

Public Council Meeting
AGENDA

Tuesday, December 12, 2017, 6:30 pm
Tecumseh Town Hall
www.tecumseh.ca

Pages

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **DISCLOSURE OF PECUNIARY INTEREST**
4. **DELEGATIONS**
5. **COMMUNICATIONS**
 - a. Town of Tecumseh Notice of Public Meeting 2
Re: Proposed Extension to Temporary Use By-Law 2012-63
6. **REPORTS**
 - a. Manager Planning Services Report No 31-17 3
Re: Mr. William Leon 7035 10th Concession Road Extension of
Temporary Use By-law – Garden Suite
7. **ADJOURNMENT**

**TOWN OF TECUMSEH
NOTICE OF PUBLIC MEETING
PROPOSED EXTENSION TO TEMPORARY USE BY-LAW 2012-63**

TAKE NOTICE that the Council of the Corporation of the Town of Tecumseh will hold a public meeting **Tuesday, December 12th, 2017 at 6:30 p.m.** in the Town Municipal Office Council Chambers at 917 Lesperance Road to consider the proposed extension of Temporary Use By-law 2012-13 pursuant to the provisions of the *Planning Act*, R.S.O. 1990.

An application has been filed with the Town of Tecumseh to extend a Temporary Use By-law (By-law 2012-63) that applies to a 9.6 hectare (23.7 acre) parcel of land situated on the west side of 10th Concession Road (7035 10th Concession Road), approximately 600 metres north of its intersection with County Road 8 (see Key Map below). In 2012, the owner of the subject property requested that a garden suite be permitted for a period of up to five years on the subject property, in accordance with the provisions of Section 39 of the *Planning Act*. The purpose of the garden suite was to provide temporary housing for a family member requiring special support. Garden suites are intended to permit aging members of a family to maintain their independence while living in close proximity to family members who have the ability to provide care for them. Council ultimately supported the application through the passage of Temporary Use By-law No. 2012-63 and the execution of an associated temporary use agreement with the owner. The aforementioned By-law expired on October 9, 2017.

The owner has advised that recent medical conditions necessitate the continuation of the garden suite on the property. Similar to the previous arrangement, the garden suite will continue to be occupied by the applicant's son/family. The owner will continue to reside in the existing single unit dwelling and the owner's son/family will continue to assist with the medical appointments and daily assistance the owner requires. In order for the garden suite to legally continue, the owner has filed an application with the Town for a Temporary Use By-law extension for an additional three years, in accordance with Section 39.1(4) of the *Planning Act*.

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed extension to the Temporary Use By-law.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Town of Tecumseh before the proposed extension to the Temporary Use By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Corporation of the Town of Tecumseh to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Corporation of the Town of Tecumseh before the proposed extension to the Temporary Use By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

If you wish to be notified of the decision of the Council of the Corporation of Town of Tecumseh on the proposed extension to the Temporary Use By-law or of the refusal of the request for the proposed extension to the Temporary Use By-law, you must make a written request to the Corporation of the Town of Tecumseh, c/o Laura Moy, Clerk, at the mailing address noted below.

KEY MAP



ADDITIONAL INFORMATION and any associated reports/documents relating to this matter are available for review during regular office hours at the Town Municipal Office on Lesperance Road.

The Public Meeting Agenda regarding this application will be available on the Town's website (www.tecumseh.ca/home/agendas) on Friday, December 8, 2017.

DATED AT THE TOWN OF TECUMSEH
THIS 20TH DAY OF NOVEMBER, 2017.

