

Committee of Adjustment

Minutes

Date: Monday, October 23, 2023
 Time: 5:00 pm
 Location: Tecumseh Town Hall - Council Chambers
 917 Lesperance Road
 Tecumseh, Ontario N8N 1W9

A. Roll Call

Present:
 Member, Lori Chadwick
 Chair, Tom Fuerth
 Member, Paul Jobin
 Member, Christopher Lanman
 Member, Tom Marentette
 Member, Tony Muscedere
 Member, Doug Pitre

Also Present:
 Manager Planning Services & Local Economic Development, Chad Jeffery
 Senior Planner, Enrico De Cecco
 Secretary-Treasurer, Donna Ferris

Others:
 Manager Information Technology, David Doyon

B. Call to Order

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

C. Disclosure of Pecuniary Interest

Chris Lanman discloses a pecuniary interest with respect to Application A-15-23, 205-227 Lesperance Road as he resides within the area of circulation.

D. Minutes

1. August 28, 2023

Motion: CA-38-23

Moved By Member Tom Marentette
 Seconded By Member Doug Pitre

That the minutes of the regular Committee of Adjustment meeting held August 28, 2023 **be approved**, as printed and circulated.

Carried

E. Applications**1. 5:00 pm Application for Consent B-09-23 Kemal Bahceli 13672 Riverside Drive****a. Sketch**

Interested parties present: Suat Bahceli, Agent for the Applicant

The purpose of the Application is to sever a parcel of land (outlined in red), having an area of 380.7 square metres (4,098 square feet), and add it to the residential property to the west municipally known as 13668 Riverside Drive resulting in a new lot with a frontage of 18.21 metres (59.75 feet) and an area of 1245.9 square metres (13,411.6 square feet). The retained parcel (outlined in green), having an area of 260.3 square metres (2,802 square feet), is proposed to be added to the residential property to the east municipally known as 13676 Riverside Drive resulting in a new lot with a frontage of 18.21 metres (59.75 feet) and an area of 1232.7 square metres (13,268.92 square feet). The proposed severance will result in the elimination of the residential property municipally known as 13672 Riverside Drive. The existing dwelling on 13672 Riverside Drive is proposed to be demolished.

Minor Variance Applications A-12-23 and A-13-23 are being heard concurrently with this Application to address the resulting non-complying lot frontages of the two newly-created lots, as well as to provide the necessary relief for the non-complying proposed front and rear yard depths and side yard width to facilitate the construction of a new dwelling on 13668 Riverside Drive.

The property is designated Residential in the Official Plan and zoned Residential Zone 1 (R1) in Zoning By-law 2065.

Correspondence

Engineering

- That the Applicant be required to service the parcel to be severed with a separate water supply to the satisfaction of the Town of Tecumseh Water Services Division prior to the severance being finalized. Separate water service connections will be required for both new parcels (Note: Permits from the Town of Tecumseh Water Services Division are required and a Town Water Operator is to be on site during the installation of the water service.)
- That the Applicant be required to service the parcel to be severed with separate sanitary and storm water connections to the satisfaction of the Town of Tecumseh Public Works Division prior to the severance being finalized. Separate

sanitary service connections are required for both new parcels.

- That the Applicant be required to provide an engineered drainage and grading plan (prepared by a qualified professional engineer) for the severed parcel, to the satisfaction of the Town Building Official, prior to the severance being finalized.
- Should new access driveways be required, the Applicant, developer or future home builder, shall be required to obtain permits from the Town of Tecumseh Public Works Division to install new access driveways in accordance with Town of Tecumseh standards from Riverside Drive prior to the commencement of driveway construction within the Town's right-of-way.
- The cost of all servicing requirements will be at the expense of the Applicant.

Building Department

- All services must be contained to the proposed individual lots. Owners/contractor to submit for building, demolition permits and obtain ERCA clearance.

Fire Department

- No comments.

Essex Region Conservation Authority

- 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 storm event. Additionally, the applicant must obtain a Section 28 Permit from ERCA prior to undertaking any future development on the site.

