



CITY OF WINDSOR

COMMITTEE OF ADJUSTMENT

MINUTES

FOR THE HEARING OF

March 27, 2025

A virtual hearing by the Committee of Adjustment for the City of Windsor was held on March 27, 2025, by Video Conference. The Hearing was called to order at 3:30 PM.

ATTENDANCE:

Present:

Present:

Committee Members

Joe Balsamo - Chair (Acting)
Dante Gatti - Member
Frank Cerasa - Member
Mohammed Baki - Member

Jessica Watson, Secretary-Treasurer
Riley Dufour, Committee Clerk

Regrets:

Mike Sleiman, Chair

Also in attendance, Administrative staff representing the interests of the City of Windsor were:

Planning & Building Services Department

Greg Atkinson, Deputy City Planner
Zaid Zwayeed, Planner
Brian Velocci, Planner
Stefan Pavlica, Zoning Co-ordinator
Conner O'Rourke, Zoning Co-ordinator
Diana Radulescu, Planner
Averil Parent, Planner

Engineering & Geomatics Department

Dan Perissionotti, Technologist

Transportation Planning Department

Elara Mehlou, Transportation Engineer

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DISCLOSURE OF PECUNIARY INTEREST
and the general nature thereof

There being no disclosure of pecuniary interest at this time, the following applications were considered in the order as contained herein.

APPLICANT and SUBJECT LANDS:

Owner(s): RIVERSIDE HORIZONS INC

Subject Lands: PLAN 597; LOT 57; PLAN 1563; LOTS 1 & 2 and known as Municipal Number 3251 RIVERSIDE DR E

Zoning: Residential RD3.3

RELIEF: Construction of a multiple unit dwelling with minimum building setback above 12.5 m abutting any zone permitting single detached dwelling.

INTERESTED PARTIES PRESENT:

Melanie Muir, Agent

PRELIMINARY PROCEEDINGS

The Secretary-Treasurer outlines letters of objections have been received for this item, and shared with Administration, the Agent/Applicant and Committee prior to today's hearings

The Chair confirms with the applicant if they agree with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Ms. Muir confirms they agree with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation.

Joel Gouin – Neighbour, Mr. Gouin asks if the fence is going to be moved closer to his house at 227 Pratt Place. The Agent outlines the fencing is going to stay where it's at the building as originally proposed will be the set back, but at the 12 1/2 meter mark, so after the first four floors, which are the 1st three floors, which are the garage, the building instead of Being set back an additional 7 1/2 would only be set back on that one side on the north side along the alley side will be set back 6 meters only. The Agent shares her screen for all to review.

Ms. Muir advises and due to some changes in some the interior layout and salability of a couple of the units they wanted to change the units to make the end units a little bit bigger and to do that instead of being 7 1/2 meters from on the 4th floor and up. It's only going to be 6 meters, so the alley stays maintained with full access and will be paved. Ms. Muir notes it's a 5-foot difference, but you won't notice it at ground level and it's only on that like that façade.

Mr. Ducharme – Neighbour - They've crammed absolutely everything they possibly could on such a small footprint, and I understand. He feels due to the developer being from out of town, he feels that there has been 0 compromise, and that everything the developer wants in the city is given to him. He outlines he has been hurt by this and that there has been some laughing at the city. Mr. Ducharme outlines this on record, and he is opposed of this development.

Mr. Canty – Neighbour – He asks if the entire alley will be paved. Ms. Muir outlines that what is abutting her client's property will be paved. They will not be maintaining the alley behind the additional lots, however those abutting will be paved for access.

Joel outlines that he feels that the alley is too narrow for a vehicle to get down it currently onto Bellevue. Ms. Muir outlines ask administration to confirm.

Mr. Velocci confirms as part of the site plan; it was required that all the abutting parts of the alley would be paved for usability.

