



**TOWN OF AMHERSTBURG  
SPECIAL COUNCIL MEETING - PLANNING**

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<https://www.amherstburg.ca/livestream>**

**Monday, April 14, 2025**

**5:30 PM**

**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 the Clerk's Division at [clerk@amherstburg.ca](mailto:clerk@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 Council 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. PLANNING REPORTS

##### 5.1 Statutory Public Meeting to Consider a Zoning By-law Amendment for Lands Severed from 6801 Concession 6 N

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It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment for lands severed from 6801 Concession 6 N (File ZBA-01-25) **BE RECEIVED**; and
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2025-026 **BE CONSIDERED** at the regular Council meeting following this public meeting.

#### 6. ADJOURNMENT

That Council rise and adjourn at     p.m.



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF DEVELOPMENT SERVICES

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

<b>Author's Name:</b> Janine Mastronardi	<b>Report Date:</b> March 28, 2025
<b>Author's Phone:</b> 519 736-5408 ext. 2134	<b>Date to Council:</b> April 14, 2025
<b>Author's E-mail:</b> <a href="mailto:jmastronardi@amherstburg.ca">jmastronardi@amherstburg.ca</a>	<b>Resolution #:</b>

**To:** Mayor and Members of Town Council

**Subject:** Statutory Public Meeting to Consider a Zoning By-law Amendment for Lands Severed from 6801 Concession 6 N

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#### 1. RECOMMENDATION:

It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment for lands severed from 6801 Concession 6 N (File ZBA-01-25) **BE RECEIVED**; and
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2025-026 **BE CONSIDERED** at the regular Council meeting following this public meeting.

#### 2. BACKGROUND:

The lands are the subject of a decision of the Committee of Adjustment for Application B/02/25, which approved a surplus dwelling severance with associated conditions. The rezoning of the subject property to A-36 is a condition of the consent decision. Condition (6) of the decision states:

*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.*

### **3. DISCUSSION:**

The Town is in receipt of an application for a Zoning By-law Amendment to By-law 1999-52, as amended under Section 34 of the Planning Act, R.S.O. 1990 c.P. The subject lands affected by the proposed amendment are described as Concession 6, Part Lot 11, municipally known as the retained farm parcel from a surplus dwelling severance at 6801 Concession 6 N; the residence and accessory structures which were the subject of the severance is located at 6801 Concession 6 N are not subject to this rezoning. At the conclusion of the severance, the remaining farm parcel subject of the Zoning By-law Amendment will have a total area of 19.64 hectares ±.

The proposed amendment to the Zoning By-law would change the zoning for the subject lands noted above from the “Agricultural (A) Zone” to “Special Provision Agricultural (A-36) Zone”. The land is designated Agricultural in the Town’s Official Plan. The parcel was the subject of an application for consent (File B/02/25) to sever a dwelling and accessory structures which are surplus to the needs of the farming operation. The rezoning of the subject property to A-36 is a condition of the consent decision.

The effect of the Zoning By-law Amendment will be to allow for general agricultural uses on the subject property and prohibit any new dwelling units on the land. The application is consistent with the Provincial Planning Statement (2024), specifically Section 4.3.3.1(c) which provides for lot creation for a residence surplus to a farming operation as a result of farm consolidation provided that new residential dwellings are prohibited on any vacant remnant parcel created by the severance. The application is also in conformity with the Town’s Official Plan, specifically Section 3.2.2(14), which provides for surplus dwelling severances subject to the remnant parcel being rezoned to prohibit a dwelling unit. The proposed lot size as well as the intended land use for the subject parcel complies with the zone requirements for the Special Provision Agricultural Zone.

Should Council not approve the proposed application for Zoning By-law Amendment, the consent which has been approved by the Committee of Adjustment cannot be finalized. The home which is surplus to the needs of the farming operation could then not be severed and transferred.

Planning staff will be reviewing all of the questions and comments received from this statutory public meeting, will be assessing all information provided by the Applicant and all internal and external departmental and agency comments, and will be preparing a subsequent staff report that discusses how the above items are being addressed. The second staff report will summarize all of the comments received and make recommendation(s) regarding the proposed rezoning and any applicable conditions if required.

