



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:

**Tammy Metcalfe**

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.

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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: 5 Jones Court  
(Roll No.: 3729-173-000-02300)**

**Purpose of Minor Variance Application A/19/24: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 8(3)(g) which permits a maximum lot coverage of 35% in a Residential Second Density (R2) Zone. The applicant is also requesting relief from Zoning By-law 1999-52, as amended, Section 3(29)(a)(i) which requires a minimum 1.5 m setback for a pool to any lot line.**

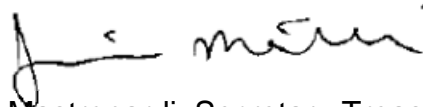
The applicant has installed an above ground pool 0.9 m (3 ft) from the rear lot line. The applicant has also renovated an existing 264 sq ft deck and added 210 sq ft of additional deck area and 100 sq ft in covered deck area for a hot tub. An existing shed will be removed.

Therefore, the amount of relief requested is 0.6 m (2 ft) in setback to permit a 0.9 m (3 ft) above ground pool setback from the rear yard and 6% in total lot coverage to permit an additional 6% (28.8 sq m/310 sq ft) in lot coverage to allow for an elevated 10 ft x 10 ft covered hot tub area and 210 sq ft in additional deck area.

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Second Density (R2) 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 20, 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/19/24

**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 30, 2024
3. Date application deemed complete by municipality June 14, 2024
4. Name of registered owner Tammy metcalfe  
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:  
\_\_\_\_\_

6. Location and description of subject land:

Concession No. \_\_\_\_\_ Lot(s) No. \_\_\_\_\_  
Registered Plan No. 12M-305 Lot(s) No. 23  
Reference Plan No. \_\_\_\_\_ Part(s) No. \_\_\_\_\_  
Street Address S Jones Crst Assessment Roll No. 173-02300

7. Size of subject parcel:

Frontage 49.64 ft Depth 104.63ft (west) Area 5147 sq ft  
(irregular) 102.03ft (east)

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 R2
11. Nature and extent of relief from the Zoning By-law requested \_\_\_\_\_  
Section 8(3)(g) permits a maximum lot coverage of 35%. Existing lot coverage of 38% is permitted as per Section 1(16). Proposing an additional 6% to permit a 10x10 covered hot tub area and an additional 210 sqft of lot coverage for a deck. Section 8(29)(a)(i) requires 1.5m pool setback
12. Reasons why minor variance is necessary Construction proceeded requiring 0.9m unknowingly without a permit. 10x10 hot tub cover did not require a permit. - pool w/ 3' setback
13. Current use of subject land residential
14. Length of time current use of subject land has continued 30 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:  
- single family dwelling - 1697 sq ft (built in 1994)  
- deck - 12'x22' - 264 sq ft (built in 2005)  
(12'x22')
16. Date of construction of existing buildings and structures on the subject land:  
house - 1994  
deck - 2005
17. Date subject land acquired by current registered owner 2018
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:  
- 10x10 hot tub roof covering  
- 210 sq ft of additional deck area  
- above ground pool 3ft from rear property line

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 30<sup>th</sup> day of May, 2024.

Tammy Metcalfe  
(signature of applicant, solicitor or authorized agent)

I, Tammy Metcalfe 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 30<sup>th</sup> day of May, 2024.

Tammy Metcalfe  
Applicant, Solicitor or Authorized Agent

Janine Quintina Mastronardi  
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:

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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

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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: 5 Jones Court

APPLICATION NUMBER(S): A / 19 / 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)

May 30, 2024  
Date



A/19/24- 5 Jones Court



1

5

0.9 m (3 ft)

To be  
Removed

**Zoning Information**

**Lot Area: 5147 sq ft**

**Permitted Lot Coverage: 35% (1801.5 sq ft)**

**Existing Non-Conforming Lot Coverage: 38% (1961 sq ft)**

**Proposed Lot Coverage: 44.1% (2271 sq ft, increase of 310 sq ft)**

**Landscape Open Space: 40.4% (2079 sq ft)**

**Driveway: 8.1% (417 sq ft)**

**Pool: 7.4% (380 sq ft)**



## Summary of Correspondence Received on Proposed Minor Variance for A/19/24 – 5 Jones Crt.

Below is a summary of the comments received by the Planning Services Division for A/19/24 as of June 25, 2024.

### Essex Region Conservation Authority:

Please see attached.

### Building Department:

- Building permits required for above ground swimming pool, no concerns with setback as is an above ground pool
- Deck permit required for decks above 24"
- Grading inspection required

### Infrastructure Services:

Infrastructure Services Department has reviewed A/19/24 – 5 Jones Court minor variance application and offer the following comments:

- The existing storm sewers/drainage system where the subject property outlets does not consider lot coverage beyond the scope of our zoning by-law. Infrastructure Services does not support the lot coverage variance, as the additional stormwater runoff may create adverse impacts on the surrounding drainage system.



