

Town of Amherstburg  
ZBA/17/24 - 70 Murray Street



Structure has  
been Removed

254

66-68

70-74

RAMSAY ST

MURRAY ST

60-64

79-81

5



Appendix "B"

ZBA/17/24- 70 Murray Street- Site Photos



Appendix "C"

Municipal Fee Received:	
Municipal Deposit Received:	
ERCA Fee Received:	

Application No. 28A/17/24

**FORM 1  
PLANNING ACT  
APPLICATION FOR ZONING BY-LAW AMENDMENT  
TOWN OF AMHERSTBURG**

1. Name of approval authority Town of Amherstburg
2. Date application received by municipality May 10, 2024
3. Date application deemed complete by municipality May 10, 2024
4. Name of registered owner 2787763 ONTARIO LIMITED (C/O LAURI BROUYETTE)  
Telephone number [REDACTED]  
Address [REDACTED]  
Email [REDACTED]  
Name of registered owner's solicitor or authorized agent (if any) LASSALINE PLANNING CONSULTANTS (C/O JACKIE LASSALINE)  
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. Plan 1 Lot(s) No. \_\_\_\_\_  
Reference Plan No. \_\_\_\_\_ Part(s) No. \_\_\_\_\_  
Street Address 70 Murray Street Assessment Roll No. \_\_\_\_\_  
3729 110 00006200 0000

7. Size of subject parcel:

Frontage 24 m      Depth \_\_\_\_\_      Area 834 m2

8. Access to subject parcel:

- Municipal Road       County Road       Provincial Highway  
 Private Road       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. (a) Current Official Plan Land Use designation of subject land 'GENERAL COMMERCIAL'  
(b) Explanation of how application conforms to the Official Plan \_\_\_\_\_

PLEASE REFER TO ATTACHED MEMO

(c) Does the application implement an alteration to the boundary of an area of settlement or implement a new area of settlement?

Yes  No

If yes, provide details of the official plan or official plan amendment that deals with this matter:

\_\_\_\_\_  
\_\_\_\_\_

10. Current Zoning of subject land COMMERCIAL GENERAL EXCEPTION 4 (CG-4)

11. Nature and extent of rezoning requested Relief to allow for structures to be located in the rear yard on the site to create an outdoor patio: i) S. 15(3)(f) for a 1.2 m rear yard (7.5 m reqd); ii) S. 15(4)(d) for a building height of 2.4 m (7 m min. height req'); iii) S. 3(22)(a) capacity of 86 from 50 people; iv) S. 3(22)(e) permitted outdoor subject to Council approved exemption from Noise Bylaw; and v) S. 3(22)(f) no required parking consistent with CG-4 zone.

12. Reasons why rezoning is requested to allow for two new accessory structures to be located in the rear yard to create a gathering place/a patio for the boutique hotel.

13. Current use of subject land general commercial

14. Length of time current use of subject land has continued building - 1893 built

15. Is the subject land within an area where the municipality has pre-determined:

(a) minimum and maximum density requirements

Yes  No

(b) minimum and maximum height requirements

Yes  No

If yes, state the requirements Minimum height of 7 m

\_\_\_\_\_

16. 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:

refer to Planning Memo and Site Plan Drawing

\_\_\_\_\_

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

existing building was constructed in 1893

\_\_\_\_\_

18. Date subject land acquired by current registered owner 2021

19. Proposed use of subject land general commercial boutique hotel

20. 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:

Please refer to attached Site Plan showing the location of the two new accessory buildings.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



21. Type of water supply:
- municipally owned and operated piped water supply
  - well
  - Other (specify) \_\_\_\_\_

22. Type of sanitary sewage disposal:
- municipally owned and operated sanitary sewers
  - septic system
  - Other (specify) \_\_\_\_\_

If the requested amendment permits development on a privately owned and operated individual or communal septic system and more than 4,500 litres of effluent will be produced per day as a result of the development being completed the applicant is required to submit a:

- (i) servicing options report, and
- (ii) a hydrogeological report

23. Type of storm drainage:
- sewers
  - ditches
  - swales
  - Other (specify) \_\_\_\_\_

24. 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:

N/A \_\_\_\_\_

25. If known, indicate if the subject land has ever been the subject of an application for rezoning under Section 34 of the Planning Act:

N/A \_\_\_\_\_

If known, indicate whether the subject land has ever been the subject of a Minister's Zoning Order and, if known, the Ontario Regulation number of that order.