2. 5:00 pm Application for Minor Variance A-12-23 Suat Bahceli 13668 Riverside Drive

a. Sketch

Interested parties present: Suat Bahceli, Applicant

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

1. Subsection 6.1.3 b) which establishes a minimum lot frontage of 22.86 metres (75 feet);

2. Subsection 6.1.3 e) i) which establishes a minimum front yard depth of 15.24 metres (50 feet);
3. Subsection 6.1.3 e) ii) which establishes the minimum rear yard depth to be the established building line; and
4. Subsection 6.1.3 e) iii) which establishes a minimum interior side yard width of 2.7 metres (8.96 feet).

The Applicant is proposing to construct a 447.8 square metre (4,812 square foot) single unit dwelling resulting in: a 12.1 metre (40-foot) front yard depth; a 1.5 metre (5.0-foot) easterly side yard width; and a 55.9 square metre (602 square foot) portion of the dwelling extending beyond the established building line as depicted in the sketch. The Applicant is also seeking relief to permit a lot frontage of 18.28 metre (59.75 feet) as a result of Consent Application B-09-23 for a lot addition. Application for Minor Variance A-13-23 and Application for Consent B-09-23 are being heard concurrently with this Application.

The property is designated Residential in the Official Plan and zoned Residential Zone 1 (R1) in Zoning By-law 2065.

Correspondence

Engineering

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

Building Department

- All services must be contained to the proposed individual lots. Owners/contractor to submit for building, demolition permits and obtain ERCA clearance.

Fire Department

- No comments.

Essex Region Conservation Authority

- 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 storm event. Additionally, the applicant must obtain a Section 28 Permit from ERCA prior to undertaking any future development on the site.

3. 5:00 pm Application for Minor Variance A-13-23 Suat Bahceli and Kemal Bahceli 13676 Riverside Drive

a. Sketch

Interested parties present: Suat Bahceli, Applicant

The purpose of the Application is to request relief from Subsection 6.1.3 b) which establishes a minimum lot frontage of 22.86 metres (75 feet). The subject property, which has a lot frontage of 18.28 metres (59.75 feet), is proposed to be created by way of a lot addition via Consent Application B-09-23, which is being heard concurrently with the subject application.

The property is designated Residential in the Official Plan and zoned Residential Zone 1 (R1) in Zoning By-law 2065.

Correspondence

Engineering

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

Building Department

- All services must be contained to the proposed individual lots. Owners/contractor to submit for building, demolition permits and obtain ERCA clearance.

Fire Department

- No comments.

Essex Region Conservation Authority

- 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 storm event. Additionally, the applicant must obtain a Section 28 Permit from ERCA prior to undertaking any future development on the site.

Discussion

Suat Bahceli, Applicant and Agent for Kemal Bahceli appears before the Committee to discuss the applications. Suat Bahceli informs the Committee that the minor variances sought with respect to Application A-12-23 at 13668 Riverside Drive would have the greatest impact on the property at 13676 Riverside Drive which is owned by the Applicants.

Lori Chadwick advises that upon site inspection noted that there were similar size lots in area as noted in the Planning Report and inquires as to the perimeter that was taken to determine or evaluate that there were lots of similar size that is being proposed in the area and the history of the larger lots in area ie were they created by severance or are they legal non-conforming, etc. Chad Jeffery indicates that a tabletop exercise was taken whereby they viewed the area via air photos and the area was broader

