



**TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING
AGENDA**

Monday, March 11, 2019

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 Tammy Fowkes, Deputy Clerk at tfowkes@amherstburg.ca

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

Pages

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

3. SPECIAL PLANNING REPORTS

3.1 Zoning By-law Amendment for 554 McLeod Ave

3

It is recommended that:

1. The report from the Director of Planning, Development and Legislative Services dated February 12, 2019, regarding a Zoning By-law Amendment at 554 McLeod Ave. **BE RECEIVED**; and,
2. Comments from the public with respect to Zoning By-law Amendment (File ZBA-2-19) by Jackie Lassaline on behalf of George and Ruth Van Den Brink **BE RECEIVED and SUMMARIZED** in a future report to Council.

4. ADJOURNMENT

That Council rise and adjourn at p.m.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Mark Galvin	Report Date: February 12, 2019
Author's Phone: 519 736-5408 ext. 2137	Date to Council: March 11, 2019
Author's E-mail: mgalvin@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting for Zoning By-law Amendment for 554 McLeod Ave

1. **RECOMMENDATION:**

It is recommended that:

1. The report from the Director of Planning, Development and Legislative Services dated February 12, 2019, regarding a Zoning By-law Amendment at 554 McLeod Ave. **BE RECEIVED**; and,
2. Comments from the public with respect to Zoning By-law Amendment (File ZBA-2-19) by Jackie Lassaline on behalf of George and Ruth Van Den Brink **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, as amended under Section 34 of the Planning Act, R.S.O. 1990 c.P. 13 from Jackie Lassaline, on behalf of George and Ruth Van Den Brink. The subject lands affected by the proposed amendment are described as Part Caldwell Grant, Concession 3. The subject land has approximately 2622.8 ft of depth on McLeod Ave with an irregular depth and a total area of 33.1 hectares (81.8 acres). The area to be rezoned is located along McLeod Ave. with approximately 875 ft of frontage and 420 ft of depth with a total area of approximately 3.23 hectares (8 acres), as shown on the attached map.

3. DISCUSSION:

The proposed amendment to the Zoning By-law would change the zoning for the subject lands noted above from the “Agricultural (A) Zone” to “holding Residential Type 1A (h-R1A) Zone and Residential Type 1A (R1A) Zone”. The land is designated Low Density Residential in the Town’s Official Plan. The portion of the land to be rezoned is located within an existing secondary settlement area.

The effect of the Zoning By-law amendment will be to permit the development of two residential building lots through consent and to prepare for a future plan of subdivision on the remainder of the lands. The draft plan of subdivision will proceed at such a time when the necessary studies and servicing plans have been finalized and will be subject to public meetings at that time. The lots proposed through the consent process are intended to be 93.2 ft (28.4 m) frontage by 147.6 ft (45 m) depth with a total area of 1350 sq ft (125.4 sq m). The proposed lots are intended to be rezoned as Residential Type 1A (R1A) Zone to permit the proposed severances. The remainder of the re-zoned portion of the property is proposed to be placed into a holding Residential Type 1A (R1A) Zone to permit the future subdivision. The holding symbol will not be removed until the draft plan of subdivision is finalized. The draft plan of subdivision will be brought forward to Council for a public meeting in the future.

The portion of the property that will not be rezoned is designated as Agricultural and Natural Environment in the Town’s Official Plan. This portion of the property is located outside of the settlement area and is not permitted to be developed at this time.

The proposed zoning by-law amendment appears to be in conformity with the policies in the Town’s Official Plan. The land is designated Low Density Residential. Section 4.3.1 of the Official Plan states:

“Areas designated as Low Density Residential shall be limited to single detached, semidetached, duplex, or converted dwelling units, home occupation uses and public uses.”

The proposed lots created through consent and the future plan of subdivision will be limited to the above permitted uses.

The proposed zoning by-law amendment appears to be consistent with the policies in the County of Essex’s Official Plan. The subject property is located within a secondary settlement area. Section 3.2.5 of the County Official Plan states:

a) New development will be permitted to the boundaries of the Secondary Settlement Areas as shown on Schedule “A2” provided such development is consistent with the Provincial Policy Statement, the intent of this Plan, and the policies of the local Official Plan.

c) New development is encouraged on full municipal services unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.

The two proposed lots and the future plan of subdivision are proposed to be on full municipal services.

The proposed zoning by-law amendment appears to be in conformity with the Provincial Policy Statement 2014 (PPS). The proposed lots and future subdivision are located within a settlement area. Section 1.1.3.1 of the PPS states:

Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Section 1.1.3.6 of the PPS states:

New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

The subject property is located in close proximity to municipal services, an existing subdivision and a municipal park. The proposed zoning amendment promotes growth and development within a designated settlement area.

4. RISK ANALYSIS:

The recommendation presents little risk to the municipality. The placement of the holding symbol on the subject lands serves to mitigate risk as it adheres to the policies in the Provincial Policy Statement, Town and County Official Plans. The use of the holding symbol provides the regulatory mechanism to manage development on the lands.

5. FINANCIAL MATTERS:

The cost associated with the applications and planning processes are the responsibility of the developer. The development charges for the two lots, provided single detached dwellings are built, will be charged a rate of \$13,049.00 per lot. Associated building permit fees and servicing fees will also be charged at the time of consent and building permit application and as conditions of the consent decision. The development charges for the proposed subdivision will be calculated at the time of draft plan of subdivision.

6. CONSULTATIONS:

The proposed Zoning By-law Amendment was published and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

The Essex Region Conservation Authority stated that:

“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 Big Creek and Lake Erie. The property owner will be required to obtain Permits from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

We acknowledge that the application states a portion of the property will be subject to a future draft plan of subdivision, we advise that we are concerned with future development having a potential impact of the quality and quantity of runoff in the downstream watercourse and significant natural heritage areas. We therefore will request the inclusion of conditions in the development agreement as this proposal proceeds to the Draft Plan of Subdivision stage:

- 1. That the developer undertakes an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.*
- 2. That the developer installs stormwater management measures identified above, as part of the development of the site, to the satisfaction of the Municipality and the Essex Region Conservation Authority.*
- 3. That the developer obtains the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.*

The overall subject property contains a natural heritage feature that is identified as a significant wetland, significant woodland, significant valleyland, area of natural or scientific interest (ANSI), and significant wildlife habitat under the Provincial Policy Statement (PPS, 2014). Our information also indicates that the subject property may support habitat of endangered species and threatened species.

Section 2.1.4 of the PPS 2014 states – “Development and site alteration shall not be permitted in “significant wetlands ...” and “significant coastal wetlands.”

Section 2.1.5 of the PPS, 2014 states - Development and site alterations shall not be permitted in significant woodland... and significant valleyland... and significant wildlife habitat...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 2014 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 required demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA).

Section 2.1.7 of the PPS 2014 states – “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.” It is the proponent’s responsibility to exercise due diligence in ensuring that all issues related to the provincial Endangered Species Act and its regulations have been addressed.

Based on our review of the subject application, we understand that the proposed development will be contained to the area defined within the settlement area boundary. These lands are located over 120 metres from the natural heritage features referenced above. Therefore, it is our opinion that a demonstration of no negative impact is not required for this application. In addition, we also acknowledge that the natural heritage features on the subject property are already adequately zoned “Environmental Protection”. We therefore advise the Municipality that this application is consistent with the natural heritage policies of the PPS 2014.

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

The Public Works Department stated the following:

“This section of property was included in the original EA for the McLeod avenue plant and was included in the sewage calculation. There are definitely stormwater / drainage issues in this area that will need consideration during site plan control.

Is there an expectation that there will be more lots developed off of this parcel in the future? We would suggest that the owners should be severing all the lots and entering into a subdivision agreement, which will give us better control of the development and not just piecemeal severances.”

One letter from residents was received by the Planning Department. Ronald and Lorraine Rousseau stated the following in a letter:

“We wish to object to the proposed zoning by-law amendment, No. 1999-52, File No. ZBA/2/19.

The property in question located at 554 McLeod Ave., Amherstburg, is a farm lot and all the rules governing this property should be consistent with this property's use as such. Since the early 1980's the province introduced guidelines to protect farmland from this exact type of proposal.

Further, the two (2) proposed changes relate to a property that is environmentally significant in that this property serves as dual purpose in this area. During the spring a large number of migrating fowl employ the majority of the property as a breeding ground. A large number of frogs and snakes are also inhabiting this area in the spring and fall because the elevation of said property is lower than the neighbouring properties. The property is farmable in the very late spring, approximately mid-June to late October, and has been consistently farmed, to my knowledge, for at least 30 years. In summation, this property should remain zoned "Agricultural (A) Zone". If any changes are considered an environmental assessment should be completed. A more appropriate zoning of the property should be "EPI" as this and most adjacent properties in the area act as a buffer to protect the encroachment of residential development on the environmentally significant Big Creek Conservation area.

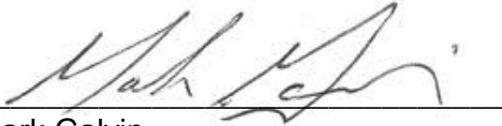
The Essex Region Conservation Area should also be contacted prior to considering any re-zoning changes of the property to provide an opinion due to the very low elevation of the property. The property is effectively a marsh area for over six (6) months of the year. As such, this means that the proposed use of the property for residential development would require a significant change in elevation and the destruction of wetlands and farmland.

Thank you for considering this written objection. We await to hear your decision.”

This space left blank intentionally.

7. CONCLUSION:

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



Mark Galvin

Director of Planning, Development and Legislative Services

ss

DEPARTMENTS/OTHERS CONSULTED:

Name: Office of Engineering and Public Works

Phone #: 519 736-3662 ext. 2313

Name: Building Services

Phone #: 519 736-5408 ext. 2136

Name: Fire Services

Phone #: 519 736-6500

Name: Union Gas

Phone #: ONTUGLandsINQ@uniongas.com

Name: Ontario Power Generation

Phone #: Executivevp.lawanddevelopment@opg.com

Name: Essex Region Conservation Authority

Phone #: 519 776-5209

Report Approval Details

Document Title:	Statutory Public Meeting for Zoning By-law Amendment for 554 McLeod Ave.docx
Attachments:	- Report to Council - March 11 - 554 McLeod ZBA ATTACHMENTS.pdf
Final Approval Date:	Mar 1, 2019

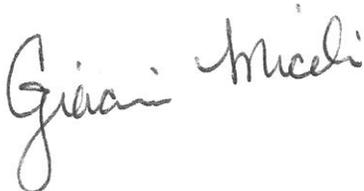
This report and all of its attachments were approved and signed as outlined below:



Mark Galvin - Feb 27, 2019 - 2:43 PM



Justin Rousseau - Mar 1, 2019 - 9:39 AM



John Miceli - Mar 1, 2019 - 2:07 PM



Paula Parker - Mar 1, 2019 - 2:58 PM

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

TAKE NOTICE that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Monday, March 11, 2019 commencing at 5:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario, to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52 under Section 34 of the Planning Act, RSO 1990 cP.13.

THE SUBJECT LANDS affected by the proposed amendment are located at 554 McLeod Avenue, and are described as Part Caldwell Grant, Concession 3. The property has an irregular frontage and measures 33.1 hectares. (see key map below). The applicant is proposing to re-zone only the portion to the west of the current dwellings that fronts on to McLeod Ave. The delineation of the proposed rezoning will match the extent of the Low Density Residential Settlement Area in the Official Plan.

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 “**holding Residential Type 1A (h-R1A) Zone and Residential Type 1A (R1A) Zone**” to permit the development of two residential building lots through consent and to prepare for a future plan of subdivision on the remainder of the lands. The draft plan of subdivision will proceed at such a time when the necessary studies and servicing plans have been finalized and will be subject to public meetings at that time. The proposed Amendment to the Zoning By-law is in conformity with the policies in the Official Plan. The lands are designated Low Density Residential in the Town’s Official Plan.

The consent applications for the two severances will be heard at the Committee of Adjustment meeting on March 25, 2019.

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

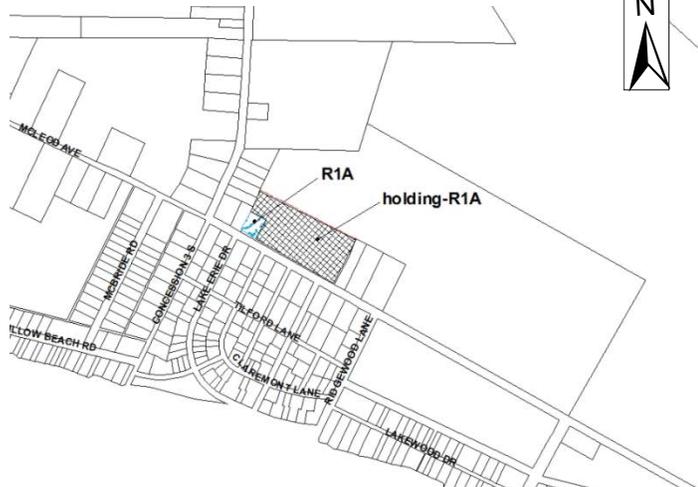
NO PERSON OR PUBLIC BODY shall be added as a party to the hearing of the appeal unless, before the bylaw was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable 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 Amendment (File No. ZBA/2/19) is available for inspection at the Town of Amherstburg Planning Offices at the Libro Centre, 3295 Meloche Road, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website www.amherstburg.ca. If you wish to be notified of the passage of the proposed by-law you must make a written request to the Town at the address below.

DATED at the Town of Amherstburg this 6th day of February, 2019.

KEY MAP



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

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.

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2019-027**

**By-law to amend Zoning By-law No. 1999-52
554 McLeod Ave, 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 76 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 h-R1A" and "Zone Change from A to R1A" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "holding Residential Type 1A (R1A) Zone" and "Agricultural (A) Zone" to "Residential Type 1A (R1A) Zone".
2. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.O. 1990, c.P. 13.

Read a first, second and third time and finally passed this 11th day of March, 2019.

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER



Town of Amherstburg
ZBA-2-19
554 Mcleod Ave



Legend

-  Zoning
-  Agricultural
-  Provincially Significant Wetlands
-  Natural Environment
-  Low Density Residential
-  Woodlots



Town of Amherstburg
554 McLeod Ave



Legend

-  Zoning
-  Agricultural
-  Low Density Residential
-  Open Space



planning@erca.org

P.519.776.5209

F.519.776.8688

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

February 21, 2019

Ms. Rebecca Belanger, Manager of Planning Services
Town of Amherstburg
3295 Meloche Road
Amherstburg, Ontario, N9V 2Y8

Dear Ms. Belanger:

RE: Zoning By-Law Amendment ZBA-2-18
554 MCLEOD AVE
ARN 372954000001000; PIN: 705720383
Applicant: George Vanden Brink

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-2-18. The purpose of this amendment is to change the zoning of a portion of the subject lands from Agricultural (A) to "Holding Residential Type 1A (h-R1A) and "Residential Type 1A (R1A) Zone" to permit the development of 2 residential lots by consent. The remaining area inside the settlement area limit will be placed under the holding zone symbol to prepare for a future draft plan of subdivision.

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS, (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards encompassed 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 Big Creek and Lake Erie. The property owner will be required to obtain Permits from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

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.

We acknowledge that the application states a portion of the property will be subject to a future draft plan of subdivision, we advise that we are concerned with future development having a potential impact of the quality and quantity of runoff in the downstream watercourse and significant natural



Ms. Belanger
February 21, 2019

heritage areas. We therefore will request the inclusion of conditions in the development agreement as this proposal proceeds to the Draft Plan of Subdivision stage:

1. That the developer undertakes an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
2. That the developer installs stormwater management measures identified above, as part of the development of the site, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
3. That the developer obtains the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.

NATURAL HERITAGE POLICIES OF THE PPS, 2014

The overall subject property contains a natural heritage feature that is identified as a significant wetland, significant woodland, significant valleyland, area of natural or scientific interest (ANSI), and significant wildlife habitat under the Provincial Policy Statement (PPS, 2014). Our information also indicates that the subject property may support habitat of endangered species and threatened species.

Section 2.1.4 of the PPS 2014 states – “Development and site alteration shall not be permitted in “significant wetlands ...” and “significant coastal wetlands.”

Section 2.1.5 of the PPS, 2014 states - Development and site alterations shall not be permitted in significant woodland... and significant valleyland... and significant wildlife habitat...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 2014 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 required demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA).

Section 2.1.7 of the PPS 2014 states – “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.” It is the proponent’s



Ms. Belanger
February 21, 2019

responsibility to exercise due diligence in ensuring that all issues related to the provincial Endangered Species Act and its regulations have been addressed.

