

Committee of Adjustment Meeting Agenda

Monday, January 25, 2021, 5:00 pm

Electronic meeting live streamed at: <https://video.isilive.ca/tecumseh/live.html>.

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Committee of Adjustment

Minutes

Date: Monday, December 14, 2020
 Time: 5:00 pm
 Location: Electronic meeting live streamed at:
<https://video.isilive.ca/tecumseh/live.html>.

Present:

Chair, Tom Fuerth
 Member, Chris Carpenter
 Member, Tom Marentette
 Member, Tony Muscedere
 Member, Daniel Hofgartner
 Member, Paul Jobin

Also Present:

Manager Planning Services, Chad Jeffery
 Secretary-Treasurer, Donna Ferris

Others:

Director Information & Communications Services, Shaun Fuerth

A. Roll Call

B. Call to Order

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

C. Disclosure of Pecuniary Interest

There is no disclosure of interest made.

D. Minutes

1. November 23, 2020

Motion: CA-39-20

Moved By Member Tom Marentette

Seconded By Member Tony Muscedere

That the minutes of the regular Committee of Adjustment meeting held November 23, 2020 **be adopted**, as printed and circulated.

Carried

E. Applications

1. **Application for Minor Variance A-17-20 Melvin and Kimberly Freeman 2559 Banwell Road**

a. Sketch

Interested parties present: Melvin and Kimberly Freeman, Applicants
Rob Dolinar, Designer, Keen Design Studio

The purpose of the Application is to request relief from the following subsections of Zoning By-law 85-18:

1. Subsection 15.2.4 e) establishes that the minimum front yard depth for residential dwellings on an agricultural lot is 15 metres (49.21 feet); and
2. Subsection 15.2.4 f) establishes that the minimum side yard width for residential dwellings on an agricultural lot is 3 metres (9.84 feet).

The Applicants are proposing to construct additions to the existing dwelling that will result in a front yard depth of 13.9 metres (45.66 feet) and a northerly side yard width of 2.3 metres (7.7 feet). The proposed additions to the existing dwelling will result in a total building area of 281.22 square metres (3027 square feet). The existing detached garage and garden shed are to be demolished.

The subject property is designated Low Density Residential in the Sandwich South Official Plan and zoned Agricultural Zone (A) in the Sandwich South 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

Essex Region Conservation Authority: No concerns.

Engineering: See Planning Report.

Discussion

The Chair inquires if the Applicant has any additional information they would like to advise the Committee. Kimberly Freeman advises she does not have any additional information but Rob Dolinar, Designer, advises that the Applicants require side yard relief in order to accommodate the bedrooms on the north side of the dwelling as the garage will be

constructed on the south side of the dwelling where there is an existing kitchen and utility area. Therefore, side yard relief of approximately 2 feet 1.5 inches is required on the northerly side of the dwelling to accommodate the addition for bedrooms.

Tom Marentette indicates that the explanation provided for requesting relief has merit. Tom Marentette further advises that he has attended the site, noting that the site had been properly staked, there is ample property for the proposal, and the proposal suits the site. Therefore, is supportive of the Application.

Tony Muscedere inquires as to the location of the current septic system. Kimberly Freeman advises that the septic systems is in the front yard in front of the proposed bedroom addition. Kimberly Freeman advises that they will have to move the septic system from the current location.

Tony Muscedere also indicates that the Town Engineer has made comments with respect to a pipe that crosses the property in a north-south direction just west of the westerly limit of the Banwell Road right of way as part of the Banwell Road Drain and that the pipe is to be protected during the construction activities that are planned for this property. Tony Muscedere inquires as to whether or not the Applicant is aware of the specific location of this pipe. Kimberly Freeman indicates that she is not aware of the location of the pipe. The Chair inquires as to whether or not Administration can respond to Tony Muscedere's inquiry. Chad Jeffery indicates that from reading the Engineer's comments, the pipe is not going to conflict with what the Applicant's are proposing as the pipe runs north-south and is closer to Banwell Road. Tom Fuerth inquires if it is just a culvert in the roadside drain. Chad Jeffery advises that comments do not indicate if the pipe is a municipal drain. Tony Muscedere indicates that the comments indicate that the pipe is on the private property just west of the westerly limit of the Banwell Road right of way. Tom Fuerth indicates that it is common for the municipal drain to be located on private property in the Sandwich South area. Chad Jeffery indicates that it is even more common when there is a narrow right of way that sometimes they have to go outside the right of way to incorporate municipal infrastructure. Chad Jeffery indicates, based on the Engineer's comments, that the pipe is just west of the municipal right of way and that the pipe does not conflict with the actual construction of the proposed additions.

Tom Marentette is supportive of the proposal as the Application meets the four tests. Tom Marentette also indicates that the drawings as well as the comments provided by the Applicants demonstrate that the proposal suits the property and that it is minor in nature.

Motion: CA-40-20

Moved By Member Tom Marentette

Seconded By Member Tony Muscedere

That Application A-17-20, be approved.

Carried

Reason

The Application is 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.

2. Application for Minor Variance A-18-20 Russ Urbanoski and Stacey Rohrer, 166 Cove Drive

a. Sketch

Interested parties present: none

The purpose of the Application is to request relief from the following subsections of Zoning By-law 2065:

1. Subsection 5.30 which establishes that no building or structure be erected closer to an open watercourse than twenty-five (25) feet plus the depth of the watercourse to a maximum of fifty feet (50);
2. Subsection 6.1.3 e) i) which establishes a minimum front yard depth of 50 feet; and
3. Subsection 6.1.3 e) iii) which establishes a minimum interior side yard width of 10 feet.

The Applicants are proposing renovations to the existing dwelling to include a garage addition, main floor additions and a second storey addition above a rear yard patio resulting in: a front yard depth of 4.86 metres (15.9 feet); a northerly side yard width of 1.6 metres (5.25 feet); a southerly side yard width of 2.64 metres (8.6 feet); and a setback of 9.92 metres (32.5 feet) from the open watercourse in accordance with the attached sketch.

The property is designated Single Family Residential in the St. Clair Beach Official Plan and zoned Residential Type One Zone (R1-1) in the St. Clair Beach 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

Essex Region Conservation Authority: Recommend that this application be deferred until such time that a satisfactory proposal can be confirmed to meet the necessary hazard criteria.

Engineering: See Planning Report.

Discussion

Upon an inquiry from the Chair, Chad Jeffery advises that ERCA has recommended to the Committee that the Application be deferred until such time as the Town and the Applicant are able to meet with ERCA to get a sense of what the issues are with respect to safe access and the proximity to the floodway. It is anticipated that a meeting will be scheduled this week in order that this matter can come back before the Committee in January.

Motion: CA-41-20

Moved By Member Tom Marentette

Seconded By Member Chris Carpenter

That Application A-18-20, be **deferred** until such time as the matters with Essex Region Conservation Authority are resolved.

Carried

F. Deferrals

G. Planning Report

1. December 14, 2020

H. Unfinished Business

I. New Business

1. Ontario Association of Committee of Adjustments (OACA) - 2021 Memberships

The Committee is informed by the Secretary-Treasurer that member registration for 2021 to the Ontario Association of Committee of Adjustments can be completed in January, 2021. The Chair explains, for the benefit of the new members, the purpose of membership to Ontario Association of Committee of Adjustment, including opportunities for training and education to assist the members in decision making as it relates to consent and minor variance applications.

2. **Draft New Official Plan**

The Secretary-Treasurer informs the Committee that this matter has been placed on the Agenda as follow up from the November meeting in order to address any questions they might have following their review of the Draft Official Plan for the Town of Tecumseh.

Tom Fuerth inquiries as to how many farm parcels are within Essex County which would precipitate having wording in the Draft Official Plan with respect to farm parcels having to be a minimum of 200 acres in order to be granted consent for a farm split. Chad Jeffery informs the Committee that a lot size study was conducted by the Planning Committee at the County level. The Planning Committee determined that it was important to protect the few remaining farm lots as they were viewed as an agricultural resource. Tom Fuerth refers to a consent recently granted by the Committee noting that under the proposed Draft Official Plan policy, applications of that nature would not be permitted. Tom Fuerth also notes that a substantial amount of effort was put into a policy that may never happen. Chad Jeffery indicates that the policy was partially based on a recommendation from the Ministry of Agriculture and Food and Rural Affairs which established that 100 acres for this area represented an appropriate minimum lot size for agricultural lots. Further, the recommendation was assessed against the inventory of agricultural lots in this area and it was ultimately determined that 100 acres (each parcel) for a farm split was an appropriate size. There are still opportunities for a farm split but very limited.

J. **Adjournment**

Motion: CA-42-20

Moved By Member Tom Marentette

Seconded By Member Daniel Hofgartner

That there being no further business, the Monday, December 14, 2020 regular meeting of the Committee of Adjustment now **adjourn** at 5:20 pm.

Carried

Tom Fuerth, Chairperson

Donna Ferris, Secretary-Treasurer



Notice of Public Hearing

Application for Consent

Town of Tecumseh Committee of Adjustment

File Number

B-01-21

Applicant(s)

Paul Sabelli

Location of Property

383 Brighton Road

Purpose of Application

The purpose of the Application is to sever a 183.9 square metre (1980 square feet) parcel of land (outlined in red) from the residential lot at 383 Brighton Road and consolidate it with the abutting residential lot (shaded in pink) to the west, fronting on Beach Grove, as shown on the attached sketch. The retained residential lot (outlined in green) will have a frontage of 32.6 metres (66 feet) and an area of 674.48 square metres (7,260 square feet). Both the severed parcel and the vacant lot fronting on Beach Grove are designated Single Family Residential in the St. Clair Beach Official Plan and zoned Residential Type Two (R2) in the St. Clair Beach Zoning By-law.

Take Notice

That an application under the above file number will be heard by the Committee of Adjustment on Monday, January 25, 2021 at 5:00 pm.

Please note that at its Regular Council Meeting of May 12, 2020, Tecumseh Town Council adopted an amendment to Procedural By-law 2020-13 to provide that, during emergencies only, members of committees may have the ability to participate electronically in meetings subject to the provisions and requirements of the Town of Tecumseh Procedural By-law.

Accordingly, during the current COVID-19 emergency this Committee will hold its meetings electronically. During such time, any person who wishes to attend this Committee meeting electronically and/or speak at this meeting as a delegation will need to register as a delegation for the meeting. Please provide your contact information (name, address, email and phone number) to the Secretary-Treasurer via email to dferris@tecumseh.ca or phone 519-735-2184 extension 132 no later than noon on the date of the scheduled meeting. Attendees/Delegates will be contacted directly with registration details prior to the meeting.



