



## 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 27, 2021

**Report Number:** PBS-2021-38

**Subject:** Zoning By-law Amendment (Condition of Consent Application B-10/21)  
Linda Deneau  
5074 North Talbot Road  
Scheduling of a Public Meeting  
OUR FILE: D19 5074NTR

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### Recommendations

It is recommended:

**That** the scheduling of a public meeting, on September 14, 2021 at 4:30 p.m., in accordance with the *Planning Act*, for the application submitted by Linda Deneau to amend Zoning By-law 85-18 by rezoning a 1.09 hectare (2.7 acre) property situated on the north side of North Talbot Road, abutting the west side of Weston Park (5074 North Talbot Road), from “Agricultural Zone (A-33)” to “Hamlet Residential Zone (RH)” in order to facilitate the creation of one new residential lot and the future construction of one single-unit dwelling, **be authorized**.

### Executive Summary

A zoning by-law amendment application has been filed in order to change the zoning pertaining to a 1.09 hectare (2.7 acre) property situated on the north side of North Talbot Road, abutting the west side of Weston Park (5074 North Talbot Road) from “Agricultural Zone (A-33)” to “Hamlet Residential Zone (RH)” in order to facilitate the creation of one new residential lot and the future construction of one single-unit dwelling. The subject property is also the subject of Consent Application B-10/21 which was approved by the Committee of Adjustment at its June 22, 2021 meeting thereby providing provisional consent to the creation of the aforementioned new residential lot. One of the conditions of consent was that both the proposed severed and retained lots be rezoned “Hamlet Residential Zone (RH)”, in

accordance with the land use and consent policies of the Tecumseh Official Plan (“Tecumseh OP”). 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**

Linda Deneau (“the Applicant”) owns a 1.09 hectare (2.7 acre) property situated on the north side of North Talbot Road, abutting the west side of Weston Park (5074 North Talbot Road) (“subject property”) located within the Oldcastle Hamlet Settlement Area (see Attachment 1). A single unit dwelling currently occupies the westerly portion of the subject property while the balance is vacant. Abutting to the north is a large parcel of land that is currently farmed, however it is designated and zoned for residential use. Beyond this large parcel is the former railway right-of-way and vacant lands currently used for agriculture that front the south side of County Road 46. Weston Park abuts the property to the east beyond which is a tier of single-unit dwellings situated on relatively deep lots fronting on the north side of the North Talbot Road. Across North Talbot Road to the south is another tier of single-unit dwellings beyond which are situated agricultural lands. An abattoir is located approximately 270 metres to the southeast of the subject property. A single unit dwelling on a large lot abuts the property to the west (see Attachment 2).

### **Committee of Adjustment Consent Application**

Consent Application B-10/21 was filed with the Town by the Applicant in order to divide the property into two separate parcels. This application was approved by the Committee of Adjustment at its June 22, 2021 meeting, the effect of which was to:

- i) sever a vacant residential lot having a frontage of 67.13 metres (220.2 feet), an irregular depth and an approximate lot area of 5701 square metres (1.4 acres); and
- ii) retain a lot containing the existing dwelling, having a frontage of 64.84 metres (212.7 feet), an irregular depth and an approximate lot area of 5567 square metres (1.37 acres) (see Attachment 3).

The lands are designated “Residential” in the Tecumseh OP and zoned “Agricultural Zone (A-33)” in Zoning By-law 85-18 (see Attachments 4 and 5). One of the conditions of consent was that both the severed and retained lots be rezoned “Hamlet Residential Zone (RH)”, in accordance with the Residential land use and consent policies of the Tecumseh OP. The proposed severed lot would be serviced by municipal piped water and a private septic facility, pending the extension of municipal sanitary sewers to this area.

## Zoning By-law Amendment Application

Based on the foregoing, the Applicant has filed an application with the Town to amend Zoning By-law 85-18 for the subject property in order to rezone the property from “Agricultural Zone (A-33)” to “Hamlet Residential Zone (RH)” to satisfy the condition of the consent decision and to facilitate the future construction of one single-unit detached dwelling on the newly created vacant lot.