LAURA MOY, CLERK
TOWN OF TECUMSEH
917 LESPERANCE ROAD
TECUMSEH, ONTARIO
N8N 1W9

 Land Subject to Proposed Extension to
Temporary Use By-law 2012-63



THE CORPORATION OF THE TOWN OF TECUMSEH

Planning and Building Services
Report No. 31/17

TO: Mayor and Members of Council

FROM: Chad Jeffery, MA, MCIP, RPP
Manager Planning

DATE: November 8, 2017

DATE TO COUNCIL: November 14, 2017

SUBJECT: Mr. William Leon
7035 10th Concession Road
Extension of Temporary Use By-law – Garden Suite
OUR FILE: D19 LEON

RECOMMENDATIONS:

It is recommended that:

1. The scheduling of a public meeting, to be held on Tuesday, December 12, 2017 at 6:30 p.m., in accordance with *The Planning Act* for the application submitted by Mr. William Leon ("the applicant") requesting the extension of Temporary Use By-law 2012-63 for an additional three years, in accordance with Section 39.1 of the *Planning Act* to continue to permit the use of a garden suite as an accessory dwelling unit on a 9.6 hectare (23.7 acre) parcel of land situated on the west side of 10th Concession Road (7035 10th Concession Road), approximately 600 metres north of its intersection with County Road 8, be authorized.

BACKGROUND:

Prior Temporary Use By-law No. 2012-63

In 2012, the owner of a 9.6 hectare (23.7 acre) parcel of land situated on the west side of the 10th Concession Road (7035 10th Concession Road), approximately 600 metres north of its intersection with County Road 8 (see Attachments 1 and 1A) requested that a garden suite be permitted for a period of up to five years on the subject property, in accordance with the provision of Section 39 of the *Planning Act*. The purpose of the garden suite was to provide temporary housing for a family member requiring special support. Council ultimately supported the application through the passage of Temporary Use By-law No. 2012-63 and the execution of an associated agreement. Further details follow in this Report.

Temporary Use By-law No. 2012-63 Expiry and Application Requesting an Extension

Temporary Use By-law No. 2012-63 expired on October 9, 2017. In order for the garden suite to legally continue, the applicant has filed an application with the Town for a Temporary Use By-law extension for an additional three years, in accordance with Section 39.1(4) of the *Planning Act*.

Since the approval of the Temporary Use By-law in 2012, the applicant's 89-year-old mother has passed away. The applicant, however, has advised that his recent medical ailments necessitate the continuation of the garden suite on the property. Similar to the previous arrangement, the garden suite will be occupied by the applicant's son and family. The applicant will continue to reside in the existing single unit dwelling along with his wife. The applicant's daughter-in-law (a former personal support worker) will continue to assist with the medical appointments and daily medical related matters the applicant requires.

Synopsis of and Issues Related to Prior Application

A garden suite is a self-contained dwelling that is typically installed for a temporary period of time in the rear or side yard of a lot that contains an existing, permanent, single-unit dwelling. A garden suite is to be designed to be mobile but has all the living arrangements a typical dwelling would have such as a kitchen, living area, bedroom(s), bathroom(s) and storage areas. In addition, garden suites must meet the Ontario Building Code.

Garden suites allow for living arrangements that are usually intended for individuals or couples of a senior age who, for the most part, can live independently but may require some periodic assistance. Typically, the occupants (usually family members) of the associated permanent dwelling provide care and support to those living in the garden suite.

The living arrangement contemplated through the original request in 2012 was somewhat different from that described above in that the garden suite was to be occupied by the applicant's son and his family. This would allow the applicant's 89-year-old mother to move into the existing single unit dwelling on the subject property along with the applicant. The son's wife, a former personal support worker, would live in the garden suite and provide care for the 89-year-old senior.

In order to facilitate the proposed use, an application for a Temporary Use By-law was submitted. A Temporary Use By-law is a regulatory tool made available to municipalities by way of the *Planning Act*. It allows for the temporary use of land for a purpose that is currently not permitted by the zoning by-law.

On August 14, 2012, Council held a public meeting on the proposed temporary use by-law to permit a garden suite in accordance with the provisions of the *Planning Act*. Planning and Building Services Report 17/12 provided a planning analysis in support of the proposed temporary use request (see Attachment 2). No concerns were received at the public meeting, however, in accordance with a recommendation from Administration, Council directed that the formal adoption of the temporary use by-law be deferred pending the execution of a temporary use agreement with the applicant. Accordingly, a temporary use agreement was prepared by Mr. Edwin Hooker, Solicitor, setting out restrictions on matters such as installation and removal of the garden suite, period of occupancy and servicing of the garden suite, distance from the existing dwelling, parking requirements, and the maintenance/appearance of the garden suite.

This agreement ensured that the garden suite was to be used for its intended purpose and that once the garden suite was no longer required it would be removed from the property. The agreement and the associated temporary use by-law would prevent the garden suite from becoming a permanent structure. The aforementioned agreement was executed by the property owner and the Town of Tecumseh in October of 2012.

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Based on the foregoing, Council passed Temporary Use By-law 2012-63 on October 9, 2012 under Section 39 of the *Planning Act*. The by-law permitted a garden suite as an accessory dwelling unit on the subject property for a period of time not to exceed five years from the date of passing of By-law No. 2012-63.

COMMENTS:

Planning Analysis

As noted previously in this Report, the extension of a Temporary Use By-law permitting a garden suite is contemplated through Section 39.1 (4) of the *Planning Act* which states that “***council may by by-law grant further periods of not more than three years each during which the temporary use is authorized***”.

Planning and Building Services Report 17/12 (see Attachment 2) contains the detailed planning analysis supporting the original request for a Temporary Use By-law to permit a garden suite on the subject property, including an assessment of how the proposal conforms to the policies of Section 6.15, Temporary Use By-laws, of the Sandwich South Official Plan. It is the opinion of the writer that the application to extend the time period for Temporary Use By-law No. 2012-63 continues to meet these policies and that the planning rationale outlined in Planning and Building Services Report 17/12 is still relevant.

It should be noted that the aforementioned temporary use agreement, which is registered on title, allows for an extension to the Temporary Use By-law without the need to amend the agreement. The agreement states that the time period established in the agreement shall be deemed amended accordingly if the associated Temporary Use By-law is amended to establish a new time period.

A public meeting to consider the proposed Temporary Use By-law extension is required in accordance with the requirements of the *Planning Act* and will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and other interested stakeholders, including the County of Essex. It is important that the concerns and comments of these stakeholders be taken into consideration as part of the full evaluation of the application.

Conclusion

It is the writer's opinion that the proposed three-year extension to Temporary Use By-law No. 2012-63 is appropriate. It is recommended that Council consider passage of a by-law that will extend Temporary Use By-law No. 2012-63 for an additional three years, subject to the resolution of any concerns being identified through the requisite public consultation process.

CONSULTATIONS:

This development application has been reviewed by:

Manager, Building Services/Chief Building Official

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FINANCIAL IMPLICATIONS:

There are no financial implications.

LINK TO STRATEGIC PRIORITIES:

| No. | 2017-18 Strategic Priorities | Applicable |
|-----|---|------------|
| 1. | Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers. | ✓ |
| 2. | Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making. | ✓ |
| 3. | Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities. | |
| 4. | Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses. | |
| 5. | Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals. | |

COMMUNICATIONS

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

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Mr. William Leon
7035 10th Concession Road
Extension of Temporary Use By-law – Garden Suite
OUR FILE: D19 LEON
November 14, 2017

This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:

Prepared by:

Enrico De Cecco, BA (hons.), MCIP, RPP
Junior Planner

Chad Jeffery, MA, MCIP, RPP
Manager, Planning

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director, Planning and Building Services

Recommended by:

Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

CJ

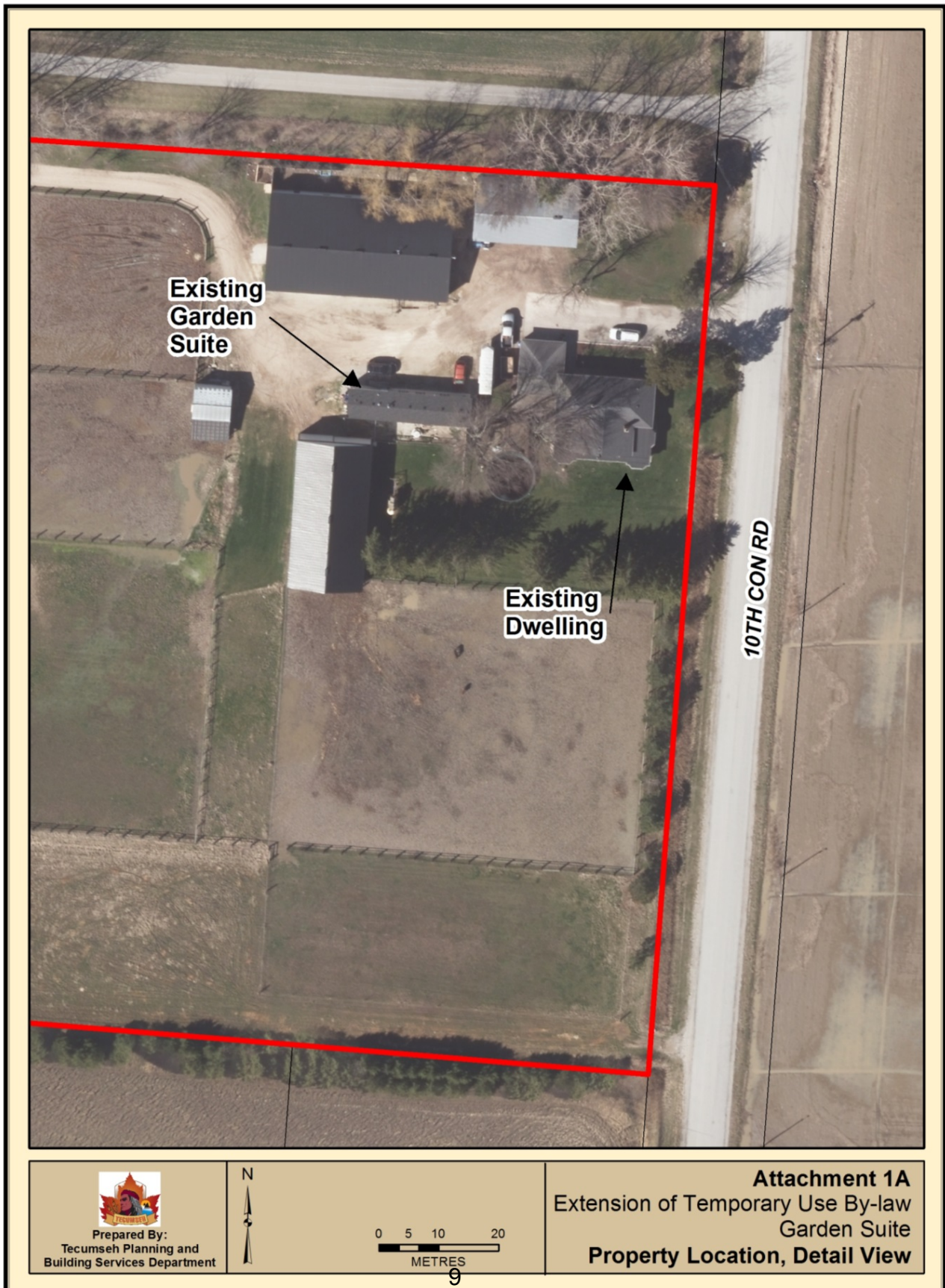
Attachments: 1. Property Location
 1A. Property Location, Detail View
 2. Planning and Building Services Report 17/12

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Prepared By:
 Tecumseh Planning and
 Building Services Department



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 METRES

Attachment 1A
 Extension of Temporary Use By-law
 Garden Suite
Property Location, Detail View