



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:

**Petcon Realty Group Inc., c/o Joe Varacalli, 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:** N/S Simcoe Street- Blocks 1, 22, 26 Mulberry Court  
(Roll No.: 3729-170-000-00500)

**Purpose of Minor Variance Application A/30/24:** The applicants are proposing the construction of semi-detached dwellings on each of the 26 Blocks, resulting in 52 dwelling units. The lot configuration has received draft plan approval, servicing work is nearing completion and model home permits have been issued. Three (3) of the Blocks, 1, 22 and 26, require minor variance approvals to facilitate the semis on the street to have a uniform appearance.

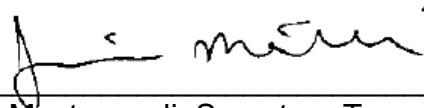
The applicants are requesting relief from Zoning By-law 1999-52, as amended, as follows:

- Section 3(23)(i)(vii) requires a minimum distance between a point of intersection of streetlines and a driveway providing access to a lot from an improved street, measured along the street line intersected by such driveway shall be 8 metres.
  - o Block 1 is proposing a 3 m distance from the driveway to the point of intersection. Therefore, the amount of relief requested is 5 m.
  - o Block 26 is proposing a 6.33 m distance from the driveway to the point of intersection. Therefore, the amount of relief requested is 1.67 m.
  
- Section 3(26) requires a 25 m setback from the centerline of Simcoe Street.
  - o Block 1 is proposing a 21.3 m setback from the centerline of Simcoe Street. Therefore, the amount of relief requested is 3.7 m.
  - o Block 26 is proposing a 19.8 m setback from the centerline of Simcoe Street. Therefore, the amount of relief requested is 5.2 m.
  
- Section 8(4)(f) requires a 3 m exterior side yard setback in an R2-6 Zone.
  - o Block 1 is proposing a 1.5 m exterior side yard setback. Therefore, the amount of relief requested is 1.5 m.
  - o Block 22 is proposing a 2.41 m exterior side yard setback. Therefore, the amount of relief requested is 0.59 m.
  
- Section 8(3)(d) requires a 1.5 m interior side yard setback in an R2-6 Zone.
  - o Block 26 is proposing a 1.2 m interior side yard setback. Therefore, the amount of relief requested is 0.3 m.

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Special Provision Residential Second Density (R2-6) 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/30/24

**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 July 22, 2024

3. Date application deemed complete by municipality July 25, 2024

4. Name of registered owner Petcon Realty Group Inc.

Telephone number \_\_\_\_\_

Address \_\_\_\_\_ Postal Code \_\_\_\_\_

Email \_\_\_\_\_

Name of registered owner's solicitor or authorized agent (if any) Joe Varacalli

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. 2 Lot(s) No. PT LT 23

Registered Plan No. Draft 12M Lot(s) No. Blocks 1, 22, 26

Reference Plan No. \_\_\_\_\_ Part(s) No. \_\_\_\_\_

Street Address N/S Smcoe Street Assessment Roll No. 176-00500

7. Size of subject parcel:

	<u>Bk 1 - 25.81m</u>	<u>Bk 1 - 32.41m</u>	<u>Bk 1 - 889m<sup>2</sup></u>
Frontage	<u>Bk 22 - 22.68m</u>	<u>Bk 22 - irregular</u>	<u>Bk 22 - 953.8m<sup>2</sup></u>
	<u>Bk 26 - 22.91m</u>	<u>Bk 26 - 38.23</u>	<u>Bk 26 - 871.2m<sup>2</sup></u>

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 RZ-6
11. Nature and extent of relief from the Zoning By-law requested See next page
12. Reasons why minor variance is necessary to accommodate semi on approved lot configuration.
13. Current use of subject land residential
14. Length of time current use of subject land has continued 70 + 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:  
None
16. Date of construction of existing buildings and structures on the subject land:  
vacant land
17. Date subject land acquired by current registered owner Jan - 2024
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:  
- semi detached dwelling on each of the 26 blocks approved.

11. A/30/24- Mulberry Subdivision MV relief requested:

- Section 3(23)(i)(vii) requires a minimum distance between a point of intersection of streetlines and a driveway providing access to a lot from an improved street, measured along the street line intersected by such driveway shall be 8 metres.
  - o Block 1 proposing 3 m distance
    - Relief requested 5 m
  - o Block 26 proposing 6.33 m distance
    - Relief requested 1.67 m
  
- Section 3(26) requires 25 m setback from centerline of Simcoe Street for Blocks 1 and 26.
  - o Block 1 proposing 21.3 m
    - Relief requested 3.7 m
  - o Block 26 proposing 19.8 m
    - Relief requested 5.2 m
  
- Section 8(4)(f) requires 3 m exterior side yard setback.
  - o Block 1 proposing 1.5 m
    - Relief requested 1.5 m
  - o Block 22 proposing 2.41 m
    - Relief requested 0.59 m
  
- Section 8(3)(d) requires 1.5 m interior side yard setback.
  - o Block 26 proposing 1.2 m
    - Relief requested 0.3 m

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:  
Mulberry Subdivision - 37-T-22008

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 22<sup>nd</sup> day of July, 2024.

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

I, Joe Varacalli 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 22<sup>nd</sup> day of July, 20 24.

  
\_\_\_\_\_  
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.

**AUTHORIZATION**

(Please see note below)

To: Secretary-Treasurer  
Committee of Adjustment  
Town of Amherstburg

Description and Location of Subject Land:

Blocks 1, 22, 26, Draft 12M - Mulberry Subdivision

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

Joe Varacalli of the Town of Amherstburg 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 Tecumseh in the County of Essex, this 25<sup>th</sup> day of July, 2024.

