

AMHERSTBURG COMMITTEE OF ADJUSTMENT

Wednesday, April 5, 2023, 8:00 AM

MINUTES

Present: D Cozens (via Zoom, left early), D. Shaw, Vice Chair, T. Buchanan, A. Campigotto, J. Mailloux

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

1. Call to Order

The Vice Chair, Don Shaw, called the meeting to order at 8:00 a.m. and performed introductions of the Committee members and administration.

2. Roll Call

The Vice Chair completed the roll call for the meeting.

3. Land Acknowledgement

The Vice 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

A. Campigotto declared a conflict with Item 6.4 and 6.8 due to a close commercial relationship with Arch Corporation Inc.

D. Cozens declared a conflict with item 6.2 due to proximity of residence to the subject property, received notice of application so within the impacted area.

5. Adoption of Minutes

The Vice Chair requested comments on the adoption of minutes of March 1, 2023 Committee of Adjustment meeting.

Moved by: Terris Buchanan

Seconded by: Anthony Campigotto

That the Minutes of the Committee of Adjustment Meeting of March 1, 2023 **BE ADOPTED** as presented.

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	

Donald Shaw (VC)	X	
David Cozens (CH)	X	

-Motion Carried-

6. Order of Business

6.1 Application A/06/23 – Todd and Suzanne Lauzon-1372 Concession 2 N (Roll No. 3729-460-000-09720)

Public in Attendance: Todd and Suzanne Lauzon, Applicants

Purpose of Minor Variance Application A/06/23: The applicant is proposing the construction of an accessory structure being 72 ft x 32 ft, 2304 sq ft with a height of 5.55 m (18.167 ft) on the subject property. There is an existing house with an approximate footprint of 3100 sq ft and an existing 512 sq ft accessory structure on the parcel. The total accessory structure lot coverage proposed is 261.6 sq m (2816 sq ft) or 6.9%.

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(b) which permits a maximum lot coverage of 10% of the lot area for accessory structures up to a maximum of 185 sq m (1991 sq ft) in a Residential Type 1A (R1A) Zone. Therefore, the amount of relief requested is 76.6 sq m (825 sq ft) in accessory structure lot coverage.

The applicant is also requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which states “no accessory building or structure in any zone other than an Industrial or Agricultural zone shall exceed 5.5 metres in height measured to the peak of the roof for any accessory structure.” Therefore, the amount of relief requested is 0.05 m in accessory structure height.

The subject property is designated Low Density Residential in the Town’s Official Plan and Residential Type 1A (R1A) in the Town’s Zoning By-Law.

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

- i) Letter dated March 27, 2023, from Essex Region Conservation Authority
- ii) Email dated March 23, 2023 from Essex Powerlines
- iii) Email dated March 29, 2023 from Infrastructure Services
- iv) Email dated March 23, 2023 from Building Services
- v) Email dated April 2, 2023 from Matt Stoyanovich, 1352 Concession 2 N (late submission, did not form part of the agenda, read aloud into the meeting record)
- vi) Planning Report dated March 30, 2023, from Janine Mastronardi, Secretary-Treasurer

Committee Discussion: The Vice Chair introduced the application and asked if there were any members of the public present for this application, there were none. Todd and Suzanne Lauzon, Applicants, were present to represent the applicant. Janine Mastronardi read the purpose of the application. Todd Lauzon explained the purpose of the application. A storage garage is proposed to be used as a workshop and for personal storage of a few classic cars. J. Mastronardi read the written correspondence dated April 2, 2023 from Matt Stoyanovich, 1352 Concession 2 N into the record. D. Cozens noted that with the depth of the property the request is reasonable. Several requests along second concession have been approved by the Committee. Support was expressed for the application subject to a drainage condition. It was confirmed that sufficient setback from the Essex Terminal Railway was provided. Discussion ensued regarding the wording

of the condition.