\_\_\_\_\_

26. Does the requested amendment remove the subject land from an area of employment in the official plan?

- Yes
- No

If yes, state the current official plan policies, if any, dealing with the removal of land from an area of employment.

N/A \_\_\_\_\_

\_\_\_\_\_

27. Is the subject land within an area where zoning with conditions may apply?

- Yes
- No

If yes, how does this application conform to the official plan policies relating to zoning with conditions?

\_\_\_\_\_

\_\_\_\_\_

28. Is the requested amendment consistent with policy statements issued under subsection 3(1) of the Planning Act (i.e. 2005 Provincial Policy Statement)?

Yes       No

Comments Please refer to attached Planning Memo

29. Is the subject land within an area of land designated under any provincial plan or plans?

Yes       No

If yes, does the requested amendment conform to or does not conflict with the provincial plan or plans?

30. Is the land associated with any natural environment area or adjacent to or abutting lands that are designated as a Wetland or Natural Environment?

Yes       No

If yes, an Environmental Impact Assessment is required, for approval by the Town and Essex Region Conservation Authority, to be completed in accordance with the County of Essex Guidelines for Environmental Impact Assessments or when Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

31. Will the proposed project include the addition of permanent above ground fuel storage?

Yes       No

Dated at the Municipality of Lakeshore this 9th day of May, 2024.

Jacqueline Lassaline  
(signature of applicant, solicitor or authorized agent)

I, Jackie Lassaline, Lassaline Planning Consultants of the Municipality of Lakeshore 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 Municipality of Lakeshore in the County of Essex this 9th day of May, 2024.

Jacqueline Lassaline  
Applicant, Solicitor or Authorized Agent

Tammy Ann Snively  
A Commissioner, etc.

Tammy Ann Snively, a Commissioner, etc.,  
Province of Ontario, for McGregor, Sims, Schmoranz  
Professional Corporation, Barristers and Solicitors.  
Expires April 25, 2026.



**AUTHORIZATION**

(Please see note below)

To: Clerk  
Town of Amherstburg

Description and Location of Subject Land:

70 Murray Street -Plan 1, Pt Lots 15 and 16 W/S; Registered Plan: Ramsay; Amherstburg

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize Lassaline Planning Consultants, c/o Jackie Lassaline of the Municipality of Lakeshore to:

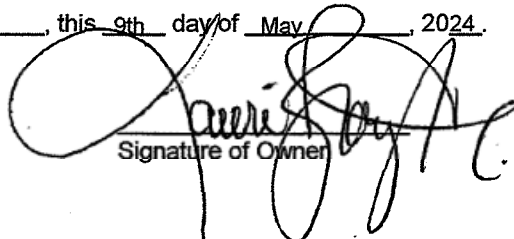
- (1) make an application on my/our behalf to the Council for the Town of Amherstburg;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by Town Council relevant to the application.

Dated at the Town of Amherstburg in the County of Essex, this 9th day of May, 2024.

Jacqueline Lassaline  
Signature of Witness

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

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

  
Signature of Owner

\_\_\_\_\_  
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.

May 19, 2024

Janine Mastronardi  
Town of Amherstburg

Delivered via email

**REGARDING:** Zoning Bylaw Amendment (ZBA) Application  
Site Plan Control (SPC) Review  
**70 Murray, Amherstburg**

The subject property is known municipally as 70 Murray Street in the Town of Amherstburg. These lands are designated 'General Commercial' on Schedule A of the Official Plan and zoned 'Commercial General Exception 4 (CG-4)' in the Comprehensive Zoning By-law for the Town of Amherstburg.

The parcel is an existing, urban property located within the heritage area of downtown Amherstburg. There is an existing historical laneway behind the property connecting Ramsay Street (residential area) to Dalhousie (commercial area). The laneway also connects local businesses and allows for two entrances to the different businesses and allows for a higher profile for all the businesses on the laneway.

