



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

**Wednesday, September 4, 2024  
8:00 AM**

**Council Chambers  
271 Sandwich Street South, Amherstburg, ON, N9V 2A5**

**PRESENT** Anthony Campigotto  
Terris Buchanan  
Josh Mailloux  
Donald Shaw  
Deborah Rollier

**STAFF PRESENT** Janine Mastronardi  
Kevin Fox  
Sarah French  
Chris Aspila

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**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**

There were no disclosures of pecuniary interest.

**4. LAND ACKNOWLEDGEMENT**

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.

The following land acknowledgement 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** J. Mailloux  
**Seconded By** D. Rollier

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

### **5.1 August 7, 2024 Committee of Adjustment Meeting Minutes**

The Chair put the motion.

**Motion Carried**

## **6. ORDER OF BUSINESS**

### **6.1 A/28/24, 169 Whelan Ave., J. DeThomasis Contracting Ltd.**

**Moved By:** J. Mailloux  
**Seconded By:** D. Rollier

That application A-28-24 **BE APPROVED**.

The Chair put the motion.

**Motion Carried**

### **6.2 B/14/24, 12 and 16 Texas Road, Elizabeth Federico, c/o Cindy Prince, Agent**

**Moved By:** T. Buchanan  
**Seconded By:** J. Mailloux

That application B/14/24 **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. That the applicant shall confirm that the severed and retained parcels each have separate sanitary, storm and water connections. If additional services are required the applicant shall install the required separate sanitary, storm and/or water connections to the severed lot in accordance with and under the supervision of the municipality at the applicant's expense.
5. 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**

**6.3 B/15-17/24 & A/33/24, 550 Simcoe Street, Brendan Renaud and Deanna Crawford**

**Moved By:** J. Mailloux

**Seconded By:** T. Buchanan

That application B/15/24 **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 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. Simcoe Street, at a minimum, will be required to be repaved to the satisfaction of the municipality for the entire width of the frontage of the severed properties on Simcoe Street. Infrastructure Services may expand the paving limits based on additional restoration required as a result of the servicing works. The final determination of the re-paving limits will be determined by Infrastructure Services once the servicing of all lots (retained and severed) is completed.
- b. That the applicant shall work with Infrastructure Services and Environmental Services department to utilize a portion of the existing sanitary mainline sewer, located along the north property line of the retained parcel, to create a sanitary connection for the retained parcel.
- c. That the existing easement running along the north property line of the retained parcel be abandoned and deleted from the title of the retained parcel.
- d. 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.
- e. That the applicant shall install a curb cut/driveway access to the severed parcel in compliance with the current Driveway Alteration or Installation Policy to the satisfaction of the municipality.
- f. All new driveway entrances on Simcoe Street shall be limited to the widths within the proposed drawing that forms part of this application within the municipal right-of-way.
- g. 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.
- h. That the applicant shall ensure the severed parcel has a separate water service, sanitary sewer and storm sewer connections in accordance with and under the supervision of the municipality at the applicant's expense.
- i. That the applicant provides to the municipality revised private drain connection sheets once the water service, sanitary and storm sewer connections to the severed lot are installed.
- j. The applicant shall submit a lot grading plan for the severed lot to the satisfaction of the municipality.

- k. That the applicant shall be charged and pay any and all Fees/deposits outlined in Amherstburg's most recent version of the User Fee by-law when applicable.
5. The applicant shall satisfy all of the requirements found in the Consent Agreement noted in Condition 4 prior to the stamping of the deeds.
6. The applicant shall provide a grade design demonstrating how the retained parcel will maintain its own surface water be submitted and implemented to the satisfaction of the municipality.
7. The applicant/owners are required to enter into a reapportionment of the drainage assessment for the subject lands in accordance with Section 65 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 shall be for any affected Municipal Drains as 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.
8. The following covenants be included on the title of the property – *“The purchaser(s)/Transferee(s) hereby acknowledge(s) that an active, licensed quarry is located near this property. Notwithstanding that the quarry must operate within provincial guidelines and the conditions of its license, it is possible that these operations may generate noticeable noise, vibration, dust and traffic and/or other potential impacts.*  
  
*Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment.*  
*This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and Ministry of the Environment.”*
9. 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.

