



## **The Corporation of the Town of Tecumseh**

Development Services

**To:** Mayor and Members of Council

**From:** Brian Hillman, Director Development Services

**Date to Council:** April 26, 2022

**Report Number:** DS-2022-13

**Subject:** Zoning By-law Amendment  
Additional Residential Unit (Stand-Alone)  
12322 Riverside Drive  
Scheduling of a Public Meeting  
OUR FILE: D19 12322RIV

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### **Recommendations**

It is recommended:

**That** the scheduling of a public meeting, on May 24, 2022 at 5:30 p.m., in accordance with the Planning Act, for an application seeking to amend Zoning By-law 1746 by rezoning a 0.12 hectare (0.29 acre) parcel of land situated on the north side of Riverside Drive (12322 Riverside Drive), approximately 45 metres (147 feet) east of its intersection with Lesperance Road, in order to permit the conversion of an existing accessory structure into an Additional Residential Unit, in accordance with subsection 4.2.2 viii) 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 0.12 hectare (0.29 acre) parcel of land situated on the north side of Riverside Drive (12322 Riverside Drive), approximately 45 metres (147 feet) east of its intersection with Lesperance Road, in order to permit the conversion of an existing accessory structure into an Additional Residential Unit (ARU), in accordance with subsection 4.2.2 viii) 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 0.12 hectare (0.29 acre) subject property is situated on the north side of Riverside Drive (12322 Riverside Drive), approximately 45 metres (147 feet) east of its intersection with Lesperance Road. It is currently occupied by:

- i) a 151 square metre (1,626 square foot), 1.5-storey, single-unit dwelling located on the northern portion of the property (having a total gross floor area (GFA) of approximately 197.5 square metres (2,126 square feet);
- ii) an 18 square metre (195 square foot) shed located centrally on the property south of the dwelling; and
- iii) a 61 square metre (665 square foot) one-storey detached garage located on the southern portion of the property abutting Riverside Drive.

Lake St. Clair forms the northerly boundary of the subject property with single-unit dwellings to the east, west and across Tecumseh Road to the southeast. A small commercial plaza is located on the south side of Tecumseh Road directly across from the subject property. Farther to the west are Chippewa Park North and Col. Paul Poisson Park (See Attachments 1 and 2).

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

The Owner is proposing to renovate the existing accessory garage into a stand-alone ARU and has provided a floor plan (see Attachment 3) which is summarized as follows:

- a one-storey stand-alone ARU that includes one bedroom, one bathroom, a large common area ("Great Room") that accommodates the living room/dining area/kitchen, and a laundry/mechanical room; and
- an entrance/foyer to the ARU along the north façade of the building (facing the primary dwelling) providing direct access to the dedicated parking space that will abut the ARU to the north, all of which is directed away from the abutting Riverside Drive roadway.

The existing garage/proposed ARU is currently serviced with all required utilities/services (gas, hydro, municipal water and municipal sanitary).

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 1 (R1)” to a site-specific “Residential Zone 1 (R1)”. The effect of the rezoning would be to permit a stand-alone ARU on the property, in accordance with subsection 4.2.2 viii) of the Tecumseh OP and to establish specific zone provisions for the ARU.

## 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”). Following are the relevant policies within the PPS that support the application for the proposed ARU:

“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 conversion of the existing accessory garage into an 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.

More specific 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 conversion of the existing accessory garage into an ARU on the subject property 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 4). Subsection 4.2.2 viii) establishes the following criteria for the establishment of a stand alone ARU:

- “viii) a stand-alone ARU, as an ancillary use to a single unit detached or semi-detached dwelling unit, shall be permitted subject to the following criteria:
  - a. the ARU is subordinate to the primary dwelling on the lot;
  - b. The ARU can be integrated into its surroundings with negligible visual impact to the streetscape;
  - c. The ARU is compatible in design and scale with the built form on the lot and the surrounding residential neighbourhood in terms of massing, height and visual appearance;
  - d. 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

- e. other requirements such as parking, access, stormwater management, tree preservation, landscaping and the provision of amenity areas are adequately addressed.”

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 the conversion of the existing accessory garage on the property into an ARU conforms to the Tecumseh OP.

## **Zoning By-law 1746**

The subject property is currently zoned “Residential Zone 1(R1)” in Zoning By-law 1746 (see Attachment 5). 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 ARU will be on full municipal services.
- v) the adequacy of the transportation system to accommodate the proposal;
- the establishment 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 Stand-Alone ARUs in Urban Area	Proposed ARU
<b>General Location/ Setbacks</b>	<p>Permitted in front yard for lots on the north side of Riverside Drive</p> <p>1.5 metre (5 foot) setback from side lot lines</p> <p>Shall not be closer than 3 metres (10 feet) from primary dwelling</p>	<p>Existing garage/proposed ARU is located in the front yard</p> <p>Existing garage is located approximately 0.3 metres (1 foot) from eastern side lot line</p> <p>Exceeds minimum setback from primary dwelling</p>
<b>Size</b>	<p>GFA maximum 50% of primary dwelling unit, up to a maximum of 100 sq. metres (1,076 sq. ft.)</p> <p>Maximum height of 6.5 metres (21.3 feet)</p>	<p>61 square metres (665 square feet). Approximately 31% of primary dwelling GFA.</p> <p>Approximately 4 metres (13 feet) existing height.</p>



Site Design Characteristic	Administration's Draft Guidelines for Stand-Alone ARUs in Urban Area	Proposed ARU
<b>Municipal Services</b>	One water service and sanitary service per lot for main dwelling and ARU	All municipal services are currently provided to existing structure.
<b>Parking</b>	1 space / ARU.	1 space provided.

The location, design, size and height of the proposed ARU are in keeping with the draft guidelines. The reduced setback from side lot lines can be contemplated as the subject structure has been in existence for over 50 years with no concerns being identified as to its proximity with the eastern side lot line. In addition, the proposed ARU will be approximately 27 metres (88.5 feet) to the south of the residential dwelling located on the lot that abuts to the immediate east. The conversion of the existing garage will not alter the existing built-form that exists along the mutual lot line.

## 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
<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:

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.	Proposed ARU Floor Plan
4.	Official Plan Map
5.	Zoning Map



Prepared By:  
Development Services

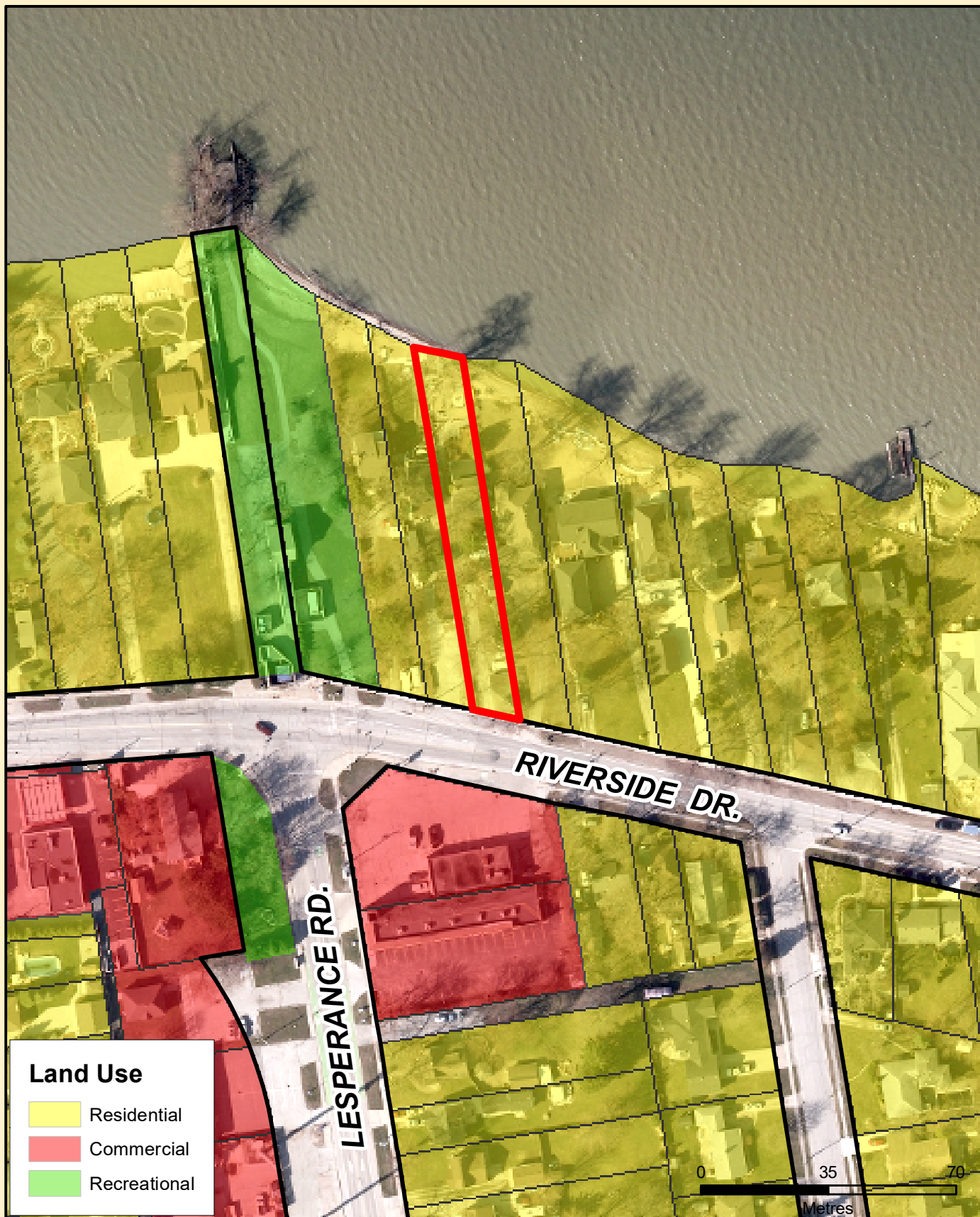


Legend:






Subject  
Property

**Attachment 1, DS-2022-13**  
Zoning By-law Amendment  
12322 Riverside Drive  
**Property Location**



**Land Use**

-  Residential
-  Commercial
-  Recreational



**Legend:**

-  Subject Property



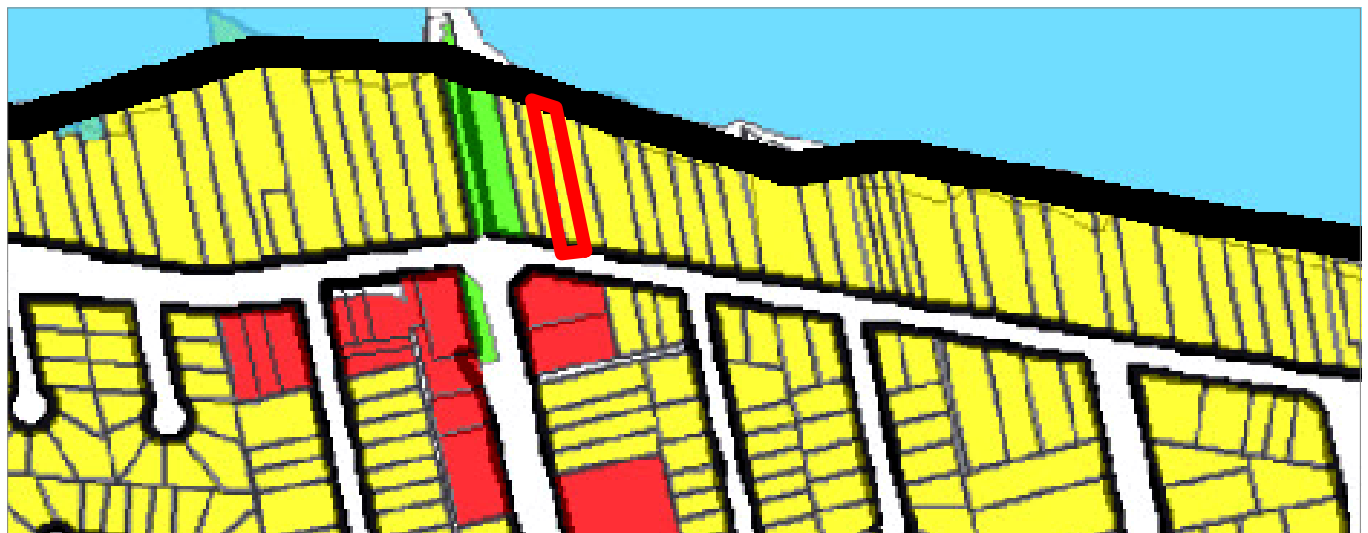
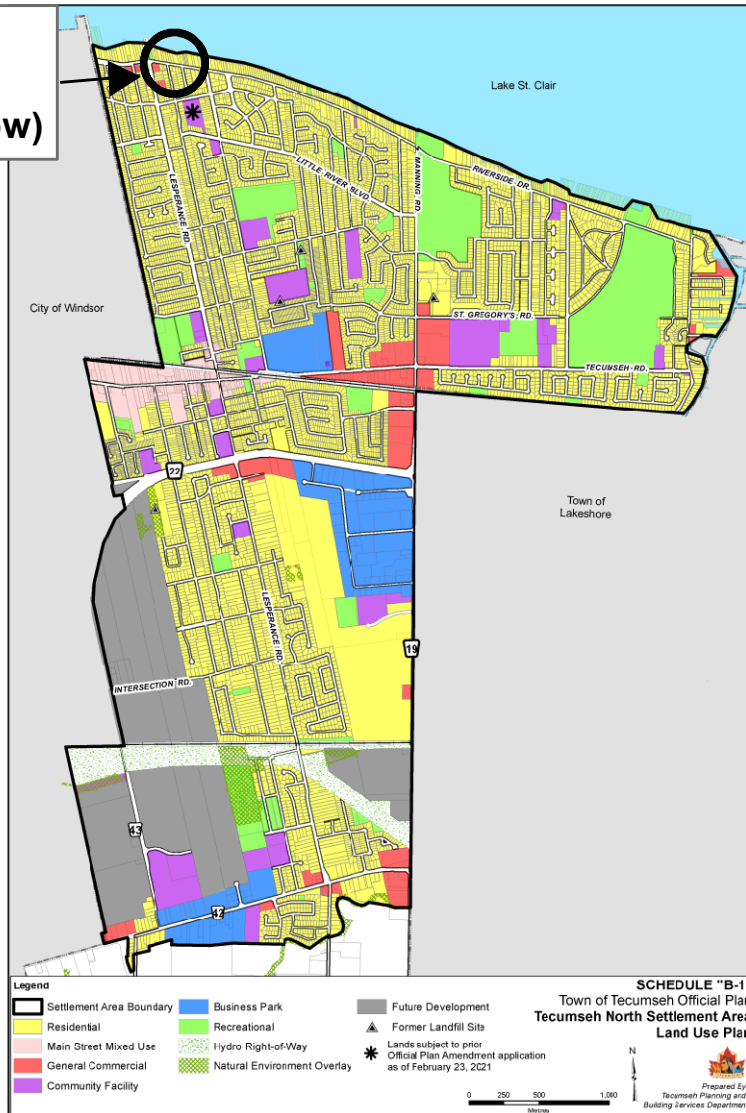
Prepared By:  
Development Services

**Attachment 2, DS-2022-13**  
Zoning By-law Amendment  
12322 Riverside Drive  
**Property Location and Surrounding Land Uses**





**Subject  
Property  
(see zoom below)**



Prepared By:  
Development Services



Subject Property

**Attachment 4, DS-2022-13**  
Zoning By-law Amendment  
12322 Riverside Drive  
**Official Plan**

