



**TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING
AGENDA**

Monday, April 24, 2017

3:30 PM

Council Chambers

271 Sandwich Street South, Amherstburg, ON, N9V 2A5

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact Tammy Fowkes, Deputy Clerk at tfowkes@amherstburg.ca

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

Pages

- 1. CALL TO ORDER**
- 2. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**

3. SPECIAL PLANNING REPORTS

3.1 Zoning By-law Amendment for 1435 Front Rd North

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It is recommended that:

1. The report from the Manager of Planning Services dated March 31, 2017, regarding the Zoning By-law Amendment for 1435 Front Road North **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2017-23 **BE CONSIDERED** at a future regular Council meeting.

4. ADJOURNMENT

That Council rise and adjourn at p.m.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE 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: Rebecca Belanger	Report Date: March 31, 2017
Author's Phone: 519 736-5408 ext. 2124	Date to Council: April 24, 2017
Author's E-mail: rbelanger@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Zoning By-law Amendment for 1435 Front Rd N

1. **RECOMMENDATION:**

It is recommended that:

1. The report from the Manager of Planning Services dated March 31, 2017, regarding the Zoning By-law Amendment for 1435 Front Rd N **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2017-23 **BE CONSIDERED** at a future regular Council meeting.

2. **BACKGROUND:**

The Town is in receipt of an application for a Zoning By-law Amendment to By-law 1999-52, as amended under Section 34 of the Planning Act, R.S.O. 1990 c.P. 13 from Cynthia Thrasher, on behalf of Jaboor Yaghi. The 0.824 acre parcel of land is situated on the east side of Front Road N, municipally known as 1435 Front Rd N. The subject lands affected by the proposed amendment are described as Part of Lot 27, Concession 1.

The lands described above will be subject to an application for consent and the proposed amendment to the Zoning By-law will allow for the creation of a new residential lot. The parcel is zoned Agricultural (A) in the Town of Amherstburg Zoning by-law 1999-52, as amended, and designated Low Density Residential in the Town's Official Plan.

3. DISCUSSION:

The Official Plan for the Town of Amherstburg designates the lands subject of the application as “Low Density Residential”. The rezoning conforms with the applicable Official Plan policies. The proposed lot subject of the concurrent severance will be of a similar size to neighbouring lots and capable of receiving municipal services and a private on-site septic system.

The lands are currently zoned Agricultural (A) Zone and the applicant was notified that the rezoning to Residential Type 1A (R1A) would form one of the conditions of severance. The proposed lot frontage and area will conform to the Zoning regulations of the R1A Zone.

A copy of the proposed By-law Amendment is attached to this report.

In assessing the merits of the applicant’s requested Zoning By-law Amendment, the following comments are offered for Council’s consideration:

- 1) The proposed residential lot subject to the rezoning adds to the available residential land supply which is presently limited within the Town.
- 2) The necessary services already exist along County Road 20 North, to allow a home to be built on this site with the exception of sanitary sewers. A water service connection to the actual lot also forms one of the conditions of the Consent.
- 3) A new lot grading plan will need to be prepared by the Applicant and approved by the Town Engineer, to ensure that there is proper on-site storm drainage for the single detached residential lot. This lot grading plan will be prepared at the applicant’s expense, and will include existing and proposed grades for the new single detached dwelling to be built on the site.

4. RISK ANALYSIS:

The public meeting is the initial step in the planning process to hear public and agency comments regarding the proposed additional use of the lands to determine if any concerns are raised.

5. FINANCIAL MATTERS:

The cost associated with the applications and planning processes are the responsibility of the developer.

6. CONSULTATIONS:

The proposed Zoning By-law Amendment was published 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.

The Essex Region Conservation Authority (ERCA) provided correspondence which stated that the site is subject to the Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). The subject parcel falls within the regulated area of the Detroit River. 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 the regulations. There are no concerns relating to stormwater management and no objections with respect to natural heritage policies.

