



Office of the Commissioner of Economic Development & Innovation Planning & Building Department

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.”

Table with 2 columns and 3 rows containing author information and meeting dates.

To: Committee of Adjustment
Subject Application: Consent for Validation of Title
Owner: Zeljko Reljic
Agent: Ryan Solcz
Location: 2079 Balfour Blvd
Legal Description: PLAN 1037 PT LOT 4 PT LOT 5

1. RECOMMENDATION:

That the consent application of Zeljko Reljic for a validation of title for the lands described as Plan 1037 Part Lots 4 and 5, municipally known as 2079 Balfour Blvd BE GRANTED with no conditions.

2. THE REQUESTED VALIDATION CERTIFICATE:

A validation of title for the lands described as Plan 1037 Part Lots 4 and 5, municipally known as 2079 Balfour Blvd.

3. PLANNING ANALYSIS:

The applicant is seeking a Certificate of Validation to address a historical title issue. The Committee of Adjustment approved a technical severance that severed the 2075 and 2079 properties on March 26, 1997. The property at 2075 Balfour was purchased by Dusan and Mira Reljic on April 30, 1997. Dusan and Mira subsequently purchased 2079 Balfour on May 28, 1999, causing the two parcels to merge on title. Dusan and Mira transferred 2079 Balfour on October 7, 2016 to their son Zeljko Reljic, without understanding that this was a violation of the Planning Act. The applicant is now seeking a Certificate of Validation to retroactively legalize the 2016 transfer.

PLANNING ACT

Section 57 of the Planning Act allows the current registered owner or a party with a registered interest in the title to apply for a Certificate of Validation.

OFFICIAL PLAN (OP)

The subject lands are designated Residential in the Official Plan. The existing use on the parcel is one single unit dwelling.

ZONING BY-LAW 8600

The property at 2079 Balfour Blvd is zoned Residential District 1.2 (RD1.2). There are no impacts on zoning compliance with this proposal.

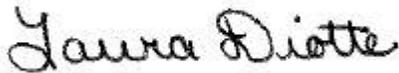
4. PLANNER'S OPINION:

The application meets the criteria set out by the Planning Act under section 57 for consideration of a Certificate of Validation and the criteria for issuing such a certificate. The Planning Department recommends approval with no conditions.



Diana Radulescu
Planner II – Development Review

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



Laura Diotte, MCIP, RPP
Manager of Development Applications

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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

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.

APPENDIX “B”

Comments Received by the Secretary Treasurer of the Committee of Adjustment

PLANNING DEPARTMENT – ZONING

Consent for validation of title.

Conner O'Rourke, Zoning Coordinator

PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS

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

Lea Marshall, Technologist II

PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING

Transportation planning has no comments.

Elara Mehriou, Planner I- Transportation Planning Department

FORESTRY

There are No City owned trees on the property.

Forestry has no further concerns at this time.

ENVIRONMENTAL POLICY

Environmental Policy staff advises that the development proposal is anticipated to have no negative impact on ecological features, areas, and functions. To maintain high regard for Natural Heritage in the City during development, the following applies:

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.ontario.ca/page/make-natural-heritage-area-map>
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, particularly window collision mitigation. Options for integrating bird friendly design can be found here: www.birdsafe.ca and bird friendly guidelines can be found here: [Bird-Friendly Guidelines – City of Toronto](#).

WINDSOR POLICE SERVICES

The Windsor Police Service has no concerns or objections with any of the other applications listed in this agenda. In reviewing them, all are relatively minor in terms of their potential impact to public safety and security. 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 and other service delivery requirements.

Barry Horrobin, Director of Planning & Physical Resources

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. 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.

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 & Building Department:

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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