



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:

**Ryan D'Alimonte, 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: 94 Gore Street  
(Roll No.: 3729-110-000-09600)**

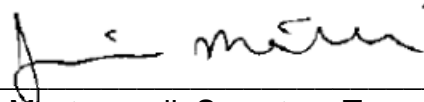
**Purpose of Minor Variance Application A/21/24: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 12(3)(d) which requires a minimum interior side yard width of 1.5 m, Section 12(3)(g) which permits a maximum lot coverage of 40% and permission to build to a maximum height of 8.5 m to the ridge.**

The applicant is proposing the construction of a new single detached dwelling with attached garage with an interior side yard setback of 1.2 m, a total lot coverage 44.3% and a 8.5 m height to the ridge. Therefore, the amount of relief requested is 4.3% in total lot coverage, 0.3 m in interior side yard setback and permission for a 8.5 m height to the ridge.

The subject property is designated Heritage Residential in the Town's Official Plan and zoned Residential Heritage (RH) 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**



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

Municipal Fee Received	<u>PAID</u>
ERCA Fee Received:	<u>PAID</u>

Application No. A/21/24

**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 7, 2024
- Name of registered owner Ryan D'Alimonte  
Telephone number [REDACTED]  
Address [REDACTED]  
Email [REDACTED]  
Name of registered owner's solicitor or authorized agent (if any) Donato D. Girolanni  
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. 1      Lot(s) No. P+L+S  
Registered Plan No. \_\_\_\_\_      Lot(s) No. \_\_\_\_\_  
Reference Plan No. \_\_\_\_\_      Part(s) No. \_\_\_\_\_  
Street Address 94 Gore      Assessment Roll No. 110-09600

7. Size of subject parcel:  
Frontage 39.5'      Depth 91.5'      Area 3614.25 sq Ft.

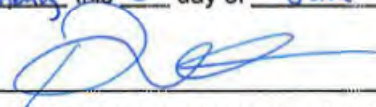
8. Access to subject parcel:  
 Municipal Road     County Road     Provincial Highway  
 Private     Water

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 Residential
10. Current Zoning of subject land RH
11. Nature and extent of relief from the Zoning By-law requested Interior side yard from 1.5m to 1.2m, lot coverage from 40% to 44.3% - Section - to permit a height of house being 8.5m
12. Reasons why minor variance is necessary To build and renovate home to meet needs of Family
13. Current use of subject land Residential
14. Length of time current use of subject land has continued 50 years approx
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:  
Existing building front yard setback 10'  
Rear yard 28' west side yard = 12'  
east side yard = 7' height 27'  
building area = 1250 sq ft
16. Date of construction of existing buildings and structures on the subject land:  
Late 1800's
17. Date subject land acquired by current registered owner 2019
18. Proposed use of subject land Residential SFH
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 set back 16' rear set back 20'  
side yard 4'-3" House + garage  
area = 1601 sqft. Height is 27'-8"

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

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

  
\_\_\_\_\_  
(signature of applicant, solicitor or authorized agent)

I, Dan DiGirolanni 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:

94 Gore St minor variance  
application

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

Donato DiGiovanni of the B.P. Giovanni 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 h  
the County of Essex, this 31 day of May, 2024.

  
\_\_\_\_\_  
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: 94 Gore

APPLICATION NUMBER(S): A/21/24

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.

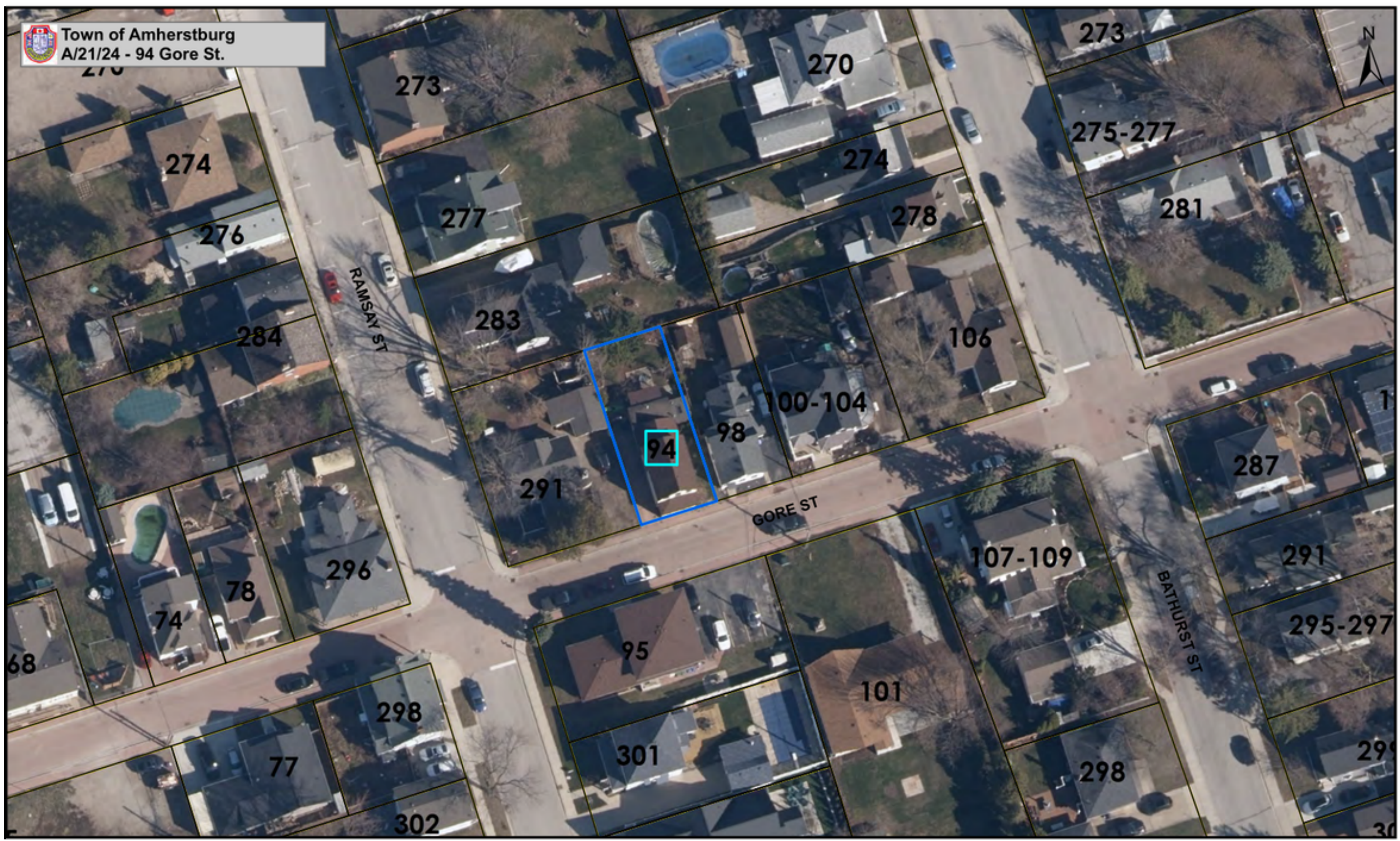
  
Signature (Owner/Authorized Agent)

June 3, 2024  
Date





Town of Amherstburg  
A/21/24 - 94 Gore St.