The following resolution was put forth:

Moved by: Dave Cozens

Seconded by: Anthony Campigotto

That application A/06/23 be approved subject to the following conditions:

1. That the approved stormwater collection system for the area of construction of the proposed accessory structure at Municipal No. 1372 be captured and conveyed to a sufficient outlet (the Wilfred Bondy Drain), and to the approval of the CBO, where no adverse effects are caused to any adjacent lands regarding stormwater flows subsurface or surface and where disputable under Common Law.

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

-Motion Carried-

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 Application A/07/23-Sue Pillon, c/o Drew Coulson, Agent – 490 Dalhousie St. (Roll No. 3729-040-000-01600)

Public in Attendance: Sue Pillon, Applicant and Drew Coulson, Agent

Purpose of Minor Variance Application A/07/23: The applicant is proposing the construction of a single detached dwelling with attached garage on the subject property. The house is proposed to have a 5.6 m front yard depth and a height of 184.992 m above Canadian Geodetic Datum.

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 9(3)(c) which requires a minimum front yard depth of 6 m in a Special Provision Residential Third Density (R3-1) Zone. Therefore, the amount of relief requested is 0.4 m in front yard depth.

The applicant is also requesting relief from Zoning By-law 1999-52, as amended, Section 9(4)(a)(3) which states “no building shall be constructed so as to be more than 5 m above 178 meters Canadian Geodetic Datum”. Therefore, the amount of relief requested is 1.992 m in height above Canadian Geodetic Datum.

The subject property is designated Low Density Residential in the Town’s Official Plan and Special Provision Residential Third Density (R3-1) in the Town’s Zoning By-Law.

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

- i) Letter dated March 27, 2023, from Essex Region Conservation Authority
- ii) Email dated March 23, 2023 from Building Department
- iii) Email dated March 29, 2023 from infrastructure Services

- iv) Email dated March 23, 2023 from Essex Power
- v) Email dated March 28, 2023 from Mark Girard, 475 Dalhousie Street
- vi) Email dated March 30, 2023 from Bryan Barresi
- vii) Letter dated March 27, 2023 from Bert Cozens, 483 Dalhousie Street
- viii) Email dated April 3, 2023 from Lori Farmer, 499 Dalhousie Street and Bryan Vincent, 495 Dalhousie Street (late submission, did not form part of the agenda, read aloud into the meeting record)
- ix) Emails dated April 2, 2023 and April 3, 2023 from Barbara Cozens (late submission, did not form part of the agenda, read aloud into the meeting record)
- x) Letter dated April 2, 2023 from Dr. Frank Lovell and Penny Lovell, 504 Dalhousie Street (late submission, did not form part of the agenda, read aloud into the meeting record)
- xi) Planning Report dated March 31, 2023, from Janine Mastronardi, Secretary-Treasurer

Committee Discussion: As per the disclosure of interest noted above, Member Dave Cozens, attending via Zoom, muted his microphone and did not participate in the discussion or vote for this agenda item.

The Vice Chair introduced the application. Janine Mastronardi read the purpose of the application. Sue Pilon, Applicant and Drew Coulson, Agent on the application were present to represent the application.

Drew Coulson explained the concept of the application. The house was designed based on a footprint provided the proposed design of the proposed dwelling has a studio type roof with a 3:12 pitch. The way the Zoning By-law interprets the roof similar to a flat roof measuring to the peak rather than measurements of height for cottage type roof is the midpoint of the roof. The style of the roof requires the request for relief in height similar to variances granted for 574 and 578 Dalhousie Street. Believes the proposed structure height fits within the massing of the neighbourhood.

D. Coulson explained the reasoning behind the request for the front yard setback relief request. ERCA has provided setbacks from the boat well and break wall, compliance with these setbacks pushes the house forward 0.4 m into the required front yard setback resulting in the request for the minor variance.

The Vice Chair asked if there were any members of the public present for this application, there were none. Correspondence received after the agenda was prepared was read aloud into the meeting record. These included correspondence from Lory Farmer and Bryan Vincent, Barbara Cozens and Dr. Frank Lovell and Penny Lovell.

