



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Taylor Wellings, MSc (PI), MCIP, RPP

Date: March 27, 2025

File No: A-25-007M

Subject: 4151 Ennisclare Drive

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

1. That the development shall be constructed in accordance with the site plan prepared by Jansen Consulting and stamped by Town Zoning on March 3, 2025;
2. That the Arborist Report and Tree Planting Plan be executed by the homeowner during and after construction of the proposed development;
3. That a Building Permit be obtained within two (2) years from the date of the decision; and
4. 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 144-2003, as amended, has been requested to permit:

1. To allow for a minimum front yard setback of 15.21 metres, (- 8.79 metres);
2. To allow for two (2) attached garages on a lot (+ 1 garage);
3. To allow for a garage door height to be 3.05 metres (+ 0.65 metres);
4. To allow for a driveway to exceed beyond the garage face a maximum of (+ 0.60 metres); and
5. To allow a maximum fence height of 1.83 metres for the iron fence and gate (+ 0.83 metres) and 2.44 metres for the cedar hedge (+ 1.44 metres).

The subject property is known municipally as 4151 Ennisclare Drive. The subject property is east of Fourth Line Nassagaweya and on the north side of Ennisclare Drive and surrounding uses are rural residential and agricultural. The subject property currently contains a single detached dwelling as well as detached garage, patio and swimming pool. The applicant is seeking relief from the Town's Zoning By-law to accommodate an addition to the existing garage, which includes relief



The Corporation of the Town of Milton

File #:
A-25-007M
Page 2 of 6

General Description of Application

for the garage location and garage door height as well as location, driveway extension and the proposed fence at the front of the property.

Official Plan Designation (including any applicable Secondary Plan designations)

The subject property is designated as Agricultural Area in the Town of Milton Official Plan. The Agricultural Area designation permits single-detached dwellings on existing lots as well as accessory buildings and structures. Section 4.9.3.2d) of the Town's Official Plan states that the proponent of any development or site alteration that meets the criteria set out in Section 4.9.3.3 is required to carry out an Environmental Site Assessment (EIA) unless the proponent can demonstrate to the satisfaction of the Town and Region that the proposal is minor in scale and/or nature and does not warrant an EIA. Town staff are of the opinion that the proposed development is minor in scale as it is an expansion of an existing residential dwelling and does not further impact an already disturbed area. Town staff have had discussions with the agent on file and attended the property to confirm that the proposal is minor in nature and the impacts on the trees near the property of the property is as minimal as possible. It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan.

The lands are designated as Greenbelt Protected Countryside and Greenbelt Natural Heritage System in the Greenbelt Plan. These policies permit existing uses and single detached dwellings on the lands, provided that they were permitted prior to the date that the Greenbelt Plan came into force. Expansions to existing buildings and structures and accessory structures are also permitted provided that new municipal services are not required and that the use does not expand into a key natural heritage future or key hydrologic feature, except if there is no other alternative. It is Staff's opinion that the proposal is in conformity with the Greenbelt Plan.

As of July 1, 2024, Halton Region has become an upper-tier municipality without planning responsibilities; however, the Halton Region Official Plan remains in-effect and the local municipalities are responsible for administering the plan until such time that it is revoked or amended by the respective municipality.

The subject property is within the Regional Natural Heritage System as identified in the Regional Official Plan (ROP) and the entire property is mapped as being a Key Feature. Section 118(3) a) of the Regional Official Plan (ROP) states that it is the policy of the Region to require the proponent of any development or site alteration that meets the criteria set out in Section 118(3.10) to carry out an Environmental Impact Assessment (EIA), unless the proponent can demonstrate to the satisfaction of the Region that the proposal is minor in scale and/or nature and does not warrant an EIA. Further, Section 139.3.6 [i] also states that it is the policy of the Region to permit without the requirement of an EIA the expansion of existing agricultural buildings and structures, residential dwellings and accessory uses to both, within Key Features, subject to there being no alternative and the expansion, alteration or establishment is directed away from the Key Features to the maximum extent possible.

Official Plan Designation (including any applicable Secondary Plan designations)

Town staff are of the opinion that the proposed development is minor as it is an expansion of existing development and located near the front of the property which is setback from the heavily wooded rear area. Further, Town staff are also of the opinion that the impact of the proposed addition to the wooded area is negligible beyond what currently exists on the property (i.e. existing residential dwelling, driveway).

The homeowner has provided Town Staff with an Arborist Report and Tree Planting Plan which detailed the state of the trees being removed and the tree enhancements proposed by the homeowner. The Arborist Report did state that the current trees that are being removed are not positioned well. Further, the Arborist Report confirmed that fourteen trees will be removed due to the placement of the addition and driveway extension and five of those trees are ornamental (apple) trees. Further, seven additional trees will be removed as part of normal forestry practices to allow for other trees on the property to thrive and increase the light exposure in the yard. There are also a number of other trees identified for trimming to remove the deadwood and enhance the health and safety for the future of the property. The homeowner has also purchased 150 new trees which will be planted on the property to compensate for the trees which will be removed. They have also committed to tree protection and fencing during construction to ensure that the trees that will remain will not be impacted. Town staff are satisfied that the proposed development meets the ROP policies and the tree removal will not impact the heavily wooded area in the side or rear yard of the property.

It is also noted that the Region's Tree By-law (121-05) is not applicable when a Planning Act application has been submitted as it is then that applicable ROP policies do apply.

Town staff can also confirm that the property is within the Grand River Conservation Authority jurisdiction but the front and side yards of the property are not within the regulated area.

