



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A-23/085/M 13311 Sixth Line Nassagaweya

#### 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 permit:

1. An accessory building with a maximum building height of 6.68 metres, whereas a maximum building height of 5.5 metres is permitted; and
2. An accessory structure with a maximum building gross floor area of 227.5 square metres, whereas a maximum building gross floor area of 93 square metres is permitted.

The subject property is known municipally as 13311 Sixth Line Nassagaweya and is legally described as Part of Lot 28, Concession 7, Reference Plan 20R-5258. The lot currently contains a 2 storey single detached dwelling, a pool with a pool cabana, and a detached garage with a 2<sup>nd</sup> storey addition. The applicant is in the process of obtaining a building permit for the second storey addition to the detached garage, and has requested the variances above to permit the structure to remain.

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

The subject property is designated Agricultural Area and Greenbelt Natural Heritage System overlay on Schedule A-Land Use Plan of the Town of Milton Official Plan. Residential uses such as single-detached dwellings and associated accessory structures are permitted. 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 Rural (A2) under Comprehensive Zoning By-law 144-2003, as amended. In this zone, single-detached dwellings and accessory structures are permitted.

#### Variance 1: Building Height

Section 4.1.2.2 ii) permits a maximum building height for an accessory building of 5.5 metres. In order to facilitate the addition to the detached garage, the applicant is requesting permission to increase the maximum building height to 6.68 metres (an increase of 1.18 metres).

#### Variance 2: Gross Floor Area

Section 4.1.2.2 ii) permits a maximum gross floor area of 93sq.m. for accessory structures within the A2 zone. In order to permit the addition to the detached garage, the applicant

is requesting permission to increase the maximum gross floor area to 227.5 square metres (an increase of 134.5 square metres).

Planning staff note that Section 4.1 of Zoning By-law 144-2003 states that accessory structures cannot be used for human habitation or an occupation for gain. The applicant has indicated that the detached garage will only be used to park vehicles and for personal storage.

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, October 12, 2023. As of the writing of this report on, October 18, 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.

Grand River Conservation Authority staff noted that they had no objections to the approval of the minor variance application and clarified that a GRCA permit was not required for the proposed addition to the existing detached garage.

Halton Region staff noted the following comments:

It should be noted that a portion of the property is identified as having archaeological potential. Although an archaeological assessment is not required by Halton Region, the proponent is cautioned that during development activities, should archaeological materials be found on the property, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism should be notified immediately ([archaeology@ontario.ca](mailto:archaeology@ontario.ca)). In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar, Ontario Ministry of Public and Business Service Delivery, who administers provisions of that Act related to burial sites and the Ministry of Citizenship and Multiculturalism. All soil disturbance must stop to allow the authorities to investigate.

## **Development Review Comments:**

The owner of the lands wishes to retain an existing 2<sup>nd</sup> storey addition to a detached garage. The detached garage is intended for personal storage and to park personal vehicles.

To permit the issuance of a building permit for the structure, the applicant has requested an increase to the maximum permitted building height from 5.5 metres to 6.68 metres (an increase of 1.18 metres), and an increase to the maximum permitted gross floor area from 93 square metres to 227.5 square metres (an increase of 134.5 square metres). The intent of these Zoning By-law regulations is to ensure that accessory structures remain accessory to the primary permitted use and that they do not contribute to the overbuilding of the lot.

In consideration of the proposed increase in gross floor area, staff are of the opinion that although the maximum building height and area is exceeded, the accessory structure will still remain clearly accessory to the primary residential use. The lands subject to this application are approximately 23,270 square metres (5.7 acres) in size and contain a 439 square metre single detached dwelling with an attached garage. The proposed accessory structure will comprise of a small portion of the lot coverage and will continue to appear secondary to the primary residential use. The structure is setback 10 metres from the interior side lot line, and will not impact adjacent property owners.

Staff note that through the review of the minor variance application, building staff identified that the existing pool cabana will also require a building permit. Although no minor variances are required for the pool cabana, Planning staff request that a condition be added to require a building permit for this structure.

Planning staff have reviewed the requested variances and do not object to their approval as the proposal makes efficient use of land, will not result in the overbuilding of the property, will not alter the view, sightlines or personal enjoyment of the subject property or any neighbouring properties, and will not be of a detrimental impact to the subject lands.

**Recommendation:**

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

1. That a building permit be obtained for the existing cabana;
2. That a building permit application be obtained within two (2) years from the date of this decision for the addition to the detached garage; and
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.

**Natalie Stopar**

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