

**Committee of Adjustment Meeting**  
**AGENDA**

Monday, April 16, 2018, 5:00 pm  
Tecumseh Town Hall  
[www.tecumseh.ca](http://www.tecumseh.ca)

	<b>Pages</b>
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, March 19, 2018.	2 - 12
5. Submissions	
a. Agenda Cover	13 - 13
b. Agenda	14 - 14
c. Application for Severance B-08/18 - Rosemary Jobin & Francis John Lafferty, 11079 Talbot Road (County Road 34)	15 - 16
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 March 19, 2018 at the Municipal Building, 917 Lesperance Road, Tecumseh, Ontario at 5:00 p.m.

**I CALL TO ORDER**

The Vice-Chairperson calls the meeting to order at 5:05 p.m.

**II ROLL CALL**

<b>PRESENT:</b>	Vice-Chairperson:	Paul Morand
	Members:	Lori Chadwick
		Lee Anne Doyle
		Jim Mackie
		Tom Marentette (5:25 p.m.)
	Manager, Planning	Chad Jeffery
	Secretary-Treasurer	Donna Ferris

**ABSENT:** Tom Fuerth and Tony Muscedere

**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, February 26, 2018.

Motion: (CA-12/18) Moved by Lee Anne Doyle  
Seconded by Jim Mackie

**That the Minutes of the regular Committee of Adjustment meeting held Monday, February 26, 2018 be adopted, as amended, printed and circulated.**

Carried

**V SUBMISSIONS**

The following submissions were heard:

**Application for Severance B-05/18 – Dana Kazimiera Giedriuna, 814 Lacasse Boulevard**

Interested parties present: Dana Kazimiera Giedriuna

The purpose of the Application is to request consent to sever a residential lot (containing an accessory building to be demolished) having a frontage of 15.24 metres (50 feet), a depth of 100.04 metres (328.2 feet) and a lot area of 1524.5 square metres (0.38 acres) (outlined in red). The proposed retained lot, containing an existing dwelling, will have a frontage of 19.18 metres (62.92 feet), a depth of 100.04 metres (328.2 feet) and a total area of 1918.45 square metres (0.47 acres) (outlined in green).

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 and all required agencies and to each member of the Committee of Adjustment.

**CORRESPONDENCE**

ERCA: No objection.

County of Essex: No response.

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 Departments prior to this severance being finalized.

**DISCUSSION**

Dana Kazimiera Guidruna appears before the Committee to discuss the Application. Ms. Giedriuna inquires as to whether or not the potential purchaser would be able to keep the existing garage on the severed parcel. Chad Jeffery responds indicating that keeping the existing garage is problematic as it would be a condition of finalizing the severance as the accessory structure/garage is required to be demolished. Chad Jeffery further states that the structure is an accessory use to the main use of the property being residential and as there is no residence the accessory structure becomes the main use which is not permitted in the zoning by-law. Chad Jeffery questions whether or not there is sufficient space to construct a dwelling in front of the accessory structure. As the Applicant is desirous of retaining the existing structure, Chad Jeffery advises that a condition of the severance will be to have the structure demolished, removed or relocated however, suggests that she speak with the Building Department to see if any alternative arrangements can be made.

Lori Chadwich inquires as to whether or not the side yard width is sufficient on the retained lot and is informed by Chad Jeffery that the side yard width is 4 feet for a single storey and 6 feet for a two-storey home.

Lee Anne Doyle advises that as the Application complies with the Official Plan, infill lots are encouraged in accordance with the Provincial Policy Statement, there are no zoning by-law infractions, the development is in character with the area, she is supportive of the Application. Lee Anne Doyle also indicates that in addition to the standard conditions, a condition for separate services be imposed as outlined by the Town Engineer and further, that a condition be imposed to ensure that the accessory structure/garage is demolished/removed or that the perspective purchaser consult with the Building Department for alternative action.

Motion: (CA-13/18) Moved by Lee Anne Doyle  
Seconded by Lori Chadwick

**That Application B-05/18 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 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);
7. That the existing accessory structure/garage on the severed lands be demolished or removed from the property; and
8. That the above conditions be fulfilled on or before March 20, 2019 prior to this severance being finalized.

**Application for Severance B-06/18 – 538073 Ontario Inc., 5500 Sexton Sideroad**

Interested parties present: Kevin McCarthy, Agent for the Applicant  
Richard McCarthy, Applicant

The purpose of the Application is to sever a surplus dwelling lot with a frontage of 80.19 metres (263.1 feet), an irregular depth and a total lot area of 0.4 hectares (1.0 acre) and to retain a parcel with a frontage of 260.18 metres (853.6 feet), an irregular depth and a total area of 19.4 hectares (48 acres) containing a farm structure. In accordance with the Provincial Policy Statement, the retained farm parcel will require a rezoning to prohibit the construction of a residential dwelling.

The property is designated Agricultural in the Sandwich South Official Plan and zoned Agricultural (A) 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: No objection.

County of Essex: No response.

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**

Kevin McCarthy appears before the Committee with his Uncle, Richard McCarthy (an owner of 538073 Ontario Inc.) to discuss the Application. Lori Chadwick inquires as to the process or procedure regarding imposing a condition for the retained lands to be rezoned to prohibit a dwelling. Chad Jeffery indicates that the rezoning is required under the Provincial Policy Statement to prohibit a residential dwelling and is required prior to final consent. Chad Jeffery also states that the rezoning will also have to prohibit a livestock facility to operate from the existing farm building as the existing farm building does not meet MDS (Minimum Distance Standards). Lori Chadwick confirms that the rezoning is required to ensure the protection of the retained farm lands.

Lori Chadwick inquires as to the location of the driveway to the farm building and if it's part of the retained lands. Kevin McCarthy advises that there are two accesses to the retained lands, one to the south of the severed lands and one to the north of the severed lands.

Lee Anne Doyle inquires as to Kevin McCarthy's relationship to the Applicant. Kevin McCarthy advises that he is the son of one of the owners of 538073 Ontario Inc. and the nephew to Richard McCarthy, an owner as well. Lee Anne Doyle notes that the retained lands is 48 acres containing a farm structure and inquires as to the use of farm building and will the use change once the severance is finalized. Kevin McCarthy confirms that the farm building is used for the storage of farm equipment only and that the farm building does not contain any livestock nor does he have any intention of having livestock in the existing farm building.

**That Application B-06/18 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 the parcel to be retained be successfully rezoned to prohibit a residential dwelling and to prohibit a livestock facility to operate from the existing farm building prior to final 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 parcel to be retained and the parcel to be severed be serviced with separate entrances to the satisfaction of the Town's Engineer; and
8. That the above conditions be fulfilled on or before March 20, 2019 prior to this severance being finalized.

**Application for Minor Variance A-05/18 – Michael Abaldo and Marlise Taylor, 5384 Oldcastle Road**

Interested parties present: Michael Abaldo

The purpose of the Application is to request relief from Subsection 5.27.1 d) i) of Zoning By-law 85-18 which establishes that accessory buildings in residential zones shall not exceed 10 percent of total lot area or 90.0 square metres (969.0 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 an 18.58 square metre (200 square foot) overhang to the existing accessory building resulting in the individual accessory building being 137.5 metres (1480 square feet) and a total area of accessory buildings of 193.24 square metres (2080 square feet). Minor Variance A-15/17, which requested relief for the construction of a 118.91 square metre (1280 square foot) accessory building resulting in a total area of accessory buildings of 174.66 square metres (1880 square feet), was granted on May 15, 2017.

The subject property is designated Hamlet Residential in the Sandwich South Official Plan and zoned Hamlet Residential (RH) 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 and all required agencies and to each member of the Committee of Adjustment.

**CORRESPONDENCE**

ERCA: No objection.

County of Essex: No response.

