



CORPORATION OF THE TOWN OF AMHERSTBURG  
271 SANDWICH ST S, AMHERSTBURG, ONTARIO N9V 2A5

### **NOTICE OF PUBLIC HEARING**

In the matter of the *Planning Act*, R.S.O. 1990, as amended, and, in the matter of application for minor variance by:

**1174580 Ontario Limited, c/o Stephania Spanic, Agent**

TAKE NOTICE THAT application for **minor variance** under the above-noted file will be heard by the TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT on the date, time and place shown below:

**Amherstburg Council Chambers, 271 Sandwich St. S., Amherstburg, ON  
Wednesday, May 1, 2024 at 8:00 A.M. (morning)**

This is a public hearing for the purpose of hearing evidence in support of or in opposition to the above-noted application. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are asked to inform that person of this hearing.

If you wish to attend the meeting by electronic means, you must register on-line at the Town of Amherstburg website a minimum of 48 hours prior to the meeting time. Please go to the Committee of Adjustment page at:

<https://www.amherstburg.ca/en/town-hall/Committee-of-Adjustment.aspx>

Alternatively, you may visit the Town website, search "Committee of Adjustment" using the search feature provided and follow the Registration instructions located at the bottom of the Committee of Adjustment page.

Upon completion of the on-line registration form, you will receive an automated email response that will provide registration instructions that can be used to gain access to the electronic Committee of Adjustment meeting at the specified date and time indicated above.

#### **Public Comment Submission:**

If you have comments on these applications, they may be forwarded in writing to the Secretary-Treasurer either by mail or in person to:

Janine Mastronardi, Secretary-Treasurer  
3295 Meloche Road  
Amherstburg, ON  
N9V 2Y8

Comments can also be submitted by email by 4:00 p.m. two nights before the hearing (Monday, April 29, 2024) to the Planning Department, [planning@amherstburg.ca](mailto:planning@amherstburg.ca). All public comments received prior to the meeting by the above noted due date, will be read aloud at the beginning of the relevant application.

This is a public hearing for the purpose of hearing evidence in support of or in opposition to the above-noted application. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are asked to inform that person of this hearing. If you have comments on this application, they may be forwarded in writing to the Secretary-Treasurer at the address shown above.

If you do not attend and are not represented at this hearing, the Committee may proceed in your absence (including possible amendments to the original request). Except as otherwise provided for in the *Planning Act*, you will not be entitled to any further notice of the proceedings.

If a specified person or any public body that files an appeal of a decision of the Town of Amherstburg Committee of Adjustment in respect of the proposed minor variance does not make written submission to the Town of Amherstburg Committee of Adjustment before it gives or refuses to give a provisional minor variance, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of the Town of Amherstburg Committee of Adjustment in respect of the proposed minor variance, you must make a written request to Town of Amherstburg Committee of Adjustment.

**Location of Property: 56 Rankin Avenue  
(Roll No.: 3729-240-000-04700)**

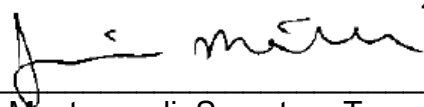
**Purpose of Minor Variance Application A/13/24: The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 9(3)(d) which requires a minimum interior side yard setback of 1.5 m on one side and 2.5 m on the other side where there is no attached private garage or attached carport in a Residential Third Density (R3) Zone.**

The applicants are proposing a house addition and renovation. The existing west side of the house will remain as existing with a 1.67 ft setback which is considered to be a permitted non-conforming building location under Section 1(16) of the Zoning By-law. The addition is proposed to have a 1.5 m setback at its closest point from the east property line and increase along the depth of the addition. There are stairs proposed on the east side of the addition which access a mudroom that a small corner encroaches 0.18 m into this 1.5 m setback. Therefore, the amount of relief requested is 1.18 m in interior side yard width to permit a 1.32 m interior side yard setback from the east property line.

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

Additional Information relating to the proposed application is available by contacting the Town of Amherstburg Planning Offices by phone or email, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website [www.amherstburg.ca](http://www.amherstburg.ca).

