

To: Mayor and Members of Tillsonburg Council

**From: Laurel Davies Snyder, Development Planner,
Community Planning**

Application for Zone Change ZN 7-22-16 – Darrell Stubbe

REPORT HIGHLIGHTS

- The application for a Zone Change proposes to rezone the subject property from 'Low Density Residential Type 2 Zone (R2-S)' to Special Low Density Residential Type 2 Zone (R2-sp)' to permit a converted dwelling (secondary dwelling unit in the basement) within the existing residential dwelling.
- No changes to the exterior of the existing dwelling are proposed.
- Planning staff are recommending support for the application, as it is consistent with the policies of the Provincial Policy Statement and complies with the relevant policies of the Official Plan with respect to residential intensification and development within Low Density Residential Areas.

DISCUSSION

Background

OWNER: Darrell Stubbe
5 Mary Street, Tillsonburg ON N4G 5M2

LOCATION:

The subject property is described as Lot 26, Plan M131, Town of Tillsonburg. The lands are located on the southwest corner of the intersection of Mary Street and Kara Lane, and municipally known as 5 Mary Street.

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 2 Zone (R2-S)

Proposed Zoning: Special Low Density Residential Type 2 Zone (R2-sp)

PROPOSAL:

The purpose of this application is to rezone the subject property from from 'Low Density Residential Type 2 Zone (R2-S)' to 'Special Low Density Residential Type 2 Zone (R2-sp)' to permit a converted dwelling (secondary dwelling unit) on the subject lands.

The subject lands are approximately 1121 m² (12,066 ft²) in area and contain a single detached dwelling and detached garage (c. 1995). The property currently has two parking areas; one single driveway in front of the detached garage and one double driveway to the right of the main entrance with room for four (4) vehicles.

Surrounding land uses to the north, south, west, and east consist of low density residential uses, specifically single detached dwellings. There is an institutional use (school) further to the west (fronting on Frances Street).

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

Plate 2, 2020 Aerial Map, provides an aerial view of the subject property and the existing zoning in the immediate vicinity.

Plate 3, Applicant's Sketch, provides a sketch of the existing residential dwelling and existing parking areas.

Application Review

2020 PROVINCIAL POLICY STATEMENT (PPS):

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 of the PPS states that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term and cost-effective development patterns and standards to minimize land consumption and servicing costs.

Section 1.1.3.1 directs that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Further, Section 1.1.3.2 states that land use patterns within settlement areas shall be based on:

- densities and a mix of land uses which are appropriate for and efficiently use existing infrastructure and public service facilities (available and planned);
- support active transportation;

- efficiently use land and resources; and,
- support for a range of uses and opportunities for intensification and redevelopment in accordance with the criteria outlined in policy 1.1.3.3.

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 - and specifically section 1.4.3, states that planning authorities shall provide for an appropriate mix of housing options and densities to meet projected needs 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 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 areas 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.

The policies in Section 8.2.1 of the Official Plan - Housing Development and Residential Area – Strategic Approach - identify a number of strategies “to provide present and future residents of Tillsonburg with a choice of adequate and affordable housing which meets their needs”. Specific strategies developed to support achievement of these goals 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 in Section 8.2.2.5 – Residential Intensification and Redevelopment - promote residential intensification in appropriate locations to make more efficient use of existing land, infrastructure, and public services. Residential intensification is permitted in appropriate locations within the Residential and Central Areas of the Town, subject to complying with the policies of the associated land use designations pertaining to the density, form and scale of residential development being proposed.

The policies in Section 8.2.4 – Low Density Residential Areas – guide the development of these areas. Section 8.2.4.3 – Converted Dwellings, states that Town Council may zone areas to permit detached dwellings to be converted into two residential units. Converted dwellings may be permitted with more than two units if the area is characterized by a mixture of dwelling types, lot sizes are generally sufficient to accommodate the required off-street parking without detracting from the visual character of the area, and existing dwelling units satisfy the dwelling size requirements specified in the Zoning By-law.

