



TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT MEETING

AGENDA

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

Wednesday, April 30, 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 April 2, 2025 Committee of Adjustment Meeting Minutes

1

6. ORDER OF BUSINESS

6.1 B/18/25 and B/11/25, 168 Texas Road, Winstar Homes Inc.

4

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/18/25 be approved subject to the recommended conditions; and,
2. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/11/25 be approved subject to the recommended conditions.

6.2 B/12-16/25, 3918 Concession 3 S, Bernadette Meloche, c/o Drew Coulson, Agent

57

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/12/25 be approved subject to the recommended conditions;
2. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/13/25 be approved subject to the recommended conditions;
3. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/14/25 be approved subject to the recommended conditions;
4. Subject to the Committee's consideration of written and oral

submissions at the public meeting that application B/15/25 be approved subject to the recommended conditions; and

5. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/16/25 be approved subject to the recommended conditions.

6.3 B/17/25, 3591 Concession 3 N, Peter and Marilyn Tiefenbach, c/o James Rousseau, Agent

109

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/17/25 **BE APPROVED** subject to the recommended conditions.

6.4 A/11/25, 250 Seymour Street, Deanne Labutte, c/o DiGiovanni Construction, Agent

143

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/11/25 **BE APPROVED**.

7. ADJOURNMENT

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



TOWN OF AMHERSTBURG
COMMITTEE OF ADJUSTMENT MEETING
MINUTES

Wednesday, April 2, 2025
8:00 AM
Council Chambers
271 Sandwich Street South, Amherstburg, ON, N9V 2A5

PRESENT	Anthony Campigotto - Chair Terris Buchanan - Vice Chair Debbie Rollier Donald Shaw
STAFF PRESENT	Janine Mastronardi - Secretary Treasurer Christopher Aspila – Manager, Planning Services Selena Scebba - Policy and Committee Coordinator
ABSENT	Josh Mailloux (<i>Regrets</i>)

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

5. MINUTES OF PREVIOUS MEETING

Moved by T. Buchanan

Seconded by D. Shaw

That the following minutes of the Committee of Adjustment **BE ADOPTED**, as amended:

5.1 Committee of Adjustment Meeting Minutes of March 5, 2025

The Chair put the motion.

Motion Carried

6. ORDER OF BUSINESS

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

Moved by D. Shaw

Seconded by T. Buchanan

That application A/06/25 **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/06/25.
2. That a grade design be approved and implemented to the satisfaction of the municipality.

The Chair put the motion.

Motion Carried

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

Moved by T. Buchanan

Seconded by D. Rollier

That application A/10/25 **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/10/25.
2. That a grade design be approved and implemented to the satisfaction of the municipality.

The Chair put the motion.

Motion Carried

7. ADJOURNMENT

Moved by D. Shaw

Seconded by T. Buchanan

That the Committee of Adjustment **ADJOURN** at 8:22 a.m.

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: April 24, 2025
Author's Phone: 519 736-5408 ext. 2134	Date to Committee: April 30, 2025
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

To: Chair and Members of the Committee of Adjustment

Subject: B/18/25 and B/11/25, 168 Texas Road, Winstar Homes Inc.

1. RECOMMENDATION:

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/18/25 be approved subject to the recommended conditions; and,
2. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/11/25 be approved subject to the recommended conditions.

2. PROPOSAL:

Purpose of Consent Application B/18/25: The applicant is proposing to sever a parcel of land being 68 ft ± width by 225 ft ± depth with an area of 30 600 sq ft ± to merge with 158 Texas Road for purposes of a lot addition.

The retained parcel being 68 ft ± of frontage by 225 ft ± depth with an area of 30 600 sq ft ± is a vacant residential building lot.

Purpose of Consent Application B/11/25: The applicant is proposing to sever a parcel of land being 34 ft ± frontage by 225 ft ± depth with an area of 15 300 sq ft ± to create a new residential semi-detached building lot. The retained parcel being 34 ft ± frontage by 225 ft depth with a total area of 15 300 sq ft ± will contain a semi-detached dwelling unit.

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

3. BACKGROUND:

At the January 26, 2021 Committee meeting the Committee approved B/05/21 for the purpose of the creation of a new single detached building lot. The conditions have been fulfilled and the consent certificate was stamped on May 10, 2021. The lot is currently under new ownership. The owner would like to move forward with decreasing the lot size through the proposed lot addition to merge with 158 Texas and erecting a semi-detached dwelling on the property.

4. PLANNING INFORMATION:

Official Plan designation: Low Density Residential

By-law No. 1999-52: Residential Second Density (R2) Zone

Existing Use: Residential

Neighbouring Uses: Residential

Access: Texas Road

5. PLANNING ANALYSIS:

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

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

The purposes of the *Planning Act* are;

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

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

- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- the orderly development of safe and healthy communities;
- the adequate provision of a full range of housing, including affordable housing;
- the appropriate location of growth and development;

The proposed severance for a lot addition and proposed severance for lot creation are within a settlement area with existing services and accesses. The conditions of consent are proposed to ensure orderly development of the severed and retained lots.

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

2. PROVINCIAL PLANNING STATEMENT:

The Planning Act R.S.O 1990, C.P.13, requires that the Council of a local Municipality and Committees of a local Municipality shall have regard to matters of Provincial interest in carrying out applications such as a severance application. Items of Provincial interest are outlined in the Provincial Planning Statement (PPS) issued by the Ministry of Municipal Affairs and Housing.

“Legislative Authority

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

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

Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government shall be consistent with the Provincial Planning Statement.”

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

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

In Chapter 1, the Introduction summarizes the vision for the province and includes the following statement, “Ontario’s land use planning framework, and the decisions that are made, shape how our communities grow and prosper. Prioritizing compact and *transit-supportive* design, where locally appropriate, and optimizing investments in *infrastructure* and *public service facilities* will support convenient access to housing, quality employment, services and recreation for all Ontarians.”

Chapter 2 discusses housing and is entitled, Building Homes, Sustaining Strong and Competitive Communities.

2.2 Housing

1. Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected needs of current and future residents of the *regional market area* by:

- a) establishing and implementing minimum targets for the provision of housing that is *affordable* to *low and moderate income households*, and coordinating land use planning and planning for housing with Service Managers to address the full range of *housing options* including *affordable* housing needs;
- b) permitting and facilitating:
 - 1. all *housing options* required to meet the social, health, economic and wellbeing requirements of current and future residents, including *additional needs housing* and needs arising from demographic changes and employment opportunities; and
 - 2. all types of residential *intensification*, including the *development* and *redevelopment* of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new *housing options* within previously developed areas, and *redevelopment*, which results in a net increase in residential units in accordance with policy 2.3.1.3;
- c) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation*; and
- d) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations.

2.3 Settlement Areas and Settlement Area Boundary Expansions

2.3.1 General Policies for Settlement Areas

1. *Settlement areas* shall be the focus of growth and development. Within *settlement areas*, growth should be focused in, where applicable, *strategic growth areas*, including *major transit station areas*.
2. Land use patterns within *settlement areas* should be based on densities and a mix of land uses which:
 - a) efficiently use land and resources;
 - b) optimize existing and planned *infrastructure* and *public service facilities*;
 - c) support *active transportation*;
 - d) are *transit-supportive*, as appropriate; and
 - e) are *freight-supportive*.
3. Planning authorities shall support general *intensification* and *redevelopment* to support the achievement of *complete communities*, including by planning for a

range and mix of *housing options* and prioritizing planning and investment in the necessary *infrastructure* and *public service facilities*.

4. Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions.

5. Planning authorities are encouraged to establish density targets for *designated growth areas*, based on local conditions. *Large and fast-growing municipalities* are encouraged to plan for a target of 50 residents and jobs per gross hectare in *designated growth areas*.

6. Planning authorities should establish and implement phasing policies, where appropriate, to ensure that development within *designated growth areas* is orderly and aligns with the timely provision of the *infrastructure* and *public service facilities*.

2.4 Strategic Growth Areas

2.4.1 General Policies for Strategic Growth Areas

1. Planning authorities are encouraged to identify and focus growth and development in *strategic growth areas*.

2. To support the achievement of *complete communities*, a range and mix of *housing options*, *intensification* and more mixed-use development, *strategic growth areas* should be planned:

- a) to accommodate significant population and employment growth;
- b) as focal areas for education, commercial, recreational, and cultural uses;
- c) to accommodate and support the transit network and provide connection points for inter-and intra-regional transit; and
- d) to support *affordable*, accessible, and equitable housing.

3. Planning authorities should:

- a) prioritize planning and investment for *infrastructure* and *public service facilities* in *strategic growth areas*;
- b) identify the appropriate type and scale of development in *strategic growth areas* and the transition of built form to adjacent areas;
- c) permit *development* and *intensification* in *strategic growth areas* to support the achievement of *complete communities* and a *compact built form*;
- d) consider a student housing strategy when planning for *strategic growth areas*; and
- e) support *redevelopment* of commercially-designated retail lands (e.g., underutilized shopping malls and plazas), to support mixed-use residential.

The consent for a lot addition is a minor lot boundary adjustment to enlarge an existing parcel which contains a single detached dwelling. The consolidated parcel is serviced with municipal water, municipal storm sewers and municipal sanitary sewers with existing frontage on a municipal right-of-way.

The proposed severed and retained lots for a semi-detached dwelling are within a settlement area. The severed and retained lots are/will be serviced with municipal water,

municipal storm sewers and municipal sanitary sewers. The severance application will create one new residential lot within an existing settlement area and allows for infill development of a semi-detached dwelling unit supported by the PPS.

In the opinion of the author of this report the requested consents are consistent with the Provincial Planning Statement.

3. COUNTY OF ESSEX OFFICIAL PLAN:

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

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

4. TOWN OF AMHERSTBURG OFFICIAL PLAN:

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

The requested consent conforms with relevant policies of the Official Plan specifically Section 6.1.2 being the Land Severance policies, Section 4.2.3(1) which provides for the residential lot creation and Section 4.2.3(3) which states that infill housing should be compatible with surrounding land uses. The consolidated development lands are planned for low density residential development which is consistent with the surrounding land uses.

The applicant has identified that the proposed use for the severed parcel in application B/18/25 will be for a residential lot addition which contains an existing single detached dwelling. The applicant has identified that the proposed use for the severed and retained parcels in application B/11/25 will be for residential building lots for a semi-detached dwelling. This will result in two new dwelling units being constructed. The Town's Official Plan Section 4.3.1 states that: *'Areas designated as Low Density Residential shall be limited to single detached, semidetached, duplex, or converted dwelling units, home occupation uses and public uses.'* Therefore, the proposed uses on the land are in conformity with the Official Plan.

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

5. COMPREHENSIVE ZONING BY-LAW 1999-52:

The subject property is proposed to be zoned Residential Second Density (R2) Zone in Bylaw 1999-52, as amended. The lot addition proposed by application B/18/25 is not in contravention of the Zoning Bylaw. The creation of a new lot for a semi-detached dwelling

unit by application B/11/25 is also not in contravention of the Zoning By-law. Section 8(2) permits a range of residential uses in the R2 Zone including single detached and semi-detached dwellings.

The minimum lot frontage required in the R2 Zone for a semi-detached dwelling unit is 9.5 m. The minimum lot area required in the R2 Zone for a semi-detached dwelling unit is 310 sq.m.

The applicant is proposing the following lot frontages and lot areas for the severed and retained parcels in application B/11/25. These parcels also will have access from Texas Road.

	Lot Frontage		Lot Area	
	<i>Required</i>	<i>Proposed</i>	<i>Required</i>	<i>Proposed</i>
Severed Parcel	9.5 m (31.17 ft)	10.36 m (34 ft)	310 sq m (3336.81 sq ft)	1421.42 sq m (15,300 sq ft)
Retained Parcel	9.5 m (31.17 ft)	10.36 m (34 ft)	310 sq m (3336.81 sq ft)	1421.42 sq m (15,300 sq ft)

In the opinion of the author of this report the proposed consent for a lot addition and the creation of a residential building lot for a semi-detached dwelling unit is in conformity with the Zoning By-Law 1999-52, as amended.

6. AGENCY COMMENTS:

See attached.

7. RISK ANALYSIS:

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

8. RECOMMENDATIONS:

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **B/18/25 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. The applicant/owners are required to enter into a reapportionment of the drainage assessment for the subject lands in accordance with Section 65 of the Ontario Drainage Act, R.S.O. 1990 as amended and provide the Town of Amherstburg, a signed agreement and that any associated cost of same be borne solely by the applicant. The reapportionment 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. The severance shall not be granted until a Council resolution is passed to execute the reapportionment agreement. Consult Amherstburg's Drainage Superintendent for further information. (Jeths Drain)
7. 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.
8. 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.

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **B/11/25 be approved** subject to the following conditions:

1. That a Reference Plan of the subject property, which indicates the common wall of the semi-detached dwelling, satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed acceptable for registration in order that consent may be attached to the original and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$1070 for the severed lot.

5. That one (1) tree per newly created lot shall be planted within the municipal right-of-way. Coordination with the Infrastructure Services department 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.
6. 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.
7. 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.
8. That the applicant must install a driveway access to the severed and retained parcels to the satisfaction of the municipality.
9. That the applicant provide to the municipality Private Drain Connection (PDC) sheets once installation of new services is completed.
10. The applicant/owners are required to enter into a reapportionment of the drainage assessment for the subject lands in accordance with Section 65 of the Ontario Drainage Act, R.S.O. 1990 as amended and provide the Town of Amherstburg, a signed agreement and that any associated cost of same be borne solely by the applicant. The reapportionment 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. The severance shall not be granted until a Council resolution is passed to execute the reapportionment agreement. Consult Amherstburg's Drainage Superintendent for further information. (Jeths Drain)
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.

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

9. CONCLUSION:

In the opinion of the author of this report the request for one lot addition and the creation of a new semi-detached dwelling lot is in conformity with Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Planning Statement.

Respectfully submitted,



Janine Mastronardi

Report Approval Details

Document Title:	B-11-25 and B-18-25, 168 Texas Road, Winstar Homes Inc.docx
Attachments:	<ul style="list-style-type: none">- Appendix A- B-11 and 18-25- Notice- 168 Texas Rd- RM.pdf- Appendix B- B-18-25- Application_Redacted-RM.pdf- Appendix C- B-11-25- Application_Redacted-RM.pdf- Appendix D- B-11-25 - Aerial map-RM.pdf- Appendix E- B-11 18-25- Site Photos-RM.pdf- Appendix F- Summary of Correspondence Received on B-11-25- RM.pdf- Appendix G- B-11-25 B-18-25 PowerPoint.-RM.pdf
Final Approval Date:	Apr 25, 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 applications for consent by:

Winstar Homes Inc.

TAKE NOTICE THAT applications for **consent (severance)** under the above-noted files will be heard by the TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT on the date, time and place shown below:

**Amherstburg Council Chambers, 271 Sandwich St. S., Amherstburg, ON
Wednesday, April 30, 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 applications. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are asked to inform that person of this hearing.

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

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

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

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

Public Comment Submission:

If you have comments on this application, 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, April 28, 2025) to the Planning Department, planning@amherstburg.ca. All public comments received prior to the meeting will be read aloud at the beginning of the relevant application.

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

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

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

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

Location of Property: 168 Texas Road (Roll No. 3729-420-000-23203)

Purpose of Consent Application B/18/25: The applicant is proposing to sever a parcel of land being 68 ft ± width by 225 ft ± depth with an area of 30 600 sq ft ± to merge with 158 Texas Road for purposes of a lot addition.

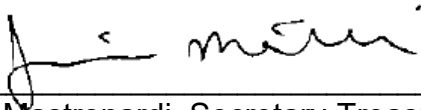
The retained parcel being 68 ft ± of frontage by 225 ft ± depth with an area of 30 600 sq ft ± is a vacant residential building lot.

Purpose of Consent Application B/11/25: The applicant is proposing to sever a parcel of land being 34 ft ± frontage by 225 ft ± depth with an area of 15 300 sq ft ± to create a new residential semi-detached building lot. The retained parcel being 34 ft ± frontage by 225 ft depth with a total area of 15 300 sq ft ± will contain a semi-detached dwelling unit.

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

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

Dated: April 16, 2025



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

LOT
CONCESSION

PART 1 PLAN 12R-13059

SCHEDULE				
PART	LOT	REGISTERED PLAN	PIN	AREA (SQ.FT)
1	PART OF LOT 7	13	PART OF PIN 70723-0195 (LT)	30405.8
2	PART OF LOTS 7 & 8		PART OF PIN 70723-0195 (LT)	14755.8
GEOGRAPHIC TOWNSHIP OF ANDERDON				

PIN SUMMARY - PARTS 1 & 2 ARE PART OF PIN 70723-0195 (LT).

PLAN 12R-28604

Received and deposited

April 26th, 2021

Wanda Griffin

Representative for the
Land Registrar for the
Land Titles Division of
Essex (No.12)

PLAN OF SURVEY OF
PART OF LOTS 7 AND 8
REGISTERED PLAN 13
GEOGRAPHIC TOWNSHIP OF ANDERDON
TOWN OF AMHERSTBURG
COUNTY OF ESSEX

SCALE 1"= 60'
0 30' 60' 120' 180' 240' FEET

SURVEYORS ON SITE INC.

THE INTENDED PLOT SIZE OF THIS PLAN IS 18 INCHES IN HEIGHT BY 24 INCHES
IN WIDTH WHEN PLOTTED AT A SCALE OF 1:60 FEET.

LEGEND

□	.....	MONUMENT PLANTED
■	.....	MONUMENT FOUND
SIB	.....	STANDARD IRON BAR
SSIB	.....	SHORT STANDARD IRON BAR
IB	.....	IRON BAR
RIB	.....	ROUND IRON BAR
M	.....	MEASURED
S	.....	SET
1201	.....	ROSS A. CLARKE O.L.S.
1528	.....	VERHAEGEN, STUBBERFIELD, HARTLEY, BREWER, BEZAIRE INC.
A	.....	C.G.R. ARMSTRONG O.L.S.
KVL	.....	KOSTER VERHAEGEN LTD.
OU	.....	ORIGIN UNKNOWN
P1	.....	PLAN 12R-1891
P2	.....	PLAN 12R-18782
D1	.....	INSTRUMENT NUMBER R328440
WIT	.....	WITNESS

NOTES

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN FEET
AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048.

DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN
BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE
COMBINED SCALE FACTOR OF 0.9998401.

BEARINGS ARE UTM GRID DERIVED FROM NETWORK RTK GPS OBSERVATIONS
(TOPNET) ON MONUMENTS (A) AND (B) AS SHOWN HEREON, HAVING A GRID
BEARING OF N86°01'20"W, NAD83 CSRS (2010.0) AND ARE REFERRED TO THE
CENTRAL MERIDIAN OF UTM ZONE 17 (81° W LONGITUDE).

ALL BUILDING TIES SHOWN HEREON ARE TO THE FOUNDATION UNLESS
OTHERWISE NOTED.

FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE APPLIED:
P2 - 1°25'10" CLOCKWISE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS
ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE
UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 14th DAY OF MARCH, 2021.

APRIL 26, 2021

Michael W. Haines

MICHAEL W. HAINES
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 2167496.

CLARKE
SURVEYORS
A DIVISION OF SURVEYORS ON SITE INC.

Ontario Land Surveyors
Consulting Surveyors
2535 Lesperance Road
Tecumseh, Ontario
N8N 2X1
Ph. (519) 258-4166
Toll Free: 1-888-735-4166
www.surveyorsonsite.com

DRAWN BY	HK
CHECKED BY	MWH
JOB NO.	CS2021-016
CAD FILE	CS2021-016_RP-V2
PLAN FILE	L-0-13

LOT
CONCESSION

PART 1 PLAN 12R-13059

SCHEDULE				
PART	LOT	REGISTERED PLAN	PIN	AREA (SQ.FT)
1	PART OF LOT 7	13	PART OF PIN 70723-0195 (LT)	30405.8
2	PART OF LOTS 7 & 8		PART OF PIN 70723-0195 (LT)	14755.8
GEOGRAPHIC TOWNSHIP OF ANDERDON				

PIN SUMMARY - PARTS 1 & 2 ARE PART OF PIN 70723-0195 (LT).

PLAN 12R-28604

Received and deposited

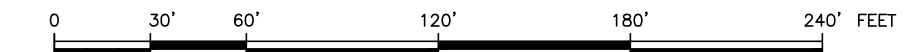
April 26th, 2021

Wanda Griffin

Representative for the
Land Registrar for the
Land Titles Division of
Essex (No.12)

PLAN OF SURVEY OF
PART OF LOTS 7 AND 8
REGISTERED PLAN 13
GEOGRAPHIC TOWNSHIP OF ANDERDON
TOWN OF AMHERSTBURG
COUNTY OF ESSEX

SCALE 1"= 60'



SURVEYORS ON SITE INC.

THE INTENDED PLOT SIZE OF THIS PLAN IS 18 INCHES IN HEIGHT BY 24 INCHES
IN WIDTH WHEN PLOTTED AT A SCALE OF 1:60 FEET.

