



**Community Planning**

P. O. Box 1614, 21 Reeve Street  
Woodstock, Ontario, N4S 7Y3  
Phone: 519-539-9800 • Fax: 519-421-4712  
Website: [www.oxfordcounty.ca](http://www.oxfordcounty.ca)

Our File: **A12-24t**

**APPLICATION FOR MINOR VARIANCE**

**TO:** Town of Tillsonburg Committee of Adjustment  
**MEETING:** November 14, 2024  
**REPORT NUMBER:** 2024-324

**OWNER:** Garlyn Holdings Inc.  
165 John Pound Road, Tillsonburg, ON, N4G 4G9

**APPLICANT:** Stephen Cornwell, CJD Engineering  
261 Broadway, Tillsonburg, ON, N4G 4J1

**REQUESTED VARIANCES:**

1. In accordance with **Section 5.21.7.2 – Extensions to Non-Conforming Buildings**, relief from **Section 22.2 Zone Provisions – Table 22.2 Zone Provisions – Interior Side Yard, Minimum Width**, to reduce the minimum required interior side yard depth from 7.5 m (24.6 ft) to 6.3 m (20.67 ft); and
2. Pursuant to Section 45(2)(a)(i) of the *Planning Act* relief from **Section 22.2 – Zone Provisions – Table 22.2 Zone Provisions – Rear Yard, Minimum Depth**, to extend a legal non-conforming rear yard setback of 4.0 metres (13.1 ft), whereas 10.0 metres (32.8 ft) is required.

**LOCATION:**

The subject lands are described as Part of Lots 1594 and 1595, Plan 500, Town of Tillsonburg. The property is located on the north side of John Pound Road, south of Baldwin Street and north of Highway #3 and known municipally as 165 John Pound Road.

**COUNTY OF OXFORD OFFICIAL PLAN:**

Schedule 'T-1'- Town of Tillsonburg Land Use Plan Open Space

**TOWN OF TILLSONBURG ZONING BY-LAW NO. 3295:**

Existing Zoning: Active Use Open Space (OS2)

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

The subject property is approximately 6,884 m<sup>2</sup> (174,100 ft<sup>2</sup>) in area and contains an existing disaster restoration operation. The applicant is proposing relief from the above-noted provisions of the Town's Zoning By-law to facilitate the construction of two (2) additions. The westerly addition is approximately 259 m<sup>2</sup> (2790 ft<sup>2</sup>) to expand the existing shop/storage area. The easterly addition is approximately 165 m<sup>2</sup> (1776 ft<sup>2</sup>) and will facilitate an expansion of the existing office area. The existing building on the subject property is entirely located within the regulated flood plain area and is presently zoned Active Use Open Space (OS2) and is deemed to be a legal non-conforming structure.

The applicants are requesting relief from Section 45(2) of the *Planning Act* to permit an extension of a legal non-conforming use. The easterly addition is requesting an extension of the existing legal non-conforming setback of 4.0 m (13.1 ft).

On the westerly side, the applicants are applying for an expansion to the existing structure. However, this setback would be subject to Section 5.21.7.2 (Extensions to Non-Conforming Buildings) of Zoning By-law No.3295. The proposed addition would encroach closer to the westerly setback than the existing building and requires relief from the Interior Side Yard width of 6.3 m (20.67 ft) whereas 7.5 m (24.6 ft) is required.

The proponents are presently proceeding through the Site Plan approval process for the proposed additions.

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

Plate 2, Aerial Map 2020, provides an aerial view of the subject lands and surrounding properties.

Plate 3, Applicant's Sketch, shows the location, size and setbacks of the existing structure, 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, Long Point Regional Conservation Authority, and Oxford County Public Works, indicated that they do not have any comments or concerns.

(c) Public Consultation

Notice was provided to surrounding property owners on November 4, 2024, 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) Planning Review:

Section 45(2) of the Planning Act provides that the Committee of Adjustment may, where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed.

Section 10.3.5 (Zoning By-law and Non-Conforming Uses) of the Official Plan states that the Committee of Adjustment may permit the extension, enlargement or change of use of a legally established land use that does not conform to the Official Plan and the local area municipal Zoning By-law. In evaluating such applications, the Committee shall consider the following criteria:

- the use has been continuous from the day the Zoning By-law came into effect;
- there will be no extension of the site or building beyond the limits of land owned and used from the effective date of the By-law;
- permission for the extension, enlargement or change in the non-conforming use is in keeping with the general intent of the Official Plan and will not aggravate those aspects of the use that do not conform to the Official Plan or Zoning By-law;
- that existing municipal services such as water, sewers, stormwater management facilities and roads will be adequate;
- that there are adequate parking and loading facilities to accommodate the proposed use;
- that the proposed extension, enlargement or change in use would include measures to reduce nuisances, protect adjacent properties and improve the compatibility of the use with surrounding areas; and,
- that the extension, enlargement or change in use is necessary to avoid undue hardship on the applicant, provided that all other criteria have been met, there are no negative effects on environmental resources and the proposed use is more compatible than the existing use relative to the relevant Official Plan policies.

