



**TOWN OF AMHERSTBURG
COMMITTEE OF ADJUSTMENT MEETING**

AGENDA

**View Livestream at the time of the proceedings at
<https://www.amherstburg.ca/livestream>**

Wednesday, July 3, 2024

8:00 AM

Council Chambers

271 Sandwich Street South, Amherstburg, ON, N9V 2A5

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Pages

- 1. CALL TO ORDER**

- 2. ROLL CALL**

- 3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**
(Public Meeting Agenda Items)

4. LAND ACKNOWLEDGEMENT

We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron-Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

5. MINUTES OF PREVIOUS MEETING

That the following minutes of the Committee of Adjustment **BE APPROVED**:

5.1 June 5, 2024 Committee of Adjustment Meeting Minutes

1

6. ORDER OF BUSINESS

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/25/24 **BE APPROVED**.

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/24/24 **BE APPROVED**.

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/23/24 **BE APPROVED**.

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/20/24 **BE APPROVED** subject to the recommended conditions.

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/20/24 **BE APPROVED** subject to the recommended conditions.

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/20/24 **BE APPROVED** subject to the recommended conditions.

6.1 A/19/24, 5 Jones Court, Tammy Metcalfe

8

It is recommended that:

1. Direction **BE PROVIDED** by The Committee of Adjustment to Administration regarding the decision on the application based on the information found within the report titled "A/19/24, 5 Jones Court, Tammy Metcalfe".

6.2 A/25/24, 330 Simcoe Street, Greater Essex County District School Board, c/o Jeffrey R. Dow, Agent

34

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/25/24 **BE APPROVED**.

6.3 A/20/24, 873 Front Road North, Joseph and Victoria Yakopich

60

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/20/24 **BE APPROVED** subject to the recommended conditions.

6.4 A/21/24, 94 Gore Street, Ryan D'Alimonte, c/o Donato DiGiovanni, Agent

85

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/21/24 **BE DEFERRED**.

6.5 A/22/24, 250 Seymour Street, Dave and Deanne Labutte, c/o Donato DiGiovanni, Agent

115

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/20/24 **BE APPROVED** subject to the recommended conditions.

6.6 A-23-24, Vacant Land Easy Street, Nicholas and Casey Martin

139

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/23/24 **BE APPROVED**.

6.7 A-24-24, 208 St. Arnaud Street, 1243470 Ontario Ltd.

167

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/24/24 **BE APPROVED**.

7. ADJOURNMENT

That the Committee of Adjustment **RISE and ADJOURN** at a.m.



**TOWN OF AMHERSTBURG
COMMITTEE OF ADJUSTMENT MEETING
MINUTES**

**Wednesday, June 5, 2024
8:00 AM
Council Chambers
271 Sandwich Street South, Amherstburg, ON, N9V 2A5**

PRESENT Anthony Campigotto – Chair
 Terris Buchanan – Vice Chair
 Debbie Rollier
 Josh Mailloux

STAFF PRESENT Janine Mastronardi – Secretary - Treasurer
 Sarah French - Planner
 Karly Kennedy – Policy and Committee Coordinator

ABSENT Donald Shaw (*Regrets*)

1. CALL TO ORDER

The Chair called the meeting to order at 8:00 a.m.

2. ROLL CALL

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

(Public Meeting Agenda Items)

Josh Mailloux declared a conflict on item 6.2 of the public agenda due to being an owner of the property.

4. LAND ACKNOWLEDGEMENT

The following land acknowledgement was read: We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron-Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

5. MINUTES OF PREVIOUS MEETING

Moved By J. Mailloux

Seconded By T. Buchanan

That the following minutes of the Committee of Adjustment **BE APPROVED**:

5.1 May 1, 2024 Committee of Adjustment Meeting Minutes

The Chair put the motion.

Motion Carried

6. ORDER OF BUSINESS

6.1 A/16/24, 156 Dalhousie Street, Ryan Deslippe

Moved By T. Buchanan

Seconded By J. Mailloux

That the revised application A/16/24 requesting relief of 0.624 m in front yard fence height for the vertical pickets and relief of 0.7764 m in front yard fence height for the brick piers to allow a fence in the front yard with a height of 1.524 m with brick piers with a height of 1.6764 m and grant relief of 0.13 m in gate height to allow a motorized vehicle gate with a height of 2.13 m with coach lights on top be approved subject to the following condition;

1. That the fence and motorized gate be consistent with style provided within the drawings submitted as part of the minor variance application.

The Chair put the motion.

Motion Carried

6.2 B/11/24 & A/14/24, 4686 Alma Street, 1830011 Ontario Ltd., c/o Chad Mailloux, Agent

Moved By D. Rollier

Seconded By T. Buchanan

That application B-11-24 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed acceptable for registration in order that consent may be attached and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent (severed and retained parcels).
5. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcels which are the subject of the consent.
6. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel.
7. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(d)(ii) which requires a minimum interior side yard setback of 15 metres for non-residential uses in an Agricultural (A) Zone regarding the existing agricultural building 12.2 m from the proposed new property line.
8. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the retained parcel does not cross the

property lines, that the systems are in working order and that its operation will not be affected by the severance, to the satisfaction of the municipality.

9. That a grade design demonstrating that the severed (resulting consolidated parcel) will maintain its own surface water be submitted and implemented to the satisfaction of the municipality.
10. Surface water and subsurface drainage tiles and water shall be redirected around the severed parcel to the satisfaction of the municipality.
11. The applicant shall submit a tiling plan of the entire parcel satisfactory to the municipality.
12. The applicant/owners shall enter into a 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 provide the Town of Amherstburg, a signed agreement and that any associated cost of same be borne solely by the applicant. The reapportionment for any affected Municipal Drains be required and are to be assessed against the affected lands in accordance with any past, current or future drainage bylaws, until such time as otherwise determined under the provisions of the Drainage Act.
13. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.

The Chair put the motion.

Motion Carried

Moved By T. Buchanan

Seconded By D. Rollier

That application A-14-24 be approved.

The Chair moved the motion.

Motion Carried

6.3 B/13/24 & A/15/24, 6081 County Road 18, Brian Renaud, c/o Alexander Sharma, Agent

Moved By J. Mailloux

Seconded By T. Buchanan

That application B-13-24 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed acceptable for registration in order that consent may be attached and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent (severed and retained parcels).
5. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcels which are the subject of the consent.
6. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel.
7. That a grade design demonstrating that the severed (resulting consolidated parcel) will maintain its own surface water be submitted and implemented to the satisfaction of the municipality.
8. Surface water and subsurface drainage tiles and water shall be redirected around the severed parcel to the satisfaction of the municipality.
9. The applicant shall submit a tiling plan of the entire parcel satisfactory to the municipality.
10. The applicant/owners shall enter into a 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 provide the Town of Amherstburg, a signed agreement and that any associated cost of same be borne solely by the applicant. The reapportionment for any affected Municipal Drains be required and are to be assessed against the affected lands in accordance with any past, current or future drainage bylaws, until such time as otherwise determined under the provisions of the Drainage Act.
11. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.

The Chair put the motion.

Motion Carried

Moved By T. Buchanan

Seconded By J. Mailloux

That application A-15-24 be approved.

The Chair put the motion.

Motion Carried

6.4 A/17/24, 207 Brock Street, Richmond Praedium Inc.

Moved By T. Buchanan

Seconded By J. Mailloux

That application A-17-24 be approved.

The Chair put the motion.

Motion Carried

6.5 A/18/24, 247 Brock Street, Jones Group Inc.

Moved By T. Buchanan

Seconded By J. Mailloux

That application A-18-24 be approved.

The Chair put the motion.

Motion Carried

7. ADJOURNMENT

Moved By J. Mailloux

Seconded By T. Buchanan

That the Committee of Adjustment **RISE and ADJOURN** at 9:00 a.m.

The Chair put the motion.

Anthony Campigotto – Chair

Janine Mastronardi - Secretary-Treasurer



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Committee, Author's E-mail, Resolution #.

To: Chair and Members of the Committee of Adjustment

Subject: A/19/24, 5 Jones Court, Tammy Metcalfe

1. RECOMMENDATION:

It is recommended that:

- 1. Direction BE PROVIDED by The Committee of Adjustment to Administration regarding the decision on the application based on the information found within the report titled "A/19/24, 5 Jones Court, Tammy Metcalfe".

2. PROPOSAL:

Purpose of Minor Variance Application A/19/24: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 8(3)(g) which permits a maximum lot coverage of 35% in a Residential Second Density (R2) Zone. The applicant is also requesting relief from Zoning By-law 1999-52, as amended, Section 3(29)(a)(i) which requires a minimum 1.5 m setback for a pool to any lot line.

The applicant has installed an above ground pool 0.9 m (3 ft) from the rear lot line. The applicant has also renovated an existing 264 sq ft deck and added 210 sq ft of additional deck area and 100 sq ft in covered deck area for a hot tub. An existing shed will be removed.

Therefore, the amount of relief requested is 0.6 m (2 ft) in setback to permit a 0.9 m (3 ft) above ground pool setback from the rear yard and 6% in total lot coverage to permit an additional 6% (28.8 sq m/310 sq ft) in lot coverage to allow for an elevated 10 ft x 10 ft covered hot tub area and 210 sq ft in additional deck area.

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Second Density (R2) Zone in the Town's Zoning By-law.

3. BACKGROUND:

The pool and deck have been installed on the property without permits. The home owners purchased the property in 2018 and built the deck and installed the pool in the Spring of 2022. They indicated to Town staff that they were unaware that permits were required for this work. The Town was advised of the work being done without a permit in the late Spring of 2024. The applicant is coming forward to the Committee now to request minor variance approvals for lot coverage and pool setbacks. If approved the applicant will proceed with obtaining building permits for the work completed.

The applicants have advised that in the last two years they have not experienced any drainage issues. The Town has not received any complaints regarding drainage from this site. The rain water does not puddle on the deck surface but goes between the boards under the decks. The surface under the decks is permeable being dirt, no stone has been installed.

4. PLANNING INFORMATION:

Official Plan Designation:	Low Density Residential
By-law No. 1999-52:	Residential Second Density (R2) Zone
Existing Use:	Residential- One single detached dwelling, multi level deck with covered hot tub area, above ground pool and shed
Proposed Use:	Residential- Same as above with the existing shed to be removed.
Neighboring Uses:	residential

TECHNICAL INFORMATION

Property Size:	5147 sq ft
Existing structures:	One single detached dwelling, multi level deck with covered hot tub area, above ground pool and shed (to be removed)

Proposed Total Lot Coverage:	44% (2271 sq ft)
Permitted Total Lot Coverage:	35% (1801.5 sq ft)
Existing Non-Conforming Lot Coverage:	38% (1961 sq ft)
Relief requested:	6% (310 sq ft)

Proposed Pool Setback:	0.9 m (3 ft)
Required Pool Setback:	1.5 m (5 ft)
Relief Requested:	0.6 m (2 ft)

5. **PLANNING ANALYSIS:**

1. ***PLANNING ACT (R.S.O. 1990)***

The purposes of the Planning Act are;

- “ (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
- (b) to provide for a land use planning system led by provincial policy;
- (c) to integrate matters of provincial interest in provincial and municipal planning decisions;
- (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
- (e) to encourage co-operation and co-ordination among various interests;
- (f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s

The proposal is consistent with Section 2 of the Planning Act which requires that the Committee of Adjustment have regard to matters of provincial interest including (the following are excerpts from Section 2 of the Planning Act that apply to this development):

- the orderly development of safe and healthy communities;
- the appropriate location of growth and development;

The deck and pool are permitted uses accessory to a single detached dwelling in an existing fully serviced residential development. The minor variance is required to allow for an increased lot coverage and a reduced pool setback from the rear property line.

When reviewing this application, the Committee must consider the four tests as outlined in Section 45(1) of the Planning Act, R.S.O. 1990, as amended, which states that the Committee be of the opinion that the variance:

- a) maintains the general intent and purpose of the Official Plan;
- b) maintains the general intent and purpose of the Zoning By-law;
- c) is desirable for the appropriate development or use of the land, building or structures; and
- d) is minor in nature.

The application must meet all of the above tests.

2. OFFICIAL PLAN POLICIES

The subject property is designated Low Density Residential in Amherstburg's Official Plan. Section 4.3.1 of the Official Plan states, '*Areas designated as Low Density Residential shall be limited to single detached, semi-detached, duplex, or converted dwelling units, home occupation uses and public uses.*'

The applicant has constructed a multi-level deck which includes a covered hot tub area and has installed a pool with a reduced setback from the rear yard. The deck and pool permitted uses on lands designated Low Density Residential. As such, the proposed uses are considered to be in keeping with the intent of the Official Plan.

In accordance with Section 4.2.3 of the Official Plan, the Committee must determine if the residential character of the neighborhood is being maintained and determine if the proposed minor variances present a burden to existing facilities or services.

3. ZONING BY-LAW

The subject property is zoned Residential Second Density (R2) Zone in Bylaw 1999-52, as amended. The R2 Zone permits single detached dwellings and accessory structures and uses which includes decks and pools.

Section 8(3)(g) which permits a maximum lot coverage of 35% in a Residential Second Density (R2) Zone. Section 3(29)(a)(i) which requires a minimum 1.5 m setback for a pool to any lot line.

The applicant has installed an above ground pool 0.9 m (3 ft) from the rear lot line. The applicant has also renovated an existing 264 sq ft deck and added 210 sq ft of additional deck area and 100 sq ft in covered deck area for a hot tub. An existing shed will be removed. This work was completed without a permit.

When the applicant was advised that a permit was required for the deck and pool the applicant came to the Town to make application. Upon review it was noted that a minor variance would be required to issue a building permit for the deck for an overage in lot coverage and for the pool due to a reduced rear yard setback. The deck cannot be lowered as a portion wraps around an above ground pool and a portion has a hot tub installed on it.

The definition of lot coverage "means that percentage of the lot area of a lot covered by the perpendicular projections onto a horizontal plane of the floor areas of all buildings or mobile homes on the lot, excluding balconies, canopies and overhanging eaves which are 2 metres or more in height above finished grade."

The definition of private outdoor swimming pool "means a privately-owned pool whether or not in the ground, capable of being used for swimming, wading, diving, or bathing and which when filled is capable of containing a depth of 0.6 metres or more of water. For the purpose of regulations pertaining to lot coverage in this By-law a "Private Outdoor Swimming Pool" is deemed not to be a building or structure."

The above ground pool does not contribute to lot coverage calculations.

Therefore, the amount of relief requested is 0.6 m (2 ft) in setback to permit a 0.9 m (3 ft) above ground pool setback from the rear yard and 6% in total lot coverage to permit an additional 6% (28.8 sq m/310 sq ft) in lot coverage to allow for an elevated 10 ft x 10 ft covered hot tub area and 210 sq ft in additional deck area.

It should be noted that if the deck was less than 24" above grade or was a concrete patio instead the areas would not count towards lot coverage. Calculations were completed to confirm the required 30% landscape open space minimum was complied with. As per the definition of landscape open space in the Zoning By-law it was determined that the landscaped open space accounted for 40.4% of the lot area.

The Committee will need to determine if requested variance maintains the intent of the Zoning By-law.

4. APPROPRIATE DEVELOPMENT

The proposed variance does not appear to change the use of the land for residential purposes and therefore the use can be considered appropriate. Lot grading design will be submitted and approved by the municipality and is required to be implemented as part of the building permit process.

The Committee must consider the comments noted by Infrastructure Services and determine if the proposed variance would negatively impact any adjacent land uses .

5. MINOR IN NATURE

No precise definition for what constitutes "minor" exists. Rather, it is a culmination of the review of the Official Plan, Zoning By-law and attempts to address the "big picture" for what the proposed development represents. Each application must be assessed on its own set of circumstances.

The proposed individual variances do not appear to change the character of the neighborhood. The streetscape will not be affected by the requested variances.

The Committee must determine if the proposed deck, covered hot tub area and pool are consistent with the Provincial Policy Statement and in conformity with the Official Plan and Zoning By-law and if there are any physical hazards associated with the request.

6. AGENCY COMMENTS:

See attached.

7. RISK ANALYSIS:

As with all Committee of Adjustment decisions there is a risk that the decision is appealed. As a result of changes in Bill 23, decisions by a CoA can no longer be appealed by a third party. Decisions which are to support or refuse the consent or minor variance

request, can only be appealed by the applicant, the Municipality, the Minister, a specified person or any public body. In the case of a consent decision the appeal must be filed within 20 days after the giving of notice of the decision of the committee, whereas for a minor variance an appeal must be filed within 20 days of the making of the decision of the committee. It is important to note that a tied vote is deemed to be a decision to deny the consent or minor variance request. If there is an appeal to the OLT the Town will incur costs.

8. RECOMMENDATIONS:

Based on the above information, the application has many complexities that the Committee must consider including the concerns of Infrastructure Services and other department comments. Due to the many considerations listed, Administration is requesting direction from the Committee, rather than providing a recommendation at this time.

9. CONCLUSION:

From a planning perspective the Committee must consider the four tests of a minor variance to determine if the requested minor variance relief be approved or denied:

- 1) Do the requested variances conform with the intent of the relevant Official Plan policies?
- 2) Do the proposed variances maintain the intent of Comprehensive Zoning By-law 1999-52, as amended?
- 3) Do the proposed variances change the use of the land for residential purposes and therefore can be considered appropriate?
- 4) Do the requested variances appear to be minor in nature?

Respectfully Submitted,



Janine Mastronardi
Secretary Treasurer

Report Approval Details

Document Title:	A-19-24, 5 Jones Court., Tammy Metcalfe.docx
Attachments:	- A-19-24- Report Attachments-RM.pdf
Final Approval Date:	Jun 27, 2024

This report and all of its attachments were approved and signed as outlined below:

Chris Aspila



CORPORATION OF THE TOWN OF AMHERSTBURG
271 SANDWICH ST S, AMHERSTBURG, ONTARIO N9V 2A5

NOTICE OF PUBLIC HEARING

In the matter of the *Planning Act*, R.S.O. 1990, as amended, and, in the matter of application for minor variance by:

Tammy Metcalfe

TAKE NOTICE THAT application for **minor variance** under the above-noted file will be heard by the TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT on the date, time and place shown below:

**Amherstburg Council Chambers, 271 Sandwich St. S., Amherstburg, ON
Wednesday, July 3, 2024 at 8:00 A.M. (morning)**

This is a public hearing for the purpose of hearing evidence in support of or in opposition to the above-noted application. 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 asked to inform that person of this hearing.

If you wish to attend the meeting by electronic means, you must register on-line at the Town of Amherstburg website a minimum of 48 hours prior to the meeting time. Please go to the Committee of Adjustment page at:

<https://www.amherstburg.ca/en/town-hall/Committee-of-Adjustment.aspx>

Alternatively, you may visit the Town website, search "Committee of Adjustment" using the search feature provided and follow the Registration instructions located at the bottom of the Committee of Adjustment page.

Upon completion of the on-line registration form, you will receive an automated email response that will provide registration instructions that can be used to gain access to the electronic Committee of Adjustment meeting at the specified date and time indicated above.

Public Comment Submission:

If you have comments on these applications, they may be forwarded in writing to the Secretary-Treasurer either by mail or in person to:

Janine Mastronardi, Secretary-Treasurer
3295 Meloche Road
Amherstburg, ON
N9V 2Y8

Comments can also be submitted by email by 4:00 p.m. two nights before the hearing (Monday, July 1, 2024) to the Planning Department, planning@amherstburg.ca. All public comments received prior to the meeting by the above noted due date, will be read aloud at the beginning of the relevant application.

This is a public hearing for the purpose of hearing evidence in support of or in opposition to the above-noted application. 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 asked to inform that person of this hearing. If you have comments on this application, they may be forwarded in writing to the Secretary-Treasurer at the address shown above.

If you do not attend and are not represented at this hearing, the Committee may proceed in your absence (including possible amendments to the original request). Except as otherwise provided for in the *Planning Act*, you will not be entitled to any further notice of the proceedings.

If a specified person or any public body that files an appeal of a decision of the Town of Amherstburg Committee of Adjustment in respect of the proposed minor variance does not make written submission to the Town of Amherstburg Committee of Adjustment before it gives or refuses to give a provisional minor variance, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of the Town of Amherstburg Committee of Adjustment in respect of the proposed minor variance, you must make a written request to Town of Amherstburg Committee of Adjustment.

**Location of Property: 5 Jones Court
(Roll No.: 3729-173-000-02300)**

Purpose of Minor Variance Application A/19/24: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 8(3)(g) which permits a maximum lot coverage of 35% in a Residential Second Density (R2) Zone. The applicant is also requesting relief from Zoning By-law 1999-52, as amended, Section 3(29)(a)(i) which requires a minimum 1.5 m setback for a pool to any lot line.

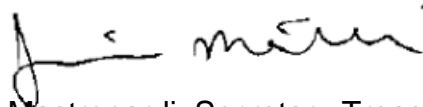
The applicant has installed an above ground pool 0.9 m (3 ft) from the rear lot line. The applicant has also renovated an existing 264 sq ft deck and added 210 sq ft of additional deck area and 100 sq ft in covered deck area for a hot tub. An existing shed will be removed.

Therefore, the amount of relief requested is 0.6 m (2 ft) in setback to permit a 0.9 m (3 ft) above ground pool setback from the rear yard and 6% in total lot coverage to permit an additional 6% (28.8 sq m/310 sq ft) in lot coverage to allow for an elevated 10 ft x 10 ft covered hot tub area and 210 sq ft in additional deck area.

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Second Density (R2) Zone in the Town's Zoning By-law.

Additional Information relating to the proposed application is available by contacting the Town of Amherstburg Planning Offices by phone or email, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website www.amherstburg.ca.

Dated: June 20, 2024



Janine Mastronardi, Secretary-Treasurer
Town of Amherstburg Committee of Adjustment
3295 Meloche Road, Amherstburg, ON N9V2Y8

Municipal Fee Received	PAID
ERCA Fee Received:	

Application No. A/19/24

PLANNING ACT
APPLICATION FOR MINOR VARIANCE
APPLICATION FOR PERMISSION
TOWN OF AMHERSTBURG

1. Name of approval authority Town of Amherstburg
2. Date application received by municipality — May 30, 2024
3. Date application deemed complete by municipality June 14, 2024
4. Name of registered owner Tammy Metcalfe
Telephone number [REDACTED]
Address [REDACTED] Postal Code [REDACTED]
Email [REDACTED]
Name of registered owner's solicitor or authorized agent (if any) _____
Telephone number _____
Address _____ Postal Code _____
Email _____

Please specify to whom all communications should be sent:

- registered owner solicitor agent

5. Name and address of any mortgages, charges or other encumbrances in respect of the subject land:

6. Location and description of subject land:

Concession No. _____ Lot(s) No. _____
Registered Plan No. 12M-305 Lot(s) No. 23
Reference Plan No. _____ Part(s) No. _____
Street Address S. Jones Crst Assessment Roll No. 173-02300

7. Size of subject parcel:

Frontage 49.64 ft Depth 104.63ft (west) Area 5147 sq ft
(irregular) 102.03ft (east)

8. Access to subject parcel:

- Municipal Road County Road Provincial Highway
 Private Water

If access to the subject land is **by water** only, state the parking and docking facilities used or to be used and the approximate distance between these facilities and the nearest public road

9. Current Official Plan Land Use designation of subject land Low Density Residential

10. Current Zoning of subject land R2

11. Nature and extent of relief from the Zoning By-law requested _____

Section 8(3)(g) permits a maximum lot coverage of 35%. Existing lot coverage of 38% is permitted as per Section 1(16). Proposing an additional 6% to permit a 10x10 covered hot tub area and an additional 210 sqft of lot coverage for a deck. Section 8(29)(a)(i) requires 1.5m pool setback

12. Reasons why minor variance is necessary Construction proceeded requiring 0.9m unknowly without a permit. 10x10 hot tub cover did not require a permit. - pool w/ 3' setback

13. Current use of subject land residential

14. Length of time current use of subject land has continued 30 yrs

15. Number and type of buildings or structures **existing** on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

- single family dwelling - 1697 sq ft (built in 1994)
- deck - 12'x22' - 264 sq ft (built in 2005)
(12'x22')

16. Date of construction of existing buildings and structures on the subject land:

house - 1994
deck - 2005

17. Date subject land acquired by current registered owner 2018

18. Proposed use of subject land residential

19. Number and type of buildings or structures **proposed** to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

- 10x10 hot tub roof covering
- 210 sq ft of additional deck area
- above ground pool 3ft from rear property line

20. Type of water supply:
- municipally owned and operated piped water supply
 - well
 - Other (specify) _____

21. Type of sanitary sewage disposal:
- municipally owned and operated sanitary sewers
 - septic system
 - Other (specify) _____

22. Type of storm drainage:
- sewers
 - ditches
 - swales
 - Other (specify) _____

23. If known, indicate whether the subject land is the subject of an application under the Planning Act for:
- consent to sever
 - approval of a plan of subdivision

If known, indicate the file number and status of the foregoing application:

24. If known, indicate if the subject land has ever been the subject of an application for minor variance under Section 45 of the Planning Act.

25. The proposed project includes the addition of permanent above ground fuel storage:
- Yes
 - No

26. Is the land within 600m of property that is designated as Extraction Industry?
- Yes
 - No

If yes, as per Section 3.3.3 of the Official Plan a noise and vibration study is required for approval by the Town, to be completed.

A minor variance application fee of \$1191.00, along with an ERCA development review fee of \$200.00 (total of \$1391.00 payable to the Town of Amherstburg), must accompany your completed application.

If the subject lands are located within 120 m of a Provincially Significant Wetland, Significant Woodland, Area of Natural or Scientific Interest or Significant Species at Risk Habitat, the applicant may be required to complete a natural heritage review. The initial pre-consultation cost of the natural heritage review is \$565 and should additional work, such as an Environmental Impact Assessment, be required, the applicant will be responsible for all costs associated with review. Costs associated with the review will be invoiced to the applicant through the Town of Amherstburg. The applicant will be responsible for finding their own qualified biologist to complete the Environmental Impact Assessment, if required, and will be responsible for all costs associated with the assessment.

Dated at the Town of Amherstburg this 30th day of May, 2024.

Tammy Metcalfe
(signature of applicant, solicitor or authorized agent)

I, Tammy Metcalfe of the Town of Amherstburg in the County/District/Regional Municipality of Essex solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Amherstburg in the County of Essex this 30th day of May, 2024.

Tammy Metcalfe
Applicant, Solicitor or Authorized Agent

Janine Quintina Mastronardi
A Commissioner, etc.
Janine Quintina Mastronardi, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires June 30, 2024

NOTES:

Each copy of the application must be accompanied by a sketch, drawn to scale, showing:

- a) the boundaries and dimensions of the subject land;
- b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
- c) the approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples of features include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks/tile fields;
- d) the current uses on land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- f) if access to the subject land is by water only, the location of the parking and docking facilities to be used;
- g) the location and nature of any easement affecting the subject land.

AUTHORIZATION

(Please see note below)

To: Secretary-Treasurer
Committee of Adjustment
Town of Amherstburg

Description and Location of Subject Land:

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

_____ of the _____ of _____ to:

- (1) make an application on my/our behalf to the Committee of Adjustment for the Town of Amherstburg;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by Town's Committee of Adjustment relevant to the application.

Dated at the _____ of _____ in the
_____ of _____, this ____ day of _____, 20__.

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

* Note: This form is only to be used for applications which are to be signed by someone other than the owner.

POSTING COMMITTEE OF ADJUSTMENT ADVISORY SIGN

This will confirm the requirements of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon submission of your application(s). You are directed to post the sign in a prominent location that will enable the public to observe the sign.

The location of the sign will depend on the lot and location of structures on it. The sign should be placed so as to be legible from the roadway in order that the public see the sign and make note of the telephone number should they wish to make inquiries. The Zoning By-law prohibits the signs from being located in any corner lot sightlines. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

The sign must remain posted beginning 10 days prior to the Hearing, until the day following the decision of the Committee of Adjustment. Please complete the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the Committee's requirements. Failure to post the sign as required will result in deferral of the application.

Chris Aspila, MCIP RPP
Manager of Planning Services

PROPERTY ADDRESS: 5 Jones Court

APPLICATION NUMBER(S): A / 19 / 24

I understand that each sign must be posted at least 10 days before the Hearing, and will remain posted and be replaced if necessary, until the day following the Decision.

I acknowledge that the Secretary-Treasurer has confirmed these requirements with me.


Signature (Owner/Authorized Agent)

May 30, 2024
Date



Zoning Information

Lot Area: 5147 sq ft

Permitted Lot Coverage: 35% (1801.5 sq ft)

Existing Non-Conforming Lot Coverage: 38% (1961 sq ft)

Proposed Lot Coverage: 44.1% (2271 sq ft, increase of 310 sq ft)

Landscape Open Space: 40.4% (2079 sq ft)

Driveway: 8.1% (417 sq ft)

Pool: 7.4% (380 sq ft)



Summary of Correspondence Received on Proposed Minor Variance for A/19/24 – 5 Jones Crt.

Below is a summary of the comments received by the Planning Services Division for A/19/24 as of June 25, 2024.

Essex Region Conservation Authority:

Please see attached.

Building Department:

- Building permits required for above ground swimming pool, no concerns with setback as is an above ground pool
- Deck permit required for decks above 24”
- Grading inspection required

Infrastructure Services:

Infrastructure Services Department has reviewed A/19/24 – 5 Jones Court minor variance application and offer the following comments:

- The existing storm sewers/drainage system where the subject property outlets does not consider lot coverage beyond the scope of our zoning by-law. Infrastructure Services does not support the lot coverage variance, as the additional stormwater runoff may create adverse impacts on the surrounding drainage system.



planning@erca.org
P.519.776.5209
F.519.776.8688
360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

June 25, 2024

Ms. Janine Mastronardi

Planner
3295 Meloche Road
Amherstburg, ON
N9V 2Y8

Dear Ms. Janine Mastronardi:

RE: Application for Minor Variance A-19-24 5 JONES CRT
ARN 372917300002300; PIN: 705610042
Applicant: METCALFE TAMMY MARIE

The Town of Amherstburg has received Application for Minor Variance A-19-24 for the above noted subject lands, which requests relief from

Zoning By-law 1999-52, as amended, Section 8(3)(g) which permits a maximum lot coverage of 35% in a Residential Second Density (R2) Zone. The applicant is also requesting relief from Zoning By-law 1999-52, as amended, Section 3(29)(a)(i) which requires a minimum 1.5 m setback for a pool to any lot line.

The applicant has installed an above ground pool 0.9 m (3 ft) from the rear lot line. The applicant has also renovated an existing 264 sq ft deck and added 210 sq ft of additional deck area and 100 sq ft in covered deck area for a hot tub. An existing shed will be removed.

Therefore, the amount of relief requested is 0.6 m (2 ft) in setback to permit a 0.9 m (3 ft) above ground pool setback from the rear yard and 6% in total lot coverage to permit an additional 6% (28.8 sq m/310 sq ft) in lot coverage to allow for an elevated 10 ft x 10 ft covered hot tub area and 210 sq ft in additional deck area.

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Second Density (R2) Zone in the Town's Zoning By-law.

The following is provided as a result of our review of Application for Minor Variance A-19-24.

NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.



Ms. Janine Mastronardi
June 25, 2024

We have reviewed our floodline mapping for this area and it has been determined 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*.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

It is understood that the Municipality implements maximum lot coverage standards through the appropriate Zoning By-laws, which generally limits the footprint of structures on a parcel in terms of percentages. These coverage limits vary with zoning, such that areas where higher density residential development is allowable, the lot coverage limits are also greater than areas where only single family residential is permissible. Similar to this, stormwater management designs account for varying amounts of “percent imperviousness”; however, stormwater management design parameters make a best attempt to account for the potential additional “hardscaping” that is likely to occur on a given parcel. It is important to continue to make the distinction between “lot coverage” and “percent impervious” as the former does not include the additional hardening elements that are likely to occur, such as paved driveways, concrete and other hardening such as for patios and around various amenities like pools etc.

Based on the above, and as a result of stormwater management practitioners currently designing with parameters that are anticipated to represent the drainage areas as “fully developed”, it is expected that newer stormwater management systems are able to adequately convey and properly attenuate flows based on values greater than the maximum lot coverage standards, such that the downstream receivers are not negatively impacted. As a result, newer stormwater management systems have additional resiliency than older systems.

The current request for relief from maximum lot coverage standards is within an “older” subdivision, which may have been designed with much less conservative design parameters than what would be typical for today’s standards. The ERCA acknowledges that the management and maintenance of the roads, storm sewers and stormwater management facilities, once constructed in accordance with all applicable agency approvals, lies with the Municipality. It is recommended that the Municipality consider the current state of the existing development with respect to existing stormwater management infrastructure. Additionally, with respect to the request for relief from maximum lot coverage standards, it is recommended that the determination of any potential impacts / no negative impacts to the stormwater management system be to the satisfaction of the Municipal Engineering/Public Works/Infrastructure Services



Ms. Janine Mastronardi
June 25, 2024

department. Should there be any changes to the function of the system, such as impacts related to regulated outflows, reductions in water quality treatment, or floodproofing standards, an ERCA Permit/Clearance may be required and such, further consultation with our office would be required prior to any approval.

FINAL RECOMMENDATION

Our office has **no objection** to A-19-24.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Alicia Good
Watershed Planner
/ag



Amherstburg Committee of Adjustment

July 03, 2024



A/19/24 – 5 Jones Court

Purpose of Application A/19/24

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 8(3)(g) which permits a maximum lot coverage of 35% in a Residential Second Density (R2) Zone. The applicant is also requesting relief from Zoning By-law 1999-52, as amended, Section 3(29)(a)(i) which requires a minimum 1.5 m setback for a pool to any lot line.

The applicant has installed an above ground pool 0.9 m (3 ft) from the rear lot line. The applicant has also renovated an existing 264 sq ft deck and added 210 sq ft of additional deck area and 100 sq ft in covered deck area for a hot tub. An existing shed will be removed.

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The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Second Density (R2) Zone in the Town's Zoning By-law.





Lot Area: 5147 sq ft
Permitted Lot Coverage: 35% (1801.5 sq ft)
Existing Non-Conforming Lot Coverage: 38% (1961 sq ft)

Proposed Lot Coverage: 44.1% (2271 sq ft, increase of 310 sq ft)
Landscape Open Space: 40.4% (2079 sq ft)
Driveway: 8.1% (417 sq ft)
Pool: 7.4% (380 sq ft)



Sketch

Policy Review

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Second Density (R2) Zone in the Town's Zoning By-law.

A policy review of the application has been completed by the Planning department considering the following;

- Planning Act, R.S.O. 1990
- Town Official Plan
- Town Zoning By-law 1999-52, as amended



Four Tests

From a planning perspective the Committee must determine if:

- 1) The requested variances conform with the intent of the relevant Official Plan policies;
- 2) The proposed variances maintain the intent of Comprehensive Zoning By-law 1999-52, as amended;
- 3) The proposed variances are desirable or the appropriate development or use of the land, building or structures; and
- 4) The requested variances would appear to be minor in nature.



Recommendation

Based on the information provided in the report and comments received, the application has many complexities that the Committee must consider including the concerns of Infrastructure Services and other department comments. Due to the many considerations listed, Administration is requesting direction from the Committee, rather than providing a recommendation at this time.





THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Committee, Author's E-mail, Resolution #.

To: Chair and Members of the Committee of Adjustment

Subject: A/25/24, 330 Simcoe Street, Greater Essex County District School Board, c/o Jeffrey R. Dow, Agent

1. RECOMMENDATION:

It is recommended that:

- 1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/25/24 BE APPROVED.

2. PROPOSAL:

Purpose of Minor Variance Application A/25/24: The applicant is proposing to install an illuminated pylon sign indicating the name and address of the school along with an LED message screen. A minor variance is required for permissions and relief from the Sign By-law 2016-100.

