

Community Planning

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Our File: **A12-22**

APPLICATION FOR MINOR VARIANCE

TO: Town of Tillsonburg Committee of Adjustment
MEETING: October 11th, 2022
REPORT NUMBER: CP 2022-386

OWNER: Mister Auto Wash Inc c/o Tyson VanLeeuwen
10 Elm Street, Tillsonburg ON N4G 0A7

AGENT: Cyril J. Demeyere Ltd – Trevor Benjamins
261 Broadway, Tillsonburg ON N4G 4H8

VARIANCES REQUESTED:

1. **Relief from Section 14.2 – SC Zone Provisions** – Table 14.2: Zone Provisions – Exterior Side Yard: Minimum Width, to decrease the minimum required side yard depth from 9 m (29.5 ft) to 8.3 m (27.2 ft)
2. **Relief from Section 14.2 – SC Zone Provisions** – Table 14.2: Zone Provisions – Setback: Minimum Distance from the Centreline of an Arterial Road as shown on Schedule “B”, to decrease the minimum required distance from the centreline of an arterial road from 20.5 m (67.3 ft) to 18.3 m (60 ft).

LOCATION:

The subject lands are described as Lots 395, 415, 416 & Part of Lot 296, Plan 500 in the Town of Tillsonburg. The lands are located on the north west corner of the Tillson Avenue and Concession Street East intersection, and are municipally known as 127 Tillson Ave.

BACKGROUND INFORMATION:

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule ‘T-1’ Town of Tillsonburg Land use Plan Service Commercial

TOWN OF TILLSONBURG ZONING BY-LAW: Special Service Commercial Zone (SC-28)

SURROUNDING USES:

Surrounding uses include a mix of industrial, service commercial and residential.

COMMENTS:

(a) Purpose of the Application:

The applicant is requesting relief from the above-noted provisions of the Town Zoning By-law to facilitate the construction of an addition to a motor vehicle washing establishment on the subject property. It is proposed that the addition will be used as an additional lane for the car wash.

The subject lands are approximately 3954.6 m² (42,568.3 ft²) in area, with an existing car wash approximately 409.25 m² (4405 ft²) in size and a proposed addition of 91.85 m² (988.6 ft²) in size. Surrounding land uses are predominately comprised of service commercial, industrial and residential.

A previous zone change application, ZN7-22-08, was approved on September 12th, 2022 for a reduced minimum front yard depth of 8.8 m (28.8 ft). The applicants did not correctly calculate the building setbacks and will require relief from the above noted provisions.

Plate 1, Existing Zoning & Location Map, shows the location of the subject lands and the current zoning in the immediate vicinity.

Plate 2, Aerial Map (2020), shows the location of the subject lands and surrounding properties.

Plate 3, Applicant's Sketch, illustrates the proposed addition to the existing car wash.

Plate 4, Site Plan, illustrates the overall site plan for the existing and proposed addition to the car wash.

(b) Agency Comments

The application was circulated to a number of public agencies considered to have an interest in the proposal. No comments have been received from any of the public agencies circulated.

(c) Public Consultation:

Public Notice was provided to surrounding property owners on October 1, 2022 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 'Service Commercial' according to the Town of Tillsonburg's Land Use Plan, as contained in the County Official Plan. Staff are satisfied that the applicant's proposal, which will facilitate an addition to an existing motor vehicle washing establishment is in-keeping with the intent of the Official Plan for the 'Service Commercial' designation.

(e) Intent and Purpose of the Zoning By-law:

The subject property is zoned 'Service Commercial Special Zone (SC-28)' in the Town Zoning By-law, which permits a motor vehicle washing establishment and requires a minimum exterior side yard width of 9 m (29.5 ft) and a minimum distance from the centreline of an arterial road of 20.5 m (67.3 ft).

The subject lands contain an existing motor vehicle washing establishment. It is proposed that the new addition will encroach into both the required exterior side yard by approximately 0.7 m (2.2 ft) and the distance from the centreline of an arterial road by approximately 2.2 m (7.2 ft). It is the intent of the exterior side yard setbacks and the distance from the centreline of an arterial

road to ensure that private development is sufficiently setback from the public road allowance to ensure sufficient space is maintained for vehicle and pedestrian safety, as well as typical road maintenance efforts. The exterior side yard setbacks are also intended to ensure that there is sufficient area on private property for amenity space and private services and these setbacks also assist in maintaining uniform sightlines along the right of way.

(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.

Staff are satisfied that the proposed addition to an existing motor vehicle washing establishment will be in keeping with the character of the existing service commercial surrounding and is not anticipated to negatively impact surrounding land uses. Further the requested variance will permit the applicant to provide an additional lane at the motor vehicle washing establishment.

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. 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 A12-22, submitted by Mister Auto Wash Inc for lands described as Lots 395, 415, 416 & Part of Lot 296, Plan 500, in the Town of Tillsonburg as it relates to:

1. **Relief from Section 14.2 Zone Provisions** – Table 14.2: Zone Provisions – Exterior Side Yard: Minimum Width, to decrease the minimum required side yard depth from 9 m (29.5 ft) to 8.3 m (27.2 ft)
2. **Relief from Section 14.2 Zone Provisions** – Table 14.2: Zone Provisions – Setback: Minimum Distance from the Centreline of an Arterial Road as shown on Schedule “B”, to decrease the minimum required distance from the centreline of an arterial road from 20.5 m (67.3 ft) to 18.3 m (60 ft)

As the proposed variances are:

- (i) deemed to be minor variances 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:

Eric Gilbert, MCIP RPP
Senior Planner