**Dated: April 12, 2024**



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Janine Mastronardi, Secretary-Treasurer  
Town of Amherstburg Committee of Adjustment  
3295 Meloche Road, Amherstburg, ON N9V2Y8

Municipal Fee Received	PAID
ERCA Fee Received:	

Application No. A/13/24

**FORM 1**  
**PLANNING ACT**  
**APPLICATION FOR MINOR VARIANCE**   
**APPLICATION FOR PERMISSION**   
**TOWN OF AMHERSTBURG**

- Name of approval authority Town of Amherstburg
- Date application received by municipality April 4, 2024
- Date application deemed complete by municipality April 11, 2024

4. Name of registered owner 1174580 ONTARIO LIMITED

Telephone number [REDACTED]

Address [REDACTED]

Email [REDACTED]

Name of registered owner's solicitor or authorized agent (if any) Stephania Spanic

Telephone number [REDACTED]

Address [REDACTED]

Email [REDACTED]

Please specify to whom all communications should be sent:

- registered owner     
 solicitor     
 agent

5. Name and address of any mortgages, charges or other encumbrances in respect of the subject land:

\_\_\_\_\_

6. Location and description of subject land:

Concession No. \_\_\_\_\_ Lot(s) No. \_\_\_\_\_

Registered Plan No. 2 Lot(s) No. 27

Reference Plan No. \_\_\_\_\_ Part(s) No. \_\_\_\_\_

Street Address 56 Rankin Assessment Roll No. 240-04700

7. Size of subject parcel:

Frontage 60'      Depth 159.55' + 164.03'      Area 9583.25 sq ft

8. Access to subject parcel:

- Municipal Road     
 County Road     
 Provincial Highway  
 Private     
 Water

If access to the subject land is **by water** only, state the parking and docking facilities used or to be used and the approximate distance between these facilities and the nearest public road

9. Current Official Plan Land Use designation of subject land Low Density Residential

10. Current Zoning of subject land Residential Third Density (R3) Zone

11. Nature and extent of relief from the Zoning By-law requested \_\_\_\_\_

Section 9(3)(d) requires 2.5m on one interior side yard when there is no attached garage or carport. proposing 4'5" setback from east property line.

12. Reasons why minor variance is necessary to allow for \_\_\_\_\_

house addition + still provide rear amenity space - west side of lot already legal non-conforming setback

13. Current use of subject land <sup>at an angle</sup> residential

14. Length of time current use of subject land has continued 100+ yrs

15. Number and type of buildings or structures **existing** on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

- one single detached dwelling - see site plan

16. Date of construction of existing buildings and structures on the subject land:

1920

17. Date subject land acquired by current registered owner June 2019

18. Proposed use of subject land residential - single detached dwelling

19. Number and type of buildings or structures **proposed** to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

- addition to dwelling - see site plan

20. Type of water supply:
- municipally owned and operated piped water supply
  - well
  - Other (specify) \_\_\_\_\_
21. Type of sanitary sewage disposal:
- municipally owned and operated sanitary sewers
  - septic system
  - Other (specify) \_\_\_\_\_
22. Type of storm drainage:
- sewers
  - ditches
  - swales
  - Other (specify) \_\_\_\_\_
23. If known, indicate whether the subject land is the subject of an application under the Planning Act for:
- consent to sever
  - approval of a plan of subdivision
- If known, indicate the file number and status of the foregoing application:
- \_\_\_\_\_
24. If known, indicate if the subject land has ever been the subject of an application for minor variance under Section 45 of the Planning Act.
- \_\_\_\_\_
25. The proposed project includes the addition of permanent above ground fuel storage:
- Yes
  - No

Dated at the Town of Amherstburg this 4<sup>th</sup> day of April, 2024

Stephan Spanic  
(signature of applicant, solicitor or authorized agent)

I, Stephania Spanic of the Town of Amherstburg in the County/District/Regional Municipality of Essex solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Amherstburg in the County of Essex this 4<sup>th</sup> day of April, 2024.

Stephan Spanic  
Applicant, Solicitor or Authorized Agent

Janine Quintina Mastronardi  
A Commissioner, etc.

Janine Quintina Mastronardi, a Commissioner, etc.,  
Province of Ontario, for the  
Corporation of the Town of Amherstburg.  
Expires June 30, 2024

**AUTHORIZATION**

(Please see note below)

To: Secretary-Treasurer  
Committee of Adjustment  
Town of Amherstburg

Description and Location of Subject Land:

56 RANKIN AVE AMHERSTBURG  
ONTARIO N9V 1E6

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

Stephania Spanic of the Town of Amherstburg to:

- (1) make an application on my/our behalf to the Committee of Adjustment for the Town of Amherstburg;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by Town's Committee of Adjustment relevant to the application.

