APPLICATION FOR MINOR VARIANCE

TO: Town of Tillsonburg Committee of Adjustment
MEETING: July 8, 2019
REPORT NUMBER: 2019-212

OWNER: 952666 Ontario Limited
Arend Tenhove
27 Main Street West, P.O. Box 549 Norwich ON, N0J 1P0

REQUESTED VARIANCE:

Relief from Table 5.24.2.1 – Parking Standards, to reduce the minimum required parking spaces for a professional office from 7 spaces (1 per 20 m² of gross floor area) to nil to facilitate an expansion to an existing office building.

LOCATION:

The subject property is described as Lot 1263, Plan 500, in the Town of Tillsonburg. The property is located on the northeast corner of Brock Street East and Tillson Avenue and is municipally known as 80 Brock Street East, Tillsonburg.

BACKGROUND INFORMATION:

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule ‘T-1’ Town of Tillsonburg Land Use Plan Service Commercial

TOWN OF TILLSONBURG ZONING BY-LAW:

Service Commercial Existing Plaza Zone (SC-E)

SURROUNDING USES:

Institutional to the north (Free Methodist church and Annandale Public School), low density residential to the south and west. Annandale Historic Site is located to the south.
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 conversion of an existing attached garage on the subject lands into office space.

The subject property comprises approximately 1195 m² (12,863 ft²) and contains an existing commercial office building, occupied by an insurance agency, medical lab, and financial services providers. After the proposed office conversion of the garage, the total gross floor area of the building will be approximately 989 m² (10,646 ft²). The property currently contains 24 parking spaces, some that are partially located within the Brock Street East road allowance.

The applicant proposes to convert an existing attached garage, presently used for storage, for office uses. It is proposed that the new office space will have an approximate area of 137.1 m² (1475 ft²), and will consist of storage space, a new board room, 4 new offices, and a lunchroom and utility room.

Based on the floor area of the building, 43 parking spaces are required for the existing occupancy, and 7 parking spaces are required for the proposed office conversion. The existing parking deficiencies are considered legal non-conforming as the development and configuration of the subject lands has not changed in some time.

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

Plate 2, *Close-up of Subject Lands (2015 Air Photo)* shows the location, existing structures and parking areas on the subject lands and surrounding properties.

Plate 3, *Proposed Office Conversion*, shows the floor layout of the building, including the proposed office conversion.

(b) **Agency Comments:**

The application was circulated to a number of public agencies and the following comments were received:

*Tillsonburg Building and By-Law Services Department* and *Tillsonburg Fire Services* indicated they had no objection to the application.

Public Notice was mailed to surrounding property owners on June 27, 2019 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.

(c) **Intent and Purpose of the Official Plan:**

The subject property is designated ‘Service Commercial’ according to the Official Plan. Service Commercial areas provide locations for a broad range of uses that, for the most part, are not suited for locations within the Central Area because of their site area, access or exposure requirements or due to compatibility conflicts with residential development. Generally, service
commercial uses cater to vehicular traffic and single purpose shopping trips where customers are typically generated from passing traffic or a wide ranging market area. Sites with existing buildings and established commercial uses are permitted in this designation. It is not the intent of the Official Plan to restrict existing commercial uses from minor expansions or changes of use within the context of the functional zoning category in the Town of Tillsonburg.

The use of the lands for a business/professional office, medical centre, and insurance agency within the existing building conforms to the 'Service Commercial' policies of the Official Plan.

The Official Plan (Section 10.3.6) states that the Committee of Adjustment shall take into account the following points when considering an application for minor variance:

- The objectives and policies of the Official Plan can be met if the minor variance is granted;
- The request for variance constitutes a minor departure from the performance standards of the zoning by-law;
- The general intent of the zoning by-law can be met; and
- Whether the variance is desirable for the appropriate development of the land.

In determining whether a variance is desirable, the Official Plan provides that the following factors be considered:

- Whether there are constraints and/or restrictions due to physical or inherent conditions of the site;
- Whether alternative designs of the proposals are clearly not feasible or appropriate;
- Whether approval would create an undesirable precedent;
- Concerns of adjacent owners and residents, and community in general; and,
- Whether compliance with the By-law would be unreasonable or impossible and impose undue hardship on the applicant.

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

The subject property is zoned ‘Service Commercial Existing Plaza Zone (SC-E)’ according to the Town of Tillsonburg Zoning By-law. A medical/dental centre, real estate, insurance or travel agency, and business professional office are permitted uses within the SC-E zone.

According to Table 5.24.2.1 (Parking Standards), a professional office is required to provide 1 parking space per 20 m² (215.3 ft²) of building gross floor area. Minimum parking requirements ensure that all necessary parking to support the development is provided on the subject property.

