



## The Corporation of the Town of Tecumseh

### Planning Report

**To:** Committee of Adjustment  
**From:** Chad Jeffery, MA, MCIP, RPP  
**Hearing Date:** November 25, 2024  
**Subject:** **Severance Applications B-12/13-24 and B-14-24**

---

Please note that this Planning Report was prepared as of November 22, 2024. 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 25, 2024 as the normal practice.

**Application:** **Severance Application B-12/13-24**  
**Applicant:** **Maria Geloso**  
**Location of Property:** **1402 Poisson Street**

The purpose of the application is to create two new lots for a proposed semi-detached dwelling. This application will accommodate the division of the property along the common wall dividing the proposed semi-detached dwelling, such that each dwelling unit will be on its own lot and can be sold separately (i.e. freehold ownership). Specifically, the application proposes to:

1. sever two lots for the proposed semi-detached dwelling, being:
  - i) Lot A - identified as Parts 3 & 4 on 12R-22858, having a frontage of 12.2 metres (40 feet), a depth of 37.7 metres (123.7 feet) and a lot area of 459.8 square metres (4,949.7 square feet), outlined in red on the sketch below;
  - ii) Lot B - identified as Parts 5 & 6 on 12R-22858, having a frontage of 12.2 metres (40 feet), a depth of 37.7 metres (123.7 feet) and a lot area of 459.9 square metres (4,950.5 feet), outlined in blue on the sketch below; and
2. retain a parcel, identified as Parts 1 & 2 on 12R-22858, having a frontage of 36.5 metres (120.0 feet) and a lot area of 1378.6 square metres (14,839.9 square feet),

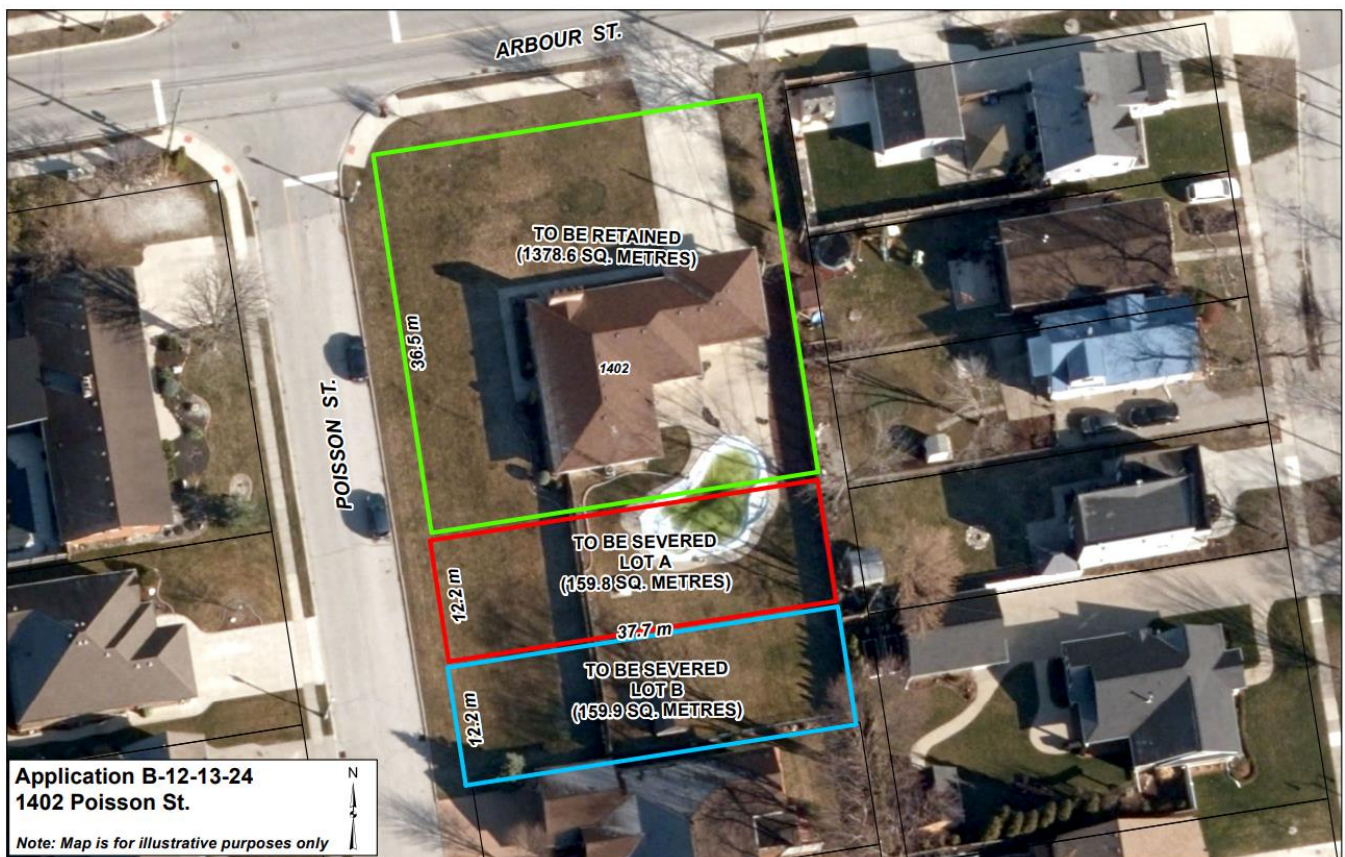
outlined in green on the sketch below. The proposed retain parcel is currently occupied by a single-unit dwelling.

