



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

**View Livestream at the time of the proceedings at
<https://www.amherstburg.ca/livestream>**

Monday, February 13, 2023

5:00 PM

Council Chambers

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

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact the Clerk's Division at clerk@amherstburg.ca.

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

Pages

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**
(Public Council Meeting Agenda Items)

4. LAND ACKNOWLEDGEMENT

We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron-Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

5. SPECIAL PLANNING REPORTS

5.1 Statutory Public Meeting to Consider a Zoning By-law Amendment for lands severed from 6436 Concession 6 N

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It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment for lands severed from 6436 Concession 6 N (File ZBA-02-23), owned by 806574 Ontario Inc. and James Shaw **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2023-026 **be considered** at the regular Council meeting following this public meeting.

5.2 Statutory Public Meeting to Consider a Zoning By-law Amendment, ZBA-01-23, for 41 Sandwich Street South

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It is recommended that:

6. ADJOURNMENT

That Council rise and adjourn at p.m.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF 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: Janine Mastronardi	Report Date: January 27, 2023
Author's Phone: 519 736-5408 ext. 2134	Date to Council: February 13, 2023
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting to Consider a Zoning By-law Amendment for lands severed from 6436 Concession 6 N

1. **RECOMMENDATION:**

It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment for lands severed from 6436 Concession 6 N (File ZBA-02-23), owned by 806574 Ontario Inc. and James Shaw **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2023-026 **BE CONSIDERED** at the regular Council meeting following this public meeting.

2. **BACKGROUND:**

The lands are the subject of a decision of the Committee of Adjustment for Application B/01/23, 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 806574 Ontario Inc. and James Shaw. The subject lands affected by the proposed amendment are described as Part of Lot 6, Concession 5, municipally known as part of W/S Concession 6 N; the residence which was the subject of the severance is located at 6436 Concession 6 N is not subject to this rezoning. At the conclusion of the severance, the remaining farm parcel subject of the Zoning By-law Amendment will have a total area of 20.4 hectares (50.4 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/01/23) 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.

Planning staff will be reviewing all of the questions and comments received from this statutory public meeting, will be assessing all information provided by the Applicant and all internal and external departmental and agency comments, and will be preparing a subsequent staff report that discusses how the above items are being addressed. The second staff report will summarize all of the comments received and make recommendation(s) regarding the proposed rezoning and any applicable conditions if required.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

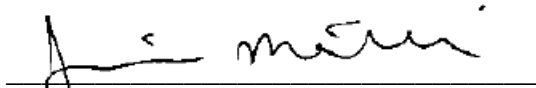
All costs associated with the application are the responsibility of the applicant. Should the decision be appealed to the Ontario Land Tribunal then the Town will incur costs.

6. CONSULTATIONS:

The Notice of Public Meeting was published in the local newspaper and on the Town website 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:

Following the statutory public meeting, planning staff will be preparing a subsequent report for Council that will include a comprehensive analysis of all of the comments and recommendations received, and will provide a professional planning opinion and a staff recommendation with respect to the requested zoning by-law amendment.



Janine Mastronardi
Planner

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: County of Essex
Phone #: 519 776-6441

Name: Windsor Essex Catholic District School Board
Phone #: 519 253-2481

Name: Greater Essex County District School Board
Phone #: 519-255-3200

Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment for lands severed from 6436 Concession 6 N.docx
Attachments:	- Appendix A- ZBA-02-23- Aerial.pdf - Appendix B- ZBA-02-23- Site Photo.pdf - Appendix C- B-01-23- Decision.pdf - Appendix D- Summary of Comments for ZBA-02-23- Lands Severed from 6436 Conc 6 N.pdf - Appendix E- 120 m Circulation Map and List.pdf - Appendix F- 2023-026- ZBA- WS Conc 6 N- A-36- DRAFT.pdf
Final Approval Date:	Feb 8, 2023

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

No Signature found

Chris Aspila



Melissa Osborne



Tracy Prince



Valerie Critchley

A handwritten signature in black ink, appearing to read "Kevin Fox". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Kevin Fox