Mr. Ducharme asks 'm just wondering if they're going to provide a new shadow study showing what the impacts going to be on the homes of going closer. Ms. Muir outlines the only impact is that one piece along like we're not changing any other of the setbacks along Riverside Drive. And I understand that you live along Riverside Drive, t's still maintaining the exact same setbacks, including the upper set back that was required of 7.5 meters above the fourth story, it was not required because it wasn't going to impact as negatively as people would think. So, because it's only 5 feet and the shadows weren't going to impact that piece along Pratt cause it's only it would only impact probably the first two or houses that are along that. So, the shadow study that was done for the rezoning maintains the same shadows because we're not changing setbacks there. Mr. Ducharme "You're jamming even a larger building onto a small piece of land. There's zero comfortable"

Ms. Muir outlines It's not a larger building, it's only the upper piece, the 4th.floor instead of being 7.5 m setback which is 25 feet. She outlines it's a 5-foot difference only along that façade. No other façade is changing all the rest all the way around and 7.5 set back is required.

Moved by: D. Gatti

Seconded by: F. Cerasa

IT IS HEREBY DECIDED that the application **BE GRANTED WITH CONDITIONS**

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): DUP FRATRES INC.

Subject Lands: CON 1 PT LOT 123; RP 12R10678 PARTS 4 and 5; and CON 1 PT LOT 124; RP 12R8027 PT PART 2

Zoning: Manufacturing District 1.4

REQUEST: Create a new Lot

DISCUSSION

That the consent application of Duo Fratres Inc for conveyance of part of the above-described lands also municipally known as 0 Catherine St, **to be deferred** to a future meeting until discussions are finalized between the applicant and City staff regarding storm service connections to the Hawkins Drain.

Moved by: D. Gatti

Seconded by: F. Cerasa

IT IS HEREBY DECIDED that the application **BE GRANTED BE DEFERRED**

CARRIED.

APPLICANT and SUBJECT LANDS:

Owner(s): AHMED SHARIFF MOHAMMED, FARZANA PARVEEN

Subject Lands: PLAN 558 LOTS 304 & 305 and known as Municipal Number 2311
DOMINION BLVD

Zoning: Residential RD1.1

RELIEF: Accommodate garage with reduced minimum side yard width.

INTERESTED PARTIES PRESENT:

Ahmed Mohammed, Owner

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they agree with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr. Mohammed confirms they agree with the recommendations and comments provided in the report from Administration. Mr. Cerasa asks if the encroachment of 0.46 meters, which is what 1 1/2 feet is it a wall or a see-through barrier? Mr. Mohammed replies it is a fence. Mr. Gatti asks the point of side yards and when is it too small? Because if you go .46 on either side, you get less than a meter. That right between things that are built. Ms. Averil responds So administration recognizes that it is tight. But in the end, we were OK with the variance being recommended. Mr. Cerasa identifies that the garage door is 8ft and reads it on both sides his three feet on each side, and if it could be diminished to 12ft? Mr. Mohammed outlines that this structure is a single car garage and is already built, and there is no space. Mr. Balsamo outlines that it is already built and what is being sought is approval. Mr. Gatti is concerned with the structure already being built without a permit? Mr. Cerasa outlines that a correction order should be given and this procedure has to be stopped by the planning department when someone does something that it doesn't conform, Ms. Parent outlines that this was brought forward by the Building Department seen the garage was built without a permit, and had issued a violation and then it was directed that it come to the COA, for the variance.

The Chair asks for public presentation. None noted

Moved by: F. Cerasa

Seconded by: D. Gatti

IT IS HEREBY DECIDED that the application **BE DENIED**

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): 1001056327 ONTARIO LTD

Subject Lands: PLAN 1037; LOTS 12 TO 14; N PT LOT 11 and known as Municipal Number 2003 & 2015 BALFOUR BLVD

Zoning: Residential RD1.2

REQUEST: Severance of lands, as shown on the attached drawing, for the purpose of creating a new lot (Part 1).

INTERESTED PARTIES PRESENT:

Evangelos Kalmantis, Agent

PRELIMINARY PROCEEDINGS

Moved By: D. Gatti
Seconded By: M. Baki

That File – B-013/25 thru B-016/ 25 and A-17/25 thru A-20/25 being CON. 1; PT LOTS 121 & 122; RP 12R26172; PART 15 and known as Municipal **PLAN 1037; LOTS 12 TO 14; N PT LOT 11 and known as Municipal Number 2003 BALFOUR BLVD** be heard concurrently

The Chair confirms with the applicant if they agree with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr. Kalmantis confirms they agree with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation.

Luke- Neighbours – he outlines that he was told that there would be 8 houses on this lot, and from what he understands there would be more detailed forth coming for the rear lot? And if there is enough infrastructure with respect to sewers for this location. Mr. Zwayyed outlines that engineering has been circulated and there are noted conditions with respect to the application and the proposed. There should be something circulated in the future to show the use.

Amber Meyers – Neighbour, the applicant is asking why she is here and seems confused. She would like confirmation as to why she received notification. It is outlined that she received information due to the proximity of the subject lands and this is just a courtesy notification. Ms. Meyers asks about the alley and what is being built.

Mr. Gatti asks for details thru administration. Mr. Zwayyed gives an overview of the proposed, to include 4 newly created lots on Balfour, and zoned RD1.2 and the request of 3 of the 4 lots have variances as presented. Mr. Cerasa asks of the measurements and if it is feasible to build on. Mr. Zwayyed outlines there is not much of a deficiency and could have a unique design and the setbacks should be ok and will comply with the zoning at such time. Mr. Kalamantis does not have a full plan as to what is exactly going there currently. He outlined that the design will be to the requirements being sought. He outlined there are not preconceptions as far as visuals or footprints yet. Mr. Zwayyed outlines that after approval today – there will not be another circulation, it is within the scope of the building department, and we are not obligated to provide a circulation. Luke is concerned about the closeness and proximity of the houses, and he feels that these are detrimental to the quality of life as to what type of building can be built on a small lot.

Moved by: D. Gatti

Seconded by: M. Baki

IT IS HEREBY DECIDED that the application **BE GRANTED WITH CONDITIONS.**

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): DANNY SOBHARAM, CHURAMAN SOBHARAM

Subject Lands: PLAN 458; LOT 30 and known as Municipal Number 974
MAISONVILLE AVE

Zoning: Residential RD1.3

RELIEF: Maximum lot coverage for all accessory buildings on a lot

INTERESTED PARTIES PRESENT:

Saksam Sharma, Agent

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they agree with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr. Sharma confirms they agree with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation. None noted

Moved by: D. Gatti

Seconded by: F. Cerasa

IT IS HEREBY DECIDED that the application **BE GRANTED** as applied for

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): ANDRE LEO JOSEPH LAUZON, ANDREA MARIE LAUZON

Subject Lands: CON 1 W PT LOT 141 and known as Municipal Number 10756
RIVERSIDE DR E

Zoning: Residential RD1.6

RELIEF: Proposed single unit dwelling with minimum front yard depth.

INTERESTED PARTIES PRESENT:

Andre Lauzon & Andrea Lauzon, Owners
Lino Montemuri, Agent

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they agree with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr. and Mrs. Lauzon confirm they agree with the recommendations and comments provided in the report from Administration. They defer the item to their Agent. The Agent confirms they have worked within the boundaries and in agreement with the conditions.

Mr. Lauzon asks specifics about the condition and if it is municipally or federally requested. Mr. Zwayeed responds Yes, it is a local Windsor requirement but based on direction from the Ministry of Multiculturalism and this is a new requirement, and it applies to pretty much we could consult further detail with our heritage planner regarding that, but yes, I believe it would apply. It is based on the zones that each proposal is in.