TOWN OF TILLSONBURG ZONING BY-LAW:

The subject property is currently zoned “Low Density Residential Type 2 Zone (R2-S)”, according to the Town of Tillsonburg Zoning By-law. Permitted uses within the R2-S zone include single detached dwellings.

For a converted dwelling (2 dwelling units), the R2 Zone requires a minimum lot area of area of 620 m² (6673.6 ft²), frontage of 18 m (59.1 ft), lot depth of 30 m (98.4 ft), front yard depth of 7.5 m (24.6 ft), exterior side yard depth of 6 m (19.7 ft), rear yard of 7.5 m (24.6 ft), and maximum lot coverage of 40%. A converted dwelling requires four (4) parking spaces; two (2) per dwelling unit.

In addition, Section 7.2 sets out Special Provisions for a Converted Dwelling as follows:

- There shall be no alterations to the dwelling that have the effect of increasing the gross floor area of the dwelling, except for the addition of any entrances, dormers and other minor alterations that may be required to comply with building and fire code requirements. Any outside stairways that may be required shall be located in a rear yard only
- A converted dwelling shall comply with all the other zone requirements contained in Section 7.2, except that an existing single detached dwelling having a front yard, interior side yard, exterior side yard or setback which is or are less than required under the provisions of Table 7.2, may be altered into a converted dwelling, provided such alteration does not further reduce such deficient yard or setback.

The proposal for a converted dwelling on the subject property complies with the provisions of the R2 Zone and the Special Provisions for a Converted Dwelling. Specifically, the subject lands are approximately 1121 m² (12,066 ft²) in area and the Applicant / Owner is not proposing to increase the gross floor area of the existing dwelling.

AGENCY COMMENTS:

The application was circulated to various public agencies considered to have an interest in the proposal. No concerns were expressed with the proposed development. The Town Building Department indicated that a building permit will be required to recognize the additional residential unit and ensure compliance with the Ontario Building Code.

PUBLIC CONSULTATION:

A Notice of Complete Application was circulated on November 10, 2022 and the Notice of Public Meeting was circulated to surrounding property owners on January 10, 2023. At the time this report was written, no comments or concerns had been received from the public.

Planning Analysis

It is the opinion of this Office that the proposed zoning application is consistent with the policies of the Provincial Policy Statement and is in keeping with the intent and purpose the Official Plan and can therefore be supported from a planning perspective.

The proposal is consistent with the PPS direction to provide for an appropriate diversity of housing types and densities to meet the needs of current and future residents. If approved, this converted dwelling will provide an additional housing option for current and/or future residents of the Town and represents an efficient use of existing municipal infrastructure.

The proposal is not expected to impact the surrounding neighbourhood for four key reasons:

- the Applicant is not proposing to change the exterior of the existing dwelling;
- the size of the lot exceeds the minimum requirements for converted dwellings in the R2 zone (57.6% greater);
- the lot meets all relevant zoning provisions regarding converted dwellings as per Section 7.2; and,
- the subject property provides more than the required off-street parking spaces (six (6) provided, four (4) required);

The Applicant is applying for a Zone Change to permit a secondary dwelling unit in the basement level of the existing single detached dwelling. The proposal complies with the provisions in the Zoning By-law for converted dwellings in the R2 Zone, and complies with the Special Provisions for Converted Dwellings as per Section 7.2 in the Zoning By-law.

It is Planning staff's opinion that permitting a converted dwelling (secondary dwelling unit) within the existing single detached dwelling is appropriate from a planning perspective and can be given favourable consideration.

RECOMMENDATION

1. It is recommended that the Council of the Town of Tillsonburg approve the zone change application submitted by Darrel Stubbe, whereby the lands described as Lot 26, Plan M131, Town of Tillsonburg, known municipally as 5 Mary Street, are to be rezoned from 'Low Density Residential Type 2 Zone (R2-S)' to 'Special Low Density Residential Type 2 (R2-sp)' to permit a second residential unit in the basement of an existing single-detached dwelling.

SIGNATURES

Authored by:

Original signed by

Laurel Davies Snyder, RPP, MCIP
Development Planner

Approved for submission: *Original signed by*

Gordon K. Hough, RPP
Director