



**Community and Strategic Planning**

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Our File: ZON 6-09-10

**APPLICATION FOR ZONE CHANGE**

To: The Mayor and Members of Ingersoll Town Council      MEETING DATE: February 8, 2010  
REPORT NO.: 2010-29

**OWNERS:**

Patrick & Leslie Fortner  
249 Harris Street  
Ingersoll, ON N5C 1Y5

**LOCATION:**

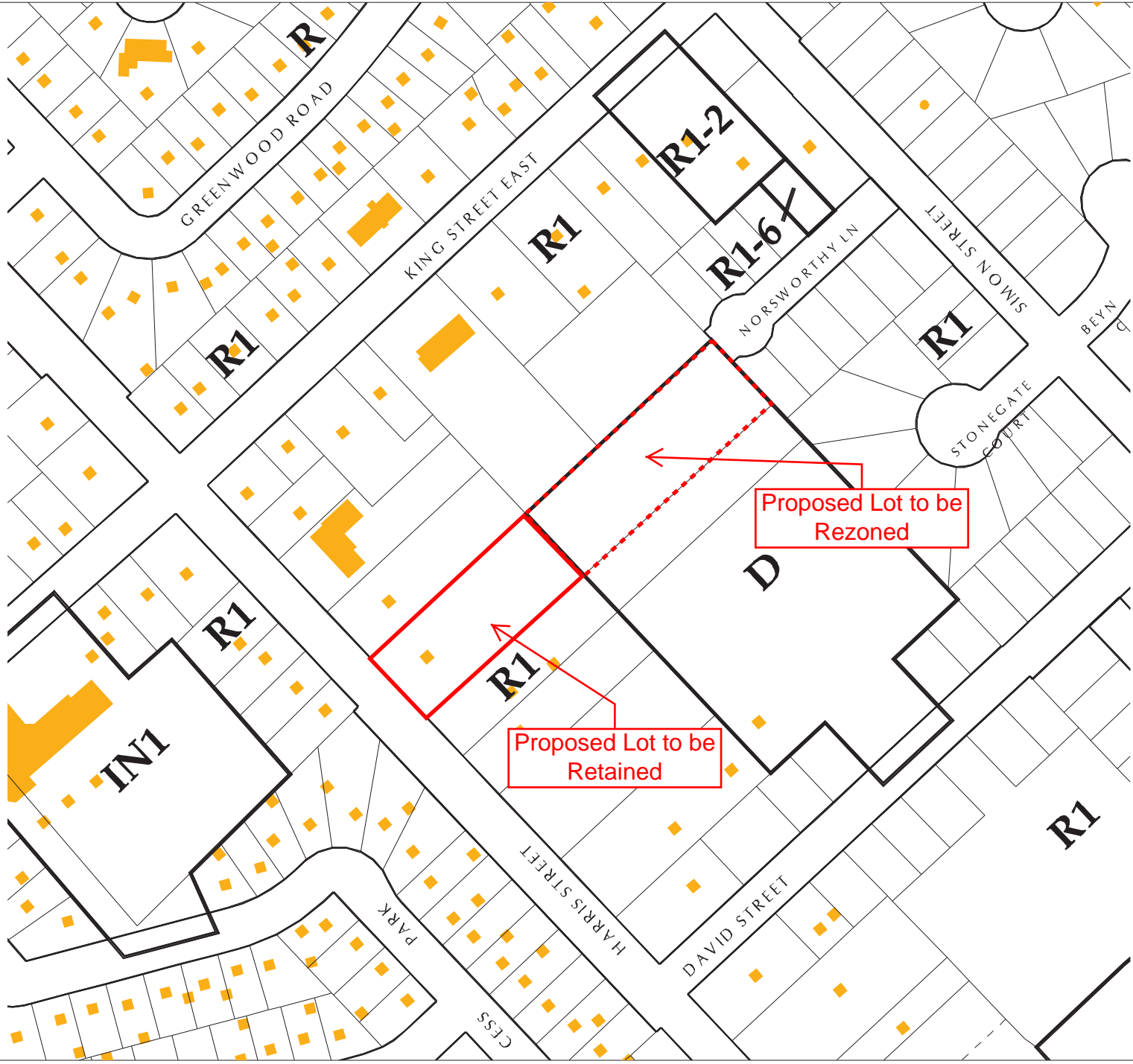
West side of Norsworthy Lane, south of King Street East.  
Part Lots 5, 6 and 227, Registered Plan 279, Town of Ingersoll.

