



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

**Wednesday, March 5, 2025
8:00 AM**

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

PRESENT Anthony Campigotto - Chair
Terris Buchanan - Vice Chair
Donald Shaw
Josh Mailloux

STAFF PRESENT Janine Mastronardi - Secretary Treasurer
Selena Scebba - Policy and Committee Coordinator

ABSENT Debbie Rollier (*Regrets*)

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 noted.

4. LAND ACKNOWLEDGEMENT

The Chair read the following land acknowledgment, “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

5.1 Committee of Adjustment February 5, 2025 Meeting Minutes

Moved by T. Buchanan

Seconded by D. Shaw

That the following Committee of Adjustment meeting minutes of February 5, 2025 **BE ADOPTED.**

The Chair put the motion.

Motion Carried

6. ORDER OF BUSINESS

6.1 Information Report- Cancellation of Consents

Moved by J. Mailloux

Seconded by T. Buchanan

That the report entitled Information Report- Cancellation of Consents dated February 24, 2025 **BE RECEIVED** for information.

The Chair put the motion.

Motion Carried

6.2 Cancellation of Consent, 744 Front Road North

Moved by T. Buchanan

Seconded by D. Shaw

That the written request for the cancellation of consent of application B/24/14 **BE APPROVED.**

The Chair put the motion.

Motion Carried

6.3 B-02-25 and A-02-25, 6801 Concession 6 N, George Dragicevic

Moved by D. Shaw

Seconded by J. Mailloux

That:

Application B/02/25 **BE APPROVED** subject to the following conditions:

1. That a Reference Plan of the severed parcel and of the proposed easement lands over the retained parcel be prepared, 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 for the severed parcel subject to an easement over the retained farm parcel acceptable for registration in order that consent may be attached and a copy be provided to the municipality.
3. The applicant to submit to the municipality the deed for the retained parcel together with an easement for access in favour of the severed parcel acceptable for registration in order that consent may be attached and a copy be provided to the municipality.
4. That all property taxes be paid in full.
5. 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.
6. 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.
7. 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 the operation will not be affected by the severance, to the satisfaction of the municipality.
8. The applicant/owners are required to 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 is required and is 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.

9. 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.
10. 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.
11. That the following covenant be included on the title of the severed and retained parcels:

“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.”
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.

Application A/02/25 **BE APPROVED.**

The Chair put the motion.

Motion Carried

6.4 B/06/25 and B/07/25, 7981 Howard Avenue, Phil, Pam, Joel and Derek Bezaire

Moved by T. Buchanan
Seconded by J. Mailloux

That:

Application B/06/25 **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. That the severed parcel be rezoned to an industrial zone consistent with the Official Plan designation of the lands.
5. 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 Tecumseh, 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.
6. The applicant shall enter into an agreement satisfactory to the Town of Amherstburg requiring that the severed parcel be required to connect to a municipal sanitary sewer system immediately should it become available. The subject agreement to be registered on title.
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.

Application B/07/25 **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. That the severed parcel be rezoned to an industrial zone consistent with the Official Plan designation of the lands.

5. 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 Tecumseh, 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.
6. The applicant shall enter into an agreement satisfactory to the Town of Amherstburg requiring that the severed parcel be required to connect to a municipal sanitary sewer system immediately should it become available. The subject agreement to be registered on title.
7. That an access bridge be installed to the retained farm parcel, if required.
8. That the Applicant shall obtain an entrance permit from the County of Essex for a new driveway entrances or modifications to current driveway entrances on County Road 8 (North Townline) or County Road 9 (Howard Avenue) for the retained farm parcel entrance, if required.
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

6.5 A/07/25, 3465 Concession 3 N, Nick Carosella, c/o Donato DiGiovanni, Agent

Moved by D. Shaw

Seconded by J. Mailloux

That application A/07/25 **BE APPROVED.**

The Chair put the motion.

Motion Carried

6.6 A/04/25, 245 Lakewood Drive, Kim Burgon & Howard Groulx, c/o Drew Coulson

Moved by J. Mailloux
Seconded by T. Buchanan

That application A/04/25 **BE APPROVED** subject to the following conditions:

1. That the design of the accessory structure be in substantial conformity with the plans submitted as part of application A/04/25.
2. That a grade design be approved and implemented to the satisfaction of the municipality noting that a retaining wall may be required along a portion of the west property line to prevent water from shedding onto the abutting property.

The Chair put the motion.

Motion Carried

6.7 B/08 & 09/25, 156 and 160 Fort Street, Drew Coulson

Moved by J. Mailloux
Seconded by D. Shaw

That:

Application B/08/25 **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. That a grade design demonstrating that the retained parcel will maintain its own surface water be submitted and implemented to the satisfaction of 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.

Application B/09/25 **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. 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

6.8 A/08-09/25, 320-340 Dalhousie Street, Boblo Developments Inc.

**Moved by J. Mailloux
Seconded by D. Shaw**

That:

Application A/08/25 **BE APPROVED.**

Application A/09/25 **BE APPROVED** subject to the following condition:

1. That Council approve an exemption from the Driveway Alteration or Installation Policy for the proposed 12 m driveway for the proposed ferry landing entrance.

The Chair put the motion.

Motion Carried

6.9 B/10/25, 243 Fryer Street, Aldo and Antonietta Iannucci, c/o Rob Iannucci, Agent

Moved by J. Mailloux

Seconded by T. Buchanan

That application B/10/25 **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 a restrictive covenant be registered on the title of the retained parcel prohibiting the 3m strip at the rear of the property from being enclosed by a fence.
4. That all property taxes be paid in full.
5. 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.
6. That the applicant must install a curb cut/driveway access on the north half of the severed parcel 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 one (1) tree per newly created lot shall be planted within the municipal right-of-way. Coordination with the undersigned 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.

9. That the applicant confirm and install separate sanitary sewer connections, water services and storm sewer connections to the severed and retained lots in accordance with and under the supervision of the municipality at the applicant's expense.
10. That the applicant provide to the municipality Private Drain Connection (PDC) sheets once installation of new services is completed.
11. That the applicant submit a lot grading plan for the severed lot to the satisfaction of the municipality.
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.

The Chair put the motion.

Motion Carried

7. **ADJOURNMENT**

Moved by D. Shaw
Seconded by T. Buchanan

That the Committee of Adjustment **ADJOURN** at 9:48 a.m.

The Chair put the motion.

Motion Carried

Anthony Campigotto - Chair

Janine Mastronardi - Secretary-Treasurer