



**TOWN OF AMHERSTBURG
COMMITTEE OF ADJUSTMENT MEETING**

AGENDA

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

Wednesday, April 2, 2025

8:00 AM

Council Chambers

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

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Pages

- 1. CALL TO ORDER**

- 2. ROLL CALL**

- 3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**
There were no disclosures noted.

- 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 ADOPTED**:

5.1 **Committee of Adjustment Meeting Minutes of March 5, 2025** 1

6. ORDER OF BUSINESS

6.1 **A/06/25, 1359 Front Road South, Sean Cota** 11

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/06/25 **BE APPROVED** subject to the recommended conditions.

6.2 **A/10/25, 126 Tilford Lane, Dave Sinasac c/o Drew Coulson, Agent** 39

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/10/25 **BE APPROVED** subject to the recommended conditions.

7. ADJOURNMENT

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



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

**Wednesday, March 5, 2025
8:00 AM**

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

PRESENT Anthony Campigotto - Chair
Terris Buchanan - Vice Chair
Donald Shaw
Josh Mailloux

STAFF PRESENT Janine Mastronardi - Secretary Treasurer
Selena Scebba - Policy and Committee Coordinator

ABSENT Debbie Rollier (*Regrets*)

1. CALL TO ORDER

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

2. ROLL CALL

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures noted.

4. LAND ACKNOWLEDGEMENT

The Chair read the following land acknowledgment, “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

5.1 Committee of Adjustment February 5, 2025 Meeting Minutes

Moved by T. Buchanan

Seconded by D. Shaw

That the following Committee of Adjustment meeting minutes of February 5, 2025 **BE ADOPTED.**

The Chair put the motion.

Motion Carried

6. ORDER OF BUSINESS

6.1 Information Report- Cancellation of Consents

Moved by J. Mailloux

Seconded by T. Buchanan

That the report entitled Information Report- Cancellation of Consents dated February 24, 2025 **BE RECEIVED** for information.

The Chair put the motion.

Motion Carried

6.2 Cancellation of Consent, 744 Front Road North

Moved by T. Buchanan

Seconded by D. Shaw

That the written request for the cancellation of consent of application B/24/14 **BE APPROVED.**

The Chair put the motion.

Motion Carried

6.3 B-02-25 and A-02-25, 6801 Concession 6 N, George Dragicevic

Moved by D. Shaw

Seconded by J. Mailloux

That:

Application B/02/25 **BE APPROVED** subject to the following conditions:

1. That a Reference Plan of the severed parcel and of the proposed easement lands over the retained parcel be prepared, satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed for the severed parcel subject to an easement over the retained farm parcel acceptable for registration in order that consent may be attached and a copy be provided to the municipality.
3. The applicant to submit to the municipality the deed for the retained parcel together with an easement for access in favour of the severed parcel acceptable for registration in order that consent may be attached and a copy be provided to the municipality.
4. That all property taxes be paid in full.
5. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel.
6. That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property.
7. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that the operation will not be affected by the severance, to the satisfaction of the municipality.
8. The applicant/owners are required to enter into a reapportionment of the drainage assessment for the subject lands in accordance with Section 65(2) of the Ontario Drainage Act, R.S.O. 1990 as amended and provide the Town of Amherstburg, a signed agreement and that any associated cost of same be borne solely by the applicant. The reapportionment for any affected Municipal Drains is required and is 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.

9. That the applicant determine if there are any existing farm drainage tiles/systems extending through the parcel that is to be severed and, if existing farm drainage tiles/systems are found, that the applicant redirect the tiles/systems around the parcel to be severed to the satisfaction of the municipality.
10. That a grade design demonstrating that the severed parcel will maintain its own surface water be submitted and implemented to the satisfaction of the municipality.
11. That the following covenant be included on the title of the severed and retained parcels:

“The Purchaser(s)/Transferee(s) hereby acknowledge(s) that an active, licensed quarry is located near this property. Notwithstanding that the quarry must operate within provincial guidelines and the conditions of its license, it is possible that these operations may generate noticeable noise, vibration, dust and traffic and/or other potential impacts.”
12. 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.

Application A/02/25 **BE APPROVED.**

The Chair put the motion.

Motion Carried

6.4 B/06/25 and B/07/25, 7981 Howard Avenue, Phil, Pam, Joel and Derek Bezaire

Moved by T. Buchanan
Seconded by J. Mailloux

That:

Application B/06/25 **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 the severed parcel be rezoned to an industrial zone consistent with the Official Plan designation of the lands.
5. 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 Tecumseh, 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.
6. The applicant shall enter into an agreement satisfactory to the Town of Amherstburg requiring that the severed parcel be required to connect to a municipal sanitary sewer system immediately should it become available. The subject agreement to be registered on title.
7. 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.

Application B/07/25 **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 the severed parcel be rezoned to an industrial zone consistent with the Official Plan designation of the lands.

5. 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 Tecumseh, 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.
6. The applicant shall enter into an agreement satisfactory to the Town of Amherstburg requiring that the severed parcel be required to connect to a municipal sanitary sewer system immediately should it become available. The subject agreement to be registered on title.
7. That an access bridge be installed to the retained farm parcel, if required.
8. That the Applicant shall obtain an entrance permit from the County of Essex for a new driveway entrances or modifications to current driveway entrances on County Road 8 (North Townline) or County Road 9 (Howard Avenue) for the retained farm parcel entrance, if required.
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.

The Chair put the motion.

Motion Carried

6.5 A/07/25, 3465 Concession 3 N, Nick Carosella, c/o Donato DiGiovanni, Agent

Moved by D. Shaw

Seconded by J. Mailloux

That application A/07/25 **BE APPROVED.**

The Chair put the motion.

Motion Carried

6.6 A/04/25, 245 Lakewood Drive, Kim Burgon & Howard Groulx, c/o Drew Coulson

Moved by J. Mailloux
Seconded by T. Buchanan

That application A/04/25 **BE APPROVED** subject to the following conditions:

1. That the design of the accessory structure be in substantial conformity with the plans submitted as part of application A/04/25.
2. That a grade design be approved and implemented to the satisfaction of the municipality noting that a retaining wall may be required along a portion of the west property line to prevent water from shedding onto the abutting property.

The Chair put the motion.

Motion Carried

6.7 B/08 & 09/25, 156 and 160 Fort Street, Drew Coulson

Moved by J. Mailloux
Seconded by D. Shaw

That:

Application B/08/25 **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. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent (severed and retained parcels).
5. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcels which are the subject of the consent.

6. That a grade design demonstrating that the retained parcel will maintain its own surface water be submitted and implemented to the satisfaction of the municipality.
7. 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.

Application B/09/25 **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. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent (severed and retained parcels).
5. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcels which are the subject of the consent.
6. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.

The Chair put the motion.

Motion Carried

6.8 A/08-09/25, 320-340 Dalhousie Street, Boblo Developments Inc.

**Moved by J. Mailloux
Seconded by D. Shaw**

That:

Application A/08/25 **BE APPROVED.**

Application A/09/25 **BE APPROVED** subject to the following condition:

1. That Council approve an exemption from the Driveway Alteration or Installation Policy for the proposed 12 m driveway for the proposed ferry landing entrance.

The Chair put the motion.

Motion Carried

6.9 B/10/25, 243 Fryer Street, Aldo and Antonietta Iannucci, c/o Rob Iannucci, Agent

Moved by J. Mailloux

Seconded by T. Buchanan

That application B/10/25 **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 a restrictive covenant be registered on the title of the retained parcel prohibiting the 3m strip at the rear of the property from being enclosed by a fence.
4. That all property taxes be paid in full.
5. 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.
6. That the applicant must install a curb cut/driveway access on the north half of the severed parcel to the satisfaction of the municipality.
7. That the applicant be required to obtain a Right-of-Way Permit from Infrastructure Services according to Town policy for any work required within the limits of the Town right-of-way. All permitting costs will be borne entirely by the applicant.
8. That one (1) tree per newly created lot shall be planted within the municipal right-of-way. Coordination with the undersigned is required to confirm species and caliper to be planted. Cash in lieu may also be provided to satisfy this requirement in the amount of \$500.00 per lot created.

9. That the applicant confirm and install separate sanitary sewer connections, water services and storm sewer connections to the severed and retained lots in accordance with and under the supervision of the municipality at the applicant's expense.
10. That the applicant provide to the municipality Private Drain Connection (PDC) sheets once installation of new services is completed.
11. That the applicant submit a lot grading plan for the severed lot to the satisfaction of the municipality.
12. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.

The Chair put the motion.

Motion Carried

7. **ADJOURNMENT**

Moved by D. Shaw
Seconded by T. Buchanan

That the Committee of Adjustment **ADJOURN** at 9:48 a.m.

The Chair put the motion.

Motion Carried

Anthony Campigotto - Chair

Janine Mastronardi - Secretary-Treasurer



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

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

Author's Name: Janine Mastronardi	Report Date: March 27, 2025
Author's Phone: 519 736-5408 ext. 2134	Date to Committee: April 2, 2025
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

To: Chair and Members of the Committee of Adjustment

Subject: A/06/25, 1359 Front Road South, Sean Cota

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/06/25 **BE APPROVED** subject to the recommended conditions.

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 applicant is proposing to remove the existing 480 sq ft accessory structure (detached garage) and is proposing the construction of a 32.75 ft x 43 ft, 1400 sq ft, accessory structure to contain personal vehicle storage on the first floor and a future additional residential unit on the second floor with a height of 7.42 m (24.4 ft) to the peak of the roof.

Through consultation with the Building department and to provide for potential construction errors resulting in the finished structure exceeding what is proposed the relief requested for the height is proposed to be rounded up to 7.62 m (25 ft).

The proposed setbacks, size, lot coverage and distance between the primary and additional dwellings all comply with the applicable zoning provisions.

The existing single detached dwelling has a footprint of approximately 1480 sq ft and an approximate height of 7.92 m (26 ft) to the peak of the roof from the highest grade.

Therefore, the amount of relief requested is 2.12 m (7 ft) in accessory structure height.

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

3. BACKGROUND:

N/A

4. PLANNING INFORMATION:

Official Plan Designation: Low Density Residential

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

Existing Use: residential

Proposed Use: residential

Neighboring Uses: residential

TECHNICAL INFORMATION

Property Size: 0.843 acres

Existing structures: single detached dwelling (to remain) and two accessory structure (one shed to remain and one garage to be demolished)

Proposed Accessory Structure Height: 7.62 m

Permitted Accessory Structure Height: 5.5 m

Relief requested: 2.12 m

5. PLANNING ANALYSIS:

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

The purposes of the Planning Act are;

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

- (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
- (e) to encourage co-operation and co-ordination among various interests;
- (f) to recognize the decision-making authority and accountability of municipal councils in planning. 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 owner is permitted to erect an accessory structure on a municipally serviced property in an existing residential development which already contains a single detached dwelling. The minor variance is required to allow for increased height.

