



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A-22/025/M (10514 First Line Nassagaweya, Milton)

#### 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:

- Requesting permission to allow two residential buildings on a lot, for a temporary period, whereas a maximum of one residential building is permitted on a lot.

The subject property is known municipally as 10514 First Line Nassagaweya and is legally described as Part of Lot 14, Concession 1. Surrounding land uses include agriculture and associated residential uses.

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

The subject property is designated as Agriculture, along with a Greenbelt Plan overlay, as set-out on Schedule A - Land Use Plan of the Town of Milton Official Plan. Permitted uses include agriculture and associated residential uses.

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 as Rural (A2) and Greenlands A (GA) within the Town of Milton Rural Zoning Bylaw 144-2003, as amended. The proposed new dwelling will be entirely within the Rural (A2) zone. In this zone, uses such as agriculture, equestrian centre, cottage industry, and a detached dwelling are permitted.

Section 4.2 i) of the Zoning By-law permits a maximum of one residential building on a lot, whereas the Applicant is requesting to permit two residential buildings on subject property for a temporary basis.

#### Consultation

##### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, May 11, 2022. As of the writing of this report on, May 19, 2022, 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.

Town Building Staff advise the Applicant that in addition to the proposed new dwelling, any other additional structures or buildings will require a building permit to be issued prior to construction.

**Planning and Development Department Comments:**

The lands subject to this application are approximately 360,515 square meters (36.05 hectares) in size and currently contain an existing single detached dwelling (to be demolished once the proposed new dwelling is complete) and associated accessory structures and agricultural buildings. The lands are surrounded by agriculture uses and woodlands.

The application proposes a new single detached dwelling for personal use. To accommodate this, the Applicant has requested a minor variance to temporarily permit two residential buildings on the lot. The Applicant intends to reside in the existing residential dwelling while the new dwelling is being constructed. The existing dwelling will be demolished once the new single detached dwelling can be occupied.

Planning Staff have included conditions, in consultation with Town Building and Development Finance Staff, to ensure that the Town will ultimately contain one single-detached dwelling following final construction of the new dwelling.

Due to the temporary nature of the secondary residential building on-site and the conditions recommended, Planning Staff offer no objection to the approval of this minor variance. Planning Staff are of the opinion that the requested variance is minor in nature, conforms to the general intent of the Official Plan and Zoning By-law and is desirable for the development and use of the subject property.

**Recommendation:**

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

1. That the new single detached dwelling shall be located and constructed in accordance with the site plan and building elevations, prepared by Jansen Consulting, date stamped by Town Zoning on April 6, 2022.
2. 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.
3. 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 \$10,000.00 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.

4. 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.

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May 19, 2022