



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

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Author's Phone: 519 736-5408 ext. 2134	Date to Committee: April 30, 2025
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

To: Chair and Members of the Committee of Adjustment

Subject: B/12-16/25, 3918 Concession 3 S, Bernadette Meloche, c/o Drew Coulson, Agent

1. **RECOMMENDATION:**

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/12/25 be approved subject to the recommended conditions;
2. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/13/25 be approved subject to the recommended conditions;
3. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/14/25 be approved subject to the recommended conditions;
4. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/15/25 be approved subject to the recommended conditions; and
5. Subject to the Committee's consideration of written and oral submissions at the public meeting that application B/16/25 be approved subject to the recommended conditions.

2. PROPOSAL:

Purpose of Consent Application B/12/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by an irregular \pm depth with an area of 1200 sq m \pm to create a new residential building lot for a single detached dwelling.

Purpose of Consent Application B/13/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by 48.77 m \pm depth with an area of 1115 sq m \pm to create a new residential building lot for a single detached dwelling.

Purpose of Consent Application B/14/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by 48.77 m \pm depth with an area of 1115 sq m \pm to create a new residential building lot for a single detached dwelling.

Purpose of Consent Application B/15/25: The applicant is proposing to sever a parcel of land being 22.86 m \pm frontage by 48.77 m \pm depth with an area of 1115 sq m \pm to create a new residential building lot for a single detached dwelling.

Purpose of Consent Application B/16/25: The applicant is proposing to sever a parcel of land being 22.03 m \pm frontage by an irregular depth with an area of 1220 sq m \pm to create a new residential building lot for a single detached dwelling.

The remaining parcel being 70.1 m (230 ft) \pm frontage by an irregular depth with a total area of 11.65 hectares \pm contains a single detached dwelling and two accessory structures.

The subject property is designated Low Density Residential and Agricultural in the Town's Official Plan and zoned Agricultural (A) Zone in the Town's Zoning By-law. The proposed severances are wholly located within the Low Density Residential designation and within the settlement boundary.

3. BACKGROUND:

N/A

4. PLANNING INFORMATION:

Official Plan designation: Low Density Residential and Agricultural

By-law No. 1999-52: Agricultural (A) Zone

Existing Use: Residential and Agricultural

Neighbouring Uses: Residential

Access: McLeod Avenue (severed parcels)
Concession 3 S (retained parcel)

5. PLANNING ANALYSIS:

In the review of the subject application, a number of points have been reviewed:

1. *PLANNING ACT (R.S.O. 1990)*

The purposes of the *Planning Act* are;

- “ (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
(b) to provide for a land use planning system led by provincial policy;
(c) to integrate matters of provincial interest in provincial and municipal planning decisions;
(d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
(e) to encourage co-operation and co-ordination among various interests;
(f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s”

The proposal is consistent with Section 2 of the Planning Act which requires that the Committee of Adjustment have regard to matters of provincial interest including (the following are excerpts from Section 2 of the Planning Act that apply to this development):

- the orderly development of safe and healthy communities;
- the adequate provision of a full range of housing, including affordable housing;
- the appropriate location of growth and development;

The proposed severances for the creation of five new residential building lots are within a settlement area with existing/available services and accesses. The conditions of consent are proposed to ensure orderly development of the consolidated parcel.

When considering the severance application, under Section 53 of the Planning Act, R.S.O. 1990, as amended, the Committee may consider an application for consent if they are satisfied that a plan of subdivision is not necessary for orderly development of the land. In this case, the applicant is applying for the creation of five residential building lot within an existing serviced settlement area on an existing municipal right-of-way. In the opinion of the author of this report, a plan of subdivision is not necessary.

2. *PROVINCIAL PLANNING STATEMENT:*

The Provincial Planning Statement is a policy statement issued under the authority of section 3 of the *Planning Act* and came into effect on October 20, 2024. The Provincial Planning Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after October 20, 2024.

In respect of the exercise of any authority that affects a planning matter, section 3 of the *Planning Act* requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act.

