

Committee of Adjustment Meeting
AGENDA

Monday, November 25, 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 held on Monday, October 28, 2019. 2 - 11
5. **Submissions**
 - a. Cover Map 12 - 12
 - b. Agenda 13 - 14
 - c. Application for Severance B-17/19 - 1147048 Ontario Limited, 5000 Regal Drive 15 - 16
 - d. Application for Minor Variance A-31/19 - NLC Management Limited, 2045 Solar Crescent & 5350 Pulleyblank Street 17 - 18
 - e. Application for Minor Variance A-32/19 - Michelle Mulhall, 12617 Horwood Crescent 19 - 20
 - f. Planning Report dated November 25, 2019 21 - 34
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 October 28, 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
		Lori Chadwick
		Tom Marentette
		Tony Muscedere
	Manager Planning	Chad Jeffery
	Secretary-Treasurer	Donna Ferris

ABSENT: None

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, September 23, 2019.

Motion: (CA-54/19) Moved by Tony Muscedere
Seconded by Paul Morand

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

Carried

V SUBMISSIONS

The following submissions were heard:

Tom Fuerth, Chair suggests to the Committee that they speak to the Applications with respect to 12906 and 12914 Riverside Drive prior to the other Applications as the Applicants have requested a deferral of their Applications as a result of the comments received from ERCA.

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

Interested parties present: None - Deferred at the Written Request of the Applicants

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.

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

Interested parties present: None - Deferred at the Written Request of the Applicants

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.

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: Recommend the Application be deferred until the Applicants can confirm study requirements with the Town and ERCA.

County of Essex: No response.

Town Engineer:

- 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.

Residents at 12954 Riverside Drive: Correspondence dated October 27, 2019, objecting to the Application (Letter read aloud).

DISCUSSION

The Chair seeks a motion from the Committee to defer Applications B-14/19 and A-27/19 as requested by the Applicants in light of the comments received from ERCA.

Motion: (CA-55/19) Moved by Lori Chadwick
Seconded by Bill Altenhof

That Applications B-14/19 and A-27/19 be deferred, as requested by the Applicants.

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

Interested parties present: Amy Farkas, Dillon Consulting Limited, Agent

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 lands are designated General Commercial in the Tecumseh Official Plan and zoned General Commercial (C3) in the Tecumseh 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: No objection.

County of Essex: No response.

Town Engineer: No comments.

DISCUSSION

Amy Farkas, Dillon Consulting Limited, Agent for the Applicant appears before the Committee to discuss the Application. Tom Fuerth acknowledges that the purpose of the Application is to obtain consent for a long-term lease over 21 years that requires approval from the Committee of Adjustment under the Planning Act. Amy Farkas acknowledges receipt of the Planning Report dated October 28, 2019, and is in support of the conditions recommended therein on the approval of the Application. Lori Chadwick request Administration to explain for the record, the purpose or reasoning for the Application under the Planning Act. Chad Jeffery advises that in accordance with the Planning Act, leases that are in effect for more than 21 years requires consent by the Committee of Adjustment. Chad Jeffery further indicates that it is not a policy in the Tecumseh Official Plan but more technical in nature which is prescribed by section 50 (3) of the Planning Act. Chad Jeffery goes on to state that under section 50 (3) there are five ways in which land can be conveyed. Chad Jeffery indicates that no person shall convey land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless consent is given by the Committee of Adjustment. Chad Jeffery indicates that the consent is not to create a separate lot but simply to permit a lease for a period greater than 21 years. If the Lease was not greater than 21 years, the need for consent by the Committee of Adjustment would not be required. The remainder of the property is under the control of the original owner. Lori Chadwick states that she is in agreement with the Consent with the conditions as outlined in the Planning Report.

Motion: (CA-56/19) Moved by Lori Chadwick
Seconded by Tony Muscedere

That Application B-13/19 is granted.

Carried

REASONS

The Application is in keeping with the Planning Act requirements for leased lands over 21 years.

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

Interested parties present: Craig Stevenson, Solicitor for the Applicant
Dina Venturini, Applicant to Application A-28/19

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).

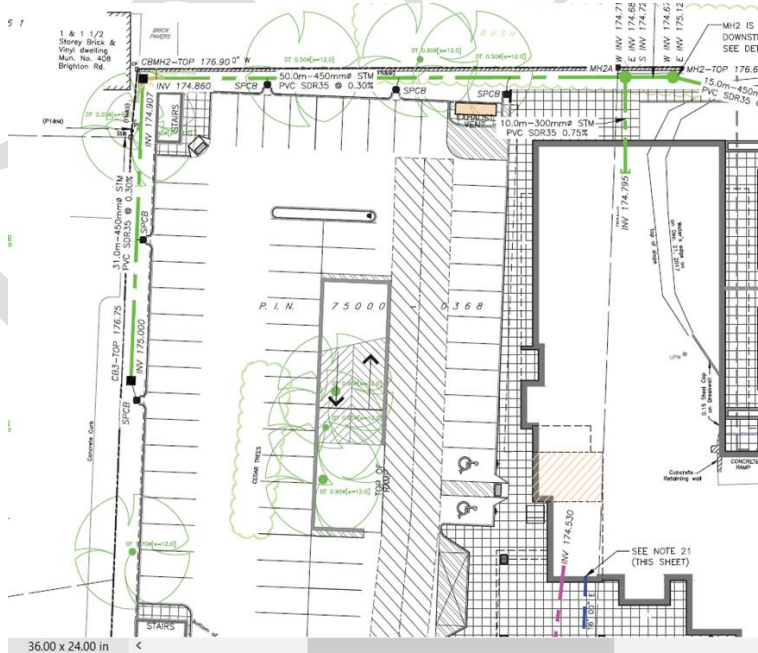
CORRESPONDENCE

ERCA: The lands are subject to 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.

County of Essex: No response.

Town Engineer:

- 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.



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.

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

Interested parties present: Craig Stevenson, Solicitor for the Applicant
Dina Venturini, Applicant

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.

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: No objection.

County of Essex: No response.

