

Committee of Adjustment Meeting
AGENDA

Monday, October 28, 2019, 5:00 pm
Tecumseh Town Hall - Council Chambers
917 Lesperance Road
Tecumseh, Ontario N8N 1W9

Pages

- 1. Call to Order**
- 2. Roll Call**
- 3. Disclosure of Pecuniary Interest**
- 4. Minutes**
 - a. Minutes of the regular Committee of Adjustment meeting dated September 23, 2019. 3 - 7
- 5. Submissions**
 - a. Cover Map 8 - 8
 - b. Agenda 9 - 11
 - c. Application for Severance B-13/19 - Calira Corporation, 11845 Tecumseh Road 12 - 13
 - d. Application for Severance B-14/19 - Sandekere & Malavika Anand, 12906 Riverside Drive 14 - 15
 - e. Application for Minor Variance A-27/19 - Sondekere & Malavika Anand, 12914 Riverside Drive 16 - 17
 - f. Application for Severance B-15/19 - 2593430 Ontario Limited, 14400 Tecumseh Road 18 - 19
 - g. Application for Minor Variance A-28/19 - Dina Venturini, 408 Brighton Road 20 - 21
 - h. Application for Severance Application B-16/19 - Lionel & Gail Baillargeon, 11221 County Road 42 22 - 23
 - i. Application for Minor Variance A-29/19 - Brett Massender, 12640 Clarice Avenue 24 - 25
 - j. Planning Report dated October 28, 2019 26 - 49
- 6. Deferrals**
- 7. New Business**

8. Old Business

9. Adjournment

**THE CORPORATION OF THE TOWN OF TECUMSEH
MINUTES OF THE COMMITTEE OF ADJUSTMENT MEETING**

A regular meeting of the Committee of Adjustment was held on Monday, September 23, 2019 at the Municipal Building, 917 Lesperance Road, Tecumseh, Ontario at 5:00 p.m.

I CALL TO ORDER

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

II ROLL CALL

PRESENT:	Chairperson:	Tom Fuerth
	Vice-Chairperson:	Paul Morand
	Members:	Bill Altenhof
		Chris Carpenter
		Tom Marentette
		Tony Muscedere
	Director, Planning & Building Services	Brian Hillman (5:20 p.m.)
	Manager Planning	Chad Jeffery
	Secretary-Treasurer	Donna Ferris

ABSENT: Lori Chadwick

III DISCLOSURE OF PECUNIARY INTEREST

There is no disclosure of interest made.

IV MINUTES

1. Minutes of the regular Committee of Adjustment meeting held Monday, August 26, 2019.

Motion: (CA-50/19) Moved by Tony Muscedere
Seconded by Tom Marentette

That the Minutes of the regular Committee of Adjustment meeting held Monday, August 26, 2019 be adopted, as printed and circulated.

Carried

V SUBMISSIONS

The following submissions were heard:

Application for Minor Variance A-26/19 – Amicone Holdings Limited, 2155 Blackacre Drive

Interested parties present: Derek Amicone, Applicant
Cindy Prince, Agent for the Applicant

The purpose of the Application is to request relief from subsection 5.37 e) of Zoning By-law 85-18 which establishes that every lot shall have a minimum of one driveway and a maximum of two driveways for any permitted use. As a result of the recent construction of a third driveway to/from the subject lot, relief is being requested.

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

Notice of hearing for the above submission was circulated to landowners within a radius of 60 metres (200 feet) of the subject property (a list of said owners is on file). Notice of Hearing with a sketch attached was sent to the Applicant, each Council Member, Clerk, Public Works and Engineering Department, Planning and Building Services, Fire Department and all required agencies and to each member of the Committee of Adjustment.

CORRESPONDENCE

ERCA: Consistency with Section 3.1 of the PPS has been demonstrated. Ontario Regulation 158/06 does not apply to the subject site. A permit from ERCA will not be required prior to any development taking place. No objection to the Application.

County of Essex: No response.

Town Engineer:

- The requested third entrance is to a portion of the subject property that was recently developed (placement and grading of fill) without the required permit from the Town Building Department. A condition of the minor variance should be that the owner is required to submit site service drawings and detailed stormwater management reports (addressing quantity and quality) to address the recent site alterations which will be reviewed/approved by the Town Engineer and that the owner be required to construct the related stormwater facilities prior to construction of the third entrance.
- The stormwater management facilities will require approval from the Ministry of Environment, Conservation and Parks (MECP) under Section 53 of the Ontario Water Resources Act.

DISCUSSION

Derek Amicone, Applicant and Cindy Prince, Agent for the Applicant appear before the Committee to discuss the Application. Derek Amicone informs the Committee that he purchased the property approximately two years ago. Since that time, he has installed a driveway and a brick fence. The second and third driveway was to assist with the flow of traffic for transport trucks for shipping purposes while the first driveway would be for staff entering/exiting the site. As the storage of the pre-fabricated wall panels are stored outdoors, the brick fence was to constructed to hide the storage area.

Cindy Prince indicates that they accept the recommended condition outlined in the Planning Report whereby the owner submit site service drawings and a detailed stormwater management report (addressing quantity and quality) to address the recent site alterations which will be reviewed/approved by the Town Engineer and that the owner be required to construct the related stormwater facilities prior to the approval of the third entrance coming into effect.

Neil Arnold, President of Neiman Family Holdings Ltd., 2130 Blackacre Drive appears before the Committee raising concern regarding the amount of green space on the site and that he believes the parking lot may be built over the septic system.

Tom Fuerth seeks advice from Administration and is informed that in accordance with the site plan, 10 percent of the site meets the greenspace provision as there is a 3 metre buffer in the front on Fasan Drive. Administration further advises that the site meets all the requirements of the M1 zone save and except the 3rd driveway access for which the Applicant is seeking a minor variance. Administration indicates that the septic system is govern under the Building Code and enforced by the Building Department. Further, the Application was circulated to the Building Department and no concerns or issues were raised with respect to the septic system. Cindy Prince acknowledges that there have been a number of permits obtained for various additions and works completed on the building.

Tom Marentette inquiries as to whether or not this area will be serviced by sanitary sewers in the near future. Tom Fuerth indicates that servicing of the area with sanitary sewers is a matter for Administration. Tom Marentette inquires as to whether or not the attached sketch is a preliminary plan or has the plan been approved by the Town Engineer. Cindy Prince advises that it has not been approved by the Town Engineer however the entrance location has been determined. Tom Marentette advises he is supportive of the Application as there is no adverse affect on neighbouring properties and it meets the four tests.

Motion: (CA-51/19) Moved by Tom Marentette
Seconded by Tony Muscedere

That Application A-26/19 is granted, subject to the Owner submitting to the Town site service drawings and a detailed stormwater management report (addressing quantity and quality) to address the recent site alterations which will be reviewed/approved by the Town Engineer and that the Owner be required to construct the related stormwater facilities prior to the approval of the third entrance coming into effect.

Carried

REASONS

The Application meets the four tests of a minor variance in that it is desirable for the appropriate development or use of the land, building or structure, the general intent and purpose of the Official Plan and Zoning by-law is maintained and the variance is minor in nature.

Brian Hillman enters the room at 5:20 p.m.

Application for Severance B-12/19 – Del Duca Industrial Park Ltd., 5240 8th Concession Road

Interested parties present: Vince Del Duca, Owner and Applicant

The purpose of the Application is to request consent to sever a 0.74 ha (1.84 acre) parcel of land having an approximate frontage of 72.43 metres (237.63 feet) on North Talbot Road designated as Part 1 on the sketch attached (highlighted in yellow). The retained lands will have a lot area of 20.79 ha (51.37 acres). Parts 2, 3 and 4 (highlighted in pink) on the sketch attached will be conveyed to the Town for the purpose of a daylight corner and a multi-use pathway.

The proposed severed land is designated General Commercial in the Sandwich South Official Plan and zoned Holding General Commercial Zone (H) C1-9 in the Sandwich South Zoning By-law 85-18.

Notice of hearing for the above submission was circulated to landowners within a radius of 60 metres (200 feet) of the subject property (a list of said owners is on file). Notice of Hearing with a sketch attached was sent to the Applicant, each Council Member, Clerk, Public Works and Engineering Department, Planning and Building Services, Fire Department and all required agencies and to each member of the Committee of Adjustment.

CORRESPONDENCE

ERCA: Consistency with Section 3.1 of the PPS has been demonstrated. Ontario Regulation 158/06 applies to the retained lands. A permit or clearance from ERCA will be required prior to any development taking place. Ontario Regulation 158/06 does not apply to the severed lands associated with Parts 1, 2, 3 and 4 of the Application. No further permit or clearance is required prior to further development taking place.

County of Essex: No response.

Town Engineer:

- The Owners must 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.
- The owner should be made aware that site service drawings and detailed stormwater management reports (addressing quantity and quality to the satisfaction of the Town's Engineer) will need to be submitted for future developments on these lands as part of site plan control processes or Building Permit application processes, which will then be reviewed/approved by the Town Engineer prior to issuance of site plan control approvals and/or Building Permits.
- That the parcel to be retained and the parcel to be severed are to be serviced with separate water supplies and sanitary sewer systems to the satisfaction of the Town of Tecumseh Public Works and Water Departments prior to this severance being finalized. Please note that the Town installed existing sanitary service connections to both the retained and severed portions of this property as part of the Oldcastle Hamlet Sanitary Sewer Improvements (Phase 1) project. Cost related to the installation of these service connections has not yet been assessed to the subject property. Prior to this severance being finalized, the Town is to be reimbursed the cost of the previously installed sanitary service connection to the severed lot.
- At this time, it is unknown if storm drainage for the severed lot will be provided by future development on the retained property or if a site specific storm drainage

system will be required. If development on the severed lot proceeds on its own, it is anticipated that a new storm service connection will be required across North Talbot Road and into the open drain located on the south side of North Talbot Road and that the costs related to same will be the responsibility of the owner of the severed property.

DISCUSSION

Vince Del Duca appears before the Committee to discuss the Application. Vince Del Duca advises that approximately 3 years ago an Application for Severance was granted by the Committee but was appealed to the Ontario Municipal Board whereby it was determined that the owner of the lands work with the Planning Department of the Town of Tecumseh and the Resident's Group to develop the lands with mixed uses with the least amount of impact to the residential development in the area.

Tom Fuerth notes that there are a number of comments provided by the Town Engineer as well as from ERCA in the Planning Report. Further, Tom Fuerth advises that Town Administration has also outlined several recommended conditions, if the severance is granted. Administration advises that some of the conditions are standard while some of the comments made by the Town Engineer will be addressed through Site Plan Control. Administration indicates that the Town Engineer provides comments either as conditions or to give the Owner of the lands a head-ups with respect to anticipated works the Town will require during the development process. Chad Jeffery advises that the costs calculated in Condition #9 in the amount of \$1,393.00 is payable to the Town for the future construction of a multi-purpose pathway and associated works long the north side of North Talbot Road and the east side of the 8th Concession Road for the extent of the severed lot. Chad Jeffery also advises that the calculation of the costs was predicated from the negotiated settlement of the OMB hearing that the development be obligated to contribute to the construction of the trails which will inter link to Weston Park. Chad Jeffery informs the Committee that Brian Hillman, Director of Planning and Building Services was more involved with the OMB hearing. Chad Jeffery also advises that there was a lot of discussion with respect to the amount to be allocated from the Owner/Developer of the lands and the amount calculated was determined to be a fair evaluation of the costs for the Owner-Developer based on the uncertainty of storm drainage, etc. Chad Jeffery reads out the conditions outlined in the Planning Report so that all parties, including the Committee Members, are clear as to the conditions that Administration is recommending to be imposed on the severance application.

Tom Fuerth commends all parties in reaching an agreement for the development of the subject lands.

Motion: (CA-52/19) Moved by Tony Muscedere
Seconded by Paul Morand

That Application B-12/19 is granted.

Carried

REASONS

The Application is in keeping with the Official Plan policies for the Town of Tecumseh as well as Zoning By-law 85-18.

CONDITIONS

1. That at the time the conveyance is prepared for certification, two (2) copies of the reference plan by an Ontario Land Surveyor as well as digital files (.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 triplicate (3) 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 \$600.00 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;

Please note: The Town of Tecumseh requires 30-day notice from the Owner for the preparation of the Apportionment Agreement.

6. That the parcel to be retained and the parcel to be severed are to be serviced with separate water supplies and sanitary sewer systems to the satisfaction of the Town of Tecumseh Public Works and Water Departments prior to this severance being finalized. Please note that the Town installed existing sanitary service connections to both the retained and severed portions of this property as part of the Oldcastle Hamlet Sanitary Sewer Improvements (Phase 1) project. Cost related to the installation of these service connections has not yet been assessed to the subject property. Prior to this severance being finalized, the Town is to be reimbursed the cost of the previously installed sanitary service connection to the severed lot;
7. That the Owner convey to the Town Part 2 on the draft plan, being a 9.0 metre X 9.0 metre daylight corner at the southwest corner of the severed lot, where it abuts the northeast corner of the 8th Concession/North Talbot Road intersection;
8. That the Owner convey to the Town Parts 3 and 4 on the draft plan, being a 3.0 metre strip of land along the north side of North Talbot Road and the east side of the 8th Concession Road for the extent of the severed lot for the purpose of a road widening to facilitate a multi-use pathway;
9. That the Owner pay \$1393.00 to the Town towards the future construction of a multi-purpose pathway and associated works along the east side of the 8th Concession Road for the extent of the severed lot;
10. That the above conditions be fulfilled on or before September 24, 2020 prior to this severance being finalized.

VI DEFERRALS

VII NEW BUSINESS

VIII UNFINISHED BUSINESS

IX ADJOURNMENT

Motion: (CA-53/19) Moved by Bill Altenhof
Seconded by Tom Marentette

That there being no further business the September 23, 2019 regular meeting of the Committee of Adjustment now adjourn at 5:33 p.m.

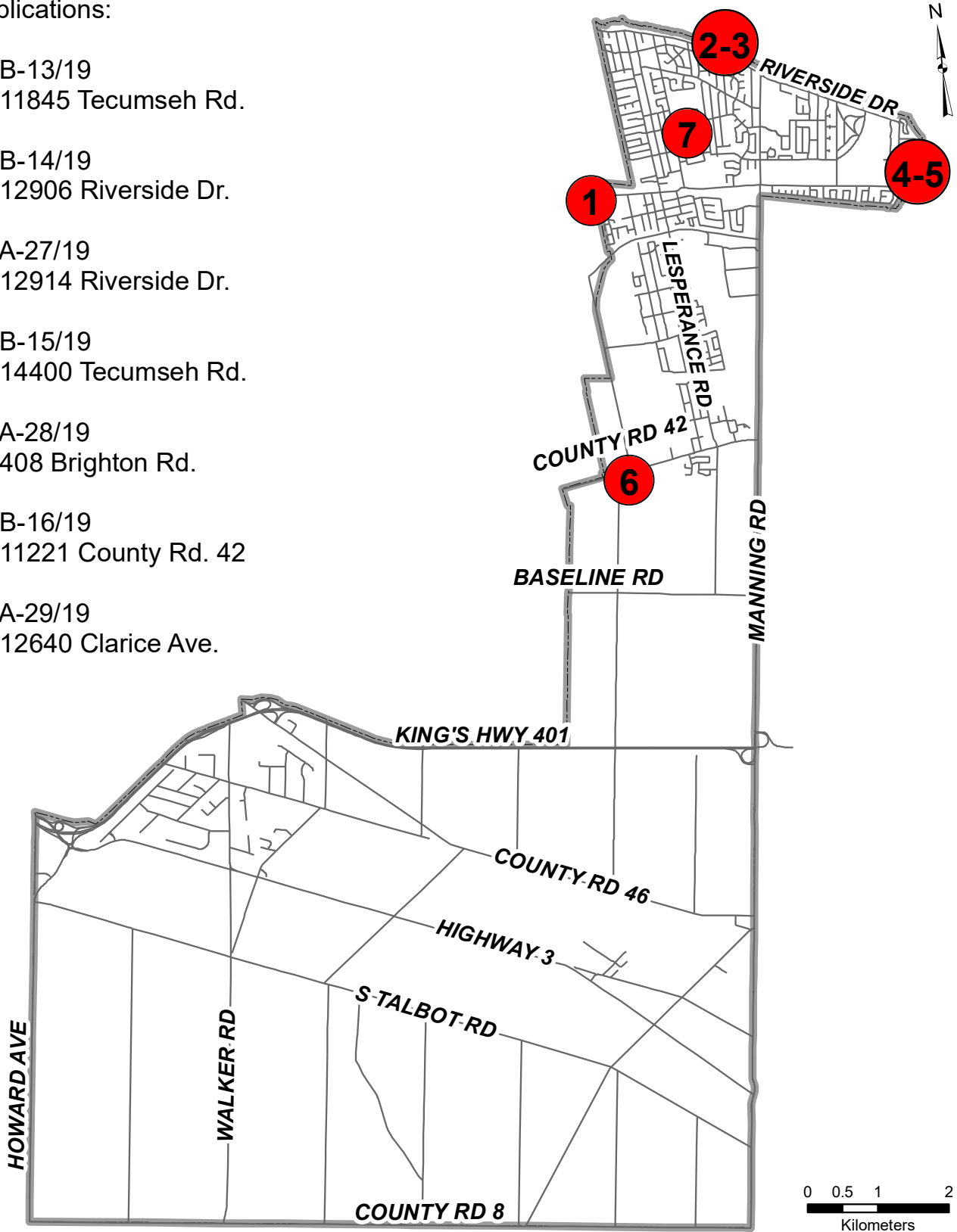
Carried

Tom Fuerth, Chairperson

Donna Ferris, Secretary-Treasurer

Applications:

1. B-13/19
11845 Tecumseh Rd.
2. B-14/19
12906 Riverside Dr.
3. A-27/19
12914 Riverside Dr.
4. B-15/19
14400 Tecumseh Rd.
5. A-28/19
408 Brighton Rd.
6. B-16/19
11221 County Rd. 42
7. A-29/19
12640 Clarice Ave.



Prepared By:
Tecumseh Planning and
Building Department

1 - 7

Subject Properties

October 28, 2019
Committee of
Adjustment Meeting
Key Map

**Town of Tecumseh
Committee of Adjustment
Regular Meeting
Monday, October 28, 2019
5:00 p.m.
Tecumseh Town Hall**

AGENDA

I CALL TO ORDER

II ROLL CALL

III DISCLOSURE OF PECUNIARY INTEREST

IV MINUTES

1. Minutes of the regular Committee of Adjustment meeting dated September 23, 2019.

V SUBMISSIONS

5:00 p.m.

Application for Severance B-13/19 – Calira Corporation, 11845 Tecumseh Road

The subject property located at 11845 Tecumseh Road East, Concession 2, Part of Lot 147, has a frontage of 54.86 metres (179.98 feet), an irregular depth and a lot area of 2,989 square metres (0.74 acres). The purpose of this Application is to lease a portion of the property, approximately 691.5 square metres (0.17 acres) outlined in red on the sketch attached for a Tim Horton's Drive Thru Restaurant. The lease agreement is in effective for more than twenty-one years.

The property is zoned General Commercial (C3).

5:05 p.m.

Application for Severance B-14/19 – Sandekere & Malavika Anand, 12906 Riverside Drive

The purpose of the Application is to request consent to sever a residential lot having a frontage of 14.62 metres (47.9 feet), an irregular depth and a lot area of 1110 square metres (11947.83 square feet) identified as Part 2 on the sketch attached (outlined in yellow). The proposed retained lot, containing an existing dwelling, will have a frontage of 19.87 metres (65.19 feet), an irregular depth and a total area of 1525 square metres (16,414.64 square feet) identified as Part 1 on the attached sketch (outlined in pink). Application for Minor Variance A-27/19 is being heard concurrently with this Application to address the lot frontage of 14.62 metres (47.9 feet) on the severed lot. The

dwelling on the proposed severed lands is being demolished and a new dwelling is proposed to be constructed.

The lands are designated Residential in the Tecumseh Official Plan and zoned Residential Zone 1 (R1) in the Tecumseh Zoning By-law.

5:05 p.m.

Application for Minor Variance A-27/19 – Sandekere & Malavika Anand, 12914 Riverside Drive

The purpose of the Application is to request relief from subsection 6.1.4 of Zoning By-law 1746 which establishes a minimum lot frontage of 18.0 metres (59.1 feet). As a result of Severance Application B-14/19, being heard concurrently with this Application, the Applicant is proposing a lot frontage of 14.62 metres (47.9 feet). See attached sketch.

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

5:10 p.m.

Application for Severance B-15/19 – 2593430 Ontario Limited, 14400 Tecumseh Road

The purpose of the Application is to sever a 2.0 square metre (21.6 square foot) parcel of residential land (shaded in red) for the purpose of a lot addition and consolidate it with the abutting residential lot to the north, municipally known as 408 Brighton Road (shaded in pink). The proposed retained lot, municipally known as 14400 Tecumseh Road (outlined in green), has an area of 1.3 hectares (3.2 acres). This Application is being heard concurrently with Minor Variance Application A-28/19 which requests relief to address the resulting side yard deficiency for 408 Brighton Road.

The lot at 408 Brighton Road is designated Single Family Residential and zoned Residential Type 2 Zone (R2) and the retained parcel at 14400 Tecumseh Road is designated Medium Density Residential and is zoned Residential Type 3 Zone (R3-13).

5:10 p.m.

Application for Minor Variance A-28/19 – Dina Venturini, 408 Brighton Road

The purpose of the Application is to request relief from subsection 7.1.3 e) iii) of Zoning By-law 2065 which establishes the minimum interior side yard width is the lesser of 10 feet or 15 percent of the lot frontage. The Applicant is requesting relief to have an interior side yard width of 1.1 metre (3.6 feet). As a result of Severance Application B-15/19, which is being heard concurrently with this Application.

The subject property is designated Single Family Residential in the St. Clair Beach Official Plan and zoned Residential Type 2 Zone (R2) in the St. Clair Beach Zoning By-law. See sketch attached.

5:15 p.m.

Application for Severance B-16-19 – Lionel & Gail Ballargeon, 11221 County Road 42

The purpose of the Application is to sever 83.6 square metres (900 square feet) of vacant residential land (outlined in red) and consolidate it with the abutting residential lot (shaded in pink), municipally known as 11215 County Road 42, as shown on the attached sketch. The retained residential lot (outlined in green) will have a frontage of 32.6 metres (107 feet) and an area of 0.3 ha (0.74 ac).

The proposed severed and the retained parcels are designated Low Density Residential in the Sandwich South Official Plan and zoned Residential Zone 1 (R1) in the Sandwich South Zoning By-law.

5:20 p.m.

Application for Minor Variance A-29/19 – Brett Massender, 12640 Clarice Avenue

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

1. Subsection 7.1.5 which establishes a maximum lot coverage of 30 percent; and
2. Subsection 7.1.10 a) which establishes a minimum interior side yard width of 1.2 metres (3.9 feet).

The Applicant is proposing to construct a 176.5 square metre (1900 square foot) addition including a garage, kitchen, dining area, great room and a covered deck having a side yard width on the westerly interior side lot line of 1.1 metres (3.6 feet) and a total lot coverage of 33 percent in accordance with the attached sketch. The existing accessory building is being demolished.

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

VI DEFERRALS

VII NEW BUSINESS

VIII OLD BUSINESS

IX ADJOURNMENT

**NOTICE OF PUBLIC HEARING
OF APPLICATION FOR SEVERANCE**

TOWN OF TECUMSEH COMMITTEE OF ADJUSTMENT

Applicant: **Calira Corporation**

Location of Property: **11845 Tecumseh Road
Pt. Lot 147, Con 2; Part 1, 12R15342**

Purpose of Application: **Severance**

The subject property located at 11845 Tecumseh Road East, Concession 2, Part of Lot 147, has a frontage of 54.86 metres (179.98 feet), an irregular depth and a lot area of 2,989 square metres (0.74 acres). The purpose of this Application is to lease a portion of the property, approximately 691.5 square metres (0.17 acres) outlined in red on the sketch attached for a Tim Horton's Drive Thru Restaurant. The lease agreement is in effective for more than twenty-one years. The property is zoned General Commercial (C3).

TAKE NOTICE that an application under the above file number will be heard by the Committee on the date, time and place shown below:

**TOWN OF TECUMSEH MUNICIPAL BLDG.
917 LESPERANCE
TECUMSEH, ONTARIO
ON**

Monday, the 28th day of October, 2019 at 5:00 p.m.

PUBLIC HEARING

You are entitled to attend this public hearing in person to express your views about this application or you may be represented by counsel for that purpose. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are requested to inform that person of this hearing. If you wish to make written comments on this application they may be forwarded to the Secretary-Treasurer of the Committee at the Town of Tecumseh, 917 Lesperance Road, Tecumseh, Ontario N8N 1W9.

FAILURE TO ATTEND HEARING

If you do not attend at the hearing it may proceed in your absence (including possible amendments to the original request) and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION

If you wish to be notified of the decision of the Town of Tecumseh Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal Hearing. Even if you are the successful party, you should request a copy of the decision since the Town of Tecumseh Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the Applicant or another member of the public. To appeal the decision to the Local Planning Appeal Tribunal, send a letter to the Secretary-Treasurer outlining the reasons for appeal. You must enclose the appeal fee of \$300.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

Donna Ferris
Secretary-Treasurer
Town of Tecumseh Committee of Adjustment

Dated this 11th day of October, 2019



**NOTICE OF PUBLIC HEARING
OF APPLICATION FOR SEVERANCE**

TOWN OF TECUMSEH COMMITTEE OF ADJUSTMENT

Applicant: **Sandekere & Malavika Anand**

Location of Property: **12906 Riverside Drive
Part Lot 155, Con. 1; Parts 2 & 3, 12R8174**

Purpose of Application: **Severance**

The purpose of the Application is to request consent to sever a residential lot having a frontage of 14.62 metres (47.9 feet), an irregular depth and a lot area of 1110 square metres (11947.83 square feet) identified as Part 2 on the sketch attached (outlined in yellow). The proposed retained lot, containing an existing dwelling, will have a frontage of 19.87 metres (65.19 feet), an irregular depth and a total area of 1525 square metres (16,414.64 square feet) identified as Part 1 on the attached sketch (outlined in pink). Application for Minor Variance A-27/19 is being heard concurrently with this Application to address the lot frontage of 14.62 metres (47.9 feet) on the severed lot. The dwelling on the proposed severed lands is being demolished and a new dwelling is proposed to be constructed. The lands are designated Residential in the Tecumseh Official Plan and zoned Residential Zone 1 (R1) in the Tecumseh Zoning By-law.

TAKE NOTICE that an application under the above file number will be heard by the Committee on the date, time and place shown below:

**TOWN OF TECUMSEH MUNICIPAL BLDG.
917 LESPERANCE
TECUMSEH, ONTARIO
ON**

Monday, the 28th day of October, 2019 at 5:05 pm

PUBLIC HEARING

You are entitled to attend this public hearing in person to express your views about this application or you may be represented by counsel for that purpose. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are requested to inform that person of this hearing. If you wish to make written comments on this application they may be forwarded to the Secretary-Treasurer of the Committee at the Town of Tecumseh, 917 Lesperance Road, Tecumseh, Ontario N8N 1W9.

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NOTICE OF DECISION

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Donna Ferris
Secretary-Treasurer
Town of Tecumseh Committee of Adjustment

Dated this 10th day of October, 2019

PARTS

SCHEDULE

PART	LOT	CON. / PLAN	PARCEL / PIN / INST.	AREA
1	PART OF LOT 155 & 156	CONCESSION 1	PIN 75263-0074	1524.97 SQ. M.
2				1109.99 SQ. M.

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT

DATE

ROSS A. CLARKE
ONTARIO LAND SURVEYOR
for: CLARKE SURVEYORS INCORPORATED

PLAN 12R-

RECEIVED AND DEPOSITED

DATE

REPRESENTATIVE FOR LAND REGISTRAR FOR THE REGISTRY DIVISION OF ESSEX (12)

PIN SUMMARY: PARTS 1 & 2 ARE ALL OF PIN 75263-0074

PLAN OF SURVEY
OF
PART LOT 155 & 156
CONCESSION 1
IN THE
TOWN OF TECUMSEH
COUNTY OF ESSEX, ONTARIO
CLARKE SURVEYORS INCORPORATED – 2019
SCALE : 1"=300'

"METRIC" DISTANCES & COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO DECIMAL FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

I CERTIFY THAT :
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 18th DAY OF JUNE, 2019.

DATE

ROSS A. CLARKE
ONTARIO LAND SURVEYOR
for: CLARKE SURVEYORS INCORPORATED

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORPs): UTM 17, NAD83 (CSRS) (2010.0)
COORDINATES ARE TO AN URBAN ACCURACY SEC 14 (2) OF O.REG 216/10

POINT ID	NORTHING	EASTING
ORP-A	N 4688118.986	E 345324.519
ORP-B	N 4688156.204	E 345233.465

CAUTION: COORDINATES CANNOT IN THEMSELVES, BE USED TO RE-ESTABLISH CORNER OR BOUNDARIES SHOWN ON THIS PLAN

BEARING REFERENCE

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS ORP-A & ORP-B BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).

DISTANCE NOTE

DISTANCE ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999872

LEGEND

□	DENOTES SURVEY MONUMENT SET AND MARKED 1201	(1201)	DENOTES ROSS A. CLARKE, O.L.S.
■	DENOTES SURVEY MONUMENT FOUND	(NTS)	DENOTES NOT TO SCALE
▬	DENOTES STANDARD IRON BAR	⊥	DENOTES PERPENDICULAR DISTANCE
SSIB	DENOTES SHORT STANDARD IRON BAR	(S)	DENOTES SET
IB	DENOTES IRON BAR	(M)	DENOTES MEASURED
RIB	DENOTES ROUND IRON BAR	WIT.	DENOTES WITNESS MONUMENT
CC	DENOTES CUT CROSS	(S/P)	DENOTES SET BY PROPORTION
FD	DENOTES SURVEY MONUMENT FOUND	(P)	DENOTES PLAN 12R-8174
(OU)	DENOTES ORIGIN UNKNOWN	(P1)	DENOTES PLAN 12R-5995
		(P2)	DENOTES PLAN BY ROSS A. CLARKE O.L.S. DATED OCTOBER 1983 - JOB#20646

CAD DATE: 27/AUG/2019 4:25PM CAD FILE: N:\2019DAT3\36118-00\36118-00SP.DWG

CLARKE
SURVEYORS
INCORPORATED
www.clarkesurveyors.com
Established 1970

Ontario Land Surveyors
Consulting Surveyors
2535 Lesperance Road
Tecumseh, Ontario
N8N 2X1
Ph. (519) 258-4166
Fax (519) 735-2155
Toll Free: 1-888-735-4166

ASSOCIATE COMPANY
MACKAY
MACKAY
& PETERS
LIMITED
Established 1906
BURLINGTON AND HAMILTON
ONTARIO

DRAWN BY	SJP
CHECKED BY	KRB
JOB NO.	36118-00
FILE	L-TEC-1-155
PLAN FILE	2F-3765

15

**NOTICE OF PUBLIC HEARING
OF APPLICATION FOR MINOR VARIANCE
TOWN OF TECUMSEH COMMITTEE OF ADJUSTMENT**

Applicant: **Sondekere & Malavika Anand**

Location of Property: **12906/12914 Riverside Drive
Part Lot 155, Con. 1; Parts 2 & 3, 12R8174**

Purpose of Application: **Minor Variance**

The purpose of the Application is to request relief from subsection 6.1.4 of Zoning By-law 1746 which establishes a minimum lot frontage of 18.0 metres (59.1 feet). As a result of Severance Application B-14/19, being heard concurrently with this Application, the Applicant is proposing a lot frontage of 14.62 metres (47.9 feet). See attached sketch.

The subject property is designated Residential in the Tecumseh Official Plan and zoned Residential Zone 1 (R1) in the Tecumseh Zoning By-law. See sketch attached.

TAKE NOTICE that an application under the above file number will be heard by the Committee on the date, time and place shown below:

**TOWN OF TECUMSEH MUNICIPAL BLDG.
917 LESPERANCE
TECUMSEH, ONTARIO**

ON

Monday, the 28th day of October, 2019 at 5:05 pm

PUBLIC HEARING

You are entitled to attend this public hearing in person to express your views about this application or you may be represented by counsel for that purpose. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are requested to inform that person of this hearing. If you wish to make written comments on this application they may be forwarded to the Secretary-Treasurer of the Committee at the Town of Tecumseh, 917 Lesperance Road, Tecumseh, Ontario N8N 1W9.

FAILURE TO ATTEND HEARING

If you do not attend at the hearing it may proceed in your absence (including possible amendments to the original request) and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION

If you wish to be notified of the decision of the Town of Tecumseh Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal Hearing. Even if you are the successful party, you should request a copy of the decision since the Town of Tecumseh Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the Applicant or another member of the public. To appeal the decision to the Local Planning Appeal Tribunal, send a letter to the Secretary-Treasurer outlining the reasons for appeal. You must enclose the appeal fee of \$300.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

Dated this 10th day of October, 2019

Donna Ferris
Secretary-Treasurer
Town of Tecumseh Committee of Adjustment

PARTS SCHEDULE

PART	LOT	CON. / PLAN	PARCEL / PIN / INST.	AREA
1	PART OF LOT 155 & 156	CONCESSION 1	PIN 75263-0074	1524.97 SQ. M.
2				1109.99 SQ. M.

PIN SUMMARY: PARTS 1 & 2 ARE ALL OF PIN 75263-0074

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT

DATE

ROSS A. CLARKE
ONTARIO LAND SURVEYOR
for: CLARKE SURVEYORS INCORPORATED

PLAN 12R-
RECEIVED AND DEPOSITED

DATE

REPRESENTATIVE FOR LAND REGISTRAR FOR THE REGISTRY DIVISION OF ESSEX (12)

PLAN OF SURVEY
OF
PART LOT 155 & 156
CONCESSION 1
IN THE
TOWN OF TECUMSEH
COUNTY OF ESSEX, ONTARIO
CLARKE SURVEYORS INCORPORATED – 2019
SCALE : 1"=300'

0 3.00 7.50 15.00 22.50 30.00 METRES

"METRIC" DISTANCES & COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO DECIMAL FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

I CERTIFY THAT :
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 18th DAY OF JUNE, 2019.