270

274

276

284

74

78

296

68

77

298

302

273

277

283

291

95

301

94

98

100-104

101

270

274

278

106

GORE ST

107-109

273

275-277

281

287

291

295-297

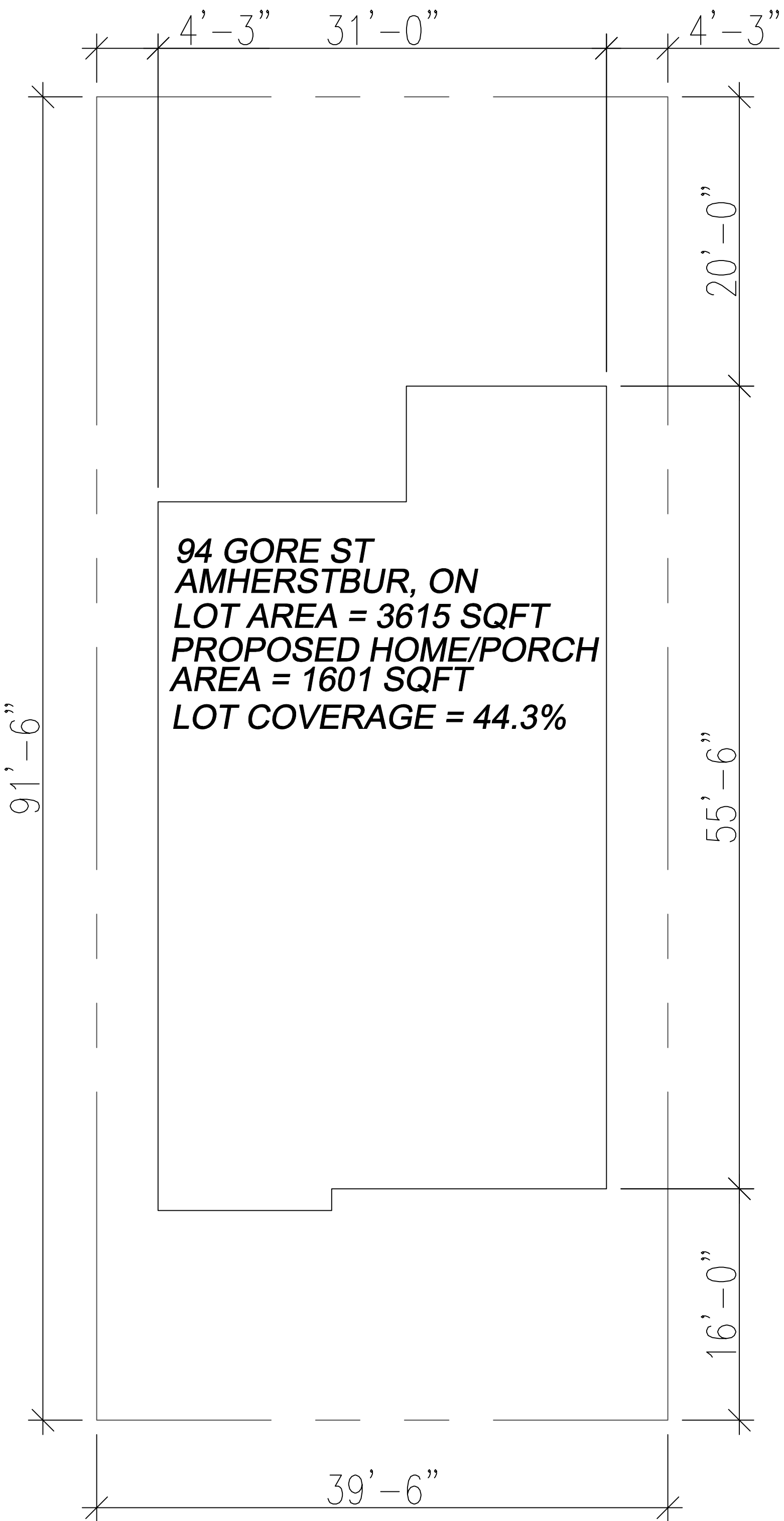
298

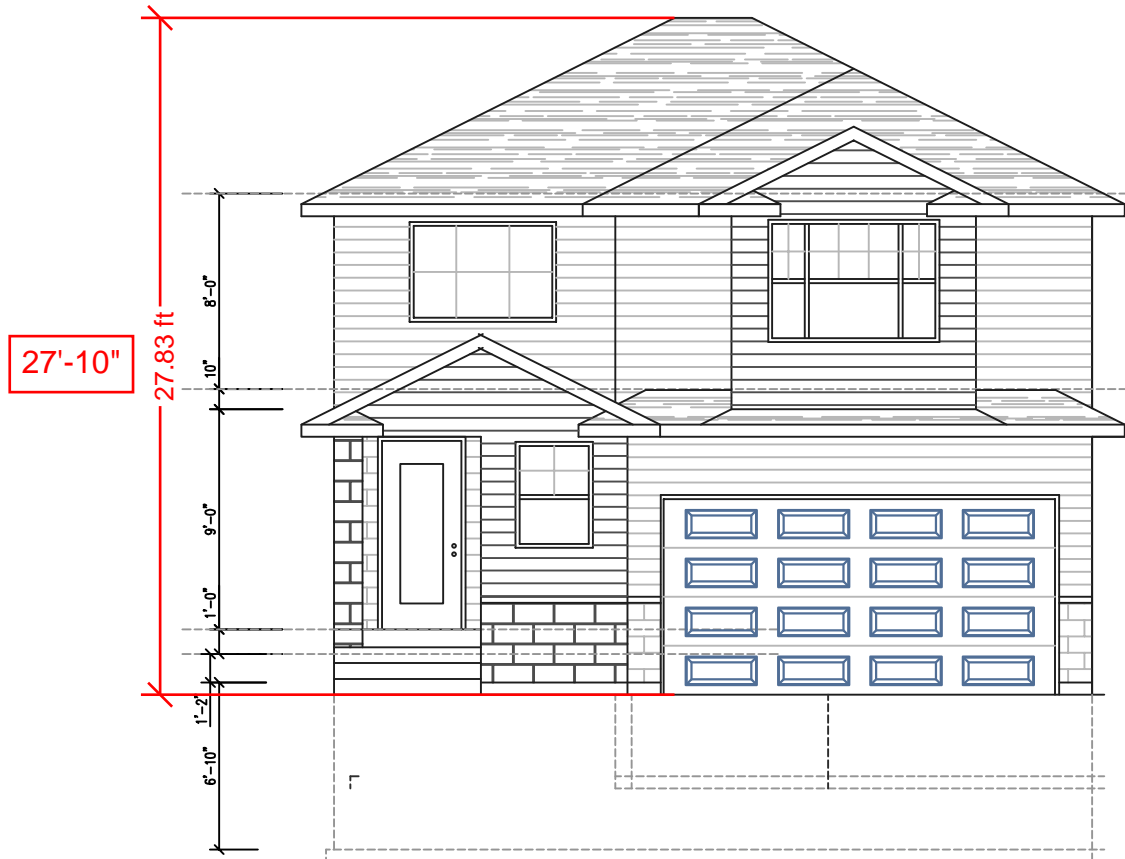
