



**TOWN OF AMHERSTBURG  
COMMITTEE OF ADJUSTMENT MEETING**

**AGENDA**

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

**Wednesday, November 6, 2024**

**8:00 AM**

**Council Chambers**

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

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact [accessibility@amherstburg.ca](mailto:accessibility@amherstburg.ca).

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

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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 October 2, 2024 Committee of Adjustment Meeting Minutes 1

#### 6. ORDER OF BUSINESS

6.1 A/40/24, 2001 Front Road North, Stephen Halls and Amy Lee 4

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/40/24 **BE APPROVED** subject to the recommended condition.

6.2 B/22/24 & A/38/24, 86 Willow Beach Road, Gerald Goodchild 32

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/22/24 **BE APPROVED** subject to the recommended conditions.
2. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/38/24 **be approved**.

#### 7. ADJOURNMENT

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



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

**Wednesday, October 2, 2024**

**8:00 AM**

**Council Chambers**

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

**PRESENT**

Anthony Campigotto – Chair  
Terris Buchanan – Vice Chair  
Debbie Rollier  
Donald Shaw

**STAFF PRESENT**

Janine Mastronardi – Secretary -Treasurer  
Kevin Fox – Clerk  
Sarah French – Planner  
Selena Scebba – Policy and Committee Coordinator

**ABSENT**

Josh Mailloux (*Regrets*)

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**1. CALL TO ORDER**

The Chair called the meeting to order at 8:02 a.m.

**2. ROLL CALL**

**3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**

*There were no disclosures of pecuniary interest.*

#### 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:** T. Buchanan

**Seconded By:** D. Rollier

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

##### 5.1 September 4, 2024 Committee of Adjustment Meeting Minutes

The Chair put the motion.

**Motion Carried**

#### 6. ORDER OF BUSINESS

**Moved By:** T. Buchanan

**Seconded By:** D. Rollier

That the Committee **RECESS** for five minutes.

The Chair put the motion.

**Motion Carried**

**Moved By** T. Buchanan

**Seconded By** D. Rollier

That the Committee **RESUME**.

The Chair put the motion.

**Motion Carried**

**6.1 A/39/24, 535 Dalhousie Street, Cory Drouillard**

**Moved By** T. Buchanan

**Seconded By** D. Shaw

That application A/39/24 **BE APPROVED** 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.

The Chair put the motion.

**Motion Carried**

**7. ADJOURNMENT**

**Moved By** D. Shaw

**Seconded By** T. Buchanan

That the Committee of Adjustment **RISE and ADJOURN** at 8:24 a.m.

The Chair put the motion.

**Motion Carried**

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Anthony Campigotto - Chair

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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.*

Author's Name: Janine Mastronardi	Report Date: October 31, 2024
Author's Phone: 519 736-5408 ext. 2134	Date to Committee: November 6, 2024
Author's E-mail: <a href="mailto:jmastronardi@amherstburg.ca">jmastronardi@amherstburg.ca</a>	Resolution #:

**To:** Chair and Members of the Committee of Adjustment

**Subject:** A/40/24, 2001 Front Road North, Stephen Halls and Amy Lee

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#### 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/40/24 **BE APPROVED** subject to the recommended condition.

#### 2. PROPOSAL:

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum height of 5.5 m in for an accessory structure in a Residential Zone.

The subject property is designated Low Density Residential, Agricultural, Provincially Significant Wetland and Natural Environment in the Town's Official Plan and zoned Residential Type 1A (R1A), Wetland (W) and Environmental Protection (EP) in the Town's Zoning By-Law. The proposed structure is located wholly within the R1A Zone.

The applicant is proposing the construction of a 32 ft x 48 ft, 1536 sq ft, accessory structure to contain personal vehicle storage including equipment used for property maintenance on the first floor and personal storage on the second floor with a height of 7.8 m (25.7 ft) to the peak of the roof. A secondary dwelling unit is not proposed.

The applicant is also proposing the construction of a single detached dwelling in the same design as the accessory structure with the exact same height. Zoning relief is not required for the dwelling.

Therefore, the amount of relief requested is 2.3 m in accessory structure height.

**3. BACKGROUND:**

N/A

**4. PLANNING INFORMATION:**

Official Plan Designation:	Low Density Residential, Agricultural, Provincially Significant Wetland and Natural Environment
By-law No. 1999-52:	Residential Type 1A (R1A), Wetland (W) and Environmental Protection (EP)
Existing Use:	vacant residential
Proposed Use:	residential
Neighboring Uses:	North: residential and agricultural South: residential and agricultural East: natural environment West: residential

**TECHNICAL INFORMATION**

Property Size:	7.89 ha
Existing structures:	single detached dwelling and one accessory structure (1536 sq ft detached garage with 2 <sup>nd</sup> floor storage)

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Proposed Accessory Structure Height:	7.8 m (25.7 ft)
Permitted Accessory Structure Height:	5.5 m (18 ft)
Relief requested:	2.3 m (7.7 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 proposing the construction of a new single detached dwelling and new accessory structure in the same style with the same roof height. The owner is permitted to erect an accessory structure on the property in an existing rural residential area. The minor variance is required to allow for an increase in height of an 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, Agricultural, Provincially Significant Wetland and Natural Environment in Amherstburg’s Official Plan. The proposed accessory structure is to be located within the Agricultural designation. Section 3.2.1(16) of the Official Plan allows for residential uses on existing lots of record.

The applicant is proposing the construction of an accessory structure which will contain personal vehicle storage including equipment used for property maintenance on the first floor and personal storage on the second floor. The structure and use are permitted on the portion of the lands designated Agricultural. As such, the proposed use is considered to be in keeping with the intent of the Official Plan.

At the request of the property owner the Town’s natural heritage consultant was engaged to review the property to determine the most easterly the new single detached dwelling could be built. A professional opinion was obtained that an adequate setback of 15 m from the edge of the cultivated lands would be required. This results in a 30 m setback from the wetland feature.



Administration has reviewed the propose accessory structure located on the west side of the new dwelling in the context of where the wetland is located in relation to approved location for the new dwelling. It is recommended that no additional mitigation measures are required given the location of the new single detached dwelling and the proposed accessory structure to the wetland feature.

The proposed minor variance maintains the intent of the Official Plan.

### **3. ZONING BY-LAW**

The subject property is zoned Residential Type 1A (R1A), Wetland (W) and Environmental Protection (EP) Zones in Bylaw 1999-52, as amended. The proposed accessory structure is located wholly within the R1A Zone which permits single detached dwellings and accessory structures.

Section 3(1)(c) permits a maximum 5.5 m (18 ft) height of an accessory structure measured to the peak of the roof. Section 3(1)(d)(vi) permits a garage in a front yard, but not a required front yard, within any Residential Zone. A private garage is defined to mean “an accessory building or structure, or a portion of a building, which is used or intended to be used for the sheltering of vehicles and in which there are no facilities for repairing or servicing such vehicles for gain or profit, and includes a partially enclosed carport.”

The applicant is proposing the construction of a new single detached dwelling and a 32 ft x 48 ft, 1536 sq ft accessory structure to contain personal vehicle storage including equipment used for property maintenance on the first floor and personal storage on the second floor with a height of 7.8 m (25.7 ft) to the peak of the roof in a front yard but not the required front yard. A secondary dwelling unit is not proposed within the structure. The height of the single detached dwelling and accessory structure are proposed to be the same with the height measured from average grade.

“Grade or Grade, Average Finished means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Chief Building Official.” The Chief Building Official has reviewed the submitted drawings and has confirmed the height of the accessory structure to be 7.8 m (25.7 ft) to the peak of the roof based on the average finished grade.

Therefore, the amount of relief requested is 2.3 m (7.7 ft) in accessory structure height.

The proposed structure complies with all other provisions of the Zoning By-law including with compliance with all setbacks and the maximum accessory structure lot coverage in an R1A Zone of 185 sq m (1991 sq ft).

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 rural residential purposes and therefore be considered appropriate. The proposed variance would appear not to negatively impact any adjacent land uses. Lot grading design has been submitted and

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

The structures are proposed to be setback over 500 ft from County Road 20. The single detached dwelling and accessory structure are proposed to have the same height. The structure is proposed to provide space for personal storage on the second floor and vehicle storage on the first floor including personal vehicles and yard maintenance equipment. The structure does not impede on any neighbouring properties or neighbouring uses and is setback from the road so as to not impact the streetscape of Front Road North. There are many large accessory structures in the area as well.

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 accessory structure height does not change the character of the neighbourhood. The primary dwelling on the property is proposed to have the identical height of the proposed accessory structure. The proposed accessory structure is smaller than the primary dwelling in footprint and gross floor area.

All of the remaining R1A zone provisions and General Provisions are in compliance. The proposed use of the accessory structure is in conformity with the Official Plan and maintains the intent of the Zoning by-law.

Consultation with the Town’s natural heritage consultants occurred prior to the applicant locating the single detached dwelling and accessory structure on the site plan. The location of the structures complies with the professional recommendation provided. 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/40/24 **be approved** to grant relief in accessory structure height of 2.3 m (7.7 ft) to allow for the construction of an accessory structure to contain personal vehicle storage including equipment used for property maintenance on the first floor and personal storage on the second floor with a height of 7.8 m (25.7 ft) to the peak of the roof from average finished grade.

## **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 rural 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-40-24, 2001 Front Road North, Stephen Halls and Amy Lee.docx
Attachments:	<ul style="list-style-type: none"><li>- A-40-24- Notice- 5001 Front Rd. N-RM.pdf</li><li>- A-40-24 - Application_Redacted-RM.pdf</li><li>- 2001 Front Rd N- House Drawings- RM.pdf</li><li>- Aerial Map-RM.pdf</li><li>- Aerial Map with zoning-RM.pdf</li><li>- Summary of Correspondence Received on A-40-24- RM.pdf</li><li>- A-40-24 PowerPoint- RM.pdf</li></ul>
Final Approval Date:	Oct 31, 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:

**Stephen Hall & Amy Lee**

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, November 6, 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, November 4, 2024) to the Planning Department, [planning@amherstburg.ca](mailto: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:** 2001 Front Rd. N  
(Roll No.: Part of 3729-5000-000-34340- retained parcel resulting from consent B/21/23)

**Purpose of Minor Variance Application A/40/24:** The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum height of 5.5 m in for an accessory structure in a Residential Zone.

The subject property is designated Low Density Residential, Agricultural, Provincially Significant Wetland and Natural Environment in the Town's Official Plan and zoned Residential Type 1A (R1A), Wetland (W) and Environmental Protection (EP) in the Town's Zoning By-Law. The proposed structure is located wholly within the R1A Zone.

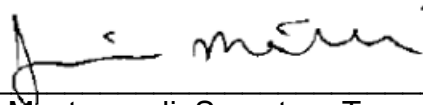
The applicant is proposing the construction of a 32 ft x 48 ft, 1536 sq ft, accessory structure to contain personal vehicle storage including equipment used for property maintenance on the first floor and personal storage on the second floor with a height of 7.8 m (25.7 ft) to the peak of the roof. A secondary dwelling unit is not proposed.

The applicant is also proposing the construction of a single detached dwelling in the same design as the accessory structure with the exact same height. Zoning relief is not required for the dwelling.

Therefore, the amount of relief requested is 2.3 m in accessory structure height.

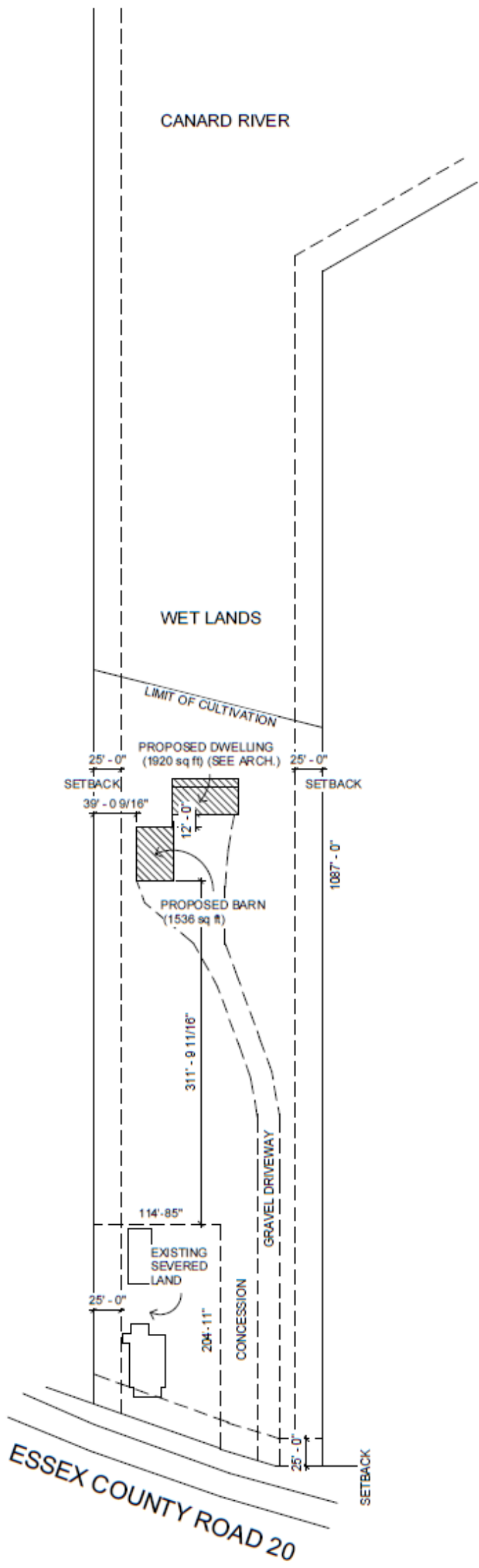
Additional Information relating to the proposed application is available by contacting the Town of Amherstburg Planning Offices by phone or email, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website [www.amherstburg.ca](http://www.amherstburg.ca).

**Dated: October 25, 2024**



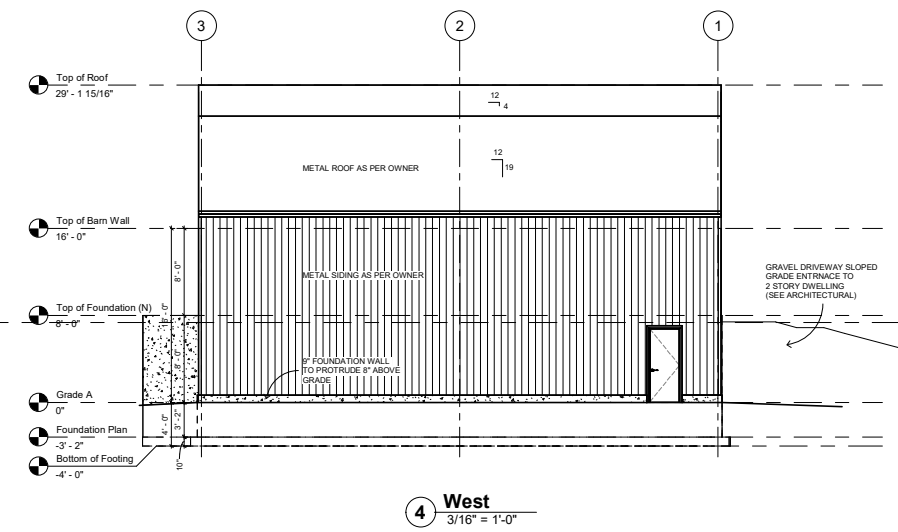
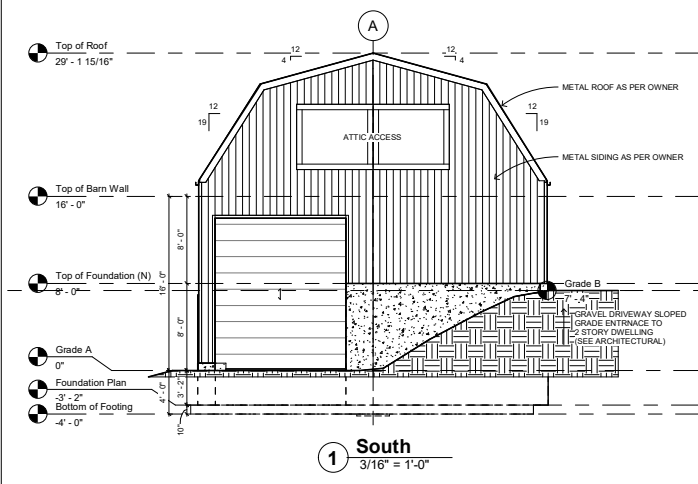
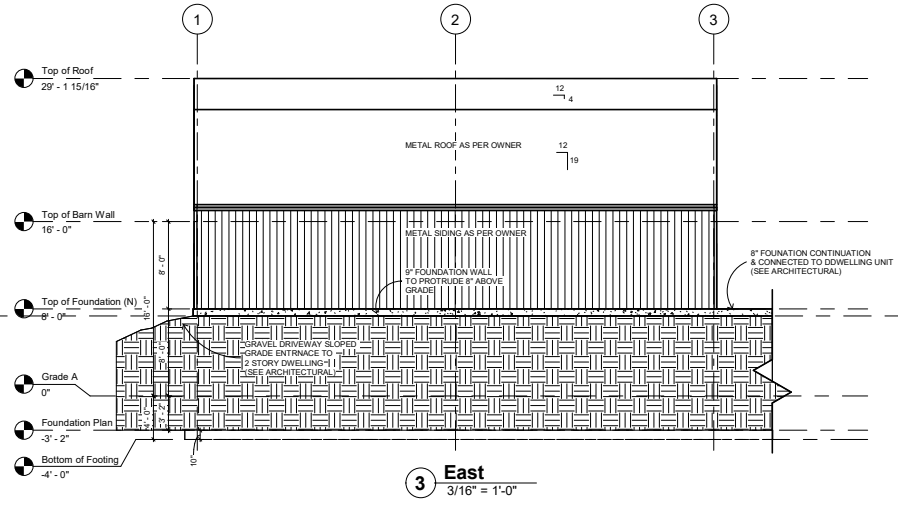
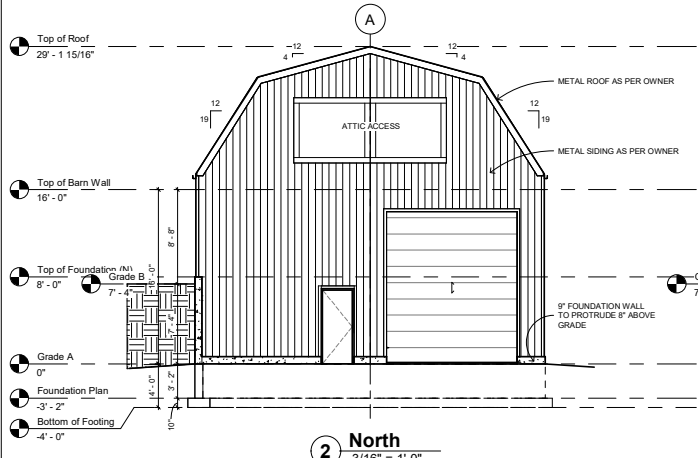
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Janine Mastronardi, Secretary-Treasurer  
Town of Amherstburg Committee of Adjustment  
3295 Meloche Road, Amherstburg, ON N9V2Y8



**1 Site Plan**  
1" = 80'-0"





07-15 Issued for Permit  
07-06 Issued for 1st Review



PROJECT:  
2001 Front Rd N  
Amherstberg Ontario  
N9V 3R3

TITLE:  
32' x 48'  
Barn Drawings

CLIENT:  
Mr. Steve Halls

Drawn By: Noah Friesen	Date: 2024-07-06
Scale: NA	ELEVATIONS
SHEET NUMBER: S2	REV: 0

2024-08-06  
3:40:36 PM



Municipal Fee Received	PAID
ERCA Fee Received:	

Application No. A/40/24

**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 Oct. 24, 2024
3. Date application deemed complete by municipality Oct. 24, 2024
4. Name of registered owner Stephen Halls + Amy Lee

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. 1 Lot(s) No. PL L 36

Registered Plan No. \_\_\_\_\_ Lot(s) No. \_\_\_\_\_

Reference Plan No. \_\_\_\_\_ Part(s) No. \_\_\_\_\_

Street Address 2001 Front Rd N Assessment Roll No. 3729 500 000 034800 generated from

7. Size of subject parcel:

Frontage 29.44m Depth irregular Area 7.89 ha

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 Res. Ag BSW, Natural Environment
- 10. Current Zoning of subject land RIA / WIEP
- 11. Nature and extent of relief from the Zoning By-law requested Section 3(1)(c) permits a maximum height of 5.5m for an accessory structure in a residential zone. Proposing an accessory structure with a height of 7.8m -25% Relief requested 2.3m.
- 12. Reasons why minor variance is necessary to allow for increased accessory structure height to permit storage in the second floor.
- 13. Current use of subject land rural residential
- 14. Length of time current use of subject land has continued 100+ 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:  
vacant
- 16. Date of construction of existing buildings and structures on the subject land:  
N/A
- 17. Date subject land acquired by current registered owner 10 yrs +
- 18. Proposed use of subject land rural 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:  
1536 sq ft accessory structure for workshop + vehicle storage on the main floor (personal + property maintenance vehicles) + personal storage on second floor.

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:

N/A

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?

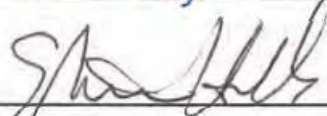
- Yes
- No

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 24<sup>th</sup> day of Oct., 2024

  
\_\_\_\_\_  
(signature of applicant, solicitor or authorized agent)

I, Stephen Halls 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 24<sup>th</sup> day of October, 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, 2027.

