



# **CITY OF WINDSOR COMMITTEE OF ADJUSTMENT**

## **MINUTES**

**FOR THE HEARING OF**

**May 19, 2022**

A hearing by the Committee of Adjustment for the City of Windsor was held on May 19, 2022, located Zoom, Electronic Participation.  
The Hearing was called to order at 3:30 PM.

**ATTENDANCE:**

**Present:**

Mike Sleiman, Chair  
Dante Gatti, Member  
Joe Balsamo, Member

Jessica Watson, Secretary-Treasurer  
Natasha McMullin, Committee Clerk

Regrets: **Tom McMahon, Vice-Chair**

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

Simona Simion, (Planner II – Research & Policy Support) Planning Department  
Pablo Golob (Planner II - Development Review) Planning Department  
Jason Campigotto (Planner III – Site Plan Approval Officer) Planning Department  
Connor Cowan (Zoning Co-ordinator) Planning Department  
Amy Olsen, (Technologist II) Engineering & Geomatics Department  
Rania Toufeili (Transportation Engineer) Transportation Planning  
Shannon Dehan (Transportation Engineer) Transportation Planning  
Stefan Fediuk, Landscape Architect, Parks Department

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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):** JOHN BAHRY

**Subject Lands:** PART LOT 8 BLOCK D ON REGISTERED PLAN 134 and known as  
Municipal Number 574 ELLIOTT ST E

**Zoning:** Residential RD1.3

**RELIEF:** Construction of a single unit dwelling with reduced minimum lot  
width.

**INTERESTED PARTIES PRESENT:**

John Bahry, Owner (absent)

**PRELIMINARY PROCEEDINGS**

The Chair confirms with the applicant if they are in agreement 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 to note

**DISCUSSION**

Ms. Simion gives an overview of the application and his proposal. Ms. Simion outlines the applicant is aware of the conditions.

The Chair asks for public presentation. None noted.

Moved by: Joe Balsamo

Seconded by: Dante Gatti

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

**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):** CHRISTOPHER DZIVER, LYNN DZIVER

**Subject Lands:** LOT 940-941 ON REGISTERED PLAN 1126, PART LOT 18 &36, PART CLOSED ALLEY ON REFERENCE PLAN 12R-17983 and known as Municipal Number 3596 TURNER RD

**Zoning:** Residential RD1.1

**REQUEST:** The severance of the above lands as shown on the attached drawing for the purpose of creating a new Lot.

**INTERESTED PARTIES PRESENT:**

Paul Nesseth, Agent

**PRELIMINARY PROCEEDINGS**

The Chair confirms with the applicant if they are in agreement 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 to note

**DISCUSSION**

Mr. Nesseth, confirms they are in agreement with the recommendations and comments provided in the report from Administration

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 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):** 5021036 ONTARIO INC

**Subject Lands:** LOTS 37 & 38 ON REGISTERED PLAN 1137 and known as Municipal Number 780 SOUTH PACIFIC AVE

**Zoning:** Residential RD1.3

**RELIEF:** Change of Legal non-conforming use to office/woodworking shop and granite countertop cutting fabrication

**INTERESTED PARTIES PRESENT:**

Alfredo Gatti, Agent

**PRELIMINARY PROCEEDINGS**

The Chair confirms with the applicant if they are in agreement 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 to note

**DISCUSSION**

Mr. Gatti confirms they are in agreement with the recommendations and comments provided in the report from Administration.

**The Chair asks for public presentation. None noted.**

Moved by: Joe Balsamo

Seconded by: Dante 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):** 627444 ONTARIO LIMITED

**Subject Lands:** PART LOT 14-17 PART BLOCK 9 ON REGISTERED PLAN 358 and known as Municipal Number 1500 OUELLETTE AVE

**Zoning:** Commercial CD3.5 20 (1) 49

**RELIEF:** The residential conversion of the existing third and fourth floor with minimum interior lot line setbacks and parking separation from habitable room window facing the parking area.

**INTERESTED PARTIES PRESENT:**

Michael Cervi, Agent

**PRELIMINARY PROCEEDINGS**

The Chair confirms with the applicant if they are in agreement 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 to note

**DISCUSSION**

Mr. Cervi confirms they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair asks for public presentation. None noted.

