



CITY OF WINDSOR

COMMITTEE OF ADJUSTMENT

MINUTES

FOR THE HEARING OF

April 22, 2021

A hearing by the Committee of Adjustment for the City of Windsor was held on April 22, 2021, by Electronic Participation.

The Hearing was called to order at 3:30 PM.

ATTENDANCE:

Present:

Mike Sleiman, Chair
Tom McMahon, Vice-Chair
Dante Gatti, Member
Joe Balsamo, Member

Jessica Watson, Secretary-Treasurer
Delilah Liburdi, Committee Clerk

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

Neil Robertson, (Deputy City Planner & Manager of Urban Design) Planning Department
Simona Simion, (Planner II – Research & Policy Support) Planning Department
Melissa Gasic (Planner II - Development Review) Planning Department
Jason Camigotto (Planner III – Site Plan Approval Officer) Planning Department
George Robinson (Planner III – Site Plan Approval Officer) Planning Department
Connor Cowan (Zoning Co-ordinator) Planning Department
Allaa Mokdad (Zoning Co-ordinator) Planning Department
Shannon Mills, (Technologist I) Engineering & Geomatics Department
Rania Toufeili (Transportation Engineer) Transportation Planning
Mark Schaffassuer (Technologist II) Development, Projects & Right-of-Way

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DISCLOSURE OF PECUNIARY INTEREST
and the general nature thereof

The Chair declared a Conflict of Interest for **A-037/21, PROPERTY SAVVY LTD**, Part Lot 286 and Part Closed Alley Parts 1, 3, 5, 7, 9, 10 on Reference Plan 12-R20003 according to Registered Plan 557 and known as Municipal Number **1737 SOUTH CAMERON BLVD**, and removed himself from the proceedings.

The Chair advised he knows the Agent (Shane Xu) for **A-043/21** and for the records confirmed he has no financial gains or interest in this property.

APPLICANT and SUBJECT LANDS:

Owner(s): 2504877 ONTARIO INC

Subject Lands: Lots 1 and 2 Block 1 Part 4 on Reference Plan12R-4479, according to Registered Plan 256 and known as Municipal Number 600 OUELLETTE AVE

Zoning: Commercial CD3.1

RELIEF: Construct a 17 storey 119 unit residential condominium with reduced minium amenity area, reduced required parking and reduced required loading spaces.

INTERESTED PARTIES PRESENT:

Tracey Pillon-Abbs, Agent
John Calhoun, Resident

PRELIMINARY PROCEEDINGS

The Chair confirmed that the applicant had pre-consulted with municipal departments on this application and confirmed that there were corrections to be made to the application. Jason Campigotto, Planner would like a revision with the quantity parking spaces advertised to be changed to 113 spaces.

DISCUSSION

Ms. Pillon-Abbs discussed the proposed development proposal at 600 Ouellette. The proposed development involves the construction of a new 17-storey, combined-use building consisting of 119 dwelling units and 2 commercial retail units on the ground floor, in addition to the existing 2-storey combined-use building. Onsite parking is provided on the 1st through 5th floors with residential dwelling units occupying the 6th through 17th floors of the proposed development.

Mr. McMahon, would like to confirm the amount of stories in the proposed building. Ms. Pillon-Abbs outlines it is 17 stories. Mr. McMahon, would like to know if the assigned parking will go to the commercial store. Ms. Pillon-Abbs outlines that access will be to the Parking garage only and the spots would be worked out with the tenant to designate some reserved spaces. Mr. McMahons outlines this could potentially take away parking for tenants.

Ms. Pillon-Abbs, outlines they are exempt with corridor parking in the downtown core, and to accommodate for the parking deficiencies, have put in motorcycle and bicycle parking. The main parking would be for the tenants and visitors parking. It is noted, the tenant under the condominium plan would be given the option to purchase their own parking spot, however it would be at the discretion of the applicant moving forward how they will designate these parking spots.

Mr. McMahon asks for the confirmation of total number of parking spaces. Mr. Campigotto outlines the amount of parking is 113 spaces and it is within the zoning by-law. The Central business district does not require parking in the city core business area, there are 119 residential units that require 113 parking spaces. There has been a transportation impact study and parking assessment provided thru the Site Plan submission prior to this variance.

Mr. Gatti, addresses the agent “will the parking for residents be purchased parking or first come first serve parking?” Ms. Pillon-Abbs, outlines that there are less parking units vs dwelling units. The details are forthcoming and it would be up to the owner of the condo, as how he chooses to offer the parking. It is important to keep in mind that there will be an opportunity for units and their tenants that rely on public transportation, so not every unit will require a parking space. Mr. Gatti, asks if the development will be marketed and sold without parking and if the demand is there? Ms. Pillon-Abbs outlines the condominium is in the downtown core with ample public transportation, and foot traffic.

Mr. Balsamo asks the type of Commercial Parking? The only available parking for the Condo will be underground, for all controlled access parking for the condo. For commercial parking, the city lots would be used. The Chair, asks if they are applying for 119 units and the Parking. Ms.

