



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF PLANNING AND DEVELOPMENT SERVICES

*MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

Author's Name: Frank Garardo	Report Date: July 21, 2021
Author's Phone: 519 736-5408 ext. 2124	Date to Council: August 9, 2021
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To: Mayor and Members of Town Council

Subject: Zoning By-law Amendment E/S Front Road South (Conc 1, Pt Lot 6)

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#### 1. RECOMMENDATION:

It is recommended that:

1. **By-law 2021-043** being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as E/S Front Road South (Conc 1, Pt Lot 6), be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

#### 2. BACKGROUND:

The Statutory Public Meeting was held at 5:00 p.m., July 12, 2021 to hear public comments on an application for a Zoning By-law Amendment for E/S Front Road South (Conc 1, Pt Lot 6), Amherstburg. The Zoning By-law Amendment (ZBA) will change the zoning for the subject lands from "Residential Second Density (R2) Zone" to "Temporary Special Provision Residential Second Density (T-R2-7) Zone". The parcel was the subject of an application for consent (File B/16/19) to create a new residential building lot with associated conditions. The rezoning of the subject property to T-R2-7 is a condition of the consent decision.

#### 3. DISCUSSION:

At the statutory public meeting, there were no public comments. Members of Council raised questions and concerns during the statutory public meeting. The questions and concerns raised by Council are addressed in the following table.

Comments	Administrative Response
<p>What is the Town's By-law in regards to accessory structures?</p>	<p>The Town's Zoning By-law requires that accessory structures are secondary to the main permitted use. In residential zones, the accessory structure is to be secondary to the main dwelling. The purpose of this By-law is to discourage accessory structures being built on vacant lots within residential subdivisions with no main dwelling on the property. The Town's provision for accessory structures is a standard practice.</p> <p>In regards to land severances, it can often occur where a building or structure is located on both the retained and severed parcels. In these instances, the owner often wants to complete the severance process and utilize the accessory structure for the future landowner. The Planning Act allows for Temporary Use By-laws or minor variances to recognize the existing structures through a Planning Act application.</p>
<p>Would the accessory structure remain once a house is built?</p>	<p>The new landowner would have option of keeping the accessory structure. Once a dwelling is built on the property the Temporary Use By-law would become null and expire because the property would come into compliance with the Zoning By-law and contain a dwelling and accessory structure on the property as permitted.</p>
<p>Would the lot accommodate a dwelling unit and the existing accessory structure?</p>	<p>The landowner would have to complete plans which take into consideration the location of the existing structure.</p> <p>The lands are designated for residential development. The lot is approximately 0.91 acres (39639 square feet). The current by-law would permit structures of up to 35 % lot coverage. This equates to a building envelope of over 13,000 square feet. There is a suitable area to allow the dwelling to be built on the</p>

Comments	Administrative Response
	property subject to the zoning setbacks and provisions.
What were the Committee of Adjustment conditions?	The Committee of Adjustment placed a condition on the severance with an option to remove the accessory structure or obtain a Temporary Use-By-law to allow the structure to remain. This is a standard condition in residential zones, where severances occur, and buildings are located on the retained and severed parcels. In some circumstances, the accessory structure is not in good condition or is demolished. In this instance, the accessory structure was constructed in 2015, and in good condition to remain on the property as an accessory structure.
What are the Temporary Use-By-law timeframes permitted in the Planning Act?	<p>The Planning Act authorizes Temporary Use By-laws for up to three-year timeframes, furthermore the Planning Act does allow the applicant to apply for further extensions.</p> <p>The applicant has requested the three-year timeframe in order to complete all conditions of the severance, finalize registration, and construction for a new dwelling. The severance included several conditions to be met including wildlife fencing, and installation of fire hydrant.</p>
What is the purpose of the Temporary Use By-law?	The purpose of the Temporary Use By-law acknowledges that with the land severance, the existing accessory structure would be non-compliant with the By-law, as it would become located on a separate legally conveyable lot without a dwelling unit.

Comments	Administrative Response
	The Temporary Use-By-law gives the landowner a timeframe for finalizing future plans on the lot and to allow the accessory structure to remain.
What are the negative impacts of the current accessory structure?	The accessory structure currently exists on the property. No negative impacts are anticipated.
What is the accessory structure and condition of the building?	Permission was granted by the Committee of Adjustment in 2015 to permit the accessory structure. The accessory structure was constructed in 2015.

The applicant severed a parcel of land being 48.5 m (159.12 ft) and an irregular depth with a total area of 0.37 hectares (0.91 acres) ±. The applicant is requesting extension of the re-zoning in order to allow the existing accessory structure to remain on the property without a dwelling unit, to be used until the dwelling is constructed.

The proposed amendment to the Zoning By-law would change the zoning for the subject lands noted above from the “Residential Second Density (R2) Zone” to “Temporary Special Provision Residential Second Density (T-R2-7) Zone”. The land is designated Low Density Residential in the Town’s Official Plan. The parcel was the subject of an application for consent (File B/16/19) to sever a residential building lot with an existing accessory structure on the lot. The temporary use rezoning of the subject property to allow the accessory structure to remain without a main use is a condition of the consent decision.

All other conditions of consent have been finalized including Council adoption of By-law 2021-013, a zoning by-law amendment to rezone a 10 metre buffer strip of lands at the back of the property from the residential designation to an Environmental-Protected designation.

The requested Temporary Use By-law proposes to allow for an accessory structure to temporarily remain on the lot without a single detached dwelling unit for a maximum three year period.

**4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality. Should Council not approve the proposed application for ZBA, the consent which has been approved by the Committee of Adjustment could be appealed.

**5. FINANCIAL MATTERS:**

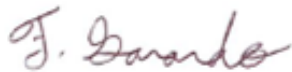
All costs associated with the application are the responsibility of the applicant.

**6. CONSULTATIONS:**

No further consultations are required on this application. All statutory notice requirements and consultations were met through the planning process.

**7. CONCLUSION:**

Administration recommends that Zoning By-law 2021-043 be approved by Council, given three readings and finally passed and the Mayor and Clerk be authorized to sign same.



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Frank Garardo  
**Manager of Planning Services**

**JM**

## Report Approval Details

Document Title:	Zoning By-law Amendment 849 Front Rd S- Temporary Use.docx
Attachments:	- 2021 08 09- Zoning By-law Amendment for 849 Front Rd S Temp Use- ATTACHMENTS.pdf
Final Approval Date:	Aug 3, 2021

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



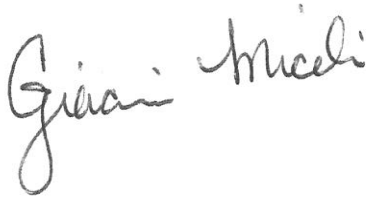
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**Task assigned to Paula Parker was completed by Tammy Fowkes**



Tammy Fowkes