

## Committee of Adjustment Meeting Agenda

Monday, April 29, 2024, 5:00 pm  
Tecumseh Town Hall - Council Chambers  
917 Lesperance Road  
Tecumseh, Ontario N8N 1W9

	Pages
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B. Call to Order	
C. Disclosure of Pecuniary Interest	
D. Minutes	
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E. Applications	
1. Application for Certificate of Cancellation B-06-24 Jamie Balkwill 4192 11th Concession Road	22 - 23
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2. Application for Minor Variance A-09-24 Jamie Balkwill 4192 11th Concession Road	26 - 27
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3. Application for Consent B-04-24 Nova Tool & Mold Inc 5100 Halford Drive	29 - 30
a. Sketch	31 - 31
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## Committee of Adjustment Minutes

Date: Monday, March 25, 2024  
 Time: 5:00 pm  
 Location: Tecumseh Town Hall - Council Chambers  
 917 Lesperance Road  
 Tecumseh, Ontario N8N 1W9

Present:  
 Chair, Tom Fuerth  
 Member, Lori Chadwick  
 Member, Paul Jobin  
 Member, Christopher Lanman  
 Member, Tom Marentette  
 Member, Tony Muscedere  
 Member, Doug Pitre

Also Present:  
 Manager Planning Services & Local Economic Development, Chad Jeffery  
 Secretary-Treasurer, Donna Ferris

Others:  
 Senior Planner, Enrico De Cecco  
 Manager Information Technology, David Doyon

### **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. February 26, 2024**

#### **Motion: CA-11-24**

Moved By Member Tony Muscedere

Seconded by Member Tom Marentette

**That** the minutes of the regular Committee of Adjustment meeting held February 26, 2024 **be approved**, with four minor clerical errors being corrected.

Carried

## E. Applications

### 1. Application for Consent B-02-24 Carpenters Training Centre Windsor Incorporated 2179 Fasan Drive

#### a. Sketch

Interested parties present: Joshua Bezaire, Applicant, Business Representative & Director of Carpenters Training Centre Windsor Incorporated

The purpose of the Application is to sever a vacant parcel of land (outlined in red) and identified as Part 2, 12R-29494, having an area of 2,036.5 square metres (21,920.7 square feet) and add it to the industrial property to the south, identified as Part 1, 12R-29494 resulting in a total area of 0.84 hectares (2.08 acres). The retained vacant parcel (outlined in green) and identified as Part 3, 12R-29494, having an area of 3,399.29 square metres (36,589.6 square feet), is proposed to be added to the vacant industrial property to the north, identified as Part 4, 12R-29494 resulting in a total area of 0.81 hectares (2.0 acres).

The property is designated Business Park in the Official Plan and zoned Industrial (M1-20) in Zoning By-law 85-18.

Administration/Agency Comments

#### Public Works and Engineering

- That the Applicant be required to service each individual parcel with a separate water supply to the satisfaction of the Town of Tecumseh Water Services Division prior to the severance being finalized. Separate water service connections will be required for both new parcels (Note: Permits from the Town of Tecumseh Water Services Division are required, and a Town Water Operator is to be on site during the installation of the water service.)
- That the Applicant be required to provide an engineered drainage and grading plan (prepared by a qualified professional engineer) for the severed parcel, to the satisfaction of the Town Building Official, prior to the severance being finalized.
- The Applicant should be made aware that municipal sanitary sewers are not available at the location of this severance; a private septic system will be required to the satisfaction of the Town of Tecumseh Chief Building Official.
- That the Applicant enter into, and provide the Town of Tecumseh, a written agreement for the reapportionment of the drainage assessment for the subject lands, in accordance with Section 65(2) of the Ontario Drainage Act, RSO. 1990, as amended and that the associated costs of same be borne solely by the Applicant.



- Should new access driveways be required, the Applicant, developer or future home builder, shall be required to obtain permits from the Town of Tecumseh Public Works Division to install new access driveways in accordance with Town of Tecumseh standards from Fasan Drive prior to the commencement of driveway construction within the Town's right-of-way.
- The applicant and future owners should be made aware that future property amendments may be subject to the Site Plan Control process, under which PWES will work with the owners and its consultants regarding site servicing and stormwater management. This includes, but is not necessarily limited to, submission of site servicing and grading plans, and SWM reports that capture the proposed amendments for PWES review and approval.
- The cost of all servicing requirements will be at the expense of the applicant.

### **Building Department**

- The property owner shall provide to the Building Department a septic analysis from a BCIN septic qualified contractor to confirm that the septic system is in good working order, as well as to identify the location of the septic system's dispersal bed and tank. The applicant will need to obtain an Ontario land survey that clearly identifies the location of the system so that it can be confirmed that all applicable setbacks are maintained. Note: If the property owner cannot confirm that the septic system meets Ontario Building Code requirements, or if the system is proven to be failing or non-existent, the Building Department shall issue orders.
- The landowner is responsible to ensure that all building services are contained within existing property boundaries and shall not extend beyond newly established lot lines.
- It is the responsibility of the landowner to ensure that surface water does not adversely affect neighbouring properties.

### **Fire Department**

- No comments received.

### **Essex Region Conservation Authority**

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

## Essex Powerlines

- No comments/concerns – outside of EPL service area

### Discussion

Joshua Bezaire, Applicant, Business Representative & Director of Carpenters Training Centre Windsor Incorporated appears before the Committee to discuss the Application. Tom Fuerth inquires if the Applicant is aware of the comments contained in the Planning Report with respect to their application. The Secretary-Treasurer advises that the Applicant was forwarded the Agenda containing the Planning Report on Friday, March 22, 2024. Tom Fuerth inquires about the water service being request by Public Work and Environment Services to a vacant lot. Chad Jeffery indicates that the water service is required to be installed for the severed vacant lot. Chad Jeffery further indicates that the Town's policies dictate that all severed lots must be serviced lots. Tom Fuerth questions the location of the water service without the building plan being available. Chad Jeffery indicates that the location will be determined by the Water Department and the Applicant. If a building plan is not available, they would determine the most applicable location to install the service. Tom Fuerth indicates that other municipalities enter into a severance agreement for the installation of services which is registered on title. Chad Jeffery indicates that he is familiar with that approach however the policy with the Town of Tecumseh is to ensure all newly created lot have service. However, with respect to an entrance, except for when access is over a municipal drain, where a large expense may be incurred, the Town does allow for the access driveway to be installed at a later date. Tom Fuerth raises concern with respect to the water service being installed in the absence of building plans. Chad Jeffery indicates that he can have a discussion with PWES but if it is simple enough to install a water connection and if it does not undermine the ability of placement of the building on the subject lands, believes the applicant would most likely want the service installed sooner rather than later. Chad Jeffery also points out the additional time and costs would be incurred to prepare and register an agreement on title. In addition, the condition that is being requested by PWES is a condition that the municipality has been using for some time now. Chad Jeffery indicates that he will bring back a report to the Committee with respect to servicing and servicing agreements registered on title.

Tony Muscedere is supportive of the application as having a larger lot would allow for larger developments, assist in parking as well as the installation of a septic system.

**Motion: CA-12-24**

Moved By Member Tony Muscedere

Seconded by Member Tom Marentette

**That Application for Consent B-02-24, be approved.**

Carried

Conditions

1. That at the time the conveyance is prepared for certification, a reference plan prepared by an Ontario Land Surveyor in digital format (.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 duplicate (2) 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 \$1,400.00 non-refundable application fee, incurred to process this application such as legal and engineering fees, appraisal reports, etc. shall be the responsibility of the applicant and shall be payable to the Town of Tecumseh where applicable, prior to final consent;
5. That the Owners enter, into and provide the Town of Tecumseh, a written agreement for the reapportionment of the drainage assessment for the subject lands, in accordance with Section 65(2) of the *Ontario Drainage Act*, R.S.O. 1990, as amended, and that the associated costs of same be borne solely by the Applicant. Apportionments for affected Municipal Drains are required and are to be assessed against the lands affected in accordance with any past, current or future drainage by-laws, until otherwise determined under the provisions of the *Drainage Act*;
6. That the Applicant provide an engineered drainage and grading plan (prepared by a qualified professional engineer) for the two, newly created enlarged lots, to the satisfaction of the Town Building Official, prior to the severance being finalized;
7. That the parcel to be retained and the parcel to be severed are to be serviced with separate water connections to the satisfaction of the Town of Tecumseh Water Department prior to this severance being finalized;
8. The property owner shall provide to the Building Department a septic analysis from a BCIN septic qualified contractor to confirm that the septic system is in good working order, as well as to identify the location of the septic system's dispersal bed and tank. The

applicant will need to obtain an Ontario land survey that clearly identifies the location of the system so that it can be confirmed that all applicable setbacks are maintained. Note: If the property owner cannot confirm that the septic system meets Ontario Building Code requirements, or if the system is proven to be failing or non-existent, the Building Department shall issue orders;

9. That subsection 50(3) or (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 Part 2, 12R-29494 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 to Part 1, 12R-29494 ("abutting parcel") so as to merge the two parcels (Parts 1 and Parts 2). In addition, Part 3, 12R-29494 is to merge and be consolidated with Part 4, 12R-29494. Further, that an Undertaking be provided by a solicitor licensed in Ontario to register on title an application to consolidate the subject parcel being Part 2, 12R-29494 and the abutting parcel being Part 1, 12R-29494 as well as Part 3, 12R-29494 merge and be consolidated with Part 4, 12R-29494 and to provide evidence of such registration and merger of the aforementioned to the Secretary of the Committee of Adjustment within 15 days following registration of the transfer;
10. That the above conditions be fulfilled on or before March 29, 2026 prior to this severance being finalized.

## **2. Application for Consent B-03-24 Jamie Allen Balkwill and Corey Balkwill 4192 11th Concession Road**

### **a. Sketch**

Interested parties present: Jamie Balkwill, Applicant

Please note that subsequent to the mailing of the notice of application for B-03-24, a minor revision to the lot depth and frontage was requested. Please refer to updated sketch below for the current severance proposal. The proposal has been revised by extending the depth of the proposed severed lot by 5.6 metres (18.4 feet) to avoid the creation of a narrow strip of land to the rear of the lot. The frontage of the proposed lot has been marginally reduced from 45.7 metres (150 feet) to 43 metres (141 feet) in order to maintain a lot area of 0.5 hectares. It is my opinion that the intent of the proposal remains the same and it has not changed to the extent that further notification is necessary.

Accordingly, the purpose of the revised application is to sever a vacant parcel of land having a frontage of 43.0 metres (141 feet), a depth of 115.3 metres (378 feet), and a lot area of 0.5 hectares (1.24 acres) (shaded in green on the sketch below).

As a condition of consent, the retained parcel, containing a single-family dwelling and one outbuilding (shaded in red in sketch) will merge with Part

3, 12R3652 (shaded in yellow in sketch), resulting in a total lot area of 1.5 hectares (3.7 acres). To achieve this consolidation, a cancellation of consent will have to be granted by the Committee and should be made a condition of a favourable decision on the proposed severance application. No additional buildable lots will be created as a result of the proposed severance.

#### Administration/Agency Comments

#### **Public Works and Engineering**

- That the Applicant enter into, and provide the Town of Tecumseh, a written agreement for the reapportionment of the drainage assessment for the subject lands, in accordance with Section 65(2) of the Ontario Drainage Act, RSO. 1990, as amended and that the associated costs of same be borne solely by the Applicant.
- That the Applicant be required to modify any sub-surface drainage tiles that are located on the parcel to be severed to disconnect them from sub-surface drainage tiles on the parcel to be retained to the satisfaction of the Town of Tecumseh Chief Building Official, prior to the severances being finalized.
- It appears that access to the severed parcel is not currently provided over the 11<sup>th</sup> Concession Drain. As such, a new access will be required to accommodate this application and an engineering report in accordance with Ontario Drainage Act, RSO. 1990, will be required; all associated costs of same would be borne solely by the Applicant.
- The Applicant should be made aware that municipal sanitary sewers are not available at the location of this severance; a private septic system will be required to the satisfaction of the Town of Tecumseh Chief Building Official.
- That the Applicant be required to service each individual parcel with a separate water supply to the satisfaction of the Town of Tecumseh Water Services Division prior to the severance being finalized. Separate water service connections will be required for the retained and severed parcels (Note: Permits from the Town of Tecumseh Water Services Division are required, and a Town Water Operator is to be on site during the installation of the water service.)
- The cost of all servicing and permitting requirements will be at the expense of the applicant.

#### **Building Department**

- The property owner shall provide to the Building Department a septic analysis from a BCIN septic qualified contractor to confirm that the septic system is in good working order, as well as to identify the location of the septic system's dispersal bed and tank. The applicant will need to obtain an Ontario land survey that clearly identifies the

location of the system so that it can be confirmed that all applicable setbacks are maintained. Note: If the property owner cannot confirm that the septic system meets Ontario Building Code requirements, or if the system is proven to be failing or non-existent, the Building Department shall issue orders.

- The landowner is responsible to ensure that all building services are contained within existing property boundaries and shall not extend beyond newly established lot lines.
- It is the responsibility of the landowner to ensure that surface water does not adversely affect neighbouring properties.

### **County of Essex**

- The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road 43. Permits are necessary for any changes to existing structures, or the construction of new structures.
- We are requesting a copy of the Decision on the aforementioned applications. Should these applications be approved we are requesting a copy of the revised survey plan of the subject lands in order to update our mapping records.

### **Essex Region Conservation Authority**

- The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the 11th Concession Drain.
- ERCA has no objection to the application.

### **Discussion**

Jamie Balkwill, Applicant is present to discuss the Application. Lori Chadwick requests an explanation from Administration with respect to the which lot is being cancelled and what lot is being proposed to be severed and what the final lotting pattern will be. Chad Jeffery indicates that this is a complex application whereby the red and green areas are currently one lot and was created by consent which can be sold over and over again however Part 3 in yellow does not have Consent. What keeps it separate is that it is under different ownership from the lot that surrounds it (red). The Applicant is proposing to merge with Part 3 with the consented lot (red) and relocate it to the north of the parcel to create a better configuration and lotting pattern that no longer wraps around Part 3. To achieve this, a condition of Consent is that the Applicant obtain a Certificate of Cancellation for Part 2 (red) permitting those two parcels to merge (Part 2 and Part 3). Then the Secretary-Treasurer has authority to grant Consent for the newly created lot (green) subject to a minor variance being sought to provide relief for the oversized residential dwelling lot on agricultural lands.

The end result is that there will be two lots with a better configuration than what currently exists. Lori Chadwick inquires if the minor variance is a recommendation or a condition and will they be heard together this evening. Chad Jeffery advises that the minor variance is a condition of the approval of this Consent. The Applicant did not apply for the minor variance simultaneously in order to ensure that the Consent was approved. Lori Chadwick also inquires about the Cancellation of Consent and asked if it is being decided tonight or is the Cancellation of Consent to be added as a condition of the Consent being approved tonight. Chad Jeffery indicates that it is also a condition as there is also an application process involved. Lori Chadwick inquires from the Applicant whether or not the farm building located behind 4192 11th Concession, which contains a dwelling and one out building, will have access to the road. Jamie Balkwill indicates that he does not own the farm building located on the farm parcel behind his property. Jamie Balkwill indicates the purpose of the Application is to improve the lot configurations noting that the proposal will not affect the farm field or the barns and outbuildings. Lori Chadwick indicates that it would appear that the driveway to the farm building goes right through the property at 4192 11th Concession Road. Jamie Balkwill indicates that there is a bridge access to the farm just south of his property at 4192 11th Concession Road. Tom Fuerth inquires that if Part 3 did not receive Consent why is there a condition for a Cancellation Certificate required. Chad Jeffery indicates that Part 2 highlighted in red is the parcel with Consent for which a Cancellation will be obtained noting once again that the application is complicated. Part 3 is a separate parcel and is a legally conveyable parcel as it is in different ownership. Chad Jeffery informs the Committee that he consulted with the Applicant's solicitor as well as the Town solicitor to discuss the process in moving forward with this proposal as well as to determine whether or not Part 3 was a conveyable lot. Tom Fuerth inquires how does the Committee ensure that there are not three lots as a result of the Committee's approval. Chad Jeffery indicates that once the Cancellation of Certificate is registered of the red area, it will merge with Part 3 as a result of both parcels being under the same ownership. Once this has taken effect, the Secretary-Treasurer will then issue the Certificate of Secretary-Treasurer to create the new lot (highlighted in green). Chad Jeffery confirms for the Committee that Part 2 was severed from the farm thereby creating a lot around Part 3 which was in separate ownership. Tom Fuerth indicates that the Committee needs to ensure that the Part 2 and Part 3 merge prior to the new consent taking place. Chad Jeffery advises that is why the Certificate of Cancellation is a condition on the granting of the Consent as outlined in the report. Upon an inquiry from the Committee, Chad Jeffery confirms that the farm parcel does have an access south of the subject lands to the farm parcel including the barn.