Pillon-Abbs confirms they have 74 parking spots, and not all units will have a designated parking space. The Chair has asked to confirm if this will be sold as a Condo or a rental property. Ms. Pillon-Abbs, outlines that a draft-plan of condominium for commercial and residential is forth coming.

Mr. McMahon asks if the concerns addressed in the report from Mr. Horrobin have been reviewed and asked for offer of an explanation of Mr. Horrobin's comments. Mr. Campigotto, outlines that these remarks were made in response to the circulation prior to the report being forwarded. Upon receipt of the report, Mr. Horrobin revised his comments, and the parking studies presented, he was in agreement of the recommendation of Parking based on the studies.

Mr. Gatti, asks Administration to address the "what if's" in the event the building is converted and in existence, and the condominium company decides to just rent them out and not sell the spaces, on a first come first serve basis as he feels it may be an unlikely scenario but probably. He stresses his concerns is the purchase of unit without a parking spot? What would the City do, or what could they do, if anything?

Mr. Campigotto address Mr. Gatti's concern with the general intent is out of urban context and it is out of the scope of this development, so it can be operational driven, or a demand for enterprise parking thru-out the downtown core.

The Chair addresses the Transportation Planner with their comments with regards to parking. Ms. Toufeili, has outlined prior consultation with the owner and City staff, was reviewed and the review included in manual this proposal is the city center core, and the general dense parking requirements are required at a rate that is being proposed in this application. She outlines this is sufficient with the application. The commercial is 0 spots in the City Centre core.

Mr. Gatti asks "how many parking places would be too few with the City's criteria?" Ms. Toufeili outlined that 60 spaces would be considered "too few". Based on the urban setting too few would be 66 spaces defined as a requirement in this type of area.

Mr. Balsamo outlined there are only 1 loading spaces VS 3 and if this would upset traffic flow. Ms. Toufeili outlined this is sufficient for vehicles in Que.

The Chair Address the Public for comments and concerned.

John Calhoun, representing the church to the right of the Shoppers, and indicates the Tenants are in support of the proposed development. The church is approximately 15 feet from the back corner of the new development and adjacent to the property. The Church depends on the abutting Cencourse apartment building for service parking.

Moved by:	Dante Gatti
Seconded by:	Joe Balsamo
Opposed by	Tom McMahon

IT IS HEREBY DECIDED that the application **BE GRANTED** as applied for, with no conditions outside those established through Sit Plan Control.

AND IT IS HEREBY ORDERED that the lands and premises above described be, and the same are hereby exempt from **Section 16.1.5.9(b), Section 24.20.1.1, Section 24.40.1.5** of Zoning By-law 8600, as amended, so as to permit, in a **Commercial CD3.1 District**, the proposed construction of a 16 Storey 119 unit residential condominium, thereby providing and maintaining:

- (a) An amenity area of 777 m²
- (b) 74 required parking spaces
- (c) 1 required loading space.

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): MARK KENDALL

Subject Lands: Part Lot 1211, Lots 1212-1214, according to Registered Plan 1059 and known as Municipal Number 3137 MELBOURNE RD

Zoning: Residential RD1.2

RELIEF: Proposed technical severance with reduced side yard separation for an existing pool

INTERESTED PARTIES PRESENT:

Tracey Pillon-Abbs, Agent
Mark Kendall, Owner

PRELIMINARY PROCEEDINGS

The Chair confirmed that the applicant had pre-consulted with municipal departments on this application and confirmed with Ms. Gasic that corrections to be made to both items with respect to the advertised Legal Descriptions. (Noted)

Moved by: Dante Gatti

Seconded by: Joe Balsamo

That since applications A-031/21, and B-011/21 by **MARK KENDALL**, owners, of Part Lot 1211, Lots 1212-1214, according to Registered Plan 1059 and known as Municipal Number **3151 & 3137 MELBOURNE RD** are related, they **BE CONSIDERED CONCURRENTLY** by the Committee for discussion only.

DISCUSSION

The applicant proposes to sever Part 2 of 3151 Melbourne Road (as shown on the draft reference plan attached to the application) and each dwelling will be on a separate parcel. The new lot line at 3137 Melbourne Road (or the retained lot), where the existing pool is to remain, and is thus 0.4 metres to the existing pool as opposed to 1.2 m as required.

Ms. Pillon-Abbs has outlined that the encroachment condition noted in the report has already been satisfied, and it was just a railway tie, which has been removed in the laneway, and the driveway is gravel. She feels with respect to the paved driveway, this creates a hardship on the applicant, and asks that the remains continue to be contained as what is existing on the ground. The Chair asks about the swimming pool and if it is above or in-ground? Ms. Pillon-Abbs confirms it is above ground.

Ms. Gasic outlines if the encroachment has been removed, the condition may be removed, but she would still like to see it as part of the decision. The driveway should be paved and brought into today standards and has asked that the conditions remain.

Mark Kendall, owner. He outlines the driveway is gravel and existing, he is already selling the house below market value to a single father, and he is not in agreement with the driveway to be cemented or the removal of the parking curbs?

Moved by: Tom McMahon

Seconded by: Dante Gatti

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

AND IT IS HEREBY ORDERED that the lands and premises above described be, and the same are hereby exempt from **Section 5.75.1.2** of Zoning By-law 8600, as amended, so as to permit, in a **Residential RD1.2 District**, the proposed technical severance with existing pool, thereby providing and maintaining:

(a) A minimum of 0.4m for the side yard setback for a pool.

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): MARK KENDALL

Subject Lands: Part Lot 1211, Lots 1212-1214, according to Registered Plan 1059 and known as Municipal Number 3137 MELBOURNE RD

Zoning: Residential RD1.2

REQUEST: The conveyance of part of the above described lands, said lands being more particularly as Part 2 on the draft reference plan attached, for the purpose of creating a new lot

INTERESTED PARTIES PRESENT:

Tracey Pillon-Abbs, Agent
Mark Kendall, Owner

PRELIMINARY PROCEEDINGS

The Chair confirmed that the applicant had pre-consulted with municipal departments on this application. Mr. Sleiman then confirmed with Ms. Gasic that corrections to be made to both items with respect to the advertised Legal Descriptions. (Noted)

Moved by: Dante Gatti

Seconded by: Joe Balsamo

That since applications A-031/21, and B-011/21 by **MARK KENDALL**, owners, of Part Lot 1211, Lots 1212-1214, according to Registered Plan 1059 and known as Municipal Number **3151 & 3137 MELBOURNE RD** are related, they **BE CONSIDERED CONCURRENTLY** by the Committee for discussion only.

DISCUSSION

The applicant proposes to sever Part 2 of 3151 Melbourne Road (as shown on the draft reference plan attached to the application) and each dwelling will on be a separate parcel. The new lot line at 3137 Melbourne Road (or the retained lot), where the existing pool is to remain, and is thus 0.4 metres to the existing pool as opposed to 1.2 m as required.

Ms. Pillon-Abbs has outlined that the encroachment condition noted in the report has already been satisfied, and it was just a railway tie, which has been removed in the laneway, and the driveway is gravel. She feels with respect to the paved driveway, this creates a hardship on the applicant, and asks that the remains continue to be contained as what is existing on the ground. The Chair asks about the swimming pool and if it is above or in-ground? Ms. Pillon-Abbs confirms it is above ground.

Ms. Gasic outlines if the encroachment has been removed, the condition may be removed, but she would still like to see it as part of the decision. The driveway should be paved and brought into today standards and has asked that the conditions remain.

Mark Kendall, owner. He outlines the driveway is gravel and existing, he is already selling the house below market value to a single father, and he is not in agreement with the driveway to be cemented or the removal of the parking curbs?

Moved by: Tom McMahon

Seconded by: Dante Gatti

IT IS HEREBY DECIDED that the application **BE GRANTED ON CONDITION** that the applicant(s) provide at their entire expense:

- I. Owner to obtain a Right-of-Way permit to install a residential driveway at 3151 Melbourne Road as per AS-221/AS-222 and BP2.3.1.
- II. Owner to remove encroaching parking curbs from the Right-of-Way or apply for an encroachment agreement.

AND IT IS HEREBY ORDERED that the lands and premises above described be and the same are hereby exempt from the provisions of Section 53 of the Planning Act, 1990, as amended, so as to permit in a **Residential RD1.2 District, the conveyance of part of the above described lands, said lands being more particularly as Part 2 on the Reference Plan 12R_____**, for the purpose of creating a new lot

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): 2693788 ONTARIO INC

Subject Lands: Part Lot 100 Concession 3 Part 1 on Reference Plan 12R-5928 and Part 1 on Reference Plan 12R-8506 and known as Municipal Number 3085 DEZIEL DR

Zoning: Manufacturing MD2.7

RELIEF: Amendment for reduced parking area and reduced separation from interior lot lines.

INTERESTED PARTIES PRESENT:

William Good, Agent

PRELIMINARY PROCEEDINGS

The Chair confirmed that the applicant had pre-consulted with municipal departments on this application.

DISCUSSION

Mr. Good, Agent address the committee that he has obtained a Zoning Bylaw compliant Site Plan Approval (SPC-024/20) in December 2020 and is now seeking minor variances to re-configure the parking area of his proposal, and in his agreement with the recommended conditions in the report. Mr. Good outlines that the purpose for the re-configuration is to permit trucks that are servicing the existing business for turning and maneuvers.

Mr. Balsamo asks if the less 11 parking spaces will pose a problem for staff/employees. Mr. Good outlines there will be far more than enough spaces. Mr. Good provides a visual with the shared drawing that is required by the By-law of the 9.0 meters and relocate the curb to the property boundaries, and this will help to conform a continuous curb where the parking spaces and the existing parking lot.

The Chair asks Administration, "if the amended Site Plan was received, and if they are in agreement with it?" it. Mr. Robinson outlines the relief needs to be satisfied prior to the application coming forward, for the relief being sought, it would be necessary to provide those revisions, and he will be re-circulating to be sure it is all captured.

