

**Committee of Adjustment Meeting  
AGENDA**

Monday, June 18, 2018, 5:00 pm  
Tecumseh Town Hall  
[www.tecumseh.ca](http://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, May 14, 2018 2 - 4
5. **Submissions**
  - a. Agenda Map 5 - 5
  - b. Agenda 6 - 8
  - c. Minor Variance Application A-10/18 - Carl & Karen Baillargeon, 2563 Banwell Road 9 - 10
  - d. Minor Variance Application A-11/18 - Nickolas Krsterski (on behalf of Owner Tom Kauric), 11629 County Road 42 11 - 12
  - e. Severance Application B-09/18 - Leo and Karen Demarce, 12315 to 12337 St. Denis Street 13 - 14
  - f. Minor Variance Application A-12/18 - Leo and Karen Demarce, 12337 St. Denis Street 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 May 14, 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**

<b>PRESENT:</b>	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, April 16, 2018.

Motion: (CA-24/18) Moved by Lee Anne Doyle  
Seconded by Jim Mackie

**That the Minutes of the regular Committee of Adjustment meeting held Monday, April 16, 2018 be adopted, as printed and circulated.**

Carried

**V SUBMISSIONS**

The following submissions were heard:

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

Interested parties present: John Schultz, Vice President and  
Franz Dalla Bona, Dalla Bona Construction

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.

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 but recommend stormwater management be addressed in accordance with the requirements of the Town of Tecumseh and the Ministry of the Environment as provided in the Stormwater Management Planning and Guidance Manual. ERCA also points out that the area is also included in the Upper Little River Watershed Master Drainage and Stormwater Management Environmental Assessment.

County of Essex: No response.

Town Engineer:

- The Owner's Consulting Engineer has previously provided a satisfactory Stormwater Management (SWM) Report and Civil Drawings to the Town. These consisted of two building additions and a new asphalt parking lot. It is the Town's understanding that the Owner will be proceeding with the south building addition at this time; where only certain components of the SWM and civil works will be installed (see attached PDF), with the remainder to be installed as part of the north building addition and new asphalt parking lot.

## DISCUSSION

John Schultz and Franz Dalla Bona appear before the Committee to discuss the Application. Franz Dalla Bona advises the Committee that Toolplas Systems Inc. is one of the largest tool shops in the area. Upon an inquiry from the Committee, Franz Dalla Bona indicates that due to economic and personal reasons, the project will be completed in phases. The Committee also inquires as to whether the driveway on North Talbot will be closed or remain as a functioning driveway. Franz Dalla Bona advises that the staging area will be removed to keep North Talbot clean. The Committee also questions as to whether or not the proposed extension matches the existing side yard and is the existing side yard then legal non-conforming. Administration advises that the existing side yard is not legal non-conforming and that it may have been missed at the time of issuing the permit for the existing structure. Administration also suggests that the relief sought also include relief for the entire exterior side yard (both the proposed and the existing) as the Ciociaro Club, being an institutional zone, is opposite the side yard of the proposed structure and the existing structure. The Chair inquires as to whether or not the relief sought has an effect on the severance applications that are pending. Administration indicates that the relief sought can be approved independently as Phase 1 meets the zoning requirements with the current configuration of the parcel. Lee Anne Doyle is in favour of the application as it meets the four test, it's appropriate development of the lands, it's in keeping with the Official Plan and Zoning By-law, there is no adverse impact, there were no comments from neighbouring property owners, stormwater management has been addressed in addition to ERCA not having any objection to the proposal with the recommendation that stormwater management be addressed. Lori Chadwick also is supportive of the application with the provision that relief for the existing side yard of 14.3 metres also be granted.

