



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

Mission Statement: As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

Author's Name: Sarah French	Report Date: February 6, 2025
Author's Phone: 519 736-5408 ext. 2145	Date to Council: February 24, 2025
Author's E-mail: sfrench@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Consent Agreement and removal of Hold for VL Easy Street

1. RECOMMENDATION:

It is recommended that:

1. The execution of a Consent Agreement with Casey Martin and Nicholas Martin associated with Consent File number B/04/24 **BE APPROVED**; and,
2. **By-law 2025-014** being a By-law to authorize the signing of a Consent Agreement for the development of one severed building lot and one retained building lot be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.
3. **By-law 2025-009** being a by-law to amend Zoning By-law 1999-52 to Remove a Holding Zone for VL Easy Street be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

2. BACKGROUND:

An application has been received for approval of a Consent Agreement to satisfy certain conditions associated with Consent File Number B/04/24 from Casey Martin and Nicholas Martin. Section 53(41) of the Planning Act requires that conditions must be fulfilled on a provisional consent within 2 years.

On February 7, 2024, Casey Martin and Nicholas Martin obtained approval with conditions from the Committee of Adjustment to sever one residential building lot from the property on the west side of the cul-de-sac bulb on Easy Street. The property is a vacant

lot with no municipal address and therefore referred to as VL Easy Street. The retained parcel is currently vacant and requires appropriate servicing. A consent agreement is required as a condition of consent to ensure appropriate development of these lots. Both properties are proposed to be built with single detached dwellings.

The subject lands were rezoned in 2022 from Residential Type 1A (R1A) Zone to holding Residential Type 1A (h-R1A) zone. The reason for the addition of the hold in 2022 was stated in the Council report dated October 25, 2022 and is copied below.

“The intended use of the severed lands will be for future low density residential development, with the intent to consolidate with several of the adjacent parcels. If the consolidation does not occur the applicant would like the opportunity to develop the lot with a single detached dwelling. The condition of consent to add the holding provision was proposed to address the flexibility in the future development of the property and to ensure the Town’s interests are protected. The effect of the Zoning By-law Amendment will be to ensure orderly development of the lands and proper planning processes are completed prior to the removal of the holding symbol.”

Administration is aware that the applicants have explored the avenue of subdivision development on the vacant land along Texas and that they have attempted land consolidation. The applicants also explored avenues for additional lots on the property to maximize the number of houses that could be built. The application for consent approved the severance of the lot into two lots. If the applicants were to develop the property with more than two lots, the access to each property would be narrow and there were concerns relating to driveway widths and locations of servicing. It was recommended that the applicants only request two lots rather than three or more.

The subject lands have been the subject of multiple Planning Act applications in the past. The following applications are associated with the property:

- B/01/19 – 218 Texas Road – this application approved a lot addition of 1.02 hectares (2.52 acres) severed from 218 Texas Road to merge with 21 Marsh Court. The lot addition contained the subject lands. At the time, the property owner of 218 Texas indicated that they wanted to sell the property with the house fronting onto Texas Road but did not want to sell the vacant land behind the lot. There were no development plans for the property at the time.
- B/21/22 – 21 Marsh Court – this application approved the severance of 0.55 hectares (1.35 acres) as a stand-alone lot fronting onto Easy Street. The severed lots were proposed to either be utilized as part of a residential development if the consolidation of land was possible, but the applicant retained the right to also build a single detached dwelling on the subject lands. The property was required to be rezoned to a holding zone so that should land consolidation be possible, the land could be developed in an orderly fashion. The holding symbol allowed the property owner to transfer the land to new ownership without servicing the lot, as it was unknown at the time what the future of the lot would be.
- ZBA/16/22 – this application approved the addition of the holding symbol for lands severed from 21 March Court.
- B/04/24 – this application approved the severance of a 1236 sq.m. lot fronting onto Easy Street. The severed and retained lots were proposed to be utilized for the building of single detached dwellings. The conditions of the consent required a

Consent Agreement so that the municipality could ensure proper servicing of the two lots and the submission of appropriate studies.

- A/23/24 – this application approved the reduced lot frontage for the severed and retained lots. The reduced lot frontage was required due to the pie shaped nature of the lots. The severed and retained lots are both over the minimum lot size required by the R1A zone.

The application before Council is for the following:

- Approval of the Consent Agreement for the two lots on VL Easy Street – the Consent Agreement will ensure proper servicing of the lots. In addition, the applicants were required to complete an Environmental Impact Assessment (EIA). The Consent Agreement will ensure that the recommendations of the EIA are completed. The Environmental Impact Assessment is available for viewing at the Planning Services offices at the Libro Center during business hours.
- Removal of the hold – the hold symbol was placed on the property in 2022 to allow flexibility in the future use of the property. The applicants have determined that the property will be used for two single detached dwellings and have completed the appropriate studies and determined the appropriate servicing. It is the appropriate time to remove the hold on the property so that the applicants can continue with the development of the two single detached dwellings.

3. DISCUSSION:

The subject lands are legally described as Part Lots 14 and 15, Plan 13; Part 1, 12R-29143. The provisional consent provides for the approval of one severed residential lot and one retained residential lot, both for the construction of one single detached dwelling, for a total of two single detached dwelling residential lots. All parcels will have frontage on Easy Street. The lots will be serviced with municipal water, municipal storm sewers and municipal sanitary sewers.