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

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

The application must meet all of the above tests.

2. OFFICIAL PLAN POLICIES

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

The applicant is proposing the construction of an accessory structure which will be accessory to a single detached dwelling which will contain personal storage on the first floor and an additional residential unit on the second floor. The structure and use are permitted on lands designated Low Density Residential. As such, the proposed use is considered to be in keeping with the intent of the Official Plan.

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

3. ZONING BY-LAW

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

Section 3(1)(c) permits a maximum height of 5.5 m for an accessory structure in a Residential Zone. The applicant is proposing to remove the existing 480 sq ft accessory structure (detached garage) and is proposing the construction of a 32.75 ft x 43 ft, 1400 sq ft, accessory structure to contain personal vehicle storage on the first floor and a future

additional residential unit on the second floor with a height of 7.42 m (24.4 ft) to the peak of the roof.

Through consultation with the Building department and to provide for potential construction errors resulting in the finished structure exceeding what is proposed the relief requested for the height is proposed to be rounded up to 7.62 m (25 ft).

The existing single detached dwelling has a footprint of approximately 1480 sq ft and an approximate height of 7.92 m (26 ft) to the peak of the roof from the highest grade.

The proposed setbacks, size, lot coverage and distance between the primary and additional dwellings all comply with the applicable zoning provisions.

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

4. APPROPRIATE DEVELOPMENT

The proposed variance does not change the use of the land for residential purposes and therefore the use can be considered appropriate. The proposed variance would appear not to negatively impact any adjacent land uses. The height of the proposed accessory structure is consistent with the dwellings and accessory structures in the neighbourhood.

The height relief requested is 2.12 m while keeping the height of the accessory structure lower than the height of the house. The proposed structure has been designed to compliment the primary dwelling. It is set back and behind the primary dwelling 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 accessory structure does not change the character of the neighbourhood and the additional height is required by the property owner to allow for an additional residential unit on the second floor. Lot coverage, setback between primary and secondary dwelling and all the remaining R1A zone provisions and General Provisions are in compliance.

The proposed residential use of the property is consistent with the Provincial Planning Statement, is in conformity with the Official Plan and maintains the intent of the Zoning by-law.

The Essex Region Conservation Authority has no objections to the application for minor variance. The applicant is required to obtain an approval from ERCA prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*. 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/06/25 be approved to grant relief of 2.12 m in accessory structure height to allow for a 32.75 ft x 43 ft, 1400 sq ft, accessory structure to contain personal vehicle storage on the first floor and a future additional residential unit on the second floor with a maximum height of 7.62 m (25 ft) to the peak of the roof subject to the recommended conditions:

1. That the design of the accessory structure be in substantial conformity with the plans submitted as part of application A/06/25.
2. That a grade design be approved and implemented to the satisfaction of the municipality

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 intents of Comprehensive Zoning By-law 1999-52, as amended.
- 3) The proposed variance does not change the use of the land for residential purposes and therefore can be considered appropriate.
- 4) The requested variance would appear to be minor in nature.

5) The proposed variance would not have a negative impact on the environment.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Janine Mastronardi". The signature is written in a cursive style with a large initial "J" and a distinct "M".

Janine Mastronardi
Secretary-Treasurer

Report Approval Details

Document Title:	A-06-25, 1359 Front Road South, Sean Cota.docx
Attachments:	<ul style="list-style-type: none">- Appendix A- A-06-25- Notice- 1359 Front Rd S-RM.pdf- Appendix B- A-06-25 Application_Redacted-RM.pdf- Appendix C- A-06-25 Aerial Map-RM.pdf- Appendix D- A-06-25- Site Photos.-RM.pdf- Appendix E- Summary of Correspondence Received on A-06-25-RM.pdf- Appendix F- A-06-25 PowerPoint-RM.pdf
Final Approval Date:	Mar 28, 2025

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:

Sean Cota

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, April 2, 2025 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, March 31, 2025) to the Planning Department, planning@amherstburg.ca. All public comments received prior to the meeting by the above noted due date, will be read aloud at the beginning of the relevant application.

This is a public hearing for the purpose of hearing evidence in support of or in opposition to the above-noted application. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are asked to inform that person of this hearing. If you have comments on this application, they may be forwarded in writing to the Secretary-Treasurer at the address shown above.

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

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

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

Location of Property: 1359 Front Road South (Roll No.: 3729-600-000-10700)

Purpose of Minor Variance Application A/06/25:

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 applicant is proposing to remove the existing 480 sq ft accessory structure (detached garage) and is proposing the construction of a 32.75 ft x 43 ft, 1400 sq ft, accessory structure to contain personal vehicle storage on the first floor and a future additional residential unit on the second floor with a height of 7.42 m (24.4 ft) to the peak of the roof. Through consultation with the Building department and to provide for potential construction errors resulting in the finished structure exceeding what is proposed the relief requested for the height is proposed to be rounded up to 7.62 m (25 ft).

The proposed setbacks, size, lot coverage and distance between the primary and additional dwellings all comply with the applicable zoning provisions.

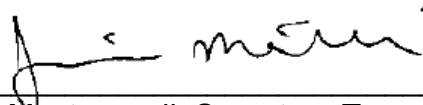
The existing single detached dwelling has a footprint of approximately 1480 sq ft and a height of 7.92 m (26 ft) to the peak of the roof.

Therefore, the amount of relief requested is 2.12 m (7 ft) in accessory structure height.

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

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

Dated: March 20, 2025



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



PART SITE PLAN

SCALE: 1" = 30'-0"

**PROPOSED
 ACCESSORY BUILDING
 FOR
 MR. & MRS. COTA
 1359 FRONT RD. S.
 AMHERSTBURG, ONTARIO**

DAVE ATTWOOD
 DESIGN DRAFTING & CONSULTING
 BCIN 28805

SHEET
 1 of 6

DATE: NOV. 09, 2024.
 true to scale when printed onto 11" x 17" paper

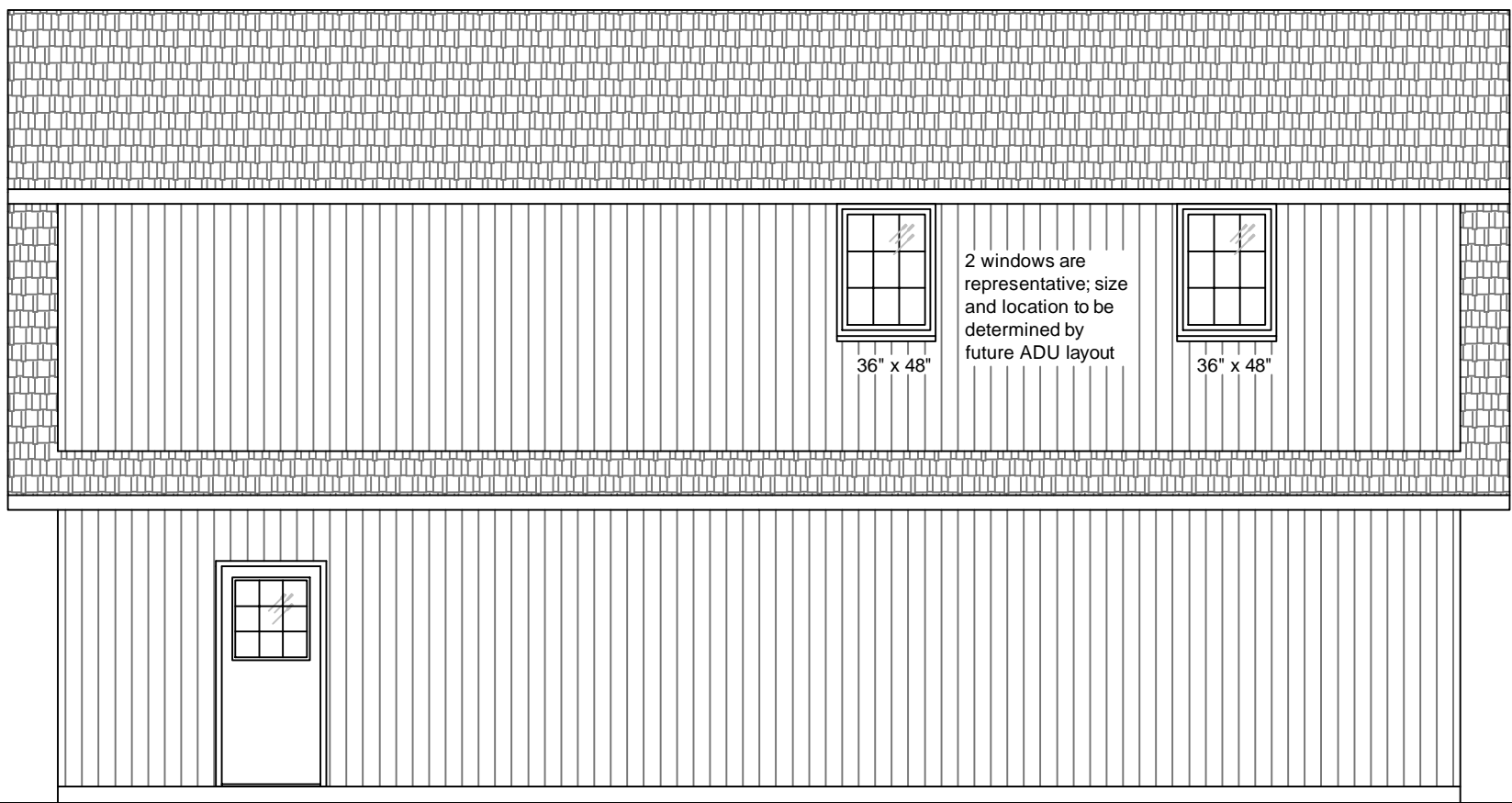
HEIGHT OF EXISTING HOUSE 26' (+ -)

24'-4 1/4"