MIDDLE SIDEROAD

CONCESSION 6 N



ZBA/02/23- W/S Concession 6 N- Vacant Farmland



**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) 806574 Ontario Inc & James Shaw**
- (c) Brief description **LOCATION OF PROPERTY (c) 6436 Concession 6 N
(Roll No. 3729-390-000-03900)**
- (d) As set out in application **PURPOSE OF APPLICATION (d) The applicant is proposing to sever a parcel of land being 60.96 m ± frontage by 76.2 m ± depth with an area of 0.46 ha ± which includes a single detached dwelling and two accessory structures which are surplus to the needs of the farming operation. The remaining parcel being 242.93 m ± frontage by a 670.56 m ± depth with an area of 20.04 ha ± is vacant agricultural land. The subject property is designated and zoned Agricultural in the Town's Official Plan and Zoning By-law.**
- (e) Date of decision **CONCUR in the following decision and reasons for decision made on the (e) 11th day of January, 2023.**
- DECISION: APPROVED**
- (f) State conditions to be satisfied before granting of consent **CONDITIONS - This decision has been made subject to the following conditions: (f)**
1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
 2. The applicant to submit to the municipality the deed acceptable for registration in order that consent may be attached and a copy be provided to the municipality.
 3. That all property taxes be paid in full.
 4. 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.
 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 municipality.
 7. 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.
 8. That the applicant determine if there are any existing farm drainage tiles/systems extending through the parcel that is to be severed and, if existing farm drainage tiles/systems are found, that the applicant redirect the tiles/systems around the parcel to be severed to the satisfaction of the municipality.
 9. That the applicant ensures the property maintains its own drainage as to not affect neighbouring properties.
 10. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years 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.**

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

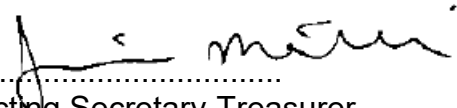
The Planning Act, R.S.O. 1990

(h) Name of approval authority

I, **Janine Mastronardi, Acting 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 13th day of January, 2023


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



Summary of Correspondence Received on Proposed ZBA on W/S concession 6 N

Below is a summary of the comments received by the Planning Services Division on ZBA/02/23.

Essex Region Conservation Authority:

The Town of Amherstburg has received an Application for Zoning By-Law Amendment for the subject property. The purpose of the rezoning will be to allow for general agricultural use on the subject property and prohibit any new dwelling unit on the land. The following is provided as a result of our review of Zoning By-Law Amendment ZBA-02-23.

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*.

We have reviewed our floodline mapping for this area and it has been determined that this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

NATURAL HERITAGE

Please be advised that pursuant to Bill 23 and regulations enacted as a result, Planning Authorities are now solely responsible for ensuring consistency with section 2.1 (i.e., natural heritage policies) of the 2020 Provincial Policy Statement (PPS). Effective January 1, 2023, the current amended *Conservation Authorities Act*, specifically sections 21.1.1 (1.1) and 21.1.2 (1.1), prohibit Conservation Authority staff from providing this service. Should Planning Authorities lack internal expertise, they have the option to outsource this function to consulting firms.

FINAL RECOMMENDATION

ERCA has no objection to Zoning By-Law Amendment Application ZBA-02-23.

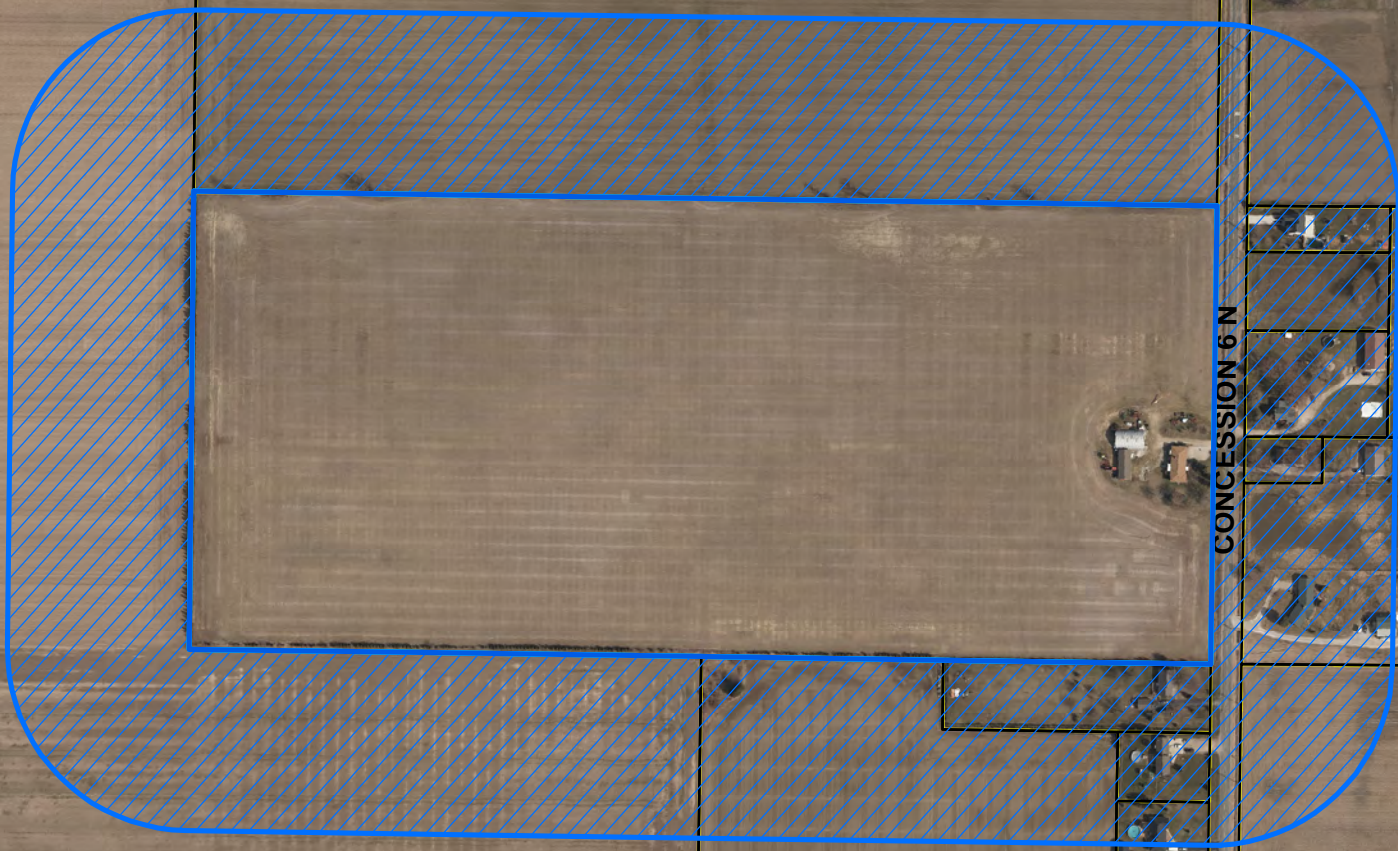
Windsor Police:

