

**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:</b> Conner O'Rourke	<b>File No.:</b> B-062/25
<b>Author's Phone:</b> (519) 255-6543 e 6918	<b>Report Date:</b> Dec 02, 2025
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**To:** Committee of Adjustment

**Subject Application:** Consent for Lot Addition.

**Owner:** Butcher Group Inc

**Applicant:** Miller Canfield LLP

**Location:** 2755 Lauzon Pky

**Legal Description:** PLAN 1644; PT BLOCK E; RP 12R20462; PART 2

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**1. RECOMMENDATION:**

That the Consent application of Butcher Group Inc for conveyance of part of the subject lands, described as PLAN 1644; PT BLOCK E; RP 12R20462; PART 2, municipally known as 2755 Lauzon Parkway, to be transferred to 2862 Kew Drive as shown on the drawing attached to the application **BE GRANTED** with no conditions.

**2. THE REQUESTED MUNICIPAL CONSENT:**

Land conveyance of part of the subject land, 2755 Lauzon Parkway, as shown on the attached drawings for the purpose of transferring said land to 2862 Kew Drive.

**3. PLANNING ANALYSIS:**

The subject property consists of PLAN 1644; PT BLOCK E; RP 12R20462; PART 2, municipally known as 2755 Lauzon Parkway. The applicant is seeking severance to transfer land to 2862 Kew Drive for use as a workshop with parking to supplement the existing business operations. The subject land is designated as Industrial/Business Park, which the existing uses comply with. The requested severance complies with Windsor's Zoning By-law 8600.

**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 line adjustment, which represents an appropriate consent per Section 11.4.3.2(b).

Both lots involved in this application have access to a public highway, are 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.

The City of Windsor Official Plan designates the subject property as Business Park / Industrial and the proposed transfer 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.

## **ZONING BY-LAW**

The subject land is zoned Manufacturing District 1.2 S20(1)97 per Windsor's Zoning By-law 8600. The proposed consent complies with all provisions of Zoning By-law 8600 and the existing uses on both lots will not be altered.

### **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 no conditions.



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**Conner O'Rourke**  
**Planner II – Development Review**

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

*Laura Diotte*

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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

COMMITTEE OF ADJUSTMENT APPROPRIATE REASONS FOR CONSENTS	<b>11.4.3</b>	<b>Consent Policies</b>
	11.4.3.1	Council has delegated by by-law the authority to grant consents to the Committee of Adjustment.
	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 ACCESS TO A PUBLIC HIGHWAY	11.4.3.3	Consents shall only be granted for the creation of lots which comply with the Official Plan and Zoning By-law.
	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>
	11.4.3.7	<p>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:</p> <ul style="list-style-type: none"> <li>a) The fulfillment of any financial requirement to the City;</li> <li>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;</li> <li>c) The conveyance of lands for public highways or widenings as may be required;</li> <li>d) The conveyance of appropriate easements;</li> <li>e) The provision of municipal infrastructure or other services;</li> <li>f) The completion of a development or servicing agreement with the City if required; and</li> <li>g) Other such matters as the approval authority considers necessary and/or appropriate.</li> </ul>
CONDITIONS OF APPROVAL	11.4.3.8	<p>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:</p> <ul style="list-style-type: none"> <li>a) Creation of lots for minor infilling;</li> <li>b) The mortgaging or leasing of land beyond 21 years;</li> <li>c) Lot boundary adjustments; and</li> <li>d) Easements and rights-of-ways.</li> </ul>
APPROPRIATE CIRCUMSTANCES FOR CONSENTS		

## **Zoning Review**

Consent for lot addition.

Samuel Perry, Zoning Coordinator

## **Development, Projects & Right-of-Way**

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

1. Owner to obtain a driveway permit to repair and bring to current City of Windsor standards, the existing driveway approach along the Hawthorne Drive in the northwest corner of the subject lands.
2. Remove or apply for an encroachment agreement for all encroaching personal property (boulder, raised concrete curbs) from the Right-of-Way along the entire Hawthorne Drive frontage of the subject lands.
3. The owner is to gratuitously convey a 6.1 m x 6.1 m (20' x 20'), corner cut-off at the intersection of Lauzon Parkway and Hawthorne Drive in accordance with City of Windsor Standard Drawing AS-230.

Lea Marshall, Technologist

## **Heritage Planner, Planning and Build**

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, 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

## **Transportation Planner**

6.1x6.1 m Corner cut-off is required at intersection of Hawthorne Dr and Lauzon Rd.

Elara Mehriou, 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 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  
Director of Planning & Physical Resources  
Windsor Police Service

## **Environmental Policy**

Environmental Policy staff have no objection to the proposal, and nothing further is required at this time. 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. 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 Endangered Species Act (2007). 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](http://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 and Supervisor of Natural Areas

kaalexander@citywindsor.ca

Connor Wilson

Planner II – Revitalization & Policy Initiatives

conwilson@citywindsor.ca

**Landscape Architect**

There are City owned trees adjacent to the subject property. City Trees are protected from damages and removal under City by-law 135-2004 and 131-2019. The Applicant will be required to consult with Forestry on the protection of all City trees which may be impacted by the development.

There are private trees on the property that may be impacted by the development. The applicant is strongly encouraged to attempt to preserve existing privately owned trees on the subject site. If trees within the subject site are to be removed for development, it is strongly encouraged to plant replacement native trees for their various environmental benefits at a like-for-like trunk caliper size ratio (cumulative d.b.h.).

The Applicant is required to produce the following documents (at the Site Plan Control stage):

1. Tree Inventory & Preservation Study – The purpose of a Tree Inventory and Preservation Study is to investigate existing trees/woodlots, within and adjacent to a development proposal and to determine how protection and enhancement can coincide with proposed development. The TIPP shall capture all live trees over 10cm DBH within the proposed development area, both city and privately owned. This inventory should include trees on adjacent lots in close proximity (5 meters) to the property lines. See the TIPP Terms of Reference for more information.
2. Landscape Plan – The purpose of a Landscape Plan is to determine landscape features proposed as part of the development. This Plan must be prepared by an OALA Landscape Architect, illustrating the tree preservation fencing location and details on the plans. Please see Site Plan Control – Application Support Material TOR for more information.
3. Photometric Plan and Light Fixture Data Sheets – These must be prepared by a qualified Lighting Engineer or Consultant. Please see Site Plan Control – Application Support Material TOR for more information.

Ryan Upton, Landscape Architect