[Signature]  
Signature of Witness

[Signature]  
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: Blocks 1, 22, 26 Mulberry Court

APPLICATION NUMBER(S): A/30/24

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.

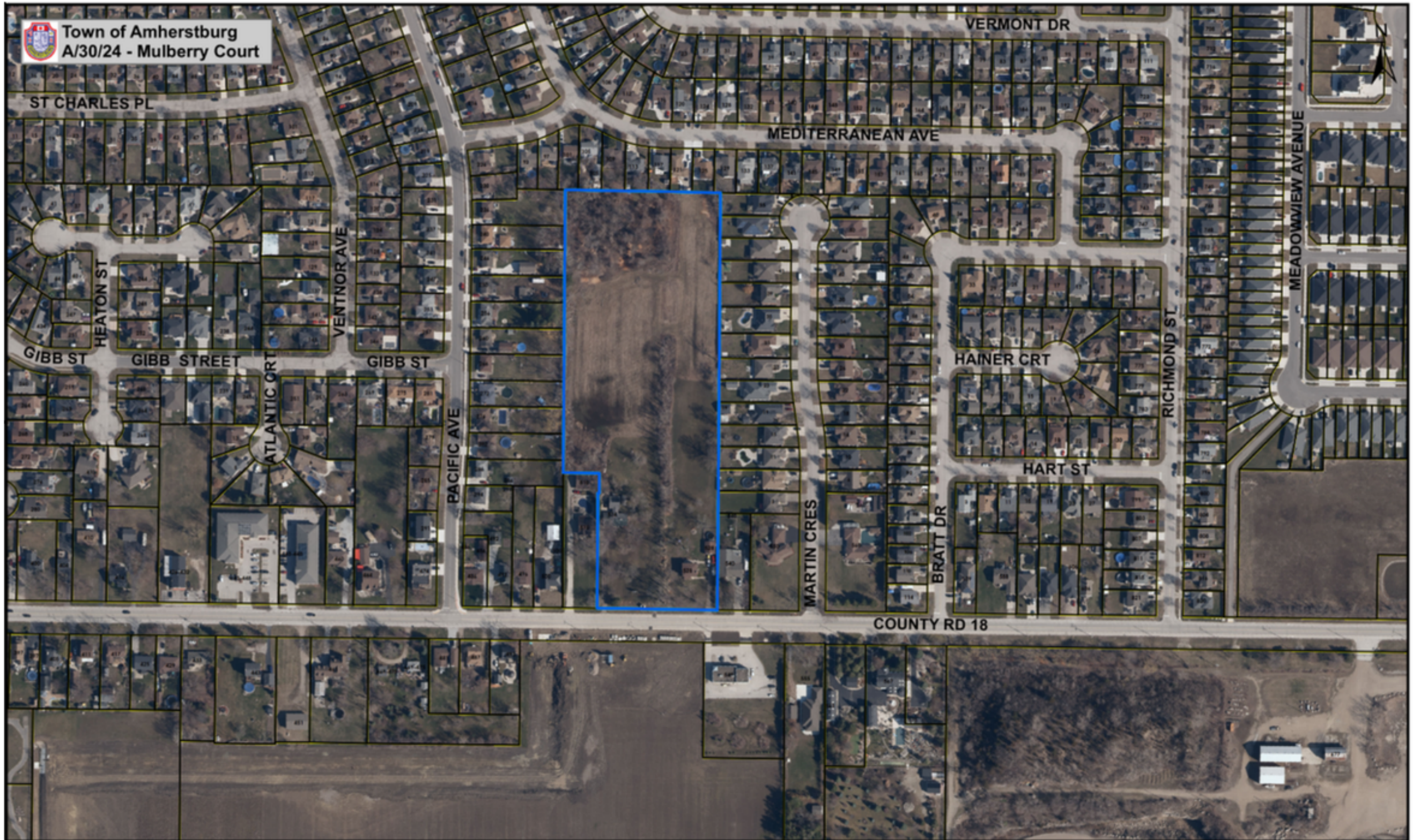
I acknowledge that the Secretary-Treasurer has confirmed these requirements with me.

  
\_\_\_\_\_  
Signature (Owner/Authorized Agent)

July 22, 2024  
Date



Town of Amherstburg  
A/30/24 - Mulberry Court



ST CHARLES PL

VERMONT DR

MEDITERRANEAN AVE

HEATON ST

VENTNOR AVE

GIBB ST

GIBB STREET

GIBB ST

ATLANTIC CRT

PACIFIC AVE

HAINER CRT

RICHMOND ST

MEADOWVIEW AVENUE

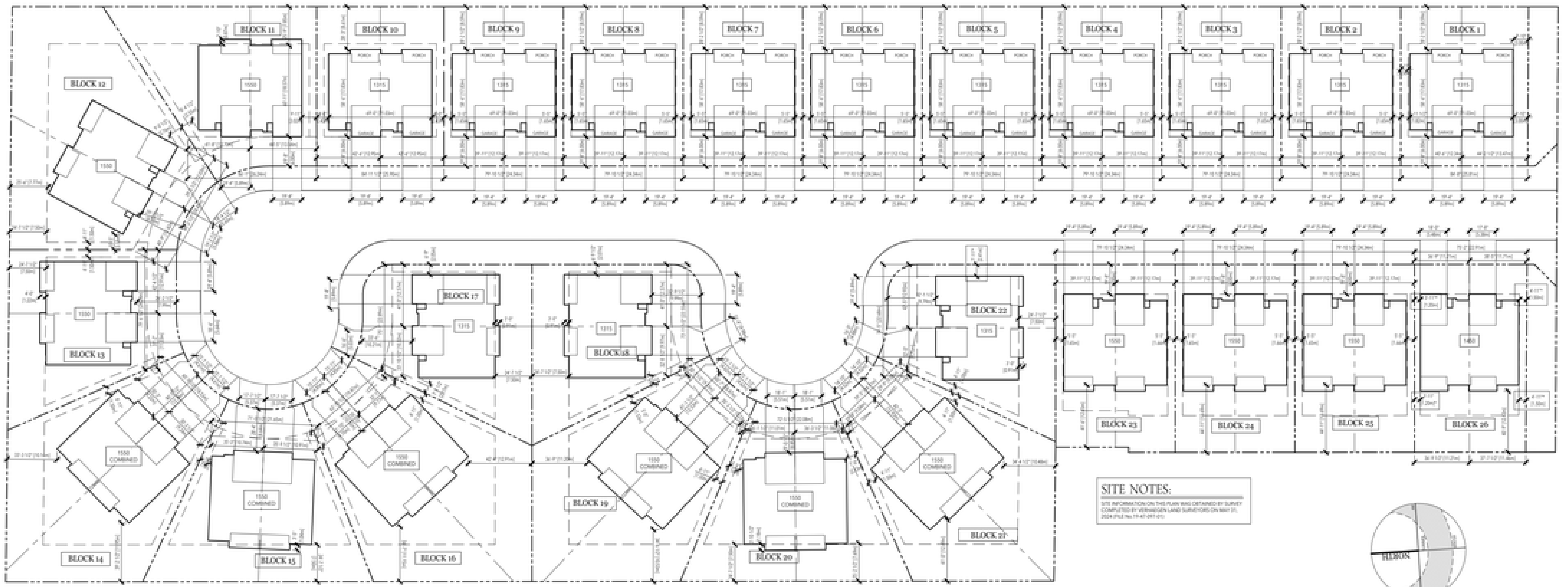
HART ST

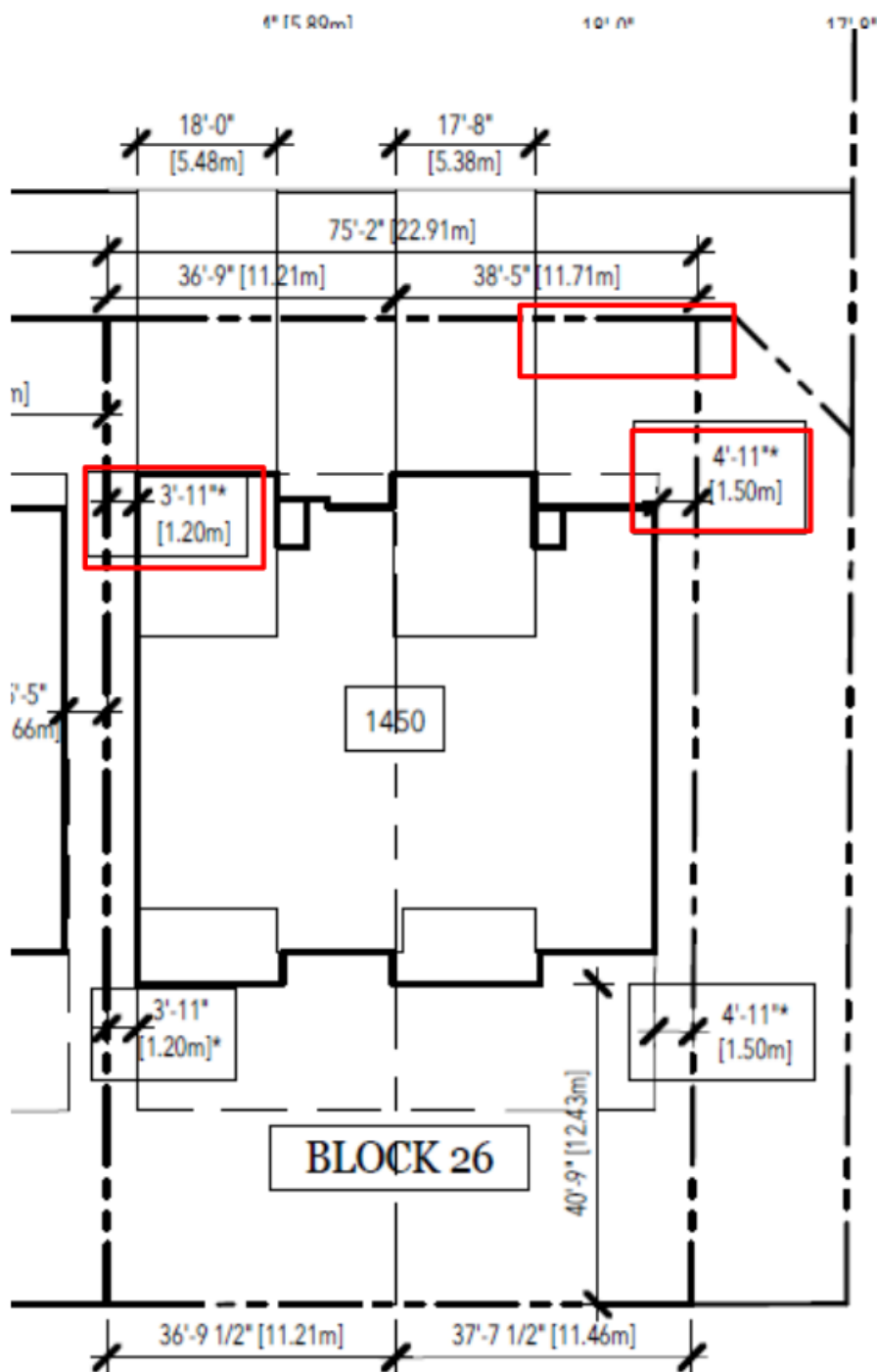
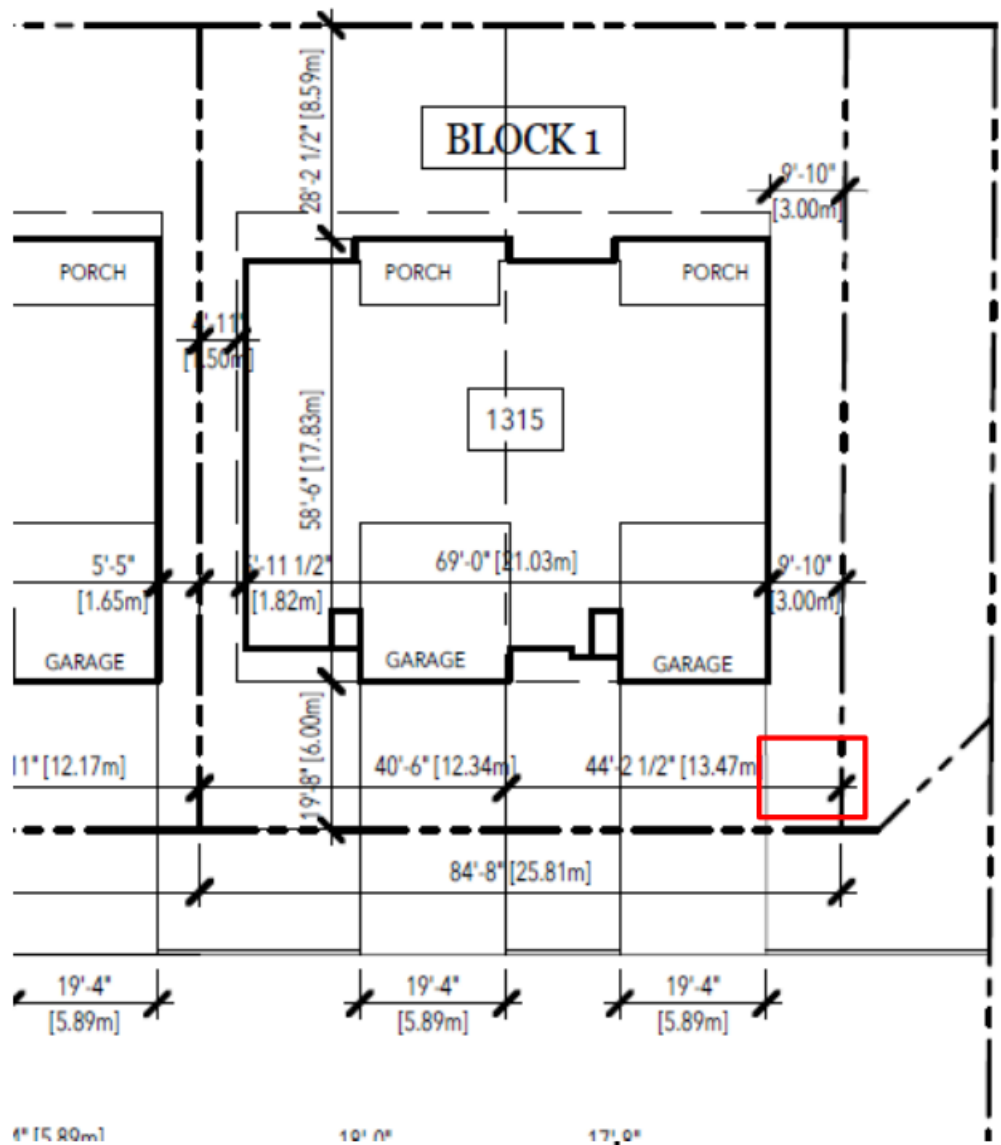
MARTIN CRES