Please be advised that upon reviewing the particulars of Zoning By-law amendments for both 41 Sandwich Street South and 6436 Concession 6 North, the Windsor Police Service has no concerns or objections with either application. The end result from both will not have a discernible impact to police patrol or incident response capability.



MIDDLE SIDEROAD

CONCESSION 6 N



ZBA/02/23- W/S Conc 6 N- 120 m Circulation List

ARN	ADD1	STREETNAME
372939000008750		HOWARD AVE
372939000008100	6425	CON 6 NORTH
372939000003900	6436	CONCESSION 6 N
372939000004000	6416	CON 6 NORTH
372939000008200	6437	CONCESSION 6 N
372939000008400	6483	CONCESSION 6 N
372939000008390	6459	6TH CONC N
372939000004100	6410	CONCESSION 6 N
372939000008000	6387	CONCESSION 6 N
372939000008350	6441	CONCESSION 6 N
372939000008300		CONCESSION 6 N
372939000003800		CONCESSION 6 N
372939000004300	6382	CONCESSION 6 N
372939000002700	5441	CONCESSION 5 N
372939000004150	6406	CONCESSION 6 N

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2023-026**

**By-law to amend Zoning By-law No. 1999-52
W/S Concession 6 N (Concession 5, Part Lot 6), Amherstburg**

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

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

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

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

1. Schedule "A", Map 24 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.

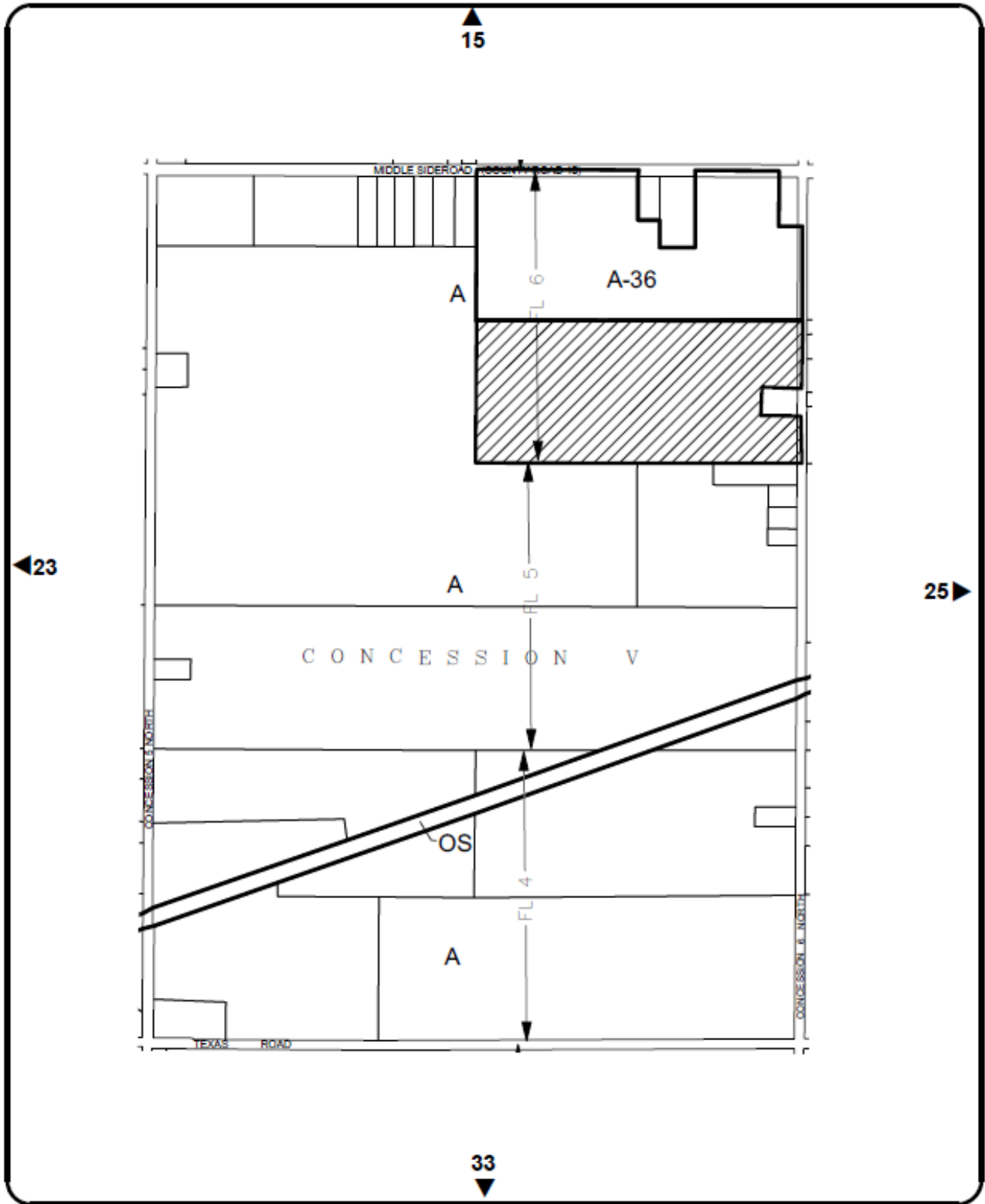
Read a first, second and third time and finally passed this --th day of March, 2023.

MAYOR- MICHAEL PRUE

CLERK- KEVIN FOX


TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2023-026
BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 24

ZONING BY-LAW NO. 1999-52

A to A-36 



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF 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.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting to Consider a Zoning By-law Amendment, ZBA-01-23, for 41 Sandwich Street South

1. RECOMMENDATION:

It is recommended that:

- 1. Comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands municipally known as 41 Sandwich Street South (File ZBA-01-23), owned by 13213811 Canada Inc. BE RECEIVED and SUMMARIZED in a future report to Council.

2. BACKGROUND:

The Town is in receipt of an application for a Zoning By-law Amendment to By-Law 1999-52 from 13213811 Canada Inc. The subject lands are located on the east side of Sandwich St. S. between Alma St. and Fort St. and are municipally known as 41 Sandwich St. S. (refer to Figure 1).

The purpose of the application is to establish a site-specific zone to add an additional dwelling unit as a permitted use on the subject lands. The re-zoning will allow for a total of five (5) residential units, with four (4) of the residential units currently existing in the main building and one (1) residential unit proposed in the existing accessory structure. The existing structure has most recently been used as an upholstery shop. The interior footprint of the structure is approximately 70 m2 (approximately 750 ft2). The structure will require interior renovations to update it into a dwelling unit. All renovations will be required to comply with current Ontario Building Code. The parking on site is sufficient to provide one parking space for the proposed residential dwelling unit.

3. DISCUSSION:

The subject lands are designated General Commercial in the Town of Amherstburg Official Plan. Section 4.4.2 of the Official Plan states:

The uses permitted in the General Commercial designation shall include those commercial establishments offering goods and services which primarily serve the whole of the municipality's market area and shall include such uses as retail commercial establishments, places of entertainment, assembly halls, eating establishments, hotels, motels, community facilities, public uses, recreational uses, convenience stores whether in the form of individual stores or in a shopping centre form of construction and/or ownership, and residential uses above the first floor.

Multi-family residential development will be considered as an alternative form of land use on lands designated General Commercial. Unless otherwise specified, the height of multi-family residential development within the General Commercial designation shall be limited to 5 storeys and unless a site specific zoning by-law states otherwise, residential units will not occupy the first floor abutting Richmond Street or Dalhousie Street.

The Zoning By-law currently zones the subject lands as Residential Office (RO) Zone. The RO Zone permits the following uses:

- (i) uses permitted within a Residential Heritage Zone as provided in Section 12 hereto;
- (ii) professional office;
- (iii) working room for a tailor, dressmaker and draftsman;
- (iv) studio for an artist, music teacher, academic tutor, and author;
- (v) public use;
- (vi) personal service shop (excluding laundry, laundromat, and dry cleaning establishment);
- (vii) existing uses;
- (viii) dwelling unit;
- (ix) medical/dental office;
- (x) business office;
- (xi) service office.

