

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-034/26
Author's Phone: (519) 255-6543 e 6198	Report Date: Jul 30, 2026
Author's E-mail: ZZwayyed@citywindsor.ca	Committee Meeting Date: Aug 13, 2026

To: Committee of Adjustment

Subject Application: Consent for lot addition

Owner: Iyad Alasi & Soha Abu Al Kibash

Location: 0 Chappell Avenue

Legal Description: PLAN 657 LOTS 220 AND 221 AND PT ALLEY

1. RECOMMENDATION:

That the Consent application of Iyad Alasi and Soha Abu Al Kibash to facilitate a lot addition comprising the transfer of Part 4 on Reference Plan 12R-30266, attached to the application, from the lands municipally known as 0 Chappell Avenue and legally described as Plan 657, Lots 220 and 221 and Part Alley, to the abutting property municipally known as 1361 Chappell Avenue and legally described as Plan 657, Lots 222 and 223, **BE GRANTED**, subject to the stipulation that subsection 50(3) and/or subsection 50(5) of the Planning Act shall apply to any subsequent conveyance or transaction.

2. THE REQUESTED CONSENT:

The transfer of part of the subject land for the purpose of a lot addition.

3. PLANNING ANALYSIS:

The subject property, municipally known as 0 Chappell Avenue, consists of Plan 657, Lots 220 and 221 and Part Alley, and is identified as Parts 2, 3 and 4 on Reference Plan 12R-30266 attached to this application. The property is currently vacant and includes a closed alley portion identified as Parts 3 and 4 on the Reference Plan. Part 4 abuts the rear yard of the property immediately north, municipally known as 1361 Chappell Avenue, which contains an existing single unit dwelling and is identified as Part 1 on the Reference Plan. The applicant is seeking consent to facilitate a lot addition involving the transfer of Part 4 on Reference Plan 12R-30266 from 0 Chappell Avenue to 1361 Chappell Avenue. No changes are proposed to either property as part of the application.

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.

Section 50(12) of the Planning Act provides that where a parcel of land has previously received consent, the consent remains applicable to future conveyances of the identical parcel, even where the owner retains ownership of abutting lands. In such cases, the prohibition under subsections 50(3) and 50(5) relating to the conveyance of part of a lot while retaining abutting lands does not apply, provided that the lands being conveyed are identical to those for which the consent was previously granted. This principle is commonly referred to as “once a consent, always a consent.” However, subsection 50(12) also permits the Committee to stipulate, as a condition of granting consent, that subsection 50(3) and/or subsection 50(5) shall apply to any subsequent conveyance or transaction. This ensures that the consent applies only to the approved transaction and prevents the consent from being relied upon for future conveyances.

PROVINCIAL PLANNING STATEMENT (PPS) 2024

Planning Staff have 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 shows the Consent Policies 11.4.3.

This consent is for a lot addition, which represents an appropriate consent per Section 11.4.3.2(b).

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 and complies with section 11.4.3.3.

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 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

The subject land is zoned Residential District 1.2 (RD1.2) per Zoning By-law 8600, with no zoning changes proposed.

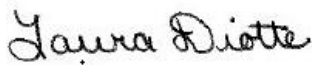
4. **PLANNER'S OPINION:**

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 approval of the applicant's request for consent, subject to the stipulation that subsection 50(3) and/or subsection 50(2) of the *Planning Act* shall apply to any subsequent conveyance or transaction.



Zaid Zwayyed, MCIP RPP
Planner II – Development Review

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



Laura Diotte, MCIP RPP
Manager of Development Applications

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 APPROPRIATE REASONS FOR CONSENTS	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; 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.

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

Zoning Review

Consent for Lot Addition.

[*Stefan Pavlica- Zoning Coordinator*]

Development, Projects & Right-of-Way

This department has no objection to the proposed application. Right-of-way permits must be obtained for any work within the right-of-way.

While it is not a condition of this application, it should be noted to the property owner:

1. Connection fees are owing for storm and sanitary connections.
2. Abandon any existing redundant services as per BP1.3.3 and to the satisfaction of the City Engineer.

[*Lea Marshall- Technologist*]

Heritage Planner, Planning and Build

Built heritage:

There is no apparent built heritage concern with this property.

Archaeology:

The subject property is located within the Archaeological Potential Zone (as per the 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 & 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.

Transportation Planner

Transportation planning has no comments.

[*Aashvi Sarvaiya- Transportation Planning*]

Windsor Police Service

The Windsor Police Service has no concerns or objections with the proposal. In reviewing the agenda items, 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 proper and adequate response to incidents, whether emergency or non-emergency in nature, and other service delivery requirements.

[*Barry Horrobin- Windsor Police Service*]