



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A-23/082/M 4250 Donaldson Lane

#### 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. A minimum front yard setback of 5.1 metres, whereas a minimum front yard setback of 24.0 metres is required;
2. A minimum interior side yard setback of 0.9 metres for the detached dwelling, whereas a minimum interior side yard setback of 7.5 metres is required; and
3. A minimum interior side yard setback of 1.4 metres for a deck with a height greater than 0.6 metres above grade, whereas a minimum interior side yard setback of 7.5 metres is required.

The subject property is known municipally as 4520 Donaldson Lane and is legally described as Lot 2 on Registered Plan 20M-856. The applicant is proposing to construct a single detached dwelling on the lands. The variances above have been requested to permit the single detached dwelling to be located closer to the street and farther away from the significant Key Natural Features to the rear of the property.

The subject development is located within a rural estate subdivision which is in the process of being developed. The associated draft plan of subdivision and zoning by-law amendment applications for the subdivision, were approved by the Ontario Municipal Board in 1998. Since that time, the subdivision has been registered (in 2002) and the applicant is proceeding with development on the 5 lots located within the subdivision.

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

The subject property is designated as Agriculture Area and Greenbelt Natural Heritage System in the Town of Milton Official Plan. The intent of these policies is to implement the policies of the Provincial Greenbelt Plan and to protect the key natural features and the ecological functions of the Natural Heritage System.

In this area, development or site alteration is prohibited within Key Features and a minimum vegetation protection zone of 30 metres wide is required for wetlands and significant woodlands. The applicant has provided drawings which demonstrate that with the requested reductions to the front and interior side yard setbacks, the proposed single detached dwelling can be located outside of the 30 metre vegetation protection zone of the key features.

It is Staff's opinion that the proposal is consistent with the Town of Milton Official Plan, as amended.

#### Zoning:

The subject lands are zoned estate residential with site specific provisions (RE\*314) in the Town's Rural Zoning By-law 144-2003 as amended. This zone permits a single detached dwelling on the lands.

#### Variance 1- Front Yard Setback

Section 6.2, Table 6G of the Zoning By-law states that the minimum front yard setback shall be 24.0 metres. The applicant is proposing a minimum front yard setback of 5.1 metres for the single detached dwelling. (a reduction of 18.9 metres)

#### Variance 2- Interior Side Yard Setback for Detached Dwelling

Section 6.2 Table 6G of the Zoning By-law states that the minimum interior side yard setback shall be 7.5 metres. The applicant is proposing a minimum interior side yard setback of 0.9 metres for the single detached dwelling. (a reduction of 6.6 metres)

#### Variance 3- Interior Side Yard Setback for Deck

Section 4.1.1.7 Table 4B of the Zoning By-law states that a deck with a height above 0.6 metres above grade shall have a minimum interior side yard setback of 7.5 metres. The applicant is proposing a minimum interior side yard setback of 1.4 metres for the deck. (a reduction of 6.1 metres)

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on November 16, 2023. As of the writing of this report on November 22, 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 agency comments are highlighted by staff:

#### Conservation Halton

Conservation Halton staff confirmed that they have no objections to the requested minor variances subject to the following conditions:

- That prior to the initiation of works, a CH Permit be obtained from CH for the proposed development.

#### Halton Region

The proposed development is within the 30 metre vegetation protection zone (VPZ) from the following Key Natural Heritage Features: candidate significant woodlands, wetlands, potential habitat of endangered or threatened species and potential significant wildlife habitat. Greenbelt Plan policy 3.2.5.4 and Regional Official Plan policy 139.3.7(5) requires that a 30 metre VPZ is maintained for all development and site alterations.

The significant wetlands were staked by Conservation Halton in September 2021 and the significant woodland dripline was staked by the Region on November 15, 2021

The Region has been provided drawings completed by Sensus Design Studio, dated 2023-11-20, which show that the proposed development/site alteration is outside of the

30m VPZ from the Key Features. As such, the Region has no further comments on the Minor Variance application.

It is important to note that all development and site alteration will need to maintain the 30 m VPZ.

**Development Review Comments:**

The applicant is proposing to construct a single detached dwelling on the lands. The purpose of the variances is to allow for the building to be pushed closer to the front lot line, and further away from the existing wetland and significant woodland features to the rear of the property. Without the variances, the existing minimum 24 metre front yard setback required in the Zoning By-law would result in the building being located well within the significant wetland and woodlot feature buffers. The proposed variances allow for the subject development to be more inline with current planning policies.

The current zoning for the property permits a single detached dwelling on the lands. The applicant has applied for a minor variance to reduce the minimum front yard setback and interior side yard setback. No reductions to the rear yard setback requirement are proposed.

It is noted that the subject minor variance does not approve the proposed building footprint. Instead, the applicant will be required to apply for a building permit application and Conservation Halton Permit prior to any development on the lands. The full scope of the development including the building footprint, grading, and location of servicing will be reviewed at that time.

The intent of the minimum front yard setback and interior side yard setback regulations in the Zoning By-law, is to ensure that there is sufficient space around the building for building maintenance, site grading and drainage, amenity space, and parking. The applicant has demonstrated through the concept plan provided that the proposed reduction to the setbacks is sufficient to provide these requirements. The concept front yard includes a front porch and garden and a driveway length long enough to park a vehicle between the front lot line and the garage building face.

Staff note that there are outstanding conditions in the subdivision agreement that need to be satisfied prior to the issuance of building permits. These include conditions related to lot servicing, lot grading, erosion controls, utilities and the construction of the private lane/driveway to provide access to the lots.

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 prior to the initiation of works, a CH permit be obtained from Conservation Halton for the proposed development.
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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November 22, 2023