

CITY OF WINDSOR
COMMITTEE OF ADJUSTMENT
MINUTES

FOR THE HEARING OF

June 12, 2025

A virtual hearing by the Committee of Adjustment for the City of Windsor was held on June 12, 2025, by Video Conference. The Hearing was called to order at 3:30 PM.

ATTENDANCE:

Present:

Committee Members

Mike Sleiman, Chair
Joe Balsamo, Vice-Chair
Dante Gatti, Member
Frank Cerasa, Member

Jessica Watson, Secretary-Treasurer
Riley Dufour, Committee Clerk

Regrets:
Mohammed Baki, Member

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

Planning & Building Services Department

Greg Atkinson, Deputy City Planner
Laura Strahl, Manager, Development Applications
Rob Vani, Manager, Building Development
Zaid Zwayyed, Planner
Brian Nagata, Planner
Stefan Pavlica, Zoning Co-ordinator
Conner O'Rourke, Zoning Co-ordinator
Diana Radulescu, Planner
Averil Parent, Planner
Kareem Kurdi, Planner

Engineering & Geomatics Department

Andrew Boroski, Technologist I

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.

FILE: A-046/25

APPLICANT and SUBJECT LANDS:

Owner(s): KENNETH HART

Subject Lands: CON. 1; PT LOT 107; PLAN 813; LOT 36; PT CLOSED ALLEY & PT ROSSINI PARK and known as Municipal Number 820 ROSSINI BLVD

Zoning: Residential RD1.1

RELIEF: Existing fence with maximum increased height.

INTERESTED PARTIES PRESENT:

Kenneth Hart, Owner

PRELIMINARY PROCEEDINGS

The Secretary outlines there has been an amendment to the variance today. The relief is for the side yard maximum increased height.

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. Hart confirms they agree with the recommendations and comments provided in the report from Administration. Mr. Cerasa asks to confirm that it is only 10 inches and that it would be comprised of lattice on the height of the fence. Mr. Hart outlines that there is fence board framing and lattice on both sides with OSB plywood in between to prevent break-ins. It was outlined that the front fence was already removed. The Chair asks for public presentation. None noted

Moved by: Dante Gatti

Seconded by: Joe Balsamo

IT IS HEREBY DECIDED that the application **BE GRANTED as amended** for the side yard fence only.

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.

FILE: A-047/25

APPLICANT and SUBJECT LANDS:

Owner(s): AVERIE GRACE HUTNIK, TOBY LIDDLE KARCHUK

Subject Lands: PLAN 1112 LOTS 39 & 40 & PT CLOSED ALLEY and known as
Municipal Number 866 FRANK AVE

Zoning: Residential RD1.1

RELIEF: ADU with increased maximum lot coverage for all accessory
buildings.

INTERESTED PARTIES PRESENT:

Toby Karchuk, 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. Karchuk **confirms** agreement 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.

FILE: B-037/25

APPLICANT and SUBJECT LANDS:

Owner(s): ZELJKO RELJIC

Subject Lands: PLAN 1037 PT LOT 4 PT LOT 5 and known as Municipal Number 2079 BALFOUR BLVD

Zoning: Residential RD1.2

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

INTERESTED PARTIES PRESENT:

Ryan Solcz, 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. Solcz confirms agreement 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: J. Balsamo

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.

FILE: A-050/25 & B-038/25

APPLICANT and SUBJECT LANDS:

Owner(s): RAFIC RIZK, ILHAM RIZK

Subject Lands: PLAN 1157 LOT 24;PT CLSD ALLEY and known as Municipal Number 2439 and 0 NORMAN RD

Zoning: Residential RD1.1

RELIEF: Create a new lot with reduced minimum lot area for both lots.

