



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:

Ryan Deslippe

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, June 5, 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, June 3, 2024) to the Planning Department, 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: 156 Dalhousie Street
(Roll No.: 3729-240-000-09700)

Purpose of Minor Variance Application A/16/24: The applicant is proposing the construction of a fence consisting of 6 ft decorative fencing, brick piers, a man gate and a 7 ft motorized vehicle gate flanked by 7 ft brick piers topped with coach lights.

The applicant is requesting relief from Fence By-law 2022-027, Part 2(2.1)(a) which permits the maximum height of a fence in a front yard to not exceed 0.9 meters (3 feet). The applicant is proposing to install a fence in the front yard with a height of 1.8 meters (6 feet).

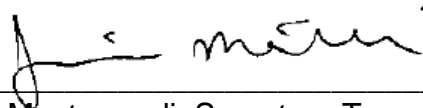
The applicant is requesting relief from Fence By-law 2022-027, Part 2(2.2) which permits the maximum height of a gate to not exceed 2 meters (6 feet 6 inches) save and except if there is a decorative gate feature that projects no more than an additional 0.6 meters (2 feet). The applicant is proposing to install a 7 ft motorized vehicle gate in the front yard with a height of 2.13 meters (7 feet) flanked by 2.13 meters (7 feet) brick piers with (2 feet) coach lights on top.

Therefore, the amount of relief requested is 0.9 m (3 feet) in front yard fence height and .13 m (6 inches) in gate height.

The subject property is designated Low Density Residential in the Town's Official Plan and is zoned Special Provision Residential First Density (R1-8) 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.

Dated: May 15, 2024



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

Municipal Fee Received	PAID
ERCA Fee Received:	PAID

Application No. A/16/24

PLANNING ACT
APPLICATION FOR MINOR VARIANCE
APPLICATION FOR PERMISSION
TOWN OF AMHERSTBURG

1. Name of approval authority Town of Amherstburg
2. Date application received by municipality May 6, 2024
3. Date application deemed complete by municipality May 9, 2024

4. Name of registered owner **Ryan Deslippe**
 Telephone number [REDACTED]
 Address [REDACTED]
 Email [REDACTED]
 Name of registered owner's solicitor or authorized agent (if any) Cynthia Thrasher
 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:

TD Canada Trust (construction HELOC)

6. Location and description of subject land:

Concession No. _____ Lot(s) No. _____
 Registered Plan No. 6 Lot(s) No. PT LOT 7
 Reference Plan No. _____ Part(s) No. _____
 Street Address 156 Dalhousie St. Assessment Roll No. 372924000009700000

7. Size of subject parcel:

Frontage 52.12' Depth 395' Area 37,442 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

Low Density

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

10. Current Zoning of subject land Residential (R1-8)

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

Current by-law states a front yard fence cannot exceed 3' in height & that a gate cannot exceed 6' 6" in height with the decorative gate feature projecting no more than an additional 2'.

Proposed fence will be 6' high (3' higher than bylaw).

Proposed gate will be 7' high (6" higher than bylaw), + 6" decorative feature (within current bylaw).

12. Reasons why minor variance is necessary _____

Security & privacy due to proximity of high density public area (town park, Fort Malden, downtown). Also to compliment the historic look of the neighbouring Fort Malden gate & fence.

13. Current use of subject land Residential

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

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: :

HOME:

Distance from front lot line: 24'8" /rear lot line: 228' /north side lot line: 4'11" /south side lot line: 12'6"

Height: 28.17' as defined by town bylaw

Footprint/Main Floor Area: 3,736 sq ft

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

Commenced October 2022. Completion July 2024.

17. Date subject land acquired by current registered owner February 5, 2021

18. Proposed use of subject land Residential

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:

Iron fence + driveway & man gate w/ stone/brick pillars

Distance from front lot line: 1" /rear lot line: 393' /north side lot line: 1" /south side lot line: 1"

Height: 6' (fence & pillars) & 7' (gate & pillars) + gate decorative feature of 6"

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) Detroit River / Storm

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:

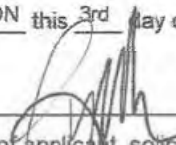
- Yes
- No

26. Is the land within 600 m of property that is designated as Extractive Industrial?

- Yes
- No

If yes, as per Section 3.3.3 of the Official Plan a noise and vibration study is required for approval by the Town, to be completed.

Dated at the City of Amherstburg, ON this 3rd day of May, 2024.

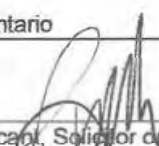


 (signature of applicant, solicitor or authorized agent)

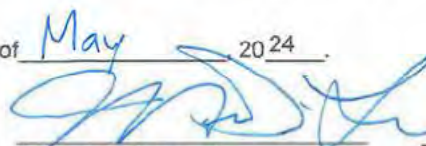
I, Ryan Deslippe of the Town of Amherstburg in the
 County/District/Regional Municipality of Essex solemnly declare that all the statements
 contained in this application are true, and I make this solemn declaration conscientiously believing it to be
 true, and knowing that it is of the same force and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

Declared before me at the City of Toronto in the Province

of Ontario this 3rd day of May, 2024.



 Applicant, Solicitor or Authorized Agent



 A Commissioner, etc.



POSTING COMMITTEE OF ADJUSTMENT ADVISORY SIGN

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

PROPERTY ADDRESS: 156 Dalhousie St., Amherstburg, ON N9V 1W4

APPLICATION NUMBER(S): A/16/24

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)

May, 3, 2024
Date

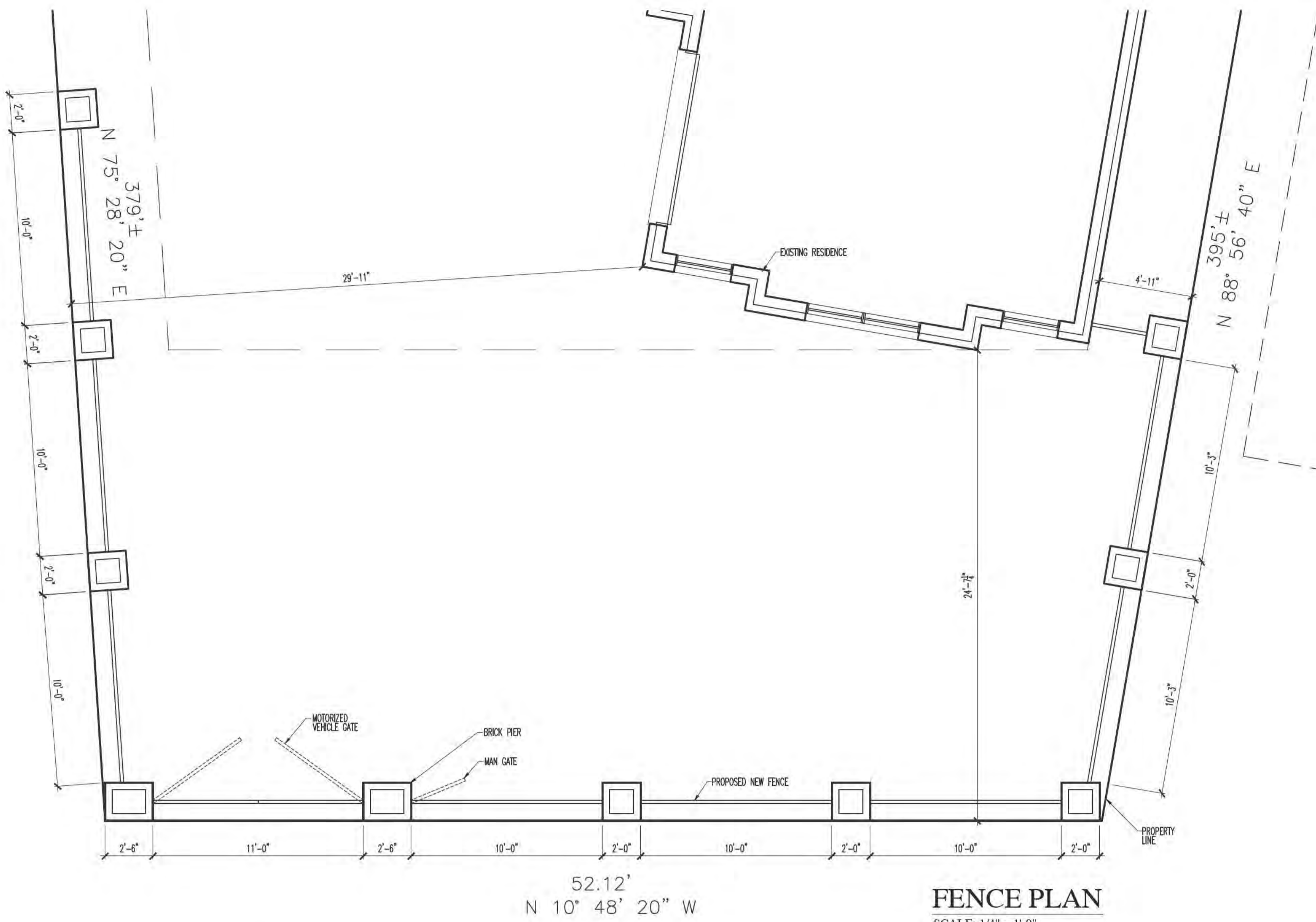
Project
Deslippe Residence
Amherstburg, Ontario

