



**TOWN OF AMHERSTBURG  
SPECIAL COUNCIL MEETING - PLANNING**

**AGENDA**

**Electronic Meeting  
Public Participation via Livestream  
<https://www.amherstburg.ca/livestream>**

**Monday, April 26, 2021**

**5:00 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](mailto: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.

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**Pages**

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

### 3. SPECIAL PLANNING REPORTS

#### 3.1. Zoning By-law Amendment - 4401 Concession 4 S

3

It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment for lands at 4401 Concession 4 S (File ZBA-09-21), owned by Randal and Beverly Pillon, **BE RECEIVED and SUMMARIZED** in a future report to Council.

#### 3.2. Zoning By-law Amendment - 5569 Concession 5 N

27

It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment for lands at 5569 Concession 5 N (File ZBA-08-21), owned by Dean Wynants, **BE RECEIVED and SUMMARIZED** in a future report to Council.

### 4. ADJOURNMENT

That Council adjourn at     p.m.



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF PLANNING AND 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.*

Author's Name: Frank Garardo	Report Date: April 9, 2021
Author's Phone: 519 736 5408 ext. 2124	Date to Council: April 26, 2021
Author's E-mail: <a href="mailto:fgarardo@amherstburg.ca">fgarardo@amherstburg.ca</a>	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Zoning By-law Amendment for 4401 Concession 4 S

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#### 1. RECOMMENDATION:

It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment for lands at 4401 Concession 4 S (File ZBA-09-21), owned by Randal and Beverly Pillon, **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-35-20, 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 Randal & Beverly Pillon. The subject lands affected by the proposed amendment are described as Part of Lot 40, Concession 4, municipally known as part of 4401 Concession 4 S; the residence which was the subject of the severance is located at 4401 Concession 4 S, 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 39.57 hectares (97.77 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/35/20) 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.



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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](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**

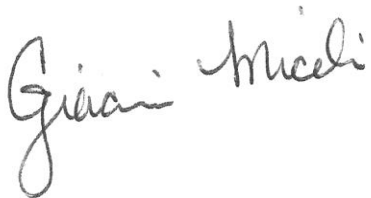
## Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment for 4401 Concession 4 S.docx
Attachments:	- 2021 04 26 - Statutory Public Meeting- ZBA 4401 Conc 4 S- ATTACHMENTS.pdf
Final Approval Date:	Apr 19, 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  
**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, April 26, 2021 commencing at 5:00 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 40, Concession 4, municipally known as the farm parcel severed from 4401 Concession 4 S. The property is vacant agricultural land and the total area subject to the rezoning is 39.57 hectares (97.77 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/35/20) 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](mailto: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, April 22, 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, April 22, 2021. To register for electronic participation please email the Deputy Clerk at [tfowkes@amherstburg.ca](mailto: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/09/21) 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

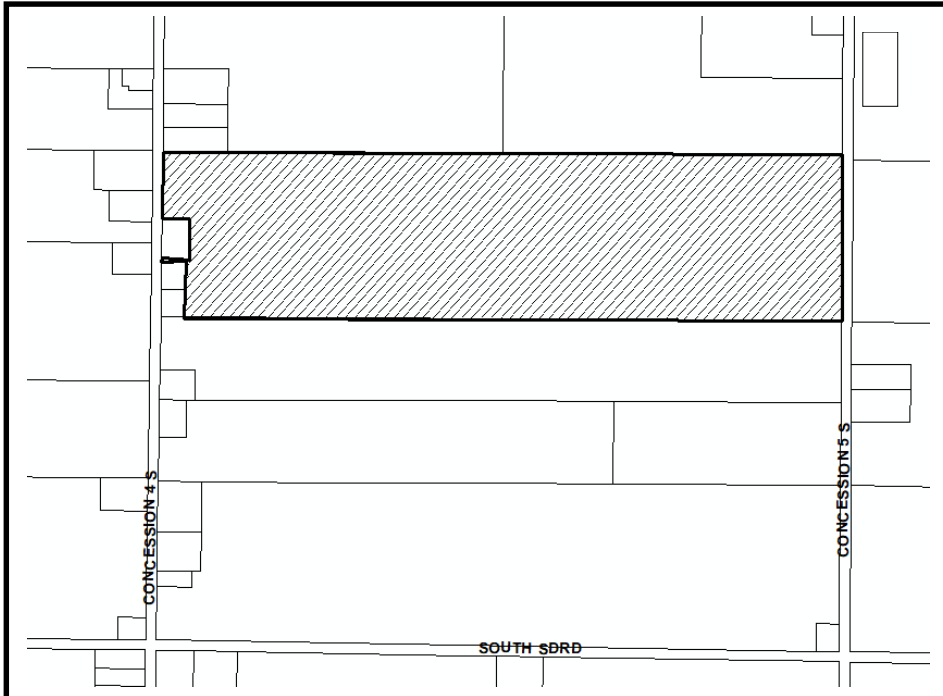
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is also available for review on the Town of Amherstburg Website: [www.amherstburg.ca](http://www.amherstburg.ca). If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the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

DATED at the Town of Amherstburg this 31<sup>st</sup> day of March, 2021.

**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](http://www.amherstburg.ca)

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Municipal Fee Received:	1020.00
Municipal Deposit Received:	N/A
ERCA Fee Received:	200.00

Application No. ZBA/09/21

**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 March 19, 2021
3. Date application deemed complete by municipality March 25, 2021
4. Name of registered owner Randy + Beverly Pillon  
Telephone number [REDACTED]  
Address [REDACTED]  
Email [REDACTED]  
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. 4      Lot(s) No. Pl Lt 40  
Registered Plan No. \_\_\_\_\_      Lot(s) No. \_\_\_\_\_  
Reference Plan No. \_\_\_\_\_      Part(s) No. \_\_\_\_\_  
Street Address severed from 4401 Con 4S      Assessment Roll No. 630-00810

7. Size of subject parcel:

Frontage 137.86m      Depth irregular      Area 97.77 ac

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 Section 3.2.2(14)

of the OP requires the remnant parcel subsequent to a surplus dwelling severance be rezoned to restrict residential development

(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 Agricultural (A) Zone

11. Nature and extent of rezoning requested \_\_\_\_\_

A to A-3b - to restrict residential development

12. Reasons why rezoning is requested condition of consent of

Severed surplus dwelling

13. Current use of subject land Agricultural

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

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:

two agricultural structures

\_\_\_\_\_

\_\_\_\_\_

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

1988 + 1995

\_\_\_\_\_

18. Date subject land acquired by current registered owner 2017

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:

-none  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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) municipal drain

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:

B/35/20 - approved - currently satisfying conditions

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:

No

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.

No

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?

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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 \_\_\_\_\_

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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?

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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.

31. Will the proposed project include the addition of permanent above ground fuel storage?

Yes  No

Dated at the Town of Amherstburg this 19<sup>th</sup> day of March, 2021.

x Beverly Pillon Randy Pillon  
(signature of applicant, solicitor or authorized agent)

I, Randy + Beverly Pillon 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 19<sup>th</sup> day of March, 2021.

Frank Gerardo, a Commissioner, etc.,  
Province of Ontario, for the  
Corporation of the Town of Amherstburg.  
Expires June 7, 2022

x Beverly Pillon Randy Pillon  
Applicant, Solicitor or Authorized Agent

F. Gerardo  
A Commissioner, etc.

EP

A-36

A



**Legend**

-  Zoning
-  OP- Agricultural

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

- |   |   |
|---|---|
| (a) Name of approval authority                                  | <b>TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT</b>  |
| (b) Name of applicant   | RE AN APPLICATION BY (b) <b>Randal and Beverly Pillon</b>   |
| (c) Brief description   | LOCATION OF PROPERTY (c) <b>4401 Concession 4 S<br/>(Roll No. 3729-630-000-00810)</b>   |
| (d) As set out in application                                   | <b>PURPOSE OF APPLICATION</b> (d) The applicant is proposing to sever a parcel of land being 75.5 m (247.7 ft) ± frontage by 54.8 m (179.8 ft) ± depth with an area of 0.41 ha (1.02 acres) ± which includes a single detached dwelling which is surplus to the needs of the farming operation. The remaining parcel being 137.86 m (452.3 ft) ± frontage by an irregular depth with an area of 39.57 hectares (97.77 acres) ± is agricultural land containing two agricultural structures.   |
| (e) Date of decision  | CONCUR in the following decision and reasons for decision made on the (e) 24 <sup>th</sup> day of November, 2020.   |
|   | <b>DECISION: APPROVED</b>   |
| (f) State conditions to be satisfied before granting of consent | <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. That all property taxes be paid in full.</li> <li>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.</li> <li>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.</li> <li>6. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.</li> <li>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. Alternatively, if the applicant wishes to utilize the existing farm access for the severed lot, an easement will be required to permit the access. The easement will be required to return to the Committee of Adjustment for approval. The access shall be provided to each lot to the satisfaction of the municipality.</li> <li>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, Section 26(3)(d)(ii) which requires a minimum interior side yard width for non-residential uses of 15 m (49.5 ft) in an Agricultural (A) Zone and Section 26(3)(b)(i) which requires a minimum lot frontage of 140 m (459.3 ft) in an Agricultural (A) Zone.</li> <li>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.</li> </ol> |
| (g) State reasons for decision                                  | <b>REASONS FOR DECISION:</b> (g) The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The surplus dwelling lot creation does not remove agricultural land from production.  |

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                      Terris Buchanan                      Anthony Campigotto

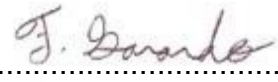
..... ORIGINAL DOCUMENT SIGNED

Donald Shaw                      Josh Mailloux

**CERTIFICATION**

*The Planning Act, R.S.O. 1990*

(h) Name 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.

(i) Name & address of approval authority      Dated this 25<sup>th</sup> day of November, 2020        
 Secretary-Treasurer  
 Town of Amherstburg  
 Committee of Adjustment  
 3295 Meloche Rd, Amherstburg, ON N9V 2Y8



	Yes/Concur	No/Not Concur
Terris Buchanan	X	
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.

### 6.3 Applications B/35/20 & A/27/20 – Randal & Beverly Pillon – 4401 Concession 4 S (Roll No. 3729-630-000-00810)

Public in Attendance: Randal and Beverly Pillon

**B/35/20:** The applicant is proposing to sever a parcel of land being 73.1 m (239.8 ft) ± frontage by 54.8 m (179.8 ft) ± depth with an area of 0.4 ha (0.99 acres) ± which includes a single detached dwelling which is surplus to the needs of the farming operation. The remaining parcel being 140.26 m (460 ft) ± frontage by an irregular depth with an area of 39.58 hectares (97.8 acres) ± is agricultural land containing two agricultural structures

**A/27/20:** 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 (98.84 acres) and Section 26(3)(d)(ii) which requires a minimum interior side yard width for non-residential uses of 15 m (49.5 ft) in an Agricultural (A) Zone. Subsequent to a severance of 0.4 hectares (0.99 acres) from an existing 39.58 hectares (97.8 acres) parcel the retained farm parcel will have an area of 39.58 hectares (97.8 acres) and an existing pole barn will have an interior side yard of 11.1 m (36.42 ft). Therefore, the amount of relief requested is 0.41 hectares (1.04 acres) and 3.9 m (12.8 ft) respectively.

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

- i) Letter dated November 16, 2020 from the Essex Region Conservation Authority stating:
 

*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 Whelan Drain. 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. We have no objections to the application with respect to our natural hazards or regulatory perspective. Our office has reviewed the proposal and has no concerns relating to stormwater management. The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that may meet the criteria for identification as significant woodland under the Provincial Policy Statement (PPS). Section 2.15 of the PPS states - Development and site alterations shall not be permitted in significant woodland...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. 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 purpose of this application for consent is to sever off a surplus dwelling lot only, and that there will be no change in land use. Based upon this, therefore it is our recommendation to the Municipality that a demonstration of no negative impact is not required.*

*With the review of background information and aerial photograph, ERCA has no concerns in relation to Stormwater Management, Natural Heritage and Natural Hazard for this application. Therefore, ERCA has no objections to this application for Consent and Minor Variance.*

- ii) Email dated November 16, 2020 from the Windsor Police Department stating that:  
*The Windsor Police Service has no concerns or objections with the variances being sought to permit reductions in both minimum lot area and minimum interior side yard width. This change will not impair police service delivery to the property.*
- iii) Email from the Engineering and Public Works Department dated November 10, 2020 indicating the following:
  - *Drainage Apportionment required for the Whelan Drain*
  - *EPW questions the existing driveway arrangement and notes that the proposed severance will require that the severance and the farm will be sharing the driveway and access from Concession Rd 4S. Should the farm or home be sold in the future, how will the driveway/access arrangement be conveyed and protected under new ownership?*
  - *Should a new driveway access be required to accommodate the severance, an engineering report under the provisions of the Drainage Act may be required, depending on the location of the driveway. If this were to be the case, all costs associated with the new driveway and engineering report would be assessed by the engineer and outlined within the report.*
- iv) Email from the Building Department dated November 20, 2020 indicating the following:
  - *Location of the septic system with the severed lot and dwelling*
  - *Clearance for the septic system by certified individual*
  - *Is there plumbing facilities in the remaining agricultural building, if so how is the sanitary being handled? Is there a separate septic system?*
- v) Planning Report dated November 17, 2020 from Frank Garardo, Secretary Treasurer and Sarah French, Planner.