Town Engineer: Same comments as for Severance Application B-15/19

DISCUSSION

Craig Stevenson, Solicitor/Agent for both 2593430 Ontario Limited and Dina Venturini. Tom Fuerth asks the Applicant's Solicitor if there is any additional information that he would like to add for the Committee's consideration. Craig Stevenson advises that the circumstances of the Application are historical in nature. Craig Stevenson advises that years ago there was a bar marking the boundary as well as a gas pipe that was marked. Craig Stevenson notes that the discrepancy in the boundary was found when Davide Petretta was preparing the site survey for the property development at 14400 Tecumseh Road. During the process of surveying the lands, it was discovered that a portion of the sidewalk and fence at 408 Brighton Road encroached onto the property at 14400 Tecumseh Road and that side yard relief for a 1.6-foot setback would be required from the zoning by-law. Dina Venturini indicates that without the granted of the consent and minor variance, it would make it difficult for her to cut her grass as she would have to go around the entire house as a lawn mower would not be able to fit through the area without the consent. Tom Fuerth acknowledges the difficulty the circumstance presents to the homeowner at 408 Brighton Road. Lori Chadwick reiterates the comments of the Town's Engineer that the owner of 14400 Tecumseh Road 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 and requests as to whether or not he can confirm that this has been completed. Craig Stevenson indicates that he only became aware of the Town Engineer's comments that afternoon upon reading the Planning Report that was provided to him. He notes that Mr. Petretta's Counsel is on vacation and unable to be reached but indicates that the comments are included as a condition to the consent which should suffice for the Committee. Tom Fuerth notes that if this development had not proceeded, this severance may not have presented itself. Chad Jeffery notes that the Town Engineer is being cautious regarding the stormwater management of the proposed development indicating that there will be only a minor adjustment in the stormwater management calculation as it is merely a silver of land however, to ensure that stormwater management is address, it is recommended that the Town Engineer's comments be included as a condition.

Motion: (CA-57/19) Moved by Tom Marentette
Seconded by Chris Carpenter

That Applications B-15/19 and A-28/19 is granted.

Carried

REASONS

Application B-15/19 is in keeping with the Official Plan policies for the Town of Tecumseh as well as Zoning By-law 2065 and Application A-28/19 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.

CONDITIONS TO SEVERANCE APPLICATION B-15/19

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 the 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 for Severance B-16/19 – Lionel and Gail Baillargeon, 11221 County Road 42

Interested parties present: Lionel and Gail Baillargeon, Applicants

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.

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: The lands are subject to 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 Regional Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

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.

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.

DISCUSSION

Lionel and Gail Baillargeon, Applicants appear before the Committee to discuss the Application. Lionel Baillargeon informs the Committee that the property owner of 11215 County Road 42 constructed a retaining wall of large rocks on the easterly boundary between the properties but inadvertently put them on the Applicants' property therefore, the Applicant is seeking consent to sever a three-foot strip of land the length of the property and convey same to the property owner at 11215 County Road 42. Tom Fuerth points out that the owner of 11215 County Road 42 should be the one responsible to maintain the retaining wall as it was constructed by him. The Applicant agrees with Tom Fuerth's assessment. Paul Morand is in agreement with the consent as it will correct the situation that was created with the installation of the retaining wall. Paul Morand also notes that the consent be subject to the conditions recommended in the Planning Report.

Motion: (CA-58/19) Moved by Paul Morand
Seconded by Bill Altenhof

That Application B-16/19 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 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 for Minor Variance A-29/19 – Brett Massender, 12460 Clarice Avenue

Interested parties present: Brett and Nicola Massender, Applicant

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.

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: No objection.

County of Essex: No response.

Town Engineer:

- 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.

DISCUSSION

Brett and Nicola Massender appear before the Committee to discuss the Application. Tom Fuerth requests if there is anything the Applicant would like to add for the Committee. Brett Massender speaks to the comments made by the Town Engineer regarding stormwater drainage. He advises that he diverts his stormwater to the front yard as the storm sewer is on the opposite side of the road. Brett Massender further advises that when he installed a backwater valve and stormwater disconnect, it was not feasible due to costs to trench under the road, so it was resolved that the stormwater would pump out onto his front yard. Tom Fuerth inquires as to whether or not they are experiencing any problems with the stormwater being pumped onto the front yard and is advised by Brett Massender that he is not having any problems. Chad Jeffery clarifies that the Town Engineer is referring to rain water run-off from the addition being added and not the water from the sump pump. Chad Jeffery indicates that the Town Engineer is looking for a plan that would for example strategically locate the down spouts ie. at the back of the garage to the back

Motion: (CA-59/19) Moved by Tom Marentette
Seconded by Lori Chadwick

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.

VI DEFERRALS

VII NEW BUSINESS

VIII UNFINISHED BUSINESS

IX ADJOURNMENT

Motion: (CA-60/19) Moved by Tony Muscedere
Seconded by Bill Altenhof

That there being no further business the October 28, 2019 regular meeting of the Committee of Adjustment now adjourn at 5:58 p.m.

