



**TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING- PLANNING
AGENDA
Electronic Meeting**

Monday, January 11, 2021

5:30 PM

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 4431 County Road 20	3
It is recommended that:	
1. Comments from the public with respect to Zoning By-law Amendment for lands at 4431 County Road 20 (File ZBA-01-21), owned by George and Ruth VandenBrink, BE RECEIVED and SUMMARIZED in a future report to Council.	

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: Frank Garardo	Report Date: December 17, 2020
Author's Phone: 519 736-5408 ext. 2124	Date to Council: January 11, 2021
Author's E-mail: fgarardo@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Zoning By-law Amendment for 4431 County Road 20

1. RECOMMENDATION:

It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment for lands at 4431 County Road 20 (File ZBA-01-21), owned by George and Ruth VandenBrink, **BE RECEIVED and SUMMARIZED** in a future report to Council.

2. BACKGROUND:

The lands are the subject of a decision of the Committee of Adjustment for Application B-19-20, which approved a surplus dwelling severance with associated conditions. The rezoning of the subject property to A-36 is a condition of the consent decision. Condition (5) of the decision states:

5. That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property.

3. DISCUSSION:

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 George & Ruth VandenBrink. The subject lands affected by the proposed amendment are described as Part of Lot 36, Concession 4, municipally known as part of 4431 County Road 20; the residence which was the subject of the severance is located at 4431 County Road 20, is not subject to this rezoning. At conclusion of the severance,

the remaining farm parcel subject of the Zoning By-law Amendment will have a total area of 39.08 hectares (96.58 acres) ±.

The proposed amendment to the Zoning By-law would change the zoning for the subject lands noted above from the “Agricultural (A) Zone” to “Special Provision Agricultural (A-36) Zone”. The land is designated Agricultural in the Town’s Official Plan. The parcel was the subject of an application for consent (File B/19/20) to sever a dwelling which is surplus to the needs of the farming operation. The rezoning of the subject property to A-36 is a condition of the consent decision.

The effect of the Zoning By-law Amendment will be to allow for general agricultural uses on the subject property and prohibit any new dwelling units on the land.

The application is consistent with the Provincial Policy Statement (2020), specifically Section 2.3.4.1(c) which provides for lot creation for a residence surplus to a farming operation as a result of farm consolidation provided that new residential dwellings are prohibited on any vacant remnant parcel created by the severance. The application is also in conformity with the Town’s Official Plan, specifically Section 3.2.2(14), which provides for surplus dwelling severances subject to the remnant parcel being rezoned to prohibit a dwelling unit. The proposed lot size as well as the intended land use for the subject parcel complies with the zone requirements for the Special Provision Agricultural Zone.

Should Council not approve the proposed application for Zoning By-law Amendment, the consent which has been approved by the Committee of Adjustment cannot be finalized. The home which is surplus to the needs of the farming operation could then not be severed and transferred.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

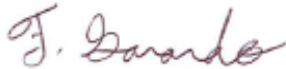
All costs associated with the application are the responsibility of the applicant.

6. CONSULTATIONS:

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:

It is recommended that the Zoning By-law Amendment be directed for approval at a future regular Council Meeting, pending comments received at this public meeting.



Frank Garardo
Manager of Planning Services

JM

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

Name: Ontario Power Generation

Email: Executivevp.lawanddevelopment@opg.com

Name: Essex Region Conservation Authority

Phone #: 519 776-5209

Name: Windsor Essex Catholic District School Board

Phone #: 519 253-2481

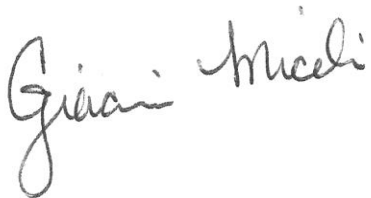
Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment for 4431 County Rd 20.docx
Attachments:	- Report to Council- January 11- Statutory Public Mtg- ZBA 4431 Cty Rd 20- ATTACHMENTS.pdf
Final Approval Date:	Jan 4, 2021

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



Cheryl Horrobin



John Miceli



Paula Parker

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2021-004**

**By-law to amend Zoning By-law No. 1999-52
N/S County Road 20 (Conc 4, Pt Lot 36), 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 58 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 A-36" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) 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 of the Planning Act, R.S.O. 1990, c.P. 13.

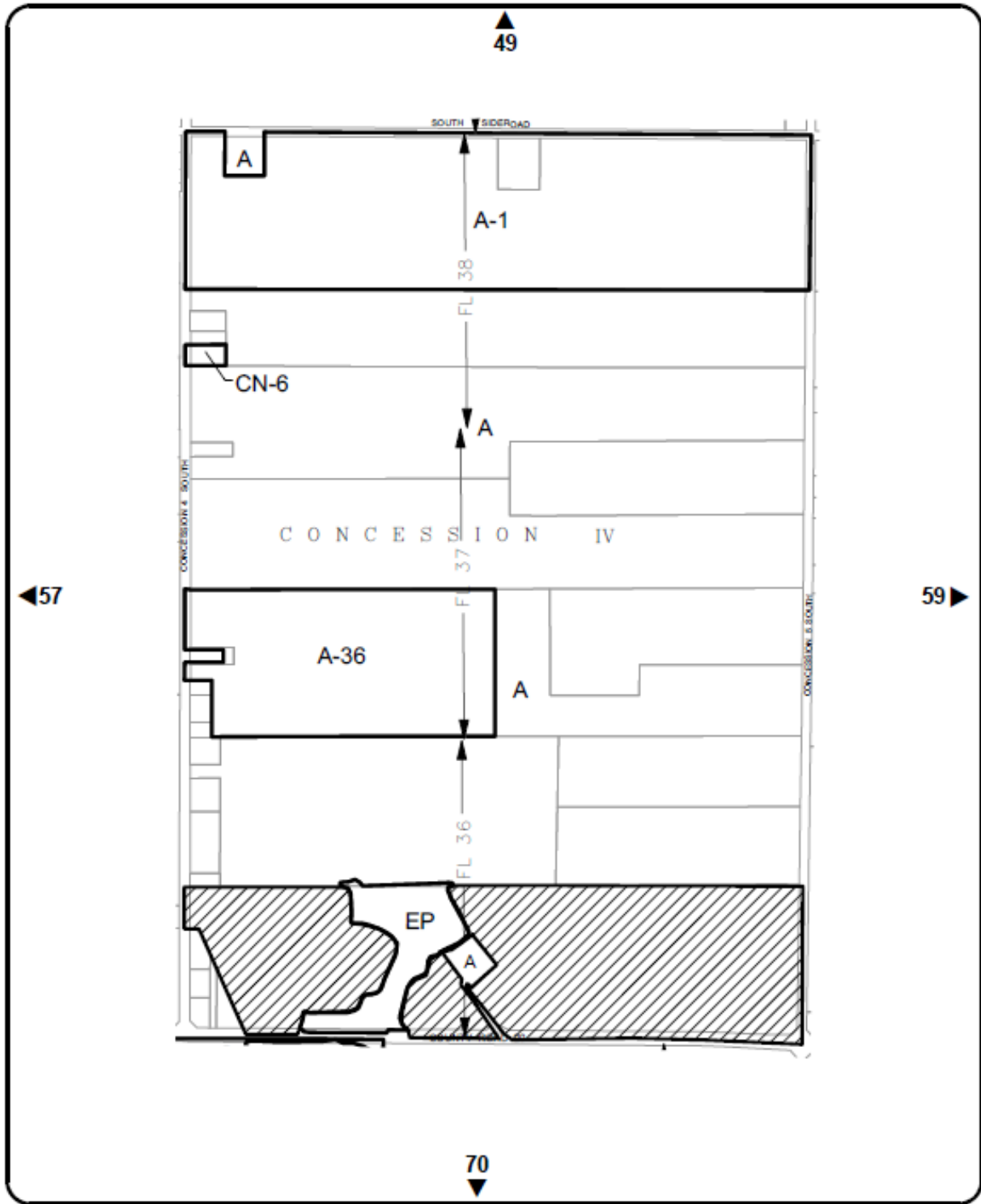
Read a first, second and third time and finally passed this 25th day of January, 2021.

MAYOR- ALDO DICARLO


CLERK- PAULA PARKER

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2021-004
A BY-LAW TO AMEND BY-LAW No. 1999-52

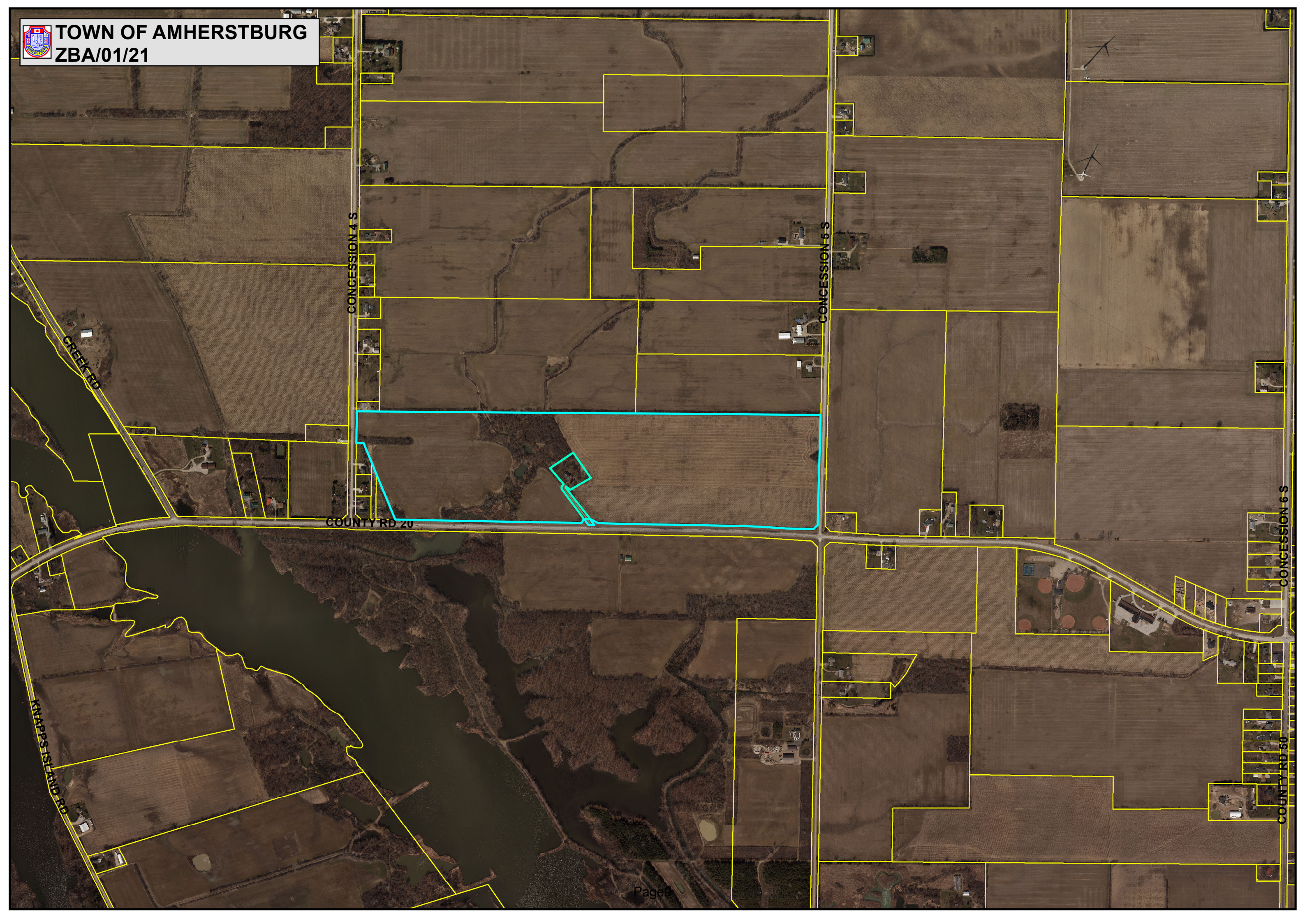


SCHEDULE 'A'
MAP 58
ZONING BY-LAW NO. 1999-52

A to A-36 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER



CONCESSION 4 S

CONCESSION 5 S

CONCESSION 6 S

COUNTY RD 50

CREEK RD

COUNTY RD 20

KINFAPEL ISLAND RD

Application No. ZBA/01/21

FORM 1
PLANNING ACT
APPLICATION FOR ZONING BY-LAW AMENDMENT
TOWN OF AMHERSTBURG

- 1. Name of approval authority Town of Amherstburg
- 2. Date application received by municipality Dec 17, 2020
- 3. Date application deemed complete by municipality Dec 17, 2020
- 4. Name of registered owner George H. / Ruth A. VanderBrink
 Telephone number _____
 Address _____
 Email _____
- Name of registered owner's solicitor or authorized agent (if any) _____
 Telephone number _____
 Address _____
 Email _____

Please specify to whom all communications should be sent:

- registered owner
- solicitor
- agent

- 5. Name and address of any mortgages, charges or other encumbrances in respect of the subject land:



- 6. Location and description of subject land:

Concession No. 49 malden Lot(s) No. Pt Lot 3b
 Registered Plan No. R298567 Lot(s) No. _____
 Reference Plan No. 131230 (P1913-10) Part(s) No. _____
 Street Address 4431 County Rd 20, Amherstburg, ON Assessment Roll No. _____

- 7. Size of subject parcel:

Frontage 3916.6ft Depth Irregular 1080.61ft / 1083.18ft Area 98.8ac

- 8. Access to subject parcel:

- Municipal Road
- County Road
- Provincial Highway
- Private Road
- Water

If access to the subject land is **by water** only, state the parking and docking facilities used or to be used and the approximate distance between these facilities and the nearest public road

- 9. (a) Current Official Plan Land Use designation of subject land Agricultural
- (b) Explanation of how application conforms to the Official Plan From Section 26(3)(9) allowing an undersized agricultural lot of 36.95ha. Relief of 3.05ha

(c) Does the application implement an alteration to the boundary of an area of settlement or implement a new area of settlement?

Yes No

If yes, provide details of the official plan or official plan amendment that deals with this matter:

10. Current Zoning of subject land Agriculture (A)

11. Nature and extent of rezoning requested Agriculture A-36 for undersized Ag lot after consent

12. Reasons why rezoning is requested - severed surplus dwelling to farming operation

13. Current use of subject land Agriculture

14. Length of time current use of subject land has continued 100 years +

15. Is the subject land within an area where the municipality has pre-determined:

(a) minimum and maximum density requirements

Yes No

(b) minimum and maximum height requirements

Yes No

If yes, state the requirements _____

16. Number and type of buildings or structures **existing** on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

N/A

17. Date of construction of existing buildings and structures on the subject land:

N/A

18. Date subject land acquired by current registered owner Jan 25, 2018

19. Proposed use of subject land Agricultural

20. Number and type of buildings or structures **proposed** to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

N/A

21. Type of water supply:

- municipally owned and operated piped water supply
- well
- Other (specify) _____

22. Type of sanitary sewage disposal:

- municipally owned and operated sanitary sewers
septic system
- Other (specify) N/A Agricultural

If the requested amendment permits development on a privately owned and operated individual or communal septic system and more than 4,500 litres of effluent will be produced per day as a result of the development being completed the applicant is required to submit a:

- (i) servicing options report, and
- (ii) a hydrogeological report

23. Type of storm drainage:

- sewers
- ditches
- swales
- Other (specify) _____

24. If known, indicate whether the subject land is the subject of an application under the Planning Act for:

- consent to sever
- approval of a plan of subdivision

If known, indicate the file number and status of the foregoing application:

25. If known, indicate if the subject land has ever been the subject of an application for rezoning under Section 34 of the Planning Act:

N/A

If known, indicate whether the subject land has ever been the subject of a Minister's Zoning Order and, if known, the Ontario Regulation number of that order.

N/A

26. Does the requested amendment remove the subject land from an area of employment in the official plan?

- Yes
- No

If yes, state the current official plan policies, if any, dealing with the removal of land from an area of employment.

27. Is the subject land within an area where zoning with conditions may apply?

- Yes
- No

If yes, how does this application conform to the official plan policies relating to zoning with conditions?

28. Is the requested amendment consistent with policy statements issued under subsection 3(1) of the Planning Act (i.e. 2005 Provincial Policy Statement)?

Yes No

Comments _____

29. Is the subject land within an area of land designated under any provincial plan or plans?

Yes No

If yes, does the requested amendment conform to or does not conflict with the provincial plan or plans?

30. Is the land associated with any natural environment area or adjacent to or abutting lands that are designated as a Wetland or Natural Environment?

Yes No

If yes, an Environmental Impact Assessment is required, for approval by the Town and Essex Region Conservation Authority, to be completed in accordance with the County of Essex Guidelines for Environmental Impact Assessments or when Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

Dated at the Town of Amherstburg this 17th day of December, 2020.

(signature of applicant, solicitor or authorized agent)

I, George VandonBrink of the Town of Amherstburg in the County/District/Regional Municipality of Essex solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Amherstburg in the County of Essex this 17 day of December, 2020.

Applicant, Solicitor or Authorized Agent

S. Sinasac (French)
A Commissioner, etc.

Sarah Elizabeth Sinasac, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires October 16, 2021.

CORPORATION OF THE TOWN OF AMHERSTBURG
**NOTICE OF STATUTORY 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, by electronic means, on **Monday, January 11, 2021 commencing at 5:30 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52, under Section 34 of the Planning Act.

THE SUBJECT LANDS affected by the proposed amendment are described as Part of Lot 36, Concession 4, municipally known as 4431 County Road 20. The property is vacant agricultural land and the total area subject to the rezoning is 39.08 hectares (96.58 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 “**Special Provision Agricultural (A-36) Zone**”. The parcel is designated Agricultural in the Town’s Official Plan. The lands described above are subject to an application for consent (File B/19/20) to sever a dwelling which is surplus to the needs of a farming operation.

THE EFFECT OF THE ZONING BY-LAW AMENDMENT will be to allow for general agricultural use on the subject property and prohibit any new dwelling unit on the land. The “Special Provision Agricultural (A-36) Zone” is established as a site specific zone for the retained agricultural parcel created through consent, to prohibit new residential uses on these lands.

COVID-19 Emergency: During the COVID-19 Declaration of Emergency (declared by the Province of Ontario and the Town of Amherstburg under the provisions of Section 7.0.1 and Section 4(1) of the *Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9, respectively*) Town of Amherstburg Council is holding electronic meetings, and in-person meeting attendance is restricted. Any person, who wishes to make representation is required to do so in writing.

ANY PERSON may make written representation in support of or in opposition to the proposed Zoning By-law Amendment by email to the Planner, Frank Garardo at fgarardo@amherstburg.ca or in person by appointment for drop-off in the vestibule of the Libro Centre located at 3295 Meloche Road. Comments must be submitted by 4:00 p.m. on Thursday, January 7, 2021 before the hearing and will be read aloud prior to the application being heard by Council.

ANY PERSON who wishes to attend by electronic means, must register with the Clerk’s Office no later than 4:00 pm on Thursday, January 7, 2021. To register for electronic participation please email the Deputy Clerk at tfowkes@amherstburg.ca. Once you register, you will be given information on how to make your submission at the electronic meeting by electronic participation. To participate, you will need access to a computer or tablet with internet service or a telephone.

NO PERSON OR PUBLIC BODY shall be added as a party to the hearing of the appeal unless, before the bylaw was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add the person or public body as a party.

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 Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

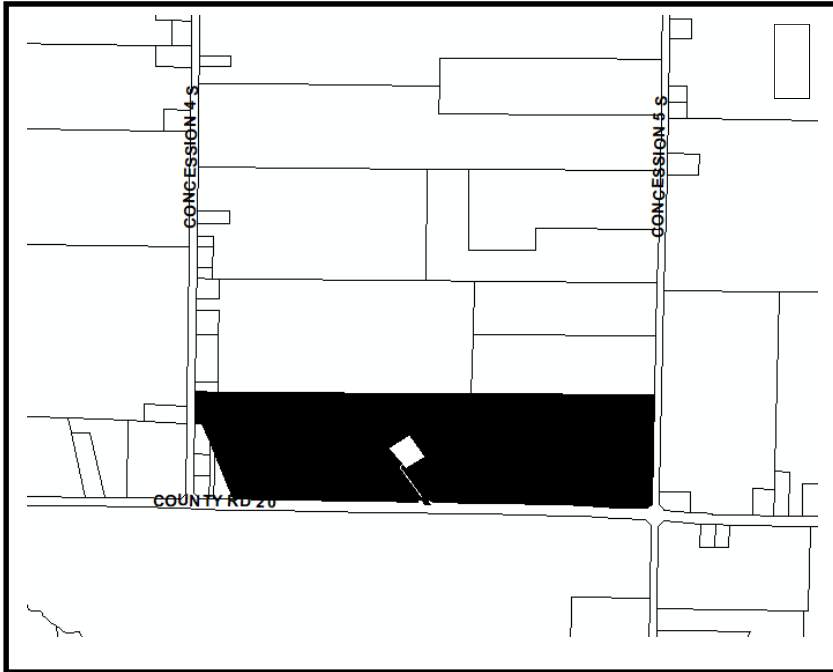
ADDITIONAL INFORMATION relating to the proposed Zoning By-law (File# ZBA/01/21) Amendment is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Zoning By-law Amendment

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.

is also available for review on the Town of Amherstburg Website: www.amherstburg.ca. If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting www.amherstburg.ca.

DATED at the Town of Amherstburg this 18th day of December, 2020.

KEY MAP



Frank Garardo, 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

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**DECISION OF APPROVAL AUTHORITY
WITH REASONS RE APPLICATION FOR CONSENT**

- (a) Name of approval authority **TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT**
- (b) Name of applicant RE AN APPLICATION BY (b) **George and Ruth VandenBrink**
- (c) Brief description LOCATION OF PROPERTY (c) **4431 County Road 20 (Roll No. 3729-580-000-00400)**
- (d) As set out in application PURPOSE OF APPLICATION (d) The applicant is proposing to sever a parcel of land being 7.62 m (25 ft) ± frontage by an irregular depth with an area of 5070 sq. m (1.25 acres) ± which includes a single detached dwelling which is surplus to the needs of the farming operation. The remaining parcel being an irregular shape with an area of 39.08 hectares (96.58 acres) ± is vacant agricultural land.
- (e) Date of decision CONCUR in the following decision and reasons for decision made on the (e) 28th day of July, 2020.

DECISION: APPROVED

- (f) State conditions to be satisfied before granting of consent **CONDITIONS - This decision has been made subject to the following condition: (f)**
 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. That all property taxes be paid in full.
 4. 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.
 5. That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property.
 6. That the applicant install a new septic system on the severed property to the satisfaction of the Building Department.
 7. That should access be required for the retained or severed lot, access be completed in accordance with the provisions of the Drainage Act if it is required to cross a Municipal Drain. If access is required to cross a roadside ditch, it will be completed according to the Town right-of-way policies or permitting policies from the County of Essex, should the ditch be within the County right-of-way. The access shall be provided to each lot to the satisfaction of the municipality.
 8. 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.
 9. 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.

