



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/029/M 13318 First Line

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:

- A minimum interior side yard setback for an accessory building of 2.85 metres, whereas a minimum interior side yard setback of 7.5 metres is required (a reduction of 4.65 metres)

The subject property is known municipally as 13318 First Line and is legally described as Concession 1, Part Lot 28. The property is located with a rural area and is surrounded by rural lots containing single detached dwellings, agricultural features, and natural heritage features.

The applicant is proposing to construct a pergola and pool house adjacent to a pool on the property and has requested a variance from the accessory structure interior side yard setback to facilitate the construction.

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

The subject property is designated Agricultural Area in the Town of Milton Official Plan. This designation permits single detached dwellings on existing lots. It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended.

Furthermore, the lands are designated as Greenbelt Protected Countryside and Greenbelt Natural Heritage System in the Provincial 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 building 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.

Zoning:

The subject lands are zoned as Rural (A2) in Zoning By-law 144-2003 as amended. The A2 zone permits a detached dwelling and accessory structures on the lands.

Section 4.1.2.2 i) and Section 10.2 Table 10B states that a minimum interior side yard setback for an accessory structure shall be 7.5 metres. The applicant is proposing an interior side yard setback of 2.85 metres (a reduction of 4.65 metres).

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, May 10, 2023. As of the writing of this report on, May 17, 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 staff note that the Grand River Conservation Authority had no objection to the approval of the minor variance application, and also noted that no GRCA permit is required.

Development Review Comments:

The applicant has requested a minor variance to construct a pergola and pool house adjacent to a pool on the property. The applicant has indicated in the application form that the accessory structure was placed in location to accommodate the existing septic bed, trees, and location of the proposed pool.

The accessory structure provisions in the rural zone are intended to accommodate larger accessory structures on large rural areas. The existing accessory structure is smaller in size and complies with the maximum area permitted in the Zoning By-law. Additionally, the structure is open on large portions of the front and right side elevations. The setbacks of the accessory structure is appropriate for the lot.

Planning staff have reviewed the requested variance and offer no objection. Planning staff are of the opinion that the requested variance is minor in nature, conforms to the general intent of both 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 accessory structure shall be generally located and constructed in accordance with the site plan prepared by Ontario Drafting Services, date stamped by Town Zoning on April 5, 2023.
2. That a building permit application 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.

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