



## **The Corporation of the Town of Tecumseh**

### **Planning Report**

**To:** Committee of Adjustment

**From:** Chad Jeffery, MA, MCIP, RPP

**Hearing Date:** January 25, 2021

**Subject:** **Severance Application B-01-21 and  
Minor Variance Applications A-01-21 to A-08-21**

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Please note that this Planning Report was prepared as of January 21, 2021. Any public comments received after this date have not been incorporated into this Report, however consideration of such public comments will be given at the Committee of Adjustment hearing on January 25, 2021 as the normal practice.

<b>Application:</b>	<b>Severance Application B-01-21</b>
<b>Applicant:</b>	<b>Paul Sabelli</b>
<b>Location of Property:</b>	<b>383 Brighton Road</b>

The purpose of the Application is to sever a 183.9 square metre (1980 square foot) parcel of land (outlined in red) from the residential lot at 383 Brighton Road and add it to the abutting residential lot to the west (shaded in red) fronting on Beach Grove, as shown on the sketch below. The proposed retained residential lot (outlined in green) has a frontage of 32.6 metres (66 feet) and an area of 674.48 square metres (7,260 square feet). The lot to which the severed parcel is proposed to be added will have a frontage of 31.2 metres (102.3 feet) and an area of 1158.9 square metres (12,474 square feet). Both the severed parcel and the vacant lot

fronting on Beach Grove are designated Single Family Residential in the St. Clair Beach Official Plan and zoned Residential Type Two (R2) in the St. Clair Beach Zoning By-law.



## Provincial Policy Statement

The *Planning Act* establishes that the Committee, when making decisions that affect a planning matter, “shall be consistent with” the 2020 Provincial Policy Statement (“PPS”) issued under the *Planning Act*. The proposed minor lot adjustment meets the intent of the PPS.

## County of Essex Official Plan (COP)

The subject lands are within an identified Primary Settlement Area of the County Official Plan. The proposed minor lot adjustment conforms to the policies of County of Essex Official Plan.

## St. Clair Beach Official Plan

Both the severed parcel and the vacant lot fronting on Beach Grove are designated Single Family Residential in the St. Clair Beach Official Plan. The following section of the Tecumseh OP is relevant in the evaluation of the proposed severance:

### “6.2 GENERAL POLICIES

...

- vi) notwithstanding any other policy of this Plan, consents for the creation of easements or right-of-ways are permitted and minor lot adjustments or minor boundary changes are permitted provided they are granted conditional to Section 50(3) or (5) of the Planning Act, R.S.O. 1990”.

Given the technical nature of the subject application, a consent to sever is appropriate. The purpose of the subject minor boundary adjustment is to provide a more regularized lot shape for the vacant lot on Beach Grove that is proposed to be developed with a single unit dwelling. In addition, the retained lot will be of similar area and depth as the lot abutting to the immediate south. However, as a result of the proposed application, the retained lot will require a minor variance to address the undersized lot area and rear yard depth in accordance with the current R2 zoning that applies to it. The minor variance will be added as a condition in the event the severance application is approved. Administration has reviewed the noted minor variance request that would be associated with this application and does not foresee any issues. Accordingly, the application conforms to the Tecumseh Official Plan.

## **St. Clair Beach Zoning By-Law**

Both the severed parcel and the vacant lot fronting on Beach Grove are zoned Residential Type Two (R2) in the St. Clair Beach Zoning By-law. The R2 Zone permits the existing single unit dwelling that is located on the retained lot and permits the dwelling proposed to be constructed on the vacant lot fronting Beach Grove. As noted above, the retained lot will require a minor variance to address lot and yard deficiencies. The vacant lot on Beach Grove will comply with the R2 zone regulations.

## **Administration/Agency Comments**

### **1. Engineering**

- Please note that the existing vacant lot on Beach Grove is currently zoned residential and is large enough to allow for the construction of a new dwelling. This lot, however, does not appear to have storm, sanitary or water service connections. Prior to the development of this lot, it will be the owner's responsibility to install the private storm, sanitary and water services from the municipal sewers and watermain to the subject property.

### **2. Building Department**

- No concerns.

### **3. Fire Services**

- No comment

### **4. Essex Region Conservation Authority**

- With the review of background information and aerial photograph, ERCA has no objection to this application for Consent.

## **5. Bell Canada**

- Bell Canada has noted that it requires an easement for existing services that traverse the proposed lands as identified on a sketch that has been provided. Please refer to formal correspondence provided by Bell Canada.

## **Public Comments**

No public comments were received as of time of the writing of this report.

## **Summary/Recommendation**

In the absence of additional public input or the introduction of other pertinent issues, it is my opinion that the proposed severance is consistent with the PPS, conforms to both the County and St. Clair Beach Official Plans and is in keeping with good planning principles.

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.

## **Recommended Conditions**

Based on the information provided within this Application and in this report, it is recommended that this Application, if approved, be subject to the following 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 \$625.00 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 subsection 50(3) and/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 which is the subject of this consent ("subject parcel") 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;

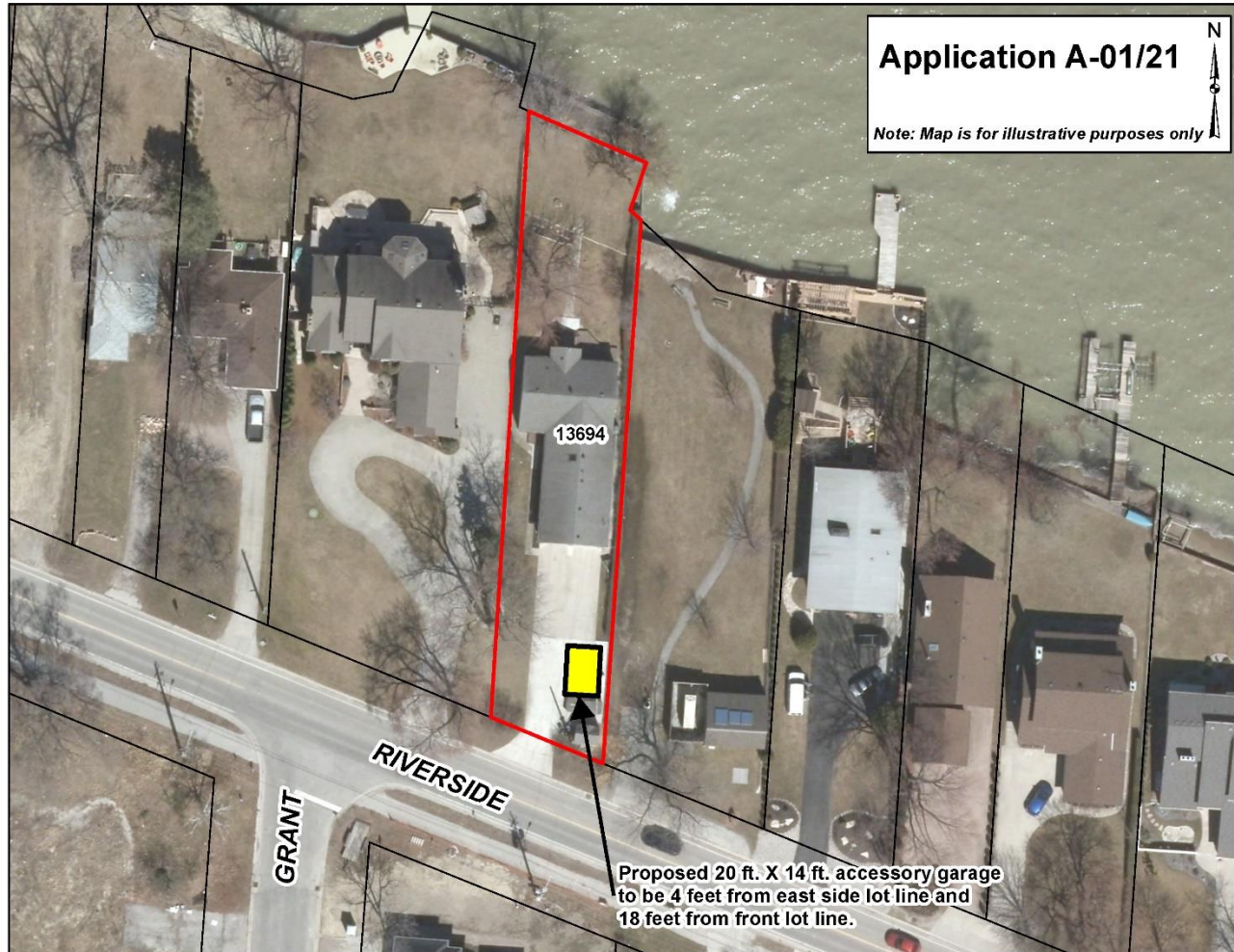
6. That the Applicant apply for and be granted a minor variance providing relief from subsections 7.1.3 a) (Minimum Lot Area) and 7.1.3 e) ii) (Minimum Rear Yard) of Zoning By-law 2065 with respect to the proposed retained lot;
7. That the building structure/shed located on the vacant lot fronting on Beach Grove be removed;
8. That the landscaping pond and southwest portion of the dwelling on the retained lot (outlined in yellow on the Notice) be demolished to the satisfaction of the Chief Building Official;
9. That the Owner be required to provide a draft reference plan and accompanying draft easement documents for Bell Canada's approval prior to registration, along with an acknowledgement and direction for Bell Canada's execution, in accordance with Bell Canada's correspondence associated with the application; and
10. That the above conditions be fulfilled on or before January 29, 2021 prior to this severance being finalized.

<b>Application:</b>	<b>Minor Variance Application A-01-21</b>
<b>Applicant:</b>	<b>Gary Glatter</b>
<b>Location of Property:</b>	<b>13694 Riverside Drive</b>

The purpose of the Application is to request relief from subsection 5.19.1 b) i) of Zoning By-law 2065 which establishes that accessory structures shall not be permitted in the front yard in residential zones. The Applicant is proposing to construct a 26.0 square metre (280 square foot) accessory structure in the front yard in accordance with the sketch below. The existing garden shed in the front yard is to be removed.

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

### **Is the intent of the Official Plan maintained?**

The subject property is designated Low Density Residential in the Official Plan. Accessory structures such as detached garages are permitted uses within this designation. There is no policy direction with respect to the location of such structures. Accordingly, the application meets the intent of the Official Plan.

### **Is the intent of the Zoning By-law maintained?**

The intent of the Zoning By-law in prohibiting accessory structures in the front yard of residential lot is to maintain an esthetic and character of open space. In the case of the subject property, there is currently a shed located approximately 0.9 metres (3 feet) from the front lot line which is highly visible from Riverside Drive. The applicant is proposing to remove this shed and replace it with a new detached garage structure that will be located approximately 5.5 metres (18 feet) from the front lot line. The proposed location is much less visible from

Riverside Drive when approaching from either the east or west given the presence of mature trees and the municipal pumping station.

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

### **Is the variance desirable for the appropriate development or use of the land?**

There are seven lots to the west of the subject property that contain detached structures in the front yard within this area of the former Village of St. Clair Beach. It is not until one looks to the east of the subject property where there seems to be a transition in character as there are only two such lots containing detached structures in the front yard. The building on the abutting property to the east contains a municipal stormwater pump. As noted above, the proposed detached garage is setback farther than this building and is therefore not visible from the west. Its view is also partially blocked from the east due to the presence of mature trees.

Based on the foregoing, it is my opinion that the proposed relief will result in development that represents a desirable use of the land.

### **Is the variance requested minor?**

For the foregoing reasons, there is no undue adverse impact anticipated as a result of the construction of the proposed detached garage in the front yard. The resulting development is consistent with the character of the lakefront residential lots to the west and represents a point of transition to an area that contains no accessory structures to the east. It is therefore my opinion that the requested relief is minor in nature.

### **Administration/Agency Comments**

#### **1. Engineering**

- No comments with regard to the requested minor variance, however, the issue of ingress and egress to this site during times of flooding should be reviewed with the Tecumseh Fire Department and the Essex Region Conservation Authority.

#### **2. Building Department**

- No concerns.

#### **3. Fire Services**

- No issues with access.

#### **4. Essex Region Conservation Authority**

- With the review of background information and aerial photographs, ERCA has no objection to this application for Minor Variance. However, the applicant must obtain an ERCA permit.

## Public Comments

No public comments were received as of the time of the writing 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.

## Recommendation Conditions

Based on the information provided within this Application and in this report, it is recommended that this Application, if approved, be subject to the following conditions:

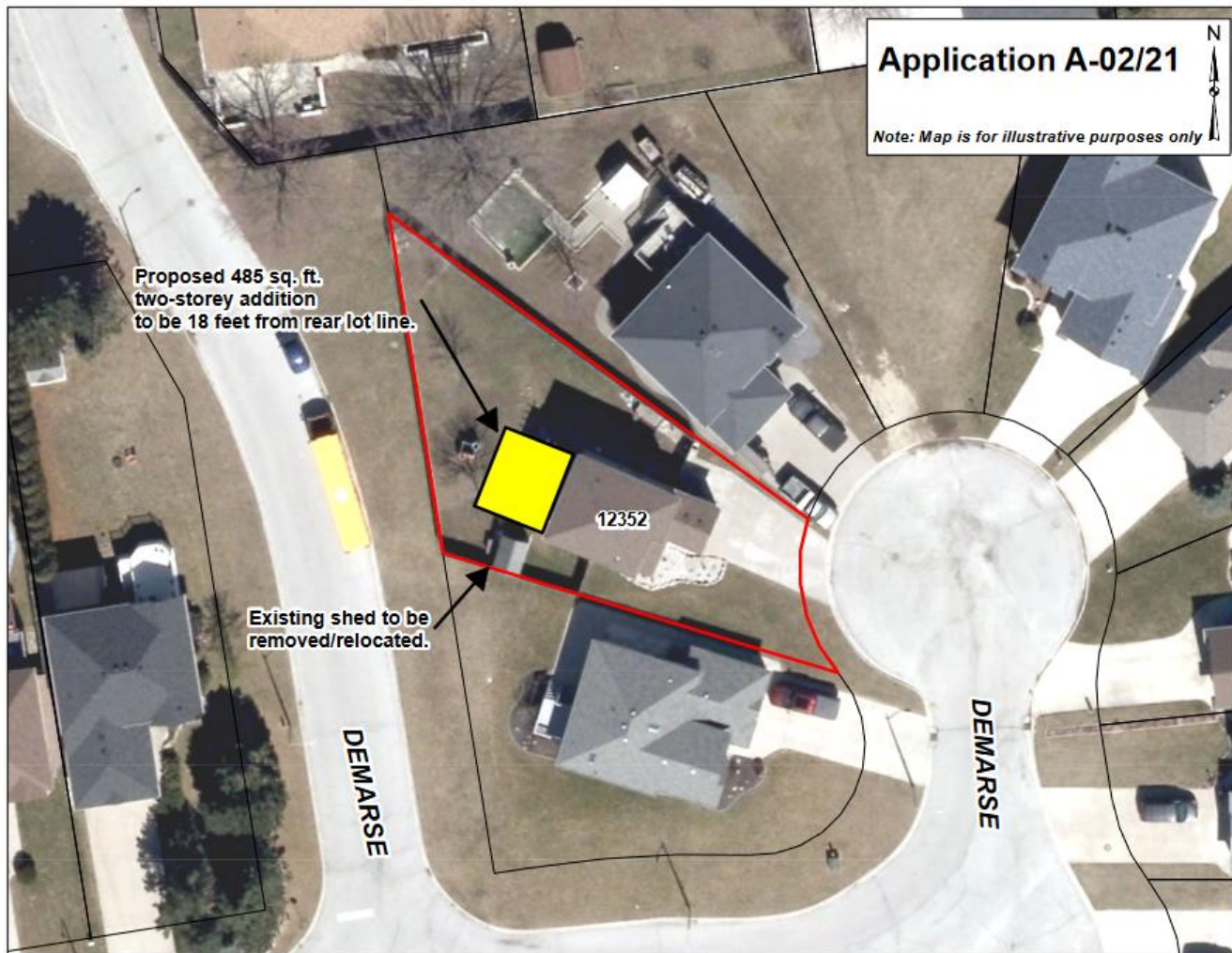
1. That the existing shed be removed.

<b>Application:</b>	<b>Minor Variance Application A-02-21</b>
<b>Applicant:</b>	<b>Cory Baiano</b>
<b>Location of Property:</b>	<b>12352 Demarse Court</b>

The purpose of the Application is to request relief from Subsection 7.1.11 of Zoning By-law 1746 which establishes a minimum rear yard depth of 7.6 metres (24.9 feet). The Applicant is requesting relief to construct a 45.06 square metre (485 square foot) two-storey addition resulting in a rear yard depth of 5.5-metre (18-foot).

The subject property is designated Residential in the Tecumseh Official Plan and zoned Residential Zone 2 (R2-18) in the Tecumseh 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:

### **Is the intent of the Official Plan maintained?**

The subject property is designated Residential in the Official Plan. Single-unit residential dwellings are permitted by this designation. The proposed variance, which will facilitate an addition to the existing single-unit dwelling, meets the intent of the Official Plan.

### **Is the intent of the Zoning By-law maintained?**

The subject property is zoned Residential Zone 2 (R2-18) in the Tecumseh Zoning By-law. The purpose of the 7.6 metres (24.9 feet) rear yard depth is to ensure that there is adequate space in the rear yard for amenity space and outdoor recreation purposes. The majority of the proposed addition will comply with or exceed the required 7.6 metre rear yard depth, however the south-western corner of the proposed addition will encroach into the 7.6 metre rear yard depth, resulting in that corner having a 5.5 metre rear yard depth. Given the configuration of

the lot, there is ample rear yard space within the northern portion of the lot for outdoor recreation purposes. All other zoning requirements established by the R2-18 zone will be complied with.

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

### **Is the variance desirable for the appropriate development or use of the land?**

There are no concerns with the layout or its impact on abutting properties. The subject property is a through-lot situated between two segments of Demarse Court. The lot has a wide grassed boulevard abutting its rear lot line which offers additional separation from the western portion of the Demarse Court roadway.

Based on the foregoing, it is my opinion that the proposed relief will result in development that represents a desirable use of the land.

### **Is the variance requested minor?**

Given the configuration of the subject property and its through-lot nature, no undue adverse impact is anticipated as a result of the proposed addition to the existing dwelling. It is therefore my opinion that the requested relief is minor in nature.

### **Administration/Agency Comments**

#### **1. Engineering**

- No comments

#### **2. Essex Region Conservation Authority**

- With the review of background information and aerial photographs, ERCA has no objection to this application for Minor Variance.

#### **3. Building Department**

- No concerns

#### **4. Fire Services**

- No comments

## Public Comments

No public comments were received as of time of the writing 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.

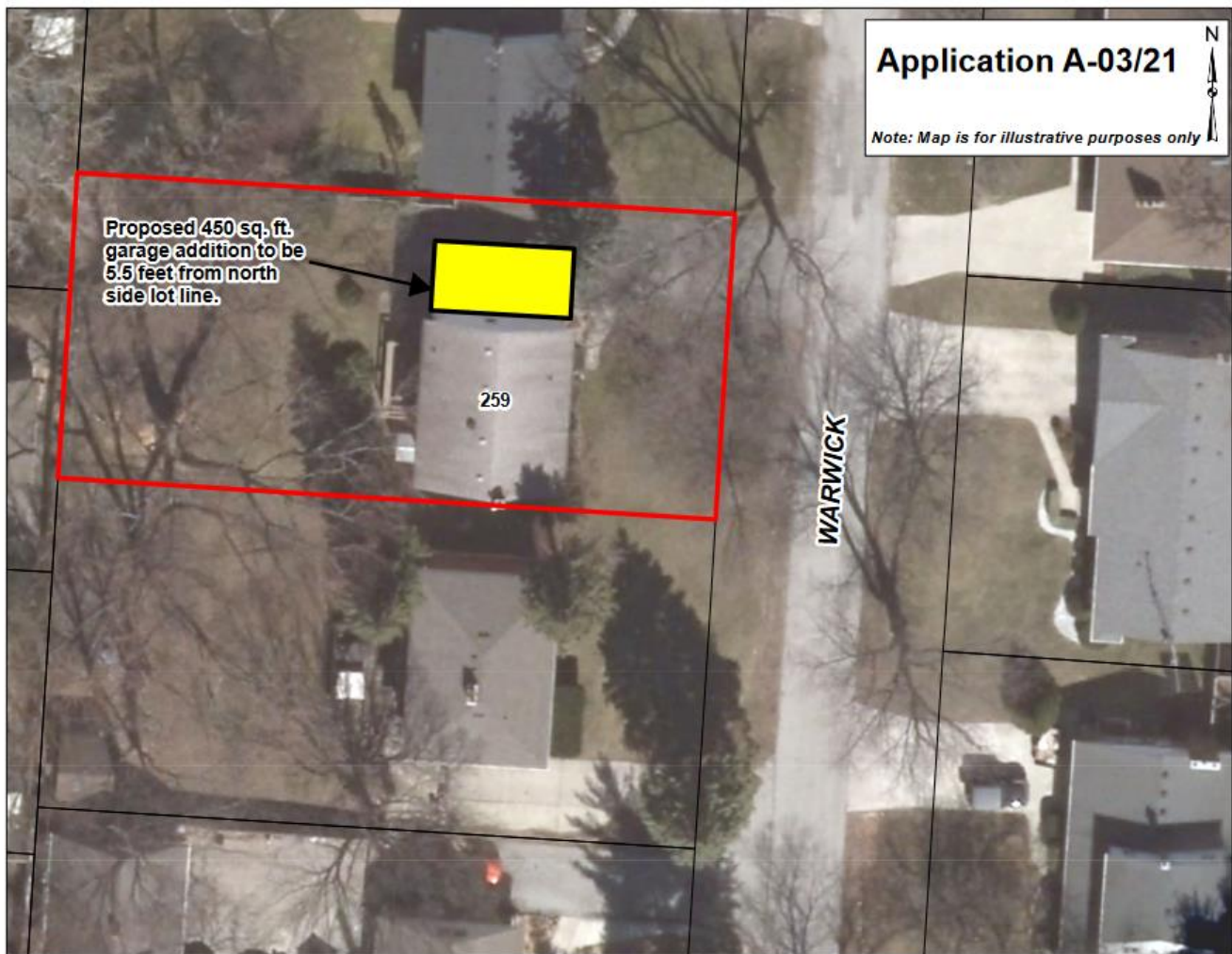
## Recommendation Conditions

None are recommended.

<b>Application:</b>	<b>Minor Variance Application A-03-21</b>
<b>Applicant:</b>	<b>Richard Pellow</b>
<b>Location of Property:</b>	<b>259 Warwick Road</b>

The purpose of the Application is to request relief from subsection 7.1.3 e) iii) of Zoning By-law 2065 which establishes a minimum interior side yard width of the lesser of 10 feet or 15 percent of the lot frontage. Given that the lot frontage of this lot is 19.8 metres (65 feet), the minimum side yard width is 2.97 metres (9.75 feet). The Applicant is requesting relief to allow an interior side yard width of 1.6 metres (5.5 feet) on the northerly side yard in order to facilitate a 41.8 square metre (450 square foot) garage addition to the home in accordance with the sketch below.

The subject property is designated Single Family Residential in the St. Clair Beach Official Plan and zoned Residential Type 2 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:

### **Is the intent of the Official Plan maintained?**

The subject property is designated Single Family Residential in the Official Plan. Single-unit residential dwellings are permitted by this designation. The proposed variance, which will facilitate an addition to the existing single-unit dwelling, meets the intent of the Official Plan.

### **Is the intent of the Zoning By-law maintained?**

The subject property is zoned Residential Type 2 Zone (R2) in the St. Clair Beach Zoning By-law. The purpose of the minimum interior side yard width is to maintain a sense of open space and to ensure that there is sufficient space for rear yard access and exterior maintenance. The proposed northerly side yard width of 1.6 metres (5.5 feet) will continue to provide adequate access to the rear yard and sufficient space for exterior maintenance. In addition, the

southerly side yard will continue to meet the 2.97-metre (9.75-foot) side yard width and all other zoning requirements established by the R2 zone will be complied with.

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

### **Is the variance desirable for the appropriate development or use of the land?**

Unlike the majority of dwellings in the surrounding area, there is currently no garage on the subject property. The proposed variance is necessary to accommodate the construction of an attached garage with the necessary width to enable the storage of a vehicle and other household items. Building an attached garage as opposed to a detached garage in the rear yard will enable the owner to better accommodate a pool and pool house that he intends to have built. It is also noted that the garage addition is one storey in height thereby mitigating the potential for impact of the reduction in side yard width.

Based on the foregoing, it is my opinion that the proposed relief is desirable for the appropriate development of the land.

### **Is the variance requested minor?**

No undue adverse impact is anticipated as a result of the proposed addition to the existing dwelling. The resulting development is consistent with the character of the residential lots in the surrounding area. It is therefore my opinion that the requested relief is minor in nature.

### **Administration/Agency Comments**

#### **1. Engineering**

- No comments

#### **2. Building Department**

- No concerns.

#### **3. Fire Services**

- No comments.

#### **4. Essex Region Conservation Authority**

- With the review of background information and aerial photographs, ERCA has no objection to this application for Minor Variance. However, the applicant must obtain a Section 28 Permit from ERCA.



## Public Comments

No public comments were received as of time of the writing 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.

## Recommendation Conditions

None are recommended.

<b>Application:</b>	<b>Minor Variance Application A-04-21</b>
<b>Applicant:</b>	<b>Brian and Yvonne Prime</b>
<b>Location of Property:</b>	<b>345 Arlington Boulevard</b>

The purpose of the Application is to request relief from subsection 5.19.1 g) of Zoning By-law 2065 which establishes that accessory structures shall not be located within 1.5 metres (4.92 feet) of the main building. The Applicant is proposing to install a 0.77 square metre (8.32 square foot) generator (accessory structure) in the southerly side yard a distance of 0.45 metres (1.5 feet) from the main building in accordance with the attached sketch.

The property is designated Single Family Residential in the St. Clair Beach Official Plan and zoned Residential Type Two (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:

### **Is the intent of the Official Plan maintained?**

The subject property is designated Single Family Residential in the Official Plan. Accessory structures are uses that are common on residential lots and are permitted by this designation. The proposed variance, which will facilitate the installation of a backup generator for the existing single-unit dwelling, meets the intent of the Official Plan.

### **Is the intent of the Zoning By-law maintained?**

The subject property is zoned Residential Type 2 Zone (R2) in the St. Clair Beach Zoning By-law.

The purpose of the 1.5-metre (4.92-foot) separation distance for an accessory structure to a main building (dwelling) is to maintain sufficient separation between the accessory structure and main building for maintenance. The relatively small size of the generator will not

undermine the ability to do maintenance on the dwelling or space between it and the generator. All other zoning requirements established by the R2 zone will be complied with.

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

### **Is the variance desirable for the appropriate development or use of the land?**

The applicant is proposing to install a backup generator that will service the existing dwelling. Generators are becoming more common in this area of the Town in order to provide back up power during outages to ensure important servicing equipment such as sump pumps can be maintained, particularly during flooding events. The installation specifications for the generator require that it be located close to the dwelling (similar to an air conditioning unit).

