



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-084 11295 Guelph Line (Regional Road 1)

General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variances to Zoning By-law 144/-200, as amended, has been requested to permit:

1. To allow the minimum front yard setback of 3.78 metres (a difference of - 2.22 metres) for an accessory building;
2. To allow a maximum permitted gross floor area of accessory building(s) to be 160.2 square metres (a difference of +120.2 square metres) for an accessory building;
3. To allow the maximum permitted building height to be 6.7 metres (a difference of + 3.0 metres), for an accessory building;
4. To allow the maximum permitted building height to be 12.0 metres (a difference of + 1.0 metres), for a proposed dwelling; and
5. To allow two (2) residential dwellings on a lot, for a temporary period, whereas a maximum of one residential building is permitted on a lot.

The subject property is known municipally as 11295 Guelph Line and located adjacent to Brockville Public School near Brockville Park. The subject property contains an existing heritage dwelling with an associated barn. The homeowner has confirmed that the barn will be demolished. Surrounding uses are hamlet-residential.

The applicant is proposing to convert the existing heritage dwelling to an accessory building which will be utilized as additional living space and an office area for personal use by the homeowner. The applicant has agreed to decommission the kitchen and bathroom facilities in the existing heritage dwelling once it is converted which will ensure it remains non-habitable. As noted above, three variance requests have come forward to allow for this conversion of the existing heritage dwelling into an accessory building. Further, the homeowner has also requested permission to allow for an increase in building height for the proposed dwelling which will be constructed in the rear of the property. This is due to the design of the proposed dwelling. Lastly, the applicant is also requesting permission to allow for the existing heritage dwelling to remain on the property and to have the ability to reside in this home while a new dwelling is built that the family will eventually reside in.

Through the introduction *Bill 23 - More Homes, Built Faster Act*, the Province made changes to the Ontario Heritage Act (OHA), Effective January 2025, the Town of Milton Heritage register shall only contain designated heritage properties. All currently listed but not designated heritage properties will be removed from the Register. The existing dwelling on the subject property is a listed but not a designated heritage property.

Town staff worked with the applicant prior to the minor variance application being filed. The applicant understands the value and significance for allowing the existing dwelling to remain and agreed to convert the existing dwelling into an accessory building while moving forward with their plans to build a new single-detached dwelling. At this time, the applicant has decided to consider the option of designating the heritage home at a later date. Town staff are pleased that the heritage dwelling will remain on the property.

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

The subject property is designated Hamlet on Schedule A-Land Use Plan of the Town of Milton Official Plan and the Hamlet of Brockville Secondary Plan (C.5). Uses such as single detached dwellings on existing lots, accessory structures, cottage industries and home occupations are permitted within the Hamlet designation.

Zoning:

The subject lands are zoned Hamlet Commercial Zone (C4) of the Comprehensive Zoning By-law 144-2003 as amended. In this zone, residential uses are permitted in the form of a single detached dwelling as well as accessory structures.

Variance 1 - Minimum Front Yard Setback of an Accessory Building

Section 4.1.1.1 Table 4A of the Town's Zoning By-law states that the minimum front yard setback of an accessory building is required to be 6.0 metres. The applicant is requesting permission to allow for the front yard setback to be 3.78 metres, a difference of - 2.22 metres, to facilitate the proposal.

Variance 2 - Maximum Gross Floor Area of an Accessory Building

Section 4.1.1.1 Table 4A of the Town's Zoning By-law states that the maximum permitted gross floor area of accessory building(s) is 40.0 square metres. The applicant is requesting permission to allow for an increase in the gross floor area of accessory building(s) to be 160.2 square metres, a difference of + 120.2 square metres, to facilitate the proposal.

Variance 3 - Maximum Accessory Building Height

Section 4.1.1.1 Table 4A of the Town's Zoning By-law states that the maximum permitted accessory building height is measured from grade to roof midpoint is 3.7 metres. The applicant is requesting permission to allow the accessory building height to be 6.7 metres, a difference of +3.0 metres, to facilitate the proposal.

Variance 4 - Maximum Permitted Building Height

Section 7.2 Table 7D of the Town's Zoning By-law states the maximum permitted building height is measured from grade to roof midpoint is 11.0 metres. The applicant is requesting permission to allow the building height to be 12.0 metres, a difference of + 1.0 metres, to facilitate the proposal.

