



CITY OF WINDSOR

COMMITTEE OF ADJUSTMENT

MINUTES

FOR THE HEARING OF

June 17, 2021

A hearing by the Committee of Adjustment for the City of Windsor was held on June 17, 2021, located , Electronic Participation.

The Hearing was called to order at 3:30 PM. The Vice-Chair, will be the Chair for this meeting.

ATTENDANCE:

Present:

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

Jessica Watson, Secretary-Treasurer
Delilah Liburdi, Committee of Adjustment Clerk

Regrets: Mike Sleiman, Chair

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

Simona Simion, (Planner II – Research & Policy Support) Planning Department
Melissa Gasic (Planner II - Development Review) Planning Department
Jason Campitgotto (Planner III – Site Plan Approval Officer) Planning Department
George Robinson (Planner II – Research & Design Support) Planning Department
Connor Cowan (Zoning Co-ordinator) Planning Department
Allaa Mokdad, (Zoning Co-ordinator) Planning Department
Shannon Mills, (Technologist I) Engineering & Geomatics Department
Rania Touefili (Transportation Engineer) Transportation Planning
Amy Olsen (Technologist II) Development, Projects & Right-of-Way
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): ROBERT MAVRINAC

Subject Lands: Lot 100 according to Registered Plan 274 and known as Municipal Number 646 JANETTE AVE

Zoning: Residential RD2.2

RELIEF: Construct a garage roof extension exceeding the maximum accessory building height and maximum lot coverage for all accessory buildings.

INTERESTED PARTIES PRESENT:

Robert Mavrinac, 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 Mavrinac is in support of the recommendations provide in the report from Administration.

Mr. Mavrinac asked about the next steps in the process, when to commence work, and building permits.

Ms. Simona reminds the applicant of the variance deadlines to be applied and the onus of the applicant.

The Chair asks if there is public presentation. None noted

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 5.10.9.1** and **Section 5.10.9.10** of Zoning By-law 8600, as amended, so as to permit, in a **Residential RD2.2 District**, construction of a garage roof extension exceeding the maximum accessory building height and maximum lot coverage for all accessory buildings, thereby providing and maintaining:

- (a) A maximum accessory building height for roof having a slope less than 20 degrees of 3.3 meters.
- (b) A maximum lot coverage for all accessory buildings of 12%.

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): DONNA BRUSH, GARFIELD BRUSH

Subject Lands: Part Lot 74 Lots 72 and 73 and Part Closed Alley according to Registered Plan 1065 and known as Municipal Number 1910 BUCKINGHAM DR

Zoning: Residential RD1.2

REQUEST: Creation of a new lot by severing the northerly portion of 1910 Buckingham Drive, described as Parts 1 and 3 on the draft reference plan with the following dimensions 12.40 metres on the west 47.18 metres on the north 10.95 metres on the east and 46.87 metres on the south

INTERESTED PARTIES PRESENT:

Donna Brush & Garfield Brush, Owners

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. and Mrs. Brush are in support of the recommendations provide in the report from Administration.

The Chair asks if there is public presentation. None noted

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 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 said lands being particularly designated 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): 1818798 ONTARIO INC

Subject Lands: Part Lot 2 and Part Lot of Public Lane according to Registered Plan 401 Lots 3 to 8 according to Registered Plan 380 and also known as Parts 1 and 3 on Reference Plan 12R23036. and known as Municipal Number 800 UNIVERSITY AVE W

Zoning: Commercial CD2.2

REQUEST: Lot addition by severing Part 3 according to Reference Plan 12R23036 from 800 University Avenue West and adding it to the property municipally known as 850-870 University Avenue West.

INTERESTED PARTIES PRESENT:

Nick Souillere, 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

Moved by: Joe Balsamo

Seconded by: Dante Gatti

That since applications B-030/21, and B-031/21 by **1818798 ONTARIO INC**, Part Lot 2 and Part Lot of Public Lane according to Registered Plan 401 Lots 3 to 8 according to Registered Plan 380 and also known as Parts 1 and 3 on Reference Plan 12R23036. and known as Municipal Number **800 UNIVERSITY AVE W**, they **BE CONSIDERED CONCURRENTLY** by the Committee for discussion only.

DISCUSSION

Mr. Souillere is in support of the recommendations provide in the report from Administration. The Chair asks if there is public presentation. None noted

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 Part 3 (severed part) merges on title with the abutting lands at 850-870 University Avenue West

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 CD2.2 District, Lot addition by severing Part 3 according to Reference Plan 12R-23036 from 800 University Avenue West and adding it to the property municipally known as 850-870 University Avenue West.**
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): 1818798 ONTARIO INC

Subject Lands: Part Lot 2 and Part Lot of Public Lane according to Registered Plan 401 Lots 3 to 8 according to Registered Plan 380 and also known as Parts 1 and 3 on Reference Plan 12R23036 and known as Municipal Number 800 UNIVERSITY AVE W

Zoning: Commercial CD2.2

REQUEST: An easement over Part 1 according to plan 12R23036 at 800 University Avenue West in favour of 850-870 University Avenue West for ingress and egress

INTERESTED PARTIES PRESENT:

Nick Souillere, 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

Moved by: Joe Balsamo

Seconded by: Dante Gatti

That since applications B-030/21, and B-031/21 by **1818798 ONTARIO INC**, Part Lot 2 and Part Lot of Public Lane according to Registered Plan 401 Lots 3 to 8 according to Registered Plan 380 and also known as Parts 1 and 3 on Reference Plan 12R23036. and known as Municipal Number **800 UNIVERSITY AVE W**, they **BE CONSIDERED CONCURRENTLY** by the Committee for discussion only.

DISCUSSION

Mr. Souillere is in support of the recommendations provide in the report from Administration.

The Chair asks if there is public presentation. None noted

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 the provisions of Section 53 of the Planning Act, 1990, as amended, so as to permit in a **Commercial CD2.2 District, an easement over Part 1 according to plan 12R-23036 at 800 University Avenue West in favour of 850-870 University Avenue West for ingress and egress.**

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): HORWOOD HOLDINGS (WINDSOR) LIMITED

Subject Lands: Concession 2 Part Lot 117, Part 1 on Reference Plan 12R10095 and Part 1 on Reference Plan 12R27420. and known as Municipal Number 2606 JEFFERSON BLVD

Zoning: Commercial CD2.1 and Manufacturing MD1.4

REQUEST: Severance of the North-West corner of the above described lands, said lands being particularly described as Part 2 on a draft reference plan, 135' frontage on both Roseville Garden Drive and Jefferson Boulevard as shown on the attached drawing for the creation of a new lot.

INTERESTED PARTIES PRESENT:

Jerry Goldberg, 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. Goldberg seeks clarification with the recommendations and points to the survey and the portion to sever, and outlines it was presently consent to Farrow. The agreement now is to sever part 1 on the corner where the macs is, and won't change. The consent is for part 1 so that the applicant can add parts together. Mr. Goldberg is opposed to the conditions currently from the Committee of Adjustment, and would like for these conditions to be at the time of Site Plan approval and not now.

Ms. Gasic outlines it is important for all conditions to be imposed at this time and the property at the corner is fully developed, so there won't be a future site plan unless it's major. Ms. Gasic outlined the corner cut off is necessary for safety, and the abutting lands must be for conveyance now thru the Public Works department. Public works has already reduced the conveyance based on schedule X to accommodate for safety.

Mr. Goldberg, address the existing site with driveway entrance, and curbs. The conveyance on Roseville and Jefferson and has been developed for over 35 years, he outlines every severance has not asked for a road widening, and he is against it.

The Chair asks if there is public presentation. None noted

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. 2-meter conveyance is required along the property frontage of both the severed and retained lands along Roseville Garden Drive as per Schedule X of the Official Plan.
- II. 6.1-meter corner cut off is required at the corner of Jefferson Blvd and Roseville Garden Drive, therefore the existing corner cut off must be extended.

- III. 4.8-meter conveyance is required along the property frontage on both the severed and retained lands along Jefferson Blvd, however only a 3m conveyance is required and will be requested at this time.

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 and Manufacturing MD1.4 District, the conveyance of said lands being more particularly designated as Part 2 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): M.N.D. CONSTRUCTION INC.

Subject Lands: Lots 94 and 95 and Part Closed Alley according to Registered Plan 1106 and known as Municipal Number 659 ALEXANDRINE ST

Zoning: Residential RD1.3

REQUEST: Severance of property, said lands being described as having a 10.70 meter frontage on Alexandrine with the existing dwelling to be demolished, 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 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

Mrs. Pillon-Abbs is in support of the recommendations provide and conditions in the report from Administration.

The Chair asks if there is public presentation. None noted

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. The existing house be demolished.

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 RD1.3 District, the conveyance of part of the above described lands, said lands being 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): ISODORO VIVONA

Subject Lands: Part Lot 104 according to Registered Plan 995 also known as Part 1 and Part Closed Alley of Reference Plan 12R-19549 and known as Municipal Number 2502 CLEMENCEAU BLVD

Zoning: Residential RD1.1

RELIEF: Accommodate an existing single unit dwelling with reduced minimum side yard

INTERESTED PARTIES PRESENT:

Isodoro Vivona, 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. Isodoro is in support of the recommendations provide in the report from Administration. Mr. Isodoro outlines he came before the Committee in October, and added a parcel of land to the principal land, and after reviewing the survey, the lot line was to close, so now he requires a minor variance for the side yard due to the current position of the home.

The Chair asks if there is public presentation. None noted

Moved by: Dante Gatti

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 **Section 10.1.5.7** of Zoning By-law 8600, as amended, so as to permit, in a **Residential RD1.1 District**, the accomodation of an existing single unit dwelling with reduced side yard, thereby providing and maintaining:

- (a) A minimum side yard with of 0.88 meters.

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): SEAN O'HAGAN

Subject Lands: Lots 147 to 149 and Part Closed Alley according to Registered Plan 1106 and known as Municipal Number 646 CAPITOL ST

Zoning: Residential RD1.3

REQUEST: Severance of the above described lands, for the purpose of creating a new lot.

INTERESTED PARTIES PRESENT:

Rashid Farhat, 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. Farhat is in support of the recommendations provide in the report from Administration and the conditions of the shed removal.

The Chair asks if all have had opportunity to read the letter of objection received from neighbours. He outlines it is neighbourhood matters, and not those of the Committee of Adjustment can handle.

Ms. Simion outlines the conditions must be satisfied within a year.

The Chair asks if there is public presentation. None noted

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. The owner shall remove the existing metal shed from the severed lot, 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 the provisions of Section 53 of the Planning Act, 1990, as amended, so as to permit in a **Residential RD1.3 District, the conveyance of part of the above described lands said lands being more particularly designated 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): R CHANG HOLDINGS LTD

Subject Lands: Part Lot 59 to 61 according to Registered Plan 447 and known as Municipal Number 188 GILES BLVD E

Zoning: Residential RD2.2

RELIEF: Change of use to Duplex Dwelling with reduced minimum lot area, minimum front yard depth, minimum side yard width and parking space.

INTERESTED PARTIES PRESENT:

Stephen Bonifero, 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. Bonifero is in support of the recommendations provide in the report from Administration and the conditions. The Chair asked if the parking space has been obtained. Mr. Bonifero states not presently.

The Chair asks if there is public presentation. None noted

Moved by: Joe Balsamo

Seconded by: Dante Gatti

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

- I. One (1) paved parking space to be provided on the subject land, to the satisfaction of the City Planner and City Engineer.

AND IT IS HEREBY ORDERED that the lands and premises above described be, and the same are hereby exempt from **Section 11.2.5.1.2, Section 11.2.5.1.5, and Section 11.2.5.1.7** of Zoning By-law 8600, as amended, so as to permit, in a **Residential RD2.2 District**, the change of use to Duplex Dwelling with reduced minimum lot area, minimum front yard depth, and minimum side yard width, thereby providing and maintaining:

- (a) A minimum lot area of 352.6 meters squared
- (b) A minimum front yard depth of 2.5 metres
- (c) A minimum side yard width of 1.06 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): GRAND CENTRAL BUSINESS PARK INC

Subject Lands: Part Lots 103-107 and Concession 2 on Parts 1-33, 36-39 and 42 of Reference Plan 12R-27518 and known as Municipal Number 4001 PLYMOUTH DR

Zoning: Green GD1.5, MD1.7 S20(1)229, and MD2.2 S20(1)317

REQUEST: To create an easement in favour of Enwin Utilites along the western and south-western property limits.

INTERESTED PARTIES PRESENT:

William Good, Agent

PRELIMINARY PROCEEDINGS

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

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

DISCUSSION

Mr. Good is in support of the recommendations provide in the report from Administration, but had identified in the report from Administration including appendix C. They are in full agreement of Condition 1 and are not in agreement with Condition 2 and provides a brief explanation of the partial release of Parts 8, 13, 14 and 16 as they are not needed by the dominant lands at the time of submission. His Client has registered and sought approval to have these easements in place prior to the development of the property.

Ms. Kurek, outlines after a review that these easements are still in used by FCA and removing the easement would remove their access to drainage. Mr. Good outlines agreements in place back in 2008 and 2011, identifies the roundabout that extends south has a drainage agreement in place for that portion of the lot. Ms. Kurek, outlines during their consultation they did review that and the conditions still apply. Mr. Good outlines it wasn't registered on title until 2018, and from a legal perspective there is no interest on the land. Ms. Kurek stands firm on the decision and to not release the easement.

Mr. Good is seeking mediation for the release of easement. Ms. Gasic, has questioned Ms. Kurek the purpose of the easement? Ms. Kurek, outlines that FCA was not involved and it is a connection that is still servicing their property. Mr. Balsamo asked if he would like to do a deferral.

Mr. Good, outlines that he is unsure to come back to the committee based on their current scheduled to clean up the current issues for sale. He would like to defer that portion. He would like to have this resolved and has contact information to clear this up. Mr. Good would be open to a split decision.

Mr. Balsamo puts forward a motion – APPROVAL with the condition that they have to provide proof that FCA is in agreement with the second condition to the satisfaction of the City Engineer.

Ms. Kurek confirms that if she is in agreement with this condition, there is some assurance that there could be an option of denial may still be an outcome. It will be at the discretion of the City Engineer.

The Chair asks if there is public presentation. None noted

Moved by: Dante Gatti

Seconded by: Joe Balsamo

IT IS HEREBY DECIDED that the application for the purpose of granting an easement for Enwin **BE GRANTED** as applied for.

IT IS HEREBY DECIDED that the application for the purpose of discharging an existing drainage easement **BE GRANTED ON A CONDITION** the discharge of the existing easement will be **ONLY BE GRANTED** subject to the satisfaction of the City Engineer.

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 **Green GD1.5, MD1.7 S20(1)229, and MD2.2 S20(1)317 District, to create an easement in favour of Enwin Utilites over Part _____ on Reference Plan 12R-_____**

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): SARMAD MADHAT, AMANI ABDULLA

Subject Lands: Part Lots 27 and 30 and Lots 28 and 29 according to Registered Plan 976 and known as Municipal Number 1542 JANETTE AVE

Zoning: Residential RD1.3

REQUEST: The conveyance of part of the described lands, as shown on the drawing attached to create a new lot.

INTERESTED PARTIES PRESENT:

Amani Abdulla, 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

Ms. Abdulla is in support of the recommendations provided in the report from Administration. She has asked that if the permit for curb and driveway approach is purchased prior. Ms. Kurek outlines the permit must be taken out, and the work permit can follow. Ms. Abdulla indicates she is closing this curb approach and will have 3 driveway approaches.

Ms. Kurek outlined 4 permits will be required and one permit to reconstruct the curb.

The Chair, asks if the letters from residents were received, and if comments.

Mr. Gatti, asks if there will be 3 lots within themselves and would they be in compliance. Ms. Simion outlines the use is permitted and all sizes are in compliance and the parking is compliant.

The Chair asks if there is public presentation. None noted

Elizabeth Sands, expresses her concerns with respect to the use of the property. Ms. Simion advises that what is being proposed is a single unit dwelling with accessory additional dwelling unit, today is about creating the lots with a severance only for the Committee of Adjustment. She explains it is not a duplex dwelling.

Mr. Cowan, outlines that there is a variance for parking that is required, but it is included in the proposal. Ms. Abdulla outlines that the parking will be in the front driveway, and there will be a parking in the alley for the basement suite. Ms. Sands ask about the Lot size. Ms. Simon outlines the lot width and lot area are in compliance.

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. Obtain permit to reinstate the shared curb cut and driveway approach fronting 1542 & 0 Janette Ave, to the satisfaction of the City Engineer.

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 RD1.3 District, the conveyance of part of the described lands, said lands more particularly designated 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): MASON ALLEN

Subject Lands: Lot 30 according to Registered Plan 1533 and known as Municipal Number 850 RIVERDALE AVE

Zoning: Residential RD1.1

RELIEF: Construct a detached accessory building carport in a front yard

INTERESTED PARTIES PRESENT:

Mason Allen, 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. Allen is in support of the recommendations provide in the report from Administration.

Mr. Balsamo addresses the concerns of the distance to the garage. Mr. Allen outlines he spoke with the neighbour and in space, and she was concerned that it would change afterwards. Mr. Allen outlines she seemed content with his explanation and he offered her to come to the meeting.

The Chair asks if there is public presentation. None noted

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:

AND IT IS HEREBY ORDERED that the lands and premises above described be, and the same are hereby exempt from **Section 5.10.7** of Zoning By-law 8600, as amended, so as to permit, in a **Residential RD1.1 District**, construction of a detached accessory building carport in a front yard.

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): MICHAL SWIETLICKI, SABRINA MAGEE-SWIETLICKI

Subject Lands: Lot 33 according to Registered Plan 1533 and known as Municipal Number 834-836 RIVERDALE AVE

Zoning: Residential RD1.1

RELIEF: Construct a single unit dwelling and additional dwelling unit with reduced minimum lot width, reduced minimum side yard and exceeding maximum garage width

INTERESTED PARTIES PRESENT:

Surrendra Bagga, 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. Bagga is in support of the recommendations provide in the report from Administration.

The Chair outlines there was letter received from nearby neighbours. Mr. Bagga outlines it is not in relation to the variance, more so at the time of construction are the concerns. The chair outlines the concern is the fence. Mr. Bagga outlines the fence will be replaced and nothing will happen at the time of construction and will take all precautions and consult with the neighbour and address the responsibility between the contractor and owner.

The Chair asks if there is public presentation. None noted

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 10.1.5.1, Section 10.1.5.7, Section 5.11.5** of Zoning By-law 8600, as amended, so as to permit, in a **Residential RD1.1 District**, construction of a single unit dwelling and additional dwelling unit with reduced minimum lot width, reduced minimum side yard and exceeding maximum garage width, thereby requesting the following relief, thereby providing and maintaining:

- (a) A minimum lot width of 12.19 metres
- (b) A minimum side yard of 1.3 metres
- (c) A maximum garage width of 6.4 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): 2640285 ONTARIO LIMITED

Subject Lands: Lot 5 and Part Closed Alley according to Registered Plan 964 and known as Municipal Number 277 PILLETTE RD

Zoning: Commercial CD2.2

RELIEF: Development of a new combined use building commercial main floor, 5 residential dwellings, with reduced parking spaces, parking area separation from interior lot line and parking area separation from habitable room windows.

INTERESTED PARTIES PRESENT:

Mr. Smionits, 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. Simonits, outlines his submissions and lists the variances and is in support of the recommendations provide in the report from Administration. The Chair confirms the commercial/residential use. Mr. Simonits outlines that commercial will be ground floor, and residential will be on the top 2 floors with basement.

The Chair and committee members feel the application was opposite.

Mr. Robinson, outlines there is a main dwelling in the basement, and that triggered the variance.

The Chair asks of the reduction in parking spaces to Administration. Mr. Robinson points out that this is an improvement area with a new construction so parking doesn't apply. Ms. Toufeili outlines there is 2 hour on-street parking on Wyandotte, and each residential unit will have its own space to mitigate any deficiencies. Ms. Toufeili has asked that each 5 units will have their own parking, and the minimum for 5 units is 6, so the request is for 5 only.

The Chair asks if there is public presentation.

Mark Lalovich, owner of 4680 Wyandotte. The subject property he identifies as 277 Pillette Rd and is not a vacant lot, and asks for confirmation.

Mr. Simontis outlines the municipal address is 277 Pillette Rd. Mr. Lalovich concerns he did not receive a development package, and he feels the parking is inadequate, and he is concerns are for the parking for residents. Mr. Simiontis outlines he meet the 5 parking requirements and 2 additional.

Mr. Lalovich, has asked about the proposal on file and outlines he did receive the notification sent out by staff.

Neighbour 4620 Wyandotte St. W, outlines he hasn't received a development proposal and is concerned about the proposal and the alley closure. Mr. Simiontis outlines he has made application to close and convey the application for the alley.

Mr. Lalovich addresse's parking and if the carwash will remain.

Mr. Robinson outlines that the parking 0.0 meters is for the inclusion of the drive aisle for the alley way, and that is compliance. There is no separation on the alley and it is incorporated into the parking area measurements. The alley closure will go forward, and the notice will be

moving forward separately, the issue here at the COA is for the variance. Mr. Robinson outlines this is subject to Site Plan Control process and is working with the applicant to iron out issues prior to Site Plan Approval, and that is why the variance is before us. Part of the process is to iron out all other development matters.

Mr. Lalovich is asking to see a Site Plan. Mr. Gatti has asked if the neighbors have seen the site specifics by way of drawings submitted? Secretary Treasurer, outlines that the courtesy notice was sent out by Canada post to a 30 m radius to all abutting neighbors and outlines the City website and all particulars are on the City of Windsor website for review. Mr. Balsamo outlines the building will be on Wyandotte St. W. Mr. Simonits has outlined the main entrance will be on Wyandotte St. W.

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 15.2.5.15, Section 24.20.5.1, Section 25.5.20.1.3, Section 25.5.20.1.6** of Zoning By-law 8600, as amended, so as to permit, in a **Commercial CD2.2 District**, the development of a new combined use building commercial main floor, 5 residential dwellings, thereby providing and maintaining:

- (a) A combined use dwelling below commercial use
- (b) 7 required parking spaces
- (c) 0.0 meters of parking area separation from interior lot line
- (d) Parking area separation from habitable room windows of 1.5 metres east and 2.0 metres north.

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): 2751182 ONTARIO INC.

Subject Lands: Lots 15 to 18 according to Registered Plan 637 and known as Municipal Number 1226 DROUILLARD RD

Zoning: Residential RD2.2

RELIEF: Develop two townhouse buildings four units each, eight dwellings total, with reduced minimum lot area, reduced minimum access area width, and reduced collector aisle width

INTERESTED PARTIES PRESENT:

David Johnston, 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. Johnston is in support of the recommendations provide in the report from Administration and thanks George and staff for their help.

Mr. Robinson advises this is a key site and is guided thru site plan control.