Motion: (CA-25/18) Moved by Lee Anne Doyle  
Seconded by Lori Chadwick

**That Application A-09/18 is granted and that relief for the existing side yard of 14.3 metres (46.91 feet) is also granted.**

Carried

## REASONS

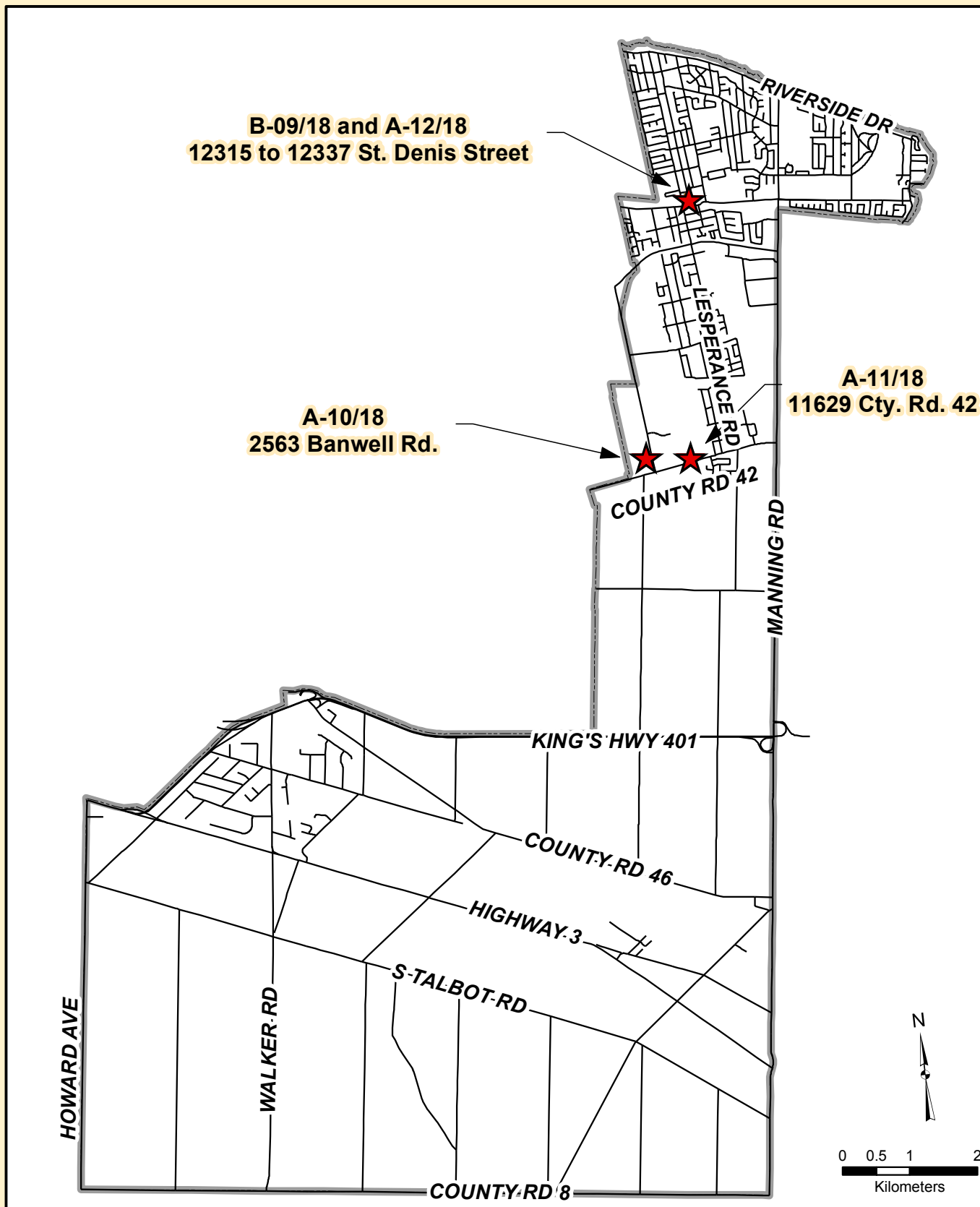
The Application meets the four tests of a minor variance in that it is desirable for the appropriate development or use of the land, building or structure, the general intent and purpose of the Official Plan and Zoning by-law is maintained and the variance is minor in nature.

## VI DEFERRALS

## VII NEW BUSINESS

## VIII UNFINISHED BUSINESS





Prepared By:  
Tecumseh Planning and  
Building Department



**Subject Properties**

**June 18, 2018**  
Committee of  
Adjustment Meeting  
**Key Map**

**Town of Tecumseh  
Committee of Adjustment  
Regular Meeting  
Monday, June 18, 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, May 14, 2018.