than just the adjacent lots noting that there is a variety of lot sizes along the north side of Riverside Drive. Chad Jeffery indicates that Administration has no concerns with the size of the lots as they are in keeping with the area because the area is not defined by one-size lots. The fact that the lot requires relief is because it is no longer protected by the non-compliance provision of the zoning by-law which has a grandfathering provision which establishes that any lot that has less than the minimum lot frontage, can be built on. Chad Jeffery advises that because they are changing the fabric of the lots by making them bigger, they still do not meet the minimum lot frontage required in the by-law therefore, relief is being sought for lot frontage which was previously protected by the grandfathering provision. Upon an inquiry from Lori Chadwick, Chad Jeffery confirms that the Applicants are not creating a wider lot than what is permitted but rather creating two new lots that are wider than what exists but still not does meet the minimum width required in the zoning by-law. Tom Marentette inquires about the rear yard set back noting the current sight line depicted on the sketch and inquiries if the existing home at 13676 Riverside Drive is being demolished. Chad Jeffery indicates that the house being demolished is the residence at 13672 Riverside Drive. Chad Jeffery also refers back to the sketch indicating the lands outlined in red are being added 13688 Riverside Drive and the retained portion of lands outlined in the green are being added to 13676 Riverside Drive. Tom Marentette inquires if there have been any objections, particularly to the sight lines and is advised that no objections have been received by Administration. Doug Pitre indicates that the subject lands are in a low-lying area with respect to flooding and inquiries from the Applicant if the three lots have one continuous break wall. The Applicant advises that there is one continuous break wall. Lori Chadwick indicates that she can see the justification and the review that was conducted by Administration with respect to the Town's Official Plan and Zoning By-law, however struggles with the fact that the proposal is going from three lots to two lots essentially for two larger homes when there is a Provincial mandate in place to build more homes. Although, Lori Chadwick does see some merit to the Applications, by removing a buildable lot ie going from three lots to two, is raising red flags. Tony Muscedere inquires that the drawing indicate 63 feet along the frontage of the road allowance and the Applicant is seeking relief for lot frontage of 59.75 feet. Administration confirms that the lot front is not measure along the front of the property but rather the perpendicular width of the lot.

Motion: CA-39-23

Moved By Member Tom Marentette

Seconded By Member Tony Muscedere

That Application for Consent B-09-23 and Applications for Minor Variance A-12-23 and A-13-23 **be approved.**

Carried

4. 5:10 pm Application for Minor Variance A-14-23 Jessica Jeanne Fowler and L.R. Kyle Fowler 120 David Crescent

a. Sketch

Interested parties present: Jessica Jeanne Fowler, Applicant

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) establishes a minimum front yard depth of 9.1 metres (30 feet); and
2. Subsection 7.1.3 e) iii) establishes a minimum interior side yard width of 3 metres (10 feet).

The Applicant is proposing to construct a 36.95 square metres (397.7 square feet) garage addition resulting in a westerly side yard width of 1.76 metres (5.77 feet) and a front yard depth of 8.34 metres (27.3 feet).

The subject property is designated Residential in the Official Plan and zoned Residential Type 2 Zone (R2) in the Zoning By-law 2065.

Correspondence

Engineering

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

Building Department

- Owners/contractor to submit for building, demolition permits and obtain ERCA clearance.

Fire Department

- No comments.

Essex Region Conservation Authority

- Our office has no objection to Minor Variance A-14-23. As noted above, the property owner will be required to obtain a Permit from ERCA prior to any construction or site alteration, or other activities affected by Section 28 of the *Conservation Authorities Act*.

Essex Powerlines

- As long as the addition does not put the meter base indoors EPL has no comments. If the meter base is located on the garage side, the customer would need to call for a meter re-location.

Discussion

Patrick Daragon, Architect and Agent for the Applicants appears before the Committee to discuss the Application. Kyle Fowler confirms that the hydro meter is being relocated. Lori Chadwick inquires if Administration received any objections to the side yard variance from the residence at 122 David Crescent and is advised that no comments have been received by Administration. Tom Fuerth notes that the accessory structure on the property will be demolished. Kyle Fowler confirms that he will be removing the accessory structure following the completion of the construction of the garage. Lori Chadwick is supportive of the application with the recommended condition to remove the existing accessory structure upon completion of the garage.

Motion: CA-40-23

Moved By Member Lori Chadwick

Seconded By Member Paul Jobin

That Application for Minor Variance A-14-23 **be approved** subject to the removal of the accessory structure upon completion of the garage.

Carried

Chris Lanman vacates the meeting.