**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

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PROPERTY ADDRESS: A/40/24

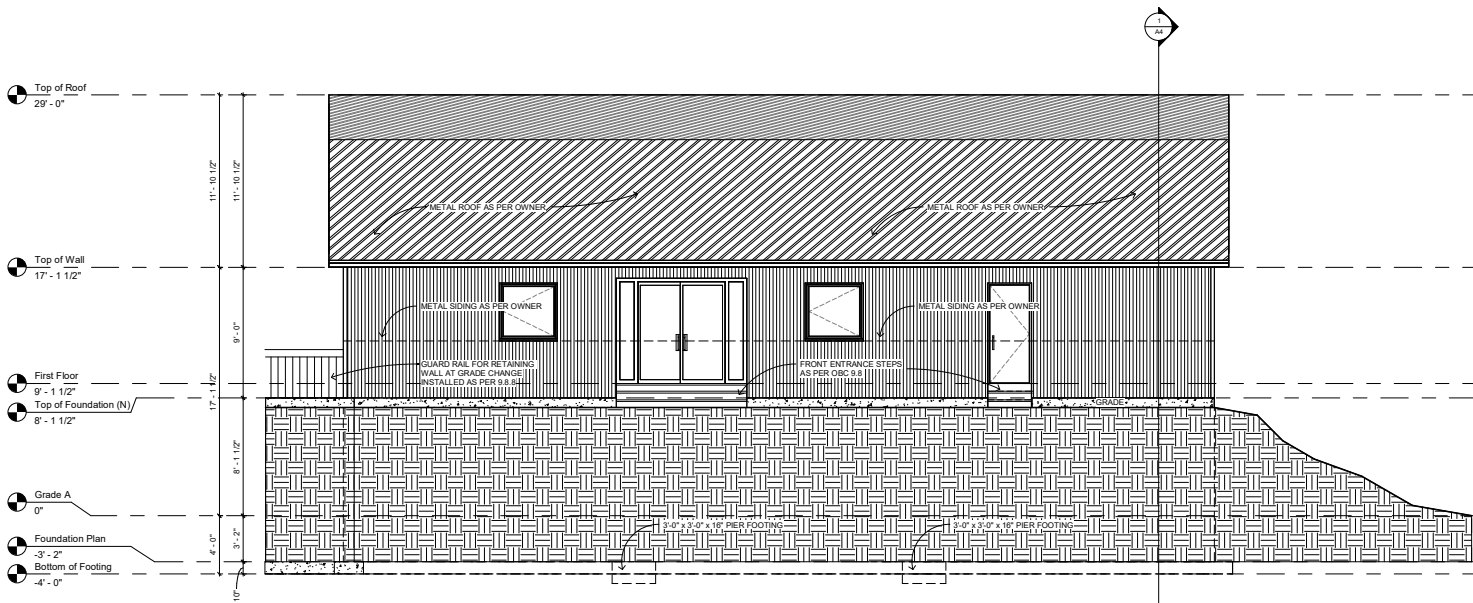
APPLICATION NUMBER(S): 2001 Front Rd N

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.

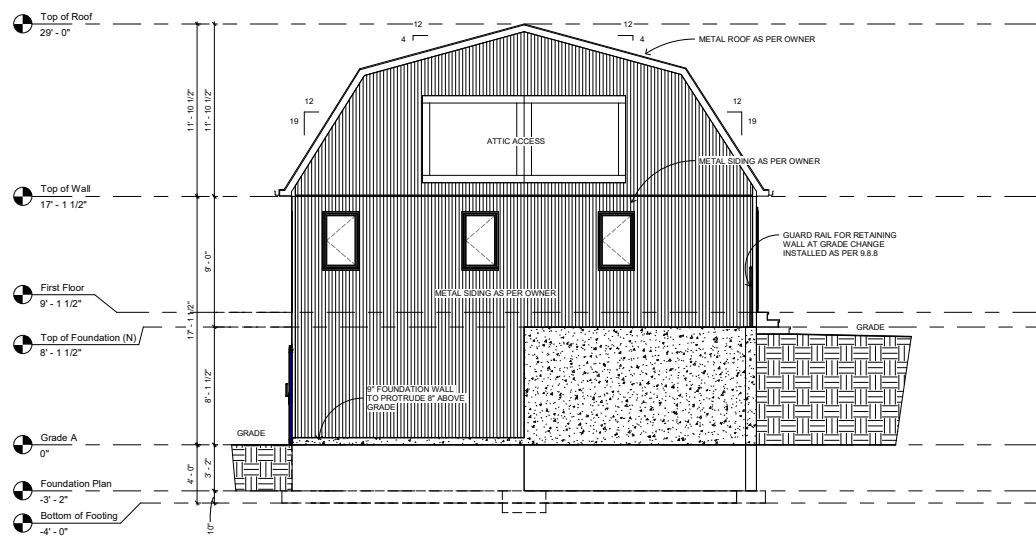
I acknowledge that the Secretary-Treasurer has confirmed these requirements with me.

  
\_\_\_\_\_  
Signature (Owner/Authorized Agent)

Oct. 24. 2024  
Date



**1 South**  
1/4" = 1'-0"



**2 West**  
1/4" = 1'-0"

08-15	Issued for Permit
07-31	Issued for 1st Review

Seal:

**Wayne Mills Consulting**  
BOIN # 10257  
150 Maidstone W. Essex, ON, N8M 2H2  
(519) 251-3719 (519) 800-8140  
waynemillsconsulting@gmail.com

PROJECT:  
**2001 Front Rd N  
Amherstberg Ontario  
N9V 3R3**

TITLE:  
**32' x 60'  
Dwelling Unit  
Construction Drawings**

CLIENT:  
**Mr. Steve Halls**

Drawn By: Noah Friesen	Date: 2024-06-15
Scale: NA	ELEVATIONS
SHEET NUMBER A3	REV 0



COUNTY RD 20







COUNTY RD 20



W

A

W

W

R1A

EP

W

W

A

W

A

R1A

EP/EI





## Summary of Correspondence Received on Proposed A/40/24 for 2001 Front Rd. N.

Below is a summary of the comments received by the Planning Services Division on A/40/24 as of October 31, 2024.

### Infrastructure Services:

- Infrastructure Services has no comments.

### Essex Region Conservation Authority

Please see attached.

### Building Department

- Engineering will be required for the retaining wall portion and the high walls of the building

### County of Essex

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 downloaded to the County of Essex. Therefore, setback and entrance requirements will be applied 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.

Website: [www.amherstburg.ca](http://www.amherstburg.ca)

271 SANDWICH ST. SOUTH, AMHERSTBURG, ONTARIO N9V 2A5 Phone:  
(519) 736-0012 Fax: (519) 736-5403 TTY: (519)736-9860



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

October 29, 2024

**Ms. Janine Mastronardi**

Planner  
3295 Meloche Road  
Amherstburg, ON  
N9V 2Y8

Dear Ms. Janine Mastronardi:

RE: Application for Minor Variance A-40-24 2001 FRONT RD N

ARN 372950000034300; PIN: 015470187

Applicant: Stephen Hall & Amy Lee

The Town of Amherstburg has received Application for Minor Variance A-40-24 for the above noted subject property. The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum height of 5.5 m in for an accessory structure in a Residential Zone.

The subject property is designated Low Density Residential, Agricultural, Provincially Significant Wetland and Natural Environment in the Town's Official Plan and zoned Residential Type 1A (R1A), Wetland (W) and Environmental Protection (EP) in the Town's Zoning By-Law. The proposed structure is located wholly within the R1A Zone.

The applicant is proposing the construction of a 32 ft x 48 ft, 1536 sq ft, accessory structure to contain personal vehicle storage including equipment used for property maintenance on the first floor and personal storage on the second floor with a height of 7.8 m (25.7 ft) to the peak of the roof. A secondary dwelling unit is not proposed.

The applicant is also proposing the construction of a single detached dwelling in the same design as the accessory structure with the exact same height. Zoning relief is not required for the dwelling. Therefore, the amount of relief requested is 2.3 m in accessory structure height.

We note that this property was created as a result of Consent B-21-23.

The following is provided as a result of our review of Application for Minor Variance A-40-24.

Ms. Janine Mastronardi  
October 29, 2024

**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 River Canard.

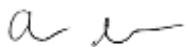
ERCA has issued Permit # 453 - 24, dated Oct. 15, 2024, for this development, which provides the applicant with setback and elevation requirements. If there are any changes to the proposed works, including the location, the applicant must confirm with ERCA if a minor revision is required to the Permit.

**FINAL RECOMMENDATION**

Our office has **no objection** to A-40-14. As noted above, **it is the responsibility of the applicant to notify our office if any changes are required to the approved works.**

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

Sincerely,



Alicia Good  
Watershed Planner  
/ag



# Amherstburg Committee of Adjustment

November 06, 2024



**A/40/24- 2001 Front Rd. N**



# Purpose of Application A/40/24

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum height of 5.5 m in for an accessory structure in a Residential Zone.