The existing inground swimming pool on the subject lands is to be removed.

This matter was previously granted provisional Consent by the Committee of Adjustment on November 21, 2005 however, the time period lapsed prior to the conditions being fulfilled.

The severed lots (Lots A and B) are zoned Residential Zone (R2-22) in Zoning By-law 1746 which establishes site specific lot provisions to accommodate a semi-detached dwelling while the retained parcel is zoned Residential Zone (R1-10) which permits a single-unit dwelling and establishes a minimum rear yard depth of 1.21 metres (4.0 feet).

Both the severed and retained lands are designated Residential in the Official Plan.



## Provincial Planning Statement

The *Planning Act* establishes that the Committee, when making decisions that affect a planning matter, “shall be consistent with” the 2024 Provincial Planning Statement (“PPS”) issued under the *Planning Act*. The PPS encourages development on lands that are identified for urban growth in approved settlement areas. It also establishes that the Town should be supporting and promoting residential infill development that results in compact built form and makes more efficient use of existing services while offering a range of housing forms/types to

meet expected needs. Based on the foregoing, it is the opinion of the writer that the application for the proposed residential development is consistent with the PPS.

## **County of Essex Official Plan**

The subject lands are situated within a Primary Settlement Area identified in the County Official Plan (COP). As with the PPS, the COP directs that future urban development be directed to fully serviced settlement areas. In addition, COP specifically encourages residential intensification and redevelopment within Primary Settlement Areas in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities.”

It is the opinion of the writer that the proposed severance meets the intent of the COP.

## **Tecumseh Official Plan**

The proposed severed and the retained parcels are designated Residential in the Tecumseh Official Plan (TOP). The Residential goals and policies of the TOP promote residential intensification in areas of the Town where a full range of municipal infrastructure, community facilities, and goods and services are readily available. The TOP also establishes that the intensification of residential lands shall be encouraged and standards of development that will assist in achieving this objective shall be a priority for the Town. The proposed consent also conforms to the Consent Policies contained in Section 6.4 of the TOP. Based on the foregoing, it is the opinion of the writer that the proposed severance conforms to the TOP.

## **Tecumseh Zoning By-Law**

The severed lots (Lots A and B) are zoned Residential Zone (R2-22) in Zoning By-law 1746 which establishes site-specific lot provisions (i.e. minimum lot frontage and lot area per dwelling unit) to accommodate a semi-detached dwelling while the retained parcel is zoned Residential Zone (R1-10) which permits a single-unit dwelling and establishes a minimum rear yard depth of 1.21 metres (4.0 feet). Both severed lots and the retained lot will comply with their respective site-specific zoning.

