

The Corporation of the Town of Tillsonburg

COUNCIL MEETING

AGENDA



Monday, September 21, 2020

4:30 PM

Electronic Meeting

1. Call to Order

2. Adoption of Agenda

Proposed Resolution #1

Moved By: _____

Seconded By: _____

THAT the Agenda as prepared for the Council meeting of Monday, September 21, 2020, be adopted.

3. Disclosures of Pecuniary Interest and the General Nature Thereof

4. Adoption of Council Minutes of Previous Meeting

5. Public Meetings

Proposed Resolution #2

Moved By: _____

Seconded By: _____

THAT Council move into the Committee of Adjustment to hear applications for Minor Variance at _____ p.m.

5.1 Application for Minor Variance A 09-20 (JMG Adventures Inc.)

Proposed Resolution #3

Moved By: _____

Seconded By: _____

THAT the Committee of Adjustment approve Application File A09-20, submitted by JMG Adventures Inc, for lands described as Part Lot 941 & Lot 942, Plan 500, in the

Town of Tillsonburg, as it relates to:

1. Relief from Section 15.3.3.2.5- NC-3 Zone Provisions- Gross Area for Office Use, to increase the maximum permitted gross floor area from 280 sq m (3,014 sq ft) to 470 sq m (5060 sq ft);
2. Relief from Section 5.24.2.1- Required Parking, to reduce the required parking for the proposed addition from 9 spaces to 4 spaces;
3. Relief from Section 5.24.16- Minimum Aisle Width, to reduce the minimum parking aisle width from 7.3 m (24 ft) to 6.8 m (22.3 ft);
4. Relief from Section 5.24.3.1- Location of Parking Areas, to reduce the required setback of a parking area from an interior lot line from 6 m (19.69 ft) to 1.5 m (4.9 ft).

Subject to the Owner entering into a cash-in-lieu of parking agreement with the Town of Tillsonburg.

Proposed Resolution #4

Moved By: _____

Seconded By: _____

THAT Council move out of the Committee of Adjustment and move back into regular Council session at _____ p.m.

5.2 Applications for Consent and Minor Variance B20-32-7 and A20-05-7 (Oxford Lofts Inc.)

Proposed Resolution #5

Moved By: _____

Seconded By: _____

THAT Council advise the Land Division Committee that the Town supports Minor Variance Application A20-05-7, for lands described as Lot 761 and Part of Lots 763 & 764A, Plan 500, in the Town of Tillsonburg, municipally known as 83 Rolph Street, Town of Tillsonburg as it relates to:

1. Section 12.2, EC Zone Provisions, Required Rear Yard Depth, to reduce the rear yard depth from 12.5 m (41 ft) to 4.7 m (15.42 ft);
2. Section 12.2, EC Zone Provisions, Planting Strip Width, to reduce the required planting strip width from 1.0 m (3.3 ft) to nil;
3. Section 5.24.3- Location and Setback of Parking Areas, to permit parking with a 0 m setback from the street line and interior side lot line.

AND THAT Council advise the Land Division Committee that the Town supports the proposal to sever the subject property, subject to the conditions contained in Report CP 2020-245.

5.3 Applications for Consent and Minor Variance B20-33-7 and A 20-06-7 (E & E McLaughlin Ltd.)

Proposed Resolution #6

Moved By: _____

Seconded By: _____

THAT 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;

AND THAT Council advise the Land Division Committee that the Town supports the proposal to sever the subject property, subject to the conditions contained in Report CP 2020-240.

5.4 Application for Zone Change ZN 7-20-10 (Nagy)

Proposed Resolution #7

Moved By: _____

Seconded By: _____

THAT Council approve the zone change application submitted by Olga Nagy (Lajos Nagy), whereby the lands described as Part Lot 3, Concession 5 in the Town of Tillsonburg, known municipally as 1801 Highway 3, are to be rezoned from 'Future Development Zone (FD)' to 'Special Future Development Zone (FD-sp)' to allow for the development of a contractor's yard & shop and a public storage business within an existing non-residential building on the subject lands.

6. Planning Applications

7. New Business

8. Motions/Notice of Motions

9. By-Laws

10. Confirm Proceedings By-law

Proposed Resolution #8

Moved By: _____

Seconded By: _____

THAT By-Law 2020-095, to Confirm the Proceedings of the Council Meeting held on September 21, 2020, be read for a first, second, third and final reading and that the Mayor and the Clerk be and are hereby authorized to sign the same, and place the corporate seal thereunto.

11. Items of Public Interest

12. Adjournment

Proposed Resolution #9

Moved By: _____

Seconded By: _____

THAT the Council Meeting of Monday, September 21, 2020 be adjourned at _____ p.m.



Growing stronger together

Community Planning

P. O. Box 1614, 21 Reeve Street

Woodstock Ontario N4S 7Y3

Phone: 519-539-9800 • Fax: 519-421-4712

Web site: www.oxfordcounty.ca

Our File: **A09-20**

APPLICATION FOR MINOR VARIANCE

TO: Town of Tillsonburg Committee of Adjustment
MEETING: September 21, 2020
REPORT NUMBER: 2020-247

OWNER/ APPLICANT: Peter Penner, JMG Adventures Inc.
 669 Concession A, Port Rowan ON, N0E 1M0

REQUESTED VARIANCES:

1. Relief from Section 15.3.3.2.5-NC-3 Zone Provisions- Gross Area for Office Use, to increase the maximum permitted gross floor area from 280 sq m (3,014 sq ft) to 470 sq m (5060 sq ft);
2. Relief from Section 5.24.2.1- Required Parking, to reduce the required parking for the proposed addition from 9 spaces to 4 spaces;
3. Relief from Section 5.24.16- Minimum Aisle Width, to reduce the minimum parking aisle width from 7.3 m (24 ft) to 6.8 m (22.3 ft);
4. Relief from Section 5.24.3.1- Location of Parking Areas, to reduce the required setback of a parking area from an interior lot line from 6 m (19.69 ft) to 1.5 m (4.9 ft).

LOCATION:

The subject property is described as Part Lot 941 & Lot 942, Plan 500, in the Town of Tillsonburg. The property is located on the northwest corner of the intersection of Broadway and Venison Street, and is municipally known as 261 Broadway.

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 Neighbourhood Commercial Zone (NC-3)

SURROUNDING USES:

Predominately low density residential uses, consisting of single detached dwellings and duplex dwellings.

COMMENTS:(a) Purpose of the Application:

The applicant is requesting relief from the above-noted sections of the Town Zoning By-law to facilitate the construction of an addition to an existing professional office on the subject lands. Specifically, the applicant is proposing to construct a 2 storey addition with an approximate area of 172 m² (1851 ft²).

The subject property is approximately 1117 m² (12,023 ft²) in size, with frontage on Broadway and Venison Street. The subject lands contain an existing business/professional office and parking area. The existing professional office has an approximate area of 296.8 m² (3195 ft²).

The applicant has indicated that the addition will be used to provide additional area for staff. The proposed addition will be located to the north of the existing structure, and the applicant proposes to create 5 additional parking spaces in front and to the rear of the proposed addition.

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

Plate 2, 2015 Air Photo provides an aerial view of the subject lands (as they existed in 2015).

Plate 3, Applicant's Sketch, shows the location, size and setbacks of the existing professional office and the proposed addition and new parking areas.

Plate 4, Proposed Building Elevations, shows the proposed appearance of the addition to the existing professional office.

(b) Agency Comments:

The application was circulated to a number of public agencies.

The Town Building Department indicated that if approved, the development is subject to site plan control/approval.

The Tillsonburg BIA indicated that they support the application.

The Town Engineering Services Department, Town Fire Chief and Oxford County Public Works Department indicated that they have no concerns with the application.

(c) Public Consultation:

Public Notice was provided to surrounding property owners on September 11, 2020 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.

(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.

Although the existing business/professional office is not a permitted neighbourhood-serving commercial use in the Low Density Residential designation, Section 10.3.5 of the Official Plan provides policy guidance for the recognition of non-conforming uses in the Zoning By-law. The policies provide that although it is the general intent of the plan that the long-term use of land conform with the objectives and policies of the Plan, a legally established land use may be recognized as a permitted use in the Zoning By-law provided that Town Council is of the opinion that:

- the use does not involve hazardous activities or substances;
- the use does not contribute to air, water, or land pollution problems;
- the use can or has achieved an acceptable measure of compatibility with adjacent uses, is not associated with any building deterioration or lack of property maintenance, does not generate traffic that threatens the safety of the surrounding area, and does not interfere with the development of conforming uses in the surrounding area;
- the long-term continuation and any potential expansion of use will not detract from the general intent of the Official Plan;
- recognition of the use is not likely to result in proposals to amend the Plan to allow similar types of uses.

Staff are of the opinion that the applicant's proposal is in keeping with the intent and purpose of the above policies. The proposed relief has been requested to allow for a 2-storey addition to an existing business/professional use which is a permitted use within the NC-3 Zoning. The use has existed since 1980, serves as a transitional use between residential properties to the north and commercial uses in the Central Area to the south, and the existing use has achieved an acceptable measure of compatibility with the surrounding area.

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

The subject property is zoned 'Special Neighbourhood Commercial Zone (NC-3)' in the Town Zoning By-law, which permits a business/professional office, with a dwelling unit. Special provisions are also included which limit the height of the main building to 2 storeys, limit the number and height of accessory structures, and which restrict the maximum gross floor area for an office use to 280 m² (3,014 ft²).

Table 5.24 of the Zoning By-law establishes the development standards for parking spaces, aisle and parking space dimensions, and location and setback of parking areas. These provisions require that any additions to an existing building provide the required parking, and require a minimum two way parking aisle width of 7.3 m (24 ft). Parking Areas for commercial zones

adjacent to residential zones are also required to be located outside of the required interior side yard width, which is 4.5 m (14.7 ft) in this instance.

The purpose of these provisions is to ensure that parking areas function effectively for employees and visitors, and to ensure that parking movements do not negatively impact adjacent properties or the adjacent road network.

In this instance, the location of the existing parking area is already located in the required interior side yard, the applicant proposes to extend it at this same setback. The existing aisle width of 6.8 m (22.3 ft) has functioned since at least 1980 when the building was redeveloped for office use.

The maximum floor area provision for an office was carried forward from Town Zoning By-Law 1994. Staff note that apart from the variances requested relating to parking, the proposal will comply with the NC zone provisions and as such, the proposal does not represent over-development of the site and the proposed addition will maintain the residential character of the building. The requested relief of the required parking will maintain the residential character of the property along Broadway and will allow the existing mature trees to remain undisturbed.

Town staff have identified that the proposal will be subject to site plan approval, where matters such as grading, drainage, landscaping and buffering will be reviewed.

(f) Desirable Development/Use:

The proposed variances seek to facilitate a 2 storey addition, approximately 172 m² (1851 ft²), to an existing professional office, requiring relief of maximum gross floor area, minimum number of parking spaces, minimum parking aisle width and location of parking areas.

Staff are of the opinion that the proposal is appropriate and would not create an undesirable precedent as the proposal represents an expansion of an existing use that is compatible with residential uses to the west and north, and provides a transition between residential uses and the mixed use development and the primarily commercial uses to the south in the Central Area. The location of the parking areas and the parking aisle width largely represent existing conditions.

Staff recommend that as a condition of approval, the applicant enter into a cash-in-lieu of parking agreement with the Town to provide a cash payment to the Town for the five parking spaces that the applicant is deficient. The financial contribution is placed in a downtown parking reserve which can be used to improve or create new parking opportunities throughout the downtown.

Staff note that on-street parking opportunities are present on Venison Street, and there is a municipal parking lot nearby as well.

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 an overall minor deviation from the parking provisions and site specific gross floor area limits for the NC-3 Zone 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.

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 can be given favourable consideration.

RECOMMENDATION:

That the Town of Tillsonburg Committee of Adjustment **approve** Application File A09-20, submitted by JMG Adventures Inc, for lands described as Part Lot 941 & Lot 942, Plan 500, in the Town of Tillsonburg, as it relates to:

1. Relief from Section 15.3.3.2.5- NC-3 Zone Provisions- Gross Area for Office Use, to increase the maximum permitted gross floor area from 280 sq m (3,014 sq ft) to 470 sq m (5060 sq ft);
2. Relief from Section 5.24.2.1- Required Parking, to reduce the required parking for the proposed addition from 9 spaces to 4 spaces;
3. Relief from Section 5.24.16- Minimum Aisle Width, to reduce the minimum parking aisle width from 7.3 m (24 ft) to 6.8 m (22.3 ft);
4. Relief from Section 5.24.3.1- Location of Parking Areas, to reduce the required setback of a parking area from an interior lot line from 6 m (19.69 ft) to 1.5 m (4.9 ft).

Subject to the following condition:

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

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:

Eric Gilbert, MCIP, RPP
Senior Planner

Approved for submission by:

Gordon K. Hough, RPP
Director

Plate 1: Location Map with Existing Zoning

File No: A09-20: JMG Adventures Inc.