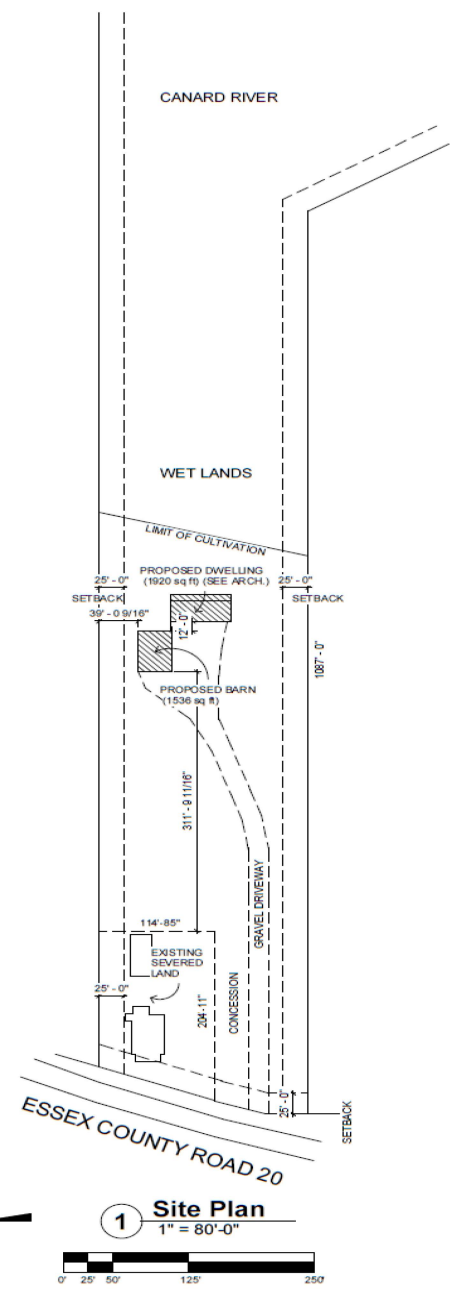
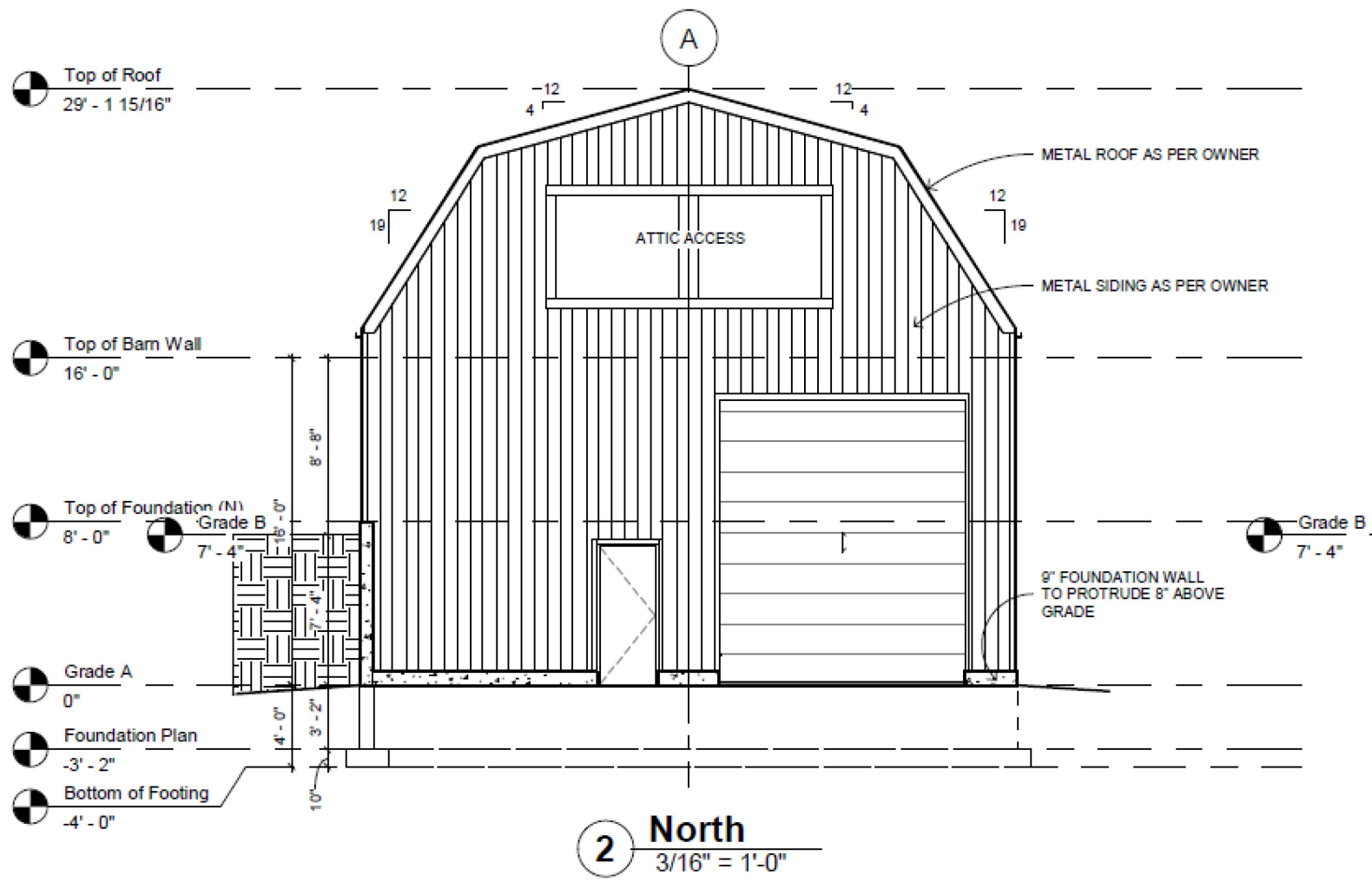
The subject property is designated Low Density Residential, Agricultural, Provincially Significant Wetland and Natural Environment in the Town's Official Plan and zoned Residential Type 1A (R1A), Wetland (W) and Environmental Protection (EP) in the Town's Zoning By-Law. The proposed structure is located wholly within the R1A Zone.

The applicant is proposing the construction of a 32 ft x 48 ft, 1536 sq ft, accessory structure to contain personal vehicle storage including equipment used for property maintenance on the first floor and personal storage on the second floor with a height of 7.8 m (25.7 ft) to the peak of the roof. A secondary dwelling unit is not proposed.

The applicant is also proposing the construction of a single detached dwelling in the same design as the accessory structure with the exact same height. Zoning relief is not required for the dwelling.

Therefore, the amount of relief requested is 2.3 m in accessory structure height.







# Policy Review

The subject property is designated Low Density Residential, Agricultural, Provincially Significant Wetland and Natural Environment in the Town's Official Plan and zoned Residential Type 1A (R1A), Wetland (W) and Environmental Protection (EP) in the Town's Zoning By-Law. The proposed structure is located wholly within the R1A Zone.

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







# Recommendation

Based on the foregoing and subject to the Committee's consideration of written and oral submissions received at the public hearing, it is recommended that Application **A/40/24 be approved** to grant relief in accessory structure height of 2.3 m (7.7 ft) to allow for the construction of an accessory structure to contain personal vehicle storage including equipment used for property maintenance on the first floor and personal storage on the second floor with a height of 7.8 m (25.7 ft) to the peak of the roof from average finished grade.





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: B/22/24 & A/38/24, 86 Willow Beach Road, Gerald Goodchild

1. RECOMMENDATION:

It is recommended that:

- 1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/22/24 BE APPROVED subject to the recommended conditions.
2. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/38/24 BE APPROVED.

2. PROPOSAL:

Purpose of Application B/22/24: The applicant is proposing to sever a parcel of land being 18.9 m ± frontage by 45.72 m ± depth with an area of 864 sq m ± to create a new residential building lot for a single detached dwelling.

The remaining parcel being 17.7 m ± frontage by 45.72 m depth with a total area of 808.25 sq m ± contains a single detached dwelling and one accessory structure.

Purpose of Application A/38/24: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 6(3)(a) which requires a minimum lot area of 900 sq m and from Section 6(3)(b) which requires a minimum lot frontage of 20 m both for parcels created in a Residential Type 1A (R1A) Zone. Subsequent to B/22/24; the severed parcel will have a lot area of 864 sq m ± and a lot frontage of 18.9 m ±, the retained parcel will have a lot area of 808.25 sq m ± and a lot frontage of 17.7 m ±. The applicant is also seeking permission for the existing accessory structure to remain as existing subject to confirmation of the location of the structure being wholly within the subject property.

Therefore, the amount of relief requested is 36 sq m in lot area and 1.1 m in lot frontage for the severed parcel and 91.75 sq m in lot area and 2.3 m in lot frontage for the retained parcel. The applicant is also seeking permission for the existing accessory structure to remain as existing subject to confirmation of the location of the structure being wholly within the retained parcel.

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:**

The subject property consists three 40 ft lots, 49, 50, 51 on Plan 1103. On January 31, 2022 the three lots were consolidated at the Land Registry Office with the intention of building an accessory structure over the previous lot lines. The plans for the property has changed and a new lot is proposed to be created splitting the now 120 ft frontage lot in two, one lot with a 58 ft frontage and one lot with a 62 ft frontage.

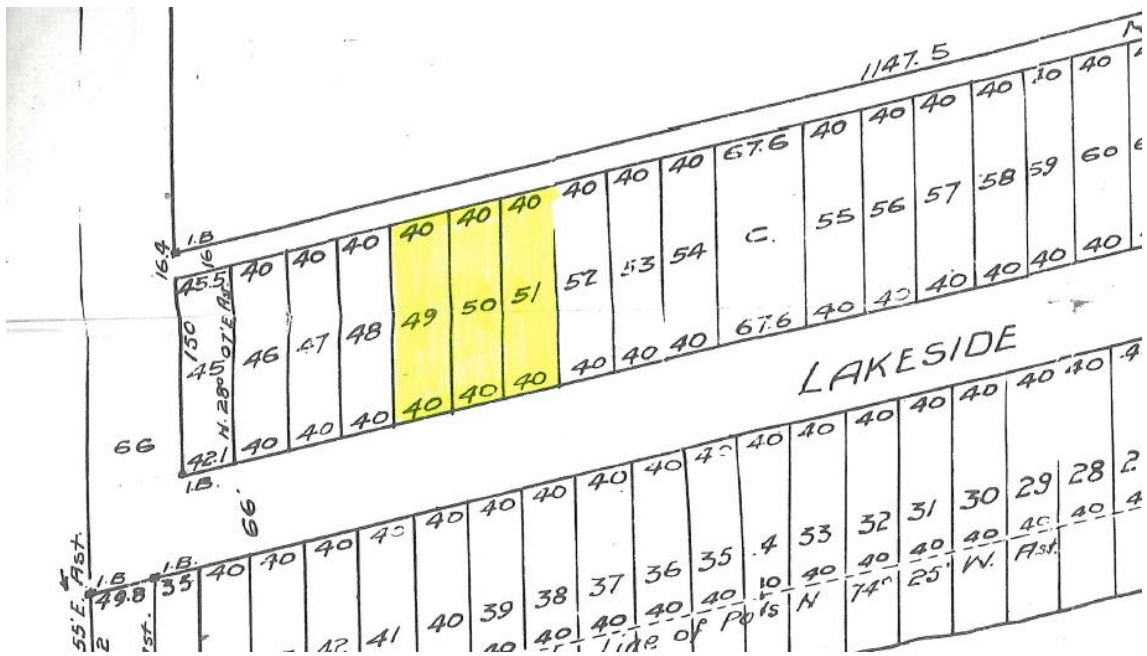


Figure 1. Section of Plan 1103 highlighting Lots 49, 50, 51

**4. PLANNING INFORMATION:**

- Official Plan designation: Low Density Residential
- By-law No. 1999-52: Residential Type 1A (R1A) Zone
- Existing Use: Residential
- Neighbouring Uses: Residential
- Access: Willow Beach Road

## **TECHNICAL INFORMATION**

Proposed Lot Area of Severed Parcel:	864 sq m
Proposed Lot Area of Retained Parcel:	808.25 sq m
Required Lot Area:	900 sq m
Relief Requested Severed Parcel:	36 sq m
Relief Requested Retained Parcel:	91.75 sq m

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Proposed Lot Frontage for Severed Parcel:	18.9 m
Proposed Lot Frontage for Retained Parcel:	17.7 m
Required Lot Frontage:	20 m
Relief Requested for Severed Parcel:	1.1 m
Relief Requested for Retained Parcel:	2.3 m

### **5. PLANNING ANALYSIS:**

In the review of the subject application, a number of points have been reviewed:

#### **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 adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- 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.

The proposed severance for lot creation are within a settlement area. The conditions of consent are proposed to ensure orderly development of the severed lots.

When considering the severance application, under Section 53 of the Planning Act, R.S.O. 1990, as amended, the Committee may consider an application for consent if they are satisfied that a plan of subdivision is not necessary for orderly development of the land. In this case, the applicant is applying for the creation of one infill residential building lot within an existing subdivision development on an existing right-of-way with municipal water and sanitary and storm sewers. A plan of subdivision is not necessary.