- (g) State reasons for decision **REASONS FOR DECISION: (g) 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 size and configuration of the severed surplus dwelling lot is appropriate for this severance as it reduces the amount of land taken from the farming operation and does not remove any of the farming drainage tiles from the farming operation.**

I/WE, the undersigned, in making the decision upon this application for consent, in addition to other matters, have had regard to the matters that are to be had regard to under subsection 51(4) of The Planning Act, and having considered whether a plan of subdivision of the land in accordance with Section 50 of the said Act is necessary for the proper and orderly development of the municipality.

.....
David Cozens	Sherry Ducedre	Terris Buchanan

.....	ORIGINAL DOCUMENT SIGNED
Donald Shaw	Josh Mailloux	

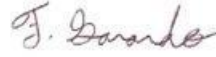
CERTIFICATION

The Planning Act, R.S.O. 1990

- (h) Name of approval authority
- (i) Name & address of approval authority

I, **Frank Garardo, Secretary-Treasurer** of the (h) **Town of Amherstburg** certify that the above is a true copy of the decision of the approval authority with respect to the application recorded therein.

Dated this 28th day
of July, 2020



.....
Secretary-Treasurer
Town of Amherstburg
Committee of Adjustment
271 Sandwich St S, Amherstburg, ON N9V 2A5

- vi) Email dated July 16, 2020 from Dan and Judy Pettypiece indicating:
*To the attention of Frank Garardo:
We are writing this letter in support of Giuseppe and Rosalina Capaldi and their application for a minor variance at 176 Victoria Street S. We have owned and lived at 295 Murray street for 23 yrs and the property in question has sat vacant all these years and has never been put to use. We have no concerns about a structure being built on the said property for the use by Mr Capaldi. We would also like to add that Mr. Capaldi has owned property in this neighbourhood in the past and has always been very conscientious and respectful to the homeowners. He is attentive to the needs of the property and we as residents/neighbours have no issues with his intent for the use of the land.
Thank you
Dan and Judy Pettypiece*
- vii) Planning Report dated July 21, 2020 from Frank Garardo, Secretary Treasurer and Sarah French, Planner.

Committee Discussion:

The Chair introduced the application and the Planner, Frank Garardo read the purpose of the application. The Chair addressed the applicants and asked that they speak to the application. Mr. and Mrs. Capaldi discussed the concept of the application. The garage will contain a living space on the second floor. It is higher than the maximum height in the by-law and slightly larger than required. The Capaldi's propose to live in the second unit. The bathroom in the garage was questioned. Mr. Capaldi stated that he likes to have a bathroom nearby when working in the garage. The Windsor Police concerns about the intersection were discussed. The proposed driveway will not be within the sight triangle and will not negatively impede traffic. Frank Garardo mentioned that the proposed structure is setback 12 feet from the interior side lot line. Mr. Garardo proposed enforcing the proposed setback with a condition.

The following resolution was put forth:

That application A/10/20 be approved subject to the following conditions:

1. The two storey accessory structure will maintain a minimum of 3.66 m (12 ft) interior side yard setback.
2. The driveway for the two storey accessory structure will not be constructed within the 8 m (26.25 ft) sight triangle from the intersection of Victoria Street South and Murray Street.

Moved by: Don Shaw

Seconded by: Sherry Ducedre

-carried-

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 proposed secondary unit is permitted within the Zoning By-law and will be in keeping with the residential characteristics of the neighbourhood.

**6.3 Application B/19/20 and A/12/20 - George and Ruth VandenBrink - 4431
County Road 20 (Roll No. 3729-580-000-00400)**

Public in Attendance: George and Ruth VandenBrink

B/19/20: The applicant is proposing to sever a parcel of land being 7.62 m (25 ft) ± frontage by an irregular depth with an area of 5070 sq. m (1.25 acres) ± which includes a

single detached dwelling which is surplus to the needs of the farming operation. The remaining parcel being an irregular shape with an area of 39.08 hectares (96.58 acres) ± is vacant agricultural land.

A/12/20: The applicant is requesting relief from Zoning Bylaw 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 0.51 hectares (1.25 acres) from an existing 39.59 hectares (97.83 acres) parcel the retained farm parcel will have an area of 39.08 hectares (96.58 acres). Therefore the amount of relief requested is 0.92 hectares (2.27 acres).

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

- i) Letter dated July 21, 2020 from the Essex Region Conservation Authority:

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 4th Concession Road Drain, Big Creek, John Mcgee Drain and John Ong Drain. 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. We have no objections to the application with respect to our natural hazards or regulatory perspective for the purposes of this application.