**DISCUSSION**

Michael Abaldo appears before the Committee to discuss the Application. Paul Morand points out that the lean-to has already been constructed. Michael Abaldo advises that there was a misunderstanding from the first minor variance sought in that he did not think that the covered overhang was considered as part of the square footage of the structure. Lee Anne Doyle indicates that the overhang is attractive but having been at the meeting for the initial Minor Variance Application was quite surprised by the fact that the overhang had been already constructed and questioned the Applicant as to whether or not a permit had been obtained. The Applicant advises that a permit has been applied for but is currently on hold pending the outcome of the Application this evening. Lori Chadwick advises that she was not present for the previous Minor Variance Application but questions the Applicant as to the use of the structure and is informed that the structure is not used for living space but rather for the storage of his classic cars and for personal use only. Lori Chadwick requests clarification as to whether or not the overhang was included or not included in the previous Minor Variance Application and is informed that it was not included. Lee Anne Doyle questions as to what transpired to bring this matter forward. The Applicant advises that it was a misunderstanding not realizing that the previous minor variance was for the enclosed portion of the structure and didn't realize that the overhang required relief as well. Once again, he apologizes for the misunderstanding. Lori Chadwick advises that although there was a miscommunication, she feels that the development is appropriate for the neighbourhood, that the yard is a beautiful estate lot and that the variance is minor in nature.

Motion: (CA-15/18) Moved by Lori Chadwick  
Seconded by Tom Marentette

**That Application A-05/18 is granted.**

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-06/18 – SCWI Enterprises Inc., 5265 Burke Street**

Interested parties present: Buck Sleiman, Agent for the Applicant

The purpose of the Application is to obtain relief from Subsection 14.1.8 of Zoning By-law 85-18 which establishes a minimum front yard depth of 12.0 metres (39.4 feet).

The Applicant proposes to construct a 13.7 metre (45 foot) long loading dock addition to an existing industrial shop resulting in a 4.37 metre (14.36 foot) front yard depth.

The property is designated Business Park in the Sandwich South Official Plan and zoned Industrial (M1) 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, Agent and all required agencies and to each member of the Committee of Adjustment.

**CORRESPONDENCE**

ERCA: No objection but recommends that a stormwater management analysis be completed to the satisfaction of the Town.

County of Essex: No response.

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 (storm sewers on Burke Street). The owner is advised that the release rates are very restrictive, and that based on the existing site and the proposed works, that an underground storage facility may be required to adequately address stormwater quantity control for the site.

**DISCUSSION**

Buck Sleiman, Agent for the Applicant appears before the Committee to discuss the Application. Jim Mackie inquires as to distance from the front of the ramp to the fire hydrant. Based on the online mapping system, Chad Jeffery informs the Committee that the approximate distance is fifteen (15) feet. Lee Anne Doyle indicates that upon the site visit, she noticed that the lot was quite large but there were trailers and pallets being stored on the lot and inquires as to the hardship the Applicant has in complying with the Zoning By-law and whether or not there were any other options sought. Buck Sleiman advises that the loading dock is to be constructed in the front as a result of the overhead door being located at the front of the building. Buck Sleiman further advises that currently trucks are being back up along the road way and with the installation of the loading dock, the trucks will be able to be unloaded with a fork lift which is quicker and more efficient. Lee Anne Doyle states that it is helpful to understand the extent of the hardship the Applicant is facing. The Committee raises concern regarding sight lines and safety factors regarding truck traffic on the roadway. Buck Sleiman indicates that there is currently congestion on the roadway and the construction of the loading dock will alleviate trucks having to park on the road. Lori Chadwick inquires as to whether or not the property is subject to Site Plan Control and is advised that Site Plan Control does not apply to the subject lands. Lee Anne Doyle is supportive of the Application as it meets the four tests of a minor variance, appropriate development of the lands as it meets the character of the area, that the adjacent property owners did not provide any negative comments and there doesn't appear to be any adverse impact. Lee Anne Doyle also states that the minor variance is to be subject to the three conditions outline by the Town Engineer.

Motion: (CA-16/18) Moved by Lee Anne Doyle  
Seconded by Lori Chadwick

**That Application A-06/18 is granted, subject to the following:**

- a) The owner is to provide site service drawings and a detailed stormwater management report (addressing quantity and quality to the satisfaction of the Town's Engineer) which is 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;**
- b) 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; and**
- c) The site's allowable release rate will be based on the capacity of the receiver (storm sewers on Burke Street). As the release rates are very restrictive and based on the existing site and the proposed works, an underground storage facility may be required to adequately address stormwater quantity control for the site.**

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-07/18 – Irene Hewitt, 1681 & 1677 Shawnee Road**

Interested parties present: Sam Atkin, Student-at-Law, McTague Law Firm

The purpose of the Application is to sever a parcel of land, containing a residential dwelling and an accessory building, having a frontage of 25.91 metres (85 feet), a depth of 80.47 metres (264 feet) and a total lot area of 2063.91 square metres (0.51 acres) depicted as Part 3 on the sketch attached.

