

Committee of Adjustment Meeting
AGENDA

Monday, July 22, 2019, 5:00 pm
Tecumseh Town Hall - Council Chambers
917 Lesperance Road
Tecumseh, Ontario N8N 1W9

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, June 17, 2019 2 - 11
5. **Submissions**
 - a. Agenda Cover Map 12 - 12
 - b. Agenda 13 - 14
 - c. Application for Minor Variance A-23/19 - Michael and Felecia Priestyeski, 240 St. Mark's Road 15 - 16
 - d. Application for Minor Variance A-24/19 - National Vehicle Ltd., 5295 Burke Street 17 - 18
 - e. Planning Report dated July 22, 2019 19 - 25
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, June 17, 2019 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:	Chris Carpenter
		Jason Jolicoeur
		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, May 13, 2019.

Motion: (CA-35/19) Moved by Tom Marentette
Seconded by Jason Jolicoeur

That the Minutes of the regular Committee of Adjustment meeting held Monday, May 13, 2019 be adopted, as amended and circulated.

Carried

V SUBMISSIONS

The following submissions were heard:

Application for Severance B-08/19 – Jaspreetinder & Gagandeep Osahan, 222 Lesperance Road

Interested parties present: Ahmed Andrees, Agent for the Applicant

The purpose of the Application is to request consent to sever a vacant residential lot having a frontage of 15.24 metres (50 feet), a depth of 72.31 metres (237.24 feet) and a lot area of 1102.02 square metres (11,862 square feet) (outlined in red).

The proposed retained lot, containing two existing dwelling units, will have a frontage of 15.52 metres (50.92 feet), a depth of 72.31 metres (237.24 feet) and a total area of 1122.29 square metres (12,080.26 square feet) (outlined in green). See attached sketch.

The lands are 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: Recommends that the Application be deferred until such time as the issues associated with natural hazards can be addressed.

County of Essex: No response.

Town Engineer:

- 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 222 Lesperance Road (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.

DISCUSSION

Ahmed Andrees, Agent for the Applicant appears before the Committee to discuss the Application. Tom Fuerth advises that ERCA is recommending that the Application be deferred to allow the Town time to address specific concerns associated with the Application. Chad Jeffery explains to the Committee that as the property is located within the 1:100 year flood line associated with the influence of Lake St. Clair and the fact that the elevation of Lesperance Road and Dillon Drive poses a natural hazard which has to be addressed in accordance with the PPS. Therefore, the municipality will have to put in place a plan for emergency access to the property in the event of a natural hazard. Currently, the Town is in the process of preparing and Emergency Plan but until such time as that plan is in place, a site specific emergency plan to access the lands in the event of a natural hazard will have to be established. Administration agrees with ERCA that a deferral is prudent and is recommending that the Committee defer the application one month to the August 26, 2019 Committee of Adjustment meeting to allow discussions to take place and a reasonable solution addressing the natural hazard is reached.

Tom Fuerth informs the Committee that there is recent case law that upholds the necessity of putting an emergency plan in place. Chad Jeffery indicates that the recent case was the Gilmore decision that raised the bar and supports the position of ERCA insisting that this matter be deferred to address the Natural Hazard.

Motion: (CA-/19) Moved by Chris Carpenter
Seconded by Paul Morand

That Application B-08/19 is deferred as requested by ERCA until such time as the issues associated with the natural hazard can be addressed.

Carried

Application for Severance B-09/19 – James Sylvestre Development Ltd., 13350 Sylvestre Drive

Interested parties present: Jim Sylvestre, Applicant
Jeff Sylvestre, Son of the Applicant

The purpose of the Application is to request consent to sever:

- 1) A parcel of land, identified as Parts 15 & 16 (shaded in pink) on the draft plan attached, from the subject property and add it to the abutting industrial lot identified as Part 17 (shaded in yellow on attached plan); and
- 2) A vacant parcel of land identified as Part 6, 7, 8, & 9 (shaded in orange) on the draft plan attached, to create a new industrial lot.

The retained lands identified as Parts 10, 11, 12, 13 & 14 on the draft plan are shaded in green. This Application is being heard concurrently with Applications B-10/19 and B-11/19.

The property is designated Business Park in the Sandwich South Official Plan and zoned Industrial Zone (M1 and M1-9) in the Sandwich South Zoning By-law.

CORRESPONDENCE – 13350 Sylvestre Drive

ERCA: No objection.

County of Essex: No response.

Town Engineer:

- The resulting industrial lot identified as Parts 15, 16 & 17 is to be serviced with a separate water supply, storm drainage and sanitary septic system to the satisfaction of the Town of Tecumseh Public Works and Water Divisions prior to this severance being finalized;
- The new industrial lot identified as Parts 6, 7, 8 & 9 is to be serviced with a separate water supply, 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 new industrial lot identified as Parts 10, 11, 12, 13 & 14 is to be serviced with a separate water supply, 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 Owners must 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.
- The owner should be made aware that site service drawings and detailed stormwater management reports (addressing quantity and quality to the satisfaction of the Town's Engineer) will need to be submitted for future developments on these lands as part of site plan control processes or Building Permit application processes, which will then be reviewed/approved by the Town Engineer prior to issuance of site plan control approvals and Building Permits.
- The stormwater management facilities will require approval from the Ministry of Environment and Climate Change (MOECC) under Section 53 of the Ontario Water Resources Act.

DISCUSSION

Jim Sylvestre and Jeff Sylvestre appear before the Committee to discuss the Application. The Chair inquires if there is anything the Applicants would like to add to the information provided to the Committee. Jeff Sylvestre advises that the purpose of the Applications are to clean up the lot lines, as currently there is a building on one of the lot lines and create a drainage easement. Jeff Sylvestre further advises that they are dropping the part of Application B-09/19 with respect to severing Part 6, 7, 8 & 9 to create a new industrial lot as the potential buyer is no longer interested. Jeff Sylvestre advises that the pink portion is added to the large yellow portion but the orange portion is no longer being severed and will be retained with Parts 10-14. Chad Jeffery indicates that Application B-09/19 be amended to exclude the creation of the orange lot but that the pink portion be added to the large yellow portion and that the retained parcel be the orange portion and the small yellow portion (Parts 10-14). Jeff Sylvestre agrees. Tom Fuerth inquires whether there is a specific order that Applications should be heard and is informed that they are listed on the Agenda in the correct order. Chad Jeffery notes that the Conditions #5 & #6 with respect to Application B-09/19 be removed as servicing and park fees will not be required if a new lot is not being created.

Motion: (CA-36/19) Moved by Jason Jolicoeur
Seconded by Tony Muscedere

That Application B-09/19 with the amendment that Item 2) to request consent to sever a vacant parcel of land identified as Parts 6, 7, 8 & 9 on the draft plan attached, to create a new industrial lot is withdrawn, be 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 – B-09/19

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 \$600.00 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 Owner 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;

NOTE: The municipality requires 30 day notice for the preparation of the Apportionment Agreement(s)

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 of land identified as Parts 15 and 16 on the draft reference plan submitted with the application, the transfer of which shall be registered in the same name as the parcel to which it is to be added (“abutting parcel”) so as to merge the two parcels. Further, that an Undertaking be provided by a solicitor licensed in Ontario to register on title an application to consolidate the subject parcel and abutting parcel and provide evidence of such registration and merger of the two parcels to the Secretary of the Committee of Adjustment within 15 days following registration of the transfer; and
7. That the above conditions be fulfilled on or before June 18, 2020 prior to this severance being finalized.

Application for Severance B-10/19 – Jamsyl Group Inc., 1820 Sylvestre Drive

Interested parties present: Jim Sylvestre, Applicant
Jeff Sylvestre, Son of the Applicant

The purpose of the Application is to request consent to sever a parcel of land, identified as Part 3 (shaded in pink) on the draft plan attached, from the subject property and add it to the abutting industrial lot identified as Parts 15, 16 & 17 (shaded in yellow on attached plan).

This Application is being heard concurrently with Applications B-09/19 and B-11/19.

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

CORRESPONDENCE – 1820 Sylvestre Drive

ERCA: No objection.

County of Essex: No response.

Town Engineer:

- The Owners must 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

Jim Sylvestre and Jeff Sylvestre appear before the Committee to discuss the Application. Jeff Sylvestre indicates that the building is encroaching on the lot line therefore a boundary

adjustment is required. Tony Muscedere is supportive of the Application at it is merely a housekeeping matter.

Motion: (CA-37/19) Moved by Tony Muscedere
Seconded by Jason Jolicoeur

That Application B-10/19, be 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 – B-10/19

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 \$600.00 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 Owner 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;
NOTE: The municipality requires 30 day notice for the preparation of the Apportionment Agreement(s).
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 of land identified as Part 3 on the draft reference plan submitted with the application, the transfer of which shall be registered in the same name as the parcel to which it is to be added (“abutting parcel”) so as to merge the two parcels. Further, that an Undertaking be provided by a solicitor licensed in Ontario to register on title an application to consolidate the subject parcel and abutting parcel and provide evidence of such registration and merger of the two parcels to the Secretary of the Committee of Adjustment within 15 days following registration of the transfer; and
7. That the above conditions be fulfilled on or before June 18, 2020 prior to this severance being finalized.

Application for Severance B-11/19 – James Sylvestre Development Ltd., E/S Manning Road

Interested parties present: Jim Sylvestre, Applicant
Jeff Sylvestre, Son of the Applicant

The purpose of the Application is to request consent in order to create an easement over the lands identified as Part 18 on the draft plan attached (highlighted in orange) in favour of Parts 3, 15, 16 & 17 on the draft plan attached (highlighted in yellow).

This Application is being heard concurrently with Applications B-09/19 and B-10/19.

The property is designated Business Park in the Sandwich South Official Plan and zoned Highway & Service Commercial Zone (C3) and Industrial Zone (M1) in the Sandwich South Zoning By-law.

CORRESPONDENCE – E/S Manning Road

ERCA: No objection.

County of Essex: Permits required by the County for the installation of entrance ways and for the location of buildings and structures on lands adjacent to County Road. A copy of the decision is requested as well as the updated survey, if granted.

Town Engineer: No comments.

Notice of hearing for the above three submissions 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.

DISCUSSION

Jim Sylvestre and Jeff Sylvestre appear before the Committee to discuss the Application. Jeff Sylvestre indicates that the easement is in favour of Parts 3, 15-17, on the draft plan. Tom Fuerth inquires if the purpose of the Application is to create a permanent easement. Chad Jeffery advises that if the Application is approved it becomes a permanent easement. Tom Marentette inquires if the drain is within the drainage boundary of the East Townline Drain and is informed it is. Jeff Sylvestre informs the Committee that there are a series of covered catch basins along the proposed easement.

Motion: (CA-38/19) Moved by Tom Marentette
Seconded by Chris Carpenter

That Application B-11/19 be 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 – B-11/19

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 \$600.00 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; and
5. That the above conditions be fulfilled on or before June 18, 2020 prior to this severance being finalized.

Application for Minor Variance A-20/19 – David Masotti, 13124 Riverside Drive

Interested parties present: David Masotti, Applicant

The purpose of the Application is to request relief from Subsection 5.5.1 a) vii) of Zoning By-law 1746 which establishes that free-standing outdoor air conditioning units are only permitted to encroach into the rear yard 1.5 metres (4.9 feet).

The Applicant is proposing to place an air conditioning unit in the side yard resulting in the air conditioning unit being 0.58 metres (1.91 feet) from the side lot line.

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

CORRESPONDENCE

ERCA: No objection.

County of Essex: No response.

Town Engineer: No comments.

DISCUSSION

David Masotti, Applicant appears before the Committee to discuss the Application. Tom Fuerth inquires as to works being completed by the Applicant. David Masotti informs the Committee that as he proceeds with the renovations to the home, a situation has developed whereby the installation of the air conditioner at the back of the home poses a concern for the neighbour to the west. David Masotti indicates that the neighbour's covered porch is in the vicinity of the location of the air condition at the rear of the home which would interfere with his enjoyment of outdoor space therefore, he is proposing to relocate the air condition to the side yard as depicted on the sketch. He also indicates that the location of the air conditioner at the rear of the property would interfere with the configuration of his deck in addition to being noisy when sitting on the waterside of the property. The Chair applauds the Applicant for his consideration and going out of his way to accommodate his neighbour's concerns. Tom Fuerth also notes that it is advantage for him as well not having the air conditioning unit at the rear deck. Paul Morand notes that when he visited the site and viewed the proposed location of the air condition, feels that the Applicant is going out of his way to accommodate his neighbour therefore, he is supportive of the Application. Tom Marentette inquiries from Administration the interpretation of the Zoning By-law as it relates to the frontage of the property on lakefront properties. Chad Jeffery indicates that the street is the frontage of the property.

Motion: (CA-39/19) Moved by Paul Morand
Seconded by Tom Marentette

That Application A-20/19 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-21/19 – Randy Gray, on Behalf of the Owner, 330 Lakewood Crescent

Interested parties present: Randy Gray, Agent on Behalf of the Owner

The purpose of the Application is to request relief from subsection 7.3.7 c) iv) of Zoning By-law 2065 which establishes the minimum interior side yard width for a single unit dwelling as 1.83 metres (6 feet) for a two-storey home.

The Applicant is proposing to construct a 356.47 square metre (3837.0 square foot) residential dwelling having an easterly side yard width of 1.52 metres (5.0 feet) and a westerly side yard width of 1.6 metres (5.25 feet) as depicted on the attached sketch.

The property is designated Medium Density Residential in the St. Clair Beach Official Plan and zoned Residential Type Three Zone (R3-12) in the St. Clair Beach 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: No comments.

DISCUSSION

Randy Gray, Agent on behalf of the Owner appears before the Committee to discuss the Application. Randy Gray informs the Committee that the size of the house is 2800 square feet and not as outlined in the Notice. Tom Fuerth disagrees with the Applicant indicating that the garage, second floor, covered porches, etc. are all included in the square footage of the home but notes that it is not pertinent to the Application as lot coverage is not being requested. Tom Fuerth inquires as to why the Applicant is unable to comply the zoning by-law. Randy Gray indicates that the Applicant is requesting relief because the home being barrier free.

Ryan Solcz solicitor for the owner of 328 Lakewood, west of the subject lot, was initially going to oppose the Application but his clients and the Applicant have agreed to modify the location, moving the house forward on the site. Ryan Solcz indicates that pursuant to Section 45 of the Planning Act, a minor variance is to be desirable for the appropriate development or use of the land, building or structure, minor in nature, and have no adverse impact on neighbouring properties. Ryan Solcz informs the Committee his client's sight line in the rear yard was being negatively impacted by the proposal. Ryan Solcz indicates that by moving the house forward, his client's concerns have been resolved.

Andrew Petrakos of 344 Jason Court, raises concerns with respect to the dwelling being a two-storey home. Andrew Petrakos advises that when the subdivision was being established, the residents were informed that the dwellings would all be single-storey homes. Chad Jeffery advises that he was never aware of the single-storey home requirement being proposed at any of the public meetings. Tom Fuerth advises that public meetings are to seek public opinion and that the end-result is whatever Council passes. Randy Gray notes that there are a number of two-storey homes in the area. Tom Fuerth informs Andrew Petrakos that the Committee of Adjustment is not the venue to deal with his concern as to whether or not a single-storey or a two-storey home is permitted. The Chair indicates that if it is not stated in the zoning by-law, the Committee has no jurisdiction to deal with it. Tom Fuerth notes that the Applicant is not seeking relief from a provision for a two-storey home. The Applicant is seeking side yard relief. Tom Fuerth thanks Andrew Petrakos for attending and informs him that Administration can look into the matter with respect to the restriction of only permitting single-storey homes being constructed in Lakewood Subdivision. Andrew Petrakos indicates that because of the two-storey home being constructed, he will no longer have a view of the lake. Chad Jeffery indicates that the minutes and the zoning requirements for the subdivision was adopted by Council. Tom Fuerth suggests that Andrew Petrakos speak with his Councillor.

Tom Marentette indicates that the side yard relief is as a result of the home being barrier free and that the lots are on the smaller size. Randy Gray informs the Committee that the doorways and hallways have all been modified to accommodate a wheelchair.

Motion: (CA-40/19) Moved by Tom Marentette
Seconded by Paul Morand

That Application A-21/19 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-22/19 – Philip Jobin, E/S 11th Concession Road

Interested parties present: Philip Jobin, Applicant

The purpose of the Application is to request relief.

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: County of Essex: Permits required by the County for the installation of entrance ways and for the location of buildings and structures on lands adjacent to County Road.

A copy of the decision is requested.

Town Engineer: No comments.

DISCUSSION

Philip Jobin, Applicant appears before the Committee to discuss the Application. Philip Jobin informs the Committee that he is seeking relief for lot frontage and for the undersized farm lot as a result of Severance Application B-07/19. Philip Jobin indicates that when the Notice was prepared for the severance, it was an oversight on his part and did not notice that the parcel mapping was incorrect. Other than that, no circumstances have changed since the granting of the severance.

Motion: (CA-41/19) Moved by Paul Morand
Seconded by Tom Marentette

That Application A-22/19, 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.

VI DEFERRALS

VII NEW BUSINESS

2019 Conference

Tom Fuerth notes that typically when the Committee Members attend the conference, it is recommended that a summary be prepared of the seminars attended to share with the Committee. Discussion ensues with respect to Certificates being prepared for both a newly severance lot and the retained parcel because you can sell the severed lot easily but you can't sell the retained lot without the severed lot if the severed lot remains in the Applicant's name. Chad Jeffery indicates that solicitor Joe Byrne, when working in Essex always requested a Certificate for both parcels. Chad Jeffery sites a scenario with Lakeview Montessori School that it would have been beneficial to have both deeds stamped. Chad Jeffery will discuss with the Town lawyer to obtain his opinion.

Mapping System

Chad Jeffery explains to the Committee the situation that occurred with respect to the Jobin severance regarding a default layer in the Town's mapping program for the parcel fabric. Chad Jeffery indicates that as a result of the situation that arose, a meeting with IT and GIS to discuss the various layers in the mapping system was held. IT and GIS are currently working on changing the default layer so that it properly reflects what is actually there. The problem occurs when there are individuals that hold multiple land holdings that abut.

Tom Marentette inquiries from Administration with respect to Application for Severance B-08/19, and although it was deferred, would a condition be required for stormwater drainage or is

drainage separate and are all the properties in the area compromised by the natural hazard due to being in the vicinity of Lake St. Clair and the low-lying road. Chad Jeffery indicates that an emergency plan is to be put in place so that if the owner/resident of the subject lands needed EMS, Police or Fire Dept. assistance, there is a plan in place to be able to get the residents out of the house during a natural hazard event. Chad Jeffery notes that during a storm event, the wind could push the water inland causing the road to be 2 feet under water. At that time, emergency vehicles be not able to respond to the residents at the subject lot by vehicle. It might be helpful to have ERCA come out to the next meeting to discuss natural hazards. Tom Fuerth notes that the Province through the PPS have implemented this portion of the policy to ensure that all residents have access to emergency services in the event of a natural hazard. Once ERCA is in agreement with the emergency plan proposed for the subject application, then the matter can proceed before the Committee.

VIII UNFINISHED BUSINESS

IX ADJOURNMENT

Motion: (CA-42/19) Moved by Chris Carpenter
Seconded by Jason Jolicoeur

That there being no further business the June 17, 2019 regular meeting of the Committee of Adjustment now adjourn at 6:13 p.m.

