

**AMHERSTBURG COMMITTEE OF ADJUSTMENT**

**Wednesday, March 1, 2023, 8:00 AM**

**MINUTES**

- Present: D Cozens, D. Shaw, T. Buchanan, A. Campigotto
- Absent: J. Mailloux (with notice)
- Also Present: Janine Mastronardi, Acting Secretary-Treasurer, Kevin Fox, Clerk, Chris Aspila, Manager, 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 February 1, 2023 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	Absent	Absent
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

**6. Order of Business**

**6.1 Application B/07/23 – Tomi & Tina Hulkkonen  
837 Front Road North (Roll No. 3729-420-000-15800)**

**Public in Attendance:** Tomi Hulkkonen

**Purpose of Minor Variance Application B/07/23:** The applicant is proposing to sever a parcel of land being 20 m frontage by 94 m depth  $\pm$  with an area of 1880 sq m  $\pm$  for purposes of creating a new residential building lot. The remaining parcel being 30.75 m frontage by an irregular depth with an area of 2946.23 sq m  $\pm$  contains one single detached dwelling and one accessory structure. The subject lands are designated Low Density Residential in the Town's Official Plan and zoned Residential Type 1A (R1A) Zone in the Zoning By-law 1999-52.

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

- i) Letter dated February 22, 2023, from Essex Region Conservation Authority
- ii) Letter dated February 21, 2023 from County of Essex
- iii) Email dated February 16, 2023 from the Fire Department
- iv) Planning Report dated February 23, 2023, 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. Tomi Hulkkonen, Applicant, was present to represent the applicant. Janine Mastronardi read the purpose of the application. Tomi Hulkkonen explained the concept of the application. It was noted that a similar application was brought forward last year for a new lot however the lot configuration was no longer desirable. The applicant is now proposing the severed parcel extend the full length of the property. The Chair noted the revised application is the preferable to the original application.

The following resolution was put forth:

**That application B/07/23 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 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 access to the proposed severed lot be provided prior to the stamping of the deeds. That an access permit be obtained for the newly created lot from the County of Essex and any other requirements to their satisfaction, prior to the stamping of the deeds. The access shall be provided to the satisfaction of the municipality.
- 5. That the applicant installs separate water services, 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 be required to undertake a lot grading plan for the severed lot to the satisfaction of the municipality.
- 7. That the decision of the Committee of Adjustment made on February 1, 2022

regarding consent file B/01/22 be considered null and void.

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: Terris Buchanan  
Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	Absent	Absent
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.

**6.2 Application A/04/23 – Precision Plastics, a Division of Windsor Mold Inc., c/o D.C. McCloskey Engineering Ltd., Agent  
95 Victoria St. N (Roll No. 3729-280-000-00100)**

**Public in Attendance:** Brad Lowery, Canadian Operations Manager of Precision Plastics

**Purpose of Minor Variance Application A/04/23:** The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 22(3)(c)(iii) which requires a minimum side yard width of 3 m for lots abutting an industrial zone in a Heavy Industrial (HI) Zone. The subject property is zoned Heavy Industrial (HI) in the Town's Zoning By-Law and is designated Heavy Industrial and Woodlot in the Town's Official Plan.

The applicant has constructed a Britespan storage building with a 1 m interior side yard width on the north side of the property abutting a Town right-of-way. Therefore, the amount of relief requested is 2 m in interior side yard width.

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

- i) Letter dated February 22, 2023, from Essex Region Conservation Authority
- ii) Email dated February 24, 2023 from Building Department
- iii) Email dated February 16, 2023 from the Fire Department
- iv) Planning Report dated February 23, 2023, 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. Brad Lowery was present to represent the application. Janine Mastronardi read the purpose of the application. Brad Lowery explained the concept of the application. The building is used for manufacturing and warehousing of their products. The Britespan building is needed to provide a 41 ft x 197 ft covered storage area for the storage of empty metal racks which cannot be outside uncovered. An addition to the warehouse on the east side of the building is proposed to be constructed at a future date.

It was confirmed for the Committee that the right-of-way to the north of the subject property was owned by the Town. Discussion ensued regarding the property's existing building and their contents. Mr. Lowery advised the silos on the property contained resin and plastic pellets. There is one silo that encroaches onto the Town ROW, there is an existing encroachment agreement with the Town to permit the encroachment.

Discussion ensued regarding requirements for a fire hydrant. It was noted that all Ontario Building Code requirements for any future addition will be addressed during the site plan control process. It was noted that the proposed variance allows for an increased setback between the Britespan building and the main structure to ensure compliance with Building Code setback requirements.

The following resolution was put forth:

**That application A/04/23 be approved** subject to the following conditions:

1. That a building permit be obtained for the Britespan building from the municipality.
2. That a drainage plan be approved 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	Absent	Absent
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.

**7. Next Meeting**

The next Committee of Adjustment meeting is scheduled on April 5, 2023 at 8:00 a.m.

**8. Adjournment**

The meeting was adjourned at 8:30 a.m.

  
Chairman- Dave Cozens

  
Acting Secretary-Treasurer –  
Janine Mastronardi