

To: Mayor and Members of Tillsonburg Council

From: Eric Gilbert, Senior Planner, Community Planning

Application for Zone Change & Deeming By-Law ZN 7-19-02 – Erica Patenaude

REPORT HIGHLIGHTS

- The application for zone change proposes to rezone two lots from 'Low Density Residential Type 1A Holding Zone (R1A-H)' & 'Low Density Residential Type 1 Zone (R1)' to 'Special Low Density Residential Type 1A Zone (R1A-sp)' to facilitate the construction of a single detached dwelling on a single lot.
- The applicant proposes to merge the two lots together to create a residential building lot, which requires that Town Council pass a Deeming By-Law, deeming the lots to not be within a registered plan of subdivision. By deeming the lands to no longer be part of a registered plan of subdivision, the lands will merge and one enlarged residential building lot will remain.
- Planning staff are supportive of the proposal, as it is consistent with the policy direction of the Provincial Policy Statement and Official Plan respecting low density residential uses and efficient use of underutilized land within a serviced settlement area.

DISCUSSION

Background

OWNER: Erica Patenaude
90 Denrich Avenue, Tillsonburg ON, N4G 4X7

LOCATION:

The subject lands are described as Block 47, Plan 41M-241 & Block A, Plan M60, in the Town of Tillsonburg. The subject lands are located on the southwest corner of Sanders Crescent and Denrich Avenue, and are municipally known as 74 Sanders Crescent.

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 NO.3295:

Existing Zoning: Low Density Residential Type 1 Zone (R1)
Low Density Residential Type 1A Holding Zone (R1A-H)

Proposed Zoning: Special Low Density Residential Type 1A Zone (R1A-sp)

PROPOSAL:

The application for Zone Change proposes to rezone the lands to “Special Low Density Residential Type 1A Zone (R1A-sp)” to facilitate the construction of a single detached dwelling with a reduced minimum exterior side yard width of 6 m (19.6 ft).

The subject lands currently comprise 2 blocks within registered plans of subdivision that are proposed to be merged together to provide a single building lot for a single detached dwelling with a reduced exterior side yard. The two existing blocks are remnant parcels from the development of the first phase of Victoria Woods (32T-06005), registered in 2007 & the third phase of the Trottier Subdivision, registered in 1977 as Plan M60.

The effect of this requested amendment and deeming by-law will be to ensure the two parcels will merge together and will be wholly contained within a single zoning category.

The subject properties consist of two lots, with a total area of 1,376.4 m² (14,815.5 ft²), fronting on Denrich Avenue and Sanders Crescent. The subject lands are currently vacant. Surrounding land uses are low density residential uses, consisting of single detached dwellings.

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

Plate 2, 2015 Aerial Map with Existing Zoning, provides an aerial view of the subject property.

Plate 3, Applicant's Sketch, provides a site plan of the subject lands and the location of the proposed single detached dwelling, as submitted by the applicant.

Application Review

PROVINCIAL POLICY STATEMENT:

Section 1.1.2 of the Provincial Policy Statement (PPS) directs that sufficient land shall be made available through intensification, redevelopment and if necessary, designated growth areas, to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years.

Section 1.4.1 of the PPS sets out policies which are intended to provide for an appropriate range of housing types and densities required to meet projected requirements of current and future residents. To accommodate this, planning authorities shall maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification, redevelopment and if necessary, lands which are designated and available for residential development.

Further, Section 1.4.3 of the PPS directs that planning authorities shall provide for an appropriate mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households;
- permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements;
- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit areas where it exists or is to be developed; and
- establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form while maintaining appropriate levels of public health and safety.

Section 1.6 of the PPS also directs municipalities to efficiently utilize existing infrastructure and public service facilities prior to the establishment of new facilities.

OFFICIAL PLAN:

The subject lands are designated 'Low Density Residential' according to the Town of Tillsonburg Residential Density Plan, as contained in the County of Oxford Official Plan.

Within areas designated 'Low Density Residential', a variety of low-rise, low density housing forms including single detached, semi-detached, duplex, converted dwellings, quadraplexes and townhouses are permitted. It is intended that there will be a mixing and integration of different forms of housing to achieve a low overall density of use.

