# Committee of Adjustment Meeting
## AGENDA

Monday, August 20, 2018, 5:00 pm
Tecumseh Town Hall
www.tecumseh.ca

Pages

1. Call to Order

2. Roll Call

3. Disclosure of Pecuniary Interest

4. Minutes

   a. Minutes of the regular Committee of Adjustment meeting dated Monday, July 16, 2018 — 2 - 13

5. Submissions

   a. Agenda Map — 14 - 14

   b. Agenda — 15 - 15

   c. Severance Application B-14/18 - Wesley & Maureen O'Neil, 11568 County Road 46 — 16 - 17

6. Deferrals

7. New Business

8. Old Business

9. Adjournment

**THE CORPORATION OF THE TOWN OF TECUMSEH**
**MINUTES OF THE COMMITTEE OF ADJUSTMENT MEETING**

A regular meeting of the Committee of Adjustment was held on Monday, July 16, 2018 at the Municipal Building, 917 Lesperance Road, Tecumseh, Ontario at 5:00 p.m.

## I CALL TO ORDER

The Chairperson calls the meeting to order at 5:00 p.m.

## II ROLL CALL

| | | |
|---|---|---|
| **PRESENT:** | Chairperson: | Tom Fuerth |
| | Vice-Chairperson: | Paul Morand |
| | Members: | Lori Chadwick |
| | | Lee Anne Doyle |
| | | Jim Mackie |
| | | Tom Marentette |
| | | Tony Muscedere |
| | Manager, Planning | Chad Jeffery |
| | Secretary-Treasurer | Donna Ferris |

**ABSENT:** None

## III DISCLOSURE OF PECUNIARY INTEREST

There is no disclosure of interest made.

## IV MINUTES

1. Minutes of the regular Committee of Adjustment meeting held Monday, June 18, 2018.

   Motion: (CA-32/18) Moved by Lee Anne Doyle
   Seconded by Tony Muscedere

   **That the Minutes of the regular Committee of Adjustment meeting held Monday, June 18, 2018 be adopted, as printed and circulated**.

   Carried

## V SUBMISSIONS

The following submissions were heard:

**Application for Severance B-10/18 – Wannabe Radical Inc., Walker Road**

Interested parties present: Daniel K. Moorhouse, Solicitor for the Applicant

The purpose of the Application is to request consent to sever a 1.09 hectare (2.7 acre) vacant industrial parcel of land (highlighted in red on the sketch attached) and add it to the abutting 0.98 hectare (2.43 acre) parcel, municipally known as 3230 Moynahan Street (shaded in red on the sketch attached).

The properties are designated Business Park in the Sandwich South Official Plan and zoned Industrial (M1) in the Sandwich South Zoning By-law.

Notice of hearing for the above submission was circulated to landowners within a radius of 60 metres (200 feet) of the subject property (a list of said owners is on file). Notice of Hearing with a sketch attached was sent to the Applicant, each Council Member, Clerk, Public Works and Engineering Department, Planning and Building Services, Fire Department, Agent and all required agencies and to each member of the Committee of Adjustment.

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**CORRESPONDENCE**

ERCA: No objection.
County of Essex: No response.
MTO: No concerns.
Town Engineer:

- The owner should be made aware that site service drawings and a detailed stormwater management report (addressing quantity and quality to the satisfaction of the Town's Engineer) needs to be submitted as part of the Building Permit application, which will then be reviewed/approved by the Town Engineer prior to issuance of the Building Permit.
- Should the site develop prior to the proposed 'Regal Street Extension, Industrial Development', the stormwater management facility will be designed in such a way that it would ultimately be directed into the future Stormwater Management Pond for the Industrial Development.
- The site stormwater management facility will require approval from the Ministry of Environment and Climate Change (MOECC) under Section 53 of the Ontario Water Resources Act.
- The site's allowable release rate will be based on the capacity of the receiver (7th Concession Drain). The owner is advised that the release rates are very restrictive, and that based on the existing site an underground storage facility may be required to adequately address stormwater quantity control for the site.

**DISCUSSION**

Daniel Moorhouse, Solicitor for the Owner and President of Wannabe Radical Inc., Steve Hengsperger, appears before the Committee to discuss the Application. Daniel Moorhouse provides the Committee Members with an excerpt of the draft plan of subdivision which he advises will be helpful in describing the property in question, being Blocks 6 and 12. Mr. Moorhouse advises that the subject lands are east of Walker Road and north of North Talbot Road and north of Moynahan Street and are presently the subject of a proposed draft plan of subdivision that abuts Del Duca Drive. Mr. Moorhouse indicates that the signage has been posted in accordance with the *Planning Act* and that there are no conflicts with the Town's Zoning By-law or the Town's Official Plan. He further indicates that the lands may be subject to the Town's Site Plan Control process. In addition, Mr. Moorhouse also indicates that the lot addition severance was sought because of a timing issue with the plan of subdivision approval process. Upon an inquiry from the Chair, Mr. Moorhouse confirms that the parcel to be severed is the whole of Blocks 6 and 12, which is consistent with the dimensions outlined in question #11 of the Severance Application.

Chad Jeffery provides comments on the Application confirming that the property being severed are lands that are the subject of a proposed draft plan of subdivision for which a pre-consultation meeting with the Town's Engineer, himself, Brian Hillman, the Director Planning and Building Services, the County of Essex and ERCA has taken place. Chad Jeffery further indicates that the draft plan involves the creation of nine blocks, one of which is the proposed severed lot, fronting on the extension of Del Duca Drive.

Lori Chadwick confirms that Blocks 6 and 12 of the draft plan of subdivision is being severed and added to Part 2, 12-R3585 on Moynahan Street and questions whether it is possible to sever the lands in question at any time in the future. Chad Jeffery advises that the Site Plan Control should be structured in such a manner such that the lot can be reoriented towards Del Duca Drive should the need arise in the future. Chad Jeffery also informs the Committee that no public meetings have been scheduled for the draft plan of subdivision and in the absence of additional public input and/or the introduction of other pertinent issues, the Planning Department, at this time has no concerns regarding the subject application other than that the lands be subject to Site Plan Control as recommended by both ERCA and the Town's Engineer.