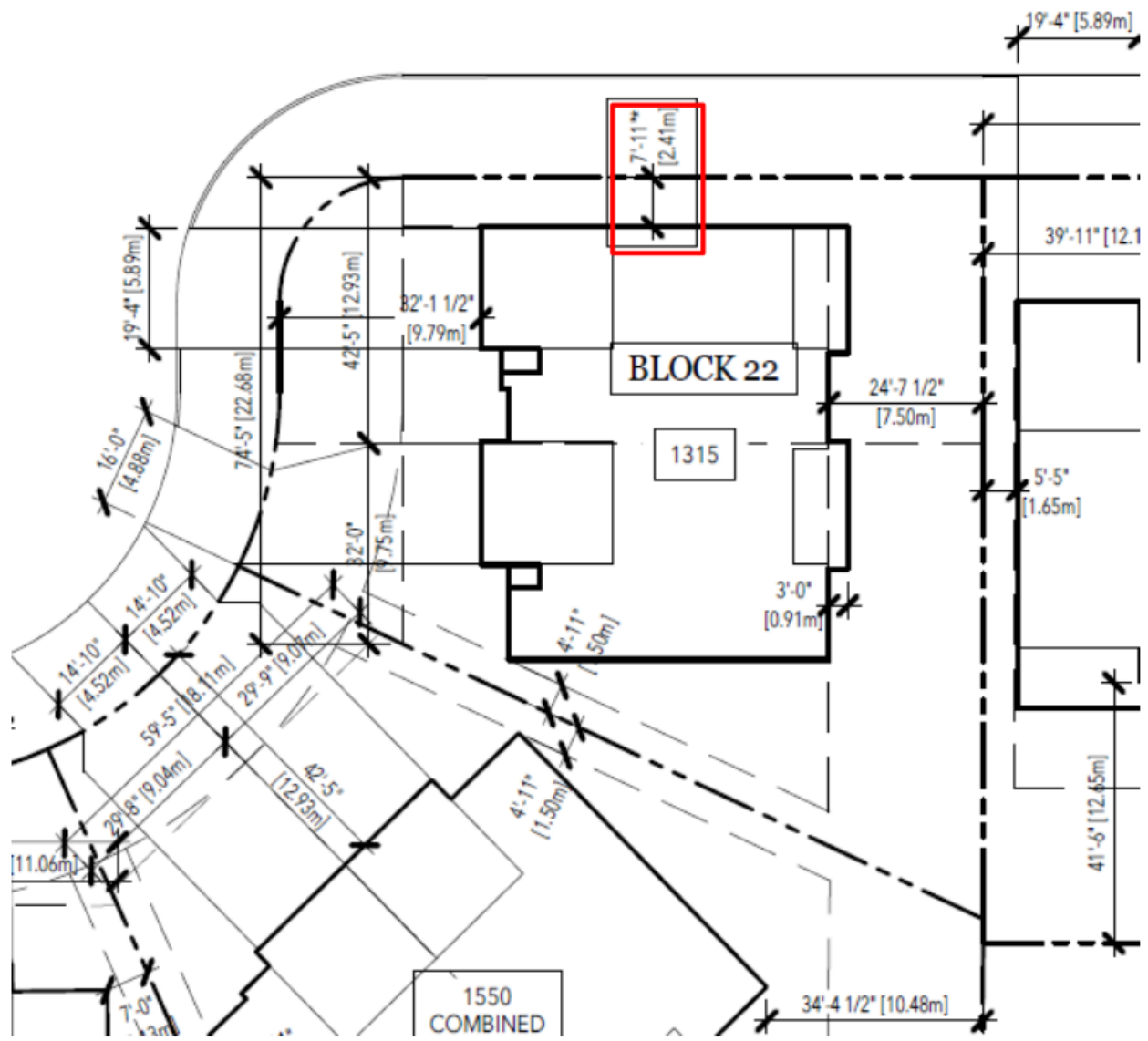
BRATT DR

COUNTY RD 18

LOT CALCULATIONS																											
ZONED: RLS AMBULANCE																											
SEMI-DETACHED DWELLING																											
ZONING	BL01	BL02	BL03	BL04	BL05	BL06	BL07	BL08	BL09	BL10	BL11	BL12	BL13	BL14	BL15	BL16	BL17	BL18	BL19	BL20	BL21	BL22	BL23	BL24	BL25	BL26	
MIN LOT AREA (SEMI-DETACHED DWELLING)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	4000 <sup>2</sup> (4,000)	
MIN LOT AREA (SEMI-DETACHED DWELLING UNIT)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	2000 <sup>2</sup> (2,000)	
LOT FRONTAGE (SEMI-DETACHED DWELLING)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	17.0m (55.4)	
LOT FRONTAGE (SEMI-DETACHED DWELLING UNIT)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)	8.5m (27.9)
FRONT YARD DEPTH (MINIMUM)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)
REAR YARD DEPTH (MINIMUM)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)	1.0m (3.28)
LOT COVERAGE TOTAL (MINIMUM)	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%
LOT COVERAGE PER SEMI-DETACHED DWELLING UNIT (MINIMUM)	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%
LANDSCAPED OPEN AREA (MINIMUM)	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%
PERMITTED ENCROACHMENT	1.5m (4.92)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BUILDING FOOTPRINT INCLUDING PORCHES	-	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	20.0m <sup>2</sup> (2,000)	
DRIVEWAY WIDTH	-	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)	3.0m (9.84)
DRIVEWAY WIDTH VS LOT WIDTH (%)	40%	47%	46%	46%	46%	46%	46%	46%	46%	46%	46%	46%	46%	46%	46%	46%	46%	46%	46%	46%	46%	46%	46%	46%	46%	46%	46%







**A/30/24- Blocks 1, 22, 26 Mulberry Court- Site Photos**





**Summary of Correspondence Received on  
Proposed Minor Variance for A/30/24 – N/S Simcoe St.  
(Blocks 1, 22, 26 Mulberry Crt.)**

Below is a summary of the comments received by the Planning Services Division for A/30/24 as of July 31, 2024.

**Essex Region Conservation Authority:**

See attached

**Building Department:**

No concerns

**Infrastructure Services:**

Infrastructure Services Department has reviewed A/30/24 – N/S Simcoe Street- Blocks 1, 22, 26 Mulberry Court 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.
- Infrastructure Services has no comments on the proposed reduced side yard and interior yard setbacks.
- As part of the approved draft plan of subdivision, the Developer has given the Town sight triangles within the right-of-way on both sides of the intersection of Mulberry Court and Simcoe Street. This allows clear line of sight for vehicles queueing on Mulberry Court to turn onto Simcoe Street.
- There is adequate spacing between the edge of the proposed driveway of block 26 and the stop sign for a vehicle to queue and wait to turn left onto Simcoe Street (6.33m). This development results in low traffic volumes and therefore it is anticipated that there will not be more than one vehicle queueing at the stop sign to leave the subdivision at a time.

**Fire Department:**

No comments

**GECD SB & WECD SB:**

See attached

### Essex Power:

- The Electrical Design is complete. Waiting on the construction start date from the Developer.

### Neal Deruyter, MHBC, on behalf of Walker Aggregates:

Thanks for providing notice of this application to Walker. It appears this variance relates to lands that were previously subject to OPA, rezoning and subdivision approvals known as the Mulberry Court Subdivision. Walker participated through these planning processes starting in 2019. As a result of Walker's comments, the applicant prepared a Blasting and Noise Study in 2022 with recommendations. The Town also required that a warning clause be registered on title advising future purchasers of the Amherstburg Quarry. See Town staff report dated August 30, 2022.

Walker wants to ensure that these previous recommendations were implemented and is looking for confirmation that warning clauses were registered on title as part of the subdivision approval. Can you please confirm?

If you have any questions on the history of this file and Walker's involvement, please let me know.

### TOWN RESPONSE

You are correct on the process which will be noted in the report to the COA. The registered subdivision agreement was provided which includes clause 51 which addresses the previous recommendations. If you require anything further please do not hesitate to contact me.





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-30-24 514, 528 Simcoe Street  
ARN 372917000000350, 372917000000500, 372917000000302; PIN: 705630296, 705630295  
Applicant: Petcon Realty Group

The Town of Amherstburg has received Application for Minor Variance for A-30-24 for the above noted subject lands. The Applicants are seeking relief for setbacks to support the construction of 52 semi-detached dwelling units within the Mulberry Court Subdivision. The following is provided as a result of our review of A-30-24.

**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*.

We note that our office has already issued approval #269 - 23, dated March 27, 2024, for Mulberry Court Subdivision.

**FINAL RECOMMENDATION**

Our office has **no objection** to A-30-24. If you have any questions or require any additional information, please contact the undersigned.

Sincerely,

Alicia Good, *Watershed Planner /ag*

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**Provided on behalf of the Public School Boards:  
Greater Essex County District School Board & Windsor Essex Catholic District School Board**

July 27, 2024

**VIA EMAIL ONLY:**

Janine Mastronardi <jmastronardi@amherstburg.ca>

**Town of Amherstburg**

3295 Meloche Road,  
Amherstburg, Ontario, N9V 2Y8

**Attention:** Janine Mastronardi, Planner

**Re: COMMENT LETTER**

Minor Variance Application

Location: N/S Simcoe Street (Block 1, 22 and 26 on Mulberry Court)

Roll No.: 3729-170-000-00500

File No.: A/30/24

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Dear Janine Mastronardi,

On behalf of the Greater Essex County District School Board and the Windsor Essex Catholic District School Board, we have received correspondence regarding the proposed development application mentioned above. The Board does not object to the approval of the proposed application to facilitate the development consisting of 52 residential units.

Please keep the Board representatives informed about the ongoing status of this proposal and notify them of any changes that may affect the number of proposed units.

*For information:*

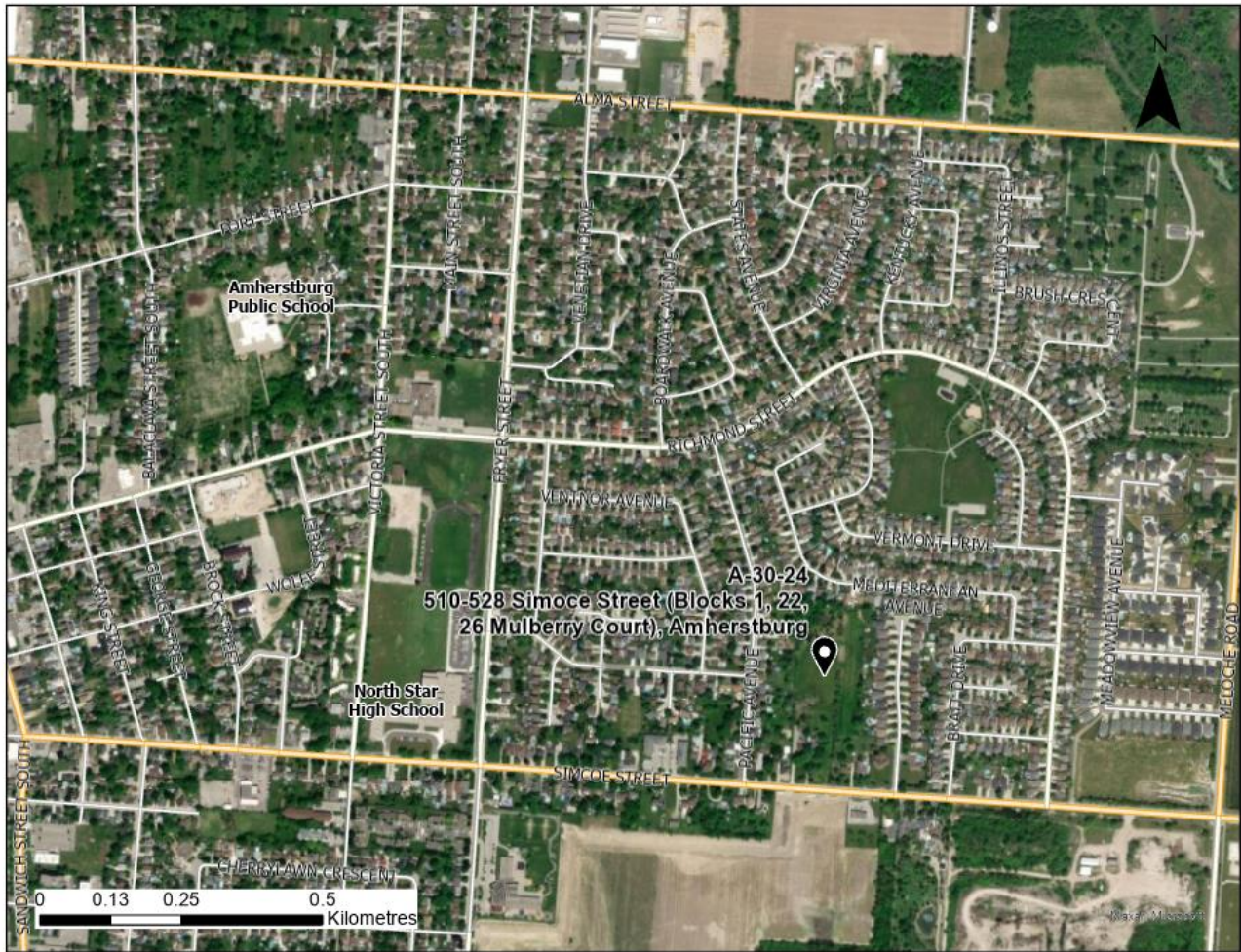
**Greater Essex County District School Board:**

