

**AMHERSTBURG COMMITTEE OF ADJUSTMENT**  
**Wednesday, August 2, 2023, 8:00 AM**  
**MINUTES**

Present: D. Cozens, Chair, D. Shaw, Vice Chair, T. Buchanan, A. Campigotto

Absent: J. Mailloux (with notice)

Also Present: Janine Mastronardi, Secretary-Treasurer, Kevin Fox, Clerk, Karly Kennedy, Policy and Committee Coordinator, Adam Coates, Acting 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 Agenda**

That item 6.7 switch order and be heard before 6.6.

Moved by: D. Shaw

Seconded by: T. Buchanan

**6. Order of Business**

**6.1 Application A/20/23 – Heather & Mitja Schnackenberg – 3525 Concession 3 N (Roll No. 3729-452-000-01500)**

**Public in Attendance:** Mitja Schnackenberg, Applicant

**Purpose of Minor Variance Application A/20/23:** The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 26(3)(j)(i) which requires a minimum front yard depth of 10 m (32.81 ft) in an Agricultural (A) Zone. The applicant is also seeking permission to erect an accessory structure which is partially in a front yard.

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

The applicant is proposing the construction of a 24 ft x 24 ft, 576 sq ft detached garage which includes a covered porch area on the subject lot with a front yard setback of 9.78 m (32.08 ft) and 3 m (10 ft) closer to the front property line than the dwelling.

Therefore, the amount of relief requested is 0.22 m (0.73 ft) in front yard setback and permission to erect an accessory structure which will extend 3 m (10 ft) into the front yard.

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

- i) Letter dated July 21, 2023, from Essex Region Conservation Authority
- ii) Email dated July 19, 2023 from Infrastructure Services
- iii) Email dated July 20, 2023 from Building Department
- iv) Planning Report dated July 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. Mitja Schnackenberg, Applicant, was present to represent the application and explained the concept of the application.

There were no questions or comments from the Committee. The Chair noted that the reduction in the front yard is minor, there is no impact on neighbours and the proposal is an improvement to the lot.

The following resolution as put forth:

Moved by: Terris Buchanan  
 Seconded by: Anthony Campigotto

**That application A/20/23 be approved.**

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

-Motion Carried-

**Reasons of Committee-** Th 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/22/23 - Ques & Nelin Sinjari, c/o Stacie Amo, Agent – 72 Scott Drive (Roll No. 3729-550-000-21700)**

**Public in Attendance:** Ques Sinjari, Applicant

**Purpose of Minor Variance Application A/22/23:** The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 6(3)(g) which permits a maximum lot coverage of 30% in a Residential Type 1A (R1A) Zone. The applicant is also requesting

relief from Zoning By-law 1999-52, as amended, Section 6(3)(d) which requires a 1.5 m interior side yard setback in a Residential Type 1A (R1A) Zone. 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 applicant is proposing the construction of a single detached dwelling with covered porch, covered patio and two car garage totaling a footprint of 1883 sq ft on a subject lot that is 5175 sq ft in area. The resulting proposed total lot coverage is 36.4%. The northwest corner of the house is proposed to be 1.43 m from the west property line.

Therefore, the amount of relief requested is 6.4% in total lot coverage and 0.07 m in interior side yard setback from the west property line.

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

- i) Letter dated July 21, 2023, from Essex Region Conservation Authority
- ii) Email dated July 21, 2023 from Infrastructure Services
- iii) Letter dated July 27, 2023 from William Ball, 80 Scott Drive
- iv) Planning Report dated June 24, 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. Janine Mastronardi read the purpose of the application.

Ques Sinjari, application, explained the concept of the application. The owner confirmed will be owner occupied. In response to the written correspondence received from the neighbour at 80 Scott the applicant agreed to fence off the tree roots during construction in an attempt to preserve the neighbour’s tree.

The following resolutions were put forth:

Moved by: Anthony Campigotto  
 Seconded by: Donald Shaw

**That application A/22/23 be approved** subject to the following conditions:

- (i) That the applicant prepare and implement a lot grading plan for the subject property, to the satisfaction of the municipality.
- (ii) That the applicant erect a temporary construction fence around the tree roots of the neighbouring trees at 80 Scott Drive which extend over the subject property during construction to make a reasonable attempt to preserve the neighbouring trees’ roots.

