

## Public Council Meeting Agenda

**Date:** Tuesday, April 9, 2024, 6:00 pm  
**Location:** Tecumseh Town Hall - Council Chambers  
917 Lesperance Road  
Tecumseh, Ontario N8N 1W9

Pages

**A. Roll Call**

**B. Call to Order**

**C. Land Acknowledgement**

We acknowledge that we are on land and surrounded by water, originally inhabited by Indigenous Peoples who have travelled this area since time immemorial. This territory is within the lands honoured by the Wampum Treaties; agreements between the Anishinaabe, Haudenosaunee, Leni Lenape and allied Nations to peacefully share and care for the resources around the Great Lakes. Specifically, we would like to acknowledge the presence of the Three Fires Confederacy Ojibwe, Odawa, Potawatomi and Huron/Wendat Peoples. We are dedicated to honouring Indigenous history and culture while remaining committed to moving forward respectfully with all First Nations, Inuit and Métis.

**D. Disclosure of Pecuniary Interest**

**E. Introduction and Purpose of Meeting**

The purpose of the meeting is to hear public comment on A Zoning By-law amendment application for 259 Kensington Boulevard. The purpose of the proposed amendment is to rezone the property 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.

**F. Delegations**

1. Erida Ciellza, Applicant  
Chris Gosselin, Architect; Cooper, Amy and Zak Lane, Property Owner
2. Mallika Somayajuu, Property Owner
3. Deborah Dignan, Property Owner
4. Paul Closs, Property Owner
5. Matthew Tobin, Property Owner
6. Chris Dignan, Property Owner
7. Robert and Judith Munro, Property Owners
8. Barry Boghean, Property Owner

#### **G. Communications**

- |  |         |
|--|---------|
| 1. Notice of Public Meeting dated March 20, 2024   | 4 - 5   |
| 2. Letter from Paul Closs Resident dated March 26, 2024<br>Re: ZBA 259 Kensington Blvd                         | 6 - 6   |
| 3. Anonymous Letter from Resident dated April 4, 2024<br>Re: ZBA 259 Kensington Blvd                           | 7 - 10  |
| 4. Essex Region Conservation Authority dated March 21, 2024<br>Re: Zoning By-Law Amendment 259 Kensington Blvd | 11 - 11 |

#### **Recommendation**

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That Communications - For Information 1 through 4 as listed on the Tuesday, April 9, 2024 Public Council Meeting Agenda, be received.**

#### **H. Reports**

- |  |         |
|--|---------|
| 1. DS-2024-06 Zoning By-Law Amendment 259 Kensington Boulevard<br>Scheduling of a Public Meeting | 12 - 34 |
|--|---------|

#### **Recommendation**

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That Report DS-2024-06 entitled "Zoning By-Law Amendment, 259 Kensington Boulevard, Scheduling of a Public Meeting" be received.**

I. **Adjournment**

**Recommendation**

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** there being no further business, the Tuesday, April 9, 2024 meeting of the Public Council Meeting **be adjourned** at      pm.

# **TOWN OF TECUMSEH NOTICE OF PUBLIC MEETING PROPOSED ZONING BY-LAW AMENDMENT**

**TAKE NOTICE** that the Council of the Corporation of the Town of Tecumseh will hold a public meeting **Tuesday, April 9, 2024 at 6:00 p.m.** in the Town Municipal Office Council Chambers at 917 Lesperance Road to consider a proposed Zoning By-law amendment pursuant to the provisions of the *Planning Act, R.S.O. 1990*. Please see below for information on how to provide comments or participate in the public meeting.

A Zoning By-law amendment application (*Application/File: D19 259KEN*) has been submitted for a 1138 square metre (12,244 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) (see Key Map on reverse side for location). The purpose of the proposed amendment is to rezone the property 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. The subject property is designated “Residential” in the Official Plan.

**ANY PERSON** may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Zoning By-law amendment.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Town of Tecumseh before the Zoning By-law amendment is passed, the person or public body is not entitled to appeal the decision of the Council of the Corporation of the Town of Tecumseh to the Ontario Land Tribunal.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Corporation of the Town of Tecumseh before the Zoning By-law amendment is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to do so.