Dated at the Town of Amherstburg in  
the County of Essex, this 4<sup>th</sup> day of April, 2024.

Stephan Spanic  
Signature of Witness

Stephania Spanic  
Signature of Witness

\_\_\_\_\_  
Signature of Witness

[Signature]  
Signature of Owner  
Caterina Spanic  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

\* Note: This form is only to be used for applications which are to be signed by someone other than the owner.

**POSTING COMMITTEE OF ADJUSTMENT ADVISORY SIGN**

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This will confirm the requirements of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon submission of your application(s). You are directed to post the sign in a prominent location that will enable the public to observe the sign.

The location of the sign will depend on the lot and location of structures on it. The sign should be placed so as to be legible from the roadway in order that the public see the sign and make note of the telephone number should they wish to make inquiries. The Zoning By-law prohibits the signs from being located in any corner lot sightlines. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

The sign must remain posted beginning 10 days prior to the Hearing, until the day following the decision of the Committee of Adjustment. Please complete the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the Committee's requirements. Failure to post the sign as required will result in deferral of the application.

Chris Aspila, MCIP RPP  
Manager of Planning Services

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PROPERTY ADDRESS: 56 Rankin

APPLICATION NUMBER(S): A/13/24

I understand that each sign must be posted at least 10 days before the Hearing, and will remain posted and be replaced if necessary, until the day following the Decision.

I acknowledge that the Secretary-Treasurer has confirmed these requirements with me.

  
Signature (Owner/Authorized Agent)

April 4, 2024  
Date



Town of Amherstburg  
A/13/24- 56 Rankin Avenue



191

199

201

DALHOUSIE ST

42

46

52

56

60

RANKIN AVE

61

64

65

68

69

74

73

78



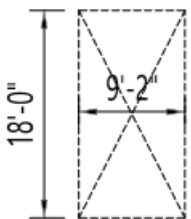
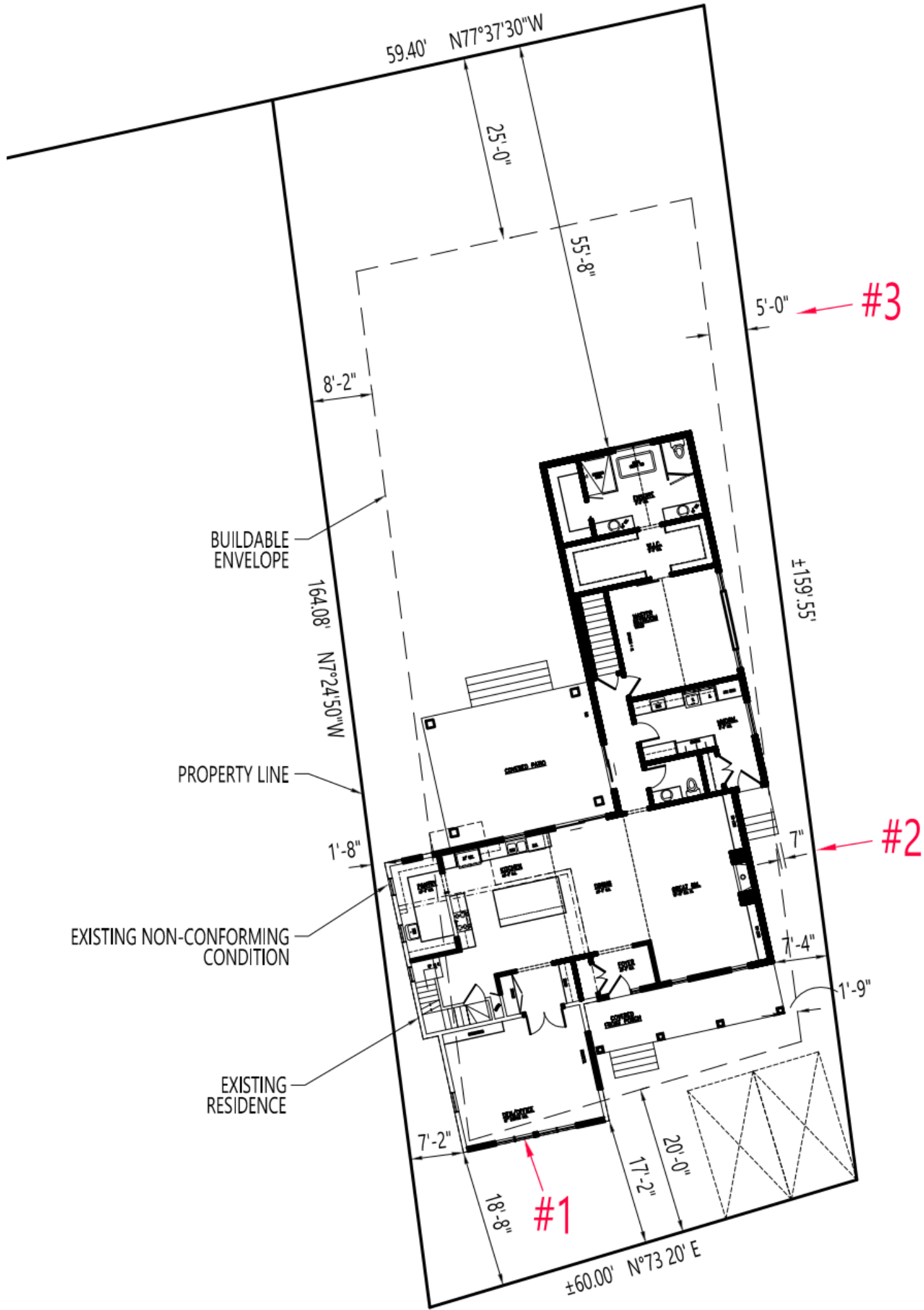


