

To: Mayor and Members of Tillsonburg Town Council

From: Laurel Davies Snyder, Development Planner, Community Planning

Application for Consent and Minor Variance B24-34-7; A24-11-7 – Mike and Rebecca Dawdry

REPORT HIGHLIGHTS

- The purpose of the Applications for Consent and Minor Variance is to create one new residential infill lot and to retain one residential lot containing an existing dwelling.
- A variance is being proposed to allow for a reduced minimum lot depth of 25.5 m (83.7 ft) for the lot to be severed, in lieu of the required 32 m (105 ft).
- Planning staff are recommending that the application be approved as it is consistent with the policies of the Provincial Policy Statement (PPS), maintains the intent and purpose of the Official Plan respecting residential intensification and development within Low Density Residential Areas, and the proposed variances satisfy the tests outlined in Section 45(1) of the Planning Act.

DISCUSSION

Background

OWNERS/APPLICANTS: Mike and Rebecca Dawdry
436 Broadway, Tillsonburg, ON N4G 3S7

LOCATION:

The subject lands are described as Pt Lt 91, Plan 500, Pt 1, 41R349 in the Town of Tillsonburg. The property is located on the southeast corner of Broadway and Lisgar Avenue and is known municipally as 436 Broadway.

COUNTY OF OXFORD OFFICIAL PLAN:
TILLSONBURG ZONING BY-LAW NO. 3295:

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

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

EXISTING USE OF SUBJECT PROPERTY:

Lot to be Severed: existing garage (to be removed)

Lot to be Retained: existing single detached dwelling (to be retained)

SERVICES:

Lot to be Retained: municipal water and municipal sanitary sewer

Lot to be Severed: municipal water and municipal sanitary sewer

ACCESS:

Lot to be Retained: paved municipal road (Broadway)

Lot to be Severed: paved municipal road (Lisgar Avenue)

PROPOSAL:

The purpose of the Application for Consent is to create one new residential infill lot with frontage on Lisgar Avenue to facilitate the construction of a new residential dwelling, and to retain one residential lot with frontage on Broadway which currently contains a single detached dwelling. The approximate dimensions of the lot to be severed and the lot to be retained are provided below:

	<u>Lot to be Retained</u>	<u>Lot to be Severed</u>
Lot Area:	1,143 m ² (12,306.4 ft ²)	730.7 m ² (7,865.2 ft ²)
Lot Frontage:	25.58 m (83.9 ft)	28.65 m (94 ft)
Average Lot Depth:	44.85 m (147.1 ft)	25.52 m (83.7 ft)

The applicant has advised that:

- for the lot to be retained, the existing vehicular access to Broadway and existing single detached dwelling will be retained; and,
- for the lot to be severed, the existing vehicular access to Lisgar Avenue will be retained, and the existing detached garage will be removed.

The applicant is proposing relief from Section 6.2, 'Low Density Residential – Type 1 Zone (R1)' to reduce the minimum lot depth from 32 m (105 ft) to 25.52 m (83.7 ft) for the lot to be severed.

The subject property is a rectangular corner lot, with existing vehicular accesses onto Broadway and onto Lisgar Avenue. Current land uses surrounding the subject property consist of low

density residential uses in the form of single detached dwellings on a range of lot sizes to the north, south, east and west on both Broadway and Lisgar Avenue. The Tillsonburg Skate Park and baseball diamonds are located to the east of the subject property on Lisgar Avenue.

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

Plate 2, 2020 Aerial Map, provides an aerial view of the subject lands and surrounding area.

Plate 3, Applicants' Sketch, provides the dimensions of the lot to be severed and the lot to be retained, as provided by the applicants.

Application Review

PROVINCIAL POLICY STATEMENT (PPS):

Section 1.1.1 of the PPS 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 use which are appropriate for, and efficiently use the infrastructure and public service facilities which are planned or available;
- support for active transportation;
- efficiently using land and resources; and,
- 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 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land, resources, existing infrastructure, and public service facilities. A range of uses and opportunities for intensification and redevelopment should also be promoted where it can be accommodated in settlement areas.

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.

Section 1.4, Housing, and specifically Subsection 1.4.3, state 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;
- permitting and facilitating all types of residential intensification, including additional residential units and redevelopment, in accordance with policy 1.3.3.3;

- 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 lands are located within the 'Low Density Residential' designation 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, street-fronting townhouses, and other, similar forms of 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 8.2.2.5, Residential Intensification and Redevelopment, promote residential intensification in appropriate locations to make more efficient use of existing land, infrastructure, and public services. Specifically, a minimum target of 15 percent of all new residential dwelling units are to be developed through residential intensification within built-up areas of the Town.

Residential intensification and compact urban form are 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. Intensification 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.

The policies of Section 8.2.4.1, Infill Housing, apply to this proposal. Infill housing is defined as the placement of new residential development into established built-up areas on vacant or underutilized sites. To efficiently utilize the residentially designated land supply, and municipal servicing infrastructure, infill housing will be supported in Low Density Residential Districts.

The introduction of new residential housing into an established streetscape pattern will only be permitted if the proposal is deemed to be consistent with the characteristics of existing development on both sides of the same street. In order that street-oriented infill projects are sensitive to the continuity of the existing residential streetscape, the County Land Division Committee will ensure that the proposal is consistent with the street frontage, setbacks, lot area, and, spacing of existing development within a two-block area on the same street. In addition to the specific infill policies identified, the following will be considered for all infill proposals:

- the location of vehicular access points, the effect of traffic generated by the proposal on the public road system, pedestrian and vehicular safety and surrounding properties is assessed and found to be acceptable;

- existing municipal services and community 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;
- 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 proposed development on environmental resources or the effects of environmental constraints on the proposed development will be addressed and mitigated in accordance with Section 3.2;
- compliance of the proposed development with the provisions of the Zoning By-Law of the Town and other municipal by-laws; and,
- consideration of the potential effect of the development on natural and heritage resources and their settings.

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 in keeping with the overall objectives of the Official Plan.

TOWN OF TILLSONBURG ZONING BY-LAW:

The subject property is currently zoned 'Low Density Residential Type 1 Zone (R1)' in the Town's Zoning By-law. Permitted uses in the 'R1' Zone include an additional residential unit, a group home, a home occupation, a public use, and a single detached dwelling.

For single detached dwellings, the provisions of the 'R1' zone relevant to this application include:

- Minimum Lot Area of 480 m² (5,166.9 ft²) or 608 m² (6,544.7 ft²) in the case of a corner lot;
- Minimum Lot Frontage of 15 m (49.2 ft) or 19 m (62.3 ft) in the case of a corner lot; and,
- Minimum Lot Depth of 32 m (105 ft).

The minimum lot area, lot frontage and lot depth provisions of the Town's Zoning By-Law are intended to ensure that lots are sufficiently large enough to provide an adequately sized building envelope and ensure that adequate area is provided for safe access/egress, parking, landscaping, drainage, and private amenity space.

With respect to the lot to be retained and the lot to be severed, it appears that the minimum lot frontage and minimum lot area provisions of the 'R1' Zone for single detached dwellings will be met, and the minimum lot depth provision for the lot to be retained will be met.

The associated Minor Variance application proposes to obtain relief from Section 6.2, Low Density Residential – Type 1 Zone (R1)' to reduce the minimum lot depth from 32 m (105 ft) to 25.51 m (83.7 ft) for the lot to be severed.

In this case, the whole of the subject lands front on Broadway (for the purposes of the Town's Zoning By-law) and there are two vehicular accesses (via driveways) – one on Broadway and one on Lisgar Avenue. Severing the lot will result in the lot to be retained maintaining frontage on Broadway, and the lot to be severed having frontage on Lisgar Avenue (the existing driveway will be maintained).

With respect to the relief from the lot depth provision proposed for the lot to be severed, as the frontage of the said lot will be defined as that frontage along Lisgar Avenue, the rear lot line

becomes the easterly lot line, and the rear yard depth is the distance measured between the front lot line on Lisgar Avenue and the 'new' rear lot line. The proposed lot depth for the lot to be severed is 25.51 m (83.7 ft).

AGENCY COMMENTS:

Oxford County Public Works

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- If approved, a condition of severance shall be that the owner agrees to satisfy all requirements, financial and otherwise, of the County regarding the installation of water and sanitary sewer services, to the satisfaction of the County.
- Both properties must be serviced (water/sanitary) independently, and any/all services crossing the proposed property line must be disconnected to the satisfaction of the County of Oxford Public Works Department. Water/sanitary servicing is available on Lisgar Avenue and the applicant will be required to connect to the services for the new lot.

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- No comments.

