

Committee of Adjustment Meeting Agenda

Monday, February 24, 2025, 5:00 pm
Tecumseh Town Hall - Council Chambers
917 Lesperance Road
Tecumseh, Ontario N8N 1W9

	Pages
A. Roll Call	
B. Call to Order	
C. Disclosure of Pecuniary Interest	
D. Minutes	
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E. Applications	
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F. Deferrals	
G. Planning Report	
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H. Unfinished Business	
I. New Business	
J. Adjournment	

**Committee of Adjustment
Minutes**

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

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

Absent:
 Member, Lori Chadwick

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

Others:
 Senior Planner, Enrico De Cecco
 Manager Technology Services, 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. November 25, 2024

Motion: CA-59-24

Moved By Member Doug Pitre
 Seconded By Member Tom Marentette

That the minutes of the regular Committee of Adjustment meeting held November 25, 2024 **be approved**, as printed and circulated.

Carried

E. Applications

1. Application for Minor Variance A-28-24 Catherine Chauvin 649 William Street

a. Sketch

Interested parties present: Wayne Chauvin, Agent for the Applicant

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.

Administration/Agency Comments

Public Works and Engineering

- PWES has no comments regarding the requested minor variance.

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.

Fire Department

- No concerns with application.

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.

Essex Powerlines

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

Discussion

Wayne Chauvin, Agent for the Applicant appears before the Committee to discuss the Application. Tom Marentette inquires if a building permit was obtained for the shed. Wayne Chauvin explains that a permit was not obtained for the shed as it was under 162 square feet therefore a permit was not required. Wayne Chauvin further explains that there was an existing shed that was on the rear and side yard lot lines and when rebuilding moved it 2 feet from the rear lot line and 3.75 feet from the interior side lot line however was deficient by .25 feet therefore is seeking relief for the reconstructed shed.

Tom Marentette also confirms with the Agent that five percent lot coverage is being requested for an addition to the house and that the house is not a rental unit.

Tom Fuerth indicates that residents of 653, 674, 644, 621, 637, 650, 658 and 677 William Street are supportive of the Applications.

Tom Marentette indicates that he is supportive of the Application is in keeping with the area, the neighbour's are supportive of the application and the application meets the four tests of a minor variance.

Motion: CA-60-24

Moved By Member Tom Marentette

Seconded By Member Christopher Lanman

That Application for Minor Variance A-28-24, be approved.

Carried

F. Deferrals

G. Planning Report

1. December 9, 2024

H. Unfinished Business

I. New Business

J. Adjournment

Motion: CA-61-24

Moved By Member Paul Jobin

Seconded By Member Tom Marentette

That there being no further business, the Monday, December 9, 2024 regular meeting of the Committee of Adjustment now **adjourn** at 5:07 pm.

Carried

Tom Fuerth, Chairperson

Donna Ferris, Secretary-Treasurer



Notice of Public Hearing
Application for Consent/Severance
Town of Tecumseh Committee of Adjustment

File Number

B-01-25

Applicant(s)

Damesview Farms Inc.

Location of Property

701 South Talbot Road

Purpose of Application

The purpose of the Application is to request consent to sever a surplus dwelling lot having a frontage of 44.0 metres (145.0 feet), a depth of 137.0 metres (450.0 feet) and a lot area of 0.61 hectares (1.5 acres) outlined in red on the attached sketch. The proposed severed lot contains one residential dwelling.

The retained farm parcel, outlined in green on the attached sketch, has an approximate lot area of 47.4 hectares (117.1 acres). As a condition of consent, a Zoning By-law amendment will be required to:

- i) prohibit a residential dwelling on the retained lands, in accordance with the Provincial Planning Statement; and
- ii) establish a maximum lot area of 0.61 hectares/1.5 acres for the severed lot.

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

Take Notice

That an application under the above-noted file number will be heard by the Town of Tecumseh Committee of Adjustment on Monday, February 24, 2025 at 5:00 pm in Town Municipal Office Council Chambers at 917 Lesperance Road, Tecumseh, Ontario.

Any person may attend this public meeting to express their views about this application, or alternatively they may be represented by Counsel for that purpose.



Please note that the Town of Tecumseh has transitioned its Committee of Adjustment meetings to a hybrid meeting with a mix of in-person attendees and remote participants. Members of the public now have the option of participating either in person at the Town of Tecumseh Municipal Building or electronically via Zoom. If you wish to attend via Zoom, **you must contact the Secretary-Treasurer of the Committee of Adjustment** via email at dferris@tecumseh.ca or phone 519-735-2184 ext. 132, **no later than 12 p.m. on the meeting date noted above**. Attendees/Delegates will be contacted directly with registration details prior to the meeting.

