



## 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 11, 2023

**Report Number:** DS-2023-05

**Subject:** Zoning By-law Amendment  
13931 Riverside Drive  
Results of Public Meeting and Final Recommendations  
OUR FILE: D19 13931 Riverside Drive

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### Recommendations

It is recommended:

**That** Report DS-2023-05 entitled “Zoning By-law Amendment, 13931 Riverside Drive, Results of Public Meeting and Final Recommendations”, **be received**;

**And that** a by-law having the effect of amending Zoning By-law 2065 by rezoning a 0.12 hectare (0.29 acre) parcel of land situated on the south side of Riverside Drive, approximately 35 metres (114 feet) east of its intersection with Arlington Boulevard (13931 Riverside Drive) from “Residential Type Two Zone (R2)” to a site-specific “Residential Type Two Zone (R2-8)” in order to facilitate the construction of a one-storey, two-unit dwelling (semi-detached dwelling) and establish site specific lot provisions, in keeping with DS-2023-05, **be adopted**.

### Executive Summary

A Zoning By-law amendment application was submitted by L.J.B. Family Holdings (“the Owner”) to facilitate the redevelopment of a 0.12 hectare (0.29 acre) parcel of land situated on the south side of Riverside Drive, approximately 35 metres (114 feet) east of its intersection with Arlington Boulevard (13931 Riverside Drive). The Owner is

proposing the construction of a one-storey, two-unit dwelling (semi-detached dwelling). Report [DS-2023-01](#) was received by Council at the January 25, 2023 Regular Council Meeting and at the February 28, 2023 Public Meeting. In accordance with the direction of DS-2023-01, this Report summarizes the comments received at the Public Meeting, provides administrative responses to those comments along with relevant planning analysis and makes a final recommendation to adopt the associated Zoning By-law amendment.

## **Background**

### **Planning Application and Property Location**

The Owner filed an application with the Town to amend Zoning By-law 2065 for a 0.12 hectare (0.29 acre) parcel of land situated on the south side of Riverside Drive, approximately 35 metres (114 feet) east of its intersection with Arlington Boulevard and known municipally as 13931 Riverside Drive (“subject property”) (see Attachment 1). The proposed amendment would facilitate the redevelopment of the subject property with a one-storey, two-unit dwelling (semi-detached dwelling) (see Attachments 2 and 3).

### **Issues Raised Through Public Consultation Process**

On February 28, 2023, Council held a virtual/electronic public meeting in accordance with *The Planning Act* to hear comments on the proposed application.

Concerns were raised by property owners along Riverside Drive through written correspondence and by attendance at the meeting with respect to: compatibility with existing neighbourhood, housing type, construction within hazard areas and property values. A number of the concerns were addressed directly by Administration and the Applicant at the public meeting. The purpose of this Report is to comment on those issues that remained outstanding at the end of the public meeting and required further consideration by Administration and the Owner.

## **Comments**

The outstanding issues raised by the public and Administration’s comments are as follows:

### **Issue Raised - Compatibility/Site Design**

The proposed semi-detached dwelling is not compatible with surrounding land uses.

## **Administration's Response**

It is a commonly held planning principle that “being compatible with” does not equate to “being the same as” or even “being similar to”. Being similar to implies having a resemblance to another thing; they are like one another, but not completely identical. “Being compatible with” fundamentally implies being capable of existing together in harmony. As a general tenet of planning, residential uses by their very nature are compatible with other residential uses. A two-unit dwelling adjacent to single unit detached dwellings, such as the subject proposal, is a built form and land use mix that currently exists in numerous areas throughout the Town and is a common land use pattern in urban areas.

Administration has reviewed the proposed development in the context of Section 3.18 Land Use Compatibility of the Tecumseh Official Plan (“Tecumseh OP”) and has determined that there are no compatibility issues anticipated as a result of the proposed rezoning.

## **Issue Raised – Construction Within Hazard Areas**

The Town should not permit additional development within Hazard Areas of the Town.

## **Administration's Response**

As noted in Report DS-2023-01, the subject property is within the Lake St. Clair Floodprone Area on Schedule “D” of the Tecumseh OP. Accordingly, consideration must be given to subsection 3.1.2 “Natural Hazards” of the Provincial Policy Statement (“PPS”) with respect to the provision of “safe access” of emergency services during times of flooding events. In particular, the depth of water within the municipal roadway abutting the subject property (Riverside Drive) has the potential, under extreme coastal flooding events, to reach a depth of over 0.6 metres (1.9 feet). In this regard, the Town has prepared a Flood Response Action Plan and owns a high-water rescue vehicle. Accordingly, the Town's Fire Chief & CEMC has confirmed that safe access for Natural Hazards properties within Tecumseh can be provided in accordance with subsection 3.1.2 “Natural Hazards” of the PPS and has recommended that planning and building permit applications affected by this policy can be processed.

In addition, the Essex Region Conservation Authority (ERCA) has advised that a Section 28 Permit from ERCA will be required prior to undertaking any development on the site, thereby ensuring minimum openings of the new building are constructed at an elevation that safeguards against flooding.

## **Issue Raised - Property Values**

Proposed semi-detached dwelling will devalue the abutting properties.

### **Administration's Response**

There is no professional evidence supporting this assertion nor is it an accepted independent variable used in professional land use planning analysis. It is appropriate, however, to consider issues of compatibility, good urban design and proper integration in the process of evaluating potential impacts. It continues to be our professional planning opinion that the proposed residential development is compatible with the surrounding land uses, represents good urban design and can be properly integrated into the surrounding area.

## **Planning Policy Analysis**

An overview of the relevant planning policies contained within the PPS, the County of Essex Official Plan ("County OP") and the Tecumseh OP was provided in Report DS-2023-01. A summary of the planning policy analysis provided in that Report is provided below.

### **Provincial Policy Statement**

The PPS encourages and supports development on lands identified for urban growth in settlement areas. It also establishes that the Town should be supporting and promoting residential infill development that results in compact built form and makes more efficient use of existing services while offering a range of housing forms/types/tenures to meet expected demands such as those of the growing senior cohort of the Town's population.

The proposed residential development is consistent with the foregoing policies. It provides an alternative form of housing type and at a density that provides for a more compact built form. The proposed development is also a means of achieving intensification in accordance with the definition contained in the PPS. Based on the foregoing, it is the opinion of the writer that the application for the proposed semi-detached dwelling is consistent with the PPS.

### **County of Essex Official Plan**

The subject property is within an identified Primary Settlement Area of the County OP. The goals and policies of the County OP encourage a range of residential development within identified settlement areas such as the fully serviced urban areas of Tecumseh. Accordingly, the proposed development conforms to the goals and policies of the County OP.

## **Tecumseh Official Plan**

The Official Plan provides broad support for the type of residential development proposed. The subject property is currently designated “Residential” in the Tecumseh OP. The type of dwelling proposed is contemplated by this designation provided it can be appropriately integrated with the existing and proposed development pattern by meeting the applicable policies of the Plan.

The proposed development conforms to the criteria established by the Official Plan with respect to low-density development and meets the intent of the compatibility criteria and urban design guidelines.

It should be noted that the proposed yard widths/depts (i.e. setbacks) from the front, side and rear lot lines for the proposed semi-detached dwelling comply with the current R2 zoning that applies to single-unit dwellings. A single unit dwelling constructed in the same location and at the same dimensions would be permitted by the current zoning. The zoning by-law amendment simply seeks to permit the dwelling to be divided into two units in order to facilitate the free-hold sale of each unit (rather than maintaining the semi-detached dwelling on one lot and renting each unit).

## **Amendment Procedures in the Tecumseh Official Plan**

Section 10.18, Amendment Procedures, of the Tecumseh OP establishes that due regard shall be given to the following matters when contemplating an Official Plan and/or 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;
  - as noted earlier in this Report, it is the opinion of the writer that the proposed amendment is consistent with the PPS. Further, the proposed amendment conforms to the general intent and philosophy of the Tecumseh OP by directing development to an identified settlement area and by supporting the concept of creating mixed-use, compact and pedestrian-oriented development within designated and fully serviced settlement areas. The proposed residential use of the property is in keeping with relevant policies of the Official Plan.
- 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 Residential which permits low-density residential development subject to meeting prescribed criteria. It has been

demonstrated earlier in this Report that these criteria have been met. Accordingly, this rezoning would have the effect of implementing 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;
  - as noted earlier in this Report, the proposed development on the subject property is compatible with the adjacent uses and surrounding neighbourhood.
- iv) the ability of the Town's infrastructure to accommodate the proposal;
  - the proposed development will be serviced with full municipal services. Public Works and Engineering Services indicates that it has no concerns with the development of the property for the proposed use. Municipal sanitary sewers, storm sewers and water services are currently available to the property and can accommodate the proposed development.
- v) The adequacy of the transportation system to accommodate the proposal;
  - the construction of a semi-detached dwelling on the property will not affect the transportation system along Riverside Drive or abutting roadways. The subject property is also situated along the Town's transit route.

## Conclusion

In summary, it is the opinion of the writer that the proposed Zoning By-law Amendment to allow the proposed residential development is consistent with the PPS, conforms to the County OP and Tecumseh OP and will result in appropriate development that is based on sound land use planning principles. Accordingly, Town Administration recommends that Council pass a by-law amending Zoning By-law 2065 permitting the development of the subject property for the proposed residential use.

## Consultations

Community Safety  
Public Works & Engineering Services

## Financial Implications

There are no financial implications.

## 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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Reviewed by:

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Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1.	Property Location Map
2.	Proposed Site Plan
3.	Proposed Architectural Renderings