The Applicant proposes to retain a parcel of land, containing a dwelling and a garage, having a frontage of 24.38 metres (80 feet), a depth of 80.47 metres (264 feet) and a total lot area of 1942.5 square metres (0.48 acres) depicted as Parts 1 & 2 on the sketch attached. The parcels were once separate but inadvertently merged due to common ownership.

The subject property is designated Residential in the Sandwich South Official Plan and zoned Residential Zone 1 (R1) 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 and all required agencies and to each member of the Committee of Adjustment.

**CORRESPONDENCE**

ERCA: No objection.

County of Essex: No response.

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.
- 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.

**DISCUSSION**

Sam Atkin, Student-at-Law, McTague Law Firm, Agent for the Applicant appears before the Committee to discuss the Application. Sam Atkin confirms the frontage of the lands to be severed under Part 3 has a frontage of 85 feet and the retained lands identified as Part 1 and 2 has a frontage 80 feet. Paul Morand requests confirmation that the setbacks for the garage on the retained lands is in compliance with the Zoning By-law which is confirmed by Administration. Lori Chadwick indicates that as the lots were once separate, does each lot have separate services. Sam Atkin informs the Committee that there is sanitary sewers for each parcel but is not sure as to storm and water services. Lori Chadwick indicates that both the lot to be severed and the lot to be retained are to have separate water services, sewer and storm services in addition to the standard conditions that apply to severance applications.

Motion: (CA-17/18) Moved by Lori Chadwick  
Seconded by Jim Mackie

**That Application B-07/18 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 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*;
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; and
7. That the above conditions be fulfilled on or before March 20, 2019 prior to this severance being finalized

**Application for Minor Variance A-07/18 – Sang Nguyen, 12264 Oliver Drive**

Interested parties present: Sang Nguyen

The purpose of the Application is to request relief from Subsection 7.1.5 of Zoning By-law 1746 which establishes a maximum total lot coverage of 30 percent.

The Applicant is proposing to construct a 28.34 square metre (305 square foot) covered porch resulting in total lot coverage of 33 percent. The subject property was also the subject of Variance Application A-12/16, granted on May 16, 2016, to permit a 1.2 metre (4 foot) westerly interior side yard.

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.

**DISCUSSION**

Sang Nguyen appears before the Committee to discuss the Application. Tom Marentette requests the Applicant to describe the covered porch including the elevation and whether or not the covered porch is attached to the house. The Applicant advises that he has a copy of the drawings with him this evening that were completed by an architect and provides the members with a copy.

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Lee Anne Doyle indicates that the lot coverage in accordance with the By-law is 30 percent and that the Applicant is requesting 33 percent lot coverage and wonders what the finished covered porch will look like and whether or not it will be enclosed. The Applicant advises that the covered porch will be open. The drawings of the open covered porch are shown on the overhead projector for the members. Lori Chadwick advises that as she was not present at the meeting for the granting of Minor Variance Application A-12/16, for a 4-foot westerly interior side yard and requests the Applicant to advise the purpose of Minor Variance Application A-12/16. The Applicant advises that he was not the owner at the time of the previous minor variance application and that the application was made by Valente. Administration advises that the four-foot side yard was granted to accommodate a two storey home. Upon an inquiry from Lee Anne Doyle, the Applicant advises that he purchased the property on March 5, 2018.

The new owners at 12258 Oliver Drive request information pertaining to the first minor variance which permitted the four-foot westerly interior side yard. Administration advises that the minor variance runs with the lands and applies to the property regardless of the ownership and that the minor variance was requested to permit a two story dwelling on the west side of the subject lot. Tom Marentette indicates that the home is attractive and quite suitable for the area. Tom Marentette also indicates that he is supportive of the application on the condition that it not be enclosed at a later date to which the Applicant would have to come back to the Committee for additional relief.

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

**That Application A-07/18 is granted, subject to the open covered porch not being enclosed.**

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-08/18 – 2389134 Ontario Limited, 12219 Riverside Drive East**

The Application is withdrawn as Minor Variance A-30/01 for 12219-12221 Riverside Drive approving relief from Section 11.1.9 a) to permit a canopy over the fuel pump islands with a setback of 0.3 metres (1 foot) from the front lot line was previously granted on November 19, 2001.

## VI DEFERRALS

## Application for Minor Variance A-04/18 – Kimberly Cushing, 321 Barry Avenue

Interested parties present: Shaun Cushing

The purpose of the Application is to request relief from Subsection 6.1.5 of Zoning By-law 1746 which establishes a maximum total lot coverage of 30 percent.

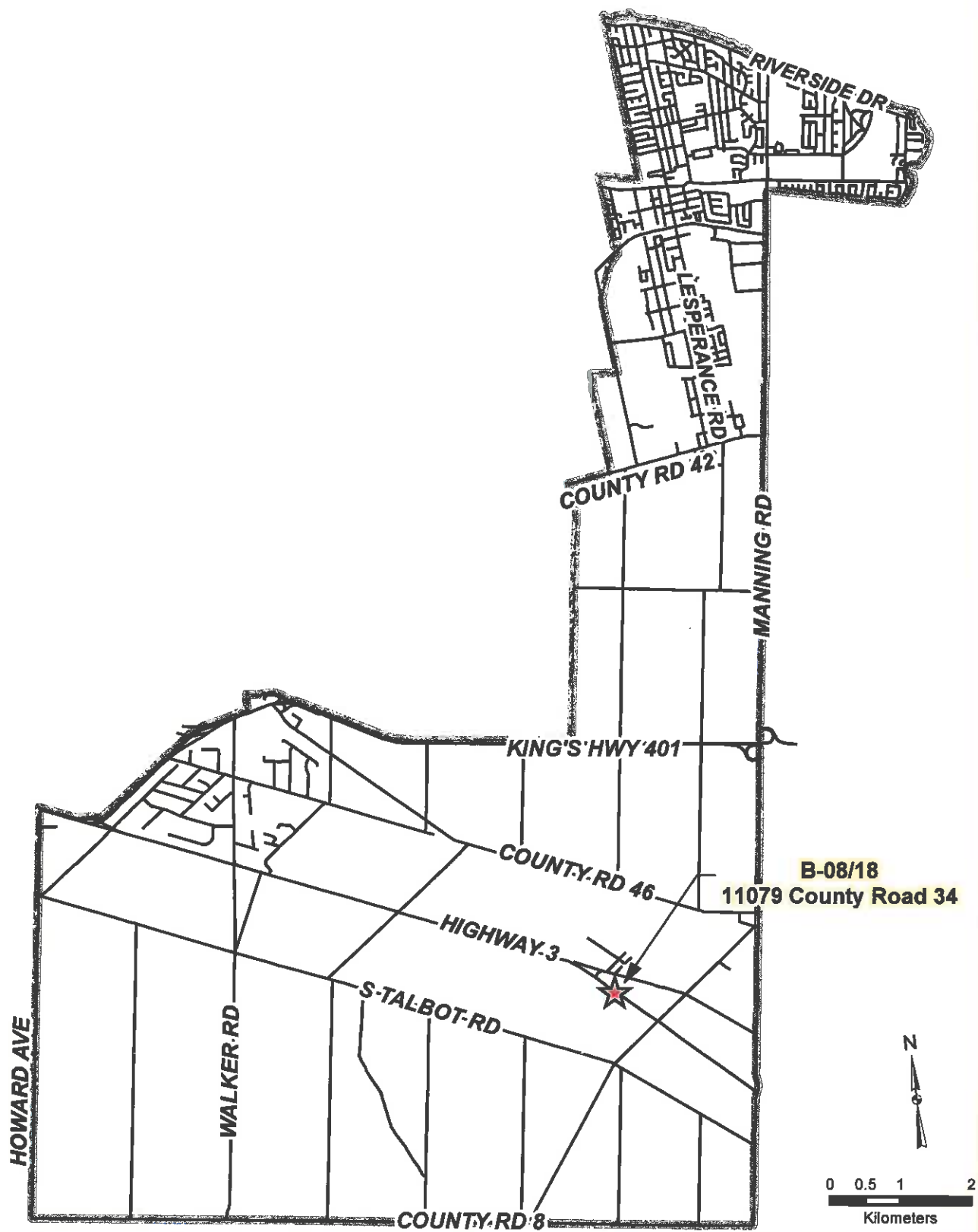
The Applicant is proposing to construct a 202.9 square metre (2184 square foot) residential dwelling resulting in total lot coverage of 34.94 percent. This Application was originally heard on February 26, 2018 requesting lot coverage of 40 percent. The matter was deferred to allow the Applicant an opportunity to revise the plans to reduce the lot coverage.