5. 5:15 pm Application for Minor Variance Suburban Construction and Management Ltd 205-227 Lesperance Road

a. Sketch

Interested parties present: Christian LeFave, Applicant and Taylor Whitney, Planner and Agent for the Applicant

The purpose of the Application is to obtain relief from the following subsections of Zoning By-law 1746:

1. Subsection 8.3.22 g) which establishes a maximum height of 10.6 metres (34.7 feet);
2. Subsection 8.3.22 h) i) which establishes the minimum northerly yard width as 3.0 metres (10 feet); and
3. Subsection 5.5.1 a) v) which establishes that balconies are permitted to project into the required yard a maximum distance of 1.5 metres (4.92 feet).

The Applicant is proposing to construct four six-unit residential dwellings having a height of 11.44 metres (37.5 feet) and having a 5.84 square metre (93 square foot) portion of the northerly building encroaching into the minimum northerly yard as identified on the attached sketch (hatched in red). The Applicant is also seeking to allow the balconies of the two northerly structures to encroach into the minimum easterly yard width a

distance of 1.79 metres (5.82 feet) as identified in the attached sketch (in blue).

The existing dwelling on the subject lands is to be demolished.

The subject lands are designated Residential in the Official Plan and zoned Residential Zone 3 (R3-22) in Zoning By-law 1746.

Correspondence

Engineering

- Town Engineering has no comments regarding the requested minor variance.
- 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 proposed residential dwelling units at these addresses.

Building Department

- Owners/contractor to submit for building, demolition permits and obtain ERCA clearance.

Fire Department

- No comments.

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. Additionally, the applicant must obtain a new Section 28 Permit from ERCA prior to undertaking any development on the site because the site plans have changed.

Essex Powerlines

- Closer to development, consultant needs to reach out to EPL and provide load requirements for us to determine their connection needs.

Residents

- The property owner/resident at 245 Lesperance Road has advised Administration that he has no concerns with the proposed application.

Discussion

Christian Lefave, Applicant and Taylor Whitney, Planner and Agent for the Applicant appear before the Committee to discuss the Application. Taylor Whitney provides background information for the Committee's consideration. A zoning by-law amendment was approved by Council in June of 2022 to permit the development to construct four 6-unit 3-storey dwelling units for a total of 24 units. Since the approval of the zoning by-law amendment further consideration was given to provide a better living environment in the units to include increased level of accessibility to accommodate seniors. The minor changes include raising the building so that the first level is at grade as opposed to the first level being partial below grade; an increased indoor footprint to accommodate elevators and other amenities; and to provide larger outdoor private amenity space. The requested variances for the northerly yard and balcony projection only apply to a very small portion of the lands at the northeast corner and all other setbacks are compliant with the zoning by-law. The requested variance for the height will allow for a roof design that is more compatible with the roof design in the area providing a peaked roof rather than a flat roof which is depicted in the Applicant's cover letter with the Application. The requested variances are minor and allow for positive improvements to the design and accessibility of the development resulting in enhanced livability for future residents. The intent of Council's decision regarding the zoning by-law amendment is still maintained and there have been no concerns raised by residents in the area. The Applicant has reviewed the Planning Report and appreciates the Town's support of this development. Taylor Whitney advises that the minor variances requested meet the four test established in the Planning Act.

Gail Chene of 185 Lesperance Road expresses concern with respect to the proposed project as she was not notified of when construction will commence, how long the construction will take to complete, and the increase in traffic which will result in lower property values. Gail Chene also advises that there are a number of commercial establishments in the area thereby reducing the number of single family dwellings. Gail Chene does not believe that these types of dwellings units are suitable for the area or required. Gail Chene is also concerned with flooding particularly with the addition of these dwelling units. Gail Chene indicates that she was informed that the units will have ownership rather than be rentals as rentals would certainly lower their property values. Tom Fuerth thanks Gail Chene for her comments noting that the purpose of the hearing is to address minor variances and not whether the proposal is moving forward. Tom Fuerth also indicates that she would have been notified of the zoning by-law amendment in 2022 at which time she would have had an opportunity to express her concerns. Gail Chene advises she did not receive notification of the zoning by-law amendment and was not aware of the proposal.