Zoning

The subject lands are partially zoned Estate Residential Zone (RE), Greenlands A (GA) as well as Greenlands B (GB). A single-detached dwelling as well as accessory uses are permitted on existing lots of record within all three zones as well as existing uses.

Variance One: Minimum Front Yard Setback

Section 6.2, Table 6G of the Town's Zoning By-law states that the minimum required front yard setback is 24 metres. The applicant has requested permission to allow for a minimum front yard setback of 15.21 metres, - 8.79 metres, to facilitate the proposal.

Variance Two: Additional Garage

Section 4.1.1.2 i) of the Town's Zoning By-law states that an attached garage shall be permitted provided an attached or detached garage does not already exist on the lot. The applicant has requested permission to allow for two (2) attached garages on a lot, + 1 garage, to facilitate the proposal.



The Corporation of the Town of Milton

File #:
A-25-007M
Page 4 of 6

Zoning

Variance Three: Maximum Height Garage Door

Section 4.1.1.2 vi) of the Town's Zoning By-law states that the maximum height of a garage door shall not exceed a height of 2.4 metres. The applicant has requested permission to allow for a garage door height to be 3.05 metres, + 0.65 metres, to facilitate the proposal.

Variance Four: Residential Driveway Width

Section 5.5.2 iii) e) f) of the Town's Zoning By-law states a residential driveway leading to 3 (or more) car garage shall not exceed the width of the garage face. The applicant has requested permission to allow for a driveway to exceed beyond the garage face a maximum of 0.60 metres, to facilitate the proposal.

Variance Five: Maximum Fence Height

Section 4.5.2 iii) of the Town's Zoning By-law states a maximum fence height in the front yard shall be no higher than 1.0 metres. The applicant is requesting permission to allow a maximum height of 1.83 metres for the iron fence and gate, + 0.83 metres as well as 2.44 metres for the cedar hedge, + 1.44 metres, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on March 12, 2025. As of the writing of this report on March 19, 2025 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.

Development Services Comments

The applicant has requested a minor variance to facilitate the expansion of the existing detached garage on the subject property as well as a driveway extension and front yard fence. The subject property currently contains a single-detached dwelling as well as a detached garage that is attached by roof to the dwelling. The property also contains a wooden patio and in-ground swimming pool. The applicant has requested this minor variance application to facilitate the construction of an expansion of the detached garage to provide additional storage for the property owners as well as a driveway extension and improvements to the front of the property with a fence and cedar hedge addition.

Variance One: Minimum Front Yard Setback

The applicant has requested permission to allow for a minimum front yard setback of 15.21 metres, - 8.79 metres, to facilitate the proposal. Planning staff are of the opinion that the request for the minimum front yard setback is minor in nature and does not negatively impact the subject property or surrounding properties. The proposed garage addition is an extension of the existing garage and Planning staff feel it is the most appropriate location as it is within the existing building cluster. As noted above, a Tree Planting Plan and Arborist Report was provided which confirmed the



The Corporation of the Town of Milton

File #:
A-25-007M
Page 5 of 6

Consultation

location of the trees to be removed and planted and staff are of the opinion that this will assist with the visual impact of the structure. Planning staff do not have concerns with the minimum front yard setback request as the garage addition will remain sufficiently setback from the property line.

Variance Two: Additional Garage

The applicant has requested permission to allow for two (2) attached garages on a lot, + 1 garage, to facilitate the proposal. Planning staff do not have concerns with the proposed additional garage as it would not be considered overbuilding on the subject property as enough space remains. The proposed additional garage is an extension of the existing and will provide the homeowners with additional storage. Planning staff do not have any concerns.

Variance Three: Maximum Height Garage Door

The applicant has requested permission to allow for a garage door height to be 3.05 metres, + 0.65 metres, to facilitate the proposal. Planning staff are of the opinion that the proposed increase in maximum height for the garage door of the garage addition is minor in nature and requested to allow for the homeowner to park personal vehicles and a boat in the garage. The garage addition meets the zoning provisions for maximum height and the garage door increase will not impact the surrounding property owners.

Variance Four: Residential Driveway Width

The applicant has requested permission to allow for a driveway to exceed beyond the garage face a maximum of 0.60 metres, to facilitate the proposal. The variance request for the driveway extension is to allow for the homeowner to maneuver into the driveway as well as park personal vehicles such as a boat trailer. Town staff do not have concerns with the proposed driveway extension.

Variance Five: Maximum Fence Height

The applicant is requesting permission to allow a maximum height of 1.83 metres for the iron fence and gate, + 0.83 metres as well as 2.44 metres for the cedar hedge, + 1.44 metres, to facilitate the proposal. It should be noted that the proposed cedar hedge is subject to the Town's Zoning By-law as it is considered to be a fence and serving as a boundary along the front of the property. The proposed iron fence and gate as well as cedar hedge do not pose any sight line concerns for the property owner or surrounding properties. Planning staff do not have any concerns with the request and appreciate the cedar hedge addition given the tree removal necessary to accommodate the proposed development.

Planning Staff are of the opinion that the requested variances are minor in nature, conform 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. As such, Planning Staff have reviewed the requested variances and offer no objection to their approval.

Respectfully submitted,

Taylor Wellings



The Corporation of the Town of Milton

File #:
A-25-007M
Page 6 of 6

Taylor Wellings, MSc, MCIP, RPP
Planner, Development Review

For questions, please contact:

Phone: Ext. 2311

Attachments
Figure 1 - Proposed Site Plan