



Summary of Correspondence Received on Proposed ZBA for lands severed from 6387-6391 Concession 6 N

Below is a summary of the comments received by the Planning Services Division on ZBA/08/24 as of April 25, 2024.

Essex Region Conservation Authority:

See attached letter.

Windsor Police

The Windsor Police Service has no concerns or objections with this application, as the nature of what is being requested in the proposed amendment will not have a negative impact on police incident response capability.

Infrastructure Services:

Infrastructure Services has no comments on ZBA-07-24 and ZBA-08-24.



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

April 22, 2024

Mr. Chris Aspila

Manager, Planning Services
3295 Meloche Road
Amherstburg, ON
N9V 2Y8

Dear Mr. Chris Aspila:

RE: Zoning By-Law Amendment ZBA-08-24 6387 CONCESSION 6 N
ARN 372939000008000; PIN: 015420223
Applicant: BOUSSEY BONITA MARGARET

The Town of Amherstburg has received Application for Zoning By-Law Amendment ZBA-08-24 for the above noted subject property.

This rezoning application will affect approximately 27.32 hectares ± of land described as Concession 6, Part Lot 5, municipally known as the retained farm parcel from a surplus dwelling severance at 6387-6391 Concession 6 N (see map below).

This Zoning Amendment, if approved, will rezone the subject lands from “**Agricultural (A) Zone**” to “**Special Provision Agricultural (A-36) Zone**”. The parcel is designated Agricultural in the Town’s Official Plan. The lands described above are subject to an application for consent (File B/06/24) to sever a dwelling which is surplus to the needs of a farming operation.

The purpose of the rezoning will be to allow for general agricultural use on the subject property and prohibit any new dwelling unit on the land. The “Special Provision Agricultural (A-36) Zone” is established as a site-specific zone for the retained agricultural parcel created through consent, to prohibit new residential uses on these lands.

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-08-24.

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



Mr. Chris Aspila
April 22, 2024

under the jurisdiction of the ERCA (Ontario Regulation 41/24 under the *Conservation Authorities Act*).

CONSERVATION AUTHORITIES AS LANDOWNERS

The parcel is adjacent to a property which is owned by the Essex Region Conservation Authority. Prior to any construction or site alteration activities adjacent to this property, or for general information regarding this property, please contact Kevin Money, Director of Conservation Services at (519) 776-5209 ext. 351.

FINAL RECOMMENDATION

Our office has **no objection** to ZBA-08-24.

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

Sincerely,



Alicia Good
Watershed Planner
/ag



**DECISION OF APPROVAL AUTHORITY
WITH REASONS RE APPLICATION FOR CONSENT**

- (a) Name of approval authority **TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT**
- (b) Name of applicant RE AN APPLICATION BY (b) **Estate of Bonita Boussey,
c/o Gina & Ralph Meo, Agent**
- (c) Brief description LOCATION OF PROPERTY (c) **6387-6391 Concession 6 N
(Roll No. 3729-390-000-08000)**
- (d) As set out in application PURPOSE OF APPLICATION (d: The applicant is proposing to sever a parcel of land being 109 m ± frontage by 112 m ± depth with an area of 1.22 ha ± which includes a single detached dwelling and five accessory structures (one which is a secondary dwelling unit) which are surplus to the needs of the farming operation. The remaining parcel being 265 m ± frontage by an irregular depth with an area of 27.32 ha ± is vacant agricultural land.
- The subject property is designated Agricultural in the Town's Official Plan and zoned Agricultural (A) Zone in the Town's Zoning By-law, 1999-52, as amended.
- (e) Date of decision CONCUR in the following decision and reasons for decision made on the (e) 3rd day of April, 2024.
- DECISION: APPROVED**
- (f) State conditions to be satisfied before granting of consent
1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper 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. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel.
 5. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Sections 3(3.3)(d) and 3(3.3)(f) which permit a secondary dwelling unit in a rear or interior side yard and located within 20 m of the primary dwelling.
 6. That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property.
 7. That the applicant obtain a report from an independent qualified person that the existing private septic systems serving the surplus dwelling and secondary dwelling unit do not cross the property lines, that the systems are in working order and that their operation will not be affected by the severance, to the satisfaction of the municipality.
 8. The applicant/owners are required to enter into a reapportionment of the drainage assessment for the subject lands in accordance with Section 65(2) of the Ontario Drainage Act, R.S.O. 1990 as amended and provide the Town of Amherstburg, a signed agreement and that any associated cost of same be borne solely by the applicant. The reapportionment for any affected Municipal Drains is required and is to be assessed against the affected lands in accordance with any past, current or future drainage bylaws, until such time as otherwise determined under the provisions of the Drainage Act. The severance shall not be granted until a Council resolution is passed to execute the reapportionment agreement.