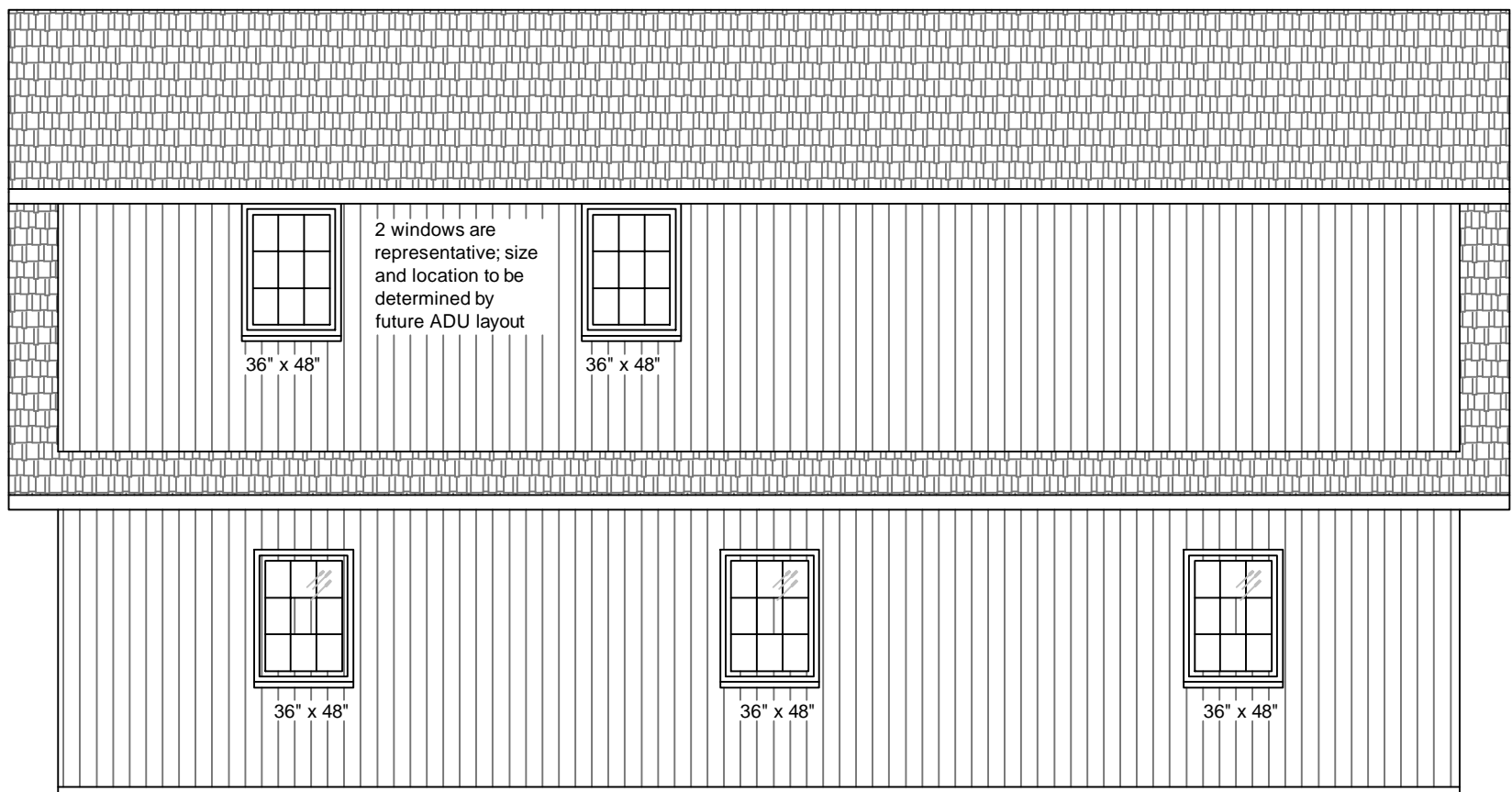
WEST ELEVATION

SCALE: 3/16" = 1'-0"



SOUTH ELEVATION

SCALE: 3/16" = 1'-0"



NORTH ELEVATION

SCALE: 3/16" = 1'-0"

DAVE ATTWOOD
DESIGN DRAFTING & CONSULTING
BCIN 28805

SHEET
4 of 6

DATE: NOV. 09, 2024.

true to scale when printed onto 11" x 17" paper

Municipal Fee Received:	<input checked="" type="checkbox"/>
ERCA Fee Received:	<input checked="" type="checkbox"/>

Application No. A/06/25

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 11/20/24
3. Date application deemed complete by municipality 3/3/25
4. Name of registered owner Sean Cota

Telephone number _____

Address & Postal Code _____

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. pt lt 13 + pt lt 14

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

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

Street Address 1359 Front Rd.S Assessment Roll No. 372960000010700

7. Size of subject parcel:

Frontage 150 ft Depth irregular Area 0.843 acres

8. Access to subject parcel:

Municipal Road County Road Provincial Highway
 Private Water

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

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

10. Current Zoning of subject land residential type 1A (R1A)

11. Nature and extent of relief from the Zoning By-law requested _____
section 3(1)(c) permits an accessory structure
maximum height of 5.5 m (18 ft) to the peak of the roof.
Proposing height of 7.42 m (24. 4.5")
Relief requested is 1.92 m (6.3 ft) in accessory structure height

12. Reasons why minor variance is necessary to allow for additional
height in second floor for future additional residential unit.

13. Current use of subject land residential

14. Length of time current use of subject land has continued 75 + yrs

15. Number and type of buildings or structures **existing** on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:
- single detached dwelling
- accessory structure (to be demolished)
- shed
(see site plan)
16. Date of construction of existing buildings and structures on the subject land:
single detached dwelling-1950, accessory structure (garage)- 1960
shed - unknown
17. Date subject land acquired by current registered owner June 2023
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:
-single detached dwelling to remain
-existing garage to be demolished + new 1400 sq ft
-accessory structure proposed
-shed to remain
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) municipal drain

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

- consent to sever
- approval of a plan of subdivision

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

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

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

- Yes
- No


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

- Yes
- No

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

A minor variance application fee of \$1214.00, along with an ERCA development review fee of \$200.00 (total of \$1414.00 payable to the Town of Amherstburg), must accompany your completed application.

Dated at the Town of Amherstburg this 20th day of Nov, 2024.



(signature of applicant, solicitor or authorized agent)

I, Sean Cota 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 20th day of November, 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.

POSTING COMMITTEE OF ADJUSTMENT ADVISORY SIGN

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

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

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

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

Chris Aspila, MCIP RPP
Manager of Planning Services

PROPERTY ADDRESS: 1359 Front Rd S

APPLICATION NUMBER(S): A / 06 / 25

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)

Nov. 20, 2024
Date



1345

1349

1359

1370

1369

1380

1386

1400 1400 1400

1400

COUNTY RD 20

1386

A/06/25- 1359 Front Rd S Site Photos





Summary of Correspondence Received on Proposed A/06/25 for 1359 Front Rd S

Below is a summary of the comments received by the Planning Services Division for A/06/25 as of March 26, 2025.

Infrastructure Services:

Infrastructure Services Department has reviewed A/06/25 – 1359 Front Road South minor variance application and offer the following comments:

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

Building Department

- That a grade design be approved and implemented to the satisfaction of the municipality.
- The septic system is to be reviewed at the time of building permits.
- Building permits required for the accessory structure and the additional residential units.

County of Essex

Please see attached letter

Essex Region Conservation Authority

Please see attached letter



March 24, 2025

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

Dear Ms. Mastronardi:

Re: COA Submission, A-06-25, Sean Cota

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

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

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

Regards,

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

Kristoffer Balallo
Engineering Technologist

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

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

 countyofessex.ca



planning@erca.org

P.519.776.5209

F.519.776.8688

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

March 24, 2025

2025-03-24

File Number: 0619-25

Janine Mastronardi, Town of Amherstburg
Town of Amherstburg – Libro Centre
3295 Meloche Rd., Amherstburg, ON
N9V 2Y8

RE: Construct an ADU
1359 FRONT RD S
Municipal File Number: A-06-25

The Town of Amherstburg has received Application for Minor Variance A-06-25 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 for an accessory structure in a Residential Zone. The applicant is proposing to remove the existing 480 sq ft accessory structure (detached garage) and is proposing the construction of a 32.75 ft x 43 ft, 1400 sq ft, accessory structure to contain personal vehicle storage on the first floor and a future additional residential unit on the second floor with a height of 7.42 m (24.4 ft) to the peak of the roof. Through consultation with the Building department and to provide for potential construction errors resulting in the finished structure exceeding what is proposed the relief requested for the height is proposed to be rounded up to 7.62 m (25 ft). The proposed setbacks, size, lot coverage and distance between the primary and additional dwellings all comply with the applicable zoning provisions. The existing single detached dwelling has a footprint of approximately 1480 sq ft and a height of 7.92 m (26 ft) to the peak of the roof. Therefore, the amount of relief requested is 2.12 m (7 ft) in accessory structure height. The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Type 1A (R1A) in the Town's Zoning By-law.

NATURAL HAZARDS AND REGULATOR RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT. O. REG 686/21

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 Detroit River and John Parks Drain No. 2. The property owner will be required to obtain an approval from the Essex Region



Janine Mastronardi, Town of Amherstburg
March 24, 2025

Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. We note that the Applicant has applied for ERCA approval #0444-25, which is currently under review. It is the responsibility of the Applicant if any changes are required to the site plans by contacting the assigned reviewer or regs@erca.org.

FINAL RECOMMENDATION

Our office has no objection to A-06-25. As noted above, the property owner will be required to obtain an approval from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