### **4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.



**5. FINANCIAL MATTERS:**

All costs associated with the application are the responsibility of the applicant. Should the decision be appealed to the Ontario Land Tribunal then the Town will incur costs.

**6. CONSULTATIONS:**

The Notice of Public Meeting was published in the local newspaper and on the Town website and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations. At the date of the writing of this report, no comments from the public were received.

**7. CORPORATE STRATEGIC ALIGNMENT:**

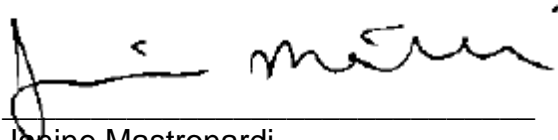
*Vision: Preserving our past while forging our future.*

<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
<p style="text-align: center;"><b>PILLAR 1</b> <b>Deliver Trusted &amp; Accountable Local Government</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures.</li> <li><input type="checkbox"/> Deliver transparent and efficient financial management.</li> <li>✓ Increase effective communication and engagement with residents.</li> <li><input type="checkbox"/> Develop our staff team, resources, and workplace culture.</li> <li>✓ Continue to deliver strong core municipal services.</li> <li><input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation.</li> </ul>	<p style="text-align: center;"><b>PILLAR 3</b> <b>Encourage Local Economic Prosperity</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Encourage development of commercial and industrial lands.</li> <li><input type="checkbox"/> Continue to promote local tourism industry, especially overnight accommodation.</li> <li><input type="checkbox"/> Continue to facilitate downtown development for residents and visitors.</li> <li><input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.</li> </ul>
<p style="text-align: center;"><b>PILLAR 2</b> <b>Invest in Community Amenities and Infrastructure</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Maintain safe, reliable and accessible municipal infrastructure and facilities.</li> <li><input type="checkbox"/> Increase access to recreation opportunities for all ages.</li> <li><input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy’s site, Belle Vue)</li> </ul>	<p style="text-align: center;"><b>PILLAR 4</b> <b>Shape Growth Aligned with Local Identity</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Define and communicate a vision for the Town’s future and identity.</li> <li><input type="checkbox"/> Promote and plan for green and “climate change ready” development.</li> </ul>

<ul style="list-style-type: none"> <li><input type="checkbox"/> Create public access to water and waterfront</li> <li><input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Review and implement policies that promote greater access to diverse housing.</li> <li><input type="checkbox"/> Protect the Town's historic sites and heritage.</li> <li><input type="checkbox"/> Preserve the Town's greenspaces, agricultural lands, and natural environment.</li> </ul>
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**8. CONCLUSION:**

Following the statutory public meeting, planning staff will be preparing a subsequent report for Council that will include a comprehensive analysis of all of the comments and recommendations received, and will provide a professional planning opinion and a staff recommendation with respect to the requested zoning by-law amendment.




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Janine Mastronardi  
**Planner**

## Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment for Lands Severed from 6801 Concession 6 N.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A- ZBA-01-25- Notice of Statutory Public Meeting- Lands Severed from 6801 Concession 6 N-RM.pdf</li><li>- Appendix B- ZBA-01-25 - Application_Redacted-RM.pdf</li><li>- Appendix C- B-02-25 Sketches-RM.pdf</li><li>- Appendix D- Site Photos-RM.pdf</li><li>- Appendix E- B-02-25- Decision-RM.pdf</li><li>- Appendix F- Summary of Correspondence Received on ZBA-01-25-RM.pdf</li><li>- Appendix G- Buffer Map Council Circulation list-RM.pdf</li><li>- Appendix H - 2025-026- ZBA- Retained Farmland Severed from 6801 Conc 6 N- DRAFT-RM.pdf</li></ul>
Final Approval Date:	Apr 3, 2025

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

### No Signature found

Chris Aspila



Melissa Osborne



Tracy Prince



Valerie Critchley

A handwritten signature in black ink, appearing to read "Kevin Fox". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Kevin Fox

CORPORATION OF THE TOWN OF AMHERSTBURG  
**NOTICE OF STATUTORY PUBLIC MEETING  
TO CONSIDER A ZONING BY-LAW AMENDMENT**

**STATUTORY PUBLIC MEETING:**

**TAKE NOTICE** that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Monday, April 14, 2025 commencing at 5:30 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52, under Section 34 of the Planning Act.