LEGEND

□	.....	MONUMENT PLANTED
■	.....	MONUMENT FOUND
SIB	.....	STANDARD IRON BAR
SSIB	.....	SHORT STANDARD IRON BAR
IB	.....	IRON BAR
RIB	.....	ROUND IRON BAR
M	.....	MEASURED
S	.....	SET
1201	.....	ROSS A. CLARKE O.L.S.
1528	.....	VERHAEGEN, STUBBERFIELD, HARTLEY, BREWER, BEZAIRE INC.
A	.....	C.G.R. ARMSTRONG O.L.S.
KVL	.....	KOSTER VERHAEGEN LTD.
OU	.....	ORIGIN UNKNOWN
P1	PLAN 12R-1891
P2	PLAN 12R-18782
D1	INSTRUMENT NUMBER R328440
WIT	WITNESS

NOTES

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COMBINED SCALE FACTOR OF 0.9998401.

BEARINGS ARE UTM GRID DERIVED FROM NETWORK RTK GPS OBSERVATIONS
(TOPNET) ON MONUMENTS (A) AND (B) AS SHOWN HEREON, HAVING A GRID
BEARING OF N86°01'20"W, NAD83 CSRS (2010.0) AND ARE REFERRED TO THE
CENTRAL MERIDIAN OF UTM ZONE 17 (81° W LONGITUDE).

ALL BUILDING TIES SHOWN HEREON ARE TO THE FOUNDATION UNLESS
OTHERWISE NOTED.

FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE APPLIED:
P2 - 1°25'10" CLOCKWISE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS
ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE
UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 14th DAY OF MARCH, 2021.

APRIL 26, 2021

MICHAEL W. HAINES
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 2167496.

CLARKE
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DRAWN BY	HK
CHECKED BY	MWH
JOB NO.	CS2021-016
CAD FILE	CS2021-016_RP-V2
PLAN FILE	L-0-13

COORDINATES BELOW ARE DERIVED FROM NETWORK RTK GPS OBSERVATIONS (TOPNET) AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS) (2010.0).		
COORDINATES COMPLY WITH THE URBAN ABSOLUTE ACCURACY PER SEC. 14(2) OF O.REG. 216/10.		
POINT ID	NORTHING	EASTING
(A)	15308642.43'	1069486.02'
(B)	15308709.56'	1068522.29'
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

Retained Parcel
34 ft x 225 ft

Severed Parcel
34 ft x 225 ft

R O A D

(ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 9 & 10)
(66.00' WIDE AS SHOWN ON REGISTERED PLAN 13)
PIN 70723 - 0181 (LT)



TOWN OF AMHERSTBURG
Application for
CONSENT/LAND SEVERANCE

OFFICE USE ONLY	
Application No.:	B/18/25
Date of Pre-consultation Meeting:	February, 2025
Date Application Received:	4/13/25
Date Application Deemed Complete:	4/15/25
Staff Person Present:	J. Mastronardi
Municipal Fee Received:	Paid
ERCA Fee Received:	Paid

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

2. LOCATION AND DESCRIPTION OF SUBJECT LANDS

Assessment Roll No.: 3729420000232030000

Municipal Address: 168 Texas Rd

Concession: HWY 18

Lot:

Registered Plan No.: 13

Lot(s): 7

Reference Plan No.: 12R28604

Part(s): 1

3. CURRENT OFFICIAL PLAN DESIGNATION AND ZONING OF SUBJECT LANDS:

Official Plan Designation: residential

Zoning: R2

4. CURRENT SIZE OF SUBJECT PARCEL:

Frontage: 68 ft

Depth: 450 ft

Area: 30,600 SQF

5. ARE THERE ANY EASEMENTS OR RESTRICTIVE COVENANTS AFFECTING THE SUBJECT LAND?☐

Yes

☒

No

If yes please provide a description of each easement or covenant and its effect.

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

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

Frontage: 68 ft

Depth: 225 ft

Area: 15,300 SQF

Existing Use: Vacant lot

Proposed Use: Severed parcel to be purchased by property owner of 158 Texas Rd

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

Existing: 0

Proposed: lot addition to the property of 158 Texas Rd

Is there an existing access bridge on this parcel?

☐

Yes (locate on sketch)

☒

No

Is there a water service connection on this parcel?

☐

Yes (locate on sketch)

☒

No

Is there a sanitary sewer connection on this parcel?

☐

Yes (locate on sketch)

☒

No

Access to proposed severed lot

☒

Municipal Road

☐

County Road

☐

Provincial Highway

☐

Private

☐

Water

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

8. NUMBER OF NEW LOTS PROPOSED (NOT INCLUDING RETAINED LOT):				0
9. DESCRIPTION AND USE OF LAND INTENDED TO BE <u>RETAINED</u>:				
Frontage:	68 ft	Depth:	225 ft	Area: 15,300 SQF
Existing Use: vacant lot				
Proposed Use: build a semi detached dwelling				
Number and use of buildings and structures on the land intended to be retained				
Existing: 0				
Proposed Use: build a semi detached dwelling				
Is there an existing access bridge on this parcel?				
<input type="checkbox"/>	Yes (locate on sketch)	<input checked="" type="checkbox"/>	No	
Is there a water service connection on this parcel?				
<input checked="" type="checkbox"/>	Yes (locate on sketch)	<input type="checkbox"/>	No	
Is there a sanitary sewer connection on this parcel?				
<input checked="" type="checkbox"/>	Yes (locate on sketch)	<input type="checkbox"/>	No	
Access to proposed retained lot				
<input checked="" type="checkbox"/>	Municipal Road	<input type="checkbox"/>	County Road	<input type="checkbox"/>
<input type="checkbox"/>	Private	<input type="checkbox"/>	Water	
<p>If access to the subject land is by water only, indicate the parking and docking facilities to be used and the approximate distance between these facilities and the nearest public road.</p> 				

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

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

Use of parcel:	
Date parcel created:	
Has the parcel ever been the subject of an application for approval of a plan of subdivision under Section 51 or a consent under Section 53 of the Act, as amended, or its predecessors?	
<input type="checkbox"/>	Yes (locate on sketch)
<input checked="" type="checkbox"/>	No
If yes, please indicate the file number and the decision:	
<hr/> <hr/>	

12. CURRENT APPLICATIONS	
Please indicate whether the property is the subject of an application for one of the following:	
<input type="checkbox"/>	Official plan or official plan amendment approval
<input type="checkbox"/>	Zoning by-law amendment
<input type="checkbox"/>	Minister's zoning order amendment
<input type="checkbox"/>	Minor variance
<input type="checkbox"/>	Consent or approval of a plan of subdivision
If known, indicate the file number and status of the foregoing application(s)	
<hr/> <hr/>	
Is the owner, solicitor or agent applying for additional consents on this holding simultaneously with this application, or considering applying for additional consents in the future?	
<input checked="" type="checkbox"/>	Yes (locate on sketch)
<input type="checkbox"/>	No
Is the owner, solicitor or agent applying for any minor variance or permission to extend or enlarge under Section 45 of the Planning Act, R.S.O. 1990, as amended, in relation to any land that is the subject of this application?	
<input type="checkbox"/>	Yes (locate on sketch)
<input checked="" type="checkbox"/>	No

12. CURRENT APPLICATIONS CONTINUED

Is the requested application consistent with policy statements issued under subsection 3(1) of the Planning Act? (ie.2024 Provincial Planning Statement)



Yes (locate on sketch)



No

Comments: _____

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



Yes (locate on sketch)



No

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

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



Yes (locate on sketch)



No

If yes, 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 adopt terms of reference for an Environmental Impact Assessment.

Does the proposed project include the addition of permanent above ground fuel storage?



Yes (locate on sketch)



No

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

13. CONSENT OF OWNER

The owner must also complete the following or a similar authorization attached to the application.

Consent of Owner(s) to the Use and Disclosure of Personal Information and to Allow Site Visits to be Conducted

In accordance with the provisions of the Planning Act, it is the policy of the Town of Amherstburg Planning Services Department to provide the public access to all development applications and supporting documentation.

In submitting this development application and supporting documentation,

I/we gefu zhu

PRINT NAME(S)

the owner(s)/authorized applicant, hereby acknowledge the above-noted policy and provide my/our consent, in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

2/20/25

DATE

Gefu Zhu

Digitally signed by Gefu Zhu
Date: 2025.02.20 15:49:41
-05'00'

SIGNATURE

DATE

SIGNATURE

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

I/We, Gefu Zhu of the
PRINT NAME(S)

Town of Amherstburg in the
PRINT TOWN OR CITY NAME

County Essex solemnly declare that all of the
COUNTY/REGION/DISTRICT NAME

information and the statements contained in this application are true, and I/we, make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.


DECLARED before me at the Town of Amherstburg
PRINT TOWN OR CITY NAME

in the County of Essex
COUNTY NAME

Feb. 24, 2025
DATE


SIGNATURE OF OWNER OR AUTHORIZATION AGENT

Feb 24, 2025
DATE


SIGNATURE OF COMMISSIONER
Janine Quintina Mastronardi, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires June 30, 2027.

15. AUTHORIZATION

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

To: Town of Amherstburg

Description and Location of Subject Lands: _____

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

PRINT NAME

of _____
PRINT TOWN OR CITY NAME

To:

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

DATED at the _____
PRINT TOWN OR CITY NAME

in the _____
COUNTY NAME

on _____
DATE

Witness

Signature of Owner

Witness

Signature of Owner

Witness

Signature of Owner

16. POSTING COMMITTEE OF ADJUSTMENT ADVISORY SIGN

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

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

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

Each sign must remain posted beginning 14 days prior to the Hearing, until the day following the decision of the Committee of Adjustment. Please complete the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the Committee's requirements. Failure to post the sign as required will result in deferral of the application.

Chris Aspila, MCIP RPP
Manager of Planning Services

Property Address: 168 Texas Rd, Amherstburg, ON

Application Number(s): B/18/25

I understand that each sign must be posted at least 14 days before the Hearing, and will remain posted and be replaced if necessary, until the day following the Decision.

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

Gefu Zhu Digitally signed by Gefu Zhu
Date: 2025.02.20 15:51:56
-05'00'
Signature (Owner/Authorized Agent)

2/20/25
Date



TOWN OF AMHERSTBURG
Application for
CONSENT/LAND SEVERANCE

OFFICE USE ONLY	
Application No.:	B/11/25
Date of Pre-consultation Meeting:	February, 2025
Date Application Received:	4/13/25
Date Application Deemed Complete:	4/15/25
Staff Person Present:	J. Mastronardi
Municipal Fee Received:	Paid
ERCA Fee Received:	Paid

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

2. LOCATION AND DESCRIPTION OF SUBJECT LANDS

Assessment Roll No.: 3729420000232030000

Municipal Address: 168 Texas Rd

Concession: HWY 18

Lot:

Registered Plan No.: 13

Lot(s): 7

Reference Plan No.: 12R28604

Part(s): 1

3. CURRENT OFFICIAL PLAN DESIGNATION AND ZONING OF SUBJECT LANDS:

Official Plan Designation: residential

Zoning: R2

4. CURRENT SIZE OF SUBJECT PARCEL:

Frontage: 68 ft

Depth: 225 ft

Area: 15,300 SQF

5. ARE THERE ANY EASEMENTS OR RESTRICTIVE COVENANTS AFFECTING THE SUBJECT LAND?☐

Yes

☒

No

If yes please provide a description of each easement or covenant and its effect.

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

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

Frontage: 34 ft

Depth: 225 ft

Area: 7,650 SQF

Existing Use: Vacant lot

Proposed Use: build a right side unit of a semi detached dwelling

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

Existing: 0

Proposed: build a right side unit of a semi detached dwelling

Is there an existing access bridge on this parcel?

☐

Yes (locate on sketch)

☒

No

Is there a water service connection on this parcel?

☒

Yes (locate on sketch)

☐

No

Is there a sanitary sewer connection on this parcel?

☒

Yes (locate on sketch)

☐

No

Access to proposed severed lot

☒

Municipal Road

☐

County Road

☐

Provincial Highway

☐

Private

☐

Water

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

8. NUMBER OF NEW LOTS PROPOSED (NOT INCLUDING RETAINED LOT):				1
9. DESCRIPTION AND USE OF LAND INTENDED TO BE <u>RETAINED</u>:				
Frontage:	34 ft	Depth:	225 ft	Area: 7,625 SQF
Existing Use: vacant lot				
Proposed Use: build a left side unit of a semi detached dwelling				
Number and use of buildings and structures on the land intended to be retained				
Existing: 0				
Proposed Use: build a left side unit of a semi detached dwelling				
Is there an existing access bridge on this parcel?				
<input type="checkbox"/>	Yes (locate on sketch)	<input checked="" type="checkbox"/>	No	
Is there a water service connection on this parcel?				
<input type="checkbox"/>	Yes (locate on sketch)	<input checked="" type="checkbox"/>	No	
Is there a sanitary sewer connection on this parcel?				
<input type="checkbox"/>	Yes (locate on sketch)	<input checked="" type="checkbox"/>	No	
Access to proposed retained lot				
<input checked="" type="checkbox"/>	Municipal Road	<input type="checkbox"/>	County Road	<input type="checkbox"/>
<input type="checkbox"/>	Private	<input type="checkbox"/>	Water	
If access to the subject land is by water only, indicate the parking and docking facilities to be used and the approximate distance between these facilities and the nearest public road. <hr/>				

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

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

Use of parcel:	
Date parcel created:	
Has the parcel ever been the subject of an application for approval of a plan of subdivision under Section 51 or a consent under Section 53 of the Act, as amended, or its predecessors?	
<input type="checkbox"/>	Yes (locate on sketch)
<input checked="" type="checkbox"/>	No
If yes, please indicate the file number and the decision:	

12. CURRENT APPLICATIONS	
Please indicate whether the property is the subject of an application for one of the following:	
<input type="checkbox"/>	Official plan or official plan amendment approval
<input type="checkbox"/>	Zoning by-law amendment
<input type="checkbox"/>	Minister's zoning order amendment
<input type="checkbox"/>	Minor variance
<input type="checkbox"/>	Consent or approval of a plan of subdivision
If known, indicate the file number and status of the foregoing application(s)	
Is the owner, solicitor or agent applying for additional consents on this holding simultaneously with this application, or considering applying for additional consents in the future?	
<input checked="" type="checkbox"/>	Yes (locate on sketch)
<input type="checkbox"/>	No
Is the owner, solicitor or agent applying for any minor variance or permission to extend or enlarge under Section 45 of the Planning Act, R.S.O. 1990, as amended, in relation to any land that is the subject of this application?	
<input type="checkbox"/>	Yes (locate on sketch)
<input checked="" type="checkbox"/>	No

12. CURRENT APPLICATIONS CONTINUED

Is the requested application consistent with policy statements issued under subsection 3(1) of the Planning Act? (ie.2024 Provincial Planning Statement)



Yes (locate on sketch)



No

Comments: _____

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



Yes (locate on sketch)



No

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

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



Yes (locate on sketch)



No

If yes, 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 adopt terms of reference for an Environmental Impact Assessment.

Does the proposed project include the addition of permanent above ground fuel storage?



Yes (locate on sketch)



No

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

13. CONSENT OF OWNER

The owner must also complete the following or a similar authorization attached to the application.

Consent of Owner(s) to the Use and Disclosure of Personal Information and to Allow Site Visits to be Conducted

In accordance with the provisions of the Planning Act, it is the policy of the Town of Amherstburg Planning Services Department to provide the public access to all development applications and supporting documentation.

In submitting this development application and supporting documentation,

I/we gefu zhu

PRINT NAME(S)

the owner(s)/authorized applicant, hereby acknowledge the above-noted policy and provide my/our consent, in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

2/20/25

DATE

Gefu Zhu

Digitally signed by Gefu Zhu
Date: 2025.02.20 15:49:41
-05'00'

SIGNATURE

DATE

SIGNATURE

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

I/We, Gefu Zhu of the
PRINT NAME(S)

Town of Amherstburg in the
PRINT TOWN OR CITY NAME

County Essex solemnly declare that all of the
COUNTY/REGION/DISTRICT NAME

information and the statements contained in this application are true, and I/we, make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.


DECLARED before me at the Town of Amherstburg
PRINT TOWN OR CITY NAME

in the County of Essex
COUNTY NAME

Feb. 24, 2025
DATE


SIGNATURE OF OWNER OR AUTHORIZATION AGENT

Feb 24, 2025
DATE


SIGNATURE OF COMMISSIONER
Janine Quintina Mastronardi, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires June 30, 2027.

15. AUTHORIZATION

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

To: Town of Amherstburg

Description and Location of Subject Lands: _____

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

PRINT NAME

of _____
PRINT TOWN OR CITY NAME

To:

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

DATED at the _____
PRINT TOWN OR CITY NAME

in the _____
COUNTY NAME

on _____
DATE

Witness

Signature of Owner

Witness

Signature of Owner

Witness

Signature of Owner

16. POSTING COMMITTEE OF ADJUSTMENT ADVISORY SIGN

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

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

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

Each sign must remain posted beginning 14 days prior to the Hearing, until the day following the decision of the Committee of Adjustment. Please complete the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the Committee's requirements. Failure to post the sign as required will result in deferral of the application.

Chris Aspila, MCIP RPP
Manager of Planning Services

Property Address: 168 Texas Rd, Amherstburg, ON

Application Number(s): B/11/25

I understand that each sign must be posted at least 14 days before the Hearing, and will remain posted and be replaced if necessary, until the day following the Decision.

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

Gefu Zhu Digitally signed by Gefu Zhu
Date: 2025.02.20 15:51:56
-05'00'
Signature (Owner/Authorized Agent)

2/20/25
Date



TEXAS RD

B/18/25 and B/11/25- Site Photos





Summary of Correspondence Received on Proposed B/11/25 and B/18/25 for 168 Texas Rd.

Below is a summary of the comments received by the Planning Services division for B/11/25 & B/18/25 as of April 25, 2025.

Building Department

B/18/25: A grade design demonstrating that the severed (resulting consolidated parcel) will maintain its own surface water be submitted and implemented to the satisfaction of the municipality.

B/11/25: Lot grading plan required for severed and retained parcels.

Essex Region Conservation Authority

See attached comments.

Fire Department

No comments.

Infrastructure Services:

See attached comments.



2025-04-22

File Number: 0846-25

Janine Mastronardi, Town of Amherstburg
Town of Amherstburg Libro Centre
Amherstburg, ON
N9V 2Y8

RE: Consents to Construct a Semi-Detached Dwelling
168 TEXAS RD
Municipal File Number: B-11-25 & B-18-25

The Town of Amherstburg has received Applications for Consent B-18-25 and B-11-25 for the above noted subject property. The purpose of Consent Application B-18-25 is to sever a parcel of land being 68 ft ± width by 225 ft ± depth with an area of 30 600 sq ft ± to merge with 158 Texas Road for purposes of a lot addition. The retained parcel being 68 ft ± of frontage by 225 ft ± depth with an area of 30 600 sq ft ± is a vacant residential building lot.

The purpose of Consent Application B-11-25 is to sever a parcel of land being 34 ft ± frontage by 225 ft ± depth with an area of 15 300 sq ft ± to create a new residential semi-detached building lot. The retained parcel being 34 ft ± frontage by 225 ft depth with a total area of 15 300 sq ft ± will contain a semi-detached dwelling unit.

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

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.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Ontario Regulation 41/24 under the Conservation Authorities Act). As a result, an approval is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act.

FINAL RECOMMENDATION

Our office has no objection to B-11-25 and B-18-25.

Sincerely,



Alicia Good

Alicia Good
Watershed Planner



The Corporation of The Town of Amherstburg

MEMO

To: Janine Mastronardi, Planner

From: Sydnee Botham, Development Engineering Coordinator

Date: April 17, 2025

Subject: Committee of Adjustment – 168 Texas Road – B/11/25 & B/18/25
Town of Amherstburg

Infrastructure Services Department has reviewed B/18/25 & B/11/25 – 168 Texas Road consent application and offer the following comments:

- The Applicant shall confirm that each unit has separate municipal servicing connections and driveway entrances. If additional services are required to be installed to satisfy this comment, a permit from the Public Works Department must be submitted for review and approval for the following:
 - Sanitary Connection
 - Storm Connection
 - Water Connection
 - Water Meter
 - Driveway Installation/ AlterationPlease contact the undersigned for assistance and payment with the Public Works Permit.
- Private Drain Connection (PDC) sheets will be required to be submitted once installation of new services is completed.
- (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.
- The applicant/owners are required to enter into a reapportionment of the drainage assessment for the subject lands in accordance with Section 65 of the Ontario Drainage Act, R.S.O. 1990 as amended and provide the Town of Amherstburg, a signed

agreement and that any associated cost of same be borne solely by the applicant. The reapportionment 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. The severance shall not be granted until a Council resolution is passed to execute the reapportionment agreement. Consult Amherstburg's Drainage Superintendent for further information. (Jeths Drain)

- Applicant to provide an overall lot grading plan for the parcels (severed, retained and lot addition) to ensure all drainage runoff outlets to the appropriate outlet and each parcel retains it's own stormwater.

If you have any questions or require further clarification, please do not hesitate to contact the undersigned.

