



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Janine Mastronardi	Report Date: April 5, 2024
Author's Phone: 519 736-5408 ext. 2134	Date to Council: April 22, 2024
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Consent Agreement, 5651 County Road 20

1. RECOMMENDATION:

It is recommended that:

1. The execution of a Consent Agreement with Jon and Kathy Parks associated with Consent File number B/23/22 inclusive **BE APPROVED**; and,
2. **By-law 2024-015** being a By-law to authorize the signing of a Consent Agreement for the development of five residential building lots be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

An application has been received for approval of a Consent Agreement to satisfy certain conditions associated with Consent File Numbers B/23/22 from Jon and Kathy Parks. Section 53(41) of the Planning Act, requires that conditions must be fulfilled on a provisional consent within 2 years.

On July 5, 2022, Jon and Kathy Parks obtained approval with conditions from the Committee of Adjustment to sever one residential building lots from a 55.59 acre property which is located on the north side of County Road 20. The retained parcel is vacant agricultural lands.

The applicants also received approval from the Committee of Adjustment for a total of ten residential buildings lots from this holding. A Consent Agreement was executed to ensure appropriate development of these lots.

3. DISCUSSION:

The subject lands are legally described as Part of Lot 52, Concession 5, Part 1 on 12R-29135. The provisional consent provided for the approval of a total of one residential lot with a frontage of 34.3 m (112.42 ft). The lots will be serviced with municipal water and private septic systems.

The subject property is designated Low Density Residential in the Town of Amherstburg's Official Plan. The lot is located within a secondary settlement area as defined by the County of Essex. The subject property is zoned Residential Type 1A (R1A) Zone.

The proposed lot size, frontage and the intended land use for the severed parcel appear to comply with the zone requirements of Residential Type 1A Zone provisions specifically Section 6(3) including minimum lot sizes without municipal sanitary services and minimum lot frontages.

The Town's Official Plan states "development of 5 or less lots/units, if permitted by the Land Use Policies of this Plan, may take place on private individual on-site sewage disposal systems and/or private wells in areas where public and private communal systems are not intended or are not readily available. Within a settlement Area, Council will be required before any development approval is permitted on private individual sewage disposal and/or water systems." This policy was addressed and passed by Council on April 11th, 2023 as a condition of the 2022 consent.

4. RISK ANALYSIS:

The Consent Agreement provides that building permits cannot be applied for until all services in the agreement have been installed and accepted by the Town. Prior to the stamping of the deeds, the Town has included provisions to create serviced, residential lots or to take cash-in-lieu where appropriate, to the extent that services are available. The Consent Agreement is registered against the lands to which it applies.

The Consent Agreement is a condition of approval for the consent granted by the Committee of Adjustment on July 5, 2022. If approval is not granted for the Consent Agreement the conditions will not be fulfilled and the consent will lapse.

5. FINANCIAL MATTERS:

The costs associated with the applications and planning processes are the responsibility of the developer.

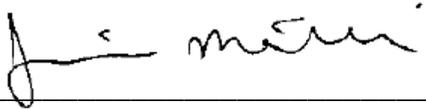
6. CONSULTATIONS:

The applications for consent were sent for review to the Infrastructure Services Department, Building Department, County of Essex, ERCA and various other agencies. All comments were considered at the time of approval of consent. The notice of public meeting was sent to all residences within 60 m of the proposed consents.

A draft Consent Agreement is consistent with the previous agreement for the adjacent lots developed by the Parks.

7. CONCLUSION:

It is recommended that the Consent Agreement for the 5651 County Road 20 be approved by Council and By-law 2024-015 be adopted by Council as recommended. The agreement will then be executed and sent for registration.



Janine Mastronardi
Planner

Report Approval Details

Document Title:	Consent Agreement, 5651 County Road 20.docx
Attachments:	- 2024 04 22- Parks Consent Agreement Report ATTACHMENTS-RM.pdf
Final Approval Date:	Apr 9, 2024

This report and all of its attachments were approved and signed as outlined below:

No Signature found

Chris Aspila



Melissa Osborne

No Signature - Task assigned to Tracy Prince was completed by delegate Yufang Du

Tracy Prince



Valerie Critchley



Kevin Fox