**Motion: CA-13-24**

Moved By Member Doug Pitre

Seconded By Member Paul Jobin

**That Application for Consent B-03-24, be approved.**

Carried

#### Conditions

1. That at the time the conveyance is prepared for certification, a reference plan prepared by an Ontario Land Surveyor in digital format (.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 duplicate (2) 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 \$1,400.00 non-refundable application fee, incurred to process this application such as legal and engineering fees, appraisal reports, etc. shall be the responsibility of the applicant and shall be payable to the Town of Tecumseh where applicable, prior to final consent;
5. That the Owners enter, into and provide the Town of Tecumseh, a written agreement for the reapportionment of the drainage assessment for the subject lands, in accordance with Section 65(2) of the *Ontario Drainage Act*, R.S.O. 1990, as amended, and that the associated costs of same be borne solely by the Applicant. Apportionments for affected Municipal Drains are required and are to be assessed against the lands affected in accordance with any past, current or future drainage by-laws, until otherwise determined under the provisions of the *Drainage Act*;
6. That the parcel to be retained and the parcel to be severed be serviced with separate entrances to the satisfaction of the Town's Engineer;
7. That the parcel to be retained and the parcel to be severed are to be serviced with separate water supplies to the satisfaction of the Town of Tecumseh Water Department prior to this severance being finalized;
8. That the parcel to be retained and the parcel to be severed are to be serviced with separate entrances, to the satisfaction of the Town of Tecumseh Public Works, prior to this severance being finalized;
9. The property owner shall provide to the Building Department a septic analysis from a BCIN septic qualified contractor to confirm that the septic system is in good working order, as well as to identify the



location of the septic system's dispersal bed and tank. The applicant will need to obtain an Ontario land survey that clearly identifies the location of the system so that it can be confirmed that all applicable setbacks are maintained. Note: If the property owner cannot confirm that the septic system meets Ontario Building Code requirements, or if the system is proven to be failing or non-existent, the Building Department shall issue orders;

10. That Part 2, 12R-3652 be granted a Certificate of Cancellation and that Part 3, 12R-3652 be merged with Part 2, 12R-3653;
11. That a minor variance be applied for and granted for the retained oversized non-farm related residential lot;
12. That the above conditions be fulfilled on or before March 29, 2026 prior to this severance being finalized.

### **3. Application for Minor Variance A-07-24 Robert Jones 12654 Riverside Drive**

#### **a. Sketch**

Interested parties present: Brian Chillman, Solicitor for the Applicant

The purpose of the Application is to request relief from the following subsections of 5.25.4 of Zoning By-law 1746:

1. Subsection 5.25.4 ii) which establishes that any accessory building or structure on the north side of Riverside Drive is to be no closer than 12.2 metres (40 feet) from the water's edge of Lake St. Clair; and
2. Subsection 5.25.4 iii) which establishes that only one accessory building or structure is permitted in the rear yard with a maximum ground floor area of 9.3 sq m (100.1 sq ft).

The Applicant is requesting relief to facilitate the construction of a 31.7 square metre (342 square foot) deck (with associated steps) on the north side of the dwelling that will be 8.2 metres (27 feet) from the water's edge of Lake St. Clair (when the associated steps are included). Please refer to the attached sketch below. The proposed deck will be open to the air, unenclosed and have glass railings. The floor height of the deck will be 1.09 metres (3.5 feet) and it will have 0.9 metre-high (3-foot) glass railings.

Please note that subsequent to the mailing of the notice of application for A-07-24, it was realized that a 14.3-metre (47-foot) by 2.4-metre (8-foot) deck, with an area of 34.9 square metres (376 square feet) and a height of 0.58 metres (23 inches) is also proposed to be constructed on top of an existing concrete pad along the break wall at the rear lot line of the subject property. Accordingly, relief from the provisions above, as well as relief from subsection 5.25.4 i), which establishes that an accessory structure on the north side of Riverside Drive shall not be located within 2.5 metres (8.2 feet) of a side lot line, will be required to permit the proposed deck as it is proposed to be located along the rear and side lot lines. For clarity, please

see the sketch from the ERCA permit application attached to the end of this report. Also, please note that before dealing with the variances for this deck, the Committee will need to determine whether further notification is necessary.

#### Administration/Agency Comments

##### **Public Works and Engineering**

- No concerns with application.

##### **Building Department**

- Any construction shall be subject to Ontario Building Code requirements and must comply with zoning regulations.

##### **Fire Department**

- No comments received.

##### **Essex Region Conservation Authority**

- The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Lake St. Clair.
- We note that ERCA Permit 622 - 23, dated November 9, 2023, has been issued for this development. Please contact our office if any changes are made to the site plan from the approved ERCA permit, as a new permit may be required.
- No objection to application. ERCA Permit 622 - 23 has been issued for this development.

##### **Essex Powerlines**

- No concerns.

#### Correspondence from Residents

Correspondence from residents residing at 12710 Riverside Drive objected to the Application indicating insufficient time to review the proposal, insufficient details in the Notice of Hearing, does not consider the Application to be minor in nature, and the sight line not being maintained and at the detriment of other residents.

#### Discussion

Brian Chillman, Solicitor for the Applicant, and Robert and Doreen Jones, Applicants appear before the Committee to discuss the Application. Chad Jeffery advises that the Committee has the authority to decide whether additional notification is necessary as a result of a revision to the proposal requesting relief for a second deck that abuts the water's edge as residents

within the circulated area did not receive notification. The Chair confirms that the change is significant enough that it may warrant further notification. Chad Jeffery indicates that the Town also received notification from one of the neighbours that the initial notification did not have enough details which was prior to becoming aware that a second deck also required relief. Lori Chadwick seeks clarification from Administration as to what was originally sought and what additional relief is being requested as a result, of the second deck proposed to be constructed along the waterfront. Chad Jeffery advises that the Applicant is seeking relief to permit a deck that is 342 square feet noting that on the north side of Riverside Drive only one accessory structure in the rear yard is permitted subject to it not be greater than 100 square feet and a distance greater than 12.2 metres from the water's edge. The additional relief is for a second deck to be constructed over the concrete pad along the water's edge 23 inches in height, which also qualifies as an accessory structure, and relief for that structure includes both subsections previously noted as well as relief from the side lot lines. Tom Fuerth confirms that the Applicant is requesting relief for proposed decks and not existing decks. Chad Jeffery provides a drawing for the Committee's consideration showing a rendering of the proposed decks. Chad Jeffery advises that this drawing was part of the ERCA permits which was not received by the Planning Department at the time of application. Tom Fuerth inquires what the distance is between the two decks. Brian Chillman indicates that the bottom step of the deck directly behind the dwelling is required to 12.2 metres (40 feet) from the water's edge and the proposed northerly wall of the deck is 31 feet noting that the deck at the water's edge extends 8 feet out from the break wall. Brian Chillman further indicates there is already a concrete pad along the water's edge and it is merely a floating deck on top of the concrete. Tom Fuerth confirms there is 23 feet between the decks minus the stairs.

Lori Chadwick confirms that the deck at the break wall is defined as an accessory structure by Administration with the understanding there is an existing concrete pad, therefore needs to be reviewed under the regulations for an accessory structure and as the notification did not include the deck along the break wall she has concerns with proceeding with relief for the deck at the break wall. Lori Chadwick indicates that the modification is not merely an incorrect dimension or minor amendment but rather a larger proposal that was not outlined in the notice. Lori Chadwick believes it would be prudent to recirculate notice to have full disclosure to the residents.

Brian Chillman address the Committee advising that although it is important to provide full disclosure to the neighbouring property owners, his clients were issued a building permit for the construction of both decks on February 1, 2024 and as a result the work has been started including the purchasing of supplies and the removal of the existing concrete sidewalks and deck. These works were done on the reliance of a building permit that should not have been issued but it was and his clients relied on that. Brian Chillman further indicates that although the Notice does not indicate the second deck, the building permit did as well as the ERCA permit noting that ERCA's comments with respect to this application indicates that they have

no concerns and a permit has already been issued for this development. Brian Chillman requests that at the very least the Committee should hear the minor variance for the deck included in the notice as it was circulated and vetted through the applicable departments and authorities including the support from the Planning Department in that it meets the four tests of a minor variance in addition to the fact the development was then halted. The Applicants are agreeable to deck along the waterfront being deferred and the Committee hear the application as outlined in the Notice which is for the deck off the back of the house.

Doug Pitre inquires if the cement pad along the waterfront is new or is it existing and what is the height of the proposed deck on the house in relations to the neighbouring properties. Robert Jones advises the cement pad is existing and the deck to the east is a similar height and the property to the west has a patio. Tom Fuerth indicates that he would rather determine whether the matter is going to be heard this evening prior to questions regarding the proposal being asked.

Chad Jeffery advises that the material submitted with the minor variance application did not properly illustrate the deck at the water's edge which is why the Notice only included the deck at the back of the dwelling. Thereafter, the ERCA permit was received illustrating the deck along the water's edge being 23 inches in height. At this point, it is determined the deck along the water's edge was a structure requiring relief. Following some discussion, Administration indicates that the only way to have this matter heard for the deck abutting the house, would be to bring forward a separate application for the deck along the water's edge which would require an additional fee. Upon an inquiry from Lori Chadwick, Brian Chillman advises that his clients are willing to proceed with the minor variance as outlined in the Notice only and to make a new separate application for the deck along the water's edge.

Upon an inquiry from the Chair, Chad Jeffery advises that a variance for sight line is not required for an accessory structure on the north side of Riverside Drive.

#### **Motion: CA-14-24**

Moved by Member Paul Jobin

Seconded by Member Chris Lanman

That Application A-07-24, be permitted to proceed with the hearing as circulated in the Notice of Hearing without the amendment outlined in the Planning Report.

Carried

Brian Chillman circulates photo images of the proposed deck that was approved by the Building Department and approved by ERCA. Construction had begun removing side walks, existing deck, etc. but was halted by the Town and works have not continued since that time. Brian Chillman advises

that the Applicant's are seeking two variances. The first variance is for relief to permit a deck to be less than 12.2 metres from the water's edge noting that the wall closest to the water is 9.4 metres (31 feet) and the distance from the bottom of the stairs is 8.2 metres (27 feet). The second variance is to permit a deck having a square footage of 342 square feet rather than 100.1 square feet as required in the by-law. Brian Chillman states that the Application is minor in nature as none of the Departments have any concerns with the structure, an ERCA and building permit were issued and the Planning Report outlines the Planner's support for the application. Brian Chillman refers to the comments in the Planning Report noting that the application meets the intent of the OP which protects existing views capes as it is open to the air, unenclosed and the railing are glass. Brian Chillman indicates that the posts are also being removed to further accommodate concerns raised. Brian Chillman maintains the intent of the Zoning By-law is also maintained and concurs with the Town's Planner in regard to the fact that the structure could be much higher as structures (ie sheds) are permitted. Brian Chillman further informs the Committee that he believes the variance to be desirable, once again reiterating that the structure is 31 feet from the water's edge, open to the air, unenclosed and his client's are agreeable to a condition that glass railings be constructed as detailed in the photos provided. Brian Chillman states that he also believes the application to minor in nature, even though relief for a 342 square foot deck is being requested, the by-laws would permit a 100 square foot shed, fully enclosed and roofed on the north side of Riverside Drive. Brian Chillman maintains that his client's are seeking relief for an open aired deck that is classified as a structure and does impact any sight line or view of the water. Brian Chillman refers to correspondence received from neighbouring property owners who indicated that the Notice did not provide sufficient notification or detail, advising that those individuals live two doors down from this property. Brian Chillman provides photo renderings for the Committee's consideration noting that the deck would not impact those homeowners as there are trees and shrubs obstructing their view. Brian Chillman requests the Committee's consideration in a favourable decision as there are many decks along Riverside Drive with glass railings and the deck is certainly under the height requirement and his clients have taken measures to minimize any effect on neighbouring properties.

Daniel Hofgartner and Karen Curry attend before the Committee to express concern with the proposal. Daniel Hofgartner indicates that they have no concerns with the deck along the water's edge but only concerns with respect to the deck abutting the dwelling. Daniel Hofgartner indicates that he does not believe the application meets the four tests noting that relief from 40 feet to 27 feet from the water's edge and 342 square feet from 100 square feet is not minor. Daniel Hofgartner indicates that the application goes against the essence of maintaining sight lines on the north side of Riverside Drive, siting subsection 6.1.11 minimum rear yard depth and subsection 4.14 and 4.15 of the fencing by-law. Daniel Hofgartner feels that the deck being 43 inches in height, which extends 12 feet from the dwelling, blocks their view to the east which they have enjoyed for many years in

addition to the fact that the height is only 5 inches less than what the fence by-law on Riverside Drive indicates. The deck exceeds the sight line regulation in its entirety (all 12 feet) and a second accessory structure will be applied for at a later date. Glass railing to mitigate from sight lines is not sufficient as patio furniture, umbrellas and outdoor kitchen/bbq will be added to the top of the deck and individuals utilizing the deck will tower over their property. Daniel Hofgartner notes that the minor variance for the extension of the dwelling was previously granted on the subject property and believes a second variance should not be granted. The previous owner had a landing and stairs to a ground level patio which has now been removed. As a real estate agent, Daniel Hofgartner indicates that as a result, of the height and size of the deck, it will negatively affect the resale value of his home in addition to the loss of view and privacy. He requests the Applicant to find an alternative solution.

Doug Pitre inquires if a deck on the ground differs from what is being proposed. Chad Jeffery indicates the zoning by-law does not define a deck but generally a patio is defined as being at grade therefore the proposal qualifies as a deck. Upon an inquiry from Doug Pitre, Chad Jeffery also indicates that a patio on grade is not a structure but a composite deck on grade is not clearly defined in the by-law. Tom Marentette inquires what height/dimension would determine the difference between a patio and a deck. Chad Jeffery indicates that this is a weakness in the by-law and will be addressed in the new zoning by-law. The current by-law does not define deck or a patio, but it does exempt patios from being a structure. The dictionary definition of patio is at grade therefore anything above grade becomes a structure indicating that 43 inches is definitely a structure. Tony Muscedere inquires if there is a set back required from the main building if the deck is considered an accessory structure. Chad Jeffery indicates that a deck is exempt from that provision. Paul Jobin refers to the photo images provided by the Applicant and inquires from Administration if there are neighbouring properties with decks similar in nature/height. Chad Jeffery indicates that they do exist, and the Committee has granted relief for decks with no railings and/or glass railings and no curtains in the past however each application is to be reviewed based on its own merits and determine whether this application, in its context meets the four tests. Doug Pitre inquires about the height of the previous decks on the previous applications and is advised by Administration that a survey of deck heights has not been conducted therefore Administration cannot advise with any certainty. Tom Fuerth indicates that he does not recall the Committee considering the height of a deck in previous applications.

Brian Chillman informs the Committee that there is no variance requesting relief for height as they are not exceeding any type of height limit. Secondly, relief is not being sought for sight line. Brian Chillman indicates that his client's have made every effort to mitigate any impact for the accessory structure. Brian Chillman responds to Daniel Hofgartner comments in that the relief is not minor based on the size of the deck however, being minor is not merely a mathematical equation, it is more of impact and his clients have done everything to mitigate the impact. Brian Chillman indicates that

the only other resident providing comment, is two doors down, for which the deck does not impact at all particularly on sight line therefore concluding that the proposal is minor in nature and meets the four tests.

Daniel Hofgartner indicates that he emailed the Secretary-Treasurer before the meeting this evening with two photos. One being of the existing view and one of a rendering of the proposed view. The photos are shared with the Committee for their consideration.

Upon an inquiry from Doug Pitre, the Chair advises that the deck should be viewed with the intent that patio furniture, bbq, etc. will be utilized on the deck. Lori Chadwick inquiries what is the distance from the dwelling that the deck can extend to be in compliance with the zoning by-law. Chad Jeffery informs the Committee that if the dwelling is greater than 12.2 metres back from the water's edge, then the accessory structure is required to be 12.2 metres back from the water's edge noting that the dwelling is 1.8 metres further back than the 12.2 metres, being 14 metres from the water's edge. However, if the dwelling was 6 feet further, the accessory structure could be built 14 feet into the rear yard. The by-law is recognizing that there a number of dwelling close to the water's edge and provides regulations for such situations whereby accessory structures could be construction in the backyard with a 100 square feet or less. This provision more specifically applies to accessory structures such as sheds can they can be 8.2 in height.

Lori Chadwick acknowledges that relief is not being sought for sight line but by default the maximum mass the size of accessory structures in the rear yard is to regulate mass sizing to ensure that any accessory structure in the rear yard does not unduly obstruct the views. Paul Jobin references the photos provided by the Applicant and notes the neighbour's deck to the east appears to be 2-3 feet in height from grade and request if that can be confirmed by Administration. Tom Marentette indicates he can see valid point on both sides with respect to the Application and notes that upon his visit one of the neighbours has a similar deck in both size and height but the deck to the east is quite a bit narrow in depth in its project towards the lake. Tom Marentette inquiries if there is any willingness for the Applicant's to redefine the scope of the proposal.

