

**COMMITTEE OF ADJUSTMENT
DECISION OF COMMITTEE WITH REASONS
RE APPLICATION FOR MINOR VARIANCE**

The Planning Act, R.S.O. 1990, Chapter P.13, Subsection 45(8), As Amended

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| (a) Name of approval authority | TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT |
| (b) Name of applicant | RE AN APPLICATION BY (b) 100004372 Ontario Ltd.,
c/o Chintan Virani, Agent |
| (c) Brief description | LOCATION OF PROPERTY (c) 527 Sandwich Street South
(Roll No. 3729-390-000-01300 & 3729-020-000-01400)) |
| (d) As set out in application | <p>PURPOSE OF APPLICATION: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(26)(f) states, "Drive-through facilities, drive-through restaurants and car washes, as defined herein, shall be separated from any boundary of a Residential Zone by a minimum distance of 10 metres, measured from the nearest point along the lane providing access to and egress from the drive-through or car wash facility, and any part of the associated buildings or structures including speakers and menus/display boards, to the nearest point along the Residential Zone boundary."</p> <p>The applicant is proposing the development on the subject property to contain three drive-through restaurants. Restaurants 2 and 3 require relief from the above noted setback.</p> <p>Restaurant 2 proposes a drive-through lane with a 3 m setback from a Residential Zone boundary along the northeast property line.</p> <p>Restaurant 3 proposes a drive-through lane with a 7.5 m setback from a Residential Zone boundary along the south property line.</p> <p>Therefore, the amount of relief requested is 7 m in setback for a drive-through lane from a Residential Zone boundary from the northeast property line and 2.5 m in setback for the drive-through lane from a Residential Zone boundary from the south property line as per the submitted site plan.</p> |
| (e) Date of decision | CONCUR in the following decision and reasons for decision made on the (e) 1 st day of February, 2023 |
| | DECISION: APPROVED |
| (f) State conditions to be satisfied before granting of Minor Variance | <p>CONDITIONS - This decision has been made subject to the following conditions: (f)</p> <ol style="list-style-type: none"> 1. That the applicant install a planting/buffer strip in the setback between the drive-through lane and the property line abutting the Residential Zone for Restaurant 2 and Restaurant 3 on the site plan. The buffer/planting strip shall contain a double boarded fence and a double row of cedars. 2. That the required fence be eight feet (8 ft) in height, with a maximum one inch (1") spacing between boards, along the property lines abutting a Residential Zone requiring the minor variance relief, determined through the site plan control process, to the satisfaction of the municipality. |

(g) State reasons for decision

REASONS FOR DECISION: (g) 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.



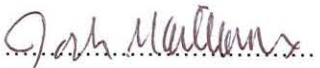
David Cozens



Terris Buchanan



Anthony Campigotto



Josh Mailloux



Don Shaw

CERTIFICATION

The Planning Act, R.S.O. 1990, Chapter P.13, Subsection 45(10), As Amended

(h) Name of approval authority

I, **Janine Mastronardi, Acting Secretary-Treasurer** of the (h) **Town of Amherstburg** certify that the above is a true copy of the decision of the approval authority with respect to the application recorded therein.

(i) Name & address of approval authority

Dated the 2nd day of February, 2023



Acting Secretary-Treasurer
Town of Amherstburg Committee of Adjustment
3295 Meloche Rd, Amherstburg, ON N9V 2Y8