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

INTERESTED PARTIES PRESENT:

Marianna Samaan, Agent

PRELIMINARY PROCEEDINGS

Moved by - D. Gatti
Seconded By – F. Cerasa

That files A-052/25 and B-038/25; subject lands **PLAN 1157 LOT 24;PT CLSD ALLEY and known as Municipal Number 2439 and 0 NORMAN RD** be heard concurrently

The Secretary-Treasurer states that there have been objections received with respect to the proposed and have been shared with administration, the Applicant and the Committee of Adjustment for review prior to these 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. Samaan confirms they agree with the recommendations and comments provided in the report from Administration. Mr. Gatti asks the administration to what degree they consider the widths of the lots and the surrounding neighborhood. Ms. Diotte outlines the Lots meet the Official Plan policies, and the lots across the street are approx. 16m and the requested variances do meet our official plan. Mr. Sleiman asks of other lots in the neighbourhood (same block) with 50-foot frontage. Ms. Diotte outlines there are no any.

The Chair asks for public presentation.

Neighbour Jen outlines concern with privacy, noise and possible property value. She further asks if there would be windows facing her property, or a higher deck interfering with her property. The Chair outlines that the property owner can build what they want, however it is out of the committee's jurisdiction as well of noise and lot value. He outlines that with a new building it could devalue her home. Jen outlines that they purchased this lot with an open concept and there is a significant impact on her. The Chair asks if the applicant would be willing to work with the abutting owner. Ms. Samaan outlines they would do their best.

Mr. Vani, building official, speaks about the matter and says that it should be 25 ft for the rear yard setback and 1.2m for the side yard. Mr. Cerasa asks the planner if there is consideration for services in the area that would support it. Circulation for all applications goes to Public Works which provides comments with respect to services, if there are any servicing constraints, they would be noted in the comments section.

Mr. Cerasa moves the item to be Granted.
No seconder.

Moved by: D.Gatti
Seconded by: J. Balsamo

IT IS HEREBY DECIDED that the application **BE DENIED** due to the characteristics of the neighbourhood and it is lower density. The Committee outlines the Lot is too small for the area considering the other lot size the lots and make comparisons in that neighborhood.

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.

FILE: A-048/25

APPLICANT and SUBJECT LANDS:

Owner(s): NEDILJKA ANTUNOVIC

Subject Lands: PLAN 282; N PT LOT 10; PT CLOSED LANE; RP 12R-23709; PARTS 4; 5 & 6 and known as Municipal Number 343 CARON AVE

Zoning: Residential RD2.2

RELIEF: The accommodation of a multiple dwelling unit with proposed attached garage addition resulting in reduced minimum lot width and increased maximum lot coverage,

INTERESTED PARTIES PRESENT:

Sean Piskovic, 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. Piskovic confirms they agree with the recommendations and comments provided in the report from Administration. Mr. Gatti asks the agent to confirm that the buildings are already on the lot and the only new construction is going to be on the rear and because of the changes and because of the changes. Mr. Piskovic outlines as the zoning bylaws in their permitted uses in the maximum GFA, it was a lot coverage issue. So, when he spoke to a building department representative, they recommended to go through a variance to get those obviously approved via this procedure, which is the reason for the relief for the frontage too as well wasn't big enough based on the bylaw. Mr. Gatti addresses administration if it is the characterization and the buildings are already there. Ms. Parent outlines this is a normalization of the three units that are in existence. Mr. Balsamo asks "How would the minimum lot width be on there if the house existing and the lots already there? Ms. Parent responds that originally, the house was likely a single unit dwelling and that require that has a smaller minimum Lot width, but the house the building has been used as three unit dwelling for quite some time, so when the applicant came in for their building permit for the addition, administration realize that they just needed to fix that. So, it could either have been a single unit dwelling with two ADUS that would have limited the variance for the minimum lot width. However, that would have resulted in a variance in increased maximum GFA. So, the other way to do it I would have been kind of it's the same each either way. So just trying to normalize that so that they can proceed with their addition. Mr. Cerasa asks about the flat roof and if this is going to be a public area. Ms. Piskovic responds for the main primary tenants and the mother, they like to go just to get some air and outside use it as a terrace kind of deck kind of to be outside above the garage space too as well just for BBQ table chairs, that kind of stuff and So he figured instead of making a roof, make a use out of the space and have a nice terrace off the entry off the home too as well. Off that second level there. Mr. Cerasa asks if it is for future use. Mr. Piskovic outlines each level is proposed to have a unit, so you get the lower level the main and a second, so above the garage would be the use of that access to that terrace for the primary residents.