**COUNTY OF OXFORD OFFICIAL PLAN:**

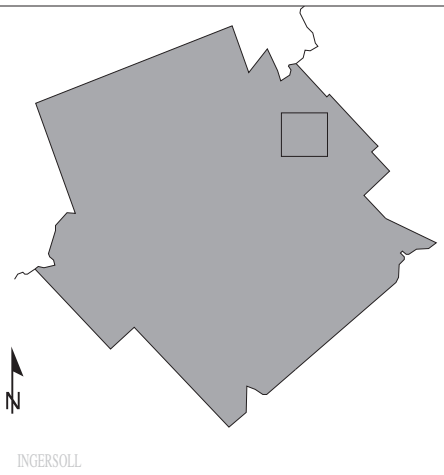
Schedule "I-1"	Town of Ingersoll Land Use Plan	Residential
Schedule "I-2"	Town of Ingersoll Residential Density Plan	Low Density Residential

**TOWN OF INGERSOLL ZONING BY-LAW NO. 04-4160:**

Existing Zoning: Development (D)  
Requested Zoning: Special Residential Type 1 (R1-Special)



- LEGEND**
- Structures (2000)
  - Zoning**
  - Floodway
  - Floodfringe
  - Zoning Line
  - Municipal Limits



INGERSOLL

Plate 1 - Existing Zoning  
 Patrick & Leslie Fortner, Part Lots 227, 5 & 6, Block 63, Registered Plan 279  
 File No.: ZON 6-09-10, Town of Ingersoll



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 LAND RELATED INFORMATION SYSTEM  
 COUNTY OF OXFORD

CREATED ON: 23-DEC-2009

APPLICATION REVIEW:(a) Proposal

An application for zone change has been submitted to rezone the subject property from 'Development (D)' to 'Residential Type 1 (R1)' to permit the creation of a residential building lot with frontage onto Norsworthy Lane and the construction of a single detached dwelling on the subject property. The lot to be rezoned is approximately 0.5 ha (1.2 ac) in area, and is vacant.

A 0.3 m (1 ft.) reserve owned by the Town of Ingersoll exists at the end of Norsworthy Lane that limits access to the subject property. The applicant has also submitted a request to the Town to lift the reserve to permit access to the property.

Plate 1, Existing Zoning, identifies the severed lot and retained lot as well as the existing zoning of properties in the immediate vicinity.

Plate 2, 2006 Air Photo, shows the subject property in greater detail well as the location of the existing buildings on the lot to be retained.

Plate 3, Applicant's Sketch, illustrates the dimensions of the lot to be severed and lot to be retained.