7. CONCLUSION:

It is recommended that comments received at this public meeting be summarized into a report and brought back for Council's information and consideration at an upcoming Council meeting.



Rebecca Belanger
Manager of Planning Services

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DEPARTMENTS/OTHERS CONSULTED:

Name: Office of Engineering and Public Works

Phone #: 519 736-3662 ext. 313

Name: Building Services

Phone #: 519 736-5408 ext. 2136

Name: Fire Services

Phone #: 519 736-6500

Name: Union Gas

Phone #: ONTUGLandsINQ@uniongas.com

Name: Ontario Power Generation

Phone #: Executivevp.lawanddevelopment@opg.com

Name: Essex Region Conservation Authority

Phone #: 519 776-5209

Name: Windsor Essex Catholic District School Board

Phone #: 519 253-2481

Report Approval Details

Document Title:	Statutory Public Meeting to Consider a ZBA for 1435 Front Rd N.docx
Attachments:	- Statutory Public Meeting to Consider a ZBA for 1435 Front Rd N - ATTACHMENTS.pdf
Final Approval Date:	Apr 18, 2017

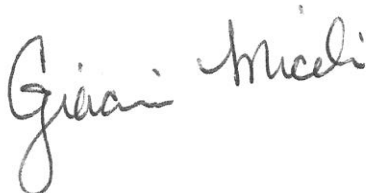
This report and all of its attachments were approved and signed as outlined below:



Mark Galvin - Apr 13, 2017 - 9:56 AM



Justin Rousseau - Apr 13, 2017 - 10:32 AM



John Miceli - Apr 13, 2017 - 1:03 PM



Paula Parker - Apr 18, 2017 - 6:14 PM



Town of Amherstburg
ZBA-3-17 - 1435 Front Rd N



1484

COUNTY RD 20

1459

1453

1435

1423

1405

1399

CORPORATION OF THE TOWN OF AMHERSTBURG
NOTICE OF PUBLIC MEETING
TO CONSIDER A ZONING BY-LAW AMENDMENT

TAKE NOTICE that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Monday, April 24, 2017 commencing at 3:30 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario, to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52 under Section 34 of the Planning Act, RSO 1990 cP.13.

THE SUBJECT LANDS affected by the proposed amendment are described as Part of Lot 27, Concession 1, municipally known as 1435 Front Rd N. The property has 235 ft frontage and 175 ft irregular depth with a total area of 0.824 acres. (see key map below)

THE PURPOSE OF THE AMENDMENT TO ZONING BY-LAW No. 1999-52 is to change the zoning of the subject lands noted above from the **“Agricultural (A) Zone”** to **“Residential Type 1A (R1A) Zone”**. The lands described above will be subject to an application for consent for the creation of a new residential lot.

THE EFFECT OF THE ZONING BY-LAW AMENDMENT will be to allow for residential uses on the subject property. The proposed Amendment to the Zoning By-law is in conformity with the policies in the Official Plan. The lands are designated Low Density Residential in the Town’s Official Plan.

ANY PERSON may attend the public meeting and/or make written or verbal representation in support of or in opposition to the proposed Zoning By-law Amendment.