So there this zone is with is within an archaeological potential zone. That is why it was requested. Mr. Atkinson outlines The Council just recently adopted an updated archaeological master plan, so it's always been a requirement, but we've it's being applied in, in, in a slightly different way since the adoption of that new plan and the planners. So, we have a heritage planner who's responsible for archaeology, and they look at each property to see the extent of prior disturbance. And so obviously if the footprint of your building's already been disturbed there is no need to study it, however where there's additional disturbance on the property is when they look at it and require that at least they call a stage 1 archaeological study. So, it wasn't just a blanket kind of decision, we do look at them at an individual property basis and decide that's consistent with the plan adopted by Council and the provincial legislation and policy that we must follow. Mr. Cerasa asks for further stage 1 requirements.

Mr. Atkinson outlines that stage one is basically historical research, and this requires a licensed archaeologist. So they're looking at what is the probability that they might find some artifacts there, and if the probability is low, then it's case closed and you register those findings with the provincial government. If there is some probability, then they do some testing. So, they have a method for how they.

He notes: If something is found, then they look at how to best preserve it or how to how to remove it so that you can proceed with your building. So, it does not mean you cannot build. You just must go through the process and kind of, you know, until the archaeologist is satisfied that there is not a likelihood of destroying.

Mr. Lauzon outlines that he has reached out to an archaeologist and in the Windsor area and this is underway during the consultation process. They have also had an engineering study as well for the basement. Mr. Cerasa asks if a soil report is required? Mr. Atkinson asks this only asked for when there is a change in use, e.g. a commercial to residential, so it is not required.

The Chair asks for public presentation.

Ms. Elana. Delmonte- Neighbour – Ms. Delmonte would like to express her thoughts with respect to the home, and she is a bit upset that the design is identical to their home. She states

in her opinion the Lauzons hired the same architect to build their home. She expresses that the details of her home are identical, and that her husband purchased the lot and build a dream customized home, and hired the same architect, and a lot of time, energy and efforts and celebrate the life of him is an inventor and fabricator. She feels that this isn't fair to him, that his originally and some of his artwork can be admired on Windsor's waterfront as well. She outlines other works of arts and compares it to their home as an original. She feels it is impossible to have the Lauzon's purchase a lot and build the same home.

The Chair appreciates the comments provided and outlines the purpose of today's hearing. Ms. Delmonte outlines she is objecting to the proposed. She feels their view on the west side and the relief will further impact her view of such and the quality of her life in the front yard. Ms. Delmonte would like to oppose to this application.

Moved by: F. Cerasa

Seconded by: D. Gatti

IT IS HEREBY DECIDED that the application **BE GRANTED WITH CONDITIONS**

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): PANAGIOTIS PANOS SECHOPOULOS, STILIANA DHONO

Subject Lands: PLAN 12M344 LOT 66 and known as Municipal Number 978 NOVA DR

Zoning: Residential RD1.4

RELIEF: Main building with maximum gross floor area.

INTERESTED PARTIES PRESENT:

Scott Neilson, Agent

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they agree with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr. Neilson confirms they agree with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation. None noted

Moved by: D. Gatti

Seconded by: F. Cerasa

IT IS HEREBY DECIDED that the application **BE GRANTED** as applied for

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): DANNY ALBERT CARR, DANIEL WAYNE CROZIER

Subject Lands: PLAN 717 S PT BLK G and known as Municipal Number 1187
JEFFERSON BLVD

Zoning: RD1.2 and RD1.1

REQUEST: Validation of Title as per the lands described in Legal Description.

INTERESTED PARTIES PRESENT:

Spencer Hsu, Agent

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they agree with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr. Hsu confirms they agree with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation. None noted

Moved by: F. Cerasa

Seconded by: D. Gatti

IT IS HEREBY DECIDED that the application **BE GRANTED** as applied for

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): 2832765 ONTARIO INC

Subject Lands: PLAN 729 LOT 10 and known as Municipal Number 1527-1529
HOWARD AVE

Zoning: Manufacturing MD1.2

RELIEF: Expansion of legal non-conforming use to create an ADU in the
basement of the existing duplex building.