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as significant under the Provincial Policy Statement (PPS, 2020). However, we note that the purpose of this application for consent is to sever a dwelling lot which is surplus to the needs of the farming operation. In our opinion, we believe that this type of Planning Act application does not meet the definition of development under the PPS, in that there will be no change in land use or opportunity to develop on the retained parcel. Based on this, therefore it is our recommendation to the Municipality that a demonstration of no negative impact is not required.

Further, our office provided pre-consultation comments on this application to the Town of Amherstburg and advised at that time that should the boundary of the proposed severed parcel aligns with the existing residential footprint of the structure and driveway access that it was unlikely to require further biological investigation.

Notwithstanding the above, our information indicates that the subject property may support habitat of endangered species and threatened species. All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the provincial Endangered Species Act. Prior to any proposed works on this property, contact should be made with the Species at Risk Branch of the Ministry of Environment, Conservation and Parks (MECP) to confirm any issues with respect to the Endangered Species Act on this property. It is the proponent's responsibility to ensure all issues related to the Endangered Species Act are addressed. All inquiries regarding the Endangered Species Act should be made with Permissions and Compliance Section of the MECP (email address: SAROntario@ontario.ca).

Our office has no objections to this application for consent and minor variance.

- ii) Email dated July 13, 2020 from the Fire Department stating that they have no issues.
- iii) Email dated July 20, 2020 from the Engineering & Public Works Department stating:
*Drainage apportionment required for the 4th Concession Road Drain South.
· Should access be required for the retained or severed lot, it will be completed in accordance with the provisions of the Drainage Act if it is required to cross a Municipal Drain. If it is required to cross a roadside ditch, it will be completed according to the Town right-of-way policies or permitting policies from the County of Essex, should the ditch be within County right-of-way.*
- iv) Letter dated July 22, 2020 from the Windsor Police Department stating:
The Windsor Police Service has no concerns or objections with the variances being sought for allowing a severance. No public safety problems are anticipated from this.
- v) Email dated July 15, 2020 from the Building Department indicating:
A complete review of the existing sewage septic system. This appears to be an old system and may have reached its useful life.
- vi) Letter dated July 20, 2020 from the County of Essex stating:
*Please be advised that the County of Essex has reviewed the aforementioned applications and the comments provided are engineering related only. These applications have not been reviewed from a planning perspective. This road was formerly King's Highway 18 until it was downloaded to the County of Essex. The minimum setback for any proposed structures on this property must be 85 feet from the center of the original ROW of County Road No. 20 for a proposed residential structure and 105 feet from the centre of the right of way for a proposed commercial structure.
Permits are necessary for any changes to existing entrances and structures, of the construction of new structures.
We are requesting a copy of the Decision of the aforementioned applications. Should these applications be approved we are requesting a copy of the revised survey plan of the subject lands to update our mapping records. Thank you for your assistance and cooperation in this matter.*
- vii) Planning Report dated July 21, 2020 from Frank Garardo, Secretary Treasurer and Sarah French, Planner.

Committee Discussion:

The Chair introduced the application and asked the Planner, Frank Garardo, to read the purpose of the application. The Chair addressed the applicants, George and Ruth VandenBrink, and asked them to speak on the application. Mr. and Mrs. VandenBrink introduced the concept of the application. The proposed severance is for a surplus dwelling that Mr. VandenBrink does not require for his farming operation. The access to the farm was questioned to ensure that there is an existing access for the farm field. The septic system was questioned and it was stated that the existing system is quite old. The Committee requested that the conditions be amended to ensure the applicants are required to install a new septic system prior to the stamping of the deeds. The 25 feet frontage was discussed and supported because the proposed frontage eliminates the need to take more farmland from production. The fire hydrants were discussed and it was confirmed that the Fire Department did not request new fire hydrants. ERCA requirements were discussed. Any building on the land will require an ERCA permit. ERCA permits are applicable law with building permits and a condition requiring ERCA permits is not necessary. Frank Garardo read the conditions of the consent and the applicants acknowledged the conditions.

The following resolution was put forth:

That application B/19/20, 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. That all property taxes be paid in full.
4. 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.
5. That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property.
6. That the applicant install a new septic system on the severed property to the satisfaction of the Building Department.
7. That should access be required for the retained or severed lot, access be completed in accordance with the provisions of the Drainage Act if it is required to cross a Municipal Drain. If access is required to cross a roadside ditch, it will be completed according to the Town right-of-way policies or permitting policies from the County of Essex, should the ditch be within the County right-of-way. The access shall be provided to each lot to the satisfaction of the municipality.
8. 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.
9. 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: Terris Buchanan
Seconded by: Sherry Ducedre

-carried-

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 size and configuration of the severed surplus dwelling lot is appropriate for this severance as it reduces the amount of land taken from the farming operation and does not remove any of the farming drainage tiles from the farming operation.