Moved by: Joe Balsamo

Seconded by: Dante 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):** BAKER INVESTMENTS LIMITED

**Subject Lands:** PART BLOCK B AND BLOCK A ON REGISTERED PLAN 1627 and known as Municipal Number 8380-8474 WYANDOTTE ST E

**Zoning:** Commercial CD2.1 20(1)396

**REQUEST:** To create and easement over said lands for the purpose of access and servicing.

**INTERESTED PARTIES PRESENT:**

John Millson, Agent

**PRELIMINARY PROCEEDINGS**

Moved by: Joe Balsamo

Seconded by: Dante Gatti

That since applications **B-023/22 & B-024/22** by **BAKER INVESTMENTS LIMITED, PART BLOCK B AND BLOCK A ON REGISTERED PLAN 1627** and known as Municipal Number **8380-8474 WYANDOTTE ST** they **BE CONSIDERED CONCURRENTLY** by the Committee for discussion only.

The Chair confirms with the applicant if they are in agreement 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 to note

**DISCUSSION**

Mr. Millson confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair asks for public presentation. None noted.

Moved by: Joe Balsamo

Seconded by: Dante 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):** BAKER INVESTMENTS LIMITED  
**Subject Lands:** PART BLOCK B & BLOCK A ON REGISTERED PLAN 1627 and known as Municipal Number 8380-8474 WYANDOTTE ST E  
**Zoning:** Commercial CD3.1 20(1)396  
**REQUEST:** The severance of said lands, for the purpose of creating a new Lot

**INTERESTED PARTIES PRESENT:**

John Millson, Agent

**PRELIMINARY PROCEEDINGS**

Moved by: Joe Balsamo

Seconded by: Dante Gatti

That since applications **B-023/22 & B-024/22** by **BAKER INVESTMENTS LIMITED, PART BLOCK B AND BLOCK A ON REGISTERED PLAN 1627** and known as Municipal Number **8380-8474 WYANDOTTE ST** they **BE CONSIDERED CONCURRENTLY** by the Committee for discussion only.

The Chair confirms with the applicant if they are in agreement 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 to note

**DISCUSSION**

Mr. Millson confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair asks for public presentation. None noted.

Moved by: Joe Balsamo

Seconded by: Dante 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):** RANDY CLETUS HAYES, CLAIRE MARIE HAYES  
**Subject Lands:** LOT 15 CONCESSION 9 ON REFERENCE PLAN 12R-9790 and known as Municipal Number 4535 COUNTY RD 17  
**Zoning:** A  
**REQUEST:** The consent to sever said lands for the purpose of a Lot addition

**INTERESTED PARTIES PRESENT:**

Michael Stamp, Agent

**PRELIMINARY PROCEEDINGS**

The Chair confirms with the applicant if they are in agreement 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 to note

**DISCUSSION**

Mr. Stamp confirms they are in agreement with the recommendations and comments provided in the report from Administration.

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** 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): MARKO AGBABA**

**Subject Lands: LOT 5 ON REGISTERED PLAN 804 and known as Municipal Number 180 CALIFORNIA AVE**

**Zoning: Residential RD1.2**

**RELIEF: To create a new semi-detached dwelling with minimum Lot width.**

**INTERESTED PARTIES PRESENT:**

Mark Agbaba, Owner

**PRELIMINARY PROCEEDINGS**

The Chair confirms with the applicant if they are in agreement 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 to note

**DISCUSSION**

Mr. Agbaba confirms they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair asks for public presentation. None noted.

Moved by: Joe Balsamo

Seconded by: Dante 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):** JOSEPH PAPIC, SUSAN PAPIC

**Subject Lands:** LOT 15 ON REGISTERED PLAN 604 and known as Municipal Number 260 CALIFORNIA AVE

**Zoning:** Residential RD2.2

**RELIEF:** The construction of a semi-detached dwelling with reduced minimum Lot width, Lot area and side yard

**INTERESTED PARTIES PRESENT:**

Joeseph Papic, Owner

**PRELIMINARY PROCEEDINGS**

The Chair confirms with the applicant if they are in agreement 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 to note

**DISCUSSION**

Mr. Papic confirms they are in agreement with the recommendations and comments provided in the report from Administration.

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 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):** EASTERN ANGEL INC

**Subject Lands:** PART LOTS 4, 5 AND 316 CHIPPAWA ON REGISTERED PLAN 45  
and known as Municipal Number 3391-3399 SANDWICH ST

**Zoning:** Residential RD3.1

**RELIEF:** To accomodate two additional dwelling units with reduced minimum  
Lot area, side yards and number of parking spaces.

**INTERESTED PARTIES PRESENT:**

Dewy Phan, Owner  
Jim Phan, Owner

**PRELIMINARY PROCEEDINGS**

The Chair confirms with the applicant if they are in agreement 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 to note

**DISCUSSION**

Mr. Pham confirms they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair notes that all committee members have had opportunity to review the PowerPoint prior to the hearing.

The Chair asks for public presentation..

Ms. Flurry comes forward, with request and asks if any renovations would have any effect to the sidewalk or neighbours.

Mr. Pham outlines the store renovations will be internal, and there would not be an effect on the neighbours.

Moved by: Dante Gatti

Seconded by: Joe 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.

**APPLICANT and SUBJECT LANDS:**

**Owner(s):** BLOCS GROUP LTD

**Subject Lands:** LOT 22 ON REGISTERED PLAN 548 and known as Municipal Number 3357-3359 PETER ST

**Zoning:** Residential RD2.2

**REQUEST:** The severance of existing semi-detached dwelling for the purpose of creating a new Lot.

**INTERESTED PARTIES PRESENT:**

Milan Stipic, Agent

**PRELIMINARY PROCEEDINGS**

The Chair confirms with the applicant if they are in agreement 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 to note

**DISCUSSION**

Mr. Stipic confirms they are in agreement with the recommendations and comments provided in the report from Administration.

Mr. Gatti asks for confirmation of the severance, and how is this able to move forward, as this is a duplex, and if there is a division, and one is to level their side, would they be able to have an opening in one unit. Mr. Stipic outlines that there is a common wall, and the practicality would have legal obligations for the abutting neighbour. He outlines that this is the same with Semi, and dwellings as example on Walker Road. He outlines from a practical experience it would be impossible. Mr. Balsamo outlines there is a tree in the middle of the property, and asks would that need to be removed. Mr. Stipic outlines that the tree is going to be removed.

Mr. Gatti, outlines how this is allowed, as they are side by side. The Chair outlines there is a common wall and believes that there needs to have an application for Lot exemption. Ms. Simion outlines this is permitted. Ms. Simion asks to confirm the tree is on the owner's property. Mr. Silvaggio, outlines that he had consultation with the City of Windsor, and they are responsible for the removal. He would like to remove the tree, as the roots are interfering with sanitation lines. Mr. Fediuk, confirms that the tree is located on private property and the City has no jurisdiction over the removal.

The Chair asks for public presentation. None noted.

Moved by: Joe Balsamo

Seconded by: Dante 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): CHRISTOPHER CUSHMAN**

**Subject Lands: LOTS 13-15 & PART CLOSED ALLEY ON REGISTERED PLAN 1342  
and known as Municipal Number 1519 MARK AVE**

**Zoning:**

**REQUEST: The severance of said lots, for the purpose of creating a new Lot.**

**INTERESTED PARTIES PRESENT:**

Christopher Cushman, Owner (absent)

**PRELIMINARY PROCEEDINGS**

The Chair confirms with the applicant if they are in agreement 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 to note

**DISCUSSION**

The Chair asks if the Board would like to continue with the owner being absent? Mr. Gatti outlines that would be fine.

Ms. Simion gives an overview of the application, and would like to demolish what is existing, and has been in consultation over 2 years. In the past there were no sewer and sanitation on the street, and recently the City has installed, and has outlined he is able to move forward.

Ms. Simion outlines they are complying with the zoning by-law and there are no deficiencies. Ms. Olsen, outlines this block of Mark, has brought sewers thru local improvements to this area. The Engineer for this project, outlined that all those on the block will be moving forward with payments for these improvements. Ms. Olsen outlines the payments will go to the City of Windsor.

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

Moved by: Dante Gatti

Seconded by: Joe 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 Dante Gatti  
Seconded by Joe Balsamo

That the minutes of the Committee of Adjustment Hearing held April 17, 2022 BE  
**ADOPTED.**

**CARRIED.**

**ADJOURNMENT:**

There being no further business before the Committee, the meeting accordingly adjourned at  
4:25 p.m.

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Mike Sleiman, Chairperson

\_\_\_\_\_  
Jessica Watson, Secretary-Treasurer