DATE

ROSS A. CLARKE
ONTARIO LAND SURVEYOR
for: CLARKE SURVEYORS INCORPORATED

INTEGRATION DATA		
OBSERVED REFERENCE POINTS (ORPs): UTM 17, NAD83 (CSRS) (2010.0) COORDINATES ARE TO AN URBAN ACCURACY SEC 14 (2) OF O.REG 216/10		
POINT ID	NORTHING	EASTING
ORP-A	N 4688118.986	E 345324.519
ORP-B	N 4688156.204	E 345233.465
CAUTION: COORDINATES CANNOT IN THEMSELVES, BE USED TO RE-ESTABLISH CORNER OR BOUNDARIES SHOWN ON THIS PLAN		

BEARING REFERENCE

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DISTANCE NOTE

DISTANCE ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999872

- LEGEND
- DENOTES SURVEY MONUMENT SET AND MARKED 1201
 - DENOTES SURVEY MONUMENT FOUND
 - ▣ DENOTES STANDARD IRON BAR
 - SSIB DENOTES SHORT STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - RIB DENOTES ROUND IRON BAR
 - CC DENOTES CUT CROSS
 - FD DENOTES SURVEY MONUMENT FOUND
 - (OU) DENOTES ORIGIN UNKNOWN
 - (1201) DENOTES ROSS A. CLARKE, O.L.S.
 - (NTS) DENOTES NOT TO SCALE
 - ⊥ DENOTES PERPENDICULAR DISTANCE
 - (S) DENOTES SET
 - (M) DENOTES MEASURED
 - WIT. DENOTES WITNESS MONUMENT
 - (S/P) DENOTES SET BY PROPORTION
 - (P) DENOTES PLAN 12R-8174
 - (P1) DENOTES PLAN 12R-5995
 - (P2) DENOTES PLAN BY ROSS A. CLARKE O.L.S. DATED OCTOBER 1983 - JOB#20646

CLARKE SURVEYORS INCORPORATED

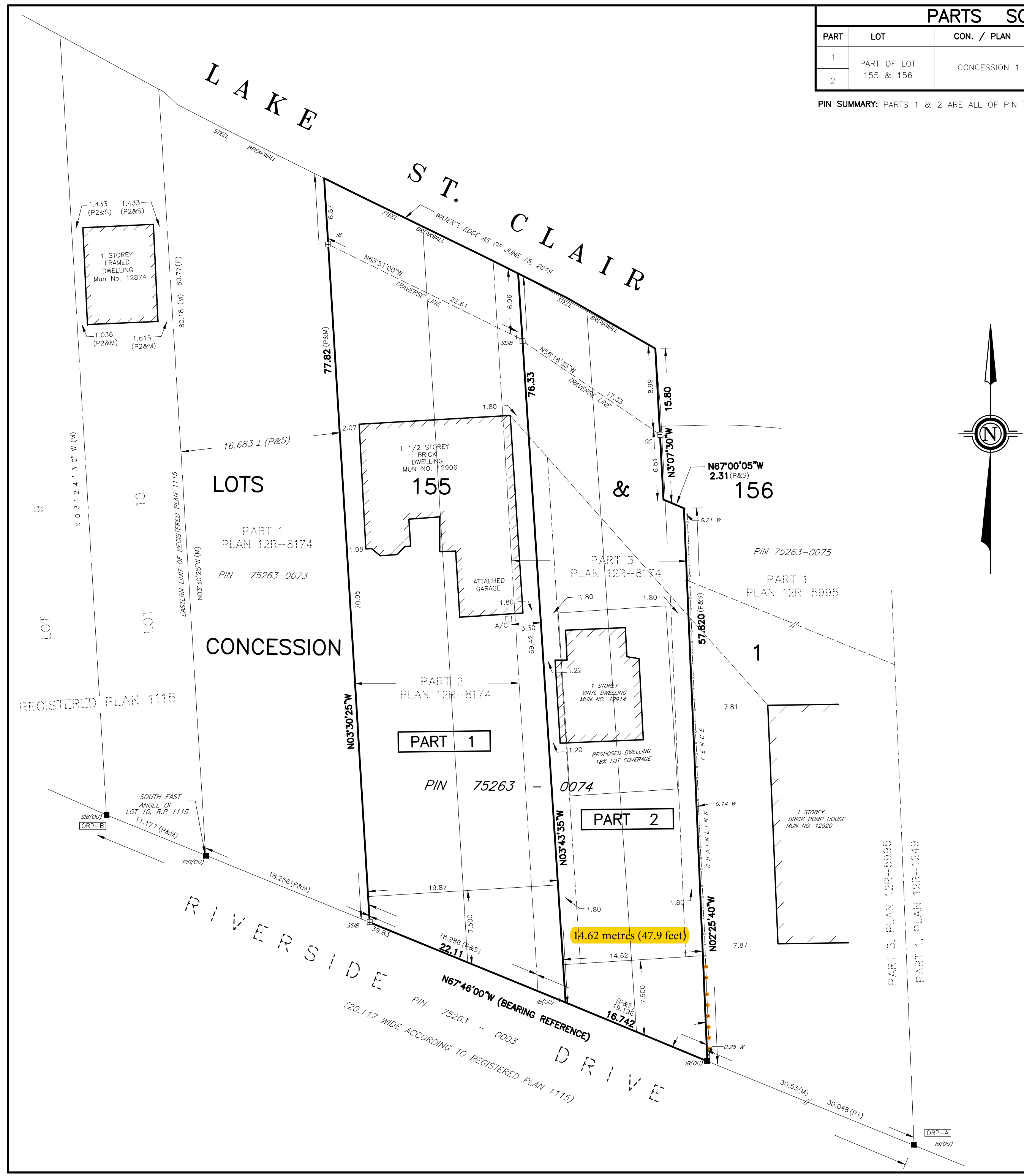
www.clarkesurveyors.com
Established 1970

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ASSOCIATE COMPANY
MACKAY MACKAY & PETERS LIMITED
Established 1906
BURLINGTON AND HAMILTON ONTARIO

CAD DATE: 27/AUG/2019 4:25PM
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DRAWN BY	SJP
CHECKED BY	KRB
JOB NO.	36118-00
FILE	L-TEC-1-155
PLAN FILE	2F-3765



**NOTICE OF PUBLIC HEARING
OF APPLICATION FOR SEVERANCE**

TOWN OF TECUMSEH COMMITTEE OF ADJUSTMENT

Applicant: **2593430 Ontario Limited**

Location of Property: **14400 Tecumseh Road
(formerly Village of St. Clair Beach)**

Purpose of Application: **Severance**

The purpose of the Application is to sever a 2.0 square metre (21.6 square foot) parcel of residential land (shaded in red) for the purpose of a lot addition and consolidate it with the abutting residential lot to the north, municipally known as 408 Brighton Road (shaded in pink). The proposed retained lot, municipally known as 14400 Tecumseh Road (outlined in green), has an area of 1.3 hectares (3.2 acres). This Application is being heard concurrently with Minor Variance Application A-28/19 which requests relief to address the resulting side yard deficiency for 408 Brighton Road. The lot at 408 Brighton Road is designated Single Family Residential and zoned Residential Type 2 Zone (R2) and the retained parcel at 14400 Tecumseh Road is designated Medium Density Residential and is zoned Residential Type 3 Zone (R3-13).

TAKE NOTICE that an application under the above file number will be heard by the Committee on the date, time and place shown below:

**TOWN OF TECUMSEH MUNICIPAL BLDG.
917 LESPERANCE
TECUMSEH, ONTARIO
ON**

Monday, the 28th day of October, 2019 at 5:10 p.m.

PUBLIC HEARING

You are entitled to attend this public hearing in person to express your views about this application or you may be represented by counsel for that purpose. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are requested to inform that person of this hearing. If you wish to make written comments on this application they may be forwarded to the Secretary-Treasurer of the Committee at the Town of Tecumseh, 917 Lesperance Road, Tecumseh, Ontario N8N 1W9.

FAILURE TO ATTEND HEARING

If you do not attend at the hearing it may proceed in your absence (including possible amendments to the original request) and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION

If you wish to be notified of the decision of the Town of Tecumseh Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal Hearing. Even if you are the successful party, you should request a copy of the decision since the Town of Tecumseh Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the Applicant or another member of the public. To appeal the decision to the Local Planning Appeal Tribunal, send a letter to the Secretary-Treasurer outlining the reasons for appeal. You must enclose the appeal fee of \$300.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

Donna Ferris
Secretary-Treasurer
Town of Tecumseh Committee of Adjustment

Dated this 11th day of October, 2019

BRIGHTON RD.

To be severed and
added to 408 Brighton Rd.
(Lot shaded in pink)

408

TO BE RETAINED

TECUMSEH RD.

Application B-15/19

Note: Map is for illustrative purposes only



**NOTICE OF PUBLIC HEARING
OF APPLICATION FOR MINOR VARIANCE
TOWN OF TECUMSEH COMMITTEE OF ADJUSTMENT**

Applicant: **Dina Venturini**

Location of Property: **408 Brighton Road
(formerly Village of St. Clair Beach)**

Purpose of Application: **Minor Variance**

The purpose of the Application is to request relief from subsection 7.1.3 e) iii) of Zoning By-law 2065 which establishes the minimum interior side yard width is the lesser of 10 feet or 15 percent of the lot frontage. The Applicant is requesting relief to have an interior side yard width of 1.1 metre (3.6 feet). As a result of Severance Application B-15/19, which is being heard concurrently with this Application. The subject property is designated Single Family Residential in the St. Clair Beach Official Plan and zoned Residential Type 2 Zone (R2) in the St. Clair Beach Zoning By-law. See sketch attached.

TAKE NOTICE that an application under the above file number will be heard by the Committee on the date, time and place shown below:

**TOWN OF TECUMSEH MUNICIPAL BLDG.
917 LESPERANCE
TECUMSEH, ONTARIO**

ON

Monday, the 28th day of October, 2019 at 5:10 p.m.

PUBLIC HEARING

You are entitled to attend this public hearing in person to express your views about this application or you may be represented by counsel for that purpose. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are requested to inform that person of this hearing. If you wish to make written comments on this application they may be forwarded to the Secretary-Treasurer of the Committee at the Town of Tecumseh, 917 Lesperance Road, Tecumseh, Ontario N8N 1W9.