The applicant is requesting permission to erect a pylon sign in an Institutional Zone consistent with the Commercial Pylon Sign provisions found in Section 9.5 of Sign By-law 2016-100. The applicant is also requesting 2 m of relief from Section 4.7(1) which requires an illuminated sign maintain a 30.48 m setback from a Residential Zone to allow a pylon sign in an Institutional Zone which includes illumination with a setback to the closest adjacent residential property line being 28.5 m.

Therefore, the applicant is requesting permission to erect a pylon sign in an Institutional Zone in compliance with the Section 9.5 pylon sign provisions and the applicant is seeking relief of 2 m in setback for an illuminated sign from a Residential Zone to permit a 28.5 m setback.

The subject property is designated Open Space in the Town's Official Plan and is zoned Institutional (I) in the Town's Zoning By-law 1999-52.

3. BACKGROUND:

The Town's Sign By-law 2016-100 is currently being reviewed and updated. At this time pylon signs are not permitted in Institutional Zone; however, pylon signs are commonly the type signs erected for school use.

4. PLANNING INFORMATION:

Official Plan Designation: Open Space

By-law No. 1999-52: Institutional (I) Zone

Existing Use: Institutional (North Star High School)

Proposed Use: Institutional- No change

Neighboring Uses: residential and institutional

TECHNICAL INFORMATION

Proposed Sign Type: Pylon Sign

Permitted Sign Types: Ground Sign, Facia Sign

Permission requested: To allow a pylon sign in full compliance with provisions within Section 9.5 of Sign By-law 2016-100

Proposed Setback for Illuminated Sign: 28.5 m

Required Setback for Illuminated Sign: 30.5 m (rounded up from 30.48 m)

Relief Requested: 2 m

5. PLANNING ANALYSIS:

1. *PLANNING ACT (R.S.O. 1990)*

The purposes of the Planning Act are;

- “ (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
- (b) to provide for a land use planning system led by provincial policy;

- (c) to integrate matters of provincial interest in provincial and municipal planning decisions;
- (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
- (e) to encourage co-operation and co-ordination among various interests;
- (f) to recognize the decision-making authority and accountability of municipal councils in planning.”

The proposal is consistent with Section 2 of the Planning Act which requires that the Committee of Adjustment have regard to matters of provincial interest including (the following are excerpts from Section 2 of the Planning Act that apply to this development):

- the orderly development of safe and healthy communities;

The institutional building on the municipally serviced property in an existing developed area is a permitted use. The minor variance is required to allow for a pylon sign to be erected and to grant relief from the setback from a Residential Zone as regulated by the Sign By-law 2016-100.

When reviewing this application, the Committee must consider the four tests as outlined in Section 45(1) of the Planning Act, R.S.O. 1990, as amended, which states that the Committee be of the opinion that the variance:

- a) maintains the general intent and purpose of the Official Plan;
- b) maintains the general intent and purpose of the Zoning By-law;
- c) is desirable for the appropriate development or use of the land, building or structures; and
- d) is minor in nature.

The application must meet all of the above tests.

2. OFFICIAL PLAN POLICIES

The subject property is designated Open Space in the Town’s Official Plan. The current use has continued since 2020. No land use change is proposed. The applicant is proposing to install a sign for North Star High School on the site. As such, the proposed use is considered to be in keeping with the intent of the Official Plan.

In the opinion of the author of this report the proposed minor variance maintains the intent of the Official Plan.

3. ZONING BY-LAW

The subject property is zoned Institutional (I) Zone in Bylaw 1999-52, as amended. The I Zone permits schools as a permitted use.

The applicant is proposing to install a pylon sign for the permitted school building on the site. The structure and use on the property are permitted in the I Zone.

In the opinion of the author of this report the requested variance maintains the intent of the Zoning By-law.

4. SIGN BY-LAW 2006-100

The applicant is requesting permission to erect a pylon sign in an Institutional Zone consistent with the Commercial Pylon Sign provisions found in Section 9.5 of Sign By-law 2016-100. The applicant is also requesting 2 m of relief from Section 4.7(1) which requires an illuminated sign maintain a 30.5 m setback from a Residential Zone to allow a pylon sign in an Institutional Zone which includes illumination with a setback to the closest adjacent residential property line being 28.5 m.

The location of the sign which requires the 2 m of relief in setback is needed because of the location of existing utilities.

Therefore, the applicant is requesting permission to erect a pylon sign in an Institutional Zone in compliance with the Section 9.5 pylon sign provisions and the applicant is seeking relief of 2 m in setback for an illuminated sign from a Residential Zone to permit a 28.5 m setback.

5. APPROPRIATE DEVELOPMENT

The proposed variance does not change the use of the land for institutional purposes and therefore can be considered appropriate. A pylon sign is more appropriate in this location than a ground sign to allow for a better line of sight. The height of the lowest point of the sign face will be 8 ft above grade which also is appropriate to safely allow pedestrian movement around the sign. The illuminated faces of the sign are perpendicular to the closest Residential Zone 28.5 m across the street on Simcoe Street. There is a residential zone to the east of the illuminated face sign which is approximately 97 m from the proposed sign location.

The school name portion of the sign is back lit and static. There is to be a dusk to dawn photo cell on the top of the sign which will turn the sign on at dusk and off at dawn. The illumination on the LED portion of the sign has an auto dimmer to decrease the amount of illumination at night. The LED portion of the sign does not have highspeed flashing, it is programed to display 2-5 second static images. There is also an option of on/off times for this portion of the sign.

In my opinion the proposed variance would not negatively impact any adjacent land uses.

6. MINOR IN NATURE

No precise definition for what constitutes “minor” exists. Rather, it is a culmination of the review of the Official Plan, Zoning By-law and attempts to address the “big picture” for what the proposed development represents. Each application must be assessed on its own set of circumstances.

The use of the lands for a high school and the proposed sign are in conformity with the Official Plan and Zoning by-law.

There appears to be no environmental concerns.

6. AGENCY COMMENTS:

See attached.

7. RISK ANALYSIS:

As with all Committee of Adjustment decisions there is a risk that the decision is appealed. As a result of changes in Bill 23, decisions by a CoA can no longer be appealed by a third party. Decisions which are to support or refuse the consent or minor variance request, can only be appealed by the applicant, the Municipality, the Minister, a specified person or any public body. In the case of a consent decision the appeal must be filed within 20 days after the giving of notice of the decision of the committee, whereas for a minor variance an appeal must be filed within 20 days of the making of the decision of the committee. It is important to note that a tied vote is deemed to be a decision to deny the consent or minor variance request. If there is an appeal to the OLT the Town will incur costs.

8. RECOMMENDATIONS:

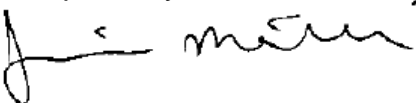
That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that Application A/25/24 be approved to grant permission to erect a pylon sign in an Institutional (I) Zone in compliance with Section 9.5 provisions in Sign By-law 2016-100 and to grant relief of 2 m in setback for an illuminated sign from a Residential Zone to permit a 28.5 m setback.

9. CONCLUSION:

From a planning perspective in the opinion of the author of this report:

- 1) The requested variance conforms with the intent of the relevant Official Plan policies.
- 2) The proposed variance maintains the intent of Comprehensive Zoning By-law 1999-52, as amended.
- 3) The proposed variance does not change the use of the land for institutional purposes and therefore can be considered appropriate.
- 4) The requested variance would appear to be minor in nature.
- 5) The proposed variance would not appear to have a negative impact on the environment.

Respectfully Submitted,



Janine Mastronardi
Secretary-Treasurer

Report Approval Details

Document Title:	A-25-24, 330 Simcoe, Greater Essex County District School Board.docx
Attachments:	- A-25-24- Report Attachments-RM.pdf
Final Approval Date:	Jun 26, 2024

This report and all of its attachments were approved and signed as outlined below:

Chris Aspila



CORPORATION OF THE TOWN OF AMHERSTBURG
271 SANDWICH ST S, AMHERSTBURG, ONTARIO N9V 2A5

NOTICE OF PUBLIC HEARING

In the matter of the *Planning Act*, R.S.O. 1990, as amended, and, in the matter of application for minor variance by:

Greater Essex County District School Board, c/o Jeffrey R. Dow, Agent

TAKE NOTICE THAT application for **minor variance** under the above-noted file will be heard by the TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT on the date, time and place shown below:

**Amherstburg Council Chambers, 271 Sandwich St. S., Amherstburg, ON
Wednesday, July 3, 2024 at 8:00 A.M. (morning)**

This is a public hearing for the purpose of hearing evidence in support of or in opposition to the above-noted application. 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 asked to inform that person of this hearing.

If you wish to attend the meeting by electronic means, you must register on-line at the Town of Amherstburg website a minimum of 48 hours prior to the meeting time. Please go to the Committee of Adjustment page at:

<https://www.amherstburg.ca/en/town-hall/Committee-of-Adjustment.aspx>

Alternatively, you may visit the Town website, search "Committee of Adjustment" using the search feature provided and follow the Registration instructions located at the bottom of the Committee of Adjustment page.

Upon completion of the on-line registration form, you will receive an automated email response that will provide registration instructions that can be used to gain access to the electronic Committee of Adjustment meeting at the specified date and time indicated above.

Public Comment Submission:

If you have comments on these applications, they may be forwarded in writing to the Secretary-Treasurer either by mail or in person to:

Janine Mastronardi, Secretary-Treasurer
3295 Meloche Road
Amherstburg, ON
N9V 2Y8

Comments can also be submitted by email by 4:00 p.m. two nights before the hearing (Monday, July 1, 2024) to the Planning Department, planning@amherstburg.ca. All public comments received prior to the meeting by the above noted due date, will be read aloud at the beginning of the relevant application.

This is a public hearing for the purpose of hearing evidence in support of or in opposition to the above-noted application. 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 asked to inform that person of this hearing. If you have comments on this application, they may be forwarded in writing to the Secretary-Treasurer at the address shown above.

If you do not attend and are not represented at this hearing, the Committee may proceed in your absence (including possible amendments to the original request). Except as otherwise provided for in the *Planning Act*, you will not be entitled to any further notice of the proceedings.

If a specified person or any public body that files an appeal of a decision of the Town of Amherstburg Committee of Adjustment in respect of the proposed minor variance does not make written submission to the Town of Amherstburg Committee of Adjustment before it gives or refuses to give a provisional minor variance, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of the Town of Amherstburg Committee of Adjustment in respect of the proposed minor variance, you must make a written request to Town of Amherstburg Committee of Adjustment.

**Location of Property: 330 Simcoe Street
(Roll No.: 3729-150-000-00102)**

Purpose of Minor Variance Application A/25/24: The applicant is proposing to install an illuminated pylon sign indicating the name and address of the school along with an LED message screen. A minor variance is required for permissions and relief from the Sign By-law 2016-100.

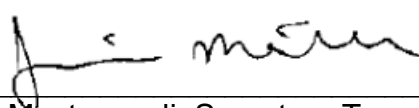
The applicant is requesting permission to erect a pylon sign in an Institutional Zone consistent with the Commercial Pylon Sign provisions found in Section 9.5 of Sign By-law 2016-100. The applicant is also requesting 2 m of relief from Section 4.7(1) which requires an illuminated sign maintain a 30.48 m setback from a Residential Zone to allow a pylon sign in an Institutional Zone which includes illumination with a setback to the closest adjacent residential property line being 28.5 m.

Therefore, the applicant is requesting permission to erect a pylon sign in an Institutional Zone in compliance with the Section 9.5 pylon sign provisions and the applicant is seeking relief of 2 m in setback for an illuminated sign from a Residential Zone to permit a 28.5 m setback.

The subject property is designated Open Space in the Town's Official Plan and is zoned Institutional (I) in the Town's Zoning By-law 1999-52.

Additional Information relating to the proposed application is available by contacting the Town of Amherstburg Planning Offices by phone or email, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website www.amherstburg.ca.

Dated: June 20, 2024



Janine Mastronardi, Secretary-Treasurer
Town of Amherstburg Committee of Adjustment
3295 Meloche Road, Amherstburg, ON N9V2Y8

Municipal Fee Received	PAID
ERCA Fee Received:	

Application No. A/25/24

PLANNING ACT
APPLICATION FOR MINOR VARIANCE
APPLICATION FOR PERMISSION
TOWN OF AMHERSTBURG

1. Name of approval authority Town of Amherstburg
2. Date application received by municipality June 14, 2024
3. Date application deemed complete by municipality June 19, 2024
4. Name of registered owner Greater Essex County District School Board
 Telephone number _____
 Address _____ Postal Code _____
 Email _____
 Name of registered owner's solicitor or authorized agent (if any) Jeffrey R. Dow
 Telephone number _____
 Address _____ Postal Code _____
 Email _____

Please specify to whom all communications should be sent:

- registered owner
 solicitor
 agent

5. Name and address of any mortgages, charges or other encumbrances in respect of the subject land:

6. Location and description of subject land:

Concession No. 1 Lot(s) No. PL 2
 Registered Plan No. _____ Lot(s) No. _____
 Reference Plan No. 12227349 Part(s) No. PL 1
 Street Address 380 Simcoe Assessment Roll No. 150-00102

7. Size of subject parcel:

Frontage 669.91 ft Depth _____ Area 15 acres

8. Access to subject parcel:

- Municipal Road
 County Road
 Provincial Highway
 Private
 Water

If access to the subject land is by water only, state the parking and docking facilities used or to be used and the approximate distance between these facilities and the nearest public road

9. Current Official Plan Land Use designation of subject land Open Space
10. Current Zoning of subject land Institutional
11. Nature and extent of relief from the Zoning By-law requested Sign By-law 206-100 does not allow an illuminated pylon sign in an Institutional Zone
- Permission is being sought to erect a illuminated pylon sign with relief requested of 2m to permit a setback of an illuminated sign being 28.5m.
12. Reasons why minor variance is necessary - to permit the pylon sign in an institutional zone
13. Current use of subject land Institutional - secondary school
14. Length of time current use of subject land has continued Institutional - 100+ yrs
School - 2 yrs
15. Number and type of buildings or structures **existing** on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:
- one institutional building - high school
16. Date of construction of existing buildings and structures on the subject land:
Occupancy August 2022
17. Date subject land acquired by current registered owner April 30, 2018
18. Proposed use of subject land Institutional
19. Number and type of buildings or structures **proposed** to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:
- Pylon sign - see sketch
- 14'6" in height w/ 8' clearance below
- a 48 sq ft in sign area on each side

20. Type of water supply:
- municipally owned and operated piped water supply
 - well
 - Other (specify) _____

21. Type of sanitary sewage disposal:
- municipally owned and operated sanitary sewers
 - septic system
 - Other (specify) _____

22. Type of storm drainage:
- sewers
 - ditches
 - swales
 - Other (specify) _____

23. If known, indicate whether the subject land is the subject of an application under the Planning Act for:

- consent to sever
- approval of a plan of subdivision

If known, indicate the file number and status of the foregoing application:

24. If known, indicate if the subject land has ever been the subject of an application for minor variance under Section 45 of the Planning Act.

N/A

25. The proposed project includes the addition of permanent above ground fuel storage:

- Yes
- No

26. Is the land within 600m of property that is designated as Extraction Industry?

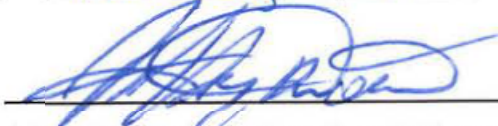
- Yes
- No

If yes, as per Section 3.3.3 of the Official Plan a noise and vibration study is required for approval by the Town, to be completed.

A minor variance application fee of \$1191.00, along with an ERCA development review fee of \$200.00 (total of \$1391.00 payable to the Town of Amherstburg), must accompany your completed application.

If the subject lands are located within 120 m of a Provincially Significant Wetland, Significant Woodland, Area of Natural or Scientific Interest or Significant Species at Risk Habitat, the applicant may be required to complete a natural heritage review. The initial pre-consultation cost of the natural heritage review is \$565 and should additional work, such as an Environmental Impact Assessment, be required, the applicant will be responsible for all costs associated with review. Costs associated with the review will be invoiced to the applicant through the Town of Amherstburg. The applicant will be responsible for finding their own qualified biologist to complete the Environmental Impact Assessment, if required, and will be responsible for all costs associated with the assessment.

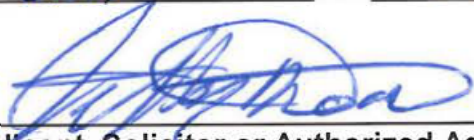
Dated at the Town of Amherstburg this 14th day of June, 2024.




(signature of applicant, solicitor or authorized agent)

I, Jeffrey Dow of the City of Windsor in the County/District/Regional Municipality of _____ solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Amherstburg in the County of Essex this 14th day of June, 2024.



Applicant, Solicitor or Authorized Agent


A Commissioner, etc.
Janine Quintina Mastronardi, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires June 30, 2024

NOTES:

Each copy of the application must be accompanied by a sketch, drawn to scale, showing:

- a) the boundaries and dimensions of the subject land;
- b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
- c) the approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples of features include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks/tile fields;
- d) the current uses on land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- f) if access to the subject land is by water only, the location of the parking and docking facilities to be used;
- g) the location and nature of any easement affecting the subject land.

AUTHORIZATION
(Please see note below)

To: Secretary-Treasurer
Committee of Adjustment
Town of Amherstburg

Description and Location of Subject Land:

330 Simcoe

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

Jeffrey R. Dow of the City of Windsor to:

- (1) make an application on my/our behalf to the Committee of Adjustment for the Town of Amherstburg;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by Town's Committee of Adjustment relevant to the application.

Dated at the Town of Amherstburg in the
County of Essex, this 14th day of June, 2024



Signature of Witness



Signature of Owner

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

* Note: This form is only to be used for applications which are to be signed by someone other than the owner.

POSTING COMMITTEE OF ADJUSTMENT ADVISORY SIGN

This will confirm the requirements of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon submission of your application(s). You are directed to post the sign in a prominent location that will enable the public to observe the sign.

The location of the sign will depend on the lot and location of structures on it. The sign should be placed so as to be legible from the roadway in order that the public see the sign and make note of the telephone number should they wish to make inquiries. The Zoning By-law prohibits the signs from being located in any corner lot sightlines. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

The sign must remain posted beginning 10 days prior to the Hearing, until the day following the decision of the Committee of Adjustment. Please complete the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the Committee's requirements. Failure to post the sign as required will result in deferral of the application.

Chris Aspila, MCIP RPP
Manager of Planning Services

PROPERTY ADDRESS: 330 Simcoe

APPLICATION NUMBER(S): A/25/24

I understand that each sign must be posted at least 10 days before the Hearing, and will remain posted and be replaced if necessary, until the day following the Decision.

I acknowledge that the Secretary-Treasurer has confirmed these requirements with me.


Signature (Owner/Authorized Agent)

June 14, 2024
Date

DM1
A/25/24- 330 Simcoe



R3

VICTORIA ST S

Proposed Sign

min. 2m

min. 0.6 m

COUNTY RD 18

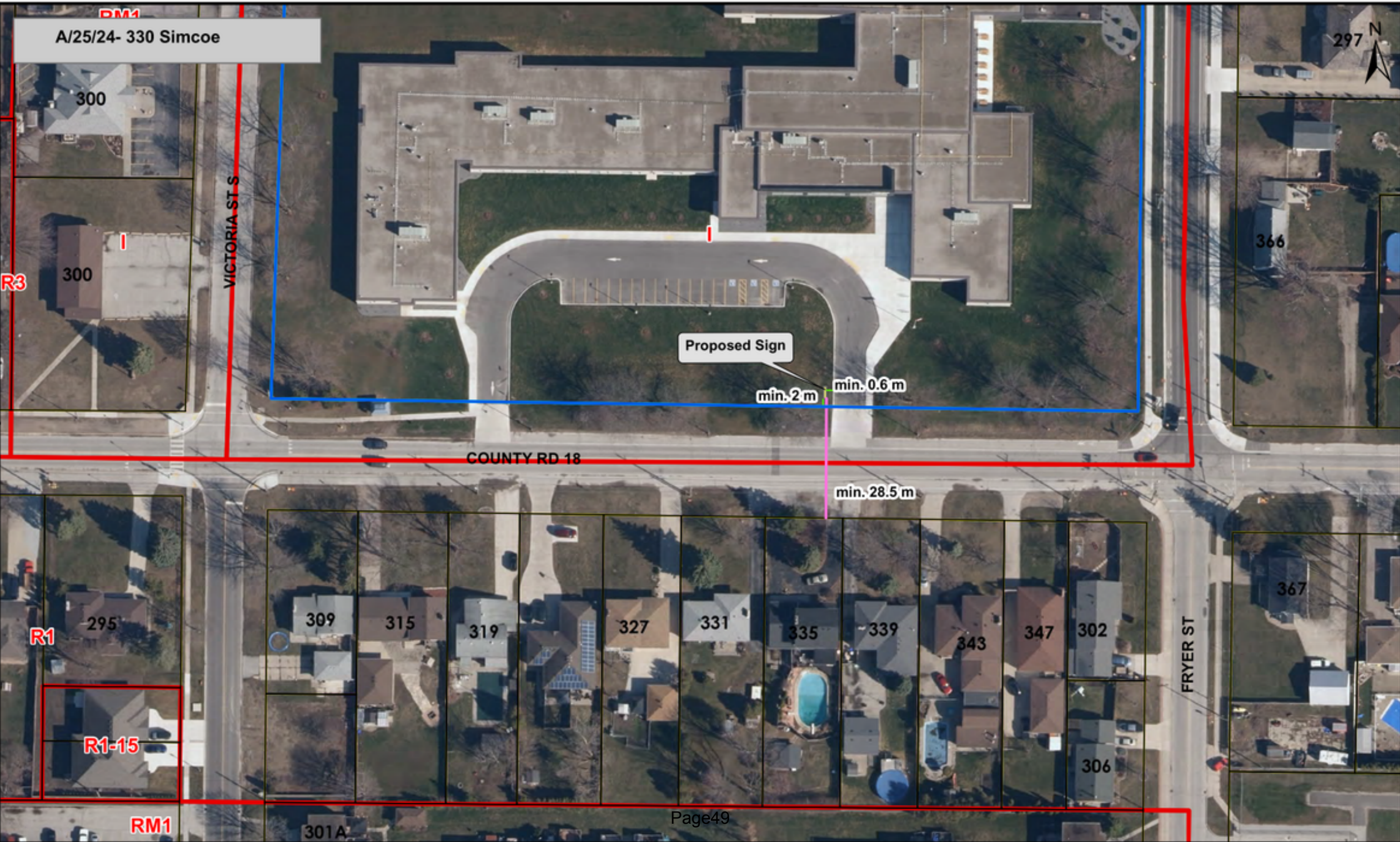
min. 28.5 m

R1

R1-15

RM1

FRYER ST



A/25/24- 330 Simcoe



Proposed Sign

min. 0.6 m

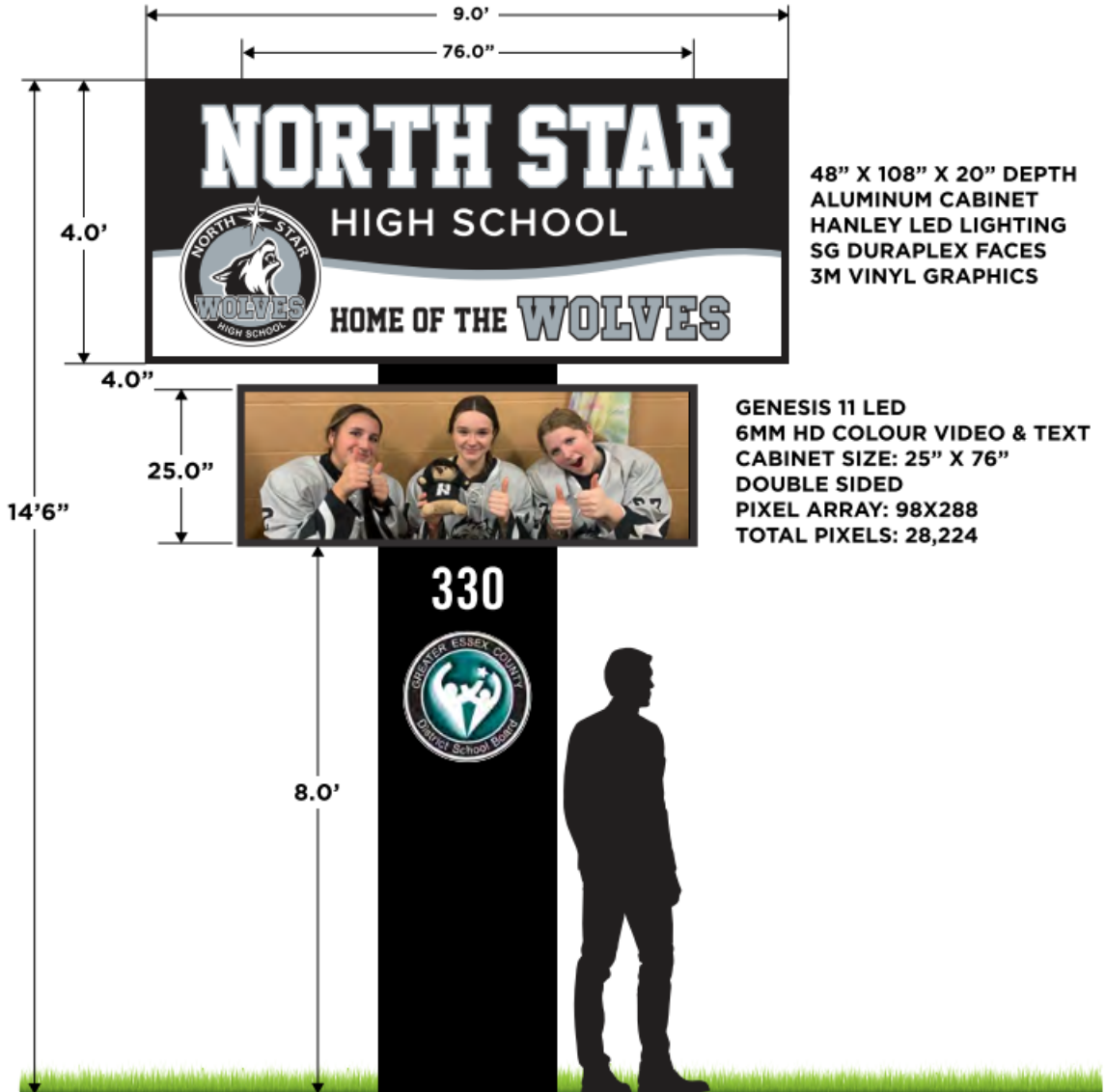
min. 2 m

COUNTY RD 18

FRYER ST

min. 28.5 m

NORTH STAR HIGH SCHOOL
 330 SIMCOE STREET | AMHERSTBURG
 NEW DOUBLE SIDED GROUND SIGN
 OPTION A

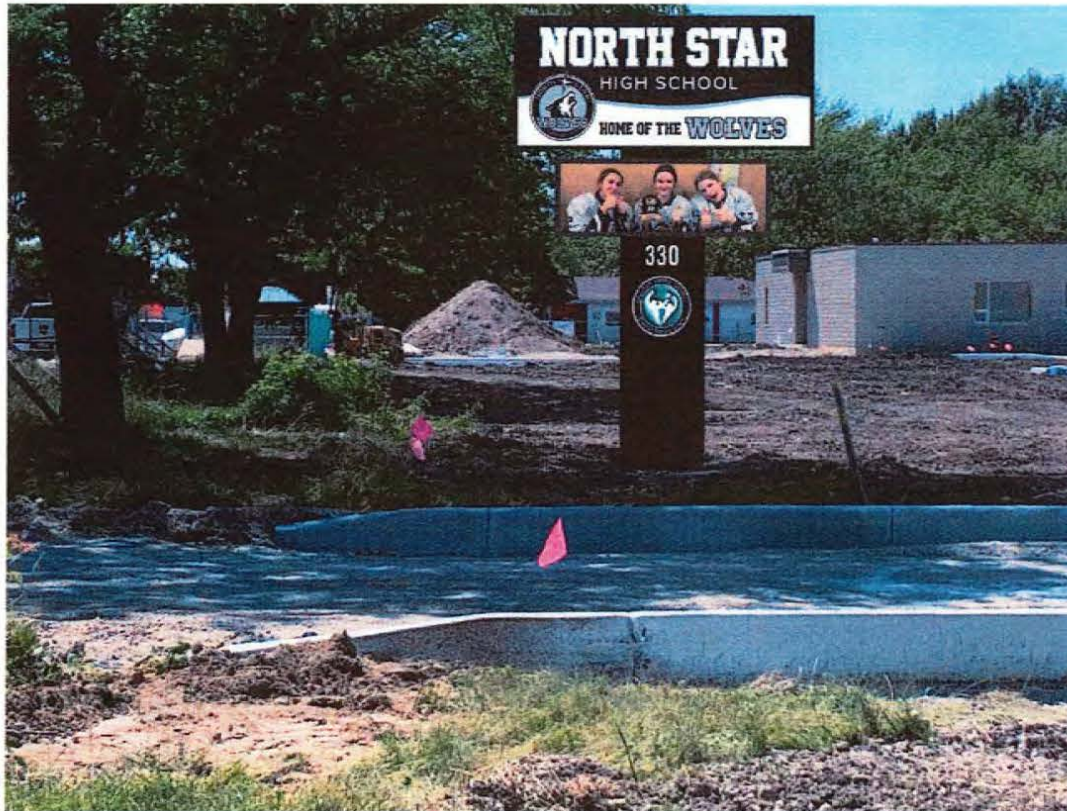


LED TECHNOLOGY SIGNAGE

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NORTH STAR HIGH SCHOOL
330 SIMCOE STREET | AMHERSTBURG
NEW DOUBLE SIDED GROUND SIGN

RENDERING



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CELL



Summary of Correspondence Received on Proposed Minor Variance for A/25/24 – 330 Simcoe Street

Below is a summary of the comments received by the Planning Services Division for A/25/24 as of June 25, 2024.

Essex Region Conservation Authority:

No objections

Building Department:

No comments

Infrastructure Services:

No comments



Amherstburg Committee of Adjustment

July 03, 2024

A/25/24 – 330 Simcoe St.

Purpose of Application A/25/24

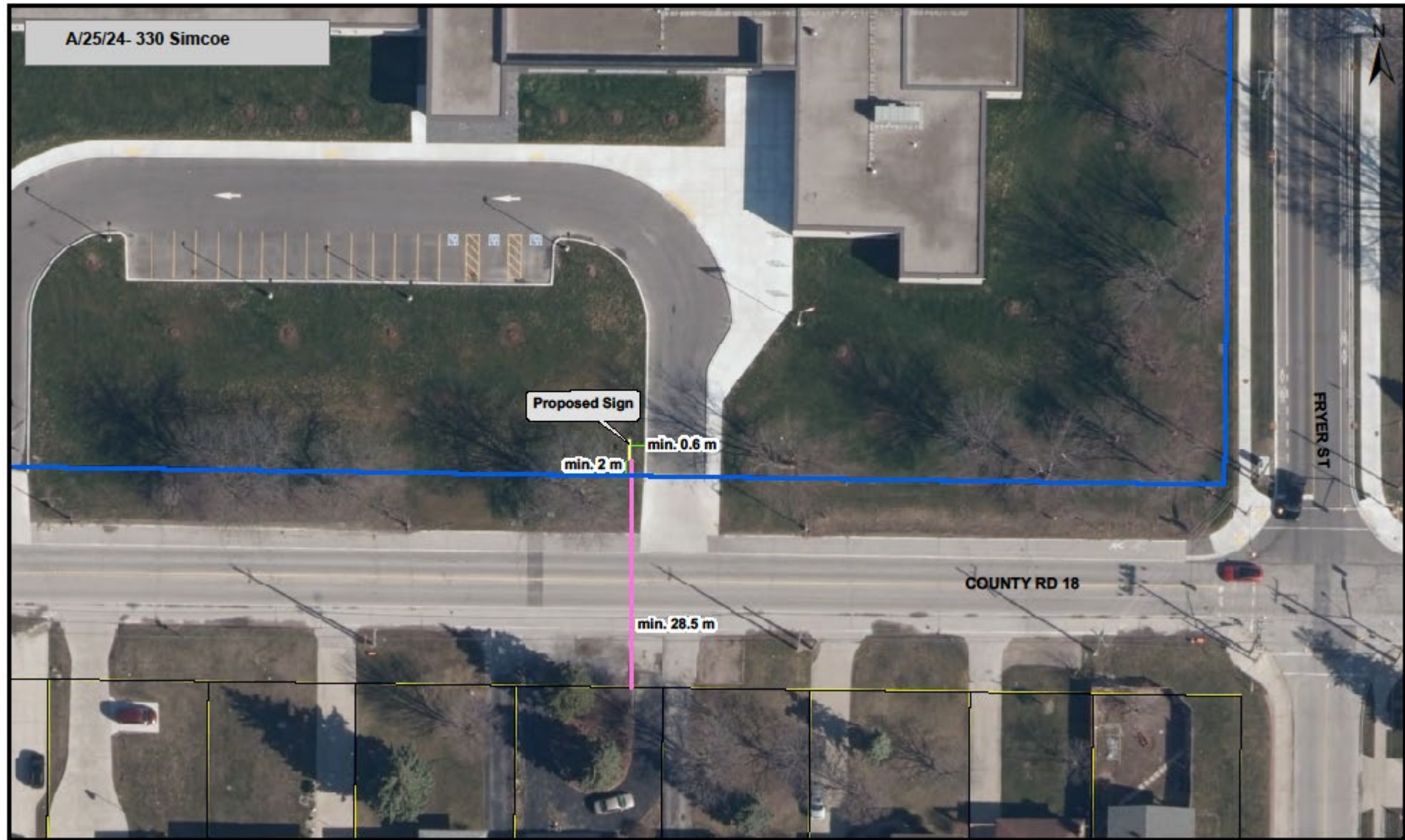
The applicant is proposing to install an illuminated pylon sign indicating the name and address of the school along with an LED message screen. A minor variance is required for permissions and relief from the Sign By-law 2016-100.

The applicant is requesting permission to erect a pylon sign in an Institutional Zone consistent with the Commercial Pylon Sign provisions found in Section 9.5 of Sign By-law 2016-100. The applicant is also requesting 2 m of relief from Section 4.7(1) which requires an illuminated sign maintain a 30.48 m setback from a Residential Zone to allow a pylon sign in an Institutional Zone which includes illumination with a setback to the closest adjacent residential property line being 28.5 m.

Therefore, the applicant is requesting permission to erect a pylon sign in an Institutional Zone in compliance with the Section 9.5 pylon sign provisions and the applicant is seeking relief of 2 m in setback for an illuminated sign from a Residential Zone to permit a 28.5 m setback.

The subject property is designated Open Space in the Town's Official Plan and is zoned Institutional (I) in the Town's Zoning By-law 1999-52.





Policy Review

The subject property is designated Open Space in the Town's Official Plan and is zoned Institutional (I) in the Town's Zoning By-law 1999-52.

A policy review of the application has been completed by the Planning department considering the following;

- Planning Act, R.S.O. 1990
- Town Official Plan
- Town Zoning By-law 1999-52, as amended
- Sign By-law 2016-100



Four Tests

From a planning perspective the Committee must determine if:

- 1) The requested variance conforms with the intent of the relevant Official Plan policies;
- 2) The proposed variance maintains the intent of Comprehensive Zoning By-law 1999-52, as amended;
- 3) The proposed variance is desirable or the appropriate development or use of the land, building or structures; and
- 4) The requested variance would appear to be minor in nature.



Recommendation

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that Application A/25/24 be approved to grant permission to erect a pylon sign in an Institutional (I) Zone in compliance with Section 9.5 provisions in Sign By-law 2016-100 and to grant relief of 2 m in setback for an illuminated sign from a Residential Zone to permit a 28.5 m setback.





THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Janine Mastronardi	Report Date: June 26, 2024
Author's Phone: 519 736-5408 ext. 2134	Date to Committee: July 3, 2024
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

To: Chair and Members of the Committee of Adjustment

Subject: A/20/24, 873 Front Road North, Joseph and Victoria Yakopich

1. **RECOMMENDATION:**

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/20/24 **BE APPROVED** subject to the recommended conditions.

2. **PROPOSAL:**

Purpose of Minor Variance Application A/20/24: The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum height of 5.5 m (18 ft) of an accessory structure measured to the peak of the roof in a residential zone.

The applicant is proposing the construction of an 816 sq ft accessory structure to contain a three-car garage on the first floor and a secondary dwelling unit on the second floor with a height of 7 m (23 ft) to the peak of the roof. Therefore, the amount of relief requested is 1.5 m (5 ft) in accessory structure height.

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Type 1A (R1A) Zone in the Town's Zoning By-law.

3. **BACKGROUND:**

N/A

4. PLANNING INFORMATION:

Official Plan Designation: Low Density Residential

By-law No. 1999-52: Residential Type 1A (R1A) Zone

Existing Use: Residential

Proposed Use: Residential- No change

Neighboring Uses: residential and recreational (Pointe West Golf Course)

TECHNICAL INFORMATION

Proposed Accessory Structure Height: 7 m (23 ft)

Permitted Accessory Structure Height: 5.5 m (18 ft)

Relief requested: 1.5 m (5 ft)

5. PLANNING ANALYSIS:

1. PLANNING ACT (R.S.O. 1990)

The purposes of the Planning Act are;

- “ (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
(b) to provide for a land use planning system led by provincial policy;
(c) to integrate matters of provincial interest in provincial and municipal planning decisions;
(d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
(e) to encourage co-operation and co-ordination among various interests;
(f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s.4.”

The proposal is consistent with Section 2 of the Planning Act which requires that the Committee of Adjustment have regard to matters of provincial interest including (the following are excerpts from Section 2 of the Planning Act that apply to this development):

- the orderly development of safe and healthy communities;
- the appropriate location of growth and development;

The owner is permitted to erect an accessory structure containing a secondary dwelling unit on the municipally serviced property in an existing residential development. The minor variance is required to allow for an increase in height of the accessory structure.

When reviewing this application, the Committee must consider the four tests as outlined in Section 45(1) of the Planning Act, R.S.O. 1990, as amended, which states that the Committee be of the opinion that the variance:

- a) maintains the general intent and purpose of the Official Plan;
- b) maintains the general intent and purpose of the Zoning By-law;
- c) is desirable for the appropriate development or use of the land, building or structures; and
- d) is minor in nature.

The application must meet all of the above tests.

2. OFFICIAL PLAN POLICIES

The subject property is designated Low Density Residential in Amherstburg's Official Plan. Section 4.3.1 of the Official Plan states, '*Areas designated as Low Density Residential shall be limited to single detached, semi-detached, duplex, or converted dwelling units, home occupation uses and public uses.*'

The applicant is proposing the construction of an accessory structure which will contain on the first floor a three-car garage and a secondary dwelling unit on the second floor. The structure and use are permitted on lands designated Low Density Residential. As such, the proposed use is considered to be in keeping with the intent of the Official Plan.

In my opinion the proposed minor variance maintains the intent of the Official Plan.

3. ZONING BY-LAW

The subject property is zoned Residential Type 1A (R1A) Zone in Bylaw 1999-52, as amended. The R1A Zone permits single detached dwellings and accessory structures.

Section 3(1)(c) which permits a maximum 5.5 m (18 ft) height of an accessory structure measured to the peak of the roof in residential zones.

The applicant is proposing the construction of a 75.8 sq m (816 sq ft) accessory structure to contain a three-car garage on the first floor and a secondary dwelling unit on the second floor with a height of 7 m (23 ft) to the peak of the roof.

The existing single detached dwelling has a height of 4.57 m (15 ft). All other provisions of the Zoning By-law are in compliance including the setback between the primary and secondary dwelling units which is proposed at 9.14 m (30 ft).

Therefore, the amount of relief requested is 1.5 m (5 ft) in accessory structure height.

The requested variance maintains the intent of the Zoning By-law.

4. APPROPRIATE DEVELOPMENT

The proposed variance does not change the use of the land for residential purposes and therefore the use can be considered appropriate. The proposed variance would appear not to negatively impact any adjacent land uses. Lot grading design will be submitted

and approved by the municipality and is required to be implemented as part of the building permit process.

The subject property is 1.59 acres. The dwelling on the property to the north will be approximately 20 m from the proposed secondary dwelling. The closest dwelling to the south is more than 20 m away and to the east is more than 160 m away. There does not appear to be any loss of privacy as a result of the requested height relief.

The accessory structure is proposed to be built behind the existing dwelling. While the height of the primary dwelling is 4.57 m (15 ft), less than the proposed 7 m (23 ft) accessory structure, the numerous trees on the property and the distance from Front Road North (primary dwelling is 40 m + from the front property line) decrease the impact on the proposed height of the accessory structure.

It is the opinion of the author of this report that the proposed variance will not have a negative impact on the neighbourhood.

5. MINOR IN NATURE

No precise definition for what constitutes “minor” exists. Rather, it is a culmination of the review of the Official Plan, Zoning By-law and attempts to address the “big picture” for what the proposed development represents. Each application must be assessed on its own set of circumstances.

The proposed increase in height does not change the character of the neighbourhood. There are various building heights along this section of Front Road North. The large front yard setbacks and large trees decrease the impact of the structures on the street.

All of the remaining R1A zone provisions and General Provisions are in compliance. The proposed use of the accessory structure as a secondary dwelling unit is consistent with the Provincial Policy Statement and is in conformity with the Official Plan and Zoning by-law.

There appears to be no environmental concerns.

6. AGENCY COMMENTS:

See attached

7. RISK ANALYSIS:

As with all Committee of Adjustment decisions there is a risk that the decision is appealed. As a result of changes in Bill 23, decisions by a CoA can no longer be appealed by a third party. Decisions which are to support or refuse the consent or minor variance request, can only be appealed by the applicant, the Municipality, the Minister, a specified person or any public body. In the case of a consent decision the appeal must be filed within 20 days after the giving of notice of the decision of the committee, whereas for a minor variance an appeal must be filed within 20 days of the making of the decision of the committee. It is important to note that a tied vote is deemed to be a decision to deny the

consent or minor variance request. If there is an appeal to the OLT the Town will incur costs.

8. RECOMMENDATIONS:

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that Application A/20/24 be approved to grant relief in accessory structure height of 1.5 m (5 ft) to allow for the construction of an accessory structure with a footprint of 75.8 sq m (816 sq ft) to contain a three car garage on the first floor and a secondary dwelling unit on the second floor with a height of 7 m (23 ft) to the peak of the roof subject to the following conditions;

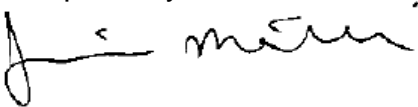
1. That the applicant prepare and implement a lot grading design for the subject property, to the satisfaction of the municipality.
2. That the design of the accessory structure be in substantial conformity with the plans submitted as part of application A/20/24.

9. CONCLUSION:

From a planning perspective:

- 1) The requested variance conforms with the intent of the relevant Official Plan policies.
- 2) The proposed variance maintains the intent of Comprehensive Zoning By-law 1999-52, as amended.
- 3) The proposed variance does not change the use of the land for residential purposes and therefore can be considered appropriate.
- 4) The requested variance would appear to be minor in nature.
- 5) The proposed variance would not have a negative impact on the environment.

Respectfully Submitted,



Janine Mastronardi
Secretary-Treasurer

Report Approval Details

Document Title:	A-20-24- 873 Front Road North- Joseph and Victoria Yakopich.docx
Attachments:	- A-20-24- Report Attachments-RM.pdf
Final Approval Date:	Jun 26, 2024

This report and all of its attachments were approved and signed as outlined below:

Chris Aspila



CORPORATION OF THE TOWN OF AMHERSTBURG
271 SANDWICH ST S, AMHERSTBURG, ONTARIO N9V 2A5

NOTICE OF PUBLIC HEARING

In the matter of the *Planning Act*, R.S.O. 1990, as amended, and, in the matter of application for minor variance by:

Joseph & Victoria Yakopich

TAKE NOTICE THAT application for **minor variance** under the above-noted file will be heard by the TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT on the date, time and place shown below:

**Amherstburg Council Chambers, 271 Sandwich St. S., Amherstburg, ON
Wednesday, July 3, 2024 at 8:00 A.M. (morning)**

This is a public hearing for the purpose of hearing evidence in support of or in opposition to the above-noted application. 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 asked to inform that person of this hearing.

If you wish to attend the meeting by electronic means, you must register on-line at the Town of Amherstburg website a minimum of 48 hours prior to the meeting time. Please go to the Committee of Adjustment page at:

<https://www.amherstburg.ca/en/town-hall/Committee-of-Adjustment.aspx>

Alternatively, you may visit the Town website, search "Committee of Adjustment" using the search feature provided and follow the Registration instructions located at the bottom of the Committee of Adjustment page.

Upon completion of the on-line registration form, you will receive an automated email response that will provide registration instructions that can be used to gain access to the electronic Committee of Adjustment meeting at the specified date and time indicated above.

Public Comment Submission:

If you have comments on these applications, they may be forwarded in writing to the Secretary-Treasurer either by mail or in person to:

Janine Mastronardi, Secretary-Treasurer
3295 Meloche Road
Amherstburg, ON
N9V 2Y8

Comments can also be submitted by email by 4:00 p.m. two nights before the hearing (Monday, July 1, 2024) to the Planning Department, planning@amherstburg.ca. All public comments received prior to the meeting by the above noted due date, will be read aloud at the beginning of the relevant application.

This is a public hearing for the purpose of hearing evidence in support of or in opposition to the above-noted application. 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 asked to inform that person of this hearing. If you have comments on this application, they may be forwarded in writing to the Secretary-Treasurer at the address shown above.

If you do not attend and are not represented at this hearing, the Committee may proceed in your absence (including possible amendments to the original request). Except as otherwise provided for in the *Planning Act*, you will not be entitled to any further notice of the proceedings.

If a specified person or any public body that files an appeal of a decision of the Town of Amherstburg Committee of Adjustment in respect of the proposed minor variance does not make written submission to the Town of Amherstburg Committee of Adjustment before it gives or refuses to give a provisional minor variance, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of the Town of Amherstburg Committee of Adjustment in respect of the proposed minor variance, you must make a written request to Town of Amherstburg Committee of Adjustment.

Location of Property: 873 Front Road North
(Roll No.: 3729-420-000-15400)

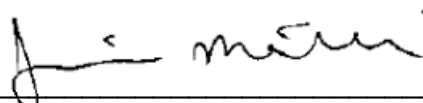
Purpose of Minor Variance Application A/20/24: The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum height of 5.5 m (18 ft) of an accessory structure measured to the peak of the roof in a residential zone.

The applicant is proposing the construction of a 816 sq ft accessory structure to contain a three-car garage on the first floor and a secondary dwelling unit on the second floor with a height of 7 m (23 ft) to the peak of the roof. Therefore, the amount of relief requested is 1.5 m (5 ft) in accessory structure height.

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Type 1A (R1A) Zone in the Town's Zoning By-law.

Additional Information relating to the proposed application is available by contacting the Town of Amherstburg Planning Offices by phone or email, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website www.amherstburg.ca.

Dated: June 19, 2024



Janine Mastronardi, Secretary-Treasurer
Town of Amherstburg Committee of Adjustment
3295 Meloche Road, Amherstburg, ON N9V2Y8

Municipal Fee Received	PAID
ERCA Fee Received:	

Application No. A/2024

PLANNING ACT
APPLICATION FOR MINOR VARIANCE
APPLICATION FOR PERMISSION
TOWN OF AMHERSTBURG

1. Name of approval authority Town of Amherstburg
2. Date application received by municipality May 24, 2024
3. Date application deemed complete by municipality June 14, 2024
4. Name of registered owner Joseph + Victoria Yakovich

Telephone number [REDACTED]

Address [REDACTED] Postal Code [REDACTED]

Email [REDACTED]

Name of registered owner's solicitor or authorized agent (if any) _____

Telephone number _____

Address _____ Postal Code _____

Email _____

Please specify to whom all communications should be sent:

- registered owner solicitor agent

5. Name and address of any mortgages, charges or other encumbrances in respect of the subject land:

RMG

6. Location and description of subject land:

Concession No. 1 Lot(s) No. S Pt Lt 17

Registered Plan No. _____ Lot(s) No. _____

Reference Plan No. _____ Part(s) No. _____

Street Address 873 Front Rd N Assessment Roll No. 420-15400

7. Size of subject parcel:

Frontage 99.88 ft Depth 693 ft Area 1.59 acres

8. Access to subject parcel:

- Municipal Road County Road Provincial Highway
 Private Water

If access to the subject land is by water only, state the parking and docking facilities used or to be used and the approximate distance between these facilities and the nearest public road

9. Current Official Plan Land Use designation of subject land Low Density Residential
10. Current Zoning of subject land RIA
11. Nature and extent of relief from the Zoning By-law requested _____
Section 3(17)(c) permits a maximum height of
5.5m for an accessory structure to the peak
of roof. Proposing an accessory structure with a
height of 23ft (7m) to the peak of the roof.
12. Reasons why minor variance is necessary to allow for height
for a second storey on an accessory structure
13. Current use of subject land residential
14. Length of time current use of subject land has continued 60 + yrs
15. Number and type of buildings or structures **existing** on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:
- one single detached dwelling

16. Date of construction of existing buildings and structures on the subject land:
- 1960

17. Date subject land acquired by current registered owner Dec. 1985
18. Proposed use of subject land residential
19. Number and type of buildings or structures **proposed** to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:
- one new accessory structure

20. Type of water supply:
- municipally owned and operated piped water supply
 - well
 - Other (specify) _____

21. Type of sanitary sewage disposal:
- municipally owned and operated sanitary sewers
 - septic system
 - Other (specify) _____

22. Type of storm drainage:
- sewers
 - ditches
 - swales
 - Other (specify) _____

23. If known, indicate whether the subject land is the subject of an application under the Planning Act for:
- consent to sever
 - approval of a plan of subdivision

If known, indicate the file number and status of the foregoing application:

24. If known, indicate if the subject land has ever been the subject of an application for minor variance under Section 45 of the Planning Act.

25. The proposed project includes the addition of permanent above ground fuel storage:
- Yes
 - No

26. Is the land within 600m of property that is designated as Extraction Industry?
- Yes
 - No

If yes, as per Section 3.3.3 of the Official Plan a noise and vibration study is required for approval by the Town, to be completed.

A minor variance application fee of \$1191.00, along with an ERCA development review fee of \$200.00 (total of \$1391.00 payable to the Town of Amherstburg), must accompany your completed application.

If the subject lands are located within 120 m of a Provincially Significant Wetland, Significant Woodland, Area of Natural or Scientific Interest or Significant Species at Risk Habitat, the applicant may be required to complete a natural heritage review. The initial pre-consultation cost of the natural heritage review is \$565 and should additional work, such as an Environmental Impact Assessment, be required, the applicant will be responsible for all costs associated with review. Costs associated with the review will be invoiced to the applicant through the Town of Amherstburg. The applicant will be responsible for finding their own qualified biologist to complete the Environmental Impact Assessment, if required, and will be responsible for all costs associated with the assessment.

Dated at the Town of Amherstburg this 6th day of June, 2024.

[Signature]
(signature of applicant, solicitor or authorized agent)

I, Victoria Yakopich of the Town of Amherstburg in the County/District/Regional Municipality of Essex solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Amherstburg in the County of Essex this 6th day of June, 2024

[Signature]
Applicant, Solicitor or Authorized Agent

[Signature]
A Commissioner, etc.
Janine Quintina Mastronardi, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires June 30, 2024

NOTES:

Each copy of the application must be accompanied by a sketch, drawn to scale, showing:

- a) the boundaries and dimensions of the subject land;
- b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
- c) the approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples of features include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks/tile fields;
- d) the current uses on land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- f) if access to the subject land is by water only, the location of the parking and docking facilities to be used;
- g) the location and nature of any easement affecting the subject land.

AUTHORIZATION

(Please see note below)

To: Secretary-Treasurer
Committee of Adjustment
Town of Amherstburg

Description and Location of Subject Land:

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

_____ of the _____ of _____ to:

- (1) make an application on my/our behalf to the Committee of Adjustment for the Town of Amherstburg;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by Town's Committee of Adjustment relevant to the application.

Dated at the _____ of _____ in the
_____ of _____, this ____ day of _____, 20__.

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

* Note: This form is only to be used for applications which are to be signed by someone other than the owner.

POSTING COMMITTEE OF ADJUSTMENT ADVISORY SIGN

This will confirm the requirements of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon submission of your application(s). You are directed to post the sign in a prominent location that will enable the public to observe the sign.

The location of the sign will depend on the lot and location of structures on it. The sign should be placed so as to be legible from the roadway in order that the public see the sign and make note of the telephone number should they wish to make inquiries. The Zoning By-law prohibits the signs from being located in any corner lot sightlines. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

The sign must remain posted beginning 10 days prior to the Hearing, until the day following the decision of the Committee of Adjustment. Please complete the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the Committee's requirements. Failure to post the sign as required will result in deferral of the application.

Chris Aspila, MCIP RPP
Manager of Planning Services

PROPERTY ADDRESS: 873 Front Rd N

APPLICATION NUMBER(S): A/20/24

I understand that each sign must be posted at least 10 days before the Hearing, and will remain posted and be replaced if necessary, until the day following the Decision.

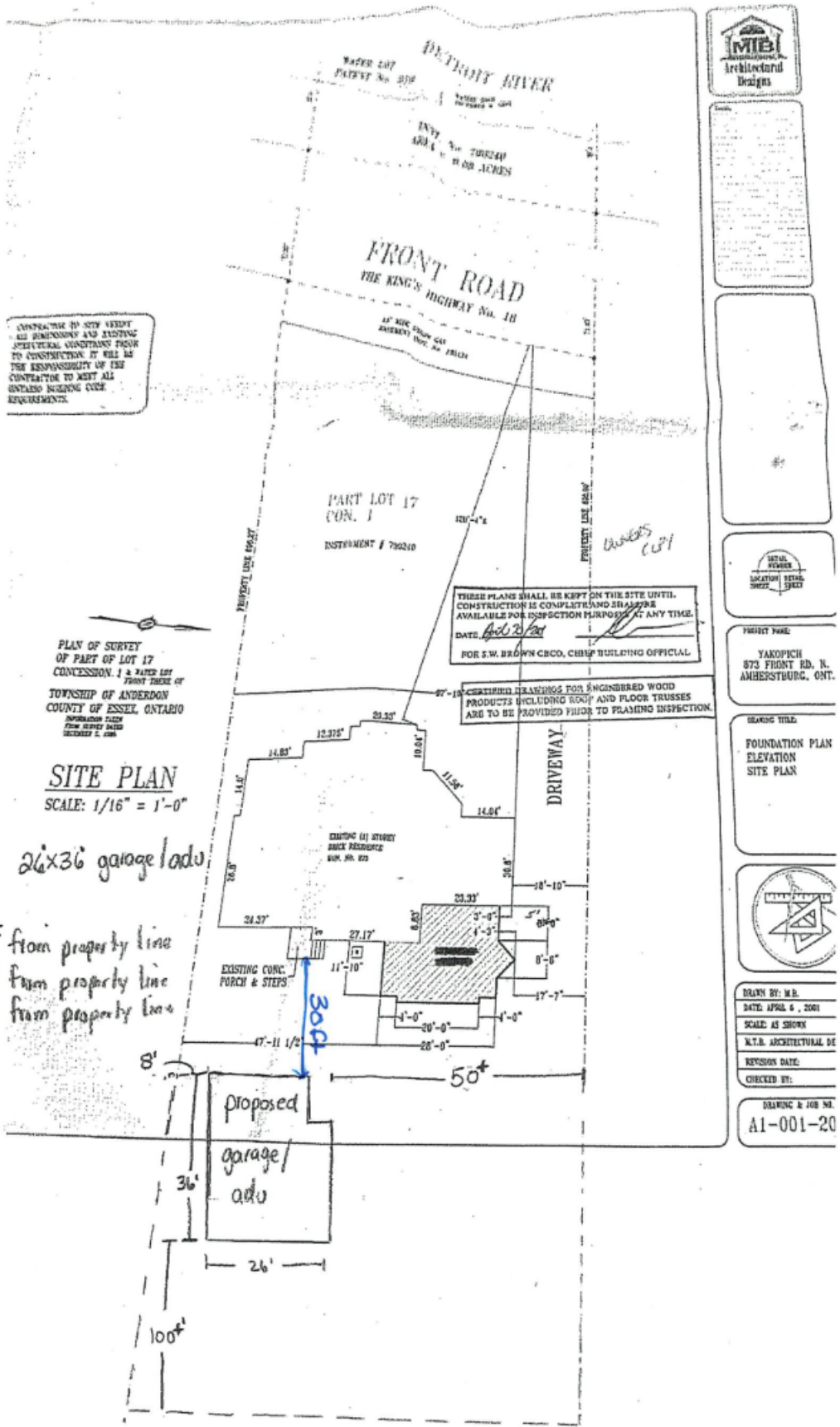
I acknowledge that the Secretary-Treasurer has confirmed these requirements with me.


Signature (Owner/Authorized Agent)

June 5, 2024
Date



873 Front Road
 Lot size - approx 97 x 700



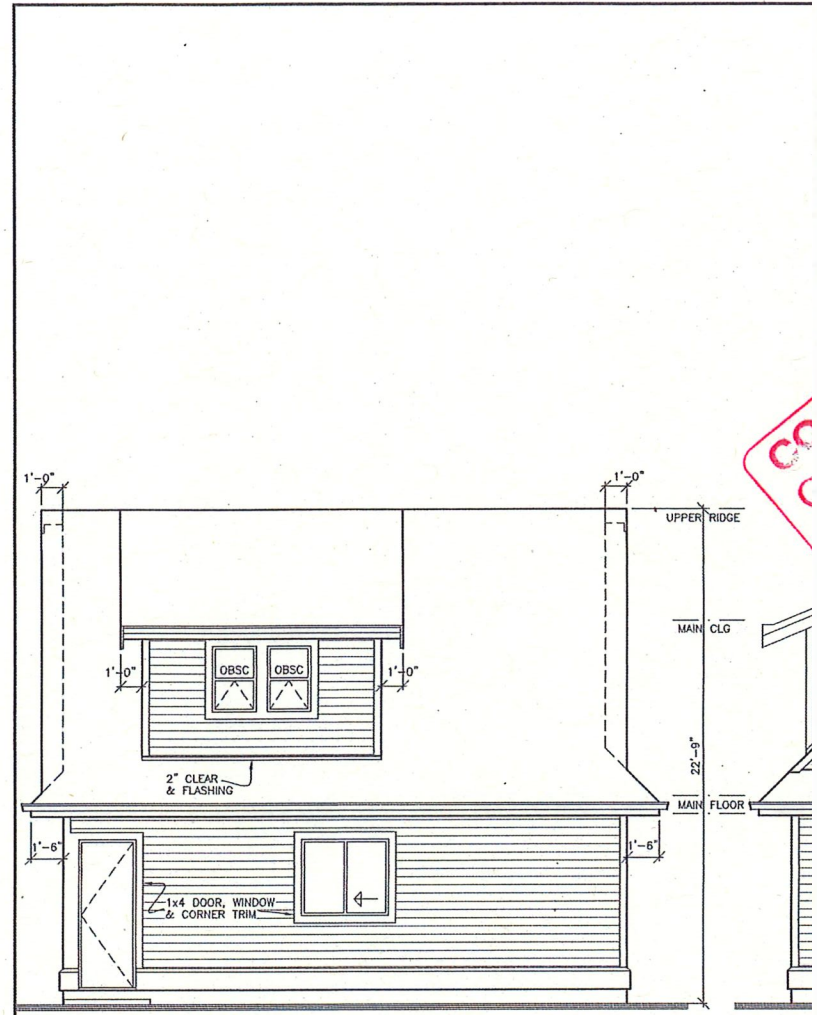
MBI
 Architectural
 Design

SCALE: 1/16" = 1'-0"

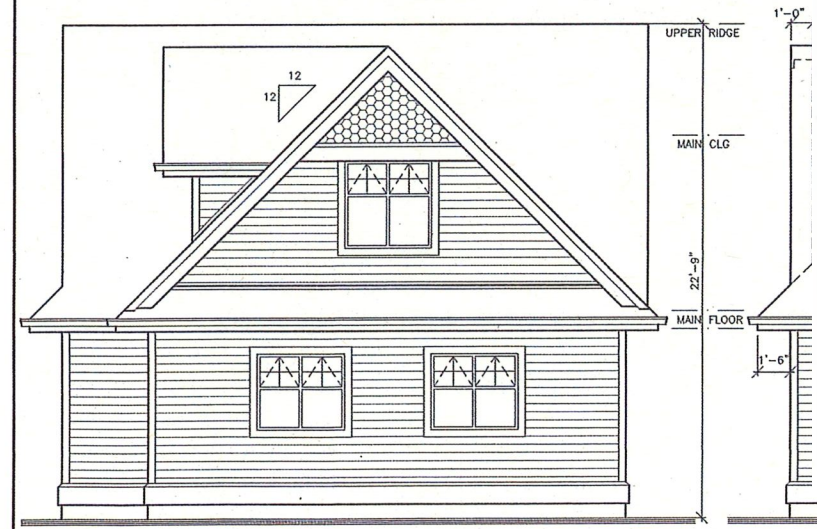
FOUNDATION PLAN
 ELEVATION
 SITE PLAN

DRAWN BY: M.B.
 DATE: APRIL 6, 2001
 SCALE: AS SHOWN
 M.T.B. ARCHITECTURAL DE
 REVISION DATE:
 CHECKED BY:
 DRAWING & JOB NO.
 A1-001-20

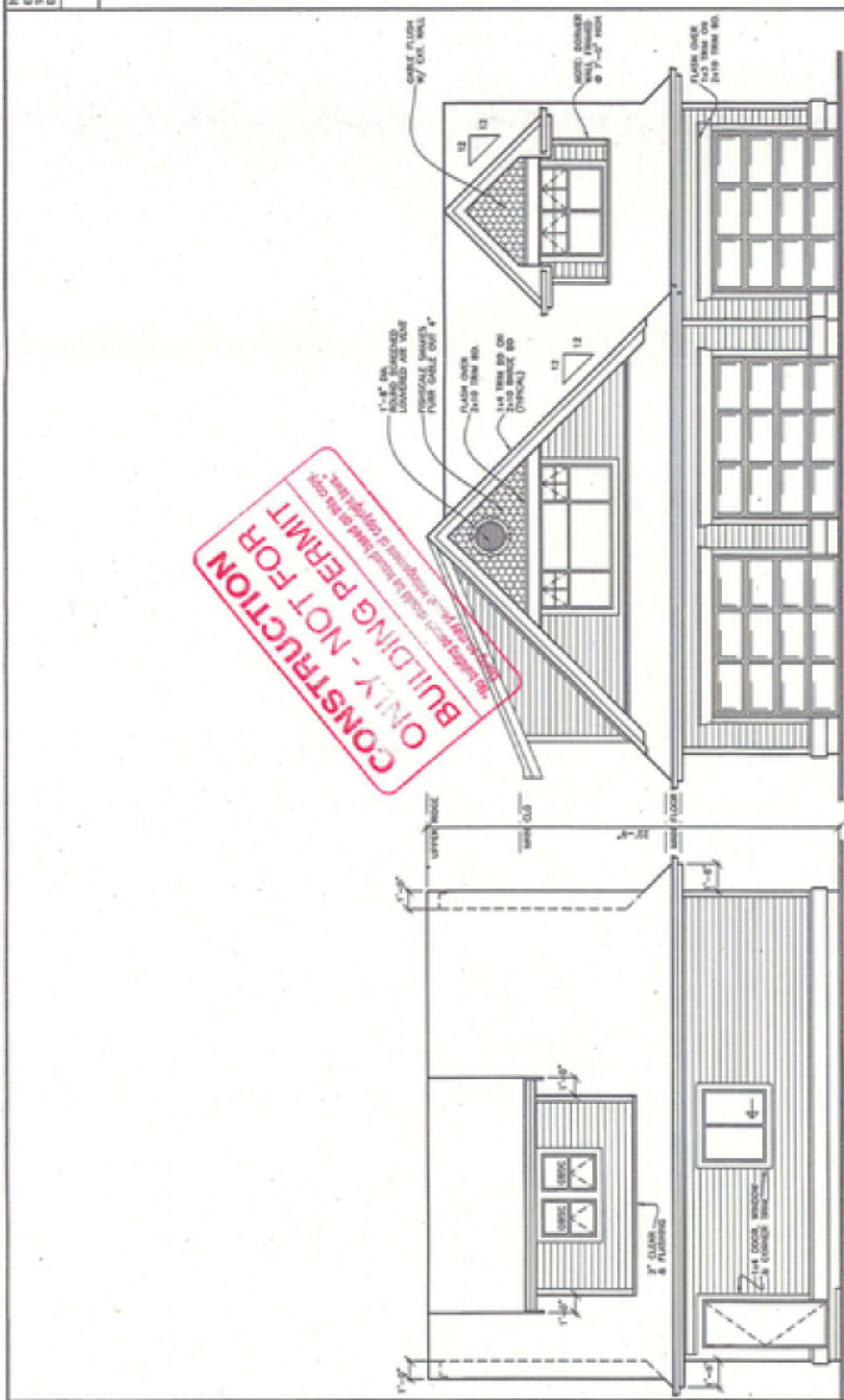
proposed 26x36 garage/actu
 8' from property line
 50' from property line
 100' from property line



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

FRONT ELEVATION

LEFT ELEVATION

REAR ELEVATION

RIGHT ELEVATION

CONSTRUCTION ONLY - NOT FOR BUILDING PERMIT

NOTE:
REMOVAL OF JHDL LOGO, TITLE BLOCK OR WATER MARK IS AGAINST CANADIAN COPYRIGHT LAWS

NOTE:
GLASS AREA MAY NEED TO BE REDUCED DUE TO LIMITING DISTANCE TO CONFIRM WITH LOCAL BY LAWS & BUILDING CODE.

NOTE:
SOME BEAMS & LINTELS MAY BE REQUIRED TO BE ENGINEERED DUE TO ROOF LOADS NOT COVERED IN THE BUILDING CODE & IS THE RESPONSIBILITY OF THE HOME OWNER OR BUILDER TO SECURE.

<ul style="list-style-type: none"> RECESSED LIGHT FIXTURE RECESSED WALL WASHER VAPOUR PROOF LIGHT FIXTURE FLOOR LIGHT CLOCK OUTLET VENT FAN RECESSED HEAT LAMP TRACK LIGHT SINGLE FLUORESCENT FIXTURE FLUORESCENT LIGHT FIXTURE SURFACE MOUNTED FLUORESCENT LIGHT FIXTURE RECESSED 	<ul style="list-style-type: none"> DUPLEX RECEPTACLE SWITCHED ONE SIDE DUPLEX RECEPTACLE - SPLIT CIRCUIT DUPLEX FLOOR RECEPTACLE SPECIAL PURPOSE FUSED WIRED OUTLET - I.E. DISHWASHER, SHUVA 250/250 VOLT FOR RANGE, OVEN AND ETC. ETC. - 30 OR 40 AMP DUPLEX APPLIANCE OUTLET DUPLEX RECEPTACLE WEATHER PROOF - ALL W.P. OUTLETS ALSO TO HAVE G.F.I. PROTECTION DUPLEX RECEPTACLE WITH GROUND FAULT INTERRUPTER CIRCUIT BREAKER SINGLE POLE SWITCH 3 WAY OR 4 WAY SWITCH DIMMER CONTROL SWITCH DOOR SWITCH TIMER 	<ul style="list-style-type: none"> REMOTE INTERCOM TELEVISION CABLE OUTLET TELEPHONE OUTLET SMOKE DETECTOR AND ALARM 	<p>STOCK</p> <p>DRAWN: WN</p> <p>CHECKED: TB</p> <p>DATE: AUG 2023</p> <p>SCALE: 1/4"=1'-0"</p> <p>SHEET: 2 OF 3</p> <p>PLAN NUMBER: 14-1-257</p>
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NOTE:
REMOVAL OF JHDL LOGO, TITLE BLOCK OR WATER MARK IS AGAINST CANADIAN COPYRIGHT LAWS

NOTE:
GLASS AREA MAY NEED TO BE REDUCED DUE TO LIMITING DISTANCE TO CONFIRM WITH LOCAL BY LAWS & BUILDING CODE.

NOTE:
SOME BEAMS & LINTELS MAY BE REQUIRED TO BE ENGINEERED DUE TO ROOF LOADS NOT COVERED IN THE BUILDING CODE & IS THE RESPONSIBILITY OF THE HOME OWNER OR BUILDER TO SECURE.



Summary of Correspondence Received on Proposed Minor Variance for A/20/24 – 873 Front Rd. N

Below is a summary of the comments received by the Planning Services Division for A/20/24 as of June 25, 2024.

Essex Region Conservation Authority:

No objections

Building Department:

- Build permits required-Provide certified drawings at time of permit submission
- Ensure and demonstrate that property will maintain own rain water
- Site appears to have an existing inground swimming pool that will obstruct access to the garage
- Debris in the rear of property

Infrastructure Services:

Infrastructure Services Department has reviewed A/20/24 – 873 Front Road North minor variance application and offer the following comments:

- Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands
- It should be noted that a secondary set of municipal services will not be permitted to connect to the secondary dwelling unit. The secondary dwelling unit must be serviced through the existing municipal services on the property

We are requesting a copy of the Decision of the aforementioned application. Thank you for your assistance and cooperation in this matter.



June 24, 2024

Ms. Janine Mastronardi
Town of Amherstburg
271 Sandwich Street South
Amherstburg, Ontario
N9V 2A5

Dear Ms. Mastronardi:

Re: COA Submission, A-20-24, Joseph & Victoria Yakopich

Please be advised that the County of Essex has reviewed the aforementioned application and the comments provided are engineering-related only. This application has not been reviewed from a planning perspective. No objections to this application. The subject lands have frontage on County Road 20.

This road was formerly King's Highway 18 until it was downgraded to the County of Essex. Therefore, setback and entrance requirements will be as per MTO corridor control procedures.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road 20. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned application. Thank you for your assistance and cooperation in this matter.

Should you require further information, please contact Kristoffer Balallo by email at kbalallo@countyofessex.ca or by phone at extension 1564

Regards,

A handwritten signature in black ink, appearing to read "Kristoffer Balallo".

Kristoffer Balallo
Engineering Technologist

 519-776-6441
TTY 1-877-624-4832

 360 Fairview Ave. W.
Essex, ON N8M 1Y6

 countyofessex.ca

Amherstburg Committee of Adjustment

July 03, 2024



A/20/24 – 837 Front Rd. N

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Purpose of Application A/20/24

The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum height of 5.5 m (18 ft) of an accessory structure measured to the peak of the roof in a residential zone.

The applicant is proposing the construction of a 816 sq ft accessory structure to contain a three-car garage on the first floor and a secondary dwelling unit on the second floor with a height of 7 m (23 ft) to the peak of the roof. Therefore, the amount of relief requested is 1.5 m (5 ft) in accessory structure height.

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Type 1A (R1A) Zone in the Town's Zoning By-law.

