



**The Corporation of the
Town of Tecumseh**

Planning Report

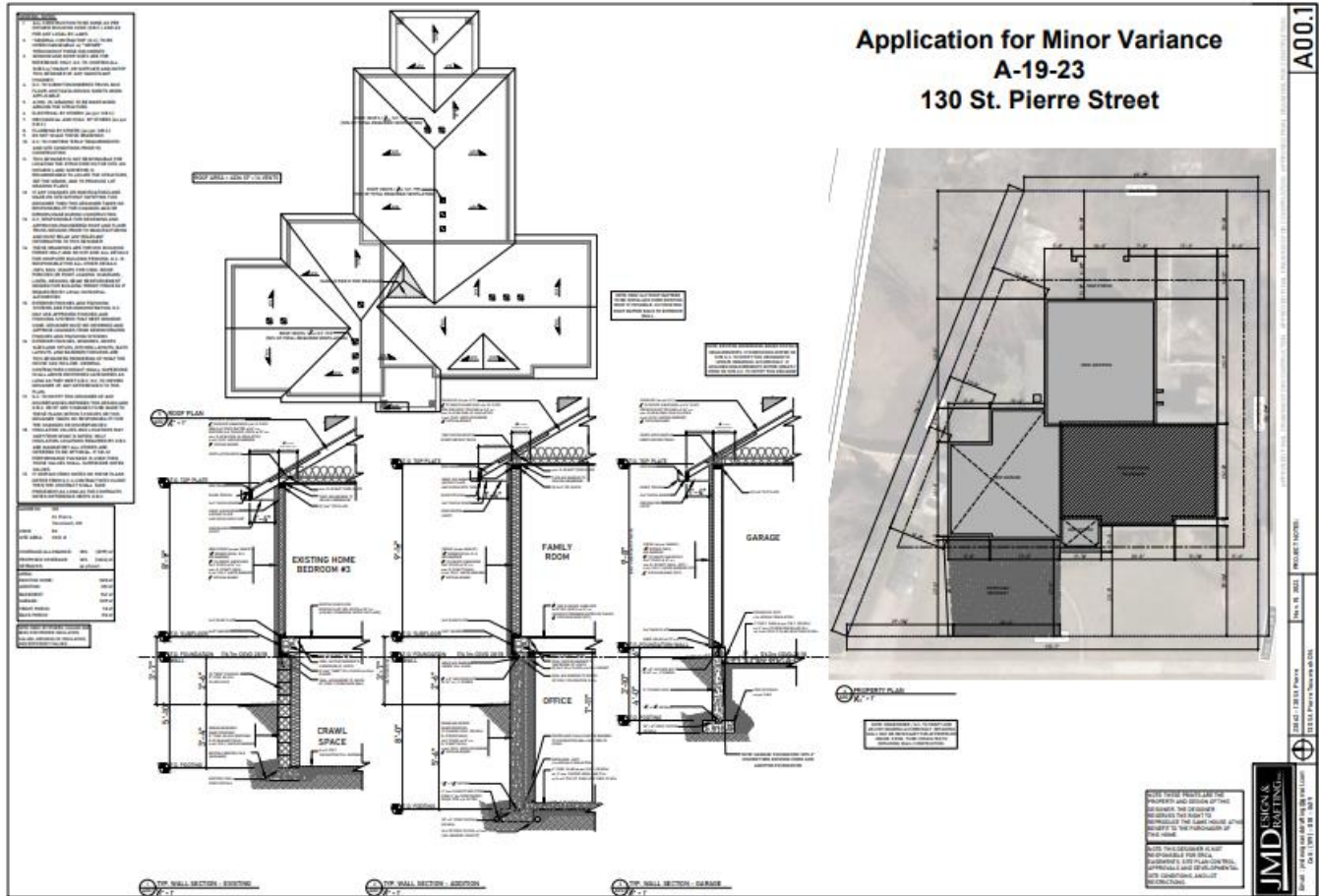
To: Committee of Adjustment
From: Chad Jeffery, MA, MCIP, RPP
Hearing Date: November 27, 2023
Subject: **Minor Variance Applications A-19-23 and A-20-23**

Please note that this Planning Report was prepared as of November 24, 2023. 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 November 27, 2023 as the normal practice.

Application: Minor Variance Application A-19-23
Applicant: James Ross
Location of Property: 130 St. Pierre Street

The purpose of the Application is to obtain relief from subsection 7.1.5 of Zoning By-law 1746 which establishes a maximum lot coverage of 30 percent. The Applicant is proposing to construct a 223.3 square metre (2,404 square foot) addition to the existing home which includes an attached garage, covered rear and front porches and additional living space resulting in a lot coverage of 32 percent (see sketch below).

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



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 are permitted by this designation.