**V SUBMISSIONS**

**5:00 p.m.**

**Minor Variance Application A-10/18 – Carl & Karen Baillargeon, 2563 Banwell Road**

The purpose of the Application is to request relief from the following subsections of Zoning By-law 85-18:

1. Subsection 5.27.1 d) i) establishes that accessory buildings in residential zones shall not exceed 10 percent of total lot area or 90.0 square metres (969.0 sq. ft.) and no individual structure shall exceed 70.0 square metres (753.0 sq. ft.); and
2. Subsection 5.27.1 e) i) establishes that accessory buildings in residential zones shall not exceed 4.57 metres (15.0 ft.) in height.

The Applicant is requesting relief to construct an accessory building 9.75 metres (32.0 ft.) by 15.24 metres (50.0 ft.) totaling 148.64 square metres (1600.0 sq. ft.) in area resulting in a total area of accessory buildings of 163.17 square metres (1756.38 square feet) and having a height of 5.32 metres (17.46 ft.). The subject property contains an existing accessory structure of approximately 14.53 square metres (156.38 sq. ft.) which will remain and three existing storage containers, green houses and a garden shed which will all be removed.

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. See sketch attached.

**5:05 p.m.**

**Minor Variance Application A-11/18 – Nickolas Krsterski (on behalf of Owner – Tom Kauric), 11629 County Road 42**

The purpose of the Application is to request relief from subsection 12.2.1 a) of Zoning By-law 85-18 which establishes that any property zoned CM-1, that is intended to be used for an auto sales use, shall have a minimum lot frontage of 48.5 metres. The subject property is an irregular-shaped lot which has a lot frontage (as defined in Zoning By-law 85-18) of 36.5 metres. The applicant wishes to operate an auto sales use from the subject property. See sketch attached for further information.

The subject property is designated "Business Park" in the Sandwich South Official Plan and zoned "Commercial/Industrial Zone (CM-1)" in the Sandwich South Zoning By-law 85-18.

**5:10 p.m.**

**Severance Application B-09/18 – Leo and Karen Demarce, 12315 to 12337 St. Denis Street**

The purpose of the Application is to request consent to sever a 557 sq. metre (6,000 sq. foot) parcel of land occupied by an existing residential dwelling (12337 St. Dennis Street) (outlined in pink on attached sketch) and to retain a 873 sq. metre (9,400 sq. foot) parcel of land occupied by three existing residential dwelling units (outlined in yellow on attached sketch).

Both the proposed severed and retained lots are designated "Residential" in the Tecumseh Official Plan and zoned "Residential Zone 2 (R2)" in the Tecumseh Zoning By-law 1765.

The proposed consent is required in order to re-establish the lotting pattern that existed prior to the subject lands merging into one large lot as a result of common ownership. As a condition of consent, the proposed severed lot will require relief (through Minor Variance Application A-12/18 which is being heard concurrently) to permit a minimum lot area of 557 sq. metres, whereas the current minimum lot area established in the R2 zone is 650 sq. metres.

**5:15 p.m.**

**Minor Variance Application A-12/18 – Leo and Karen Demarce, 12337 St. Denis Street**

The purpose of the Application is to request relief from subsection 7.1.3 a) of Tecumseh Zoning By-law 1746 which establishes a minimum lot area of 650 sq. metres. The proposed relief accommodates the severance of a 557 sq. metre lot that is being proposed by way of Consent Application B-09/18 (which is being heard concurrently) (see sketch attached). An existing residential dwelling occupies the lands subject to this application.

The subject property is designated "Residential" in the Tecumseh Official Plan and zoned "Residential Zone 2 (R2)" in the Tecumseh Zoning By-law 1746.