Part Lot 941 & Lot 942, Plan 500- 261 Broadway, Tillsonburg



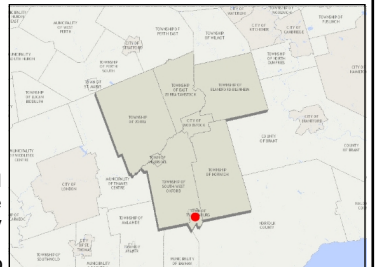
Legend

Zoning Floodlines

Regulation Limit

- 100 Year Flood Line
- ▲ 30 Metre Setback
- Conservation Authority Regulation Limit
- Regulatory Flood And Fill Lines
- ▣ Land Use Zoning (Displays 1:16000 to 1:500)

Notes



0 26 51 Meters

NAD_1983_UTM_Zone_17N



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

September 9, 2020



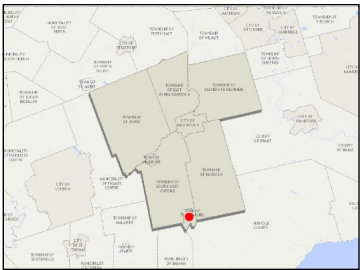
Plate 2: 2015 Aerial Map
File No: A09-20: JMG Adventures Inc.
Part Lot 941 & Lot 942, Plan 500- 261 Broadway, Tillsonburg



Legend

- Zoning Floodlines
- Regulation Limit
- 100 Year Flood Line
- 30 Metre Setback
- Conservation Authority Regulation Limit
- Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)

Notes



0 13 26 Meters

NAD_1983_UTM_Zone_17N



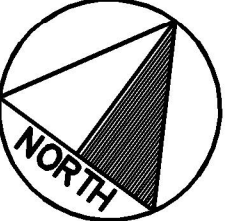
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

September 9, 2020

Plate 3: Applicant's Sketch
File No: A09-20: JMG Adventures Inc.
Part Lot 941 & Lot 942, Plan 500- 261 Broadway, Tillsonburg

LIZ WEST
MASSAGE THERAPY
No. 267

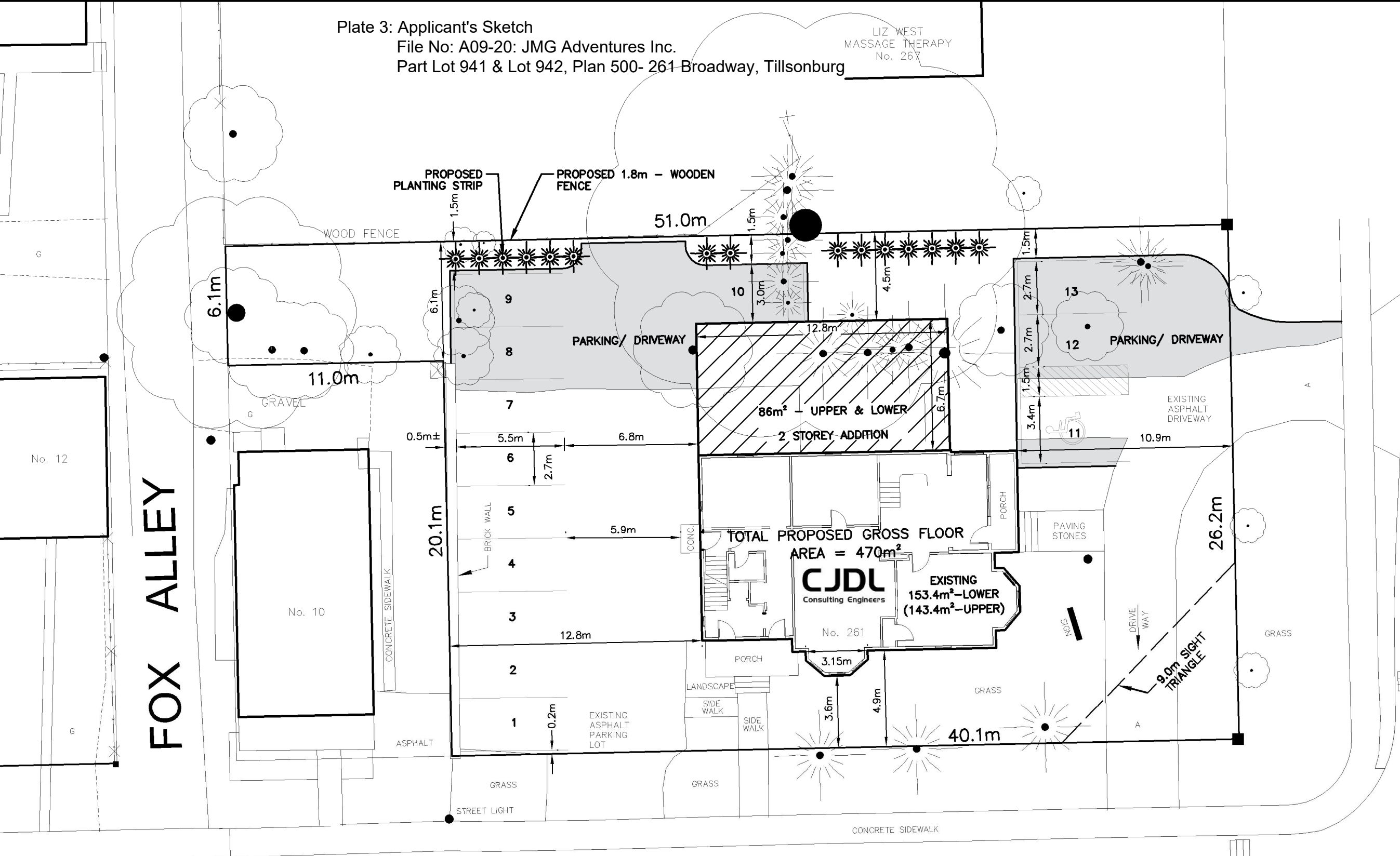
BROADWAY - HWY. No. 19



METRIC SCALE 1:200

VENISON ST

FOX ALLEY



LOT AREA = 1117.5m²
LOT COVERAGE AREA = 22.8%
LANDSCAPE OPEN SPACE AREA = 31.8%

CJDL
Consulting Engineers

Cyril J. Demeyere Limited
P.O. Box 460, 261 Broadway
Tillsonburg, Ontario. N4G 4H8
Tel: 519-688-1000
866-302-9886
Fax: 519-842-3235
cjd@cjdleng.com

SKETCH FOR MINOR VARIANCE
261 BROADWAY
JMG ADVENTURES INC.
PROPOSED ADDITION

PROJECT NO. 1701

DATE: 3 SEPT 2020

Plate 4: Proposed Building Elevations
File No: A09-20: JMG Adventures Inc.
Part Lot 941 & Lot 942, Plan 500- 261 Broadway, Tillsonburg



NOTES:

**PRELIMINARY
DESIGN**


KEY PLAN:

CLIENT:
CJDL ENGINEERING LTD.
261 BROADWAY, TILLSONBURG, ONTARIO

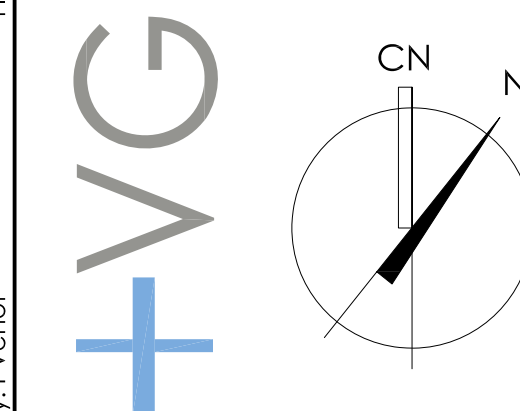
PROJECT:
CJDL OFFICE EXPANSION

261 BROADWAY TILLSONBURG, ONTARIO

ORIGINAL PAGE SIZE ARCH D - 24" x 36"

KEY TO DETAIL LOCATION:
 A - DETAIL NO.
 B - DETAIL NO. ORIGINAL

ARCHITECTS
THE VENTIN GROUP LTD



OPTION D

A3.1

DRAWN BY: XX CHECKED BY: X

CHECKED BY : X

FORM 1
PLANNING ACT, 1990
APPLICATION FOR MINOR VARIANCE OR PERMISSION
Town of Tillsonburg Committee of Adjustment Fee
\$950.00 (\$1,900.00 - See Note 1 - Page 4)

For Office Use Only		
PIN#:	ROLL#:	FILE:

The undersigned hereby applied to the Committee of Adjustment for the Town of Tillsonburg under Section 44 of the Planning Act, 1990, for relief, as described in this application form By-Law No. 3295 (as amended).

Name and Address of Owner		Name and Address of Applicant/Agent (if	
JMG Adventures Inc.			
669 Conc. A, Port Rowan ON			
Postal Code:	Telephone Number:	Postal Code:	Telephone Number:
N0E 1M0	519 688 1000		
Email: ppenner@cjdldeng.com		Email:	

1. Name and addresses of any mortgagees, holders of charges or other encumbrances:

Kindred Credit Union

1265 Strassburg Road, Kitchener ON N2R 1S6

2. Nature and extent of relief applied for: To be completed by the applicant. (include By-Law Section if known)

Current NC-3 zoning allows 280m² Gross Floor Area for office use to suit the original building size. We would like to add a two story addition with a full basement to increase the office space to 470m² above grade. Five (5) additional parking spaces will be created which is 4 short of the required number for the addition (Section 5.24.1.9, 5.24.2.1). The total number of parking spaces will be 13 which is 11 short of the required 24 spaces. Sufficient on street parking and nearby municipal parking lots will accommodate the shortfall. The existing aisle width for the rear parking lot is 6.8m rather than the required 7.3 (Section 5.24.16). The existing exterior side yard set back is 3.6 m rather than the required 6.0m (Section 15.2). There are three existing driveways to the property all to be maintained (Section 5.24.1.7.4). The existing parking along the rear lot line is 0.5m from the rear property line with a 1.0 to 1.3m tall brick privacy wall and the most southerly parking space is 0.2m from the street line (Section 5.24.3 but NC Zone not specifically identified).

For office use only

3. Why is it not possible to comply with the Provision of the By-Law?

Tenant (CJDL) would like to expand the office space at the current location thus the increased gross floor area will exceed the previous site specific NC-3 maximum. There is physically not enough room to accommodate 24 parking spaces. Additional parking directly in front of the building are possible but would compromise the historic appearance of the building. Two additional spaces are possible in the 6.1m wide frontage to Fox Alley but planting strips will not fit and/or the parking spaces would have to be less than the requirements. The parking aisle width, exterior side yard, number of driveways and reduced parking offsets along the rear and south property lines are existing conditions.

4. Legal Description of Subject land:

Lot Number(s) _____ Plan Number or Concession _____

Part Number(s) 942 and part of 941 Reference Plan Number Plan 500

Street Address (if any) 261 Broadway

The lot is located on the West side of the Street lying between Venison Street and Bear Street

5. Dimensions of land affected:

Frontage 26.2m Depth (average) 40.1m to 51.0m
 Area 1117.4m² Width of Street _____

6. Particulars of all buildings and structures on or proposed for the subject land: (specify ground floor area, gross floor area, number of storeys, width, length, height, etc.)

Existing: The existing two storey professional office has an irregular footprint of 153.4m² with maximum dimensions of 16.3m x 11.3m and a height of 9+/-m. See attached sketch. The gross floor area is 297+/-m²

Proposed: The proposed 2 story addition to the north side of the existing building will be 6.7m wide x 12.8m long with a 86m² ground floor and a combined gross floor area of 172m². The total gross floor area gross floor area will be 470m². The height of the building will remain at 9+/-m. See attached sketch and east elevation.

7. Location of all buildings and structures on or proposed for the subject land: (specify distance from side, rear and front lot lines.) Please attach a sketch plan with measurements.

Existing: Front setback =10.9m
 Rear setback = 12.8m
 Interior side yard =11.2m
 exterior side yard =3.6m

Proposed: Front setback =10.9m
 Rear setback = 12.8m
 Interior side yard =4.5m
 exterior side yard =3.6m

8. Date of acquisition of subject land: December 2008

9. Date of Construction of all buildings and structures on subject land (if known): 1879 +/-

10. Existing uses of the subject property Professional Office

11. Existing uses of abutting properties: Multi-Family Residential, Residential with Massage Therapy office

12. Length of time the existing uses of the subject property have continued: Professional Office Since 1981, an upper apartment was converted to office space c 1994

13. Municipal Services available (please check all appropriate boxes)

☒ Water ☒ Connected
☒ Sanitary Sewers ☒ Connected
☒ Storm Sewers

14. Present Official Plan Provisions applying to the land: Residential

15. Present Zoning by-Law provisions applying to the land: : Site Specific Neighbourhood Commercial NC-3

16. Has the owner previously applied for relief in respect of the subject property? ☐ Yes ☒ No

If the answer is yes, describe briefly _____

17. Is the subject property the subject of a current application for consent under Section 53 of the Planning Act, 1990? ☐ Yes ☒ No

THIS SECTION TO BE COMPLETED IN THE PRESENCE OF A COMMISSIONER FOR TAKING AFFIDAVITS

I/We _____ of the _____ of _____

In the _____ of _____.

DO SOLEMNLY DELCIARE THAT: All of the prescribed information contained in the is application is true and that the information contained in the documents that may accompany this application is true and I make the solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath by virtue of the Canada Evidence Act.

DECLARED before me at the _____

Of _____ in the _____

Owner(s)/Applicant

This _____ day of _____, _____

Owner(s)/Applicant

A Commissioner for Taking affidavits

For Office use Only

AUTHORIZATION

NOTE: The property owner or the authorized agent must complete the application. Where an agent is making the application, the written authorization of the owner must be completed below. If the application is being made under an agreement of purchase and sale, a copy of the agreement must be attached and will remain confidential.

Authorization of Owner(s) for Applicant/Agent to Make the Application

I/We, _____, am/are the owner(s) of the land that is the subject of this application for site plan and I/we authorize _____, to make this application on my/our behalf.

Signature of Owner(s)

Signature of Owner(s)

DATED

Notes:

1. It is required that one original copy of this application and all drawings be filed at the Town's Customer Service Centre, accompanied by a fee of \$950 in cash or cheque made payable to the Town of Tillsonburg. A fee of \$1,900 will be charged if an application is required after the fact.

VROOM - LEONARD
BIOLOGISTS + LANDSCAPE ARCHITECTS

To: Peter Penner CJDL

From: Mike Leonard

Date: 2020 08 13

SUBJECT: Tree Root Management at Office Expansion Foundation Interface

We appreciate the opportunity to assist you in the preservation of this outstanding Tulip Tree.

I observed the specimen on-site with you. As I understand the existing structure will be extended in a northerly direction, requiring excavation to accommodate a conventional foundation wall with a spread footing that will terminate within +/- 15 feet of the tree trunk.

In general my opinion is that this will not affect the longevity of the tree, since the bulk of the root mass of most trees is located on the east and southeast side of the trunk. As part of your due diligence the following best practices are suggested:

_ Prior to construction expose the upper 18 inches of the root mass to a dimension 36 inches north of the centerline of the foundation. This can be accomplished by gently loosening the soil in 6 inch lifts with the teeth of a conventional excavator bucket.

_ It is likely that both fibrous and woody roots will be encountered. The fibrous roots need no treatment. Any woody roots larger than the diameter of a pencil should be cleanly pruned with hand shears, loppers or pruning saws; under no circumstances should chainsaws or other power equipment be used.

_ Prior to installing forming and related falsework install a flexible geotextile root barrier along the length of the root zone encountered. (We can provide you with a specification for this product.)

We are available to observe and advise on the work if this would assist you. Depending on the conditions encountered it may be advisable to do an injection fertilization within the residual rooting zone.

Please feel free to contact me at any time at 519 671 5267 or at mlla@isp.ca if clarification of this communication is required.

Regards,

Mike Leonard O.A.L.A . , C.S.L.A .

To: Mayor and Members of Tillsonburg Council

From: Eric Gilbert, Senior Planner, Community Planning

Applications for Consent & Minor Variance B20-32-7; A20-05-7– Oxford Lofts Inc.

