



Our File: 18-7476

Town of Amherstburg
Building and Planning Services
3295 Meloche Rd
Amherstburg, ON
N9V 2Y8

Attention: Chris Aspila, Ph.D, GISP, MCIP, RPP
Manager, Planning Services

Request for Relief from Interim Control By-Law Number 2022-111
7751 Howard Avenue
Town of Amherstburg

3200 Deziel Drive
Suite 608
Windsor, Ontario
Canada
N8W 5K8
Telephone
519.948.5000
Fax
519.948.5054

On behalf of our clients Mr. Lepera and Mr. Francisco, principals of 2402592 Ontario Inc., please find enclosed our submission package for exemption from Interim Control By-Law (ICBL) Number 2022-111 for the above noted property. The applicant is seeking an exemption from the Interim Control By-Law 2022-11 as the subject lands have already undergone extensive Municipal review and approvals warranting the exemption. The requested exemption will facilitate the sale and development of the subject lands as contemplated by the Municipal approvals in particular Lot 3 for a concrete and asphalt batch plant.

Background

On December 5, 2022, the Town of Amherstburg passed Interim Control By-Law No. 2022-111 prohibiting new industrial development in the Howard Industrial Park District Secondary Plan Area until a Secondary Plan is completed. It is understood that the estimated timeline for completion of the Secondary Plan, including Approval by the County of Essex is March 31, 2023. The area identified within the Interim Control By-Law includes all lands south of North Townline (County Road 8), North of Middle Side Road, between Howard Avenue (County Road 9) and Concession 8. Our client's lands are located on the northeast corner of Middle Side Road and Howard Avenue.

As part of the Interim Control By-Law, Section 3 permits exemption from the ICBL in certain instances, specifically item (iii):

For any lands where a complete application for a development, inclusive of Official Plan Amendment, Zoning By-Law Amendment, Site Plan Control, Plan of Subdivision, Consent or Heritage Alteration Permit has been submitted to the Planning Department of the Town of Amherstburg on or prior to the day of passing this By-Law.



Our client's lands have completed a Zoning By-law Amendment in October 2021 to permit the proposed uses, including the proposed use for Lot 3. In addition, the client recently received approval for the severance of the parcel into three (3) additional lots plus the retained lot on April 7, 2022. As part of the consent approval, Site Plan Control Approval (SPC) is required for Lots 1 and 4 (retained lot) prior to clearing the conditions of the approval. Application packages for those two lots were submitted on September 20, 2022 and are being reviewed by the Town.

Since then, they have been in discussions with a purchaser of the third lot created. The buyer is looking to develop the lands for a concrete and asphalt batch plant and associated parking areas, all in compliance with the existing zoning. At this time, the purchaser is looking to submit for Site Plan Control Approval for the lot to be purchased. They understand that the process takes a few months to complete however, they require equipment to be ordered in the coming weeks in order to obtain it in a reasonable amount of time and build the facility pending SPC approval. Any delay in ordering could result in the sale to not be completed and the facility not being built. The potential financial implications in waiting to order the materials could jeopardize the development. The proposed plant will employ upwards of 40 people and generate more tax income to the Municipality.

As a result, we are requesting that the lands currently owned by 2402592 Ontario Inc., including Lot 3, be exempt from Interim Control By-Law 2022-111, in order for the Site Plan Control approval process to begin and materials ordered, prior to the expected March 31, 2023 approval of the Secondary Plan. Any development to occur on the newly created lots will be in compliance with the approved zoning for the overall site and will continue to meet the intent of the Official Plan.

The following documents are provided for your review:

- Copy of Interim Control By-Law 2022-111;
- Draft Reference Plan;
- Copy of the Approved Zoning By-Law 2021-056, dated October 25, 2021; and
- Copy of the Consent Decisions, dated April 7, 2022.

We trust that the exemption can be processed at your earliest convenience. Should you have any questions, please contact the undersigned at (519) 791-2221 or mmuir@dillon.ca.

Town of Amherstburg
Page 3
January 30, 2023



Yours sincerely,

DILLON CONSULTING LIMITED

Melanie Muir, MCIP, RPP
Associate

MAM:dt

cc: Joe Lepera - 2402592 Ontario Inc.
Joseph Giorgi - Fazio Giorgi LLP

**NOTICE OF THE PASSING OF AN INTERIM CONTROL BY-LAW
BY THE CORPORATION OF THE TOWN OF AMHERSTBURG**

TAKE NOTICE that the Council of the Corporation of the Town of Amherstburg passed By-law No. 2022-111 on the 5th day of December, 2022, under Section 38(1) of the Planning Act, R.S.O., 1990, c.P. 13, as amended.

