

Community Planning

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Our File: **A 13-19**

APPLICATION FOR MINOR VARIANCE

TO: Town of Tillsonburg Committee of Adjustment
MEETING: October 15, 2019
REPORT NUMBER: 2019-335

OWNER: Broadway Estates Inc.
75 Blackfriars Street, London ON, N6H 1K8

APPLICANTS: Gary and Sharon Green
81 Deerfoot Trail, Huntsville ON, P1H 0A7

REQUESTED VARIANCES:

1. Relief from **Section 6.2, – Zone Provisions (R1) - Rear Yard Minimum Depth**, to reduce the required rear yard depth from 12 m (39.3 ft) to 9.57 (31.3 ft), and;
2. Relief from **Section 6.2, – Zone Provisions (R1) - Maximum Permitted Lot Coverage**, to increase the maximum permitted lot coverage from 33% to 43% of lot area, to facilitate the construction of a single detached dwelling and residential accessory building.

LOCATION:

The subject property is described as Lot 9, Plan 41M-218, in the Town of Tillsonburg. The property is located on the north side of Brookside Lane, lying between Belmont Avenue and the Trans Canada Trail, east of Quarter Town Line and is municipally known as 20 Brookside Lane, Tillsonburg.

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:

Low density residential uses consisting of recently constructed single detached dwellings and vacant lands planned for single detached dwellings, as well as the Trans Canada Trail to the north.

COMMENTS:(a) Purpose of the Application:

The applicants are requesting relief from the above noted sections of the Town Zoning By-law to facilitate the construction of a single storey, single detached dwelling with an attached garage, as well as a covered front porch and a covered rear yard porch. The applicants are also proposing a swimming pool and pool house in the rear yard.

The subject property is approximately 735.9 m² (7,921.1 ft²) in size, with approximately 16.76 m (54.9 ft) of frontage on Brookside Lane. The subject lands are currently vacant and the applicants are proposing the erection of a 294.1 m² (3,165.6 ft²) single detached dwelling with a pool and a 16.96 m² (181.9 ft²) pool house in the rear yard.

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 vacant subject lands (as they existed in 2015).

Plate 3, Applicants' Sketch, shows the location, size and setbacks of the proposed dwelling on the subject lands.

(b) Agency Comments:

The application was circulated to a number of public agencies for comment.

The Tillsonburg Building and By-Law Services Department, and the Town of Tillsonburg Engineering Services Department, have indicated they had no comments or concerns with respect to the application.

Public Notice was mailed to surrounding property owners on September 18, 2019 in accordance with the requirements of the Planning Act. As of the writing of this report, no comments or concerns had been received from the public.

(c) Intent and Purpose of the Official Plan:

The subject lands are designated Low Density Residential according to the 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 as

well as accessory uses thereto. The use of the lands for a single detached dwelling 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 'Low Density Residential Type 1 Zone (R1)', which permits a single detached dwelling and establishes setback requirements to lot lines, including a minimum rear yard depth of 12 m (39.3 ft), and a maximum lot coverage of 33%.

The intent of the rear yard depth provision is to ensure that single detached dwellings maintain adequate setback to provide a buffer between neighbouring properties, and to maintain sufficient space for recreation and amenity areas. Rear yard space is also required to be maintained for drainage purposes.

The intent of the lot coverage provision is to limit the extent of buildings/structures on a lot to ensure sufficient area is maintained for parking and private amenity area as well as ensuring the general lot grading for the overall subdivision and the individual lot are not negatively impacted. The lot coverage provision is also intended to ensure that the general scale of development is consistent and appropriate for the size of the lot.

In this case, it is not anticipated that the reduced rear yard depth or increased lot coverage will have a negative impact on available amenity area of the subject lands (which will include a swimming pool, according to the applicant), or the necessary lot grading and drainage provisions. The proposed dwelling will maintain a 9.57 m (31.3 ft) setback from the rear lot line, providing sufficient outdoor amenity space, and a lot grading plan will be reviewed as part of the building permit process to ensure the proposal will have no adverse drainage impacts on neighbouring property owners, and that required drainage swales can be appropriately accommodated.

(e) Desirable Development/Use:

It is the opinion of this Office that the applicants' request can be considered minor and desirable for the development of the subject property. As the proposed relief is not anticipated to impact the ability of the property to provide adequate parking and amenity space, or negatively impact drainage or overall subdivision stormwater management design, the requested relief can be considered minor. Further, staff are satisfied that the proposed development will be in keeping with the character of similar type development in the area and will not have adverse impacts on surrounding lands uses.

In light of the foregoing, it is the opinion of this Office that the requested relief is in keeping with the general intent and purpose of the Official Plan and Town Zoning By-law and can be given favourable consideration.

RECOMMENDATION:

That the Town of Tillsonburg Committee of Adjustment **approve** Application File A13-19, submitted by Broadway Estates Inc. (Gary and Sharon Green), for lands described as Lot 9, Plan 41M-218, Town of Tillsonburg, as it relates to:

1. Relief from **Section 6.2, – Zone Provisions (R1) - Rear Yard Minimum Depth**, to reduce the required rear yard depth from 12 m (39.3 ft) to 9.57 (31.3 ft), and;

2. Relief from **Section 6.2, – Zone Provisions (R1) - Maximum Permitted Lot Coverage**, to increase the maximum permitted lot coverage from 33% to 43% of lot area, to facilitate the construction of a single detached dwelling and residential accessory building.

Subject to the following condition:

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

As the proposed variances are:

- (i) deemed to be minor variances from 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 for submission by:

Eric Gilbert, MCIP, RPP, Senior Planner

Report Approval Details

Document Title:	A13-19_rpt.docx
Attachments:	- Report Attachments.pdf - a13-19t_appl-20190918.pdf
Final Approval Date:	Oct 4, 2019

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

A handwritten signature in black ink, appearing to be 'Ron Shaw', with a long horizontal line extending to the right.

Ron Shaw - Oct 4, 2019 - 2:58 PM