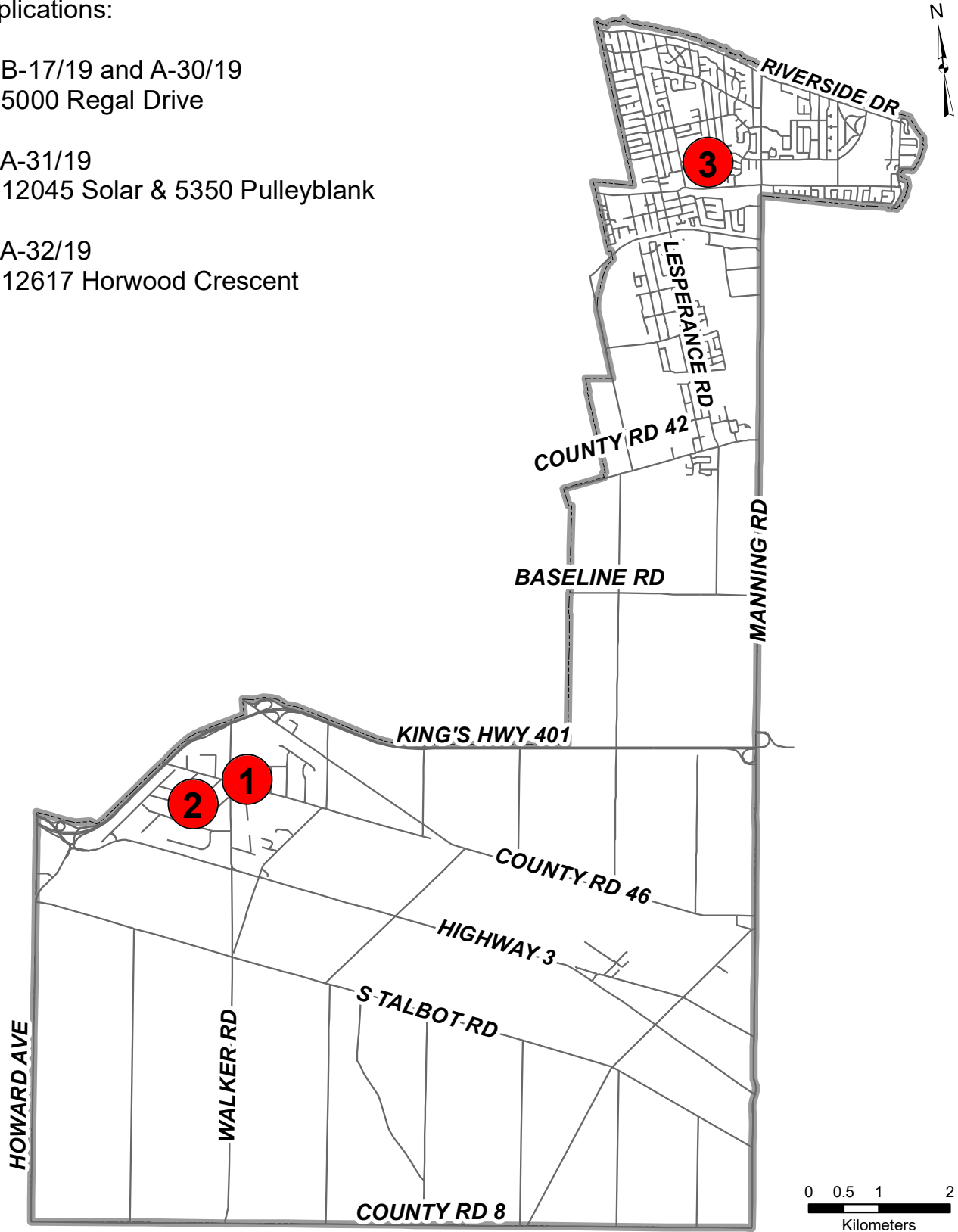
Carried

Tom Fuerth, Chairperson

Donna Ferris, Secretary-Treasurer

Applications:

1. B-17/19 and A-30/19
5000 Regal Drive
2. A-31/19
12045 Solar & 5350 Pulleyblank
3. A-32/19
12617 Horwood Crescent



Prepared By:
Tecumseh Planning and
Building Department



Subject Properties

November 25, 2019
Committee of
Adjustment Meeting
Key Map

**Town of Tecumseh
Committee of Adjustment
Regular Meeting
Monday, November 25, 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 Monday, October 28, 2019.

V SUBMISSIONS

5:00 p.m.

Application for Severance B-17/19 – 1147048 Ontario Limited, 5000 Regal Drive

The purpose of the Application is to request consent to sever a 2.6 ha (6.4 acre) parcel of land having a frontage of 23.8 metres (78 feet) on North Talbot Road highlighted in yellow on the attached sketch. The retained lands, containing an industrial building, will have a lot area of 3.0 ha (7.4 acres) outlined in green on the attached sketch. This Application is being heard concurrently with Minor Variance Application A-30/19 which requests relief to address the resulting minimum lot frontage deficiency of 23.8 metres (78 feet) on the severed lot fronting on North Talbot Road.

The proposed severed and the retained lands are designated Business Park in the Sandwich South Official Plan and zoned Industrial Zone (M1) in the Sandwich South Zoning By-law 85-18.

5:00 p.m.

Application for Minor Variance A-30/19 – 1147048 Ontario Limited, 5000 Regal Drive

The purpose of the Application is to request relief from subsection 14.1.4 b) of Zoning By-law 85-18 which establishes the minimum lot frontage as 30 metres (98.43 feet). The Applicant is requesting relief to have a minimum lot frontage of 23.8 metres (78 feet) as a result of Severance Application B-15/19, which is being heard concurrently with this Application.

The subject parcel is designated Business Park in the Sandwich South Official Plan and zoned Industrial Zone (M1) in the Sandwich South Zoning By-law 85-18.

5:05 p.m.

Application for Minor Variance A-31/19 - NLC Management Limited, 2045 Solar Crescent & 5350 Pulleyblank Street

The purpose of the Application is to request relief from subsection 14.1.5 of Zoning By-law 85-18 which establishes a maximum lot coverage of 40 percent for all buildings and structures. The Applicant is proposing to construct a 765 square metre (8,234 square foot) addition resulting in 45 percent lot coverage. A variance for 42 percent lot coverage was previously granted by way of Minor Variance Application A-12/17.

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

5:10 p.m.

Application for Minor Variance A-32/19 – Michelle Mulhall, 12617 Horwood Crescent

The purpose of the Application is to request relief from Subsection 5.25.1 c) of Zoning By-law 1746 which establishes that accessory buildings in residential zones shall not be closer than 1.22 metres (4 feet) to any lot line if greater than 10.0 square metres (107.6 square feet) in area. The Applicant is requesting relief to permit a 17.1 square metre (184 square foot) existing accessory building to be 0.71 metres (2.33 feet) from the rear property line and 0.63 metres (2.08 feet) from the westerly side yard property line.

The subject property is designated Residential in the Tecumseh Official Plan and zoned Residential Zone 3 (R3-2) 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: **1147048 Ontairo Limited**

Location of Property: **5000 Regal Drive
(former Township of Sandwich South)**

Purpose of Application: **Severance**

The purpose of the Application is to request consent to sever a 2.6 ha (6.4 acre) parcel of land having a frontage of 23.8 metres (78 feet) on North Talbot Road highlighted in yellow on the attached sketch. The retained lands, containing an industrial building, will have a lot area of 3.0 ha (7.4 acres) outlined in green on the attached sketch. This Application is being heard concurrently with Minor Variance Application A-30/19 which requests relief to address the resulting minimum lot frontage deficiency of 23.8 metres (78 feet) on the severed lot fronting on North Talbot Road. The proposed severed and the retained lands are designated Business Park in the Sandwich South Official Plan and zoned Industrial Zone (M1) in the Sandwich South Zoning By-law 85-18.

