



Summary of Correspondence Received on Proposed ZBA at 6101 County Road 20

Below is a summary of the comments received by the Planning Services Division on ZBA/22/22.

Essex Region Conservation Authority:

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 partially falls within the regulated area of the Alvin Bondy Drain and Langlois Drain South. 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*.

The Department of Fisheries and Oceans (DFO) drain classification system may also be applicable should future works be proposed in the vicinity of the existing watercourse, such as the installation of a culvert or drainage outlet. These types of proposals would need to be reviewed in accordance with the Fisheries Act and may need Federal Authorization with respect to potential fish habitat issues, depending on the proposal. We note that previous partnership agreements between the Department of Fisheries and Oceans (DFO) and Conservation Authorities have lapsed. DFO and Conservation Ontario are now working to develop a new Memorandum of Understanding for a partnership under the new Fisheries Protection Program. In the interim, projects will need to be self-assessed by the proponent through the DFO website available at www.dfo-mpo.gc.ca/new-ppe/index-eng.html. Through the self-assessment process, you will be able to determine in any proposed works require a formal authorization under the federal *Fisheries Act*.

It should be noted that any proposed future development on the parcel would be subject to setback restrictions from top of bank of the Alvin Bondy Drain and Langlois Drain South. The setback is determined from a site specific analysis.

The above mentioned drains are municipal drains that fall under the jurisdiction of the Town of Amherstburg. The municipal drain typically has an unregistered working space in which the municipality has the right to use to maintain or repair the drain. In addition, it is the owner's responsibility to obtain all necessary permits and/or clearances from the Town of Amherstburg for any works to the drains. All inquiries regarding *Drainage Act* approvals should be made with the Drainage Superintendent of the Town of Amherstburg.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 PPS, 2020 - Stormwater Management

The Authority may have concern with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development of this site. We recommend that the municipality ensure through the Site Plan Control process that the release rate for any future development is controlled to the capacity available in the existing storm sewers/drains. In addition, that stormwater quality and stormwater quantity are addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the Windsor-Essex Region Stormwater Management Standards Manual.

If this property is subject to Site Plan Control, we request to be included in the circulation of the Site Plan Control application. We reserve to comment further on storm water management concerns until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

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.

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.

FINAL RECOMMENDATION

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 alterations.

ERCA requests to be included in the circulation of the Site Plan Control application for future development on this property.

County of Essex:

Please be advised that the County has reviewed the aforementioned applications and the comments provided are engineering-related only. These applications have not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 20. The Applicant will be required to comply with the following County Road regulations:

This road was formerly King's Highway 18 until it was downgraded to the County of Essex. Therefore, setback and entrance requirements will be as per MTO corridor control procedures.

The minimum setback will be 85 feet from the centre of the right of way of County Road 20 for a residential structure and 105 feet for a commercial structure.

Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances and structures.

Further consultation will be required once a site plan has been circulated to the County of Essex.

We are requesting a copy of the Decision of the aforementioned application. Thank you for your assistance and cooperation in this matter.

Windsor Police:

Windsor Police has no concerns or objections with this proposal to change the site's zoning from "Institutional Zone" to a site specific commercial zone that will allow a student residence as an additional use. Any changes this may trigger that pertain to establishing and maintaining public safety and security, plus ensuring proper police incident response capability, can be addressed during the appropriate time that such changes become implemented on the property.

Infrastructure Services:

No comments on the application. It is the expectation that the future development of these properties will be subject to the Site Plan Control process and it will be at that time that Infrastructure Services will provide comments regarding site servicing, right-of-way issues, drainage, storm water management, etc.

Dan and Maryanne Beeson:

Good morning,

We have not complained as yet about the property at 6101 County Road 20 as we had hopes that the maintenance of the property would have improved over the year duration.

- The many garbage bins are out at the road all week
- The garbage has been left to fly around and litter in the ditch
- The weeds have not been maintained at all and are easily 3 to 4 feet tall in most areas
- The weeds are so high in the area where their signage is, that you can't even read the sign
- This is the first time that the ditch has not been maintained in over 20 years

We moved to the country for the quiet and we are concerned that if more people reside there, that the noise and higher volume of cars will impact the area. As well, we pay high taxes and therefore should not have to look at the mess.

We have lived here for over 20 years and take pride in our yard and maintain it on a regular basis.

Unfortunately, they have not shown the same pride in their yard. If more people are living there, it could get worse.

Therefore, we will have to oppose the rezoning.

Dan and Mary Anne Beeson

We are in opposition of the proposed by-law.

Lisa and Jeff McBride (Email received December 19, 2022):

We are Lisa and Jeff McBride (6760 County Road 50) and we are writing to you regarding the proposed rezoning of 6101 County Road 20, Seminary of Sacred Knowledge.

Unfortunately, only a very limited number of residents in the area were notified of the proposed rezoning and the special council meeting (December 5). Such a significant change to our local area, we feel, should have involved notification of a larger number of residents of the area. We have now had the opportunity to watch the recording of the meeting and feel we must voice our concerns to council and administration. We only hope we are not too late.

First, we are in agreement with our neighbours, the school is an unmaintained mess. We will not go on at length about this as the problem was extensively voiced by every neighbour who spoke and/or wrote.

Mr. Memen stated that garbage going into the ditch was better than going on the road. Garbage anywhere other than being properly disposed of is a hazard to our whole area. Many neighbours in Malden Centre have had issues with flooding in past years. Clogging the drainage ditches here is a big concern.

As stated by administration, this meeting was in regard to zoning and not maintenance. Mr. Memen stated this was always a boarding school. This is untrue. This was never a boarding school to our knowledge. As Jill McGraw stated, we think Mr. Thyrring's intent was to have boarding there someday but this didn't actually happen the way he had hoped.

It was stated that the boarding school would be for ages 16-17, they're not going to have cars, it would be for single kids and not couples, and that they would be in the building the whole time. Age 16-17 is the age when driver's licenses are permitted. To say they would not have cars is short sighted. As well, they state this will be 16-17 year old students but their own Facebook page advertises "High School, Gap year & Post-Secondary Students". This infers students of an older age than 16-17. They also state they will be in the building the whole time. It is unrealistic to believe that students, some obviously of legal age 18+, could be forced to stay inside.

They also state that they do not plan to build a separate dorm building but to just use the existing building and keep it the same way. Yet their own website appears to contradict this: <https://seminaryofsk.com/>. You will note photos of a building and they are asking for donations to "Build your house in Jannah" for \$430 000. A search of the building photos on their website shows them to be from the website <https://gensteel.com/steel-building-kits/offices/>. The exact building on their website is under Prefab Office Buildings. Whether this is a building for residence or for worship, it is a concern for a couple of reasons. First, a building of that size can house a lot of people. I am in opposition of any potentially higher density housing in the area. Even if the building is erected under the guise of a place of worship, this could easily be changed to housing. If we understand correctly, they can now build/add on to the property up to 120 000 square feet. If permission for boarding is granted, there could be any number of occupants based on the size of the build. This is a single-family, residential area. Most neighbours either grew up here or moved here with the intent of living in a quiet, peaceful area.

As well, with another large building and change to the topography, there is concern regarding drainage. This was a concern we also raised when Ure's was planning their mini golf course. Unfortunately, some neighbours did have flooding due to the golf course and we believe still do have issues with water flows on their property from it.

The Seminary states they currently have four applicants interested but that not too many people take this crash course and threw out numbers of four, eight, and ten but that the

rooms could accommodate up to 20-25 people. It is obvious that if they have more applicants they would accept them and he even stated that they would take as many as the fire marshall would allow. This makes me question whether they would convert the entire existing school into dorms and build a mosque in the back for prayers (the House in Jannah as noted above). Again, this would be high-density housing inside the school.

There were questions around how the school would be run. Would this be year-round or September through June? Would there be summer classes? Mr. Memen stated "We don't want to have classes the whole summer" yet their Facebook page advertised a summer retreat this past July/August <https://www.facebook.com/seminaryofsk/>. That same Facebook page also advertises "Also, accepting enrollment in the 1-Year Foundations Program and 3-Year Advanced Studies Program for excelling in Islamic sciences". We feel that they were disingenuous with their plans at this council meeting.

Jill McGraw raised her concerns about traffic all night long and cars parking in the back. Mr. Memen stated, "The area where we park in the back, at the side of the building, that is a parking. So I don't think anyone should have an issue regardless of the time, day or night, when people are parking in their own parking lot. There should be no issue with that." He insists this is a parking lot but it is *not* a parking lot. This was blacktop that was part of the school playground where kids played hopscotch, Four Square, skip rope, and basketball. It was never a parking lot. This is obviously very disturbing for the neighbours while trying to sleep having cars driving in and out at all hours. It is unfortunate that the Seminary has such a cavalier attitude about the disruption of their neighbours. It makes us wonder what more is to come.

Bea Patterson mentioned activity going on throughout the night on the site. There was mention of this being due to construction. How can construction be allowed at night? Are there not laws in place regarding this?

Don, you questioned who governs how many students are permitted and who is responsible. Mr. Prue noted it is the fire chief and Mr. Memen also stated that it is the fire department and that he knows this because they have a similar institution in Chatham. A Google search shows Academy of Sacred Knowledge with these photos of the cars parked everywhere. This appears to be their Chatham location and the amount of cars shown here causes great concern. This is more than the small amount of parking available at the Malden Centre location can handle. As one neighbour mentioned, the overflow would likely end up in the adjacent subdivision, if not on the shoulder of the highway.

This appears to be the website to their Chatham location: <https://ducanaad-din.site/>. It shows quite a lot of educational offerings - primary grades, secondary grades, as well as religious studies. Is it their plan to replicate this here in Malden Centre? As you questioned Don, they could build a separate structure to house 20, 50 students once the permits are in place and administration stated they have approximately 120 000 square feet that could be built on which could include additional boarding capacity. Once permits are granted, there is no going back. Once boarding is permitted, it seems they will

not have to come back to council for any further permissions as long as they are in compliance with the building code and the town will lose some control of how many can be housed on the property which will be a disruption not only to the immediately-adjacent residents but also to the entire neighbourhood.

To be clear, we are opposed to boarding on the site and we have concerns regarding drainage should there be building on the site.