

AMHERSTBURG COMMITTEE OF ADJUSTMENT

Present: T. Buchanan, A. Campigotto, J. Mailloux, D. Shaw, D. Cozens

Also Present: Frank Garardo, Manager of Planning Services, Kevin Fox, Policy and Committee Coordinator

Absent: N/A

1. Call to Order

The Chair, David Cozens, called the meeting to order at 7:35 a.m. and performed introductions of the Committee members and administration.

2. Roll Call

The Chair completed roll call for the electronic meeting, all members were present.

3. Disclosure of Interest

David Cozens declared a disclosure of interest on application A/07/21.

4. Adoption of Agenda

The agenda was presented for adoption.

Moved by: Anthony Campigotto

Seconded by: Terris Buchanan

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

5. Adoption of Minutes

A motion was put forward to adopt the minutes of January 26, 2021.

Moved by: Josh Mailloux

Seconded by: Anthony Campigotto

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

6. Order of Business

6.1 Application B/08/21 – John Pento – 18 Balaclava St S (Roll No. 3729-260-000-04600)

That the application be deferred to end of meeting due to the applicant not being present at the meeting.

Moved by: Terris Buchanan
Seconded by: Anthony Campigotto

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

6.2 Applications B/06/21, B/07/21 & A/05/21 – Larry & Donna Taylor, c/o Joseph Grondin, Agent – 7397 Concession 7 (Roll No. 3729-620-000-02200)

Public in Attendance: Joseph Grondin, Agent

B/06/21: The applicant is proposing to sever a u-shaped parcel of land with 6.1 m (20 ft) ± frontage by 117.35 m (385 ft) ± depth and an area of 0.19 hectares (0.47 acres) ± for the purpose of a lot addition to merge with 7405 Concession 7. The proposed retained parcel being 384.05 m (1260 ft) ± frontage by 640 m (2100 ft) ± depth has an area of 29.35 hectares (72.53 acres) ±, and is designated Agricultural in the Town’s Official Plan and Zoning By-law.

B/07/21: The applicant is proposing to sever a parcel of land being 73.1 m (200 ft) ± frontage by 117.35 m (385 ft) ± depth with an area of 0.72 ha (1.77 acres) ± which includes a single detached dwelling and one accessory structure which are surplus to the needs of the farming operation. The remaining parcel being 323.1 m (1060 ft) ± frontage by 640 m (2100 ft) ± depth with an area of 28.64 hectares (70.76 acres) ± is vacant agricultural land and is designated Agricultural in the Town’s Official Plan and Zoning By-law.

A/05/21: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone. Subsequent to a severance of a 0.19 hectares (0.47 acres) ± lot addition and a 0.72 ha (1.77 acres) ± surplus dwelling from an existing 29.54 hectares (73 acres) parcel the retained farm parcel will have an area of 28.64 hectares (70.76 acres). Therefore, the amount of relief requested is 11.36 hectares (28.07 acres).

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated February 16, 2021 from the Essex Region Conservation Authority stating:

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the 7th Concession Road Drain and Bailey Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

Our office has reviewed the proposal and has no concerns relating to stormwater management.

With the review of background information and aerial photograph, ERCA has no objection to these applications for Minor Variance and Consent.

- ii) Email dated February 17, 2021 from the Windsor Police Department stating that:
The Windsor Police Service has no objections with the proposed severances and minimum lot area. These changes will not impair police service delivery to the property.
- iii) Email dated February 10, 2021 from the Building division stating that both properties must:
 - *Demonstrate location of septic system. Ensure existing septic system is in working order, provide documentation by a certified qualified septic contractor*
- iv) Email dated February 9, 2021 from the Fire Department indicating no issues.
- v) Email dated February 16, 2021 from the Engineering & Public Works Department indicating the following:
 - *Drainage Apportionment required for the 7th Concession Road Drain North and Long Marsh Drain*
 - *A new access culvert will be required over the 7th Concession Road Drain North to access the retained agricultural land. This will require an engineer's report under the Drainage Act. This process has already been started due to an existing bridge repair and improvement project on the 7th Concession Road Drain North. EPW has previously had discussions with the applicants relating to this condition.*
- vi) Planning Report dated February 11, 2021 from Frank Garardo, Secretary Treasurer.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. There were none. The Planner, Frank Garardo read the purpose of the application. Joseph Grondin presented the concept of the application. No questions on the applications. Frank Garardo read the conditions of the severances and the applicant acknowledged understanding. The requirement of the condition to require that the septic system be inspected at 7405 Concession 7 was discussed.

