

Community Planning

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Our File: **A12-21**

APPLICATION FOR MINOR VARIANCE

TO: Town of Tillsonburg Committee of Adjustment
MEETING: June 21, 2021
REPORT NUMBER: 2021-201

OWNERS/ APPLICANT: Etty Broer
9 Dereham Drive, Tillsonburg ON, N4G 5L8

REQUESTED VARIANCE:

1. **Section 6.5.3.2.6- R1-3 Zone – Rear Yard Minimum Depth**, to reduce the required minimum rear yard depth from 10 m (32.8 ft) to 7.7 m (25.3 ft), to facilitate the construction of a sunroom addition to an existing single detached dwelling.

LOCATION:

The subject property is described as Lot 1, Plan 41M-87, in the Town of Tillsonburg. The property is located on the north side of Dereham Drive, between Wilson Avenue and Denrich Avenue and is municipally known as 9 Dereham Drive.

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 1 Zone (R1-3)

SURROUNDING USES:

Predominately low density residential uses to the east, west and south, with an open space area to the north.

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 sunroom addition by enclosing an existing covered deck on the subject lands. Specifically, the existing covered deck will be fully enclosed to function as a sunroom, approximately 23.68 m² (255 ft²) in size.

The subject property is approximately 541.3 m² (5,827 ft²) in size, with approximately 17.1 m (56 ft) of frontage on Dereham Drive. The subject lands contain an existing single detached dwelling (circ. 1992).

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 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 addition on the subject lands.

(b) Agency Comments:

The application was circulated to a number of public agencies. No comments were received from the agency circulation.

(c) Public Consultation:

Public Notice was provided to surrounding property owners on June 11, 2021 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 and 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 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 'Special Low Density Residential Type 1 Zone (R1-3)', 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, front yard and rear yard depth, interior side yard width, maximum height and reduced parking space width.

The R1-3 zone requires a minimum rear yard depth of 10 m (32.8 ft); in this instance the proposed sunroom will be located 7.7 m (25.3 ft) from the rear lot line.

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.

In this case, it is not anticipated that the reduced rear yard depth will have a negative impact on available amenity area of the subject lands, or the necessary lot grading and drainage provisions. The proposed development will encompass and replace an existing deck and sufficient amenity space will remain 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 and easements can be appropriately accommodated.

(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 is not anticipated to impact the ability of the property to provide adequate amenity space or negatively impact drainage, 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 Hickory Hills community. No adverse impacts on surrounding lands uses are anticipated.

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 A12-21, submitted by Etty Broer, for lands described as Lot 1, Plan 41M-87, Town of Tillsonburg, as it relates to:

1. **Section 6.5.3.2.6- R1-3 Zone – Rear Yard Minimum Depth**, to reduce the required minimum rear yard depth from 10 m (32.8 ft) to 7.7 m (25.3 ft), to facilitate the construction of a sunroom addition to an existing single detached dwelling.

Subject to the following conditions:

- i. A building permit for the proposed sunroom addition shall be issued within one year of the date of the Committee's decision;
- ii. The granted relief shall only apply to facilitate the construction of a sunroom addition in a location and manner as depicted on Plate 3 of Report CP 2021-201.

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:

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Approved for submission by:

Gordon K. Hough, RPP
Director