

**AMHERSTBURG COMMITTEE OF ADJUSTMENT**

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

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

Absent: T. Buchanan (with notice)

**1. Call to Order**

The Chair, David Cozens, called the meeting to order at 7:31 a.m. and performed introductions of the Committee members and administration.

**2. Roll Call**

The Chair completed roll call for the electronic meeting, T. Buchanan was absent.

**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: Donald Shaw  
Seconded by: Anthony Campigotto

	Yes/Concur	No/Not Concur
Terris Buchanan	Absent	
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.

A motion was put forward to adopt the minutes of September 28, 2021 as presented.

Moved by: Anthony Campigotto  
Seconded by: Donald Shaw

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

**7. Order of Business**

**7.1 Application A/38/21 – David & Sandra Kryway, c/o Gordon Beaudoin, Agent – 6634 Concession 6 N (Roll No. 3729-400-000-03800)**

Public in Attendance: Gordon Beaudoin, Agent on the Application

Purpose of Application: 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 a severance of a 1323.87 sq m ± lot addition from an existing 18.4 hectares parcel the retained farm parcel will have an area of 18.27 hectares. Therefore, the amount of relief requested is 21.73 hectares.

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

- i) Letter dated October 19, 2021 from the Essex Region Conservation Authority stating:

*The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.*

*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 Agreement D&w, Smale Drain and Canard 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.*

*The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at [riskmanagement@erca.org](mailto:riskmanagement@erca.org) or 519-776-5209 ext 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.*

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

*The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.*

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

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

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

- ii) Email dated October 15, 2021 from the Infrastructure Services Department stating that there are no comments from IS on application A/38/21 (Kryway, 6634 Concession 5 N).
- iii) Email dated October 19, 2021 from Windsor Police Service stating that the Windsor Police Service has no concerns or objections with this application, as the outcome will not impact/compromise police service delivery
- iv) Planning Report dated October 20, 2021 from Frank Garardo, Manager of Planning Services.

Committee Discussion: The Chair introduced the application and asked if there were any members of the public present for this application. There were none. The Planner, Frank Garardo read the purpose of the application. The applicant presented the concept of the application.

The following resolution was put forth:

**That application A/38/21 be approved.**

Moved by: Donald Shaw  
Seconded by: Josh Mailloux

	Yes/Concur	No/Not Concur
Terris Buchanan	Absent	
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 Applications A/39-40/21 – Lisa Stiles – 3 Shangrila Avenue (Roll No. 3729-460-000-22600)**

Public in Attendance: Lisa Stiles, Applicant

Purpose of Application A/39/21: 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 for lots created in the zone. Subsequent to a severance the severed parcel will have a lot area of 600 sq m. Therefore, the amount of relief requested is 300 sq m.

Purpose of Application A/40/21: 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 for lots created in the zone. Subsequent to a severance the retained parcel will have a lot area of 666.9 sq m. Therefore, the amount of relief requested is 233.1 sq m.

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

- i) Letter dated October 19, 2021 from the Essex Region Conservation Authority stating:

*The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.*

*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.*

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

*The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.*

*Our information indicates that the subject parcel is likely to support fish habitat. As per Section 2.1.6 of the PPS, 2020 – “Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.” Inquiries regarding the applicability of fish habitat to the property should be made to the federal Fisheries and Oceans Canada website: [www.dfompo.gc.ca/pnw-ppe/index-eng.html](http://www.dfompo.gc.ca/pnw-ppe/index-eng.html).*

*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 Minor Variance.*

- ii) Email dated October 15, 2021 from the Infrastructure Services Department stating that IS has no comments on application A/39-40/21 – Lisa Stiles – 3 Shangrila Avenue
- iii) Email dated October 19, 2021 from Windsor Police Service stating that the Windsor Police Service has no concerns or objections with this application, as the outcome will not impact/compromise police service delivery
- iv) Planning Report dated October 20, 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. Lisa Stiles presented the concept of the application. Discussion ensued regarding the current structures on the property. The applicant explained that there is a house on the retained property and a shed on the severed property. Further discussion ensued regarding the size of the second house if built on the severed property. Based on the calculations of 30 percent lot coverage, the Planner explained that a house of 220 sq m could be built on the severed property. The shed on the severed property will be removed.

The following resolution was put forth:

**That application A/39/21 be approved.**

Moved by: Josh Mailloux  
Seconded by: Donald Shaw

	Yes/Concur	No/Not Concur
Terris Buchanan	Absent	
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.

The Chair said that the discussion for A/39/21 was applicable for A/40/21.

The following resolution was put forth:

**That application A/40/21 be approved.**

Moved by: Josh Mailloux  
Seconded by: Donald Shaw

	Yes/Concur	No/Not Concur
Terris Buchanan	Absent	
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.