The Provincial Planning Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Planning Statement supports improved land use

planning and management, which contributes to a more effective and efficient land use planning system.

Terms used in this section of the report in *italics* are defined in the PPS and have specific meaning.

The following policy excerpts from the PPS are particularly applicable to the subject application:

Chapter 2: Building Homes, Sustaining Strong and Competitive Communities

2.3 Settlement Areas and Settlement Area Boundary Expansions

2.3.1 General Policies for Settlement Areas

1. *Settlement areas* shall be the focus of growth and development. Within *settlement areas*, growth should be focused in, where applicable, *strategic growth areas*, including *major transit station areas*.
2. Land use patterns within *settlement areas* should be based on densities and a mix of land uses which:
 - a) efficiently use land and resources;
 - b) optimize existing and planned *infrastructure* and *public service facilities*;
 - c) support *active transportation*;
 - d) are *transit-supportive*, as appropriate; and
 - e) are *freight-supportive*.
3. Planning authorities shall support general *intensification* and *redevelopment* to support the achievement of *complete communities*, including by planning for a range and mix of *housing options* and prioritizing planning and investment in the necessary *infrastructure* and *public service facilities*.
4. Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions.
5. Planning authorities are encouraged to establish density targets for *designated growth areas*, based on local conditions. *Large and fast-growing municipalities* are encouraged to plan for a target of 50 residents and jobs per gross hectare in *designated growth areas*.
6. Planning authorities should establish and implement phasing policies, where appropriate, to ensure that development within *designated growth areas* is orderly and aligns with the timely provision of the *infrastructure* and *public service facilities*.

The proposed consent applications appears to be consistent with the PPS as it facilitates the creation of five building lots for residential infill development within a settlement area. The severed lots will be serviced with municipal water and municipal sanitary sewers.

Chapter 5: Protecting Public Health and Safety

5.1 General Policies for Natural and Human-Made Hazards

1. Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

The risk to the dwelling on the proposed new building lot is mitigated by Amherstburg Emergency Services capabilities to provide response services through operating procedures and equipment confirmed available in the Fire Department comments. Therefore, the risk would not be deemed “unacceptable”.

5.2 Natural Hazards

3. *Development and site alteration* shall not be permitted within:
 - a) the *dynamic beach hazard*;
 - b) *defined portions of the flooding hazard along connecting channels* (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
 - c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
 - d) a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.

Comments received state, “The Amherstburg Fire department continues to maintain the capabilities to respond into the flood zone for rescue and fire fighting activities. Standard operating procedures and equipment are in place to ensure that if the 100 year flood were to happen, we would be able to respond in that area.

As such, we do not have any objections to the proposed lot and future building on this property.”

Therefore, it has been demonstrated that the site has safe access appropriate for the nature of the development of a residential building lot to contain a single detached dwelling and the natural hazard being flooding hazards.

The consent for one residential lot is consistent with Section 2.3.1 of PPS which speaks to managing and directing land use to achieve efficient development and land use patterns. The lots are within a settlement area. The severed and retained lots are/will be serviced with municipal water, municipal storm sewers and municipal sanitary sewers. The severance applications will create one new residential lots within an existing settlement area and allow for an infill development supported by the PPS.

It is the opinion of the author of this report that the requested consent would be consistent with the Provincial Policy Statement.

3. COUNTY OF ESSEX OFFICIAL PLAN:

The subject lands are located within the settlement area in the County of Essex Official Plan. Section 3.2.3 of the County Plan states that future growth and development is

encouraged to locate within the settlement areas designation. Section 4.6.4 states that applications to create lots through the consent to sever process will continue to be the responsibility of local municipalities in accordance with the policies contained in local Official Plans.

The severed and retained lots are within a settlement area and can be accessed by a municipal road.

4. TOWN OF AMHERSTBURG OFFICIAL PLAN:

The subject property is designated Low Density Residential and Agricultural in Amherstburg's Official Plan. The proposed severed lands are wholly within the Low Density Residential designation and wholly within the Settlement Boundary.



When considering if a plan of subdivision or land severance is the appropriate planning tool the following policies from the Town's Official Plan were taken into consideration.

