



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Development Services

Date: June 27, 2024

File No: A-24-021M

Subject: 2149 No. 3 Sideroad, Campbellville, ON

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

1. That a building permit application be obtained within two (2) years from the date of this decision; and,
2. 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.

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 a detached garage to have a maximum gross floor area of 188.32 square metres, whereas 93 square metres is currently permitted

The subject property is known municipally as 2149 No. 3 Sideroad and is generally located northeast of the intersection of First Line Nassagaweya and No. 3 Sideroad. Surrounding uses include agricultural, single-detached dwellings and wooded area.

The subject lands currently contain a single detached dwelling with two accessory structures. One of the structures is a detached garage that accommodates vehicular parking, and the other to store collector vehicles. The applicant is proposing to construct an additional detached garage to accommodate additional vehicular storage. The proposed detached garage exceeds the maximum gross floor area permitted in the Zoning By-law.

Official Plan Designation (including any applicable Secondary Plan designations)

The subject property is designated as Agricultural Area on Schedule A - Rural Land Use Plan of the Town of Milton Official Plan. Permitted uses within the Agricultural Area designation include agricultural operations, single detached dwellings on existing lots, and accessory buildings or structures.

The property is also subject to the Greenbelt Natural Heritage System, as identified on Schedule 1.



Official Plan Designation (including any applicable Secondary Plan designations)

The objective of the Greenbelt NHS overlay policies seek to protect Key Features - however, the overlay does permit single detached dwellings and accessory structures, provided that the impact on the natural environment will be minimal.

Based on the Agriculture designation and Greenbelt Plan, it is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended. The proposed development is a permitted use - being an accessory structure - and will have minimal impact on the natural environment.

Zoning

The subject lands are zoned Greenlands B (GB) in the Town of Milton Rural Zoning By-law 144-2003, as amended. Section 4.1 of the Zoning By-law permits *accessory buildings, structures* and *uses* in all Zones provided:

- i) The principal use, building or structure is specifically permitted by this by-law and is already established on the same lot;
- ii) The detached accessory building or structure is not used for human habitation or an occupation for gain, unless specifically permitted by this By-law;
- iii) The detached accessory building or structure shall not be situated on or over an easement;
- iv) Notwithstanding the foregoing, a garden suite is not permitted as of right within any zone,
- v) Notwithstanding the above, accessory retail uses within a principal building in the EMP, M1 and M2 Zones are limited to 5% of the Gross Floor Area of the principal use to a maximum of 232.2 m².

Zoning Staff have confirmed that, the above noted criteria has been satisfied.

Section 4.1.2.2 dictates that Accessory buildings and structures, including detached garages and carports are permitted in any yard on a lot in the Rural Zones and Greenlands Zones provided that:

- i) It maintains the minimum yard requirements of the applicable zone;
- ii) It does not exceed a maximum height of 5.5 m or maximum gross floor area of 93 m²;
- iii) No more than two accessory buildings exists on a lot that has a lot area of 0.8 hectares or less;

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- iv) Within a Greenlands A Zone, accessory buildings and structures are not permitted, unless otherwise specified in Section 2.4 of this By-law.”;
- v) Within a Greenlands A or Greenlands B Zone, accessory buildings and structures are also subject to the Regional Tree Cutting By-law; and,
- vi) Notwithstanding the above requirements, a detached gatehouse or private rural bus shelter of a maximum size of 9.3 m² with a maximum height of 3.0m is permitted in the front yard, and in the landscape buffer strip required by this By-law provided it is located no closer than 3.0m from any street line.

Zoning staff have confirmed that, with the exception of provision ii, the above noted criteria has been satisfied. Section 4.1.2.2 ii) dictates that accessory building and structures, including detached garages and carports cannot exceed a gross floor area 93 square metres. The applicant is requesting allow a detached garage to have a maximum gross floor area of 188.13 square metres, a difference of 95.13 square metres.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on June 12th, 2024. As of the writing of this report on June 19th, 2024, staff have not received any comments from members of the public.

Agency Comments

No objections were filed with respect to the variance application from Town Staff or external agencies.

Development Services Comments

The applicant has requested a minor variance facilitate the creation of a detached garage on the subject lands. The structure is proposed east of the dwelling, adjacent to an existing driveway and existing garage. The applicant intends to use the garage for vehicular storage and vehicular maintenance for collectible vehicles. The structure will not be used for human habitation and will only be used for personal uses (i.e. no for-profit activity)

To facilitate the construction of the detached garage, the applicant has requested a variance to the gross floor area provisions for accessory buildings and structures within the Zoning By-law. The proposed accessory structure has a gross floor area of 188.32 square metres, whereas the Zoning By-law permits a maximum gross floor area of 93 square metres. The intent of this provision is avoid the over development of rural properties and to ensure that structures do not impact neighbouring properties.

The siting of the proposed detached garage is located in an area that has been previously disturbed for the existing driveway - this makes it an ideal location from the perspective of



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minimizing impact on the natural environment and maximizing the efficiency of existing site conditions. The applicant has confirmed that two trees will be removed to facilitate this proposal - a forester has confirmed that the trees do not belong to the adjacent woodlands and therefore, Planning Staff are satisfied that there are no negative impacts on the adjacent Natural Heritage System.

Planning Staff are of the opinion that the secondary garage enhances the primary residential use and will not result in over development of the lands. The subject property is large enough for the dwelling, detached garage, accessory structure as well as the proposed detached garage to be present while maintaining all required setbacks. Therefore, the additional gross floor area proposed will have no impact on the site, or those adjacent, beyond what is permitted as-of-right.

Overall, Planning Staff offer no objection to the approval of this application as the structure will remain clearly secondary to the primary residential use and does not impact the rural residential character of the surrounding community. As previously mentioned, the proposed siting of the garage is both efficient and logical in respect to existing driveways and disturbed lands. Therefore, Planning Staff are of the opinion that the variance 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.

Respectfully submitted,
Madison Polidoro
Planner, Development Review

For questions, please contact: Madison.Polidoro@Milton.ca Phone: Ext. 2311

Attachments

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