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

**6.3 Application A/23/23-Gloria Bratt, c/o Norbert Bolger, Agent – 130 McDonald Avenue (Roll No. 3729-550-000-12300)**

**Public in Attendance:** Gloria Bratt, Applicant, Norbert Bolger, Agent on the application

**Purpose of Minor Variance Application A/23/23:** 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 to a maximum of 1991 sq ft in a Residential Type 1A (R1A) Zone. 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 applicant is proposing the construction of a 912 sq ft (6.96% lot coverage) accessory structure to contain a secondary dwelling unit. There is an existing detached garage with a footprint of 1280 sq ft, resulting in a total accessory structure lot coverage of 16.7% (2192 sq ft) on a subject lot that is 13,119 sq ft in lot area. All other provisions of the Zoning By-law are in compliance including the total lot coverage proposed being 26.5%.

Therefore, the amount of relief requested is 6.7% in accessory structure lot coverage.

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

- i) Letter dated July 21, 2023 from Essex Region Conservation Authority
- ii) Email dated July 21, 2023 from Infrastructure Services
- iii) Planning Report dated July 28, 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. Gloria Bratt, Applicant and Norbert Bolger, Agent on the application were present. Janine Mastronardi read the purpose of the application.

Norbert Bolger, Agent, explained the concept of the application. The original plan was to convert the existing garage to an additional dwelling unit but that was not possible because there is no foundation. The owner’s daughter is looking to move in to be close to her mother.

D. Cozens noted that the relief requested is for accessory structure lot coverage only, the total lot coverage under the allowable amount. The location of the new structure has minimal impact to neighbours. A secondary dwelling unit is appropriate.

The following resolutions were put forth:

Moved by: Terris Buchanan  
 Seconded by: Anthony Campigotto

**That application A/22/23 be approved** subject to the following conditions:

- (i) That the applicant prepare and implement a lot grading design for the subject property, to the satisfaction of the municipality.

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	Absent	Absent
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 B/21/23 – Stephen Hall & Amy Lee – 2005 Front Road N. (Roll No. 3729-500-000-34300)**

**Public in Attendance:** Stephen Hall & Amy Lee, Applicants

**Purpose of Consent Application B/21/23:** The applicant is proposing to sever a parcel of land being 37 m frontage ± by an irregular depth with an area of 2020 sq m ± which contains a single detached dwelling and one accessory structure for purposes of creating a new lot. The remaining parcel being 29.53 m ± frontage by an irregular depth with an area of 7.89 ha ± is vacant land proposed to be used as a residential building lot.

The severed 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 retained lands are designated Low Density Residential, Agricultural, Provincially Significant Wetland and Environmental Protection in the Town's Official Plan and zoned Residential Type 1A (R1A), Wetland (W), Environmental Protection (EP) Zones in the Zoning By-law 1999-52.

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

- i) Letter dated July 25, 2023, from Essex Region Conservation Authority
- ii) Letter dated July 26, 2023 from County of Essex
- iii) Email dated July 19, 2023 from Infrastructure Services
- iv) Email dated July 20, 2023 from Building Services
- v) Planning Report dated July 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. Janine Mastronardi read the purpose of the application.

Steve Halls and Amy Lee, Applicants, explained the concept of the application.

T. Buchanan noted that two added conditions were required, the standard condition to provide an agreement to hook up to sanitary sewers when they become available and Council permission to be obtained to develop on septic.

The following resolutions were put forth:

Moved by: Terris Buchanan  
Seconded by: Donald Shaw

**That application B/21/23 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 installs separate water services to the retained lot in accordance with and under the supervision of the municipality at the applicant's expense.
5. That the Owners enter into the reapportionment of the drainage assessment for the subject lands and the Bondy-Bastien Municipal Drainage System 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.
6. That the applicant ensures the properties being retained or severed maintain its own drainage as to not affect neighbouring properties, to the satisfaction of the municipality.
7. That the Owner determine if there are any existing drainage tiles/systems extending through the parcel to be severed and, if existing drainage tiles/systems are known/found, that the Owner redirected the tile systems around the parcel to be severed to the satisfaction of the Chief Building Official prior to the severance being finalized.
8. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the severed 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.
9. That the Tax certificate be tagged with information regarding estimated liabilities of the severed and retained parcels to the **Bondy-Bastien Drain** project (provisionally adopted under By-Law 2023-083) for the currently estimated amount of \$15,128.00. If the severed land is to be sold, that the information is rightfully disclosed to the potential buyer/agent.
10. 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.
11. 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.
12. 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	Absent	Absent
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.

**6.5 Application B/18 & 19/23 – Coulson Design-Build Inc. – 138 Tilford Lane (Roll No. 3729-540-000-22600)**

**Public in Attendance:** Drew Coulson, Applicant

**Purpose of Consent Application B/18/23:** The applicant is proposing to sever a parcel of land being 16.76 m (55 ft) frontage by 32 m (105.03 ft) depth ± with an area of 536.32 sq m (5776.7 sq ft) ± for purposes of creating a new residential building lot. The remaining parcel being 32.01 m (105.03 ft) frontage by 53.64 m (176 ft) depth with an area of 1716.91 sq m (18,480.64 sq ft) ± contains one single detached dwelling.