Based on our review of the subject application, we understand that the proposed development will be contained to the area defined within the settlement area boundary. These lands are located over 120 metres from the natural heritage features referenced above. Therefore, it is our opinion that a demonstration of no negative impact is not required for this application. In addition, we also acknowledge that the natural heritage features on the subject property are already adequately zoned "Environmental Protection". We therefore advise the Municipality that this application is consistent with the natural heritage policies of the PPS 2014.

FINAL RECOMMENDATION

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

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

Sincerely,



Corinne Chiasson
Resource Planner
/cor



From: [Shane McVitty](#)
To: [Katrina DiGiovanni](#)
Subject: RE: Notice of Circulation-Zoning By-Law amendment: 554 McLeod
Date: Friday, February 22, 2019 9:23:59 AM

Good Morning,

This section of property was included in the original EA for the McLeod avenue plant and was included in the sewage calculation. There are definitely stormwater / drainage issues in this area that will need consideration during site plan control.

Is there an expectation that there will be more lots developed off of this parcel in the future? We would suggest that the owners should be severing all the lots and entering into a subdivision agreement, which will give us better control of the development and not just piecemeal severances.

Regards,
Shane

Shane McVitty

Drainage Superintendent / Engineering Coordinator

512 Sandwich St. South, Amherstburg, ON, N9V 3R2
Tel: 519-736-3664 Fax: 519-736-7080 TTY: 519-736-9860



The information in this e-mail is confidential, privileged and is subject to copyright and authorized solely for the addressee(s) named. The Town of Amherstburg is not responsible for any loss or damage arising from the use of this email or attachments.

From: Katrina DiGiovanni
Sent: February-08-19 11:42 AM
To: Antonio Marra; Bruce Bratt (bbratt@essexpowerlines.ca); Denise Kimmerly-Machier (denise_kimmerly@wecdsb.on.ca); ERCA Notices & Applications (planning@erca.org); Mark Alzner (malzner@essexpowerlines.ca); Angelo Avolio; Antonietta Giofu; Elke Leblanc; Giovanni (John) Miceli; Lynette Sharon; Michael Naccarato; Michelle Lavin-Faucher; Paul Acton; Paula Parker; Rob Unis; Ron Meloche; Shane McVitty; Todd Hewitt
Subject: Notice of Circulation-Zoning By-Law amendment: 554 McLeod

Good Morning,

Ronald and Lorraine Rousseau



RECEIVED

FEB 19 2019

Town of Amherstburg

February 19, 2019

Rebecca Belanger, MCIP RPP
Manager of Planning Services
Town of Amherstburg
Libro Centre
3295 Meloche Rd.
Amherstburg, Ontario N9V 2Y8

Dear Ms. Belanger:

We wish to object to the proposed zoning by-law amendment, No. 1999-52, File No. ZBA/2/19.

The property in question located at 554 McLeod Ave., Amherstburg, is a farm lot and all the rules governing this property should be consistent with this property's use as such. Since the early 1980's the province introduced guidelines to protect farmland from this exact type of proposal.

Further, the two (2) proposed changes relate to a property that is environmentally significant in that this property serves as dual purpose in this area. During the spring a large number of migrating fowl employ the majority of the property as a breeding ground. A large number of frogs and snakes are also inhabiting this area in the spring and fall because the elevation of said property is lower than the neighbouring properties.

The property is farmable in the very late spring, approximately mid-June to late October, and has been consistently farmed, to my knowledge, for at least 30 years.

In summation, this property should remain zoned "Agricultural (A) Zone". If any changes are considered an environmental assessment should be completed. A more appropriate zoning of the property should be "EPI" as this and most adjacent properties in the area act as a buffer to protect the encroachment of residential development on the environmentally significant Big Creek Conservation area.

The Essex Region Conservation Area should also be contacted prior to considering any re-zoning changes of the property to provide an opinion due to the very low elevation of the property. The property is effectively a marsh area for over six (6) months of the year.

As such, this means that the proposed use of the property for residential development would require a significant change in elevation and the destruction of wetlands and farmland.

Thank you for considering this written objection. We await to hear your decision.

Sincerely,

Ronald and Lorraine Rousseau