



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Janine Mastronardi	Report Date: October 10, 2023
Author's Phone: 519 736-5408 ext. 2134	Date to Council: October 23, 2023
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To: Mayor and Members of Town Council

Subject: Update on the Outcome of the Ontario Land Tribunal Hearing- 490 Dalhousie Street

1. **RECOMMENDATION:**

It is recommended that:

1. The report regarding an Update on the Outcome of the Ontario Land Tribunal- 490 Dalhousie Street **BE RECEIVED** for information.

2. **BACKGROUND:**

An application was filed for a Minor Variance in February 2023. The minor variance application requested relief of 1.992 m in height above Canadian Geodetic Datum and 0.4 m in front yard depth at 490 Dalhousie Street. On April 6, 2023 the Committee of Adjustment (COA) approved the requested relief in height and denied the requested relief in front yard depth. The decision of the COA to deny the relief requested in front yard depth was appealed to the Ontario Land Tribunal (OLT) by the applicant.

3. **DISCUSSION:**

The Town and the applicant commenced settlement discussions and brought forward a negotiated settlement to the OLT at the August 15, 2023 video hearing.

The OLT issued a Decision and Order on September 19, 2023, attached as Appendix A, respecting an appeal on a requested minor variance for property known as 490 Dalhousie Street. Consistent with the settlement reached between the Town and the Applicant the OLT ordered to permit a building height of 184.992 metres above the Canadian Geodetic Datum (being a requested relief of 1.992 metres), whereas Section 9(4)(a)(3) of Zoning

By-law No. 1999-52 as amended, restricts the maximum height of a building to not more than 5.0 metres above 178 metres Canadian Geodetic Datum.

The OLT also ordered to permit a minimum front yard depth of 5.6 metres to the residential portion of the house (being a requested relief of 0.4 m) and a minimum front yard depth of 6.0 m to the attached garage (no requested relief), whereas Section 9(3)(c) of Zoning By-law No. 1999-52, as amended, requires a minimum front yard depth of 6.0 m.

4. RISK ANALYSIS:

The Ontario Land Tribunal decision is final.

5. FINANCIAL MATTERS:

Legal and planning consulting fees were incurred during the processing of this appeal at a cost of \$8,526.13.

6. CONSULTATIONS:

Thomas Porter, Solicitor, and Tom Storey, Planning Consultant, led the settlement and OLT hearing process on behalf of the Town.

7. CONCLUSION:

That Council receive this report and OLT decision for information.



Janine Mastronardi
Planner

JM

Report Approval Details

Document Title:	Update on the Outcome of the Ontario Land Tribunal- 490 Dalhousie Street.docx
Attachments:	- Appendix A- OLT-23-000396-SEP-19-2023.pdf
Final Approval Date:	Oct 12, 2023

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

No Signature found

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