AND TAKE NOTICE that Council has the authority to extend the period during which By-law 2022-111 will be in effect to a total period not to exceed two (2) years.

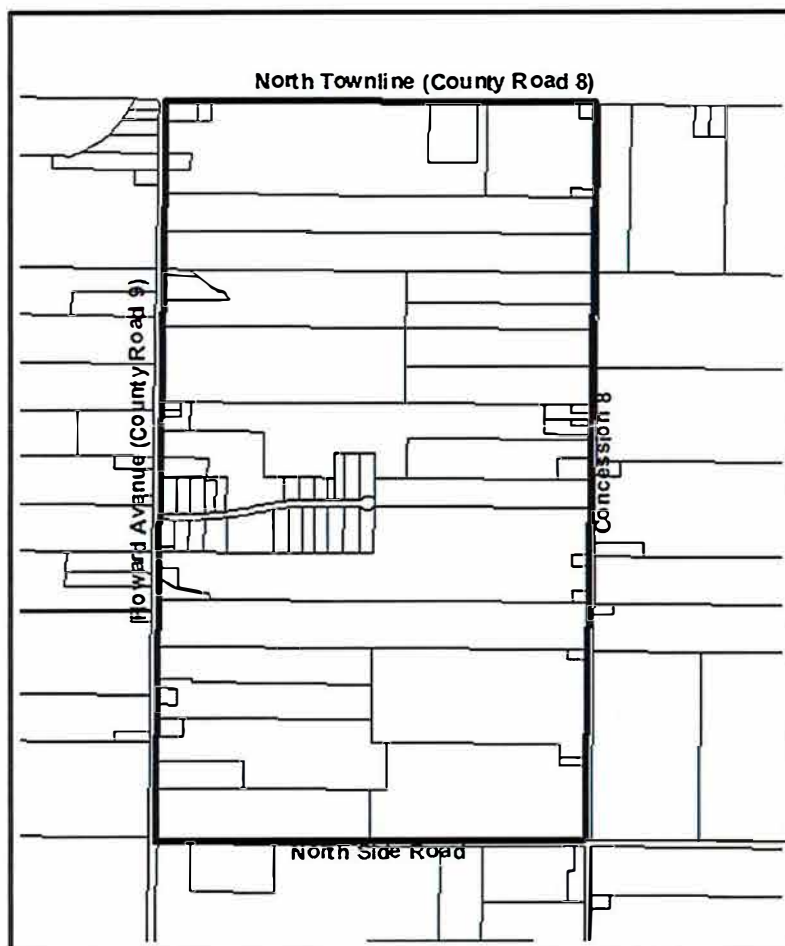
AND TAKE NOTICE only the Minister may, within 60 days after the date of the passing of a by-law under subsection (1), appeal to the Tribunal.

An explanation of the purpose and effect of the By-law and a key map showing the location of the lands to which the By-law applies is provided below.

The complete By-law No. 2022-111 is attached.

DATED at the Town of Amherstburg this 15th day of December, 2022.

KEY MAP



Christopher Aspila
Manager of Planning Services
Town of Amherstburg
Libro Centre
3295 Meloche Road
Amherstburg, Ontario N9V 2A5
Telephone: (519) 736-5408
Fax No. (519) 736-9859
Website: www.amherstburg.ca

Explanation of Purpose and Effect of By-law No. 2022-111

The purpose of the interim control by-law (ICBL) is to prohibit new industrial development in the Howard Industrial Park District Secondary Plan Area until such time as the Howard Industrial Park District Secondary Plan is completed. The estimated timeline for completion of the Secondary Plan, including review by the Approval Authority (County of Essex) is March 31, 2023, well before the allowable 1 year for the ICBL to be in place. As such, upon approval of the Secondary Plan Administration will recommend the removal of the ICBL for the area.

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-111**

By-law to Impose Interim Control on Heavy Industrial, Light Industrial and Special Industrial Uses within a Defined Area in the Town of Amherstburg

WHEREAS Section 38 of the Planning Act, R.S.O. 1990, Chapter p. 13, provides that the Council of a local municipality had by resolution, directed that a study be undertaken in respect of land use planning policies in the municipality or in a defined area thereof, the Council of the municipality may pass a by-law to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of lands, buildings, or structures within the defined area, for such purposes as may be set out in the by-law;

AND WHEREAS the Council of The Corporation of the Town of Amherstburg initiated the preparation of a Secondary Plan for the Howard Industrial Park District on August 8th, 2022;

AND WHEREAS the Council of The Corporation of the Town of Amherstburg has by resolution directed that a study and review of Zoning By-law 1999-52 be undertaken in respect of land use planning policies related to commercial and residential land use such as, but not limited to, General Commercial, Residential, Residential Multiple Density, Residential Heritage within the defined area in the Town of Amherstburg;

AND WHEREAS the Council of The Corporation of the Town of Amherstburg deems it expedient and in the public interest to prohibit the use of lands, buildings, and structures for a heavy industrial, light industrial or special industrial use within the defined area, other than those exempted by the Interim Control By-law, in order to allow the municipality to review and, if deemed appropriate, implement the findings of the said study.

AND WHEREAS the land use study is required to determine the appropriate land uses within the defined area in Schedule "A" attached hereto.

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

1. THAT in this By-law:

"ACCESSORY" when used to describe a use, a building or a structure, means a use, a building or a structure that is incidental, subordinate and devoted to a main use, building or structure and located on the same lot therewith, and includes a private garage which is not attached to the main building in any way but does not include a single unit dwelling in an Agricultural Zone. (By-law 2006-61) (4) "

"BUILDING" means any structure having a roof supported by walls and/or columns which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels, but does not include any vehicle as defined herein.

"DEVELOPMENT" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot.

"ERECT" means to do anything in the erection, building, construction, reconstruction, installation, enlargement, extension, material or structural alteration or repair of a building or structure and shall include any preliminary physical operations such as excavating, grading, piling, cribbing, filling or draining, the relocation of a building or structure, the installation of a building

unit fabricated or removed from elsewhere, and the demolition or removal of a building or any part thereof and further includes any work for which a building permit is required under the Building By-law of the Corporation.

"EXISTING" means legally existing as of the date of the passing of the By-law.

"FLOOR AREA" means the area of the floor surface of a storey or part thereof

"HEIGHT" or **"BUILDING HEIGHT"** when used in reference to a building or structure, means the vertical distance between the horizontal plane through the average finished grade and a horizontal plane through:

- (i) the highest point of the roof assembly in the case of a building with a flat roof or deck roof, or in the case of an accessory structure;
- (ii) the average level of a one (1) slope roof, provided that a roof having a slope of less than twenty (20) degrees with the horizontal shall be considered a flat roof;
- (iii) the roof deck line, in the case of a mansard roof;
- (iv) the average level between eaves and ridges in the case of a roof type not mentioned in Subsections (a), (b) and (c) immediately preceding;
- (v) where an exterior wall extends above the top of the roof of a building, the topmost part of such exterior wall.

"LOT" means a parcel of land described in a deed or other document legally capable of conveying land or shown as a lot or block on a registered plan of subdivision, other than a registered plan of subdivision which has been deemed not to be a registered plan of subdivision by a By-law passed pursuant to Section 51 of the Planning Act, 1990 as amended from time to time, or any successors thereto, and does not include a water lot as defined herein.

"STRUCTURE" means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but does not include the permanent way of a railway, any paved surface located directly on the ground, a fence, sign, or light fixtures.

"USE" means:

- (i) when used as a noun, the purpose for which a lot, building or structure, or any combination or part thereof, is designed, arranged, occupied or maintained; or
- (ii) when used as a verb, to put to such purpose

2. This By-law be enacted from the passing of the by-law until the 11:59:59 PM on March 31, 2023.

3. Notwithstanding the uses permitted, and provision of Zoning By-law 1999-52 as amended, within the defined area described in Schedule "A" no land, building or structure shall be used for heavy industrial, light industrial or special industrial use, including the erection of new buildings or structures, the alteration of an existing building or structure that increases the building height or floor area, except:

- (i) The continued use of land, building, or structure existing on the day of passage of this By-law as, provided such use is permitted on that land, or in that building or structure, by By-law 1999-52;
- (ii) The repair of a building or structure lawfully existing on the day of passing of this By-law;
- (iii) For any lands where a complete application for a development, inclusive of Official Plan Amendment, Zoning By-law Amendment, Site Plan Control, Plan of Subdivision, Consent, or Heritage Alteration Permit has been submitted to the Planning Department of the Town of Amherstburg on or prior to the day of passing of this By-law;

- (iv) For any lands where a complete application for a permit to the building department, inclusive of a building permit, or demolition permit has been submitted to the Building Department of the Town of Amherstburg on or prior to the passing of this By-law;
 - (v) Residential Accessory Structures.
4. THAT where any conflict exists between the provisions of this By-law and any other by-law of The Town of Amherstburg, this By-law shall prevail.
 5. THAT this By-law shall come into force and take effect immediately upon the final passing thereof.

