



**CITY OF WINDSOR**  
**COMMITTEE OF ADJUSTMENT**

**MINUTES**

**FOR THE HEARING OF**

**September 16, 2021**

A hearing by the Committee of Adjustment for the City of Windsor was held on September 16, 2021, located , 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:

Simona Simion, (Planner II – Research & Policy Support) Planning Department  
Melissa Gasic (Planner II - Development Review) Planning Department  
Jason Campigotto(–Site Plan Approval Officer) Planning Department  
George Robinson (Site Plan Approval Officer) Planning Department  
Connor Cowan (Zoning Co-ordinator) Planning Department  
Kareem Kurdi, (Zoning Co-ordinator) Planning Department  
Rania Toufeili (Transportation Engineer) Transportation Planning  
Amy Kurek (Technologist II) Development, Projects & Right-of-Way  
Stefan Fediuk, Landscape Architect, Parks Department

\* \* \* \* \*

**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):** 2796768 ONTARIO INC

**Subject Lands:** Part Lot 128 and Concession 1 and known as Municipal Number 1286 LAUZON RD

**Zoning:** Commercial CD2.1

**RELIEF:** Development of a commercial plaza with minimum required parking spaces.

**INTERESTED PARTIES PRESENT:**

Jackie Lassaline, 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.

**DISCUSSION**

Ms. Lassaline is in agreement with the recommendations outlined in the report.

Mr. Sleiman asks if the variance is strictly for parking. Ms. Lassaline confirms. Mr. Sleiman asks if the abutting property is owned by the same owner. Ms. Lassaline confirms same owner. Mr. Sleiman asks why the owner is not using that land for the variance. Ms. Lassaline outlines this development is non public space, and this is not zoned for this requirement.

Mr. McMahon, asks if it is possible to address the concern that has been forwarded to the Committee of Adjustment prior to the hearing. Ms. Lassaline outlines she can reach out to the neighbour with regards to his concerns and question, specifically the Land use with respect to the By-law.

The Chair asks if there is public presentation. None noted.

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 **Section 24.20.5.1** of Zoning By-law 8600, as amended, so as to permit, in a **Commercial CD2.1 District**, development of a commercial plaza with minimum required parking spaces, thereby providing and maintaining:

- (a) 268 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):** LUCJA TROCZYNSKI

**Subject Lands:** Part Lots 1 and 2 Part Closed Alley according to Registered Plan 548 being Parts 2, 3, 9 and 10 of Reference Plan 12R-25722 and known as Municipal Number 435 TOURNIER ST and 3265 PETER ST

**Zoning:** Residential RD2.2

**RELIEF:** Create a new lot with reduced minimum rear yard depth and Lot width.

**INTERESTED PARTIES PRESENT:**

Lucja Troczynski, Owner

**PRELIMINARY PROCEEDINGS**

Moved by: Joe Balsamo

Seconded by: Tom McMahon

That since applications **A-081/21-and B-049/21** by **LUCJA TROCZYNSKI**, Part Lots 1 and 2 Part Closed Alley according to Registered Plan 548 being Parts 2, 3, 9 and 10 of Reference Plan 12R-25722 and known as Municipal Number **435 TOURNIER ST and 3265 PETER ST**, they **BE CONSIDERED CONCURRENTLY** by the Committee for discussion only.

The Chair confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration.  
The Chair asks if there are any questions/comments/amendments from Administration.  
The Chair asks if there are any questions/comments from the Committee and Administration.  
None Noted.

**DISCUSSION**

Mr. Troczyanski is in agreement with the recommendations.

Ms. Simon, outlines and amendment to Condition # 2 for the wording to be amended to be "reciprocal to piping servicing agreement, subject to approval by the Legal Department"

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 11.2.5.6.3 (Part 1 only), Section 11.2.5.3.2 ( Parts 2, 3, 4)** of Zoning By-law 8600, as amended, so as to permit, in a **Residential RD2.2 District**, create a new lot with reduced minimum rear yard depth and Lot area, thereby providing and maintaining:

- (a) A minimum rear yard depth for Part 1 of 1.1 metres
- (b) A minimum Lot area for Part 2, 3, 4 of 247.4 m<sup>2</sup>

**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):** LUCJA TROCZYNSKI

**Subject Lands:** Part Lots 1 and 2 and Part Closed Alley according to Registered Plan 548 being Parts 2, 3, 9 and 10 on Reference Plan 12R-25722 and known as Municipal Number 435 TOURNIER ST