Moved by: Joe Balsamo

Seconded by: Dante Gatti

IT IS HEREBY DECIDED that the application **BE GRANTED ON CONDITION** that the applicant(s) provide at their entire expense:

- I. That the applicant shall apply to amend the approved Site Plan Agreement for this site (City File SPC-024/20) to reflect any changes to the Parking area.
- II. A concrete curb bordering the proposed parking area in compliance with Section 25.5.10 of the Zoning Bylaw 8600 shall be incorporated into any amended Site Plan.

AND IT IS HEREBY ORDERED that the lands and premises above described be, and the same are hereby exempt from **Section 24.20.5, Section 25.5.20** of Zoning By-law 8600, as amended, so as to permit, in a **Manufacturing MD2.7 District**, the proposed amendments for parking area and separation from interior lot lines, thereby providing and maintaining:

- (a) 61 required parking spaces,
- (b) Parking area separation from an interior lot line of 0.0 metres

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): 2481939 ONTARIO INC

Subject Lands: Part Lot 28 according to Registered Plan 1431 and known as Municipal Number 3805 HOWARD AVE

Zoning: Residential RD1.1 and CD2.2, 20(1)378

RELIEF: Proposed development of a 4 storey mixed use commercial and residential development with reduced minimum required parking spaces

INTERESTED PARTIES PRESENT:

Tyler Burns, Agent

PRELIMINARY PROCEEDINGS

The Chair confirmed that the applicant had pre-consulted with municipal departments on this application.

DISCUSSION

The Agent, discussed the development and it is currently within Site Plan Control (File reference No. R-006/20), through which administration has conducted reviews for conformance with applicable regulatory. The applicant is proposing a mixed use 4-storey commercial and residential development.

Mr. McMahon asks to confirm if it is a condo and will each unit have parking. Yes it is confirmed that each unit will have its own parking space.

Moved by: Tom McMahon

Seconded by: Dante Gatti

IT IS HEREBY DECIDED that the application **BE GRANTED** as applied for with no conditions outside those established thru Site Plan.

AND IT IS HEREBY ORDERED that the lands and premises above described be, and the same are hereby exempt from **Section 24.20.5.1** of Zoning By-law 8600, as amended, so as to permit, in a **Residential RD1.1 and CD2.2, 20(1)378 District**, the proposed development of a 4 storey mixed use commercial and residential development, thereby providing and maintaining:

- (a) 124 required parking spaces.

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): A I INVESTMENTS INC

Subject Lands: Part Lot 5 Block 3 according to Registered Plan 282 and known as Municipal Number 658 CARON AVE

Zoning: Residential RD2.2

RELIEF: Proposed development of a single unit dwelling with reduced minimum lot width

INTERESTED PARTIES PRESENT:

Shan Xue, Agent
Waseem Hussein, Neighbour
April Kennedy, Neighbour

PRELIMINARY PROCEEDINGS

The Chair confirms he knows the agent and has no financial gains or interests in the said property.

The Chair confirmed that the applicant had pre-consulted with municipal departments on this application. Mr. Sleiman asked if there were any additions, deletions or corrections to be made to the application.

Ms. Gasic has advised a correction made to change the measurements to 7.62 metres rather than 7.65 metres that was advertised. (Noted.)

DISCUSSION

Mr. Xue is asking for a minor variance to build a single family home. The single family home must meet the required 9 meter frontage and this request for a 7.62 meter frontage is due to the narrow size of the existing lot.

Neighbours Waseem Hussein and April Kennedy address concerns with the proposed construction on the property to include the quantity of families living in the final unit, clarification of measurements and location of the "porch", and will they be notified of future construction to the home .

Mr. Xue confirms the measurements of the porch will be notified when the applicant applies for permits. The Chair confirms they will be notified if there are any other variance/consents that are submitted to the Committee of Adjustment in the future.

Moved by: Joe Balsamo

Seconded by: Tom McMahon

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

IT IS HEREBY ORDERED that the lands and premises above described be, and the same are hereby exempt from **Section 11.2.5 of Zoning By-law 8600**, as amended, so as to permit, in a **Residential RD2.2 District**, the proposed development of a single unit dwelling, thereby providing and maintaining:

- (a) A minimum lot width of 7.62 metres

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): BETTERMADE SECURITY LIVING INC

Subject Lands: Part Lots 4 and 5 according to Registered Plan 81 and known as Municipal Number 261-267 PELISSIER ST

Zoning: Commercial CD3.1

RELIEF: To develop a 35 unit apartment building with reduced minimum amenity space.

INTERESTED PARTIES PRESENT:

Joseph Passa, Agent

PRELIMINARY PROCEEDINGS

The Chair confirmed that the applicant had pre-consulted with municipal departments on this application. The Chair confirmed with administration that there were no additions, deletions or corrections to be made to the application.

