



**TOWN OF AMHERSTBURG
COMMITTEE OF ADJUSTMENT MEETING
MINUTES**

Wednesday, April 3, 2024

8:00 AM

Council Chambers

271 Sandwich Street South, Amherstburg, ON, N9V 2A5

PRESENT	Anthony Campigotto - Chair Terris Buchanan – Vice Chair Debbie Rollier Donald Shaw
STAFF PRESENT	Chris Aspila – Manager, Planning Services Janine Mastronardi – Secretary - Treasurer Sarah French – Planner Karly Kennedy – Policy and Committee Coordinator
ABSENT	Josh Mailloux (regrets)

1. CALL TO ORDER

The Chair called the meeting to order at 8:00 a.m.

2. ROLL CALL

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

(Public Meeting Agenda Items)

Donald Shaw declared a conflict on item 6.9 of the public agenda due to owning property directly east of property in application A/11/24.

4. LAND ACKNOWLEDGEMENT

The following land acknowledgment was read: We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron-Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional

territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

5. MINUTES OF PREVIOUS MEETING

Moved By T. Buchanan
Seconded By D. Shaw

That the following minutes of the Committee of Adjustment **BE APPROVED**:

5.1 March 6, 2024 Committee of Adjustment Minutes

The Chair put the motion.

Motion Carried

6. ORDER OF BUSINESS

6.1 B/22/23, 4691 Concession 4 S, Reginald & Andrea Brush, c/o Britni Goulet, Agent

Moved By D. Shaw
Seconded By D. Rollier

That application B-22-23 be approved subject to the following conditions;

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper 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. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent.
5. That prior to the stamping of the deeds the owner is to provide satisfactory evidence that the adjacent parcel is under common ownership relative to the parcel which is the subject of the consent.
6. 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.

The Chair put the motion.

Motion Carried

6.2 B/06/24 & A/07/24, 6387-6391 Concession 6 N, Estate of Bonita Boussey

Moved By T. Buchanan

Seconded By D. Rollier

That application B-06-24 be approved subject to the following conditions;

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper 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 a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel.
5. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Sections 3(3.3)(d) and 3(3.3)(f) which permit a secondary dwelling unit in a rear or interior side yard and located within 20 m of the primary dwelling.
6. That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property.
7. That the applicant obtain a report from an independent qualified person that the existing private septic systems serving the surplus dwelling and secondary dwelling unit do not cross the property lines, that the systems are in working order and that their operation will not be affected by the severance, to the satisfaction of the municipality.
8. The applicant/owners are required to enter into a reapportionment of the drainage assessment for the subject lands in accordance with Section 65(2) of the Ontario Drainage Act, R.S.O. 1990 as amended and provide the Town of Amherstburg, a signed agreement and that any associated cost of same be borne solely by the applicant. The reapportionment for any affected Municipal Drains is required and is to be assessed against the affected lands in accordance with any past, current or future drainage bylaws, until such time as otherwise determined under the provisions of the Drainage Act. The severance shall not be

granted until a Council resolution is passed to execute the reapportionment agreement.

9. That the applicant determine if there are any existing farm drainage tiles/systems extending through the parcel that is to be severed and, if existing farm drainage tiles/systems are found, that the applicant redirect the tiles/systems around the parcel to be severed to the satisfaction of the municipality.
10. That a grading plan be prepared and implemented for the perimeter of the severed parcel so that the applicant ensures the severed parcel maintains its own drainage as to not affect the neighbouring property.
11. 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.

The Chair put the motion.

Motion Carried

Moved By D. Shaw
Seconded By D. Rollier

That application A-07-24 be approved.

The Chair put the motion.

Motion Carried

6.3 A/08/24, 5810 County Road 20, Troy and Danielle Cox

Moved By D. Shaw
Seconded By T. Buchanan

That application A-08-24 be approved.

The Chair put the motion.