For 'Low Density Residential' areas, the maximum net residential density is 30 units per hectare (12 units per acre) and the minimum net residential density is 15 units per hectare (6 units per acre).

The policies of Section 8.2 (Town of Tillsonburg Housing Development and Residential Areas) promote the accommodation of present and future demand for housing in Tillsonburg through the efficient use of vacant residentially-designated lands, underutilized parcels in built-up areas and existing housing stock in all neighbourhoods.

The policies of Section 8.2.2.2 (Tenure Mix) provides that Town Council shall encourage the creation of housing opportunities that may result in a mix of tenure forms, such as ownership, rental and cooperative, throughout the Town. Such encouragement will include the provision of opportunities for development of a variety of housing forms in newly developing areas and by permitting sensitive infilling and accessory apartments in built-up areas.

The policies of Section 8.2.4.1 (Infill Housing) indicate that in order to efficiently utilize the designated residential land and municipal servicing infrastructure, infill housing will be supported in Low Density Residential Areas. The County Land Division Committee and Town Council will ensure that proposals for infill development are consistent with policies contained in Section 8.2.4.1.1 and 8.2.4.1.4.

Official Plan policies respecting Street Oriented Infill permit new residential housing into an established streetscape pattern only if the proposal is deemed to be consistent with the characteristics of existing development on both sides of the street. The policies also require that the proposal is consistent with street frontage, setbacks and spacing of existing development within a two block area on the same street.

In addition, all infill proposals are subject to the following criteria:

- the location of vehicular access points, the likely impact of traffic generated by the proposal on Town streets and potential traffic impacts on pedestrian and vehicular safety and surrounding properties is acceptable;
- existing municipal services and public facilities will be adequate to accommodate the proposed infill project;
- stormwater run-off from the proposal will be adequately controlled and will not negatively affect adjacent properties;
- adequate off-street parking and outdoor amenity areas will be provided;
- the extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;
- the effect of the proposed development on environmental resources and the effects of environmental constraints on the proposed development will be addressed and mitigated;
- consideration of the potential effect of the development on natural and heritage resources and their settings;
- compliance of the proposed development with the provisions of the Zoning By-Law of the Town and other municipal by-laws.

TOWN OF TILLSONBURG ZONING BY-LAW:

The subject properties are currently zoned 'Low Density Residential Type 1 Zone (R1)' & 'Low Density Residential Type 1A Holding Zone (R1A-H)' in the Town Zoning By-law. Permitted uses in the 'R1' & 'R1A' zone include a single detached dwelling and home occupation.

The Holding provision was placed on Block 47 of Registered Plan 41M-241 to ensure that adequate water allocation existed prior to the development of the lot.

Section 6.2 (Low Density Residential – Type 1 Zone) provides that single detached dwellings on a corner lot require a minimum lot area of 608 m² (6,544.7 ft²), as well as a minimum lot frontage of 19 m (62.3 ft) for a corner lot, and a minimum lot depth of 32 m (105 ft). This section also provides that single detached dwellings require a minimum front yard depth and exterior side yard width of 7.5 m (24.6 ft) or 6 m (19.7 ft) for a lot created after the passing of the By-law.

Section 6.2 (Low Density Residential – Type 1A Zone) provides that single detached dwellings on a corner lot require a minimum lot area of 480 m² (5,166.8 ft²), as well as a minimum lot frontage of 16 m (52.5 ft) for a corner lot, and a minimum lot depth of 30 m (98.4 ft). This section also provides that single detached dwellings require a minimum front yard depth and exterior side yard width of 7.5 m (24.6 ft) or 6 m (19.7 ft) for a lot created after the passing of the By-law.

The applicant is proposing to rezone the properties to R1A-sp to ensure that the lands, once merged, are wholly contained within one zone and to permit a reduced exterior side yard of 6 m (19.6 ft).

The purpose of the exterior side yard provisions are to ensure appropriate sight lines for vehicles and pedestrians travelling along public right of ways are maintained, particularly near the intersection of streets.

AGENCY COMMENTS:

The application was circulated to various public agencies considered to have an interest in the proposal.

No adverse comments were received through the agency circulation process.