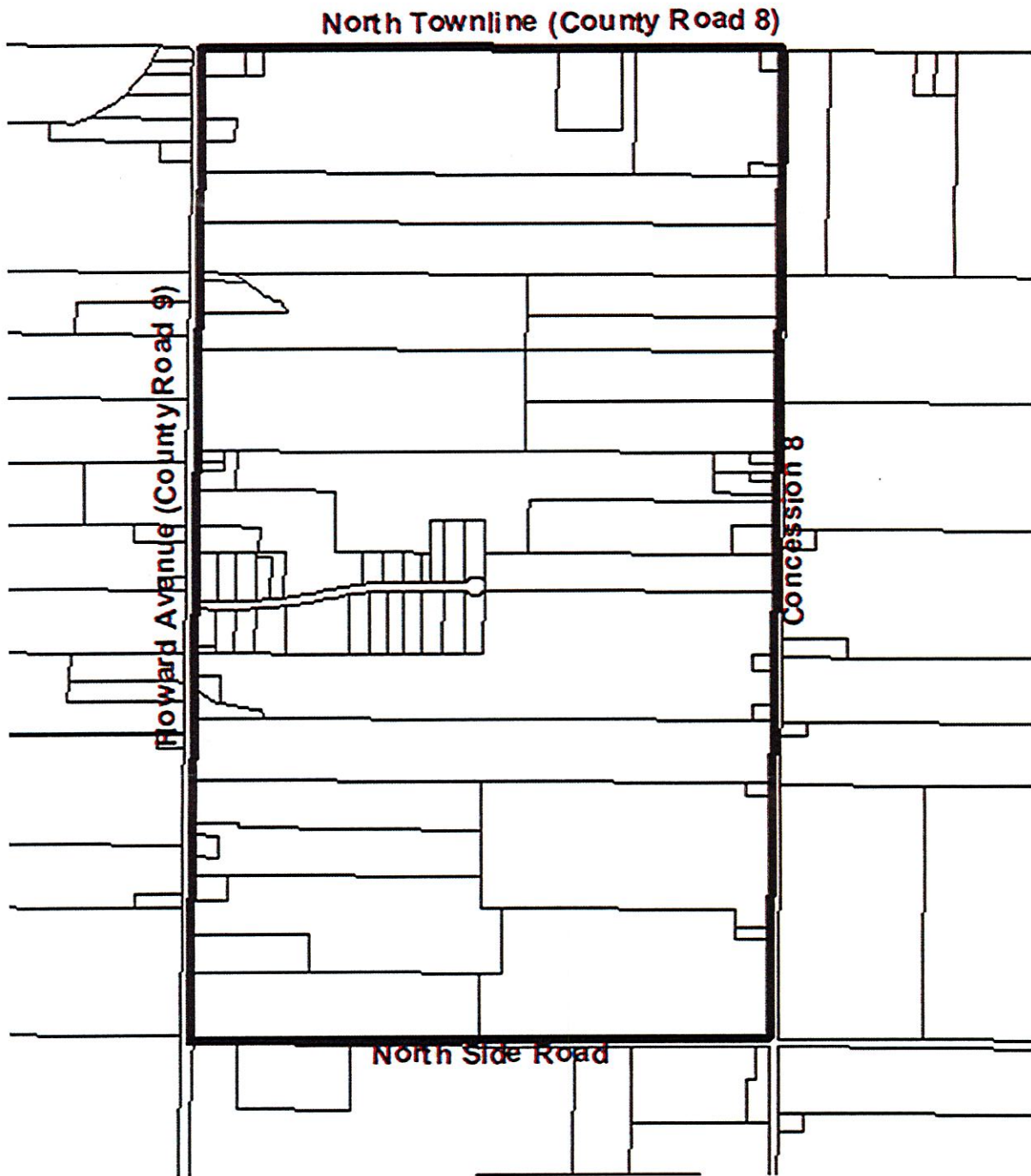
Read a first, second and third time and finally passed this 5th day of December, 2022.