Sydnee Botham, CET
Development Engineering Coordinator

Amherstburg Committee of Adjustment

April 30, 2025



B/18/25 & B/11/25– 168 Texas Road

Purpose of Applications B/18/25 & B/11/25

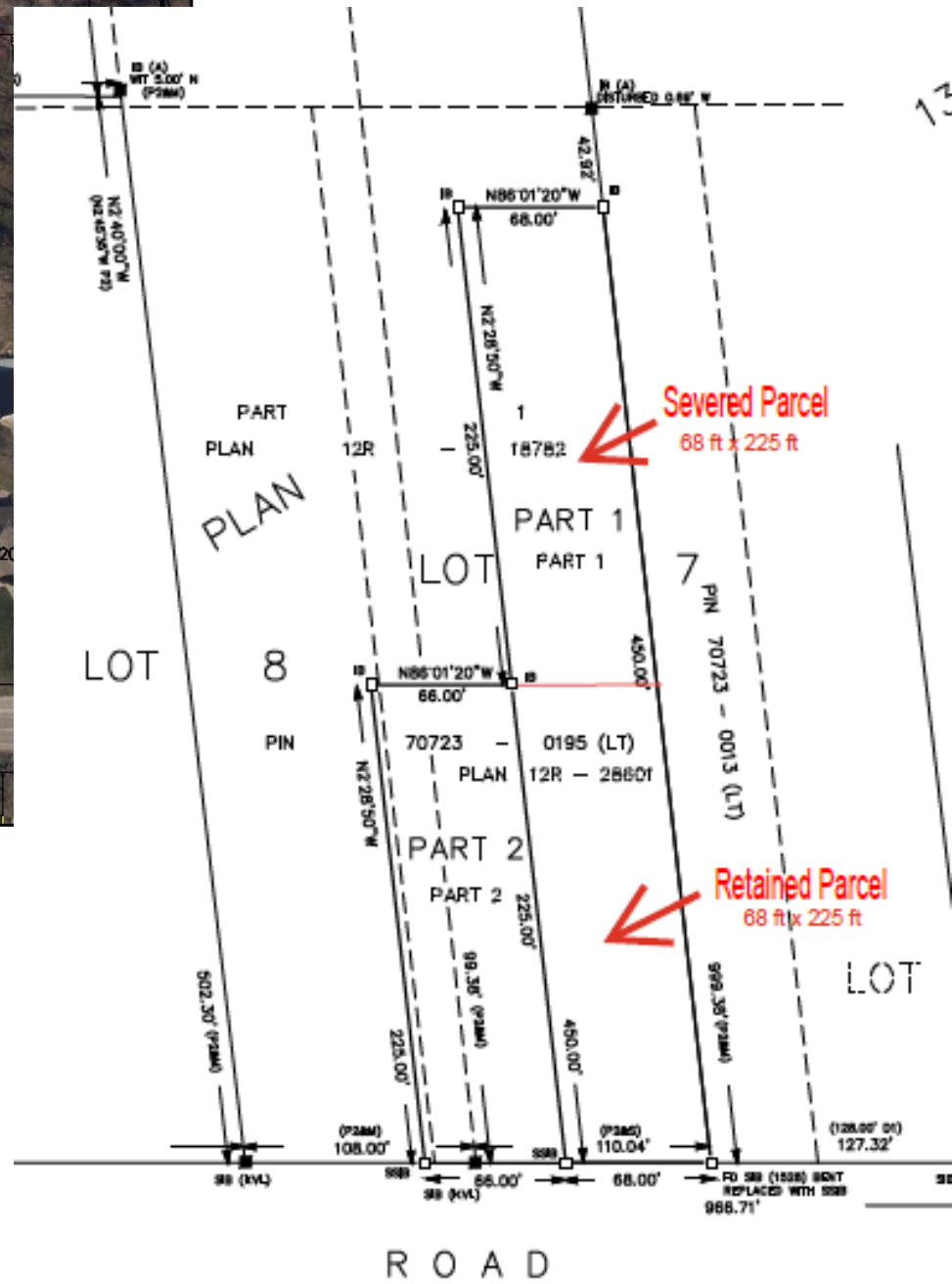
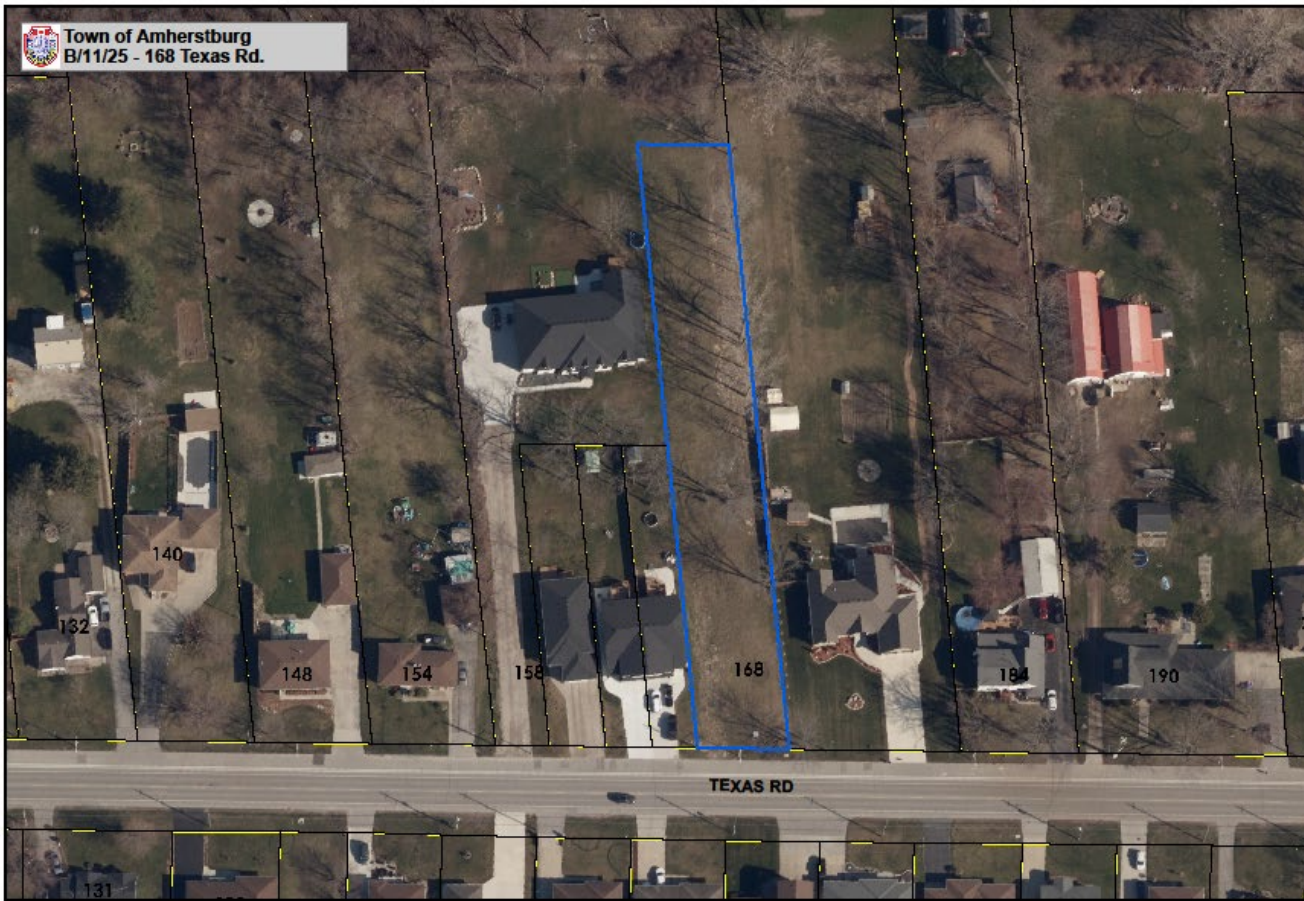
Purpose of Consent Application B/18/25: The applicant is proposing to sever a parcel of land being 68 ft \pm width by 225 ft \pm depth with an area of 30 600 sq ft \pm to merge with 158 Texas Road for purposes of a lot addition.

The retained parcel being 68 ft \pm of frontage by 225 ft \pm depth with an area of 30 600 sq ft \pm is a vacant residential building lot.

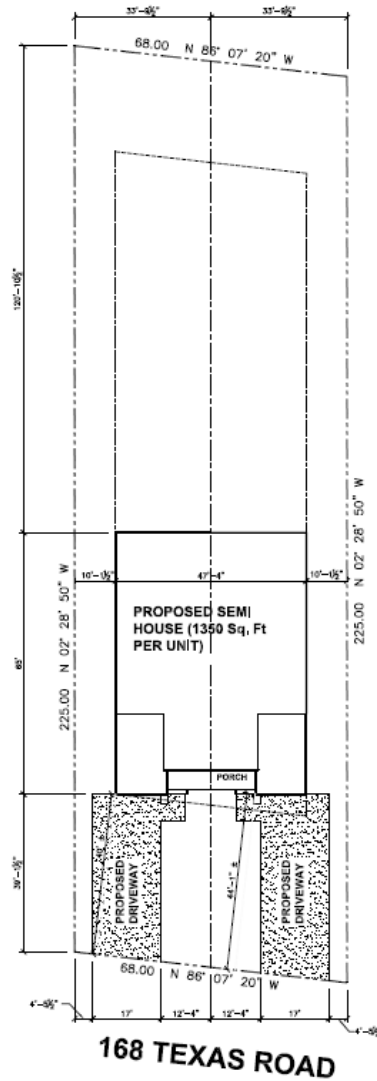
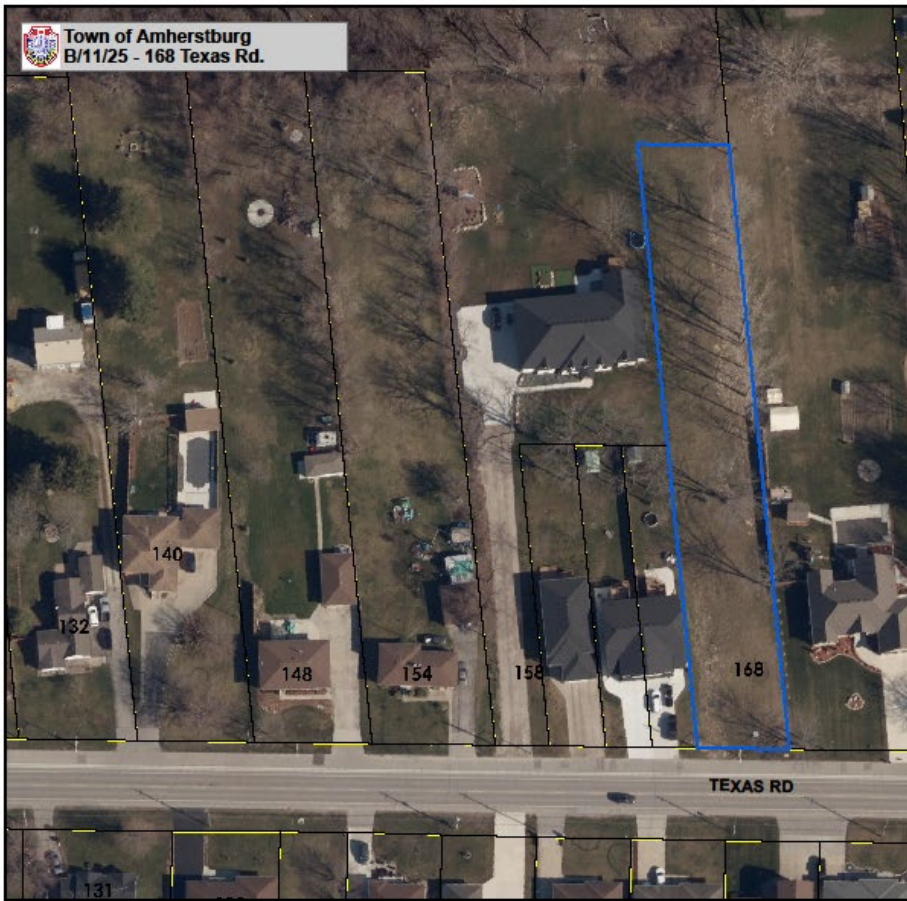
Purpose of Consent Application B/11/25: The applicant is proposing to sever a parcel of land being 34 ft \pm frontage by 225 ft \pm depth with an area of 15 300 sq ft \pm to create a new residential semi-detached building lot. The retained parcel being 34 ft \pm frontage by 225 ft depth with a total area of 15 300 sq ft \pm will contain a semi-detached dwelling unit.

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

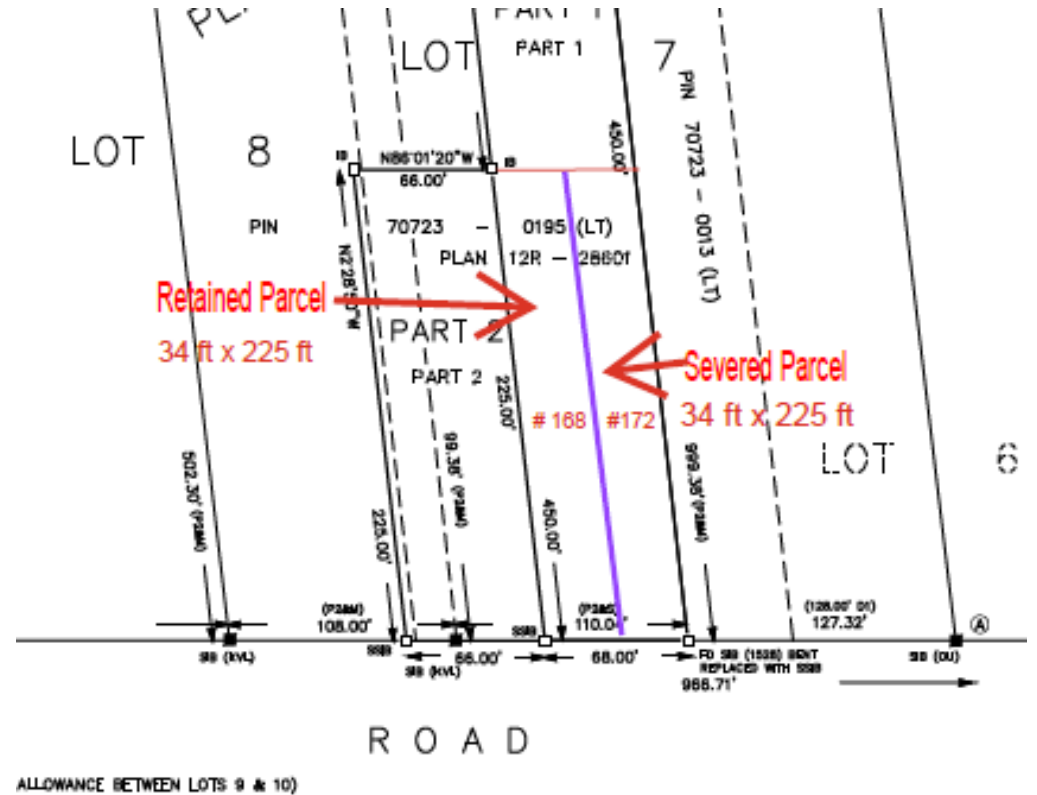




Sketch- B/18/25



TOTAL LOT AREA: 15202.90 (7601 SQ. Ft. per side)
BUILDING AREA: 2944.76 Sq. Ft. ±
LOT COVERAGE: 19.37 % ±



Sketch- B/11/25

Policy Review

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

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

- Planning Act, R.S.O. 1990
- Provincial Planning Statement 2024
- County of Essex Official Plan
- Town Official Plan
- Town Zoning By-law 1999-52, as amended



Recommendation

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **B/18/25 be approved** subject to the recommended conditions.

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **B/11/25 be approved** subject to the recommended conditions.





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: April 24, 2025
Author's Phone: 519 736-5408 ext. 2134	Date to Committee: April 30, 2025
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

To: Chair and Members of the Committee of Adjustment

Subject: B/12-16/25, 3918 Concession 3 S, Bernadette Meloche, 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 B/12/25 be approved subject to the recommended conditions;
2. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/13/25 be approved subject to the recommended conditions;
3. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/14/25 be approved subject to the recommended conditions;
4. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/15/25 be approved subject to the recommended conditions; and
5. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/16/25 be approved subject to the recommended conditions.

2. PROPOSAL:

Purpose of Consent Application B/12/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by an irregular \pm depth with an area of 1200 sq m \pm to create a new residential building lot for a single detached dwelling.

Purpose of Consent Application B/13/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by 48.77 m \pm depth with an area of 1115 sq m \pm to create a new residential building lot for a single detached dwelling.

Purpose of Consent Application B/14/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by 48.77 m \pm depth with an area of 1115 sq m \pm to create a new residential building lot for a single detached dwelling.

Purpose of Consent Application B/15/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by 48.77 m \pm depth with an area of 1115 sq m \pm to create a new residential building lot for a single detached dwelling.

Purpose of Consent Application B/16/25: The applicant is proposing to sever a parcel of land being 22.03 m \pm frontage by an irregular depth with an area of 1220 sq m \pm to create a new residential building lot for a single detached dwelling.

The remaining parcel being 70.1 m (230 ft) \pm frontage by an irregular depth with a total area of 11.65 hectares \pm contains a single detached dwelling and two accessory structures.

The subject property is designated Low Density Residential and Agricultural in the Town's Official Plan and zoned Agricultural (A) Zone in the Town's Zoning By-law. The proposed severances are wholly located within the Low Density Residential designation and within the settlement boundary.

3. BACKGROUND:

N/A

4. PLANNING INFORMATION:

Official Plan designation: Low Density Residential and Agricultural

By-law No. 1999-52: Agricultural (A) Zone

Existing Use: Residential and Agricultural

Neighbouring Uses: Residential

Access: McLeod Avenue (severed parcels)
Concession 3 S (retained parcel)

5. PLANNING ANALYSIS:

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

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

The purposes of the *Planning Act* are;

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

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

- the orderly development of safe and healthy communities;
- the adequate provision of a full range of housing, including affordable housing;
- the appropriate location of growth and development;

The proposed severances for the creation of five new residential building lots are within a settlement area with existing/available services and accesses. The conditions of consent are proposed to ensure orderly development of the consolidated parcel.

When considering the severance application, under Section 53 of the Planning Act, R.S.O. 1990, as amended, the Committee may consider an application for consent if they are satisfied that a plan of subdivision is not necessary for orderly development of the land. In this case, the applicant is applying for the creation of five residential building lot within an existing serviced settlement area on an existing municipal right-of-way. In the opinion of the author of this report, a plan of subdivision is not necessary.

2. *PROVINCIAL PLANNING STATEMENT:*

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

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

The Provincial Planning Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Planning Statement supports improved land use

planning and management, which contributes to a more effective and efficient land use planning system.

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

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

Chapter 2: Building Homes, Sustaining Strong and Competitive Communities

2.3 Settlement Areas and Settlement Area Boundary Expansions

2.3.1 General Policies for Settlement Areas

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

The proposed consent applications appears to be consistent with the PPS as it facilitates the creation of five building lots for residential infill development within a settlement area. The severed lots will be serviced with municipal water and municipal sanitary sewers.

Chapter 5: Protecting Public Health and Safety

5.1 General Policies for Natural and Human-Made Hazards

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

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

5.2 Natural Hazards

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

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

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

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

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

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

3. COUNTY OF ESSEX OFFICIAL PLAN:

The subject lands are located within the settlement area in the County of Essex Official Plan. Section 3.2.3 of the County Plan states that future growth and development is

encouraged to locate within the settlement areas designation. Section 4.6.4 states that applications to create lots through the consent to sever process will continue to be the responsibility of local municipalities in accordance with the policies contained in local Official Plans.

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

4. TOWN OF AMHERSTBURG OFFICIAL PLAN:

The subject property is designated Low Density Residential and Agricultural in Amherstburg's Official Plan. The proposed severed lands are wholly within the Low Density Residential designation and wholly within the Settlement Boundary.



When considering if a plan of subdivision or land severance is the appropriate planning tool the following policies from the Town's Official Plan were taken into consideration.

6.1.1 Plans of Subdivision

With the exception of land severances granted by the consent-granting authority, all land divisions in the Planning Area shall take place by registered plan of subdivision. It shall be the policy of the municipality to recommend only those plans of subdivision which comply with the policies of this Plan. Before recommending a plan of subdivision for approval, the municipality will ensure that the area to be subdivided can be provided with necessary services and amenities, and that the proposed development would not adversely affect the economy of the Planning Area. Reference should also be made to Section 2 of this Plan.

