



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-058M - 4401 Fourth Line

General Description of Application:

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

- Allow an accessory structure to have a rear yard setback of 9.07 metres, where as the Zoning By-law requires 15 metres (a reduction of 5.93 metres).
- Allow a maximum gross floor area of an accessory structure to be 228.85 square metres, whereas the Zoning By-law permits a maximum of 93 square metres (an increase of 135.85 square metres).
- To allow a parking area to 0.0 metres setback from an interior lot line, whereas the Zoning By-law requires a minimum setback of 3.0 metres (a reduction of 3.0 metres).

The subject property is known municipally as 4401 Fourth Line and is legally described as Part of Lot 22, Concession 22, being Part 2 on 20R-3019. Surrounding land uses include rural residential, agriculture and natural heritage features. The subject property is located at the corner of Lower Base Line West and Fourth Line, generally north of the Highway 407 corridor.

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

The subject property is designated 'Agriculture' on Schedule 1 - Town Structure Plan of the Town of Milton Official. This designation permits a single detached dwelling on an existing lot of record, along with accessory uses (such as a shed).

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 Agricultural (A1) Zone. In this zone, one single detached dwelling is permitted per lot, along with accessory uses.

The subject lands comply with all provisions of the Zoning By-law, with the exception of the relief being requested to accommodate two existing sheds:

Rear Yard Setback

Section 4.1.2.2.i1 requires that accessory structures maintain a 15 metre rear yard setback. To accommodate the existing siting of the wood accessory shed, the applicant is requesting a reduction in rear yard setback to permit 9.07 metres.

Increase Gross Floor Area

Section 4.1.2.2 ii requires that an accessory structure or building shall not exceed a gross floor area of 93 square metres. To legalize the existing steel accessory shed, the applicant is requesting an increase in permitted gross floor area to allow 228.85 square metres.

Parking Area

Section 5.7 Table 5C dictates that no parking area shall be located no closer than 3.0 metres to an interior lot line. To legalize the existing parking beside the steel accessory shed, the applicant is seeking a reduction of 3.0 metres.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, August 16, 2023. As of the writing of this report on, August 23, 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 legalize two existing sheds on the subject lands - one wood accessory structure and one steel accessory structure. Both sheds were constructed between 2013 and 2015, according to Town airphotos. These were constructed by the previous owner without Building Permits. As such, the applicant is now seeking to legalize these structures. The structures are proposed to be used for personal use only - the applicant advised that the owners would be agreeable to signing a Letter of Undertaking to this end.

Given the size of the lot and configuration, the relief being requested for gross floor area and reduced rear yard setback is minor in nature. The lot size provides adequate area to accommodate the added gross floor area and the reduced setback will not impact adjacent land owners.

The proposed reduction in setback for a parking area is negligible given that it has been existing for a number of years with no impact to adjacent land owners. Further, the area is gravel and remains permeable, resulting in no negative run-off impacts. Existing mature trees along the lot line assist in minimizing the parking area. Finally, the parking area does not extend beyond the steel accessory shed.

Based on the aforementioned, the planning staff offer no objection to the approval of this application. The relief being requested 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 owner sign a Letter of Undertaking agreeing that the only uses permitted through the A1 Zone shall take place within the accessory structures and on the property.
2. That a Building Permit be obtained for both accessory structures.
3. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met and/or Building Permits are not secured.

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