T. Buchanan requested an answer to a question brought up in the correspondence read aloud regarding the proposed width of the driveway at 490 Dalhousie. J. Mastronardi provided that the Zoning By-law permits a maximum width of a driveway to be up to 50% of the lot frontage to a maximum of 9 m. The applicant has confirmed they will comply with the zoning provision and not exceed the permitted driveway width.

A. Campigotto advised that on a drive-by inspection prior to the meeting he counted 10 vehicles on west side of street parked with a portion of their vehicle on the public right-of-way. Dalhousie being a 40 ft ROW. The west side of the road has issues with parking. As per a topographic survey provided the house to the north of applicant is at the 6 m required setback. A. Campigotto advised the Committee that he used an electronic device to measure setbacks of houses along the west side of Dalhousie and all complied with the setback requirements and many exceed the minimum. Therefore, the request

would be unique and he would not be able to support the variance request for front yard setback relief. It was noted that previous minor variance requests for height have been approved by the committee. A. Campigotto questioned if there were any applications for minor variance on Dalhousie Street which were denied or appealed to the board or tribunal and if so what was the outcome? There were questions with respect to side yard clearances, the architect has provided on the site plan that the north side will have 5ft clearance and the south side will have a 5'8" clearance to foundation. The member questioned administration if a variance would be required for the wall projection on the south side which will overhang to 3'7" to the property line and was advised that a variance would not be required as it was in compliance with the Zoning By-law.

T. Buchanan was in agreement with what Member A. Campigotto has provided. It was mentioned that the Committee approved a variance for the property across the street at 487 and 491 Dalhousie Street for two secondary dwelling units are proposed so there would be increased traffic on the road. T. Buchanan noted that when travelling down this portion of Dalhousie Street cars are always parked right up to the right-of-way so do not like the idea of moving the house closer to the road. No concerns with height requirement.

C. Aspila provided comments with respect to previous applications and comments from A. Campigotto regarding OLT appeals and with respect to heritage design. This property is not within the designated area for heritage characteristics. There are no special provisions for the design of structures on the property. There are no protections for character of heritage features. In concert with the Secretary-Treasurer research was done with respect to variances granted in the neighbourhood. There were two to the north of similar nature for height that were approved by the Committee. C Aspila advised that he was not aware of any appeals for similar variance requests along the street. C. Aspila also advised that appeals to the Ontario Land Tribunal that are against administration's recommendation cost the Town approximately \$10,000. This was provided as an information item on potential financial implications for the Town of Amherstburg should the Committee's decision be different from Administration's recommendation.

D. Coulson acknowledged the comments and expressed understanding of comments received. The committee

The Vice Chair shared the information provided by the Secretary Treasurer on an investigation of previous minor variances on the west side of Dalhousie Street. It was confirmed that 574 and 578 Dalhousie both received relief in height by the Committee, 574 Dalhousie relief was granted in 2012 and 578 Dalhousie relief was granted in 2011. The midline of the two houses would be at a similar height to the proposed height at 491 Dalhousie. There does not appear to be any variances provided for relief from front yard setback on the Dalhousie Street, 476 Dalhousie appears to be the same setback as the proposal.

J. Mailloux noted that the streetscape will not be negatively affected by the proposal. It was noted that the some of the existing driveways along Dalhousie Street do have planter boxes, brush or shrubs between the driveway and the structure thus shortening the length of the parking are within the front yard setback less than the required 6 m. A question was put forward if the variance is approved then can a restriction be put in place stating that nothing, decorative or landscaping, can be within the required setback in the full width of the driveway. Member Mailloux expressed that this variance would not be precedent setting because this property is a one-time scenario with the location of the break wall. He would be okay with supporting the request for relief.

J. Mastronardi advised that the variance relief can be subject to a condition worded to address this item, the parking area to be obstruction free the full length of the driveway.