Sincerely,



Alicia Good
Watershed Planner



Amherstburg Committee of Adjustment

April 2, 2025



A/06/25- 1359 Front Rd S

Purpose of Application A/06/25

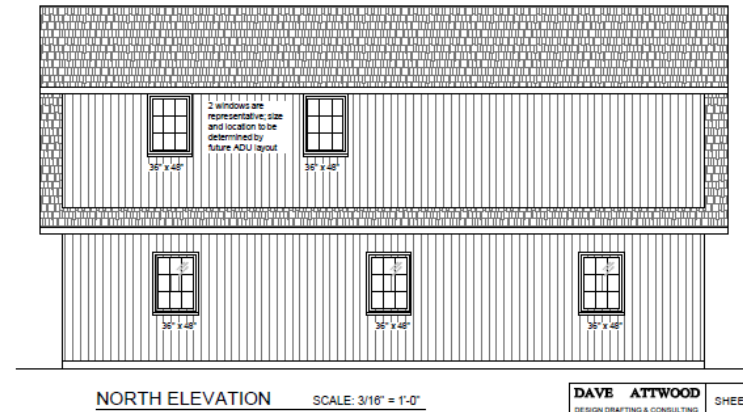
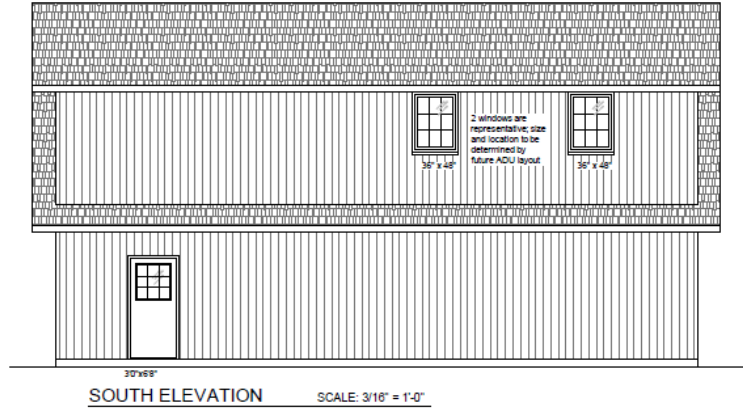
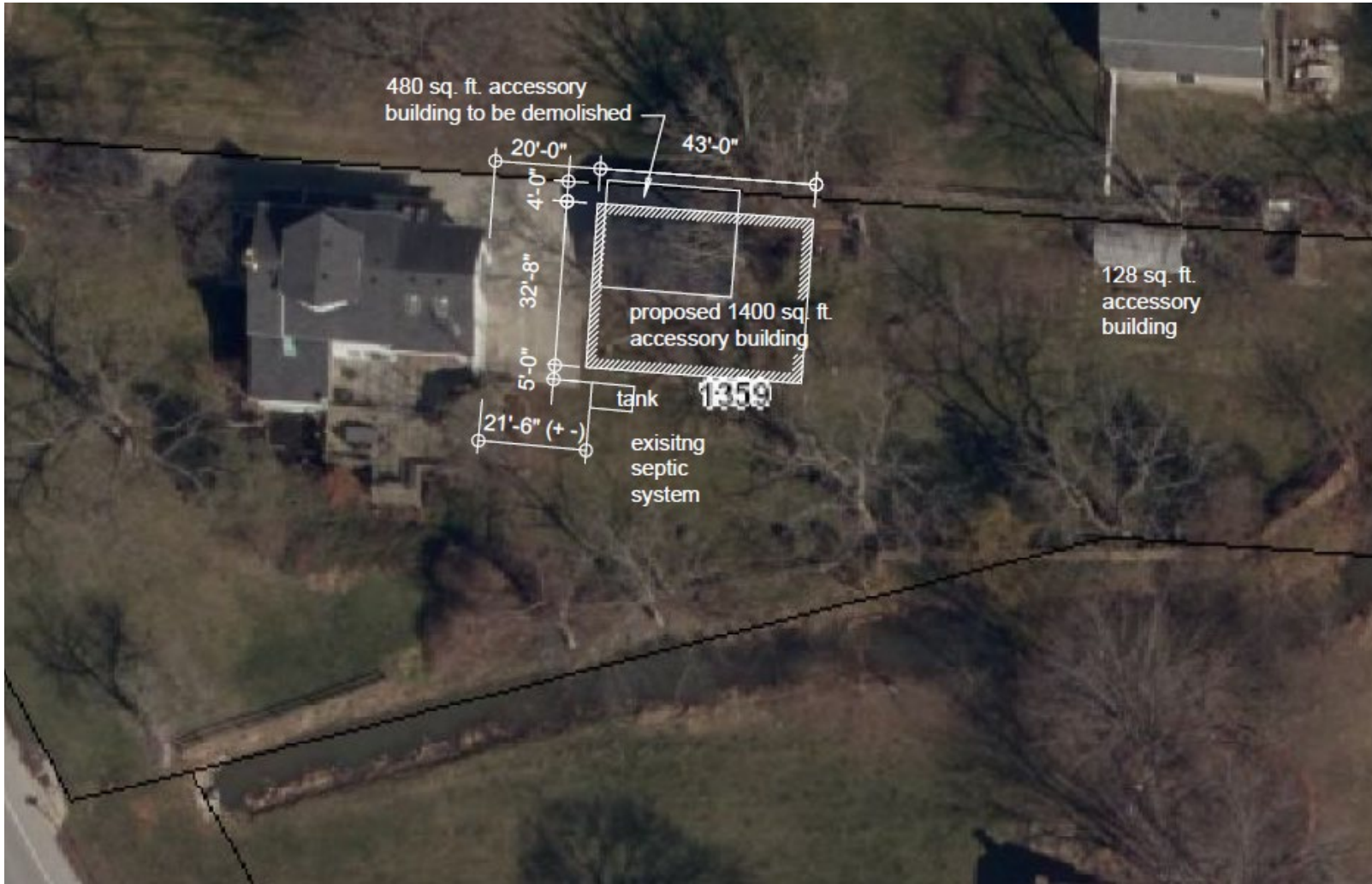
The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum height of 5.5 m in for an accessory structure in a residential Zone. The applicant is proposing to remove the existing 480 sq ft accessory structure (detached garage) and is proposing the construction of a 32.75 ft x 43 ft, 1400 sq ft, accessory structure to contain personal vehicle storage on the first floor and a future additional residential unit on the second floor with a height of 7.42 m (24.4 ft) to the peak of the roof.

Through consultation with the Building department and to provide for potential construction errors resulting in the finished structure exceeding what is proposed the relief requested for the height is proposed to be rounded up to 7.62 m (25 ft).

The proposed setbacks, size, lot coverage and distance between the primary and additional dwellings all comply with the applicable zoning provisions. The existing single detached dwelling has a footprint of approximately 1480 sq ft and a height of 7.92 m (26 ft) to the peak of the roof. Therefore, the amount of relief requested is 2.12 m (7 ft) in accessory structure height.

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

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

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



Recommendation

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that Application A/06/25 be approved to grant relief of 2.12 m (7 ft) in accessory structure height subject to the following conditions;

1. That the design of the accessory structure be built in substantial conformity with the plans submitted as part of application A/06/25.
2. That a grade design be approved and implemented to the satisfaction of the municipality.





THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

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

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

To: Chair and Members of the Committee of Adjustment

Subject: A/10/25, 126 Tilford Lane, Dave Sinasac c/o Drew Coulson, Agent

1. RECOMMENDATION:

It is recommended that:

- 1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/10/25 BE APPROVED subject to the recommended conditions.

2. PROPOSAL:

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(3)(f)(vi) which permits a maximum 20 m setback between a primary dwelling and additional dwelling unit.

The applicant is proposing the construction of an inground pool and an additional residential unit in the rear yard. The additional residential unit is proposed to be setback 27.33 m (89.67 ft) from the primary dwelling and 3 m (10 ft) from the rear property line. This will allow for space between the primary and additional dwellings for the proposed inground pool and amenity space.

The proposed remaining setbacks, size, lot coverage and height of the proposed additional residential unit all comply with the applicable zoning provisions.

Therefore, the amount of relief requested is 7.33 m (24.05 ft) in setback between the primary dwelling and additional dwelling unit.

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

3. BACKGROUND:

N/A

4. PLANNING INFORMATION:

Official Plan Designation: Low Density Residential

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

Existing Use: residential

Proposed Use: residential

Neighboring Uses: residential

TECHNICAL INFORMATION

Property Size: 24,338.44 sq ft

Existing structures: single detached dwelling

Proposed Setback between Primary Dwelling and ARU: 27.33 m (89.67 ft)

Permitted Setback between Primary Dwelling and ARU: 20 m

Relief requested: 7.33 m (24.05 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 owner is permitted to erect an accessory structure containing an additional residential unit on a municipally serviced property in an existing residential development which already contains a single detached dwelling. The minor variance is required to allow for an increased setback between the primary dwelling and additional residential unit.

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

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

The application must meet all of the above tests.

2. OFFICIAL PLAN POLICIES

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

The applicant is proposing the construction of an accessory structure which will be accessory to a single detached dwelling and contain an additional residential unit. The structure and use are permitted on lands designated Low Density Residential. As such, the proposed use is considered to be in keeping with the intent of the Official Plan.

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

3. ZONING BY-LAW

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

Section 3(3)(f)(vi) permits a maximum 20 m setback between a primary dwelling and additional dwelling unit.

The applicant is proposing the construction of an inground pool and an additional residential unit in the rear yard. The additional residential unit is proposed to be setback 27.33 m (89.67 ft) from the primary dwelling and 3 m (10 ft) from the rear property line. This will allow for space between the primary and additional dwellings for the proposed inground pool and amenity space.

The proposed remaining setbacks, size, lot coverage and height of the proposed additional residential unit all comply with the applicable zoning provisions.

Therefore, the amount of relief requested is 7.33 m (24.05 ft) in setback between the primary dwelling and additional dwelling unit.

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

4. APPROPRIATE DEVELOPMENT

The proposed variance does not change the use of the land for residential purposes and therefore the use can be considered appropriate. The proposed variance would appear not to negatively impact any adjacent land uses. The location, size and height of the proposed accessory structure is consistent with the neighbourhood.

The setback relief requested is 7.33 m which will provide additional space between the primary dwelling and additional dwelling unit for the proposed inground pool and amenity space. The lot is large for the neighbourhood providing for a deep rear yard. The proposed location of the accessory structure is appropriate for the lot.

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 accessory structure does not change the character of the neighbourhood and is required by the property owner for an additional residential unit on the property. Lot coverage and all the remaining R1A zone provisions and General Provisions are in compliance.

The proposed residential use of the property is consistent with the Provincial Policy Statement and is in conformity with the Official Plan and maintains the intent of the Zoning by-law.

The Essex Region Conservation Authority has no objections to the application for minor variance. The applicant has obtained an ERCA permit under Section 28 of the *Conservation Authorities Act* for the proposed structure. 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/10/25 be approved to grant relief of 7.33 m in setback between a primary dwelling and additional residential unit to allow a 27.33 m setback between the structures subject to the recommended conditions:

1. That the design of the accessory structure be in substantial conformity with the plans submitted as part of application A/10/25.
2. That a grade design be approved and implemented to the satisfaction of the municipality.

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

Respectfully Submitted,



Janine Mastronardi
Secretary-Treasurer

Report Approval Details

Document Title:	A-10-25, 126 Tilford Lane, Dave Sinasac, c.o Drew Coulson, Agent .docx
Attachments:	<ul style="list-style-type: none">- Appendix A- A-10-25- Notice- 126 Tilford Lane.-RM.pdf- Appendix B- A-10-25 - Application_Redacted -RM.pdf- Appendix C- A-10-25 Aerial Map-RM.pdf- Appendix D- A-10-25 Elevations-RM.pdf- Appendix E- A-10-25- Site Photos-RM.pdf- Appendix F- Summary of Correspondence Received on A-10-25-RM.pdf- Appendix G- A-10-25 PowerPoint-RM.pdf
Final Approval Date:	Mar 28, 2025

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

Chris Aspila



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

NOTICE OF PUBLIC HEARING

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

Dave Sinasac, c/o Drew Coulson, Agent

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

**Amherstburg Council Chambers, 271 Sandwich St. S., Amherstburg, ON
Wednesday, April 2, 2025 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, March 31, 2025) to the Planning Department, planning@amherstburg.ca. All public comments received prior to the meeting by the above noted due date, will be read aloud at the beginning of the relevant application.

This is a public hearing for the purpose of hearing evidence in support of or in opposition to the above-noted application. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are asked to inform that person of this hearing. If you have comments on this application, they may be forwarded in writing to the Secretary-Treasurer at the address shown above.

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

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

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

Location of Property: 126 Tilford Lane (Roll No.: 3729-540-000-22400)

Purpose of Minor Variance Application A/10/25:

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(3)(f)(vi) which permits a maximum 20 m setback between a primary dwelling and additional dwelling unit.

