



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:

Joseph & Victoria Yakopich

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, July 3, 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, July 1, 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: 873 Front Road North
(Roll No.: 3729-420-000-15400)

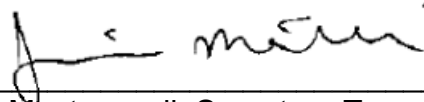
Purpose of Minor Variance Application A/20/24: The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum height of 5.5 m (18 ft) of an accessory structure measured to the peak of the roof in a residential zone.

The applicant is proposing the construction of a 816 sq ft accessory structure to contain a three-car garage on the first floor and a secondary dwelling unit on the second floor with a height of 7 m (23 ft) to the peak of the roof. Therefore, the amount of relief requested is 1.5 m (5 ft) in accessory structure height.

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Type 1A (R1A) Zone in the Town's Zoning By-law.

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: June 19, 2024



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

Municipal Fee Received	PAID
ERCA Fee Received:	

Application No. A/2024

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 24, 2024
3. Date application deemed complete by municipality June 14, 2024
4. Name of registered owner Joseph + Victoria Yakovich

Telephone number [REDACTED]

Address [REDACTED] Postal Code [REDACTED]

Email [REDACTED]

Name of registered owner's solicitor or authorized agent (if any) _____

Telephone number _____

Address _____ Postal Code _____

Email _____

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:

RMG

6. Location and description of subject land:

Concession No. 1 Lot(s) No. S Pt Lt 17

Registered Plan No. _____ Lot(s) No. _____

Reference Plan No. _____ Part(s) No. _____

Street Address 873 Front Rd N Assessment Roll No. 420-15400

7. Size of subject parcel:

Frontage 99.88 ft Depth 693 ft Area 1.59 acres

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

9. Current Official Plan Land Use designation of subject land Low Density Residential
10. Current Zoning of subject land RIA
11. Nature and extent of relief from the Zoning By-law requested _____
Section 3(1)(c) permits a maximum height of
5.5m for an accessory structure to the peak
of roof. Proposing an accessory structure with a
height of 23ft (7m) to the peak of the roof.
12. Reasons why minor variance is necessary to allow for height
for a second storey on an accessory structure
13. Current use of subject land residential
14. Length of time current use of subject land has continued 65 + yrs
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:
- one single detached dwelling

16. Date of construction of existing buildings and structures on the subject land:
- 1960

17. Date subject land acquired by current registered owner Dec. 1985
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:
- one new accessory structure

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) _____

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 600m of property that is designated as Extraction Industry?
- 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.

A minor variance application fee of \$1191.00, along with an ERCA development review fee of \$200.00 (total of \$1391.00 payable to the Town of Amherstburg), must accompany your completed application.

If the subject lands are located within 120 m of a Provincially Significant Wetland, Significant Woodland, Area of Natural or Scientific Interest or Significant Species at Risk Habitat, the applicant may be required to complete a natural heritage review. The initial pre-consultation cost of the natural heritage review is \$565 and should additional work, such as an Environmental Impact Assessment, be required, the applicant will be responsible for all costs associated with review. Costs associated with the review will be invoiced to the applicant through the Town of Amherstburg. The applicant will be responsible for finding their own qualified biologist to complete the Environmental Impact Assessment, if required, and will be responsible for all costs associated with the assessment.

Dated at the Town of Amherstburg this 6th day of June, 2024.

[Signature]
(signature of applicant, solicitor or authorized agent)

I, Victoria Yakovich 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 Town of Amherstburg in the County of Essex this 6th day of June, 2024

[Signature]
Applicant, Solicitor or Authorized Agent

[Signature]
A Commissioner, etc.
Janine Quintina Mastronardi, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires June 30, 2024

NOTES:

Each copy of the application must be accompanied by a sketch, drawn to scale, showing:

- a) the boundaries and dimensions of the subject land;
- b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
- c) the approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples of features include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks/tile fields;
- d) the current uses on land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- f) if access to the subject land is by water only, the location of the parking and docking facilities to be used;
- g) the location and nature of any easement affecting the subject land.

AUTHORIZATION

(Please see note below)

To: Secretary-Treasurer
Committee of Adjustment
Town of Amherstburg

Description and Location of Subject Land:

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

_____ of the _____ of _____ to:

- (1) make an application on my/our behalf to the Committee of Adjustment 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's Committee of Adjustment relevant to the application.

Dated at the _____ of _____ in the
_____ of _____, this ____ day of _____, 20__.

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

* Note: This form is only to be used for applications which are to be signed by someone other than the owner.

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: 873 Front Rd N

APPLICATION NUMBER(S): A/20/24

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)

June 5, 2024
Date



Town of Amherstburg
A/20/24 - 873 Front Rd. N

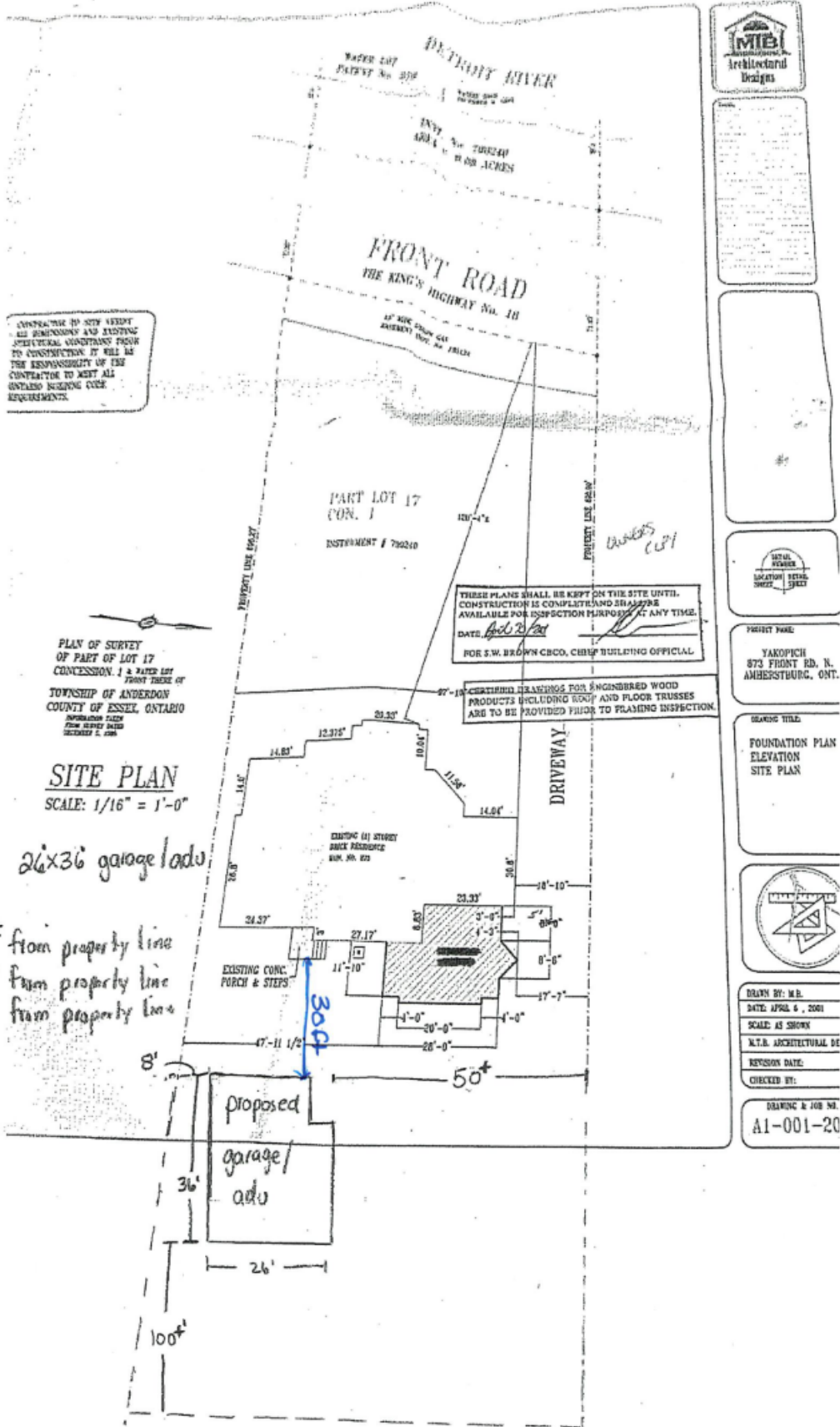


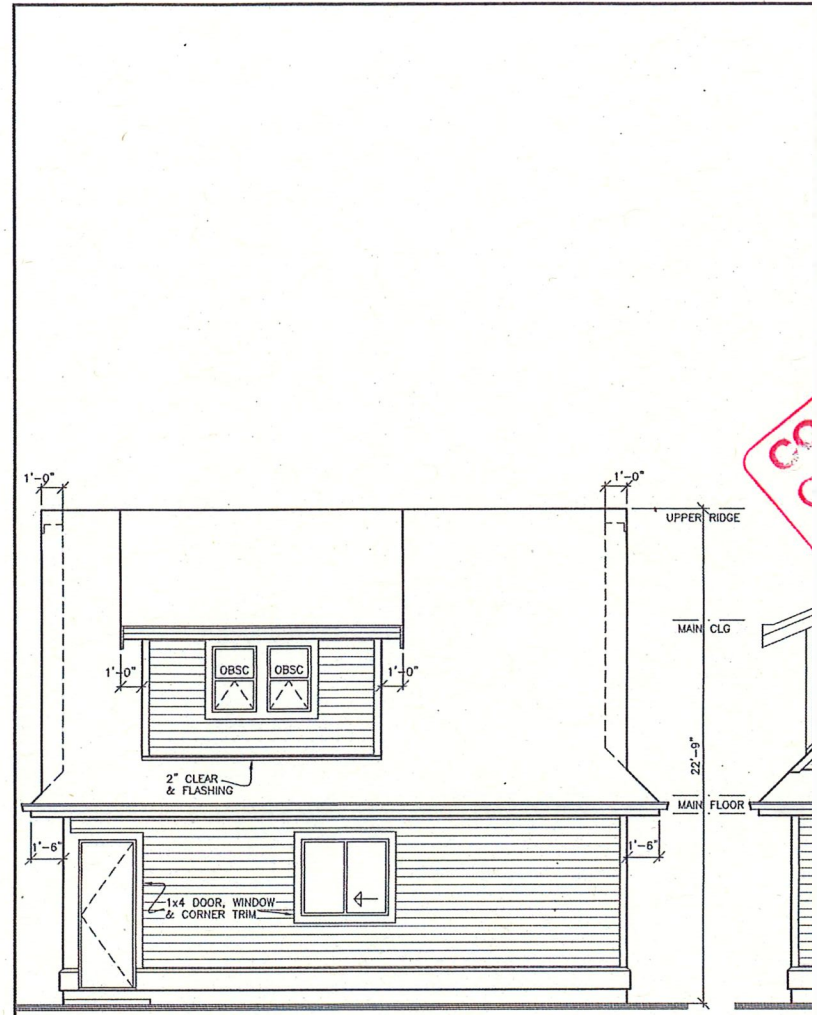
COUNTY RD 20

POINTE WEST DR
WYANDOTTE ST

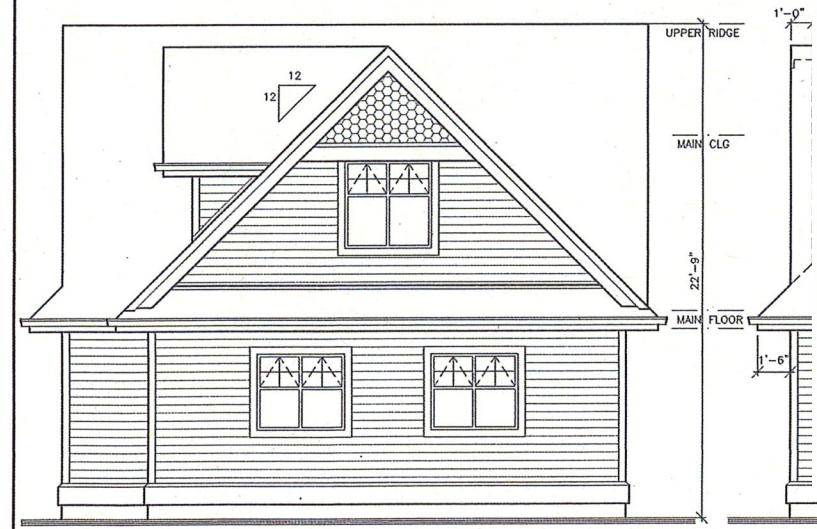
873 Front Road

Lot size - approx 97 x 700

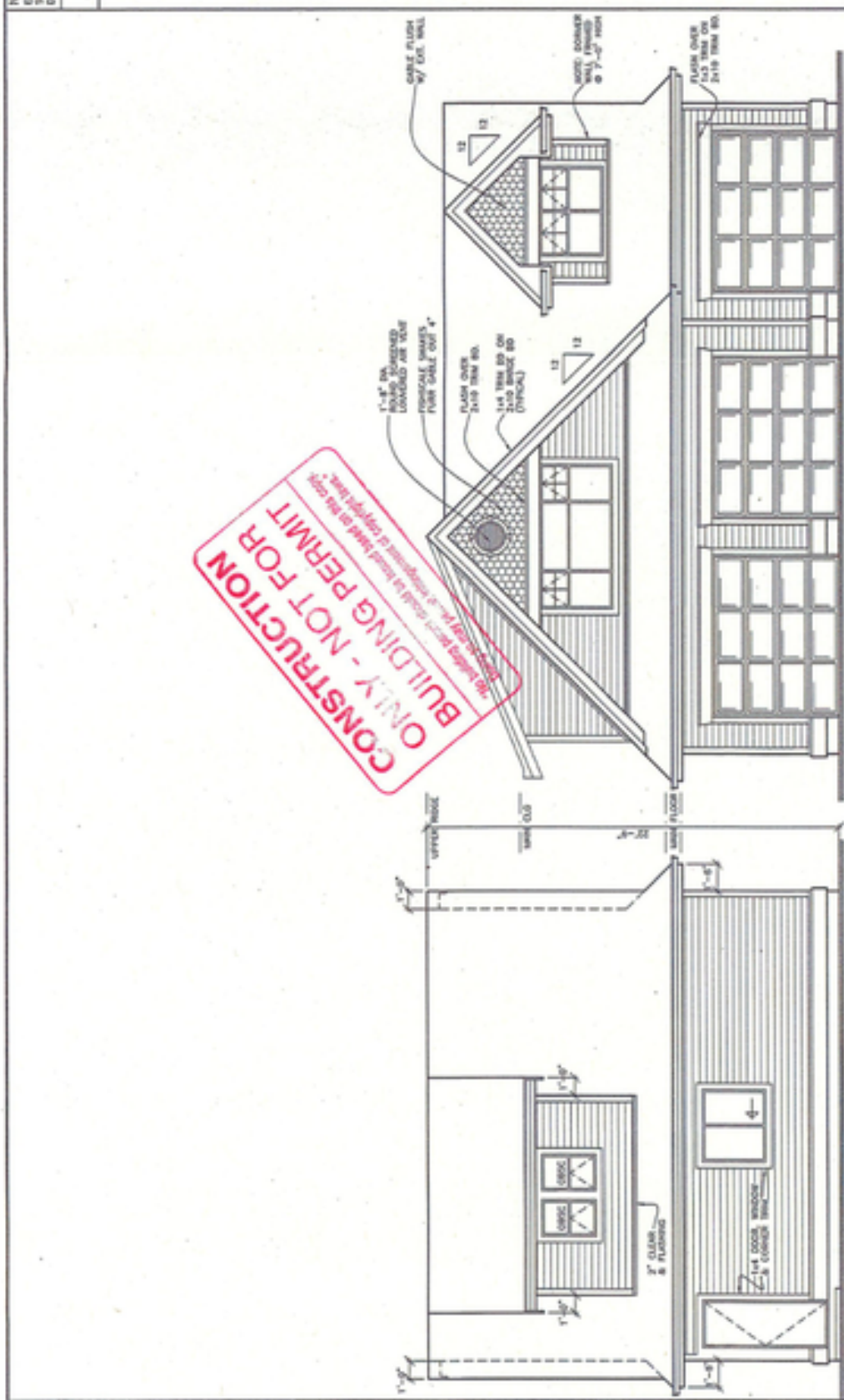




LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

FRONT ELEVATION

LEFT ELEVATION

REAR ELEVATION

RIGHT ELEVATION

NOTE:
REMOVAL OF JHDL LOGO, TITLE
BLOCK OR WATER MARK IS AGAINST
CANADIAN COPYRIGHT LAWS

NOTE:
GLASS AREA MAY NEED TO BE
REDUCED DUE TO LIMITING DISTANCE
CONFIRM WITH LOCAL BY LAWS &
BUILDING CODE.

NOTE:
SOME BEAMS & LINTELS MAY BE
REQUIRED TO BE ENGINEERED
DUE TO ROOF LOADS NOT COVERED
IN THE BUILDING CODE & IS THE
RESPONSIBILITY OF THE HOME OWNER
OR BUILDER TO SECURE.

- RECESSED LIGHT FEATURE
- RECESSED WALL WASHER
- VAPOUR PROOF LIGHT FEATURE
- FLOOR LIGHT
- CLOCK OUTLET
- VENT FAN
- RECESSED HEAT LAMP
- TRACK LIGHT
- SINGLE FLUORESCENT FEATURE
- FLUORESCENT LIGHT FEATURE SURFACE MOUNTED
- FLUORESCENT LIGHT FEATURE RECESSED

- DUPLEX RECEPTACLE SWITCHED ONE SIDE
- DUPLEX RECEPTACLE - SPLIT CIRCUIT
- DUPLEX FLOOR RECEPTACLE
- SPECIAL PURPOSE FUSED WIRED OUTLET - I.E. DISHWASHER, SHUVA 250/250 WOLT FOR RANGE, OVEN AND ETC. ETC. - 30 OR 40 AMP
- DUPLEX APPLIANCE OUTLET
- DUPLEX RECEPTACLE WEATHER PROOF: ALL W.P. OUTLETS ALSO TO HAVE G.F.I. PROTECTION
- DUPLEX RECEPTACLE WITH GROUND FAULT INTERRUPTER CIRCUIT BREAKER
- SINGLE POLE SWITCH
- 3 WAY OR 4 WAY SWITCH
- DIMMER CONTROL SWITCH
- DOOR SWITCH
- TIMER

- STANDARD SYMBOLS
- CLASS A METAL CHIMNEY
 - CLASS B METAL CHIMNEY
 - MOUSE BITE
 - FLOOR DRAIN
 - LAMINATED POST IN WALL SUPPORTING BEAM OR GIRDEN TRUSS (WIDTH OF POST SAME AS STRUCTURAL MEMBER SUPPORTED)
 - FLOOR CEILING WALL
 - WIND AIR REGISTERS
 - REMOTE INTERCOM
 - TELEVISION CABLE OUTLET
 - TELEPHONE OUTLET
 - SMOKE DETECTOR AND ALARM
 - RETURN AIR REGISTER

