

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, Janine Mastronardi, Recording Secretary, Todd Hewitt, Manager of Engineering and Operations

Absent: N/A

1. Call to Order

The Chair, David Cozens, called the meeting to order at 7:31 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

There were no disclosures of interest.

4. Adoption of Agenda

That the agenda as amended, bringing forward item 6.6 to the first application heard, be approved for adoption.

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	

5. Adoption of Minutes

The Chair requested comments on the adoption of minutes. T. Buchanan requested to confirm that the conditions of consent for file B/11/21 include the specification of driveway location. It has been confirmed the condition outlines the location requirements for the driveway. The minutes were amended to reflect this correction.

A motion was put forward to adopt the minutes of February 23, 2021 as amended.

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. Order of Business

6.6 Application A/12/21 – Raymond Meloche, c/o Danielle Demitroff, Agent – 2268 Front Rd N (3729-500-000-39400)

Public in Attendance: Danielle Demitroff, Agent

A/12/21: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 6(3)(a) which requires a minimum lot area of 1800 sq m in a Residential Type 1A (R1A) Zone for lots created without municipal services. Subsequent to a severance the severed parcel will have a lot area of 1027.9 sq m (11,064.24 sq ft).

The applicant is also requesting relief from Zoning By-law 1999-52, as amended, Section 3(26)(a) which requires a minimum setback of 26 m (85.3 ft) from the centerline of a County Road. The proposed setback from the centerline of County Road 20 is 24.08 m (79 ft).

Therefore, the amount of relief requested is 772.1 sq m and 1.92 m respectively.

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

- i) Letter dated March 22, 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

The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant wetland (Detroit River Marshes (ER 3), significant wildlife habitat under the Provincial Policy Statement (PPS).

Section 2.1.4 of the PPS, 2020 states - "Development and site alteration shall not be permitted in "significant wetlands..." and "significant coastal wetlands." Section 2.15 of the PPS states - Development and site alterations shall not be permitted in and significant wildlife habitat...unless 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 Minor Variance.

- ii) Letter dated March 23, 2021 from the County of Essex stating that:
The minimum setback for any proposed structures on this property must be 79

feet from the center of the original ROW of County Road No. 20 for a proposed residential building. Permits are necessary for any changes to existing entrances and structures, of the construction of new structures

- iii) Email dated March 19, 2021 from the Windsor Police Department stating that:
The Windsor Police Service has no concerns or objections with this application as it will carry no impacts to police service delivery whatsoever.
- iv) Email dated March 22, 2021 from the Engineering and Public Works Department indicating no comments.
- v) Email dated March 22, 2021 from the Building division stating,
 - *Grading design to provide proper grading and drainage*
 - *Proper approvals for driveway access from the county and ROW permits required*
 - *All building permits required included sewage septic permits*
- vi) Planning Report dated March 21, 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. Danielle Demitroff, Agent on the application, presented the concept of the application. Discussion ensued regarding the request for relief from the County Road setback requirement. Frank Garardo explained that subsequent to the septic design being completed to comply with the 10 ft septic setback requirement the house design was brought forward requiring 1.92 metres of relief from the County Road setback. Dave Cozens confirmed with the applicant that they are aware of the requirement to obtain an ERCA permit prior to any construction on the property. The agent confirmed knowledge of this requirement.

The following resolution was put forth:

That application A/12/21 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)	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.

6.1 Application A/10/21 – Kyle & Barbara McDonald, c/o Tracey Pillon-Abbs, Agent – 199 Sandwich St N (Roll No. 3729-340-000-10600)

Public in Attendance: Tracey Pillon-Abbs, Agent and Anthony Leardi, Solicitor for David Purdie, 203 Sandwich Street North.

A/10/21: The applicants are requesting relief from Section 3(23)(j) which limits the number of driveways for a residential property in the Residential First Density (R1) Zone to one. The applicants are proposing a second driveway to be located on Sandwich Street North. The existing driveway exits onto Grant Avenue.

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

- i) Letter dated March 22, 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 March 19, 2021 from the Windsor Police Department stating that:
The Windsor Police Service has no concerns or objections with the variance being sought to allow for a second driveway for the property to/from Sandwich Street. Since the first driveway is on the far side of this property off Grant Avenue, the second driveway will not create any conflicts that we foresee that would impact public safety. Furthermore, there are other nearby properties fronting Sandwich Street in this same general vicinity that have similar driveways to/from Sandwich Street.
- iii) Email dated March 17, 2021 from the Building division stating that both properties must:
 - *Permits required from Public Works*
 - *Suggestion to provide a "T-Driveway" in order to exit on to Sandwich St. safely*
- iv) Email dated March 16, 2021 from the Fire Department indicating no objection.
- v) Email dated March 17, 2021 from the Engineering & Public Works Department indicating the following:
 - *EPW has visited the site to review how many parking spaces are available to the applicant from their current driveway off of Grant Ave and has determined that at least 6 cars can park on the current Grant Ave driveway. It is the opinion of EPW, that this is a significant sized driveway and therefore do not recommend the approval of a second driveway off of Sandwich Street. Although, Sandwich is considered to be a connecting link and decisions of this nature are at the Town's discretion, it should be noted that the County discourages the addition of driveways onto Sandwich wherever possible. Based on all of this, EPW cannot support this variance and feels that the Zoning bylaw and Driveway Policy (which also limits the number of driveway to one per lot in the R1 Zone, see excerpt below) should be followed.*

- 6.3. Maximum Number of Driveways
 - 6.3.1. For residential lots, a maximum of one driveway per lot is permitted. The driveway may cross a front lot line or flankage lot line (but not both lot lines unless approved by the Director of Engineering and Public Works or designate).
- vi) Submission received on March 28, 2021 by Anthony Leardi on behalf of David Purdie, 203 Sandwich Street North providing case law of second driveways being granted and denied. The letter concludes:
IN SUMMARY, THE REQUEST MUST BE DENIED FOR THE FOLLOWING REASONS:
- 8) *The Applicant has failed to demonstrate that the second driveway would respect the general intent and purpose of the official plan.*
 - 9) *The Applicant has failed to demonstrate that the second driveway would maintain the general intent and purpose of the zoning by-law.*
 - 10) *The Applicant has failed to demonstrate that there will be no adverse impact on surrounding properties.*
 - 11) *The Applicant has not explored the possibility of expanding the existing driveway that already services the South side of the property.*
 - 12) *A second driveway is not required for use of the property but, rather, is simply a wish of the property owner.*
 - 13) *This is a low density residential neighborhood where every single lot is serviced with only one single driveway, and a second driveway would be decidedly uncharacteristic of this neighborhood.*
 - 14) *The proposed second driveway will exit onto a busy four-lane county road.*
- vii) Planning Report dated March 24, 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. Anthony Leardi, solicitor, was present to represent his client David Purdie, 203 Sandwich Street North. The Planner, Frank Garardo read the purpose of the application.

Tracey Pillon-Abbs, Agent on the application, presented the concept of the application. The existing detached accessory structure has been converted to a secondary suite on the second floor. The applicant is proposing the existing driveway be used for the secondary unit and that the proposed second driveway off of Sandwich Street North be used for the single detached dwelling on the site. Public Works has suggested the existing driveway can park six cars, the applicant states that there are only two parking spaces on this driveway. The applicants agree with the Building division's suggestion to install a T-shaped driveway, ensuring vehicles would be able to turn around on the property, not having to back out onto Sandwich Street. Police does not have any objection to the proposal. The Committee did not have any questions for the applicant's agent.

Anthony Leardi read through his written submission listing the four tests for a minor variance, case law approving and denying second driveways and rationale for each and his conclusion on the reasons a second driveway should be denied in this case.

Terris Buchanan questioned the discrepancy between the Town calculating six parking spaces and the applicant stating two spaces available on the existing driveway. Tracey Pillon-Abbs explained that once construction on the site is complete the landscape plan will decrease the size of the existing driveway.

Discussion ensued regarding the parking available in the detached garage, if on street parking is available on Grant Avenue and the size of the secondary unit. It was determined that the garage is functional with two parking spaces within the garage, on street parking is available on Grant Avenue and the size of the secondary unit is unknown but that it is only one unit above the existing detached garage.