299

300

RAMSAY ST

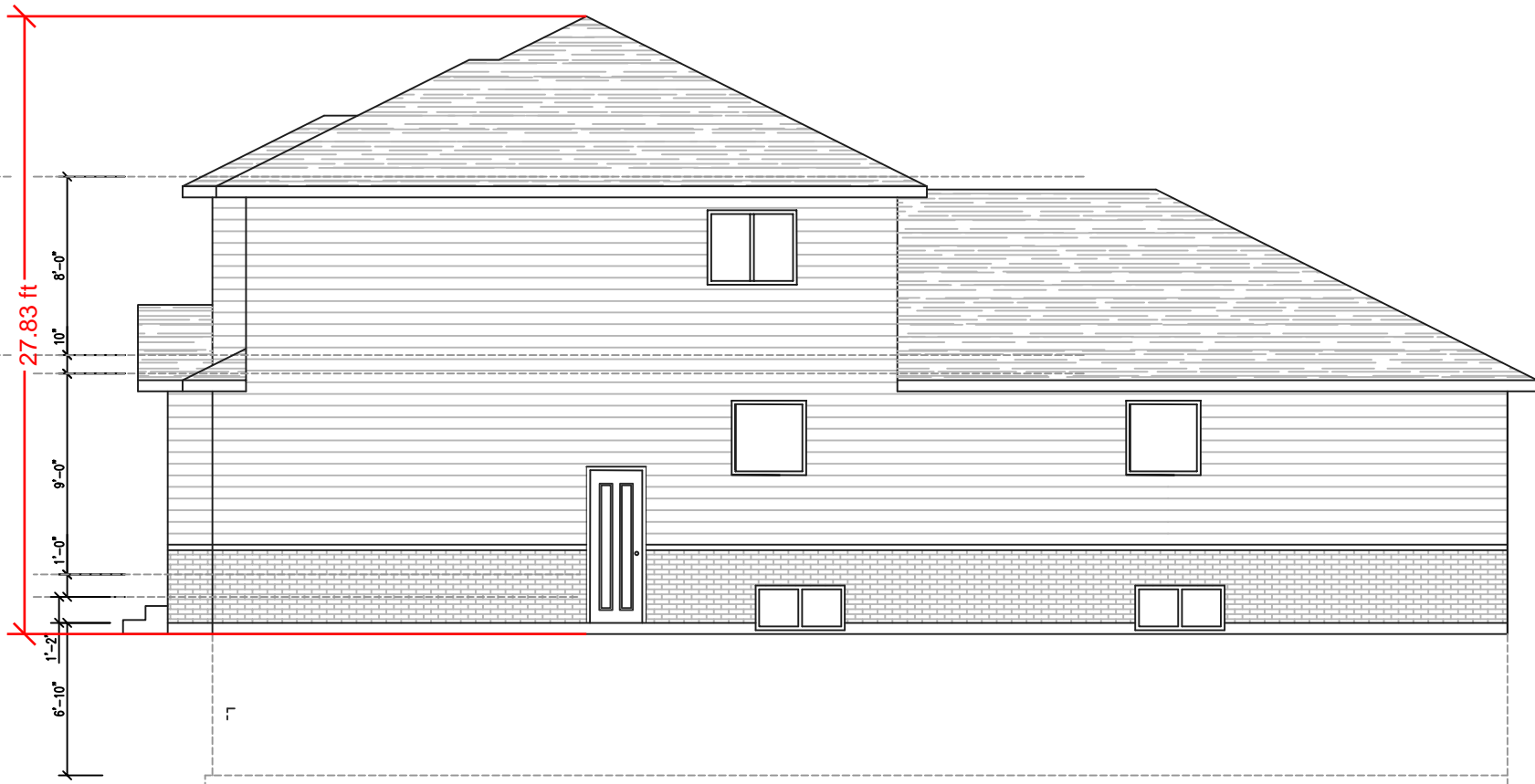
BATHURST ST





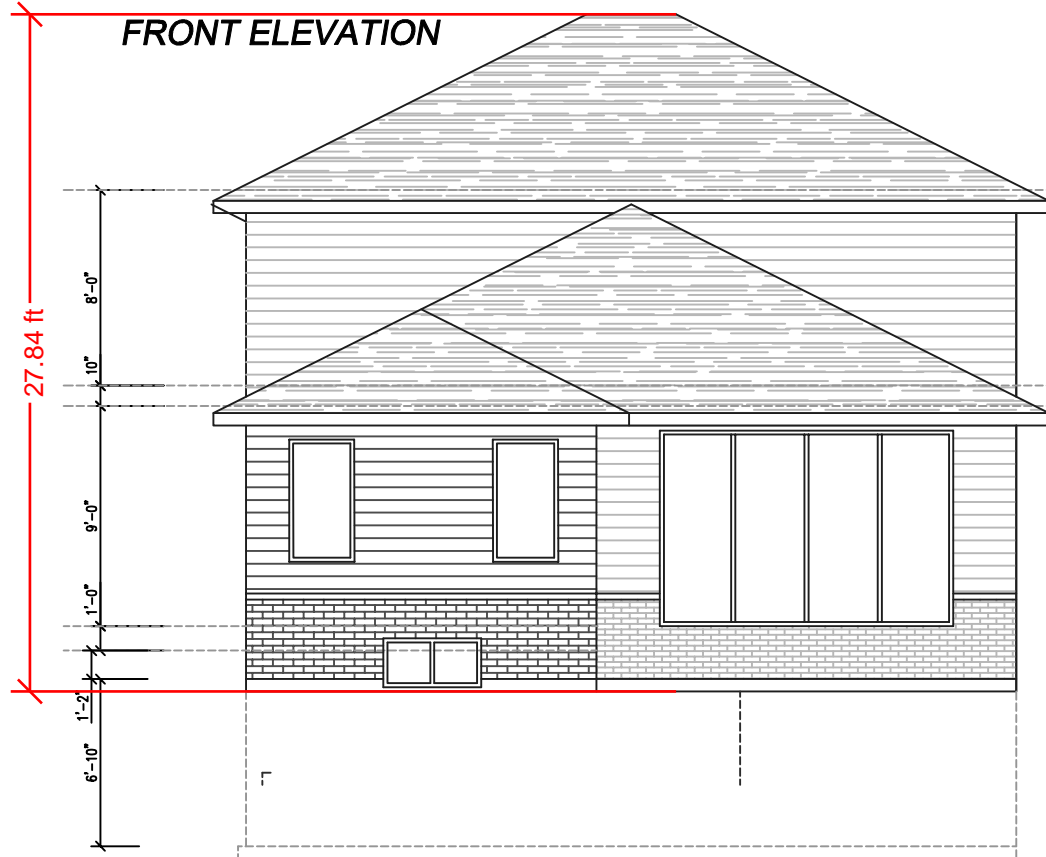
27'-10"

