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Town of Tecumseh
Public Council Meeting
Tuesday, August 14, 2012
6:15 PM
Tecumseh Town Hall

MEETING:

I. CALL TO ORDER

II. ROLL CALL

III. DISCLOSURE OF PECUNIARY INTEREST

IV. INTRODUCTION AND PURPOSE OF MEETING

The purpose of the meeting is to give consideration to a proposed Zoning By-law amendment pursuant to the provisions of the *Planning Act, R.S.O. 1990* to rezone a 16.2 hectare (40 acre) agricultural property situated on the north side of Highway No. 3, approximately 800 metres west of its intersection with County Road 34 from "Agricultural Zone (A)" to a site specific Agricultural Zone prohibiting the construction of a residential dwelling unit, in accordance with Section 2.3.4.1 c) of the Provincial Policy Statement (PPS).

V. DELEGATIONS

VI. COMMUNICATIONS

- A. Town of Tecumseh, Notice of Public Meeting, August 14, 2012
Re: Proposed Zoning By-law Amendment, 7480 and 7800 Hwy 3
- B. Manager, Planning Services / Senior Planner, July 13, 2012,
Report No. 18/12 - *Re: 7480 / 7800 Highway No. 3, Rezoning as Condition of Consent for Surplus Dwelling Lots*
- C. *Essex Region Conservation Authority (ERCA), August 10, 2012
Re: Zoning By-law Amendment, 7480 & 7800 Highway No. 3, Beetham*

VII. ADJOURNMENT

TOWN OF TECUMSEH
NOTICE OF PUBLIC MEETING

PROPOSED ZONING BY-LAW AMENDMENT

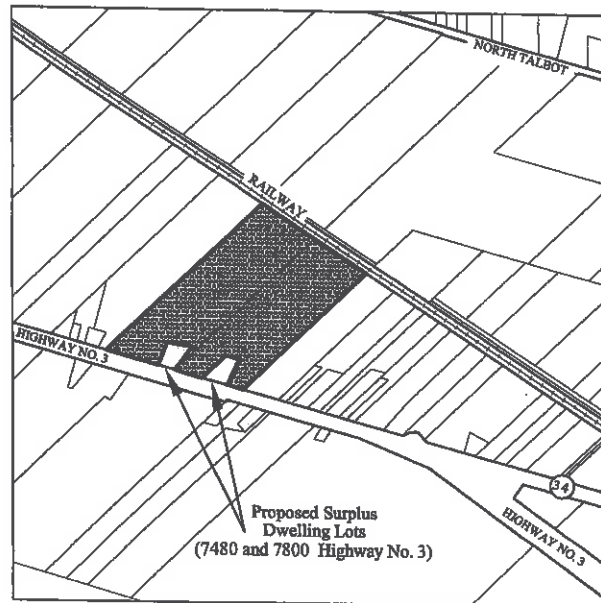
TAKE NOTICE that the Council of the Corporation of the Town of Tecumseh will hold a public meeting **Tuesday, August 14th, 2012 at 6:15 p.m.** in the Town Municipal Office at 917 Lesperance Road to consider a proposed Zoning By-law amendment pursuant to the provisions of the *Planning Act, R.S.O. 1990*.

The purpose of the proposed amendment is to rezone a 16.2 hectare (40 acre) agricultural property situated on the north side of Highway No. 3, approximately 800 metres west of its intersection with County Road 34 (see Key Map below for location), from "Agricultural Zone (A)" to a site specific Agricultural Zone prohibiting the construction of a residential dwelling unit, in accordance with Section 2.3.4.1 c) of the Provincial Policy Statement (PPS). In addition, the proposed amendment establishes a minimum lot area that recognizes a retained farm lot area of 16.2 hectares that results from the creation of the new surplus dwelling lots and the consolidation of the two retained farm lots. Provisional consents for the severance of two surplus dwelling lots (7480 and 7800 Highway No. 3) from the subject property were granted by the Committee of Adjustment at its March 19, 2012 meeting, by way of applications B/03-12 and B/04-12. The proposed amendment is a condition of these severance conditions.

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Zoning By-law amendment.

If a person or public body that files an appeal of a decision of the Town of Tecumseh in respect of the proposed Zoning By-law amendment does not make oral submissions at a public meeting or make written submissions to the Town of Tecumseh before the proposed Zoning By-law amendment is adopted, the Ontario Municipal Board may dismiss all or part of the appeal.