Based on the foregoing, it is my opinion that the proposed relief will result in development that represents a desirable use of the land.

### **Is the variance requested minor?**

The generator is relatively small, will only be engaged during power outages and noise generation on modern units is minimized. Accordingly, no undue adverse impact on the abutting property to the south is anticipated. It is therefore my opinion that the requested relief is minor in nature.

## **Administration/Agency Comments**

### **1. Engineering**

- No comments

### **2. Essex Region Conservation Authority**

- With the review of background information and aerial photographs, ERCA has no objection to this application for Minor Variance. However, the applicant will require a Section 28 ERCA permit.

### **3. Building Department**

- No concerns.

### **4. Fire Services**

- No comments

## Public Comments

No public comments were received as of time of the writing 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.

## Recommendation Conditions

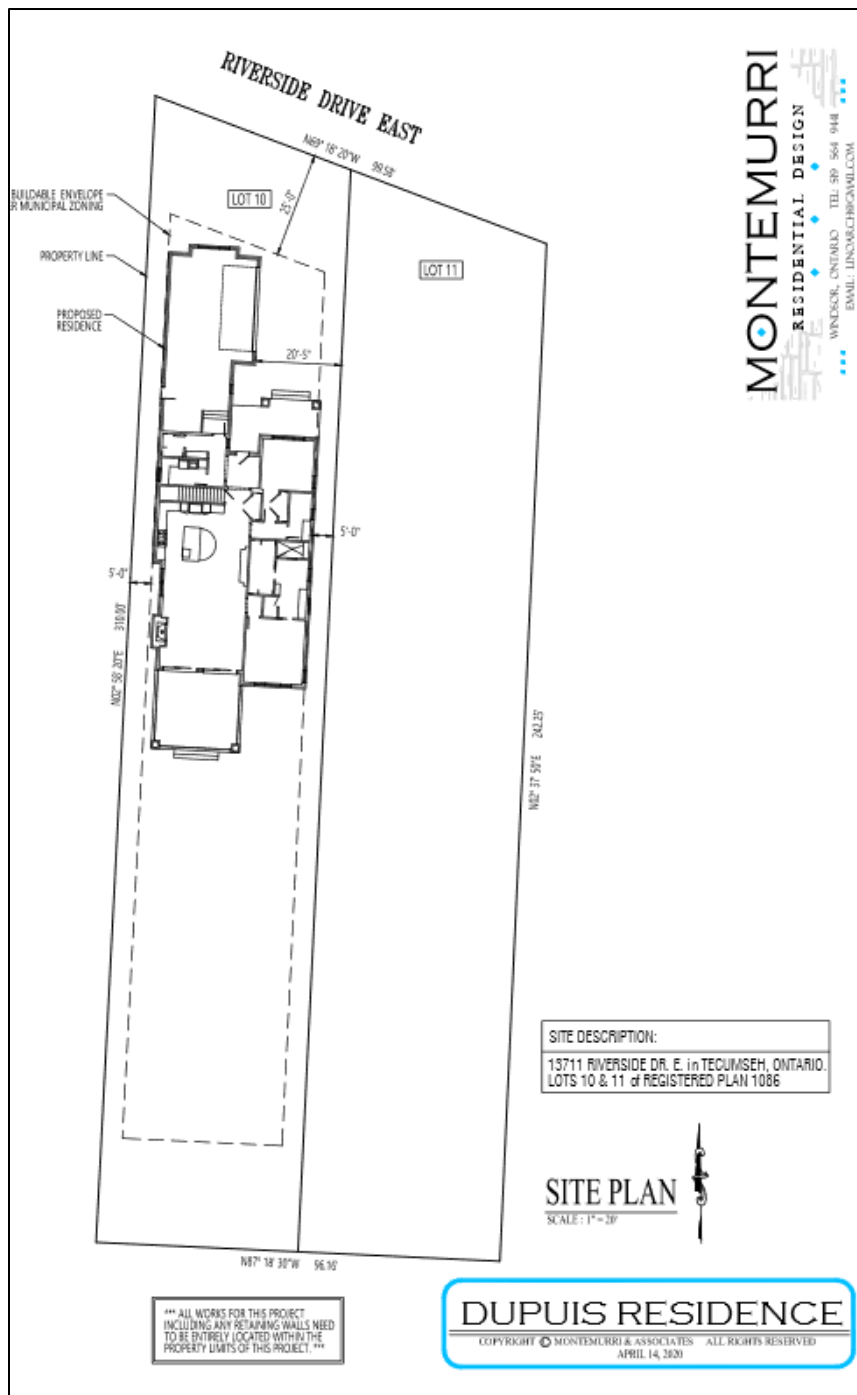
None are recommended.

<b>Application:</b>	<b>Minor Variance Application A-05-21</b>
<b>Applicant:</b>	<b>Dan Dupuis</b>
<b>Location of Property:</b>	<b>13711 Riverside Drive</b>

The purpose of the Application is to request relief from subsection 7.1.3 e) iii) of Zoning By-law 2065 which establishes a minimum interior side yard width of the lesser of 10 feet or 15 percent of the lot frontage. The subject property consists of two whole lots in a registered plan of subdivision described as Lots 10 and 11, Plan 1086. The applicant is requesting relief to allow an interior side yard width of 1.5 metres (5.0 feet) on both the easterly and westerly side yards of the westerly lot (Lot 10) only. Given that the lot frontage for this lot is 14.5 metres (47.5 feet), the minimum side yard width in accordance with subsection 7.1.3 e) iii) is 2.17 metres (7.1 feet).

The proposed relief will facilitate the construction of a 195.4 square metre (2,130 square foot) ranch style residential dwelling in accordance with the attached sketch. The existing dwelling is to be demolished. Lot 11 is to remain vacant at the present time but it is understood that the applicant wants to build a similar style dwelling on this lot in the future.

The subject property is designated Single Family Residential in the St. Clair Beach Official Plan and zoned Residential Type 2 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:

### Is the intent of the Official Plan maintained?

The subject property is designated Single Family Residential in the Official Plan. Single-unit dwellings are permitted by this designation. The proposed variance, which will facilitate the construction of a new single unit dwelling, meets the intent of the Official Plan.



## **Is the intent of the Zoning By-law maintained?**

The subject property is zoned Residential Type 2 Zone (R2) in the St. Clair Beach Zoning By-law. The purpose of the minimum side yard width is to maintain a sense of open space and to ensure that there is adequate space for rear yard access and exterior maintenance. These objectives will be maintained with the proposed variance. All other zoning requirements established by the R2 zone will be complied with.

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

## **Is the variance desirable for the appropriate development or use of the land?**

Due to the relatively narrow width (approximately 47 feet) of the subject lot, the proposed side yard of 1.5 metres (5.0 feet) on both the easterly and westerly side yards will allow for the construction of dwelling that would match the character/built form of the surrounding neighbourhood. The future vacant lot (Lot 11) abutting to the immediate east of the subject property is also owned by the applicant. It is worth noting that standard side yard width for one-storey dwellings in others areas of the Town is 1.2 metres (4 feet).

Based on the foregoing, it is my opinion that the proposed relief will result in development that represents a desirable use of the land.

## **Is the variance requested minor?**

No undue adverse impact is anticipated as a result of the proposed construction of a new dwelling with 1.5-metre (5-foot) side yards. The resulting development is consistent with the character of the residential lots in the surrounding area. It is therefore my opinion that the requested relief is minor in nature.

## **Administration/Agency Comments**

### **1. Engineering**

- No comments with regard to the requested minor variance, however, the issue of ingress and egress to this site during times of flooding should be reviewed with the Tecumseh Fire Department and the Essex Region Conservation Authority.

### **2. Building Department**

- No concerns.

### **3. Fire Services**

- No issues with access.

### **4. Essex Region Conservation Authority**

- With the review of background information and aerial photograph, ERCA has no objection to this application for Minor Variance. However, the applicant must obtain an ERCA permit and address any safe access concerns.

## **Public Comments**

### **1. Leslie Middleton, 13699 Riverside Drive**

- Supports the project and believes it will enhance the neighbourhood.

### **2. Michael Howson, 13717 Riverside Drive (tenant)**

- Supports the project and believes it will enhance the neighbourhood.

## **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 residents in the surrounding neighbourhood 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.

## **Recommendation Conditions**

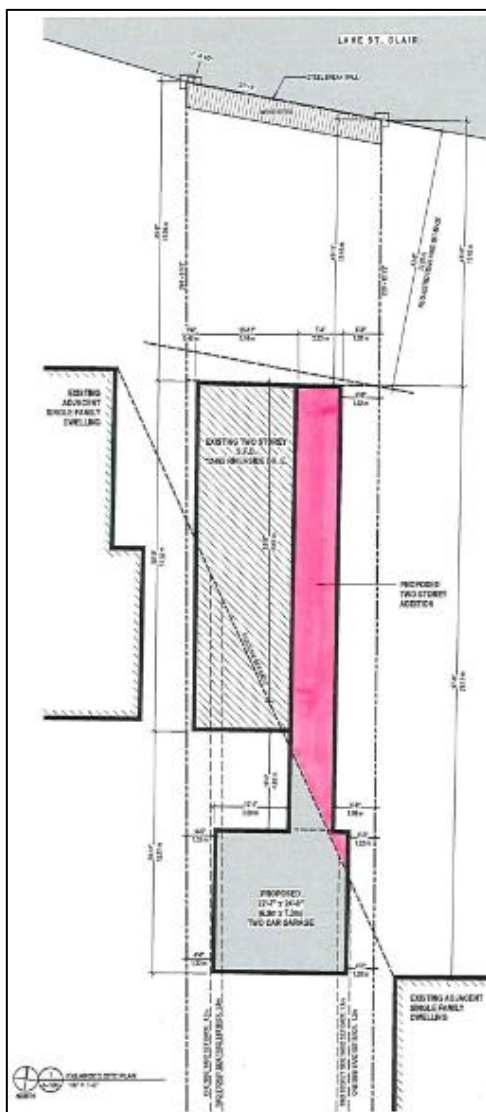
Based on the information provided within this Application and in this report, it is recommended that this Application, if approved, be subject to the following conditions:

1. That the existing dwelling be removed.

**Application:** Minor Variance Application A-06-21  
**Applicant:** Bruce Hayward and Elizabeth McKay-Hayward  
**Location of Property:** 12462 Riverside Drive

The purpose of the Application is to request relief from Subsection 6.1.11 of Zoning By-law 1746 which establishes that the mid-point of the wall nearest to Lake St. Clair of any new dwelling or any addition to an existing dwelling for lots on the north side of Riverside Drive shall not extend beyond the established building line. The Applicant is requesting relief to allow a 1084.3 square foot addition to the dwelling that would extend 16.07 metres (52.75 feet) beyond the established building line for that portion of the addition highlighted in pink on the sketch below.

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

### **Is the intent of the Official Plan maintained?**

The subject property is designated Residential in the Official Plan. The Residential designation permits single unit dwellings. Accordingly, it is my opinion that proposed relief to allow an addition to the existing dwelling meets the intent of the Official Plan.

### **Is the intent of the Zoning By-law maintained?**

The purpose of the established building line provision is to ensure that new dwellings or additions to existing dwellings along the north side of Riverside Drive are constructed in a manner that generally maintains and protects existing sight lines to Lake St. Clair enjoyed by current residents.

The proposed variance would allow the construction of an addition to an existing home that is currently beyond the sight line. The proposed addition will have no impact on the sight lines of the abutting property to the west and it does not appear that it will significantly impact the existing sight lines from the abutting property to the east particularly given the extent of landscaping along the west side of this abutting lot. The proposed addition complies with all other requirements of the Zoning By-law.

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

### **Is the variance desirable for the appropriate development or use of the land?**

The proposed variance will allow the owner to construct a detached garage to the existing dwelling as well as provide for additional living space within their home without negatively impacting the abutting properties. It is common and reasonable to construct additions on lakefront homes to maximize the available living space.

Based on the foregoing, it is my opinion that the proposed addition will be in keeping with the character of the surrounding residential area and will result in the appropriate use of the land.

### **Is the variance requested minor?**

It does not appear that there will be any undue adverse impact on abutting properties as a result of the proposed addition. However, input from the neighbouring property owners, particularly the owner of the lot to the east, will be of assistance in assessing the level of the

impact that the proposed addition has on their views of the lake. Subject to hearing from the neighbouring property owners, it is my opinion that the proposed variance is minor in nature.

## **Administration/Agency Comments**

### **1. Engineering**

- No comments with regard to the requested minor variance, however, the issue of ingress and egress to this site during times of flooding should be reviewed with the Tecumseh Fire Department and the Essex Region Conservation Authority.

### **2. Building Department**

- No concerns.

### **3. Fire Services**

- No issues with access.

### **4. Essex Region Conservation Authority**

- With the review of background information and aerial photographs, ERCA has no objection to this application for Minor Variance. However, the applicant must obtain a Section 28 Permit from ERCA.

## **Public Comments**

No public comments were received as of time of the writing 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.



## Recommendation Conditions

None are recommended.

**Application: Minor Variance Application A-07-21**

**Applicant: Roger Sasseville and Loretta Chauvin**

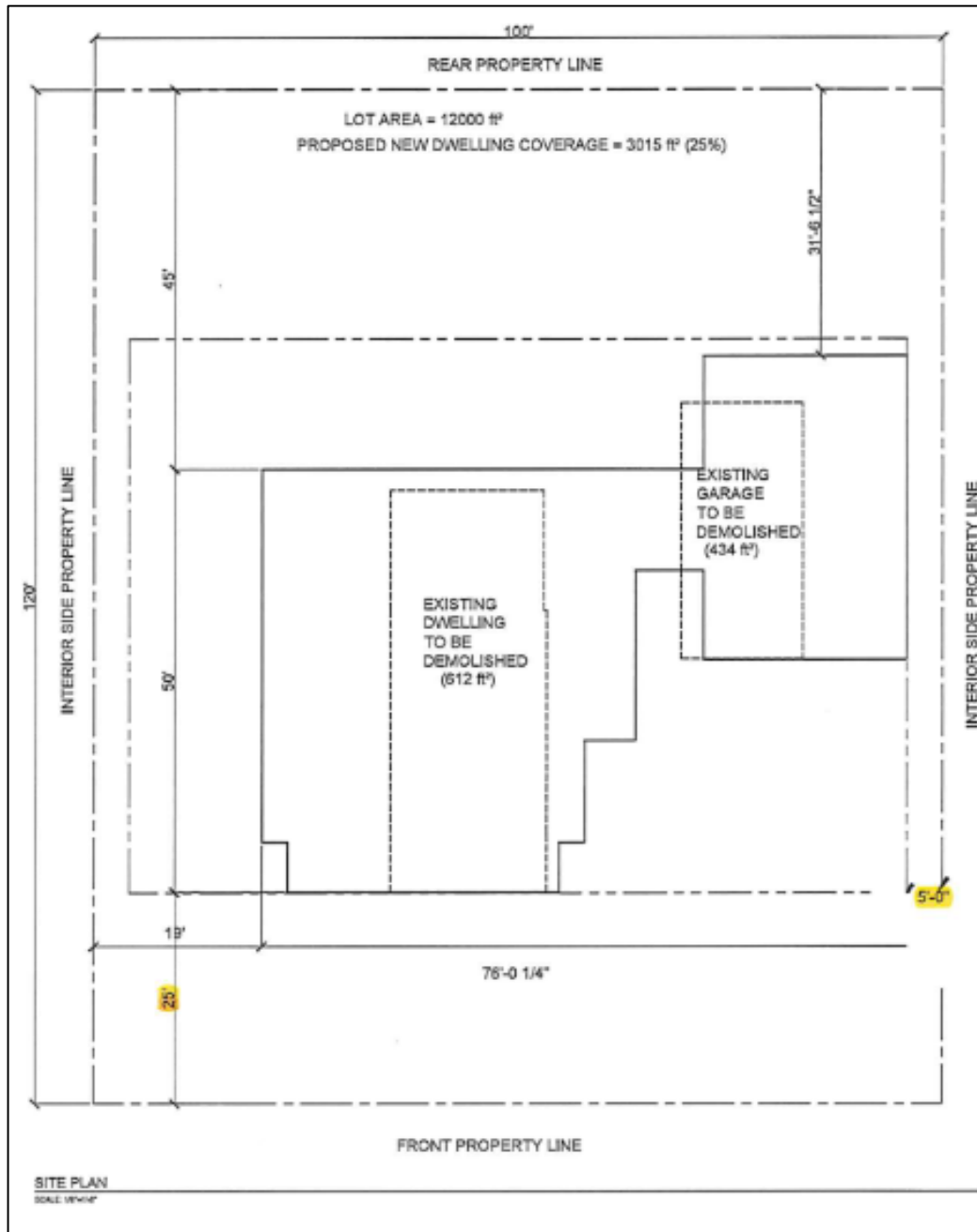
**Location of Property: 14258 Tecumseh Road**

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

1. Subsection 7.1.3 e) i) which establishes a minimum front yard depth of 9.14 metres (30 feet); and
2. Subsection 7.1.3 e) iii) which establishes a minimum interior side yard width of 3.0 metres (10 feet).

The Applicant is proposing to construct a 280.1 square metre (3,015 square foot) one-storey residential dwelling having a easterly side yard width of 1.5 metres (5 feet) and a front yard depth of 7.62 metres (25 feet) in accordance with the sketch below.

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:

### Is the intent of the Official Plan maintained?

The subject property is designated Single Family Residential in the Official Plan. Single-unit dwellings, as being proposed are permitted by this designation. The proposed variance, which will facilitate construction of a new single unit dwelling, meets the intent of the Official Plan.

## **Is the intent of the Zoning By-law maintained?**

The subject property is zoned Residential Type 2 Zone (R2) in the St. Clair Beach Zoning By-law.

The purpose of the 9.14 metre (30 foot) front yard depth is to maintain a relatively consistent rhythm dwellings along the street and to ensure that there is sufficient space from the municipal road and/or sidewalk to provide for off-street parking. The proposed front yard depth of 7.62 metres (25 feet) continues to achieve both of these objectives on the subject property and is the same as the existing dwelling and is similar to the front yard depths of the homes that abut the property.

The purpose of the 3.0-metre (10-foot) minimum side yard width is to maintain a sense of open space and to ensure that there is adequate space for rear yard access and exterior maintenance. Adequate space for rear yard access and a sense of open space will continue to be provided particularly given that the westerly side yard is proposed to be 5.8 metres (19.0 feet).

It should also be noted that the reduced side yard is adjacent a proposed single storey attached garage. If this garage was detached from the dwelling, it would be considered an accessory structure and the minimum setback from the side lot line would be 1.2 metres (4.0 feet).

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

## **Is the variance desirable for the appropriate development or use of the land?**

The subject property, with 30.5 metres (100 feet) of frontage and a lot area of 1115 square metres (12,000 square feet) is very large and will continue to have ample landscaped open space. It does, however, raise the question about the applicants' inability to meet the By-law requirements. In response to this, the applicant has advised that an existing, and actively used, water well and extensive landscaping located along the western side of the subject property necessitate shifting the location of the proposed new dwelling easterly, resulting in the proposed 1.5-metre (5-foot) side yard width along the eastern lot line.

With respect to the proposed relief for the front yard depth, as noted earlier, it is consistent with the existing dwelling and the abutting properties. Based on the foregoing, it is my opinion that the proposed relief will result in development that represents a desirable use of the land.

## **Is the variance requested minor?**

Any potential impact from the reduced easterly side yard is mitigated by the extensive westerly side yard width and the fact that the reduced side yard is adjacent a single storey attached garage. The proposed front yard depth continues to meet the intent of Zoning By-law and is consistent with the existing condition. Accordingly, no undue adverse impact is anticipated as a result of the proposed construction of a new residential dwelling in accordance with the request variances. It is therefore my opinion that the requested relief is minor in nature.

## **Administration/Agency Comments**

### **1. Engineering**

- No comments.

### **2. Building Department**

- No concerns.

### **3. Fire Services**

- No comments.

### **4. Essex Region Conservation Authority**

- With the review of background information and aerial photographs, ERCA has no objection to this application for Minor Variance. However, the applicant will require a Section 28 Permit from ERCA.

## **Public Comments**

No public comments were received as of time of the writing 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.

## **Recommendation Conditions**

None are recommended.

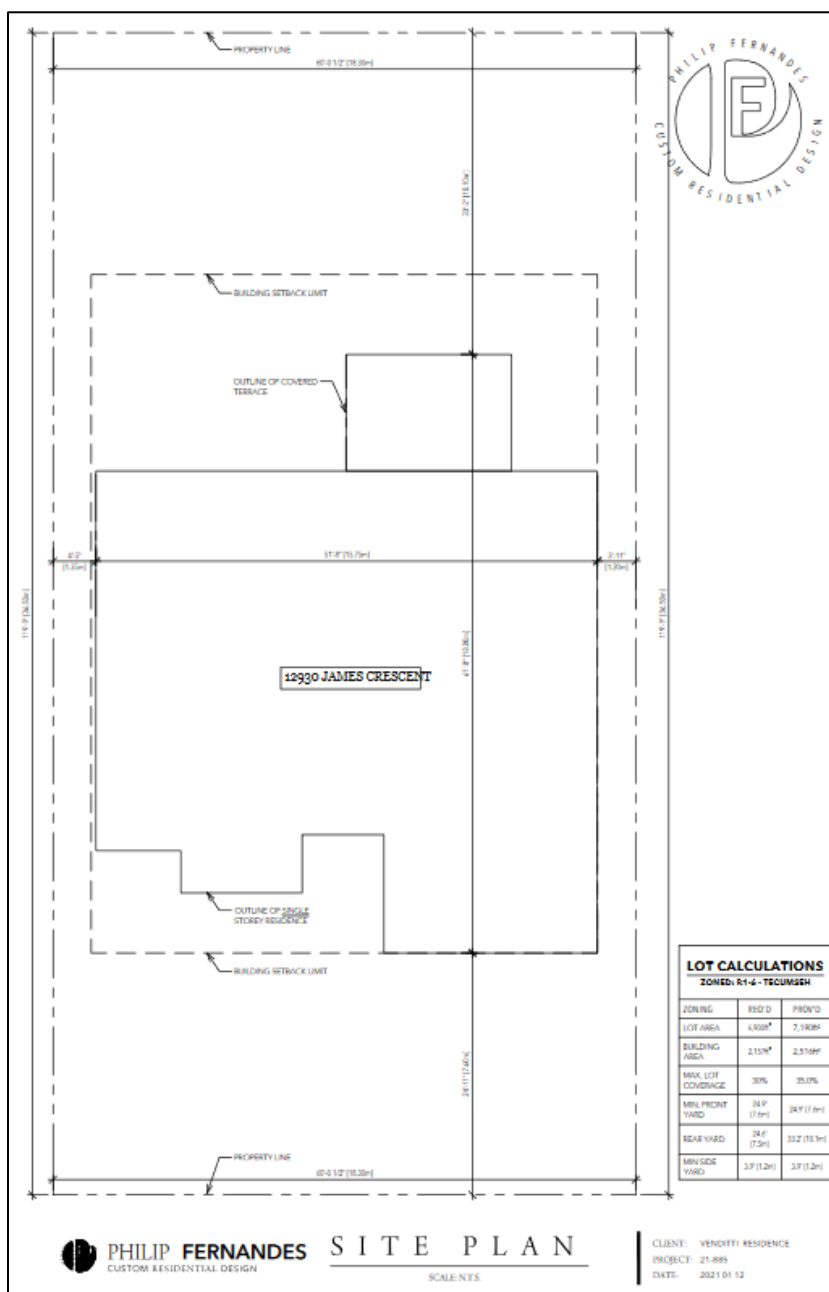
## Application: Minor Variance Application A-08-21

Applicant: Ida Venditti

Location of Property: 12930 James Crescent

The purpose of the Application is to request relief from Subsection 6.1.5 of Zoning By-law 1746 which establishes that the maximum lot coverage is 30 percent. The Applicant is requesting relief to construct a 233.7 square metre (2,516 square foot) single storey dwelling resulting in a lot coverage of 35 percent (see sketch below).

The subject property is designated Residential in the Tecumseh Official Plan and zoned Residential Zone One (R1-6) in the Tecumseh 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:

### **Is the intent of the Official Plan maintained?**

The subject property is designated Residential in the Official Plan. Single-unit dwellings, as being proposed are permitted by this designation. The proposed variance, which will facilitate construction of a new single unit dwelling, meets the intent of the Official Plan.

### **Is the intent of the Zoning By-law maintained?**

The subject property is zoned Residential Zone 1 (R1-6) in the Tecumseh Zoning By-law.

The purpose of the 30 percent maximum total lot coverage is to ensure that the scale and massing of buildings are appropriate and that the lot will be able to provide adequate areas for landscaping, parking and other amenities. The proposed lot coverage of 35 percent will not result in any deficiencies in landscaping requirements or the ability of the site to provide for parking or open space areas. It should also be noted that approximately 18.5 square metres (200 square feet) of the proposed dwelling is a covered, open-sided terrace which, although contributes to the lot coverage calculation, has less of an impact than an enclosed structure. All other requirements of the R1-6 zone will be complied with.

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

### **Is the variance desirable for the appropriate development or use of the land?**

The proposed variance will allow for the construction of a 233.7 square metre (2,516 square foot) single unit dwelling. This size of dwelling is consistent with other the majority of other dwellings along James Court and the broader surrounding area. All other zoning provisions are being met or exceeded. Accordingly, it is my opinion that the variance is desirable for the appropriate development of the land.

### **Is the variance requested minor?**

No undue adverse impact is anticipated as a result of the proposed construction of a new residential dwelling. The resulting development is consistent with the character of the residential lots in the surrounding area. It is therefore my opinion that the requested relief is minor in nature.

## **Administration/Agency Comments**

### **1. Engineering**

- No comments with regard to the requested minor variance, however, the issue of ingress and egress to this site during times of flooding should be reviewed with the Tecumseh Fire Department and the Essex Region Conservation Authority.

## 2. Building Department

- No concerns.

## 3. Fire Services

- **Unable to access property during flood event.**

## 4. Essex Region Conservation Authority

- With the review of background information and aerial photograph, ERCA has no objection to this application for Minor Variance. However, the applicant will be required to obtain an ERCA permit.

## Public Comments

No public comments were received as of time of the writing of this report.

## Summary/Recommendation

Although it is believed that the standard four tests of a minor variance have been met, a concern has been raised by Fire Services Chief with respect to safe access to the subject property. There are areas of James Crescent which, during a significant flood event, are under a depth of water that would prohibit emergency services to access the subject property during such an event. The Town is undertaking the necessary steps to rectify this situation through the purchase of an emergency response vehicle. It is anticipated that this vehicle will be purchased in the coming months.

In the interim, however, it is important to note that subsection 3.1.2 of the Provincial Policy Statement (PPS) establishes that development (which includes all applications under the Planning Act) and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards unless it has been demonstrated that the site has safe access appropriate for the nature of the development. Given that Committee of Adjustment decisions must be consistent with the Provincial Policy Statement, **it is recommended that this application be deferred** until the aforementioned vehicle has, at a minimum, been ordered and subsection 3.1.2 of the PPS can be satisfied.

## Recommendation Conditions

None are recommended.