



The Corporation of the Town of Tecumseh

Development Services

To: Mayor and Members of Council

From: Brian Hillman, Director Development Services

Date to Council: May 13, 2024

Report Number: DS-2024-14

Subject: Zoning By-Law Amendment
259 Kensington Boulevard
Results of Public Meeting and Final Recommendation
OUR FILE: D19 259KEN

Recommendations

It is recommended:

That DS-2024-14 entitled “Zoning By-Law Amendment 259 Kensington Boulevard Results of Public Meeting and Final Recommendation” **be received**;

And that a by-law having the effect of amending Zoning By-law 2065 by rezoning a 1135 square metre (12,224 square foot) parcel of land situated on the west side of Kensington Boulevard, approximately 122 metres (400 feet) south of its intersection with Burlington Street (259 Kensington Boulevard), from “Residential Type Two Zone (R2)” to a site-specific “Residential Type Two Zone (R2-9)” in order to facilitate the construction of a two storey, two-unit dwelling (semi-detached dwelling) and establish site-specific lot provisions, in keeping with DS-2024-14, **be adopted**.

Executive Summary

A Zoning By-law amendment application was submitted to facilitate the redevelopment of a 1135 square metre (12,224 square foot) parcel of land situated on the west side of Kensington Boulevard, approximately 122 metres (400 feet) south of its intersection with Burlington Street (259 Kensington Boulevard). The Owner is proposing the construction

of a two-storey, two-unit dwelling (semi-detached dwelling). Report [DS-2024-06](#) was received by Council at the March 19, 2024 Regular Council Meeting and at the April 9, 2024 Public Meeting. In accordance with the direction of DS-2024-06, 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 approve the application and 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 an 1135 square metre (12,224 square foot) parcel of land situated on the west side of Kensington Boulevard, approximately 122 metres (400 feet) south of its intersection with Burlington Street (259 Kensington Boulevard) ("subject property") (see Attachment 1) from "Residential Type Two Zone (R2)" to a site-specific "Residential Type Two Zone (R2-9)". The proposed amendment facilitates the redevelopment of the subject property with a 464.5 square metre (5,000 square foot), two storey, two-unit dwelling (semi-detached dwelling) (see Attachments 2 and 3).

The proposed R2-9 Zone also establishes site-specific provisions permitting:

- a minimum lot area of 6,000 square feet, minimum lot frontage of 45 feet and a zero interior side yard only to accommodate the potential future division of the subject property along the common wall dividing the semi-detached dwelling, such that each dwelling unit would be on its own lot and could be sold separately;
- a 42 percent lot coverage where 40 percent is currently permitted by the current R2 zone; and
- the proposed patios associated with each unit to encroach 3.7 metres (12 feet) into the required front yard where 2.4 metres (8 feet) is currently allowed.

Public/Agency Consultation Process

On April 9, 2024, Council held a public meeting in accordance with *The Planning Act* to hear comments on the Owner's application. The public meeting was attended by the Owners, their architect and residents from the surrounding neighbourhood.

Concerns were raised by surrounding property owners, both at the public meeting and through the submission of written correspondence, with respect to: compatibility with

existing neighbourhood, housing type, stormwater run-off/drainage, proposed design, traffic and property values. The purpose of this Report is to summarize the comments received at the Public Meeting and provide administrative responses to those comments along with relevant planning analysis.

Comments

Issues Raised Through Public/Agency Consultation Process

The issues raised by the public, categorized by theme, and Administration's responses are as follows:

Issue 1: Need for this Type of Development at this Location

Comments Provided

- Intensification doesn't belong at this location. It should be located in areas along Tecumseh and Manning Roads.
- It will establish a precedent to allow this type of development in other neighbourhoods throughout the Town.

Administration's Response

The Provincial Policy Statement (PPS), the County of Essex Official Plan and the Tecumseh Official Plan all establish a strong case for residential infill and intensification and providing for a mix and range of housing types and tenures. The Town's current housing mix is dominated by low density, single unit detached dwellings. Despite a recent trend toward residential intensification development within the Town, single unit detached dwellings continue to represent approximately 80 percent of the Town's housing stock.

A diverse housing stock is essential to meeting the varied needs of all citizens throughout the community and its neighbourhoods. For instance, the aging population (which is a growing segment of the population) will not be entirely well served by the existing predominately single unit detached housing supply. Accordingly, a greater diversity of smaller units requiring less maintenance and located shorter, walkable distances from other key destinations and transit will be necessary. The subject property is within walking distance to municipal parks, a library and schools and is relatively close to a significant commercial district farther to the west. It is also served by a transit stop that is located approximately 300 metres to the southwest.

Further, although not considered to be affordable in the context of the definition contained in the PPS, the subject semi-detached dwelling units offer a form of housing that will be more attainable to a broader segment of the population than many single-unit dwellings would be.

In summary, it is the opinion of the Town Administration that there is a need for this type of housing and that the proposed location is suitable.

