

**AMHERSTBURG COMMITTEE OF ADJUSTMENT**

Present: T. Buchanan, A. Campigotto, 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, Amy Farkas, Dillon Consulting Limited

Absent: J. Mailloux, with notice

**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 with the exception of J. Mailloux who was absent with notice.

**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: Don Shaw

Seconded by: Terris Buchanan

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

## 6. Adoption of Minutes

The Chair requested comments on the adoption of minutes. D. Cozens noted one correction on page 3 to the application number listed from B/14/21 to B/17/21. Administration will confirm and correct.

A motion was put forward to adopt the minutes of April 27, 2021 as amended.

Moved by: Anthony Campigotto

Seconded by: Terris Buchanan

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

## 7. Order of Business

### 7.1 Applications B/28/21, B/29/21 & A/23/21 – Raymond Bastien, c/o Richard Bastien, Agent – E/S Concession 3 N (Roll No. 3729-490-000-02000)

Public in Attendance: Raymond Bastien, Applicant & Richard Bastien, Agent

**Application B/28/21:** The applicant is proposing to sever a parcel of land with 47.34 m (155.3 ft) ± width by 12.5 m (41 ft) ± depth and an area of 591.6 sq m (6368 sq ft) ± for the purpose of a lot addition to merge with 3829 Concession 3 N together with an easement over Part 1, intended to be an extension of the easement set out in Instrument No. R1319939. The proposed retained parcel being 60.96 m (200 ft) ± frontage by an irregular depth has an area of 9.69 hectares (23.954 acres) ±, and is designated Agricultural in the Town's Official Plan and Zoning By-law.

**Application B/29/21:** The applicant is proposing to sever an L-shaped parcel of land with 7.92 m (26 ft) ± frontage by 61.26 m (201 ft) ± depth and an area of 1020.11 sq m (11,088 sq ft) ± for the purpose of a lot addition to merge with 3825 Concession 3 N together with an easement over Part 3, intended to be an extension of the easement set out in Instrument No. R954392. The proposed retained parcel being 53.04 m (174 ft) ± frontage by an irregular depth has an area of 9.59 hectares (23.7 acres) ±, and is designated Agricultural in the Town's Official Plan and Zoning By-law.

**Application A/23/21:** The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone. Subsequent to two severances, a lot addition of a of 591.6 sq m (6368 sq ft) ± and a lot addition of 1020.11 sq m (11,088 sq ft) ± from an existing 9.75 hectares (24.1 acres) parcel the retained farm parcel will have an area of 9.59 hectares (23.7 acres) ±,).

The applicant is also requesting relief from Zoning By-law 1999-52, as amended, Section 26(3)(b)(i) which requires a minimum lot frontage of 140 metres in an Agricultural (A) Zone. Subsequent to two severances for the purpose of lot additions the lot frontage of the retained farm parcel will be reduced 7.92 m (26 ft) ± from an existing 60.96 m (200 ft) ±. The retained farm parcel will have a lot frontage of of 53.04 m (174 ft).

Therefore, the amount of relief requested is 30.41 hectares (75.14 acres) and 86.96 m (285.3 ft) ± respectively.

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

- i) Letter dated May 6, 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 Dolphis-meloche Drain. 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.*
- 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 these applications for Consent and Minor Variance.*
- ii) Email dated May 11, 2021 from the Fire Department states no concerns.
- iii) Email dated May 6, 2021 from the Windsor Police Department stating that:  
*The Windsor Police Service has no concerns or objections with the proposed severances for lot additions at this location or the variance being sought for relief from meeting the minimum lot area and lot frontage requirements. The result of everything being requested in the application will not impact police service delivery whatsoever.*
- iv) Email dated May 5, 2021 from the Engineering and Public Works Department stating,
- Drainage apportionment is required for the Dolphis Meloche Drain and Long Marsh Drain.
  - The applicant should be made aware that an engineering project is ongoing relating to the bridges over the Dolphis Meloche Drain and the drainage assessments to all noted lots in this application may be forthcoming in the future.
- v) Email dated May 12, 2021 from the Building division stating,
- *Ensure a revised grade design is provided*
- vi) Planning Report dated May 11, 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 the applications. There were none. The Planner, Frank Garardo read the purpose of the applications. Raymond Bastien presented the concept of the application. 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 resolutions were put forth:

**That application B/28/21 be approved** subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to

the municipality.

2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent (severed and retained parcels).
4. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcels which are the subject of the consent.
5. That all property taxes be paid in full.
6. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
7. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone and Section 26(3)(b)(i) which requires a minimum lot frontage of 140 metres in an Agricultural (A) Zone regarding the retained farm parcel.
8. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Terris Buchanan

Seconded by: Anthony Campigotto

-carried-

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

Reasons of Committee – The request is in conformity with Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The existing use of the land is not changing and no new lots are being created.

**That application B/29/21 be approved** subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent (severed and retained parcels).

4. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcels which are the subject of the consent.
5. That all property taxes be paid in full.
6. That the developer be required to undertake a revised lot grading plan for the new lot configuration, comprised of the severed parcel merged with the existing 3825 Concession 3 N lot, to the satisfaction of the Building Department.
7. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
8. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone and Section 26(3)(b)(i) which requires a minimum lot frontage of 140 metres in an Agricultural (A) Zone regarding the retained farm parcel.
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Don Shaw  
 Seconded by: Terris Buchanan

-carried-

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

Reasons of Committee – The request is in conformity with Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The existing use of the land is not changing and no new lots are being created.

**That application A/23/21 be approved.**

Moved by: Terris Buchanan  
 Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	Absent	
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. The proposed lot additions do not change the existing use of the land and no new lots are being created therefore the application does not remove agricultural land from production.

**7.2 Application B/25/21 – Raymond Meloche, c/o John Meloche, Agent – 2268 Front Rd N (Roll No. 3729-500-000-39400)**

Public in Attendance: John Meloche, Agent on the Application

**Application B/25/21:** The applicant is proposing to sever a parcel of land being 31.1 m (102 ft) ± frontage by 57.9 m (190 ft) depth with an area of 1800.5 sq. m. (19,380 sq. ft.) to create a new residential building lot. The remaining parcel being 40.3 m (132.16 ft) ± frontage and irregular depth with a total area of 7.9 ha (19.525 ac) contains a single detached dwelling, one accessory structure, agricultural land and a natural environment protected area. The subject lands are zoned Residential Type 1A (R1A) Zone, Agricultural (A) Zone and Wetland (W) Zone in the Zoning By-law 1999-52 and designated Low Density Residential, Agricultural and Provincially Significant Wetland in the Town of Amherstburg Official Plan. The proposed severance is located within the R1A Zone and the Low Density Residential designation.

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

- i) Letter dated May 11, 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 Detroit River. 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.*

*This property is located within an inland flooding area, which is susceptible to roadway flooding during a 1:100 year storm event. The town of Amherstburg must ensure that this development meets the minimum provincial and ERCA standards for safe access for emergency vehicles and private vehicles.*

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

*The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant wetland (Detroit River Marshes (ER 3)), significant wildlife habitat under the Provincial Policy Statement (PPS).*

*Section 2.1.4 of the PPS, 2020 states - "Development and site alteration shall not be permitted in "significant wetlands..." and "significant coastal wetlands."*

*Section 2.15 of the PPS states - Development and site alterations shall not be permitted in and significant wildlife habitat...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

*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 Consent. However, the Town of Amherstburg must ensure that this development meets the minimum provincial and ERCA standards for safe access for emergency vehicles and private vehicles.*

- ii) Email dated May 6, 2021 from the Windsor Police Department stating that:  
*The Windsor Police Service has no concerns or objections with the proposed severance being sought to create a new residential lot. The outcome from this will not result in difficulties for police to access the property in an emergency or for a call for service in any way.*
- iii) Letter dated May 11, 2021 from the County of Essex stating:
  - This road was formerly King's Highway 18 until it was downloaded to the County of Essex. Therefore, setback and entrances requirements will be as per the MTO corridor control procedures.
  - Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances and structures.
- iv) Email dated May 12, 2021 from the Building Division stating:
  - Provide new grade design to address all drainage and grading including proper elevation of the new septic system.
  - ERCA approval
  - County of Essex Approval
  - All permits required for new construction
  - New driveway access will require R.O.W permits from Public Works
- v) Email dated May 5, 2021 from the Engineering and Public Works Department indicating the following:
  - Individual water service connection required for new lot
  - No Sanitary sewers, septic field required for new lots. Additionally, the applicant should be aware that, in the future, should a sanitary sewer collection system be constructed along Front Road North, each of the lots described under this application will be required to connect and be serviced by said sanitary sewer.
  - Based on the proposal, the new severed lot will require separate driveway accesses from County Road 20 (Front Road North). This will require necessary review and approvals from the County of Essex.
  - At this stage, a drainage apportionment for the Bondy-Bastien Drain will not be needed as there is presently an ongoing drainage project taking place under the Drainage Act. The applicant should be made aware that an engineering project is ongoing and that drainage assessments to both the retained and severed lots may be forthcoming in the future.
- vi) Email dated May 11, 2021 from the Fire Department indicating a fire hydrant should be installed in the location of the proposed severance as the closest hydrant to the south is approx. 145 metres, or 233 meters to the North.
- vii) Email dated May 13, 2021 from the Fire Department stating, *in regards to fire department access concerns of ERCA, for the proposed application B-25-21, Amherstburg Fire has no concerns.*
- viii) Planning Report dated May 10, 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. Raymond Meloche presented the concept of the application. The Chair confirmed with the applicant that they are aware of the required conditions. The applicant confirmed knowledge and understanding of the conditions and that all conditions are at the expense of the applicant.

The following resolutions were put forth:

**That application B/25/21 be approved** subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$300 for each newly created lot.
5. That the severed lot be serviced with municipal water in accordance with and under the supervision of the municipality.
6. That the developer be required to undertake lot grading plans for the severed lot to the satisfaction of the Building Department.
7. That a fire hydrant be installed, at the expense of the developer, to the satisfaction of the Fire Department.
8. That access to the proposed severed lot be provided prior to the stamping of the deeds. That an access permit be obtained for the newly created lot from the County of Essex and any other requirements to their satisfaction, prior to the stamping of the deeds. The access shall be provided to the satisfaction of the municipality.
9. That Council approve the development of the newly created lot on a private individual septic system after the soil analysis and septic design for the proposed lot is completed as required. This requirement shall be fulfilled prior to the stamping of the deeds.
10. That the applicant acknowledges satisfactory to the Corporation of the Town of Amherstburg requiring that the subject property be required to hook into a sanitary sewer system should it become available.
11. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Don Shaw  
 Seconded by: Terris Buchanan

-carried-

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

David Cozens (CH)	X	
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Reasons of Committee – The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

**7.3 Application B/26/21 – Kevin & Sara Booker, c/o Gwenyth Hartleb, Agent – 422 Pearson Street (Roll No. 3729-170-000-01448)**  
**&**  
**Application B/27/21 – Gwenyth Hartleb & Stephanie Smith – 418 Pearson Street (Roll No. 3729-170-000-01449)**

Public in Attendance: Gwenyth Hartleb, Applicant on B/27/21 and Agent on B/26/21

**B/26/21:** The applicant is proposing to sever a triangular parcel of land with an area of 78.6 sq. m. (846 sq. ft. ±) for the purpose of a lot addition to merge with the adjacent parcel to the south, municipally addressed as 418 Pearson Street. Should the application be supported, the proposed parcel would have an area of 1,279.4 sq. m. (13,771 sq. ft. ±) and be occupied by one single detached dwelling. The subject lands are designated Low Density Residential in the Town's Official Plan and zoned Residential Second Density (R2) in the Town's Zoning By-law.

**B/27/21:** The applicant is proposing to sever a triangular parcel of land with an area of 7.7 sq. m. (83 sq. ft. ±) for the purpose of a lot addition to merge with the adjacent parcel to the north, municipally addressed as 422 Pearson Street. Should the application be supported, the proposed parcel would have an area of 574 sq. m. (6,179 sq. ft. ±) and be occupied by one single detached dwelling. The subject lands are designated Low Density Residential in the Town's Official Plan and zoned Residential Second Density (R2) in the Town's Zoning By-law.

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

- i) Letter dated May 11, 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 objections to these applications for Consent.*

- ii) Email dated May 6, 2021 from the Windsor Police Department stating that:  
*The Windsor Police Service has no concerns or objections with the proposed severance being sought to enable a lot addition. The outcome from this will not result in difficulties for police to access the property in an emergency or for a call for service in anyway.*
- iii) Email dated May 5, 2021 from the Engineering and Public Works Department stating no comments.

- iv) Email dated May 11, 2021 from the Fire Department stating, no concerns.
- v) Email dated May 12, 2021 from the Building division stating,
  - Rear yard drain may be required to be extended into the newly created lot area. Inspections required
  - Sanitary cleanout and sewer line to be relocated on to new property. Inspections required
  - Provide proper grading along property line to address any water runoff
- vi) Planning Report dated May 12, 2021 from Amy Farkas, Dillon Consulting Limited, on behalf of 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. Gwenyth Hartleb presented the concept of the applications. Discussion ensued regarding if lot frontages, lot areas and existing required setbacks will continue to comply with the Zoning By-law subsequent to the consents. Frank Garardo confirmed lot frontages, lot areas, and setbacks will continue to comply and no minor variances will be required as a result of the proposed lot additions. The Chair confirmed with the applicant that they are aware of the required conditions. The applicant confirmed knowledge and understanding of the conditions and that all conditions are at the expense of the applicant.

The following resolution was put forth:

**That application B/26/21 be approved** subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent (severed and retained parcels).
5. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcels which are the subject of the consent.
6. That the proper grading along the property line, on both the severed and retained parcels, be complete for any water runoff, to the satisfaction of the Building Department.
7. That the rear yard drain be extended into the newly created lot area to the satisfaction of the Building Department, if required.
8. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Anthony Campigotto  
 Seconded by: Terris Buchanan

-carried-

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

Reasons of Committee – The request is in conformity with Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The existing use of the land is not changing and no new lots are being created.

**That application B/27/21 be approved** subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed for each parcel, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent (severed and retained parcels).
5. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcels which are the subject of the consent.
6. That the property owner relocate the sanitary clean out and sewer line in accordance with and to the satisfaction of the municipality at the applicant's expense, if required.
7. That the proper grading along the property line be complete for any water runoff, to the satisfaction of the Building Department.
8. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Terris Buchanan  
 Seconded by: Anthony Campigotto

-carried-

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

Reasons of Committee – The request is in conformity with Sections 6.1.2 and 6.1.2(6) of

Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The existing use of the land is not changing and no new lots are being created.

**7.4 Application A/24/21 – Ron Deneau, c/o Drew Coulson, Agent – 170 Gore Street (3729-120-000-10700)**

Public in Attendance: Drew Coulson, Agent on the Application

**A/24/21:** 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.

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

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.

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 the proposed site plan indicating 40% lot coverage. The permitted maximum lot coverage in the Residential Third Density (R3) Zone is 35%. The applicant agreed to amend the application and come back to a future meeting with the additional lot coverage request.

The following resolution was put forth:

**That application A/24/21 be deferred.**

Moved by: Anthony Campigotto

Seconded by: Don Shaw

-carried-

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

**7.5 Application A/20/21 – William Holden – 1205 Concession 2 N (3729-460-000-05100)**

Public in Attendance: William Holden, Applicant

**A/20/21:** The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(b) which permits the total lot coverage of all non-farm accessory use structures to a maximum of 185 square meters (1991 sq. ft).

The applicant is proposing the construction of a 40 ft by 60 ft, 2400 sq ft pole barn. There is also an existing 24 ft by 26 ft, 624 sq ft detached garage on the property resulting in a total accessory structure lot coverage of 3024 sq ft (5.14%) on a 1.35 acre lot. Therefore, the amount of relief requested is 1033 sq ft (1.76%) in accessory structure lot coverage.