**70 MURRAY STREET**





The existing distinguished building was constructed in 1878 as one of the original commercial buildings in the downtown area of the town. It was likely built with residential units above the commercial ground floor. As the site and building are considered significant heritage for Amherstburg, the owners have renovated the structure with an intent to preserve the heritage beauty of the exterior and interior and worked to conserve and preserve the heritage aspects of the building. As a heritage professional, the work has been done well and will extend the life and usefulness of the beautiful building with the adaptive reuse to a boutique hotel.

## 70 MURRAY STREET – BOUTIQUE HOTEL



PHOTO CREDIT: Jackie Lassaline, May 2024

With the renovations of the main floor for a front reception area, a coffee and cold breakfast area, there are a number of washrooms and gathering places within the building. Above the main commercial floor on the second floor, there has been the inclusion of 6 hotel suites for the public. The inclusion of the suites as a boutique hotel will bring more tourism to the downtown and support economic prosperity to town.

The proposed ZBA will facilitate the establishment of two commercial structures that are to be used as a component of outside patio and gathering place. The structures will allow for the serving of food and drink through licensing from the Health Unit and any other facility that inspects and licenses food and beverage services. There will be a mural painted on the commercial building's wall to have the new buildings co-exist with the existing murals located along the laneway.

**PPS:**

The PPS supports the requested ZBA with the support of the economic revitalization of the downtown, Section 1.7.1:

*“Long-term economic prosperity should be supported by maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets; and encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.”*

The proposed use is to create a patio in the rear of the boutique hotel conforms with the permitted use and the policy direction of the Official Plan, General Commercial Downtown Area:

*“4.4.2 General Commercial Areas The uses permitted in the General Commercial designation shall include those commercial establishments offering goods and services which primarily serve the whole of the municipality's market area and shall include such uses as retail commercial establishments, places of entertainment, assembly halls, eating establishments, hotels, motels, community facilities, public uses, recreational uses, convenience stores whether in the form of individual stores or in a shopping centre form of construction and/or ownership, and residential uses above the first floor.”*

It is my professional opinion that the proposed ZBA is consistent with the PPS 2020 to support and promote economic prosperity for the downtown area of the municipality.

**OFFICIAL PLAN**

The request to keep the new commercial buildings low to avoid obstructing or causing negative impact on viewscape of heritage structures conforms with the intent of relevant policies of the Official Plan, General Commercial Downtown Area to protect the valuable heritage of the downtown core: “



*In order to ensure compatibility with the Heritage Residential area abutting the General Commercial designation in the Central Business District, development on the east side of Dalhousie Street and/or on the south side of Murray Street shall be limited to only Medium Density Residential development with access restricted to Dalhousie Street and/or Murray Street and height restricted to three stories. Properties along the west side of Dalhousie Street within the General Commercial Designation may be considered for a High Density Residential development. Height, however, would be restricted to a maximum of five stories.”*

It is my professional opinion that the requested ZBA conforms with the policy direction of the Official Plan municipality to preserve and conserve the built heritage of the town while supporting compatible and complimentary commercial uses within the downtown commercial area with an intent to support economic prosperity of the downtown.

The location of the proposed structures

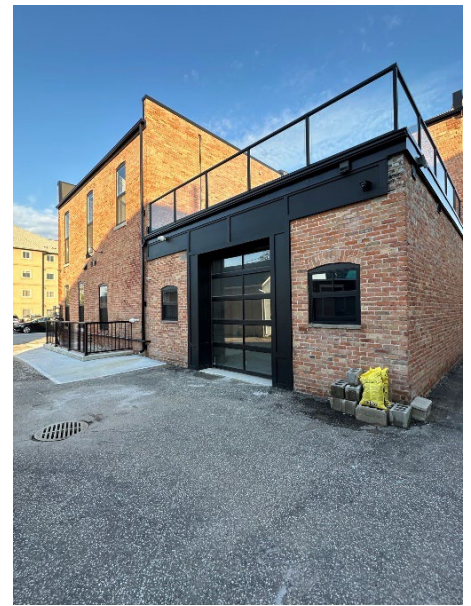


PHOTO CREDIT: Jackie Lassaline, May 2024

## **ZONING BYLAW:**

Site Specific Provisions for the CG-4:

- 1) Rear Yard for Commercial Structures – 1.2 m;
- 2) Building Height – 2.4 m;
- 3) Max capacity outdoor patio – 86 people;

- 4) Outdoor entertainment is a permitted use subject to Council exemption from the Noise Bylaw;
- 5) No required parking, consistent with CG-4 zone.