PUBLIC CONSULTATION:

Notice of complete application and notice of public meeting regarding this application were circulated to surrounding property owners on February 27, 2019 and March 11, 2019, in accordance with the Planning Act. To date, no comments of concern have been received from the public.

Planning Analysis

The application for rezoning & deeming by-law has been requested to facilitate the construction of a single detached dwelling with a reduced exterior side yard width, on two existing lots that are proposed to be merged, resulting in a single building lot that is of a size and shape consistent with surrounding lots.

It is the opinion of staff that the proposal is consistent with the relevant policies of the PPS as the requested amendments will facilitate the development of low density housing that will assist in accommodating current and future residential needs in the Town, and the development is considered to be an efficient use of underutilized lands, municipal services and infrastructure within a designated settlement area.

The use of the lands for a single detached dwelling is consistent with the Official Plan policies respecting low density residential development. With regard to the relevant Official Plan policies for Low Density Residential areas, an analysis of the existing characteristics of residential development within the immediate area was completed by Planning staff. For street-oriented infill development, the policies of Section 8.2.4.1.1 permit such development where the proposal is deemed to be consistent with the characteristics of existing development on both sides of the same street, and is consistent with street frontage, setbacks and spacing of existing development within a two-block area on the same street.

The subject lands are located in an area characterized by low density residential development, created through a number of plans of subdivision. Lands to the west and north are within the Victoria Woods subdivision which was registered in 2007. Lots within this plan are characterized by a variety of lot sizes and shapes with single detached dwellings and street fronting townhouses. Lands to the south and east are within Plan M60, registered in 1977 and are characterized by slightly more generous lot frontages. The resulting enlarged lot will be consistent with the characteristics of other existing lots in the vicinity.

The proposal will also comply with the other review criteria for infill proposals as adequate municipal services are present to accommodate the proposal (services were installed in 2007 on Sanders Crescent), the resulting enlarged lot is of a sufficient size that adequate off-street parking and outdoor amenity areas are provided, and any drainage or stormwater impacts to surrounding

properties will be reviewed and assessed through the preparation detailed lot grading plans upon building permit submission.

The requested reduced exterior side yard width of 6 m (19.6 ft) in lieu of the required 7.5 m (24.6 ft) is not expected to impact any sightlines and sufficient amenity space and separation between the proposed dwelling and street will remain. Further, the proposed exterior side yard will provide for sufficient setback from the travelled portion of the street to allow for ongoing road maintenance (e.g. snow removal).

The applicant purchased both properties in 2018 and they are in identical ownership. However, due to the provisions of Section 50 of the Planning Act commonly referred to 'once a lot, always a lot', the parcels cannot legally merge as they are whole blocks within a registered plan of subdivision.

Under Section 50(4) of the Planning Act, R.S.O., 1990, the Council of a local municipality may by by-law designate any part of a plan of subdivision that has been registered for eight years or more to be deemed to no longer be registered as part of that plan of subdivision. This negates the 'once a lot, always a lot' provisions and once a deeming by-law is passed, the abutting properties held in identical ownership will automatically merge.

It is recommended that Town Council approve the requested zoning amendment and adopt the recommended deeming by-law to ensure that these properties will merge to provide a suitable building lot for the construction of a single detached dwelling, as proposed by the applicant.

RECOMMENDATIONS

1. It is recommended that the Council of the Town of Tillsonburg approve the zone change application submitted by Erica Patenaude, whereby the lands described as Block 47, Plan 41M-241 & Block A, Plan M60, Town of Tillsonburg, known municipally as 74 Sanders Crescent are to be rezoned from 'Low Density Residential Type 1 Zone (R1)' & 'Low Density Residential Type 1A Holding Zone (R1A-H)' to 'Special Low Density Residential Type 1 A Zone (R1A-sp)' to permit a single detached dwelling with a reduced exterior side yard width; and further,
2. It is recommended that the Council of the Town of Tillsonburg approve the request to enact a deeming by-law, to deem lands known as Block 47, Plan 41M-241 & Block A, Plan M60, Town of Tillsonburg to not be within a registered plan of subdivision, to merge the lands to provide a single residential building lot.

SIGNATURES

Authored by:

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Report Approval Details

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



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