FAILURE TO ATTEND HEARING

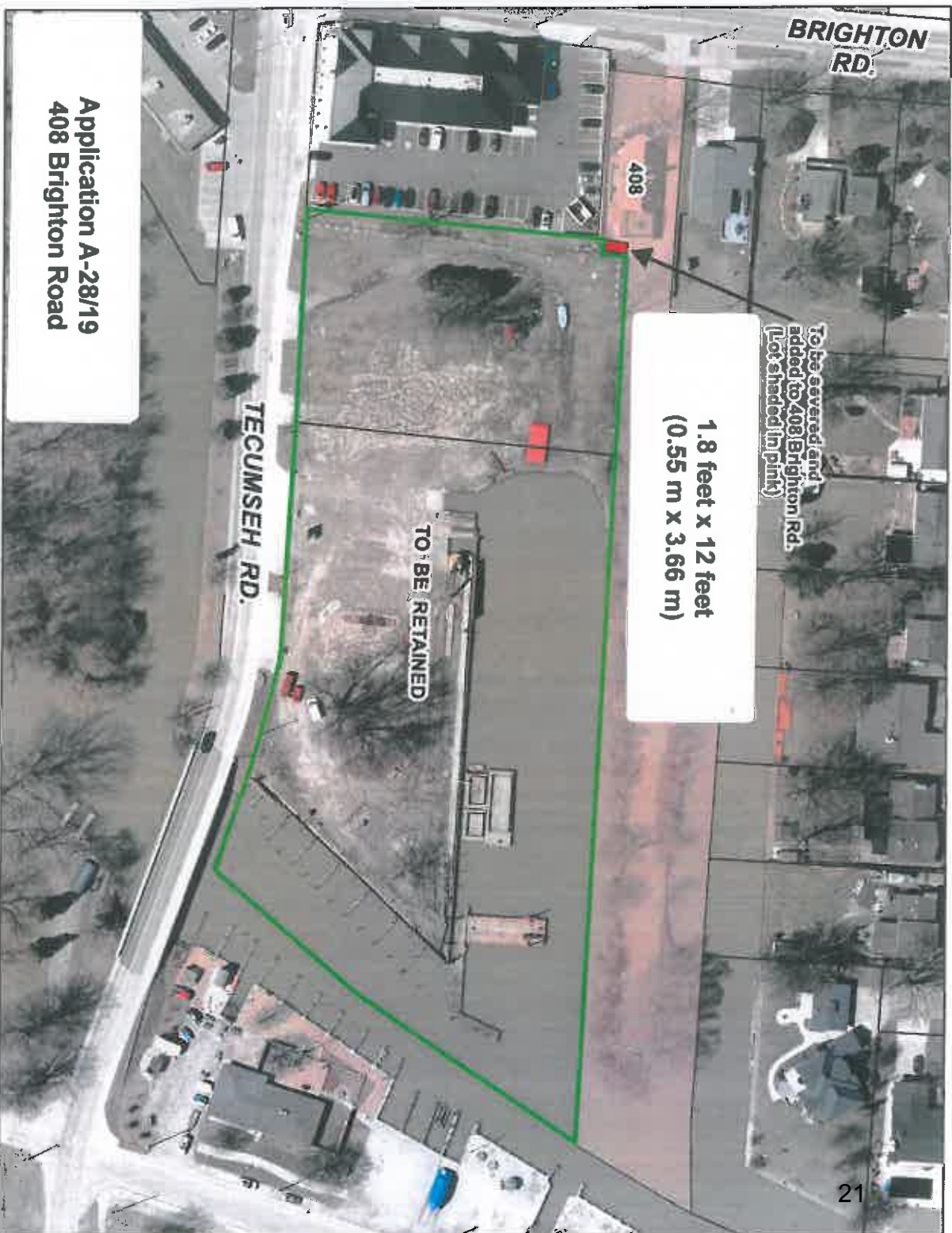
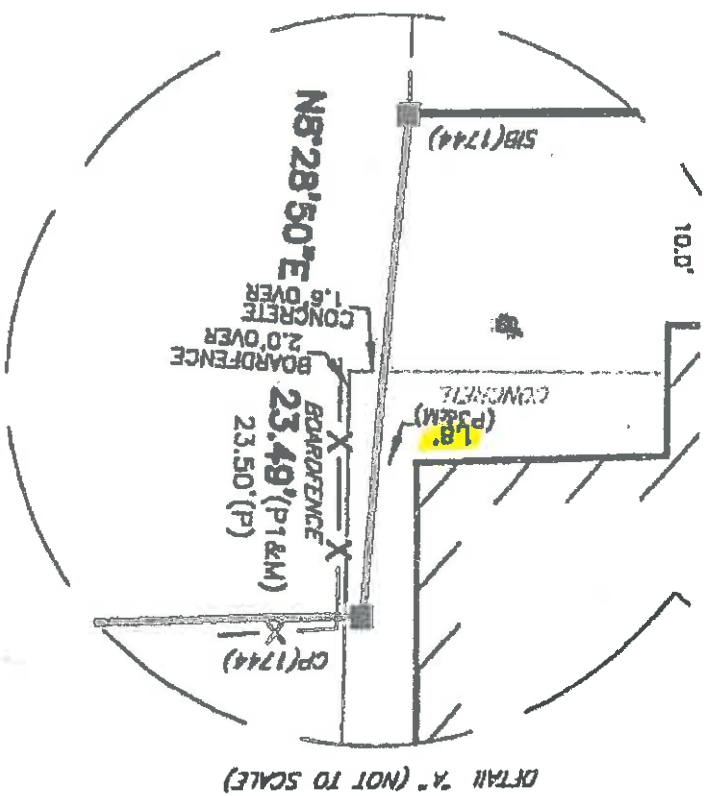
If you do not attend at the hearing it may proceed in your absence (including possible amendments to the original request) and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION

If you wish to be notified of the decision of the Town of Tecumseh Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal Hearing. Even if you are the successful party, you should request a copy of the decision since the Town of Tecumseh Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the Applicant or another member of the public. To appeal the decision to the Local Planning Appeal Tribunal, send a letter to the Secretary-Treasurer outlining the reasons for appeal. You must enclose the appeal fee of \$300.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

Dated this 11th day of October, 2019

Donna Ferris
Secretary-Treasurer
Town of Tecumseh Committee of Adjustment



NOTICE OF PUBLIC HEARING
OF APPLICATION FOR SEVERANCE

TOWN OF TECUMSEH COMMITTEE OF ADJUSTMENT

Applicant: **Lionel & Gail Baillargeon**

Location of Property: **11221 County Road 42**
 (former Township of Sandwich South)

Purpose of Application: **Severance**

The purpose of the Application is to sever 83.6 square metres (900 square feet) of vacant residential land (outlined in red) and consolidate it with the abutting residential lot (shaded in pink), municipally known as 11215 County Road 42, as shown on the attached sketch. The retained residential lot (outlined in green) will have a frontage of 32.6 metres (107 feet) and an area of 0.3 ha (0.74 ac).

The proposed severed and the retained parcels are designated Low Density Residential in the Sandwich South Official Plan and zoned Residential Zone 1 (R1) in the Sandwich South Zoning By-law.

TAKE NOTICE that an application under the above file number will be heard by the Committee on the date, time and place shown below:

**TOWN OF TECUMSEH MUNICIPAL BLDG.
917 LESPERANCE
TECUMSEH, ONTARIO
ON**

Monday, the 28th day of October, 2019 at 5:15 p.m.

PUBLIC HEARING

You are entitled to attend this public hearing in person to express your views about this application or you may be represented by counsel for that purpose. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are requested to inform that person of this hearing. If you wish to make written comments on this application they may be forwarded to the Secretary-Treasurer of the Committee at the Town of Tecumseh, 917 Lesperance Road, Tecumseh, Ontario N8N 1W9.

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If you do not attend at the hearing it may proceed in your absence (including possible amendments to the original request) and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION

If you wish to be notified of the decision of the Town of Tecumseh Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal Hearing. Even if you are the successful party, you should request a copy of the decision since the Town of Tecumseh Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the Applicant or another member of the public. To appeal the decision to the Local Planning Appeal Tribunal, send a letter to the Secretary-Treasurer outlining the reasons for appeal. You must enclose the appeal fee of \$300.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

Donna Ferris
Secretary-Treasurer
Town of Tecumseh Committee of Adjustment

Dated this 11th day of October, 2019

COUNTY ROAD 42

11215

11221

TO BE RETAINED

Application B-16/19



Note: Map is for illustrative purposes only

To be severed and
added to 11215 Cty. Rd. 42
(Lot shaded in pink)

**NOTICE OF PUBLIC HEARING
OF APPLICATION FOR MINOR VARIANCE
TOWN OF TECUMSEH COMMITTEE OF ADJUSTMENT**

Applicant: **Brett Massender**

Location of Property: **12640 Clarice Avenue
Part 2, 12R5309**

Purpose of Application: **Minor Variance**

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

1.Subsection 7.1.5 which establishes a maximum lot coverage of 30 percent; and

2.Subsection 7.1.10 a) which establishes a minimum interior side yard width of 1.2 metres (3.9 feet).

The Applicant is proposing to construct a 176.5 square metre (1900 square foot) addition including a garage, kitchen, dining area, great room and a covered deck having a side yard width on the westerly interior side lot line of 1.1 metres (3.6 feet) and a total lot coverage of 33 percent in accordance with the attached sketch. The existing accessory building is being demolished.

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

TAKE NOTICE that an application under the above file number will be heard by the Committee on the date, time and place shown below:

**TOWN OF TECUMSEH MUNICIPAL BLDG.
917 LESPERANCE
TECUMSEH, ONTARIO**

ON

Monday, the 28th day of October, 2019 at 5:20 pm

PUBLIC HEARING

You are entitled to attend this public hearing in person to express your views about this application or you may be represented by counsel for that purpose. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are requested to inform that person of this hearing. If you wish to make written comments on this application they may be forwarded to the Secretary-Treasurer of the Committee at the Town of Tecumseh, 917 Lesperance Road, Tecumseh, Ontario N8N 1W9.

FAILURE TO ATTEND HEARING

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NOTICE OF DECISION

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Donna Ferris
Secretary-Treasurer
Town of Tecumseh Committee of Adjustment

Dated this 18th day October, 2019

Application A-29/19



Note: Map is for illustrative purposes only

BALLARD

Addition to be 3.6 ft. from
westerly side yard.
(Existing detached structure
to be demolished)

1,900 sq. ft
addition

12640

CLARICE



THE CORPORATION OF THE TOWN OF TECUMSEH

Planning Report

TO: Committee of Adjustment

FROM: Chad Jeffery, MA, MCIP, RPP
Manager, Planning Services

HEARING DATE: October 28, 2019

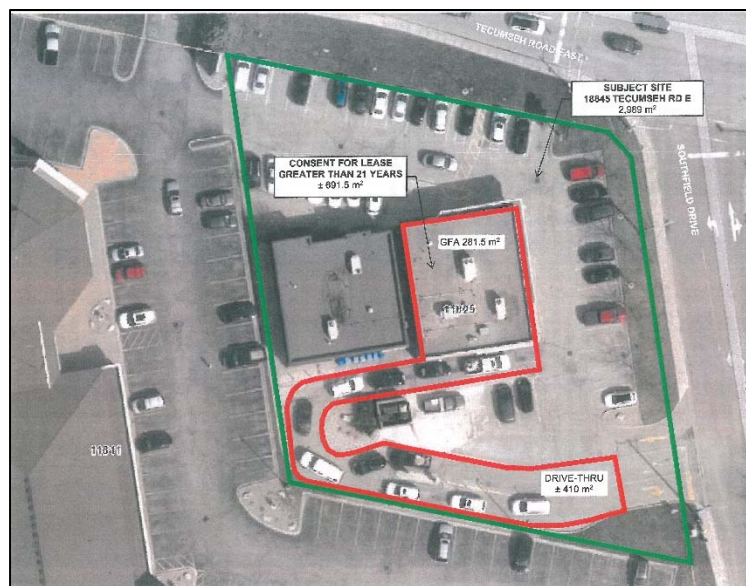
SUBJECT: Minor Variance Applications A-27/19 to A-29/19 and
Severance Applications B-13/19 to B-16/19

Please note that this Planning Report was prepared as of October 25, 2019. 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 October 28, 2019 as the normal practice.

