

AMHERSTBURG COMMITTEE OF ADJUSTMENT

Present: D Cozens, D. Shaw, T. Buchanan, A. Campigotto, J. Mailloux

Also Present: Janine Mastronardi, Acting Secretary-Treasurer, Kevin Fox, Policy and Committee Coordinator, Chris Aspila, Manager of Planning Services

1. Call to Order

The Chair, David Cozens, called the meeting to order at 7:30 a.m. and performed introductions of the Committee members and administration.

2. Roll Call

The Chair completed the roll call for the meeting.

3. Land Acknowledgement

The Chair has read the following land acknowledgment;

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

4. Disclosure of Interest

There were no disclosures of interest.

5. Adoption of Minutes

The Chair requested comments on the adoption of minutes of July 5, 2022 Committee of Adjustment meeting.

A motion was put forward to adopt the minutes with one correction made on page 11.

Moved by: Josh Mailloux
Seconded by: Terris Buchanan

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

The Chair requested comments on the adoption of minutes of August 9, 2022 Committee of Adjustment meeting.

A motion was put forward to adopt the minutes with one correction to file number B/25/22 on page 3.

Moved by: Terris Buchanan
 Seconded by: Josh Mailloux

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

6. Order of Business

6.1 Applications B/26/22 & A/27/22 – Russell Wood, c/o Jon Parks, Agent- 7509 Concession 7 (Roll No. 3729-570-000-04800)

Public in Attendance: Russel Wood and Brian Wood, Applicant and son of applicant, Jon Parks and Jonathan Parks, Agent on the application and son of agent.

Purpose of Consent Application B/26/22: The applicant is proposing to sever a parcel of land being 38.4 m \pm frontage by 175.9 m \pm depth with an area of 0.93 ha \pm which includes a single detached dwelling and five accessory structures which are surplus to the needs of the farming operation. The remaining parcel has frontage on South Sideroad and Concession 7 by a depth of 1297 m with an area of 29.42 ha \pm is vacant agricultural land. The subject property is designated and zoned Agricultural in the Town's Official Plan and Zoning By-law.

Purpose of Minor Variance Application A/26/22: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone. Subsequent to a severance of a 0.93 ha \pm surplus dwelling from an existing 30.35 hectare parcel the retained farm parcel will have an area of 29.42 hectares. Therefore, the amount of relief requested is 10.58 hectares.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated September 7, 2022, from Essex Region Conservation Authority
- ii) Letter dated September 1, 2022, from County of Essex
- iii) Email dated September 6, 2022 from Infrastructure Services Department
- iv) Email dated August 30, 2022, from Essex Power
- v) Comments dated September 13, 2022, from Building Department
- vi) Email dated August 31, 2022, from Fire Department
- vii) Planning Report dated September 6, 2022 from Janine Mastronardi, Acting Secretary Treasurer

Committee Discussion: The Chair introduced the application and asked if there were any members of the public present for this application. The applicant and their agents were present. J. Mastronardi read the purpose of the application. Jon Parks explained the concept of the application. The Chair confirmed with the applicant that no new buildings were required and no land would be taken out of production. T. Buchanan asked for confirmation on any existing entrances to the severed farmland. Mr. Parks confirmed that a new access bridge is not required, there is an existing access at the north east corner of the farm. J. Mailloux requested confirmation of proposed property lines, J. Parks confirmed the southerly line is the new proposed property line leaving the square garden area for Mr. Woods. A. Campigotto confirmed the use of the existing buildings on the

severed parcel. J. Parks confirmed the accessory structures were for garages and storage. There is currently no dwelling units in the accessory structures. The conditions of consent were read aloud.

The following resolution was put forth:

That application B/26/22 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; an electronic and paper 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. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel.
5. That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property.
6. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
7. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
8. That the applicant ensures the property maintains its own drainage as to not affect neighbouring properties to the satisfaction of the municipality.
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.

Moved by: Donald Shaw

Seconded by: Josh Mailloux

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

That application A/27/22 be approved.

Moved by: Terris Buchanan

Seconded by: Josh Mailloux

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee- 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.

6.2 Applications B/29/22 & A/29/22 – Miller Cattle and Grain Inc., c/o Carol Miller-7971 Collison Sideroad (Roll No. 3729-510-000-04200)

Public in Attendance: Carol Miller, Applicant

Purpose of Consent Application B/29/22: The applicant is proposing to sever a parcel of land being 61 m \pm frontage by 84 m \pm depth with an area of 0.51 ha \pm which includes a single detached dwelling and three accessory structures which are surplus to the needs of the farming operation. The remaining parcel being 45.7 m \pm frontage by an irregular depth with an area of 17.22 ha \pm is vacant agricultural land. The subject property is designated and zoned Agricultural in the Town's Official Plan and Zoning By-law.

Purpose of Minor Variance Application A/29/22: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone. Subsequent to a severance of a 0.51 ha \pm surplus dwelling from an existing 17.73 hectare parcel the retained farm parcel will have an area of 17.22 hectares. Therefore, the amount of relief requested is 22.78 hectares.

Section 26(3)(b)(i) which requires a minimum lot frontage of 140 m in an Agricultural (A) Zone. Subsequent to a severance of a surplus dwelling with a frontage of 61 m from an existing 106.7 frontage the retained farm parcel will have a lot frontage of 45.7 m. Therefore, the amount of relief requested is 94.3 metres.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated September 7, 2022, from Essex Region Conservation Authority
- ii) Email dated September 6, 2022 from Infrastructure Services Department
- iii) Email dated August 30, 2022, from Essex Power
- iv) Comments dated September 13, 2022, from Building Department
- v) Email dated August 31, 2022, from Fire Department
- vi) Planning Report dated September 6, 2022 from Janine Mastronardi, Acting Secretary Treasurer

Committee Discussion: The Chair introduced the application and asked if there were any members of the public present for this application. There were none. J. Mastronardi read the purpose of the application. Carol Miller explained the concept of the application. J. Mailloux and T. Buchanan confirmed the setback for an accessory structure on an undersized lot is 3 m to the rear and side property lines. The conditions of consent were read aloud.

The following resolution was put forth:

That application B/29/22 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; an electronic and paper 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. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone and Section 26(3)(b)(i) which requires a minimum lot frontage of 140 m regarding the retained farm parcel.
5. That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property.
6. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
7. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
8. That the applicant ensures the property maintains its own drainage as to not affect neighbouring properties to the satisfaction of the municipality.
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.

Moved by: Josh Mailloux

Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

That application A/29/22 be approved.

Moved by: Terris Buchanan

Seconded by: Donald Shaw

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee- 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.

6.3 Applications B/27/22 – 1352120 Ontario Limited, c/o Lisa Dufour, Agent- 18 County Rd 18 (Roll No. 3729-170-000-01354)

Public in Attendance: Lisa Dufour, Agent on the application

Purpose of Consent Application B/27/22: The applicant is proposing to sever a parcel of land being 9.14 m ± width by 9.75 m ± depth with an area of 89.12 sq m ± which is vacant land for the purpose of a lot addition to merge with the property to the north at 139 Meadowview Avenue. The remaining parcel has 104.93 m of frontage by an irregular depth with an area of 2.34 ha ± is vacant land. The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Second Density/Special Provision Residential Second Density (R2/R2-5) Zone in the Town's Zoning By-law.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated September 7, 2022, from Essex Region Conservation Authority
- ii) Letter dated September 1, 2022, from County of Essex
- iii) Email dated August 30, 2022, from Essex Power
- iv) Comments dated September 13, 2022, from Building Department
- v) Email dated August 31, 2022, from Fire Department
- vi) Email dated September 12, 2022 from Neal DeRuyter, Partner, MHBC on behalf of Walker Aggregates.
- vii) Planning Report dated September 7, 2022 from Janine Mastronardi, Acting Secretary Treasurer

Committee Discussion: The Chair introduced the application and asked if there were any members of the public present for this application. There were none. J. Mastronardi read the purpose of the application. Lisa Dufour explained the concept of the application. Ms. Dufour would like additional amenity space in her rear yard for her adopted great niece. The Chair read the comments received from Walker Aggregates and the agent on the application acknowledged understanding of the comments. The conditions of consent were read aloud.

The following resolution was put forth:

That application B/27/22 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; an electronic and paper copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate 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 drainage plan be approved and implemented to the satisfaction of the municipality.
7. That the rear yard drain be extended into the newly created lot area to the satisfaction of the Building Department.
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.

Moved by: Donald Shaw

Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The request is in conformity with Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

7. Next Meeting

The next Committee of Adjustment meeting is scheduled on October 4th, 2022 at 7:30 a.m.

8. Adjournment

The meeting was adjourned at 8:07a.m.



Chairman- Dave Cozens



Acting Secretary-Treasurer –
Janine Mastronardi