



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A-23/009/M 3169 Steeles Avenue West

#### General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variances to Zoning By-law 016-2014, as amended, has been requested to permit:

1. An additional garage on the lot, whereas a garage or carport is only permitted on a lot where an attached or detached garage or carport is not already located (an increase of 1 additional garage);
2. An increase in the maximum driveway width to 18.82 metres, whereas a maximum driveway width of 8.0 metres is permitted for lots with a lot frontage greater than 11.5 metres (an increase of 10.82 metres wide);
3. An increase to the maximum height of a detached garage to 6.02 metres ,whereas a maximum height of 4.3 metres is permitted (an increase of 1.72 metres); and
4. An increase to the maximum garage door height to 3.06 and 3.67 metres, whereas a maximum garage door height of 2.43 metres is permitted (an increase of 0.63 metres and 1.24 metres).

The subject property is known municipally as 3169 Steeles Avenue West and is legally described as Part Lot 1, Concession 2 on 20R-3734. The lot is located on the north side of Steeles Avenue West, to the east of Peru Road. It currently contains a single detached dwelling with an attached garage and a detached structure (labelled as “shop”) which is used for storage.

The applicant is proposing to construct an addition to the attached garage and a detached garage in the rear yard. The detached garage is intended to store a motor home and snowmobiles, and includes a 2<sup>nd</sup> floor loft which will accommodate additional storage space. Staff note that the proposed minor variances are all related to the proposed detached garage and additional variances are not required to accommodate the addition to the existing attached garage.

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

The subject property is designated as Residential Area in the Town of Milton Official Plan on Schedule B ‘Urban Area Land Use Plan’. This designation permits single detached dwellings and accessory structures.

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 Future Development (FD) under Comprehensive Zoning By-law 016-2014, as amended. This zone only permits uses that have legally existed as of the date that the Zoning By-law came into effect however, additions to existing buildings and accessory structures (including detached garages) are permitted.

### Variance 1: Additional Garage

Section 4.2.2.1 i) permits a garage and carport on the lot provided that an attached or detached garage or carport is not already located on the lot. As the lot already contains an attached garage, a variance is required to permit the additional detached garage in the rear yard (an increase of 1 garage).

### Variance 2: Increased Driveway Width

Section 4.2.2.1 ii) & 5.6.2 dE) of the Zoning By-law permit a maximum driveway width of 8.0 meters for a lot having a lot frontage greater than 11.5 metres. The applicant has requested a maximum driveway width of 18.82 metres for the driveway adjacent to the proposed detached garage (an increase of 10.2 metres).

### Variance 3: Increased Building Height

Section 4.2.2.2 i) d) of the Zoning By-law permits a detached garage to have a maximum height of 4.3 metres. The applicant has requested a detached garage with a height of 6.02 metres (an increase of 1.72 metres).

### Variance 4: Increased Height of Garage Doors

Section 4.2.2.1 iv) of the Zoning By-law permits garage doors to have a maximum height of 2.43 metres in height. The applicant is proposing two garage doors for the detached garage, one with a height of 3.06 metres and the other with a height of 3.67 metres (an increase of 0.63 metres and 1.24 metres).

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, January 13, 2023. As of the writing of this report on, January 19, 2023, 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.

## **Planning and Development Department Comments:**

The applicant has requested a minor variance to facilitate the construction of a detached garage in the rear yard. Variances are required to permit an additional garage on the lot, an increase in the maximum driveway width, an increase to the building height, and an increase to the height of the garage doors.

The subject property is 9,389 square metres (2.3 acres) in size and is located in an area of the municipality with a more rural character. As such, it is staff's option that an

additional detached garage is appropriate on this property given the size and context of the lands. The structure is not proposed to be habitable, nor is it proposed to be used for any use other than personal storage.

The intent of the maximum building height provisions is to ensure that the detached garage remains secondary to the primary use and does not adversely impact adjacent lands. The increased height of the garage by 1.72 metres is minor, and the structure will be clearly secondary to the primary single detached dwelling. Staff note that the detached garage is proposed to be setback 7.01 metres from the rear property line and 8.09 metres from the side property line, which greatly exceeds the minimum 0.6 metres required in the Zoning By-law. This will further reduce any potential visual impact from the proposed structure on adjacent properties.

Lastly, the proposed increases to the garage door heights and maximum driveway width are required to accommodate the type of vehicles to be stored within the structure. The applicant has indicated that the vehicles are intended for personal use only. Furthermore, due to the large lot size and location of the proposed structure, the detached garage and driveway will not be greatly visible from neighboring properties or the street.

Based on the foregoing, staff is 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 land.

**Recommendation:**

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

1. That the detached garage shall be located and constructed in accordance with the site plan prepared by Jansen Consulting, date stamped by Town Zoning on January 17, 2023.
2. That a building permit be obtained within two (2) years from the date of this decision.
3. 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.

**Natalie Stopar**

Natalie Stopar  
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January 19, 2023