

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."

Author's Name: Zaid Zwayyed	File No.: B-025/26
Author's Phone: (519) 255-6543 ex 6198	Report Date: Jul 08, 2026
Author's E-mail: ZZwayyed@citywindsor.ca	Committee Meeting Date: Jul 16, 2026

To: Committee of Adjustment

Subject Application: Consent to create a new lot

Owner: Hardik & Meera Kinariwala

Location: 1239 McEwan Avenue

Legal Description: PLAN 669 LOTS 39 & 40 & PT; CLOSED ALLEY

1. RECOMMENDATION:

That the consent application of Hardik & Meera Kinariwala for the conveyance of part of the subject lands described as Plan 669, Lots 39 and 40, and Part Closed Alley, municipally known as 1239 McEwan Avenue, to create a new lot as identified on the drawing attached to the application, **BE GRANTED** with conditions ¹:

- I. The Applicant/Owner shall abandon any existing redundant services as per BP1.3.3 and to the satisfaction of the City Engineer.
- II. The Applicant/Owner shall submit and obtain a Driveway Permit to legalize the existing driveway on the severed lot.
- III. The Applicant/Owner shall submit and obtain a Driveway Permit fronting the retained lot to the satisfaction of the City Planner.
- IV. The Applicant/Owner shall Provide Site Servicing drawings for the overall property, outlining all existing services to the satisfaction of the City Engineer
- V. The Applicant/Owner shall remove any encroaching items (chainlink fence) within the Right-of-Way or apply for an Encroachment Agreement to the satisfaction of the City Engineer.

Re: Refer to A-051/26

¹For questions regarding Engineering conditions, please contact Sandy Mio, Technologist, at (519) 255-6257x6508 or smio@citywindsor.ca

Note: Severance conditions must be fulfilled after the consent has been granted. If the conditions are 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 decision order.

2. THE REQUESTED CONSENT: Create a new lot as identified in the drawing attached to the application.

3. PLANNING ANALYSIS:

The subject property consists of Plan 669, Lots 39 and 40, and Part Closed Alley, and currently contains an existing single unit dwelling and accessory building. The applicant proposes to sever the property, retaining the portion containing the existing dwelling and creating a new lot on the southern portion of the property to accommodate a future single unit dwelling. The retained lot is identified as Plan 669, Lot 40 and Part Closed Alley. As a result of the proposed severance, the existing dwelling and accessory building will exceed the maximum permitted lot coverage and accessory building lot coverage requirements on the retained lot, and the existing accessory building will have reduced side yard separation. A concurrent Minor Variance Application (A-051/26) has been submitted to address these deficiencies. Residential use will be maintained on both the severed and retained lots, and both lots comply with the minimum lot width and area requirements of the Zoning District.

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 in accordance with Section 54(5) of the Planning Act.

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

PROVINCIAL PLANNING STATEMENT (PPS) 2024

Planning Staff has reviewed the relevant policies of the PPS - “Building Homes, Sustaining Strong and Competitive Communities” (Policy statement 2.2.1.b of the PPS). The requested consent is consistent with these policies, permitting and facilitating all housing options required to meet the social, health, economic, and well-being requirements of current and future residents.

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 identifies the applicable policies.

The consent is for the creation of a new lot, which represents 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, consistent with sections 11.4.3.4 and 11.4.3.5.

This consent satisfies the evaluation criteria in Section 11.4.3.6 for continuation of an orderly development pattern.

The subject property is designated Residential under the City of Windsor Official Plan. The proposed development maintains the same use and conforms to the associated objectives and policies; therefore, the requested consent meets the general intent and purpose of the Official Plan.

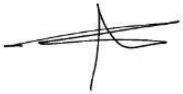
Section 11.4.3.7 of the Official Plan states that the Committee of Adjustment may attach conditions as deemed appropriate to the approval of a consent.

ZONING BY-LAW

The subject land is zoned Residential District 1.3 (RD1.3) per Windsor's Zoning By-law 8600. A concurrent Minor Variance Application (A-051/26) has been submitted to address deficiencies resulting from the severance, including increased lot coverage of the existing dwelling and accessory building on the retained lot and reduced side yard separation for the existing accessory building. The lots comply with the minimum lot width and lot area requirements of the Zoning District. As a condition of this application, the applicant will be required to construct a driveway on the retained lot to comply with parking provisions of the Zoning By-law.

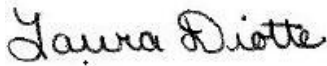
4. PLANNER'S OPINION:

This consent application is consistent with the Planning Act and the Provincial Planning Statement 2024 and represents good planning. The requested Consent complies with the Official Plan and Zoning By-law 8600. The Planning Division recommends the approval of the applicant's request for consent with conditions.



