

Committee of Adjustment Meeting
AGENDA

Monday, May 14, 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, April 16, 2018 2 - 5
5. **Submissions**
 - a. Agenda Cover 6 - 6
 - b. Agenda 7 - 7
 - c. Minor Variance Application A-09/18 - Mamatas Real Estate Holdings, 3920 North Talbot Road 8 - 9
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, April 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 5:05 p.m.

II ROLL CALL

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

ABSENT: Lori Chadwick

III DISCLOSURE OF PECUNIARY INTEREST

There is no disclosure of interest made.

IV MINUTES

- Minutes of the regular Committee of Adjustment meeting held Monday, March 19, 2018.

Motion: (CA-21/18) Moved by Lee Anne Doyle
Seconded by Jim Mackie

That the Minutes of the regular Committee of Adjustment meeting held Monday, March 19, 2018 be adopted, as printed and circulated.

Carried

V SUBMISSIONS

The following submissions were heard:

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

Interested parties present: Brian Chillman, Solicitor

The purpose of the Application 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.

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: Compliance with County By-law 2481 & 2480 is required, an Entrance Permit is required and a copy of the decision is requested.

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 parcels to be severed are to be serviced with separate driveway accesses to the satisfaction of the Town of Tecumseh Engineering Services Division prior to this severance being finalized. That the Owners submit a "Notice of Request for Drain Improvement (Drainage Act, R.S.O. 1990, c. D.17, subs. 78(1))" to begin the process for the installation of an access culvert over the Municipal Drain.
- That the Owners obtain an access permit from the County of Essex for the proposed access onto County Road 34.

Norman D. Sweet, Highway 3 (property to the west of the subject lands): Requests a copy of the decision.

DISCUSSION

Brian Chillman, Solicitor, advises that he is appearing before the Committee to represent the owners of the subject lands. Brian Chillman acknowledges the details of the Application, which is outlined for the Committee. Brian Chillman goes on to advise the Committee that the proposed access to the retained lands is to the west as demonstrated on the sketch that was included in the Notice of Hearing. Mr. Chillman also advises that the current tenants have entered into an agreement of purchase and sale with the Applicants with respect to the severed lands however; they are requesting that the barn, which is to be removed, be included in the severed lands. Brian Chillman indicates that although the lands are within the concept plan of the Maidstone Hamlet Secondary Plan and the structure on the retained lands is to be demolished, the land is not being used for farming purposes therefore, the Applicants are indifferent as to whether or not the barn is permitted to stay either with the retained lands or included with the severed lands.

Chad Jeffery indicates that the Town policies that speaks to this Application, permits the severance of the property because of the property being within the concept plan for the Maidstone Hamlet Secondary Plan. Chad Jeffery further states that should the barn remain, it would undermine the concept plan for the development of the Maidstone Hamlet. Chad Jeffery further indicates that the property lines for the severed lands have been configured in such a manner to be in keeping with the Official Plan map that was established through the Maidstone Hamlet Secondary Plan process. Chad Jeffery indicates that the Maidstone Hamlet Secondary Plan involved extensive public consultation and a background study.

Denise Hayes, the tenant at 11079 County Road 34, wishes to address the Committee. Ms. Hayes advises that they currently use the back barn for housing chickens, ducks, turkeys and for storage and would like to continue using the barn and requests that it be included in the severed lands and that the barn not be demolished. Denise Hayes indicates that as the other out building on the property was used for automotive purposes, she has concerns with there being oil and/or gasoline in the soil.

Lee Anne Doyle states that it is important to understand the concept plan that was established for the Maidstone Hamlet Secondary Plan noting that the barn on the retained lands is to be removed. Lee Anne Doyle further states that there are two other out buildings on the severed lands. Tom Fuerth notes that the problem with having a large structure remain with residential lots is the fact that they are often used in the future as automobile repair facilities, which is an illegal use.

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Tom Marentette inquiries about the timeframe in which to have the livestock moved in order to have the barn demolished. Brian Chillman indicates that if the approval of the severance is to be a conditional upon the barn being demolished, the tenants would be permitted to use the barn to house livestock until such time as the severance is finalized. Alternatively, if the barn is permitted to be included with the severed lands, then the livestock would remain in the barn. Tom Fuerth notes that the Application that was circulated to residents was based upon the barn being removed. Should the Applicants wish to go back and recirculate the Notice of Hearing based upon the barn not being removed, it would depend upon how urgently the Applicants are wanting to proceed with the severance. Administration points out that if the barn was to remain, then MDS (Minimum Distance Standards) would come into play and the residential housing development would not meet the guidelines established.

