

**DECISION OF APPROVAL AUTHORITY  
WITH REASONS RE APPLICATION FOR CONSENT**

- (a) Name of approval authority **TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT**
- (b) Name of applicant **RE AN APPLICATION BY (b) Nicholas & Casey Martin**
- (c) Brief description **LOCATION OF PROPERTY (c) Vacant Land Easy St.(Roll No. 3729-420-000-24139)**
- (d) As set out in application **PURPOSE OF APPLICATION (d The applicant is proposing to sever a parcel of land being 17 m frontage ± by an irregular depth with an area of 1236 sq m ± for the purpose of creating a new residential building lot. The remaining parcel being 17.2 m ± frontage by an irregular depth with an area of 4236 sq m ± is a vacant residential building lot.**
- The subject lands are designated Low Density Residential in the Town's Official Plan and zoned holding Residential Type 1A (h-R1A) Zone in the Zoning By-law 1999-52.
- (e) Date of decision **CONCUR in the following decision and reasons for decision made on the (e) 7<sup>th</sup> day of February, 2024.**

**DECISION: APPROVED**

- (f) State conditions to be satisfied before granting of consent
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 the applicant must install a curb cut and driveway access to the severed and retained parcel to the satisfaction of the Infrastructure Services department prior to the issuance of a building permit.
    - 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 sanitary and storm sewer connections to the retained and severed lot in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
    - e. That a servicing plan, to the satisfaction of the Infrastructure Services Department, be provided to the municipality.
    - f. That the applicant restores the municipal right-of-way to the satisfaction of the Town of Amherstburg's Public Works Department which includes, but is not limited to, milling and re-paving the entirety of the bulb of the cul-de-sac on Easy Street. Specifications on asphalt type and thickness

will be provided by Infrastructure Services at the time of restoration. CCTV inspection is required once construction is completed on all new storm and sanitary connections from cleanout to the mainline sewer. All videos shall be submitted to Infrastructure Services for review and acceptance of the service connections.

- g. The applicant/owners enter into the 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 by-laws, until such time as otherwise determined under the provisions of the Drainage Act.
  - h. All downspouts from any new structure must not be connected into lot subdrains; downspouts must be constructed to splash onto the adjacent ground.
  - i. That the applicant be required to undertake lot grading plans for the severed lot to the satisfaction of the municipality.
  - j. That the applicant complete an Environmental Impact Assessment regarding the Species at Risk habitat located adjacent to the subject lands, to the satisfaction of the Town and clearance from the Ministry of Environmental Conservation and Parks be acquired, if applicable.
5. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 6(3)(b) which requires a minimum lot frontage of 20 m for a residential lot in a Residential Type 1A (R1A) Zone regarding both the severed parcel and retained parcel.
6. That the applicant receive approval for the removal of the holding symbol, approved by Council on October 25, 2022 and that the applicant provide Council with all of the required information, including but not limited to;
- a. Confirmation of the servicing of both the severed and retained lots, including water, sanitary and storm connections;
  - b. Confirmation of 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;
  - c. Lot grading plans and drainage designs for the severed and retained parcels; and,
  - d. Confirmation that all issues relating to Species at Risk are satisfied to the satisfaction of MECP and 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.

(g) State reasons for decision

REASONS FOR DECISION: (g) The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The application provides for an infill residential lot on an existing right-of-way within a serviced area.

I/WE, the undersigned, in making the decision upon this application for consent, in addition to other matters, have had regard to the matters that are to be had regard to under subsection 51(4) of The Planning Act, and having considered whether a plan of subdivision of the land in accordance with Section 50 of the said Act is necessary for the proper and orderly development of the municipality.

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Terris Buchanan

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Anthony Campigotto

.....  
Donald Shaw

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Josh Mailloux

ORIGINAL DOCUMENT SIGNED

**CERTIFICATION**

*The Planning Act, R.S.O. 1990*

(h) Name of approval authority I, **Sarah French, Secretary-Treasurer** of the (h) **Town of Amherstburg** certify that the above is a true copy of the decision of the approval authority with respect to the application recorded therein.

(i) Name & address of approval authority

Dated this 7<sup>th</sup> day of February, 2024

  
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Secretary-Treasurer  
Town of Amherstburg  
Committee of Adjustment  
3295 Meloche Rd, Amherstburg, ON N9V 2Y8