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. Randal and Beverly Pillon stated that the dwelling is excess to their farm property and no longer needed. The size of the retained driveway and the proposed intent for future driveways was questioned. The Pillons stated that the house would likely be torn down in the future and a new house built with a new driveway access. It was mentioned that the conditions recommended that the Pillons either install a new driveway or come back to the Committee with an easement request. The size of the lot was questioned and the Committee members wondered why it did not extend all the way to the drain. Sarah French, Planner, stated that the lot lines of the surplus dwelling lot were reduced and moved away from the drain in order to maintain the minimum lot frontage required for the farm lot. The Committee requested that the application be amended to include the land up to the drain. This request changed the description of the severance and added the minimum lot frontage to the minor variance requirements. The requirement of whether a condition requiring a change of use permit for the farm accessory structures was discussed. It was determined that the barns do not house animals and if they were to house animals in the future a nutrient management plan and potentially building permits would be required which would trigger minimum distance separation requirements. Therefore, a condition requiring a change of use permit was not added to the conditions list. Frank Garardo read the proposed conditions and the applicant acknowledged understanding of the conditions.

The following resolution was put forth:

That application B/35/20 be approved, as amended, subject to the below conditions.

**Amended Decision B/35/20:** The applicant is proposing to sever a parcel of land being 75.5 m (247.7 ft) ± frontage by 54.8 m (179.8 ft) ± depth with an area of 0.41 ha (1.02 acres) ± which includes a single detached dwelling which is surplus to the needs of the farming operation. The remaining parcel being 137.86 m (452.3 ft) ± frontage by an irregular depth with an area of 39.57 hectares (97.77 acres) ± is agricultural land containing two agricultural structures.

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 obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, 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. Alternatively, if the applicant wishes to utilize the existing farm access for the severed lot, an easement will be required to permit the access. The easement will be required to return to the Committee of Adjustment for approval. 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, Section 26(3)(d)(ii) which requires a minimum interior side yard width for non-residential uses of 15 m (49.5 ft) in an Agricultural (A) Zone and Section 26(3)(b)(i) which requires a minimum lot frontage of 140 m (459.3 ft) in an Agricultural (A) Zone.
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: Don Shaw

Seconded by: Terris Buchanan

-carried-

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

Reasons of Committee – The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The surplus dwelling lot creation does not remove agricultural land from production.

That application A/27/20 be approved, as amended.

**Amended Decision A/27/20:** 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 (98.84 acres), Section 26(3)(d)(ii) which requires a minimum interior side yard width for non-residential uses of 15 m (49.5 ft) and Section 26(3)(b)(i) which requires a minimum lot frontage of 140 m (459.3 ft) in an Agricultural (A) Zone. Subsequent to a severance of 0.41 hectares (1.02 acres) from an existing 39.58 hectares (97.8 acres) parcel the retained farm parcel will have an area of 39.57 hectares (97.77 acres) and an existing pole barn will have an interior side yard of 11.1 m (36.42 ft). The retained farm parcel will have a lot frontage of 137.86 m (452.3 ft). Therefore, the amount of relief granted is 0.43 hectares (1.06 acres) from the minimum lot size, 3.9 m (12.8 ft) from the side yard width for non-residential uses and 2.14 m (7.02 ft) from the lot frontage requirements.

Moved by: Josh Mailloux

Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
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 surplus dwelling lot creation does not remove agricultural land from production.

**6.4 Applications B/36/20 & A/28/20 – Betty Jane Cipkar, c/o Elizabeth A. Orsi, Agent – 8270 Malden Colchester South Townline Road (Roll No. 3729-560-000-00105)**

Public in Attendance: Elizabeth Orsi, Agent

**B/36/20:** The applicant is proposing to sever a parcel of land being 4.88 m (16 ft) frontage by 77.72 m (255 ft) depth with an area of 379.04 sq m (4080 sq ft) for purposes of a lot addition to merge with 8310 Malden Colchester South Townline Road. The remaining parcel being 65.8 m (216 ft) frontage by 77.72 m (255 ft) depth with an area of 5117.1 sq m (55,080 sq ft) contains a single detached structure. No new lots are being created.

**A/28/20:** 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 (98.84 ha) in an Agricultural (A) Zone. Subsequent to a severance of 379.04 sq m (4080 sq ft) from an existing 5496.1 sq m (59,160 sq ft) parcel the retained residential parcel will have an area of 5117.1 sq m (55,080 sq ft). Therefore, the amount of relief requested is 39.49 hectares (97.58 acres).

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

- i) Letter dated November 13, 2020 from the Essex Region Conservation Authority indicating no comments or concerns.
- ii) Email dated November 16, 2020 from the Windsor Police Department stating that:  
*The Windsor Police Service has no concerns or objections with the proposed lot addition resulting from the requested severance as the outcome will not result in a negative public safety impact.*
- iii) Email from the Engineering and Public Works Department dated November 10,



planning@erca.org

P.519.776.5209

F.519.776.8688

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

April 07, 2021

Mr. Frank Garardo  
Manager of Planning Services  
3925 Meloche Road  
Amherstburg, ON N9V 2Y8

Dear Mr. Garardo:

RE: Zoning By-Law Amendment ZBA-09-21  
4401 CONCESSION 4 S  
ARN 372963000000810; PIN: 015400139  
Applicant: PILLON RANDAL ALFRED

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-09-21. 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".

## **DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

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 Whelan Drain and Ralph Atkinson Ong Drain. 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*.

## **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 Stormwater Management (PPS, 2020)**

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

Mr. Garardo  
April 07, 2021

**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 within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant woodland under the Provincial Policy Statement (PPS).

Section 2.15 of the PPS states - Development and site alterations shall not be permitted in significant woodland...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

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.”

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**

With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning By-Law Amendment.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Vitra Chodha  
Resource Planner  
/vc



**From:** [DESANDO, Bruno](#)  
**To:** [Janine Mastronardi](#)  
**Subject:** RE: Notice of Public Meeting for Two ZBAs  
**Date:** March 31, 2021 12:57:31 PM  
**Importance:** High

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello Janine,

Canada Post has no comments for the attached applications.