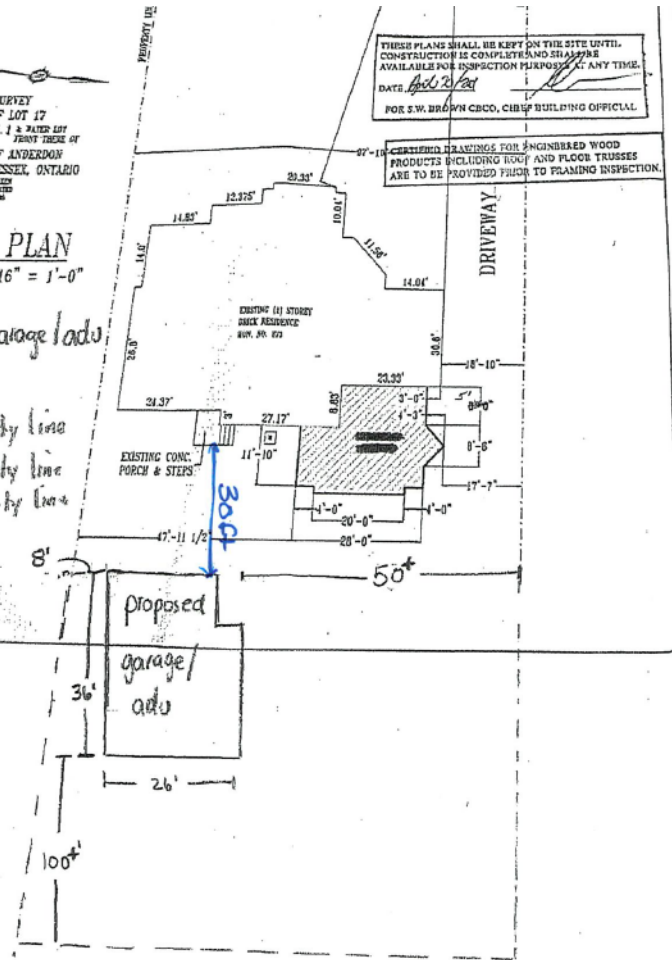


PLAN OF SURVEY
OF PART OF LOT 17
CONCESSION 1 & PART 1ST
TRINITY TRACT OF
TOWNSHIP OF ANDERSON
COUNTY OF ESSEX, ONTARIO
DRAWN AND FILED
THE SURVEY ACT
SECTION 2, 1986

SITE PLAN
SCALE: 1/16" = 1'-0"

proposed 26x36 garage/adv

8' from property line
50' from property line
100' from property line



THESE PLANS SHALL BE KEPT ON THE SITE UNTIL
CONSTRUCTION IS COMPLETE AND SHALL BE
AVAILABLE FOR INSPECTION PURPOSES AT ANY TIME.
DATE: *April 24/20*
FOR S.W. BROWN CBCO, CHIEF BUILDING OFFICIAL.

CERTIFIED DRAWINGS FOR ENGINEERED WOOD
PRODUCTS INCLUDING ROOF AND FLOOR TRUSSES
ARE TO BE PROVIDED PRIOR TO FRAMING INSPECTION.

REVISION
LOCATION
DATE

PROJECT NAME
YAKOPICH
873 FRONT RD
AMHERSTBURG.

DRAWING TITLE
FOUNDATION
ELEVATION
SITE PLAN



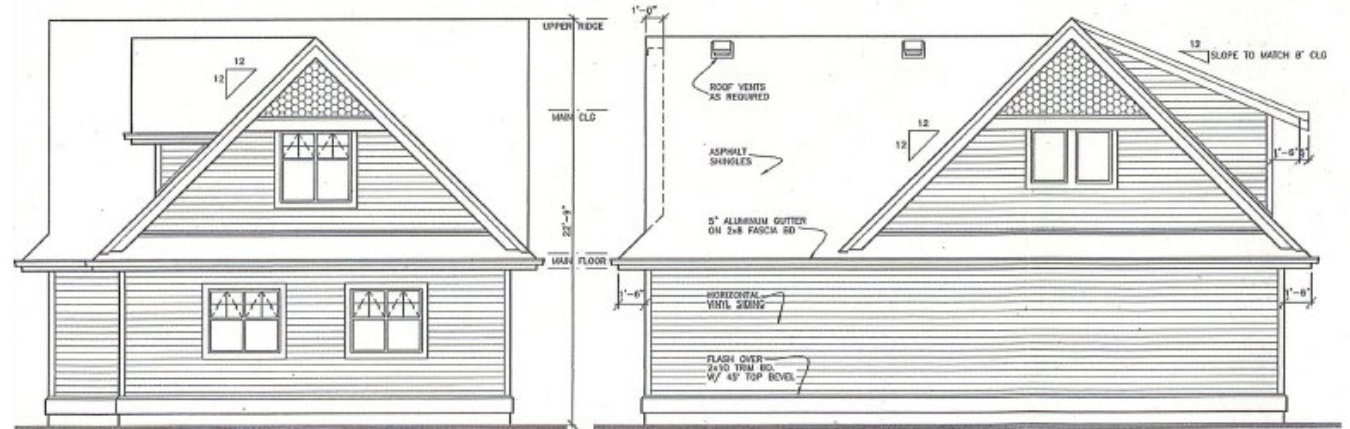
DRAWN BY: M.B.
DATE: APRIL 6, 20
SCALE: AS SHOWN
M.T.B. ARCHITECTURE

REVISION DATE:
CHECKED BY:
DRAWING NO:
A1-001-



LEFT ELEVATION

FRONT ELEVATION



RIGHT ELEVATION

REAR ELEVATION



Sketch

Policy Review

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Type 1A (R1A) Zone in the Town's Zoning By-law.

A policy review of the application has been completed by the Planning department considering the following;

- Planning Act, R.S.O. 1990
- Town Official Plan
- Town Zoning By-law 1999-52, as amended



Four Tests

From a planning perspective the Committee must determine if:

- 1) The requested variance conforms with the intent of the relevant Official Plan policies;
- 2) The proposed variance maintains the intent of Comprehensive Zoning By-law 1999-52, as amended;
- 3) The proposed variance is desirable or the appropriate development or use of the land, building or structures; and
- 4) The requested variance would appear to be minor in nature.



Recommendation

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that Application A/20/24 be approved to grant relief in accessory structure height of 1.5 m (5 ft) to allow for the construction of an accessory structure with a footprint of 75.8 sq m (816 sq ft) to contain a three car garage on the first floor and a secondary dwelling unit on the second floor with a height of 7 m (23 ft) to the peak of the roof subject to the following conditions;

- 1- That the applicant prepare and implement a lot grading design for the subject property, to the satisfaction of the municipality.
- 2- That the design of the accessory structure be in substantial conformity with the plans submitted as part of application A/20/24.





THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Committee, Author's E-mail, Resolution #.

To: Chair and Members of the Committee of Adjustment

Subject: A/21/24, 94 Gore Street, Ryan D'Alimonte, c/o Donato DiGiovanni, Agent

1. RECOMMENDATION:

It is recommended that:

- 1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/21/24 be deferred.

2. PROPOSAL:

Purpose of Minor Variance Application A/21/24: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 12(3)(d) which requires a minimum interior side yard width of 1.5 m, Section 12(3)(g) which permits a maximum lot coverage of 40% and permission to build to a maximum height of 8.5 m to the ridge.

The applicant is proposing the construction of a new single detached dwelling with attached garage with an interior side yard setback of 1.2 m, a total lot coverage 44.3% and an 8.5 m height to the ridge. Therefore, the amount of relief requested is 4.3% in total lot coverage, 0.3 m in interior side yard setback and permission for an 8.5 m height to the ridge.

The subject property is designated Heritage Residential in the Town's Official Plan and zoned Residential Heritage (RH) Zone in the Town's Zoning By-law.

3. BACKGROUND:

The subject property is not designated nor is it on the properties of interest list. However, on June 25, 2024 Town Council approved the Heritage Conservation District boundary. The subject property is within this boundary.

A Heritage Conservation District report and by-law are being considered at the Regular Council meeting on July 8, 2024. The agenda will be published on June 26, 2024. The published agenda will be shared with the Committee for additional information to supplement this report.

4. PLANNING INFORMATION:

Official Plan Designation:	Heritage Residential
By-law No. 1999-52:	Residential Heritage (RH) Zone
Existing Use:	Residential- one single detached dwelling
Proposed Use:	Residential- Demolish existing single detached dwelling and build new single detached dwelling with attached garage
Neighboring Uses:	residential

TECHNICAL INFORMATION

Property Size:	335.77 sq m (3614.25 sq ft)
Lot Frontage:	12.04 m (39.5 ft)
Existing structures:	single detached dwelling to be demolished

Proposed Interior Side Yard Width:	1.2 m
Required Interior Side Yard Width:	1.5 m
Relief requested:	0.3 m

Proposed Lot Coverage:	44.3 m
Permitted Lot Coverage:	40%
Relief requested:	4.3%

Proposed Building Height:	8.5 m
---------------------------	-------

5. PLANNING ANALYSIS:

1. *PLANNING ACT (R.S.O. 1990)*

The purposes of the Planning Act are;

- “ (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
(b) to provide for a land use planning system led by provincial policy;
(c) to integrate matters of provincial interest in provincial and municipal planning decisions;
(d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
(e) to encourage co-operation and co-ordination among various interests;
(f) to recognize the decision-making authority and accountability of municipal councils in planning.”

The proposal must be consistent with Section 2 of the Planning Act which requires that the Committee of Adjustment have regard to matters of provincial interest including (the following are excerpts from Section 2 of the Planning Act that apply to this development):

- the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- the orderly development of safe and healthy communities;
- the adequate provision of a full range of housing, including affordable housing;
- the appropriate location of growth and development; and
- the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The owner is permitted to build a single detached dwelling with attached garage on the municipally serviced property in an existing residential development. The minor variance is required to allow for a decreased interior side yard, increased lot coverage and a height of 8.5 m. Consideration must also be given for the location of the subject property within the Heritage Residential designation in the Official Plan and the location being within the boundary for the proposed Heritage Conservation District approved by Council on June 25, 2024.

When reviewing this application, the Committee must consider the four tests as outlined in Section 45(1) of the Planning Act, R.S.O. 1990, as amended, which states that the Committee be of the opinion that the variance:

- a) maintains the general intent and purpose of the Official Plan;
- b) maintains the general intent and purpose of the Zoning By-law;
- c) is desirable for the appropriate development or use of the land, building or structures; and
- d) is minor in nature.

The application must meet all of the above tests.

2. OFFICIAL PLAN POLICIES

The subject property is designated Heritage Residential in Amherstburg's Official Plan. Section 4.3.5 of the Official Plan states areas designated as Heritage Residential "shall include single detached, semi-detached, duplex, or converted dwelling units as well as rooming and boarding houses, bed and breakfast establishments, existing churches and public uses."

The applicant is proposing the construction of a single detached dwelling with an attached garage on the property. The front yard setback proposed is to be approximately 4.5 m. Section 4.3.5 continues to state, "Due to the size of many of the lots and the location of the units almost on the front property line, there should be no minimum lot area or frontage, while front yard depth should be in keeping with adjacent properties in order to maintain a uniform streetscape."



Within the block the subject property is located the front yard setbacks range between 1.37 m and 3.1 m. Due to the house design and location of the attached garage the applicant is proposing a front yard setback of 4.5 m.

The use and requested relief are permitted on lands designated Heritage Residential however, the Committee must consider if the proposal as a whole maintains the intent of the Official Plan.

3. ZONING BY-LAW

The subject property is zoned Residential Heritage (RH) Zone in Bylaw 1999-52, as amended. The RH Zone permits single detached dwellings, semi-detached dwellings, duplex dwellings, converted dwellings, lodging house, bed and breakfast establishments, existing places of worship, accessory structures and public uses.

The applicant is proposing the demolition of the existing structure and the construction of a new single detached dwelling with attached garage with an interior side yard setback of 1.2 m, lot coverage of 44.3% (1601 sq ft) and a building height of 8.5 m to the peak of the roof.

Section 12(3)(d) requires a minimum interior side yard width of 1.5 m in a Residential Heritage (RH) Zone. Section 12(3)(g) permits a maximum lot coverage of 40% in a Residential Heritage (RH) Zone. Section 12(3)(j) permits the following for the height;

“Parapet line for buildings located on a corner: The top of the highest projection along the facade may be no more than 50 cm higher than the highest parapet line along the block in which the building is situated. Any new building replacing a damaged building should be built to the height of the original building.

Parapet line for buildings located between two other buildings: The top of the highest projection along the facade may be no more than 50 cm higher than the higher parapet line of the two adjacent buildings.

Roof line: If a roof is flat, it shall be located lower than the parapet. If a roof is sloped, its ridge shall be parallel to the street and shall be no higher than the highest ridge or parapet on the block on which the building is situated.

Chimneys are not included in these height restrictions.”

It has been acknowledged by Administration that confirmation of an exact height permitted as described above in Section 12(3)(j) is not feasible with the resources available to the Town. Direction was provided that permission be sought for the proposed height of 8.5 m to the peak of the roof as this height is in line with the scale and massing of the neighbourhood to ensure compliance with the Zoning By-law.

The 1.5 m interior side yard setback is required for minimum spatial separation. The Chief Building Official comments acknowledge that there are ways to ensure Ontario Building Code spatial separation requirements are maintained with the proposed 1.2 m interior side yard setback.

The RH Zone permits a maximum lot coverage of 40% to acknowledge the small size of the lots in this Zone. The application is proposing 44.3% (1601 sq ft) for the building footprint which includes an attached garage and small covered porch.

Therefore, the amount of relief requested is 0.3 m in interior side yard width, 4.3 % in lot coverage and permission is being sought for a building height of 8.5 m.

If the Committee determines the request for lot coverage maintains the intent of the zoning By-law it is noted that if the rear yard is maintained as permeable surface totalling approximately 21% (790 sq ft) of the lot area this will comply with the required 20% landscaped open space minimum in the RH Zone and could be noted as a condition of approval.

The Committee must determine if the requested variances maintain the intent of the Zoning By-law.

4. APPROPRIATE DEVELOPMENT

The proposed variance does not change the use of the land for residential purposes and therefore the use can be considered appropriate.

The Committee must determine if the proposed variances which facilitate the proposed development as a whole is desirable and the appropriate development of the land and if the proposed variances would negatively impact any adjacent land uses.

The Committee must also determine if it is premature to consider the application for minor variance for redevelopment of a property within the approved boundary of the proposed Heritage Conservation District and withhold a decision until after Council has an opportunity to consider and provide direction on the Heritage Conservation District report and by-law going before them for consideration on July 8, 2024.

5. MINOR IN NATURE

No precise definition for what constitutes “minor” exists. Rather, it is a culmination of the review of the Official Plan, Zoning By-law and attempts to address the “big picture” for what the proposed development represents. Each application must be assessed on its own set of circumstances.

The proposed individual variances will need to be considered to determine if they change the character of the neighborhood and if there are any physical hazards associated with the proposed variances.

6. AGENCY COMMENTS:

See attached.

The Heritage Committee was consulted on this proposal due to its location within the Heritage Residential designation. The property at 94 Gore is not designated nor is it on the properties of interest list under the *Ontario Heritage Act*, however it has been acknowledged as a contributing property to the proposed Heritage Conservation District. The Heritage Committee provided recommendations on design but these recommendations are not required to be implemented.

7. RISK ANALYSIS:

As with all Committee of Adjustment decisions there is a risk that the decision is appealed. As a result of changes in Bill 23, decisions by a CoA can no longer be appealed by a third party. Decisions which are to support or refuse the consent or minor variance request, can only be appealed by the applicant, the Municipality, the Minister, a specified person or any public body. In the case of a consent decision the appeal must be filed within 20 days after the giving of notice of the decision of the committee, whereas for a minor variance an appeal must be filed within 20 days of the making of the decision of the committee. It is important to note that a tied vote is deemed to be a decision to deny the consent or minor variance request. If there is an appeal to the OLT the Town will incur costs.

8. RECOMMENDATIONS:

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that Application A/21/24 be deferred pending a Council decision regarding the Heritage Conservation District report and by-law being considered at the Regular Council meeting on July 8, 2024.

9. CONCLUSION:

If the Committee does not determine it appropriate to defer the application at this time it is noted that from a planning perspective the Committee will have to determine if the proposed minor variance passes the four tests of a minor variance;

- 1) Do the requested variances conform with the intent of the relevant Official Plan policies;
- 2) Do the proposed variances maintain the intent of Comprehensive Zoning By-law 1999-52, as amended;
- 3) Do the proposed variances change or not change the use of the land for residential purposes and therefore cannot or can be considered appropriate; and
- 4) Do the requested variances would appear to be minor in nature?

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Janine Mastronardi', written in a cursive style.

Janine Mastronardi
Secretary-Treasurer

Report Approval Details

Document Title:	A-21-24,94 Gore Street, Ryan D'Alimonte.docx
Attachments:	- A-21-24- Report Attachments-RM.pdf
Final Approval Date:	Jun 27, 2024

This report and all of its attachments were approved and signed as outlined below:

Chris Aspila



CORPORATION OF THE TOWN OF AMHERSTBURG
271 SANDWICH ST S, AMHERSTBURG, ONTARIO N9V 2A5

NOTICE OF PUBLIC HEARING

In the matter of the *Planning Act*, R.S.O. 1990, as amended, and, in the matter of application for minor variance by:

Ryan D'Alimonte, c/o Donato DiGiovanni, Agent

TAKE NOTICE THAT application for **minor variance** under the above-noted file will be heard by the TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT on the date, time and place shown below:

**Amherstburg Council Chambers, 271 Sandwich St. S., Amherstburg, ON
Wednesday, July 3, 2024 at 8:00 A.M. (morning)**

This is a public hearing for the purpose of hearing evidence in support of or in opposition to the above-noted application. 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 asked to inform that person of this hearing.

If you wish to attend the meeting by electronic means, you must register on-line at the Town of Amherstburg website a minimum of 48 hours prior to the meeting time. Please go to the Committee of Adjustment page at:

<https://www.amherstburg.ca/en/town-hall/Committee-of-Adjustment.aspx>

Alternatively, you may visit the Town website, search "Committee of Adjustment" using the search feature provided and follow the Registration instructions located at the bottom of the Committee of Adjustment page.

Upon completion of the on-line registration form, you will receive an automated email response that will provide registration instructions that can be used to gain access to the electronic Committee of Adjustment meeting at the specified date and time indicated above.

Public Comment Submission:

If you have comments on these applications, they may be forwarded in writing to the Secretary-Treasurer either by mail or in person to:

Janine Mastronardi, Secretary-Treasurer
3295 Meloche Road
Amherstburg, ON
N9V 2Y8

Comments can also be submitted by email by 4:00 p.m. two nights before the hearing (Monday, July 1, 2024) to the Planning Department, planning@amherstburg.ca. All public comments received prior to the meeting by the above noted due date, will be read aloud at the beginning of the relevant application.

This is a public hearing for the purpose of hearing evidence in support of or in opposition to the above-noted application. 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 asked to inform that person of this hearing. If you have comments on this application, they may be forwarded in writing to the Secretary-Treasurer at the address shown above.

If you do not attend and are not represented at this hearing, the Committee may proceed in your absence (including possible amendments to the original request). Except as otherwise provided for in the *Planning Act*, you will not be entitled to any further notice of the proceedings.

If a specified person or any public body that files an appeal of a decision of the Town of Amherstburg Committee of Adjustment in respect of the proposed minor variance does not make written submission to the Town of Amherstburg Committee of Adjustment before it gives or refuses to give a provisional minor variance, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of the Town of Amherstburg Committee of Adjustment in respect of the proposed minor variance, you must make a written request to Town of Amherstburg Committee of Adjustment.

**Location of Property: 94 Gore Street
(Roll No.: 3729-110-000-09600)**

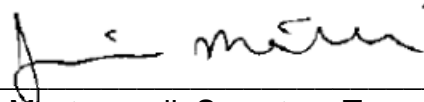
Purpose of Minor Variance Application A/21/24: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 12(3)(d) which requires a minimum interior side yard width of 1.5 m, Section 12(3)(g) which permits a maximum lot coverage of 40% and permission to build to a maximum height of 8.5 m to the ridge.

The applicant is proposing the construction of a new single detached dwelling with attached garage with an interior side yard setback of 1.2 m, a total lot coverage 44.3% and a 8.5 m height to the ridge. Therefore, the amount of relief requested is 4.3% in total lot coverage, 0.3 m in interior side yard setback and permission for a 8.5 m height to the ridge.

The subject property is designated Heritage Residential in the Town's Official Plan and zoned Residential Heritage (RH) Zone in the Town's Zoning By-law.

Additional Information relating to the proposed application is available by contacting the Town of Amherstburg Planning Offices by phone or email, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website www.amherstburg.ca.

Dated: June 20, 2024



Janine Mastronardi, Secretary-Treasurer
Town of Amherstburg Committee of Adjustment
3295 Meloche Road, Amherstburg, ON N9V2Y8

Municipal Fee Received	<u>PAID</u>
ERCA Fee Received:	<u>PAID</u>

Application No. A/21/24

**FORM 1
PLANNING ACT
APPLICATION FOR MINOR VARIANCE
APPLICATION FOR PERMISSION
TOWN OF AMHERSTBURG**

- Name of approval authority Town of Amherstburg
- Date application received by municipality June 3, 2024
- Date application deemed complete by municipality June 7, 2024
- Name of registered owner Ryan D'Alimonte
Telephone number [REDACTED]
Address [REDACTED]
Email [REDACTED]
Name of registered owner's solicitor or authorized agent (if any) Donato D. Giannini
Telephone number [REDACTED]
Address [REDACTED]
Email [REDACTED]

Please specify to whom all communications should be sent:
 registered owner solicitor agent

5. Name and address of any mortgages, charges or other encumbrances in respect of the subject land:

6. Location and description of subject land:
Concession No. 1 Lot(s) No. P+L+S
Registered Plan No. _____ Lot(s) No. _____
Reference Plan No. _____ Part(s) No. _____
Street Address 94 Gore Assessment Roll No. 110-09600

7. Size of subject parcel:
Frontage 39.5' Depth 91.5' Area 3614.25 sq Ft.

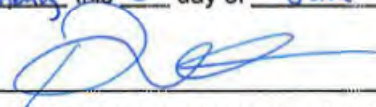
8. Access to subject parcel:
 Municipal Road County Road Provincial Highway
 Private Water

If access to the subject land is **by water** only, state the parking and docking facilities used or to be used and the approximate distance between these facilities and the nearest public road

9. Current Official Plan Land Use designation of subject land Residential
10. Current Zoning of subject land RH
11. Nature and extent of relief from the Zoning By-law requested Interior side yard from 1.5m to 1.2m, lot coverage from 40% to 44.3% - Section - to permit a height of house being 8.5m
12. Reasons why minor variance is necessary To build and renovate home to meet needs of Family
13. Current use of subject land Residential
14. Length of time current use of subject land has continued 50 years approx
15. Number and type of buildings or structures **existing** on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:
Existing building front yard setback 10'
Rear yard 28' west side yard = 12'
east side yard = 7' height 27'
building area = 1250 sq ft
16. Date of construction of existing buildings and structures on the subject land:
Late 1800's
17. Date subject land acquired by current registered owner 2019
18. Proposed use of subject land Residential SFH
19. Number and type of buildings or structures **proposed** to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:
1 new building
front set back 16' rear set back 20'
side yard 4'-3" House + garage
area = 1601 sqft. Height is 27'-8"

20. Type of water supply:
- municipally owned and operated piped water supply
 - well
 - Other (specify) _____
21. Type of sanitary sewage disposal:
- municipally owned and operated sanitary sewers
 - septic system
 - Other (specify) _____
22. Type of storm drainage:
- sewers
 - ditches
 - swales
 - Other (specify) _____
23. If known, indicate whether the subject land is the subject of an application under the Planning Act for:
- consent to sever
 - approval of a plan of subdivision
- If known, indicate the file number and status of the foregoing application:
- _____
24. If known, indicate if the subject land has ever been the subject of an application for minor variance under Section 45 of the Planning Act.
- _____
25. The proposed project includes the addition of permanent above ground fuel storage:
- Yes
 - No

Dated at the Town of Amherstburg this 3rd day of June, 2024.



(signature of applicant, solicitor or authorized agent)

I, Dan DiGirolanni of the Town of Amherstburg in the County/District/Regional Municipality of Essex solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Amherstburg in the County of Essex this 3rd day of June, 2024.



Applicant, Solicitor or Authorized Agent



A Commissioner, etc.

Janine Quintina Mastronardi, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires June 30, 2024

NOTES:

Each copy of the application must be accompanied by a sketch, drawn to scale, showing:

- a) the boundaries and dimensions of the subject land;
- b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
- c) the approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples of features include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks/tile fields;
- d) the current uses on land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- f) if access to the subject land is by water only, the location of the parking and docking facilities to be used;
- g) the location and nature of any easement affecting the subject land.

A minor variance application fee of \$1191.00, along with an ERCA development review fee of \$200.00 (total of \$1391.00 payable to the Town of Amherstburg), must accompany your completed application.

Engineering review fees of \$1500.00 per each time a file is reviewed may be applicable as per Amherstburg's User fee by-law.

If the subject lands are located within 120 m of a Provincially Significant Wetland, Significant Woodland, Area of Natural or Scientific Interest or Significant Species at Risk Habitat, the applicant may be required to complete a natural heritage review. The initial pre-consultation cost of the natural heritage review is \$565 and should additional work, such as an Environmental Impact Assessment, be required, the applicant will be responsible for all costs associated with review. Costs associated with the review will be invoiced to the applicant through the Town of Amherstburg. The applicant will be responsible for finding their own qualified biologist to complete the Environmental Impact Assessment, if required, and will be responsible for all costs associated with the assessment.

AUTHORIZATION

(Please see note below)

To: Secretary-Treasurer
Committee of Adjustment
Town of Amherstburg

Description and Location of Subject Land:

94 Gore St minor variance
application

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

Donato DiGiovanni of the B.P. Giovanni Construction of _____ to:

- (1) make an application on my/our behalf to the Committee of Adjustment for the Town of Amherstburg;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by Town's Committee of Adjustment relevant to the application.

Dated at the Town of Amherstburg h
the County of Essex, this 31 day of May, 2024.



Signature of Witness



Signature of Owner

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

* Note: This form is only to be used for applications which are to be signed by someone other than the owner.

POSTING COMMITTEE OF ADJUSTMENT ADVISORY SIGN

This will confirm the requirements of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon submission of your application(s). You are directed to post the sign in a prominent location that will enable the public to observe the sign.

The location of the sign will depend on the lot and location of structures on it. The sign should be placed so as to be legible from the roadway in order that the public see the sign and make note of the telephone number should they wish to make inquiries. The Zoning By-law prohibits the signs from being located in any corner lot sightlines. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

The sign must remain posted beginning 10 days prior to the Hearing, until the day following the decision of the Committee of Adjustment. Please complete the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the Committee's requirements. Failure to post the sign as required will result in deferral of the application.

Chris Aspila, MCIP RPP
Manager of Planning Services

PROPERTY ADDRESS: 94 Gore

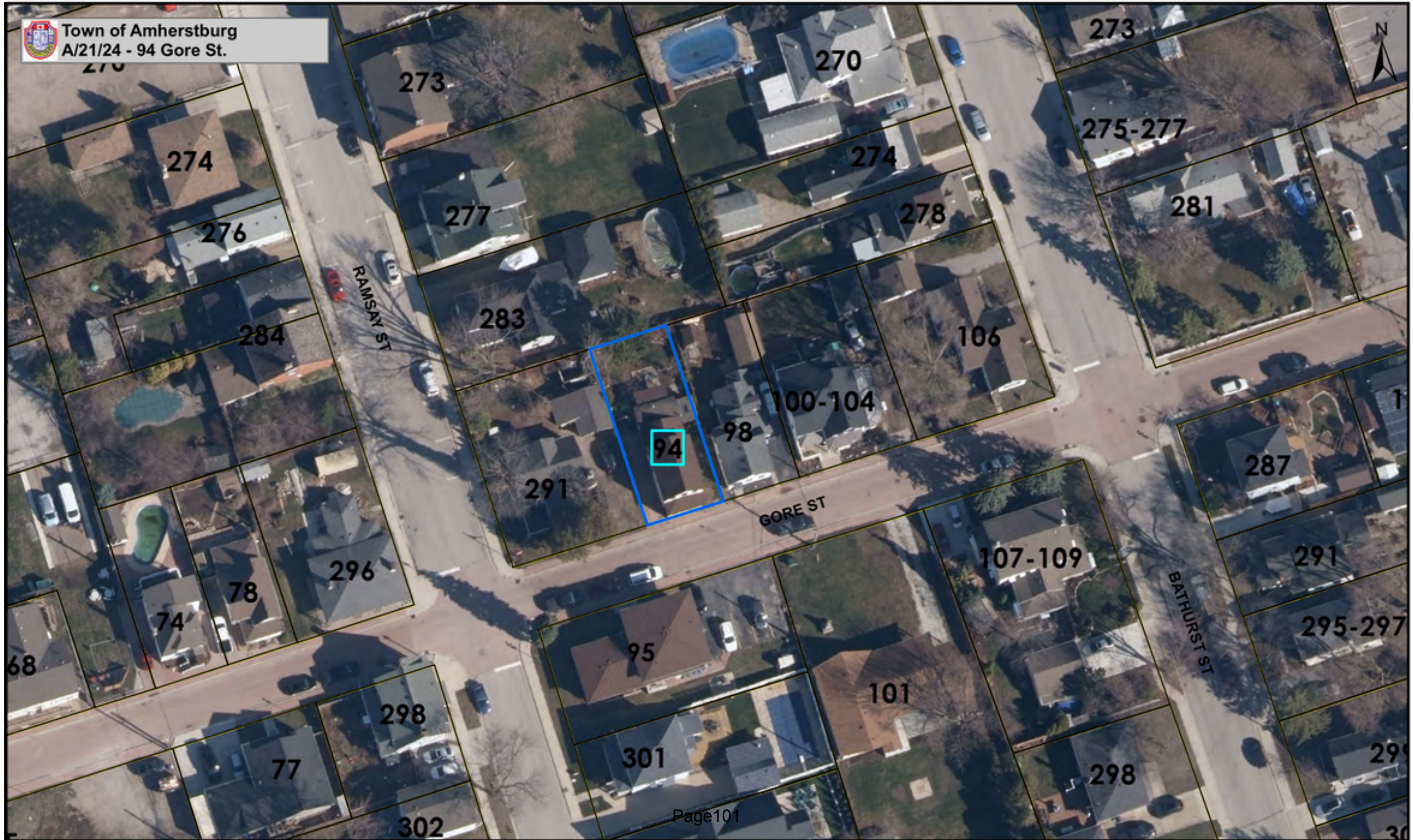
APPLICATION NUMBER(S): A/21/24

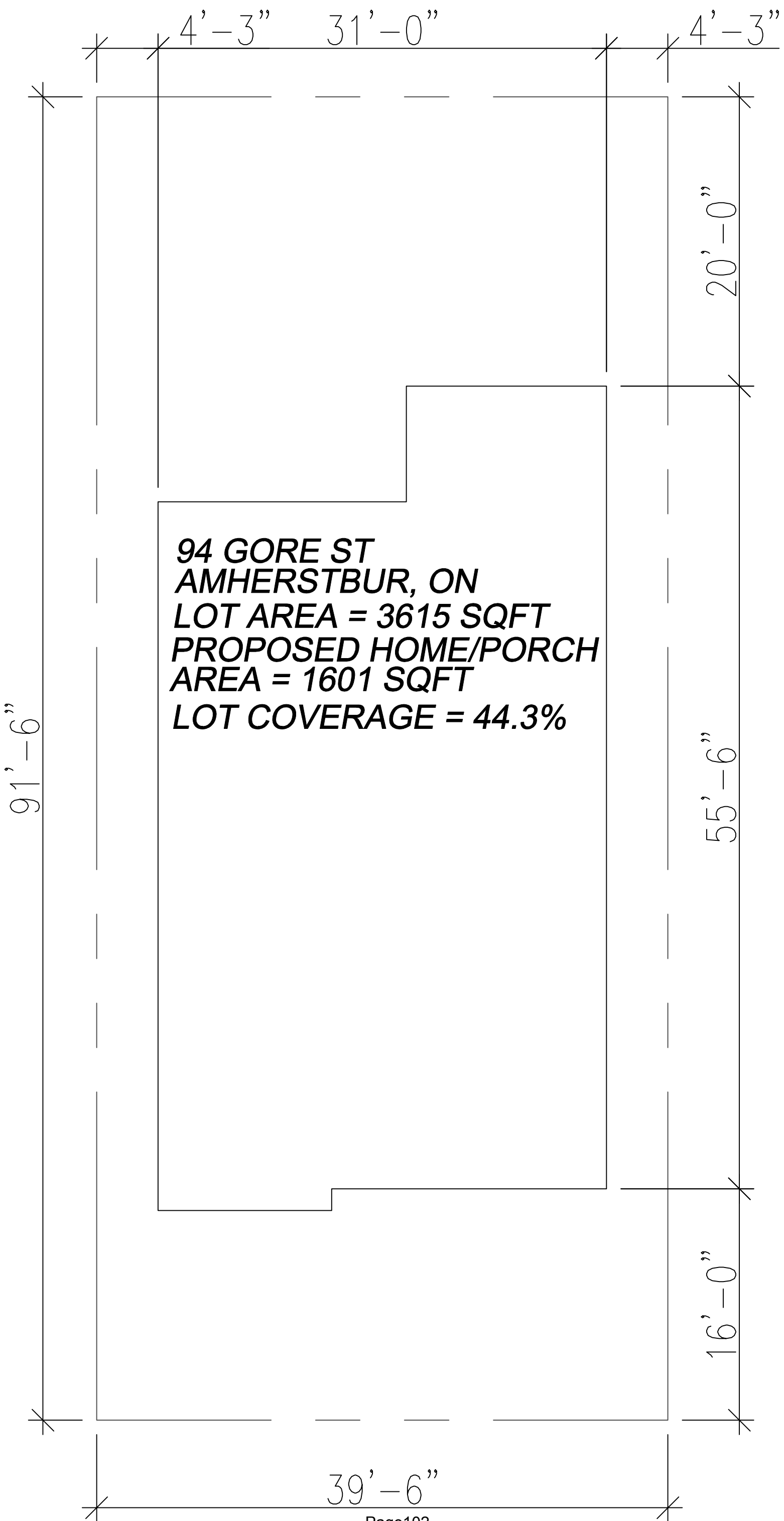
I understand that each sign must be posted at least 10 days before the Hearing, and will remain posted and be replaced if necessary, until the day following the Decision.

