

**DECISION OF APPROVAL AUTHORITY
WITH REASONS RE APPLICATION FOR CONSENT**

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| (a) Name of approval authority | TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT |
| (b) Name of applicant | RE AN APPLICATION BY (b) Pacitti Contracting Company Inc., c/o Dillion Consulting Limited, Agent |
| (c) Brief description | LOCATION OF PROPERTY (c) 580 Middle Sideroad (Roll No. 3729-460-000-01100) |
| (d) As set out in application | PURPOSE OF APPLICATION (d) The applicant is proposing to sever a parcel of land being 47.9 m frontage on Concession 2 North by 101.8 m depth with an area of 0.48 ha for purposes of creating a new lot together with an easement for reciprocal access, parking and servicing between the severed and retained lands. The remaining parcel being 58.1 m frontage on Concession 2 N by an irregular depth with an area of 0.97 ha contains two commercial buildings with associated parking and stormwater management pond. The subject lands are designated Neighbourhood Commercial in the Town's Official Plan and zoned Special Provision Commercial Neighbourhood/Residential Type 1A (CN-12/R1A) Zone in the Zoning By-law 1999-52. |
| (e) Date of decision | CONCUR in the following decision and reasons for decision made on the (e) 11 th day of January, 2023. |
| | DECISION: APPROVED |
| (f) State conditions to be satisfied before granting of consent | CONDITIONS - This decision has been made subject to the following conditions: (f) <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 acceptable for registration in order that consent may be attached and a copy be provided to the municipality.3. That all property taxes be paid in full.4. That the parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds for the severed parcel.5. That the applicant install a separate water service connection to the severed lot in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.6. That the applicant must install a new driveway access to the severed parcel at the applicant's expense, to the satisfaction of the municipality, prior to the stamping of deeds.7. That the applicant be required to obtain a Right-of-Way Permit from Infrastructure Services according to Town policy for any work required within the limits of the Town right-of-way. All permitting costs will be borne entirely by the applicant.8. Subject to site plan control agreement with the municipality, all downspouts from any new structure must not be connected into lot subdrains; downspouts must be constructed to splash onto the adjacent ground.9. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.10. That a zoning by-law amendment be approved from the provisions of Bylaw 1999-52, as amended, Section 17(3)(d) which require a minimum interior side yard width of 7 m in a Commercial Neighbourhood (CN) Zone to permit a 1.5 m interior side yard setback on the retained parcel prior to the stamping of the deeds. |

11. That the existing development agreement dated September 26, 2016 be amended to reflect changes to the site plan subsequent to the consent to the satisfaction of the municipality.

12. That the property owner complete and implement a storm water management design for the severed and retained lands at the property owner's expense and to the satisfaction of the municipality.

13. That the property owner enter into reciprocal agreements registered on the title of the property regarding access, parking and servicing with terms and conditions satisfactory to the municipality.

14. That specific site conditions/restrictions/specifications be determined through discussions with Essex Terminal Railway to the satisfaction of the municipality.

15. That all agreements of purchase and sale, building contract or lease of the severed lands must be entered into with a warning clause inserted into said agreements as follows:

i. Sound levels from increasing rail traffic may interfere with activities of dwelling occupants and the sound level may exceed the noise guidelines of the Municipality and the Ministry of the Environment, Conservation and Parks. An environmental easement in favour of abutting rail line lands is registered on title to the Pacitti lands.

ii. The Essex Terminal Railway Company (or its successors and assigns) ("ETR") has a right-of-way abutting the Pacitti lands. There may be alterations or expansions of rail facilities and uses on the right-of-way in the future, which may result in increased noise, dust, vibration and odour, among other effects. ETR will not be responsible for any complaints, claims, damages or costs of adjoining owners arising from its facilities and operations on the abutting right-of-way.

iii. The dwelling units on the lands have been supplied with central air conditioning and air exchange equipment which will allow windows and exterior doors to remain closed, intended to reduce, but not eliminate, the effects described above.

16. 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.

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David Cozens

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Terris Buchanan

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Anthony Campigotto

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Donald Shaw

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Josh Mailloux

ORIGINAL DOCUMENT SIGNED

CERTIFICATION

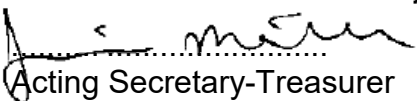
The Planning Act, R.S.O. 1990

(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 13th day of January, 2023


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