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

- i) Letter dated May 12, 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 Lake St. Clair. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any 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*  
  
*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. However, the applicant must obtain a Section 28 Permit from the Essex Region Conservation Authority.*
- ii) Email dated May 10, 2021 from the Windsor Police Department stating that:  
*The Windsor Police Service has no concerns or objections with the proposed construction of a pole barn that results in the maximum lot coverage being exceeded. This will not impact police service delivery whatsoever.*
- iii) Email dated May 12, 2021 from the Engineering and Public Works Department stating no comments.
- iv) Email dated May 11, 2021 from the Fire Department stating, no objection to the application.
- v) Email dated May 10, 2021 from the Building division stating:
  - All permits required for new construction
  - Provide proper grading along property line to address any water runoff
- vi) Planning Report dated May 10, 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. William Holden presented the concept of the application. Discussion ensued regarding the impact of the structure on neighbouring properties and the setback from structures on neighbouring properties.

The following resolution was put forth:

**That application A/20/21 be approved subject to the following conditions:**

1. That the proper grading along the property line be complete for any water runoff, to the satisfaction of the Building Department.
2. That the proposed 40 ft by 60 ft, 2400 sq ft pole barn be constructed 100 ft east of the existing structure.

Moved by: Anthony Campigotto  
 Seconded by: Terris Buchanan

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	Absent	
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, determined that the variance request was not minor in nature, would impact the character of the neighbourhood, and was not in keeping with the intent of the Zoning By-law.

**7.6 Application A/19/21 – Maurice Veldhuizen & Shirley Ann Eansor – 1529 Goodview Ave (Roll No. 3729-550-000-29200)**

Public in Attendance: Maurice Veldhuizen, Applicant

**A/19/21:** The applicant is requesting relief from Section 6(3)(g) of Zoning By-law 1999-52, as amended, which permits a maximum lot coverage of 30% in a Residential Type 1A (R1A) Zone.

The applicant is proposing the construction of a 24 ft x 26 ft, 624 sq ft, attached garage addition to the east side of the existing 991 sq ft home. The existing lot coverage is 23.6%. The proposed attached garage will add an additional 14.9% resulting in a proposed total lot coverage of 38.5%. Therefore, the amount of relief requested is 8.5% in total lot coverage.

The subject property is zoned Residential Type A1 (R1A) Zone in the Zoning Bylaw 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 May 12, 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 Lake St. Clair. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any 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*

*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. However, the applicant must obtain a Section 28 Permit from the Essex Region Conservation Authority.*

- ii) Email dated May 10, 2021 from the Windsor Police Department stating that: *The Windsor Police Service has no concerns or objections with the proposed garage addition that results in the maximum lot coverage being exceeded. This will not impact police service delivery whatsoever.*
- iii) Email dated May 12, 2021 from the Engineering and Public Works Department stating: *Increased lot coverage from the new garage will, in part, be offset by the reduction in the driveway surface and removal of the existing shed structure. EPW does not have issues with the new garage, but emphasizes that all downspouts from the new garage must not be connected into lot subdrains but must be constructed to splash onto the adjacent ground.*
- iv) Email dated May 10, 2021 from the Building division stating:
  - Due to the limited amount of grass area and increase of hard surface, grade design and drainage plan will be required
  - All permits required for new construction
  - New driveway access required -ROW permits required from Public Works
- v) Planning Report dated May 12, 2021 from Amy Farkas, Dillon Consulting Limited, on behalf of 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. Maurice Veldhuizen presented the concept of the application. Discussion ensued regarding the proposed construction. The roof structure of the addition is proposed to be tied into the house roof line. The roofline and new siding on the entire structure will provide a seamless appearance and will be an improvement to the neighbourhood. The improvement outweighs the increase in lot coverage.

The following resolution was put forth:

**That application A/19/21 be approved subject to the following conditions:**

1. That a grade design and drainage plan be prepared to the satisfaction of the Building Department prior to the issuance of a building permit.

Moved by: Don Shaw

Seconded by: Terris Buchanan

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	Absent	
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, determined that the variance request was not minor in nature, would impact the character of the neighbourhood, and was not in keeping with the intent of the Zoning By-law.

**7.7 Application A/17/21 – Dino Parete – 189 Richmond Street (Roll No. 3729-130-000-00560)**

Public in Attendance: Dino Parete, Applicant

**A/17/21:** The applicant is proposing the construction of an addition to an existing converted dwelling for a total of three (3) residential units. The proposal also includes an additional driveway, with access onto Richmond Street.

The applicant is requesting continued relief of the existing legal non-conforming front yard setback on Richmond Street and the existing legal non-conforming exterior side yard setback on George Street.

The applicant is requesting further relief from Section 9(3)(g) of Zoning By-law 1999-52, as amended, which permits a maximum lot coverage of 35% in a Residential Third Density (R3) Zone. The applicant is proposing the construction of a 531.35 sq ft addition to the converted dwelling and the demolition of the existing detached garage resulting in a total lot coverage of 35.5%. Therefore, the amount of relief requested is 0.5% in lot coverage.

The applicant is also requesting relief from Section 9(3)(f) of Zoning By-law 1999-52, as amended which requires a minimum rear yard setback of 7.5 m (24.6 ft). The proposed addition will have a rear yard setback of 3.58 m (11.75 ft). Therefore, the amount of relief requested is 3.92 m (12.86 ft).

The applicant is also requesting relief from Section 3(21)(j) which limits the number of driveways for a residential property in the Residential Third Density (R3) Zone to one. The applicant is proposing an additional driveway, to be located on Richmond Street, as access to the proposed additional residential unit. The existing driveway exits onto George Street.

