



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:

**Daniel Deschamps & Cydney Walker, c/o Joseph Walker, 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, August 7, 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, August 5, 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: 595 McLeod  
(Roll No.: 3729-540-000-20900)**

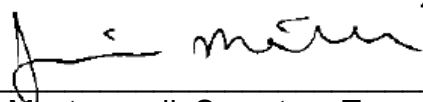
**Purpose of Minor Variance Application A/27/24: The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum height of 5.5 m (18 ft) of an accessory structure measured to the peak of the roof in a residential zone.**

The applicant is proposing the construction of a 1024 sq ft accessory structure to contain a garage on the first floor and a secondary dwelling unit on the second floor with a height of 6.7 m (22 ft) to the peak of the roof. Therefore, the amount of relief requested is 1.2 m (4 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](http://www.amherstburg.ca).

**Dated: July 26, 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/27/24

**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 28, 2024
- Date application deemed complete by municipality July 4, 2024
- Name of registered owner Daniel Deschamps, Cydney Walker

Telephone number [REDACTED]

Address [REDACTED] Postal Code [REDACTED]

Email [REDACTED]

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

Telephone number [REDACTED]

Address [REDACTED] Postal Code [REDACTED]

Email [REDACTED]

Please specify to whom all communications should be sent:

- registered owner       solicitor       agent

- Name and address of any mortgages, charges or other encumbrances in respect of the subject land:  
[REDACTED]

- Location and description of subject land:  
Concession No. \_\_\_\_\_ Lot(s) No. \_\_\_\_\_  
Registered Plan No. 736 N PT BLK FPT / Closed Victoria Lane Lot(s) No. \_\_\_\_\_  
Reference Plan No. \_\_\_\_\_ Part(s) No. \_\_\_\_\_  
Street Address 595 Mcleod Ave Assessment Roll No. 540-20900

- Size of subject parcel:  
Frontage 130 FT Depth 230 FT Area 29,832.59 FT

- 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 Residential 1A (RIA)
11. Nature and extent of relief from the Zoning By-law requested  
To extend the height of a 2 car garage with ADU from 18' to 22'
12. Reasons why minor variance is necessary to allow adequate headroom in second story dwelling unit
13. Current use of subject land sideyard to main dwelling
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:  
One single story residence 1,858 sq ft. / 16 ft in height  
80 ft from front lot line / 120 ft from rear lot line.  
49 ft from west lot line /  
18 ft from east lot line.
16. Date of construction of existing buildings and structures on the subject land:  
Single detached dwelling 1989
17. Date subject land acquired by current registered owner June 2013
18. Proposed use of subject land Residence with additional dwelling unit
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 2 car garage with 1 bedroom living unit above. The building is 24' wide by 32' deep.  
90' from front lot line, 100' from rear lot line.  
13' from west side lot line.  
Building area is 1024 sq ft.  
Height of 22'

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 27 day of June, 2024

Joseph Walker  
(signature of applicant, solicitor or authorized agent)

I, Joseph Walker of the Village of Wheatley in the  
County/District/Regional Municipality of Kent 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 27 day of June, 2024

Joseph Walker  
Applicant, Solicitor or Authorized Agent

Luisa Kempster  
A Commissioner, etc.

**Luisa Kempster, a Commissioner, etc.,  
Province of Ontario, for the  
Corporation of the Town of Amherstburg.  
Expires May 31, 2025**

**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:

595 McLeod Ave Amherstburg

736 N PT BLK F PT Closed Victoria Lane

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

Joseph Walker of the village of Wheatley 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 Residence of 595 McLeod Ave in the

Town of Amherstburg this 25 day of June, 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: 595 McLeod Ave.

APPLICATION NUMBER(S): A / 27 / 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.