DISCUSSION

Mr. Passa discusses the owner will gain possession of the security building at 261-267 Pelissier for the proposed grocery store. The applicant is requesting a relief of the amenity space for the 28 units and to reconfigure the building by from ten (10) to nine (9) floors. Each unit will be approximately 600-700 square feet. Ms. Gasic believes the amount of amenity options nearby justify the reduction and believes the proposed site area to have a lot of future amenities.

Mr. McMahon advises he is concerned about the trend of lack of amenities on projects coming to the committee.

The Chair addresses concerns for parking. Ms. Gasic, Mr. Campigotto and Mr. Robinson confirm that the repurpose of the existing building and its location not being within the Central Business District, will not have an impact, therefore parking is not required.

Moved by: Dante Gatti

Seconded by: Joe Balsamo

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

IT IS HEREBY ORDERED that the lands and premises above described be, and the same are hereby exempt from **Section 16.1.5.9** of Zoning By-law 8600, as amended, so as to permit, in a Commercial CD3.1 District, the proposed development of a 35 unit residential apartment building, thereby requesting the following relief, thereby providing and maintaining:

- (a) An amenity area per dwelling unit of 0.0m²

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): KENNETH HEDGEWICK, TRUDY HEDGEWICK
Subject Lands: Part Lot 701 and Lot 700 according to Registered Plan 1155 and known as Municipal Number 2375 WINDERMERE RD
Zoning: Residential RD1.2

RELIEF: To replace existing carport with reduced minimum side yard.

INTERESTED PARTIES PRESENT:

Dale Jones, Agent

PRELIMINARY PROCEEDINGS

The Chair confirmed that the applicant had pre-consulted with municipal departments on this application. Mr. Sleiman confirmed with administration that there were no additions, deletions or corrections to be made to the application.

DISCUSSION

Mr. Jones address the committee and is seeking relief for the proposed carport to replace the existing side step of the carport, this relief will require a change from 0.3 metres to 1.2 metres as the existing structure had. Mr. Jones outlines the carport was originally built in 1964 and had a building permit and confirms the carport is not moving locations, and will be built in the existing same spot.

The Chair asks if there are any questions or comments from Administration or the public.

Ms. Simion, adds that Landscaping Architect has addressed there is a municipal tree within the property right-of-way that must be preserved at the time of development. The Agent confirms.

Moved by: Joe Balsamo

Seconded by: Tom McMahon

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

IT IS HEREBY ORDERED that the lands and premises above described be, and the same are hereby exempt from **Section 10.2.5.7 of Zoning By-law 8600**, as amended, so as to permit, in a **Residential RD1.2 District**, the replacement of an existing side yard carport, thereby providing and maintaining:

- (a) A minimum side yard of 0.3 metres.

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): PROPERTY SAVVY LTD

Subject Lands: Part Lot 286 and Part Closed Alley Parts 1, 3, 5, 7, 9, 10 on Reference Plan 12-R20003 according to Registered Plan 557 and known as Municipal Number 1737 SOUTH CAMERON BLVD

Zoning: Residential RD1.2

RELIEF: Proposed single unit dwelling with reduced required front yard depth.

INTERESTED PARTIES PRESENT:

Janette Calandra, Owner
Tracey Thomas, Neighbour
Keenan Thomas, Neighbour
Phil Hanslen, Neighbour

PRELIMINARY PROCEEDINGS

The Chair confirmed that the applicant had pre-consulted with municipal departments on this application. The Chair confirms with administration that there were no additions, deletions or corrections to be made to the application.

DISCUSSION

Ms. Calandra outlines she has been before the Committee previously and gained approval, but due to COVID and the costs of materials to build, her application for variance expired, and today she is back before the Committee.

Neighbours Tracey Thomas and Keenan Thomas at 1747 South Cameron at rear of property address their concerns with site-line with respect to oncoming traffic and school bus drop off zone. Their concerns are for safety.

Ms. Simion & Ms. Toufeili confirm measurements are taken from the property line and not the sidewalk, as well site-lines do not require reviewing, as there are no encroachments and the relief that is being sought meets Zoning By-law requirements.

Neighbour Phil Hanslen is concerned about the northerly tip of 1737 South Cameron Blvd. and address this tip of the property comes across his driveway. He explains he believed thought he had purchased that part of the property, however he explains that it was since turned over to 1737 South Cameron Blvd. Mr. Hanslen would like to work with the owner to get it transferred back to him. (NOTE: - this is not a matter for the Committee of Adjustment, but rather a civil matter)

Moved by: Joe Balsamo

Seconded by: Dante Gatti

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

IT IS HEREBY ORDERED that the lands and premises above described be, and the same are hereby exempt from Section 5.65 of Zoning By-law 8600, as amended, so as to permit, in a Residential RD1.2 District, the proposed development of a single unit dwelling, thereby providing and maintaining:

- (a) A minimum front yard depth of 1.5 metres.

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): STREAU PROPERTIES LTD.

Subject Lands: Sandwich east; con 1; Part lots 120 & 121, Concession 1 Sandwich East and known as Municipal Number 6550-6560 WYANDOTTE STREET EAST

Zoning: Residential District 3.1

RELIEF: Proposed development of a multi-unit mixed use building with reduced parking separation from an other street.