The ZBA has been requested to allow for the inclusion of two commercial buildings to be used for the purpose of creating an outside gathering place on the back area of the building between the building and the alleyway.

- the location of the commercial structures will allow for sound use of the space for tables and chairs as a gathering place while minimizing utility space;
- the buildings are adjacent to a blank wall, comparable commercial uses, and a laneway and do not appear to create a land use conflict;
- a mural is proposed for the commercial structures and will blend in well with the neighbourhood;
- the commercial structures and resultant patio will be an asset for the neighbourhood and bring pedestrians down to the downtown core;
- the commercial structures will allow for a diversity of the general commercial neighbourhood and will be a positive addition to the boutique hotel;
- the height of a minimum 7 m for buildings CG zone is intended to ensure primary buildings with street frontage will have a compatible built form with existing buildings. The 2.4 m allowable height will allow for the lower commercial buildings and will not negatively impact the built form of the established neighbourhood with visual and distance separation between the new commercial buildings with existing built form.
- The patio area is in the rear and is substantial in size. It is not limited by being in the front area of the building and will not be encroaching into the road way or onto the municipal sidewalk. With the additional space at the rear, an increase in allowable capacity from 50 people to 86 will allow for additional people to enjoy the amenity space without having a negative impact on pedestrians, traffic or public space.
- Recognition in the site specific bylaw of there being no required parking for the outdoor amenity space is consistent with CG-4 and will support the healthy, walkable community.
- To support the amenity space, the site specific bylaw will allow for outdoor entertainment subject to Council approving an exemption form the Noise Bylaw.
- The two new buildings will assist with the cleanup of the rear yard of the subject property and adjacent property while providing for a clean, new outdoor commercial area.

- The two new buildings will support the utilization for commercial purposes of an area that is underutilized.

It is my professional opinion that the requested Zoning Bylaw Amendment (ZBA) is consistent with and maintains the intent of the Comprehensive Zoning Bylaw to allow for the new commercial structures be located with a 1.2 m rear yard to the laneway instead of the required 7.5 m rear yard setback and to have a 2.4 m height rather than the significant height of 7 m.

Further, it is my professional opinion that the proposal is appropriate from a heritage and sound land use planning perspective. Significantly the Zoning Bylaw Amendment will allow for the continuation and effective preservation and conservation of the heritage building by allowing for the establishment of the commercial patio

I hereby certify that this report was prepared by Jackie Lassaline RPP MCIP, a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

Regards,

Lassaline Planning Consultants

*Jacqueline Lassaline*  
Jackie Lassaline BA MCIP RPP  
Principal planner, Owner



## Appendix "E"

### CORPORATION OF THE TOWN OF AMHERSTBURG **AMENDED 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, June 10, 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.

**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, June 6, 2024. To register for electronic participation please email the Clerk at [clerk@amherstburg.ca](mailto: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 8974 sq ft ± of land described as Plan 1, Part Lots 15 & 16, municipally known as 70 Murray Street (see map below).

This Zoning Amendment, if approved, will rezone the subject lands from "**Special Provision Commercial General (CG-4) Zone**" to "**Special Provision Commercial General (CG-19) Zone**". The parcel is designated General Commercial in the Town's Official Plan.

The applicant has removed an old structure from the rear yard and is proposing the construction of two 160 sq ft commercial structures to be located in the rear yard of the existing development to create an outdoor patio/gathering place. The proposed rezoning will allow for relief in rear yard setback to permit a 1.2 m rear yard setback from the required 7.5 m for the proposed 160 sq ft commercial structures. The proposed rezoning will also allow for relief in minimum building height to permit a building height of 2.4 m from the required 7 m minimum building height. All other existing CG-4 provisions are proposed to remain the same i.e. uses, parking requirements, setbacks, lot coverage etc.