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 25th day of November, 2019 at 5:00 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

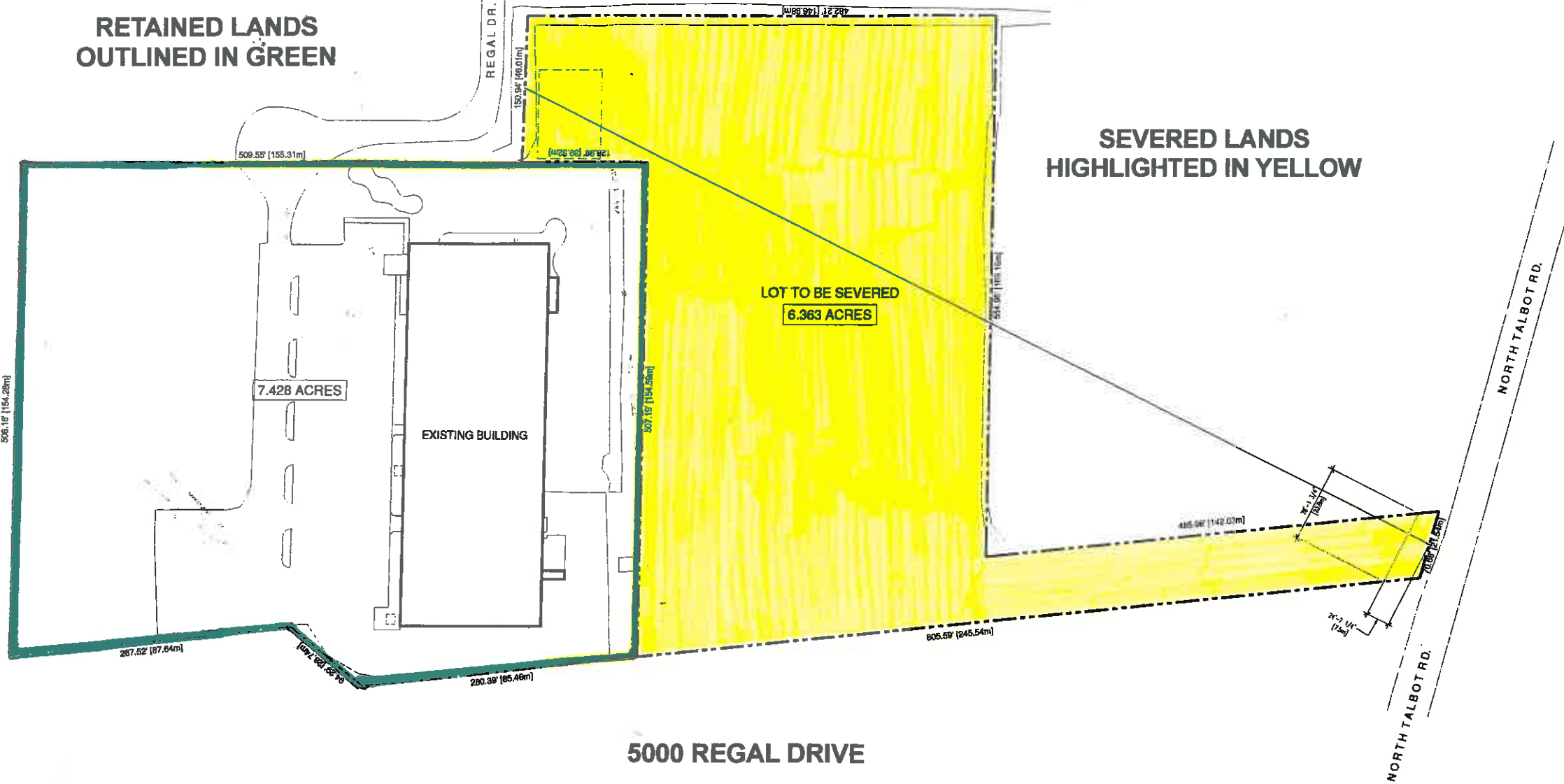
If you wish to be notified of the decision of the Town of Tecumseh Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal 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.

Donna Ferris
Secretary-Treasurer
Town of Tecumseh Committee of Adjustment

Dated this 7th day of November, 2019

RETAINED LANDS
OUTLINED IN GREEN

SEVERED LANDS
HIGHLIGHTED IN YELLOW



5000 REGAL DRIVE

 **SITE SEVERANCE PLAN**
SCALE: 1" = 50'-0"

ROSATI
DEVELOP • DESIGN • CONSTRUCT

DRAWING TITLE:
SITE SEVERANCE PLAN

PROJECT/CLIENT:
PROPOSED WAREHOUSE
SANDWICH SOUTH, ONTARIO

DATE	ISSUED FOR:	DATE	ISSUED FOR:
10.30.18	LAND SEVERANCE		

PROJECT No.: 2018.0XX
SCALE: 1" = 50'-0"
DRAWN BY: D
CHECKED BY: D

GENERAL NOTES:
ALL DIMENSIONS TO BE CALCULATED
AND VERIFIED ON THE JOB SITE. ANY
AND ALL DISCREPANCIES ARE TO BE
REPORTED TO THE ARCHITECT OR
ENGINEER. ALL DRAWINGS REMAIN
THE PROPERTY OF ROSATI GROUP INC.
DO NOT SCALE DRAWINGS

STAMP:

STAMP:

NOTES:

DRAWING No.:

A1.0

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

Applicant: **NLC Management Limited**

Location of Property: **2045 Solar Crescent & 5350 Pulleyblank Street; Parts 4-12, 12R19982
(former Township of Sandwich South)**

Purpose of Application: **Minor Variance**

The purpose of the Application is to request relief from subsection 14.1.5 of Zoning By-law 85-18 which establishes a maximum lot coverage of 40 percent for all buildings and structures. The Applicant is proposing to construct a 765 square metre (8,234 square foot) addition resulting in 45 percent lot coverage. A variance for 42 percent lot coverage was previously granted by way of Minor Variance Application A-12/17.

The property is designated Business Park in the Sandwich South Official Plan and zoned Industrial Zone (M1) 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 25th day of November, 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.

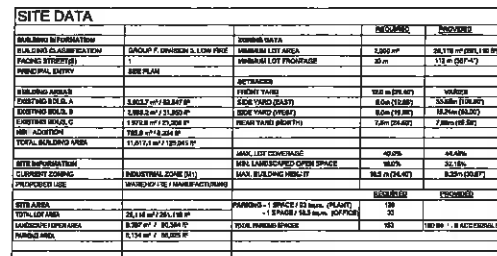
NOTICE OF DECISION

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 14th day of November, 2019

Donna Ferris
Secretary-Treasurer
Town of Tecumseh Committee of Adjustment

P U L L E Y B L A N K S T R E E T

[illegible]

Site Location Key Plan

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

Applicant: **Michelle Mulhall**

Location of Property: **12617 Horwood Crescent
Part Lot 34, Plan 12M289**

Purpose of Application: **Minor Variance**

The purpose of the Application is to request relief from Subsection 5.25.1 c) of Zoning By-law 1746 which establishes that accessory buildings in residential zones shall not be closer than 1.22 metres (4 feet) to any lot line if greater than 10.0 square metres (107.6 square feet) in area.

The Applicant is requesting relief to permit a 17.1 square metre (184 square foot) existing accessory building to be 0.71 metres (2.33 feet) from the rear property line and .63 metres (2.08 feet) from the westerly side yard property line.

The subject property is designated Residential in the Tecumseh Official Plan and zoned Residential Zone 3 (R3-2) 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 25th day of November, 2019 at 5:10 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 14th day of November, 2019

Donna Ferris
Secretary-Treasurer
Town of Tecumseh Committee of Adjustment

HORWOOD

Application A-32/19



Note: Map is for illustrative purposes only

12617



**Existing 184 sq. ft. accessory structure
located 2.3 ft. from rear lot line
and 2.08 ft. from western side lot line.**



THE CORPORATION OF THE TOWN OF TECUMSEH

Planning Report

TO: Committee of Adjustment

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

HEARING DATE: November 25, 2019

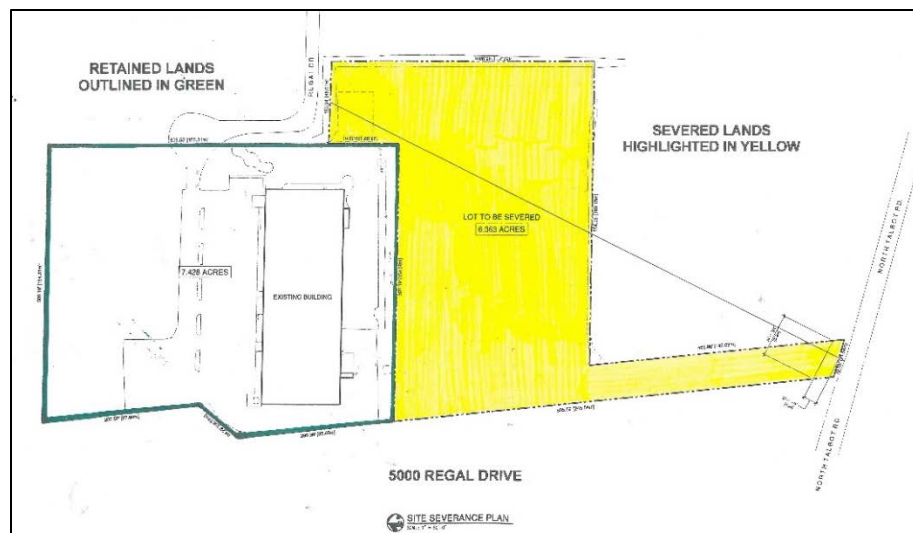
SUBJECT: Minor Variance Applications A-31/19 to A-32/19 and
Severance Application B-17/19

Please note that this Planning Report was prepared as of November 22, 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 November 25, 2019 as the normal practice.

Application: Severance Application B-17/19
Applicant: 1147048 Ontario Limited
Location of Property: 5000 Regal Drive

The purpose of the Application is to request consent to sever a 2.6 ha (6.4 acre) parcel of land having a frontage of 23.8 metres (78 feet) on North Talbot Road highlighted in yellow on the attached sketch. The retained lands, containing an industrial building, will have a lot area of 3.0 ha (7.4 acres) outlined in green on the attached sketch.

The proposed severed and the retained lands are designated Business Park in the Sandwich South Official Plan and zoned Industrial Zone (M1) in the Sandwich South Zoning By-law 85-18.



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.

Sandwich South Official Plan

The subject property is designated Business Park in the Sandwich South Official Plan. The following sections are relevant when reviewing the proposed application:

“4.0 Land Division Policies

4.1 General Policies

- ...
- (e) *Consents shall be granted only if they comply with the provisions of the town's zoning by-law. Where a by-law amendment or minor variance is necessary, it shall be a condition of the decision.*

4.5 GENERAL COMMERCIAL, NEIGHBOURHOOD COMMERCIAL AND BUSINESS PARK

On those lands designated "General Commercial", "Neighbourhood Commercial" or "Business Park", consents will be granted for the creation of a new lot for a permitted use as outlined in this Plan, provided the consent is in compliance with the town's zoning by-law and a registered plan of subdivision is deemed not to be required."

The proposed severed lot is in compliance with the Town's Zoning By-law.

Sandwich South Zoning By-law

The subject property is zoned Industrial Zone (M1) in the Sandwich South Zoning By-law. As noted above, the proposed lot will meet all the applicable zone provisions established in the M1 zone.

