APPLICATION FOR MINOR VARIANCE

TO: Town of Tillsonburg Committee of Adjustment
MEETING: June 24, 2019
REPORT NUMBER: 2019-187

OWNERS: Roy and Nancy Gardner
26 Thomas Avenue, Tillsonburg ON, N4G 5K8

REQUESTED VARIANCES:

1. Relief from Section 6.2, – Zone Provisions (R1), Exterior Side Yard Minimum Width, to reduce the required exterior side yard width from 7.5 m (24.6 ft) to 4.95 m (16.2 ft);
2. Relief from Table 5.1.1.4 – Regulations for Accessory Buildings and Structures, to permit an increase to the maximum lot coverage allowance for residential accessory buildings from 50 m² (538.2 ft²) to 50.1 m² (539.27 ft²), and;
3. Relief from Table 5.1.1.4 – Regulations for Accessory Buildings and Structures, to permit an increase to the maximum height allowance for a residential accessory building from 3.7 m (12.1 ft) to 4.19 m (13.75 ft)

The proposed variances have been requested to facilitate the construction of a residential accessory building on the west side of the subject lands.

LOCATION:

The subject property is described as Lot 88, Plan M-59 in the Town of Tillsonburg. The subject lands are located on the south side of Thomas Avenue, lying between Concession Street East and Demeyere Avenue and are municipally known as 26 Thomas Avenue, in Tillsonburg.

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: Predominately low density residential development, with recreation lands (Annadale Ball Diamonds) to the north.

COMMENTS:

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

The applicants have requested the above-noted relief from the applicable provisions of the Town Zoning By-law to facilitate the construction of a detached garage, approximately 50.1 m² (540 ft²) in area with a height of 4.19 m (13.75 ft). The applicant has indicated that the proposed garage will be used to store their motorhome.

It is proposed that the said garage will be located on the west side of the subject lands, with an exterior yard setback of 4.95 m (16.2 ft). This location has been requested to permit a setback in keeping with the existing exterior side yard width of the existing dwelling, and it is noted that although the existing dwelling and driveway entrance are situated on the north side Thomas Avenue, the actual front lot line is on the east side of the subject lands.

It is further noted that although the applicant has requested the reduction to the exterior side yard width, Section 6.2.1 of the Zoning By-law states that where two abutting corner lots share the same rear lot line and their exterior side yards abut a local road, the minimum exterior side yard setback may be reduced to 4.5 m (14.8 ft), negating the need for relief from the exterior side yard provision.

The subject lands are approximately 885.13 m² (9,527.5 ft²) in size and contain an existing single detached dwelling, with an attached garage, built in approximately 2011. The subject lands are located on the south side of Thomas Avenue, lying between Concession Street East and Demeyere Avenue and surrounding land uses are predominately single detached dwellings.

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

Plate 2, *2015 Aerial Photo*, provides an aerial view of the subject lands.

Plate 3, *Applicant's Site Sketch*, shows the location and dimensions of the existing and proposed structures on the subject lands.

(b) **Agency Comments:**

The application was circulated to a number of public agencies.

The Town of Tillsonburg Chief Building Official has indicated that the portion of the driveway within the road allowance will be required to be paved with a solid surface material.

(c) **Public Consultation:**

Public Notice was mailed to surrounding property owners on May 29, 2019. To date no comments of concern have 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 with a detached garage 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)’ in the Town Zoning By-law, which permits a single detached dwelling, as well as residential accessory structures.

The ‘R1’ zone requires a minimum lot area of 608 m$^2$ (6,544.7 ft$^2$) and a minimum lot frontage of 19 m (62.3 ft) for a corner lot, as well as a minimum lot depth of 32 m (105 ft). Where two abutting corner lots share the same rear lot line, and their exterior side yards abut a local road, then the minimum exterior side yard for such lots shall be 4.5 m (14.8 ft).

The applicant is proposing to locate the residential accessory structure 4.95 m (16.24 ft) from the exterior lot line of the subject lands, which is in keeping with the minimum requirements of the Zoning By-law.

Table 5.1.1.4 of the Zoning By-law establishes the development standards for accessory buildings and structures and provides that residential accessory buildings shall be located a minimum of 1.2 m (3.9 ft) from the main building on the property and shall have a maximum height of 3.7 m (12.1 ft), with a maximum lot coverage of 50 m$^2$ (538.2 ft$^2$) or 10% of lot coverage and shall be located in accordance with the minimum yard setback requirements of the applicable zone.

These provisions are intended to ensure such structures remain clearly secondary and ancillary to the main use of the property, while having minimal impacts on neighbouring properties. These provisions also assist in ensuring sufficient space is maintained on the property to accommodate for grading and drainage, as well as private amenity space.

In this instance, the applicants are proposing to construct a residential accessory building, 50.1 m$^2$ (540 ft$^2$) in size, with a height of 4.2 m (13.75 ft) that will be located outside of the required exterior side yard area. As per the submitted site sketch, the proposed accessory building also appears to maintain the required 1.2 m (3.9 ft) rear yard setback, as well as the required 1.2 m (3.9 ft) setback distance to the existing dwelling on the subject lands.

At approximately 885.13 m$^2$ (9,527.5 ft$^2$), it is recognized that sufficient lot area exists on the subject property to accommodate for drainage and amenity space.

It is the opinion of this office that the proposed increase to the permitted accessory building lot coverage meets the intent of the Town Zoning By-law, as the total area and height of the proposed accessory structure can be considered to be secondary or ancillary to the main use of the property for residential purposes, which consist of a dwelling approximately 226 m$^2$ (2,432 ft$^2$) in size. Further, staff are of the opinion that the minor increase to the lot coverage and height allowances for the proposed detached garage can be considered reasonable for the needs of a residential use.

(f) Desirable Development/Use:
The proposed variances seek to allow for an increase to the maximum lot coverage and height allowance for a residential accessory building on the subject lands. Staff are of the opinion that the proposal is appropriate and would not create an undesirable precedent as subject property is sufficiently large enough to accommodate the proposed structure size without resulting in typical lot coverage issues or adversely impacting neighbouring properties.

Planning staff have reviewed the applicant’s request and are of the opinion that given the nature of the proposal it is in keeping with the Town Zoning By-law as the proposed relief represents a minor deviation from the maximum lot coverage and height provisions as contained within the Town’s Zoning By-law.

Overall, staff are of the opinion that this proposal is minor in nature and satisfies the four tests for minor variance as set out in Section 45(1) of the Planning Act and can be supported from a Planning perspective.

**RECOMMENDATION:**

That the Town of Tillsonburg Committee of Adjustment approve Application File A05-19, submitted by Roy and Nancy Gardner, for lands described as Lot 88, Plan M-59, municipally known as 26 Thomas Avenue, Town of Tillsonburg, as it relates to:

1. Relief from Table 5.1.1.4 – Regulations for Accessory Buildings and Structures, to permit an increase to the maximum lot coverage allowance for residential accessory buildings from 50 m² (538.2 ft²) to 50.1 m² (539.27 ft²), and;
2. Relief from Table 5.1.1.4 – Regulations for Accessory Buildings and Structures, to permit an increase to the maximum height allowance for a residential accessory building from 3.7 m (12.1 ft) to 4.19 m (13.75 ft)

Subject to the following condition:

i. The portion of the driveway within the existing road allowance be paved with a solid surface, to the satisfaction of the Town Building Services Department.

As the proposed variances are:

(i) minor variances 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

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

David Calder - Jun 17, 2019 - 11:11 AM