The subject property is designated Residential in the Tecumseh Official Plan and zoned Residential Zone 1 (R1) 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.







Prepared By:  
Tecumseh Planning and  
Building Department



**Subject Properties**

**April 16, 2018**  
**Committee of**  
**Adjustment Meeting**  
**Key Map**

**Town of Tecumseh  
Committee of Adjustment  
Regular Meeting  
Monday, April 16, 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, March 19, 2018.

**V SUBMISSIONS**

5:00 p.m.

**Severance Application B-08/18 – Rosemary Jobin & Francis John Lafferty, 11079 Talbot Road (County Road 34)**

The purpose of the Application is to request consent to sever an approximate 0.32 ha (0.8 acre) parcel of land occupied by a residential dwelling and accessory structures (11079 County Road 34) (outlined in red on attached sketch) and to retain an approximate 10.5 ha (26.1 acre) parcel (outlined in green on attached sketch).

Both the proposed severed and retained lots are designated "Maidstone Hamlet Residential" in the Sandwich South Official Plan and zoned "Agricultural Zone (A)" in the Sandwich South Zoning By-law 85-18. As a condition of consent, the proposed retained lot will require a Zoning By-law Amendment to permit a lot area that does not meet the minimum of 19 ha, as established in the "Agricultural Zone (A)". In addition, in accordance with subsection 3.14.2 v) of the Sandwich South Official Plan, as part of the required Zoning By-law Amendment, the retained lot will have a "Holding (H)" symbol placed on it to prevent a dwelling from being constructed on it.

**VI DEFERRALS**

**VII NEW BUSINESS**

**VIII OLD BUSINESS**

**IX ADJOURNMENT**

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

**TOWN OF TECUMSEH COMMITTEE OF ADJUSTMENT**

*Applicant:*     **Rosemary Jobin & Francis John Lafferty**

*Location of Property:*     **11079 Talbot Road (County Road 34)  
(former Township of Sandwich South)**

*Purpose of Application:*     **Severance**

**is to request consent to sever an approximate 0.32 ha (0.8 ac) parcel of land occupied by a residential dwelling and accessory structures (11079 County Road 34) (outlined in red on attached sketch) and to retain an approximate 10.5 ha (26.1 ac) parcel (outlined in green on attached sketch). Both the proposed severed and retained lots are designated "Maidstone Hamlet Residential" in the Sandwich South Official Plan and zoned "Agricultural Zone (A)" in the Sandwich South Zoning By-law 85-18. As a condition of consent, the proposed retained lot will require a Zoning By-law Amendment to permit a lot area that does not meet the minimum of 19 ha, as established in the "Agricultural Zone (A)". In addition, in accordance with subsection 3.14.2 v) of the Sandwich South Official Plan, as part of the required Zoning By-law Amendment, the retained lot will have a "Holding (H)" symbol placed on it to prevent a dwelling from being constructed on it.**

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 16th day of April, 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 Ontario Municipal Board 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 Ontario Municipal Board by the Applicant or another member of the public. To appeal the decision to the Ontario Municipal Board, 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.

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Donna Ferris  
Secretary-Treasurer  
Town of Tecumseh Committee of Adjustment

Dated this 29th day of March, 2018



