

AMHERSTBURG COMMITTEE OF ADJUSTMENT
Wednesday, September 6, 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, Karly Kennedy, Policy and Committee Coordinator, 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

There were none.

6. Order of Business

6.1 Application B/24/23 – Ilie & Doina Pirvulescu – 147 Thrasher Drive (Roll No. 3729-460-000-12100)

Public in Attendance: Ilie & Doina Pirvulescu, Applicants

Purpose of Minor Variance Application B/24/23: The applicant is proposing to sever a parcel of land being 75 m frontage by 3 m depth with an area of 243 sq m (Parts 2, 3 and 5 on attached 12R-29451) for the purpose of a lot addition to merge with the Town ROW (Block 23, 12M-470). The proposed lot addition is a condition of consent for previous severances (B/24 & 25/22) and will provide for the road widening of the cul-de-sac at the end of Thrasher Drive.

The retained parcel having 31 m frontage by an irregular depth and an area of 5.746 ha

contains one single detached dwelling, detached garage and two chicken coops. The subject property is zoned Residential Type 1B (R1B) in the Town's Zoning By-Law and is designated Agricultural in the Town's Official Plan

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

- i. Letter dated August 23, 2023, from Essex Region Conservation Authority
- ii. Email dated August 30, 2023 from Infrastructure Services
- iii. Email dated August 28, 2023 from Building Department
- iv. Email dated August 29, 2023 from Essex Power
- v. Email dated August 28, 2023 from Fire Department
- vi. Planning Report dated August 29, 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. Doina Pirvulescu, Applicant, was present to represent the application and explained the concept of the application.

A. Campigotto noted that there was concern with the pervious approvals for lot creation regarding fire access. The proposed lot addition for road widening addresses these concerns and is a benefit to the community.

The conditions were read aloud. The Applicants acknowledged understanding of the conditions.

The following resolution as put forth:

Moved by: Terris Buchanan
Seconded by: Anthony Campigotto

That application B/24/23 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 applicant 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 the applicant remove all plant and landscape material from the severed parcel 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 Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

6.2 Application A/24/23 – Ryan & Justine Varney – 3435 Creek Rd. (Roll No. 3729-640-000-02100)

Public in Attendance: Ryan Varney, Application

Purpose of Minor Variance Application A/24/23: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 26(3)(j)(vi) which states a building or structure accessory to a single detached dwelling may be located anywhere within an interior side yard or rear yard provided that such accessory building or structure is not located closer than 3 m to any lot line.

The applicant is proposing the construction of a 9.75 m x 14.63 m, 142.7 sq m (32 ft x 48 ft, 1536 sq ft) accessory structure with a 1.5 m (5 ft) interior side yard setback. Therefore, the amount of relief requested is 1.5 m (5 ft) in interior side yard setback for an accessory structure.

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

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

- i. Letter dated August 25, 2023, from Essex Region Conservation Authority
- ii. Email dated August 28, 2023 from Building Department
- iii. Email dated August 29, 2023 from Essex Powerlines
- iv. Email dated August 28, 2023 from Fire Department
- v. Email dated August 30, 2023 from Infrastructure Services
- vi. Planning Report dated August 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.

Ryan Varney, Applicant, explained the concept of the application. It was confirmed that there will be no plumbing in the building, the existing driveway will extend to the new structure and that the existing shipping container will be removed from the property.

The following resolutions were put forth:

Moved by: Donald Shaw
 Seconded by: Terris Buchanan

That application A/24/23 be approved subject to the following conditions:

1. That the applicant prepare and implement a lot grading design for the subject property, to the satisfaction of the municipality.
2. That if the existing shipping container is not removed, a building permit will be required for the to allow for the shipping container to be used as a permanent accessory use on the property.