## **How to Provide Comments or Participate in a Public Meeting**

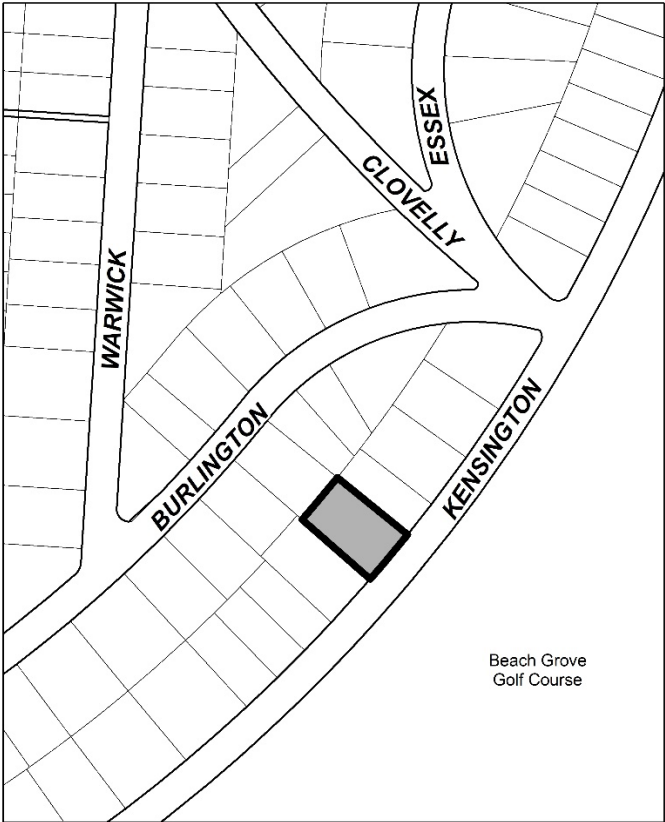
Public Meetings are being held at the Town Municipal Office Council Chambers and live-streamed on the Town’s website. Any person who wishes **to make oral submissions** at the Public Meeting **must register as a delegate**. To register as a delegate, persons may use the online registration form on the Town’s website at [www.tecumseh.ca/delegations](http://www.tecumseh.ca/delegations) or by providing their contact information (name, address, email and phone number) to the Town Clerk **by 12:00 p.m. (noon) on Tuesday, April 9, 2024**. Registered delegates will receive the necessary details to speak at the public meeting. By registering as a delegate, persons are consenting to their image, voice and comments being recorded and available for public viewing on the Town’s website. **Written submissions** may also be provided to the Clerk **by 12:00 p.m. (noon) on Thursday, April 4, 2024**.

**If you wish to be notified of the decision of the Council** of the Corporation of Town of Tecumseh on the proposed Zoning By-law amendment, **you must make a written request** to the Corporation of the Town of Tecumseh, c/o Robert Auger, Director Legislative Services & Clerk, at the mailing address noted below.

**ADDITIONAL INFORMATION** and any associated reports/documents relating to this matter are available for review during regular office hours at the Town Municipal Office on Lesperance Road.

The Public Meeting Agenda regarding this application will be available on the Town’s website (<https://calendar.tecumseh.ca/meetings>) on Friday, April 5, 2024.

KEY MAP



0 15 30 60 90 120  
Metres

 Lands Subject to Proposed Amendment

DATED AT THE TOWN OF TECUMSEH  
THIS 20<sup>TH</sup> DAY OF MARCH, 2024.

ROBERT AUGER  
DIRECTOR LEGISLATIVE SERVICES & CLERK  
TOWN OF TECUMSEH  
917 LESPERANCE ROAD  
TECUMSEH, ONTARIO, N8N 1W9

Clerk R. Auger:

I have lived on Kensington Blvd. for the past 31 years and have enjoyed the peaceful, residential environs immensely. Each lot, no matter its size, has a SINGLE family dwelling on it.

It has come to my attention that owners of a lot south of 251 Kensington are planning to build a semi detached dwelling there.

This should not be allowed on our residential street as it would not suit the area or our particular street.

I believe in dwelling intensification to help in the housing crisis but neighbourhoods with single family dwellings should be maintained as they have been since the beginning of streets like Kensington or Pentilly. ( Decades ago in St. Clair Beach)

Placing a duplex on our street will make no difference to the housing affordability problem that does exist in Ontario but would be an unwelcome precedent to set. On this street the price of each half of the proposed semi detached home would be the OPPOSITE of affordable for first time buyers or most buyers for that matter. Multi family dwellings on Tecumseh Road or Lesperance nearby in Tecumseh make so much more sense, as many already exist.

I am asking you to consider denying this proposed semi detached two storey dwelling and in so doing allow a single family home to be built to blend into our fantastic neighbourhood.

Thanks for your attention to this matter,



**RE: 259 Kensington Boulevard, Tecumseh**  
**Proposed Zoning By-law Amendment and Construction of Non-Conforming Building**

**A. INTRODUCTION**

Thank you for providing this opportunity for the public to response to the proposal related to 259 Kensington Blvd., Tecumseh. It is understood that this is our chance to express our concerns, and to put our trust in you to consider the thoughts of the public in balance with the wishes of the owners of the parcel of land at 259 Kensington Blvd. Please listen and act accordingly.

Concerns are both specific to the site in question, and general to a unique neighbourhood that is historically designed and zoned to maintain aesthetic and infrastructure standards. There is great value in upholding the original carefully-planned and thought-out municipal designs, as they have been based upon the anticipated sustenance of single-family-dwelling intentions, both technically (infrastructure), and environmentally (greenspace, rain water management) and aesthetically (yard allowances and maximum building allowances/placements). Any change to these original zoning provisions should be examined with scrutiny and discretion. Therefore it is asked that the rezoning of 259 Kensington, specifically, and increased density in existing neighbourhoods, generally, be critically examined in light of the potential adverse repercussions environmentally, visually, infrastructure-wise, and related to the wellbeing of the many others in the surrounding vicinity who will be affected by the rezoning and subsequent construction of a potentially non-conforming structure. Finally, this decision is extremely important with respect to precedent-setting.

