



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-102M 13344 Nassagaweya-Esquesing Town 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 the construction of an accessory structure:

- Requesting permission to allow an increase in the gross floor area to 166 square metres, a difference of + 73 square metres, for the proposed accessory structure

The property is known municipally as 13344 Nassagaweya-Esquesing Townline and is located at the end of the Town Line and north of 25 Side Road. The property contains an existing dwelling as well as a barn and shed. The applicant has confirmed that the barn will remain on the property but the proposed accessory structure will replace the shed and it will be demolished.

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

The subject property is designated Agricultural Area in the Town of Milton Official Plan and included within the Greenbelt Plan Area. The Agricultural Area designation permits single detached dwellings on existing lots of record as well as accessory buildings and structures. It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan.

Zoning:

The subject lands are zoned Rural (A2) of the Comprehensive Zoning By-law 144-2003 as amended. In this zone, permitted uses include agricultural uses as well as single-detached dwelling and accessory buildings and structures on existing lots of record.

Section 4.1.2.2 ii) states that the maximum permitted gross floor area for accessory buildings and structures is 93 square metres. The applicant is requesting permission to allow an increase in the maximum permitted gross floor area to 166 square metres, an increase of + 73 square metres, for the proposed accessory structure.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on November 29, 2023. As of the writing of this report on December 6, 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 facilitate the construction of an accessory structure. The proposed accessory structure will replace a previous structure (shed) that was similar in size (gross floor area) and in the same location. The applicant has confirmed that the proposed accessory structure will be used for agricultural purposes and will store agricultural equipment which is used to maintain the property.

The applicant is requesting permission to allow an increase in the maximum permitted gross floor area to 166 square metres, an increase of + 73 square metres, for the proposed accessory structure. In consideration of the increase in gross floor area, Planning staff are of the opinion that although the proposed structure is significantly larger than the maximum gross floor area permitted in the Zoning By-law, the impact of the proposed structure on the overall development and use of the lands, as well as the impact on adjacent properties, is negligible.

The Zoning By-law would permit multiple detached garages and/or structures with a maximum gross floor area of 93 square metres to be constructed on the subject lands. As noted above, the proposed structure will replace a previous accessory structure (shed) in the same location. The proposed accessory structure meets the required setbacks and maximum height zoning provisions.

Planning staff have reviewed the requested variance and offer no objection to the approval subject to the conditions listed below. 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 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 be located and constructed in accordance with the site plan and building elevations, prepared by Bankside Design Studio, date stamped by Town Zoning on October 24, 2023.
2. That a Building Permit be applied for and received prior to construction of the new single detached dwelling and a permit be received for the existing detached dwelling prior to conversion.
3. That prior to Building Permit issuance, a demolition Permit be obtained prior to the removal of the existing 'shed'.
4. 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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