	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 B/25/23 – Robert Godbout, c/o Jeff Malott, Agent – 127 Park St. (Roll No. 3729-100-000-02100)

Public in Attendance: Robert Godbout, Applicant, Jeff Malott, Agent

Purpose of Minor Variance Application B/25/23: The applicant is proposing sever a new lot being 10.76 m (35.3 ft) ± frontage by 30.52 m (100.14 ft) ± depth with a total area of 328 sq m (3530.5 sq ft) ± to create a new lot which will contain a newly constructed semi-detached dwelling. The remaining parcel being 10.76 (35.3 ft) ± frontage by 30.5 m (100.08 ft) ± depth with an area of 327.9 sq m (3529.5 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 Heritage Residential in the Town’s Official Plan and zoned Residential Heritage (RH) Zone in the Zoning By-law 1999-52.

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

- i. Letter dated August 23, 2023, from Essex Region Conservation Authority
- ii. Email dated August 28, 2023 from Building Department
- iii. Email dated August 29, 2023 from Essex Powerlines
- iv. Email dated August 28, 2023 from Fire Department
- v. Email dated August 30, 2023 from Infrastructure Services
- vi. Planning Report dated August 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. Janine Mastronardi read the purpose of the application.

Jeff Malott, agent on the application, explained the concept of the application. There were no questions. The conditions were read aloud. The Applicants acknowledged understanding of the conditions.

The following resolutions were put forth:

Moved by: Anthony Campigotto
 Seconded by: Donald Shaw

That application B/25/23 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 parcels 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 and retained lots in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
7. That the applicant be required to undertake lot grading plans for the severed and retained lots to the satisfaction of the municipality.
8. That the applicant install separate hydro services to the severed and retained lots to the satisfaction of Essex Powerlines Corporation.
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	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.

6.4 Application A/25/23 – Robert Godbout, c/o Jeff Malott, Agent – 125, 127, 131, 133 Park St. (Roll No. 3729-100-000-0200 & 02100)

Public in Attendance: Robert Godbout, Applicant, Jeff Malott, Agent

Purpose of Consent Application A/25/23: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 12(3)(g) which permits a maximum lot coverage of 40% in a Residential Heritage (RH) Zone. The subject property is designated Heritage Residential in the Town's Official Plan and Residential Heritage (RH) in the Town's Zoning By-Law.

The applicant has proposed the construction of a semi-detached dwelling on each lot with a footprint of 40%. The applicant is proposing the addition of a 3.048 m x 4.65 m, 14.17 sq m (10 ft x 15'3", 152.5 sq ft), covered porch/deck at the rear of each semi-detached unit on each subject lot that is 328 sq m (3530 sq ft) in area. The resulting proposed total lot coverage is 44.3%. Therefore, the amount of relief requested is 4.3% in total lot coverage.

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

- i. Letter dated August 23, 2023, from Essex Region Conservation Authority
- ii. Email dated August 28, 2023 from Building Department
- iii. Email dated August 29, 2023 from Essex Powerlines
- iv. Email dated August 28, 2023 from Fire Department
- v. Email dated August 30, 2023 from Infrastructure Services
- vi. Planning Report dated September 1, 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.

Jeff Malott, agent on the application, explained the concept of the application. It was noted that the applicant worked with the Heritage Committee to design a front elevation of the house. The house and hard surface proposed equals 56% of the lot. There is a secondary dwelling unit in the basement of each semi unit. The elevation of the proposed deck is 4 ft from grade with the material underneath proposed to be landscape stone.

D. Cozens noted that comments received from Infrastructure Services department opposed the roof over the deck but if the roof is connected with eaves to down spouts, a route to under the deck, with a stone permeable surface, that the design will allow for drainage. The Chair confirmed with the applicant that the only hardscape in the rear yard will be a sidewalk for access to the secondary dwelling unit grade entrance. The applicant confirmed that a downspout could direct the stormwater to stone under the deck. Discussion ensued regarding proposed conditions.

The following resolutions were put forth:

Moved by: Anthony Campigotto
Seconded by: Terris Buchanan

That application A/25/23 be approved subject to the following conditions:

1. That the applicant prepare and implement a lot grading plan for the subject properties, to the satisfaction of the municipality.
2. That the land under the covered deck remain a permeable surface, allowing for only landscape fabric and landscape stone.
3. That the only hardscape permitted in the rear yard be a sidewalk to access the grade entrance to the basement secondary dwelling unit.
4. That gutters line the perimeter of the covered deck area to direct stormwater to drain over the permeable surface under the covered deck.
5. That the west, south and east walls of the deck remain unenclosed.