As stated above, the RO zone also permits the uses permitted in the Residential Heritage (RH) Zone. The RH Zone permits the following uses:

- (i) single detached dwelling;
- (ii) semi-detached dwelling;
- (iii) duplex dwelling;
- (iv) converted dwelling;
- (v) lodging house;
- (vi) bed and breakfast establishment;
- (vii) existing place of worship, including associated place of public assembly;
- (viii) building or use accessory to the above provided that the building is not used for human habitation;
- (ix) public use.

The current uses on the property include a converted dwelling with four residential units and a legal business office as the main use on the property. The property also contains two accessory structures, one that was previously used for the upholstery shop and one storage structure. The proposed amendment to the Zoning By-law will allow the applicant to convert the structure that contained the upholstery shop into a dwelling unit. One parking space will be provided for the dwelling unit.

The proposed use of the subject lands conforms to the Town of Amherstburg Official Plan as the General Commercial designation supports multi-family residential uses. The property can be considered a mixed-use property as it currently has office space and residential units. The proposed zoning amendment will intensify the residential uses on the subject lands by adding one more dwelling unit.

The purpose of this initial public meeting is to provide an opportunity for the Applicant to present information and outline the purpose of the application to Council and to hear all comments regarding the rezoning. As Council is aware, notice for the proposed rezoning was circulated in accordance to the provisions of the Planning Act. All comments received will be provided to Council prior to the Statutory Public Meeting and will be attached to the subsequent Council report.

Following this public meeting, staff will review all of the comments submitted as part of this application and prepare a report for a subsequent Council meeting. The second staff report will summarize all of the comments received and make recommendation(s) regarding the proposed rezoning and any applicable conditions if required.

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. Should the decision be appealed to the Ontario Land Tribunal, then the Town will incur costs.

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. The circulation map and list of properties within the 120m circulation radius are attached for information.

7. CONCLUSION:

Following the statutory public meeting, planning staff will be preparing a subsequent report for Council that will include a comprehensive analysis of all of the comments and

recommendations received, and will provide a professional planning opinion and a staff recommendation with respect to the requested zoning by-law amendment.



Sarah French
Planner

Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment, ZBA-1-23, for 41 Sandwich Street S.docx
Attachments:	<ul style="list-style-type: none">- ZBA-01-23- Notice of Statutory Public Meeting-41 Sandwich St S.pdf- ZBA-01-23 Aerials and drawing.pdf- ZBA-01-23 41 Sandwich St Site Pictures_Redacted.pdf- ZBA-01-23 Application_Redacted.pdf- ZBA-01-23 Council Circulation List and Map.pdf- ZBA-01-23- Summary of Comments Recieved.pdf- 2023-024 ZBA- 41 Sandwich St S DRAFT.pdf
Final Approval Date:	Feb 8, 2023

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



Chris Aspila



Melissa Osborne

A handwritten signature in cursive script, appearing to read "Tracy Prince".

Tracy Prince

A handwritten signature in cursive script, appearing to read "Valerie Critchley".

Valerie Critchley

A handwritten signature in cursive script, appearing to read "Kevin Fox".

Kevin Fox

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

STATUTORY PUBLIC MEETING:

TAKE NOTICE that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Monday, February 13, 2023 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.

ANY PERSON seeking to attend meetings in-person should follow all public health guidance to ensure the safety of themselves and others during the COVID-19 pandemic.

ANY PERSON who wishes to attend and address Council by electronic means, must register with the Clerk's Office no later than 4:00 pm on Thursday, February 9, 2023. To register for electronic participation please email the Deputy Clerk at tfowkes@amherstburg.ca . Once you register, you will be given information on how to make your submission at the electronic meeting by electronic participation. To participate, you will need access to a computer or tablet with internet service or a telephone.

ANY PERSON who wishes watch the meeting proceedings only, please visit <http://video.islive.ca/amherstburg/live.html>

THE SUBJECT LANDS AND PURPOSE OF THIS REZONING APPLICATION:

This rezoning application affects approximately 0.18 ha of land municipally known as the land at 41 Sandwich St. S. (see map below).

This rezoning, if approved, will amend the existing Residential Office Zone to permit an additional dwelling unit as a permitted use on the subject lands. The re-zoning will allow for a total of five (5) residential units, with four (4) of the residential units currently existing in the main building and one (1) residential unit proposed in the existing accessory structure. All other provisions of the Residential Office Zone will continue to apply. The property is designated General Commercial in the Official Plan.

ADDITIONAL INFORMATION:

ANY PERSON may make written representation in support of or in opposition to the proposed Zoning By-law Amendment by email to the Deputy Clerk at tfowkes@amherstburg.ca or in person by appointment for drop-off at the Libro Centre located at 3295 Meloche Road. Comments must be submitted by 4:00 p.m. on Thursday, February 9, 2023 before the meeting and will be read aloud prior to the application being heard by Council.

