



The Corporation of the Town of Tecumseh

Planning Report

To: Committee of Adjustment

From: Chad Jeffery, MA, MCIP, RPP

Hearing Date: December 9, 2024

Subject: **Minor Variance Application A-28-24**

Please note that this Planning Report was prepared as of December 6, 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 December 9, 2024 as the normal practice.

Application:	Minor Variance Application A-28-24
Applicant:	Catherine Chauvin
Location of Property:	649 William Street

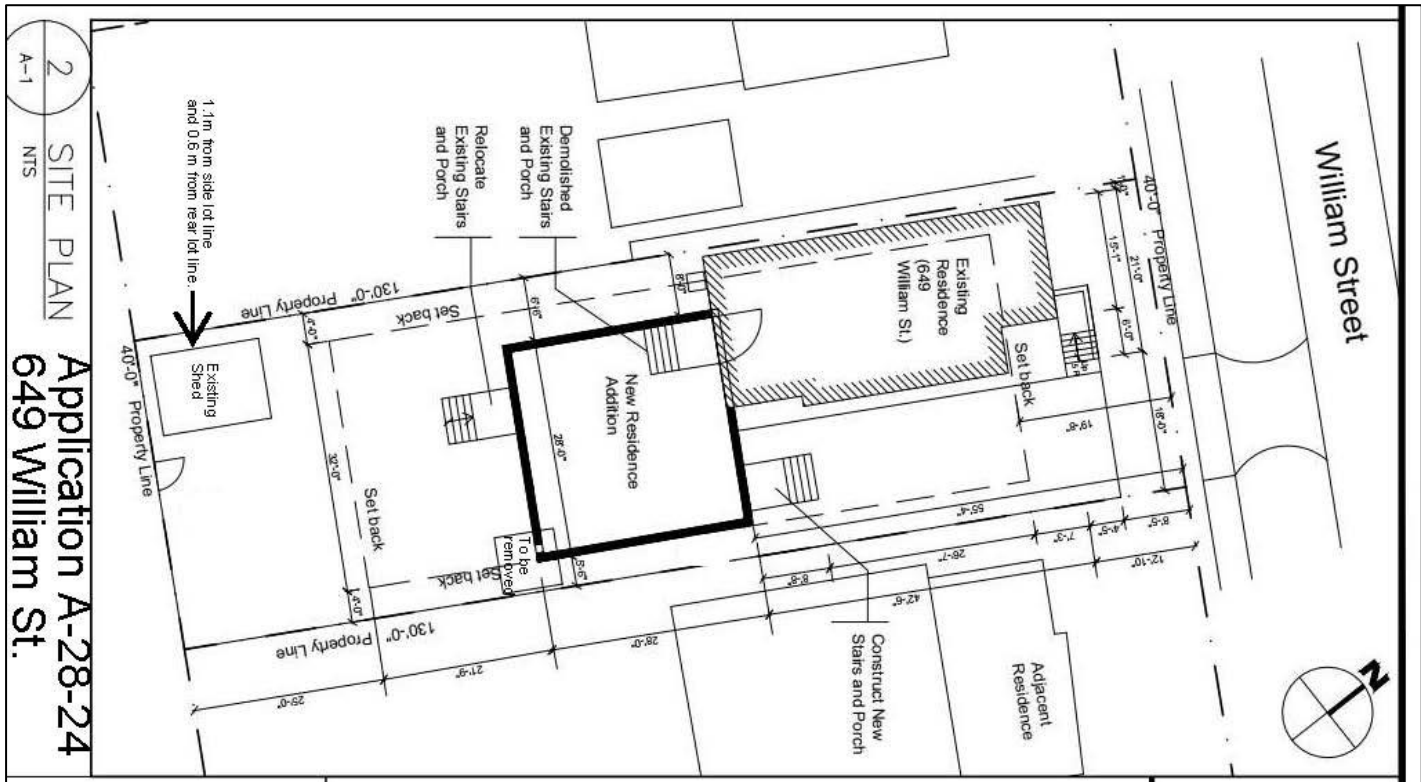
The purpose of the Application is to request relief from the following subsections of Zoning By-law 1746:

- i) Subsection 7.1.5 establishes a maximum lot coverage of 30 percent; and
- ii) Subsection 5.25.1 c) establishes that an accessory structure having more than 10.0 square metres in area (107 square feet) shall not be closer than 1.22 metres (4 feet) to a lot line except where the lot line abuts a public alley. In that case, the accessory structure may be located not less than 0.5 metres from said alley.

The Applicant is proposing to construct a 72.0 square metre (775.4 square foot) single-storey addition to an existing dwelling resulting in a lot coverage of 35 percent as depicted on the sketches below.

The Applicant is also seeking relief to permit an existing 42.7 square metre (140 square foot) accessory building (shed) to continue to be 1.1 metres (3.75 feet) from the northerly interior side lot line.

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. Residential dwellings and accessory structures are permitted within this designation. The proposed variance, which will facilitate the proposed 72.0 square metre (775.4 square foot) addition to the rear of the existing dwelling, as well as permit the existing shed in its current location on the subject property, meets the intent of the policies 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 intent 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 35 percent will facilitate the proposed addition to the dwelling without resulting in any deficiencies in landscaping requirements or the ability of the site to provide for parking or open space areas.

The intent of the 1.22 metre (4 foot) interior side yard width for accessory structures greater than 10.0 square metres in area (107 square feet) is to ensure that these structures are appropriately setback from abutting property lot lines and that sufficient space is provided around the structure to facilitate any exterior maintenance. The existing 42.7 square metre (140 square foot) accessory structure (shed) is located 1.1 metres (3.75 feet) from the northerly interior side lot line. This is only marginally below the maximum 1.22 metre (4 foot) requirement and will continue to provide adequate separation from the lot lines. It should be noted that the existing 0.6 metre (2 foot) setback from the rear lot line complies with the zoning as the subject property abuts a municipal alley.

All other requirements of the R2 zone will be complied with.

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?

Additions to homes in the older, stable areas of the Town are common as owners attempt to enhance the available indoor livable space of the smaller homes located in these neighbourhoods. In this case, the proposed addition will occupy an area on the lot that is currently covered by a deck and hard-surfaced area. Although there will be a loss of outdoor amenity space, the remaining landscaped open space amounts to approximately 35 percent of the lot which is greater than the 30 percent minimum established in the Zoning By-law. Further, the resulting rear yard amenity space is similar in size and nature to the other lots immediately surrounding the subject property. The proposed enlarged dwelling and the location of the existing shed are both in keeping with the character and built form of the

surrounding neighbourhood. Accordingly, it is my opinion that the proposed relief will result in development that represents a desirable use of the land.

Is the variance requested minor?

The rear wall of the addition will be roughly aligned with the rear wall of the dwelling to the south and the existing shed is in a location on the lot that has no discernable impact on the abutting property to the north. Accordingly, subject to adequately addressing any concerns raised, it is my opinion that the requested variance will not result in any undue adverse impact and is therefore minor in nature.

Administration/Agency Comments

1. Public Works and Engineering

- PWES has no comments regarding the requested minor variance.

2. Building Department

- Once an approval has been granted the applicant shall 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.

3. Fire Department

- No concerns with application.

4. Essex Region Conservation Authority

- The noted lands are not located within a regulated area that is under the jurisdiction of ERCA. As a result, a permit is not required.
- No objections with applications.

5. Essex Powerlines

- If the customer requires a service upgrade due to the additional load, they must contact EPL for a cost to do so.

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 the opinion of the writer that the applications satisfy 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 applications.

Based on the foregoing, the writer supports the minor variance application and believes it to be based on sound planning principles.

Recommended Conditions

None.