



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

Mission Statement: As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

Author's Name: Sarah French	Report Date: March 7, 2025
Author's Phone: 519 736-5408 ext. 2145	Date to Council: March 24, 2025
Author's E-mail: sfrench@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

**Subject: Statutory Public Meeting to Consider a Zoning By-law Amendment
ZBA-06-25 for V/L Victoria Street S.**

1. RECOMMENDATION:

It is recommended that:

1. Comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands municipally known as V/L Victoria Street S (File ZBA-06-25) **BE RECEIVED and SUMMARIZED** in a future report to Council.

2. BACKGROUND:

The Town is in receipt of an application for a Zoning By-law Amendment to By-law 1999-52, as amended, from 2713271 Ontario Inc. c/o Akbar Bapoo and associated agents, Imperium Builds c/o Antonio Neves and Dillon Consulting Limited c/o Melanie Muir. The subject lands are located on the east side of Victoria Street S., north of 320 Richmond Street, and are municipally known as V/L Victoria Street S.

The effect of the amendment will be to allow additional residential uses on the subject lands, specifically semi-detached dwellings, and all other residential uses as permitted by the Residential Third Density (R3) zone, with a special provision to allow a minimum lot frontage of 16.75 m for a semi-detached dwelling and a minimum lot frontage of 8 m for a semi-detached dwelling unit.

The current R1 zoning does not permit a semi-detached dwelling, therefore the rezoning will facilitate the development of two semi-detached dwellings on the subject lands for a

total of four (4) dwelling units, where two (2) single detached dwelling units are currently permitted. All other requirements of the Residential Third Density (R3) Zone provisions will be maintained.

It should be noted that the notice for this Zoning By-law Amendment also requested that the amendment will allow the driveway to be cut at 50% of the lot frontage (13.75 ft) at the Town right-of-way but will flare out to 18 ft within the required front yard. The applicant and consulting agents have reviewed the proposal and submitted an updated site plan showing a driveway proposal that complies with the current Zoning By-law 1999-52, Section 3.23(i)(i). Therefore, the request for an increased driveway width has been removed from the draft by-law. Additionally, the minimum lot frontage has been updated from 16 m to 16.75 m to better reflect the existing lot frontage of the subject lots. The site plan can be viewed in Appendix "D" attached to this report.

In preparing this information report for Council, planning staff have reviewed the following documents/submissions in order to provide comments to Council regarding the proposed development:

1. Town of Amherstburg Official Plan
2. Town of Amherstburg Zoning By-law
3. Relevant legislation – Planning Act
4. Comments Received as of March 7, 2025 (Appendix "I")

3. DISCUSSION:

The subject lands are designated Low Density Residential in the Town's Official Plan.

Section 4.3.1 of the Official Plan states:

Areas designated as Low Density Residential shall be limited to single detached, semidetached, duplex, or converted dwelling units, home occupation uses and public uses.

The proposed rezoning will facilitate the development of two semi-detached dwellings on the subject property for a total of four semi-detached dwelling units. Currently, the property allows two single detached dwelling units. The proposed use of the subject site is in conformity with the Town's Official Plan.

At this time, the applicant would like flexibility on whether an additional dwelling unit (ADU) is to be built on the subject site. Section 35.1 of the Planning Act restricts a municipality from passing a by-law that prohibits the use of a single detached house, semi-detached house or rowhouse on an urban parcel of land from having up to three units, as per the provision below.

Restrictions for residential units

35.1 (1) *The authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of,*

- (a) *two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;*

(b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 9.

Therefore, should the applicant wish to build an ARU within the semi-detached dwelling or within an accessory structure, they would be required to adhere to Building Code and the Town's Zoning By-law regarding parking and lot coverage, but would be permitted up to three units on each property.

The subject lands are zoned Residential First Density (R1) Zone in the Zoning By-law, 1999-52. The applicant is requesting a special provision Residential Third Density (R3-4) zone that will allow the following:

- All permitted uses within the R3 zone, including semi-detached dwellings and dwelling units;
- A reduction in minimum frontage for a semi-detached dwelling from 18 m to 16.75 m; and,
- A reduction in minimum frontage for a semi-detached dwelling unit from 8.5 m to 8 m.

The applicant's planner, Melanie Muir from Dillon Consulting Limited has provided a Planning Justification Report (PJR) identifying all requested relief provisions and justification for each request. The PJR is located within Appendix 'F'.

Administration will review all requested relief provisions within the follow-up report to Council and provide a planning recommendation at that time. Administration will review all comments received at this public meeting and received through the circulation process.

The proposed amendment is consistent with Section 2.3.1 of the Provincial Planning Statement, 2024.

2.3.1 General Policies for Settlement Areas

1. Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.