Application:	Severance Application B-13/19
Applicant:	Calira Corporation
Location of Property:	11845 Tecumseh Road

The subject property located at 11845 Tecumseh Road East, has a frontage of 54.86 metres (179.98 feet), a depth of approximately 51 metres (168 feet) and a lot area of 2,989 square metres (0.74 acres). The purpose of this Application is to lease a portion of the property, approximately 691.5 square metres (0.17 acres) outlined in red on the sketch attached to the Agenda for a Tim Horton's Drive Thru Restaurant. The lease agreement is proposed to be in effect for more than twenty-one years.

The property is designated General Commercial in the Official Plan and zoned General Commercial (C3) in Zoning By-law 1746.



Provincial Policy Statement

The Planning Act establishes that the Committee, when making decisions that affect a planning matter, “shall be consistent with” the 2014 Provincial Policy Statement (“PPS”) issued under *The Planning Act*.

Subsection 1.3.1 b) establishes that planning authorities shall promote economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

County of Essex Official Plan (COP)

In the County of Essex Official Plan, the subject lands are located within a “Primary Settlement Area”. Subsection 3.2.4.1 a) establishes that Primary Settlement Areas shall be the focus of growth and public/private investment in each municipality.

Tecumseh Official Plan

The subject property is designated General Commercial in the Tecumseh Official Plan. Subsection 2.13 a) of the Plan establishes that the commercial objectives of the Plan is to:

“promote and strengthen the development of the existing commercial core of the Town of Tecumseh”.

The proposed severance will permit the continued long-term commercial partnership of the above-noted commercial uses that are located on the property, in accordance with the *Planning Act*.

Sandwich South Zoning By-law

The subject property is zoned General Commercial (C3) in the Tecumseh Zoning By-law and meets all the applicable zone provisions.

Administration/Agency Comments

- 1) Engineering
 - No comments

2) Essex Region Conservation Authority

- the site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06). It is the opinion of ERCA that this application is consistent with the natural hazard policies of the PPS and with current policies, procedures and guidelines associated with Section 28 of the Conservation Authorities Act.
- No objection to the application.

Public Comments

To date, none received on this application.

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 the County OP, Tecumseh OP and the Tecumseh Zoning By-law 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

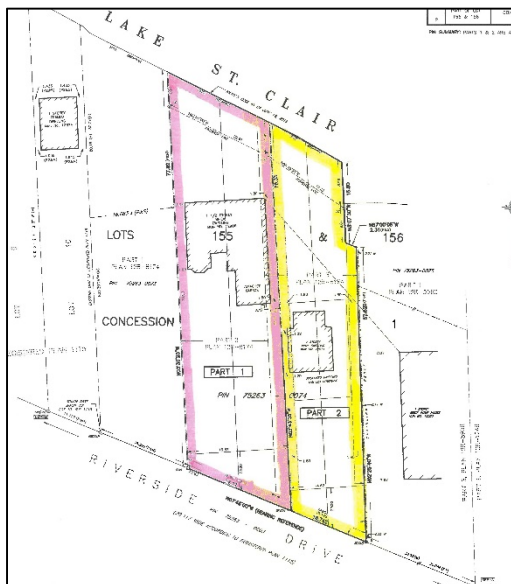
Based on the information provided within this Application and in this report, it is recommended that this Application, if approved, be subject to the following conditions:

1. That at the time the conveyance is prepared for certification, two (2) copies of the reference plan by an Ontario Land Surveyor as well as digital files (.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 triplicate (3) 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 \$600.00 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; and
5. That the above conditions be fulfilled on or before October 29, 2020 prior to this severance being finalized.

Application:	Severance Application B-14/19
Applicant:	Sandekere and Malavika Anand
Location of Property:	12906 Riverside Drive

The purpose of the Application is to request consent to sever a residential lot having a frontage of 14.62 metres (47.9 feet), a depth of 77 metres (253 feet) and a lot area of 1110 square metres (11947.83 square feet) (identified as Part 2 and outlined in yellow on sketch attached to Agenda). The proposed retained lot, containing an existing dwelling, will have a frontage of 19.87 metres (65.19 feet), a depth of 77 metres (253 feet) and a total area of 1525 square metres (16,414.64 square feet) (identified as Part 1 and outlined in pink on sketch attached to Agenda).



Application for Minor Variance A-27/19 is being heard concurrently with this Application to address the lot frontage of 14.62 metres (47.9 feet) on the severed lot. The dwelling on the proposed severed lands is being demolished and a new dwelling is proposed to be constructed.

The lands are designated Residential in the Tecumseh Official Plan and zoned Residential Zone 1 (R1) in the Tecumseh Zoning By-law.

Provincial Policy Statement

The Planning Act establishes that the Committee, when making decisions that affect a planning matter, “shall be consistent with” the 2014 Provincial Policy Statement (“PPS”) issued under *The Planning Act*. The following PPS policies are relevant to this application:

1.1.3 Settlement Areas

1.1.3.1 *Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.*

The proposed severance conforms to the policies of the PPS.

3.1 Natural Hazards

3.1.2 *Development and site alteration shall not be permitted within:*

- c) *areas that would be rendered inaccessible to people and vehicles during times of flooding hazards ... unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard;*

6.0 Definitions

Flooding hazard: *means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:*

- a) *along the shorelines of the Great Lakes-St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave uprush and other water-related hazards;*

County of Essex Official Plan (COP)

The subject lands are within a Primary Settlement Area of the County Official Plan. Decisions of the Committee of Adjustment must be in conformity with the policy direction contained in the County of Essex Official Plan. The goals and policies of the County of Essex Official Plan encourage a range of residential development within identified settlement areas such as the fully serviced urban areas of the Town of Tecumseh. The following goals and policies of the County Official Plan are most relevant in the assessment of the subject proposal:

3.2.2 Goals

The following goals are established for those lands designated as Settlement Areas on Schedule "A":

- a) *Support and promote public and private re-investment in the Primary Settlement Areas;*

3.2.4.1 Policies

The following policies apply to Primary Settlement Areas:

- a) *Primary Settlement Areas shall be the focus of growth and public/private investment in each municipality;*

2.4.1 Lake St. Clair, Detroit River and Lake Erie

- c) *Development and site alteration shall only be permitted in areas identified being susceptible to flooding and/or erosion if:*
 - i) *the hazard can be safely addressed;*

The proposed severance conforms to the policies of the County OP insofar as they pertain to promoting private re-investment in settlement areas. The applicant will need to satisfy concerns related to the issues surrounding natural hazards. Again, the deferral requested by ERCA will provide the opportunity to consider ways to properly address this issue.

Tecumseh Official Plan

The proposed severed and retained lots are designated Residential in the Tecumseh Official Plan.

The following sections of the Official Plan are most relevant in the evaluation of the proposed severance:

2.11 RESIDENTIAL OBJECTIVES

- b) *To encourage new residential development to occur in such a manner which makes the most efficient use of municipal infrastructure and services, in keeping with the capacity of the existing services available and the financial ability of the municipality to provide the required additional infrastructure and services.*

In accordance with the foregoing policies, the proposed severance is in keeping with the policies of the Tecumseh Official Plan.

Tecumseh Zoning By-law

The proposed severed and retained lots are zoned Residential Zone 1 (R1) in the Tecumseh Zoning By-law. The proposed retained lot meets the minimum lot area and frontage provisions of that zone. The proposed severed lot is subject to Minor Variance application A-27/19, which is being heard concurrently with this application to address a proposed lot frontage of 14.62 metres (47.9 feet), which is below the 18.0 metre (59.1 foot) minimum currently established in the R1 zone.

The proposed severance will facilitate the separating of the two existing residential dwellings units onto their own individual lots. There are numerous existing lots on the north side of Riverside Drive, both to the east and west of the subject property, that have lot frontages below the current minimum established in the R1 zone. Many lots have similar lot frontages to those proposed through the subject severance application. Administration has no concerns with the proposed severance or the associated minor variance application with respect to zoning compliance.

Administration/Agency Comments

1) Engineering

- 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 Divisions prior to this severance being finalized;
- The owner of 12906 Riverside Drive (the parcel 'to be retained') is to submit a site grading plan and details for how stormwater is being addressed to the satisfaction of the Chief Building Official prior to this severance being finalized. This is to ensure stormwater from the retained parcel will not rely on the parcel to be severed for its stormwater drainage.

2) Essex Region Conservation Authority

- As a result of issues relative to required setbacks and maintenance access setbacks, it is anticipated that the potential for future new development on this parcel may be limited and challenging. Any new development proposals on this parcel will only be considered if supported by a shoreline engineering study that is prepared by a qualified shoreline engineering consultant. The commissioning of this study is the responsibility of the proponent. It is the opinion of ERCA that this application is premature. Without substantiating information being provided to the Planning Authority and ERCA that a dwelling can be located on the proposed severed lands this application cannot be supported by ERCA at this time. It is therefore our recommendation to the Planning Authority that this application **be deferred** until the applicant can confirm study requirements with the Town of Tecumseh and ERCA.

Public Comments

To date, none received on this application.

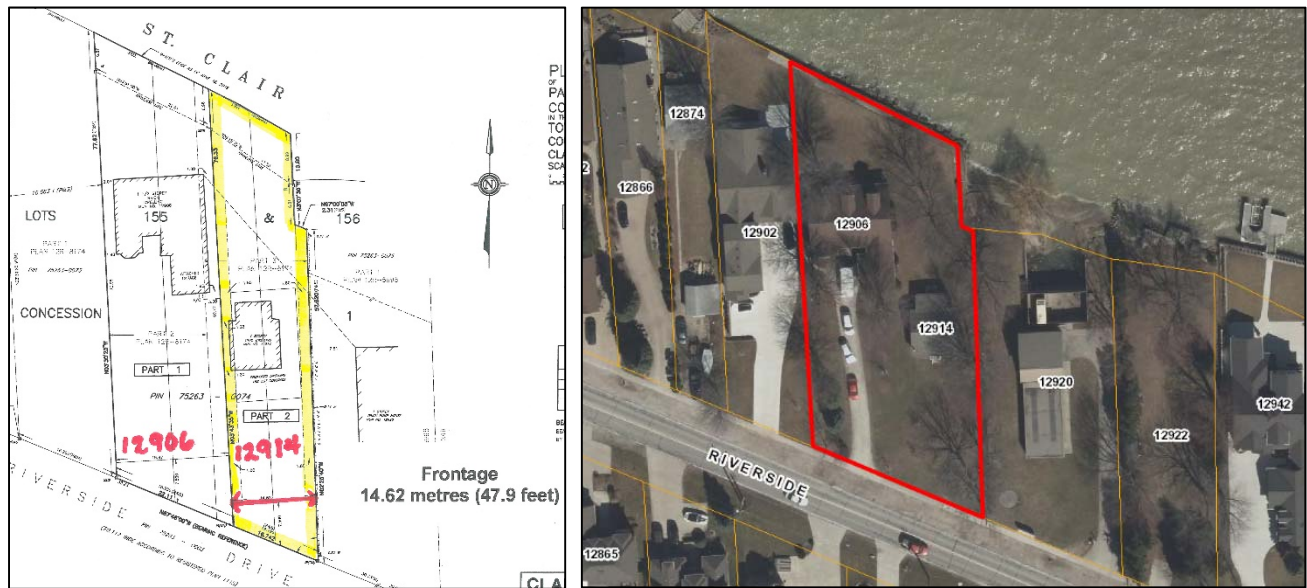
Summary/Recommendation

Although the application meets the majority of policies contained in the PPS, County OP and Tecumseh OP and is in keeping with good planning principles, the policies related to Natural Hazards will need to be addressed. ERCA has provided some options that will need to be further discussed with the Town and the Applicant prior to finalizing a recommendation on this application.