Anne Campeau of 214 Chene Street inquiries about balconies being along the rear of the building. During the zoning by-law amendment process, they were informed that the balconies were only along Lesperance Road. The sketch appears to look like balconies are being constructed along the rear of the building which she finds to be intrusive as they would overlook her back yard. Tom Fuerth concurs that the sketch appears to look like balconies are along the back of the building. Taylor Whitney confirms that the balconies are on both the front and rear of the building that only relief is required for the front balconies. Anne Campeau reiterates that when this was initially proposed, the balconies were only going to be on the front of the dwelling units. Having the balconies in the rear will have an adverse impact on them due to privacy issues especially because the building is being elevated as well. Taylor Whitney indicates the additional height is due to the type of roof pitch and that the buildings still remain three-storey units. Anne Campeau indicates that initially the structures were going to be 2 1/2 storey units as half of units were going to be in the ground. Anne Campeau indicates that height along with balconies along the rear evades their privacy of their backyard. Tom Fuerth indicates that he cannot recall the details of the previous hearing to confirm or deny the facts presented by Anne Campeau. Lori Chadwick refers to the Planning Report prepared by the Applicant with respect to Figure 3a and 3b which depicts the roof styles. The Planning Consultant shares Figure 3a and 3b. Anne Campeau indicates the Figure 3a and 3b are both shown as currently proposed and not what was proposed in the zoning by-law amendment with the first floor being partially below grade and with no balconies along the rear. Anne Campeau further indicates that she believes it was Christian LeFave that advises that there would be nothing overlooking their property and that the balconies were going only in the front along Lesperance Road. Chad Jeffery indicates that the principal of the development, meaning the multi-unit dwellings whether apartment style or condominium ownership was established through a public process which was guided by a very strong provincial policy that encourages intensification of this sort in this area. All residents within 400 feet of the subject property were circulated notification of the zoning by-law amendment. There are no concerns with respect to the type of development that is being proposed from a Planning perspective. The application is before the Committee tonight to address the height of the units, a slight encroachment of the building into the required northerly yard a slight encroachment of approximately 30 centimetres with respect to the balconies along Lesperance Road for the two northerly units only. All other zoning provisions were approved by Council through the public process. Chad Jeffery indicates that although the buildings are higher than original proposed, the purpose is to market the units to the senior population and those with accessibility needs. Those changes include elevators which is strongly encouraged by the PPS, the County OP and the Town's OP which indicates that a variety of housing types and tenures in order to meet the needs of the entire housing sector particularly those with disabilities and seniors and that is exactly what this proposal is doing. Chad Jeffery further indicates that the

relief requested for the height meets the four tests, it meets the intent of the OP, the intent of the zoning by-law, it results in appropriate development for the area; and the area is serviced by public transportation and in close proximity to a commercial node, there will be a walkway to the units and finally the proposal is minor in nature. Chad Jeffery indicates that through the Site Plan Control process, there will be some form of visual buffering along the westerly side of the development so the intrusive overlook which is the test established in the OP. The balconies on the back of the building are not the same balconies as depicted in the drawings shown earlier but are rather a Juliette style balcony. Tom Fuerth inquires what type of buffering is being considered in the site plan control process. Chad Jeffery advises it could be a combination of things including fencing and/or trees/landscaping but the Town will ensure given the comments heard tonight as well as the comments from the public process on the zoning by-law amendment that the resident's concerns are incorporated in the site plan control process. Doug Pitre indicates that based on the diagram provided, the balconies on the rear of the building do not look like Juliette style balconies and if they were full balconies why would they not be facing Lesperance Road rather than overlook a neighbourhood full of homes that have been there for some thirty plus years. Doug Pitre indicates he is supportive of the project however feels that the balconies should only be facing Lesperance Road. Chad Jeffery indicates that the diagram displayed this evening depicted the front of the building not the rear of the building. Taylor Whitney confirms for the Committee that the balconies on the rear of the buildings accommodate a small patio type setting but does not have the particular details with her this evening. Doug Pitre advises that without the details of the balconies on the rear of the building, he is not in a position to make a decision until confirmation on details of the balconies are known. Tom Fuerth inquires from the consultant if the balconies on the rear of the property are new. Taylor Whitney advises that she was not involved in the zoning by-law amendment process and refers the matter to Town Administration. Tom Fuerth inquires if that would be a deal breaker for the Applicant and if the units are front to back.