Public Hearing

You are entitled to attend this public hearing electronically 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 of Adjustment for 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

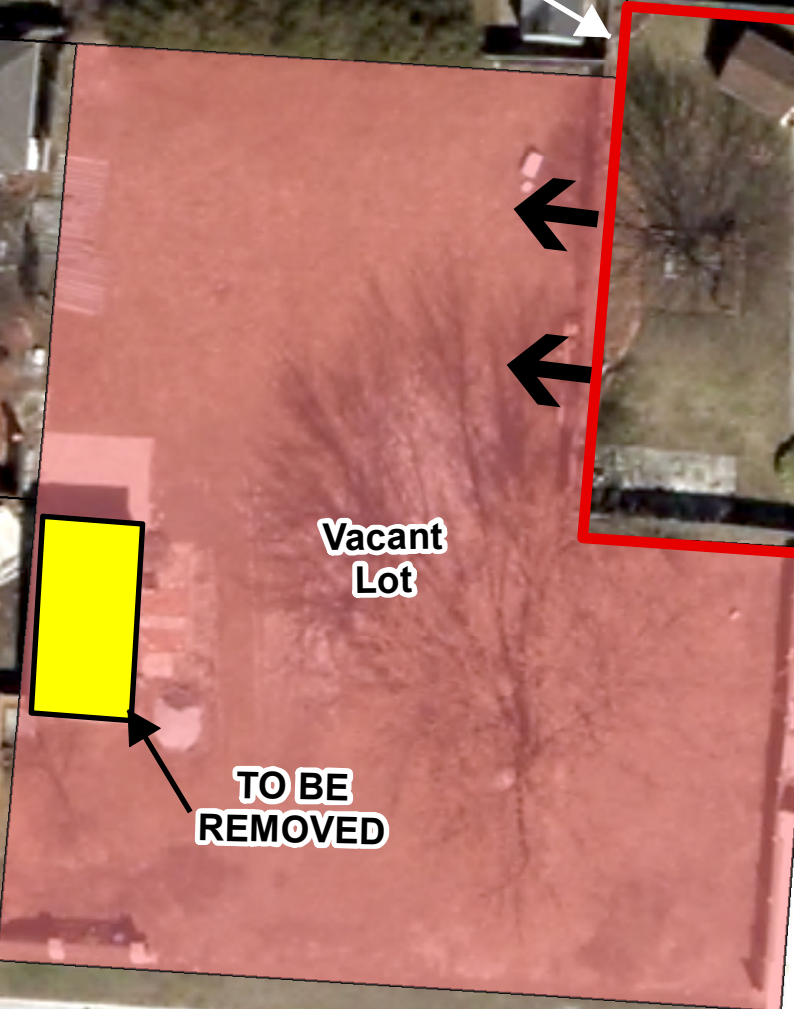
If you wish to be notified of the decision of the Town of Tecumseh Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal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

Date: January 11, 2021

Donna Ferris, Secretary-Treasurer
Town of Tecumseh Committee of Adjustment
Telephone: 519-735-2184 ext. 132 Email: dferris@tecumseh.ca

PENTILLY

30 ft. X 66 ft. parcel of land
to be severed from 383 Brighton
and added to vacant lot on Beach Grove
(Lot shaded in pink)



BRIGHTON

BEACH GROVE

Application B-01/21



Note: Map is for illustrative purposes only



Notice of Public Hearing

Application for Minor Variance

Town of Tecumseh Committee of Adjustment

File Number

A-01-21

Applicant(s)

Garry Glatter

Location of Property

13694 Riverside Drive

Purpose of Application

The purpose of the Application is to request relief from subsection 5.19.1 b) i) of Zoning By-law 2065 which establishes that accessory structures shall not be permitted in the front yard in residential zones. The Applicant is proposing to construct a 26.0 square metre (280 square foot) accessory structure in the front yard in accordance with the attached sketch. The existing garden shed in the front yard will be demolished.

The property is designated Single Family Residential in the St. Clair Beach Official Plan and zoned Residential Type One (R1) in the St. Clair Beach Zoning By-law.

Take Notice

That an application under the above file number will be heard by the Committee of Adjustment on Monday, January 25, 2021 at 5:05 pm.

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date of the scheduled meeting. Attendees/Delegates will be contacted directly with registration details prior to the meeting.

Failure to Attend Hearing

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Notice of Decision

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Date: January 12, 2021

Donna Ferris, Secretary-Treasurer
Town of Tecumseh Committee of Adjustment
Telephone: 519-735-2184 ext. 132 Email: dferris@tecumseh.ca



Notice of Public Hearing

Application for Minor Variance

Town of Tecumseh Committee of Adjustment

File Number

A-02-21

Applicant(s)

Cory Baiano

Location of Property

12352 Demarse Court

Purpose of Application

The purpose of the Application is to request relief from Subsection 7.1.11 of Zoning By-law 1746 which establishes the minimum rear yard depth as 7.6 metres (24.9 feet).

The Applicant is requesting relief to construct a 45.06 square metre (485 square foot) two-storey addition resulting in the addition being 5.5 metres (18 feet) from the rear property line.

The subject property is designated Residential in the Tecumseh Official Plan and zoned Residential Zone 2 (R2-18) in the Tecumseh Zoning By-law.

Take Notice

That an application under the above file number will be heard by the Committee of Adjustment on Monday, January 25, 2021 at 5:10 p.m.

Please note that at its Regular Council Meeting of May 12, 2020, Tecumseh Town Council adopted an amendment to Procedural By-law 2020-13 to provide that, during emergencies only, members of committees may have the ability to participate electronically in meetings subject to the provisions and requirements of the Town of Tecumseh Procedural By-law.

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Failure to Attend Hearing

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Notice of Decision

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Date: January 13, 2021

Donna Ferris, Secretary-Treasurer
Town of Tecumseh Committee of Adjustment
Telephone: 519-735-2184 ext. 132 Email: dferris@tecumseh.ca

Application A-02/21

Note: Map is for illustrative purposes only



Proposed 485 sq. ft.
two-storey addition
to be 18 feet from rear lot line.

Existing shed to be
removed/relocated.

12352

DEMARSE

DEMARSE



Notice of Public Hearing

Application for Minor Variance

Town of Tecumseh Committee of Adjustment

File Number

A-03-21

Applicant(s)

Richard Pellow

Location of Property

259 Warwick Road

Purpose of Application

The purpose of the Application is to request relief from subsection 7.1.3 e) iii) of Zoning By-law 2065 which establishes a minimum interior side yard width of 3.0 metres (10 feet). The Applicant is requesting relief to allow an interior side yard width of 1.6 metres (5.5 feet) on the northerly side yard in order to facilitate a 41.8 square metre (450 square foot) garage addition to the home in accordance with the attached sketch. 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.

Take Notice

That an application under the above file number will be heard by the Committee of Adjustment on Monday, January 25, 2021 at 5:15 pm.

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Failure to Attend Hearing

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Notice of Decision

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Date: January 14, 2021

Donna Ferris, Secretary-Treasurer
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Telephone: 519-735-2184 ext. 132 Email: dferris@tecumseh.ca

Application A-03/21



Note: Map is for illustrative purposes only

Proposed 450 sq. ft.
garage addition to be
5.5 feet from north
side lot line.



259

WARWICK



Notice of Public Hearing

Application for Minor Variance

Town of Tecumseh Committee of Adjustment

File Number

A-04-21

Applicant(s)

Brian and Yvonne Prime

Location of Property

345 Arlington Boulevard

Purpose of Application

The purpose of the Application is to request relief from subsection 5.19.1 g) of Zoning By-law 2065 which establishes that accessory structures shall not be located within (4.92 feet) of the main building. The Applicant is proposing to install a 0.77 square metre (8.32 square foot) generator (accessory structure) in the southerly side yard a distance of 0.45 metres (1.5 feet) from the main building in accordance with the attached sketch.

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

Take Notice

That an application under the above file number will be heard by the Committee of Adjustment on Monday, January 25, 2021 at 5:20 pm.

Please note that at its Regular Council Meeting of May 12, 2020, Tecumseh Town Council adopted an amendment to Procedural By-law 2020-13 to provide that, during emergencies only, members of committees may have the ability to participate electronically in meetings subject to the provisions and requirements of the Town of Tecumseh Procedural By-law.

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Failure to Attend Hearing

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Notice of Decision

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Date: January 13, 2021

Donna Ferris, Secretary-Treasurer
Town of Tecumseh Committee of Adjustment
Telephone: 519-735-2184 ext. 132 Email: dferris@tecumseh.ca

Application A-04/21



Note: Map is for illustrative purposes only

ARLINGTON

345



Proposed 4ft. x 2ft.
generator to be 1.5 ft.
from main wall of house.

22



Notice of Public Hearing

Application for Minor Variance

Town of Tecumseh Committee of Adjustment

File Number

A-05-21

Applicant(s)

Dan Dupuis

Location of Property

13711 Riverside Drive

Purpose of Application

The purpose of the Application is to request relief from subsection 7.1.3 e) iii) of Zoning By-law 2065 which establishes a minimum interior side yard width of 3.0 metres (10 feet). The Applicant is requesting relief to allow an interior side yard width of 1.5 metres (5.0 feet) on both the easterly and westerly side yards in order to facilitate a newly constructed ranch style residential dwelling having 195.4 square metres (2130 square feet) (excluding basement) in accordance with the attached sketch. The existing dwelling is to be demolished. 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.

Take Notice

That an application under the above file number will be heard by the Committee of Adjustment on Monday, January 25, 2021 at 5:25 pm.

Please note that at its Regular Council Meeting of May 12, 2020, Tecumseh Town Council adopted an amendment to Procedural By-law 2020-13 to provide that, during emergencies only, members of committees may have the ability to participate electronically in meetings subject to the provisions and requirements of the Town of Tecumseh Procedural By-law.

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Failure to Attend Hearing

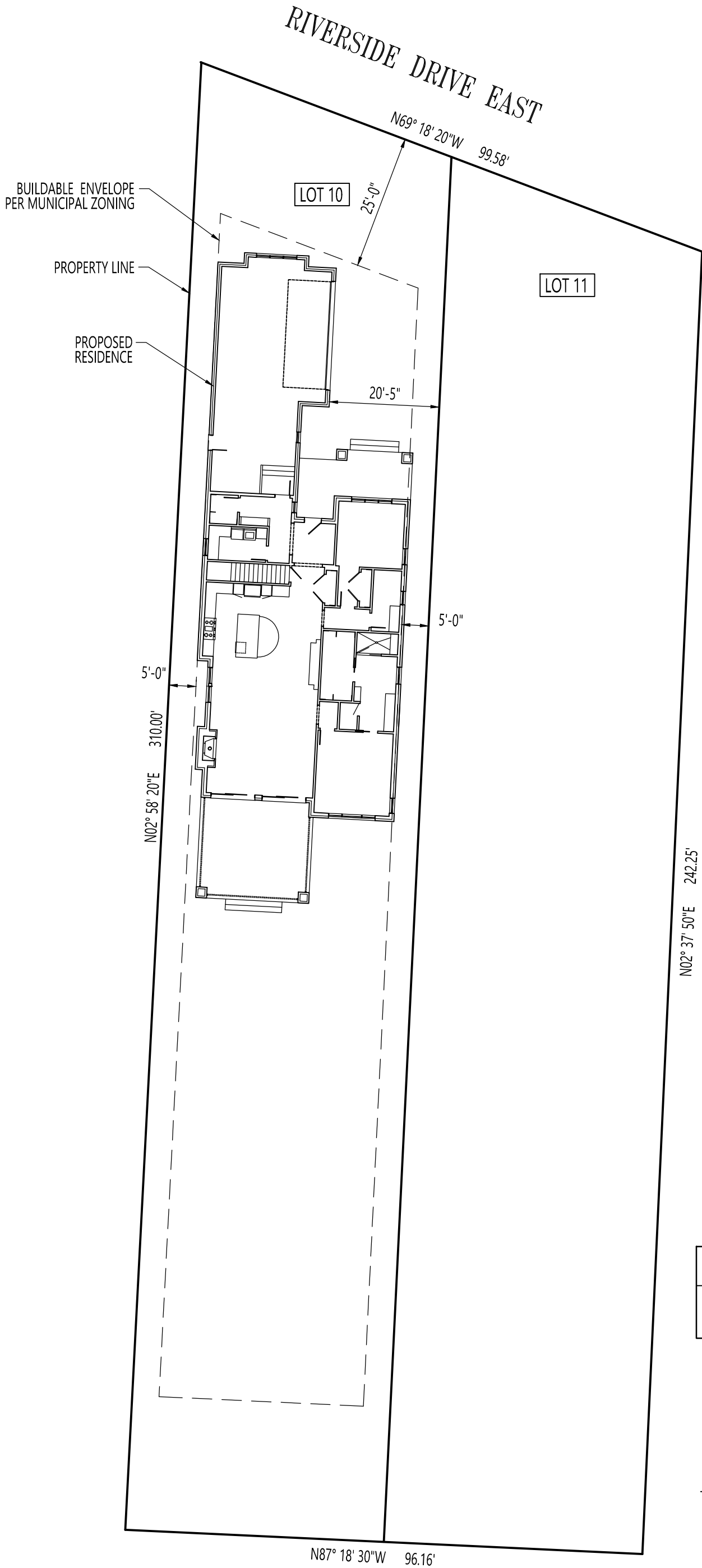
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Notice of Decision

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 of 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.