When considering the minor variance 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. PROVINCIAL POLICY STATEMENT:**

The Provincial Planning Statement is a policy statement issued under the authority of section 3 of the *Planning Act* and came into effect on October 20, 2024. The Provincial Planning Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after October 20, 2024.

In respect of the exercise of any authority that affects a planning matter, section 3 of the *Planning Act* requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act.

The Provincial Planning Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Planning Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

Terms used in this section of the report in *italics* are defined in the PPS and have specific meaning.

The following policy excerpts from the PPS are particularly applicable to the subject application:

## **Chapter 2: Building Homes, Sustaining Strong and Competitive Communities**

### **2.3 Settlement Areas and Settlement Area Boundary Expansions**

#### **2.3.1 General Policies for Settlement Areas**

1. *Settlement areas* shall be the focus of growth and development. Within *settlement areas*, growth should be focused in, where applicable, *strategic growth areas*, including *major transit station areas*.
2. Land use patterns within *settlement areas* should be based on densities and a mix of land uses which:
  - a) efficiently use land and resources;
  - b) optimize existing and planned *infrastructure* and *public service facilities*;
  - c) support *active transportation*;
  - d) are *transit-supportive*, as appropriate; and
  - e) are *freight-supportive*.
3. Planning authorities shall support general *intensification* and *redevelopment* to support the achievement of *complete communities*, including by planning for a range and mix of *housing options* and prioritizing planning and investment in the necessary *infrastructure* and *public service facilities*.
4. Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions.
5. Planning authorities are encouraged to establish density targets for *designated growth areas*, based on local conditions. *Large and fast-growing municipalities* are encouraged to plan for a target of 50 residents and jobs per gross hectare in *designated growth areas*.
6. Planning authorities should establish and implement phasing policies, where appropriate, to ensure that development within *designated growth areas* is orderly and aligns with the timely provision of the *infrastructure* and *public service facilities*.

The proposed consent application appears to be consistent with the PPS as it facilitates a building lot for residential infill development within a settlement area. The severed and retained lots are/will be serviced with municipal water, municipal storm sewers and municipal sanitary sewers.

## **Chapter 5: Protecting Public Health and Safety**

### **5.1 General Policies for Natural and Human-Made Hazards**

1. Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

The risk to the dwelling on the proposed new building lot is mitigated by Amherstburg Emergency Services capabilities to provide response services through operating procedures and equipment confirmed available in the Fire Department comments. Therefore, the risk would not be deemed “unacceptable”.

## 5.2 Natural Hazards

3. *Development and site alteration* shall not be permitted within:
  - a) the *dynamic beach hazard*;
  - b) *defined portions of the flooding hazard along connecting channels* (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
  - c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
  - d) a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.

Comments received state, “The Amherstburg Fire department continues to maintain the capabilities to respond into the flood zone for rescue and fire fighting activities. Standard operating procedures and equipment are in place to ensure that if the 100 year flood were to happen, we would be able to respond in that area.

As such, we do not have any objections to the proposed lot and future building on this property.”

Therefore, it has been demonstrated that the site has safe access appropriate for the nature of the development of a residential building lot to contain a single detached dwelling and the natural hazard being flooding hazards.

The consent for one residential lot is consistent with Section 2.3.1 of PPS which speaks to managing and directing land use to achieve efficient development and land use patterns. The lots are within a settlement area. The severed and retained lots are/will be serviced with municipal water, municipal storm sewers and municipal sanitary sewers. The severance applications will create one new residential lots within an existing settlement area and allow for an infill development supported by the PPS.

It is the opinion of the author of this report that the requested consent would be consistent with the Provincial Policy Statement.

### 3. COUNTY OF ESSEX OFFICIAL PLAN:

The subject lands are located within the settlement area in the County of Essex Official Plan. Section 3.2.3 of the County Plan states that future growth and development is encouraged to locate within the settlement areas designation. Section 4.6.4 states that applications to create lots through the consent to sever process will continue to be the responsibility of local municipalities in accordance with the policies contained in local Official Plans.

The severed and retained lots are within a settlement area and can be accessed by a municipal road.

Sections 2.4 Flooding and Erosion (Natural Hazards) and 3.4 Natural Environment of the County Official Plan outline policies for lands adjacent to provincially significant wetlands and woodlands to be incorporated into the local Official Plan. These policies have been incorporated into the Town of Amherstburg's Official Plan and are reviewed in the Town OP section to follow.

#### **4. TOWN OF AMHERSTBURG OFFICIAL PLAN:**

The subject property is designated Low Density Residential in Amherstburg's Official Plan.

The requested consent conforms with relevant policies of the Official Plan specifically Section 6.1.2 being the Land Severance policies, Section 4.2.3(1) which provides for the creation of new residential lots and Section 4.2.3(3) which states that infill housing should be compatible with surrounding land uses.

The applicant has identified that the proposed use for the severed parcel will be for one residential building lot for a single detached dwelling and the existing use for the retained parcel is a single detached dwelling. The Town's Official Plan Section 4.3.1 states that: *'Areas designated as Low Density Residential shall be limited to single detached, semidetached, duplex, or converted dwelling units, home occupation uses and public uses.'* Therefore, the proposed uses on the land are in conformity with the Official Plan.

Further to Section 3.5 of the Official Plan it is noted that the property is within 50 m of a woodlot area with a natural environment underlay is identified in the Town's Official Plan to the north of the subject property. The proposed building lot and single detached dwelling will not create a negative impact on the adjacent natural environment feature as it is currently manicured grass with existing residential on the abutting lands. The addition of a dwelling on the severed parcel will not change the impact on the feature from the existing manicured lawn. It is recommended that a condition of consent be added to require temporary exclusionary fencing during the construction of a new dwelling on the severed parcel to ensure that the temporary construction process does not have any negative impact on the adjacent feature.

Further to Section 3.6 of the Official Plan it is noted that the property is within 120 m of a provincially significant wetland (PSW). There are two developed and manicured residential lots between the PSW and the proposed severed parcel. The construction of a new dwelling on the severed parcel will not create a negative impact on the PSW as there is significant development between the proposed building lot and the PSW.

A review of the consent application was conducted by the Town's natural heritage consultant and a professional opinion was provided. It was noted that due to the original lot configuration of the three lots on Plan 1103 and the recent consolidation of the parcels that as long as the lot line and future development does not encroach in the natural heritage feature and the same amount of development as exists in the subdivision is being enabled then there is not a need for further review.



In the opinion of the author of this report the proposed consent and minor variances maintain the intent of the Official Plan.

**5. COMPREHENSIVE ZONING BY-LAW 1999-52:**

The subject property is zoned Residential Type 1A (R1A) Zone in Bylaw 1999-52, as amended. The creation of one new lot is not in contravention of the Zoning Bylaw. Section 6(2) permits a range of residential uses in the R1A Zone.

The minimum lot area required in the R1A Zone with municipal sanitary services is 900 sq m. The minimum lot frontage in the R1A Zone is 20 m. The applicant is proposing the following lot frontages and lot areas for the severed and retained parcels.

	Lot Area		Lot Frontage	
	<i>Required</i>	<i>Proposed</i>	<i>Required</i>	<i>Proposed</i>
Severed Parcel	900 sq m	864 sq m	20 m	18.9 m
Retained Parcel	900 sq m	808.25 sq m	20 m	17.7 m

The severed and retained lots have access from Willow Beach Road. The applicant will be responsible for obtaining right-of-way permits satisfactory to the Infrastructure Services department at the time of the installation of services and the time of building permits being issued for the driveway access to the severed parcel. The total and accessory structure lot coverage and setbacks on the retained parcel have been confirmed to be in compliance with the Zoning By-law, with the exception of the rear yard setback for an existing accessory structure discussed below.

The lot frontage and lot area are in conformity with the Zoning By-law.

Section 6(3)(a) of Zoning By-law 1999-52, as amended, requires a minimum lot area of 900 sq m for a new lot with municipal sanitary services and a minimum lot frontage of 20 m for a lot created in a Residential Type 1A (R1A) Zone. Subsequent to B/22/24; the severed parcel will have a lot area of 864 sq m ± and a lot frontage of 18.9 m ±, the retained parcel will have a lot area of 808.25 sq m ± and a lot frontage of 17.7 m ±. Therefore, the amount of relief requested is 36 sq m in lot area and 1.1 m in lot frontage for the severed parcel and 91.75 sq m in lot area and 2.3 m in lot frontage for the retained parcel.

Using aerial mapping it appears the previous property owner erected a small shed on the Town parcel of land to the rear of subject property in the early 2000s.

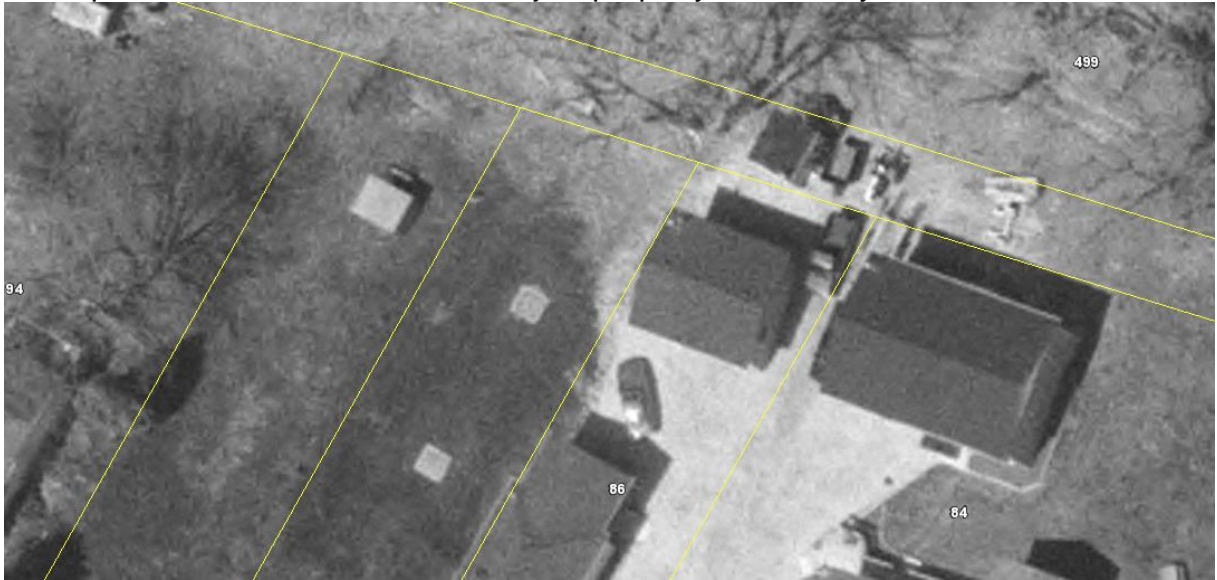


Figure 2. Image from 2004 Aerial Photography

When the current property owner took possession of the property the shed was relocated from the Town property to the rear of the subject property behind the detached garage. The existing garage was built with a building permit with the required 1 m setbacks at the time being confirmed. Permission is being requested to allow the small sheds to remain on the property in their current location subject to the reference plan being prepared as part of the severance conditions confirming they are wholly located within the severed parcel's property lines.