**7.3 Application A/41/21 – Barbara Chevalier– 1750-1752 Erie Avenue – (Roll No. 3729-550-000-06900)**

Public in Attendance: Barbara Chevalier, Applicant, Paul Barber, owner of 1748 Erie Ave

Purpose of Application: Zoning By-law 1999-52, as amended, Section 3(23)(j)(iii) states there shall only be one entrance permitted for each single, residential lot in any residential zone, other than the R1A Zone where two driveways may be permitted based on a minimum of 30 metres of frontage on the street line. The applicant is seeking permission to have a second driveway to the subject property.

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

- i) Letter dated October 19, 2021 from the Essex Region Conservation Authority stating:

*The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.*

*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 Erie. 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 following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.*

*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.*

*Upon review of the application and available background information, we note that the low lying nature of the roadway may result in excess water over the road during a 1:100 year flood event. The Municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy*

*Statement (2020). Additionally, the applicant must obtain a Section 28 Permit from ERCA prior to undertaking any development on the site.*

- ii) Email dated October 15, 2021 from the Infrastructure Services Department had the following comments regarding consent application A/41/21 (Chevalier, 1750-1752 Erie Ave):

*The Town's driveway policy does not allow for a second driveway unless the home is in a R1A zone AND has a minimum 30m frontage. This property is slightly under this required width.*

*Due to the existing multiple residences and the fact that the current access to the rear home is via a neighbors property Infrastructure Services (IS) would not be against a second driveway on the property.*

*If the committee sees fit to grant the variance IS would request that a condition be included that the combined width of the two driveways does not exceed 9.0m, the maximum allowable in the policy under the Director's discretion.*

*A Right of Way permit is required if a variance is granted and a second driveway is installed.*

- iii) Email dated October 20, 2021 from the Fire Prevention and Inspection office that they have no concerns with the proposed second driveway concerning application A/41/21

- iv) Email dated October 19, 2021 from Windsor Police Service with the following comments:

*The Windsor Police Service has no concerns or objections with the application requesting a second driveway access to the property. Generally speaking, the addition of a second vehicular access to the abutting roadway is not a desirable outcome in terms of safety because it introduces additional vehicle accesses to/from the roadway than would normally be the case. In this particular situation however, a number of situational factors exist that mitigate any discernible safety impact; namely:*

- The abutting roadway is not a very busy one – it is a “single loaded” roadway (development on only one side for the most part), which results in relatively low vehicular volumes.*
- The roadway has a low maximum speed limit (50 km/hr), which is safer than if the roadway carried a higher allowable speed limit.*
- The existing development pattern is very low density residential, resulting in fewer turning points entering/exiting the roadway and therefore reducing overall risk for motor vehicle accidents.*
- There is sufficient daylight corner space provided to allow drivers using either of the two proposed driveways to maintain proper ongoing sight lines in order to make safe vehicular movements.*

- v) Planning Report dated October 20, 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 was one member of the public in attendance, Paul Barber, 1748 Erie Avenue. The Planner, Frank Garardo read the purpose of the application. The applicant, Barbara Chevalier explained the concept of the application. She explained that the access to the house at the rear of the subject property was over the neighbouring property at 1748 Erie Avenue. Written correspondence from Pat and Tom Baker, owners of 1756 Erie Avenue, was read aloud expressing support and no objections to the application. Paul Barber, 1748 Erie Avenue, property owner of an adjacent property was present and stated he supported the application.

Discussion ensued regarding the ownership of the lot and that both houses had a single owner. One of the houses was built in 1947 and the other in late 1960. The Committee discussed that the second home was approved as a secondary unit and as per legislation secondary units were encouraged as infill. Currently the property owner lives in the house at the rear of the property and the house at the front of the property is rented out. A second access will provide easy access and maneuvering to the house at the rear.

The Chair confirmed with the applicant that they are aware that a maximum width of both driveways cannot exceed 9 m and that the applicant will have to apply for a separate Right of Way permit with the Infrastructure Services department. The applicant confirmed knowledge and understanding of this and that all conditions are at the expense of the applicant.

The following resolution was put forth:

**That application A/41/21 be approved subject to the following conditions.**

- (i) That the second driveway on the subject property not to exceed 3 m in width.
- (ii) That the total size of both driveway openings not to exceed 9 m in width.

Moved by: Josh Mailloux  
Seconded by: Donald Shaw

	Yes/Concur	No/Not Concur
Terris Buchanan	Absent	
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**

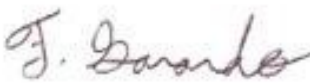
There will be two Committee of Adjustment meetings in the month of November, 2021. The first meeting is scheduled on November 9, 2021 at 8:00 a.m. and the second meeting of the Committee of Adjustment is November 26, 2021 at 7:30 a.m.

**9. Adjournment**

The meeting was adjourned at 8:03 a.m.

*Original Document Signed*

Chairman- Dave Cozens



Secretary- Frank Garardo