Section 3(22) being the General Provisions for Outdoor Patio associated with a Restaurant also apply to the subject property. The proposed rezoning will allow for relief in capacity, increasing maximum capacity from 50 occupants to 86 occupants, relief in permitting entertainment subject to Council approval through an exemption from the Noise By-law 2001-43 and relief in parking for the patio area, removing the requirement for parking spaces consistent with the intent of the CG-4 Zone provisions.

#### **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](mailto: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, June 6, 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.

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Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

**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.

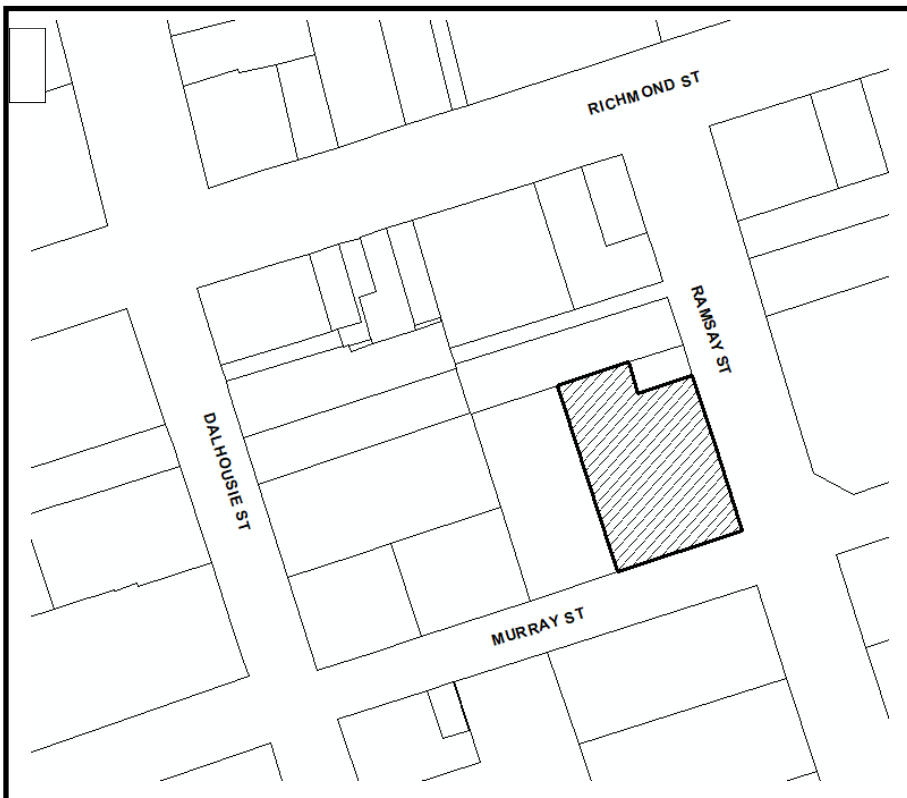
Further information relating to the proposed Zoning By-law (File# ZBA/17/24) Amendment is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Zoning By-law Amendment is also available for review on the Town of Amherstburg Website: [www.amherstburg.ca](http://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](http://www.amherstburg.ca).

The meeting will be available for viewing by livestream by visiting [www.amherstburg.ca](http://www.amherstburg.ca).

**For Council and Committee Agendas and Meetings, visit [amherstburg.ca/calendar](http://amherstburg.ca/calendar).**  
**To subscribe to Council & Committee Agendas, visit [Amherstburg.ca/calendar](http://Amherstburg.ca/calendar) and click SUBSCRIBE.**

DATED at the Town of Amherstburg this 17<sup>th</sup> day of May, 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](http://www.amherstburg.ca)