Date: January 14, 2021

Donna Ferris, Secretary-Treasurer
Town of Tecumseh Committee of Adjustment
Telephone: 519-735-2184 ext. 132 Email: dferris@tecumseh.ca



SITE DESCRIPTION:

13711 RIVERSIDE DR. E. in TECUMSEH, ONTARIO.
LOTS 10 & 11 of REGISTERED PLAN 1086

SITE PLAN

SCALE : 1" = 20'



*** ALL WORKS FOR THIS PROJECT
INCLUDING ANY RETAINING WALLS NEED
TO BE ENTIRELY LOCATED WITHIN THE
PROPERTY LIMITS OF THIS PROJECT. ***

DUPUIS RESIDENCE

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APRIL 14, 2020



Notice of Public Hearing

Application for Minor Variance

Town of Tecumseh Committee of Adjustment

File Number

A-06-21

Applicant(s)

Bruce Hayward and Elizabeth McKay-Hayward

Location of Property

12462 Riverside Drive

Purpose of Application

The purpose of the Application is to request relief from Subsection 6.1.11 of Zoning By-law 1746 which establishes that the mid-point of the wall nearest to Lake St. Clair of any new dwelling or any addition to an existing dwelling for lots on the north side of Riverside Drive shall not extend beyond the established building line.

The Applicant is requesting relief to allow a 1084.3 square foot addition to the dwelling that would extend 16.07 metres (52.75 feet) beyond the established building line for that portion of the addition highlighted in pink on the attached sketch.

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

Take Notice

That an application under the above file number will be heard by the Committee of Adjustment on Monday, January 25, 2021 at 5:30 pm.

Please note that at its Regular Council Meeting of May 12, 2020, Tecumseh Town Council adopted an amendment to Procedural By-law 2020-13 to provide that, during emergencies only, members of committees may have the ability to participate electronically in meetings subject to the provisions and requirements of the Town of Tecumseh Procedural By-law.

Accordingly, during the current COVID-19 emergency this Committee will hold its meetings electronically. During such time, any person who wishes to attend this Committee meeting electronically and/or speak at this meeting as a delegation will need to register as a delegation for the meeting. Please provide your contact information (name, address, email and phone number) to the Secretary-Treasurer via email to dferris@tecumseh.ca or phone 519-735-2184 extension 132 no later than noon on the



date of the scheduled meeting. Attendees/Delegates will be contacted directly with registration details prior to the meeting.

Failure to Attend Hearing

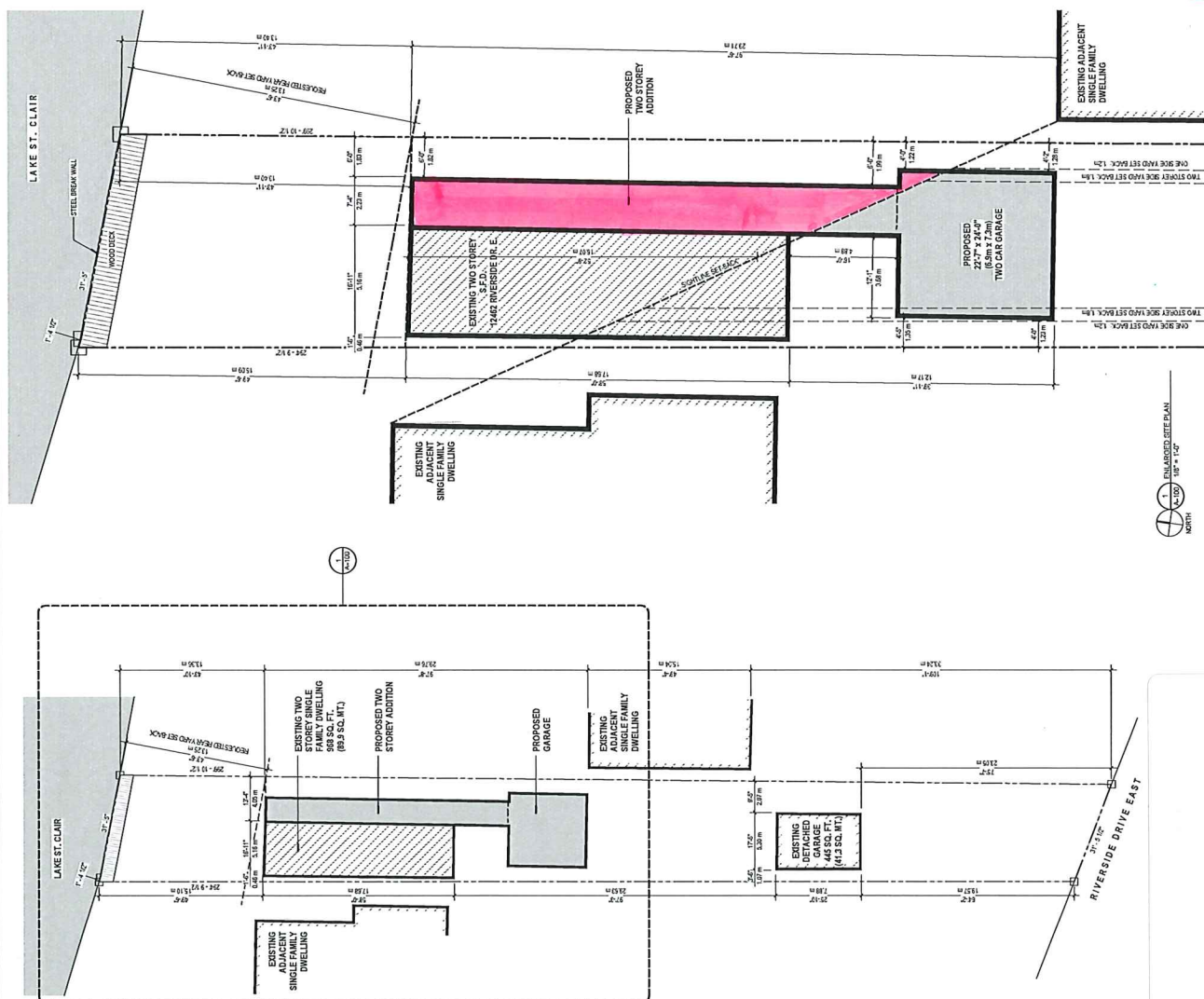
If you do not attend at the hearing, it may proceed in your absence (including possible amendments to the original request) and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

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 of 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.

Date: January 15, 2021

Donna Ferris, Secretary-Treasurer
Town of Tecumseh Committee of Adjustment
Telephone: 519-735-2184 ext. 132 Email: dferris@tecumseh.ca



NOT FOR CONSTRUCTION

**Minor Variance Application
A-06/21
12462 Riverside Drive**



Notice of Public Hearing

Application for Minor Variance

Town of Tecumseh Committee of Adjustment

File Number

A-07-21

Applicant(s)

Roger Sasseville and Loretta Chauvin

Location of Property

14258 Tecumseh Road

Purpose of Application

The purpose of the Application is to request relief from the following subsections of Zoning By-law 2065:

1. Subsection 7.1.3 e) i) which establishes a minimum front yard depth of 9.14 metres (30 feet); and
2. Subsection 7.1.3 e) iii) which establishes a minimum interior side yard width of 3.0 metres (10 feet).

The Applicant is proposing to construct a 280.1 square metre (3015 square foot) one-storey residential dwelling having a easterly side yard width of 1.5 metres (5 feet) and a front yard depth of 7.62 metres (25 feet) in accordance with the attached sketch.

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

Take Notice

That an application under the above file number will be heard by the Committee of Adjustment on Monday, January 25, 2021 at 5:35 pm.

Please note that at its Regular Council Meeting of May 12, 2020, Tecumseh Town Council adopted an amendment to Procedural By-law 2020-13 to provide that, during emergencies only, members of committees may have the ability to participate electronically in meetings subject to the provisions and requirements of the Town of Tecumseh Procedural By-law.

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Failure to Attend Hearing

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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 of 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.

Date: January 14, 2021

Donna Ferris, Secretary-Treasurer
Town of Tecumseh Committee of Adjustment
Telephone: 519-735-2184 ext. 132 Email: dferris@tecumseh.ca



Notice of Public Hearing

Application for Minor Variance

Town of Tecumseh Committee of Adjustment

File Number

A-08-21

Applicant(s)

Ida Venditti

Location of Property

12930 James Crescent

Purpose of Application

The purpose of the Application is to request relief from Subsection 6.1.5 of Zoning By-law 1746 which establishes that the maximum lot coverage is 30 percent.

The Applicant is requesting relief to construct a 233.7 square metre (2,516 square foot) single storey dwelling resulting in a lot coverage of 35 percent.

The subject property is designated Residential in the Tecumseh Official Plan and zoned Residential Zone One (R1-6) in the Tecumseh Zoning By-law.

Take Notice

That an application under the above file number will be heard by the Committee of Adjustment on Monday, January 25, 2021 at 5:40 pm.

Please note that at its Regular Council Meeting of May 12, 2020, Tecumseh Town Council adopted an amendment to Procedural By-law 2020-13 to provide that, during emergencies only, members of committees may have the ability to participate electronically in meetings subject to the provisions and requirements of the Town of Tecumseh Procedural By-law.

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date of the scheduled meeting. Attendees/Delegates will be contacted directly with registration details prior to the meeting.