Todd Hewitt advised that the existing driveway measures approximately 52 ft x 25 ft. Standard procedure is to not support second driveways if the Zoning doesn't support one. In the past several months the Committee of Adjustment approved one second driveway for a property fronting on Sandwich Street North. The residence already had a driveway on Sandwich Street North and a second driveway was permitted on Brunner Street to reduce the traffic on Sandwich Street.

Josh Mailloux asked if the Official Plan policies on Secondary Suites spoke to second driveways. Frank Garardo explained that the recent policy indicates there is a maximum of one unit permitted as a secondary suite in an accessory structure and that one parking space must be provided for the unit. Second driveways are permitted in accordance with the Town policy and tandem parking is acceptable.

That application A/10/21 be denied.

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 Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, determined that the variance request was not minor in nature, would impact the character of the neighbourhood, and was not in keeping with the intent of the Zoning By-law.

6.2 Applications B/13/21 & B/14/21 – Robert Blais – 3951 Concession 3 N (Roll No. 3729-490-000-03700)

Public in Attendance: Robert Blais, Applicant

Application B/13/21: The applicant is proposing to sever a parcel of land being 18.3 m (60 ft) frontage by 53.34 m (175 ft) depth with an area of 751 sq m (10,500 sq ft) for purposes of creating a new residential building lot. The remaining parcel being 21.64 m (71 ft) frontage by 168.25 m (552 ft) depth with an area of 5746.54 sq m (1.42 acres) contains one single detached structure. The subject property is zoned Residential Type 1B (R1B) Zone and Agricultural (A) Zone in the Town's Zoning By-Law and designated Low Density Residential and Agricultural in the Town's Official Plan. The lands that are the subject of the consent are wholly within the Residential Type 1B (R1B) Zone and Low Density Residential designation.

Application B/14/21: The applicant is proposing to sever a parcel of land being 18.3 m (60 ft) frontage by 53.34 m (175 ft) depth with an area of 751 sq m (10,500 sq ft) for purposes of creating a new residential building lot. The existing house on the severed parcel is to be demolished. The remaining parcel being 3.35 m (11 ft) frontage by 168.25 m (552 ft) depth with an area of 4,775.3 sq m (1.18 acres) is vacant land and will merge with 3949 Concession 3 N (3729-490-000-03600). The subject property is zoned Residential Type 1B (R1B) Zone and Agricultural (A) Zone in the Town's Zoning By-Law and designated Low Density Residential and Agricultural in the Town's Official Plan. The lands that are the subject of the consent are wholly within the Residential Type 1B (R1B) Zone and Low Density Residential designation.

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

- i) Letter dated March 23, 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 3rd Concession 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 these Consent applications.
- ii) Email dated March 19, 2021 from the Windsor Police Department stating that:
The Windsor Police Service has no concerns or objections with the proposed severances being sought to create two residential lots. The outcome from this will not result in difficulties for police to access the property in an emergency or for a call for service in any way.
- iii) Email dated March 17, 2021 from the Building Division indicating the following:
 - *All permits required for new construction*
 - *Grading designs required for both properties to address grading and Drainage*
 - *Permits required for demolition*
 - *Property to be cleaned of debris*
- iv) Email dated March 17, 2021 from the Engineering and Public Works Department indicating the following:
 - *Drainage Apportionment required for the 3rd Concession Drain*
 - *A new access culvert will be required over the 3rd Concession Drain to access the new severed lot at B/13/21. This will require an engineer's report under the Drainage Act.*
 - *A new access culvert will be required over the 3rd Concession Drain to access the new severed lot at B/14/21. This will require an engineer's report under the Drainage Act.*
 - *Both proposed new lots will be require new sanitary service connections to the existing sewer*
 - *Individual water service connections required for new lots.*
 - *The cost of all servicing requirements will be at the expense of the applicant*
 - *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 March 16, 2021 from the Fire Department dated indicating that no variances be allowed that would minimize the side yard set back to neighboring properties to maintain a 3 metre spatial separation between residential structures.

- vi) Planning Report dated March 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. Robert Blais presented the concept of the application. Discussion ensued. A typo was corrected on condition ten on B/14/21 to state spatial separation. It was confirmed that a minor variance would not be required for the retained parcel as the severances came from land within the residential designation, not reducing the size of the agricultural land. Frank Garardo read the conditions of the severance and the applicant acknowledged understanding.