6.1.2 Land Severances

Should the consent-granting authority establish that a plan of subdivision is not necessary for proper and orderly development, consideration for consent to a land severance may be allowed. Generally the consent process would only be considered for the creation of five or less lots. In considering an application for a consent, the consent-granting authority shall be guided by the relevant objectives and policies of this Plan, including the following:

(1) The division of land will only be allowed when all parcels involved about a public road of a standard of construction acceptable to the Town (and the County of Essex when applicable) and safe and suitable access is available;

(2) The division of land will not be allowed if any parcel involved requires access to be obtained where a traffic hazard could be created because of limited sight lines on curves or grades or proximity to intersections;

(3) The division of land will only be allowed when it has been established that soil and drainage conditions for all parcels involved are suitable:

a) to permit the proper siting of a building;

b) to obtain a sufficient and potable water supply; and

c) to permit the installation of an adequate means of sewage disposal. In areas where no piped municipal services are available and the installation of a septic tank system or other private sewage disposal system is therefore required, the standards established by the Ministry of Environment and/or its designated agent shall be met;

(4) The division of land will only be allowed if the proposed lots comply with the provisions of the Town's Zoning By-Law. The Zoning By-Law shall establish minimum lot frontages and areas in accordance with the requirements of the Town and/or its designated agent for septic systems approved under the Building Code or the Ministry of Environment for systems approved under the Water Resources Act. Where a bylaw amendment or minor variance is necessary, it shall be a condition of the consent or plan of subdivision approval;

(5) The division of land may be prohibited if development would occur on lands subject to severe flooding, provincially significant wetlands, severe erosion or unstable conditions or any other physical limitations as determined by the Town in consultation with the Essex Region Conservation Authority;

(6) Notwithstanding any other section of this Plan, consents for the creation of easements or right-of-ways are permitted and minor lot adjustments or minor boundary changes are permitted provided they are granted conditional to Section 50(3) or (5) of the Planning Act, R.S.O. 1990 c. P.13 and the consent would not result in the creation of a new building lot;

(7) The consent-granting authority may exercise its powers under Section 53(2) of the Planning Act, R.S.O. 1990 when reviewing the shape, size, etc. of any proposed lot;

(8) It shall be the Town's policy to require one application fee per new lot created, each right-of-way, lot addition etc. Only one application outlining all the lots to be created, however, need be submitted. Such application shall have a corresponding series of

numbers. Further, it shall be the Town's policy to deny consent applications that only remit one fee by applying for a new lot in the middle of an existing lot in an attempt to create three lots with one application;

(9) When considering consent applications or plans of subdivision, consideration will be given to the following requirements which may be stipulated as a condition of consent or plan of subdivision approval where applicable:

- a) that a lot levy (including 5 percent of the value of the lot for park purposes or such fee as set from time to time by the Town) and charges as specified for community services in accordance with the Town's Development Charges By-Law be paid;*
- b) that the applicant enter into an agreement to maintain any drainage facilities servicing the agricultural sector which traverse the property;*
- c) that the applicant enter into an agreement to construct or maintain fences around the proposed lot;*
- d) that the Town's Zoning By-Law be amended to permit the proposed use, if necessary, prior to the stamping of deeds;*
- e) that access to the property is constructed to the satisfaction of the appropriate agency;*
- f) that all new development proposed within fully serviced areas shall be serviced by municipal piped water supply, municipal stormwater management facilities and municipal sanitary sewage facilities;*

(10) In areas designated in whole or in part as "Agricultural", or "Natural Environment", or "Wetland", minor boundary adjustments may be permitted that could have the effect of creating a lot of less than 40 hectares, conditional on one of the parcels being added to an adjacent property and the existing dwelling remaining on the remnant parcel so that no new building lots have been created. Generally the remnant lot must be either a viable farm parcel size or follow the policy of the surplus farm unit and be generally less than one (1) hectare in size. (Modification #35)

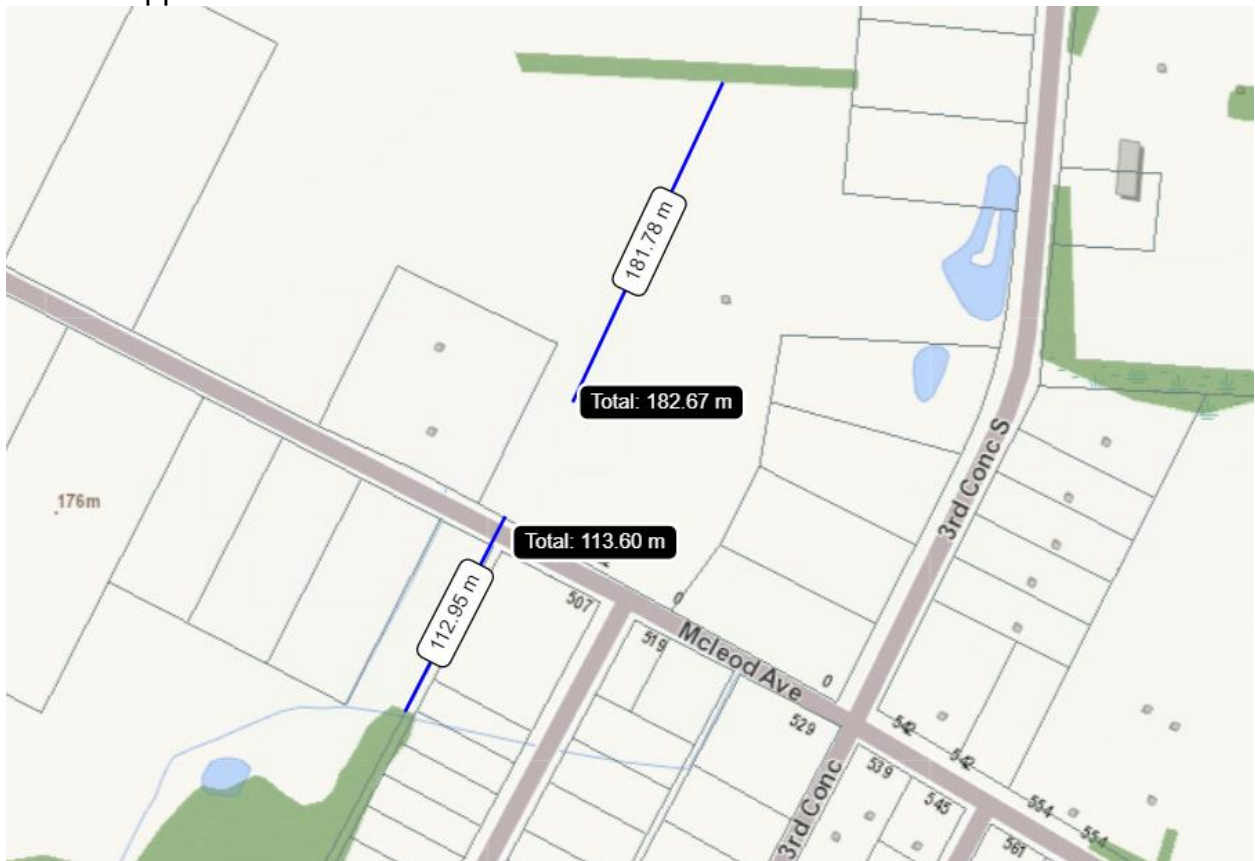
The proposed severances have proposed frontage on an existing municipal right-of-way with existing municipal water and municipal sanitary sewers. An extension of municipal services is not required for the proposal.

The requested consents conform with relevant policies of the Official Plan specifically Section 6.1.2 being the Land Severance policies. The policy states, generally the consent process would only be considered for the creation of five or less lots.

Section 4.2.3(1) which provides for the creation of new residential lots and Section 4.2.3(3) which states that infill housing should be compatible with surrounding land uses.

The applicant has identified that the proposed use for the severed parcels will be for residential building lots for single detached dwellings and the existing use of a single detached dwelling and farmland will continue on the retained parcel. This will result in five new dwellings being constructed. The Town's Official Plan Section 4.3.1 states that: 'Areas designated as Low Density Residential shall be limited to single detached, semidetached, duplex, or converted dwelling units, home occupation uses and public uses.' Therefore, the proposed uses on the land are in conformity with the Official Plan.

A review of the Woodlot identified on the Town's Official Plan Schedules from when the OP was approved in 2009 was completed. It has been confirmed through provincial mapping that the location of the Woodland to the south is more than 110 m from the proposed severed parcels and separated by a roadway. An additional Woodland has been identified to the north and has been confirmed to be beyond the 180 m from the proposed severed parcels. There are no natural heritage concerns associated with the consent applications.



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

5. COMPREHENSIVE ZONING BY-LAW 1999-52:

The subject property is proposed to be zoned Agricultural (A) Zone in Bylaw 1999-52, as amended. As a condition of consent the severed parcels will be required to be rezoned to the R1A Zone through a zoning by-law amendment application process or to a similar residential zone through the Town's ongoing Zoning By-law review. The zone change will bring the zoning into compliance with the Official Plan designation. The proposed lot areas and lot frontages were confirmed to comply with the R1A Zone provisions.

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

	Lot Area		Lot Frontage	
	<i>Required</i>	<i>Proposed</i>	<i>Required</i>	<i>Proposed</i>
Severed	900 sq m	1115 - 1220 sq m	20 m	22.03-22.86 m

Parcel				
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The severed parcels will have access from McLeod Avenue. The retained parcel has an existing access from Concession 3 S. The applicant will be responsible for right-of-way permits satisfactory to the Infrastructure Services department.

The proposed severances take land from the settlement boundary, so the change in retained lot area will not require a minor variance for Agricultural lot area.

In the opinion of the author of this report the proposed consent for the creation of five residential building lots is in conformity with the Zoning By-Law 1999-52, as amended.

6. AGENCY COMMENTS:

See attached. Specific comments to highlight from ERCA, Infrastructure Service department and Fire department are included below.

Comments received from ERCA state, "Our office has no objection to B-12-25, B-13-25, B-14-25, B-15-25, and B-16-25. We encourage the Municipality to consider the cumulative impact of development on stormwater management in this area. As noted above, the Municipality should confirm through applicable emergency services the ability to access this area during a 1:100 year flood event. 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."

Prior submission of the consent applications consultation occurred between the applicant, their agent and the Town's Drainage Superintendent and Development Coordinator to discuss stormwater management options. It was determined that stormwater drainage be addressed through municipal drains. The recommended conditions include requirements to obtain drainage approvals to create and legalize a suitable connection to the outlet drainage system.

Comments received from the Town Fire department state, "The Amherstburg Fire department continues to maintain the capabilities to respond into the flood zone for rescue and fire fighting activities. Standard operating procedures and equipment are in place to ensure that if the 100 year flood were to happen, we would be able to respond in that area. As such, we do not have any objections to the proposed lots and future building on these properties."

7. RISK ANALYSIS:

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

committee. It is important to note that a tied vote is deemed to be a decision to deny the consent or minor variance request. If there is an appeal to the OLT the Town will incur costs.

8. RECOMMENDATIONS:

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **B/12/25 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 Residential Type 1A (R1A) Zone through the zoning by-law amendment application process or to a related zone through the Town's ongoing Zoning By-law review process.
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 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.
7. That the applicant must install a driveway access to the severed parcel to the satisfaction of the municipality.
8. That one (1) tree per newly created lot shall be planted within the municipal right-of-way. Coordination with the Infrastructure Services department 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 in accordance with and under the supervision of the municipality at the applicant's expense.
10. The applicant will be responsible for the restoration of the roadway and boulevard on McLeod Avenue once all sanitary sewer connections are completed. At a minimum, the applicant shall repave the south lane width from the first sewer connection to the last sewer connection, five (5) small patch repairs will not be permitted. A pre-pave inspection is required with representatives from the Town prior to asphalt restoration to confirm scope of asphalt replacement required.
11. That the applicant submit a grading/ servicing plan for the severed parcel to

address the locations of proposed storm, sanitary and water service connections, driveway locations and widths, grading and restoration of municipal right-of-way. The servicing plan is to be reviewed and approved by Infrastructure Services prior to application of a building permit for the newly created parcels. The approved servicing plan must form part of the building permit application. Sanitary connections will not be permitted directly into the existing manholes.

12. The applicant/owners are required to enter into a reapportionment of the drainage assessment for the subject lands in accordance with Section 65 of the Ontario Drainage Act, R.S.O. 1990 as amended and provide the Town of Amherstburg, a signed agreement and that any associated cost of same be borne solely by the applicant. The reapportionment 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. The severance shall not be granted until a Council resolution is passed to execute the reapportionment agreement. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)
13. The subject lands are within the watershed of the McBride Road Branch Drain and the Willow Beach Drain, however, there is no immediate connection available to either drain from the subject lands. Drainage approvals will be required to create and legalize a suitable connection to the outlet drainage system. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)
14. 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.

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **B/13/25 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 Residential Type 1A (R1A) Zone through the zoning by-law amendment application process or to a related zone through the Town's ongoing Zoning By-law review process.
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 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.

7. That the applicant must install a driveway access to the severed parcel to the satisfaction of the municipality.
8. That one (1) tree per newly created lot shall be planted within the municipal right-of-way. Coordination with the Infrastructure Services department 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 in accordance with and under the supervision of the municipality at the applicant's expense.
10. The applicant will be responsible for the restoration of the roadway and boulevard on McLeod Avenue once all sanitary sewer connections are completed. At a minimum, the applicant shall repave the south lane width from the first sewer connection to the last sewer connection, five (5) small patch repairs will not be permitted. A pre-pave inspection is required with representatives from the Town prior to asphalt restoration to confirm scope of asphalt replacement required.
11. That the applicant submit a grading/ servicing plan for the severed parcel to address the locations of proposed storm, sanitary and water service connections, driveway locations and widths, grading and restoration of municipal right-of-way. The servicing plan is to be reviewed and approved by Infrastructure Services prior to application of a building permit for the newly created parcels. The approved servicing plan must form part of the building permit application. Sanitary connections will not be permitted directly into the existing manholes.
12. The applicant/owners are required to enter into a reapportionment of the drainage assessment for the subject lands in accordance with Section 65 of the Ontario Drainage Act, R.S.O. 1990 as amended and provide the Town of Amherstburg, a signed agreement and that any associated cost of same be borne solely by the applicant. The reapportionment 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. The severance shall not be granted until a Council resolution is passed to execute the reapportionment agreement. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)
13. The subject lands are within the watershed of the McBride Road Branch Drain and the Willow Beach Drain, however, there is no immediate connection available to either drain from the subject lands. Drainage approvals will be required to create and legalize a suitable connection to the outlet drainage system. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)
14. 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.

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **B/14/25 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 Residential Type 1A (R1A) Zone through the zoning by-law amendment application process or to a related zone through the Town's ongoing Zoning By-law review process.
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 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.
7. That the applicant must install a driveway access to the severed parcel to the satisfaction of the municipality.
8. That one (1) tree per newly created lot shall be planted within the municipal right-of-way. Coordination with the Infrastructure Services department 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 in accordance with and under the supervision of the municipality at the applicant's expense.
10. The applicant will be responsible for the restoration of the roadway and boulevard on McLeod Avenue once all sanitary sewer connections are completed. At a minimum, the applicant shall repave the south lane width from the first sewer connection to the last sewer connection, five (5) small patch repairs will not be permitted. A pre-pave inspection is required with representatives from the Town prior to asphalt restoration to confirm scope of asphalt replacement required.
11. That the applicant submit a grading/ servicing plan for the severed parcel to address the locations of proposed storm, sanitary and water service connections, driveway locations and widths, grading and restoration of municipal right-of-way. The servicing plan is to be reviewed and approved by Infrastructure Services prior to application of a building permit for the newly created parcels. The approved servicing plan must form part of the building permit application. Sanitary

connections will not be permitted directly into the existing manholes.

12. The applicant/owners are required to enter into a reapportionment of the drainage assessment for the subject lands in accordance with Section 65 of the Ontario Drainage Act, R.S.O. 1990 as amended and provide the Town of Amherstburg, a signed agreement and that any associated cost of same be borne solely by the applicant. The reapportionment 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. The severance shall not be granted until a Council resolution is passed to execute the reapportionment agreement. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)
13. The subject lands are within the watershed of the McBride Road Branch Drain and the Willow Beach Drain, however, there is no immediate connection available to either drain from the subject lands. Drainage approvals will be required to create and legalize a suitable connection to the outlet drainage system. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)
14. 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.

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **B/15/25 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 Residential Type 1A (R1A) Zone through the zoning by-law amendment application process or to a related zone through the Town's ongoing Zoning By-law review process.
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 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.
7. That the applicant must install a driveway access to the severed parcel to the satisfaction of the municipality.

8. That one (1) tree per newly created lot shall be planted within the municipal right-of-way. Coordination with the Infrastructure Services department 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 in accordance with and under the supervision of the municipality at the applicant's expense.
10. The applicant will be responsible for the restoration of the roadway and boulevard on McLeod Avenue once all sanitary sewer connections are completed. At a minimum, the applicant shall repave the south lane width from the first sewer connection to the last sewer connection, five (5) small patch repairs will not be permitted. A pre-pave inspection is required with representatives from the Town prior to asphalt restoration to confirm scope of asphalt replacement required.
11. That the applicant submit a grading/ servicing plan for the severed parcel to address the locations of proposed storm, sanitary and water service connections, driveway locations and widths, grading and restoration of municipal right-of-way. The servicing plan is to be reviewed and approved by Infrastructure Services prior to application of a building permit for the newly created parcels. The approved servicing plan must form part of the building permit application. Sanitary connections will not be permitted directly into the existing manholes.
12. The applicant/owners are required to enter into a reapportionment of the drainage assessment for the subject lands in accordance with Section 65 of the Ontario Drainage Act, R.S.O. 1990 as amended and provide the Town of Amherstburg, a signed agreement and that any associated cost of same be borne solely by the applicant. The reapportionment 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. The severance shall not be granted until a Council resolution is passed to execute the reapportionment agreement. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)
13. The subject lands are within the watershed of the McBride Road Branch Drain and the Willow Beach Drain, however, there is no immediate connection available to either drain from the subject lands. Drainage approvals will be required to create and legalize a suitable connection to the outlet drainage system. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)
14. 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.

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **B/16/25 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 Residential Type 1A (R1A) Zone through the zoning by-law amendment application process or to a related zone through the Town's ongoing Zoning By-law review process.
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 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.
7. That the applicant must install a driveway access to the severed parcel to the satisfaction of the municipality.
8. That one (1) tree per newly created lot shall be planted within the municipal right-of-way. Coordination with the Infrastructure Services department 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 in accordance with and under the supervision of the municipality at the applicant's expense.
10. The applicant will be responsible for the restoration of the roadway and boulevard on McLeod Avenue once all sanitary sewer connections are completed. At a minimum, the applicant shall repave the south lane width from the first sewer connection to the last sewer connection, five (5) small patch repairs will not be permitted. A pre-pave inspection is required with representatives from the Town prior to asphalt restoration to confirm scope of asphalt replacement required.
11. That the applicant submit a grading/ servicing plan for the severed parcel to address the locations of proposed storm, sanitary and water service connections, driveway locations and widths, grading and restoration of municipal right-of-way. The servicing plan is to be reviewed and approved by Infrastructure Services prior to application of a building permit for the newly created parcels. The approved servicing plan must form part of the building permit application. Sanitary connections will not be permitted directly into the existing manholes.
12. The applicant/owners are required to enter into a reapportionment of the drainage assessment for the subject lands in accordance with Section 65 of the Ontario Drainage Act, R.S.O. 1990 as amended and provide the Town of Amherstburg, a

signed agreement and that any associated cost of same be borne solely by the applicant. The reapportionment 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. The severance shall not be granted until a Council resolution is passed to execute the reapportionment agreement. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)

13. The subject lands are within the watershed of the McBride Road Branch Drain and the Willow Beach Drain, however, there is no immediate connection available to either drain from the subject lands. Drainage approvals will be required to create and legalize a suitable connection to the outlet drainage system. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)

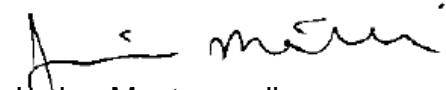
14. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.

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

9. CONCLUSION:

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

Respectfully submitted,



Jadine Mastronardi
Secretary-Treasurer Committee of Adjustment

Report Approval Details

Document Title:	B-12-16-25, 3918 Concession 3 S, Bernadette Meloche, c.o Drew Coulson, Agent.docx
Attachments:	<ul style="list-style-type: none">- Appendix A- B-12-16-25- Notice- 3918 Concession 3 S-RM.pdf- Appendix B- B-12-16-25- Applications_Redacted-RM.pdf- Appendix C- B-12-16-25 Aerial Map-RM.pdf- Appendix D- B-12-16-25- Site Photos-RM.pdf- Appendix E- Summary of Correspondence Received on B-12-16-25-RM.pdf- Appendix F- B-12-16-25 PowerPoint-RM.pdf
Final Approval Date:	Apr 25, 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 applications for consent by:

Bernadette Meloche, c/o Drew Coulson, Agent

TAKE NOTICE THAT applications for **consent (severance)** under the above-noted files will be heard by the TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT on the date, time and place shown below:

**Amherstburg Council Chambers, 271 Sandwich St. S., Amherstburg, ON
Wednesday, April 30, 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 applications. If you are aware of any person interested in or affected by these applications who has not received a copy of this notice you are asked to inform that person of this hearing.

If you 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 this application, 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, April 28, 2025) to the Planning Department, planning@amherstburg.ca. All public comments received prior to the meeting will be read aloud at the beginning of the relevant application.

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

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

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

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

Location of Property: 3918 Concession 3 S (Roll No. 3729-550-000-09400)

Purpose of Consent Application B/12/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by an irregular \pm depth with an area of 1200 sq m \pm to create a new residential building lot for a single detached dwelling.

Purpose of Consent Application B/13/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by 48.77 m \pm depth with an area of 1115 sq m \pm to create a new residential building lot for a single detached dwelling.

Purpose of Consent Application B/14/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by 48.77 m \pm depth with an area of 1115 sq m \pm to create a new residential building lot for a single detached dwelling.

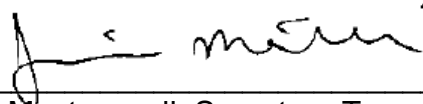
Purpose of Consent Application B/15/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by 48.77 m \pm depth with an area of 1115 sq m \pm to create a new residential building lot for a single detached dwelling.

Purpose of Consent Application B/16/25: The applicant is proposing to sever a parcel of land being 22.03 m \pm frontage by an irregular depth with an area of 1220 sq m \pm to create a new residential building lot for a single detached dwelling.

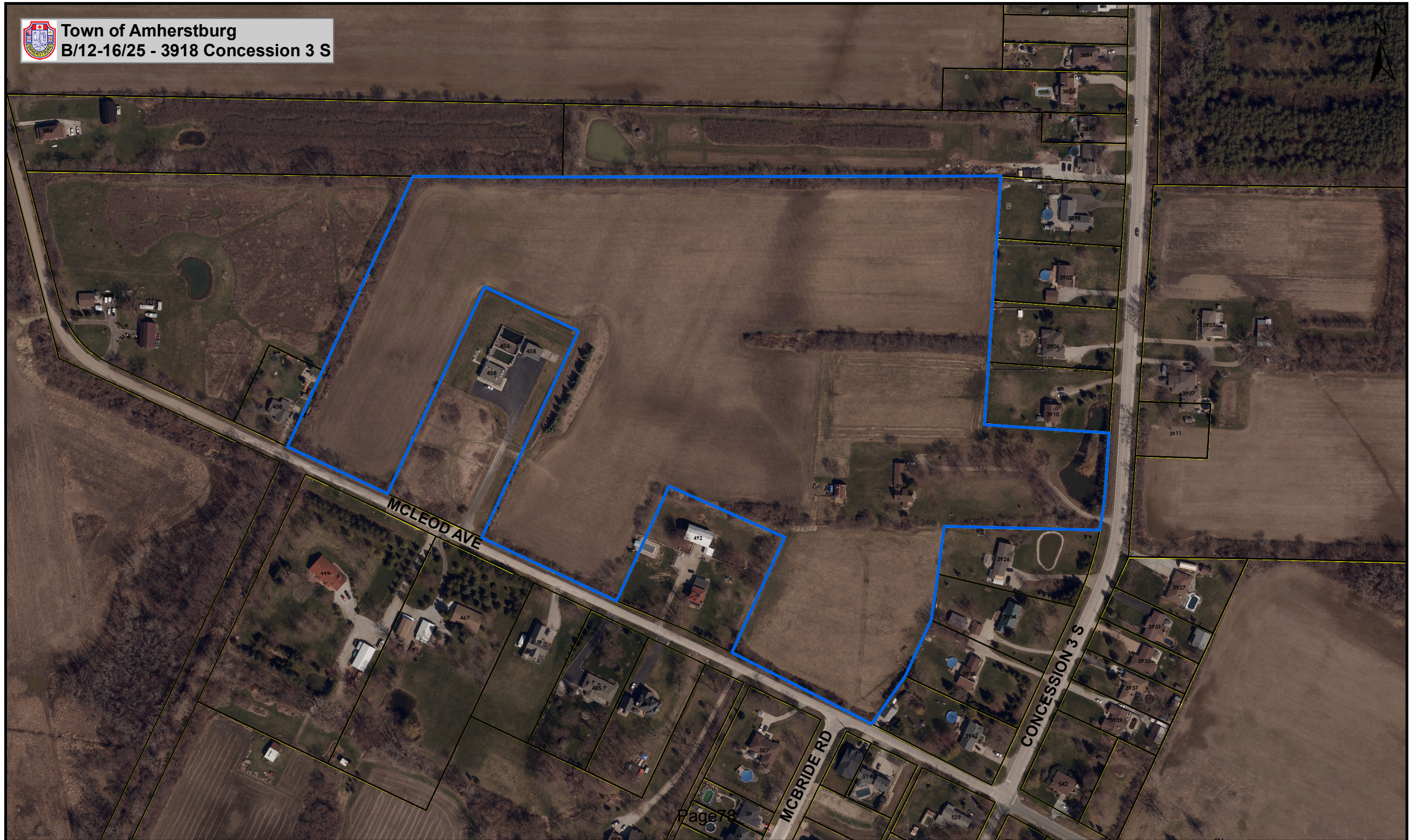
The remaining parcel being 70.1 m (230 ft) \pm frontage by an irregular depth with a total area of 11.65 hectares \pm contains a single detached dwelling and two accessory structures.

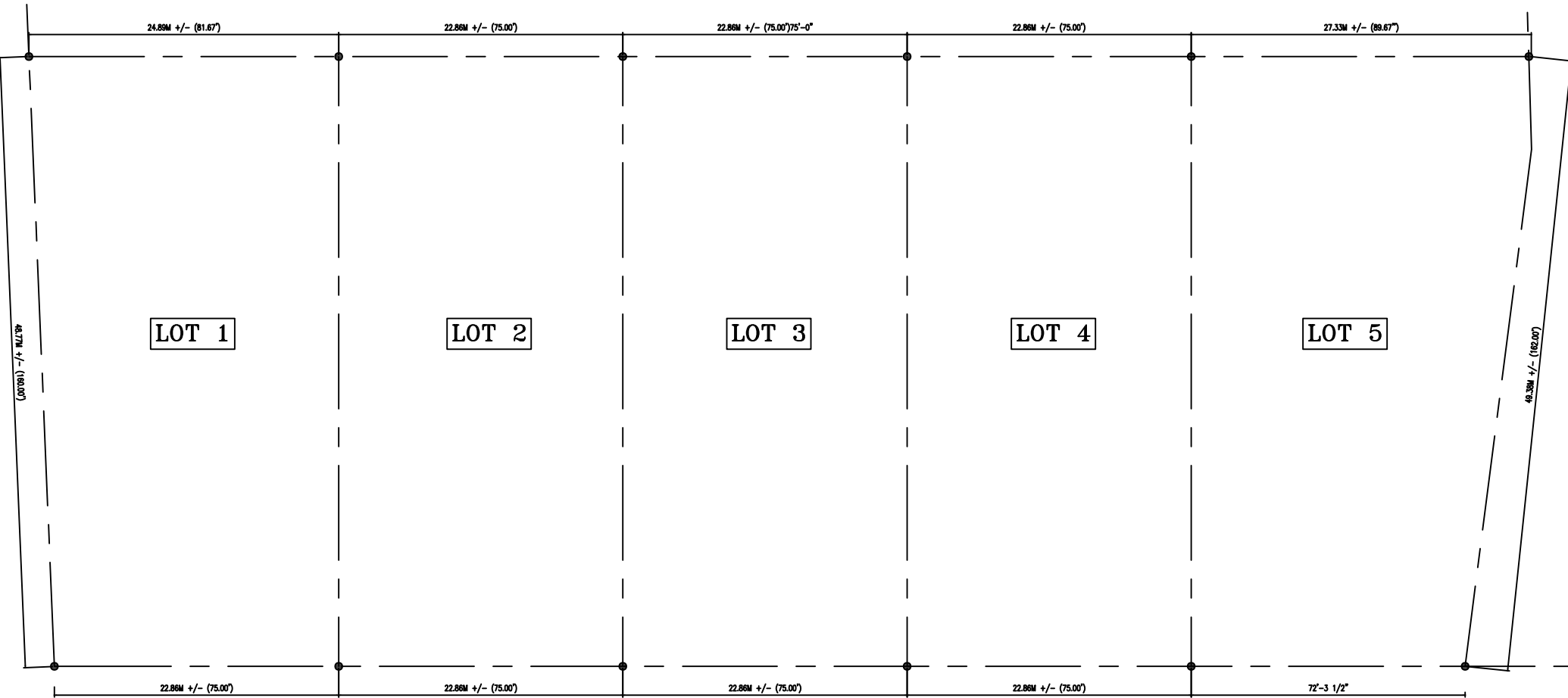
Additional Information relating to the proposed applications is available by contacting the Town of Amherstburg Planning Offices by phone or email, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website www.amherstburg.ca.

Dated: April 16, 2025



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





MCLEOD AVENUE

SITE PLAN 



TOWN OF AMHERSTBURG
Application for
CONSENT/LAND SEVERANCE

OFFICE USE ONLY	
Application No.:	B/12-16/25
Date of Pre-consultation Meeting:	3/20/25
Date Application Received:	4/7/25
Date Application Deemed Complete:	4/7/25
Staff Person Present:	J. Mastronardi
Municipal Fee Received:	Paid
ERCA Fee Received:	Paid

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

2. LOCATION AND DESCRIPTION OF SUBJECT LANDS

Assessment Roll No.: 3729 550 000 09400

Municipal Address: 3918 Concession 3 S

Concession: 1

Lot: Pt Lt 19, Pt Caldwell G

Registered Plan No.:

Lot(s):

Reference Plan No.:

Part(s):

3. CURRENT OFFICIAL PLAN DESIGNATION AND ZONING OF SUBJECT LANDS:

Official Plan Designation: LowDenRes & A Zoning: Agricultural

4. CURRENT SIZE OF SUBJECT PARCEL:

Frontage: 230 ft (on Conc 3 S)

Depth: Irregular

Area: 12.23 ha (30.23 acres)

5. ARE THERE ANY EASEMENTS OR RESTRICTIVE COVENANTS AFFECTING THE SUBJECT LAND?☐

Yes

☒

No

If yes please provide a description of each easement or covenant and its effect.

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

7. DESCRIPTION AND USE OF LAND INTENDED TO BE SEVERED: B/12/25- Lot 1

Frontage: 22.86 m (75 ft)

Depth: irregular

Area: 1200 sq m (1,917 sq ft)

Existing Use: agricultural

Proposed Use: residential

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

Existing: vacant

Proposed: single detached dwelling

Is there an existing access bridge on this parcel?

☐

Yes (locate on sketch)

☒

No

Is there a water service connection on this parcel?

☐

Yes (locate on sketch)

☒

No

Is there a sanitary sewer connection on this parcel?

☐

Yes (locate on sketch)

☒

No

Access to proposed severed lot

☒

Municipal Road

☐

County Road

☐

Provincial Highway

☐

Private

☐

Water

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

7. DESCRIPTION AND USE OF LAND INTENDED TO BE SEVERED: B/13/25- Lot 2

Frontage: 22.86 m (75 ft)

Depth: 48.77 m (160 ft)

Area: 1115 sq m (12,002 sq ft)

Existing Use: agricultural

Proposed Use: residential

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

Existing: vacant

Proposed: single detached dwelling

Is there an existing access bridge on this parcel?

☐

Yes (locate on sketch)

☒

No

Is there a water service connection on this parcel?

☐

Yes (locate on sketch)

☒

No

Is there a sanitary sewer connection on this parcel?

☐

Yes (locate on sketch)

☒

No

Access to proposed severed lot

☒

Municipal Road

☐

County Road

☐

Provincial Highway

☐

Private

☐

Water

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

7. DESCRIPTION AND USE OF LAND INTENDED TO BE SEVERED: B/14/25- Lot 3

Frontage: 22.86 m (75 ft)

Depth: 48.77 m (160 ft)

Area: 1115 sq m (12,002 sq ft)

Existing Use: agricultural

Proposed Use: residential

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

Existing: vacant

Proposed: single detached dwelling

Is there an existing access bridge on this parcel?

☐

Yes (locate on sketch)

☒

No

Is there a water service connection on this parcel?

☐

Yes (locate on sketch)

☒

No

Is there a sanitary sewer connection on this parcel?

☐

Yes (locate on sketch)

☒

No

Access to proposed severed lot

☒

Municipal Road

☐

County Road

☐

Provincial Highway

☐

Private

☐

Water

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

7. DESCRIPTION AND USE OF LAND INTENDED TO BE SEVERED: B/15/25- Lot 4

Frontage: 22.86 m (75 ft)

Depth: 48.77 m (160 ft)

Area: 1115 sq m (12002 sq ft)

Existing Use: agricultural

Proposed Use: residential

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

Existing: vacant

Proposed: single detached dwelling

Is there an existing access bridge on this parcel?

☐

Yes (locate on sketch)

☒

No

Is there a water service connection on this parcel?

☐

Yes (locate on sketch)

☒

No

Is there a sanitary sewer connection on this parcel?

☐

Yes (locate on sketch)

☒

No

Access to proposed severed lot

☒

Municipal Road

☐

County Road

☐

Provincial Highway

☐

Private

☐

Water

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

7. DESCRIPTION AND USE OF LAND INTENDED TO BE SEVERED: B/16/25- Lot 5

Frontage: 22.03 m (72.3 ft)

Depth: irregular

Area: 1220 sq m (13,132 sq ft)

Existing Use: agricultural

Proposed Use: residential

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

Existing: vacant

Proposed: single detached dwelling

Is there an existing access bridge on this parcel?

☐

Yes (locate on sketch)

☒

No

Is there a water service connection on this parcel?

☐

Yes (locate on sketch)

☒

No

Is there a sanitary sewer connection on this parcel?

☐

Yes (locate on sketch)

☒

No

Access to proposed severed lot

☒

Municipal Road

☐

County Road

☐

Provincial Highway

☐

Private

☐

Water

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

8. NUMBER OF NEW LOTS PROPOSED (NOT INCLUDING RETAINED LOT):				5
9. DESCRIPTION AND USE OF LAND INTENDED TO BE <u>RETAINED</u>:				
Frontage:	230 ft (on Con 3 S)	Depth:	Irregular	Area: 11.65 ha
Existing Use: residential and agricultural				
Proposed Use: no change, residential and agricultural				
Number and use of buildings and structures on the land intended to be retained				
Existing: 1- single detached dwelling and two accessory structures				
Proposed Use: No change proposed				
Is there an existing access bridge on this parcel?				
<input checked="" type="checkbox"/>	Yes (locate on sketch)	<input type="checkbox"/>	No	
Is there a water service connection on this parcel?				
<input checked="" type="checkbox"/>	Yes (locate on sketch)	<input type="checkbox"/>	No	
Is there a sanitary sewer connection on this parcel?				
<input checked="" type="checkbox"/>	Yes (locate on sketch)	<input type="checkbox"/>	No	
Access to proposed retained lot				
<input checked="" type="checkbox"/>	Municipal Road	<input type="checkbox"/>	County Road	<input type="checkbox"/>
<input type="checkbox"/>	Private	<input type="checkbox"/>	Water	
<p>If access to the subject land is by water only, indicate the parking and docking facilities to be used and the approximate distance between these facilities and the nearest public road.</p> 				

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

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

Use of parcel: residential	
Date parcel created: 1989- Parts 1-8, 12R-10198	
Has the parcel ever been the subject of an application for approval of a plan of subdivision under Section 51 or a consent under Section 53 of the Act, as amended, or its predecessors?	
<input type="checkbox"/>	Yes (locate on sketch)
<input checked="" type="checkbox"/>	No
If yes, please indicate the file number and the decision:	

12. CURRENT APPLICATIONS	
Please indicate whether the property is the subject of an application for one of the following:	
<input type="checkbox"/>	Official plan or official plan amendment approval
<input type="checkbox"/>	Zoning by-law amendment
<input type="checkbox"/>	Minister's zoning order amendment
<input type="checkbox"/>	Minor variance
<input type="checkbox"/>	Consent or approval of a plan of subdivision
If known, indicate the file number and status of the foregoing application(s)	
Is the owner, solicitor or agent applying for additional consents on this holding simultaneously with this application, or considering applying for additional consents in the future?	
<input checked="" type="checkbox"/>	Yes (locate on sketch)
<input type="checkbox"/>	No
Is the owner, solicitor or agent applying for any minor variance or permission to extend or enlarge under Section 45 of the Planning Act, R.S.O. 1990, as amended, in relation to any land that is the subject of this application?	
<input type="checkbox"/>	Yes (locate on sketch)
<input checked="" type="checkbox"/>	No

12. CURRENT APPLICATIONS CONTINUED

Is the requested application consistent with policy statements issued under subsection 3(1) of the Planning Act? (ie.2024 Provincial Planning Statement)



Yes (locate on sketch)



No

Comments: _____

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



Yes (locate on sketch)



No

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

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



Yes (locate on sketch)



No

If yes, 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 adopt terms of reference for an Environmental Impact Assessment.

Does the proposed project include the addition of permanent above ground fuel storage?



Yes (locate on sketch)



No

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

13. CONSENT OF OWNER

The owner must also complete the following or a similar authorization attached to the application.

Consent of Owner(s) to the Use and Disclosure of Personal Information and to Allow Site Visits to be Conducted


In accordance with the provisions of the Planning Act, it is the policy of the Town of Amherstburg Planning Services Department to provide the public access to all development applications and supporting documentation.

In submitting this development application and supporting documentation,

I/we Draw Coulson
PRINT NAME(S)

the owner(s)/authorized applicant, hereby acknowledge the above-noted policy and provide my/our consent, in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

April 7, 2025
DATE


SIGNATURE

DATE

SIGNATURE

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

I/We, Drew Coulson of the
PRINT NAME(S)

Town of Amherstburg in the
PRINT TOWN OR CITY NAME


County of Essex solemnly declare that all of the
COUNTY/REGION/DISTRICT NAME

information and the statements contained in this application are true, and I/we, make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.


DECLARED before me at the Town of Amherstburg
PRINT TOWN OR CITY NAME

in the County of Essex
COUNTY NAME

April 7, 2025
DATE


SIGNATURE OF OWNER OR AUTHORIZATION AGENT

April 7, 2025
DATE


SIGNATURE OF COMMISSIONER
Janine Quintina Mastronardi, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires June 30, 2027.

15. AUTHORIZATION

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

To: Town of Amherstburg

Description and Location of Subject Lands: 3918 Concession 3 S, Amherstburg

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

Drew Coulson

PRINT NAME

of Town of Amherstburg

PRINT TOWN OR CITY NAME

To:

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

DATED at the Town of Amherstburg

PRINT TOWN OR CITY NAME

in the County of Essex

COUNTY NAME

on April 3, 2025

DATE

Dave Meloche

Witness

Bernadette Meloche

Signature of Owner

Witness

Signature of Owner

Witness

Signature of Owner

16. POSTING COMMITTEE OF ADJUSTMENT ADVISORY SIGN

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

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

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

Each sign must remain posted beginning 14 days prior to the Hearing, until the day following the decision of the Committee of Adjustment. Please complete the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the Committee's requirements. Failure to post the sign as required will result in deferral of the application.

Chris Aspila, MCIP RPP
Manager of Planning Services

Property Address: 3918 Con 3 S

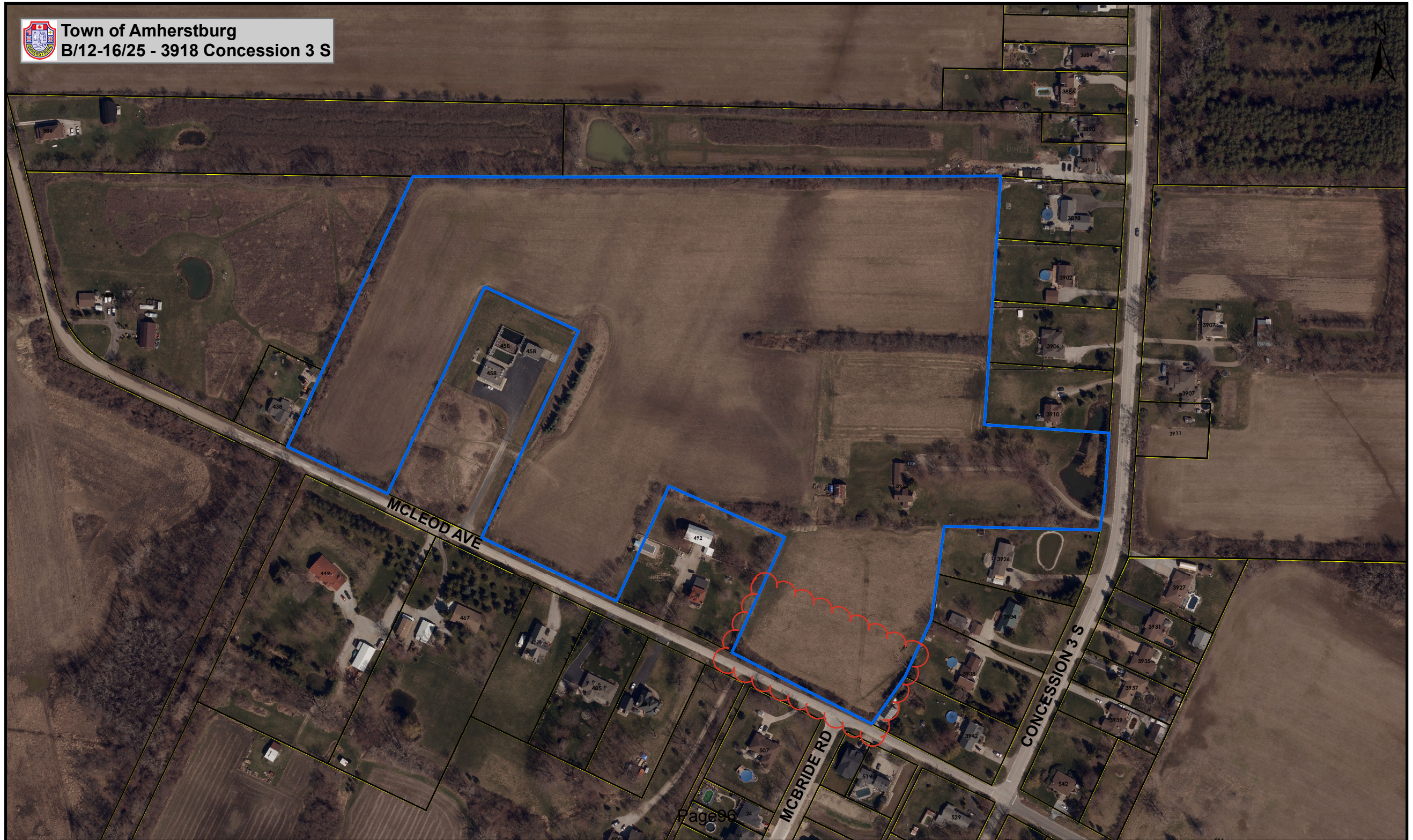
Application Number(s): B/12-16/25

I understand that each sign must be posted at least 14 days before the Hearing, and will remain posted and be replaced if necessary, until the day following the Decision.

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

April 7, 2025
Signature (Owner/Authorized Agent)

[Signature]
Date



B/12-16/25- Site Photos





Summary of Correspondence Received on Proposed B/12-16/25 for 3918 Concession 3 S

Below is a summary of the comments received by the Planning Services division for B/12-16/25 as of April 25, 2025.

Building Department

The Building department agrees with the requirement of the Infrastructure Services department regarding the submission of a site grading and servicing plan for the newly created parcels to address lot grading for the new building lots.

Essex Region Conservation Authority

See attached comments.

Fire Department

The Amherstburg Fire department continues to maintain the capabilities to respond into the flood zone for rescue and fire fighting activities. Standard operating procedures and equipment are in place to ensure that if the 100 year flood were to happen, we would be able to respond in that area. As such, we do not have any objections to the proposed lots and future building on these properties.

Infrastructure Services:

See attached comments.



2025-04-22

File Number: 0848-25

Janine Mastronardi, Town of Amherstburg
Town of Amherstburg Libro Centre
Amherstburg, ON
N9V 2Y8

RE: 5 Consents to Create Residential Lots

3918 CONCESSION 3 S

Municipal File Number: B-12-13-14-15-16-25

The Town of Amherstburg has received Applications for Consent B-12-25, B-13-25, B-14-25, B-15-25, and B-16-25 for the above noted subject property. Each application seeks to sever the subject property to create a new residential building lot:

Purpose of Consent Application B/12/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by an irregular \pm depth with an area of 1200 sq m \pm to create a new residential building lot for a single detached dwelling.

Purpose of Consent Application B/13/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by 48.77 m \pm depth with an area of 1115 sq m \pm to create a new residential building lot for a single detached dwelling.

Purpose of Consent Application B/14/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by 48.77 m \pm depth with an area of 1115 sq m \pm to create a new residential building lot for a single detached dwelling.

Purpose of Consent Application B/15/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by 48.77 m \pm depth with an area of 1115 sq m \pm to create a new residential building lot for a single detached dwelling.

Purpose of Consent Application B/16/25: The applicant is proposing to sever a parcel of land being 22.03 m \pm frontage by an irregular depth with an area of 1220 sq m \pm to create a new residential building lot for a single detached dwelling.

The remaining parcel being 70.1 m (230 ft) \pm frontage by an irregular depth with a total area of 11.65 hectares \pm contains a single detached dwelling and two accessory structures.

NATURAL HAZARDS AND REGULATORY 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. 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.

We note that the low-lying nature of the roadway may result in water approximately 0.4 metres deep over the road during a 1:100 year flood event. The Municipality should confirm through applicable emergency services (i.e. fire, police, etc.) or other means as appropriate, that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the Municipality's responsibilities under Section 5.2.8 of the Provincial Planning Statement (2024).

FINAL RECOMMENDATION

Our office has no objection to B-12-25, B-13-25, B-14-25, B-15-25, and B-16-25. We encourage the Municipality to consider the cumulative impact of development on stormwater management in this area. As noted above, the Municipality should confirm through applicable emergency services the ability to access this area during a 1:100 year flood event. 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

Alicia Good
Watershed Planner



The Corporation of The Town of Amherstburg

MEMO

To: Janine Mastronardi, Planner

From: Sydnee Botham, Development Engineering Coordinator

Date: April 17, 2025

Subject: Committee of Adjustment – 3918 Concession 3S – B/12/25 & B/16/25
Town of Amherstburg

Infrastructure Services Department has reviewed B/12/25 & B/16/25 – 3918 Concession 3S consent application and offer the following comments:

- The Applicant shall confirm that each property has separate municipal servicing connections and driveway entrances. If additional services are required to be installed to satisfy this comment, a permit from the Public Works Department must be submitted for review and approval for the following:
 - Sanitary Connection
 - Water Connection
 - Water Meter
 - Driveway Installation/ AlterationPlease contact the undersigned for assistance and payment with the Public Works Permit.
- The Applicant will be responsible for the restoration of the roadway and boulevard on Mcleod Avenue once all sanitary sewer connections are completed. The sanitary sewer at this location are very deep. At a minimum, the Applicant shall repave the south lane width from the first sewer connection to the last sewer connection. 5 small patch repairs will not be permitted. A pre-pave inspection is required with representatives from the Town prior to asphalt restoration to confirm scope of asphalt replacement required.
- Private Drain Connection (PDC) sheets will be required to be submitted once installation of new services is completed.
- (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.

- The applicant/owners are required to enter into a reapportionment of the drainage assessment for the subject lands in accordance with Section 65 of the Ontario Drainage Act, R.S.O. 1990 as amended and provide the Town of Amherstburg, a signed agreement and that any associated cost of same be borne solely by the applicant. The reapportionment 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. The severance shall not be granted until a Council resolution is passed to execute the reapportionment agreement. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)
- The subject lands are within the watershed of the McBride Road Branch Drain and the Willow Beach Drain, however, there is no immediate connection available to either drain from the subject lands. Drainage approvals will be required to create and legalize a suitable connection to the outlet drainage system. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)
- All downspouts shall be disconnected and splash to the ground.
- The applicant will be required to submit a grading/ servicing plan for the newly created parcels to address the locations of proposed storm, sanitary and water service connections, driveway locations and widths, grading and restoration of municipal right-of-way. The servicing plan is to be reviewed and approved by Infrastructure Services prior to application of a building permit for the newly created parcels. The approved servicing plan must form part of the building permit application. Sanitary connections will not be permitted directly into the existing manholes.

If you have any questions or require further clarification, please do not hesitate to contact the undersigned.

Sydnee Botham, CET
Development Engineering Coordinator



Amherstburg Committee of Adjustment

April 30, 2025

B/12-16/25 – 3918 Concession 3 S

Purpose of Applications B/12-16/25

Purpose of Consent Application B/12/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by an irregular \pm depth with an area of 1200 sq m \pm to create a new residential building lot for a single detached dwelling.

Purpose of Consent Application B/13/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by 48.77 m \pm depth with an area of 1115 sq m \pm to create a new residential building lot for a single detached dwelling.

Purpose of Consent Application B/14/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by 48.77 m \pm depth with an area of 1115 sq m \pm to create a new residential building lot for a single detached dwelling.

Purpose of Consent Application B/15/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by 48.77 m \pm depth with an area of 1115 sq m \pm to create a new residential building lot for a single detached dwelling.



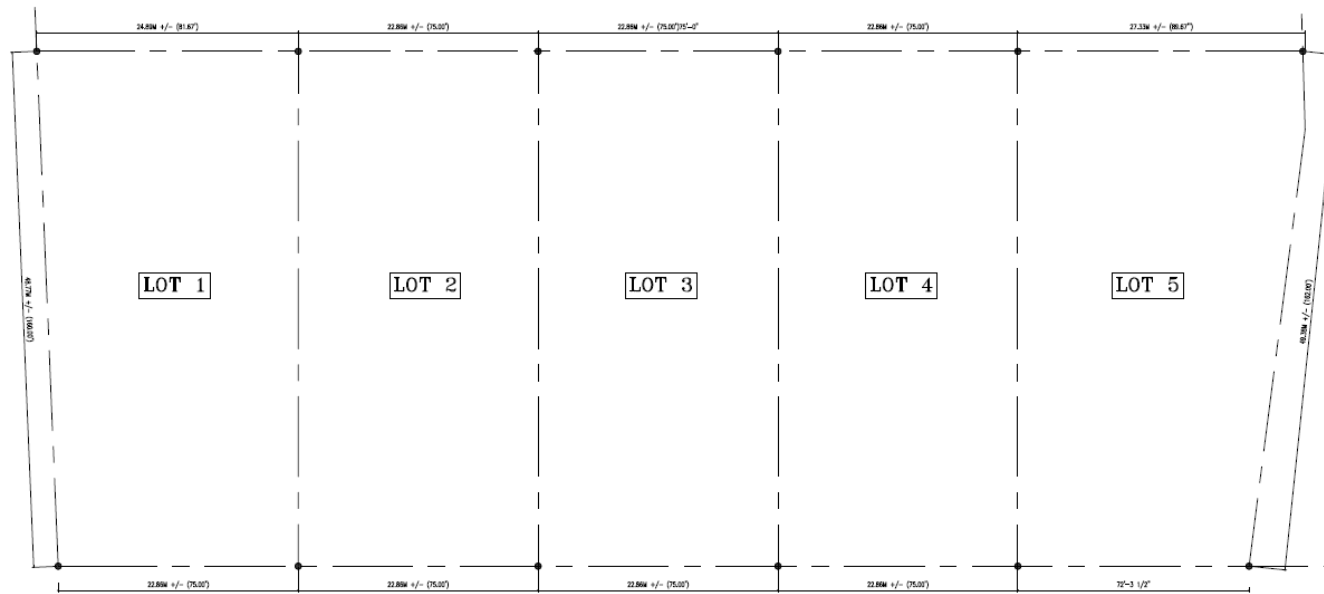
Purpose of Application B/12-16/25

Purpose of Consent Application B/16/25: The applicant is proposing to sever a parcel of land being 22.03 m \pm frontage by an irregular depth with an area of 1220 sq m \pm to create a new residential building lot for a single detached dwelling.

The remaining parcel being 70.1 m (230 ft) \pm frontage by an irregular depth with a total area of 11.65 hectares \pm contains a single detached dwelling and two accessory structures.

The subject property is designated Low Density Residential and Agricultural in the Town's Official Plan and zoned Agricultural (A) Zone in the Town's Zoning By-law. The proposed severances are wholly located within the Low Density Residential designation and within the settlement boundary.





MCLEOD AVENUE

SITE PLAN



Policy Review

The subject property is designated Low Density Residential and Agricultural in the Town's Official Plan and zoned Agricultural (A) Zone in the Town's Zoning By-law. The proposed severances are wholly located within the Low Density Residential designation and within the settlement boundary.

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

- Planning Act, R.S.O. 1990
- Provincial Planning Statement 2024
- County of Essex Official Plan
- Town Official Plan
- Town Zoning By-law 1999-52, as amended



Recommendation

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that applications **B/12-16/25 be approved** subject to the recommended conditions.





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: April 24, 2025
Author's Phone: 519 736-5408 ext. 2134	Date to Committee: April 30, 2025
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

To: Chair and Members of the Committee of Adjustment

Subject: B/17/25, 3591 Concession 3 N, Peter and Marilyn Tiefenbach, c/o James Rousseau, 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 B/17/25 **BE APPROVED** subject to the recommended conditions.

2. **PROPOSAL:**

The applicant is proposing to sever an L-shaped parcel of land being 4.572 m ± frontage by 70.104 m ± depth with an area of 802.68 sq m ± to merge with the abutting rural residential parcel at 3595 Concession 3 N for purposes of a lot addition.

The retained parcel being 147.428 m ± of frontage by an irregular depth with an area of 12.08 ha ± contains a single detached dwelling, three accessory structures and farmland.

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.

3. **BACKGROUND:**

It should be noted that there was a typo on the Notice regarding the frontage of the retained parcel. the notice incorrectly stated the retained frontage is 17.38 m. The correct retained frontage noted above in the Proposal is 147.428 m.

4. PLANNING INFORMATION:

Official Plan designation: Agricultural

By-law No. 1999-52: Agricultural (A) Zone

Existing Use: Agricultural and Rural Residential

Neighbouring Uses: Agricultural and Rural Residential

Access: Concession 3 N

TECHNICAL INFORMATION

Property Size of Entire Parcel: 12.16 ha

Proposed Size of Severed Parcel B/17/25: 0.08 ha

Proposed Size of Retained Parcel: 12.08 ha

5. PLANNING ANALYSIS:

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

1. *PLANNING ACT REQUIREMENTS*

The purposes of the Planning Act are;

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

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

- the protection of the agricultural resources of the Province;
- the appropriate location of growth and development;

When considering the severance application, under Section 53 of the Planning Act, R.S.O. 1990, as amended, the Committee may consider an application for consent if they are satisfied that a plan of subdivision is not necessary for orderly development of the land. In this case, the applicant is applying for a lot addition to merge with the adjacent

existing parcel. The severance will not create a new building lot. A plan of subdivision is not necessary.

2. PROVINCIAL PLANNING STATEMENT

The Planning Act R.S.O 1990, C.P.13, requires that the Council of a local Municipality and Committees of a local Municipality shall have regard to matters of Provincial interest in carrying out applications such as a severance application. Items of Provincial interest are outlined in the Provincial Planning Statement (PPS) issued by the Ministry of Municipal Affairs and Housing.

“Legislative Authority

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

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

Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government shall be consistent with the Provincial Planning Statement.”

The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety and the quality of the natural and built environment. These policy directives include the protection of ecological and natural systems, providing cost-effective and orderly development, the protection and enhancement of the quality and quantity of ground water and surface water and the function of sensitive ground water recharge/discharge areas, aquifers and headwaters to name a few.

Section 4.3.3 being Lot Creation and Lot Adjustments in the Agricultural areas, specifically 4.3.3.2 provides that “Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.”

Legal or technical reasons is defined in the PPS as, “severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.”

No new lots are being created. The proposed lot addition is proposed to be merged with an existing lot.

In the opinion of the author of this report the requested consent is consistent with the Provincial Policy Statement.

3. COUNTY OF ESSEX OFFICIAL PLAN:

The subject lands are located within the Agricultural area in the County of Essex Official Plan. Section 3.3 of the County Plan sets out the policy directives within the designation.

Section 3.3.3.4 set out the policies with respect to lot creation in the agricultural area. Subsection (e) permits lot adjustments for legal or technical reasons, such as for easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot are also permitted. The proposed consent is for a lot addition and will not result in the creation of a new building lot.

The minor variance would provide for relief from the minimum lot size of agricultural lands as per section 3.3.2 (f) of the County Official Plan.

4. TOWN OF AMHERSTBURG OFFICIAL PLAN:

The subject property is designated Agricultural in the Town's Official Plan.

The requested consent conforms with the relevant policies of the Official Plan specifically Section 3.2.2 being the Land Severance policies applicable in the Agricultural designation.

The applicant has identified that the severed parcel is for a lot addition is to merge with the existing rural residential lot (3595 Concession 3 N). The consolidated parcel will provide an adequate lot size to accommodate the existing house and a septic system and accessory structures. The lot addition is specifically being requested to plan for the future to ensure vehicle access around the south side of the existing garage at 3595 Concession 3 N is maintained. The retained parcel will remain as agricultural land used for rural residential and farming. The proposed severance is consistent with the above noted policies; therefore, is deemed to be in conformity with the Official Plan.

In my opinion the proposed severance is consistent with the above noted policies; therefore, is deemed to be in conformity with the Official Plan.

5. COMPREHENSIVE ZONING BY-LAW 1999-52:

The subject property is zoned Agricultural (A) Zone in Bylaw 1999-52, as amended. The A Zone allows for all uses permitted in Subsection 26(2) being the Agricultural (A) Zone provisions. The consent is not in contravention to the Zoning Bylaw.

Subsequent to the consent the location of accessory structure on the consolidated lands will comply with the zone requirements for an accessory structure on an undersized lot in the Agricultural Zone. The remaining buildings and structures as well as the intended land uses for the severed and retained parcels appear to comply with the zone requirements for the Agricultural Zone.

In the opinion of the author of this report the proposed severance maintains the intent of the Zoning By-law.

6. AGENCY COMMENTS:

See attached.

7. RISK ANALYSIS:

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

8. RECOMMENDATIONS:

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **B/17/25 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 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 severed (resulting consolidated parcel) will maintain its own surface water be submitted and implemented to the satisfaction of the municipality.
7. Surface water and subsurface drainage tiles and water shall be redirected around the severed parcel to the satisfaction of the municipality.
8. The applicant shall submit a tiling plan of the entire parcel satisfactory to the municipality.
9. The applicant/owners are required to enter into a reapportionment of the drainage assessment for the subject lands in accordance with Section 65 of the Ontario Drainage Act, R.S.O. 1990 as amended and provide the Town of Amherstburg, a signed agreement and that any associated cost of same be borne solely by the

applicant. The reapportionment 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. The severance shall not be granted until a Council resolution is passed to execute the reapportionment agreement. Consult Amherstburg's Drainage Superintendent for further information. (Long Marsh Drain)


10. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.

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

9. CONCLUSION:

In the opinion of the author of this report the request for a lot addition for a minor lot boundary adjustment is in conformity with Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Planning Statement.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Janine Mastronardi', with a stylized flourish at the end.

Janine Mastronardi
Secretary-Treasurer Committee of Adjustment

Report Approval Details

Document Title:	B-17-25, 3591 Concession 3 N, Peter and Marilyn Tiefenbach, c.o James Rousseau, Agent.docx
Attachments:	<ul style="list-style-type: none">- Appendix A- B-17-25- Notice- 3591 Concession 3 N-RM.pdf- Appendix B- B-17-25 Application_Redacted.-RM.pdf- Appendix C- B-17-25 Site Photos-RM.pdf- Appendix D- Summary of Correspondence Received on B-17-25-RM.pdf- Appendix E- B-17-25 PowerPoint-RM.pdf
Final Approval Date:	Apr 25, 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 consent by:

Peter & Marilyn Tiefenbach, c/o James Rousseau, Agent

TAKE NOTICE THAT application for **consent (severance)** 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 30, 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 this application, 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, April 28, 2025) to the Planning Department, planning@amherstburg.ca. All public comments received prior to the meeting 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 person or public body that files an appeal of a decision of the Town of Amherstburg Committee of Adjustment in respect of the proposed consent and minor variance does not make written submissions to the Town of Amherstburg Committee of Adjustment before it gives or refuses to give a provisional consent, 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 consent, you must make a written request to Town of Amherstburg Committee of Adjustment.

Location of Property: **3591 Concession 3 N (Roll No. 3729-450-000-02200)**

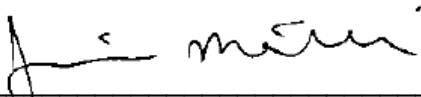
Purpose of Consent Application B/17/25: The applicant is proposing to sever an L-shaped parcel of land being 4.572 m ± frontage by 70.104 m ± depth with an area of 802.68 sq m ± to merge with the abutting rural residential parcel at 3595 Concession 3 N for purposes of a lot addition.

The retained parcel being 17.38 m ± of frontage by an irregular depth with an area of 12.08 ha ± contains a single detached dwelling, three accessory structures and farmland.

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.

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

Dated: April 16, 2025



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

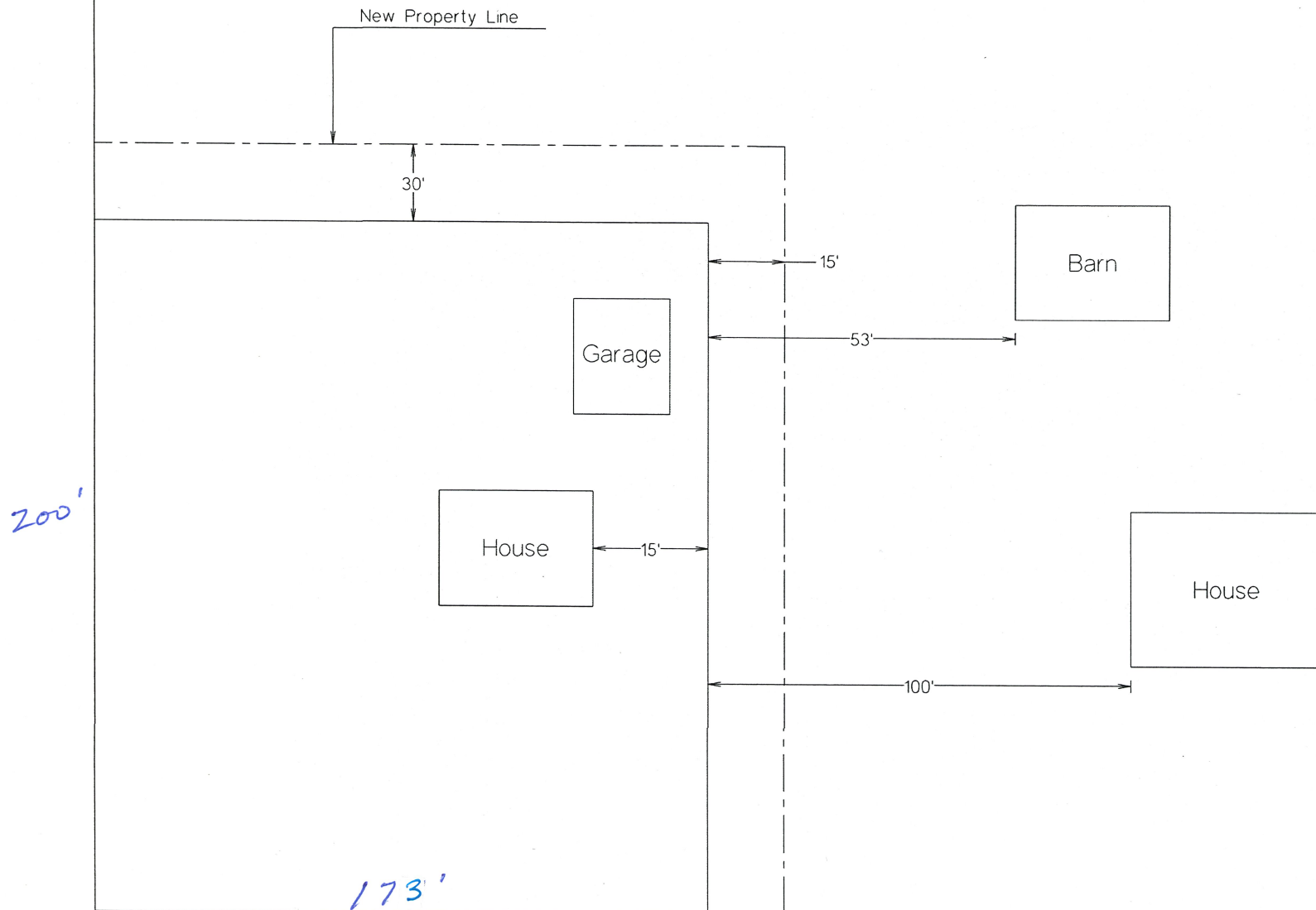


CONCESSION 3 N



CONCESSION 3 N

3595





TOWN OF AMHERSTBURG
Application for
CONSENT/LAND SEVERANCE

OFFICE USE ONLY	
Application No.:	B/17/25
Date of Pre-consultation Meeting:	4/4/25
Date Application Received:	4/11/25
Date Application Deemed Complete:	4/11/25
Staff Person Present:	J. Mastronardi
Municipal Fee Received:	Paid
ERCA Fee Received:	Paid

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

2. LOCATION AND DESCRIPTION OF SUBJECT LANDS	
Assessment Roll No.: 3729 450 000 02200	
Municipal Address: 3591 Concession 3 N	
Concession: 3	Lot: Pt Lt 8
Registered Plan No.:	Lot(s):
Reference Plan No.: 12R1336	Part(s): Pts 2 & 4

3. CURRENT OFFICIAL PLAN DESIGNATION AND ZONING OF SUBJECT LANDS:	
Official Plan Designation: Agricultural	Zoning: Agricultural (A)

4. CURRENT SIZE OF SUBJECT PARCEL:
Frontage: 152 m
Depth: irregular
Area: 12.16 ha

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

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

7. DESCRIPTION AND USE OF LAND INTENDED TO BE <u>SEVERED</u>:			
Frontage: 4.572 m (15 ft)			
Depth: 70.104 m (230 ft)			
Area: 802.68 sq m (8640 sq ft)			
Existing Use: rural residential			
Proposed Use: rural residential			
Number and use of buildings and structures on the land intended to be severed			
Existing: vacant			
Proposed: vacant			
Is there an existing access bridge on this parcel?			
<input type="checkbox"/>	Yes (locate on sketch)	<input checked="" type="checkbox"/>	No
Is there a water service connection on this parcel?			
<input type="checkbox"/>	Yes (locate on sketch)	<input checked="" type="checkbox"/>	No
Is there a sanitary sewer connection on this parcel?			
<input type="checkbox"/>	Yes (locate on sketch)	<input checked="" type="checkbox"/>	No
Access to proposed severed lot			
<input checked="" type="checkbox"/>	Municipal Road	<input type="checkbox"/>	County Road
<input type="checkbox"/>	Private	<input type="checkbox"/>	Water
If access to the subject land is by water only, indicate the parking and docking facilities to be used and the approximate distance between these facilities and the nearest public road. 			

8. NUMBER OF NEW LOTS PROPOSED (NOT INCLUDING RETAINED LOT):				0
9. DESCRIPTION AND USE OF LAND INTENDED TO BE <u>RETAINED</u>:				
Frontage:	147.428 m	Depth:	irregular	Area: 12.08 ha
Existing Use: agricultural				
Proposed Use: agricultural				
Number and use of buildings and structures on the land intended to be retained				
Existing: 1 single detached dwelling and two accessory structures				
Proposed Use: No change proposed				
Is there an existing access bridge on this parcel?				
<input checked="" type="checkbox"/>	Yes (locate on sketch)	<input type="checkbox"/>	No	
Is there a water service connection on this parcel?				
<input checked="" type="checkbox"/>	Yes (locate on sketch)	<input type="checkbox"/>	No	
Is there a sanitary sewer connection on this parcel?				
<input checked="" type="checkbox"/>	Yes (locate on sketch)	<input type="checkbox"/>	No	
Access to proposed retained lot				
<input checked="" type="checkbox"/>	Municipal Road	<input type="checkbox"/>	County Road	<input type="checkbox"/>
<input type="checkbox"/>	Private	<input type="checkbox"/>	Water	
<p>If access to the subject land is by water only, indicate the parking and docking facilities to be used and the approximate distance between these facilities and the nearest public road.</p> 				

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

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

Use of parcel: rural residential	
Date parcel created: mid 1960s- approximately 1964	
Has the parcel ever been the subject of an application for approval of a plan of subdivision under Section 51 or a consent under Section 53 of the Act, as amended, or its predecessors?	
<input type="checkbox"/>	Yes (locate on sketch)
<input checked="" type="checkbox"/>	No
If yes, please indicate the file number and the decision: 	

12. CURRENT APPLICATIONS	
Please indicate whether the property is the subject of an application for one of the following:	
<input type="checkbox"/>	Official plan or official plan amendment approval
<input type="checkbox"/>	Zoning by-law amendment
<input type="checkbox"/>	Minister's zoning order amendment
<input type="checkbox"/>	Minor variance
<input type="checkbox"/>	Consent or approval of a plan of subdivision
If known, indicate the file number and status of the foregoing application(s) 	
Is the owner, solicitor or agent applying for additional consents on this holding simultaneously with this application, or considering applying for additional consents in the future?	
<input type="checkbox"/>	Yes (locate on sketch)
<input checked="" type="checkbox"/>	No
Is the owner, solicitor or agent applying for any minor variance or permission to extend or enlarge under Section 45 of the Planning Act, R.S.O. 1990, as amended, in relation to any land that is the subject of this application?	
<input type="checkbox"/>	Yes (locate on sketch)
<input checked="" type="checkbox"/>	No

12. CURRENT APPLICATIONS CONTINUED

Is the requested application consistent with policy statements issued under subsection 3(1) of the Planning Act? (ie.2024 Provincial Planning Statement)



Yes (locate on sketch)



No

Comments: _____

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



Yes (locate on sketch)



No

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

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



Yes (locate on sketch)



No

If yes, 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 adopt terms of reference for an Environmental Impact Assessment.

Does the proposed project include the addition of permanent above ground fuel storage?



Yes (locate on sketch)



No

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

13. CONSENT OF OWNER

The owner must also complete the following or a similar authorization attached to the application.

Consent of Owner(s) to the Use and Disclosure of Personal Information and to Allow Site Visits to be Conducted

In accordance with the provisions of the Planning Act, it is the policy of the Town of Amherstburg Planning Services Department to provide the public access to all development applications and supporting documentation.

In submitting this development application and supporting documentation,

I/we James Roussau
PRINT NAME(S)

the owner(s)/authorized applicant, hereby acknowledge the above-noted policy and provide my/our consent, in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

April 11, 2025
DATE


SIGNATURE

DATE

SIGNATURE

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

I/We, James Roussray of the
PRINT NAME(S)

Town of Amherstburg in the
PRINT TOWN OR CITY NAME

County of Essex solemnly declare that all of the
COUNTY/REGION/DISTRICT NAME

information and the statements contained in this application are true, and I/we, make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED before me at the Town of Amherstburg
PRINT TOWN OR CITY NAME

in the County of Essex
COUNTY NAME

April 11, 2025
DATE

[Signature]
SIGNATURE OF OWNER OR AUTHORIZATION AGENT

April 11, 2025
DATE

[Signature]
SIGNATURE OF COMMISSIONER
Janine Quintina Mastronardi, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires June 30, 2027.

15. AUTHORIZATION

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

To: Town of Amherstburg

Description and Location of Subject Lands: 3591 Concession 3 N

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

James Rousseau

PRINT NAME

of Town of Amherstburg

PRINT TOWN OR CITY NAME

To:

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

DATED at the Town of Amherstburg

PRINT TOWN OR CITY NAME

in the County of Essex

COUNTY NAME

on April 11, 2025

DATE

Peter Tiefenbach

Witness

Julia Kluke

Witness

Peter Tiefenbach

Signature of Owner

Marilyn Tiefenbach

Signature of Owner

Witness

Signature of Owner

16. POSTING COMMITTEE OF ADJUSTMENT ADVISORY SIGN

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

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

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

Each sign must remain posted beginning 14 days prior to the Hearing, until the day following the decision of the Committee of Adjustment. Please complete the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the Committee's requirements. Failure to post the sign as required will result in deferral of the application.

Chris Aspila, MCIP RPP
Manager of Planning Services

Property Address: 3571 Con 3 N

Application Number(s): B/ 17/25

I understand that each sign must be posted at least 14 days before the Hearing, and will remain posted and be replaced if necessary, until the day following the Decision.

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


Signature (Owner/Authorized Agent)

April 11, 2025
Date

B/17/25- Site Photos





Summary of Correspondence Received on Proposed B/17/25 for 3591 Concession 3 N

Below is a summary of the comments received by the Planning Services division for B/17/25 as of April 25, 2025.

Building Department

A grade design demonstrating that the severed (resulting consolidated parcel) will maintain its own surface water be submitted and implemented to the satisfaction of the municipality.
Potential upgrade to the septic system on the retained and consolidated parcels may be required for future building permits.

Essex Region Conservation Authority

See attached comments.

Fire Department

No comments.

Infrastructure Services:

See attached comments.



2025-04-22

File Number: 0850-25

Janine Mastronardi, Town of Amherstburg
Town of Amherstburg Libro Centre
Amherstburg, ON
N9V 2Y8

RE: Consent for a Lot Addition
3591 CONCESSION 3 N
Municipal File Number: B-17-25

The Town of Amherstburg has received Application for Consent B-17-25 for the above noted subject property. The applicant is proposing to sever an L-shaped parcel of land being 4.572 m \pm frontage by 70.104 m \pm depth with an area of 802.68 sq m \pm to merge with the abutting rural residential parcel at 3595 Concession 3 N for purposes of a lot addition. The retained parcel being 17.38 m \pm of frontage by an irregular depth with an area of 12.08 ha \pm contains a single detached dwelling, three accessory structures and farmland. 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.

NATURAL HAZARDS AND REGULATORY 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 severed and retained 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 Long Marsh 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 B-17-25.

Sincerely,

Alicia Good

Alicia Good



Watershed Planner



The Corporation of The Town of Amherstburg

MEMO

To: Janine Mastronardi, Planner

From: Sydnee Botham, Development Engineering Coordinator

Date: April 17, 2025

Subject: Committee of Adjustment – 3591 Concession 3N – B/17/25
Town of Amherstburg

Infrastructure Services Department has reviewed B/17/25 – 3591 Concession 3N consent application and offer the following comments:

- Surface water and subsurface drainage tiles should be redirected around the lot addition.
- The applicant/owners are required to enter into a reapportionment of the drainage assessment for the subject lands in accordance with Section 65 of the Ontario Drainage Act, R.S.O. 1990 as amended and provide the Town of Amherstburg, a signed agreement and that any associated cost of same be borne solely by the applicant. The reapportionment 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. The severance shall not be granted until a Council resolution is passed to execute the reapportionment agreement. Consult Amherstburg's Drainage Superintendent for further information. (Long Marsh Drain)

If you have any questions or require further clarification, please do not hesitate to contact the undersigned.

Sydnee Botham, CET
Development Engineering Coordinator



Amherstburg Committee of Adjustment

April 30, 2025

B/17/25 – 3591 Concession 3 N

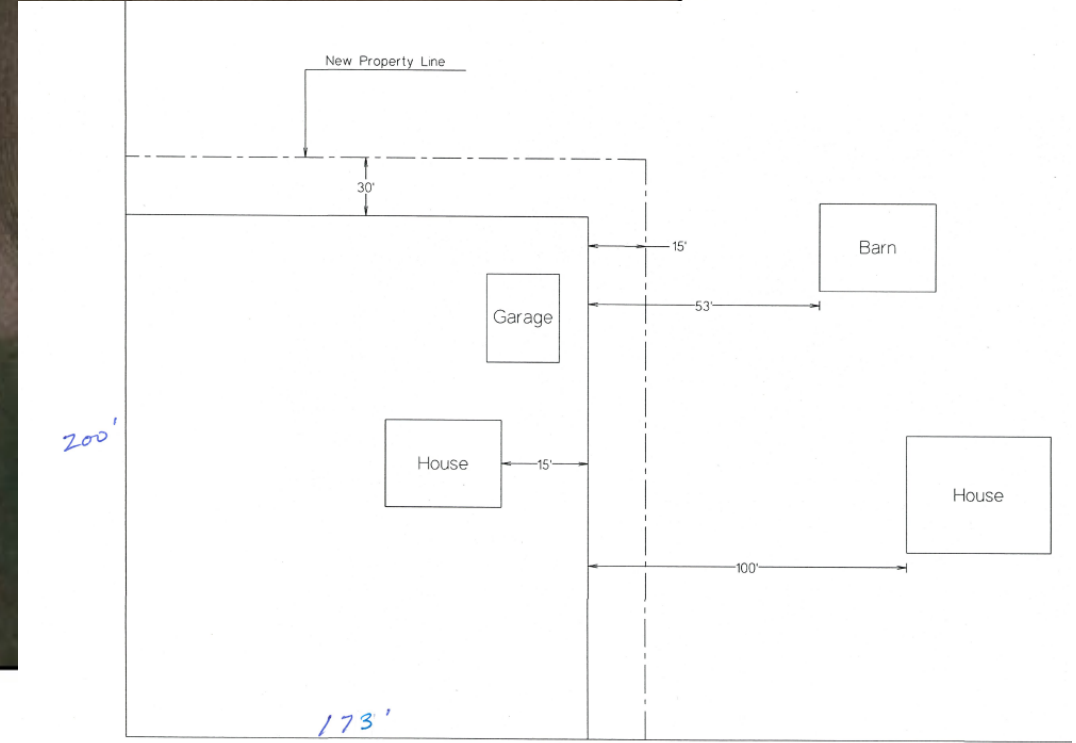
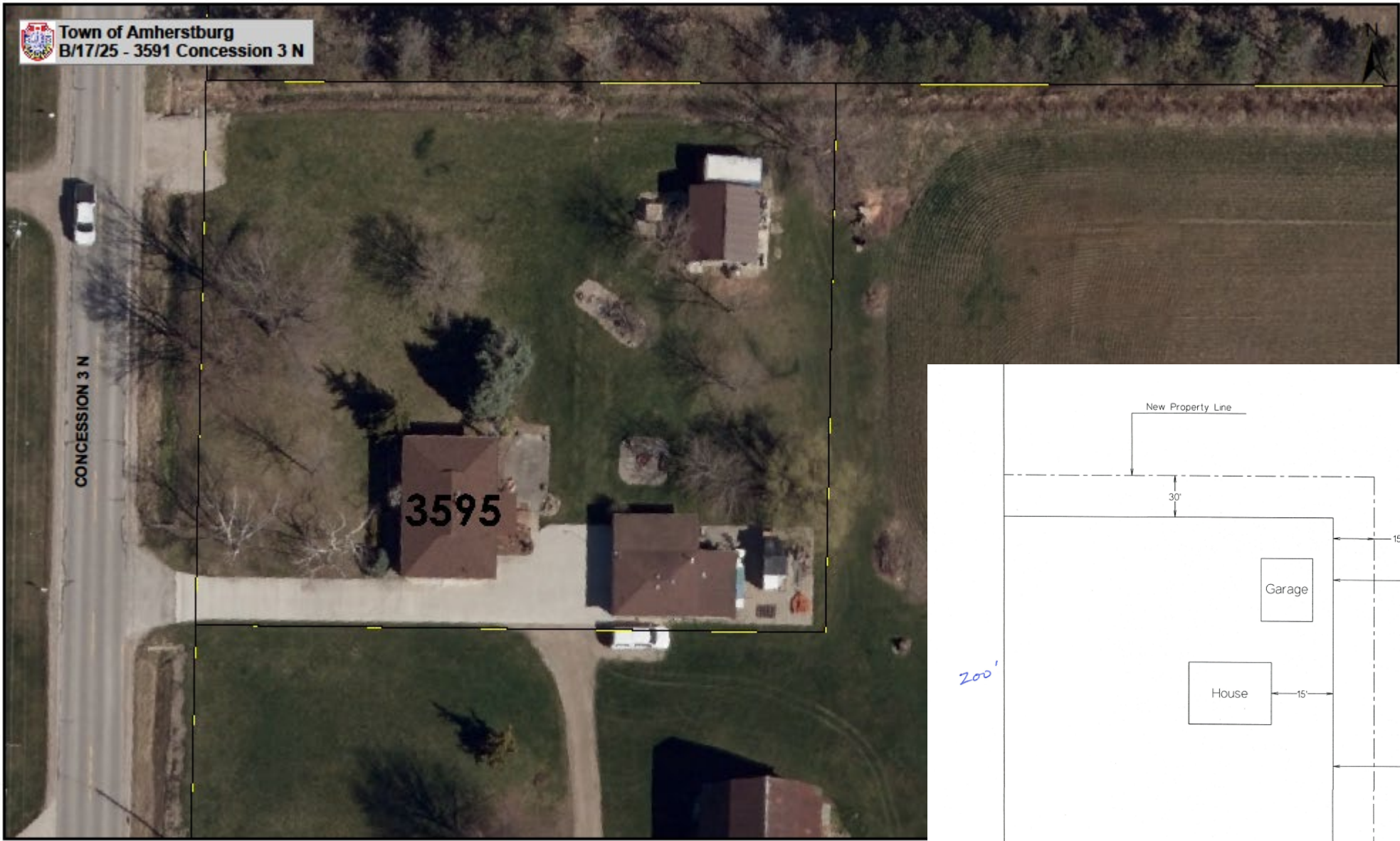
Purpose of Application B/17/25

The applicant is proposing to sever an L-shaped parcel of land being 4.572 m \pm frontage by 70.104 m \pm depth with an area of 802.68 sq m \pm to merge with the abutting rural residential parcel at 3595 Concession 3 N for purposes of a lot addition.

The retained parcel being 147.428 m \pm of frontage by an irregular depth with an area of 12.08 ha \pm contains a single detached dwelling, three accessory structures and farmland.

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.





Policy Review

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential First Density (R1) Zone in the Town's Zoning By-law.

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

- Planning Act, R.S.O. 1990
- Provincial Planning Statement 2024
- County of Essex Official Plan
- Town Official Plan
- Town Zoning By-law 1999-52, as amended



Recommendation

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **B/17/25 be approved** subject to the recommended conditions.





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: April 24, 2025
Author's Phone: 519 736-5408 ext. 2134	Date to Committee: April 30, 2025
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

To: Chair and Members of the Committee of Adjustment

Subject: A/11/25, 250 Seymour Street, Deanne Labutte, c/o DiGiovanni
Construction, 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/11/25 **BE APPROVED**.

2. **PROPOSAL:**

Purpose of Minor Variance Application A/07/25: The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum height of 5.5 m (18 ft) of an accessory structure measured to the peak of the roof in a residential zone.

A minor variance, file A/22/24, was approved on July 3rd, 2024 granting 1.5 m of relief in accessory structure height. During the construction process the main floor ceiling height was built to 9 ft. Through a detailed building review of the structure there were also typical construction variances noted. Additional relief in height of 0.5 m (1.65 ft) is required.

Therefore, the amount of relief requested at this time is 0.5 m (1.65 ft) in accessory structure height.

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

3. BACKGROUND:

As noted in the Proposal, minor variance A/22/24 was approved to grant 1.5 m of relief in height for an accessory structure. During construction it was noted that the height exceeded what was approved. Through a detailed review of the construction drawings it has been noted that an additional 0.5 m relief in accessory structure height is required.

If the minor variance is not approved, to resolve the additional height that does not comply with MV A/22/24, 0.5 m from the peak of the roof will be required to be cut down. The roof is constructed of engineered roof trusses so engineering confirmation would be required.

The applicant is not able to attend the public hearing. Ms. Labutte has provided a letter for Committee consideration along with a list of neighbours who support the structure as built. These items are attached a Appendix D and Appendix E.

4. PLANNING INFORMATION:

Official Plan Designation: Low Density Residential

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

Existing Use: Residential

Proposed Use: Residential- No change

Neighboring Uses: residential and institutional (town hall)

TECHNICAL INFORMATION

Requested/Constructed Accessory Structure Height: 7.5 m

Permitted Accessory Structure Height by MV A/22/24: 7 m

Additional Relief requested: 0.5 m (5 ft)

5. PLANNING ANALYSIS:

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

The purposes of the Planning Act are;

- “ (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
- (b) to provide for a land use planning system led by provincial policy;
- (c) to integrate matters of provincial interest in provincial and municipal planning decisions;
- (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;

- (e) to encourage co-operation and co-ordination among various interests;
- (f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s.4.”

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

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

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

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

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

The application must meet all of the above tests.

2. OFFICIAL PLAN POLICIES

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

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

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

3. ZONING BY-LAW

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

Section 3(1)(c) which permits a maximum 5.5 m (18 ft) height of an accessory structure measured to the peak of the roof in residential zones. Minor Variance A/22/24 granted relief of 1.5 m in accessory structure height, permitting a 7 m height to the peak of the roof.

The applicant has constructed a 67.6 sq m (728 sq ft) accessory structure to contain a recreational space accessory to the primary dwelling on the first floor and a secondary dwelling unit on the second floor with a height of 7.5 m to the peak of the roof. During the construction process the main floor ceiling height was built to 9 ft. As a result, a detailed building review of the structure was completed along with typical construction variances noted. It has been determined through inspections and this review that additional relief in height of 0.5 m (1.65 ft) is required.

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

Therefore, the amount of relief requested is an additional 0.5 m in accessory structure height.

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

4. APPROPRIATE DEVELOPMENT

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

The accessory structure has been built in the back corner of the property which abuts the Town Hall/Fire Station property and parking lot. While the height of the primary dwelling is 4.88 m (16 ft), less than the 7.5 m accessory structure, there is no loss of privacy as a result of the requested height relief. Appendix D has been provided by the applicant to show no concerns from some adjacent neighbours. At the time of the writing of this report no comments from the public have been received. The applicant also owns the property at 141 Murray Street.

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

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

5. MINOR IN NATURE

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

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

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

There appears to be no environmental concerns.

6. AGENCY COMMENTS:

See attached.

7. RISK ANALYSIS:

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

8. RECOMMENDATIONS:

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that Application A/11/25 be approved to grant additional relief in accessory structure height of 0.5 m to allow for the constructed accessory structure with a footprint of 67.6 sq m (728 sq ft) to contain recreational space accessory to the primary dwelling on the first floor and a secondary dwelling unit on the second floor with a height of 7.5 m to the peak of the roof.

9. CONCLUSION:

From a planning perspective:

- 1) The requested variance conforms with the intent of the relevant Official Plan policies.
- 2) The proposed variance maintains the intent of Comprehensive Zoning By-law 1999-52, as amended.
- 3) The proposed variance does not change the use of the land for residential purposes and therefore can be considered appropriate.

- 4) The requested variance would appear to be minor in nature.
- 5) The proposed variance would not have a negative impact on the environment.

Respectfully Submitted,

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

Janine Mastronardi
Secretary-Treasurer

Report Approval Details

Document Title:	A-11-25, 250 Seymour Street, Deanne Labutte, c.o DiGiovanni Construction, Agent.docx
Attachments:	<ul style="list-style-type: none">- Appendix A- A-11-25- Notice- 250 Seymour-RM.pdf- Appendix B- A-11-25- Application_Redacted-RM.pdf- Appendix C- A-22-24- Decision.pdf- Appendix D- Applicant Letter for Agenda.-RM.pdf- Appendix E- Neighbour Support Letter for Agenda-RM.pdf- Appendix F- Summary of Correspondence Received on A-11-25-RM.pdf- Appendix G- A-11-25 PowerPoint-RM.pdf
Final Approval Date:	Apr 25, 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:

Deanne Labutte, c/o DiGiovanni Construction, 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 30, 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, April 28, 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: **250 Seymour Street (Roll No.: 3729-120-000-08400)**

Purpose of Minor Variance Application A/07/25: The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum height of 5.5 m (18 ft) of an accessory structure measured to the peak of the roof in a residential zone.

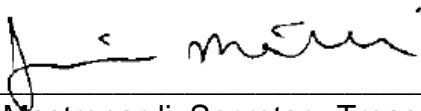
A minor variance, file A/22/24, was approved on July 3rd, 2024 granting 1.5 m of relief in accessory structure height. During the construction process the main floor ceiling height was built to 9 ft. Through a detailed building review of the structure there were also typical construction variances noted. Additional relief in height of 0.5 m (1.65 ft) is required.

Therefore, the amount of relief requested at this time is 0.5 m (1.65 ft) in accessory structure height.

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

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

Dated: April 17, 2025



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



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141

250

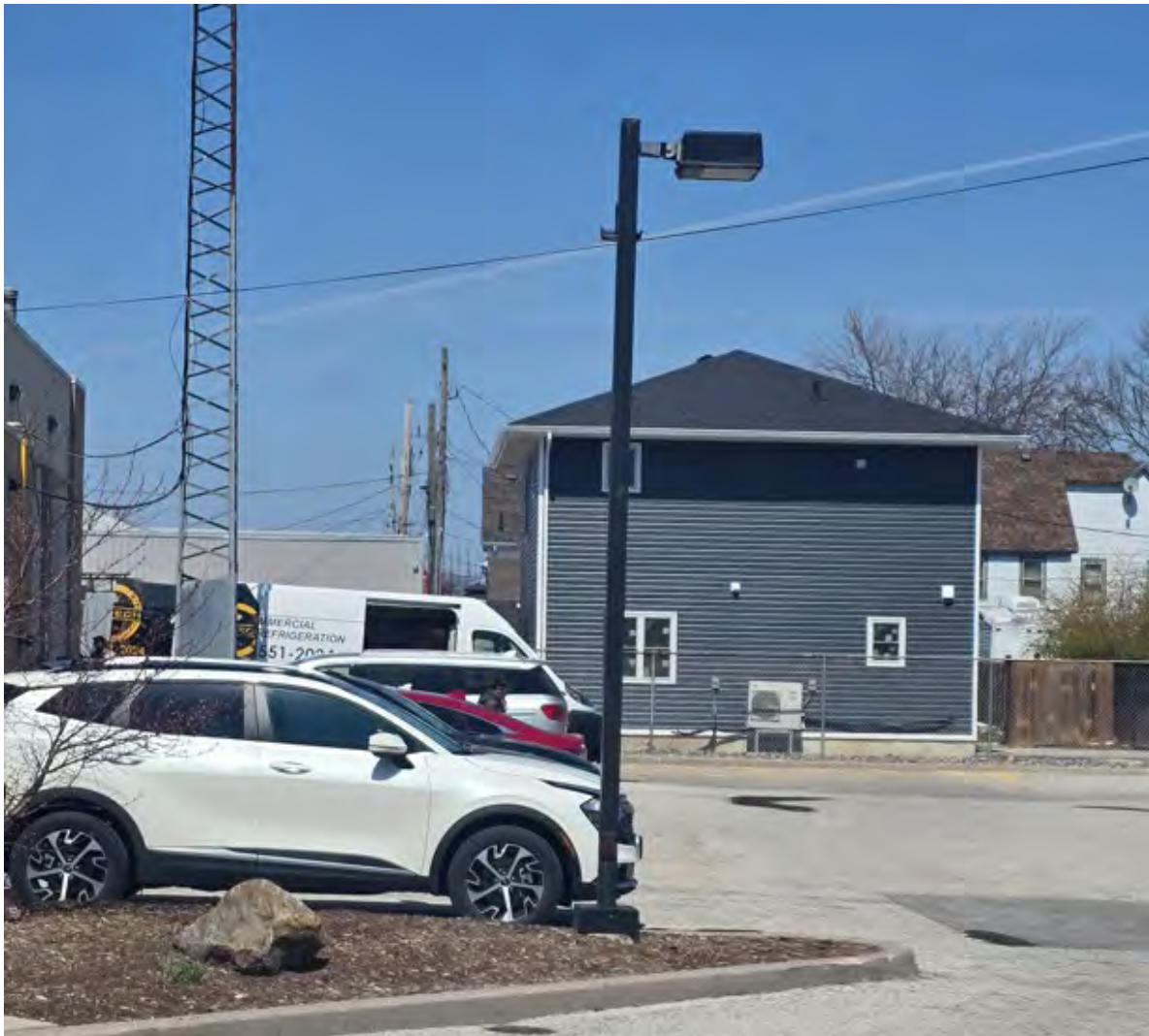
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24

2

SEYMOUR ST

256

A/11/25- Photos of Structure



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

Application No. A/11/25

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 4/7/25
3. Date application deemed complete by municipality 4/7/25
4. Name of registered owner Deanne Labutte
Telephone number [REDACTED]
Address & Postal Code [REDACTED]
Email [REDACTED]
Name of registered owner's solicitor or authorized agent (if any) DiGiovanni Construction
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:
[REDACTED]
6. Location and description of subject land:
Concession No. _____ Lot(s) No. _____
Registered Plan No. 1 Lot(s) No. 24
Reference Plan No. _____ Part(s) No. _____
Street Address 250 Seymour Assessment Roll No. 120-08400

7. Size of subject parcel:

Frontage 61 ft Depth 137.5 ft Area 8387.5 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 R3

11. Nature and extent of relief from the Zoning By-law requested Relief from Section 3(1)(c)
which permits a maximum height of 5.5 m to the peak of the roof of an accessory structure. A/22/24
was approved in July 3rd, 2024 granting 1.5 m of relief in accessory structure height. During
the construction process the main floor ceiling height was built to 9 ft. Also due to
construction variances additional relief in height of 0.5 m (1.65 ft) is required.

12. Reasons why minor variance is necessary To allow for the constructed building to
remain without alteration to the engineered roof trusses.

13. Current use of subject land residential

14. Length of time current use of subject land has continued 77 + years

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

1- Single detached dwelling with a height of 16 ft to the peak of the roof.

1- Accessory structure with ARU on second floor

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

1948- single detached dwelling

2024-25- accessory structure (open building permit)

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

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:

- No additional buildings proposed.

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.

A/22/24

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 April 7, 2025.
PRINT NAME OF TOWN OR CITY DATE


 SIGNATURE APPLICANT, SOLICITOR OR AUTHORIZED AGENT

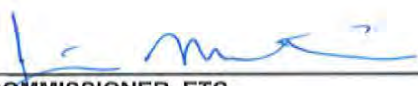
I, Deanne Labate of the Town of Amherstburg in the
NAME PRINT NAME OF TOWN OF CITY

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 April 7, 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.

AUTHORIZATION

(Please see note below)

To: Secretary-Treasurer
Committee of Adjustment
Town of Amherstburg
Description and Location of Subject Land:

250 Seymour

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

DiGiovanni Construction 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 of Amherstburg
PRINT TOWN OR CITY

in the County of Essex on April 7, 2025
PRINT COUNTY/REGION/DISTRICT DATE

[Signature]
SIGNATURE OF WITNESS

[Signature]
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: 250 Seymour

APPLICATION NUMBER(S): A11125

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)

April 7, 2025
DATE

COMMITTEE OF ADJUSTMENT
DECISION OF COMMITTEE WITH REASONS
RE APPLICATION FOR MINOR VARIANCE
The Planning Act, R.S.O. 1990, Chapter P.13, Subsection 45(8), As Amended

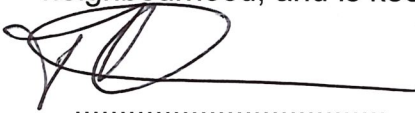
- (a) Name of approval authorityTOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT
- (b) Name of applicantRE AN APPLICATION BY (b) Dave & Deanne Labutte, c/o Donato DiGiovanni
- (c) Brief descriptionLOCATION OF PROPERTY (c) 250 Seymour St.
(Roll No. 3729-120-000-08400)
- (d) As set out in applicationPURPOSE OF APPLICATION: (d) The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum height of 5.5 m (18 ft) of an accessory structure measured to the peak of the roof in a residential zone.


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

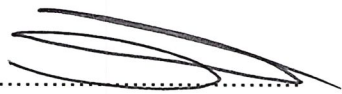
The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Third Density (R3) Zone in the Town's Zoning By-law.
- (e) Date of decisionCONCUR in the following decision and reasons for decision made on the (e) 3rd day of July, 2024

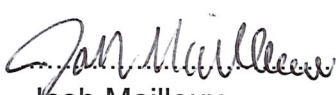
DECISION: **APPROVED**
- (f) State conditions to be satisfied before granting of Minor VarianceCONDITIONS - This decision has been made subject to the following condition: (f)


1. That the applicant prepare and implement a lot grading design for the subject property, to the satisfaction of the municipality.
2. That the total lot coverage of accessory structures does not exceed 10% of the lot area as per Zoning By-law 1999-52, as amended, Section 3(1)(b).
- (g) State reasons for decisionREASONS FOR DECISION: (g) The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law.


.....
Terris Buchanan


.....
Anthony Campigotto



.....
Debbie Rollier


.....
Josh Mailloux


.....
Don Shaw

CERTIFICATION
The Planning Act, R.S.O. 1990, Chapter P.13, Subsection 45(10), As Amended

- (h) Name of approval authorityI, **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 authorityDated the 3rd day of July, 2024


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

My name is Deanne Labutte and am writing this letter to you because unfortunately I am unable to attend this meeting, although I will try to zoom in. The reason for this as you know is the building is approximately 14 inches higher then the original 23ft variance. I am not aware if anyone has complained or not so i approached all my surrounding neighbors that the height of the structure would have an impact on and they have signed a paper stating it does not affect them in any way. If this variance is turned down our only other choice is to cut into the engineered trusses and take the roof down 14 inches. I have been told this could very well compromise the integrity of the trusses and leave quite a mess in the newly insulated attic, there is also a roof vent close by which will also cause a larger hole and a considerable amount of money. So I am pleading with you all to please consider the repercussions of this structure if we have to

cut into the roof. Along with this letter should be a copy of the letter from Mr. Avolio (chief building official) insuring it is 14 inches too high aswell as signatures from the surrounding neighbors.

Sorry I could not here in person and thank you for your time.

Sincerely Deanne Labutte

APRIL 7/25

Hello, this is Dave and Deanne Labutte
writing to you to see if you have any
concerns regarding the existing height of the
new ADU that was built on the property of
250 Seymour st. If you do not have any
issues or concerns could you please sign
below with your address to show that you are
supportive of the height the building is at
currently.

Sincere thanks

MacKenna Hoskins

~~2255~~ 260 Seymour St.

Bryan Rosati

257 Seymour St.

Robert Hallgren

145 Murray

Patrick Cornell

256 Seymour St.

Joanne Meloche

149 Murray st



Summary of Correspondence Received on Proposed A/11/25 for 250 Seymour St.

Below is a summary of the comments received by the Planning Services Division for A/11/25 as of April 25, 2025.

Infrastructure Services:

Please see attached letter.

Building Department

The only concern I have is the lower level must remain as a hobby room as per the original permit and can not be converted to a secondary unit. There can only be one secondary unit within the building. The second floor consist of a permitted secondary unit.

Essex Region Conservation Authority

Please see attached letter.



The Corporation of The Town of Amherstburg

MEMO

To: Janine Mastronardi, Planner

From: Sydnee Botham, Development Engineering Coordinator

Date: April 22, 2025

Subject: Committee of Adjustment – 250 Seymour Street – A/11/25
Town of Amherstburg

Infrastructure Services Department has reviewed A/11/25 – 250 Seymour Street minor variance application and offer the following comments:

- Infrastructure Services has no comments.

If you have any questions or require further clarification, please do not hesitate to contact the undersigned.

Sydnee Botham
Development Engineering Coordinator

Renee Guthrie

From: Alicia Good <AGood@erca.org>
Sent: April 22, 2025 8:37 AM
To: Janine Mastronardi
Cc: Renee Guthrie
Subject: ERCA Comments A-11-25

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good morning,
Regarding A-11-25 for 250 Seymour St., our office can confirm that this property is not within ERCA's Limit of Regulated Area and we have no objection.
Best regards,
Alicia



Alicia Good (she/her)

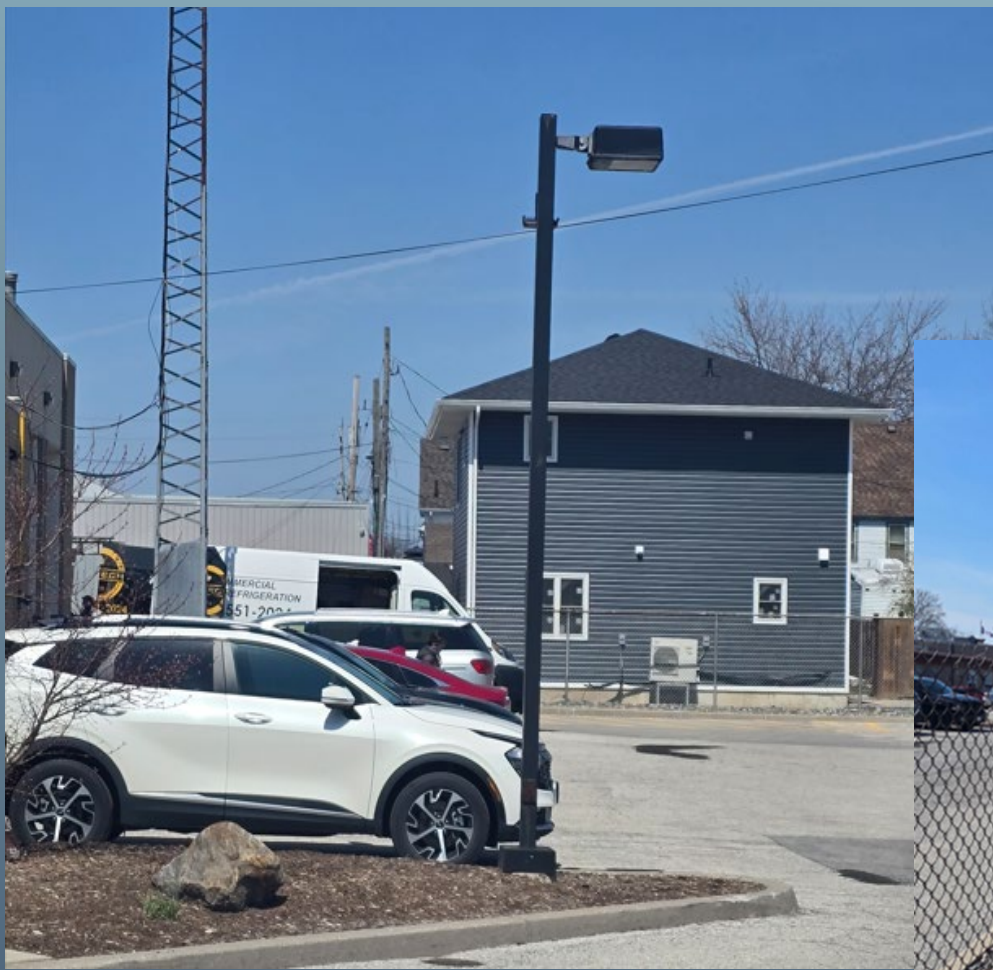
Watershed Planner
Essex Region Conservation Authority
360 Fairview Avenue West, Suite 311 | Essex, Ontario | N8M 1Y6
P. 519-776-5209 x3794 | F. 519-776-8688
agood@erca.org www.essexregionconservation.ca

While this email is sent when it is convenient for me, I do not expect a response or action outside of your own regular working hours.

The ERCA Office is now open to the public **Tuesdays, Wednesdays and Thursdays** to provide "counter service"; however, services continue to be delivered online and through email. Please consult ERCA's website for more information and direction regarding online services (i.e. permitting, cottage bookings, seasonal passes etc.)

Amherstburg Committee of Adjustment

April 30, 2025



A/11/25- 250 Seymour Street

Purpose of Application A/11/25

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 (18 ft) of an accessory structure measured to the peak of the roof in a residential zone.

A minor variance, file A/22/24, was approved on July 3rd, 2024 granting 1.5 m of relief in accessory structure height. During the construction process the main floor ceiling height was built to 9 ft. Through a detailed building review of the structure there were also typical construction variances noted. Additional relief in height of 0.5 m (1.65 ft) is required.

Therefore, the amount of relief requested at this time is 0.5 m (1.65 ft) in accessory structure height.

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





Policy Review

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Third Density (R3) 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/11/25 be approved to grant additional relief in accessory structure height of 0.5 m to allow for the constructed accessory structure with a footprint of 67.6 sq m (728 sq ft) to contain recreational space accessory to the primary dwelling on the first floor and a secondary dwelling unit on the second floor with a height of 7.5 m to the peak of the roof.