9. That the applicant determine if there are any existing farm drainage tiles/systems extending through the parcel that is to be severed and, if existing farm drainage tiles/systems are found, that the applicant redirect the tiles/systems around the parcel to be severed to the satisfaction of the municipality.
10. That a grading plan be prepared and implemented for the perimeter of the severed parcel so that the applicant ensures the severed parcel maintains its own drainage as to not affect the neighbouring property.
11. 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.

(g) State reasons for decision REASONS FOR DECISION: (g) The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

I/WE, the undersigned, in making the decision upon this application for consent, in addition to other matters, have had regard to the matters that are to be had regard to under subsection 51(4) of The Planning Act, and having considered whether a plan of subdivision of the land in accordance with Section 50 of the said Act is necessary for the proper and orderly development of the municipality.

.....
Terris Buchanan

.....
Anthony Campigotto

.....
Debbie Rollier

.....
Donald Shaw

.....
Josh Mailloux

ORIGINAL DOCUMENT SIGNED

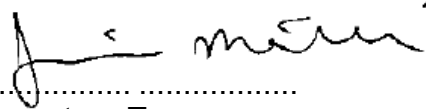
CERTIFICATION

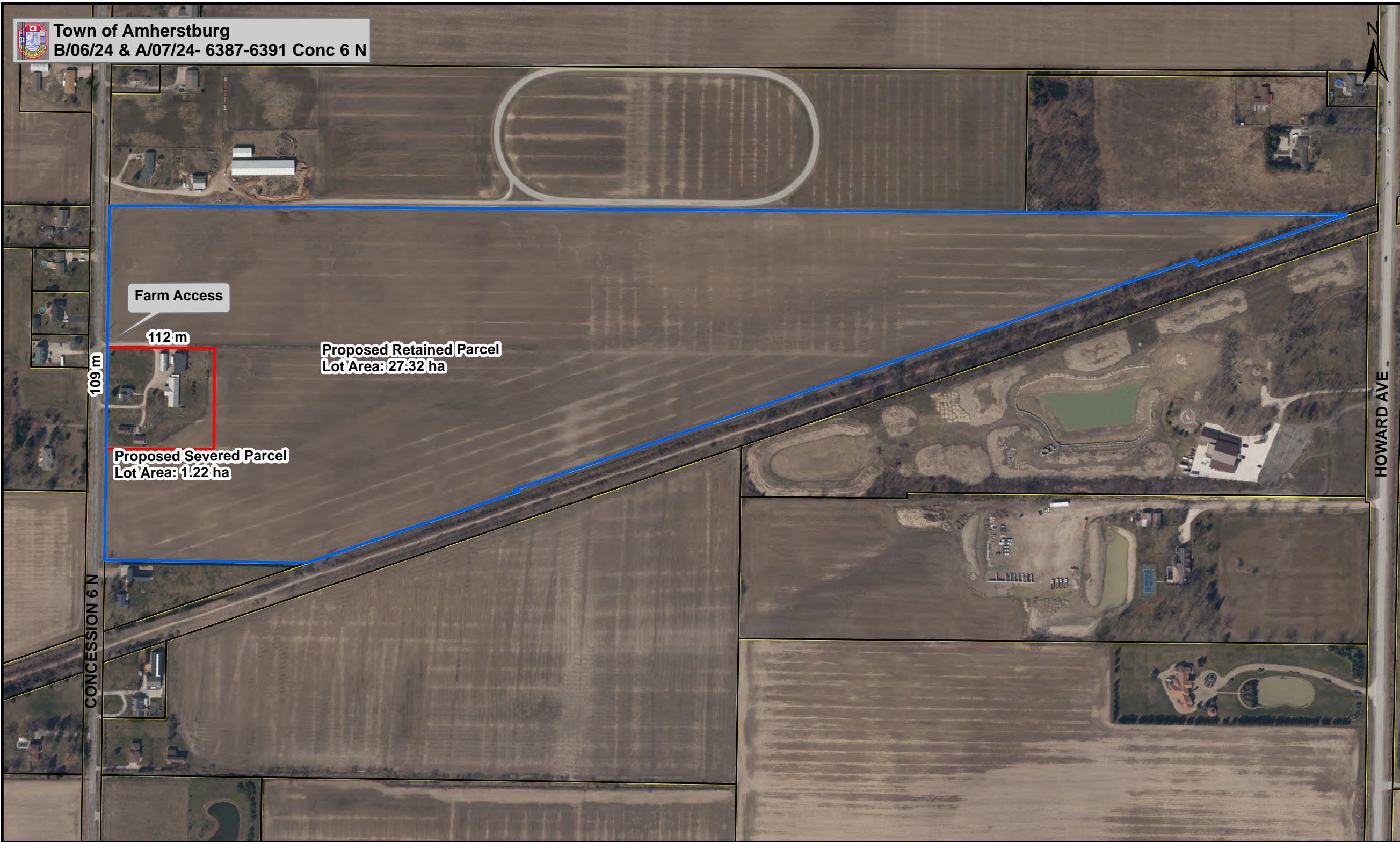
The Planning Act, R.S.O. 1990

(h) Name of approval authority I, **Janine Mastronardi, 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 this 4th day of April, 2024


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



Farm Access

112 m

Proposed Retained Parcel
Lot Area: 27.32 ha

Proposed Severed Parcel
Lot Area: 1.22 ha

109 m

CONCESSION 6 N

HOWARD AVE

CORPORATION OF THE TOWN OF AMHERSTBURG
**NOTICE OF STATUTORY PUBLIC MEETING
TO CONSIDER A ZONING BY-LAW AMENDMENT**

STATUTORY PUBLIC MEETING:

TAKE NOTICE that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Monday, May 13, 2024 commencing at 5:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52, under Section 34 of the Planning Act.

ANY PERSON seeking to attend meetings in-person should follow all public health guidance to ensure the safety of themselves and others during the COVID-19 pandemic.