D. Shaw asked the Secretary Treasurer if parking could be located on the property the full width of the lot. It was noted that several properties along Dalhousie street have their full frontage paved and used for parking. J. Mastronardi advised that parking in the front yard is permitted in the driveway and that the minimum landscaped open space must be maintained on the property. The current zone provisions permitting driveways for single

detached dwellings to be 50% of the lot frontage up to a maximum of 9 m is a relatively new provision added to the ZBL when the ROW permit process was put in place. The existing driveways which extend the full width of the frontage may have been installed prior to this provision or prior to amalgamation under the previous zoning by-law. Clerk, K. Fox noted that the driveway approach is what is regulated by the zone provision.

The following resolution was put forth:

Moved by: Josh Mailloux
 Seconded by: Terris Buchanan

That application A/07/23 be approved as presented subject to the following condition;
 1. That the full 5.6 m of setback within the full length of the driveway remain free of any obstruction permanent or temporary.

An incidental motion was put forth;

That the motion BE DIVIDED into two separate votes, one for each variance request.

Moved by: Terris Buchanan
 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)	Conflict	Conflict

-Motion Carried-

The following resolutions were put forth:

Moved by: Terris Buchanan
 Seconded by: Anthony Campigotto

That application A/07/23 be approved to grant relief of 1.992 m in height above 183 m Canadian Geodetic Datum.

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

-Motion Carried-

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.

Moved by: Josh Mailloux
 Seconded by: Anthony Campigotto

That application A/07/23 be approved to grant 0.4 m of relief in front yard depth subject to the following condition;
 1. That the full 5.6 m of setback within the full length of the driveway remain free

of any obstruction permanent or temporary.

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

-Motion Failed-

Reasons of Committee- The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is concerned that the proposed reduction in front yard depth will not be in keeping with the neighbourhood and will provide safety concerns with regard to parking.

The vote was split with a 2:2 vote, the motion failed. K. Fox advised either a new motion be brought forward or the variance is denied. Discussion ensued regarding potentially deferring the variance request to allow for negotiations with ERCA. J. Mastronardi advised that if ERCA allows for a decreased setback from the break wall a variance would not be required. It was determined that there was no additional information that could be provided to the Committee that would affect the way the members voted

No further motions were put forward.

D. Cozens rejoined the meeting.

6.3 Application A/08/23 – Brian Kollin, c/o Britni Goulet, Agent – 4707 Concession 4 S (Roll No. 3729-580-000-00800)

Public in Attendance: Brian Kollin and Britni Goulet, Applicants

Purpose of Minor Variance Application A/08/23: The applicant is proposing the construction of an accessory structure being 45.67 ft x 61.67 ft, 2816 sq ft, on the subject property which will contain a 667 sq ft secondary dwelling unit and personal storage area. The subject property is 20,195.6 sq ft in area.

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(b) which permits, “in the Agricultural Zone the total lot coverage of all non-farm accessory use structures are permitted to a maximum of 10% of the lot area”.

The proposed accessory structure will have a 2816 sq ft footprint, resulting in a 13.95% accessory structure lot coverage. Therefore, the amount relief requested is 3.95% (796.9 sq ft).

The applicant is also requesting relief from Zoning By-law 1999-52, amended, Section 3(3)(f)(d) which states, “accessory structure which contain a secondary dwelling unit must be located in the rear yard or an interior side yard; and be subordinate in size to the main dwelling.”

The proposed secondary dwelling unit will be within an accessory structure with a footprint of 2816 sq ft. The main dwelling on the property has a footprint of 2027 sq ft. Therefore, permission is requested for a 667 sq ft secondary dwelling unit (inclusive of the covered porch area) to be located within an accessory structure which is larger in size than the main dwelling.

The subject property is designated and zoned Agricultural in the Town’s Official Plan and Zoning By-Law.

