



The Corporation of the Town of Tecumseh

Planning & Building Services

To: Mayor and Members of Council

From: Chad Jeffery, Manager Planning Services

Date to Council: April 9, 2019

Report Number: PBS-2019-07

Subject: Zoning By-Law Amendment
David Halliwill
13214 Riverside Drive
Proposed Second Dwelling Unit Above Detached Accessory Garage
OUR FILE: D19 13214RIV

Recommendations

It is recommended:

1. **That** the scheduling of a public meeting, to be held on Tuesday, May 14, 2019 at 5:00 p.m., in accordance with the *Planning Act* for a Zoning By-law Amendment application seeking to amend the former Town of Tecumseh Zoning By-law 1746 by rezoning a 1251 square metre (13,465 square foot) parcel of land situated on the north side of Riverside Drive, approximately 290 metres west of its intersection with Manning Road (13214 Riverside Drive), from "Residential Zone 1 (R1)" to a site specific "Residential Zone 1 (R1-11)" to permit the construction of a detached accessory garage with a second storey dwelling unit on the subject property in addition to one detached dwelling unit, **be authorized**.

Background

Subject Property and Surrounding Land Uses

Mr. David Halliwill ("the Applicant") has filed an application with the Town to amend the Tecumseh Zoning By-law 1746 for a 1251 square metre (13,465 square foot) parcel of land situated on the north side of Riverside Drive, approximately 290 metres west of its intersection with Manning Road (13214 Riverside Drive). The subject property has a frontage of 15.3

metres (50.5 feet) on Riverside Drive and a total lot area of approximately 1251 square metres (13,465 square feet). The property is currently occupied by a single-unit residential dwelling located centrally on the property and a detached garage that is located on the southerly portion of the property, abutting the north side of Riverside Drive. An existing municipal sidewalk is situated across the front of the property on the north side of Riverside Drive and Lake St. Clair abuts the property to the north (see Attachment 1).

The lakefront residential properties on the north side of Riverside Drive are characterized by single-unit dwellings that are gradually redeveloping/transitioning to larger, newer homes. In addition, several properties in the general vicinity of the subject property contain accessory detached garages in the front yard, abutting the north side of Riverside Drive (see Attachment 2).

Proposal Details

The purpose of the application is to request that the property be rezoned to permit the construction of a detached garage that will include a second-storey dwelling unit. The applicant has indicated that the second dwelling unit is intended for his mother-in-law. The applicant is proposing to demolish the existing buildings on the property in early April of 2019 in order to facilitate the construction of a new single-unit dwelling and the proposed detached garage with a second storey dwelling unit. The proposed new buildings will be located in the same general location as those that currently occupy the property (see Attachments 3A and 3B for site plan and proposed accessory structure elevations).

The proposed single-unit detached dwelling complies with the current Residential Zone 1 (R1) zoning of the property. The R1 zone, however, does not currently permit the proposed second dwelling unit above the detached garage.

Accordingly, a rezoning application has been filed with the Town seeking to rezone the lands into a site-specific residential zone that would:

- permit the aforementioned second dwelling unit in the second storey of the detached garage;
- establish a minimum front yard depth of 5.18 metres (17 feet) for the detached garage/second dwelling unit structure, rather than the current minimum of 7.6 metres (25 feet); and
- establish a maximum area of 79 square metres (850 square feet) for the proposed detached garage/second dwelling unit structure, rather than the current maximum of 70 square metres (753 square feet).

Comments

Provincial Policy Statement

The Planning Act establishes that Council, when making decisions that affect a planning matter, “shall be consistent with” the 2014 Provincial Policy Statement (“PPS”) issued under the Planning Act.

There are a number of policies within the PPS that support the proposed application for the proposed second unit. 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, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons)...; and

...

- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing cost.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years...

Within settlement areas, sufficient land shall be made available through intensification and redevelopment ...

