrounding properties.

Planning Staff support all of the conditions recommend by the Development Engineering and further recommends that the applicant enter into an agreement with the Town of Milton to ensure the removal of the existing dwelling. In addition, the provision of a performance guarantee in the amount of \$10,000.00 (plus any administrative costs) will be required to ensure that the Town can complete the removal of the temporary units should the applicant not complete the undertaking themselves. This will further ensure that the site will ultimately contain only one single-detached dwelling and meet the intent of the Town's Official Plan and Zoning By-law.

Variances 2 and 3: Increase in Height and Gross Floor Area of an Accessory Structure

In order to accommodate the proposed three-car garage with an upper loft area, the applicant is requesting increased gross floor area of 222 square metres and a height of 7.3 metres.

It is the opinion of Planning Staff that the increases to height and size are minor in nature and will not impact the surrounding properties. Both the size and height of the garage is appropriate for the lot and is well screened by existing trees on the property.

Based on the aforementioned, Planning Staff have reviewed the requested variances and offer no objection to the approval of this application. The variances are minor in nature, conforms to the general intent of both the Official Plan and Zoning By-law and are desirable for the development and use of the subject property.

Respectfully submitted,
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Planner, Development Review

For questions, please contact:

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