Accordingly, Administration agrees with ERCA that a deferral is prudent and is also recommending that the Committee defer the application until these discussions have taken place and a reasonable solution to addressing the hazard land policies is reached.

Application:	Minor Variance Application A-27/19
Applicant:	Sandekere and Malavika Anand
Location of Property:	12914 Riverside Drive

The purpose of the Application is to request relief from subsection 6.1.4 of Zoning By-law 1746 which establishes a minimum lot frontage of 18.0 metres (59.1 feet). As a result of Severance Application B-14/19, being heard concurrently with this Application, the Applicant is proposing a lot frontage of 14.62 metres (47.9 feet) (see sketch attached to the Agenda). The subject property is designated Residential in the Tecumseh Official Plan and zoned Residential Zone 1 (R1) in the Tecumseh Zoning By-law.



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:

i) Is the intent of the Official Plan maintained?

The subject property is designated Residential in the Official Plan. The Residential designation permits the existing single unit dwelling located on the property. Accordingly, it is my opinion that the intent of the Official Plan is maintained.

ii) Is the intent of the Zoning By-law maintained?

The purpose of the minimum lot frontage provision is to ensure that any new residential lots that are created are of a proper size that will accommodate the development of the uses permitted in the zone, along with ensuring that the lot size is compatible/similar to other lots within the surrounding area.

The proposed severed lot has a frontage of 14.62 metres (47.9 feet), which is below the 18.0 metre (59.1 foot) minimum currently established in the R1 zone. However, the proposed severed lot will facilitate the separation of the two existing residential dwellings units onto their own individual lots. Both of these dwellings lot will comply with the minimum yard provisions of the R1 zone.

Accordingly, it is my opinion that the intent of the Zoning By-law is maintained.

iii) Is the variance desirable for the appropriate development or use of the land?

There are numerous existing lots on the north side of Riverside Drive, both to the east and west of the subject property that have lot frontages below the current minimum established in the R1 zone. The proposed variance will not change the built form within the neighbourhood or alter the character of the existing area. As noted, the variance is required to facilitate the separation of two existing dwelling units onto their own separate lot.

Accordingly, it is my opinion that the proposed severance will result in the appropriate use of the land.

iv) Is the variance requested minor?

Given that the variance is required in order for the legal separation of two existing dwellings onto their own separate lot, and based on the comments in ii) and iii) above, it is my opinion that there will be no undue adverse impacts on the neighbouring properties and the proposed variance is minor in nature.

Administration/Agency Comments

1. Engineering

- No concerns. Comments have been provided related to corresponding severance application.

2. Essex Region Conservation Authority

- As a result of issues relative to required setbacks and maintenance access setbacks, it is anticipated that the potential for future new development on this parcel may be limited and challenging. Any new development proposals on this parcel will only be considered if supported by a shoreline engineering study that is prepared by a qualified shoreline engineering consultant. The commissioning of this study is the responsibility of the proponent. It is the opinion of ERCA that this application is premature. Without substantiating information being provided to the Planning Authority and ERCA that a dwelling can be located on the proposed severed lands this application cannot be supported by ERCA at this time. It is therefore our recommendation to the Planning Authority that this application **be deferred** until the applicant can confirm study requirements with the Town of Tecumseh and ERCA.

Public Comments

To date, none received on this application.

Summary/Recommendation

Although the application appears to meet the four tests established in the Planning Act, the policies related to Natural Hazards will need to be addressed. ERCA has provided some options that will need to be further discussed with the Town and the Applicant prior to finalizing a recommendation on this application.

Accordingly, Administration agrees with ERCA that a deferral is prudent and is also recommending that the Committee defer the application until these discussions have taken place and a reasonable solution to addressing the hazard land policies is reached.

Application:	Severance Application B-15/19
Applicant:	2593430 Ontario Limited
Location of Property:	14400 Tecumseh Road

The purpose of the Application is to sever a 2.0 square metre (21.6 square foot) parcel of land (shaded in red on the sketch attached to the Agenda) for the purpose of a lot addition and consolidate it with the abutting residential lot to the north and west, municipally known as 408 Brighton Road (shaded in pink on the sketch attached to the Agenda). The proposed retained lot, municipally known as 14400 Tecumseh Road (outlined in green on the sketch attached to the Agenda), has an area of 1.3 hectares (3.2 acres). This Application is being heard concurrently with Minor Variance Application A-28/19 which requests relief to address the resulting side yard deficiency for 408 Brighton Road.

The lot at 408 Brighton Road is designated Single Family Residential and zoned Residential Type 2 Zone (R2) and the retained parcel at 14400 Tecumseh Road is designated Medium Density Residential and is zoned Residential Type 3 Zone (R3-13).

The proposed severance is intended to rectify the encroachment of a portion of an existing patio and fence belonging to 408 Brighton Rd. but located on the retained lot (14400

Tecumseh Rd). It should be noted that the retained lot is the site of a proposed five-storey, 65-unit condominium apartment building (The Residences at Bay Harbour).



Provincial Policy Statement

The Planning Act establishes that the Committee, when making decisions that affect a planning matter, “shall be consistent with” the 2014 Provincial Policy Statement (“PPS”) issued under *The Planning Act*.

The proposed severance application for a minor boundary line adjustment is consistent with the policies of the PPS.

County of Essex Official Plan (COP)

The proposed severance does not contravene the policies of the County of Essex Official Plan.

St. Clair Beach Official Plan

Subsection 6.2 vi) of the Plan contemplates the nature of the severance application being proposed, stating:

“vi) *notwithstanding any other policy of the Plan, consents for the creation of easements or right-of-ways are permitted and minor lot adjustments or minor boundary changes are permitted provided they are granted conditional to Section 50(3) or (5) of the Planning Act, R.S.O. 1990.*”

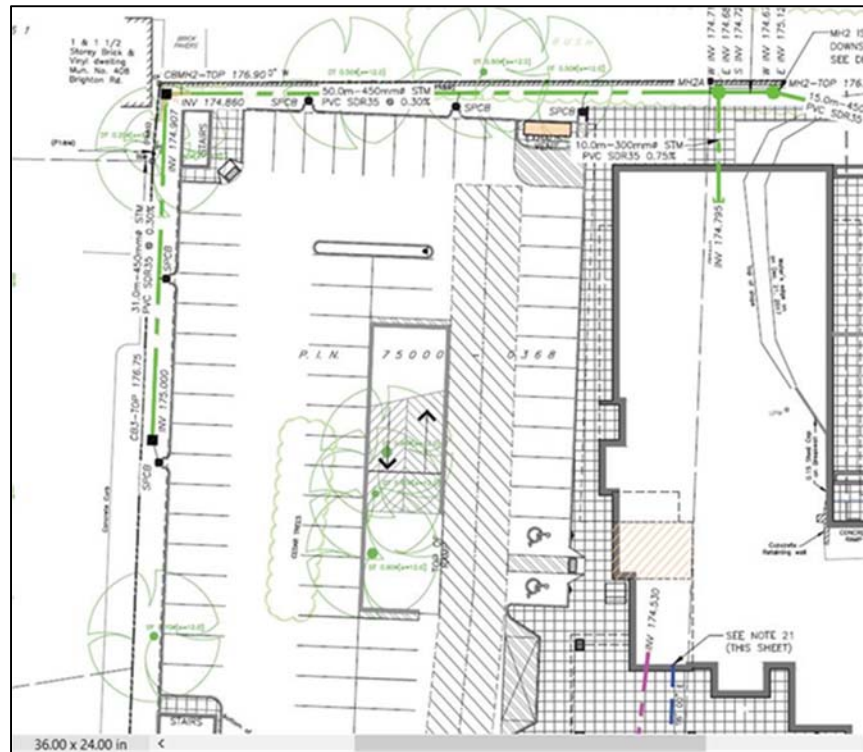
St. Clair Beach Zoning By-law

As noted above, the proposed retained lot will comply with the R3-13 zone. As a result of the proposed lot addition/minor boundary adjustment, a variance for 408 Brighton Road will be necessary to provide relief from the R2 zoning requirements to address a side yard width deficiency for an existing deck on the property. It should be noted that although the proposed severance actually increases the side yard of 408 Brighton in the vicinity of the deck, it remains deficient. Further, because the status of this side yard has changed as a result of the severance, it is no longer protected by Section 5.6 Non Compliance with Minimum Lot or Yard Requirements of the Zoning By-law. Accordingly, relief from the minimum interior side yard width provision is required through a minor variance.

Administration/Agency Comments

- 1) Engineering

- Prior to this severance being approved, the owner of 14400 Tecumseh Road (the parcel 'to be retained') must provide confirmation that severing of this small piece of property does not adversely impact the storm drainage system that is currently proposed for the Residences at Bay Harbour development at 14400 Tecumseh Road. As per the following screen capture from the August 27, 2019 RC Spencer Associates Inc. Sheet No. 3 for the Residences at Bay Harbour development, storm sewer infrastructure is proposed in close proximity to the requested severance.



2) Essex Region Conservation Authority

- The lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Pike Creek. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.
- No objection to the application.

Public Comments

To date, none received on this application.

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 the County OP and St. Clair Beach OP, the St. Clair Beach Zoning By-law 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:

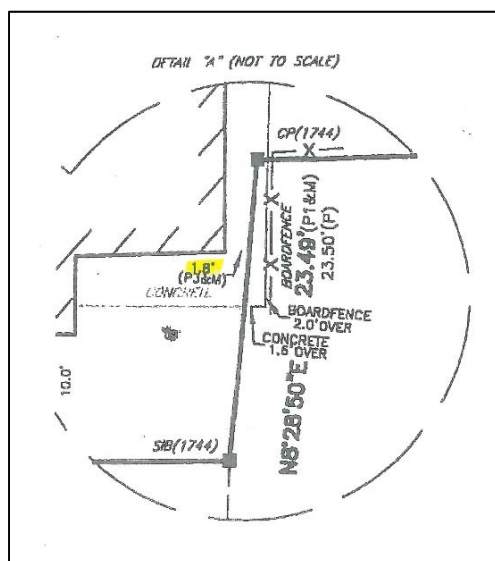
1. That at the time the conveyance is prepared for certification, two (2) copies of the reference plan by an Ontario Land Surveyor as well as digital files (.pdf and .dwg) with the .dwg files being in **NAD 83 format (UTM Zone 17 Metric)**, which has been numbered, dated, signed and registered must be 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 triplicate (3) 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 \$600.00 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 subsection 50(3) and/or 50(5), as the case may be, of the Planning Act, R.S.O. 1990, as amended shall apply to any subsequent conveyance of or transaction involving the parcel which is the subject of this consent ("subject parcel") the transfer of which shall be registered in the same name as the parcel to which it is to be added ("abutting parcel") so as to merge the two parcels. Further, that an Undertaking be provided by a solicitor licensed in Ontario to register on title an application to consolidate the subject parcel and abutting parcel and provide evidence of such registration and merger of the two parcels to the

Secretary of the Committee of Adjustment within 15 days following registration of the transfer;

6. That a minor variance at 408 Brighton Road be applied for and granted providing relief from subsection 7.1.3 e) iii) of Zoning By-law 2065 for an interior side yard width of 1.1 metres (3.6 feet);
7. That the owner of 14400 Tecumseh Road (the parcel 'to be retained') provide confirmation that severance does not adversely impact the storm drainage system that is currently proposed for the Residences at Bay Harbour development at 14400 Tecumseh Road; and
8. That the above conditions be fulfilled on or before **October 29, 2020** prior to this severance being finalized.