Tom Fuerth inquires from Administration that if the piece severed is added to the Moynahan Street property, is Blocks 6 and 12 then taken out of the plan of subdivision. Chad Jeffery advises that the plan of subdivision would be revised but that the development agreement could incorporated the abutting lands. Chad Jeffery advises that the proposed severance is consistent with the PPS, conforms to the County and the Sandwich South

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Official Plans and is in keeping with good planning principles. Chad Jeffery also informs the Committee that the retained parcel, which forms the lands of the proposed plan of subdivision, will not be adversely impacted by the proposed lot addition.

Motion: (CA-33/18) Moved by Lori Chadwick
Seconded by Lee Anne Doyle
**That Application B-10/18 is granted.**

Carried

**REASONS**
The Application is in keeping with the Official Plan policies for the Town of Tecumseh as well as Zoning By-law 85-18.

**CONDITIONS**

1. That at the time the conveyance is prepared for certification, two (2) copies of the reference plan by an Ontario Land Surveyor as well as digital files (.pdf and .dwg) with the .dwg files being in **NAD 83 format (UTM Zone 17 Metric),** which has been numbered, dated, signed and registered must be submitted to the Town;
2. That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year paid in full, as well as any and all arrears owing on the total parcel;
3. That the appropriate documents for the conveyance be prepared in triplicate (3) suitable for registration, all copies to have original signatures, with one copy to remain as a record with the Town;
4. That any cost in excess of the $575.00 non-refundable application fee, incurred to process this application such as legal and engineering fees, appraisal reports, etc. shall be the responsibility of the applicant and shall be payable to the Town of Tecumseh where applicable, prior to final consent;
5. That subsection 50(3) or 50(5), as the case may be, of the Planning Act, R.S.O. 1990, as amended shall apply to any subsequent conveyance of or transaction involving the parcel or land that is the subject of this consent;
6. That the proposed severed lot and the lot to which it is being added be made subject to site plan control; and
7. That the above conditions be fulfilled on or before July 17, 2019 prior to this severance being finalized.

**Application for Severance B-11/18 – Winnifred Porter, 312 Coronado Drive**

Interested parties present: Jamie Suthers, Agent and Son-in-Law for the Applicant

The purpose of the Application is to sever a 656 square metre (0.16 acre) parcel of residential land (outlined in red) and consolidate it with the abutting residential lot to the east, municipally known as 12735 Keith Avenue, creating a lot with an area of 1356 square metres (0.34 acres) and a frontage of 25.5 metres (83.7 feet). The proposed retained lot, municipally known as 312 Coronado Drive, has an area of 944 square metres (0.23 acres) (outlined in green) and a frontage of 22.9 metres (75.1 feet).

The proposed severed and retained parcels are designated Residential in the Tecumseh Official Plan and zoned Residential Zone 1 (R1) in the Tecumseh Zoning By-law.

Notice of hearing for the above submission was circulated to landowners within a radius of 60 metres (200 feet) of the subject property (a list of said owners is on file). Notice of Hearing with a sketch attached was sent to the Applicant, each Council Member, Clerk, Public Works and Engineering Department, Planning and Building Services, Fire Department, Agent and all required agencies and to each member of the Committee of Adjustment.

**CORRESPONDENCE**
ERCA: No objection.
County of Essex: No response.
MTO: No concerns.

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Town Engineer:

- That the parcel to be retained and the parcel to be severed are to be serviced with separate water supplies, storm and sanitary sewer systems to the satisfaction of the Town of Tecumseh Public Works and Water Divisions prior to this severance being finalized;
- The owner of 312 Coronado Drive (the parcel 'to be retained') to submit a site grading plan and details for how stormwater is being addressed to the satisfaction of the Chief Building Official prior to this severance being finalized. This is to ensure stormwater from the retained parcel will not rely on the parcel to be severed for its stormwater drainage.

**DISCUSSION**

Jamie Suthers, Agent and son-in-law of the Applicant appears before the Committee to discuss the Application. Lee Anne Doyle questions Mr. Suthers with respect to question #11 on the Application as it indicates that a deck is on the lands to be severed. Mr. Suthers explains that the lands to be severed has a number of 70-year old trees on it and that he and his wife have been maintaining the lands for a number of years. Tom Marentette questions the comments raised by the Town Engineer requiring that separate services for each property be included in the conditions for the lot addition. Chad Jeffery comments indicating that he too had similar thoughts therefore, he questioned the Town Engineer and was informed that the Town Engineer wanted to ensure that the service connections for the retained lands did not cross over the lot line to the severed lands. It is noted that a site grading plan and details for how stormwater is being addressed to the satisfaction of the Chief Building Official is also required prior to the severance being finalized to ensure that stormwater from the retained parcel will not rely on the parcel to be severed for its stormwater drainage.

Motion: (CA-34/18) Moved by Tony Muscedere
Seconded by Tom Marentette

**That Application B-11/18 is granted.**

Carried

**REASONS**

The Application is in keeping with the Official Plan policies for the Town of Tecumseh as well as Zoning By-law 1746.

**CONDITIONS**

1. That at the time the conveyance is prepared for certification, two (2) copies of the reference plan by an Ontario Land Surveyor as well as digital files (.pdf and .dwg) with the .dwg files being in **NAD 83 format (UTM Zone 17 Metric),** which has been numbered, dated, signed and registered must be submitted to the Town;
2. That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year paid in full, as well as any and all arrears owing on the total parcel;
3. That the appropriate documents for the conveyance be prepared in triplicate (3) suitable for registration, all copies to have original signatures, with one copy to remain as a record with the Town;
4. That any cost in excess of the $575.00 non-refundable application fee, incurred to process this application such as legal and engineering fees, appraisal reports, etc. shall be the responsibility of the applicant and shall be payable to the Town of Tecumseh where applicable, prior to final consent;
5. That the parcel to be retained and the parcel to be severed are to be serviced with separate water supplies, storm and sanitary sewer systems to the satisfaction of the Town of Tecumseh Public Works and Water Departments prior to this severance being finalized;
6. That subsection 50(3) or 50(5), as the case may be, of the Planning Act, R.S.O. 1990, as amended shall apply to any subsequent conveyance of or transaction involving the parcel or land that is the subject of this consent;
7. That a lot grading and drainage plan be approved by the Town's Chief Building Official and that the works necessary to implement said plan be completed to the satisfaction of the Town's Chief Building Official prior to the severance being finalized; and
8. That the above conditions be fulfilled on or before July 17, 2019 prior to this severance being finalized.