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

June 25, 2024

**Ms. Janine Mastronardi**

Planner  
3295 Meloche Road  
Amherstburg, ON  
N9V 2Y8

Dear Ms. Janine Mastronardi:

RE: Application for Minor Variance A-19-24 5 JONES CRT  
ARN 372917300002300; PIN: 705610042  
Applicant: METCALFE TAMMY MARIE

The Town of Amherstburg has received Application for Minor Variance A-19-24 for the above noted subject lands, which requests relief from

Zoning By-law 1999-52, as amended, Section 8(3)(g) which permits a maximum lot coverage of 35% in a Residential Second Density (R2) Zone. The applicant is also requesting relief from Zoning By-law 1999-52, as amended, Section 3(29)(a)(i) which requires a minimum 1.5 m setback for a pool to any lot line.

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Therefore, the amount of relief requested is 0.6 m (2 ft) in setback to permit a 0.9 m (3 ft) above ground pool setback from the rear yard and 6% in total lot coverage to permit an additional 6% (28.8 sq m/310 sq ft) in lot coverage to allow for an elevated 10 ft x 10 ft covered hot tub area and 210 sq ft in additional deck area.

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Second Density (R2) Zone in the Town's Zoning By-law.

The following is provided as a result of our review of Application for Minor Variance A-19-24.

**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*.



Ms. Janine Mastronardi  
June 25, 2024

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*.

### **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

### **SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

It is understood that the Municipality implements maximum lot coverage standards through the appropriate Zoning By-laws, which generally limits the footprint of structures on a parcel in terms of percentages. These coverage limits vary with zoning, such that areas where higher density residential development is allowable, the lot coverage limits are also greater than areas where only single family residential is permissible. Similar to this, stormwater management designs account for varying amounts of “percent imperviousness”; however, stormwater management design parameters make a best attempt to account for the potential additional “hardscaping” that is likely to occur on a given parcel. It is important to continue to make the distinction between “lot coverage” and “percent impervious” as the former does not include the additional hardening elements that are likely to occur, such as paved driveways, concrete and other hardening such as for patios and around various amenities like pools etc.

Based on the above, and as a result of stormwater management practitioners currently designing with parameters that are anticipated to represent the drainage areas as “fully developed”, it is expected that newer stormwater management systems are able to adequately convey and properly attenuate flows based on values greater than the maximum lot coverage standards, such that the downstream receivers are not negatively impacted. As a result, newer stormwater management systems have additional resiliency than older systems.

The current request for relief from maximum lot coverage standards is within an “older” subdivision, which may have been designed with much less conservative design parameters than what would be typical for today’s standards. The ERCA acknowledges that the management and maintenance of the roads, storm sewers and stormwater management facilities, once constructed in accordance with all applicable agency approvals, lies with the Municipality. It is recommended that the Municipality consider the current state of the existing development with respect to existing stormwater management infrastructure. Additionally, with respect to the request for relief from maximum lot coverage standards, it is recommended that the determination of any potential impacts / no negative impacts to the stormwater management system be to the satisfaction of the Municipal Engineering/Public Works/Infrastructure Services



Ms. Janine Mastronardi  
June 25, 2024

department. Should there be any changes to the function of the system, such as impacts related to regulated outflows, reductions in water quality treatment, or floodproofing standards, an ERCA Permit/Clearance may be required and such, further consultation with our office would be required prior to any approval.

**FINAL RECOMMENDATION**

Our office has **no objection** to A-19-24.

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

Sincerely,



Alicia Good  
*Watershed Planner*  
/ag





# Amherstburg Committee of Adjustment

July 03, 2024

**A/19/24 – 5 Jones Court**

# Purpose of Application A/19/24

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 8(3)(g) which permits a maximum lot coverage of 35% in a Residential Second Density (R2) Zone. The applicant is also requesting relief from Zoning By-law 1999-52, as amended, Section 3(29)(a)(i) which requires a minimum 1.5 m setback for a pool to any lot line.

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# Sketch



# Policy Review

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Residential Second Density (R2) 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 variances conform with the intent of the relevant Official Plan policies;
- 2) The proposed variances maintain the intent of Comprehensive Zoning By-law 1999-52, as amended;
- 3) The proposed variances are desirable or the appropriate development or use of the land, building or structures; and
- 4) The requested variances would appear to be minor in nature.



# Recommendation

Based on the information provided in the report and comments received, the application has many complexities that the Committee must consider including the concerns of Infrastructure Services and other department comments. Due to the many considerations listed, Administration is requesting direction from the Committee, rather than providing a recommendation at this time.