**ANY PERSON** who wishes to attend and address Council by electronic means, must register with the Clerk's Office no later than 4:00 pm on Thursday, April 10, 2025. To register for electronic participation please email the Clerk at [clerk@amherstburg.ca](mailto:clerk@amherstburg.ca). Once you register, you will be given information on how to make your submission at the electronic meeting by electronic participation. To participate, you will need access to a computer or tablet with internet service or a telephone.

**ANY PERSON** who wishes watch the meeting proceedings only, please visit <http://video.islive.ca/amherstburg/live.html>

**THE SUBJECT LANDS AND PURPOSE OF THIS REZONING APPLICATION:**

This rezoning application will affect approximately 19.64 hectares ± of land described as Concession 6, Part Lot 11, municipally known as the retained farm parcel from a surplus dwelling severance at 6801 Concession 6 N (see map below).

This Zoning Amendment, if approved, will rezone the subject lands from "**Agricultural (A) Zone**" to "**Special Provision Agricultural (A-36) Zone**". The parcel is designated Agricultural in the Town's Official Plan. The lands described above are subject to an application for consent (File B/02/25) to sever a dwelling which is surplus to the needs of a farming operation.

The purpose of the rezoning will be to allow for general agricultural use on the subject property and prohibit any new dwelling unit on the land. The "Special Provision Agricultural (A-36) Zone" is established as a site-specific zone for the retained agricultural parcel created through consent, to prohibit new residential uses on these lands.

**ADDITIONAL INFORMATION:**

**ANY PERSON** may make written representation in support of or in opposition to the proposed Zoning By-law Amendment by email to the Clerk at [clerk@amherstburg.ca](mailto:clerk@amherstburg.ca) or in person by appointment for drop-off at Town Hall located at 271 Sandwich Street South. Comments must be submitted by 4:00 p.m. on Thursday, April 10, 2025 before the meeting and will be read aloud prior to the application being heard by Council.

**NO PERSON OR PUBLIC BODY** shall be added as a party to the hearing of the appeal unless, before the bylaw was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting, or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

Further information relating to the proposed Zoning By-law (File# ZBA/01/25) Amendment is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Zoning By-law Amendment is also available for review on the Town of Amherstburg Website: [www.amherstburg.ca](http://www.amherstburg.ca). If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request