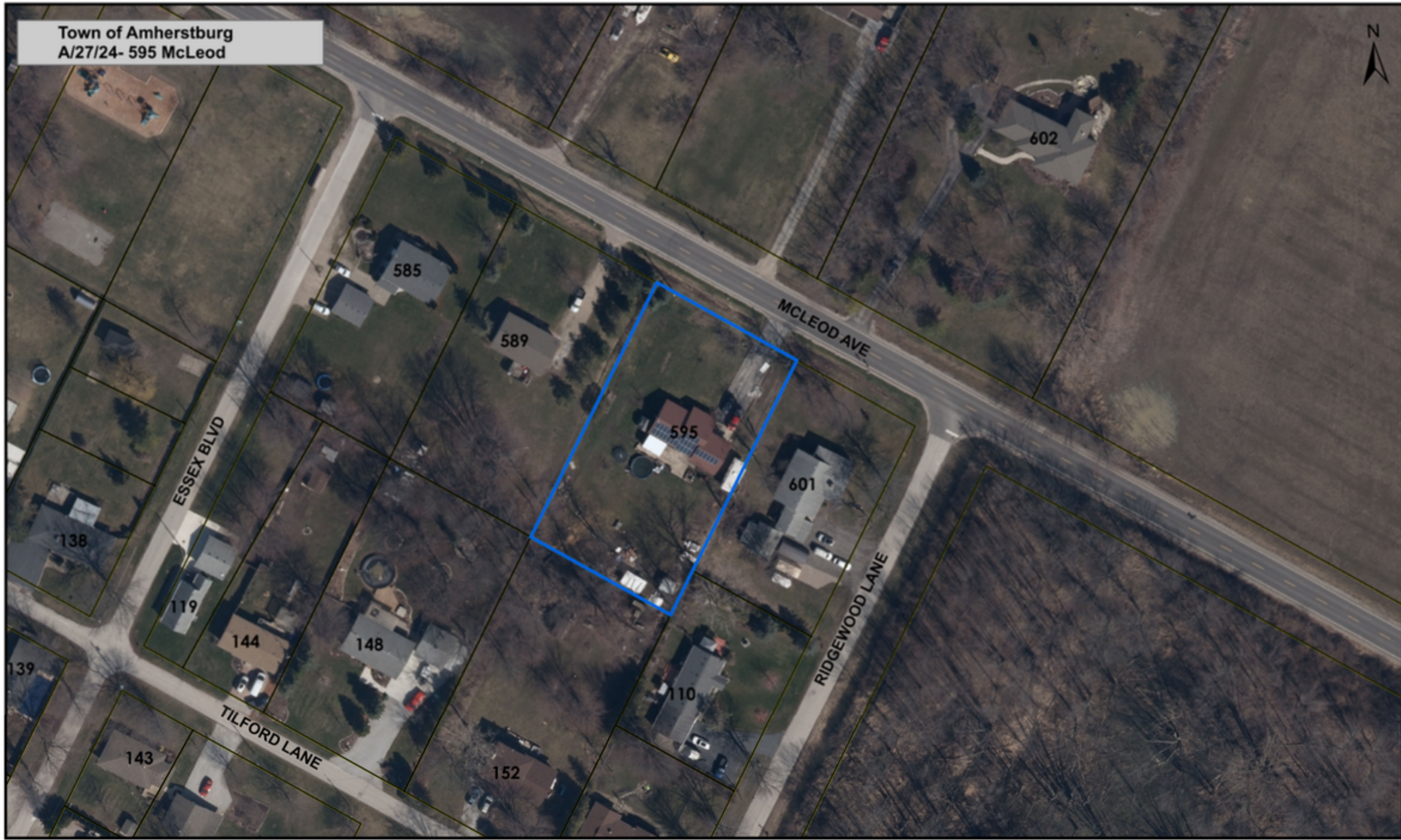
I acknowledge that the Secretary-Treasurer has confirmed these requirements with me.

J.B. Walker  
Signature (Owner/Authorized Agent)