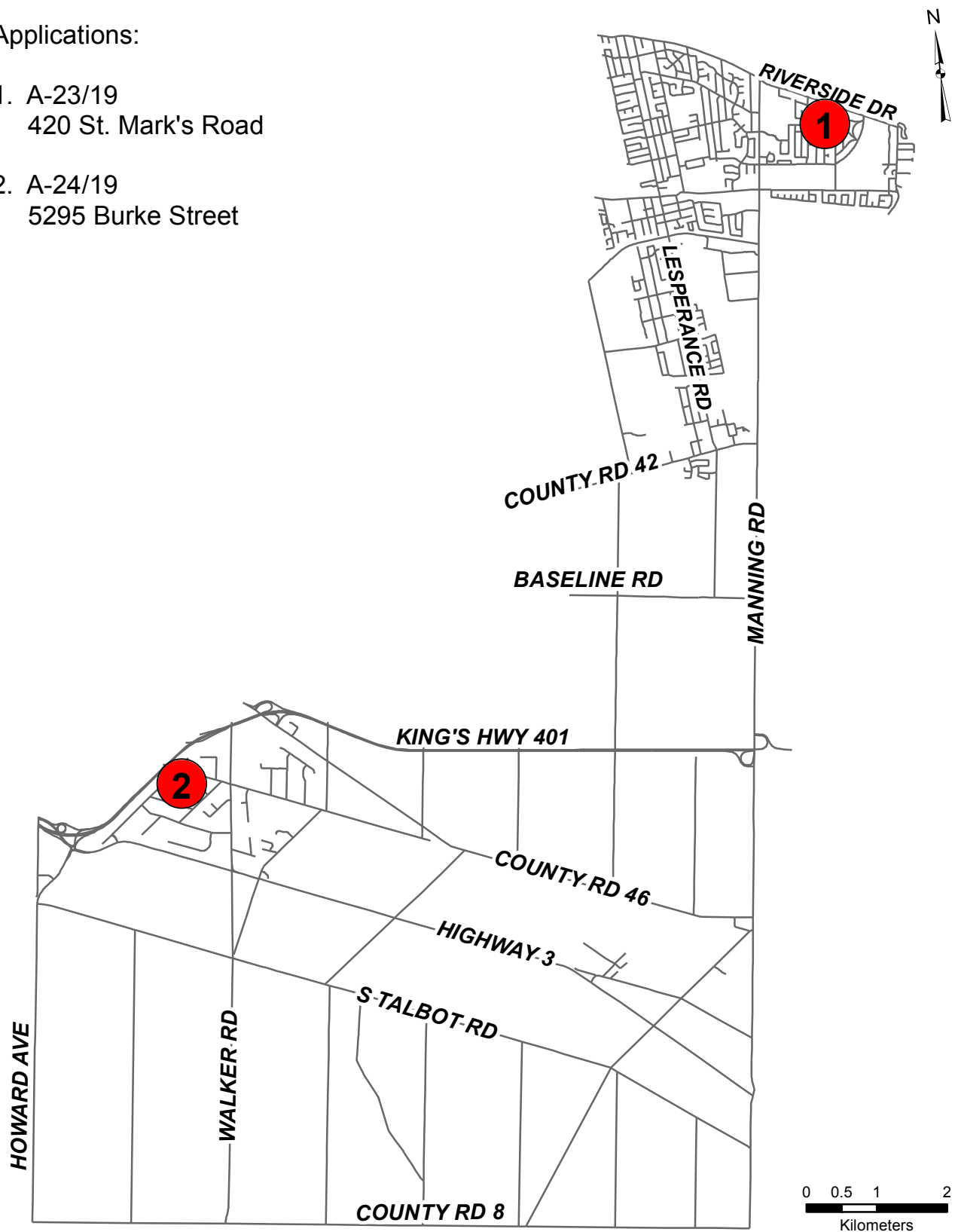
Carried

Tom Fuerth, Chairperson

Donna Ferris, Secretary-Treasurer

Applications:

1. A-23/19
420 St. Mark's Road
2. A-24/19
5295 Burke Street



Prepared By:
Tecumseh Planning and
Building Department



Subject Properties

July 22, 2019
Committee of
Adjustment Meeting
Key Map

**Town of Tecumseh
Committee of Adjustment
Regular Meeting
Monday, July 22, 2019
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, June 17, 2019.

V SUBMISSIONS

5:00 p.m.

Application for Minor Variance A-23/19 – Michael and Felecia Priestyeski, 240 St. Mark's Road

The purpose of the Application is to request relief from the following subsections of Zoning By-law 2065:

1. Subsection 7.1.3 b) which establishes a minimum front yard depth of 30 feet; and
2. Subsection 7.1.3 e) iv) which establishes a minimum exterior side yard width of 15 feet.

The Applicant is proposing to construct a 1425.14 square foot addition including a garage, master bedroom/ensuite and a covered deck having a side yard depth of 2 feet on the northerly exterior side lot line and 1 foot on the north-easterly exterior side lot line and a front yard depth of 27.92 feet in accordance with the attached sketch.

The property is designated Residential in the St. Clair Beach Official Plan and zoned Residential Type Two Zone (R2) in the St. Clair Beach Zoning By-law.

5:05 p.m.

Application for Minor Variance A-24/19 – National Vehicle Ltd., 5295 Burke Street

The purpose of the Application is to request relief from subsection 14.1.9 c) of Zoning By-law 85-18 which establishes a minimum side yard width of 6.0 metres (19.68 feet). As a result of the construction of an addition, relief for a side yard width of 3.9 metres (12.8 feet) for an existing building addition is being requested.

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

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: **Michael and Felecia Priestyeski**

Location of Property: **240 St. Mark's Road; Lot 54, Plan 1560
(former Village of St. Clair Beach)**

Purpose of Application: **Minor Variance**

**The purpose of the Application is to request relief from the following subsections of Zoning By-law 2065:
1.Subsection 7.1.3 b) which establishes a minimum front yard depth of 30 feet; and
2.Subsection 7.1.3 e) iv) which establishes a minimum exterior side yard width of 15 feet.**

The Applicant is proposing to construct a 1425.14 square foot addition including a garage, master bedroom/ensuite and a covered deck having a side yard depth of 2 feet on the northerly exterior side lot line and 1 foot on the north-easterly exterior side lot line and a front yard depth of 27.92 feet in accordance with the attached sketch.

The property is designated Residential in the St. Clair Beach Official Plan and zoned Residential Type Two Zone (R2) in the St. Clair Beach Zoning By-law.

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 22nd day of July, 2019 at 5:00 pm

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 12th day of July, 2019

Donna Ferris
Secretary-Treasurer
Town of Tecumseh Committee of Adjustment

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

Applicant: **National Vehicle Ltd.**

Location of Property: **5295 Burke Street; Part 25, 12R6426; Part 1 & 2, 12R6607
(former Township of Sandwich South)**

Purpose of Application: **Minor Variance**

The purpose of the Application is to request relief from subsection 14.1.9 c) of Zoning By-law 85-18 which establishes a minimum side yard width of 6.0 metres (19.68 feet). As a result of the construction of an addition, relief for a side yard width of 3.9 metres (12.8 feet) for an existing building addition is being requested.

