



The Corporation of the Town of Tecumseh

Development Services

To: Mayor and Members of Council

From: Brian Hillman, Director Development Services

Date to Council: February 22, 2022

Report Number: DS-2022-06

Subject: Zoning By-law Amendment
Proposed Additional Residential Unit (Attached)
292 Lesperance Road
Scheduling of a Public Meeting
OUR FILE: D19 292LES

Recommendations

It is recommended:

That the scheduling of a public meeting, on March 22, 2022 at 6:15 p.m., in accordance with the *Planning Act*, for an application seeking to amend the Zoning By-law 1746 by rezoning a 719.8 square metre (7,748 square foot) parcel of land situated on the east side of Lesperance Road (292 Lesperance Road), immediately adjacent to the Lesperance Road/Little River intersection, in order to permit an attached Additional Residential Unit within the basement of the existing single-unit dwelling on the property, in accordance with subsection 4.2.2 vii) of the Tecumseh Official Plan, **be authorized**.

Executive Summary

A zoning by-law amendment application has been filed in order to change the zoning pertaining to a 719.8 square metre (7,748 square foot) parcel of land situated on the east side of Lesperance Road where it intersects with Little River Blvd (292 Lesperance Road). The proposed change in zoning will permit an attached Additional Residential Unit (ARU) within the basement of the existing single-unit dwelling, in accordance with subsection 4.2.2 vii) 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

Property Location and Surrounding Land Uses

The subject property is a 719.8 square metre (7,748 square foot) situated on the east side of Lesperance Road where it intersects with Little River Blvd (292 Lesperance Road). The subject property is currently occupied by a 153 square metre (1,650 square foot), one-storey, single-unit dwelling and a shed. Single-unit dwellings surround the property to the north, south, east and southwest. A commercial medical office is situated across from the subject property on the northwest corner of the Lesperance Rd and Little River Blvd intersection. To the north of this office are multi-unit dwellings that front onto the west side of Lesperance Road. A municipal park (Arrowhead Park) is also located approximately 200 metres to the west, fronting on Little River Blvd. (See Attachments 1 and 2).

Zoning By-law Amendment Application

The Owner has submitted a rezoning application to the Town to allow for the conversion of the basement of the existing single-unit dwelling into an ARU. The main floor of the dwelling would remain as the primary residential unit within the dwelling. The primary dwelling unit along with the proposed ARU would be accessed through the existing entrance that would be renovated into a common vestibule. A total of three parking spaces will be provided on the site (two for primary dwelling and one for the ARU).

The Owner has provided a floor plan of the main entrance/shared vestibule and a floor plan of the basement ARU that provide details of the proposed redevelopment, (see Attachments 3 and 4 respectively) which is summarized as follows:

- the main floor plan includes a shared vestibule/entry that will lead to new separate/independent entrances for the primary unit and the ARU proposed for the basement. The main floor will also include a common area for storage (i.e., existing enclosed sun-room and garage); and
- an ARU within the basement of the existing dwelling, having a floor area of 79 square metres (854 square feet) and comprising two bedrooms, one bathroom, a kitchen and a living/dining area.

All utilities/services (gas, hydro, municipal water, sanitary and storm) for the proposed ARU will be provided by the existing service connections that are currently servicing the existing dwelling.

Based on the foregoing, the Applicant has filed an application with the Town to amend Zoning By-law 1746 for the subject property in order to rezone it from “Residential Zone 2 (R2)” to a site-specific “Residential Zone 2 (R2)”. The change in zoning will permit an ARU within the basement of the existing single-unit dwelling, in accordance with subsection 4.2.2 vii) of the Tecumseh Official 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 application for the proposed ARU. The following are the relevant excerpts from the PPS:

“1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, livable and safe communities are sustained by:

...

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons)...

...

1.1.3 Settlement Areas

- 1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and 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.

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
- 2. 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;

...

f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”

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. Based on the foregoing, it is the opinion of the writer that the application to amend the zoning by-law to facilitate the proposed ARU on the subject property is consistent with the PPS.

County of Essex Official Plan

The subject property is situated within a Primary Settlement Area identified in the County Official Plan ("County OP"). The County OP establishes that new development will be directed to these areas provided such development is consistent with the PPS, the intent of the County OP and the policies of the local Official Plan.

With respect to ARUs, the County OP contains s the following policy direction:

"3.2.8 Affordable Housing

The County supports the provision of affordable housing for low and moderate income households through the following policies:

...

- f) The County generally permits second dwelling units within all single detached, semi-detached, and townhouse dwelling units where a residential unit is not permitted in an ancillary structure to those house types on the property. If the principle residential dwelling on the property contains only a single residential unit, then an accessory structure may contain the second dwelling unit on the property.