INTERESTED PARTIES PRESENT:

N/A

PRELIMINARY PROCEEDINGS

The Chair confirmed that the applicant has requested that this item **be deferred**.

Moved by: Dante Gatti

Seconded by: Joe Balsamo

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

APPLICANT and SUBJECT LANDS:

Owner(s): RINO MASOTTI, VIOLET MASOTTI

Subject Lands: Part Lot 14 Concession 6 Part 3 on Reference Plan 12R-14860 and known as Municipal Number 3930 SIXTH CONCESSION RD

Zoning: Residential RD1.4

REQUEST: The conveyance of part of the above described lands, said lands being more particularly described as having a frontage of 10.47m and depth of 55.18m for the purpose of a lot addition to 3930-3950 Sixth Concession

INTERESTED PARTIES PRESENT:

Tracey Pillon-Abbs, Agent

PRELIMINARY PROCEEDINGS

The Chair confirmed that the applicant had pre-consulted with municipal departments on this application.

DISCUSSION

The Agent outlines the proposed severance line and lot configurations of both the severed and retained lots, the applicant is planning to shift the lot line over and has confirmed it will match the neighborhood subdivision fabric. The existing house will remain on the retained lot at 3930 Sixth Concession. The owner is proposing to build a new two-story home on the newly enlarged lot at 3950 Sixth Concession.

Moved by: Tom McMahon

Seconded by: Dante Gatti

IT IS HEREBY DECIDED that the application **BE GRANTED ON CONDITION** that the applicant(s) provide at their entire expense:

- I. That the severed portion of 3930 Sixth Concession, having a frontage of 10.47 m and depth of 55.18 m as shown on the attached drawing, merges on title with the property to the south, municipally known as 3950 Sixth Concession.

AND IT IS HEREBY ORDERED that the lands and premises above described be and the same are hereby exempt from the provisions of Section 53 of the Planning Act, 1990, as amended, so as to permit in a **Residential RD1.4 District, the conveyance of part of the above described lands, said lands being more particularly described as Part ___ as shown on the Reference Plan 12R for the purpose of a lot addition to 3950 Sixth Concession.**

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): MICHAEL BAILLARGEON, DEBRA ANN COWIN, THERESA PORTER, LAWRENCE BAILLARGEON

Subject Lands: Part Lots 1, 2, 4 and Lot 3 according to Registered Plan 65 Sandwich East, Part Lot 141, Concession 3 Sandwich East as in R345976 except Part 1, Reference Plan 12R-10914, Part 15 and 16 Expropriation Plan CE947944, Town of Tecumseh. And known as Municipal Number 0 COUNTY RD 42

Zoning: "A" Agricultural

REQUEST: The conveyance of part of the above described lands, said lands being more particularly designated as Part 2 on the attached draft Reference Plan for purpose of creating a new lot. Land Severance along the Municipal Boundary Part 2 in Windsor to be severed from Part 1 in Tecumseh.

INTERESTED PARTIES PRESENT:

Mike Stamp, Agent

PRELIMINARY PROCEEDINGS

The Chair confirmed that the applicant had pre-consulted with municipal departments on this application

DISCUSSION

Mr. Stamp outlines his agents have accepted an agreement for purchase and sale, and a condition is that a severance must take place. Consultation has been made with the Town of Tecumseh and the Town of Essex and there have been no objections. Mr. Stamp outlines that the ROW widening conveyance of 9 meters has already been expropriated, and once approved today, all documentation outlining the conveyance of the lands will be forwarded to the City of Windsor for confirmation.

The Chair asks the applicant to show the 9 metres conveyance. The Chair has asked the applicant to confirm who would take the conveyance. Mr. Stamp outlines that the expropriation has occurred, and Ms. Gasic outlines that if this is already satisfied, it will be removed as a condition, upon receiving.

The Engineering department provides explanation with respect to the conditions and outlines his recommendation was made due what is existing currently on the street, he understands that if the conveyance is forthcoming than he is ok with the removal.

Moved by: Joe Balsamo

Seconded by: Dante Gatti

IT IS HEREBY DECIDED that the application **BE GRANTED ON CONDITION** that the applicant(s) provide at their entire expense:

- I. A land conveyance of 9 metres along the north side of County Road 42 for right-of-way widening.

AND IT IS HEREBY ORDERED that the lands and premises above described be and the same are hereby exempt from the provisions of Section 53 of the Planning Act, 1990, as amended, so as to permit in a "A" Agricultural District, the conveyance of part of the above described lands, said lands being more particularly designated as Part 2 on the attached draft Reference Plan for purpose of creating a new lot. Land Severance along the Municipal Boundary Part 2 in Windsor to be severed from Part 1 in Tecumseh.

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): ROYAL TIMBERS INC

Subject Lands: Part Lots 143 and 144 Concession 1 Part 24 on reference Plan 12R-27789 and known as Municipal Number 0 BANWELL RD

Zoning: HCD2.1

REQUEST: The conveyance of the above described lands, said lands being more particularly described as Part 24 on Reference Plan 12R-27789 for a lot addition to the abutting lands at 3315 Banwell Road with easements for municipal services.

