

## Committee of Adjustment Meeting Agenda

Monday, December 9, 2024, 5:00 pm  
Tecumseh Town Hall - Council Chambers  
917 Lesperance Road  
Tecumseh, Ontario N8N 1W9

	<b>Pages</b>
<b>A. Roll Call</b>	
<b>B. Call to Order</b>	
<b>C. Disclosure of Pecuniary Interest</b>	
<b>D. Minutes</b>	
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<b>E. Applications</b>	
1. Application for Minor Variance A-28-24 Catherine Chauvin 649 William Street	11 - 12
a. Sketch	13 - 13
<b>F. Deferrals</b>	
<b>G. Planning Report</b>	
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<b>H. Unfinished Business</b>	
<b>I. New Business</b>	
<b>J. Adjournment</b>	

**Committee of Adjustment  
Minutes**

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

Present:  
 Acting Chairperson, Tom Marentette  
 Member, Christopher Lanman  
 Member, Tony Muscedere  
 Member, Doug Pitre

Absent:  
 Chairperson, Tom Fuerth  
 Member, Lori Chadwick  
 Member, Paul Jobin

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. October 28, 2024**

**Motion: CA-55-24**

Moved By Member Doug Pitre  
 Seconded By Member Tony Muscedere

**That** the minutes of the regular Committee of Adjustment meeting held October 28, 2024 **be approved**, as printed and circulated.

Carried

## **E. Applications**

### **1. Application for Consent B-12-24 and B-13-24 Maria Geloso 1402 Poisson Street**

#### **a. Sketch**

Interested parties present: Vince Geloso, Agent for the Applicant

The purpose of the application is to create two new lots for a proposed semi-detached dwelling. This application will accommodate the division of the property along the common wall dividing the proposed semi-detached dwelling, such that each dwelling unit will be on its own lot and can be sold separately (i.e. freehold ownership). Specifically, the application proposes to:

1. sever two lots for the proposed semi-detached dwelling, being:
  - i) Lot A - identified as Parts 3 & 4 on 12R-22858, having a frontage of 12.2 metres (40 feet), a depth of 37.7 metres (123.7 feet) and a lot area of 459.8 square metres (4,949.7 square feet), outlined in red on the attached sketch;
  - ii) Lot B - identified as Parts 5 & 6 on 12R-22858, having a frontage of 12.2 metres (40 feet), a depth of 37.7 metres (123.7 feet) and a lot area of 459.9 square metres (4,950.5 feet), outlined in blue on the attached sketch; and
2. retain a parcel, identified as Parts 1 & 2 on 12R-22858, having a frontage of 36.5 metres (120.0 feet) and a lot area of 1378.6 square metres (14,839.9 square feet), outlined in green on the attached sketch. The proposed retain parcel is currently occupied by a single-unit dwelling.

The existing inground swimming pool on the subject lands is to be removed.

This matter was previously granted provisional Consent by the Committee of Adjustment on November 21, 2005 however, the time period lapsed prior to the conditions being fulfilled.

The severed lots (Lots A and B) are zoned Residential Zone (R2-22) in Zoning By-law 1746 which establishes site specific lot provisions to accommodate a semi-detached dwelling while the retained parcel is zoned

Residential Zone (R1-10) which permits a single-unit dwelling and establishes a minimum rear yard depth of 1.21 metres (4.0 feet).

Both the severed and retained lands are designated Residential in the Official Plan.

Administration/Agency Comments

### **Public Works and Environmental Services**

- 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.
- 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 service each individual parcel with separate sanitary and storm water connections to the satisfaction of the Town of Tecumseh Public Works Division prior to the severance being finalized. Separate sanitary service connections are required for both new parcels.
- The parcel to be retained and the parcels 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 Town of Tecumseh to install new access driveways in accordance with all applicable Town standards prior to the commencement of driveway construction within the Town's right-of-way.
- That the Applicant should be made aware of the presence of an existing utility easement that presently spans the entirety of the lot where it abuts Poisson St. PWES recommends that the easement documents be reviewed by the Applicant to ensure that all conditions outlined within the easement agreement are met.

Future owners of the new lots should also be made aware of same.

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

### **Building Department**

- Once the consent has been approved obtain a building permit by applying through the Cloud permitting system and provide all required documents including an engineered lot grading plan at time of application.
- Note: no existing services can cross newly established lot lines, each lot shall be independently serviced.