The following resolutions were put forth:

That application B/13/21 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 severed property 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 all structures be demolished prior to the stamping of deeds to the satisfaction of the Town.
8. 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.
9. 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.
10. That any dwelling unit constructed on the severed lot maintain the minimum spatial separation between it and any adjacent existing dwellings, in accordance with the Ontario Building Code, as applicable.
11. 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 Mailoux

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.

That application B/14/21 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 Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the retained parcel of land being the subject of the consent.
5. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the retained parcel which is the subject of the consent.
6. That an access bridge permit must be completed to the severed property 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.
7. 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.
8. That the developer be required to undertake lot grading plans for the severed lot to the satisfaction of the Building Department.
9. That all structures be demolished prior to the stamping of deeds to the satisfaction of the Town.
10. 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.
11. 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.

12. That any dwelling unit constructed on the severed lot maintain the minimum spatial separation between it and any adjacent existing dwellings, in accordance with the Ontario Building Code, as applicable.
13. 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 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.

6.3 Application B/15/21 – Mathew Simone – E/S Front Rd N (Severed from Roll No. 3729-500-000-33600)

Public in Attendance: Mathew Simone, Applicant

B/15/21: The applicant is proposing to sever a parcel of land being 31.34 m (102.8 ft) frontage by an irregular depth with an area of 2050 sq m (0.51 ac) for purposes of creating a new residential building lot. The remaining parcel being 31.33 m (102.8 ft) frontage by an irregular depth with an area of 2460 sq m (0.61 ac) is a residential building lot. The subject property is zoned Residential Type 1A (R1A), Agricultural (A) and Wetland (W) in the Town's Zoning By-Law and designated Low Density Residential, Agricultural and Provincially Significant Wetland/Natural Environment in the Town's Official Plan. The majority of the property is within the Low Density Residential designation and R1A Zone which permits single detached dwellings and accessory uses.

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

- i) Letter dated March 23, 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 Canard 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

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.”

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements”. All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario Endangered Species Act. Prior to initiating any proposed works on this property, it is the proponent’s responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the Endangered Species Act are addressed. All inquiries regarding the Endangered Species Act should be made with Permissions and Compliance Section of the MECP (e-mail address: SAROntario@ontario.ca).

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.

- ii) Letter dated March 22, 2021 from the County of Essex stating that:
The minimum setback for any proposed structures on this property must be 85 feet from the center of the original ROW of County Road No. 20 for a proposed residential building or 105 feet from the centre of the right of way for a proposed commercial structure. Permits are necessary for any changes to existing entrances and structures, of the construction of new structures.
- iii) Email dated March 19, 2021 from the Windsor Police Department stating that:
The Windsor Police Service has no concerns or objections with the proposed severance being sought to create a new residential lot. The outcome from this will not result in difficulties for police to access the property in an emergency or for a call for service in any way.
- iv) Email dated March 17, 2021 from the Engineering and Public Works Department stating that:
 - *Individual water service connection required for new lots*
 - *No Sanitary sewers, septic field required for new lots. Additionally, the applicant should be aware that, in the future, should a sanitary sewer collection system be constructed along Front Road North, each of the lots described under this application will be required to connect and be serviced by said sanitary sewer.*
 - *Based on the proposal, the new severed lot will require separate driveway accesses from County Road 20 (Front Road North). This will require necessary review and approvals from the County of Essex.*
 - *At this stage, a drainage apportionment for the Bondy-Bastien Drain will not be needed as there is presently an ongoing drainage project taking place under the Drainage Act. The applicant should be made aware that an engineering project is ongoing and that drainage assessments to both the retained and severed lots may be forthcoming in the future.*

- v) Email dated March 16, 2021 from the Fire Department stating, *that no variances be allowed that would minimize the side yard set back to neighboring properties to maintain a 3 metre spatial separation between residential structures.*
- vi) Email dated March 17, 2021 from the Building division stating,
 - *All permits required for new construction*
 - *Grading designs required for grade, drainage and elevations for septic system for both properties*
 - *Ensure septic systems to fit property with required setbacks*
 - *County Road approval required for access*
- vii) Planning Report dated March 16, 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. Mathew Simone presented the concept of the application. Frank Garardo read the conditions of the severance and the applicant acknowledged understanding. Dave Cozens reiterated that conditions to obtain Council approval for the suitability of development on septic, ERCA approvals and MECP mitigation for Species at Risk and the applicant acknowledged understanding.

