

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2009 - 64**

**Being a By-law to confirm the proceedings of the Council  
of the Corporation of the Town of Amherstburg**

**WHEREAS** pursuant to Section 5(1) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the powers of a municipality shall be exercised by its Council;

**WHEREAS** pursuant to Section 5(3) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity rights, powers and privileges under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

**WHEREAS** it is deemed expedient that a by-law be passed to authorize the execution of agreements and other documents and that the Proceedings of the Council of the Corporation of the Town of Amherstburg at its meeting be confirmed and adopted by by-law; and

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

1. THAT the action(s) of the Council of the Corporation of the Town of Amherstburg in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all actions passed and taken by the Council of the Corporation of the Town of Amherstburg, documents and transactions entered into during the September 14, 2009 meeting of Council, are hereby adopted and confirmed, as if the same were expressly contained in this by-law;
2. THAT the Mayor and proper officials of the Corporation of the Town of Amherstburg are hereby authorized and directed to do all things necessary to give effect to the action (s) of the Council of the Corporation of the Town of Amherstburg during the said meeting referred to in paragraph 1 of this by-law;
3. THAT the Mayor and Clerk are hereby authorized and directed to execute all documents necessary to the action taken by this Council as described in Section 1 of this by-law and to affix the Corporate Seal of the Corporation of the Town of Amherstburg to all documents referred to in said paragraph 1.

  
MAYOR - WAYNE HURST

  
CLERK - BRENDA M. PERCY

1<sup>st</sup> Reading – September 14, 2009

2<sup>nd</sup> Reading – September 14, 2009

3<sup>rd</sup> Reading – September 14, 2009

**AMHERSTBURG COMMITTEE OF ADJUSTMENT**

Minutes of a meeting of the Amherstburg Committee of Adjustment held Tuesday, July 28, 2009 at 7:30 a.m. in the Council Chambers.

Present: Chairman D. Cozens, Members S. Ducedre, J. Mailloux, D. Shaw, A. Smith

Also Present: L. Bratt, Secretary

**DISCLOSURE OF INTEREST**

Member D. Shaw indicated a conflict of interest regarding Application B/11/09 and will refrain from discussion and/or voting on this matter.

**ADOPTION OF MINUTES**

Moved by D. Shaw  
Seconded by S. Ducedre

That the minutes of a meeting of the Committee of Adjustment held July 23, 2009 be adopted as printed and circulated.

-carried-

**APPLICATIONS**

- (1) **B/11/09** Donald Shaw  
4513 Concession 4 N  
Concession 4, South ½ of Lot 7

Member D. Shaw left the Council Chambers and refrained from discussion and/or voting on this matter.

Public in Attendance: Jim Shaw on behalf of Donald Shaw

Application B/11/09, an application for consent to sever a parcel of land being 305 ft. frontage by 340 ft. depth which includes a single detached dwelling, garage, shed, barn and ice house and are surplus to the needs of the farming operation. The remaining parcel being 97.1 acres is vacant farmland.

The subject property is designated Agricultural in the Official Plan and zoned Agricultural (A) Zone in Bylaw 1999-52, as amended.

The following correspondence was received from the various agencies circulated:

- (i) Letter dated July 22, 2009 from the Essex Region Conservation Authority – portions of the lands are subject to ERCA regulations. Prior to any construction or site alteration, (specifically any works within the vicinity of the Powers Drain) or other activities affected by the regulations, the property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority. The Powers Drain runs through the above noted property. Accordingly, the Department of Fisheries and Oceans (DFO) drain classification system may also be applicable should the owner propose future works in the vicinity of this drain such as the installation of a culvert or a drainage outlet. ERCA has no objections to the application.
- (ii) Letter dated July 21, 2009 from the County of Essex – The applicant will be required to comply with County Bylaw Numbers 2481 and 2480. Applications must be filed with the County to obtain the necessary permits for any changes to

existing entrances and structures, or the construction of new entrances and structures.