Daniel Hofgartner indicates that they are opposed to the Applicant constructing a deck, but it is rather the height of the deck that they are opposing and loss of view to the east. The residence at 12702 Riverside Drive has a landing to come out of the house and then stairs to a lower level patio area which does not obstruct any views. They would support a deck that is much lower, being approximately two steps above ground level with patio furniture, etc. that would not obstruct their view.

Brian Chillman speaks to the reduction of the size of the deck and anything above grade level would still require a minor variance noting that in their revised drawings they have already lowered the height by 7-8 inches (1 step) therefore the 43 inches is lower by one step, which is approximately 35 inches in addition to modifying the railing to glass and removing the

posts on the railing. Brian Chillman indicates that the deck would be one step down coming out of the dwelling noting that his client's are elderly and multiple steps would be difficult. Brian Chillman provides a new drawing with the revised step down from the dwelling and modified glass railing which would also reduce the distance of the stairs from the water's edge by one step. Doug Pitre inquires if the Applicant's have three steps coming out of the dwelling to reduce the overall height of the deck which would lower the deck by approximately 24 inches. Lori Chadwick provides clarification for the Committee in that a variance for height is not being sought. The Committee is looking at gross floor area of the deck and setback from the water's edge. Understanding that scale does play roll and obstructing views or not obstructing views the Committee needs to look at the relief being sought in the application. Lori Chadwick does not believe that bartering to change the proposal to alter someone's building permit in this unfortunate situation is not the role of the Committee. Tom Fuerth indicates that when neighbouring property owners have concerns with a proposal, believes if the parties can come to a mutually satisfying solution, then it's a win for everyone. Brian Chillman advises they have removed one step from the deck height and have removed the post on the glass railings. Tony Muscedere indicates that perhaps the proposal be deferred to the next meeting with the revised deck height and the removal of the post on the glass railing together with the deck along the water's edge without having to do a new application. Tom Fuerth reiterates that it is Applicant's desire that a decision be made tonight with respect to the variances sought for the deck that abuts the dwelling. Tom Marentette inquiries if the parties can come to a mutual solution. Brian Chillman explains to the Committee, that Mr. Hofgartner has requested that the structure be lowered and as they have lowered the deck and made the railings all glass, believes that his client's are accommodating the concerns raised by the neighbouring property owners. Brian Chillman also points out that Mr. Hofgartner is not objecting to the size of the accessory structure.

Lori Chadwick is supportive of the Application as the intent of the zoning by-law for separation and building mass has been met, subject to the height being modified/lowered by one step, that the glass railings be clear and not greater than 3 feet in height, the deck remain open to the air and unenclosed and the height of the deck be no greater than the height depicted in the revised drawings provided this evening.



**Motion: CA-15-24**

Moved By Member Lori Chadwick

Seconded By Member Paul Jobin

**That** Application A-07-24, **be approved** with the following amendment:

That the deck height be reduced by one step as depicted in the revised drawings, **subject** to the following:

1. That the glass railings be no greater than 3 feet in height and be of clear glass and not tinted glass;
2. That the deck remain open to the air and unenclosed; and
3. That the deck height be no greater than the height depicted in the revised drawings.

Carried

**F. Deferrals****G. Planning Report****1. March 25, 2024****H. Unfinished Business****I. New Business**

The deadline to register for OACA is March 31, 2024. Registration for educational training offered by OACA is available online.

The next Committee of Adjustment Meeting originally scheduled for April 22, 2024 has ben changed to April 29, 2024.

**J. Adjournment****Motion: CA-16-24**

Moved By Member Doug Pitre

Seconded By Chris Lanman

**That** there being no further business, the Monday, March 25, 2024 regular meeting of the Committee of Adjustment now **adjourn** at 6:55 pm.

Carried

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Tom Fuerth, Chairperson

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Donna Ferris, Secretary-Treasurer



## Notice of Public Hearing

### Application for Certificate of Cancellation Town of Tecumseh Committee of Adjustment

#### File Number

B-06-24

#### Applicant(s)

Jamie Balkwill

#### Location of Property

4192 11<sup>th</sup> Concession Road

#### Purpose of Application

The purpose of the Application is to request a Certificate of Cancellation for those lands composed of Part of Farm Lot 17, Concession 11, more particularly described as Part 2, 12R-3652, and outlined in red on the attached sketch.

The cancellation of the subject Consent will result in the consolidation of the properties at 4192 11<sup>th</sup> Concession Road and Part 3, 12R-3652 to form one lot (see End Result sketch attached).

The property is designated Agricultural in the Official Plan and zoned Agricultural in Zoning By-law 85-18.

#### Take Notice

That an application under the above file number will be heard by the Committee of Adjustment on Monday, April 29, 2024 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](mailto: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 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 Ontario Land Tribunal. 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 Ontario Land Tribunal by the Applicant, the Municipality, certain Public Agencies and the Minister. To appeal the decision to the Ontario Land Tribunal, send a letter to the Secretary-Treasurer outlining the reasons for appeal. You must enclose the appeal fee of \$400.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

**Date: April 8, 2024**

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



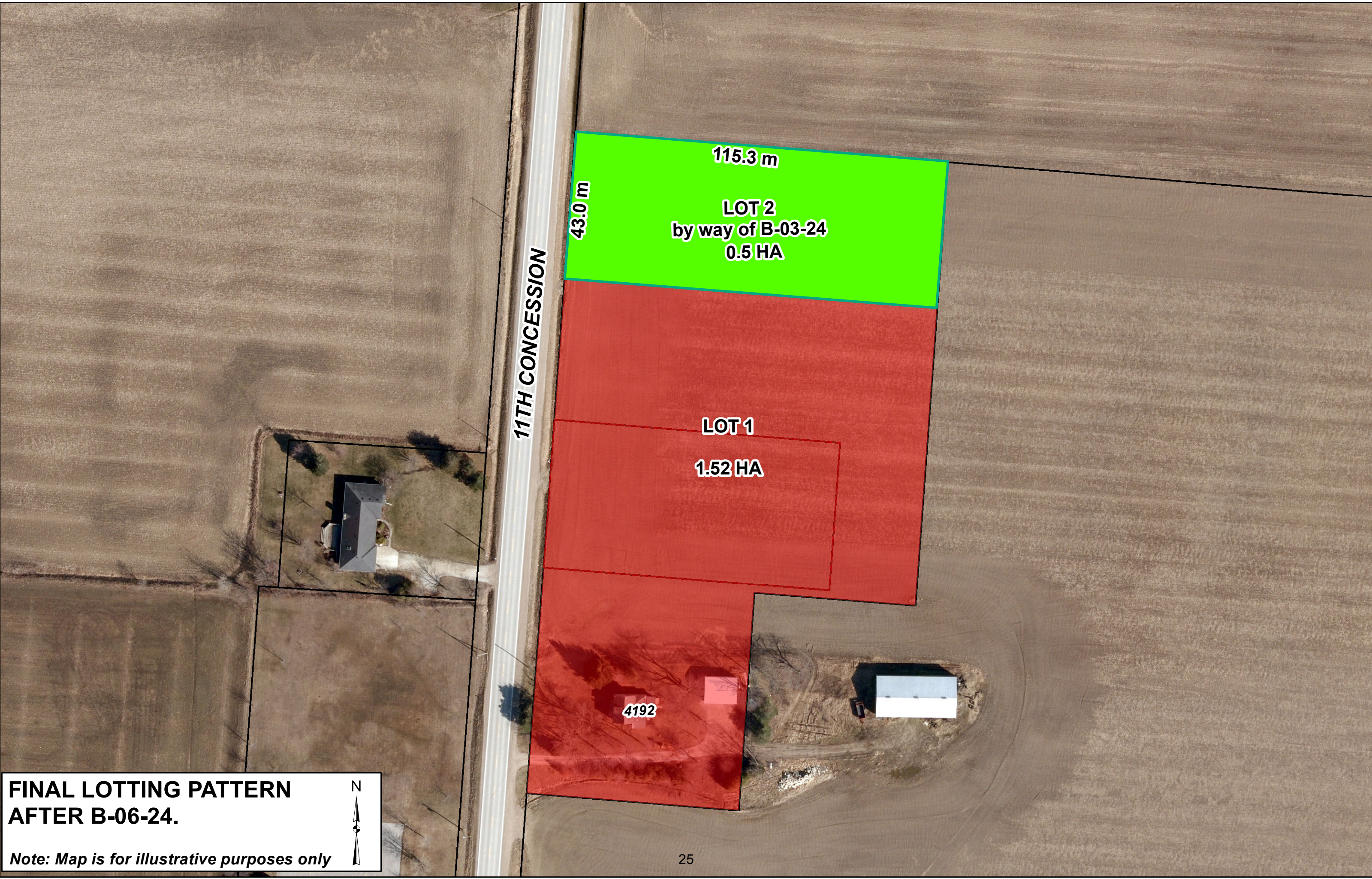


**Application B-06-24**  
**4192 11th Concession Road**

*Note: Map is for illustrative purposes only*







**FINAL LOTTING PATTERN  
AFTER B-06-24.**

*Note: Map is for illustrative purposes only*





## Notice of Public Hearing

### Application for Minor Variance

### Town of Tecumseh Committee of Adjustment

#### File Number

A-09-24

#### Applicant(s)

Jamie Balkwill

#### Location of Property

4192 11<sup>th</sup> Concession Road

#### Purpose of Application

The purpose of the Application is to obtain relief from subsection 15.2.4 b) which establishes a maximum lot area of 0.5 ha (1.24 acres) for residential lots in the Agricultural (A) Zone. As a result of Consent Application B-03-24 and Application for Certificate of Cancellation B-06-24, the Applicant is seeking relief for a residential lot having a total lot area of 1.5 ha (3.7 acres).

The subject lands are designated Agricultural in the Official Plan and zoned Agricultural (A) in Zoning By-law 85-18.

#### Take Notice

That an application under the above file number will be heard by the Committee of Adjustment on Monday, April 29, 2024 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.

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## Failure to Attend Hearing

If you do not attend 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

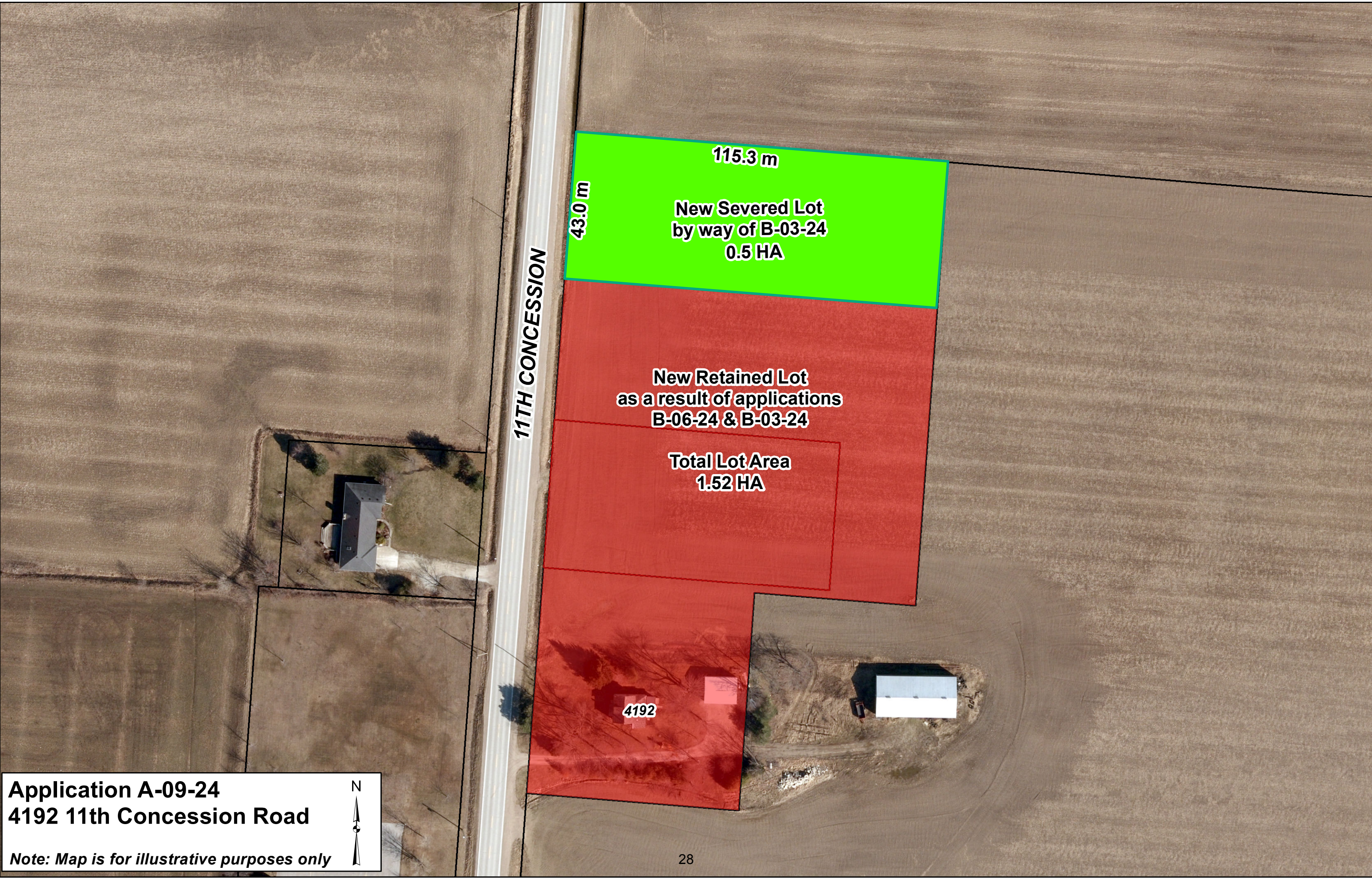
If you wish to be notified of the decision of the Town of Tecumseh Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. 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 Ontario Land Tribunal by the Applicant, the Municipality, certain Public Agencies and the Minister. To appeal the decision to the Ontario Land Tribunal, send a letter to the Secretary-Treasurer outlining the reasons for appeal. You must enclose the appeal fee of \$400.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

**Date: April 8, 2024**

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Donna Ferris, Secretary-Treasurer  
Town of Tecumseh Committee of Adjustment  
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**Application A-09-24**  
**4192 11th Concession Road**

*Note: Map is for illustrative purposes only*







## Notice of Public Hearing

### Application for Consent

### Town of Tecumseh Committee of Adjustment

#### File Number

B-04-24

#### Applicant(s)

Nova Tool and Mold Inc.

#### Location of Property

5100 Halford Drive

#### Purpose of Application

The purpose of the Application is to request Consent to sever a vacant parcel of land with a frontage of 130.1 metres (426.8 feet), a depth of 101.7 metres (333.7 feet) and a total lot area of 1.33 hectares (3.3 acres) outlined in red on the attached sketch. The retained parcel containing an existing 2670 square metre (28,739.64 square foot) industrial building, has a frontage of 89.2 metres (292.7 feet), a depth of 86.9 metres (285 feet) and a total lot area of 0.77 hectares (1.9 acres) outlined in green on the attached sketch.

The subject application was previously heard by the Committee of Adjustment on October 21, 2013 under Consent Application B-18-13. The conditions of Consent Application B-18-13 were not met and the consent lapsed on October 21, 2014. Accordingly, the Applicant is reapplying for the same severance.

The subject property is designated Business Park in the Official Plan. The retained parcel is zoned Industrial (M1) and the parcel to be severed is zoned Commercial (C2) in Zoning By-law 85-18.

