

AMHERSTBURG COMMITTEE OF ADJUSTMENT

Present: D Cozens, D. Shaw, T. Buchanan

Also Present: Kevin Fox, Policy and Committee Coordinator, Amy Farkas, Planner, Dillion Consulting, Todd Hewitt, Manager of Engineering and Operations, Kanchan Ghadge, Planner, Janine Mastronardi, Planning Office Clerk

Absent: A. Campigotto (with notice), J. Mailloux (with notice)

1. **Call to Order**

The Chair, David Cozens, called the meeting to order at 7:33 a.m. and performed introductions of the Committee members and administration.

2. **Roll Call**

The Chair completed roll call for the electronic meeting, A. Campigotto and J. Mailloux were absent with notice.

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: Donald Shaw
Seconded by: Terris Buchanan

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

6. **Adoption of Minutes**

The Chair requested comments on the adoption of two sets of minutes of October

26, 2021 and November 09, 2021 Committee of Adjustment meetings.

A motion was put forward to adopt the minutes of October 26, 2021 as presented.

Moved by: Donald Shaw

Seconded by: Terris Buchanan

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

A motion was put forward to adopt the minutes of November 09, 2021 with an amendment on page 6 to replace 'allowed to Amico' with 'allowed by Amico' regarding application A/42/21 under the Committee Discussion's second paragraph.

Moved by: Donald Shaw

Seconded by: Terris Buchanan

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

7. Order of Business

7.1 Application A/43/21 – Karl Kessel – 8580 Middle Side Rd. (Roll No. 3729-430-000-01000).

Public in Attendance: Karl Kessel

Purpose of Minor Variance Application A/42/21: 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 accessory buildings or structures on a lot shall not exceed 10 percent of the lot area of the said lot and to a maximum of 100 square metres (1076 sq. ft.) for accessory buildings and structures in any Residential Zone. The applicant is proposing the construction of a 34 ft. by 38.5 ft., 1309 sq. ft. detached garage which includes a 231 sq. ft. covered porch area. Therefore, the amount of relief requested is 233 sq. ft. in accessory structure lot coverage.

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

- i) Letter dated November 18, 2021 from the Essex Region Conservation Authority with the following comments:
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 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 November 23, 2021 from the County of Essex with the following comments:

“the County has reviewed the aforementioned applications and the comments provided are engineering related only. These applications have not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 10. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 24BL - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law Number 24BO - 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. 10. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances and structures”.

- iii) Email dated November 19, 2021 from the Infrastructure Services Department stating they have no comments on the application.
- iv) Email dated November 16, 2021 from Windsor Police Service stating that they have no concerns or objections with the application.
- v) Email dated November 16, 2021 from the Fire prevention and Inspection Officer stating they have no objection to the minor variance for lot coverage reduction.
- vi) Planning Report dated November 24, 2021 from Frank Garardo, Manager of Planning Services and Kanchan Ghadge, Planner.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. There were none. Kevin Fox read the purpose of the application. The applicant presented the concept of the application. Discussion ensued regarding the height of the structure, width of the side yard for car access, the removal of pool and size of the porch. The Applicant clarified that the porch will be covered but not enclosed with all three sides of the porch remaining open. The Committee discussed the application and decided to approve the minor variance subject to conditions. Janine Mastronardi read the conditions of the minor variance and the applicant acknowledged understanding.

The following resolution was put forth:

That application A/43/21 be approved subject to the following conditions:

1. That a proper grade design and drainage plan be provided to the satisfaction of the Building division prior to the issuance of a building permit.
2. That the east, west and south sides of the covered porch area will not be enclosed.

Moved by: Terris Buchanan

Seconded by: Donald Shaw

-carried-

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

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.

7.2 Applications B/68/21 & A/44/21 – 2753409 Ontario Ltd., c/o Drew Coulson, Agent – W/S Front Rd N (Roll No. 3729-420-000-12200).

