



Community Planning

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Our File: **A12-19**

APPLICATION FOR MINOR VARIANCE

TO: Town of Tillsonburg Committee of Adjustment
MEETING: October 15, 2019
REPORT NUMBER: 2019-322

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

REQUESTED VARIANCE:

1. Relief from **Section 6.2 – R1 Zone Provisions**, to reduce the minimum required rear yard depth from 12 m (39.4 ft) to 9.3 m (30.5 ft), to facilitate the construction of a single detached dwelling with a covered porch on the subject lands.

LOCATION:

The subject property is described as Lot 63, Plan 41M-218 in the Town of Tillsonburg. The property is located on the southeast corner of Brookside Lane and Lyndale Road, east of Quarter Town Line, and is municipally known as 7 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 single detached dwellings and vacant lots planned for low density residential development.

COMMENTS:**(a) Purpose of the Application:**

The proposed minor variance has been requested to facilitate the construction of a single storey, single detached dwelling, on the subject lands, with an attached garage and an attached covered porch at the rear of the proposed dwelling. It is proposed that the dwelling will be approximately 214.4 m² (2,307.7 ft²) in size, according to the site sketch provided by the applicant.

The subject lands are approximately 836.3 m² (9,001.8 ft²) in size, with approximately 22 m (72 ft) of frontage on Brookside Lane. Surrounding land uses are predominately comprised of existing single detached dwellings and vacant land, intended for low density residential development.

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

Plate 2, 2015 Aerial Photo, provides an aerial view of the subject lands and surrounding properties.

Plate 3, Applicant's Sketch, shows the dimensions of the proposed dwelling on the subject lands.

Plate 4, Proposed Dwelling Layout, shows the floor plan and setbacks of the proposed dwelling on the subject lands.

(b) Agency Comments:

The application was circulated to a number of public agencies.

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

(c) Public Consultation:

Public Notice was mailed to surrounding property owners on October 3, 2019. As of the writing of this report, no comments or concerns had been received from the public.

(d) Intent and Purpose of the Official Plan:

The subject lands are designated 'Low Density Residential' according to the County of Oxford 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 townhouses 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.

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

The subject property is zoned 'Low Density Residential Type 1 Zone (R1)' in the Town Zoning By-law. The 'R1' zone permits the development of a single detached dwelling and requires a minimum rear yard depth of 12 m (39.3 ft) for such development.

Section 5.37.1 of the Zoning By-law permits certain structures, such as covered porches and decks, to project a maximum of 1.5 m (3.9 ft) into required rear yards, provided a minimum setback of 7.5 m (24.6 ft) can be maintained between the projection and the rear lot line. The purpose of this provision is to recognize that structures such as covered porches and decks are typically smaller in scale and size than single detached dwellings, and often function as additional amenity space for these residential uses, which is the intent of maintaining the rear yard space.

In this instance, the site plan provided by the applicant indicates that the proposed dwelling will be located 11.2 m (36.74) from the rear property line, with an attached covered porch which is proposed to be setback 9.39 m (30.1 ft) from the rear lot line.

The intent of these provisions is to ensure that single detached dwellings maintain sufficient setback to provide a buffer for neighbouring properties, as well as maintaining adequate space for recreational and amenity area, and proper area for drainage.

In this instance, it is not anticipated that the minor reduction to the required rear yard depth will have a negative impact on neighbouring property owners or appropriate lot grading or drainage, and it is noted that a final grading and drainage plan will be reviewed by the Town Engineering Department to ensure there are no adverse impacts as a result of the proposed construction. Further, staff are satisfied that the proposed construction will provide for sufficient amenity area for the rear yard of the subject lands, which is in keeping with the intent of the Town Zoning By-law.

(f) Desirable Development/Use:

It is the opinion of this Office that the applicant's request can be considered minor and desirable for the development of the subject property.

As the proposed relief will facilitate the development of a single detached dwelling that will allow for adequate rear yard amenity space and is not anticipated to negatively impact drainage, it can be considered desirable development for the property. Additionally, staff are satisfied that the requested 2.6 m (8.6 ft) reduction to the required rear yard depth can be considered a minor departure from the provision of the By-law.

Further, staff are satisfied that the proposed relief will continue to provide sufficient separation between the proposed dwelling and the rear property line to allow for normal yard maintenance and access and approval of the proposed variance will be in keeping with the existing character and aesthetic of the surrounding lands.

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 A12-19, submitted by Broadway Estates Inc., for lands described as Lot 63, Plan 41M-218, Town of Tillsonburg, as it relates to:

1. Relief from **Section 6.2 – R1 Zone Provisions**, to reduce the minimum required rear yard depth from 12 m (39.4 ft) to 9.3 m (30.5 ft), to facilitate the construction of a single detached dwelling with a covered porch on the subject lands.

Subject to the following condition:

- i. A building permit for the proposed 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: *original signed by*

Heather St. Clair, MCIP, RPP
Development Planner

Approved for submission by: *original signed by*

Eric Gilbert, MCIP, RPP
Senior Planner

Report Approval Details

Document Title:	A12-19_rpt.docx
Attachments:	- Report Attachments.pdf - a12-19t_appl-20190827.pdf
Final Approval Date:	Oct 3, 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 3, 2019 - 10:44 AM