That application A/12/20 be approved.

Moved by: Terris Buchanan
Seconded by: Sherry Ducedre

-carried-

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 variance will not remove viable farm land from agricultural production.

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2021-004**

**By-law to amend Zoning By-law No. 1999-52
N/S County Road 20 (Conc 4, Pt Lot 36), 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 58 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 A-36" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) 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 of the Planning Act, R.S.O. 1990, c.P. 13.

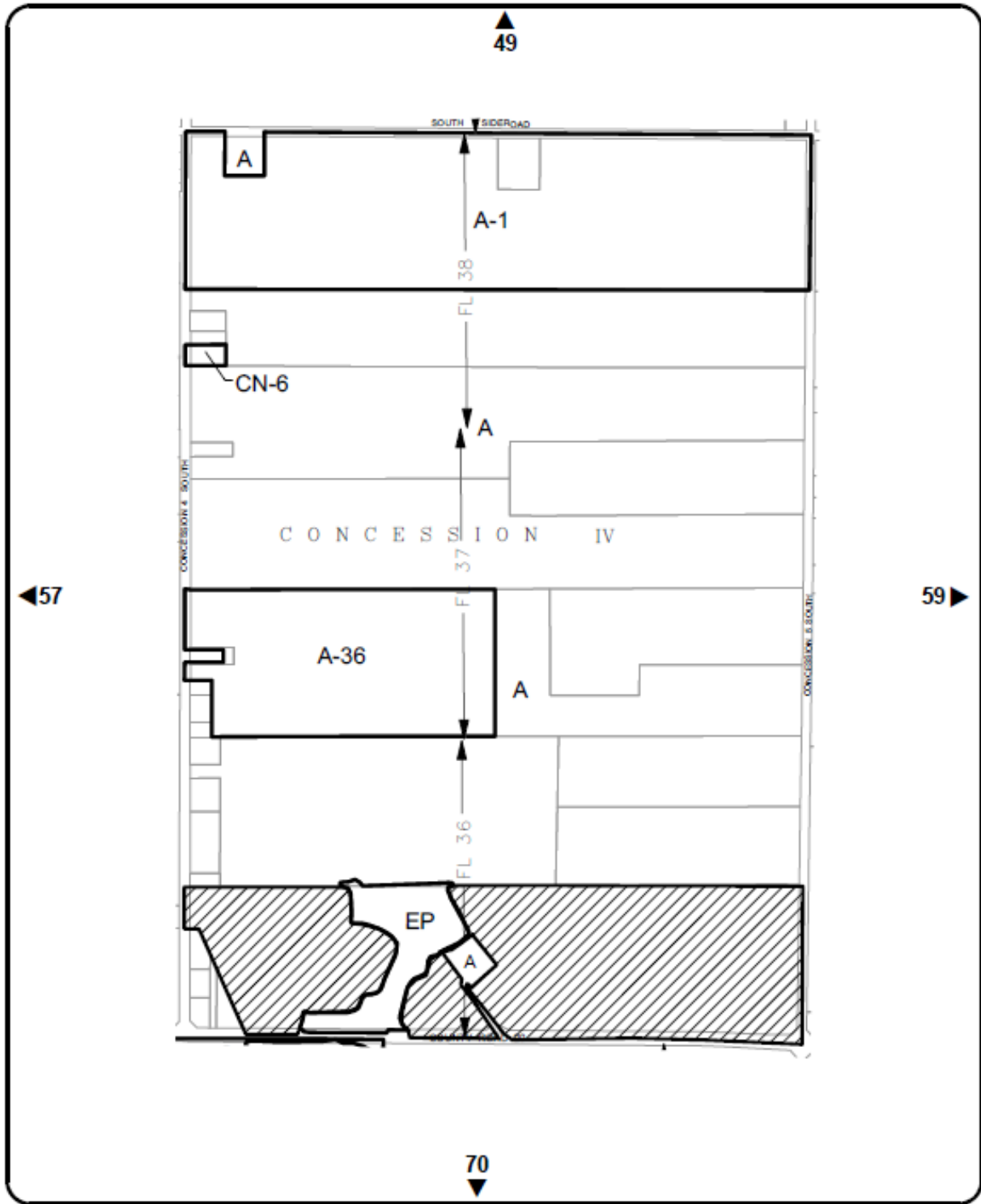
Read a first, second and third time and finally passed this 25th day of January, 2021.

MAYOR- ALDO DICARLO


CLERK- PAULA PARKER

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2021-004
A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 58
ZONING BY-LAW NO. 1999-52

A to A-36 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER