

Committee of Adjustment Meeting
AGENDA

Monday, January 27, 2020, 5:00 pm
Tecumseh Arena - Horwood Room, 1st Floor
12021 McNorton Street
Tecumseh, ON N8N 3C7

	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 Monday, December 16, 2019.	2 - 6
5. Submissions	
a. Agenda Cover Map	7 - 7
b. Agenda	8 - 9
c. Application for Minor Variance A-01/20 - Gateway Tower Inc., 11870 Tecumseh Road	10 - 11
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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, December 16, 2019 at the Tecumseh Recreation Complex & Arena (Horwood Room), 12021 McNorton Street, 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
	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, November 25, 2019.

Motion: (CA-66/19) Moved by Tony Muscedere
Seconded by Paul Morand

That the Minutes of the regular Committee of Adjustment meeting held Monday, November 25, 2019 be adopted, as printed and circulated.

Carried

V SUBMISSIONS

VI DEFERRALS

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

Interested parties present: Sondekere Anand, Applicant

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 proposed to be demolished and a new dwelling be constructed.

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

This Application was deferred by the Committee of Adjustment at its October 28, 2019 meeting at the request of the Applicant in order to address comments raised by the Essex Region Conservation Authority.

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

Interested parties present: Sondekere Anand

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. This Application was deferred by the Committee of Adjustment at its October 28, 2019 meeting at the request of the applicant in order to address comments raised by the Essex Region Conservation Authority regarding the associated Severance Application B-14/19.

Notice of hearing for the above submissions were 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: See correspondence dated October 23, 2019.

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.

Fred & Flora Brefka, 12954 Riverside Drive – Letter of objection dated October 27, 2019.

Chall.Eng: Correspondence dated November 25, 2019.

DISCUSSION

Sondekere Anand, Applicant appears before the Committee to discuss the Application. Tom Fuerth notes the recommendation received from ERCA dated December 16, 2019 and inquires if the Applicant is agreeable to the requirements set out by ERCA and is advised that he is agreeable.

Chad Jeffery informs the Committee that Sondekere and Malavika Anand had a meeting with ERCA regarding access to the shoreline and the protection works required by ERCA. Chad Jeffery further informs the Committee that the Applicants hired Chall.Eng to design the shoreline protection works required. Chad Jeffery explains that equipment access to maintain the shoreline is necessary and that typically in the past if shoreline protection was required, the works would be completed by way of a barge. However, in the event of an emergency, if you are unable to get to the shoreline by barge as a result, of ice jamming, etc. along the shoreline, an alternative access route by land is necessary. Accordingly, a condition of the severance would be to acquire an agreement with the Town to access the shoreline by way of an easement over the St. Louis Pump Station lands to the east of the subject lands. Chad Jeffery notes that the Applicant is proposing a two-storey home which would require that the easterly side lot line be 1.8 m from proposed dwelling. Chad Jeffery also notes that although ERCA has imposed this type of recommendation in other municipalities in Essex County, this is the first time that the Town of Tecumseh has had to deal with this type of technical requirement. Chad Jeffery additionally notes that if the Applicant is able to provide access to the shoreline entirely on the subject lands, which is agreeable to both the Town and to ERCA, that may be an alternative and acceptable solution.

The Town fully supports the Applications as the relief sought under the minor variance is minor in nature, there is a wide distance to east between the buildings which gives the appearance of the lot appearing larger, there is no need for expansion of the building footprint of the St. Louis Pump Station and the Applicants will undertake discussions to enter into an Agreement with the Town for an easement on the St. Louis Pump Station lands.

Tom Marentette inquires as to why the Applicant is being encumbered with the requirement to have access to the shoreline by land stating that many properties along Riverside Drive have no access to the shoreline by land. Tom Marentette further notes that there is a breakwall in place albeit old and access to the shoreline could be obtained by way of a barge. Chad Jeffery indicates that he cannot speak to why or whether ERCA has or has not been invoking this type of regulation elsewhere in the County. Chad Jeffery indicates that heightened caution is being taken as a result of high water levels in the region. In addition, it is to be noted that the proposed dwelling is greater than 50 percent of the original building footprint. The new shoreline protection works are outlined in the report prepared by Chall.Eng. The Applicant advises that the shoreline protection works are only required on the severed lot and not the retained parcel.