	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.

6.5 Application A/26/23 – Jason Dietrich & Elizabeth, c/o Drew Coulson, Agent – 23 Balaclava St. (Roll No. 3729-270-000-00200)

Public in Attendance: Jason Dietrich Applicant, Drew Coulson, Agent

Purpose of Consent Application A/26/23: 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 100 sq m (1076 sq ft) in a Residential First Density (R1) Zone.

The applicant is also requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum 5.5 m (18 ft) height of an accessory structure measured to the peak of the roof.

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 is proposing the construction of a 130.3 sq m (1402 sq ft) (5.7% lot coverage) accessory structure to contain a three-car garage on the first floor and a secondary dwelling unit on the second floor with a height of 8 m (26.25 ft) to the peak of the roof. The existing detached garage is proposed to be demolished.

The existing single detached dwelling has a footprint of 142.14 sq m (1530 sq ft) and a height of 7.62 m (25 ft). The resulting total lot coverage proposed is 12% (272.4 sq m/2932 sq ft) on a subject lot that is 2271.5 sq m (24,450 sq ft) in lot area. All other provisions of the Zoning By-law are in compliance including the setback between the primary and secondary dwelling units which is proposed at 11.43 m (37.5 ft).

Therefore, the amount of relief requested is 30.3 sq m (326 sq ft) in accessory structure lot coverage and 2.5 m (8.25 ft) in accessory structure height.

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

- i. Letter dated August 25, 2023, from Essex Region Conservation Authority
- ii. Email dated August 30, 2023 from Infrastructure Services
- iii. Email dated August 28, 2023 from Building Department
- iv. Email dated August 29, 2023 from Essex Powerlines
- v. Email dated August 28, 2023 from Fire Department
- vi. Letters dated August 29, 2023 from Neighbouring Property owners at 17, 26, 29, 32 and 33 Balaclava Street South

- vii. 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. There were none. J. Mastronardi read the purpose of the application. Jason Dietrich, Applicant and Drew Coulson, Agent, were present to represent the application and explained the concept of the application. The pitch of the new structure’s roof is proposed to be the same 5/12 pitch of the existing house.

Discussion ensued. It was confirmed that at this time there are no intentions of bringing a driveway to the garage door on the north side of the proposed structure. Safe egress was confirmed for the proposed secondary dwelling unit. The relief in accessory structure lot coverage did not provide concern as the lot is large in area and the total overall lot coverage remained well in compliance. The Chair noted that the height of the accessory structure exceeding the height of the primary dwelling is not good practice.

D. Coulson requested the application be amended to request 2.12 m (7 ft) relief in height to permit the construction of an accessory structure to contain a three-car garage on the first floor and a secondary dwelling unit on the second floor with a height of 7.62 m (25 ft) to the peak of the roof, not to exceed the height of the existing dwelling.

The following resolution as put forth:

Moved by: Terris Buchanan
 Seconded by: Anthony Campigotto

That amended application A/26/23 be approved subject to the following conditions:

1. That the applicant prepare and implement a lot grading design for the subject property, to the satisfaction of the municipality.
2. That the design of the accessory structure be in substantial conformity with the plans submitted as part of application A/26/23.

	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.

7. Next Meeting

The next Committee of Adjustment meeting is scheduled on October 4, 2023 at 8:00 a.m.

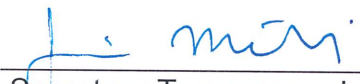
8. **Adjournment**

Moved by: Terris Buchanan
Seconded by: Anthony Campigotto

That the Committee of Adjustment **ADJOURN** at 8:59 a.m.

-Motion Carried-


Chairman- David Cozens


Secretary-Treasurer – Janine Mastronardi