That application B/16/24 **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 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. Simcoe Street, at a minimum, will be required to be repaved to the satisfaction of the municipality for the entire width of the frontage of the severed properties on Simcoe Street. Infrastructure Services may expand the paving limits based on additional restoration required as a result of the servicing works. The final determination of the re-paving limits will be determined by Infrastructure Services once the servicing of all lots (retained and severed) is completed.
  - b. That the applicant shall work with Infrastructure Services and Environmental Services department to utilize a portion of the existing sanitary mainline sewer, located along the north property line of the retained parcel, to create a sanitary connection for the retained parcel.
  - c. That the existing easement running along the north property line of the retained parcel be abandoned and deleted from the title of the retained parcel.
  - d. 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.
  - e. That the applicant shall install a curb cut/driveway access to the severed parcel in compliance with the current Driveway Alteration or Installation Policy to the satisfaction of the municipality.
  - f. All new driveway entrances on Simcoe Street shall be limited to the widths within the proposed drawing that forms part of this application within the municipal right-of-way.
  - g. 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.

- h. That the applicant shall ensure the severed parcel has a separate water service, sanitary sewer and storm sewer connections in accordance with and under the supervision of the municipality at the applicant's expense.
  - i. That the applicant provides to the municipality revised private drain connection sheets once the water service, sanitary and storm sewer connections to the severed lot are installed.
  - j. The applicant shall submit a lot grading plan for the severed lot to the satisfaction of the municipality.
  - k. That the applicant shall be charged and pay any and all Fees/deposits outlined in Amherstburg's most recent version of the User Fee by-law when applicable.
5. The applicant shall satisfy all of the requirements found in the Consent Agreement noted in Condition 4 prior to the stamping of the deeds.
6. The applicant shall provide a grade design demonstrating how the retained parcel will maintain its own surface water be submitted and implemented to the satisfaction of the municipality.
7. The applicant/owners are required to enter into a reapportionment of the drainage assessment for the subject lands in accordance with Section 65 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 shall be for any affected Municipal Drains as 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.
8. The following covenants be included on the title of the property – *“The purchaser(s)/Transferee(s) hereby acknowledge(s) that an active, licensed quarry is located near this property. Notwithstanding that the quarry must operate within provincial guidelines and the conditions of its license, it is possible that these operations may generate noticeable noise, vibration, dust and traffic and/or other potential impacts.*

*Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment.*

*This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and Ministry of the Environment."*

9. 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.

That application B/17/24 **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 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. Simcoe Street, at a minimum, will be required to be repaved to the satisfaction of the municipality for the entire width of the frontage of the severed properties on Simcoe Street. Infrastructure Services may expand the paving limits based on additional restoration required as a result of the servicing works. The final determination of the re-paving limits will be determined by Infrastructure Services once the servicing of all lots (retained and severed) is completed.
  - b. That the applicant shall work with Infrastructure Services and Environmental Services department to utilize a portion of the existing sanitary mainline sewer, located along the north property line of the retained parcel, to create a sanitary connection for the retained parcel.
  - c. That the existing easement running along the north property line of the retained parcel be abandoned and deleted from the title of the retained parcel.
  - d. 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.



- e. That the applicant shall install a curb cut/driveway access to the severed parcel in compliance with the current Driveway Alteration or Installation Policy to the satisfaction of the municipality.
  - f. All new driveway entrances on Simcoe Street shall be limited to the widths within the proposed drawing that forms part of this application within the municipal right-of-way.
  - g. 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.
  - h. That the applicant shall ensure the severed parcel has a separate water service, sanitary sewer and storm sewer connections in accordance with and under the supervision of the municipality at the applicant's expense.
  - i. That the applicant provides to the municipality revised private drain connection sheets once the water service, sanitary and storm sewer connections to the severed lot are installed.
  - j. The applicant shall submit a lot grading plan for the severed lot to the satisfaction of the municipality.
  - k. That the applicant shall be charged and pay any and all Fees/deposits outlined in Amherstburg's most recent version of the User Fee by-law when applicable.
5. The applicant shall satisfy all of the requirements found in the Consent Agreement noted in Condition 4 prior to the stamping of the deeds.
  6. The applicant shall provide a grade design demonstrating how the retained parcel will maintain its own surface water be submitted and implemented to the satisfaction of the municipality.
  7. The applicant/owners are required to enter into a reapportionment of the drainage assessment for the subject lands in accordance with Section 65 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 shall be for any affected Municipal Drains as 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.