Variance 5 - Two (2) Temporary Residential Dwellings on a Lot

The Town's Zoning By-law states no more than one residential building is permitted on one lot. The applicant is requesting permission to allow two (2) residential dwellings, a difference of + 1 dwelling on the lot on a temporary basis.

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.

Planning and Development Department Comments:

The applicant has requested a minor variance to facilitate the conversion of the existing heritage dwelling on the property into an accessory building and to allow for the construction of a new single detached dwelling. Further, a request has also been made to allow for two (2) residential dwellings to remain on the property on a temporary basis. The request is to allow for the family to reside on the property while the proposed single-detached dwelling is being constructed. Once construction is complete, the conversion of the heritage dwelling to an accessory building will begin.

Variances 1, 2 & 3 - Minimum Front Yard Setback, Maximum Gross Floor Area & Maximum Building Height for an Accessory Building

The applicant is requesting permission to allow for the front yard setback to be 3.78 metres, a difference of - 2.22 metres. As well as, requesting permission to allow for an increase in the gross floor area to be 160.2 square metres, a difference of + 120.2 square metres. Further, the applicant is requesting permission to allow the accessory building height to be 6.7 metres, a difference of +3.0 metres. Each of these variances are to allow for the conversion of the existing heritage dwelling on the property to an accessory building for personal use by the homeowner.

Planning staff have no objection to the variances requested for the front yard setback and accessory building height as neither pose any concerns for the surrounding areas and have been existing on the lot in this placement for a number of years. The front yard setback has not posed any issues from a sightlines or traffic perspective. The building height will remain as is and Planning staff are of the opinion that this does not impact the surrounding properties or character.

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

Planning staff do not have concerns with the existing heritage dwelling being utilized as an accessory building for the homeowners. The applicant has agreed to decommission the kitchen and bathroom facilities in the dwelling to ensure that once converted to an accessory building it will be non-habitable. A condition has been included for this requirement as part of the conversion from a dwelling to an accessory building.

Variance 4 - Maximum Permitted Building Height

The applicant is requesting permission to allow the building height to be 12.0 metres, a difference of + 1.0 metres of the proposed residential dwelling. The increase in height is a result of the design of the proposed dwelling. The interior side yard setback of 3.0 metres on either side of the lot will be maintained and given the size of the subject property and the location of the proposed dwelling, Planning staff do not have concerns with the proposed minor variance.

Variance 5 - Two (2) Temporary Residential Dwellings on a Lot

As noted above, the applicants are requesting relief from the Town's Zoning By-law to allow two (2) residential dwellings on one lot on a temporary basis. The proposed minor variance is being requested to allow for the family to reside on the subject property while the proposed single-detached dwelling is being constructed.

Planning staff supports all of the conditions recommended by Building staff. In addition, the provision of a performance guarantees in the amount of \$10,00.00 (plus any administrative costs) will be required to ensure that only one residential dwelling remains on the lot once construction is complete and meets the intent of the Town's Official Plan and Zoning By-law.

Planning staff have reviewed the requested variances 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 proposed development shall be located and constructed in accordance with the site plan and building elevations, prepared by Khalsa Design Inc. date stamped by Town Zoning on August 29, 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 'Barn'.
4. That the heritage dwelling be used for personal use and living space and will not be used for human habitation.
5. That prior to Building Permit issuance, Town Staff confirm the appropriate private site servicing scheme for the proposed development and any services that will not be used or are connected to the existing detached dwelling will be decommissioned.
6. That prior to Building Permit issuance for the new single-detached dwelling, the applicant must provide a Letter of Undertaking to the Town of Milton agreeing to:

- a. Provide a performance guarantee in the amount of \$10,000.00 to ensure the conversion of the existing single detached dwelling upon completion of the new dwelling.
 - b. Discontinue the residential use of the existing single detached dwelling upon occupancy of the new dwelling.
 - c. Obtain a Building Permit for the demolition of the existing dwelling prior to occupancy being granted for the new single detached dwelling.
 - d. Complete all works associated with the demolition of the existing detached dwelling within 90 days of occupancy being granted for the new single detached dwelling.
7. 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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