1.1.3 Settlement Areas

1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

- a) Densities and a mix of land uses which:

1. efficiently use land and resources;
 2. 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;
 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
 4. support active transportation; and
 5. are transit-supportive, where transit is planned, exists or may be developed
- b) A range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.
- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.
- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.
- 1.4 Housing
- 1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:
- ...
- b) Permitting and facilitating:

1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and
 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;
- c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
 - d) 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.

6.0 Definitions

Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of brownfield sites;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development"

In summary, 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 a compact built form and makes more efficient use of existing services while offering a broad range of housing forms/types to meet expected needs.

The subject proposal is in a location and of a form of residential development that is in keeping with the foregoing policy objectives. The PPS specifically encourages second unit dwellings as a means to accommodating a range and mix of residential uses. This proposal provides an alternative form of housing at a density that provides for a more compact built form. The proposed development is also considered to be intensification in accordance with the definition

contained in the PPS. Based on the foregoing, it is the opinion of the writer that the proposed second dwelling unit dwelling above the detached garage is consistent with the PPS.

County of Essex Official Plan

The subject property is within an identified settlement area of the County of Essex Official Plan ("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 the Town of Tecumseh. The following goals and policies of the County OP are most relevant in the assessment of the subject proposal:

"3.2.3 Policies

The following policies are established for those lands shown as Settlement Areas on Schedule "A":

...

- f) local Official Plans are encouraged to provide opportunities for redevelopment, intensification and revitalization in areas that have sufficient existing or planned infrastructure;

...

- h) local Official Plans are encouraged to provide for a full range of housing types and densities to meet projected demographic and market requirements of current and future residents of the housing market by:
 - iv) encouraging all forms of residential intensification in parts of built up areas that have sufficient existing or planned infrastructure to create a potential supply of new housing units available from residential intensification."

The proposed second unit dwelling above the detached garage conforms to the aforementioned goals and policies of the County OP.

Tecumseh Official Plan

The subject property is currently designated "Residential" in the Tecumseh Official Plan ("Tecumseh OP") (see Attachment 4). The Tecumseh OP encourages a variety of densities of residential uses that can be appropriately integrated with the existing and proposed development pattern by meeting the applicable policies of the Plan.

The following sections from the Tecumseh OP are relevant when reviewing the subject development applications:

"Basis of the Plan

- 1.4 b) ...A more balanced mix of housing types and tenures will be required in the Town of Tecumseh over the next two decades in order to meet the existing and anticipated future needs of an aging population with smaller average household sizes, and varying housing needs.

Residential Objectives

- 2.11 a) To identify and designate areas in the town which are suitable for and can accommodate residential development in an orderly, planned and progressive manner.
- b) To encourage new residential development to occur in such a manner which makes the most efficient use of municipal infrastructure and services, in keeping with the capacity of the existing services available and the financial ability of the municipality to provide the required additional infrastructure and services.

...

- d) To broaden the range of housing options available to existing and future residents of the Town, by encouraging the continued production of a diverse and affordable mix of housing that is capable of meeting the needs of all households – including low and moderate income households and households with special needs. The provision of a mixture of housing forms, sizes, tenures and affordable housing types, including both public and private sector sponsored housing are to be encouraged.

Land Use Policy, Residential

- 3.3.1 The lands designated Residential shall be used primarily for residential purposes. Various types of residential dwellings shall be permitted within this designation, provided they meet all of the applicable policies of this Plan. The regulations and zone provisions of the town's comprehensive zoning by-law implementing this Plan shall be in accordance with the following:

- (i) Low Density Residential Uses

The maximum permitted density within any Low Density Residential Zone shall be 18 units per net hectare. Permitted residential uses shall consist of single-unit detached dwellings and single-unit attached dwellings.

- 3.3.7 The Town will encourage the production of a wide range of housing types and tenures (including assisted housing) that will meet the future needs of all households, and are affordable to households of all income levels...”.

Council will work with both private and public sector developers, builders and agencies so that sufficient market-oriented and assisted housing is produced to meet the existing and anticipated future needs of family, senior and non-family households.

