

**Community Planning**

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Our Files:      **A 10-19**

**APPLICATION FOR MINOR VARIANCE**

**TO:** Town of Tillsonburg Committee of Adjustment  
**MEETING:** September 9, 2019  
**REPORT NUMBER:** 2019-267

**OWNERS/ APPLICANTS:** Bill and Mila Myer  
153 Concession Street, East  
Tillsonburg ON, N4G 1P8

**REQUESTED VARIANCE:**

Relief from **Table 5.1.1.4 – Regulations for Accessory Buildings and Structures**, to increase the maximum permitted lot coverage for residential accessory buildings from 50 m<sup>2</sup> (538 ft<sup>2</sup>) to 65 m<sup>2</sup> (700 ft<sup>2</sup>) to permit the construction of a detached accessory building.

The proposed variance has been requested to permit the placement of one additional residential accessory building on the subject lands, approximately 15 m<sup>2</sup> (160 ft<sup>2</sup>) in size, in addition to an existing accessory building, 50 m<sup>2</sup> (538 ft<sup>2</sup>) in size.

**LOCATION:**

The subject lands are described as Lot 74, Plan M-59, in the Town of Tillsonburg. The subject property is located on the south side of Concession Street East, lying between Parkwood Drive and Maple Lane, and is municipally known as 153 Concession Street East.

**BACKGROUND INFORMATION:**

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule 'T-1'      Town of Tillsonburg Land Use Plan      Residential

Schedule 'T-2'      Town of Tillsonburg Residential Density Plan      Low Density Residential

TOWN OF TILLSONBURG ZONING BY-LAW:      Low Density Residential Type 1 Zone (R1)

**SURROUNDING USES:** surrounding uses include low density residential uses, consisting of single detached dwellings, as well as townhouse dwellings to the north and open space lands (baseball diamonds) to the northeast.

**COMMENTS:**

(a) Purpose of the Application:

The applicants are requesting relief from the above noted provision of the Town Zoning By-law to facilitate the construction of a detached accessory building on the subject lands.

The subject property is approximately 837.24.17 m<sup>2</sup> (9000 ft<sup>2</sup>) in size and contains a single detached dwelling with an attached garage, built in approximately 1997, as well as an existing residential accessory building, approximately 50 m<sup>2</sup> (538.2 ft<sup>2</sup>) in size. The applicants are proposing to construct one additional residential accessory building on the subject lands, approximately 15 m<sup>2</sup> (160 ft<sup>2</sup>) in size for additional storage space.

Plate 1, Location Map with Existing Zoning, shows the location of the subject property and the zoning in the immediate vicinity.

Plate 2, Close-up of Subject Lands (2015 Air Photo), provides an aerial view of the subject lands and surrounding properties.

Plate 3 Applicants' Sketch, shows the dimensions of the proposed accessory building. Note that the proposed accessory building is labelled as "existing shed to be removed", while the existing accessory building on the subject lands is shown as "proposed shed".

(b) Agency Comments

The County of Oxford Public Works Department, the Town of Tillsonburg Building Department and the Town of Tillsonburg Fire Department have indicated they have no concerns with the proposal.

Public Notice was mailed to surrounding property owners on August 30, 2019. As of the writing of this report, no concerns have been received from the public.

(c) Intent and Purpose of the Official Plan:

The subject lands are designated 'Low Density Residential' according to the County's Official Plan. Within the 'Low Density Residential' designation, permitted land uses primarily consist of low density housing forms including single detached dwellings, duplexes and street fronting town houses and their accessory uses. The use of the lands for a single detached dwelling and accessory uses thereto conforms to the 'Low Density Residential' policies of the Official Plan.

(d) Intent and Purpose of the Zoning By-law:

The subject property is zoned 'R1', which permits a single detached dwelling.

Provisions respecting accessory buildings and structures are outlined in Table 5.1.1.4-Regulations for Accessory Buildings and Structures. Structures accessory to a residential use are permitted to occupy up to 10% of the lot area, or 50 m<sup>2</sup> (538 ft<sup>2</sup>) of gross floor area, whichever is less. The lot coverage provisions for accessory structures are intended to ensure that

accessory uses and structures remain clearly secondary to the main residential use of the property and have minimal impact on neighbouring properties, while ensuring sufficient space is maintained on private property for grading and drainage, as well as private parking and amenity areas.

In this instance, the requested relief would facilitate one additional detached accessory structure, approximately 15 m<sup>2</sup> (160 ft<sup>2</sup>) in size, that would result in a total lot coverage of 65 m<sup>2</sup> (700 ft<sup>2</sup>) of residential accessory building coverage, which results in an overall lot coverage of 7.7% of the total lot area, which is less than the maximum 10% coverage for residential accessory buildings, as provided in the Zoning By-law. Further, staff are satisfied that sufficient space will remain available on the property for proper drainage and rear yard amenity area. As such, staff are of the opinion that the proposal maintains the intent of the Town's Zoning By-law.

(e) Desirable Development/Use:

Notwithstanding that the requested lot coverage of the proposed accessory structure is larger than what is typically permitted, in this case, Planning staff are satisfied that the proposed accessory structure is in keeping with the general purpose and intent of the Official Plan and Zoning By-law, and is desirable development for the subject lands.

Overall, staff are satisfied that the presence of the proposed accessory building is unlikely to negatively impact any adjacent properties, and it is noted that an approved lot grading plan will be required as part of the building permit application to ensure the presence of the accessory building will not negatively impact surrounding properties. Further, staff are satisfied that approval of the applicant's request will not establish an undesirable precedent.

In light of the foregoing, it is the opinion of the Planning Office that the requested relief maintains the general intent of the Official Plan and the Zoning By-law and can be given favorable consideration.

**RECOMMENDATION:**

That the Town of Tillsonburg Committee of Adjustment **approve** Application File A 10-19, submitted by Bill and Mila Myer, for lands described as Lot 74, Plan M-59, Town of Tillsonburg, as it relates to:

1. Relief from Table 5.1.1.4 – Regulations for Accessory Buildings and Structures, to increase the maximum permitted lot coverage from 50 m<sup>2</sup> (538 ft<sup>2</sup>) to 65 m<sup>2</sup> (700 ft<sup>2</sup>) to permit the construction of a second detached accessory building, 15 m<sup>2</sup> (160 ft<sup>2</sup>) in size;

Subject to the following condition:

- i) A building permit for the proposed accessory building shall be issued within one year of the date of the Committee's decision.

As the proposed variance is:

- (i) a minor variance from the provisions of the Town of Tillsonburg Zoning By-law No. 3295;
- (ii) desirable for the appropriate development or use of the land;
- (iii) in-keeping with the general intent and purpose of the Town of Tillsonburg Zoning By-law No. 3295; and
- (iv) in-keeping with the general intent and purpose of the Official Plan.

Authored by: Heather St. Clair, MCIP RPP, Development Planner

Approved by: Eric Gilbert, MCIP, RPP, Senior Planner