The following resolution was put forth:

That application B/06/21 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 submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. 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).
4. 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.
5. That all property taxes be paid in full.
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 Building Department.

7. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
8. 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.
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Terris Buchanan

Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

Reasons of Committee – The request is in conformity with Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The proposed lot addition does not remove agricultural land from production.

That application B/07/21 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 submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
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.
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 Building Department.
7. That should access be required for the retained or severed lot, access be completed in accordance with the provisions of the Drainage Act if it is required to cross a Municipal Drain. If access is required to cross a roadside ditch, it will be completed according to the Town right-of-way policies or permitting policies from the County of Essex, should the ditch be within the County right-of-way. The

access shall be provided to each lot to the satisfaction of the municipality.

8. 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
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Josh Mailloux
Seconded by: Don Shaw

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

Reasons of Committee – The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The size and configuration of the severed surplus dwelling lot is appropriate for this severance as it reduces the amount of land taken from the farming operation and does not remove any of the farming drainage tiles from the farming operation.

That application A/05/21 be approved.

Moved by: Terris Buchanan
Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

Reasons of Committee – The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law. The proposed lot addition and surplus dwelling severances do not remove agricultural land from production.

6.3 Application B/09/21 – David & Susanne Gibson – 1485 Front Rd S (Roll No. 3729-550-000-11400))

Public in Attendance: David Gibson, Applicant

B/09/21: The applicant is proposing to sever a parcel of land being 22.86 m (75 ft) frontage by 45.72 m (150 ft) ± depth with an area of 1045.16 sq m (11,250 sq ft) ± for purposes of creating a new residential building lot. The remaining parcel being 22.86 m (75 ft) frontage by 45.72 m (150 ft) ± depth with an area of 1045.16 sq m (11,250 sq ft) ± is residential land containing one single detached dwelling and one accessory structure. The subject property is zoned Residential Type 1A (R1A) in the Town's Zoning By-Law and designated Low Density Residential in the Town's Official Plan.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated February 16, 2021 from the Essex Region Conservation Authority stating:

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Detroit River, Big Creek and Mickle Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

Our office has reviewed the proposal and has no concerns relating to stormwater management

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

With the review of background information and aerial photograph, ERCA has no objection to this Consent application.

- ii) Email dated February 17, 2021 from the Windsor Police Department stating that:

The Windsor Police Service has no concerns or objections with the proposed severance as it will not impair police service delivery to the subject properties.

- iii) Email dated February 10, 2021 from the Building Division indicating the following:

- *Provide grading plan*
- *Servicing will be required for severed lot*
- *All permits required for new dwelling*
- *Agreement that accessory structure be moved to proper location and setbacks*

- iv) Email dated February 16, 2021 from the Engineering and Public Works Department indicating the following:

- *Individual water service connection required for new lot.*
- *Sanitary sewer service connections will be required for new lot. The existing sanitary sewer is located on the east side of Balaclava, opposite of the subject parcels. It will be required to drill new service leads beneath Balaclava in order to service the new lots.*
- *The cost of all servicing requirements will be at the expense of the applicant.*
- *Based on the proposal, the new lot will require a new driveway access from Balaclava St.*
- *Any new driveway access must satisfy all Town bylaws and policies regarding sight line, setbacks, widths, etc.*
- *The applicant will be required to obtain a Right-of-Way Permit from EPW according to Town policy for any work required within the limits of the Town right-of-way. All permitting cost will be entirely borne by the applicant.*

- v) Email dated February 9, 2021 from the Fire Department dated indicating no issues.

- vi) Planning Report dated February 11, 2021 from Frank Garardo, Secretary Treasurer.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. There were none. The Planner, Frank Garardo read the purpose of the application. David Gibson presented the concept of the application. No questions on the application. Frank Garardo read the conditions of the severance and the applicant acknowledged understanding. The requirement of the condition to require that a sanitary sewer connection was discussed, the potential of an existing sanitary connection will be confirmed.

