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Community Planning

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Our File: **A 11-19**

APPLICATION FOR MINOR VARIANCE

TO: Town of Tillsonburg Committee of Adjustment
MEETING: September 9, 2019
REPORT NUMBER: 2019-275

OWNERS / APPLICANTS: Paul and Susana Christo
41 King Street Upper, Tillsonburg ON, N4G 3E6

AGENT: Dalm Construction
41 King Street, Tillsonburg ON, N4G 3E6

REQUESTED VARIANCE:

Relief from **Section 6.2, Low Density Residential Type 1 Zone Provisions (R1) - Lot Coverage**, to increase the maximum permitted lot coverage from 33% to 35% to facilitate the construction of a single detached dwelling.

LOCATION:

The subject property is described as Lot 32, Plan 41M-218 in the Town of Tillsonburg. The lands are located on the east side of Allen Street, between Belmont Avenue and Brookside Lane, and are municipally known as 130 Allen Street in the Town of Tillsonburg.

BACKGROUND INFORMATION:

OFFICIAL PLAN: Low Density Residential

TOWN OF TILLSONBURG ZONING BY-LAW: Special Low Density Residential Type 1 Zone (R1-13) with a portion at the rear of the property affected by the Long Point Region Conservation Authority's Regulation Limit

SURROUNDING USES: Surrounding uses include a number of recently constructed single detached dwellings, as well as vacant land, designated for single detached dwellings and open space lands to the east.

COMMENTS:(a) Purpose of the Application:

The applicants have requested the above-noted relief from the lot coverage provisions of the Town Zoning By-law to facilitate the construction of a single detached dwelling and have indicated that the requested increase in lot coverage is necessary to facilitate their desired dwelling design.

The subject lands are approximately 734.4 m² (7,905 ft²) in size, with approximately 18 m (59 ft) of frontage on Allen Street. The subject lands are currently vacant and a 253.8 m² (2,731.8 ft²) dwelling is proposed, which will result in a total lot coverage of approximately 35% of the lot area.

Surrounding land uses are predominately comprised of low density residential uses to the north, west and south and open space lands to the east.

Plate 1: Location Map with Existing Zoning shows the location of the subject lands and the current zoning in the immediate vicinity.

Plate 2: Close-up of Subject Lands (2015 Air Photo) shows a close up view of the subject lands and surrounding area.

Plate 3: Applicants' Sketch illustrates the location and setbacks of the proposed single detached dwelling.

(b) Agency Comments

The Town Building Department and the County of Oxford Public Works Department have commented that they have no concerns with the proposal.

Public notification of the application for minor variance was circulated to surrounding property owners on August 30, 2019. As of the writing of this report, no correspondence has been received from the public

(c) Intent and Purpose of the Official Plan:

The subject lands are designated 'Low Density Residential' in the County's Official Plan which is intended for the development of low density housing forms, consisting of single and semi-detached dwellings, as well as town house development. The applicants are proposing the construction of a single detached dwelling which is in keeping with the intent of the Official Plan.

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

The subject property is zoned 'Special Low Density Residential –Type 1 Zone (R1-13) in the Town of Tillsonburg Zoning By-Law No. 3295 which permits the development of single detached dwellings and requires a minimum lot area of 480 m² (5,166.8 ft²), a minimum lot frontage of 15 m (49.2 ft) and permits a maximum lot coverage of 33% of lot area. The special zoning provisions that apply to the 'R1-13' zone allow for a reduced minimum rear yard depth of 9 m (29.53 ft) and a projection of 2.5 m (8.2 ft) into a required rear yard depth for raised decks which exceed 1.5 m (5 ft) in height.

The purpose of the maximum lot coverage provisions in the Zoning By-law is to ensure that dwellings and other structures in the 'R1' zone are sized appropriately for the residential needs of

the property, while allowing for sufficient area for such considerations as grading, drainage, parking and private amenity space.

Staff have reviewed the applicants' proposal and are satisfied that sufficient area can be maintained on the subject lands to account for these provisions and a lot grading plan will be submitted to the Town Engineering Department as part of their building permit review process to ensure that drainage will be appropriately addressed. Given this, Planning staff are satisfied that the proposal maintains the general intent of the Zoning By-law.

(e) Desirable Development/Use:

The applicants are proposing the construction of a single detached dwelling with a proposed lot coverage that is marginally greater than what is permitted by the zoning provisions. The applicants have indicated that the requested increase to coverage will facilitate the construction of their desired dwelling design on the subject lands.

Planning staff have reviewed the proposal and are satisfied that the variance can be considered minor and is not anticipated to negatively impact surrounding land uses and no comments of concern have been received. Further, it is noted that a lot grading plan will be required as part of the building permit process to ensure that the grading and drainage of the lot is acceptable.

Based on this, staff are satisfied that the proposal can be considered desirable development for the intended use of the land and can be given favourable consideration.

RECOMMENDATION

That the Committee of Adjustment **approve** Application File A11-19, submitted by Dalm Construction Ltd (Christo) for lands described as Lot 32, Plan 41M-218 in the Town of Tillsonburg as it relates to:

1. Relief from **Section 6.2, Low Density Residential Type 1 Zone Provisions (R1) – Lot Coverage**, to increase the maximum permitted lot coverage from 33% to 35% to facilitate the construction of a single detached dwelling,

Subject to the following condition:

- i) A building permit for the single detached dwelling 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

Report Approval Details

Document Title:	A11-19_rpt.docx
Attachments:	- Report Attachments.pdf - a11-19t_appl-20190729.pdf - a11-19_appl-sketch-20190729.pdf
Final Approval Date:	Sep 3, 2019

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to David Calder was completed by workflow administrator Donna Wilson

David Calder - Sep 3, 2019 - 8:57 AM