- 3.3.8 In the Town of Tecumseh, Council will encourage both public and private sector landowners, developers and builders to undertake small-scale infilling type residential intensification activities that make the most efficient and cost-effective use of existing municipal infrastructure and services. Infilling means the residential development of a similar scale, density and use on vacant lots or undeveloped lands in the built-up area of the municipality, to create additional dwelling units.

When reviewing individual requests for residential intensification initiatives, Council will have regard to the following:

- the height, size, and density of the new dwelling unit(s), and the compatibility of such unit(s) with the surrounding neighbourhood;
- the physical suitability of the site;
- the proximity of the site to public transit and commercial retail areas;
- access to and from the site;
- availability and proximity of community services such as community and day care centres, schools, parks, and leisure activities, and health care services;
- adequacy of municipal infrastructure to service the new unit(s).”

The proposed second dwelling unit above the detached garage is in keeping with the aforementioned objectives and policies of the Tecumseh OP in terms of broadening the range of housing types. It also satisfies the above-noted criteria for infilling type residential intensification activity. The proposed dwelling unit will not result in measurable traffic flow increases on local streets in the area and adequate off-street parking and access is proposed.

The resulting two dwelling units on one property proposed through this application equate to a density of 16 units per net hectare which is within the threshold to be considered low density development. In terms of the proposal’s compatibility with the surrounding area, it has been noted earlier in this Report that accessory detached garages located in the front yard, abutting Riverside Drive, are common for residential properties along the north side of Riverside Drive within the former Town of Tecumseh urban area. According to municipal records, 43

residential properties within the surrounding area contain an accessory structure abutting Riverside Drive. Although the majority of the existing detached garages in the area are single storey, there are a number that are similar in size and scale to the proposed detached structure. It should also be noted that the proposed detached structure will have architectural details consistent with the proposed new house on the subject property. Based on the foregoing, it appears that the addition of a second dwelling unit above the proposed detached garage will create a development pattern and built form that is in keeping with the character of the neighbourhood.

The subject property is within a short walking distance of a Tecumseh Transit Service stop to the east along Riverside Drive. This service provides a direct connection to a major commercial node to the south in the vicinity of the Manning Road/Tecumseh Road intersection. It is also within walking distance of Lakewood Park and Piqua Park and the broader neighbourhood is serviced by a number of schools.

Accordingly, it is the opinion of Administration that, based upon our preliminary review, the proposed second dwelling unit above the detached garage conforms to the Tecumseh OP.

Tecumseh Zoning By-law 1746

The subject property is currently zoned "Residential Zone 1 (R1)" in the Tecumseh Zoning By-law 1746 (see Attachment 5). The current R1 zoning permits one single unit detached dwelling on one lot and accessory buildings and structures. The proposed Zoning By-law amendment places the subject property into a site specific Residential Zone 1 (R1-11) that would facilitate the proposed second dwelling unit above the detached garage and establish site-specific minimum yard and maximum building size requirements for the proposed detached garage/second dwelling unit structure.

It should be noted that only a small portion of the proposed detached garage/second dwelling unit structure (ie. the south-western corner) will have a front yard depth of 5.18 metres (17 feet). The majority of the structure will comply with the current minimum front yard depth of 7.6 metres (25 feet). The proposed location of the detached garage/second dwelling unit structure is intended to maintain an adequate distance between it and the proposed single unit dwelling on the subject property.

Building Services

Building Services have advised that it has no concerns with the redevelopment of the property.

Engineering/Municipal Services

The proposed second dwelling unit above the detached garage will be serviced with full municipal services (ie. service connections for water, sanitary and stormwater services). Public Works and Environmental Services have no concerns with the redevelopment of the property for the proposed residential uses.

Conclusion

Having regard to the range, scale, location and nature of surrounding uses, the suitability of the subject property, along with current policies encouraging standards that support more compact and efficient development, it is believed that there is merit in considering the requested rezoning to permit the proposed second unit above the proposed detached garage. This type of alternative housing permits family members to provide support for each other while also maintaining appropriate levels of independence. This is an alternative that will become increasingly necessary and common in the face of an aging population and limited, affordable alternatives. Accordingly, it is recommended that a public meeting be scheduled in accordance with the provisions of the *Planning Act* as a means to seek public input.

A public meeting to consider the proposed Zoning By-law amendment in accordance with the requirements of the *Planning Act* will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and other interested stakeholders/agencies. It is important that the concerns and comments of these stakeholders be taken into consideration as part of the full evaluation of the applications.

Consultations

Planning & Building Services
Public Works & Environmental Services

Financial Implications

None

Link to Strategic Priorities

Applicable	2017-18 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 the Town of 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 the Town 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:

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Junior Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services

Reviewed by:

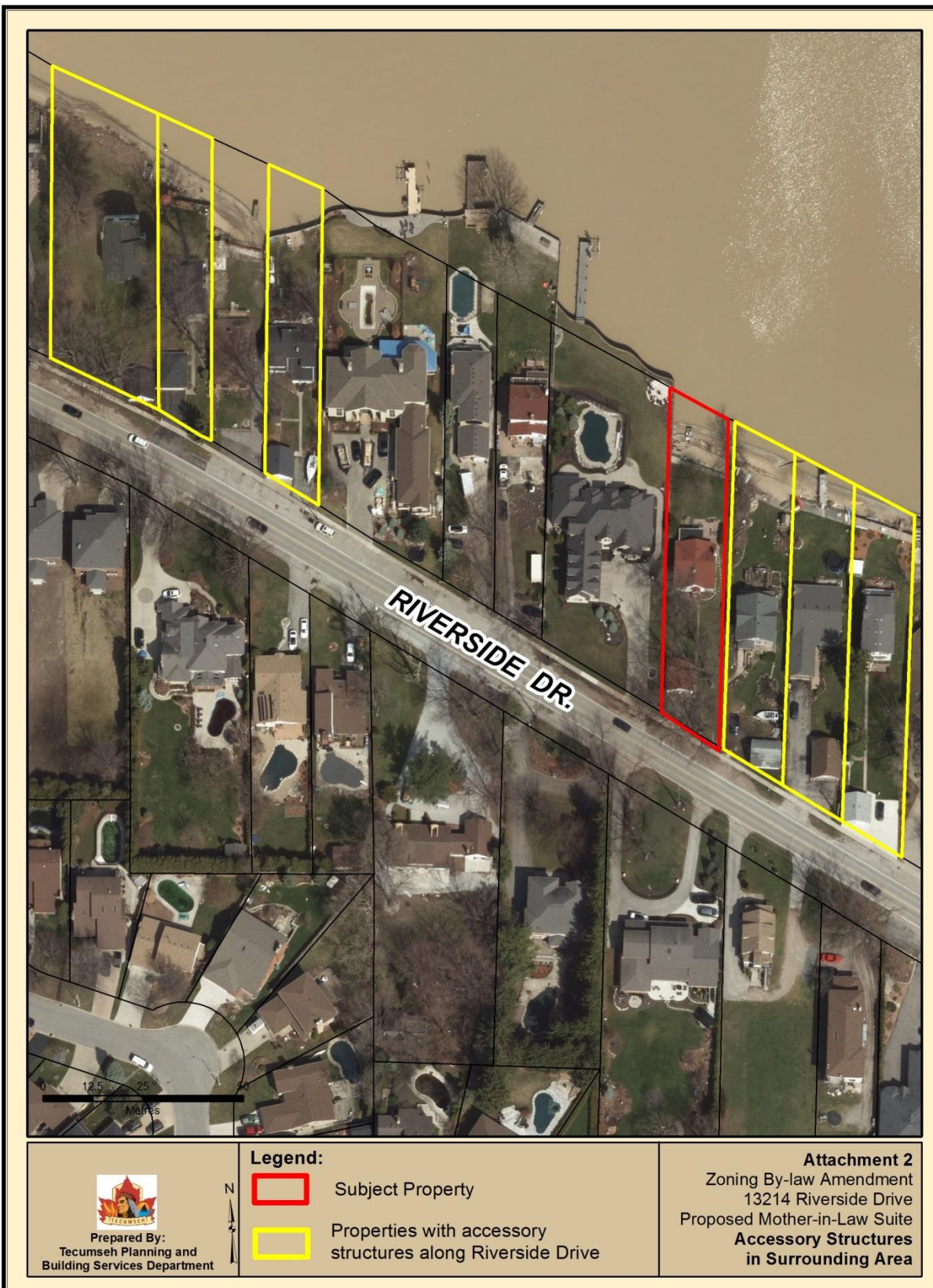
Brian Hillman, MA, MCIP, RPP
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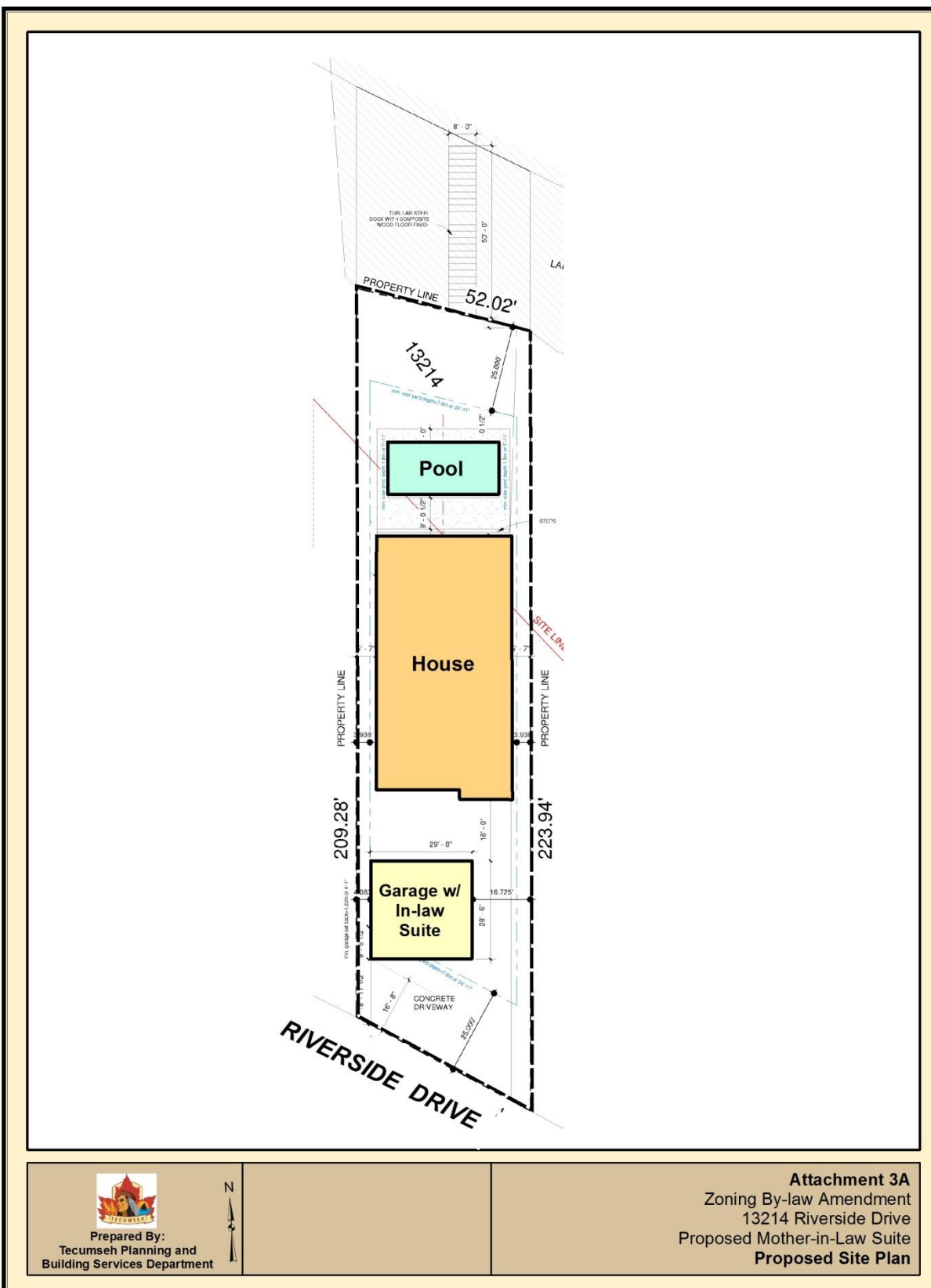
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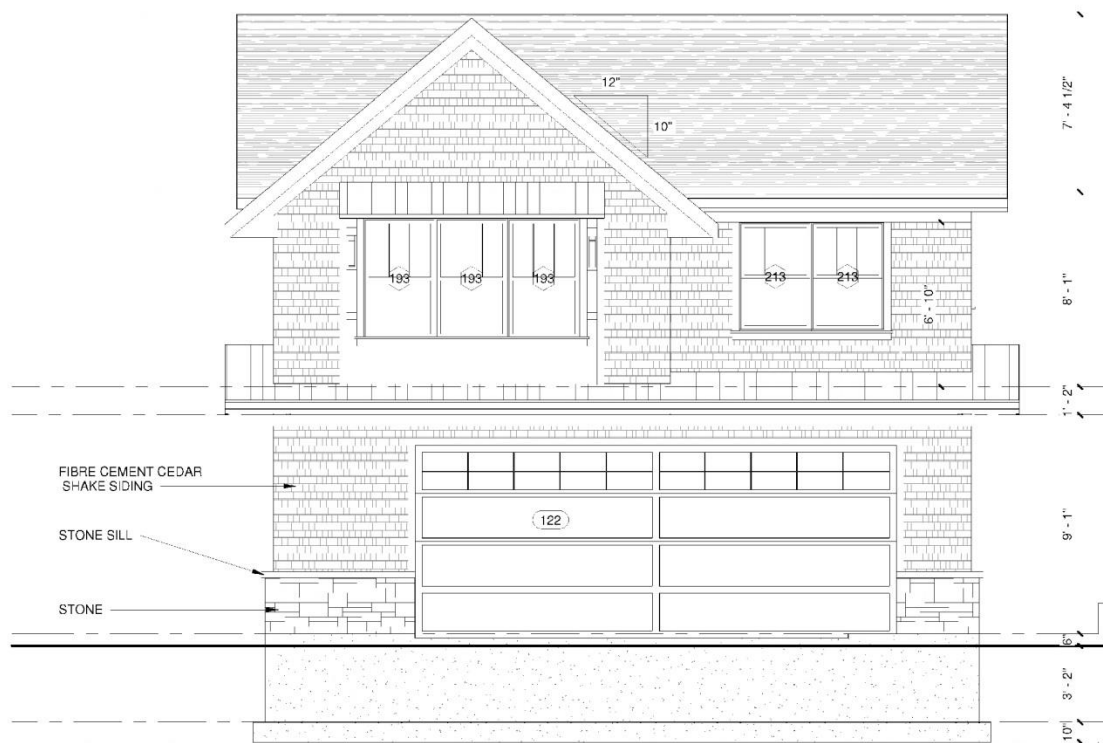
Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

Attachment Number	Attachment Name
1	Subject Property Map
2	Accessory Structures in Surrounding Area Map
3A	Proposed Site Plan
3B	Proposed Accessory Structure Elevation
4	Official Plan Map
5	Zoning Map









View of Accessory Structure From Riverside Drive



Prepared By:
Tecumseh Planning and
Building Services Department



Attachment 3B
Zoning By-law Amendment
13214 Riverside Drive
Proposed Mother-in-Law Suite
Proposed Accessory Structure Elevation