# MONTEMURRI

RESIDENTIAL DESIGN

WINDSOR, ONTARIO TEL: 519 564 9441

EMAIL: LINOARCH@GMAIL.COM



## SITE PLAN

SCALE: 1" = 20'

RANKIN AVE.

**\*\*PRELIMINARY\*\***

# SPANIC RESIDENCE

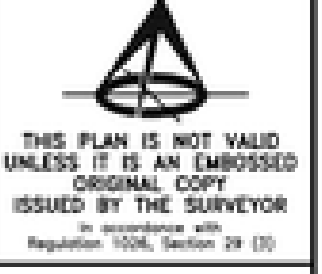
COPYRIGHT © MONTEMURRI & ASSOCIATES ALL RIGHTS RESERVED  
MARCH 5, 2024



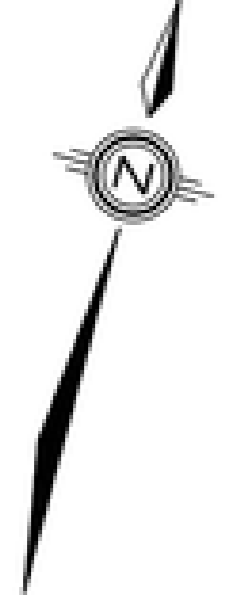
### SPANIC RESIDENCE

COPYRIGHT ©MONTEMURRI & ASSOCIATES ALL RIGHTS RESERVED  
FEBRUARY 24, 2024

### FRONT ELEVATION



THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR  
in accordance with  
Regulation 1006, Section 29 (2)



PLAN OF SURVEY  
OF  
LOT 27  
REGISTERED PLAN 2  
IN THE  
TOWN OF AMHERSTBURG  
COUNTY OF ESSEX, ONTARIO  
© VERHAEGEN LAND SURVEYORS, A DIVISION OF J.D. BARNES LTD.

SCALE : 1"=15'  
0 7.5 15.0 30.0 45.0 75.0 FEET

"IMPERIAL" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048

INTEGRATION DATA

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O. REG 216/10

POINT ID	NORTHING	EASTING
ORP-A	15300040.51'	1067188.75'
ORP-B	15300117.62'	1067482.70'

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

FOR BEARING COMPARISONS THE FOLLOWING ROTATIONS WERE APPLIED TO CONVERT TO GRID BEARINGS

PLAN	CLOCKWISE ROTATION
P	01°58'20"

LEGEND AND NOTES

BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS 'A' AND 'B' BY REAL TIME NETWORK OBSERVATIONS AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0).

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999953

ALL SET SSIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11(4) OF O. REG. 525/91.

- ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (IB) UNLESS OTHERWISE NOTED.
- SB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR
  - SSIB DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR
  - IB DENOTES 16mm X 16mm X 0.61m IRON BAR
  - IB φ DENOTES 19mm diameter X 0.61m ROUND IRON BAR
  - CC DENOTES CUT-CROSS
  - CP DENOTES 5mm X 50mm STEEL PIN
  - PB DENOTES PLASTIC BAR
  - DENOTES SURVEY MONUMENT FOUND
  - DENOTES SURVEY MONUMENT SET AND MARKED JOB
  - WT. DENOTES WITNESS I DENOTES PERPENDICULAR
  - (S) DENOTES SET (M) DENOTES MEASURED (D) DENOTES INST. No.
  - ORP DENOTES OBSERVED REFERENCE POINT
  - (N) DENOTES NOT IDENTIFIABLE (OU) DENOTES ORIGIN UNKNOWN
  - (S/P) DENOTES SET PROPORTIONALLY
  - (1744) DENOTES VERHAEGEN SURVEYORS INC., O.L.S.
  - (JOB) DENOTES J.D. BARNES LIMITED, O.L.S.
  - (1194) DENOTES JOHN B. SIMEON INC., O.L.S.
  - (1201) DENOTES CLARKE SURVEYORS INC., O.L.S.
  - (P) DENOTES PLAN OF SURVEY BY (1744) DATED JULY 8, 1992 (A-6030)
  - (FN) DENOTES FIELD NOTES BY (1201) DATED FEBRUARY 12, 1991

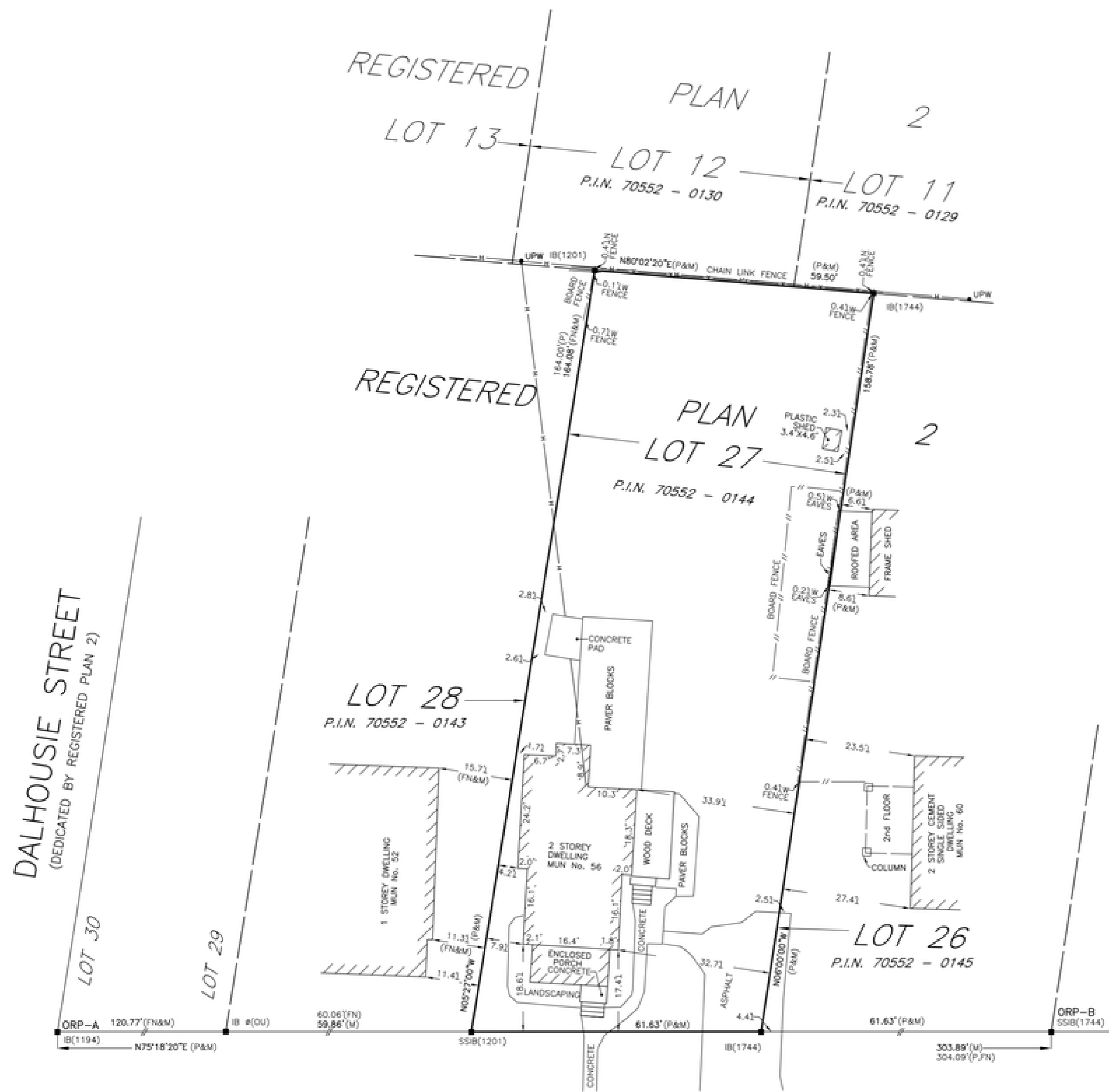
THIS PLAN MUST BE READ IN CONJUNCTION WITH PART 2 AS SHOWN BELOW  
THIS REPORT WAS PREPARED FOR ETHAN FRENCH

