



# The Corporation of The Town of Amherstburg

271 SANDWICH ST. SOUTH  
AMHERSTBURG, ONTARIO  
N9V 2A5

PLANNING SERVICES DEPARTMENT  
BUS (519) 736-5408  
FAX (519) 736-9859  
Website: [www.amherstburg.ca](http://www.amherstburg.ca)

FRANK GARARDO, MCIP, RPP  
MANAGER OF PLANNING SERVICES  
Email: [fgarardo@amherstburg.ca](mailto:fgarardo@amherstburg.ca)

October 1, 2020

Re: File **B/16 & 17/19**  
Decision Made on Application for Consent of  
**Capo D'Aqua Corporation c/o Dillon Consulting Ltd**  
**849 Front Road South**

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In compliance with Subsection 17 of Section 53 of The Planning Act, I enclose herewith a certified copy of the decision of the Committee with regard to the above-noted file.

Please be advised that the last day for filing an appeal is **October 21, 2020.**

Subsection 19 of Section 53 of The Planning Act states that any person or public body may, not later than 20 days after the giving of notice under subsection (17) is completed, appeal the decision or any condition imposed by the committee or appeal both the decision and any condition to the Tribunal by filing with the clerk of the municipality a notice of appeal setting out the reasons for the appeal, accompanied by the fee prescribed under the *Local Planning Appeal Tribunal Act, 2017*.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

**Disclaimer:** Due to the COVID-19 pandemic, all appeals filed must be submitted to the Town in accordance to Planning Act Regulations. Any appeals received by the Town will be held until LPAT resumes appeal hearings in accordance with the Emergency Order and O. Reg. 149/20.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

On an application that has been granted by the Committee, before final certification can be issued, proof in writing must be submitted to the Secretary-Treasurer showing that all conditions imposed by the Committee have been dealt with in a manner satisfactory to the appropriate authority.

Frank Garardo, Secretary-Treasurer

**DECISION OF APPROVAL AUTHORITY  
WITH REASONS RE APPLICATION FOR CONSENT**

- (a) Name of approval authority **TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT**
- (b) Name of applicant RE AN APPLICATION BY (b) **Capo D'Aqua Corporation,  
c/o Dillon Consulting Ltd.**
- (c) Brief description LOCATION OF PROPERTY (c) **849 Front Road South  
(Roll No. 3729-600-000-02000)**
- (d) As set out in application PURPOSE OF APPLICATION (d) The applicant is proposing to sever a parcel of land being 48.5 m (159.12 ft) frontage by an irregular depth with an area of 0.37 hectares (0.91 acres) for purposes of the creation of a new residential building lot. The subject property is in the Residential Second Density (R2) Zone. The severed lands currently have a storage barn on the property. The retained parcel being 278.9 m (915.03 ft) frontage and an irregular depth with an area of 47.59 hectares (117.6 acres) contains one (1) single detached dwelling and two accessory buildings.
- The severed lands will also contain the associated water lot located on Front Road South measuring 50.54 m (165.81 ft) in frontage with an irregular depth and a total area of 0.46 ha (1.14 ac). The retained water lot will have a frontage of approximately 265.63 m (871.49 ft) after the severance.
- (e) Date of decision CONCUR in the following decision and reasons for decision made on the (e) 29<sup>th</sup> day of September, 2020.
- DECISION: **APPROVED**
- (f) State conditions to be satisfied before granting of consent
1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
  2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
  3. Prior to the stamping of deeds, the applicant shall provide evidence that the water lots are registered in the same name and interest as the proposed inland lots and completed by consent process under the Planning Act or a legal merger satisfactory to the Municipality.
  4. That all property taxes be paid in full.
  5. That one driveway access to be shared by the two lots must be constructed to the subject properties where one does not exist. That an access permit be obtained for the shared driveway from the County of Essex and any other requirements to their satisfaction, prior to the stamping of deeds. The access shall be provided to the satisfaction of the municipality.
  6. That the portion of the subject lands identified in the Environmental Impact Assessment (EIA) as buffer lands be rezoned to Environmental Protection (EP) through a rezoning application to the Town of Amherstburg.
  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 each of the severed lots will be serviced with municipal water in accordance with and under the supervision of the municipality prior to the stamping of deeds.
  9. That Council approves the development of the subject lots on private individual septic systems after the soil analysis and septic design for each of the proposed lots is completed.

10. The severance application B/16/19 is denied unless the applicant removes the existing accessory structure or is successful in obtaining a temporary use-by-law prior to the stamping of the deeds.

11. The applicant will be responsible for providing a report from a certified designer/installer that the existing private septic system serving the dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance (B/16/19) prior to the stamping of the deeds.

12. That an archaeological assessment be completed by a qualified professional on the subject land prior to the stamping of the deeds, to the satisfaction of the Town of Amherstburg.

13. This consent will be deemed to be refused in accordance with the Planning Act the above noted conditions are not met within two years from the date of this notice.

(g) State reasons for decision

REASONS FOR DECISION: (g) The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The applicant has performed the majority of the required studies for the two lots and received clearance from most applicable ministries and agencies. The archaeological study will be provided to the Town prior to the stamping of the deeds.

