

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/16/24- 24 Laird Avenue South) 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 Plan 7, Part Lot 9 and Water Lot, municipally known as 24 Laird Avenue South. The property has a approximately 15,789.15 sq ft ± of land (see key map below). The subject property is designated Low Density Residential in the Town's Official Plan and is currently zoned Special Provision Residential First Density (R1-8) Zone in the Town's Zoning By-law 1999-52, as amended.

The purpose of the application was to provide zoning relief to permit a 22.76 sq m (245 sq ft) addition and total renovation of the existing 72.46 sq m (780 sq ft) accessory structure on the subject parcel to accommodate a Secondary Dwelling Unit (SDU). The purpose of the rezoning was to grant permission for an SDU to be located within an existing accessory structure which is located in the front yard but not the required front yard. The proposed rezoning would also allow for an increase in setback between the SDU and primary dwelling from the permitted 20 m to 48.7 m, an increase in building height from the permitted 5 m to 7 m, and to continue the existing non-conforming interior side yard setback. All other existing R1-8 provisions were proposed to remain the same i.e. uses, setbacks, lot coverage etc.

The Notice of Public Meeting was dated May 15, 2024 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 June 10, 2024 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 **4th day of September, 2024**, 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 15th day of August, 2024.

KEY MAP



Christopher Aspila
Manager, 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.

EXPLANATION OF REFUSAL

Council determined the Zoning By-law Amendment in relation to ZBA/16/24 BE DENIED for the following reasons:

- a. The Zoning By-law intentionally prohibits Additional Dwelling Units from being located in the front yard, and Council believes this to be a reasonable restriction;
- b. The Zoning By-law requires that Additional Dwelling Units be located within 20 metres of the primary dwelling and Council does not support an Additional Dwelling Unit being located 48 metres from the primary dwelling as the building no longer appears to be subordinate or meets the intent of the Zoning By-law;
- c. The Zoning By-law Amendment seeks to exceed the allowable height for an accessory structure of 5 metres and Council believes the additional height is not supportable in the neighbourhood, and again is no longer subordinate to the primary dwelling being nearly the same height;
- d. The Zoning By-law Amendment balcony is of concern within the neighbourhood due to its proximity to lot lines and neighbours;
- e. The application's relief from side yard setback is not supported by Council as the additional dwelling unit would be too close to neighbouring properties.