

To: Mayor and Members of Tillsonburg Council

From: Heather St. Clair, Development Planner, Community Planning

Application for Zone Change ZN 7-18-14 – St. Paul’s United Church Tillsonburg, A Congregation of the United Church of Canada

REPORT HIGHLIGHTS

- The application for zone change proposes to rezone a portion of the subject lands from ‘Central Commercial Zone (CC)’ to ‘Special Central Commercial Zone (CC-sp)’ to permit a single detached dwelling on the subject lands.
- Specifically, the applicant is proposing to revert the former church manse (which was converted to a restaurant in 2002), to a single detached dwelling. St. Paul’s United Church is also located on the subject lands, and an application for consent has been received to sever this building from the church property.
- Planning staff are supportive of the proposal, as it is generally consistent with the policy direction of the Provincial Policy Statement and County Official Plan respecting the provision of a range of uses in the Central Area.

DISCUSSION

Background

OWNER: St. Paul’s United Church, Tillsonburg
A Congregation of the United Church of Canada
88 Bidwell Street, Tillsonburg ON, N4G 3V2

APPLICANT: David Morris, Trustee
20 Devon Court, Tillsonburg ON, N4G 4K5

AGENT: Brad Bennett
36 Broadway, Tillsonburg ON, N4G 3P1

LOCATION:

The subject property is described as Lots 888-890, Plan 500, Town of Tillsonburg. The lands are located on the northeast corner of Ridout Street West and Bidwell Street and are municipally known as 38 Ridout Street in the Town of Tillsonburg.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "T-1"

Town of Tillsonburg
Land Use Plan

Central Business District

TOWN OF TILLSONBURG ZONING BY-LAW NO.3295:

Existing Zoning: Central Commercial Zone (CC)

Proposed Zoning: Special Central Commercial Zone (CC-sp)

PROPOSAL:

The applicant is proposing to rezone a portion of the subject lands from 'Central Commercial Zone (CC)' to 'Special Central Commercial Zone (CC-sp)' to allow for the conversion of an existing restaurant back into a single detached dwelling. The building on the subject lands was originally constructed as a single detached dwelling (the manse associated with the adjacent United Church), and was constructed in approximately 1890. The conversion of the manse into a commercial building (recently known as The Cup and Cake restaurant) occurred in 2002. The applicant is now requesting an amendment to the 'CC' zoning to permit the conversion of the structure back to a single detached dwelling.

The subject property is approximately 3,200 m² (34,445.6 ft²) in area, with approximately 51 m (167.3 ft) of frontage on Ridout Street West. The subject lands contain St. Paul's United Church as well as the former manse, which has been converted to a commercial building. The applicant has also submitted an application for consent to sever the existing commercial building from the church.

The former manse is designated under the Ontario Heritage Act as a building with historical significance. The historical significance of the building, as per the designation is described as *"this two and a half storey house was built in 1870 as the manse for the adjacent United Church. The front façade presents an interesting combination of features with its delicate gingerbread in the gable, small dentil trim under the eaves, and rough stone window surrounds."*

The subject lands are located at the northeast corner of Bidwell Street and Ridout Street and surrounding land uses are predominately central commercial type uses to the east, with a variety of office, residential and institutional uses to the north, south and west.

Plate 1, Location Map with Existing Zoning, shows the location of the subject property and the existing zoning in the immediate vicinity. Plate 1 also identifies the existing configuration of the property and the area which is proposed for severance.

Plate 2, Close-up of Subject Lands (2015 Air Photo), provides an aerial view of the subject property.

Plate 3, Applicant's Sketch, provides a site plan of the subject lands, as submitted by the applicant.

Application Review

PROVINCIAL POLICY STATEMENT:

The 2014 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.

The PPS states that the vitality of settlement areas is critical to the long-term economic prosperity of our communities and that it is in the interest of all communities to use land and resources wisely to promote efficient development patterns and ensure effective use of infrastructure and public service facilities.

Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs. Planning authorities may also permit conversion of lands within employment areas to non-employment lands uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion. Planning authorities shall also protect employment lands in proximity to major corridors.

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 a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion. Land use patterns shall also accommodate a range of uses and opportunities for intensification and redevelopment.

Section 1.1.3.3 of the PPS states that Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs and appropriate development standards should be promoted which facilitate intensification, redevelopment and compact urban form.

Planning authorities shall also provide for an appropriate range and mix of housing types and densities to meet projected needs of current and future residents of the regional market area by permitting and facilitating all forms of housing required to meet social, health and well-being requirements of residents and directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are available to support current and projected needs and by promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the local active transportation and transit in the area.