Administration/Agency Comments

1) Engineering

- That the Owner 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 advised that the 7th Concession Drain (open drain) is located along the east side of the portion of the property proposed to be severed. The 7th Concession Drain is an open drain that was constructed under the provisions of the *Drainage Act*. Any requested works to this open drain must follow *Drainage Act* procedures which are under the jurisdiction of the Town of Tecumseh. The current drainage report for the 7th Concession Drain specifies a 9.0 metre wide maintenance access corridor along the west side of the drain at this property. In addition, there are minimum setback requirements from municipal drains to proposed development.
- The parcel to be retained and the parcel to be severed are to be serviced with separate water supplies, storm sewer systems and sanitary facilities to the satisfaction of the Town of Tecumseh Public Works and Water Divisions prior to this severance being finalized. The following concerns are noted:
 - Based on the submitted information, it appears the existing septic system for 5000 Regal is located on the portion of the property to be severed and therefore a new septic system will be required for the retained parcel.
 - There is an existing private drainage ditch that extends across 5000 Regal in a west to east direction which outlets directly into the 7th Concession Drain. The proposed severance will cut off the portion of this ditch that connects to the 7th Concession Drain. On plan A1.1 included with the application, it appears that the existing private ditch is to be re-directed northerly around the severed parcel and then easterly within the Moynahan/Regal right of way to the 7th Concession Drain. As per the following air photo, there is a watermain (and potentially other utilities) within the Moynahan/Regal right of way that will be in conflict with the proposed open ditch relocation. In addition, an open ditch at this location

would require a culvert for access into the property. The Owner is to provide a drainage solution for this private ditch, to the satisfaction of the Town Engineer, prior to the severance being finalized.



- The Owner should be made aware that proposed development on both the severed and retained parcels will require site servicing drawings and detailed stormwater management reports (addressing quantity and quality to the satisfaction of the Town Engineer) to be submitted as part of Building Permit applications (or as part of site plan control), which will then be reviewed/approved by the Town Engineer prior to issuance of Building Permits (or approval of site plan control). This property drains into the Upper Little River Watershed. The allowable release rate for future development will be based on the capacity of the receiving watercourse. The Owner is advised that the release rates are very restrictive in the Upper Little River Watershed and that underground storage facilities may be required to adequately address stormwater quantity control for these sites.
- Stormwater management facilities servicing industrial land will require approval from the Ministry of Environment, Conservation and Parks under Section 53 of the *Ontario Water Resources Act*.
- Both the retained and severed parcels are located within the 8th Concession Road sanitary sewer service area. When sanitary sewers are installed on Moynahan/Regal, sanitary sewer assessments will be charged to these properties.

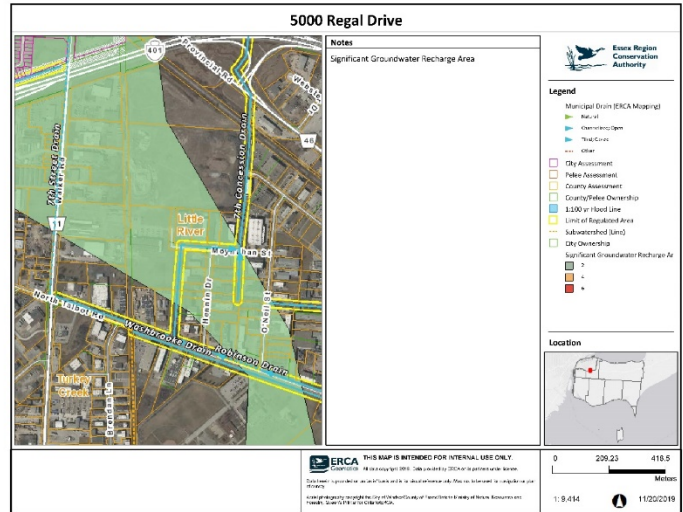
2) Essex Region Conservation Authority

- The above noted 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 7th Concession Drain and Robinson Drain

Extension. 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 Section 28 of the Conservation Authorities Act.

- The subject property is located within a significant groundwater recharge area (SGRA). Section 2.2.1 of the PPS states that: "Planning authorities shall protect, improve or restore the quality and quantity of water by:

“d) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas and surface water features including shoreline areas” and



e) implementing necessary restrictions on development and site alteration to:

1. protect all municipal drinking water supplies and designated vulnerable areas; and
2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions".

In addition to the policies of the PPS 2014, the County of Essex Official Plan identifies Significant Groundwater Recharge Areas (SGRA) on Schedule C5. Section 2.5.2 b) of the County of Essex Official Plan states that:

"Development and site alteration that may be a significant threat will only be permitted within an HVA or SGRA where it has been demonstrated by way of the preparation of a groundwater impact assessment that there will be no negative impact on the HVA or SGRA".

The Essex Chatham Kent Groundwater Study was completed in 2004 by Dillon Consulting Ltd and Golder Associates Ltd, which delineated the highly vulnerable aquifers and significant recharge areas and provides background information for any further water budget or hydrologic study requirements.

This study is available online:

<https://essexregionconservation.ca/resources/reports/essex-region-chatham-kent-regional-groundwater-study/>

In our advisory role to the Planning Authority we recommend that the Committee include the following condition of approval:

That the developer undertake a groundwater impact assessment to address the Significant Ground Water Recharge area associated with the proposed project to the satisfaction of the Municipality.

- No objection to the application for consent
- 3) Bell Canada
- No objection to the application.

Public Comments

- 1) Windsor Pallet Ltd
- No objection to the application. It should be noted that Windsor Pallet Ltd did have concerns with respect to the related minor variance application that Administration has deemed is no longer necessary as there was an incorrect interpretation of the Zoning By-law with respect to the determination of frontage. The proposed severed lot will fully comply with frontage requirements of the Zoning By-law.