REPORT HIGHLIGHTS

- The purpose of the application for consent is to sever a vacant lot for a future multi-residential development and retain a lot encompassing an existing multi-residential building, within the Central Area of Tillsonburg.
- The application for minor variance proposes to permit a reduced rear yard depth, reduced planting strip width, and location of parking areas to provide for shared parking facilities for the existing development on the retained lands, and future development on the severed parcel.
- Planning staff are recommending approval of the applications, as they are consistent with the Provincial Policy Statement and generally maintain the intent and purpose of the Official Plan respecting development within the Central Area of the Town of Tillsonburg.

DISCUSSION

Background

OWNERS: Oxford Lofts Inc.
61 Flanders Drive, Waterdown ON L8B 0G6

APPLICANT: Andrew Teeple
Athlon Construction and Development Corporation
164 Herbert Street, Waterloo ON N2J 1T4

LOCATION:

The subject property is described as Lot 761 and Part of Lots 763 & 764A, Plan 500, save and except Parts 1, 2, 3, Reference Plan 41R-9352, in the Town of Tillsonburg. The lands are located on the west side of Rolph Street, between Brock Street West and Washington Grand Avenue and are municipally known as 83 Rolph Street.

Report No: CP 2020-245
COMMUNITY PLANNING
Council Meeting: September 21, 2020

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "T-1"	Town of Tillsonburg Land Use Plan	Entrepreneurial District and Environmental Protection
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TILLSONBURG ZONING BY-LAW NO. 3295:

Existing Zoning:

Lands to be Severed: Special Entrepreneurial Zone (EC-9), with EP2 Overlay
Residential Entrepreneurial Area Holding Zone (EC-R H)

Lands to be Retained: Special Entrepreneurial Zone (EC-9), with EP2 Overlay

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

ACCESS: Paved, municipal road (Rolph Street)

PROPOSAL:

	<u>Severed Lot</u>	<u>Retained Lot</u>
Area	10,466.57 m ² (2.6 ac)	8,968.34 m ² (2.2 ac)
Frontage	68.74 m (225 ft)	74.12 m (243 ft)
Avg. Depth	127.71 m (419 ft)	151.15 m (496 ft)

The application for consent proposes to create one new lot for a future multi-residential development and retain a lot encompassing an existing multi-residential apartment building development that fronts on Rolph Street. The owner has also applied for a partial discharge of mortgage.

The proposed lot to be severed will cover an area of approximately 10,466.57 m² (2.6 ac), and will have approximately 68.74 m (225 ft) of frontage on Rolph Street. A single detached dwelling currently exists but is proposed to be removed for a future multi-residential development. The lot to be retained will have an area of approximately 8,968.34 m² (2.2 ac), frontage of 74.12 m (243 ft) on Rolph Street, and contains a multi-residential apartment building, consisting of 46 apartment dwelling units.

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The owner has also requested the following relief from the provisions of the Town's Zoning By-law:

- Section 12.2, EC Zone Provisions, Required Rear Yard Depth, to reduce the rear yard depth from 12.5 m (41 ft) to 4.7 m (15.42 ft);
- Section 12.2, EC Zone Provisions, Planting Strip Width, to reduce the required planting strip width from 1.0 m (3.3 ft) to nil;
- Section 5.24.3- Location and Setback of Parking Areas, to permit parking with a 0 m setback from the street line and interior side lot line.

The subject property is approximately 1.8 ha (4.5 ac) and contains the former Rolph Street Public School. The western portion of the property consists of ravine lands and a former playground proposed for parking purposes is located on the southern boundary of the site, fronting on Rolph Street. The subject property also includes a parking lot, containing 14 spaces, located on the west side of Valleyview Lane.

Surrounding land uses to the north, south and east include office and residential (single detached dwellings and duplexes, triplexes, and apartments) uses fronting on Rolph Street, Ridout Street West, Edgewood Drive, and Valleyview Lane. Ravine and valleylands bordering Stony Creek are present to the west.

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.

Plate 4, Applicant's Sketch, depicts the location of the existing sanitary sewer on the lands to be severed and retained.

Following the review of this application, Planning staff note that an access easement will also be required over the lot to be severed, in favour of the lot to be retained, for the purpose of accessing the parking spaces that will be present on the retained lands. The applicant also originally requested relief of the required number of parking spaces for the retained parcel but has since revised the proposal to include a shared parking area on the severed lands.

Application Review

PROVINCIAL POLICY STATEMENT:

Section 1.1.1 provides that healthy liveable and safe communities are sustained by accommodating an appropriate range and mix of residential development (including additional units, affordable housing, and housing for older persons) to meet long-term needs, and promoting cost-effective development that minimizes land consumption and service costs.

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Section 1.1.3.1 of the PPS states that Settlement Areas will be the focus of growth and their vitality and regeneration shall be promoted. Land use patterns within settlement areas shall be based on:

- densities and mix of land uses which are appropriate for, and efficiently use the infrastructure and public service facilities which are planned or available;
- support active transportation;
- efficiently use land and resources;
- a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

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.

Section 1.7.1 of the PPS states that long-term economic prosperity should be supported by maintaining and, wherever possible, enhancing the vitality and viability of downtowns and main streets.

OFFICIAL PLAN:

The Official Plan states that Entrepreneurial District areas are those lands, which feature a range of commercial and business development opportunities through the conversion of existing residential dwellings and new development or redevelopment. It is intended that development in this District will result in a mixture of residential and non-residential land uses.

The vision for the Central Area is articulated in Section 8.3.2.1. In the future, the Central Area of the Town of Tillsonburg will remain as the most functionally diverse area of the Town and will serve as the primary business, cultural and administrative centre. The commercial core of the

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Central Area will remain a viable regional retail shopping district capable of meeting the day to day and specialty needs of residents of the Town as well as serving the southern part of Oxford County and portions of Elgin and Norfolk Counties. At the same time the Central Area will increasingly serve as a people place and will have increased day and night activity through the introduction of residential development within and near the Central Area and through better integration of the Central Area with the wider community.

A strategic objective of the Official Plan is to increase the residential population living within and in the vicinity of the Central Area. The creation of mixed use buildings and residential intensification is supported.

Section 8.3.2.3.2.2- POLICIES FOR REDEVELOPMENT AND NEW DEVELOPMENT OF VACANT LAND provides review criteria for development proposals on vacant land within the Entrepreneurial District. Review criteria include:

- Low and medium density residential development shall be in accordance with the policies of Sections 8.2.4 & 8.2.5. Notwithstanding the provisions of Section 8.2.5, new Medium Density Residential development may be located throughout the Entrepreneurial District on a site specific basis subject to any restriction as outlined within the 'Special Development Policies' outlined below:
- Appropriate buffering measures shall be incorporated into the development to minimize potential incompatibilities with adjacent residential uses.
- Existing municipal services and community facilities shall be adequate to accommodate the development.
- New development in the Entrepreneurial District designation will comply with the Environmental Resource Protection policies and the Environmental Constraint policies of Section 3.2.
- Adequate off-street parking shall be provided.
- Within the Entrepreneurial District site plan control will be applied to the conversion of existing buildings, redevelopment and new development to ensure compatibility with adjacent residential uses.

Residential intensification and compact urban form shall be facilitated through appropriate zoning standards and Town Council may consider the use of reduced municipal infrastructure requirements and lot standards on a site or area specific basis, provided that such standards are still in keeping with the overall objectives of the Official Plan.

Medium density residential development is permitted within the Entrepreneurial District. The maximum residential density for medium density residential development is 62 units per hectare (25 units per acre).

TOWN OF TILLSONBURG ZONING BY-LAW:

The lands to be severed are zoned 'Special Entrepreneurial Zone (EC-9)' and 'Residential Entrepreneurial Area Holding Zone (EC-R H)'. The EC-RH zone permits a wide variety of residential uses. The purpose of the Holding Provisions is to ensure that development or redevelopment takes a form compatible with adjacent uses, site plan approval will be required prior to any redevelopment. Permitted interim uses included residential uses with 3 or fewer dwelling units.

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The lands to be retained are zoned 'Special Entrepreneurial Zone (EC-9)'. This zone permits a wide variety of residential uses, including an apartment dwelling, business/professional offices, and small scale business uses outlined in Section 12.1. A site specific provision for the subject lands was approved by Town Council in May 2017 to allow dwelling units to be located in a basement that has a floor level not more than 1.6 m (5.2 ft) below the adjacent finished grade.

The 'EC-9' zone also establishes a number of development standards with respect to lot area, frontage and depth based on use. The use of the subject lands for an apartment dwelling appear to meet these provisions.

The 'EC-9' zone requires apartment dwellings to have a minimum dwelling unit area of 55 m² (592 ft²) per unit. This is to ensure that dwelling unit sizes are acceptable and comfortable for a variety of occupancy arrangements. A minor variance was obtained in 2018 to reduce this to permit 9 of the proposed residential apartment units to be a minimum size of 39.76 m² (428 ft²).

The subject lands are also effected by the Environmental Protection 2 Overlay. Development within or adjacent to (within 50 m) of lands identified within the EP2 Overlay is generally prohibited, unless an Environmental Impact Study is provided. In this instance, no new development is proposed beyond the extent of the existing building, and therefore an EIS is not required to for the proposed consent.

The future development of the lot to be severed for a multi-residential development will be subject to further planning applications, including applications for zone change and applications for site plan approval.

TOWN OF TILLSONBURG CENTRAL AREA DESIGN STUDY:

The subject property is located in the Residential/Institutional Area as identified in the Central Area Design Study, which was adopted by Town Council in 2012. These areas are characterized by single family detached dwellings, semi-detached dwellings, seniors housing, and other multi-unit residential buildings. The residential areas have potential to accommodate additional residential development in more compact building forms.

Priority recommendations for new development within Residential Areas include respecting and complementing the heritage character of the downtown, with heritage elements being retained and/or refurbished.

Under the Private Realm & Architectural Control Guidelines, the design study identifies the Rolph Street Public School as a property with identified heritage character, and provides suggestions for any additions, signage, or redevelopment of the site, to ensure that any additions or exterior modifications undergo a rigorous process of design review in order to ensure they contribute to the character of heritage architecture.

AGENCY COMMENTS:

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

The Town of Tillsonburg Chief Building Official provided the following comments:

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- Existing site plan for the retained lands will need to be amended to reflect new property lines and proposed shared parking arrangements;
- Conditional upon shared parking agreement/easements;
- Applicant to provide a limiting distance / spatial separation report for the proposed reduced side yard and rear yard requests for the lot to be retained. All remedial work will require the issuance of a building permit, and all work must be completed prior to finalization of consent application.

The Town of Tillsonburg Engineering Services Department indicated that a preliminary lot grading plan is required for the lots to be severed and retained to demonstrate that stormwater and drainage from the retained parcel will not traverse the severed parcel.

The County of Oxford Public Works Department provided the following comments:

- Water and sanitary services shall not cross one property to service another;
- 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 lots to be severed and retained.
- An easement over the existing sanitary sewer traversing the property shall be transferred in favour to the County of Oxford, at no cost to the County, free of all encumbrances.
- At time of site plan approval for future development on the severed parcel, further discussion will be provided with respect to site servicing and waste collection.

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.

The Tillsonburg and District Chamber of Commerce indicated that they are supportive of higher density in the downtown core as it is very important to the economic health of our downtown. The Chamber also indicated that they support the proposed parking arrangement, provided that appropriate parking easements are registered on title, and the required site plan agreements would be in place to show the shared parking arrangements, to ensure they are legally binding and any future owners have notice of such.

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 or concerns have been received from the public.

Planning Analysis

The application for consent proposes to create one new lot for a future multi-residential development within the Central Area of Town, while retaining a lot containing the former Rolph Street Public School multi-residential development. An application minor variance has also been

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COMMUNITY PLANNING
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received to permit reduced rear yard depths, reduced planting strip width and reduced setback of parking areas to street lines and interior lot lines.

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.

Additionally, staff are of the opinion that this proposal will assist in providing a mix of housing types and tenures as the proposal will create a new lot for future multi-residential development within the Central Area, which will maintain the strategic goal of the Official Plan to support the planned function of the downtown by facilitating increased residential development within the Central Area as per Section 8.3.2.1 of the Official Plan.

Official Plan policies respecting development in the Entrepreneurial District permit the redevelopment and development of vacant lots for new uses, and these policies also recognize that Town Council may establish reduced or altered standards for driveways, parking areas, loading spaces and may consider flexible parking arrangements such as tandem parking for employees, off-site parking or similar measures provided that such measures do not affect other nearby residential uses or interfere with the functionality of the site. In this instance, the proposed shared parking arrangement between the existing development on the retained lands and a future development on the severed lands will provide a flexible parking arrangement to maximize the use of existing parking areas.

The original application did not include an easement over the severed parcel in favour of the retained parcel for the purpose of accessing the parking spaces that are on the south and west sides of the multi-residential building. Planning staff recommend that an access easement be included in the proposal. In the event that the application is given favourable consideration, recommended conditions of approval include the requirement to enter into a site plan agreement to identify the number and location of shared parking areas.

With respect to the requested minor variances to the rear yard depth, Planning staff note that the reduced rear yard to 4.7 m (15.42 ft) is only required for a small portion of the existing building on the retained lands at the southwest corner of the building. The remainder of the rear yard depth increases moving northward. The applicant has submitted a spatial separation report to demonstrate how the existing building will satisfy the spatial separation distances of the Ontario Building Code, and appropriate conditions of approval have been included to ensure the remedial work is completed prior to the finalization of the consent.

The proposed relief of the planting strip requirements and location and setback of parking areas can be considered minor and appropriate as the new interior lot line is proposed to be located within the existing parking area, and the existing parking areas near Rolph Street and Valleyview Lane are already at the streetline. The requested relief is in keeping with the general intent of the Town's Zoning By-Law to ensure that parking areas do not impact adjacent residential properties. The requested relief is considered desirable as the relief will facilitate the use of the lands for multi-residential development that is considered a permitted use by the Entrepreneurial District Designation of the Official Plan.

The Central Area Design Study promotes the maintenance and enhancement of existing heritage characteristics in the Central Area, particularly for buildings such as the former Rolph Street Public School which is designated under the Ontario Heritage Act. The subject property is identified in

the design study as being within the 'Residential/Institutional Area', and the proposed development is consistent with the principles and objectives of the study for renovations of existing heritage character buildings. The proposed consent will not impact the appearance or character of the existing development. Additionally, the future development of the severed lands for a multi-residential development will need to be consistent with the guidelines of the Central Area Design Study for new development adjacent to areas with historical significance.

