

AMHERSTBURG COMMITTEE OF ADJUSTMENT

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

Also Present: Janine Mastronardi, Acting Secretary-Treasurer, Kevin Fox, Clerk,
Chris Aspila, Manager of Planning Services

1. Call to Order

The Chair, David Cozens, called the meeting to order at 7:31 am 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 November 1, 2022 Committee of Adjustment meeting.

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

Moved by: Josh Mailloux

Seconded by: Anthony Campigotto

| | 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/31/22–Jason & Katarzyna Aqwa- 1963 Front Rd N (Roll No. 3729-500-000-34800)

Public in Attendance: Katarzyna Aqwa, Applicant

Purpose of Minor Variance Application A/31/22: The applicants are currently constructing a new single detached dwelling on the subject parcel. Through the construction process it has been noted that the air conditioning unit will be 0.6 m from the interior side yard.

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(32)(a)(viii) which permits an air conditioning unit encroach 1.5 m into any required yard provided the projection is no closer than 0.9 m to the lot line.

Therefore, the amount of relief requested is 0.3 m in interior side yard setback for an air conditioning unit.

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

- i) Letter dated November 28, 2022, from Essex Region Conservation Authority
- ii) Letter dated November 28, 2022 from County of Essex
- iii) Planning Report dated November 29, 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. Katarzyna Aqwa, Applicant was present to represent the applicant and the public in attendance. Janine Mastronardi read the purpose of the application. Ms. Aqwa explained the concept of the application. The air conditioning unit size was unknown when the plans were created for the new construction. After framing was completed the setback deficiency was noted. A fence will be built along the portion of the north property line where the unit will be located.

A. Campigotto noted that the setback of the proposed air conditioning unit is quite far back from the neighbouring house and would not cause a nuisance to the neighbours. The Chair concurred.

Discussion ensued regarding requesting the Building department to require the air conditioning unit location to form part of the site plan submitted for building permit issuance. The request is to avoid potential future minor variance requests.

The following resolution was put forth:

That application A/31/22 be approved to grant relief of is 0.3 m in interior side yard setback for an air conditioning unit to permit a 0.6 m setback from the north property line for the air conditioning unit.

Moved by: Anthony Campigotto

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 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.

6.2 Applications B/30/22 & B/31/22 – Amherstburg Storage (Greg Mailloux), c/o Jackie Lassaline, Agent- 438 Alma St. (Roll No. 3729-350-000-01700)

Public in Attendance: Jackie Lassaline, Agent on the application

Purpose of Consent Application B/30/22: The applicant is proposing to sever a parcel of land being 81.843 m in width by 190.5 m \pm depth with an area of 15,552.6 sq m for purposes of a lot addition to merge with 25 Renaud Street. The remaining parcel being 81.226 m \pm frontage by a 101.585 m \pm depth with an area of 8245 sq m contains one building used as a carwash.

Purpose of Consent Application B/31/22: The applicant is proposing to sever a parcel of land being 39.026 m frontage by 101.585 m depth with an area of 3960.5 sq m for purposes of creating a new industrial lot. The remaining parcel being 42.2 m frontage by a 101.546 m \pm depth with an area of 4284.6 sq m contains one building used as a carwash. The subject lands are designated Special Industrial in the Town's Official Plan and zoned Special Provision Special Industrial (SI-1) Zone in the Zoning By-law 1999-52.

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

- i) Letter dated November 28, 2022, from Essex Region Conservation Authority
- ii) Email dated November 30, 2022 from Infrastructure Services
- iii) Planning Report dated November 29, 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. Jackie Lassaline, Agent on the application was present to represent the applicant. Janine Mastronardi read the purpose of the application. Jackie Lassaline explained the concept of the application. The proposed lot addition is intended to facility an expansion of the existing storage yard located at 25 Renaud Street which will also go through site plan control. The proposed new lot will be subject to site plan control for any new development proposed. There are no plans for proposed severed lot at this time. The proposed retained parcel is large enough to allow for a future expansion of the existing car wash.

The proposed conditions of consent were read aloud. Discussion ensued regarding the conditions and clarifying the wording used. The Chair confirmed with the applicant that the proposed conditions of consent were understood and J. Lassaline confirmed understanding.

The following resolutions were put forth:

That application B/30/22 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 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. 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.
- 4. That prior to the stamping of deeds the applicant is to provide satisfactory

evidence that the merging parcels identified as Parts 1 and 2 on the draft reference plan are under consolidation.

5. That all property taxes be paid in full.
6. All downspouts from any new structure must not be connected into lot subdrains; downspouts must be constructed to splash onto the adjacent ground.
7. That the existing development agreement for 25 Renaud Street dated June 26, 2000 be amended to reflect the change in the legal description subsequent to the consent prior to the stamping of the deeds.
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: Don Shaw
Seconded by: Terris Buchanan

-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.

That application B/31/22 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; a 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. That the parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds for the severed parcel.
5. That the property owner install separate water services and sanitary and storm sewer connections to the severed lot in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
6. That the applicant must install a culvert and/or curb cut and driveway access to the severed parcel to the satisfaction of the municipality prior to the stamping of deeds.
7. 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.
8. All downspouts from any new structure must not be connected into lot subdrains; downspouts must be constructed to splash onto the adjacent ground.
9. That the applicant ensures the severed and retained properties maintain their own drainages so to not affect neighbouring properties.

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.

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.

6.3 Application B/32/22–Pacitti Contracting Company Inc., c/o Dillon Consulting Limited, Agent - 580 Middle Sideroad (Roll No. 3729-460-000-01100)

Public in Attendance: Melanie Muir, Agent

Purpose of Consent Application B/32/22: The applicant is proposing to sever a parcel of land being 47.9 m frontage on Concession 2 North by 101.8 m depth with an area of 0.48 ha for purposes of creating a new lot together with an easement for reciprocal access, parking and servicing between the severed and retained lands. The remaining parcel being 58.1 m frontage on Concession 2 N by an irregular depth with an area of 0.97 ha contains two commercial buildings with associated parking and stormwater management pond. The subject lands are designated Neighbourhood Commercial in the Town's Official Plan and zoned Special Provision Commercial Neighbourhood/Residential Type 1A (CN-12/R1A) Zone in the Zoning By-law 1999-52.

The applicant has concurrently applied for a zoning by-law amendment to address site-specific zoning requirements for the severed parcel. Together in this application, a reduced interior side yard setback is being requested for the proposed retained parcel.

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

- i) Letter dated November 29, 2022 from Essex Region Conservation Authority
- ii) Email dated November 30, 2022 from Infrastructure Services
- iii) Email dated November 28, 2022 from John Valaris
- iv) Email dated November 30, 2022 from Domenic Varacalli
- v) Planning Report dated November 30, 2022, from Janine Mastronardi, Acting Secretary-Treasurer

Committee Discussion: Prior to any discussion ensuing A. Campigotto advised that the statutory requirement for a notification sign being posted was not met. Therefore the application cannot be heard at this meeting and must be deferred.

The following resolution was put forth:

That application B/32/22 be deferred.

Moved by: Anthony Campigotto
Seconded by: Terris Buchanan

-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 statutory requirement for posting signage was not complied with, the application must be deferred to a future meeting to allow for all statutory requirements for providing notice may be complied with.

7. Next Meeting

The next Committee of Adjustment meeting is scheduled on January 11, 2023 at 7:30 am.

8. Adjournment

The meeting was adjourned at 8:27 a.m.


Chairman- Dave Cozens


Acting Secretary-Treasurer –
Janine Mastronardi