**SURVEYOR'S REAL PROPERTY REPORT PART 2 OF 2 PARTS**  
Please note the following:  
1. Survey Monuments mark all corners of the parcel.  
2. The parcel has an Area of 0.223 Acres.  
3. The location of Asphalt along east property line.  
4. The location of Board fence along east and west property lines.  
5. The location of Chain link fence on North of property line.  
6. The location of Frame shed and Eaves on the east property line.  
7. The parcel comprises all of PIN 70552 - 0144.  
8. There are no registered easements or Right-of-Ways on the subject property.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
  - THIS SURVEY WAS COMPLETED ON THE 11th DAY OF MARCH, 2024

DATE MARCH 21, 2024  
*Roy Simono*  
ROY A. SIMONO  
ONTARIO LAND SURVEYOR



RANKIN AVENUE  
(DEDICATED BY REGISTERED PLAN 2)  
P.I.N. 70552 - 0200

DALHOUSIE STREET  
(DEDICATED BY REGISTERED PLAN 2)

**VERHAEGEN**  
LAND SURVEYORS  
A DIVISION OF J.D. BARNES LTD.  
944 OTTAWA STREET, WINDSOR, ON, N9X 2E1  
T: (519) 258-1772 F: (519) 258-1791 www.jdbarnes.com

DRAWN BY: SP	CHECKED BY: KH/RAS	REFERENCE NO.: 24-47-078-00
CAD File: 24-47-078-00.dwg CAD Date: March 22, 2024 9:00 AM		File: E-2-2

B10m x 0.5 (4.0 W) x 0.5 (4.0 H)

**A/13/24- 56 Rankin Avenue, 1174580 Ontario Limited- Site Photo**





## Summary of Correspondence Received on Proposed Minor Variance for A/13/24 – 56 Rankin St.

Below is a summary of the comments received by the Planning Services Division for A/13/24 as of April 25, 2024.

### Essex Region Conservation Authority:

See attached letter.

### Building Department:

- Grading Design required for the property

### Infrastructure Services:

- No Comments

### Fire Department:

Fire Department has no issues with these three items.



planning@erca.org  
P.519.776.5209  
F.519.776.8688  
360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

April 16, 2024

**Ms. Janine Mastronardi**

Secretary-Treasurer  
3295 Meloche Road  
Amherstburg, ON  
N9V 2Y8

Dear Ms. Janine Mastronardi:

RE: Application for Minor Variance A-13-24 56 RANKIN AVE  
ARN 372924000004700; PIN: 705520144  
Applicant: 1174580 ONTARIO LIMITED

The Town of Amherstburg has received Application for Minor Variance A-13-24 for the above noted subject property, which seeks relief from minimum interior side yard setback requirements to support an addition to an existing residential dwelling. The following is provided as a result of our review of Application for Minor Variance A-13-24.

**NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS**

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Ontario Regulation 41/24 under the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*.

**FINAL RECOMMENDATION**

Our office has **no objection** to A-13-24. If you have any questions or require any additional information, please contact the undersigned.