The following correspondence was received from the various agencies and residents

circulated:

- i) Letter dated March 27, 2023, from Essex Region Conservation Authority
- ii) Letter dated March 23, 2023 from Essex Powerlines
- iii) Email dated March 29, 2023 from Infrastructure Services
- iv) Email dated March 23, 2023 from Building Services
- v) Planning Report dated March 30, 2023, from Janine Mastronardi, Secretary-Treasurer

Committee Discussion: The Vice 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. Brian Kollin and Britni Goulet, Applicants, were present to represent the application. Their mother/mother-in-law will be living in the secondary dwelling unit (SDU). The house does not have a basement so the remainder of the structure will be used for personal storage. A drainage plan is prepared and will be implemented to ensure there are no drainage issues.

T. Buchanan has no objection to the application. Requested confirmation from administration that an SDU or the structure the SDU is in must be within 20 m of the primary dwelling. J. Mastronardi confirmed that the structure that the SDU is within must be within 20 m of the primary dwelling. The proposed application does comply with this provision of the Zoning By-law. Confirmation was provided that the additional bathroom facilities in the accessory structure were a permitted use. A. Campigotto noted the same concern and confirmed the accessory structure complied with the Zoning By-law provisions.

Discussion ensued regarding the proposed conditions to ensure the SDU does not expand into the accessory structure resulting in being larger than the primary dwelling. The conditions were reviewed by J. Mastronardi. The mover and the seconder confirmed agreement with the recommended conditions.

The following resolution was put forth:

Moved by: David Cozens
 Seconded by: Anthony Campigotto

That application A/08/23 be approved subject to the following conditions:

- (i) That the applicant maintains grading around the proposed structure to ensure drainage does not adversely affect neighbouring properties including the installation of overhangs and downspouts.
- (ii) That the secondary dwelling unit does not exceed the proposed 667 sq ft (inclusive of the covered porch area) footprint.

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

-Motion Carried-

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.

6.4 Application A/09/23 – Debbie Ferrari, c/o Keith Waters, Agent – 65 Hilton Crt. (Roll No. 3729-420-000-18505)

Public in Attendance: Keith Waters, Agent

Purpose of Minor Variance Application A/09/23: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 5(3)(g) which permits a maximum lot coverage of 35% in a Residential First Density (R1) Zone. The subject property is designated Low Density Residential in the Town's Official Plan and Residential First Density (R1) in the Town's Zoning By-Law.

The applicant has constructed a 12 ft x 14 ft shed with attached 12 ft x 11 ft covered patio area with a total area of 300 sq ft on a subject lot that is 7925.7 sq ft with a house footprint of 34.95% (2770 sq ft). The proposed total lot coverage of the house and shed is 38.75% (3070 sq ft).

Therefore, the amount of relief requested is 3.75% (296 sq ft) in total lot coverage.

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

- i) Letter dated March 27, 2023, from Essex Region Conservation Authority
- ii) Letter dated March 23, 2023 from Essex Powerlines
- iii) Email dated March 29, 2023 from Infrastructure Services
- iv) Email dated March 23, 2023 from Building Services
- v) Email dated April 3, 2023 from Sam Yiannopoulos and Natasa Kolakovic, 69 Hilton Court (late submission, did not form part of the agenda, read aloud into the meeting record)
- vi) Planning Report dated March 28, 2023, from Janine Mastronardi, Secretary-Treasurer

Committee Discussion: The Vice Chair introduced the application and asked if there were any members of the public present for this application, there were none. Janine Mastronardi read the purpose of the application. Keith Waters, Agent on the application, was present to represent the applicant. K. Waters explained the concept of the application. It was noted that when the original structure was built the Building department was consulted and they were advised a building permit was not required. They were not aware that there were any lot coverage overages. The covered area was added under the assumption that Amherstburg zoning provisions were the same as neighbouring municipality in that covered patio areas did not count towards lot coverage or require permits. Once the non-compliance was brought to the owner's attention the minor variance application was submitted. Eaves troughs have been installed and are routed to a rear yard drain.

Discussion ensued regarding the application and the history on how/when/why the structure was constructed.

The following resolution was put forth:

Moved by: David Cozens
Seconded by: Terris Buchanan

That application A/09/23 be approved subject to the following conditions:

- (i) That the applicant maintains grading around the proposed structure to ensure drainage does not adversely affect neighbouring properties including the installation of overhangs and downspouts.