The development is within the Amherstburg Public School and North Star High School boundaries. At this time, sufficient space exists within the local elementary and secondary schools to accommodate additional students from the development as proposed.

**Windsor Essex Catholic District School Board:**

The development is within the Stella Maris Catholic Elementary School and St. Thomas Of Villanova Catholic High School boundaries. At this time, sufficient space exists within the local elementary and secondary schools to accommodate additional students from the development as proposed.

## Location Map:



Please keep the Board representatives informed about the ongoing status of this proposal and notify them of any changes that may affect the number of proposed units.

If there are any questions or comments regarding the Board's response, please contact [vw@watsonecon.ca](mailto:vw@watsonecon.ca).

Sincerely,

Jordan Cook, Consultant

**Watson & Associates Economists Ltd.**

[vw@watsonecon.ca](mailto:vw@watsonecon.ca)

Office: 905-272-3600

Fax: 905-272-3602

cc: Giuliana Hinchliffe ([giuliana.hinchliffe@publicboard.ca](mailto:giuliana.hinchliffe@publicboard.ca))  
Shelley Armstrong ([shelley.armstrong@publicboard.ca](mailto:shelley.armstrong@publicboard.ca))  
Meagan Adams ([meagan\\_adams@wecdsb.on.ca](mailto:meagan_adams@wecdsb.on.ca))

# Amherstburg Committee of Adjustment

August 07, 2024



**A/30/24 – Blocks 1, 22, 26 Mulberry Court**

# Purpose of Application A/30/24

The applicants are proposing the construction of semi-detached dwellings on each of the 26 Blocks, resulting in 52 dwelling units. The lot configuration has received draft plan approval, servicing work is nearing completion and model home permits have been issued. Three (3) of the Blocks, 1, 22 and 26, require minor variance approvals to facilitate the semis on the street to have a uniform appearance.

The applicants are requesting relief from Zoning By-law 1999-52, as amended, as follows:

Section 3(23)(i)(vii) requires a minimum distance between a point of intersection of streetlines and a driveway providing access to a lot from an improved street, measured along the street line intersected by such driveway shall be 8 metres.

Block 1 is proposing a 3 m distance from the driveway to the point of intersection. Therefore, the amount of relief requested is 5 m.

Block 26 is proposing a 6.33 m distance from the driveway to the point of intersection. Therefore, the amount of relief requested is 1.67 m.

Section 3(26) requires a 25 m setback from the centerline of Simcoe Street.

Block 1 is proposing a 21.3 m setback from the centerline of Simcoe Street. Therefore, the amount of relief requested is 3.7 m.

Block 26 is proposing a 19.8 m setback from the centerline of Simcoe Street. Therefore, the amount of relief requested is 5.2 m.

Section 8(4)(f) requires a 3 m exterior side yard setback in an R2-6 Zone.

Block 1 is proposing a 1.5 m exterior side yard setback. Therefore, the amount of relief requested is 1.5 m.

Block 22 is proposing a 2.41 m exterior side yard setback. Therefore, the amount of relief requested is 0.59 m.

Section 8(3)(d) requires a 1.5 m interior side yard setback in an R2-6 Zone.

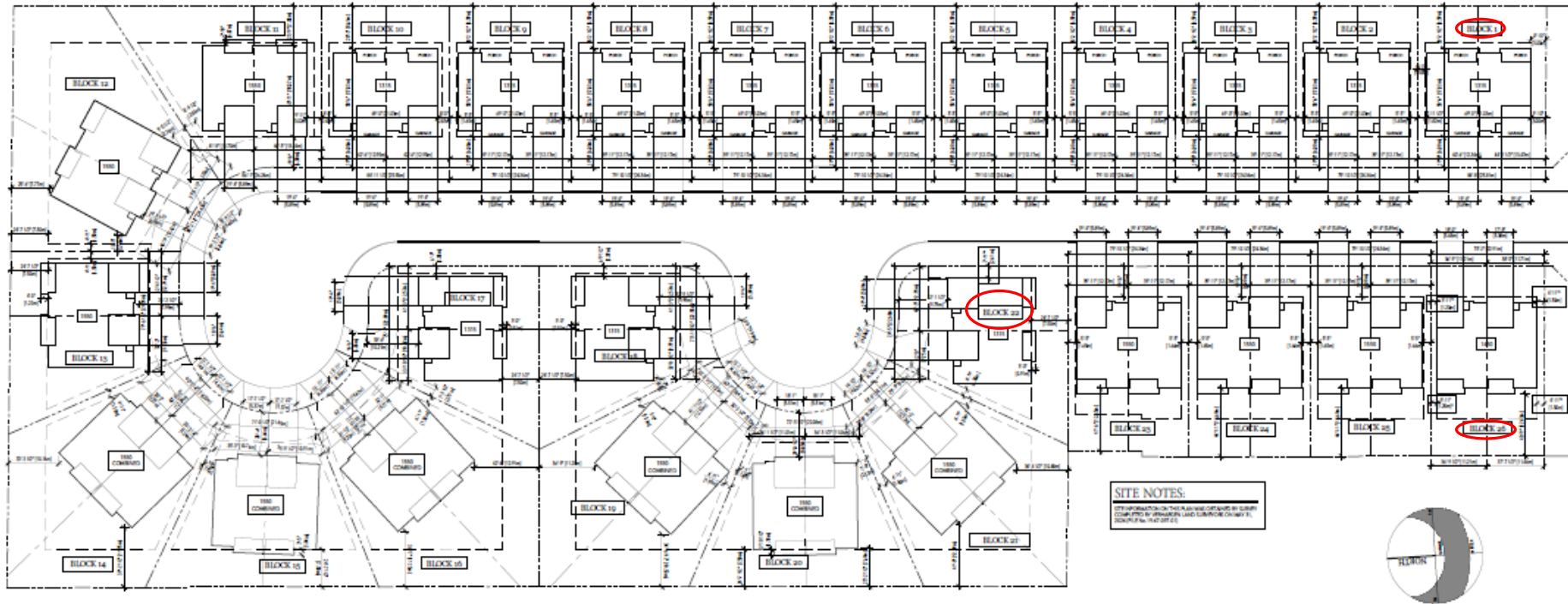
Block 26 is proposing a 1.2 m interior side yard setback. Therefore, the amount of relief requested is 0.3 m.

The subject property is designated Low Density Residential in the Town's Official Plan and zoned Special Provision Residential Second Density (R2-6) Zone in the Town's Zoning By-law.



**LOT CALCULATIONS**  
**MEASUREMENTS**  
**DIMENSION TABLE**

ROWS	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	BLOCK 5	BLOCK 6	BLOCK 7	BLOCK 8	BLOCK 9	BLOCK 10	BLOCK 11	BLOCK 12	BLOCK 13	BLOCK 14	BLOCK 15	BLOCK 16	BLOCK 17	BLOCK 18	BLOCK 19	BLOCK 20	BLOCK 21	BLOCK 22	BLOCK 23	BLOCK 24	BLOCK 25	BLOCK 26
NET LOT AREA (SQUARE METERS)	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024
NET LOT AREA (SQUARE FEET)	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000
LOT FRONTAGE (SQUARE METERS)	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024
LOT FRONTAGE (SQUARE FEET)	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000
REAR YARD DEPTH (METERS)	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024
REAR YARD DEPTH (FEET)	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000
LOT COVERAGE TOTAL (METERS)	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024
LOT COVERAGE TOTAL (FEET)	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000
LOT COVERAGE PERCENT (SQUARE METERS)	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024
LOT COVERAGE PERCENT (SQUARE FEET)	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000
PERMITTED ENCROACHMENT	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024
PERMITTED ENCROACHMENT (FEET)	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000
REAR YARD DEPTH INCLUDING PORCHES	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024
REAR YARD DEPTH INCLUDING PORCHES (FEET)	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000
REAR YARD DEPTH INCLUDING PORCHES (SQUARE METERS)	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024
REAR YARD DEPTH INCLUDING PORCHES (SQUARE FEET)	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000
REAR YARD DEPTH INCLUDING PORCHES (PERCENT)	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024
REAR YARD DEPTH INCLUDING PORCHES (PERCENT FEET)	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000
REAR YARD DEPTH INCLUDING PORCHES (PERCENT SQUARE METERS)	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024	1024
REAR YARD DEPTH INCLUDING PORCHES (PERCENT SQUARE FEET)	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000



Sketch



# Policy Review

The subject property is designated Low Density Residential in the Town's Official Plan and is zoned Special Provision Residential Second Density (R2-6) 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 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/30/24 be approved to grant relief of:

- 5 m for Block 1 and 1.67 m for Block 26 from Section 3(23)(i)(vii) which requires a minimum distance between a point of intersection of streetlines and a driveway providing access to a lot from an improved street, measured along the street line intersected by such driveway shall be 8 metres to permit Block 1 to have a 3 m distance from the driveway to the point of intersection and to permit Block 26 to have a 6.33 m distance from the driveway to the point of intersection respectively.
- 3.7 m for Block 1 and 5.2 m for Block 26 from Section 3(26) which requires a 25 m setback from the centerline of Simcoe Street to permit Block 1 a 21.3 m setback from the centerline of Simcoe Street and to permit Block 26 a 19.8 m setback from the centerline of Simcoe Street.
- 1.5 m for Block 1 and 0.59 m for Block 22 from Section 8(4)(f) which requires a 3 m exterior side yard setback in an R2-6 Zone to permit Block 1 a 1.5 m exterior side yard setback and to permit Block 22 a 2.41 m exterior side yard setback.
- 0.3 m for Block 26 from Section 8(3)(d) which requires a 1.5 m interior side yard setback in an R2-6 Zone to permit Block 26 a 1.2 m interior side yard setback.

