



The Corporation of the Town of Tecumseh

Planning & Building Services

To: Mayor and Members of Council

From: Brian Hillman, Director Planning & Building Services

Date to Council: March 23, 2021

Report Number: PBS-2021-14

Subject: Zoning By-law Amendment
Dana Azar
3425 11th Concession Road, Parts 1-4, 12R-25489
Scheduling of a Public Meeting
OUR FILE: D19 AZAR11

Recommendations

It is recommended:

That the scheduling of a public meeting, on April 27, 2021 at 5:00 p.m., in accordance with the *Planning Act*, for the application submitted by Dana Azar to amend the Sandwich South Zoning By-law 85-18 by rezoning a 0.47 hectare (1.16 acre) property situated on the west side of the 11th Concession Road, approximately 120 metres (393 feet) south of its intersection with County Road 42 (3425 11th Concession Road), from “Agricultural Zone (A)” to a site-specific “Residential Zone 1 (R1-19)” in order to establish specific minimum lot area and frontage provisions to facilitate the creation of three new residential lots and the future construction of three single-unit dwellings, **be authorized.**

Executive Summary

A zoning by-law amendment application has been filed in order to change the zoning pertaining to the 0.47 hectare (1.16 acre) property situated on the west side of the 11th Concession Road/County Road 43 from “Agricultural Zone (A)” to a site-specific “Residential Zone 1 (R1-19)” in order establish site-specific minimum lot area and frontage provisions. The subject property is also the subject of Consent Applications B-04-06/21, which seek to sever three lots from the subject property with each lot intended to be occupied by a single-unit residential dwelling. The Consent application is scheduled to be heard by the Committee of

Adjustment at its March 22, 2021 meeting. This Report is requesting the scheduling of a public meeting related to the proposed zoning by-law amendment in accordance with the requirements of the *Planning Act*.

Background

Dana Azar ("the Applicant") owns a 0.47 hectare (1.16 acre) property situated on the west side of the 11th Concession Road/County Road 43 ("11th Concession Road"), approximately 120 metres (393 feet) south of its intersection with County Road 42 and having a municipal address of 3425 11th Concession Road (subject property). The subject property is currently occupied by a single-unit residential dwelling. Single-unit residential uses abut to the north, fronting the west side of the 11th Concession Road, with additional single unit residential uses located to the northeast fronting on the south side of County Road 42. To the east of the subject property across the 11th Concession Road are agricultural lands. Agricultural uses are located to the west.

The subject property is the remnant area of land remaining after the County of Essex purchased the land to the immediate west that will facilitate the future realignment of Banwell Road/County Road 43 in the vicinity of County Road 42 (see Attachment 1).

Committee of Adjustment Consent Application

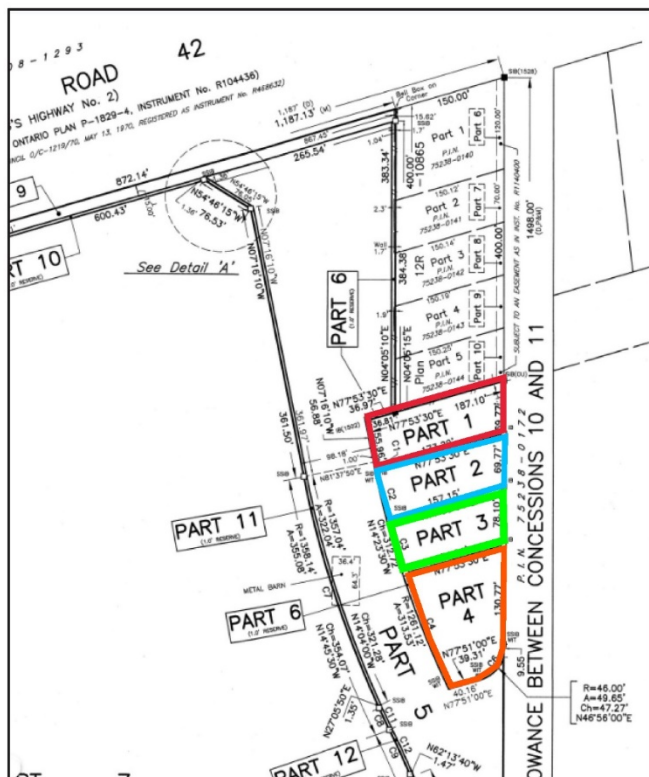
Consent Applications B-04-06/21 have been filed with the Town by the Applicant in order to divide the property into four separate parcels. This application is scheduled to be heard by the Committee of Adjustment at its March 22, 2021 meeting. The purpose of the consent applications is to:

- i) sever a vacant residential lot having a frontage of approximately 21.26 metres (69.77 feet), an irregular depth and a lot area of 1121.89 square metres (12,076 square feet) (Part 1 outlined in red in Figure 1 below);
- ii) sever a vacant residential lot having a frontage of approximately 23.8 metres (78.1 feet), an irregular depth and a total area of 1020.54 square metres (10,985 square feet) (Part 3 outlined in green in Figure 1 below).
- iii) sever a vacant residential lot having a frontage of approximately 39.85 metres (130.77 feet); an irregular depth and a lot area of 1531.32 square metres (16,483 square feet) (Part 4 outlined in orange in Figure 1 below); and
- iv) retain a residential lot containing an existing dwelling having a frontage of approximately 21.26 metres (69.77 feet), an irregular depth and a lot area of 1121.89 square metres (12,076 square feet) (Part 2 outlined in blue in Figure 1 below).

The lands are designated Residential in the newly-adopted Town of Tecumseh Official Plan ("new Official Plan") and zoned Agricultural (A) in the Sandwich South Zoning By-law. If

approved, the Committee of Adjustment will impose a condition of approval requiring that the subject property be rezoned in order to place the property into a site-specific Residential Zone 1 (R1) establishing minimum lot area and frontage requirements to facilitate the development of the proposed residential lots.

Figure 1 – Sketch of Proposed Consent Application



Zoning By-law Amendment Application

Based on the foregoing, the Applicant has filed an application with the Town to amend the Sandwich South Zoning By-law 85-18 for the subject 0.47 hectare (1.16 acre) property in order to rezone the property from "Agricultural Zone (A) to a site-specific "Residential Zone 1 (R1-19)" in order establish specific lot area and frontage provisions to facilitate the future construction of one single-unit detached dwelling on each of the three newly created lots on full municipal services. The Applicant retained a professional planner that has prepared a Planning Justification Report (PJR) in support of the application. A copy of the PJR will be made available as part of the Agenda associated with the requisite statutory public meeting.

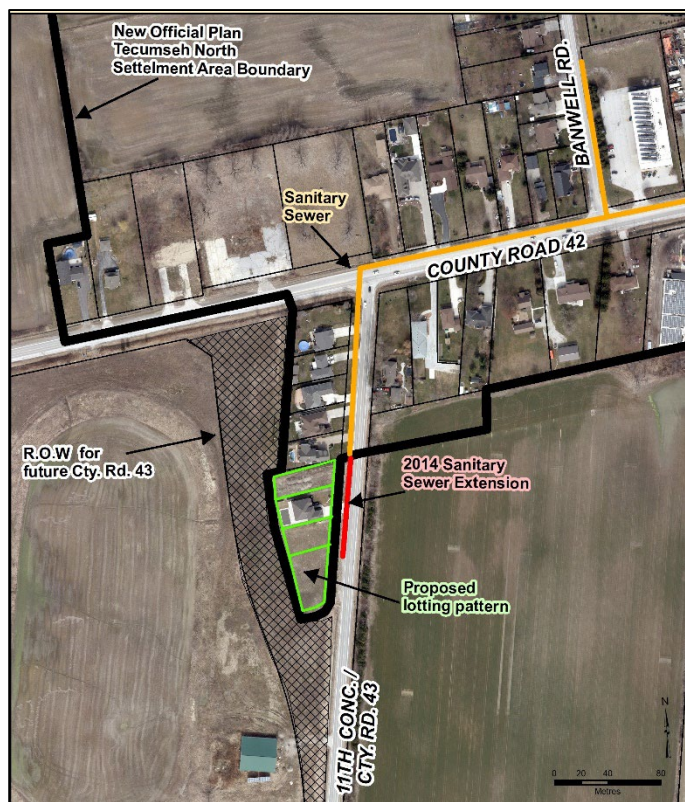
Prior to 2014, the subject lands were part of a larger 11.1 hectare (27.4 acre) farm parcel. However, in 2014 the former owner of the farm parcel conveyed lands to the County of Essex to accommodate the future road right-of-way for the re-alignment of County Road 43, in accordance with the approved Environmental Assessment (EA). This conveyance divided the