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

-Motion Carried-

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.

Dave Cozens left the meeting at this time.

6.5 Application A/12/23 – Arch Corporation Inc., c/o MHBC Planning, Agent – 140 Fryer St. (Roll No. 3729-100-000-00102)

Public in Attendance: Rachel Wolff, Agent on the application

Purpose of Minor Variance Application A/12/23: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 24(3)(i) which permits a maximum height of 10 m for structures in an Institutional (I) Zone. The subject property is designated and zoned Institutional in the Town’s Official Plan and Zoning By-Law.

The applicant is proposing the construction of a three storey, 160 bed long term care facility with a height of 11.41 m. Therefore, the amount of relief requested is 1.41 m in height.

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

- i) Letter dated March 27, 2023, from Essex Region Conservation Authority
- ii) Letter dated March 23, 2023 from Essex Powerlines
- iii) Email dated March 29, 2023 from Infrastructure Services
- iv) Email dated March 23, 2023 from Building Services
- v) Email dated March 31, 2023 from Planner III
- vi) Planning Report dated March 29, 2023, from Janine Mastronardi, Secretary-Treasurer

Committee Discussion: As per the disclosure of interest noted above, Member Anthony Campigotto did not participate in the discussion or vote for this agenda item.

The Vice Chair introduced the application and asked if there were any members of the public present for this application, there were none. Janine Mastronardi read the purpose of the application. Rachel Wolff, MHBC Planning, Agent on the application, was present to represent the applicant. R. Wolff explained the concept of the application. Acknowledged condition for landscape buffer area and are happy to satisfy the added condition.

The following resolution was put forth:

Moved by: Terris Buchanan
 Seconded by: Josh Mailloux

That application A/12/23 be approved subject to the following conditions:

- (i) That further landscape elements be introduced along the North property line consisting of a mix of coniferous and deciduous trees, in addition to the proposed low shrubs/plantings.

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

-Motion Carried-

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.

A. Campigotto rejoined the meeting.

6.6 Application B/10/23 & A/11/23 – Forward Properties Group – 909 Concession 2 N (Roll No. 3729-410-000-03055)

Public in Attendance: Vlad Maevskiy, Applicant

Purpose of Consent Application B/10/23: The applicant is proposing to sever a parcel of land being 18.26 m ± frontage by 80.42 m ± depth with an area of 1468.5 sq m ± for the purpose of creating a residential building lot. The remaining parcel being 19.82 m ± frontage by 80.42 m ± depth with an area of 1593.9 sq m ± contains one single detached dwelling. The two existing accessory structures that cross the proposed property line will be demolished.

Purpose of Minor Variance Application A/11/23: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 6(3)(a) which requires a minimum lot area of 1800 sq m for lots created in an Residential Type 1A (R1A) Zone without municipal services and Section 6(3)(b) which requires a minimum lot frontage of 20 m for lots created in a Residential Type 1A (R1A) Zone.

Subsequent to a severance for lot creation the severed parcel will have a lot area of 1468.5 sq m ± and a lot frontage of 18.26 m ±. Therefore, the amount of relief requested is 331.5 sq m ± in lot area and 1.4 m ± in lot frontage for the severed parcel.

The retained parcel will have a lot area of 1593.9 sq m and a lot frontage of 19.82 m. Therefore, the amount of relief requested is 206.1 sq m in lot area and 0.18 m in lot frontage for the retained parcel.

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

- i) Letter dated March 27, 2023, from Essex Region Conservation Authority
- ii) Letter dated March 23, 2023 from Essex Powerlines

- iii) Email dated March 29, 2023 from Infrastructure Services
- iv) Email dated March 23, 2023 from Building Services
- v) Email dated March 28, 2023 from County of Essex
- vi) Planning Report dated March 29, 2023, from Janine Mastronardi, Secretary-Treasurer

Committee Discussion: The Vice Chair introduced the application and asked if there were any members of the public present for this application. J. Mastronardi read the purpose of the application. Vlad Maevskiy, Applicant, was present to represent the application. V. Maevskiy explained the concept of the application. Discussion ensued regarding recommended conditions to clarify wording.