The applicant is proposing the construction of an inground pool and an additional residential unit in the rear yard. The additional residential unit is proposed to be setback 27.33 m (89.67 ft) from the primary dwelling and 3 m (10 ft) from the rear property line. This will allow for space between the primary and additional dwellings for the proposed inground pool and amenity space.

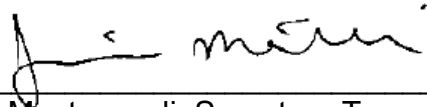
The proposed setbacks, size, lot coverage and height of the proposed additional residential unit all comply with the applicable zoning provisions.

Therefore, the amount of relief requested is 7.33 m (24.05 ft) in setback between the primary dwelling and additional dwelling unit.

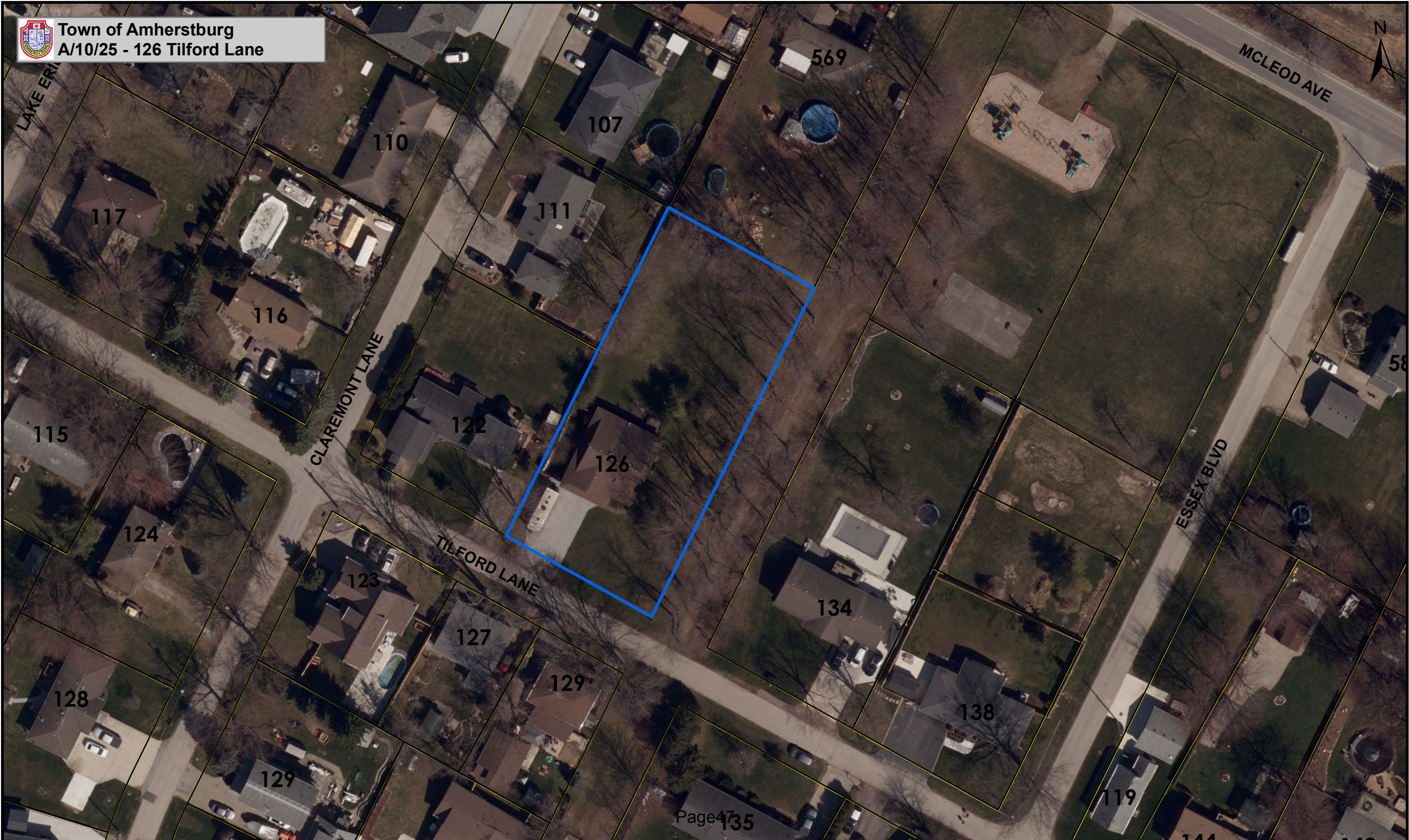
The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Type 1A (R1A) in the Town's Zoning By-law.

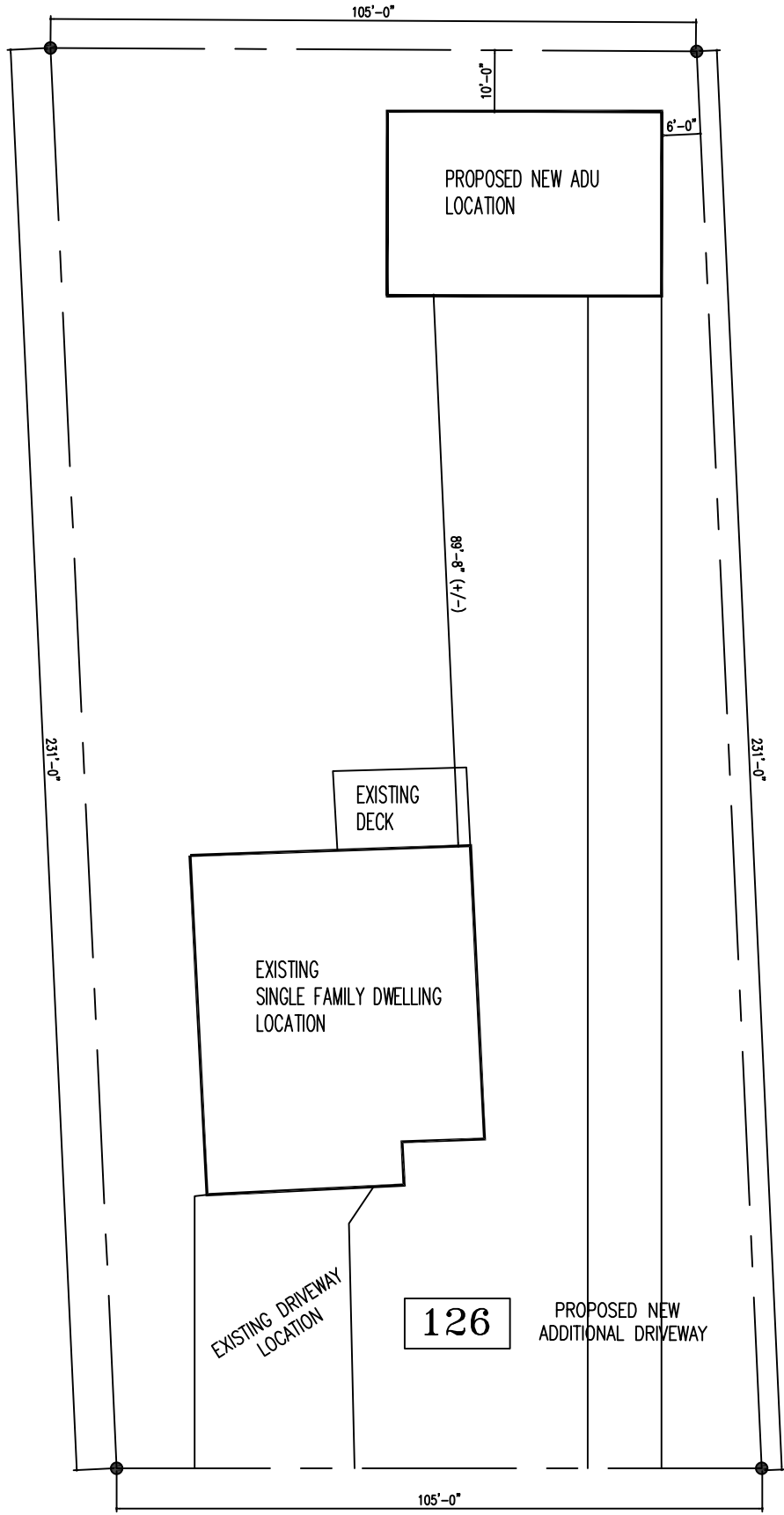
Additional Information relating to the proposed application is available by contacting the Town of Amherstburg Planning Offices by phone or email, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website www.amherstburg.ca.

Dated: March 20, 2025



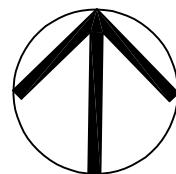
Janine Mastronardi, Secretary-Treasurer
Town of Amherstburg Committee of Adjustment
3295 Meloche Road, Amherstburg, ON N9V2Y8





TILFORD AVE.

SITE PLAN



Municipal Fee Received:	<input checked="" type="checkbox"/>
ERCA Fee Received:	<input checked="" type="checkbox"/>

Application No. A/10/25

**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 3/17/25
3. Date application deemed complete by municipality 3/19/25
4. Name of registered owner Dave Sinasac

Telephone number _____
 Address & Postal Code [REDACTED]
 Email _____

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

Telephone number [REDACTED]
 Address & Postal Code [REDACTED]
 Email [REDACTED]

Please specify to whom all communications should be sent:

- registered owner solicitor agent

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

6. Location and description of subject land:

Concession No. _____ Lot(s) No. _____
 Registered Plan No. 736 Lot(s) No. Pt Blk C
 Reference Plan No. _____ Part(s) No. _____
 Street Address 126 Tilford Lane Assessment Roll No. 540-22400

7. Size of subject parcel:

Frontage 105' 2 " Depth 231'5" Area 24,338.44 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 R1A

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

Section 3(3)(f)(vi) permits a maximum setback between a primary dwelling and a secondary dwelling unit of 20 m.

The proposed setback between the primary and secondary dwelling unit is 27.33 m. Therefore 7.33 m relief is requested.

12. Reasons why minor variance is necessary To allow for an inground pool

and amenity space between the primary and secondary dwellings.

13. Current use of subject land residential

14. Length of time current use of subject land has continued _____

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

single detached dwelling- see site plan - 1549 sq ft

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

1989

17. Date subject land acquired by current registered owner Jan. 30. 2025

18. Proposed use of subject land _____

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:

20. Type of water supply:

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

21. Type of sanitary sewage disposal:

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

22. Type of storm drainage:

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

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

- consent to sever
- approval of a plan of subdivision

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

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

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

- Yes
- No

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

- Yes
- No

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

A minor variance application fee of \$1214.00, along with an ERCA development review fee of \$200.00 (total of \$1414.00 payable to the Town of Amherstburg), must accompany your completed application.

Dated at the Town of Amherstburg on March 17, 2025
PRINT NAME OF TOWN OR CITY DATE


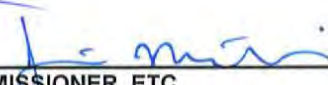

SIGNATURE APPLICANT, SOLICITOR OR AUTHORIZED AGENT

I, Drew Coulson of the Town of Amherstburg in the
NAME PRINT NAME OF TOWN OF CITY

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
PRINT NAME OF TOWN OR CITY

In the County of Essex on March 17, 2025
PRINT COUNTY/REGION/DISTRICT DATE

 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.

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

AUTHORIZATION

(Please see note below)

To: Secretary-Treasurer
Committee of Adjustment
Town of Amherstburg

Description and Location of Subject Land:

126 Tilford Lane

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

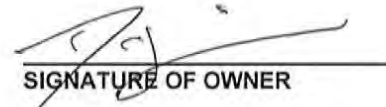
Drew Coulson of the Town of Amherstburg to:
PRINT NAME PRINT TOWN OR CITY

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

Dated at the Town Amherstburg
PRINT TOWN OR CITY

in the County of Essex on March 18, 2025
PRINT COUNTY/REGION/DISTRICT DATE


SIGNATURE OF WITNESS


SIGNATURE OF OWNER

SIGNATURE OF WITNESS

SIGNATURE OF OWNER

SIGNATURE OF WITNESS

SIGNATURE OF OWNER

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

POSTING COMMITTEE OF ADJUSTMENT ADVISORY SIGN

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

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

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

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

Chris Aspila, MCIP RPP
Manager of Planning Services

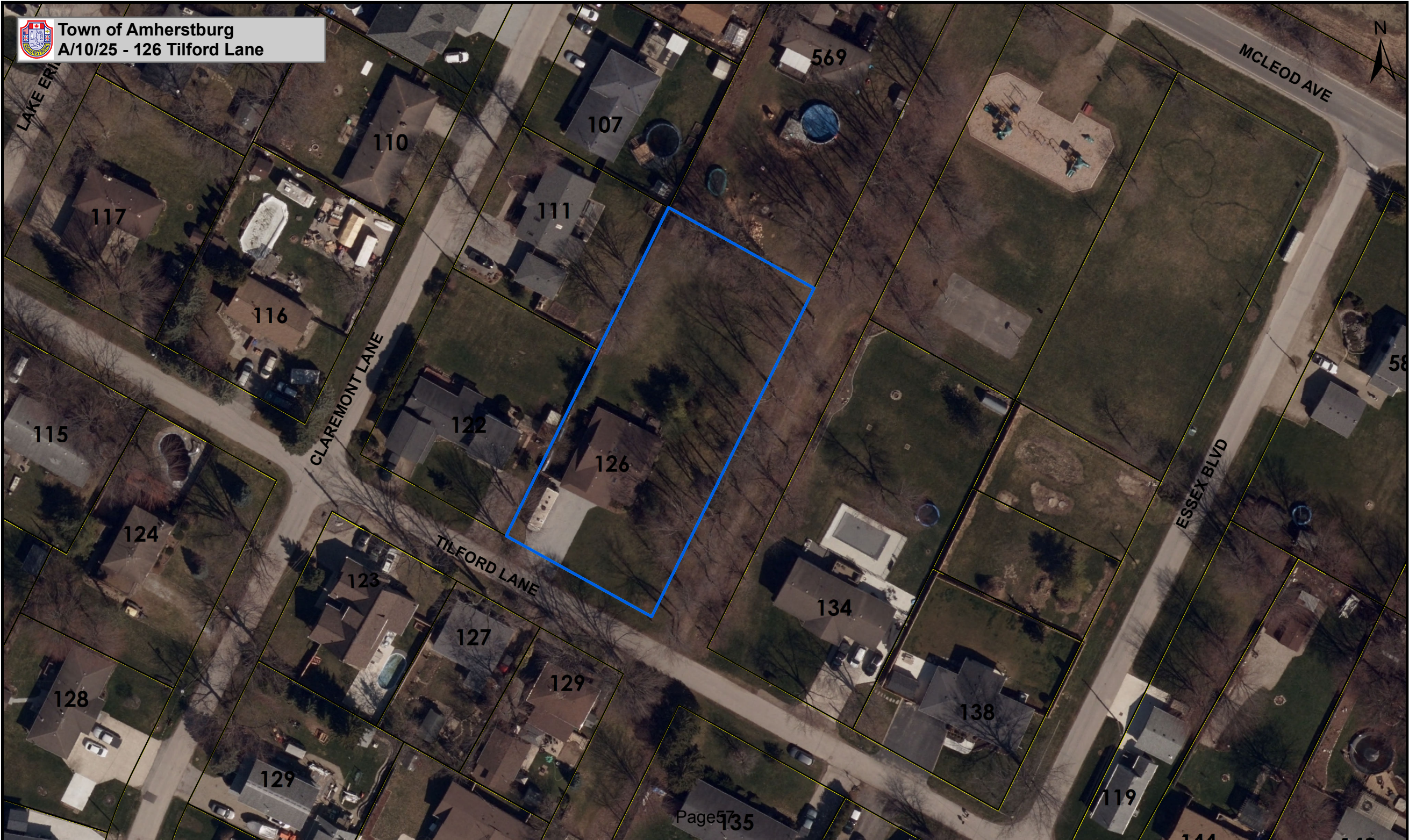
PROPERTY ADDRESS: 126 Tilford Lane
APPLICATION NUMBER(S): A/10/25

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 (APPLICANT OR AUTHORIZED AGENT)

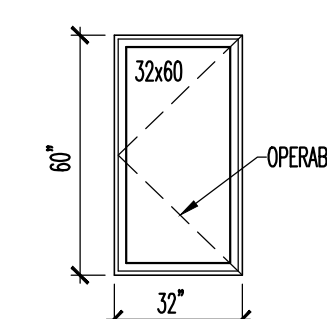
3/17/25
DATE



COPYRIGHT
MONTEMURRI & ASSOCIATES
ALL RIGHTS RESERVED
MONTEMURRI & ASSOCIATES authorizes the use of this drawing only for the process necessary to construct the named project. Any other use for whatever purpose, without written permission from MONTEMURRI & ASSOCIATES is strictly forbidden, and is in violation of COPYRIGHT LAWS and will be subject to civil damages and criminal prosecution.

Project No.
168-24

- WINDOW NOTES:
1. VINYL SASH WINDOWS.
 2. VERIFY SASH COLOUR WITH OWNER.
 3. VERIFY HARDWARE FINISH WITH OWNER.
 4. PERFORMANCE TO MEET CRITERIA SET WITHIN SUPPLEMENTARY STANDARD SB-12 TABLE 2.1.2 COMPLIANCE PACKAGE "J".
 5. WINDOW SIZES SHOWN HAVE BEEN USED FOR CALCULATION OF TESTS AND MAX. AREA OF GLAZED OPENINGS IN EXTERIOR WALL. SIZES ARE NOT TO BE CHANGED WITHOUT WRITTEN APPROVAL BY MONTEMURRI & ASSOCIATES.

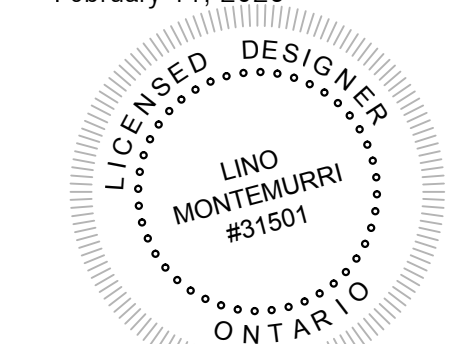


Note:
Engineered steel drawings for any "hardware and component" forming part of the building (ie. engineered roof trusses, engineered floor joists, timbers etc.) must be submitted to Montemurri & Associates for review and approval. If engineer's shop drawings are not submitted and approved, Montemurri & Associates is not responsible for any associated costs or damages.

Drawn By
LM (BCIN: 31501)

Checked By
LM (BCIN: 31501)

Issued:
Montemurri & Associates
Company BCIN: #33339
February 11, 2025



Lino Montemurri
only valid with authorized signature
from Montemurri & Associates

