



The Corporation of The Town of Amherstburg

271 SANDWICH ST. SOUTH
AMHERSTBURG, ONTARIO
N9V 2A5

PLANNING SERVICES DEPARTMENT
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FRANK GARARDO, MCIP, RPP
MANAGER OF PLANNING SERVICES
Email: fgarardo@amherstburg.ca

September 30, 2020

Re: File **B/28-32/20**
Decision Made on Application for Consent of
Jon Parks
N/S County Road 20

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 20, 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) **Jon Parks**
- (c) Brief description LOCATION OF PROPERTY (c) **N/S County Road 20
(Roll No. 3729-580-000-03400)**
- (d) As set out in application PURPOSE OF APPLICATION (d) The applicant is proposing to sever a parcel of land being 100 ft frontage by 255 ft ± depth with an area of 0.59 acres ± for purposes of creating a new lot. The remaining parcel will maintain 785 ft of frontage on Concession 6 S by an irregular depth with an area of 63.91 acres is vacant land.
- (e) Date of decision CONCUR in the following decision and reasons for decision made on the (e) 29th 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 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 a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$300 for each newly created lot.
 5. That the developer be required to undertake lot grading plans for the five severed lots to the satisfaction of the municipality, prior to the stamping of deeds, to the satisfaction of the Building Department.
 6. That an access permit be obtained for each of the five lots from the County of Essex and any other requirements to their satisfaction, prior to the stamping of deeds.
 7. That each severed lot be serviced with municipal water in accordance with and under the supervision of the municipality.
 8. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
 9. That the applicant execute a Consent Agreement in a form satisfactory to the Town of Amherstburg which will include and require the provision of securities in amounts and forms satisfactory to the Town and which will satisfactorily address the relevant concerns of all government ministries, departments and agencies. The Consent Agreement will contain the following provisions:
 - a. That the developer be required to undertake a drainage report for the five new lots and retained parcel. The drainage report shall address perimeter drainage, rear yard drainage and lot drainage. Further the drainage report shall determine and provide drainage and outlet into the Albert McGee Drain. All recommendations provided under the on-going Drainage Report will be carried out at the complete expense of those assessed for the costs according to the Schedule of Assessment within the report. This process will be carried out pursuant to all legislated procedures outlined in the Drainage Act. This may or may not include appeals, which can among other things affect the timing, costs, and assessment of those costs.

- b. The applicant enters into an agreement 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. The subject agreement to be registered on title.

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.

(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 proposed lots are within a secondary settlement area.

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 30th day
of September, 2020


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

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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.

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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.

(g) State REASONS FOR DECISION: (g) The request is in conformity with Section 6.1.2 of reasons for Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The decision proposed lots are within a secondary settlement area.

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.

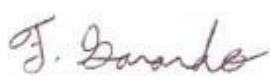
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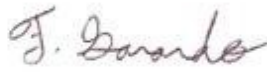
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