



The Corporation of The Town of Amherstburg

271 SANDWICH ST. SOUTH
AMHERSTBURG, ONTARIO
N9V 2A5

PLANNING SERVICES DEPARTMENT
BUS (519) 736-5408
FAX (519) 736-9859
Website: www.amherstburg.ca

August 25, 2026

Re: File **A/11/26**
Amended Decision made on Application for Minor Variance of
91 Balaclava Street South
(Roll No. 3729 220 000 05900)

In compliance with Subsection 10 of Section 45 of The Planning Act, R.S.O. 1990, Chapter P.13, I enclose herewith a certified copy of the decision of the Committee of Adjustment with regard to the above noted file.

Please be advised that the last day for filing an appeal is **September 14, 2026**.

Subsection (12) of Section 45 of The Planning Act states that the applicant, the Minister, a specified person or any public body may within 20 days of the making of the decision appeal to the Tribunal against the decision of the Committee by filing with the Clerk of the municipality a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the Minister of the fee charged by the Tribunal as payable on an appeal from a committee of adjustment to the Tribunal.

The letter of appeal and other documents from the application file will be forwarded to the Ontario Land Tribunal. The Ontario Land Tribunal may hold a hearing of which notice will be given to such public bodies or persons and in such manner as the Tribunal may determine.

When the final date for appeal has passed and no notice of appeal is given, the decision of the Committee of Adjustment is final and binding and the applicant will be so notified and a certified copy of the decision will be filed with the Clerk of the Municipality.

Yours truly,

Christopher Aspila, Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

*AMENDED DECISION OF COMMITTEE WITH REASONS

RE APPLICATION FOR MINOR VARIANCE

The Planning Act, R.S.O. 1990, Chapter P.13, Subsection 45(8), As Amended

(a) Name of approval authority	TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT
(b) Name of applicant	RE AN APPLICATION BY (b) Johnathan Mitchell Moore
(c) Brief description	LOCATION OF PROPERTY (c) 91 Balaclava Street South (Roll No. 3729 220 000 05900)
(d) As set out in application	PURPOSE OF APPLICATION (d) The applicant is proposing the construction of a single detached dwelling with an attached garage, with a footprint area of 70.19 sq m and a height to the peak of roof of 8.38 m. The subject property has an existing legal non-conforming house that will be demolished, and the new dwelling will be constructed within approximately the same footprint area as the existing house, with a lot coverage of 40.57%. The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3 (20)(a) which permits the rebuilding of an existing legal non-conforming use provided that the dimensions of the original building or structure are not increased. The proposed dwelling will have a second storey, while the proposed height is in compliance with R1 Zone Provisions of the Zoning By-law. Additionally, the proposed dwelling will have a footprint area that is 4.7 sq m larger than the existing dwelling. The subject parcel is 173 sq m in lot area which contains an existing legal non-conforming single detached dwelling, with a height to the peak of the roof of approximately 4.57 m (15 ft), a footprint area of 65.49 sq m, and a lot coverage of 37.85 %. Therefore, the relief requested is to permit the rebuilding of an existing legal non-conforming use with an increase in the footprint area and height to accommodate the proposed second storey. The subject property is designated Low Density Residential in the Town’s Official Plan and zoned Residential First Density (R1) Zone in the Town’s Zoning By-law.
(e) Date of decision	CONCUR in the following decision and reasons for decision made on the (e) 5 th day of August 2026 DECISION: APPROVED
(f) State conditions to be satisfied before granting of Minor Variance	*CONDITIONS - This decision has been made subject to the following condition: (f) 1. That the applicant prepare and implement a lot grading design for the subject property to the satisfaction of the municipality. 2. That the design of the proposed single detached dwelling be in substantial conformity with the plans submitted as part of application A/11/26.
(g) State reasons for decision	REASONS FOR DECISION: (g) The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law.

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Terris Buchanan

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Anthony Campigotto

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Debbie Rollier

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Josh Mailloux

.....
Don Shaw

ORIGINAL DOCUMENT SIGNED

CERTIFICATION

The Planning Act, R.S.O. 1990, Chapter P.13, Subsection 45(10), As Amended

(h) Name of approval authority I, **Christopher Aspila, 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 the 25th day of August, 2026



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