**Zoning:** Residential RD2.2

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

**INTERESTED PARTIES PRESENT:**

Lucja Troczynski, Owner

**PRELIMINARY PROCEEDINGS**

Moved by: Joe Balsamo

Seconded by: Tom McMahon

That since applications **A-081/21-and B-049/21 by LUCJA TROCZYNSKI**, Part Lots 1 and 2 Part Closed Alley according to Registered Plan 548 being Parts 2, 3, 9 and 10 of Reference Plan 12R-25722 and known as Municipal Number **435 TOURNIER ST and 3265 PETER ST**, they **BE CONSIDERED CONCURRENTLY** by the Committee for discussion only.

The Chair confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration. The Chair asks if there are any questions/comments/amendments from Administration. The Chair asks if there are any questions/comments from the Committee and Administration. None Noted.

**DISCUSSION**

Mr. Troczyanski is in agreement with the recommendations. Ms. Simon, outlines and amendment to Condition # 2 for the wording to be amended to be “reciprocal to piping servicing agreement, subject to approval by the Legal Department”

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. The applicant shall obtain Right-of-way permits to install driveway approach as per City’s standards to the satisfaction of the City Engineer or restore the existing curb and reinstate the boulevard to City’s Standards to the satisfaction of the City Engineer.
- II. The applicant shall submit a site servicing drawing to identify the location of the existing connections to the satisfaction of the City Engineer. If the existing connection is located through 3265 Peter St, a piping service agreement will be required and if the connection is found to be within the right-of-way from Peter St or Baby St, an encroachment agreement will be required for the sewer connection.

- III. The existing wood privacy fence at the driveway of 435 Tournier St is encroaching the public right-of-way. The applicant shall remove the wood fence or set back to private property or enter or enter into an encroachment agreement for the existing privacy fence to the satisfaction of the City Engineer. Permits are required for any work within the right-of-way.

**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):** 2829427 ONTARIO INC.

**Subject Lands:** Part Lot 97 Concession 3 being Part 1 of Reference Plan 12R-7529 and known as Municipal Number 0 DIVISION RD

**Zoning:** Manufacturing MD2.1

**RELIEF:** A multi-use building with parking and transport terminal, with reduced minimum set back from an interior Lot line and perimeter curbing

**INTERESTED PARTIES PRESENT:**

Mark McCloseky, 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. McCloskey is in agreement with the recommendations provided.

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 with no conditions outside of those established through Site Plan Control.

**AND IT IS HEREBY ORDERED** that the lands and premises above described be, and the same are hereby exempt from **Section 5.99.97.60.c and Section 5.99.97.64** of Zoning By-law 8600, as amended, so as to permit, in a **Manufacturing MD2.1 District**, a multi-use building with parking and transport terminal, with reduced minimum set back from an interior Lot line and perimeter curbing, thereby providing and maintaining:

- (a) A setback from Interior Lot Line of 7 metres with 2.44 meters high noise attenuation wall
- (b) Relief from Perimeter curbing in its entirety.

**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):** 5021062 ONTARIO INC.

**Subject Lands:** Part Blocks E, F and W according to Registered Plan 1644 being Part 2 of Reference Plan 12R-28251 and known as Municipal Number 0 CANTELON DR ( VACANT LOT NEXT WEST OF LAUZON 2228 LAUZON PKY)

**Zoning:** Manufacturing MD1.2

**REQUEST:** To sever the south-westerly corner of the Lot, as shown on the attached drawing, for the purpose of creating a new Lot.

**INTERESTED PARTIES PRESENT:**

John Miller, 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. Miller confirms he is in agreement with the recommendations and aware of the conditions in the report to provide a detailed tree survey.

Mr. Miller confirms he is in a agreement.

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. Applicant is to provide a detailed tree survey, showing the location of all existing trees on the property with a trunk diameter of at least 100 mm and indicating their size, species, and an evaluation of tree health, prepared by any one of the following professionals: Arborist (ISA certified) or Registered Professional Forester (RPF).

