



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:

**Dave & Deanne Labutte, c/o Donato DiGiovanni, Agent**

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](mailto: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: 250 Seymour  
(Roll No.: 3729-120-000-08400)**

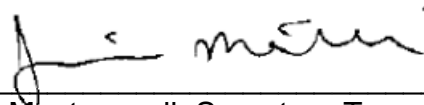
**Purpose of Minor Variance Application A/22/24: The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum height of 5.5 m (18 ft) of an accessory structure measured to the peak of the roof in a residential zone.**

The applicant is proposing the construction of a 728 sq ft accessory structure to contain additional recreational space (no living quarters) on the first floor accessory to the primary dwelling 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 Third Density (R3) 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](http://www.amherstburg.ca).

**Dated: June 19, 2024**



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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/22/24

**FORM 1  
PLANNING ACT  
APPLICATION FOR MINOR VARIANCE   
APPLICATION FOR PERMISSION   
TOWN OF AMHERSTBURG**

- Name of approval authority Town of Amherstburg
- Date application received by municipality June 3, 2024
- Date application deemed complete by municipality June 10, 2024
- Name of registered owner DAVE + DEANNE Labutte  
Telephone number [REDACTED]  
Address [REDACTED]  
Email [REDACTED]  
Name of registered owner's solicitor or authorized agent (if any) Donato DiGiovanni  
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. 1 Lot(s) No. 24  
Reference Plan No. \_\_\_\_\_ Part(s) No. \_\_\_\_\_  
Street Address 250 Bexmar Assessment Roll No. 120-08400

7. Size of subject parcel:

Frontage 61'    Depth 137.5'    Area 8387.5'

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 R3

11. Nature and extent of relief from the Zoning By-law requested

Max accessory building height to be allowed proposed 23'-0"

12. Reasons why minor variance is necessary to allow for garage with an adu above

13. Current use of subject land Residential

14. Length of time current use of subject land has continued 50+ years

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:

1 existing dwelling - 16ft to the peak

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

1948

17. Date subject land acquired by current registered owner April 12, 2015

18. Proposed use of subject land Garage + ADU

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:

1 new building front yard setback = 107'-6 rear yard = 4' south side = 4'-0 North side yard = 29'-0 Build area = 728 sq ft Building height = 23'-0"

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.

Dated at the Town of Amherstburg this 3<sup>rd</sup> day of June, 2024.

(signature of applicant, solicitor or authorized agent)

I, Dan DiGiovanni 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 3<sup>rd</sup> day of June, 2024.

Applicant, Solicitor or Authorized Agent

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.

**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.**

**Engineering review fees of \$1500.00 per each time a file is reviewed may be applicable as per Amherstburg's User fee by-law.**

**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.**

**AUTHORIZATION**

(Please see note below)

To: Secretary-Treasurer  
Committee of Adjustment  
Town of Amherstburg

Description and Location of Subject Land:

280 Seymour

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

authorize

Donato DeGiovanni of the DeGiovanni Construction 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 Town of Amherstburg n

the

County of Essex, this 31 day of May, 2024.

[Signature]  
Signature of Witness

[Signature]  
Signature of Witness

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

[Signature]  
Signature of Owner

[Signature]  
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.

**POSTING COMMITTEE OF ADJUSTMENT ADVISORY SIGN**

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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

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PROPERTY ADDRESS: 250 Seymour

APPLICATION NUMBER(S): A/22/24

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)