- (iii) Memo dated July 16, 2009 from Todd Hewitt C. Tech. Engineering Coordinator – Water Distribution – the property to be severed is currently receiving water from the watermain on Middle Sideroad. It is recommended that this water service be decommissioned as it will be crossing the retained parcel of land. It is further recommended that the landowner connect to the municipal water system on the 4<sup>th</sup> Concession. Sanitary Sewers – no sanitary sewer is available for this property. The property currently uses a septic system. Storm Drainage – not applicable. Driveway Entrances – The property to be severed has an existing driveway entrance. The retained parcel has multiple field accesses. Municipal Drainage – A municipal drain apportionment for the Powers Drain will be required for this property. Roadway – The property fronts onto the 4<sup>th</sup> Concession. No roadway improvements are required. Hydro Service – the property currently has a hydro service.
- (iv) E-mail dated July 22, 2009 from Dwayne Grondin, Water and Wastewater Superintendent – the existing water service connection on Middle Sideroad will need to be abandoned and a new service will be required off the 4<sup>th</sup> Conc. N fronting the property.

Jim Shaw then addressed the Committee summarizing the application for consent. He indicated that the house and accessory structures are surplus to the needs of the farming operation.

The Committee then reviewed the planning report dated July 23, 2009 submitted by Jackie Hubbs and Lory Bratt. They also advised the applicant of the proposed conditions that would be associated with the severance decision.

After discussion the following resolution was put forth:

Moved by A. Smith  
Seconded by J. Mailloux

That Application B/11/09 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; a copy to be provided to the municipality.
2. The applicant to 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. There will be no further residential development on the retained farm land and the requirement for this non-development to be registered against the title of the property.
6. That the applicant obtain a report from a certified designer/installer 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. Further the Chief Building Official or his designate is to be onsite for inspection purposes when the field investigation is conducted by the designer/installer.
7. That the water service from the watermain on Middle Sideroad be decommissioned and a new water service be installed and connected to the municipal water system

on Concession 4 North under the supervision and in accordance with the Town of Amherstburg at the owner's expense.

8. That the existing barn on the property be decommissioned by the removal of stalls and that the decommissioning be registered on title that the structure has been decommissioned as a non-intensive livestock facility.
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.

-carried-

#### Reasons of Committee

The request is in conformity with Section 3.2.2 (13) and 5.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

-carried-

(2) A/4/09 Michael N. Specht  
820 Concession 2 N  
Concession 1, South Part Lot 17

Public in Attendance: Michael Specht

Application A/4/09 is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(b) which permits that the total lot coverage of all accessory buildings or structures on a lot shall not exceed 10 percent of the lot area of the said lot to a maximum of 100 square metres in any Residential Zone. The applicant is proposing to construct an accessory structure being 9.144 m (30 ft) by 12.19 m (40 ft) with an area of 111.48 sq m (1200 sq ft). Therefore the amount of relief requested is 11.48 sq m. The proposed one storey structure replaces a two story structure and has a larger foot print.

The subject property is designated Low Density Residential in the Official Plan and zoned Residential Type 1A (R1A) Zone in Bylaw 1999-52, as amended.

The following correspondence was received from the various agencies circulated:

- (i) Letter dated July 22, 2009 from the Essex Region Conservation Authority – the lands are not subject to ERCA regulations. There are no objections to the application.
- (ii) Letter dated July 21, 2009 from the County of Essex – The applicant is required to comply with County Bylaw Numbers 2481 and 2480. The minimum setback for any proposed structures on this property must be 85 ft. from the centre of the original ROW of County Road 5. Applications must be filed with the County to obtain the necessary permits for any changes to existing entrances and structures, or the construction of new entrances and structures.
- (iii) Memo dated July 16, 2009 from Todd Hewitt, C. Tech. Engineering Coordinator –Water Distribution – the property currently has a water service. Driveway Entrances – the property currently has a driveway entrance. Roadway – The property fronts onto the 2<sup>nd</sup> Concession Road-no roadway improvements are required. Hydro Service – the property currently has a hydro service.