OFFICIAL PLAN:

The subject lands are designated as Central Business District, according to the Land Use Plan for the Town of Tillsonburg, as contained in the County Official Plan. The Central Business District is located within the Central Area of the Town of Tillsonburg.

The Central Area of the Town is intended to be the most functionally diverse area of the Town that will serve as the primary business, cultural and administrative centre and includes complementary use sub-areas. This functional diversity will be pursued to promote stability and the health of the downtown area, especially in the Central Area.

The policies for lands designated Central Business District are contained in Section 8.3.2.3.1 of the Official Plan. The boundaries of the Central Business District reflect the existing land use patterns associated with the historical pedestrian shopping area along Broadway, which is characterized by continuous, narrow street-oriented buildings. The Central Business District also includes the downtown shopping mall, and is intended to be the most intensive, functionally diverse business, cultural and administrative centre in the Town. Therefore, within the Central Business District, the full range of commercial, office, administrative, cultural, entertainment, recreation, institutional, open space and multiple residential uses are permitted and residential uses on levels above the grade level are permitted in non-residential buildings, together with rooming, boarding and lodging houses and converted dwellings.

Restricted uses in the Central Business District include free standing residential development on lands having frontage on Broadway (bounded by Bridge Street and Baldwin/Oxford Streets), the conversion of existing buildings to free-standing medium density residential development within one block of Broadway and amusement arcades, adult entertainment parlours and commercial bingo parlours.

Section 8.2 of the Official Plan outlines policies with respect to housing development and states that it is a strategic aim of Council to facilitate a choice of housing type, tenure and location that meets the changing needs of all types of households by providing for a variety and mix of housing throughout the Town. Town Council shall ensure that new housing is of a human scale and is sensitive to and improves the existing physical character of the area.

Section 3.3.2.2 of the Official Plan provides that where historic sites, buildings and heritage conservation districts have been designated under the Ontario Heritage Act, the County Council and/or Area Councils may:

- promote the repair, refurbishment and maintenance of the existing structures through the administration of funding programs including those available under the Ontario Heritage Act for the preservation and enhancement of heritage resources;
- limit the range of uses permitted within heritage structures and not allow additions or alterations to structures which may detract from the architectural or historical value of the property;
- promote the redevelopment or recycling of designated historical buildings to uses compatible with the historical or architectural character of the building;
- provide for the preservation of historic sites and buildings by discouraging demolitions to the extent of its legislative authority. Where a demolition permit is granted, the recording of the property prior to demolition for historical or archival purposes shall be made a condition of the demolition permit;
- facilitate public involvement in the selection of historic sites and buildings and in the delineation of areas having historical importance or architectural merit, and
- require a Heritage Impact Assessment where a proposal to alter, demolish, or erect a structure on a property designated under the Ontario Heritage Act is made. Such assessment will outline the context of the proposal, any potential impacts the proposal may have on the heritage resource, and any mitigation measures required to avoid or lessen negative impact on the heritage resource.

Development of heritage resources, and of properties adjacent to heritage resources, should be consistent with the historical or architectural significance of the site, and/or the character of the existing area. To achieve such consistency, County Council and/or Area Councils may consider regulating the use, bulk, form, location, setbacks, and other matters of development by designating heritage sites and heritage conservation districts in the Official Plan or in the Zoning By-law. Area Councils may require site plan control for properties and areas subject to Heritage zoning.

County Council and Area Councils shall have regard to the following factors when assessing development applications that may affect heritage resources. Any development shall satisfy the following:

- respect the massing, profile and character of adjacent heritage buildings;
- incorporate design features which approximate the width of nearby heritage buildings when constructing new buildings facing the street;
- emulate the established setback pattern on the street;
- be physically oriented in a manner similar to the orientation of existing heritage buildings to the street;
- minimize shadowing on adjacent heritage properties, particularly on landscaped open spaces and outdoor amenity areas;
- minimize the impact of parking facilities through rear-yard location and/or extensive landscaping and appropriate screening;
- minimize the loss of landscaped open space.

TOWN OF TILLSONBURG ZONING BY-LAW:

The subject property is currently zoned 'Central Commercial Zone (CC)' in the Town Zoning By-law. Permitted uses in the 'CC' zone include a wide range of commercial, cultural and business type uses, together with a number of residential uses, including a converted dwelling and an existing single detached dwelling, for which the zone provisions of Section 7.2 apply.

Section 7.2 (Low Density Residential – Type 2 Zone) provides that single detached dwellings required a minimum lot area of 450 m² (4,843.9 ft²), as well as a minimum lot frontage of 15 m (10.5 ft) for a corner lot, and a minimum lot depth of 30 m (98.4 ft). This section also provides that single detached dwellings require a minimum front yard depth and exterior side yard width of 7.5 m (24.6 ft) or 6 m (19.7 ft) for a lot created after the passing of the By-law.