### **Fire Services**

- No concerns with applications.

### **Essex Powerlines**

- No concerns with applications.

### **Essex Region Conservation Authority**

- The property is not located within a regulated area that is under the jurisdiction of ERCA. As a result, a permit is not required from ERCA.
- No objections to the applications.

### **Discussion**

Vince Geloso, Agent for the Applicant, appears before the Committee to discuss the Application. Vince Geloso has no further comments for the Committee. There are no residents present to speak to the subject application.

Tony Muscedere inquires if there are any drawings for the proposed semi-detached dwelling units and is the alley to the east of the subject lands an open alley and if so, would driveway access be given off the alley. Chad Jeffery indicates that the alley is not passable for automobiles and there has been no consideration for access off the alley.

Doug Pitre is supportive of the Application with the conditions outlined in the Planning Report as the Application is in keeping with the Official Plan and Zoning By-law.

### **Motion: CA-56-24**

Moved By Member Doug Pitre

Seconded By Member Christopher Lanman

**That Application for Consent B-12-24 and B-13-24, 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 \$1400.00 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 be serviced with separate entrances to the satisfaction of the Town's Engineer;
6. That the parcel to be retained and the parcel to be severed are to be serviced with separate water supplies, storm and sanitary sewer systems to the satisfaction of the Town of Tecumseh Public Works and Water Departments prior to this severance being finalized;
7. 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 (residential); and
8. That the above conditions be fulfilled on or before November 29, 2026 prior to this severance being finalized.

**2. Application for Consent B-14-24 Cooper Lane and Erida Ciellza 259 Kensington Boulevard**

- a. Sketch

Interested parties present: Cooper Lane and Erida Ciellza, Applicants

The purpose of the Application is to request consent to sever a residential lot having a frontage of 13.7 metres (45 feet), a depth of 42.6 metres (140 feet) and a lot area of 585.2 square metres (6,299 square feet) outlined in red on the attached sketch. The proposed retained lot has a frontage of 13.7 metres (45 feet), a depth of 42.6 metres (140 feet) and a lot area of approximately 585.2 square metres (6,299 square feet) outlined in green on the attached sketch.

This application will accommodate the division of the property along the common wall dividing the semi-detached dwelling that is currently under construction, such that each dwelling unit will be on its own lot and can be sold separately (i.e. freehold ownership).

The lands are designated Residential in the Official Plan and zoned Residential Zone 2 (R2-9) in Zoning By-law 2065.

Administration/Agency Comments

### **Public Works and Environmental Services**

- That the Applicant be required to service each individual dwelling unit 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 semi-detached units (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 service each individual dwelling unit with separate sanitary and storm water connections to the satisfaction of the Town of Tecumseh Public Works Division prior to the severance being finalized. Separate sanitary service connections are required for both new semi-detached units.
- The parcel to be retained and the parcels 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 Town of Tecumseh to install new access driveways in accordance with all applicable Town standards prior to the commencement of driveway construction within the Town's right-of-way.
- Access culverts across the new driveway entrances will be required within the existing roadside drainage swale, the details of which (pipe sizes, inverts, grades etc.) must be shown on a lot grading plan and submitted as part of the driveway permit application. This information will be required to confirm the proper

grading of new culverts in relation to the existing culverts and swale.

- It is our understanding that the site grading plan for this development proposes to use the existing swale on the west side of Kensington to discharge run-off. Given the shallow depth of the swale in front of the lot, PWES will require additional engineering investigation into the use of the existing storm sewer located on the opposite side of the roadway. Although we may be able to accept the swale as a suitable location for the storm water discharge, we feel that the storm sewer on the opposite side of the roadway may be a better option. To this end, field investigations by the proponent's consultant will be required.
- The cost of all servicing requirements will be at the expense of the applicant.

#### **Building Department**

- No concerns with application.

#### **Fire Services**

- No concerns with application.

#### **Essex Powerlines**

- No concerns with application.

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

- No objection to application. ERCA has issued Permit 803 - 23 for this development, dated February 1, 2024. It is the responsibility of the applicant to notify our office if any changes are required to the approved site plans by contacting [regs@erca.org](mailto:regs@erca.org).

#### **Discussion**

Cooper Lane and Erida Ciellza, Applicants appear before the Committee to discuss the Application.

Tony Muscedere inquires if the stormsewer connection across the road will be a condition of the Consent. Chad Jeffery indicates that the condition reads "that the parcel to be retained and the parcel to be severed are to be serviced with separate water supplies, storm and sanitary sewer systems to the satisfaction of the Town of Tecumseh Public Works and Water Departments prior to this severance being finalized." Therefore, if the works are required to be connected across the road and that is the best approach, it will have to be completed to the satisfaction of the Public Works Department.

There are no residents present to speak to the Applicant.



Tom Marentette inquires if there is a shared agreement with respect to the common wall adjoining the two units. Chad Jeffery indicates that it is not something that is formalized through a legal agreement with the Town. It is a matter between the two parties and essential they each own half of the common wall and it would be up to the property owners to deal with any common maintenance issues ie the roof and they would have to work with each other to resolve the issue as a private matter. This style of freehold ownership for townhomes or semi-detached dwelling units is common throughout the region and done typically without any municipal involvement/agreement.

Chris Lanman is supportive of the Application with the conditions outlined in the Planning Report as the Application is in keeping with the Town's Official Plan and Zoning By-law.

**Motion: CA-57-24**

Moved By Member Christopher Lanman

Seconded By Member Doug Pitre

**That Application for Consent B-14-24, 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 \$1400.00 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 be serviced with separate entrances to the satisfaction of the Town's Engineer;

6. That the parcel to be retained and the parcel to be severed are to be serviced with separate water supplies, storm and sanitary sewer systems to the satisfaction of the Town of Tecumseh Public Works and Water Departments prior to this severance being finalized;
7. 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 (residential); and
8. That the above conditions be fulfilled on or before November 29, 2026 prior to this severance being finalized.

**F. Deferrals**

**G. Planning Report**

**1. November 25, 2024**

**H. Unfinished Business**

**I. New Business**

**J. Adjournment**

**Motion: CA-58-24**

Moved By Member Doug Pitre

Seconded By Member Tony Muscedere

**That** there being no further business, the Monday, November 25, 2024 regular meeting of the Committee of Adjustment now **adjourn** at 5:20 pm.

Carried

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Tom Marentette, Acting Chairperson

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Donna Ferris, Secretary-Treasurer



**Notice of Public Hearing**  
**Application for Minor Variance**  
**Town of Tecumseh Committee of Adjustment**

**File Number**

A-28-24

**Applicant(s)**

Catherine Chauvin

**Location of Property**

649 William Street

**Purpose of Application**

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

- i) Subsection 7.1.5 establishes a maximum lot coverage of 30 percent; and
- ii) Subsection 5.25.1 c) establishes that an accessory structure having more than 10.0 square metres in area (107 square feet) shall not be closer than 1.22 metres (4 feet) to a lot line except where the lot line abuts a public alley. In that case, the accessory structure may be located not less than 0.5 metres from said alley.

The Applicant is proposing to construct a 72.0 square metre (775.4 square foot) single-storey addition to an existing dwelling resulting in a lot coverage of 35 percent as depicted on the attached sketch.

The Applicant is also seeking relief for a 42.7 square metre (140 square foot) existing accessory building (shed) to be 1.1 metres (3.75 feet) from the northerly interior side lot line.

The subject property is designated Residential in the Official Plan and zoned Residential Zone 2 (R2) 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, December 9, 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.

## **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**

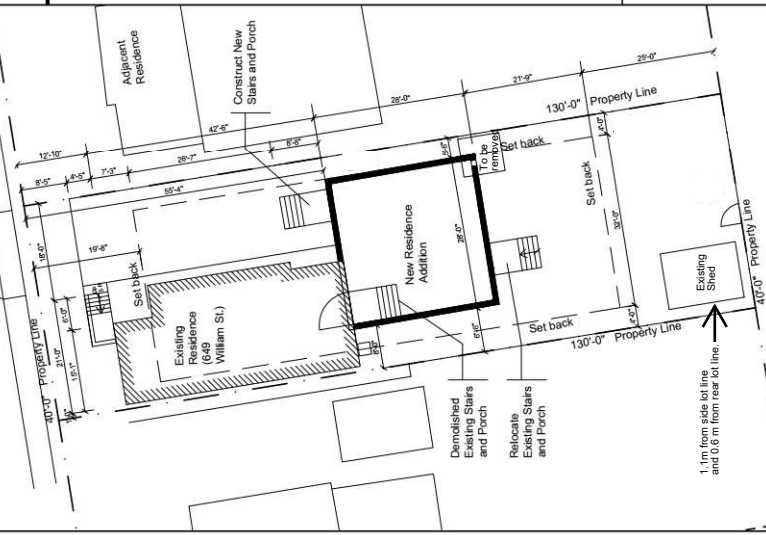
If you wish to be notified of the decision of the Town of Tecumseh Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. 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: November 27, 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)

William Street



1.1m from side lot line  
and 0.6 m from rear lot line.



**The Corporation of the  
Town of Tecumseh**

**Planning Report**

**To:** Committee of Adjustment  
**From:** Chad Jeffery, MA, MCIP, RPP  
**Hearing Date:** December 9, 2024  
**Subject:** **Minor Variance Application A-28-24**

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Please note that this Planning Report was prepared as of December 6, 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 December 9, 2024 as the normal practice.

**Application:** **Minor Variance Application A-28-24**  
**Applicant:** Catherine Chauvin  
**Location of Property:** 649 William Street

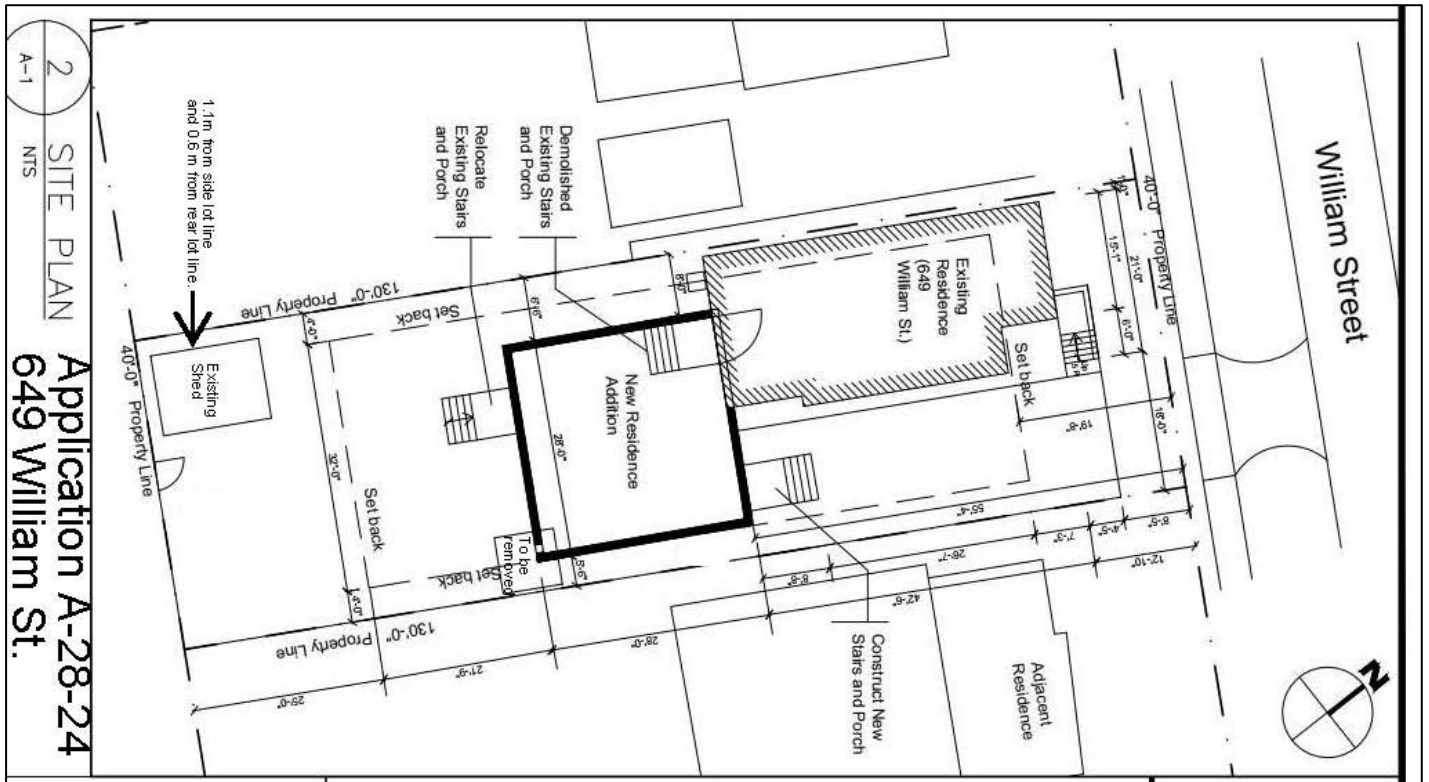
The purpose of the Application is to request relief from the following subsections of Zoning By-law 1746:

- i) Subsection 7.1.5 establishes a maximum lot coverage of 30 percent; and
- ii) Subsection 5.25.1 c) establishes that an accessory structure having more than 10.0 square metres in area (107 square feet) shall not be closer than 1.22 metres (4 feet) to a lot line except where the lot line abuts a public alley. In that case, the accessory structure may be located not less than 0.5 metres from said alley.

The Applicant is proposing to construct a 72.0 square metre (775.4 square foot) single-storey addition to an existing dwelling resulting in a lot coverage of 35 percent as depicted on the sketches below.

The Applicant is also seeking relief to permit an existing 42.7 square metre (140 square foot) accessory building (shed) to continue to be 1.1 metres (3.75 feet) from the northerly interior side lot line.

The subject property is designated Residential in the Official Plan and zoned Residential Zone 2 (R2) 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 and accessory structures are permitted within this designation. The proposed variance, which will facilitate the proposed 72.0 square metre (775.4 square foot) addition to the rear of the existing dwelling, as well as permit the existing shed in its current location on the subject property, meets the intent of the policies of the Official Plan.

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

The subject property is zoned Residential Zone 2 (R2) in Zoning By-law 1746.

The intent of the 30 percent maximum total lot coverage is to ensure that the scale and massing of buildings are appropriate and that the lot will be able to provide adequate areas for landscaping, parking and other amenities. The proposed lot coverage of 35 percent will facilitate the proposed addition to the dwelling without resulting in any deficiencies in landscaping requirements or the ability of the site to provide for parking or open space areas.

The intent of the 1.22 metre (4 foot) interior side yard width for accessory structures greater than 10.0 square metres in area (107 square feet) is to ensure that these structures are appropriately setback from abutting property lot lines and that sufficient space is provided around the structure to facilitate any exterior maintenance. The existing 42.7 square metre (140 square foot) accessory structure (shed) is located 1.1 metres (3.75 feet) from the northerly interior side lot line. This is only marginally below the maximum 1.22 metre (4 foot) requirement and will continue to provide adequate separation from the lot lines. It should be noted that the existing 0.6 metre (2 foot) setback from the rear lot line complies with the zoning as the subject property abuts a municipal alley.

All other requirements of the R2 zone will be complied with.

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

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

Additions to homes in the older, stable areas of the Town are common as owners attempt to enhance the available indoor livable space of the smaller homes located in these neighbourhoods. In this case, the proposed addition will occupy an area on the lot that is currently covered by a deck and hard-surfaced area. Although there will be a loss of outdoor amenity space, the remaining landscaped open space amounts to approximately 35 percent of the lot which is greater than the 30 percent minimum established in the Zoning By-law. Further, the resulting rear yard amenity space is similar in size and nature to the other lots immediately surrounding the subject property. The proposed enlarged dwelling and the location of the existing shed are both in keeping with the character and built form of the



surrounding neighbourhood. Accordingly, 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 rear wall of the addition will be roughly aligned with the rear wall of the dwelling to the south and the existing shed is in a location on the lot that has no discernable impact on the abutting property to the north. Accordingly, subject to adequately addressing any concerns raised, it is my opinion that the requested variance will not result in any undue adverse impact and is therefore minor in nature.

### **Administration/Agency Comments**

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

- PWES has no comments regarding the requested minor variance.

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

- Once an approval has been granted the applicant shall obtain a building permit by applying through the Cloud permitting system and provide all required documents including an engineered lot grading plan at time of application.

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

- No concerns with application.

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

- The noted lands are not located within a regulated area that is under the jurisdiction of ERCA. As a result, a permit is not required.
- No objections with applications.

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

- If the customer requires a service upgrade due to the additional load, they must contact EPL for a cost to do so.

### **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 applications satisfy 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 applications.

Based on the foregoing, the writer supports the minor variance application and believes it to be based on sound planning principles.

### **Recommended Conditions**

None.