INTERESTED PARTIES PRESENT:

Mike Stamp, Agent

PRELIMINARY PROCEEDINGS

The Chair confirmed that the applicant had pre-consulted with municipal departments on this application.

The Chair confirms with Ms. Gasic, corrections to be made to the address as advertised and changed from 3315 Wildwood Dr. to the 3315 Banwell Rd. (Noted)

DISCUSSION

Mr. Stamp addresses, the application has previously been approved, due to the multiple requirements of registration of easements with the Registry office, this particular application has expired. These lands are adjacent to 3315 Banwell, and when the new development was recently constructed, unfortunately was paved over this existing portion. An agreement was worked out amongst the property owners and tenants, and the Dental office is prepared to purchase this so that it be merged with the property at 3315 Banwell. The severed land (Part 24) is being added to the lands to the south (3315 Banwell Drive). An easement over the same land (Part 24) is being reserved to service the lands to the north and the south (existing storm and sanitary sewers and hydro in favour of Parts 1 to 23 and 25 to 42 on Reference Plan 12R-27789).

Moved by: Dante Gatti

Seconded by: Joe Balsamo

IT IS HEREBY DECIDED that the application **BE GRANTED ON CONDITION** that the applicant(s) provide at their entire expense:

- I. That the severed portion of 0 Banwell Road, more particularly described as Part 24 on Reference Plan 12R-27789, merges on title with the abutting lands to the south at 3315 Banwell Road.

AND IT IS HEREBY ORDERED that the lands and premises above described be and the same are hereby exempt from the provisions of Section 53 of the Planning Act, 1990, as amended, so as to permit in a **HCD2.1 District, the conveyance of the above described lands, said lands being more particularly described as Part 24 on Reference Plan 12R-27789 for a lot addition to the abutting lands at 3315 Banwell Road with easements for municipal services.**

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): ROBERT BAREI, LISA BAREI

Subject Lands: Part Lot 126 according to Registered Plan 1478 and known as Municipal Number 4135 DOUGALL AVE

Zoning: Residential RD1.4

REQUEST: Conveyance of the above described lands, said lands being more particularly described as having a frontage of 28.10m and depth of 35.97m as shown on the attached drawinfor the purpose of creating a new lot.

INTERESTED PARTIES PRESENT:

Mike Stamp, Agent

PRELIMINARY PROCEEDINGS

The Chair confirmed that the applicant had pre-consulted with municipal departments on this application.

DISCUSSION

The Agent discusses his applicant proposes to sever the southern portion of the lot with a 28.10 metre frontage while also maintaining the same frontage of 28.10 metre for the retained lot. The existing house will remain on the retained lot, while the newly created lot will be vacant. It meets with all City standards for new building requirements and zoning.

Moved by: Tom McMahon

Seconded by: Joe Balsamo

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

AND IT IS HEREBY ORDERED that the lands and premises above described be and the same are hereby exempt from the provisions of Section 53 of the Planning Act, 1990, as amended, so as to permit in a **Residential RD1.4 District, the conveyance of the above described lands, said lands being more particularly described as Part___ on Reference Plan 12R___ for the purpose of creating a new lot.**

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): SCOTT'S ACQUISITION INC.

Subject Lands: Part Lot 13 to 18 Lots 60 to 67 and Closed Alley according to Registered Plan 1074 and known as Municipal Number 1700-1726 HURON CHURCH RD

Zoning: Commercial CD2.1

REQUEST: The conveyance of the above described lands with easements over Parts 1 and 7 and creation of new easements over Parts 3 and 4 for access

INTERESTED PARTIES PRESENT:

Olivia Malghase, Agent

PRELIMINARY PROCEEDINGS

The Chair confirmed that the applicant had pre-consulted with municipal departments on this application.

DISCUSSION

The Agent is requesting new easements for ingress/egress to facilitate the commercial property to the left. Mr. Chair, does ask if this was currently before the Committee last month. Ms. Malghase outlines her variance was previously heard at the Committee of Adjustment, however at such time it was for stacking spaces and lot width variances. Ms. Malghase confirms that this application presented today is for easements for access. The existing building will be demolished, and the easement line will be moved south, and the second access is north-south parallel to Daytona Ave, and will be moved easterly.

The Chair address administration with the impact with existing easement of the proposed parking spaces. Mr. Campigotto confirms that it will not have any impacts.

Moved by: Joe Balsamo
Seconded by: Tom McMahon

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

AND IT IS HEREBY ORDERED that the lands and premises above described be and the same are hereby exempt from the provisions of Section 53 of the Planning Act, 1990, as amended, so as to permit in a **Commercial CD2.1 District, the creation of an easement of ingress/egress as identified as Part___ on Reference Plan 12R (Parts 3 &4), in favour of the land abutting next south and municipally known as 1760 Huron Church Road.**

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): 2779932 ONTARIO INC.

