



# The Corporation of the Town of Milton

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Report To: Committee of Adjustment and Consent

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From: Development Services

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Date: July 25, 2024

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File No: A-24-033M

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Subject: 3300 15<sup>th</sup> Side Road

**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 the approval be subject to an expiry of two (2) years from the date of decision in which time occupancy for the new single detached dwelling must be received.
4. That a detailed Grading Plan be provided, to the satisfaction of Development Engineering, prior to Building Permit issuance
5. That an entrance permit be acquired prior to construction.

## General Description of Application

Under Section 45(1) of the Planning Act, the following minor variance to Zoning By-law 144-2003, as amended, has been requested to permit:

- Allow two residential dwellings on a lot, for a temporary period, whereas a maximum of one residential building is permitted on a lot.



## General Description of Application

The subject property is known municipally as 3300 15 Side Road and located on south side of 15 Side Road and near Fourth Line Nassagaweya. The subject property contains a single detached dwelling and three sheds which will be demolished. The applicants have requested permission to allow for the existing home to remain on the property and to have the ability to reside in this home while a new dwelling is built that the family will eventually reside in. Surrounding uses are predominantly agriculture and rural residential.

It should be noted that the above-noted minor variance is strictly requesting permission to allow for two residential buildings to be located on the subject property on a temporary basis. Town staff note that this application was approved by the Committee of Adjustment in June 2022. The application did not comply with the conditions of obtaining a building permit application within two years of the approval, and therefore the approval has lapsed. The application has not undergone any changes since that time.

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

The subject property is designated Agricultural Area in the Town of Milton Official Plan.

The subject property is not within the Town's Prime Agricultural Area. The Agricultural Area designation permits agricultural operations as well as single-detached dwellings on existing lots.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended.

## Zoning

The subject lands are zoned Rural (A2) and Greenlands A (GA) under Comprehensive Zoning By-law 144-2003, as amended. In this zone, single detached dwellings and associated accessory structures are permitted. It is important to note that the proposed development is contained to the A2 zone.

Section 4.2 i) of the Zoning By-law states that only one residential building is permitted on a lot. The applicant is requesting permission to allow two residential dwellings for a temporary period of time.

## 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*



## Consultation

### Development Engineering

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) Indicate where the existing grade line matches.
- b) Provide the grade at the septic field

Should the application be approved, Planning Staff have included a condition reflecting the above-noted requirement from Development Engineering.

## Development Services Comments

The applicant is requesting relief from the Town's Zoning By-law to allow two 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 notable that, while a portion of the site is zoned Greenlands A Zone, the development is completely contained to the portion of the site that is zoned as Rural (A2).

It is the opinion of Planning Staff that the application is minor in nature as the allowance for two structures 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 supports all of the conditions recommend by Building staff 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.

Planning staff have reviewed the requested variance and offer no objection to its approval. Planning staff are of the opinion that the requested variance is minor in nature, conforms to the general intent of both the Official Plan and Zoning By-law and is desirable for the development and use of the subject property.

Respectfully submitted,



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