

Community Planning

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Our File: **A13-21**

APPLICATION FOR MINOR VARIANCE

TO: Town of Tillsonburg Committee of Adjustment
MEETING: June 21, 2021
REPORT NUMBER: 2021-202

OWNERS/ APPLICANT: Randy & Teresa Marleau & Troy Kitching
30 Old Vienna Road, Tillsonburg ON N4G 3C4

REQUESTED VARIANCE:

1. **Section 6.5.25.2.1.2- R1-25 Zone – Rear Yard Minimum Depth**, to reduce the required minimum rear yard depth from 3 m (9.8 ft) to 1.2 m (3.9 ft), to facilitate the construction of a detached secondary dwelling unit.

LOCATION:

The subject property is described as Part Block A, Plan 966, Part 3 of 41R-9192, in the Town of Tillsonburg. The lands are located on the east side of Old Vienna Road, between Simcoe Street and Van Street, and are municipally known as 30 Old Vienna Road.

BACKGROUND INFORMATION:

COUNTY OF OXFORD OFFICIAL PLAN:

| | | |
|----------------|--|---|
| Schedule 'T-1' | Town of Tillsonburg Land Use Plan | Residential & Environmental Protection |
| 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 (R1-25)

SURROUNDING USES:

Surrounding land uses include low density residential uses fronting on Van Street, with a multiple unit dwelling present to the west, and a 4 unit townhouse development to the north. Big Otter Creek is located to the north and west, and office and industrial uses are to the east.

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

The applicants are requesting relief from the above-noted section of the Town Zoning By-law to facilitate the construction of a detached secondary dwelling unit on the subject lands. Town Council approved application ZN 7-21-02 to permit a secondary dwelling unit with a minimum rear yard depth of 3 m (9.8 ft). The applicants are seeking to reduce the required rear yard depth to 1.2 m (3.9 ft).

The proposed secondary dwelling unit will be one storey in height, is proposed to be located to the south-east of the dwelling, and will have an area of 111 m² (1,200 ft²). A small shed is located on the subject lands, with a metal shipping container and wood lean to present on the adjacent road allowance for Vienna Road.

The subject lands have an approximate area of 4,191.8 m² (1.03 ac) and contain an existing single detached dwelling, with an approximate area of 235 m² (2,526 ft²).

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

Plate 2, 2015 Aerial Map, provides an aerial view of the subject property.

Plate 3, Applicants' Site Plan, depicts the proposed location and size of the secondary dwelling.

Plate 4, Proposed Dwelling, depicts the proposed appearance for the secondary dwelling unit.

Plate 5, Proposed Floor Plan, depicts the proposed floor plan for the secondary dwelling unit.

(b) Agency Comments:

The application was circulated to a number of public agencies. The following comments were received from the agency circulation:

Town of Tillsonburg Building Services provided the following comments:

- A building permit will be required for the proposed secondary dwelling unit
- If approved, designer will need to verify servicing, particularly water and sanitary sewer servicing through the building permit process.
- The existing shipping container and wood lean-to must be removed from the Town's ROW. Applicant has been advised of the non-compliance and timing for removal.

Oxford County Public Works Department indicated that the property will only be permitted one water and sanitary service.

Town of Tillsonburg Engineering Services Department indicated that matters such as lot grading, and drainage will be addressed through the building permit process.

(c) Public Consultation:

Public Notice was provided to surrounding property owners on June 10, 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 detached dwellings, duplexes and street fronting town houses as well as accessory uses thereto.

Policies contained within Section 8.2.2.5 – Residential Intensification and Redevelopment, promote residential intensification in appropriate locations to make more efficient use of existing land, infrastructure, and public services. Residential intensification is permitted in appropriate locations within the Residential and Central Areas of the Town, subject to complying with the policies of the associated land use designations pertaining to the density, form and scale of residential development being proposed.

The use of the lands for a single detached dwelling and secondary dwelling unit 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 (R1-25)', which permits the development of single detached dwelling and a secondary dwelling unit, with a maximum gross floor area of 111 m² (1,200 ft²), and a minimum rear yard depth of 3 m (9.8 ft) for the secondary dwelling unit.

The intent of the rear yard depth provision is to ensure that single detached dwellings and buildings 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 and to ensure that adequate space is provided for normal building maintenance.

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 secondary dwelling will remain well-separated from any adjacent land uses, and the adjacent lot line is the road allowance for Vienna Road, which has a very generous road allowance width. 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 adjacent properties, and that any required drainage swales can be appropriately accommodated.

(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 nor negatively impact the ability to maintain the exterior of the proposed secondary dwelling, the requested relief can be considered minor. Further, staff are satisfied that the proposed relief will facilitate an alternative and affordable housing option for current or future residents.

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 A13-21, submitted by Randy Marleau, Teresa Marleau & Robert Kitching, for lands described Part Block A, Plan 966, Part 3 of 41R-9192, Town of Tillsonburg, as it relates to:

1. **Section 6.5.25.2.1.2- R1-25 Zone – Rear Yard Minimum Depth**, to reduce the required minimum rear yard depth from 3 m (9.8 ft) to 1.2 m (3.9 ft), to facilitate the construction of a detached secondary dwelling unit.

Subject to the following condition:

- i. A building permit for the proposed secondary dwelling unit shall be issued within one year of the date of the Committee's decision.

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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Senior Planner

Approved for submission by:

Gordon K. Hough, RPP
Director