



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: Sarah French	Report Date: January 27, 2023
Author's Phone: 519 736-5408 ext. 2145	Date to Council: February 13, 2023
Author's E-mail: sfrench@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting to Consider a Zoning By-law Amendment, ZBA-01-23, for 41 Sandwich Street South

1. **RECOMMENDATION:**

It is recommended that:

1. Comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands municipally known as 41 Sandwich Street South (File ZBA-01-23), owned by 13213811 Canada Inc. **BE RECEIVED and SUMMARIZED** in a future report to Council.

2. **BACKGROUND:**

The Town is in receipt of an application for a Zoning By-law Amendment to By-Law 1999-52 from 13213811 Canada Inc. The subject lands are located on the east side of Sandwich St. S. between Alma St. and Fort St. and are municipally known as 41 Sandwich St. S. (refer to Figure 1).

The purpose of the application is to establish a site-specific zone to add an additional dwelling unit as a permitted use on the subject lands. The re-zoning will allow for a total of five (5) residential units, with four (4) of the residential units currently existing in the main building and one (1) residential unit proposed in the existing accessory structure. The existing structure has most recently been used as an upholstery shop. The interior footprint of the structure is approximately 70 m² (approximately 750 ft²). The structure will require interior renovations to update it into a dwelling unit. All renovations will be required to comply with current Ontario Building Code. The parking on site is sufficient to provide one parking space for the proposed residential dwelling unit.

3. **DISCUSSION:**

The subject lands are designated General Commercial in the Town of Amherstburg Official Plan. Section 4.4.2 of the Official Plan states:

The uses permitted in the General Commercial designation shall include those commercial establishments offering goods and services which primarily serve the whole of the municipality's market area and shall include such uses as retail commercial establishments, places of entertainment, assembly halls, eating establishments, hotels, motels, community facilities, public uses, recreational uses, convenience stores whether in the form of individual stores or in a shopping centre form of construction and/or ownership, and residential uses above the first floor.

Multi-family residential development will be considered as an alternative form of land use on lands designated General Commercial. Unless otherwise specified, the height of multi-family residential development within the General Commercial designation shall be limited to 5 storeys and unless a site specific zoning by-law states otherwise, residential units will not occupy the first floor abutting Richmond Street or Dalhousie Street.

The Zoning By-law currently zones the subject lands as Residential Office (RO) Zone. The RO Zone permits the following uses:

- (i) uses permitted within a Residential Heritage Zone as provided in Section 12 hereto;
- (ii) professional office;
- (iii) working room for a tailor, dressmaker and draftsman;
- (iv) studio for an artist, music teacher, academic tutor, and author;
- (v) public use;
- (vi) personal service shop (excluding laundry, laundromat, and dry cleaning establishment);
- (vii) existing uses;
- (viii) dwelling unit;
- (ix) medical/dental office;
- (x) business office;
- (xi) service office.

As stated above, the RO zone also permits the uses permitted in the Residential Heritage (RH) Zone. The RH Zone permits the following uses:

- (i) single detached dwelling;
- (ii) semi-detached dwelling;
- (iii) duplex dwelling;
- (iv) converted dwelling;
- (v) lodging house;
- (vi) bed and breakfast establishment;
- (vii) existing place of worship, including associated place of public assembly;
- (viii) building or use accessory to the above provided that the building is not used for human habitation;
- (ix) public use.

The current uses on the property include a converted dwelling with four residential units and a legal business office as the main use on the property. The property also contains two accessory structures, one that was previously used for the upholstery shop and one storage structure. The proposed amendment to the Zoning By-law will allow the applicant to convert the structure that contained the upholstery shop into a dwelling unit. One parking space will be provided for the dwelling unit.

The proposed use of the subject lands conforms to the Town of Amherstburg Official Plan as the General Commercial designation supports multi-family residential uses. The property can be considered a mixed-use property as it currently has office space and residential units. The proposed zoning amendment will intensify the residential uses on the subject lands by adding one more dwelling unit.

The purpose of this initial public meeting is to provide an opportunity for the Applicant to present information and outline the purpose of the application to Council and to hear all comments regarding the rezoning. As Council is aware, notice for the proposed rezoning was circulated in accordance to the provisions of the Planning Act. All comments received will be provided to Council prior to the Statutory Public Meeting and will be attached to the subsequent Council report.

Following this public meeting, staff will review all of the comments submitted as part of this application and prepare a report for a subsequent Council meeting. The second staff report will summarize all of the comments received and make recommendation(s) regarding the proposed rezoning and any applicable conditions if required.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

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

6. CONSULTATIONS:

The Notice of Public Meeting was published in the local newspaper and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations. The circulation map and list of properties within the 120m circulation radius are attached for information.

7. CONCLUSION:

Following the statutory public meeting, planning staff will be preparing a subsequent report for Council that will include a comprehensive analysis of all of the comments and

recommendations received, and will provide a professional planning opinion and a staff recommendation with respect to the requested zoning by-law amendment.



Sarah French
Planner

Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment, ZBA-1-23, for 41 Sandwich Street S.docx
Attachments:	<ul style="list-style-type: none">- ZBA-01-23- Notice of Statutory Public Meeting-41 Sandwich St S.pdf- ZBA-01-23 Aerials and drawing.pdf- ZBA-01-23 41 Sandwich St Site Pictures_Redacted.pdf- ZBA-01-23 Application_Redacted.pdf- ZBA-01-23 Council Circulation List and Map.pdf- ZBA-01-23- Summary of Comments Recieved.pdf- 2023-024 ZBA- 41 Sandwich St S DRAFT.pdf
Final Approval Date:	Feb 8, 2023

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



Chris Aspila



Melissa Osborne

A handwritten signature in purple ink, appearing to read 'Tracy Prince', with a large, stylized initial 'T'.

Tracy Prince

A handwritten signature in black ink, appearing to read 'Valerie Critchley', with a stylized 'V'.

Valerie Critchley

A handwritten signature in black ink, appearing to read 'Kevin Fox', with a stylized 'K' and a long horizontal stroke at the bottom.

Kevin Fox