FRONT ELEVATION



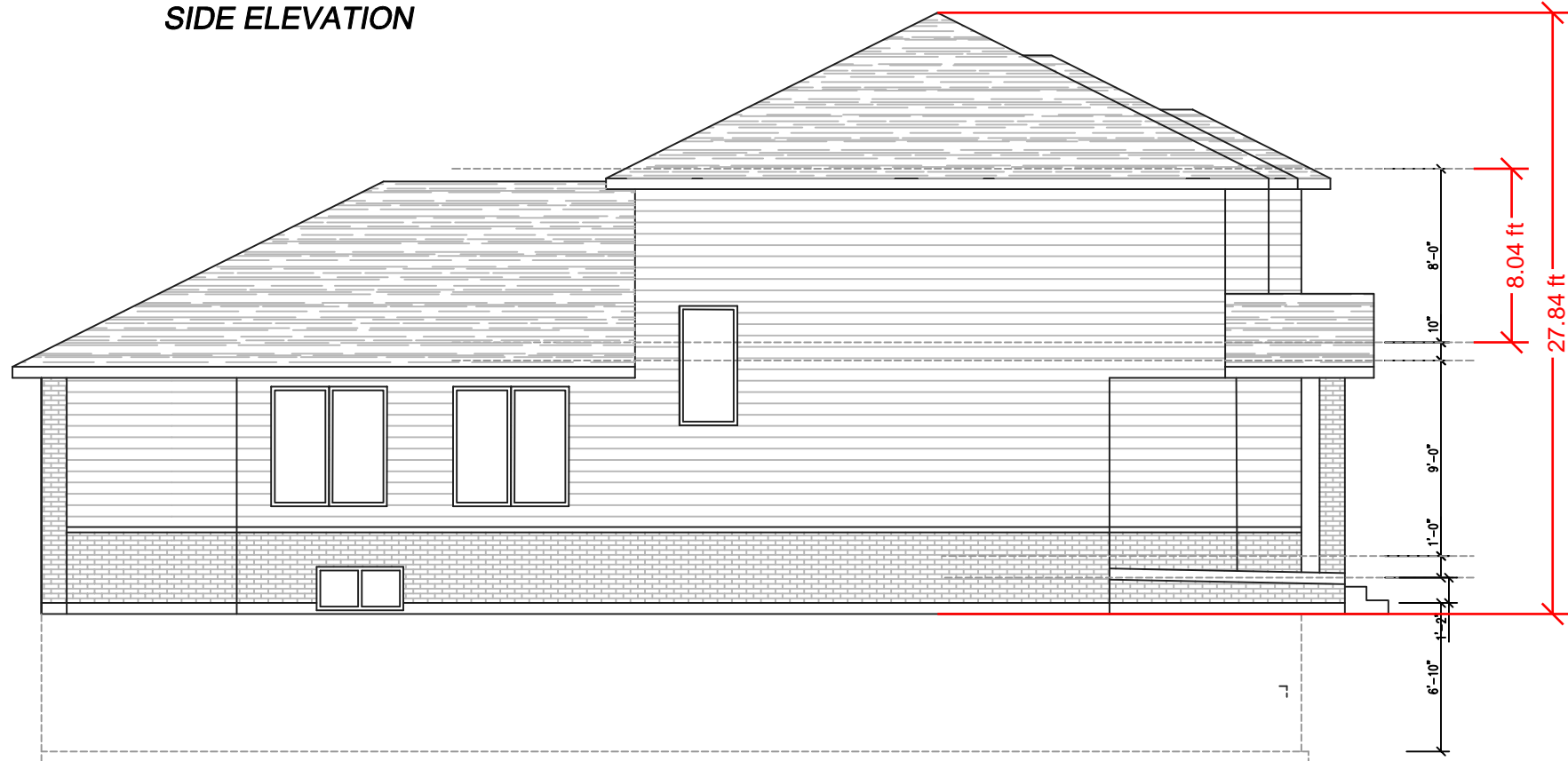
27'-10"

SIDE ELEVATION



27'-84 ft

REAR ELEVATION



8'-04 ft

27'-84 ft

SIDE ELEVATION

291 RAMSAY  
99.5'

91'-6"

4" PVC TIED TO STORM DRAIN

**94 GORE ST  
AMHERSTBUR, ON  
LOT AREA = 3615 SQFT  
PROPOSED HOME/PORCH  
AREA = 1601 SQFT  
LOT COVERAGE = 44.3%**

100'

LANSCAPING

CONCRETE DRIVEWAY

39'-6"

99.05'

CATCH BASIN

98.75'

CATCH BASIN

98.95'