Nick Rosic of 11080 County Road 34 inquires as to the timeframe established for the subdivision to be developed. Tom Fuerth indicates that the plan has no timeframe. Administration concurs indicating that at this time is it unknown as servicing and development plans have not come forward for the subject lands. Nick Rosic inquires as to whether or not the subdivision can be prevented. Brian Chillman notes that the proposed severance is a separate matter and does not prevent the development of lands. Tom Fuerth advises that the integrity of the plan is to be protected as previously noted and that a public consultation process was undertaken by the Town and that the residents of the Maidstone Hamlet were desirous of ensuring that the Maidstone Hamlet Secondary Plan be included in the Official Plan.

Administration indicates that it's necessary for the retained lands to be rezoned Holding (H) to prevent a residential dwelling from being constructed as it would compromise the Maidstone Hamlet Secondary Plan. The rezoning would also address the undersized farm parcel.

Lee Anne Doyle is supportive of the Application subject to the rezoning to Holding as indicated by Administration to protect to unique Maidstone Hamlet designation and for the undersized farm lot. Lee Anne Doyle further indicates that ERCA has no concerns, there is no negative feedback from the circulation of the Notice of Hearing and that the comments provided by the Town Engineer including the Apportionment Agreement and driveway access as well as the County's comments regarding driveway access can be addressed by imposing conditions to the severance. Lee Anne Doyle further notes that in order to safeguard future development of the Maidstone Hamlet Secondary Plan, the barn on the retained lands is to be demolished. Lee Anne Doyle also notes that a condition of the severance would be to ensure that the severed parcel is serviced with a septic system to the satisfaction of the Town of Tecumseh Building Department prior to this severance being finalized.

Upon an inquiry from Brian Chillman, Chad Jeffery advises that Applicant will be responsible for apply for the rezoning of the retained lands.

Motion: (CA-22/18) Moved by Lee Anne Doyle
Seconded by Paul Morand

That Application B-08/18 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 farm outbuilding on the retained parcel be removed;
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 parcels to be severed are to be serviced with separate driveway accesses to the satisfaction of the Town of Tecumseh Engineering Services Division prior to the severance being finalized by means of submitting a "Notice of Request for Drain Improvement (Drainage Act, R.S.O. 1990, c, D.17, subs. 78(1))" to begin the process for the installation of an access culvert over the Municipal Drain;
8. That the Owners obtain an access permit from the County of Essex for the proposed access onto County Road 34;
9. That the retained parcel be rezoned to prohibit a dwelling unit and to address the undersized farm lot area;
10. That the severed parcel be serviced with a septic system to the satisfaction of the Town of Tecumseh Building Department prior to this severance being finalized; and
11. That the above conditions be fulfilled on or before April 17, 2019 prior to this severance being finalized.

VI DEFERRALS

VII NEW BUSINESS

OACA Conference

The Committee Members are requested to review the draft registration form for the OACA Conference and provide Administration with any amendments that may be required.

OMB Legislation

Discussion ensues with the Members regarding the changes made regarding the enacting of Bill 139, Building Better Communities and Conserving Watersheds Act, 2017 and note that the impact of the Bill is minimal with respect to Committees of Adjustment.