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

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 22nd day of July, 2019 at 5:05 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.

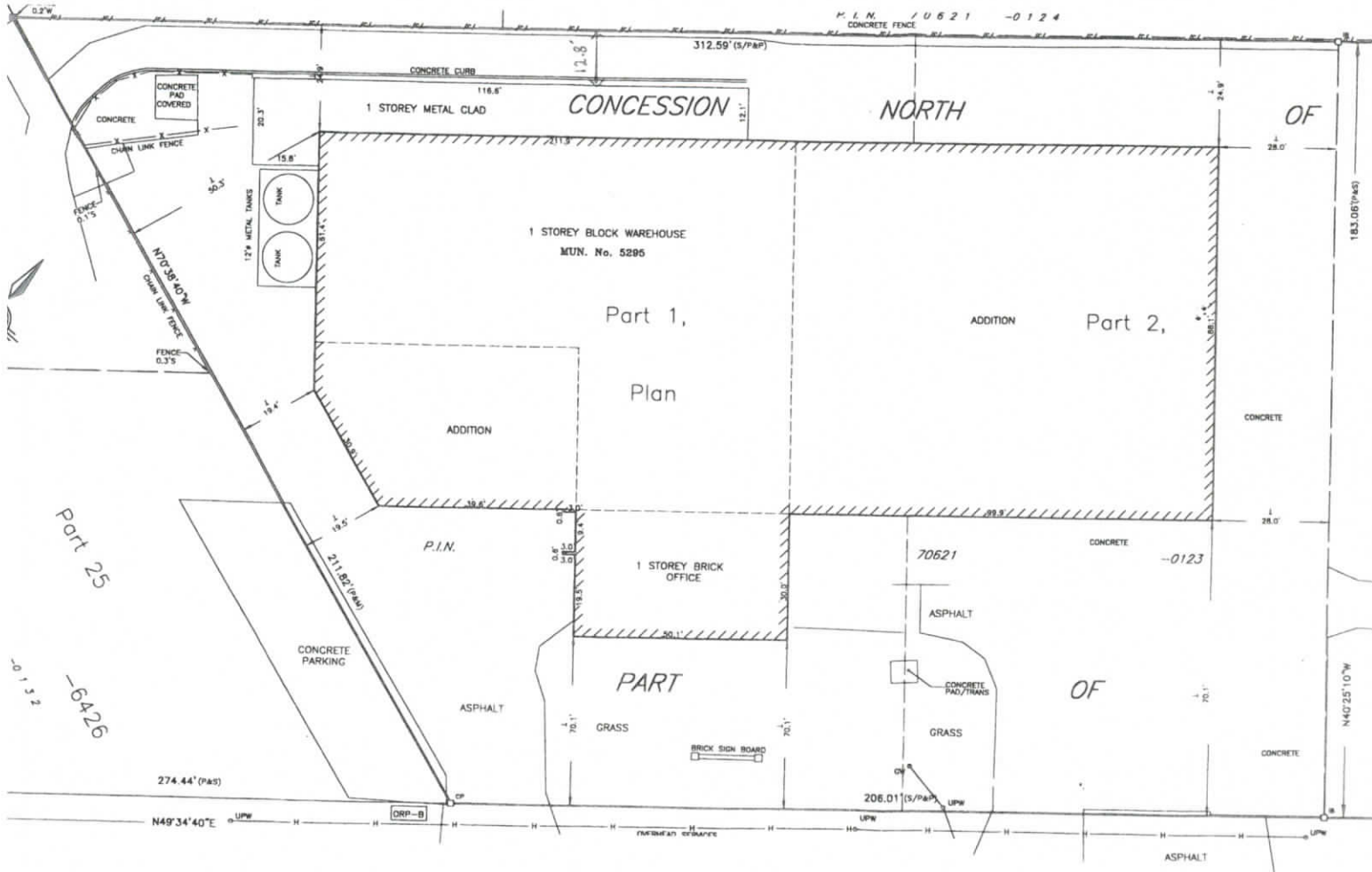
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Dated this 12th day of July, 2019