Jun 24, 2024  
Date



Town of Amherstburg  
A/27/24- 595 McLeod



ESSEX BLVD

MCLEOD AVE

RIDGEWOOD LANE

TILFORD LANE

138

139

143

119

144

148

152

110

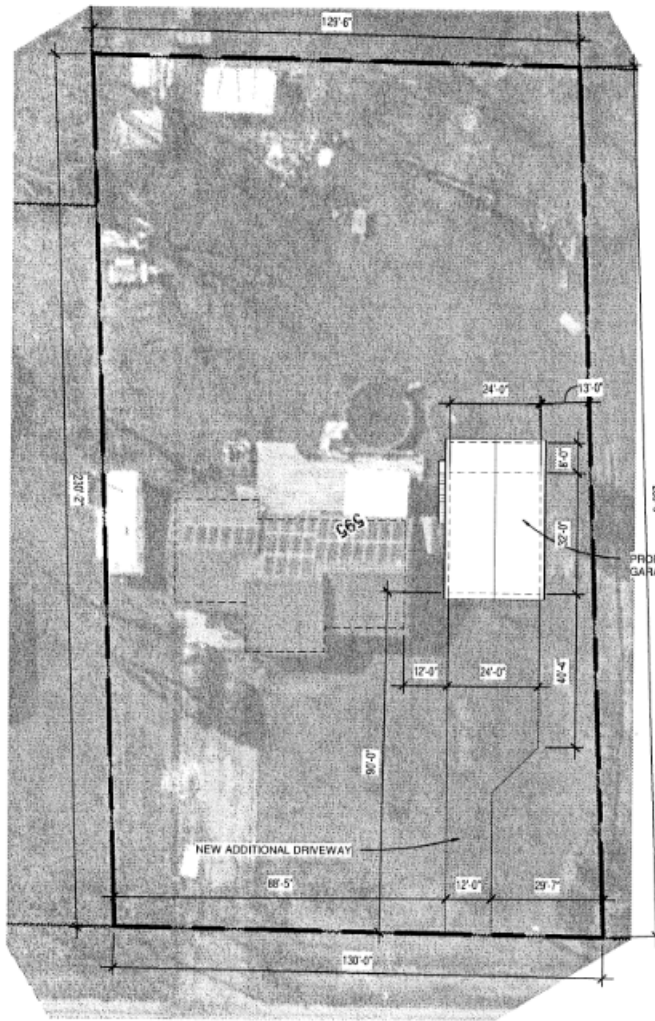
585

589

595

601

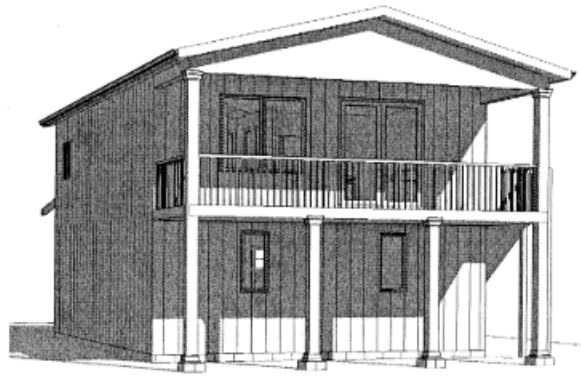
602



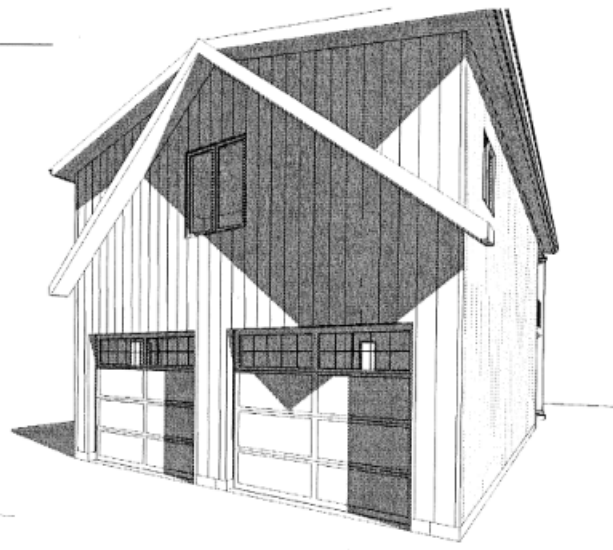
SITE DATA		
EXISTING DWELLING	1 858 SF.	
NEW DETACHED GARAGE	768 SF.	
ADU LIVING AREA	768 SF.	
COVERED PORCH	256 SF.	
PROPOSED BUILDING AREA	1 024 SF.	
TOTAL BUILDING AREA	2 682 SF.	9.7 %
LOT SIZE	29 832 SF.	

