

AMHERSTBURG COMMITTEE OF ADJUSTMENT

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

Also Present: Frank Garardo, Manager of Planning Services and Kevin Fox, Policy and Committee Coordinator

1. Call to Order

The Chair, David Cozens, called the meeting to order at 7:35 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 with item 7.3, application A/34/21, being moved to the end of the meeting after item 7.6.

Moved by: Anthony Campigotto

Seconded by: Terris Buchanan

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

6. Adoption of Minutes

The Chair requested comments on the adoption of minutes. There were none.

A motion was put forward to adopt the minutes of July 27, 2021 as presented.

Moved by: Anthony Campigotto
Seconded by: Terris Buchanan

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

7. Order of Business

7.1 Applications A/32/21 & A/33/21 – Brendan Renaud – 125 Brunner Avenue (Roll No. 3729-340-000-11700)

Public in Attendance: Brendan Renaud, Applicant

Purpose of Application A/32/21: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 5(3)(a) which requires a minimum lot area of 540 sq m in a Residential First Density (R1) Zone for lots created in the zone. Subsequent to a severance the severed parcel will have a lot area of 463.8 sq m (4992 sq ft). Therefore, the amount of relief requested is 76.2 sq m (820.2 sq ft).

Purpose of Application A/33/21: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 5(3)(a) which requires a minimum lot area of 540 sq m in a Residential First Density (R1) Zone for lots created in the zone. Subsequent to a severance the retained parcel will have a lot area of 475.37 sq m (5116.8 sq ft). Therefore, the amount of relief requested is 64.63 sq m (695.67 sq ft).

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

- i) Letter dated August 20, 2021 from the Essex Region Conservation Authority.
- ii) Email dated August 19, 2021 from the Fire Department.
- iii) Email dated August 26, 2021 from the Building Division.
- iv) Email dated August 17, 2021 from the Infrastructure Services Department.
- v) Planning Report dated August 23, 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. Brendan Renaud presented the concept of the application. It was confirmed that there will be on site parking on each of the severed and retained lots. The applicant acknowledged that the Committee would not be favourable to additional variance requests.

The following resolutions were put forth:

That application A/32/21 be approved.

Moved by: Terris Buchanan
Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	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.

That application A/33/21 be approved.

Moved by: Terris Buchanan

Seconded by: Josh Mailloux

-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.

7.2 Application B/48/21 – David & Sandra Kryway, c/o Gordon Beaudoin, Agent – 6634 Concession 6 N (Roll No. 3729-440-000-03800)

Public in Attendance: Gordon Beaudoin, Agent on the application

Purpose of Application B/46/21: The applicant is proposing to sever a parcel of land with 45.72 m (150 ft) ± width by 28.96 m (95 ft) ± depth and an area of 1323.87 sq m (14,250 sq ft) ± for the purpose of a lot addition to merge with 6628 Concession 6 N. The proposed retained parcel being 7.62 m (25 ft) ± frontage by an irregular depth has an area of 18.27 hectares (45.153 acres) ±, and is designated Agricultural in the Town's Official Plan and Zoning By-law.

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

- i) Letter dated August 26, 2021 from the Essex Region Conservation Authority.
- ii) Email dated August 24, 2021 from the Infrastructure Services Department.
- iii) Email dated August 21, 2021 from the Building division.
- iv) Planning Report dated August 24, 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. Gordon Beaudoin presented the concept of the application. Mr. Beaudoin confirmed the current use of the land is pasture land which is fenced in. 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/48/21 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.
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 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: Don Shaw
Seconded by: Josh Mailloux

-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 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 proposed lot provides for infill development that meets the provisions of the Zoning By-law 1999-52, as amended.

7.4 Application A/30/21 – Sean & Larra Peer – 149 Texas Road (3729-420-000-04700)

Public in Attendance: Larra Peer, Applicant

Purpose of Application A/30/21: The applicant is proposing the construction of a 640 sq ft single storey secondary dwelling unit in an accessory structure located 56.1 m (184 ft) from the main dwelling.

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(3.3)(f) which requires a secondary dwelling unit must be located within 20 meters of the primary dwelling. Therefore, the amount of relief requested is 36.1 m (118.4 ft).