8. The following covenants be included on the title of the property – *“The purchaser(s)/Transferee(s) hereby acknowledge(s) that an active, licensed quarry is located near this property. Notwithstanding that the quarry must operate within provincial guidelines and the conditions of its license, it is possible that these operations may generate noticeable noise, vibration, dust and traffic and/or other potential impacts.*

*Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment.*

*This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and Ministry of the Environment.”*

9. 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.

That application A/33/24 **BE APPROVED**.

The Chair put the motion.

**Motion Carried**

**6.4 A/34/24, 1118 Dot Street, Danny and Lisa Marie Elias**

**Moved By:** T. Buchanan  
**Seconded By:** D. Shaw

That application A/34/24 **BE APPROVED**.

The Chair put the motion.

**Motion Carried**

**6.5 A/35/24, 347 Texas Road, Andrew Deslippe and Judy Carney**

**Moved By:** T. Buchanan  
**Seconded By:** D. Shaw

That application A/35/24 **BE APPROVED** subject to the following conditions;

1. That the applicant prepare and implement a lot grading design for the subject property, to the satisfaction of the municipality.
2. That all new driveway entrances or modifications to current driveway entrances will require a Right-of-way Permit from the Town of Amherstburg and be constructed in compliance with the current Driveway Alteration or Installation Policy.
3. That the design of the accessory structure be in substantial conformity with the plans submitted as part of application A/35/24.

The Chair put the motion.

**Motion Carried**

**6.6 B/18/24, 225 & 255 Sandwich Street North, 1603844 Ontario Inc. & 1603941 Ontario Inc., c/o Bryan Pearce, Agent**

**Moved By:** D. Shaw

**Seconded By:** D. Rollier

That application B/18/24 **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 and a copy be provided to the municipality.
3. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcel of land being the subject of the consent.
4. That all property taxes be paid in full.
5. 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 A/37/24, 9252 Concession 9, William Maisonville**

**Moved By:** J. Mailloux  
**Seconded By:** D. Rollier

That application A-03-24 **BE APPROVED** subject to the following conditions;

1. That a fence consistent with the existing privacy fence is to be maintained with a minimum height of 1.5 m in perpetuity.
2. That the existing shed in the northeast corner of the property be relocated on the subject parcel to a location that is in compliance with the Zoning By-law.

The Chair put the motion.

**Motion Carried**

**6.8 B/19 and 20/24, A/36/24, 6503 Concession 6 S and B/21/24, 6507 Concession 6 S, Scott and Katherine Deslippe**

**Moved By:** J. Mailloux  
**Seconded By:** D. Shaw

That application B/19/24 **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 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 (severed and retained parcels).
5. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcels which are the subject of the consent.
6. 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.

7. That a grade design demonstrating that the severed (resulting consolidated parcel) will maintain its own surface water be submitted and implemented to the satisfaction of the municipality.
8. Surface water and subsurface drainage tiles and water shall be redirected around the severed parcel to the satisfaction of the municipality.
9. The applicant shall submit a tiling plan of the entire parcel satisfactory to the municipality.
10. The applicant/owners shall 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 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.
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.

That application B/20/24 **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 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 (severed and retained parcels).
5. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcels which are the subject of the consent.
6. 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.

7. That a grade design demonstrating that the severed (resulting consolidated parcel) will maintain its own surface water be submitted and implemented to the satisfaction of the municipality.
8. Surface water and subsurface drainage tiles and water shall be redirected around the severed parcel to the satisfaction of the municipality.
9. The applicant shall submit a tiling plan of the entire parcel satisfactory to the municipality.
10. The applicant shall confirm that the severed consolidated parcel and retained parcel both have separate water connections that do not cross the proposed new property lines. If a water connection is required to be installed or determined to be redundant the applicant is required to complete the necessary work in accordance with and under the supervision of the municipality at the applicant's expense.
11. The applicant/owners shall 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 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.
12. 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.

That application B/21/24 **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 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 (severed and retained parcels).
5. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcels which are the

subject of the consent.

6. That a grade design demonstrating that the severed (resulting consolidated parcel) will maintain its own surface water be submitted and implemented to the satisfaction of the municipality.
7. The applicant/owners shall 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 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.
8. 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.

That application A/36/24 **BE APPROVED.**

The Chair put the motion.

**Motion Carried**

## 7. **ADJOURNMENT**

**Moved By:** T. Buchanan

**Seconded By:** J. Mailloux

That the Committee of Adjustment **RISE and ADJOURN** at 9:12 a.m.

The Chair put the motion.

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Anthony Campigotto - Chair

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Janine Mastronardi - Secretary-Treasurer