Section 5.24.1.9 of the Zoning By-Law provides that the parking area requirements contained in the Zoning By-Law shall not apply to any building in existence at the date of passing of this By-law so long as the floor area, as it existed at such date, is not increased, and the building or structure is used for a purpose that does not require more parking spaces according to Section 5.24.2 of the Zoning By-Law than were required by its use at the date of passing of the Zoning By-Law. If an addition or change of use is made to a building or structure as it existed at the date of passing of the Zoning By-Law, then additional parking spaces shall be provided to the number required for such addition or change in use.

Although the current parking requirements are estimated to be 43 spaces, there are 11 spaces wholly contained on the subject property, with another 13 spaces that are located on the north side of Brock Street East, within the road allowance and partially on the subject property. As
confirmed by the Town Building Services Department, these parking deficiencies have been present for some time and are considered to be legal non-complying. The conversion of the existing attached garage will require an additional seven parking spaces. The applicant has indicated that the subject lands are fully developed, there are no opportunities for additional parking spaces.

While the required parking cannot be provided on the site, there is street parking available on the south side of Brock Street East and a public parking lot is located to the southeast, adjacent to Annandale House and municipal lots are located approximately 180 m (590’) to the west on Lisgar Avenue, providing parking opportunities for the employees and patrons of the site. The 2018 Downtown Parking and Accessibility Study indicated that the utilization of municipal lots 9A (Lisgar Avenue, north of Canada Post office) is 21%, and Lot 10A (west of post office at intersection of Brock Street and Harvey Street) has an utilization rate of 46%.

Staff are of the opinion that as the minor expansion of the well-established business/professional office use will not physically increase the size of the building or further reduce the available parking spaces present on the subject property, that the applicant’s request for relief to the additional required parking generally maintains the intent of the Zoning By-Law.

(e) Desirable Development/Use:

It is the opinion of this Office that the proposed variance to reduce the minimum required parking spaces from 7 to nil to facilitate the conversion of replacement of an existing commercial building, can be considered desirable development of the subject property.

While the proposed relief represents a significant deviation from the minimum requirement, the applicant has noted that there are differing peak demands for parking among the tenants of the building. Most of the financial services providers in the plaza accommodate customers on an appointment basis, and the peak parking demand at the site is primarily a consequence of the early morning client visits to the medical lab onsite. Other visitors to the building attend the site throughout the day.

The applicant has also noted that the employees of the businesses in the building are requested to park in municipal parking lots nearby, and several of the parking spaces are signed for visitors only. The applicant also indicated that arrangements are in place to have snow removed and trucked offsite to ensure that the parking spaces on the site remain available throughout the winter months.

Staff note that the current parking deficiencies are considered to be legal non-conforming, and that there are no additional opportunities onsite to provide additional parking. The current configuration also maximizes the parking potential of the Brock Street East road allowance, with several parking spaces present on the road allowance and southern portion of the subject property.

The proposal to convert the use of the attached garage for additional office space will facilitate a minor expansion to the existing use without enlarging the existing building or eliminating existing parking spaces. Requiring the applicant to comply with the parking requirements of the Zoning By-Law would preclude the conversion of the existing garage space as there is no feasible option to increase parking opportunities on the subject lands.
To accommodate for the proposed relief from the on-site parking space requirement, and to recognize the potential for increased demand on municipal parking lots resulting from the expansion and onsite parking deficiencies, it is recommended that a condition be included to ensure the applicant enters into a cash-in-lieu of parking agreement with the Town for the requested relief of 7 parking spaces. The funds generated through this agreement would be contributed to a municipal parking reserve for the maintenance and expansion of municipal parking lots within the Central Area.

In light of the foregoing, it is the opinion of this Office that the proposed relief maintains the general intent and purpose of the Official Plan and Zoning By-law and can be given favorable consideration.

RECOMMENDATION:

That the Town of Tillsonburg Committee of Adjustment approve Application File A-08/19, submitted by 952666 Ontario Limited, for lands described as Lot 1263, Plan 500, Town of Tillsonburg, as it relates to:

1. Relief from Table 5.24.2.1 – Parking Standards, to decrease the minimum required parking spaces for a professional office from 7 spaces (1 per 20 m² of gross floor area) to nil spaces to facilitate an expansion to an existing office building;

   Subject to the following condition:

   i. The applicant enter into a cash-in-lieu of parking agreement with the Town of Tillsonburg;

As the proposed variance is:

(i) deemed to be a minor variance from 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: original signed by Eric Gilbert, MCIP, RPP, Senior Planner

Approved for submission by: original signed by Gordon K. Hough, RPP, Director
# Report Approval Details

<table>
<thead>
<tr>
<th>Document Title:</th>
<th>A08-19_rpt.docx</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- a08-19t_appl-20190606.pdf</td>
</tr>
<tr>
<td>Final Approval Date:</td>
<td>Jul 2, 2019</td>
</tr>
</tbody>
</table>

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

David Calder - Jul 2, 2019 - 9:22 AM