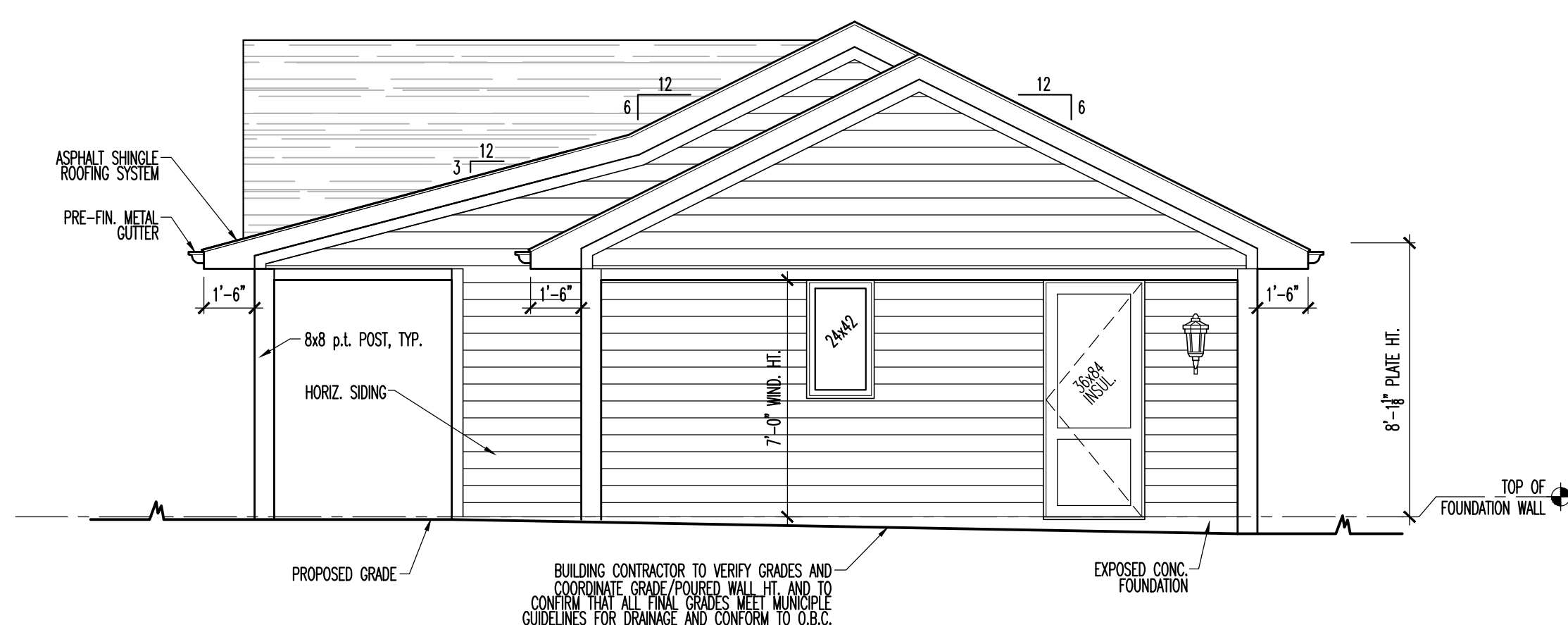
Date
FEBRUARY 11, 2025 - PERMIT

Sheet No.
A-2.01

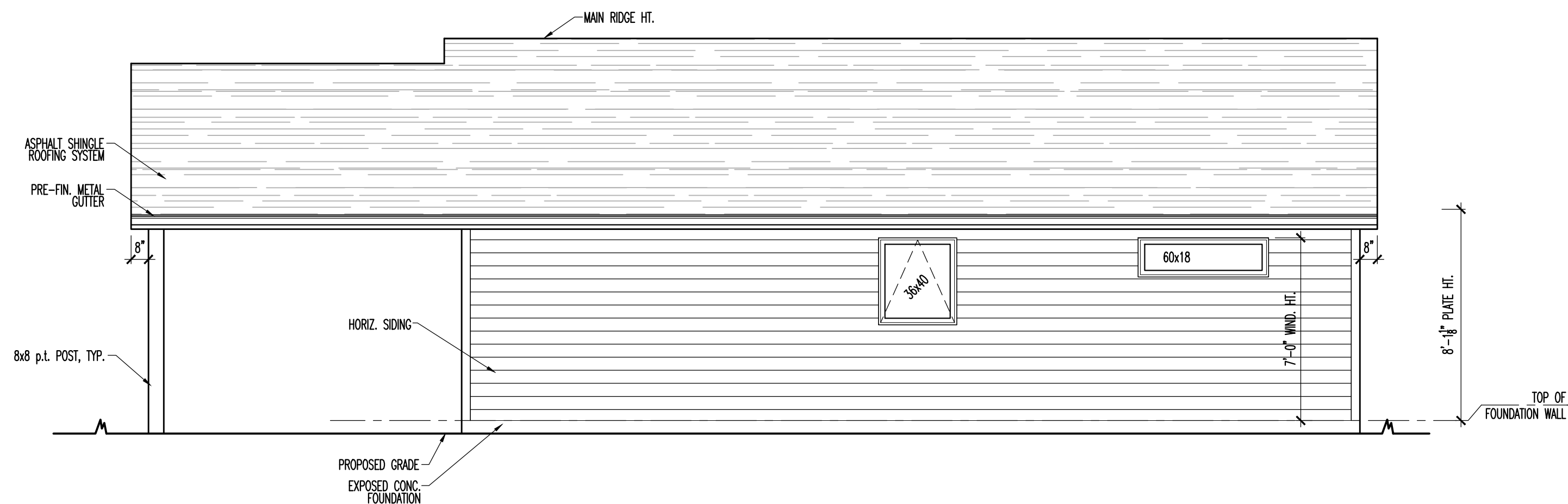
B. COMPLIANCE OPTION		PROJECT : CALATRAVA CARRIAGE
<input checked="" type="checkbox"/> SB-12 PRESCRIPTIVE [SB-12 - 2.1.1.]	NOTE: SECTIONS CURRENTLY DEPICT SB-12 COMPLIANCE PACKAGE "A1" TABLE 3.1.1.2.A	
<input type="checkbox"/> SB-12 PERFORMANCE* [SB-12 - 2.1.2.]	* ATTACH ENERGY PERFORMANCE CALCULATIONS USING AN APPROVED SOFTWARE	
<input type="checkbox"/> ENERGY STAR* [SB-12 - 2.1.3.]	* ATTACH BOP FORM	
<input type="checkbox"/> ENERGUIDE 80*	* HOUSE MUST BE EVALUATED BY NRCAN ADVISOR AND MEET A RATING OF 60	
C. PROJECT DESIGN CONDITIONS		
CLIMATE ZONE (SB-12):	HEATING EQUIPMENT EFFICIENCY	SPACE HEATING FUEL SOURCE
<input checked="" type="checkbox"/> ZONE 1 (< 5000 DEGREE DAYS)	<input checked="" type="checkbox"/> e 92% AFUE	<input checked="" type="checkbox"/> GAS <input type="checkbox"/> PROPANE <input type="checkbox"/> SOLID FUEL
<input type="checkbox"/> ZONE 2 (e 5000 DEGREE DAYS)	<input type="checkbox"/> e 84% < 92% AFUE	<input type="checkbox"/> OIL <input type="checkbox"/> ELECTRIC <input type="checkbox"/> EARTH ENERGY
WINDOWS+SKYLIGHTS+GLASS DOORS		
AREA OF WALLS = 75.2 SQ.M	W, S & G % = 14.2%	<input type="checkbox"/> 10' BASEMENT <input type="checkbox"/> WALKOUT BASEMENT <input type="checkbox"/> LOG/POSTBEAM
AREA OF W, S & G = 10.7 SQ.M		<input type="checkbox"/> 10' ABOVE GRADE <input type="checkbox"/> SLAB ON GROUND <input checked="" type="checkbox"/> AIR CONDITIONING
D. BUILDING SPECIFICATIONS (PROVIDES VALUES AND RATINGS OF THE ENERGY EFFICIENCY COMPONENTS PROPOSED, OR ATTACH ENERGY STAR BOP FORM)		
BUILDING COMPONENT	RSI/ R VALUES	BUILDING COMPONENT EFFICIENCY RATINGS
THERMAL INSULATION		WINDOWS & DOORS ¹
CEILING WITH ATTIC SPACE	R60	WINDOWS/SLIDING GLASS DOORS U-VALUE 0.25
CEILING WITHOUT ATTIC SPACE	R31	SKYLIGHTS U-VALUE 0.49
EXPOSED FLOOR	R31	MECHANICALS
WALLS ABOVE GRADE	R22	SPACE HEATING EQUIP. ² 96% MIN.
BASEMENT WALLS	R20i	HRV EFFICIENCY (%) 75%
SLAB (ALL > 600mm BELOW GRADE)	R20	DHW HEATER (EF) 0.8 E.F.
SLAB (EDGE ONLY < 600mm BELOW GRADE)	R10	DWHR (CSA B55.1)-MIN. 42% EFF.) REOD # of SHOWERS 1
SLAB (ALL < 600mm BELOW GRADE, OR HEATED)	R12	

NOTE: AS PER SB-12 R-VALUES ARE BASED ON MECH. DESIGNER ENVELOP. REQUIRED R-VALUES TO MEET MECH. DESIGNERS SB-12 COMPLIANCE SHALL SUPERCEDE ANY POSTED R-VALUES IN THE EVENT A POSTED R-VALUE IS INSUFFICIENT.

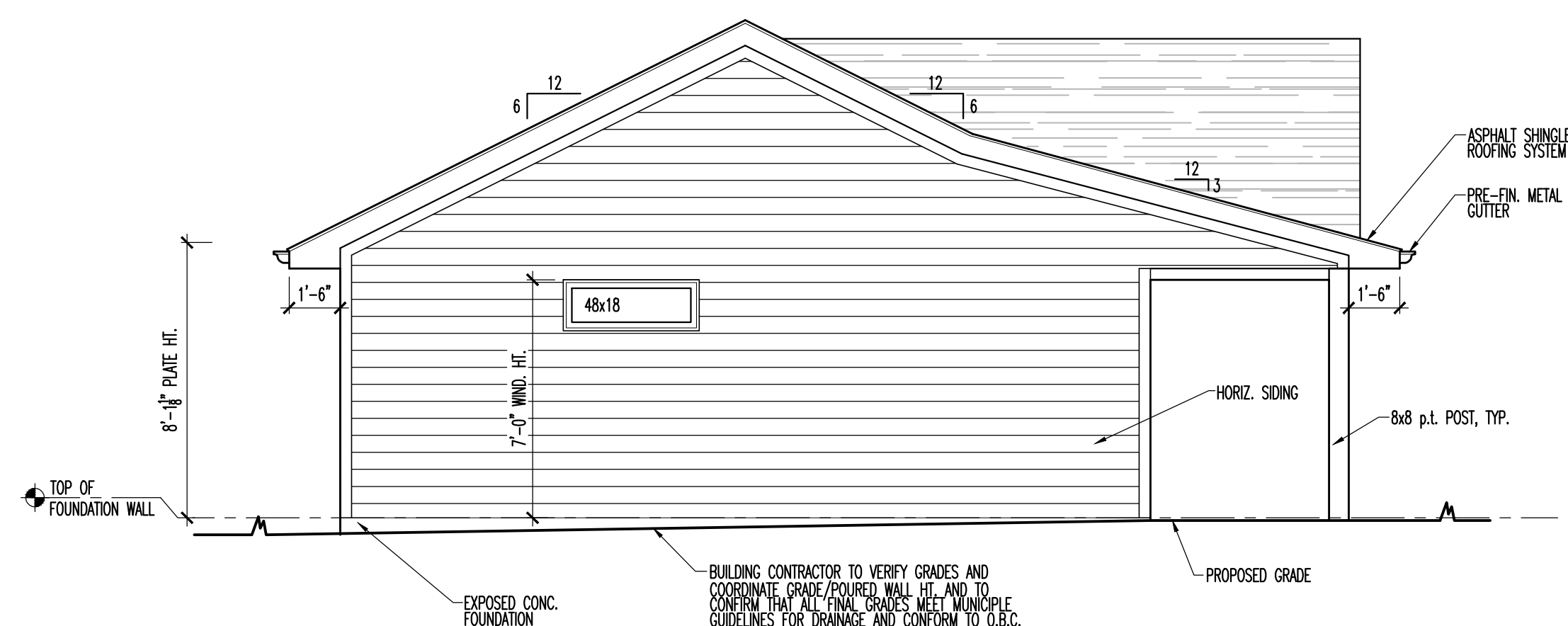
- ELEVATION NOTES:
1. ALL EXTERIOR ENTRY DOORS TO COMPLY w/ SECTION 9.6.8. OF THE OBC "RESISTANCE TO FORCED ENTRY"
 2. DOWNSPOUTS TO SPLASH TO GRADE IN ACCORDANCE WITH APPROVED LOT GRADING PLAN UNLESS HAZARD EXISTS.
 3. ROOF VENTILATION PER O.B.C 9.19.1.2
 4. ROOF TRUSS & FLOOR JOIST MANUFACTURER TO VERIFY ALL POINT LOAD CONDITIONS NOTED AND SIZE ALL SUPPORTING MEMBERS ACCORDINGLY. DESIGNER TO BE NOTIFIED IF PROPOSED STRUCTURAL LAYOUT IS ALTERED.
 5. BUILDING CONTRACTOR TO VERIFY THAT ALL GRADES CONFORM TO MUNICIPAL GUIDELINES AND RESTRICTIONS.