INTERESTED PARTIES PRESENT:

Giovanni Micelli, Owner

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they agree with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr. Micelli confirms they agree with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation. None noted

Moved by: D. Gatti

Seconded by: F. Cerasa

IT IS HEREBY DECIDED that the application **BE GRANTED** as applied for

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): 2832765 ONTARIO INC

Subject Lands: PLAN 729 LOT 9 and known as Municipal Number 1531-1533
HOWARD AVE

Zoning: Manufacturing MD1.2

RELIEF: Expansion of legal non-conforming use to create an ADU in the
basement of the existing duplex building.

INTERESTED PARTIES PRESENT:

Giovanni Micelli, Owner

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they agree with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr. Micelli confirms they agree with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation. None noted

Moved by: D. Gatti

Seconded by: F. Cerasa

IT IS HEREBY DECIDED that the application **BE GRANTED** as applied for

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): 2832765 ONTARIO INC.

Subject Lands: PLAN 729 LOT 8 and known as Municipal Number 1535 HOWARD AVE

Zoning: Manufacturing MD1.2

RELIEF: Expansion of legal non-conforming use for the detached ADU with reduced minimum side yard width and required number of parking spaces.

INTERESTED PARTIES PRESENT:

Giovanni Micelli, Owner

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they agree with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr. Micelli confirms the agrees with part of the recommendation, however he does not agree with the recommendation #2 in the provided in the report from Administration. Ms. Radulescu outlines that administration does not support the reduction in the parking due to the impact of the detached ADU eliminating existing parking and current parking that exists is still required for the primary dwelling unit as per the zoning by-law. We require one parking space for the first dwelling unit in certain areas of the city. No parking spaces are required for the 2nd Adu, and usually there are no parking spaces required for the third Adu. So, in this case, the elimination of the parking space for the first or the primary dwelling unit creates a situation whereby the applicant or the owner is not able to provide any alternate parking. So. Radulescu, Diana (She/Her) 1 hour 14 minutes 19 seconds

Engineering right of way was consulted on this file, and they noted that front yard. Parking space coming in from Howard Ave. would not be supported given that this parcel is located on a navigable and accessible alleyway, and that current parking for the for the dwelling already exists and in addition, we do not consider on street parking, so a site must provide onsite parking within the parcel itself. So given that there are no alternative options to provide the Required parking for the dwelling unit administration. Both the planning Department and transportation planning departments are not in support of the elimination and parking because of the detached Adu, and we are not in support of it.

Mr. Micelli outlines that in the report, it's in the body of the report, the transportation and the planning department. Both were OK that the duplexes that I currently own do not have parking #1 #2. That in this situation and Although I do not have the required parking, I'm in an area that is exempt from parking. In the whole Adu process, the municipalities defined an area that says does not require parking. This property is in that area. What I can also say to you is that administration is looking at this property because of the zoning MD 1.2. They're opposed to it. They're saying to me the proposed required by law for side yards is 6 meters, and I'm asking for 1.2. What I'm asking for is what is consistent in a residential area now they want to use manufacturing as the impetus on why I should be denied. Because there's ad us that are being built. Throughout the core area of the city that have no parking, I'm in the core area of the city I'm on A route that is, you know, serviced with transportation and realistically what I want to say to the committee is that this is an area in transition.

You look at the area and what has been happening in the area when the zoning bylaw is officially approved in 1985, they dealt with that area as an area of manufacturing. Well, there is no manufacturing happening in the block that this property exists in. In fact, sealtest closed.

Sealtests no longer manufacturers the building. The ownership went into receivership. They talk about Windsor mold in the report.

Windsor Mold is defunct, is no longer. It has been converted into a storage facility for many, for Galati cheese.

Like there are so many things that are happening in this in this block, I feel that administration really needs to look at it. This is a complementary use for my property.

It has been a single-family home since 1921. It is contained within the report. The province suggested that additional dwelling units should be promoted.

And intensification of existing municipal infrastructure should be used.

This is a perfect example for it, and the reason they're suggesting this is simply because I don't have the one parking spot I'm trying to create more affordable housing for rent in the core area where all the services exist where the transportation exists, where there's medical face close by, there's shopping close by, everything, school supply. It is a walk in community and.