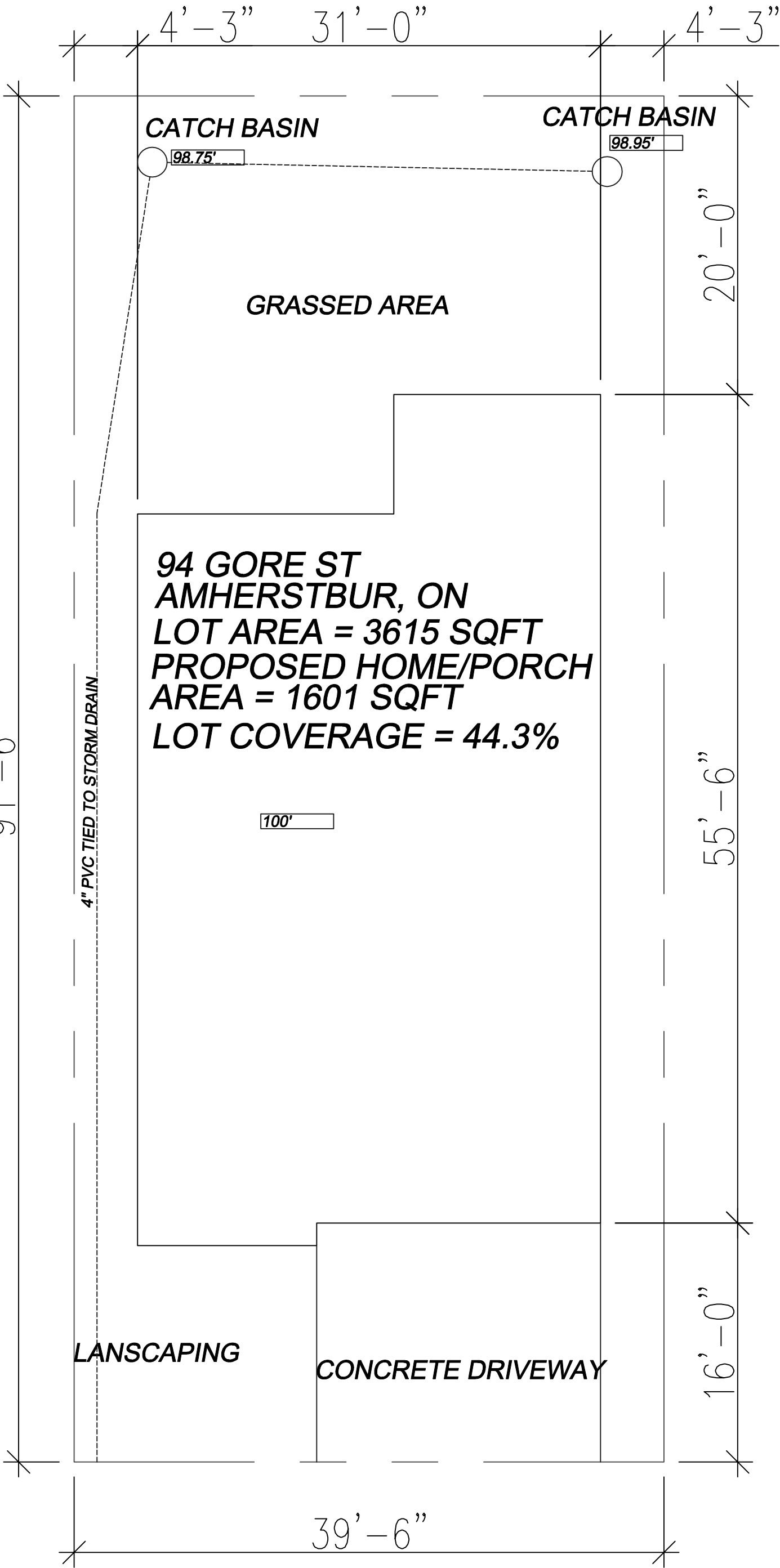
GRASSED AREA

20'-0"

55'-6"

16'-0"

98 GORE  
100.5'





## Summary of Correspondence Received on Proposed Minor Variance for A/21/24 – 94 Gore St.

Below is a summary of the comments received by the Planning Services Division for A/21/24 as of June 25, 2024.

### Essex Region Conservation Authority:

Please see below

### Building Department:

- Building permits required
- Complete grading plan with services required
- Window opening on side of buildings limited to 7% of wall. This will be determined during plan review, window may require to be altered.
- Heritage clearance required
- Demolition permit required
- Protection of neighbouring property
- New foundation may require to be designed for angle of repose to not undermine neighbouring foundation.

### Infrastructure Services:

Infrastructure Services Department has reviewed A/21/24 – 94 Gore Street 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.
- 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.



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-21-24 94 GORE ST  
ARN 372911000009600; PIN: 705550082  
Applicant: D'ALIMONTE RYAN JOSEPH

The Town of Amherstburg has received Application for Minor Variance A-21-24 for the above noted subject lands, which requests relief from Zoning By-law 1999-52, as amended, Section 12(3)(d) which requires a minimum interior side yard width of 1.5 m, Section 12(3)(g) which permits a maximum lot coverage of 40% and permission to build to a maximum height of 8.5 m to the ridge.

