



## 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-2022-05

**Subject:** Zoning By-law Amendment  
Additional Residential Unit (Attached)  
13554 Riverside Drive  
Scheduling of a Public Meeting  
OUR FILE: D19 13554RIV

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### Recommendations

It is recommended:

**That** the scheduling of a public meeting, on March 22, 2022 at 5:45 p.m., in accordance with the *Planning Act*, for an application seeking to amend Zoning By-law 2065 by rezoning a 0.32 hectare (0.79 acre) parcel of land situated on the north side of Riverside Drive (13554 Riverside Drive), approximately 65 metres (213 feet) east of its intersection with Christy Lane, in order to permit an Additional Residential Unit within a proposed new single-unit dwelling, 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 0.32 hectare (0.79 acre) parcel of land situated on the north side of Riverside Drive (13554 Riverside Drive), approximately 65 metres (213 feet) east of its intersection with Christy Lane, in order to permit an Additional Residential Unit (ARU) to occupy a portion of a proposed new 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 0.32 hectare (0.79 acre) parcel of land situated on the north side of Riverside Drive (13554 Riverside Drive), approximately 65 metres (213 feet) east of its intersection with Christy Lane. The subject property is currently occupied by a 147 square metre (1,600 square foot), two-storey, single-unit dwelling, a 90 square metre (975 square foot), one-storey detached garage, and one shed. Single-unit dwellings surround the property to the east, west and south, with Lake St. Clair abutting to the north. Farther to the west is a four-storey retirement home and Lakewood Park North and Lakewood Park South (See Attachments 1 and 2).

### **Zoning By-law Amendment Application**

The Owner is proposing to redevelop the subject property through the demolition of all existing buildings and the construction of a new two-storey single-unit dwelling which includes an attached two-storey garage that would contain an ARU located in the second storey. The proposed dwelling and garage/ARU are to be connected by way of a covered breezeway that is open on the sides. The Owner has provided a preliminary site plan of the entire redevelopment proposal, the ARU floor plan and architectural elevations that provide details of the proposed redevelopment (see Attachments 3, 4, 5A and 5B respectively) which is summarized as follows:

- a two-storey, single-unit dwelling, having a footprint of 286 square metres (3,084 square feet) located on the northern portion of the property, abutting Lake St. Clair. It should be noted that the footprint also includes a wrap-around roofed porch;
- a two-storey, attached garage, having a footprint of 177 square metres (1,912 feet) that also includes portions of a roofed porch and an open breezeway that connects the garage to the main dwelling. The garage will be situated to the southwest of the proposed main dwelling. The first floor of the garage will comprise a four-car garage serving both the main dwelling and the proposed ARU, along with an internal vestibule and staircase that provides access to the second storey ARU; and

- an ARU on the second storey of the garage, having a floor area of 94 square metres (1,017 square feet). The ARU consists of one bedroom, one bathroom, a living room, and a dining/kitchen area.

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

Based on the foregoing, the Applicant has filed an application with the Town to amend Zoning By-law 2065 for the subject property in order to rezone it from “Residential Type One Zone (R1)” to a site-specific “Residential Type One Zone (R1)”. The effect of the rezoning would be to permit an ARU above the proposed attached garage, in accordance with subsection 4.2.2 vii) of the Tecumseh OP.

## 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 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)...

...

- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;

### 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 construction of 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 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 construction of 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 6). Subsection 4.2.2 vii) establishes the following criteria for the establishment of an ARU within a single unit dwelling:

- “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 preliminary site plan, floor plan and architectural elevations of the ARU, it is the opinion of the writer that the application to amend Zoning By-law 2065 to permit an ARU within the proposed new single-unit dwelling on the subject property conforms to the Official Plan.

## **Zoning By-law 2065**

The subject property is currently zoned “Residential Type One (R1)” in Zoning By-law 2065 (see Attachment 7). The R1 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 a form of gentle residential intensification and is compatible with the surrounding residential uses.
- 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	Proposed dwelling is subject to Minor Variance A-07-22 (to be heard by the Committee of Adjustment on February 28, 2022), which requests relief to permit a western side yard width of 1.8 metres (6 feet) and permit a portion of the proposed dwelling to extend beyond the established building line, in accordance with submitted architectural drawings.
Size	GFA maximum of 50% of primary dwelling unit except that it can occupy the whole of a basement.	94 square metres (1,017 square feet)  25% of primary dwelling GFA.



Site Design Characteristic	Administration's Draft Guidelines for Attached ARUs in Urban Area	Proposed ARU
<b>Municipal Services</b>	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.
<b>Parking</b>	1 space / ARU.	1 space provided.
<b>Other Requirements</b>	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 access to a primary and second dwelling through a common vestibule entry is permitted.	Private entrance being provided in accordance with guidelines.

The proposed ARU's location, design, size and setbacks from lot lines are generally in keeping with the draft ARU Guidelines subject to the relief sought through Minor Variance Application A-07-22 being granted.

## Summary

The proposed zoning by-law amendment is consistent with the PPS 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

- ☒ 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:

Enrico DeCecco, BA (Hons), MCIP, RPP  
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

<b>Attachment Number</b>	<b>Attachment Name</b>
1.	Property Location Map
2.	Property Location and Surrounding Land Uses Map
3.	Preliminary Site Plan
4.	Preliminary ARU Floor Plan
5A.	Preliminary Architectural Elevations 1
5B.	Preliminary Architectural Elevations 2

<b>Attachment Number</b>	<b>Attachment Name</b>
6.	Official Plan Map
7.	Zoning Map