**Purpose of Consent Application B/19/23:** The applicant is proposing to sever a parcel of land being 16.76 m (55 ft) frontage by 32 m (105.03 ft) depth ± with an area of 536.32 sq m (5776.7 sq ft) ± for purposes of creating a new residential building lot. The remaining parcel being 32.01 m (105.03 ft) frontage by 36.88 m (121 ft) depth with an area of 1180.53 sq m (12,703.94 sq ft) ± contains one single detached dwelling.

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.

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 July 24, 2023, from Essex Region Conservation Authority
- ii) Email dated July 20, 2023 from Infrastructure Services
- iii) Email dated July 20, 2023 from Building Department
- iv) Planning Report dated July 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 and noted that the R2-9 zoning was now in force and effect. Drew Coulson, Applicant, was present to represent the application and explained the concept of the application.

D. Coulson noted that they are working with the owners of 134 Tilford to repair/replace the fence between the subject property and 134 Tilford. D. Cozens noted that the application is for two residential building lots in a serviced settlement area. It was confirmed there is adequate sanitary sewer capacity in the area.

The conditions were read aloud. The D. Coulson acknowledged understanding of the conditions.

The following resolution as put forth:

Moved by: Anthony Campigotto

Seconded by: Terris Buchanan

**That application B/18/23 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 to the original and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That the Owners enter into the reapportionment of the drainage assessment for the subject lands and the Bar Point Municipal Drainage System 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.
5. That the applicant be required to obtain a demolition permit from the Building Department for the demolition of the existing accessory structure on the severed parcel. All permitting costs will be borne entirely by the applicant.
6. That the applicant execute a Consent Agreement in a form satisfactory to the Town of Amherstburg which will include and require the provision of securities in amounts and forms satisfactory to the Town and which will satisfactorily address the relevant concerns of all government ministries, departments and agencies. The Consent Agreement will contain the following provisions:
  - a. That the applicant must install a curb cut/driveway access to the severed parcel to the satisfaction of the municipality.
  - b. 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.
  - c. That the applicant install separate water services and storm sewer connections to the severed lot in accordance with and under the supervision of the municipality at the applicant's expense.
  - d. That the applicant be required to extend the sanitary sewer from Tilford to the full frontage of the created lots to the satisfaction of the municipality and at the applicant's expense. A licensed professional engineer will be required to complete the design of this extension to meet the design criteria of the Town's CLI-ECA.
  - e. That Engineering User Fees be paid to the Town of Amherstburg prior to the stamping of the deeds.
  - f. That the applicant submit lot grading plans and drainage design for the severed and retained lots to the satisfaction of the municipality.
7. 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	Absent	Absent
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: Donald Shaw

Seconded by: Terris Buchanan

**That application B/19/23 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 to the original and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That the Owners enter into the reapportionment of the drainage assessment for the subject lands and the Bar Point Municipal Drainage System 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.
5. That the applicant execute a Consent Agreement in a form satisfactory to the Town of Amherstburg which will include and require the provision of securities in amounts and forms satisfactory to the Town and which will satisfactorily address the relevant concerns of all government ministries, departments and agencies. The Consent Agreement will contain the following provisions:
  - a. That the applicant must install a curb cut/driveway access to the severed parcel to the satisfaction of the municipality.
  - b. 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.
  - c. That the applicant install separate water services and storm sewer connections to the severed lot in accordance with and under the supervision of the municipality at the applicant's expense.
  - d. That the applicant be required to extend the sanitary sewer from Tilford to the full frontage of the created lots to the satisfaction of the municipality and at the applicant's expense. A licensed professional engineer will be required to complete the design of this extension to meet the design criteria of the Town's CLI-ECA.
  - e. That Engineering User Fees be paid to the Town of Amherstburg prior to the stamping of the deeds.
  - f. That the applicant submit lot grading plans and drainage design for the severed and retained lots to the satisfaction of the municipality.
6. 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	Absent	Absent
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.

**6.6 Application B/23/23 – Darryl & Nicole McLean, c/o Cynthia Thrasher, Agent – 5801 Concession 5 N (Roll No. 3729-540-000-00700) & 6802 Concession 6 N (Roll No. 3729-480-000-03480)**

**Public in Attendance:** Cynthia Thrasher, Agent

**Purpose of Consent Application B/23/23:** The applicant is proposing to sever a parcel of land being 106.68 m frontage by an irregular depth with an area of 13.76 ha for purposes of a technical severance which contains one single detached dwelling and one accessory structure. The remaining parcel being 88 m frontage by an irregular depth with an area of 5.46 ha contains one single detached dwelling and three accessory structures.