former farm lot into two parcels – a smaller farm parcel to the west of the proposed realigned County Road 43 right-of-way and the subject property to the east of this proposed right-of-way.

A single unit dwelling was subsequently proposed for the subject property at that time. As part of that proposal, the former owner sought approvals from the Town to extend the municipal sanitary sewer in the 11th Concession Road southerly from its termination just north of the subject property so as to provide sanitary connections to the subject property. At this time, the subject property abutted the southerly limit of the Tecumseh Hamlet Settlement Area in the Sandwich South Official Plan. The sanitary extension was proposed in anticipation of the future possibility of the subject property being added to the settlement area and re-designated to “Residential” as part of the Town’s new Official Plan.

The previous owner retained the services of a Professional Engineer and undertook the analysis and steps required to ensure sanitary sewage conveyance capacity could be made available to the subject property to the satisfaction of the Town. This facilitated the southerly extension of the 11th Concession Road sanitary sewer and the construction of the existing dwelling in 2014 and accommodates the severances being proposed by the current Consent applications. The preceding servicing arrangement was recommended by Town Administration and approved by Town Council in 2014 by way of Public Works Report No. 12/14. An illustration depicting the subject property and proposed new lots in relation to the sanitary sewer is provided in Figure 2 below.

Figure 2 – Proposed Development Concept Plan



Comments

Provincial Policy Statement

The *Planning Act* establishes that Council, when making decisions that affect a planning matter, “shall be consistent with” the 2020 Provincial Policy Statement (“PPS”) issued under the *Planning Act*.

There are a number of policies within the PPS that support the applications for the proposed residential development. The following are the relevant excerpts from the PPS:

“1.1.3 Settlement Areas

- 1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2 Land use patterns within settlement areas shall be based on a mix of land uses which:
 - a) efficiently use land and resources;
 - b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 - c) minimize negative impacts to air quality and climate change, and promote energy efficiency;

1.4 Housing

- 1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

...

- b) permitting and facilitating:

- 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

- c) 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.”

In summary, the PPS encourages and supports development on lands that are identified for urban growth in approved settlement areas. It also establishes that the Town should be supporting and promoting residential infill development that results in compact built form and makes more efficient use of existing services while offering a range of housing forms/types to meet expected needs. Based on the foregoing, it is the opinion of the writer that the application for the proposed residential development is consistent with the PPS.

County of Essex Official Plan

The subject lands are situated on the southerly fringe of the Primary Settlement Area identified in the County Official Plan. As with the PPS, the County Official Plan directs that future urban development be directed to fully serviced settlement areas.

It is the opinion of the writer that the proposed development meets the intent of the County of Essex Official Plan. Administration has reviewed the aforementioned planning applications with the County of Essex and they are in agreement on the land-use planning aspects of the proposal.

Tecumseh Official Plan

The subject property is located in the Tecumseh North Settlement Area and is designated “Residential” on Schedule “B-1” of the new Official Plan (see Attachment 2). The single-unit residential dwellings being proposed by the Zoning By-law amendment application are permitted by the “Residential” designation.

