



Community Planning

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Our File: **A15-21**

APPLICATION FOR MINOR VARIANCE

TO: Town of Tillsonburg Committee of Adjustment
MEETING: July 12, 2021
REPORT NUMBER: 2021-231

OWNER: Simon Wagler
52489 Glen Colin Line, Aylmer ON N5H 2R3

APPLICANT: Issak Wall
53604 Harmony Acres Line, Aylmer ON N5H 2R3

REQUESTED VARIANCE:

1. Relief of Section 7.2, **R2 Zone Provisions** – Front Yard, Minimum Depth, to decrease the minimum required front yard depth from 6.0 m (19.7 ft) to 5 m (16.4 ft), to facilitate the construction of a single detached dwelling.

LOCATION:

The subject property is legally described as Lot 32, Plan 41M-369, Town of Tillsonburg. The lands are located on the north and west side of Victoria Way, east of Quarter Town Line, and are municipally known as 33 Victoria Way.

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 2 Zone (R2-1)

SURROUNDING USES:

Surrounding land uses include vacant residential land, and existing and planned low density residential development, consisting of single detached dwellings and street-fronting townhouse 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 single detached dwelling.

The subject lands comprise one lot in a recent phase of the Victoria Woods subdivision (32T-07006). Through the review of the building permit submitted for a single detached dwelling on the property, it has come to light that the proposed dwelling design does not comply with the required front yard depth, primarily due to the curved streetline of Victoria Way.

The subject property has an approximate area of 552 m² (5,942 ft²), with the proposed dwelling having an area of 181.3 m² (1,952 ft²).

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 single detached dwelling on the subject property and relevant yards.

(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 currently zoned 'Special Low Density Residential – Type 2 Zone (R2-1)', according to the Town of Tillsonburg Zoning By-law. Permitted uses within the 'R2-1' zone include a single detached dwelling. The special provisions included in the R2-1 zone permit a reduced lot depth of 28 m (91.8 ft).

The 'R2' Zone requires a minimum front yard depth of 6 m (19.7 ft). The intent of the minimum front yard depth requirement is to ensure that dwellings are constructed with an appropriate setback from the road allowance, and to ensure there is sufficient space available for the provision of required parking on private property. In this instance, relief is being sought to reduce the front yard depth from 6 m (19.7 ft) to 5 m (16.4 ft) at the south east portion of the lot.

Planning staff note that the calculated relief has been determined as the intersection of the front lot line and exterior lot line, as defined by the Zoning By-Law. The required relief is due to the curved design of Victoria Way.

Based on the proposed dwelling location, sufficient depth will remain between the attached garage and the front lot line to accommodate the required one parking space within the private property boundary in accordance with the requirements of the Zoning By-law, and no negative impacts to the surrounding road network is anticipated. Given this, Planning staff are of the opinion that the proposed relief maintains the general intent and purpose of the Town's Zoning By-Law.

(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 single detached dwelling, which will be consistent with the existing and planned future 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.

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 A15-21, submitted by Simon Wagler, for lands described as Lot 32, Plan 41M-369, Town of Tillsonburg, as it relates to:

1. Relief of Section 7.2, **R2 Zone Provisions** – Front Yard, Minimum Depth, to decrease the minimum required front yard depth from 6.0 m (19.7 ft) to 5.0 m (16.4 ft), to facilitate the construction of a single detached dwelling.

Subject to the following conditions:

- a) The applicant shall obtain a building permit for the proposed single detached dwelling within one year of the date of the Committee's Decision;

- b) That the proposed relief only apply to the construction of a single detached dwelling in a location and manner consistent with Plate 3 of Report CP-2021-231.

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