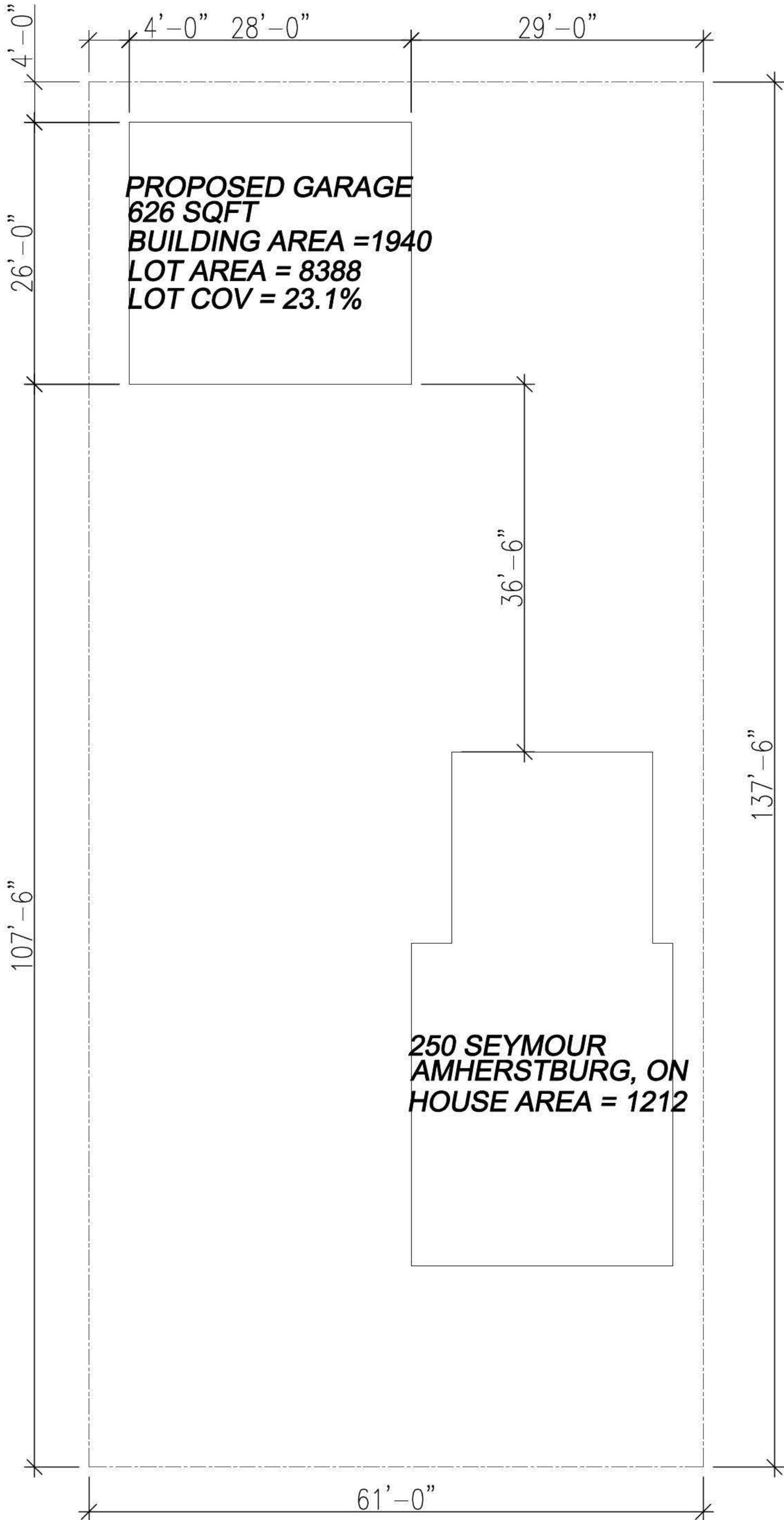
June 3, 2024  
Date





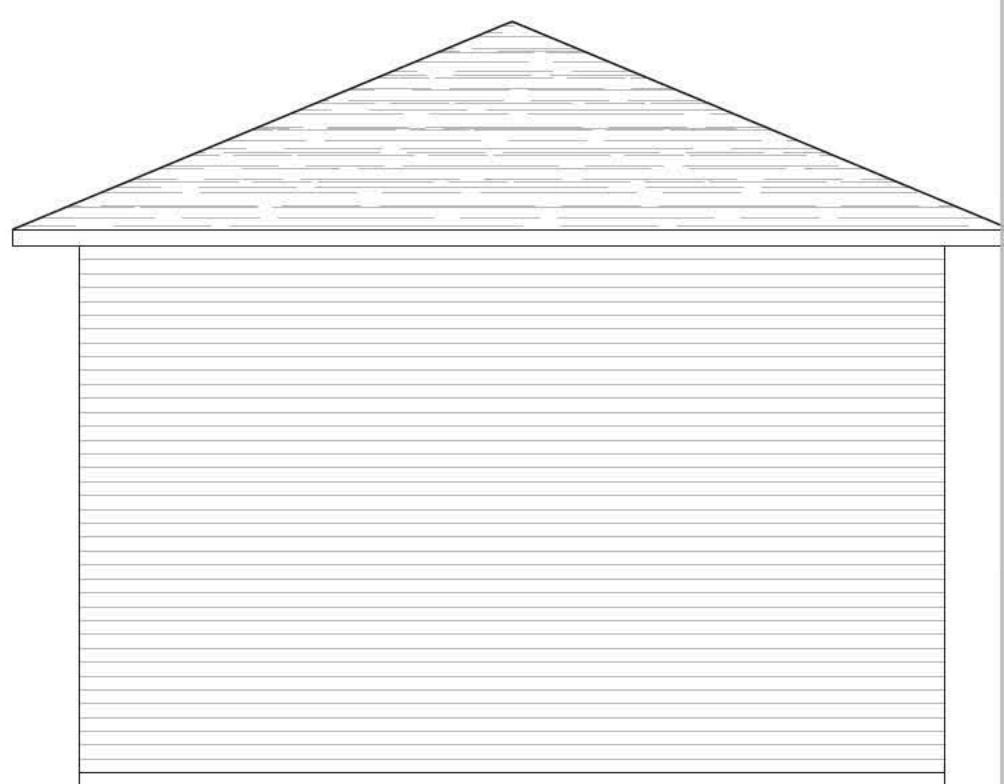
Town of Amherstburg  
A/22/24 - 250 Seymour St.