ANY PERSON who wishes to attend and address Council by electronic means, must register with the Clerk's Office no later than 4:00 pm on Thursday, May 9, 2024. To register for electronic participation please email the Clerk at clerk@amherstburg.ca. Once you register, you will be given information on how to make your submission at the electronic meeting by electronic participation. To participate, you will need access to a computer or tablet with internet service or a telephone.

ANY PERSON who wishes watch the meeting proceedings only, please visit <http://video.islive.ca/amherstburg/live.html>

THE SUBJECT LANDS AND PURPOSE OF THIS REZONING APPLICATION:

This rezoning application will affect approximately 27.32 hectares ± of land described as Concession 6, Part Lot 5, municipally known as the retained farm parcel from a surplus dwelling severance at 6387-6391 Concession 6 N (see map below).

This Zoning Amendment, if approved, will rezone the subject lands from "**Agricultural (A) Zone**" to "**Special Provision Agricultural (A-36) Zone**". The parcel is designated Agricultural in the Town's Official Plan. The lands described above are subject to an application for consent (File B/06/24) to sever a dwelling which is surplus to the needs of a farming operation.

The purpose of the rezoning will be to allow for general agricultural use on the subject property and prohibit any new dwelling unit on the land. The "Special Provision Agricultural (A-36) Zone" is established as a site-specific zone for the retained agricultural parcel created through consent, to prohibit new residential uses on these lands.

ADDITIONAL INFORMATION:

ANY PERSON may make written representation in support of or in opposition to the proposed Zoning By-law Amendment by email to the Clerk at clerk@amherstburg.ca or in person by appointment for drop-off at Town Hall located at 271 Sandwich Street South. Comments must be submitted by 4:00 p.m. on Thursday, May 9, 2024 before the meeting and will be read aloud prior to the application being heard by Council.

NO PERSON OR PUBLIC BODY shall be added as a party to the hearing of the appeal unless, before the bylaw was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting, or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