VIII UNFINISHED BUSINESS

IX ADJOURNMENT

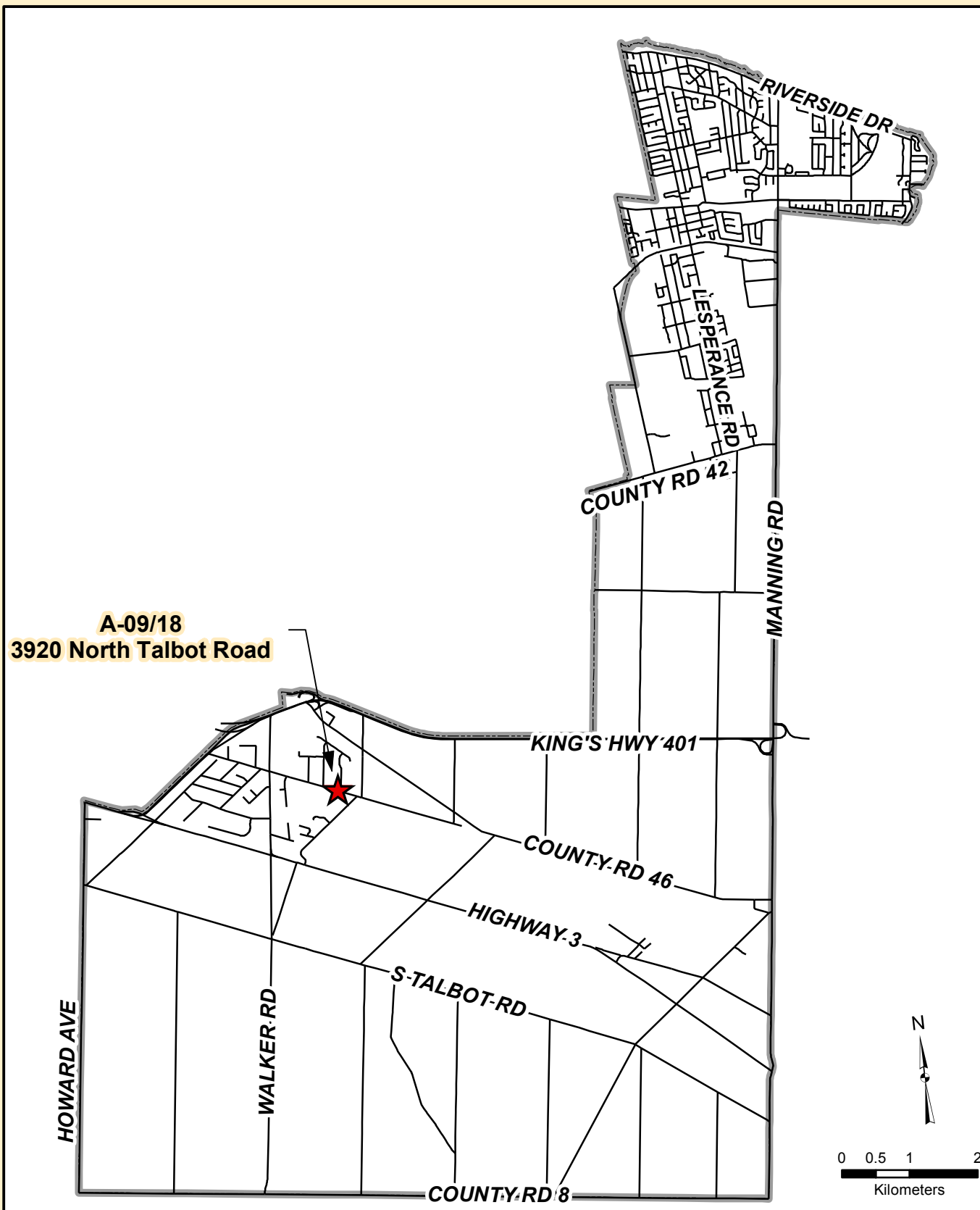
Motion: (CA-23/18) Moved by Jim Mackie
Seconded by Lee Anne Doyle

That there being no further business the April 16, 2018 regular meeting of the Committee of Adjustment now adjourn at 5:50 p.m.

Carried

Tom Fuerth, Chairperson

Donna Ferris, Secretary-Treasurer



Prepared By:
Tecumseh Planning and
Building Department



Subject Properties

May 14, 2018
Committee of
Adjustment Meeting
Key Map

**Town of Tecumseh
Committee of Adjustment
Regular Meeting
Monday, May 14, 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, April 16, 2018.

V SUBMISSIONS

5:00 p.m.

Minor Variance Application A-09/18 – Mamatas Real Estate Holdings, 3920 North Talbot Road

The purpose of the application is to obtain relief from Subsection 14.1.9 a) of Zoning By-law 85-18 which establishes a minimum side yard width of 15.0 metres (49.21 feet) where the side yard fronts on a street opposite an institutional zone. The Applicant proposes to construct a 916.3 square metre (9862.5 square foot) addition to an existing industrial shop resulting in a 14.3 metre (46.91 foot) side yard depth.

The lands are also the subject matter of Severance Applications B-01/18 & B-02/18 that were approved by the Committee of Adjustment on January 22, 2018 that have yet to be finalized.

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.