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**Application for Severance B-12/18 – Craig Gemus, 6930 8th Concession**

Interested parties present: Craig Gemus, Applicant

The purpose of the Application is to request consent to sever a surplus dwelling lot having a frontage of 116 metres (380.6 feet), a depth of 126 metres (413.4 feet) and a lot area of 1.46 hectares (3.6 acres) (outlined in red). The severed lands contain a house, a man-made landscape pond and an accessory building. The proposed retained lot will have a frontage of 64 m (210 feet), an irregular depth and a total area of 18.03 hectares (44.55 acres) (outlined in green).

The lands are designated Agricultural in the Sandwich South Official Plan and zoned Agricultural (A) in the Sandwich South Zoning By-law. See attached sketch.

Notice of hearing for the above submission was circulated to landowners within a radius of 60 metres (200 feet) of the subject property (a list of said owners is on file). Notice of Hearing with a sketch attached was sent to the Applicant, each Council Member, Clerk, Public Works and Engineering Department, Planning and Building Services, Fire Department and all required agencies and to each member of the Committee of Adjustment.

**CORRESPONDENCE**
ERCA: No objection.
County of Essex: No response.
MTO: No concerns.
Town Engineer:

- That the Owners enter into, and provide the Town of Tecumseh, a written agreement for the reapportionment of the drainage assessment for the subject lands, in accordance with Section 65(2) of the Ontario Drainage Act, RSO. 1990, as amended and that the associated costs of same be borne solely by the Applicant.

**DISCUSSION**

Craig Gemus appears before the Committee to discuss the Application. Craig Gemus advises the Committee that he is selling his livestock operation and has moved to Colchester therefore, the dwelling is no longer needed. Lee Anne Doyle questions the fact that Item #23 and 25 on the Severance Application does not indicate that a minor variance is to be applied for and granted for the over-sized dwelling lot. Chad Jeffery indicates that the oversized dwelling lot and the undersized farm lot as well as the minimum lot frontage of the retained lands will be address through the rezoning of the property to prohibit a dwelling from being constructed on the retained lot which is to be included as a condition of the severance. Chad Jeffery informs the Committee that the oversized residential lot is a result of the man-made land feature (pond) on the subject lands in addition to the accessory building. It is noted that the proposed severance is consistent with the PPS, conforms to the County Official Plan and the Sandwich South Official Plan and is in keeping with good planning principles and that the subject lands are not being transferred to a spouse or family member or a Corporation that the Applicant is a part of. Lori Chadwick inquires as to whether or not there are separate driveways for the farmlands and for the dwelling lot. Administration informs the Committee that an entrance provision is not required as the entrance to the severed lands and the entrance to the retained lands exist to the satisfaction of the Town's Public Works Department.

Motion: (CA-35/18) Moved by Paul Morand
Seconded by Lee Anne Doyle
**That Application B-12/18 is granted.**

Carried

**REASONS**
The Application is in keeping with the Official Plan policies for the Town of Tecumseh as well as Zoning By-law 85-18.

**CONDITIONS**

1. That at the time the conveyance is prepared for certification, two (2) copies of the reference plan by an Ontario Land Surveyor as well as digital files (.pdf and .dwg) with the .dwg files being in **NAD 83 format (UTM Zone 17 Metric),** which has been numbered, dated, signed and registered must be submitted to the Town;

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2. That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year paid in full, as well as any and all arrears owing on the total parcel;
3. That the appropriate documents for the conveyance be prepared in triplicate (3) suitable for registration, all copies to have original signatures, with one copy to remain as a record with the Town;
4. That any cost in excess of the $575.00 non-refundable application fee, incurred to process this application such as legal and engineering fees, appraisal reports, etc. shall be the responsibility of the applicant and shall be payable to the Town of Tecumseh where applicable, prior to final consent;
5. That subsection 50(3) or 50(5), as the case may be, of the *Planning Act*, R.S.O. 1990, as amended, shall apply to any subsequent conveyance of or transaction involving the parcel or land that is the subject of this consent.
6. That the Owners enter into, and provide the Town of Tecumseh, a written agreement for the reapportionment of the drainage assessment for the subject lands, in accordance with Section 65(2) of the *Ontario Drainage Act*, R.S.O. 1990, as amended, and that the associated costs of same be borne solely by the Applicant. Apportionments for affected Municipal Drains are required and are to be assessed against the lands affected in accordance with any past, current or future drainage by-laws, until otherwise determined under the provisions of the *Drainage Act*;
7. That the retained parcel be rezoned to prohibit a dwelling unit and to address the deficient farm lot frontage and that the severed parcel be rezoned to address the oversized lot area; and
8. That the above conditions be fulfilled on or before July 17, 2019 prior to this severance being finalized.

**Application for Minor Variance A-13/18 – James and Christine LeBel, 578 St. Pierre Street**

Interested parties present: Jamie LeBel, Applicant

The purpose of the Application is to request relief from Subsection 5.25.1 d) i) of Zoning By-law 1746 which establishes that accessory buildings in residential zones shall not exceed 10 percent of total lot area or 90.0 square metres (968.75 square feet) in area, whichever is lesser, and no individual accessory building or structure shall exceed 70.0 square metres (753.0 square feet) in area. The Applicant is requesting relief to permit the addition of a 16.35 square metre (176 square foot) overhang to an accessory building currently under construction resulting in the individual accessory building being 85.84 metres (924 square feet) and a total area of all accessory buildings of 93.27 square metres (1004 square feet).

The subject property is designated Residential in the Tecumseh Official Plan and zoned Residential Zone 2 (R2) in the Tecumseh Zoning By-law.

Notice of hearing for the above submission was circulated to landowners within a radius of 60 metres (200 feet) of the subject property (a list of said owners is on file). Notice of Hearing with a sketch attached was sent to the Applicant, each Council Member, Clerk, Public Works and Engineering Department, Planning and Building Services, Fire Department and all required agencies and to each member of the Committee of Adjustment.

**CORRESPONDENCE**
ERCA: No objection.
County of Essex: No response.
MTO: No concerns.
Town Engineer:

- The owner to provide details of how the site will drain stormwater to the satisfaction of the Chief Building Official, specifically the current detached garage under construction as well as the proposed overhang, to ensure there are no adverse effects to the neighbouring property (12362 Clapp).

Residents at 601 William Street, 12351 Clapp Street, 12330 Clapp Street, 569 St. Pierre Street, 572 St. Pierre Street, 566 St. Pierre Street, 12374 Clapp Street, 12368 Clapp Street and 602 William Street have no objection to the proposed minor variance.

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**DISCUSSION**

Jamie LeBel appears before the Committee to discuss the Application. Tom Marentette inquires as to the reasoning behind constructing a covered overhang on the garage and was it an after-thought as construction has already commenced. Jamie LeBel advises that when he submitted the drawings for the building permit, he was advised that the overhang required a minor variance as it is was over the maximum square footage for an accessory building as outlined in the zoning by-law. Therefore, a permit for the garage without the overhang was issued in order that construction could commence on the garage. In the interim, he applied for the minor variance and if granted, he would proceed with constructing the overhang. Tom Fuerth inquires as to the purpose of the overhang. Jamie LeBel indicates that the overhang is for protection from the elements for the overhead garage door. Upon an inquiry, the Applicant advises that he will apply for a curb cut/driveway off Clapp Street and that the current vinyl shed on the property will stay on the property.

Motion: (CA-36/18) Moved by Tom Marentette
Seconded by Jim Mackie

**That Application A-13/18 is granted, subject to a drainage plan and a lot-grading plan being approved by the Building Department.**

Carried

**REASONS**

The Application meets the four tests of a minor variance in that it is desirable for the appropriate development or use of the land, building or structure, the general intent and purpose of the Official Plan and Zoning by-law is maintained and the variance is minor in nature.

**Application for Minor Variance A-14/18 – Michael and Wendy Pollard, 1449 Poisson Street**

Interested parties present: Dan Pare, Diamond Home Improvement, Agent for Michael and Wendy Pollard, Applicant

The purpose of the Application is to request relief from Subsection 7.3.22 e) of Zoning By-law 1746, which establishes a maximum total lot coverage of 40 percent. The Applicant is proposing to construct a 10.68 square metre (115 square foot) sunroom resulting in total lot coverage of 45 percent.

The subject property is designated Residential in the Tecumseh Official Plan and zoned Residential Zone 2 (R2-22) in the Tecumseh Zoning By-law.

Notice of hearing for the above submission was circulated to landowners within a radius of 60 metres (200 feet) of the subject property (a list of said owners is on file). Notice of Hearing with a sketch attached was sent to the Applicant, each Council Member, Clerk, Public Works and Engineering Department, Planning and Building Services, Fire Department, Agent and all required agencies and to each member of the Committee of Adjustment.

**CORRESPONDENCE**

ERCA: No objection.
County of Essex: No response.
MTO: No concerns.
Town Engineer:

- The owner to submit a site-grading plan and details for how stormwater is being addressed to the satisfaction of the Chief Building Official.

**DISCUSSION**

Dan Pare, Diamond Home Improvement, appears before the Committee to discuss the Application. The Committee questions Administration as to why and how the lot coverage was calculated when the dwelling was built as it would appear, based on the site plan that the lot coverage was over the 40 percent at that time. Administration indicates that they were unable able to find any information as to how lot coverage was calculate for the dwelling when it was built.

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Lori Chadwick indicates that the minor variance is in keeping with the Town's Official Plan and Zoning By-law, there will be minimal impact on surrounding landowners, it is in keeping with surrounding properties and there is no undue harm that will affect the neighbours and for these reasons, is supportive of the application.

Motion: (CA-37/18) Moved by Lori Chadwick
Seconded by Paul Morand
**That Application A-14/18 is granted, subject to a lot grading and drainage plan being approved by the Building Department.**

Carried

**REASONS**
The Application meets the four tests of a minor variance in that it is desirable for the appropriate development or use of the land, building or structure, the general intent and purpose of the Official Plan and Zoning by-law is maintained and the variance is minor in nature.

**Application for Severance B-13/18 – Lori Mastellotto, 12401 St. Thomas Street**

Interested parties present: Bonnie Mastellotto, Agent for the Applicant

The purpose of the Application is to request consent to sever a vacant residential lot having a frontage of 17.2 metres (56.5 feet), a depth of 34.75 metres (114 feet) and a lot area of 598.4 square metres (6441.1 square feet) (outlined in red). The proposed retained lot, containing an existing dwelling, will have a frontage of 18.75 metres (61.5 feet), a depth of 34.75 metres (114 feet) and a total area of 651.3 square metres (7010.5 square feet) (outlined in green). Application for Minor Variance A-15/18 is being heard concurrently with this Application to address the undersized severed parcel.

The lands are designated Residential in the Tecumseh Official Plan and zoned Residential Zone 2 (R2) in the Tecumseh Zoning By-law. See attached sketch.

Notice of hearing for the above submission was circulated to landowners within a radius of 60 metres (200 feet) of the subject property (a list of said owners is on file). Notice of Hearing with a sketch attached was sent to the Applicant, each Council Member, Clerk, Public Works and Engineering Department, Planning and Building Services, Fire Department, Agent and all required agencies and to each member of the Committee of Adjustment.