Failure to Attend Hearing

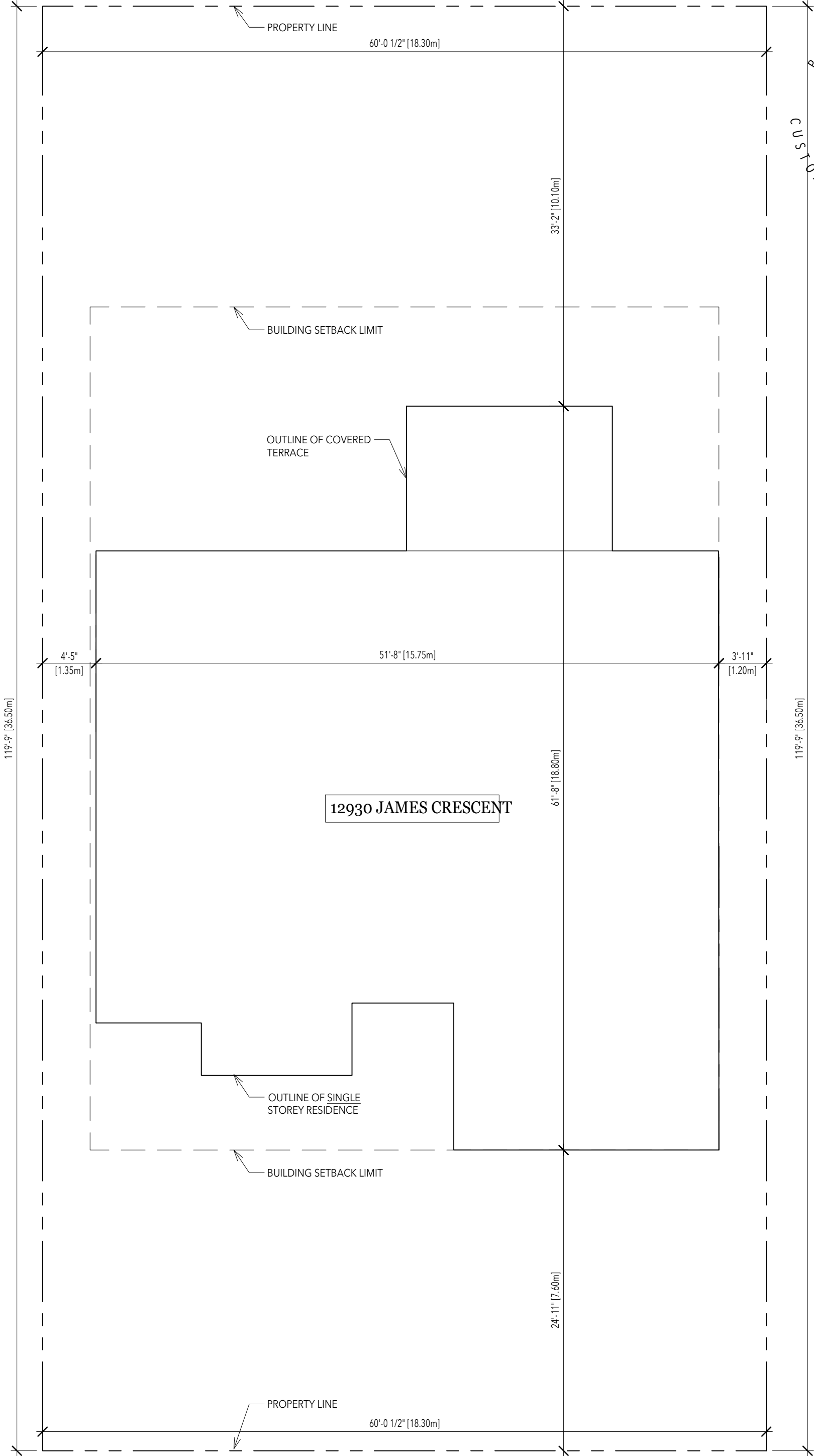
If you do not attend at the hearing, it may proceed in your absence (including possible amendments to the original request) and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

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 of 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.

Date: January 15, 2021

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Telephone: 519-735-2184 ext. 132 Email: dferris@tecumseh.ca



LOT CALCULATIONS
ZONED: R1-6 - TECUMSEH

ZONING	REQ'D	PROV'D
LOT AREA	6,900ft ²	7,190ft ²
BUILDING AREA	2,157ft ²	2,516ft ²
MAX. LOT COVERAGE	30%	35.0%
MIN. FRONT YARD	24.9' (7.6m)	24.9' (7.6m)
REAR YARD	24.6' (7.5m)	33.2' (10.1m)
MIN SIDE YARD	3.9' (1.2m)	3.9' (1.2m)



PHILIP FERNANDES
CUSTOM RESIDENTIAL DESIGN

S I T E P L A N

CLIENT: VENDITTI RESIDENCE
PROJECT: 21-885
DATE: 2021 01 12



The Corporation of the Town of Tecumseh

Planning Report

To: Committee of Adjustment

From: Chad Jeffery, MA, MCIP, RPP

Hearing Date: January 25, 2021

Subject: **Severance Application B-01-21 and
Minor Variance Applications A-01-21 to A-08-21**

Please note that this Planning Report was prepared as of January 21, 2021. 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 25, 2021 as the normal practice.

Application:	Severance Application B-01-21
Applicant:	Paul Sabelli
Location of Property:	383 Brighton Road

The purpose of the Application is to sever a 183.9 square metre (1980 square foot) parcel of land (outlined in red) from the residential lot at 383 Brighton Road and add it to the abutting residential lot to the west (shaded in red) fronting on Beach Grove, as shown on the sketch below. The proposed retained residential lot (outlined in green) has a frontage of 32.6 metres (66 feet) and an area of 674.48 square metres (7,260 square feet). The lot to which the severed parcel is proposed to be added will have a frontage of 31.2 metres (102.3 feet) and an area of 1158.9 square metres (12,474 square feet). Both the severed parcel and the vacant lot

fronting on Beach Grove are designated Single Family Residential in the St. Clair Beach Official Plan and zoned Residential Type Two (R2) in the St. Clair Beach Zoning By-law.



Provincial Policy Statement

The *Planning Act* establishes that the Committee, when making decisions that affect a planning matter, “shall be consistent with” the 2020 Provincial Policy Statement (“PPS”) issued under the *Planning Act*. The proposed minor lot adjustment meets the intent of the PPS.

County of Essex Official Plan (COP)

The subject lands are within an identified Primary Settlement Area of the County Official Plan. The proposed minor lot adjustment conforms to the policies of County of Essex Official Plan.

St. Clair Beach Official Plan

Both the severed parcel and the vacant lot fronting on Beach Grove are designated Single Family Residential in the St. Clair Beach Official Plan. The following section of the Tecumseh OP is relevant in the evaluation of the proposed severance:

“6.2 GENERAL POLICIES

...

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

Given the technical nature of the subject application, a consent to sever is appropriate. The purpose of the subject minor boundary adjustment is to provide a more regularized lot shape for the vacant lot on Beach Grove that is proposed to be developed with a single unit dwelling. In addition, the retained lot will be of similar area and depth as the lot abutting to the immediate south. However, as a result of the proposed application, the retained lot will require a minor variance to address the undersized lot area and rear yard depth in accordance with the current R2 zoning that applies to it. The minor variance will be added as a condition in the event the severance application is approved. Administration has reviewed the noted minor variance request that would be associated with this application and does not foresee any issues. Accordingly, the application conforms to the Tecumseh Official Plan.

St. Clair Beach Zoning By-Law

Both the severed parcel and the vacant lot fronting on Beach Grove are zoned Residential Type Two (R2) in the St. Clair Beach Zoning By-law. The R2 Zone permits the existing single unit dwelling that is located on the retained lot and permits the dwelling proposed to be constructed on the vacant lot fronting Beach Grove. As noted above, the retained lot will require a minor variance to address lot and yard deficiencies. The vacant lot on Beach Grove will comply with the R2 zone regulations.

Administration/Agency Comments

1. Engineering

- Please note that the existing vacant lot on Beach Grove is currently zoned residential and is large enough to allow for the construction of a new dwelling. This lot, however, does not appear to have storm, sanitary or water service connections. Prior to the development of this lot, it will be the owner's responsibility to install the private storm, sanitary and water services from the municipal sewers and watermain to the subject property.

2. Building Department

- No concerns.

3. Fire Services

- No comment

4. Essex Region Conservation Authority

- With the review of background information and aerial photograph, ERCA has no objection to this application for Consent.

5. Bell Canada

- Bell Canada has noted that it requires an easement for existing services that traverse the proposed lands as identified on a sketch that has been provided. Please refer to formal correspondence provided by Bell Canada.

Public Comments

No public comments were received as of time of the writing of this report.

Summary/Recommendation

In the absence of additional public input or the introduction of other pertinent issues, it is my opinion that the proposed severance is consistent with the PPS, conforms to both the County and St. Clair Beach Official Plans 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 \$625.00 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

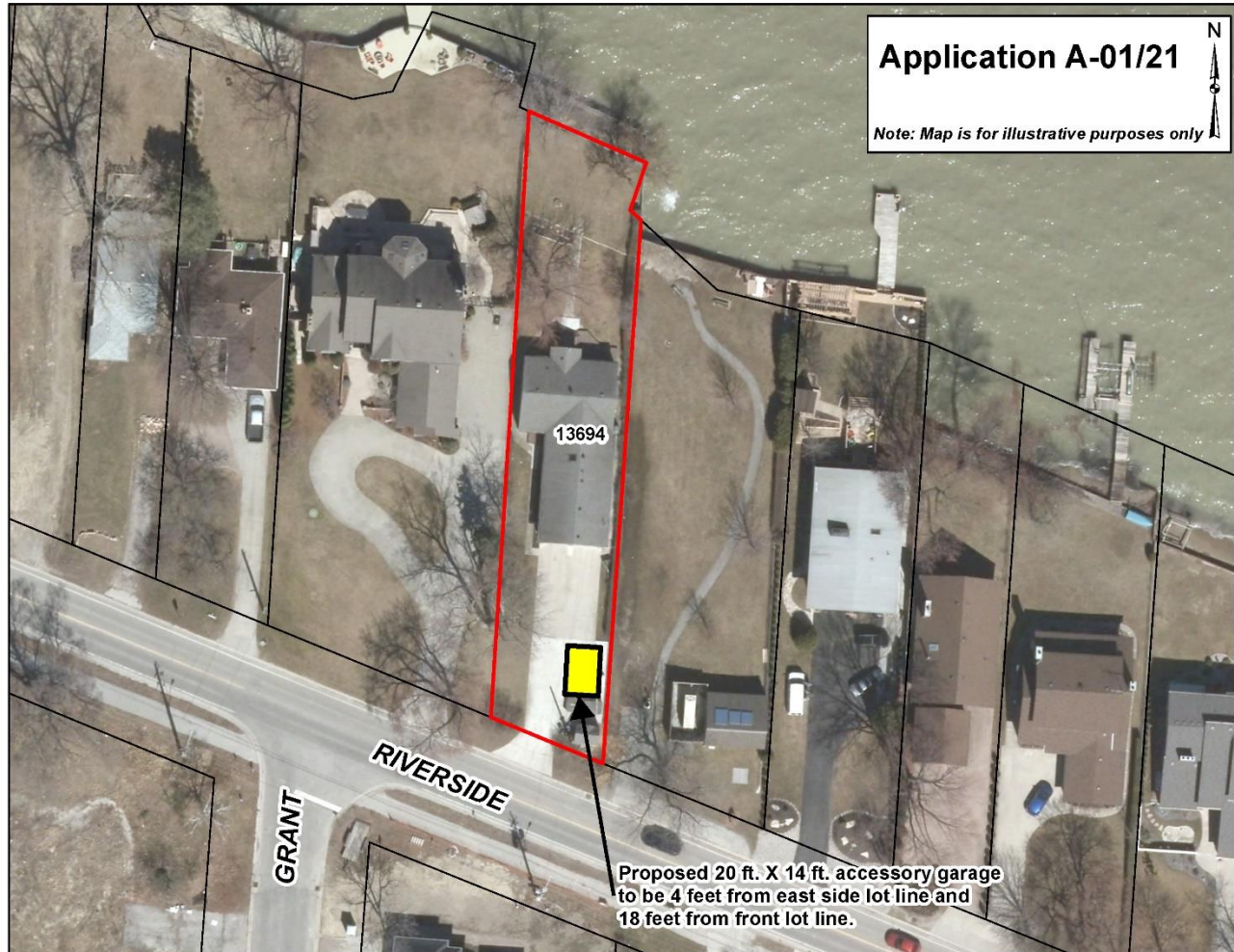
involving the parcel which is the subject of this consent ("subject parcel") the transfer of which shall be registered in the same name as the parcel to which it is to be added ("abutting parcel") so as to merge the two parcels. Further, that an Undertaking be provided by a solicitor licensed in Ontario 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 Applicant apply for and be granted a minor variance providing relief from subsections 7.1.3 a) (Minimum Lot Area) and 7.1.3 e) ii) (Minimum Rear Yard) of Zoning By-law 2065 with respect to the proposed retained lot;
7. That the building structure/shed located on the vacant lot fronting on Beach Grove be removed;
8. That the landscaping pond and southwest portion of the dwelling on the retained lot (outlined in yellow on the Notice) be demolished to the satisfaction of the Chief Building Official;
9. That the Owner be required to provide a draft reference plan and accompanying draft easement documents for Bell Canada's approval prior to registration, along with an acknowledgement and direction for Bell Canada's execution, in accordance with Bell Canada's correspondence associated with the application; and
10. That the above conditions be fulfilled on or before January 29, 2021 prior to this severance being finalized.