Regards,

Bruno

Bruno DeSando  
CANADA POST CORPORATION  
Delivery Planning  
955 Highbury Avenue  
LONDON ON N5Y 1A3  
tel: 519-494-1596  
fax: 519-457-5412  
e-mail: [bruno.desando@canadapost.ca](mailto:bruno.desando@canadapost.ca)

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**From:** Janine Mastronardi <[jmastronardi@amherstburg.ca](mailto:jmastronardi@amherstburg.ca)>

**Sent:** March-31-21 12:31 PM

**To:** Giovanni (John) Miceli <[jmiceli@amherstburg.ca](mailto:jmiceli@amherstburg.ca)>; Antonietta Giofu <[aGiofu@amherstburg.ca](mailto:aGiofu@amherstburg.ca)>; Todd Hewitt <[thewitt@amherstburg.ca](mailto:thewitt@amherstburg.ca)>; Angelo Avolio <[aavolio@amherstburg.ca](mailto:aavolio@amherstburg.ca)>; Michelle Lavin <[mlavin@amherstburg.ca](mailto:mlavin@amherstburg.ca)>; Shane McVitty <[smcvitty@amherstburg.ca](mailto:smcvitty@amherstburg.ca)>; Ron Meloche <[rmeloche@amherstburg.ca](mailto:rmeloche@amherstburg.ca)>; Paula Parker <[pparker@amherstburg.ca](mailto:pparker@amherstburg.ca)>; Antonio Marra <[amarra@amherstburg.ca](mailto:amarra@amherstburg.ca)>; Paul Acton <[pacton@amherstburg.ca](mailto:pacton@amherstburg.ca)>; Rob Unis <[runis@amherstburg.ca](mailto:runis@amherstburg.ca)>; [ONTUGLLandsINQ@uniongas.com](mailto:ONTUGLLandsINQ@uniongas.com); [Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com); [planning@erca.org](mailto:planning@erca.org); Denise Kimmerly <[denise\\_kimmerly@wecdsb.on.ca](mailto:denise_kimmerly@wecdsb.on.ca)>; Rebecca Belanger <[rbelanger@countyofessex.ca](mailto:rbelanger@countyofessex.ca)>; Lisa Shepley <[lshepley@countyofessex.ca](mailto:lshepley@countyofessex.ca)>; K Balallo <[kbalallo@countyofessex.ca](mailto:kbalallo@countyofessex.ca)>; Barry Horrobin <[bhorrobin@amherstburg.ca](mailto:bhorrobin@amherstburg.ca)>; [BruceMontone@amherstburg.ca](mailto:BruceMontone@amherstburg.ca); DESANDO, Bruno <[bruno.desando@canadapost.ca](mailto:bruno.desando@canadapost.ca)>; Carr <[ccarr@essexpowerlines.ca](mailto:ccarr@essexpowerlines.ca)>; Girard <[agirard@essexpowerlines.ca](mailto:agirard@essexpowerlines.ca)>

**Subject:** Notice of Public Meeting for Two ZBAs

**From:** [Horrobin, Barry](#)  
**To:** [Janine Mastronardi](#)  
**Cc:** [Lisa Cheney](#); [Frank Garardo](#)  
**Subject:** RE: Notice of Public Meeting for Two ZBAs  
**Date:** March 31, 2021 5:45:56 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Janine:

The Windsor Police Service has no concerns or objections with either of these two proposed Zoning By-law amendments at 5569 Concession 5 North and 4401 Concession 4 South respectively. The nature of the changes for both applications will have no discernible or negative impact on police incident response or general service delivery capability whatsoever.

Respectfully,

**Barry Horrobin, B.A., M.A., CLEP, CMM-III**  
**Director of Planning & Physical Resources**  
**WINDSOR POLICE SERVICE**



***Advanced Certified Law Enforcement Planner***

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**From:** Janine Mastronardi <jmastronardi@amherstburg.ca>  
**Sent:** Wednesday, March 31, 2021 12:31 PM  
**To:** Giovanni (John) Miceli <jmiceli@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Todd Hewitt <thewitt@amherstburg.ca>; Angelo Avolio <aavolio@amherstburg.ca>; Michelle Lavin <mlavin@amherstburg.ca>; Shane McVitty <smcvitty@amherstburg.ca>; Ron Meloche <rmeloche@amherstburg.ca>; Paula Parker <pparker@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; Paul Acton <pacton@amherstburg.ca>; Rob Unis <runis@amherstburg.ca>; ONTUGLLandsINQ@uniongas.com; Executivevp.lawanddevelopment@opg.com; planning@erca.org; Denise Kimmerly <denise\_kimmerly@wecdsb.on.ca>; Rebecca Belanger <rbelanger@countyofessex.ca>; Lisa Shepley <lshpley@countyofessex.ca>; K Balallo <kbalallo@countyofessex.ca>; Horrobin, Barry <[REDACTED]>; Bruce Montone <bmontone@amherstburg.ca>; DESANDO, Bruno <bruno.desando@canadapost.ca>; Carr <ccarr@essexpowerlines.ca>; Girard <agirard@essexpowerlines.ca>



**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2021-024**

**By-law to amend Zoning By-law No. 1999-52  
E/S Concession 4 S (Conc 4, Pt Lot 40), Amherstburg**

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**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 49 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.

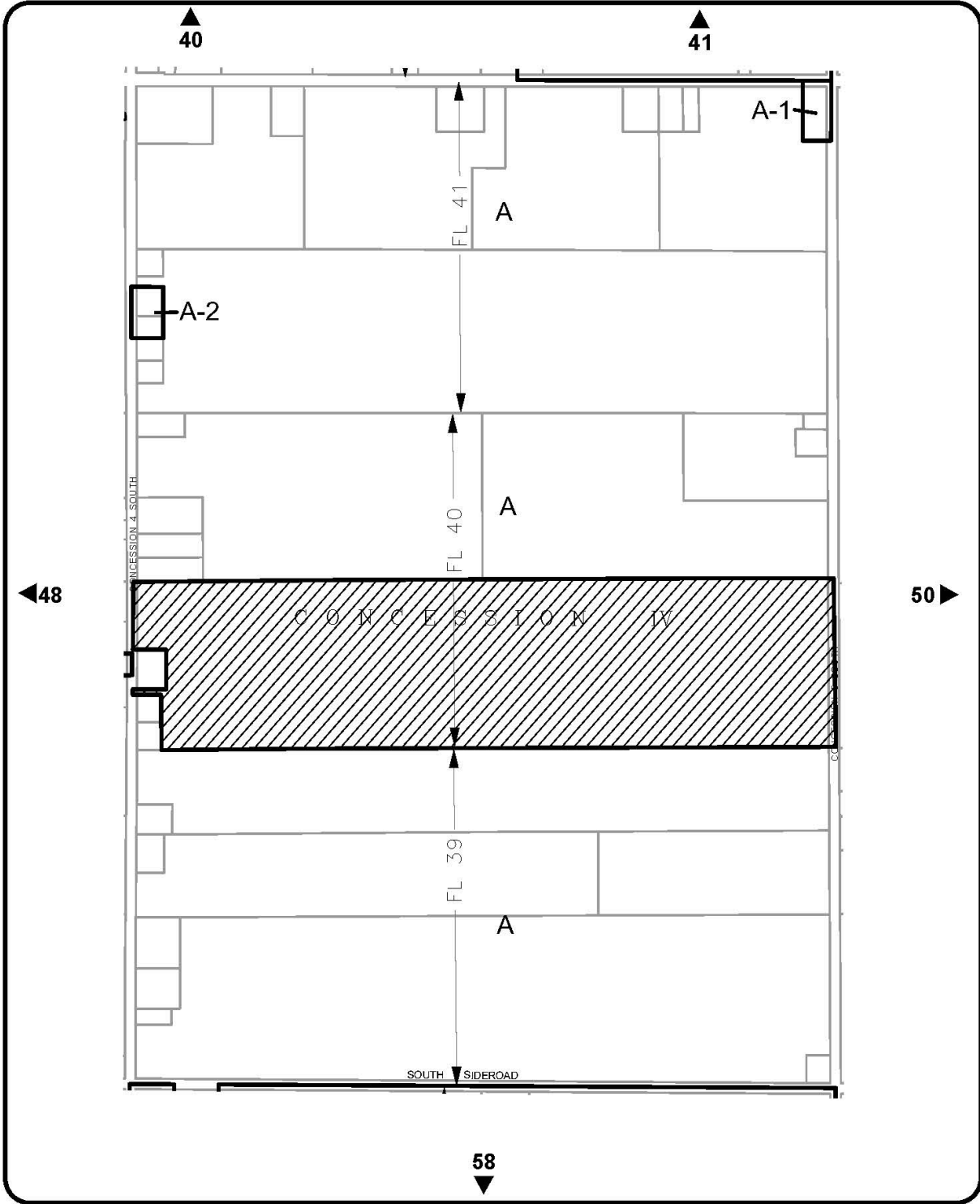
Read a first, second and third time and finally passed this 10<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
MAYOR- ALDO DICARLO


\_\_\_\_\_  
CLERK- PAULA PARKER

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2021-024  
A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'  
MAP 49  
ZONING BY-LAW NO. 1999-52

A to A-36 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF PLANNING AND 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.*

Author's Name: Frank Garardo	Report Date: April 9, 2021
Author's Phone: 519 736-5408 ext. 2124	Date to Council: April 26, 2021
Author's E-mail: <a href="mailto:fgarardo@amherstburg.ca">fgarardo@amherstburg.ca</a>	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Zoning By-law Amendment for 5569 Concession 5 N

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#### 1. RECOMMENDATION:

It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment for lands at 5569 Concession 5 N (File ZBA-08-21), owned by Dean Wynants, **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-03-21, which approved a lot addition severance with associated conditions. The rezoning of a portion of the subject property to EP is a condition of the consent decision. Condition (9) of the decision states:

9. *That the 3.2 acre portion of the retained lot that contains the planted woodlot be rezoned to Environmental Protection (EP) Zone.*

#### 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 Dean Wynants. The subject lands affected by the proposed amendment are described as Part of Lot 8, Concession 5, municipally known as part of 5569 Concession 5 N; The property is a planted woodlot and the total area subject to the rezoning is 1.28 hectares (3.17 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 “Environmental Protection (EP) Zone”. The land is designated Agricultural in the Town’s Official Plan. The lands described above are a portion of the retained parcel subject to an application for consent (File B/03/21) for a lot addition. The amendment is a condition of consent from the Committee of Adjustment.

The effect of the Zoning By-law Amendment will be to allow for general environmental protection uses on the subject property. The “Environmental Protection (EP) Zone” will prohibit residential uses on these lands.

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 lot addition 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.

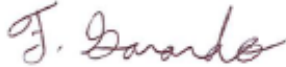
**6. CONSULTATIONS:**

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.

*This space left blank intentionally*

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**

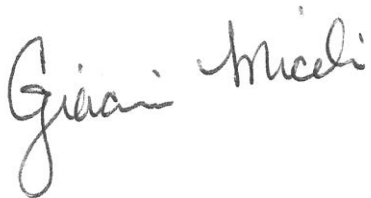
## Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment for 5569 Concession 5 N.docx
Attachments:	- 2021 04 26 - Statutory Public Meeting- ZBA 5569 Conc 5 N- ATTACHMENTS.pdf
Final Approval Date:	Apr 19, 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  
**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, April 26, 2021 commencing at 5:00 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 8, Concession 5, municipally known as part of 5569 Concession 5 N. The property is a planted woodlot and the total area subject to the rezoning is 1.28 hectares (3.17 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 “**Environmental Protection (EP) Zone**”. The parcel is designated Agricultural in the Town’s Official Plan. The lands described above are a portion of the retained parcel subject to an application for consent (File B/03/21) for a lot addition. The amendment is a condition of consent from the Committee of Adjustment.

**THE EFFECT OF THE ZONING BY-LAW AMENDMENT** will be to allow for general environmental protection uses on the subject property. The “Environmental Protection (EP) Zone” will prohibit 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](mailto: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, April 22, 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, April 22, 2021. To register for electronic participation please email the Deputy Clerk at [tfowkes@amherstburg.ca](mailto: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/08/21) 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

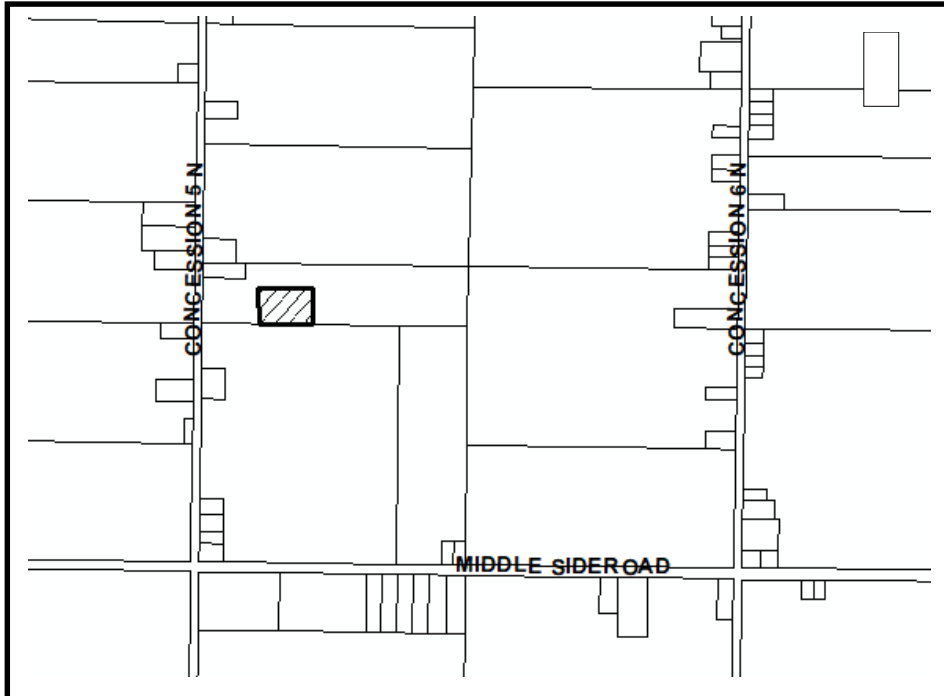
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Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove 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](http://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](http://www.amherstburg.ca).

