THE CORPORATION OF THE CITY OF WINDSOR
PLANNING AND 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."

Author's Name: Conner O'Rourke	**File No.:** B-055/26
Author's Phone: (519) 255-6543 e 6447	**Report Date:** Nov 04, 2026
Author's E-mail: corourke@citywindsor.ca	**Committee Meeting Date:** Nov 12, 2026

To: Committee of Adjustment

Subject Application: Consent to create a new lot

Owner: Cabana Urban Homes Inc

Applicant: Andi Shallvari

Location: 3396 WOODWARD BLVD

Legal Description: PLAN 1513 LOT 12 PLAN 1215 PT ALLEY AND RP 12R29170 PARTS 23 AND 24

1. RECOMMENDATION:

That the Consent application of Cabana Urban Homes Inc to convey a part of the subject lands, described as Plan 1513 Lot 12 Plan 1215 Pt Alley And RP 12R29170 Parts 23 and 24, for the creation of a new lot, shown on the drawing attached to the application, **BE GRANTED** subject to the following conditions:

I. The owner shall demolish the existing single unit dwelling on the subject property to the satisfaction of the City Planner.[1]
II. The owner shall submit a noise study to the satisfaction of the City Planner.[1]
III. A Consent Agreement shall be entered into with the City of Windsor to address any mitigation measures identified in the submitted noise study to the satisfaction of the City Solicitor and City Planner. This agreement shall incorporate any recommended warning clauses, to be registered on title of the property to the satisfaction of the City Solicitor at the owner's expense.[2]
IV. The owner shall pay outstanding Sewerage and Connection fees for storm connection to the satisfaction of the City Engineer.[3]
V. Curbs and Gutters – The Owner further agrees, at the discretion of the City Engineer, to pay to the Corporation, prior to the issuance of a construction permit, the Owner's contribution towards the future construction of concrete curb and gutter on the Foster Ave. frontage of the subject lands. The amount of the contribution will be based on the User Fee Schedule at time of payment.[3]

VI. A Corner Cut off is required. The owner is to gratuitously convey a 4.6 m x 4.6 m (15' x 15'), corner cut-off at the intersection of Foster Ave and Woodward Blvd in accordance with City of Windsor Standard Drawing AS-230 to the satisfaction of the City Engineer.[3]

VII. Provide Site Servicing drawings for the overall property, outlining all existing services to the satisfaction of the City Engineer.[3]

VIII. Abandon any existing redundant services as per BP1.3.3 and to the satisfaction of the City Engineer.[3]

IX. Obtain Right-of-Way permits for any work within the right-of-way to the satisfaction of the City Engineer.[3]

X. Obtain driveway permit to legalize existing driveway to the satisfaction of the City Engineer. [3]

[1]For questions regarding Planning conditions, please contact Conner O'Rourke at corourke@citywindsor.ca
[2]For questions regarding Legal conditions, please contact Aaron Farough at afarough@citywindsor.ca
[3]For questions regarding Engineering conditions, please contact Karen Kong at 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 1513 Lot 12 Plan 1215 Pt Alley And RP 12R29170 Parts 23 and 24, also municipally known as 3396 Woodward Boulevard currently contains a single unit dwelling. The applicant proposes to demolish the existing single unit dwelling currently on the subject land. The applicant is seeking severance to create a new lot for the future development of a single unit dwelling while retaining a portion of the subject property for the future development of a single unit dwelling. Both the retained and severed lots do not comply with the minimum lot width and minimum lot area requirements of Zoning By-law 8600, therefore, this request is being concurrently made with the submission of a Minor Variance Application (A-094/26).

As the proposed development is within the Airport Operating Area the applicant is required to provide a noise study to support the feasibility of the proposal and identify and implement appropriate mitigation measures as outlined in the noise study.

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 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. Therefore, the applicant is required to complete the conditions noted in Section 1 of this report to the satisfaction of the City Planner, City Solicitor and City Engineer.

ZONING BY-LAW

The subject land is zoned Residential District 1.1 (RD1.1) per Windsor’s Zoning By-law 8600. This application is submitted concurrently with a Minor Variance Application (A-094/26) seeking relief for reduced minimum lot area and reduced minimum lot width for both the retained and severed lots.

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.



Conner O'Rourke

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

Laura Diotte

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.

DEVELOPMENT WITHIN THE AIRPORT OPERATING AREA

7.2.10.2 Counsil shall protect the Windsor Aiport from incompatible development. Accordingly, all proponents of development within the Airport Operating Area designated on Schedule 'C': Development Constraint Areas shall be subject to the following:

a) New sensitive land uses shall not be permitted in areas above 30 NEP/NEF as set out on maps approved by Transport Canada
b) Redevelopment of existing sensitive land uses may only be considered above 30 NEF/NEP provided the proponent successfully completes a noise study to:
   i. Support the feasibility of the proposal;
   ii. Identify and implement appropriate mitigation measures (refer to Procedures chapter)

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. Any redundant connections to the retained property are to be abandoned as per BP 1.3.3.

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

1. Sewerage and Connection fees are owing for storm connection.
2. Curbs and Gutters – The Owner further agrees, at the discretion of the City Engineer, to pay to the Corporation, prior to the issuance of a construction permit, the Owner's contribution towards the future construction of concrete curb and gutter on the Foster Ave. frontage of the subject lands. The amount of the contribution will be based on the User Fee Schedule at time of payment.
3. A Corner Cut off is required. The owner is to gratuitously convey a 4.6 m x 4.6 m (15' x 15'), corner cut-off at the intersection of Foster Ave and Woodward Blvd in accordance with City of Windsor Standard Drawing AS-230.
4. Provide Site Servicing drawings for the overall property, outlining all existing services.
5. Abandon any existing redundant services as per BP1.3.3 and to the satisfaction of the City Engineer.
6. Obtain Right-of-Way permits for any work within the right-of-way.
7. Obtain driveway permit to legalize existing driveway.

[*Karen Kong – Technologist*]

Heritage Planner

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, 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

[*Ryan Upton- Heritage Planner*]

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- Windsor Police Service*]