Written Comments

If you wish to submit written comments on this application, they **must be provided to the attention of the Secretary-Treasurer of the Committee of Adjustment**. Comments can be sent by mail to the Town of Tecumseh, 917 Lesperance Road, Tecumseh, ON, N8N 1W9 or emailed to dferris@tecumseh.ca **no later than 12 p.m. on the meeting date noted above**. Information you choose to disclose in your correspondence will be used to receive your views on the relevant issue(s) to enable the Committee to make its decision on this matter. This information will become part of the public record.

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 Committee of Adjustment in respect to this application, **you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment** by mail to the Town of Tecumseh, 917 Lesperance Road, Tecumseh, ON, N8N 1W9 or by email to dferris@tecumseh.ca.

If a person or public body has the ability to appeal the decision of the Town of Tecumseh Committee of Adjustment in respect of the proposed Consent to the Ontario Land Tribunal but does not make written submissions to the Town of Tecumseh Committee of Adjustment before it gives or refuses to give a provisional Consent, the Tribunal may dismiss the appeal.



The Corporation of the Town of Tecumseh

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To appeal the decision to the Ontario Land Tribunal, send a Notice of Appeal 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.

Additional information regarding the application may be obtained by contacting:

Donna Ferris, Secretary-Treasurer, at dferris@tecumseh.ca or at 519-35-2184 ext. 132.

Date: January 30, 2025

Donna Ferris, Secretary-Treasurer
Town of Tecumseh Committee of Adjustment
917 Lesperance Rd., Tecumseh, ON N8N 1W9
Telephone: 519-735-2184 ext. 132 Email: dferris@tecumseh.ca

Town of
LaSalle

HOWARD AVE. / COUNTY RD. 9

44 m X 137 m lot
TO BE SEVERED
(Lot Area: 0.6 ha / 1.5 ac)

701

SOUTH TALBOT ROAD

TO BE RETAINED
(Lot Area: 47.4 ha / 117.1 ac)

Application B-01-25
701 South Talbot Road



Note: Map is for illustrative purposes only



**The Corporation of the
Town of Tecumseh**

Planning Report

To: Committee of Adjustment
From: Chad Jeffery, MA, MCIP, RPP
Hearing Date: February 24, 2025
Subject: **Severance Application B-01-25**

Please note that this Planning Report was prepared as of February 21, 2025. 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 February 24, 2025 as the normal practice.

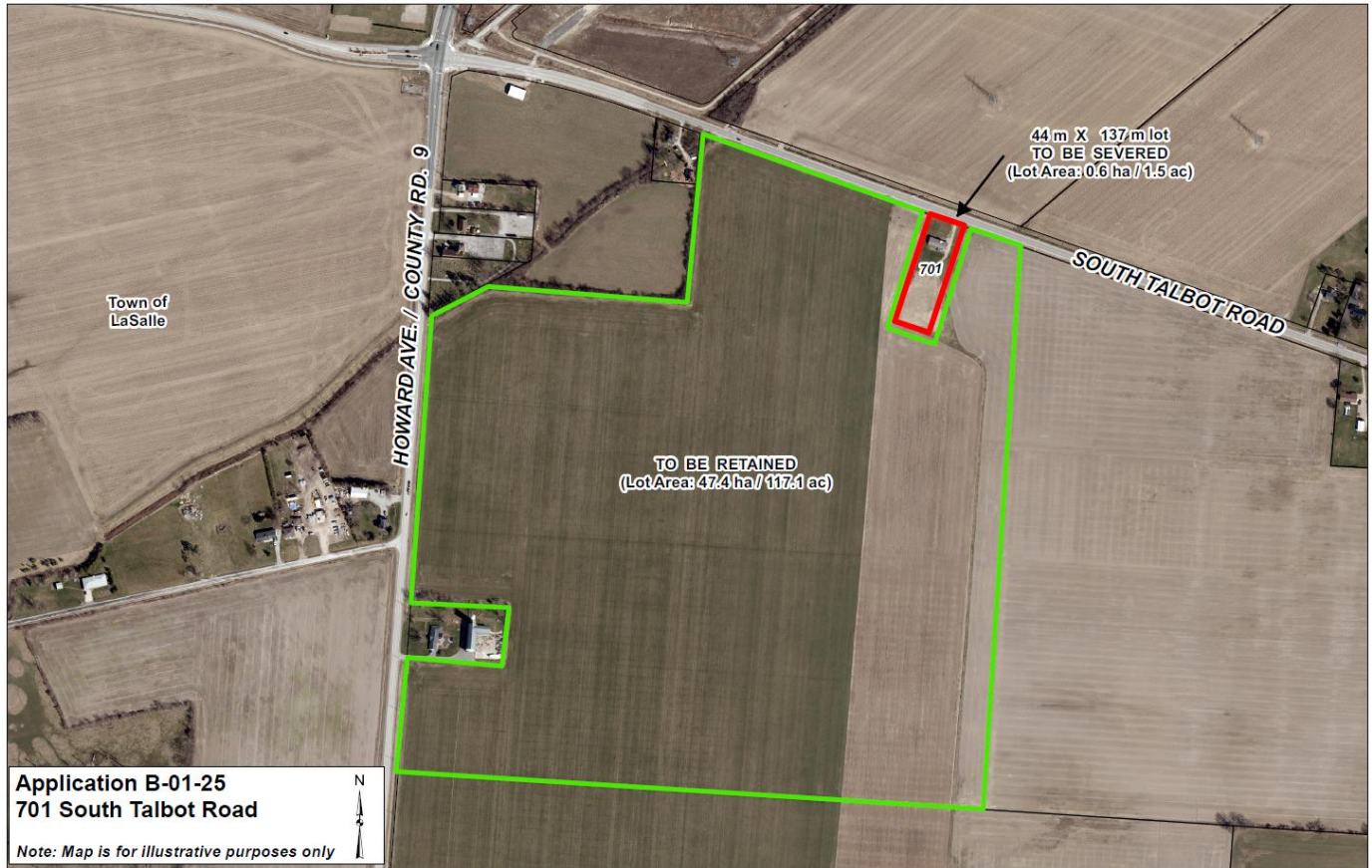
Application: **Severance Application B-01-25**
Applicant: Damesview Farms Inc.
Location of Property: 701 South Talbot Road

The purpose of the Application is to request consent to sever a surplus dwelling lot having a frontage of 44.19 metres (145.0 feet), a depth of 137.16 metres (450.0 feet) and a lot area of 0.61 hectares (1.5 acres) outlined in red on the attached sketch. The proposed severed lot contains one residential dwelling.

The retained farm parcel, outlined in green on the attached sketch, has an approximate lot area of 47.4 hectares (117.1 acres). As a condition of consent, a Zoning By-law amendment will be required to:

- i) prohibit a residential dwelling on the retained lands, in accordance with the Provincial Planning Statement; and
- ii) establish a maximum lot area of 0.61 hectares/1.5 acres for the severed lot.

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



Provincial Planning Statement

The *Planning Act* establishes that the Committee, when making decisions that affect a planning matter, “shall be consistent with” the 2024 Provincial Planning Statement (“PPS”) issued under the *Planning Act*. The PPS establishes the following land division policy for surplus dwelling severances on Agricultural lands:

“4.3.3 Lot Creation and Lot Adjustments

5. Lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for:
 - ...
 - c) one new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that:
 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
 2. the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant

parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective.”

The applicant has advised that the size of the proposed size surplus dwelling lot is dictated by the fact that the land comprising the proposed surplus dwelling lot has historically been used in conjunction with the existing residential dwelling (and not for agricultural purposes) and the proposed lot depth aligns the current drainage pattern of the farmed area that would surround the surplus dwelling lot. Accordingly, no farmland is being taken out of production.

Based on the foregoing, it is the opinion of the writer that the application for the proposed agricultural severance is consistent with the PPS provided the retained farm parcel is rezoned to prohibit a residential dwelling.

County of Essex Official Plan

The subject lands are designated Agricultural in the County Official Plan. As with the PPS, the County Official Plan permits the creation of a lot to accommodate a residence surplus to a farming operation as a result of farm consolidation subject to the local Zoning By-law being amended to prohibit a new residential dwelling on the remnant parcel of farmland created by the severance. Accordingly, it is the opinion of the writer that the proposed severance meets the intent of the County of Essex Official Plan subject to this condition being imposed.

Tecumseh Official Plan

The proposed severed and the retained parcels are designated Agricultural in the Tecumseh Official Plan. The land division policies of the Agricultural designation permit the granting of a consent to sever a dwelling unit that is considered surplus to the needs of the farming operation as a result of the acquisition of additional farm property, subject to meeting various policy criteria.

The proposed application meets these criteria however, in accordance with subsection 6.4.1 ii) b., the size of a surplus dwelling lot cannot be greater than 0.5 hectares (1.24 acres), except where natural or man-made features or servicing requirements dictate otherwise. As noted above, The proposed surplus dwelling lot, at 0.61 hectares (1.5 acres), is dictated by the fact that the land comprising the proposed surplus dwelling lot has historically been used in conjunction with the existing residential dwelling (and not for agricultural purposes) and the proposed lot depth aligns the current drainage pattern of the farmed area that would surround the surplus dwelling lot. Accordingly, no farmland is being taken out of production.

As with the County Official Plan, the Tecumseh Official Plan, under subsection 6.4.1 ii) c., requires that, as a condition of the consent, the retained farm parcel will be rezoned to prohibit a residential dwelling from being constructed upon it. Further, subsection 6.4 iv) of the consent policies states:

- “ 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.”

Accordingly, if the Committee decides to grant the severance, it should also be made conditional to the requisite rezoning prohibiting a dwelling on the retained farm parcel and

establishing a new maximum lot area for the surplus dwelling lot. Subject to this condition being imposed, it is my opinion that the subject application conforms to the Tecumseh Official Plan.

Zoning By-Law

The proposed severed and retained lots are zoned Agricultural Zone (A) in Zoning By-law 85-18. As noted above, if the Committee decides to grant the severance, it must be made conditional to both the severed and retained farm parcel being rezoned into site-specific "Agricultural Zone (A)" Zone that would establish a maximum lot area of 0.61 hectares (1.5 acres) for the severed lot and prohibit a residential dwelling on the retained farm lot.

Administration/Agency Comments

1. Public Works and Engineering 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. Specifically, the subject farm property is within the watershed of the Dickson Drain, 3rd Concession Drain (LaSalle), East Branch of the Cahill (LaSalle), and the Canard River (LaSalle). There is currently an ongoing improvement project for the 3rd Concession Drian where a report was adopted but construction has not been commenced (anticipated soon).
- 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. However, it does appear that access to the retained parcel will not be affected by the proposed severance; access to the retained farm parcel is currently being provided over from Howard Avenue, while access to the severed homestead is provided from South Talbot Road. As such, it is our view that a new access will not be required to accommodate this application. However, should this not be the case, or should the existing access require modification or relocation to better accommodate the parcel within an existing Municipal Drain, an engineering report in accordance with Ontario Drainage Act, RSO. 1990, would be required and the associated costs of same would be borne solely by the Applicant. Should new access or accesses be required, the Applicant, developer or future builder, shall be required to obtain approvals and permits from the Town of Tecumseh and/or the County of Essex to install new access driveways in accordance with all applicable Town and/or County standards prior to the commencement of driveway construction within the Town's right-of-way.
- The cost of all servicing and access requirements will be at the expense of the applicant.

2. **Building Department**

- That the Applicant be required to provide and implement a drainage and grading plan for the parcel to be severed, to ensure that runoff from the severed parcel is prevented from flowing onto the retained parcel, to the satisfaction of the Town of Tecumseh Chief Building Official, prior to the severance being finalized;
- That the parcel to be retained and the parcel to be severed are to be serviced with separate water supplies and septic systems to the satisfaction of the Town of Tecumseh Public Works, Water and Building Departments prior to this severance being finalized; and
- 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 redirect the tiles/systems around the parcel to be severed to the satisfaction of the Chief Building Official prior to the severance being finalized.

3. **Fire Services**

- No concerns with application.

4. **Essex Region Conservation Authority**

- No objection to the 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 my opinion that the proposed severance is consistent with the PPS, conforms to both the County and Tecumseh 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

CONDITIONS – this decision has been made 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 \$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 be successfully rezoned to prohibit a residential dwelling prior to final consent;
6. The severed land to be conveyed is transferred to someone other than the applicant, the applicant's spouse, a partnership, or a corporation of which the applicant is a principle owner;
7. 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 redirect the tiles/systems around the parcel to be severed to the satisfaction of the Chief Building Official prior to the severance being finalized;
8. 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*;
9. That the Applicant be required to provide and implement a drainage and grading plan for the parcel to be severed, to ensure that runoff from the severed parcel is prevented from flowing onto the retained parcel, to the satisfaction of the Town of Tecumseh Chief Building Official, prior to the severance being finalized;
10. 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;
11. That the approval of a Zoning By-law amendment be required in order to:
 - a. prohibit a residential dwelling on the retained farm parcel, in accordance with the Provincial Planning Statement; and
 - b. establish a maximum lot area of 0.61 hectares/1.5 acres for the severed surplus dwelling lot;

12. That the parcel to be retained and the parcel to be severed are to be serviced with separate water supplies and septic systems to the satisfaction of the Town of Tecumseh Public Works, Water and Building Departments prior to this severance being finalized;
and
13. That the above conditions be fulfilled on or before February 28, 2027 prior to this severance being finalized.