COPYRIGHT
MONTEMURRI & ASSOCIATES
ALL RIGHTS RESERVED

MONTEMURRI & ASSOCIATES authorizes the use of this drawing only for the process necessary to construct the named project. Any other use, for whatever purpose, without written permission from MONTEMURRI & ASSOCIATES is strictly forbidden, and is in violation of COPYRIGHT LAWS and will be subject to civil damages and criminal prosecution.

Project No.

167-21



FENCE PLAN
SCALE: 1/4" = 1'-0"

LEGEND

- NEW 2x WALLS
- INTERIOR BEARING WALL
- LINE OF WALL ABOVE
- INTER-CONNECTED SMOKE ALARM / CO DETECTOR w/ STROBE LIGHT & BATTERY BACK UP (PER 9.10.19.1 & 9.10.19.3)
- EXHAUST FAN
- POINT LOAD FROM ABOVE
- BUILT UP COLUMN PER O.B.C.
- SHOWER HEAD

Note: Engineered shop drawings, for any "manufactured component" forming part of the building (i.e. engineered roof trusses, engineered floor joists, timbers etc.), must be submitted to Montemurri & Associates for review and approval. If engineered shop drawings are not submitted and approved, Montemurri & Associates is not responsible for any associated costs or damages.

Drawn By
(BCIN: 31501)
Issued:



