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Community Planning

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Our File: **A07-24t**

APPLICATION FOR MINOR VARIANCE

TO: Town of Tillsonburg Committee of Adjustment
MEETING: October 24, 2024
REPORT NUMBER: 2024-344

OWNERS/APPLICANTS: Rob and Carrie Hutchinson
73 Concession Street West, Tillsonburg, ON N4G 1R7

VARIANCE REQUESTED:

Relief from the following Section of Zoning By-law No. 3295:

1. Relief from **Table 6.2 – Zone Provisions – R1 Zone – Setback, Minimum Distance from the Centreline of Arterial Road**, to reduce the minimum distance required from the centreline of an arterial road from 20.5 metres (67.3 feet) to 19 metres (62.3 feet).

LOCATION:

The subject lands are described as Lot 2, Plan 1646, in the Town of Tillsonburg. The lands are located on the south side of Concession Street West and east of Charlotte Avenue and are municipally known as 73 Concession Street West.

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 1 Zone (R1)'

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

The application for minor variance is to request relief from the provisions in Tab 6.2 of the Town of Tillsonburg Zoning By-law that regulates the minimum setback from the centreline of an arterial road.

In this instance, the proposed location of a covered front deck is closer than the minimum distance from the centreline of an arterial road. The applicant is requesting relief to decrease this setback for the covered deck into the front yard from 20.5 m (67.3 ft) to 19 m (62.3 ft) to facilitate the issuance of a building permit.

Surrounding land uses consist of single detached dwellings on similar lot sizes.

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

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

Plate 3, Applicants' Sketch, illustrates the location of the house and deck on the subject lands, as submitted by the applicants.

(b) Agency Comments

The application was circulated to a number of public agencies considered to have an interest in the proposal. All of the comments received through the circulation process are summarized below.

Town of Tillsonburg Building Services Department, Oxford County Public Works, and Tillsonburg Hydro indicated that they do not have any comments or concerns.

(c) Public Consultation

Public Notice was mailed to surrounding property owners on October 11, 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.

Low Density Residential Districts are those lands that are primarily developed or planned for a variety of low-rise, low density housing forms including both executive and smaller single detached dwellings, semi-detached, duplex, and converted dwellings, street-fronting townhouses, and other similar forms of development. Within these areas, it is intended that there will be a mixing and integration of different forms of housing to achieve a low overall density of use.

The use of the subject lands for residential purposes together with buildings and structures accessory to the residential use generally complies with the relevant policies of the Official Plan

and 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 property is zoned 'Low Density Residential Type 1 Zone (R1)' in the Town of Tillsonburg Zoning By-law, which permits several types of residential uses, including an additional residential unit, a group home, home occupation, a public use, and a single detached dwelling.

The provisions in Table 6.2 regulate how close a structure can be to the centreline of an arterial road. These provisions are intended to ensure adequate setbacks are provided to act as buffers between adjacent properties and uses, provide amenity area, and provide for adequate drainage. Specifically, the setback provisions to the centreline of an arterial road are established to ensure that dwelling units are not situated near a busy arterial roadway.

In this instance, the covered deck projects 2.5 m (8.3 ft) into the front yard from the existing residence, whereas the current zoning provisions would allow for a projection of 1.7 m (5.4 ft) from the existing residence. Considering that the existing dwelling is setback slightly further than adjacent properties to the east and west as illustrated by Plates 1 and 2, staff is of the opinion that the layout is sufficient to accommodate the requested variance for the covered deck without negatively impacting abutting properties or the function of the adjacent arterial road.

Planning staff are satisfied that the requested variance will maintain the general intent and purpose of the Zoning By-law and the requested relief from the provisions in Table 6.2 regulating the front yard setback for the covered deck is reasonable.

(f) Desirable Development/Use:

Planning staff have reviewed the applicants' request and are of the opinion that the applicants' request can be considered minor and desirable for the development of the subject property.

Plate 3 – Applicants' Sketch - illustrates the proposed location of the covered deck on the property. The deck is in line with the scale and form of the surrounding neighbourhood. Planning staff are satisfied that the deck has minimal impact on surrounding properties in terms of compatibility and form, and that it does not interfere with the normal use of nearby properties.

It is the opinion of this Office that the proposed relief is minor and 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 A07-24t, submitted by Rob and Carrie Hutchison for lands described as Lot 2, Plan 1646, in the Town of Tillsonburg, municipally known as 73 Concession Street West as it relates to:

1. Relief from **Table 6.2 – R1 Zone – Setback, Minimum Distance from the Centreline of Arterial Road**, to reduce the minimum distance required from the centreline of an arterial road from 20.5 metres (67.3 feet) to 19 metres (62.3 feet).

The requested variance meets the four tests of a minor variance as set out in Section 45(1) of the Planning Act as follows:

1. The proposed relief represents a minor variance from the provisions of the Town's Zoning By-law in that the reduced zone provision is from the minimum distance from the centreline of an arterial road in the R1 Zone, is compatible with surrounding land uses, is minor and is desirable for the development of the lands.
2. The proposed relief maintains the general intent and purpose of the Town's Zoning By-law, and no negative impacts are anticipated as a result of the reduced zone provision.
3. The relief is desirable for the use of the land as the said relief will allow for development that is permitted by the Zoning By-law, the use is compatible with planned development and is complimentary to proposed development in the area.
4. The relief maintains the intent and purpose of the Official Plan as the proposed relief will facilitate development that is contemplated within the Low Density Residential designation.

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