

**AMHERSTBURG COMMITTEE OF ADJUSTMENT**

Present: T. Buchanan, A. Campigotto, 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: J. Mailloux, with notice

**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: Don Shaw  
Seconded by: Anthony Campigotto

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	Absent	
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 July 27, 2021 as presented.

Moved by: Don Shaw  
Seconded by: Terris Buchanan

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

**7. Order of Business**

**7.1 Application B/45/21 – Brendan Renaud – 125 Brunner Avenue (Roll No. 3729-340-000-11700)**

Public in Attendance: Brendan Renaud, Applicant

Purpose of Application B/45/21: The applicant is proposing to sever a parcel of land being 12.2 m (40 ft) frontage by 38 m (124.8 ft) depth with an area of 463.8 sq m (4992 sq ft) for purposes of creating a new residential building lot. The remaining parcel being 12.5 m (41 ft) frontage by 38 m (124.8 ft) depth with an area of 475.37 sq m (5116.8 sq ft) contains one single detached structure and one detached accessory structure. The subject property is zoned Residential First Density (R1) in the Town’s Zoning By-Law and designated Low Density Residential in the Town’s Official Plan.

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

- i) Letter dated July 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 Consent.*
- ii) Email dated July 17, 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 building lot. This will not impact/compromise police service delivery. From the sketch attached to the application, proper and adequate side yard widths will be maintained, which facilitate good sight lines for patrolling police officers.*
- iii) Email dated July 20, 2021 from the Building Division stating:
  - *Provide grading and drainage design*
  - *Sanitary connection required*

- iv) Email dated July 12, 2021 from the Infrastructure Services Department indicating the following:
- New driveway access required for new severance off Brunner including curb cut. Any new driveway access must satisfy all Town bylaws and policies regarding sight line, setbacks, widths, etc.
  - The applicant will be required to obtain a Right-of-Way Permit from EPW according to Town policy for any work required within the limits of the Town right-of-way. All permitting cost will be entirely borne by the applicant. Coordination with EPW and permits will be required to provide necessary servicing (water, sewer)
  - All downspouts from any new structure must not be connected into lot subdrains; downspouts must be constructed to splash onto the adjacent ground.
  - Individual water service connection will be required for the new lot.
  - Sanitary sewer service connection will be required for the new lot.
  - The cost of all servicing requirements will be at the expense of the applicant.
- v) Planning Report dated July 19, 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. Brendan Renaud presented the concept of the application. Discussion ensued regarding the need for a minor variance for lot area for both the severed and retained lots. The applicant confirmed this would be the only minor variance being applied for for the subject parcels, there will be no future variance requests. 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/45/21 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 the applicant obtain a Right-of-Way Permit from Infrastructure Services according to Town policy for any work required within the limits of the Town right-of-way. All permitting costs will be entirely borne by the applicant.
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 and retained lots to the satisfaction of the Building Department.
7. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$300 per lot.

- 8. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 5(3)(a) which requires a minimum lot area of 540 sq m in a Residential First Density (R1) Zone regarding the severed and retained parcels.
- 9. That the applicant shall not bring forward an application for a minor variance requesting relief in side yard setbacks.
- 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: Terris Buchanan  
Seconded by: Anthony Campigotto

-carried-

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

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

**7.2 Application B/46/21 – Forward Properties Group Inc., c/o Jonathan Seguin, Agent – 909 Concession 2 N (Roll No. 3729-410-000-03055)**

Public in Attendance: Jonathan Seguin, Agent on the application and Sonya Pukay, 915 Concession 2 N

Purpose of Application B/46/21: The applicant is proposing to sever a parcel of land being 21.97 m frontage ± by irregular depth with an area of 1915.38 sq m ± for purposes of creating a new residential building lot. The remaining parcel being 37.93 m frontage by an irregular depth with an area of 2990 sq m ± will continue to remain with one single detached structure and two detached accessory structures. The subject property is zoned Residential Type 1A (R1A) in the Town’s Zoning By-Law and designated Low Density Residential in the Town’s Official Plan.

