

Committee of Adjustment

Minutes

Date: Monday, December 14, 2020
 Time: 5:00 pm
 Location: Electronic meeting live streamed at:
<https://video.isilive.ca/tecumseh/live.html>.

Present:

Chair, Tom Fuerth
 Member, Chris Carpenter
 Member, Tom Marentette
 Member, Tony Muscedere
 Member, Daniel Hofgartner
 Member, Paul Jobin

Also Present:

Manager Planning Services, Chad Jeffery
 Secretary-Treasurer, Donna Ferris

Others:

Director Information & Communications Services, Shaun Fuerth

A. Roll Call

B. Call to Order

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

C. Disclosure of Pecuniary Interest

There is no disclosure of interest made.

D. Minutes

1. November 23, 2020

Motion: CA-39-20

Moved By Member Tom Marentette
 Seconded By Member Tony Muscedere

That the minutes of the regular Committee of Adjustment meeting held November 23, 2020 **be adopted**, as printed and circulated.

Carried

E. Applications

1. **Application for Minor Variance A-17-20 Melvin and Kimberly Freeman 2559 Banwell Road**

a. Sketch

Interested parties present: Melvin and Kimberly Freeman, Applicants
Rob Dolinar, Designer, Keen Design Studio

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

1. Subsection 15.2.4 e) establishes that the minimum front yard depth for residential dwellings on an agricultural lot is 15 metres (49.21 feet); and
2. Subsection 15.2.4 f) establishes that the minimum side yard width for residential dwellings on an agricultural lot is 3 metres (9.84 feet).

The Applicants are proposing to construct additions to the existing dwelling that will result in a front yard depth of 13.9 metres (45.66 feet) and a northerly side yard width of 2.3 metres (7.7 feet). The proposed additions to the existing dwelling will result in a total building area of 281.22 square metres (3027 square feet). The existing detached garage and garden shed are to be demolished.

The subject property is designated Low Density Residential in the Sandwich South Official Plan and zoned Agricultural Zone (A) in the Sandwich South Zoning By-law. See sketch attached.

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

Correspondence

Essex Region Conservation Authority: No concerns.

Engineering: See Planning Report.

Discussion

The Chair inquires if the Applicant has any additional information they would like to advise the Committee. Kimberly Freeman advises she does not have any additional information but Rob Dolinar, Designer, advises that the Applicants require side yard relief in order to accommodate the bedrooms on the north side of the dwelling as the garage will be

constructed on the south side of the dwelling where there is an existing kitchen and utility area. Therefore, side yard relief of approximately 2 feet 1.5 inches is required on the northerly side of the dwelling to accommodate the addition for bedrooms.

Tom Marentette indicates that the explanation provided for requesting relief has merit. Tom Marentette further advises that he has attended the site, noting that the site had been properly staked, there is ample property for the proposal, and the proposal suits the site. Therefore, is supportive of the Application.

Tony Muscedere inquires as to the location of the current septic system. Kimberly Freeman advises that the septic systems is in the front yard in front of the proposed bedroom addition. Kimberly Freeman advises that they will have to move the septic system from the current location.

Tony Muscedere also indicates that the Town Engineer has made comments with respect to a pipe that crosses the property in a north-south direction just west of the westerly limit of the Banwell Road right of way as part of the Banwell Road Drain and that the pipe is to be protected during the construction activities that are planned for this property. Tony Muscedere inquires as to whether or not the Applicant is aware of the specific location of this pipe. Kimberly Freeman indicates that she is not aware of the location of the pipe. The Chair inquires as to whether or not Administration can respond to Tony Muscedere's inquiry. Chad Jeffery indicates that from reading the Engineer's comments, the pipe is not going to conflict with what the Applicant's are proposing as the pipe runs north-south and is closer to Banwell Road. Tom Fuerth inquires if it is just a culvert in the roadside drain. Chad Jeffery advises that comments do not indicate if the pipe is a municipal drain. Tony Muscedere indicates that the comments indicate that the pipe is on the private property just west of the westerly limit of the Banwell Road right of way. Tom Fuerth indicates that it is common for the municipal drain to be located on private property in the Sandwich South area. Chad Jeffery indicates that it is even more common when there is a narrow right of way that sometimes they have to go outside the right of way to incorporate municipal infrastructure. Chad Jeffery indicates, based on the Engineer's comments, that the pipe is just west of the municipal right of way and that the pipe does not conflict with the actual construction of the proposed additions.