MAYOR- MICHAEL PRUE


CLERK- KEVIN FOX

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2022-111





INTEGRATION DATA

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0).		
COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) OREG 216/10		
POINT ID	NORTHING	EASTING
ORP-A	N4669734.39	E335309.00
ORP-B	N4669777.20	E334636.40
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

"METRIC" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND AND NOTES

BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS 'A' AND 'B' BY REAL-TIME NETWORK OBSERVATIONS AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0).

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999913

ALL SET SSB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF OREG 252/91

■ DENOTES SURVEY MONUMENT FOUND
□ DENOTES SURVEY MONUMENT SET
SSB DENOTES STANDARD IRON BAR
SIB DENOTES SHORT STANDARD IRON BAR
IB DENOTES IRON BAR
PB DENOTES PLASTIC BAR
WT DENOTES WITNESS
M DENOTES MEASURED
S DENOTES SET
L DENOTES PERPENDICULAR
DZ DENOTES R216680
D2 DENOTES AN12564
OJ DENOTES ORIGIN UNKNOWN
ORP DENOTES OBSERVED REFERENCE POINT
(P1) DENOTES PLAN OF SURVEY BY (1744), DATED: JUNE 30, 2015, PLAN FILE: J-893
(P1) DENOTES PLAN 12R-25743
(OR) DENOTES J.D. BARNES LIMITED
(1744) DENOTES VERHAEGEN LAND SURVEYORS
(1194) DENOTES JOHN B. SKEETON INC., O.L.S.
(1856) DENOTES TOTAL TECH SURVEYING INC., O.L.S.

PLAN OF SURVEY

OF
PART OF LOT 11,
CONCESSION 7
GEOGRAPHIC TOWNSHIP OF ANDERDON
NOW IN THE
TOWN OF AMHERSTBURG
COUNTY OF ESSEX, ONTARIO
VERHAEGEN LAND SURVEYORS - A DIVISION OF J.D. BARNES LIMITED.