## Appendix "F"

### Addresses within 120 m of 70 Murray Street

ARN	ADD1	ADD2	STREETNAME
266			DALHOUSIE ST
			RICHMOND ST
37291100002001	252		ST
372924000001000	56		ST
372911000001700	258	264	ST
372924000001700	229		ST
372924000001100	52		ST
372924000000800	66		ST
372924000000900	58		ST
372924000001600	233		ST
372924000008300	238		ST
372911000001800	256		ST
372924000000600	80		ST
372924000001300	48		ST
372924000000300	89		AVE
372924000000500	84		ST
372924000001500	235	237	ST
372924000008100	242		ST
372924000001400	239		ST
3729110000011600	53		ST
3729110000010750	89		ST
3729110000011200	61		ST
372911000004900	68		ST
372911000005000	74		ST
3729110000010200	270		ST
3729110000011300	59		ST
372911000002200	247		ST
372911000009700	98		ST
3729110000011400	57		ST
3729110000010000	278		ST
3729110000010600	87	89	ST
372911000007200	283		ST
3729110000010900	75	77	ST
372911000009600	94		ST
3729110000011310			RICHMOND ST
372911000006000	60	64	ST
3729110000010800	79		ST
372911000006350			RAMSAY ST
372911000006700	79	81	ST
372911000005200	296		ST
3729110000010100	274		ST
372911000002300	249	251	ST
372911000002600	267	269	ST



372911000006900	269		RAMSAY ST
372911000011800	243	245	DALHOUSIE ST
372911000006600	251		RAMSAY ST
372911000003100			ST
372911000003200			ST
372911000006100	66	68	ST
372911000011500	55		ST
372911000010400	260		ST
372911000011100	63		ST
372912000000200	99		ST
372911000006300	254		ST
372911000007000	273		ST
372911000007100	277		ST
372911000002400	253		ST
372912000000400	102	106	ST
372911000011000	65	67	ST
372911000010700	90		ST
372911000002500	257	265	ST
372911000010500	256		ST
372911000006200	70		ST
372911000005100	78		ST
372911000009800	100	104	ST
372912000000300	245		ST
372912000000800	255	257	ST
372911000010300	266		ST
372911000006500	247	249	ST
372911000007300	291		ST
372911000011510			ST
372911000003000	287		ST
372911000002700	273		ST
372911000005300	284		ST
372911000005600	274		ST
372911000005400	280		ST
372911000005900	57		ST
372911000005800	61	73	ST
372911000005700	270		ST
372911000002900	281		ST
372911000005500	276		ST
372911000000600	296		ST
372911000000803	274		ST
372911000000804	274		ST
372911000000805	274		ST
372911000000807	274		ST
372911000000802	274		ST
372911000000803	274		ST
372911000000805	274		ST
372911000000802	274		ST

372911000000700	290	DALHOUSIE ST
372911000000812	274	DALHOUSIE ST
372911000000804	274	DALHOUSIE ST
372911000000806	274	DALHOUSIE ST
372911000000808	274	DALHOUSIE ST
372911000000809	274	DALHOUSIE ST
372911000000810	274	DALHOUSIE ST
372911000000811	274	DALHOUSIE ST
372911000000800	274	DALHOUSIE ST
372911000000800	274	DALHOUSIE ST
372911000000806	274	DALHOUSIE ST
372911000001300		DALHOUSIE ST





Town of Amherstburg  
ZBA/17/24 - 70 Murray St.







## Appendix "G"

### Summary of Correspondence Received on Proposed ZBA for 70 Murray St.

Below is a summary of the comments received by the Planning Services Division on ZBA/17/24.

#### Essex Region Conservation Authority:

See attached letter.

#### Windsor Police

The Windsor Police Service has no objections to this proposed Zoning By-law amendment. Changes that will allow the rear of the boutique hotel's property to facilitate social gatherings, as described in the application documents, does not appear as though it will create problems of a public safety nature. The change(s) (if approved) would, presumably speaking, be subject to existing by-laws around noise generation, etc. The plan as presented looks as though it will maintain capability for police to respond and deliver service without obstruction, when called to do so.

#### Infrastructure Services:

Infrastructure Services has no comments on the ZBA application.

#### Fire Services:

As long as all structures are designed in accordance with the building code, the occupant load does not exceed that which is allowed within the building, and exits for pedestrians from the rear of the property are maintained, than fire has no issue with this application.

#### Building Department:

I have no real issues on the two separate structures as it does not require a building permits.

#### Essexpower Lines:

As long as a 10-foot radial distance is met they would be ok to proceed.

#### 68 Murray Street Owners:

Your Worship and Councillors

With regards to the Zoning Application for the property at “70 Murray Street”, we as neighbours with the adjoining property at “68 Murray Street”, have one request.

