



Community Planning

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Our File: **A12-20**

APPLICATION FOR MINOR VARIANCE

TO: Town of Tillsonburg Committee of Adjustment
MEETING: November 16, 2020
REPORT NUMBER: 2020-312

OWNERS/ APPLICANTS: Mark Bruder & Sarah Chanda-Bruder
2 Eden Place, Tillsonburg ON N4G 5M7

AGENT: Nick Ash
11 Adams Avenue, Tillsonburg ON N4G 4X3

REQUESTED VARIANCE:

- 1. Relief from Section 6.2 - R1 Zone Provisions, to reduce the minimum required rear yard depth from 12 m (39.3 ft) to 6.94 m (22.7 ft) to facilitate the construction of a covered porch addition at the rear of an existing single detached dwelling.

LOCATION:

The subject property is described as Lot 27, Plan M137, in the Town of Tillsonburg. The property is located on the northwest corner of the intersection of Eden Place and Andover Avenue, and is municipally known as 2 Eden Place.

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:

Predominately low density residential uses, consisting of single detached dwellings and an institutional use (elementary school) and open space to the west.

COMMENTS:(a) Purpose of the Application:

The applicant is requesting relief from the above-noted section of the Town Zoning By-law to facilitate the construction of a covered porch addition to the rear of an existing single detached dwelling. The proposed covered porch will have an area of 33 m² (355 ft²).

The subject property is approximately 827.7 m² (8,909 ft²) in size, with frontage on Eden Place and Andover Avenue. The subject lands contain an existing single detached dwelling (circ. 2000).

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 Map provides an aerial view of the subject lands (as they existed in 2015).

Plate 3, Applicants' Sketch, shows the location, size and setbacks of the existing single detached dwelling and the proposed covered porch addition.

(b) Agency Comments:

The application was circulated to a number of public agencies.

The Town Building Department indicated that if approved, the applicants will require an updated building location survey.

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 November 2, 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, semi-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 proposed covered porch is permitted in the Low Density Residential designation.

(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, which permits a single detached dwelling and accessory uses.

The R1 Zone requires a minimum rear yard depth of 12 m (39.4 ft). Due to the irregular rear lot line, the proposed covered porch will have a minimum rear yard depth of 6.94 m (22.7 ft) at the northeastern corner of the covered porch.

The purpose of the required rear yard depth provision is to ensure that adequate amenity space remains for the occupants of the dwelling, and that any drainage swales or easements can be accommodated.

Planning staff consider the proposed relief to be in keeping with the Zoning By-Law as in this instance, although the requested rear yard depth is 6.94 m (22.7 ft), this setback increases as the rear lot line is irregularly shaped. Sufficient space will remain for amenity purposes, to accommodate any drainage swales, and for privacy purposes. For this reasons, Planning staff consider the relief to be in-keeping with the general intent of the Zoning By-Law.

(f) 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 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 covered outdoor amenity area to the residential dwelling on the subject lands without creating an undesirable precedent for similarly zoned lands in the area.

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, and in conclusion, 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.

RECOMMENDATION:

That the Town of Tillsonburg Committee of Adjustment **approve** Application File A12-20, submitted by Mark Bruder & Sarah Chanda-Bruder, for lands described as Lot 27, Plan M137, in the 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 (39.3 ft) to 6.94 m (22.7 ft) to facilitate the constructed of a covered porch on the subject lands.

Subject to the following conditions:

- i. That the relief shall only comply to the construction of a covered porch addition to an existing single detached dwelling in the manner as depicted in Plate 3 of Report CP 2020-312.
- ii. The Owners shall obtain a building permit for the proposed covered porch within one year of the date of the Committee's Decision;
- iii. The Owners shall provide an updated building location survey.

As the proposed variance is:

- (i) deemed to be 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:

Eric Gilbert, MCIP, RPP
Senior Planner

Approved for submission by:

Gordon K. Hough, RPP
Director