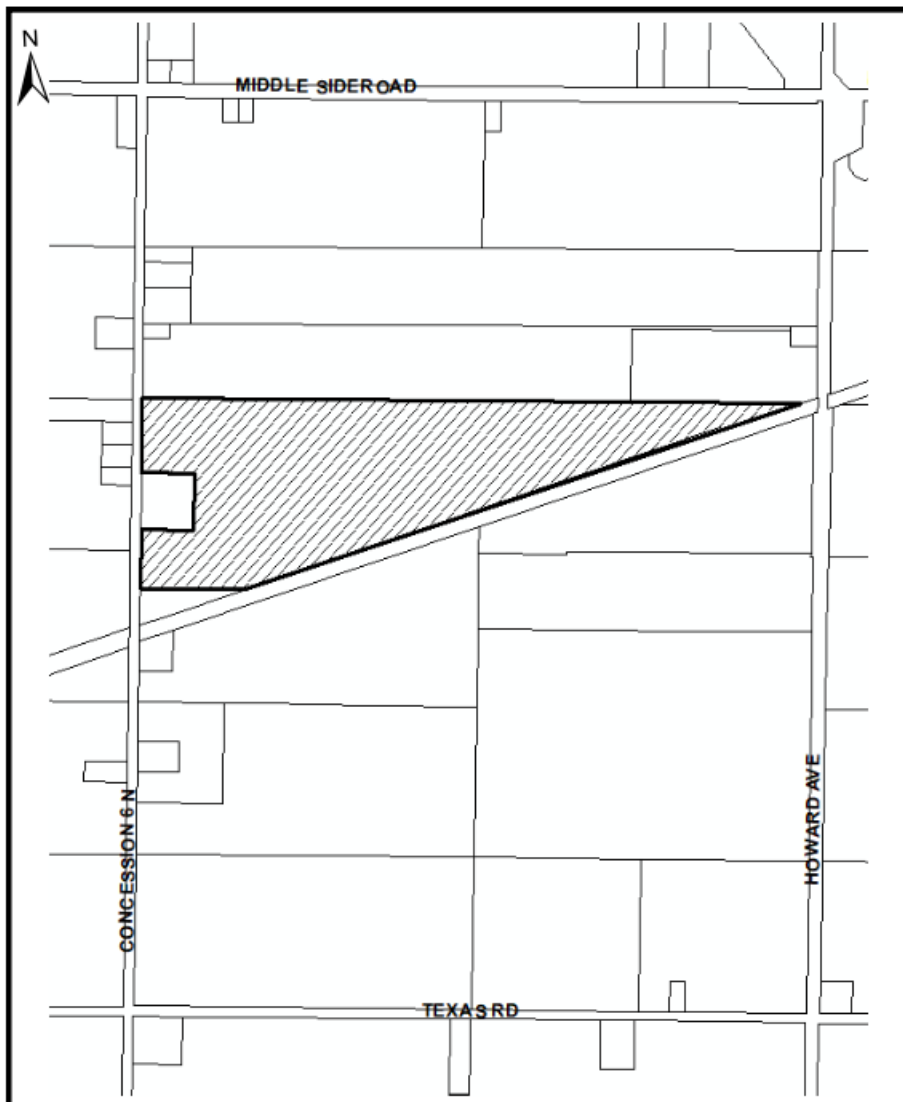
Further information relating to the proposed Zoning By-law (File# ZBA/08/24) Amendment is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Zoning By-law Amendment is also available for review on the Town of Amherstburg Website: www.amherstburg.ca. If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting www.amherstburg.ca.

The meeting will be available for viewing by livestream by visiting www.amherstburg.ca.

For Council and Committee Agendas and Meetings, visit amherstburg.ca/calendar.
To subscribe to Council & Committee Agendas, visit Amherstburg.ca/calendar and click SUBSCRIBE.

DATED at the Town of Amherstburg this 17th day of April, 2024.

KEY MAP



Christopher Aspila
Manager, Planning Services

Town of Amherstburg
Libro Centre
3295 Meloche Road
Amherstburg, Ontario N9V 2Y8
Telephone: (519) 736-5408
Fax No. (519) 736-9859
Website: www.amherstburg.ca



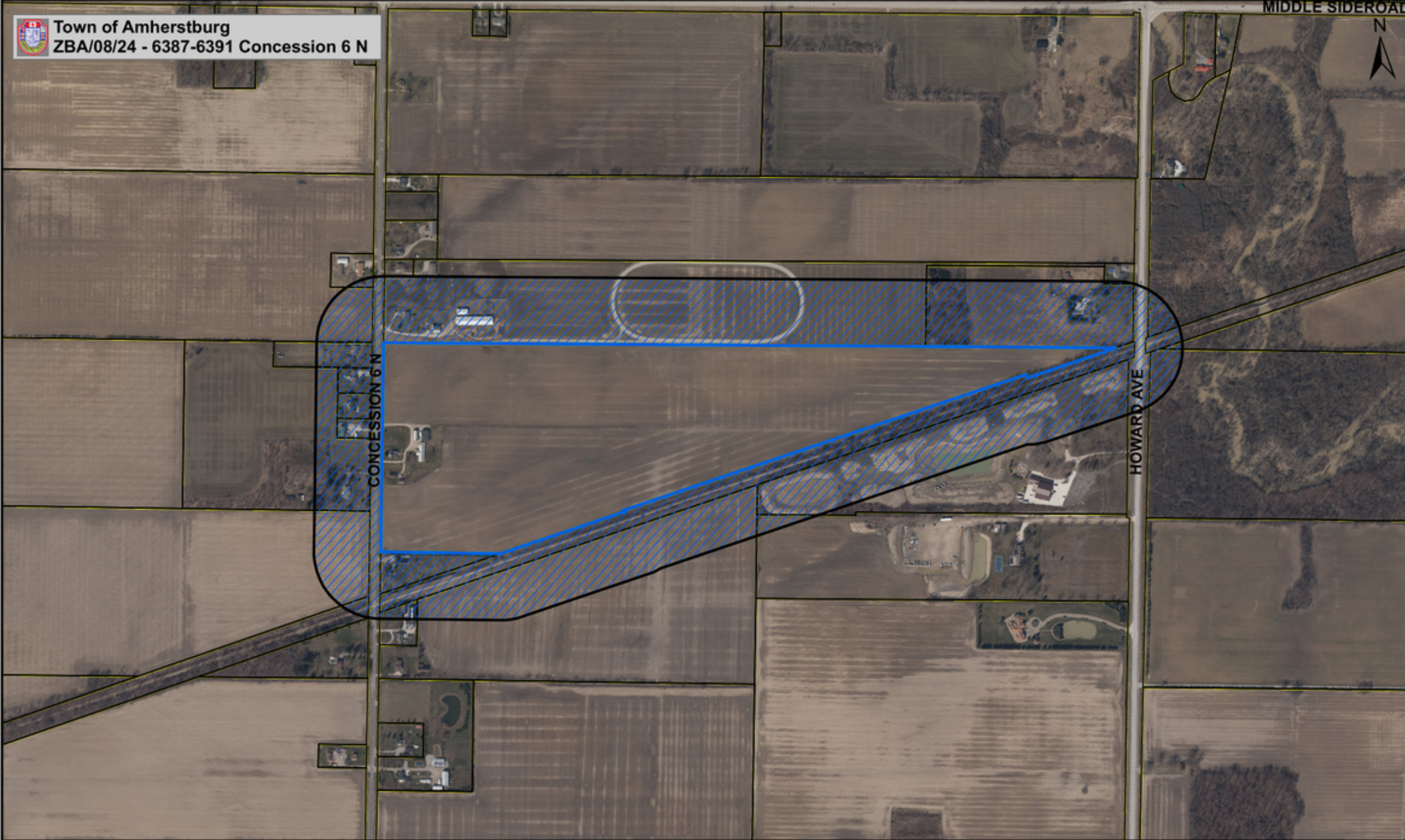
Town of Amherstburg
ZBA/08/24 - 6387-6391 Concession 6 N

MIDDLE SIDEROAD



CONCESSION 6 N

HOWARD AVE



ZBA/08/24 - 6387-6391 Concession 6 N

ARN	ADD1	STREETNAME
372939000003902	6436	CONCESSION 6 N
372939000003900		CONCESSION 6 N
372939000004000	6416	CON 6 NORTH
372939000008800	7436	HOWARD AVE
372939000000010		GREENWAY
372939000008900	7426	HOWARD AVE
372939000008100	6425	CON 6 NORTH
372938000002300		8TH CONCESSION RD
372939000004200	6400	CONCESSION 6 N
372938000002100		MIDDLE SIDEROAD
372939000007700	6345	CONCESSION 6 N
372939000004100	6410	CONCESSION 6 N
372939000008000	6387	CONCESSION 6 N
372939000007900	6361	CONCESSION 6 N
372938000001700		HOWARD AVE
372939000000020		GREENWAY CRT
372939000007600	6339	CONCESSION 6 N
372939000004300	6382	CONCESSION 6 N
372938000000010		GREENWAY CRT
372939000009100	7368	HOWARD AVE
372939000004150	6406	CONCESSION 6 N
372939000002500		CONCESSION 5 N
372939000009000	7396	HOWARD AVE

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2024-039**

**By-law to amend Zoning By-law No. 1999-52
E/S Concession 6 N (Concession 6, Part Lot 5), Amherstburg**

WHEREAS By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

AND WHEREAS this By-law conforms to the Official Plan for the Town of Amherstburg;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 25 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from A to A-36" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) Zone".
2. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.O. 1990, c.P. 13.

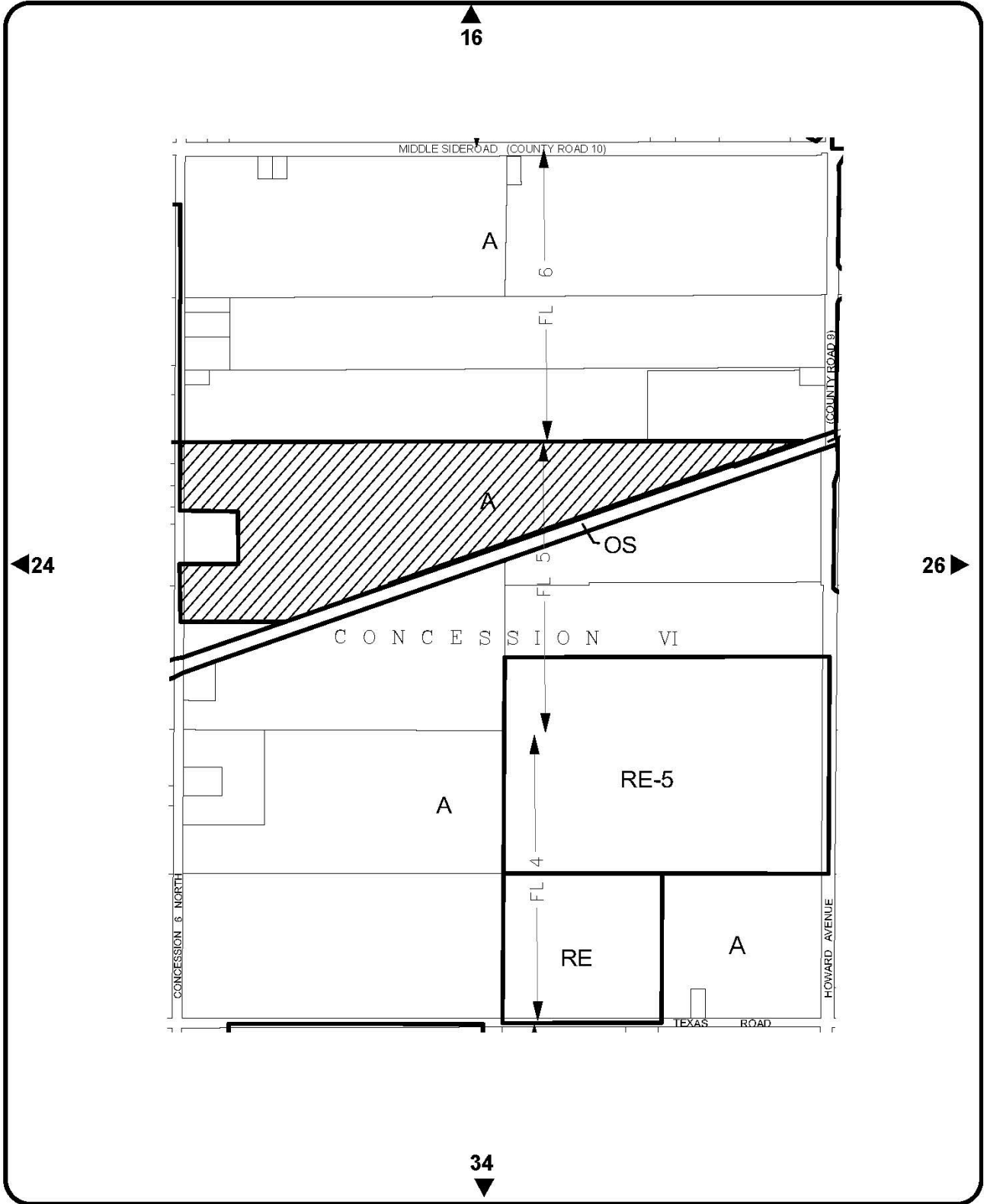
Read a first, second and third time and finally passed this 10th day of June, 2024.

MAYOR- MICHAEL PRUE

CLERK- KEVIN FOX

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2024-039
BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 25
ZONING BY-LAW NO. 1999-52

A to A-36 