Sincerely,

Alicia Good  
Watershed Planner  
/ag





# Amherstburg Committee of Adjustment

May 01, 2024

**A/13/24 – 56 Rankin St.**

# Purpose of Application A/13/24

The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 9(3)(d) which requires a minimum interior side yard setback of 1.5 m on one side and 2.5 m on the other side where there is no attached private garage or attached carport in a Residential Third Density (R3) Zone.

The applicants are proposing a house addition and renovation. The existing west side of the house will remain as existing with a 1.67 ft setback which is considered to be a permitted non-conforming building location under Section 1(16) of the Zoning By-law. The addition is proposed to have a 1.5 m setback at its closest point from the east property line and increase along the depth of the addition. There are stairs proposed on the east side of the addition which access a mudroom that a small corner encroaches 0.18 m into this 1.5 m setback. Therefore, the amount of relief requested is 1.18 m in interior side yard width to permit a 1.32 m interior side yard setback from the east property line.

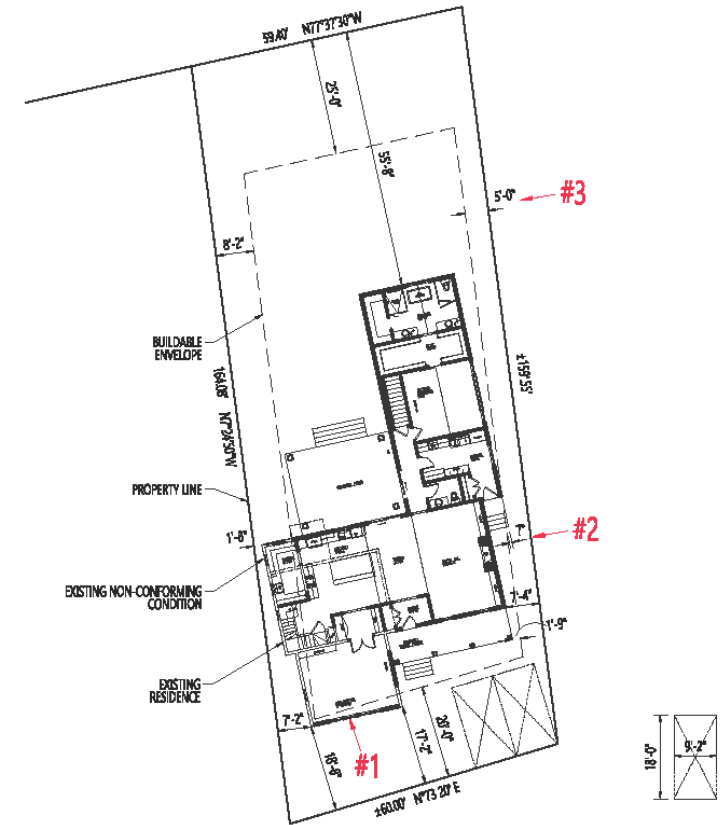






Town of Amherstburg  
A/13/24 - 56 Rankin Avenue

**MONTEMURRI**  
RESIDENTIAL DESIGN  
WINDSOR, ONTARIO TEL: 519 564 9441  
EMAIL: LINOARCH@GMAIL.COM



**SITE PLAN**  
SCALE: 1"=20'

**\*\*PRELIMINARY\*\***

**SPANIC RESIDENCE**

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MARCH 5, 2024



**Sketch**

# Policy Review

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

A policy review of the application has been completed by the Planning department considering the following;

- Planning Act, R.S.O. 1990
- Town Official Plan
- Town Zoning By-law 1999-52, as amended



# Four Tests

From a planning perspective the Committee must determine if:

- 1) The requested variance conforms with the intent of the relevant Official Plan policies;
- 2) The proposed variance maintains the intent of Comprehensive Zoning By-law 1999-52, as amended;
- 3) The proposed variance is desirable or the appropriate development or use of the land, building or structures; and
- 4) The requested variance would appear to be minor in nature.



# Recommendation

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that Application A/13/24 be approved to grant relief of 1.18 m in interior side yard setback from the east property line to permit a 1.32 m setback subject to the following conditions;

- 1- That the driveway to 56 Rankin be relocated wholly on the subject property and be in compliance with the Town's Zoning By-law 1999-52, as amended and the Town's Right-of-Way Policy and that any incidental costs for the relocation of the existing Cogeco pad be at the expense of the applicant.
- 2- That a lot grading plan be prepared and submitted to the satisfaction of the municipality.