ADDITIONAL INFORMATION relating to this matter is available for review during regular office hours at the Town Municipal Office on Lesperance Road.



DATED AT THE TOWN OF
TECUMSEH THIS 25th DAY
OF JULY, 2012.

LAURA MOY
CLERK
TOWN OF TECUMSEH
917 LESPERANCE ROAD
TECUMSEH, ONTARIO
N8N 1W9



 Area Affected by the
Proposed Amendment

2.6
PRESENTED TO
PUBLIC COUNCIL:
AUGUST 14, 2012



THE CORPORATION OF THE
TOWN OF TECUMSEH

PLANNING AND BUILDING SERVICES
DEPARTMENT
Report No. 18/12

2.6
PRESENTED TO
PUBLIC COUNCIL:
AUGUST 14, 2012

12.10
PRESENTED TO
REGULAR COUNCIL:
JULY 24, 2012

TO: Mayor and Members of Council
FROM: Chad Jeffery, MA, MCIP, RPP
Manager, Planning Services/Senior Planner
DATE: July 13, 2012
SUBJECT: Beetham Zoning By-law Amendment
7480 / 7800 Highway No. 3
Rezoning as Condition of Consent for Surplus Dwelling Lots (B-03/12 & B-04/12)
OUR FILE: D19 BEE

RECOMMENDATIONS:

It is recommended that Council:

1. Authorize the scheduling of a public meeting for the application submitted by Mr. Brian Chillman, Solicitor (on behalf of the registered owner), to amend the former Township of Sandwich South Zoning By-law to rezone an approximate 16.2 hectare (40 acre) agricultural property situated on the north side of Highway No. 3 (7480 / 7800 Highway No. 3) from "Agricultural Zone (A)" to a site specific Agricultural Zone in order to:
 - i) prohibit the construction of a residential dwelling unit in accordance with Section 2.3.4.1 c) of the Provincial Policy Statement; and
 - ii) establish a site specific minimum lot area that will recognize the retained farm lot area that results from the creation of the new surplus dwelling lots.
2. Consider a draft zoning by-law amendment to be prepared for consideration at the same meeting.

BACKGROUND:

Severance applications B-03/12 and B-04/12 were granted provisional consent by the Committee of Adjustment at its March 19, 2012 meeting for the creation of two surplus dwelling lots from two separate agricultural properties and the consolidation of the remaining two vacant agricultural parcels into one 40 acre consolidated agricultural parcel (see Attachment 1). The Committee determined that the application conformed to the relevant Official Plan Land Division Policies for lands designated Agricultural in the Sandwich South Official Plan.

The current Provincial Policy Statement, which came into effect in 2005, establishes the following land division policy for Agricultural lands:

"2.3.4.1 *Lot creation in prime agricultural areas is discouraged and may only be permitted for:*

Beetham Zoning By-law Amendment**7480 / 7800 Highway No. 3****Rezoning as Condition of Consent for Surplus Dwelling Lots (B-03/12 & B-04/12)****OUR FILE: D19 BEE****July 13, 2012**

- c) *a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective”*

The provisional consents were granted by the Committee of Adjustment conditional to the passing of a zoning by-law amendment prohibiting a new residential dwelling on the retained farm parcel. An application to amend the zoning by-law for the subject farm parcel has now been filed with the Town.

COMMENTS:Official Plan Designation

The subject property is designated “Agricultural” on Schedule “A” of the former Sandwich South Official Plan (see Attachment 2). The policies encourage the conservation and preservation of land for agricultural purposes and agricultural related uses.

Zoning

The subject property is currently zoned Agricultural Zone (A) (see Attachment 3), which permits agricultural and agricultural related uses, including a single unit dwelling. In order to conform to subsection 2.3.4.1 c) of the Provincial Policy Statement, and to satisfy the previously noted condition of severance for applications B-03/12 and B-04/12, it is necessary to place the consolidated retained farm parcel in a site specific Agricultural Zone that will allow the full range of agricultural uses but prohibit the construction of a residential dwelling.

In addition, the consolidated retained farm parcel created through the provisional consent has a total lot area of 40 acres. The A Zone establishes a minimum of 46.94 acres. The Committee therefore attached a condition to the consents that requires the associated Zoning By-law amendment application address the resulting undersized farm lot. Given that two smaller farm parcels are being consolidated to form a larger, more viable farm parcel and that no new residential dwelling may be constructed on this consolidated parcel, Town Administration does not have any concerns with the proposed site specific rezoning.

Summary

The proposed zoning by-law amendment is in keeping with the Provincial Policy Statement and if adopted, fulfills one of the conditions of consent for applications B-03/12 and B-04/12 regarding the prohibition of a new residential dwelling and the establishment of a reduced minimum farm lot area. A public meeting to consider the rezoning in accordance with the requirements of the Planning Act will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and public agencies.

Beetham Zoning By-law Amendment
7480 / 7800 Highway No. 3
Rezoning as Condition of Consent for Surplus Dwelling Lots (B-03/12 & B-04/12)
OUR FILE: D19 BEE
July 13, 2012

CONSULTATIONS:

The application was reviewed at recent Planning Staff Review meeting(s) by:

Planning and Building Services

FINANCIAL IMPLICATIONS:

There are no financial implications.

LINK TO STRATEGIC PRIORITIES:

Encouraging the orderly and proper development for the Town has been identified as a key strategic priority.

**Beetham Zoning By-law Amendment
7480 / 7800 Highway No. 3
Rezoning as Condition of Consent for Surplus Dwelling Lots (B-03/12 & B-04/12)
OUR FILE: D19 BEE
July 13, 2012**

This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:



Enrico De Cecco, BA (Hons.), MCIP, RPP
Junior Planner

Reviewed by:



Chad Jeffery, MA, MCIP, RPP
Manager, Planning Services/Senior Planner

Reviewed by:



Brian Hillman, MA, MCIP, RPP
Director of Planning and Building Services

Recommended by:



Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

ED

- Attachment(s):
1. Location Map
 2. Official Plan Map
 3. Zoning Map

File Name (R:\ZBA & OPA APPLICATIONS\D19 BEE - Beetham\Report 18-12 - D19 BEE Surplus Dwelling ZBA.docx)

Beetham Zoning By-law Amendment
7480 / 7800 Highway No. 3
Rezoning as Condition of Consent for Surplus Dwelling Lots (B-03/12 & B-04/12)
OUR FILE: D19 BEE
July 13, 2012




Prepared By:
Tecumseh Planning and
Building Services Department



Attachment 1
Beetham Zoning By-law Amendment
Surplus Dwelling Lot Severances
Property Location

