



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 11, 2023
Author's Phone: 519 736-5408 ext. 2134	Date to Council: April 24, 2023
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Deeming By-law for a Portion of Plan 1131

1. **RECOMMENDATION:**

It is recommended that:

1. **By-law 2023-055**, being a by-law to deem a portion of Registered Plan 1131 not to be lands on a Registered Plan of Subdivision for the purposes of Section 50(3) of the Planning Act, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

2. **BACKGROUND:**

Jacob and Anne Koehl are proposing the construction of one single detached dwelling on two whole lots, Lots 22 and 24, within a plan of subdivision Plan 1131. The Koehl's have requested that the municipality pass a by-law deeming their property not to be lands on a Registered Plan of Subdivision for the purposes of Section 50(3) of the Planning Act. This will allow the subject lands to merge for purposes of constructing the single detached dwelling.

3. **DISCUSSION:**

It is appropriate for the Town to enact a by-law pursuant to Subsection 50(4) of the Planning Act deeming Lots 22 and 24 on Plan 1131 to no longer be a registered plan of subdivision for purposes of Subsection 50(3) of the Planning Act. Without the enactment of this by-law, the proposed single detached dwelling would not comply with the Zoning By-law provisions relative to interior side yard requirements because the structure is crossing the lot line. The merging of these lands will address this non-compliance. In

order to achieve a merger it is necessary to enact a by-law pursuant to Subsection 50(4) of the Planning Act which deems Lots 22 and 24 on Plan 1131 to no longer be a registered plan of subdivision for purposes of Subsection 50(3) of the Planning Act.

4. **RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.

5. **FINANCIAL MATTERS:**

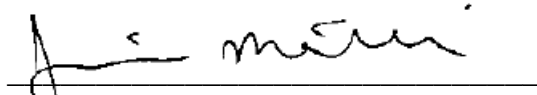
N/A

6. **CONSULTATIONS:**

The Manager, Environmental Services was consulted and expressed no issues with the servicing of the lot.

7. **CONCLUSION:**

The enactment of By-law 2023-055 will satisfy the interior side yard non-compliance issue.



Janelle Mastronardi
Planner

Report Approval Details

Document Title:	Deeming By-law for a Portion of Plan 1131.docx
Attachments:	- Appendix A- Lots 22 and 24, Plan 1131- Aerial.pdf - Appendix B- 2023-055- Deeming By-law- Portion of Plan 1131- DRAFT.pdf
Final Approval Date:	Apr 18, 2023

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

No Signature found

Chris Aspila



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox