

AMHERSTBURG COMMITTEE OF ADJUSTMENT

Wednesday, May 3, 2023, 8:00 AM

MINUTES

Present: D. Cozens, Chair, 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 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 April 5, 2023 Committee of Adjustment meeting.

Moved by: Anthony Campigotto  
Seconded by: Terris Buchanan

That the Minutes of the Committee of Adjustment Meeting of April 5, 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 Applications B/12/23 & A/13/23 – Raffaele and Gina Meo – 8917 Concession 8 (Roll No. 3729-470-000-04750)

**Public in Attendance:** Raffaele Meo, Applicant, Jerry Rempel, 8920 Concession 8

**Purpose of Consent Application B/12/23:** The applicant is proposing to sever a parcel of land being 58.5 m  $\pm$  frontage by 99 m  $\pm$  depth with an area of 0.58 ha  $\pm$  which includes a single detached dwelling and two accessory structures which are surplus to the needs of the farming operation. The remaining parcel being 242.7 m  $\pm$  frontage by a 682 m  $\pm$  depth with an area of 19.88 ha  $\pm$  is vacant agricultural land. The subject property is designated Agricultural Special Policy Area 21 in the Town's Official Plan and zoned Agricultural in the Town's Zoning By-law.

**Purpose of Minor Variance Application A/13/23:** The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone. Subsequent to a severance of a 0.58 ha  $\pm$  surplus dwelling from an existing 20.46 hectare parcel the retained farm parcel will have an area of 19.88 hectares. Therefore, the amount of relief requested is 20.12 hectares.

In August, 2021 B/51/21 was brought before the Committee of Adjustment for a surplus dwelling severance. The application was denied based on the request not being in conformity with Section 3.2.2(14) in regards to the date of construction of the house and the Committee also did not determine the application met the merits of a farm consolidation.

Since this time the applicant, an owner of a valid farming operation, has purchased the farm and was successful in obtaining approval of an official plan amendment to change the date of construction of a house eligible for a surplus dwelling severance. A further discussion on the OPA can be found in Section 4 below.

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

- i) Letter dated April 24, 2023, from Essex Region Conservation Authority
- ii) Email dated April 26, 2023 from Essex Powerlines
- iii) Email dated April 27, 2023 from Infrastructure Services
- iv) Email dated April 25, 2023 from Fire Department
- v) Email dated May 1, 2023 from Jerry & Bonnie Rempel
- vi) Email dated May 1, 2023 from Chris Heaton
- vii) Planning Report dated April 27, 2023, from Janine Mastronardi, Secretary-Treasurer

**Committee Discussion:** The Chair introduced the application and asked if there were any members of the public present for this application. Jerry Rempel, Concession 8, was present. J. Mastronardi read the purpose of the application. Raffaele Meo, Applicant, applicant, was present to represent the application. R. Meo explained the concept of the application, the history of the previous consent application which was denied and the process taken to ensure the current application was in compliance with all applicable policy. The farm has been purchased by the applicant. Proof of farming operation status was provided. An official plan amendment was approved by Council and the County of Essex to set the minimum construction date of a dwelling to be eligible for a surplus dwelling severance to 1994. The proposed surplus dwelling severance was built in 1997. R. Meo confirmed that the house is in good condition and the farm will remain under his operation. It was confirmed that the farm has an existing access off of Concession 8.

Jerry Rempel spoke expressing concern with future development. The Chair confirmed that as a condition of consent the retained farmland would be required to be rezoned to A-36 which restricts any future residential development.

The following resolution as put forth:

Moved by: Terris Buchanan

Seconded by: Josh Mailloux

**That application B/12/23 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; an electronic and paper 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 a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel.
5. That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property.
6. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling 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.
7. That the applicant enter into the reapportionment of the drainage assessment for the subject lands prepared by the Drainage Superintendent for in accordance with Section 65(2) of the Ontario Drainage Act, R.S.O. 1990, as amended, and provide the Town of Amherstburg, a signed agreement. The associated costs of same be borne solely by the Applicant. Apportionments for affected Municipal Drains are required and are to be assessed against the lands affected in accordance with any past, current or future drainage by-laws, until otherwise determined under the provisions of the Drainage Act.
8. That the applicant determine if there are any existing farm drainage tiles/systems extending through the parcel to be severed to the Shuell Line Municipal Drain and, if existing farm drainage tiles/systems are found, that the Owner redirected the tiles/systems around the parcel to be severed to the satisfaction of the municipality.
9. That the applicant ensures the severed and retained properties maintain their own drainage as to not affect neighbouring properties to the satisfaction of the municipality.
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.

	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 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: Anthony Campigotto

**That application A/13/23 be approved.**

	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 B/08/23 & B/14/23-Coulson Design-Build Inc. – 551 McLeod Ave (Roll No. 3729-540-000-21600)**

**Public in Attendance:** Drew Coulson, Applicant, Dan Mailloux, 557 McLeod

**Purpose of Consent Application B/08/23:** The applicant is proposing to sever a parcel of land being 15.24 m (50 ft) frontage by 32.96 m (108.13 ft) depth ± with an area of 502.28 sq m (5406.5 sq ft) ± for purposes of creating a new residential building lot. The remaining parcel being 32.96 m (108.13 ft) frontage by 55.17 m (181 ft) depth with an area of 1818.25 sq m (19,571.53 sq ft) ± contains one single detached dwelling and one accessory structure.

**Purpose of Consent Application B/14/23:** The applicant is proposing to sever a parcel of land being 15.24 m (50 ft) frontage by 32.96 m (108.13 ft) depth ± with an area of 502.28 sq m (5406.5 sq ft) ± for purposes of creating a new residential building lot. The remaining parcel being 32.96 m (108.13 ft) frontage by 39.93 m (131 ft) depth with an area of 1315.97 sq m (14,165.03 sq ft) ± contains one single detached dwelling and one accessory structure (shed to be demolished).

The severed lands are designated Low Density Residential in the Town's Official Plan and zoned Special Provision Residential Second Density (R2-9) Zone in the Zoning By-law 1999-52 as per ZBA/05/23, By-law 2023-037.

The retained 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 April 24, 2023, from Essex Region Conservation Authority
- ii) Email dated April 25, 2022 from Fire Department
- iii) Email dated April 26, 2023 from Essex Powerlines
- iv) Email dated April 27, 2023 from Infrastructure Services

- v) Email dated April 30, 2023 from Beau Valdhuis
- vi) Planning Report dated April 27, 2023, from Janine Mastronardi, Secretary-Treasurer

**Committee Discussion:** The Chair introduced the application and asked if there were any members of the public present for this application. Dan Mailloux, 557 McLeod, and Drew Coulson, Applicant, were present. Janine Mastronardi read the purpose of the application.

Drew Coulson explained the concept of the application. The purpose is to create two building lots for single detached dwellings. No minor variances are required for the creation of the lots and no minor variances are required for the proposed dwellings. T. Buchanan confirmed with the Secretary Treasurer that the zoning by-law amendment was now in force and effect. A. Campigotto noted that the lot sizes on the original plans of subdivision in this area vary greatly with many in the propose lot size range.

Dan Mailloux, 557 McLeod, expressed concern with the building lots. Proposed Lot 1 backs onto his property and there is concern with potential flooding as a result of the development of the lot. The Chair noted the concern and ensured as a condition of consent a lot grading plan would be required. This will ensure there is no stormwater runoff from the severed or retained parcels onto adjacent lands.

The written submission from Beau Valduis was read aloud into the record.

The Chair noted that the proposed lot size promotes smaller homes on smaller lots and infill on existing services.

The following resolutions were put forth:

Moved by: Terris Buchanan  
Seconded by: Josh Mailloux

**That application B/08/23 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 the applicant must install a curb cut/driveway access to the severed parcel at the applicant's expense, to the satisfaction of the municipality.
5. 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.
6. 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.
7. That the Owners enter into the reapportionment of the drainage assessment for the subject lands prepared by the Drainage Superintendent for in accordance with Section 65(2) of the Ontario Drainage Act, R.S.O. 1990, as amended, and provide the Town of Amherstburg, a signed agreement. The associated costs of same be borne solely by the Applicant. Apportionments for affected Municipal Drains are required and are to be assessed against the lands affected in accordance with any past, current or future drainage by-laws, until otherwise determined under the provisions of the Drainage Act.

- 8. That the applicant be required to undertake a lot grading plan for the severed lot 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)	X	

-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: Donald Shaw

**That application B/14/23 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 the applicant must install a curb cut/driveway access to the severed/retained parcel at the applicant's expense, to the satisfaction of the municipality.
- 5. 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.
- 6. 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.
- 7. That the Owners enter into the reapportionment of the drainage assessment for the subject lands prepared by the Drainage Superintendent for in accordance with Section 65(2) of the Ontario Drainage Act, R.S.O. 1990, as amended, and provide the Town of Amherstburg, a signed agreement. The associated costs of same be borne solely by the Applicant. Apportionments for affected Municipal Drains are required and are to be assessed against the lands affected in accordance with any past, current or future drainage by-laws, until otherwise determined under the provisions of the Drainage Act.
- 8. That the applicant be required to undertake a lot grading plan for the severed lot 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)	X	

-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.

**6.3 Application A/14/23 – Jeff Malott - 52 Willow Beach Rd. (Roll No. 3729-550-000-04025)**

**Public in Attendance:** Jeff Malott, Applicants

**Purpose of Minor Variance Application A/14/23:** The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 7(3)(g) which permits a maximum lot coverage of 30% in a Residential Type 1B (R1B) Zone. The subject property is designated Low Density Residential in the Town's Official Plan and Residential Type 1B (R1B) in the Town's Zoning By-Law. (Please note there was a typographical error on the notice stating the zoning of the property is R1A. The correct zone for the property is R1B. The section reference of Section 7(3)(g) is correct.)

The applicant is proposing the construction of a single detached dwelling with covered porch and covered patio totaling a footprint of 4302.5 sq ft on a subject lot that is 12,285 sq ft in area. The resulting proposed total lot coverage is 35%.

Therefore, the amount of relief requested is 5% in total lot coverage.

A building permit has been issued for the construction of the single detached dwelling with a foot print of 3679 sq ft, 29.9%. The permit indicates the porch and patio are uncovered and the garage is slightly reduced. If the minor variance is not approved construction of the home as applied for will be permitted. The minor variance would permit the porch and patio to be covered and the garage to be slightly extended.

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

- i) Letter dated April 24, 2023, from Essex Region Conservation Authority
- ii) Letter dated April 26, 2023 from Essex Powerlines
- iii) Email dated April 27, 2023 from Infrastructure Services
- iv) Email dated April 25, 2023 from Fire Department
- v) Email dated May 1, 2023 from Gary Bauer
- vi) Email dated April 28, 2023 from Wayne Ames
- vii) Planning Report dated April 25, 2023, from Janine Mastronardi, 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. J. Mastronardi read the purpose of the application. Jeff Malott, Applicant, was present to represent the application. The current zoning allows for 30% lot coverage, requesting 5% relief in lot coverage to permit a total of 35% lot coverage. The additional lot coverage will allow for

a larger garage and covered front porch and back patio area. The intent of the larger garage is to not require a shed in the rear yard.

Discussion ensued regarding the particulars of the site. The Chair asked for clarification on the proposed retaining wall, asking the size, depth and amount of soil it will retain. J. Malott advised the retaining wall will be 3 ft precast stone with 2 ft exposed to retain the soil. The Chair also confirmed with the applicant that two sides of the porch will remain open. A. Campigotto requested clarification of where the stormwater drains to. J. Malott explained that the drain to the north of the property drains to a 2400 mm pile that runs to the pumping station.

Written submissions from Bauer and Ames were read aloud into the record.

The following resolution was put forth:

Moved by: Josh Mailloux  
Seconded by: Donald Shaw

**That application A/14/23 be approved** subject to the following conditions:

- i) That the applicant implements the approved lot grading plan for the subject property, to the satisfaction of the municipality.

	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 Applications B/13/23 & A/16/23 – Trevor Weber, c/o Jon DiPierdomenico, Agent – 262 Simcoe St. (Roll No. 3729-140-000-02000)**

**Public in Attendance:** Jon DiPierdomenico, Agent

**Purpose of Consent Application B/13/23:** The applicant is proposing sever a new lot being 17.22 m (56.5 ft) ± frontage by 27.43 m (90 ft) depth with a total area of 472.4 sq m (5085 sq ft) ± to create a new lot which will contain a newly constructed semi-detached dwelling. The remaining parcel being 12.65 m (41.5 ft) ± frontage by 27.43 m (90 ft) depth with an area of 347 sq m (3735 sq ft) ± will contain a newly constructed semi-detached dwelling. The severance will split the semi-detached dwelling along the common wall to allow for freehold ownership of each unit.

The subject lands are designated Office Residential in the Town’s Official Plan and zoned Residential Office (RO) Zone in the Zoning By-law 1999-52.

**Purpose of Minor Variance Application A/16/23:** The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 13(3)(g) which permits a maximum lot coverage of 40% in a Residential Office (RO) Zone. Subsequent to a severance of a 347 sq m (3735 sq ft) ± which will contain a semi-detached dwelling unit the retained 347 sq m (3735 sq ft) ± parcel will have a lot coverage of 41.8%. Therefore, the amount of relief requested is 1.8%.

The following correspondence was received from the various agencies and residents



circulated:

- i) Letter dated April 24, 2023, from Essex Region Conservation Authority
- ii) Letter dated April 26, 2023 from Essex Powerlines
- iii) Email dated April 27, 2023 from Infrastructure Services
- iv) Email dated April 26, 2023 from Fire Department
- v) Planning Report dated April 27, 2023, from Janine Mastronardi, 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. J. Mastronardi read the purpose of the application. Jon DiPierdomenico, Agent on the application, was present to represent the application. J. DiPierdomenico explained the concept of the application. Discussion ensued. T. Buchanan noted that a minor variance would be required for either lot coverage or exterior side yard relief and that the request for lot coverage relief was a better option given the traffic on Simcoe Street. The Chair noted that the building was a reasonable size on the lot.

The following resolutions were put forth:

Moved by: Terris Buchanan

Seconded by: Anthony Campigotto

**That application B/13/23 be approved** subject to the following conditions:

1. That a Reference Plan of the subject property, which indicates the common wall of the semi-detached dwelling, 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 the applicant must install a curb cut/driveway access to the severed/retained parcel at the applicant's expense, to the satisfaction of the municipality.
5. 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.
6. 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.
7. That the developer be required to undertake lot grading plans for the severed and retained lots to the satisfaction of the municipality.
8. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 13(3)(g) which permits a maximum lot coverage of 40% in a Residential Office (RO) Zone regarding the retained parcel.
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)	X	

-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: Anthony Campigotto  
Seconded by: Donald Shaw

**That application A/16/23 be approved.**

	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.

**6.5 Applications B/15/23 & A/17/23 – Hausology Inc., c/o Nathan Caldwell, Agent – 69 North St. (Roll No. 3729-240-000-06100)**

**Public in Attendance:** Daniel Grenier, Applicant, Ken Wigle, 57 North Street, Karen Gyorgy, 51 North Street, Christine Reichert, 74 Rankin, Pamela Bondy, 79 North Street

**Purpose of Consent Application B/15/23:** The applicant is proposing sever a new lot being 9.75 m (32.01 ft) ± frontage by 44.4 m (145.75 ft) depth with a total area of 443 sq m (4768.4 sq ft) ± to create a new lot which will contain a semi-detached dwelling unit. The remaining parcel being 8.55 m (28.1 ft) ± frontage by 44.4 m (145.75 ft) depth with an area of 358.3 sq m (3856.71 sq ft) ± will contain a semi-detached dwelling unit. The severance will split the semi-detached dwelling along the common wall to allow for freehold ownership of each unit.

The subject lands are designated Low Density Residential in the Town's Official Plan and zoned Residential Third Density (R3) Zone in the Zoning By-law 1999-52.

**Purpose of Minor Variance Application A/17/23** The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(23)(i)(i) which permits a maximum access to parking areas shall be provided from an improved street by means of one or more unobstructed driveways at least three (3) metres and not more than fifty percent (50%) of the lot frontage up to a maximum of nine (9) metres. The applicant is proposing a driveway width to accommodate two (2) parking spaces totaling a width of 5.6 m (18.4 ft) on a 8.55 m (28.05 ft) resulting in a driveway which is 65.5% of the lot frontage. Therefore, the amount of relief requested is 15.5% (4.375 ft) in driveway width.

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

- i) Letter dated April 24, 2023, from Essex Region Conservation Authority
- ii) Letter dated April 26, 2023 from Essex Powerlines
- iii) Email dated April 27, 2023 from Infrastructure Services
- iv) Email dated April 25, 2023 from Fire Department
- v) Email dated from April 26 from Building Department
- vi) Email dated May 1, 2023 from Karen Gyorgy
- vii) Email dated May 2, 2023 from Jerry Pillon.
- viii) Planning Report dated April 27, 2023, from Janine Mastronardi, Secretary-Treasurer

**Committee Discussion:** The Chair introduced the application and asked if there were any members of the public present for this application. Ken Wigle, 57 North Street, Karen Gyorgy, 51 North Street, Christine Reichert, 74 Rankin, and Pamela Bondy, 79 North Street were present. J. Mastronardi read the purpose of the application. Daniel Grenier, Applicant, was present to represent the application.

Chris Aspila provided the Committee members a brief background on the status of the Heritage Conservation District Study. The subject lands are within the study area but the study is just beginning to be underway.

D. Grenier explained the concept of the application. The intent is to build an addition and convert the existing home into a semi-detached dwelling. The severance is required to have each semi unit on separate properties. A minor variance is required to provide adequate parking of two spaces to the retained house, because of the retained lot frontage and location of the existing house the driveway will be in the front yard.

T. Buchanan confirmed the secondary dwelling unit setback met the zone provisions and that the driveway surface will be asphalt or a solid surface. He noted the building comments regarding the basement height in the existing structure and confirmed the provincial bill regarding additional dwelling units.

Ken Wigle, 57 North Street, expressed his opinion of being against the four units proposed on the subject lands.

Karen Gyorgy, 51 North Street, agreed to read her written submission aloud into the record. She noted North Street and Rankin Street are gateways to the downtown core. Older, well kept homes are located on these streets. Provided the opinion that the proposed development does not fit into Amherstburg's heritage town. All homes on North Street take pride in their property. K. Gyorgy noted that the heritage designation on her property limits what she can and cannot do with her property.

Christine Reichert, 74 Rankin, informed the Committee that her property directly abuts the rear yard of the subject parcel. Noted the aesthetic appeal due to the age of homes and single detached dwellings. C. Riker opposes the parking lot and severed dwelling.

Pamela Bondy, 79 North Street, expressed concern with the fourplex density.

C. Aspila advised the Committee that the Town Official Plan update is underway and the Zoning By-law dates back to 1999. Both are in need of an overhaul. Additional dwelling units are permitted as per provincial legislation through Bill 23. Bill 23 allows within the urban residential area, as of right, additional dwelling units in/accessory to a single, semi or townhouse dwelling. Actively underway is a Heritage Conservation District Study for the downtown core, taking up to two years to complete. As an interim measure the Heritage Planner has provided Section 10 comments and considers the risk to cultural heritage low but that it should be addressed. It is advisable to add a condition of consent

to have the Heritage committee endorse the building permit application drawings prior to the issuance of the building permit.

T. Buchanan acknowledged that adding the condition of the Heritage Committee reviewing the look and feel of the propose structure would provide some protection to the character of the neighborhood.

Written submission from Jerry Pillon was read aloud into the record.

Ken Wigle noted he owns the property one house away and has concern with the future of all properties on North Street.

A. Campigotto asked the applicant what the intent was of the units being created.

D. Grenier advised that the retained lot with the existing structure would be sold as a freehold unit. The retained parcel containing the three units would be kept as a rental property or also sold. Short term rentals are not the type of tenancy being sought. If kept for a rental property they would look for long term tenants. If sold, the additional dwelling units would provide the future home owner additional income to make the property more affordable. The applicant expressed excitement to create something to match the neighbourhood and was agreeable to the requirement to work with the Heritage Committee on the design of the structure.

D. Cozens expressed concern for stormwater drainage on the site and questioned if there was a rear yard drain on the property.

J. Mastronardi noted that the property is zoned Residential Third Density (R3) Zone which permits semi-detached dwellings and that the proposed severed and retained lots do not require any minor variances for lot size or lot frontage.

Discussion ensued regarding stormwater and landscape open space, heritage issues, additional dwelling units, location/neighbouring uses in Town and density and on street parking.

The following resolutions were put forth:

Moved by: Terris Buchanan  
Seconded by: Donald Shaw

**That application B/15/23 be approved.**

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

-Motion Defeated-

Moved by: Donald Shaw  
Seconded by: Anthony Campigotto

**That application B/15/23 be denied.**

	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 request is not in keeping with the streetscape. North Street is a heritage street leading to the proposed heritage district and the waterfront, and changing a 60 foot lot into four dwelling units is not in keeping with the neighbourhood. Concerns include setting a precedent where multiple properties attempt to sever and/or add additional units and the existing services cannot accommodate the severances and/or additional units, drainage and stormwater issues associated with the amount of concrete proposed on the lot and the lack of rear yard drains in the area, the number of parking spaces resulting in a non-heritage look to the property, and safety of pedestrians due to the proximity to the park and splash pad. Additionally, the location of the lot at the t-intersection of North St. and Laird Ave. S. provides a prominent visual impact on the neighbourhood and the proposed severance and additional units would not be in keeping with the heritage neighbourhood.

Moved by: Terris Buchanan  
Seconded by: Josh Mailloux

**That application A/17/23 be denied.**

	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 of the opinion that sole front yard parking is not in keeping with the neighbourhood and would reduce the number of street parking spots along the south side of North Street. Additionally, in light of the rejection of the severance (B/15/23) application, the minor variance should be denied.

vii) **Next Meeting**

The next Committee of Adjustment meeting is scheduled on June 7, 2023 at 8:00 a.m.

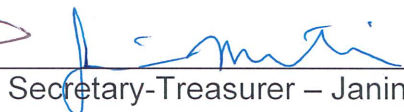
viii) **Adjournment**

Moved by: J. Mailloux  
Seconded by: A. Campigotto

That the Committee of Adjustment **ADJOURN** at 10:17 a.m.

-Motion Carried-

  
Chairman- David Cozens

  
Secretary-Treasurer – Janine Mastronardi