



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: July 13, 2021

Report Number: PBS-2021-36

Subject: Zoning By-law Amendment (Condition of Consent Application B-08/21)
Andrea Howard
1441 Shawnee Road
Scheduling of a Public Meeting
OUR FILE: D19 1441SHAW

Recommendations

It is recommended:

That the scheduling of a public meeting, on September 14, 2021 at 5:45 p.m., in accordance with the *Planning Act*, for the application submitted by Winstar Homes, on behalf of the Owner, Andrea Howard to amend the Tecumseh Zoning By-law 1746 by:

- i) rezoning the western 613.1 square metre (6,600 square foot) portion of 1441 Shawnee Road from “Residential Zone 2 (R2)” to a site-specific “Residential Zone 3 (R3-20)” in order to facilitate the creation of one new residential lot, in accordance with Consent Application B-08-21, and to permit the construction of one semi-detached dwelling and to establish minimum lot and yard requirements; and
- ii) rezoning the eastern 609.8 square metre (6,564 square foot) portion of 1441 Shawnee Road from “Residential Zone 2 (R2)” to a site-specific “Residential Zone 2 (R2-26)” to establish a new minimum lot area for the retained lot created by Consent Application B-08-21;

be authorized.

Executive Summary

A zoning by-law amendment application has been filed in order to change the zoning pertaining to a 1,222.9 square metre (13,164 square foot) property situated on the west side of Shawnee Road, approximately 31 metres (102 feet) north of its intersection with Brouillette Court (1441 Shawnee Road) in order to facilitate the creation of one new residential lot and the future construction of one semi-detached dwelling. The subject property is also the subject of Consent Application B-08-21, which was provisionally approved by the Committee of Adjustment at its May 31, 2021 meeting, having the effect of granting the creation of the aforementioned new residential lot, with conditions. One of the conditions of consent requires both the proposed severed and retained lots to be rezoned to permit a new semi-detached dwelling on the severed lot and to permit the retained lot to have a slightly reduced lot area. 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

Subject Property and Surrounding Area

Andrea Howard (“the Owner”) owns a 1,222.9 square metre (13,164 square foot) property situated on the west side of Shawnee Road, approximately 31 metres (102 feet) north of its intersection with Brouillette Court (1441 Shawnee Road) (“subject property”) (see Attachment 1). The subject property is currently occupied by a single-unit residential dwelling that is part of a tier of single-unit dwellings situated on relatively deep lots fronting on the west side of Shawnee Road. The subject property is a through-lot extending from Shawnee Road to Brouillette Court to the west.

Single unit dwellings abut the subject property to the north. On the east side of Shawnee Road are more single unit dwellings. Semi-detached dwelling units abut the subject property to the south. The Brouillette Manor long-term care facility is located to the southwest of the subject property and a mix of semi-detached and townhouse dwellings are located to the west along the north side of Brouillette Court (see Attachment 2).

Consent to Sever Application and Proposed Zoning By-law Amendment

Consent Application B-08/21 was provisionally approved by the Committee of Adjustment at its May 31, 2021 meeting, the effect of which was to:

- i) sever a residential lot having a frontage of 15.24 metres (50 feet) along Brouillette Court, a depth of 40.2 metres (132 feet) and a lot area of 613.1 square metres (6,600 square feet);

- ii) retain a residential lot, containing an existing dwelling, having a frontage of 15.24 metres (50 feet) along Shawnee Road, an irregular depth and a lot area of 609.8 square metres (6,564 square feet); and
- iii) create an easement across the retained lot in favour of the severed parcel having a width of 3.0 metres (10 feet) and a depth of 40.2 metres (132 feet) for the purpose of providing municipal storm services to the severed parcel from Shawnee Road (see Attachment 3).

The lands are designated “Residential” in the Town of Tecumseh Official Plan and zoned “Residential Zone 2 (R2)” in Zoning By-law 1746 (see Attachments 4 and 5). The R2 Zone permits single-unit dwellings but not semi-detached dwellings. As a condition of consent, the following zoning by-law amendments are required:

- i) rezone the severed lot from “Residential Zone 2 (R2)” to a site-specific “Residential Zone 3 (R3-20)” in order to facilitate the future construction of one semi-detached dwelling and establish minimum lot and yard requirements; and
- ii) rezone the retained lot from “Residential Zone 2 (R2)” to a site-specific “Residential Zone 2 (R2-26)” in order to permit the resulting lot area, which is slightly less than the minimum lot area of 650 square metres (6,996.5 square feet) established in the R2 zone.

