

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

1. Call to Order

The Chair, David Cozens, called the meeting to order at 7:30 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. Land Acknowledgement

The Chair has read the following land acknowledgement;

We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron- Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

4. Disclosure of Interest

There were no disclosures of interest.

5. Adoption of Agenda

That the agenda be approved for adoption.

Moved by: Josh Mailloux

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	

6. Adoption of Minutes

The Chair requested comments on the adoption of minutes. There were none.

A motion was put forward to adopt the minutes of May 18, 2021 and June 22, 2021 as presented.

Moved by: Josh Mailloux
 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	

7. Order of Business

7.1 Application B/35/21 – Hunt Enterprises Inc. (Gerald Hunt), c/o Kelly Mayzik, Agent – 459 Texas Road (Roll No. 3729-420-000-02200)

Public in Attendance: Gerald Hunt, Applicant

Application B/25/21: The applicant is proposing to sever a parcel of land with 60.01 ft width by 315 ft ± depth and an area of 18,903.15 sq ft ± for the purpose of a lot addition to merge with 465 Texas Road. The proposed retained parcel being 60.01 ft frontage by 210 ft ± depth has an area of 12,602.1 sq ft ± contains one single detached dwelling and one detached accessory structure.

The subject lands are designated Low Density Residential and Light Industrial in the Town’s Official Plan and Residential Type 1A (R1A) Zone and Light Industrial (LI) Zone in the Town’s Zoning By-law.

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

- i) Letter dated June 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.

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 Consent.

- ii) Email dated June 23, 2021 from the Windsor Police Department stating that:
The Windsor Police Service has no concerns or objections with the proposed severance to facilitate a lot addition. This will not impact/compromise police service delivery.
- iii) Email dated June 23, 2021 from the Building Division stating:
 - *Ensure all drainage is addressed*
- iv) Email dated June 17, 2021 from the Infrastructure Services Department indicating the following:
 - *Drainage Apportionment required for the Morgan Drain*
 - *The applicant should be made aware that an engineering project is ongoing relating to the Morgan Drain and South Branch of the Morgan Drain and that drainage assessments to all noted lots in this application may be forthcoming in the future.*
- v) Email dated June 21, 2021 from the Fire Department indicating no concerns.
- vi) Planning Report dated June 22, 2021 from Frank Garardo, Manager of Planning Services.

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. Gerald Hunt presented the concept of the application. The Chair confirmed with the applicant that they are aware of the required conditions including the need for a drainage apportionment for the Morgan Drain. The applicant confirmed knowledge and understanding of the conditions and that all conditions are at the expense of the applicant.

The following resolutions were put forth:

That application B/35/21 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 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 proper grading along the property line, for both the severed and retained parcels, be complete for any water runoff, to the satisfaction of the Building Department.
6. 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).

7. 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.
8. 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: 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 Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

7.2 Application B/36/21 – 2771649 Ontario Ltd., c/o Brenda A. McGinty, Agent – 272 Sandwich St S & 281 Bathurst St (Roll No. 3729-120-000-03200 & 01400)

Public in Attendance: Brenda A. McGinty, Agent on the application

Application B/36/21: The applicant is proposing to sever a parcel of land with 93 ft frontage by 106 ft depth and an area of 9,858 sq ft, contains one single detached dwelling and one detached accessory structure, for the purpose of a technical severance. The proposed retained parcel being 93 ft frontage by 166 ft depth has an area of 15,438 sq ft contains one multiple dwelling residential building and one detached accessory structure.

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

- i) Letter dated June 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 objections to the application for Consent.

- ii) Email dated June 23, 2021 from the Windsor Police Department stating that: *The Windsor Police Service has no concerns or objections with the requested variance involving a technical severance. This will impact/compromise police service delivery.*
- iii) Email dated June 17, 2021 from the Infrastructure Services Department stating no comments.
- iv) Email dated June 21, 2021 from the Fire Department stating no concerns.
- v) Email dated June 23, 2021 from the Building division stating no issues.
- vi) Planning Report dated June 14, 2021 from Amy Farkas, Dillon Consulting Limited, on behalf of Frank Garardo, Manager of Planning Services.

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. Brenda A. McGinty presented the concept of the application. The property at 272 Sandwich Street South was purchased by the current property owner in July 1989 and 281 Bathurst Street in September 2015. At this time the title was in the same name and because the properties are part lots they merged. Discussion ensued regarding the existing accessory structures. It was confirmed that the temporary red roof tent structure was removed. The Chair confirmed with the applicant that they are aware of the required conditions. The applicant confirmed knowledge and understanding of the conditions and that all conditions are at the expense of the applicant.