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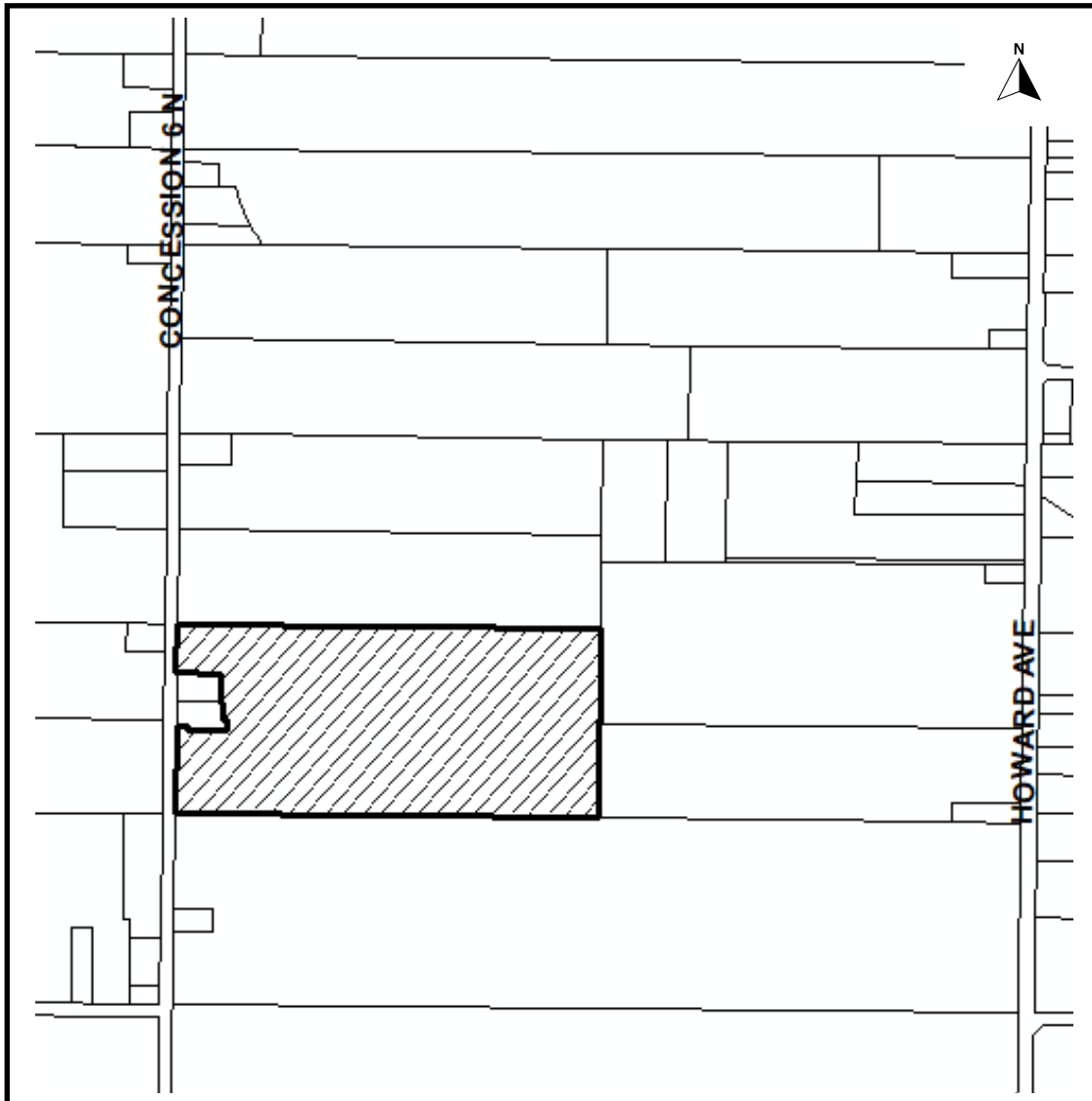
to the Town at the address below. The hearing will be available for viewing by livestream by visiting [www.amherstburg.ca](http://www.amherstburg.ca).

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**For Council and Committee Agendas and Meetings, visit [amherstburg.ca/calendar](http://amherstburg.ca/calendar).**  
**To subscribe to Council & Committee Agendas, visit [Amherstburg.ca/calendar](http://Amherstburg.ca/calendar) and click SUBSCRIBE.**

DATED at the Town of Amherstburg this 19<sup>th</sup> day of March, 2025.

### KEY MAP



Christopher Aspila  
Manager, Planning Services

Town of Amherstburg  
Libro Centre  
3295 Meloche Road  
Amherstburg, Ontario N9V 2Y8  
Telephone: (519) 736-5408  
Fax No. (519) 736-9859  
Website: [www.amherstburg.ca](http://www.amherstburg.ca)

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

Application No. ZBA/01/25

**FORM 1  
PLANNING ACT  
APPLICATION FOR ZONING BY-LAW AMENDMENT  
TOWN OF AMHERSTBURG**

1. Name of approval authority Town of Amherstburg
2. Date application received by municipality Dec. 13, 2024
3. Date application deemed complete by municipality March 12, 2025
4. Name of registered owner George Dragicevic  
Telephone number [REDACTED]  
Address [REDACTED]  
Email [REDACTED]  
Name of registered owner's solicitor or authorized agent (if any) \_\_\_\_\_  
Telephone number \_\_\_\_\_  
Address \_\_\_\_\_  
Email \_\_\_\_\_

Please specify to whom all communications should be sent:

- registered owner       solicitor       agent

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. 6      Lot(s) No. PT 4 11  
Registered Plan No. \_\_\_\_\_      Lot(s) No. \_\_\_\_\_  
Reference Plan No. \_\_\_\_\_      Part(s) No. \_\_\_\_\_  
Street Address 6801 Condon <sup>screened from</sup>      Assessment Roll No. 3729-480-03900  
(retained parcel)