**VI DEFERRALS**

**VII NEW BUSINESS**

1. 2018 OACA Conference – Niagara Falls

**VIII OLD BUSINESS**

**IX ADJOURNMENT**



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

*Applicant:* **Carl & Karen Baillargeon**

*Location of Property:* **2563 Banwell Road; Pt. Lot 143, Conc. 3  
(formerly Township of Sandwich South)**

*Purpose of Application:* **Minor Variance**

**The purpose of the Application is to request relief from the following subsections of Zoning By-law 85-18:**  
**1.Subsection 5.27.1 d) i) establishes that accessory buildings in residential zones shall not exceed 10 percent of total lot area or 90.0 square metres (969.0 sq. ft.) and no individual structure shall exceed 70.0 square metres (753.0 sq. ft.); and**

**2.Subsection 5.27.1 e) i) establishes that accessory buildings in residential zones shall not exceed 4.57 metres (15.0 ft.) in height.**

**The Applicant is requesting relief to construct an accessory building 9.75 metres (32.0 ft.) by 15.24 metres (50.0 ft.) totaling 148.64 square metres (1600.0 sq. ft.) in area resulting in a total area of accessory buildings of 163.17 square metres (1756.38 square feet) and having a height of 5.32 metres (17.46 ft.). The subject property contains an existing accessory structure of approximately 14.53 square metres (156.38 sq. ft.) which will remain and three existing storage containers, green houses and a garden shed which will all be removed.**

**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. 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 18th day of June, 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 14th day of May, 2018

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Donna Ferris  
Secretary-Treasurer  
Town of Tecumseh Committee of Adjustment

**NOTE:**

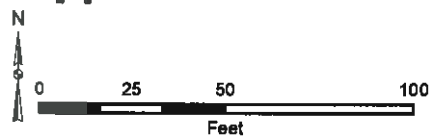
All greenhouses, three storage containers and the southern-most shed will be removed immediately after proposed accessory structure is constructed.

Proposed 32 ft. x 50 ft. accessory structure.

BANWELL ROAD

2563

**Application A-10/18**



*For illustrative purposes only.*

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

*Applicant:* **Nickolas Krsterski (on behalf of Owner - Tom Kauric)**

*Location of Property:* **11629 County Road 42, Part 2, 12R 14425  
(formerly Township of Sandwich South)**

*Purpose of Application:* **Minor Variance**

**The purpose of the Application is to request relief from subsection 12.2.1 a) of Zoning By-law 85-18 which establishes that any property zoned CM-1, that is intended to be used for an auto sales use, shall have a minimum lot frontage of 48.5 metres. The subject property is an irregular-shaped lot which has a lot frontage (as defined in Zoning By-law 85-18) of 36.5 metres. The applicant wishes to operate an auto sales use from the subject property. See sketch attached for further information. The subject property is designated "Business Park" in the Sandwich South Official Plan and zoned "Commercial/Industrial Zone (CM-1)" in the Sandwich South Zoning By-law 85-18.**

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**ON**

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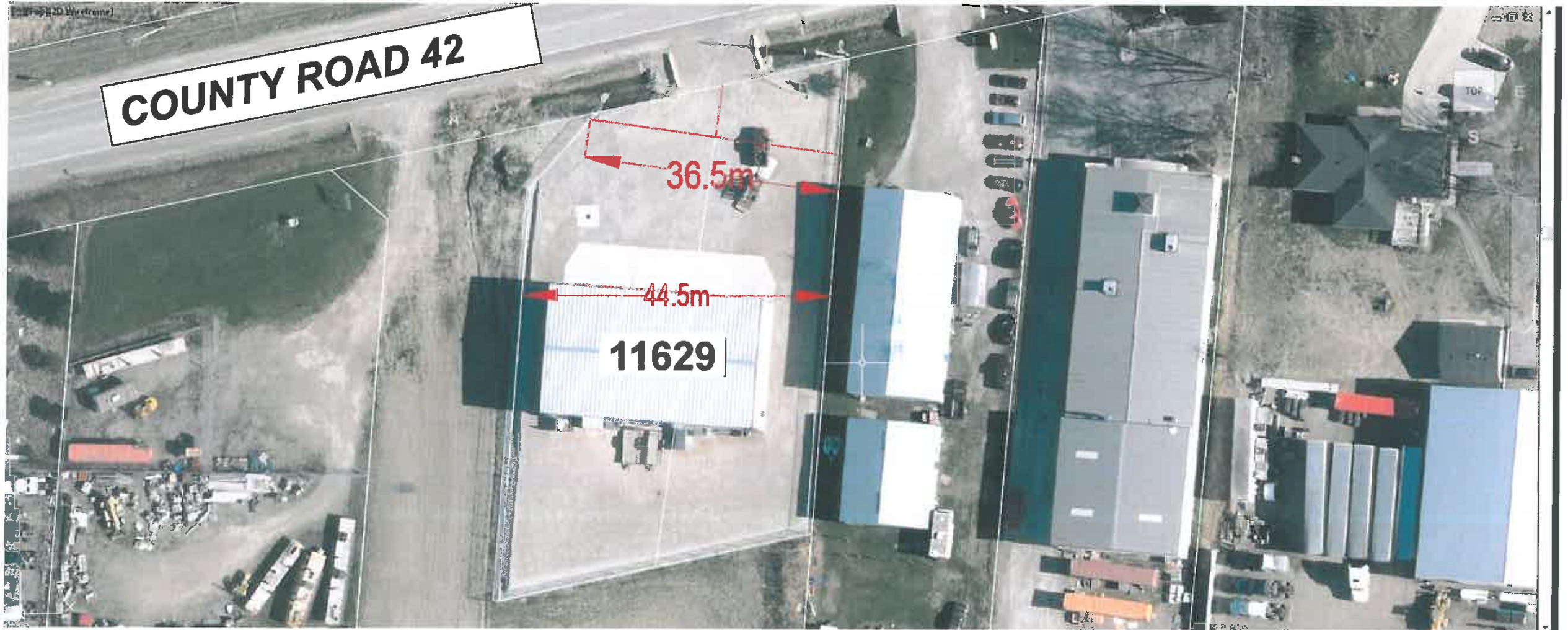
Dated this 4th day of June, 2018

