

To: Mayor and Members of Tillsonburg Council

From: Laurel Davies Snyder, Development Planner, Community Planning

Application for Zone Change ZN 7-23-03 – Pamela and Timothy Ford

REPORT HIGHLIGHTS

- The application for a Zone Change proposes to rezone the subject property from 'Neighbourhood Commercial Zone (NC)' to 'Special Neighbourhood Commercial Zone (NC-sp)' to permit two Additional Residential Units (ARUs) in the existing structure.
- Planning staff are recommending support of the application, as it is consistent with the policies of the Provincial Policy Statement and maintains the intent and purpose of the Official Plan with respect to residential intensification and development within Low Density Residential Areas.

DISCUSSION

Background

APPLICANT/OWNER:

Pamela and Timothy Ford
18 Bier Crescent, New Hamburg ON N3A1Y4

LOCATION:

The subject lands described as LT 616 PL 500; PT LT 615 PL 500, Town of Tillsonburg. The subject lands are located on the northeast corner of Broadway and Gowrie Street East, and known municipally as 332 Broadway.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "T-1"	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:	Neighbourhood Commercial Zone (NC)
Proposed Zoning:	Special Neighbourhood Commercial Zone (NC-sp)

PROPOSAL:

The purpose of this application is to rezone the subject property from 'Neighbourhood Commercial Zone (NC)' to 'Special Neighbourhood Commercial Zone (NC-sp)' to permit two Additional Residential Units (ARUs) in the existing structure, for a total of three residential units on the subject lands.

The subject lands are approximately 452.3 m² (4,865.29 ft²) in area and contain a single detached dwelling and detached garage. The property historically contained both a commercial and a residential use. The dwelling currently contains two residential units, one of which was constructed without the benefit of a building permit by a previous owner (basement unit). The applicant proposes to legalize the basement unit and add a third residential unit. The Applicant has stated that all construction work for the residential units will be internal to the existing structure, and the applicant is not proposing to alter the height or footprint of the existing residential dwelling. The approximate size of each unit would be as follows:

- Unit 1 - existing (upper/main): 93 m² (1000 ft²)
- Unit 2 - proposed (main): 102 m² (1100 ft²)
- Unit 3 - existing (basement): 69.6 m² (750 ft²)

The Applicant is required to provide two parking spaces for the existing legal dwelling and one space for each additional unit. The proposal for providing the required on-site parking is:

- 1 parking spaces: existing driveway off of Gowrie; and,
- 3 parking spaces: existing driveway/parking area off of Broadway.

The land uses immediately surrounding the subject lands are detached residential dwellings. The lot fabric immediately surrounding the subject lands and in the surrounding area vary in size and configuration.

Plate 1, Location Map with Existing Zoning, 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.

Plate 3, Applicant's Sketch, provides a sketch of the subject lands, as provided by the applicant and includes building location as well as existing and proposed 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 1.0 of the PPS sets out goals and directions for Building Strong Healthy Communities. In Section 1.1.1, 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, including additional residential units, 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 lands are designated 'Residential' as per Schedule T-1, Town of Tillsonburg Land Use Plan and 'Low Density Residential' as per Schedule T-2, Town of Tillsonburg Residential Density Plan, as contained in the Official Plan.

The policies in Section 8.2.1 of the Official Plan – Housing Development and Residential Area Strategic Approach – apply to the areas of the subject lands designated 'Low Density Residential'. 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.

Policies in Section 8.2.1 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 10.3.5 – Zoning By-Laws and Non-Conforming Uses – provide criteria for identifying and recognizing non-conforming uses in the zoning by-law. Section 10.3.5 also provides criteria for permitting minor expansion or minor change in use. These include ensuring adequate services (water supply, sewage facilities, stormwater management, road access), ensuring adequate parking and loading facilities, and ensuring compatibility with existing land uses in the vicinity (noise, odour, emissions, vehicular traffic, visual intrusion), maintaining the general intent of the Official Plan, and any other conditions deemed appropriate.

Zoning By-law

The subject property is currently zoned ‘Neighbourhood Commercial (NC)’, according to the Town of Tillsonburg Zoning By-law. Permitted uses within the ‘Neighbourhood Commercial Zone’ include an accessory dwelling unit in the upper storey of a building containing a permitted non-residential use, an automated teller, a convenience store, a day care centre, a dry cleaning depot, an eating establishment, excluding a drive through facility, a fitness club, a personal service establishment, a postal outlet, a public library, a public use (in accordance with the provisions of Section 5.27 of this By-Law), a studio; and, a video rental establishment.

Agency Comments

- Oxford County Engineering Services: The Applicant is required to submit a completed Sewage and Water System Capacity Confirmation Form for review/completion by Oxford County Public Works.

- Tillsonburg Building Services: A building permit will be required to change the commercial use to residential, and to establish the two proposed new residential units.
- Tillsonburg Economic Development and Marketing: No questions or concerns with the rezoning to permit additional residential within the existing structure. Note that this property and the adjacent 336 Broadway property would provide a larger commercial site for potential redevelopment if ever amalgamated under one ownership. As the Town continues to experience growth pressures, these commercial lands could become more attractive for commercial development in the future.
- Tillsonburg Engineering: The front of the property along Broadway is currently paved. It should be noted that this area should not be used as a parking space. Drivers that have to stop at the intersection of Gowrie Street and Broadway would have trouble seeing around the corner making it difficult to safely turn onto Broadway which can get very busy at times. Refer to the Tillsonburg Zoning By-Law Subsection 5.29 Sight Triangles with respect to the property.
- Tillsonburg District Chamber of Commerce: Support for application; ensure consideration is given to parking.
- Tillsonburg Hydro Inc.: Contact THI directly for a new or upgraded electrical service including an additional meter.