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

- i) Letter dated May 12, 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 May 10, 2021 from the Windsor Police Department stating that:

*The Windsor Police Service has no concerns or objections with the proposed application. While it would generally be less desirable to add a second driveway approach that directly connects to a roadway, the additional access in this situation is not anticipated to cause any safety concerns sine the roadway is not an overly busy one. A benefit of the additional driveway is expanded police incident response capability.*

- iii) Email dated May 12, 2021 from the Engineering and Public Works Department stating:
- EPW does not have any issues with the request for the continued relief of the “existing nonconforming” setback requests.
  - EPW cannot support the application due to the increase in lot coverage. The application highlights the issue of an increase in hard surface lot coverage. When considering all hardsurfaces (existing and proposed), the percentage of grassed, or vegetated area on the lot, is approximately 25%. The remaining 75% drains directly to the storm sewer through downspout connections, or overland sheet flow. The cumulative effects of increased runoff resulting from lots that have been developed in excess of the allowable design tolerances can have detrimental consequences on existing storm water management (SWM) facilities and storm sewer infrastructure.
  - EPW does not normally support secondary driveways unless under exceptional circumstances. EPW does not believe that the driveway off of Richmond is necessary given the width and size of the existing driveway, which can accommodate four vehicles. The additional hard surface and runoff from the proposed new driveway is also not supported by EPW. Based on this, EPW is not in support of the secondary driveway.
  - An existing tree located within the Town right-of-way appears to be in line with the proposed new driveway off of Richmond. This is a Town owned tree; removal of existing trees must follow the provisions listed in the Town Tree By-law 2016-94, which will require approval from the CAO and monetary compensation for the removal of the tree.
  - Should the new driveway be permitted, any new driveway access must satisfy all Town bylaws and policies regarding sight line, setbacks, widths, etc. EPW cannot be more specific at this time without detailed plans showing dimensions to George Street and Richmond Street
  - 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.
- iv) Email dated May 11, 2021 from the Fire Department stating, *new structures to meet minimum 1.5 setback from neighbour. If neighboring property is built closer to lot line consider further separation to achieve 3 metre between buildings.*
- v) Email dated May 10, 2021 from the Building division stating:
- Due to the limited amount of grass area and increase of hard surface, grade design and drainage plan will be required
  - The existing structure to accept the addition to have proper foundations
  - All permits required for new construction
  - New driveway access will require R.O.W permits from Public Works
- vi) Planning Report dated May 12, 2021 from Amy Farkas, Dillon Consulting Limited, on behalf of 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. Dino Parete presented the concept of the application. Discussion ensued clarifying the use of the proposed addition. Concerns with the second driveway were discussed.

The following resolution was put forth:

**That application A/17/21 be approved subject to the following conditions:**

1. That the existing detached accessory structure on the property be removed prior to the issuance of Building Permits.
2. That only one driveway continue to be permitted on the site, as per Section 3(21)(j) of Zoning By-law 1999-52, as amended.
3. That a grade design and drainage plan be provided to the satisfaction of the Building Department prior to the issuance of building permits.
4. That the existing structure to accept the addition have proper foundations to the satisfaction of the Building Department.

Moved by: Terris Buchanan  
 Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	Absent	
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, determined that the variance request was not minor in nature, would impact the character of the neighbourhood, and was not in keeping with the intent of the Zoning By-law.

**7.8 Application A/22/21 – Odette & Serge Bertucci – 694 Front Rd N (Roll No. 3729-420-000-11400)**

Public in Attendance: Serge Bertucci, Applicant, Rob Ferguson, 688 Front Rd N, Jeff and Jennifer Roberts, 698 Front Rd N

**A/17/21:** The applicant is requesting relief from Zoning Bylaw 1999-52, as amended, Section 3(26)(d)(b) which states on the southern half of Part of Lot 14 and Part of Lots 13, 12, 11, and 10, Concession 1, no part of any building or structure shall be erected beyond an established building line. For the purpose of this Section, an established building line shall be drawn from the closest existing single dwelling to the north of the proposed development to the closest existing single dwelling to the south of the proposed development. That part of the existing single dwelling that is to be used when drawing the established building line is that point of each dwelling that is closest to the Detroit River. The General Provisions Section on Yard Encroachments in required yards does not apply to development in this area.

The applicant is proposing the construction of a single detached dwelling with attached garage and covered porch. The proposed covered rear porch will project 2.32 m (7.625 ft) beyond the established building line.

Therefore, the amount of relief requested is 2.32 m (7.625 ft) beyond the established building line.

Minor variance A/17/16 was previously was approved granting relief of 8.2 m (27.3 ft)

from the setback from the centerline of the County Rd 20 ROW permitting a 7.62 m (25 ft) setback from the west limit of the original ROW of County Road 20.

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

- i) Letter dated May 12, 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 May 12, 2021 from the Engineering and Public Works Department stating no comments.
- iii) Email dated May 11, 2021 from the Fire Department stating no objection to application.
- iv) Email dated May 10, 2021 from the Building division stating:
  - All permits required for new construction
  - New driveway access required -ROW permits required from Public Works
  - ERCA Approval
  - Note there has been a minor variance approval for a reduced front yard setback in August 2016.
- v) Planning Report dated May 12, 2021 from Amy Farkas, Dillon Consulting Limited, on behalf of 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. Serge Bertucci presented the concept of the application. The chair opened the floor for questions from neighbours. Rob Ferguson expressed support for the variance with one question regarding a potential concern with the grading between the properties. Jeff Roberts requested the same clarification be made regarding the grading between the subject property and his parcel to the north. Serge Bertucci provided renderings and elevations from both the north and south neighbours' views to demonstrate how the rear yard at 694 Front Rd N will be graded. No further concerns were expressed.

The following resolution was put forth:

**That application A/22/21 be approved subject to the following conditions:**

1. That the design of the dwelling setbacks, including covered porch projection, be in substantial conformity with the plans submitted as part of application A/22/21.
2. That the relief being granted is only permitted for the construction of a sundeck, covered porch, or veranda open on the north, west and south elevations. A fully enclosed building or structure is not permitted.

Moved by: Terris Buchanan

Seconded by: Don Shaw

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	Absent	
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, determined that the variance request was not minor in nature, would impact the character of the neighbourhood, and was not in keeping with the intent of the Zoning By-law.

**7.9 Application A/25/21 – Mark Beaudoin – 441 Lowes Sideroad (Roll No. 3729-600-000-00400)**

Public in Attendance: Mark Beaudoin, Applicant

**A/25/21:** The applicant is proposing the construction of a 32 ft x 32 ft (1024 sq ft) secondary suite. The applicant is also proposing the construction of a 50 ft x 24 ft (1200 sq ft) detached garage with an interior side yard of 1.22 m (4 ft).

The applicant is also requesting relief from Zoning By-law 1999-52, as amended, Section 26(3)(j)(vi) which requires a minimum interior side yard setback of 3 m (9.84 ft) for accessory structures. The applicant is proposing a 1.22 m (4 ft) interior side yard setback.

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(b) which permits the total lot coverage of all non-farm accessory use structures to a maximum of 185 square meters (1991 sq. ft). The applicant is proposing 2224 sq ft in additional accessory structure lot coverage.

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

- i) Letter dated May 12, 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 Big Creek. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any 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*

*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. However, the applicant must obtain a Section 28 Permit and/or Clearance from the Essex Region Conservation Authority.*

- ii) Email dated May 10, 2021 from the Windsor Police Department stating that:  
*The Windsor Police Service has no concerns or objections with the proposed construction of a secondary suite and garage. The variances required relating to minimum interior side yard width and maximum lot coverage pose no issues relating to public safety. A review of the applicant's site plan reveals proper emergency police response capability is maintained to the new accessory suite, which we support.*
- iii) Email dated May 12, 2021 from the Engineering and Public Works Department stating no comments.
- iv) Email dated May 11, 2021 from the Fire Department stating, *based on the application information submitted, all required zoning setbacks should be maintained. In addition, this Property is currently serviced by a 2" water main providing less than acceptable fire flows which will impede the effectiveness of fire suppression efforts by the fire service.*
- v) Email dated May 10, 2021 from the Building division stating:
  - All permits required for new construction
  - Ensure new septic system will be accommodated on the lot for the new secondary unit
  - Proper spatial separation will be required between the two structures
  - ERCA approval required
- vi) Planning Report dated May 12, 2021 from Amy Farkas, Dillon Consulting Limited, on behalf of 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. Mark Beaudoin presented the concept of the application. The committee discussed the land use designation and zoning of the subject property and the subdivision development of the surrounding lands. Discussion ensued regarding the request for a 1.22 metre interior side yard setback for the proposed detached garage. The applicant agreed to decrease the relief requested from 2 m to 1 m in interior side yard setback.

The following resolution was put forth:

**That application A/25/21 be approved as amended below.**

The applicant is proposing the construction of a 32 ft x 32 ft (1,024 sq ft) secondary dwelling unit. The applicant is also proposing the construction of a 50 ft x 24 ft (1,200 sq ft) detached garage with an interior side yard of 2 m (6.56 ft).

The applicant is also granted relief from Zoning By-law 1999-52, as amended, Section 26(3)(j)(vi) which requires a minimum interior side yard setback of 3 m (9.84 ft) for accessory structures. The applicant is proposing a 2 m (6.56 ft) interior side yard setback for the proposed garage.

The applicant is granted relief from Zoning By-law 1999-52, as amended, Section 3(1)(b)

which permits the total lot coverage of all non-farm accessory use structures to a maximum of 185 sq m (1,991 sq ft). The applicant is proposing 206.61 sq m (2,224 sq ft) in additional accessory structure lot coverage.

Therefore, the applicant is granted relief of 1 m (3.28 ft) in interior side yard setback for the proposed garage and 59.74 sq m (643 sq ft) in non-farm accessory structure lot coverage.

Moved by: Anthony Campigotto

Seconded by: Don Shaw

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	Absent	
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, determined that the variance request was not minor in nature, would impact the character of the neighbourhood, and was not in keeping with the intent of the Zoning By-law.