Application:	Minor Variance Application A-01-21
Applicant:	Gary Glatter
Location of Property:	13694 Riverside Drive

The purpose of the Application is to request relief from subsection 5.19.1 b) i) of Zoning By-law 2065 which establishes that accessory structures shall not be permitted in the front yard in residential zones. The Applicant is proposing to construct a 26.0 square metre (280 square foot) accessory structure in the front yard in accordance with the sketch below. The existing garden shed in the front yard is to be removed.

The property is designated Single Family Residential in the St. Clair Beach Official Plan and zoned Residential Type One (R1) in the St. Clair Beach Zoning By-law.



In accordance with the Planning Act, the Committee must be satisfied that the four tests set out in subsection 45(1) are met. The following comments are offered with respect to the subject application:

Is the intent of the Official Plan maintained?

The subject property is designated Low Density Residential in the Official Plan. Accessory structures such as detached garages are permitted uses within this designation. There is no policy direction with respect to the location of such structures. Accordingly, the application meets the intent of the Official Plan.

Is the intent of the Zoning By-law maintained?

The intent of the Zoning By-law in prohibiting accessory structures in the front yard of residential lot is to maintain an esthetic and character of open space. In the case of the subject property, there is currently a shed located approximately 0.9 metres (3 feet) from the front lot line which is highly visible from Riverside Drive. The applicant is proposing to remove this shed and replace it with a new detached garage structure that will be located approximately 5.5 metres (18 feet) from the front lot line. The proposed location is much less visible from

Riverside Drive when approaching from either the east or west given the presence of mature trees and the municipal pumping station.

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

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

There are seven lots to the west of the subject property that contain detached structures in the front yard within this area of the former Village of St. Clair Beach. It is not until one looks to the east of the subject property where there seems to be a transition in character as there are only two such lots containing detached structures in the front yard. The building on the abutting property to the east contains a municipal stormwater pump. As noted above, the proposed detached garage is setback farther than this building and is therefore not visible from the west. Its view is also partially blocked from the east due to the presence of mature trees.

Based on the foregoing, it is my opinion that the proposed relief will result in development that represents a desirable use of the land.

Is the variance requested minor?

For the foregoing reasons, there is no undue adverse impact anticipated as a result of the construction of the proposed detached garage in the front yard. The resulting development is consistent with the character of the lakefront residential lots to the west and represents a point of transition to an area that contains no accessory structures to the east. It is therefore my opinion that the requested relief is minor in nature.

Administration/Agency Comments

1. Engineering

- No comments with regard to the requested minor variance, however, the issue of ingress and egress to this site during times of flooding should be reviewed with the Tecumseh Fire Department and the Essex Region Conservation Authority.

2. Building Department

- No concerns.

3. Fire Services

- No issues with access.

4. Essex Region Conservation Authority

- With the review of background information and aerial photographs, ERCA has no objection to this application for Minor Variance. However, the applicant must obtain an ERCA permit.

Public Comments

No public comments were received as of the time of the writing of this report.

Summary/Recommendation

In the absence of additional public input or the introduction of other pertinent issues, it is the opinion of the writer that the 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.

Recommendation Conditions

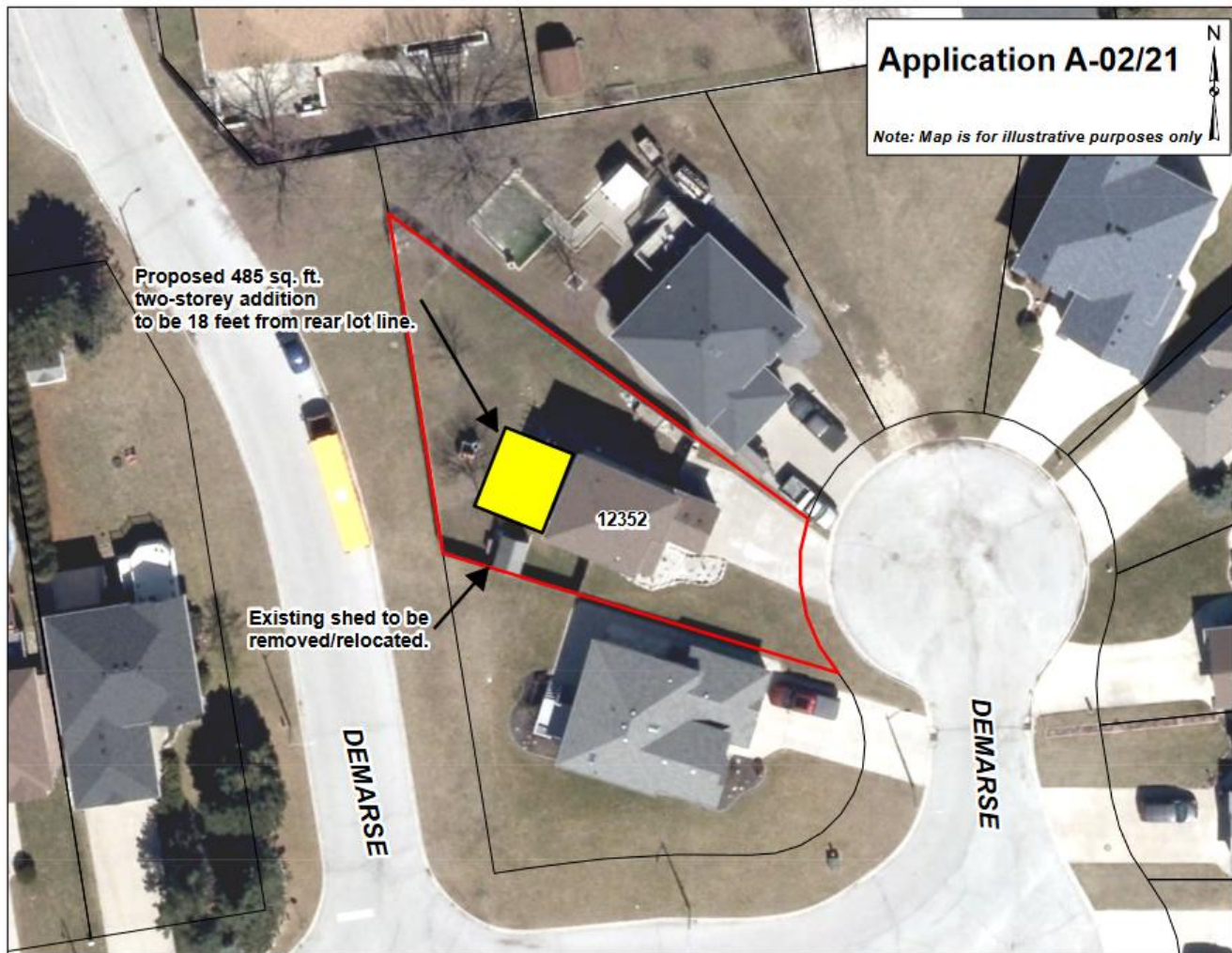
Based on the information provided within this Application and in this report, it is recommended that this Application, if approved, be subject to the following conditions:

1. That the existing shed be removed.

Application:	Minor Variance Application A-02-21
Applicant:	Cory Baiano
Location of Property:	12352 Demarse Court

The purpose of the Application is to request relief from Subsection 7.1.11 of Zoning By-law 1746 which establishes a minimum rear yard depth of 7.6 metres (24.9 feet). The Applicant is requesting relief to construct a 45.06 square metre (485 square foot) two-storey addition resulting in a rear yard depth of 5.5-metre (18-foot).

The subject property is designated Residential in the Tecumseh Official Plan and zoned Residential Zone 2 (R2-18) 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:

Is the intent of the Official Plan maintained?

The subject property is designated Residential in the Official Plan. Single-unit residential dwellings are permitted by this designation. The proposed variance, which will facilitate an addition to the existing single-unit dwelling, meets the intent of the Official Plan.

Is the intent of the Zoning By-law maintained?

The subject property is zoned Residential Zone 2 (R2-18) in the Tecumseh Zoning By-law. The purpose of the 7.6 metres (24.9 feet) rear yard depth is to ensure that there is adequate space in the rear yard for amenity space and outdoor recreation purposes. The majority of the proposed addition will comply with or exceed the required 7.6 metre rear yard depth, however the south-western corner of the proposed addition will encroach into the 7.6 metre rear yard depth, resulting in that corner having a 5.5 metre rear yard depth. Given the configuration of

the lot, there is ample rear yard space within the northern portion of the lot for outdoor recreation purposes. All other zoning requirements established by the R2-18 zone will be complied with.

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

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

There are no concerns with the layout or its impact on abutting properties. The subject property is a through-lot situated between two segments of Demarse Court. The lot has a wide grassed boulevard abutting its rear lot line which offers additional separation from the western portion of the Demarse Court roadway.

Based on the foregoing, it is my opinion that the proposed relief will result in development that represents a desirable use of the land.

Is the variance requested minor?

Given the configuration of the subject property and its through-lot nature, no undue adverse impact is anticipated as a result of the proposed addition to the existing dwelling. It is therefore my opinion that the requested relief is minor in nature.

Administration/Agency Comments

1. Engineering

- No comments

2. Essex Region Conservation Authority

- With the review of background information and aerial photographs, ERCA has no objection to this application for Minor Variance.

3. Building Department

- No concerns

4. Fire Services

- No comments

Public Comments

No public comments were received as of time of the writing of this report.

Summary/Recommendation

In the absence of additional public input or the introduction of other pertinent issues, it is the opinion of the writer that the 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.

Recommendation Conditions

None are recommended.

Application:	Minor Variance Application A-03-21
Applicant:	Richard Pellow
Location of Property:	259 Warwick Road

The purpose of the Application is to request relief from subsection 7.1.3 e) iii) of Zoning By-law 2065 which establishes a minimum interior side yard width of the lesser of 10 feet or 15 percent of the lot frontage. Given that the lot frontage of this lot is 19.8 metres (65 feet), the minimum side yard width is 2.97 metres (9.75 feet). The Applicant is requesting relief to allow an interior side yard width of 1.6 metres (5.5 feet) on the northerly side yard in order to facilitate a 41.8 square metre (450 square foot) garage addition to the home in accordance with the sketch below.

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



In accordance with the Planning Act, the Committee must be satisfied that the four tests set out in subsection 45(1) are met. The following comments are offered with respect to the subject application:

Is the intent of the Official Plan maintained?

The subject property is designated Single Family Residential in the Official Plan. Single-unit residential dwellings are permitted by this designation. The proposed variance, which will facilitate an addition to the existing single-unit dwelling, meets the intent of the Official Plan.

Is the intent of the Zoning By-law maintained?

The subject property is zoned Residential Type 2 Zone (R2) in the St. Clair Beach Zoning By-law. The purpose of the minimum interior side yard width is to maintain a sense of open space and to ensure that there is sufficient space for rear yard access and exterior maintenance. The proposed northerly side yard width of 1.6 metres (5.5 feet) will continue to provide adequate access to the rear yard and sufficient space for exterior maintenance. In addition, the

southerly side yard will continue to meet the 2.97-metre (9.75-foot) side yard width and all other zoning requirements established by the R2 zone will be complied with.

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

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

Unlike the majority of dwellings in the surrounding area, there is currently no garage on the subject property. The proposed variance is necessary to accommodate the construction of an attached garage with the necessary width to enable the storage of a vehicle and other household items. Building an attached garage as opposed to a detached garage in the rear yard will enable the owner to better accommodate a pool and pool house that he intends to have built. It is also noted that the garage addition is one storey in height thereby mitigating the potential for impact of the reduction in side yard width.

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

Is the variance requested minor?

No undue adverse impact is anticipated as a result of the proposed addition to the existing dwelling. The resulting development is consistent with the character of the residential lots in the surrounding area. It is therefore my opinion that the requested relief is minor in nature.

Administration/Agency Comments

1. Engineering

- No comments

2. Building Department

- No concerns.

3. Fire Services

- No comments.

4. Essex Region Conservation Authority

- With the review of background information and aerial photographs, ERCA has no objection to this application for Minor Variance. However, the applicant must obtain a Section 28 Permit from ERCA.

Public Comments

No public comments were received as of time of the writing of this report.

Summary/Recommendation

In the absence of additional public input or the introduction of other pertinent issues, it is the opinion of the writer that the 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.

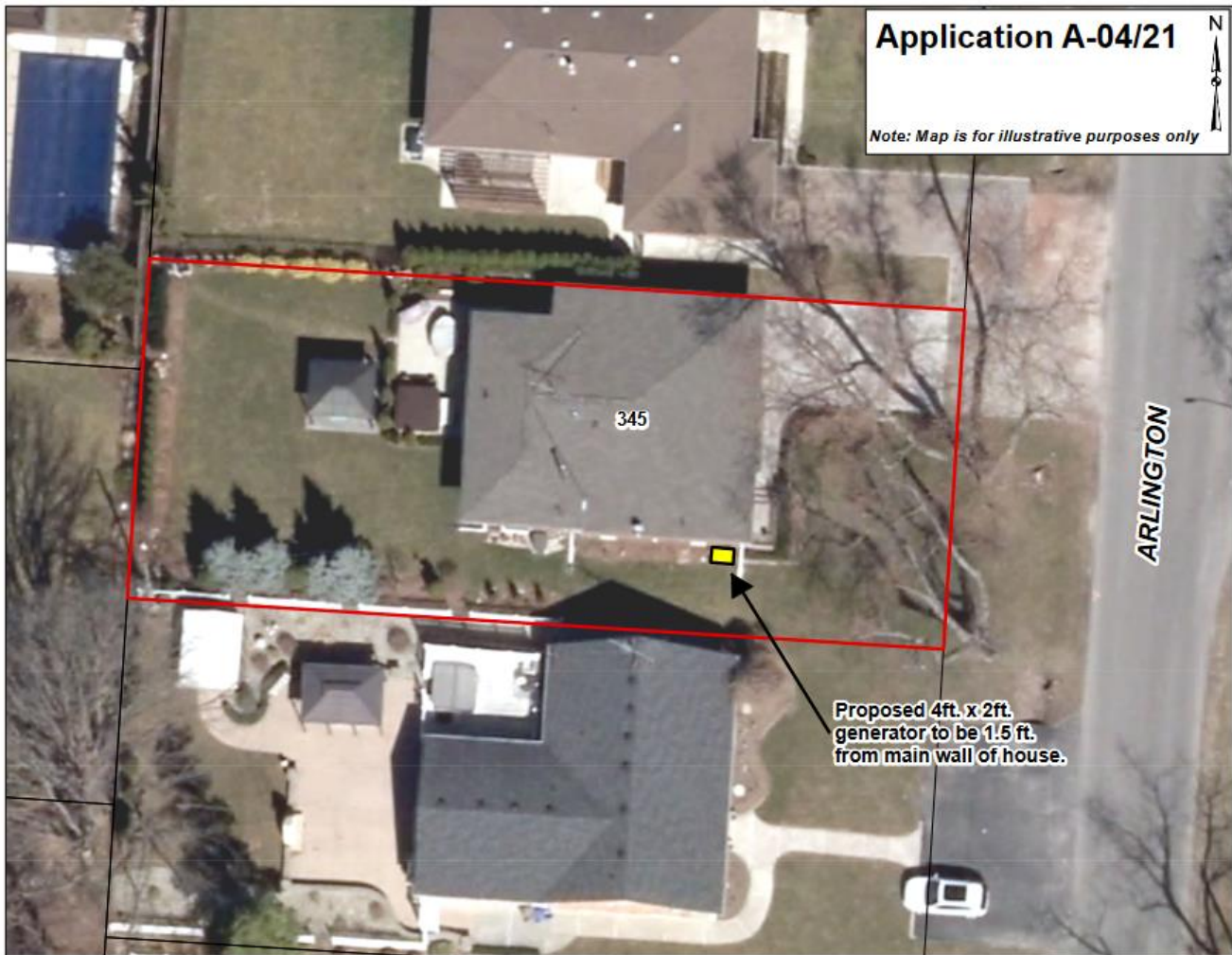
Recommendation Conditions

None are recommended.

Application:	Minor Variance Application A-04-21
Applicant:	Brian and Yvonne Prime
Location of Property:	345 Arlington Boulevard

The purpose of the Application is to request relief from subsection 5.19.1 g) of Zoning By-law 2065 which establishes that accessory structures shall not be located within 1.5 metres (4.92 feet) of the main building. The Applicant is proposing to install a 0.77 square metre (8.32 square foot) generator (accessory structure) in the southerly side yard a distance of 0.45 metres (1.5 feet) from the main building in accordance with the attached sketch.

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



In accordance with the Planning Act, the Committee must be satisfied that the four tests set out in subsection 45(1) are met. The following comments are offered with respect to the subject application:

Is the intent of the Official Plan maintained?

The subject property is designated Single Family Residential in the Official Plan. Accessory structures are uses that are common on residential lots and are permitted by this designation. The proposed variance, which will facilitate the installation of a backup generator for the existing single-unit dwelling, meets the intent of the Official Plan.

Is the intent of the Zoning By-law maintained?

The subject property is zoned Residential Type 2 Zone (R2) in the St. Clair Beach Zoning By-law.

The purpose of the 1.5-metre (4.92-foot) separation distance for an accessory structure to a main building (dwelling) is to maintain sufficient separation between the accessory structure and main building for maintenance. The relatively small size of the generator will not

undermine the ability to do maintenance on the dwelling or space between it and the generator. All other zoning requirements established by the R2 zone will be complied with.

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

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

The applicant is proposing to install a backup generator that will service the existing dwelling. Generators are becoming more common in this area of the Town in order to provide back up power during outages to ensure important servicing equipment such as sump pumps can be maintained, particularly during flooding events. The installation specifications for the generator require that it be located close to the dwelling (similar to an air conditioning unit).

Based on the foregoing, it is my opinion that the proposed relief will result in development that represents a desirable use of the land.

Is the variance requested minor?

The generator is relatively small, will only be engaged during power outages and noise generation on modern units is minimized. Accordingly, no undue adverse impact on the abutting property to the south is anticipated. It is therefore my opinion that the requested relief is minor in nature.

Administration/Agency Comments

1. Engineering

- No comments

2. Essex Region Conservation Authority

- With the review of background information and aerial photographs, ERCA has no objection to this application for Minor Variance. However, the applicant will require a Section 28 ERCA permit.

3. Building Department

- No concerns.

4. Fire Services

- No comments

Public Comments

No public comments were received as of time of the writing of this report.

Summary/Recommendation

In the absence of additional public input or the introduction of other pertinent issues, it is the opinion of the writer that the 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.

Recommendation Conditions

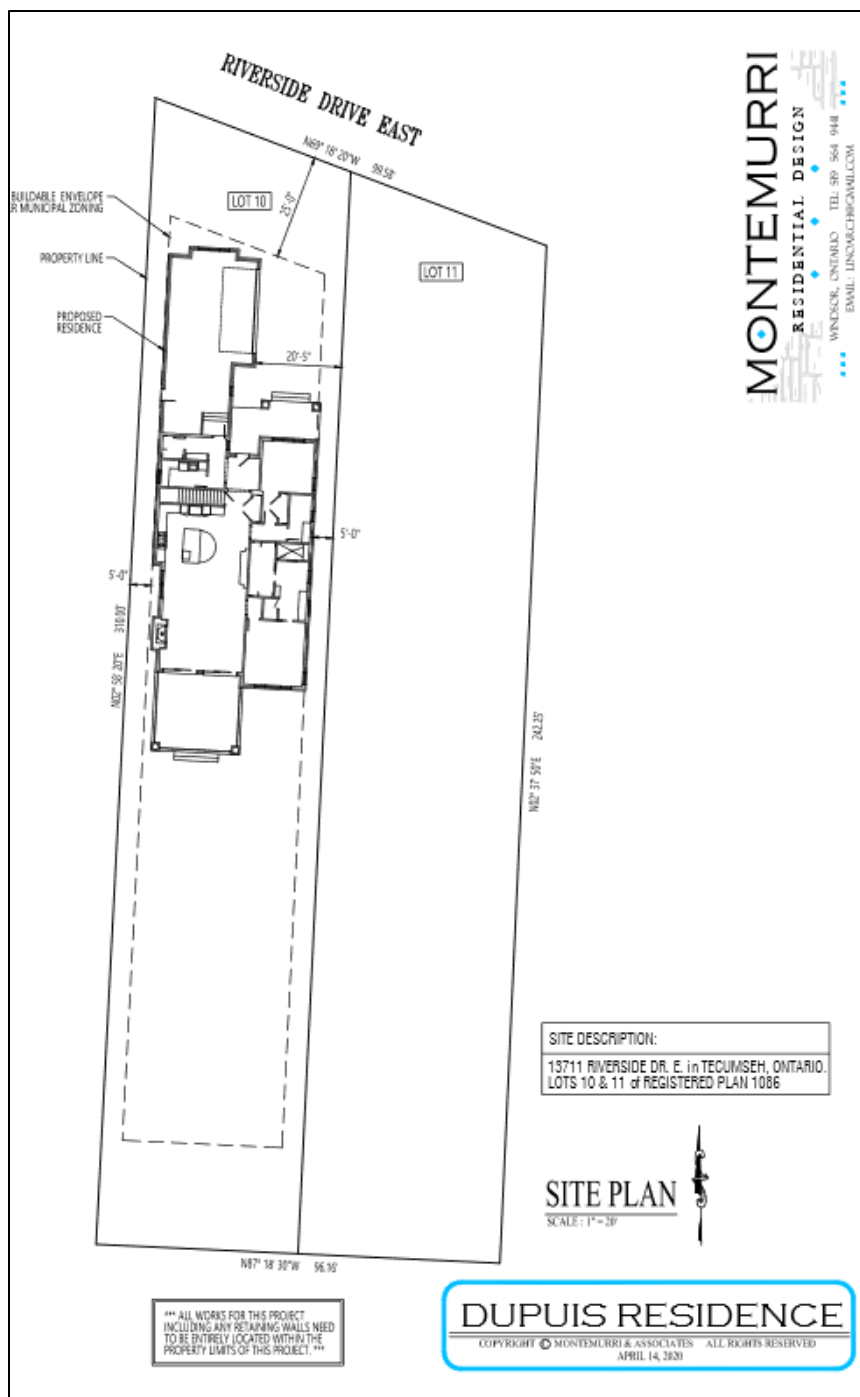
None are recommended.

