

Community Planning

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Our File: **A14-21**

APPLICATION FOR MINOR VARIANCE

TO: Town of Tillsonburg Committee of Adjustment
MEETING: July 12, 2021
REPORT NUMBER: 2021-232

OWNER: Mark Ritchie
26 Glendale Drive, Tillsonburg ON N4G 1J2

REQUESTED VARIANCE:

1. Relief of **Section 5.1 – Table 5.1.1.4 – Lot Coverage**, maximum for all accessory buildings and structures, to increase the maximum permitted ground floor area from 50 m² (538.2 ft²) to 80 m² (753.47 ft²) to permit the construction of a detached accessory building.

LOCATION:

The subject property is legally described as Lot 12, Plan 551, Town of Tillsonburg. The lands are located on the north east corner of Glendale Drive and Craig Street, and are municipally known as 26 Glendale 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:

Low Density Residential Type 1 Zone (R1)

SURROUNDING USES:

Surrounding land uses include existing low density residential development, consisting of single detached dwellings.

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

The applicant is requesting relief from the above noted provision of the Town Zoning By-law to facilitate the future construction of a detached residential accessory building, with an area of 69.7 m² (750 ft²). The accessory building is proposed for personal storage purposes.

The subject property has an approximate area of 836 m² (9,000 ft²), with the existing dwelling having an area of 145 m² (1,560 ft²). There is an existing shed with an area of 7.2 m² (77.5 ft²) on the subject lands that is proposed to remain.

Plate 1, Location Map with Existing Zoning, depicts an aerial view of the property, location, and the zoning in the immediate vicinity.

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

Plate 3, Applicant's Sketch, shows the location of the proposed accessory building on the subject property.

Plate 4, Building Elevations, depicts the proposed appearance of the accessory building.

(b) Agency Comments:

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

(c) Public Consultation:

Public Notice was provided to surrounding property owners on June 30, 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. 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 'Low Density Residential Type 1 Zone (R1)' in the Town Zoning By-law, which permits a single detached dwelling, as well as residential accessory structures.

Table 5.1.1.4 of the Zoning By-law establishes the development standards for accessory buildings and structures and provides that residential accessory buildings shall be located a minimum of 1.2 m (3.9 ft) from the main building on the property and shall have a maximum height of 3.7 m (12.1 ft), with a maximum lot coverage of 50 m² (538.2 ft²) or 10% of lot area, whichever is less,

and shall be located in accordance with the minimum yard setback requirements of the applicable zone.

These provisions are intended to ensure such structures remain clearly secondary and ancillary to the main use of the property, while having minimal impacts on neighbouring properties. These provisions also assist in ensuring sufficient space is maintained on the property to accommodate for grading and drainage, as well as private amenity space.

In this instance, the applicants are proposing to construct a residential accessory building, 69.7 m² (750 ft²) to replace an existing carport and provide additional room for personal storage purposes. As per the submitted site sketch, the proposed accessory building also appears to maintain the required 1.2 m (3.9 ft) rear and interior side yard setback, as well as the required 1.2 m (3.9 ft) setback distance to the existing dwelling on the subject lands.

At approximately 836 m² (9,000 ft²), it is recognized that sufficient lot area exists on the subject property to accommodate for drainage and amenity space.

It is the opinion of this office that the proposed increase to the permitted accessory building lot coverage meets the intent of the Town Zoning By-law, as the total area and height of the proposed accessory structure are such that the building can be considered secondary or ancillary to the main use of the property for residential purposes, which consists of a dwelling approximately 145 m² (1,560 ft²) in size. Further, staff are of the opinion that the minor increase to the lot coverage for the proposed detached garage can be considered reasonable for the needs of a residential use.

(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 will facilitate the construction of a detached accessory structure served by an existing driveway, which will be consistent with the existing development in the area. For Committee's information, no comments of concern have been received from any of the neighbouring property owners or public agencies circulated.

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 a minor deviation from the maximum lot coverage for accessory buildings as contained within the Town's Zoning By-law.

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 A14-21, submitted by Mark Ritchie, for lands described as Lot 12, Plan 551, Town of Tillsonburg, as it relates to:

1. Relief of **Section 5.1 – Table 5.1.1.4 – Lot Coverage**, maximum for all accessory buildings and structures, to increase the maximum permitted ground floor area from 50 m² (538.2 ft²) to 80 m² (753.47 ft²) to permit the construction of a detached accessory building.

Subject to the following condition:

- a) The applicant shall obtain a building permit for the proposed accessory building within one year of the date of the Committee's Decision.

As the proposed variance is:

- (i) 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: *original signed by*

Eric Gilbert, MCIP, RPP
Senior Planner

Approved for submission by: *original signed by*

Gordon K. Hough, RPP
Director