

To: Mayor and Members of Tillsonburg Council

From: Eric Gilbert, Senior Planner, Community Planning

Applications for Consent & Minor Variance B20-33-7; A20-06-7– E & E McLaughlin Ltd.

REPORT HIGHLIGHTS

- The purpose of these applications is to create one new residential lot fronting on the north side of Sandy Court to facilitate the construction of a single detached dwelling and retain a lot for similar purposes.
- The application for minor variance proposes to permit a reduced lot depth of 27 m (88.5 ft) for the lot to be severed and the lot to be retained.
- Planning staff are recommending approval of the application, as it is consistent with the Provincial Policy Statement and generally maintains the intent and purpose of the Official Plan respecting infill development within the Town of Tillsonburg.

DISCUSSION

Background

OWNERS: E & E McLaughlin Limited
500 Highway 3, P.O Box 428, Tillsonburg ON N4G 4G8

APPLICANT: Frank Russo,
Riviera Homes
10 Michael's Lane, Tillsonburg ON N4G 4G9

AGENT: Riviera Homes
10 Michael's Lane, Tillsonburg ON, N4G 4G9

LOCATION:

The subject property is described as Lot 2, Plan 41M-205 & Parts 3 & 6, Reference Plan 41R-7549, Town of Tillsonburg. The lands are located at the northwest corner of Sandy Court and Tillson Avenue and are municipally known as 2 & 4 Sandy Court.

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

TILLSONBURG ZONING BY-LAW NO. 3295:

Existing Zoning:

Lands to be Severed: Low Density Residential Type 2 Zone (R2)

Lands to be Retained: Low Density Residential Type 2 Zone (R2)

PROPOSED ZONING:

Lands to be Severed: Special Low Density Residential – Type 2 Zone (R2-sp)

Lands to be Retained: Special Low Density Residential – Type 2 Zone (R2-sp)

SERVICES: Lots to be Severed & Retained: municipal water and sanitary sewers

ACCESS: Paved, municipal road (Sandy Court)

PROPOSAL:

	<u>Severed Lot</u>	<u>Retained Lot</u>
Area	474.7 m ² (5,110 ft ²)	451.4 m ² (4,859 ft ²)
Frontage	15 m (49 ft)	16.49 m (54 ft)
Avg. Depth	25.14 m (82.5 ft)	27.39 m (90.6 ft)

The application for consent proposes to create one new residential infill lot that will have frontage on Sandy Court and Tillson Avenue. The proposed lot to be severed will cover an area of approximately 474.7 m² (5,110 ft²), and will have approximately 15 m (49 ft) of frontage on Sandy Court, and 23.26 m (76.3 ft) of frontage on Tillson Avenue. A single detached dwelling is proposed to be constructed on the lot to be severed. The lot to be retained will have an area of approximately 451.4 m² (4,859 ft²), frontage of 16.49 m (54 ft) on Sandy Court, and is proposed to contain a single detached dwelling.

The subject lands are approximately 924.32 m² (0.23 ac) in size and surrounding land uses are comprised of a mix of existing single detached dwellings and semi-detached dwellings fronting on Sandy Court, Tillson Avenue and Nelson Street.

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

Plate 2, 2015 Aerial Map, provides an aerial view of the subject lands and immediate vicinity.

Plate 3, Applicant's Sketch, depicts the proposed configuration of the lands to be severed and retained.

Application Review

PROVINCIAL POLICY STATEMENT:

Section 1.1.3.1 of the Provincial Policy Statement (PPS) directs that settlement areas will be the focus of growth, and their vitality and regeneration shall be promoted.

Section 1.1.3.3 of the PPS directs that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment, where this can be accommodated, taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

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 residential intensification and redevelopment and 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 uses 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.

OFFICIAL PLAN:

The subject lands are designated Low Density Residential according to the Town of Tillsonburg Residential Density Plan, as contained in the Official Plan. Low density residential districts are those lands that are primarily developed or planned for a variety of low-rise, low density housing forms including both executive and smaller single-detached dwellings, semi-detached, duplex and converted dwellings, townhouses and other, similar development. Within these areas, it is intended that there will be a mixing and integration of different forms of housing to achieve a low overall density of use.