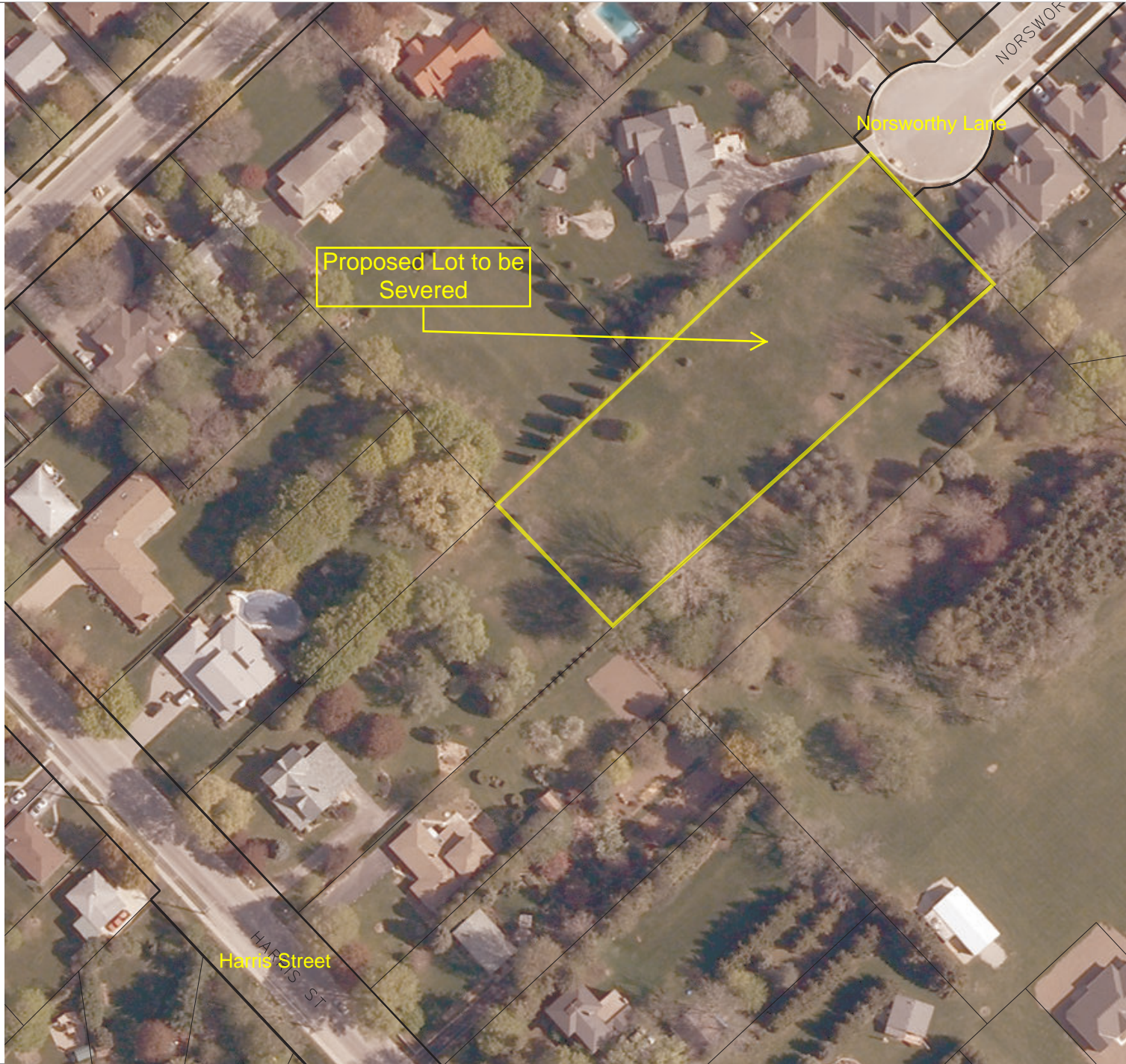
Plate 4, Potential Norsworthy Lane Extension, shows the approximate routing of Norsworthy Lane from its present location to an intersection at David Street.

The zone change application has been submitted in conjunction with an application for consent (B-47/09) that was for the purpose of creating a residential building lot. The consent application was considered by the County of Oxford's Land Division Committee at its meeting on January 14, 2010. At this meeting, Planning staff presented a report that recommended that the consent application be approved, subject to a number of conditions. One of the conditions was that the lot to be severed needed to be appropriately rezoned in order to permit the construction of a dwelling on the property. The Land Division Committee approved the consent application, including the condition to appropriately rezone the subject property.

(b) Provincial Policy Statement

The Provincial Policy Statement promotes efficient development and land uses which sustain the financial well-being of the Province and municipalities over the long term, promoting cost-effective development standards to minimize land consumption and servicing costs, as well as ensuring that the necessary infrastructure is available. The PPS also contains policies promoting opportunities for intensification where it can be accommodated taking into account existing building stock and the availability of infrastructure.

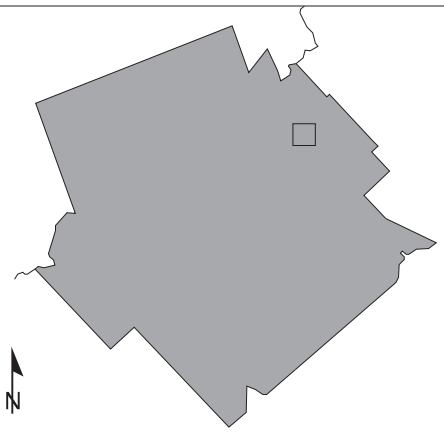
Considering the intent of the zone change application is to create a lot for residential purposes and implement a condition of an approved consent application, it is Planning staff's opinion that through the imposition of appropriate setbacks for the proposed dwelling, which in turn provides an opportunity of additional intensification by the future extension of Norsworthy Lane, the application is consistent with Provincial Policy.



**LEGEND**

County Orthoimagery (2006)

Municipal Limits



INGERSOLL

Plate 2 - 2006 Air Photo  
Patrick & Leslie Fortner, Part Lots 227, 5 & 6, Block 63, Registered Plan 279  
File No.: ZON 6-09-10, Town of Ingersoll



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LAND RELATED INFORMATION SYSTEM  
COUNTY OF OXFORD

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(c) Official Plan

The subject property is designated as 'Low Density Residential' on Schedule 'I-2', Residential Density Plan for the Town of Ingersoll in the County of Oxford Official Plan. Under the policies of Section 9.2.4 – LOW DENSITY RESIDENTIAL AREAS, low density residential areas are those lands that are primarily developed or planned for a variety of low-rise, low density housing forms including: single detached, semi detached, duplex, converted dwellings, quadraplexes, townhouses, and low density cluster development.

Under Section 9.2.3.1 – OBJECTIVES FOR ALL RESIDENTIAL DESIGNATIONS, the policies state that development shall be facilitated which efficiently uses existing housing stock, underutilized residential parcels and vacant land designated residential to accommodate the future demand for housing and to reduce energy consumption, efficiently utilize municipal services and maximize public open space opportunities.

Moreover, the policies of Section 9.2.2.5 promote residential intensification in appropriate locations within the residential areas and the central area of the Town. The stated minimum target of all new residential dwelling units to be created through intensification is 15 percent. The 2009 Vacant Lands Study of the County of Oxford identifies the subject property and those to the south as either vacant or under-utilized land. These lands are also zoned for Development (D) in the Town's Zoning By-law. Such areas are considered as candidate areas for residential intensification. Therefore, the planning analysis of this application considers a broader area than the subject property.

Considering the size of the lot to be created, Planning staff contend that additional residential development beyond one dwelling unit can be accommodated on the subject property. As can be seen on Plate 1, there is a temporary turning circle constructed at the westerly end of Norsworthy Lane, in anticipation that it can be extended into the subject property and then be directed southerly to connect to David Street. A conceptual diagram, prepared by Planning staff shows the potential routing of the Norsworthy Lane extension on Plate 4. The extension of this street would facilitate the development of an infill subdivision on the subject lands and the lands to the south.

Section 9.2.4.1.3 – INFILL SUBDIVISION states that where infill development is proposed on vacant or underutilized sites within established residential areas by plan of subdivision, the nature of the proposed residential development will be evaluated having regard to the type of housing found in the surrounding residential neighbourhood. Any new residential lots with direct exposure to an established residential street will be consistent with the size of lots within a two block area on the same street and new residential development will maintain setbacks and spacing between dwellings consistent with the established built pattern.

It is evident from Plate 4 that up to four lots could be created on the lot to be severed by B-47/09, in addition to the extension of Norsworthy Lane. The lots on the west side of Norsworthy Lane would be deeper and could be wider than those on the east side of the street to allow for a more gradual transition relative to the much larger lots on Harris Street to the west. This type of configuration would satisfy the infill subdivision policies indicated above and will result in a much more efficient urban-level development for this area that approaches the minimum low density target of 15 units/ha (6 units/ac). The subdivision to the east in which Norsworthy Lane was developed, has a density of approximately 15.7 units/ha (6.5 units/ac.).

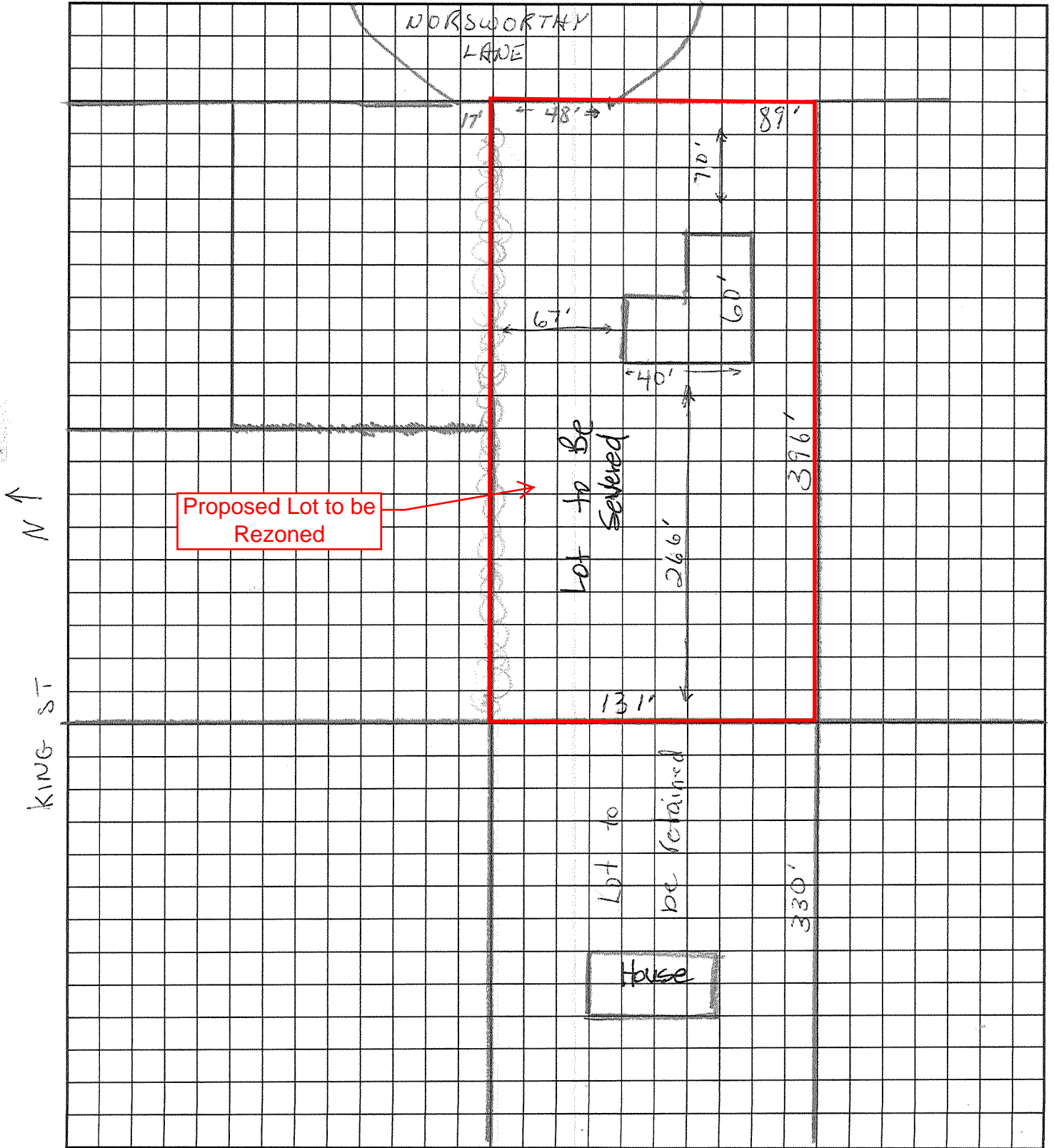
Through the imposition of appropriate setbacks for the proposed dwelling from the northern and western property boundaries, it is Planning staff's opinion that the lot can be created and one single detached dwelling can be constructed at this time without precluding future development.

# SKETCH/SITE PLAN

USE THIS PAGE FOR SKETCH (OR SURVEY PLAN IF AVAILABLE) AND ATTACH TO APPLICATION FORM.

WITHOUT SKETCH OR SURVEY PLAN, THE APPLICATION WILL NOT BE PROCESSED.

SKETCH OR SURVEY PLAN MUST CONTAIN THE INFORMATION SET OUT IN ITEM 5 OF THE ZONE CHANGE APPLICATION GUIDE.



SCALE: \_\_\_\_\_

Plate 3 - Applicant's Sketch

HARRIS ST

DAVID ST.

Based on the above comments, it is Planning staff's opinion, the zone change conforms with the policies of the Official Plan.

(d) Town of Ingersoll Zoning By-Law No.: 04-4160

The subject parcel is zoned 'Development (D)' in the Town of Ingersoll Zoning By-Law 04-4160. As part of the rezoning application, the applicant is attempting to recognize the frontage at the end of Norsworthy Lane (14.6 m (48 ft.)), which does not exist at the present time due to the 1-foot reserve. The applicant has applied to the Town to lift this reserve; however, even then, the frontage will not meet the R1 minimum requirement of 15 m (49.2 ft.).

Through a review of Plate 3 and discussions with the Town of Ingersoll's Engineering Services Co-ordinator, it was determined that in order to accommodate a potential extension of Norsworthy Lane, the proposed dwelling should be setback 81.08 m (266 ft.) from the westerly property boundary and 20.67 m (67.82 ft.) from the northerly property boundary. As such, Planning staff recommend that these provisions be incorporated into the site specific zoning by-law. The proposed lot meets the remainder of the R1 zone provisions.

(e) Agency Comments

This application and zone change application were circulated at the same time and have been reviewed by a number of public agencies.

The Town of Ingersoll Clerk/Deputy Administrator indicated the following resolution was passed by Ingersoll Town Council on December 14, 2009:

*"That the request from Lesley and Pat Fortner to lift the 1' reserve along Norsworthy Lane to be lifted be deferred pending Land Division Committee granting the severance."*

The Town of Ingersoll Engineering Services Co-ordinator: offered the following comments:

- *"There is a 0.3 metre (1 foot reserve) on Norsworthy Lane that must be removed by the Town prior to a severance being granted. The reserve is 14.672 m (48.14 ft.) in length according to Plan 41R – 7107. Total width is 20 m (65.617 ft.) which is the current road allowance width. The Town would require 14.672 m (48.14 ft.) to complete a proper road allowance. The adjacent property (Moyer) to the north of the proposed severance has signed an agreement with the Town to deed 5.328 m (17.48 ft.) to the Town at such time as Norsworthy Lane is extended westerly. The extending of Norsworthy Lane westerly from the existing street and then southerly to David Street has been in the works since 2001. Good planning practices were sited at that time and it is my opinion that should a severance be granted that the owners be required to dedicate property to the future extension of Norsworthy Lane. There is currently no sanitary sewer connection or water service to the proposed severance. The street has only been completed within the last year. The Town would require that a sanitary connection be directional bored into the last existing sanitary sewer manhole and that no excavation of Norsworthy Lane take place. The water service would have to be connected to the watermain in advance of the existing fire hydrant and it too may require that it be installed using directional boring. It should be noted that the invert of the sanitary sewer in the manhole is very shallow. This would in*

