

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: Zaid Zwayyed	File No.: B-060/25
Author's Phone: (519) 255-6543 ex 6198	Report Date: Jul 30, 2026
Author's E-mail: ZZwayyed@citywindsor.ca	Committee Meeting Date: Aug 13, 2026

To: Committee of Adjustment

Subject Application: Consent to create a new lot

Owner: Marisleidy Medina Ramos

Location: 3185 Byng Road

Legal Description: PLAN 1215 LOTS 183 184;& PT CLOSED ALLEY

1. RECOMMENDATION:

That the Consent application of Marisleidy Medina Ramos for the conveyance of part of the subject lands described as Plan 1215 Lots 183 and 184 and Part Closed Alley, municipally known as 3185 Byng Road, to create a new lot as identified on the drawing attached to the application, **BE GRANTED** with conditions¹:

- I. The Applicant/Owner shall provide Site Servicing drawings for the overall property, outlining all existing services to the satisfaction of the City Engineer.
- II. The Applicant/Owner shall abandon any existing redundant services as per BP1.3.3 and to the satisfaction of the City Engineer.
- III. The Applicant/Owner shall install a new sanitary private drain connection (PDC) for the retained lot in accordance with City of Windsor Standard Specifications S-35 to the satisfaction of the City Engineer.
- IV. The Applicant/Owner shall obtain an approved Driveway Permit to legalize the existing driveway.
- V. The Applicant/Owner shall remove any encroaching items (including the raised curb) located within the right-of-way or obtain an Encroachment Agreement for the existing encroachment to the satisfaction of the City Engineer.

Re: Refer to A-087/25

¹For questions regarding the engineering conditions, please contact Lea Marshall, Technologist, at (519) 255-6257 x 6494 or lmarshall@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:

Create a new lot as identified in the drawing attached to the application.

3. PLANNING ANALYSIS:

The subject property, legally described as Plan 1215, Lots 183 and 184 and Part Closed Alley, contains an existing single unit dwelling and a vacant portion north of the dwelling. The applicant proposes to sever the property, retaining the portion containing the existing dwelling and creating a new lot from the remaining portion to accommodate a future single unit dwelling. The lots resulting from the proposed severance will have reduced lot width and lot area, and the severance will result in increased lot coverage on the retained lot. A concurrent Minor Variance application (A-087/25) has been submitted to address the resulting zoning deficiencies. Residential use will be maintained on both the severed and retained lots.

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 with minimal potential impact on adjacent properties.

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 Zoning By-law 8600

The subject land is zoned Residential District 1.1 (RD1.1) per Zoning By-law 8600. A concurrent Minor Variance Application (A-087/25) has been submitted to address deficiencies related to reduced lot width and lot area for the severed and retained lots, and increased lot coverage on the retained lot.

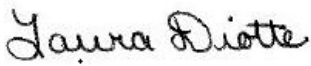
4. PLANNER'S OPINION:

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.



Zaid Zwayyed, MCIP, RPP
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 APPROPRIATE REASONS FOR CONSENTS	11.4.3.1	Council has delegated by by-law the authority to grant consents to the Committee of Adjustment.
	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. Applicant is required to submit a driveway application to legalize the existing driveway that was placed without a permit in 2020. As shown on the submitted survey, the driveway appears to encroach on the neighbour's property. Encroaching curbs along the driveway in the Byng Road right-of-way shall be removed, or the owner shall enter into an encroachment agreement for any encroaching items. Right-of-way permits must be obtained for any work within the right-of-way.

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

1. Abandon any existing redundant services as per BP1.3.3 and to the satisfaction of the City Engineer.
2. Provide Site Servicing drawings for the overall property, outlining all existing services.
3. Install new sanitary PDC to the retained lot, as per S-35.
4. Submit and obtain a Driveway Permit to legalize existing driveway.
5. The Owner is to remove any encroaching items (raised curb) within the right of way or apply for Encroachment Agreement

[*Lea Marshall- 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.

[*Ryan Upton- Heritage Planning*]

Transportation Planner

Transportation planning has no comments.

[*Aashvi Sarvaiya- Transportation Planning*]

Windsor Police Service

The Windsor Police Service has no concerns or objections with the proposal. In reviewing the agenda items, 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*]