The following resolution was put forth:

That application B/09/21 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, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That an access bridge permit must be completed to the two severed properties where one does not exist prior to the issuance of a building permit. If the access is constructed over a municipal drain, it will be completed in accordance with the provisions of the Drainage Act, and if the access is constructed over a roadside drain it will be completed under the supervision of the Town's Manager of Engineering and Operations.
5. That the property owner shall install separate water services, sanitary sewer services, storm water sewer services and utility services, for the proposed new lot in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds, if necessary.
6. That the developer be required to undertake lot grading plans for the severed lot to the satisfaction of the Building Department.
7. That the existing detached accessory structure be demolished or relocated to a location that complies with Zoning By-law 1999-52, as amended.
8. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$300 per lot.
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Josh Mailloux

Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The proposed lot provides for infill development that meets the provisions of the Zoning By-law 1999-52, as amended.

6.4 Applications B/11/21 & A/08/21 – John Grima & Danielle Thibert– 1114 Union Street (Roll No. 3729-460-000-18900)

Public in Attendance: John Grima, Applicant and Shawn Barlow, 1110 Dot Street

B/11/21: The applicant is proposing to sever a parcel of land being 17.83 m (58.5 ft) frontage by 35.05 m (115 ft) depth with an area of 625 sq m (6727.5 sq ft) for purposes of creating a new residential building lot. The remaining parcel being 17.83 m (58.5 ft) frontage by 35.05 m (115 ft) depth with an area of 625 sq m (6727.5 sq ft) is vacant residential land. Both the severed and retained parcels will front on a municipal right-of-way, Union Street. The subject property is zoned Residential Type 1A (R1A) in the Town's Zoning By-Law and designated Low Density Residential in the Town's Official Plan. The R1A Zone permits only single detached dwellings and accessory uses.

A/08/21: The applicant is requesting relief from Zoning Bylaw 1999-52, as amended, Section 6(3)(a) which requires a minimum lot area of 900 sq m in a Residential Type 1A (R1A) Zone. Subsequent to a severance both the severed and retained parcels will each have a lot area of 625 sq m (6727.5 sq ft).

The applicant is also requesting relief from Zoning By-law 1999-52, as amended, Section 6(3)(b) which requires a minimum lot frontage of 20 m in a Residential Type 1A (R1A) Zone. Subsequent to a severance the severed and retained parcels will each have a lot frontage of 17.83 m (58.5 ft).

Therefore, the amount of relief requested is 275 sq m (2960 ft) and 2.17 m (7.12 ft) respectively.

The applicant is proposing the construction of a single detached dwelling on each of the severed and retained parcels and does not anticipate any additional relief required.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated February 16, 2021 from the Essex Region Conservation Authority stating:
The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Detroit River. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. Our office has reviewed the proposal and has no concerns relating to stormwater management.

Our office has reviewed the proposal and has no concerns relating to stormwater management

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

With the review of background information and aerial photograph, ERCA has no objection to these applications for Minor Variance and Consent.

- ii) Email dated February 17, 2021 from the Windsor Police Department stating that:
The Windsor Police Service has no concerns or objections with the proposed severance and relief required for minimum lot area. The end result will not impair police service delivery to these properties.
- iii) Email dated February 16, 2021 from the Engineering and Public Works Department stating that:
 - *Individual water service connection(s) required for new lots*
 - *Individual sanitary service connection(s) required for new lots*
 - *Driveway access must be off of Union St*
 - *Based on the proposal, the new lot will require a new driveway access from Union St, which is a municipal roadway. Any new driveway access must satisfy all Town bylaws and policies regarding sight line, setbacks, widths, etc.*
 - *The applicant will be required to obtain a Right-of-Way Permit from EPW according to Town policy for any work required within the limits of the Town right-of-way. All permitting cost will be entirely borne by the applicant.*
- iv) Email dated February 9, 2021 from the Fire Department stating, *Fire has concerns with development in this area due to the limited road allowance and hydrant access. The close proximity to homes in the area increase risk. New development if allowed in the area, need to have proper spatial separation of 3 metres between neighbouring homes.*
- v) Email dated February 10, 2021 from the Building division stating,
 - *Provide grading plan*
 - *All permits required for new dwellings*
- vi) Letter from David Flore Jr. and Jennifer Flore (30 Silver Sand St.), Michael Hallock and Cheryl Hollock (31 Silver Sand St.), Al Bondy and Brenda Bondy (27 Silver Sand St.), John Desantis (1122 Union St.).
- vii) Planning Report dated February 12, 2021 from Frank Garardo, Secretary Treasurer.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. Shawn Barlow, 1110 Dot Street, stated no objections to the consent or minor variance.

