



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

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

Date: April 24, 2025

File No: A-25-021M

Subject: 2310 Mohawk Trail

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 dated and stamped by Town Zoning on January 17, 2025.
2. The development shall included downward facing lighting on the exterior of the garage as outlined in the EIA.
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:

1. To allow for an additional detached garage (+1 detached garage on a lot);
2. To allow for a garage door height of 3.05 metres (+ 0.65 metres);
3. To allow for a detached garage to be located in the front yard; and
4. To allow a detached garage to have a height of 6.2 metres (+ 1.9 metres).

The subject property is known municipally as 2310 Mohawk Trail. The subject property is west of Second Line Nassagaweya and surrounding uses are primarily agricultural and rural residential. The subject lands currently contain a single-detached dwelling as well as a one storey detached garage. The applicant is proposing to construct a second detached garage which will be two storeys. The applicant is requesting relief from the Town's Zoning By-law to allow for the additional detached garage and to seek special permissions for its proposed height as well as location on the subject property.



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General Description of Application

This application was brought forward to the Committee of Adjustment on February 27, 2025 and refused. Due to a procedural error, Planning staff have allowed for the application to be brought back to Committee.

Official Plan Designation (including any applicable Secondary Plan designations)

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 Regional Official Plan (ROP) 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 ROP and the entire property is mapped as being a Key Feature. Section 118(3) a) of the ROP 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. Based on a technical review of the application and EIA prepared by the applicant, Town staff are of the opinion that the proposed development does meet Regional policy. Additional commentary on the EIA is provided in the agency consultation section of this report.

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

Zoning

The subject lands are zoned Estate Residential Zone (RE). A single-detached dwelling is permitted on an existing lot of record within the RE Zone as well as accessory buildings and structures.

Variance One: Additional Garage

Section 4.1.1.2, i) of the Town's Zoning By-law states that a garage or carport is permitted on a lot provided that an attached or detached garage or carport is not already located on the lot. The applicant has requested permission to allow for an additional garage, +1 detached garage on the subject property.

Variance Two: Garage Door Increase in Height

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

Variance Three: Front Yard Location

Section 4.1.1.2.2, vi) of the Town's Zoning By-law states that a detached garage or carport shall be located in the interior side yard or rear yard of the lot only. The applicant has requested permission to allow for the detached garage to be located in the front yard, to facilitate the proposal.

Variance Four: Garage Increase in Height

Section 4.1.1.2.2, ix) of the Town's Zoning By-law states that a detached garage or carport shall not exceed a height of 4.3 metres. The applicant has requested permission to allow a detached garage to have a height of 6.2 metres, + 1.9 metres, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on April 8, 2025. As of the writing of this report on April 16, 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.

Halton Region

It is 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.

As part of the pre-submission minor variance process, Halton Region staff determined that the subject property is mapped as being a Key Feature of the Regional Natural Heritage System (RNHS). On February 7, 2024, Halton Region conducted a site visit to determine if the lands are part of a woodland, as defined by the Regional Official Plan (ROP). Following the site visit, the Region determined that an Environmental Impact Assessment (EIA) was required due to the presence of significant woodlands and potential significant wildlife as well as for habitat for

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endangered and threatened species. The purpose of the EIA is to confirm the presence of a Key Natural Heritage Feature and its limits. The assessment also reviews and addresses any potential impacts that the proposed development may have on the candidate Key Natural Heritage Features.

In August 2024, the applicant provided Halton Region with an EIA (as prepared by Azimuth) which was reviewed by North South Environmental Inc. on behalf of Halton Region and a response was issued on October 18, 2024. Following this, Azimuth provided a response and updated EIA back to the Region for their review. North South Environmental Inc. reviewed the updated EIA and provided comments on January 10, 2025 which stated that they were not satisfied with the assessment of alternative locations for the proposed detached garage. On April 8, 2025, Azimuth issued a final EIA response and detailed policy analysis of the alternative locations for the proposed garage.