Residential net density for lands designated Low Density Residential is between 15-30 units per hectare (6-12 units per acre) and no building shall exceed three storeys in height at street elevation. To achieve this target, a variety of lot sizes and configurations will be supported, as well as the development of low rise, multiple units and Council may consider narrower road widths and private roads within multiple unit condominium developments.

Multiple unit dwellings such as townhouses and cluster development in the Low Density Residential designation will generally be restricted to sites which abut arterial or collector roads or are situated such that traffic impacts from the site create a minimum disturbance on local streets.

The policies of Section 8.2.4.1 (Infill Housing) provide 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 lands are zoned as 'Low Density Residential Type 2 Zone (R2)' which permits single detached dwellings, duplex dwellings, semi-detached dwellings, and home occupations.

For a single detached dwelling, the R2 Zone requires a lot area of 315 m² (3,390.7 ft²), or 450 m² (4,843.6 ft²) for a corner lot, a lot frontage of 10.5 m (34.4 ft) or 15 m (49.2 ft) for a corner lot, a lot depth of 30 m (98.4 ft), and a front yard depth of 6.0 m (19.69 ft).

The applicants have also requested relief from the R2 Zone provisions to permit a reduced lot depth of 27 m (88.5 ft) for the lots to be severed and retained.

For Council's information, the proposed single detached dwellings on the lots to be severed and retained do not comply with the required front yard depth and rear yard depth provisions as contained in the Town's Zoning By-law. While the lot depth provisions can be addressed via the proposed consent applications as the depth is directly related to the actual lot creation, the front and rear yard setbacks are required to facilitate the construction of the dwellings, and must be addressed via an application directly to the Town. An application for zone change has been received to rezone the subject lands from 'Low Density Residential Type 2 Zone (R2)' to 'Special Low Density Residential – Type 2 Zone (R2-sp)' to allow for the development of the proposed single detached dwellings on the lots to be severed and retained with the following relief:

- Reduce the minimum required front yard depth from 7.5 m (24.6 ft) to 6.0 m (19.69 ft);
- Reduce the minimum required rear yard depth from 7.5 m (24.6 ft) to 3.0 m (9.8 ft).

It is anticipated that the Zone Change application will come forward to Town Council in October once Oxford County Land Division Committee has considered the applications for consent and minor variance.

AGENCY COMMENTS:

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

The Town of Tillsonburg Chief Building Official has commented that the proposal should be conditional upon water, sanitary and storm servicing requirements. An approved grading plan should be provided.

The Town of Tillsonburg Engineering Services Department indicated that a preliminary lot grading plan is required for the lots to be severed and retained.

The County of Oxford Public Works Department indicated that as a condition of severance, all financial requirements of the Oxford County Public Works Department must be complied with in respect to the provision of water and wastewater service connections for the lot to be severed. This condition can be cleared by payment for the required services.

Union Gas has commented that their agency does have service lines running within the area, which may or may not be affected by the proposed severance. Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the link according to the new property boundaries, which would be at the expense of the property owner.

Bell Canada, Tillsonburg Fire and Rescue Services, and the Tillsonburg and District Chamber of Commerce have commented that they have no concerns with the proposal.

PUBLIC CONSULTATION:

Notice of the applications for consent and minor variance was provided to the public and surrounding property owners on September 8, 2020 in accordance with the requirements of the Planning Act. To date, no comments have been received from the public.

Planning Analysis

The application for consent proposes to create one new lot for the development of a single detached dwelling in the northeast area of the Town of Tillsonburg. An application minor variance has also been received to permit reduced lot depths for the lot to be severed and retained.

Planning staff are of the opinion that the proposal is generally consistent with the Provincial Policy Statement and the County's Official Plan regarding residential intensification within a designated and serviced settlement area.