**CORRESPONDENCE**
ERCA: No objection.
County of Essex: No response.
MTO: No concerns.
Town Engineer:

- That the parcel to be retained and the parcel to be severed are to be serviced with separate water supplies, storm and sanitary sewer systems to the satisfaction of the Town of Tecumseh Public Works and Water Divisions prior to this severance being finalized;
- The owner of 12401 St Thomas Street (the parcel 'to be retained') is to submit a site grading plan and details for how stormwater is being addressed to the satisfaction of the Chief Building Official prior to this severance being finalized. This is to ensure stormwater from the retained parcel will not rely on the parcel to be severed for its stormwater drainage.

**Application for Minor Variance A-15/18 – Lori Mastellotto, 12401 St. Thomas Street**

Interested parties present: Bonnie Mastellotto, Agent for the Applicant

The purpose of the Application is to request relief from the following subsections of Zoning By-law 1746:

1. Subsection 7.1.3. a) which establishes a minimum lot area for a single-unit detached dwelling is 650 square metres (6996.54 square feet). As a result of Severance Application B-13/18, which is being heard concurrently with this Application, the severed lot will have an approximate area of 598 square metres (6441 square feet); and

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2. Subsection 7.1.5 establishes a maximum total lot coverage of 30 percent. The Applicant is proposing to construct a 719 square metre (2358.5 square foot) residential dwelling resulting in total lot coverage of 36.6 percent.

The subject property is designated Residential in the Tecumseh Official Plan and zoned Residential Zone 2 (R2) in the Tecumseh Zoning By-law. See sketch attached.

Notice of hearing for the above submission was circulated to landowners within a radius of 60 metres (200 feet) of the subject property (a list of said owners is on file). Notice of Hearing with a sketch attached was sent to the Applicant, each Council Member, Clerk, Public Works and Engineering Department, Planning and Building Services, Fire Department, Agent and all required agencies and to each member of the Committee of Adjustment.

**CORRESPONDENCE**

ERCA: No objection.
County of Essex: No response.
MTO: No concerns.
Town Engineer:

- The owner of the new parcel severed from 12401 St Thomas Street shall submit a site-grading plan and details for how stormwater is being addressed to the satisfaction of the Chief Building Official prior to the severance being finalized.

**DISCUSSION**

Bonnie Mastellotto, Agent and sister of the Applicant appears before the Committee to discuss the Applications. Administration informs the Committee that a revised notice was mail to land owners within a 60 metre (200) foot radius of the property as a typo was identified on the sketch with regards to the address of the subject lands therefore, the notice was corrected and re-mailed. The Chair questions Administration with respect to the reissuance of the notice being within the prescribed time-frame and is advised that the remailing should not cause concern as the property owners within the prescribed area were given notice of the severance and that the notice did not change what was being requested by the Applicants as it was only the labelling of the property on the sketch that was incorrect. Paul Morand questions the Applicant as to the proximity of the oversized house and how it will fit on the lands as there are a number of mature trees on the property. The Applicant advises that the tree on the east side of the property may have to come down however the tree on the west side will remain. The Applicant also advises that the driveway will be located on the easterly portion of the property. Lee Anne Doyle inquires as to the necessity of the minor variance and why the Applicant is not able to meet the zoning by-law requirements. That Applicant advises that this is their final home, it is a ranch style home and the hallways and the doorways are oversized for accessibility purposes, which eats up more of the square footage of the home. The Chair notes that the lot is an infill lot and that the Town is encouraging the development of these types of lots. Lee Anne Doyle advises she is in favour of the Applications and notes that the standard conditions should apply to the severance and that a condition regarding lot grading as well as a drainage plan be approved by the Town's Chief Building Official as a condition with respect to the minor variance application should apply.

Motion: (CA-38/18) Moved by Lee Anne Doyle
Seconded by Paul Morand

**That Application B-13/18 is granted and that Application A-15/18 is granted, subject to a lot grading and drainage plan being approved by the Town's Chief Building Official.**

Carried

**REASONS**

The Application is in keeping with the Official Plan policies for the Town of Tecumseh as well as Zoning By-law 1746.

The Application meets the four tests of a minor variance in that it is desirable for the appropriate development or use of the land, building or structure, the general intent and purpose of the Official Plan and Zoning by-law is maintained and the variance is minor in nature.

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**CONDITIONS**

1. That at the time the conveyance is prepared for certification, two (2) copies of the reference plan by an Ontario Land Surveyor as well as digital files (.pdf and .dwg) with the .dwg files being in **NAD 83 format (UTM Zone 17 Metric),** which has been numbered, dated, signed and registered must be submitted to the Town;
2. That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year paid in full, as well as any and all arrears owing on the total parcel;
3. That the appropriate documents for the conveyance be prepared in triplicate (3) suitable for registration, all copies to have original signatures, with one copy to remain as a record with the Town;
4. That any cost in excess of the $575.00 non-refundable application fee, incurred to process this application such as legal and engineering fees, appraisal reports, etc. shall be the responsibility of the applicant and shall be payable to the Town of Tecumseh where applicable, prior to final consent;
5. The owner of 12401 St. Thomas Street (the parcel "to be retained") submit a lot grading and drainage plan to be approved by the Town's Chief Building Official and that the works necessary to implement said plan be completed to the satisfaction of the Town's Chief Building Official prior to the severance being finalized;
6. That the parcel to be retained and the parcel to be severed are to be serviced with separate water supplies, storm and sanitary sewer systems to the satisfaction of the Town of Tecumseh Public Works and Water Departments prior to this severance being finalized;
7. That at the time the conveyance is presented for certification an amount equal to five percent (5%) cash in lieu of parkland, based on the market value of the land being conveyed the day immediately prior to the approval in principal having been granted, to be paid to the Town of Tecumseh (established at $750.00);
8. That the Applicant apply for and be granted a minor variance providing relief from subsection 7.1.3 a) of Zoning By-law 1746 to address the undersized lot area; and
9. That the above conditions be fulfilled on or before July 17, 2019 prior to this severance being finalized.

**Application for Minor Variance A-16/18 – Eco-Developments 2016 Inc., 5815 Outer Drive**

Interested parties present: Terry Aldea, President & Owner Eco-Developments 2016 Inc.

The purpose of the application is to obtain relief from Subsection 14.1.5 of Zoning By-law 85-18, which establishes a maximum lot coverage of 40 percent in an industrial zone. The Applicant proposes to construct a 7037.41 square metre (75,750 square foot) industrial building resulting in 48 percent lot coverage.

The property is designated Business Park in the Sandwich South Official Plan and zoned Industrial (M1-24) in the Sandwich South Zoning By-law. See sketch attached.

Notice of hearing for the above submission was circulated to landowners within a radius of 60 metres (200 feet) of the subject property (a list of said owners is on file). Notice of Hearing with a sketch attached was sent to the Applicant, each Council Member, Clerk, Public Works and Engineering Department, Planning and Building Services, Fire Department and all required agencies and to each member of the Committee of Adjustment.

**CORRESPONDENCE**

ERCA: Recommend that the municipality ensure that the release rate for this development is controlled to the capacity available in the existing storm sewers/drains. In addition, that stormwater quality and stormwater quantity are addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual prepared by the Ministry of the Environment (MMOE, March 2000 and any other Municipal requirements (e.g. Development Standards Manual). The downstream receiving watercourse has not had floodplain modelling completed on it. ERCA further recommends that the stormwater management analysis be completed to the satisfaction of the Municipality. ERCA does not require further consultation on this matter with respect to stormwater management unless an outlet to the Burke Drain is required. A copy of the Notice of Decision is requested.
County of Essex: No response.

DRAFT

Town Engineer:

- The owner should be made aware that site service drawings and a detailed stormwater management report (addressing quantity and quality to the satisfaction of the Town's Engineer) needs to be submitted as part of the Building Permit application, which will then be reviewed/approved by the Town Engineer prior to issuance of the Building Permit.
- The stormwater management facility will require approval from the Ministry of Environment and Climate Change (MOECC) under Section 53 of the Ontario Water Resources Act.
- The site's allowable release rate will be based on the capacity of the receiver (the Burke Drain). The owner is advised that based on the existing site and the proposed development, that an underground storage facility and a pumped outlet will most likely be required to adequately address stormwater quantity control for the site.
- The owner should be made aware that the MTO took control of Outer Drive (from Outer Drive Connector to the end of the cul-de-sac) as part of the Herb Gray Parkway Project, and has not yet given it back to the Town.

**DISCUSSION**

Terry Aldea, President and Owner of Eco-Developments 2016 Inc., appears before the Committee to discuss the Application. Terry Aldea indicates that he is aware of the concerns/comments raised by the Town's Engineer and is currently working with the Town and the Ministry of Transportation regarding setbacks in addition to the stormwater management requirements of ERCA. The Committee is informed that a portion of the structure will be demolished and a portion of the structure will remain as it has "good bones". The Applicant also advises that he has selected this particular site as it is in close proximity to the Oldcastle Business Park, the newly proposed hospital site and the 401. Terry Aldea informs the Committee that the type of businesses/tenants that he is proposing to fill the plaza are light industrial supply shops such as "Fastenal" which require a limited number of parking and unloading space.

Lori Chadwick questions Administration with respect to the surrounding land uses and the parking requirements required in the zoning by-law and is informed that there is no surrounding land issues as it is a dead end street and that the parking proposed in the application was reviewed by planning staff and is in keeping with the zoning by-law. The Applicant advises that there is a typo on the site plan with respect to the parking being noted for a "retail convenience store". Administration speaks to the Application by informing the Committee that 40 percent lot coverage in an industrial area is to ensure that a sense of open space is maintained and to ensure that properties are left with sufficient land for parking, loading space, outside storage, etc.

Upon an inquiry from the Chair, Chad Jeffery indicates that the property was rezoned to M-24 a number of years back to accommodate a marijuana facility that never materialized.

Motion: (CA-39/18) Moved by Lori Chadwick
Seconded by Lee Anne Doyle

**That Application A-16/18 is granted, subject to the Owner providing site service drawings and a detailed stormwater management report addressing quantity and quality to the satisfaction of the Town's Engineer and Chief Building Official and any requirement of the Ministry of Transportation.**

Carried

**REASONS**

The Application meets the four tests of a minor variance in that it is desirable for the appropriate development or use of the land, building or structure, the general intent and purpose of the Official Plan and Zoning by-law is maintained and the variance is minor in nature.

**VI DEFERRALS**

**VII NEW BUSINESS**

DRAFT

## VIII UNFINISHED BUSINESS

**LPAT**

Discussion ensues regarding the need to submit a planning report to the Committee Members containing sufficient information to assist the Committee Members without prejudicing the outcome of the decision of the Committee. Chad Jeffery indicates that the report provides comments as an overview as it pertains to the Town's Official Plan, Provincial Policy Statement, the County Official Plan and the applicable Town Zoning By-law. Chad Jeffery also points out the difficulties in preparing the report particularly without receiving comments from the agencies within a specified deadline in order that the comments can be incorporated into the report. Chad Jeffery suggests that the deadline may have to be backed-up a couple of days but indicates that Administration will work out any timing issues and advises that improvements can be made with respect to the report as the process develops.

Lee Anne Doyle concurs with outline/format of the report prepared by Chad Jeffery, Manager Planning Services, dated July 16, 2018, indicating that the report is in keeping with best practices of LPAT. Lee Anne Doyle also advises that the report will be beneficial to the Committee Members.

**Committee of Adjustment Appointments**

Appointments are typically advertised in mid-September as the deadline for submission is October 31, 2018, which is in accordance with Town policy. Advertising will be posted in the local newspaper and on the Town's media sites including the webpage, Facebook and Twitter.

