



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-047M - 4006 25 Side Road

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:

- Allow a maximum gross floor area for a detached garage to be 173 square metres, whereas the Zoning By-law permits a maximum of 93 square metres (an increase of 80 square metres).

The subject property is known municipally as 4006 25 Side Road and is legally described as Part of Lot 25 on Concession 5. Surrounding land uses include rural residential and natural heritage, including woodlots and wetland.

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

The subject property is designated as Agricultural on the Town of Milton Official Plan Schedule 1 - Town Structure Plan. The lands are also subject to the Greenbelt Plan's Protected Countryside designation.

Both the Agricultural designation and Greenbelt Plan permit a single detached dwelling on existing lots of record, in addition to accessory uses associated with the residential use. The policy further directs that any impacts on adjacent natural heritage features shall be minimized and/or mitigated.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended, as the residential use is established on an existing lot of record and the proposed structures are setback from the identified natural heritage features. Further, the proposed detached garage, as an accessory structure to the permitted residential use, is for personal use only.

Zoning:

The subject lands are zoned as Rural (A2), Greenlands A (GA) and Greenlands B (GB). Within the A2 and GB zone, a single detached dwelling is permitted on existing lots of record - including accessory uses such as detached garages associated with the primary use.

The proposed detached garage is primarily located within the portion of the property zoned A2. The structure complies with all Zoning By-law provisions - including height - with exception of permitted gross floor area.

Section 4.1.2.2 ii) of the Zoning By-law permits a maximum gross floor area of 93 square metres for a detached garage. To accommodate the proposed footprint of the structure,

the applicant is requesting a total gross floor area of 173 square metres (an increase of 80 square metres).

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, July 11, 2023. As of the writing of this report on, two public comments were received with respect to this application - written correspondence will be provided to the committee members in advance of the meeting. Concerns included:

Impacts on Natural Heritage and Wetland

Residents expressed concern about the development's impact on the adjacent woodlot and wetlands. In this instance, the Region of Halton regulates Natural Heritage Features - including woodlots. Given the footprint of the structure does not impact the woodlot and maintains an adequate setback from the dripline, the Region did not have concerns with the siting. The structure itself is not expected to have any impacts on the features or ecological functions of the Natural Heritage System. Any future tree removal would be subject to the Regional Tree Cutting By-law.

The lands are also regulated by Grand River Conservation Authority (GRCA) as there is a wetland in proximity of the site. So far as the siting of the proposed detached garage, GRCA reviewed the proposal and issued a Development Permit for the structure. Any other works that have taken place on the site within the boundary of the GRCA regulated-area will be subject to remedial works, as determined by GRCA.

Use of Structure and Property

Residents expressed concerns about potential commercial and/or industrial activity taking place on the site. The applicant has confirmed that the proposed structure will accommodate personal vehicle storage only.

So far as the site permissions, the applicable provincial policy, Official Plan designation and zones are restrictive for this area, with very limited uses being permitted. Uses such as truck parking or other industrial/commercial operations are prohibited on the site and would not be supported.

To address such concerns, Planning Staff have included a recommendation, as a condition of approval, that the owner sign a Letter of Undertaking stating that no commercial or industrial operations shall take place on the subject lands.

If any resident has concerns associated with uses and/or structures on any property within the Town of Milton, they can contact Town By-law Enforcement - Town Staff will review the information and if required, undertake an investigation.

Agency Consultation

No objections were filed with respect to the variance application from Town staff or external agencies.

Grand River Conservation Authority (GRCA) reviewed the application and issued a Development Permit for the works. In addition to the permit, the conservation authority is working with the applicant on site remediation associated with the regulated area.

Development Engineering Staff require additional grading information at time of Building Permit. Planning Staff have recommended, as a condition of approval, that the applicant provide the requested information prior to Building Permit issuance.

Planning and Development Department Comments:

The applicant has requested a minor variance to facilitate the construction of a detached garage for personal vehicular storage. The subject lands currently contain a single detached dwelling and existing frame barn - the site is primarily comprised of natural heritage features, including woodlot and wetland.

The proposed location of the garage is setback from the natural features with no anticipated impact on any ecological functions. Further, the Grand River Conservation Authority (GRCA) has no concerns associated with the structure itself.

Given the structure is setback from both 25 Side Road and Fourth Line, it is not anticipated to impact any sightline of local traffic or impact adjacent landowners in way of personal enjoyment or privacy as the general area and surrounding properties are shielded by trees. Finally, the overall gross floor area being requested, beyond what is permitted as-of-right, has a negligible impact, especially when considering the overall lot size (14.2 hectares). It is also noted that the structure maintains all other zoning provisions, including height.

Based on the aforementioned, Planning Staff offer no objection to the approval of this application. The variance is minor in nature, desirable for the development of the subject lands, maintains the intent of the Zoning By-law and conforms to the Official Plan.

Recommendation:

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

1. That the detached garage shall be generally located and constructed in accordance with the site plan and building elevations, prepared by GM Global Construction Inc., date stamped by Town Zoning on June 26, 2023.
2. The permission from the conservation authority be provided to the Town prior to Building Permit issuance.
3. That updated grading information, to the satisfaction of Development Engineering, be provided prior to Building Permit issuance.
4. That prior to Building Permit issuances, a Letter of Undertaking stating that no commercial or industrial use will take place on the site beyond what is permitted in the subject zones be provided to the Town.
5. That a Building Permit be issued within two (2) years from the date of this decision.
6. 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.

Rachel Suffern

Rachel Suffern, MPA, M.Sc. (PI)
Planner, Development Review

July 19, 2023