

**To: Mayor and Members of Tillsonburg Council**

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

## **Application for Zone Change**

### **ZN7-19-01: Regine Ross (DiLella)**

#### **REPORT HIGHLIGHTS**

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- The application for zone change proposes to rezone the lot to be severed from consent application B18-65-7 from 'Future Development Zone (FD)' to 'Low Density Residential – Type 1 Zone (R1)' to coincide with the zoning of the lands to which they will be added and to fulfil a condition of the consent.
- The related application for consent was approved by the Oxford County Land Division Committee on April 4, 2019, and will facilitate a minor boundary adjustment to an existing residential lot in the Town. The approved boundary adjustment will have the effect of realigning the lot to be enlarged so that the private septic system, serving the lot to be enlarged will be located wholly within the confines of that lot.
- Planning staff are supportive of the rezoning, as it is generally consistent with the Provincial Policy Statement and the Official Plan respecting minor boundary adjustments to conform to patterns of exclusive use.

#### **DISCUSSION**

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##### **Background**

OWNER: Regine Ross (Regine Luypaert)  
151 Concession Street, West  
Tillsonburg ON, N4G 4G8

APPLICANTS: Stephen & Sibylle DiLella  
147 Concession Street, West  
Tillsonburg ON, N4G 4G8

LOCATION:

The subject lands are described as Part Lot 8, Concession 12 (Dereham), in the Town of Tillsonburg. The subject lands are located on the south side of Concession Street, West, west of Quarter Town Line and are municipally known as 151 Concession Street, West, in the Town of Tillsonburg. The lot to be enlarged is municipally known as 147 Concession Street West.

OFFICIAL PLAN:

Schedule "C-3"	County of Oxford Settlement Strategy Plan	Large Urban Centre
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 3295:

Existing Zoning (lot to be severed B18-56-3): Future Development Zone (FD)

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

PROPOSAL:

The application for zone change proposes to rezone the lot to be severed from consent application B18-65-7 from 'Future Development Zone (FD)' to 'Low Density Residential – Type 1 Zone (R1)' to coincide with the lands to which they will be added, being 151 Concession Street West, and further known as the lot to be enlarged from the above noted consent application. The conditionally approved lot addition will have the effect of increasing the lot area for the lot to be enlarged such that the existing septic system serving the lot to be enlarged will be wholly located on the property, whereas currently it is located on the neighbouring parcel to the south, the lands subject to this application (lot to be severed). The requested rezoning will also fulfil a condition of the said consent, which was approved by the Oxford County Land Division Committee on April 4, 2019.

The lot to be severed is approximately 1,214.3 m<sup>2</sup> (13,071.26 ft<sup>2</sup>) in size, and is located immediately south of the lot to be enlarged, to which it will be added, for a total enlarged lot area of approximately 3,067.52 m<sup>2</sup> (33,019.6 ft<sup>2</sup>) for the newly enlarged residential parcel. The subject lands contain the existing septic system for the lot to be enlarged, are currently utilized by the owners of the lot to be enlarged as additional residential amenity area. The lot to be enlarged contains an existing single detached dwelling, with an attached garage

The lots to be retained and enlarged front on Concession Street West and surrounding land uses are predominately single detached dwellings to the north, south and east and future development land to the west. The Tillsonburg Christian Reformed Church is located to the north of the lot to be retained.

Plate 1, Location Map with Existing Zoning, shows the location of the subject lands and the existing zoning in the immediate vicinity, as well as the configuration of the recently approved consent.

Plate 2, Aerial Map (2015 Air Photo), illustrates the configuration of the approved consent, with the 2015 air photo overlaid.

Plate 3, Applicant's Sketch, provides the dimensions of the lots to be severed and enlarged, as well as the existing features of the site, 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.

Section 1.1 of the PPS directs that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential uses. Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for the planning period. Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

The policies of Section 1.1.3 state that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Section 1.1.3.3 further states that planning authorities shall identify appropriate locations 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.

Further, Section 1.4.3 states 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
- 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.

Section 1.6.6.6 also states that planning authorities may allow lot creation only if there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services.

## 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 County's Official Plan. Low density residential areas 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 type 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.

## ZONING BY-LAW

The subject lands are currently zoned 'Future Development Zone (FD)' in the Town Zoning By-law. The 'FD' Zone permits a farm and associated fruit stand, as well as an existing single detached dwelling and existing accessory buildings, and states that the minimum required lot area and frontage for an existing single detached dwelling shall be that existing at the date of passing of the Zoning By-law or created through consent granted by the County Land Division Committee, which would result in Zoning compliance for the lot to be retained.

The applicant is proposing to rezone the subject lands from 'FD' zone to 'Low Density Residential – Type 1 Zone (R1)', which is consistent to the zoning of the lot to be enlarged, to which the subject lands will be added. The 'R1' zone permits the development of single detached dwellings and requires a minimum lot area of 480 m<sup>2</sup> (5,166.8 ft<sup>2</sup>), a minimum lot frontage of 15 m (49.2 ft) and a minimum lot depth of 32 m (105 ft).

Once merged, the lot to be enlarged will be approximately 3,074.3 m<sup>2</sup> (0.75 ac) in area, with a new depth of approximately 74.24 m (243.6 ft), which is in keeping with the development standards of the 'R1' zone. No change is proposed to the existing frontage of the lot to be enlarged, which is 30.48 m (100 ft).

## AGENCY COMMENTS

This application has been reviewed by a number of public agencies.

In response to the applications for consent and zone change, the County of Oxford Public Works Department has commented that the reconstruction of Concession Street West (west of Quarter Town Line) is tentatively scheduled in 2019. As part of this project, the County will be installing/extending sanitary sewers and watermain. Amongst other properties, 147 & 151 Concession St West will each receive new water and sanitary sewer services to the property line. The total cost of the new water and sanitary sewer systems will be disbursed amongst benefitting property owners (who receive new services). 147 Concession St West will be billed-out for sanitary sewer service (water service already exists), while 151 Concession St West will be billed-out for water and sewer services. A By-law will establish billing for the aforementioned servicing project.

The proposed sanitary sewer service to 151 Concession Street West (lot to be retained) will provide service for the northerly part of the lot (containing the existing house). An existing sanitary service off of Quarter Town Line exists for the southerly portion/majority of the lot – costs for this service will be assessed/billed at time of future development.

The Southwestern Public Health Department has commented that as the application will have the effect of wholly locating the existing septic system to the confines of the lot to be enlarged (for which it serves), it will become compliant with the Ontario Building Code. As such, this Department has no concerns with the proposal.

Bell Canada, Hydro One, and the Town of Tillsonburg Development Commissioner have indicated they have no concerns with the proposal.

#### PUBLIC CONSULTATION

Notice of the application was circulated to neighbouring property owners on February 1, 2019 and notice of public meeting was circulated on April 8, 2019. As of the date of this report, no comments have been received from the public.

### **Planning Analysis**

The requested zone change application proposes the rezoning of the lot to be severed from a recently approved consent application from 'Future Development Zone (FD)' to 'Low Density Residential – Type 1 Zone (R1)' to recognize the existing use of the subject lands, which contain the existing septic system utilized by the dwelling on the lot to be enlarged. These lands have also historically served as additional amenity area for the lot to be enlarged.

Planning staff have reviewed the applicants' request and are of the opinion that the proposal to sever approximately 1,214.32 m<sup>2</sup> (13,071.26 ft<sup>2</sup>) of land and add it to the existing residential lot to the immediate north represents a minor boundary adjustment that will have the effect of correcting an issue with private servicing and will not result in the creation of a new lot and can therefore be considered appropriate in this instance.

Once merged, the lot to be enlarged will be approximately 3,074.3 m<sup>2</sup> (0.76 ac) in size, which is compliant with the minimum lot area requirement for lands zoned 'Low Density Residential – Type 1 Zone (R1)' in the Town Zoning By-law, and is consistent with the minimum lot area requirement for lands serviced by private septic systems in other parts of the County, being a minimum of 2,800 m<sup>2</sup> (30,140 ft<sup>2</sup>). An application for rezoning has been received to rezone the lot to be severed from 'Future Development Zone (FD)' to 'Low Density Residential – Type 1 Zone (R1)' to coincide with the lands to which they will be added.

In light of the foregoing, it is the opinion of this Office that the proposed rezoning maintains the intent of the Provincial Policy Statement and the County Official Plan respecting development on lands designated for low density residential uses, and is acceptable from a planning perspective and can therefore be given favourable consideration.

## **RECOMMENDATION**

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It is recommended that the Council of the Town of Tillsonburg approve the zone change application submitted by Regine Ross (Stephen and Sibylle DiLella), whereby the lands described as Part Lot 8, Concession 12 (Dereham), Town of Tillsonburg, and further described as the lot to be severed from consent application B18-65-7, are to be rezoned from 'Future Development Zone (FD)' to 'Low Density Residential – Type 1 Zone (R1)' to recognize the new use of the property as residential and satisfy condition of consent application B18-65-7.

## **SIGNATURES**

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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:



**David Calder - Apr 11, 2019 - 12:18 PM**