Specifically, staff are of the opinion that the proposal will facilitate an increased mix of housing types that will assist in meeting housing requirements of the regional market on lands designated for such use. Further, staff are satisfied that the proposal will also assist in utilizing existing and planned servicing infrastructure and public service facilities, while maintaining intended density targets and efficiently utilizing existing underutilized lands.

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 this instance, development along this area of Tillson Avenue is a mix of residential densities and dwelling types. To the north and south fronting on the west side of Tillson Avenue are a mix of single detached dwellings and semi-detached dwellings. Development fronting on Sandy Court is characterized by a mix of single detached and semi-detached dwellings. The spacing and frontage of the proposed dwellings will be similar to existing development in the immediate vicinity.

Staff are of the opinion that the proposal will comply with the review criteria for infill proposals contained in the Official Plan, as adequate municipal services are present to accommodate the development, the lands will be of a sufficient size to provide for adequate off-street parking and outdoor amenity areas, and any drainage or stormwater impacts to surrounding properties will be further reviewed and subject to approval through the recommended conditions of approval, or prior to the issuance of a building permit.

With respect to the requested minor variances to the required lot depth, Planning staff are of the opinion that the requested relief is appropriate, in this instance. The lots to be severed and retained were originally intended to front on Tillson Avenue, however, the applicants' proposal to have the lots front on Sandy Court will in effect 'flip' the primary amenity areas from the rear of the dwellings to the side of the dwellings. The applicant has provided a proposed site development plan illustrating proposed building footprints that will accommodate the reduced lot depth.

Planning staff are of the opinion that the requested relief is minor in nature, as the proposed lot depth reductions will not impact the ability of the residential lots to accommodate a single detached dwelling, or adequate amenity areas. The requested relief is in keeping with the general intent of the Town's Zoning By-Law to ensure that residential lots are sized appropriately to accommodate required parking, setbacks, and amenity areas. The requested relief is considered desirable as the relief will facilitate the use of the lands for single detached dwellings that are permitted within the Low Density Residential Designation of the Official Plan.

The applicants have submitted a zoning application (ZN 7-20-09) to permit a reduced front yard depth and rear yard depth to facilitate the proposed dwellings. It is expected that the zoning application will be considered by Town Council following Oxford County Land Division Committee's consideration of the application for consent and minor variance.

In light of the foregoing, Planning staff are satisfied that the consent application is consistent with the policies of the PPS and is in keeping with the County Official Plan. As such, Planning staff are satisfied that the applications can be given favourable consideration, subject to the appropriate conditions, as noted below.

RECOMMENDATIONS

That Tillsonburg Council advise the Land Division Committee that the Town is supports of Minor Variance Application A20-06-7, for lands described as Lot 2, Plan 41M-205 and PARTS 3 & 6, Reference Plan 41R-7549, Town of Tillsonburg as it relates to:

- 1. Relief from Section 7.2, Table 7.2 – R2 Zone Provisions, to reduce the minimum lot depth from 30 m (98.4 ft) to 27 m (88.5 ft) for the lots to be severed; and**
- 2. Relief from Section 7.2, Table 7.2 – R2 Zone Provisions, to reduce the minimum lot depth from 30 m (98.4 ft) to 27 m (88.5 ft) for the lots to be retained;**

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 County Official Plan.**

AND FURTHER, it is recommended that Tillsonburg Council advise the Land Division Committee that the Town supports the proposal to sever the subject property, subject to the following conditions:

- 1. The Oxford County Public Works Department advise the Secretary-Treasurer of the Oxford County Land Division Committee that all financial requirements of the County of Oxford with respect to the provision of water and sewer services to the subject property has been complied with, to the satisfaction of the County Public Works Department.**
- 2. The owners shall provide a preliminary lot grading plan, to the satisfaction of the Town of Tillsonburg Engineering Services Department.**
- 3. The Clerk of the Town of Tillsonburg advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, financial, services and otherwise, have been complied with.**

SIGNATURES

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Approved for submission:

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