



Community Planning

P. O. Box 1614, 21 Reeve Street

Woodstock Ontario N4S 7Y3

Phone: 519-539-9800 • Fax: 519-421-4712

Web site: www.oxfordcounty.ca

Our File: **A11-24t**

APPLICATION FOR MINOR VARIANCE

TO: Town of Tillsonburg Committee of Adjustment
MEETING: October 21, 2024
REPORT NUMBER: 2024-346

OWNER: Simon Wagler Homes Inc. (Jacob Wagler)
R.R #4, LCD Main, Aylmer ON N5H 2R3

AGENT: Kim Husted
30 Harvey Street, Tillsonburg ON N4G 3J8

VARIANCES REQUESTED:

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

1. **Section 6.2 – Zone Provisions – Table 6.2: Zone Provisions – Low Density Residential (R1) Zone – Front Yard, Minimum Depth**, to reduce the minimum front yard depth from 7.5 m (24.6 ft) to 6.02 m (19.75 ft); and
2. **Section 6.2 – Zone Provisions – Table 6.2: Zone Provisions – Low Density Residential (R1) Zone – Rear Yard, Minimum Depth**, to reduce the minimum rear yard depth from 12 m (39.3 ft) to 10.5 m (34.4 ft).

LOCATION:

The subject lands are described as Part of Lot 543, Plan 500, in the Town of Tillsonburg. The lands are located on the south side of Delevan Crescent, lying between First and Second Streets and are municipally known as 9 Delevan Crescent, Tillsonburg.

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 No. 3295:

Existing Zoning: 'Low Density Residential Type 1 Zone (R1)

PLANNING REVIEW:(a) Purpose of the Application:

An application for Minor Variance has been received requesting a decrease in both the front and rear yard setbacks of the Low Density Residential (R1) Zone. The proponents have requested to reduce the front yard depth from 7.5 m (24.6 ft) to 6.02 m (19.75 ft); the second request is to reduce the rear yard depth from 12 m (39.3 ft) to 10.5 m (34.4 ft).

The subject lands are approximately 564 m² (approximately 6070 ft²) in size. A single detached dwelling is proposed on the subject lands, as illustrated on Plate 3.

Surrounding uses are predominately residential in nature, with the south-westerly portion of the site situated within the 100-Year Flood Line; and the entirety of the property located within the Regulatory Flood and Fill Lines.

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

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

Plate 3, Applicant's Sketch, identifies the location of the proposed single detached dwelling on the subject lands as submitted by the applicant.

(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 Department, Town of Tillsonburg Hydro, and 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 October 11, 2024, in accordance with the *Planning Act*. At the time 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 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 single detached dwellings, group homes, home occupations, and public uses, subject to the relevant sections of the By-law.

The provisions in Section 6.2 – Zone Provisions, set out the regulations governing the use, location, form, and massing of principal structures. These provisions are intended to ensure that permitted uses, buildings, and structures are used appropriately, maintain an appropriate amount of amenity area for residents on the same lot as their dwelling and structure, are complimentary to the size and scale of principal structures and/or buildings and uses on adjacent lots, and that they do not create an undesirable situation for the development of the lands and neighbouring properties (e.g. visual impact, impact on privacy). Furthermore, these provisions ensure that sufficient room area is maintained for access, adequate drainage, and maintenance of accessory and principal uses.

It is the intent that minimum yard provisions ensure that sufficient space is available on private property to accommodate for an appropriate building envelope while providing sufficient space for adequate drainage and grading, maintenance, access, amenity space, parking, and to ensure adequate privacy and compatibility with adjacent uses and functions.

Regarding this application, it is noted in the application that the applicants were of the understanding that the property was zoned Residential Low Density Type A (R1A). As noted above the lands are zoned Low Density Residential Type 1 (R1). As a result of the design, the applicants are requesting relief from the front and rear yard setback provisions. Staff notes that the proposed structure would comply with the provisions of the R1A zone.

The application was circulated to the Long Point Regional Conservation Authority (LPRCA) at the time of the writing of this report no comments have been received. Staff notes that the subject lands are within the regulated area, and the applicant will be required to obtain a permit from that office.

Planning staff are satisfied that the requested variance will maintain the general intent and purpose of the Zoning By-law.

(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 single detached dwelling on the property. The dwelling is in line with the scale and form of the surrounding neighbourhood. Planning staff are satisfied that the dwelling 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 A11-24t, submitted by Kim Husted on behalf of Simon Wagler Homes Inc. for lands described as Part of Lot 543, Plan 500, in the Town of Tillsonburg, municipally known as 9 Delevan Crescent as it relates to:

1. Section 6.2 – Zone Provisions – Table 6.2: Zone Provisions – Low Density Residential (R1) Zone – Front Yard, Minimum Depth, to reduce the minimum front yard depth from 7.5 m (24.6 ft) to 6 m (19.75 ft); and
2. Section 6.2 – Zone Provisions – Table 6.2: Zone Provisions – Low Density Residential (R1) Zone – Rear Yard, Minimum Depth, to reduce the minimum rear yard depth from 12 m (39.3 ft) to 10.5 m (34.4 ft).

The requested variances meet 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 minor variances from the provisions of the Town's Zoning By-law in that the reduced zone provisions are from the front and rear yard setbacks of the R1 Zone, are compatible with surrounding land uses, are minor and 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 associated the reduced zone provisions.
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.

Authored by:

Marc Davidson
Senior Development Planner

Reviewed by:

Eric Gilbert, RPP, MCIP
Manager of Development Planning