VI DEFERRALS

VII NEW BUSINESS

VIII OLD BUSINESS

IX ADJOURNMENT

**NOTICE OF PUBLIC HEARING
OF APPLICATION FOR MINOR VARIANCE**
TOWN OF TECUMSEH COMMITTEE OF ADJUSTMENT

Applicant: **Mamatas Real Estate Holdings**

Location of Property: **3920 North Talbot Road
(former Township of Sandwich South)**

Purpose of Application: **Minor Variance**

The purpose of the application is to obtain relief from Subsection 14.1.9 a) of Zoning By-law 85-18 which establishes a minimum side yard width of 15.0 metres (49.21 feet) where the side yard fronts on a street opposite an institutional zone. The Applicant proposes to construct a 916.3 square metre (9862.5 square foot) addition to an existing industrial shop resulting in a 14.3 metre (46.91 foot) side yard depth. The lands are also the subject matter of Severance Applications B-01/18 & B-02/18 that were approved by the Committee of Adjustment on January 22, 2018 that have yet to be finalized. 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.

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 14th day of May, 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

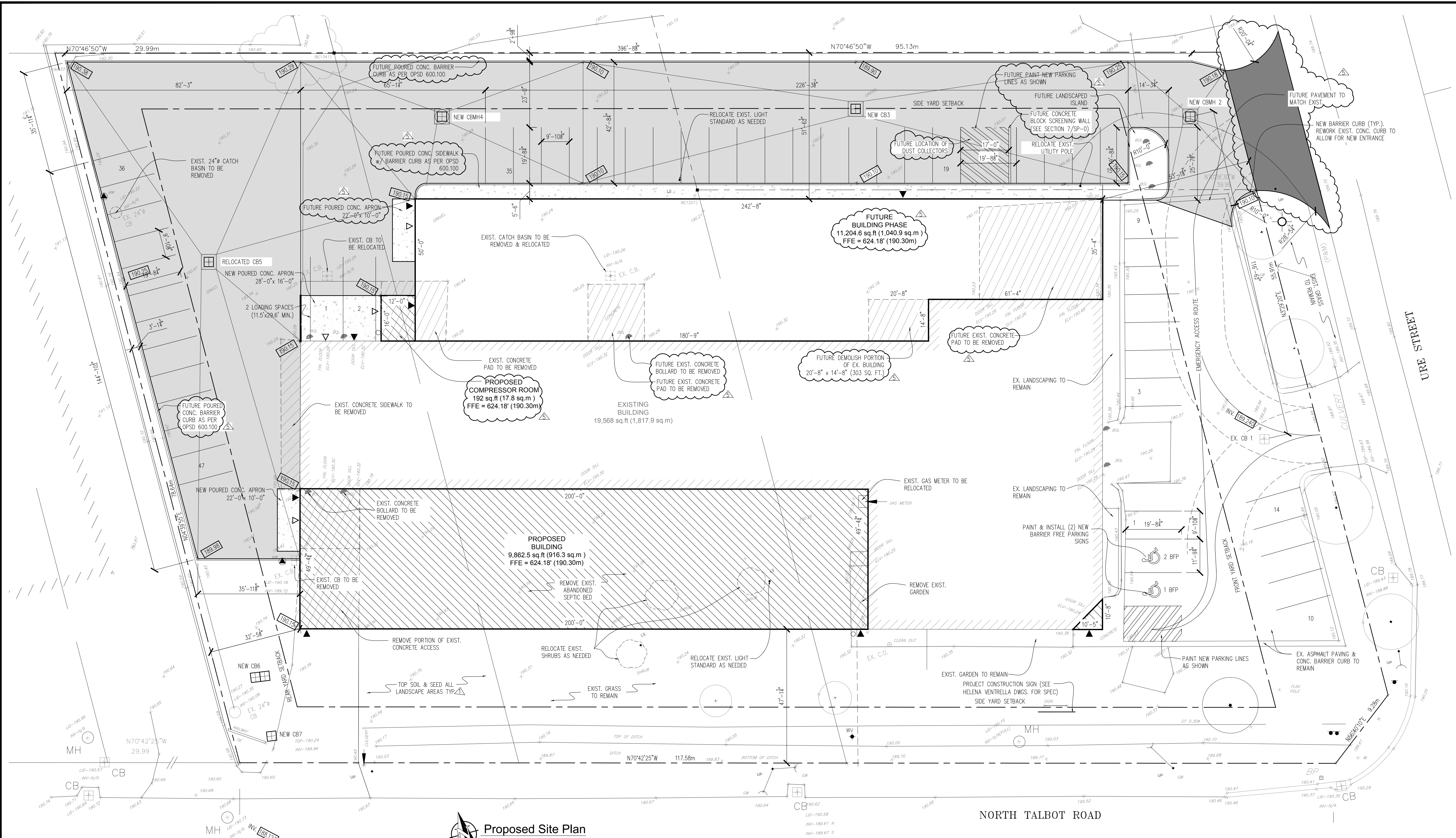
If you do not attend at the hearing it may proceed in your absence (including possible amendments to the original request) and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

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.