Based on the foregoing, the uses contemplated by the proposed Zoning By-law amendment application conform to the new Official Plan.

Sandwich South Zoning By-law

The subject property is currently zoned “Agricultural Zone (A)” in the Sandwich South Zoning By-law 85-18 (see Attachment 3). The Applicant is proposing to rezone the property into a site-specific “Residential Zone 1 (R1-19)” in order to establish site specific minimum lot area and frontage provisions to facilitate the severances proposed through the aforementioned Consent applications. The R1-19 zone would facilitate the development of the lands in accordance with the policies of the new Official Plan.

Zoning By-law Amendment Procedures in the Official Plan

Section 10.18, Amendment Procedures, of the new Official Plan establishes that due regard shall be given to the following matters when contemplating a Zoning By-law Amendment:

- i) the degree of conformity of the proposed amendment to the general intent and philosophy of this Plan, particularly the planning principles as set out in Section 2.3, and consistency with provincial policy;

As noted above, the proposed amendment is in keeping with the policies of the Official Plan and has the effect of directing development to fully serviced areas within an identified settlement area.

- ii) the availability and suitability of land already designated for the proposed use, and the need for (or market feasibility of) the proposed use;

The subject lands are designated to permit the uses proposed by the application. The rezoning simply implements the policies of the Official Plan.

- iii) The compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses;

The proposed single-unit dwelling uses will round-out the existing development pattern that exists on the west side of the 11th Concession Road and are compatible with existing and proposed uses in the area. The ability of the Town's infrastructure to accommodate the proposal.

The subject property was pre-serviced with four separate sanitary connection and a water and storm connection for the existing dwelling. The three additional water and storm connections for the proposed three new lots will be required as a condition of the consent approval.

- iv) The adequacy of the transportation system to accommodate the proposal;

The construction of three additional single-unit dwellings will not create any adverse impacts on the operation of the abutting roadway network.

Site Suitability in the Official Plan

In addition to the foregoing criteria set out in Section 10.18, Section 3.2, Site Suitability, of the Official Plan establishes that prior to the approval of any development or amendment to the Plan or the Zoning By-law, it shall be established to the satisfaction of Council and all other bodies having jurisdiction that:

- “i) soil and drainage conditions are suitable to permit the proper siting of buildings;

- ii) the services and utilities, whether they be municipal or private, can adequately accommodate the proposed development;
- iii) the road system is adequate to accommodate projected increases in traffic;
- iv) the land fronts on a public road which is of a reasonable standard of construction; and
- v) adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may possibly have upon any existing or proposed adjacent use.”

The proposed development is able to satisfy each of the preceding criteria, some of which are similar in nature to those set out in Section 10.18 of the Official Plan and addressed in the preceding section of this Report.

Summary

The proposed zoning by-law amendment is consistent with the Provincial Policy Statement and conforms to both the County of Essex Official Plan and new Tecumseh Official Plan. Based on the foregoing, consideration of the proposed zoning by-law amendment is warranted. A public meeting to consider the rezoning in accordance with the requirements of the *Planning Act* will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and public agencies. If concerns are received that cannot be addressed at the public meeting, a follow-up report will be provided to Council. Otherwise, the proposed by-law amendment will be brought forward at a subsequent Council meeting for its consideration.

It is important to note that the proposed zoning by-law amendment will include appropriate language in its recital section to establish that the by-law will only come into effect with the approval of the new Official Plan by the County of Essex (the Approval Authority) in accordance with the provisions of the Planning Act. This ensures that the development only proceeds once the new Official Plan has been approved.

Consultations

Public Works & Environmental Services
County of Essex

Financial Implications

None

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	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 ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Enrico DeCecco, BA (Hons), MCIP, RPP
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Reviewed by:

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Reviewed by:

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Director Public Works & Environmental Services

Reviewed by:

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

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Property Location Map
2	Official Plan Map
3	Zoning Map