## **Administration/Agency Comments**

### **1. Public Works and Environmental Services**

- The Applicant should be made aware that the subject properties are within the watershed of existing municipal drainage systems and may be liable for the costs of assessments relating to future works or improvement or maintenance in accordance with the provisions of the Ontario Drainage Act, RSO. 1990.
- The Applicant will be required to enter into, and provide the Town of Tecumseh, a written agreement for the reapportionment of the drainage assessment for the subject lands, in accordance with Section 65(2) of the Ontario Drainage Act, RSO. 1990, as amended and that the associated costs of same be borne solely by the Applicant.

- That the Applicant be required to service each individual parcel 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 each individual parcel 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.
- The parcel to be retained and the parcels to be severed are to be serviced with separate entrances. The Applicant, developer or future builder, shall be required to obtain approvals and permits from the Town of Tecumseh to install new access driveways in accordance with all applicable Town standards prior to the commencement of driveway construction within the Town's right-of-way.
- That the Applicant should be made aware of the presence of an existing utility easement that presently spans the entirety of the lot where it abuts Poisson St. PWES recommends that the easement documents be reviewed by the Applicant to ensure that all conditions outlined within the easement agreement are met. Future owners of the new lots should also be made aware of same.
- The cost of all servicing requirements will be at the expense of the applicant.

## **2. Building Department**

- Once the consent has been approved obtain a building permit by applying through the Cloud permitting system and provide all required documents including an engineered lot grading plan at time of application.
- Note: no existing services can cross newly established lot lines, each lot shall be independently serviced.

## **3. Fire Services**

- No concerns with applications.

## **4. Essex Powerlines**

- No concerns with applications.

## **5. Essex Region Conservation Authority**

- The property is not located within a regulated area that is under the jurisdiction of ERCA. As a result, a permit is not required from ERCA.
- No objections to the applications.

## 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 Tecumseh Official Plans, complies with Zoning By-law 1765 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, a reference plan prepared by an Ontario Land Surveyor in digital format (.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 duplicate (2) 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 \$2800.00 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 the Owners enter, into and provide the Town of Tecumseh, a written agreement for the reapportionment of the drainage assessment for the subject lands, in accordance with Section 65(2) of the *Ontario Drainage Act*, R.S.O. 1990, as amended, and that the associated costs of same be borne solely by the Applicant. Apportionments for affected Municipal Drains are required and are to be assessed against the lands affected in accordance with any past, current or future drainage by-laws, until otherwise determined under the provisions of the *Drainage Act*,

6. That the parcel to be retained and the parcel to be severed are to be serviced with separate water supplies, storm and sanitary sewer systems to the satisfaction of the Town of Tecumseh Public Works and Water Departments prior to this severance being finalized;
7. That at the time the conveyance is presented for certification an amount equal to five percent (5%) cash in lieu of parkland, based on the market value of the land being conveyed the day immediately prior to the approval in principle having been granted, to be paid to the Town of Tecumseh (residential) for each lot created;
8. That a permit be obtained from the Building Department for the removal of the inground pool and that the condition of the lands be graded in a levelled manner to the satisfaction of the Building Department; and
9. That the above conditions be fulfilled on or before November 29, 2026 prior to this severance being finalized.

**Application:** Severance Application B-14-24  
**Applicant:** Cooper Lane and Erida Ciellza  
**Location of Property:** 259 Kensington Boulevard

The purpose of the Application is to request consent to sever a residential lot having a frontage of 13.7 metres (45 feet), a depth of 42.6 metres (140 feet) and a lot area of 585.2 square metres (6,299 square feet) outlined in red on the sketch below. The proposed retained lot has a frontage of 13.7 metres (45 feet), a depth of 42.6 metres (140 feet) and a lot area of approximately 585.2 square metres (6,299 square feet) outlined in green on the sketch below.

This application will accommodate the division of the property along the common wall dividing the semi-detached dwelling that is currently under construction, such that each dwelling unit will be on its own lot and can be sold separately (i.e. freehold ownership).

The lands are designated Residential in the Official Plan and zoned Residential Type Two Zone 2 (R2-9) in Zoning By-law 2065.



