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: Averil Parent	**File No.:** B-051/26
Author's Phone: (519) 255-6100 e 6397	**Report Date:** Nov 03, 2026
Author's E-mail: aparent@citywindsor.ca	**Committee Meeting Date:** Nov 12, 2026

To: Committee of Adjustment

Subject Application: Consent to create a new lot.

Owner: 1722912 ONTARIO LTD. (Haidar Habib)

Applicant: Pillon Abbs Inc.

Location: 2405 PARTINGTON AVE

Legal Description: PLAN 1196; LOTS 108 & 109; PT ALLEY; RP 12R29047; PARTS 33 & 58

1. RECOMMENDATION:

That the Consent application of 1722912 Ontario Ltd. to convey a part of the subject lands, described as Plan 1196; Lots 108 & 109; Part Alley; RP 12R29047; Parts 33 & 58, for the creation of a new lot, shown on the drawing attached to the application, **BE GRANTED** with conditions[1].

The applicant/owner shall:

I. Provide Site Servicing drawings for the overall property, outlining all existing services to the satisfaction of the City Engineer.
II. Abandon any existing redundant services as per BP1.3.3 and to the satisfaction of the City Engineer.

[1]*For questions about conditions I and II contact Karen Kong (kkong@citywindsor.ca).*

Note: Severance conditions must be fulfilled after the consent has been granted. If the conditions are not satisfied within the required timeline, the application is deemed to be null and void. A new Committee of Adjustment application will be required for any expired decision order.

2. THE REQUESTED CONSENT:

The 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, legally described as Plan 1196; Lots 108 & 109; Part Alley; RP 12R29047; Parts 33 & 58, also municipally known as 2405 Partington Avenue currently has an existing single unit dwelling, constructed on the northern portion of the property. The southern portion of the property is vacant. The applicant is seeking consent to create a new lot. The proposed lots and the existing single unit dwelling comply with existing Zoning By-law provisions, no minor variance application is required. No development concept has been proposed for the vacant severed lot. The subject parcel is zoned Residential District 1.2 (RD1.2) which allows for single unit dwellings.

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 creation of a new lot, which represents an appropriate consent per Section 11.4.3.2(a).

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 complies with 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 Windsor's Zoning By-law 8600. Proposed development must comply with all zoning district provisions.

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.

Averil Parent
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

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

Zoning Review

Consent to create a new lot.

Stefan Pavlica – Zoning Coordinator

Development, Projects & Right-of-Way

A site servicing drawing is required to determine the location of existing services, as individual connections are required for each lot. The existing sanitary connection is located on the severed lot. New connections will be required for the retained lot. Any redundant connections to the retained property are to be abandoned as per BP 1.3.3. Obtain Right-of-Way permits for any work within the right-of-way.

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

Karen Kong – Engineering Technologist

Heritage Planner, Planning and Build

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.

Contacts:
Windsor Planning & Development Services Department:
519-255-6543 x6179, ktang@citywindsor.ca, planningdept@citywindsor.ca
Windsor Manager of Culture and Events (A):
Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711, mstaadegaard@citywindsor.ca
Ontario Ministry of Citizenship and Multiculturalism
Archaeology Programs Unit, 1-416-212-8886, Archaeology@ontario.ca
Windsor Police: 911
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

Transportation Planner

Transportation planning has no comments.

Aashvi Sarvaiya – Transportation Planner

Windsor Police Service

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, 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
Director of Planning & Physical Resources

Environmental Policy

The subject property is located within the adjacent lands of the South Cameron Wetland Complex. Environmental Policy staff note that the subject site has been subjected to heavy disturbance and have no objection to the proposal, and nothing further is required at this time; however, increased awareness regarding Species at Risk along with the consideration of wildlife exclusionary fencing during construction to aid in the minimization of potential impacts. To maintain high regard for Natural Heritage in the City during development, the following applies:

1. Should a Protected Species or their habitat be found at any time on or adjacent to the site, cease activity immediately and refer to the Species Conservation Act (2025) (SCA). The SCA is administered by the MECP. SAR biologists can be contacted at SAROntario@ontario.ca and may provide recommendations on next steps to prevent contravention of the SCA. The City of Windsor SAR hotline (519-816-5352) can also be used for relevant questions and concerns.
2. For a list of Protected Species 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. Active nests of most bird species are protected under the Migratory Birds Convention Act (1994), the Fish and Wildlife Conservation Act (1997), and/or the Species Conservation Act (2025). If trees, shrubs or ground area 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 these regulations. Protect any trees, shrub or ground area where an active nest is found and leave the nest unharmed until the young have permanently left the vicinity of the nest. 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.
6. Ontario has a list of Regulated Species in the Ontario Invasive Species Act (ISA) (2015). If any species on this list are identified on site, it is recommended that Best Management Practices be followed to remove the invasive species from the site prior to starting development activities. If

guidance is required, report the occurrence to the City Naturalist. For a list of ISA Regulated species: Ontario Invasive Species Act – Invasive Species Centre.

Contacts:

Karen Alexander
City of Windsor Naturalist & Supervisor, Natural Areas
kaalexander@citywindsor.ca

Connor Wilson
Planner II – Revitalization & Policy Initiatives
conwilson@citywindsor.ca

Landscape Architect

There are no concerns with this proposal from a landscape architect perspective. Nothing further is required at this time.

Ryan Upton – Planner II