

**AMHERSTBURG COMMITTEE OF ADJUSTMENT**

Present: T. Buchanan, A. Campigotto, J.Maillioux, D. Shaw, D. Cozens

Also Present: Frank Garardo, Manager of Planning Services, Kevin Fox, Policy and Committee Coordinator, Janine Mastronardi, Recording Secretary, Todd Hewitt, Manager of Engineering and Operations

**1. Call to Order**

The Chair, David Cozens, called the meeting to order at 7:30 a.m. and performed introductions of the Committee members and administration.

**2. Roll Call**

The Chair completed roll call for the electronic meeting, all members were present.

**3. Land Acknowledgement**

The Chair has read the following land acknowledgement;

We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron- Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

**4. Disclosure of Interest**

There were no disclosures of interest.

**5. Adoption of Agenda**

That the agenda be approved for adoption.

Moved by: Anthony Campigotto

Seconded by: Terris Buchanan

**6. Order of Business**

**6.1 Application A/24/21 – Ron Deneau, c/o Drew Coulson, Agent – 170 Gore Street (Roll No. 3729-120-000-10700)**

Public in Attendance: Drew Coulson, Agent

The applicant is proposing to construct a residential dwelling without an attached garage, with interior side yard setbacks on both sides of 1.5 m (4.9 ft) and a rear yard depth of 5.5 m (18 ft).

The applicant is requesting relief from Section 9(3)(d) of Zoning By-law 1999-52, as amended, which requires a minimum interior width of 1.5 m provided that on a lot where

there is no attached private garage or attached carport, the minimum interior side yard width shall be 2.5 m on one side and 1.5 m on the other side in a Residential Third Density (R3) Zone.

The applicant is requesting relief from Section 9(3)(f) of Zoning By-law 1999-52, as amended, which requires a minimum rear yard depth 7.5 m in a Residential Third Density (R3) Zone.

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 9(3)(g) which permits a maximum lot coverage of 35% in a Residential Third Density (R3) Zone.

Therefore, the amount of relief requested is 1 m in interior side yard setback, 2 m in rear yard depth and 5% in lot coverage.

The subject property is zoned Residential Third Density (R3) Zone in the Zoning By-law 1999-52, as amended, and designated Low Density Residential in the Town of Amherstburg Official Plan.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated June 15, 2021 from the Essex Region Conservation Authority stating:  
*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 (Section 28 of 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, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).*  
  
*Our office has reviewed the proposal and has no concerns relating to stormwater management.*  
  
*The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.*  
  
*With the review of background information and aerial photograph, ERCA has no objection to this application for Minor Variance.*
- ii) Email dated June 21, 2021 from the Fire Department states no objection.
- iii) Email dated June 16, 2021 from the Windsor Police Department stating that:  
*The Windsor Police Service has no concerns or objections with the proposed application that results in reductions to minimum side yard width, rear yard depth, and lot coverage. The result from all these variances is minimal in terms of its public safety impact and will therefore not negatively impact police service delivery to the subject property.*
- iv) Email dated June 10, 2021 from the Engineering and Public Works Department stating,
  - New driveway access required for new severance off Gore, including curb cut. Any new driveway access must satisfy all Town bylaws and policies regarding sight line, setbacks, widths, etc.
  - The applicant will be required to obtain a Right-of-Way Permit from EPW according to Town policy for any work required within the limits of the Town right-of-way. All permitting cost will be entirely borne by the applicant. Coordination with EPW and permits will be required to provide necessary servicing (water, sewer)

- All downspouts from any new structure must not be connected into lot subdrains; downspouts must be constructed to splash onto the adjacent ground.
- v) Email dated June 17, 2021 from the Building division stating,
- All permits required for new construction
  - New driveway access required -R.O.W permits required from Public Works
  - Ensure minimum set back from hydro wires
  - Minimum set backs required for rear decks and porches
- vi) Planning Report dated June 16, 2021 from Frank Garardo, Manager of Planning Services.

Committee Discussion:  
The Chair introduced the application and asked if there were any members of the public present for this application. There were none. The Planner, Frank Garardo read the purpose of the application. Drew Coulson presented the concept of the application. Discussion ensued regarding downspouts for the proposed structure. Todd Hewitt confirmed the Town would support a condition to require downspouts to splash onto the adjacent greenspace. The Chair confirmed with the applicant that they are aware of the required conditions. The applicant confirmed knowledge and understanding of the conditions.

The following resolution was put forth:

**That application A/24/21 be approved** subject to the following conditions:

1. That the new driveway access satisfy all Town By-laws and policies.
2. All downspouts from any new structure must not be connected into lot subdrains. Downspouts must be constructed to splash onto the adjacent greenspace in accordance with the Town’s policy.
3. That the applicant ensure minimum setbacks from hydro wires on the subject property satisfactory to the Building department.

Moved by: Josh Mailloux  
Seconded by: Don Shaw

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law.

**6.2 Application A/21/21 –1078217 Ontario Limited, c/o Michael Dunn – 101 & 111 Bonnett Road (Roll Nos. TBD)**

Public in Attendance: Michael Dunn and Joe Hadi

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 6(3)(e) which required a minimum exterior side yard setback of 7.5 m (24.6 ft) in a Residential Type 1A (R1A) Zone. The applicant is proposing the construction of a single

detached dwelling with an attached garage and a covered porch with an exterior side yard of 3.048 m (10 ft). Therefore, the amount of relief requested is 4.452 m (14.6 ft) in exterior side yard setback.