DATED at the Town of Amherstburg this 31<sup>st</sup> day of March, 2021.

### 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](http://www.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.



Municipal Fee Received:	1620.00
Municipal Deposit Received:	N/A
ERCA Fee Received:	200.00

Application No. ZBA/08/21

**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 March 17, 2021
3. Date application deemed complete by municipality March 25, 2021
4. Name of registered owner Dean Wynants

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. 5      Lot(s) No. Pl L+ 8

Registered Plan No. \_\_\_\_\_      Lot(s) No. \_\_\_\_\_

Reference Plan No. \_\_\_\_\_      Part(s) No. \_\_\_\_\_

Street Address 5569 Con S N      Assessment Roll No. 440-01500

7. Size of subject parcel:

Frontage 300ft      Depth 460 ft      Area 3.17 acres

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 \_\_\_\_\_

- Condition of consent

(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 Agricultural

11. Nature and extent of rezoning requested A to EP

12. Reasons why rezoning is requested condition of consent

13. Current use of subject land vacant - treed property

14. Length of time current use of subject land has continued 13 yrs

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:

vacant land

\_\_\_\_\_  
\_\_\_\_\_

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

N/A

\_\_\_\_\_  
\_\_\_\_\_

18. Date subject land acquired by current registered owner 2006

19. Proposed use of subject land vacant treed property

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:

none  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

21. Type of water supply:

- municipally owned and operated piped water supply
- well
- Other (specify) N/A

22. Type of sanitary sewage disposal:

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

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) municipal drains

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:

B / 03 / 21 - approved - currently satisfying conditions

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.

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.

31. Will the proposed project include the addition of permanent above ground fuel storage?


Yes  No

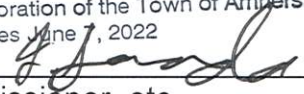
Dated at the Town of Amherstburg this 17<sup>th</sup> day of March, 2021.

x   
(signature of applicant, solicitor or authorized agent)

I, Dean Wynants 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<sup>th</sup> day of March, 2021.

x   
Applicant, Solicitor or Authorized Agent

Frank Garardo, a Commissioner, etc.,  
Province of Ontario, for the  
Corporation of the Town of Amherstburg.  
Expires June 1, 2022  
  
A Commissioner, etc.

**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) **Dean E. Wynants**
- (c) Brief description LOCATION OF PROPERTY (c) **5569 Concession 5 N  
(Roll No. 3729-440-000-01500)**
- (d) As set out in application PURPOSE OF APPLICATION (d) The applicant is proposing to sever a vacant parcel of farmland with 21.95 m (72 ft) frontage by an irregular depth and an area of 7.18 hectares (17.73 acres) for the purpose of a lot addition to merge with the 48.74 acre farm to the north known as Con 5, Pt Lt 8, designated as Part 3, 12R-10930, E/S Concession 5 N. The proposed retained parcel being 91.44 m (300 ft) frontage by 277.37 m (910 ft) depth has an area of 2.54 hectares (6.27 acres).
- (e) Date of decision **CONCUR** in the following decision and reasons for decision made on the (e) 26<sup>th</sup> day of January, 2021.

**DECISION: APPROVED**

- (f) State conditions to be satisfied before granting of consent
  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 Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcel of land being the subject of the consent.
  6. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcel which is the subject of the consent.
  7. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
  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 rural residential parcel in an Agricultural (A) Zone.
  9. That the 3.2 acre portion of the retained lot that contains the planted woodlot be rezoned to Environmental Protection (EP) Zone.
  10. 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 Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The proposed lot addition will not remove any land from agricultural production and the existing woodlot will be rezoned to the Environmental Protection (EP) Zone to protect it from future development.

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

.....  
Terris Buchanan

.....  
Anthony Campigotto

.....  
Donald Shaw

.....  
Josh Mailloux

ORIGINAL DOCUMENT SIGNED

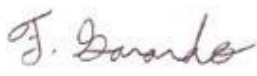
**CERTIFICATION**

*The Planning Act, R.S.O. 1990*

(h) Name 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.

(i) Name & address of approval authority

Dated this 28<sup>th</sup> day  
of January, 2021

  
.....  
Secretary-Treasurer  
Town of Amherstburg  
Committee of Adjustment  
3295 Meloche Rd, Amherstburg, ON N9V 2Y8

6. 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.
7. 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.
8. 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: Josh Mailloux

-carried-

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

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 proposed lot addition does not remove agricultural land from production.

That application A/02/21 be approved.

Moved by: Anthony Campigotto

Seconded by: Don Shaw

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
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 proposed lot addition does not remove agricultural land from production.

**6.3 Applications B/03/21 & A/03/21 – Dean Wynants – 5569 Concession 5 N (Roll No. 3729-440-000-01500)**

Public in Attendance: Dean Wynants

**B/02/21:** The applicant is proposing to sever a vacant parcel of farmland with 21.95 m (72 ft) frontage by an irregular depth and an area of 7.18 hectares (17.73 acres) for the purpose of a lot addition to merge with the 48.74 acre farm to the north known as Con 5, Pt Lt 8, designated as Part 3, 12R-10930, E/S Concession 5 N. The proposed retained parcel being 91.44 m (300 ft) frontage by 277.37 m (910 ft) depth has an area of 2.54 hectares (6.27 acres), and is designated and zoned Agricultural in both the Town's Official Plan and Zoning By-law.

**A/03/21:** 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 7.17 hectares (17.73 acres) from an existing 9.71 hectares (24 acres) parcel the retained parcel will have an area of 2.54 hectares (6.27 acres). Therefore, the amount of relief requested is 37.46 hectares (92.57 acres).

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

- i) Letter dated January 18, 2021 from the Essex Region Conservation Authority stating:  
*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 Dauphin Drain and Smale Drain. 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 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 and Consent.*
- ii) Email dated January 18, 2021 from the Windsor Police Department stating that:  
*The Windsor Police Service has no objections with the proposed severance to enable a lot addition. This change will not impair police service delivery to the property.*
- iii) Email dated January 15, 2021 from the Engineering and Public Works Department indicating the following:
  - *Drainage Apportionment required for the Dauphin Drain and the Agreement Drain.*
- iv) Email dated January 11, 2021 from the Fire Department dated indicating no comments.
- v) Planning Report dated January 18, 2021 from Frank Garardo, Secretary Treasurer and Sarah French, Planner.

