

**Community Planning**

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Our File: **A3-19**

**APPLICATION FOR MINOR VARIANCE**

**TO:** Town of Tillsonburg Committee of Adjustment  
**MEETING:** May 13, 2019  
**REPORT NUMBER:** 2019-144

**OWNER:** Southridge Heights Inc.  
P.O. Box 153 Tillsonburg ON, N4G 4H5

**REQUESTED VARIANCE:**

1. Relief from **Section 6.5.21.2.1 – R1-21 Zone Provisions**, to reduce the minimum required rear yard depth from 10.5 m (34.4 ft) to 9.5 m (31.17 ft), to facilitate the construction of a pergola on an existing rear yard deck, accessory to a single detached dwelling on the subject lands.

**RECOMMENDED VARIANCE:**

1. Relief from **Table 5.37.1 – Permitted Projections into Required Yards**, to increase the permitted projection of a covered deck into a required rear yard from 1.5 m (4.92 ft) to 2.2 m (7.2 ft), to facilitate the construction of a pergola on an existing rear yard deck, accessory to a single detached dwelling on the subject lands.

**LOCATION:**

The subject property is described as Lot 34, Plan 41M-145 in the Town of Tillsonburg. The property is located on the west side of Morning Glory Drive, lying between Crocus Avenue and Trillium Drive and is municipally known as 11 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:

Special Low Density Residential Type 1 Zone (R1-21)

**SURROUNDING USES:** Low density residential uses, consisting of single detached dwellings, as well as agricultural land to the west.

**COMMENTS:**

(a) Purpose of the Application:

The applicant requires the above-noted relief from the permitted projection requirement of the Town Zoning By-law to facilitate the construction of a covered deck, accessory to an existing single detached dwelling. The proposed covered deck will be approximately 3.7 m x 6.1 m (12 ft x 20 ft) in size and is currently under construction. A variance to the Town Zoning By-law is required to permit the covering of the deck with a pergola style roof.

In order to facilitate the covering of the proposed deck, an increase of 0.7 m (2.3 ft) to the maximum permitted projection for a covered deck into a required rear yard is required. This will increase the permitted projection of a covered deck into a required rear yard from 1.5 m (4.92 ft) to 2.2 m (7.2 ft) and will result in a rear yard setback between the rear lot line and the covered deck of 8.3 m (27.23 ft). This is in contrast to the initial application for variance, which requested a reduction to the minimum required rear yard depth from 10.5 m (34.4 ft) to 9.5 m (31.16 ft) to facilitate the proposed covered deck.

The subject property comprises approximately 680.8 m<sup>2</sup> (7,328 ft<sup>2</sup>) of area, with approximately 20 m (65.5 ft) of frontage on Morning Glory Drive and contains a recently constructed single detached dwelling. Surrounding land uses are predominately single detached dwellings, at various stages of completion, as well as agricultural land to the west, in the Township of South-West Oxford.

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 of the existing features on the subject lands.

(b) Agency Comments:

The application was circulated to a number of public agencies. No comments were received as part of agency circulation.

(c) Public Consultation:

Public Notice was mailed to surrounding property owners on May 2, 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 County of Oxford 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 and accessory uses thereto 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 'Special Low Density Residential Type 1 Zone (R1-21)', which permits a single detached dwelling. The 'R1-21' zone also establishes a reduced minimum rear yard of 10.5 m (34.4 ft), as well as an increase in lot coverage of 35% and allows for the projection of an attached garage 1.5 m (4.9 ft) into a required front yard.

Section 5.37.1 of the Zoning By-law permits certain structures, such as covered porches and decks, to project a maximum of 1.5 m (3.9 ft) into required rear yards, provided a minimum setback of 7.5 m (24.6 ft) can be maintained between the projection and the rear lot line. The purpose of this provision is to recognize that structures such as covered porches and decks are typically smaller in scale and size than single detached dwellings, and often function as additional amenity space for these residential uses, which is the intent of maintaining the rear yard space.

In this case, an increase to the permitted projection into the required rear yard from 1.5 m (4.9 ft) to 2.2 m (7.21 ft) is required to cover an existing deck with a pergola type roof. In this instance, the proposed extension will maintain the required 7.5 m (24.6 ft) rear yard setback.

The intent of these provisions is to ensure that single detached dwellings maintain sufficient setback to provide a buffer for neighbouring properties, adequate recreational and amenity area, and proper area for drainage.

In this instance, it is not anticipated that the minor increase to the permitted projection for the covered deck will have a negative impact on neighbouring property owners or lot grading or drainage, and staff are satisfied that the proposed construction will serve to provide additional amenity space for the rear yard of the subject lands, which is in keeping with the intent of the Town Zoning By-law. Further, a final grading and drainage plan will be reviewed by the Town Building Department to ensure there are no adverse impacts on the drainage of the property as a result of the proposed construction.

(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 amenity space, or negatively impact drainage and will be accessory to a recently constructed single detached dwelling, it can be considered desirable development for the property. Additionally, the requested relief of a 0.7 m (2.3 ft) increase to the permitted projection can be considered a minor departure from the provision of the By-law.

Further, staff are satisfied that the proposed relief will continue to provide sufficient separation between the proposed pergola and the rear property line to allow for normal building and yard maintenance and access. The applicant's request can also be considered desirable as it will provide shaded outdoor amenity area for the rear yard, which is in keeping with the intent of the zoning by-law and will not negatively impact the characteristic of the residential development in the immediate 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 A3-19, submitted by Southridge Heights Inc, for lands described as Lot 34, Plan 41M-145, Town of Tillsonburg, as it relates to:

1. Relief from **Table 5.37.1 – Permitted Projections into Required Yards**, to increase the permitted projection of a covered deck into a required rear yard from 1.5 m (4.92 ft) to 2.2 m (7.21 ft), to facilitate the construction of a pergola, on an existing deck, accessory to a single detached dwelling on the subject lands.

Subject to the following condition:

- i. A building permit for the proposed pergola shall be issued within one year of the date of the Committee's decision.

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:	A3-19_rpt.docx
Attachments:	- Report Attachments.pdf - a03-19t_appl-20190418.pdf
Final Approval Date:	May 3, 2019

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



**David Calder - May 3, 2019 - 11:25 AM**