7. Size of subject parcel:

Frontage 798.5m ±      Depth 2204m ±      Area 19.64 ha

8. Access to subject parcel:

- Municipal Road       County Road       Provincial Highway  
 Private Road       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. (a) Current Official Plan Land Use designation of subject land Agricultural  
(b) Explanation of how application conforms to the Official Plan Section 3.2.2(16)  
of the Official Plan requires the remnant parcel subsequent to a surplus dwelling severance be rezoned to restrict residential development.

(c) Does the application implement an alteration to the boundary of an area of settlement or implement a new area of settlement?

Yes  No

If yes, provide details of the official plan or official plan amendment that deals with this matter:

\_\_\_\_\_

10. Current Zoning of subject land Agricultural (A) Zone

11. Nature and extent of rezoning requested A to A-3b

12. Reasons why rezoning is requested condition of surplus

dwelling severance to comply with official Plan policies

13. Current use of subject land agricultural

14. Length of time current use of subject land has continued 100+yrs

15. Is the subject land within an area where the municipality has pre-determined:

(a) minimum and maximum density requirements

Yes  No

(b) minimum and maximum height requirements

Yes  No

If yes, state the requirements \_\_\_\_\_

\_\_\_\_\_

16. 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 land

\_\_\_\_\_

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

N/A

\_\_\_\_\_

18. Date subject land acquired by current registered owner Dec. 12, 2024

19. Proposed use of subject land agricultural

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

None

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



21. Type of water supply:

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

22. Type of sanitary sewage disposal:

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

If the requested amendment permits development on a privately owned and operated individual or communal septic system and more than 4,500 litres of effluent will be produced per day as a result of the development being completed the applicant is required to submit a:

- (i) servicing options report, and
- (ii) a hydrogeological report

23. Type of storm drainage:

- sewers
- ditches
- swales
- Other (specify) \_\_\_\_\_

24. 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/02/25 - approved March 2, 2025

25. If known, indicate if the subject land has ever been the subject of an application for rezoning under Section 34 of the Planning Act:

\_\_\_\_\_

If known, indicate whether the subject land has ever been the subject of a Minister's Zoning Order and, if known, the Ontario Regulation number of that order.

\_\_\_\_\_

26. Does the requested amendment remove the subject land from an area of employment in the official plan?

- Yes       No

If yes, state the current official plan policies, if any, dealing with the removal of land from an area of employment.

\_\_\_\_\_  
\_\_\_\_\_

27. Is the subject land within an area where zoning with conditions may apply?

- Yes       No

If yes, how does this application conform to the official plan policies relating to zoning with conditions?

\_\_\_\_\_  
\_\_\_\_\_

28. Is the requested amendment consistent with policy statements issued under subsection 3(1) of the Planning Act (i.e. 2005 Provincial Policy Statement)? 2024 Planning

Yes       No

Comments \_\_\_\_\_

29. Is the subject land within an area of land designated under any provincial plan or plans?

Yes       No

If yes, does the requested amendment conform to or does not conflict with the provincial plan or plans?

30. Is the land associated with any natural environment area or adjacent to or abutting lands that are designated as a Wetland or Natural Environment?

Yes       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.

31. Will the proposed project include the addition of permanent above ground fuel storage?

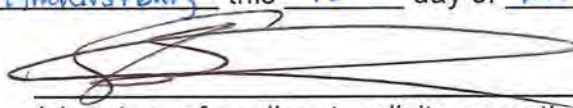
Yes       No

32. Is the land within 600 m of property that is designated as Extractive Industrial?

Yes       No

If yes, as per Section 3.3.3 of the Official Plan a noise and vibration study is required for approval by the Town, to be completed. - study not required

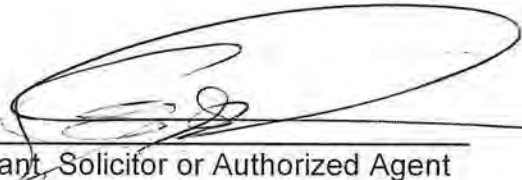
Dated at the Town of Amherstburg this 13<sup>th</sup> day of December, 2024.