**7.10 Applications B/30-33/21 – Boblo Developments Inc. – W/S Crystal Bay Drive (Roll No. 3729-640-000-14200, 13800, 30720)**

Public in Attendance: Cindy Prince & Gudrin Beggs, Agents on the Application, John Glassford, 295 Crystal Bay Drive

*B/30/21: The applicant is proposing to sever a parcel of land (Part 1) being 99.85 ft frontage (average width of 74.59 ft) by an irregular depth with an area of 0.411 acres for the purpose of a residential lot creation.*

*B/31/21: The applicant is proposing to sever a parcel of land (Part 2) being 123.05 ft frontage (average width of 74.59 ft) by an irregular depth with an area of 0.549 acres for the purpose of a residential lot creation.*

*Subsequent to B/30/21 and B/31/21 the remnant parcel will consist of the remaining water lots to the west of the subject properties with access on Crystal Bay Drive.*

*B/32/21: The applicant is proposing to sever a parcel of land (Part 3) being 68.22 ft frontage (average width of 67.72 ft) by an irregular depth with an area of 0.566 acres for the purpose of a residential lot creation.*

*B/33/21: The applicant is proposing to sever a parcel of land (Part 4) being 102.04 ft frontage (average width of 67.72 ft) by an irregular depth with an area of 0.492 acres for the purpose of a residential lot creation.*

*Subsequent to B/32/21 and B/32/21 the remnant parcels will merge with the remaining water lots to the west of the subject properties with access on Crystal Bay Drive.*

*The parcels subject to the consents are designated Recreational Development in the Town's Official Plan and are currently under application for a Zoning By-law Amendment to change the zoning to Resort Residential/Resort Commercial (RR/RC) Zone.*

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

- i) Letter dated May 7, 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 Detroit River. 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.*

*This property is located within an inland flooding area, which is susceptible to roadway flooding during a 1:100 year storm event. The town of Amherstburg must ensure that this development meets the minimum provincial and ERCA standards for safe access for emergency vehicles and private vehicles.*

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

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – "Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements". All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario Endangered Species Act. Prior to initiating any proposed works on this property, it is the proponent's responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the Endangered Species Act are addressed. All inquiries regarding the Endangered Species Act should be made with Permissions and Compliance Section of the MECP (e-mail address: [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca)).

With the review of background information and aerial photograph, ERCA has no objection to these applications for Consent. However, the town of Amherstburg must ensure that this development meets the minimum provincial and ERCA standards for safe access for emergency vehicles and private vehicles.

An engineering assessment may be required at the Permit stage, verifying adequate setbacks from the Detroit River. Adequate access for maintenance equipment should be provided, should emergency works be needed on any existing or proposed shoreline protection work measures.

- ii) Email dated May 6, 2021 from the Windsor Police Department stating that:  
*The Windsor Police Service has no concerns or objections with the proposed*

*severances being sought to create residential lots. The outcome from this will not result in difficulties for police to access the property in an emergency or for a call for service in anyway.*

- iii) Email dated May 5, 2021 from the Engineering and Public Works Department stating:
  - Individual water service connection may be required for each of the new lots. The existing watermain is located on the east side of Crystal Bay Drive, opposite of the subject parcels. It will be required to drill new service leads beneath Simcoe in order to service the new lots.
  - Sanitary sewer service connections may be required for each of the new lots.
  - The cost of all servicing requirements will be at the expense of the applicant.
  - Based on the proposal, the new severed lots will require separate driveway accesses and culverts from Crystal Bay Drive. This will require necessary review and permit from the Town.
  - 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.
- iv) Email dated May 13, 2021 from the Fire Department stating, *in regards to fire department access concerns of ERCA, for the proposed applications B-30-21, B-31-21, B-32-21, and B-33-21, Amherstburg Fire has no access concerns.*
- v) Email dated May 11, 2021 from the Fire Department stating no concerns.
- vi) Email dated May 12, 2021 from the Building division stating,
  - All permits required for new construction
  - New driveway access required -ROW permits required from Public Works
  - ERCA Approval
  - Provide new grade design to address all drainage and grading. As well as location of all services.
  - Addressing required
- vii) Email dated May 17, 2021 from Bill and Faye Brownbridge, Boblo residents.
- viii) Planning Report dated May 11, 2021 from Amy Farkas, Dillon Consulting Limited, on behalf of 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. John Glassford was present. The Planner, Frank Garardo read the purpose of the application. Cindy Prince presented the concept of the applications. It was explained that a decision of Council regarding the rezoning of the lands from RE to RR/RC will be made on May 26<sup>th</sup>. The applications for consent were submitted concurrently with the ZBA application to expedite the process.

John Glassford requested the applications be deferred until after Council makes their decisions on the rezoning.

Frank Garardo read aloud the letter submitted to the Committee from Bill and Faye Brownbridge. Cindy Prince responded to the letter, providing explanation on ERCA regulated areas and the history of the Recreational Zoning.

Cindy Prince advised the Committee that they have received their MECP clearance this year, and that the application was applied for in 2012. All Island marketing has shown the requested lots as residential lots. There is an understanding that there is a need or parkland on the island for families however the Town's Parks Master Plan requested cash in lieu of parkland from the Boblo development. There will not be a municipal park space on the island however 40% of the island will be used for open space purposes more

reflective of natural environment consisting of a wood lot on the south east end of the island, white sands area, lighthouse and park area and interior meadowland. The meadowland will not be mowed but have horizontal plantings/ground cover as per the MECP permit.

Discussion ensued regarding if the consent decisions should be made prior to a decision of Council on the ZBA application.

The following resolution was put forth:

**That the meeting be recessed at 8:04 am until Friday, May 28, 2021 at 7:30 am, at which time Council will have made a decision on the Zoning By-law Amendment regarding the west side of Crystal Bay Drive.**

Moved by: Terris Buchanan  
 Seconded by: Anthony Campigotto

-carried-

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

The following resolution was put forth:

**That the Committee of Adjustment meeting of May 18, 2021 resume on May 28, 2021 at 7:30 am.**

Moved by: Anthony Campigotto  
 Seconded by: Terris Buchanan

-carried-

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

**Roll Call**

The Chair completed roll call for the electronic meeting, all members were present with the exception of J. Mailloux who was absent with notice.