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

- i) Letter dated July 20, 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 July 14, 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 July 12, 2021 from the Infrastructure Services Department stating:
  - *Individual water service connection will be required for the new lot. Coordination with EPW for necessary servicing.*
  - *The cost of all servicing requirements will be at the expense of the applicant.*
  - *Drainage Apportionment may be required.*
  - *No Sanitary sewers, septic field required for new lot. 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 a separate driveway accesses from County Road 5. This will require necessary review and approvals from the County of Essex.*
- iv) Email dated July 20, 2021 from the Building division stating
  - Performance evaluation of existing septic system and confirmation of septic location
  - Connection of driveway to be removed to accommodate proper grading
  - Provide grading and drainage design
- v) Planning Report dated July 19, 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. Sonya Pukay, owner of 915 Concession 2 N, was present. The Planner, Frank Garardo read the purpose of the application. Jonathan Seguin presented the concept of the application. Sonya Pukay expressed concern with the grading for the severed building lot will be significantly higher than her property at 915 Concession 2 N. The Chair explained that a condition of consent would be to have a grading plan prepared which is approved by the Town ensuring all stormwater on the severed and retained lots be maintained on each property and not drain onto neighbouring properties. 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/46/21 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 access to the proposed retained 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 the deeds. The access shall be provided to the satisfaction of the municipality.
5. That the severed lot be serviced with municipal water in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
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. That the applicant acknowledges satisfactory to the Corporation of the Town of Amherstburg requiring that the subject property be required to hook into a sanitary sewer system should it become available.
8. That Council approve the development of the newly created lot on a private individual septic system after the soil analysis and septic design for the proposed lot is completed as required. This requirement shall be fulfilled prior to the stamping of the deeds.
9. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the existing dwelling on the retained parcel does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
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. 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	Absent	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

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

**7.3 Application B/47/21 – Marshall Paton, c/o Jonathan Seguin, Agent – 2125 Front Road North (Roll No. 3729-500-000-33600)**

Public in Attendance: Jonathan Seguin, Agent on the application

Purpose of Application B/47/21: The applicant is proposing to sever a parcel of land being 21.5 m frontage ± by an irregular depth with an area of 2023 sq m ± contains one single detached structure. The remaining parcel being 42.5 m frontage ± by irregular depth with an area of 8.5 acres ±.

The subject property is zoned Residential Type 1A (R1A), Agricultural (A) and Wetland (W) Zones in the Town's Zoning By-Law and designated Low Density Residential, Agricultural and Provincially Significant Wetland in the Town's Official Plan. The land that is the subject of the consent is within the Low Density Residential designation and Residential Type 1A (R1A) Zone.

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

- i) Letter dated July 20, 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 Bondy-Bastien Drain and 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.*

*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 (Canard River Marshes (ER 2)) 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."*

*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](mailto:SAROntario@ontario.ca)).*

*Our information indicates that the subject parcel is likely to support fish habitat. As per Section 2.1.6 of the PPS, 2020 – "Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements." Inquiries regarding the applicability of fish habitat to the property should be made to the federal Fisheries and Oceans Canada website: [www.dfompo.gc.ca/pnw-ppe/index-eng.html](http://www.dfompo.gc.ca/pnw-ppe/index-eng.html).*

*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 objections to the application for Consent.*