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 August 20, 2021 from the Essex Region Conservation Authority.
- ii) Email dated August 19, 2021 from the Fire department.
- iii) Email dated August 17, 2021 from the Infrastructure Services department.
- iv) Email dated August 26, 2021 from the Building division.
- v) Planning Report dated August 25, 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. Larra Peer presented the concept of the application. Discussion ensued regarding the reasons for the location of the proposed secondary dwelling unit. Mrs. Peer explained that due to the location of a hydro pole, location of existing mature fruit trees and future needs of the amenity space in the rear yard the location of the proposed secondary dwelling unit in the southeast corner of the property is ideal.

The following resolution was put forth:

That application A/30/21 be denied.

Moved by: Anthony Campigotto

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, determined that the variance request was not minor in nature and is not in keeping with the intent of the Official Plan and Zoning By-law.

7.5 Applications B/50/21 & A/31/21 – Olivia Solan, c/o WSP Canada Inc., Angela Zhao, Agent – 501 Front Rd N (Roll No. 3729-420-000-20200)

Public in Attendance: Angela Zhao, Agent on the application, David DeLuca, son of previous owner of the subject lands, Betty Federico, 12 Texas Road

Purpose of Application B/50/21: The applicant is proposing to sever a parcel of land being 18.2 m (59.7 ft) frontage by an irregular depth with an area of 867.47 sq m (9337.4 sq ft) for purposes of creating a new residential building lot. The remaining parcel being 30.48 m (100 ft) frontage by an irregular depth with an area of 1778.41 sq m (19,142.6 sq ft) contains a single detached dwelling and an accessory structure. The subject property is zoned Residential Type 1A (R1A) in the Town's Zoning By-Law and designated Low Density Residential in the Town's Official Plan. The R1A Zone permits only single detached dwellings and accessory uses.

Purpose of Application A/31/21: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 6(3)(a) which requires a minimum lot area of 900 sq m in a Residential Type 1A (R1A) Zone. Subsequent to a severance the severed parcel will have a lot area of 867.47 sq m (9337.4 sq ft).

The applicant is also requesting relief from Zoning By-law 1999-52, as amended, Section 6(3)(b) which requires a minimum lot frontage of 20 m in a Residential Type 1A (R1A) Zone. Subsequent to a severance the severed parcel will have a lot frontage of 18.2 m (59.7 ft). Therefore, the amount of relief granted is 32.53 sq m (350.2 sq ft) and 1.8 m (5.9 ft) respectively.

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

- i) Letter dated August 20, 2021 from the Essex Region Conservation Authority.
- ii) Letter dated August 24, 2021 from the County of Essex.
- iii) Email dated August 19, 2021 from the Fire department.
- iv) Email dated August 17, 2021 from the Infrastructure Services department.
- v) Email dated August 26, 2021 from the Building division.
- vi) Planning Report dated August 24, 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. Dave DeLuca, son of previous owner, and Betty Federico, 12 Texas Road. The Planner, Frank Garardo read the purpose of the application. Angela Zhao, agent on the application, presented the concept of the application. Originally, the property at 501 Front Rd N was comprised of three (3) separate PINs. An error was made on the conveyance of the existing house. Currently there is an insurance dispute, both parties have agreed to the proposed severance to correct this error and restore the lands and PINs to the previous configuration which was created in the 1970s.

Discussion ensued regarding adjusting proposed lot lines to create a lot frontage which would comply with the Zoning By-law. The agent and Mr. DeLuca explained there is an

existing patio one foot from the proposed property line, increasing the frontage and putting the priority line at an angle would intersect the existing patio. Also renegotiating would be required between parties before they can agree to the change.

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/50/21 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 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 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.
5. That the applicant shall install separate water services, sanitary sewer services and utility services, for the proposed new lot in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds, if necessary and at the expense of the applicant.
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 the applicant be required to undertake lot grading plans for the severed and retained lots to the satisfaction of the Building Department.
8. 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.
9. That the applicant obtain a demolition permit, temporary use zoning by-law amendment or minor variance to address the existing accessory structure on the severed parcel.
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: 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 request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The proposed lot provides for infill development that meets the provisions of the Zoning By-law 1999-52, as amended.

That application A/29/21 be approved.

Moved by: Terris Buchanan

Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	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.

7.6 Application B/51/21 – Catherine Liburdi, c/o Raffaele Meo, Agent – 8917 Concession 8 (Roll No. 3729-470-000-04750)

Public in Attendance: Raffaele Meo, Agent on the application, Bonnie and Jerry Rempel, 8920 Concession 8

Purpose of Application B/51/21: The applicant is proposing to sever a parcel of land being 58.5 m (192 ft) ± frontage by 99 m (325 ft) ± depth with an area of 0.58 ha (1.43 acres) ± which includes a single detached dwelling and one accessory structure which are surplus to the needs of the farming operation. The remaining parcel being 243.8 m (800 ft) ± frontage by an irregular depth with an area of 20 hectares (49.54 acres) ± is vacant agricultural land. The subject property is designated and zoned Agricultural in the Town's Official Plan and Zoning By-law.

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

- i) Letter dated August 20, 2021 from the Essex Region Conservation Authority.
- ii) Email dated August 19, 2021 from the Fire department.
- iii) Email dated August 17, 2021 from the Infrastructure Services department.
- iv) Email dated August 26, 2021 from the Building division.
- v) Email dated August 25, 2021 from Brian White.
- vi) Email dated August 27, 2021 from Lisa and Tom Prieur.
- vii) Email dated August 27, 2021 from Bonnie and Jerry Rempel.
- viii) Email dated August 30, 2021 from Brian Chillman on behalf of Frank and Nancy Lafferty.
- ix) Planning Report dated August 24, 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. Bonnie and Jerry Rempel of 8920 Concession 8 were present. The Planner, Frank Garardo read the purpose of the application. Raffaele Meo, Agent on the application, presented the concept of the application. Discussion ensued regarding the Provincial Policy Statement, County Official Plan and Town Official Plan requirements for surplus dwelling severances.

Bonnie and Jerry Rempel, 8920 Concession 8, expressed concern that the land will proceed with residential development. Frank Garardo confirmed that the lands are designated as prime agricultural lands and are outside of the settlement boundary. Residential development is currently not permitted on these lands.

Discussion ensued regarding the current ownership of the subject parcel, the status of the farming operation and the age of the dwelling.

The following resolution was put forth:

That application B/51/21 be denied.

Moved by: Don Shaw

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 request is not in conformity with Section 3.2.2(14) of Amherstburg's Official Plan, in regards to the date of construction of the house and the Committee also did not determine the application met the merits of a farm consolidation.

7.3 Application A/34/21 – Eleanor Renaud – 27 Sandwich Street South (Roll No. 3729-260-000-00400)

Public in Attendance: Eleanor Renaud, Applicant and Lynn Sinasac, 13 Sandwich St S, 95 Alma St and property to the rear of 27 Sandwich St S

Purpose of Application A/34/21: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(b) which permits a maximum lot coverage of 10 percent of the lot area to a maximum of 100 sq m (1076 sq ft) in a Residential Zone. The subject property is zoned Residential Office (RO) in the Town's Zoning By-Law and designated General Commercial in the Town's Official Plan.

The applicant is proposing the construction of a 25 ft x 25 ft, 625 sq ft addition to an existing 891 sq ft accessory structure totaling an accessory structure footprint of 140.84 sq m (1516 sq ft). The proposed addition will be used as storage space for personal items.

Therefore, the amount of relief requested is 40.84 sq m (440 sq ft) in accessory structure lot coverage.

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

- i) Letter dated August 20, 2021 from the Essex Region Conservation Authority.
- ii) Email dated August 17, 2021 from the Infrastructure Services department.
- iii) Email dated August 19, 2021 from the Fire department.
- iv) Email dated August 26, 2021 from the Building division.
- v) Email dated August 17, 2021 from Zeljko Veselinovic.
- vi) Email dated August 17, 2021 from Anthony Leardi.
- vii) Planning Report dated August 23, 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. Lynn Sinasac, 13 Sandwich St S, 95 Alma St and property to the rear of 27 Sandwich St S. The Planner, Frank Garardo read the purpose of the application. Eleanor Renaud presented the concept of the application explaining she is retiring and closing her business, Rags to Riches. She has many personal items she will need to store. The existing garage is used for vehicle storage on the first storey and furniture storage on the second storey. The applicant confirmed a business will not be run out of the accessory structure. The applicant also confirmed the amount of relief requested is 25 sq ft to permit a 25 ft x 25 ft, 625 sq ft addition to the existing accessory structure.

The following resolution was put forth:

That application A/34/21 be approved with the change of relief requested to 40.84 sq m (440 sq ft).

Moved by: Terris Buchanan

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.

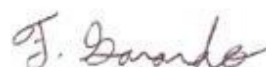
8. Next Meeting to be September 28, 2021.

9. Adjournment

The meeting was adjourned at 9:15 a.m.

Original Document Signed

Chairman- Dave Cozens



Secretary- Frank Garardo