Simply because I am creating a detached unit, which I am allowed to do in any other place.

He is in the city, but because I am in an area that's zone MD 1.2 and this property's been a legal, nonconforming use for the last one hundred years, they are going to deny me my right to build that, that's their recommendation. I am sorry, I just find it that it makes there is no common sense in this recommendation.

Mr. Ceras adds his opinion they are on Howard Ave and there is public transportation. Ms.

Radulescu outlines her feed back with respect to how we use that as an existing condition, so we do not require parking unless it is required by the zoning bylaw. So, and as I mentioned before, we require one parking space for the first dwelling unit. This parcel is in an area of the city where the 2nd Adu does not require an additional parking space, and across the city. The

third Adu does not require parking space, so for the other two properties, because there is no current parking provided, there's no OPP. to provide parking and no parking is being taken away because of the development and the proposed development of a basement Adu and the

two adjacent duplexes is contained within the building footprint, because there are no requirements under a zoning bylaw to provide additional parking for the third Adu, we did not

require or consider that a parking deficiency for those two cases. in this case, there's at least one parking space currently being provided At the back of the property and that is required as

per a zoning bylaw for the existing Dwelling unit, which will continue its legal non-conforming use, So therefore that that is the rationale behind staff's objection to the reduced parking with

respect to the analysis for the manufacturing zone, the requirement for parking in our zoning bylaw is contained in Section 5. also wanted to mention that during pre-consultation with the

applicant, the applicant was advised that the current proposed density of three dwelling units could be achieved on the same parcel with respect to an addition on the back of the property.

Property and that would be in line with our official plan policies for legal non-conforming use.

With respect to enlargement or expansion of an existing building or structure, operating or continuing as legal, non-conforming use and the physical impact and the scale and massing of

such an addition to the rear of the existing building would be significantly reduced than that of the current proposed detached ADU. Which as you can see in the attached drawings to the

application, would eliminate the parking space and create a parking deficiency that is not

supported. Mr. Micelli outlines that if the alley is closed behind him, and he has an application

to do so, and to purchase and use the alleys as parking, based on the location, and it will create more than 1 parking space. He is not asking to build it as an addition, and he feels that is what

administration is trying to do here. Ms. Radulescu The parking space would still be required for the primary dwelling unit.

Approval from the right of way department would be required would be needed to determine whether a front yard parking space would be still achievable, so that is not guaranteed at this

point. Mr. Gatti asks if he would close the alley first. Mr. Micelli outlines I want to build an

additional ADU because I know there is a need for it. Mr. Micelli outlines he is trying to comply.

He explains with all the things that the city has in their official plan where it says we want to have compatible and having more affordable units, he is trying to do all that and I'm telling you

that in that neighborhood, there is a lot of people that don't have parking. He outlines his

tenants, my existing tenants in the two duplexes use public transportation.

Mr. Atkinson would like to point out with some additional context. He understands that there are 2 tests that are being applied to the application. This is an industrial zone and there are criteria with the official plan where we can reasonably expand a legal-nonconforming use. The applicant and agent continue to deliberate the item.

The Chair calls for a motion

The Chair asks for public presentation. None noted

Moved by: F. Cerasa

Seconded by: M. Baki

Opposed by: D. Gatti

IT IS HEREBY DECIDED that the application **BE GRANTED WITH NO CONDITIONS.**

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): ARMIN MULAOSMANOVIC, STEPHANIE MARIE MULAOSMANOVIC

Subject Lands: PLAN M91 LOT 133 and known as Municipal Number 3415
ACADEMY DR

Zoning: Residential RD1.4

RELIEF: Proposed pool house with reduced minimum side yard width and side yard width for an accessory building.