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

I, George Dragicevic 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 13<sup>th</sup> day of December, 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.

**NOTE:**

A deposit of \$1,000 and a flat fee of \$5,522, along with an ERCA development review fee of \$400 for major ZBA applications, must accompany your completed application for a zoning by-law amendment. The total payable to the Town of Amherstburg is \$6,922 for major ZBA applications.

A deposit of \$1,000 and a flat fee of \$2,762, along with an ERCA development review fee of \$275 for minor ZBA applications, must accompany your completed application for a zoning by-law amendment. The total payable to the Town of Amherstburg is \$4,037 for minor ZBA applications.

Any unused portion of the deposit will be returned after the passing of the ZBA.

A flat fee of \$1,149 plus an ERCA review fee of \$275, totalling \$1,424, must accompany your completed application for a Holding (h) Removal zone change, zone change from A to A-36, or zone change which is a condition of consent.

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

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





Surplus Dwelling Lot Area  
0.36 hectares (0.89 acres)

Retained Farmland Lot Area  
19.64 ha (48.53 acres)

6.1 m x 16 m Proposed Easement over the Retained Farm Parcel  
for a shared access to the Surplus Dwelling Severed Parcel

CONCESSION 6 N





6.1 m x 16 m Proposed Easement over the Retained Farm Parcel  
for a shared access to the Surplus Dwelling Severed Parcel



**ZBA/01/25- Site Photos**



**DECISION OF APPROVAL AUTHORITY  
WITH REASONS RE APPLICATION FOR CONSENT**

(a) Name of approval authority **TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT**

(b) Name of Applicant RE AN APPLICATION BY (b) **George Dragicevic**

(c) Brief Description LOCATION OF PROPERTY (c) **6801 Concession 6 N (Roll No. 3729-480-000-03900)**

(d) As set out in application PURPOSE OF APPLICATION (d) The applicant is proposing to sever a parcel of land being 41.5 m ± frontage by an irregular depth with an area of 0.36 ha ± which includes a single detached dwelling and two accessory structures which are surplus to the needs of the farming operation together with a 6.1 m by 16 m easement for shared access over the retained farm parcel. The remaining parcel being 798.5 m ± frontage by 2206 m depth with an area of 19.64 ha ± is vacant agricultural land.

The subject property is designated Agricultural in the Town’s Official Plan and zoned Agricultural (A) Zone in the Town’s Zoning By-law, 1999-52, as amended.

(e) Date of decision CONCUR in the following decision and reasons for decision made on the (e) 5<sup>th</sup> day of March, 2025.

**DECISION: APPROVED**

- (f) State conditions to be satisfied before granting of consent
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.

(g) State reasons for decision REASONS FOR DECISION: (g) The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Planning Statement.

I/WE, the undersigned, in making the decision upon this application for consent, in addition to other matters, have had regard to the matters that are to be had regard to under subsection 51(4) of The Planning Act, and having considered whether a plan of subdivision of the land in accordance with Section 50 of the said Act is necessary for the proper and orderly development of the municipality.

.....  
Terris Buchanan

.....  
Anthony Campigotto

.....  
Debbie Rollier

.....  
Donald Shaw

.....  
Josh Mailloux

ORIGINAL DOCUMENT SIGNED

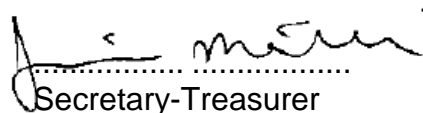
**CERTIFICATION**

*The Planning Act, R.S.O. 1990*

(h) Name of approval authority I, **Janine Mastronardi, Secretary-Treasurer** of the (h) **Town of Amherstburg** certify that the above is a true copy of the decision of the approval authority with respect to the application recorded therein.

(i) Name & address of approval authority

Dated this 5<sup>th</sup> day of March, 2025



Secretary-Treasurer  
Town of Amherstburg  
Committee of Adjustment  
3295 Meloche Rd, Amherstburg, ON N9V 2Y8





## Summary of Correspondence Received on Proposed ZBA for 6801 Concession 6 N

Below is a summary of the comments received by the Planning Services Division on ZBA/01/25.