**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 **Manufacturing MD1.2 District, the conveyance of the above described lands, said lands being more particularly designates as Part\_\_\_\_\_ on Registered 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):** THANH THAI, HANH THU TRUONG

**Subject Lands:** Part Lot 87 and Lot 88 according to Registered Plan 276 and known as Municipal Number 1057 & 1065 LANGLOIS AVE

**Zoning:** Residential RD1.3

**REQUEST:** Severance of the above described lots, as shown on the attached drawing, for the purpose of creating a new Lot.

**INTERESTED PARTIES PRESENT:**

Anne Manina, 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**

Ms. Manina outlines this is a technical merge severance. Ms. Manina is in agreement with the recommendations put forward.

The Chair asks for public Presentation. None noted.

Moved by: Joe Balsamo

Seconded by: Dante Gatti

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

**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 of the above described lands, said lands be more particularly designated as Part \_\_\_ on Registered 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):** RIVERSIDE SPORTSMANS CLUB LIMITED

**Subject Lands:** Part Lot 141 Concession 1 and known as Municipal Number 10835 RIVERSIDE DR E

**Zoning:** Commercial CD1.5

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

**INTERESTED PARTIES PRESENT:**

Melanie Muir, 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**

Ms. Muir outlines she is in agreement with the recommendations. Ms. Muir outlines that there will be a 3<sup>rd</sup> condition added.

Ms. Simion would like the addition of a 3<sup>rd</sup> condition as the follows: The applicant successfully applies for a Zoning Bylaw Amendment that places a holding symbol "H" on the property for the provision of adequate utilities and municipal services. Ms. Simona outlines it would require rezoning, and the H would be in place so that servicing would be required. Mr. Balsamo outlines there are 3 drawings. Ms. Muir outlines there is ground floor parking with the building on the pedestal with greenspace around. The parking is provided and is covered.

The Chair asks for public presentation. None Noted.

Moved by: Tom McMahon

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. The applicant shall submit a sanitary servicing study to confirm capacity to the satisfaction of the City Engineer.
- II. The applicant shall construct full municipal services prior to severance\* for the severed land (Wyandotte St E portion) to the satisfaction of the City Engineer and City Planner. Or
- III. The applicant successfully applies for a Zoning Bylaw Amendment that places a holding symbol "H" on the property for the provision of adequate utilities and municipal services.

**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 CD1.5 District, the conveyance of the 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):** ROBIN MACKIE, CHERYL MACKIE

**Subject Lands:** Part Lot 19 and Lot 20 according to Registered Plan 958 being Part 1 and 2 on Reference Plan 12R-20070 and known as Municipal Number 2357- 2363 LAMONT ST

**Zoning:** Residential RD2.3

**REQUEST:** The severance of the above noted Lots, as shown on the attached drawing, for the purpose of creating a new Lot

**INTERESTED PARTIES PRESENT:**

Chelsea Redman, 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**

Ms. Redman is in agreement with the recommendations and would like confirmation that the application for the Alley is to just be submitted within the year. Ms. Simion confirms yes it is to just submit, as it is a lengthy process.

The Chair asks for Public Presentation. None Noted.

Moved by: Dante Gatti

Seconded by: Joe Balsamo

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

- I. The applicant shall submit an application to purchase their share of the closed alley located at the rear of the subject property as requested by the City Engineer and 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 RD2.3 District, the conveyance of part of the above described lands, said lands being more particularly designated as Part\_\_\_ on Registered 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):** AIPL CANADA HOLDINGS INC

**Subject Lands:** Part Lot 73 Concession 1 Parcel 1 and known as Municipal Number 1200-1220 UNIVERSITY AVE W

**Zoning:** Commercial CD2.2

**REQUEST:** Severing Parts 1-5 and 20 on draft 12R with easements for access, parking and municipal servicing, as shown on the attached drawing.

**INTERESTED PARTIES PRESENT:**

Mary-Ann Keefner, Agent

**PRELIMINARY PROCEEDINGS**

Moved by: Dante Gatti

Seconded by: Joe Balsamo

That since applications **B-054/21, B-055/21 and B-056/21** by **AIPL CANADA HOLDINGS INC**, Part Lot 73 Concession 1 Parcel 1 and known as Municipal Number **1200-1220 UNIVERSITY AVE W**, 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**

Ms. Keefner confirms she is in agreement, and that the conditions for all 3 applications be amended to the conservation agreement to be required at the end, as they require other stages of the severance thru Site Plan. Ms. Keefner outlined she has moved forward with the Barrel House that is incorporated in Phase 3 and has a structural engineer to preserve the building, and is complete. She has applied for the designation for Heritage, and hired architects that are working on a conservation Plan, to enter the agreement. She asks that this condition be made part of the Site Plan Agreement. Ms. Keefner outlines until financing is available, she can't provide the easements currently.

The Chair asks administration

Ms. Simona addresses Ms Keefner if the easement for access – ingress/egress is before us today. Ms. Keefner outlines this is correct. Ms. Simon outlines they are here to ask for severance to create lots, with access only. Ms. Tang, Heritage Planner, outlines that the condition for the Conservation easement, and the rationale for placing the conditions, will have each new parcel would transfer all the same types of agreements. She outlines that the owners have provided a schedule a few months ago, and she hasn't had further from applicants. Ms. Sleiman asks if this could be dealt with at Site Plan Control. Mr. Robertson outlines the condition for the consent would be in place, and in order to fulfil, the site Plan agreement would have the condition in place to clear this condition for the Committee of Adjustment.

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. The Owner shall agree to request for Heritage Designation of both severed and retained properties under Part IV of the Ontario Heritage Act, and enter into a conservation easement with the City of Windsor, for the conservation of the heritage properties of 1200-1220 University Avenue West, and 1220-1220 University Avenue West (both north and south parcels) as part of the site plan control agreement for each property.

**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, conveyance of the following for ingress/egress, parking and municipal servicing easements.**

**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):** AIPL CANADA HOLDINGS INC

**Subject Lands:** Part Lot 73 Concession 1 Parcel 2 and known as Municipal Number 1200 UNIVERSITY AVE W

**Zoning:** Commercial CD2.2

**REQUEST:** Severing Parts 6-9 on draft 12 R with easements for access, parking and municipal servicing, as shown on the attached drawing

**INTERESTED PARTIES PRESENT:**

Mary-Ann Keefner, Agent

**PRELIMINARY PROCEEDINGS**

Moved by: Dante Gatti

Seconded by: Joe Balsamo

That since applications **B-054/21, B-055/21 and B-056/21** by **AIPL CANADA HOLDINGS INC**, Part Lot 73 Concession 1 Parcel 1 and known as Municipal Number **1200-1220 UNIVERSITY AVE W**, 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**

Ms. Keefner confirms she is in agreement, and that the conditions for all 3 applications be amended to the conservation agreement to be required at the end, as they require other stages of the severance thru Site Plan. Ms. Keefner outlined she has moved forward with the Barrel House that is incorporated in Phase 3 and has a structural engineer to preserve the building, and is complete. She has applied for the designation for Heritage, and hired architects that are working on a conservation Plan, to enter the agreement. She asks that this condition be made part of the Site Plan Agreement. Ms. Keefner outlines until financing is available, she can't provide the easements currently.

The Chair asks administration

Ms. Simona addresses Ms Keefner if the easement for access – ingress/egress is before us today. Ms. Keefner outlines this is correct. Ms. Simon outlines they are here to ask for severance to create lots, with access only. Ms. Tang, Heritage Planner, outlines that the condition for the Conservation easement, and the rationale for placing the conditions, will have each new parcel would transfer all the same types of agreements. She outlines that the owners have provided a schedule a few months ago, and she hasn't had further from applicants. Ms. Sleiman asks if this could be dealt with at Site Plan Control. Mr. Robertson outlines the condition for the consent would be in place, and in order to fulfil, the site Plan agreement would have the condition in place to clear this condition for the Committee of Adjustment.

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. The Owner shall agree to request for heritage designation of both severed and retained properties under Part IV of the Ontario Heritage Act, and enter into a conservation easement with the City of Windsor, for the conservation of the

heritage properties of 1200 University Avenue West, and 1220 University Avenue West (both north and south parcels) as part of the site plan control agreement for each property.

**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, conveyance of the following for ingress/egress, parking and municipal servicing easements.**

**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):** AIPL CANADA HOLDINGS INC  
**Subject Lands:** Part Lot 73 Concession 1 Parcel 3 and known as Municipal Number 1200 UNIVERSITY AVE W  
**Zoning:** Commercial CD2.2  
**REQUEST:** Seasements for access, parking and municipal servicing

**INTERESTED PARTIES PRESENT:**

Mary-Ann Keefner, Agent

**PRELIMINARY PROCEEDINGS**

Moved by: Dante Gatti

Seconded by: Joe Balsamo

That since applications **B-054/21**, **B-055/21** and **B-056/21** by **AIPL CANADA HOLDINGS INC**, Part Lot 73 Concession 1 Parcel 1 and known as Municipal Number **1200-1220 UNIVERSITY AVE W**, 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**

Ms. Keefner confirms she is in agreement, and that the conditions for all 3 applications be amended to the conservation agreement to be required at the end, as they require other stages of the severance thru Site Plan. Ms. Keefner outlined she has moved forward with the Barrel House that is incorporated in Phase 3 and has a structural engineer to preserve the building, and is complete. She has applied for the designation for Heritage, and hired architects that are working on a conservation Plan, to enter the agreement. She asks that this condition be made part of the Site Plan Agreement. Ms. Keefner outlines until financing is available, she can't provide the easements currently.

The Chair asks administration

Ms. Simona addresses Ms Keefner if the easement for access – ingress/egress is before us today. Ms. Keefner outlines this is correct. Ms. Simon outlines they are here to ask for severance to create lots, with access only. Ms. Tang, Heritage Planner, outlines that the condition for the Conservation easement, and the rationale for placing the conditions, will have each new parcel would transfer all the same types of agreements. She outlines that the owners have provided a schedule a few months ago, and she hasn't had further from applicants. Ms. Sleiman asks if this could be dealt with at Site Plan Control. Mr. Robertson outlines the condition for the consent would be in place, and in order to fulfil, the site Plan agreement would have the condition in place to clear this condition for the Committee of Adjustment.

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. The Owner shall agree to request for heritage designation of both severed and retained properties under Part IV of the Ontario Heritage Act, and enter into a conservation easement with the City of Windsor, for the conservation of the heritage properties of 1200 University Avenue West, and 1220 University Avenue West (both north and south parcels) as part of the site plan control agreement for each property.

**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, conveyance of the following for ingress/egress, parking and municipal servicing easements.**

**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):** QINGQING LIN, HSIU YING CHIEN

**Subject Lands:** Part Lot 22 and 23 according to Registered Plan 1552 and known as Municipal Number 745 CABANA RD E

**Zoning:** Residential RD1.4

**REQUEST:** Severing the easterly portion of the irregular lot, existing house to remain on the retained lot, for the purpose of creating a new lot

**INTERESTED PARTIES PRESENT:**

Ran Hung, 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

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**DISCUSSION**

Ms. Hung, outlines she is not in support of the recommendation, after speaking with Ms. Gasic, there has been confirmation that they will be removing the condition for the tree survey, as this was in error.

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 lands, said lands particularly described as Part\_\_\_ on Registered 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):** OZDOGAN HASAN

**Subject Lands:** Part Blocks E F and W according to Registered Plan 1644 being Part 1 on 12R-28474 and known as Municipal Number 0 CANTELON DR (VACANT LOT NEXT EAST OF 2960 CANTELON DR.)

**Zoning:** Manufacturing MD1.2 S.20(1)97

**RELIEF:** A heavy repair facility with outdoor storage yard and surface parking area, thereby requesting minimum side yard depth relief.

**INTERESTED PARTIES PRESENT:**

John Miller, Agent (absent)

**PRELIMINARY PROCEEDINGS**

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

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

**DISCUSSION**

The Chair calls for the Agent/Applicant to come forward. *Absent*  
The Chair asks for Administration for an overview in the applicants absence. Mr. Campigotto, on behalf of the Agent outlines this is a heavy repair facility with outdoor storage yard and surface parking area, and is requesting relief for minimum side yard depth relief.

The Chair asks for public Presentation. None noted.

Moved by: Dante Gatti

Seconded by: Joe Balsamo

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

**AND IT IS HEREBY ORDERED** that the lands and premises above described be, and the same are hereby exempt from **Section 20(1) 97** of Zoning By-law 8600, as amended, so as to permit, in a **Manufacturing MD1.2 S.20(1)97 District**, A heavy repair facility with outdoor storage yard and surface parking area, thereby providing and maintaining:

- (a) A minimum side yard depth of 4.5 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 **August 19, 2021 BE ADOPTED.**

**CARRIED.**

## **ADJOURNMENT:**

There being no further business before the Committee, the meeting accordingly adjourned at 4:30 p.m.

Mike Sleiman, Chairperson

Jessica Watson, Secretary-Treasurer