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.

FILE: A-049/25

APPLICANT and SUBJECT LANDS:

Owner(s): LEKA DEMIRAJ, LUCAS GAMBLE

Subject Lands: PLAN 1269 LOT 42 and known as Municipal Number 2633 PARENT AVE

Zoning: Residential RD1.3

RELIEF: Maximum lot coverage and minimum separation from the side lot line for an accessory building with an ADU.

INTERESTED PARTIES PRESENT:

Shawn Piskovic, Agent

PRELIMINARY PROCEEDINGS

The Secretary-Treasurer states that there have been objections received with respect to the proposed and have been shared with administration, the Applicant and the Committee of Adjustment for review prior to these 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. Piskovic confirms they agree with the recommendations and comments provided in the report from Administration. He outlines that there is nothing added or modified to the structure. He outlines the new owner bought the property that had a lot of issues, and the new owner is trying to legalize everything, and it exceeds the side yard setback. He outlines that the construction is well done and blends in with the neighborhood, but the garage is closer to the fence than usual, but it has a purpose just to be used as a storage space and stuff in the structure there. The Chair asks how they plan to meet the building code requirements. Mr. Piskovic, we've proposed to design an ADU unit B for that complete accessory structure as one and a part of the floor plan shows, we're just going to be bathroom and kitchen space where it was this whole time. That's what that space will be utilized for and has plumbing. The Agent just wants to legalize it. The Chair addressee's administration, is there any building code compliance issue anticipated beyond the footprint and set back? Mr. Vani, address there would be the normal, fire protection requirements for walls that Too close to the to the property line, any exposed building faces things of those natures that we would be reviewing as part of the permit process and issues that cannot not be, you know, resolved through proper building practices and code compliance. He outlines there'll be some challenges with something. They won't be something that they couldn't overcome. Mr. Piskovic advises the proposal is designed for a fire separation wall because so close to the other property, the distance on the opposite side there, we got here at 1 foot 8 inches, which is 0.5m because it was close to the side, we'd have to do a fire rated wall for that wall there in the far left, which is fine. He further adds there isn't any other structure here, and he doesn't see it close to this side, but obviously if the building department wanted it to be fireproof as well, he would. The Chair asks the city supported similar variances for ADU conversion in an older neighborhood, where the buildings were modified before permit enforcement became. Mr. Zwayyed outlines There are no proposed alterations to the site, it still complies with the overall lot coverage requirement. So, it is just a require, just a change of changing it to a habitable space requires these variances. Mr. Cerasa asks of an updated survey, and if the fire wall is 2 hours? It's confirmed the building code requires only 1 hour separation and that will be in place. Mr. Vani outlines that 2hour separation are for industrial, and under the OBC it is not required for this proposed. The Chair asks if has a paved alley in the rear of the property? The alley is gravel.

The Chair asks for public presentation. None noted

Moved by: F. Cerasa

Discussion on the motion: Mr. Gatti speaks to the motion if the previous owner had applied to build a structure like this within the side yard, we would probably say no, right? Because I think we'd be almost established we would go down to 80 centimeters, he certainly wouldn't be voting in favor of a side yard for, you know, 71 centimeters or whatever it is, right. If the person that built the garage went ahead and built it, then got caught, I would probably say no because he went ahead and ignored us. I'm trying to say it is the responsibility to some degree to make sure that if you buy something is compliant and if you buy something that isn't well, you know it's not for us to bail them out of that however, considering everything what everybody said, it is relatively minor and so on. The applicant was blind-sided and is trying to clean it up and make it legal.

Seconded by: J. Balsamo

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.

ADOPTION OF MINUTES

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

Moved by D. Gatti,
Seconded by F. Cerasa,

That the minutes of the Committee of Adjustment Hearing held May 29, 2025 **BE ADOPTED.**

CARRIED.

ADJOURNMENT:

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

Mike Sleiman, Chairperson

Jessica Watson, Secretary-Treasurer