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 Ontario Land 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 Ontario Land Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

Further information relating to the proposed Zoning By-law (File# ZBA/1/23) 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 is also available for review on the Town of Amherstburg Website: www.amherstburg.ca. If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by

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.

visiting www.amherstburg.ca.

DATED at the Town of Amherstburg this 18th day of January, 2023.

KEY MAP



Sarah French
Planner, Planning Services
Town of Amherstburg
Libro Centre
3295 Meloche Road
Amherstburg, Ontario N9V 2Y8
Telephone: (519) 736-5408
Fax No. (519) 736-9859
Website: www.amherstburg.ca

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SANDWICH ST S

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35

I/RM1

RO




41

CG-16

47

51

Legend

-  Zoning
-  Low Density Residential
-  General Commercial



SANDWICH ST S

35

1.5 m sideyard setback

2 m rear yard setback

Approx. 1000 sq.ft. with overhang

9 m sideyard setback

19 parking spaces

7 m between proposed dwelling and shed

Law Firm - approx. 1,450 sq.ft.

Approx. 800 sq.ft.

20 m between main building and shed

41

Apartments (4 total plus attached garage)
approx. 5,257 sq.ft.

8 m front yard setback

47

41 Sandwich St. S. Site Pictures











Municipal Fee Received:	2290
Municipal Deposit Received:	1000
ERCA Fee Received:	275

Application No. ZBA/01/23

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

- Name of approval authority Town of Amherstburg
- Date application received by municipality Dec 20, 2022
- Date application deemed complete by municipality _____
- Name of registered owner 13213811 Canada Inc.
 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

- Name and address of any mortgages, charges or other encumbrances in respect of the subject land:
Bank of Montreal, 13510 Tecumseh Rd E, Tecumseh, ON N8N 3N7

- Location and description of subject land:
 Concession No. _____ Lot(s) No. _____
 Registered Plan No. 8, 6, 240 Lot(s) No. 8, Pt Lot 7, Pt Lot 18, Pt 10+3
 Reference Plan No. 12R7896 Part(s) No. 2 * see attached
 Street Address 41 Sandwich St S Assessment Roll No. 260-00600

- Size of subject parcel:
 Frontage 80 Depth _____ Area 19 450 ft²

- 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

- (a) Current Official Plan Land Use designation of subject land Commercial
 (b) Explanation of how application conforms to the Official Plan multiple residential

(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 Residential office

11. Nature and extent of rezoning requested Add a use -> dwelling unit in existing structure

12. Reasons why rezoning is requested already 4 units on property, would like additional unit

13. Current use of subject land residential, legal office, upholstery shop (now closed)

14. Length of time current use of subject land has continued 40+ years

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

(a) minimum and maximum density requirements

Yes No

(b) minimum and maximum height requirements

Yes No

If yes, state the requirements _____

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

3 buildings - see drawing

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

Addition - 1988

Accessory structure - 1988

18. Date subject land acquired by current registered owner November 1, 2021

19. Proposed use of subject land same as existing plus 1 dwelling unit

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) _____

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

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

23. Type of storm drainage:

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

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

- consent to sever
- approval of a plan of subdivision

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

N/A

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

N/A

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

N/A

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

- Yes
- No

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

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

Yes No

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

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

Yes No

Comments Providing more housing

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 20th day of December, 2022.

Ariful Sheikh
(signature of applicant, solicitor or authorized agent)

I, Ariful Sheikh of the City of Windsor
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 20th day of December, 2022.

Ariful Sheikh
Applicant, Solicitor or Authorized Agent

S. French
A Commissioner, etc.

Sarah Elizabeth French, a Commissioner, etc
Province of Ontario, for the
Corporation of the Town of Amherstburg
Expires November 8, 2025

NOTES:

Each copy of the application must be accompanied by a sketch, drawn to scale, showing:

- a) the boundaries and dimensions of the subject land;
- b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
- c) the approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples of features include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks/tile fields;
- d) the current uses on land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- f) if access to the subject land is by water only, the location of the parking and docking facilities to be used;
- g) the location and nature of any easement affecting the subject land.

NOTE: A deposit of \$1,000.00, and a flat fee of \$2290, along with an ERCA development review fee of \$400.00 for major ZBA applications or \$275.00 for minor ZBA applications, must accompany your completed application for a zoning by-law amendment. The total payable to the Town of Amherstburg is \$3690 for major ZBA applications and \$3565 for Minor ZBA Applications. Any unused portion of the deposit will be returned after the passing of the ZBA.

A flat fee of \$1041.00 plus an ERCA review fee of \$275.00, totalling \$1316, must accompany your completed application for a Holding (h) Removal zone change.