Figure 3. Image from 2024 Aerial Photography

In the opinion of the author of this report the proposed consent for residential lot creation, the request for relief in lot area and lot frontage for both the retained and severed parcels, and permission for the existing accessory structure to remain as existing subject to confirmation of the location of the structure being wholly within the retained parcel are in conformity with the Zoning By-Law 1999-52, as amended.

## **6. APPROPRIATE DEVELOPMENT**

The proposed variance does not appear to change the use of the severed or retained land for residential purposes. Therefore, in my opinion the minor variance request can be considered appropriate. Any new uses, buildings or structures on the severed or retained lands would be required to comply with the Zoning By-law 1999-52, as amended.

## **7. 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 variances requested are small decreases to the required lot area and lot frontage of the proposed severed and retained parcels. The resulting lots will have adequate lot frontages and lot areas to accommodate the existing and a new dwelling consistent with the neighbourhood. All other zoning provisions are in compliance.

There is a woodlot and farm field between the rear property line and the closest neighbours to the rear. There will be no negative impact on neighbouring properties.

Therefore, in my opinion the requested variances may be considered minor in nature.

## **8. ENVIRONMENTAL CONSIDERATIONS**

The Town’s natural heritage consultant has confirmed that due to the original lot configurations and the recent consolidation of the three lots within an approved subdivision further review is not needed as the application is not new development. The existing lot is manicured grass, there are no concerns that a new dwelling on the severed parcel will have a negative on the adjacent lands.

It is recommended as a condition of consent that a clause be registered on the title of the severed parcel that temporary exclusionary fencing be erected during the construction of a new dwelling.

## **6. AGENCY COMMENTS:**

See attached.

Prior to finalizing the planning opinion on the proposed severance and minor variance a thorough review of the comments provided by ERCA was conducted. The property is located within ERCA’s limit of regulated area of Lake Erie. Section 28 of the *Conservation Authorities Act* applies to the proposed severed and retained parcels. Section 28 speaks to regulations around permits. The parcel falls within the regulated area of Lake Erie. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

Section 28 of the *Conservation Authorities Act* speaks to ‘development activities’ within a regulated area. Ontario Regulation 41/24 defines “development activity” in relation to Section 28 of the Act and this regulation to mean;

- (a) *the construction, reconstruction, erection or placing of a building or structure of any kind,*
- (b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,*
- (c) *site grading, or*
- (d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

A Conservation Authority’s authority under Section 28 of the Conservation Act and through Ontario Regulation 41/24 is to empower ERCA to prevent or restrict development activities, as defined above, in regulated areas where the control of flooding may be affected by the development.

Under Ontario Regulation 687/21: Mandatory Programs and Services, conservation authorities in Ontario were required to create a Transition Plan that outlined the steps to develop an inventory of programs and services and to enter into agreements with participating municipalities to fund certain municipal programs and services. The transition period started on the date the regulation was released and ended on January 1, 2024.

It is warranted to reiterate the comments received from the Town Fire department that state, “The Amherstburg Fire department continues to maintain the capabilities to respond into the flood zone for rescue and fire fighting activities. Standard operating procedures and equipment are in place to ensure that if the 100 year flood were to happen, we would be able to respond in that area.

As such, we do not have any objections to the proposed lot and future building on this property.” Safe access has been confirmed.

## **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 foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **B/22/24 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 to the original and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$1070 for the severed lot.
5. The Applicant shall confirm that each property (severed and retained) have separate sanitary, storm and water connections. If additional services are required to be installed to satisfy this condition, a permit from the Public Works Department must be submitted for review and approval (per property). Installation and/or confirmation of separate sanitary, storm and water connections is required prior to the stamping of the deeds.
6. That the Applicant shall provide to the municipality Private Drain Connection (PDC) sheets once installation of new services is completed.
7. All downspouts shall be disconnected and splash to the ground.
8. The Applicant shall register on the title of the severed parcel the following clause; "That temporary Exclusionary Fencing be erected during the construction of a new dwelling."
9. That the Applicant shall submit a lot grading plan for the severed lot to the satisfaction of the municipality.
10. The applicant/owners are required to enter into a reapportionment of the drainage assessment for the subject lands in accordance with Section 65 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 shall be for any affected Municipal Drains as 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. The severance shall not be granted until a Council resolution is passed to execute the reapportionment agreement.
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.

**NOTE:** All conditions are subject to the approval of the Town of the Amherstburg, but at no cost to the municipality.

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that Application **A/38/24 be approved** to grant relief of 36 sq m in lot area and 1.1 m in lot frontage for the severed parcel and 91.75 sq m in lot area and 2.3 m in lot frontage for the retained parcel subsequent to approval of application B/22/24 and that permission is granted for the existing accessory structures to remain as existing on the date of the minor variance decision subject to confirmation of the location of the structure being wholly within the retained parcel.

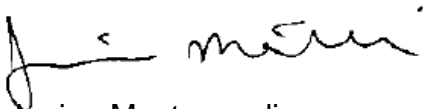
## **9. CONCLUSION:**

In the opinion of the author of this report the request for the creation of one new residential building lot is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Planning Statement.

In the opinion of the author of this report;

- 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 do not change the use of the land for residential purposes and therefore can be considered appropriate.
- 4) The requested variances are minor in nature.
- 5) The proposed variances would not have a negative impact on the environment.

Respectfully submitted,



Janine Mastronardi  
Secretary-Treasurer Committee of Adjustment

## Report Approval Details

Document Title:	B-22-24 and A-38-24, 86 Willow Beach Road, Gerald Goodchild.docx
Attachments:	- B-22-24 and A-38-24- Notice Circulation- 86 Willow Beach Road- RM.pdf
Final Approval Date:	Nov 1, 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 applications for minor variance by:

**Gerald Goodchild**

TAKE NOTICE THAT applications for **consent (severance) and minor variance** under the above-noted files 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, November 6, 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 applications. 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, November 4, 2024) to the Planning Department, [planning@amherstburg.ca](mailto: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 applications. If you are aware of any person interested in or affected by these applications who has not received a copy of this notice you are asked to inform that person of this hearing. If you have comments on these applications, 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 consent or minor variance does not make written submission to the Town of Amherstburg Committee of Adjustment before it gives or refuses to give a provisional consent or a provisional minor variance, the Ontario Land Tribunal may dismiss the appeal.



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

**Location of Property:** 86 Willow Beach Road  
(Roll Nos.: 3729-550-000-03700, 03800 and 03900)

**Purpose of Application B/22/24:** The applicant is proposing to sever a parcel of land being 18.9 m ± frontage by 45.72 m ± depth with an area of 864 sq m ± to create a new residential building lot for a single detached dwelling.

The remaining parcel being 17.7 m ± frontage by 45.72 m depth with a total area of 808.25 sq m ± contains a single detached dwelling and one accessory structure.

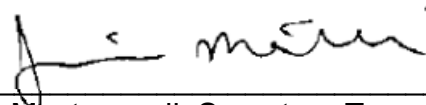
**Purpose of Application A/38/24:** The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 6(3)(a) which requires a minimum lot area of 900 sq m and from Section 6(3)(b) which requires a minimum lot frontage of 20 m both for parcels created in a Residential Type 1A (R1A) Zone. Subsequent to B/22/24; the severed parcel will have a lot area of 864 sq m ± and a lot frontage of 18.9 m ±, the retained parcel will have a lot area of 808.25 sq m ± and a lot frontage of 17.7 m ±. The applicant is also seeking permission for the existing accessory structure to remain as existing subject to confirmation of the location of the structure being wholly within the subject property.

Therefore, the amount of relief requested is 36 sq m in lot area and 1.1 m in lot frontage for the severed parcel and 91.75 sq m in lot area and 2.3 m in lot frontage for the retained parcel.

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 applications 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](http://www.amherstburg.ca).

**Dated: October 25, 2024**



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



TOWN OF AMHERSTBURG  
Application for  
CONSENT/LAND SEVERANCE

OFFICE USE ONLY	
Application No.:	B/22/24
Date of Pre-consultation Meeting:	August 2024
Date Application Received:	Sept. 6, 2024
Date Application Deemed Complete:	Oct. 1, 2024
Staff Person Present:	J. Mastronardi
Municipal Fee Received:	PAID
ERCA Fee Received:	PAID

1. CONTACT INFORMATION	
<b>Applicant/Owner Information</b> <b>Municipal Freedom of Information and Protection of Privacy Act – Personal Information</b> <b>on this form is collected under authority of the Planning Act and will be used to</b> <b>process this application.</b>	
Name of Registered Owner:	Gerald Goodchild
Mailing Address:	[REDACTED]
Postal Code:	[REDACTED]
Phone:	[REDACTED]
Cell:	[REDACTED]
Email:	[REDACTED]
<b>Agent Authorized by Owner to file the Application (if applicable):</b>	
Name:	
Mailing Address:	
Postal Code:	
Phone:	
Cell:	
Email:	
Which of the above is the Primary Contact? <input type="checkbox"/> Applicant <input type="checkbox"/> Agent	
If known, if there are any holders of any mortgages, charges or other encumbrances on the subject land, please provide details as follows:	
Name:	_____
Address:	_____

<b>2. LOCATION AND DESCRIPTION OF SUBJECT LANDS</b>	
Assessment Roll No.: 3729-550-000-03700, 03800, 03900	
Municipal Address: 86 Willow Beach Rd	
Concession:	Lot:
Registered Plan No.: 1103	Lot(s): 49,50,51
Reference Plan No.:	Part(s):

<b>3. CURRENT OFFICIAL PLAN DESIGNATION AND ZONING OF SUBJECT LANDS:</b>	
Official Plan Designation: Low Density Residential	Zoning: R1A

<b>4. CURRENT SIZE OF SUBJECT PARCEL:</b>	
Frontage: 120 ft (34.6m)	
Depth: 150 ft (45.72m)	
Area: 18,000 sq ft (1,672.25 m <sup>2</sup> )	

<b>5. ARE THERE ANY EASEMENTS OR RESTRICTIVE COVENANTS AFFECTING THE SUBJECT LAND?</b>			
<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If yes, please provide a description of each easement or covenant and its effect.			

<b>6. TYPE AND PURPOSE OF TRANSACTION (please check all applicable)</b>			
<b>Conveyance</b>			
Agricultural Area			
<input type="checkbox"/>	farm split	<input type="checkbox"/>	lot addition
<input type="checkbox"/>	surplus dwelling	<input type="checkbox"/>	technical severance
Other Areas			
<input checked="" type="checkbox"/>	creation of new lot	<input type="checkbox"/>	lot addition
<input type="checkbox"/>	technical severance		
<b>Other</b>			
<input type="checkbox"/>	mortgage or charge	<input type="checkbox"/>	partial discharge of mortgage
<input type="checkbox"/>	easement/right-of-way	<input type="checkbox"/>	correction of title
<input type="checkbox"/>	other (specify) _____		

**7. DESCRIPTION AND USE OF LAND INTENDED TO BE SEVERED:**

Frontage: 62 ft (18.9 m)

Depth: 158 ft (45.72 m)

Area: 9300 sq ft (864 sq m)

Existing Use: vacant residential

Proposed Use: single detached dwelling

Number and use of buildings and structures on the land intended to be severed

Existing: vacant

Proposed: single detached dwelling by new owner

Is there an existing access bridge on this parcel? <sup>drive way access</sup>

<input type="checkbox"/>	Yes (locate on sketch)	<input checked="" type="checkbox"/>	No
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Is there a water service connection on this parcel?