- ii) Email dated July 14, 2021 from the Windsor Police Department stating that:  
*The Windsor Police Service has no concerns or objections with the proposed severance. The outcome from this will not impact/compromise police service delivery.*
- iii) Email dated July 12, 2021 from the Infrastructure Services Department stating:
  - *Individual water service connection will be required for the new lot. Coordination with EPW for necessary servicing*
  - *The cost of all servicing requirements will be at the expense of the applicant.*
  - *At this stage, a drainage apportionment for the Bondy Bastien Drain may 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. Contact Drainage Superintendent for additional details*
  - *No Sanitary sewers, septic field required for new lot. 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 a separate driveway accesses from County Road 20. This will require necessary review and approvals from the County of Essex.*
- iv) Email dated July 20, 2021 from the Building division stating
  - *Performance evaluation of existing septic system and confirmation of septic location*
  - *Ensure drainage is addressed with neighbouring properties*
  - *Driveway access required*
  - *County Road approval*
  - *ERCA Approval*
- v) Planning Report dated July 19, 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. Jonathan Seguin presented the concept of the application. Discussion ensued regarding the existing accessory structures and dirt bike path to be demolished. 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/47/21 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 access to the proposed retained 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 the deeds. The access shall be provided to the satisfaction of the municipality.
5. That the severed lot be serviced with municipal water in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
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. That the applicant acknowledges satisfactory to the Corporation of the Town of Amherstburg requiring that the subject property be required to hook into a sanitary sewer system should it become available.
8. That Council approve the development of the newly created lot on a private individual septic system after the soil analysis and septic design for the proposed lot is completed as required. This requirement shall be fulfilled prior to the stamping of the deeds.
9. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the existing dwelling on the severed parcel does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
10. 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.
11. That five (5) of the existing accessory structures, as indicated on the provided sketch, on the severed and retained parcels be demolished to the satisfaction of the Building division prior to the stamping of the deeds.
12. That the applicant remove the dirt bike path and regrade the retained parcel to the satisfaction of the Building division prior to the stamping of the deeds.
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: Anthony Campigotto  
Seconded by: Don Shaw

-carried-

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

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

**7.4 Application A/28/21 – Bryan & Sarah Anderson, – 6441 Concession 6 N (3729-390-000-08350)**

Public in Attendance: Bryan Anderson, Applicant

Purpose of Application A/28/21: 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 24 ft by 40 ft, 960 sq ft covered porch addition to an existing 40 ft x 80 ft, 3200 sq ft pole barn. There is also an existing 80 sq ft shed on the property. This results in a total accessory structure lot coverage of 4240 sq ft (5.9 %) on a 1.64 acre lot. Therefore, the amount of relief granted is 2249 sq ft in accessory structure lot coverage.

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

- i) Letter dated July 20, 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 July 14, 2021 from the Windsor Police Department stating that:  
*The Windsor Police Service has no concerns or objections with this application. The proposed covered porch addition to the pole barn structure is not anticipated to cause any safety concerns that would inhibit police incident/emergency response.*
- iii) Email dated July 12, 2021 from the Engineering and Public Works Department stating no comments.
- iv) Email dated July 20, 2021 from the Building division stating,
  - All permits required for construction and property drawings required.
- v) Planning Report dated July 19, 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. Bryan Anderson presented the concept of the application. The Chair confirmed with the applicant that they are aware of the required conditions. The applicant confirmed knowledge and understanding of the conditions.

The following resolution was put forth:

**That application A/24/21 be approved** subject to the following conditions:

1. That the location and design of the covered porch be in substantial conformity with the plans submitted as part of application A/28/21.
2. That the relief being granted as presented in the applicant's sketch for the construction of a covered porch open on the north, west and south elevations. A fully enclosed building or structure is not permitted.

Moved by: Terris Buchanan

Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	Absent	
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.

**7.5 Application A/29/21 – Michael Dunn, c/o Jeffrey Baker, Agent – 500 & 510 Harris Road (Roll Nos. TBD)**

Public in Attendance: Jeff Baker, Agent on the application

Purpose of Application A/29/21: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 6(3)(e) which requires a minimum exterior side yard setback of 7.5 m (24.6 ft) in a Residential First Density (R1) Zone. The applicant is proposing the construction of a single detached dwelling with an exterior side yard of 4.452 m (14.61 ft). Therefore, the amount of relief granted is 3.048 m (10 ft) in exterior side yard setback.

The subject property is zoned Residential First Density (R1) Zone in the Zoning By-law 1999-52, as amended, and designated Low Density Residential in the Town of Amherstburg Official Plan.

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

- i) Letter dated June 15, 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 White Drain - Outlet Portion. 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.”*

*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. However, the applicant must obtain a Section 28 Permit and/or Clearance from the Essex Region Conservation Authority.*

- ii) Email dated July 14, 2021 from the Windsor Police Department stating that:  
*The Windsor Police Service has no concerns or objections with this application. The proposed construction of a single detached dwelling that results in a reduction in minimum exterior side yard setback is not anticipated to cause any safety concerns that would inhibit police incident/emergency response.*
- iii) Email dated July 12, 2021 from the Engineering and Public Works Department stating no comments.
- iv) Email dated July 20, 2021 from the Building division stating no issues.
- v) Planning Report dated July 19, 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. Jeff Baker presented the concept of the application. 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/29/21 be approved** subject to the following condition:

- 1. That the relief in exterior side yard setback only apply to the single detached dwelling on the property, relief is not granted for any accessory structures built on the subject property.

Moved by: Terris Buchanan  
Seconded by: Don Shaw

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	Absent	
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.

**7.6 Application B/49/21 – Madeleine Monteleone, c/o Tracey Pillon-Abbs, Agent – 1770 Erie Avenue (Roll No. 550-07300)**

Public in Attendance: Tracey Pillon-Abbs, Agent on the application

Purpose of Application B/49/21: The applicant is proposing to sever a parcel of land being 69.15 ft (21 m) frontage by an irregular depth with an area of 20,225 sq ft (1879 sq m) is a vacant residential building lot. The remaining parcel being 69.15 ft (21 m) frontage by irregular depth with an area of 19,590 sq ft (1820 sq m) contains a single detached dwelling. The subject property is zoned Residential Type 1A (R1A) Zones in the Town's Zoning By-Law and designated Low Density in the Town's 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: *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 Lake Erie. 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.*

*We note that the low lying nature of roadway may result in over 0.6 meter of water over the road in a flooding event. ERCA advises that the Town of Amherstburg and the Municipal Emergency Services (fire, police) confirm that they have the ability to effect an access to these areas in order to fulfill the roles and responsibilities of first responders during times of flooding.*

*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.*

*Upon review of the application and available background information, we note that the low lying nature of the roadway may result in excess of 0.6 meters of water over the road during a 1:100 year flood event. The Municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020). Additionally, the applicant must obtain a Section 28 Permit from ERCA prior to undertaking any development on the site.*

- ii) Email dated July 14, 2021 from the Windsor Police Department stating that:  
*The Windsor Police Service has no concerns or objections with the proposed severance. The outcome from this will not impact/compromise police service delivery.*
- iii) Email dated July 12, 2021 from the Infrastructure Services Department stating,
  - *New driveway access required for new severance off Erie. Any new driveway access must satisfy all Town bylaws and policies regarding sight line, setbacks, widths, etc.*
  - *The applicant will be required to obtain a Right-of-Way Permit from EPW according to Town policy for any work required within the limits of the Town right-of-way. All permitting cost will be entirely borne by the applicant. Coordination with EPW and permits will be required to provide necessary servicing (water, sewer)*
  - *Individual water service connection will be required for the new lot.*
  - *It appears that the lot has a sanitary sewer service connection. Confirm with EPW. If connection is not viable a new connection will be required*
  - *The cost of all servicing requirements will be at the expense of the applicant.*
  - *Drainage Apportionment for Bailey Beach Drain may be required.*
- iv) Email dated July 26, 2021 from the Fire Department stating  
*Based on GIS numbers*
  - *One side of the property is 175.467m and the other side is 175.327m if averaged the Height is 175.397*
  - *ERCA 100 year flood line is 175.600 so this property access roadway is .203 m or 8" below the High Water Mark and our policy allows for 12" or .305 m*
  - *As a result we would have access to the property.*
- v) Email dated July 20, 2021 from the Building division stating,
  - *Provide grading and drainage design*
  - *Sanitary connection required*
  - *ERCA Approval*
- vi) Planning Report dated July 20, 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. Tracey Pillon-Abbs presented the concept of the application. Discussion ensued regarding safe access for Emergency Services. 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/49/21 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 the applicant obtain a Right-of-Way Permit from Infrastructure Services according to Town policy for any work required within the limits of the Town right-of-way. All permitting costs will be entirely borne by the applicant.
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 and retained lots to the satisfaction of the Building Department.
7. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
8. That a 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 Emergency Services provide confirmation of safe access to the newly severed lot prior to the stamping of the deeds.
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: Terris Buchanan  
Seconded by: Anthony Campigotto

-carried-

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

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

**7.7 Application B/34/21 – Brock & Nicole Humber – 5274 Concession 5 S (Roll. No.3729-630-000-01601)**

Public in Attendance: Nicole Humber, Applicant, Edwin Hooker, Agent on the application, Giselle Borrowman, 4841 County Road 18

Purpose of Application B/34/21: The applicant is proposing to sever a parcel of land with 428.14 ft ± frontage by an irregular depth and an area of 20.42 acres ± for the purpose of a lot addition to merge with 4841 County Road 18. The proposed retained parcel being 225 ft ± frontage by 325 ft ± depth has an area of 1.68 acres ± and contains one single detached dwelling and one accessory structure.

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

- i) Letter dated July 20, 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 Ernest Paquette 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.*

*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](mailto: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 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) Letter dated July 14, 2021 from the County of Essex stating:  
*Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 18. The Applicant will be required to comply with the following County Road regulations:*

*County By-Law Number 2480 - A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.*

*The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road No. 1B. Permits are necessary for any changes to existing structures, or the construction of structures. No new access will be permitted on to County Road 18, new access to be located on Concession Road 5.*

- iii) Email dated July 14, 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.*
- iv) Email dated July 12, 2021 from the Infrastructure Services Department stating:
- *Drainage Apportionment required for the Ernest Paquette Drain*
- v) Email dated June 21, 2021 from the Fire Department stating no concerns.



- vi) Email dated July 20, 2021 from the Building division stating,
  - *Performance evaluation of exiting septic system and confirmation of septic location.*
- vii) Planning Report dated June 22, 2021 and revised July 21, 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. Giselle Borrowman, 4841 County Road 18 was present. The Planner, Frank Garardo read the purpose of the application. Edwin Hooker presented the concept of the application. Discussion ensued regarding the proposed condition. The Committee discussed a condition to ensure no further severance would be permitted from the severed and merged parcels. Proposed condition 5 was amended to add legal language to ensure the original consent is broken.

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/34/21 be approved** subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate, and a copy be provided to the municipality.
3. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent (severed and retained parcels).
4. That prior to the stamping of the deeds the owner is to provide satisfactory evidence that the adjacent parcel is under common ownership relative to the parcels which are subject to the consent.
5. That the applicant submit a draft Transfer to break the original consent on 4841 County Road 18 together with a Solicitors undertaking that the parcels which are intended to be merged will be registered in the same name all to the satisfaction of the municipality.
6. That all property taxes be paid in full.
7. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
8. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the retained parcel does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
9. That a minor variance or zoning by-law amendment be obtained from the Section 26(3)(a)(i) of By-law 1999-52, as amended, subject to the discretion of the municipality, which requires a minimum lot area of 40 hectares in an Agricultural

(A) Zone regarding the severed parcel, as required.

- 10. That 4841 County Road 18 be rezoned from Agricultural Special Provisions (A-1) Zone to Agricultural (A) Zone to be consistent with the zoning of the merging farm parcel for the purpose of eliminating the use of a transport truck terminal.
- 11. That a restrictive covenant be registered on the title of the severed and merged parcel recognizing that to no further severances are to be permitted.
- 12. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Don Shaw  
Seconded by: Terris Buchanan

-carried-

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

Reasons of Committee – The lot addition; preserves agricultural lands, no new lots are being created, improves MDS issue and limits possibility of a transport truck terminal on agricultural lands.

8. **Next Meeting** to be August 31, 2021.

9. **Adjournment**

The meeting was adjourned at 9:24 a.m.

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Chairman- Dave Cozens

\_\_\_\_\_  
Secretary- Frank Garardo