Please deliberate with your utmost discretion, consideration, and prudence.

**B. REASONS FOR OPPOSITION**

- I) The proposed zoning by-law amendment for the property is opposed because the current zoning (R-2) does not allow for semi-detached dwellings.
- II) The proposed semi-detached dwelling design is opposed because
  - a) it does not conform to site-specific regulations and
  - b) it does not conform with the homogenous aspects of the neighbourhood.

The proposed plan for a large two-storey, two-unit (semi-detached) dwelling at 259 Kensington Blvd. can alter the historic and homogenous character of the St. Clair Beach neighbourhood and set a precedent for similar non-conforming construction in future.

**i) Non-conforming aspects of the building that are opposed:**

- Semi-detached dwelling is proposed on land not presently zoned to allow it
- Exceeds minimum lot area requirements (required: 9000 sq.ft. min. lot area per unit; proposed: 6000 sq.ft/unit)
- Exceeds frontage requirement (required: 75ft. minimum per unit; proposed: 45ft. per unit)
- Exceeds allowed lot coverage percentage
- Exceeds allowed dimensions of hardscape eg., large patios encroach onto front yard beyond allowance
- Zero interior side yard
- May exceed allowed surrounding concrete wall height

ii) Design aspects of the building that are opposed:

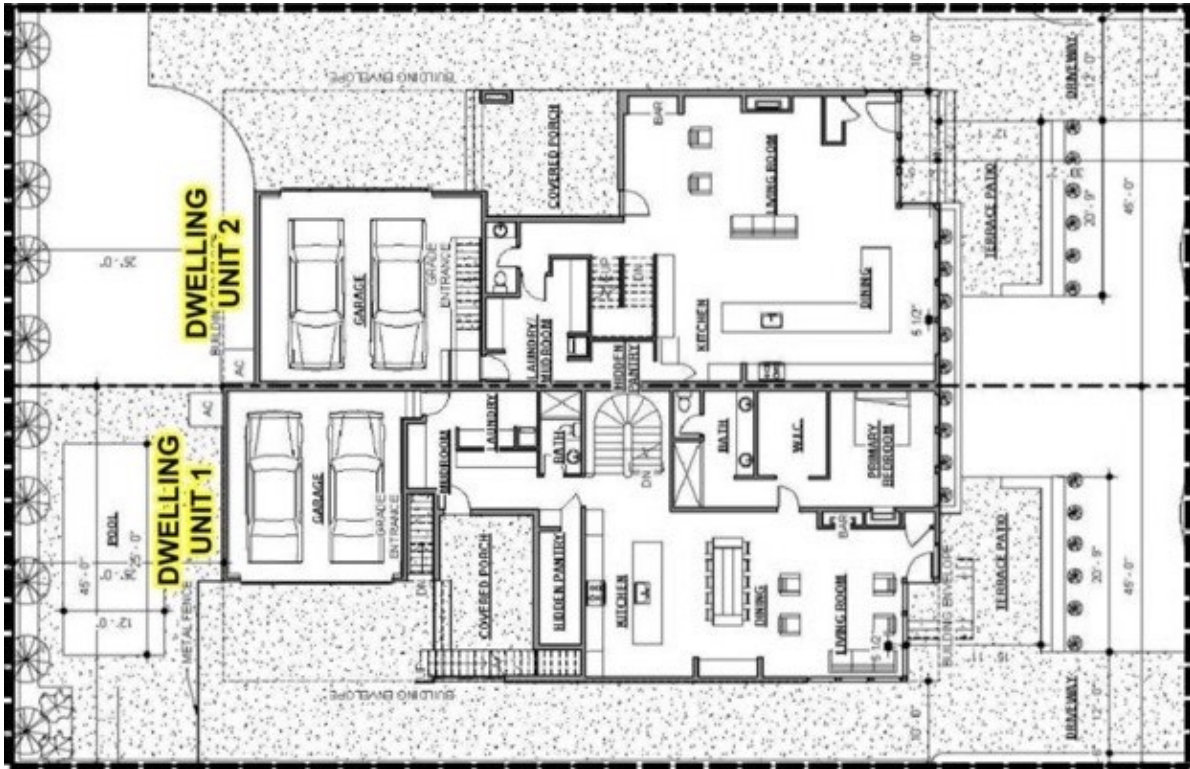
- not in accordance with neighbourhood character: the 5000 sq. ft. two-unit dwelling departs from single-family neighbourhood design of historic St. Clair Beach
- extremely minimal greenspace - majority of property covered by building, porticos, expansive hardscape areas, and two driveways that extend almost entire depth of property, abutting property lines.
- back yard garages and car pads to affect surrounding neighbourhood back yards (exhaust, pollution, and visual presence of automobiles in back yard retreats). Back garage design departs from the front garage design of the rest of the neighbourhood, causing a design clash and resultant disturbance to surrounding neighbours.
- side concrete driveways directly abut the property line with no greenspace allowance
- building protrudes forward at least 20 feet further than surrounding homes
- unsightly surrounding concrete walls
- factory-like appearance suited to industrial-zoned land, not residential

iii) Other concerns:

