

Community Planning

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Our File: **A 15-19**

APPLICATION FOR MINOR VARIANCE

TO: Town of Tillsonburg Committee of Adjustment
MEETING: December 9, 2019
REPORT NUMBER: 2019-389

OWNER: Diane McPherson
30 Essletine Drive, Tillsonburg ON, N4G 0G2

APPLICANT: Bill Klyn
Bill Klyn Carpentry Inc.
2 Palmer Street East, Norwich ON, N0J 1P0

REQUESTED VARIANCES:

1. Relief from **Section 7.5.5.2.4, – Zone Provisions (R2-5) - Maximum Permitted Lot Coverage**, to increase the maximum permitted lot coverage from 50% to 52% of lot area, to facilitate the construction of a sunroom addition to an existing single detached dwelling, and;
2. Relief from **Section 7.5.5.2.12.1, – Zone Provisions (R2-5) – Porch, Balcony, Deck and Step Encroachments Into Required Rear Yards**, to increase the permitted projection for a sunroom into a required rear yard from 1.5 m (5 ft) to 2.5 m (8.2 ft).

LOCATION:

The subject property is described as Part Lot 70, Plan 41M-182, Parts 38, 39, 40 & 41 of 41R-9347, in the Town of Tillsonburg. The property is located on the north side of Esseltine Drive, lying between Quarter Town Line and Hogarth Drive and are municipally known as 30 Esseltine Drive, 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:

Special Low Density Residential Type 2 Zone (R2-5)

SURROUNDING USES:

Predominately low density residential uses to the east, west and south, and an existing institutional use to the north (Westfield Public School).

COMMENTS:(a) Purpose of the Application:

The applicant is requesting relief from the above-noted sections of the Town Zoning By-law to facilitate the construction of a sunroom in place of an existing deck on the subject lands. Specifically, the applicants are proposing to convert the existing deck to a sunroom, approximately 4.57 m (15 ft) x 2.64 m (8.6 ft) in size.

The subject property is approximately 335.4 m² (3,610.2 ft²) in size, with approximately 12.19 m (40 ft) of frontage on Esseltine Drive. The subject lands contain an existing single detached dwelling (circ. 2017), with attached garage and are located immediately south of Westfield Public School. The property was created through a plan of subdivision, known as Baldwin Place.

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, Applicant's Sketch, shows the location, size and setbacks of the existing dwelling and proposed sunroom 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 November 28, 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 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 'Special Low Density Residential Type 2 Zone (R2-5)', which permits the development of single detached dwellings, subject to a number of site specific development criteria, such as minimum lot frontage, lot area, lot depth and rear yard depth.

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, or the necessary lot grading and drainage provisions. The proposed sunroom will replace an existing deck and will provide suitable amenity space for the occupants of the dwelling. 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 applicant's 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 relief will add value to the residential dwelling on the subject lands without creating an undesirable precedent for similarly zoned lands in the area and the proposed development will be in keeping with the character of similar type development in the Baldwin Place community 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 A15-19, submitted by Dianne McPherson, for lands described as Part Lot 70, Plan 41M-182, Parts 38, 39, 40 & 41 of 41R-9347, Town of Tillsonburg, as it relates to:

1. Relief from Section 7.5.5.2.4, – Zone Provisions (R2-5) - Maximum Permitted Lot Coverage, to increase the maximum permitted lot coverage from 50% to 52% of lot area, to facilitate the construction of a sunroom addition to an existing single detached dwelling, and;
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Subject to the following condition:

- i. A building permit for the proposed sunroom addition 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:	A15-19_rpt.docx
Attachments:	- Report Attachments.pdf - A15-19_30 Esseltine Dr_Application.pdf
Final Approval Date:	Nov 29, 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 - Nov 29, 2019 - 2:37 PM