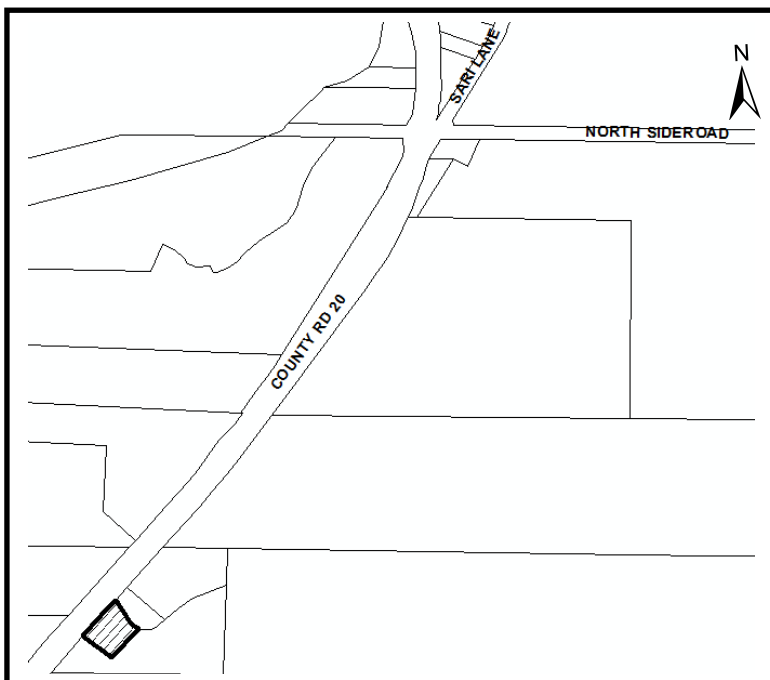
IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body is not entitled to appeal the decision of the Town of Amherstburg to the Ontario Municipal Board.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting, or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there is reasonable grounds to do so.

ADDITIONAL INFORMATION relating to the proposed Zoning By-law Amendment (File No. ZBA/3/17) is available for inspection at the Town of Amherstburg Planning Offices at the Libro Centre, 3295 Meloche Road, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website www.amherstburg.ca. If you wish to be notified of the passage of the proposed by-law you must make a written request to the Town at the address below.

DATED at the Town of Amherstburg this 30th day of March, 2017.

KEY MAP



Rebecca Belanger, MCIP, RPP
Manager of Planning Services
Town of Amherstburg
Libro Centre
3295 Meloche Road
Amherstburg, Ontario N9V 2Y8
Telephone: (519) 736-5408
Fax No. (519) 736-9859
Website: www.amherstburg.ca

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2017-23**

**By-law to amend Zoning By-law No. 1999-52
1435 Front Rd N, Amherstburg**

WHEREAS By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

AND WHEREAS this By-law conforms to the Official Plan for the Town of Amherstburg;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 10 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from A to R1A" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Residential Type 1A (R1A) Zone".
2. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 and 36 of the Planning Act, R.S.O. 1990, c.P. 13.