The following resolution as put forth:

Moved by: Josh Mailloux

Seconded by: Anthony Campigotto

That application B/10/23 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.
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 severed lot be serviced with municipal water in accordance with and under the supervision of the municipality at the applicant's expense.
6. That the developer be required to undertake lot grading plans for the severed and retained lots to the satisfaction of the municipality.
7. That the applicant acknowledges satisfactory to the Corporation of the Town of Amherstburg requiring that the subject property be required to hook into a sanitary sewer system when it becomes available.
8. That Council approve the development of the newly created lot on a private individual septic system, after the soil analysis and septic design for the proposed lot is completed as required. This requirement shall be fulfilled prior to the stamping of the deeds.
9. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the retained parcel 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 municipality.
10. That the applicant determine if there are any existing farm drainage tiles/systems extending through the parcel to be severed and, if existing farm drainage tiles/systems are found, that the applicant redirected the tiles/systems around the parcel to be severed to the satisfaction of the municipality prior to the severance being finalized.
11. That building permits be obtained for the demolition of the existing garage and

existing barn and that the demolition be complete to the satisfaction of the municipality prior to the stamping of the deeds.

12. 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.
13. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 6(3)(a) which requires a minimum lot area of 1800 sq m for properties without municipal services in a Residential Type 1A (R1A) Zone regarding the severed and retained parcels.
14. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 6(3)(b) which requires a minimum lot frontage of 20 m for properties in a Residential Type 1A (R1A) Zone regarding the severed and retained parcels.
15. 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.

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

-Motion Carried-

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.

Moved by: Josh Mailloux

Seconded by: Terris Buchanan

That application A/11/23 be approved.

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

-Motion Carried-

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.

6.7 Application B/11/23 – 2553207 Ontario Inc., Pillon-Abbs Inc., Agent – 689 Texas Rd. (Roll No. 3729-410-000-00900)

Public in Attendance: Tracey Pillion-Abbs, Agent

Purpose of Consent Application B/11/23: The applicant is proposing to sever a parcel of and being 186.74 m ± frontage by 88.68 m ± depth with an area of 16,688 sq m ± for the purpose of creating a new lot. The remaining parcel being 119.71 m ± frontage by an

irregular depth with an area of 42,736 sq m ± is vacant land.

The subject property is designated Recreational and Neighbourhood Commercial in the Town's Official Plan (OP) and zoned Recreation (RE) and Agricultural (A) in the Town's Zoning By-law. The lands which are the subject of consent are wholly within the Recreational OP designation and Recreation (RE) Zone.

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

- i) Letter dated March 27, 2023, from Essex Region Conservation Authority
- ii) Letter dated March 23, 2023 from Essex Powerlines
- iii) Email dated March 29, 2023 from Infrastructure Services
- iv) Email dated March 23, 2023 from Building Services
- v) Planning Report dated March 29, 2023, from Janine Mastronardi, Secretary-Treasurer

Committee Discussion: The Vice Chair introduced the application and asked if there were any members of the public present for this application, James Lajoy, 457 concession 2 N. Janine Mastronardi read the purpose of the application. Tracey Pillon-Abbs, Agent on the application, was present to represent the application. T. Pillon-Abbs advised she was happy to answer any questions the Committee may have. T. Buchanan asked what the proposed use of the land will be. T. Pillon-Abbs advised the severed parcel will remain commercial with the family fun centre building remaining. The accessory structure straddles the proposed property line and will need to be removed. The retained parcel is proposed for residential development that will require an official plan amendment, zoning by-law amendment and draft plan of subdivision. The consent is step one in the larger initiative. J. Lajoy was present to gain information on what is proposed for the property as he is an abutting land owner. T. Pillon-Abbs confirmed that the retained lands will be used for future residential, at this time it is proposed for low density single detached homes. Future public meetings will be required for part of future Planning Act application processes.

