

To: Chair and Members of Oxford County Land Division Committee  
From: Spencer McDonald, Development Planner, Community Planning

## Application for Consent B24-20-5 – Robert Klingenberg

### REPORT HIGHLIGHTS

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- The purpose of the application for consent is to split an existing semi-detached dwelling into two separately conveyable lots in the Village of Embro.
- A zone change was previously granted to permit a semi-detached dwelling and to recognize the existing lot frontages in anticipation of this application.
- Planning staff are recommending approval of the application as it is consistent with the Provincial Policy Statement and maintains the intent and purpose of the Official Plan.

### DISCUSSION

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#### Background

OWNER/APPLICANT: Robert Klingenberg  
133-135 Commissioner Street, N0J 1J0  
Embro, ON, N0J 1J0

LOCATION:

The subject lands are described as Part Lot 12 & 13, Registered Plan 39, in the Village of Embro in the Township of Zorra. The lands are located on the south side of Commissioner Street between Argyle Street and Sutherland Street and are municipally known as 133-135 Commissioner Street.

OFFICIAL PLAN:

Schedule 'C-3'	County of Oxford Settlement Strategy Plan	Serviced Village
Schedule "Z-1"	Township of Zorra Land Use Plan	Settlement
Schedule 'Z-3'	Village of Embro Land Use Plan	Low Density Residential

TOWNSHIP OF ZORRA ZONING BY-LAW 35-99:

Existing Zoning: Special Residential Type 2 Zone (R2-7)

SERVICES: Lot to be Severed – municipal water and wastewater  
Lot to be Retained – municipal water and wastewater

ROAD ACCESS: Township Road – Commissioner Street

PROPOSAL:

	<u>Lot to be Severed</u>	<u>Lot to be Retained</u>
Area	338 m <sup>2</sup> (3,638 ft <sup>2</sup> )	767.3 m <sup>2</sup> (8.259 ft <sup>2</sup> )
Frontage	11.8 m (38.7 ft)	10.11 m (33.16 ft)
Depth	30.4 m (99.7 ft)	50.3 m (165 ft)

The purpose of the Application for Consent is to create a new residential lot on Commissioner Street in Embro and retain a lot for similar purposes. The dimensions of the lots to be severed and retained are detailed above. Both the lot to be severed and the lot to be retained contain one semi-detached dwelling unit, with frontage on Commissioner Street. The applicants previously submitted an application for zone change (ZN5-23-10) which was approved by Township Council on May 15, 2024, and recognizes the frontages of the severed and retained lots resulting from the proposed consent.

Plate 1, Existing Zoning & Location Map, shows the location of the subject property, as well as the existing zoning in the immediate vicinity.

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

Plate 3, Applicant's Sketch, provides the approximate dimensions of the proposed lots as provided by the applicant.

## Application Review

### Provincial Policy Statement (PPS)

Section 1.1.1 of 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.

Further, Section 1.1.3.2 directs that settlement areas shall be the focus of growth and development, 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 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 1.1.3.3 also directs 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 of the PPS directs that planning authorities shall provide for an appropriate 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 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 located within the Village of Embro, which is designated as 'Settlement' on Schedule 'Z-1' – Land Use Plan for the Township of Zorra and identified as a 'Serviced Village' according to Schedule 'C-3' - Settlement Strategy Plan for the County of Oxford. The lands are also located within the 'Low Density Residential' designation according to Schedule 'Z-3' - Village of Embro Land Use Plan.

According to Section 2.1.1 (Growth Management), it is a strategic initiative of the Official Plan to ensure designated growth settlements are developed with efficient land use patterns and densities to minimize land consumption, to control infrastructure costs and to limit growth pressure in rural areas. Section 4.1 (Strategic Approach) further states that the County shall aim to ensure existing designated land supplies and infrastructure will be efficiently utilized, including achievement of intensification targets, prior to designating new areas for growth.

Section 4.2.2.4 directs that Serviced Villages are settlements characterized by a broad range of uses and activities which have been developed or are proposed for development on centralized wastewater and water supply facilities.

Section 6.2.1 (Objectives for Rural Settlement Residential Designations) states that compact urban form and residential infilling, as well as a range of housing types, shall be promoted in all rural settlement areas, where appropriate, given the level of infrastructure available.

Section 6.2.2.1 of the Official Plan indicates that street-oriented infill will be supported in Low Density Residential Areas of Serviced Villages and Section 6.2.2.1.1 of the Plan contains criteria that are to be applied to the review of street-oriented infill development.

