



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

Wednesday, December 4, 2024

8:00 AM

ouncil Chambers

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

PRESENT

Anthony Campigotto - Chair
Terris Buchanan - Vice Chair
Debbie Rollier
Josh Mailloux
Donald Shaw

STAFF PRESENT

Janine Mastronardi - Secretary Treasurer
Sarah French - Planner
Selena Scebba - Policy and Committee Coordinator

1. CALL TO ORDER

2. ROLL CALL

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures noted.

4. LAND ACKNOWLEDGEMENT

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 T. Buchanan

Seconded By D. Shaw

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

5.1 November 6, 2024 Committee of Adjustment Meeting Minutes

The Chair put the motion.

Motion Carried

6. ORDER OF BUSINESS

6.1 A/42/24, 1016 Front Road North, Peter White

Moved By T. Buchanan

Seconded By J. Mailloux

That application A/42/24 **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 the design of the accessory structure be in substantial conformity with the plans submitted as part of application A/42/24.

The Chair put the motion.

Motion Carried

6.2 A/44/24, 3370 County Road 20, Rhonda Stein & Francis Desjardins

Moved By D. Rollier

Seconded By D. Shaw

That application A/44/24 **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 the design of the accessory structure be in substantial conformity with the plans submitted as part of application A/44/24.

The Chair put the motion.

Motion Carried

6.3 A/46/24, 87-89 Murray Street, 1185721 Ontario Ltd.

Moved By J. Mailloux

Seconded By T. Buchanan

That application A/46/24 **BE APPROVED**.

The Chair put the motion.

Motion Carried

6.4 B/23-24/24 and A/41/24- 259 Richmond Street, Thomas and Roberta Carroll

Moved By D. Shaw

Seconded By D. Rollier

That applications B/23/24 and B/24/24 **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. 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.
- b. That one (1) tree on the newly created lot shall be planted within the municipal right-of-way. Coordination with the municipality is required to confirm species and caliper to be planted. Cash in lieu may also be provided to satisfy this requirement in the amount of \$500.00 per lot created.
- c. That a restrictive covenant be registered on the title of the severed parcels requiring endorsement by the Heritage Advisory Committee of the proposed single detached dwelling building design prior to the issuance of a building permit.
- d. All new driveway entrances or modifications to current driveway entrances shall be constructed in compliance with the current Driveway Alteration or Installation Policy.
- e. 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.
- f. The Applicant shall confirm that each property (severed and retained) have separate sanitary, storm and water connections. If additional services are required to be installed to satisfy this condition, a permit from the Public Works Department must be submitted for review and approval (per property). Installation and/or confirmation of separate sanitary, storm and water connections is required prior to the stamping of the deeds.
- g. An overall servicing plan (with driveway layouts/widths) shall be submitted to Infrastructure Services for review and approval prior to commencement of the works.
- h. The Applicant shall be responsible for all restoration of the right-of-way that may be required as a result of servicing the severed and retained parcels at the discretion of the municipality.

- i. That the Applicant shall provide to the municipality Private Drain Connection (PDC) sheets once installation of new services is completed.
 - j. The proposed development should be designed to prevent harm or damage to the Town tree and tree root system. The applicant must include a Tree Protection Zone as determined by the Town's Arborist. If any Town-owned tree is impacted, the applicant may be responsible for the cost of removal, cost of planting three (3) trees and the cost of the value of tree as determined by the Town Arborist through a report to the CAO.
 - k. All downspouts shall be disconnected and splash to the ground.
 - l. That the Applicant shall submit a lot grading plan prepared by an Ontario Land Surveyor or qualified engineer for the severed lot to the satisfaction of the municipality.
 - m. 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. That the applicant shall satisfy all of the requirements found in the Consent Agreement noted in Condition 4, save and except completion of a maintenance period, 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. That the applicant install separate hydro services to the severed and retained lots to the satisfaction of Essex Powerlines Corporation.
 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.

The Chair put the motion.

Motion Carried

Moved By T. Buchanan
Seconded By J. Mailloux

That application A/41/24 **BE APPROVED**.

The Chair put the motion.

Motion Carried

6.5 B/25/24 & A/43/24, 149 Richmond Street, Ryan D'Alimonte, c/o Donato DiGiovanni, Agent

Moved By J. Mailloux
Seconded By D. Shaw

That application B/25/24 **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. That one (1) tree on the newly created lot shall be planted within the municipal right-of-way. Coordination with the municipality is required to confirm species and caliper to be planted. Cash in lieu may also be provided to satisfy this requirement in the amount of \$500.00 per lot created.
6. That the shed on the severed parcel be removed prior to the stamping of the deeds.
7. That a restrictive covenant be registered on the title of the severed parcel requiring endorsement by the Heritage Advisory Committee of the proposed duplex building design prior to the issuance of a building permit.
8. That the applicant install separate hydro services to the severed and retained lots to the satisfaction of Essex Powerlines Corporation.
9. All new driveway entrances or modifications to current driveway entrances shall be constructed in compliance with the current Driveway Alteration or Installation Policy.

10. The Applicant shall confirm that each property (severed and retained) have separate sanitary, storm and water connections. If additional services are required to be installed to satisfy this condition, a permit from the Public Works Department must be submitted for review and approval (per property). Installation and/or confirmation of separate sanitary, storm and water connections is required prior to the stamping of the deeds.
11. An overall servicing plan (with driveway layouts/widths) shall be submitted to Infrastructure Services for review and approval prior to commencement of the works.
12. The Applicant shall be responsible for all restoration of the right-of-way that may be required as a result of servicing the severed and retained parcels. A consent agreement may be required, to be determined at the discretion of the municipality.
13. That the Applicant shall provide to the municipality Private Drain Connection (PDC) sheets once installation of new services is completed.
14. All downspouts shall be disconnected and splash to the ground.
15. That the Applicant shall submit a lot grading plan prepared by an Ontario Land Surveyor or qualified engineer for the severed lot to the satisfaction of the municipality.
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.

The Chair put the motion.

Motion Carried

Moved By D. Shaw

Seconded By T. Buchanan

That application A/43/24 **BE APPROVED.**

The Chair put the motion.

Motion Carried

7. **ADJOURNMENT**

Moved By D. Rollier

Seconded By T. Buchanan

That the Committee of Adjustment **RISE and ADJOURN** at 8:46 a.m.

The Chair put the motion.

Motion Carried

Anthony Campigotto - Chair

Janine Mastronardi - Secretary-Treasurer