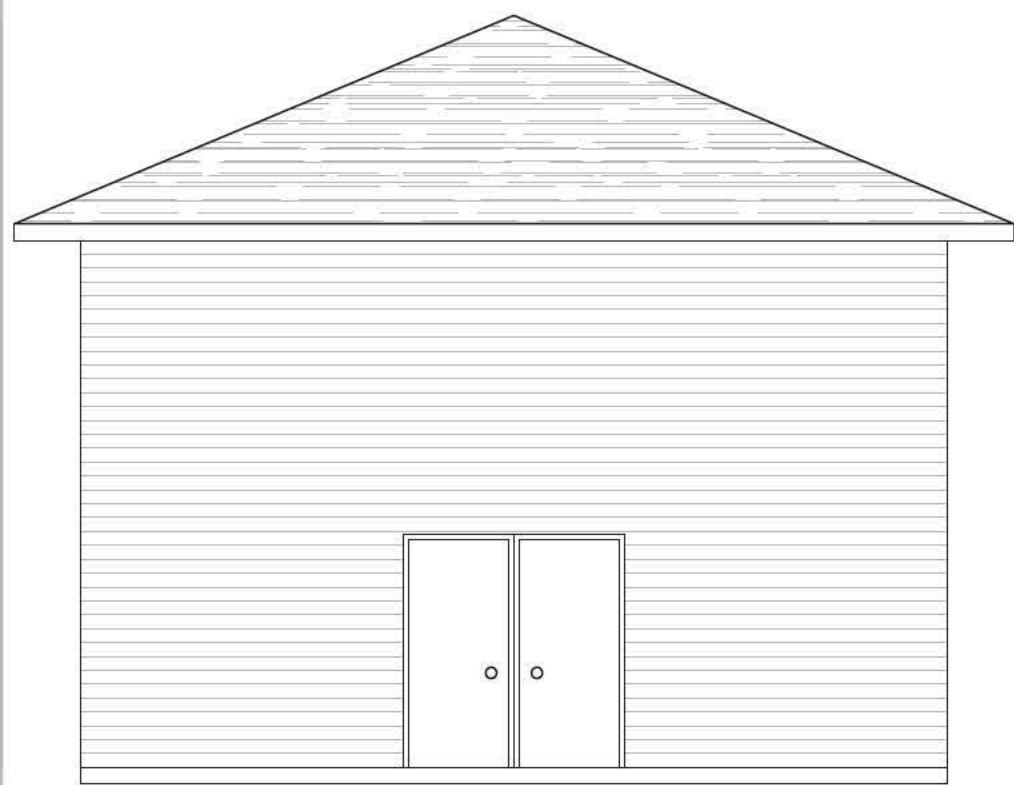




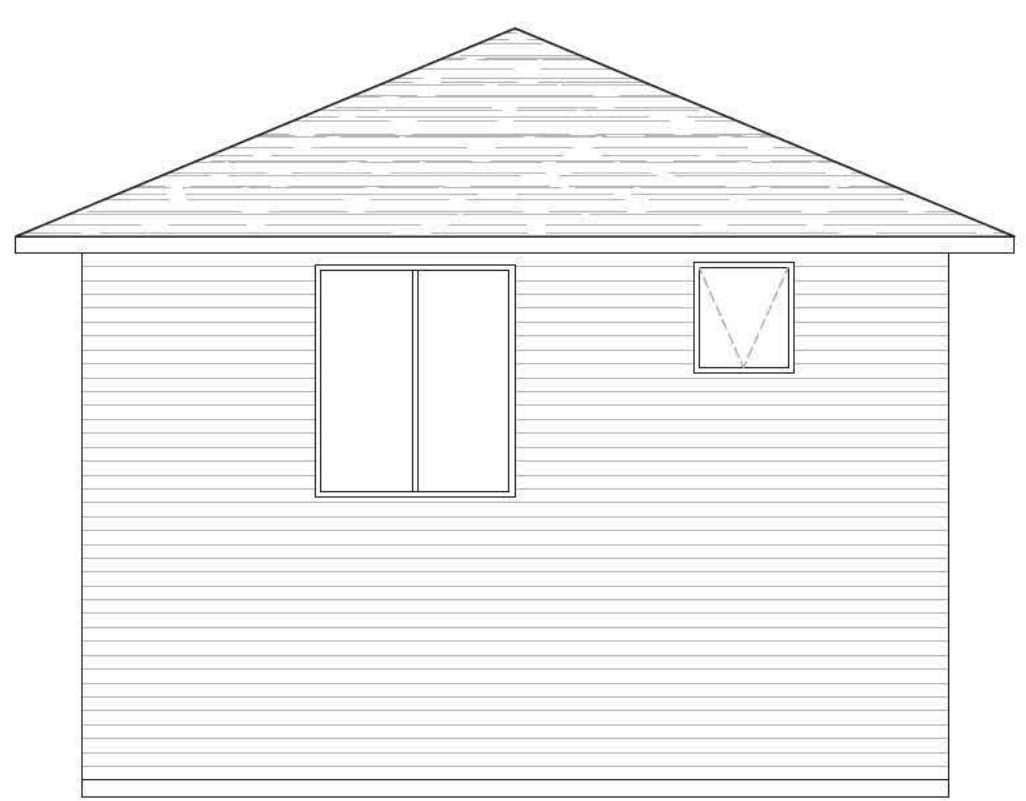
**FRONT ELEVATION**



**SIDE ELEVATION**



**SIDE ELEVATION**



**REAR ELEVATION**



## Summary of Correspondence Received on Proposed Minor Variance for A/22/24 – 250 Seymour St.

Below is a summary of the comments received by the Planning Services Division for A/22/24 as of June 25, 2024.