In considering such applications for permission, the policies also state that the Committee of Adjustment may attach such conditions as it deems appropriate to the approval of an application within its jurisdiction to extend, enlarge or change a legal non-conforming use.

The subject lands are designated as Open Space, which applies to regulated flood plan areas, floodways where two zone flood plain policies apply, Conservation Authority lands and other public lands, as well as Earth Science Areas of Natural and Scientific Interest and parks, pathways, recreation areas and stormwater management facilities. Permitted uses in the Open Space designation are generally limited to active and passive recreational uses, and structures necessary to the Open Space use, such as golf course “pro shops”, clubhouses, refreshment stands, bleachers and change houses. The Official Plan provides that existing uses are permitted within the designation and such uses may expand or undergo a change in use, subject to the provisions of the existing zoning.

The applicants are proposing two (2) additions to an existing employment use (Service Master).

It is the opinion of the Planning office that this application complies with the criteria outlined in Section 10.3.5 of the Official Plan. Property information on file and information provided by the

applicant indicate the existing use has been located on the subject for a substantial amount of time and have continued to be used for industrial purposes since its inception, which is in keeping with the above-noted criteria outlined in the Official Plan. Further, it is noted that the proposed development will be wholly located within the confines of the subject lands and will be adequately serviced by existing municipal water and wastewater.

Further, staff are satisfied that approval of the applicant's request will have minimal impact on the quality of the surrounding environmental features and the development, particularly elements related to flood-proofing, will be reviewed by the LPRCA through their permit process.

In light of the foregoing, Planning staff recommend the application be given favourable consideration.

**RECOMMENDATION:**

That the Town of Tillsonburg Committee of Adjustment **approve** Application File A12-24t, submitted by Stephen Cornwell on behalf of Garlyn Holdings Inc., for lands described as Part of Lots 1594 and 1595, Plan 500, Town of Tillsonburg, as it relates to:

1. In accordance with **Section 5.21.7.2 – Extensions to Non-Conforming Buildings**, relief from **Section 22.2 Zone Provisions – Table 22.2 Zone Provisions – Interior Side Yard, Minimum Width**, to reduce the minimum required interior side yard depth from 7.5 m (24.6 ft) to 6.3 m (20.67 ft); and
2. Pursuant to Section 45(2)(a)(i) of the *Planning Act* relief from **Section 22.2 – Zone Provisions – Table 22.2 Zone Provisions – Rear Yard, Minimum Depth**, to extend a legal non-conforming rear yard setback of 4.0 metres (13.1 ft), whereas 10.0 metres (32.8 ft) is required.

The first 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 minor variances from the provisions of the Town's Zoning By-law in that the reduced zone provisions are from the interior side yard setback of the OS2 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 Open Space designation.

Authored by:

Marc Davidson  
Senior Development Planner

Reviewed by:

Eric Gilbert, RPP, MCIP  
Manager of Development Planning



**Legend**

- Zoning Floodlines Regulation Limit
- ◆ 100 Year Flood Line
- ▲ 30 Metre Setback
- Conservation Authority Regulation Limit
- Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)