I/WE, the undersigned, in making the decision upon this application for consent, in addition to other matters, have had regard to the matters that are to be had regard to under subsection 51(4) of The Planning Act, and having considered whether a plan of subdivision of the land in accordance with Section 50 of the said Act is necessary for the proper and orderly development of the municipality.

.....  
David Cozens                                  Terris Buchanan

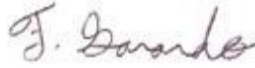
..... ORIGINAL DOCUMENT SIGNED  
Donald Shaw                                  Josh Mailloux

**CERTIFICATION**  
*The Planning Act, R.S.O. 1990*

(h) Name of approval authority          I, **Frank Garardo, Secretary-Treasurer** of the (h) **Town of Amherstburg** certify that the above is a true copy of the decision of the approval authority with respect to the application recorded therein.

(i) Name & address of approval authority

Dated this 1<sup>st</sup> day  
of October, 2020

  
.....  
Secretary-Treasurer  
Town of Amherstburg  
Committee of Adjustment  
3295 Meloche Rd, Amherstburg, ON N9V 2Y8

**DECISION OF APPROVAL AUTHORITY  
WITH REASONS RE APPLICATION FOR CONSENT**

(a) Name of approval authority **TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT**

(b) Name of applicant RE AN APPLICATION BY (b) **Capo D’Aqua Corporation,  
c/o Dillon Consulting Ltd.**

(c) Brief description LOCATION OF PROPERTY (c) **849 Front Road South  
(Roll No. 3729-600-000-02000)**

(d) As set out in application PURPOSE OF APPLICATION (d) The applicant is proposing to sever a parcel of land being 66.4 m (217.8 ft) frontage by an irregular depth with an area of 0.44 hectares (1.08 acres). The subject property is in the Residential Second Density (R2) Zone. The proposed severed land currently has (1) single detached dwelling and two accessory buildings. The retained parcel being 212.5 m (697.18 ft) frontage and an irregular depth with an area of 47.15 hectares (116.5 acres) contains one accessory structure.

The severed lands will also contain the associated water lot located on Front Road South measuring 68.26 m (224 ft) in frontage with an irregular depth and an area of 0.56 ha (1.38 ac). The retained water lot will have a frontage of approximately 197.37 m (647.5 ft) after the severance.

(e) Date of decision CONCUR in the following decision and reasons for decision made on the (e) 29<sup>th</sup> day of September, 2020.

**DECISION: APPROVED**

- (f) State conditions to be satisfied before granting of consent
1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
  2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
  3. Prior to the stamping of deeds, the applicant shall provide evidence that the water lots are registered in the same name and interest as the proposed inland lots and completed by consent process under the Planning Act or a legal merger satisfactory to the Municipality.
  4. That all property taxes be paid in full.
  5. That one driveway access to be shared by the two lots must be constructed to the subject properties where one does not exist. That an access permit be obtained for the shared driveway from the County of Essex and any other requirements to their satisfaction, prior to the stamping of deeds. The access shall be provided to the satisfaction of the municipality.
  6. That the portion of the subject lands identified in the Environmental Impact Assessment (EIA) as buffer lands be rezoned to Environmental Protection (EP) through a rezoning application to the Town of Amherstburg.
  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 each of the severed lots will be serviced with municipal water in accordance with and under the supervision of the municipality prior to the stamping of deeds.
  9. That Council approves the development of the subject lots on private individual septic systems after the soil analysis and septic design for each of the proposed lots is completed.

10. The severance application B/16/19 is denied unless the applicant removes the existing accessory structure or is successful in obtaining a temporary use-by-law prior to the stamping of the deeds.
11. The applicant will be responsible for providing a report from a certified designer/installer that the existing private septic system serving the dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance (B/16/19) prior to the stamping of the deeds.
12. That an archaeological assessment be completed by a qualified professional on the subject land prior to the stamping of the deeds, to the satisfaction of the Town of Amherstburg.
13. This consent will be deemed to be refused in accordance with the Planning Act the above noted conditions are not met within two years from the date of this notice.

(g) State reasons for decision REASONS FOR DECISION: (g) The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The applicant has performed the majority of the required studies for the two lots and received clearance from most applicable ministries and agencies. The archaeological study will be provided to the Town prior to the stamping of the deeds.

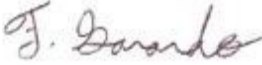
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David Cozens                      Terris Buchanan

..... ORIGINAL DOCUMENT SIGNED  
Donald Shaw                      Josh Mailloux

**CERTIFICATION**  
*The Planning Act, R.S.O. 1990*

(h) Name of approval authority I, **Frank Garardo, Secretary-Treasurer** of the (h) **Town of Amherstburg** certify that the above is a true copy of the decision of the approval authority with respect to the application recorded therein.

(i) Name & address of approval authority                      Dated this 1<sup>st</sup> day of October, 2020                        
.....  
Secretary-Treasurer  
Town of Amherstburg  
Committee of Adjustment  
3295 Meloche Rd, Amherstburg, ON N9V 2Y8