



## 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-2022-14

**Subject:** Zoning By-law Amendment  
6780 Holden Road – Condition of Consent Application B-01-22  
Scheduling of a Public Meeting  
OUR FILE: D19 6780HO

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### Recommendations

It is recommended:

**That** the scheduling of a public meeting, to be held on Tuesday, May 24, 2022, at 6:00 p.m., in accordance with the *Planning Act* for a zoning by-law amendment application submitted for a 20.68 hectare (51.1 acre) parcel of land situated on the east side of Holden Road, approximately 1.1 kilometres north of its intersection with County Road 8 (6780 Holden Road), seeking to amend Zoning By-law 85-18 by:

- i. rezoning the 0.55 hectare (1.35 acre) non-farm related residential lot (6780 Holden Road), from “Agricultural Zone (A)” to a site specific “Agricultural Zone (A-37)” in order to establish a maximum lot area of 0.55 hectares (1.35 acres); and
- ii. rezoning the 20.13 hectare (49.7 acre) agricultural parcel from “Agricultural Zone (A)” to a site specific “Agricultural Zone (A-38)” in order to prohibit a residential dwelling from being constructed

all of which is in accordance with Condition No. 5 of Severance Application B-01-22, **be authorized.**

## Background

Severance application B-01-22 was granted provisional consent by the Committee of Adjustment at its February 28, 2022 meeting. The purpose of the application was to sever a 0.55 hectare (1.35 acre) surplus dwelling lot from an agricultural property and retain a 20.13 hectare (49.7 acre) agricultural parcel on the east side of Holden Road, approximately 1.1 kilometres north of its intersection with County Road 8 (6780 Holden Road) (see Attachments 1 and 2). The Committee determined that the application conformed to the Land Division Policies for those lands designated “Agricultural” in the Tecumseh Official Plan (Tecumseh OP).

In addition to standard conditions, the consent was granted subject to the passing of a zoning by-law amendment that would prohibit a residential dwelling from being constructed on the retained agricultural parcel and to addressing the proposed oversized surplus dwelling lot. The proposed surplus dwelling lot is marginally greater than the maximum of 0.5 hectares (1.24 acres) established for non-farm related residential lots zoned Agricultural (A) Zone in Zoning By-law 85-18. In order to maintain compliance with minimum yard dimensions (i.e. setbacks from existing structures on the lot), the size of the proposed surplus dwelling lot could not be reduced.

Based on the foregoing, an application to amend Zoning By-law 85-18 for the subject property (both the proposed surplus dwelling lot and the retained farm parcel) has now been filed with the Town proposing the following:

- i. rezoning of the 0.55 hectare (1.35 acre) non-farm related residential lot (6067 Walker Road), from “Agricultural Zone (A)” to a site specific “Agricultural Zone (A-37)” in order to establish a maximum lot area of 0.55 hectares (1.35 acres); and
- ii. rezoning of the 20.13 hectare (49.7 acre) agricultural parcel from “Agricultural Zone (A)” to a site specific “Agricultural Zone (A-38)” in order to prohibit a residential dwelling from being constructed.

## Comments

### Provincial Policy Statement, 2020

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*. The PPS establishes the following land division policy for surplus dwelling severances on Agricultural lands:

## “2.3.4 Lot Creation and Lot Adjustments

### 2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

...

- c) a residence surplus to a farming operation as a result of farm consolidation, provided that:
  - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
  - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective.”

The subject rezoning is intended to satisfy the condition that new residential dwellings are prohibited on the vacant retained farm parcel created by application B-01-22. It is the opinion of the writer that the proposed rezoning is consistent with the PPS.

## **County of Essex Official Plan**

The subject property is situated within the Agricultural area identified in the County Official Plan (County OP). As with the PPS, the County Official Plan permits the creation of a lot to accommodate a residence surplus to a farming operation as a result of farm consolidation subject to the local Zoning By-law being amended to prohibit a new residential dwelling on the remnant parcel of farmland created by the severance. Accordingly, it is the opinion of the writer that the proposed rezoning conforms to the County OP.

## **Tecumseh Official Plan**

The subject property is designated “Agricultural” on Schedule “B” of the Tecumseh OP (see Attachment 3). Similar to the policies of the PPS, subsection 6.4.1 of the Official Plan establishes the following:

#### “6.4.1 Agricultural Severances

On those lands designated Agricultural, consents may only be permitted if they are in accordance with the following additional land division policies:

...

##### ii) Surplus Dwelling

A consent may be granted to sever a dwelling unit that is considered surplus to the needs of the farming operation as a result of the acquisition of additional farm property provided:

...

- b. the size of the surplus dwelling lot is in compliance with the Town’s Zoning By-law and is not greater than 0.5 hectares in area, except where natural or man-made features or servicing requirements dictate otherwise;
- c. as a condition of the consent, the retained farm parcel will be rezoned to prohibit a residential dwelling from being constructed upon it.”

As noted above, the marginally oversized surplus dwelling lot is necessary due to the positioning of existing accessory structures and the need to maintain minimum setback distances from the lot lines. Although there are no concerns with the proposed surplus dwelling lot size, 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.”

The foregoing policies encourage the conservation and preservation of land for agricultural purposes and agricultural related uses. The proposed rezoning ensures that the retained farm parcel is not used for future residential uses and it facilitates the creation of the surplus dwelling lot by establishing a marginal increase in the maximum lot area as dictated by the location of existing structures on the property. Based on the foregoing, it is the opinion of the writer that the proposed rezoning conforms with the Tecumseh OP.

## **Zoning**

The subject property is currently zoned Agricultural Zone (A) (see Attachment 4), which permits agricultural and agricultural related uses, including a single unit dwelling. In order to conform to subsection 2.3.4.1 c) of the PPS and subsection 6.4.1 ii) of the Tecumseh OP, and to satisfy the aforementioned condition of severance application B-01-22, it is necessary to place the retained farm parcel in a site-specific Agricultural Zone that will allow the full range of agricultural uses but prohibit the construction of a residential dwelling. Further, to address the marginally oversized surplus dwelling lot, it will need to be placed in a site-specific Agricultural Zone that will establish a maximum lot area of 0.55 hectares (1.35 acres).

## **Summary**

The proposed zoning by-law amendment is in keeping with the PPS and conforms to the County OP and Tecumseh OP. If adopted, the rezoning will fulfill one of the conditions of consent for application B-01-22. 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. It should be noted that no concerns on the proposed severance were received through the separate public consultation process held by the Committee of Adjustment.

## **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 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.	Approved Consent Application Sketch
3.	Official Plan Map
4.	Zoning Map