595 MCLEOD AVE.

① Site Plan  
1/32" = 1'-0"



③ Rear



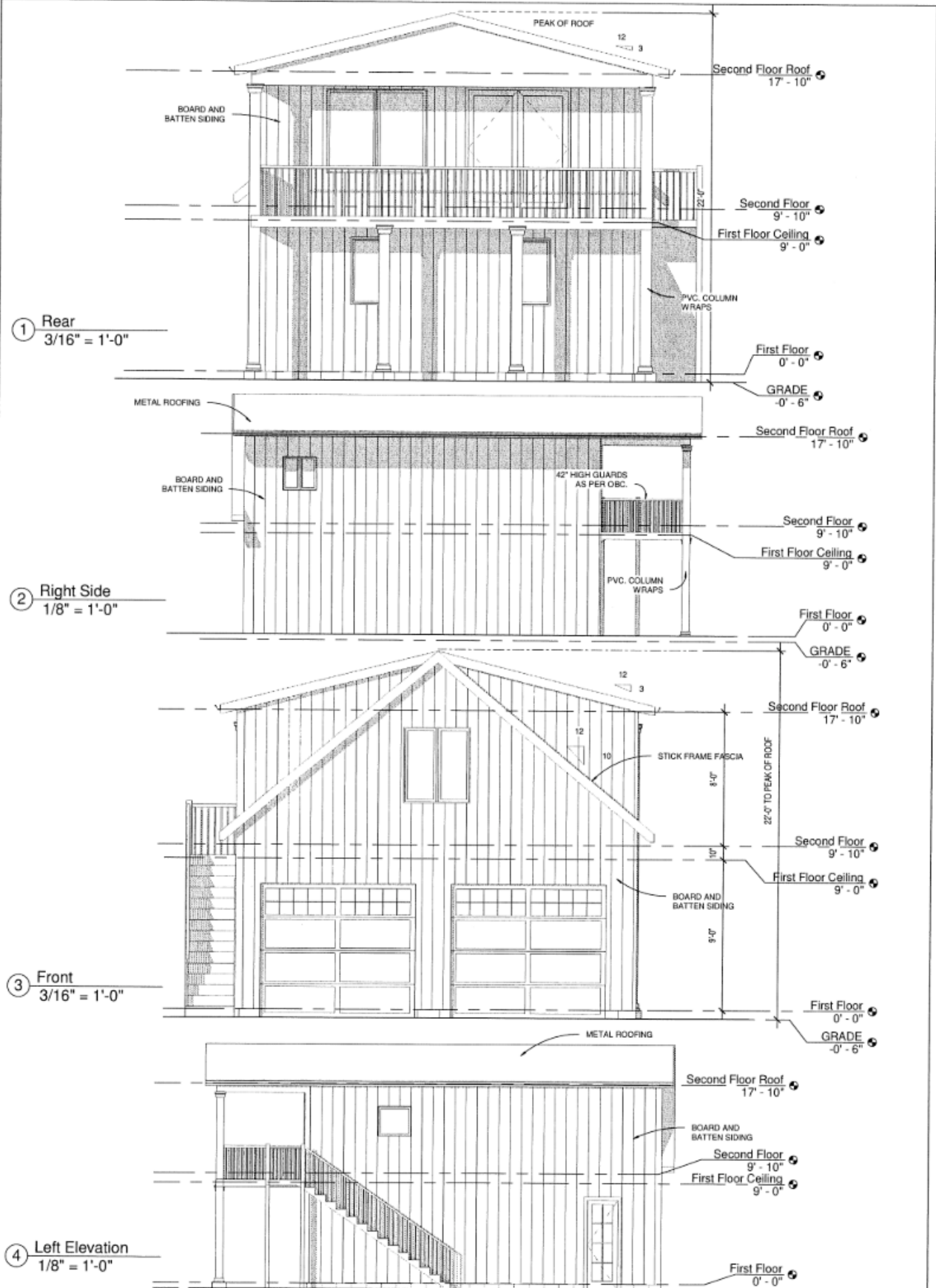
② Front

NOT FOR CONSTRUCTION

Walker ADU  
595 Mcleod Ave  
Amherstburg N9V3R3



Site Plan & 3d Views		
Project number	24	A1
Date	2024-06-11	Scale As indicated

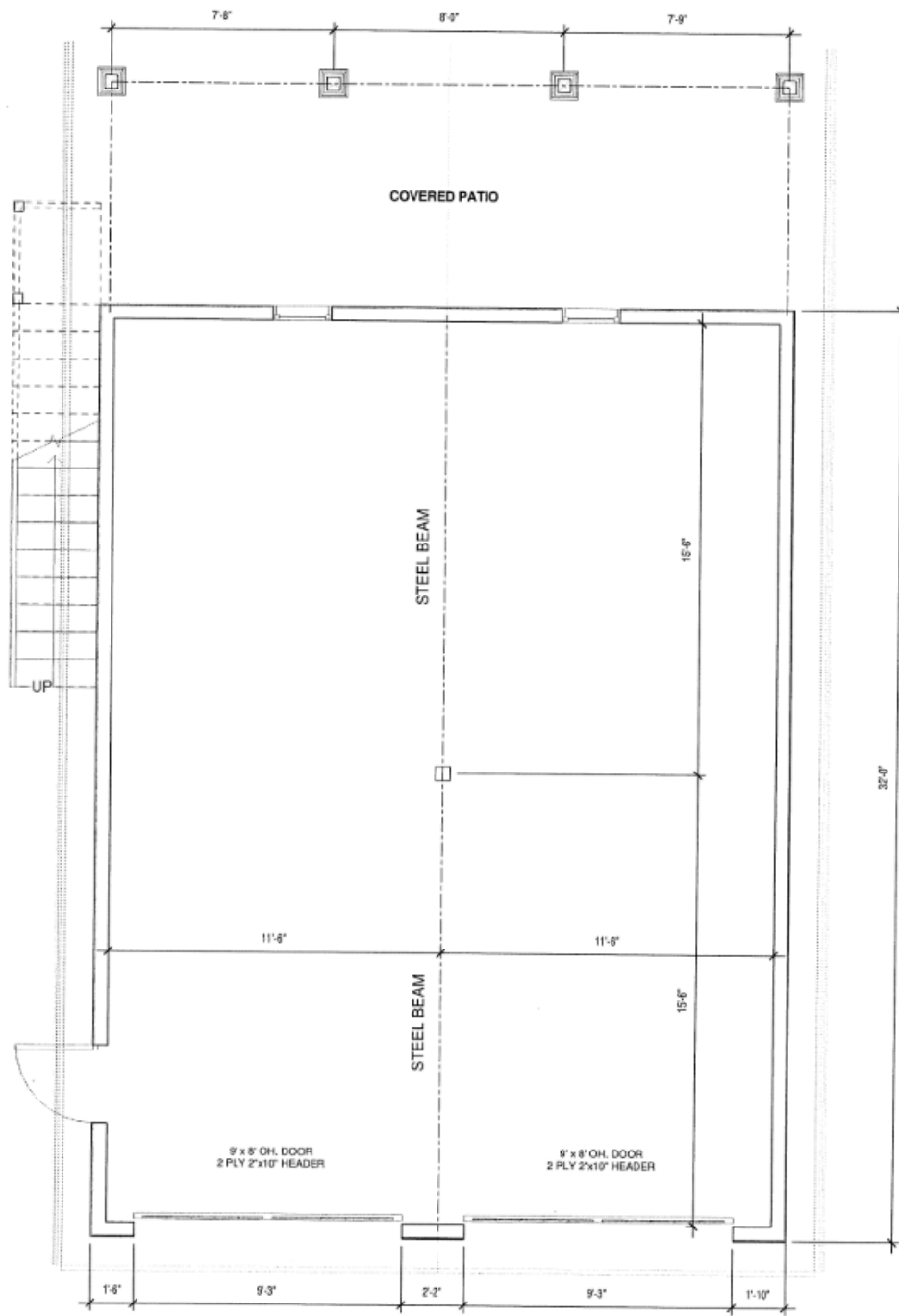


NOT FOR CONSTRUCTION

Walker ADU  
595 Mcleod Ave  
Amherstburg N9V3R3



Elevations	
Project number	24
Date	2024-06-11
A5	
Scale: As Indicated	



② First Floor  
 1/4" = 1'-0"