Donna Ferris
Secretary-Treasurer
Town of Tecumseh Committee of Adjustment

A-24/19

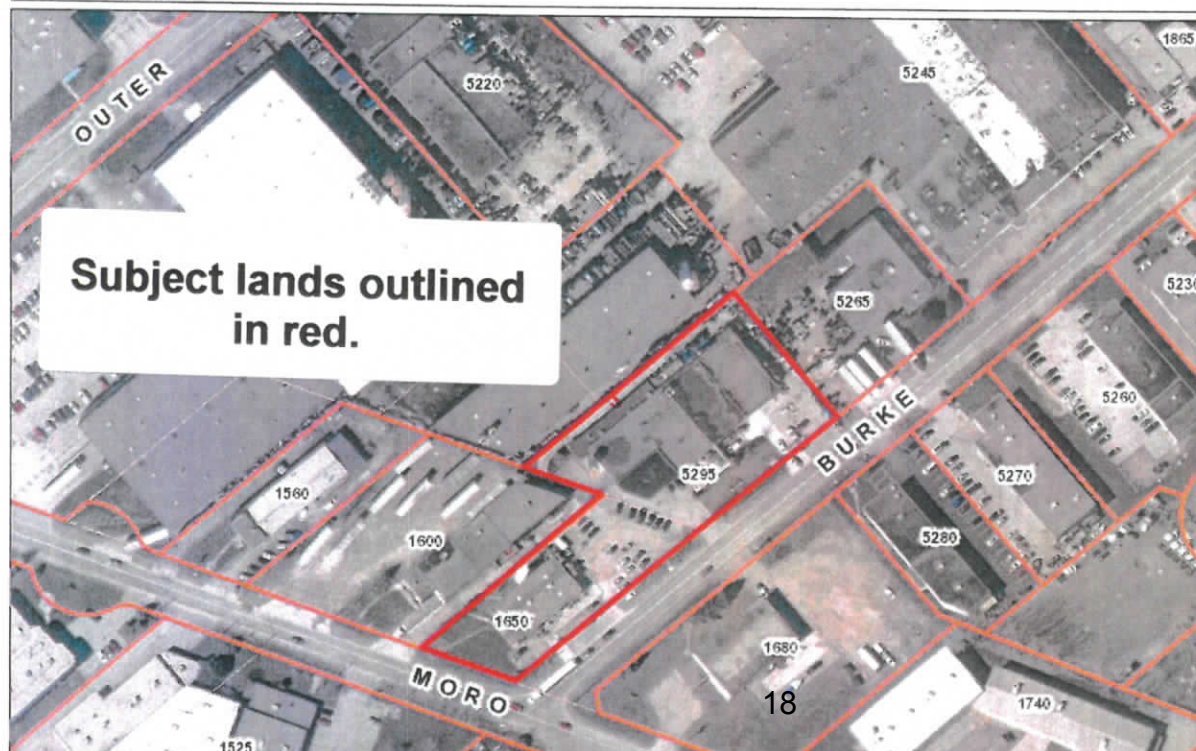


**Northeasterly portion
of subject lands.**

PUBLIC HIGHWAY, STREET



Town of Tecumseh Mapping



Legend

- Address
- Tecumseh Assessment (Tax C 2019 / MPAC Data April 13, 20)
- MPAC Assessment June Q2 2
- Tecumseh Ownership June Q2
- Rail Road
- Tecumseh Street Centreline
- Essex County Streets
- Parks



THE CORPORATION OF THE TOWN OF TECUMSEH

Planning Report

TO: Committee of Adjustment

FROM: Chad Jeffery, MA, MCIP, RPP
Manager Planning Services

HEARING DATE: July 22, 2019

SUBJECT: Minor Variance Applications A-23/19 and A-24/19

Please note that these Planning Comments were prepared as of July 19, 2019. Any public comments received after this date have not been incorporated into the following comments, however consideration of such public comments will be given at the Committee of Adjustment hearing on July 22, 2019 as the normal practice.

Application:	Minor Variance Application A-23/19
Applicant:	Michael and Felecia Priestyeski
Location of Property:	240 St. Mark's Road

The purpose of the Application is to request relief from the following subsections of Zoning By-law 2065:

1. Subsection 7.1.3 b) which establishes a minimum front yard depth of 30 feet; and
2. Subsection 7.1.3 e) iv) which establishes a minimum exterior side yard width of 15 feet.

The Applicant is proposing to construct a 1425.14 square foot addition including a garage, master bedroom/ensuite and a



covered deck having a side yard depth of 2.0 feet on the northerly exterior side lot line and 1.0 foot on the north-easterly exterior side lot line and a front yard depth of 27.92 feet in accordance with the sketch attached to the Agenda.

The property is designated Single Family Residential in the St. Clair Beach Official Plan and zoned Residential Type Two Zone (R2) in the St. Clair Beach Zoning By-law.

In accordance with the *Planning Act*, the Committee must be satisfied that the four tests set out in subsection 45(1) are met. The following comments are offered with respect to the subject application:

i) Is the intent of the Official Plan maintained?

The subject property is designated Single Family Residential in the Official Plan. Single unit dwellings and accessory structures are permitted within this designation. Accordingly, it is my opinion that the intent of the Official Plan is maintained.

ii) Is the intent of the Zoning By-law maintained?

Part of the intent of the minimum front yard and exterior side yard provisions is to maintain a relatively consistent setback pattern along a street. In a suburban context, the minimum front yard also ensures adequate space for the purpose of off-street parking. In addition, the minimum exterior side yard width also ensures that there is sufficient separation between a structure and the travelled portion of the roadway abutting the side lot line.

The proposed front yard depth of 27.92 feet for the proposed addition will not undermine the ability to provide adequate off-street parking or the consistency of the setbacks of homes along the east side of St. Mark's road, the majority of which appear to have a 30-foot front yard. This approximate 2.0-foot differential is further mitigated by the significant boulevard space (approximately 25 feet) along the east side of St. Mark's Blvd.

Although the proposed exterior side yard of 2.0 feet is substantially less than the 15-foot minimum, the intent of the By-law is not undermined due to the significant boulevard space along the south side of Hayes Avenue. When combined with the boulevard width of approximately 25 feet, the proposed addition will be a minimum of 27 feet from the travelled portion of Hayes Avenue. This distance from the travelled portion of the roadway is consistent with standards for newer development where the boulevard space is not as generous.

Given the foregoing, it is my opinion that the intent of the By-law will be maintained.

iii) Is the variance desirable for the appropriate development or use of the land?

The proposed addition will result in an exterior side yard/built form that is similar in nature to the other corner lots along Hayes Avenue at both Mack Court and Arlington Blvd. It should also be noted that Hayes Avenue and Mack Court generate very minimal traffic. Again, the significant boulevard space along both Hayes Avenue and St. Mark's Blvd, provides the necessary separation from the travelled portion of the roadway.

Based on the foregoing, the proposed addition will not adversely affect the character of area and is an appropriate use of the land.

iv) Is the variance requested minor?

Given that there is very minimal traffic along the abutting roads and there is significant boulevard space along both the front yard and exterior side yard of the subject property, the proposed variance will not result in undue adverse impact on abutting properties. Any impact is further mitigated due to the fact that the proposed addition will be one storey in height. It is therefore my opinion that the proposed variance is minor in nature.

Administration/Agency Comments

1. Engineering
 - No concerns.
2. Essex Region Conservation Authority (refer to correspondence in Agenda package)
 - The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Lake St. Clair. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.
 - ERCA has no objections to this application.

Public Comments

No formal comments were received at the time of preparation of this report.

Summary/Recommendation

In the absence of additional public input or the introduction of other pertinent issues, it is the opinion of the writer that the application satisfies the four tests of the *Planning Act*. The intent of the Official Plan has been met, the intent of the Zoning By-law has been met, the variance will result in appropriate development, the variance will not create undue adverse impact on adjacent properties and the variance is minor in nature.

The public hearing, in accordance with the requirements of the *Planning Act*, will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and other interested stakeholders/agencies. It is important that the concerns and comments of these stakeholders be taken into consideration as part of the full evaluation of the application.

Based on the foregoing, the writer supports the minor variance application and believes it to be based on sound planning principles.

Recommended Conditions

None

Application:	Minor Variance Application A-24/19
Applicant:	National Vehicle Ltd.
Location of Property:	5295 Burke Street

The purpose of the Application is to request relief from subsection 14.1.9 c) of Zoning By-law 85-18 which establishes a minimum side yard width of 6.0 metres (19.68 feet). The proposed relief would permit an addition, constructed in 2002 without a building permit, to continue to be situated 3.9 metres (12.8 feet) from the westerly side lot line. This variance would facilitate the transfer of the lands to the current tenant.

The property is designated



Business Park in the Sandwich South Official Plan and zoned Industrial Zone (M1) in the Sandwich South Zoning By-law.

In accordance with the *Planning Act*, the Committee must be satisfied that the four tests set out in subsection 45(1) are met. The following comments are offered with respect to the subject application:

i) Is the intent of the Official Plan maintained?

The subject property is designated Business Park in the Official Plan. The Business Park designation permits industrial/manufacturing uses/buildings on the subject property. Accordingly, it is my opinion that the intent of the Official Plan is maintained.

ii) Is the intent of the Zoning By-law maintained?

The purpose of the minimum side yard width provision is to ensure that there is sufficient separation for a structure from its respective side lot lines to allow for access and exterior maintenance.

Given the height of the addition, which is approximately half that of the main building, it is my opinion that the proposed side yard width of 3.9 metres (12.8 feet) will continue to provide adequate access and sufficient space for exterior maintenance.

It should also be noted that variances to permit a 3-metre (10-foot) side yard width (for one of the side yard lot lines) are common for industrial properties as business owners attempt to optimize the use of their lands.

The subject property meets all the other applicable zoning provisions.

Given the foregoing rationale, it is my opinion that the intent of the By-law will be maintained.

iii) Is the variance desirable for the appropriate development or use of the land?

As noted above, there have been a number of additions in the Oldcastle Business Park that have been given relief for a reduced side yard and the existing industrial building is not out of character with the surrounding industrial area. The fact that the addition has been in existence for the past 17 years without any reported issues or complaints, lends credence to it being appropriate development for the subject land.

Accordingly, it is my opinion that the proposed variance is desirable for the appropriate use of the land.

iv) Is the variance requested minor?

Given that the requested relief pertains only to the addition, which is a single storey and has existed for 17 years without any reported issues, it is my opinion that it will not cause any undue adverse impacts to surrounding properties and is minor in nature.

Administration/Agency Comments

1. Engineering
 - No concerns
2. Essex Region Conservation Authority (refer to correspondence in Agenda package)
 - The above noted lands this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act, (Ontario Regulation No. 158/06).
 - ERCA has no objections to this application.

Public Comments

No formal comments were received at the time of preparation of this report.

Summary/Recommendation

In the absence of additional public input or the introduction of other pertinent issues, it is the opinion of the writer that the application satisfies the four tests of the *Planning Act*. The intent of the Official Plan has been met, the intent of the Zoning By-law has been met, the variance will result in appropriate development, the variance will not create undue adverse impact on adjacent properties and the variance is minor in nature.

The public hearing, in accordance with the requirements of the *Planning Act*, will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and other interested stakeholders/agencies. It is important that the concerns and comments of these stakeholders be taken into consideration as part of the full evaluation of the application.

Based on the foregoing, the writer supports the minor variance application and believes it to be based on sound planning principles.

Recommended Conditions

- i) That the Owner be required to submit a building permit application for the building addition, in order for the Town to complete an inspection of the addition to confirm its compliance with applicable Ontario Building Code requirements; and
- ii) That the relief apply only to the addition.