R1-2

Moyer Property

R1-6

Proposed Lot to be  
Rezoned

NORSWORTHY L

Conceptual Location of  
Norsworthy Lane  
Extension

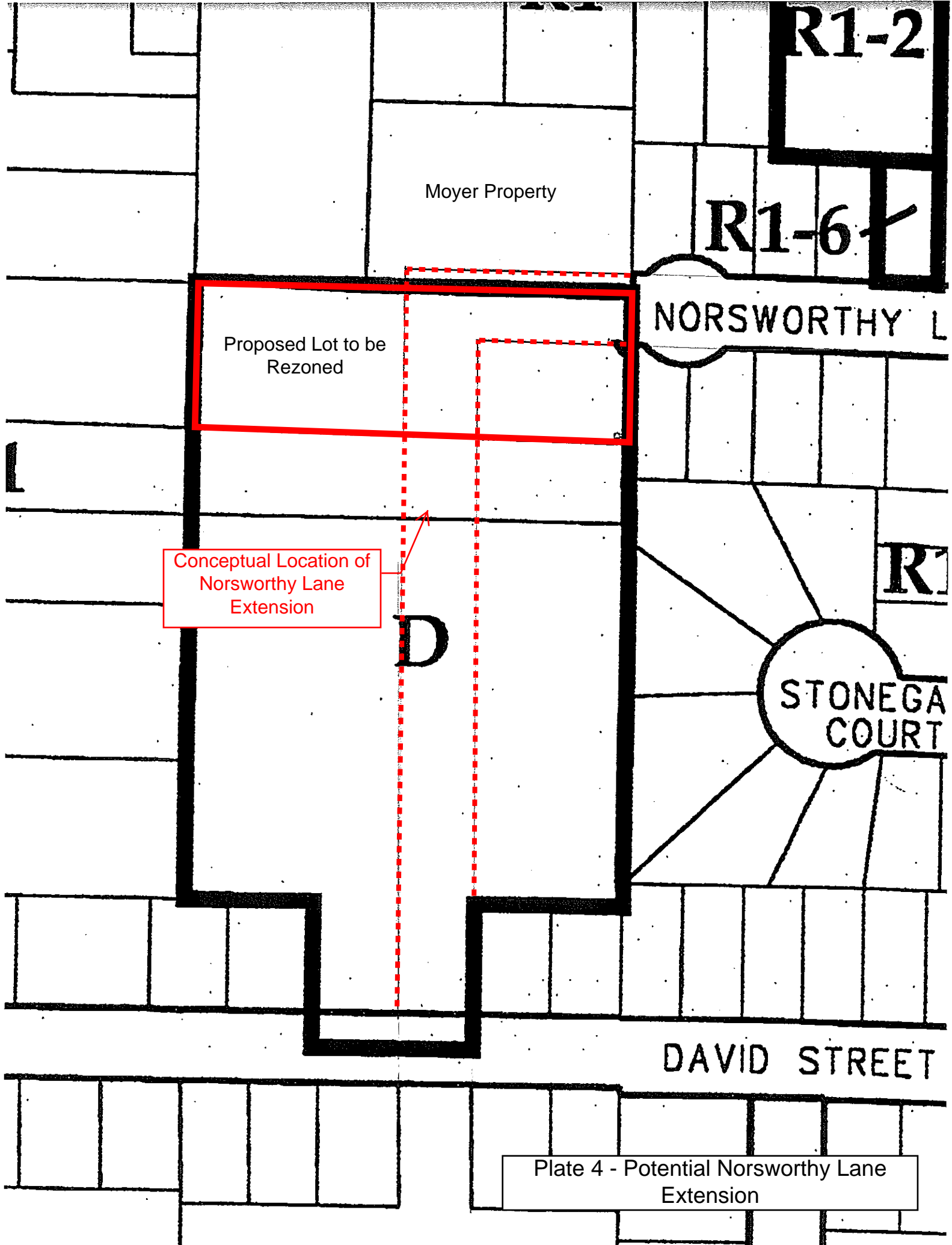
D

R1

STONEGA  
COURT

DAVID STREET

Plate 4 - Potential Norsworthy Lane  
Extension



*all probability mean that only the main floor of the proposed residence could be served by gravity sewers.*

- *A road allowance on the west side of the property could be required by the Town.*
- *The proposed setback of 67 ft. (20.422 m) from the existing northerly property line needs to be 67.82 ft. (20.672 m) to ensure that the proper frontage is maintained. It would appear as though a variance might be required for the rear yard as well.*
- *The property being created will be subject to a one-time payment for its share of the regional stormwater management facility as per the Phase III Subdivision Agreement with Pyne Hall Developments. That share is calculated on area. The severed lots share of the cost of the SWM is currently being calculated by Town of Ingersoll, Engineering Department and would be payable to the Town at the time of registration of the severance.*
- *There may also be costs involved in sanitary and water servicing other than those charged by the County of Oxford Public Works Department. Those costs are being reviewed as a part of the Phase III Pyne Hall Developments Subdivision Agreement.*
- *A grading plan will be required to be submitted prior to the severance agreement being completed. It will be reviewed by the Engineering Department to assist in ensuring that no drainage problems occur. The approved grading plan would become an appendix to the severance agreement. The adjacent property owner is concerned with the proposed lot grading. He has been assured that Engineering will review and approve the plan.*
- *Should the severance be approved, any future severances should only be allowed to occur west of the proposed residence location.*
- *\$265 cash-in-lieu of parkland is required as a part of the severance agreement. This is payable to the Town of Ingersoll. “*

The Oxford County Department of Public Works provided the following comments:

Public Works has reviewed the above noted consent and zoning applications and has the following comment:

- *“Public Works is opposed to the proposed severance as it is poor utilization of land.*
- *If the application is approved as proposed, the following conditions shall apply:*
  - *No building permit shall be issued until separate water and wastewater services are provided for each lot and payment of these services has been received by the County of Oxford Public Works Department. This condition can be cleared by payment for the required services or entering into an Agreement acceptable to the County.*
  - *Applicable Development Charges for Water/Wastewater shall be applied.*
  - *The applicant must provide a road widening to (15 m) 50 feet from centreline of road if not already existing, free and clear of liens, easements and other encumbrances.*
  - *The applicant must obtain an entrance permit for any new entrance or alteration of existing entrance. The County will determine the entrance location for the lot to be retained due to safety concerns”*

The Upper Thames River Conservation Authority offered the following comments:

*“The Upper Thames River Conservation Authority (UTRCA) has reviewed the above noted application with regard for policies contained in the Environmental Planning Policy*

*Manual for the Upper Thames River Conservation Authority (June 2006). These policies include regulations made pursuant to Section 28 of the Conservation Authorities Act and are consistent with the natural hazard and natural heritage policies contained in the Provincial Policy Statement (2005). We have no objection.*

The Town of Ingersoll Chief Building Official and Erie Thames Powerlines Corporation have indicated that they have no objections to or comments regarding the application.

