



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

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

Date: May 29, 2025

File No: A-25-022M

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 complied with 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 016-2014, as amended, has been requested to permit:

1. Requesting permission to allow a driveway to have a maximum width of 25.1 metres
2. Requesting permission to allow a residential driveway to encroach into the interior side yard where no detached garage or carport is located in the rear yard, maintaining a 1.20 metre setback from the interior side lot line, + 6.3 metres encroachment

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 a driveway extension and to allow for the driveway to encroach into the interior side yard. These variances are associated with another minor variance application (A25-007M) and the Town's Zoning



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General Description of Application

Department missed them as part of the initial application review. The previous minor variance application was to allow for an addition onto the existing attached garage and relief from the Town's Zoning By-law to allow for the garage to a front yard location, additional height relief for the garage doors as well as a wider driveway to be aligned in the garage addition. Further, the application also requested relief to allow for a height increase for the front gate and cedar hedge. The related application was heard by the Committee of Adjustment on March 27, 2025, and approved with the appeal period ending on April 16, 2025.

It should be noted that this application (A25-022M) is only in regard to the two variances identified above.

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 driveway and does not further impact an already disturbed area.

As noted previously, 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 feature 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.

Official Plan Designation (including any applicable Secondary Plan designations)

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.

As noted through the previous related application (A25-007M) 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. In regards to the two the recognizing the driveway widening and parking area in the interior side yard, six trees are required to be removed to accommodate these components of the proposed development. Town staff are satisfied that the Arborist Report and Tree Planting Plan outlines that the tree removal is appropriate and that the homeowner has committed to planting 150 new trees which will be beneficial to enhancing the property. 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 Arborist Report and Tree Planting Plan in support of the proposed development ensures that the heavily wooded area in the side or rear yard of the property will not be impacted and that ROP policies are met.

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: Residential Driveway Width

Section 5.5.2 iii) e) F) of the Town's Zoning By-law states that 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 have a maximum width of 25.1 metres, to facilitate the proposed development.

Zoning

Variance Two: Residential Driveway in the Interior Side Yard

Section 5.5.2 v) of the Town's Zoning By-law states that no residential driveway shall encroach into the required interior side yard except where the residential driveway leads to a detached garage or carport located in the rear yard. The applicant has requested permission to allow a residential driveway to encroach into the interior side yard where no detached garage or carport is located in the rear yard, maintaining a 1.20 metre setback from the interior lot line, a + 6.3 metre encroachment, to facilitate the proposed development.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on May 9, 2025. As of the writing of this report on May 21, 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 accommodate a driveway extension and to allow for the proposed driveway to encroach into the interior side yard. These two variances are associated with another minor variance application (A25-007M) that were missed by the Town's Zoning Department as part of the initial application review. The initial application was heard by the Committee of Adjustment on March 27, 2025 and approved.

The initial application provided the applicant with permission for five variances which allow for a two-car garage addition as well as for the front yard setback, driveway width extension and for the garage doors to exceed the maximum height allowance. However, it was identified after the approval that the proposed development also required relief from two other zoning provisions of the Town's Zoning By-law which are captured in Section 5.5.2 which provides the details for access to a parking area or parking space.

The proposed development and entire project have not changed and Planning staff completed their review and formed an opinion based on all proposed components. Planning staff have reviewed the proposed development for its entirety and are of the opinion that all seven requested variances meet the four tests of a minor variance. Planning staff acknowledge that two variances were missed as part of the initial application but the proposed development has not changed and the proposal had originally included both the widened driveway and driveway extension into the interior side yard. It should also be noted that Planning staff worked with the applicant during the pre-submission stage and are of the opinion that the garage addition and related driveway extension and widened area are appropriate and not negatively impactful to the surrounding



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Consultation

properties. Further, the cedar row hedge and front driveway gate that are included in the proposal will assist in shielding the garage addition.

Variance One: Residential Driveway Width

The applicant has requested permission to allow for a driveway to have a maximum width of 25.1 metres, to facilitate the proposed development. Planning staff do not have concerns with the proposed driveway and specifically, the requested width as it will be aligned with the garage addition. This Section (5.5.2) of the Town's Zoning By-law regulates driveway width on rural properties and Planning staff are of the opinion that the proposed garage addition is appropriate and would not be considered overdevelopment on the subject site. Further, the proposed development does not require a variance to exceed the maximum lot coverage requirements. Further, as noted above, the driveway extension will be shielded by the cedar hedge that is proposed as part of the overall development and will be located along the front of the property.

Variance Two: Residential Driveway in the Interior Side Yard

The applicant has requested permission to allow a residential driveway to encroach into the interior side yard where no detached garage or carport is located in the rear yard, maintaining a 1.20 metre setback from the interior lot line, a + 6.3 metre encroachment, to facilitate the proposed development. The proposed driveway extension will allow for the homeowner to maneuver personal vehicles as well as a long boat and associated trailer into the garage. Planning staff are of the opinion that the driveway extension into the interior side yard will not negatively impact the adjacent property owner given the heavily wooded environment as well as the distance between the extended parking area and the neighbouring dwelling. As noted above, the parking area extension is specifically to allow for a long fishing boat to be maneuvered and parked inside the garage.

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

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Planner, Development Review



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For questions, please contact:

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Attachments
Figure 1 - Proposed Site Plan