STOCK
DRAWN: WN
CHECKED: TB
DATE: AUG 2023
SCALE: 1/4"=1'-0"
SHEET: 2 OF 3
PLAN NUMBER: 14-1-257

NOTE:
REMOVAL OF JHDL LOGO, TITLE
BLOCK OR WATER MARK IS AGAINST
CANADIAN COPYRIGHT LAWS

NOTE:
GLASS AREA MAY NEED TO BE
REDUCED DUE TO LIMITING DISTANCE
CONFIRM WITH LOCAL BY LAWS &
BUILDING CODE.

NOTE:
SOME BEAMS & LINTELS MAY BE
REQUIRED TO BE ENGINEERED
DUE TO ROOF LOADS NOT COVERED
IN THE BUILDING CODE & IS THE
RESPONSIBILITY OF THE HOME OWNER
OR BUILDER TO SECURE.



Summary of Correspondence Received on Proposed Minor Variance for A/20/24 – 873 Front Rd. N

Below is a summary of the comments received by the Planning Services Division for A/20/24 as of June 25, 2024.

Essex Region Conservation Authority:

No objections

Building Department:

- Build permits required-Provide certified drawings at time of permit submission
- Ensure and demonstrate that property will maintain own rain water
- Site appears to have an existing inground swimming pool that will obstruct access to the garage
- Debris in the rear of property

Infrastructure Services:

Infrastructure Services Department has reviewed A/20/24 – 873 Front Road North minor variance application and offer the following comments:

- Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands
- It should be noted that a secondary set of municipal services will not be permitted to connect to the secondary dwelling unit. The secondary dwelling unit must be serviced through the existing municipal services on the property

We are requesting a copy of the Decision of the aforementioned application. Thank you for your assistance and cooperation in this matter.



June 24, 2024

Ms. Janine Mastronardi
Town of Amherstburg
271 Sandwich Street South
Amherstburg, Ontario
N9V 2A5

Dear Ms. Mastronardi:

Re: COA Submission, A-20-24, Joseph & Victoria Yakopich

Please be advised that the County of Essex has reviewed the aforementioned application and the comments provided are engineering-related only. This application has not been reviewed from a planning perspective. No objections to this application. The subject lands have frontage on County Road 20.

This road was formerly King's Highway 18 until it was downgraded to the County of Essex. Therefore, setback and entrance requirements will be as per MTO corridor control procedures.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road 20. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned application. Thank you for your assistance and cooperation in this matter.

Should you require further information, please contact Kristoffer Balallo by email at kbalallo@countyofessex.ca or by phone at extension 1564

Regards,

A handwritten signature in black ink, appearing to read "Kristoffer Balallo".

Kristoffer Balallo
Engineering Technologist

 519-776-6441
TTY 1-877-624-4832

 360 Fairview Ave. W.
Essex, ON N8M 1Y6

 countyofessex.ca



Amherstburg Committee of Adjustment

July 03, 2024

A/20/24 – 837 Front Rd. N

Purpose of Application A/20/24

The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum height of 5.5 m (18 ft) of an accessory structure measured to the peak of the roof in a residential zone.

The applicant is proposing the construction of a 816 sq ft accessory structure to contain a three-car garage on the first floor and a secondary dwelling unit on the second floor with a height of 7 m (23 ft) to the peak of the roof. Therefore, the amount of relief requested is 1.5 m (5 ft) in accessory structure height.

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Type 1A (R1A) Zone in the Town's Zoning By-law.