Further to our conversation and letter submitted in March of 2021 when “70 Murray Street” was sold, we aren’t opposed to the zoning change in principle, however we do ask for one consideration. That allowances be made to ensure a safe exit from the Emergency Fire Escape Door located on our east wall, near the north east corner of our building. The door is featured in a photograph on page 4 of the Lassalline Planning Consultants Inc. report dated May 19, 2024. There is no indication within the report where any future structures will exist.

That door has been in existence for 70 years. It is a necessary escape route and over our long history the space that door services has been used by several different youth groups.

Has this issue been presented to those responsible for fire safety?

Thank you for your consideration.  
Mike Weber  
Amherstburg Masonic Temple Association



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

May 22, 2024

**Ms. Janine Mastronardi**

Planner  
3295 Meloche Road  
Amherstburg, ON  
N9V 2Y8

Dear Ms. Janine Mastronardi:

RE: Zoning By-Law Amendment ZBA-17-24 70 MURRAY ST (72)

ARN 372911000006200; PIN:

Applicant: 2787763 ONTARIO LIMITED

The Town of Amherstburg has received Application for Zoning By-Law Amendment ZBA-17-24 for the above noted subject property.

This Zoning Amendment, if approved, will rezone the subject lands from "Special Provision Commercial General (CG-4) Zone" to "Special Provision Commercial General (CG-19) Zone". The parcel is designated General Commercial in the Town's Official Plan.

We understand that the purpose of this application is to support an outdoor patio associated with a Restaurant, including the construction of two 160 sq ft structures to be located in the rear yard.

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-17-24.

**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*.



Ms. Janine Mastronardi  
May 22, 2024

**FINAL RECOMMENDATION**

Our office has **no objection** to ZBA-17-24.

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

Sincerely,



Alicia Good  
*Watershed Planner*  
/ag

## Appendix "H"

### CORPORATION OF THE TOWN OF AMHERSTBURG BY-LAW NO. 2024-045

#### By-law to amend Zoning By-law No. 1999-52 70 Murray Street, Amherstburg

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**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 37 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from CG-4 to CG-19" on Schedule "A" attached hereto and forming part of this By-law from "Special Provision Commercial General (CG-4) Zone" and "Special Provision Commercial General (CG-4) Zone" to "Special Provision Commercial General (CG-19) Zone".
2. THAT Section 3(22)(a) of By-law 1999-52, as amended, being the General Provision for capacity of outdoor patios associated with a restaurant does not apply to those lands shown on Schedule "A".
3. THAT Section 3(22)(e) of By-law 1999-52, as amended, being the General Provision for entertainment on outdoor patios associated with a restaurant does not apply to those lands shown on Schedule "A".
4. THAT Section 3(22)(f) of By-law 1999-52, as amended, being the General Provision for parking requirements for outdoor patios associated with a restaurant does not apply to those lands shown on Schedule "A".
5. THAT Section 15(4) of By-law 1999-52, as amended, is hereby amended by adding a new subsection (s) as follows;

"(s) CG-19 (70 Murray Street)

Notwithstanding any other provisions of this By-law to the contrary within any area zoned CG-19 on Schedule "A" hereto, the zone requirements for Section 15 of the By-law shall apply with the addition of the follow special provisions;

- i) Notwithstanding the parking requirements of Sections 3(22)(f) and Section 3(23)(a)(b)(c), the parking requirements for any area zoned CG-19 on Schedule "A" for residential units shall be 0.33 per unit and there shall be no parking requirements for non-residential land uses. All other parking regulations shall apply.
- ii) The minimum height shall be 2.4 metres and the maximum height shall be 18 metres.
- iii) Rear Yard Depth (Minimum) 1.2 m
- iv) Restricted Building Area- On the northwest corner of the parcel zoned CG-19 a 1.5 m interior side yard setback is required extending from the rear property line 2.7 m so that no structure may be built to impede a

safe egress from the existing door at 68 Murray Street as exists on the date of this by-law.

- v) The maximum capacity for an outdoor patio associated with a restaurant shall be 86 occupants.

All other provisions under Subsection 15(3) Zone Regulations shall apply to lands zoned CG-19.

- 5. 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 24<sup>th</sup> day of June, 2024.