SCALE = 1:750

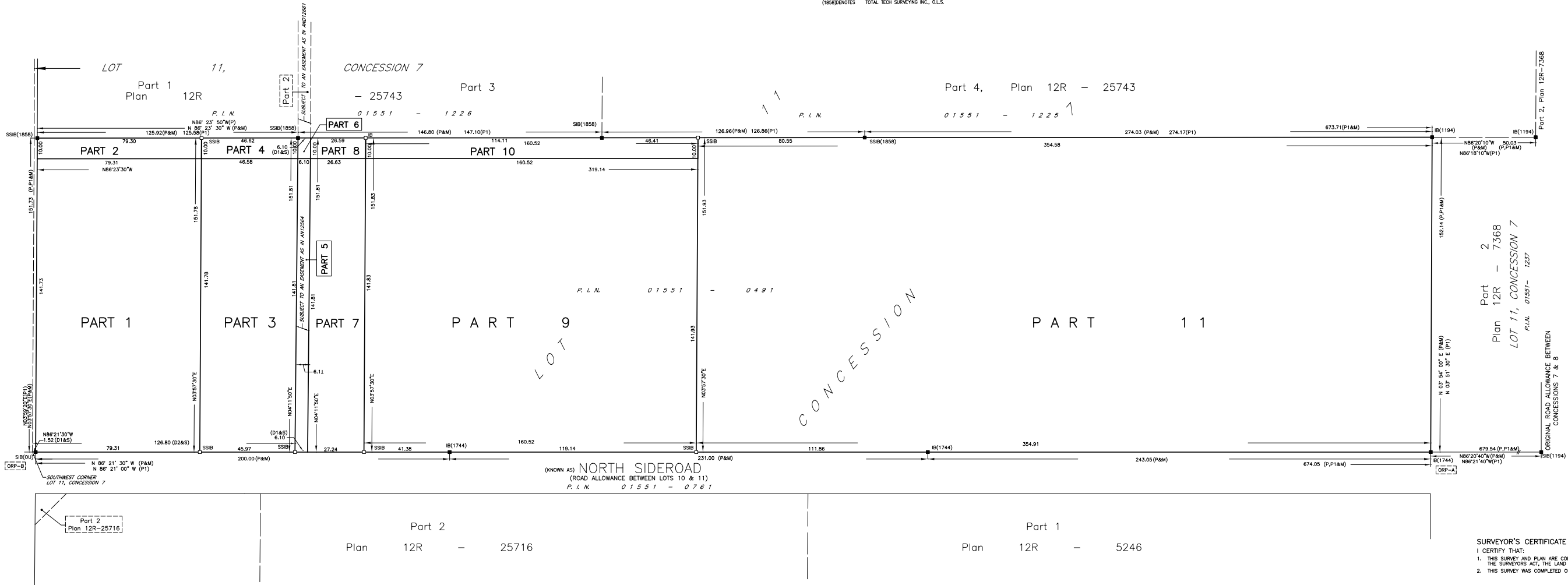


THE INTENDED PLOT SIZE OF THIS PLAN IS 1219mm IN WIDTH BY 609mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:750

PARTS SCHEDULE

PART	LOT	CON	P.L.N.
1	PART OF LOT 11	CONCESSION 7	ALL OF 01551-0491
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			

PARTS 5 AND 6 ARE SUBJECT TO AN EASEMENT AS IN AN12564.



SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT,
THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THIS SURVEY WAS COMPLETED ON THE 10th DAY OF MAY, 2022.

DATE MAY 17, 2022

Roy Simon
Roy A. SIMONE
ONOND LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 2188519.



VERHAEGEN
LAND SURVEYORS
A Division of
J. D. Barnes Limited

SURVEYING
MAPPING
GIS

944 OTTAWA STREET, WINDSOR, ON, N9X 3E1
T: (519) 258-1772 F: (519) 258-1791 www.jdbarnes.com

DRAWN BY: A.J.M.	CHECKED BY: R.A.S.	REFERENCE NO.: 22-47-174-00
FILE: E-AND-7-11		CAD Date: May 17, 2022 11:32 AM CAD File: 22-47-174-00.dwg

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2021-056**

**By-law to amend Zoning By-law No. 1999-52
7751 Howard Avenue, 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;

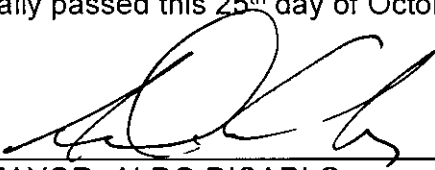
AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

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. Section 22(4)(e) Special Provisions of the Town of Amherstburg Zoning By-law 1999-52 as amended, is hereby amended by the addition of the following permitted uses:
 - “(i) 2. batching plant, asphalt
3. batching plant, concrete”
2. 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 Heavy Industrial Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.
3. 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, c.P. 13.

Read a first, second and third time and finally passed this 25th day of October, 2021.



MAYOR- ALDO DICARLO



CLERK- VALERIE CRITCHLEY



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

FRANK GARARDO, MCIP, RPP
MANAGER OF PLANNING SERVICES
Email: fgarardo@amherstburg.ca

November 17, 2021

J & J Lepera Infrastructure
c/o Joe Lepera
4405 Seventh Concession Rd
Windsor, ON N9A 6J3

Subject: Zoning By-law Amendment- By-law No. 2021-056
7751 Howard Avenue, Amherstburg, ON

With regard to the above mentioned by-law, please be advised that no appeals were received by the Town of Amherstburg.

Therefore this by-law comes into force in accordance with Section 34 of the Planning Act, R.S.O. 1990.

Sincerely,

Frank Garardo, MCIP RPP
Manager of Planning Services

FG:jm
enclosure

cc: Melanie Muir, Dillon Consulting Ltd.



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

April 7, 2022

Re: File **B/09/22, B/10/22 & B/11/22**
Decision Made on Application for Consent of
2402592 Ontario Inc. c/o Dillon Consulting, Agent
7751 Howard Avenue

In compliance with Subsection 17 of Section 53 of The Planning Act, I enclose herewith a certified copy of the decision of the Committee with regard to the above-noted file.

Please be advised that the last day for filing an appeal is **April 27, 2022.**

Subsection 19 of Section 53 of The Planning Act states that any person or public body may, not later than 20 days after the giving of notice under subsection (17) is completed, appeal the decision or any condition imposed by the council or the Minister or appeal both the decision and any condition to the Tribunal by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee charged by the Tribunal.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

Disclaimer: Due to the COVID-19 pandemic, all appeals filed must be submitted to the Town in accordance to Planning Act Regulations. Any appeals received by the Town will be held until OLT resumes appeal hearings in accordance with the Emergency Order and O. Reg. 149/20.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent 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 group on its behalf.

On an application that has been granted by the Committee, before final certification can be issued, proof in writing must be submitted to the Secretary-Treasurer showing that all conditions imposed by the Committee have been dealt with in a manner satisfactory to the appropriate authority.

Janine Mastronardi, Acting Secretary-Treasurer

**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) 2402592 Ontario Inc., c/o Dillon Consulting, Agent
(c) Brief description	LOCATION OF PROPERTY (c) 7751 Howard Avenue (Roll No. 3729-470-000-00400)
(d) As set out in application	PURPOSE OF APPLICATION (d) The applicant is proposing to sever a parcel of land being 79.3 m (260.2 ft) frontage by 152 m (498.68 ft) depth with an area of 1.2 ha (2.96 ac) for purposes of creating a new industrial lot. The remaining parcel being 596.9 m (1,958.33 ft) frontage by 152 m (498.68 ft) depth with an area of 9.04 ha (22.3 ac) and is currently used as an aggregate storage area. The subject property is zoned Special Provision Heavy Industrial (HI-5) in the Town’s Zoning By-Law and designated Heavy Industrial in the Town’s Official Plan.
(e) Date of decision	CONCUR in the following decision and reasons for decision made on the (e) 5 th day of April, 2022.
(f) State conditions to be satisfied before granting of consent	<div>DECISION: APPROVED</div> <div><div>1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.</div><div>2. The applicant to submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.</div><div>3. That all property taxes be paid in full.</div><div>4. That the property owner enters into a consent agreement with terms and conditions to the satisfaction of the Town.</div><div>5. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds for the severed lot.</div><div>6. That the 150mm watermain be extended the full length of the property at the property owner’s expense and to the satisfaction of the Town.</div><div>7. That North Sideroad be reconstructed to suit truck traffic with an arterial road design from the existing edge of the asphalt to 25ft past the centre of the retained parcel at the property owner’s expense and to the satisfaction of the Town.</div><div>8. That the Section 65 drainage report that was previously completed to reflect the severances and establish release rates for each property at the property owner’s expense and to the satisfaction of the Town.</div><div>9. That the property owner complete and implement a storm water management design for the retained lands at the property owner’s expense and to the satisfaction of the Town.</div><div>10. That the property owner enters into a mutual drain agreement with terms and conditions satisfactory to the Town.</div><div>11. That the property owner enters into a site plan agreement for the severed lands if required by the Town.</div><div>12. That the terms of the consent agreement include articles incorporating the recommendations of the Blasting Vibration Impact Assessment prepared by Dillon Consulting and dated April 5, 2021 all to the satisfaction of the Town.</div><div>13. 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.</div></div>

(g) State REASONS FOR DECISION: (g) The request is in conformity with Section 6.1.2 of reasons for Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. decision

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

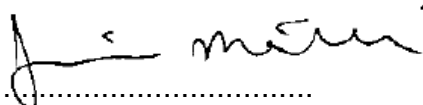
ORIGINAL DOCUMENT SIGNED

CERTIFICATION
The Planning Act, R.S.O. 1990

(h) Name of I, **Janine Mastronardi, Acting Secretary-Treasurer** of the (h) **Town of Amherstburg** approval authority 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 7th day of April, 2022