The following resolution was put forth:

That application B/36/21 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 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 any accessory structures situated at 272 Sandwich St S be removed or relocated to the satisfaction of the Municipality in order to comply with the zone requirements for Section 3.1 pertaining to Accessory Structures.
5. 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 Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

7.3 Application A/27/21 – Mark Robson – 2701 County Road 20 (Roll No. 3729-600-000-12890)

Public in Attendance: Mark Robson, Applicant

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(b) which permits the total lot coverage of all non-farm accessory use structures to a maximum of 185 square meters (1991 sq. ft).

The applicant is proposing the construction of a 10 ft by 28 ft, (512 sq ft) L-shaped addition to an existing 1700 sq ft pole barn. There are also two existing 8 ft by 8 ft, 64 sq ft, sheds and an 8 ft x 40 ft, 320 sq ft, shipping container on the property resulting in a total accessory structure lot coverage of 2660 sq ft (6.86%) on a 0.89 acre lot. Therefore, the amount of relief requested is 669 sq ft in accessory structure lot coverage.

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

- i) Letter dated June 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 Beaudoin Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

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 Minor Variance.

- ii) Letter dated June 22, 2021 from the County of Essex stating:

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, or the construction of new entrances or structures.

- iii) Email dated June 21, 2021 from the Fire Department stating *the proposed addition would create a greater exposure issue for the home with the close proximity of the proposed addition.*
- iv) Email dated June 23, 2021 from the Windsor Police Department stating that: *The Windsor Police Service has no concerns or objections with the proposed application. The proposed pole barn addition, causing an overage of allowable non-farm accessory use structures on the property, is not anticipated to cause any safety concerns that would inhibit police incident/emergency response.*
- v) Email dated June 18, 2021 from the Infrastructure Services Department stating no comments.
- vi) Email dated June 23, 2021 from the Building division stating,
 - All required permits for construction
 - All new plumbing to be connected to the existing septic system provided system is large enough
 - Spatial separation may be required
- vii) Planning Report dated June 22, 2021 from Frank Garardo, Manager of Planning Services.

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. Mark Robson presented the concept of the application. Discussion ensued regarding construction of the addition specifically spatial separation requirements and confirmation of no plumbing fixtures being added. The Chair confirmed with the applicant that they are aware of the required condition. The applicant confirmed knowledge and understanding of the condition.

The following resolution was put forth:

That application A/27/21 be approved subject to the following conditions:

1. The applicant submit building permits which identify spatial separation and floor plans delineating the auto body shop from the personal storage areas satisfactory to the Building Department.

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 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.

7.4 Application B/37/21 – Boblo Developments Inc. c/o Cindy Prince, Agent – E/S Gold Coast Drive (3729-640-000-44110)

Public in Attendance: Cindy Prince, Agent on the application, Julie and David Breen, 502 Gold Coast Drive

Application B/37/21: The applicant is proposing to sever a parcel of land being approximately 30 m (100 ft) frontage by approximately 90 m (300 ft) depth with an area of 0.5 ha (1.3 acres) to create a new residential building lot. The remaining parcel being approximately 8 m (26.25 ft) frontage by an irregular depth, with a total area of 3.28 ha (8.2 acres), is vacant land.

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

- i) Letter dated June 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 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.*

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at riskmanagement@erca.org or 519-776-5209 ext 214. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

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

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 (email address: SAROntario@ontario.ca).

With the review of background information and aerial photograph, ERCA is requesting a copy of the decision to be send to us.

- ii) Email dated June 23, 2021 from the Windsor Police Department stating that:

The Windsor Police Service has no concerns or objections with the proposed severance to create a new residential lot. This will not impact/compromise police service delivery.

- iii) Email dated June 17, 2021 from the Infrastructure Services Department stating,
 - *Individual water service connection will be required for the new lot.*
 - *Sanitary sewer service connection may be required for the new lot. The existing watermain is located on the west side of Gold Coast Drive, opposite of the subject parcel. It will be required to drill new service leads beneath Gold Coast Drive in order to service the new lot.*
 - *The cost of all servicing requirements will be at the expense of the applicant.*
 - *Based on the proposal, the new severed lot will require a new driveway access and culvert from Gold Coast Drive. This will require necessary review and permit from the Town.*
 - *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 June 21, 2021 from the Fire Department stating no concerns.
- v) Email dated June 23, 2021 from the Building division stating,
 - *All required permits for construction*
 - *Provide grading and drainage design*
 - *ERCA Approval required at permit application*
- vi) Planning Report dated June 23, 2021 from Amy Farkas, Dillon Consulting Limited, on behalf of Frank Garardo, Manager of Planning Services.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. Julie and David Breen who own 502 Gold Coast Drive were present. The Planner, Frank Garardo read the purpose of the application. Cindy Prince presented the concept of the application. The Breen's expressed a concern with the location of the home to be built on the severed parcel. The Committee discussed the condition of a building restriction.