only valid with authorized signature
from Montemurri & Associates

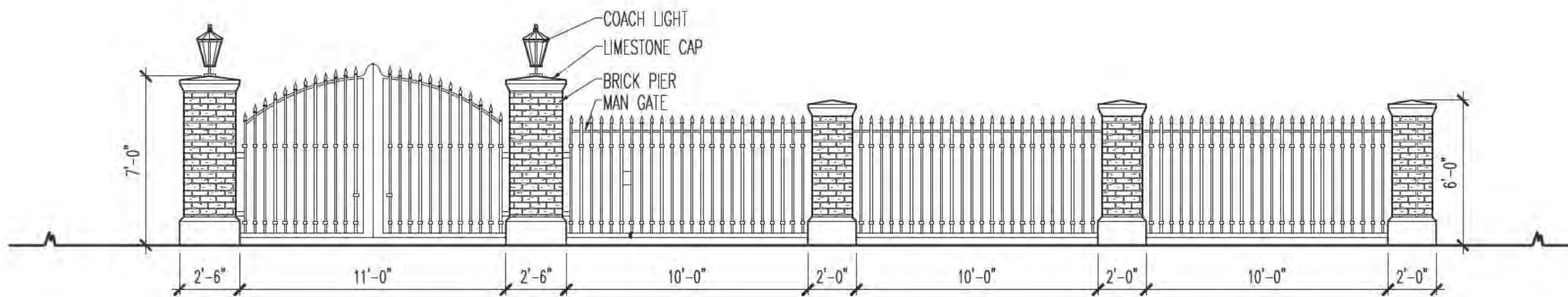
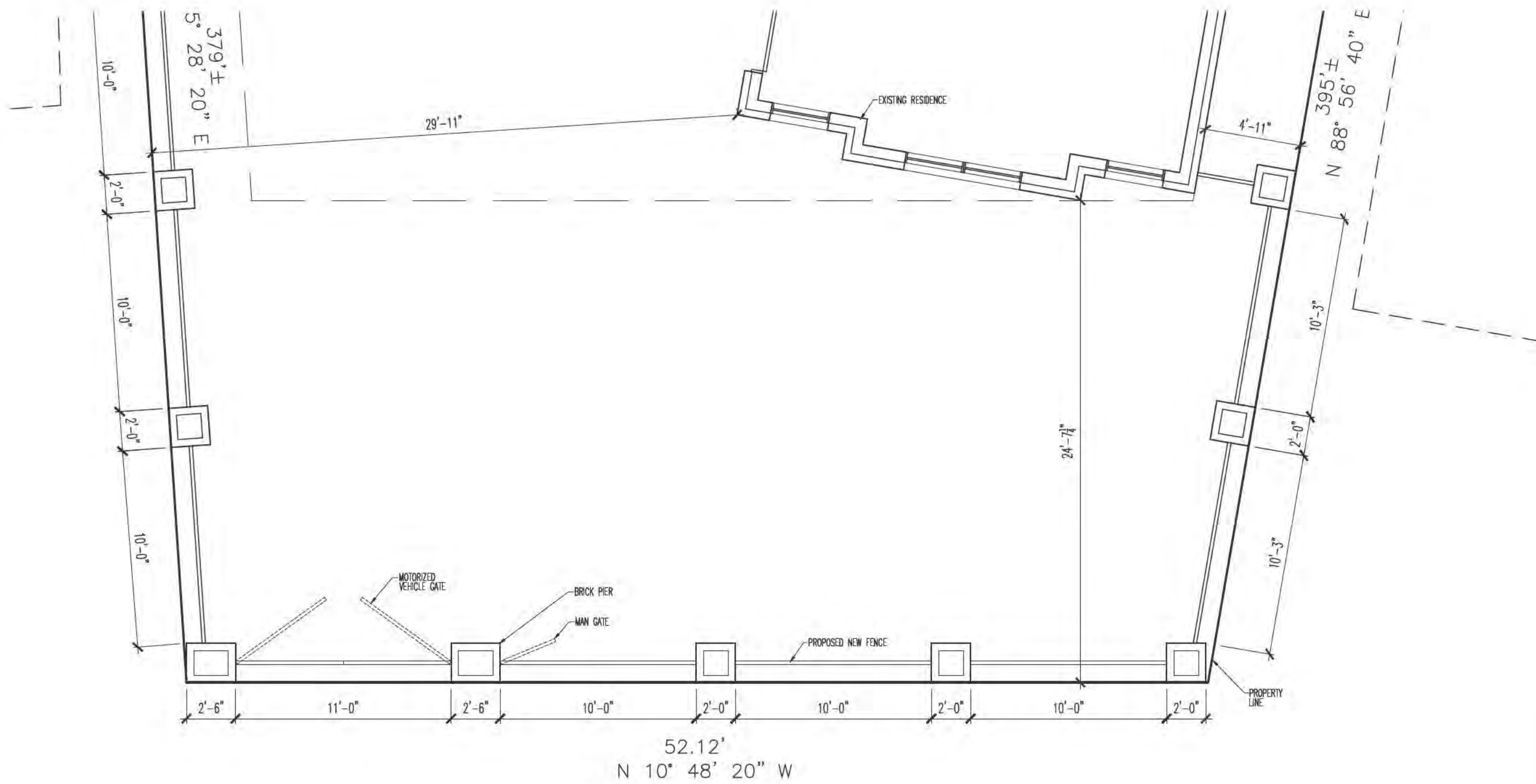
Date