## 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.

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 types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;

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. 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 residential 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 (“County OP”). As with the PPS, the County OP establishes that future urban development be directed to fully serviced settlement areas. While the subject property is not currently serviced by municipal sanitary sewers, it is within an urban settlement area where the Town has been, and is continuing with, the installation of sanitary sewers. In the interim, single-unit residential infilling lots serviced by a private septic facility in accordance with the Ontario Building Code is acceptable.

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

## **Tecumseh Official Plan**

The subject property is located in the Oldcastle Hamlet Settlement Area and is designated “Residential” on Schedule “B-2” of the Tecumseh OP (see Attachment 4). The policies permit the severance of the land for residential uses, 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, adoption of a zoning by-law amendment in order to place the lands into the “Hamlet Residential Zone (RH)” is appropriate and necessary.

Subsection 8.2.2 i) of the Official Plan establishes that new development shall be directed to the Settlement Areas and that higher order forms of servicing, including municipal water and sanitary sewer services, are the preferred form of service infrastructure. The subject property is serviced with municipal water and although it is not currently serviced by municipal sanitary sewers, it is within an urban settlement area where the Town has been, and is continuing with, the installation of sanitary sewers.

It is the opinion of the writer that the application to amend the zoning by-law to facilitate the proposed construction of a residential dwelling on the proposed severed lot is in conformity with the Tecumseh OP.

## **Zoning By-law 85-18**

The subject property is currently zoned “Agricultural Zone (A-33)” in Zoning By-law 85-18 (see Attachment 5). The A-33 Zone permits agricultural uses with the exception of livestock intensive agricultural uses, mushroom operations and greenhouse operations. The Applicant is proposing to rezone the subject property to “Hamlet Residential Zone (RH)” in order to conform to the Residential land use and consent policies of the Tecumseh OP and to satisfy Condition 5 of the Committee of Adjustment’s decision to grant provisional consent to create a new residential lot on the subject property in accordance with Application B-10/21. Both severed and retained lots will comply with the regulations established in the RH zone.

## **Zoning By-law Amendment Procedures in the Official Plan**

Section 10.18, Amendment Procedures, of the Tecumseh OP 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 proposed amendment is in keeping with the policies of the Tecumseh OP, is consistent with the PPS and has the effect of directing development to 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 use proposed by the application. The rezoning simply implements the policies of the Tecumseh OP.
- iii) the compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses;
  - the proposed severance and resulting single-unit residential use of the subject property is considered infill development and is in keeping with the existing development pattern along North Talbot Road. It is also compatible with the proposed residential development of the lands to the northwest.
- iv) the ability of the Town’s infrastructure to accommodate the proposal;
  - as a condition of consent approval, both the severed and retained parcels will be required to be serviced with separate water supplies, storm and private septic systems to the satisfaction of the Town of Tecumseh Public Works & Environmental Services department and the Building Services division. In addition, a new access culvert and driveway to the severed parcel will be required across the open

municipal drain (Shuttleworth Drain) in accordance with Section 78 of the *Ontario Drainage Act, RSO. 1990*, and the Owner will be required to submit a Request for Improvements Form to the Town for the required new access culvert.

- v) The adequacy of the transportation system to accommodate the proposal;
- the construction of one additional single-unit dwelling will not create any adverse impacts on the operation of the abutting roadway network.

## Summary

The proposed zoning by-law amendment is consistent with the PPS and conforms to both the County OP and Tecumseh OP. 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

None

## Financial Implications

None

## Link to Strategic Priorities

| Applicable | 2019-22 Strategic Priorities |
|------------|------------------------------|
|------------|------------------------------|

- 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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Junior Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP  
Manager Planning Services

Reviewed by:

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

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

| <b>Attachment Number</b> | <b>Attachment Name</b>                          |
|--------------------------|-------------------------------------------------|
| 1                        | Property Location Map                           |
| 2                        | Property Location and Surrounding Land Uses Map |
| 3                        | Approved Consent Application Sketch             |
| 4                        | Official Plan Map                               |
| 5                        | Zoning Map                                      |