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Donna Ferris  
Secretary-Treasurer  
Town of Tecumseh Committee of Adjustment



# Application A-11/18



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

**TOWN OF TECUMSEH COMMITTEE OF ADJUSTMENT**

*Applicant:* **Leo and Karen Demarce**

*Location of Property:* **12315 to 12337 St. Dennis**

*Purpose of Application:* **Severance**

is to request consent to sever a 557 sq. metre (6,000 sq. foot) parcel of land occupied by an existing residential dwelling (12337 St. Dennis Street) (outlined in pink on attached sketch) and to retain a 873 sq. metre (9,400 sq. foot) parcel of land occupied by three existing residential dwelling units (outlined in yellow on attached sketch). Both the proposed severed and retained lots are designated "Residential" in the Tecumseh Official Plan and zoned "Residential Zone 2 (R2)" in the Tecumseh Zoning By-law 1765. The proposed consent is required in order to re-establish the lotting pattern that existed prior to the subject lands merging into one large lot as a result of common ownership. As a condition of consent, the proposed severed lot will require relief (through minor variance application A-12/18 which is being heard concurrently) to permit a minimum lot area of 557 sq. metres, whereas the current minimum lot area established in the R2 zone is 650 sq. metres.

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

**Monday, June 18th, 2018 at 5:10 p.m.**

**PUBLIC HEARING**

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\_\_\_\_\_  
Donna Ferris  
Secretary-Treasurer  
Town of Tecumseh Committee of Adjustment

Dated this 4th day of June, 2018

# SCHEDULE OF PARTS

PART	LOT	CON./R.P.	P.I.N.	INSTRUMENT
1	PART OF LOT 143	REGISTERED PLAN No 634	PART OF 01411-1531	R1488186
2	PART OF LOT 143 ALL OF LOT 144	REGISTERED PLAN No 634	PART OF 01411-1531 ALL OF 01411-1532	R1488186

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.

MAY 30, 2001.

( DATE )

*Stephen Hook*  
S.D. HOOK  
ONTARIO LAND SURVEYOR

PLAN 12 R 18862

RECEIVED AND DEPOSITED

2001-06-04

( DATE )

*R. LAUNDER*  
ASS'T DEPUTY LAND REGISTRAR  
FOR THE REGISTRY  
DIVISION OF ESSEX (12)

PLAN OF SURVEY  
OF LOTS 143 & 144  
REGISTERED PLAN No 634  
TOWN OF TECUMSEH  
COUNTY OF ESSEX  
SCALE: 1"=20'

ALL OF PIN 01411-1531  
ALL OF PIN 01411-1532

25ft 0ft 25ft FEET

HOOK & TODGHAM SURVEYING INC  
SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE REGISTRY ACT, AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON THE 3rd DAY OF MAY, 2001.

