

Community Planning

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Our File: **A09-20**

APPLICATION FOR MINOR VARIANCE

TO: Town of Tillsonburg Committee of Adjustment
MEETING: September 21, 2020
REPORT NUMBER: 2020-247

OWNER/ APPLICANT: Peter Penner, JMG Adventures Inc.
669 Concession A, Port Rowan ON, N0E 1M0

REQUESTED VARIANCES:

1. Relief from Section 15.3.3.2.5-NC-3 Zone Provisions- Gross Area for Office Use, to increase the maximum permitted gross floor area from 280 sq m (3,014 sq ft) to 470 sq m (5060 sq ft);
2. Relief from Section 5.24.2.1- Required Parking, to reduce the required parking for the proposed addition from 9 spaces to 4 spaces;
3. Relief from Section 5.24.16- Minimum Aisle Width, to reduce the minimum parking aisle width from 7.3 m (24 ft) to 6.8 m (22.3 ft);
4. Relief from Section 5.24.3.1- Location of Parking Areas, to reduce the required setback of a parking area from an interior lot line from 6 m (19.69 ft) to 1.5 m (4.9 ft).

LOCATION:

The subject property is described as Part Lot 941 & Lot 942, Plan 500, in the Town of Tillsonburg. The property is located on the northwest corner of the intersection of Broadway and Venison Street, and is municipally known as 261 Broadway.

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 Neighbourhood Commercial Zone (NC-3)

SURROUNDING USES:

Predominately low density residential uses, consisting of single detached dwellings and duplex dwellings.

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 an addition to an existing professional office on the subject lands. Specifically, the applicant is proposing to construct a 2 storey addition with an approximate area of 172 m² (1851 ft²).

The subject property is approximately 1117 m² (12,023 ft²) in size, with frontage on Broadway and Venison Street. The subject lands contain an existing business/professional office and parking area. The existing professional office has an approximate area of 296.8 m² (3195 ft²).

The applicant has indicated that the addition will be used to provide additional area for staff. The proposed addition will be located to the north of the existing structure, and the applicant proposes to create 5 additional parking spaces in front and to the rear of the proposed addition.

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

Plate 2, 2015 Air Photo provides an aerial view of the subject lands (as they existed in 2015).

Plate 3, Applicant's Sketch, shows the location, size and setbacks of the existing professional office and the proposed addition and new parking areas.

Plate 4, Proposed Building Elevations, shows the proposed appearance of the addition to the existing professional office.

(b) Agency Comments:

The application was circulated to a number of public agencies.

The Town Building Department indicated that if approved, the development is subject to site plan control/approval.

The Tillsonburg BIA indicated that they support the application.

The Town Engineering Services Department, Town Fire Chief and Oxford County Public Works Department indicated that they have no concerns with the application.

(c) Public Consultation:

Public Notice was provided to surrounding property owners on September 11, 2020 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.

(d) 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.

Although the existing business/professional office is not a permitted neighbourhood-serving commercial use in the Low Density Residential designation, Section 10.3.5 of the Official Plan provides policy guidance for the recognition of non-conforming uses in the Zoning By-law. The policies provide that although it is the general intent of the plan that the long-term use of land conform with the objectives and policies of the Plan, a legally established land use may be recognized as a permitted use in the Zoning By-law provided that Town Council is of the opinion that:

- the use does not involve hazardous activities or substances;
- the use does not contribute to air, water, or land pollution problems;
- the use can or has achieved an acceptable measure of compatibility with adjacent uses, is not associated with any building deterioration or lack of property maintenance, does not generate traffic that threatens the safety of the surrounding area, and does not interfere with the development of conforming uses in the surrounding area;
- the long-term continuation and any potential expansion of use will not detract from the general intent of the Official Plan;
- recognition of the use is not likely to result in proposals to amend the Plan to allow similar types of uses.

Staff are of the opinion that the applicant's proposal is in keeping with the intent and purpose of the above policies. The proposed relief has been requested to allow for a 2-storey addition to an existing business/professional use which is a permitted use within the NC-3 Zoning. The use has existed since 1980, serves as a transitional use between residential properties to the north and commercial uses in the Central Area to the south, and the existing use has achieved an acceptable measure of compatibility with the surrounding area.