Town of Tillsonburg Engineering Department

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Conditions:

- The Owner(s) shall covenant and agree to satisfy all requirements financial and otherwise, of the Town of Tillsonburg regarding the installation of services and drainage facilities, to the satisfaction of the Town of Tillsonburg. Any work being done in the Town's right-of-way will require an Encroachment Permit, and a representative of the developer's consultant must be on site while this work is undertaken. The Owner shall agree to submit a stamped and sealed letter to the Town of Tillsonburg from the consulting engineer stating that all servicing and restoration work has been completed to the Town of Tillsonburg Development Guidelines and Design Criteria.
- The Owner(s) shall submit a Lot Grading Plan and Site Servicing Plan including all required servicing for the proposed lot to be severed, to the satisfaction of the Town of Tillsonburg Engineering Services Department. If any grading changes are proposed for the lot to be retained, the Owner(s) shall submit a Lot Grading Plan to the satisfaction of the Town of Tillsonburg Engineering Services Department.
- The Owner(s) shall submit a Surveyor's Real Property Report to confirm lot sizes and building setbacks, to the satisfaction of the Town of Tillsonburg.

Comments:

- Approval from the Director of Operations and Development will be required for any required road closures.

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- No questions or concerns.
- Staff notes that a future Minor Variance may be required (e.g. if the Owner wishes to add a deck or accessory building to the lot to be severed).

Town of Tillsonburg Building Services Department indicated that they do not have any comments or concerns. They noted that a future Minor Variance for the Minimum Rear Yard depth may be required.

Tillsonburg Economic Development and Marketing commented that they do not have any questions or concerns.

Tillsonburg Hydro indicated that they do not have any comments regarding the severance, and, that a completed Electrical Planning Form must be submitted with a request for new electrical service for the proposed lot to be severed.

Rogers commented that there is an aerial plant in the area and clearance of 0.3 m (1 ft) vertically and 0.6 m (2 ft) horizontally is required.

Oxford County Source Water Protection commented that the applications do not have source water implications under S. 59.

PUBLIC CONSULTATION:

Notice of the Application for Consent was provided to the public and surrounding property owners in accordance with the requirements of the Planning Act. At the time of writing this report, no comments or concerns had been received from the public.

Planning Analysis

Provincial Policy Statement (PPS)

Approving the proposed severance will result in the creation of one new residential infill lot in the Town of Tillsonburg, providing the opportunity for intensification within a serviced settlement area. This is consistent with the policies of the PPS in Section 1.1.1 regarding accommodating an appropriate range and mix of residential housing to meet long-term needs, and promoting cost-effective development that minimizes land consumption and servicing costs. Staff are of the opinion that the new residential lot resulting from the severance is suitable for residential purposes. More specifically, the size and configuration of the proposed lot to be created represents an efficient use of land and municipal infrastructure. In this regard, the proposal is consistent with the policies of the PPS in Section 1.1.3.1 that support Settlement Areas as the focus of growth, the effective use of existing infrastructure, and efficiently using land and resources.

Official Plan

The proposal is consistent with Low Density Residential Areas and Infill Housing policies in the Official Plan.

The subject lands are located within an area primarily characterized by residential land uses (predominantly single detached dwellings) on a range of lot sizes. The lot to be retained and lot to be severed are generally consistent with the relevant provisions of the 'R1' zone in the Zoning By-law, and Staff is of the opinion that both lots will be of sufficient size to provide safe vehicular ingress and egress, adequate space for required off-street parking, and amenity space.

Regarding the street-oriented infill policies contained in Section 8.2.4.1.1, Planning staff considered the two-block area between Devonshire Avenue and Glendale Drive on Broadway,

and, as this is a corner lot and the lot to be severed will front onto Lisgar Avenue, staff also considered the area along Lisgar Avenue from Broadway to Devonshire Avenue. These areas are characterized by single detached dwellings on a range of lot sizes, and public parkland (including skate parks, baseball diamonds, and shared tennis and pickleball courts) east of the subject property on Lisgar Avenue. Staff are of the opinion that the lot to be retained and lot to be severed are consistent and compatible with residential lot sizes and the parkland use within the defined area, and both lots will provide adequate lot area and building envelopes for residential development.

The Low Density Residential designation is intended to accommodate a mix and integration of different housing types while achieving an overall low density. Planning staff are of the opinion that as the proposed lot to be severed is within an existing fully serviced settlement area and part of what is today considered an oversized residential lot in a fully serviced settlement area, it provides a logical opportunity to increase the supply of housing through appropriate intensification. Planning staff are of the opinion that the proposed new lot is of sufficient size to accommodate new residential development and is considered to be compatible with surrounding residential uses with respect to lot area, lot frontage, and lot depth, orientation to Lisgar Avenue, and the overall form and function of the surrounding neighbourhood land uses.

