

Municipal Fee Received:	Yes
Municipal Deposit Received:	Yes
ERCA Fee Received:	Yes

Application No. ZBA-22-24

**FORM 1
PLANNING ACT
APPLICATION FOR ZONING BY-LAW AMENDMENT
TOWN OF AMHERSTBURG**

1. Name of approval authority Town of Amherstburg
2. Date application received by municipality Sept 26, 2024
3. Date application deemed complete by municipality October 3, 2024
4. Name of registered owner VALENTE DEVELOPMENT CORPORATION

Telephone number [REDACTED]

Address [REDACTED]

Email [REDACTED]

Name of registered owner's solicitor
or authorized agent (if any) BRYAN PEARCE

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 (MALDEN) Lot(s) No. PART LOT 2

Registered Plan No. _____ Lot(s) No. _____

Reference Plan No. 12R-18093 Part(s) No. 2

Street Address 300 VICTORIA STREET Assessment Roll No. 3729-140-000-03300
SOUTH

7. Size of subject parcel:

Frontage 41.14m Depth 54.85m Area 2 290.04 sm

8. Access to subject parcel:

☒ Municipal Road ☐ County Road ☐ Provincial Highway
☐ Private Road ☐ 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. (a) Current Official Plan Land Use designation of subject land LOW DENSITY RESIDENTIAL

(b) Explanation of how application conforms to the Official Plan _____

SUBMITTING FOR AN OFFICIAL PLAN AMENDMENT
APPLICATION CONCURRENTLY, TO REDESIGNATE TO
GENERAL COMMERCIAL SPECIAL POLICY AREA.

(c) Does the application implement an alteration to the boundary of an area of settlement or implement a new area of settlement?

☐ Yes ☒ No

If yes, provide details of the official plan or official plan amendment that deals with this matter:

10. Current Zoning of subject land INSTITUTIONAL (I) ZONE

11. Nature and extent of rezoning requested COMMERCIAL GENERAL - SPECIAL PROVISION

To additionally permit Dwelling Units on the First Floor and Above; Maximum Building Height from 10 metres to 14.1 metres; Minimum front yard parking setback from not being permitted to 1.2 metres from front lot line; Minimum setback for Simcoe Street from 25 metres to 7 metres; Minimum side yard depth of a dwelling unit within a non-residential building wall containing a window of a habitable room from 2.5 metres to 0 metres on the easterly side lot line; and Minimum distance from a lot line for a load space from 3 metres to 0.8 metres from the rear lot line

12. Reasons why rezoning is requested TO IMPLEMENT THE PROPOSED DEVELOPMENT.

PLEASE REFER TO PLANNING RATIONALE REPORT.

13. Current use of subject land INSTITUTIONAL

14. Length of time current use of subject land has continued UNKNOWN

15. Is the subject land within an area where the municipality has pre-determined:

(a) minimum and maximum density requirements

☐ Yes ☒ No

(b) minimum and maximum height requirements

☒ Yes ☐ No

If yes, state the requirements THE CURRENT REQUIREMENTS OF THE I ZONE

RESTRICTS MAXIMUM HEIGHT TO 10 METRES, AS WELL AS THE PROPOSED CG ZONE. SPECIAL PROVISION TO APPLY TO EXPAND HEIGHT PROVISIONS

16. 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 TO BE DEMOLISHED. REFER TO CONCEPT SITE PLAN.

17. Date of construction of existing buildings and structures on the subject land:

UNKNOWN

18. Date subject land acquired by current registered owner 2023

19. Proposed use of subject land MIXED-USE (COMMERCIAL/RESIDENTIAL)

20. 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 BUILDING - PLEASE REFER TO CONCEPT SITE PLAN FOR FURTHER DETAILS.