Based on the foregoing, Windstar Homes, on behalf of the Owner, has filed an application with the Town to amend Zoning By-law 1746 for the subject property in order to rezone the property from R2 into the aforementioned R3-20 and R2-26 zones.

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.”

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 a more compact built form and makes more efficient use of existing services while offering a range of housing forms/types to meet expected needs. It should also be noted that the subject property is serviced by the Tecumseh Transit Service and the proposed severed lot/semi-detached dwelling will be immediately adjacent to a bus stop.

Based on the foregoing, it is the opinion of the writer that the application to amend the zoning by-law to facilitate the proposed construction of a semi-detached dwelling on the proposed severed lot is consistent with the PPS.

County of Essex Official Plan

The subject lands are situated within a 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. As noted above, both the existing single unit dwelling and the proposed semi-detached dwelling will be on full municipal services.

Accordingly, it is the opinion of the writer that the application to amend the zoning by-law to facilitate the proposed construction of a semi-detached dwelling on the proposed severed lot is in conformity with the County of Essex Official Plan.

Tecumseh Official Plan

The subject property is located in the Tecumseh North Settlement Area and is designated “Residential” on Schedule “B-1” of the Tecumseh Official Plan (see Attachment 4). The policies permit the severance of the land for proposed residential use, however the consent policies, under subsection 6.4 iv), state:

- “iv) consents shall be granted only if they comply with the provisions of the Town’s Zoning By-law. Where a by-law amendment or minor variance is necessary, it shall be a condition of the decision.”

Based on the foregoing policy, and the fact that the subject property is designated “Residential” and intended for residential use, approval of a zoning by-law amendment in order to place the lands into the aforementioned site-specific zones is appropriate and necessary as the R2 Zone that applies to the property does not permit semi-detached dwellings.

Zoning By-law 1746

As noted above, the subject property is currently zoned “Residential Zone 2 (R2)” in Zoning By-law 1746 (see Attachment 5). The R2 Zone that currently applies to the proposed severed parcel permits single-unit dwellings and not semi-detached dwellings. The Applicant is proposing the rezoning in order to fulfill the Conditions of the Committee of Adjustment’s decision.

Zoning By-law Amendment Procedures in the Official Plan

Section 10.18, Amendment Procedures, of the 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;
 - The Provincial Policy Statement and the policies of the Town’s Official Plan, particularly the planning principles contained in Section 2.3, promote intensification opportunities within built-up, fully serviced areas as well as the provision of a broad range of housing opportunities. The subject amendment facilitates these objectives.
- 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 Residential in the Official Plan, which encourages a range of residential uses, including the semi-detached dwelling proposed on the subject property. Accordingly, this rezoning would have the effect of implementing 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 amendment, which facilitates the infill development of a semi-detached dwelling, is in keeping with the land uses and development pattern that exist to the immediate south and west of the subject property.
- iv) the ability of the Town’s infrastructure to accommodate the proposal;
 - As a condition of consent, both the severed and retained parcels will be required to be serviced with separate water supplies, storm and sanitary services to the satisfaction of the Town of Tecumseh Public Works & Environmental Services department. As noted earlier in the Report, in order to provide municipal storm services to the severed parcel from Shawnee Road, an easement in perpetuity was approved across the retained lot. This servicing option was reviewed by Town

Administration as part of the Consent approval review process and was deemed acceptable.

- v) The adequacy of the transportation system to accommodate the proposal.
- The construction of one semi-detached dwelling will not create any adverse impacts on the operation of the abutting roadway network. In addition, the property is serviced by the Tecumseh Transit Service. Directing infill and development along existing public transit corridors is encouraged.

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 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.

Consultations

Public Works & Environmental Services

Financial Implications

None

Link to Strategic Priorities

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

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Reviewed by:

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Reviewed by:

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Reviewed by:

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

Recommended by:

Margaret Misk-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Property Location Map
2	Property Location and Surrounding Land Uses Map
3	Approved Consent Application Sketch
4	Official Plan Map
5	Zoning Map