**Notes**



0 48 96 Meters

NAD\_1983\_UTM\_Zone\_17N



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

October 30, 2024





Legend

Notes



0 96 192 Meters

NAD\_1983\_UTM\_Zone\_17N

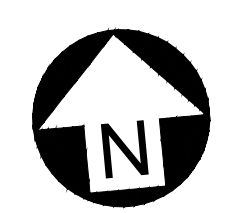


This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

November 1, 2024

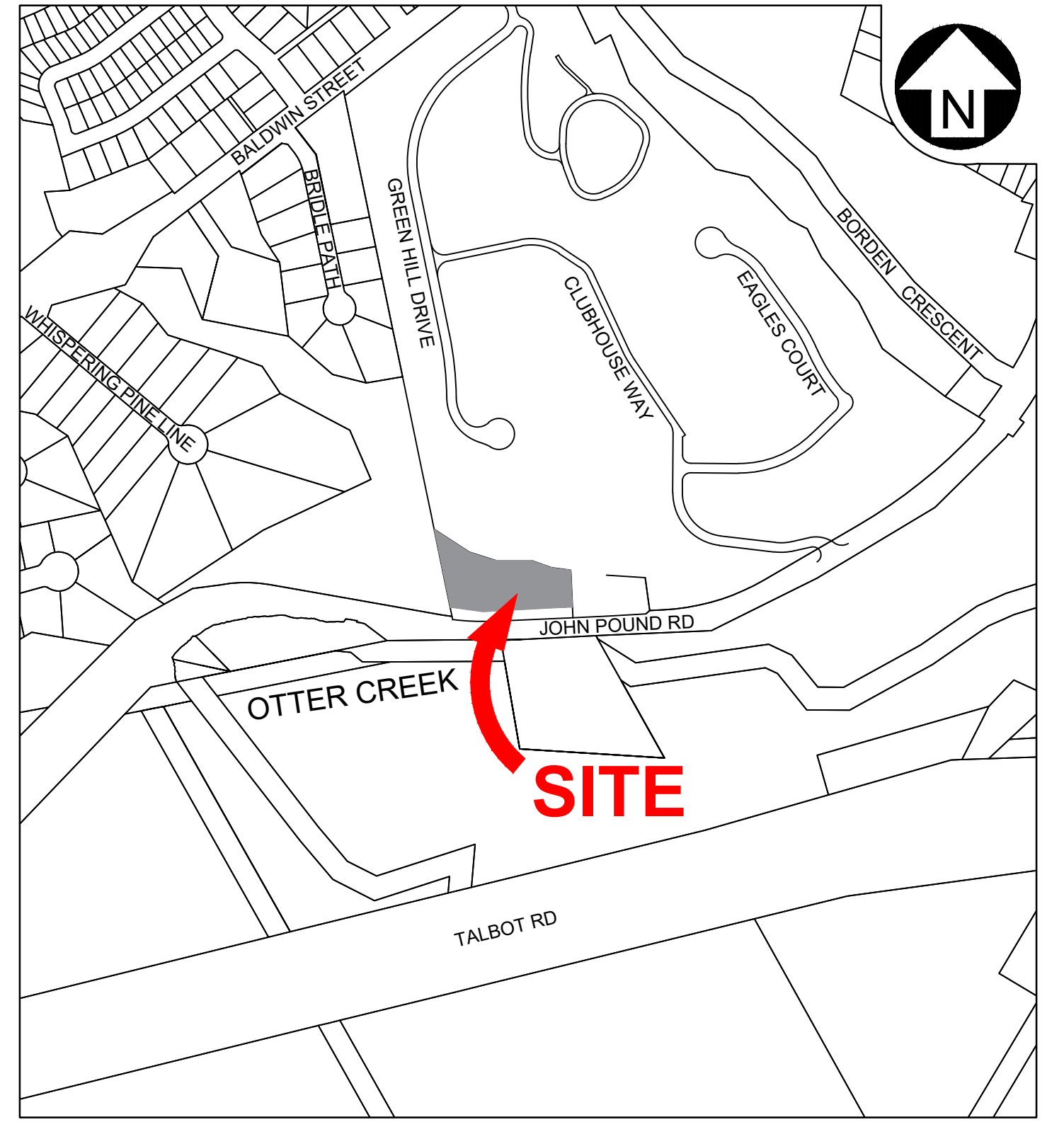


**Plate 3: Applicant's Sketch**  
**File No. A12-24t - Garlyn Holdings Inc.**  
**Part of Lots 1594 and 1595, Plan 500, Tillsonburg**