21. Type of water supply:
- ☒ municipally owned and operated piped water supply
 - ☐ well
 - ☐ Other (specify) _____

22. Type of sanitary sewage disposal:
- ☒ municipally owned and operated sanitary sewers
 - ☐ septic system
 - ☐ Other (specify) _____

If the requested amendment permits development on a privately owned and operated individual or communal septic system and more than 4,500 litres of effluent will be produced per day as a result of the development being completed the applicant is required to submit a:

- (i) servicing options report, and
- (ii) a hydrogeological report

23. Type of storm drainage:
- ☒ sewers
 - ☐ ditches
 - ☐ swales
 - ☐ Other (specify) _____

24. 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:

N/A

25. If known, indicate if the subject land has ever been the subject of an application for rezoning under Section 34 of the Planning Act:
- UNKNOWN
-

If known, indicate whether the subject land has ever been the subject of a Minister's Zoning Order and, if known, the Ontario Regulation number of that order.

NO

26. Does the requested amendment remove the subject land from an area of employment in the official plan?
- ☐ Yes ☒ No

If yes, state the current official plan policies, if any, dealing with the removal of land from an area of employment.

27. Is the subject land within an area where zoning with conditions may apply?
- ☐ Yes ☒ No

If yes, how does this application conform to the official plan policies relating to zoning with conditions?

28. Is the requested amendment consistent with policy statements issued under subsection 3(1) of the Planning Act (i.e. ~~2005~~ Provincial Policy Statement)?
2020

☒ Yes ☐ No

Comments PLEASE REFER TO PLANNING RATIONALE REPORT.

29. Is the subject land within an area of land designated under any provincial plan or plans?

☐ Yes ☒ No

If yes, does the requested amendment conform to or does not conflict with the provincial plan or plans?

30. Is the land associated with any natural environment area or adjacent to or abutting lands that are designated as a Wetland or Natural Environment?

☐ Yes ☒ No

If yes, an Environmental Impact Assessment is required, for approval by the Town and Essex Region Conservation Authority, to be completed in accordance with the County of Essex Guidelines for Environmental Impact Assessments or when Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

31. Will the proposed project include the addition of permanent above ground fuel storage?

☐ Yes ☒ No

32. Is the land within 600 m of property that is designated as Extractive Industrial?

☐ 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.

Dated at the MUNICIPALITY of LEAMINGTON this 26 day of SEPTEMBER 2024.

B. Pearce
(signature of applicant, solicitor or authorized agent)

I, BRYAN PEARCE of the MUNICIPALITY OF LEAMINGTON
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 MUNICIPALITY of LEAMINGTON in the COUNTY
of ESSEX this 26 day of SEPTEMBER, 2024.


Applicant, Solicitor or Authorized Agent


A Commissioner, etc.

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.

NOTE:

A deposit of \$1,000 and a flat fee of \$5,522, along with an ERCA development review fee of \$400 for major ZBA applications, must accompany your completed application for a zoning by-law amendment. The total payable to the Town of Amherstburg is \$6,922 for major ZBA applications.

A deposit of \$1,000 and a flat fee of \$2,762, along with an ERCA development review fee of \$275 for minor ZBA applications, must accompany your completed application for a zoning by-law amendment. The total payable to the Town of Amherstburg is \$4,037 for minor ZBA applications.

Any unused portion of the deposit will be returned after the passing of the ZBA.

A flat fee of \$1,149 plus an ERCA review fee of \$275, totalling \$1,424, must accompany your completed application for a Holding (h) Removal zone change, zone change from A to A-36, or zone change which is a condition of consent.

Engineering review fees of \$1500.00 + Hst 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: Clerk
Town of Amherstburg

Description and Location of Subject Land:

300 Victoria Street South, Amherstburg ON
PTE PT LT 2 Con 1 Malden PT 2
12 R 18093; Amherstburg

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

authorize Burd Architecture + Engineering of the City

of Windsor to

- (1) make an application on my/our behalf to the Council 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 Council relevant to the application.

Dated at the City of Windsor in the
County of Essex, this 5 day of July, 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.