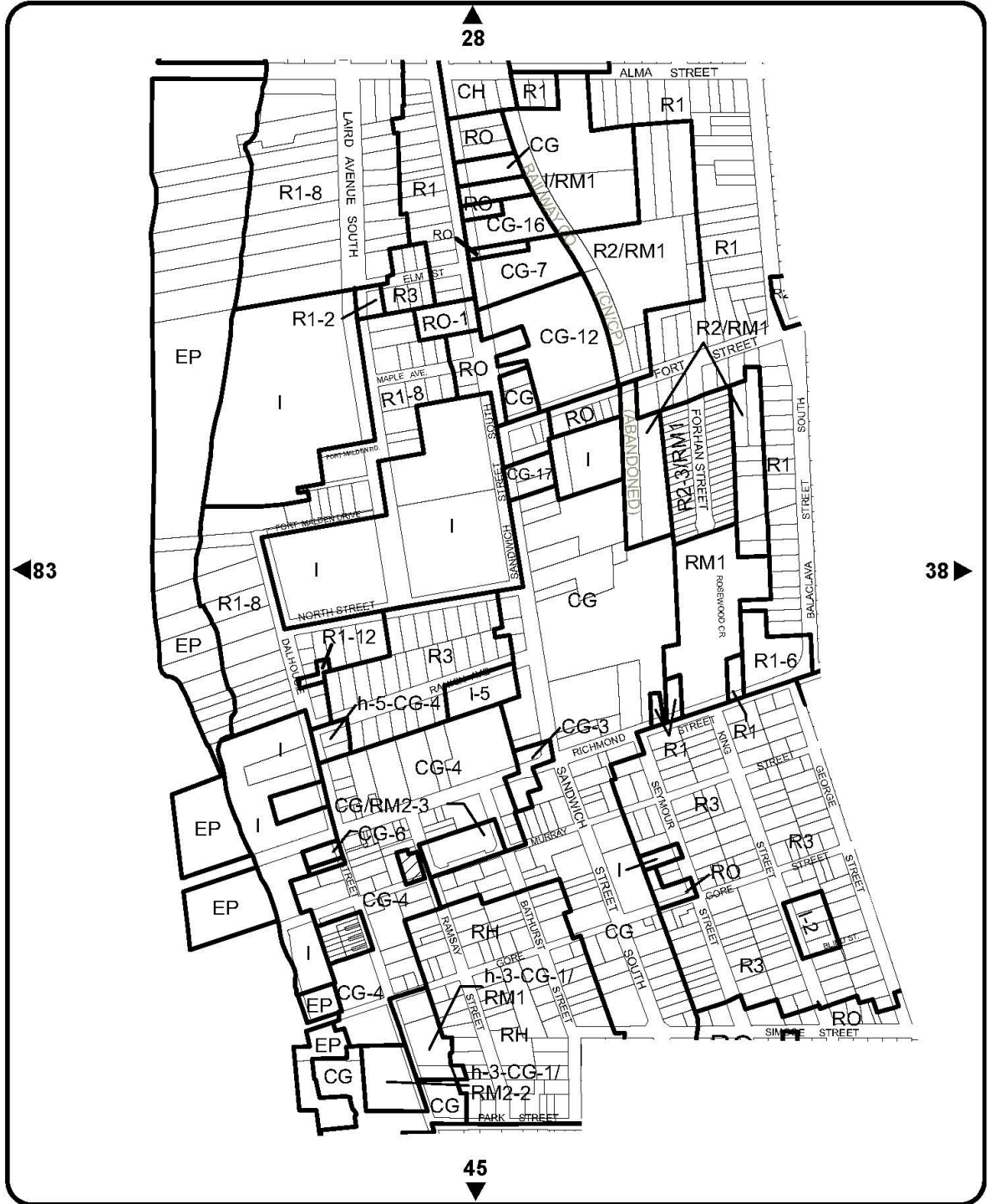
\_\_\_\_\_  
MAYOR- MICHAEL PRUE

\_\_\_\_\_  
CLERK- KEVIN FOX

DRAFT

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2024-045  
A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'  
MAP 37  
ZONING BY-LAW NO. 1999-52

 CG-4 to CG-19