

**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 8:00 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 May 17, 2022 Committee of Adjustment meeting.

A motion was put forward to adopt the minutes as presented.

Moved by: Terris Buchanan  
Seconded by: Don Shaw

	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 September 13, 2022 Committee of Adjustment meeting.

A motion was put forward to adopt the minutes as presented.

Moved by: Anthony Campigotto  
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	

## 6. Order of Business

### 6.1 Application A/30/22 – Colin Wigle, c/o Norbert Bolger, Agent-1828 Erie Avenue (Roll No. 3729-550-000-08200)

**Public in Attendance:** Colin Wigle, Applicant, Norbert Bolger, Agent on the application, Kelly Mertz, Nor-Built and Cindy Charleboise, friend of applicant

**Purpose of Minor Variance Application A/30/22:** The applicant is proposing the construction of a 24 ft x 48 ft, 1152 sq ft, accessory structure with a height of 7 m to the peak of the roof. The proposed structure will have a garage on the main floor and storage space on the second floor with the potential to convert the second floor to a secondary dwelling unit (SDU) in the future. The 7 m building height is required to allow for standing room on the second floor.

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum accessory structure height of 5.5 m (18 ft) measured to the peak of the roof in a Residential Zone.

Therefore, the amount of relief requested is 1.5 m in height for an accessory structure.

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

- i) Email dated October 25, 2022, from Essex Region Conservation Authority
- ii) Email dated October 19, 2022 from Infrastructure Services Department
- iii) Email dated October 19, 2022 from the Fire Department
- iv) Planning Report dated October 27, 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. Norbert Bolger, Agent on the application was present to represent the applicant and the public in attendance. Janine Mastronardi read the purpose of the application. Norbert Bolger explained the concept of the application. It was noted that there are several accessory structures with heights exceeding the maximum permitted in the neighbourhood including the abutting property to the east.

The Chair confirmed with the agent that the grade for the accessory structure will be set at ERCA's lowest opening grade and will be level with the neighbor to the east. the existing driveway entrance will remain unchanged. T. Buchanan noted that the proposed building in the proposed location cannot be used for a secondary dwelling unit without additional approvals from the Committee as the setback between the primary dwelling and the secondary dwelling would exceed the 20m maximum distance between the buildings. Discussion ensued. The Chair confirmed with the applicant that the minor variance approval requested today is for height only and not for a secondary dwelling unit. Additional approvals would be required. The agent and applicant confirmed

understanding of this zoning provision. The wording of the purpose of the minor variance is to be amended to clarify this point as follows, "The applicant is proposing the construction of a 24 ft x 48 ft, 1152 sq ft, accessory structure with a height of 7 m to the peak of the roof. The proposed structure will have a garage on the main floor and storage space on the second floor. The 7 m building height is required to allow for standing room on the second floor.

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum accessory structure height of 5.5 m (18 ft) measured to the peak of the roof in a Residential Zone.

Therefore, the amount of relief requested is 1.5 m in height for an accessory structure."

The following resolution was put forth:

**That application A/30/22 be approved** to grant relief of is 1.5 m in accessory structure height to permit the construction of an accessory structure with a building height of 7 m subject to the following conditions:

- (i) That the applicant maintain grading around the proposed structure to ensure drainage does not adversely affect neighbouring property including the installation of overhangs and downspouts.
- (ii) All downspouts from any new structure must not be connected into lot subdrains; downspouts must be constructed to splash onto the adjacent ground.
- (iii) That a site drainage plan be prepared and implemented to the satisfaction of the municipality.

Moved by: Terris Buchanan

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 requested variance would appear to conform with the intent of the relevant Official Plan policies. The proposed variance would appear to maintain the intent of Comprehensive Zoning By-law 1999-52, as amended. The proposed variance does not appear to change the use of the land for residential purposes and therefore can be considered appropriate. The requested variance would appear to be minor in nature.

## 7. Next Meeting

The next Committee of Adjustment meeting is scheduled on December 6, 2022 at 7:30 a.m.

## 8. Adjournment

The meeting was adjourned at 8:14 a.m.

  
Chairman- Dave Cozens

  
Acting Secretary-Treasurer –  
Janine Mastronardi