Christian LeFave enters the meeting at 5:57 pm. Christian LeFave informs the Committee that the balconies along the rear of the building are Juliette style balconies with a patio door. Christian LeFave indicates that multi-family residential have restrictions on the windows whereby they cannot be opened more than four inches. By having a patio door with a railing, the door can be opened fully to allow for air flow. The outdoor amenity space is in the front of the building noting that the plans have not changed save and except for the modifications to allow for the elevator. The building was raised out of the ground to allow for accessibility issues. For clarification purposes, the layout has not changed, it's the same as in the zoning by-law amendment. Tom Fuerth notes that would make the shielding at the rear of the property easier as well.

Lori Chadwick confirms that the Committee is not here to review the land use but to rather merits of the minor variances for height, northerly side yard and the encroachment of the balconies. Lori Chadwick indicates that the Committee is to consider if the relief meets the four tests, whether it is desirable and if the intent of zoning by-law is met as the land use was already approved by Council. Lori Chadwick also notes that the resident at 245 Lesperance Road is supportive of the Application. Tom Fuerth reiterates for clarification purposes that the balconies are only in the front of the building on Lesperance Road and not in the rear of the building. Chad Jeffery provides a sketch depicting the Juliette style balcony on the west side of the building. Christian Lefave indicates that it is the same design as before except that they have extended the front balconies to create more living space. Christian Lefave indicates that when marketing the previous proposal, the concerns raised with the fact that the lower units were below grade, that there was no elevator and that the outdoor living space was not large enough. Lori Chadwick indicates that she can understand the accessibility of the main floor units and why you would want them at the ground level however based on the fact that an elevator is being installed, that would make all units accessible. Christian LeFave advises that based on feedback, residents are not interested in the half-sunken units and by raising the building out of the ground will financially offset the costs of the elevators. Christian LeFave advises that the commercial elevators are required and are more expensive than a residential elevator, being approximate \$85,000.00 - \$100,000.00 per building. Therefore, raising the building offsets some of the costs of the elevators. Christian LeFave also advises that they could construct the buildings with a flat roof but the peaked roof is more of a residential style that is more suitable for the neighbourhood. Lori Chadwick indicates that elevators are not being installed in the buildings. Christian LeFave clarifies that elevators are being installed and that is why the variance is required on the north corner of the property as the buildings have to be widened slightly (approximately 7 feet) to accommodate the elevators. Without the variance elevators cannot be installed in each of the units. Lori Chadwick inquires why go higher when you can go wider. Christian LeFave indicates that they cannot move forward with this development with a third of the development partial below grade as they do not believe there is a market for partially below grade but believe there is a market for livable units above grade or on grade with an elevator. Christian advises without the height variance, they can proceed with the development without the side variance, they cannot proceed with the development. Taylor Whitney advises that the inclusion of the elevator does not result in the relief being requested for the height but rather the northerly relief is a result of the units being made larger to accommodate the elevators. Christian LeFave confirms for the Committee that they can proceed with the development with the units on grade but that the roof style would be flat without the variance. The variance is required to construct a residential style roof on the buildings as opposed to flat roof buildings. Chad Jeffery indicates that the urban style roof is more in keeping with the neighbourhood noting that

it is a good change to the proposal resulting in a better product which Administration feels meets the four tests. The width is what accommodates the elevator which has relatively no impact. Upon an inquiry from Tony Muscedere, Chad Jeffery confirms that relief is only required for the balconies on the two northerly units.

Gale Chene expresses concern with parking, the widening of Dillon Drive, the volume of traffic and the speed of the traffic in the area. Tom Fuerth indicates that those types of concerns are not matters that the Committee of Adjustment can deal with as Council has already approved the development. Further, Tom Fuerth indicates that Lesperance Road is a main street within the Town therefore it will have a lot of traffic. Chad Jeffery indicates that there was a traffic impact study conducted with the proposal and there were no concerns with respect to that study.

