

Committee of Adjustment
Minutes

Date: Monday, November 25, 2024
Time: 5:00 pm
Location: Tecumseh Town Hall - Council Chambers
917 Lesperance Road
Tecumseh, Ontario N8N 1W9

Present:
Acting Chairperson, Tom Marentette
Member, Christopher Lanman
Member, Tony Muscedere
Member, Doug Pitre

Absent:
Chairperson, Tom Fuerth
Member, Lori Chadwick
Member, Paul Jobin

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

Others:
Senior Planner, Enrico De Cecco
Manager Information Technology, David Doyon

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. October 28, 2024

Motion: CA-55-24

Moved By Member Doug Pitre
Seconded By Member Tony Muscedere

That the minutes of the regular Committee of Adjustment meeting held October 28, 2024 **be approved**, as printed and circulated.

Carried

E. Applications

1. Application for Consent B-12-24 and B-13-24 Maria Geloso 1402 Poisson Street

a. Sketch

Interested parties present: Vince Geloso, Agent for the Applicant

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 attached sketch;
 - 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 attached sketch; 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 attached sketch. 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.

Administration/Agency Comments

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.

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.

Fire Services

- No concerns with applications.

Essex Powerlines

- No concerns with applications.

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.

Discussion

Vince Geloso, Agent for the Applicant, appears before the Committee to discuss the Application. Vince Geloso has no further comments for the Committee. There are no residents present to speak to the subject application.

Tony Muscedere inquires if there are any drawings for the proposed semi-detached dwelling units and is the alley to the east of the subject lands an open alley and if so, would driveway access be given off the alley. Chad Jeffery indicates that the alley is not passable for automobiles and there has been no consideration for access off the alley.

Doug Pitre is supportive of the Application with the conditions outlined in the Planning Report as the Application is in keeping with the Official Plan and Zoning By-law.

Motion: CA-56-24

Moved By Member Doug Pitre

Seconded By Member Christopher Lanman

That Application for Consent B-12-24 and B-13-24, be approved.

Carried

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.

2. Application for Consent B-14-24 Cooper Lane and Erida Ciellza 259 Kensington Boulevard

- a. Sketch

Interested parties present: Cooper Lane and Erida Ciellza, Applicants

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 attached sketch. 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 attached sketch.

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 Zone 2 (R2-9) in Zoning By-law 2065.

Administration/Agency Comments

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.

Building Department

- No concerns with application.

Fire Services

- No concerns with application.

Essex Powerlines

- No concerns with application.

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.

Discussion

Cooper Lane and Erida Ciellza, Applicants appear before the Committee to discuss the Application.

Tony Muscedere inquires if the stormsewer connection across the road will be a condition of the Consent. Chad Jeffery indicates that the condition reads "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." Therefore, if the works are required to be connected across the road and that is the best approach, it will have to be completed to the satisfaction of the Public Works Department.

There are no residents present to speak to the Applicant.

Tom Marentette inquires if there is a shared agreement with respect to the common wall adjoining the two units. Chad Jeffery indicates that it is not something that is formalized through a legal agreement with the Town. It is a matter between the two parties and essential they each own half of the common wall and it would be up to the property owners to deal with any common maintenance issues ie the roof and they would have to work with each other to resolve the issue as a private matter. This style of freehold ownership for townhomes or semi-detached dwelling units is common throughout the region and done typically without any municipal involvement/agreement.

Chris Lanman is supportive of the Application with the conditions outlined in the Planning Report as the Application is in keeping with the Town's Official Plan and Zoning By-law.

Motion: CA-57-24

Moved By Member Christopher Lanman

Seconded By Member Doug Pitre

That Application for Consent B-14-24, be approved.

Carried

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.

F. Deferrals

G. Planning Report

1. November 25, 2024

H. Unfinished Business

I. New Business

J. Adjournment

Motion: CA-58-24

Moved By Member Doug Pitre

Seconded By Member Tony Muscedere

That there being no further business, the Monday, November 25, 2024 regular meeting of the Committee of Adjustment now **adjourn** at 5:20 pm.

Carried

Tom Marentette, Acting Chairperson

Donna Ferris, Secretary-Treasurer