



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/036/M 11261 Fifth Line Nass

General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variances to Zoning By-law 144/-2003, as amended, have been requested to permit:

1. To permit a minimum rear yard setback of 13.4 metres for an accessory structure, whereas a minimum rear yard setback of 22.5 metres is required; and
2. To permit eaves and gutters to encroach 0.6 metres into the required rear yard, whereas a maximum encroachment of 0.45 metres is permitted.

The subject property is known municipally as 11261 Fifth Line Nassagaweya and is legally described as Concession 6 Part Lot 17. The lot currently contains a single detached dwelling and a detached garage. The applicant is proposing to construct a pavilion on the property and required minor variances to permit 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 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.

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 rear yard setback for an accessory structure shall be 22.5 metres. The applicant is proposing an interior side yard setback of 13.4 metres (a reduction of 9.1 metres).

Section 4.3 i) Table 4E states that eaves and gutters are permitted to encroach a maximum of 0.45 metres into a required yard. The applicant is proposing for the eaves

and gutters to encroach a maximum of 0.6 metres into the required rear yard (an increase of 0.15 metres).

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, June 16, 2023. As of the writing of this report on June 21, 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. The following comments are noted by staff:

Conservation Halton

CH staff have no objection to the requested minor variances subject to the following conditions to be added to the approval of this application:

1. That, prior to the initiation of works, a CH Letter of Permission be obtained from Conservation Halton for the proposed development.

Development Review Comments:

The applicant has requested a minor variance to construct an accessory structure (pavilion) on the property. The applicant has indicated in the application form that the accessory structure will be erected on a portion of the old barn ruins on the property.

The accessory structure provisions in the rural zone are intended to accommodate larger accessory structures on large rural areas. The proposed accessory structure complies with the maximum area permitted in the Zoning By-law and a setback of 13.4 metres is appropriate given the size of the lot. Furthermore, a larger eaves and gutter projection is appropriate given the size and design of the structure and the large size of the existing lot.

Planning staff have reviewed the requested variances and offer no objection. 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.

Recommendation:

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

1. That a building permit application be obtained within two (2) years from the date of this decision.
2. 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.
3. That a CH Letter of Permission be obtained from Conservation Halton for the proposed development.

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June 21, 2023