Town staff are of the opinion that the applicant has demonstrated that there are no other reasonable alternative locations for the proposed detached garage and the proposed location will have no negative impacts on the subject property given the mitigation measures outlined in the EIA. Town staff are satisfied that the three potential locations for the proposed detached garage have been studied sufficiently from both a non-natural heritage and natural heritage perspective.

The first alternative location that was considered was in close proximity to the front property line of Mohawk Trail and outside of the significant woodland which would require significant site works and a retaining wall due to the topography. This location would also require tree removal and a driveway extension. It should also be noted that from a planning perspective that the accessory structure should ideally be located in close proximity to the primary dwelling on the property to ensure its subordinate to the principle residential use.

The second alternative location would be within the woodland restoration area which would not be in close proximity to the primary residence and would also impact the woodland restoration area. It should also be noted that the rear yard contains an existing septic system and bed which deems it unable to be considered as another alternative location.

The third alternative location and option that the applicant has proceeded with will utilize the existing driveway area and the detached garage will be in close proximity to the existing development on site. Further, the EIA has confirmed that the proposed location with mitigation measures in place will not negatively impact the significant woodlands or linkage to the woodland restoration area. Town staff are satisfied that the applicant will ensure that the mitigation measures are in effect prior and during construction.

As noted above, Section 139.3.6 [i] of the ROP permits residential dwelling and accessory uses, within Key Features, subject to there being no alternative and the expansion, alternation or establishment is directed away from the Key Features to the maximum extent possible. Town staff are of the opinion that the applicant has demonstrated that the proposed location for the detached garage is the most efficient and logical location on the lands and that there is no other alternative location that would be more appropriate.

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The EIA provided mitigation measures which the Town is satisfied will assist with ensuring there is no negative impact on the surrounding property. The EIA also recommended that the proposed detached garage include downward facing lighting on the exterior surfaces to reduce light spillages into the adjacent woodlands and Town staff have included this requirement as a condition of development approval.

It should also be noted that Regional staff did review the application and confirmed that they have no objection to the approval of this application and have provided the applicant with information on Source Water Protection for information purposes.

Conservation Halton

The subject property is within the Conservation Halton (CH) watershed area but not within the regulated area for their review or comments.

Development Services Comments

The applicant has requested a minor variance to facilitate the creation of a detached garage on the subject lands. The subject property currently contains a single-detached dwelling and one-storey detached garage. The applicant has requested this minor variance application to facilitate the construction of a second detached garage to provide additional storage and living space for the property owners.

Variance One: Additional Garage

The applicant has requested permission to allow for an additional garage, +1 detached garage on the subject property. The applicant has expressed the need for additional storage and living quarters for their family as well as an area for a hobby workshop. Staff are of the opinion that the additional detached garage will not negatively impact the outdoor amenity space on the subject property or result in overdevelopment. The structure will remain clearly accessory to the primary permitted use.

Variance Two: Garage Door Increase in Height

The applicant has requested permission to allow for a garage door height of 3.05 metres, + 0.65 metres, to facilitate the proposal. The increase in height for the garage door has been requested to allow for the homeowner to park a personal motorhome indoors. Staff are of the opinion that the increase in height for the garage door is minor in nature and have no concerns.

Variance Three: Front Yard Location

The applicant has requested permission to allow for the detached garage to be located in the front yard, to facilitate the proposal. Staff are of the opinion that the proposed location is appropriate and in keeping with the existing development on the subject property. From a sightline perspective, the subject property is heavily wooded and the proposed location is set back sufficiently from the road and will not pose any concerns for surrounding property owners. Staff have no concerns with the proposed front yard location.

Variance Four: Garage Increase in Height

The applicant has requested permission to allow for a detached garage to have a height of 6.2 metres, + 1.9 metres, to facilitate the proposal. Staff are of the opinion that the increase in height



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for the proposed detached garage is negligible given the size of the property as well as the heavily wooded environment. As noted above, the request for the increase in height for the garage and garage door is due to the need to park the homeowner's motorhome indoors. Staff do not have any concerns about the request for the height increase.

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 as the increased height, additional garage and its location are not expected to negatively affect adjacent properties.

Respectfully submitted,

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Planner, Development Review

For questions, please contact:

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Attachments

Figure 1 - Proposed Site Plan