6.1.1 Plans of Subdivision

With the exception of land severances granted by the consent-granting authority, all land divisions in the Planning Area shall take place by registered plan of subdivision. It shall be the policy of the municipality to recommend only those plans of subdivision which comply with the policies of this Plan. Before recommending a plan of subdivision for approval, the municipality will ensure that the area to be subdivided can be provided with necessary services and amenities, and that the proposed development would not adversely affect the economy of the Planning Area. Reference should also be made to Section 2 of this Plan.

6.1.2 Land Severances

Should the consent-granting authority establish that a plan of subdivision is not necessary for proper and orderly development, consideration for consent to a land severance may be allowed. Generally the consent process would only be considered for the creation of five or less lots. In considering an application for a consent, the consent-granting authority shall be guided by the relevant objectives and policies of this Plan, including the following:

(1) The division of land will only be allowed when all parcels involved abut a public road of a standard of construction acceptable to the Town (and the County of Essex when applicable) and safe and suitable access is available;

(2) The division of land will not be allowed if any parcel involved requires access to be obtained where a traffic hazard could be created because of limited sight lines on curves or grades or proximity to intersections;

(3) The division of land will only be allowed when it has been established that soil and drainage conditions for all parcels involved are suitable:

a) to permit the proper siting of a building;

b) to obtain a sufficient and potable water supply; and

c) to permit the installation of an adequate means of sewage disposal. In areas where no piped municipal services are available and the installation of a septic tank system or other private sewage disposal system is therefore required, the standards established by the Ministry of Environment and/or its designated agent shall be met;

(4) The division of land will only be allowed if the proposed lots comply with the provisions of the Town's Zoning By-Law. The Zoning By-Law shall establish minimum lot frontages and areas in accordance with the requirements of the Town and/or its designated agent for septic systems approved under the Building Code or the Ministry of Environment for systems approved under the Water Resources Act. Where a bylaw amendment or minor variance is necessary, it shall be a condition of the consent or plan of subdivision approval;

(5) The division of land may be prohibited if development would occur on lands subject to severe flooding, provincially significant wetlands, severe erosion or unstable conditions or any other physical limitations as determined by the Town in consultation with the Essex Region Conservation Authority;

(6) Notwithstanding any other section of this Plan, consents for the creation of easements or right-of-ways are permitted and minor lot adjustments or minor boundary changes are permitted provided they are granted conditional to Section 50(3) or (5) of the Planning Act, R.S.O. 1990 c. P.13 and the consent would not result in the creation of a new building lot;

(7) The consent-granting authority may exercise its powers under Section 53(2) of the Planning Act, R.S.O. 1990 when reviewing the shape, size, etc. of any proposed lot;

(8) It shall be the Town's policy to require one application fee per new lot created, each right-of-way, lot addition etc. Only one application outlining all the lots to be created, however, need be submitted. Such application shall have a corresponding series of

numbers. Further, it shall be the Town's policy to deny consent applications that only remit one fee by applying for a new lot in the middle of an existing lot in an attempt to create three lots with one application;

(9) When considering consent applications or plans of subdivision, consideration will be given to the following requirements which may be stipulated as a condition of consent or plan of subdivision approval where applicable:

- a) that a lot levy (including 5 percent of the value of the lot for park purposes or such fee as set from time to time by the Town) and charges as specified for community services in accordance with the Town's Development Charges By-Law be paid;*
- b) that the applicant enter into an agreement to maintain any drainage facilities servicing the agricultural sector which traverse the property;*
- c) that the applicant enter into an agreement to construct or maintain fences around the proposed lot;*
- d) that the Town's Zoning By-Law be amended to permit the proposed use, if necessary, prior to the stamping of deeds;*
- e) that access to the property is constructed to the satisfaction of the appropriate agency;*
- f) that all new development proposed within fully serviced areas shall be serviced by municipal piped water supply, municipal stormwater management facilities and municipal sanitary sewage facilities;*