**Committee Discussion:**

The Chair recapped that this meeting is a continuation of May 18, 2021 Committee of Adjustment meeting. A recess was called until after Town Council made a decision on the rezoning application and allow time for the applicant and residents to discuss the recreation and lots involved with the consent applications.

Frank Garardo updated the Committee on the status of the ZBA. On Tuesday, June 25, 2021 Council approved a zoning by-law amendment to change the zone of the subject land from Recreational (RE) Zone to Resort Residential/Resort Commercial (RR/RC) Zone. The zoning has been approved by Council to permit the land uses proposed by the severance applications B/30-33/21.

The Chair confirmed that MECP correspondence was provided to the Committee indicating the development could proceed without required precautions.

The Chair requested clarification on the access to the retained water lots. Cindy Prince clarified that the water lots gain access on the south from the extension of Boblo Island Blvd and the water lots gain access on the north off of a strip of land off Crystal Bay Drive. The water lots are owned by Boblo as a result of an agreement with the conservation authority to limit and restrict the number of private docks along the shore.

The Chair asked if there were any members of the public present for this application. John Glassford was present.

Cindy Prince noted over the last ten days conversations were had with abutting land owners, the land owners stated they did not want to have a private park adjacent to their property and supported the severance proposal. Several land owners, up to 70, signed a letter which was provided to Council, supporting the land for residential development. Active parkland is available on the east side of the island where the ferry lands and will continue to be available for that use. A summary of the events of the council meeting was provided, confirming Council's direction was for the subject lands to be used for residential purposes.

The following resolutions were put forth:

**That application B/30/21 be approved** subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That the property owner install separate water services, sanitary connections and utility services, to the lots in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
5. That the applicant must install a driveway access to the severed parcel to the satisfaction of the Engineering and Public Works department prior to the stamping of deeds.
6. That the remnant parcel, consisting of the remaining water lots be consolidated with the abutting subject properties to ensure maintenance access from Crystal Bay Drive.
7. That the applicant be required to obtain a Right-of-Way Permit from Engineering and Public Works according to Town policy for any work required within the limits of the Town right-of-way.
8. That Zoning By-law Amendment ZBA/11/21 be approved to rezone the subject properties from Recreational (RE) Zone to Residential/Resort Commercial (RR/RC) Zone prior to the stamping of the deeds.
9. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$300 per lot.
10. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Don Shaw

Seconded by: Terris Buchanan

-carried-

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

Reasons of Committee – The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

**That application B/31/21 be approved** subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That the property owner install separate water services, sanitary connections and utility services, to the lots in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
5. That the applicant must install driveway accesses to the severed parcel to the satisfaction of the Engineering and Public Works department prior to the stamping of deeds.
6. That the remnant parcel, consisting of the remaining water lots to the west of the subject properties, will have access on Crystal Bay Drive between 338 and 334 Crystal Bay Drive.
7. That the applicant be required to obtain a Right-of-Way Permit from Engineering and Public Works according to Town policy for any work required within the limits of the Town right-of-way.
8. That Zoning By-law Amendment ZBA/11/21 be approved to rezone the subject properties from Recreational (RE) Zone to Residential/Resort Commercial (RR/RC) Zone.
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Terris Buchanan

Seconded by: Anthony Campigotto

-carried-

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

Reasons of Committee – The request is in conformity with Section 6.1.2 of Amherstburg's

Official Plan and is consistent with the Provincial Policy Statement.

**That application B/32/21 be approved** subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That the property owner install separate water services, sanitary connections and utility services, to the lots in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
5. That the applicant must install driveway accesses to the severed parcel to the satisfaction of the Engineering and Public Works department prior to the stamping of deeds.
6. That the remnant parcels will merge with the remaining water lots to the west of the subject properties with access on Crystal Bay Drive.
7. That the applicant be required to obtain a Right-of-Way Permit from Engineering and Public Works according to Town policy for any work required within the limits of the Town right-of-way.
8. That Zoning By-law Amendment ZBA/11/21 be approved to rezone the subject properties from Recreational (RE) Zone to Residential/Resort Commercial (RR/RC) Zone.
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Terris Buchanan

Seconded by: Don Shaw

-carried-

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

Reasons of Committee – The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

**That application B/33/21 be approved** subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.

4. That the property owner install separate water services, sanitary connections and utility services, to the lots in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
5. That the applicant must install driveway accesses to the severed parcel to the satisfaction of the Engineering and Public Works department prior to the stamping of deeds.
6. That the remnant parcels will merge with the remaining water lots to the west of the subject properties with access on Crystal Bay Drive.
7. That the applicant be required to obtain a Right-of-Way Permit from Engineering and Public Works according to Town policy for any work required within the limits of the Town right-of-way.
8. That Zoning By-law Amendment ZBA/11/21 be approved to rezone the subject properties from Recreational (RE) Zone to Residential/Resort Commercial (RR/RC) Zone.
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Don Shaw  
 Seconded by: Terris Buchanan

-carried-

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

Reasons of Committee – The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

7. **Next Meeting** to be June 22, 2021.

8. **Adjournment**

The meeting was adjourned at 8:04 a.m.

ORIGINAL DOCUMENT SIGNED

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 Chairman- Dave Cozens

ORIGINAL DOCUMENT SIGNED

\_\_\_\_\_  
 Secretary- Frank Garardo