

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: Averil Parent	File No.: B-027-25
Author’s Phone: (519) 255-6100 ext. 6397	Report Date: May 30th, 2025
Author’s E-mail: aparent@citywindsor.ca	Committee Meeting Date: May 8th, 2025

To: Committee of Adjustment

Subject Application: Consent to create a new lot

Owner: Greater Essex County District School Board

Agent: N/A

Location: 245 Tecumseh Road East

Legal Description: Concession 2; Pt Lots 84 & 85

1. RECOMMENDATION:

That the Consent application of the Greater Essex County District School Board for conveyance of part of the subject lands, described as Concession 2, Pt Lots 84 and 85, also municipally known as 245 Tecumseh Rd. East, for the creation of a new lot as shown on the drawing attached to the application **BE GRANTED** with conditions¹:

The applicant/owner shall:

- I. Provide Site Servicing drawings for the overall property, outlining all existing services.
- II. Abandon any existing redundant services as per BP1.3.3 and to the satisfaction of the City Engineer.
- III. Obtain Right-of-Way permits for any work within the right-of-way.
- IV. A Corner Cut off is required. The owner is to gratuitously convey a 6 m x 6 m (20’ x 20’), corner cut-off at the intersection of Tecumseh Rd E and McDougall Ave in accordance with City of Windsor Standard Drawing AS-230.
- V. Land Conveyance - Prior to the issuance of a construction permit, the owner(s) shall agree to gratuitously convey to the Corporation approximately 3.9m x 3.9m of land at the southeast corner of the property.
- VI. Obtain Right-of-Way permit to restore boulevard along McDougall St as per Engineering Best Practice BP3.2.2.

¹For questions regarding Engineering conditions, please contact Andrew Boroski at (519) 255-6257x6538 or aboroski@citywindsor.ca

Note: Severance conditions must be fulfilled within TWO (2) years after consent has been granted. If a condition is not satisfied within 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:

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 Con. 2, Pt Lots 84 and 85, contains a secondary school as well as a football/soccer field with stadium seating. The applicant is seeking severance to create a new lot consisting of the back portion of the football/soccer field while retaining most of the lot for the existing secondary school.

As per the Official Plan, the majority of the subject land is designated Major Institutional, with a portion of the north west corner along Tecumseh road designated as Mixed Use Node. The proposed portion to be severed to create a new lot at the South of the property is designated as Open Space.

The proposed used of the retained and severed lots will remain the same. Both the severed and retained lots are compliant with Zoning Bylaw 8600. The existing school and existing stadium seating are both listed on the City of Windsor heritage registry.

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 POLICY STATEMENT (PPS) 2020

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.

This 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 for continuation of an orderly development pattern.

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 8600

The subject land is zoned as both Institutional District 1.2 (ID1.2) and Green District 1.2 (GD 1.2) per By-law 8600 permitting a school and a private park. No minor variance application is required to sever the property to create a new lot.

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. The Planning Division in consultation with Engineering recommends approval of the applicant's request with conditions.



Averil Parent
Planner II – Development Review

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



Greg Atkinson, MCIP RPP
Development Manager / Deputy City Planner

AP/

CONTACT:

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APPENDICES:

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

11.4.3 Consent Policies

- 11.4.3.1 Council has delegated to the City of Windsor Committee of Adjustment Council’s consent granting authority.
- 11.4.3.2 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; and
 - (b) The mortgaging or leasing of land beyond 21 years;
 - (c) Lot boundary adjustments; and
 - (d) Easements and rights-of-ways.
- 11.4.3.3 Consents shall only be granted for the creation of lots which comply with the Zoning By-law and/or unless appropriate minor variances are also granted concurrently.
- 11.4.3.4 Consents shall only be granted for lots which have access to a public highway which is paved with a hard surface and is of a reasonable standard of construction.
- 11.4.3.5 All lots created by consent shall be serviced by municipal sanitary sewer and water services.
- 11.4.3.6 The Committee of Adjustment will evaluate consent applications according to the following criteria:
- (a) Provincial legislation, policies and applicable guidelines;
 - (b) The physical layout of the proposed lots having regard to the Urban Design policies of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
 - (c) The continuation of an orderly development pattern;
 - (d) Impact upon the comprehensive development of adjacent properties;
 - (e) The requirements or comments of Municipal departments and public agencies or authorities; and
 - (f) Previous consents granted on the land holdings on or in the area.
- 11.4.3.7 The Committee of Adjustment 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 Municipality;
 - (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 application of the site plan control process;
 - (f) The provision of municipal infrastructure or other services; and
 - (g) Other such matters as the Committee of Adjustment considers necessary appropriate.