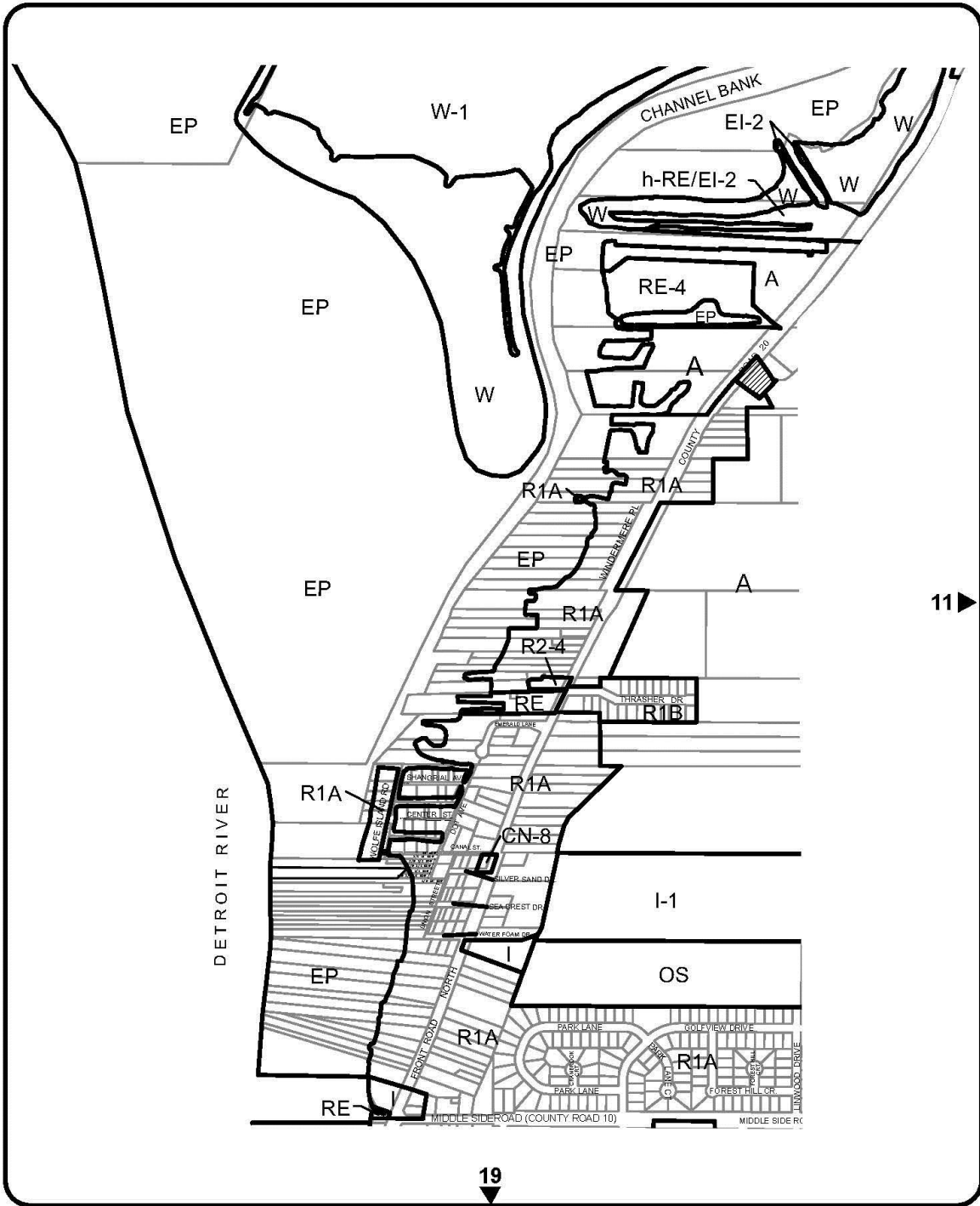
Read a first, second and third time and finally passed this ____ day of ____, 2017.

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2017-23
 A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 10
 ZONING BY-LAW NO. 1999-52