Sheet No.

A-1.01



FENCE ELEVATION @ STREET
SCALE: 1/4" = 1'-0"



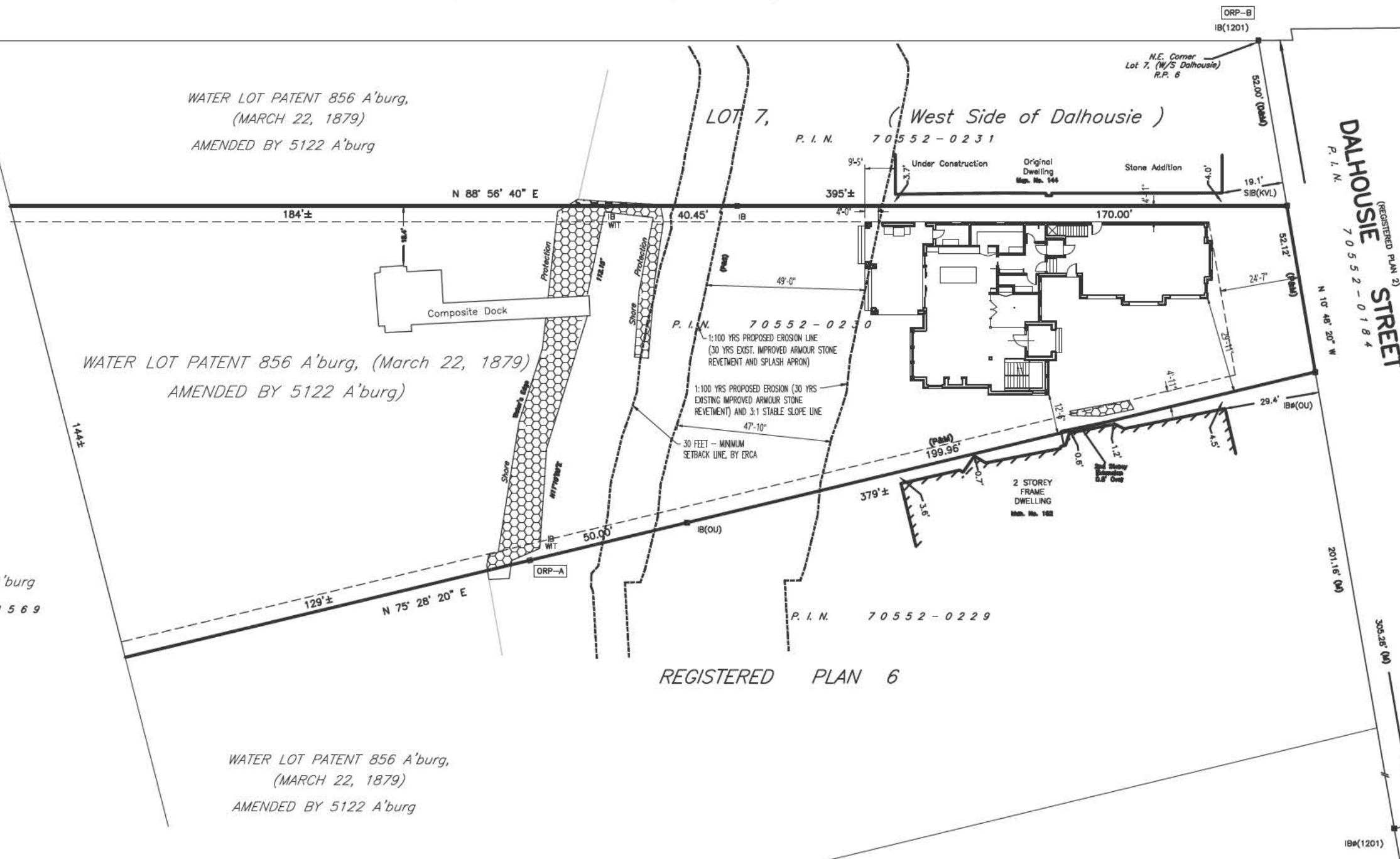
DESLIPPE RESIDENCE

COPYRIGHT © MONTEMURRI & ASSOCIATES ALL RIGHTS RESERVED
MAY 2, 2024



Part 3, Plan 12R-11505

LOT 7, (West Side of Laird) Registered Plan 7



PLAN OF SURVEY
OF
PART OF LOT 7,
(WEST SIDE OF DALHOUSIE STREET)
REGISTERED PLAN 6
AND
PART OF THE WATER LOT IN FRONT
WATER LOT PATENT 856 A'burg, (MARCH 22, 1879),
AMENDED BY 5122 A'burg)
IN THE
TOWN OF AMHERSTBURG
COUNTY OF ESSEX, ONTARIO
© VERMIDEN LAND SURVEYORS, A DIVISION OF J.D. BARNES LTD.

SCALE : 1"=20'
0 10.0 20.0 40.0 60.0 100.0 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		
OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17 NAD83 (CSRS) (2010.0).		
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.		
POINT ID	NORTHING	EASTING
ORP-A	15300654.76	1066751.88
ORP-B	15300819.76	1066974.40
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

THE RESULTANT TIE BETWEEN ORP-A AND ORP-B IS N 48°47'40" E, 231.14'.

INST. No. 5122 A'burg
BLOCK 01569

REGISTERED PLAN 6

SITE PLAN

LEGEND AND NOTES
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY
REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS)(2010.0).

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS /
THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.

Town of Amherstburg
A/18/24 - 156 Dalhousie



approx. 4 m



A/16/24- 156 Dalhousie Site Photo