Bill Altenhof enquires as to whether or not the fence along the property line will have to be removed and if so, will same be reinstalled once the protection works are completed and will the costs of removal or installation be borne by the Applicant. Chad Jeffery notes that discussion regarding the fence can be resolved and/or incorporated into the Agreement which is ultimately approved by Council. In addition, the severance can be conditional upon “any works including remedial works required by the Town in the implementation of the terms of the Agreement shall be at the sole expense of the Applicants”.

Tony Muscedere inquires as to whether or not the easement can be on 12906 Riverside Drive or alternatively on 12914 Riverside Drive relocating the house so that access to the shoreline can be obtained. Chad Jeffery advises that discussions with the Applicants have included various locations of the proposed dwelling. The Applicant indicates that as the lot is narrow, the house needs to be built lengthwise on the property. In addition, the Applicant advises that they desire to have the house as close to the water as possible keeping within the regulations established by ERCA and the Town’s Zoning By-law.

Tom Marentette states that he fails to see the necessity of ERCA’s requirement to have access by land to the shoreline/breakwall as it is only for the benefit of the severed lot. Tom Fuerth explains that it is not just for repairing the wall but also for emergency access. Tom Fuerth indicates that ERCA has to start implementing shoreline protection one property at a time. Chad Jeffery informs the Committee that the Town is undertaking a Shoreline Protection Study in 202 in an effort to determine where access to the shoreline can be achieved thru parkettes and stormwater pump stations and to identify hot spots where there could be potential breaches in shoreline by way of a comprehensive study.

Fred and Flora Brefka of 12920 Riverside Drive appear before the Committee to object to the minor variance application. Mr. Brefka advises that he has spoken with Town Administration and was informed that an expansion of the St. Louis Pump Station would be undertaken in the near future. Mr. Brefka further informs the Committee that there is a septic system underground on the St. Louis Pump Station and that heavy equipment would not be able to traverse over said area therefore, any Agreement for an easement would not be able to be permitted over the underground septic system. Chad Jeffery advises that Mr. Brefka is correct that there is a storm sewer over a portion of the St. Louis Pump Station lands however, Chad did discuss the location of the easement with the Town Engineer indicating that the area of the storm sewer would have to be avoided. Chad Jeffery further advises that the Agreement for the easement would be subject to exploring in detail with various members of Administration prior to implementing an Agreement to ensure that the easement would not go over the area where the storm sewer is located. In addition, Chad Jeffery informs the Committee that expansion of the St. Louis Pump Station is proposed in the future, but that the expansion would not necessarily include an increase in the footprint of the pump station. Tom Fuerth confirm that any Agreement negotiated by Administration would have to be approved by Council. Fred Brefka indicates that the relief being sought for lot frontage is nearly 12 feet from the minimum lot frontage of 59.1 feet established in the Zoning By-law. Tom Fuerth indicates that he has read the letter submitted by Fred and Flora