The lands are designated Agricultural and Natural Environment in the Town's Official Plan and zoned Agricultural (A) Zone and Environmental Protection (EP) Zone in the Zoning By-law 1999-52.

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

- i) Letter dated July 25, 2023, from Essex Region Conservation Authority
- ii) Email dated July 19, 2023 from Infrastructure Services
- iii) Email dated July 20, 2023 from Building Services
- iv) Planning Report dated January 28, 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. Janine Mastronardi read the purpose of the application. Cynthia Thrasher, Agent, explained the concept of the application. Part 1 was bought in 1998, since then the property has switched into land titles and the Land Registry Offices has advised there is a violation in land titles. It was confirmed that the request for severance is technical in nature. D. Cozens noted the river forms a natural severance and the application has no impact on agriculture. It was noted that an added condition to confirm the septic system should be required.

The following resolution as put forth:

**That application B/23/23 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 obtain a report from an independent qualified person that the existing private septic system serving the severed parcel does not cross the property lines, that the system is working order and that its operation will not be affected by the severance, to the satisfaction of the municipality.
5. 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: Donald Shaw  
 Seconded by: Terris Buchanan

-Motion 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.

**6.7 Application B/22/23 & A/21/23 – George & Ruth Vandenbrink, c/o Britini Goulet, Agent – N/S County Road 20 (Roll No. 3729 580 000 00400)**

**Public in Attendance:** George Vandenbrink, Applicant, Britni Goulet, Agent on the application and Brian Kollin, 4707 Concession 4 S

**Purpose of Consent Application B/22/23:** The applicant is proposing to sever a parcel of land being 64.3 m ± frontage by 70 m ± depth with an area of 0.45 ha ± for the purpose of a lot addition to merge with the property to the north at 4707 Concession 4 S. The remaining parcel having 1153 m ± frontage by an irregular depth and an area of 38.63 ha ± is vacant agricultural land.

**Purpose of Minor Variance Application A/21/23:** 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 0.45 ha ± lot addition from an existing 39.08 hectare parcel the retained farm parcel will have an area of 38.63 hectares. Therefore, the amount of relief requested is 1.37 hectares.

The applicant is also requesting relief from Zoning By-law 1999-52, as amended, Section (3)(f)(i) which requires a secondary dwelling unit to be within a building 20 m from of the primary dwelling. The applicant is proposing a secondary dwelling unit be within an accessory structure to be setback 63 m from the primary dwelling. Therefore, the amount of relief requested is 43 m in setback between a primary and secondary dwelling unit.

The subject property is designated Agricultural and Natural Environment in the Town's Official Plan. And zoned Special Provision Agricultural (A-36) and Environmental Protection (EP) in the Town's Zoning By-Law. The development lands (the proposed severed parcel and where the accessory structure is proposed) is wholly within the Agricultural designation and is more than 280 m from the Provincially Significant Wetland (PSW).

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

- i) Letter dated July 24, 2023 from Essex Region Conservation Authority
- ii) Letter dated July 26, 2023 from County of Essex

- iii) Email dated July 19, 2023 from Infrastructure Services
- iv) Email dated July 20, 2023 from Building Department
- v) Planning Report dated July 28, 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. Brian Kollin, 4707 Concession 4 S, was present. J. Mastronardi read the purpose of the application. George Vandenberg, Applicant and Britni Goulet, Agent on the Application, were present to represent the application. B. Goulet explained the concept of the application. The agent withdrew the minor variance request for relief in setback between the primary dwelling and proposed secondary dwelling unit. G. Vandenberg noted the lot addition would have a minimal impact on the farming operation and the land is not tiled.

Discussion ensued. Concern was expressed in the amount of farmland being taken out of production, the increase in lot size as a result of the proposed lot addition and the location on the secondary dwelling unit on the lot addition.

The applicant requested the applications be deferred to allow the applications to be reviewed and potentially amended before being brought back for consideration by the Committee.

The following resolution as put forth:

Moved by: Terris Buchanan  
 Seconded by: Anthony Campigotto

**To accept the applicant’s request that applications B/22/23 & A/21/23 be deferred.**

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

-Motion Carried-

**7. Next Meeting**

The next Committee of Adjustment meeting is scheduled on September 6, 2023 at 8:00 a.m.

**8. Adjournment**

Moved by: Don Shaw  
 Seconded by: Terris Buchanan

That the Committee of Adjustment **ADJOURN** at 9:20 a.m.

-Motion Carried-

  
 Chairman- David Cozens

  
 Secretary-Treasurer – Janine Mastronardi