These policies state that introduction of new residential housing into an established streetscape pattern will only be permitted if the proposal is consistent with the characteristics of existing development in the immediate area. When considering proposals for street-oriented infilling, the Area Council and the County Land Division Committee will be satisfied that the proposal is consistent with the street frontage, setbacks, lot area and spacing of existing development within the immediate residential area.

Street oriented infill proposals must also comply with the requirements of Section 6.2.2.1.4 - All Infill Proposals, which contains the following criteria:

- Stormwater run-off from the proposal will be adequately controlled and will not negatively affect adjacent properties;
- Adequate off-street parking and outdoor amenity areas will be provided;
- The location of vehicular access points, the likely impact of traffic generated by the proposal on public streets and potential traffic impacts on pedestrian and vehicular safety and surrounding properties is acceptable;
- Existing municipal services or private services and community facilities will be adequate to accommodate the proposed infill project;
- The extent to which the proposed development provides for the retention of any desirable vegetation or natural resources that contribute to the visual character of the surrounding area;
- All infill proposals will be evaluated as to the environmental impacts and constraints associated with the proposed development in accordance with Section 3.2, as well as to the potential effect of the development on heritage resources (Section 3.2.7.5); and
- Compliance of the proposed development with the provisions of the Zoning By-law of the Area Municipality and other municipal by-laws.

#### ZONING BY-LAW

The subject lands are currently zoned 'Special Residential Type 2 Zone (R2-7)' according to the Township of Zorra Zoning By-law. The special provision that applies to the subject lands recognizes the frontages of the lots proposed for each dwelling unit, which was completed in anticipation of this application.

The R2 zone permits semi-detached dwellings, converted dwellings and home occupations. For the development of a semi-detached dwelling the R2 zone typically requires a minimum lot area of 270 m<sup>2</sup> (2,906 ft<sup>2</sup>), a minimum lot frontage of 12 m (39.3 ft) and a minimum lot depth of 30 m (98.4 ft), where served by sanitary sewers and public water supply. The special provision of the 'R2-7' recognizes the existing frontages of the lots proposed to be severed and retained.

#### Agency Comments

The Township of Zorra Director of Public Works, the Township of Zorra Chief Building Official/Drainage Superintendent and the Township of Zorra Fire Chief indicated that they have no comments or objections regarding the proposed severance.

The Township Director of Corporate Services/Clerk commented that cash-in-lieu of parkland will be required to be provided to the satisfaction of the Township.

Oxford County Public Works Department provided the following comments:

- It should be noted that the existing set of services would appear to front the proposed severed property. Applicant to confirm location of services and connect new services to the existing building such that the services do not cross property lines, as required.
- 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.

#### Public Consultation

Notice of the consent application was provided to the public on May 23, 2024 in accordance with the requirements of the Planning Act. As of the date of writing this report, no comments were received from the public.

#### **Planning Analysis**

The purpose of the application for consent is to sever the subject lands containing a semi-detached dwelling house into two separately conveyable lots. Following the severance, each parcel will contain one semi-detached dwelling unit. Both the severed and retained lands are proposed to be used for residential purposes, which is in keeping with the policies of the Low Density Residential designation and other relevant policies of the Official Plan. Surrounding residential development generally consists of single detached dwellings. Staff are satisfied that the proposal will be compatible with existing development in the area.

Planning staff are of the opinion that the proposal promotes growth within the Village of Embro, in accordance with Section 1.1.3.1 of the PPS. Further, the proposal supports residential intensification and promotes a mix of housing types in an area where suitable infrastructure and public service facilitates are available. As such, staff are satisfied that the proposal is consistent with the policies of Section 1.1.3.3 and 1.1.4.3 of the PPS, respecting development within Settlement areas.

As previously outlined, the subject lands were granted an amendment to the Zoning By-law in anticipation of this application. The zone change placed the subject lands into the appropriate residential zone and recognized the existing lot frontage.

Based on the foregoing, Planning staff are recommending support for the application, subject to conditions of approval, as the proposal is generally consistent with the policies of the Provincial Policy Statement and maintains the intent and purpose of the Official Plan with respect to residential intensification within serviced settlement areas.

## RECOMMENDATIONS

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Whereas the application for consent is consistent with the 2020 Provincial Policy Statement, complies with the Policies of the County of Oxford Official Plan and the subject property is appropriately zoned, staff are of the opinion that the application is acceptable from a planning perspective, and should be granted, subject to the following conditions:

1. The County of Oxford Department of Public Works advise the Secretary-Treasurer of the County of Oxford Land Division Committee that all financial requirements of the County of Oxford with respect to provision of water and sewer services to the lot to be severed and the lot to be retained have been complied with. This condition can be cleared by payment for the required services or entering into a severance agreement with the area municipality which states that no building permit shall be issued until payment is made to the County. In order to clear this condition, a copy of the draft Severance Agreement which addresses the above requirements to the satisfaction of the County of Oxford Public Works Department, must be provided to the Public Works Department.
2. The owner provide cash-in-lieu of parkland, to the satisfaction of the Township of Zorra.
3. The Clerk of the Township of Zorra advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial and otherwise, have been complied with.

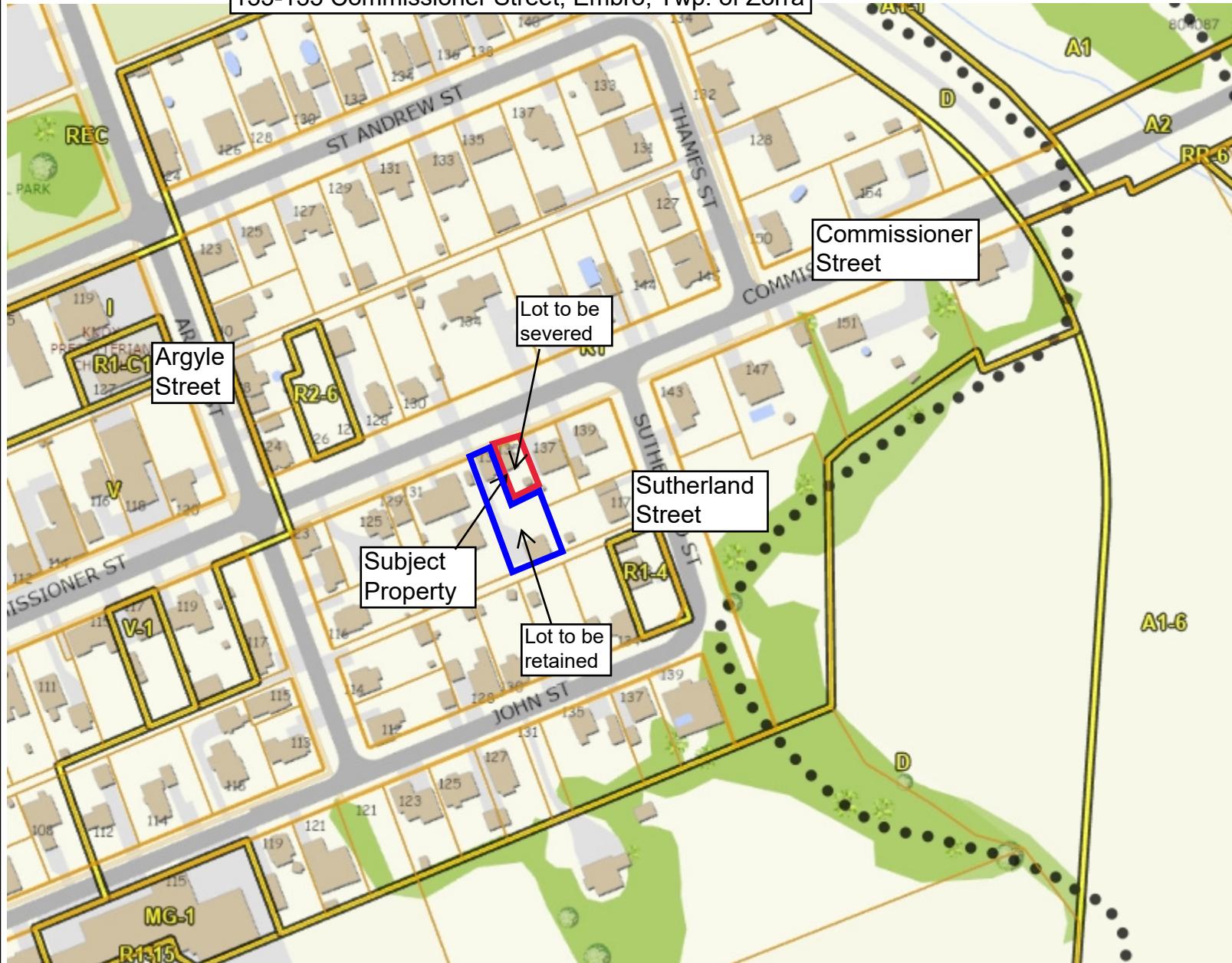
## SIGNATURES

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**Authored by:**      *Original Signed by*      Spencer McDonald, MCIP, RPP  
Development Planner