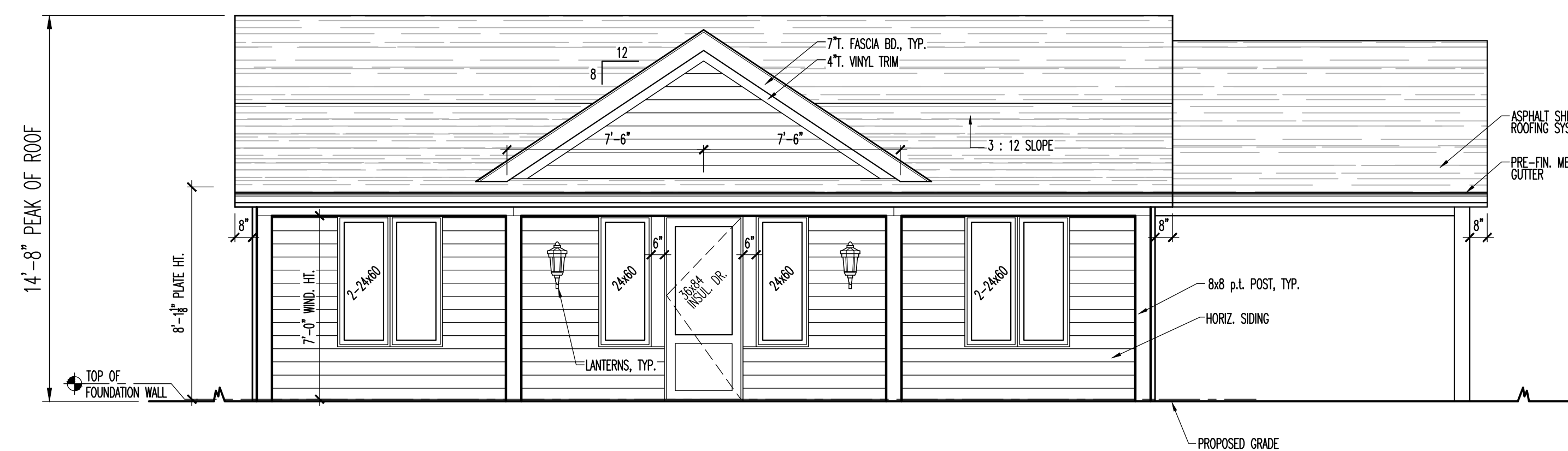
RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



FRONT (ROAD) ELEVATION
SCALE: 1/4" = 1'-0"

A/10/25- 126 Tilford Lane Site Photos





Summary of Correspondence Received on Proposed A/10/25 for 126 Tilford Lane

Below is a summary of the comments received by the Planning Services Division for A/10/25 as of March 26, 2025.

Infrastructure Services:

Infrastructure Services Department has reviewed A/10/25 – 126 Tilford Lane minor variance application and offer the following comments:

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

Building Department

- That a grade design be approved and implemented to the satisfaction of the municipality.
- Water and sanitary to be run through the primary dwelling.
- Building permits required for the additional residential unit.

Essex Region Conservation Authority

Please see attached letter.



2025-03-24

File Number: 0620-25

Janine Mastronardi, Town of Amherstburg
360 Meloche St
Amherstburg, ON
N9V 2Y8

RE: Construct an ADU and Pool
126 TILFORD LANE
Municipal File Number: A-10-25

The Town of Amherstburg has received Application for Minor Variance A-10-25 for the above noted subject property. The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(3)(f)(vi) which permits a maximum 20 m setback between a primary dwelling and additional dwelling unit. The applicant is proposing the construction of an inground pool and an additional residential unit in the rear yard. The additional residential unit is proposed to be setback 27.33 m (89.67 ft) from the primary dwelling and 3 m (10 ft) from the rear property line. This will allow for space between the primary and additional dwellings for the proposed inground pool and amenity space. The proposed setbacks, size, lot coverage and height of the proposed additional residential unit all comply with the applicable zoning provisions. Therefore, the amount of relief requested is 7.33 m (24.05 ft) in setback between the primary dwelling and additional dwelling unit. The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Type 1A (R1A) in the Town's Zoning By-law.

NATURAL HAZARDS AND REGULATOR RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT. O. REG 686/21

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 Lake Erie. We note that our office has already issued ERCA Permit # 68 - 25, dated February 24, 2025, for this development. It is the responsibility of the Applicant to notify our office if any changes are required to the site plans approved in the Permit by contacting regs@erca.org or the assigned reviewer.

FINAL RECOMMENDATION

Our office has no objection to A-10-25. As noted above, our office has issued ERCA Permit # 68 - 25 for this development, and it is the responsibility of the Applicant to notify our office if any changes are required to the approved site plans.

Sincerely,



Alicia Good

Alicia Good
Watershed Planner



Amherstburg Committee of Adjustment

April 2, 2025

A/10/25- 126 Tilford Lane

Purpose of Application A/10/25

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(3)(f)(vi) which permits a maximum 20 m setback between a primary dwelling and additional dwelling unit.

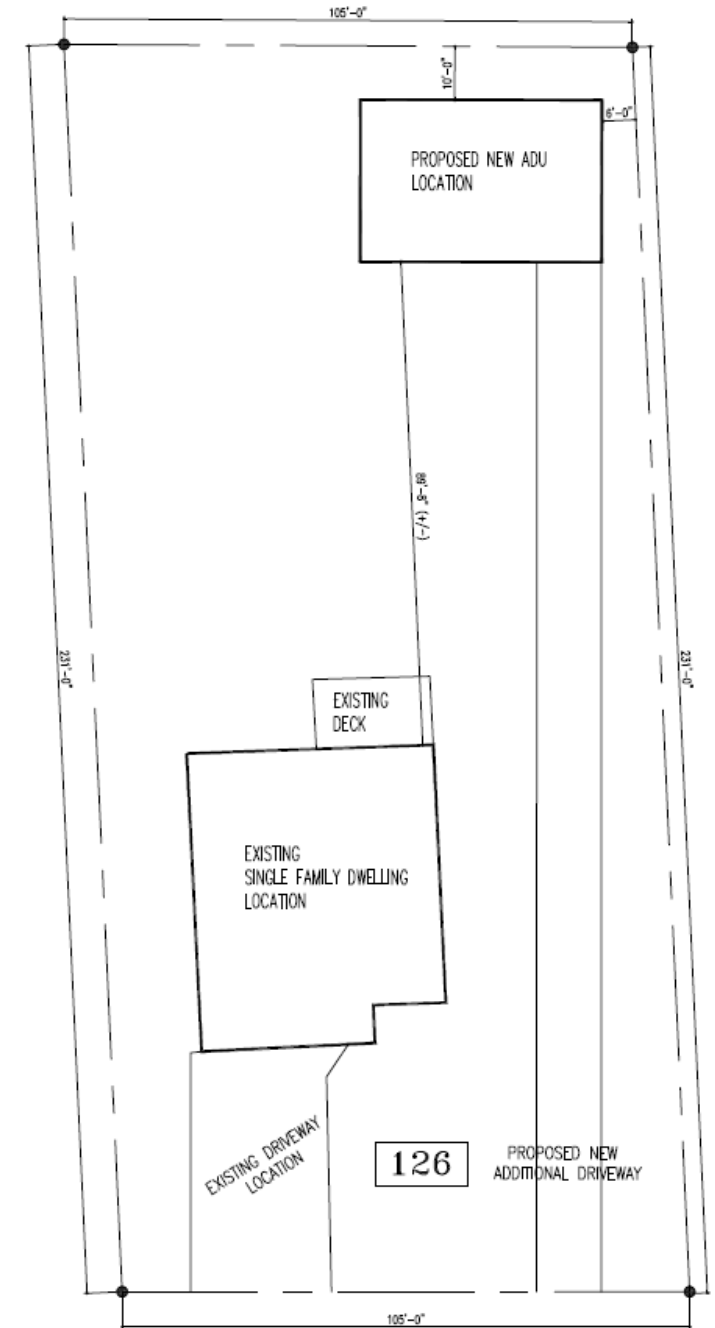
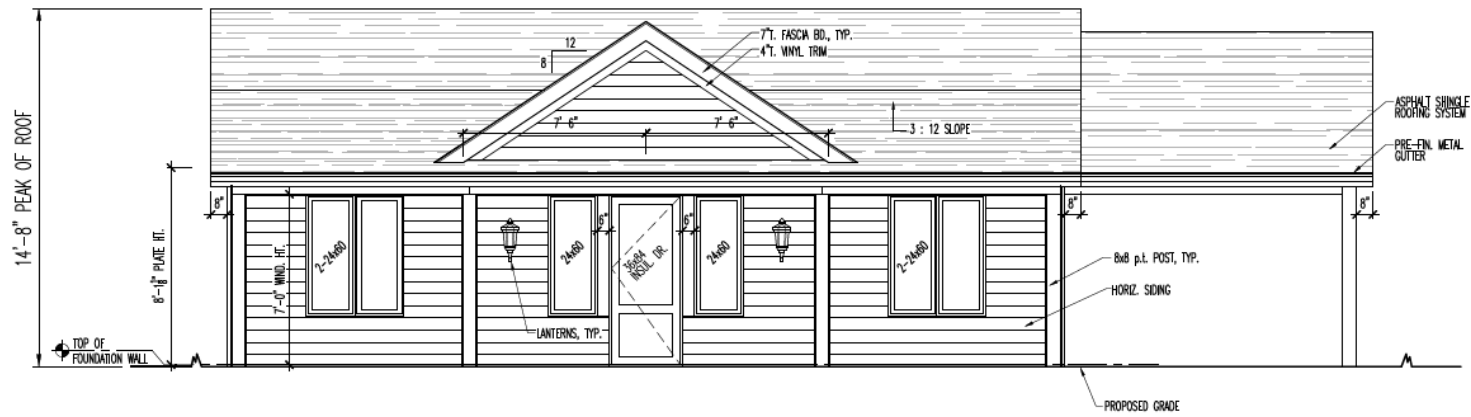
The applicant is proposing the construction of an inground pool and an additional residential unit in the rear yard. The additional residential unit is proposed to be setback 27.33 m (89.67 ft) from the primary dwelling and 3 m (10 ft) from the rear property line. This will allow for space between the primary and additional dwellings for the proposed inground pool and amenity space.

The proposed setbacks, size, lot coverage and height of the proposed additional residential unit all comply with the applicable zoning provisions.

Therefore, the amount of relief requested is 7.33 m (24.05 ft) in setback between the primary dwelling and additional dwelling unit.

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

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

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



Recommendation

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that Application A/10/25 be approved to grant relief of 7.33 m (24.05 ft) in setback between the primary dwelling and additional dwelling unit to allow for a setback of 27.33 m (89.67 ft) subject to the following conditions;

1. That the design of the accessory structure be built in substantial conformity with the plans submitted as part of application A/10/25.
2. That a grade design be approved and implemented to the satisfaction of the municipality.