MAY 30, 2001.

( DATE )

*Stephen Hook*  
S.D. HOOK  
ONTARIO LAND SURVEYOR

IMPERIAL: DISTANCES SHOWN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048.

## NOTES

BEARINGS HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE S'LY LIMIT OF ST. DENIS STREET HAVING A BEARING OF N79°25'40"E AS SHOWN ON REFERENCE PLAN 12R 17454

■	DENOTES	FOUND	WT	DENOTES	WITNESS
□	DENOTES	SET	A	DENOTES	C.G. RUSSELL ARMSTRONG, O.L.S.
IB	DENOTES	IRON BAR	1007	DENOTES	C.S. HOOK, O.L.S.
SIB	DENOTES	STANDARD IRON BAR	1201	DENOTES	R.A. CLARKE, O.L.S., O.L.S.
SSIB	DENOTES	SHORT STANDARD IRON BAR			
MEAS	DENOTES	MEASURED			
INST	DENOTES	INSTRUMENT			
S	DENOTES	SET			
PIN	DENOTES	PROPERTY IDENTIFIER NUMBER			

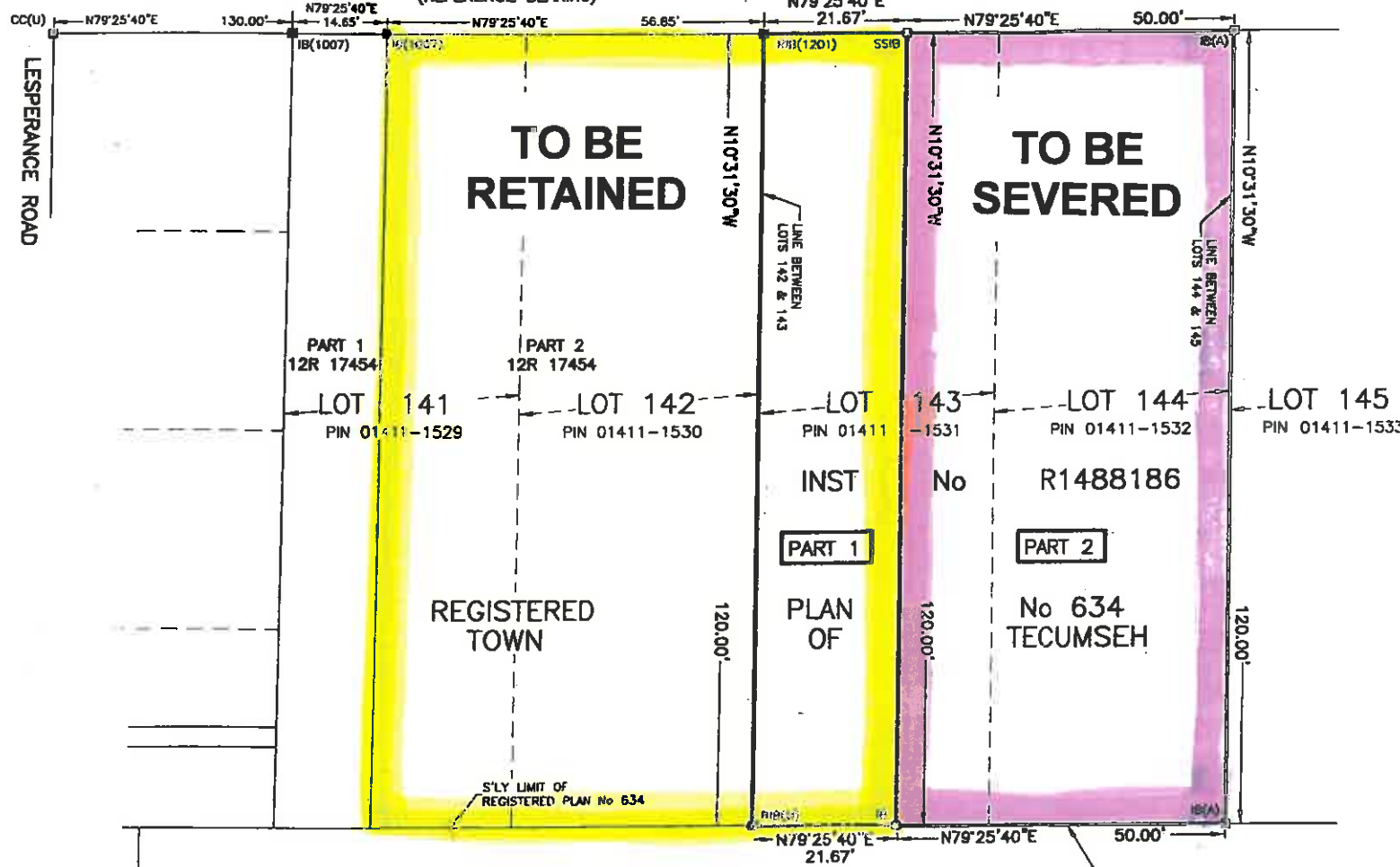
DRAWN BY:	D.C.
CHECKED BY:	S.D.H./D.C.
PLAN NUMBER:	01061