The future development of the lot to be severed will be subject to future planning applications including a zone change and site plan approval application where the proposed use and design will be evaluated.

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

It is recommended that Tillsonburg Council advise the Land Division Committee that the Town supports Minor Variance Application A20-05-7, for lands described as Lot 761 and Part of Lots 763 & 764A, Plan 500, in the Town of Tillsonburg, municipally known as 83 Rolph Street, Town of Tillsonburg as it relates to:

- 1. Section 12.2, EC Zone Provisions, Required Rear Yard Depth, to reduce the rear yard depth from 12.5 m (41 ft) to 4.7 m (15.42 ft);**
- 2. Section 12.2, EC Zone Provisions, Planting Strip Width, to reduce the required planting strip width from 1.0 m (3.3 ft) to nil;**
- 3. Section 5.24.3- Location and Setback of Parking Areas, to permit parking with a 0 m setback from the street line and interior side lot line.**

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 Owner shall satisfy all requirements of the Ontario Building Code with respect to spatial separation and complete all required remedial work to the satisfaction of the Town Chief Building Official.
2. 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.
3. The Owner shall obtain a site plan amendment for the approved site plan for the development on the lot to be retained, to the satisfaction of the Town Chief Building Official.
4. 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

Authored by:

Eric Gilbert, MCIP, RPP
Senior Planner

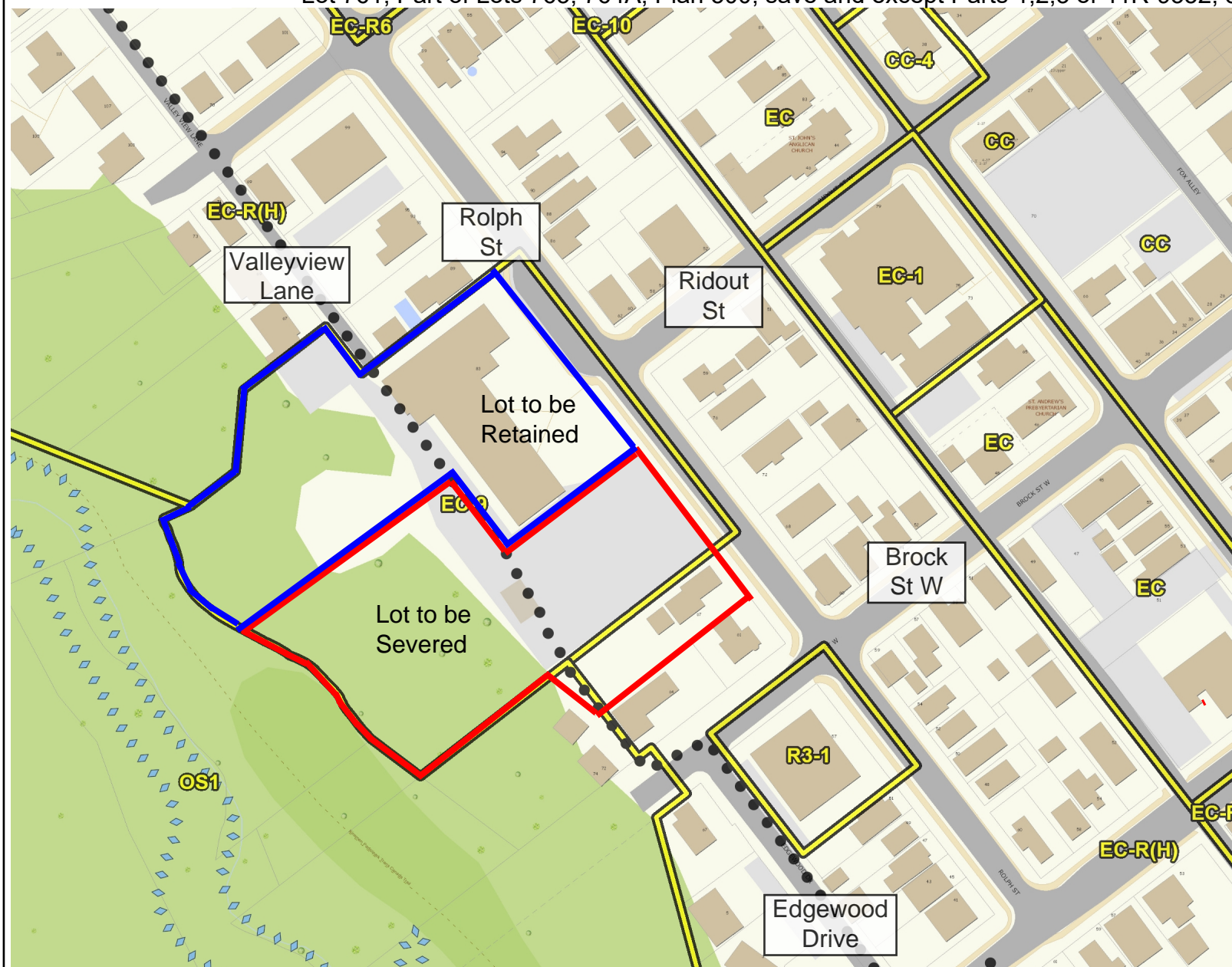
Approved for submission:

Gordon K. Hough, RPP
Director

Plate 1: Location Map with Existing Zoning

File Nos: B20-32-7, A20-05-7 - Oxford Lofts Ltd

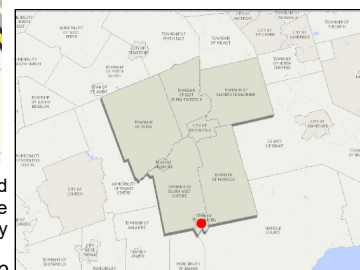
Lot 761, Part of Lots 763, 764A, Plan 500, save and except Parts 1,2,3 of 41R-9352, 83 Rolph St, Tillsonburg



Legend

- Zoning Floodlines
Regulation Limit
- 100 Year Flood Line
 - 30 Metre Setback
 - Conservation Authority Regulation Limit
 - Regulatory Flood And Fill Lines
 - Land Use Zoning (Displays 1:16000 to 1:500)

Notes



0 51 102 Meters

NAD_1983_UTM_Zone_17N



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

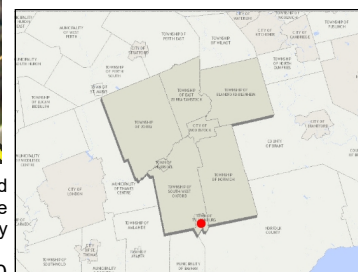
July 22, 2020



Legend

- Zoning Floodlines
Regulation Limit
- 100 Year Flood Line
 - 30 Metre Setback
 - Conservation Authority Regulation Limit
 - Regulatory Flood And Fill Lines
 - Land Use Zoning (Displays 1:16000 to 1:500)

Notes



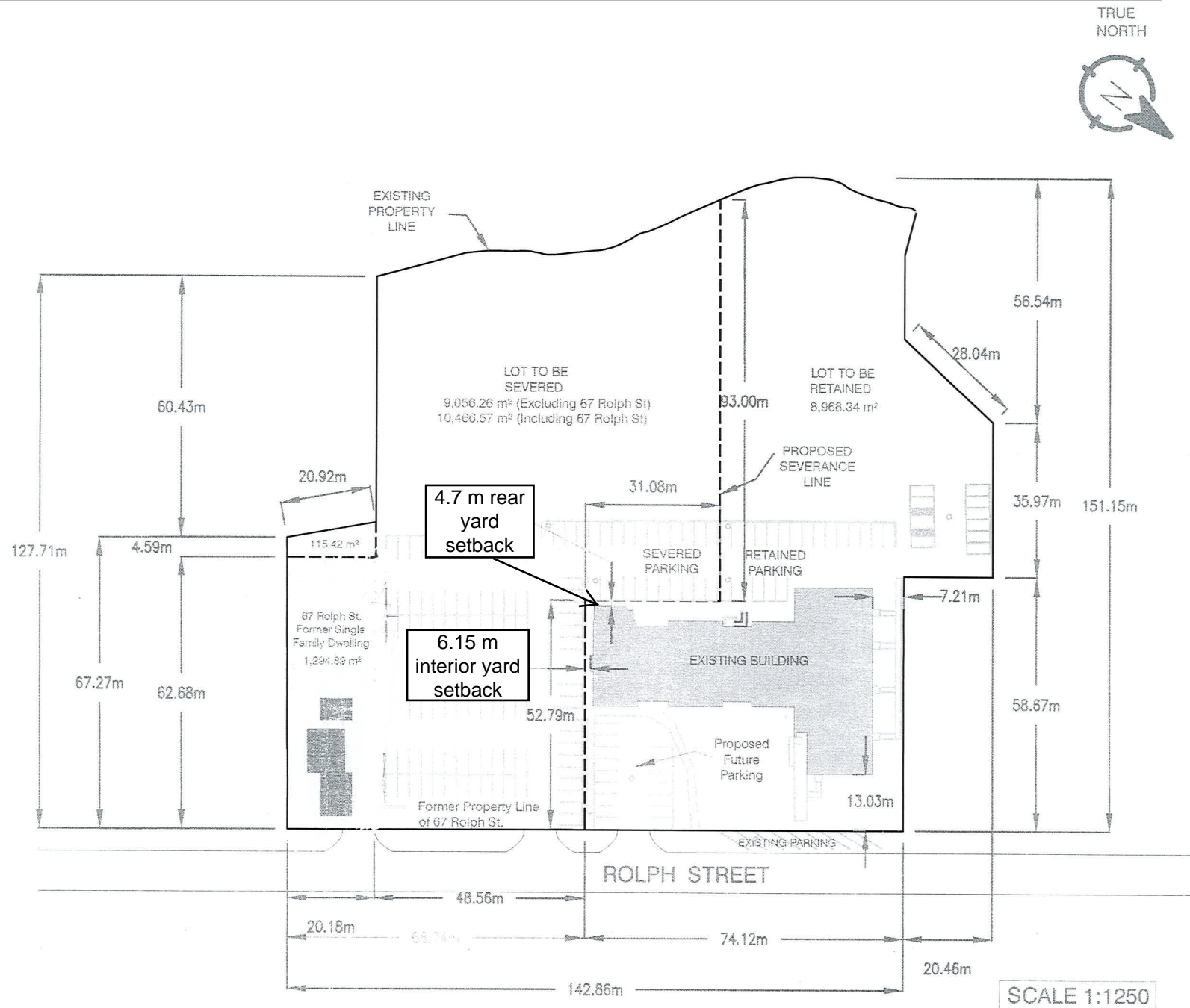
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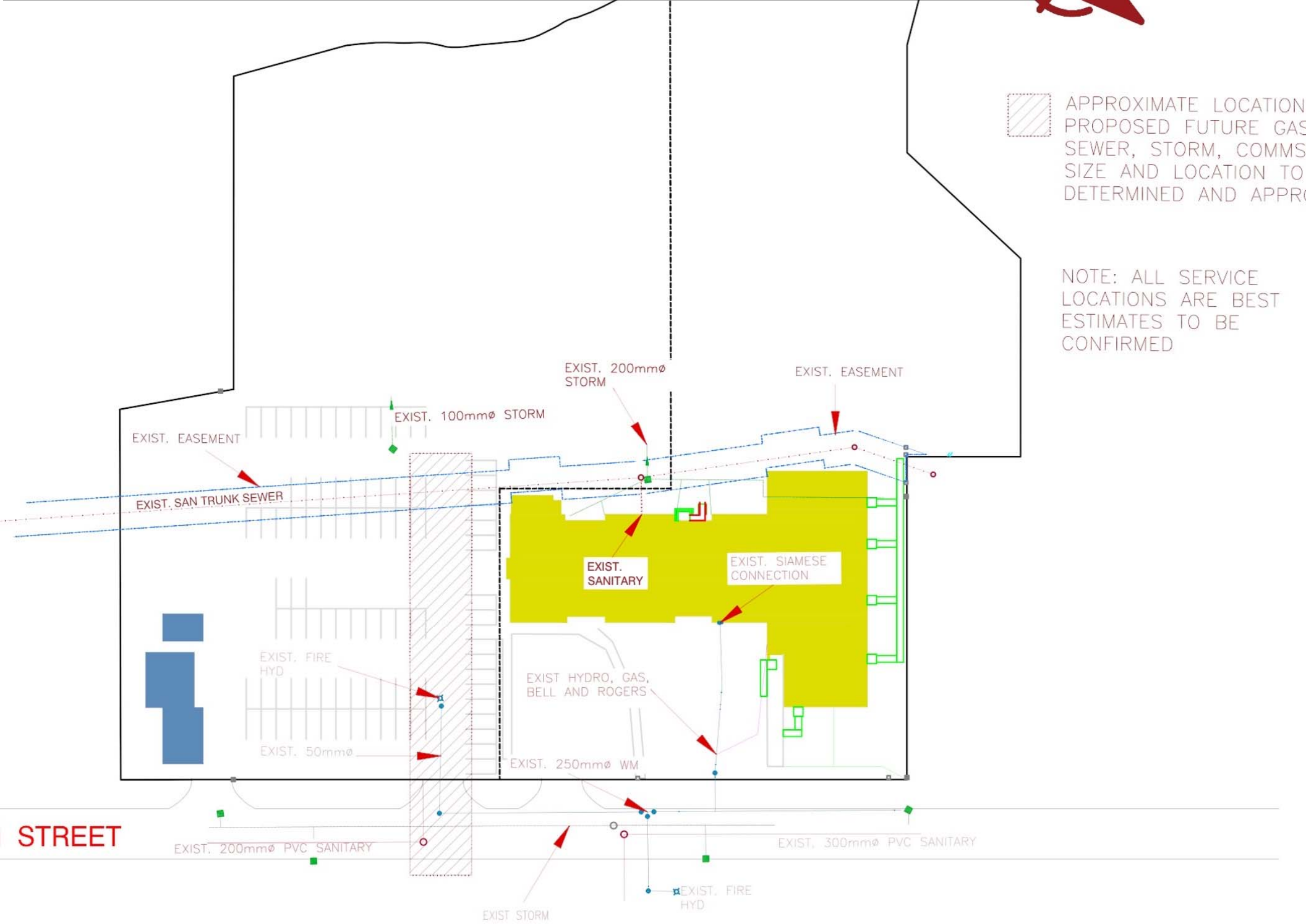
NAD_1983_UTM_Zone_17N



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July 22, 2020





File No. B 20-33-7File No. A 20-05-7

APPLICATION FOR CONSENT
or
APPLICATION FOR CONSENT AND MINOR VARIANCE



(Check One)

Oxford County Land Division Committee

1. Registered Owner(s):**Name:** Oxford Lofts Inc., c/o Timothy McKillican**Address:** 61 Flanders Dr., Waterdown, Ontario.**Postal Code:** L8B 0G6.**Email:** timmckillican@gmail.com.**Residence:** _____**Business:** +1 (416) 580-0775**Fax:** _____**Applicant (if other than registered owner):****Name:** Athon Const. & Dev. Corp. c/o Andrew Teeple**Address:** 164 Herbert St., Waterloo, Ontario.**Postal Code:** N2J 1T4.**Email:** andrew@athon.ca.**Residence:** _____**Business:** 519-900-5455**Fax:** 1-888-732-7207**Solicitor or Agent (if any):****Name:** _____**Address:** _____**Postal Code:** _____**Email:** _____**Bus.** _____**Cell** _____**Fax** _____**2. Location of Subject Land:****Municipality** Town of Tillsonburg

LOT 761, PART OF LOTS 763, 764A PLAN 500 AS IN 338169; SAVE
& EXCEPT PARTS 1, 2, 3, 41R-9352; S/T 438605, A76052;
SUBJECT TO AN EASEMENT IN GROSS OVER PART 1 PLAN
41R9558 AS IN CO179708; SUBJECT TO AN EASEMENT AS IN
CO206222; TOWN OF TILLSONBURG former municipality

Town of Tillsonburg**Lot(s)** _____**Concession** _____**Lot(s)** _____**Registered Plan No.** 500**Part(s)** _____**Reference Plan No.** _____The subject land is located on the westside of Rolph

Street, lying

between

BrockStreet/ and Washington Grand Ave.

Street.

Street and/or **911 Address** (if any): ~~75-67 Rolph Street, Tillsonburg, ON~~**83 Rolph Street, Tillsonburg, Ontario****NATURE OF APPLICATION****3. a) Type and Purpose of Proposed Transaction:** (check appropriate box(es))**Conveyance**☐ addition to a lot☒ creation of a new lot(s) - specify number of new lots proposed (not including retained lot) 1☒ please check if the creation of the new lot(s) is a "technical severance" (i.e., the land being severed and the land being retained were formerly separate holdings but have since become consolidated)**Other**☐ Mortgage or Charge☐ Lease☒ Partial Discharge of Mortgage☐ Correction of Title☒ Easement / Right-of-Way☐ Other (specify) _____☐ None**OFFICE USE ONLY**

DATE APPLICATION RECEIVED

DATE PRESCRIBED INFORMATION COMPLETE

000330072 & PIN

June 30/20July 21, 2020000330303

REV. JAN 2020

NATURE OF APPLICATION – cont'd

3. b) If Known, name of Person(s) (purchaser, lessee, mortgagee, etc.) to whom land is intended to be conveyed, leased or mortgaged A Corporation to be Formed

4. Minor Variance(s) Request: (if applicable)

a) SECTION & PROVISION FROM BY-LAW	LOT TO BE SEVERED		LOT TO BE RETAINED	
	REQUIRED	PROPOSED	REQUIRED	PROPOSED
Section 12.2- Rear Yard Depth			12.5 m	4.7 m
Section 12.2- Planting Strip Width			1 m	0 m
Table 5.24.3- Location and Setback of Parking Areas, to permit parking with a 0 m setback to street line and interior side lot line				

- b) Why is it not possible to comply with the provisions of the By-Law? _____

The proposed severed lot contains a parking area. The severance would leave the current development on the retained lot with a reduced parking ratio. The location of the property is such that it is well suited to a walking life style and as such, reduced parking ratio. Thus far during the leasing of the subject project the 'downsizing' demographics of the retained lot have required much less parking than anticipated. In any case we are also exploring carshare programs and/or shared parking arrangements between the current and future development on the severed lot.

5. Is the lot(s) to be severed or the lot to be retained currently the subject of any other application under the Act, such as an application for an Official Plan amendment, a zoning by-law amendment, a Minister's Zoning Order or approval of a plan of subdivision?



No

☐ Unknown

Yes

If yes, File No. _____ Status/Decision _____

HISTORY OF THE SUBJECT LANDS

6. Are there any easements or restrictive covenants affecting the subject land? ☒ Yes ☐ No

If yes, describe each easement or restrictive covenant and its effect.

SUBJECT TO AN EASEMENT IN GROSS OVER PART 1 PLAN 41R9558 AS IN CO179708; SUBJECT TO AN EASEMENT AS IN CO206222; TOWN OF TILLSONBURG

7. a) Has the subject property ever been the subject of an application for a plan of subdivision or an application for severance under the Planning Act?

☐ No

☒ Unknown

☐ Yes

If yes, File No. _____ Status/Decision _____

- b) Has any land been severed from the parcel originally acquired by the owner of the subject land?

☐ No

☒ Unknown

☐ Yes

If yes, File No. _____ Status/Decision _____

8. If this application is for a lot addition, has the lot to be enlarged ever been the subject of a previous severance?

☐ No

☒ Unknown

☐ Yes

☐ Not Applicable

If Yes, please provide the previous severance File No. and a copy of the deed for the property to be enlarged.

File No(s). _____

9. Has the lot(s) to be severed or the lot to be retained ever been the subject of any other application under the Act, such as an application for an Official Plan amendment, a zoning by-law amendment, a Minister's Zoning Order or a minor variance?

☐ No

☐ Unknown

☒ Yes

 If yes, File No. ZN 7-17-03 Status/Decision Passed

INFORMATION ABOUT SUBJECT LAND(S)

Entrepreneurial District & Environmental Protection.

10. a) **Present Official Plan Designation** applying to the subject land: _____
 b) **Present Zoning** applying to the subject land: Special Entrepreneurial Zone (EC-9), with EP2
- c) Is the application consistent with the **Provincial Policy Statement, 2014**, as amended?
 (see Item No. 9 in the application guide) Yes ☒ No ☐

11. **Description of Subject Land:** (please use additional page(s) if necessary)

DIMENSIONS	LOT TO BE SEVERED		LOT TO BE RETAINED		LOT TO BE ENLARGED (prior to severance)	
	Metres	Feet	Metres	Feet	Metres	Feet
Frontage	68.74m		74.12m			
Average Depth	127.71m		151.15m			
Average Width	68.74m		74.12m			
	sq.m/ha or sq.ft./ac		sq.m/ha or sq.ft./ac		sq.m/ha or sq.ft./ac	
Area	10,466.57sqm		8,968.34sqm			

USE OF SUBJECT LANDS	PLACE AN 'X' IN THE APPROPRIATE BOX BELOW				
	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING
Residential (City/Town/Village/Rural Cluster)	X	X	X.	X.	
Non-Farm Rural Residential					
Seasonal Residential					
Mobile Home Park					
Commercial					
Recreational					
Agricultural					
Institutional					
Industrial					
Parkland					
Other (specify)					

Provide details on existing uses:

(i.e. Residential, Commercial, Agricultural, Industrial, etc.)

LOT TO BE SEVERED	LOT TO BE RETAINED	LOT TO BE ENLARGED
Residential	Residential	

Provide details on proposed uses:

LOT TO BE SEVERED	LOT TO BE RETAINED	LOT TO BE ENLARGED
Residential	Residential	

BUILDINGS AND STRUCTURES – USE & TYPE (INDICATE IF NO BUILDINGS; PROVIDE DATE OF CONSTRUCTION FOR EXISTING)			
	LOT TO BE SEVERED	LOT TO BE RETAINED	LOT TO BE ENLARGED
EXISTING	SINGLE DETACHED DWELLING	MULTI UNIT RESIDENTIAL	
PROPOSED	MULTI UNIT RESIDENTIAL	MULTI UNIT RESIDENTIAL	

PLACE AN 'X' IN THE APPROPRIATE BOX BELOW

TYPE OF ACCESS	LOT TO BE SEVERED		LOT TO BE RETAINED		LOT TO BE ENLARGED
	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING
Provincial Highway					
County Road					
Municipal Road maintained all year	X	X	X	X	
Municipal Road seasonally maintained					
Unopened Road Allowance					
Right-of-Way owned by:					
Water Access (describe boat docking and parking facilities on mainland & distance from proposed lot)					
Other (specify)					
TYPE OF WATER SUPPLY					
Publicly owned and operated piped water system	X	X	X	X	
Privately owned and operated communal water system					
Privately owned and operated individual well					
Lake or other water body					
Other (specify)					
TYPE OF SEWAGE DISPOSAL					
Publicly owned and operated sanitary sewer system	X	X	X	X	
Privately owned and operated communal septic system					
Privately owned and operated individual septic system					
Pit Privy					
Other (specify)					
WHEN WILL WATER SUPPLY AND SEWAGE DISPOSAL SERVICES BE AVAILABLE (if applicable)					

12. If the applicant is not the owner of the land that is the subject of this application, a written authorization of the owner that the applicant is authorized to make the application must be included with this form, or the authorization set out below must be completed.

AUTHORIZATION OF OWNER(S) FOR AGENT TO MAKE THE APPLICATION	
I / We, <u>Oxford Lofts Inc. c/o Timothy McKillican</u>	
am/are the owner(s) of the land that is the subject of this application for consent / consent and minor variance.	
I / We authorize <u>Athon Construction and Development Corp. c/o Andrew Teeple</u> ,	
to make this application on my / our behalf.	
June 29, 2020	
Date	Signature of Owner(s)
	Signature of Owner(s)

THIS SECTION TO BE COMPLETED IN THE PRESENCE OF A COMMISSIONER FOR TAKING AFFIDAVITS

I / We ANDREW TEEPLE
 of the WATERLOO in the REGION OF WATERLOO
 (Township or Municipality) (County or Region)

DO SOLEMNLY DECLARE THAT:

All of the prescribed information contained in this application is true and that the information contained in the documents that may accompany this application is true.

DECLARED before me in the TOWN
 of TILLSONBURG in the
COUNTY of OXFORD
 this 30th day of JUNE 2020.

[Signature]
 Owner / Applicant

[Signature]
 Owner / Applicant

[Signature: Tracy Carpani]
 A Commissioner for Taking Affidavits

TRACY CARPANI, a Commissioner, etc.,
 Province of Ontario, for the Corporation
 of the Town of Tillsonburg
 Expires: June 12, 2021

If the decision of this application is appealed by a third party, I Andrew Teeple,
 (owner/applicant name – please print)

agree to support the application, provide assistance in the preparation and presentation of the application before the Local Planning Appeal Tribunal and pay all of the County's legal costs associated with the Tribunal hearing.

[Signature]
 (signature of owner / applicant)

Notes:

1. It is required that **one original** of this application (including the sketch described in Item 5 of the guide) be filed, together with the applicable fee, payable to the **Treasurer, County of Oxford**. Please contact the County of Oxford Planning Office for the current fee. The fee schedule as set out below was approved by County Council and became effective January 1, 2019.

* Planning Fee Single Consent only	\$2,065.00
Multiple Consents	\$2,065.00 for the first lot, each additional lot \$1,030.00
* Planning Fee Single Consent and Minor Variance	\$2,140.00
Multiple Consents and Minor Variances	\$2,140.00 for the first lot, each additional lot \$1,070.00
* Public Works Fee (vacant lot creation - residential, institutional, commercial or industrial)	\$200.00 per lot

2. The Application Fee consists of a Planning Fee and a Public Works Fee, as required.
3. Additional fees of \$100.00/lot will be required by Public Works at the time of clearance of conditions.

MFIPPA Notice of Collection & Disclosure

The collection of personal information on this form is legally authorized under Sec.53 of the *Planning Act* and O.Reg.197/96 for the purpose of processing your planning application. Questions about this collection should be directed to the Director of Community Planning at the County of Oxford, 21 Reeve St., P.O. Box 1614, Woodstock, ON N4S 7Y3 or at 519-539-9800 (ext.3207).

Pursuant to Sec.1.0.1 of the *Planning Act*, and in accordance with Sec.32(e) of the *Municipal Freedom of Information and Protection of Privacy Act*, it is the policy of the County of Oxford to make all planning applications and supporting material available to the public.

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.

Report No: CP 2020-240
COMMUNITY PLANNING
Council Meeting: September 21, 2020

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;

Report No: CP 2020-240**COMMUNITY PLANNING**

Council Meeting: September 21, 2020

- 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.

Report No: CP 2020-240
COMMUNITY PLANNING
Council Meeting: September 21, 2020

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.

Report No: CP 2020-240
COMMUNITY PLANNING
 Council Meeting: September 21, 2020

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

Authored by:

Eric Gilbert, MCIP, RPP,
Senior Planner

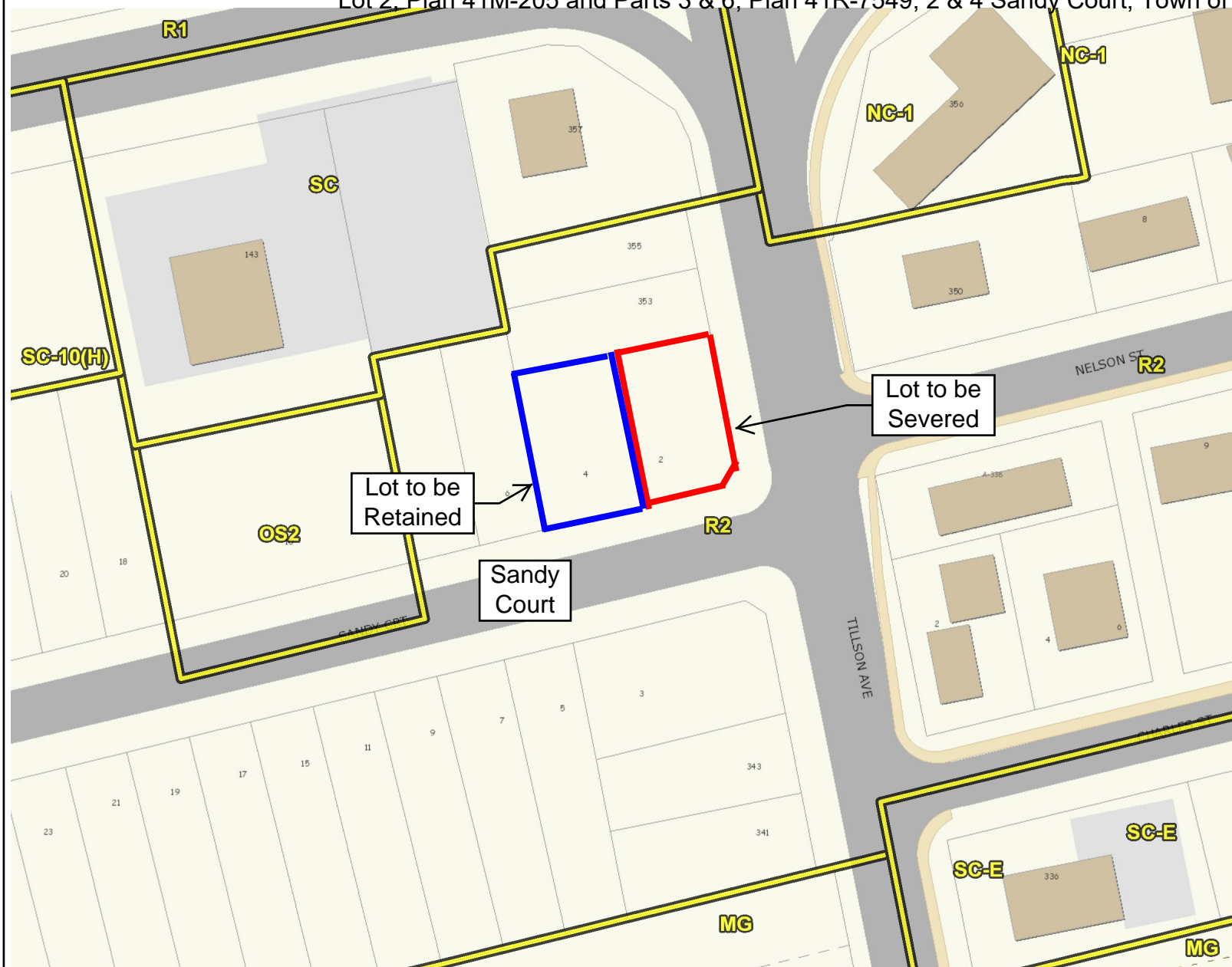
Approved for submission:

Gordon K. Hough, RPP, Director

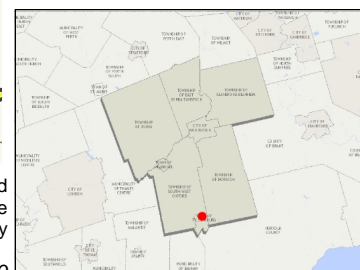
Plate 1: Location Map with Existing Zoning

File Nos: B20-33-7, A20-06-7 & ZN 7-20-09 - E & E McLaughlin Ltd

Lot 2, Plan 41M-205 and Parts 3 & 6, Plan 41R-7549, 2 & 4 Sandy Court, Town of Tillsonburg

**Legend**

- Zoning Floodlines
Regulation Limit
- 100 Year Flood Line
 - 30 Metre Setback
 - Conservation Authority Regulation Limit
 - Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)

Notes

0 26 51 Meters

NAD_1983_UTM_Zone_17N



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

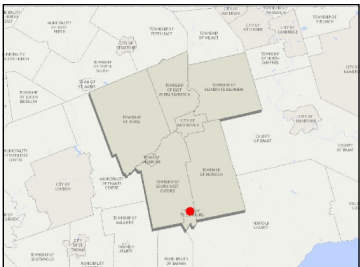
July 16, 2020



Legend

- Zoning Floodlines
- Regulation Limit
- 100 Year Flood Line
- 30 Metre Setback
- Conservation Authority Regulation Limit
- Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)

Notes



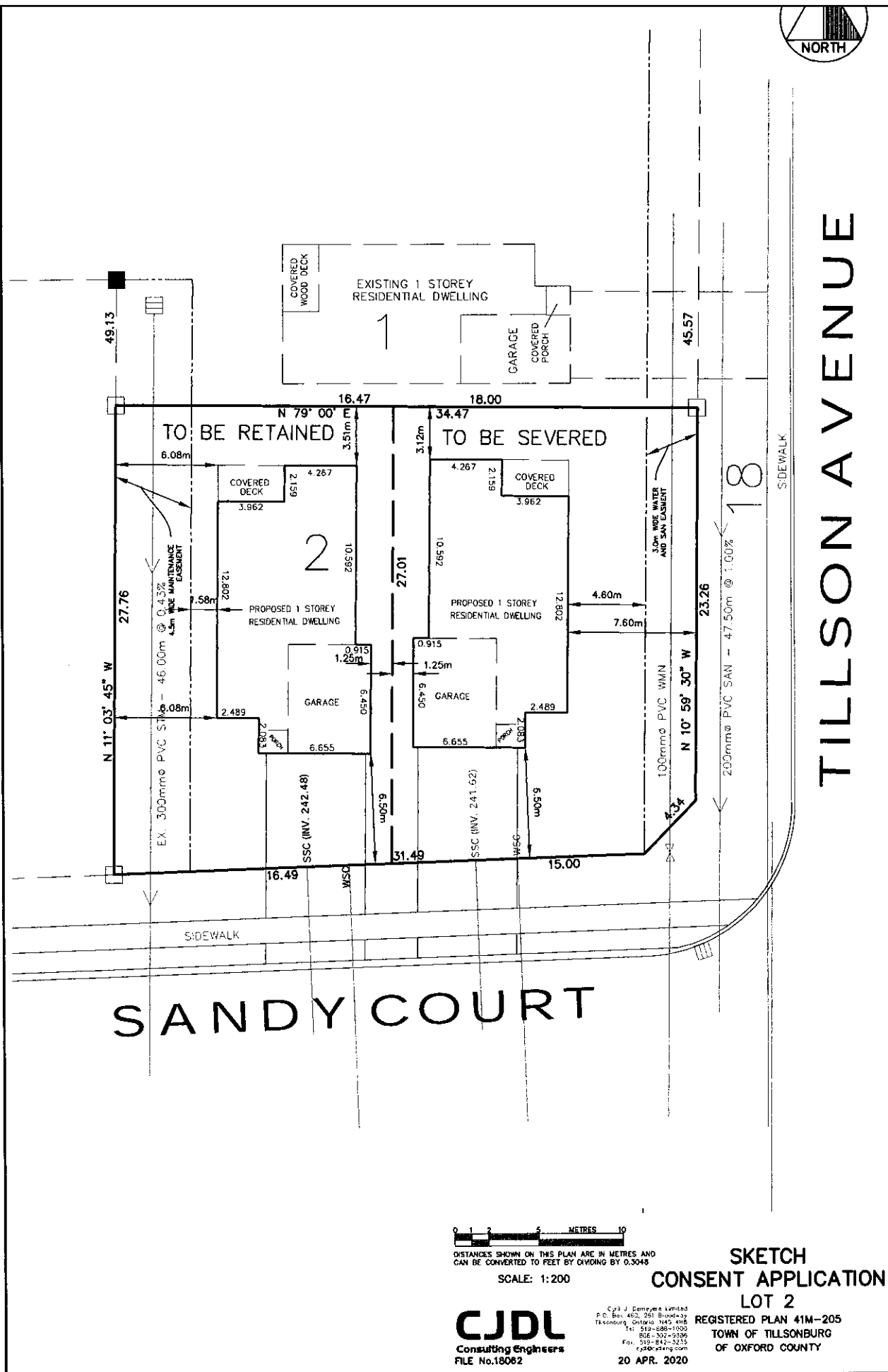
0 13 26 Meters

NAD_1983_UTM_Zone_17N



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

July 16, 2020



TILLSON AVENUE

SANDY COURT

0 1 2 3 4 5 6 7 8 9 10 METRES

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SCALE: 1:200

SKETCH
CONSENT APPLICATION
LOT 2

CJDL
Consulting Engineers
FILE No.18082

Cyril J. Demery Limited
P.O. Box 462, 261 Broadway
Tillsonburg, Ontario N4S 4H8
Tel: 519-886-1000
800-502-9559
Fax: 519-886-3215
cjd@cjdl.com
20 APR. 2020

REGISTERED PLAN 41M-205
TOWN OF TILLSONBURG
OF OXFORD COUNTY



Growing stronger together

File No. B 20-32-7File No. A 20-06-7

APPLICATION FOR CONSENT

or

APPLICATION FOR CONSENT AND MINOR VARIANCE

(Check One)

Oxford County Land Division Committee

1. Registered Owner(s):

Name: E & E McLaughlin Ltd.Address: 500 Hwy. 3, P.O. Box 428, Tillsonburg, ON.Postal Code: N4G 4G8Email: kassandra@eemcloughlin.com

Residence: _____

Business: 519-842-3363Fax: 519-842-6689

Applicant (if other than registered owner):

Name: Riviera Homes c/o Frank RussoAddress: 10 Michael's Lane, Tillsonburg, ON.Postal Code: N4G 4G9Email: trish5@rogers.com

Residence: _____

Business: 519-536-1142

Fax: _____

Solicitor or Agent (if any):

Name: Cyril J. Demeyere Limited - Andrew GilvesyAddress: 261 Broadway, P.O. Box 460, Tillsonburg, ONPostal Code: N4G 4H8Email: agilvesy@cjdle.comBus. 519-688-1000

Cell _____

Fax _____

2. Location of Subject Land:

Municipality Tillsonburg

former municipality _____

Lot(s) 2

Concession _____

Lot(s) _____

Registered Plan No. 41M-205Part(s) 3 and 6Reference Plan No. 41R-7549The subject land is located on the west side of Tillson Avenue Street, lying between _____Sandy Court Street/ and North Street Street.Street and/or 911 Address (if any): 2 and 4 Sandy Court**NATURE OF APPLICATION**

3. a) Type and Purpose of Proposed Transaction: (check appropriate box(es))

Conveyance☐ addition to a lot☒ creation of a new lot(s) - specify number of new lots proposed (not including retained lot) 1☐ please check if the creation of the new lot(s) is a "technical severance" (i.e., the land being severed and the land being retained were formerly separate holdings but have since become consolidated)**Other**☐ Mortgage or Charge☐ Lease☐ Partial Discharge of Mortgage☐ Correction of Title☐ Easement / Right-of-Way☐ Other (specify) _____☒ None**OFFICE USE ONLY**

DATE APPLICATION RECEIVED

DATE PRESCRIBED INFORMATION COMPLETE

PIN

June 30/20000280227

REV. JAN 2020

NATURE OF APPLICATION – cont'd

3. b) If Known, name of Person(s) (purchaser, lessee, mortgagee, etc.) to whom land is intended to be conveyed, leased or mortgaged Riviera Homes

4. Minor Variance(s) Request: (if applicable)

a) SECTION & PROVISION FROM BY-LAW	LOT TO BE SEVERED		LOT TO BE RETAINED	
	REQUIRED	PROPOSED	REQUIRED	PROPOSED
7.2 lot depth	30.0m	23.2m	30.0m	27.0m

- b) Why is it not possible to comply with the provisions of the By-Law? Originally planned to be a semi-detached, now singly-family detached homes are desired.

5. Is the lot(s) to be severed or the lot to be retained currently the subject of any other application under the Act, such as an application for an Official Plan amendment, a zoning by-law amendment, a Minister's Zoning Order or approval of a plan of subdivision?

☐ No☐ Unknown☒ YesIf yes, File No. UnknownStatus/Decision Filed concurrently**HISTORY OF THE SUBJECT LANDS**

6. Are there any easements or restrictive covenants affecting the subject land? ☒ Yes ☐ No

If yes, describe each easement or restrictive covenant and its effect.

Storm sewer easement in favour of Town of Tillsonburg over Part 3, 41R-7549Sanitary sewer easement in favour of Oxford County/Town of Tillsonburg over Part 6, 41R-7549

7. a) Has the subject property ever been the subject of an application for a plan of subdivision or an application for severance under the Planning Act?

☐ No☐ Unknown☒ YesIf yes, File No. 41M-205

Status/Decision _____

- b) Has any land been severed from the parcel originally acquired by the owner of the subject land?

☒ No☐ Unknown☐ Yes

If yes, File No. _____

Status/Decision _____

8. If this application is for a lot addition, has the lot to be enlarged ever been the subject of a previous severance?

☐ No☐ Unknown☐ Yes☒ Not ApplicableIf Yes, please provide the previous severance File No. and a copy of the deed for the property to be enlarged.

File No(s). _____

9. Has the lot(s) to be severed or the lot to be retained ever been the subject of any other application under the Act, such as an application for an Official Plan amendment, a zoning by-law amendment, a Minister's Zoning Order or a minor variance?

☒ No☐ Unknown☐ Yes

If yes, File No. _____

Status/Decision _____

INFORMATION ABOUT SUBJECT LAND(S)

10. a) **Present Official Plan Designation** applying to the subject land: Low Density Residential
- b) **Present Zoning** applying to the subject land: Low Density Residential - Type 2 (R2)
- c) Is the application consistent with the **Provincial Policy Statement, 2014**, as amended?
(see Item No. 9 in the application guide) Yes ☒ No ☐

11. **Description of Subject Land:** (please use additional page(s) if necessary)

DIMENSIONS	LOT TO BE SEVERED		LOT TO BE RETAINED		LOT TO BE ENLARGED (prior to severance)	
	Metres	Feet	Metres	Feet	Metres	Feet
Frontage	15.00		16.49			
Average Depth	25.13		27.39			
Average Width	17.99		16.48			
	sq.m/ha or sq.ft./ac		sq.m/ha or sq.ft./ac		sq.m/ha or sq.ft./ac	
Area	474.7m ²		451.4m ²			

USE OF SUBJECT LANDS	PLACE AN 'X' IN THE APPROPRIATE BOX BELOW				
	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING
Residential (City/Town/Village/Rural Cluster)	X	X	X	X	
Non-Farm Rural Residential					
Seasonal Residential					
Mobile Home Park					
Commercial					
Recreational					
Agricultural					
Institutional					
Industrial					
Parkland					
Other (specify)					

Provide details on existing uses:

(i.e. Residential, Commercial, Agricultural, Industrial, etc.)

