

To: Mayor and Members of Tillsonburg Council

From: Eric Gilbert, Senior Planner, Community Planning

## Application for Zone Change ZN 7-18-01 – Greg Vermeersch

### REPORT HIGHLIGHTS

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- The application for zone change proposes to rezone the subject property to 'Special Low Density Residential Type 3 Zone (R3-sp)' to facilitate an addition to an existing single detached dwelling, consisting of two additional dwelling units.
- The new multi-unit dwelling will comply with the current provisions of the R3 zone with the exception of required interior side yard width and minimum required lot frontage.
- Planning staff are recommending approval of the application as it is consistent with the policies of the Provincial Policy Statement respecting the provision of a range and mix of housing types and densities, and maintains the intent and purpose of the Official Plan respecting low density residential uses.

### DISCUSSION

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#### Background

OWNER/ APPLICANT: Greg Vermeersch  
500 Broadway, Tillsonburg ON N4G 3S7

LOCATION:

The subject property is described as Part Lot 85, Lot 86, Plan 500, Parts 3 of 41R-1779, Town of Tillsonburg. The lands are located on the east side of Broadway, south of Devonshire Avenue, and are municipally known as 500 Broadway.

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 1 Zone (R1)

Proposed Zoning: Special Low Density Residential Type 3 Zone (R3-sp)

PROPOSAL:

The purpose of the Application for Zone Change is to permit the development a three-unit dwelling which will be facilitated by way of an addition to an existing single detached dwelling.

This application was deferred at the April 9, 2018 Council meeting after Council held a public meeting to consider the application. The application was deferred to give the applicant an opportunity to provide additional details about the proposal, particularly the location of the proposed addition and the location of required parking areas.

The applicant has provided a sketch prepared by an Ontario Land Surveyor that illustrates the proposed location of the addition and the setbacks to lot lines; the proposal has not changed otherwise.

The subject lands front on the east side of Broadway, between Devonshire Avenue and Lisgar Avenue, and have an approximate area of 1045 m<sup>2</sup> (11,248 ft<sup>2</sup>). The lands are currently occupied by an existing single detached dwelling (circ. 1945) with an approximate gross floor area of 127 m<sup>2</sup> (1,367 ft<sup>2</sup>). A detached garage is also present but it proposed to be removed and a demolition permit has been issued by the Town Building Department.

Surrounding land uses include single detached dwellings fronting on Broadway and Devonshire, with service commercial uses located to the north and medium density residential uses to the south.

Two additional dwelling units (2 bedroom) are proposed to be constructed by way of an addition to the rear of the existing single detached dwelling. The gross floor area for these units are 98.4 m<sup>2</sup> (1,059 ft<sup>2</sup>) and 105.3 m<sup>2</sup> (1,133 ft<sup>2</sup>) respectively.

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

Plate 2, 2015 Aerial Map, provides an aerial view of the subject property.

Plate 3, Proposed Site Plan, shows the proposed layout for the addition and multi-unit dwelling.

Plate 4, Proposed Survey Sketch, shows the proposed location for the addition and multi-unit dwelling.

## **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.

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.

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.

Section 1.4.3 of the PPS states that Planning Authorities shall provide for an appropriate mix of housing types and densities to meet projected requirements of current and future residents by permitting and facilitating all forms of housing required to meet the social, health, and well-being requirements of current and future residents and permitting and facilitating all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3.

OFFICIAL PLAN:

The subject lands are designated ‘Residential’ and ‘Low Density Residential’ according to the Land Use Plan and Residential Density Plan for the Town of Tillsonburg, 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 development. Within areas designated Low Density Residential, 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 of Section 8.2 (TOWN OF TILLSONBURG HOUSING DEVELOPMENT AND RESIDENTIAL AREAS) promote the accommodation of 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. The policies also encourage a variety of housing type, tenure, cost and location that meets the changing needs of all types of households.

The policies of Section 8.2.2.2 (TENURE MIX) provides that Town Council shall encourage the creation of housing opportunities that may result in a mix of tenure forms, such as ownership, rental and cooperative, throughout the Town. Such encouragement will include the provision of opportunities for the development of a variety of housing forms in newly developing areas and by permitting sensitive infilling and accessory apartments in built-up areas.

The policies of Section 8.2.2.5 (RESIDENTIAL INTENSIFICATION AND REDEVELOPMENT) provides that 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. It is not intended that residential intensification will occur uniformly through the Town. The location, form, and intensity of residential intensification will be determined by the policies of the various land use designations, with the intention of permitting smaller scale developments, such as individual infill lots, in areas designated as Low Density Residential.

In Low Density Residential areas, backyard infill may involve the development of existing lots of record, subject to the following criteria:

- The nature of the proposed residential development will be evaluated having regard to the type of housing found in the surrounding residential neighbourhood;
- For proposals involving more than two dwelling units, the exterior design in terms of height, bulk, scale and layout of the proposed building is consistent with present land uses in the area;
- The siting of both buildings and parking areas in relation to the size, configuration and topography of the lot is such that effect on light, view and privacy of adjacent backyards is minimal;
- Direct vehicular access to a public street will be required and driveways will have sufficient width to allow efficient vehicular use and turning of both private and emergency vehicles and to provide for snow storage;
- Proposed multiple unit use is consistent with the multiple unit requirements for Low Density Residential areas;
- The location of vehicular access points, the likely impact of traffic generated by the proposal on Town streets, pedestrian safety, and surrounding properties is acceptable;
- Existing municipal services and public facilities will be adequate to accommodate the proposed infill project;
- Stormwater runoff will be adequately controlled and will not negatively affect adjacent properties;
- Adequate off-street parking and outdoor amenity areas will be provided;
- 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 the proposed development on environmental resources;
- Consideration of the potential effect of the development on natural and heritage resources and their settings;
- Compliance of the proposed development with the provisions of the Town Zoning By-Law and other municipal By-Laws.

Backyard infill proposals may be subject to site plan control.

TOWN OF TILLSONBURG ZONING BY-LAW:

The subject property is currently zoned 'Low Density Residential Type 1 Zone (R1)', according to the Town of Tillsonburg Zoning By-law. Permitted uses within the 'R1' zone include a single detached dwelling.

The applicant proposes to rezone the subject property to 'Special Low Density Residential Type 3 Zone (R3-sp)'. The R3 zone permits a converted dwelling containing not more than 4 dwelling units, an existing single detached, a semi-detached or duplex dwelling, a multiple unit dwelling containing not more than 4 dwelling units, and a street fronting townhouse dwelling.

A multiple unit dwelling is defined in the Zoning By-Law as a dwelling consisting of 3 or more dwelling units, which are horizontally or vertically attached, which may be entered from an independent entrance directly from the outside or from an internal common space or an access balcony and in which 50% or more of dwelling units have direct access to grade or a roof terrace. A multiple unit dwelling includes a triplex, a fourplex, a sixplex and a townhouse, but shall not include a street fronting townhouse or apartment dwelling.

The R3 Zone requires a minimum lot area of 330 m<sup>2</sup> (3,552 ft<sup>2</sup>) per dwelling unit, lot frontage of 20 m (65.5 ft), lot depth of 30 m (98.4 ft), rear yard depth of 10.5 m (34.4 ft), and interior side yard

of 4.5 m (14.8 ft) on one side and 3 m (9.8 ft) on the narrow side. Maximum lot coverage is 40% of lot area, and required amenity area is 48 m<sup>2</sup> (516.7 ft<sup>2</sup>) per dwelling unit.

Each dwelling unit requires 1.5 parking spaces, and parking areas are permitted in the rear yard.

The applicant has indicated that they are able to comply with the required lot area, rear yard depth, parking requirements, and all building setbacks, but require relief of the minimum lot frontage, minimum required interior side yard width (northerly lot line), and minimum aisle width for parking areas.. The applicant is proposing to recognize the existing lot frontage of 18.28 m (60') and permit the proposed addition at the same setback as the existing dwelling, being 2.15 m (7'). The applicant has proposed a minimum aisle width of 6.5 m (21.3') in lieu of the required 7.3 m (24').

It should be noted that the proposed addition (if constructed as a single detached dwelling) could be constructed as of right without any planning approvals. The proposal would meet all required setbacks and provisions of the R1 Zone.

AGENCY COMMENTS:

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

The Long Point Region Conservation Authority indicated they had no comment or concern with the application.

The Oxford County Public Works Department provided the following comments:

- The Applicant should be advised that the County's policy is one water service & one water meter (for billing purposes) per property; therefore, private plumbing should be extended from the existing home to these 2 proposed attached units (which is likely already the Owner's plan). If upsizing of services is required (as deemed by the Owner), the Owner shall formally apply for such through the Town. Associated costs for upsizing would be the responsibility of the owner.

The Oxford County Risk Management Official (Sourcewater Protection) provided the following comment:

The subject property is located in a Wellhead Protection Area for one of the Tillsonburg municipal supply wells. As such, the property is subject to the Source Protection Policies of the Long Point Region Source Protection Plan. Vulnerability scoring on the property is 10 and significant threat policies apply. In particular it should be noted that the installation of a below grade fuel storage tank (home heating oil) is prohibited. Further questions regarding the source protection policies should be directed to the County's Risk Management Official at: [sourcewaterprotection@oxfordcounty.ca](mailto:sourcewaterprotection@oxfordcounty.ca)

The Town Building Services Department provided the following comments:

- existing residence will need to comply with OBC window requirements if deficient due to the addition at the rear;
- designer to provide spatial separation information for the north property line setback;
- water and sanitary sewer servicing sizes to be verified;
- project is subject to site plan control;

- development charges are applicable to new units.

The Town Economic Development Commissioner indicated that they have no concerns with this application and note that the new residential units will provide additional apartments to a market that has low vacancy.

Town Engineering Department indicated that they have no concerns with the rezoning. Concerns such as lot grading, aisle widths and servicing can be addressed through the site plan approval process.

The Tillsonburg District Chamber of Commerce provided the following comment:

There are a lot of multi-unit dwellings in the area, so this seems to fit, however current neighbours may not like this. Parking issues should be considered, and there may be increased possibility of garbage being left in ravine area.

#### PUBLIC CONSULTATION:

Notice of complete application and notice of public meeting regarding this application was circulated to surrounding property owners on two occasions, February 28, 2018 & March 23, 2018. A subsequent public notice was circulated to surrounding property owners on February 24, 2019, and was sent to persons who provided comments at the public meeting on April 9, 2018.

A petition was received at the April 9, 2018 Public meeting signed by 11 people who were opposed to the proposal; the petition did not identify particular concerns with the application.

A neighbouring resident who resides at 504 Broadway spoke at the public meeting in opposition to the proposal, particularly the location of the addition and the possible impacts to the privacy of adjacent properties.

## **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 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, the multiple unit dwelling will provide an additional housing option and tenure and will provide increased rental supply in the Town and represents an efficient use of existing municipal infrastructure.

The proposal is consistent with the policy direction of the Official Plan to provide for variety and choice in housing types and tenures within the Town, and to permit residential intensification throughout the Town. The most recent Canada Mortgage and Housing Corporation Vacancy Report (fall 2018) indicated that the vacancy rate for 2 bedroom rental accommodation in Tillsonburg is 1.1%, the vacancy rate for 1 bedroom rental accommodation is 2%.

It is the opinion of Planning staff that the proposal conforms to the backyard infill policies of the Official Plan. The multiple unit dwelling will remain a low rise residential use and will be of an appropriate scale and building form compatible with surrounding development. The addition will be to the rear of the existing dwelling and the lot is sufficiently deep that even with the addition,

the required rear yard depth will be maintained. The addition will include attached garages to accommodate one parking space per unit, with additional spaces proposed in the rear yard. The profile and orientation of the addition, west-east is not expected to create any impact on adjacent properties with respect to light or view. The property boundary will be required to be fenced with a privacy fence to prevent light trespass.

It is important to note that the proposed addition, if constructed as part of a single detached dwelling, could be constructed without any planning approvals as-of-right. A 2-storey addition as proposed could be constructed in the same location and would meet the R1 zone provisions. The two additional dwelling units are not expected to generate any additional impacts to privacy, light and view to surrounding properties that could be expected if the proposal was for a single detached dwelling.

The access to the dwelling will be provided by an enlarged driveway and aisle adjacent to the southerly interior lot line. The minimal traffic generated by this development is not expected to have any impact on surrounding transportation networks, and any lot grading or drainage concerns will be addressed through the site plan approval process. All required parking will be provided on-site, and no site alteration or development is proposed near the ravine lands at the rear of the lot, which will remain as part of the amenity area.

The proposed reduced minimum interior side yard width represents an extension of the current setback for the existing single detached dwelling; the proposed reduction can be considered minor and will still allow for adequate space for maintenance and can accommodate any required drainage swales. The reduced parking aisle width is not expected to generate any parking conflicts as they will be used as a private driveway for the 5 parking spaces on the subject lands and sufficient space will remain for exiting and turning movements to access the private garages.

Through the site plan approval process, concerns regarding lot grading and drainage, privacy, landscaping, building design, and parking and aisle width will be required to be addressed to the satisfaction of the Town.

It is Planning staff's opinion that the proposed addition to create two additional dwelling is appropriate from a planning perspective and can be given favourable consideration.

## **RECOMMENDATION**

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1. It is recommended that the Council of the Town of Tillsonburg approve the zone change application submitted by Greg Vermeersch, whereby the lands described as Part Lot 85, Lot 86, Plan 500, Parts 3 of 41R-1779, Town of Tillsonburg, known municipally as 500 Broadway are to be rezoned from 'Low Density Residential Type 1 Zone (R1)' to 'Special Low Density Residential Type 3 Zone (R3-15)' to permit the development of a multi-unit dwelling, consisting of 3 dwelling units.

## **SIGNATURES**

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**Authored by:** original signed by

Eric Gilbert, MCIP RPP,  
Senior Planner

**Approved for submission:** original signed by

Gordon K. Hough, RPP  
Director



### Report Approval Details

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



**David Calder - Feb 20, 2019 - 6:22 PM**