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

**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) 2402592 Ontario Inc., c/o Dillon Consulting, Agent
(c) Brief description	LOCATION OF PROPERTY (c) 7751 Howard Avenue (Roll No. 3729-470-000-00400)
(d) As set out in application	PURPOSE OF APPLICATION (d) The applicant is proposing to sever a parcel of land being 79.3 m (260.2 ft) frontage by 152 m (498.68 ft) depth with an area of 1.2 ha (2.96 ac) for purposes of creating a new industrial lot. The remaining parcel being 517.6 m (1,698.2 ft) frontage by 152 m (498.68 ft) depth with an area of 7.86 ha (19.4 ac) and is currently used as an aggregate storage area. The subject property is zoned Special Heavy Industrial (HI-5) in the Town’s Zoning By-Law and designated Heavy Industrial in the Town’s Official Plan.
(e) Date of decision	CONCUR in the following decision and reasons for decision made on the (e) 5 th day of April, 2022.
(f) State conditions to be satisfied before granting of consent	<p>DECISION: APPROVED</p> <ol style="list-style-type: none">1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.2. The applicant to submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.3. That all property taxes be paid in full.4. That the property owner enters into a consent agreement with terms and conditions to the satisfaction of the Town.5. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds for the severed lot.6. That the 150mm watermain be extended the full length of the property at the property owner’s expense and to the satisfaction of the Town.7. That North Sideroad be reconstructed to suit truck traffic with an arterial road design from the existing edge of the asphalt to 25ft past the centre of the retained parcel at the property owner’s expense and to the satisfaction of the Town.8. That the Section 65 drainage report that was previously completed to reflect the severances and establish release rates for each property at the property owner’s expense and to the satisfaction of the Town.9. That the property owner complete and implement a storm water management design for the retained lands at the property owner’s expense and to the satisfaction of the Town.10. That the property owner enters into a mutual drain agreement with terms and conditions satisfactory to the Town.11. That the property owner enters into a site plan agreement for the severed lands if required by the Town.12. That the terms of the consent agreement include articles incorporating the recommendations of the Blasting Vibration Impact Assessment prepared by Dillon Consulting and dated April 5, 2021 all to the satisfaction of the Town.13. 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: (g) The request is in conformity with Section 6.1.2 of reasons for Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. decision

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

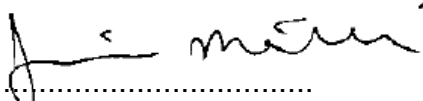
ORIGINAL DOCUMENT SIGNED

CERTIFICATION
The Planning Act, R.S.O. 1990

(h) Name of I, **Janine Mastronardi, Acting Secretary-Treasurer** of the (h) **Town of Amherstburg** approval authority 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 7th day of April, 2022


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

**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) 2402592 Ontario Inc., c/o Dillon Consulting, Agent
(c) Brief description	LOCATION OF PROPERTY (c) 7751 Howard Avenue (Roll No. 3729-470-000-00400)
(d) As set out in application	PURPOSE OF APPLICATION (d) The applicant is proposing to sever a parcel of land being 160.5 m (526.5 ft) frontage by 152 m (498.68 ft) depth with an area of 2.44 ha (6.0 ac) for purposes of creating a new industrial lot. The remaining parcel being 357.1 m (1,171.6 ft) frontage by 152 m (498.68 ft) depth with an area of 5.42 ha (13.39 ac) and is currently used as an aggregate storage area. The subject property is zoned Special Provision Heavy Industrial (HI-5) in the Town’s Zoning By-Law and designated Heavy Industrial in the Town’s Official Plan.
(e) Date of decision	CONCUR in the following decision and reasons for decision made on the (e) 5 th day of April, 2022.
(f) State conditions to be satisfied before granting of consent	<div>DECISION: APPROVED</div> <div><div>1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.</div><div>2. The applicant to submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.</div><div>3. That all property taxes be paid in full.</div><div>4. That the property owner enters into a consent agreement with terms and conditions to the satisfaction of the Town.</div><div>5. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds for the severed lot.</div><div>6. That the 150mm watermain be extended the full length of the property at the property owner’s expense and to the satisfaction of the Town.</div><div>7. That North Sideroad be reconstructed to suit truck traffic with an arterial road design from the existing edge of the asphalt to 25ft past the centre of the retained parcel at the property owner’s expense and to the satisfaction of the Town.</div><div>8. That the Section 65 drainage report that was previously completed to reflect the severances and establish release rates for each property at the property owner’s expense and to the satisfaction of the Town.</div><div>9. That the property owner complete and implement a storm water management design for the retained lands at the property owner’s expense and to the satisfaction of the Town.</div><div>10. That the property owner enters into a mutual drain agreement with terms and conditions satisfactory to the Town.</div><div>11. That the property owner enters into a site plan agreement for the severed lands if required by the Town.</div><div>12. That the terms of the consent agreement include articles incorporating the recommendations of the Blasting Vibration Impact Assessment prepared by Dillon Consulting and dated April 5, 2021 all to the satisfaction of the Town.</div><div>13. That the property owner enter into an amending site plan agreement for the retained land.</div></div>

14. 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

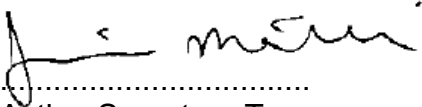
ORIGINAL DOCUMENT SIGNED

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 7th day of April, 2022


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