Local municipal Official Plans and implementing Zoning By-laws, will contain detailed policies and provisions relating to second dwelling units which generally support their creation, including but not limited to the following:

- i) Areas of the municipality where second dwelling units would be inappropriate such as floodprone areas or areas with inadequate servicing.
- ii) Minimum unit size, access and parking requirements.
- iii) Whether second dwelling units will be phased into new developments, at the time of development/design/construction.

- iv) The health and safety requirements for second dwelling units to be contained within an accessory structure.
- v) Garden suites.”

Accordingly, it is the opinion of the writer that the application to amend the zoning by-law to facilitate the proposed ARU is in conformity with the County OP.

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 OP (see Attachment 5). Subsection 4.2.2 vii) establishes the following criteria for the establishment of a stand-alone ARU:

- “vii) an ARU shall be permitted within a single unit detached, semi-detached or townhouse dwelling unit subject to the following criteria:
 - a. the gross floor area of the ARU is equal to or less than the gross floor area of the primary dwelling unit on the lot;
 - b. the dwelling fronts on and has access to/from a municipal road or municipal laneway;
 - c. there are full municipal services and no servicing constraints, except where the property is not yet serviced by municipal sanitary sewers, consideration may be given to a private on-site sewage service subject to approval of the Town’s Building Department; and
 - d. adequate off-street parking is provided.”

Based on the foregoing policy and a review of the floor plan of the ARU, it is the opinion of the writer that the application to amend Zoning By-law 1746 to permit an ARU within the existing dwelling on the subject property conforms to the Official Plan.

Zoning By-law 2065

The subject property is currently zoned “Residential Zone 2 (R2)” in Zoning By-law 1746 (see Attachment 6). The R2 Zone permits one single-unit dwelling per lot, but currently does not permit an ARU.

Zoning By-law Amendment Procedures in the Tecumseh OP

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 conforms to the policies of the Official Plan and, as noted earlier in this Report, is consistent with the PPS. It is important to note that the *Planning Act* also clearly establishes that ARUs are to be permitted and the Tecumseh OP therefore provides clear policy in order to meet this end;
- 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 Official Plan.
- iii) the compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses;
 - the proposed ARU is considered residential intensification and is compatible with the surrounding residential uses. There will be no changes to the exterior of the existing dwelling.
- iv) the ability of the Town's infrastructure to accommodate the proposal;
 - as noted above, the proposed redevelopment of the property will be on full municipal services.
- v) The adequacy of the transportation system to accommodate the proposal;
 - the construction of the ARU will not create any adverse impacts on the operation of the abutting roadway network.

Evaluation of Proposed Application Against Draft ARU Guidelines

A comparison of the proposed ARU and the draft town-wide ARU guidelines is provided in the table below. The proposed site-specific zoning will establish zoning regulations that have the effect of permitting the ARU and establishing zoning provisions (i.e. size, setbacks) for the ARU.

Site Design Characteristic	Administration's Draft Guidelines for Attached ARUs in Urban Area	Proposed ARU
General Location/ Setbacks	Subject to zoning that applies to main dwelling	Located within existing dwelling. No additions to dwelling proposed.
Size	GFA maximum of 50% of primary dwelling unit except that it can occupy the whole of a basement.	Located in whole of basement. Total area of 79 sq. metres (854 sq. feet)
Municipal Services	One water service and sanitary service per lot for main dwelling and ARU.	To be serviced by existing service connections that are for the primary dwelling.
Parking	1 space / ARU.	1 space provided.
Other Requirements	ARU shall have its own exterior entrance separate from the exterior entrance to the primary dwelling unit, but shall not be permitted on an elevation, or façade of the building that faces a public street or private road; and shall have no means of internal access to the primary dwelling unit, except that	Entrance being provided by common entrance/vestibule as part of internal renovations.

Site Design Characteristic	Administration's Draft Guidelines for Attached ARUs in Urban Area	Proposed ARU
	access to a primary and second dwelling through a common vestibule entry is permitted.	

The proposed ARU's location, design, size and access are consistent with the draft ARU Guidelines.

Summary

The proposed zoning by-law amendment is consistent with the Provincial Policy Statement and the Planning Act and conforms to both the County OP and Tecumseh OP. Based on the foregoing, consideration of the proposed site-specific 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 issues arise at the Public Meeting that are not immediately resolved, a summary of the issues, along with a final recommendation on the application will follow by way of a future Planning Report. If, however, all issues are resolved, a Zoning By-law amendment by-law will be brought forward for Council's consideration at a subsequent Council Meeting.

Consultations

None

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 checked="" 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:

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Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services & Local Economic Development

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1.	Property Location Map
2.	Property Location and Surrounding Land Uses Map
3.	Main Floor Plan
4.	ARU Floor Plan
5.	Official Plan Map
6.	Zoning Map