#### Take Notice

That an application under the above file number will be heard by the Committee of Adjustment on Monday, April 29, 2024 at 5:05 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](mailto: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 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

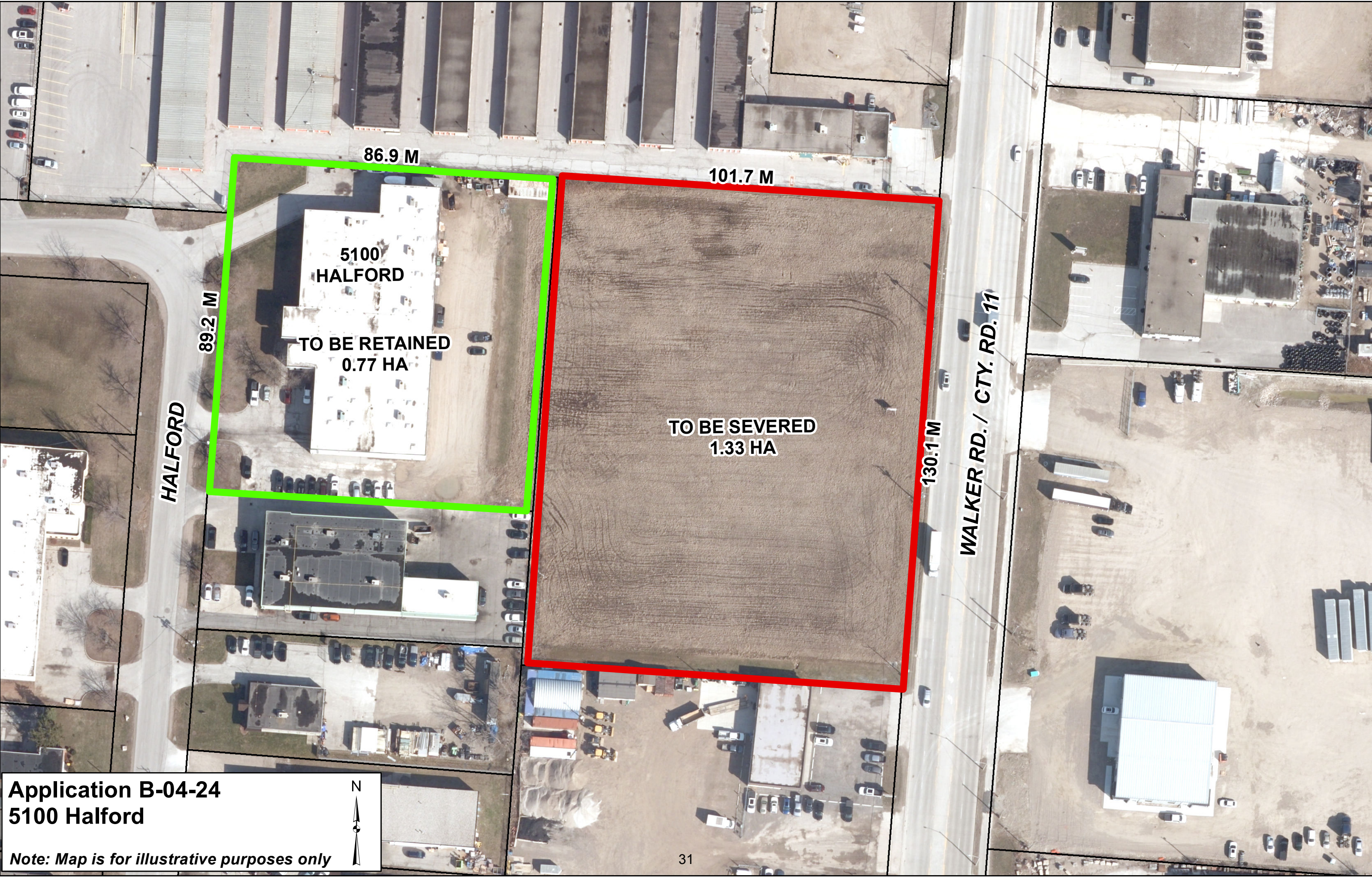
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**Date: April 8, 2024**

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Town of Tecumseh Committee of Adjustment  
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**Application B-04-24**  
**5100 Halford**

*Note: Map is for illustrative purposes only*







## Notice of Public Hearing

### Application for Consent

### Town of Tecumseh Committee of Adjustment

#### File Number

B-05-24

#### Applicant(s)

2198711 Ontario Limited

#### Location of Property

12809 Dillon Drive

#### Purpose of Application

The purpose of the Application is to request consent to sever a residential lot having a frontage of 26.1 metres (85.6 feet), an irregular depth and a lot area of 707 square metres (7,610.1 square feet) outlined in red on the attached sketch. The proposed retained lot has a frontage of 19.8 metres (65 feet), a depth of 30.6 metres (100.4 feet) and a lot area of 603 square metres (6,490.6 square feet) outlined in green on the attached sketch.

The subject application was previously heard by the Committee of Adjustment on November 22, 2021 under Consent Application B-19-21. The conditions of Consent Application B-19-21 were not met and the consent lapsed on November 24, 2023. Accordingly, the Applicant is reapplying for the same severance. Applications for Minor Variance A-48-21 and A-49-21 were heard concurrently with Consent Application B-19-21 granting relief for minimum lot area for both the severed and retained lots and remain in effect.

The lands are designated Residential in the Town of Tecumseh Official Plan and zoned Residential Zone 1 (R1) in Zoning By-law 1746.

#### Take Notice

That an application under the above file number will be heard by the Committee of Adjustment on Monday, April 29, 2024 at 5:10 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



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### 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

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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 Ontario Land Tribunal. 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 Ontario Land Tribunal by the Applicant, the Municipality, certain Public Agencies and the Minister. To appeal the decision to the Ontario Land Tribunal, send a letter to the Secretary-Treasurer outlining the reasons for appeal. You must enclose the appeal fee of \$400.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

**Date: April 8, 2024**

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





## Notice of Public Hearing

### Application for Minor Variance

### Town of Tecumseh Committee of Adjustment

#### File Number

A-08-24

#### Applicant(s)

Robert Jones

#### Location of Property

12654 Riverside Drive

#### Purpose of Application

The purpose of the Application is to request relief from the following subsections of 5.25.4 of Zoning By-law 1746:

1. Subsection 5.25.4 ii) which establishes that any accessory building or structure on the north side of Riverside Drive is to be no closer than 12.2 metres (40 feet) from the water's edge of Lake St. Clair;
2. Subsection 5.25.4 iii) which establishes that only one accessory building or structure is permitted in the rear yard with a maximum ground floor area of 9.3 sq m (100.1 sq ft); and
3. Subsection 5.25.4 i) which establishes that an accessory structure on the north side of Riverside Drive shall not be located within 2.5 metres (8.2 feet) of a side lot line.

The Applicant is requesting relief to facilitate the construction of a 14.3-metre (47-foot) by 2.4-metre (8-foot) deck, with an area of 34.9 square metres (376 square feet) and a height of 0.58 metres (23 inches) along the water's edge of Lake St. Clair. Relief was granted on March 25, 2024 under Application for Minor Variance A-07-24 for a 31.7 square metre (342 square foot) deck with associated steps and glass railing on the north side of the dwelling that is 8.2 metres (27 feet) from the water's edge of Lake St. Clair. Please refer to the attached sketch.

The subject property is designated Residential in the Official Plan and zoned Residential Zone 1 (R1) in Zoning By-law 1746.

#### Take Notice

That an application under the above file number will be heard by the Committee of Adjustment on Monday, April 29, 2024 at 5:15 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](mailto: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 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

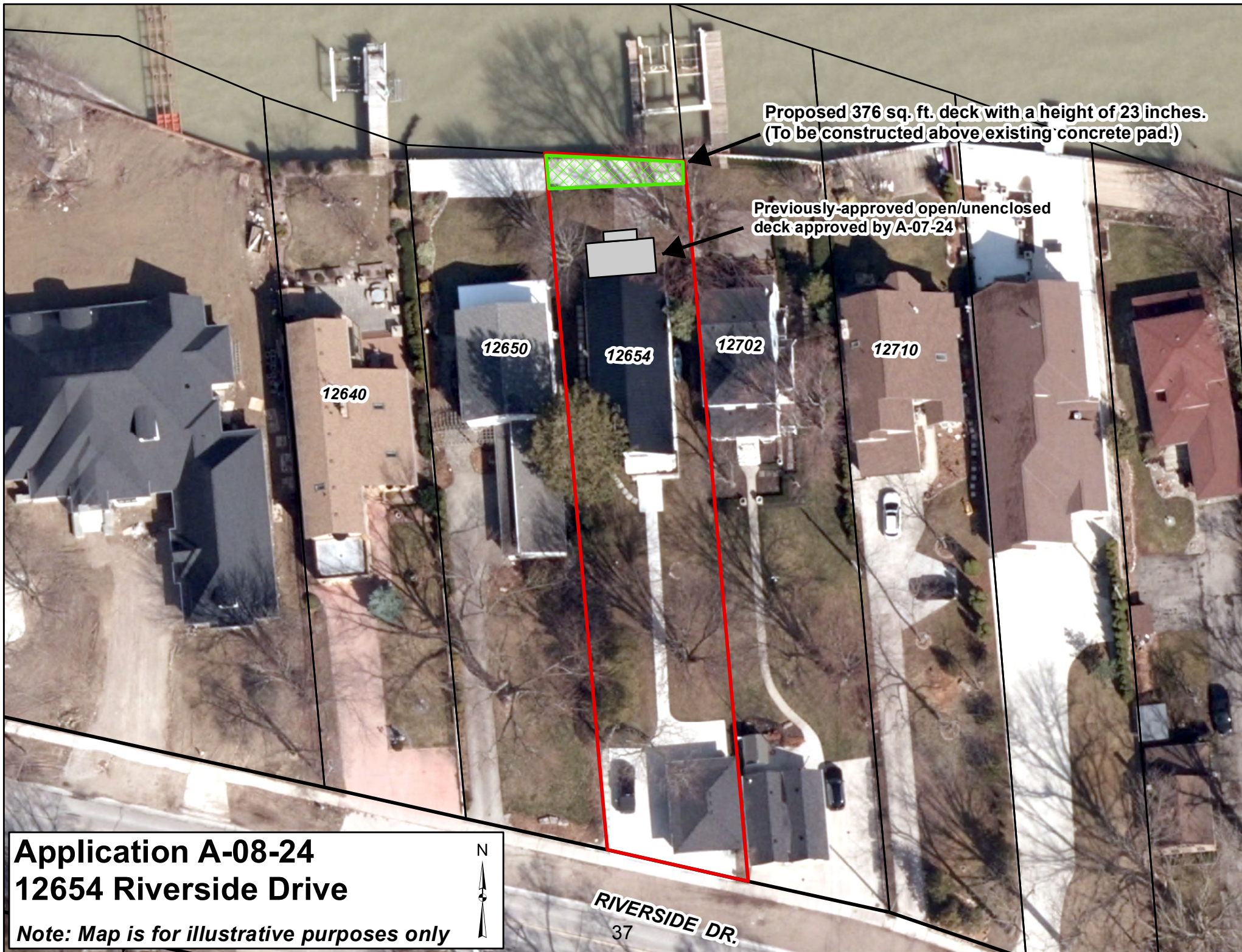
If you wish to be notified of the decision of the Town of Tecumseh Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. 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 Ontario Land Tribunal by the Applicant, the Municipality, certain Public Agencies and the Minister. To appeal the decision to the Ontario Land Tribunal, send a letter to the Secretary-Treasurer outlining the reasons for appeal. You must enclose the appeal fee of \$400.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

**Date: April 9, 2024**

---

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





Proposed 376 sq. ft. deck with a height of 23 inches.  
(To be constructed above existing concrete pad!)

Previously-approved open/unenclosed  
deck approved by A-07-24

**Application A-08-24**  
**12654 Riverside Drive**

*Note: Map is for illustrative purposes only*



**RIVERSIDE DR.**  
37



## Notice of Public Hearing

### Application for Minor Variance

### Town of Tecumseh Committee of Adjustment

#### File Number

A-10-24

#### Applicant(s)

Amicone Holdings Ltd.

#### Location of Property

2155 Blackacre Drive

#### Purpose of Application

The purpose of the Application is to obtain relief from Subsection 5.33 viii) which establishes that 73 parking spaces are required for an industrial establishment including 2 barrier free. As a result of the new plant expansion the Applicant is proposing to provide 57 parking spaces including 2 barrier free.

The property is designated Business Park in the Official Plan and zoned Industrial (M1) in Zoning By-law 85-18.

#### Take Notice

That an application under the above file number will be heard by the Committee of Adjustment on Monday, April 29, 2024 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

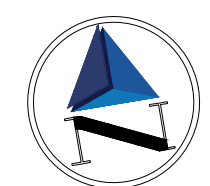
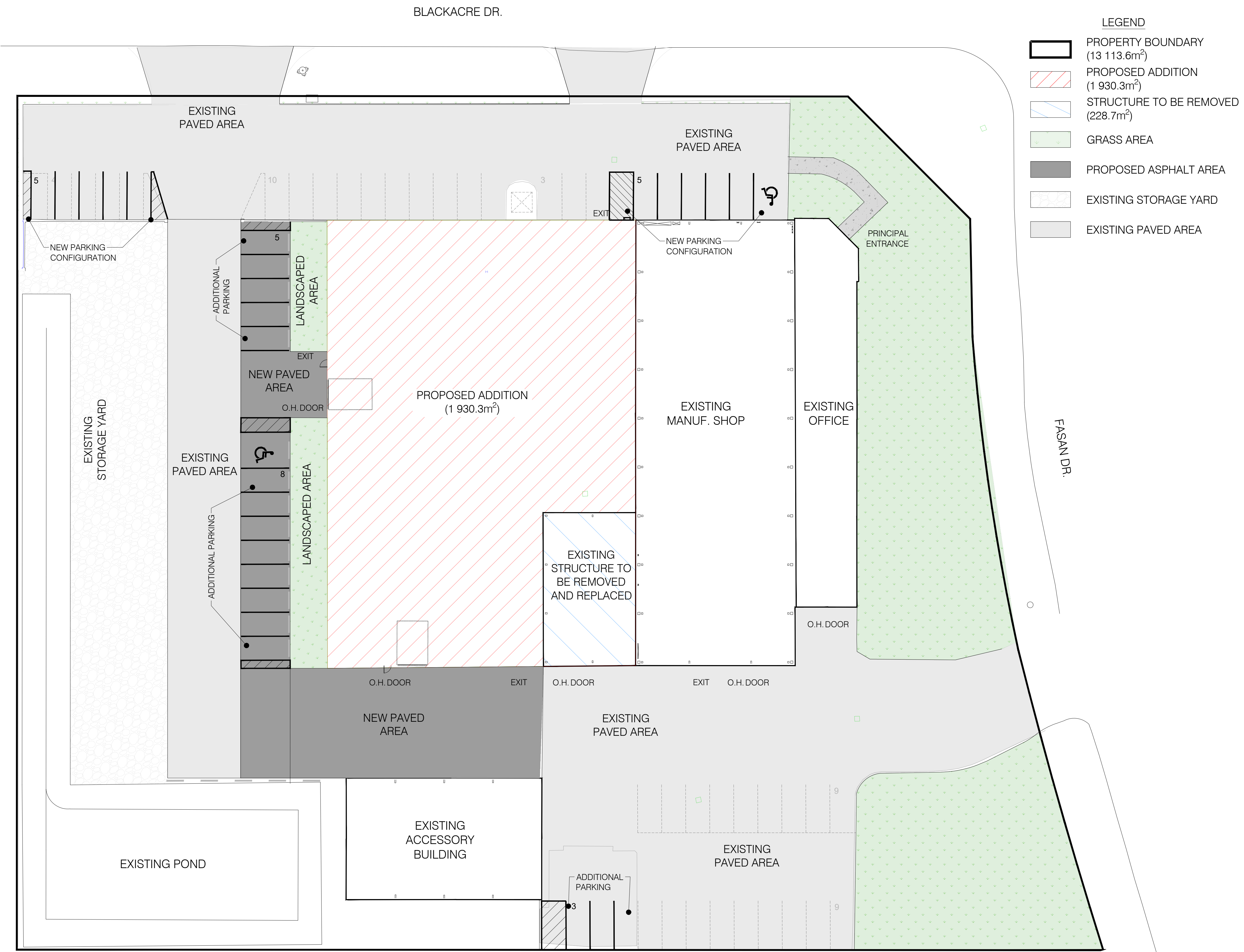
If you wish to be notified of the decision of the Town of Tecumseh Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. 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 Ontario Land Tribunal by the Applicant, the Municipality, certain Public Agencies and the Minister. To appeal the decision to the Ontario Land Tribunal, send a letter to the Secretary-Treasurer outlining the reasons for appeal. You must enclose the appeal fee of \$400.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

**Date: April 11, 2024**

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





PT S1/2 LT 304 CON NTR SANDWICH EAST PT 24, 25 & 26 12R10334; TECUMSEH

ALL REQUIREMENTS RETRIEVED FROM THE TOWN OF TECUMSEH ZONING SANDWICH SOUTH ZONING BY-LAW 85-18

**PARKING CALCULATION FOR PROPOSED INDUSTRIAL ESTABLISHMENTS:**  
1 SPACE FOR ESTABLISHMENTS EACH 93.0 m<sup>2</sup> OR FRACTION THEREOF BUILDING FLOOR AREA OR FOR EACH 3 EMPLOYEES OR FRACTION THEREOF, WHICHEVER IS GREATER.  
= 1 930.3m<sup>2</sup> / 93.0m<sup>2</sup> = 20.76 ROUNDED TO 21 SPACE

**PARKING CALCULATION FOR EXISTING INDUSTRIAL ESTABLISHMENTS:**  
1 SPACE FOR ESTABLISHMENTS EACH 93.0 m<sup>2</sup> OR FRACTION THEREOF BUILDING FLOOR AREA OR FOR EACH 3 EMPLOYEES OR FRACTION THEREOF, WHICHEVER IS GREATER.  
= 1 336.09m<sup>2</sup> / 93.0m<sup>2</sup> = 14.37 ROUNDED TO 15 SPACES

**PARKING CALCULATION FOR EXISTING OFFICES, GENERAL AND PROFESSIONAL:**  
1 SPACE PER 18.5m<sup>2</sup> OR FRACTION THEREOF RENTABLE OFFICE FLOOR AREA.  
= 678.8m<sup>2</sup> / 18.5m<sup>2</sup> = 36.69 ROUNDED TO 37 SPACES


SITE DATA			
	REQUIRED	PROVIDED	DEFICIT
TOTAL PARKING:	73	57	16
BARRIER-FREE PARKING:	2	2	0

**\*NOTE:**  
EXISTING PARKING DEFICITS  
PARKING DEFICIT: 11 SPACES.  
BARRIER-FREE DEFICIT: 1 SPACE

7	REISSUED FOR SPA RESUBMISSION	03/06/2024
6	REISSUED FOR SPA	02/20/2024
5	REISSUED FOR SPA	01/19/2024
4	REISSUED FOR SPA/ISSUED FOR TENDER	01/08/2024
3	REISSUED FOR SPA	12/19/2023
2	REISSUED FOR SPA	12/04/2023
1	ISSUED FOR SPA APPROVAL	11/17/2023
No.	Issued For	Date

\* ALL SITE BOUNDARIES ARE TO BE CONFIRMED BY OLS, AND LOCATES TO BE OBTAINED PRIOR TO CONSTRUCTION.