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. Dean Wynants presented the concept of the application. Mr. Wynants stated that he planted the trees on the property through a program with ERCA in 2008 and would like to keep the 6 acres of land with his house. The farmland would remain agricultural and would continue to be farmed by the current farmer (Tony Simon). A discussion occurred regarding the merits of rezoning the 3.2 acres of woodlot to Environmental Protection (EP) Zone. Members Don Shaw and Josh Mailloux were opposed to the rezoning. Mr. Wynants also stated that he would prefer not to have the rezoning as a condition but if required, would be willing to rezone. Member Terris Buchanan stated that the rezoning would protect the woodlot and would only prevent the owner from building in it. Frank Garardo stated that retained lands for severances in the agricultural area are typically smaller and the rezoning was a way to justify a larger parcel as the 3.2 acres would be protected and therefore remain agricultural, as woodlots can be considered an agricultural use. A similar severance from 2018 was referenced. The severance in question also had a large parcel of environmentally protected land as part of the retained parcel. A motion for the approval without the rezoning condition was put forth but was defeated three to two. A motion for the approval with the rezoning condition was put forward and carried three to two. Frank Garardo read the proposed conditions and the applicant acknowledged understanding of the conditions.

The following resolution was put forth:

That application B/03/21 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 Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcel of land being the subject of the consent.
6. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcel which is the subject of the consent.
7. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
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 rural residential parcel in an Agricultural (A) Zone.
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: Josh Mailloux

Seconded by: Don Shaw

-defeated-

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

Reasons of the Committee – The majority of the Committee members felt that in order to approve the retained lot at 6.27 acres that the 3.2 acre parcel planted as a woodlot should be rezoned to Environmental Protection (EP) to ensure it cannot be built on in the future.

The following resolution was put forth:

That application B/03/21 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 Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcel of land being the subject of the consent.

6. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcel which is the subject of the consent.
7. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
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 rural residential parcel in an Agricultural (A) Zone.
9. That the 3.2 acre portion of the retained lot that contains the planted woodlot be rezoned to Environmental Protection (EP) Zone.
10. 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: Anthony Campigotto

-carried-

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

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 proposed lot addition will not remove any land from agricultural production and the existing woodlot will be rezoned to the Environmental Protection (EP) Zone to protect it from future development.

That application A/03/21 be approved.

Moved by: Terris Buchanan  
 Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
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 proposed lot addition will not remove any land from agricultural production and the existing woodlot will be rezoned to the Environmental Protection (EP) Zone to protect it from future development.

**6.4 Applications B/04/21 & B/05/21 – 1109158 Ontario Ltd, c/o Casey Martin, Agent– 158 & 168 Texas Road (Roll Nos. 3729-420-000-23100 & 23000)**

Public in Attendance: Casey Martin, Nick Martin



planning@erca.org

P.519.776.5209

F.519.776.8688

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

April 07, 2021

Mr. Frank Garardo  
Manager of Planning Services  
3925 Meloche Road  
Amherstburg, ON N9V 2Y8

Dear Mr. Garardo:

RE: Zoning By-Law Amendment ZBA-08-21  
5569 CON 5 NORTH  
ARN 372944000001500; PIN: 015500240  
Applicant: WYNANTS DEAN EDWARD

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-08-21. 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 "Environmental Protection (EP) Zone.

## **DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

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 Dauphin Drain and Smale Drain. 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*.

## **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 Stormwater Management (PPS, 2020)**

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

Mr. Garardo  
April 07, 2021

**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**

With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning By-law amendment.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Vitra Chodha  
Resource Planner  
/vc



**From:** [DESANDO, Bruno](#)  
**To:** [Janine Mastronardi](#)  
**Subject:** RE: Notice of Public Meeting for Two ZBAs  
**Date:** March 31, 2021 12:57:31 PM  
**Importance:** High

---

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello Janine,

Canada Post has no comments for the attached applications.

Regards,

Bruno

Bruno DeSando  
CANADA POST CORPORATION  
Delivery Planning  
955 Highbury Avenue  
LONDON ON N5Y 1A3  
tel: 519-494-1596  
fax: 519-457-5412  
e-mail: [bruno.desando@canadapost.ca](mailto:bruno.desando@canadapost.ca)

---

**From:** Janine Mastronardi <[jmastronardi@amherstburg.ca](mailto:jmastronardi@amherstburg.ca)>  
**Sent:** March-31-21 12:31 PM  
**To:** Giovanni (John) Miceli <[jmiceli@amherstburg.ca](mailto:jmiceli@amherstburg.ca)>; Antonietta Giofu <[aGiofu@amherstburg.ca](mailto:aGiofu@amherstburg.ca)>; Todd Hewitt <[thewitt@amherstburg.ca](mailto:thewitt@amherstburg.ca)>; Angelo Avolio <[aavolio@amherstburg.ca](mailto:aavolio@amherstburg.ca)>; Michelle Lavin <[mlavin@amherstburg.ca](mailto:mlavin@amherstburg.ca)>; Shane McVitty <[smcvitty@amherstburg.ca](mailto:smcvitty@amherstburg.ca)>; Ron Meloche <[rmeloche@amherstburg.ca](mailto:rmeloche@amherstburg.ca)>; Paula Parker <[pparker@amherstburg.ca](mailto:pparker@amherstburg.ca)>; Antonio Marra <[amarra@amherstburg.ca](mailto:amarra@amherstburg.ca)>; Paul Acton <[pacton@amherstburg.ca](mailto:pacton@amherstburg.ca)>; Rob Unis <[runis@amherstburg.ca](mailto:runis@amherstburg.ca)>; [ONTUGLLandsINQ@uniongas.com](mailto:ONTUGLLandsINQ@uniongas.com); [Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com); [planning@erca.org](mailto:planning@erca.org); Denise Kimmerly <[denise\\_kimmerly@wecdsb.on.ca](mailto:denise_kimmerly@wecdsb.on.ca)>; Rebecca Belanger <[rbelanger@countyofessex.ca](mailto:rbelanger@countyofessex.ca)>; Lisa Shepley <[lshepley@countyofessex.ca](mailto:lshepley@countyofessex.ca)>; K Balallo <[kbalallo@countyofessex.ca](mailto:kbalallo@countyofessex.ca)>; Barry Horrobin <[bhorrobin@amherstburg.ca](mailto:bhorrobin@amherstburg.ca)>; [BruceMontone@amherstburg.ca](mailto:BruceMontone@amherstburg.ca); DESANDO, Bruno <[bruno.desando@canadapost.ca](mailto:bruno.desando@canadapost.ca)>; Carr <[ccarr@essexpowerlines.ca](mailto:ccarr@essexpowerlines.ca)>; Girard <[agirard@essexpowerlines.ca](mailto:agirard@essexpowerlines.ca)>  
**Subject:** Notice of Public Meeting for Two ZBAs

**From:** [Horrobin, Barry](#)  
**To:** [Janine Mastronardi](#)  
**Cc:** [Lisa Cheney](#); [Frank Garardo](#)  
**Subject:** RE: Notice of Public Meeting for Two ZBAs  
**Date:** March 31, 2021 5:45:56 PM

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Janine:

The Windsor Police Service has no concerns or objections with either of these two proposed Zoning By-law amendments at 5569 Concession 5 North and 4401 Concession 4 South respectively. The nature of the changes for both applications will have no discernible or negative impact on police incident response or general service delivery capability whatsoever.

