

## Committee of Adjustment

### MISSION STATEMENT:

*“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together.”*

<b>Author’s Name: Zaid Zwayyed</b>	<b>File No.: B-024/25</b>
<b>Author’s Phone: (519) 255-6543 ext. 6198</b>	<b>Report Date: April 17, 2025</b>
<b>Author’s E-mail: zzwayyed@citywindsor.ca</b>	<b>Committee Meeting Date: April 24, 2025</b>

**To:** Committee of Adjustment

**Subject Application:** Consent to create a new lot

**Owner:** Ray Anthony Lenarduzzi

**Location:** 1290 Jefferson Boulevard

**Legal Description:** PLAN 717 BLK E; RP 12R12969 PARTS 2 & 4

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### 1. RECOMMENDATION:

That the consent application of Ray Anthony Lenarduzzi for the conveyance of part of the subject lands described as Plan 717 Block E; RP 12R12969 Parts 2 and 4, municipally known as 1290 Jefferson Boulevard, to create a new lot as identified on the drawing attached to the application, **BE GRANTED** with conditions <sup>1</sup>:

- I. The applicant/owner shall provide Site Servicing drawings for the overall property, outlining all existing services to the satisfaction of the City Engineer. Any redundant connections to the retained property are to be abandoned as per BP 1.3.3 to the satisfaction of the City Engineer.
- II. The applicant/owner shall provide sanitary, storm and water service fronting retained lot and newly created lot to the satisfaction of the City Engineer.
- III. The applicant/owner shall obtain a right-of-way permit for any work within the right-of-way.

Re: Refer to A-030/25

<sup>1</sup>For questions regarding Engineering conditions, please contact Thomas Huynh, Technologist, at (519) 255-6257x6335 or [thuynh@citywindsor.ca](mailto:thuynh@citywindsor.ca)

*Note: Severance conditions must be fulfilled after consent has been granted. If the condition is not satisfied within the required timeline, the application is deemed to be null and void. A new Committee of Adjustment application will be required for any expired application.*

**2. THE REQUESTED LAND SEVERANCE:**

The land conveyance of part of the subject land, as shown on the attached drawing, for the purpose of creating a new lot.

**3. PLANNING ANALYSIS:**

The subject property, identified as Plan 717 Block E; RP 12R12969 Parts 2 and 4, contains a single unit dwelling and a vacant portion north of the dwelling. The applicant is seeking a severance to create a new lot while retaining a part of the lot for the existing dwelling. The proposed use of both the severed and retained lots is residential, and both meet the minimum lot area required per the zoning district. However, the severed lot does not comply with the minimum lot width requirement. Therefore, this request is being made concurrently with the submission of a minor variance application (See A-030/25) to address the reduced lot width.

**PLANNING ACT**

Subsection 53(1) of the Planning Act gives council the authority to grant consent if satisfied that a plan of subdivision of land is not necessary for the proper and orderly development of the municipality. Council for the Corporation of the City of Windsor has delegated its consent authority to the Committee of Adjustment of the City of Windsor.

Subsection 51(25) of the Planning Act allows the approval authority to impose such conditions to the approval of an application as it considers reasonable having regard to the nature of the development proposed.

**PROVINCIAL PLANNING STATEMENT (PPS) 2024**

The Planning Staff has reviewed the relevant policies of the PPS - “*Building Homes, Sustaining Strong and Competitive Communities*” (Policy statement 2.2.1. of the PPS). The requested minor variance is consistent with these policies permitting and facilitating housing options required to meet the social, health, economic, and well-being requirements of residents while efficiently utilizing land, resources, and infrastructure.

**OFFICIAL PLAN (OP)**

The Consent Policies, Section 11.4.3 of the Official Plan provide evaluation criteria and conditions of approval for consent applications. Appendix “A” attached herein shows the Consent Policies 11.4.3.

The consent to sever application is for creating a new lot, representing an appropriate consent per Section 11.4.3.2(a).

The severed and retained lots have access to a public highway paved with a hard surface and are serviced by municipal sanitary and storm services, complying with sections Section 11.4.3.4 and 11.4.3.5.

This consent satisfies the evaluation criteria in Section 11.4.3.6 with minimal development impact on the adjacent properties. The subject land is designated Residential in the Official Plan.

The proposed consent to accommodate a single unit dwelling aligns with infill and intensification policies.

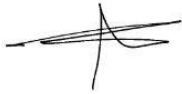
**ZONING BY-LAW 8600**

The subject land is zoned Residential District 1.1 (RD1.1), permitting a single unit dwelling. A minor variance application is being submitted concurrently for relief from the required minimum lot width (See A-030/25). Both the severed and retained lots comply with the minimum area requirement of the zoning district.

**4. PLANNER'S OPINION:**

The requested consent complies with the Official Plan and Zoning By-law 8600. This consent application is consistent with the Planning Act and Provincial Policy Statement and represents good planning. Planning staff, in consultation with the Engineering Department, recommends approval with the conditions noted on the recommendation.

**Zaid Zwayyed**  
**Planner II – Development Review**



*I concur with the above comments and opinion of the Planner II.*



**Greg Atkinson, MCIP RPP**  
**Deputy City Planner - Development**

**CONTACT:**

Name: Zaid Zwayyed  
Phone: (519) 255-6543 ext. 6397

Fax: (519) 255-6544  
Email: [zzwayyed@citywindsor.ca](mailto:zzwayyed@citywindsor.ca)

**APPENDICES:**

Appendix "A"- Excerpts from the Official Plan Volume I  
Appendix "B" - Comments received by the Secretary Treasurer of the Committee of Adjustment

## APPENDIX “A”

### Excerpts From Official Plan Volume I

#### 11.4.3 Consent Policies

<i>COMMITTEE OF ADJUSTMENT</i>	11.4.3.1	Council has delegated by by-law the authority to grant consents to the Committee of Adjustment.
	11.4.3.2	Without limiting the relevant provisions of the Planning Act, Consents may only be granted where completing a subdivision process is deemed not to be necessary to ensure the proper and orderly development of the subject lands. The consent process will be used for matters such as granting easements and rights of way, leases or other interests in land lasting in excess of 21 years or lot line adjustments. Consents may be used for lot creation in the following circumstances; <ul style="list-style-type: none"> <li>a) Small scale Infilling or intensification for development that is compatible with the neighbourhood;</li> <li>b) Lot line adjustments;</li> <li>c) An entire parcel is being developed and there are no remaining lands;</li> <li>d) There is no need to extend or improve municipal services outside of the subject lands;</li> <li>e) Where there is no phasing of the development; and</li> <li>f) Where parkland dedication may be cash-in-lieu.</li> </ul>
<i>CONFORM WITH PERMITTED USES</i>	11.4.3.3	Consents shall only be granted for the creation of lots which comply with the Official Plan and Zoning By-law
<i>ACCESS TO A PUBLIC HIGHWAY</i>	11.4.3.4	Consents shall only be granted for lots that will have access to a public road that meets municipal standards for construction. Where the abutting road requires improvement, the City may require the land owner to contribute to the improvement costs.
<i>MUNICIPAL SERVICES</i>	11.4.3.5	All new lots created by consent shall be serviced by municipal sanitary sewer and water services and provide for stormwater management.
<i>EVALUATION CRITERIA</i>	11.4.3.6	Without limiting the relevant provisions of the Planning Act, the approval authority shall evaluate applications for consent in the same manner as an application for plan of subdivision, including; <ul style="list-style-type: none"> <li>a) Provincial legislation, provincial policies and applicable provincial guidelines;</li> <li>b) Conformity with the policies of this Plan, Volume II: Secondary Plans and Special Policy Areas and other relevant municipal standards and guidelines;</li> <li>c) Conformity with the recommendations of any support studies prepared as part of the application;</li> <li>d) The continuation of an orderly development pattern and the lot pattern in the neighbourhood;</li> <li>e) Impact of the development on adjacent properties and the lot pattern and density in the community; and</li> <li>f) The requirements or comments of Municipal departments and public agencies or authorities.</li> </ul>
<i>CONDITIONS OF APPROVAL</i>	11.4.3.7	The approval authority may attach such conditions as it deems appropriate to the approval of a consent. Such conditions may include, but are not limited to, the following: <ul style="list-style-type: none"> <li>a) The fulfillment of any financial requirement to the City;</li> <li>b) The conveyance of lands for public open space purposes or payments-in-lieu thereof in accordance with the Open Space policies of this Plan;</li> <li>c) The conveyance of lands for public highways or widenings as may be required;</li> <li>d) The conveyance of appropriate easements;</li> <li>e) The provision of municipal infrastructure or other services;</li> <li>f) The completion of a development or servicing agreement with the City if required; and</li> <li>g) Other such matters as the approval authority considers necessary and/or appropriate.</li> </ul>

## **APPENDIX “B”**

### **Comments Received by the Secretary Treasurer of the Committee of Adjustment**

#### **PLANNING DEPARTMENT – ZONING**

Creation of a new lot.

*Conner O'Rourke, Zoning Coordinator*

#### **PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS**

Right of way permits must be obtained for any work within the right of way.

This department has no objection to the proposed application, subject to the following conditions:

- I. The applicant/owner shall provide Site Servicing drawings for the overall property, outlining all existing services to the satisfaction of the City Engineer. Any redundant connections to the retained property are to be abandoned as per BP 1.3.3.
- II. The applicant/owner shall provide sanitary, storm and water service fronting retained lot and newly created lot to the satisfaction of the City Engineer.
- III. The applicant/owner shall obtain a right-of-way permit to legalize the existing driveway approach to City Standards and obtain a driveway permit for any work within the right-of-way.

*Mark Schaffhauser, Technologist II*

#### **PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING**

- All parking must comply with ZBL 8600.
- Remove raised curb on the retained lot.
- Bring the driveway of the retained lot to City's standard.

*Elara Mehrilou, Planner I- Transportation Planning Department*

#### **PARKS & FACILITIES**

If any city trees are removed, the applicant is to consult with the City Forester, Yemi Adeyeye (yadeyeye@citywindsor.ca), to determine whether preservation or compensation for removal is required.

#### **WINDSOR POLICE SERVICES**

The application being considered does not present outcomes that will negatively impact public safety or the ability of the Windsor Police Service to provide proper and adequate response to incidents and other service delivery requirements. Therefore, there are no concerns or objections to the application.

*Barry Horrobin, Director of Planning & Physical Resources*

## **LANDSCAPE ARCHITECT/URBAN DESIGN**

Property is within Source Water Protection Zone and Limit of Regulated Area, ERCA Permit may be required. If trees are to be removed to support a future development, no harm to active bird nests.

*Hoda Kameli- Landscape Architect*

## **PUBLIC UTILITY- BELL CANADA**

No comments were received by Bell Canada at the time of report completion.

## **HERITAGE PLANNING**

There is no apparent built heritage concern with this property, and it is not located within an Archaeological Potential Zone (APZ). Nevertheless, the Applicant should be notified of the following archaeological precaution.

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Citizenship and Multiculturalism must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Citizenship and Multiculturalism and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Citizenship and Multiculturalism.

### Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, [ttang@citywindsor.ca](mailto:ttang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

Windsor Manager of Culture and Events (A):

Michelle Staaedegaard, (O) 519-253-2300x2726, (C) 519-816-0711, [mstaadegaard@citywindsor.ca](mailto:mstaadegaard@citywindsor.ca)

Ontario Ministry of Citizenship and Multiculturalism

Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto:Archaeology@ontario.ca)

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, [Crystal.Forrest@ontario.ca](mailto:Crystal.Forrest@ontario.ca)