Brefka dated October 27, 2019 and notes that he has gone onto the Town's mapping system and advises there are a number of lots in the vicinity of the subject lands that have a lot frontage less than what the Applicants' are proposing. Mr. Brefka responds indicating that the existing smaller lots are grandfathered. Tom Fuerth points out that he is not in agreement with Mr. Brefka's assessment as he would not consider the proposed dwelling or any of the other house being constructed on Riverside Drive on narrower lots to be a "sore thumb" or not to be in keeping with the area. In fact, the newly constructed homes on Riverside Drive look very good from the road. Mr. Brefka advises he is not supportive of what he considers to be a "telescope" house being constructed on Riverside Drive. Flora Brefka indicates to the Committee that she suspects that the lot was possibly advertised by real estate as having 120 feet of frontage that may or may not have been exactly 120 feet and that there was a potential for severing a lot. In addition, Flora Brefka indicates that as a result of the location of the larger home, a severance could only be obtained by obtaining a minor variance for the severed lands. Flora Brefka raises concern with the style and type of home in addition to the location of the proposed dwelling. Tom Fuerth indicates that there is no reason to believe that the Applicants are seeking any relief as a result of the construction of the dwelling as the Applicants are only seeking relief for minimum lot frontage. Chad Jeffery provides a diagram for the benefit of the Committee and Mr. and Mrs. Brefka prepared by Chall.Eng which depicts the proposed building envelope. Chad Jeffery reiterates the fact that the width on the east side of the proposed dwelling gives the appearance of the lot being wider due to the location of the pump house. Chad Jeffery also points out the potential erosion setback line and where the new shoreline works are proposed. Tom Fuerth indicates that the diagram provides some idea of the works to be undertaken by the Applicants. Bill Altenhof informs the Committee that he has reviewed the Town's Stormwater Master Plan which includes upgrades/improvements to the St. Louis Pump Station in the approximate amount of \$20,000,000.00 but advises that one should not associate the costs of the upgrades/improvements with the size of the building/footprint. Chad Jeffery confirms the information provided by Bill Altenhof is correct but points out that all those details will be reviewed by Administration prior to considering entering into an Agreement with the Applicants and prior to the Agreement being approved by Council.

Tom Marentette advises that he is supportive of the Applications as the minor variance is in keeping with the appropriate development of the neighbourhood, the building envelope is reasonable and it meets the four tests. Discussion ensues with respect to the provision of an entrance being added as a condition but is informed by Administration that access need not be included as a condition in residential areas until such time as it is determined where the garage/driveway is to be located as it is merely a curb cut. Chad Jeffery points out that in the rural areas, an entrance is typically included as a result, of the extensive costs of installing a culvert over a municipal drain, etc. and they want to ensure that the Applicant is aware of such costs. Bill Altenhof would like included in the conditions that should the fence need to be removed or that any remedial works required, the costs of same be borne by the Applicants and that same be included in the negotiations of the Agreement.

Motion: (CA-67/19) Moved by Tom Marentette
Seconded by Tony Muscedere

That Applications B-14/19 and A-27/19 are granted.

Carried

REASONS

The Minor Variance 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.

The Severance Application is in keeping with the Official Plan policies for the Town of Tecumseh as well as Zoning By-law 1746.

CONDITIONS FOR SEVERANCE APPLICATION B-14/19

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 the parcel to be retained and the parcel to be severed are to be serviced with separate water supplies, storm and sanitary sewer systems to the satisfaction of the Town of Tecumseh Public Works and Water Departments prior to this severance being finalized;
6. That the Applicants apply for and be granted a minor variance providing relief from subsection 6.1.4 of Zoning By-law 1746 to permit a lot frontage of 14.62 metres (47.9 feet);
7. That the Applicants submit a site grading plan and details for how stormwater is being addressed for the retained parcel, 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;
8. That the Applicants enter into an Agreement with the Town, at the sole expense of the Applicants and to the satisfaction of ERCA, to establish access rights for construction vehicles in the event of the need to undertake emergency maintenance on the shoreline protections works associated with the severed lot. The Agreement shall establish that any works including remedial works required by the Town in the implementation of the terms of the Agreement shall be at the sole expense of the Applicants. Alternatively, that the Applicants provide said access entirely on the subject land to the satisfaction of ERCA; and
9. That the above conditions be fulfilled on or before **December 17, 2020** prior to this severance being finalized.

VII NEW BUSINESS

Tom Fuerth thanks Bill Althenhof for his service in filling the vacancy on the Committee of Adjustment.

VIII UNFINISHED BUSINESS

IX ADJOURNMENT

Motion: (CA-68/19) Moved by Chris Carpenter
Seconded by Paul Morand

That there being no further business the December 16, 2019 regular meeting of the Committee of Adjustment now adjourn at 5:40 p.m.

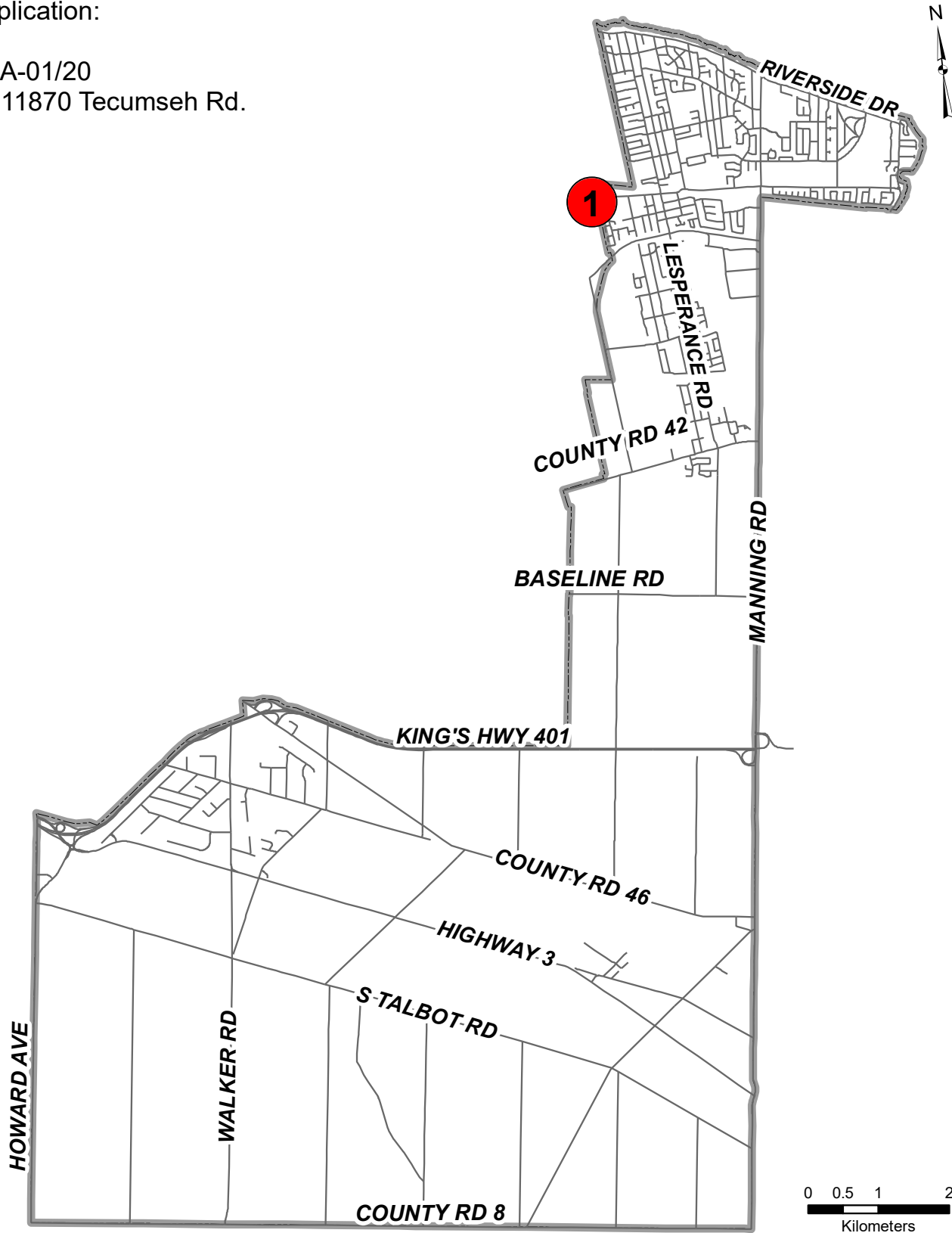
Carried

Tom Fuerth, Chairperson

Donna Ferris, Secretary-Treasurer

Application:

1. A-01/20
11870 Tecumseh Rd.



Prepared By:
Tecumseh Planning and
Building Department

1

Subject Property

January 27, 2020
Committee of
Adjustment Meeting
Key Map

**Town of Tecumseh
Committee of Adjustment
Regular Meeting
Monday, January 27, 2020
5:00 pm
Tecumseh Recreation Complex + Arena (Horwood Room)**

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 December 16, 2019.

V SUBMISSIONS

5:00 pm

Application for Minor Variance A-01/20 – Gateway Tower Inc., 11870 Tecumseh Road

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

Subsection 11.3.15 a) i) which establishes the use as multi-unit residential containing no greater than 97 dwelling units;

Subsection 11.3.15 b) i) which establishes the permitted building and structures as one multi-unit dwelling containing no greater than 97 dwelling units; and

Subsection 5.30 ii) which establishes that the minimum parking spaces required for a multi-unit dwelling is one and one-half (1.5) parking spaces per dwelling unit.

The Applicant is requesting relief to construct a multi-unit dwelling containing 99 units and having 146 parking spaces, rather than the required 149 parking spaces.

The subject property is designated Commercial in the Tecumseh Official Plan and zoned General Commercial Zone (C3-15) in the Tecumseh Zoning By-law.

- VI DEFERRALS**
- VII NEW BUSINESS**
- VIII OLD BUSINESS**
- IX ADJOURNMENT**

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

Applicant: **Gateway Tower Inc.**

Location of Property: **11870 Tecumseh Road
Parts 4 & 5, 12R27546**

Purpose of Application: **Minor Variance**

**The purpose of the Application is to request relief from the following subsections of Zoning By-law 1746:
Subsection 11.3.15 a) i) which establishes the use as multi-unit residential containing no greater than 97 dwelling units;**

Subsection 11.3.15 b) i) which establishes the permitted building and structures as one multi-unit dwelling containing no greater than 97 dwelling units; and

Subsection 5.30 ii) which establishes that the minimum parking spaces required for a multi-unit dwelling is one and one-half (1.5) parking spaces per dwelling unit.

The Applicant is requesting relief to construct a multi-unit dwelling containing 99 units and having 146 parking spaces, rather than the required 149 parking spaces.

The subject property is designated Commercial in the Tecumseh Official Plan and zoned General Commercial Zone (C3-15) 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:

**TECUMSEH RECREATION COMPLEX + ARENA
12021 McNORTON ST. (HORWOOD ROOM)
TECUMSEH, ONTARIO**

ON

Monday, the 27th day of January, 2020 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

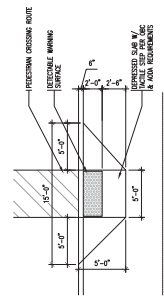
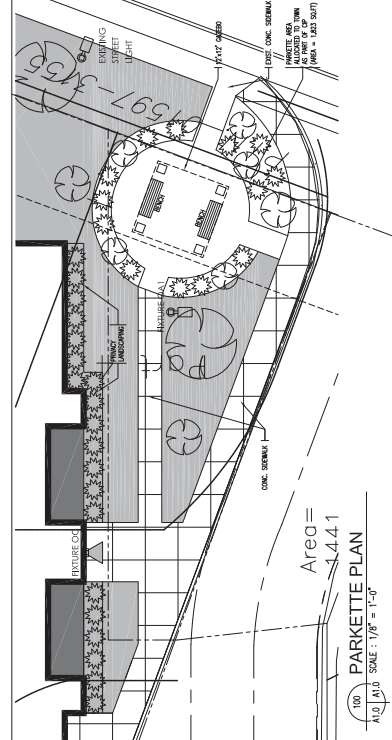
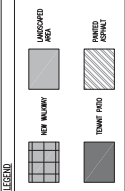
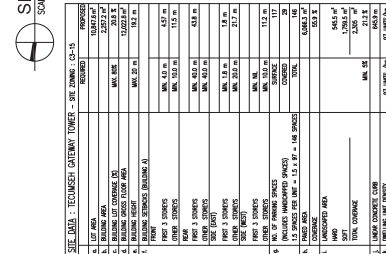
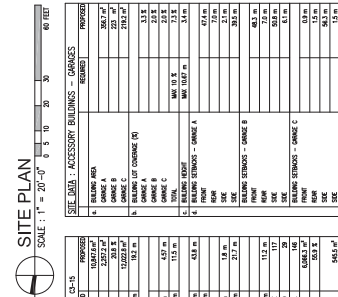
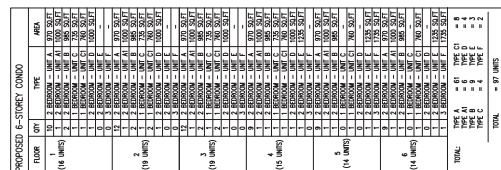
If you do not attend at the hearing it may proceed in your absence (including possible amendments to the original request) and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

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 15th day of January, 2020



TYPICAL CURB RAMP PLAN
SCALE : 3/16" = 1'-0"



THE CORPORATION OF THE TOWN OF TECUMSEH

Planning Report

TO: Committee of Adjustment

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

HEARING DATE: January 27, 2020

SUBJECT: Minor Variance Application A-01/20

Please note that this Planning Report was prepared as of January 24, 2020. 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 January 27, 2020 as the normal practice.

Application:	Minor Variance Application A-01/20
Applicant:	Gateway Tower Inc.
Location of Property:	11870 Tecumseh Road

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

1. Subsection 11.3.15 a) i) which establishes the permitted use as multi-unit residential containing no greater than 97 dwelling units;
2. Subsection 11.3.15 b) i) which establishes the permitted building and structures as one multi-unit dwelling containing no greater than 97 dwelling units; and
3. Subsection 5.30 ii) which establishes that the minimum parking spaces required for a multi-unit dwelling is one and one-half (1.5) parking spaces per dwelling unit.

The Applicant is requesting relief to construct a multi-unit dwelling containing 99 units and 146 associated parking spaces where the By-law establishes a minimum of 149 parking spaces.

The subject property is designated Commercial in the Tecumseh Official Plan and zoned General Commercial Zone (C3-15) 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 Commercial with a site-specific special policy in the Official Plan. The general Commercial designation contemplates a six-storey apartment building but establishes that an Official Plan amendment, which addresses a number of criteria, is necessary. Accordingly, the applicant applied for and was granted an amendment (OPA 40) in November of 2018 to permit the proposed apartment building. As part of that amendment, a special policy was introduced limiting the total number of residential units to 97. This dwelling unit limit was established based on the proposal before Council at the time of the OPA. Since approval of the OPA, however, the applicant has indicated that a redesign of the internal floor plans resulted in an increase in the total number of units to 99.

The original 97-unit proposal was a function of the maximum allowable height established in the Official Plan (six storeys) as well as the proponent responding to the design principles promoted by the Tecumseh Road Community Improvement Plan and a determination of the reasonable intensification potential on the property. To meet the objectives of the CIP in particular, the proponent agreed to reduce the height of the building where it is adjacent to Tecumseh Road. This original proposal was assessed against relevant planning and engineering criteria and determined to be appropriate.

In relation to the request for two additional units, we note that the footprint, massing and exterior of the building is not changing due to the addition of these two units. The increase in units represents only a minor increase in density from 90 units/ha to 92 units/ha. Accordingly, Administration has no concerns with the impact of those two units on the Town's servicing capacity or traffic impact.

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 subject property is in a site-specific General Commercial Zone (C3-15) which provides site-specific yard and building provisions that facilitate the development of the property for the proposed multi-unit residential dwelling. However, the current C3-15 zone limits the multi-unit residential dwelling to no greater than 97 units. For the reasons outlined in subsection i) above, Town Administration has no concerns with the proposed increase in total dwelling units to 99.

The purpose of the Zoning By-law standard of 1.5 parking spaces per dwelling unit is to ensure that adequate off-street parking is provided for residential developments. Based

on this standard, the minimum number of parking spaces for a 99-unit apartment building is 149. Given that the proposal is to provide 146 spaces, there is a deficiency of three spaces and a resulting ratio of 1.47 spaces per dwelling unit.

The original apartment proposal that resulted in the C3-15 Zone being adopted included 152 parking spaces. Accordingly, the 1.5 spaces per unit standard could have been met for the 99 dwelling units. Since the time of adoption, however, the exterior parking area has been slightly redesigned to address the recommendations of a Noise, Safety and Vibration Study that was required given the location of the property adjacent to the railway line. The need for this particular study only became known after Council adopted the noted OPA and ZBA. The study recommended a berm and sound wall along the rear lot line where the site abuts the railway. To accommodate the addition of the berm and sound wall, the parking lot layout had to be revised resulting in a reduction of six spaces from the original proposal and the aforementioned deficiency of three parking spaces.

The Town has supported other proposed apartment development in the surrounding area with a parking ratio of approximately 1.3 spaces per unit. The rationale for this lower standard was based on smaller household sizes and an aging population resulting in fewer drivers and, in the case of the CIP area, a greater propensity to walk/bike and/or take transit. Town Administration has no concerns with the site's proposed 146 parking spaces, rather than the required 149 parking spaces. It is Administration's opinion that sufficient on-site parking will be provided.

Based on all of 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 interior changes to the building will not result in any changes to the built form of the development - the proposed apartment building size, layout and height remain unchanged and as originally proposed. This built form has been assessed against the relevant planning criteria, including compatibility with the surrounding area, and has been vetted through a public/stakeholder review process that resulted in no objections. The proposed revisions to the development result in a final project that Administration believes is full in keeping with the original proposal and, as such, results in appropriate development of the land.

It was noted earlier that this proposal is within the CIP area. One of the objectives for this area is to provide an alternative form of housing at a density that provides for a more compact built form and promotes walkability and transit usage. Further, one of the "Big Moves" contained within the CIP document includes the creation of "higher density residential neighbourhoods north and south of main street with integrated public and private open spaces, road access, and pedestrian linkages." Adding two more units to the proposed apartment building, without any significant impact on traffic and service levels, only furthers these objectives.

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 increase of two dwelling units and the parking lot deficiency of three spaces are both marginal and can be supported by existing/proposed municipal services and transportation infrastructure, particularly in relationship to the scope and scale of this project. It is therefore anticipated that the proposed variance will not result in any undue adverse impacts. Accordingly, it is my opinion that the requested relief is minor in nature.

Administration/Agency Comments

1. Engineering

- The owner should be made aware that site service drawings and a detailed stormwater management report (addressing quantity and quality to the satisfaction of the Town's Engineer) will need to be submitted for future development on this land as part of the site plan control process, which will then be reviewed/approved by the Town Engineer prior to issuance of site plan control approval and Building Permits.

2. Essex Region Conservation Authority

- ERCA recommends that the municipality ensure that the release rate for this development is controlled to the capacity available in the existing storm sewers/drains. ERCA also recommends that stormwater quality and stormwater quantity are addressed up to and including the 1:100 year storm event and be in accordance with the provincial guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and any other local requirements (e.g., Windsor-Essex Region Stormwater Management Standards Manual). ERCA further recommends that the stormwater management analysis be completed to the satisfaction of the Municipality.
- No objections 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 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 variances will result in appropriate development, the variances will not create undue adverse impact on adjacent properties and the variances are minor in nature. Administration continues to support this development, as revised by these minor variances, is a good design based on sound planning and engineering 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

None