<input checked="" type="checkbox"/>	Yes (locate on sketch)	<input type="checkbox"/>	No
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Is there a sanitary sewer connection on this parcel?

<input checked="" type="checkbox"/>	Yes (locate on sketch)	<input type="checkbox"/>	No
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Access to proposed severed lot

<input checked="" type="checkbox"/>	Municipal Road	<input type="checkbox"/>	County Road	<input type="checkbox"/>	Provincial Highway
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<input type="checkbox"/>	Private	<input type="checkbox"/>	Water
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If access to the subject land is by water only, indicate the parking and docking facilities to be used and the approximate distance between these facilities and the nearest public road.

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8. NUMBER OF NEW LOTS PROPOSED (NOT INCLUDING RETAINED LOT): 1

9. DESCRIPTION AND USE OF LAND INTENDED TO BE RETAINED:

Frontage: 58ft (17.7m) | Depth: 158ft (45.72m) | Area: 8700 sqft (808.25m<sup>2</sup>)

Existing Use: residential

Proposed Use: residential

Number and use of buildings and structures on the land intended to be retained

Existing: single detached dwelling + one accessory structure

Proposed: no change

Is there an existing access bridge/<sup>driveway</sup> on this parcel?

<input checked="" type="checkbox"/>	Yes (locate on sketch)	<input type="checkbox"/>	No
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Is there a water service connection on this parcel?

<input checked="" type="checkbox"/>	Yes (locate on sketch)	<input type="checkbox"/>	No
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Is there a sanitary sewer connection on this parcel?

<input checked="" type="checkbox"/>	Yes (locate on sketch)	<input type="checkbox"/>	No
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Access to proposed retained lot

<input checked="" type="checkbox"/>	Municipal Road	<input type="checkbox"/>	County Road	<input type="checkbox"/>	Provincial Highway
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<input type="checkbox"/>	Private	<input type="checkbox"/>	Water
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If access to the subject land is by water only, indicate the parking and docking facilities to be used and the approximate distance between these facilities and the nearest public road.

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10. TYPE OF WATER SUPPLY AND SANITARY SEWAGE DISPOSAL (please check all applicable)			
Type		Severed	Retained
Water	Municipally owned and operated piped water supply	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Well	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
Sanitary	Municipally owned and operated sanitary sewers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Septic tank	<input type="checkbox"/>	<input type="checkbox"/>
	Other(specify)_____	<input type="checkbox"/>	<input type="checkbox"/>
When will water supply and sewage disposal services be available?			
_____			

11. PROPERTY HISTORY			
Have there been any previous severances of land from this holding?			
<input type="checkbox"/>	Yes (locate on sketch)	<input checked="" type="checkbox"/>	No
If yes, please indicate previous severances on the required sketch and supply the following information for each lot severed:			
Grantee's name			
Relationship (if any) to the owner:			
Use of parcel:			
Date parcel created:			

Has the parcel ever been the subject of an application for approval of a plan of subdivision under Section 51 or a consent under Section 53 of the Act, as amended, or its predecessors?

<input type="checkbox"/>	Yes (locate on sketch)	<input checked="" type="checkbox"/>	No
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If yes, please indicate the file number and the decision:

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## 12. CURRENT APPLICATIONS

Please indicate whether the property is the subject of an application for one of the following:

<input type="checkbox"/>	Official plan or official plan amendment approval
<input type="checkbox"/>	Zoning by-law amendment
<input type="checkbox"/>	Minister's zoning order amendment
<input checked="" type="checkbox"/>	Minor variance
<input type="checkbox"/>	Consent or approval of a plan of subdivision

If known, indicate the file number and status of the foregoing application(s)

A/30/24 - concurrent application

Is the owner, solicitor or agent applying for additional consents on this holding simultaneously with this application, or considering applying for additional consents in the future?

<input type="checkbox"/>	Yes (locate on sketch)	<input checked="" type="checkbox"/>	No
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Is the owner, solicitor or agent applying for any minor variance or permission to extend or enlarge under Section 45 of the Planning Act, R.S.O. 1990, as amended, in relation to any land that is the subject of this application?

<input type="checkbox"/>	Yes (locate on sketch)	<input checked="" type="checkbox"/>	No
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12. CURRENT APPLICATIONS CONTINUED			
Is the requested application consistent with policy statements issued under subsection 3(1) of the Planning Act? (ie. 2020 Provincial Policy Statement)			
<input checked="" type="checkbox"/>	Yes (locate on sketch)	<input type="checkbox"/>	No
Comments: _____ _____			
Is the subject land within an area of land designated under any provincial plan or plans?			
<input type="checkbox"/>	Yes (locate on sketch)	<input checked="" type="checkbox"/>	No
If yes, does the requested application conform to or does not conflict with the provincial plan or plans? _____			
Is the land associated with any natural environment area or adjacent to or abutting lands that are designated as a Wetland or Natural Environment?			
<input type="checkbox"/>	Yes (locate on sketch)	<input checked="" type="checkbox"/>	No
If yes, an Environmental Impact Assessment is required, for approval by the Town and Essex Region Conservation Authority, to be completed in accordance with the County of Essex Guidelines for Environmental Impact Assessments or when Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.			
Does the proposed project include the addition of permanent above ground fuel storage?			
<input type="checkbox"/>	Yes (locate on sketch)	<input checked="" type="checkbox"/>	No

Is the land within 600 m of property that is designated as Extractive Industrial?			
<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	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			

<b>13. CONSENT OF OWNER</b>	
The owner must also complete the following or a similar authorization attached to the application.	
<b>Consent of Owner(s) to the Use and Disclosure of Personal Information and to Allow Site Visits to be Conducted</b>	
In accordance with the provisions of the Planning Act, it is the policy of the Town of Amherstburg Planning Services Department to provide the public access to all development applications and supporting documentation.	
In submitting this development application and supporting documentation, I/we <u>Gerald Goodchild</u> the owner(s)/authorized applicant, hereby acknowledge the above-noted policy and provide my/out consent, in accordance with the provisions of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> , that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.	
<u>Sept. 6, 2024</u> Date	<u>Gerald Goodchild</u> Signature
_____ Date	_____ Signature

**14. AFFIDAVIT** (This affidavit must be signed in the presence of a Commissioner)

I/We, Gerald Goodchild of the

Town of Amherstburg in the

County of Essex solemnly declare that all of the

information and the statements contained in this application are true, and I/we, 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 6<sup>th</sup>

day of September, 20 24.

Sept. 6, 2024  
Date

Gerald Goodchild  
Signature of Owner or Authorized Agent

Sept. 6, 2024  
Date

S. French  
Signature of Commissioner

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

**15. AUTHORIZATION**

If the applicant is not the owner(s) of the land that is subject of this application, the owner(s) must complete the following or a similar authorization attached to the consent application.

To: Town of Amherstburg

Description and Location of Subject Lands: \_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_ to :

- (1) make an application on my/our behalf to the Committee of Adjustment of the Town of Amherstburg;
- (2) appear on my behalf at any hearings(s) of the application; and
- (3) provide any information or material required by the Committee relevant to the application.
- (4) submit this application on my/our behalf and, for the purposes of the Freedom of Information and Protection of Privacy Act, to provide any of my/our personal information that will be included in this application or collected during the process of the application

DATED at the \_\_\_\_\_ of \_\_\_\_\_

in the \_\_\_\_\_ of \_\_\_\_\_ this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature of Owner

**16. 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.

Each sign must remain posted beginning 14 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: 86 Willow Beach Rd

Application Number(s): B/22/24

I understand that each sign must be posted at least 14 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.

Herald Hoodchild  
Signature (Owner/Authorized Agent)

Sept. 6, 2024  
Date

Municipal Fee Received	PAID
ERCA Fee Received:	

Application No. A/38/24

**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 Sept. 6, 2024
3. Date application deemed complete by municipality October 1, 2024
4. Name of registered owner Gerald Goodchild  
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. 1103 Lot(s) No. 49.50, 51

Reference Plan No. \_\_\_\_\_ Part(s) No. \_\_\_\_\_

Street Address 86 Willow Beach Rd Assessment Roll No. 3729-556-03900, 63800 + 03700

7. Size of subject parcel:

Frontage 120 ft Depth 150 ft Area 18,000 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 Low Density Residential
10. Current Zoning of subject land RIA
11. Nature and extent of relief from the Zoning By-law requested Section 6(3)(a) requires 900m<sup>2</sup> of lot area for a parcel created in the RIA Zone. Section 6(3)(b) requires a 20m lot frontage for parcels created in RIA. B/22/24 proposes Severed parcel 18.9m frontage + 864m<sup>2</sup> area + proposes retained parcel 17.7m frontage + 808.3m<sup>2</sup> area - Permission for existing accessory structure to remain with non-complying setbacks
12. Reasons why minor variance is necessary condition of consent  
- allow reduced lot frontage + area + to acknowledge the existing accessory structure setbacks.
13. Current use of subject land residential
14. Length of time current use of subject land has continued 100 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:  
- retained parcel - single detached dwelling + accessory structure  
- severed parcel - vacant
16. Date of construction of existing buildings and structures on the subject land:  
Single - 1924  
garage - prior to 2004 (as per aerials)
17. Date subject land acquired by current registered owner March 30, 2012
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:  
- retained parcel - remain the same - no change  
- severed parcel - proposed single detached dwelling

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/22/24 - concurrent

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 6<sup>th</sup> day of Sept., 2024.

Gerald Goodchild

(signature of applicant, solicitor or authorized agent)

I, Gerald Goodchild 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 6<sup>th</sup> day of September, 2024.

Gerald Goodchild  
Applicant, Solicitor or Authorized Agent

S. French  
A Commissioner, etc.  
Sarah Elizabeth French, a Commissioner  
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.

# **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

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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

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PROPERTY ADDRESS: 86 Willow Beach Rd

APPLICATION NUMBER(S): A/38/24

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.

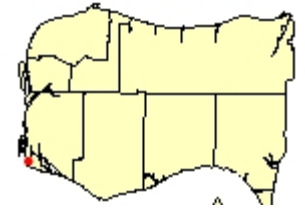
I acknowledge that the Secretary-Treasurer has confirmed these requirements with me.

Gerald Goodhill  
Signature (Owner/Authorized Agent)

Sept. 6, 2024  
Date



# Town of Amherstburg



### Legend

- Roads
- Parcels
- Essex

0.0                      0                      Distance /                      0.0                      Kilometers

### Notes

This is where you enter your notes about the map.





## Summary of Correspondence Received on Proposed B/22/24 & A/38/24 for 86 Willow Beach Rd.

Below is a summary of the comments received by the Planning Services Division on B/22/24 & A/38/24 as of October 31, 2024.

### Infrastructure Services:

- The Applicant shall confirm that each property (severed and retained) have separate sanitary, storm and water connections. If additional services are required to be installed to satisfy this comment, a permit from the Public Works Department must be submitted for review and approval (per property) prior to construction on the newly created lots for the following:
  - Water Connection
  - Water Meter
  - Sanitary Connection
  - Storm Connection
  - Driveway Entrance/Modification to current driveway entrance

Please contact the undersigned for assistance the Public Works Permit. Fees/deposits outlined in Amherstburg's most recent version of the User Fee by-law are applicable.

- All new driveway entrances or modifications to current driveway entrances shall be constructed in compliance with the current Driveway Alteration or Installation Policy.
- The applicant/owners shall enter into the reapportionment of the drainage assessment for the subject lands in accordance with Section 65(2) of the Ontario Drainage Act, R.S.O. 1990 as amended and 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.
- Private Drain Connection (PDC) sheets will be required to be submitted once installation of new services is completed.
- All downspouts shall be disconnected and splash to the ground.

Website: [www.amherstburg.ca](http://www.amherstburg.ca)

271 SANDWICH ST. SOUTH, AMHERSTBURG, ONTARIO N9V 2A5 Phone:  
(519) 736-0012 Fax: (519) 736-5403 TTY: (519)736-9860

## Essex Region Conservation Authority

Please see attached.

## Fire Department

The Amherstburg Fire department continues to maintain the capabilities to respond into the flood zone for rescue and fire fighting activities. Standard operating procedures and equipment are in place to ensure that if the 100 year flood were to happen, we would be able to respond in that area.

As such, we do not have any objections to the proposed lot and future building on this property.

## Building Department

- Full grading design and service drawings
- ERCA approval prior permit issuance
- Building permits required for all structures
- ROW permits required

Website: [www.amherstburg.ca](http://www.amherstburg.ca)

271 SANDWICH ST. SOUTH, AMHERSTBURG, ONTARIO N9V 2A5 Phone:  
(519) 736-0012 Fax: (519) 736-5403 TTY: (519)736-9860



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

October 29, 2024

**Ms. Janine Mastronardi**

Planner  
3295 Meloche Road  
Amherstburg, ON  
N9V 2Y8

Dear Ms. Janine Mastronardi:

RE: Application for Consent B-22-24, and Minor Variance A-38-24 86 WILLOW BEACH RD, 0 WILLOW BEACH RD

ARN 372955000003900, 372955000003800; PIN: 705711024,

Applicant: GOODCHILD GERALD WALTER

The Town of Amherstburg has received Application for Consent B-22-24 and Application for Minor Variance A-38-24 for the above noted subject lands.

The purpose of B-22-24 is to sever a parcel of land being approximately 18.9 m frontage by approximately 45.72 m depth with an area of approximately 864 sq m to create a new residential building lot for a single detached dwelling unit. The remaining parcel being approximately 17.7 m frontage by 45.72 m depth with a total area of 808.25 sq m contains a single detached dwelling and one accessory structure.

The purpose of A-38-24 is to request relief from Zoning By-law 1999-52, as amended, Section 6(3)(a) which requires a minimum lot area of 900 sq m and from Section 6(3)(b) which requires a minimum lot frontage of 30 m both for parcels created in a Residential Type 1A (R1A) Zone. Subsequent to B-22-24, the severed parcel will have a lot area of approximately 864 sq m and a lot frontage of approximately 17.7 m. The applicant is also seeking permission for the existing accessory structure to remain as existing subject to confirmation of the location of the structure being wholly within the subject property.

Therefore, the amount of relief requested is 36 sq m in lot area and 1.1 m in lot frontage for the severed parcel and 91.75 sq m in lot frontage for the retained parcel.

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.

The following is provided as a result of our review of Application for Consent B-22-24, and Minor Variance A-38-24.

Ms. Janine Mastronardi  
October 29, 2024

**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*.

Note that ERCA's comments on natural hazards are related to both the *Conservation Authorities Act*, and ERCA's delegated responsibility to represent the Province's interest on natural hazards per Ontario Regulation 686/21.

The above noted lands are subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of Lake Erie.

We understand that the applicant is proposing to create a new residential lot for the purpose of constructing a single detached dwelling. The Provincial Policy Statement 2024 Section 5.1.1 states:

"Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards."

Additionally, the Provincial Planning Statement 2024 Section 5.2.3 states:

"Development as site alteration shall not be permitted within:

c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards, erosion hazards* and or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard".

Essex Region Conservation Authority has identified that the subject lands may have a depth of water over the road of over 0.8 m during a 1:100 flood event and is likely to be rendered inaccessible to people and vehicles during times of flooding hazards. As the proposal includes the creation of a new residential lot within a low-lying area subject to potential deep flood waters, and does not appear to satisfy the current Provincial Planning Statement with respect to natural hazards, our office is therefore recommending that applications B-22-24 and A-38-24 be **denied**.





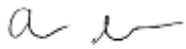
Ms. Janine Mastronardi  
October 29, 2024

**FINAL RECOMMENDATION**

**Our office recommends B-22-24 and A-38-24 for denial, as the subject lands are likely to be rendered inaccessible to people and vehicles during times of flooding hazards.**

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

Sincerely,



Alicia Good  
*Watershed Planner*  
/ag





# Amherstburg Committee of Adjustment

November 06, 2024

**B/22/24 & A/38/24**  
**86 Willow Beach Rd.**

# Purpose of Application B/22/24

The applicant is proposing to sever a parcel of land being 18.9 m  $\pm$  frontage by 45.72 m  $\pm$  depth with an area of 864 sq m  $\pm$  to create a new residential building lot for a single detached dwelling.

The remaining parcel being 17.7 m  $\pm$  frontage by 45.72 m depth with a total area of 808.25 sq m  $\pm$  contains a single detached dwelling and one accessory structure.



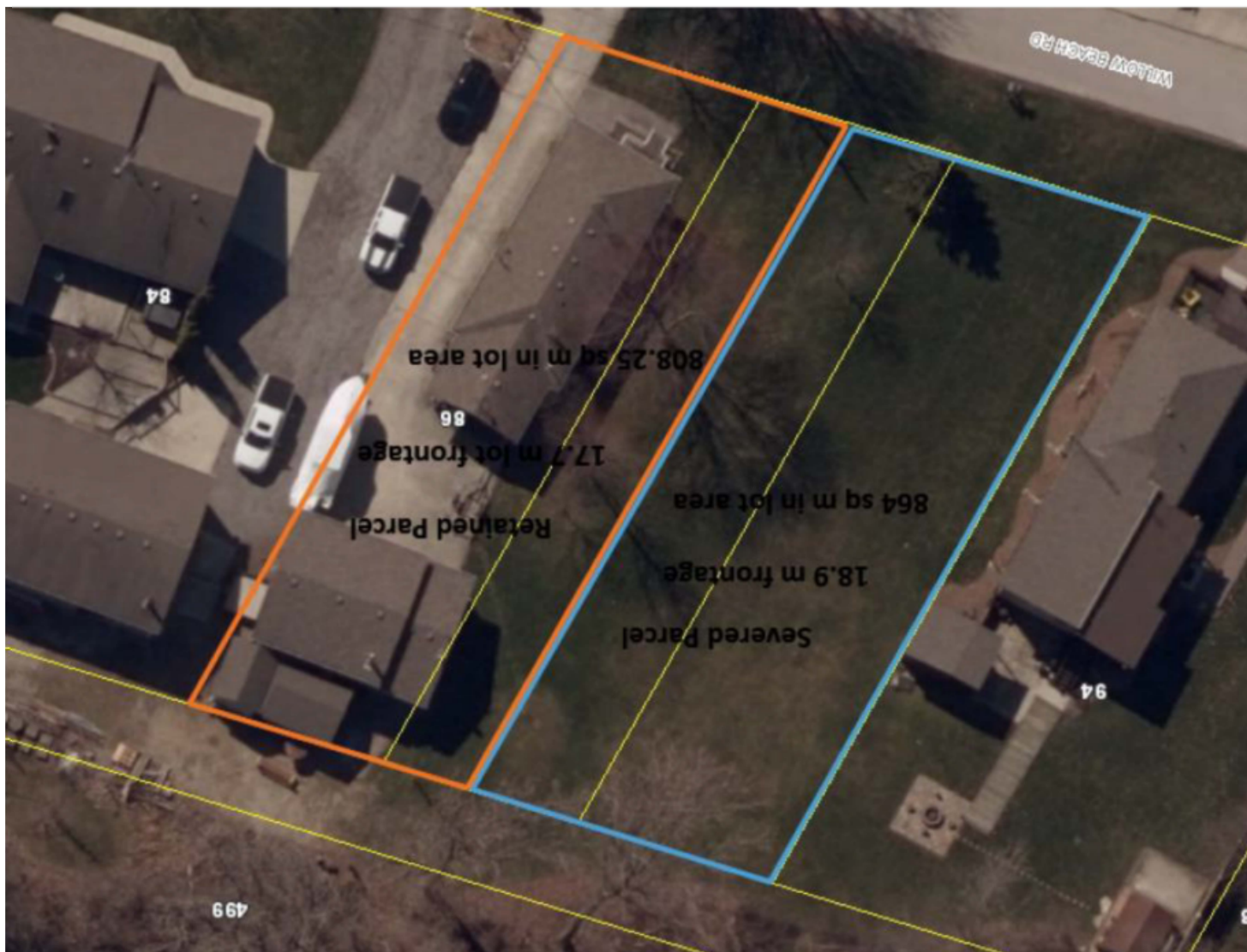
# Purpose of Application A/38/24

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 6(3)(a) which requires a minimum lot area of 900 sq m and from Section 6(3)(b) which requires a minimum lot frontage of 20 m both for parcels created in a Residential Type 1A (R1A) Zone. Subsequent to B/22/24; the severed parcel will have a lot area of 864 sq m  $\pm$  and a lot frontage of 18.9 m  $\pm$ , the retained parcel will have a lot area of 808.25 sq m  $\pm$  and a lot frontage of 17.7 m  $\pm$ . The applicant is also seeking permission for the existing accessory structure to remain as existing subject to confirmation of the location of the structure being wholly within the subject property.

Therefore, the amount of relief requested is 36 sq m in lot area and 1.1 m in lot frontage for the severed parcel and 91.75 sq m in lot area and 2.3 m in lot frontage for the retained parcel.

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.





# 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
- Provincial Planning Statement 2024
- Conservation Authorities Act, R.S.O. 1990, c. C.27
- Ontario Regulation 686/21
- Ontario Regulation 41/24
- County of Essex Official Plan
- Town Official Plan
- Town Zoning By-law 1999-52, as amended



# Recommendation

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **B/22/24 be approved** subject to the recommended conditions.

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **A/38/24 be approved.**