The subject property is zoned Residential Type 1A (R1A) Zone in the Zoning By-law 1999-52, as amended, and designated Low Density Residential in the Town of Amherstburg Official Plan.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated June 15, 2021 from the Essex Region Conservation Authority stating:

*The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the White Drain-Outlet Portion. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.*

*Our office has reviewed the proposal and has no concerns relating to stormwater management*

*We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”*

*Notwithstanding the above noted references to the PPS policies, we note that the proposed development is either adequately setback and/or physically separated from the natural heritage feature by existing development or infrastructure. Therefore, we do not anticipate any negative impacts associated with the proposal. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.*

*With the review of background information and aerial photograph, ERCA has no objection to this application for minor variance.*

- ii) Email dated June 18, 2021 from the Windsor Police Department stating that:  
*The Windsor Police Service has no concerns or objections with the application for a severance resulting in a reduced minimum exterior side yard setback, as the amount of the deficiency will not compromise sight lines.*
- iii) Email dated June 17, 2021 from the Building Division stating “no side driveway access”.
- iv) Email dated June 10, 2021 from the Engineering and Public Works Department indicating no comments.
- v) Email dated June 21, 2021 from the Fire Department dated indicating no objection.
- vi) Planning Report dated June 16, 2021 from Frank Garardo, Manager of Planning Services.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. There were none. The Planner, Frank Garardo read the purpose of the application. Michael Dunn presented the concept of the application. Discussion ensued regarding the streetscape of the subdivision and building envelope width on the interior lots compared to the corner lots.

The following resolution was put forth:

**That application A/21/21 for 12M674, Lot 103 (111 Bonnett Road) be approved.**

Moved by: Josh Mailloux  
Seconded by: Terris Buchanan

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto		X
Josh Mailloux	X	
Donald Shaw (VC)	X	
David Cozens (CH)		X

Reasons of Committee – The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law.

Discussion ensued regarding the amount of relief to be granted for 101 Bonnett Road. The applicant agreed to amend their request for 101 Bonnett Road to request relief of 10 ft in exterior side yard setback from Kingsbridge Drive.

The following resolution was put forth:

**That application A/21/21 for 12M674, Lot 108 (101 Bonnett Road) be approved as amended;**

The applicant is granted relief from Zoning By-law 1999-52, as amended, Section 6(3)(e) which required a minimum exterior side yard setback of 7.5 m (24.6 ft) in a Residential Type 1A (R1A) Zone. The applicant is proposing the construction of a single detached dwelling with an attached garage and a covered porch with an exterior side yard of 4.452 m (14.61 ft). Therefore, the amount of relief granted is 3.048 m (10 ft) in exterior side yard setback.

Moved by: Josh Mailloux  
Seconded by: Don Shaw

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law.

**6.3 Application A/26/21 – Adam & Sheila DeLuca – 150 Queen Street (Roll No. 3729-340-000-01600)**

Public in Attendance: Adam & Sheila DeLuca

The applicant is proposing the construction of an attached two storey two car garage addition with living space above to an existing single detached dwelling to be built in line with the existing house.

The applicant is granted continued relief of the existing legal non-conforming front yard setback on Queen Street.

The subject property is zoned Residential First Density (R1) Zone in the Zoning By-law 1999-52, as amended, and designated Low Density Residential in the Town of Amherstburg Official Plan.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated June 17, 2021 from the Essex Region Conservation Authority stating:  
*The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the White Drain-Outlet Portion. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.*

*Our office has reviewed the proposal and has no concerns relating to stormwater management*

*We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”*

*Notwithstanding the above noted references to the PPS policies, we note that the proposed development is either adequately setback and/or physically separated from the natural heritage feature by existing development or infrastructure. Therefore, we do not anticipate any negative impacts associated with the proposal. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.*

*With the review of background information and aerial photograph, ERCA has no objection to this application for minor variance.*

- ii) Email dated June 18, 2021 from the Windsor Police Department stating that:  
*The Windsor Police Service has no concerns or objections with the application for a severance resulting in a reduced minimum exterior side yard setback, as the amount of the deficiency will not compromise sight lines.*
- iii) Email dated June 17, 2021 from the Building Division stating “no side driveway access”.
- iv) Email dated June 10, 2021 from the Engineering and Public Works Department indicating no comments.

- v) Email dated June 21, 2021 from the Fire Department dated indicating no objection.
- vi) Planning Report dated June 16, 2021 from Frank Garardo, Manager of Planning Services.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. There were none. The Planner, Frank Garardo read the purpose of the application. The committee members discussed the street setback in comparison to adjacent parcels.

The following resolution was put forth:

**That application A/26/21 be approved** subject to the following condition:

- 1. That the existing detached accessory structure be demolished prior to final approval.

Moved by: Josh Mailloux  
Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan		X
Anthony Campigotto	X	
Josh Mailloux	X	
Donald Shaw (VC)	X	
David Cozens (CH)		X

Reasons of Committee – The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law.

7. **Next Meeting** to be June 29, 2021.

8. **Adjournment**

The meeting was adjourned at 8:57 a.m.

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Chairman- Dave Cozens

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Secretary- Frank Garardo