Zaid Zwayyed MCIP, RPP
Planner II - Development Review – Development Review

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



Laura Diotte MCIP, RPP
Manager of Development Application

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

*COMMITTEE OF
ADJUSTMENT*

11.4.3.1 Council has delegated by by-law the authority to grant consents to the Committee of Adjustment.

*APPROPRIATE
REASONS FOR
CONSENTS*

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;

- a) Small scale Infilling or intensification for development that is compatible with the neighbourhood;
- b) Lot line adjustments;
- c) An entire parcel is being developed and there are no remaining lands;
- d) There is no need to extend or improve municipal services outside of the subject lands;
- e) Where there is no phasing of the development; and
- f) Where parkland dedication may be cash-in-lieu.

*CONFORM WITH
PERMITTED USES*

11.4.3.3 Consents shall only be granted for the creation of lots which comply with the Official Plan and Zoning By-law.

*ACCESS TO A
PUBLIC HIGHWAY*

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.

*MUNICIPAL
SERVICES*

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.

*EVALUATION
CRITERIA*

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;

- a) Provincial legislation, provincial policies and applicable provincial guidelines;
- b) Conformity with the policies of this Plan, Volume II: Secondary Plans and Special Policy Areas and other relevant municipal standards and guidelines;
- c) Conformity with the recommendations of any support studies prepared as part of the application;
- d) The continuation of an orderly development pattern and the lot pattern in the neighbourhood;
- e) Impact of the development on adjacent properties and the lot pattern and density in the community; and
- f) The requirements or comments of Municipal departments and public agencies or authorities.

*CONDITIONS OF
APPROVAL*

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:

- a) The fulfillment of any financial requirement to the City;
- 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;
- c) The conveyance of lands for public highways or widenings as may be required;
- d) The conveyance of appropriate easements;
- e) The provision of municipal infrastructure or other services;
- f) The completion of a development or servicing agreement with the City if required; and
- g) Other such matters as the approval authority considers necessary and/or appropriate.

*APPROPRIATE
CIRCUMSTANCES
FOR CONSENTS*

11.4.3.8 Consents may only be granted when it is not necessary for the proper and orderly development of the city. Accordingly, consents will generally be limited to:

- a) Creation of lots for minor infilling;
- b) The mortgaging or leasing of land beyond 21 years;
- c) Lot boundary adjustments; and
- d) Easements and rights-of-ways.

APPENDIX “B”
Comments Received by the Secretary Treasurer of the Committee of Adjustment

Zoning Review

Consent to create a new lot

[*Stefan Pavlica- Zoning Coordinator*]

Development, Projects & Right-of-Way

A site servicing drawing is required to determine the location of existing services, as individual connections are required for each lot. Any redundant connections to the retained property are to be abandoned as per BP 1.3.3. Front Yard parking is not permitted and does not conform to Best Practice BP2.2.1. The applicant is required to submit a driveway application to legalize the existing driveway. The encroaching fence along Taylor Ave frontage shall be removed, or the owner shall enter into an encroachment agreement for any encroaching items. Right-of-way permits must be obtained for any work within the right-of-way.

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

1. Abandon any existing redundant services as per BP1.3.3 and to the satisfaction of the City Engineer.
2. Submit and obtain a Driveway Permit to legalize the existing driveway. +
3. Provide Site Servicing drawings for the overall property, outlining all existing services.
4. The Owner is to remove any encroaching items (chain link fence) within the right-of-way or apply for an Encroachment Agreement.

[*Sandy Mio- Technologist*]

Transportation Planner

Transportation planning has no comments.

[*Aashvi Sarvaiya- Transportation Planning*]

Windsor Police Service

The Windsor Police Service has no concerns or objections with any of the applications listed in this agenda. In reviewing them, all are relatively minor in terms of their potential impact on public safety, security, or public disorder. None of the applications to be considered are therefore anticipated to create outcomes that will negatively impact the ability of the Windsor Police Service to provide a proper and adequate response to incidents, whether emergency or non-emergency in nature, and other service delivery requirements.

[*Barry Horrobin- Windsor Police Service*]

Heritage Planning

Heritage:

No Heritage Planning concerns and/or comments.

Archaeology:

The subject property is located within the Archaeological Potential Zone (as per the Windsor Archaeological Management Plan, 2024; OPA 181; and the updated 2024 archaeological potential model OP Volume I Schedule C-1). However, the subject property is not within an Archaeologically Sensitive Area (ASA). Thus, an archaeological assessment is not requested at this time. 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 & Development Services 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 & Development Services Department:

519-255-6543 x6179, ktang@citywindsor.ca, planningdept@citywindsor.ca

Windsor Manager of Culture and Events (A):

Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711, mstaadegaard@citywindsor.ca

Ontario Ministry of Citizenship and Multiculturalism

Archaeology Programs Unit, 1-416-212-8886, Archaeology@ontario.ca

Windsor Police: 911

Ontario Ministry of Public and Business Service Delivery and Procurement

Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures:

Ian Hember, 1-437-244-9840, ian.hember@ontario.ca

[Ryan Upton- Heritage Planning]