Motion Carried

6.4 B/08/24, 160 McLeod Avenue, Clifford Lovell, c/o Drew Coulson, Agent

Moved By T. Buchanan
Seconded By D. Rollier

That application B-08-24 be approved subject to the following conditions;

1. That a Reference Plan of the subject property with the existing fence indicated on

the plan 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 to the original and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. The applicant/owners must enter into a re-apportionment of the drainage assessment for the subject lands in accordance with Section 65(2) of the Ontario Drainage Act, R.S.O. 1990 as amended and provide the Town of Amherstburg with a signed agreement. Any associated cost of same be borne solely by the applicant. The reapportionment for any affected Municipal Drains be required and are to be assessed against the affected lands in accordance with any past, current or future drainage bylaws, until such time as otherwise determined under the provisions of the Drainage Act. The severance shall not be granted until a Council resolution is passed to execute the reapportionment agreement.
5. The applicant must undertake an environmental review with the Town's third party environmental consultant at the applicant's expense to determine no negative impact on the Big Creek Marsh Provincially Significant Wetland Complex.
6. That the applicant execute a Consent Agreement in a form satisfactory to the Town of Amherstburg which will include and require the provision of securities in amounts and forms satisfactory to the Town and which will satisfactorily address the relevant concerns of all government ministries, departments and agencies. The Consent Agreement will contain the following provisions:
 - a. That the applicant must install a curb cut/driveway access to the severed parcel to the satisfaction of the municipality.
 - b. That access gates are not permitted in the perimeter fence to the Town's abutting Warren Mickle Park.
 - c. 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.
 - d. That the applicant install separate water services and storm sewer connections to the severed lot in accordance with and under the supervision of the municipality at the applicant's expense.
 - e. That the applicant be required to extend the sanitary sewer main within the municipal right-of-way to the east property line of the newly created lot will be required. All costs associated with the sewer extension shall be

borne by the applicant. Consolidated Linear Infrastructure (CLI) approvals are required to be obtained for all necessary extensions of municipal sanitary infrastructure. CLI Application fees per Amherstburg's user fee by-law shall be applicable for this development.

- f. An application for new water connection and water meter shall be submitted to Environmental Services for review and approval prior to construction.
 - g. Private Drain Connection (PDC) sheets will be required to be submitted once installation of new services is completed.
 - h. That Engineering User Fees be paid to the Town of Amherstburg prior to the stamping of the deeds.
 - i. All downspouts shall be disconnected and splash to the ground.
 - j. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$1070 for the severed lot.
 - k. That the applicant submit lot grading plan for the severed parcel to the satisfaction of the municipality.
7. 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.

The Chair put the motion.

Motion Carried

6.5 A/09/24, 134 Elmstead Lane, Colton Bradt & Chelsea Hill-Bradt, c/o Drew Coulson, Agent

Moved By D. Rollier

Seconded By T. Buchanan

That application A-09-24 be approved.

The Chair put the motion.

Motion Carried

6.6 B/09/24, 158 Meloche Road, Trevor Weber c/o Jon DiPierdomenico, Agent

Moved By T. Buchanan

Seconded By D. Rollier

That application B-09-24 be approved subject to the following conditions;

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 to the original and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$1070 for the severed lot.
5. A right-of-way permit will be required to be obtained for the newly created lot to establish the driveway access.
6. That the applicant be required for the severed parcel to install a water and stormwater connection at the time of servicing. Approval and installation of these connections should be coordinated with the Manager of Environmental Services and Manager of Roads and Fleet. An application for water connection and water meter shall be submitted to Environmental Services for review and execution for the proposed new lot.
7. That the applicant provide to the municipality Private Drain Connection (PDC) sheets once installation of new services is completed.
8. All downspouts shall be disconnected and splash to the ground.
9. That the applicant submit a lot grading plan for the severed and retained lots to the satisfaction of the municipality.
10. That all existing structures be demolished and the existing septic system be decommissioned through the building permit process prior to the stamping of the deeds.
11. That Council approve the development of the newly created lot on a private individual septic system after the soil analysis and septic design for the proposed lot is completed as required. This requirement shall be fulfilled prior to the stamping of the deed.
12. The applicant enters into an agreement satisfactory to the Corporation of the Town of Amherstburg requiring that the subject property be required to hook into a sanitary sewer system should it become available. The subject agreement to be registered on title.

13. That the applicant place a restrictive covenant on the title of the severed and retained lands in recognition of the existing quarry. The following language to be included, *“The Purchaser(s)/Transferee(s) hereby acknowledge(s) that they have been advised that the subject lands are reasonably proximate to an active quarry and as such, from time to time drilling and blasting may occur, which may cause a certain degree of noise, dust and vibration at and on the subject lands.”*
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.

The Chair put the motion.

Motion Carried

6.7 B/10/24, 694 Concession 2 N, William Skeates

Moved By D. Shaw

Seconded By T. Buchanan

That application B-10-24 be approved subject to the following conditions;

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 to the original and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$1070 for the severed lot.
5. The applicant/owners must enter into a re-apportionment of the drainage assessment for the subject lands in accordance with Section 65(2) of the Ontario Drainage Act, R.S.O. 1990 as amended and provide the Town of Amherstburg with a signed agreement. Any associated cost of same be borne solely by the applicant. The reapportionment for any affected Municipal Drains be required and are to be assessed against the affected lands in accordance with any past, current or future drainage bylaws, until such time as otherwise determined under the provisions of the Drainage Act. The severance shall not be granted until a Council resolution is passed to execute the reapportionment agreement.
6. A right-of-way permit will be required to be obtained to establish the new driveway access for the retained lot. Shared driveway access shall not be permitted.

7. That the applicant apply to Environmental Services for review and approval of a new water connection and water meter prior to construction.
8. That the applicant provide to the municipality Private Drain Connection (PDC) sheets once installation of new services is completed.
9. All downspouts shall be disconnected and splash to the ground.
10. That the applicant submit a lot grading plan for the severed parcel to the satisfaction of the municipality.
11. That the existing detached garage be relocated through the building permit process prior to the stamping of the deeds.
12. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the retained parcel does not cross the property lines, that the systems are in working order and that its operation will not be affected by the severance, to the satisfaction of the municipality.
13. That Council approve the development of the newly created lot on a private individual septic system after the soil analysis and septic design for the proposed lot is completed as required. This requirement shall be fulfilled prior to the stamping of the deed.
14. The applicant enters into an agreement satisfactory to the Corporation of the Town of Amherstburg requiring that the subject property be required to hook into a sanitary sewer system should it become available. The subject agreement to be registered on title.
15. That the applicant register on the title of the severed parcel restrictions and covenants related to the Essex Terminal Railway Company as follows;
 - a) No structure of any kind shall be constructed on the severed parcel within fifteen (15) metres of the common boundary with the ETR rail line.
 - b) No residential dwelling shall be constructed on the severed parcel within fifty (50) metres of the common boundary with the ETR rail line.
16. That the applicant register on the title of the severed parcel restrictions and covenants related to the Essex Terminal Railway Company as follows;

That no agreement of purchase and sale, building contract or lease of the severed parcel shall be entered into without 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.
 - ii) The Essex Terminal Railway Company (or its successors and assigns) ("ETR") has a right-of-way abutting the severed parcel.

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.

17. 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.

The Chair put the motion.

Motion Carried

- 6.8 A/10/24, 149 Clubview, Troy & Linda Palcit, c/o Justin Clairmont, LFX, Agent**

Moved By T. Buchanan
Seconded By D. Rollier

That application A-10-24 be approved.

The Chair put the motion.

Motion Carried

- 6.9 A/11/24, Vacant Land N/S Alma Street, Matthew Chappus**
Donald Shaw removed himself from the item due to the declared conflict of interest.

Moved By T. Buchanan
Seconded By D. Rollier

That application A-11-24 be approved.

The Chair put the motion.

Motion Carried

- 6.10 A/12/24, 42 Alma Street, Dr. Bassel Al-Farra, c/o Maged Basiliou, Agent**

Moved By D. Shaw
Seconded By T. Buchanan

That application A-12-24 be approved.

The Chair put the motion.

Motion Carried

7. ADJOURNMENT

That the Committee of Adjustment **RISE and ADJOURN** at 9:54 a.m.

Chair – Anthony Campigotto

Janine Mastronardi - Secretary-Treasurer

DRAFT