**AMICONE HOLDINGS LIMITED**  
2155 BLACKACRE DRIVE  
TOWN OF KINGSVILLE



2199 Blackacre Drive, Oldeastle  
ON, NOR 1L0, Canada  
Tel.: 519.737.1577  
Fax: 519.737.1929  
Email: info@triamico.com

PROPOSED SITE PLAN  
- PARKING LAYOUT

Scale: 1:250  
Date: April 5, 2024

Drawn By: KRK  
Checked By: SM/CP

1.3  
Sheet No.

# Application for Minor Variance A-10-24





## Notice of Public Hearing

### Application for Minor Variance

### Town of Tecumseh Committee of Adjustment

#### File Number

A-11-24

#### Applicant(s)

1965461 Ontario Ltd.

#### Location of Property

5330 Outer Drive

#### Purpose of Application

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

1. Subsection 5.33 establishes that 60 parking spaces are required including 2 barrier free;
2. Subsection 14.1.9 c) establishes a minimum side yard width of 6.0 metres (19.68 feet); and
3. Subsection 14.1.16 establishes that a maximum of six (6) visitor's parking spaces shall be permitted in the front yard.

The proposed construction of an industrial shop and associated office space will result in a southerly side yard width of 3.0 metres (9.8 feet), a total of 50 parking spaces including 2 barrier free with 18 of the parking spaces to be located in the front yard.

The subject property is designed Business Park in the Official Plan and zoned Industrial (M1) in Zoning By-law 85-18.

#### Take Notice

That an application under the above file number will be heard by the Committee of Adjustment on Monday, April 29, 2024 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.

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](mailto: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

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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 Ontario Land 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 Ontario Land Tribunal by the Applicant, the Municipality, certain Public Agencies and the Minister. To appeal the decision to the Ontario Land Tribunal, send a letter to the Secretary-Treasurer outlining the reasons for appeal. You must enclose the appeal fee of \$400.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

**Date: April 17, 2024**

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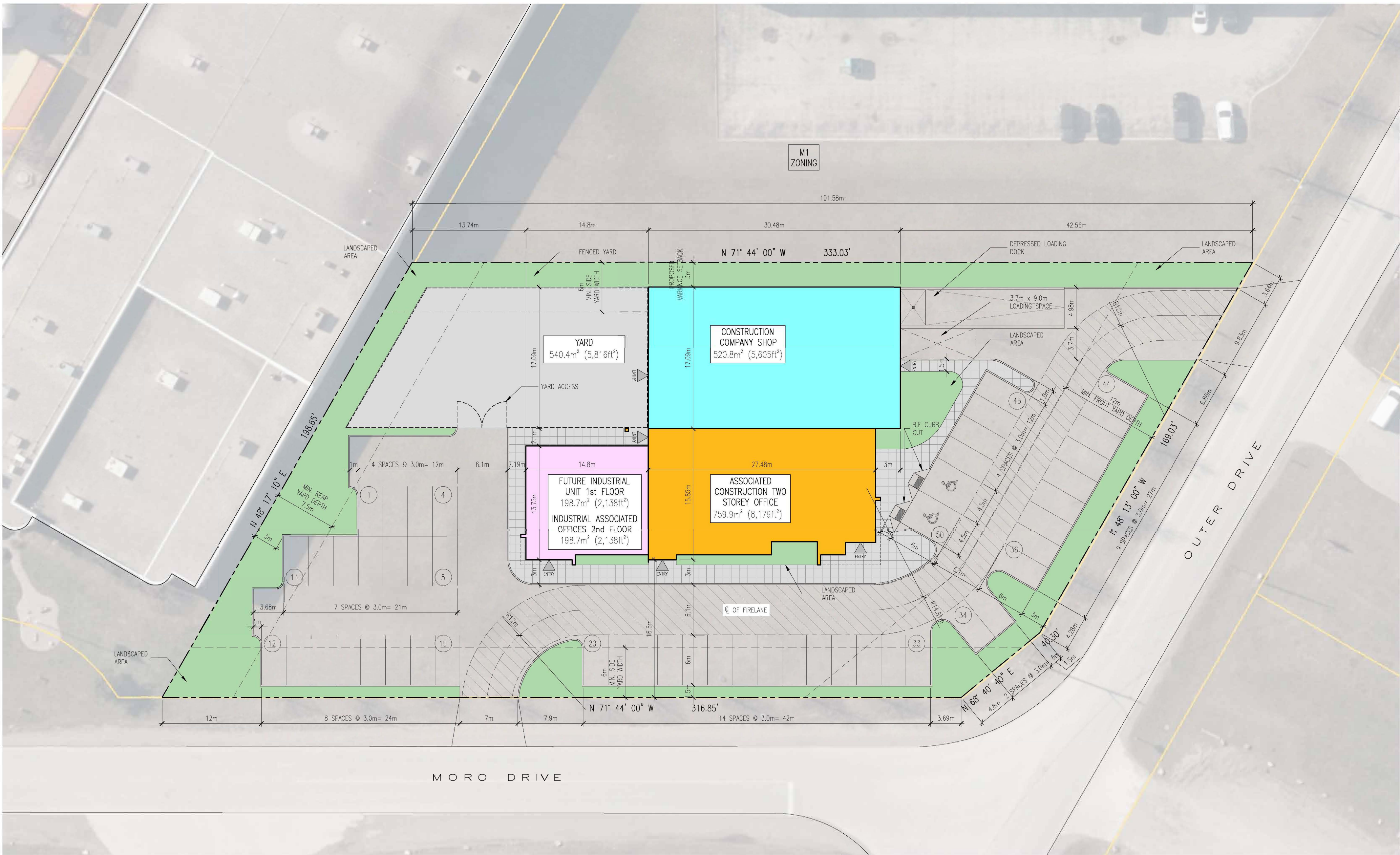
Donna Ferris, Secretary-Treasurer  
Town of Tecumseh Committee of Adjustment  
Telephone: 519-735-2184 ext. 132 Email: [dferris@tecumseh.ca](mailto:dferris@tecumseh.ca)



# Application for Minor Variance

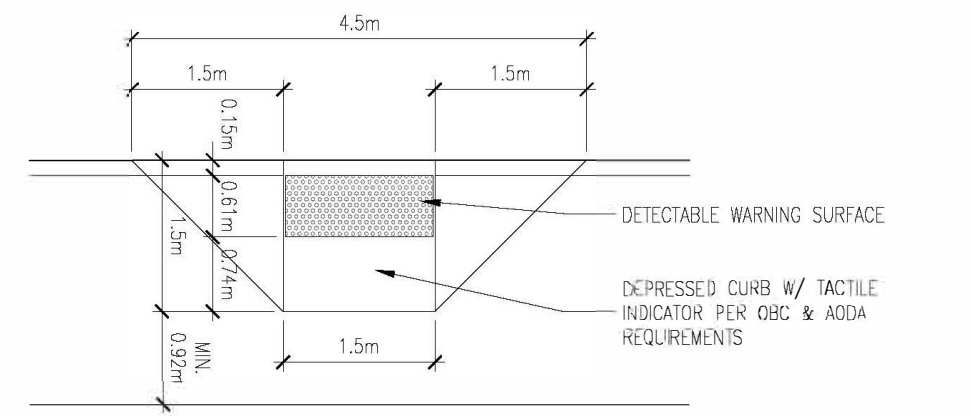
## 5330 Outer Drive

### A-11-24



SITE DATA MATRIX : SITE ZONING : M1 ZONING			
		REQUIRED	PROPOSED
a. MIN. LOT AREA		2000.0m <sup>2</sup>	5317.8m <sup>2</sup>
b. MIN. LOT FRONTAGE		30.0 m	160.4 m
c. BUILDING AREA			
	CONSTRUCTION COMPANY SHOP		520.8m <sup>2</sup>
	ASSOCIATED CONSTRUCTION OFFICES		407.7m <sup>2</sup>
	FUTURE INDUSTRIAL & ASSOCIATED OFFICES		198.7m <sup>2</sup>
	TOTAL		1127.2m <sup>2</sup>
d. MAX. LOT COVERAGE		40.0 %	21.1 %
e. MIN. LANDSCAPED AREA		10.0 %	25.3 %
f. BUILDING SETBACKS			
	FRONT- NORTH	MIN. 6.0m	16.7m
	REAR- WEST	MIN. 12.0m	42.5m
	SIDE- EAST	MIN. 7.5m	13.7m
	SIDE- SOUTH	MIN. 6.0m	3.0m
g. GROSS FLOOR AREA			
	SHOP		520.8m <sup>2</sup>
	OFFICE		759.9m <sup>2</sup>
	LEASEABLE OFFICE		397.4m <sup>2</sup>
	TOTAL		1578.1m <sup>2</sup>
h. PARKING REQUIRED			
	i) INDUSTRIAL ESTABLISHMENTS (1 PER EVERY 9.3m <sup>2</sup> )		5.6 SPACES
	CONSTRUCTION COMPANY SHOP (520.8/9.3)		
	j) OFFICES (1 PER EVERY 18.5m <sup>2</sup> )		41 SPACES
	ASSOCIATED CONSTRUCTION TWO STOREY OFFICE (759.9/18.5)		
	k) FUTURE INDUSTRIAL UNIT 1st FLOOR (1 PER EVERY 9.3m <sup>2</sup> )		2.1 SPACES
	(198.7/9.3)		
	l) INDUSTRIAL ASSOCIATED OFFICES 2nd FLOOR (1 PER EVERY 18.5m <sup>2</sup> )		11 SPACES
	(198.7/18.5)		
	TOTAL SPACES REQUIRED		60 SPACES
			DEFICIENT BY: 10 SPACES
i. BARRIER FREE PARKING REQUIRED			
	TOTAL NUMBER OF PARKING SPACES IN AREA: 26 TO 99	2 SPACES	2 SPACES

LEGEND	
	HARD SURFACE LANDSCAPED AREA
	SOFT SURFACE LANDSCAPED AREA



**CURB RAMP DETAIL**  
SCALE : 1 : 75

2024/04/15 MINOR VARIANCE

2024/03/15 REVIEW

date (yyyy/mm/dd): issued for:

general notes:  
1. THIS PRINT IS AN INSTRUMENT OF SERVICE ONLY AND IS THE PROPERTY OF THE ARCHITECT.  
2. DRAWINGS SHALL NOT BE COPIED.  
3. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.  
4. ATTENTION IS DIRECTED TO PROVISIONS IN THE GENERAL CONDITIONS REGARDING CONTRACTOR'S RESPONSIBILITIES IN REGARD TO SUBMISSION OF SHOP DRAWINGS.  
5. IN THE EVENT THE ARCHITECT IS RETAINED TO REVIEW SHOP DRAWINGS, SUCH REVIEW IS ONLY TO CHECK FOR CONFORMANCE WITH DESIGN CONCEPT AND WITH THE INFORMATION GIVEN IN THE CONTRACT DOCUMENTS.  
6. CONTRACTORS SHALL PROMPTLY NOTIFY THE ARCHITECT IN WRITING OF THE EXISTENCE OF ANY OBSERVED VARIATIONS BETWEEN THE CONTRACT DOCUMENTS AND ANY APPLICABLE CODES OR BY-LAWS.  
7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS AND OR TECHNIQUES IN THE CONSTRUCTION OF THIS FACILITY.

stamp:

A

D

A

architectural  
design  
associates  
inc. architect

1670 mercer street  
windsor ontario canada n8x 3p7  
ph 519.254.3430 fax 519.254.3642  
email - info@ada-architect.ca www.ada-architect.ca

project:  
**OFFICE/ WAREHOUSE DEVELOPMENT**  
**5330 OUTER DRIVE**  
**TECUMSEH, ON**

client:  
**HABIB**

title:  
**SITE PLAN**

scale:  
**AS SHOWN**

drawn by:  
**DM**

checked by:  
**SMB**

date:  
**JANUARY 2024**

comm. no.:  
**2024-028**

sheet no.:

A1.0





## **The Corporation of the Town of Tecumseh**

### **Planning Report**

**To:** Committee of Adjustment

**From:** Chad Jeffery, MA, MCIP, RPP

**Hearing Date:** April 29, 2024

**Subject:** **Certificate of Cancellation Application B-06-24  
Severance Applications B-04-24 to B-05-24 and  
Minor Variance Applications A-08-24 to A-11-24**

---

Please note that this Planning Report was prepared as of April 26, 2024. Any public comments received after this date have not been incorporated into this Report, however consideration of such public comments will be given at the Committee of Adjustment hearing on April 29, 2024 as the normal practice.

<b>Application:</b>	<b>Certificate of Cancellation B-06-24</b>
<b>Applicant:</b>	<b>Jamie Balkwill</b>
<b>Location of Property:</b>	<b>4192 11<sup>th</sup> Concession</b>

The purpose of the Application is to request a Certificate of Cancellation for those lands composed of Part of Farm Lot 17, Concession 11, more particularly described as Part 2, 12R-3652, and shaded in red on the “Cancellation Sketch” below. The cancellation of the subject Consent will result in the consolidation of the properties at 4192 11th Concession Road and Part 3, 12R-3652 to form one lot (areas shaded in yellow and red on “Cancellation Sketch” below).

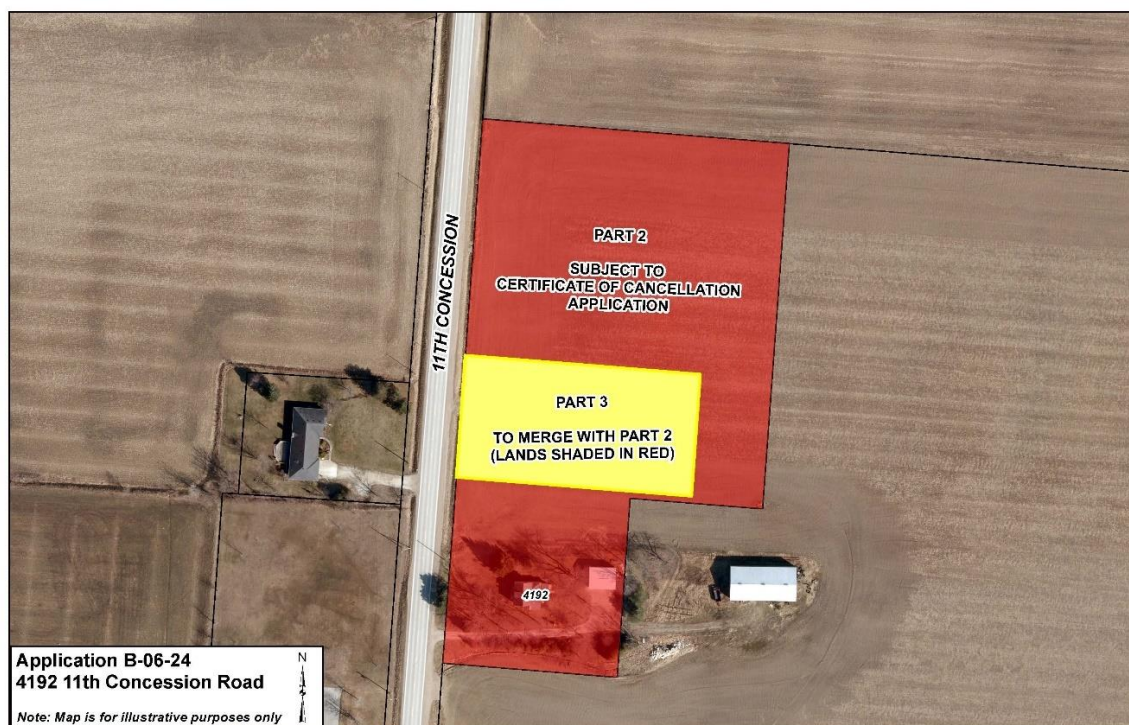
The property is designated Agricultural in the Official Plan and zoned Agricultural in Zoning By-law 85-18.

