

CORPORATION OF THE TOWN OF AMHERSTBURG
**NOTICE OF REFUSAL OF A ZONING BY-LAW
BY THE TOWN OF AMHERSTBURG**

TAKE NOTICE that the Council of the Corporation of the Town of Amherstburg refused the application for a Zoning By-law Amendment (ZBA/01/26- 20 Dalhousie Street) under Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

The proposed amendment applied to the property described as CON 1 PT LOT 4 and Water Lot, municipally known as 520 Dalhousie Street. The property has approximately 0.28 hectares (0.68 acres) ± of land (see key map below). The subject property is designated Residential Third Density Special Provision 1 (R3-1) and designated Low Density Residential in the Town's Official Plan.

The purpose of the application was to provide zoning of the subject lands noted above from the **“Residential Third Density Special Provision 1 (R3-1) Zone”** to **“Residential Third Density Special Provision 5 (R3-5) Zone”** that would allow additional driveway access points to the subject lands.

The Notice of Public Meeting was dated January 28, 2026 and 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. A public meeting was held on February 23, 2026 to obtain any comments.

AND TAKE NOTICE that any person or agency may appeal to the Ontario Land Tribunal in respect of the By-law by filing with the Clerk of the Town of Amherstburg not later than the **22nd day of June, 2026**, notice of appeal setting out the objection to the By-law and the reasons in support of the objection and must be accompanied by the fee prescribed by the Ontario Land Tribunal in the form of a cheque or money order payable to the Minister of Finance. Only individuals, corporations and public bodies may appeal a Zoning By-law to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

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 Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

DATED at the Town of Amherstburg this 2nd day of June, 2026.

KEY MAP



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Town Planner /Manager,
Planning Services

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

EXPLANATION OF REFUSAL

Council determined the Zoning By-law Amendment in relation to ZBA/01/26 BE REFUSED for the following reasons:

- a. The Zoning By-law 1999-52, Section 3(23)(j) iii. states:
“There shall only be one entrance permitted for each single, residential lot in any residential zone, other than the R1A Zone where two driveways may be permitted based on a minimum of 30 metres of frontage on the streetline. Two entrances are permitted for multiple residential unit buildings.”;
- b. The word “shall” is one of the strongest modal verbs in the English language. In the context of its use in Zoning By-law 1999-52 it means that is mandatory that there only be one entrance permitted for each single, residential lot in the residential zone that applies to the subject property;
- c. The wording of Zoning By-law 1999-52 Section 3(23)(j) iii. Intentionally prohibits more than one driveway at the subject property.