



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF DEVELOPMENT SERVICES

***Mission Statement:*** As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

<b>Author's Name:</b> Sarah French	<b>Report Date:</b> June 26, 2024
<b>Author's Phone:</b> 519 736-5408 ext. 2145	<b>Date to Committee:</b> July 3, 2024
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**To:** Chair and Members of the Committee of Adjustment

**Subject:** A-23-24, Vacant Land Easy Street, Nicholas and Casey Martin

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#### 1. RECOMMENDATION:

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/23/24 **BE APPROVED**.

#### 2. PROPOSAL:

Purpose of Minor Variance Application A/23/24: The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 6(3)(b) which requires a minimum lot frontage of 20 m for a new lot within the Residential Type 1A (R1A) Zone.

Subsequent to a severance approved through application B/04/24 on February 7, 2024, the approved severed lot will have a frontage of 17 m and the approved retained lot will have a frontage of 17.2 m. Therefore, the amount of relief requested is 3 m in lot frontage for the severed lot and 2.8 m in lot frontage for the retained lot. The minor variance is required as a condition of the approved consent application.

The subject lands are designated Low Density Residential in the Town's Official Plan and zoned holding Residential Type 1A (h-R1A) Zone in the Zoning By-law 1999-52.

#### 3. BACKGROUND

N/A

#### **4. PLANNING INFORMATION:**

Official Plan Designation:	Low Density Residential
By-law No. 1999-52:	holding Residential Type 1A (h-R1A) Zone
Existing Use:	Vacant Land
Proposed Use:	Residential
Neighboring Uses:	North: residential (Kingsbridge Subdivision) South: residential (Texas Road) East: residential (Kingsbridge Subdivision) West: large property residential (Texas Road)

#### **TECHNICAL INFORMATION**

Property Size:	0.55 ha (1.36 ac)
Existing structures:	N/A

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Proposed Frontage (severed lot):	17 m (55.78 ft)
Required Frontage (severed lot):	20 m (65.62 ft)
Relief requested:	3 m (9.84 ft)

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Proposed Frontage (retained lot):	17.2 m (56.43 ft)
Required Frontage (retained lot):	20 m (65.62 ft)
Relief requested:	2.8 m (9.19 ft)

#### **5. PLANNING ANALYSIS:**

##### **1. PLANNING ACT (R.S.O. 1990)**

The purposes of the Planning Act are;

- “ (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
- (b) to provide for a land use planning system led by provincial policy;
- (c) to integrate matters of provincial interest in provincial and municipal planning decisions;

- (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
- (e) to encourage co-operation and co-ordination among various interests;
- (f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s”

The proposal is consistent with Section 2 of the Planning Act which requires that the Committee of Adjustment have regard to matters of provincial interest including (the following are excerpts from Section 2 of the Planning Act that apply to this development):

- the orderly development of safe and healthy communities;
- the appropriate location of growth and development;

The severances to create the two properties were approved through application B/04/24 on February 7, 2024. One of the conditions of the consent was the approval of a minor variance for the proposed lot frontages for both the retained and severed lots. The application before the Committee provides for the same lot frontages as approved by application B/04/24. The proposed lots are large in size but due to the wedge shape on a cul-de-sac, the frontages are less than required by the R1A zone.

When reviewing this application, the Committee must consider the four tests as outlined in Section 45(1) of the Planning Act, R.S.O. 1990, as amended, which states that the Committee be of the opinion that the variance:

- a) maintains the general intent and purpose of the Official Plan;
- b) maintains the general intent and purpose of the Zoning By-law;
- c) is desirable for the appropriate development or use of the land, building or structures; and
- d) is minor in nature.

The application must meet all of the above tests.

## **2. OFFICIAL PLAN POLICIES**

The subject property is designated Low Density Residential in Amherstburg’s Official Plan. Section 4.3.1 of the Official Plan states, *‘Areas designated as Low Density Residential shall be limited to single detached, semi-detached, duplex, or converted dwelling units, home occupation uses and public uses.’*

The applicants are proposing reduced lot frontages for a retained and severed lot approved through application B/04/24 by the Committee of Adjustment on February 7, 2024. The minor variance for the reduced lot frontage is a condition of the consent approval. All other conditions of the consent must be met prior to the stamping of the deeds and the creation of the lots. The applicants are proposing single detached dwellings on both the severed and retained lots.