LOT TO BE SEVERED	LOT TO BE RETAINED	LOT TO BE ENLARGED
Vacant	Vacant	

Provide details on proposed uses:

LOT TO BE SEVERED	LOT TO BE RETAINED	LOT TO BE ENLARGED
Residential	Residential	

BUILDINGS AND STRUCTURES – USE & TYPE (INDICATE IF NO BUILDINGS; PROVIDE DATE OF CONSTRUCTION FOR EXISTING)			
	LOT TO BE SEVERED	LOT TO BE RETAINED	LOT TO BE ENLARGED
EXISTING	Vacant	Vacant	
PROPOSED	Single Family Dwelling	Single Family Dwelling	

PLACE AN 'X' IN THE APPROPRIATE BOX BELOW

TYPE OF ACCESS	LOT TO BE SEVERED		LOT TO BE RETAINED		LOT TO BE ENLARGED
	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING
Provincial Highway					
County Road					
Municipal Road maintained all year	x	x	x	x	
Municipal Road seasonally maintained					
Unopened Road Allowance					
Right-of-Way owned by:					
Water Access (describe boat docking and parking facilities on mainland & distance from proposed lot)					
Other (specify)					
TYPE OF WATER SUPPLY					
Publicly owned and operated piped water system	x	x	x	x	
Privately owned and operated communal water system					
Privately owned and operated individual well					
Lake or other water body					
Other (specify)					
TYPE OF SEWAGE DISPOSAL					
Publicly owned and operated sanitary sewer system	x	x	x	x	
Privately owned and operated communal septic system					
Privately owned and operated individual septic system					
Pit Privy					
Other (specify)					
WHEN WILL WATER SUPPLY AND SEWAGE DISPOSAL SERVICES BE AVAILABLE (if applicable)					

12. If the applicant is not the owner of the land that is the subject of this application, a written authorization of the owner that the applicant is authorized to make the application must be included with this form, or the authorization set out below must be completed.

AUTHORIZATION OF OWNER(S) FOR AGENT TO MAKE THE APPLICATION	
I / We, <u>E+E McLaughlin Ltd</u>	
am/are the owner(s) of the land that is the subject of this application for consent / consent and minor variance.	
I / We authorize <u>1551991 ONTARIO INC. o/a Riviera Homes</u>	
to make this application on my / our behalf.	
<u>June 18, 2020</u>	
Date	Signature of Owner(s)
	Signature of Owner(s)

THIS SECTION TO BE COMPLETED IN THE PRESENCE OF A COMMISSIONER FOR TAKING AFFIDAVITS

I / We 1551991 ONTARIO INC
 of the Town of Tillsonburg in the County of Oxford
 (Township or Municipality) (County or Region)

DO SOLEMNLY DECLARE THAT:

All of the prescribed information contained in this application is true and that the information contained in the documents that may accompany this application is true.

DECLARED before me in the Town
 of TILLSONBURG in the
County of OXFORD
 this 22nd day of JUNE 2020.

Nicole Rose Clause
 A Commissioner for Taking Affidavits

[Signature]
 Owner / Applicant

Owner / Applicant

Nicole Rose Clause, a Commissioner, etc.,
 Province of Ontario, for the Corporation
 of the Town of Tillsonburg.

Expires: February 20, 2023.

If the decision of this application is appealed by a third party, I 1551991 ONTARIO INC.,
 (owner/applicant name – please print)
 agree to support the application, provide assistance in the preparation and presentation of the application before the
 Local Planning Appeal Tribunal and pay all of the County's legal costs associated with the Tribunal hearing.

[Signature]
 (signature of owner / applicant)

Notes:

- It is required that one original of this application (including the sketch described in Item 5 of the guide) be filed, together with the applicable fee, payable to the **Treasurer, County of Oxford**. Please contact the County of Oxford Planning Office for the current fee. The fee schedule as set out below was approved by County Council and became effective January 1, 2019.

* Planning Fee Single Consent only	\$2,065.00
Multiple Consents	\$2,065.00 for the first lot, each additional lot \$1,030.00
* Planning Fee Single Consent and Minor Variance	\$2,140.00
Multiple Consents and Minor Variances	\$2,140.00 for the first lot, each additional lot \$1,070.00
* Public Works Fee	\$200.00 per lot
(vacant lot creation - residential, institutional, commercial or industrial)	
- The Application Fee consists of a Planning Fee and a Public Works Fee, as required.
- Additional fees of \$100.00/lot will be required by Public Works at the time of clearance of conditions.

MFIPPA Notice of Collection & Disclosure

The collection of personal information on this form is legally authorized under Sec.53 of the *Planning Act* and O.Reg.197/96 for the purpose of processing your planning application. Questions about this collection should be directed to the Director of Community Planning at the County of Oxford, 21 Reeve St., P.O. Box 1614, Woodstock, ON N4S 7Y3 or at 519-539-9800 (ext.3207).

Pursuant to Sec.1.0.1 of the *Planning Act*, and in accordance with Sec.32(e) of the *Municipal Freedom of Information and Protection of Privacy Act*, it is the policy of the County of Oxford to make all planning applications and supporting material available to the public.

To: Mayor and Members of Tillsonburg Council

From: Heather St. Clair, Development Planner, Community Planning

Application for Zone Change **ZN 7-20-10 – Nagy**

REPORT HIGHLIGHTS

- The application for zone change proposes to rezone the subject lands from 'Future Development Zone (FD)' to 'Special Future Development Zone (FD-sp)' to permit a contractor's yard, as well as a public storage use on the subject lands.
- Planning staff are recommending approval of the application as it is generally consistent with the policies of the Provincial Policy Statement and the County Official Plan with respect to permitted uses on lands designated for Industrial uses.

DISCUSSION

Background

OWNER: Olga Nagy
52 Vesison Street, Tillsonburg ON N4G 1V1

APPLICANT: Lajos David Nagy
1801 Highway 3, Tillsonburg ON N4G 4G8

LOCATION:

The subject lands are described as Part Lot 3, Concession 5 in the Town of Tillsonburg. The subject lands are located on the south side of Highway 3, east of Clearview Drive and are municipally known as 1801 Highway 3, Tillsonburg.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "T-1"

Town of Tillsonburg
Land Use Plan

Industrial

TOWN OF TILLSONBURG ZONING BY-LAW NO.3295:

Existing Zoning:

Future Development Zone (FD)

Proposed Zoning:

Special Future Development Zone (FD-sp)

PROPOSAL:

The application for zone change proposes to rezone the subject lands from 'Future Development Zone (FD)' to 'Special Future Development Zone (FD-sp)' to permit the property to be used as a contractor's yard and to permit the existing shop on the subject lands, which is approximately 680 m² (7,319.4 ft²) to be used for public storage purposes.

The subject lands are approximately 3,877.3 m² (41,735.3 ft²) in size, with approximately 28.5 m (93.5 ft) of frontage on Highway 3 and contain the existing shop, as well as an existing single detached dwelling, built in approximately 1967. Surrounding land uses predominately consist of industrial lands to the north, vacant industrial lands that are currently in agricultural production to the south as well as the CN Railway to the northeast and a number of existing residential parcels to the immediate west, which are also located within the 'FD' zoning.

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

Plate 2, Close-up of Subject Lands (2015 Air Photo), provides an aerial view of the subject property and shows the location of the existing shop on the subject lands.

Application Review

PROVINCIAL POLICY STATEMENT:

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions shall be consistent with all policy statements issued under the Act.

Section 1.1.3 of the PPS directs that settlement areas shall be the focus of growth and development and that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources, are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion. Land use patterns within settlement areas shall also minimize negative impacts to air quality and climate change and promote energy efficiency.

Section 1.3 of the PPS addresses employment uses and provides that planning authorities shall promote economic development and competitiveness by:

- providing for an appropriate mix and range of employment (including industrial, commercial, and institutional uses) to meet long-term needs;

Report No: CP 2020-250**COMMUNITY PLANNING**

Council Date: September 21, 2020

- providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- encouraging compact, mixed-use development that incorporates compatible employment uses to support livable and resilient communities, and
- planning for, protecting and preserving employment areas for current and future uses;
- ensuring the necessary infrastructure is provided to support current and projected needs.

The PPS provides that employment areas are those areas designated in an Official Plan for clusters of business and economic activity. As the subject lands are designated as Industrial lands in the County Official Plan, they can be considered an employment area.

Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

OFFICIAL PLAN:

The subject lands are designated as Industrial according to the Land Use Plan for the Town of Tillsonburg, as contained in the County's Official Plan. Industrial areas include those lands that are designated for the full range of industrial type activity including light industrial, medium and heavy industrial uses. Such uses may generate on and off-site effects such as traffic, noise, vibration, fumes or visual appearances.

Permitted uses on lands designated as Industrial include assembling, manufacturing, fabricating, processing, repair activities, storage and warehousing industries and construction industries, together with processing, office, sales and management activities and in order to maintain the viability of the Industrial Area, Town Council shall limit the amount of non-industrial activity permitted in the Industrial designation.

While the subject lands are designated as Industrial they, along with a number of other properties to the immediate west, are currently occupied by single detached dwellings.

Section 10.3.5 of the Official Plan provides policy guidance for the recognition of non-conforming uses in the Zoning By-law. The policies provide that although it is the general intent of the plan that the long-term use of land conform with the objectives and policies of the Plan, a legally established land use may be recognized as a permitted use in the Zoning By-law provided that Town Council is of the opinion that:

- the use does not involve hazardous activities or substances;
- the use does not contribute to air, water, or land pollution problems;
- the use can or has achieved an acceptable measure of compatibility with adjacent uses, is not associated with any building deterioration or lack of property maintenance, does not generate traffic that threatens the safety of the surrounding area, and does not interfere with the development of conforming uses in the surrounding area;
- the long-term continuation and any potential expansion of use will not detract from the general intent of the Official Plan;
- recognition of the use is not likely to result in proposals to amend the Plan to allow similar types of uses.

TOWN OF TILLSONBURG ZONING BY-LAW:

The subject lands are zoned as 'Future Development Zone (FD)' in the Town of Tillsonburg Zoning By-law No. 3295. Permitted uses in the 'FD' zone include a farm, a home occupation, a public use, a seasonal fruit and vegetable stand, as well as an existing single detached dwelling and any existing accessory buildings, together with any alterations thereto made after the passing of the By-law, provided such alterations do not enlarge the gross floor area of such dwelling or accessory building by more than 25%.

Development standards for lands zoned 'FD', as contained in Table 18.2 provide that minimum lot area and frontage requirements for non-residential uses are 1,400 m² (15,070 ft²) and 30 m (98.4 ft), respectively. A minimum 20 m (65.5 ft) setback is required from an Arterial Road (such as Highway 3), and a minimum front yard setback of 7.5 m (24.6 ft) is required, while a minimum 10 m (32.8 ft) rear yard and 6 m (18.7 ft) interior side yard is required for a non-residential use.

The Zoning By-Law defines a contractor's shop or yard as the use of land, buildings or structures for the purpose of storing equipment, vehicles or material used by a construction contractor or other building trade, together with any associated maintenance, assembly or shop work.

AGENCY COMMENTS:

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

The Tillsonburg Building Services Department has commented that if approved, the existing shop will require a change of use permit, in compliance with the Ontario Building Code and that the applicant should be aware of Noise By-law 4255 as it relates to the proposed use and the existing neighbouring residential uses. The development of the contractor's yard will be subject to site plan control.

The Chamber of Commerce has questioned the number of existing public storage units within the Town of Tillsonburg, and questioned whether employment opportunities would be restricted without limitations on such uses.

The Oxford County Public Works Department have indicated they have no comment with respect to this application.

PUBLIC CONSULTATION:

Notice of complete application and notice of public meeting regarding this application were circulated to surrounding property owners on August 19, 2020 and September 4, 2020 in accordance with the requirements of the Planning Act. As of the writing of this report, no comments have been received from the public.

Planning Analysis

The application for zone change proposes to rezone the subject lands from 'Future Development Zone (FD)' to 'Special Future Development Zone (FD-sp)' to permit a contractor's yard on the subject lands and a public storage use within an existing 680 m² (7,319.4 ft²) accessory building on the property.

Report No: CP 2020-250**COMMUNITY PLANNING**

Council Date: September 21, 2020

The subject lands contain an existing single detached dwelling, built in approximately 1967, as well as the said residential accessory structure and are located on the east side of a cluster of existing residential parcels along Highway 3 that are also zoned as 'FD' in the Town Zoning By-law, while being designated as Industrial in the Oxford County Official Plan.

The 'Future Development Zone (FD)' is intended to restrict development opportunities until such time as development can be considered that is in keeping with the overarching land use designation, which in this case is intended for industrial development. It is the intention of the Official Plan that the long-term use of the subject lands will conform to the objectives and policies of the Plan and that the change of use of a legally established land use that does not conform to the Official Plan will result in a new land use that is more in keeping with the intent of the Industrial designation or will not further impede the ability of the lands to develop for a use more in keeping with the intent of the Official Plan in the future.

The applicant is proposing a small industrial use, consisting of a contractor's yard and public storage building within an existing detached accessory structure on the subject lands, which was constructed in 1990, according to the applicant, which predates the current Zoning By-law Number 3295, which was adopted in 2008.

Planning staff are generally satisfied that the proposed uses can be considered in keeping with the overall policy direction of the Official Plan for lands designated as industrial. Further, Planning staff are of the opinion that the limited scale of the proposed uses, which will be located within an existing building on the subject lands, approximately 680 m² (7,319.45 ft²) in size, will result in minimal impact on surrounding land uses, which are also zoned as 'FD' in the Town Zoning By-law and it is noted that the change of use permit required by the Town Building Department will require the applicant to enter into a site plan control agreement with the Town to address design considerations for the site to further ensure minimal impact is had on surrounding sensitive land uses, such as the establishment of fencing or vegetative buffering from neighbouring residences. Additionally, it is recommended that any open storage on the lot be compliant with the Open Storage provisions of the General Industrial zone.

To this end it is noted that the proposed uses are unlikely to involve any hazardous activities or substances and are not expected to interfere with the future development of the subject lands or surrounding land uses for industrial purposes and it is the opinion of Planning staff that the proposed uses will not detract from the general intent of the PPS and the County Official Plan to preserve employment areas.

In light of the foregoing, this Office is satisfied that the applicant's proposal to rezone the subject lands to permit a contractor's shop and a public storage business within the existing residential accessory building is consistent with the Provincial Policy Statement and maintains the general intent and purpose of the Official Plan and can be supported from a planning perspective.

RECOMMENDATION

It is recommended that the Council of the Town of Tillsonburg approve the zone change application submitted by Olga Nagy (Lajos Nagy), whereby the lands described as Part Lot 3, Concession 5 in the Town of Tillsonburg, known municipally as 1801 Highway 3, are to be rezoned from 'Future Development Zone (FD)' to 'Special Future Development Zone (FD-sp)' to allow for the development of a contractor's yard & shop and a public storage business within an existing non-residential building on the subject lands.