Summary of Correspondence Received on Proposed Minor Variance for A/16/24 – 156 Dalhousie St.

Below is a summary of the comments received by the Planning Services Division for A/16/24 as of May 28, 2024.

Essex Region Conservation Authority:

See attached letter.

Building Department:

- No Comments

Infrastructure Services:

The fence shall be fully constructed on private lands. No portion of the fence shall be constructed within the municipal right-of-way.

Fire Department:

Fire Department has no issues.



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

May 21, 2024

Ms. Janine Mastronardi

Planner
3295 Meloche Road
Amherstburg, ON
N9V 2Y8

Dear Ms. Janine Mastronardi:

RE: Application for Minor Variance A-16-24 156 DALHOUSIE ST
ARN 372924000009700; PIN: 705520230

Applicant: Ryan Deslippe

The Town of Amherstburg has received Application for Minor Variance for the above noted subject property, which proposes to construct a 6 ft decorative fence with a 7 ft vehicle gate and 7 ft brick piers topped with coach lights.

The applicant is requesting relief from Fence By-law 2022-027, Part 2(2.2) which permits the maximum height of a gate to not exceed 2 meters (6 feet 6 inches) save and except if there is a decorative gate feature that projects no more than an additional 0.6 meters (2 feet). The applicant is proposing to install a 7 ft motorized vehicle gate in the front yard with a height of 2.13 meter (7 feet) flanked by 2.13 meter (7 feet) brick piers with (2 feet) coach lights on top.

