



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF 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.*

<b>Author's Name:</b> Sarah French	<b>Report Date:</b> December 16, 2022
<b>Author's Phone:</b> 519 736-5408 ext. 2145	<b>Date to Council:</b> January 9, 2023
<b>Author's E-mail:</b> sfrench@amherstburg.ca	<b>Resolution #:</b>

**To:** Mayor and Members of Town Council

**Subject:** Statutory Public Meeting to Consider a Zoning By-law Amendment, ZBA-25-22, for 7601 Middle Sideroad

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#### 1. **RECOMMENDATION:**

It is recommended that:

1. Comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands municipally known as 7601 Middle Sideroad (File ZBA-25-22), owned by Ronnie and Loredana Quaggiotto and represented by Tracey Pillon-Abbs (Pillon Abbs Inc.), **BE RECEIVED** and **SUMMARIZED** in a future report to Council.

#### 2. **BACKGROUND:**

The Town is in receipt of an application for a Zoning By-law Amendment to By-Law 1999-52 from Ronnie and Loredana Quaggiotto and their acting agent Tracey Pillon-Abbs. The subject lands are located on the south side of Middle Sideroad between Howard Avenue and Concession 8 and are municipally known as 7601 Middle Sideroad (refer to Figure 1 in attachments).

The purpose of the application is to establish a site-specific zone to add a retail store as a permitted use on the subject lands. As shown on Figure 2, the site is currently occupied with a single family dwelling, farm building structures and a 48 ft by 50 ft building, currently utilized as the Farmhouse Market. The proposed Zoning By-law Amendment would permit the continued use of the 48 ft by 50 ft building as a retail store, while allowing the property owners to continue agricultural uses on the land.

### **3. DISCUSSION:**

The subject lands are designated Agricultural in the Official Plan. The uses permitted in the Agricultural designation shall be limited to agricultural uses including the growing of crops, raising of livestock, agro-forestry, etc., secondary uses that are small scale and compatible with the agricultural uses, agriculture-related commercial and agriculture-related dry processing industrial uses.

The Zoning By-law zones the lands as Agricultural (A) Zone. Currently at this location the following uses are permitted in the Town's Comprehensive Zoning By-law:

- (i) an agricultural use, including a dwelling unit and including an intensive agricultural use subject to Subsection 26(3)(k) of this By-law;
- (ii) an existing dwelling;
- (iii) a single detached dwelling including a dwelling on an undersized lot in accordance with Subsection 26(3)(j);
- (iv) an existing mobile home;
- (v) a mobile home accessory to an agricultural use, subject to Subsection 26(3)(l);
- (vi) a rural home occupation; in accordance with Section 3(10);
- (vii) a retail farm sales outlet;
- (viii) a veterinary clinic;
- (ix) a wayside pit;
- (x) animal burial grounds, dog kennels and boarding kennels, in accordance with Subsection 26(3)(m) of this By-law;
- (xi) forestry uses excluding any establishments that either process forestry products or sell processed forestry products such as lumber yards;
- (xii) greenhouses subject to Subsection 26(3)(n);
- (xiii) greenhouse, commercial subject to Subsection 26(3)(n);
- (xiv) hunting, game and wildlife preserves;
- (xv) grass landing strips;
- (xvi) licenced cannabis production facility (2019-075)
- (xvii) nurseries or tree farms;
- (xviii) the exploration and extraction of oil and other similar materials;
- (xix) a bed and breakfast establishment;
- (xx) works of a Conservation Authority;
- (xxi) a public use;
- (xxii) uses accessory to the foregoing permitted uses;
- (xxiii) a winery, brewery or cidery in accordance with Subsection 26(3)(o). (Bylaw 2006-61, By-law 2017-07)

The existing retail store, the Farmhouse Market, does not meet any of the definitions of the permitted uses provided above. Additionally, the Farmhouse Market does not meet the zoning provisions for a rural home occupation. Therefore, the Zoning By-law Amendment is proposed to add 'retail store' as a permitted use on the subject lands.

The applicants' agent, Tracey Pillon-Abbs, has prepared a Planning Justification Report (PJR) justifying the proposed Zoning By-law Amendment. The PJR is provided in the attachments to this report.

The purpose of this initial public meeting is to provide an opportunity for the Applicant to present information and outline the purpose of the application to Council and to hear all

comments regarding the rezoning. As Council is aware, notice for the proposed re-zoning was circulated in accordance to the provisions of the Planning Act. As of the preparation of this report, a number of comments were received by the Town. A summary of the comments are attached to this report.

Following this public meeting, staff will review all of the comments submitted as part of this application and prepare a report for a subsequent Council meeting. The second staff report will summarize all of the comments received and make recommendation(s) regarding the proposed rezoning and any applicable conditions if required.

**4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.

**5. FINANCIAL MATTERS:**

This rezoning will have no impact on the municipal budget. All costs associated with the application are the responsibility of the applicant.

**6. CONSULTATIONS:**

Refer to attached summary of comments. The Notice of Public Meeting was published in the local newspaper and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

**7. CONCLUSION:**

Subject to and further comments or direction from Council, that the presentation and comments on the proposed re-zoning be received and referred to a future public meeting.



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Sarah French  
**Planner**

**SF**

**DEPARTMENTS/OTHERS CONSULTED:**

**Name: Office of Engineering and Public Works**  
**Phone #: 519 736-3664 ext. 2313**

**Name: Building Services**  
**Phone #: 519 736-5408 ext. 2136**

**Name: Fire Services**  
**Phone #: 519 736-6500**

**Name: Union Gas**

**Email: [ONTUGLandsINQ@uniongas.com](mailto:ONTUGLandsINQ@uniongas.com)**

**Name: Ontario Power Generation**

**Email: [Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com)**

**Name: Essex Region Conservation Authority**

**Phone #: 519 776-5209**

**Name: Windsor Essex Catholic District School Board**

**Phone #: 519 253-2481**

**Name: Essex County District School Board**

**Phone #: 519 255-3200**

## Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment, ZBA-25-22, for 7601 Middle Sideroad.docx
Attachments:	<ul style="list-style-type: none"><li>- ZBA-25-22- Notice of Statutory Public Meeting-7601 Middle Sdrd.pdf</li><li>- ZBA-25-22 Aerials.pdf</li><li>- ZBA-25-22 7601 Middle Sideroad Site Photos.pdf</li><li>- ZBA-25-22 PJR 7601 Middle Side Road Amherstburg FINAL.pdf</li><li>- ZBA-25-22 Farmhouse Market Site Plan.pdf</li><li>- ZBA-25-22 ZBA Application SIGNED_Redacted.pdf</li><li>- ZBA-25-22 Circulation List and Map.pdf</li><li>- ZBA-25-22 2023-006 ZBA- 7601 Middle Sdrd.pdf</li></ul>
Final Approval Date:	Dec 19, 2022

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

### No Signature found

Chris Aspila



Melissa Osborne



Tracy Prince



Valerie Critchley

A handwritten signature in black ink, appearing to read "Kevin Fox". The signature is stylized with a large, sweeping "K" and a long, horizontal stroke extending to the right.

Kevin Fox