



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
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Update on the Outcome of the Ontario Land Tribunal Hearing- 6101 County Road 20

1. RECOMMENDATION:

It is recommended that:

1. The report regarding an Update on the Outcome of the Ontario Land Tribunal- 6101 County Road 20 **BE RECEIVED** for information.

2. BACKGROUND:

An application was filed for a Zoning By-law Amendment (ZBA) in October 2022. The ZBA application requested the property's zoning change to a site-specific Institutional Zone to allow for a student residence in addition to all other uses permitted in the Institutional (I) Zone at 6101 County Road 20. On January 23, 2023 Council denied the proposed ZBA, this decision 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 14, 2023 video hearing.

The OLT issued a Decision and Order on September 20, 2023, attached as Appendix A, respecting an appeal on a requested zoning by-law amendment for property known as 6101 County Road 20. Consistent with the settlement reached between the Town and the Applicant the OLT ordered "The appeal is allowed in part, and By-law No. 1999-52 of the Town of Amherstburg is hereby amended as set out in Attachment 1 to this Order. The

Tribunal authorizes the municipal clerk of the Town of Amherstburg to assign a number to this by-law for record-keeping purposes.” By-law 1999-52 was amended to change the zoning of the subject property from I to I-6, add a definition for seminary and provide site specific zone provisions for I-6 Zone for the property at 6101 County Road 20 including listing permitted uses to include a seminary, an accessory storage building and any use permitted in the Institutional (I) Zone. The amendment also includes zone requirements which permit student boarding area restricting it to the existing building to a maximum of 250 sq m in gross floor area. Discussions with third party planner and legal counsel advise that restriction of space is the only means in which to restrict the number of students. Further, based on fire code requirements the maximum 250 sq m space would allow for a maximum of 36 students. In addition, an accessory storage building with a maximum gross floor area of 223 sq m is permitted however construction or expansion of additional structures would require zoning by law amendments. The full amendment is included as Attachment 1 of the OLT Decision attached as Appendix A.

4. RISK ANALYSIS:

The Ontario Land Tribunal decision is final.

5. FINANCIAL MATTERS:

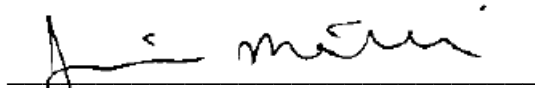
Legal and planning consulting fees were incurred during the processing of this appeal at a cost of \$12,667.30.

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- 6101 County Road 20.docx
Attachments:	- Appendix A- OLT DECISION-23-000185-SEP-20-2023.pdf
Final Approval Date:	Oct 12, 2023

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

No Signature found

Chris Aspila



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox