



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF DEVELOPMENT SERVICES

*MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

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| <b>Author's Name: Janine Mastronardi</b>            | <b>Report Date: July 31, 2024</b>        |
| <b>Author's Phone: 519 736-5408 ext. 2134</b>       | <b>Date to Committee: August 7, 2024</b> |
| <b>Author's E-mail: jmastronardi@amherstburg.ca</b> | <b>Resolution #:</b>                     |

**To: Chair and Members of the Committee of Adjustment**

**Subject: A/32/24, 58 Woodbridge Drive, William and Mary Weber**

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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/32/24 **BE APPROVED** subject to the recommended condition.

#### 2. **PROPOSAL:**

The applicants are requesting relief from Zoning By-law 1999-52, as amended, Section 6(2)(c) which requires a minimum front yard depth 7.5 m (25 ft) a Residential Type 1A (R1A) Zone. Section 3(32)(iv) permits covered porches to project 1.5 m into the required front yard.

The applicant is proposing the construction of a 10 ft x 14.6 ft covered porch added to the front of the house which extends 3 m (10 ft) into the required front yard. Therefore, the amount of relief requested is 1.5 m (5 ft) in front yard setback which will establish the required front yard setback at 6 m (20 ft) and allow for the porch to further encroach 1.5 m to the proposed 4.5 m (15ft) setback from the front property line.

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. **BACKGROUND:**

N/A

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

|                            |  |
|----------------------------|--|
| Official Plan Designation: | Low Density Residential  |
| By-law No. 1999-52:        | Residential Type 1A (R1A) Zone   |
| Existing Use:              | residential  |
| Proposed Use:              | residential  |
| Neighboring Uses:          | North: residential<br>South: residential<br>East: residential<br>West: residential |

### **TECHNICAL INFORMATION**

|                      |   |
|----------------------|---|
| Property Size:       | 1139 sq m (12,240 sq ft)                              |
| Existing structures: | single detached dwelling and two accessory structures |

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|                                      |               |
|--------------------------------------|---------------|
| Proposed Minimum Front Yard Setback: | 6 m (20 ft)   |
| Required Minimum Front Yard Setback: | 7.5 m (25 ft) |
| Relief requested:                    | 1.5 m (5 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.4.”

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 adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- the orderly development of safe and healthy communities;
- the appropriate location of growth and development;

The owner is permitted to erect a covered porch on the front of the existing single detached dwelling on a municipally serviced property in an existing residential development. The minor variance is required to allow for a reduced front yard setback to permit the addition of the front porch.

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 applicant is proposing the construction of a covered front porch which will be attached to a single detached dwelling. The structure and use are permitted on lands designated Low Density Residential. As such, the proposed use is considered to be in keeping with the intent of the Official Plan.

The proposed minor variances maintain the intent of the Official Plan.

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

The subject property is zoned Residential Type 1A (R1A) Zone in Bylaw 1999-52, as amended. The R1A Zone permits single detached dwellings, accessory structures.

Section 6(2)(c) requires a minimum front yard depth of 7.5 m (25 ft) in a Residential Type 1A (R1A) Zone. Section 3(32)(iv) permits covered porches to project 1.5 m into the required front yard.

The applicant is proposing the construction of a 10 ft x 14.6 ft covered porch be added to the front of the house which extends 3 m (10 ft) into the required front yard. Therefore, the amount of relief requested is 1.5 m (5 ft) in front yard setback which will establish the required front yard setback at 6 m (20 ft) and Section 3(32)(iv) will allow the porch to further encroach 1.5 m to the proposed 4.5 m (15ft) setback from the front property line.

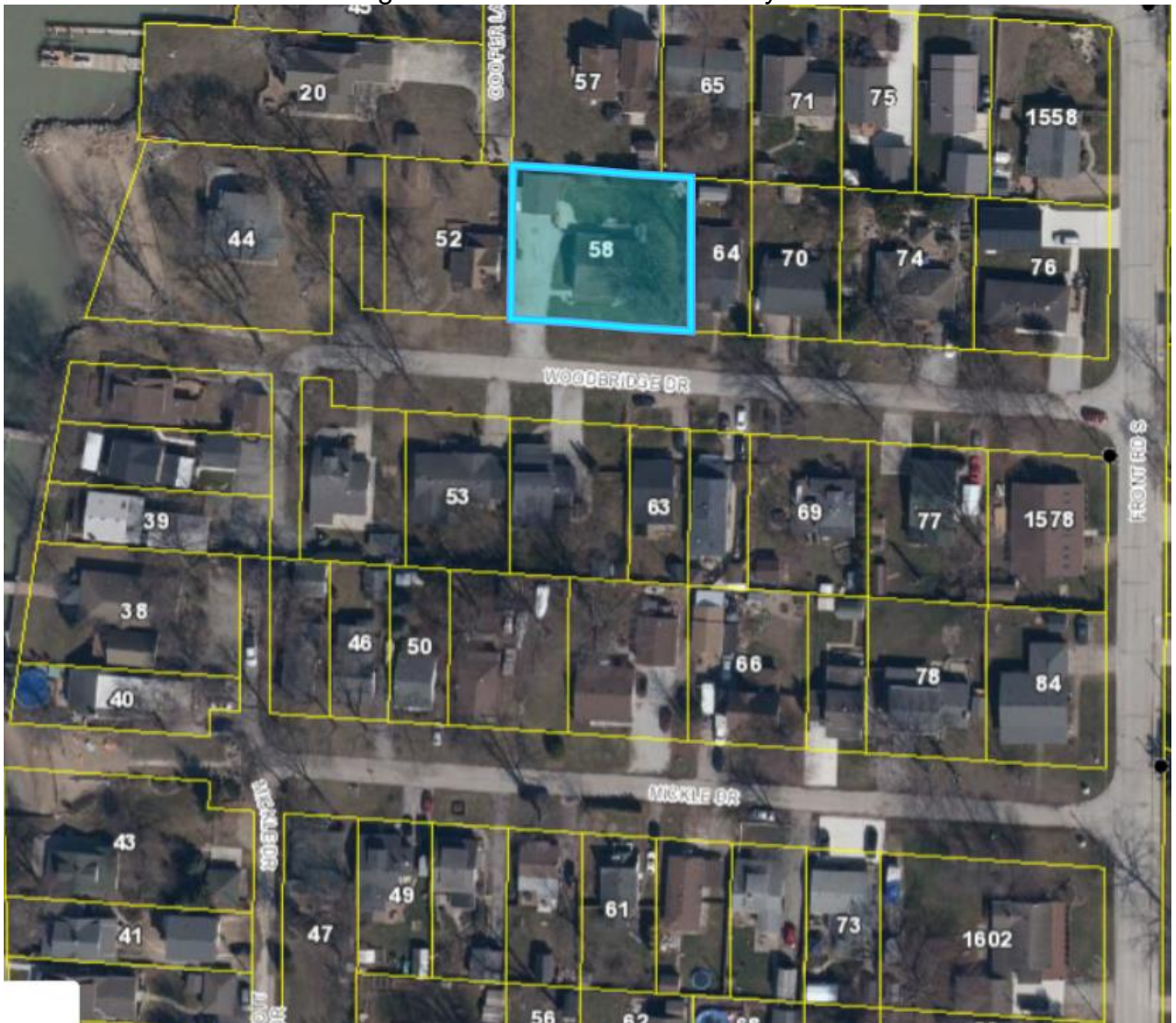
The proposed structure complies with all other provisions of the Zoning By-law including lot coverage.

In my opinion the requested variance maintains the intent of the Zoning By-law.

#### 4. APPROPRIATE DEVELOPMENT

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

The Amherst Pointe area has been built up over the years with a variety of styles and sizes of homes. Due to the age of the subdivision the front yard setbacks are also varied.



The proposed front covered porch will be open on the east, south and west sides. It will not cause any visible barriers for vehicles exiting the property.

It is the opinion of the author of this report that the proposed variance will not have a negative impact on the neighbourhood.

## **5. MINOR IN NATURE**

No precise definition for what constitutes “minor” exists. Rather, it is a culmination of the review of the Official Plan, 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 front covered porch does not change the character of the neighbourhood. It will enhance the appearance of the home at 58 Woodbridge and provide a covered entrance and seating area. The porch is proposed to remain unenclosed and will not create a visual barrier.

All of the remaining R1A zone provisions and General Provisions are in compliance. The proposed residential use of the property is consistent with the Provincial Policy Statement and is in conformity with the Official Plan and maintains the intent of the Zoning by-law.

An ERCA permit is required for the proposed work. There appears to be no environmental concerns.

## **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. If there is an appeal to the OLT the Town will incur costs.

## **8. RECOMMENDATIONS:**

That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that Application A/32/24 be approved to grant relief of 1.5 m in front yard setback for the construction of the proposed 10 ft x 14.6 ft covered porch which will establish the required front yard setback at 6 m (20 ft) and allow for the proposed

covered porch to further encroach 1.5 m to the proposed 4.5 m (15ft) setback from the front property line subject to the following condition;


- That the proposed porch remains unenclosed consistent with the porch definition in Zoning By-law 1999-52, as amended, on its east, south and west sides.

**9. CONCLUSION:**

From a planning perspective in the opinion of the author of this report:

- 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 does not change the use of the land for residential purposes and therefore can be considered appropriate.
- 4) The requested variance would appear to be minor in nature.
- 5) The proposed variance would not have a negative impact on the environment.

Respectfully Submitted,



Janine Mastronardi  
Secretary-Treasurer

## Report Approval Details

|                      |   |
|----------------------|---|
| Document Title:      | A-32-24, 58 Woodbridge Drive, William and Mary Weber.docx |
| Attachments:         |   |
| Final Approval Date: | Jul 30, 2024  |

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

Chris Aspila