



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: May 24, 2024
Author's Phone: 519 736-5408 ext. 2135	Date to Committee: June 5, 2024
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

To: Chair and Members of the Committee of Adjustment

Subject: A/18/24, 247 Brock Street, Jones Group Inc.

1. RECOMMENDATION:

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/18/24 **BE APPROVED**.

2. PROPOSAL:

Purpose of Minor Variance Application A/18/24: The applicant has installed two (2) signs indicating the name and address of the development and the residence entrance. Through a building permit review it was noted that a minor variance for relief from Sign By-law 2016-100 is required.

The applicant is requesting relief from Sign By-law 2016-100, Section 6(6.1)(3) which permits not more than one (1) sign to be erected on any one lot for residential purposes. Section 6(6.3)(1) permits a sign no larger than 0.55 sq m (6 sq ft) identifying a rooming or boarding house or multiple dwelling. The applicant has installed two (2) signs being 2.45 sq m (26.42 sq ft) and 0.09 sq m (1 sq ft) in area.

Therefore, the applicant is requesting permission to erect two signs and the amount of relief requested is 1.99 sq m (21.42 sq ft) in sign area.

The subject property is designated Medium Density Residential in the Town's Official Plan and is zoned Special Provision Residential Multiple Second Density (RM2-8) in the Town's Zoning By-law 1999-52.

3. **BACKGROUND:**

N/A

4. **PLANNING INFORMATION:**

Official Plan Designation: Medium Density Residential

By-law No. 1999-52: Residential Multiple Second Density (RM2-8) Zone

Existing Use: Residential

Proposed Use: Residential- No change

Neighboring Uses: residential and institutional

TECHNICAL INFORMATION

Proposed Sign Area:	Sign 1:	2.45 sq m (26.42 sq ft)
	Sign 2:	0.09 sq m (1 sq ft)
	Total:	2.54 sq m (27.42 sq ft)

Permitted Sign Area: One Sign with an Area of 0.55 sq m (6 sq ft)

Relief requested: Permission to erect Two (2) Signs
with a total relief in area of 1.99 sq m (21.42 sq ft)

5. **PLANNING ANALYSIS:**

1. *PLANNING ACT (R.S.O. 1990)*

The purposes of the Planning Act are;

- “ (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
- (b) to provide for a land use planning system led by provincial policy;
- (c) to integrate matters of provincial interest in provincial and municipal planning decisions;
- (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
- (e) to encourage co-operation and co-ordination among various interests;
- (f) to recognize the decision-making authority and accountability of municipal councils in planning.”

The proposal is consistent with Section 2 of the Planning Act which requires that the Committee of Adjustment have regard to matters of provincial interest including (the following are excerpts from Section 2 of the Planning Act that apply to this development):

- the orderly development of safe and healthy communities;

The multi-residential building on the municipally serviced property in an existing residential development is a permitted use. The minor variance is required to allow for the two signs on the multi-residential building that exceed the area permitted by the Sign By-law 2016-100.

When reviewing this application, the Committee must consider the four tests as outlined in Section 45(1) of the Planning Act, R.S.O. 1990, as amended, which states that the Committee be of the opinion that the variance:

- a) maintains the general intent and purpose of the Official Plan;
- b) maintains the general intent and purpose of the Zoning By-law;
- c) is desirable for the appropriate development or use of the land, building or structures; and
- d) is minor in nature.

The application must meet all of the above tests.

2. OFFICIAL PLAN POLICIES

The subject property is designated Medium Density Residential in Amherstburg's Official Plan. Section 4.3.1 of the Official Plan states, 'areas designated Medium Density Residential shall be limited to single, duplex, triplex, conversions, and horizontal multiples, home occupation uses and public uses. In addition to these permitted uses, low-rise apartment buildings with a maximum height of five stories are permitted.'

The applicant has installed a sign for the condominium building on the site. The structure and use are permitted on lands designated Medium Density Residential. As such, the proposed use is considered to be in keeping with the intent of the Official Plan.

In the opinion of the author of this report the proposed minor variance maintains the intent of the Official Plan.

3. ZONING BY-LAW

The subject property is zoned Special Provision Residential Multiple Second Density (RM2-9) Zone in Bylaw 1999-52, as amended. The RM2-9 Zone permits multiple dwelling, home occupations and accessory structures.

The applicant has installed a sign for the permitted apartment building on the site. The structure and use on the property are permitted in the RM2-9 Zone.

In the opinion of the author of this report the requested variance maintains the intent of the Zoning By-law.

4. SIGN BY-LAW 2006-100

The applicant is requesting relief from Sign By-law 2016-100, Section 6(6.1)(3) which permits not more than one (1) sign to be erected on any one lot for residential purposes.

The applicant is also requesting relief from Section 6(6.3)(1) which permits a sign no larger than 0.55 sq m (6 sq ft) identifying a rooming or boarding house or multiple dwelling.

The applicant has installed a sign being 2.45 sq m (26.42 sq ft) in sign area and is proposing to install a second sign for Residence Entrance being 0.09 sq m (1 sq ft) in area.

Therefore, the applicant is requesting permission to erect two signs and the amount of relief requested is 1.99 sq m (21.42 sq ft) in sign area.

The second sign is small in area and is to differentiate the Residence Entrance off of the parking lot from the Main Guest Entrance off of Wolfe Street.

5. APPROPRIATE DEVELOPMENT

The proposed variance does not change the use of the land for residential purposes and therefore can be considered appropriate. The sign size is appropriate in relation to the scale of the building.

In my opinion the proposed variance would not negatively impact any adjacent land uses.

6. MINOR IN NATURE

No precise definition for what constitutes “minor” exists. Rather, it is a culmination of the review of the Official Plan, Zoning By-law and attempts to address the “big picture” for what the proposed development represents. Each application must be assessed on its own set of circumstances.

The proposed use of the multi residential dwelling and the proposed sign are in conformity with the Official Plan and Zoning by-law.

There appears to be no environmental concerns.

6. AGENCY COMMENTS:

See attached.

7. RISK ANALYSIS:

As with all Committee of Adjustment decisions there is a risk that the decision is appealed. As a result of changes in Bill 23, decisions by a CoA can no longer be appealed by a third party. Decisions which are to support or refuse the consent or minor variance request, can only be appealed by the applicant, the Municipality, the Minister, a specified person or any public body. In the case of a consent decision the appeal must be filed

within 20 days after the giving of notice of the decision of the committee, whereas for a minor variance an appeal must be filed within 20 days of the making of the decision of the committee. It is important to note that a tied vote is deemed to be a decision to deny the consent or minor variance request. If there is an appeal to the OLT the Town will incur costs.

8. RECOMMENDATIONS:

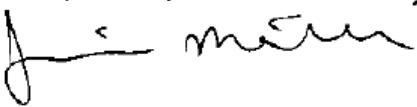
That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that Application A/18/24 be approved to grant permission to erect a first sign with an area of 2.45 sq m (26.42 sq ft) and a second sign with an area of 0.09 sq m (1 sq ft) and to grant relief in sign area of 1.99 sq m (21.42 sq ft).

9. CONCLUSION:

From a planning perspective in the opinion of the author of this report:

- 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 does not change the use of the land for residential purposes and therefore can be considered appropriate.
- 4) The requested variance would appear to be minor in nature.
- 5) The proposed variance would not appear to have a negative impact on the environment.

Respectfully Submitted,



Janine Mastronardi
Secretary-Treasurer

Report Approval Details

Document Title:	A-18-24, 247 Brock Street, Jones Group Inc.docx
Attachments:	
Final Approval Date:	May 27, 2024

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

Chris Aspila