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

The proposed lot size and the intended land use for the severed and retained parcels comply with the zone requirements of Residential Type 1A Zone provisions. The proposed frontage was approved through minor variance application A/23/24 approved July 3, 2024. The reduction in lot frontage was required due to the pie shaped configuration of the lots.

The amendment to the Zoning By-law to remove the hold on the property is in conformity with the Official Plan. The prerequisite for the removal of the Holding Symbol "h" as set out in By-law 1999-52, as amended, is to ensure orderly development of the lands and proper planning processes are completed, pursuant to Section 51 of the Planning Act. The applicants have completed the required Environmental Impact Assessment and will put in place all the recommendations within the report, including permanent fencing and a conservation easement, to be registered on title. The Environmental Impact Assessment is available for viewing at the Planning Services offices at the Libro Center during business hours. The Consent Agreement provides for the appropriate servicing of the lots. The removal of the hold is a housekeeping matter.

The amendment to the Zoning By-law will amend the zoning of the vacant land on Easy Street from 'holding Residential Type 1A (h-R1A)' to 'Residential Type 1A (R1A)'. The Engineering and Public Works Department has confirmed adequate servicing for the severances.

A By-law considered by Council to Remove a Holding Symbol under Section 36 of the Planning Act, is not subject to the requirement to hold a public meeting.

The Removal of the Holding Symbol will facilitate the development of two residential lots as outlined in the related Consent Agreement.

4. RISK ANALYSIS:

The recommendation for h removal in this report presents little to no risk to the municipality. The proponent has met the obligations of the Official Plan and Zoning By-law 1999-52, with regard to addressing servicing and orderly development.

The Consent Agreement provides that the lot cannot be created until all servicing and right-of-way restoration noted in the agreement have been installed and accepted by the Town. 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 February 7, 2024. 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 application and planning process are the responsibility of the developer.

The Town will hold securities and insurance from the applicant for the servicing of the subject property.

6. CONSULTATIONS:

The application for consent was 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.

The Consent Agreement was collaboratively written by the Infrastructure Services department and the Planning department.

The proposed Removal of the Holding Symbol was published in the River Town Times and posted on the Town's website.

7. CORPORATE STRATEGIC ALIGNMENT:

Vision: Preserving our past while forging our future.

<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
<p style="text-align: center;">PILLAR 1 Deliver Trusted & Accountable Local Government</p> <ul style="list-style-type: none"> <input type="checkbox"/> Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures. <input type="checkbox"/> Deliver transparent and efficient financial management. <input type="checkbox"/> Increase effective communication and engagement with residents. <input type="checkbox"/> Develop our staff team, resources, and workplace culture. <input checked="" type="checkbox"/> Continue to deliver strong core municipal services. <input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation. 	<p style="text-align: center;">PILLAR 3 Encourage Local Economic Prosperity</p> <ul style="list-style-type: none"> <input type="checkbox"/> Encourage development of commercial and industrial lands. <input type="checkbox"/> Continue to promote local tourism industry, especially overnight accommodation. <input type="checkbox"/> Continue to facilitate downtown development for residents and visitors. <input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.
<p style="text-align: center;">PILLAR 2 Invest in Community Amenities and Infrastructure</p> <ul style="list-style-type: none"> <input type="checkbox"/> Maintain safe, reliable and accessible municipal infrastructure and facilities. <input type="checkbox"/> Increase access to recreation opportunities for all ages. <input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy’s site, Belle Vue) <input type="checkbox"/> Create public access to water and waterfront <input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change. 	<p style="text-align: center;">PILLAR 4 Shape Growth Aligned with Local Identity</p> <ul style="list-style-type: none"> <input type="checkbox"/> Define and communicate a vision for the Town’s future and identity. <input type="checkbox"/> Promote and plan for green and “climate change ready” development. <input type="checkbox"/> Review and implement policies that promote greater access to diverse housing. <input type="checkbox"/> Protect the Town’s historic sites and heritage. <input type="checkbox"/> Preserve the Town’s greenspaces, agricultural lands, and natural environment.

8. CONCLUSION:

It is recommended that the Consent Agreement for VL Easy Street be approved by Council and By-law 2025-014 be adopted by Council as recommended. The agreement will then be executed and sent for registration.

Administration recommends approval of Zoning By-law 2025-009, being a Zoning By-law Amendment to remove the Holding Zone from VL Easy Street.

A handwritten signature in cursive script that reads "S. French".

Sarah French
Planner

Report Approval Details

Document Title:	Consent Agreement and Removal of Hold for VL Easy Street.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Notice of Intention- Easy St- h-removal-RM.pdf- Appendix B - ZBA-05-25 - Application FILLABLE_Redacted.-RM.pdf- Appendix C - Easy Street Aerial-RM.pdf- Appendix D - B-04-24- Decision-RM.pdf- Appendix E - Site Photos-RM.pdf- Appendix F - Sketch of lots-RM.pdf- Appendix G - Summary of Correspondence Received on ZBA-05-25-RM.pdf- Appendix H - 2025-009 Removal of H- VL Easy Street-RM.pdf- Appendix I - 2025-014 B-04-24- Consent Agreement VL Easy Street-RM.pdf
Final Approval Date:	Feb 12, 2025

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

No Signature found

Chris Aspila



Melissa Osborne



Tracy Prince



Valerie Critchley

A handwritten signature in black ink, appearing to read "Kevin Fox", with a long horizontal stroke underneath.

Kevin Fox