

Community Planning

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Our File: **A13-22**

APPLICATION FOR MINOR VARIANCE

TO: Town of Tillsonburg Committee of Adjustment
MEETING: December 12, 2022
REPORT NUMBER: 2022-434

OWNER: Town of Tillsonburg Non-Profit Housing Corporation
P.O. Box 203, Tillsonburg ON, N4G 4H5

AGENT: Jason Hunwicks (Reinders & Law Limited)
64 Ontario Street North, Milton ON, L9T 2T1

REQUESTED VARIANCES:

1. Relief from **Section 10.4.2.2 – Net Residential Density**, to increase the maximum permitted net residential density from 144.9 dwelling units per hectare (58.7 dwelling units per acre) to 149.8 dwelling units per hectare (60.6 dwelling units per acre);
2. Relief from **Section 10.4.2.3.2 – Number of Apartment Units**, to increase the total permitted number of apartment units from 60 to 62, to facilitate the creation of 2 new affordable apartment dwellings within an existing apartment building.

ADDITIONAL RECOMMENDED VARIANCE:

1. Relief from **Section 10.2.1- Children's Outdoor Play Area for Apartment Dwellings**, to reduce the minimum required children's outdoor play area from 1 m² per unit to nil.

LOCATION:

The subject property is described as Lots 459, 460-462, 464, Plan 500, in the Town of Tillsonburg. The property is located on the west side of Queen Street, between Bridge Street and Durham Street, and is municipally known as 53 Queen Street, Tillsonburg.

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 High Density Residential
TOWN OF TILLSONBURG ZONING BY-LAW: Special High Density Residential Zone (RH-2)

Special High Density Residential Zone (RH-3)

SURROUNDING USES: high density residential uses to the east and northeast, institutional uses to the north and west, and low density uses to the south and east.

COMMENTS:(a) Purpose of the Application:

The proposed minor variance has been requested to facilitate the addition of 2 apartment units in an existing affordable housing development. The 2 additional spaces will be created through the repurposing of two craft rooms and other areas within the existing apartment building.

The subject properties have a lot area of 4,136 m² (1.01 ac) that contains a 5 storey apartment building consisting of 60 affordable apartment units. The building has frontage on Durham Street, Queen Street and Bridge Street, with parking areas adjacent to Bridge Street and Durham Street.

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

Plate 2, Applicant's Site Plan, shows the location, dimensions, parking area and design of the existing apartment building on the subject lands.

Plate 3, Applicant's Floor Plan, shows the proposed floor plan for the new units.

(b) Agency Comments:

The Town Chief Building Official indicated that the variance should include relief of any additional amenity area and/or children's outdoor play area.

No other circulated agency provided comments respecting the application.

(c) Public Consultation:

Public Notice was provided to surrounding property owners on December 2, 2022 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 'High Density Residential' according to the Official Plan. Within the 'High Density Residential' designation, permitted land uses consist of high density housing forms including apartment dwellings, subject to the density requirements of the Official Plan. The use of the lands for an affordable housing development in the form of an apartment building conforms to the 'High Density Residential' and relevant 'Housing' policies of the Official Plan.

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

The subject property is zoned 'Special High Density Residential Zone (RH-2)' in the Town Zoning By-law. The 'RH-2 zone permits the development of an apartment building consisting of 60 units with site-specific provisions respecting increased maximum building height, reduced lot frontage, reduced exterior side yard width, reduced interior side yard width, reduced amenity area, reduced setback from an arterial road, and a reduced number of required parking spaces.

A bonusing agreement under Section 37 of the Planning Act was signed at the time of the development of the apartment building to permit increased density in exchange for the provision of affordable housing.

In this instance, Planning staff are of the opinion that the requested relief is consistent with the general intent of the Town Zoning By-Law as the 2 additional affordable housing units will be facilitated through the conversion of space within the existing building, and apart from the increased density of the site, no other changes are proposed to the building's function or form, and no further impacts are expected as a consequence of the two proposed additional units.

Planning staff recommend that relief be included in this application to stipulate that no additional amenity area is required for the 2 additional units. The tenants of the building generally do not include children, and other amenities are provided on-site or nearby in the Town's Central Area.

(f) Desirable Development/Use:

It is the opinion of this Office that the applicant's request can be considered minor and desirable for the development of the subject property.

As the proposed relief will facilitate the development of two additional affordable apartment dwelling units within an existing apartment building, it can be considered desirable development for the property. The two proposed additional units are not expected to create any negative impacts and will provide much needed affordable housing accommodation for residents of the Town.

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 A13/22 submitted by Town of Tillsonburg Non-Profit Housing Corporation, for lands described as Lots 459, 460-462, 464, Plan 500, in the Town of Tillsonburg, as it relates to:

1. Relief from **Section 10.4.2.2 – Net Residential Density**, to increase the maximum permitted net residential density from 144.9 dwelling units per hectare (58.7 dwelling units per acre) to 149.8 dwelling units per hectare (60.6 dwelling units per acre);
2. Relief from **Section 10.2.1- Children’s Outdoor Play Area for Apartment Dwellings**, to reduce the minimum required children’s outdoor play area from 1 m² per unit to nil;
3. Relief from **Section 10.4.2.3.2 – Number of Apartment Units**, to increase the total permitted number of apartment units from 60 to 62, to facilitate the creation of 2 new affordable apartment dwellings within an existing apartment building.

As the proposed variances are:

- (i) deemed to be minor variances from the provisions of the Town of Tillsonburg Zoning By-law No. 3295;
- (ii) considered desirable for the appropriate development or use of the land;
- (iii) in-keeping with the general intent and purpose of the Town of Tillsonburg Zoning By-law No. 3295; and
- (iv) in-keeping with the general intent and purpose of the Official Plan.

Authored by: *original signed by*

Eric Gilbert, MCIP, RPP
Senior Planner

Approved for submission by: *original signed by*

Gordon Hough, RPP
Director