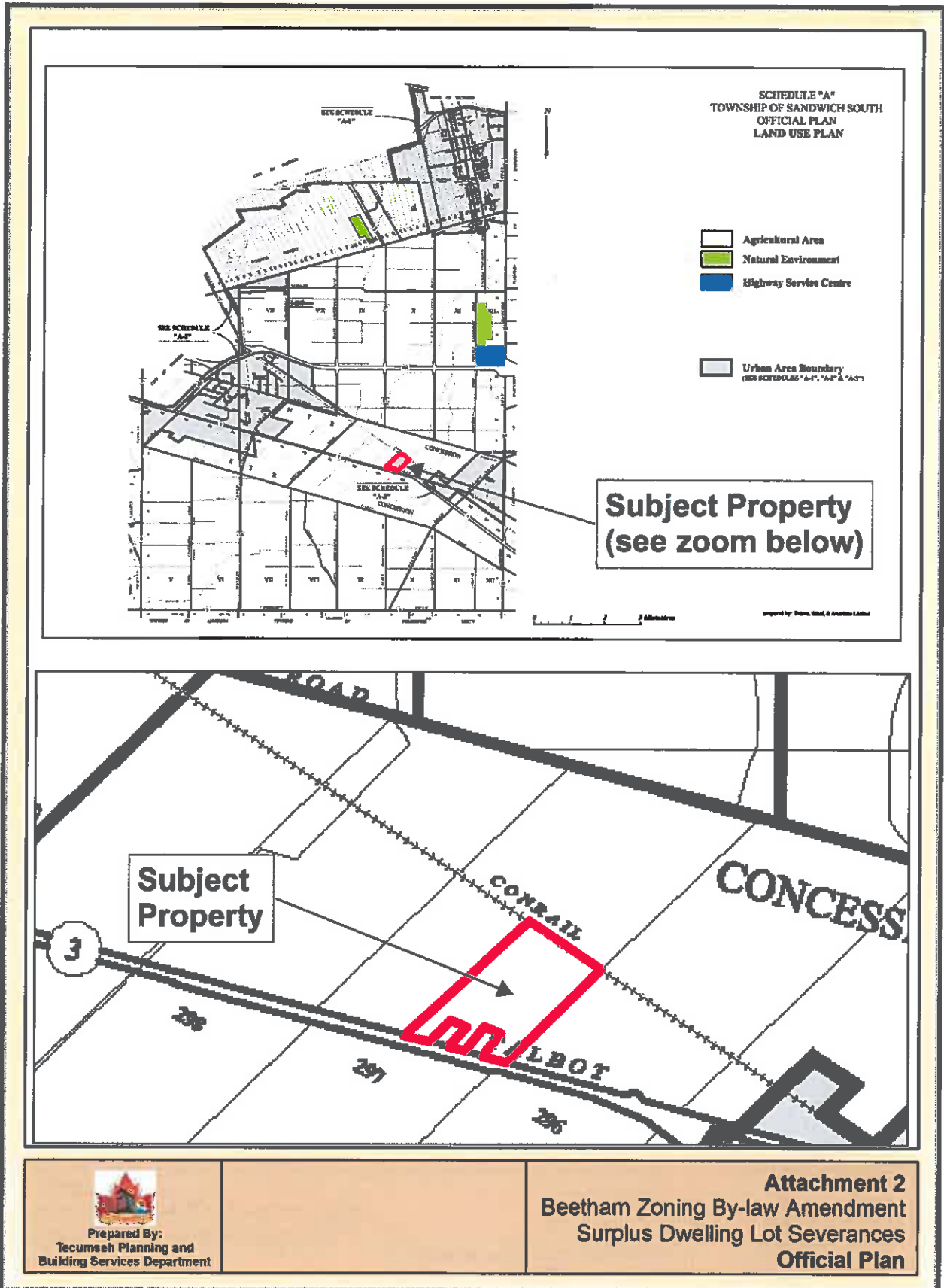
Beetham Zoning By-law Amendment

7480 / 7800 Highway No. 3

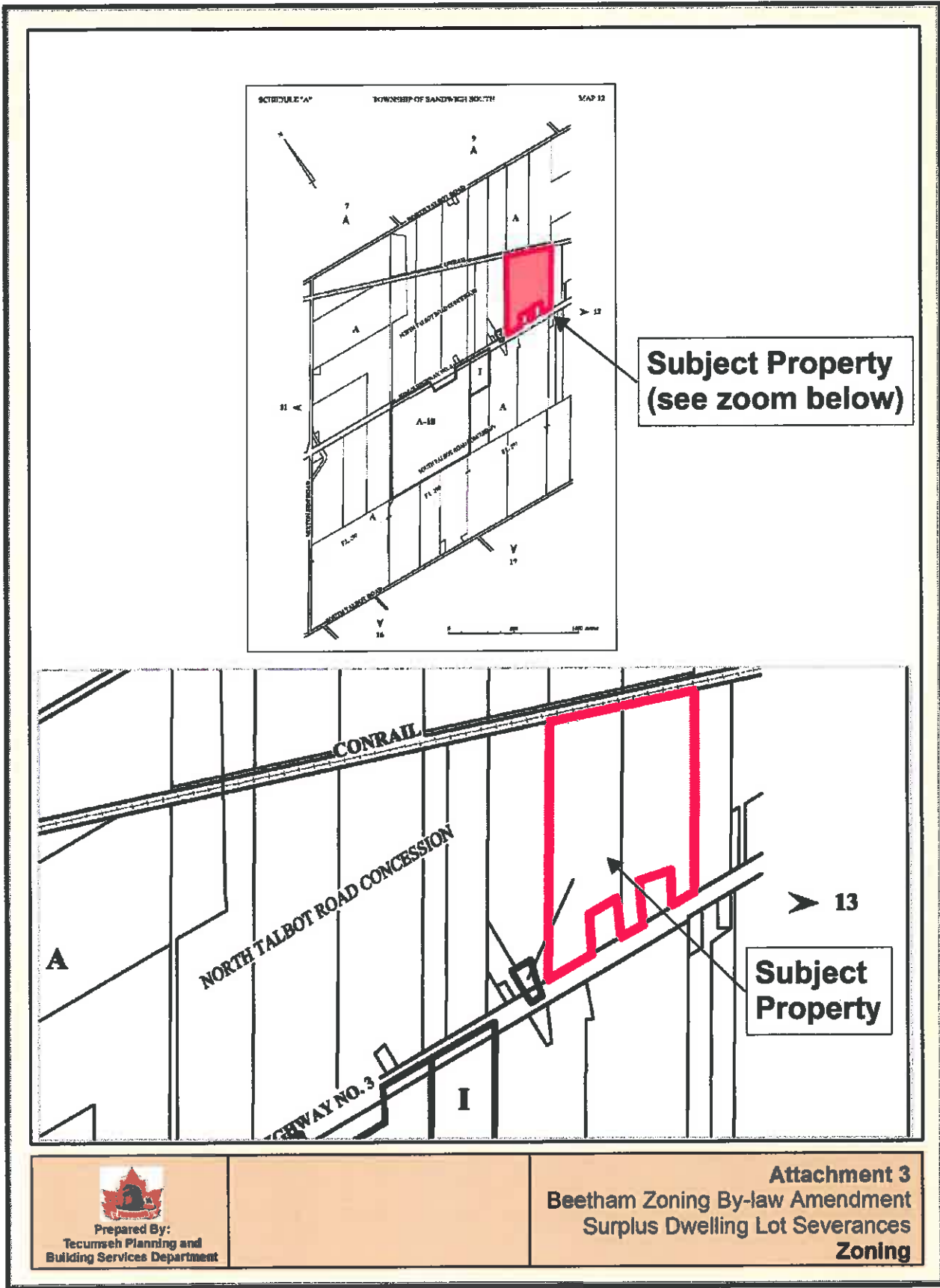
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OUR FILE: D19 BEE