Subject Lands: Part Lot 33 and 34 Block 10 according to Registered Plan 358 and known as Municipal Number 74 HANNA ST W

Zoning: Commercial CD3.5

RELIEF: To develop a new dwelling unit within a multiple dwelling unit exceeding the maximum dwelling units per hectare and reduced minimum parking spaces.

INTERESTED PARTIES PRESENT:

Brian Chillman, Agent

PRELIMINARY PROCEEDINGS

The Chair confirmed that the applicant had pre-consulted with municipal departments on this application.

DISCUSSION

The client is looking to create a new residential unit with the existing space, the additional space is not going to change with the footprint of the existing building.

It has been recommended by the Planning Department, and the Public Works comment requested the removal of the front canopy. NOTE: This would be in error at this address, 36 Hanna St. W has an encroachment and not the 74 Hanna St. W. The Agent is prepared to forward these photos for confirmation.

Moved by: Dante Gatti

Seconded by: Tom McMahon

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

AND IT IS HEREBY ORDERED that the lands and premises above described be, and the same are hereby exempt from **Section 16.5.5.60(a), Section 24.20.3.1** of Zoning By-law 8600, as amended, so as to permit, in a **Commercial CD3.5 District**, the proposed development of a new dwelling unit within a multiple dwelling unit, thereby providing and maintaining:

- (a) A maximum of 15 dwelling units
- (b) 0 parking spaces per unit.

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): 2765454 ONTARIO INC

Subject Lands: Lot 6 and 7 according to Registered Plan 447 and known as Municipal Number 957 WINDSOR AVE

Zoning: Residential RD2.2

RELIEF: To construct a duplex dwelling with reduced minimum lot width and lot area.

INTERESTED PARTIES PRESENT:

Allan, Agent

PRELIMINARY PROCEEDINGS

The Chair confirmed that the applicant had pre-consulted with municipal departments on this application.

DISCUSSION

The applicant is seeking to build a duplex on an existing vacant lot with reduced width and area. Similar duplex properties exist within the 900 block of Windsor Ave. The required paved parking is provided at the back with access from the alley. The existing shed on lot 6 will be demolished.

Mr. Balsamo asked if a property severance is coming forward to the Committee of Adjustment in the future. The Agent outlines there will not be a severance. Ms. Simona outlines these lots are 2 registered lots on separate lots, and they don't require severances.

Moved by: Joe Balsamo

Seconded by: Dante Gatti

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

AND IT IS HEREBY ORDERED that the lands and premises above described be, and the same are hereby exempt from **Section 11.2.5.1, Section 11.2.5.2** of Zoning By-law 8600, as amended, so as to permit, in a **Residential RD2.2 District**, the proposed development of a duplex dwelling, thereby providing and maintaining:

- (a) A minimum lot width of 8.8 metres
- (b) A minimum lot area of 344.7 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): HAUSOLOGY INC.

Subject Lands: Lot 57 according to Registered Plan 655 and known as Municipal Number 1739 PARENT AVE

Zoning: Residential RD2.1

RELIEF: The development of a detached accessory additional unit exceeding the maximum accessory building lot coverage, reduced minimum side yard width, and reduced minimum accessory building separation from the main dwelling.

INTERESTED PARTIES PRESENT:

Dan Grenier, Owner

PRELIMINARY PROCEEDINGS

The Chair confirmed that the applicant had pre-consulted with municipal departments on this application.

DISCUSSION

The property is an existing illegal unit in the rear, and the owner would like to propose the legal unit to be used for a separate unit, and make this a 3-unit accessory unit. The 3rd unit would have an additional accessory unit and a garage in the rear.

Moved by: Joe Balsamo

Seconded by: Dante Gatti

IT IS HEREBY DECIDED that the application **BE GRANTED ON CONDITION** that the applicant(s) provide at their entire expense:

- I. Applicant shall remove the covered porch between the existing single unit dwelling and proposed detached additional dwelling unit, to the satisfaction of the City Planner.

AND IT IS HEREBY ORDERED that the lands and premises above described be, and the same are hereby exempt from **Section 5.10.9.2.10, Section 5.99.80.1.5.b.3, Section 5.10.3** of Zoning By-law 8600, as amended, so as to permit, in a **Residential RD2.1 District**, the proposed development of a detached accessory additional unit, thereby providing and maintaining:

- (a) A maximum accessory building lot coverage of 16.2%
- (b) A minimum side yard width of 0.9 metres
- (c) A minimum accessory building separation from main dwelling of 1.5 metres

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 **Joe Balsamo,**

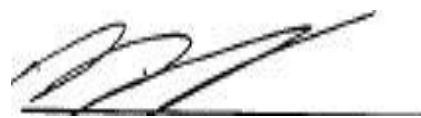
Seconded by **Dante Gatti,**

That the minutes of the Committee of Adjustment Hearing held **April 22, 2021 BE ADOPTED.**

CARRIED.

ADJOURNMENT:

There being no further business before the Committee, the meeting accordingly adjourned at 6:00 p.m.



Mike Sleiman, Chairperson



Jessica Watson, Secretary-Treasurer