- Strains on Infrastructure caused by higher density construction in a neighbourhood that is not originally designed to support it, eg. flooding.
- Greenspace reduction leads to environmental concerns like warming and water run-off issues
- aesthetic and character of **unique** St. Clair Beach historic neighbourhood is compromised



## C. 259 Kensington Boulevard – Proposed Site Plan and Renderings



AERIAL VIEW FROM THE NORTH EAST



VIEW FROM THE NORTH EAST



VIEW FROM THE SOUTH EAST



AERIAL VIEW FROM THE SOUTH EAST  
Approximate property line  
illustrating deficiency of greenspace



## **D. CONCLUSION**

Building density is a positive and important aspect of municipal planning of reasons of efficiency and environmental preservation, avoiding urban sprawl, and encouraging efficient modes of transportation (transit, walkability, cycling). It is to be encouraged in appropriate ways and in appropriate locations.

However, building inappropriate density into neighbourhoods not originally designed to support it must be approached with great caution, discretion, site-specific considerations, and the careful planning of new related regulations that place the environment and citizen well-being as paramount.

Decisions to place a multiplex building in a single-family dwelling neighbourhood should be done with consideration for preservation of green space and consideration of surrounding neighbours who presently reside in the area. For example, a large, high, minimalistic, modern, two-unit dwelling with maximum concrete hard surfaces and minimal greenspace/trees in a historic neighbourhood uniquely identified by its charm and greenspace, is NOT appropriate. Considerations must be made to at least reduce building size to conform with existing regulations for lot size, frontage, area, Considerations must also be made to reserve area for greenspace/landscape and front, back and side yard green allowance, as opposed to the predominance hardscape and driveways that abut property lines, for the sake of the environment, rainwater run-off, flooding in an already flood-prone neighbourhood and, above all, being a good neighbour.

PLEASE carefully consider this decision and the input of the numerous residents who voice their concerns with the requests of the owner(s) of 259 Kensington Boulevard.

## **E. ADDENDUM**

**Comments on Smart Intensification** (applicable to all municipalities, including Town of Tecumseh)

Municipalities like the City of Windsor are to be commended for maintaining its values of supporting smart development, as opposed to development at any cost. Listening to concerns of residents should be paramount when elected officials make decisions for those they represent. The fact that the decision to uphold this concept may lead to failed applications for housing incentives should not prevent the municipalities from providing strategic intensified housing in suitably designated districts.

The goal should be appropriate, thoughtful development, with emphasis on the word 'appropriate'. Does this sacrifice the amount of housing to be created and offered? Absolutely not. In fact, it may increase its quotas, being planned for readily available areas, while maintaining respect for historically-informed zoning designs.

**Let's strive for smart, well-organized intensification without compromising green-space, infrastructure, water and sewage services, and the aesthetic of existing neighbourhoods. Our long-term vision will prove to outlive and outvalue monetary incentives that may be surrendered for the sake of pride in our convictions, a beautiful well-planned municipality, and resident peace and satisfaction.**

**A focus on site-appropriate development will be well-rewarded in its own right.**

-Property Owner, Kensington Boulevard, Tecumseh, April 4, 2024



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

March 21, 2024

**Mr. Enrico De Cecco**

Town of Tecumseh, Planner  
917 Lesperance Road  
Tecumseh, Ontario, N8N 1W9

Dear Mr. De Cecco:

RE: Zoning By-Law Amendment D19 259KEN 259 KENSINGTON BLVD

ARN 374437000011800; PIN: 752660141

Applicant: HADJISSARRIS LEONIDAS

The Town of Tecumseh has received an application for a Zoning By-Law Amendment for the above noted property to support the construction of a semi-detached dwelling by rezoning the property from "Residential Type Two Zone (R2)" to a site-specific "Residential Type Two Zone (R2-9)." The following is provided as a result of our review of Zoning By-Law Amendment D19 259KEN.

**NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS**

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of Lake St. Clair.

Our office has issued Permit #803 - 23, dated February 1, 2024, for this development. Please contact our office if any changes are made to the approved site plan, as a permit review may be required.

**FINAL RECOMMENDATION**

Our office has **no objection** to Zoning By-law Amendment D19 259KEN. As noted above, ERCA Permit #803 - 23 has been issued for this development. If you have any questions or require any additional information, please contact the undersigned.

Sincerely,

Alicia Good, Watershed Planner /ag



## The Corporation of the Town of Tecumseh

Development Services

**To:** Mayor and Members of Council

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

**Date to Council:** March 19, 2024

**Report Number:** DS-2024-06

**Subject:** Zoning By-law Amendment  
259 Kensington Boulevard  
Scheduling of a Public Meeting  
OUR FILE: D19 259KEN

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### Recommendations

It is recommended:

**That** the scheduling of a public meeting, to be held on Tuesday, April 9, 2024 at 6:00 p.m., in accordance with the *Planning Act* for a zoning by-law amendment application submitted for a 0.11 hectare (0.27 acre) 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), seeking to amend Zoning By-law 2065 by rezoning the subject land 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, **be authorized**.