Respectfully,

**Barry Horrobin, B.A., M.A., CLEP, CMM-III**  
**Director of Planning & Physical Resources**  
**WINDSOR POLICE SERVICE**



***Advanced Certified Law Enforcement Planner***

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**From:** Janine Mastronardi <jmastronardi@amherstburg.ca>  
**Sent:** Wednesday, March 31, 2021 12:31 PM  
**To:** Giovanni (John) Miceli <jmiceli@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Todd Hewitt <thewitt@amherstburg.ca>; Angelo Avolio <aavolio@amherstburg.ca>; Michelle Lavin <mlavin@amherstburg.ca>; Shane McVitty <smcvitty@amherstburg.ca>; Ron Meloche <rmeloche@amherstburg.ca>; Paula Parker <pparker@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; Paul Acton <pacton@amherstburg.ca>; Rob Unis <runis@amherstburg.ca>; ONTUGLLandsINQ@uniongas.com; Executivevp.lawanddevelopment@opg.com; planning@erca.org; Denise Kimmerly <denise\_kimmerly@wecdsb.on.ca>; Rebecca Belanger <rbelanger@countyofessex.ca>; Lisa Shepley <lshpley@countyofessex.ca>; K Balallo <kbalallo@countyofessex.ca>; Horrobin, Barry <[REDACTED]>; Bruce Montone <bmontone@amherstburg.ca>; DESANDO, Bruno <bruno.desando@canadapost.ca>; Carr <ccarr@essexpowerlines.ca>; Girard <agirard@essexpowerlines.ca>

**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2021-023**

**By-law to amend Zoning By-law No. 1999-52  
5569 Concession 5 N (Conc 5, Pt Lot 8), Amherstburg**

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**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 15 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 EP" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Environmental Protection (EP) 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 10<sup>th</sup> day of May, 2021.

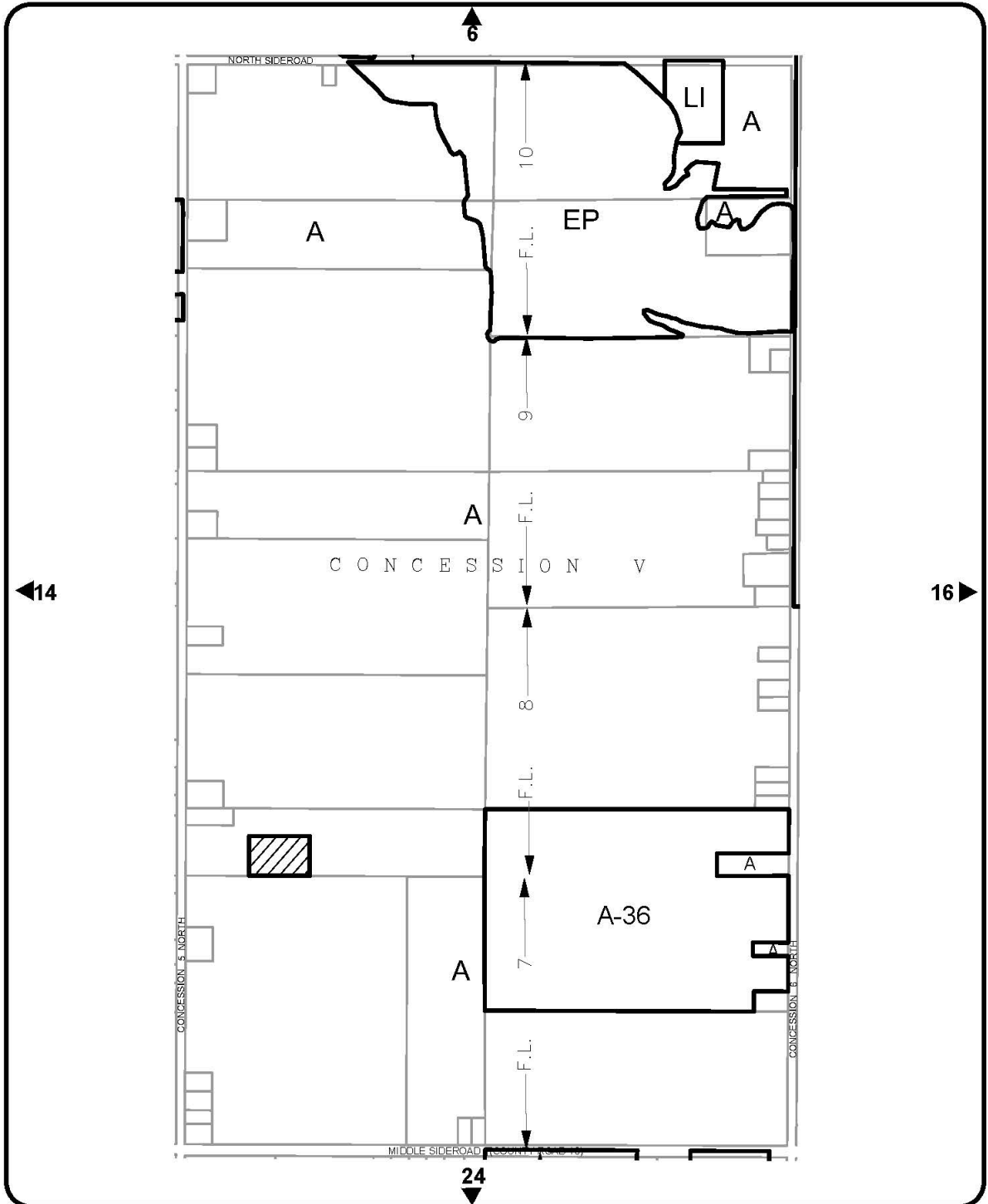
\_\_\_\_\_  
MAYOR- ALDO DICARLO

\_\_\_\_\_  
CLERK- PAULA PARKER



**TOWN OF AMHERSTBURG**

SCHEDULE "A" TO BY-LAW No. 2021-023  
 A BY-LAW TO AMEND BY-LAW No. 1999-52



**SCHEDULE 'A'**  
**MAP 15**  
 ZONING BY-LAW NO. 1999-52

A to EP 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER