



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Olivia Hayes

Date: April 30, 2026

File No: A26-014M

Subject: 13410 First Line Nassagaweya

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

1. THAT the development shall be constructed generally in accordance with the site plan dated and stamped by Town Zoning on April 7, 2026.
2. THAT prior to issuance of a Building Permit, the applicant shall provide a letter to Development Engineering which confirms whether the scope of work includes importing or removing fill, and/or leveling areas.
3. THAT only uses permitted by Zoning By-law 144-2003, or its successor By-law, shall occur on the Subject Property.
4. THAT a Building Permit be obtained within two (2) years from the date of the decision.
5. 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:

- Permit a front yard setback of 20.1 metres, whereas a minimum setback of 22.5 metres is required, representing a decrease of 2.4 metres
- Permit an accessory structure containing an ARU to be located 135.94 metres from the principal building, whereas a maximum separation distance of 30 metres is permitted, representing an increase of 105.94 metres.
- Permit an Additional Residential Unit (ARU) in an accessory structure to have a gross floor area (GFA) of 177.5 square metres, whereas a maximum of 110 square metres is permitted, representing an increase of 67.5 square metres

The Subject Property, known municipally as 13410 First Line Nassagaweya, is located west of the intersection of Side Road 28 and First Line Nassagaweya. Currently, the Subject Property is occupied by a detached dwelling and a cluster of farm buildings. A significant portion of the

General Description of Application

Subject Property is occupied by woodlands, wetlands, and a regulated floodplain; the proposed development is located outside these features.

The application seeks to convert the existing dwelling into an ARU and construct a new primary dwelling. To facilitate the conversion of the existing dwelling, minor variances are required for its GFA and front yard setback. In addition, given the location of the new primary dwelling, a minor variance is required to allow for an increased separation distance between the primary dwelling and the ARU.

Official Plan Designation (including any applicable Secondary Plan designations)

Halton Region Official Plan

Per Map 1 - Regional Structure, the Subject Property is designated Agricultural Area, and a portion of the Subject Property has a Greenbelt Natural Heritage System (NHS) Overlay. As per Policies 100(3) and (9), the Agricultural Area designation permits single detached dwellings on existing lots, and accessory buildings or structures.

Town of Milton Official Plan

The Subject Property is designated Rural Lands, per Schedule 5 - Rural Structure. The Subject Property is also designated Greenbelt Protected Countryside Area, with a portion of the lands subject to the Greenbelt NHS, as shown in Schedule 1 - Provincial Land Use Plans. Similarly, a portion of the Subject Property falls within the Local NHS and contains Key Features, per Schedule 6 - Green System. Note that the proposed development is located outside of NHS Key Features. In addition, the Subject Property is listed on the Town's Heritage Register, and falls within Wellhead Protection Zone B.

Rural Lands form part of the Town's Agricultural System. Policy 9.2.1.3 notes that the purpose of the Agricultural System includes:

- a. To recognize and support agriculture as the primary activity and predominant land use in the agricultural land base;
- b. To provide the continuous and permanent land base necessary to support long-term agricultural production and economic activity;
- f. Additional residential units in accordance with the policies of Section 7.1.4.;

Policy 7.1.4.1 permits an ARU within an accessory building on the same lot a detached, semidetached or townhouse dwelling, subject to conformity with the following:

- a. an ARU shall not be located on lands identified as hazard lands or as being within the regulatory flood plain, unless where specifically permitted by the Conservation Authority

Official Plan Designation (including any applicable Secondary Plan designations)

b. Within the Greenbelt Plan Protected Countryside, but not including Hamlet Areas:

i) No ARUs shall be permitted within the Greenbelt Natural Heritage System as identified on Schedule 1;

ii) Outside of the Greenbelt Natural Heritage System, one ARU per lot is permitted within a detached dwelling or within an existing ancillary building or structure on the same lot as the detached dwelling;

f. Outside of the Urban Area and the Hamlets, an ARU within a detached ancillary building or structure shall be compatible with, and not hinder, surrounding agricultural operations, and comply with the minimum distance separation formulae

i. An ARU will be compatible with neighbouring properties and the surrounding neighbourhood or rural area by taking into consideration scale and built form;

j. On a lot designated for agricultural use, to minimize land taken out of agricultural production, an ARU must be of limited scale and be located within, attached, or in close proximity to the principal dwelling or farm building cluster;

k. An ARU must have no adverse effect on stormwater management systems;

l. An ARU must have no adverse effect on site drainage as demonstrated through a grading plan; m. Safe access to an ARU must be ensured by meeting fire and emergency service requirements;

Policy 5.2.3.2(c) requires the proponent of any development or site alteration that meets the criteria set out in Section 5.2.3.3 to carry out an Environmental Impact Assessment (EIA), unless the proponent can demonstrate to the satisfaction of the Town 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 Halton Region Official Plan and the Town of Milton Official Plan.

Zoning

The Subject Property is zoned Rural (A2) and Greenlands A by Zoning By-law 144-2003. The Rural Zone permits detached dwellings and a range of uses appropriate for the Rural area including agricultural, conservation, home occupation, and other animal-related uses.

In January 2026, Town Council approved Zoning By-law Amendment 004-2026, which introduced permissions and regulations for ARUs within the Town's Rural area. This Amendment is now in full force and effect.



Zoning

Variance One: Section 4.1.2.2.1(i)(a) and Table 10B of the Zoning By-law requires a minimum front yard setback of 22.5 metres for an ARU in the Rural Zone. The application seeks to permit a minimum setback of 20.1 metres, representing a decrease of 2.4 metres.

Variance Two: Section 4.1.2.2.1(i)(h) of the Zoning By-law states that the exterior wall of the accessory building containing an additional dwelling unit shall not exceed a distance of 30.0m from the principal building. The application requests a separation distance of 135.94 metres between the ARU and the new principal dwelling, representing an increase of 105.94 metres.

Variance Three: Section 4.25(xv) of the Zoning By-law states that the floor area of an additional dwelling unit within an accessory building shall not exceed 110 square metres. The application seeks to permit a GFA of 177.5 square metres for an ARU within an accessory building, representing an increase of 67.5 square metres.

Consultation

Public Consultation

Notice for the applicable hearing was provided in accordance with the Planning Act. As of the writing of this report on April 13, 2026, staff have not received any comments on the application from members of the public.

Agency Consultation

No objections were filed with respect to the variance application from Town staff or external agencies. While a portion of the Subject Property is regulated by Grand River Conservation Authority, GRCA has confirmed that a permit is not required for the proposed development.

Development Services Comments

The application seeks to convert the existing dwelling into an ARU and construct a new detached residence to serve as the primary dwelling. Planning staff have no concerns with the application, and do not anticipate adverse impacts on adjacent properties.

Variance One

The intent of this Zoning provision is to ensure buildings are set back sufficiently from the road to allow for a generous front yard and maintain a relatively consistent setback pattern. The application seeks to legalize the setback of the existing dwelling, which has been in place for multiple decades. Trees and vegetation occupy the front yard by the dwelling, shielding it from view of the road. The proposed variance is minor and will have no visual or functional impacts, and thus maintains the intent of the Zoning By-law.

Consultation

Variance Two

The intent of this Zoning provision is to ensure an accessory structure containing an ARU is clustered with other buildings on the property. Despite the variance requested, the new ARU will be located approximately 55 metres from the farm buildings on the Subject Property, and will still be clustered with other buildings relative to the size of the lot. The location of the new proposed dwelling is constrained by a variety of factors, including significant grade change, Greenbelt NHS mapping, the presence of Key Features, and the floodplain. Given these constraints, the proposed variance is desirable to facilitate an appropriate location for the new dwelling. As the buildings will remain generally clustered on the Subject Property, the variance is minor and the purpose of the Zoning By-law is maintained.

Variance Three

This zoning provision seeks to ensure an accessory building containing an ARU remains secondary and subordinate to the primary dwelling. Despite the proposed variance, the ARU will remain secondary in height and GFA to the proposed primary dwelling, and thus maintains the intent of the Zoning By-law. Further, since the ARU will be screened by existing trees and vegetation, the additional GFA is minor and will have no visual impacts on surrounding properties. As the Subject Property is listed on the Heritage Register, facilitating the use of the existing dwelling is desirable and appropriate.

The proposed minor variances maintain the general intent and purpose of the Official Plan, which establishes specific permissions and requirements for ARUs within Milton's Rural area. The Agricultural System is intended to accommodate ARUs within appropriate locations, and the application will facilitate the introduction of an ARU without compromising the viability of agricultural operations on the Subject Property. Both the ARU and the new proposed dwelling will be located outside the Greenbelt NHS, outside Key Features, and outside the regulated floodplain. The proposed development will still result in a cluster of buildings on the Subject Property, and will preserve lands for agricultural operations. As such, the proposal satisfies the criteria of Policy 7.1.4.1 and maintains the intent of relevant policies governing the Agricultural System.

Considering that no trees or Key Features will be removed, and given the substantial distance between the proposed development and Key Features, Planning Staff are satisfied that an EIA is not warranted for the application.

Accordingly, Planning staff are of the opinion that the application is minor in nature, maintains the intent of the Zoning By-law and Official Plan, and is desirable for the appropriate development or use of the land, building or structure.



The Corporation of the Town of Milton

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Respectfully submitted,

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For questions, please contact: Olivia.Hayes@Milton.ca

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Attachments
Figure 1 - Site Plan
Figure 2 - Existing Dwelling (Proposed ARU) Floor Plans
Figure 3 - Proposed Dwelling Architectural Plans