Tom Marentette is supportive of the proposal as the Application meets the four tests. Tom Marentette also indicates that the drawings as well as the comments provided by the Applicants demonstrate that the proposal suits the property and that it is minor in nature.

Motion: CA-40-20

Moved By Member Tom Marentette

Seconded By Member Tony Muscedere

That Application A-17-20, be approved.

Carried

Reason

The Application is 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.

2. Application for Minor Variance A-18-20 Russ Urbanoski and Stacey Rohrer, 166 Cove Drive

a. Sketch

Interested parties present: none

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

1. Subsection 5.30 which establishes that no building or structure be erected closer to an open watercourse than twenty-five (25) feet plus the depth of the watercourse to a maximum of fifty feet (50);
2. Subsection 6.1.3 e) i) which establishes a minimum front yard depth of 50 feet; and
3. Subsection 6.1.3 e) iii) which establishes a minimum interior side yard width of 10 feet.

The Applicants are proposing renovations to the existing dwelling to include a garage addition, main floor additions and a second storey addition above a rear yard patio resulting in: a front yard depth of 4.86 metres (15.9 feet); a northerly side yard width of 1.6 metres (5.25 feet); a southerly side yard width of 2.64 metres (8.6 feet); and a setback of 9.92 metres (32.5 feet) from the open watercourse in accordance with the attached sketch.

The property is designated Single Family Residential in the St. Clair Beach Official Plan and zoned Residential Type One Zone (R1-1) 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

Essex Region Conservation Authority: Recommend that this application be deferred until such time that a satisfactory proposal can be confirmed to meet the necessary hazard criteria.

Engineering: See Planning Report.

Discussion

Upon an inquiry from the Chair, Chad Jeffery advises that ERCA has recommended to the Committee that the Application be deferred until such time as the Town and the Applicant are able to meet with ERCA to get a sense of what the issues are with respect to safe access and the proximity to the floodway. It is anticipated that a meeting will be scheduled this week in order that this matter can come back before the Committee in January.

Motion: CA-41-20

Moved By Member Tom Marentette

Seconded By Member Chris Carpenter

That Application A-18-20, be **deferred** until such time as the matters with Essex Region Conservation Authority are resolved.

Carried

F. Deferrals

G. Planning Report

1. December 14, 2020

H. Unfinished Business

I. New Business

1. Ontario Association of Committee of Adjustments (OACA) - 2021 Memberships

The Committee is informed by the Secretary-Treasurer that member registration for 2021 to the Ontario Association of Committee of Adjustments can be completed in January, 2021. The Chair explains, for the benefit of the new members, the purpose of membership to Ontario Association of Committee of Adjustment, including opportunities for training and education to assist the members in decision making as it relates to consent and minor variance applications.

2. **Draft New Official Plan**

The Secretary-Treasurer informs the Committee that this matter has been placed on the Agenda as follow up from the November meeting in order to address any questions they might have following their review of the Draft Official Plan for the Town of Tecumseh.

Tom Fuerth inquiries as to how many farm parcels are within Essex County which would precipitate having wording in the Draft Official Plan with respect to farm parcels having to be a minimum of 200 acres in order to be granted consent for a farm split. Chad Jeffery informs the Committee that a lot size study was conducted by the Planning Committee at the County level. The Planning Committee determined that it was important to protect the few remaining farm lots as they were viewed as an agricultural resource. Tom Fuerth refers to a consent recently granted by the Committee noting that under the proposed Draft Official Plan policy, applications of that nature would not be permitted. Tom Fuerth also notes that a substantial amount of effort was put into a policy that may never happen. Chad Jeffery indicates that the policy was partially based on a recommendation from the Ministry of Agriculture and Food and Rural Affairs which established that 100 acres for this area represented an appropriate minimum lot size for agricultural lots. Further, the recommendation was assessed against the inventory of agricultural lots in this area and it was ultimately determined that 100 acres (each parcel) for a farm split was an appropriate size. There are still opportunities for a farm split but very limited.

J. **Adjournment**

Motion: CA-42-20

Moved By Member Tom Marentette

Seconded By Member Daniel Hofgartner

That there being no further business, the Monday, December 14, 2020 regular meeting of the Committee of Adjustment now **adjourn** at 5:20 pm.

Carried

Tom Fuerth, Chairperson

Donna Ferris, Secretary-Treasurer