The Chair confirmed with the applicant that they are aware of the required conditions. The applicant confirmed knowledge and understanding of the conditions and that all conditions are at the expense of the applicant.

The following resolution was put forth:

That application B/37/21 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 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 the applicant install separate water services, sanitary connections and utility services, to the lots in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
5. That the applicant must install a driveway access and culvert to the severed

parcel to the satisfaction of the Engineering and Public Works department prior to the stamping of deeds.

6. That the applicant be required to obtain a Right-of-Way Permit from Engineering and Public Works according to Town policy for any work required within the limits of the Town right-of-way.
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 title of the severed parcel contain a building restriction limiting the building envelope to south of the southerly lot line of 470 Gold Coast Drive extending easterly perpendicular to Gold Coast Drive.
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: 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 Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

7.5 Applications B/38-42/21 – Boblo Developments Inc., c/o Cindy Prince, Agent – Hickory View Court (Roll No. 3729-640-000-31700)

Public in Attendance: Cindy Prince, Agent on the application

Application B/38/21: The applicant is proposing to sever a parcel of land (Part 1) being 59.38 ft frontage by an irregular depth with an area of 0.228 acres to create a residential building lot.

Application B/39/21: The applicant is proposing to sever a parcel of land (Part 2) being 52.51 ft frontage by an irregular depth with an area of 0.241 acres to create a residential building lot.

Application B/40/21: The applicant is proposing to sever a parcel of land (Part 3) being 58.02 ft frontage by an irregular depth with an area of 0.263 acres to create a residential building lot.

Application B/41/21: The applicant is proposing to sever a parcel of land (Part 4) being 63.74 ft frontage by an irregular depth with an area of 0.290 acres to create a residential building lot.

Application B/42/21: The applicant is proposing to sever a parcel of land (Part 5) being 64.29 ft frontage by an irregular depth with an area of 0.286 acres for the purpose of a residential lot creation.

The remaining parcel being 19.74 ft frontage and irregular depth with a total area of

approximately 3,279.2 sq ft is vacant land.

The subject lands are zoned Resort Residential/Resort Commercial (RR/RC) Zone in the Zoning By-law 1999-52 and designated Recreational Development in the Town of Amherstburg Official Plan.

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

- i) Letter dated June 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).

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at riskmanagement@erca.org or 519-776-5209 ext 214. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

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 woodland, significant wildlife habitat under the Provincial Policy Statement (PPS).

Section 2.15 of the PPS states - Development and site alterations shall not be permitted in significant woodland... 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.

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).

The demonstration of no negative impact, as required by the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA), in accordance with the EIA Guidelines published by ERCA. However, other options may also qualify as an adequate

demonstration of no negative impact. Prior to initiating an EIA, the applicant should contact the municipal planning department to request that ERCA provide a Terms of Reference for the study and/or determine appropriate mitigation techniques.

*It is therefore recommended that the Application be **deferred** until such time as an EIA has been completed.*

With the review of background information and aerial photograph, ERCA recommends that the application be deferred until such time as an EIA has been completed.

- ii) Email dated June 23, 2021 from the Windsor Police Department stating that:
The Windsor Police Service has no concerns or objections with the proposed severances to create new residential lots. These will not impact/compromise police service delivery.
- iii) Email dated June 18, 2021 from the Infrastructure Services Department stating;
 - The Town and applicant should enter into a consent agreement with respect to these lots Consent Agreement at a minimum should include:
 - Engineered drawings detailing sewer connections to be used and sewer connections to be abandoned, including method of decommissioning
 - Engineered drawings detailing water connections to be used and connections to be abandoned, including method of decommissioning (at the main)
 - Engineered drawings showing required watermain looping
 - Engineered drawings detailing road rehabilitation
 - Other items as typically noted (trees etc.)
- iv) Email dated June 21, 2021 from the Fire Department stating *Hickory View Crescent roadway to be completely tied into Whitewood Ridge loop not to create a dead end.*
- v) Email dated June 23, 2021 from the Building division stating:
 - All required permits for construction
 - Provide grading and drainage design
 - ERCA Approval required at permit application
- vi) Planning Report dated June 25, 2021 from Amy Farkas, Dillon Consulting Limited, on behalf of Frank Garardo, Manager of Planning Services.

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. Cindy Prince presented the concept of the application. The committee discussed the condition of the MECP clearance.

The Chair confirmed with Todd Hewitt that the Consent Agreement condition would satisfy all of Infrastructure Services concerns and development requirements. The Chair confirmed with the applicant that they are aware of the required conditions. The applicant confirmed knowledge and understanding of the conditions and that all conditions are at the expense of the applicant.

The following resolutions were put forth:

That application B/38/21 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 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 the applicant install separate water services, sanitary connections and utility services, to the lots in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
5. That the applicant must install a driveway access to the severed parcel to the satisfaction of the Infrastructure Services department prior to the stamping of deeds.
6. That the applicant be required to obtain a Right-of-Way Permit from Infrastructure Services according to Town policy for any work required within the limits of the Town right-of-way.
7. That the applicant enter into a Consent Agreement for the design and construction of the municipal Right-of-Way, Hickory View Court, to the satisfaction of the Infrastructure Services.
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.
10. That the applicant provide written confirmation from the Ministry of Environment, Conservation, and Parks (MECP) and Essex Region Conservation Authority identifying that a permit under the Endangered Species Act has been obtained to allow severance and construction on the severed lots.

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 request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

That application B/39/21 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 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 the applicant install separate water services, sanitary connections and utility

services, to the lots in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.

5. That the applicant must install a driveway access to the severed parcel to the satisfaction of the Infrastructure Services department prior to the stamping of deeds.
6. That the applicant be required to obtain a Right-of-Way Permit from Infrastructure Services according to Town policy for any work required within the limits of the Town right-of-way.
7. That the applicant enter into a Consent Agreement for the design and construction of the municipal Right-of-Way, Hickory View Court, to the satisfaction of the Infrastructure Services.
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.
10. That the applicant provide written confirmation from the Ministry of Environment, Conservation, and Parks (MECP) and Essex Region Conservation Authority identifying that a permit under the Endangered Species Act has been obtained to allow severance and construction on the severed lots.

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.

That application B/40/21 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 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 the applicant install separate water services, sanitary connections and utility services, to the lots in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
5. That the applicant must install a driveway access to the severed parcel to the satisfaction of the Infrastructure Services department prior to the stamping of

deeds.

6. That the applicant be required to obtain a Right-of-Way Permit from Infrastructure Services according to Town policy for any work required within the limits of the Town right-of-way.
7. That the applicant enter into a Consent Agreement for the design and construction of the municipal Right-of-Way, Hickory View Court, to the satisfaction of the Infrastructure Services.
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.
10. That the applicant provide written confirmation from the Ministry of Environment, Conservation, and Parks (MECP) and Essex Region Conservation Authority identifying that a permit under the Endangered Species Act has been obtained to allow severance and construction on the severed lots.

Moved by: Don Shaw
 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.

That application B/41/21 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 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 the applicant install separate water services, sanitary connections and utility services, to the lots in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
5. That the applicant must install a driveway access to the severed parcel to the satisfaction of the Infrastructure Services department prior to the stamping of deeds.
6. That the applicant be required to obtain a Right-of-Way Permit from Infrastructure Services according to Town policy for any work required within the limits of the Town right-of-way.

7. That the applicant enter into a Consent Agreement for the design and construction of the municipal Right-of-Way, Hickory View Court, to the satisfaction of the Infrastructure Services.
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.
10. That the applicant provide written confirmation from the Ministry of Environment, Conservation, and Parks (MECP) and Essex Region Conservation Authority identifying that a permit under the Endangered Species Act has been obtained to allow severance and construction on the severed lots.

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.

That application B/42/21 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 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 the applicant install separate water services, sanitary connections and utility services, to the lots in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
5. That the applicant must install a driveway access to the severed parcel to the satisfaction of the Infrastructure Services department prior to the stamping of deeds.
6. That the applicant be required to obtain a Right-of-Way Permit from Infrastructure Services according to Town policy for any work required within the limits of the Town right-of-way.
7. That the applicant enter into a Consent Agreement for the design and construction of the municipal Right-of-Way, Hickory View Court, to the satisfaction of the Infrastructure Services.
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.
10. That the applicant provide written confirmation from the Ministry of Environment, Conservation, and Parks (MECP) and Essex Region Conservation Authority identifying that a permit under the Endangered Species Act has been obtained to allow severance and construction on the severed lots.

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 request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

8. Next Meeting to be July 27, 2021.

9. Adjournment

The meeting was adjourned at 8:54 a.m.

ORIGINAL DOCUMENT SIGNED

Chairman- Dave Cozens

ORIGINAL DOCUMENT SIGNED

Secretary- Frank Garardo