



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Development Services

Date: June 27, 2024

File No: A-24-022M

Subject: 4200 Ennisclare Drive

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. 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:

- To permit a two garages on a property, whereas the Zoning By-law only permits one;
- To permit a garage door to have a maximum height of 2.9 metres, whereas the maximum height permitted in the By-law is 2.4 metres;
- To allow a detached garage to be located in the Exterior Side Yard, whereas a garage is only permitted to be located in the interior side yard or rear yard;
- To allow an Exterior Side Yard setback of 9.39, whereas a minimum of 24.0 metres is required; and,
- To permit a maximum height of 5.31 metres for a detached garage, whereas the maximum permitted height of 4.3 metres.

The subject property is known municipally as 4200 Ennisclare Drive and is generally located east of the intersection of No 25 Sideroad and Fourth Line Nassagaweya. Surrounding uses include agriculture, single-detached dwellings and wooded area.

The subject lands currently contain a single detached dwelling with an attached garage. The applicant is proposing to construct a detached garage to accommodate additional vehicular storage.

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



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Official Plan Designation (including any applicable Secondary Plan designations)

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.

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 Rural Estate (RE) in the Town of Milton Rural Zoning By-law 144-2003, as amended. Within this zone, permitted uses include single detached dwellings and accessory structures.

To accommodate the proposal, the following relief is being requested:

Variance One: Additional Garage

Section 4.1.1.2 i) of the Zoning By-law permits one garage or carport to be permitted on a lot. The intent of this provision is to ensure that the site is not over-developed and maintains the rural character of the area. The applicant is seeking relief to allow a second garage on the property as an attached garage already exists.

Variance Two: Increase in Garage door height

Section 4.1.1.2 vi) of the Zoning By-law states that a garage door shall not exceed 2.4 metres in height. The intent of the by-law is to protect sight lines of neighbouring properties. The applicant is seeking relief to allow a garage door that is 2.9 metres.

Variance Three: Allow Garage in the Exterior Side Yard

Section 4.1.1.2.2 i) of the Zoning By-law permits a detached garage or carport on a lot provided it is located in the interior side yard or rear yard of the lot only. The intent of this is to ensure

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that the structure does not impact the front façade of the property or street view. The applicant is seeking relief to allow a detached garage in the exterior side yard.

Variance Four: Reduction of Exterior Side Yard Setback

Section 4.1.1.2.2 vii) of the Zoning By-law permits a detached garage or carport on a lot provided it is located no closer to the exterior lot line than permitted for the principal building on the lot; Section 6.2 Table 6G of the Zoning By-law states that the minimum exterior side yard setback shall be 24.0 metres in the RE Zone. The intent of these provisions are to assure there is minimal impact to adjacent properties. The applicant is seeking relief to allow an exterior side yard setback of 9.39 metres.

Variance Five: Increase in overall Height

Section 4.1.1.2.2 ix) of the Zoning By-law states that a detached garage or carport is permitted on a lot provided it does not exceed a height of 4.3 metres. The intent of this provision is to ensure that a structure will not disturb adjacent lands in way of privacy or sightlines and will remain clearly secondary to the primary residential use. The applicant is seeking relief to allow a maximum height of 5.31 metres to accommodate the proposed garage.

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 applicants are proposing to construct a detached garage for personal vehicular storage. The subject lands currently contain a single detached dwelling with an attached garage. To facilitate the proposal, a number of variances are required:

Variance One: Additional Garage

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

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is large enough for both the dwelling with the attached garage and proposed detached garage to be present while maintaining all required setbacks.

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. Further, the proposed garage will be surrounded by mature tree coverage which will ensure the structure will have no visual impact on adjacent land owners.

Variance Two: Increase in Garage Door Height

Planning Staff are of the opinion that the requested relief to allow an increase in garage door height will not impact adjacent lands nor facilitate non-residential uses. The property provides substantial tree cover to partially screen the garage. The increase in garage door height is to allow for a sprinter van to be parked inside.

Variance Three: Allow Garage in the Exterior Side Yard

Planning Staff are of the opinion that the proposed location of the detached garage is logical given it is previously disturbed by the existing driveway. Access is proposed from the east side of the property therefore the detached garage would not impact the front façade of the existing dwelling.

The setbacks provided from the south and east property lines are large enough that the proposed garage should not impact the neighbouring properties. Further, there is substantial tree cover along both property lines which will aid in screening the proposed garage.

Variance Four: Reduction of Exterior Side Yard Setback

Planning Staff are of the opinion that the proposed setback is suitable for the site considering the configuration and size of the property, along with the existing tree cover. Planning Staff have confirmed there is no tree removal involved with the facilitation of the proposal, which should provide screening from the street and surrounding neighbourhood.

The location of the proposed detached garage is logical considering the current orientation of the driveway. Planning Staff are of the opinion that the proposed siting will have no impact on the subject property or the neighboring property in terms of site function or visual impact - there will be no negative impact on front streetscape. The impact of the encroachment into the exterior side yard is insignificant.



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Variance Five: Increase in overall Height

Planning Staff is of the opinion that the increase in overall height for the proposed garage is minor in nature and will not further impact the sightlines of neighbours. The existing trees along the property lines will allow for some screening of the garage and minimize any impacts. As previously mentioned, the proposed siting of the garage is both efficient and logical in respect to existing driveways and disturbed lands. Planning staff have confirmed that the proposed garage will be used solely for personal use and there will be no tree removal.

Based on the aforementioned, Planning Staff offer no objection to the approval of this application. The variances being requested are minor in nature, desirable for the development of the subject lands, maintain 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