Public Consultation

A Notice of Complete Application was circulated on June 23, 2023, and the Notice of Public Meeting was circulated to surrounding property owners on June 30, 2023. Correspondence received from the public is attached to this report for Council's consideration.

Planning Analysis

Current provisions contained in the Planning Act permit up to two Additional Residential Units (ARUs) in single detached, semi-detached and street townhouse dwellings, and/or in a structure ancillary to such dwellings. The application for zone change proposes to permit two ARUs of approximately 102 m² (1100 ft²) and 69.6 m² (750 ft²) in an existing single detached residential dwelling for a total of three residential units on the subject property.

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 proposal will provide a total of three housing opportunities within walking distance of the Town's Central Area, and make efficient use of existing municipal infrastructure. As the proposal will utilize the existing structure, staff are of the opinion that the development will facilitate intensification, redevelopment and compact form.

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 throughout Tillsonburg, such as ownership, rental, and cooperative.

The subject property is located within walking distance of the Tillsonburg Downtown and public transit. This proposal is therefore consistent with the policies in Section 8.2.2.5, Residential Intensification and Redevelopment, which promotes residential intensification and redevelopment in appropriate locations to make more efficient use of existing land, infrastructure, and public services.

As the proposed units would be internal to the existing residential dwelling, there would be no alteration to the form of the existing residential dwelling. It is the opinion of Planning staff that the proposal is compatible with the existing land uses, building forms, and lot fabrics in the vicinity, and therefore conforms to the policies of the Official Plan regarding Low Density Residential areas within the Town of Tillsonburg.

The Applicant is required to provide four (4) on-site parking spaces and is proposing the following:

- 1 parking space: existing driveway off of Gowrie Street; and,
- 3 parking spaces: existing driveway/parking area off of Broadway.

Tillsonburg Zoning By-Law Subsection - 5.29 Sight Triangles, sets out provisions for maintaining clear sight lines between intersecting streets. In this case, the concern is that sight lines between Gowrie Street and Broadway could be interrupted by vehicles parking directly in front of the existing building. To address these concerns, and maintain clear vehicular and pedestrian sight lines, the applicant has confirmed that there will not be any parking provided in front of the building. Parking will be provided in the existing driveways on the subject property.

Planning staff have discussed the proposal and specifically, the on-site parking arrangements, with the Town's Building Department; the Building Department is supportive of the proposal. The applicant has stated that they will clearly identify and delineate the parking areas/spaces.

It is Planning staff's opinion that the application for a zone change to permit two Additional Residential Units of approximately 102 m² (1100 ft²) and 69.6 m² (750 ft²) in an existing single detached residential dwelling is consistent with the provisions of the Planning Act and the policies of the Provincial Policy Statement, and maintains the general intent and purpose of the Official Plan and can be given favourable consideration.

RECOMMENDATIONS

It is recommended that the Council of the Town of Tillsonburg approve the zone change application submitted by Tim Ford, whereby the lands described as LT 616 PL 500; PT LT 615 PL 500 AS IN 229659, Town of Tillsonburg, known municipally as 332 Broadway, are to be rezoned from 'Neighbourhood Commercial Zone (NC)' to 'Special Neighbourhood Commercial Zone (NC1-sp)' to permit two (2) Additional Residential Units (ARU) in an existing single detached residential 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

Appendix A – Correspondence Received from the Public

Email received July 6, 2023

Good Afternoon,

I received a letter in the mail regarding an application to permit 2 additional residential units at 332 Broadway. I believe this would then make 3 residential units on this property.

On the letter, "All required parking will be provided on-site". I would like to know if parking will be on the front (Broadway side)? If so, I would strongly suggest this be re-visited. When this property was used as a general store, access to Broadway from Gowrie was dangerously impeded by parking vehicles between the Broadway sidewalk and the front of the store.

Thanks in advance of your reply.

Jim Ronson

*Laurel Davies Snyder
Development Planner
Community Planning
County of Oxford*

*re applicant Tim Wilson
file 2023-03*

Dear Ms. Snyder

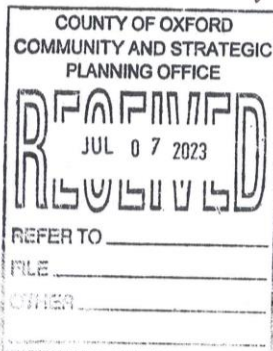
My wife and I are owners of 336 Broadway, adjacent to the applicant's property. We have a few questions regarding the application.

- a) What are the differences between the current designation (NC) zone and the requested change (NC-SF) zone?*
- b) What is the size of the lot and the current coverage?*
- c) What is the current coverage that is allowed under each zoning?*
- d) Do you have a plan for the proposed parking?*

If there is anything we should know, please include.

Thank you for the opportunity to respond.

*Sincerely,
Adele & John Armstrong*



Email received July 8, 2023

Dear Sirs

White this project will likely not affect me .the parking does Gowrie is our main way out at present there is one parking spot for that building it has two possible three apts .with two car familys the rest is park on Gowrie now to add two more units you may as well shut Gowrie and make it a parking lot at least it will be safer..They state 4 parking spots for possible 6 to 8 cars. also notice over the years 4 spots on paper tend to change when it comes to reality thank you