This application is a condition of Consent Application B-03-24, approved by the Committee of Adjustment at its March 2024 meeting. As a condition of B-03-24, the retained parcel, containing a single-family dwelling and one outbuilding (shaded in red on “Cancellation Sketch”) needs to merge with Part 3, 12R3652 (shaded in yellow in “Cancellation Sketch”), resulting in a total lot area of 1.5 hectares (3.7 acres). To achieve this consolidation, the subject cancellation of consent is required. The final lotting pattern as a result of the

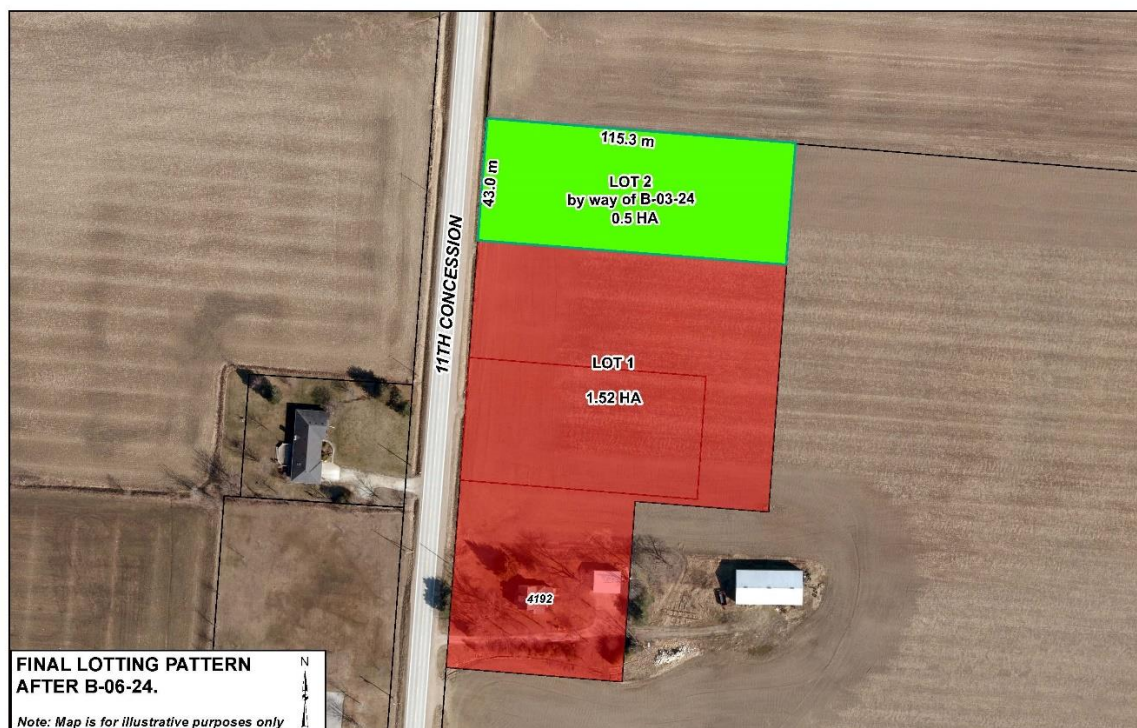


previously-approved B-03-24 application and the approval of the current B-06-24 application would be as shown on the “End Result Sketch” below.

### Cancellation Sketch



### End Result Sketch



Amendments to sections 53(45) to (49) of the Planning Act in 2022) allow for a property owner to apply to the Committee of Adjustment to issue a certificate of cancellation that provides that section 50(12) of the Planning Act no longer applies to the land described in the certificate and that sections 50(3) or (5) will thereafter apply to the land. In essence, this has the effect of “breaking the lot/consent” and allowing the lot to merge with the abutting property if under common ownership – as is the case with the subject application.

The Town has reviewed the proposal and has no concerns with the end result of the properties merging. As noted above, the merging of the properties is necessary to facilitate final lotting pattern that was proposed by the recently-approved B-03-24 and as depicted in the “End Result Sketch” above.

## **Administration/Agency Comments**

### **1. Public Works and Engineering**

- The Applicant should be made aware that the subject properties are within the watershed of existing municipal drainage systems that are currently being reviewed by an engineer pursuant to the Ontario Drainage Act, RSO. 1990. The Applicant should also be aware that these reviews may result in engineering recommendations for drain repairs and improvements, as well as assessments of costs to the subject properties relating to said recommendations, that may affect the subject properties in the future.
- That the Applicant enter into, and provide the Town of Tecumseh, a written agreement for the reapportionment of the drainage assessment for the subject lands, in accordance with Section 65(2) of the Ontario Drainage Act, RSO. 1990, as amended and that the associated costs of same be borne solely by the Applicant.
- That the Applicant be required to modify any sub-surface drainage tiles that are located on the parcel to be severed to disconnect them from sub-surface drainage tiles on the parcel to be retained to the satisfaction of the Town of Tecumseh Chief Building Official, prior to the severances being finalized.
- It appears that access to the Lot 2 (green parcel) on the “Final Lotting Pattern” diagram may not be currently provided access over the 11<sup>th</sup> Concession Drain. As such, a new access may be required to accommodate this application and an engineering report in accordance with Ontario Drainage Act, RSO. 1990, will be required; all associated costs of same would be borne solely by the Applicant.
- The Applicant should be made aware that municipal sanitary sewers are not available at the location of this severance; a private septic system will be required to the satisfaction of the Town of Tecumseh Chief Building Official.
- That the Applicant be required to service each individual parcel with a separate water supply to the satisfaction of the Town of Tecumseh Water Services Division prior to the severance being finalized. Separate water service connections will be

required for the retained and severed parcels (Note: Permits from the Town of Tecumseh Water Services Division are required and a Town Water Operator is to be on site during the installation of the water service.)

- The cost of all servicing and permitting requirements will be at the expense of the applicant.

## 2. Building Department

- No comments

## 3. Fire Services

- No comments received.

## 4. Essex Region Conservation Authority

- The above noted lands are subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of the 11th Concession Drain.
- No objections with application.

## 5. Essex Powerlines

- No comment. Outside of service area.

## 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, a reference plan prepared by an Ontario Land Surveyor in digital format (.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 duplicate (2) suitable for registration, all copies to have original signatures, with one copy to remain as a record with the Town;

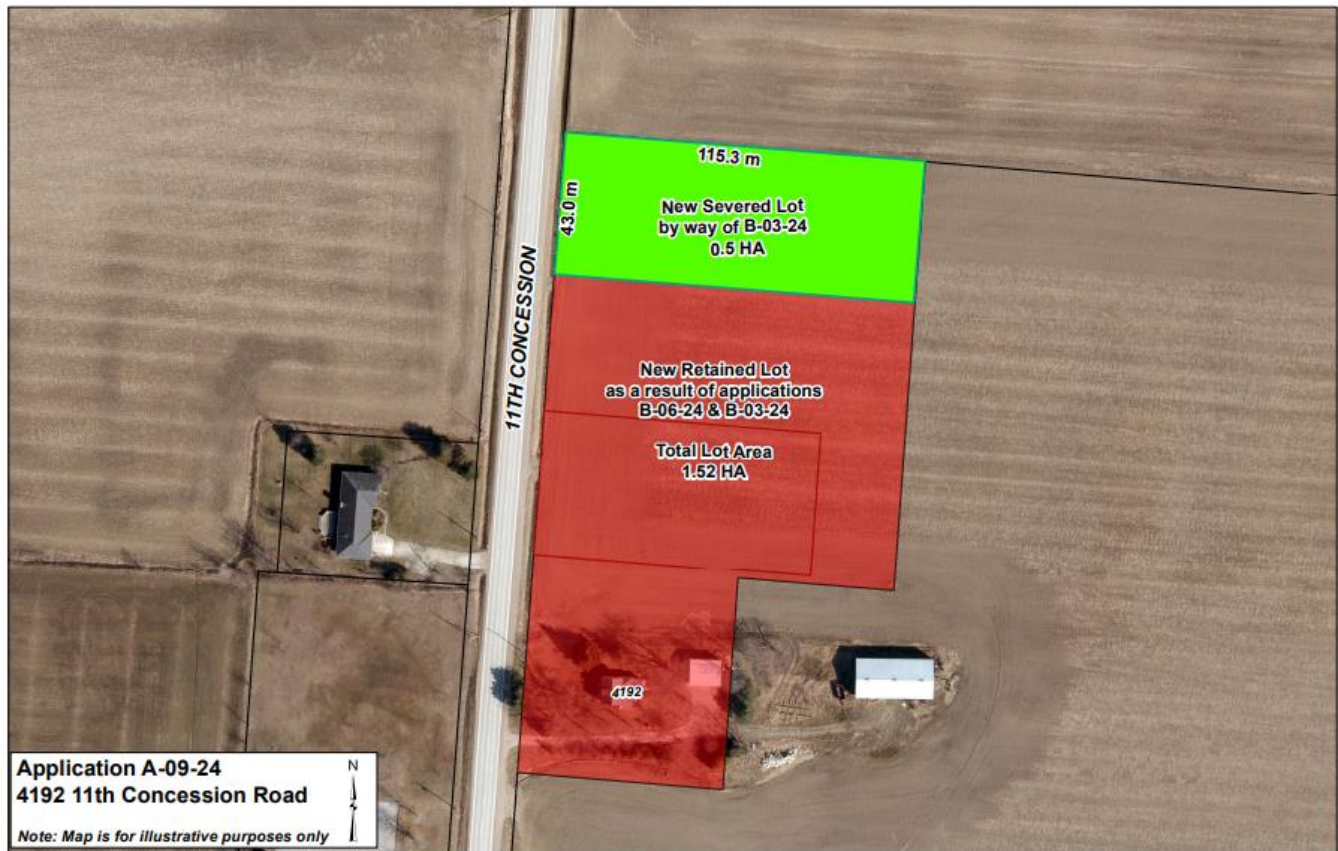
4. That any cost in excess of the \$200.00 non-refundable application fee, incurred to process this application such as legal and engineering fees, appraisal reports, etc. shall be the responsibility of the applicant and shall be payable to the Town of Tecumseh where applicable, prior to final consent;
5. That the Owner determine if there are any existing farm drainage tiles/systems extending through the parcel to be severed and, if existing farm drainage tiles/systems are found, that the Owner redirected the tiles/systems around the parcel to be severed to the satisfaction of the Chief Building Official prior to the severance being finalized;
6. That the Owners enter, into and provide the Town of Tecumseh, a written agreement for the reapportionment of the drainage assessment for the subject lands, in accordance with Section 65(2) of the *Ontario Drainage Act*, R.S.O. 1990, as amended, and that the associated costs of same be borne solely by the Applicant. Apportionments for affected Municipal Drains are required and are to be assessed against the lands affected in accordance with any past, current or future drainage by-laws, until otherwise determined under the provisions of the *Drainage Act*; and
7. That the above conditions be fulfilled on or before May 3, 2026 prior to this cancellation being finalized.

<b>Application:</b>	<b>Minor Variance Application A-09-24</b>
<b>Applicant:</b>	<b>Jamie Balkwill</b>
<b>Location of Property:</b>	<b>4192 11<sup>th</sup> Concession Road</b>

The purpose of the Application is to obtain relief from subsection 15.2.4 b) which establishes a maximum lot area of 0.5 ha (1.24 acres) for residential lots in the Agricultural (A) Zone. As a result of Consent Application B-03-24 and Application for Certificate of Cancellation B-06-24, the Applicant is seeking relief for a residential lot having a total lot area of 1.52 ha (3.76 acres) (see sketch below).

The subject lands are designated Agricultural in the Official Plan and zoned Agricultural (A) in Zoning By-law 85-18.





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 lands are designed Agricultural in the Tecumseh Official Plan.

Subsection 6.4.1 vi) – Consent Policies of the Official Plan permits: “lot adjustments for legal or technical reasons, such as easements, correction of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot area also permitted.”

The proposed variance, which satisfies one of the conditions of the associated consent application noted above, meets the intent of the Official Plan with respect to the protection of agricultural land, prohibiting the creation of additional non-farm related lots in rural areas and permitting minor boundary/lot line adjustments in rural areas that do not result in additional lots being created.

### **Is the intent of the Zoning By-law maintained?**

The lands are zoned Agricultural Zone (A) in Zoning By-law 85-15.

The intent of the maximum lot area of 0.5 hectares (1.24 acres) for residential lots in the Agricultural (A) Zone is to ensure that any new residential lot that is created (as permitted by the Official Plan) is limited to a maximum size needed to accommodate the existing residential use and its associated on-site sewage services.

The purpose/end-result of Applications B-03-24 and B-06-24 is to create a more regular lotting pattern with an improved configuration. In doing so, the subject 1.5 hectare (3.7 acre) lot was created necessitating the proposed variance for lot area. It should be noted that this lot area is less than the original, awkwardly configured lot which had an area of 1.62 hectares (4.0 acres).

All other zoning requirements established by the A zone will be complied with.

In addition, it should be noted that no new additional buildable lot is being created as part of this minor variance and the approval of this variance will satisfy one of the conditions of Consent Application B-03-24, which will result in a final lotting pattern that will be more appropriate.

Based on 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?**

As noted above, the proposed variance will result in the creation of a new lotting pattern that is more appropriate and less irregular than what currently exists. The resulting orderly development pattern is in keeping with guiding planning principles. 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 proposed relief does not compromise the objectives of the Official Plan or Zoning By-law and no undue adverse impact on abutting properties is anticipated. The variance does not result in the potential for additional farmland to be removed. Accordingly, it is my opinion that the proposed variance is minor in nature.

## **Administration/Agency Comments**

### **1. Public Works and Engineering**

- No comments regarding application.

### **2. Building Department**

- Future structures will be subject to minimum building elevations established by ERCA.

- Any future development will require an engineered grading plan prior to a building permit being issued.
- The landowner is responsible to ensure that all building services are contained within existing property boundaries and shall not extend beyond newly established lot lines.
- It is the responsibility of the landowner to ensure that surface water does not adversely affect neighbouring properties.

### **3. Fire Department**

- No comments received.

### **4. Essex Region Conservation Authority**

- The above noted lands are subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of the 11th Concession Drain.
- No objection to application.

### **5. Essex Powerlines**

- No comment. Outside of service area.

## **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.

## **Recommended Conditions**

None.

### **Application: Severance Application B-04-24**

**Applicant:** Nova Tool and Mold Inc.

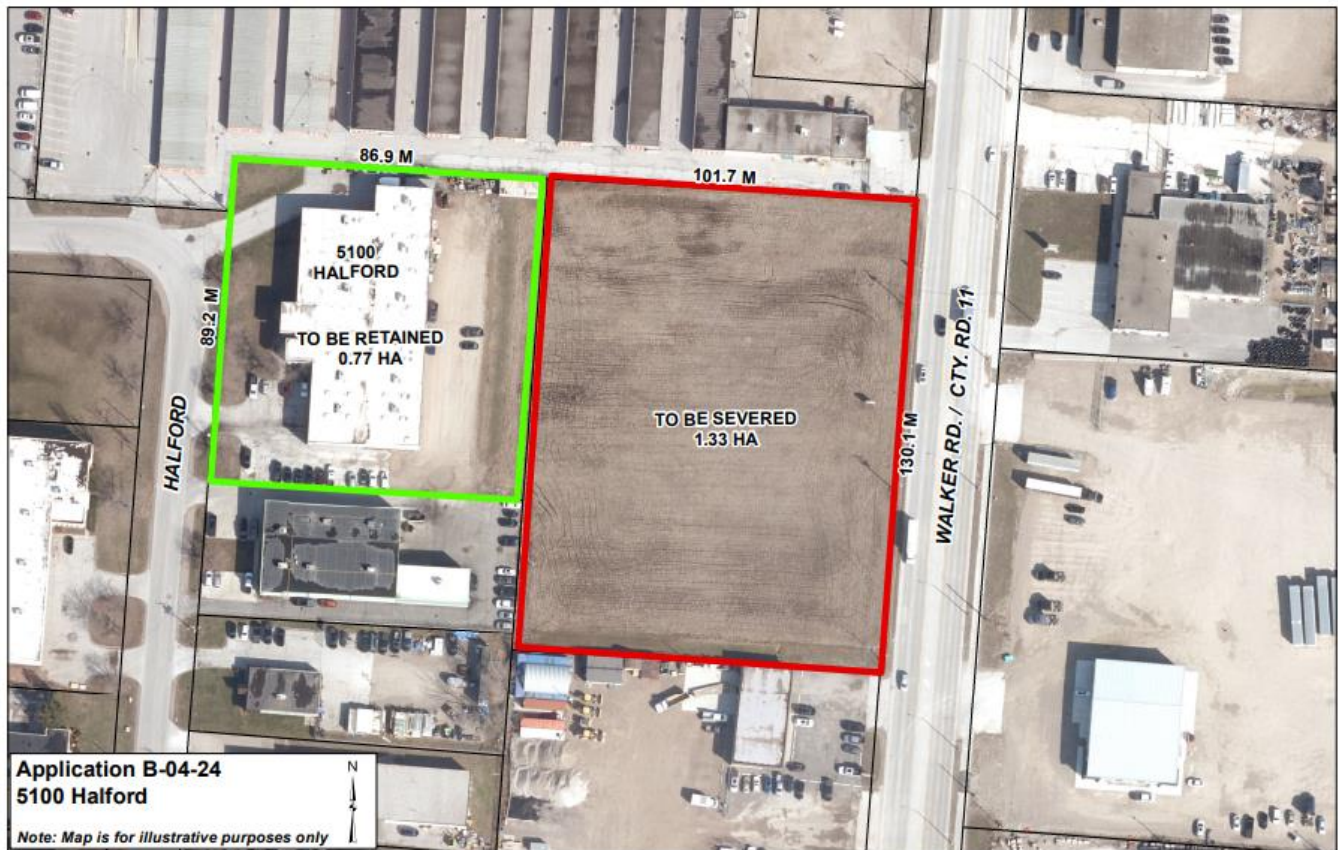
**Location of Property:** 5100 Halford Drive

The purpose of the Application is to request consent to sever a vacant parcel of land with a frontage of 130.1 metres (426.8 feet), a depth of 101.7 metres (333.7 feet) and a total lot area of 1.33 hectares (3.3 acres) outlined in red on the sketch below. The retained parcel, containing an existing 2670 square metre (28,739.64 square foot) industrial building, has a frontage of 89.2 metres (292.7 feet), a depth of 86.9 metres (285 feet) and a total lot area of 0.77 hectares (1.9 acres) outlined in green on the sketch below.