Report No: CP 2020-250
COMMUNITY PLANNING
Council Date: September 21, 2020

SIGNATURES

Authored by:

Heather St. Clair MCIP, RPP
Development Planner

Approved for submission by:

Eric Gilbert, MCIP, RPP
Senior Planner

Plate 1: Location Map with Existing Zoning

File No: ZN 7-20-10 - Olga Nagy

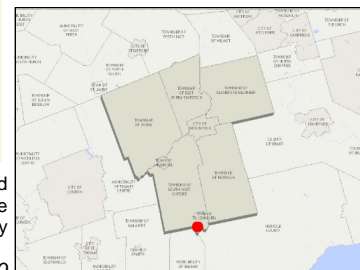
Part Lot 3, Concession 5 NTR (Middleton), 1801 Highway 3, Town of Tillsonburg

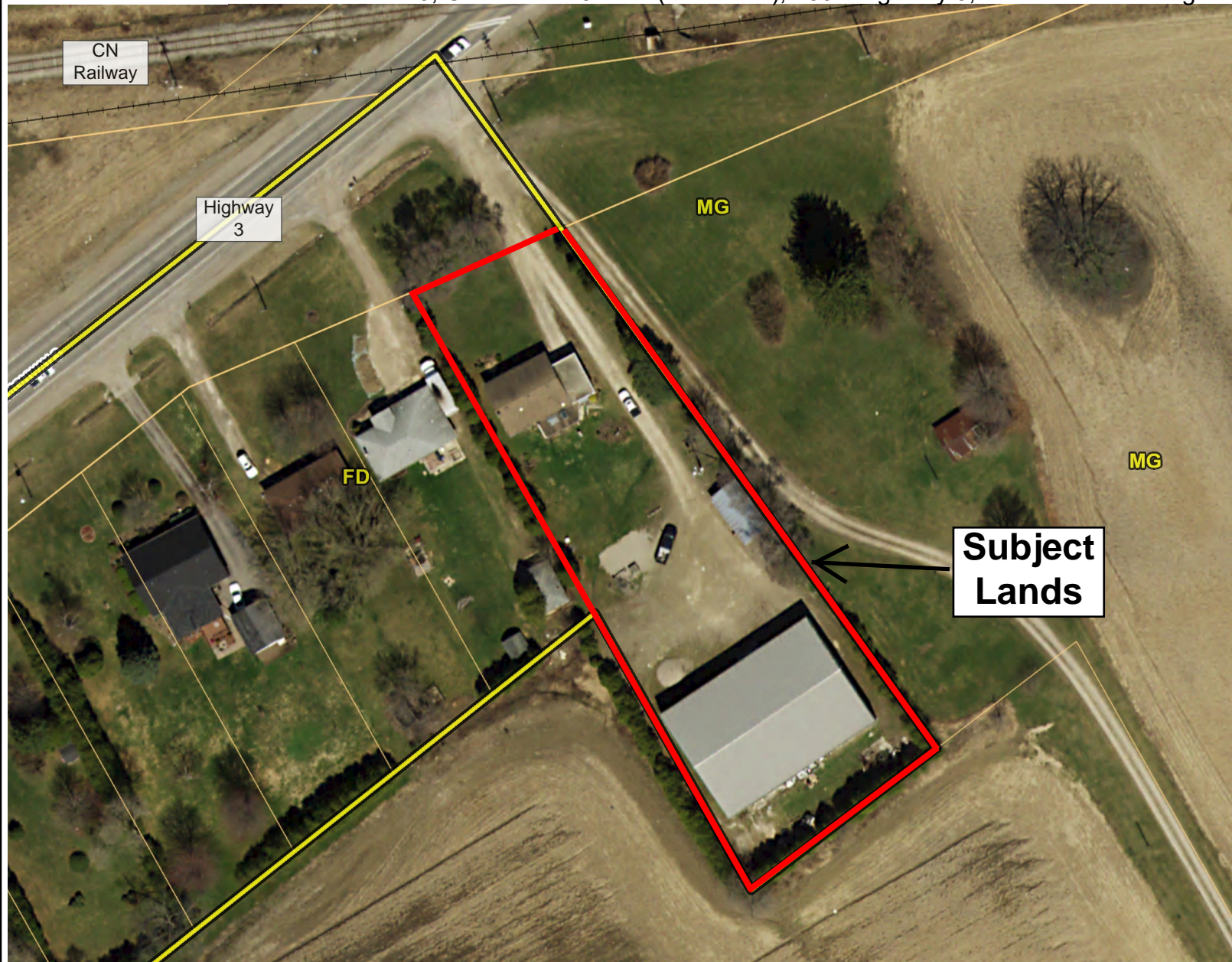


Legend

- Zoning Floodlines
Regulation Limit
- 100 Year Flood Line
 - 30 Metre Setback
 - Conservation Authority Regulation Limit
 - Regulatory Flood And Fill Lines
 - Land Use Zoning (Displays 1:16000 to 1:500)

Notes





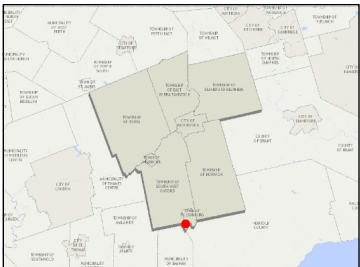
Legend

Zoning Floodlines Regulation Limit

- 100 Year Flood Line
- ▲ 30 Metre Setback
- Conservation Authority Regulation Limit
- Regulatory Flood And Fill Lines

- Land Use Zoning (Displays 1:16000 to 1:500)

Notes



0 26 51 Meters

NAD_1983_UTM_Zone_17N



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

July 28, 2020

FILE NO: ZN 7-20-10DATE RECEIVED: July 24/20

TOWN OF TILLSONBURG

APPLICATION FOR ZONE CHANGE

1. Registered Owner(s):

Name: OLGA NAGY
 Address: 52 VESISON ST TILLSONBURG

Phone: Residence: 519-409-0599
 Business: _____
 Fax: _____

Postal Code: _____ E-mail: _____

Applicant (if other than registered owner):

Name: Lajos David Nagy
 Address: 1801 Highway 3 Tillsonburg

Phone: Residence: 519-403-4200
 Business: _____
 Fax: _____

Postal Code: N4G 4G8 E-mail: lajosdln@gmail.com

Solicitor or Agent (if any):

Name: _____ Phone: Business: _____
 Address: _____ Fax: _____

Postal Code: _____ E-mail: _____

All communications will be sent to those listed above. If you **do not** wish correspondence to be sent to the

☒ Owner, ☐ Applicant, or ☐ Solicitor/Agent, please specify by checking the appropriate box.

Name and address of any holders of any mortgage, charges or other encumbrances (if known):

2. Subject Land(s):

a) Location:

Municipality TILLSONBURG former municipality Middleton
 Concession No. Concession 5 NTR Lot(s) Part lot 3
 Registered Plan No. _____ Lot(s) _____
 Reference Plan No. _____ Part(s) _____
 The proposed lot is located on the South side side of Highway 3 Street, lying between
Clearview Drive Street and Sohn Pound Road Street.
 Street and/or Civic Address (911#): 1801 Highway 3

b) Official Plan Designation:

Existing: Industrial
 Proposed: Same

If the proposed designation is different than the existing designation, has an application for Official Plan Amendment been filed with the County of Oxford? ☒ No ☐ Yes

- c) **Zoning:** Present: Future development FD
Proposed: FD Special
- d) **Uses:** Present: Personal Storage Shop
Proposed: (Include description) Public Storage Shop and Contractor's yard

3. Buildings/Structures:

For all buildings/structures, either **existing or proposed** on the subject lands, please supply the following information:

<u>Existing/Proposed</u>	<input type="checkbox"/> None Existing Building 1	<input type="checkbox"/> None Proposed Building 2
Use:	<u>dwelling</u>	<u>Shop</u>
Date Constructed (if known):	<u>1967</u>	<u>1990</u>
Floor Area:	<u>100 Square Meters</u>	<u>680 square meters</u>
Setbacks:		
Front lot line	_____	_____
Side lot lines	_____	_____
Rear lot line	_____	_____

Please complete for residential, commercial/industrial or institutional uses.

	RESIDENTIAL	COMMERCIAL/ INDUSTRIAL	INSTITUTIONAL
TYPE Apt., semi, townhouse, retail, restaurant, church, etc.			
# OF UNITS			N/A
CONVERSION/ADDITION TO EXISTING BUILDING Describe			
TOTAL # OF UNITS/BEDS	N/A	N/A	
FLOOR AREA by dwelling unit or by type (office, retail common rooms, etc.)			
OTHER FACILITIES (playground, underground parking, pool, etc.)			
# OF LOTS (for subdivision)			N/A
SEATING CAPACITY (for restaurant, assembly hall, etc.)	N/A		
# OF STAFF	N/A		
OPEN STORAGE REQUIRED?	N/A		N/A
ACCESSORY RESIDENTIAL USE?	N/A	If accessory residential use, complete residential section	If accessory residential use, complete residential section

4. Site Information (proposed use(s):

Lot Frontage	_____	Exterior Side Yard (corner lot)	_____
Lot Depth	_____	Landscaped Open Space (%)	_____
Lot Area	<u>3877 square meters</u>	No. of Parking Spaces	_____
Lot Coverage	_____	No. of Loading Spaces	_____
Front Yard	_____	Building Height	_____
Rear Yard	_____	Width of Planting Strip	_____
Interior Side Yard	_____	Driveway Width	_____

5. Services: (check appropriate box)

Existing

Proposed

Water supply Publicly owned and operated piped water system ☒ ☐
 Privately owned and operated individual well ☐ ☐
 Other (specify) _____ ☐ ☐

Sewage Disposal Publicly owned and operated sanitary sewer system ☒ ☐
 Privately owned and operated individual septic tank ☐ ☐
 Other (specify) _____ ☐ ☐

Storm Drainage Municipal Sewers ☒ Ditches ☐
 Municipal Drains ☐ Swales ☐

6. Access:

Provincial Highway ☒ Unopened Road Allowance ☐
 County Road ☐ Right-of-Way owned by _____ ☐
 Municipal Road maintained all year ☐ Other (specify) _____ ☐
 Municipal Road seasonally maintained ☐

7. General Information:

a) Is the Subject Land the subject of regulations for flooding or fill and construction permits of the Long Point Region Conservation Authority? ☒ No ☐ Yes

If yes, has an Application been filed with the Conservation Authority? ☐ No ☐ Yes

b) Present land use(s) of adjacent properties:

Residential, agricultural

c) Characteristics of subject land (check appropriate space(s) and add explanation, if necessary)

(i) Does the land contain environmental features such as wetlands, woodlots, watercourses, etc.?

☒ No

☐ Yes If yes, describe _____

(ii) Has any part of the land been formally used for any purpose other than agricultural purposes?

☒ No

☐ Yes

If yes, describe former use: _____

8. Historical Information:

a) Is the subject land the subject of a current Application for Consent to the Oxford County Land Division Committee or a current application for draft plan of subdivision to the County of Oxford?

☒ No

☐ Yes →

Application No. _____

b) Have the subject land(s) ever been the subject of any other application under the Planning Act, such as an application for approval of an Official Plan amendment, a zoning by-law amendment, a Minister's Zoning Order amendment, consent, a minor variance, or approval of a plan of subdivision?

☒ No

☐ Unknown

☐ Yes →

File No. _____

Status/Decision _____

c) If known, the date the subject land was acquired by the owner?

1967

d) If known, the length of time that the existing uses of the subject lands have continued? Since built.

Authorization of Owner(s) for Applicant/Agent to Make the Application

I/We, Olga Nagy, am/are the owner(s) of the land that is the subject of this application for zone change and I/We authorize Lajos David Nagy, to make this application on my/our behalf.

Date July 19 2020 Signature of Owner(s) [Signature] Signature of Owner(s) _____

THIS SECTION TO BE COMPLETED IN THE PRESENCE OF A COMMISSIONER FOR TAKING AFFIDAVITS

I/We Lajos David Nagy of the TOWN
of TILLSONBURG in the COUNTY of OXFORD,

DO SOLEMNLY DECLARE THAT:

All of the prescribed information contained in this application is true and that the information contained in the documents that may accompany this application is true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the TOWN
of TILLSONBURG in the
COUNTY of OXFORD
this 22nd day of JULY 20 20.

[Signature]
Owner(s)/Applicant

Owner(s)/Applicant

[Signature]
A Commissioner for Taking Affidavits

Nicole Rose Clause, a Commissioner, etc.,
Province of Ontario, for the Corporation
of the Town of Tillsonburg.

Expires: February 20, 2023.

Notes:

- Applications will not be considered complete until all requested information has been supplied.
- It is required that **one original** of this application (including the sketch/site plan) be filed, accompanied by the applicable fee of **\$1,250.00** in cash or cheque, payable to the **Treasurer, Town of Tillsonburg**. A fee of \$2,500.00 will be charged if an application is required 'after the fact' (after the use has occupied the site).

Municipal Freedom of Information and Protection of Privacy Act – Notice of Collection & Disclosure

The collection of personal information on this form is legally authorized under Sec.34 of the *Planning Act* and O.Reg.545/06 for the purpose of processing your planning application. Questions about this collection should be directed to the Director of Community Planning at the County of Oxford, 21 Reeve St., P.O. Box 1614, Woodstock, ON N4S 7Y3 or at 519-539-9800 (ext.3207).

Pursuant to Sec.1.0.1 of the *Planning Act*, and in accordance with Sec.32(e) of the *Municipal Freedom of Information and Protection of Privacy Act*, it is the policy of the County of Oxford to make all planning applications and supporting material available to the public.

THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW 2020-095

A BY-LAW to confirm the proceedings of Council at its meeting held on the 21st day of September, 2020.

WHEREAS Section 5 (1) of the *Municipal Act, 2001, as amended*, provides that the powers of a municipal corporation shall be exercised by its council;

AND WHEREAS Section 5 (3) of the *Municipal Act, 2001, as amended*, provides that municipal powers shall be exercised by by-law;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the Town of Tillsonburg at this meeting be confirmed and adopted by by-law;

BE IT THEREFORE ENACTED by the Council of the Corporation of the Town of Tillsonburg as follows:

1. All actions of the Council of The Corporation of the Town of Tillsonburg at its meeting held on September 21, 2020, with respect to every report, motion, by-law, or other action passed and taken by the Council, including the exercise of natural person powers, are hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this or a separate by-law.
2. The Mayor and Clerk are authorized and directed to do all the things necessary to give effect to the action of the Council of The Corporation of the Town of Tillsonburg referred to in the preceding section.
3. The Mayor and the Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the Town of Tillsonburg.
4. This by-law shall come into full force and effect on the day of passing.

READ A FIRST AND SECOND TIME THIS 21st DAY OF SEPTEMBER, 2020.

READ A THIRD AND FINAL TIME AND PASSED THIS 21st DAY OF SEPTEMBER, 2020.

MAYOR – Stephen Molnar

TOWN CLERK – Michelle Smibert