Application:	Minor Variance Application A-28/19
Applicant:	Dina Venturini
Location of Property:	408 Brighton Road

The purpose of the Application is to request relief from subsection 7.1.3 e) iii) of Zoning By-law 2065 which establishes the minimum interior side yard width is the lesser of 10 feet or 15 percent of the lot frontage. In the case of the subject property, which has a lot frontage of 18.27 metres (60 feet), the minimum interior side yard width is 2.7 metres (9 feet). The Applicant is requesting relief to allow an interior side yard width of 1.1 metre (3.6 feet) that would result from the granting of Severance Application B-15/19, which is being heard concurrently with this Application.



The subject property is designated Single Family Residential in the St. Clair Beach Official Plan and zoned Residential Type 2 Zone (R2) in the St. Clair Beach Zoning By-law.

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:

i) Is the intent of the Official Plan maintained?

The subject property is designated Single Family Residential in the Official Plan. The designation permits the existing single unit dwelling located on the property and accessory uses. Accordingly, it is my opinion that the intent of the Official Plan is maintained.

ii) Is the intent of the Zoning By-law maintained?

The purpose of the minimum interior side yard width provision is to ensure there is an appropriate setback of structures from the abutting properties and to allow for adequate area along the side yards to access the sides of buildings for maintenance.

As noted above, the minimum interior side yard width for the subject property is 2.7 metres (9 feet). The application is requesting relief to have an interior side yard width of 1.1 metres (3.6 feet).

It should be noted that no new structures are being proposed for the subject property. The variance is necessary a result of the associated severance application that facilitated a minor boundary line adjustment to rectify an existing encroachment of a fence and patio belonging to 408 Brighton Road on the abutting property at 14400 Tecumseh Road. Although the proposed severance actually increases the side yard of 408 Brighton in the vicinity of the deck, it remains deficient. Further, because the status has changed as a result of the severance, it is no longer protected by section 5.6 Non Compliance with Minimum Lot or Yard Requirements of the Zoning By-law. Accordingly, relief from the minimum interior side yard width provision is required through a minor variance.

The area of the side yard for which relief is necessary is adjacent a deck. Accordingly, the 1.1 metres of side yard should be adequate for exterior maintenance. There are also no buildings located or proposed on the adjacent lots in the vicinity of the area that is the subject of the variance application. Further, the northerly interior side yard of the subject property, at approximately 15 feet, provides adequate space to access the rear yard.

The proposed variance will legalize the side yard width that has existed for several years and will only apply to existing buildings/structures. Any new additions structures will be required to comply with the standard R2 zone regulations. The Committee should, however, make this clear in the wording of its decision if it sees fit to grant the application.

Given the foregoing rationale and condition, it is my opinion that the intent of the By-law will be maintained.

iii) Is the variance desirable for the appropriate development or use of the land?

The proposed variance will not change the built form within the neighbourhood or alter the character of the existing area. As noted, the variance is required to facilitate a minor boundary line adjustment to rectify an existing encroachment.

Based on the foregoing and on the comments in item ii) above, it is my opinion that the proposed addition will result in the appropriate use of the land.

iv) Is the variance requested minor?

Given that the variance is required as a result of a minor change in property lines, and based on the comments in ii) and iii) above, there will not be any apparent adverse impacts on the neighbouring properties and therefore, it is my opinion that the proposed variance is minor in nature.

Administration/Agency Comments

1. Engineering

- No concerns. Comments have been provided related to corresponding severance application.

2. Essex Region Conservation Authority

- The lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Pike Creek. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

Public Comments

To date, none received on this application.

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.

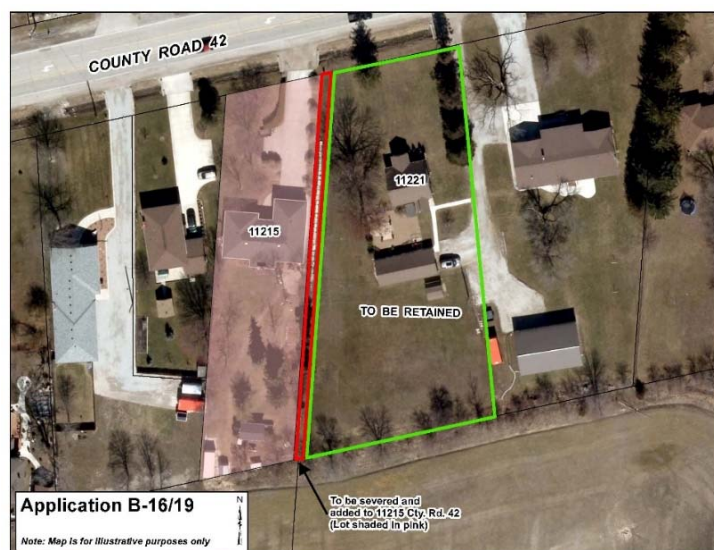
Recommended Conditions

That the variance applies only to existing buildings/structures.

Application:	Severance Application B-16/19
Applicant:	Lionel and Gail Baillargeon
Location of Property:	11221 County Road 42

The purpose of the Application is to sever 83.6 square metres (900 square feet) of vacant residential land (outlined in red on sketch attached to the Agenda) and consolidate it with the abutting residential lot (shaded in pink on sketch attached to the Agenda), municipally known as 11215 County Road 42. The retained residential lot (outlined in green on sketch attached to the Agenda) will have a frontage of 32.6 metres (107 feet) and an area of 0.3 ha (0.74 ac).

The proposed severed and retained parcels as well as the lot to which the severed parcel is proposed to be added are designated Low Density Residential in the Sandwich South Official Plan and zoned Residential Zone 1 (R1) in the Sandwich South Zoning By-law.



The severance is intended to resolve the matter of a landscaped berm, constructed by the owner of 11215 County Road 42, that encroaches onto the adjacent lot to the east at 11221 County Road 42 (the subject property).

Provincial Policy Statement

The Planning Act establishes that the Committee, when making decisions that affect a planning matter, “shall be consistent with” the 2014 Provincial Policy Statement (“PPS”) issued under *The Planning Act*.

The proposed severance application for a minor boundary line adjustment is consistent with the policies of the PPS. Administration has no concerns.

County of Essex Official Plan (COP)

The proposed severance does not contradict the County of Essex Official Plan.

Sandwich South Official Plan

The proposed severed and the retained parcels are designated Low Density Residential in the Sandwich South Official Plan.

Subsection 4.1 g) of the Plan contemplates the nature of the severance application being proposed, stating:

“g) *notwithstanding any other section of this Plan, consents for lot adjustments or minor boundary changes are permitted in all designations provided they are granted conditional to Section 50(3) or (5) of the Planning Act, R.S.O. 1990.*”

Sandwich South Zoning By-law

The proposed severed and the retained parcels are zoned Residential Zone 1 (R1) in the Sandwich South Zoning By-law. Both properties will continue to comply with the R1 zone.

Administration/Agency Comments

1) Engineering

- The Owners must 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.

2) Essex Region Conservation Authority

- The lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Eleventh Concession Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

3) County of Essex

- The minimum setback for any proposed structures on the property must be 110 feet from the centre of the original ROW of County Road 42 due to the presence of the Eleventh Concession Drain. Permits are necessary for any changes to the existing entrances and structures, or the construction of new entrances or structures.

Public Comments

To date, none received on this application.

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 the County OP and Sandwich South OP, complies with the Sandwich South Zoning By-law 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 considered 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, two (2) copies of the reference plan by an Ontario Land Surveyor as well as digital files (.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 triplicate (3) 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 \$600.00 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 subsection 50(3) and/or 50(5), as the case may be, of the Planning Act, R.S.O. 1990, as amended shall apply to any subsequent conveyance of or transaction involving the parcel which is the subject of this consent ("subject parcel") the transfer of which shall be registered in the same name as the parcel to which it is to be added ("abutting parcel") so as to merge the two parcels. Further, that an Undertaking be provided by a solicitor licensed in Ontario to register on title an application to consolidate the subject parcel and abutting parcel and provide evidence of such registration and merger of the two parcels to the Secretary of the Committee of Adjustment within 15 days following registration of the transfer;
6. 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*; and
7. That the above conditions be fulfilled on or before October 29, 2020 prior to this severance being finalized.

Application:	Minor Variance Application A-29/19
Applicant:	Brett Massender
Location of Property:	12460 Clarice Avenue

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

1. Subsection 7.1.5 which establishes a maximum lot coverage of 30 percent; and
2. Subsection 7.1.10 a) which establishes a minimum interior side yard width of 1.2 metres (3.9 feet).

The Applicant is proposing to construct a 176.5 square metre (1900 square foot) addition comprising a garage, kitchen, dining area, great room and a covered deck resulting in a westerly interior side yard width of 1.1 metres (3.6 feet) and a total lot coverage of 33 percent. The existing accessory building is being demolished.



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

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:

i) Is the intent of the Official Plan maintained?

The subject property is designated Residential in the Official Plan. The Residential designation permits single unit dwellings. Accordingly, it is my opinion that the intent of the Official Plan is maintained.

ii) Is the intent of the Zoning By-law maintained?

The purpose of the 30 percent maximum total lot coverage is to ensure, among other things, that a sense of orderly development is maintained on a property, that the scale and massing of buildings are appropriate, and that the lot will be able to provide adequate areas for landscaping and parking. The proposed maximum lot coverage of 33 percent is marginally over the established maximum. The resulting lot coverage will not result in any deficiencies in parking areas or landscaping requirements. Therefore, the additional area that will be occupied by building will not be at the expense of required parking or landscaped areas.

The purpose of the minimum side yard width provision is to ensure there is an appropriate setback of structures from the abutting properties and to allow for adequate area along the side yards to access the sides of buildings for maintenance.

The applicant is requesting relief to have an interior side yard width of 1.1 metre (3.6 feet) in order to build the proposed addition with the same side yard width as that is currently existing for the dwelling on the property. The variance of 0.1 metres (0.3 feet) is deemed marginal and Administration has no concerns. Further, the easterly interior side yard of 2.75 metres (9 feet) provides adequate space for rear yard access and helps maintain a sense of open space for the subject property.

Given the foregoing rationale, it is my opinion that the intent of the By-law will be maintained.

iii) Is the variance desirable for the appropriate development or use of the land?

The proposed variance will not change the built form within the neighbourhood or alter the character of the existing area. Further, the open space character of the surrounding area, particularly from the streetscape perspective, is not compromised.

Based on the foregoing and on the comments in item ii) above, it is my opinion that the proposed addition will result in the appropriate use of the land.

iv) Is the variance requested minor?

As noted above, the magnitude of the requested relief is marginal and there is not apparent undue adverse impact on the neighbouring properties. Accordingly, it is my opinion that the proposed variance is minor in nature.

Administration/Agency Comments

1. Engineering

- The owner is to provide details of how the site will drain stormwater to the satisfaction of the Chief Building Official to ensure there are no adverse effects to the neighbouring properties.

2. Essex Region Conservation Authority

- The property is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

Public Comments

To date, none received on this application.

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.

Recommended Conditions

That the owner provide details on how the site will drain stormwater to the satisfaction of the Chief Building Official to ensure there are no adverse effects to the neighbouring properties.