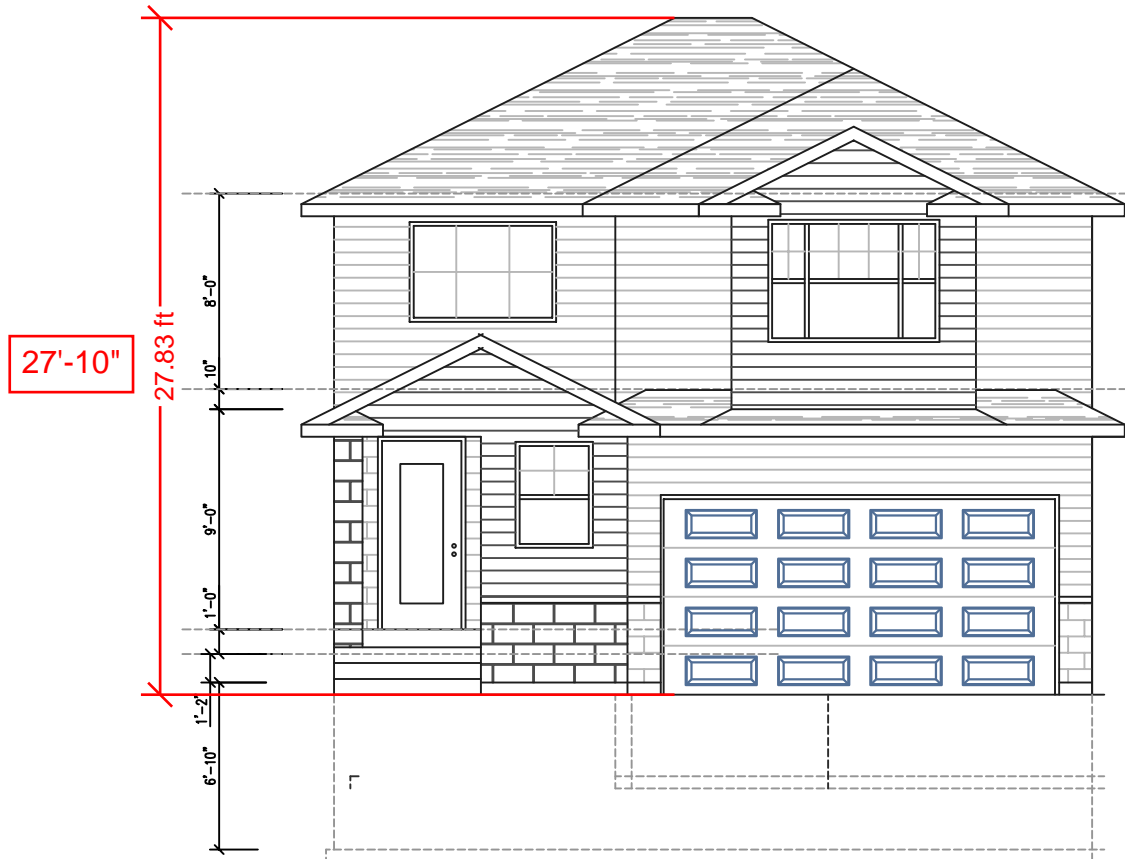
I acknowledge that the Secretary-Treasurer has confirmed these requirements with me.


Signature (Owner/Authorized Agent)

June 3, 2024
Date



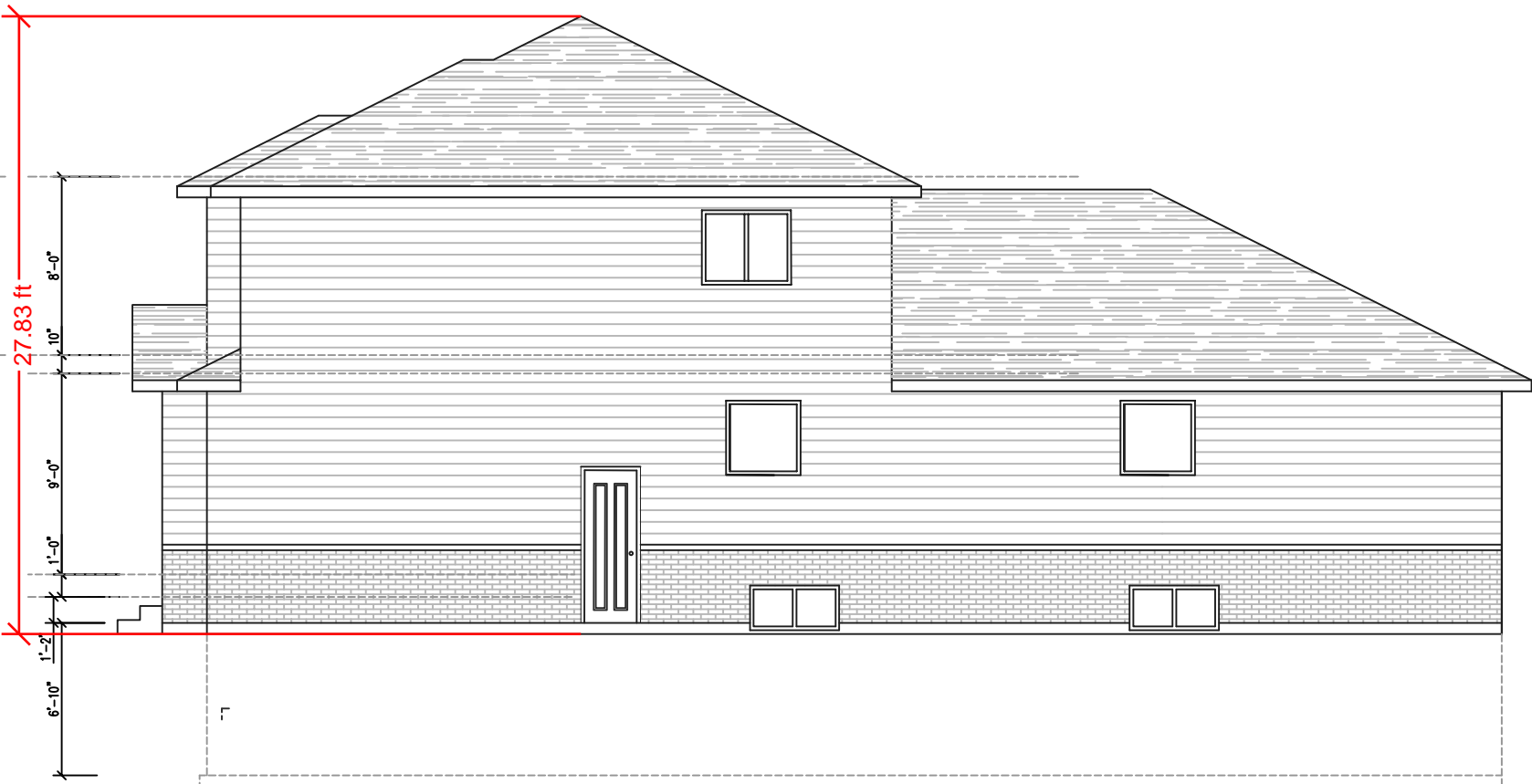




27'-10"

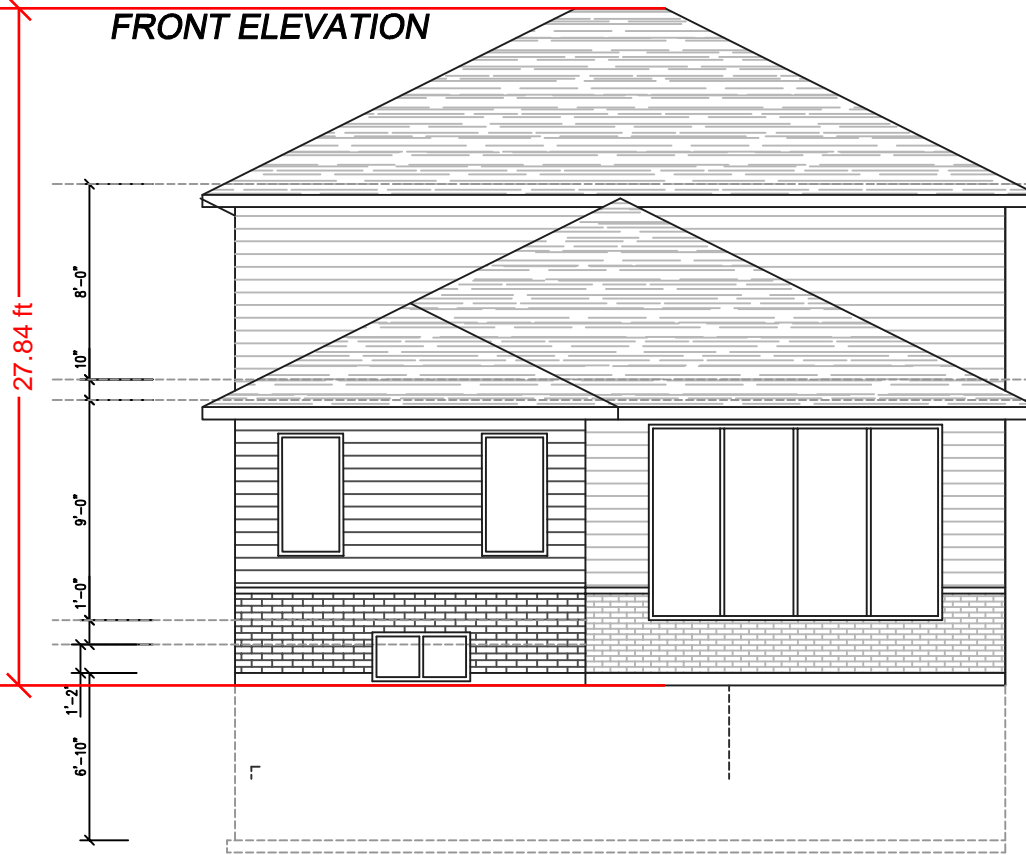
27.83 ft

FRONT ELEVATION



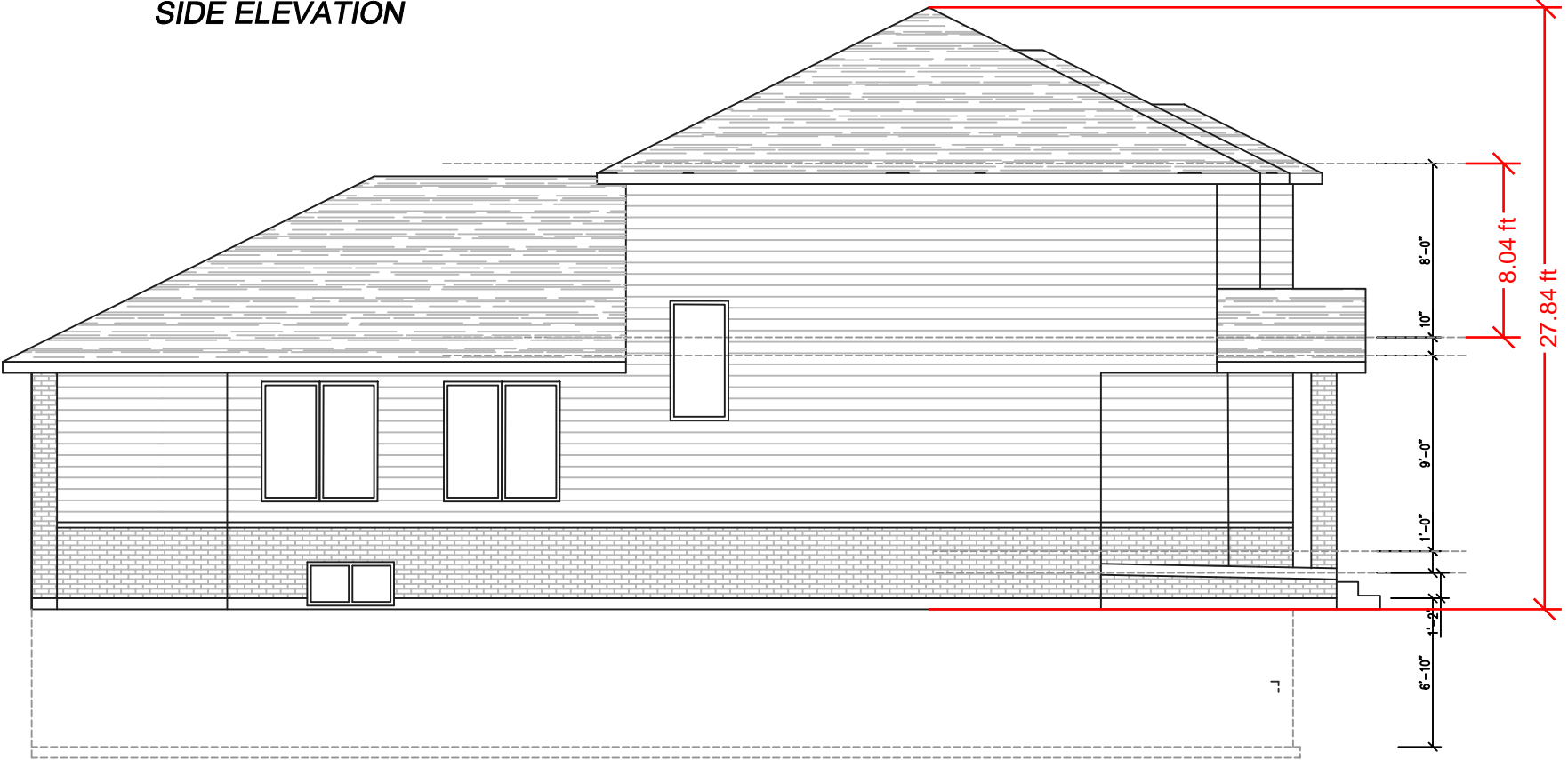
27.83 ft

SIDE ELEVATION



27.84 ft

REAR ELEVATION



8.04 ft

27.84 ft

SIDE ELEVATION

291 RAMSAY
99.5'

91'-6"

4" PVC TIED TO STORM DRAIN

**94 GORE ST
AMHERSTBUR, ON
LOT AREA = 3615 SQFT
PROPOSED HOME/PORCH
AREA = 1601 SQFT
LOT COVERAGE = 44.3%**

100'

LANSCAPING

CONCRETE DRIVEWAY

39'-6"

99.05'

CATCH BASIN

98.75'

CATCH BASIN

98.95'

GRASSED AREA

20'-0"

55'-6"

16'-0"

98 GORE
100.5'



Summary of Correspondence Received on Proposed Minor Variance for A/21/24 – 94 Gore St.

Below is a summary of the comments received by the Planning Services Division for A/21/24 as of June 25, 2024.

Essex Region Conservation Authority:

Please see below

Building Department:

- Building permits required
- Complete grading plan with services required
- Window opening on side of buildings limited to 7% of wall. This will be determined during plan review, window may require to be altered.
- Heritage clearance required
- Demolition permit required
- Protection of neighbouring property
- New foundation may require to be designed for angle of repose to not undermine neighbouring foundation.

Infrastructure Services:

Infrastructure Services Department has reviewed A/21/24 – 94 Gore Street minor variance application and offer the following comments:

- The existing storm sewers/drainage system where the subject property outlets does not consider lot coverage beyond the scope of our zoning by-law. Infrastructure Services does not support the lot coverage variance, as the additional stormwater runoff may create adverse impacts on the surrounding drainage system.
- All new driveway entrances or modifications to current driveway entrances will require a Right-of-way Permit from the Town of Amherstburg and be constructed in compliance with the current Driveway Alteration or Installation Policy.



planning@erca.org
P.519.776.5209
F.519.776.8688
360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

June 25, 2024

Ms. Janine Mastronardi

Planner
3295 Meloche Road
Amherstburg, ON
N9V 2Y8

Dear Ms. Janine Mastronardi:

RE: Application for Minor Variance A-21-24 94 GORE ST
ARN 372911000009600; PIN: 705550082
Applicant: D'ALIMONTE RYAN JOSEPH

The Town of Amherstburg has received Application for Minor Variance A-21-24 for the above noted subject lands, which requests relief from Zoning By-law 1999-52, as amended, Section 12(3)(d) which requires a minimum interior side yard width of 1.5 m, Section 12(3)(g) which permits a maximum lot coverage of 40% and permission to build to a maximum height of 8.5 m to the ridge.

The applicant is proposing the construction of a new single detached dwelling with attached garage with an interior side yard setback of 1.2 m, a total lot coverage 44.3% and a 8.5 m height to the ridge. Therefore, the amount of relief requested is 4.3% in total lot coverage, 0.3 m in interior side yard setback and permission for a 8.5 m height to the ridge.

The subject property is designated Heritage Residential in the Town's Official Plan and zoned Residential Heritage (RH) Zone in the Town's Zoning By-law.

The following is provided as a result of our review of Application for Minor Variance A-21-24.

NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

We have reviewed our floodline mapping for this area and it has been determined 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*.



Ms. Janine Mastronardi
June 25, 2024

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

It is understood that the Municipality implements maximum lot coverage standards through the appropriate Zoning By-laws, which generally limits the footprint of structures on a parcel in terms of percentages. These coverage limits vary with zoning, such that areas where higher density residential development is allowable, the lot coverage limits are also greater than areas where only single family residential is permissible. Similar to this, stormwater management designs account for varying amounts of “percent imperviousness”; however, stormwater management design parameters make a best attempt to account for the potential additional “hardscaping” that is likely to occur on a given parcel. It is important to continue to make the distinction between “lot coverage” and “percent impervious” as the former does not include the additional hardening elements that are likely to occur, such as paved driveways, concrete and other hardening such as for patios and around various amenities like pools etc.

Based on the above, and as a result of stormwater management practitioners currently designing with parameters that are anticipated to represent the drainage areas as “fully developed”, it is expected that newer stormwater management systems are able to adequately convey and properly attenuate flows based on values greater than the maximum lot coverage standards, such that the downstream receivers are not negatively impacted. As a result, newer stormwater management systems have additional resiliency than older systems.

The current request for relief from maximum lot coverage standards is within an “older” subdivision, which may have been designed with much less conservative design parameters than what would be typical for today’s standards. The ERCA acknowledges that the management and maintenance of the roads, storm sewers and stormwater management facilities, once constructed in accordance with all applicable agency approvals, lies with the Municipality. It is recommended that the Municipality consider the current state of the existing development with respect to existing stormwater management infrastructure. Additionally, with respect to the request for relief from maximum lot coverage standards, it is recommended that the determination of any potential impacts / no negative impacts to the stormwater management system be to the satisfaction of the Municipal Engineering/Public Works/Infrastructure Services department. Should there be any changes to the function of the system, such as impacts related to regulated outflows, reductions in water quality treatment, or floodproofing standards, an ERCA Permit/Clearance may be required and such, further consultation with our office would be required prior to any approval.



Ms. Janine Mastronardi
June 25, 2024

FINAL RECOMMENDATION

Our office has **no objection** to A-21-24.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Alicia Good
Watershed Planner
/ag





Amherstburg Committee of Adjustment

July 03, 2024

A/21/24 – 94 Gore Street

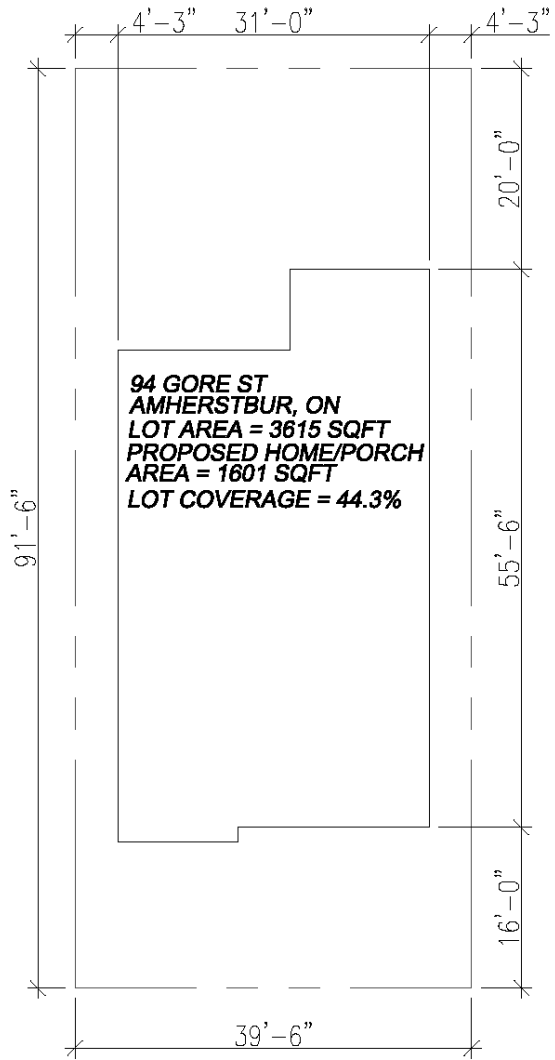
Purpose of Application A/21/24

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 12(3)(d) which requires a minimum interior side yard width of 1.5 m, Section 12(3)(g) which permits a maximum lot coverage of 40% and permission to build to a maximum height of 8.5 m to the ridge.

The applicant is proposing the construction of a new single detached dwelling with attached garage with an interior side yard setback of 1.2 m, a total lot coverage 44.3% and a 8.5 m height to the ridge. Therefore, the amount of relief requested is 4.3% in total lot coverage, 0.3 m in interior side yard setback and permission for a 8.5 m height to the ridge.

The subject property is designated Heritage Residential in the Town's Official Plan and zoned Residential Heritage (RH) Zone in the Town's Zoning By-law.

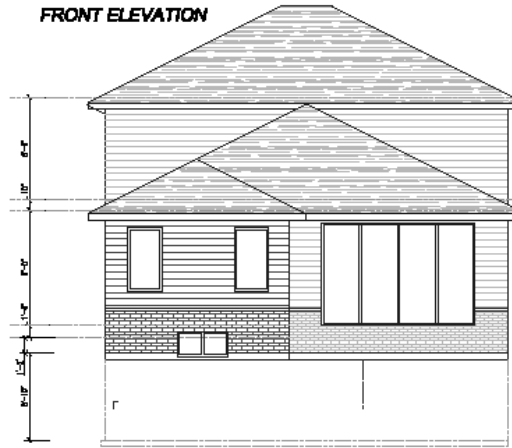




FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



94 GORE ST 2135 sqft	
DRAWING TITLE: ELEVATIONS	
1. ALL CONSTRUCTION AS PER D.S.C. 2. MINOR CHANGES MAY OCCUR TO DRAWING SHOWN	DATE: APRIL 2024
DRAWN: A5	BY: A5



Sketch

Policy Review

The subject property is designated Heritage Residential in the Town's Official Plan and zoned Residential Heritage (RH) Zone in the Town's Zoning By-law.

A policy review of the application has been completed by the Planning department considering the following;

- Planning Act, R.S.O. 1990
- Town Official Plan
- Town Zoning By-law 1999-52, as amended



Four Tests

From a planning perspective the Committee must determine if:

- 1) The requested variances conform with the intent of the relevant Official Plan policies;
- 2) The proposed variances maintain the intent of Comprehensive Zoning By-law 1999-52, as amended;
- 3) The proposed variances are desirable or the appropriate development or use of the land, building or structures; and
- 4) The requested variances would appear to be minor in nature.



Recommendation

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that Application A/21/24 be deferred pending a Council decision regarding the Heritage Conservation District report and by-law being considered at the Regular Council meeting on July 8, 2024.

If the Committee does not determine it appropriate to defer the application at this time it is noted that from a planning perspective the Committee will have to determine if the proposed minor variance passes the four tests of a minor variance and if any conditions are required;

- 1- Do the requested variances conform with the intent of the relevant Official Plan policies;
- 2- Do the proposed variances maintain the intent of Comprehensive Zoning By-law 1999-52, as amended;
- 3- Do the proposed variances change or not change the use of the land for residential purposes and therefore cannot or can be considered appropriate; and
- 4- Do the requested variances would appear to be minor in nature?





THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Committee, Author's E-mail, Resolution #.

To: Chair and Members of the Committee of Adjustment

Subject: A/22/24, 250 Seymour Street, Dave and Deanne Labutte, c/o Donato DiGiovanni, Agent

1. RECOMMENDATION:

It is recommended that:

- 1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/20/24 BE APPROVED subject to the recommended conditions.

2. PROPOSAL:

Purpose of Minor Variance Application A/22/24: The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum height of 5.5 m (18 ft) of an accessory structure measured to the peak of the roof in a residential zone.

The applicant is proposing the construction of a 728 sq ft accessory structure to contain additional recreational space (no living quarters) on the first floor accessory to the primary dwelling and a secondary dwelling unit on the second floor with a height of 7 m (23 ft) to the peak of the roof. Therefore, the amount of relief requested is 1.5 m (5 ft) in accessory structure height.

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Third Density (R3) Zone in the Town's Zoning By-law.

3. **BACKGROUND:**

N/A

4. **PLANNING INFORMATION:**

Official Plan Designation: Low Density Residential

By-law No. 1999-52: Residential Third Density (R3) Zone

Existing Use: Residential

Proposed Use: Residential- No change

Neighboring Uses: residential and institutional (town hall)

TECHNICAL INFORMATION

Proposed Accessory Structure Height: 7 m (23 ft)

Permitted Accessory Structure Height: 5.5 m (18 ft)

Relief requested: 1.5 m (5 ft)

5. **PLANNING ANALYSIS:**

1. PLANNING ACT (R.S.O. 1990)

The purposes of the Planning Act are;

- “ (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
(b) to provide for a land use planning system led by provincial policy;
(c) to integrate matters of provincial interest in provincial and municipal planning decisions;
(d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
(e) to encourage co-operation and co-ordination among various interests;
(f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s.4.”

The proposal is consistent with Section 2 of the Planning Act which requires that the Committee of Adjustment have regard to matters of provincial interest including (the following are excerpts from Section 2 of the Planning Act that apply to this development):

- the orderly development of safe and healthy communities;
- the appropriate location of growth and development;

The owner is permitted to erect an accessory structure containing a secondary dwelling unit on the municipally serviced property in an existing residential development. The minor variance is required to allow for an increase in height of the accessory structure.

When reviewing this application, the Committee must consider the four tests as outlined in Section 45(1) of the Planning Act, R.S.O. 1990, as amended, which states that the Committee be of the opinion that the variance:

- a) maintains the general intent and purpose of the Official Plan;
- b) maintains the general intent and purpose of the Zoning By-law;
- c) is desirable for the appropriate development or use of the land, building or structures; and
- d) is minor in nature.

The application must meet all of the above tests.

2. OFFICIAL PLAN POLICIES

The subject property is designated Low Density Residential in Amherstburg's Official Plan. Section 4.3.1 of the Official Plan states, '*Areas designated as Low Density Residential shall be limited to single detached, semi-detached, duplex, or converted dwelling units, home occupation uses and public uses.*'

The applicant is proposing the construction of an accessory structure which will contain on the first floor personal recreation room (no living quarters) accessory to the primary dwelling and a secondary dwelling unit on the second floor. The structure and use are permitted on lands designated Low Density Residential. As such, the proposed use is considered to be in keeping with the intent of the Official Plan.

In my opinion the proposed minor variance maintains the intent of the Official Plan.

3. ZONING BY-LAW

The subject property is zoned Residential Third Density (R3) Zone in Bylaw 1999-52, as amended. The R3 Zone permits single detached dwellings and accessory structures.

Section 3(1)(c) which permits a maximum 5.5 m (18 ft) height of an accessory structure measured to the peak of the roof in residential zones.

The applicant is proposing the construction of a 67.6 sq m (728 sq ft) accessory structure to contain a recreational space accessory to the primary dwelling on the first floor and a secondary dwelling unit on the second floor with a height of 7 m (23 ft) to the peak of the roof.

The existing single detached dwelling has a height of 4.88 m (16 ft). All other provisions of the Zoning By-law are in compliance including the setback between the primary and secondary dwelling units which is proposed at 11.13 m (36.5 ft).

Therefore, the amount of relief requested is 1.5 m (5 ft) in accessory structure height.

In my opinion the requested variance maintains the intent of the Zoning By-law.

4. APPROPRIATE DEVELOPMENT

The proposed variance does not change the use of the land for residential purposes and therefore the use can be considered appropriate. The proposed variance would appear not to negatively impact any adjacent land uses. Lot grading design will be submitted and approved by the municipality and is required to be implemented as part of the building permit process.

The accessory structure is proposed to be built in the back corner of the property which abuts the Town Hall/Fire Station property and parking lot. While the height of the primary dwelling is 4.88 m (16 ft), less than the proposed 7 m (23 ft) accessory structure, there is no loss of privacy as a result of the requested height relief.

The properties located along Sandwich Street South are designed General Commercial in the Town Official Plan and any redevelopment is permitted a maximum height of five storeys subject to a zoning by-law amendment.

It is the opinion of the author of this report that the proposed variance will not have a negative impact on the neighbourhood.

5. MINOR IN NATURE

No precise definition for what constitutes “minor” exists. Rather, it is a culmination of the review of the Official Plan, Zoning By-law and attempts to address the “big picture” for what the proposed development represents. Each application must be assessed on its own set of circumstances.

The proposed increase in height does not change the character of the neighbourhood. There is a variety of uses in the Seymour, Richmond, Sandwich, Gore block which include institutional, commercial, low density residential and multi residential which range from single to two storey buildings.

All of the remaining R3 zone provisions and General Provisions are in compliance. The proposed use of the accessory structure as a secondary dwelling unit is consistent with the Provincial Policy Statement and is in conformity with the Official Plan and Zoning by-law.

There appears to be no environmental concerns.

6. AGENCY COMMENTS:

See attached

7. RISK ANALYSIS:

As with all Committee of Adjustment decisions there is a risk that the decision is appealed. As a result of changes in Bill 23, decisions by a CoA can no longer be appealed by a third party. Decisions which are to support or refuse the consent or minor variance request, can only be appealed by the applicant, the Municipality, the Minister, a specified

person or any public body. In the case of a consent decision the appeal must be filed within 20 days after the giving of notice of the decision of the committee, whereas for a minor variance an appeal must be filed within 20 days of the making of the decision of the committee. It is important to note that a tied vote is deemed to be a decision to deny the consent or minor variance request. If there is an appeal to the OLT the Town will incur costs.

8. RECOMMENDATIONS:

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that Application A/22/24 be approved to grant relief in accessory structure height of 1.5 m (5 ft) to allow for the construction of an accessory structure with a footprint of 67.6 sq m (728 sq ft) to contain recreational space accessory to the primary dwelling on the first floor and a secondary dwelling unit on the second floor with a height of 7 m (23 ft) to the peak of the roof subject to the following conditions;

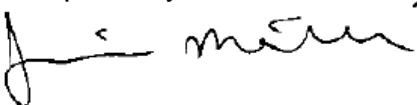
1. That the applicant prepare and implement a lot grading design for the subject property, to the satisfaction of the municipality.
2. That the total lot coverage of accessory structures does not exceed 10% of the lot area as per Zoning By-law 1999-52, as amended, Section 3(1)(b).

9. CONCLUSION:

From a planning perspective:

- 1) The requested variance conforms with the intent of the relevant Official Plan policies.
- 2) The proposed variance maintains the intent of Comprehensive Zoning By-law 1999-52, as amended.
- 3) The proposed variance does not change the use of the land for residential purposes and therefore can be considered appropriate.
- 4) The requested variance would appear to be minor in nature.
- 5) The proposed variance would not have a negative impact on the environment.

Respectfully Submitted,



Janine Mastronardi
Secretary-Treasurer

Report Approval Details

Document Title:	A-22-24, 250 Seymour Street, Dave and Deanne Labutte.docx
Attachments:	- A-22-24- Report Attachments-RM.pdf
Final Approval Date:	Jun 26, 2024

This report and all of its attachments were approved and signed as outlined below:

Chris Aspila



CORPORATION OF THE TOWN OF AMHERSTBURG
271 SANDWICH ST S, AMHERSTBURG, ONTARIO N9V 2A5

NOTICE OF PUBLIC HEARING

In the matter of the *Planning Act*, R.S.O. 1990, as amended, and, in the matter of application for minor variance by:

Dave & Deanne Labutte, c/o Donato DiGiovanni, Agent

TAKE NOTICE THAT application for **minor variance** under the above-noted file will be heard by the TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT on the date, time and place shown below:

**Amherstburg Council Chambers, 271 Sandwich St. S., Amherstburg, ON
Wednesday, July 3, 2024 at 8:00 A.M. (morning)**

This is a public hearing for the purpose of hearing evidence in support of or in opposition to the above-noted application. 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 asked to inform that person of this hearing.

If you wish to attend the meeting by electronic means, you must register on-line at the Town of Amherstburg website a minimum of 48 hours prior to the meeting time. Please go to the Committee of Adjustment page at:

<https://www.amherstburg.ca/en/town-hall/Committee-of-Adjustment.aspx>

Alternatively, you may visit the Town website, search "Committee of Adjustment" using the search feature provided and follow the Registration instructions located at the bottom of the Committee of Adjustment page.

Upon completion of the on-line registration form, you will receive an automated email response that will provide registration instructions that can be used to gain access to the electronic Committee of Adjustment meeting at the specified date and time indicated above.

Public Comment Submission:

If you have comments on these applications, they may be forwarded in writing to the Secretary-Treasurer either by mail or in person to:

Janine Mastronardi, Secretary-Treasurer
3295 Meloche Road
Amherstburg, ON
N9V 2Y8

Comments can also be submitted by email by 4:00 p.m. two nights before the hearing (Monday, July 1, 2024) to the Planning Department, planning@amherstburg.ca. All public comments received prior to the meeting by the above noted due date, will be read aloud at the beginning of the relevant application.

This is a public hearing for the purpose of hearing evidence in support of or in opposition to the above-noted application. 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 asked to inform that person of this hearing. If you have comments on this application, they may be forwarded in writing to the Secretary-Treasurer at the address shown above.

If you do not attend and are not represented at this hearing, the Committee may proceed in your absence (including possible amendments to the original request). Except as otherwise provided for in the *Planning Act*, you will not be entitled to any further notice of the proceedings.

If a specified person or any public body that files an appeal of a decision of the Town of Amherstburg Committee of Adjustment in respect of the proposed minor variance does not make written submission to the Town of Amherstburg Committee of Adjustment before it gives or refuses to give a provisional minor variance, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of the Town of Amherstburg Committee of Adjustment in respect of the proposed minor variance, you must make a written request to Town of Amherstburg Committee of Adjustment.

**Location of Property: 250 Seymour
(Roll No.: 3729-120-000-08400)**

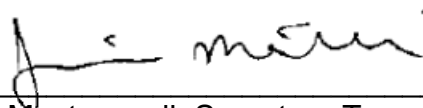
Purpose of Minor Variance Application A/22/24: The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum height of 5.5 m (18 ft) of an accessory structure measured to the peak of the roof in a residential zone.

The applicant is proposing the construction of a 728 sq ft accessory structure to contain additional recreational space (no living quarters) on the first floor accessory to the primary dwelling and a secondary dwelling unit on the second floor with a height of 7 m (23 ft) to the peak of the roof. Therefore, the amount of relief requested is 1.5 m (5 ft) in accessory structure height.

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Third Density (R3) Zone in the Town's Zoning By-law.

Additional Information relating to the proposed application is available by contacting the Town of Amherstburg Planning Offices by phone or email, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website www.amherstburg.ca.

Dated: June 19, 2024



Janine Mastronardi, Secretary-Treasurer
Town of Amherstburg Committee of Adjustment
3295 Meloche Road, Amherstburg, ON N9V2Y8

Municipal Fee Received	PAID
ERCA Fee Received:	

Application No. A/22/24

**FORM 1
PLANNING ACT
APPLICATION FOR MINOR VARIANCE
APPLICATION FOR PERMISSION
TOWN OF AMHERSTBURG**

- Name of approval authority Town of Amherstburg
- Date application received by municipality June 3, 2024
- Date application deemed complete by municipality June 10, 2024
- Name of registered owner DAVE + DEANNE Labutte
Telephone number [REDACTED]
Address [REDACTED]
Email [REDACTED]
Name of registered owner's solicitor or authorized agent (if any) Donato DiGiovanni
Telephone number [REDACTED]
Address [REDACTED]
Email [REDACTED]

Please specify to whom all communications should be sent:

- registered owner solicitor agent

5. Name and address of any mortgages, charges or other encumbrances in respect of the subject land:

6. Location and description of subject land:

Concession No. _____ Lot(s) No. _____
Registered Plan No. 1 Lot(s) No. 24
Reference Plan No. _____ Part(s) No. _____
Street Address 250 Seymour Assessment Roll No. 120-08400

7. Size of subject parcel:

Frontage 61' Depth 137.5' Area 8387.5'

8. Access to subject parcel:

- Municipal Road County Road Provincial Highway
 Private Water

If access to the subject land is **by water** only, state the parking and docking facilities used or to be used and the approximate distance between these facilities and the nearest public road

9. Current Official Plan Land Use designation of subject land low density residential

10. Current Zoning of subject land R3

11. Nature and extent of relief from the Zoning By-law requested

Max accessory building height to be allowed proposed 23'-0"

12. Reasons why minor variance is necessary to allow for garage with an adu above

13. Current use of subject land Residential

14. Length of time current use of subject land has continued 50+ years

15. Number and type of buildings or structures **existing** on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

1 existing dwelling - 16ft to the peak

16. Date of construction of existing buildings and structures on the subject land:

1948

17. Date subject land acquired by current registered owner April 12, 2015

18. Proposed use of subject land Garage + ADU

19. Number and type of buildings or structures **proposed** to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

1 new building front yard setback = 107'-6 rear yard = 4' south side = 4'-0 North side yard = 29'-0 Build area = 728 sq ft Building height = 23'-0"

21. Type of sanitary sewage disposal:

- municipally owned and operated sanitary sewers
- septic system
- Other (specify) _____

22. Type of storm drainage:

- sewers
- ditches
- swales
- Other (specify) _____

23. If known, indicate whether the subject land is the subject of an application under the Planning Act for:

- consent to sever
- approval of a plan of subdivision

If known, indicate the file number and status of the foregoing application:

24. If known, indicate if the subject land has ever been the subject of an application for minor variance under Section 45 of the Planning Act.