Issue 2: Compatibility with Surrounding Neighbourhood

Comments Provided

- The proposed semi-detached dwelling is not compatible with abutting lands.
- Two-storey dwelling will reduce privacy of existing homeowners.
- Garages at rear of property will create pollution/exhaust fumes for abutting properties.

Administration's Response

Appropriately integrated, gentle intensification is encouraged in all areas where it can be adequately serviced, projected traffic generation can be accommodated by the existing transportation network and compatibility between uses can be achieved.

As a general tenet of planning, residential uses by their very nature are compatible with other residential uses. Semi-detached dwelling units adjacent to single-unit detached dwellings is a built form and land use mix that currently exists within multiple areas of the Town and is a common land use pattern in urban areas throughout the region and province.

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 harmoniously.

The evaluation of residential land use compatibility involves consideration of issues such as noise, traffic, safety, privacy or intrusive overlook, shadowing and building scale, height and massing. Section 3.18, Land Use Compatibility, of the Tecumseh Official Plan ("Tecumseh OP") lists these issues as matters to be assessed when introducing infill development into existing stable residential areas. Administration has reviewed the proposed development in the context of this section and has determined that these

issues have been adequately addressed by the proposed design and corresponding rezoning.

In terms of the potential for loss of privacy and intrusive overlook, the height of the proposed semi-detached dwelling, at 7.0 metres (23 feet), is well under the R2 zone maximum height regulation of 10.6 metres (34.8 feet) that currently applies to the subject and surrounding properties. And although the design of the proposed dwelling includes second storey balcony spaces for the units, they are located in the front where intrusive overlook will not be an issue.

With respect to comments related to the potential pollution impacts from the proposed location of the garages associated with the dwelling, the placement of garages to the rear of a dwelling, either attached or detached, is permitted by the Zoning By-law and is commonplace throughout the Town.

In summary, it is Administration's opinion that the proposed semi-detached dwelling is compatible – it is capable of existing harmoniously with existing land uses in the surrounding neighbourhood.

Issue 3: Traffic Impact of the Proposed Development

Comments Provided

- The development will increase traffic issues and the narrow design of Kensington Boulevard is not suited to accommodate semi-detached dwellings.

Administration's Response

Administration is satisfied that Kensington Boulevard and the surrounding transportation network can accommodate the marginal increase in traffic that would result from a semi-detached dwelling.

Issue 4: Stormwater Management

Comments Provided

- Proposed retaining wall required for development will negatively affect abutting properties.
- Development will increase flooding of surrounding properties.

Administration's Response

The Owners have provided site grading and drainage plans designed and sealed by a registered professional engineer. The Owners will be responsible for ensuring

stormwater is maintained on the subject property and conveyed to the municipal storm system. Public Works and Engineering Services will work with the proponents to ensure that sufficient storm connections are made to the existing roadside stormwater infrastructure.

The proposed retaining wall is required to ensure the finished ground and building elevations meet the minimum flood protection requirements established by the Essex Region Conservation Authority. These requirements would apply if a single unit dwelling were to be built on the subject property in accordance with the current R2 Zone regulations.

Issue 5: 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.

Issue 6: Protection of Views of the Golf Course

- Proposed front yard depth is less than properties along Kensington Boulevard.
- Views of golf course will be impeded.

Administration's Response

The front, side and rear yard depths/widths for the proposed semi-detached dwelling, meet the zoning requirements established by the R2 Zone that currently apply to the subject property for a single-unit dwelling. In other words, a single-unit dwelling constructed in the same location and having the same setbacks from lot lines is currently permitted.

There is no policy in the Town's OP that establishes the protection of views of the golf course nor are there any regulations in the Zoning By-law with respect to same. The fact that there are dwellings that have been constructed beyond the minimum 30-foot front yard established by the R2 Zone, does not compel a property owner to construct a new home along Kensington at a similar setback. In fact, of the 28 dwellings that abut

Kensington Boulevard, 16 (57% of total) have a front yard depth similar to that being proposed (i.e. 30-35 feet setback), eight (29% of total) have a front yard depth of 40-50 feet and only four (14% of total) have a front yard depth that is greater than 50 feet (see Attachment 4).

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-2024-06. 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 and varied demands of a diverse population such as those of the growing senior cohort within the Town.

The proposed residential development is consistent with the foregoing policies. It provides an alternative form of housing 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 considered a low-density form of a residential land use and 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 in the Official Plan with respect to low-density development and as noted earlier in this Report, meets the intent of the compatibility criteria contained in subsection 3.18.

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 residential development proposed on the subject property would be compatible with the adjacent residential 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. Further, servicing requirements for the proposed use are similar to what would be required under the current land use permission.
- 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 Kensington Boulevard or the surrounding road network. The subject property is also located in close proximity to 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 two-unit dwelling 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

Public Works & Engineering Services

Financial Implications

None.

Link to Strategic Priorities

Applicable	2023-2026 Strategic Priorities
<input checked="" type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input checked="" type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input checked="" type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

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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Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1.	Property Location Map
2.	Proposed Site Plan
3.	Proposed Architectural Renderings
4.	Existing Front Yard Depths Along Kensington Boulevard