In addition, the subject property is within the Lake St. Clair Floodprone Area on Schedule “D” of the Tecumseh OP. Subsection 5.5.3 iv) of the Tecumseh OP establishes that development and site alteration may be permitted in the Lake St. Clair Floodprone Areas, in consultation with ERCA, where the risk to public safety and other effects can be absorbed, managed or mitigated in accordance with the following standards:

- a. the flooding and erosion hazards can be safely addressed, and the development and site alteration is carried out in accordance with flood-proofing standards, protection works standards, and access standards;
- b. existing hazards are not aggravated or new hazards are not created;
- c. no adverse environmental impacts will result;

- d. vehicles and people have a way of safe ingress and egress during times of flooding, erosion or other emergencies;
- e. the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances; and
- f. development is carried out in accordance with established standards and procedures.

The depth of water within the municipal roadway abutting the subject property (St. Pierre Street) has the potential, under extreme coastal flooding events to reach a depth of over 0.6 metres (1.9 feet). To address the foregoing policy as well as subsection 3.1.2 “Natural Hazards” of the PPS, the Town has prepared a Flood Response Action Plan and owns a high-water rescue vehicle. Accordingly, the Town’s Fire Chief & CEMC has confirmed that safe access for Natural Hazards properties within Tecumseh can be provided and has recommended that planning and building permit applications affected by this policy can be processed.

Given the foregoing, the proposed variance 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) in Zoning By-law 1746.

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 32 percent is only marginally over the 30 percent maximum and will not result in any deficiencies in the ability to provide the aforementioned items on the subject lot. The proposed addition meets all other requirements of the R2 Zone.

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 addition to the existing dwelling will result in a dwelling size that is not out of context with the surrounding residential area. Based on the foregoing, it is my opinion that the proposed relief is desirable for the appropriate use of the land.

Is the variance requested minor?

As noted above, the proposed lot coverage is only marginally greater than the maximum established in the Zoning By-law and no undue adverse impact is anticipated with the proposed addition to the dwelling. The property will continue to provide ample front, side and rear yard areas that are landscaped/soft-surface areas. It is therefore my opinion that the requested relief is minor in nature.

Administration/Agency Comments

1. Engineering

- Town Engineering has no comments/concerns regarding the requested minor variance.

2. Building Department

- Owners/contractor will be required to meet all requirements of the Ontario Building Code at time of building permit application.

3. Fire Services

- No comments.

4. Essex Region Conservation Authority

- Our office notes that the low-lying nature of the roadway may result in excess water over the road during a 1:100 year flood event. The Municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the Municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020).
- We note that ERCA Permit #525 - 23 has already been issued for this development.

Public Comments

No comments have been received.

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

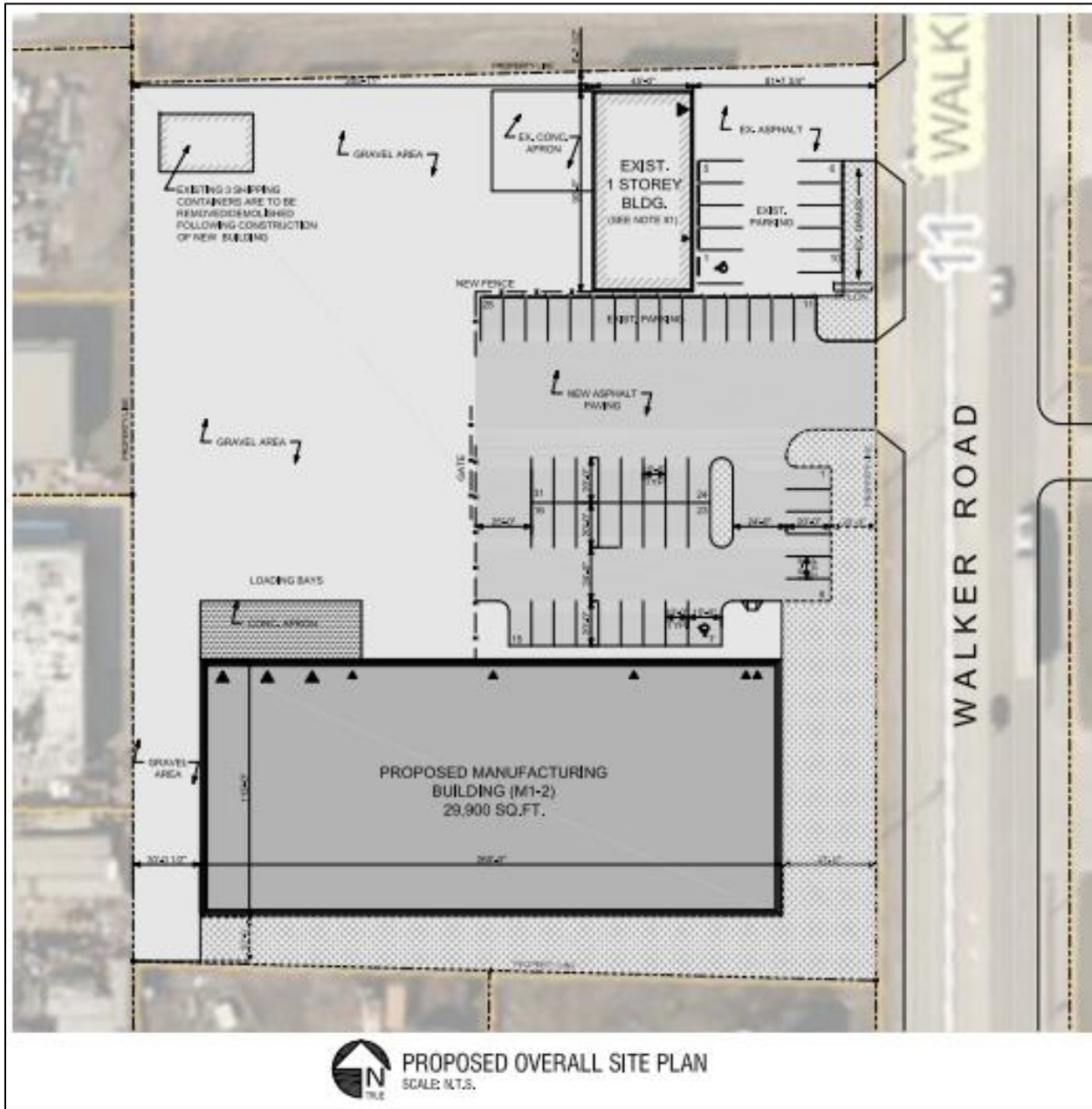
None.

Application:	Minor Variance Application A-20-23
Applicant:	701289 Ontario Inc
Location of Property:	5085 Walker Road

The purpose of the Application is to seek relief from subsection 14.1.16 of Zoning By-law 85-18 which establishes that no parking other than a maximum of 6 visitor's parking spaces shall be permitted in the front yard.

As a result of the proposed construction of a 2777.8 square metre (29,900 square foot) manufacturing building and the need to conserve a gravel area in the rear of the lot for storage of equipment/material, the applicant is proposing 13 parking spaces in the front yard. The existing shipping container/structure located at the northwest corner of the property will be removed/demolished upon completion of the construction of the proposed building (see sketch below).

The property is designated Business Park in the Official Plan and zoned Industrial Zone (M1-2) in Zoning By-law 85-18.



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 applications:

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 and related uses. The proposed variance, which will recognize

the existing parking spaces and permit a proposed addition to the existing industrial operation and its associated parking areas, meets the intent of the Official Plan.

Is the intent of the Zoning By-law maintained?

The subject property is zoned Industrial Zone (M1) in By-law 85-18.

The purpose of establishing a limit of six parking spaces within the front yard of a property is in part due to the fact that the Oldcastle Hamlet industrial area was historically developed with on-site private septic facilities which were typically located in the front yard. Limiting parking in the front yard allowed for sufficient area for landscaping and the on-site septic field. The subject property is serviced by municipal sanitary sewers, and thus does not have an on-site septic system. The site will meet 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 majority of the parking area will remain beyond the front yard and there will continue to be space for the provision of landscaping in the front yard which can be secured through the requisite site plan control process. Locating more of the parking in the front will also enable the applicant to maintain an adequate storage area for the industrial establishment in an area that is less visible from Walker Road. Accordingly, it is my opinion that the proposed relief will result in the appropriate development of the subject land.

Is the variance requested minor?

An additional seven spaces beyond the maximum of six spaces established in the Zoning By-law, is minor in nature and will not result in undue adverse impact. Administration has reviewed the site plan and does not have any concerns. It is therefore my opinion that the requested relief is minor in nature.

Administration/Agency Comments

1. Engineering

- Town Engineering has no comments regarding the requested minor variances.
- Public Works and Engineering Services continues to work with the owner and its consultants regarding site servicing and stormwater management as part of the Site Plan Control process in relation to the construction of the new building and parking areas at this address.

2. Essex Region Conservation Authority

- No concerns with application.

3. County of Essex

- The minimum setback for any proposed structures on this property must be 42 feet from the limit of County Road 11. Permits are necessary for any changes to existing structures and entrances, or the construction of new structures and entrances. Once the application passes committee of adjustment stage, further review and permits will be required. Also, based on the site change, the County will request a Traffic Assessment from a traffic engineer.
- We are requesting a copy of the Decision on the aforementioned application.

4. Building Department

- Building has no concerns to proposed changes to the parking lot as long as the site plan and stormwater management requirements are met for management of surface water.

5. Fire Services

- No comments

Public Comments

No public comments were received at the time of the 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.

Recommendation Conditions

That the following matters be addressed to the satisfaction of Town Administration as part of the requisite site plan agreement:

1. The existing shipping container/structure located at the northwest corner of the property will be removed/demolished upon completion of the construction of the proposed building.