A to R1A 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER

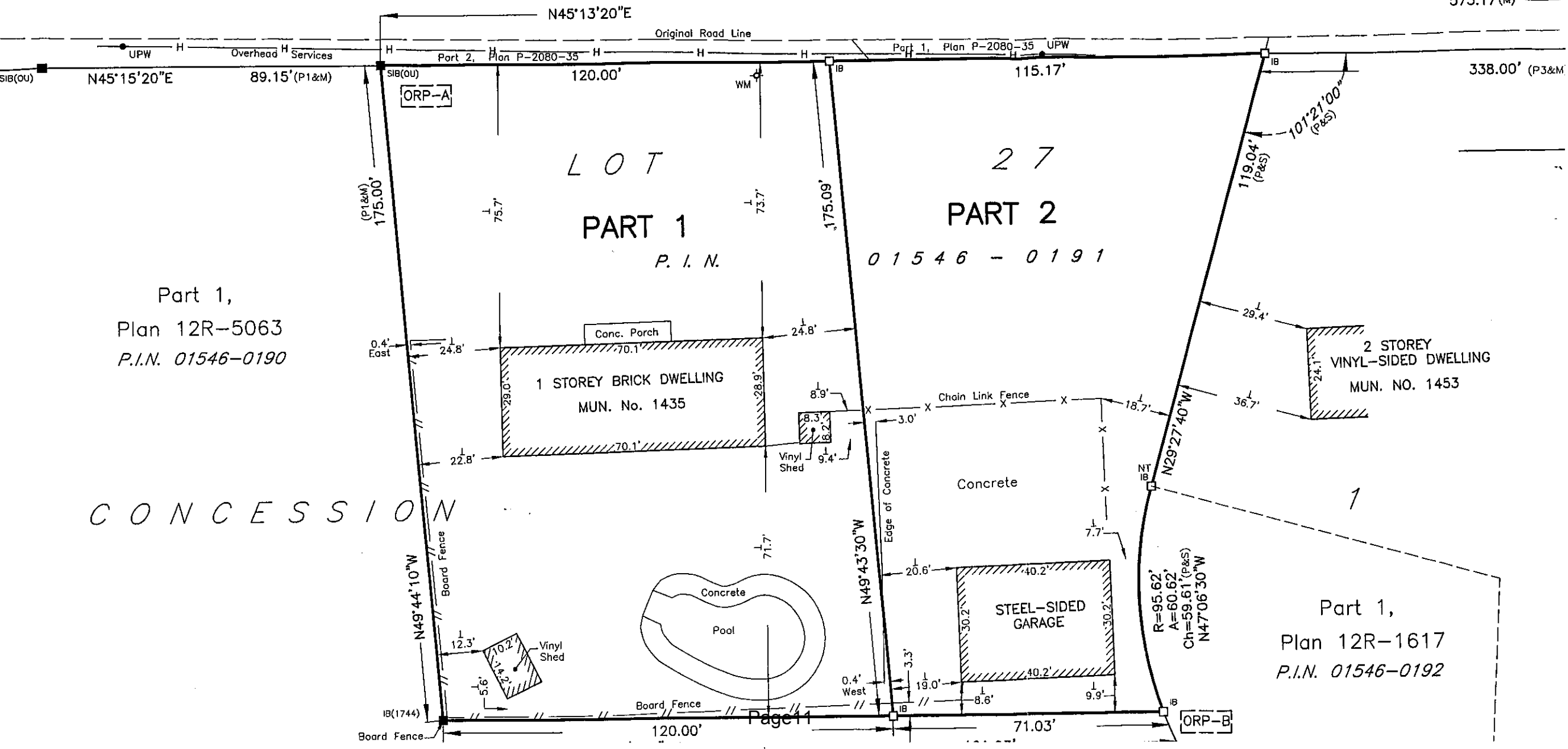
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

P. I. N. 01546-0433

THE KING'S HIGHWAY No. 18 (FRONT ROAD)

(WIDENED BY M.T.O. PLAN P-2080-35, INST. No. R338604)

573.17'(M)



Part 1,
Plan 12R-5063
P.I.N. 01546-0190

CONCESSION

Part 1,
Plan 12R-1617
P.I.N. 01546-0192



regs@erca.org
P.519.776.5209
F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

April 10, 2017

Ms. Rebecca Belanger, Manager of Planning Services
Town of Amherstburg
271 Sandwich St. S.
Amherstburg ON N9A 4L2

Dear Ms. Belanger:

RE: Zoning By-Law Amendment ZBA-3-17 1435 FRONT RD N
ARN 372946000010700; PIN: 015460191
Applicant: Jabbour Yaghi

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment ZBA-3-17. We understand that the owner is requesting that the zoning be amended from an "agricultural zone" to a "Residential Type 1A (R1A) Zone". This lot will then be subject to an application for consent for the creation of a new residential lot.

NATURAL HAZARD POLICIES OF THE PPS, 2014

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). The subject parcel falls within the regulated area of the Detroit River. 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 the regulations.

WATER RESOURCES MANAGEMENT

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

NATURAL HERITAGE POLICIES OF THE PPS 2014

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to this Zoning By-law Amendment.

Ms. Belanger
April 10, 2017

If you have any questions or require any additional information, please contact the Watershed Planner, Michael Nelson by phone at (519) 776-5209 ext. 347 or by e-mail at mnelson@erca.org.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Mike Nelson".

Michael Nelson, *Watershed Planner*
/cor