HOOK & TODGHAM  
SURVEYING  
INCORPORATED  
CHATHAM ONTARIO  
PHONE: 1-519-354-6122 FAX: 1-519-354-6128



ST. DENIS STREET  
(66.00' WIDE RP 634) PIN 01411-1607

(REFERENCE BEARING)



ALLEY  
(14.00' WIDE RP 1312) PIN 01411-2853  
(NOT TRAVELLED)

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

*Applicant:*     **Leo and Karen Demarce**

*Location of Property:*     **12337 St. Dennis Street - Part 2, 12R-11862**

*Purpose of Application:*     **Minor Variance**

**The purpose of the Application is to request relief from subsection 7.1.3 a) of Tecumseh Zoning By-law 1746 which establishes a minimum lot area of 650 sq. metres. The proposed relief accommodates the severance of a 557 sq. metre lot that is being proposed by way of Consent Application B-09/18 (which is being heard concurrently) (see sketch attached). An existing residential dwelling occupies the lands subject to this application. The subject property is designated "Residential" in the Tecumseh Official Plan and zoned "Residential Zone 2 (R2)" in the Tecumseh Zoning By-law 1746.**

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**

**18th day of June, 2018 at 5:15p.m.**

**PUBLIC HEARING**

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Dated this 4th day of June, 2018

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Donna Ferris  
Secretary-Treasurer  
Town of Tecumseh Committee of Adjustment



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MAY 30, 2001.

( DATE )

*Stephen Hook*  
S.D. HOOK  
ONTARIO LAND SURVEYOR

PLAN 12 R 18862

RECEIVED AND DEPOSITED

2001-06-04  
( DATE )

*R. LAUNDER*  
ASS'T DEPUTY LAND REGISTRAR  
FOR THE REGISTRY  
DIVISION OF ESSEX (12)

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OF LOTS 143 & 144  
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TOWN OF TECUMSEH  
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MAY 30, 2001.

( DATE )

*Stephen Hook*  
S.D. HOOK  
ONTARIO LAND SURVEYOR

IMPERIAL: DISTANCES SHOWN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048.

## NOTES

BEARINGS HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE S'LY LIMIT OF ST. DENIS STREET HAVING A BEARING OF N79°25'40"E AS SHOWN ON REFERENCE PLAN 12R 17454

■	DENOTES FOUND	WT	DENOTES WITNESS
□	DENOTES SET	A	DENOTES C.G. RUSSELL ARMSTRONG, O.L.S.
IB	DENOTES IRON BAR	1007	DENOTES G.S. HOOK, O.L.S.
SB	DENOTES STANDARD IRON BAR	1201	DENOTES R.A. CLARKE, O.L.S., O.L.S.
SSB	DENOTES SHORT STANDARD IRON BAR		
MEAS	DENOTES MEASURED		
Inst	DENOTES INSTRUMENT		
S	DENOTES SET		
PIN	DENOTES PROPERTY IDENTIFIER NUMBER		

DRAWN BY: D.C.

CHECKED BY: S.D.H./D.C.

PLAN NUMBER: 01061

HOOK & TODGHAM  
SURVEYING  
INCORPORATED

CHATHAM  
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ONTARIO  
FAX: 1-519-354-6129



ST. DENIS STREET  
(66.00' WIDE RP 634) PIN 01411-1607