The Planner, Frank Garardo read the purpose of the application. John Grima presented the concept of the application. Discussion ensued regarding zoning requirements, i.e. lot coverage and setbacks. It was confirmed that no additional minor variances will be applied for and that all zone provisions can be met on the site. Zoning compliance will achieve the Fire Department's spatial separation condition. Access to each created lot can be achieved in compliance with Town policies. A condition of consent will be added to dictate the location of driveways. Frank Garardo read the conditions of the severance and the applicant acknowledged understanding.

The following resolution was put forth:

That applications B/11/21 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, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That an access bridge permit must be completed to the two severed properties where one does not exist prior to the issuance of a building permit. If the access is constructed over a municipal drain, it will be completed in accordance with the provisions of the Drainage Act, and if the access is constructed over a roadside drain it will be completed under the supervision of the Town's Manager of Engineering and Operations.
5. That the property owner shall install separate water services, sanitary sewer services, storm water sewer services and utility services, for the proposed new lot in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds, if necessary.
6. That the developer be required to undertake lot grading plans for the severed lot to the satisfaction of the Building Department.
7. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$300 per lot.
8. That the right-of-way permit include an access within 50% of the lot frontage from the dividing lot line between the proposed severed and retained lot.
9. That any dwelling unit constructed on the severed lot maintain a minimum 3 metre special separation between it and any adjacent existing dwellings, in accordance with the Ontario Building Code, as applicable.
10. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Josh Mailloux
Seconded by: Terris Buchanan

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

Reasons of Committee – The request is in conformity with Sections 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The proposed lots provide for infill development that meets the provisions of the Zoning By-law 1999-52, as amended.

That application A/08/21 be approved.

Moved by: Terris Buchanan
Seconded by: Don Shaw

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

Reasons of Committee –

The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law.

6.5 Applications B/10/21 & A/09/21 – Matthew French, c/o Eric Wingelaar, Agent – 309 Simcoe Street (Roll No. 3729-080-000-04200)

Public in Attendance: Eric Wingelaar, Agent and Matthew French, Applicant

B/11/21: The applicant is proposing to sever a parcel of land being 25.6 m (84 ft) frontage by 21.3 m (70 ft) depth with an area of 546 sq m (5880 sq ft) for purposes of creating a new residential building lot. The proposed severed lot will front onto Victoria Street. The remaining parcel being 21.3 m (70 ft) frontage by 43.3 m (142 ft) depth with an area of 923 sq m (9940 sq ft) is residential land containing one single detached dwelling and one detached garage and front on Simcoe Street. The subject property is zoned Residential First Density (R1) in the Town's Zoning By-Law and designated Low Density Residential in the Town's Official Plan. The R1 Zone permits only single detached dwellings and accessory uses.

A/08/21: The applicant is requesting relief from Zoning Bylaw 1999-52, as amended, Section 5(3)(f) which requires a minimum rear yard depth of 7.5 metres in a Residential First Density (R1) Zone. The applicant is proposing the construction of a single detached dwelling with a rear yard setback of 6 m (19.7 ft) to allow for the dwelling to have a 7.8 m (25.6 ft) depth. Therefore, the amount of relief requested is 1.5 m (4.92 ft).

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated February 12, 2021 from the Essex Region Conservation Authority stating:

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

Our office has reviewed the proposal and has no concerns relating to stormwater management

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

With the review of background information and aerial photograph, ERCA has no objection to these applications for Minor Variance and Consent.

- ii) Email dated February 10, 2021 from the Windsor Police Department stating

that:

The Windsor Police Service has no concerns or objections with the proposed severance and relief required for minimum rear yard depth. The end result will not impair police service delivery to these properties.

- iii) Email dated February 16, 2021 from the Engineering and Public Works Department stating that:
 - *Individual water service connection(s) required for new lot*
 - *Individual sanitary service connection(s) required for new lot*
 - *The existing sanitary sewer does not extend to the proposed new lot. In order to service the new lot, the developer will be responsible for extending the sanitary sewer southerly along Victoria (if this has not been done already due to other developments in the area). Design from a licensed professional engineer will be required. All associated costs with sanitary servicing, including engineering fees, will be borne by the developer.*
 - *Based on the proposal, the new lot will require a new driveway access from Victoria. Any new driveway access must satisfy all Town bylaws and policies regarding sight line, setbacks, widths, etc.*
 - *The applicant will be required to obtain a Right-of-Way Permit from EPW according to Town policy for any work required within the limits of the Town right-of-way. All permitting cost will be entirely borne by the applicant.*
- iv) Email dated February 9, 2021 from the Fire Department stating, *Residential homes should be held to spatial separation of 3 metres between adjacent existing homes regardless of lot size.*
- v) Email dated February 10, 2021 from the Building division stating,
 - *Provide grading plan*
 - *Servicing will be required for a service lot*
 - *All permits required for new dwellings*
- vi) Planning Report dated February 17, 2021 from Frank Garardo, Secretary Treasurer.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. There were none. The Planner, Frank Garardo read the purpose of the application. Eric Wingelaar, agent on the application, presented the concept of the application. No questions on the application. Frank Garardo read the conditions of the severance and the applicant acknowledged understanding.

The following resolution was put forth:

That applications B/10/21 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, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That an access bridge permit must be completed to the two severed properties where one does not exist prior to the issuance of a building permit. If the access is constructed over a municipal drain, it will be completed in accordance with the provisions of the Drainage Act, and if the access is constructed over a roadside

drain it will be completed under the supervision of the Town's Manager of Engineering and Operations.

5. That the property owner shall install separate water services, sanitary sewer services, storm water sewer services and utility services, for the proposed new lot in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds, if necessary.
6. That the developer be required to undertake lot grading plans for the severed lot to the satisfaction of the Building Department.
7. That the rear portion of the existing accessory use structure be demolished to ensure that adequate rear yard setbacks are maintained in conformance with the Zoning by-law prior to stamping of the deeds.
8. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$300 per lot.
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Anthony Campigotto

Seconded by: Terris Buchanan

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The request is in conformity with Sections 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The proposed lots provide for infill development that meets the provisions of the Zoning By-law 1999-52, as amended.

That application A/09/21 be approved.

Moved by: Terris Buchanan

Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

Reasons of Committee –

The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law.

6.6 Application A/07/21 – Naismith Everitt-DeJonge, c/o Sawyer Everitt-DeJonge, Agent – 487 Dalhousie Street (3729-040-000-01200)

Chair, Dave Cozens, disclosed a conflict of interest and stepped down from the Committee for this application and handed over the authority to the Vice Chair, Don Shaw.

Public in Attendance: Sawyer Everitt-DeJonge, Agent

A/08/21: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1) (c) which permits a maximum accessory structure height of 5.5 m (18 ft.) measured to the peak of the roof in a Residential Zone.

The applicant is proposing the construction of a 22.75 ft. x 40 ft., 910 sq. ft., accessory structure with a height of 6.4 m (21 ft.) to the peak of the roof. The proposed structure will have a three car garage on the main floor and unfinished loft space on the second floor. The 6.4 m (21 ft.) building height is required to allow for standing room on the second floor.

Therefore, the amount of relief requested is 0.91 m (3 ft.) in height for an accessory structure.

The subject property is zoned Residential Third Density (R3) Zone in the Zoning By-law 1999-52, as amended, and designated Low Density Residential in the Town of Amherstburg Official Plan.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated February 12, 2021 from the Essex Region Conservation Authority stating:
We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).
Our office has reviewed the proposal and has no concerns relating to stormwater management
The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.
With the review of background information and aerial photograph, ERCA has no objection to this application for Minor Variance.
- ii) Email dated February 17, 2021 from the Windsor Police Department stating that:
The Windsor Police Service has no concerns or objections with the proposed variance to allow the additional accessory structure height. This will not impair police service delivery to the property.
- iii) Email dated February 16, 2021 from the Engineering and Public Works Department indicating no comments.
- iv) Email dated February 9, 2021 from the Fire Department indicating no issues.
- v) Email dated February 10, 2021 from the Building division stating,
 - *Permits required for structure and for secondary unit*

- vi) Letter dated February 18, 2021 from Bert & Peggy Cozens, 483 Dalhousie Street.
- vii) Planning Report dated February 18, 2021 from Frank Garardo, Secretary Treasurer.

Committee Discussion:

The Vice Chair introduced the application and asked if there were any members of the public present for this application. Bert Cozens, 483 Dalhousie St. was present. The Planner, Frank Garardo read the purpose of the application. Sawyer Everitt-DeJonge, agent on the application, presented the concept of the application. Bert Cozens explained that the applicant met with him and revised the north wall elevation without decreasing the proposed height. The revised elevation is now acceptable to Mr. Cozens. Discussion ensued regarding accessory structure permitted height maximums,

The following resolution was put forth:

That application A/07/21 be approved.

Moved by: Josh Mailloux

Seconded by: Terris Buchanan

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	Abstained	

Reasons of Committee –

The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law.

6.7 Application B/12/21 – 1560903 Ontario Inc., c/o Donald D. Merritt, Agent – 3441 Concession 3 N (Roll No. 3729-400-000-07100)

Public in Attendance: Donald D. Merritt, Agent, Troy White (3441 Conc 3 N)

B/12/21: The applicant is proposing to sever a L-shaped parcel of land with 24.4 m (80 ft) ± frontage by 112.78 m (370 ft) ± depth and an area of 0.445 hectares (1.1 acres) ± for the purpose of a lot addition to merge with 3435 Concession 3 N. The proposed retained parcel being 107.29 m (352 ft) ± frontage on Concession 3 N and 152.4 m (500 ft) ± frontage on Concession 4 N by an irregular depth has an area of 27.86 hectares (68.85 acres) ± is agricultural land that contains a Telus Tower with tower access from the frontage on Concession 4 N. The subject property is designated Agricultural in the Town's Official Plan and Zoning By-law.

The following correspondence was received from the various agencies and residents circulated:

- vii) Letter dated February 16, 2021 from the Essex Region Conservation Authority stating:

The above noted lands are subject to our Development, Interference with

Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Long Marsh Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

Our office has reviewed the proposal and has no concerns relating to stormwater management

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Notwithstanding the above noted references to the PPS policies, we note that the proposed development is either adequately setback and/or physically separated from the natural heritage feature by existing development or infrastructure. Therefore, we do not anticipate any negative impacts associated with the proposal. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

With the review of background information and aerial photograph, ERCA has no objection to this application for Consent.

- viii) Email dated February 17, 2021 from the Windsor Police Department stating that:
The Windsor Police Service has no objections with the proposed severance to enable a lot addition. This change will not impair police service delivery to the property, nor will it restrict police response/access to the Telus communications tower on the abutting parcel of land.
- ix) Email dated February 10, 2021 from the Building Division indicating the following:
- *Ensure existing grade does not alter to affect neighbor properties*
 - *Demonstrate location of septic system. Ensure exiting septic system is in working order, provide documentation by a certified/qualified septic contractor*
- x) Email dated February 16, 2021 from the Engineering and Public Works Department indicating the following:
- *Drainage Apportionment required for the Warren Drain and Long Marsh Drain*
 - *Should a new driveway access be required, it must satisfy all Town bylaws and policies regarding sight line, setbacks, widths, etc.*
 - *The applicant will be required to obtain a Right-of-Way Permit from EPW according to Town policy for any work required within the limits of the Town right-of-way. All permitting cost will be entirely borne by the applicant.*
- i) Email dated February 9, 2021 from the Fire Department dated indicating no issues.
- ii) Planning Report dated February 11, 2021 from Frank Garardo, Secretary Treasurer.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. Troy White, neighbour at 3441 Concession 3 N was present. The Planner, Frank Garardo read the purpose of the application. Donald D. Merritt, agent on the application, presented the concept of the application. Troy White noted he has resided next door to the north of the subject property for 13 years and has maintained the subject property since he moved in. He has a concern with the use of driveway and the need to manicure the existing matured landscaping. D. Merritt advised that the new owner would decide if they are willing to sell driveway to T. White. Severance does not change concerns from neighbor.

J. Mailloux noted the lot size is consistent with the area and that no farmland would be taken out of production by the proposed severance for lot addition.

No further questions on the application. Frank Garardo read the conditions of the severance and the applicant acknowledged understanding. The requirement of the condition to require that a sanitary sewer connection was discussed.

The following resolution was put forth:

That application B/12/21 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 submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. 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).
4. 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.
5. That all property taxes be paid in full.
6. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
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 its operation will not be affected by the severance, to the satisfaction of the Building Department.
8. 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
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Don Shaw

Seconded by: Terris Buchanan

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The request is in conformity with Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The proposed lot addition does not remove agricultural land from production.

6.1 Application B/08/21 – John Pento – 18 Balaclava St S (Roll No. 3729-260-000-04600)

Public in Attendance: John Pento, Applicant

B/08/21: The applicant is proposing to sever a parcel of land being 12.19 m (40 ft) frontage by 49.38 m (162 ft) ± depth with an area of 602 sq m (6480 sq ft) ± for purposes of creating a new residential building lot. The remaining parcel being 12.19 m (40 ft) frontage by 49.99 m (164 ft) ± depth with an area of 612.99 sq m (6598.14 sq ft) ± is residential land containing one single detached dwelling. The subject property is zoned Residential First Density (R1) in the Town's Zoning By-Law and designated Low Density Residential in the Town's Official Plan.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated February 16, 2021 from the Essex Region Conservation Authority stating:

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

Our office has reviewed the proposal and has no concerns relating to stormwater management.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

With the review of background information and aerial photograph, ERCA has no objection to this application for consent.

- ii) Email dated February 16, 2021 from the Public Works Department identifying the following comments:
- *Individual water service connection required for new lot.*
 - *Sanitary sewer service connections will be required for new lot. The existing sanitary sewer is located on the east side of Balaclava, opposite of the subject parcels. It will be required to drill new service leads beneath Balaclava in order to service the new lots.*
 - *The cost of all servicing requirements will be at the expense of the applicant.*
 - *Based on the proposal, the new lot will require a new driveway access from Balaclava St.*

- *Any new driveway access must satisfy all Town bylaws and policies regarding sight line, setbacks, widths, etc.*
 - *The applicant will be required to obtain a Right-of-Way Permit from EPW according to Town policy for any work required within the limits of the Town right-of-way. All permitting cost will be entirely borne by the applicant.*
- iii) Email dated February 17, 2021 from the Windsor Police Department indicating: *The Windsor Police Service has no concerns or objections with the proposed severance as it will not impair police service delivery to the subject properties.*
- iv) Email dated February 9, 2021 from the Fire Department indicating: *Residential homes should be held to a spatial separation of 3 metres between adjacent existing homes regardless of lot size.*
- v) Email dated February 10, 2021 from the Essex Power indicating: *for B-08-21 18 Balaclava St S, the existing wire connecting the home crosses the severed lot and will have to be removed/reservices and an easement provided at the applicants cost.*
- vi) Email dated February 10, 2021 from the Building Division identifying the following comments:
- *Provide grading plan*
 - *Servicing will be required for a serviced lot*
 - *All permits required for new dwelling*
- vii) Planning Report dated February 11, 2021 from Frank Garardo, Secretary Treasurer.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. There were none. The Planner, Frank Garardo read the purpose of the application. John Pento discussed the concept of the application with the members of the Committee.

The following resolution was put forth:

That application B/08/21 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, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That an access bridge permit must be completed to the two severed properties where one does not exist prior to the issuance of a building permit. If the access is constructed over a municipal drain, it will be completed in accordance with the provisions of the Drainage Act, and if the access is constructed over a roadside drain it will be completed under the supervision of the Town's Manager of Engineering and Operations.
5. That the property owner shall install separate water services, sanitary sewer services, storm water sewer services and utility services, for the proposed new lot in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds, if necessary.

- 6. That the developer be required to undertake lot grading plans for the severed lot to the satisfaction of the Building Department.
- 7. That the existing Essex Power wire connecting the existing home on the retained lot be removed/reserviced and that an easement be provided to the satisfaction of Essex Powerlines Corporation and at the expense of the applicant.
- 8. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$300 per lot.
- 9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Anthony Campigotto
Seconded by: Josh Mailloux

	-carried-	
	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

Reasons of Committee – The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The proposed lot provides for infill development that meets the provisions of the Zoning By-law 1999-52, as amended.

- 7. **Next Meeting** to be March 30, 2021.
- 8. **Adjournment**

The meeting was adjourned at 9:27 a.m.

Chairman- Dave Cozens

Secretary- Frank Garardo