(10) In areas designated in whole or in part as "Agricultural", or "Natural Environment", or "Wetland", minor boundary adjustments may be permitted that could have the effect of creating a lot of less than 40 hectares, conditional on one of the parcels being added to an adjacent property and the existing dwelling remaining on the remnant parcel so that no new building lots have been created. Generally the remnant lot must be either a viable farm parcel size or follow the policy of the surplus farm unit and be generally less than one (1) hectare in size. (Modification #35)

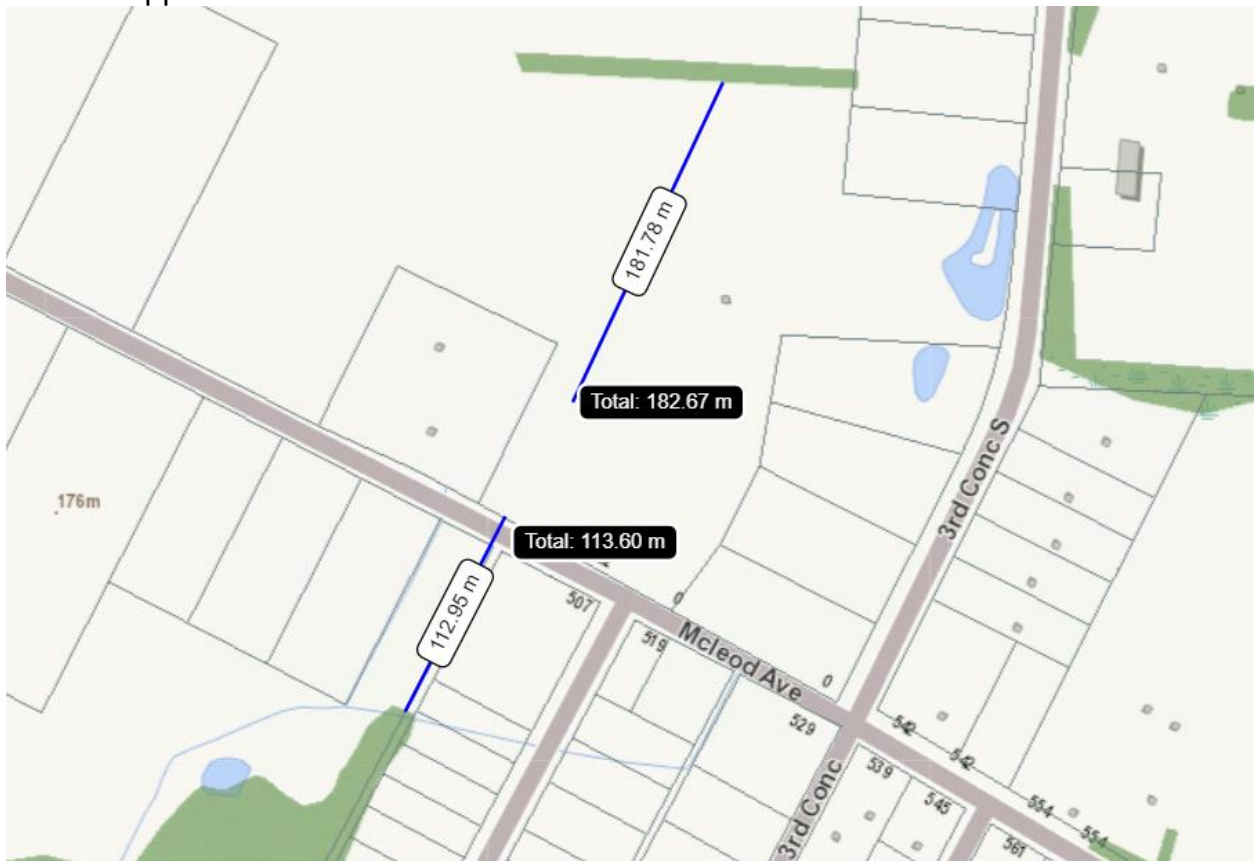
The proposed severances have proposed frontage on an existing municipal right-of-way with existing municipal water and municipal sanitary sewers. An extension of municipal services is not required for the proposal.