### Essex Region Conservation Authority:

No objections

### Building Department:

- Building permits required
- Grading design and service drawings required
- Remove patio door and replace with window
- All accessory structures to not exceed 10% of lot area

### Infrastructure Services:

Infrastructure Services Department has reviewed A/22/24 – 250 Seymour Street minor variance application and offer the following comments:

- All new driveway entrances or modifications to current driveway entrances will require a Right-of-way Permit from the Town of Amherstburg and be constructed in compliance with the current Driveway Alteration or Installation Policy.
- 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

# Amherstburg Committee of Adjustment

July 03, 2024



**A/22/24 – 250 Seymour St.**

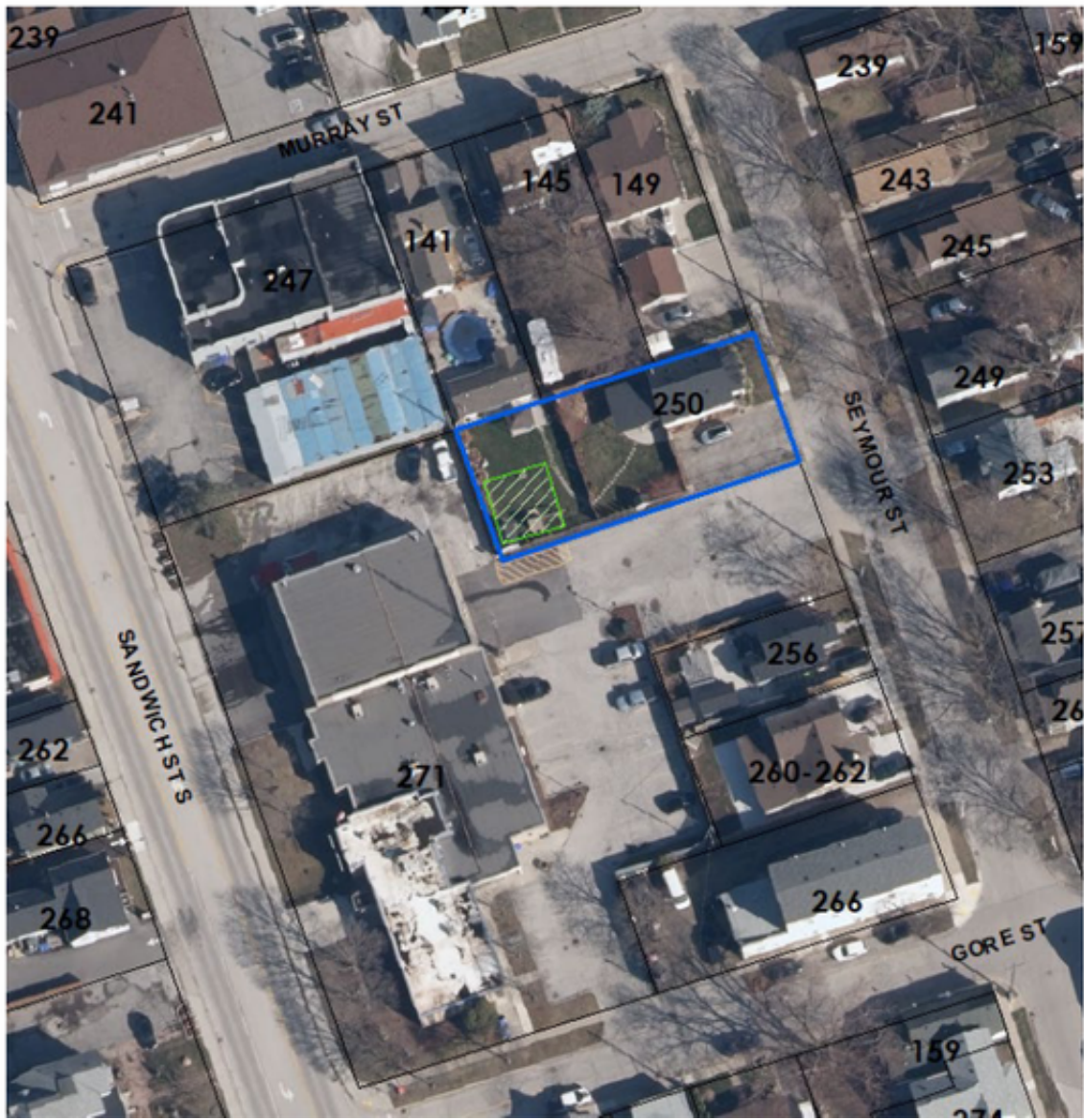
# Purpose of Application A/22/24

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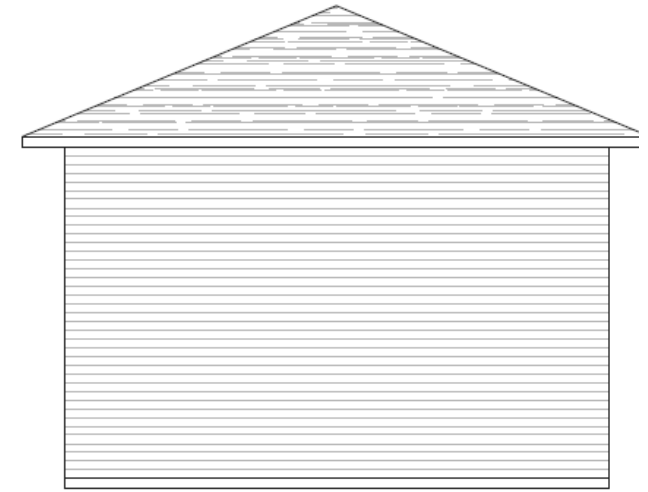
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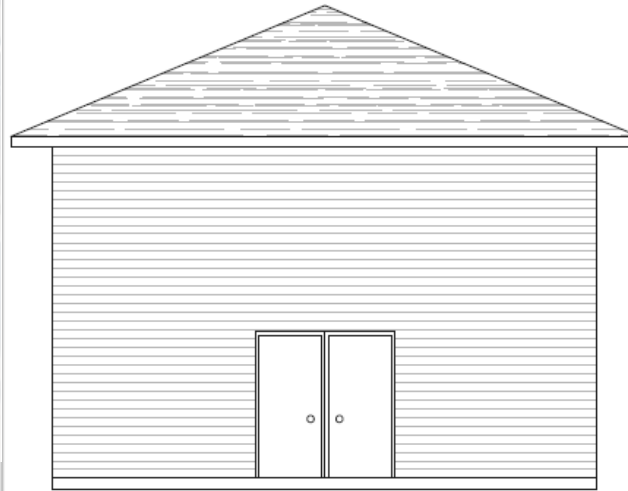




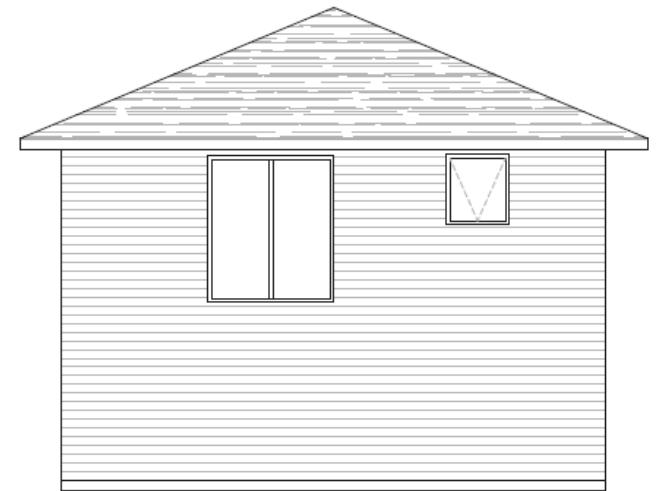
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION



Sketch

# Policy Review

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Third Density (R3) 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/22/24 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 67.6 sq m (728 sq ft) to contain recreational space accessory to the primary dwelling 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 condition;

- 1- That the applicant prepare and implement a lot grading design for the subject property, to the satisfaction of the municipality.
- 2- That the total lot coverage of accessory structures does not exceed 10% of the lot area as per Zoning By-law 1999-52, as amended, Section 3(1)(b).