25. The proposed project includes the addition of permanent above ground fuel storage:

- Yes
- No

26. Is the land within 600m of property that is designated as Extraction Industry?

- Yes
- No

If yes, as per Section 3.3.3 of the Official Plan a noise and vibration study is required for approval by the Town, to be completed.

Dated at the Town of Amherstburg this 3rd day of June, 2024.

(signature of applicant, solicitor or authorized agent)

I, Dan DiGiovanni of the Town of Amherstburg in the County/District/Regional Municipality of Essex solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Amherstburg in the County of Essex this 3rd day of June, 2024.

Applicant, Solicitor or Authorized Agent

A Commissioner, etc.
Janine Quintina Mastronardi, a Commissioner, etc.,
Province of Ontario, for the
Incorporation of the Town of Amherstburg.
Expires June 30, 2024

NOTES:

Each copy of the application must be accompanied by a sketch, drawn to scale, showing:

- a) the boundaries and dimensions of the subject land;
- b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
- c) the approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples of features include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks/tile fields;
- d) the current uses on land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- f) if access to the subject land is by water only, the location of the parking and docking facilities to be used;
- g) the location and nature of any easement affecting the subject land.

A minor variance application fee of \$1191.00, along with an ERCA development review fee of \$200.00 (total of \$1391.00 payable to the Town of Amherstburg), must accompany your completed application.

Engineering review fees of \$1500.00 per each time a file is reviewed may be applicable as per Amherstburg's User fee by-law.

If the subject lands are located within 120 m of a Provincially Significant Wetland, Significant Woodland, Area of Natural or Scientific Interest or Significant Species at Risk Habitat, the applicant may be required to complete a natural heritage review. The initial pre-consultation cost of the natural heritage review is \$565 and should additional work, such as an Environmental Impact Assessment, be required, the applicant will be responsible for all costs associated with review. Costs associated with the review will be invoiced to the applicant through the Town of Amherstburg. The applicant will be responsible for finding their own qualified biologist to complete the Environmental Impact Assessment, if required, and will be responsible for all costs associated with the assessment.

AUTHORIZATION

(Please see note below)

To: Secretary-Treasurer
Committee of Adjustment
Town of Amherstburg

Description and Location of Subject Land:

280 Seymour

I/We, the undersigned, being the registered owner(s) of the above lands hereby

authorize Donato DeGiovanni of the DeGiovanni Construction of _____ to:

- (1) make an application on my/our behalf to the Committee of Adjustment for the Town of Amherstburg;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by Town's Committee of Adjustment relevant to the application.

Dated at the Town of Amherstburg n

the County of Essex, this 31 day of May, 2024.

[Signature]
Signature of Witness

[Signature]
Signature of Witness

Signature of Witness

[Signature]
Signature of Owner

[Signature]
Signature of Owner

Signature of Owner

* Note: This form is only to be used for applications which are to be signed by someone other than the owner.

POSTING COMMITTEE OF ADJUSTMENT ADVISORY SIGN

This will confirm the requirements of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon submission of your application(s). You are directed to post the sign in a prominent location that will enable the public to observe the sign.

The location of the sign will depend on the lot and location of structures on it. The sign should be placed so as to be legible from the roadway in order that the public see the sign and make note of the telephone number should they wish to make inquiries. The Zoning By-law prohibits the signs from being located in any corner lot sightlines. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

The sign must remain posted beginning 10 days prior to the Hearing, until the day following the decision of the Committee of Adjustment. Please complete the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the Committee's requirements. Failure to post the sign as required will result in deferral of the application.

Chris Aspila, MCIP RPP
Manager of Planning Services

PROPERTY ADDRESS: 250 Seymour

APPLICATION NUMBER(S): A/22/24

I understand that each sign must be posted at least 10 days before the Hearing, and will remain posted and be replaced if necessary, until the day following the Decision.

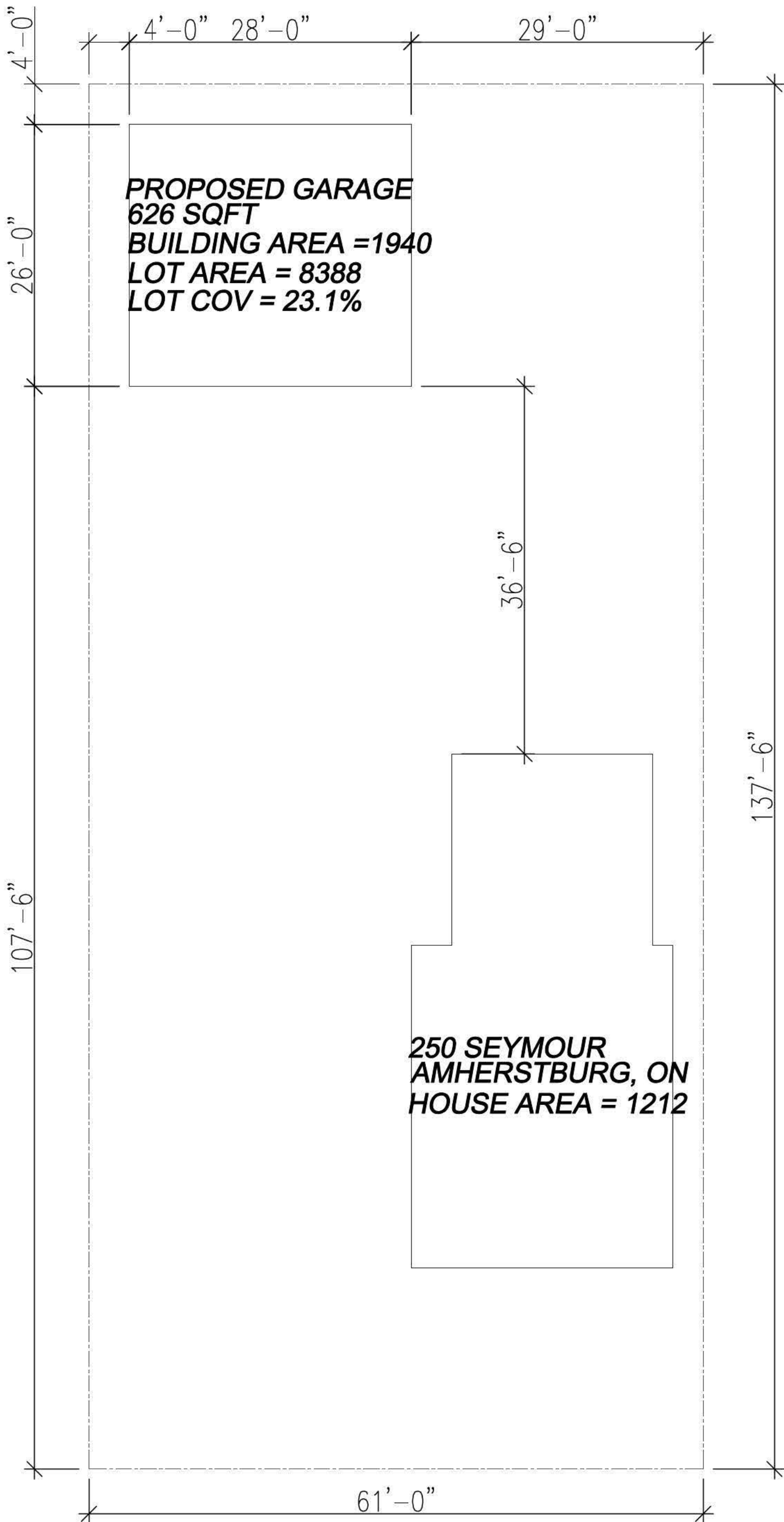
I acknowledge that the Secretary-Treasurer has confirmed these requirements with me.



Signature (Owner/Authorized Agent)

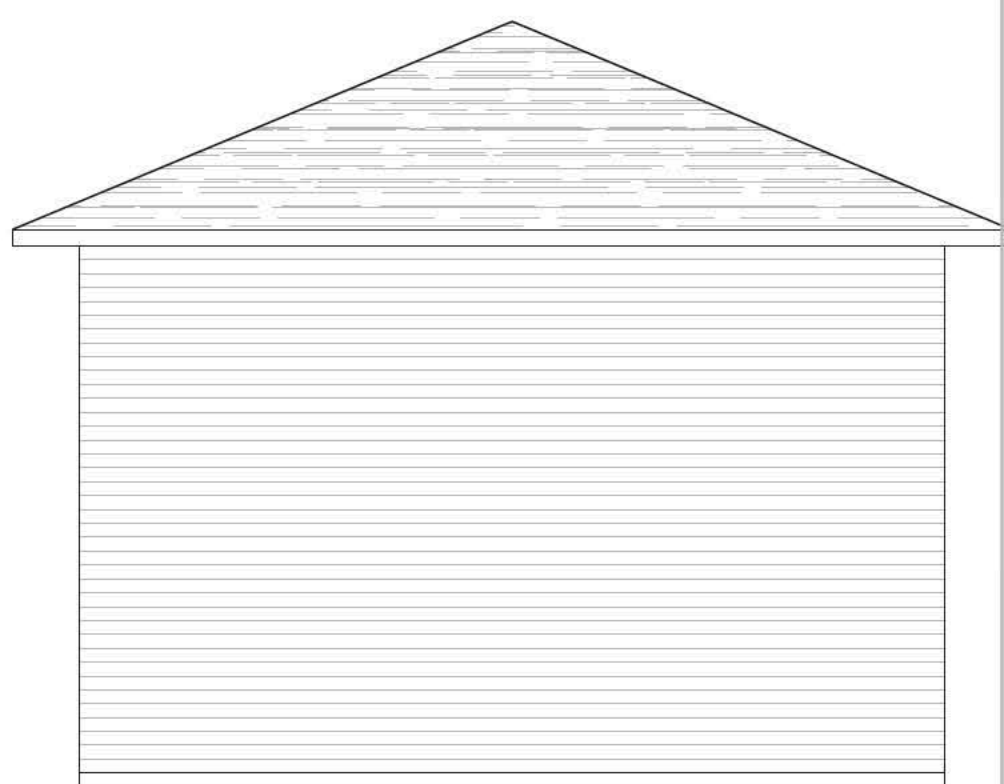
June 3, 2024
Date



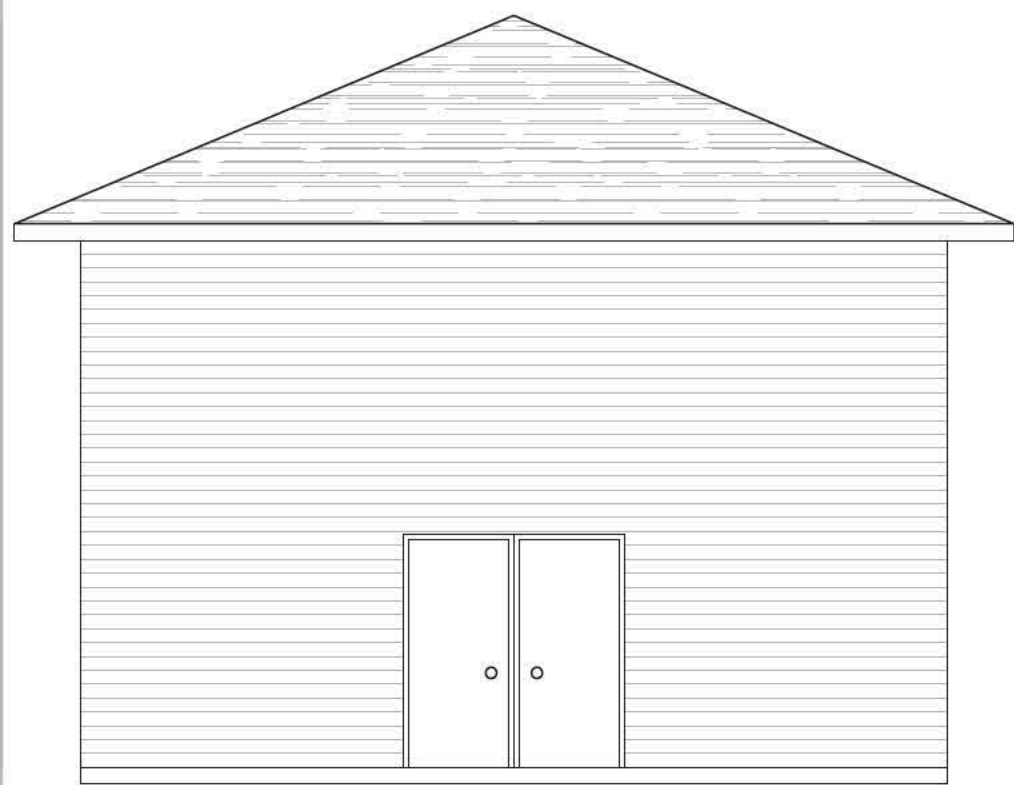




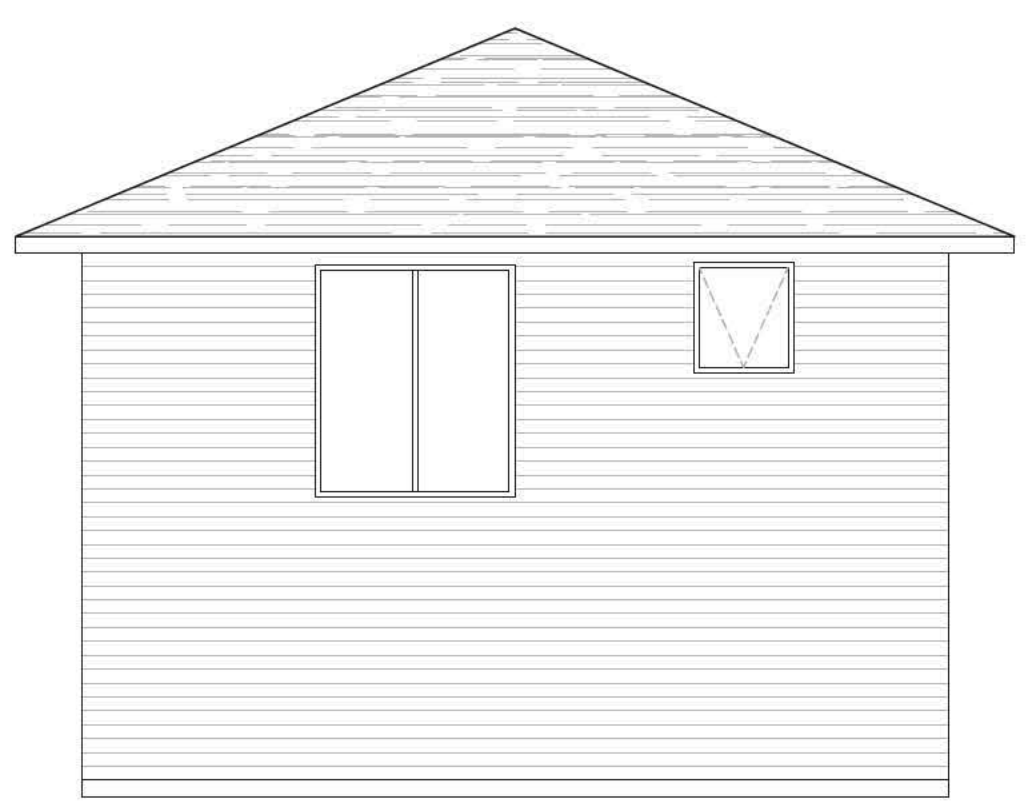
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION



Summary of Correspondence Received on Proposed Minor Variance for A/22/24 – 250 Seymour St.

Below is a summary of the comments received by the Planning Services Division for A/22/24 as of June 25, 2024.

Essex Region Conservation Authority:

No objections

Building Department:

- Building permits required
- Grading design and service drawings required
- Remove patio door and replace with window
- All accessory structures to not exceed 10% of lot area

Infrastructure Services:

Infrastructure Services Department has reviewed A/22/24 – 250 Seymour Street minor variance application and offer the following comments:

- All new driveway entrances or modifications to current driveway entrances will require a Right-of-way Permit from the Town of Amherstburg and be constructed in compliance with the current Driveway Alteration or Installation Policy.
- Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands
- It should be noted that a secondary set of municipal services will not be permitted to connect to the secondary dwelling unit. The secondary dwelling unit must be serviced through the existing municipal services on the property

Amherstburg Committee of Adjustment

July 03, 2024



A/22/24 – 250 Seymour St.

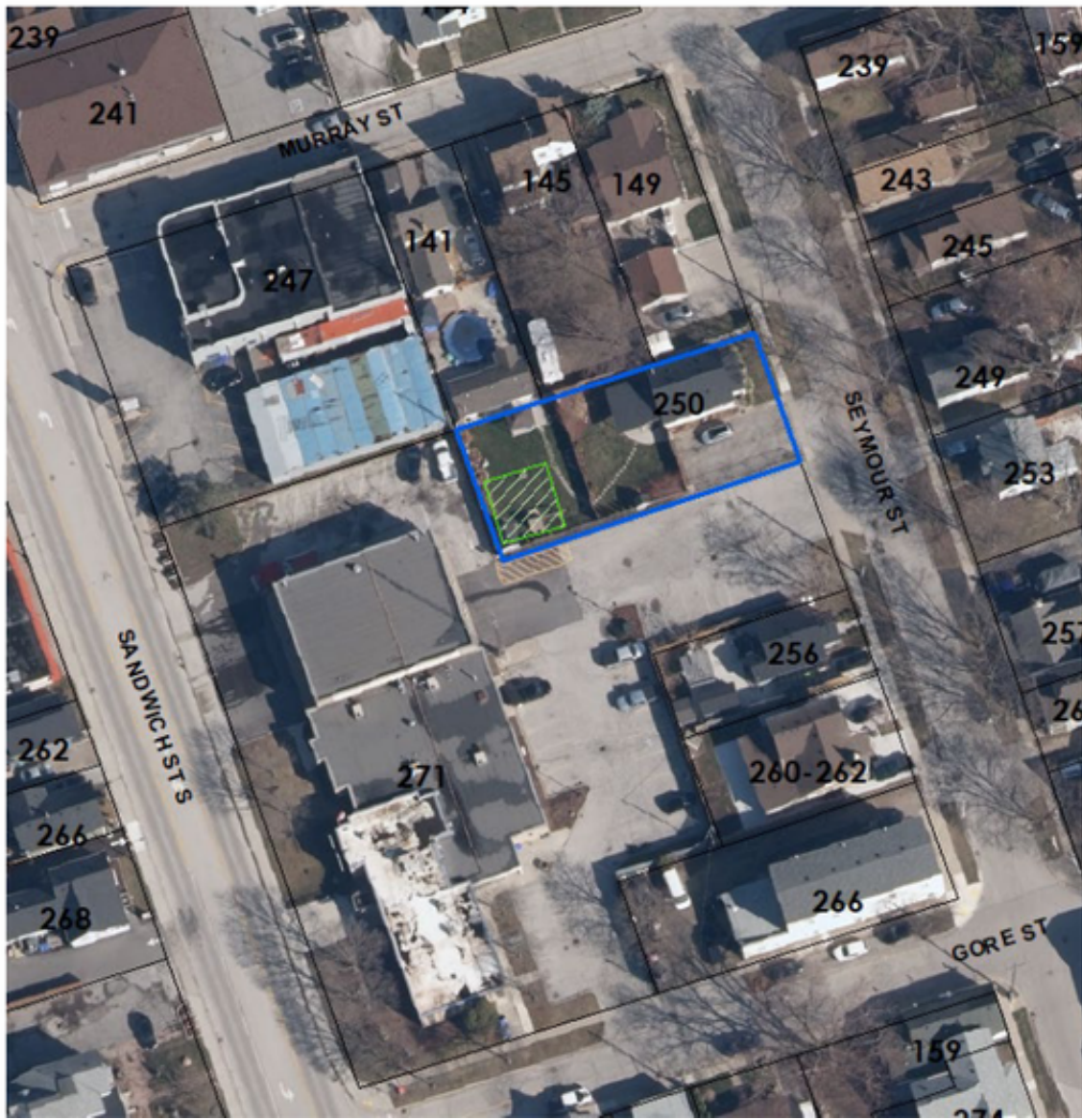
Purpose of Application A/22/24

The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum height of 5.5 m (18 ft) of an accessory structure measured to the peak of the roof in a residential zone.

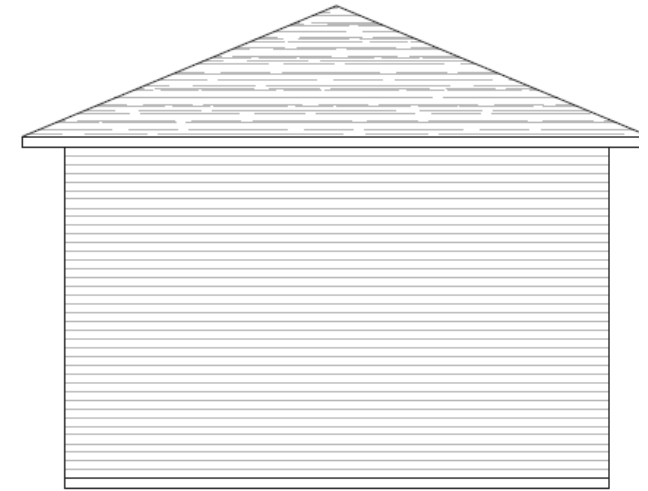
The applicant is proposing the construction of a 728 sq ft accessory structure to contain additional recreational space (no living quarters) on the first floor accessory to the primary dwelling and a secondary dwelling unit on the second floor with a height of 7 m (23 ft) to the peak of the roof. Therefore, the amount of relief requested is 1.5 m (5 ft) in accessory structure height.

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Third Density (R3) Zone in the Town's Zoning By-law.

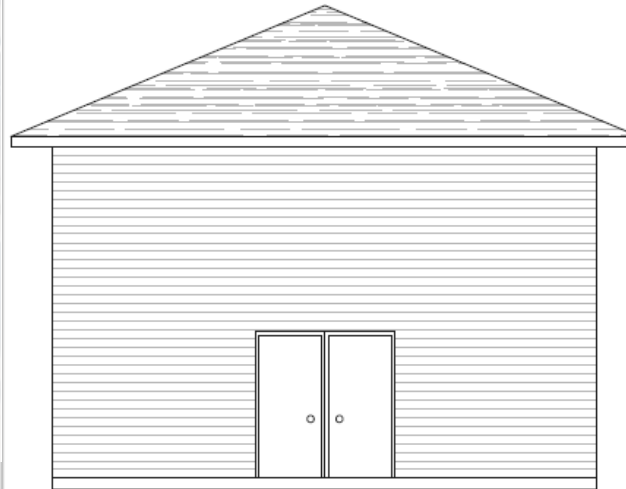




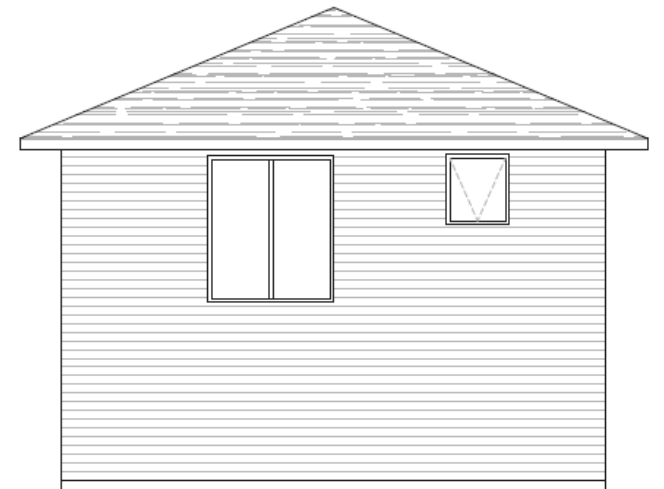
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION



Sketch

Policy Review

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Third Density (R3) Zone in the Town's Zoning By-law.

A policy review of the application has been completed by the Planning department considering the following;

- Planning Act, R.S.O. 1990
- Town Official Plan
- Town Zoning By-law 1999-52, as amended



Four Tests

From a planning perspective the Committee must determine if:

- 1) The requested variance conforms with the intent of the relevant Official Plan policies;
- 2) The proposed variance maintains the intent of Comprehensive Zoning By-law 1999-52, as amended;
- 3) The proposed variance is desirable or the appropriate development or use of the land, building or structures; and
- 4) The requested variance would appear to be minor in nature.



Recommendation

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that Application A/22/24 be approved to grant relief in accessory structure height of 1.5 m (5 ft) to allow for the construction of an accessory structure with a footprint of 67.6 sq m (728 sq ft) to contain recreational space accessory to the primary dwelling on the first floor and a secondary dwelling unit on the second floor with a height of 7 m (23 ft) to the peak of the roof subject to the following condition;

- 1- That the applicant prepare and implement a lot grading design for the subject property, to the satisfaction of the municipality.
- 2- That the total lot coverage of accessory structures does not exceed 10% of the lot area as per Zoning By-law 1999-52, as amended, Section 3(1)(b).





THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

Mission Statement: As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Committee, Author's E-mail, Resolution #.

To: Chair and Members of the Committee of Adjustment

Subject: A-23-24, Vacant Land Easy Street, Nicholas and Casey Martin

1. RECOMMENDATION:

It is recommended that:

- 1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/23/24 BE APPROVED.

2. PROPOSAL:

Purpose of Minor Variance Application A/23/24: The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 6(3)(b) which requires a minimum lot frontage of 20 m for a new lot within the Residential Type 1A (R1A) Zone.

Subsequent to a severance approved through application B/04/24 on February 7, 2024, the approved severed lot will have a frontage of 17 m and the approved retained lot will have a frontage of 17.2 m. Therefore, the amount of relief requested is 3 m in lot frontage for the severed lot and 2.8 m in lot frontage for the retained lot. The minor variance is required as a condition of the approved consent application.

The subject lands are designated Low Density Residential in the Town's Official Plan and zoned holding Residential Type 1A (h-R1A) Zone in the Zoning By-law 1999-52.

3. BACKGROUND

N/A

4. PLANNING INFORMATION:

Official Plan Designation:	Low Density Residential
By-law No. 1999-52:	holding Residential Type 1A (h-R1A) Zone
Existing Use:	Vacant Land
Proposed Use:	Residential
Neighboring Uses:	North: residential (Kingsbridge Subdivision) South: residential (Texas Road) East: residential (Kingsbridge Subdivision) West: large property residential (Texas Road)

TECHNICAL INFORMATION

Property Size:	0.55 ha (1.36 ac)
Existing structures:	N/A

Proposed Frontage (severed lot):	17 m (55.78 ft)
Required Frontage (severed lot):	20 m (65.62 ft)
Relief requested:	3 m (9.84 ft)

Proposed Frontage (retained lot):	17.2 m (56.43 ft)
Required Frontage (retained lot):	20 m (65.62 ft)
Relief requested:	2.8 m (9.19 ft)

5. PLANNING ANALYSIS:

1. PLANNING ACT (R.S.O. 1990)

The purposes of the Planning Act are;

- “ (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
- (b) to provide for a land use planning system led by provincial policy;
- (c) to integrate matters of provincial interest in provincial and municipal planning decisions;

- (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
- (e) to encourage co-operation and co-ordination among various interests;
- (f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s”

The proposal is consistent with Section 2 of the Planning Act which requires that the Committee of Adjustment have regard to matters of provincial interest including (the following are excerpts from Section 2 of the Planning Act that apply to this development):

- the orderly development of safe and healthy communities;
- the appropriate location of growth and development;

The severances to create the two properties were approved through application B/04/24 on February 7, 2024. One of the conditions of the consent was the approval of a minor variance for the proposed lot frontages for both the retained and severed lots. The application before the Committee provides for the same lot frontages as approved by application B/04/24. The proposed lots are large in size but due to the wedge shape on a cul-de-sac, the frontages are less than required by the R1A zone.

When reviewing this application, the Committee must consider the four tests as outlined in Section 45(1) of the Planning Act, R.S.O. 1990, as amended, which states that the Committee be of the opinion that the variance:

- a) maintains the general intent and purpose of the Official Plan;
- b) maintains the general intent and purpose of the Zoning By-law;
- c) is desirable for the appropriate development or use of the land, building or structures; and
- d) is minor in nature.

The application must meet all of the above tests.

2. OFFICIAL PLAN POLICIES

The subject property is designated Low Density Residential in Amherstburg’s Official Plan. Section 4.3.1 of the Official Plan states, *‘Areas designated as Low Density Residential shall be limited to single detached, semi-detached, duplex, or converted dwelling units, home occupation uses and public uses.’*

The applicants are proposing reduced lot frontages for a retained and severed lot approved through application B/04/24 by the Committee of Adjustment on February 7, 2024. The minor variance for the reduced lot frontage is a condition of the consent approval. All other conditions of the consent must be met prior to the stamping of the deeds and the creation of the lots. The applicants are proposing single detached dwellings on both the severed and retained lots.

In the opinion of the author of this report the proposed Minor Variance maintains the intent of the Official Plan.

3. ZONING BY-LAW

The subject property is zoned holding Residential Type 1A (h-R1A) Zone in Bylaw 1999-52, as amended. The h-R1A Zone permits single detached dwellings and accessory structures. The applicants will be required to apply to Council to remove the holding symbol prior to any building permits being issued on the lots and prior to the stamping of the deeds of the approved consent.

Due to the severed and retained lots location on a cul-de-sac, the properties are wedge shaped and have reduced frontage along the front of the property. However, both of the properties are large and will allow for a single detached dwelling to be built within the confines of the Zoning By-law, including lot coverage and setbacks.

The requested variance maintains the intent of the Zoning By-law.

4. APPROPRIATE DEVELOPMENT

The proposed variances do not change the use of the land for residential purposes and therefore can be considered appropriate. The proposed variances would appear not to negatively impact any adjacent land uses.

The proposed severed and retained lots are large in size and will provide for compatible development when compared to the existing development in the area.

5. MINOR IN NATURE

No precise definition for what constitutes “minor” exists. Rather, it is a culmination of the review of the Official Plan, applicable by-laws including the Zoning By-law and attempts to address the “big picture” for what the proposed development represents. Each application must be assessed on its own set of circumstances.

The proposed variances do not appear to change the character of the neighbourhood.

There appears to be no environmental concerns. The applicants are currently completing and Environmental Impact Assessment (EIA), as required by the conditions of the consent application. The EIA is required to be completed to the satisfaction of the Town.

6. AGENCY COMMENTS:

See attached.

7. RISK ANALYSIS:

As with all Committee of Adjustment decisions there is a risk that the decision is appealed. As a result of changes in Bill 23, decisions by a CoA can no longer be appealed by a third party. Decisions which are to support or refuse the consent or minor variance request, can only be appealed by the applicant, the Municipality, the Minister, a specified person or any public body. In the case of a consent decision the appeal must be filed within 20 days after the giving of notice of the decision of the committee, whereas for a

minor variance an appeal must be filed within 20 days of the making of the decision of the committee. It is important to note that a tied vote is deemed to be a decision to deny the consent or minor variance request.

8. RECOMMENDATIONS:

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that the Application A/23/24 request to grant relief of 3 m (9.84 ft) and 2.8 m (9.19 ft) in lot frontage for the severed and retained lots to allow lot frontage of 17 m (55.78 ft) for the severed lot and 17.2 m (56.43 ft) for the retained lot **BE APPROVED.**

9. CONCLUSION:

From a planning perspective:

- 1) The request for variance conforms with the intent of the relevant Official Plan policies.
- 2) The proposed variance for relief of lot frontage maintains the intent of the Zoning By-law 1999-52, as amended.
- 3) The proposed variances do not change the use of the land for residential purposes and therefore can be considered appropriate.
- 4) The requested variances appear to be minor in nature.
- 5) The proposed variances would not appear to have a negative impact on the environment.



Sarah French
Secretary-Treasurer to the Committee of Adjustment

SF

Report Approval Details

Document Title:	A-23-24, Vacant Land Easy Street, Nicholas and Casey Martin.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - A-23-24- Notice- Easy St-RM.pdf- Appendix B - A-23-24 - Application_Redacted-RM.pdf- Appendix C - A-23-24 Aerial Map-RM.pdf- Appendix D - A-23-24 - Sketch-RM.pdf- Appendix E - A-23-24 Site Photo-RM.pdf- Appendix F - A-23-24 Council Circulation List-RM.pdf- Appendix G - Summary of Correspondence Received on A-23-24-RM.pdf- Appendix H - A-23-24- PowerPoint-RM.pdf
Final Approval Date:	Jun 26, 2024

This report and all of its attachments were approved and signed as outlined below:

Chris Aspila



CORPORATION OF THE TOWN OF AMHERSTBURG
271 SANDWICH ST S, AMHERSTBURG, ONTARIO N9V 2A5

NOTICE OF PUBLIC HEARING

In the matter of the *Planning Act*, R.S.O. 1990, as amended, and, in the matter of application for minor variance by:

Nicholas & Casey Martin

TAKE NOTICE THAT application for **minor variance** under the above-noted file will be heard by the TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT on the date, time and place shown below:

**Amherstburg Council Chambers, 271 Sandwich St. S., Amherstburg, ON
Wednesday, July 3, 2024 at 8:00 A.M. (morning)**

This is a public hearing for the purpose of hearing evidence in support of or in opposition to the above-noted application. 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 asked to inform that person of this hearing.

If you wish to attend the meeting by electronic means, you must register on-line at the Town of Amherstburg website a minimum of 48 hours prior to the meeting time. Please go to the Committee of Adjustment page at:

<https://www.amherstburg.ca/en/town-hall/Committee-of-Adjustment.aspx>

Alternatively, you may visit the Town website, search "Committee of Adjustment" using the search feature provided and follow the Registration instructions located at the bottom of the Committee of Adjustment page.

Upon completion of the on-line registration form, you will receive an automated email response that will provide registration instructions that can be used to gain access to the electronic Committee of Adjustment meeting at the specified date and time indicated above.

Public Comment Submission:

If you have comments on these applications, they may be forwarded in writing to the Secretary-Treasurer either by mail or in person to:

Sarah French, Secretary-Treasurer
3295 Meloche Road
Amherstburg, ON
N9V 2Y8

Comments can also be submitted by email by 4:00 p.m. two nights before the hearing (Monday, July 1, 2024) to the Planning Department, planning@amherstburg.ca. All public comments received prior to the meeting by the above noted due date, will be read aloud at the beginning of the relevant application.

This is a public hearing for the purpose of hearing evidence in support of or in opposition to the above-noted application. 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 asked to inform that person of this hearing. If you have comments on this application, they may be forwarded in writing to the Secretary-Treasurer at the address shown above.

If you do not attend and are not represented at this hearing, the Committee may proceed in your absence (including possible amendments to the original request). Except as otherwise provided for in the *Planning Act*, you will not be entitled to any further notice of the proceedings.