The subject application was previously heard by the Committee of Adjustment on October 21, 2013 under Consent Application B-18-13. The conditions of Consent Application B-18-13 were not met and the consent lapsed on October 21, 2014. Accordingly, the Applicant is reapplying for the same severance.

The subject property is designated Business Park in the Official Plan. The retained parcel is zoned Industrial (M1) and the parcel to be severed is zoned Commercial (C2) in Zoning By-law 85-18.





## Provincial Policy Statement

The *Planning Act* establishes that the Committee, when making decisions that affect a planning matter, “shall be consistent with” the 2020 Provincial Policy Statement (“PPS”) issued under the *Planning Act*. The PPS encourages and supports development on lands that are identified for urban growth in approved settlement areas. The following PPS policies are relevant to this application:

“1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.3 Settlement Areas

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or

available, and avoid the need for their unjustified and/or uneconomical expansion;

...

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

### 1.3 Employment

#### 1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

...

- e) ensuring the necessary infrastructure is provided to support current and projected needs.

#### 1.3.2 EMPLOYMENT AREAS

- 1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.”

The proposed severance will facilitate the creation of one new vacant commercial lot, on full municipal sanitary, water and stormwater services, that will have the ability to be developed for new commercial uses. The proposed severance conforms to the policies of the PPS.

## County of Essex Official Plan

The subject lands are within an identified Primary Settlement Area of the County Official Plan. Decisions of the Committee of Adjustment must be in conformity with the policy direction contained in the County of Essex Official Plan. The following goals and policies of the County Official Plan are most relevant in the assessment of the subject proposal:

### “3.2.4 Primary Settlement Areas

i) Oldcastle Hamlet (Town of Tecumseh)

Oldcastle Hamlet has historically been the focus of manufacturing due in part to its proximity to the City of Windsor. The recent investment in sanitary services and the existing forms of development make it an ideal location to focus employment growth subject to the following policies:

- i) Oldcastle Hamlet shall be primarily developed with employment uses, while recognizing that limited opportunities may exist to expand upon the few existing residential clusters that are situated in the area. The local Official Plan will more specifically designate the lands in appropriate land use designations.
- ii) A mixture of lot sizes shall be provided, including large lots that would be suitable to employment uses that may not be appropriately located within other nearby Primary Settlement Areas due to their size or impacts.
- iii) The local Official Plan shall contain policies to ensure orderly and appropriate development.
- iv) All new development shall be on full municipal sewage services and municipal water services.
- v) Cost effective development patterns and those which reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.

3.2.4.1 Policies

The following policies apply to Primary Settlement Areas:

- a) Primary Settlement Areas shall be the focus of growth and public/private investment in each municipality;
- ...
- h) All types of land use are permitted within the "Settlement Areas" designation subject to the specific land use policies of the local Official Plans."

In accordance with the aforementioned goals and policies, the proposed severance, that will create one new fully-serviced commercial lot, conforms to the County of Essex Official Plan.

## **Tecumseh Official Plan**

The subject property is designated Business Park in the Tecumseh Official Plan. Providing suitable areas for a broad range of employment uses that include commercial uses, warehousing and other employment uses with similar operating characteristics and locational requirements is a primary goal for lands designated Business Park.

The policies also permit commercial uses such as restaurants, offices, convenience retail and auto-related uses as complementary uses which are intended to serve the industrial areas and the broader community where a property has access onto Walker Road (County Road 11).

The creation of a new lot for potential new employment uses meets this goal.

In addition, the proposed severance conforms to the Consent Policies established by the Official Plan with respect to land use, lot creation and servicing requirements. Based on the foregoing, it is the opinion of the writer that the proposed severance conforms to the Tecumseh Official Plan.

## **Zoning By-law 85-18**

The retained parcel is zoned Industrial (M1) and the parcel to be severed is zoned Commercial (C2) in Zoning By-law 85-18. The M1 Zone permits the existing industrial use located on the retained parcel. The proposed new lot will comply with the minimum lot area and lot frontage established by the C2 Zone that applies to it.

## **Administration/Agency Comments**

### **1. Public Works and Engineering Services**

- That the Applicant be required to service each individual parcel with a separate water supply to the satisfaction of the Town of Tecumseh Water Services Division prior to the severance being finalized. Separate water service connections will be required for both new parcels (Note: Permits from the Town of Tecumseh Water Services Division are required and a Town Water Operator is to be on site during the installation of the water service.)
- The Applicant should be made aware that the subject properties are within the watershed of existing municipal drainage systems and may be liable for the costs of assessments relating to future works or improvement or maintenance in accordance with the provisions of the Ontario Drainage Act, RSO. 1990.
- The Applicant will be required to enter into, and provide the Town of Tecumseh, a written agreement for the reapportionment of the drainage assessment for the subject lands, in accordance with Section 65(2) of the Ontario Drainage Act,

RSO. 1990, as amended and that the associated costs of same be borne solely by the Applicant.

- The parcel to be retained and the parcel to be severed are to be serviced with separate entrances. The Applicant, developer or future builder, shall be required to obtain approvals and permits from the County of Essex to install new access driveways in accordance with all applicable County standards prior to the commencement of driveway construction within the County's right-of-way.
- The cost of all servicing requirements will be at the expense of the applicant.
- The applicant and future owners should be made aware that future property amendments may be subject to the Site Plan Control process, under which PWES will work with the owners and its consultants regarding site servicing and stormwater management. This includes, but is not necessarily limited to, submission of site servicing and grading plans, and SWM reports that capture the proposed amendments for PWES review and approval.
- That payment of all outstanding sanitary servicing charges currently applied against the property to be severed relating to the extension of the County Road 11 (Walker Rd) sanitary sewer be made in full or debentured in accordance with By-law 2011-103, or as otherwise approved by the Director Financial Services & CFO, as a condition of Consent

## **2. Building Department**

- Provide an engineered lot grading plan to the satisfaction of the Town Chief Building Official. The grading plan shall include existing structures to remain, grade shots of both the existing parcel to be retained and the severed parcel to confirm drainage will not adversely affect adjoining properties. Both properties may be subject to enhancements to manage surface water, which may include rear yard or perimeter drainage, swales or retaining walls.

Notes:

1. The landowner is responsible to ensure that all building services are contained within existing property boundaries and shall not extend beyond established lot lines.
2. It is the responsibility of the landowner to ensure that surface water does not adversely affect neighbouring properties.
3. Future development of the severed lands shall meet Applicable Law prior to building permits being issued.

## **3. Fire Department**

- No comments received.

#### 4. **Essex Region Conservation Authority**

- This site is not located within a regulated area that is under the jurisdiction of the ERCA (Ontario Regulation 41/24 under the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act.
- No objection to application.

#### 5. **Essex Powerlines**

- No comment. Outside of service area.

### **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 Town 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, a reference plan prepared by an Ontario Land Surveyor in digital format (.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 duplicate (2) 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 \$1,400.00 non-refundable application fee, incurred to process this application such as legal and engineering fees, appraisal reports, etc. shall be the responsibility of the applicant and shall be payable to the Town of Tecumseh where applicable, prior to final consent;
5. That the Owners enter, into and provide the Town of Tecumseh, a written agreement for the reapportionment of the drainage assessment for the subject lands, in accordance with Section 65(2) of the *Ontario Drainage Act*, R.S.O. 1990, as amended, and that the associated costs of same be borne solely by the Applicant. Apportionments for affected Municipal Drains are required and are to be assessed against the lands affected in accordance with any past, current or future drainage by-laws, until otherwise determined under the provisions of the *Drainage Act*;
6. That the parcel to be retained and the parcel to be severed are to be serviced with separate water supplies to the satisfaction of the Town of Tecumseh Water Services Division prior to this severance being finalized;
7. That at the time the conveyance is presented for certification an amount equal to two percent (2%) cash in lieu of parkland, based on the market value of the land being conveyed the day immediately prior to the approval in principle having been granted, to be paid to the Town of Tecumseh (industrial, commercial, institutional);
8. That payment of all outstanding sanitary servicing charges currently applied against the property to be severed relating to the extension of the County Road 11 (Walker Rd) sanitary sewer be made in full or debentured in accordance with By-law 2011-103, or as otherwise approved by the Director Financial Services & CFO prior to the severance being finalized; and
9. That the above conditions be fulfilled on or before May 3, 2026 prior to this severance being finalized.

**Application: Severance Application B-05-24**

**Applicant: 2198711 Ontario Limited**

**Location of Property: 12809 Dillon Drive**

The purpose of the Application is to request consent to sever a residential lot having a frontage of 26.1 metres (85.6 feet), an irregular depth and a lot area of 707 square metres (7,610.1 square feet) outlined in red on the sketch below. The proposed retained lot has a frontage of 19.8 metres (65 feet), a depth of 30.6 metres (100.4 feet) and a lot area of 603 square metres (6,490.6 square feet) outlined in green on the sketch below.

The subject application was previously heard by the Committee of Adjustment on November 22, 2021 under Consent Application B-19-21. The conditions of Consent Application B-19-21 were not met and the consent lapsed on November 24, 2023. Accordingly, the Applicant is reapplying for the same severance. Applications for Minor Variance A-48-21 and A-49-21 were heard concurrently with Consent Application B-19-21 granting relief for minimum lot area for both the severed and retained lots and remain in effect.

The lands are designated Residential in the Town of Tecumseh Official Plan and zoned Residential Zone 1 (R1) in Zoning By-law 1746.

**Application: B-05-24 12809 Dillon Drive**



## 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 PPS encourages development on lands that are identified for urban growth in approved settlement areas. It also establishes that the Town should be supporting and promoting residential infill development that results in compact built form and makes more efficient use of existing services while offering a range of housing forms/types to meet expected needs. Based on the foregoing, it is the opinion of the writer that the application for the proposed residential development is consistent with the PPS.

## County of Essex Official Plan

The subject lands are within an identified Primary Settlement Area of the County Official Plan. Decisions of the Committee of Adjustment must be in conformity with the policy direction contained in the County of Essex Official Plan. The following goals and policies of the County Official Plan are most relevant in the assessment of the subject proposal:

### “3.2.4 Primary Settlement Areas

#### 3.2.4.1 Policies

The following policies apply to Primary Settlement Areas:

- a) Primary Settlement Areas shall be the focus of growth and public/private investment in each municipality;
- b) Primary Settlement Areas shall have full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups, and be designed to be walkable communities with public transit options (or long-term plans for same).
- ...
- h) All types of land use are permitted within the “Settlement Areas” designation subject to the specific land use policies of the local Official Plans.”

In accordance with the aforementioned goals and policies, the proposed severance, that will create one new fully-serviced commercial lot, conforms to the County of Essex Official Plan.

## **Tecumseh Official Plan**

The proposed severed and retained parcels are designated Residential in the Tecumseh Official Plan. The Residential policies encourage intensification and development that makes more efficient use of existing infrastructure.

The Consent Policies, under subsection 6.4 iv), state:

- “iv) consents shall be granted only if they comply with the provisions of the Town’s Zoning By-law. Where a by-law amendment or minor variance is necessary, it shall be a condition of the decision.”

Based on the foregoing policy, Minor Variance applications A-48-21 and A-49-21 were approved for relief from the minimum lot area requirement for both the severed and retained lots by the Committee of Adjustment at its meeting of November 22, 2021 (when the original consent application was dealt with). In light of this previous approval, it is the opinion of the writer that the proposed severance conforms to the policies of the Tecumseh Official Plan.

## **Zoning By-Law 1746**

The subject property is currently zoned Residential Zone 1 (R1) in Zoning By-law 1746. By way of the above-noted minor variances that were previously-approved, the proposed severed and retained lots have obtained relief for minimum lot area. The proposed severed and retained lots will meet the minimum lot frontage requirement of the R1 zone.

## **Administration/Agency Comments**

### **1. Public Works and Engineering**

- Previous PWES comments for Consent B-19-21 regarding the subject severance remain unchanged as follows:

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 Division, Water Services Division, and Building Department prior to the severance being finalized. (Note: Both the retained and severed lots will be required to outlet their storm drainage directly to the Dillon Drive storm sewer. The Applicant will be required to provide a storm service connection from the Dillon Drive storm sewer to both the retained and severed lots. Due to existing municipal services and utilities located within the Barry Avenue right of way, it is anticipated that the storm service connection for the proposed retained lot may need to be installed within an easement on the proposed severed lot. For the storm service connection to the proposed retained lot, the Applicant will be required to have a servicing

plan prepared by a qualified engineer. In addition, this storm service connection must be secured in perpetuity and any required easements must provide sufficient room for future maintenance needs. All of these requirements for the storm service connection to the proposed retained lot are to be designed by the Applicant's engineer and are to be to the satisfaction of the Town Engineer.)

- In addition to previous comments from PWES, the application should be made aware that the parcel to be retained and the parcel to be severed are to be serviced with separate entrances. Should new access driveways be required, the Applicant, developer or future home builder, shall be required to obtain permits from the Town of Tecumseh Public Works Division to install new access driveways in accordance with Town of Tecumseh prior to the commencement of driveway construction within the Town's right-of-way.
- The cost of all servicing and permitting requirements will be at the expense of the applicant.

## **2. Building Department**

- Provide a survey indicating any proposed lot lines. The survey shall include existing structures to remain, grade shots of both the existing parcel to be retained and the severed parcel to confirm drainage will not adversely affect adjoining properties. Both properties may be subject to enhancements to manage surface water, which may include a rear yard or perimeter drainage, swales or retaining walls.

Notes:

1. Future structures will be subject to minimum building elevations established by ERCA.
2. Any future development will require an engineered grading plan prior to a building permit being issued.
3. The landowner is responsible to ensure that all building services are contained within existing property boundaries and shall not extend beyond newly established lot lines.
4. It is the responsibility of the landowner to ensure that surface water does not adversely affect neighbouring properties.

## **3. Fire Services**

- No comments received.

## **4. Essex Region Conservation Authority**

- The above noted lands are subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of Lake St. Clair. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.
- The low-lying nature of the roadway may result in excess water over the road during a 1:100 year flood event. The Municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the Municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020). Additionally, the applicant must obtain a Section 28 Permit from ERCA prior to undertaking any development on the site.

## **5. Essex Powerlines**

- Customer will need to contact EPL to provide service requirements and to determine meter spot.

## **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, conform to both the County and Tecumseh Official Plans and are 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 \$1,400.00 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 Division and Water Division prior to this severance being finalized. (Note: Both the retained and severed lots will be required to outlet their storm drainage directly to the Dillon Drive storm sewer. The Applicant will be required to provide a storm service connection from the Dillon Drive storm sewer to both the retained and severed lots. Due to existing municipal services and utilities located within the Barry Avenue right of way, it is anticipated that the storm service connection for the proposed retained lot may need to be installed within an easement on the proposed severed lot. For the storm service connection to the proposed retained lot, the Applicant will be required to have a servicing plan prepared by a qualified engineer. In addition, this storm service connection must be secured in perpetuity and any required easements must provide sufficient room for future maintenance needs. All of these requirements for the storm service connection to the proposed retained lot are to be designed by the Applicant's engineer and are to be to the satisfaction of the Town Engineer.)
6. That at the time the conveyance is presented for certification an amount equal to five percent (5%) cash in lieu of parkland, based on the market value of the land being conveyed the day immediately prior to the approval in principle having been granted, to be paid to the Town of Tecumseh;
7. That the dwelling be demolished to the satisfaction of the Chief Building Official;
8. That the above conditions be fulfilled on or before May 3, 2026 prior to this severance being finalized.

**Application: Minor Variance Application A-08-24**

**Applicant: Robert Jones**

**Location of Property: 12654 Riverside Drive**

The purpose of the Application is to request relief from the following subsections of 5.25.4 of Zoning By-law 1746:

1. Subsection 5.25.4 ii) which establishes that any accessory building or structure on the north side of Riverside Drive is to be no closer than 12.2 metres (40 feet) from the water's edge of Lake St. Clair;
2. Subsection 5.25.4 iii) which establishes that only one accessory building or structure is permitted in the rear yard with a maximum ground floor area of 9.3 sq m (100.1 sq ft); and
3. Subsection 5.25.4 i) which establishes that an accessory structure on the north side of Riverside Drive shall not be located within 2.5 metres (8.2 feet) of a side lot line.

The Applicant is requesting relief to facilitate the construction of a 14.3-metre (47-foot) by 2.4- metre (8-foot) deck, with an area of 34.9 square metres (376 square feet) and a height of 0.58 metres (23 inches) along the water's edge of Lake St. Clair.

Relief was granted on March 25, 2024 under Application for Minor Variance A-07-24 for a 31.7 square metre (342 square foot) deck with associated steps and glass railing on the north side of the dwelling that is 8.2 metres (27 feet) from the water's edge of Lake St. Clair. Please refer to the sketch below.

The subject property is designated Residential in the Official Plan and zoned Residential Zone 1 (R1) in Zoning By-law 1746.



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

### **Is the intent of the Official Plan maintained?**

The subject property is designated Residential in the Official Plan. Residential dwellings along with accessory structures are permitted by this designation. Subsection 4.2.2 xi) of the Tecumseh Official Plan establishes that the Town shall include adequate provisions in the Zoning By-law that have the effect of reasonably protecting existing views of Lake St. Clair from residential properties on the north side of Riverside Drive. The neighbours to the east and west would be the primary property owners of concern with respect to maintaining existing views. Due to the fact that the deck will only be 0.58 metres (23 inches) above grade, open to the air and unenclosed, the existing views would be reasonably maintained. Accordingly, it is my opinion that the proposed variance 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) in Zoning By-law 1746.

The intent of the 12.2 metres (40 feet) minimum setback from the water's edge of Lake St. Clair is to ensure that there is sufficient separation between the accessory structure and any potential flooding issues that may result from the movement of Lake St. Clair's water edge/levels.

The intent of the maximum ground floor area of 9.3 square metres (100.1 square foot) for accessory structures is to regulate building massing and to ensure that any accessory structures located in rear yards of properties abutting Lake St. Clair are of a size and scale that will not unduly obstruct views to the Lake. Given that the proposed deck is only 0.58 metres (23 inches) above grade, open to the air and unenclosed, the impact of being closer to Lake St. Clair and being larger than the maximum size for accessory structures than the Zoning By-law permits is mitigated to a reasonable level.

Similar to the provisions noted above, the intent of the 2.5 metre (8.2 foot) setback requirement from a side lot line is to regulate building massing, appropriate setbacks from abutting properties and to ensure that any accessory structures located in rear yards of properties abutting Lake St. Clair are of a size and scale that will not unduly obstruct views to the Lake. As noted above, based on the overall height and design of the deck being proposed at the water's edge, the impact of being closer to the abutting side yard/side lots lines than the Zoning By-law permits is mitigated to a reasonable level.

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?**

Open to the air, unenclosed decks along breakwalls, are common along Lake St. Clair as they enhance the use of one's rear yard space by offering outdoor leisure areas while maintaining views of the lake due to their low profile and open/unenclosed design. However, in order to ensure the protection of existing sight-lines, particularly for views from the neighbouring properties to the east and west, and in accordance with past decisions, the Committee may want to consider adding, as a condition to a favourable decision, that the proposed deck shall be constructed as presented to the Committee (i.e. no railings). Subject to that condition, it is my opinion that the proposed relief is desirable for the appropriate development of the land.

## **Is the variance requested minor?**

Provided the proposed deck is constructed as presented to the Committee, it appears that the views from abutting properties will not be unduly and adversely impacted. Subject to the above-noted proposed condition, it is my opinion that the proposed variance is minor in nature.

## **Administration/Agency Comments**



**1. Public Works and Engineering**

- No concerns with application.

**2. Building Department**

- Property owner shall ensure that the proposed deck is constructed in accordance with the Ontario Building Code.

**3. Fire Department**

- No comments received.

**4. Essex Powerlines**

- No comments. Outside of service area.

**5. Essex Region Conservation Authority**

- The above noted lands are subject to our Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Lake St. Clair.
- Our office has issued ERCA Permit 622 – 23. It is the responsibility of the proponent to please inform our office if any changes are made to the approved site plans, as a permit review may be required.
- No objection to application. ERCA Permit 622 - 23 has been issued for this development.

**Public Comments**

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

**Summary/Recommendation**

Subject to the proposed deck being open to the air and unenclosed, it is my opinion that the proposed variance will meet the four tests of the Planning Act.

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.

## Recommendation Conditions

That the proposed deck be constructed in accordance with submitted building permit drawings in that it shall have a floor height of no greater than 0.58 metres (23 inches), it shall have no railings and it shall be open to the air/unenclosed.

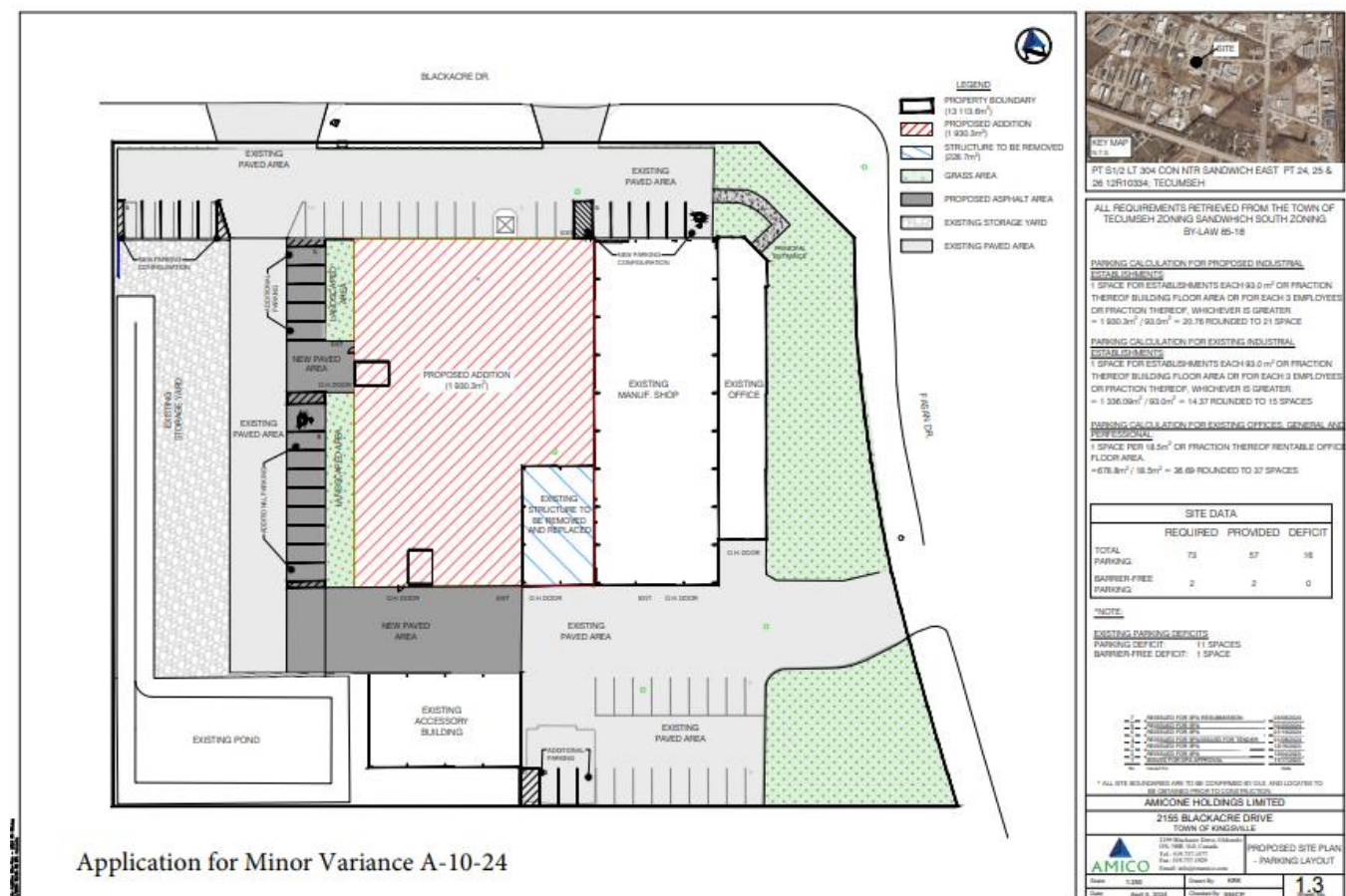
### Application: Minor Variance Application A-10-24

Applicant: Amicone Holdings Ltd.

Location of Property: 2155 Blackacre Drive

The purpose of the Application is to obtain relief from Subsection 5.33 viii) which establishes that 73 parking spaces are required for an industrial establishment including 2 barrier free. As a result of the new plant expansion the Applicant is proposing to provide 57 parking spaces including 2 barrier free.

The property is designated Business Park in the Official Plan and zoned Industrial (M1) in Zoning By-law 85-18.



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 Business Park in the Official Plan. The Business Park designation permits industrial uses and associated accessory structures. The proposed variance, which will facilitate the proposed addition to the existing industrial building meets the intent of the Official Plan.

### **Is the intent of the Zoning By-law maintained?**

The lands are zoned Industrial Zone (M1) in Zoning By-law 85-18.

The intent of the minimum parking requirement provision is to ensure that a development is able to provide sufficient parking spaces for the anticipated number of employees and visitors/clients that will frequent the site. Parking ratios established by the zoning by-law provide parking requirements for a range of uses but are not nuanced enough to account for uses, or a combination of uses, that may not require as many spaces due to the nature and location of the use/operation. Based on the area of the existing buildings and the proposed addition, 73 parking spaces would be required, two of which are to be barrier free spaces.

The applicant has advised the Town that during the normal course of business activities the new industrial operation will employ (post expansion) between 35-40 employees. In addition, it is Administration's understanding that the site will not have shift-work which would cause an overlap in employees arriving and leaving. Accordingly, the proposed development which will provide 57 parking spaces (two of which being barrier free space) can adequately accommodate the anticipated employees and any potential visitors/clients. All other zoning requirements established by the M1 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?**

Administration has reviewed the site plan depicting the proposed addition and does not have any concerns with the layout or the related on-site works. The proposed development on the property will result in a reasonable and acceptable level of industrial intensification that will result in employment opportunities without compromising the objectives of the Official Plan policies and zoning provisions. Further, the reduction of parking spaces will not adversely impact the usability of the site. Prior to any additional development occurring on the property, the approval of a site plan control agreement will be required. Based on the foregoing, it is my

opinion that the proposed relief will result in development that represents an appropriate use of the land.

## **Is the variance requested minor?**

Provided the Committee is satisfied that the reduced amount of parking can accommodate the needs of the industrial establishment and proposed addition, no undue adverse impact is anticipated as a result of the proposed relief. It is therefore my opinion that the proposed variance is minor in nature.

## **Administration/Agency Comments**

### **1. Public Works and Engineering**

- PWES has no comments regarding the requested minor variance.
- PWES continues to work with the owner and its consultants regarding site servicing and stormwater management as part of the Site Plan Control process in relation to the construction of the new building and parking areas at this address. Revised plans and SWM report that capture the proposed amendments must be submitted to PWES for review and approval.

### **2. Building Department**

- No comments.

### **3. Fire Department**

- No comments received.

### **4. Essex Powerlines**

- No comments. Outside of service area.

### **5. Essex Region Conservation Authority**

- The this is not located within a regulated area that is under the jurisdiction of the ERCA (Ontario Regulation 41/24 under the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act.
- No objection to application.

## **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.

<b>Application:</b>	<b>Minor Variance Application A-11-24</b>
<b>Applicant:</b>	<b>1965461 Ontario Ltd.</b>
<b>Location of Property:</b>	<b>5330 Outer Drive</b>

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

1. Subsection 5.33 establishes that 60 parking spaces are required including 2 barrier free;
2. Subsection 14.1.9 c) establishes a minimum side yard width of 6.0 metres (19.68 feet); and
3. Subsection 14.1.16 establishes that a maximum of six (6) visitor's parking spaces shall be permitted in the front yard.

The proposed construction of an industrial shop and associated office space will result in a southerly side yard width of 3.0 metres (9.8 feet), a total of 50 parking spaces including 2 barrier free with 18 of the parking spaces to be located in the front yard.

The property is designated Business Park in the Official Plan and zoned Industrial (M1) in Zoning By-law 85-18.



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 Business Park in the Official Plan. The Business Park designation permits industrial uses and associated accessory structures. The proposed variance, which will facilitate the construction of a new industrial development on a vacant industrial property, meets the intent of the Official Plan.

### **Is the intent of the Zoning By-law maintained?**

The lands are zoned Industrial Zone (M1) in Zoning By-law 85-18.

The intent of the minimum parking requirement provision is to ensure that a development is able to provide sufficient parking spaces for the anticipated number of employees and visitors/clients that will frequent the site. Parking ratios established by the zoning by-law provide parking requirements for a range of uses but are not nuanced enough to account for uses, or a combination of uses, that may not require as many spaces due to the nature and

location of the use/operation. Based on the area of the existing buildings and the proposed addition, 60 parking spaces would be required, two of which are to be barrier free spaces.

The applicant has advised the Town that the design of the new building includes boardrooms, a lobby area, a lunchroom and a records storage area for the proposed construction company that would not generate parking needs for the site. In addition, during the normal course of business activities, the applicant has advised that site will employ at most 28 employees. Accordingly, the proposed development which will provide 50 parking spaces (two of which being barrier free space) can adequately accommodate the anticipated employees and any potential visitors/clients.

The intent of establishing a limit of six parking spaces within the front yard of a property is in part due to the fact that the Oldcastle Hamlet industrial area was historically developed with on-site private septic facilities which were typically located in the front yard. Limiting parking in the front yard allowed for sufficient area for landscaping and the on-site septic field. The subject property is serviced by municipal sanitary sewers, and thus does not have an on-site septic system.

The intent of the 6.0 metre (19.69 foot) minimum side yard width provision is to ensure that there is sufficient separation for a structure from its respective side lot lines to allow for rear yard access and exterior maintenance. The applicant has advised that the proposed side yard width of 3.0 metres (10 feet) is to facilitate the construction of the warehousing component of the proposed industrial facility that will have a more functional layout for operations while still maintaining a viable office layout and overall improved site design/layout. In addition, the property is a corner lot so access through the rear yard and through the opposite side yard will continue to provide adequate access to all yards and for maintenance on both sides of the building.

All other zoning requirements established by the M1 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?**

Administration has reviewed the site plan depicting the proposed addition and does not have any concerns with the layout or the related on-site works. The proposed development on the property will result in a reasonable and acceptable level of industrial intensification that will result in employment opportunities without compromising the objectives of the Official Plan policies and zoning provisions. Further, the proposed variances from the M1 zone requirements will not adversely impact the usability of the site. Prior to any development occurring on the property, the approval of a site plan control agreement will be required.

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

### **Is the variance requested minor?**

Administration has reviewed the site plan depicting the proposed addition and does not have any concerns with the layout or the related on-site works. Further, no undue adverse impact is anticipated for abutting industrial properties based on the proposed development. It is therefore my opinion that the proposed variance is minor in nature.

### **Administration/Agency Comments**

#### **1. Public Works and Engineering**

- PWES has no comments regarding the requested minor variance.
- PWES continues to work with the owner and its consultants regarding site servicing and stormwater management as part of the Site Plan Control process in relation to the construction of the new building and parking areas at this address. Revised plans and SWM report that capture the proposed amendments must be submitted to PWES for review and approval.

#### **2. Building Department**

- The reduced side yard setback will be subject to construction and limiting distance requirements of the Ontario Building Code. The property owners are currently in the site plan control process, in which Building Department will be able to further dictate these requirements.

#### **3. Fire Department**

- No comments received.

#### **4. Essex Region Conservation Authority**

- The above this site is not located within a regulated area that is under the jurisdiction of the ERCA (Ontario Regulation 41/24 under the Conservation Authorities Act). However, a Development Review Clearance may be required. Please continue to circulate our office with the details of the stormwater management plan for this development when they become available.
- No objection to application.

#### **5. Essex Powerlines**

- No concerns. Outside of service area.



## **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.