

PLANNING REVIEW:**(a) Purpose of the Application**

The application for minor variance is to request a further reduction to the rear yard depth to correct an error made regarding the original request for relief to the rear yard depth for the lot to be retained through application B23-46-7; A23-08-7. The purpose of the original application for consent and minor variance was to create one new residential lot and retain a residential lot containing a duplex dwelling. The application was granted conditional consent by the Oxford County Land Division Committee (LDC) on November 3, 2023.

At that time, a variance was granted to reduce the minimum rear yard depth requirement for the lot to be retained from 9 m (29.5 ft) to 7.5 m (24.6 ft). Upon review, the applicant realized that an error had been made and a rear yard depth of 3.5 m (11.48 ft) is required to accommodate a portion of the existing dwelling on the lot to be retained. A small portion of the existing duplex dwelling will be demolished, but a portion of the remaining structure will still require a reduced rear yard depth of 3.5 m (11.48 ft), as depicted on Plate 3.

Once severed, the subject lands will have an area of 505 m² (5,435.8 ft²), approximate frontage of 20 m (66 ft), and approximate depth of 25 m (82 ft). Surrounding land uses consist of a number of different dwelling types, including single detached dwellings, duplex dwellings, triplex dwellings, and apartment dwellings. Institutional uses are located to the north and west of the subject lands.

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 subject lands and the location of the proposed dwelling on the subject lands (shown as Lands to be Retained).

(b) Agency Comments

The application was circulated to a number of public agencies considered to have an interest in the proposal.

Town of Tillsonburg Building Services Department

- After the demolition/removal of a portion of the existing duplex dwelling, the owners are required to submit an updated survey for the lot to be retained through application B23-46-7; A23-08-7 to confirm a rear yard depth of at least 3.5 m (11.46 ft), to the satisfaction of the Town of Tillsonburg Building Services Department.

Oxford County Public Works Department and the Town of Tillsonburg Engineering Department indicated that they do not have any comments at this time.

(c) Public Consultation

Public Notice was mailed to surrounding property owners on July 31, 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 'Entrepreneurial District' in the Official Plan. Section 8.3.2.3.2 of the Official Plan states that Entrepreneurial District areas are those lands which are proposed for a range of commercial and business development opportunities through the conversion of existing residential dwellings and new development or redevelopment. The continuation of residential development is also anticipated. It is intended that development in the Entrepreneurial District will result in a mixture of residential and non-residential land uses. Permitted uses in existing uses in the Entrepreneurial District designation include but are not limited to residential uses, commercial uses, small-scale business uses, minor institutional uses, and residential units in association with a commercial, institutional, or business use.

Given that the requested variance will facilitate the maintenance of an existing duplex 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 Entrepreneurial District purposes.

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

The subject lands are zoned 'Residential Entrepreneurial Holding Zone (EC-R (H))' according to the Town's Zoning By-law. The EC-R zone permits several types of residential uses, including an apartment, bed and breakfast establishment, converted dwelling, duplex dwelling, group home, home occupation, multiple unit dwelling, single detached dwelling, semi-detached dwelling, and street-fronting townhouse dwelling.

The purpose of the Holding Provision is to ensure that the form of development or redevelopment is compatible with adjacent uses. Staff note that residential uses with three or fewer dwelling units, which includes the existing duplex dwelling, are permitted without lifting the Holding Provision. For proposed developments of ten and more residential units, Site Plan approval may be required prior to the removal of the Holding Provision. For a duplex dwelling, the provisions of the EC-R Zone require:

- a minimum lot area of 558 m² (6,006.5 ft²)
- a minimum lot frontage of 18 m (59.1 ft)
- a minimum lot depth of 30 m (98.4 ft)
- a minimum front yard depth of 7.5 m (24.6 ft); and,
- a minimum rear yard depth of 9 m (29.5 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 25 m (82.01 ft), a decrease in the minimum lot area from 558 m² (6006.26 ft²) to 505 m² (5435.77 ft²), and a reduction in the minimum rear yard depth from 9 m (29.5 ft) to 7.6 m (24.93 ft) to facilitate the proposed severance. As a reduction in rear yard depth was not requested for the lot to be severed, future residential development will be required to meet the minimum rear yard depth of 9 m (29.5 ft).

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 further reduction to the rear yard lot depth is requested to recognize a portion of the existing duplex dwelling in relation to the 'new' rear lot line as per the consent application B23-46-7; A23-08-7. The majority of the existing duplex dwelling is located greater than 3.5 m from the new rear lot line, and there is room for sufficient drainage and private amenity area within

rear yard. In addition, there is sufficient access remaining between the proposed dwelling and the lot line for rear yard access and maintenance purposes.

To prevent any other encroachments into the rear yard, Planning staff recommend that the requested relief only applies to the dwelling as it exists after the planned removal of one (1) bedroom at the rear of the existing duplex dwelling house. Planning staff are satisfied that the requested variance with these conditions will maintain the general intent and purpose 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 the rear yard depth can be considered desirable development for the subject lands.

Approval of the requested variance will implement a decision of the Land Division Committee to facilitate the creation of one new residential infill lot in the Central Area of the Town. The proposed variance 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. As previously noted, recommended conditions include that the requested relief only applies to the duplex dwelling as it exists after the planned removal of one (1) bedroom at the rear of the existing duplex dwelling, and confirmation of the rear yard depth through an updated building location survey to the satisfaction of the Building Services Department.

Planning staff note that a reduction in the minimum rear yard depth for the adjacent lot to be severed was not requested, so future residential development will be required to meet the minimum rear yard depth of 9 m (29.5 ft) providing a reasonable amount of separation between the existing duplex on the lot to be retained and any future residential dwelling on the lot to be severed.

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 A06-24, submitted by Brothers Marketing Inc. for lands described as Lot 747, Plan 500, municipally known as 111 Rolph Street in the Town of Tillsonburg, as it relates to:

1. Relief from **Section 12.2 – EC Zone Provisions**, to reduce the minimum required rear yard setback from 7.5 m (24.6) to 3.5 m (11.48 ft) on a lot that has been granted conditional consent from the Oxford County Land Division Committee.

Subject to the following conditions:

1. That the relief granted is only applicable upon completion of related Consent Application B23-46-7;
2. That the Owner provide an updated building location survey confirming the rear yard depth of at least 3.5 m between the existing duplex dwelling and the rear lot line proposed through Consent Application B23-46-7, to the satisfaction of the Town of Tillsonburg Building Services Department;

3. The requested relief only applies to portions of the existing duplex dwelling, as depicted on Plate 3 of Report No. CP 2024-265.

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.

SIGNATURES

Authored by:

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Approved for submission:

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