Public in Attendance: Drew Coulson, Agent on the application, Michael McCourt, 777 Front Rd N

Purpose of Consent Application B/68/21: The applicant is proposing to sever a parcel of land being 22.86 m (75 ft.) frontage by an irregular depth with an area of 1104 sq. m. (11,883.4 sq. ft.) for purposes of creating a new residential building lot. The remaining parcel being 22.86 m (75 ft.) frontage by an irregular depth with an area of 1104 sq. m. (11,883.4 sq. ft.) is a vacant residential building lot. 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.

Purpose of Minor Variance Application A/44/21: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(26)(a) which requires no part of any building or structure erected shall be closer than twenty-six (26) metres (85.3 ft) to the centerline of a County Road. The applicant is proposing the construction of a new home with a 17.93 m (58.8 ft) setback from the centerline of the County Road on the severed and retained parcels. Therefore, the amount of relief requested for the severed and retained parcels is 8.07 m (26.5 ft) in setback from the centerline of a County ROW.

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

- i) Letter dated November 18, 2021 from the Essex Region Conservation Authority with the following comments:
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 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.

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 advises that the applicant must obtain a Section 28 Permit prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

- ii) Letter dated November 23, 2021 from the County of Essex with the following comments:

Please be advised that the County of Essex has reviewed the aforementioned applications and the comments provided are engineering related only. These applications have not been reviewed from a planning perspective. This road was formerly King's Highway 18 until it was downloaded to the County of Essex.

The minimum setback for any structures for the severed and retained parcels is 8 meters from the front property limit. Severed and retained parcels to have a mutual approach.

Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

- iii) Email dated November 19, 2021 from the Infrastructure Services Department with the following comments:

- *Based on the proposal, both new lots will require driveway access from Front Road North (County Road 20). This will require necessary review and approvals from the County of Essex.*
- *All downspouts from any new structure must not be connected into lot sub-drains; downspouts must be constructed to splash onto the adjacent ground.*
- *Individual water service connection will be required for both lots.*
- *Sanitary sewer service connection will be required for both the severed and the retained lot.*
- *The existing sanitary sewer and watermain is located on the east side of Front Road North, opposite of the subject parcel. It will be required to drill new service leads beneath the roadway in order to service the new lot.*
- *Any work within the County of Essex right-of-way will require necessary review and approval from the County of Essex.*
- *The cost of all servicing requirements will be at the expense of the applicant.*

- iv) Email dated November 16, 2021 from Windsor Police Service stating that they have no concerns or objections with the consent and minor variance applications.

- v) Email dated November 16, 2021 from Fire prevention and Inspection Office stating that that the Fire department has no objection to the lot severance in application B/68/21 and reduced front setback in A/44/21.

- vi) Planning Report dated November 24, 2021 from Frank Garardo, Manager of Planning Services and Kanchan Ghadge, Planner.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. Michael McCourt, owner of 777 Front Rd N, was present for the meeting and said he would like to speak on the application. Kevin Fox read the purpose of the application. Drew Coulson, Agent on the application, explained the concept of the application. It was confirmed that the required interior side yard width minimum is 1.5 m (4.9 ft) in the R1A Zone. Michael McCourt objected to the application, specifically expressing concern on the scale of the development, the need for traffic study and allowing the variance in front yard setback from the centerline of the ROW. T. Hewitt

responded that traffic studies are not typically required for infill of single detached dwelling development. The Chair explained that the severance application complied with the planning requirements for minimum lot frontages and lot area and that the Provincial Policy Statement supports intensification and infill development. The Chair also advised that several houses in this area on the west side of Front Rd N were granted the same variance from the centerline of the County ROW. Janine Mastronardi read the conditions of the severance and the applicant acknowledged understanding.

The following resolutions were put forth:

That application B/68/21 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate, and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That the applicant submit to the municipality lot grading plans and drainage design for the severed and retained lots to the satisfaction of the Municipality.
5. That the applicant complete new water and sanitary sewer service connections provided for the severed and retained lots. The cost of all servicing requirements will be at the expense of the applicant and to the satisfaction of the Municipality.
6. That the applicant apply for and receive County Road Approval for any work within the County of Essex Right-of-Way for separate driveway accesses from Front Road North (County Road 20) for each lot.
7. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$300 for the severed lot.
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: Donald Shaw

-carried-

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

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

That application A/44/21 be approved.

Moved by: Donald Shaw
Seconded by: Terris Buchanan

-carried-

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

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.

7.3 Application B/63/21 – Christopher & Elaine Mannina, c/o Dillon Consulting, Agent – 8559 Concession 8 (Roll No. 3729-430-000-09700).

Public in Attendance: Zoe Sotirakos, Dillon Consulting, Agent on the application

Purpose of Application B/63/21: The applicant is proposing to sever a parcel of land with an area of 12.01 ha (29.67 acres) ± for the purpose of a lot addition to merge with the lands to the south owned by MGV Developments (McGregor) Inc. The proposed retained parcel being 137.3 m ± frontage by an irregular depth has an area of 8.67 hectares (21.42 acres) ±. The proposed severed parcel is within the settlement boundary, designated Low Density Residential in the Town's Official Plan and zoned Agricultural (A) Zone in the Town's Zoning By-law

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

- i) Letter dated November 18, 2021 from the Essex Region Conservation Authority with the following comments:
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 Galipeau D&W, Sucker Creek Drain and Major Knapp 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 or 519-776-5209 ext 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. 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.

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.

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

- ii) Letter dated November 23, 2021 from the County of Essex with the following comments:

Please be advised that the County of Essex has reviewed the aforementioned applications and the comments provided are engineering related only. These applications have not been reviewed from a planning perspective.

Lands that will be severed and merged to MGV Developments fronts County Road No. 10 and County Road No. 11. The County of Essex requests to be included in circulation and consultation for future land development with site.

- iii) Email dated November 19, 2021 from the Infrastructure Services Department with the following comments:

- At the request of the developers (MGV Developments (McGregor Inc.), Council has previously appointed a drainage engineer to prepare a new report under the Drainage Act for the Dufour Drain. This report will make provisions for a new access crossing, drain maintenance, and updates to the schedule of assessment. Additionally, the appointed engineer has been instructed to review any physical affects that the proposed development will have on the drain and corresponding design mitigation measures.*
- It is the expectation that the development of this property and those owned by MGV Developments (McGregor Inc.) will be subject to the Site Plan Control process and it will be at that time that Infrastructure Services will provide comments regarding site servicing, right-of-way issues, drainage, storm water management, etc.*

- iv) Email dated November 16, 2021 from Windsor Police Service stating that they have no concerns or objections with the application.

- v) Email dated November 16, 2021 from the Fire prevention and Inspection Officer stating they have no objection to the proposed land severance.

- vi) Planning Report dated November 24, 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. Kevin Fox read the purpose of the application. Zoe Sotirakos from Dillon Consulting explained the concept of the application. The Committee discussed the intended future use of the retained and severed land parcels. Zoe Sotirakos explained that the retained parcel will continue to be used as agricultural lands in compliance with the current Agricultural zoning. The severed parcel is intended to be merged with the adjoining residential lands to the south and be used for future residential development subject to the conditions of this applications and a future

rezoning application. The Committee discussed the need for a condition of a minor variance on the retained parcel to recognize the smaller than the allowable 40 ha agricultural lot area. Janine Mastronardi read the conditions of the severances and the applicant acknowledged understanding.

The following resolution was put forth:

That application B/63/21 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant as necessary.
5. 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).
6. 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.
7. That the severed lands be rezoned to a holding-Residential zone to ensure conformity to the Official Plan prior to the stamping of the deed. The zoning will include a holding provision to ensure the orderly development of lands and the adequate provision of municipal services, the “holding” symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the Town of Amherstburg.
8. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel, as required.
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: Donald Shaw
Seconded by: Terris Buchanan

-carried-

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

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.

7.4 Application B/65/21 – Boblo Developments Inc. – E/S Gold Coast Drive (3729-640-000-44110)

Public in Attendance: Cindy Prince, Vice President and Gudrin Beggs, Manager of Planning both on behalf of Boblo Developments Inc., Craig MacKenzie-Haines, property owner of 468 & 470 Goldcoast Dr., Kyle Gregoire, property owner of 486 Goldcoast Dr., Stephanie Thompson, resident of Boblo Island and Michael Prue, property owner of 386 Crystal Bay.

Purpose of Application B/65/21: The applicant is proposing to sever a parcel of land being approximately 30.5 m (100 ft) ± frontage by approximately 90 m (300 ft) depth with an area of 0.96 ha (2.38 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 3.35 ha (8.27 acres), is vacant land.

On November 9th, 2021, the Committee of Adjustment deferred Consent Application B/65/21 for the subject land, to allow the applicant to consult with the MECP to ensure all issues related to the Endangered Species Act are addressed. The application has since been amended to remove 294 sq m from the severed parcel to avoid an identified SAR habitat.

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

- i) Letter dated November 16, 2021 from GEI Consultants Savanta Division with the following comments:

In order for Boblo Developments Inc. to move forward with its lot extension request along the east side of Gold Coast Drive, the Ministry of Environment, Conservation and Parks (MECP) was contacted to determine the need for their input regarding species at risk (SAR) and the Endangered Species Act (ESA).

A discrepancy along the eastern lot lines was identified upon further investigation of the surveyed water's edge. The lot extended further into the water than what was once originally known. This change has prompted a request for confirmation from MECP that the newly configured lot (which is in keeping with the new surveyed water's edge) would also not contravene the ESA: this lot did not require an ESA permit, originally, because the lot avoided the identified SAR habitat.

Our SAR habitat mapping identifies that there is a small portion of Category 2 SAR habitat (moderate tolerance to alteration) along the south-easterly limit of the proposed lot extension. We recommend that the lot extension avoid this portion of SAR habitat so that it is not included within the limit of the proposed extension.

Therefore, the proposed extension will avoid the identified SAR habitat, which will then ensure that an ESA permit is not required.

Savanta discussed this adjustment with the MECP. The MECP reiterated that clearance letters, emails, etc. are not items that they provide when the ESA is not triggered. If SAR individuals and habitat can be avoided and no impacts are anticipated, then the ESA is not triggered and input from the MECP is not required.

As such the extension of this lot, as shown on the attachment, is consistent with direction and guidance from the MECP: the extension avoids the identified SAR habitat, thereby avoiding the need for an ESA permit and further involvement from the MECP.

While clearance or sign off from the MECP is not a service they provide, the MECP has been copied on this correspondence to confirm that this matter

has been brought to their attention and that it is understood that their involvement is not necessary for this lot extension because the ESA is not triggered due to the lot extension avoiding any identified SAR habitat.

While I trust that this information addresses the request for MECP clearance, please do not hesitate to contact the undersigned for further clarification or information.

- ii) Letter dated November 23, 2021 from the Essex Region Conservation with the following comments:
The following is provided, as a result of our recent review of Application for Consent B-65-21, as revised by the Applicant, dated November 16, 2021, in a letter to the Town of Amherstburg, prepared by GEI Consultants (Savanta Division) (see Attachment 'A').

The Applicant is proposing to sever a residential parcel of land, as amended. The subject lands are zoned Resort Residential / Resort Commercial (RR/RC) Zone, in the applicable Zoning By-law (1999-52) and designated Recreational Development in the Town of Amherstburg Official Plan.

The Applicant has now slightly altered the lot line, to exclude a small area that their consultant deemed to be SAR habitat and that small area, will remain with the habitat area, to the abutting south, which is the subject of an MECP permit from a number of years ago (separate from the south end permit):

"Our SAR habitat mapping identifies that there is a small portion of Category 2 SAR habitat (moderate tolerance to alteration) along the south-easterly limit of the proposed lot extension. We recommend that the lot extension avoid this portion of SAR habitat so that it is not included within the limit of the proposed extension. Therefore, the proposed extension will avoid the identified SAR habitat, which will then ensure that an ESA permit is not required. If SAR individuals and habitat can be avoided and no impacts are anticipated, then the ESA is not triggered and input from the MECP is not required." -GEI Consultants (Savanta Division).

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act, as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

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 following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

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

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems, as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act.

The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

Our information indicates that the subject property is identified by the Ontario Ministry of Environment, Conservation & Parks (MECP) as regulated 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 (ESA).

Please be advised, it appears that there is natural vegetation along the eastern portion of the property. This was identified by the MNR in 2013, as a concern related to regulated species at risk habitat. Savanta in 2018, only identified a small portion of this habitat as regulated habitat. It appears from recent aerial photographs that there is additional habitat existing north of the area, identified as class 2 habitat, by Savanta.

FINAL RECOMMENDATION The proponent should ensure that all appropriate ESA authorizations are obtained from the MECP, if any alteration to any habitat on the property is proposed.

- iii) Email dated October 27, 2021 from the Infrastructure Services Department with the following comments:
 - *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 October 27, 2021 from Building Services stating that grade design indicate drainage and site servicing and all required permits for the building will be required.
- v) Email dated October 26, 2021 from Windsor Police Service stating that they have no concerns or objections with the application.
- vi) Email dated November 1, 2021 from the Fire prevention and Inspection Officer stating they have no objection to the application B-65-21.
- vii) Planning Report dated November 26, 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. Kevin Fox read the purpose of the application. Cindy Prince updated the Committee about the progress on clarifying the concerns raised on the application since the last meeting on November 9, 2021. Ms. Prince advised the purchaser of the lot is preparing an extensive landscaping plan with the house on the

south side of the lot, the pool behind the house, landscaping and a gazebo in the rear of the property. Discussion ensued regarding the ownership of the waterlot, enforcement of the Endangered Species Act, the conditions put on the agreement with the purchaser, disclosures made to the purchaser, placement of the dwelling, pool house, pool, gazebos, and ornamental structures on the subject land.

Craig MacKenzie-Haines, property owner of 468 & 470 Goldcoast Drive raised concerns about previously not having knowledge about the location of structures on the site discussed in this meeting. He also asked if going forward is Amico going to be opening water access to just this property owner or all property owners.

Kyle Gregoire, property owner of 486 Goldcoast Dr., raised concern about the drainage onto his property from the subject property once developed. The Chair noted that a grading plan will be a condition of the severance to ensure the severed parcel has a proper drainage system once developed.

Stephanie Thomson attended the meeting for information but did not speak.

Michael Prue, property owner of 386 Crystal Bay, spoke about his concerns about water access, placing of private docks and the deed restrictions between Amico and Boblo Island property owners.

The Committee advised that it is beyond their scope to intervene in agreements and deed restrictions between the property owners and Boblo Developments Inc.

The Committee confirmed that prior to issuance of a building permit the applicant will submit in writing all MECP approvals, an ERCA permit/clearance and demonstrate zoning and deed restriction compliance.

Janine Mastronardi read the revised purpose of the application noting the extent of the severance on the east side being the water's edge and read the conditions of the severance. The purpose read as follows: The applicant is proposing to sever a parcel of land being approximately 30.5 m (100 ft) ± frontage by an irregular depth to the water's edge with an area of 0.654 ha (1.62 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 3.65 ha (9.03 acres), is vacant land.

The applicant acknowledged understanding and agreed to the revised purpose and proposed conditions.

The following resolution was put forth:

That application B/65/21 be approved subject to the following amended 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 property owner install separate utility services to the severed lot 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 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 applicant be required to undertake a lot grading plan for the severed lot to the satisfaction of the Building division.
- 9. That the applicant be required to ensure all issues related to the *Endangered Species Act* (ESA) be addressed and obtain all required authorizations from the MECP.
- 10. That the title of the severed parcel contain a building restriction limiting the building envelope to south of the easterly extension of the southerly lot line of 470 Gold Coast Drive, save and except for ornamental structures as described in Zoning By-law, 1999-52, as amended and a gazebo.
- 11. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Terris Buchanan
Seconded by: Donald Shaw

-carried-

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

9. **Next Meeting**

The next Committee of Adjustment meeting is scheduled on December 14, 2021 at 7:30 a.m.

10. **Adjournment**

The meeting was adjourned at 9:38 a.m.

Original Document Signed

Chairman- Dave Cozens

Original Document Signed

Janine Mastronardi on behalf of
Secretary- Frank Garardo