The Chair asks if there is public presentation. None noted

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 obtain consent from the Committee of Adjustment to create a right of way or easement for reciprocal access between 1220 Drouillard Road and 1226 Drouillard Road, 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 11.2.5.5.2 and Section 25.5.30.4** of Zoning By-law 8600, as amended, so as to permit, in a **Residential RD2.2 District**, the development of two townhouse buildings (four units each, eight dwellings total), with reduced minimum lot area, reduced minimum access area width, and reduced collector aisle width, thereby providing and maintaining:

- (a) 147.71 m² lot area per dwelling unit.

Access area width of 3.0 metres per direction. 6.0 metres in total

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): ABRAHIM ARABI

Subject Lands: Part Lot 594 and Lots 595 and 596 according to Registered Plan 1295 and known as Municipal Number 3215 RANKIN AVE

Zoning: Residential RD1.4

RELIEF: Proposed single-unit dwelling with reduced minimum lot width

INTERESTED PARTIES PRESENT:

Abraham Arabi, Owner

PRELIMINARY PROCEEDINGS

Moved by: Dante Gatti

Seconded by: Joe Balsamo

That since applications A-068/21, and B-037/21 by **ABRAHIM ARABI**, Part Lot 594 and Lots 595 and 596 according to Registered Plan 1295 and known as Municipal Number 3215 RANKIN AVE are related, 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. Arabi is in support of the recommendations provided in the report from Administration. The Chair asks if administration received the letter from the abutting neighbours regarding a 3 storey.

Mr. Arabi outlines this is a 2 storey house. He also outlined that the structure was going to have a 9foot addition, but he will be demolishing that.

The Chair asks if there is public presentation.

Greg, neighbor confirms that the variance is for the demolishing the house, and he was concerned about the grading. Mr. Arabi outlined he was going to take care of it.

Moved by: Dante Gatti

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 **Section 10.4.5.1** of Zoning By-law 8600, as amended, so as to permit, in a **Residential RD1.4 District**, the proposed single unit dwelling on a new lot with reduced minimum lot width, thereby providing and maintaining:

- (a) A minimum lot width of 17.83 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): ABRAHIM ARABI

Subject Lands: Part Lot 594 and Lots 595 and 596 according to Registered Plan 1295 and known as Municipal Number 3215 RANKIN AVE

Zoning: Residential RD1.4

REQUEST: Severance of the above described lands, said lands being more particularly described as the southerly portion of 3215 Rankin Avenue with 17.83 metre frontage and the existing garage to be demolished.

INTERESTED PARTIES PRESENT:

Abraham Arabi, Owner

PRELIMINARY PROCEEDINGS

Moved by: Dante Gatti

Seconded by: Joe Balsamo

That since applications A-068/21, and B-037/21 by **ABRAHIM ARABI**, Part Lot 594 and Lots 595 and 596 according to Registered Plan 1295 and known as Municipal Number 3215 RANKIN AVE are related, 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. Arabi is in support of the recommendations provide in the report from Administration. The Chair asks if administration received the letter from the abutting neighbours regarding a 3 storey.

Mr. Arabi outlines this is a 2 storey house. He also outlined that the structure was going to have a 9foot addition, but he will be demolishing that.

The Chair asks if there is public presentation.

Greg, neighbor confirms that the variance is for the demolishing the house, and he was concerned about the grading. Mr. Arabi outlined he was going to take care of it.

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 existing garage on the severed portion be demolished and that a portion of the existing house (9 ft on the south side) be demolished as per the draft reference plan.
- II. Obtain a Driveway permit and complete hard surface as per AS-221 or AS-222 and BP 2.2.1. (existing driveway, retained lot (Part 1))

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 described lands, said lands being more particularly designated 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.

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 **May 20 2021** **BE ADOPTED.**

CARRIED.

ADJOURNMENT:

There being no further business before the Committee, the meeting accordingly adjourned at 5:30 p.m.

Tom McMahon, Chairperson

Jessica Watson, Secretary-Treasurer