## IX ADJOURNMENT

Motion: (CA-40/18) Moved by Paul Morand
Seconded by Jim Mackie

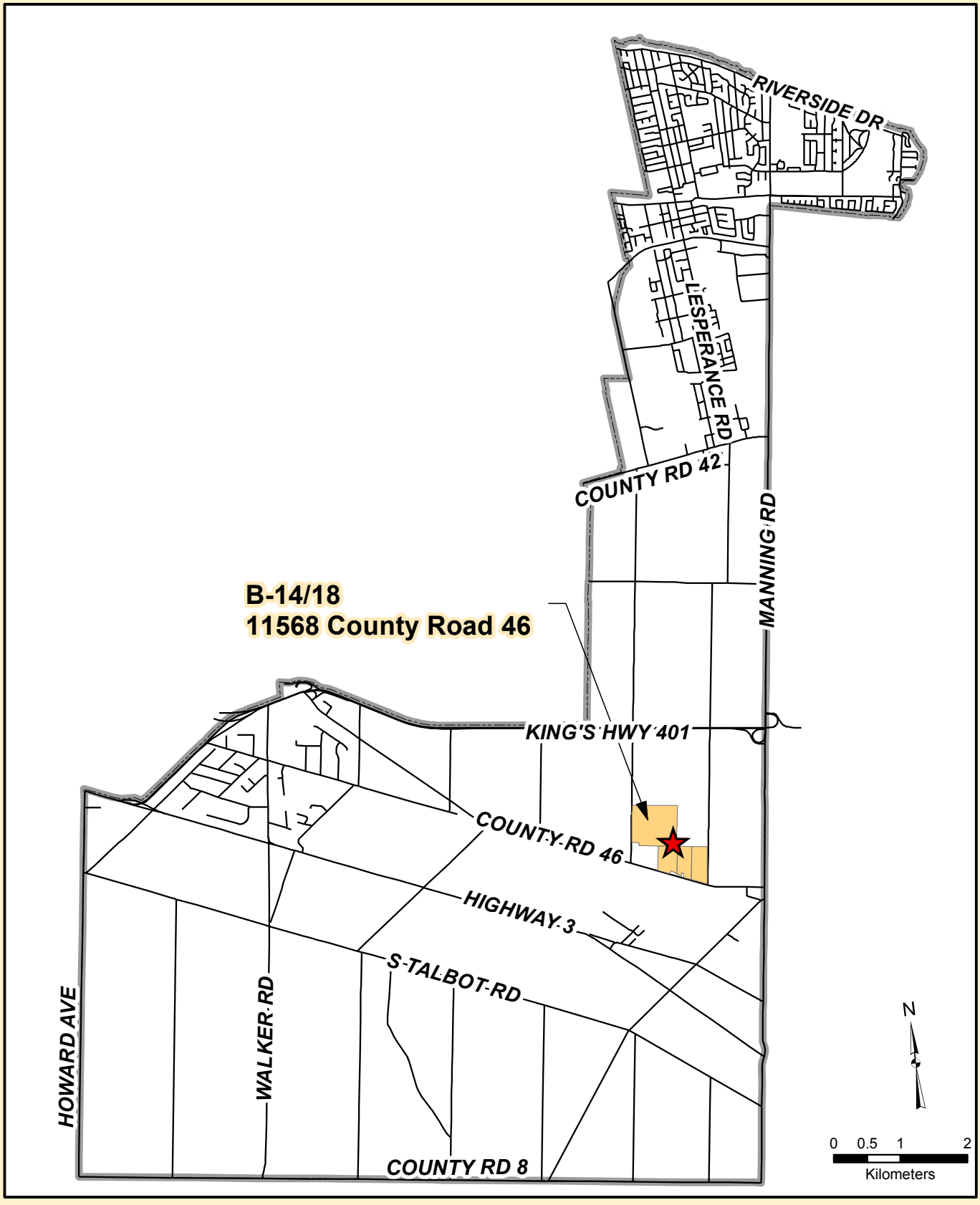
**That there being no further business the July 16th, 2018 regular meeting of the Committee of Adjustment now adjourn at 6:35 p.m.**

Carried

Tom Fuerth, Chairperson

Donna Ferris, Secretary-Treasurer

DRAFT




Prepared By:
Tecumseh Planning and
Building Department

**Subject Properties**

**August 20, 2018**
Committee of
Adjustment Meeting
**Key Map**

**Town of Tecumseh**
**Committee of Adjustment**
**Regular Meeting**
**Monday, August 20, 2018**
**5:00 p.m.**
**Tecumseh Town Hall**

# AGENDA

## I CALL TO ORDER

## II ROLL CALL

## III DISCLOSURE OF PECUNIARY INTEREST

## IV MINUTES

1. Minutes of the regular Committee of Adjustment meeting dated Monday, July 16, 2018.

## V SUBMISSIONS

5:00 p.m.
**Severance Application B-14/18 – Wesley and Maureen O'Neil, 11568 County Road 46**

The purpose of the Application is to sever a parcel of vacant farmland, having a frontage of approximately 437 metres (1435 feet), an irregular depth and an approximate total lot area of 22 hectares (59 acres) outlined in red on the sketch attached. The Applicant proposes to retain a parcel of land, containing two existing dwellings, a barn and a pump house, having an approximate frontage of 191 metres (626 feet), an irregular depth and an approximate total lot area of 51 hectares (127 acres) outlined in green on the sketch attached. The current land holding was once four separate agricultural lots but inadvertently merged due to common ownership.

The lands are designated Agricultural in the Sandwich South Official Plan and zoned Agricultural (A) in the Sandwich South Zoning By-law. See attached sketch.