Lori Chadwick is supportive of the Application meets the four tests as the intent of the zoning by-law and official plan are met, the proposal meets the character of the neighbourhood and is minor in nature.

Member, Chris Lanman re-enters the meeting.

Motion: CA-41-23

Moved By Member Lori Chadwick

Seconded By Member Doug Pitre

That Application for Minor Variance A-15-23, **be approved.**

Carried

6. 5:20 pm Application for Minor Variance A-16-23 Vince Santia 214 Somerville Street

a. Sketch

Interested parties present: Vince Santia, Applicant

The purpose of the Application is to request relief from Subsection 7.1.5 c) which establishes a maximum lot coverage of 30 percent. The Applicant is seeking relief to construct a 49.8 square metre (536 square foot) single storey addition to the existing dwelling resulting in a lot coverage of 38.3 percent.

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

Correspondence

Engineering

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

Building Department

- Owners/contractor to submit for building, demolition permits and obtain ERCA clearance.

Fire Services

- No comments.

Essex Region Conservation Authority

- 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 Section 28 of the *Conservation Authorities Act*.

Discussion

Vince Santia, Applicant appears before the Committee to discuss the Application.

Doug Pitre is supportive of the Application as it meets the four tests with the condition that an ERCA permit be obtained and the requirements of the building department are met. The Chair advises that it is not necessary for the Committee to make it ERCA a condition of their decision however, it is important to note that an ERCA permit will be required.

Motion: CA-42-23

Moved By Member Doug Pitre

Seconded By Member Tom Marentette

That Application for Minor Variance A-16-23, **be approved.**

Carried

7. 5:25 pm Application for Minor Variance A-17-23 Ali Ahmad Boulbol 500 Cumberland Court

a. Sketch

Interested parties present: Ali Ahmad Boulbol, Applicant

The purpose of the Application is to request relief from Subsection 5.9 e) of Zoning By-law 2065 which establishes that roofed unenclosed porches are permitted to project into the required rear yard a depth of 2.44 metres (8.0 feet) for the subject lot. The Applicant is proposing to construct a 30.1 square metre (324 square foot) unenclosed roofed porch that will project 5.2 metres (17.2 feet) into the required rear yard.

The property is designated Residential in the Official Plan and zoned Residential Type Two Zone (R2) in Zoning By-law 2065.

Correspondence

Engineering

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

Building Department

- Owners/contractor to submit for building permit.

Fire Department

- No comments.

Essex Region Conservation Authority

- No objection to the application.

Discussion

Ali Ahmad Boulbol, Applicant appears before the Committee to discuss the Application. Ali Ahmad Boulbol indicates that what precipitated the construction of the proposed unenclosed roof covered porch was the fact that the awning which was there when they recently purchased the house was causing substantial damages to the integrity of the building as a result of water damage. In addition, they had purchased a 12 x 20 gazebo from Costco to protect his family from the elements which was defective so they removed it from the back yard. Therefore, the Applicant is requesting relief for the current proposal attached to the rear of home to protect them from the elements. Ali Ahmad Boulbol indicates that due to a catastrophic event with the home, extensive renovations have been conducted to home over that last year. Ali Ahmad Boulbol indicates that through the insurance company had contracted Paul Davis to conduct renovations which have been ongoing for more than a year. The Applicant advises that the proposal, if granted, will be constructed in the spring with the help of his father who is a retired contractor.

Upon an inquiry from Paul Jobin, the Applicant advises that the awning was a small 1/2 moon shaped awning. In addition, Paul Jobin inquiries if any residents have commented on this Application.

Joe Leung, resident at 503 Birkdale Court advises that he has concerns with respect to the construction taking place at 500 Cumberland Court. Joe Leung indicates that he also had issue with the previous gazebo which has since been removed from the property. Joe Leung informs the Committee that the depth of the property is not very deep therefore he believes that the structure will come within one foot of the property line. Joe Leung raised concerns with respect to the smoke from the outdoor cooking appliances. Joe Leung is opposed to an outdoor kitchen being constructed.

Tom Fuerth indicates that the Applicant is requesting an open sided covered porch which includes no walls or screens and no gas line. The Applicant confirms that there will be no walls or screens and there will be no gas line. Tom Marentette inquires if the structure is attached to the house. The Applicant confirms that it is attached. Tom Marentette inquires if 6x6 post and a shingled roof are being constructed. The Applicant once again confirms that construction will begin the spring with 6x6 posts and outdoor beams to support. There will be no bbq under the covered porch as it is too close to the house. The bbq will be located to the south of dwelling. Upon an inquiry from the Chair, the Applicant indicates that the unenclosed covered porch will be approximately eight feet from the rear property line. Chad Jeffery clarifies for the Committee that rear yard depth from the dwelling to the rear property line is 25 feet. The structure is approximately 7.8 feet from the rear property line as noted on the bottom of the sketch. Tony Muscedere indicates that as the property is square how is the frontage of the property determined. Chad Jeffery advises that in the case of a corner lot, the frontage is determined by the shortage lot line that abuts the roadway.

Tom Fuerth advises that the Committee is to determine if the structure can be constructed and has no authority with respect to the activities conducted under the covered porch ie cooking appliances.

Doug Pitre inquires from Administration what is the distance the structure is to be from the lot line to be in compliance with the zoning by-law. Chad Jeffery indicates that the main building is 25 feet being the rear yard depth however the by-law does allow for an encroachment into that required yard. The Applicant is requesting more than what the by-law permits. An open sided structure can encroach eight feet into the required rear yard. The Applicant is requesting 17.2 feet approximately twice what the by-law currently permits.

The Applicant advises that his neighbour has an awning to protect them from the elements and his neighbour at 504 Cumberland Court also has a awning to the property line. In addition, the rear neighbour has a row of cedars approximately 30 feet in height along the property line therefore nearly impossible to see the structure from his home. His neighbour to the north also has a row of cedars approximately 20 feet in height.

Tom Marentette inquires if the Applicant was able to install a retractable awning that extend beyond the eight feet allowed, would a variance be required. Chad Jeffery advises that anything beyond the eight feet would require a variance. Similarly, to the relief that would be granted for the open sided structure on the waterfront, once retractable shades are installed, once those shade are drawn, then it does not meet the intent of the by-law as it is no longer open sided.

Chris Lanmen informs Joe Leung that his concerns are more related to the uses conducted in the rear yard as opposed to the structure itself. Joe Leung reiterates that he is concerned with the smoke and is concerned it

is not safe as there is also a fence in the vicinity. Joe Leung inquires about the height permitted for the structure. Chad Jeffery advises that an accessory structure is permitted to be 15 feet in height however as this is attached the dwelling, it is subject to the same height restriction as the main building concluding that the structure is well within the height restriction of the main building which is 35 feet. The Applicant advises that there are windows on the second storey which would prevent the covered porch from being any higher than proposed. The entrance will be approximately 7.5 feet in height and the height at the peak will be slight more to accommodate a small slope.

Paul Jobin is supportive of the Application as it meets the four tests and the proposal is in keeping with the neighbourhood. There are no conditions.

Motion: CA-43-23

Moved By Member Paul Jobin
Seconded By Member Tom Marentette

That Application for Minor Variance A-17-23, be approved.

Carried

F. Deferrals

G. Planning Report

1. October 23, 2023

H. Unfinished Business

I. New Business

Chad Jeffery welcomes Enrico De Cecco, Senior Planner with the Town who will be attending Committee of Adjustment meetings more frequently in the future as Chad Jeffery will be attending to other matters for Planning and Economic Development.

J. Adjournment**Motion: CA-44-23**

Moved By Member Doug Pitre

Seconded By Member Tom Marentette

That there being no further business, the Monday, October 23, 2023 regular meeting of the Committee of Adjustment now **adjourn** at 6:35 pm.

Carried

Tom Fuerth, Chairperson

Donna Ferris, Secretary-Treasurer