A flat fee of \$1041.00 plus an ERCA review fee of \$275.00, totalling \$1316, must accompany your completed application for a zone change from A to A-36.

AUTHORIZATION

(Please see note below)

To: Clerk
Town of Amherstburg

Description and Location of Subject Land:

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize _____ of the _____ of _____ to:

- (1) make an application on my/our behalf to the Council for the Town of Amherstburg;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by Town Council relevant to the application.

Dated at the _____ of _____ in
the _____ of _____, this _____ day of _____, 20__.

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

* Note: This form is only to be used for applications which are to be signed by someone other than the owner.

ZBA/01/23 41 Sandwich St.

ARN	ADD1	STREETNAME
372925000006500	28	SANDWICH ST S
372925000004200	75	ELM AVE
372925000006900	12	SANDWICH ST S
372925000007201	67	ALMA ST
372925000006400	32	SANDWICH ST S
372925000006000	50	SANDWICH ST S
372925000005500	80	SANDWICH ST S
372925000003700	59	LAIRD AVE S
372925000006700	20	SANDWICH ST S
372925000003800	63	LAIRD AVE S
372925000003100	25	LAIRD AVE S
372925000005800	60	SANDWICH ST S
372925000003500	47	LAIRD AVE S
372925000003400	41	LAIRD AVE S
372925000003000	21	LAIRD AVE S
372925000005700	68	SANDWICH ST S
372925000004300	71	ELM AVE
372925000006200	42	SANDWICH ST S
372925000004000	70	ELM AVE
372925000003900	66	ELM AVE
372925000006300	34	SANDWICH ST S
372925000006100	46	SANDWICH ST S
372925000003300	37	LAIRD AVE S
372925000005600	72	SANDWICH ST S
372925000007000	8	SANDWICH ST S
372925000004100	74	ELM AVE
372925000003600	53	LAIRD AVE S
372925000006600	24	SANDWICH ST S
372925000005900	56	SANDWICH ST S
372925000003200	31	LAIRD AVE S
372925000006800	16	SANDWICH ST S
372926000001000	61	SANDWICH ST S
372926000005500	135	ALMA ST
372926000006100	111	ALMA ST
372926000005600	131	ALMA ST
372926000006000	115	ALMA ST
372926000006300	95	ALMA ST
372926000000300	23	SANDWICH ST S
372926000000200	17	SANDWICH ST S
372926000000500	35	SANDWICH ST S
372926000002300	83	SANDWICH ST S
372926000000800	51	SANDWICH ST S
372926000005900	125	ALMA ST
372926000002500	148	FORT ST
372926000000600	41	SANDWICH ST S
372926000002301		ALMA ST
372926000000400	27	SANDWICH ST S
372926000001100	71	SANDWICH ST S
372926000000900	57	SANDWICH ST S
372926000002320		ALMA ST
372926000000100	13	SANDWICH ST S
372926000000700	47	SANDWICH ST S
372926000006200	105	ALMA ST





Summary of Correspondence Received on Proposed Zoning By-law Amendment at 41 Sandwich St. S.

Below is a summary of the comments received by the Planning Services division on the proposed ZBA for lands located at 41 Sandwich St. S.

Windsor Police:

Please be advised that upon reviewing the particulars of Zoning By-law amendments for both 41 Sandwich Street South and 6436 Concession 6 North, the Windsor Police Service has no concerns or objections with either application. The end result from both will not have a discernible impact to police patrol or incident response capability.

Essex Region Conservation Authority:

The Town of Amherstburg has received a Zoning By-Law Amendment application for the subject property. The re-zoning will allow for a total of five (5) residential units, with four (4) of the residential units currently existing in the main building and one (1) residential unit proposed in the existing accessory structure. The following is provided as a result of our review of Zoning By-Law Amendment ZBA-1-23.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH 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.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

FINAL RECOMMENDATION

ERCA has no objection to Zoning By-Law Amendment Application ZBA-1-23.

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2023-024**

**By-law to amend Zoning By-law No. 1999-52
41 Sandwich Street South, Amherstburg**

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

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

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

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

1. Schedule "A", Map 37 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from RO to RO-5" on Schedule "A" attached hereto and forming part of this By-law from "Residential Office (RO) Zone" to "Special Provision Residential Office (RO-5) Zone".
2. THAT Section 13(4) of By-law 1999-52, as amended, is hereby amended by adding a new subsection (e) as follows;

"(e) RO-5 (41 Sandwich Street South)

Notwithstanding any other provisions of this By-law to the contrary, within any area zoned as RO-5 on Schedule "A" hereto, the zone requirements of Section 13 of the By-law shall apply with the addition of the following special provisions:

- (i) Uses Permitted;
 - (a) Five (5) Dwelling Units;
 - (b) Any use permitted in a RO Zone
 - (ii) Permitted Buildings and Structures
All building requirements for the dwelling units shall be as they existed on the date of the adoption of this by-law. The existing four (4) dwelling units in the main structure on the property shall continue to be permitted. One (1) additional dwelling unit shall be permitted in the existing accessory structure located on the property. All lot and building requirements for uses permitted in Subsection 13(2) and Subsection 13(4)(e) shall be in accordance with Subsection 13(3) of this By-law."
3. THAT all other appropriate regulations for the use of land and the character, location and use of buildings and structures conforms to the regulations of the Residential Office Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.

THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990.

Read a first, second and third time and finally passed this XXth day of March, 2023.

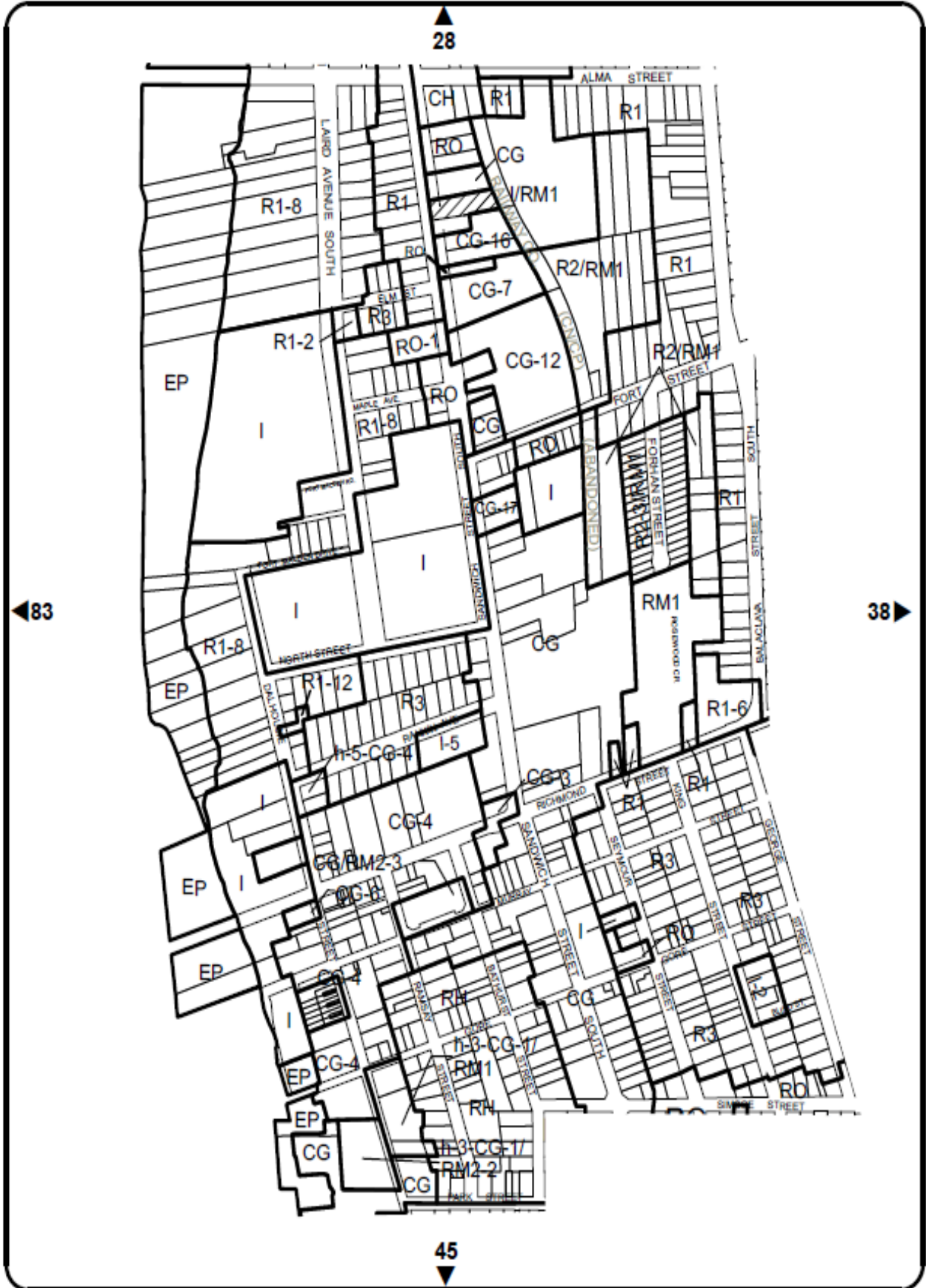
MAYOR- MICHAEL PRUE

CLERK- KEVIN FOX

DRAFT

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2023-006
A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 37

ZONING BY-LAW NO. 1999-52

RO to RO-5



DRAFT