July 13, 2012



**Beetham Zoning By-law Amendment
7480 / 7800 Highway No. 3
Rezoning as Condition of Consent for Surplus Dwelling Lots (B-03/12 & B-04/12)
OUR FILE: D19 BEE
July 13, 2012**




Prepared By:
Tecumseh Planning and
Building Services Department

Attachment 3
Beetham Zoning By-law Amendment
Surplus Dwelling Lot Severances
Zoning



Essex Region
Conservation
Authority

360 Fairview Avenue West, Suite 311, Essex, ON, Canada, N8M 1Y6 | P 519-776-5209 | F 519-776-8688 | erca.org | ourgreenlegacy.org



2.6	PRESENTED TO PUBLIC COUNCIL:
	AUGUST 14, 2012

2012 Board of Directors August 10, 2012

Town of Amherstburg
Robert Pillon
John Sutton

Ms. Laura Moy, *Clerk*
Town of Tecumseh
917 Lesperance Road
Tecumseh, ON N8N 1W9

Town of Essex
Sherry Bondy
John Scott

Town of Kingsville
Gord Queen
Tamara Stomp

Dear Ms. Moy:

Town of Lakeshore
Al Fazio
Len Janisse

RE: Notice of Public Meeting to Consider Zoning By-Law Amendment (ZBA) - Lot 297
Talbot Road North Side; 7480 & 7800 Highway No 3; ARN: 374448000007400 &
374448000007300; PIN: 752320056 & 752320057; Applicant: Douglas & Doris
Beetham; Regulated Area: Gzowski Drain.

Town of Lasalle
Sue Desjarlais
Ray Renaud

The following is provided for your information and consideration as a result of our review of the above referenced Notice of Public Meeting to Consider Zoning By-Law Amendment (ZBA).

Municipality of Leamington
Rick Atkin
Larry Verbeke

For the owner's information, we note that portions of the above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). Prior to any construction or site alteration, or other activities affected by the regulations, the property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority.

Township of Pelee
Rick Masse

Based on our review, we have no objections to the application.

Town of Tecumseh
Joe Bachetti - Vice Chair
Cheryl Hardcastle

If you should have any questions or require any additional information, please do not hesitate to contact the ERCA office by phone at (519) 776-5209 or by fax at (519) 776-8688.

City of Windsor
Percy Hatfield - Chair
Al Maghnieh
Hilary Payne
Ed Sleiman

**General Manager /
Secretary Treasurer**
Richard Wyma

Thank you.

Sincerely,

Member of



Conservation
ONTARIO
Natural Champions

Tim Byrne
Coordinator of Flood & Erosion Control

/dl

C: Douglas & Doris Beetham