The requested consents conform with relevant policies of the Official Plan specifically Section 6.1.2 being the Land Severance policies. The policy states, generally the consent process would only be considered for the creation of five or less lots.

Section 4.2.3(1) which provides for the creation of new residential lots and Section 4.2.3(3) which states that infill housing should be compatible with surrounding land uses.

The applicant has identified that the proposed use for the severed parcels will be for residential building lots for single detached dwellings and the existing use of a single detached dwelling and farmland will continue on the retained parcel. This will result in five new dwellings being constructed. The Town's Official Plan Section 4.3.1 states that: *'Areas designated as Low Density Residential shall be limited to single detached, semidetached, duplex, or converted dwelling units, home occupation uses and public uses.'* Therefore, the proposed uses on the land are in conformity with the Official Plan.

A review of the Woodlot identified on the Town's Official Plan Schedules from when the OP was approved in 2009 was completed. It has been confirmed through provincial mapping that the location of the Woodland to the south is more than 110 m from the proposed severed parcels and separated by a roadway. An additional Woodland has been identified to the north and has been confirmed to be beyond the 180 m from the proposed severed parcels. There are no natural heritage concerns associated with the consent applications.



In the opinion of the author of this report the proposed consent maintains the intent of the Official Plan.

5. COMPREHENSIVE ZONING BY-LAW 1999-52:

The subject property is proposed to be zoned Agricultural (A) Zone in Bylaw 1999-52, as amended. As a condition of consent the severed parcels will be required to be rezoned to the R1A Zone through a zoning by-law amendment application process or to a similar residential zone through the Town's ongoing Zoning By-law review. The zone change will bring the zoning into compliance with the Official Plan designation. The proposed lot areas and lot frontages were confirmed to comply with the R1A Zone provisions.

The minimum lot area required in the R1A Zone is 900 sq m. The minimum lot frontage in the R1A Zone is 20 m. The applicant is proposing the following lot frontages and lot areas for the severed and retained parcels.

	Lot Area		Lot Frontage	
	Required	Proposed	Required	Proposed
Severed	900 sq m	1115 - 1220 sq m	20 m	22.03-22.86 m

Parcel				
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The severed parcels will have access from McLeod Avenue. The retained parcel has an existing access from Concession 3 S. The applicant will be responsible for right-of-way permits satisfactory to the Infrastructure Services department.

The proposed severances take land from the settlement boundary, so the change in retained lot area will not require a minor variance for Agricultural lot area.

In the opinion of the author of this report the proposed consent for the creation of five residential building lots is in conformity with the Zoning By-Law 1999-52, as amended.

6. AGENCY COMMENTS:

See attached. Specific comments to highlight from ERCA, Infrastructure Service department and Fire department are included below.

Comments received from ERCA state, "Our office has no objection to B-12-25, B-13-25, B-14-25, B-15-25, and B-16-25. We encourage the Municipality to consider the cumulative impact of development on stormwater management in this area. As noted above, the Municipality should confirm through applicable emergency services the ability to access this area during a 1:100 year flood event. The property owner will be required to obtain an approval from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act."

Prior submission of the consent applications consultation occurred between the applicant, their agent and the Town's Drainage Superintendent and Development Coordinator to discuss stormwater management options. It was determined that stormwater drainage be addressed through municipal drains. The recommended conditions include requirements to obtain drainage approvals to create and legalize a suitable connection to the outlet drainage system.

Comments received from the Town Fire department state, "The Amherstburg Fire department continues to maintain the capabilities to respond into the flood zone for rescue and fire fighting activities. Standard operating procedures and equipment are in place to ensure that if the 100 year flood were to happen, we would be able to respond in that area. As such, we do not have any objections to the proposed lots and future building on these properties."

7. RISK ANALYSIS:

As with all Committee of Adjustment decisions there is a risk that the decision is appealed. As a result of changes in Bill 23, decisions by a CoA can no longer be appealed by a third party. Decisions which are to support or refuse the consent or minor variance request, can only be appealed by the applicant, the Municipality, the Minister, a specified person or any public body. In the case of a consent decision the appeal must be filed within 20 days after the giving of notice of the decision of the committee, whereas for a minor variance an appeal must be filed within 20 days of the making of the decision of the

committee. It is important to note that a tied vote is deemed to be a decision to deny the consent or minor variance request. If there is an appeal to the OLT the Town will incur costs.

8. RECOMMENDATIONS:

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **B/12/25 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 Residential Type 1A (R1A) Zone through the zoning by-law amendment application process or to a related zone through the Town's ongoing Zoning By-law review process.
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 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.
7. That the applicant must install a driveway access to the severed parcel to the satisfaction of the municipality.
8. That 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.
9. That the applicant confirm and install separate sanitary sewer connections, water services and storm sewer connections to the severed in accordance with and under the supervision of the municipality at the applicant's expense.
10. The applicant will be responsible for the restoration of the roadway and boulevard on McLeod Avenue once all sanitary sewer connections are completed. At a minimum, the applicant shall repave the south lane width from the first sewer connection to the last sewer connection, five (5) small patch repairs will not be permitted. A pre-pave inspection is required with representatives from the Town prior to asphalt restoration to confirm scope of asphalt replacement required.
11. That the applicant submit a grading/ servicing plan for the severed parcel to

address the locations of proposed storm, sanitary and water service connections, driveway locations and widths, grading and restoration of municipal right-of-way. The servicing plan is to be reviewed and approved by Infrastructure Services prior to application of a building permit for the newly created parcels. The approved servicing plan must form part of the building permit application. Sanitary connections will not be permitted directly into the existing manholes.

12. 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 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. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)
13. The subject lands are within the watershed of the McBride Road Branch Drain and the Willow Beach Drain, however, there is no immediate connection available to either drain from the subject lands. Drainage approvals will be required to create and legalize a suitable connection to the outlet drainage system. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)
14. 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.

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **B/13/25 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 Residential Type 1A (R1A) Zone through the zoning by-law amendment application process or to a related zone through the Town's ongoing Zoning By-law review process.
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 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.

7. That the applicant must install a driveway access to the severed parcel to the satisfaction of the municipality.
8. That 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.
9. That the applicant confirm and install separate sanitary sewer connections, water services and storm sewer connections to the severed in accordance with and under the supervision of the municipality at the applicant's expense.
10. The applicant will be responsible for the restoration of the roadway and boulevard on McLeod Avenue once all sanitary sewer connections are completed. At a minimum, the applicant shall repave the south lane width from the first sewer connection to the last sewer connection, five (5) small patch repairs will not be permitted. A pre-pave inspection is required with representatives from the Town prior to asphalt restoration to confirm scope of asphalt replacement required.
11. That the applicant submit a grading/ servicing plan for the severed parcel to address the locations of proposed storm, sanitary and water service connections, driveway locations and widths, grading and restoration of municipal right-of-way. The servicing plan is to be reviewed and approved by Infrastructure Services prior to application of a building permit for the newly created parcels. The approved servicing plan must form part of the building permit application. Sanitary connections will not be permitted directly into the existing manholes.
12. 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 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. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)
13. The subject lands are within the watershed of the McBride Road Branch Drain and the Willow Beach Drain, however, there is no immediate connection available to either drain from the subject lands. Drainage approvals will be required to create and legalize a suitable connection to the outlet drainage system. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)
14. 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.

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **B/14/25** 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 Residential Type 1A (R1A) Zone through the zoning by-law amendment application process or to a related zone through the Town's ongoing Zoning By-law review process.
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 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.
7. That the applicant must install a driveway access to the severed parcel to the satisfaction of the municipality.
8. That 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.
9. That the applicant confirm and install separate sanitary sewer connections, water services and storm sewer connections to the severed in accordance with and under the supervision of the municipality at the applicant's expense.
10. The applicant will be responsible for the restoration of the roadway and boulevard on McLeod Avenue once all sanitary sewer connections are completed. At a minimum, the applicant shall repave the south lane width from the first sewer connection to the last sewer connection, five (5) small patch repairs will not be permitted. A pre-pave inspection is required with representatives from the Town prior to asphalt restoration to confirm scope of asphalt replacement required.
11. That the applicant submit a grading/ servicing plan for the severed parcel to address the locations of proposed storm, sanitary and water service connections, driveway locations and widths, grading and restoration of municipal right-of-way. The servicing plan is to be reviewed and approved by Infrastructure Services prior to application of a building permit for the newly created parcels. The approved servicing plan must form part of the building permit application. Sanitary

