



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

**Wednesday, February 5, 2025
8:00 AM
Council Chambers
271 Sandwich Street South, Amherstburg, ON, N9V 2A5**

PRESENT	Anthony Campigotto - Chair Terris Buchanan - Vice Chair Donald Shaw
STAFF PRESENT	Janine Mastronardi - Secretary Treasurer Sarah French - Planner Selena Scebba - Policy and Committee Coordinator
ABSENT	Debbie Rollier (<i>Regrets</i>) Josh Mailloux (<i>Regrets</i>)

1. CALL TO ORDER

The Policy and Committee Coordinator called the meeting to order at 8:00 a.m.

2. ROLL CALL

3. CALL FOR NOMINATIONS

3.1 Nomination of Chair

Moved by T. Buchanan

Seconded by D. Shaw

That Anthony Campigotto **BE APPOINTED** Chair of the Committee of Adjustment.

The Policy and Committee Coordinator put the motion.

Motion Carried

3.2 Nomination of Vice Chair

Moved by D. Shaw

Seconded by A. Campigotto

That Terris Buchanan **BE APPOINTED** Vice Chair of the Committee of Adjustment.

The Policy and Committee Coordinator put the motion.

Motion Carried

The Chair assumed control of the meeting.

4. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures noted.

5. 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."

6. MINUTES OF PREVIOUS MEETING

Moved by T. Buchanan

Seconded by D. Shaw

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

6.1 December 4, 2024 Committee of Adjustment Meeting Minutes

The Chair put the motion.

Motion Carried

7. ORDER OF BUSINESS

7.1 Committee of Adjustment Meeting Schedule for 2025

Moved by T. Buchanan

Seconded by D. Shaw

That the proposed 2025 Committee of Adjustment meeting schedule **BE ADOPTED** as amended.

The Chair put the motion.

Motion Carried

7.2 A-01-25, 10 Shaw Drive, Noel and Juliette Herdman c/o Seaton Sunrooms, Agent

Moved by D. Shaw

Seconded by T. Buchanan

That application A/01/25 **BE APPROVED** subject to the following conditions:

1. That the design of the structure be in substantial conformity with the plans submitted as part of application A/01/25.
2. Property grading be provided at project completion to ensure drainage is maintained on own property.

The Chair put the motion.

Motion Carried

7.3 B-04-25 and A-03-25, 5010 County Road 18, Robert Marc Knight c/o Amanda Camlis, Agent

Moved by D.Shaw

Seconded by T. Buchanan

That application B/04/25 **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 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. Additionally, that the rezoning restrict livestock within the existing accessory structure, at its current location, on the retained farmland.
6. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the municipality.
7. 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.
8. That a grade design demonstrating that the severed parcel will maintain its own surface water be submitted and implemented to the satisfaction of the municipality.

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.

The Chair put the motion.

Motion Carried

Moved by T. Buchanan

Seconded by D. Shaw

That application A/03/25 **BE APPROVED**.

The Chair put the motion.

Motion Carried

7.4 A/29/24, 19 Levergood Lane, Belal El-Kadri & Mohammed El-Kadri

Moved by T. Buchanan

Seconded by D. Shaw

That application A/29/24 **BE POSTPONED** until the end of the meeting.

The Chair put the motion.

Motion Carried

7.5 A/47/24, 1641 Park Avenue, Annette Zahaluk

Moved by T. Buchanan

Seconded by D. Shaw

That application A/47/24 **BE APPROVED** subject to the following conditions:

1. That the proposed accessory structure shall not contain windows on the north wall of the structure.
2. That a grade design be approved and implemented to the satisfaction of the municipality.

The Chair put the motion.

Motion Carried

**7.6 B/01/25, 131-133 Park Street, Robert Godbout, c/o Norbert Bolger,
Agent**

Moved by T. Buchanan

Seconded by D. Shaw

That application B/01/25 **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. That an Ontario Land Surveyor provide the municipality a confirmation letter as to the placement of the proposed semi-detached dwelling along the proposed property line between Part 4 and Part 5, 12R-29719.
3. The applicant to submit to the municipality the deed acceptable for registration in order that consent may be attached.
4. That all property taxes be paid in full.
5. That the Applicant obtain Heritage Committee endorsement of the proposed semi-detached dwelling building design prior to the issuance of a building permit.
6. That the applicant must install a curb cut/driveway access to the severed/retained parcels at the applicant's expense, to the satisfaction of the municipality.
7. 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.
8. That the applicant installs separate water services, sanitary and storm sewer connections to the severed and retained parcels in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
9. Private Drain Connection (PDC) sheets will be required to be submitted once installation of new services is completed.

10. One (1) tree per newly created lot shall be planted within the municipal right-of-way. Coordination with the Infrastructure Services Department 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.
11. That the applicant be required to undertake lot grading plans for the severed and retained parcels to the satisfaction of the municipality.
12. That the applicant install separate hydro services to the severed and retained lots to the satisfaction of Essex Powerlines Corporation.
13. 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

7.7 B/03/25, 3465 Concession 3 N, Nick Carosella, c/o Donato DiGiovanni, Agent

Moved by D. Shaw

Seconded by T. Buchanan

That application B/03/25 **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.

The Chair put the motion.

Motion Carried

7.8 B/05/25, 243 Fort Street, Peter Iacovone

Moved by T. Buchanan

Seconded by D. Shaw

That application B/05/25 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. 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. The Applicant shall confirm that all municipal servicing for the severed and retained parcels remain within the frontage of the parcel the connection is servicing.
7. That the applicant submit a revised lot grading plan for the consolidated parcel at 249 Fort Street if deemed appropriate by the Chief Building Official upon review of the final house design and lot layout, to the satisfaction of the municipality,
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

7.9 A/05/25, 6 Laird Avenue South, Remo and Jo-Anne Mancini

Moved by D. Shaw

Seconded by T. Buchanan

That application A/05/25 **BE APPROVED** subject to the following conditions:

1. That the design of the accessory structure be built in substantial conformity with the plans submitted as part of application A/05/25.
2. Stormwater runoff generated as a result of the proposed accessory building shall be maintained on the private land and managed by the proponent to reduce risk of rear yard flooding.
3. Construction of the accessory buildings shall not adversely impact the rear yard drainage or adjacent neighbouring lands.

The Chair put the motion.

Motion Carried

7.4 A/29/24, 19 Levergood Lane, Belal El-Kadri & Mohammed El-Kadri

Moved by D. Shaw

Seconded by T. Buchanan

That application A/29/24 **BE APPROVED**.

The Chair put the motion.

Motion Carried

8. ADJOURNMENT

Moved by T. Buchanan

Seconded by D. Shaw

That the Committee of Adjustment **ADJOURN** at 9:25 a.m.

The Chair put the motion.

Motion Carried

Anthony Campigotto - Chair

Janine Mastronardi - Secretary-Treasurer