### Executive Summary

A zoning by-law amendment application has been filed in order to change the zoning pertaining to a 1138 square metre (12,244 square foot) lot situated on the west side of Kensington Boulevard, approximately 122 metres (400 feet) south of its intersection with Burlington Street (259 Kensington Boulevard) in order to facilitate the construction of a two-storey, two-unit dwelling (semi-detached dwelling). The purpose of this report is to

request the scheduling of a public meeting related to the proposed zoning by-law amendment in accordance with the requirements of the *Planning Act*.

## **Background**

### **Subject Property**

The applicants of a Zoning By-law amendment (“the Owner”) own a 1137.5 square metre (12,244 square foot) lot with a frontage of 27.4 metres (90 feet), located on the west side of Kensington Boulevard, approximately 122 metres (400 feet) south of its intersection with Burlington Street (259 Kensington Boulevard) (“subject property”). A single-unit dwelling once occupied the property but was demolished in 2011. The property is currently vacant (see Attachment 1).

### **Proposed Zoning By-law Amendment**

The Owner has submitted a Zoning By-law amendment application seeking to amend Zoning By-law 2065 by rezoning the subject land 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, 464.5 square metre (5,000 square foot), two-unit dwelling (semi-detached dwelling) and establish site-specific lot provisions in order to:

- permit 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;
- permit a 42 percent lot coverage where 40 percent is currently permitted by the current R2 zone; and
- permit 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.

The current R2 zone that applies to the subject property permits single-unit detached dwellings. The proposed new two-unit dwelling complies with the height and minimum yard (front/rear/side) provisions of that zone.

Along with the application, the Owner has provided a preliminary site plan (see Attachment 2) and architectural renderings (see Attachment 3) depicting the proposed two-unit dwelling.

## Surrounding Land Uses

The subject property is situated within a predominately low density residential neighbourhood. Relatively large single-unit dwellings on large lots abut the subject property to the north, south and west and characterize the form of development on the surrounding residential streets. The Beach Grove Golf and Country Club golf course is located across Kensington Boulevard to the east. Farther to the southwest are multiple institutional and recreational uses (St. Andre Elementary, Beacon Heights Elementary School (currently under construction) and Green Acres Optimist Park (see Attachment 4).

## 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”) issued under the *Planning Act*.

There are a number of policies within the PPS that support the application for the proposed residential development. 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
- a) Healthy, liveable and safe communities are sustained by:
  - b) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
  - c) 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)...uses to meet long-term needs;
  - ...
  - e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development

patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs

- 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 25 years...

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

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;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;

...

- d) are transit-supportive, where transit is planned, exists or may be developed

Land use patterns within settlement areas shall also be based on 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 transit-supportive development, accommodating a significant supply and range of housing options through 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 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 employment opportunities; 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;
- d) 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
- e) 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;
- d) development and introduction of new housing options within previously developed areas.”

In summary, the PPS 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 to meet expected needs. The PPS also supports the development of a broad range of housing types and tenures and encourages residential intensification within identified urban areas where such areas have appropriate levels of servicing.

The subject proposal is in a location and of a form of residential development that achieves all of the foregoing policy objectives. It provides an alternative form of housing type 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. In addition, the proposed development is serviced by the Tecumseh Transit System and is within walking distance of a bus stop. Based on the foregoing, it is the opinion of the writer that the application for the proposed residential development is consistent with the PPS.

## County of Essex Official Plan

The subject property is within an identified Primary Settlement Area of the County 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 Tecumseh. The following goals and policies of the County OP are most relevant in the assessment of the subject proposal:

### “3.2 SETTLEMENT AREAS

### 3.2.2 Goals

The following goals are established for those lands designated as settlement areas on Schedule “A1”:

- a) Support and promote public and private re-investment in the Primary Settlement Areas

...

- c) To promote development within Primary Settlement Areas that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.

...

- i) Promote residential intensification within Primary Settlement Areas, and to a lesser extent, within full serviced secondary settlement areas.

### 3.2.4 Primary Settlement Areas

Primary Settlement Areas are the largest and traditional centres of settlement and commerce in the County. Protection of these communities by focusing growth and investment is a priority of the County.

### 3.2.6 General Settlement Area Policies

The following policies apply to all “Settlement Areas” identified on Schedule “A1” of this Plan:

...

- b) The County supports residential intensification within Primary Settlement Areas.

...

- e) Local Official Plans are encouraged to provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area as outlined below:

- i) Maintaining at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification, redevelopment and if necessary, lands which are designated and available as defined by Provincial Policy.
- ii) Maintaining at all times, where new development is to occur, at least a 3 year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.
- iii) Permitting and facilitating all forms of housing, including special needs housing, required to meet the social, health and well-being requirements of current and future residents.

### 3.2.7 Intensification and Redevelopment

The County encourages well-planned intensification development projects in the Settlement Areas to encourage more efficient use of land and municipal infrastructure, renew urban areas and to facilitate economic and social benefits for the community.

The County also specifically encourages residential intensification and redevelopment within Primary Settlement Areas in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities.”

In accordance with the aforementioned goals and policies, it is the opinion of the writer that the proposed development conforms to the County OP.