PLANNING DEPARTMENT - ZONING

No variances are required.

Stefan Pavlica – Zoning Coordinator

PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS

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. A Right-of-way permit is required to remove the driveway approach and restore the Right of Way to City Standards.

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

1. Provide Site Servicing drawings for the overall property, outlining all existing services.
2. Abandon any existing redundant services as per BP1.3.3 and to the satisfaction of the City Engineer.
3. Obtain Right-of-Way permits for any work within the right-of-way
4. A Corner Cut off is required. The owner is to gratuitously convey a 6 m x 6 m (20' x 20'), corner cut-off at the intersection of Tecumseh Rd E and McDougall Ave in accordance with City of Windsor Standard Drawing AS-230.
5. Land Conveyance - Prior to the issuance of a construction permit, the owner (s) shall agree to gratuitously convey to the Corporation approximately 3.9m x 3.9m of land at the southeast corner of the property.
6. Obtain Right-of-Way permit to restore boulevard along McDougall St as per Engineering Best Practice BP3.2.2.

Andrew Boroski – Technologist

PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING

6.1mx6.1m corner cut-of is required at Tecumseh Rd E and McDougall Ave intersection. 3.9m x3.9m of land at southeast corner of the property is required.

Elara Mehrilou - Transportation Planner

FORESTRY

There are multiple City owned trees on this property.

Forestry has no further concerns at this time, regarding creating a new lot. However, for any future development plans, a tree inventory and tree preservation plan may be requested during the Approvals/Site plan process.

Marc Edwards – Supervisor, Forestry

NATURAL AREAS

No concerns with creation of a new lot. Future developments must regard general protections for Natural Heritage:

1. Should Species at Risk or their habitat be found at any time on or adjacent to the site, cease activity immediately and contact MECP at SAROntario@ontario.ca for recommendations on next steps to prevent contravention of the Endangered Species Act (2007). The City of Windsor SAR hotline (519-816-5352) can also be used for relevant questions and concerns.
2. For a list of Species at Risk and other provincially tracked species with potential to be around the site, use the Natural Heritage Information Centre (NHIC) Make A Map tool, found at https://www.lhoapplications.lrc.gov.on.ca/Natural_Heritage/index.html?viewer=Natural_Heritage.Natural_Heritage&locale=en-CA
3. If trees or other vegetation (i.e., shrubs and unmaintained grasses) on/adjacent to the site are to be removed, damaged, or disturbed during the breeding bird season (April 1 – August 31), then sweeps for nesting birds should be conducted to prevent contravention of Migratory Bird Regulations (2022), the Migratory Birds Convention Act (1992), and section 7 of the Fish and Wildlife Conservation Act (1997). Visit <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html> for more information.
4. Beaver dams and dens of fur-bearing mammals are protected under section 8 of the Fish and Wildlife Conservation Act (1997) and are not to be damaged or destroyed without the proper authorization and/or license.
5. The City of Windsor is a Bird Friendly City. Bird Friendly Design is encouraged. Bird Friendly Design Guidelines are available from the City of Toronto (<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/bird-friendly-guidelines/>).

Karen Alexander, Naturalist

LANDSCAPE ARCHITECT/URBAN DESIGN

In the future, at SPC stage, the proposed development's plans and elevations should be reviewed by the Parks Department.

Hoda Kameli, Landscape Architect

WINDSOR POLICE SERVICES

No comment provided at time of writing.

Barry Horrobin, Director of Planning & Physical Resources

HERITAGE PLANNING

Heritage

Please be advised that the subject property located at 245 Tecumseh Rd E is listed on the Municipal Heritage Register.

R | 245 Tecumseh Rd E | W.C. Kennedy High School | c1929 | Arch. Cameron & Ralston | Core

R | 245 Tecumseh Rd E / McDougall St / Logan Ave | Windsor Stadium | c1929 | Soccer Stadium; Shows | Core

Archeology

The subject property is located within the Archaeological Potential Zone (as per the recently adopted Windsor Archaeological Management Plan, 2024; OPA 181; and 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 & 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 , planningdept@citywindsor.ca

Windsor Manager of Culture and Events (A):

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

Ontario Ministry of Citizenship and Multiculturalism

Archaeology Programs Unit, 1-416-212-8886, 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

Tracy Tang, Heritage Planner