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, Sandwich South OP and 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 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. The parcel to be retained and the parcel to be severed are to be serviced with separate water supplies, storm sewer systems and sanitary facilities to the satisfaction of the Town of Tecumseh Public Works and Environmental Services and Building Department prior to this severance being finalized;
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;
7. The Owner is to provide a drainage solution for the private ditch, to the satisfaction of the Town Engineer, prior to the severance being finalized;
8. That at the time the conveyance is presented for certification an amount equal to two percent (2%) cash in lieu of parkland, based on the market value of the land

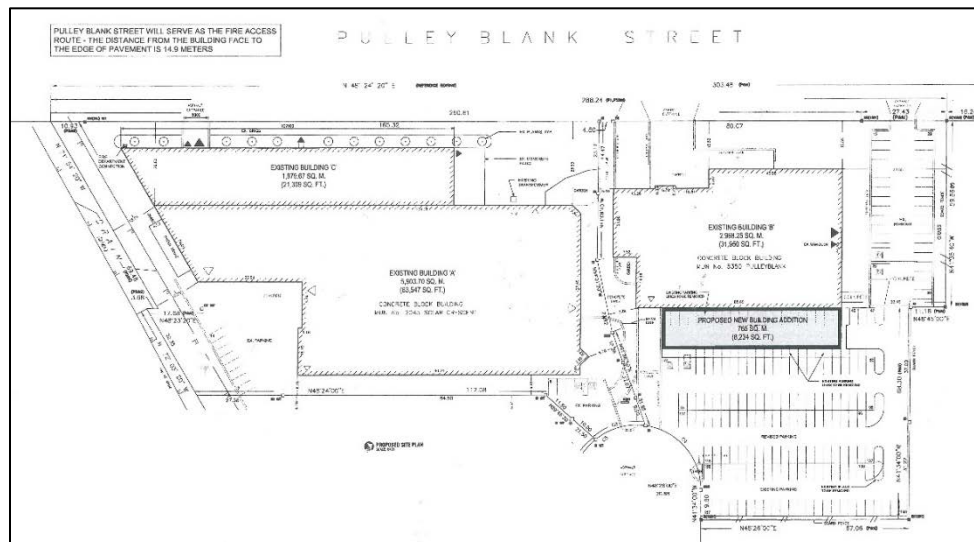
being conveyed the day immediately prior to the approval in principal having been granted, to be paid to the Town of Tecumseh; and

9. That the above conditions be fulfilled on or before November 26, 2020 prior to this severance being finalized.

Application:	Minor Variance Application A-31/19
Applicant:	NLC Management Limited
Location of Property:	2045 Solar Crescent & 5350 Pulleyblank Street

The purpose of the Application is to request relief from subsection 14.1.5 of Zoning By-law 85-18 which establishes a maximum lot coverage of 40 percent for all buildings and structures. The Applicant is proposing to construct a 765 square metre (8,234 square foot) addition resulting in 45 percent lot coverage. A variance for 42 percent lot coverage was previously granted by way of Minor Variance Application A-12/17.

The property is designated Business Park in the Sandwich South Official Plan and zoned Industrial Zone (M1) in the Sandwich South 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 Business Park in the Official Plan. The existing and proposed uses are permitted by this designation. 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 40 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 45 percent 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.

Given the foregoing, 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 expansion to the existing industrial building will comply with all the minimum yard requirements established in the Zoning By-law. In addition, Administration has reviewed the proposed site plan and does not have any concerns with the layout or on-site works being proposed. Similar relief has been granted for industrial operations in the Oldcastle Hamlet when substantial additions are proposed. In permitting the proposed addition, the requested relief will allow the current industrial facility to optimize its operation on the existing site. Based on the foregoing, it is my opinion that the variance is desirable for the appropriate development and use of the land.

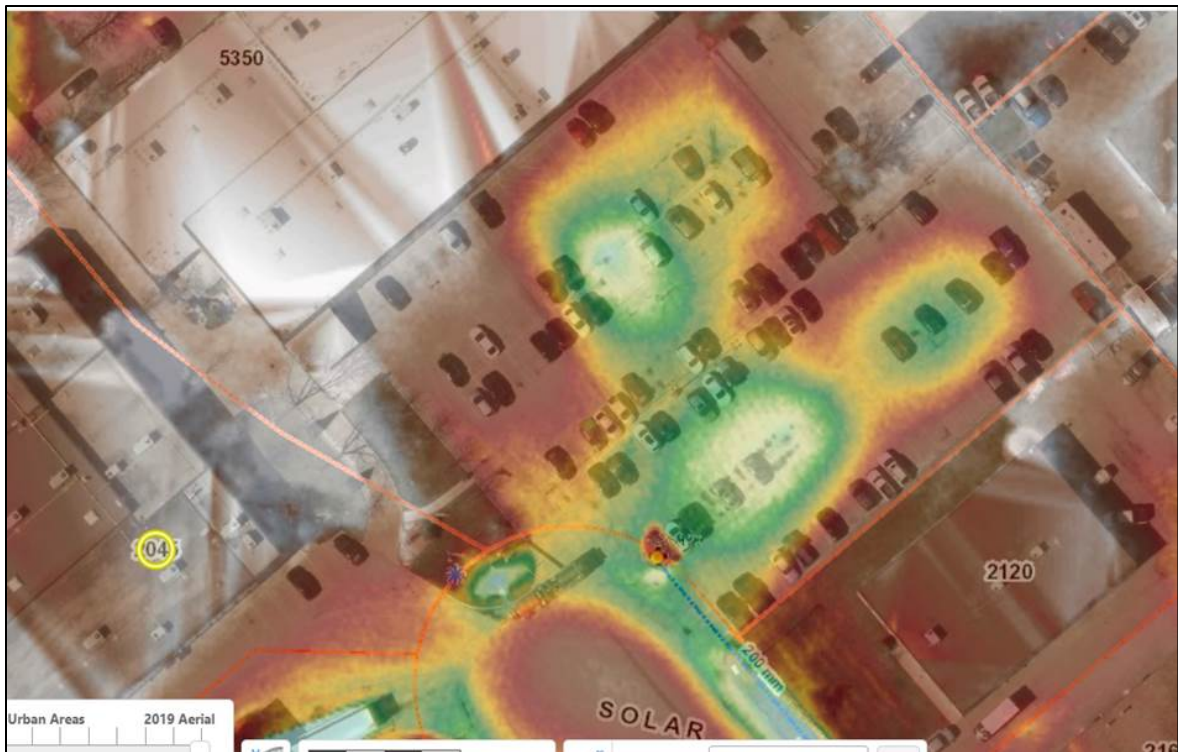
iv) Is the variance requested minor?

The proposed variance will result in an industrial expansion that that will not have any anticipated undue adverse impacts. It is therefore my opinion that the requested relief is minor in nature.

Administration/Agency Comments

1. Engineering

- The building addition is proposed within a portion of an existing asphalt parking lot. Based on the LIDAR information (see image below), the existing parking lot has the potential to provide temporary stormwater storage during large rainfall events. Any temporary on-site stormwater storage that will be lost by the construction of the addition must be replaced. The Owner will be required to complete a stormwater assessment (to the satisfaction of the Town Engineer) that demonstrates how all existing temporary stormwater storage, that will be removed by the construction of the addition, will be replaced (without adverse impacts) prior to the issuance of a Building Permit.



2. Essex Region Conservation Authority

- Portions of the above noted 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 parcels drain into the regulated area of the Wolfe 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 Section 28 of the Conservation Authorities Act.
- ERCA has concerns with the potential impact of the quality and quantity of runoff in the downstream watercourse due to the proposed development on this site. ERCA recommends that stormwater quality and stormwater quantity be addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the local Windsor-Essex Region Stormwater Management Standards Manual as this development proceeds to the Site Plan Control stage.
- No objections with 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 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

1. That the Owner be required to complete a stormwater assessment (to the satisfaction of the Town Engineer) that demonstrates how all existing temporary stormwater storage, that will be removed by the construction of the addition, will be replaced (without adverse impacts) prior to the issuance of a Building Permit.

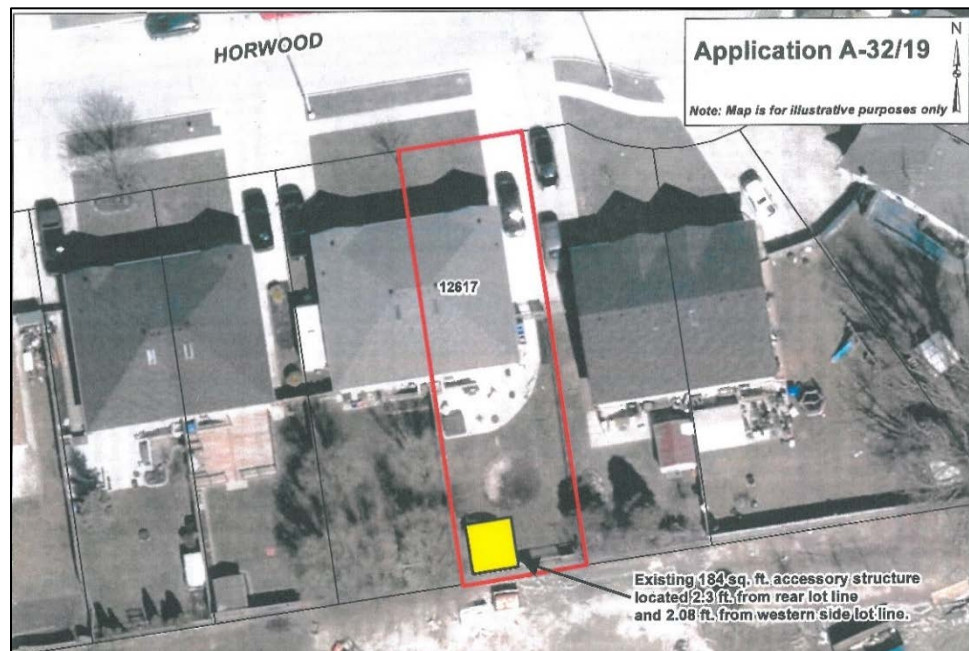
Application:	Minor Variance Application A-32/19
Applicant:	Michelle Mulhall
Location of Property:	12617 Horwood Crescent

The purpose of the Application is to request relief from Subsection 5.25.1 c) of Zoning By-law 1746 which establishes that accessory buildings in residential zones shall not be closer than 1.22 metres (4 feet) to any lot line if greater than 10.0 square metres (107.6 square feet) in area or 2.5 metres (8 feet) in height. The Applicant is requesting relief to permit a 17.1 square metre (184 square foot), 3.0-metre (10-foot) high existing accessory building to be 0.71 metres (2.33 feet) from the rear property line and 0.63 metres (2.08 feet) from the westerly side yard property line.

The subject property is designated Residential in the Tecumseh Official Plan and zoned Residential Zone 3 (R3-2) 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 accessory structures associated with residential uses such as the subject structure are permitted by this designation. 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 1.22 metres (4 feet) minimum setback from side or rear lot lines is to ensure that there is sufficient separation between the accessory structure and the lot lines in order to provide adequate space for maintenance and to minimize potential for conflicts with the neighbouring property. The Applicant is requesting relief to permit an existing accessory building to be 0.71 metres (2.33 feet) from the rear property line and 0.63 metres (2.08 feet) from the westerly side yard property line.

The Zoning By-law uses a tiered approach with respect to the setback distance for accessory structures from lot lines – 1.22 metres (4 feet) for structures larger than 10.0 square metres or 2.5 metres in height and 0.61 metres (2 feet) for structures less than 10.0 square metres and 2.5 metres in height. This approach recognizes that larger structures may have more of an impact on abutting properties if located closer to the lot line.

Given that the existing structure is 17.1 square metres (184 square feet) in size and 3.0 metres (10 feet in height), the minimum setback is 1.22 metres (4 feet). The existing structure, however, includes a significant open-sided portion. The enclosed portion of the shed is 11.38 square metres (122.5 square feet) and 3.0 metres (10 feet) in height. This

reduces its massing and its impact on adjacent properties. The design of the building and the inclusion of details such as windows and doors also assists in reducing its massing.

Given the foregoing, 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 lands abutting to the immediate south are landscaped areas associated with the Bounduelle food processing plant. The existing accessory structure is abutting a mutual side lot line of another residential dwelling that also has an accessory structure located in the rear corner of its respective property. It is therefore not situated adjacent to the amenity area of the abutting property. The westerly abutting lot also has a number of mature trees that assist with mitigating the view of the structure from the west. Further, the roof of the existing accessory structure is sufficiently setback to avoid any stormwater draining onto the abutting properties.

Based on the foregoing, it is my opinion that the proposed variance is desirable for the appropriate use of the land.

iv) Is the variance requested minor?

Based on Administration's understanding, and due to the mitigating circumstances noted above, the existing structure has not had any undue adverse impact on abutting properties. It is therefore my opinion that the requested relief is minor in nature.

Administration/Agency Comments

1. Engineering
 - No concerns.
2. Essex Region Conservation Authority (refer to formal correspondence in Agenda package)
 - 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).
 - No objections with 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 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.