## **Tecumseh Official Plan**

The subject land is currently designated “Residential” on Schedule “B-1” of the Tecumseh Official Plan (“Tecumseh OP”) (see Attachment 5) and is subject to the “Low Density Residential” policies contained therein. The type of dwelling being 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 Tecumseh OP permits the type of dwelling being proposed. With respect to the proposed land use, the Tecumseh OP establishes the following:

#### “4.2.1 Goals

The following goals are established for the Residential area:

...

- ii) to encourage the development of a greater variety of housing types in the Town to meet the future housing needs of all households, and to meet the provincial housing objectives as set out in the Provincial Policy Statement and County of Essex Official Plan;
- iii) to ensure that new residential development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality;
- iv) to encourage the infilling and rounding out of the existing development pattern in urban areas of the Town where a full range of municipal infrastructure (including a piped sanitary sewer system), community facilities, and goods and services can be provided in a cost-effective and environmentally sound manner;
- v) to ensure that existing and new residential areas are walkable and, to the greatest extent possible, are supported by all modes of transportation;
- vi) to promote and encourage residential intensification activities in areas of the Town where a full range of municipal infrastructure, community facilities, and goods and services are readily available. Residential intensification includes infilling, ARUs, conversions and redevelopment;

#### 4.2.2 Policies

The following policies shall apply to those lands designated Residential on the Land Use Schedules of this Plan:

- i) the use of lands designated Residential shall be for all forms of housing, including special needs housing, in accordance with subsections 4.2.2.1, 4.2.2.2 and 4.2.2.3;

...

- v) the intensification of residential lands shall be encouraged and standards of development that will assist in achieving this objective shall be a priority for the Town. A minimum of 15 percent of all new

housing within the Town should be provided through residential infill and/or intensification, as identified as a target in the County of Essex Official Plan. Residential intensification shall be defined as a net increase in residential units or accommodation within a given property, site or area 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
- vi) within existing stable residential areas, applications for infill or redevelopment must be located and organized to fit with neighbouring properties and must satisfactorily address the criteria contained in Section 3.18 of this Plan. In fully serviced areas, intensification through moderate increases in building height or density, and gradual transition to more intense forms of housing may be approved in neighbourhoods that are adjacent or in close proximity to such items as transit routes, commercial areas, community facilities and/or significant areas of open space.”

The Tecumseh OP permits the type of residential development being proposed and encourages the redevelopment and intensification of residential areas where appropriate. As noted above, in determining its appropriateness, the proposed development is to be evaluated against the relevant land use compatibility criteria contained in Section 3.18 of the Tecumseh OP, as follows:

#### “3.18 Land Use Compatibility

In order to foster a sustainable development pattern, some land uses need to inter-relate while others are best separated. Further development and redevelopment in the Town will be guided by principles of land use compatibility that respect the quality and stability of existing areas and provide for suitable transition between areas of differing use, sensitivity, urban design treatment and intensity in order to avoid or mitigate adverse effects. Land use compatibility does not mean “the same as” but to coexist harmoniously with one another.

### 3.18.1 Matters to be Assessed

Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses. The demonstration of compatible development and land use change must consider the potential for impacts related to the character, planned function and/or ecological integrity of an area as well as the health and safety of humans. Where there exists a potential for negative impacts, the following land use compatibility matters shall be assessed:

- i) shadowing;
- ii) loss of privacy due to intrusive overlook;
- iii) increased levels of light pollution, noise, odour, dust or vibration;
- iv) increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit;
- v) reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas or setting;
- vi) visual intrusion that disrupts the streetscape or buildings;
- vii) built form in terms of scale and massing; and
- viii) the loss or impairment of significant views of natural features and areas to residents.

### 3.18.2 Mitigation Measures

Mitigation Measures Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:

- i) ensuring adequate setbacks and minimum yard requirements;

- ii) establishing appropriate transition in building heights, coverage and massing;
- iii) requiring fencing, walls, landscaping or berming to create a visual screen;
- iv) designing the building in a way that minimizes adverse effects;
- v) maintaining mature vegetation and/or adding new landscaping features;
- vi) controlling access locations, driveways, service areas and activity areas; and
- vii) regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage.

Planning Act tools including Zoning By-law standards, site plan control, development agreements and other measures will be used to implement mitigative measures that achieve compatible land use change and development.”

Based on an initial review of the preliminary site plan, the proposed two-unit dwelling will meet the foregoing compatibility criteria.

In addition, the subject property is within the Lake St. Clair Floodprone Area on Schedule “D” of the Tecumseh OP. Subsection 5.5.3 iv) of the Tecumseh OP establishes that development and site alteration may be permitted in the Lake St. Clair Floodprone Areas, in consultation with ERCA, where the risk to public safety and other effects can be absorbed, managed or mitigated in accordance with the following standards:

- a. the flooding and erosion hazards can be safely addressed, and the development and site alteration is carried out in accordance with flood-proofing standards, protection works standards, and access standards;
- b. existing hazards are not aggravated or new hazards are not created;
- c. no adverse environmental impacts will result;
- d. vehicles and people have a way of safe ingress and egress during times of flooding, erosion or other emergencies;

- e. the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances; and
- f. development is carried out in accordance with established standards and procedures.

In this regard, the Town has a Flood Response Action Plan and owns a high-water rescue vehicle.

In addition, the minimum elevation of openings for the proposed building will need to be in accordance with ERCA flood-proofing regulations. In light of this, the Owner has submitted a lot/grading plan that establishes the proposed grading and drainage design for the proposed development. The site will be designed in a way that all stormwater run-off from the development will be contained on-site and then discharged into the municipal stormwater system. No drainage from the development will be discharged on abutting properties. Public Works has reviewed the lot grading/paving plan and does not have concerns with the proposed design for the site. In addition, Town Administration has been advised that ERCA has issued a permit for the development proposal and associated grading/paving plan.

Based on all of the foregoing, the Tecumseh OP encourages and permits the type of residential development being proposed for the subject property, subject to the review, evaluation and public/stakeholder consultation process being undertaken as part of the required Zoning By-law Amendment process.

## **Zoning By-law 2065**

As noted earlier in this Report, the subject land is currently zoned “Residential Type Two Zone (R2)” (see Attachment 6), which permits single-unit dwellings. The proposed zoning by-law amendment changes the zoning on the subject property from “R2” to a site-specific “R2-9” in order to facilitate the construction of the proposed two-unit dwelling and establish minimum frontage and lot area provisions in order to facilitate any future potential severance of the property in order to place each unit within the two-unit dwelling on its own conveyable lot for freehold ownership.

## **Conclusion**

Having regard to the range, scale, location and nature of surrounding uses, the location of the proposed dwelling along with the current policy environment encouraging standards that support residential intensification and more compact and efficient



development, it is believed that there is merit in considering the requested application to permit the proposed residential intensification on the subject land.

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 amendments 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. 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

Public Works & Engineering Services  
Director Community Safety & Fire Chief

## Financial Implications

None.

## Link to Strategic Priorities

Applicable	<a href="#">2023-2026 Strategic Priorities</a>
<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 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:

Enrico DeCecco, BA (Hons), MCIP, RPP  
Senior Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP  
Manager Planning Services & Local Economic Development

Reviewed by:

Wade Bondy  
Director Community Safety & Fire Chief

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.	Preliminary Site Plan

<b>Attachment Number</b>	<b>Attachment Name</b>
3.	Preliminary Architectural Renderings
4.	Property Location and Surrounding Land Uses Map
5.	Official Plan Map
6.	Zoning Map





Prepared By:  
Development Services



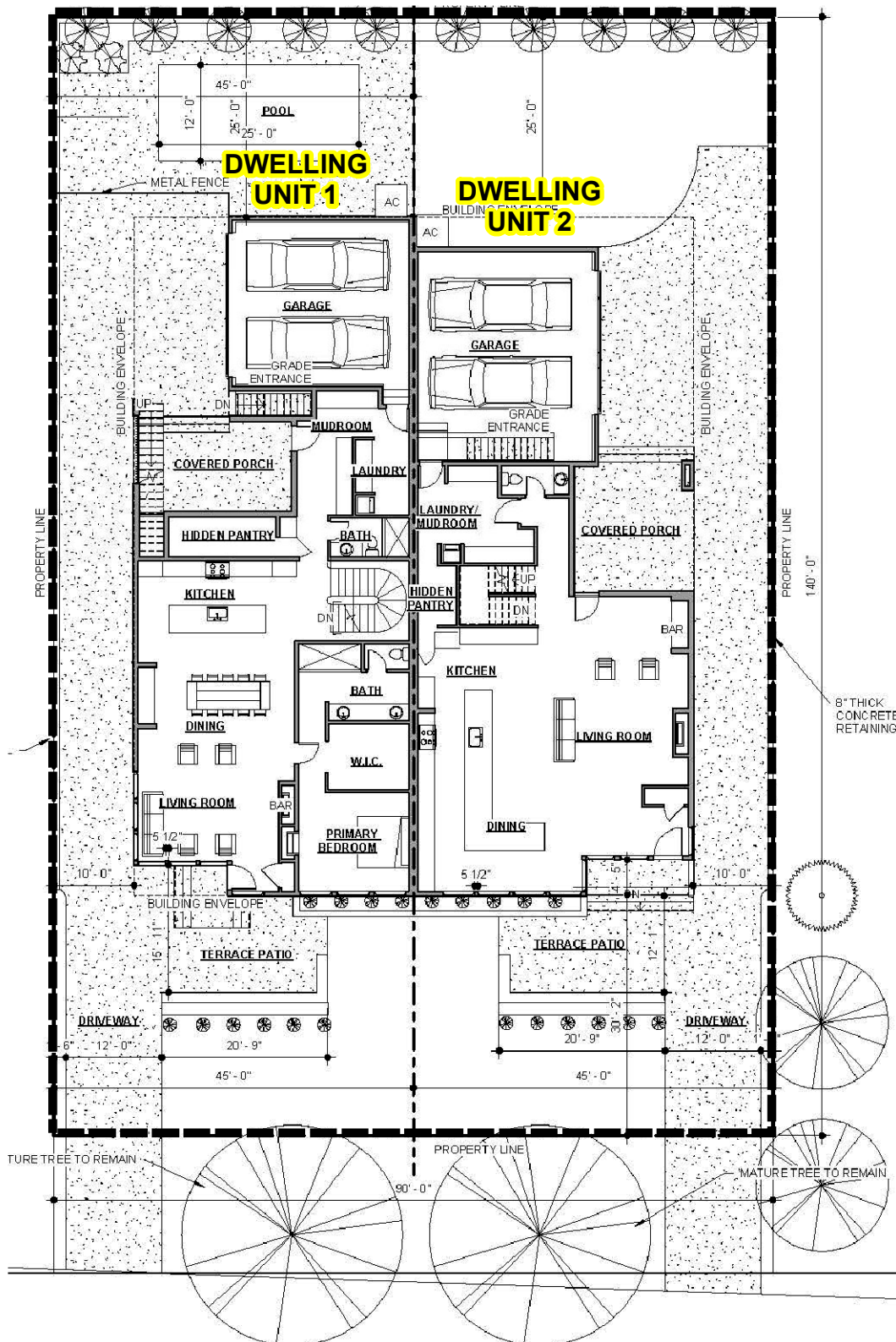
Legend:



Subject  
Property

**Attachment 1, DS-2024-06**  
Zoning By-law Amendment  
259 Kensington Boulevard  
**Property Location**





**KENSINGTON BLVD.**



Prepared By:  
Development Services

**Attachment 2, DS-2024-06**  
**Zoning By-law Amendment**  
**259 Kensington Boulevard**  
**Preliminary Site Plan**





AERIAL VIEW FROM THE NORTH EAST



VIEW FROM THE NORTH EAST



VIEW FROM THE SOUTH EAST




AERIAL VIEW FROM THE SOUTH EAST





## Land Use

-  Residential
-  Institutional
-  Recreational
-  Vacant



Prepared By:  
Development Services

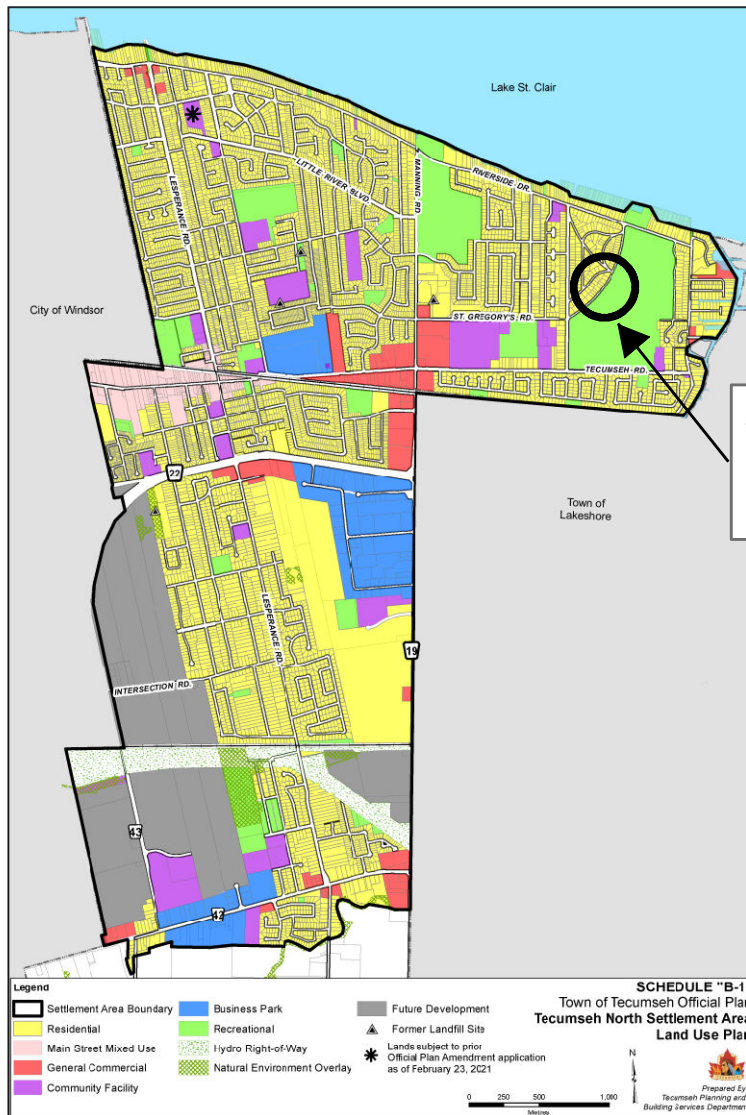


### Legend:

-  Subject Property

**Attachment 4, DS-2024-06**  
Zoning By-law Amendment  
259 Kensington Boulevard  
**Property Location and Surrounding Land Uses**





**Subject  
Property  
(see zoom below)**



Prepared By:  
Development Services



Subject Property

**Attachment 5, DS-2024-06**  
Zoning By-law Amendment  
259 Kensington Boulevard  
Official Plan