The applicant is proposing the construction of a new single detached dwelling with attached garage with an interior side yard setback of 1.2 m, a total lot coverage 44.3% and a 8.5 m height to the ridge. Therefore, the amount of relief requested is 4.3% in total lot coverage, 0.3 m in interior side yard setback and permission for a 8.5 m height to the ridge.

The subject property is designated Heritage Residential in the Town's Official Plan and zoned Residential Heritage (RH) Zone in the Town's Zoning By-law.

The following is provided as a result of our review of Application for Minor Variance A-21-24.

**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  
June 25, 2024

## **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 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.



Ms. Janine Mastronardi  
June 25, 2024

**FINAL RECOMMENDATION**

Our office has **no objection** to A-21-24.

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/21/24 – 94 Gore Street**

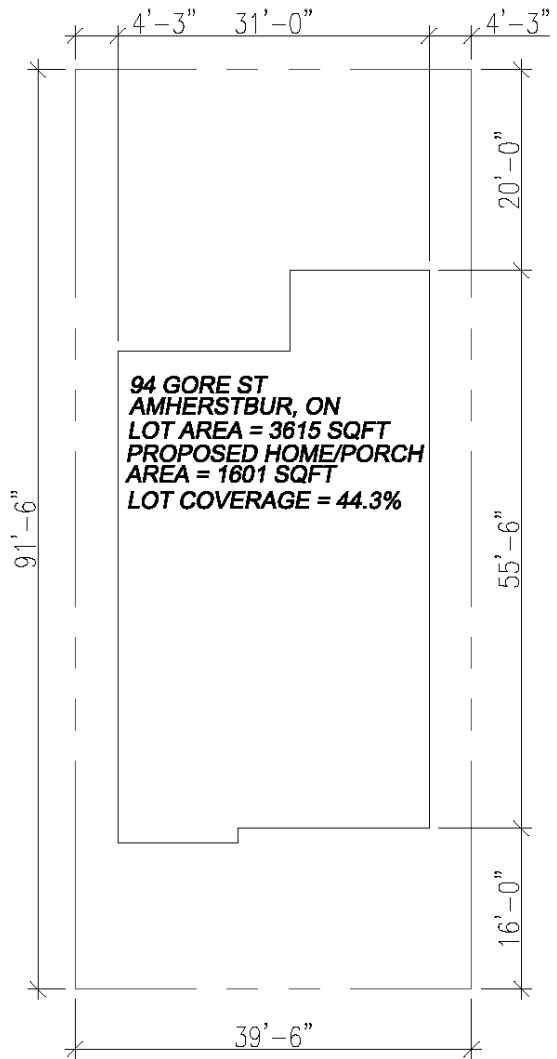
# Purpose of Application A/21/24

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 12(3)(d) which requires a minimum interior side yard width of 1.5 m, Section 12(3)(g) which permits a maximum lot coverage of 40% and permission to build to a maximum height of 8.5 m to the ridge.

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The subject property is designated Heritage Residential in the Town's Official Plan and zoned Residential Heritage (RH) Zone in the Town's Zoning By-law.





FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



1. ALL CONSTRUCTION AS PER O.C.C.  
2. MINOR CHANGES MAY OCCUR TO DRAWING SHOWN.

94 GORE ST 2135 sqft	
DRAWING TITLE: ELEVATIONS	
APRIL 2024	DRAWN: EF A5 A5



Sketch

# Policy Review

The subject property is designated Heritage Residential in the Town's Official Plan and zoned Residential Heritage (RH) 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

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that Application A/21/24 be deferred pending a Council decision regarding the Heritage Conservation District report and by-law being considered at the Regular Council meeting on July 8, 2024.

If the Committee does not determine it appropriate to defer the application at this time it is noted that from a planning perspective the Committee will have to determine if the proposed minor variance passes the four tests of a minor variance and if any conditions are required;

- 1- Do the requested variances conform with the intent of the relevant Official Plan policies;
- 2- Do the proposed variances maintain the intent of Comprehensive Zoning By-law 1999-52, as amended;
- 3- Do the proposed variances change or not change the use of the land for residential purposes and therefore cannot or can be considered appropriate; and
- 4- Do the requested variances would appear to be minor in nature?