The applicant is proposing to allow for the conversion of a structure which was originally built as a single detached dwelling and converted to a restaurant in 2002, back into a single detached dwelling. The applicant has also submitted an application for consent to sever the former dwelling on the subject lands from the existing church. According to the site sketch provided by the applicant, the lot frontage and area will be in keeping the above-noted development standards of the By-law and a minor variance has been requested to reduce the required rear yard depth from 6 m (19.7 ft) to 4.56 m (14.9 ft).

AGENCY COMMENTS:

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

The Town Chief Building Official has commented that re-conversion of the existing restaurant, back to a single detached dwelling will require a change of use permit from their office, and that any future severance of the subject lands will be subject to Ontario Building Code spatial separation requirements and will require separate servicing. Any exterior changes will require approval from the Culture, Heritage and Special Awards Advisory Committee.

The Tillsonburg District Chamber of Commerce has indicated that they are in support of the proposal.

The Town of Tillsonburg Development Commissioner has commented they are not in support of the proposed change of use.

The County of Oxford Public Works Department and Canada Post have indicated they have no concerns with the proposal.

PUBLIC CONSULTATION:

Notice of complete application and notice of public meeting regarding this application were circulated to surrounding property owners on January 15, 2019 and February 25, 2019. To date, no comments of concern have been received from the public.

Planning Analysis

The application for rezoning has been requested to permit the conversion of a former single detached dwelling (built as the manse for the adjacent United Church, which has since been converted to a restaurant) back into a single detached dwelling. The conversion of the dwelling into a restaurant occurred in approximately 2002 and now it is the intent of the applicant to sever the building from the United Church, and convert it back into a single detached dwelling (application B18-90-7).

Planning staff are of the opinion that the proposal will promote a mix of land uses that will continue to utilize the existing infrastructure and public service facilities accessible in the downtown core, and as the conversion of the restaurant will result in the use of the subject lands being re-established for their originally intended use, the conversion can be justified.

The subject lands are located on the periphery of the area designated as Central Business District in the Central Area, and as such are not characterized by the same continuous, narrow street-oriented buildings as those found on Broadway. Instead, the subject lands, which have historically been utilized as a single detached dwelling, are aesthetically residential in nature, and include an attached garage for private parking. Given this, minimal impact is anticipated on the integrity of the surrounding commercial land uses.

The applicant has also submitted an application for consent to sever the former manse building from the adjacent United Church and has provided a preliminary site sketch outlining the proposed lot lines and setbacks, which appear to maintain the required lot area and frontage of the 'Low Density Residential - Type 2 Zone (R2)' in the Town Zoning By-law, which are the applicable development standards for existing single detached dwellings in the 'Central Commercial Zone (CC)'. A minor variance has been requested to permit a reduction to the required rear yard depth from 6 m (19.7 ft) to 4.56 m (14.9 ft). Given that the structure on the subject lands was originally built as a single detached dwelling before the implementation of the Zoning By-law, staff are satisfied that the application of these provisions is appropriate in this instance. Further, it is noted

that the subject lands will remain in the 'CC' zoning, which will continue to allow for commercial type uses, should the opportunity arise in the future.

Planning staff are of the opinion that the proposal is also consistent with the cultural heritage and heritage protection policies in the Official Plan as the proposed rezoning is not expected to impact the appearance or exterior design of the existing building, which is designated under the Ontario Heritage Act. Any future changes to the appearance or exterior of the building would require approval from the Town's Culture, Heritage and Special Awards Advisory Committee.

In summary, given that the structure on the subject lands was originally intended for low density residential use and the exterior of the building has not been significantly altered with the conversion to a restaurant in 2002, Planning staff are of the opinion that the proposed re-conversion back to a single detached dwelling is acceptable, in this instance, as it will have minimal impact on the nature and characteristic of the central business area and can be supported from a planning perspective.

RECOMMENDATION

- 1. It is recommended that the Council of the Town of Tillsonburg approve the zone change application submitted by St. Paul's United Church, whereby the lands described as Lots 888-890, Plan 500, Town of Tillsonburg, known municipally as 38 Ridout Street are to be rezoned from 'Central Commercial Zone (CC)' to 'Special Central Commercial Zone (CC-sp)' to permit a single detached dwelling in an existing building.**

SIGNATURES

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Approved for submission:

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Report Approval Details

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This report and all of its attachments were approved and signed as outlined below:



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