2. Land use patterns within settlement areas should be based on densities and a mix of land uses which:

- a) efficiently use land and resources;*
- b) optimize existing and planned infrastructure and public service facilities;*
- c) support active transportation;*
- d) are transit-supportive, as appropriate; and*
- e) are freight-supportive.*

3. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

4. Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.

The proposed amendment will facilitate the development of additional housing units on the subject property, thereby promoting intensification within an area of town that is located in close proximity to a transit stop, multiple commercial uses, schools, community uses and parks.

The purpose of this initial public meeting is to provide an opportunity for the applicant to present information and outline the purpose of the application to Council and to hear all comments regarding the rezoning. As Council is aware, notice for the proposed re-zoning was circulated in accordance to the provisions of the Planning Act. As of the preparation of this report, a number of comments were received by the Town. A summary of the comments is attached to this report as Appendix “I”.

Following this public meeting, staff will review all of the comments submitted as part of this application and prepare a report for a subsequent Council meeting. The second staff report will summarize all of the comments received and make recommendation(s) regarding the proposed rezoning and any applicable conditions if required. Additional analysis of planning policy will be provided in the follow-up report to Council with a staff recommendation.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

All costs associated with the application are the responsibility of the applicant. Should the decision be appealed to the Ontario Land Tribunal then the Town will incur costs.

6. CONSULTATIONS:

The Notice of Public Meeting was published in the local newspaper and on the Town website and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

7. CORPORATE STRATEGIC ALIGNMENT:

Vision: Preserving our past while forging our future.

<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
PILLAR 1 Deliver Trusted & Accountable Local Government	PILLAR 3 Encourage Local Economic Prosperity

<ul style="list-style-type: none"> <input type="checkbox"/> Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures. <input type="checkbox"/> Deliver transparent and efficient financial management. <input type="checkbox"/> Increase effective communication and engagement with residents. <input type="checkbox"/> Develop our staff team, resources, and workplace culture. ✓ Continue to deliver strong core municipal services. <input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation. 	<ul style="list-style-type: none"> <input type="checkbox"/> Encourage development of commercial and industrial lands. <input type="checkbox"/> Continue to promote local tourism industry, especially overnight accommodation. <input type="checkbox"/> Continue to facilitate downtown development for residents and visitors. <input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.
<p style="text-align: center;">PILLAR 2</p> <p style="text-align: center;">Invest in Community Amenities and Infrastructure</p> <ul style="list-style-type: none"> <input type="checkbox"/> Maintain safe, reliable and accessible municipal infrastructure and facilities. <input type="checkbox"/> Increase access to recreation opportunities for all ages. <input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy's site, Belle Vue) <input type="checkbox"/> Create public access to water and waterfront <input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change. 	<p style="text-align: center;">PILLAR 4</p> <p style="text-align: center;">Shape Growth Aligned with Local Identity</p> <ul style="list-style-type: none"> <input type="checkbox"/> Define and communicate a vision for the Town's future and identity. <input type="checkbox"/> Promote and plan for green and "climate change ready" development. <input type="checkbox"/> Review and implement policies that promote greater access to diverse housing. <input type="checkbox"/> Protect the Town's historic sites and heritage. <input type="checkbox"/> Preserve the Town's greenspaces, agricultural lands, and natural environment.

8. CONCLUSION:

Following the statutory public meeting, planning staff will be preparing a subsequent report for Council that will include a comprehensive analysis of all of the comments and recommendations received, and will provide a professional planning opinion and a staff recommendation with respect to the requested zoning by-law amendment.



 Sarah French
Planner

Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment ZBA-06-25 for VL Victoria Street S.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - ZBA-06-25- Notice of Statutory Public Meeting- VL Victoria St S-RM.pdf- Appendix B - Zoning Bylaw Amendment Application 2025 - Victoria St_Redacted-RM.pdf- Appendix C - ZBA-06-25 Aerials-RM.pdf- Appendix D - Victoria Street Site Plan-RM.pdf- Appendix E - survey 12R29344-RM.pdf- Appendix F - 0 Victoria - Planning Justification Report - February 2025_Optimized-RM.pdf- Appendix G - Site Photos-RM.pdf- Appendix H- Council Circulation List-RM.pdf- Appendix I - Summary of Correspondence Received on ZBA-06-25-RM (1).pdf- Appendix J - 2025-021- ZBA- VL Victoria St S DRAFT-RM.pdf
Final Approval Date:	Mar 12, 2025

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

No Signature found

Chris Aspila



Melissa Osborne



Tracy Prince



Valerie Critchley

A handwritten signature in black ink, appearing to read "Kevin Fox". The signature is stylized with a large, sweeping "K" and a long, horizontal line extending from the end of the name.

Kevin Fox