

Office of the Commissioner of Economic  
Development  
Planning & Development Services  
**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: Diana Radulescu</b>	<b>File No.: B-038/25</b>
<b>Author’s Phone: (519) 255-6543 ext. 6918</b>	<b>Report Date: June 6, 2025</b>
<b>Author’s E-mail: dradulescu@citywindsor.ca</b>	<b>Committee Meeting Date: June 12, 2025</b>

**To:** Committee of Adjustment  
**Subject Application:** Consent to create a new lot  
**Owner:** Rafic Boutros Rizk and Ilham Rizk  
**Location:** 0 and 2439 Norman Rd  
**Legal Description:** PLAN 1157 LOT 24, 25 and PT LOT 26; PT CLSD ALLEY

**1. RECOMMENDATION:**

That the consent application of Rafic Boutros Rizk and Ilham Rizk for conveyance of part of the above-described lands also municipally known as 0 and 2439 Norman Road as shown on the drawing attached to the application, **BE GRANTED** with no conditions.

**2. THE REQUESTED LAND SEVERANCE:**

The land conveyance of part of the subject land as shown on the attached drawing, for the purpose of a technical severance between 2439 Norman Rd and 0 Norman Rd and a lot addition to sever and add a portion of the alleyway abutting 0 Norman Rd.

**3. PLANNING ANALYSIS:**

The subject properties are known municipally as 0 and 2439 Norman Road. The parcel at 2439 Norman Rd currently contains a single detached dwelling and a detached garage. 0 Norman Rd is currently vacant. The applicant proposes a technical severance for the two properties and a lot addition for the alleyway portion abutting 0 Norman Rd. This application is made concurrently with a minor variance application for reduced minimum lot area and lot width for the two parcels (see file A-050/25).

The proposed use of both lots will be maintained as per the permitted uses in the zoning district, there are no proposed changes to the existing sites, and the proposal adheres to the other provisions of Zoning By-law 8600 other than the requested minor variances.

**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 to 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 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 the conveyance of part of the subject land, as shown on the attached drawing, for the purpose of creating a new lot. This represents an appropriate consent per Section 11.4.3.2(a).

Section 11.4.3.5 is satisfied as municipal services are available to service the subject land. This consent also satisfies the evaluation criteria in Section 11.4.3.6, for continuation of an orderly development pattern and the lot pattern in the neighbourhood.

The subject land is designated Residential in the Official Plan. The proposed consent aligns with the applicable land use policies.

### **ZONING BY-LAW 8600**

The subject land is designated Residential District 1.1 (RD1.1), permitting a range of residential uses listed in Section 10.1.1 of By-law 8600. The proposed severed and retained lots comply with relevant provisions of Zoning Bylaw 8600 other than the requested minor variances for reduced minimum lot width and lot area.

#### **4. PLANNER’S OPINION:**

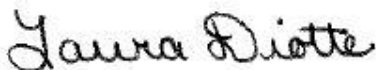
This consent application is consistent with the Planning Act and Provincial Planning Statement 2024 and represents good planning. The requested consent complies with the Official Plan and Zoning By-law 8600. Planning Staff recommend the approval of the applicant’s request for consent with no conditions.



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**Diana Radulescu**  
**Planner II – Development Review**

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



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**Laura Diotte, MCIP, RPP**  
**Manager of Development Applications**

**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**

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	<p>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;</p> <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>
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	<p>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;</p> <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>

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**

**PLANNING DEPARTMENT – ZONING**

**Required Minor Variances \***

- 1. Minimum Lot Width** – Retained Lot [10.1.5.1]:
  - a) 15.0m (Required)
  - b) 12.2m (Provided)
  
- 2. Minimum Lot Area** – Retained Lot [10.1.5.2]:
  - a) 450.0m<sup>2</sup> (Required)
  - b) 397.5m<sup>2</sup> (Provided)
  
- 3. Minimum Lot Width** – Severed Lot [10.1.5.1]:
  - a) 15.0m (Required)
  - b) 12.2m (Provided)
  
- 4. Minimum Lot Area** – Severed Lot [10.1.5.2]:
  - a) 450.0m<sup>2</sup> (Required)
  - b) 403.1m<sup>2</sup> (Provided)

*Conner O'Rourke, Zoning Coordinator*

**PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS**

This department has no objections 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**

All parking must comply with ZBL 8600 for both retained and severed lots.

*Elara Mehrilou, Transportation Planner*

**FORESTRY**

There are no City owned trees on this property. There was 1 Private tree on this property. Forestry has no 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](mailto: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](http://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 remaining applications listed in this agenda. In reviewing them, all are quite 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**

#### **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 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 & 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, [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)

*Tracy Tang, Heritage Planner*

**BELL CANADA**

No comments were received at the time of this report.