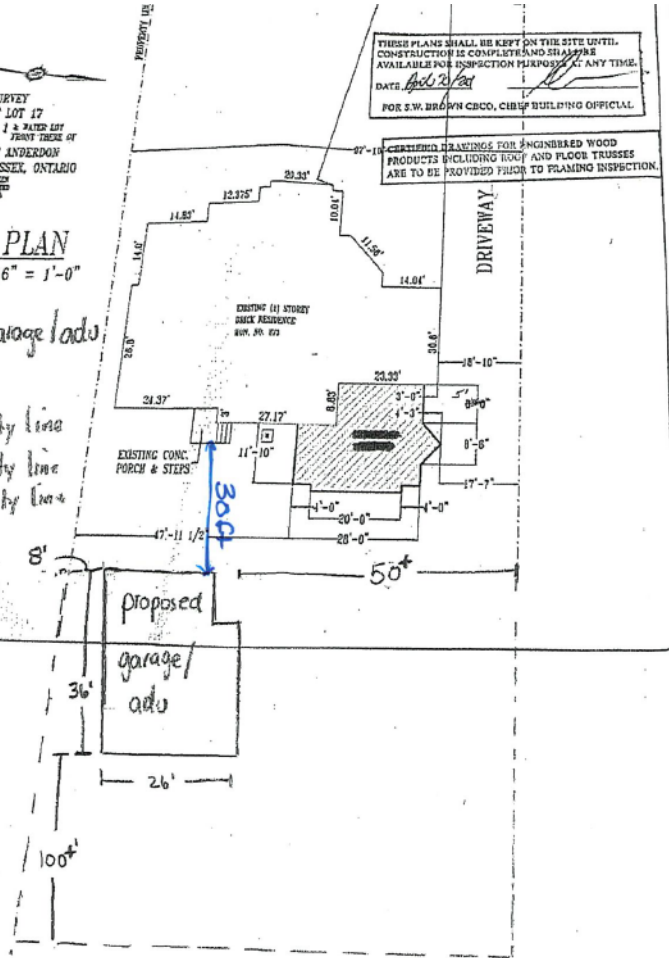


PLAN OF SURVEY
OF PART OF LOT 17
CONCESSION 1 & PART 1ST
TRUST TRACT OF
TOWNSHIP OF ANDERSON
COUNTY OF ESSEX, ONTARIO
DEPARTMENT OF LANDS
AND FORESTRY
TORONTO, ONTARIO

SITE PLAN
SCALE: 1/16" = 1'-0"

proposed 26x36 garage/ada

8' from property line
50' from property line
100' from property line



THESE PLANS SHALL BE KEPT ON THE SITE UNTIL
CONSTRUCTION IS COMPLETE AND SHALL BE
AVAILABLE FOR INSPECTION PURPOSES AT ANY TIME.
DATE: April 21, 2011
FOR S.W. BROWN CBCO, CHIEF BUILDING OFFICIAL.

CERTIFIED DRAWINGS FOR ENGINEERED WOOD
PRODUCTS INCLUDING ROOF AND FLOOR TRUSSES
ARE TO BE PROVIDED PRIOR TO FRAMING INSPECTION.

REVISION
LOCATION
DATE

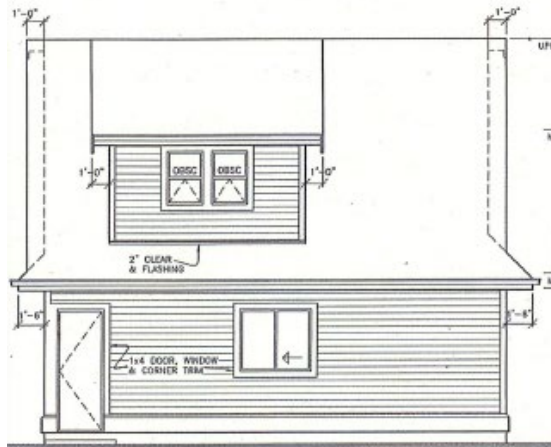
PROJECT NAME
YAKOPICH
873 FRONT RD
AMHERSTBURG.

DRAWING TITLE
FOUNDATION
ELEVATION
SITE PLAN

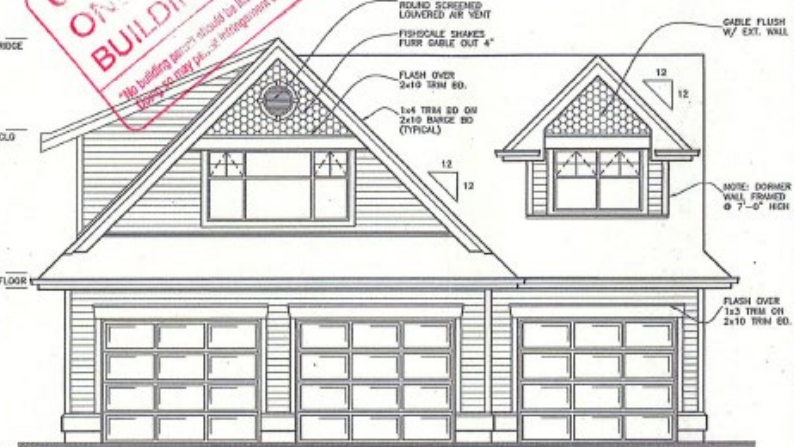
DRAWN BY: M.B.
DATE: APRIL 6, 2011
SCALE: AS SHOWN
M.T.B. ARCHITECTURE

REVISION DATE:
CHECKED BY:

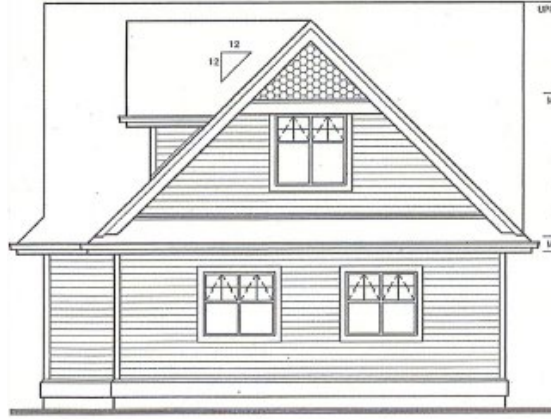
DRAWING #:
A1-001.



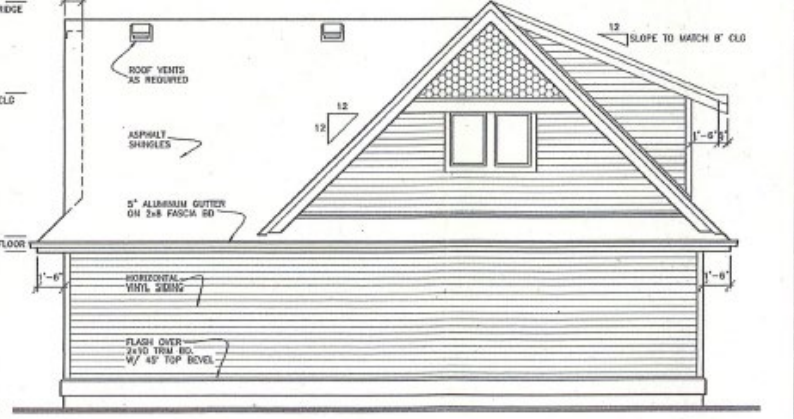
LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION



Sketch

Policy Review

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Type 1A (R1A) Zone in the Town's Zoning By-law.

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 Application A/20/24 be approved to grant relief in accessory structure height of 1.5 m (5 ft) to allow for the construction of an accessory structure with a footprint of 75.8 sq m (816 sq ft) to contain a three car garage on the first floor and a secondary dwelling unit on the second floor with a height of 7 m (23 ft) to the peak of the roof subject to the following conditions;

- 1- That the applicant prepare and implement a lot grading design for the subject property, to the satisfaction of the municipality.
- 2- That the design of the accessory structure be in substantial conformity with the plans submitted as part of application A/20/24.