NOT FOR CONSTRUCTION

Walker ADU  
 595 Mcleod Ave  
 Amherstburg N9V3R3

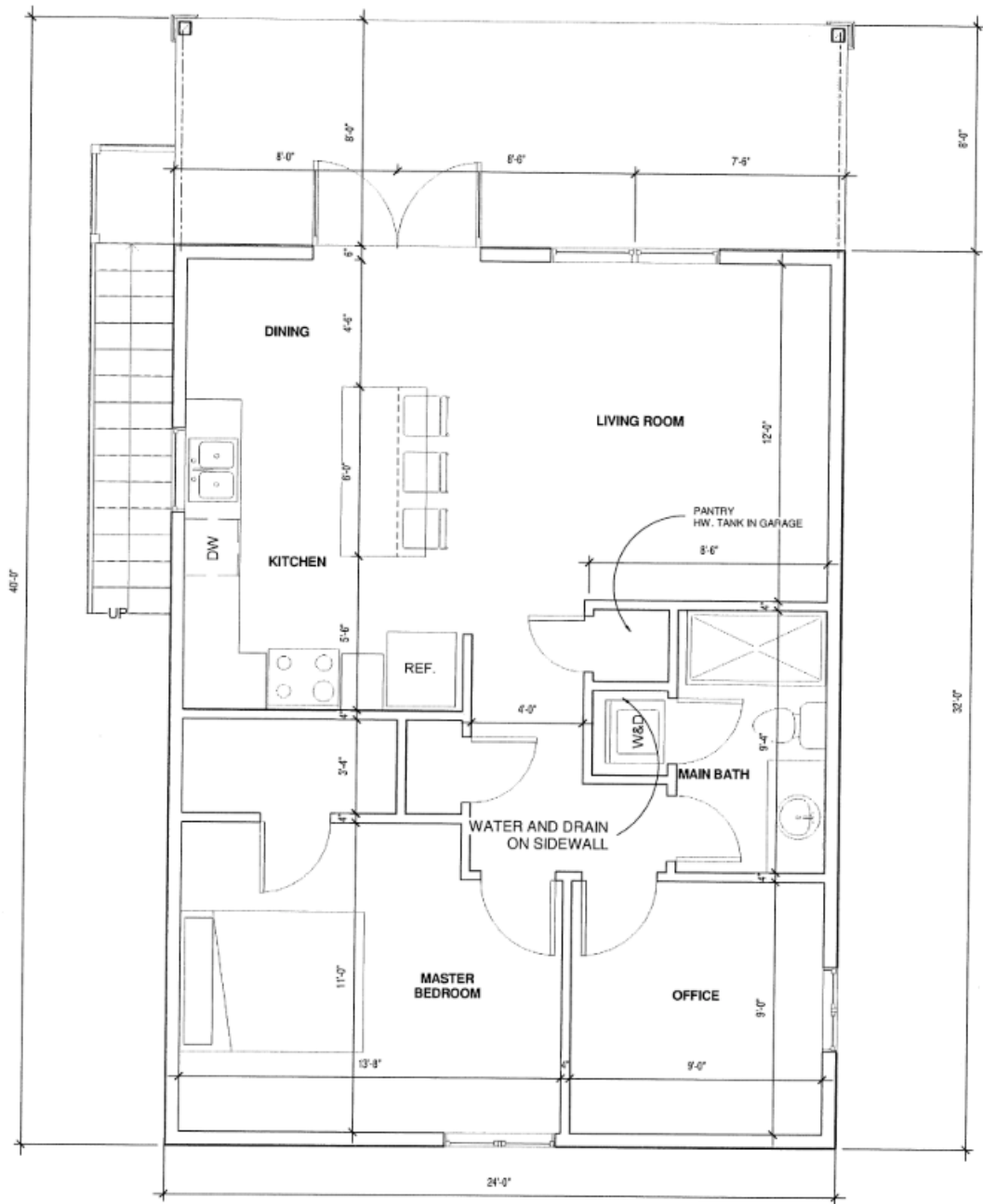


First Floor

Project number 24  
 Date 2024-06-11

A2

Scale 1/4" = 1'-0"



① Second Floor  
1/4" = 1'-0"

NOT FOR CONSTRUCTION

Walker ADU  
595 Mcleod Ave  
Amherstburg N9V3R3



GA DESIGNS  
BCIN: 112721  
gagay@gaadg.com

Second Floor

Project number 24  
Date 2024-06-11

A4

Scale 1/4" = 1'-0"

**A/27/24- 595 McLeod Avenue- Site Photos**





## Summary of Correspondence Received on Proposed Minor Variance for A/27/24 – 595 McLeod Ave.

Below is a summary of the comments received by the Planning Services Division for A/27/24 as of July 31, 2024.

### Essex Region Conservation Authority:

See attached.

### Building Department:

- Building permits required for accessory structure and SDU
- Lot grading design to be approved and implemented to the satisfaction of the municipality

### Infrastructure Services:

Infrastructure Services Department has reviewed A/27/24 – 595 McLeod Avenue 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.

### Fire Department:

No comments

### GECDSB & WECDSB:

No comments

### Essex Power:

No comments



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

July 30, 2024

**Ms. Janine Mastronardi**

Planner  
3295 Meloche Road  
Amherstburg, ON  
N9V 2Y8

Dear Ms. Janine Mastronardi:

RE: Application for Minor Variance A-27-24 595 MCLEOD AVE  
ARN 372954000020900; PIN: 705720317  
Applicant: DESCHAMPS DANIEL ERNEST

The Town of Amherstburg has received Application for Minor Variance A-27-24 for the above noted subject lands. 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 1024 sq ft accessory structure to contain a garage on the first floor and a secondary dwelling unit on the second floor with a height of 6.7 m (22 ft) to the peak of the roof. Therefore, the amount of relief requested is 1.2 m (4 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. The following comments are provided as a result of our review of A-27-24.

**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*.

The above noted lands are subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of Lake Erie. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act* and all hazard lands requirements for development must be satisfied.





Ms. Janine Mastronardi  
July 30, 2024

**FINAL RECOMMENDATION**

As noted above, the property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act* and all hazard lands requirements for development must be satisfied.

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

Sincerely,



Alicia Good  
*Watershed Planner*  
/ag





# Amherstburg Committee of Adjustment

August 07, 2024

**A/27/24 – 595 McLeod Ave.**

# Purpose of Application A/27/24

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.

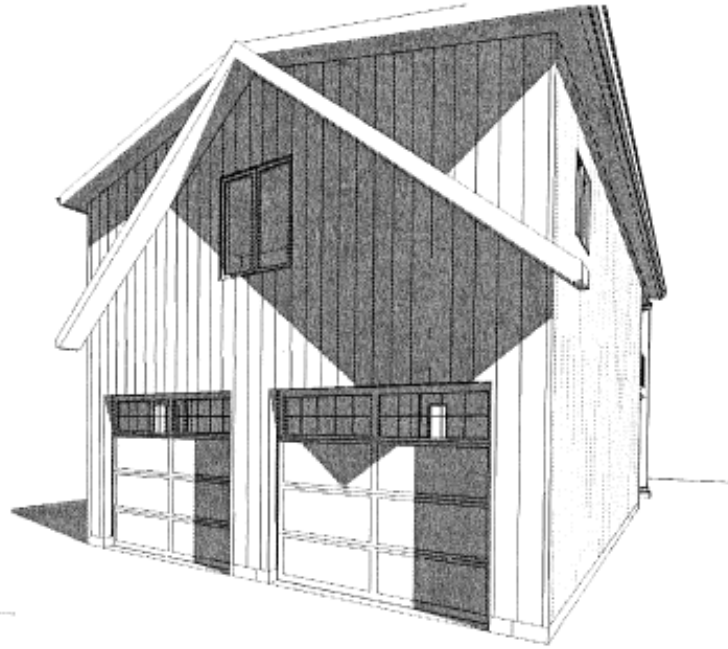
The applicant is proposing the construction of a 1024 sq ft accessory structure to contain a garage on the first floor and a secondary dwelling unit on the second floor with a height of 6.7 m (22 ft) to the peak of the roof. Therefore, the amount of relief requested is 1.2 m (4 ft) in accessory structure 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.

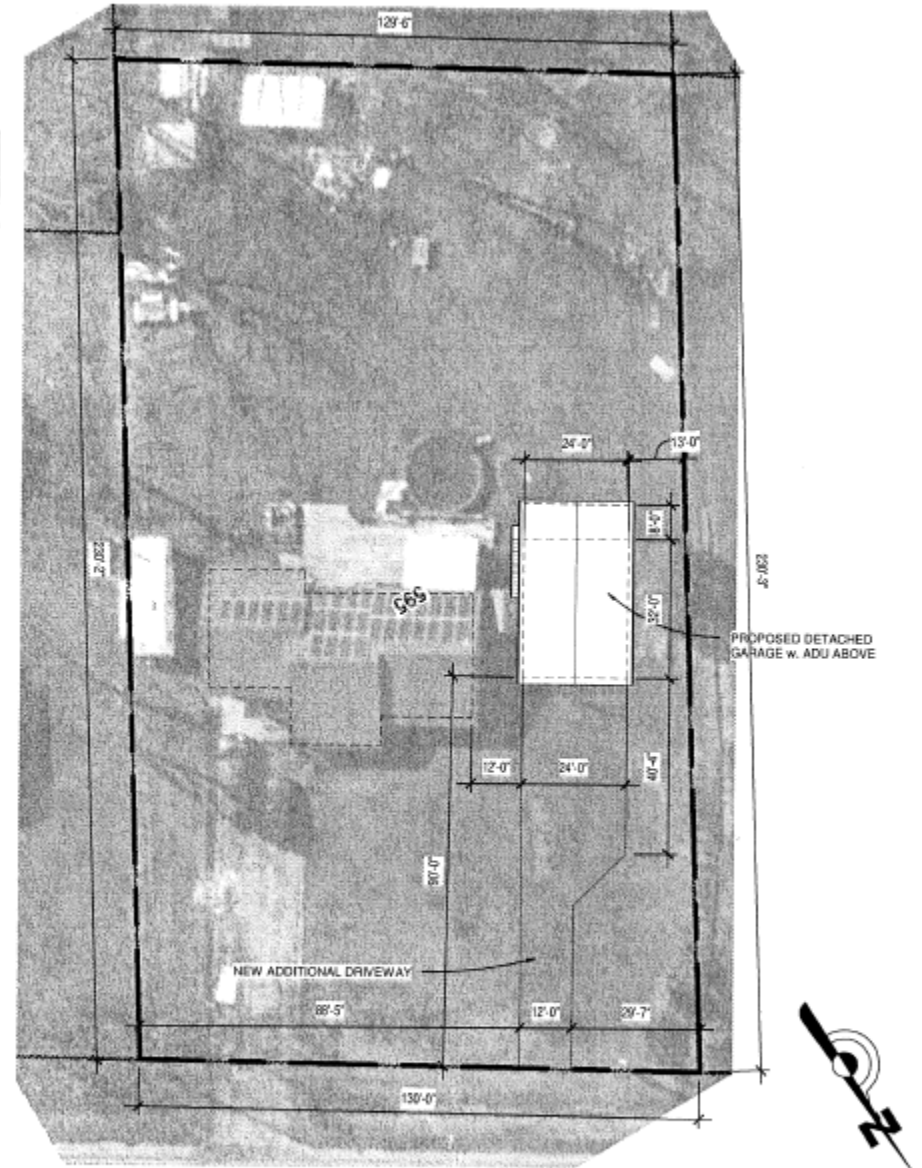




③ Rear



② Front



595 MCLEOD AVE.

① Site Plan  
1/32" = 1'-0"



Sketch

# Policy Review

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

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/27/24 be approved to grant relief of 1.2 m (4 ft) in accessory structure height to allow for the construction of a 1024 sq ft accessory structure to contain a garage on the first floor and a secondary dwelling unit on the second floor with a height of 6.7 m (22 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 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.
3. That the design of the accessory structure be in substantial conformity with the plans submitted as part of application A/27/24.