### Essex Region Conservation Authority:

See attached letter.

### Infrastructure Services:

See attached letter.

### Windsor Police Comments:

The Windsor Police Service has no concerns or objections with this application. The outcome from it, if approved, is not anticipated to carry any adverse impact to police response or service delivery capability.



2025-03-19

File Number: 0594-25

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

RE: Rezone for Surplus Farm Dwelling Severance  
6801 CONCESSION 6 N  
Municipal File Number: ZBA-01-25

The Town of Amherstburg has received application for Zoning By-law Amendment ZBA-01-25. This rezoning application will affect approximately 19.64 hectares ± of land described as Concession 6, Part Lot 11, municipally known as the retained farm parcel from a surplus dwelling severance at 6801 Concession 6 N. This Zoning Amendment, if approved, will rezone the subject lands from “Agricultural (A) Zone” to “Special Provision Agricultural (A-36) Zone”. The parcel is designated Agricultural in the Town’s Official Plan. The lands described above are subject to an application for consent (File B/02/25) to sever a dwelling which is surplus to the needs of a farming operation. The purpose of the rezoning will be to allow for general agricultural use on the subject property and prohibit any new dwelling unit on the land. The “Special Provision Agricultural (A-36) Zone” is established as a site-specific zone for the retained agricultural parcel created through consent, to prohibit new residential uses on these lands.

## **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 Imerson-Meloche Drain and the Imerson-Charette Drain. If any new construction is proposed, 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.

## **FINAL RECOMMENDATION**

Our office has no objection to ZBA-01-25.

Sincerely,

*Alicia Good*

Alicia Good



## Watershed Planner



**AMHERSTBURG**

ONTARIO, CANADA

EST. 1796

## MEMO

**To:** Janine Mastronardi, Planner  
**From:** Sydnee Botham, Development Engineering Coordinator  
**Date:** March 19, 2025  
**Subject:** ZBA/01/25 – 6801 Concession 6N  
Town of Amherstburg

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The following submission package was reviewed for conformance with Amherstburg's Development Manual and the Windsor-Essex Region Stormwater Manual (WERSM):

- Notice of Statutory Meeting, dated March 19, 2025

Based on the review, we offer the following comments.

### General

1. Engineering review fees per Amherstburg's user fee by-law may be applicable for this development application. The Developer is responsible to borne all costs associated with this review and all subsequent reviews therein.

If you have any questions, please do not hesitate to contact the undersigned.

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Sydnee Botham  
Development Engineering Coordinator





CONCESSION 6 N

NORTH SIDEROAD



## ZBA/01/25 - 6801 Concession 6 N

ARN	ADD1	STREETNAME
372948000003500		CON 6 N
372948000007860	7812	HOWARD AVE
372948000004000	6825	CONCESSION 6 N
372948000003950	6805	CONCESSION 6 N
372948000000100	6753	CONCESSION 6 N
372948000003480	6802	CONCESSION 6 N
372948000003900	6801	CONCESSION 6 N
372948000003450	6810	CONCESSION 6 N
372948000003600	6778	CONCESSION 6 N
372948000007600		HOWARD AVE
372948000007900	7796	HOWARD AVE
372948000003400		CON 6 NORTH
372948000000200		NORTH SIDEROAD

**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2025-026**

**By-law to amend Zoning By-law No. 1999-52  
E/S Concession 6 N (Concession 6, Part Lot 11), Amherstburg**

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**WHEREAS** By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

**AND WHEREAS** the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

**AND WHEREAS** this By-law conforms to the Official Plan for the Town of Amherstburg;

**NOW THEREFORE** the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 7 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from A to A-36" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) Zone".
2. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.O. 1990, c.P. 13.

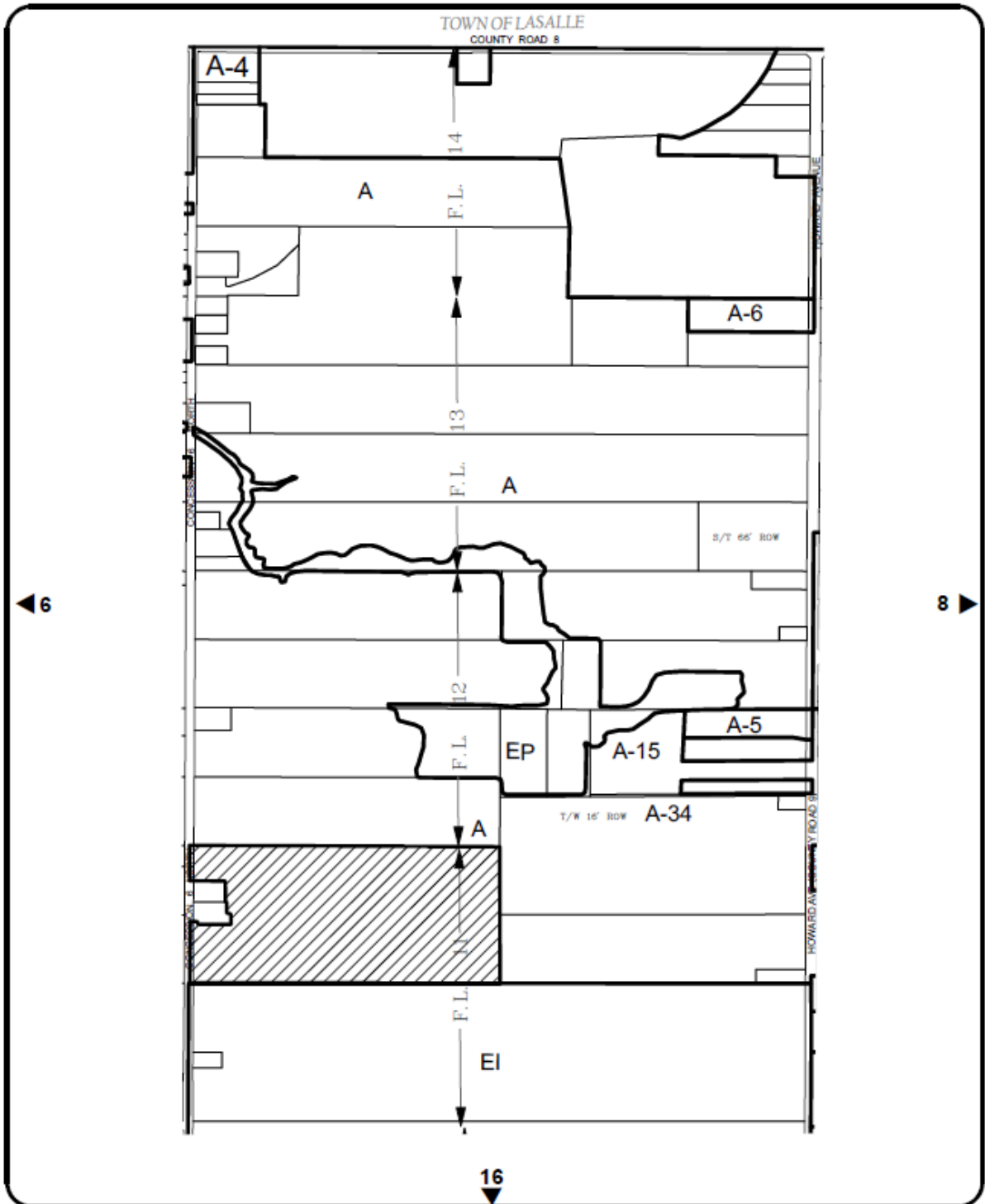
Read a first, second and third time and finally passed this 12<sup>th</sup> day of May, 2025.

\_\_\_\_\_  
MAYOR- MICHAEL PRUE

\_\_\_\_\_  
CLERK- KEVIN FOX

**TOWN OF AMHERSTBURG**

SCHEDULE "A" TO BY-LAW No. 2025-026  
BY-LAW TO AMEND BY-LAW No. 1999-52



**SCHEDULE 'A'**  
**MAP 7**  
ZONING BY-LAW NO. 1999-52

A to A-36 