(f) Planning Review

The applicant has submitted a zone change application to rezone a parcel in order to fulfil a condition of a consent to create a new residential building lot.

The subject property is designated 'Low Density Residential' within the Official Plan, which permits single detached residential dwelling units. It is Planning staff's opinion that an opportunity exists to accommodate additional low density development on the subject property, rather than simply the single dwelling proposed in this application. As indicated previously in this report, the area is ideal for infill development which can be facilitated by the extension of Norsworthy Lane. It is noted however, that may only be done so through future planning applications, such as a draft plan of subdivision application and zone change application. In order to ensure future development opportunity, it is necessary to impose additional setbacks on the citing of the proposed dwelling through the implementing zoning by-law.

As noted, a 0.3 m (1 ft.) reserve exists at the end of Norsworthy Lane owned by the Town of Ingersoll. The applicant has requested the Town to lift this reserve in order to grant access to the property. At the December 14, 2009 Council meeting, Council considered the request and passed a resolution to defer a decision on lifting the reserve pending a favourable decision by the Land Division Committee on the proposed consent. To address this issue the Committee included this requirement as a condition of the consent's approval.

Similarly, the County of Oxford Department of Public Works provided comments with respect to servicing the property the need for payment of these services and that applicable Development Charges for Water/Wastewater shall be applied. This Department also indicated that the applicant shall provide a road widening along the frontage of the lot to be retained of 15 m (50 ft.) from the centreline of Harris Street, if not already existing. These requirements were also incorporated as conditions into the Committee's decision.

The Town of Ingersoll Engineering Services Coordinator also provided a number of comments with respect to the future extension of Norsworthy Lane and that in order to do so, the Town would require land from the lot to be severed to complete a proper road allowance and that a similar provision has already been made with the landowner to the north (Moyer). The Engineering Services Coordinator also commented that additional setbacks should be imposed for the proposed single detached dwelling. Planning staff have confirmed that the proposed dwelling should be setback 81.08 m (266 ft.) from the westerly property boundary and 20.67 m (67.82 ft.) from the northerly property boundary. The Engineering Services Coordinator also provided a number of technical comments with respect to the installation of water and sanitary sewer services and also requirements for minimizing the impacts on Norsworthy Lane during the installation of services. Payments for the subject property's share of the regional stormwater management facility as well as the cash-in-lieu of parkland are also required. The applicant will also be required to provide a grading plan to the Town prior to the severance agreement being completed, that would become an appendix to the severance agreement. These provisions were also included as conditions in the Land Division Committee's decision to approve the consent application.

Planning staff have confirmed that the proposed dwelling should be setback 81.08 m (266 ft.) from the westerly property boundary and 20.67 m (67.82 ft.) from the northerly property boundary. Through a review of Plate 3, which was provided by the applicant, it is noted that the recommended setbacks are not far removed from the setbacks proposed by the applicants.

The consent and zone change applications are the first step toward infilling in an area of the Town that has infill potential. With the inclusion of appropriate setbacks for the proposed dwelling to ensure that further infill potential is maintained in this area, the zone change application can be considered to be consistent with the 2005 Provincial Policy Statement and in keeping with the infill policies contained in the County of Oxford Official Plan.

Planning staff note that the applicant has not submitted a draft reference plan for the proposed lot addition at this time and therefore staff recommend that the application be approved-in-principle. The schedule and by-law will be prepared upon receipt of the draft reference plan.

RECOMMENDATION:

It is recommended that the Council of the Town of Ingersoll approve-in-principle the application for zoning by-law amendment by Patrick and Lesley Fortner, whereby lands located at Part Lots 5, 6 and 227, Registered Plan 279, located at the west end of Norsworthy Lane, south of King Street East, in the Town of Ingersoll, are to be rezoned from 'Development (D)' to 'Special Residential Type 1 (R1-Special)' to permit the construction of a single detached dwelling, subject to special setbacks from the westerly and northerly property boundaries. Upon submission of a reference plan to the Community and Strategic Planning Office, this Office will prepare the appropriate zoning by-law amendment for Council's consideration.

Authored by:

Approved By:

"Ron Versteegen"

"Margaret Misek-Evans"

\_\_\_\_\_  
Ron Versteegen, MCIP, RPP  
Development Planner

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Margaret Misek-Evans, MCIP, RPP  
Corporate Manager

RV/rv

Date: January 28/10

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