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

The subject property is zoned 'Special Neighbourhood Commercial Zone (NC-3)' in the Town Zoning By-law, which permits a business/professional office, with a dwelling unit. Special provisions are also included which limit the height of the main building to 2 storeys, limit the number and height of accessory structures, and which restrict the maximum gross floor area for an office use to 280 m² (3,014 ft²).

Table 5.24 of the Zoning By-law establishes the development standards for parking spaces, aisle and parking space dimensions, and location and setback of parking areas. These provisions require that any additions to an existing building provide the required parking, and require a minimum two way parking aisle width of 7.3 m (24 ft). Parking Areas for commercial zones

adjacent to residential zones are also required to be located outside of the required interior side yard width, which is 4.5 m (14.7 ft) in this instance.

The purpose of these provisions is to ensure that parking areas function effectively for employees and visitors, and to ensure that parking movements do not negatively impact adjacent properties or the adjacent road network.

In this instance, the location of the existing parking area is already located in the required interior side yard, the applicant proposes to extend it at this same setback. The existing aisle width of 6.8 m (22.3 ft) has functioned since at least 1980 when the building was redeveloped for office use.

The maximum floor area provision for an office was carried forward from Town Zoning By-Law 1994. Staff note that apart from the variances requested relating to parking, the proposal will comply with the NC zone provisions and as such, the proposal does not represent over-development of the site and the proposed addition will maintain the residential character of the building. The requested relief of the required parking will maintain the residential character of the property along Broadway and will allow the existing mature trees to remain undisturbed.

Town staff have identified that the proposal will be subject to site plan approval, where matters such as grading, drainage, landscaping and buffering will be reviewed.

(f) Desirable Development/Use:

The proposed variances seek to facilitate a 2 storey addition, approximately 172 m² (1851 ft²), to an existing professional office, requiring relief of maximum gross floor area, minimum number of parking spaces, minimum parking aisle width and location of parking areas.

Staff are of the opinion that the proposal is appropriate and would not create an undesirable precedent as the proposal represents an expansion of an existing use that is compatible with residential uses to the west and north, and provides a transition between residential uses and the mixed use development and the primarily commercial uses to the south in the Central Area. The location of the parking areas and the parking aisle width largely represent existing conditions.

Staff recommend that as a condition of approval, the applicant enter into a cash-in-lieu of parking agreement with the Town to provide a cash payment to the Town for the five parking spaces that the applicant is deficient. The financial contribution is placed in a downtown parking reserve which can be used to improve or create new parking opportunities throughout the downtown.

Staff note that on-street parking opportunities are present on Venison Street, and there is a municipal parking lot nearby as well.

Planning staff have reviewed the applicant's request and are of the opinion that given the nature of the proposal it is in keeping with the Town Zoning By-law as the proposed relief represents an overall minor deviation from the parking provisions and site specific gross floor area limits for the NC-3 Zone as contained within the Town's Zoning By-law.

Overall, staff are of the opinion that this proposal is minor in nature and satisfies the four tests for minor variance as set out in Section 45(1) of the Planning Act and can be supported from a Planning perspective.

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 A09-20, submitted by JMG Adventures Inc, for lands described as Part Lot 941 & Lot 942, Plan 500, in the Town of Tillsonburg, as it relates to:

1. Relief from Section 15.3.3.2.5- NC-3 Zone Provisions- Gross Area for Office Use, to increase the maximum permitted gross floor area from 280 sq m (3,014 sq ft) to 470 sq m (5060 sq ft);
2. Relief from Section 5.24.2.1- Required Parking, to reduce the required parking for the proposed addition from 9 spaces to 4 spaces;
3. Relief from Section 5.24.16- Minimum Aisle Width, to reduce the minimum parking aisle width from 7.3 m (24 ft) to 6.8 m (22.3 ft);
4. Relief from Section 5.24.3.1- Location of Parking Areas, to reduce the required setback of a parking area from an interior lot line from 6 m (19.69 ft) to 1.5 m (4.9 ft).

Subject to the following condition:

- i. The Owner shall enter into a cash-in-lieu of parking agreement with the Town of Tillsonburg.

As the proposed variances are:

- (i) minor variances 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:

Eric Gilbert, MCIP, RPP
Senior Planner

Approved for submission by:

Gordon K. Hough, RPP
Director