

**Community Planning**

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Our File: **A01-19**

**APPLICATION FOR MINOR VARIANCE**

**TO:** Town of Tillsonburg Committee of Adjustment  
**MEETING:** March 11, 2019  
**REPORT NUMBER:** 2019-59

**OWNER:** Simon Wagler Homes  
RR#4 Aylmer ON, N5H 2R3

**REQUESTED VARIANCE:**

1. Relief from **Section 6.2, Lot Coverage**, to increase the maximum permitted lot coverage from 36.7% to 38%.

**LOCATION:**

The subject property is described as Lot 143, Plan 41M-145 in the Town of Tillsonburg. The property is located on the east side of Morning Glory Drive, lying between Crocus Avenue and Trillium Drive and is municipally known as 24 Morning Glory Drive.

**BACKGROUND INFORMATION:**

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: Low Density Residential Type 1 Zone (R1)

SURROUNDING USES: Low density residential uses, consisting of single detached dwellings.

**COMMENTS:****(a) Purpose of the Application:**

The applicant is requesting relief from the above-noted provision of the Town Zoning By-law to facilitate the construction of single detached dwelling. Due to the design of the proposed dwelling, being narrow and deep, relief from the Zoning By-Law is required. The subject lands were granted a minor variance in December of 2018 to allow for a reduction for the rear yard depth requirement from 12 m (39.3 ft) to 10.3 m (33.9 ft) and an increase to lot coverage from 33% to 36.7%. The applicant has since recognized that an increase to 38% coverage is necessary to facilitate the design of the dwelling on the subject lands and has requested this variance post development to secure the necessary permits from the Town Building Department.

The subject property comprises approximately 629 m<sup>2</sup> (6,770.5 ft<sup>2</sup>) of area, with approximately 17 m (55.7 ft) of frontage on Morning Glory Drive and contains a single detached dwelling (under construction), for which an occupancy permit has not been issued by the Building Department. Approval of the requested variance is required prior to the issuance of this permit, as indicated by the Town Chief Building Official.

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

Plate 2, 2015 Aerial Photo, shows the location of the subject lands and surrounding properties.

Plate 3, Applicant's Sketch, shows the dimensions and setbacks of the proposed single detached dwelling.

**(b) Agency Comments:**

The application was circulated to a number of public agencies.

The Building Department has commented that they have no concerns with the requested variance, but that approval is required prior to the granting of occupancy for the dwelling.

**(c) Public Consultation:**

Public Notice was mailed to surrounding property owners on March 1, 2019. As 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 'Low Density Residential' according to the Official Plan. Within the 'Low Density Residential' designation, permitted land uses primarily consist of low density housing forms including single detached dwellings, duplexes and street fronting town houses as well as accessory uses thereto. The use of the lands for a single detached dwelling conforms to the 'Low Density Residential' policies of the Official Plan.

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

The subject property is zoned 'Low Density Residential Type 1 Zone (R1)', which permits a single detached dwelling. The 'R1' zone also permits a maximum total lot coverage (including accessory

buildings/structures) of 33% and a minimum rear yard depth of 12 m (39.3 ft). In this instance, an approved minor variance has increased the maximum lot coverage to 36.7% and minimum rear yard depth to 10.3 m (33.9 ft).

The purpose of the lot coverage provision is to limit the extent of buildings/structures on a lot to ensure sufficient area is maintained for parking and private amenity area as well as ensuring the general lot grading for the overall subdivision and the individual lot are not negatively impacted. The lot coverage provisions also intended to ensure that the general scale of development is consistent and appropriate for the size of the lot. No detached accessory structures were included on the applicant's sketch. An accessory structure less than 10 m<sup>2</sup> (108 ft<sup>2</sup>) could be excluded from the overall calculation of lot coverage as per the Zoning By-law and would be permitted.

In this case, it is not anticipated that the minor increase in lot coverage will have a negative impact on lot grading or drainage. A preliminary lot grading plan will be reviewed as part of the building permit process to ensure the proposal will have no negative impacts on neighbouring properties.

(f) Desirable Development/Use:

It is the opinion of this Office that the applicant's request can be considered minor and desirable for the development of the subject property.

As the proposed relief is not anticipated to impact the ability of the property to provide adequate parking and amenity space, or negatively impact drainage, the requested relief can be considered minor. Sufficient separation width will also be provided from property lines to allow for normal building maintenance and access. The applicant's request can also be considered desirable as it will facilitate the construction of a single detached dwelling that is consistent with the existing development in the area.

In light of the foregoing, it is the opinion of this Office that the requested relief is in keeping with the general intent and purpose of the Official Plan and Town Zoning By-law and should be given favourable consideration.

**RECOMMENDATION:**

That the Town of Tillsonburg Committee of Adjustment **approve** Application File A01-19, submitted by Simon Wagler Homes, for lands described as Lot 143, Plan 41M-145, Town of Tillsonburg, as it relates to:

1. Relief from **Section 6.2, Table 6.2 – Zone Provisions**, to increase the maximum permitted lot coverage of an 'R1' zoned lot from 36.7% to 38% of the lot area;

As the proposed variance is:

- (i) a minor variance from the provisions of the Town of Tillsonburg Zoning By-law No. 3295;
- (ii) desirable for the appropriate development or use of the land;
- (iii) in-keeping with the general intent and purpose of the Town of Tillsonburg Zoning By-law No. 3295; and
- (iv) in-keeping with the general intent and purpose of the Official Plan.

Authored by:

Heather St. Clair, MCIP, RPP, Development Planner

Approved for submission by:

Eric Gilbert, MCIP, RPP, Senior Planner

**Report Approval Details**

Document Title:	A01-19_rpt.docx
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Final Approval Date:	Feb 28, 2019

This report and all of its attachments were approved and signed as outlined below:



**David Calder - Feb 28, 2019 - 2:36 PM**