Therefore, the amount of relief requested is 0.9 m (3 feet) in front yard fence height and .13 m (6 inches) in gate height.

The following is provided as a result of our review of Application for Minor Variance A-16-24.

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*.

The above noted lands are subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of the Detroit River. The property owner will be required to obtain an approval from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.



Ms. Janine Mastronardi
May 21, 2024

FINAL RECOMMENDATION

Our office has **no objection** to A-16-24. As noted above, the property owner will be required to obtain an approval from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Alicia Good
Watershed Planner
/ag



Amherstburg Committee of Adjustment

June 05, 2024



A/16/24 – 156 Dalhousie St.

Purpose of Application A/16/24

The applicant is proposing the construction of a fence consisting of 6 ft decorative fencing, brick piers, a man gate and a 7 ft motorized vehicle gate flanked by 7 ft brick piers topped with coach lights.

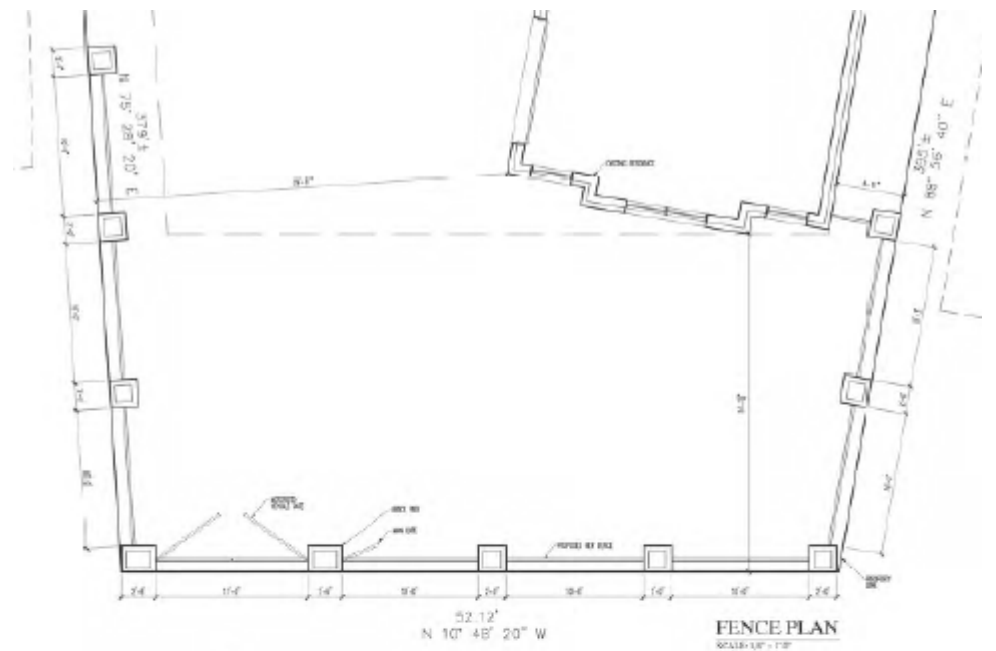
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The subject property is designated Low Density Residential in the Town's Official Plan and is zoned Special Provision Residential First Density (R1-8) in the Town's Zoning By-law 1999-52.





Sketch

Policy Review

The subject property is designated Low Density Residential in the Town's Official Plan and is zoned Special Provision Residential First Density (R1-8) 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 the Application A/16/24 request to grant relief of 0.9 m (3 feet) in front yard fence height and 0.13 m (6 inches) in gate height to allow a fence in the front yard with a height of 1.8 meters (6 feet) with a motorized vehicle gate with a height of 2.13 meters (7 feet) flanked by 2.13 meters (7 feet) brick piers with (2 feet) coach lights on top **BE APPROVED** subject to the following condition;

- 1- That the fence design and construction be consistent with the drawings submitted as part of the minor variance application.