**Approved for submission:**    *Original Signed by*      Gordon K. Hough, RPP  
Director

Plate 1- Location Map & Existing Zoning  
File No. B24-20-5 - Klingenberg  
133-135 Commissioner Street, Embro, Twp. of Zorra

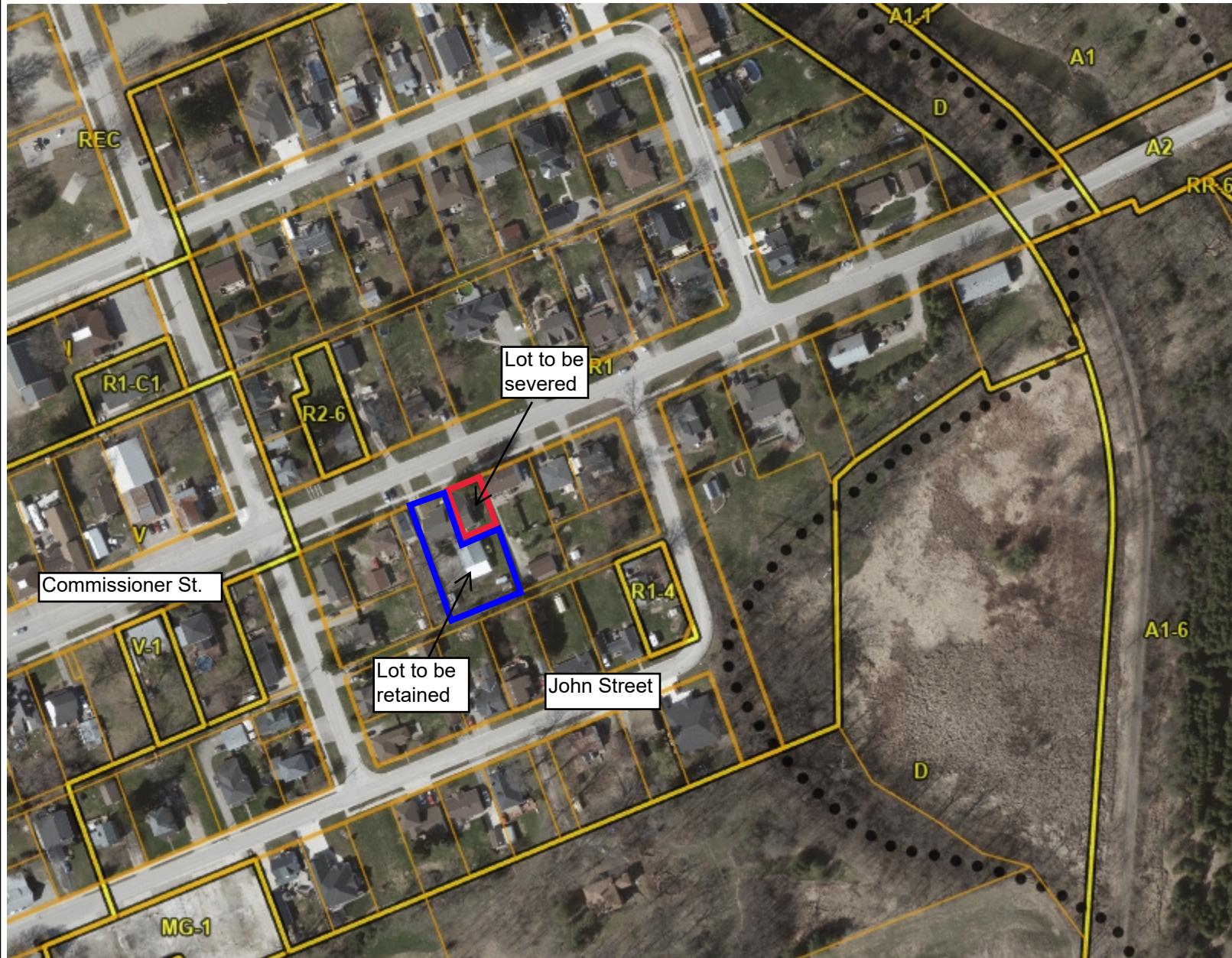


Legend

- Parcel Lines
  - Property Boundary
  - Assessment Boundary
  - Unit
  - Road
  - Municipal Boundary
- Zoning Floodlines
- Regulation Limit
- 100 Year Flood Line
- 30 Metre Setback
- Conservation Authority Regulation Limit
- Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)

Notes





### Legend

- Parcel Lines**
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- Zoning Floodlines**
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### Notes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

October 24, 2023



Commissioner Street East.