It is the opinion of Planning staff that the application conforms to the relevant policies of the Official Plan regarding Low Density Residential areas and Street Oriented Infill (intensification).

Zoning By-law

Based on the information provided by the applicants, the lot to be severed and the lot to be retained generally comply with the provisions of the 'R1' Zone. Staff are of the opinion that the proposed lot to be severed and proposed lot to be retained would both be of sufficient size to provide adequately sized building envelopes with adequate area for parking, landscaping, drainage, and private amenity space. Furthermore, staff are of the opinion that the requested relief for reduced lot depth for the lot to be severed is in keeping with lot sizes in the area, as previously described in this report.

Staff are satisfied that the applicants' request for relief can be considered minor, desirable, and appropriate. Adequate area for drainage purposes and building maintenance and sufficient access to the rear yard will be maintained, and adequate amenity area will remain. The proposal can be considered desirable for the area as the lot configurations and sizes are in keeping with the existing lot fabric in the immediate area and supported by the residential infill and intensification policies of the Official Plan.

In light of the foregoing, it is the opinion of this Office that the Application for Consent and Minor Variance is consistent with policies of the PPS, maintains the intent of the Official Plan respecting efficient use of land and municipal services within a fully serviced urban area, and provides an infill housing opportunity for the Town of Tillsonburg. As such, Planning staff recommend that the applications be given favourable consideration.

RECOMMENDATIONS

The Council of the Town of Tillsonburg advise the Oxford County Land Division Committee that the Town supports the Application for Consent B24-23-7 submitted by Mike and Rebecca Dawdry for lands described as Pt Lot 91, Plan 500, Part 1, 41R-349 in the Town of Tillsonburg, subject to the following conditions:

1. The Owners shall agree to satisfy all requirements, financial and otherwise, of the County regarding the installation of water and sanitary sewer services, to the satisfaction of the County including payment of all outstanding fees regarding the same. To this regard, the lot to be retained and the lot to be severed must be independently serviced (water/sanitary), and any/all services crossing the proposed property line be disconnected to the satisfaction of the County of Oxford Public Works Department.
2. The Owners shall provide payment for cash-in-lieu of parkland to the Town of Tillsonburg for the lot to be severed, to the satisfaction of the Town of Tillsonburg.
3. The Owner(s) shall covenant and agree to satisfy all requirements financial and otherwise, of the Town of Tillsonburg regarding the installation of services and drainage facilities, to the satisfaction of the Town of Tillsonburg. Any work being done in the Town's right-of-way will require an Encroachment Permit, and a representative of the developer's consultant must be on site while this work is undertaken. The Owner shall agree to submit a stamped and sealed letter to the Town of Tillsonburg from the consulting engineer stating that all servicing and restoration work has been completed to the Town of Tillsonburg Development Guidelines and Design Criteria.
4. The Owner(s) shall submit a Lot Grading Plan and Site Servicing Plan including all required servicing for the proposed lot to be severed, to the satisfaction of the Town of Tillsonburg Engineering Services Department. If any grading changes are proposed for the lot to be retained, the Owner(s) shall submit a Lot Grading Plan to the satisfaction of the Town of Tillsonburg Engineering Services Department.
5. The Owner(s) shall submit a Surveyor's Real Property Report to confirm lot sizes and building setbacks, to the satisfaction of the Town of Tillsonburg.
6. The Clerk of the Town of Tillsonburg advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Tillsonburg have been complied with.

And further, that the Town of Tillsonburg advise the Land Division Committee that the Town supports the approval of Application A24-11-7 submitted by Mike and Rebecca Dawdry for lands described as Pt Lot 91, Plan 500, Part 1, 41R-349 in the Town of Tillsonburg, as it relates to:

1. Relief from Section 6.2 – Table 6.2 - Zone Provisions, to reduce the Minimum Lot Depth from 32 m to 25 m for the lot to be severed via Application for Consent B24-11-7.

As the proposed variance is:

- (i) deemed to be a minor variance from the provisions of the Town of Tillsonburg Zoning By-law No. 3295;
- (ii) deemed to be 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.

SIGNATURES

Authored by:

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Laurel Davies Snyder, RPP, MCIP
Development Planner

Approved for submission:

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Eric Gilbert, RPP, MCIP
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