INTERESTED PARTIES PRESENT:

Giovanni Miceli, Agent

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they agree with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr. Miceli confirms they agree with the recommendations and comments provided in the report from Administration. Mr. Gatti asks if these items are already constructed. Mr. Miceli outlines that the shed is already there, however the pool house is not. Mr. Balsamo asks if this will be a pool house or an ADU. Mr. Cerasa asks if they have a permit already, or if they will be applying for one. Mr. Micelli outlines that there was a pool house there previously, so it is just a rebuild a bit bigger. Mr. Gatti asks Administration what the minimum number of side yard is. Mr. Zwayeed outlines there is no specific number that can be placed to say that it's acceptable or not. In this case, we looked at different elements for this side yard specifically at this location. First, the location of the adjacent house is far, so it didn't impact much. Second, the use of the actual edition and that is why the chair asks a good question. If it was an ADU if it was a habitable space, if it had a different occupancy, then it will be a different consideration when we when we talk about reductions.

The third thing is that if they will be applying for a building permit to ensure that the fire requirements are met. We did not see any impact with this reduction. A similar structure was there in the area or still is there actually as we speak so.

Mr. Micelli outlines they did not see any impact with that based on this with this reduction. Mr. Cerasa asks if we are adopting a European system to where things could be done and undone and done over and changed over to the first person that shows up. He feels we don't have conformity anymore. Mr. Zwayeed outlines, the Committee can think that the reduction is not favorable or if it were created impact.

The Chair asks for public presentation. None noted

Moved by: F. Cerasa

Seconded by: M. Baki

IT IS HEREBY DECIDED that the application **BE GRANTED/GRANTED WITH CONDITIONS/DENIED/DEFERRED** - as applied for

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): PACERS HOLDINGS INC.

Subject Lands: PLAN 260 W PT LOT 22;E PT LOT 21 and known as Municipal Number 1336 UNIVERSITY AVE W

Zoning: Residential RD3.1

RELIEF: Proposed duplex with ADU with reduced minimum lot width, increased maximum main building height, and the gross floor area for the main building,

INTERESTED PARTIES PRESENT:

Rock Kim, Agent

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they agree with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration.

DISCUSSION

Mr. Rock confirms they agree with the recommendations and comments provided in the report from Administration. The chair outlines that the request is 533 m² to 480 m². And has this been considered by his client. The Chair wants to confirm if this is what is being requested. He outlines yes.

Mr. Cerasa outlines that the maximum GFA exceeds the 20% and there are a few things he doesn't agree with. Mr. Cerasa feels that he can't approve this today unless it is revised. Ms. Parent outlines that the applicant has proposed the MAX GFU, and as per the recommendation is by administration that a re-design would need to be to have it to be 480m²

The Chair asks for public presentation. None noted

Moved by: F. Cerasa

Seconded by: M. Baki

IT IS HEREBY DECIDED that the application **BE GRANTED with an increased maximum amount 480 m²**

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): AHMAD ZRABAH

Subject Lands: PLAN 973; LOTS 542 TO 545 & PT CLOSED ALLEY; RP 12R23215; PARTS 20 & 21 and known as Municipal Number 1550 & 1576 RANDOLPH AVE

Zoning: Residential RD1.2

REQUEST: Severance of lands, as shown on the attached drawing, for the purpose of creating a new lot.

INTERESTED PARTIES PRESENT:

Tracey Pillon-Abbs, Agent

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they agree with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Ms. Pillon-Abbs confirms they agree with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation. None noted

Moved by: M. Baki

Seconded by: F. Cerasa

IT IS HEREBY DECIDED that the application **BE GRANTED WITH CONDITIONS.**

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

ADOPTION OF MINUTES

After reviewing the draft minutes presented by the Secretary-Treasurer, it was

Moved by **F. Cerasa**,
Seconded by M. Baki,

That the minutes of the Committee of Adjustment Hearing held **March 3, 2025**, **BE ADOPTED.**

CARRIED.

ADJOURNMENT:

There being no further business before the Committee, the meeting accordingly adjourned at 5:17 p.m.

Joe Balsamo, Chairperson (Acting)

Jessica Watson, Secretary-Treasurer