connections will not be permitted directly into the existing manholes.

12. 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 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. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)
13. The subject lands are within the watershed of the McBride Road Branch Drain and the Willow Beach Drain, however, there is no immediate connection available to either drain from the subject lands. Drainage approvals will be required to create and legalize a suitable connection to the outlet drainage system. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)
14. 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.

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **B/15/25 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 Residential Type 1A (R1A) Zone through the zoning by-law amendment application process or to a related zone through the Town's ongoing Zoning By-law review process.
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 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.
7. That the applicant must install a driveway access to the severed parcel to the satisfaction of the municipality.

8. That 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.
9. That the applicant confirm and install separate sanitary sewer connections, water services and storm sewer connections to the severed in accordance with and under the supervision of the municipality at the applicant's expense.
10. The applicant will be responsible for the restoration of the roadway and boulevard on McLeod Avenue once all sanitary sewer connections are completed. At a minimum, the applicant shall repave the south lane width from the first sewer connection to the last sewer connection, five (5) small patch repairs will not be permitted. A pre-pave inspection is required with representatives from the Town prior to asphalt restoration to confirm scope of asphalt replacement required.
11. That the applicant submit a grading/ servicing plan for the severed parcel to address the locations of proposed storm, sanitary and water service connections, driveway locations and widths, grading and restoration of municipal right-of-way. The servicing plan is to be reviewed and approved by Infrastructure Services prior to application of a building permit for the newly created parcels. The approved servicing plan must form part of the building permit application. Sanitary connections will not be permitted directly into the existing manholes.
12. 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 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. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)
13. The subject lands are within the watershed of the McBride Road Branch Drain and the Willow Beach Drain, however, there is no immediate connection available to either drain from the subject lands. Drainage approvals will be required to create and legalize a suitable connection to the outlet drainage system. Consult Amherstburg's Drainage Superintendent for further information. (McBride Road Branch Drain/ Willow Beach Drain)
14. 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.

Based on the foregoing and subject to the Committee's consideration of written and oral submissions at the public meeting it is recommended that application **B/16/25 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 Residential Type 1A (R1A) Zone through the zoning by-law amendment application process or to a related zone through the Town's ongoing Zoning By-law review process.
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 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.
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8. That 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.
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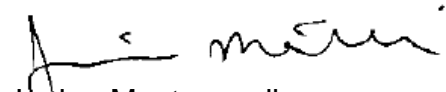
14. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.

NOTE: All conditions are subject to the approval of The Town of the Amherstburg, but at no cost to the municipality.

9. CONCLUSION:

In the opinion of the author of this report the request for the creation of five new residential building lots is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Planning Statement.

Respectfully submitted,



Jadine Mastronardi
Secretary-Treasurer Committee of Adjustment

Report Approval Details

Document Title:	B-12-16-25, 3918 Concession 3 S, Bernadette Meloche, c.o Drew Coulson, Agent.docx
Attachments:	<ul style="list-style-type: none">- Appendix A- B-12-16-25- Notice- 3918 Concession 3 S-RM.pdf- Appendix B- B-12-16-25- Applications_Redacted-RM.pdf- Appendix C- B-12-16-25 Aerial Map-RM.pdf- Appendix D- B-12-16-25- Site Photos-RM.pdf- Appendix E- Summary of Correspondence Received on B-12-16-25-RM.pdf- Appendix F- B-12-16-25 PowerPoint-RM.pdf
Final Approval Date:	Apr 25, 2025

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

Chris Aspila