## VI DEFERRALS

## VII NEW BUSINESS

## VIII OLD BUSINESS

## IX ADJOURNMENT

B-14/18
Wesley and Maureen O'Neil

**NOTICE OF PUBLIC HEARING**
**OF APPLICATION FOR SEVERANCE**

TOWN OF TECUMSEH COMMITTEE OF ADJUSTMENT

*Applicant:* **Wesley and Maureen O'Neil**

*Location of Property:* **11568 County Road 46**

*Purpose of Application:* **Severance**

**The purpose of the Application is to sever a parcel of vacant farmland, having a frontage of approximately 437 metres (1435 feet), an irregular depth and an approximate total lot area of 22 hectares (59 acres) outlined in red on the sketch attached. The Applicant proposes to retain a parcel of land, containing two existing dwellings, a barn and a pump house, having an approximate frontage of 191 metres (626 feet), an irregular depth and an approximate total lot area of 51 hectares (127 acres) outlined in green on the sketch attached. The current land holding was once four separate agricultural lots but inadvertently merged due to common ownership. The lands are designated Agricultural in the Sandwich South Official Plan and zoned Agricultural (A) in the Sandwich South Zoning By-law. See attached sketch.**

TAKE NOTICE that an application under the above file number will be heard by the Committee on the date, time and place shown below:

**TOWN OF TECUMSEH MUNICIPAL BLDG.**
**917 LESPERANCE**
**TECUMSEH, ONTARIO**
**ON**

**Monday, the 20th day of August, 2018 at 5:00 p.m.**

**PUBLIC HEARING**

You are entitled to attend this public hearing in person to express your views about this application or you may be represented by counsel for that purpose. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are requested to inform that person of this hearing. If you wish to make written comments on this application they may be forwarded to the Secretary-Treasurer of the Committee at the Town of Tecumseh, 917 Lesperance Road, Tecumseh, Ontario N8N 1W9.

**FAILURE TO ATTEND HEARING**

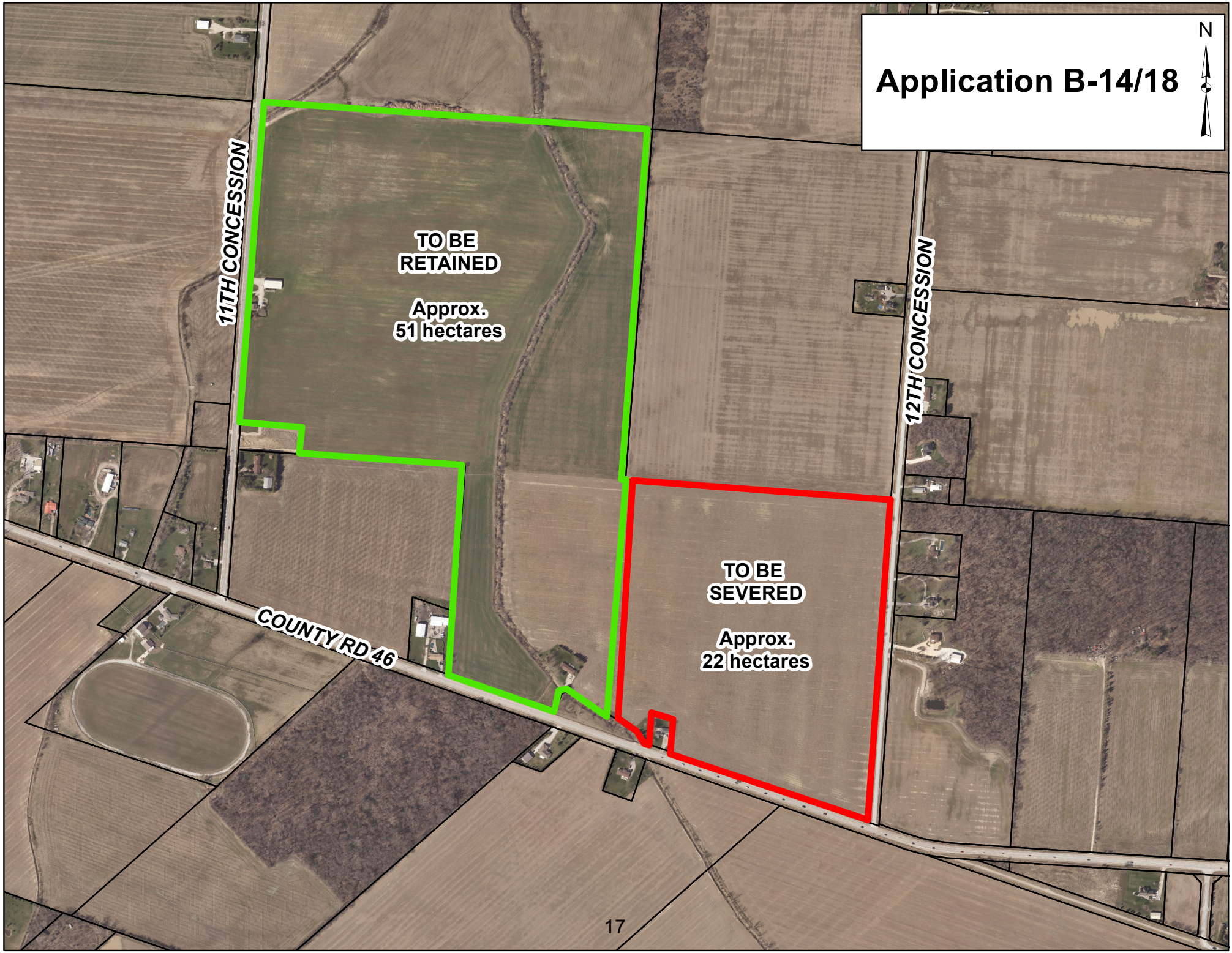
If you do not attend at the hearing it may proceed in your absence (including possible amendments to the original request) and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

**NOTICE OF DECISION**

If you wish to be notified of the decision of the Town of Tecumseh Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal Hearing. Even if you are the successful party, you should request a copy of the decision since the Town of Tecumseh Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the Applicant or another member of the public. To appeal the decision to the Local Planning Appeal Tribunal, send a letter to the Secretary-Treasurer outlining the reasons for appeal. You must enclose the appeal fee of $300.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

_____
Donna Ferris
Secretary-Treasurer
Town of Tecumseh Committee of Adjustment

Dated this 3rd day of August, 2018


Application B-14/18
N
TO BE
RETAINED
Approx.
51 hectares
TO BE
SEVERED
Approx.
22 hectares
11TH CONCESSION
12TH CONCESSION
COUNTY RD 46
17