

**Committee of Adjustment
Minutes**

Date: Monday, April 25, 2022
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, Lori Chadwick
Member, Daniel Hofgartner
Member, Paul Jobin
Member, Tom Marentette
Member, Tony Muscedere

Also Present:
Manager Planning Services & Local Economic Development, Chad Jeffery
Secretary-Treasurer, Donna Ferris

Others:
David Doyon, Systems Analyst

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. March 28, 2022

Motion: CA-19-22

Moved By Member Tom Marentette
Seconded By Member Tony Muscedere

That the Monday, March 28, 2022 minutes of the Committee of Adjustment as were duplicated and delivered to the members, **be approved, as amended.**

Carried

E. Applications

1. 5:05 pm Application for Minor Variance Bear Development Inc. 5395-5405 Outer Drive

a. Sketch

Interested parties present: Dave Medved, Applicant
Vincent Francescutti

The purpose of the Application is to request relief from the 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 will facilitate the construction of a second industrial building on the property that will have a southern side yard width of 3.0 metres (9.8 feet) as depicted on the attached site plan.

The property is designated Business Park in the Tecumseh Official Plan and zoned Industrial Zone (M1) in Zoning By-law 85-18.

Correspondence

Engineering

- No concerns with the issuance of the Minor Variance, conditional on the Owner being required to submit site service drawings and detailed stormwater management reports (addressing quantity and quality) to the satisfaction of the Town Engineer. A previous stormwater management report was completed and approved by the Town for this subject property in 2017. However, it did not account for the current proposed level of development and there are still features (i.e. the stormwater quality unit) that have yet to be installed.
- The Town of Tecumseh has recently completed a Stormwater Master Plan for the Oldcastle Hamlet which includes the subject property. The Stormwater Master Plan includes a holistic capacity review of the current storm sewer systems and drains in this area with consideration of both current and future development. It is anticipated that the work completed may assist with the stormwater management assessment for this property.

Building Department

- No comments

Fire Department

- No comments

Essex Region Conservation Authority

- 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). However, the applicant must obtain a development review clearance.
- With the review of background information and aerial photograph, we advise that a stormwater management plan be completed to the satisfaction of Essex Region Conservation Authority and the Town of Tecumseh, at site plan control. The applicant must obtain a development review clearance.

Ministry of Transportation

- MTO does not object to the Minor Variance to facilitate a second industrial building, however, the subject property is located within MTO's Permit Control Area, and as such, MTO permits are required prior to any construction/work taking place.
- An MTO Building and Land Use Permit is required. As a condition of MTO permits, the following shall be provided:
- The Proponent shall submit a Site Plan, Grading & Drainage Plan and Site Servicing Plan for MTO review and approval.
- MTO requires all buildings, structures and features integral to the site to be located a minimum of 14 metres from the highway property limit, inclusive of landscaping features, fire-lanes, parking and stormwater management facilities.
- As a condition of MTO permits, to ensure that stormwater runoff from this property does not adversely affect our highway drainage system or highway corridor, MTO **may** require the owner to submit a Stormwater Management Report along with the above-noted grading/drainage plans for the proposed development for our review and approval. **MTO will provide additional comments/requirements upon our review of the grading/drainage plans.** For a comprehensive set of MTO drainage related documentation requirements, please refer to the following link:
<http://www.mto.gov.on.ca/english/publications/drainage-management.shtml>
- Any/all signage visible from Highway 401, including temporary development signs, must be identified on the plans, must conform to MTO policies and guidelines, and will require a valid MTO Sign Permit before installation.

- Any encroachments and works identified within the Highway 401 property limits are subject to MTO conditions, approval and permits, prior to construction. All provincial highway property encroachments are strictly regulated and must meet all conditions set out by MTO.

Discussion

Dave Medved and Vincent Francescutti of Bear Development Inc., appear before the Committee to discuss the Application. Vincent Francescutti advises that the Committee that there is no additional information to add other than the fact that have already submitted a Site Plan Control Application which currently being reviewed by the Town. Additional, Dave Medved advises that that have obtained a permit from the MTO which was modify slightly from what was previously approved. The relief being sought is to permit the structure to be larger than what was originally planned.

Lori Chadwick inquiries as to the zoning of the property which is adjacent to the relief being sought. Dominic Mold abuts the subject land and the use is industrial. Chad Jeffery confirms that the lands are zoned Industrial (M1). Lori Chadwick notes that there were no comments from Fire Services but would like to confirm whether there are no comments or no objection regarding access from Fire Services. Chad Jeffery indicates that the Applications are circulated to Administration and if the Fire Department or Building Department have any concerns, they will submit comments but if they do not have comments, they will not reply. The Building Department and Fires Services are part of the Site Plan Control review process and it is anticipated to be before Council for the May 10, 2022 Council meeting noting they will be able to provide more details through that process but currently they do not have any concerns with the proposed setback.

Tony Muscedere indicates that the second building is being made larger than anticipate and inquiries if the second building was on the original site plan. The second building was on the site plan submitted in 2012 noting that they were both the same width with the parking area between the two structures. Vincent Francescutti advises that the first building was construction as initially outlined through the site plan control process but it was later contemplated that an increase in size for the second structure would be beneficial for potential tenants in the future.

Tom Marentette indicates that south of the portable storage shed and the proposed building, there is an existing swale shown on the diagram. Is that a shallow surface swale to the detention pond at the front of the property or is that a ditch. Tom Marentette also inquiries if there is sufficient space should the building require maintenance in the future. Vince Francescutti advises that the drainage around the area of the storage shed is gravel and it is intended to drain towards the parking lot and into the existing catch basins. Vince Francescutti indicates that the properly along the southern portion of the subject lands will be graded into

a shallow swale along the side yard of the second building to the storage pond in the front of the property. The storage pond being proposed between the gravel area and the second building there is a bit of a swale which will be graded into the drain towards the side yard which will then flow into the retention pond. The swales will be very shallow with gentle side slopes and maintenance will be no more than grass cutting but it will not be a ditch. The storm pond in the front is mainly to provide retention for the second building and the grass area surrounding the second building as well as a small portion of the graveled area. The rest of the drainage is as approved in the original site plan agreement for the entire site. So we are actually taking out some of the drainage from the original site plan from the storm sewers that were approved and creating a second outlet for the Phase II building.

Tony Muscedere inquiries where the stormwater quality management unit will be located. Vince indicates that they anticipate that the stormwater quality can be provided through the detention facility. The pond area will provide for initial settlement for water quality (storm) and the pond itself will have a sub-drain underneath with a filter cloth over it and a clear stone trench so the sediments can filter out through the pond area in lieu of a stormwater quality unit as a unit can be quite costly.

Tom Marentette is supportive of the Application as it meets the four tests. The variance is minor in nature given the location and proximity to the neighbouring properties. Tom Marentette also notes that stormwater management will be addressed through the site plan control process.

Motion: CA-20-22

Moved By Member Tom Marentette

Seconded By Member Paul Jobin

That Application for Minor Variance A-10-22, **be approved.**

Carried

Reason

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.

F. Deferrals

G. Planning Report

1. April 25, 2022

H. Unfinished Business

I. New Business

J. Adjournment

Motion: CA-21-22

Moved By Member Paul Jobin

Seconded By Member Tom Marentette

That there being no further business, the Monday, April 25, 2022 regular meeting of the Committee of Adjustment now **adjourn** at 5:20 pm.

Carried

Tom Fuerth, Chairperson

Donna Ferris, Secretary-Treasurer