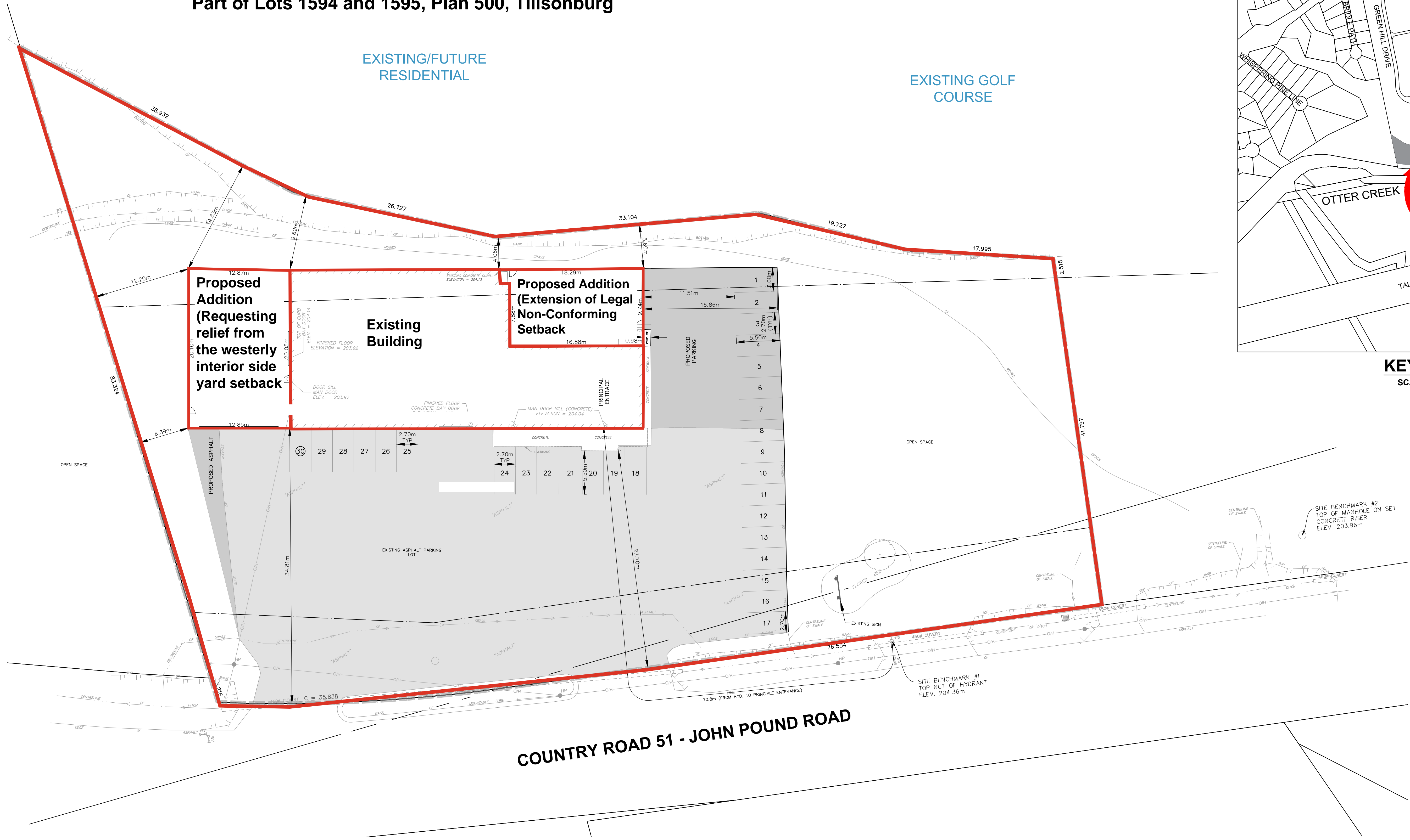


EXISTING/FUTURE  
RESIDENTIAL

EXISTING GOLF  
COURSE

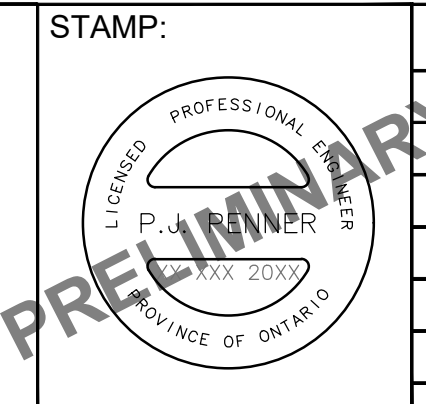


**KEY PLAN**  
SCALE 1:5000



**LEGEND**

	PROPOSED SANITARY SEWER		PROPOSED WATERMAIN		MAINTENANCE HOLE		PROPOSED ASPHALT 300mm GRAN 'B'
	EXISTING SANITARY SEWER		EXISTING WATERMAIN		CATCH BASIN		150mm GRAN 'A'
	FUTURE SANITARY SEWER		FUTURE WATERMAIN		WATER VALVE		50mm HL8
	PROPOSED STORM SEWER		SITE LIMITS		WATER SERVICE CURB STOP		40mm HL3
	EXISTING STORM SEWER		PROPOSED CURB CUT		HYDRANT		EXISTING ASPHALT
	FUTURE STORM SEWER		BARRIER FREE SIGN		STREETLIGHTS		
			ADJUST, REMOVE				



STAMP: METRIC H. SCALE 1:250

No.	REVISION	DATE	BY

**TOWN OF TILLSONBURG**

**CJDL**  
Consulting Engineers

Cyril J. Demeyere Limited  
P.O. Box 460, 261 Broadway  
Tillsonburg, Ontario, N4G 4H8  
Tel: 519-688-1000  
866-302-9886  
cjdl@cjdlteng.com

DESIGN BY: ZDR    DRAWN BY: AM    CHECKED BY: PJP  
PROJECT NO. 24019    SURVEY BY: TPM    DATE: 26 JUNE 2024

PROPOSED BUILDING ADDITION  
165 JOHN POUND ROAD  
TILLSONBURG

**SITE PLAN**

DRAWING No. 01