

## 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: Averil Parent</b>	<b>File No.: B-048/25</b>
<b>Author's Phone: (519) 255-6543 ext. 6397</b>	<b>Report Date: Jul 29, 2025</b>
<b>Author's E-mail: aparent@citywindsor.ca</b>	<b>Committee Meeting Date: Aug 07, 2025</b>

**To:** Committee of Adjustment

**Subject Application:** Consent for lot addition

**Owner:** Douglas William Paul Bedard and Laurenza Jacqueline Bedard

**Agent:** Jesse Fisher

**Location:** 3408 CHURCH ST

**Legal Description:** PLAN 1305 LOTS 71 & 72; CORNER; 90.00FR 120.58D

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**1. RECOMMENDATION:**

That the Consent application of Douglas and Laurenza Bedard for conveyance of all parts of the closed alley as shown in the drawing attached to the application, for the lands described as Plan 1305, Lots 71 & 72, also municipally known as 3408 Church St. **BE GRANTED** with no conditions.

**2. THE REQUESTED MUNICIPAL CONSENT:**

Consent to sever the alley as shown on the attached drawing and convey it to the property owners at 333 Liberty Street.

*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.*

### **3. PLANNING ANALYSIS:**

The subject property consists of Plan 1305, Lots 71 & 72, also municipally known as 3408 Church St. The applicant currently owns the closed alley and wishes to sever and convey it to the adjacent property at 333 Liberty St. This severance does not result in an minor variances on either property.

#### **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 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 shows the Consent Policies 11.4.3.

This consent is for a lot boundary adjustment, which represents an appropriate consent per Section 11.4.3.2(c).

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 City of Windsor Official Plan designates the subject property as Residential. The proposed use of the severed property will not change.

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 Residential RD1.4 per By-law 8600 permitting single unit dwellings among other uses. No minor variance applications are required for either property as a result of severing the alley.

**4. PLANNER'S OPINION:**

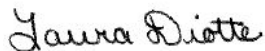
This consent application is consistent with the Planning Act and Provincial Planning Statement 2024 and represents good planning. The requested Consent complies with the Official Plan and Zoning By-law 8600. The Planning Division recommends the approval of the applicant's request for consent with conditions.



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**Averil Parent**  
**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

## 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	<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**

No minor variances required for this application.

**Stefan Pavlica – Zoning Coordinator**

#### **ENGINEERING AND RIGHT OF WAY**

It should be noted that the property does not have record of a driveway permit on file and the stone within the right-of-way does not comply with BP2.1.1. Right-of-way permits are required for any work completed within the right-of-way. This department has no objection to the applicant's request.

**Sandy Mio – Technologist**

#### **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.

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,  
[mstaaedegaard@citywindsor.ca](mailto:mstaaedegaard@citywindsor.ca)

Ontario Ministry of Citizenship and Multiculturalism

Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto:Archaeology@ontario.ca)

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](mailto:Ian.hember@ontario.ca)

#### **TRANSPORTATION PLANNING**

All parking must comply with ZBL 8600.

## **Elara Mehrilou – Transportation Planning**

### **POLICE**

I have reviewed the agenda items for the August 7th meeting of the Committee of Adjustment and would advise as follows:

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 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, whether emergency or non-emergency in nature, and other service delivery requirements.

**Barry Horrobin, B.A., M.A., CLEP, CMM-III**  
**Director of Planning & Physical Resources**

### **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](http://www.birdsafe.ca) and bird friendly guidelines can be found here: Bird-Friendly Guidelines – City of Toronto.

Contacts:

Karen Alexander

City of Windsor Naturalist and Supervisor of Natural Areas

[kaalexander@citywindsor.ca](mailto:kaalexander@citywindsor.ca)

### **FORESTRY**

There are seven City owned trees on this property.

There are many private trees on this property.

Forestry has concerns about the ability to preserve existing on-site and adjacent trees and tree canopy cover as per City Policy. A tree inventory and tree preservation plan may be requested during the Approvals/Site plan process.

**Marc Edwards – Forestry**