Application:	Minor Variance Application A-05-21
Applicant:	Dan Dupuis
Location of Property:	13711 Riverside Drive

The purpose of the Application is to request relief from subsection 7.1.3 e) iii) of Zoning By-law 2065 which establishes a minimum interior side yard width of the lesser of 10 feet or 15 percent of the lot frontage. The subject property consists of two whole lots in a registered plan of subdivision described as Lots 10 and 11, Plan 1086. The applicant is requesting relief to allow an interior side yard width of 1.5 metres (5.0 feet) on both the easterly and westerly side yards of the westerly lot (Lot 10) only. Given that the lot frontage for this lot is 14.5 metres (47.5 feet), the minimum side yard width in accordance with subsection 7.1.3 e) iii) is 2.17 metres (7.1 feet).

The proposed relief will facilitate the construction of a 195.4 square metre (2,130 square foot) ranch style residential dwelling in accordance with the attached sketch. The existing dwelling is to be demolished. Lot 11 is to remain vacant at the present time but it is understood that the applicant wants to build a similar style dwelling on this lot in the future.

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



In accordance with the Planning Act, the Committee must be satisfied that the four tests set out in subsection 45(1) are met. The following comments are offered with respect to the subject application:

Is the intent of the Official Plan maintained?

The subject property is designated Single Family Residential in the Official Plan. Single-unit dwellings are permitted by this designation. The proposed variance, which will facilitate the construction of a new single unit dwelling, meets the intent of the Official Plan.

Is the intent of the Zoning By-law maintained?

The subject property is zoned Residential Type 2 Zone (R2) in the St. Clair Beach Zoning By-law. The purpose of the minimum side yard width is to maintain a sense of open space and to ensure that there is adequate space for rear yard access and exterior maintenance. These objectives will be maintained with the proposed variance. All other zoning requirements established by the R2 zone will be complied with.

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

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

Due to the relatively narrow width (approximately 47 feet) of the subject lot, the proposed side yard of 1.5 metres (5.0 feet) on both the easterly and westerly side yards will allow for the construction of dwelling that would match the character/built form of the surrounding neighbourhood. The future vacant lot (Lot 11) abutting to the immediate east of the subject property is also owned by the applicant. It is worth noting that standard side yard width for one-storey dwellings in others areas of the Town is 1.2 metres (4 feet).

Based on the foregoing, it is my opinion that the proposed relief will result in development that represents a desirable use of the land.

Is the variance requested minor?

No undue adverse impact is anticipated as a result of the proposed construction of a new dwelling with 1.5-metre (5-foot) side yards. The resulting development is consistent with the character of the residential lots in the surrounding area. It is therefore my opinion that the requested relief is minor in nature.

Administration/Agency Comments

1. Engineering

- No comments with regard to the requested minor variance, however, the issue of ingress and egress to this site during times of flooding should be reviewed with the Tecumseh Fire Department and the Essex Region Conservation Authority.

2. Building Department

- No concerns.

3. Fire Services

- No issues with access.

4. Essex Region Conservation Authority

- With the review of background information and aerial photograph, ERCA has no objection to this application for Minor Variance. However, the applicant must obtain an ERCA permit and address any safe access concerns.

Public Comments

1. Leslie Middleton, 13699 Riverside Drive

- Supports the project and believes it will enhance the neighbourhood.

2. Michael Howson, 13717 Riverside Drive (tenant)

- Supports the project and believes it will enhance the neighbourhood.

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 residents in the surrounding neighbourhood 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.

Recommendation Conditions

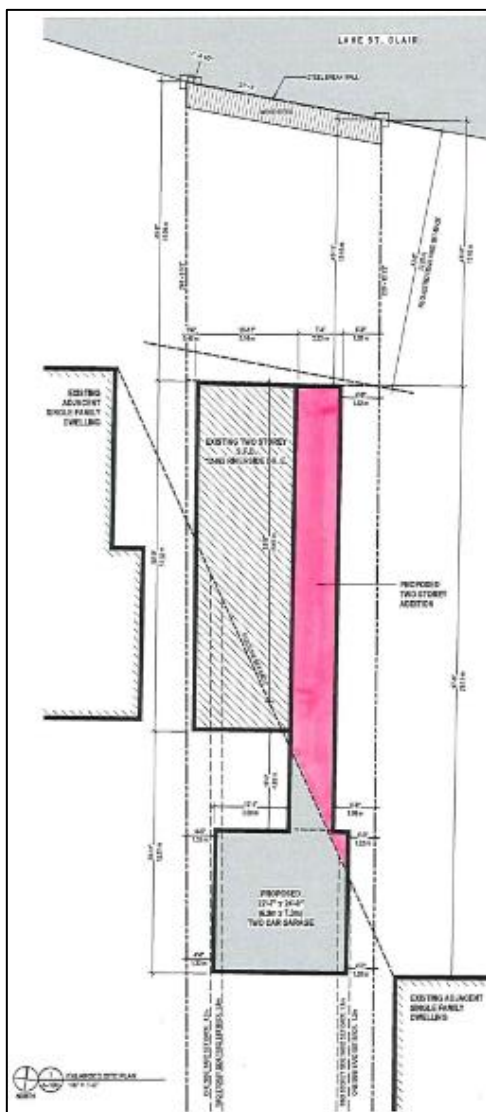
Based on the information provided within this Application and in this report, it is recommended that this Application, if approved, be subject to the following conditions:

1. That the existing dwelling be removed.

Application: Minor Variance Application A-06-21
Applicant: Bruce Hayward and Elizabeth McKay-Hayward
Location of Property: 12462 Riverside Drive

The purpose of the Application is to request relief from Subsection 6.1.11 of Zoning By-law 1746 which establishes that the mid-point of the wall nearest to Lake St. Clair of any new dwelling or any addition to an existing dwelling for lots on the north side of Riverside Drive shall not extend beyond the established building line. The Applicant is requesting relief to allow a 1084.3 square foot addition to the dwelling that would extend 16.07 metres (52.75 feet) beyond the established building line for that portion of the addition highlighted in pink on the sketch below.

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



In accordance with the Planning Act, the Committee must be satisfied that the four tests set out in subsection 45(1) are met. The following comments are offered with respect to the subject application:

Is the intent of the Official Plan maintained?

The subject property is designated Residential in the Official Plan. The Residential designation permits single unit dwellings. Accordingly, it is my opinion that proposed relief to allow an addition to the existing dwelling meets the intent of the Official Plan.

Is the intent of the Zoning By-law maintained?

The purpose of the established building line provision is to ensure that new dwellings or additions to existing dwellings along the north side of Riverside Drive are constructed in a manner that generally maintains and protects existing sight lines to Lake St. Clair enjoyed by current residents.

The proposed variance would allow the construction of an addition to an existing home that is currently beyond the sight line. The proposed addition will have no impact on the sight lines of the abutting property to the west and it does not appear that it will significantly impact the existing sight lines from the abutting property to the east particularly given the extent of landscaping along the west side of this abutting lot. The proposed addition complies with all other requirements of the Zoning By-law.

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

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

The proposed variance will allow the owner to construct a detached garage to the existing dwelling as well as provide for additional living space within their home without negatively impacting the abutting properties. It is common and reasonable to construct additions on lakefront homes to maximize the available living space.

Based on the foregoing, it is my opinion that the proposed addition will be in keeping with the character of the surrounding residential area and will result in the appropriate use of the land.

Is the variance requested minor?

It does not appear that there will be any undue adverse impact on abutting properties as a result of the proposed addition. However, input from the neighbouring property owners, particularly the owner of the lot to the east, will be of assistance in assessing the level of the

impact that the proposed addition has on their views of the lake. Subject to hearing from the neighbouring property owners, it is my opinion that the proposed variance is minor in nature.

Administration/Agency Comments

1. Engineering

- No comments with regard to the requested minor variance, however, the issue of ingress and egress to this site during times of flooding should be reviewed with the Tecumseh Fire Department and the Essex Region Conservation Authority.

2. Building Department

- No concerns.

3. Fire Services

- No issues with access.

4. Essex Region Conservation Authority

- With the review of background information and aerial photographs, ERCA has no objection to this application for Minor Variance. However, the applicant must obtain a Section 28 Permit from ERCA.

Public Comments

No public comments were received as of time of the writing of this report.

Summary/Recommendation

In the absence of additional public input or the introduction of other pertinent issues, it is the opinion of the writer that the 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.

Recommendation Conditions

None are recommended.

Application: Minor Variance Application A-07-21

Applicant: Roger Sasseville and Loretta Chauvin

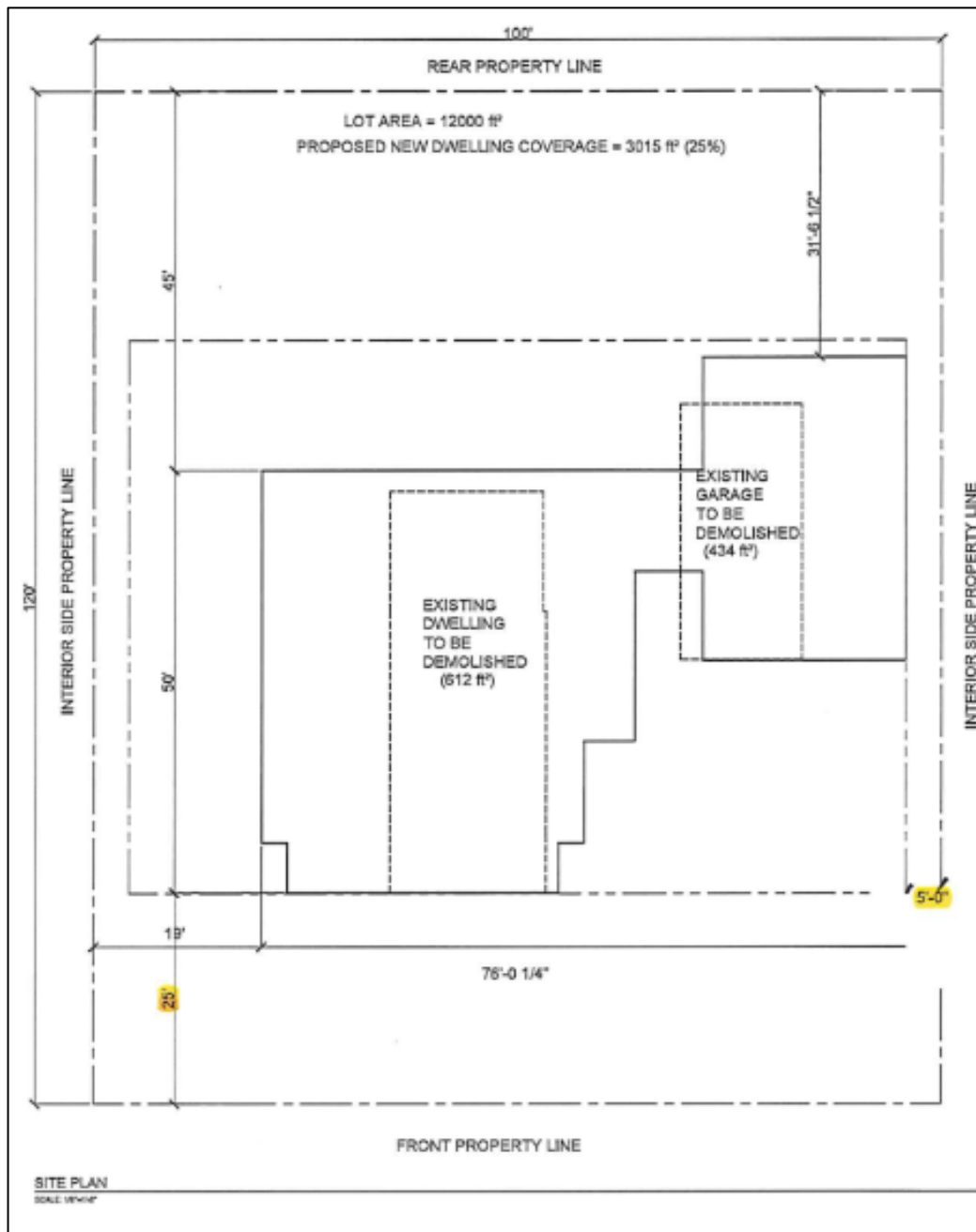
Location of Property: 14258 Tecumseh Road

The purpose of the Application is to request relief from the following subsections of Zoning By-law 2065:

1. Subsection 7.1.3 e) i) which establishes a minimum front yard depth of 9.14 metres (30 feet); and
2. Subsection 7.1.3 e) iii) which establishes a minimum interior side yard width of 3.0 metres (10 feet).

The Applicant is proposing to construct a 280.1 square metre (3,015 square foot) one-storey residential dwelling having a easterly side yard width of 1.5 metres (5 feet) and a front yard depth of 7.62 metres (25 feet) in accordance with the sketch below.

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



In accordance with the Planning Act, the Committee must be satisfied that the four tests set out in subsection 45(1) are met. The following comments are offered with respect to the subject application:

Is the intent of the Official Plan maintained?

The subject property is designated Single Family Residential in the Official Plan. Single-unit dwellings, as being proposed are permitted by this designation. The proposed variance, which will facilitate construction of a new single unit dwelling, meets the intent of the Official Plan.

Is the intent of the Zoning By-law maintained?

The subject property is zoned Residential Type 2 Zone (R2) in the St. Clair Beach Zoning By-law.

The purpose of the 9.14 metre (30 foot) front yard depth is to maintain a relatively consistent rhythm dwellings along the street and to ensure that there is sufficient space from the municipal road and/or sidewalk to provide for off-street parking. The proposed front yard depth of 7.62 metres (25 feet) continues to achieve both of these objectives on the subject property and is the same as the existing dwelling and is similar to the front yard depths of the homes that abut the property.

The purpose of the 3.0-metre (10-foot) minimum side yard width is to maintain a sense of open space and to ensure that there is adequate space for rear yard access and exterior maintenance. Adequate space for rear yard access and a sense of open space will continue to be provided particularly given that the westerly side yard is proposed to be 5.8 metres (19.0 feet).

It should also be noted that the reduced side yard is adjacent a proposed single storey attached garage. If this garage was detached from the dwelling, it would be considered an accessory structure and the minimum setback from the side lot line would be 1.2 metres (4.0 feet).

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

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

The subject property, with 30.5 metres (100 feet) of frontage and a lot area of 1115 square metres (12,000 square feet) is very large and will continue to have ample landscaped open space. It does, however, raise the question about the applicants' inability to meet the By-law requirements. In response to this, the applicant has advised that an existing, and actively used, water well and extensive landscaping located along the western side of the subject property necessitate shifting the location of the proposed new dwelling easterly, resulting in the proposed 1.5-metre (5-foot) side yard width along the eastern lot line.

With respect to the proposed relief for the front yard depth, as noted earlier, it is consistent with the existing dwelling and the abutting properties. Based on the foregoing, it is my opinion that the proposed relief will result in development that represents a desirable use of the land.

Is the variance requested minor?

Any potential impact from the reduced easterly side yard is mitigated by the extensive westerly side yard width and the fact that the reduced side yard is adjacent a single storey attached garage. The proposed front yard depth continues to meet the intent of Zoning By-law and is consistent with the existing condition. Accordingly, no undue adverse impact is anticipated as a result of the proposed construction of a new residential dwelling in accordance with the request variances. It is therefore my opinion that the requested relief is minor in nature.

Administration/Agency Comments

1. Engineering

- No comments.

2. Building Department

- No concerns.

3. Fire Services

- No comments.

4. Essex Region Conservation Authority

- With the review of background information and aerial photographs, ERCA has no objection to this application for Minor Variance. However, the applicant will require a Section 28 Permit from ERCA.

Public Comments

No public comments were received as of time of the writing of this report.

Summary/Recommendation

In the absence of additional public input or the introduction of other pertinent issues, it is the opinion of the writer that the 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.

Recommendation Conditions

None are recommended.

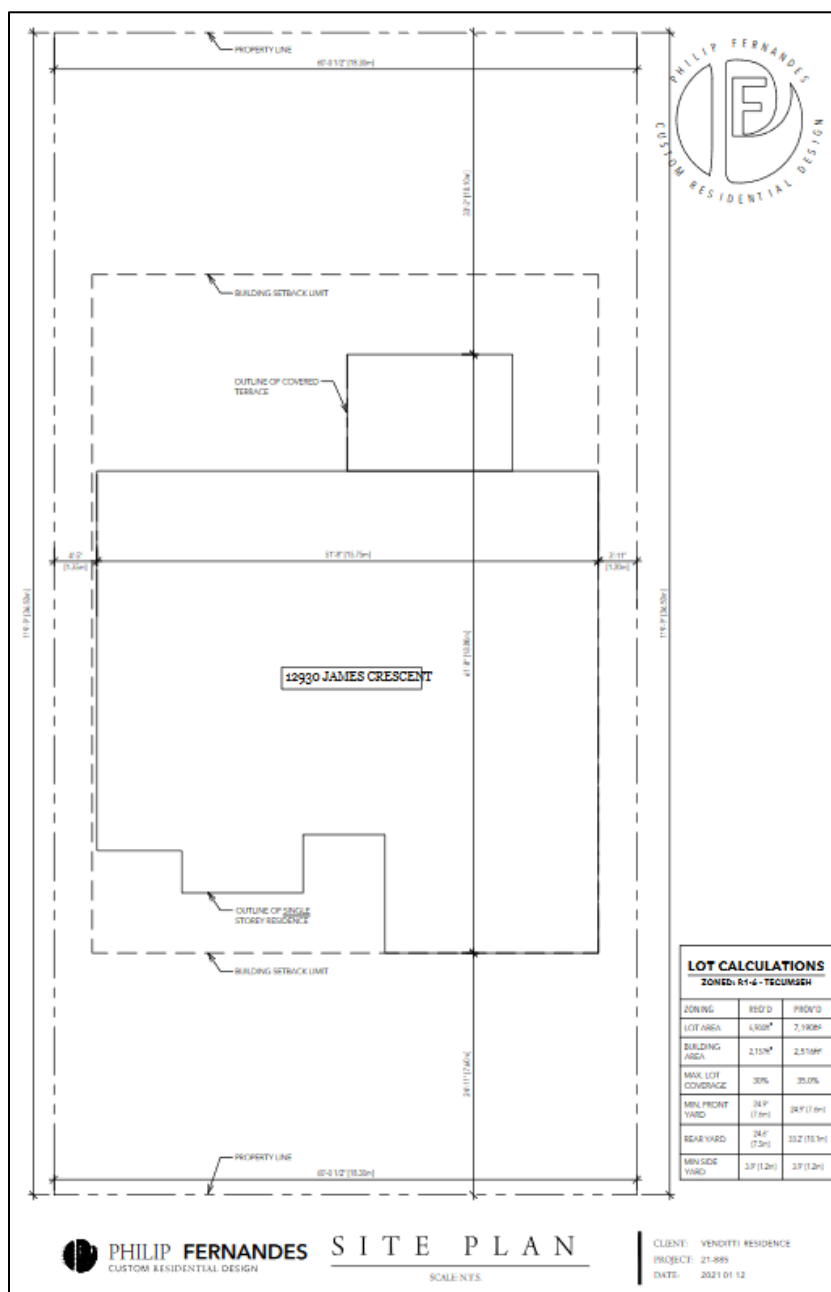
Application: Minor Variance Application A-08-21

Applicant: Ida Venditti

Location of Property: 12930 James Crescent

The purpose of the Application is to request relief from Subsection 6.1.5 of Zoning By-law 1746 which establishes that the maximum lot coverage is 30 percent. The Applicant is requesting relief to construct a 233.7 square metre (2,516 square foot) single storey dwelling resulting in a lot coverage of 35 percent (see sketch below).

The subject property is designated Residential in the Tecumseh Official Plan and zoned Residential Zone One (R1-6) 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:

Is the intent of the Official Plan maintained?

The subject property is designated Residential in the Official Plan. Single-unit dwellings, as being proposed are permitted by this designation. The proposed variance, which will facilitate construction of a new single unit dwelling, meets the intent of the Official Plan.

Is the intent of the Zoning By-law maintained?

The subject property is zoned Residential Zone 1 (R1-6) in the Tecumseh Zoning By-law.

The purpose of the 30 percent maximum total lot coverage is to ensure that the scale and massing of buildings are appropriate and that the lot will be able to provide adequate areas for landscaping, parking and other amenities. The proposed lot coverage of 35 percent will not result in any deficiencies in landscaping requirements or the ability of the site to provide for parking or open space areas. It should also be noted that approximately 18.5 square metres (200 square feet) of the proposed dwelling is a covered, open-sided terrace which, although contributes to the lot coverage calculation, has less of an impact than an enclosed structure. All other requirements of the R1-6 zone will be complied with.

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

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

The proposed variance will allow for the construction of a 233.7 square metre (2,516 square foot) single unit dwelling. This size of dwelling is consistent with other the majority of other dwellings along James Court and the broader surrounding area. All other zoning provisions are being met or exceeded. Accordingly, it is my opinion that the variance is desirable for the appropriate development of the land.

Is the variance requested minor?

No undue adverse impact is anticipated as a result of the proposed construction of a new residential dwelling. The resulting development is consistent with the character of the residential lots in the surrounding area. It is therefore my opinion that the requested relief is minor in nature.

Administration/Agency Comments

1. Engineering

- No comments with regard to the requested minor variance, however, the issue of ingress and egress to this site during times of flooding should be reviewed with the Tecumseh Fire Department and the Essex Region Conservation Authority.

2. Building Department

- No concerns.

3. Fire Services

- **Unable to access property during flood event.**

4. Essex Region Conservation Authority

- With the review of background information and aerial photograph, ERCA has no objection to this application for Minor Variance. However, the applicant will be required to obtain an ERCA permit.

Public Comments

No public comments were received as of time of the writing of this report.

Summary/Recommendation

Although it is believed that the standard four tests of a minor variance have been met, a concern has been raised by Fire Services Chief with respect to safe access to the subject property. There are areas of James Crescent which, during a significant flood event, are under a depth of water that would prohibit emergency services to access the subject property during such an event. The Town is undertaking the necessary steps to rectify this situation through the purchase of an emergency response vehicle. It is anticipated that this vehicle will be purchased in the coming months.

In the interim, however, it is important to note that subsection 3.1.2 of the Provincial Policy Statement (PPS) establishes that development (which includes all applications under the Planning Act) and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards unless it has been demonstrated that the site has safe access appropriate for the nature of the development. Given that Committee of Adjustment decisions must be consistent with the Provincial Policy Statement, **it is recommended that this application be deferred** until the aforementioned vehicle has, at a minimum, been ordered and subsection 3.1.2 of the PPS can be satisfied.

Recommendation Conditions

None are recommended.