## Provincial Planning Statement

The *Planning Act* establishes that the Committee, when making decisions that affect a planning matter, “shall be consistent with” the 2024 Provincial Planning Statement (“PPS”) issued under the *Planning Act*. The PPS encourages development on lands that are identified for urban growth in approved settlement areas. It also establishes that the Town should be supporting and promoting residential infill development that results in compact built form and makes more efficient use of existing services while offering a range of housing forms/types to meet expected needs. Based on the foregoing, it is the opinion of the writer that the application for the proposed residential development is consistent with the PPS.

## County of Essex Official Plan

The subject lands are situated within a Primary Settlement Area identified in the County Official Plan (COP). As with the PPS, the COP directs that future urban development be directed to fully serviced settlement areas. In addition, COP specifically encourages residential intensification and redevelopment within Primary Settlement Areas in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities.”

It is the opinion of the writer that the proposed severance meets the intent of the COP.

## **Tecumseh Official Plan**

The proposed severed and the retained parcels are designated Residential in the Tecumseh Official Plan (TOP). The Residential goals and policies of the TOP promote residential intensification in areas of the Town where a full range of municipal infrastructure, community facilities, and goods and services are readily available. The TOP also establishes that the intensification of residential lands shall be encouraged and standards of development that will assist in achieving this objective shall be a priority for the Town. The proposed consent also conforms to the Consent Policies contained in Section 6.4 of the TOP. Based on the foregoing, it is the opinion of the writer that the proposed severance conforms to the TOP.

## **Tecumseh Zoning By-Law**

The severed and retained lots are zoned Residential Type Two Zone 2 (R2-9) in Zoning By-law 2065, which establishes site-specific lot provisions (i.e. minimum lot frontage and lot area per dwelling unit) to accommodate the freehold ownership of the semi-detached dwelling units currently under construction. Both severed and retained lots will comply with the R2-9 zone.

## **Administration/Agency Comments**

### **1. Public Works and Environmental Services**

- That the Applicant be required to service each individual dwelling unit 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 semi-detached units (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 each individual dwelling unit 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 semi-detached units.
- The parcel to be retained and the parcels to be severed are to be serviced with separate entrances. The Applicant, developer or future builder, shall be required to obtain approvals and permits from the Town of Tecumseh to install new access driveways in accordance with all applicable Town standards prior to the commencement of driveway construction within the Town's right-of-way.
- Access culverts across the new driveway entrances will be required within the existing roadside drainage swale, the details of which (pipe sizes, inverts, grades etc.) must be shown on a lot grading plan and submitted as part of the driveway permit application. This information will be required to confirm the proper grading of new culverts in relation to the existing culverts and swale.
- It is our understanding that the site grading plan for this development proposes to use the existing swale on the west side of Kensington to discharge run-off. Given the shallow depth of the swale in front of the lot, PWES will require additional



engineering investigation into the use of the existing storm sewer located on the opposite side of the roadway. Although we may be able to accept the swale as a suitable location for the storm water discharge, we feel that the storm sewer on the opposite side of the roadway may be a better option. To this end, field investigations by the proponent's consultant will be required.

- The cost of all servicing requirements will be at the expense of the applicant.

## 2. Building Department

- No concerns with application.

## 3. Fire Services

- No concerns with application.

## 4. Essex Powerlines

- No concerns with application.

## 5. Essex Region Conservation Authority

- No objection to application. ERCA has issued Permit 803 - 23 for this development, dated February 1, 2024. It is the responsibility of the applicant to notify our office if any changes are required to the approved site plans by contacting [regs@erca.org](mailto:regs@erca.org).

## 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 Tecumseh Official Plans, complies with Zoning By-law 2065 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, a reference plan prepared by an Ontario Land Surveyor in digital format (.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 duplicate (2) 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 \$1400.00 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 the parcel to be retained and the parcel to be severed be serviced with separate entrances to the satisfaction of the Town's Engineer;
6. That the parcel to be retained and the parcel to be severed are to be serviced with separate water supplies, storm and sanitary sewer systems to the satisfaction of the Town of Tecumseh Public Works and Water Departments prior to this severance being finalized;
7. That at the time the conveyance is presented for certification an amount equal to five percent (5%) cash in lieu of parkland, based on the market value of the land being conveyed the day immediately prior to the approval in principle having been granted, to be paid to the Town of Tecumseh (residential); and
8. That the above conditions be fulfilled on or before November 29, 2026 prior to this severance being finalized.