Dated this 2nd day of May, 2018

Donna Ferris
Secretary-Treasurer
Town of Tecumseh Committee of Adjustment



| STATISTICS | | |
|--------------------------|-----------------|-----------------------------------|
| ITEM | QUANTITY | ZONING BYLAW OR CODE RESTRICTIONS |
| ZONING | M1 | |
| BUILDING CLASS | F3 | O.B.C. 3.2.2.82 |
| SITE AREA | 102,360 SQ. FT. | |
| EXISTING BUILDING AREA | 19,866 SQ.FT. | |
| DEMOLISHED AREA (FUTURE) | 313 SQ.FT. | |
| ADDITION AREA | 10,054 SQ.FT. | |
| ADDITION AREA (FUTURE) | 11,260 SQ.FT. | |
| TOTAL BUILDING AREA | 40,872 SQ.FT. | |

| PAVED/ASPHALT SURFACES | 1,107 SQ.FT. (NEW) | 25,689 SQ.FT. (FUTURE) |
|----------------------------------|-------------------------------|------------------------|
| SITE COVERAGE (INCL. FUTURE) | 40.00% | 40.0% MAX. |
| LANDSCAPED AREA (INCL. FUTURE) | 24.8% (25,405 SQ.FT.) | 10% MIN. |
| FRONT YARD SET BACK | 53'-2" (VARIES) | 39.4' ZONING MIN. |
| SIDE YARD SETBACK (INCL. FUTURE) | 51'-6 1/2" (N) 47'-1 1/2" (S) | 19.68' ZONING MIN. |
| REAR YARD SETBACK | 32'-5" (VARIES) | 24.6' ZONING MIN. |
| BUILDING HEIGHT | 24'-0" | 34.4' ZONING MIN. |
| PARKING | 35 NEW SPACES | 47 TOTAL SPACES |
| LOADING/UNLOADING | 2 NEW SPACES | 2 ZONING MIN. |
| HANDICAPPED | 2 NEW SPACES | 2 ZONING MIN. |

LEGEND:

- EXTERIOR O/H DOOR LOCATIONS
- EXTERIOR MANDOR LOCATIONS
- CATCH BASIN - OSPD 705.010
- CATCH BASIN w/ APRON
- DOUBLE CATCH BASIN
- MAN HOLE - OSPD 701.010
- NEW GRADES
- EXISTING ELEVATIONS
- NEW ASPHALT PAVING: DRIVEWAY APPROACH - 4" HL4 + 2" HL3
- FUTURE ASPHALT PAVING: PARKING LOT - 1 1/2" HL4 + 1 1/2" HL3
- FIRE TRUCK ACCESS
- FIRE HYDRANT
- WATER VALVE
- SIAMESE CONNECTION
- CLEAN OUT
- T/G TOP OF GATE
- T/C TOP OF CURB - OPSD 600.110

NOTE: - ALL GRADES ARE IN METRES (m). ALL DIMENSIONS ARE SHOWN IN FEET-INCHES.
- ALL LANDSCAPED AREAS SHALL RECEIVE 6" TOP SOIL & GRASS SEED.
- FIN. FLR. ELEVATION OF BUILDINGS = 624.18'

GS ENGINEERING CONSULTANTS INC.
2000 NORTH TALBOT RD.
WINSCOR, ONTARIO
M3J 6J3

15880223
G.J.B. GRANGER
February 08, 2018
PROVINCE OF ONTARIO

| | | |
|----------|-----------------|---|
| 18/02/08 | PERMIT REVISION | 5 |
| 17/11/27 | TENDER | 4 |
| 17/11/14 | CONSTRUCTION | 3 |
| 17/10/30 | PERMIT REVISION | 2 |
| 17/09/28 | PERMIT REVISION | 1 |
| 17/09/13 | PERMIT | 0 |

CLIENT: **Toolplas** Systems Inc.
Olcastle, On.

PROJECT: **Addition + Renovation to Plant 2**
3920 North Talbot, Olcastle, On.

DATE: 17/02/10

SCALE: AS SHOWN

DRN. BY: DA

CHK'D. BY: GG

PROJECT No.: E17085

TITLE: SITE PLAN PAVEMENT

DWG No.: **SP-1**