In the opinion of the author of this report the proposed Minor Variance maintains the intent of the Official Plan.

### **3. ZONING BY-LAW**

The subject property is zoned holding Residential Type 1A (h-R1A) Zone in Bylaw 1999-52, as amended. The h-R1A Zone permits single detached dwellings and accessory structures. The applicants will be required to apply to Council to remove the holding symbol prior to any building permits being issued on the lots and prior to the stamping of the deeds of the approved consent.

Due to the severed and retained lots location on a cul-de-sac, the properties are wedge shaped and have reduced frontage along the front of the property. However, both of the properties are large and will allow for a single detached dwelling to be built within the confines of the Zoning By-law, including lot coverage and setbacks.

The requested variance maintains the intent of the Zoning By-law.

### **4. APPROPRIATE DEVELOPMENT**

The proposed variances do not change the use of the land for residential purposes and therefore can be considered appropriate. The proposed variances would appear not to negatively impact any adjacent land uses.

The proposed severed and retained lots are large in size and will provide for compatible development when compared to the existing development in the area.

### **5. MINOR IN NATURE**

No precise definition for what constitutes “minor” exists. Rather, it is a culmination of the review of the Official Plan, applicable by-laws including the Zoning By-law and attempts to address the “big picture” for what the proposed development represents. Each application must be assessed on its own set of circumstances.

The proposed variances do not appear to change the character of the neighbourhood.

There appears to be no environmental concerns. The applicants are currently completing and Environmental Impact Assessment (EIA), as required by the conditions of the consent application. The EIA is required to be completed to the satisfaction of the Town.

### **6. AGENCY COMMENTS:**

See attached.

### **7. RISK ANALYSIS:**

As with all Committee of Adjustment decisions there is a risk that the decision is appealed. As a result of changes in Bill 23, decisions by a CoA can no longer be appealed by a third party. Decisions which are to support or refuse the consent or minor variance request, can only be appealed by the applicant, the Municipality, the Minister, a specified person or any public body. In the case of a consent decision the appeal must be filed within 20 days after the giving of notice of the decision of the committee, whereas for a

minor variance an appeal must be filed within 20 days of the making of the decision of the committee. It is important to note that a tied vote is deemed to be a decision to deny the consent or minor variance request.

#### **8. RECOMMENDATIONS:**

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that the Application A/23/24 request to grant relief of 3 m (9.84 ft) and 2.8 m (9.19 ft) in lot frontage for the severed and retained lots to allow lot frontage of 17 m (55.78 ft) for the severed lot and 17.2 m (56.43 ft) for the retained lot **BE APPROVED.**

#### **9. CONCLUSION:**

From a planning perspective:

- 1) The request for variance conforms with the intent of the relevant Official Plan policies.
- 2) The proposed variance for relief of lot frontage maintains the intent of the Zoning By-law 1999-52, as amended.
- 3) The proposed variances do not change the use of the land for residential purposes and therefore can be considered appropriate.
- 4) The requested variances appear to be minor in nature.
- 5) The proposed variances would not appear to have a negative impact on the environment.



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Sarah French  
**Secretary-Treasurer to the Committee of Adjustment**

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## Report Approval Details

Document Title:	A-23-24, Vacant Land Easy Street, Nicholas and Casey Martin.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - A-23-24- Notice- Easy St-RM.pdf</li><li>- Appendix B - A-23-24 - Application_Redacted-RM.pdf</li><li>- Appendix C - A-23-24 Aerial Map-RM.pdf</li><li>- Appendix D - A-23-24 - Sketch-RM.pdf</li><li>- Appendix E - A-23-24 Site Photo-RM.pdf</li><li>- Appendix F - A-23-24 Council Circulation List-RM.pdf</li><li>- Appendix G - Summary of Correspondence Received on A-23-24-RM.pdf</li><li>- Appendix H - A-23-24- PowerPoint-RM.pdf</li></ul>
Final Approval Date:	Jun 26, 2024

This report and all of its attachments were approved and signed as outlined below:

Chris Aspila