Mike Specht addressed the Committee summarizing the application for variance. He advised that he is replacing a previous structure that was destroyed by fire. The previous building was a two storey structure and he is proposing to replace it with a one storey structure with a bigger footprint. It will be used as a hobby shop and accessory building.

After discussion the following resolution was put forth:

Moved by A. Smith  
Seconded by J. Mailloux

That Application A/4/09 be approved to grant relief of 11.48 sq m to permit the construction of an accessory structure being 9.144 m (30 ft) by 12.19 m (40 ft) with an area of 111.48 sq m (1200 sq ft). subject to the following conditions:

1. That the applicant obtain a report from a certified designer/installer that the private septic system located on the property is in working order and that its operation will not be affected by this development, if required by the Chief Building Official. Further the Chief Building Official or his designate is to be onsite for inspection purposes when the field investigation is conducted by the designer/installer.

-carried-

#### Reasons of Committee

The variance is minor in nature, will not impact the character of the neighbourhood and is in keeping with the intent of the Official Plan and Zoning Bylaw.

- (3) **A/5/09** Dan & Carolyn Cockerton,  
c/o Rod Gillen, Diamond Home Improvements, Agent  
336 Ridgeview Place N  
12M311, Pt Lt 9, RP 12R14509, Part 4

Public in Attendance: Dan & Carolyn Cockerton and Rod Gillen, Diamond Home Improvements, Agent for the Applicants.

Application A/5/09 is requesting relief from Zoning By-law 1999-52, as amended, Section 10(4)(b)(ii)(4) which requires a minimum rear yard depth of 7.0 m and Section 10(4)(b)(ii)(7) which permits a maximum lot coverage of 35% in a Special Provision Residential Multiple First Density (RM1-2) Zone. The applicant is proposing the construction of a sunroom addition being 3.81 m by 3.81 m. The applicant is proposing a rear yard depth of 4.69 m. The existing lot coverage is 45.23% and the proposed lot coverage is 47.38%. Therefore the amount of relief requested is 2.31 m and 12.38% respectively.

The subject property is designated Low Density Residential in the Official Plan and zoned Special Provision Residential Multiple First Density (RM1-2) Zone in Bylaw 1999-52, as amended.

The following correspondence was received from the various agencies circulated:

- (iv) Letter dated July 22, 2009 from the Essex Region Conservation Authority – the lands are not subject to ERCA regulations. There are no objections to the applications.
- (v) Memo dated July 16, 2009 from Todd Hewitt, C. Tech. Engineering Coordinator – Water Distribution – the property currently has a water service. Driveway Entrances – the property currently has a driveway entrance. Roadway – The property fronts onto Ridgeview Place. No roadway improvements are required. Hydro Service – the property currently has a hydro service.

Rod Gillen addressed the Committee summarizing the application for variance. He indicated that the applicants wished to build the sunroom where the deck is currently located. Mrs. Cockerton has medical issues with her eyes and this would afford her the opportunity to enjoy the outdoors with some protection. It also affords the applicants some privacy as well.

After discussion the following resolution was put forth:

Moved by S. Ducedre  
Seconded by A. Smith

That Application A/5/09 be approved to grant relief of 2.31 metres and 12.38% to permit a rear yard depth of 4.69 metres and lot coverage of 47.38% for the construction of an attached sunroom addition being 3.81 m by 3.81 m.

-carried-

Reasons of Committee

The variance is minor in nature, will not impact the character of the neighbourhood and is in keeping with the intent of the Official Plan and Zoning Bylaw.

NEXT MEETING

The next meeting is scheduled for Tuesday, August 25, 2009 at 7:30 a.m.

ADJOURNMENT

The meeting adjourned at 8:00 a.m.

  
Chairman- Dave Cozens

  
Secretary- Lory Bratt