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Community Planning

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Our File: **A04-24**

APPLICATION FOR MINOR VARIANCE

TO: Town of Tillsonburg Committee of Adjustment
MEETING: June 24, 2024
REPORT NUMBER: 2024-199

OWNERS: Jacob Martens Driedger and Margaretha Driedger
56 Earle Street, Tillsonburg, ON N4G 2M4

AGENT: Strik, Baldinelli, Moniz Ltd. (c/o Simona Rasanu)
1599 Adelaide Street North, Unit 30, London, ON N5X 4E8

VARIANCES REQUESTED:

1. Relief from **Section 7.2 – Zone Provisions**, to reduce the minimum required lot depth from 30 m (98.4 ft) to 19 m (62.3 ft), and;
2. Relief from **Section 7.2 – Zone Provisions**, to reduce the minimum required rear yard depth from 7.5 m (24.6 ft) to 2.4 m (7.8 ft) to facilitate the construction of a single detached dwelling on a lot that has been granted conditional consent from the Oxford County Land Division Committee.

LOCATION:

The subject lands are described as Lot 1365, Plan 500, Part 1 of 41R-4700, in the Town of Tillsonburg. The lands are further described as the lot to be severed from Consent Application B24-08-7. The property is located on the northwest corner of Earle Street and Oak Street, south of Ball Alley and is municipally known as 56 Earle Street.

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

TILLSONBURG ZONING BY-LAW NO. 3295:

Existing Zoning: 'Low Density Residential – Type 2 Zone (R2)'

PLANNING REVIEW:(a) Purpose of the Application

The application for minor variance has been requested to facilitate the creation of a residential lot and the construction of a new single detached dwelling. The subject lands were granted conditional consent by the Oxford County Land Division Committee on April 22, 2024 to create one new residential lot for a single detached dwelling. At that time, a variance was granted to the minimum lot depth requirement for the severed lot from 30 m (98.4 ft) to 26 m (85.3 ft) to facilitate the proposal, however this was based on an incorrect interpretation by staff of the lot depth, and instead a variance to 19 m (62.3 ft) will be required for the lot depth for the severed lot to facilitate the proposal. Further, given the configuration of the subject lands, which will have frontage on Oak Street, the applicants have also requested a variance to the required rear yard depth to facilitate the construction of the proposed dwelling.

The subject lands currently contain an existing residential accessory building, that will be removed, and it is proposed that a new single detached dwelling with frontage onto Oak Street will be constructed. Once severed, the subject lands will have an area of 509 m² (5,479 ft²), with 26.3 m (86.2 ft) of frontage on Oak Street and a depth of 19.2 m (62.9 ft). Surrounding land uses mainly consist of low density residential development in the form of single detached dwellings to the east and west, and single detached and semi-detached dwellings to the south. The subject lands abut Ball Alley to the north.

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

Plate 2, 2020 Aerial Map and Existing Zoning, provides an aerial view of the subject lands and existing zoning in the immediate vicinity.

Plate 3, Applicant's Sketch, identifies the configuration of the lots to be severed and retained, and illustrates the location of the proposed dwelling on the subject lands (shown as Lands to be Severed).

(b) Agency Comments

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

The County Public Works Department, Town Engineering Department, Chief Building Official, Development Commissioner and Hydro Department have indicated they have no comments or concerns with respect to the application.

(c) Public Consultation

Public Notice was mailed to surrounding property owners on June 10, 2024, in accordance with the Planning Act. At the time of writing 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 as 'Low Density Residential' in the Official Plan, which is intended for the development of a range of low density residential uses including, single detached dwellings, semi-detached dwellings and street fronting townhouse dwellings.

Given that the requested variances will facilitate the construction of a single detached dwelling on lands intended for such use, staff are satisfied that the request is in-keeping with the intent of the Official Plan for lands designated for Low Density Residential purposes.

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

The subject lands are zoned 'Low Density Residential Type 2 Zone (R2)' in the Town Zoning By-law, which permits such uses as a single detached dwelling, semi-detached dwelling and a duplex. The 'R2' zone requires a minimum lot depth of 30 m (98.4 ft) and a minimum rear yard depth of 7.5 m (24.6 ft).

As noted above, the Oxford County Land Division Committee granted a reduction from the lot depth requirement from 30 m (98.4 ft) to 23.9 m (78.4 ft) to facilitate the proposed severance. This was done at the direction of Planning staff who erroneously considered the lot to be a corner lot with frontage along Ball Alley. Given that Ball Alley is considered a lane rather than a public street, Oak Street will be the front lot line for the subject lands, resulting in a lot depth of 19 m (62.3 ft), and a revised variance is required to facilitate the severance to recognize this lot depth. Given the configuration of the lot, an additional variance will be required to the rear yard depth to accommodate the proposed dwelling.

It is the intent of the lot depth and rear yard depth provisions to ensure that sufficient space is available on private property to accommodate for an appropriate building envelope while providing for sufficient space for lot grading and drainage, private amenity space, and off-street parking.

In this instance, the rectangular configuration of the lot will provide for sufficient drainage and private amenity area within the technical interior side yard on the south side of the property, which is approximately 13.4 m (43.9 ft) wide, and, the proposed 2.4 m (7.8 ft) is sufficiently large enough to function as an interior side yard setback and will provide sufficient access between the proposed dwelling and the lot line for rear yard access and maintenance purposes. Given this, Planning staff are satisfied that the requested variances maintain the intent of the Zoning By-law.

(f) Desirable Development/Use

Planning staff have reviewed the applicant's request and are of the opinion that the requested reduction to lot depth and rear yard depth can be considered desirable development for the subject lands.

Approval of the requested variances will implement a decision of the Land Division Committee and correct a technical error to facilitate the creation of one new residential lot in the Town of Tillsonburg. Further, the proposed development will be in keeping with the character of the surrounding area and is not anticipated to have an adverse impact on neighbouring properties, and if approved, the proposed variance would not establish an undesirable precedent for similar development in the future.

In light of the foregoing, it is the opinion of this Office that the requested relief is minor and desirable for the development of the subject lands and maintains the general intent of the Official Plan and the Zoning By-law and can be given favourable consideration.

RECOMMENDATION:

That the Town of Tillsonburg Committee of Adjustment **approve** Application A04-24, submitted by Jacob and Margaretha Driedger for lands described as Lot 1365, Plan 500, Part 1 Plan 41R-4700, municipally known as 56 Earle Street in the Town of Tillsonburg, as it relates to:

1. Relief from **Section 7.2 – Zone Provisions**, to reduce the minimum required lot depth from 30 m (98.4 ft) to 19 m (62 ft), and;
2. Relief from **Section 7.2 – Zone Provisions**, to reduce the minimum required rear yard setback from 7.5 m (24.6 ft) to 2.4 m (7.8 ft) to facilitate the construction of a single detached dwelling on a lot that has been granted conditional consent from the Oxford County Land Division Committee.

As the requested variances are considered to be:

- i) minor variances from the provisions of the Town of Tillsonburg Zoning By-Law;
- ii) desirable for the appropriate development or use of the land;
- iii) in keeping with the general intent and purpose of the County's Official Plan, and;
- iv) in keeping with the general intent and purpose of the Town of Tillsonburg Zoning By-law.

Authored by: *Original Signed by* Heather St. Clair, MCIP, RPP, Senior Planner

Approved by: *Original Signed by* Eric Gilbert, MCIP, RPP, Manager of Development Planning