The following resolution was put forth:

That application B/15/21 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 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 each of the severed lots will be serviced with municipal water in accordance with and under the supervision of the municipality.
5. That the developer be required to undertake lot grading plans for the severed and retained lots to the satisfaction of the Building Department.
6. The applicant place a covenant on the title of the property requiring that the severed and retained property be required to hook into sanitary sewers when they become available, at the owners expense.
7. That access to the proposed severed lot be provided prior to the stamping of the deeds. That an access permit be obtained for the newly created lot from the County of Essex and any other requirements to their satisfaction, prior to the stamping of deeds. The access shall be provided to the lot to the satisfaction of the municipality.
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. That any dwelling unit constructed on the severed lot maintain the minimum spatial 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.

6.4 Application A/11/21 – 1560803 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 and Damien Doyscher

A/11/21: 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 (B12/21) of a 0.445 hectares (1.1 acre) ± lot addition from an existing 28.31 hectares (69.95 acres) parcel the retained farm parcel will have an area of 27.86 hectares (68.85 acres). Therefore, the amount of relief requested is 12.14 hectares (30 acres).

The subject property is zoned Agricultural (A) Zone in the Zoning By-law 1999-52, as amended, and designated Agricultural in the Town of Amherstburg Official Plan.

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

- i) Letter dated March 23, 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 purpose of this application for consent is for a lot addition only, and that there will be no change in land use. In our opinion, we believe that this type of Planning Act application does not meet the definition of development under the PPS, 2020. Based upon this, therefore it is our recommendation to the Municipality that a demonstration of no negative impact is not required.

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

- ii) Email dated March 19, 2021 from the Windsor Police Department stating that:
The Windsor Police Service has no concerns or objections with the variance being sought for relief from meeting the minimum lot area requirement. The result of the application will not impact police service delivery whatsoever.
- iii) Email dated March 17, 2021 from the Engineering and Public Works Department stating no comments.
- iv) Email dated March 16, 2021 from the Fire Department stating, no objection.
- v) Email dated March 17, 2021 from the Building division stating no issues or comments.
- vi) Planning Report dated March 15, 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. Damien Doyscher was present to audit the meeting. The Planner, Frank Garardo read the purpose of the application. Donald D. Merritt, agent on the application, presented the concept of the application. No questions on the application.

The following resolution was put forth:

That application A/11/21 be approved.

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 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 Application B/16/21 – Ron Triolet – 606 Simcoe Street (Roll No. 3729-170-000-00800)

Public in Attendance: Ron Triolet, Applicant and Noah Boyes, Planner from MHBC on behalf of Walker Aggregates

B/16/21: The applicant is proposing to sever a parcel of land being 14.16 m (46.5 ft) frontage by 53.04 m (174 ft) depth with an area of 751 sq m (8083.7 sq ft) for purposes of creating a new residential building lot. The remaining parcel being 18.16 m (59.6 ft) frontage by 53.04 m (174 ft) depth with an area of 963.2 sq m (10,367.9 sq ft) contains one single detached structure. The subject property is zoned Residential Second Density (R2) 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 March 23, 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 March 19, 2021 from the Windsor Police Department stating that:
The Windsor Police Service has no concerns or objections with the proposed severance being sought to create a new residential lot. The outcome from this will not result in difficulties for police to access the property in an emergency or for a call for service in anyway.
- iii) Email dated March 17, 2021 from the Building Division indicating the following:
 - *All permits required for new construction*
 - *Grading design required for both properties to address all grading and drainage*
 - *New driveway access required for existing dwelling-R.O.W permits required from Public Works*
 - *Existing accessory structure may require to be removed or relocated*
- iv) Email dated March 17, 2021 from the Engineering and Public Works Department indicating the following:
 - *Individual water service connection required for new lot. The existing watermain is located on the south side of Simcoe, opposite of the subject parcels. It will be required to drill new service leads beneath Simcoe in order to service the new lots.*
 - *Sanitary sewer service connections may be required for new lot.*
 - *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 Simcoe. Recent video inspections of the Pike Road Drain, which fronts 606 Simcoe, show that the existing CSP pipe in this location to be poor to very poor condition. In order to install a new driveway access across the Pike Road Drain, the existing culvert must be repaired and/or replaced where the new driveway will cross. Compacted granular stone*

backfill (full depth) will also be required across the new driveway access. The cost of this will be at the expense of the applicant. Any new driveway access must satisfy all Town bylaws and policies regarding sight line, setbacks, widths, etc.

- *At this stage, a drainage apportionment for the Pike Road Drain and the 2nd Concession Drain will not be needed as there are presently ongoing drainage projects taking place under the Drainage Act. The applicant should be made aware that an engineering project is ongoing and that drainage assessments to both the retained and severed lots may be forthcoming in the future.*
- *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 March 16, 2021 from the Fire Department dated indicating *no variances be allowed that would minimize the side yard set back to neighboring properties to maintain a 3 metre spatial separation between residential structures.*

vi) Letter dated March 26, 2021 from MHBC Planning on behalf of Walker Aggregates stating that:
The subject lands are located on the north side of Simcoe Street, approximately 25 metres north and across the street from the Amherstburg Quarry owned and operated by Walker Aggregates Inc.

Our client would like to ensure that both the Town and applicant are fully aware of the presence of their existing quarry. Specifically, the Amherstburg Quarry which is a licensed and zoned mineral aggregate operation is to be protected from development and activities that would preclude or hinder its continued use or expansion.

Walker Aggregates Inc. would like to ensure that any potential issues of land use compatibility have been addressed to the satisfaction of the Town based on applicable Official Plan policies e.g. Section 3.3.3, Special Policy Area 5, etc.

We have reviewed the Town's recommendation report for this application dated March 17, 2021 and support staff's recommended condition requiring the registration of a restrictive covenant on the title of the property in recognition of the adjacent quarry operation: "The Purchaser(s)/Transferee(s) hereby acknowledge(s) that he/she/they/it have been advised that the subject lands are reasonably proximate to an active quarry and as such, from time to time drilling and blasting may occur, which may cause a certain degree of noise, dust and vibration at and on the subject lands."

The wording of the condition appears to be generally consistent with other restrictive covenants that have placed on title of properties near the Amherstburg Quarry that have undergone development approvals.

vii) Planning Report dated March 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. Noah Boyes, Planner with MHBC Planning, was monitoring the meeting on behalf of Walker Aggregates. The Planner, Frank Garardo read the purpose of the application. Ron Triolet presented the concept of the application. Frank Garardo confirmed no minor variances would be required as a result of the severance. Discussion ensued regarding Official Plan policies and land use compatibility between

the quarry and residential uses. Noah Boyes supported the warning clause listed in the proposed conditions.

No further questions on the application. Frank Garardo read the conditions of the severance and the applicant acknowledged understanding. Conditions 4 and 5 were amended to include both the severed and retained lots. Condition 10 was amended to address the Fire department's concerns with spatial separation.

The following resolution was put forth:

That application B/16/21 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 severed and retained property where one does not exist prior to the issuance of a building permit, at the owner's expense. 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 and retained 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 and retained lots to the satisfaction of the Building Department.
7. The following covenant be included on the title of the property – "The Purchaser(s)/Transferee(s) hereby acknowledge(s) that he/she/they/it have been advised that the subject lands are reasonably proximate to an active quarry and as such, from time to time drilling and blasting may occur, which may cause a certain degree of noise, dust and vibration at and on the subject lands."
8. That the existing detached accessory structure be demolished or relocated to a location that complies with Zoning By-law 1999-52, as amended, prior to the stamping of deeds to the satisfaction of the Town.
9. 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.
10. That any dwelling unit constructed on the severed lot maintain the minimum spatial separation between it and any adjacent existing dwellings, in accordance with the Ontario Building Code, as applicable.
11. 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 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.

7. **Next Meeting** to be April 27, 2021.

8. **Adjournment**

The meeting was adjourned at 9:02 a.m.

Chairman- Dave Cozens

Secretary- Frank Garardo