If a specified person or any public body that files an appeal of a decision of the Town of Amherstburg Committee of Adjustment in respect of the proposed minor variance does not make written submission to the Town of Amherstburg Committee of Adjustment before it gives or refuses to give a provisional minor variance, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of the Town of Amherstburg Committee of Adjustment in respect of the proposed minor variance, you must make a written request to Town of Amherstburg Committee of Adjustment.

**Location of Property: Vacant Land Easy Street
(Roll No.: 3729-420-000-24139)**

Purpose of Minor Variance Application A/23/24: The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 6(3)(b) which requires a minimum lot frontage of 20 m for a new lot within the Residential Type 1A (R1A) Zone.

Subsequent to a severance approved through application B/04/24 on February 7, 2024, the approved severed lot will have a frontage of 17 m and the approved retained lot will have a frontage of 17.2 m. Therefore, the amount of relief requested is 3 m in lot frontage for the severed lot and 2.8 m in lot frontage for the retained lot. The minor variance is required as a condition of the approved consent application.

The subject lands are designated Low Density Residential in the Town's Official Plan and zoned holding Residential Type 1A (h-R1A) Zone in the Zoning By-law 1999-52.

Additional Information relating to the proposed application is available by contacting the Town of Amherstburg Planning Offices by phone or email, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website www.amherstburg.ca.

Dated: June 19, 2024



Sarah French, Secretary-Treasurer
Town of Amherstburg Committee of Adjustment
3295 Meloche Road, Amherstburg, ON N9V2Y8

Municipal Fee Received	1155
ERCA Fee Received:	3200

Application No. A/23/24

**FORM 1
PLANNING ACT
APPLICATION FOR MINOR VARIANCE
APPLICATION FOR PERMISSION
TOWN OF AMHERSTBURG**

- Name of approval authority Town of Amherstburg
- Date application received by municipality June 11, 2024
- Date application deemed complete by municipality June 12, 2024
- Name of registered owner Casey Martin + Nicholas Martin
Telephone number [REDACTED]
Address [REDACTED]
Email [REDACTED]
Name of registered owner's solicitor or authorized agent (if any) _____
Telephone number _____
Address _____
Email _____

Please specify to whom all communications should be sent:

- registered owner solicitor agent

- Name and address of any mortgages, charges or other encumbrances in respect of the subject land:

N/A

- Location and description of subject land: Easy Street Vacant Land

Concession No. _____ Lot(s) No. _____

Registered Plan No. Part 1 on Plan 12R-29143 Lot(s) No. Part Lots 14+15, Plan 13

Reference Plan No. _____ Part(s) No. _____

Street Address _____ Assessment Roll No. 3729 4200 0024 139.0000

- Size of subject parcel:

Frontage 17.2m Depth 50.44m Area 4,236 m²
irregular

- Access to subject parcel:

- Municipal Road County Road Provincial Highway
 Private Water

If access to the subject land is **by water** only, state the parking and docking facilities used or to be used and the approximate distance between these facilities and the nearest public road

N/A

9. Current Official Plan Land Use designation of subject land H-RIA

10. Current Zoning of subject land H-RIA

11. Nature and extent of relief from the Zoning By-law requested _____

Following a severance the 2 lots will have a frontage of 17m and 17.2m rather than the required 20m.

12. Reasons why minor variance is necessary _____

minimum lot frontage = 17m vs Required 20m

13. Current use of subject land Vacant Land - Residential

14. Length of time current use of subject land has continued NA - indefinitely

15. Number and type of buildings or structures **existing** on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

0.

16. Date of construction of existing buildings and structures on the subject land:

0.

17. Date subject land acquired by current registered owner Dec 16-22

18. Proposed use of subject land residential

19. Number and type of buildings or structures **proposed** to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

-none @ this time

>residential home to be constructed in the future

20. Type of water supply:

- municipally owned and operated piped water supply
- well
- Other (specify) _____

21. Type of sanitary sewage disposal:

- municipally owned and operated sanitary sewers
- septic system
- Other (specify) _____

22. Type of storm drainage:

- sewers
- ditches
- swales
- Other (specify) _____

23. If known, indicate whether the subject land is the subject of an application under the Planning Act for:

- consent to sever approval of a plan of subdivision

If known, indicate the file number and status of the foregoing application:

B/04/29 approved

24. If known, indicate if the subject land has ever been the subject of an application for minor variance under Section 45 of the Planning Act.

do not believe so

25. The proposed project includes the addition of permanent above ground fuel storage:

- Yes No

Dated at the Amherstburg County of Essex this 9 day of June, 2024.

[Signature]
(signature of applicant, solicitor or authorized agent)

I, Nicholas Martin of the Town of Amherstburg in the County/District/Regional Municipality of Essex solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Amherstburg in the County of Essex this 11 day of June, 2024.

[Signature]
Applicant, Solicitor or Authorized Agent

S. French
A Commissioner, etc.
Sarah Elizabeth French, a Commissioner, etc
Province of Ontario, for the
Corporation of the Town of Amherstburg
Expires November 8, 2025

NOTES:

Each copy of the application must be accompanied by a sketch, drawn to scale, showing:

- a) the boundaries and dimensions of the subject land;
- b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
- c) the approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples of features include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks/tile fields;
- d) the current uses on land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- f) if access to the subject land is by water only, the location of the parking and docking facilities to be used;
- g) the location and nature of any easement affecting the subject land.

A minor variance application fee of \$1155.00, along with an ERCA development review fee of \$200.00 (total of \$1355.00 payable to the Town of Amherstburg), must accompany your completed application.

AUTHORIZATION

(Please see note below)

To: Secretary-Treasurer
Committee of Adjustment
Town of Amherstburg

Description and Location of Subject Land:

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

_____ of the _____ of _____ to:

- (1) make an application on my/our behalf to the Committee of Adjustment for the Town of Amherstburg;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by Town's Committee of Adjustment relevant to the application.

Dated at the _____ of _____ h
the _____ of _____, this ____ day of _____, 20__.

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

** Note: This form is only to be used for applications which are to be signed by someone other than the owner.*

POSTING COMMITTEE OF ADJUSTMENT ADVISORY SIGN

This will confirm the requirements of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon submission of your application(s). You are directed to post the sign in a prominent location that will enable the public to observe the sign.

The location of the sign will depend on the lot and location of structures on it. The sign should be placed so as to be legible from the roadway in order that the public see the sign and make note of the telephone number should they wish to make inquiries. The Zoning By-law prohibits the signs from being located in any corner lot sightlines. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

The sign must remain posted beginning 10 days prior to the Hearing, until the day following the decision of the Committee of Adjustment. Please complete the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the Committee's requirements. Failure to post the sign as required will result in deferral of the application.

Chris Aspila, MCIP RPP
Manager of Planning Services

PROPERTY ADDRESS: V/L Easy Street

APPLICATION NUMBER(S): _____

I understand that each sign must be posted at least 10 days before the Hearing, and will remain posted and be replaced if necessary, until the day following the Decision.

I acknowledge that the Secretary-Treasurer has confirmed these requirements with me.


Signature (Owner/Authorized Agent)

June 11, 2024
Date



LIVINGSTONE CRESCENT

LIVINGSTONE CRESCENT

KNOB HILL DR

HIGGINS CRÉS

EASY ST

MARSH CRT

LANDOR DR



Easy Street

Proposed Severance

Zoning R1A

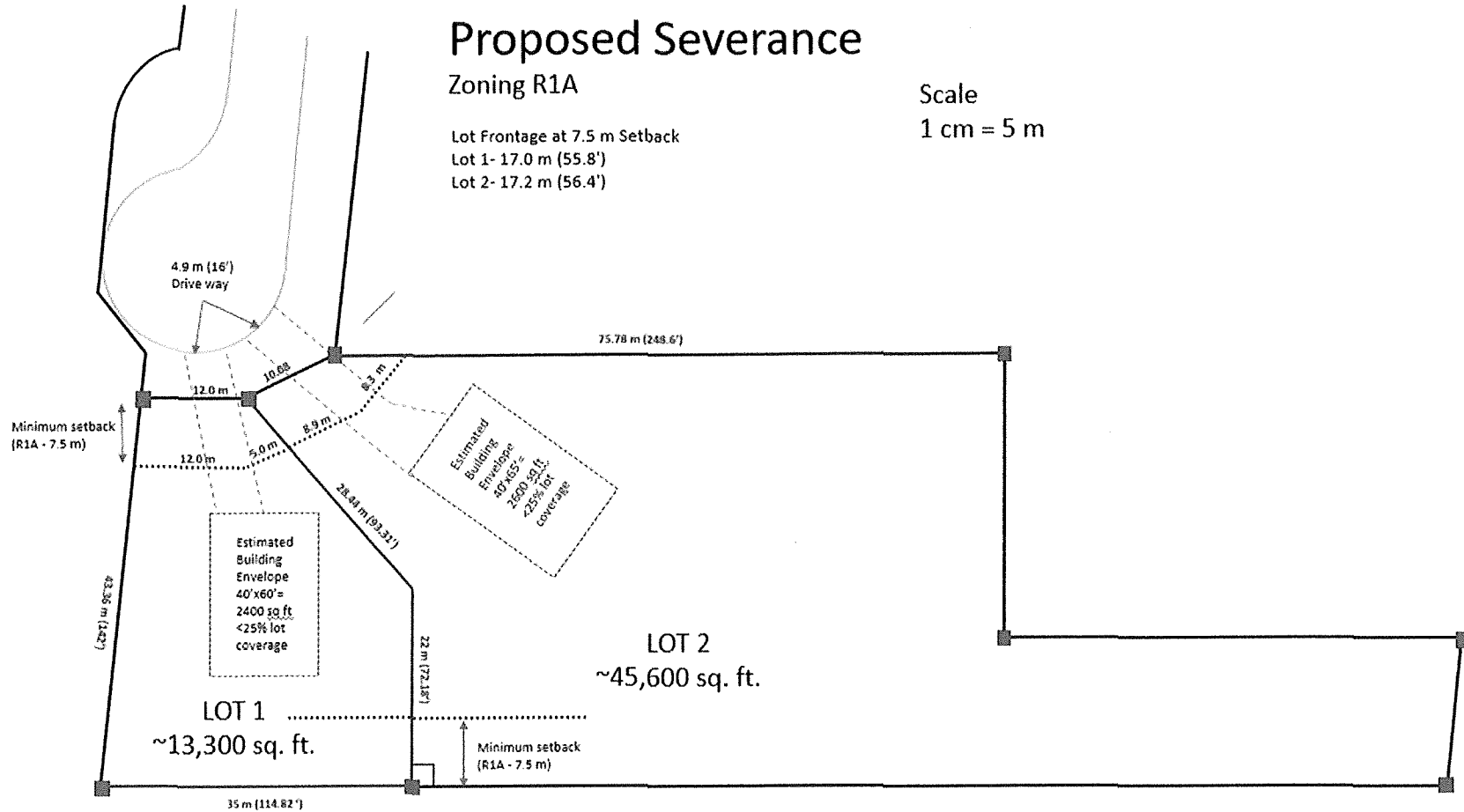
Scale

1 cm = 5 m

Lot Frontage at 7.5 m Setback

Lot 1- 17.0 m (55.8')

Lot 2- 17.2 m (56.4')



A/23/24 – Easy Street Site Photo



A/23/24 - VL Easy Street

ARN	ADD1	STREETNAME	POSTALCOD
372942000023401	200	TEXAS RD	N9V2R7
372942000024214		ERIE ISLE CRT	N0R1A0
372942000023400	190	TEXAS RD	N9V2R7
372942000024215		ERIE ISLE CRT	N0R1A0
372942000024128	16	EASY ST	N9V3Y7
372942000024130	12	EASY ST	N9V3Y7
372942000024106	19	MARSH CRT	N9V3Y7
372942000024126	20	EASY ST	N9V3Y7
372942000024238	216	LIVINGSTONE CRES	N0R1A0
372942000024340	221	LIVINGSTONE CRES	N9V0H1
372942000024371	217	LIVINGSTONE CRES	N0R1A0
372942000024372	219	LIVINGSTONE CRES	N9V0H1
372942000024122	11	EASY ST	N9V3Y7
372942000024120	7	EASY ST	N9V3Y7
372942000023800	228	TEXAS RD	N9V2R7
372942000024316	215	LIVINGSTONE CRES	N9V0H1
372942000024339	223	LIVINGSTONE CRES	N9V0H1
372942000024336	229	LIVINGSTONE CRES	N9V0H1
372942000024239	227	LIVINGSTONE CRES	N9V0H1
372942000024338	225	LIVINGSTONE CRES	N9V0H1
372942000024114	14	MARSH CRT	N9V3Y7
372942000024112	18	MARSH CRT	N9V3Y7
372942000024110	20	MARSH CRT	N9V3Y7
372942000023500	210	TEXAS RD	N9V2R7
372942000024108	21	MARSH CRT	N9V3Y7
372942000024139		EASY ST	N9V2T2
372942000023700	226	TEXAS RD	N9V2R7
372942000024124	17	EASY ST	N9V3Y7



LIVINGSTONE CRESCENT

LIVINGSTONE CRESCENT

KNOBHILL DR

HIGGINS CRES

EASY ST

MARSH CRT

LANDOR DR





Summary of Correspondence Received on Proposed Minor Variance for A/23/24 – Easy Street

Below is a summary of the comments received by the Planning Services Division for A/23/24 as of June 26, 2024.

Essex Region Conservation Authority:

See attached letter.

Building Department:

Maintain minimum width of driveway
Grading design and service drawings required

Infrastructure Services:

- All comments provided by Infrastructure Services on application B/04/24 apply.
- As per the Jeths Drain (2024) Engineer's Report under provisional by-law #2024-046:

“Access to the work site for construction and future maintenance of the drain shall be from roadways. From Station 0+105 to 0+486 access shall be from Easy Street and through the property with L.I.N. 9B and 9A or from Marsh Court and through the property with L.I.N. 9A. Access may also be gained through the property with L.I.N. 15 from Texas Road. All accesses shall be restricted to a width of 6m.”

Therefore, minimum setback of 6 meters is required to be maintained along the east property line of lot 2 to access the Jeths Drain. If this setback is not able to be maintained, anything (including structures) placed within the 6-meter working corridor will be removed to gain access to the drain at 100% expense to the Owner.

Fire Department:

Fire Department has no issues.



planning@erca.org
P.519.776.5209
F.519.776.8688
360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

June 25, 2024

Ms. Sarah French

Planner
Town of Amherstburg
3295 Meloche Rd.
Amherstburg, ON N9V 2Y8

Dear Ms. Sarah French:

RE: Application for Minor Variance A-23-24 MARSH CRT
ARN 372942000024139; PIN: 707230758
Applicant: Nicholas & Casey Martin

The Town of Amherstburg has received Application for Minor Variance A-23-24 for the above noted subject property, also known as 0 Easy Street, which requests relief from Zoning By-law 1999-52, as amended, Section 6(3)(b) which requires a minimum lot frontage of 20 m for a new lot within the Residential Type 1A (R1A) Zone.

Subsequent to a severance approved through application B/04/24 on February 7, 2024, the approved severed lot will have a frontage of 17 m and the approved retained lot will have a frontage of 17.2 m. Therefore, the amount of relief requested is 3 m in lot frontage for the severed lot and 2.8 m in lot frontage for the retained lot. The minor variance is required as a condition of the approved consent application.

The subject lands are designated Low Density Residential in the Town's Official Plan and zoned holding Residential Type 1A (h-R1A) Zone in the Zoning By-law 1999-52.

The following is provided as a result of our review of Application for Minor Variance A-23-24.

NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

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 Jeths Drain. The property owner will be required to obtain an approval 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*.



Ms. Sarah French
June 25, 2024

We note that this development will be subject to setbacks from the Jeths Drain.

FINAL RECOMMENDATION

Our office has no objection to A-23-24. As noted above, the property owner will be required to obtain an approval 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*. Additionally, we note that this development will be subject to setbacks from the Jeths Drain.

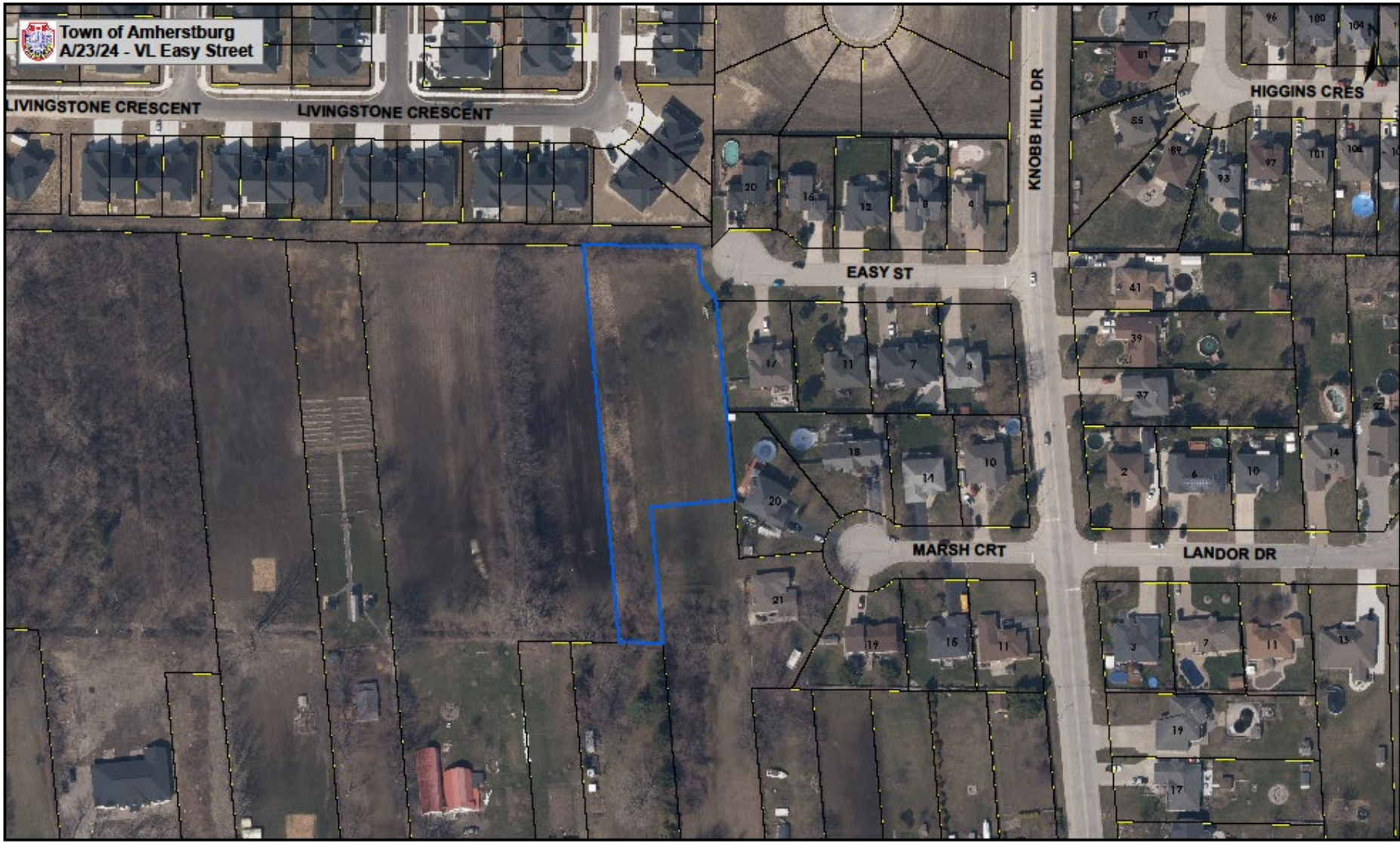
If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Alicia Good
Watershed Planner
/ag





Town of Amherstburg
A/23/24 - VL Easy Street

Amherstburg Committee of Adjustment

July 03, 2024

A/23/24 – VL Easy Street

Purpose of Application A/23/24

The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 6(3)(b) which requires a minimum lot frontage of 20 m for a new lot within the Residential Type 1A (R1A) Zone.

Subsequent to a severance approved through application B/04/24 on February 7, 2024, the approved severed lot will have a frontage of 17 m and the approved retained lot will have a frontage of 17.2 m. Therefore, the amount of relief requested is 3 m in lot frontage for the severed lot and 2.8 m in lot frontage for the retained lot. The minor variance is required as a condition of the approved consent application.

The subject lands are designated Low Density Residential in the Town's Official Plan and zoned holding Residential Type 1A (h-R1A) Zone in the Zoning By-law 1999-52.



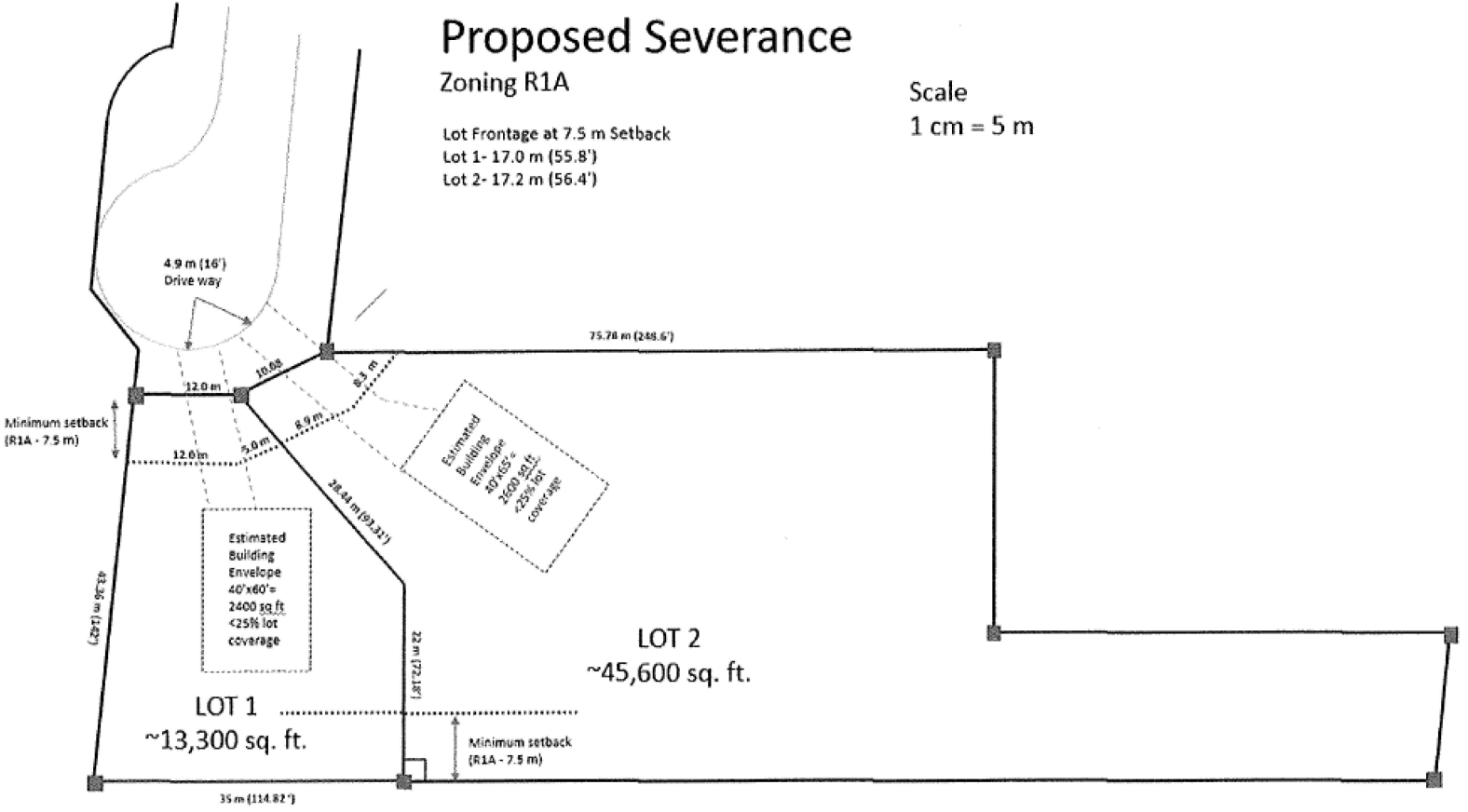
Easy Street

Proposed Severance

Zoning R1A

Scale
1 cm = 5 m

Lot Frontage at 7.5 m Setback
Lot 1- 17.0 m (55.8')
Lot 2- 17.2 m (56.4')



Policy Review

The subject lands are designated Low Density Residential in the Town's Official Plan and zoned holding Residential Type 1A (h-R1A) Zone in the Zoning By-law 1999-52.

A policy review of the application has been completed by the Planning department considering the following;

- Planning Act, R.S.O. 1990
- Town Official Plan
- Town Zoning By-law 1999-52, as amended



Four Tests

From a planning perspective the Committee must determine if:

- 1) The requested variance conforms with the intent of the relevant Official Plan policies;
- 2) The proposed variance maintains the intent of Comprehensive Zoning By-law 1999-52, as amended;
- 3) The proposed variance is desirable or the appropriate development or use of the land, building or structures; and
- 4) The requested variance would appear to be minor in nature.



Recommendation

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that the Application A/23/24 request to grant relief of 3 m (9.84 ft) and 2.8 m (9.19 ft) in lot frontage for the severed and retained lots to allow lot frontage of 17 m (55.78 ft) for the severed lot and 17.2 m (56.43 ft) for the retained lot **BE APPROVED**.





THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

Mission Statement: As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Committee, Author's E-mail, Resolution #.

To: Chair and Members of the Committee of Adjustment

Subject: A-24-24, 208 St. Arnaud Street, 1243470 Ontario Ltd.

1. RECOMMENDATION:

It is recommended that:

- 1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/24/24 BE APPROVED.

2. PROPOSAL:

Purpose of Minor Variance Application A/24/24: The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 20(3)(c)(iv) which requires a minimum rear yard depth of 8 m (26.24 ft) within the Light Industrial (LI) Zone.

The applicants are proposing the replacement of the existing storage structure on the property with a 75 ft by 120 ft (9000 sq. ft.) warehouse. The existing storage structure on the property currently has a rear yard setback of 2 m (6.56 ft). The applicants are proposing to locate the new warehouse 3.07 m (10.08 ft) from the rear property line, therefore increasing the existing setback. However, since the proposal is for a new structure with a larger footprint than the existing structure, the 8 m minimum setback would apply. Therefore, the amount of relief requested is 4.93 m (16.17 ft) in rear yard depth.

The subject lands are designated Light Industrial in the Town's Official Plan and zoned Light Industrial (LI) Zone in the Zoning By-law 1999-52.

3. BACKGROUND:

N/A

4. PLANNING INFORMATION:

Official Plan Designation:	Light Industrial
By-law No. 1999-52:	Light Industrial (LI) Zone
Existing Use:	Storage Building and Residential
Proposed Use:	Replace Storage Building with Warehouse, Residential to remain
Neighboring Uses:	North: industrial (Diageo) South: residential East: residential (zoned Light Industrial (LI) Zone) and industrial West: industrial

TECHNICAL INFORMATION

Property Size:	0.32 ha (0.78 ac)
Existing structures:	Single detached dwelling, detached garage, approximately 350 sq. m. (3767 sq. ft.) storage structure

Proposed Rear Yard Setback:	3.07 m (10.08 ft)
Required Rear Yard Setback:	8 m (26.25 ft)
Existing Rear Yard Setback:	2 m (6.56 ft)
Relief requested:	4.93 m (16.17 ft)

5. PLANNING ANALYSIS

1. PLANNING ACT (R.S.O. 1990)

The purposes of the Planning Act are;

- “ (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
- (b) to provide for a land use planning system led by provincial policy;
- (c) to integrate matters of provincial interest in provincial and municipal planning decisions;

- (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
- (e) to encourage co-operation and co-ordination among various interests;
- (f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s”

The proposal is consistent with Section 2 of the Planning Act which requires that the Committee of Adjustment have regard to matters of provincial interest including (the following are excerpts from Section 2 of the Planning Act that apply to this development):

- the orderly development of safe and healthy communities;
- the appropriate location of growth and development;
- the adequate provision of employment opportunities;

The proposal is for the replacement of the existing storage structure with a new 9000 sq. ft. warehouse for the storage of electrical contractor’s supplies. The variance is required because while the existing structure sits 2 m from the property line, the zoning by-law only permits the replacement of non-conforming setbacks with a structure on the same footprint. The applicants are proposing a structure that is larger than the existing structure. The warehouse is proposed to be set 3.07 m from the rear property line. The subject site has industrial uses or zoning abutting it on 3 sides.

When reviewing this application, the Committee must consider the four tests as outlined in Section 45(1) of the Planning Act, R.S.O. 1990, as amended, which states that the Committee be of the opinion that the variance:

- a) maintains the general intent and purpose of the Official Plan;
- b) maintains the general intent and purpose of the Zoning By-law;
- c) is desirable for the appropriate development or use of the land, building or structures; and
- d) is minor in nature.

The application must meet all of the above tests.

2. OFFICIAL PLAN POLICIES

The subject property is designated Light Industrial in Amherstburg’s Official Plan. Section 4.5.1 of the Official Plan states:

The uses permitted in the Light Industrial designation shall be limited to those industrial uses which have limited or restricted open storage and may include workshops, warehousing, service shops, processing, manufacturing and assembling operations, offices, medical/dental clinics, laboratories and research facilities, communication facilities, and printing and publishing plants. This designation does not allow, however, for major bulk storage operations such as grain elevators, fuel storage, etc., which are included in the Heavy Industrial category. Agricultural uses may continue to exist until the area is ready for Industrial uses. Depending on the location and the associated industrial use, the implementing Zoning Bylaw may permit a dwelling unit associated with the industrial uses.

The type of Light Industrial use permitted shall be such that there are minimal adverse effects on adjoining Residential land uses as the result of the emission of noise, smoke, dust, or odour.

Adequate off-street parking facilities shall be provided for all permitted uses, including industrial employee and visitor parking areas.

Adequate off-street loading and unloading facilities shall be provided.

Adequate buffer planting shall be provided between the Industrial areas and any adjacent Residential areas and such buffer planting may include provisions for grass strips, berms, screening, appropriate planting of trees and shrubs, or distance.

All new developments in the Light Industrial category shall be subject to site plan control as provided for by The Planning Act.

The Light Industrial uses may be placed in a separate zoning classification(s) in the implementing Zoning By-Law.

The applicants are proposing a warehouse on the property with no outdoor storage and adequate off-street loading and parking facilities. The reduced setback abuts an existing large-scale industrial use. The property has an existing residence within the front portion of the site, therefore providing buffering for the residents living across the street on St. Arnaud.

In the opinion of the author of this report the proposed Minor Variance maintains the intent of the Official Plan.

3. ZONING BY-LAW

The subject property is zoned Light Industrial (LI) Zone in Bylaw 1999-52, as amended. The LI Zone permits many industrial uses including warehousing. The LI Zone provides setbacks for buildings depending on the location of the subject site and if it abuts residential zones. The subject site only abuts a residential zone to the south and has the existing house and St. Arnaud Street between the proposed warehouse and the existing residential uses. Additionally, there are existing residential uses directly to the east of the subject site, however the properties are also zoned Light Industrial, meaning that a 3 m interior setback is required. The majority of the proposed warehouse abuts another existing warehouse, however the front portion will abut the rear yard of 214 St. Arnaud. Due to the industrial zoning and uses within the area, the location of the building is appropriate and maintains the setbacks from the Zoning By-law, with the exception of the requested variance.

Section 3.20(a) provides an exemption for the rebuilding of existing buildings on a non-conforming setback. However, the applicants are proposing to enlarge the structure, so they require a variance for the proposed non-conforming setback. They are proposing to increase the existing 2 m rear yard setback to 3.07 m.

NON-CONFORMING USES AND LOTS REBUILDING OR REPAIR PERMITTED

Nothing in this By-law shall prevent the rebuilding or repair of an existing permitted building or structure, even though such building or structure or the lot on which such building or structure is located does not conform to one or more of the provisions of this By-law, provided that the dimensions of the original building or structure are not

increased, the use thereof is not altered, and the yards appurtenant thereto are not reduced except in accordance with the provisions of this By-law.

The requested variance maintains the intent of the Zoning By-law.

4. APPROPRIATE DEVELOPMENT

The proposed variance does not change the use of the land for industrial purposes and therefore can be considered appropriate. The proposed variance does appear not to negatively impact any adjacent land uses.

The area immediately adjacent to the subject site contains light industrial uses including Diageo Canada and larger scale warehouses.

5. MINOR IN NATURE

No precise definition for what constitutes “minor” exists. Rather, it is a culmination of the review of the Official Plan, applicable by-laws including the Zoning By-law and attempts to address the “big picture” for what the proposed development represents. Each application must be assessed on its own set of circumstances.

The proposed variance does not appear to change the character of the neighbourhood.

There appears to be no environmental concerns.

6. AGENCY COMMENTS:

See attached.

7. RISK ANALYSIS

As with all Committee of Adjustment decisions there is a risk that the decision is appealed. As a result of changes in Bill 23, decisions by a CoA can no longer be appealed by a third party. Decisions which are to support or refuse the consent or minor variance request, can only be appealed by the applicant, the Municipality, the Minister, a specified person or any public body. In the case of a consent decision the appeal must be filed within 20 days after the giving of notice of the decision of the committee, whereas for a minor variance an appeal must be filed within 20 days of the making of the decision of the committee. It is important to note that a tied vote is deemed to be a decision to deny the consent or minor variance request.

8. RECOMMENDATION:

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that the Application A/24/24 request to grant relief of 4.93 m (16.17 ft) in rear yard depth for the proposed warehouse to allow a rear yard depth of 3.07 m (10.08 ft) **BE APPROVED.**

9. CONCLUSION:

From a planning perspective:

- 1) The request for variance conforms with the intent of the relevant Official Plan policies.
- 2) The proposed variance for relief of rear yard setback maintains the intent of the Zoning By-law 1999-52, as amended.
- 3) The proposed variance does not change the use of the land for industrial purposes and therefore can be considered appropriate.
- 4) The requested variance appears to be minor in nature.
- 5) The proposed variance would not appear to have a negative impact on the environment.



Sarah French
Secretary-Treasurer to the Committee of Adjustment

SF

Report Approval Details

Document Title:	A-24-24 208 St Arnaud 1243470 Ontario Ltd.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - A-24-24- Notice- 208 St. Arnaud-RM.pdf- Appendix B - A-24-24 - Application_Redacted-RM.pdf- Appendix C - A-24-24 Aerial Map-RM.pdf- Appendix D - A-24-24 SITE PLAN REVISED JUN 19-RM.pdf- Appendix E - A-24-24 Site Photos-RM.pdf- Appendix F - Council Circulation List and Buffer-RM.pdf- Appendix G - Summary of Correspondence Received on A-24-24-RM.pdf- Appendix H - A-24-24- PowerPoint-RM.pdf
Final Approval Date:	Jun 26, 2024

This report and all of its attachments were approved and signed as outlined below:

Chris Aspila



CORPORATION OF THE TOWN OF AMHERSTBURG
271 SANDWICH ST S, AMHERSTBURG, ONTARIO N9V 2A5

NOTICE OF PUBLIC HEARING

In the matter of the *Planning Act*, R.S.O. 1990, as amended, and, in the matter of application for minor variance by:

1243470 ONTARIO LTD c/o Robert Brown (agent)

TAKE NOTICE THAT application for **minor variance** under the above-noted file will be heard by the TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT on the date, time and place shown below:

**Amherstburg Council Chambers, 271 Sandwich St. S., Amherstburg, ON
Wednesday, July 3, 2024 at 8:00 A.M. (morning)**

This is a public hearing for the purpose of hearing evidence in support of or in opposition to the above-noted application. 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 asked to inform that person of this hearing.

If you wish to attend the meeting by electronic means, you must register on-line at the Town of Amherstburg website a minimum of 48 hours prior to the meeting time. Please go to the Committee of Adjustment page at:

<https://www.amherstburg.ca/en/town-hall/Committee-of-Adjustment.aspx>

Alternatively, you may visit the Town website, search "Committee of Adjustment" using the search feature provided and follow the Registration instructions located at the bottom of the Committee of Adjustment page.

Upon completion of the on-line registration form, you will receive an automated email response that will provide registration instructions that can be used to gain access to the electronic Committee of Adjustment meeting at the specified date and time indicated above.

Public Comment Submission:

If you have comments on these applications, they may be forwarded in writing to the Secretary-Treasurer either by mail or in person to:

Sarah French, Secretary-Treasurer
3295 Meloche Road
Amherstburg, ON
N9V 2Y8

Comments can also be submitted by email by 4:00 p.m. two nights before the hearing (Monday, July 1, 2024) to the Planning Department, planning@amherstburg.ca. All public comments received prior to the meeting by the above noted due date, will be read aloud at the beginning of the relevant application.

This is a public hearing for the purpose of hearing evidence in support of or in opposition to the above-noted application. 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 asked to inform that person of this hearing. If you have comments on this application, they may be forwarded in writing to the Secretary-Treasurer at the address shown above.

If you do not attend and are not represented at this hearing, the Committee may proceed in your absence (including possible amendments to the original request). Except as otherwise provided for in the *Planning Act*, you will not be entitled to any further notice of the proceedings.

If a specified person or any public body that files an appeal of a decision of the Town of Amherstburg Committee of Adjustment in respect of the proposed minor variance does not make written submission to the Town of Amherstburg Committee of Adjustment before it gives or refuses to give a provisional minor variance, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of the Town of Amherstburg Committee of Adjustment in respect of the proposed minor variance, you must make a written request to Town of Amherstburg Committee of Adjustment.

Location of Property: 208 St. Arnaud Street
(Roll No.: 3729-330-000-00400)

Purpose of Minor Variance Application A/24/24: The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 20(3)(c)(iv) which requires a minimum rear yard depth of 8 m (26.24 ft) within the Light Industrial (LI) Zone.

The applicants are proposing the replacement of the existing storage structure on the property with a 75 ft by 120 ft (9000 sq. ft.) warehouse. The existing storage structure on the property currently has a rear yard setback of 2 m (6.56 ft). The applicants are proposing to locate the new warehouse 3.07 m (10.08 ft) from the rear property line, therefore increasing the existing setback. However, since the proposal is for a new structure with a larger footprint than the existing structure, the 8 m minimum setback would apply. Therefore, the amount of relief requested is 4.93 m (16.17 ft) in rear yard depth.

The subject lands are designated Light Industrial in the Town's Official Plan and zoned Light Industrial (LI) Zone in the Zoning By-law 1999-52.

Additional Information relating to the proposed application is available by contacting the Town of Amherstburg Planning Offices by phone or email, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website www.amherstburg.ca.

Dated: June 19, 2024



Sarah French, Secretary-Treasurer
Town of Amherstburg Committee of Adjustment
3295 Meloche Road, Amherstburg, ON N9V2Y8

Municipal Fee Received	
ERCA Fee Received:	

Application No. A/24/24

**FORM 1
PLANNING ACT
APPLICATION FOR MINOR VARIANCE
APPLICATION FOR PERMISSION
TOWN OF AMHERSTBURG**

1. Name of approval authority Town of Amherstburg

2. Date application received by municipality App April 21, 2024, drawings June 12, 2024

3. Date application deemed complete by municipality _____

4. Name of registered owner 1243470 ONTARIO LTD
Telephone number [REDACTED]
Address [REDACTED]
Email [REDACTED]
Name of registered owner's solicitor _____
or authorized agent (if any) ROBERT BROWN, OAKVIEW LAND USE PLANNING
Telephone number [REDACTED]
Address [REDACTED]
Email [REDACTED]
Please specify to whom all communications should be sent:
 registered owner solicitor agent

5. Name and address of any mortgages, charges or other encumbrances in respect of the subject land:
N/A

6. Location and description of subject land:
Concession No. _____ Lot(s) No. _____
Registered Plan No. 240 Lot(s) No. PT. LOT 75
Reference Plan No. _____ Part(s) No. _____
Street Address 208 ST. ARNAUD Assessment Roll No. 330 000 00400

7. Size of subject parcel:
Frontage 42.4 M Depth 74.3 M Area 3,150.3 SQ. M

8. Access to subject parcel:
 Municipal Road County Road Provincial Highway
 Private Water

If access to the subject land is **by water** only, state the parking and docking facilities used or to be used and the approximate distance between these facilities and the nearest public road

-
9. Current Official Plan Land Use designation of subject land HEAVY INDUSTRIAL
 10. Current Zoning of subject land LIGHT INDUSTRIAL L1
 11. Nature and extent of relief from the Zoning By-law requested TO REDUCE THE REAR YARD SETBACK FROM 8M TO 3M FOR A NEW WAREHOUSE
 12. Reasons why minor variance is necessary IN PART OF RECOGNIZE SETBACK OF EXISTING BLDG TO BE REMOVED WHICH IS 2 M FROM REAR LOT LINE
 13. Current use of subject land COVERALL STORAGE BLDG 7 & SFD
 14. Length of time current use of subject land has continued HOUSE 50+ BLDG 20 +/-
 15. Number and type of buildings or structures **existing** on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:
SEE ATTACHED SITE LAYOUT
 16. Date of construction of existing buildings and structures on the subject land:
50 PLUS YEAR AGO, STORAGE BLDG APPROX JUST AFTER 1995
 17. Date subject land acquired by current registered owner 1995
 18. Proposed use of subject land ELECTRICAL CONTRACTORS YARD & STORAGE
 19. Number and type of buildings or structures **proposed** to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:
SEE ATTACHED PLAN
-
-
-

20. Type of water supply:

municipally owned and operated piped water supply
well
Other (specify) _____

21. Type of sanitary sewage disposal:

municipally owned and operated sanitary sewers
septic system
Other (specify) _____

22. Type of storm drainage:

sewers
ditches
swales
Other (specify) _____

23. If known, indicate whether the subject land is the subject of an application under the Planning Act for:

consent to sever approval of a plan of subdivision

If known, indicate the file number and status of the foregoing application:

NO

24. If known, indicate if the subject land has ever been the subject of an application for minor variance under Section 45 of the Planning Act.

NO

25. The proposed project includes the addition of permanent above ground fuel storage:

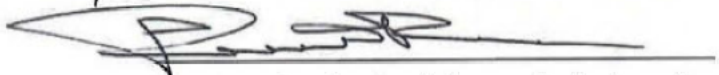
Yes No

26. Is the land within 600 m of property that is designated as Extractive Industrial?

Yes No

If yes, as per Section 3.3.3 of the Official Plan a noise and vibration study is required for approval by the Town, to be completed.


Dated at the Municipality of Chatham-Kent this 12 day of April, 2024.


(signature of applicant, solicitor or authorized agent)

I, Richard Brown of the Village of Parlane in the County/District/Regional Municipality of Chatham-Kent solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the TOWN of ROONEY in the MUNICIPALITY

of WEST ELGIN this 17th day of APRIL, 2024.


Applicant, Solicitor or Authorized Agent


A Commissioner, etc.

NOTES:

TERRI TOWSTIUC, Clerk
Commissioner for the Municipality of West Elgin
Province of Ontario

Each copy of the application must be accompanied by a plan of the land to scale, showing:

- a) the boundaries and dimensions of the subject land;
- b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
- c) the approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples of features include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks/tile fields;
- d) the current uses on land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- f) if access to the subject land is by water only, the location of the parking and docking facilities to be used;
- g) the location and nature of any easement affecting the subject land.

A minor variance application fee of \$1191.00, along with an ERCA development review fee of \$200.00 (total of \$1391.00 payable to the Town of Amherstburg), must accompany your completed application.

If the subject lands are located within 120 m of a Provincially Significant Wetland, Significant Woodland, Area of Natural or Scientific Interest or Significant Species at Risk Habitat, the applicant may be required to complete a natural heritage review. The initial pre-consultation cost of the natural heritage review is \$565 and should additional work, such as an Environmental Impact Assessment, be required, the applicant will be responsible for all costs associated with review. Costs associated with the review will be invoiced to the applicant through the Town of Amherstburg. The applicant will be responsible for finding their own qualified biologist to complete the Environmental Impact Assessment, if required, and will be responsible for all costs associated with the assessment.

POSTING COMMITTEE OF ADJUSTMENT ADVISORY SIGN

This will confirm the requirements of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon submission of your application(s). You are directed to post the sign in a prominent location that will enable the public to observe the sign.

The location of the sign will depend on the lot and location of structures on it. The sign should be placed so as to be legible from the roadway in order that the public see the sign and make note of the telephone number should they wish to make inquiries. The Zoning By-law prohibits the signs from being located in any corner lot sightlines. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

The sign must remain posted beginning 10 days prior to the Hearing, until the day following the decision of the Committee of Adjustment. Please complete the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the Committee's requirements. Failure to post the sign as required will result in deferral of the application.

Chris Aspila, MCIP RPP
Manager of Planning Services

PROPERTY ADDRESS: 208 St. Annand St.

APPLICATION NUMBER(S): _____

I understand that each sign must be posted at least 10 days before the Hearing, and will remain posted and be replaced if necessary, until the day following the Decision.

I acknowledge that the Secretary-Treasurer has confirmed these requirements with me.



Signature (Owner/Authorized Agent)

Date

AUTHORIZATION

(Please see note below)

To: Secretary-Treasurer
Committee of Adjustment
Town of Amherstburg

Description and Location of Subject Land:

208 St. Armand St.

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

_____ of the _____ of _____ to:

- (1) make an application on my/our behalf to the Committee of Adjustment for the Town of Amherstburg;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by Town's Committee of Adjustment relevant to the application.

Dated at the _____ of _____ in
the _____ of _____, this _____ day of _____, 20__.

Signature of Witness

[Signature]
Signature of Owner

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

Application - Final Signed

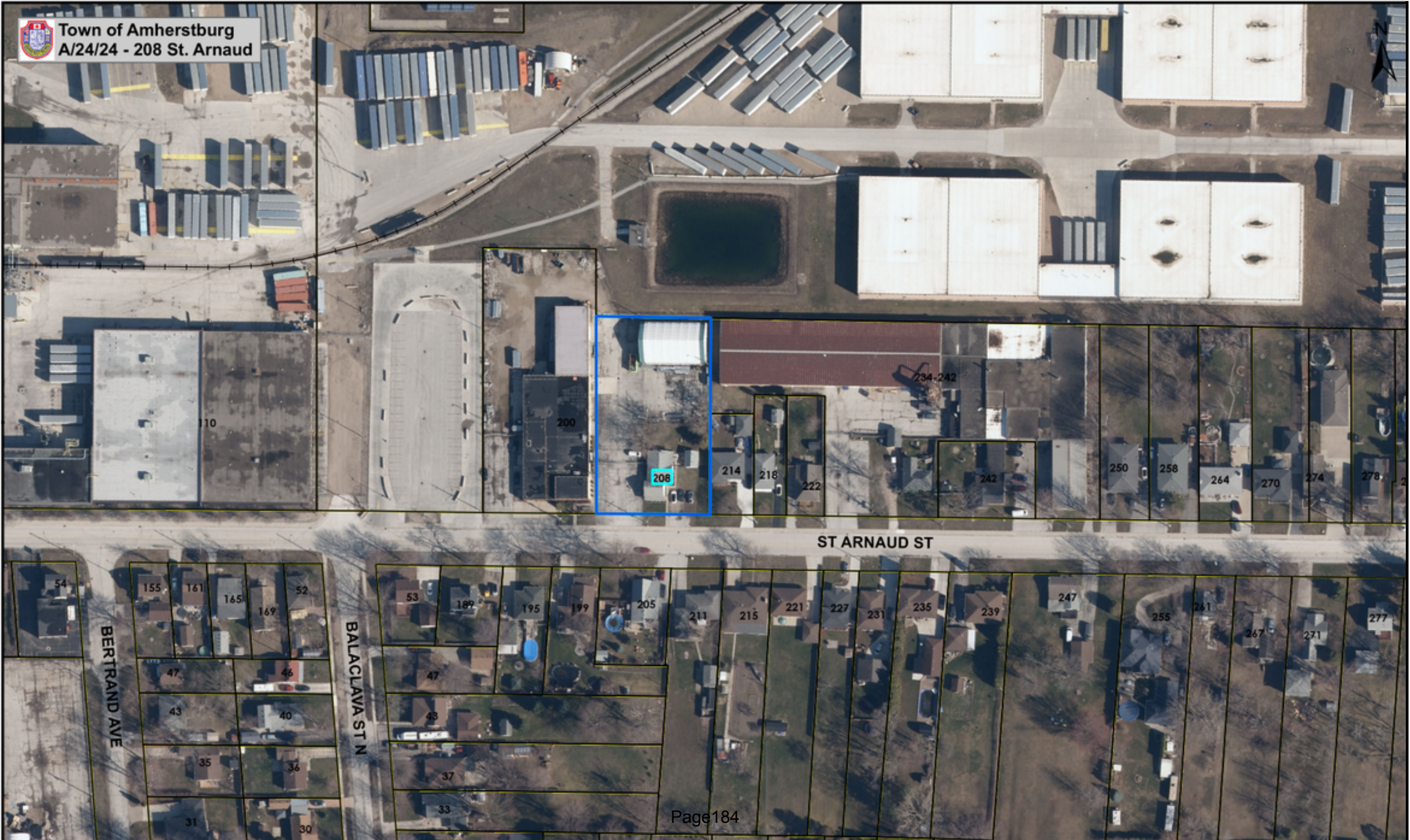
Final Audit Report

2024-04-18

Created:	2024-04-18
By:	Robert Brown [REDACTED]
Status:	Signed
Transaction ID:	CBJCHBCAABAACamjrNFievrA1JICNVY1H183Uzgl618k

"Application - Final Signed" History

-  Document created by Robert Brown [REDACTED]
2024-04-18 - 6:05:04 PM GMT
-  Document emailed to Justin Hunt [REDACTED] signature
2024-04-18 - 6:05:08 PM GMT
-  Email viewed by Justin Hunt [REDACTED]
2024-04-18 - 6:06:23 PM GMT
-  Document e-signed by Justin Hunt [REDACTED]
Signature Date: 2024-04-18 - 6:07:25 PM GMT - Time Source: server
-  Agreement completed.
2024-04-18 - 6:07:25 PM GMT



PROPOSED BUILDING ADDITION – SITE DATA

SITE ZONING:	LIGHT INDUSTRIAL (LI)	
LOT AREA =	34,151 SQ.FT.	(0.78 ACRES)
EXISTING HOUSE	1,461 SQ. FT.	
NEW WAREHOUSE ADDITION	9,000 SQ. FT.	
TOTAL BUILDING AREA	10,461 SQ. FT.	
BUILDING FOOTPRINT (LOT COVERAGE) =	10,724 SQ. FT. (30.63%)	
LANDSCAPE AREA REQUIRED 10% =	3,415 SQ. FT.	
LANDSCAPE AREA PROVIDED =	8,589 SQ. FT. = 25.15%	
MINIMUM FRONT YARD DEPTH =	29.50 FT.	
MINIMUM REAR YARD DEPTH =	26.20 FT.	
MINIMUM SIDE YARD WIDTH =	10.00 FT.	
PROPOSED BUILDING HEIGHT =	24.00 FT.	

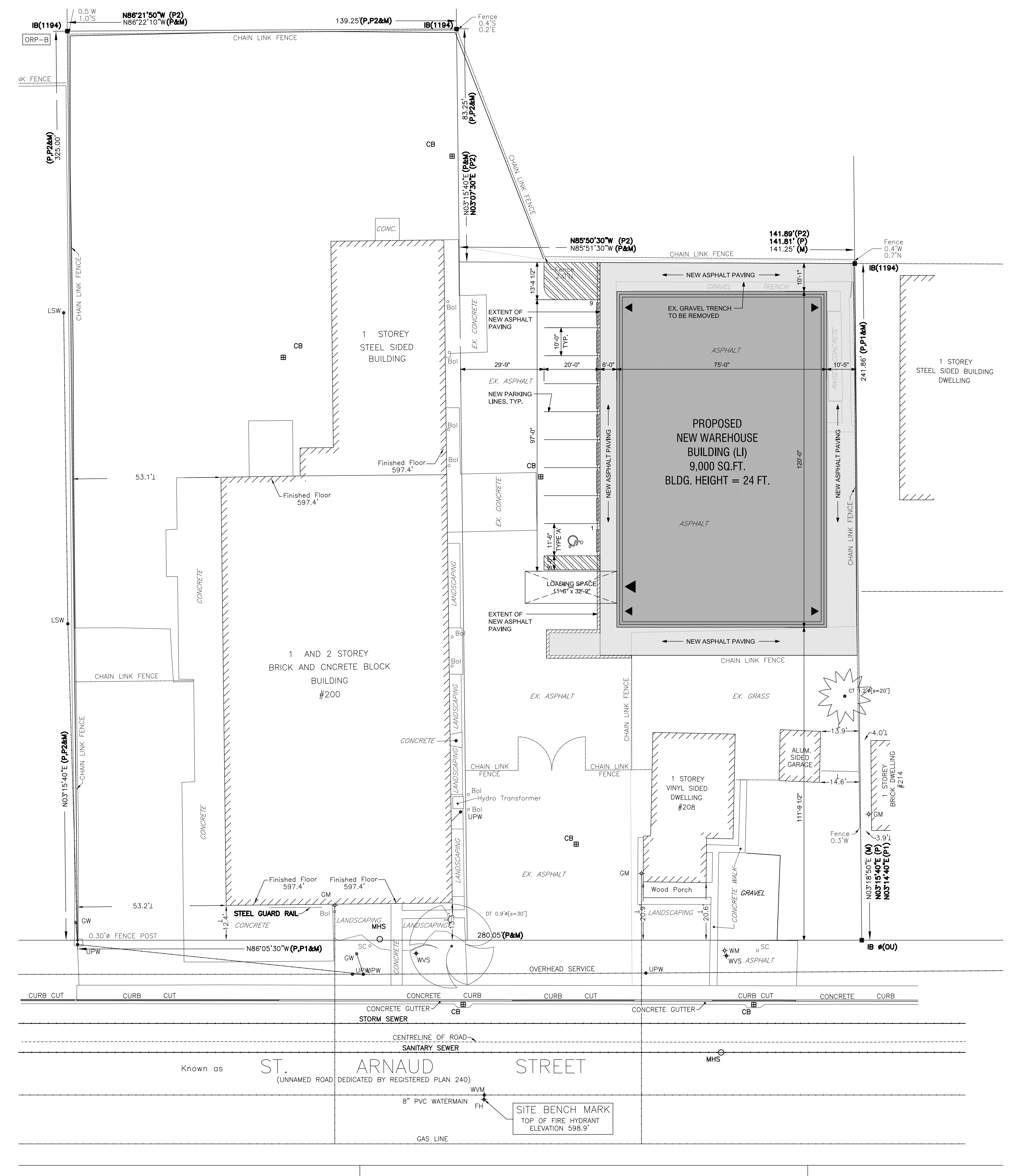
TOWN OF AMHERSTBURG PARKING REQUIREMENTS

WAREHOUSE = 1 SPACE PER 2,153 SQ.FT.

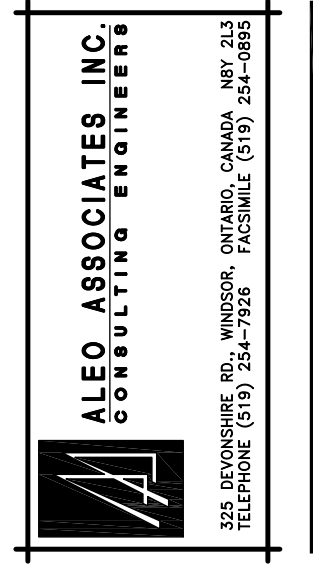
PARKING BREAKDOWN

EX. HOUSE = 1,610 SQ.FT. = 2 SPACES
 NEW WAREHOUSE = 9,000 SQ.FT. = 5 SPACES

TOTAL PARKING REQUIRED = 7 SPACES
 EXISTING PARKING SPACES = 2 SPACES
 TOTAL PARKING PROVIDED = 9 SPACES (INCLUDING 1 ACCESSIBLE)



PROPOSED SITE PLAN
 SCALE: 1" = 20'-0"



Sheet Title
PROPOSED OVERALL SITE PLAN & SITE DATA

Issuances

- Preliminary
- Bids
- Permits
- Construction

SPA
 JUNE 10, 2024
 SPA REV.
 JUNE 19, 2024

Revisions

Project/ Client
 PROPOSED NEW WAREHOUSE BUILDING
 208 ST. ARNAUD STREET
 TOWN OF AMHERSTBURG, ONTARIO

Drawn By
 OA

Checked By
 PA

Date
 MAY, 2024

Project No.
8650

Drawing No.
A0

ALEO ASSOCIATES INC. – CONSULTING ENGINEERS

A-24-24 208 St. Arnaud St. Photos







A/24/24 - 208 St. Arnaud St.

ARN	ADD1	STREETNAME	POSTALCODE
372929000005400	199	ST ARNAUD ST	N9V2P2
372935000001000		WILLIAM ST	N9V2N8
372933000000400	208	ST ARNAUD ST	N9V2P3
372933000000300	200	ST ARNAUD ST	N9V2P3
372933000000500	214	ST ARNAUD ST	N9V2P3
372933000000700	222	ST ARNAUD ST	N9V2P3
372929000005100	215	ST ARNAUD ST	N9V2P2
372929000005600	189	ST ARNAUD ST	N9V2P2
372929000005300	205	ST ARNAUD ST	N9V2P2
372929000004900	227	ST ARNAUD ST	N9V2P2
372929000005200	211	ST ARNAUD ST	N9V2P2
372933000000600	218	ST ARNAUD ST	N9V2P3
372933000000900	234-242	ST ARNAUD ST	N9V2Z3
372929000005000	221	ST ARNAUD ST	N9V2P2
372929000004801	231	ST ARNAUD ST	N9V2P2
372929000005500	195	ST ARNAUD ST	N9V2P2





Summary of Correspondence Received on Proposed Minor Variance for A/24/24 – 208 St. Arnaud St.

Below is a summary of the comments received by the Planning Services Division for A/24/24 as of June 26, 2024.

Essex Region Conservation Authority:

See attached letter.

Building Department:

Building permits required

Drainage around building to be addressed with the new asphalt at north and east property line

Infrastructure Services:

Infrastructure Services' comments on the application shall be addressed through the site plan control process.

Fire Department:

Note of the Application for 208 St Arnaud, at time of building permits Access Routes designs will need to be included in documents for review.



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

June 25, 2024

Ms. Sarah French

Planner

Town of Amherstburg

3295 Meloche Rd.

Amherstburg, ON N9V 2Y8

Dear Ms. Sarah French:

RE: Application for Minor Variance A-24-24 208 ST ARNAUD ST

ARN 372933000000400; PIN: 015441503

Applicant: 1243470 ONTARIO LTD

The Town of Amherstburg has received Application for Minor Variance A-24-24 for the above noted subject lands, which requests relief from Zoning By-law 1999-52, as amended, Section 20(3)(c)(iv) which requires a minimum rear yard depth of 8 m (26.24 ft) within the Light Industrial (LI) Zone.

The applicants are proposing the replacement of the existing storage structure on the property with a 75 ft by 120 ft (9000 sq. ft.) warehouse. The existing storage structure on the property currently has a rear yard setback of 2 m (6.56 ft). The applicants are proposing to locate the new warehouse 3.07 m (10.08 ft) from the rear property line, therefore increasing the existing setback. However, since the proposal is for a new structure with a larger footprint than the existing structure, the 8 m minimum setback would apply. Therefore, the amount of relief requested is 4.93 m (16.17 ft) in rear yard depth.

The subject lands are designated Light Industrial in the Town's Official Plan and zoned Light Industrial (LI) Zone in the Zoning By-law 1999-52.

The following is provided as a result of our review of Application for Minor Variance A-24-24.

NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

Please be advised that the subject lands are not within the regulated area of the Essex Region Conservation Authority. However, the requirement for an approval under Section 28 of the *Conservation Authorities Act* or for a development review, by the Authority, will be dependant upon our future review of the site plan application and details pertaining to stormwater management. We are requesting at this time, that the formal site plan application be circulated to the Authority for further review of the stormwater management solution and its details, at application circulation by the municipality.



Ms. Sarah French
June 25, 2024

In addition, the subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at riskmanagement@erca.org or 519-776-5209 ext. 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

We are concerned with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development of this site. We recommend that the municipality ensure through the Site Plan Control process that the release rate for any future development is controlled to the capacity available in the existing storm sewers/drains.

If this property is subject to Site Plan Control, we request to be included in the circulation of the Site Plan Control application. We reserve to comment further on storm water management concerns until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

FINAL RECOMMENDATION

Our office has **no objection** to A-24-24. We request continued circulation on future *Planning Act* applications for this development, such as Site Plan Control, as we may have further comments to provide regarding stormwater management.

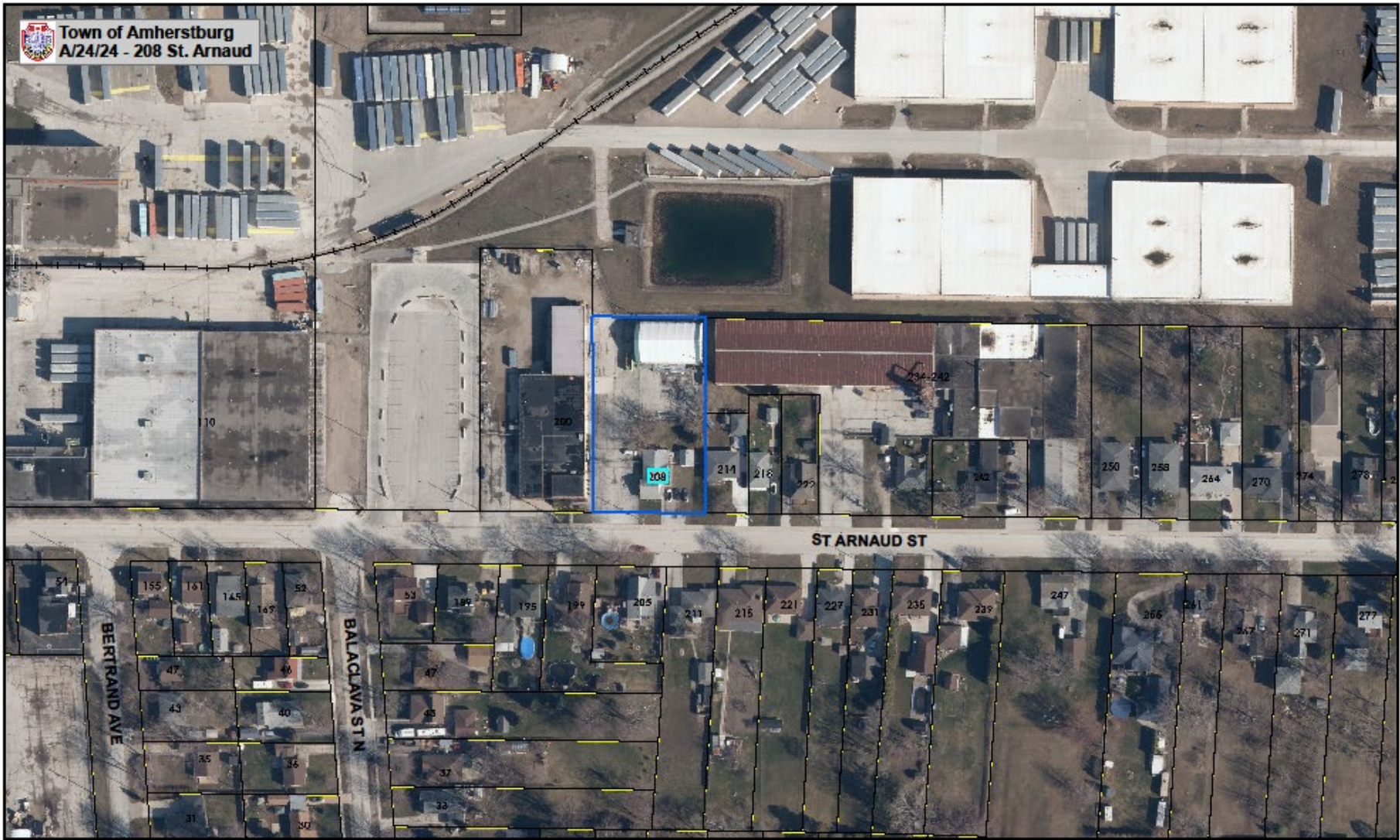
If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Alicia Good
Watershed Planner
/ag





Amherstburg Committee of Adjustment

July 03, 2024

A/24/24 – 208 St. Arnaud St.

Purpose of Application A/24/24

The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 20(3)(c)(iv) which requires a minimum rear yard depth of 8 m (26.24 ft) within the Light Industrial (LI) Zone.

The applicants are proposing the replacement of the existing storage structure on the property with a 75 ft by 120 ft (9000 sq. ft.) warehouse. The existing storage structure on the property currently has a rear yard setback of 2 m (6.56 ft). The applicants are proposing to locate the new warehouse 3.07 m (10.08 ft) from the rear property line, therefore increasing the existing setback. However, since the proposal is for a new structure with a larger footprint than the existing structure, the 8 m minimum setback would apply. Therefore, the amount of relief requested is 4.93 m (16.17 ft) in rear yard depth.

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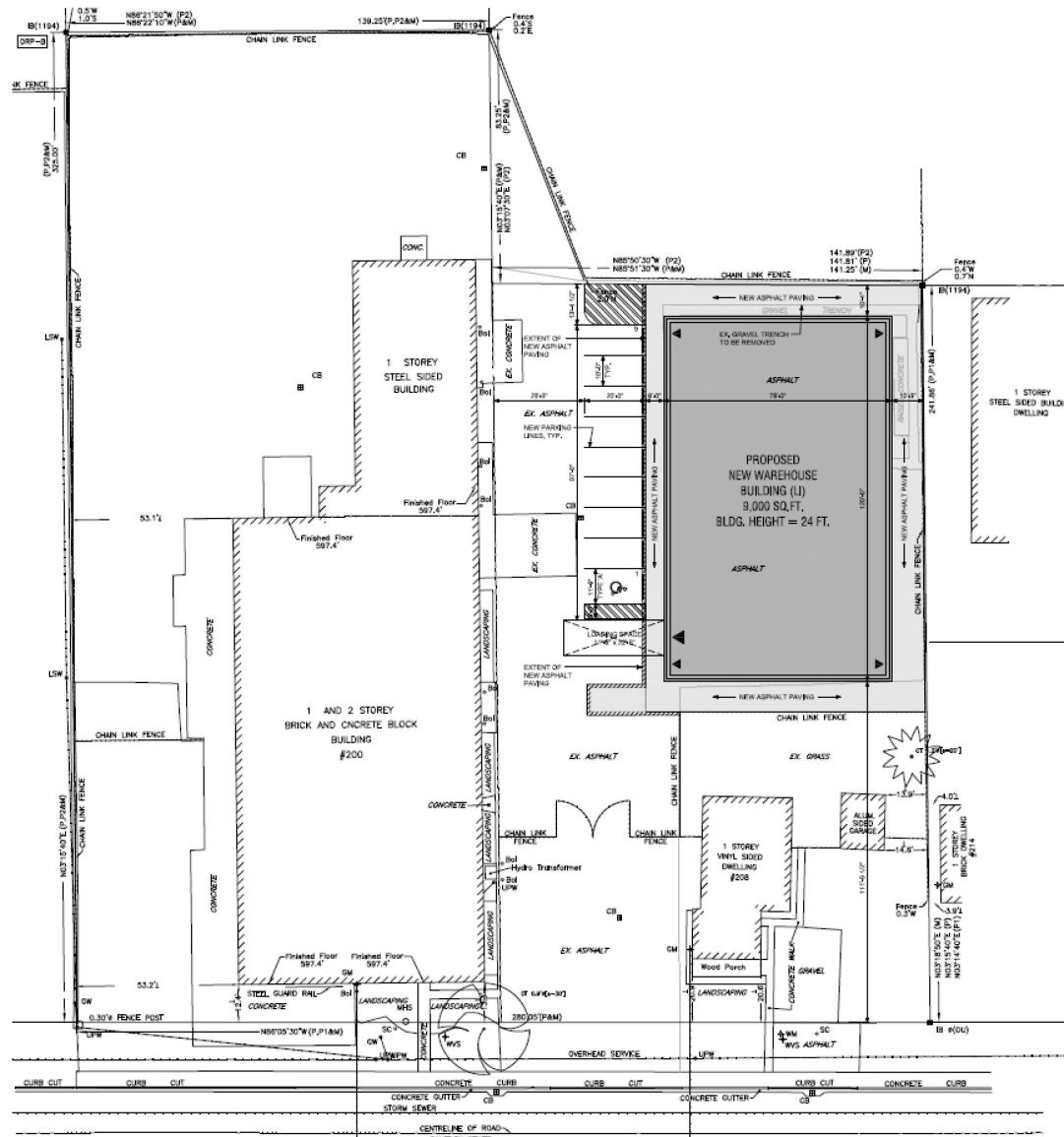


PROPOSED BUILDING ADDITION – SITE DATA

SITE ZONING:	LIGHT INDUSTRIAL (LI)
LOT AREA =	34,151 SQ.FT. (0.78 ACRES)
EXISTING HOUSE	1,461 SQ. FT.
NEW WAREHOUSE ADDITION	9,000 SQ. FT.
TOTAL BUILDING AREA	10,461 SQ. FT.
BUILDING FOOTPRINT (LOT COVERAGE) =	10,724 SQ. FT. (30.63%)
LANDSCAPE AREA REQUIRED 10% =	3,415 SQ. FT.
LANDSCAPE AREA PROVIDED =	8,569 SQ. FT. = 25.15%
MINIMUM FRONT YARD DEPTH =	29.50 FT.
MINIMUM REAR YARD DEPTH =	26.20 FT.
MINIMUM SIDE YARD WIDTH =	10.00 FT.
PROPOSED BUILDING HEIGHT =	24.00 FT.

TOWN OF AMHERSTBURG PARKING REQUIREMENTS

WAREHOUSE =	1 SPACE PER 2,153 SQ.FT.
PARKING BREAKDOWN	
EX. HOUSE =	1,610 SQ.FT. = 2 SPACES
NEW WAREHOUSE =	9,000 SQ.FT. = 5 SPACES
TOTAL PARKING REQUIRED =	7 SPACES
EXISTING PARKING SPACES =	2 SPACES
TOTAL PARKING PROVIDED =	9 SPACES (INCLUDING 1 ACCESSIBLE)



Sketch

Policy Review

The subject lands are designated Light Industrial in the Town's Official Plan and zoned Light Industrial (LI) Zone in the Zoning By-law 1999-52.

A policy review of the application has been completed by the Planning department considering the following;

- Planning Act, R.S.O. 1990
- Town Official Plan
- Town Zoning By-law 1999-52, as amended



Four Tests

From a planning perspective the Committee must determine if:

- 1) The requested variance conforms with the intent of the relevant Official Plan policies;
- 2) The proposed variance maintains the intent of Comprehensive Zoning By-law 1999-52, as amended;
- 3) The proposed variance is desirable or the appropriate development or use of the land, building or structures; and
- 4) The requested variance would appear to be minor in nature.



Recommendation

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that the Application A/24/24 request to grant relief of 4.93 m (16.17 ft) in rear yard depth for the proposed warehouse to allow a rear yard depth of 3.07 m (10.08 ft) **BE APPROVED.**

