

To: Mayor and Members of Tillsonburg Council

From: Eric Gilbert, Senior Planner, Community Planning

Application for Zone Change

ZN 7-20-15 – Dyer & Nadeau

REPORT HIGHLIGHTS

- The application for Zone Change proposes to rezone the subject property from ‘Low Density Residential Type 1 Zone (R1)’ to ‘Special Low Density Type 3 Zone (R3-sp)’ to facilitate the residential conversion of a vacant commercial space to permit a multiple unit dwelling with 3 dwelling units.

Planning staff are recommending that the application be supported, as it is consistent with the policies of the Provincial Policy Statement and complies with the relevant policies of the Official Plan respecting intensification and development within Low Density Residential Areas.

DISCUSSION

Background

OWNERS: Dave Dyer & Amy Nadeau
50 Cranberry Line, Tillsonburg ON N4G 4G8

LOCATION:

The subject lands are legally described as Lot 574, Plan 500, in the Town of Tillsonburg. The subject lands are located on the northeast corner of the intersection of Hardy Avenue and John Street, and are municipally known as 1 Hardy Avenue, Tillsonburg.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule “T-1”	Town of Tillsonburg Land Use Plan	Residential
Schedule “T-2”	Town of Tillsonburg Residential Density Plan	Low Density Residential

TOWN OF TILLSONBURG ZONING BY-LAW NO.3295:

Existing Zoning: Low Density Residential Type 1 Zone (R1)

Proposed Zoning: Special Low Density Residential Type 3 Zone (R3-sp)

PROPOSAL:

The purpose of the proposed zone change is to rezone the subject lands from 'Low Density Residential Type 1 Zone (R1)' to 'Special Low Density Residential Type 3 Zone (R3-sp)' to permit the conversion of an existing commercial space to residential, to increase the total number of dwelling units to 3 on the subject property. Relief is also being sought to recognize the existing lot frontage and depth, and to permit a reduced lot area of 178 m² (1916 ft²) per dwelling unit.

The subject lands have an approximate area of 534.4 m² (5,752 ft²) and contain an existing building, containing two dwelling units and a former commercial use (sign business). An existing storage building in poor repair is also located on the subject lands.

Surrounding land uses include low density residential uses consisting of single detached dwellings, a medium density apartment development to the northwest, and Lake Lisgar waterpark and Memorial Park to the east.

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

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

Plate 3, Applicants' Sketch, depicts the proposed location and site design of the development.

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 1.1.1 provides that healthy liveable and safe communities are sustained by accommodating an appropriate range and mix of residential housing (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 servicing costs.

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 1.1.3.4 directs that appropriate development standards shall be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Further, Section 1.4 Housing, specifically ss. 1.4.3, states that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households;
- Permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents;
- Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in 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 property is designated Low Density Residential as per Schedule T-2, Residential Density Plan for the Town of Tillsonburg, 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 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.

Section 8.2.1 of the Official Plan (Housing Development and Residential Areas - Strategic Approach) identifies a number of strategies "to provide present and future residents of Tillsonburg with a choice of adequate and affordable housing which meets their needs".

The strategies developed to achieve this goal include:

- Accommodating the present and future demand for housing in Tillsonburg through the efficient use of vacant residentially-designated lands, underutilized parcels in built-up areas and existing housing stock in all neighbourhoods, with the objective of also reducing energy consumption, decreasing the financial burden of underutilized municipal services, and relieving pressure for development of natural areas and open spaces;
- Facilitating a choice of housing type, tenure, cost and location that meets the changing needs of all types of households by providing for a variety and mix of housing throughout the Town;
- Increasing the supply of affordable housing by integrating adequate housing for low and moderate income households and those with special needs throughout the Town and establish and monitor minimum affordable housing targets to ensure that the percentage of affordable housing is maintained or enhanced;

- Promoting and facilitating the provision of affordable housing through the co-operative efforts of all levels of government, the private sector and volunteer interest groups through such means as technical assistance, land conveyances, joint ventures, regulatory measures, and incentives.

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

Section 8.2.4.2 - Redevelopment or Conversion of Non-Residential Buildings, of the Official Plan provides that conversions of non-residential buildings to residential use will be subject to the following policies:

- Redevelopment including any new buildings or additions will be in keeping with the height, density, and use policies of the Low Density Residential area.
- The range of residential uses permitted in a particular location by the policies pertaining to Low Density Residential area may be expanded, without amendment to the Official Plan, by Town Council, where a non-residential use is being converted to residential use through an amendment to the Zoning By-Law.
- Any enlargements or extensions to existing buildings will respect the height, bulk, scale and setbacks of adjacent residential uses and shall not adversely impact adjacent residential uses in terms of light, views, privacy or traffic.
- Landscaping, privacy screening or other appropriate measures will be incorporated into the development to provide an adequate buffer to minimize impacts and to maintain the low density character of the surrounding residential areas.
- Vehicular traffic generated from the redevelopment will create minimal impact on local streets.
- Existing municipal services and community facilities will be adequate to accommodate the development and its residents.
- Adequate off-street parking and outdoor amenity areas will be provided.
- Conversions which result in the preservation and/or upgrading of buildings considered by Town Council to be of architectural or historical significance may be permitted to exceed the density limitations of Low Density Residential areas subject to the policies of Section 10.3.10.
- The effect of the proposed development on environmental resources and the effects of any environmental constraints on the proposed development will be addressed and mitigated in accordance with Section 3.2.

TOWN OF TILLSONBURG ZONING BY-LAW:

The subject property is currently zoned 'Low Density Residential Type 1 Zone (R1)', according to the Town of Tillsonburg Zoning By-law. The R1 zone permits a single detached dwelling, home occupation, and accessory uses thereto.

The applicant is proposing to rezone the subject property to 'Special Low Density Residential Type 3 Zone (R3-sp)' to permit the residential conversion of the former commercial space within the existing building. Special provisions are also sought to reduce the minimum lot area per dwelling unit from 330 m² (3,552 ft²) to 178 m² (1,916 ft²), and to recognize the existing lot frontage and depth.

The existing building on the subject lands containing 2 dwelling units and a commercial space is considered legal non-conforming with respect to the provisions of the R1 zone. The applicant proposes to extend the legal non-conforming use to convert the existing commercial space to a dwelling unit, bringing the total number of dwelling units to 3.

Provided that the existing storage building is removed, the proposed site plan submitted by the applicant appears to comply with the other provisions of the zoning by-law, including required landscaped open space, maximum permitted lot coverage, required amenity area, minimum required parking and other provisions of the R3 zone.

Section 5.24.2.1 of the Zoning By-Law requires 1.5 parking spaces per dwelling unit, or 5 parking spaces for the 3 proposed dwelling units. The 1.5 spaces per dwelling unit includes visitor parking requirements. Parking areas are required to be at least 1.5 m (5 ft) from interior lot lines.

AGENCY COMMENTS:

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

Town of Tillsonburg Building Services provided the following comments:

- Existing storage building on the property to the north is derelict and will have to be repaired or removed. Owner has advised that they plan to remove this building which will allow for parking.
- Provide the required parking – removal of the storage building noted above will allow the site to be developed to provide the required parking.
- Provide updated survey.
- If approved, a change of use building permit will be required for the proposed residential unit.

Oxford County Public Works Department indicated that they had no comments on the zoning by-law amendment.

Town Development Commissioner indicated that they have no concerns with the proposed rezoning. Converting the existing commercial unit to a residential unit is appropriate as it is more in keeping with the adjacent residential area than the existing commercial unit. The applicant should improve the exterior of the existing building to address long standing concerns of the neighbourhood.

PUBLIC CONSULTATION:

Notice of complete application and notice of public meeting regarding this application were circulated to surrounding property owners within 120 m (400') on two occasions, October 14, 2020 & November 2, 2020, in accordance with the requirements of the Planning Act.

Planning Analysis

The application for Zone Change proposes to rezone the lands to 'Special Low Density Residential Type 3 Zone (R3-sp)' to facilitate the residential conversion of a former commercial space within an existing building that currently contains 2 dwelling units. Special provisions are also sought to permit a reduced lot area per dwelling unit, and to recognize the existing lot frontage and lot depth.

The proposed development of the subject lands will provide more housing choice for the residents of Tillsonburg and is considered to be an efficient use of the lands, municipal services and infrastructure. It is the opinion of this Office that the subject application is consistent with the housing, intensification, and redevelopment policies of the PPS.

The proposal complies with the policies contained within Section 8.2.2.2 of the Official Plan that encourage the creation of housing opportunities that may result in a mix of tenure forms, such as ownership, rental, and cooperative, throughout the Town. The proposal is also consistent with the policy direction within Section 8.2.2.5 that promotes residential intensification in appropriate locations to make more efficient use of existing land, infrastructure, and public services.

The proposed conversion of the existing building formerly used for commercial purposes complies with the Low Density Residential policies as outlined in Section 8.2.4 of the Official Plan as the existing building does not exceed 3 stories, will be compatible with surrounding residential development, and will make use of the existing entrance for the former commercial space. The overall impact of the 1 additional residential dwelling unit on surrounding transportation networks is expected to be minimal. Required off-street parking will be provided once the derelict building is removed, and adequate amenity space will be available onsite and is available in the vicinity for the additional dwelling unit proposed.

In light of the foregoing, this Office is satisfied that the applicant's proposal to rezone the subject lands to facilitate the residential conversion of a legal non-conforming commercial space is consistent with the PPS and maintains the general intent and purpose of the Official Plan.

An amending by-law will be brought forward once the necessary amending by-law schedules have been prepared.

RECOMMENDATION

It is recommended that the Council of the Town of Tillsonburg approve-in-principle the zone change application submitted by Dave Dyer & Amy Nadeau, whereby the lands described Lot 574, Plan 500, in the Town of Tillsonburg known municipally as 1 Hardy Avenue are to be rezoned from 'Low Density Residential Type 1 Zone (R1)' to 'Special Low Density Residential Type 3 Zone (R3-sp)' to facilitate the development of a multiple unit dwelling consisting of 3 dwelling units.

SIGNATURES

Authored by:

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Approved for submission:

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