The following resolution as put forth:

Moved by: Josh Mailloux

Seconded by: Terris Buchanan

That application B/11/23 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 retained 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 a building permit be obtained for the demolition of the detached structure and that the demolition be completed, including the disconnection of municipal services, to the satisfaction of the municipality prior to the stamping of the deeds.
6. 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.

7. That the applicant determine if there are any existing farm drainage tiles/systems extending through the parcel to be severed and, if existing farm drainage tiles/systems are found, that the applicant redirected the tiles/systems around the parcel to be severed to the satisfaction of the municipality prior to the severance being finalized.
8. That the applicant ensures the property drainage from the severed parcel does not adversely 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.

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

-Motion Carried-

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.

6.8 Application B/09/23 & A/10/23 – Town of Amherstburg, - 320 Richmond St. (Roll No. 3729-210-000-00100)

Public in Attendance: Chris Aspila, Applicant

Purpose of Consent Application B/09/23: The applicant is proposing to sever a parcel of land being 150.26 ft in width by 130.91 ft in depth with an area of 19,670.54 sq ft which is vacant land for the purpose of a lot addition to merge with 140 Fryer Street to be used as lands for a stormwater pond. The remaining parcel being 335.6 ft frontage by 406.8 ft depth with an area of 2.71 ac is institutional land which contains one institutional building. The subject property is designated and zoned Institutional in the Town's Official Plan and Zoning By-law.

Purpose of Minor Variance Application A/10/23: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 24(3)(f) which requires a minimum rear yard depth of 10 m in an Institutional (I) Zone. Subsequent to a severance of a 19,670.54 sq ft lot addition the existing building on the retained parcel will have a rear yard depth of 7.86 m. Therefore, the amount of relief requested is 2.14 m in rear yard depth.

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

- i) Letter dated March 27, 2023, from Essex Region Conservation Authority
- ii) Letter dated March 23, 2023 from Essex Powerlines
- iii) Email dated March 29, 2023 from Infrastructure Services
- iv) Email dated March 23, 2023 from Building Services
- v) Planning Report dated March 29, 2023, from Janine Mastronardi, Secretary-Treasurer

Committee Discussion: As per the disclosure of interest noted above, Member Anthony Campigotto did not participate in the discussion or vote for this agenda item.

The Vice Chair introduced the application and asked if there were any members of the public present for this application, Jack Schaudenecker, 112 Victoria Street South, was present. J. Mastronardi read the purpose of the application. J. Schaudenecker requested clarification on the application and development proposed. C. Aspila advised the proposed 160 bed long term care facility development at 140 Fryer will be fronting onto Fryer Street. The lot addition is proposed to merge with 140 Fryer Street and will accommodate a stormwater management dry pond.

The following resolution as put forth:

Moved by: Terris Buchanan
 Seconded by: Josh Mailloux

That application B/09/23 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. 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 minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 24(3)(f) which requires a minimum rear yard depth of 10 metres in an Institutional (I) Zone regarding the retained parcel.
7. That the applicant acknowledges in writing that the severed parcel, once consolidated, will be subject to servicing requirements to the satisfaction of the municipality.
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.

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

-Motion Carried-

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.

Moved by: Josh Mailloux
Seconded by: Terris Buchanan

That application A/10/23 be approved.

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

-Motion Carried-

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.

A. Campigotto rejoined the meeting.

7. Next Meeting

The next Committee of Adjustment meeting is scheduled on May 3, 2023 at 8:00 a.m.

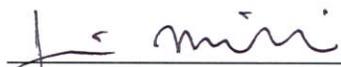
8. Adjournment

Moved by: T. Buchanan
Seconded by: A. Campigotto

That the Committee of Adjustment **ADJOURN** at 9:34 a.m.

-Motion Carried-


Vice Chairman- Don Shaw


Secretary-Treasurer –
Janine Mastronardi