



CITY OF WINDSOR COMMITTEE OF ADJUSTMENT

MINUTES

FOR THE HEARING OF

November 30, 2023

A virtual hearing by the Committee of Adjustment for the City of Windsor was held on November 30, 2023, by Video Conference. The Hearing was called to order at 3:30 PM.

ATTENDANCE:

Present:

Committee Members

Dante Gatti, Chair (A)
Joe Balsamo, Member
Frank Cerasa, Member
Mohammed Baki, Member

Jessica Watson, Secretary-Treasurer
Stephanie Haddad, Committee of Adjustment Clerk

Regrets:

Mike Sleiman - Chairperson

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

Planning & Building Services Department

Simona Simion, Planner II
Pablo Golob Planner II
Zaid Zwayyed, Zoning Co-ordinator
Ana Lukas, Zoning Co-ordinator
Stefan Fediuk, Landscape Architect

Engineering & Geomatics Department

Andrew Boroski, Technologist I

Transportation Planning Department

Siddharth Dhiman, Transportation Engineer)

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**DISCLOSURE OF PECUNIARY INTEREST
and the general nature thereof**

There being no disclosure of pecuniary interest at this time, the following applications were considered in the order as contained herein.

APPLICANT and SUBJECT LANDS:

Owner(s): MARIO PETRILLI

Subject Lands: CONCESSION 1 PART LOT 148; DEPOSITED PLAN 4118; PART PARCEL 61 and known as Municipal Number 11820 RIVERSIDE DRIVE

Zoning: Residential RD1.6

RELIEF: Construction of a two (2) storey accessory building that includes a three-car garage and an additional dwelling unit in the front yard of an existing single unit dwelling, exceeding maximum gross floor area for an Additional Dwelling Unit.

INTERESTED PARTIES PRESENT:

Mario Petrilli, 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 noted.

DISCUSSION

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

The Chair asks for public presentation. None noted

Moved by: Joe Balsamo

Seconded by: Frank Cerasa

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): JOSEPH AND SUSAN PAPIC

Subject Lands: PART LOT 141 & WATER LOT; CONCESSION 1 DP 4118; PART PARCELS 5 & 6; REFERENCE PLAN 12R-6941; PART 2 and known as Municipal Number 10950 RIVERSIDE DR E

Zoning: Residential RD1.6

RELIEF: Construction of a detached Additional Dwelling Unit (ADU) in a front yard, with minimum front yard depth.

INTERESTED PARTIES PRESENT:

Joseph and Susan Papic, Owners

PRELIMINARY PROCEEDINGS

The Chair addresses the applicants with the possibility of this item being deferred by the applicant and asks for confirmation. Mr. Papic, outlines they would like to proceed with their application today. The Chair outlines due to the volume of objections received from neighbours, be it this item be moved to the end of the current Agenda.

Item is called and the Secretary-Treasurer reads all submitted objections from neighbours as follows:

OBJECTION #1

From: David & Anna Kirby - 10930 Riverside Drive E., Windsor, ON, N8P 1A4 (Neighbour)

Please accept this letter as our formal complaint as neighbours to this Property, in opposition to the proposed Variance.

The first issue with this Variance is that the Accessory Building is not permitted in a front yard per Zoning By-Law 8600. The By-Law stipulates that no structure be beyond the average front yard depth of the main buildings of the abutting properties. If allowed, the building would be obstructive to the site-lines of both the abutting properties and contributes to a feeling of clutter on Riverside Drive. We feel this is not a "Minor Variance" but a "Major Variance", as it is new construction and therefore, should comply with the By-laws as set-forth.

Another major issue is the safety concerns of allowing this structure to be built. It will obstruct the site-lines for vehicles pulling out of the abutting properties and beyond given that there is a curve in this section of Riverside Drive. This is especially the case for the properties that require vehicles to have to "back out" of the driveways. It also obstructs the site-lines for road traffic, impeding the vehicle's ability to see what is coming down the road towards them, again, given the curve in this section of the road. It is our understanding that there have been serious accidents on this section of the road in the past. We have recently moved into our home, purchased less than 6 months ago, which abuts to the said property and expect that the City will protect our rights. How is this protecting the best interest of the neighbours? This is detrimental to the enjoyment of our property which, being on Riverside Drive, we have paid a hefty premium to purchase and to maintain through our payment of higher-than-average property taxes. We purchased this specific home on this specific track of Riverside Drive because of its openness and clear view of the Ganatchio Trail. Although we were aware of the vacant lot next to our property and the possibility that a new construction would be built next to us, we trusted that the By-Laws in place would protect the integrity of why we purchased our property in the first place. This would most likely not be allowed in a suburban neighbourhood due to site-lines and the "clutter" affect, why would it be considered on Riverside Drive?

Some of the outstanding questions that we have are:

- Does the structure exceed the allowed maximum percentage coverage of the total lot area?
- What are the details of the structure?

It is not clear whether this is a ADU (as referred to in the application) or an Accessory Structure (as named in the schematics).

If an ADU, no details are provided of the structure and if it is an Accessory Structure, why is it needed when the new construction already has an attached garage which has been submitted and approved, therefore, why has what necessitated the additional Accessory Structure not been incorporated into the new construction, whether in the garage or the basement.

Objection # 2

James Murray -Residence: 10988 Riverside Drive East, Windsor On., N8P 1A4 (Neighbour)

Please accept this letter as my formal Complaint as a Neighbor to this Property in Opposition to the proposed Variance.

First and foremost, the proposed ADU cannot be constructed on the South Side of the property due to site line implications on a waterfront property. To build the ADU on the front yard the set- back exceeds the 9-meter provision.

Due to the depth of the neighboring properties, they cannot meet the set- back provisions as it relates to the average front yard depth of the houses on the abutting properties.

We chose to live on Riverside Drive for the aesthetics of the location and property; to enjoy this location we pay some of the highest residential taxes in the city; the proposed dwelling adds clutter to the aesthetics of a pristine location.

Riverside Drive East has become an increasingly busy traffic route for residents commuting from Tecumseh to Windsor; on some mornings when I try to exit my driveway, I must sit for five minutes to wait for the traffic to clear. The proposed ADU will further hinder the sight line of residence on the water side exiting their properties. The proposed location of the ADU is on a curved portion of Riverside so it is already difficult to see oncoming traffic travelling from West to East.

I do not consider the addition of a second dwelling as a Minor variance; (New Construction). It is noted in the proposal that the structure is an accessory building when in fact the intended purpose is a residence dwelling.

If in fact the proposal is approved the city will be setting a precedent for other property owners along Riverside Drive and throughout the city to build structures in the Front Yard.

Thank you in advance.

James Murray

OBJECTION #3 Roman and Paula Bajamic – 10960 Riverside Drive East - Neighbour

I am currently concerned with my neighbour attempt to build an access dwelling unit on his property. My concern with this unit is the effect it will have on my property both in terms of values and my well-being.

As a successful businessman I was able to buy my dream home and live on the water and

enjoy all the amazing factor of the character of the neighbourhood and the amazing location

of my beautiful home. For that privilege I paid almost \$ 21,000 in taxes this year, a

significant amount more than a normal Windsor resident.

The first concern and reason for my letter is my neighbour accessory building unit which is

not allowed according to By-law section 5.10.7 regarding location of ADU and By-law section 10.6.5.5 regarding minimum front yard depth.

Why he can't move the proposed ADU back? The reason is due to the fact that even though his

proposal exceeds the 9 meter provision, due to depth of neighbouring properties (our houses) he would be building in front of our houses which is against By-law.

I believe that variance is too large or too important to be considered minor for following reasons:

PRIVACY

Proposed ADU being in front yard :

Visual intrusion of this nature can take the form of views into windows, doors of abutting homes (our houses)

VIEWS

When I purchased this house 24 years ago I trusted that the Windsor By-law will protect clear view to the Ganatchio trail with high taxes to have that privilege.

Furthermore as per "Parks and Facilities" recommendation for location of ADU in such way

to help preserve the trees closer to the Riverside Dr. And to consult with the City Forester

as to the potential preservation and if there is any compensation for the loss of these trees

to the urban canopy.

Applicant for subject variance REMOVED all mature trees on subject property even before

construction of the main house disregarding suggestion of landscape architect.

WINDSOR POLICE SERVICES

It states that the Windsor Police Service has no concerns or objection with this application.

FACT No. 1

Another very important point is safety due to obstructed visibility.

We (Bajamic family) witnessed an accident directly in front of our house. Vehicle reversing

from driveway next to our house due to fact that Westbound road is not straight it curves therefore blocks view from east was hit. Severity of an accident pushed car directly in front of my driveway (10960). It was horrific accident involving several police cars , couple

of ambulances and fire department cutting and removing doors from vehicle to free two passengers with serious injuries.

FACT No. 2

It is dangerous road. On daily basis I am witnessing while crossing road to take my dogs

to Sportsmen Club field drivers passing slower moving cars at high speed. The way this road

curves puts in extreme danger for people coming out of driveways without extra obstacles

such as ADU and cars parked on apron Infront such structure is calling for a disaster. It is just

not safe and this is undisputable fact.

FACT No. 3

To remind Windsor Police Services , due to careless car passing truck hit a tree in between

properties 10896 and 10910 with tragically one Person died as a result of an accident. It is very

interesting that both accidents took place due to curved road condition within few meters of our properties.

FACT No. 4

Please refer to attachment No. 2

With proposed unit located just on the edge of the apron or exactly 9.1 meters from crest of

the road and cars parked on the apron as proposed unit it is obvious that either car #1 or car#2

backing out of driveways can not see oncoming traffic until rear ends on the busy drive. During the construction of main house on 10950 properties with trucks park on apron of same

I needed (10960) flag men to get me on the road.

In closing this is not some opinion as per Mr. Pablo Golob , or our Windsor Police services but

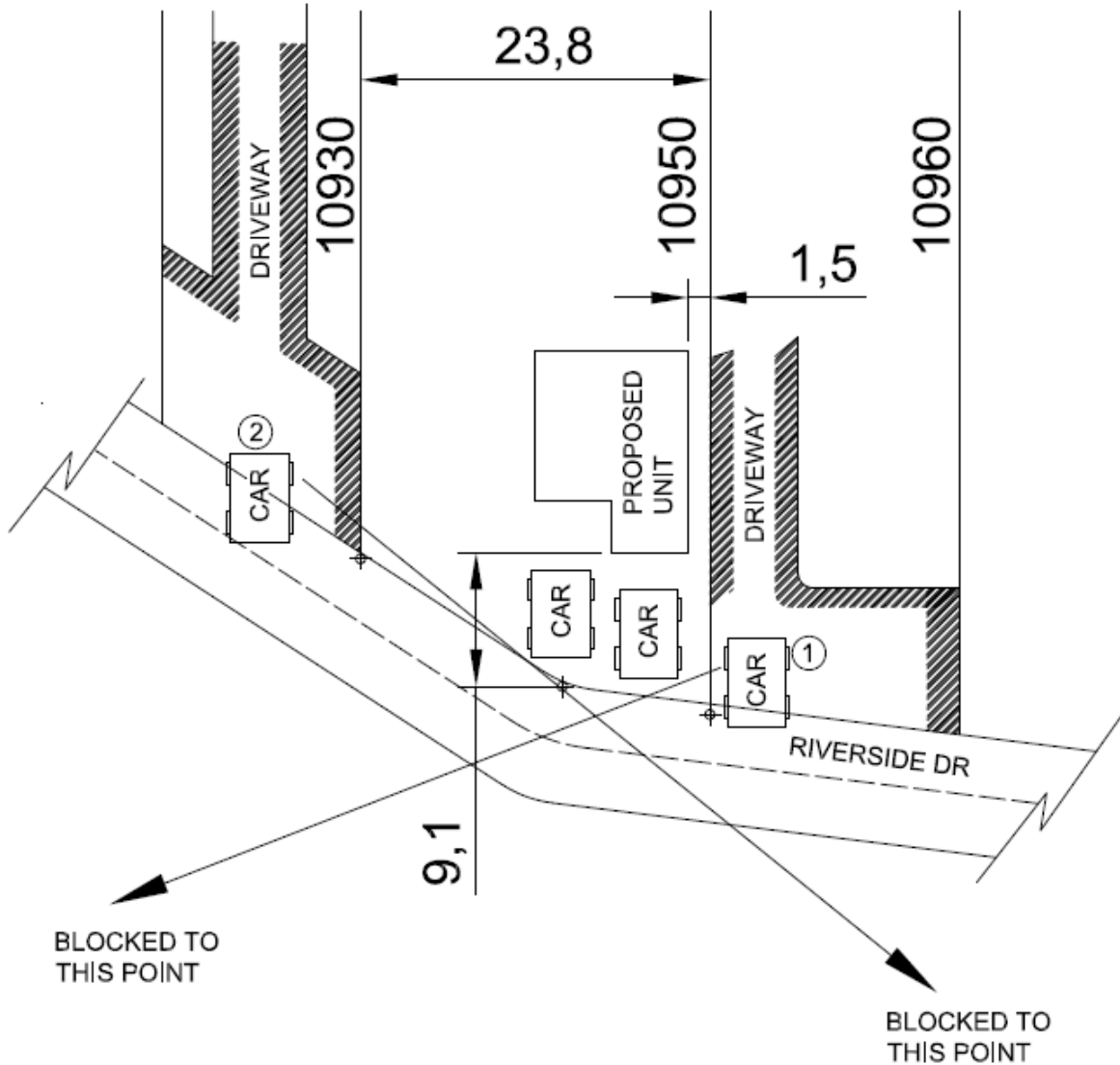
substantiated facts as per document enclosed.

Please understand the fear and concern of us neighbours. We love our home , our safety and

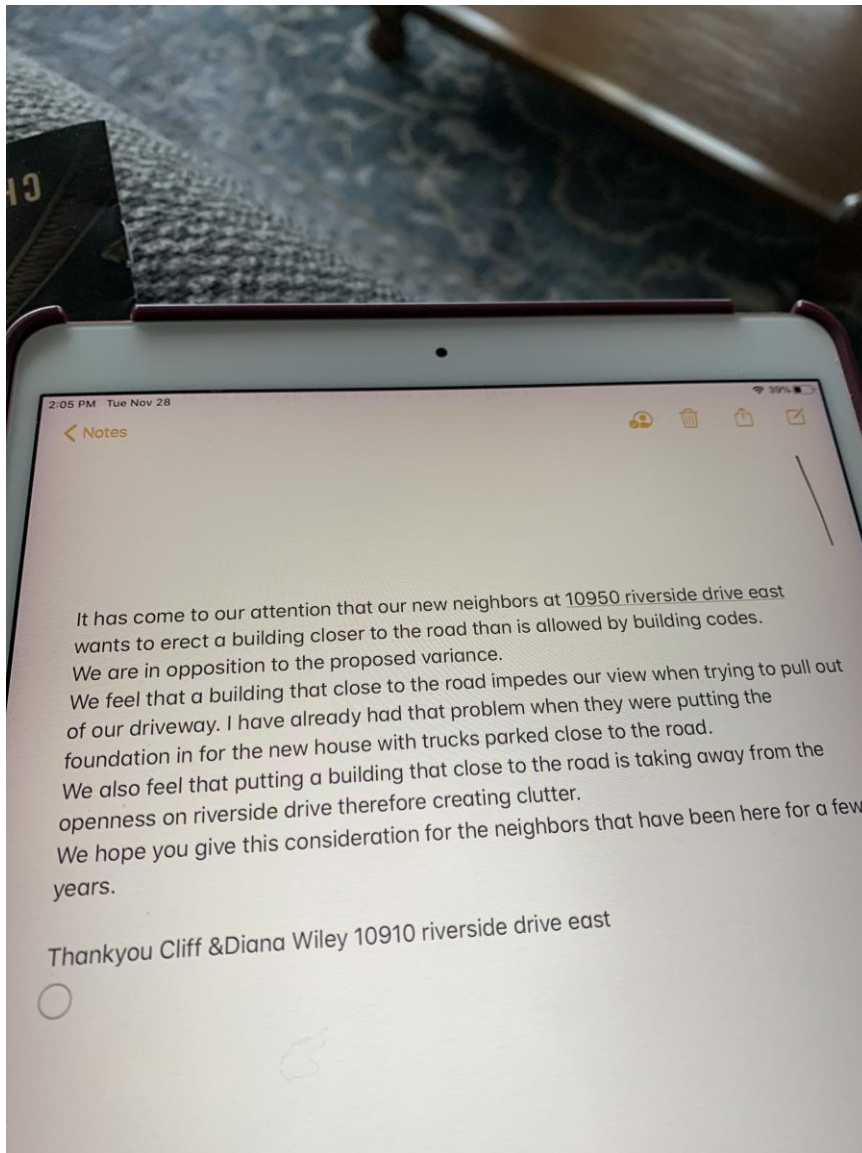
our views that we have and pay such high taxes for.

Respectively, a concerned neighbour and resident,

NOTES
 AT TRAFFIC COMMING
 @60 MILES/HOURS OR 26.8 M/SEC
 DUE TO VISIBILITY CAR ① WILL
 BE HIT IN LESS THAN 1 SECOND
 AND CAR ② IN 2 TO 3 SECONDS



OBJECTION #4 – CLIFF & DIANA WILEY, 10910 RIVERSIDE DRIVE EAST - Neighbour



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. Papic, outlines the relief being sought for the variance to build an ADU in the front yard of their residence and seeking the relief from the rear side/side yard variance and minimum front yard depth is 9.0 m or the average front yard depth of the main building located on the abutting lots and their proposed is 9.1 m, which meets the 9.0m requirement, we are seeking relief as it relates to the average front yard depth of the main buildings on the abutting lots.

Mr. Cerasa outlines he has reviewed the application and site plan and sees a number of problems and safety concerns and he agrees with the safety issues from the neighbours and the proposed dwelling in addition to 2 residential properties to be built on this single lot, and he is not in support of it as proposed. Mr. Papic expresses that this application is seeking the same relief as the previous applicant at 11820 Riverside Dr, as heard today and approved at the Committee of Adjustment . Mr. Papic outlines the front yard set back is 9.1 m and 30 feet from the property line. This is in his opinion leaves ample enough space to view the road, and doesn't feel there is a safety issue when pulling out of the driveway of obstructions and feels they are consistent with what has been approved already and ADU's are allowed. This is for a minor variance on Riverside Drive. Mr. Papic outlines there is a need for more homes, and this home is for his elderly in-laws who have no-where to go due to their age, and this proposal is what the provincial government has set out to allow, is what they are seeking.

Mr. Cerasa outlines the great reasons have been given to create a second dwelling and outlines the issue is safety and the importance to him and he feels that the applicants have plenty of land to move this building down about 100 feet from the road or provide a study that there are no safety concerns of the proposed.

Mr. Golob, addresses Mr. Ceras's concerns, and outlines the 2 variances, front yard setback and location of the ADU and indicates the ADU is permitted, and with respect to safety these applications have been circulated to our transportation planning department as noted in their comments, there are no safety concerns reported for the proposed.

Mr. Gatti, outlines by looking at the application with the minor variance there is a minor Variance of 9.0 meter and an OR and states whichever is greater and asks for confirmation on the greater. Mr. Golob outlines in this particular application the greater would be the average of the abutting properties and is greater than 9.0 m with an excess of about 20-30 m and this is why the applicant is looking to do it 9.1 m instead of the requirement. (which is only 9.0 m) Mr. Golob outlines that the 9.1 m is irrelevant.

Mr Gatti, comments if we went by the average sightlines, it would be significantly back towards the water or towards the house. Mr. Golob outlines that if we were talking about setbacks and not the sightlines, the setback is significantly larger of the main dwellings of the abutting properties. He further expresses, this is the reason why administration chose to support this application as in his report. Mr. Golob concludes, essentially there is history of accessory obstructers being constructed in the front-yard of the homes on the north-side of Riverside Drive East, as there are examples to the immediate west of this property and the setback is actually greater than some of those accessory units you are seeing further west than this proposal.

Mr. Gatti outlines the purpose of the By-law is to protect an unobstructed view and if this is permitted, there would definitely be an obstruction that would affect a number of the neighbours. Mr. Golob expresses he disagrees and this is why his recommendation is in support of the proposed approval, as the set back is more than adequate and there are no impacts with sightlines.

Mr. Gatti states that based upon the new legislation/By-law ADU's are supposed to be on side-yards or rear-yards, and not in front-yards.

Mr. Golob outlines that historically we have permitted front yard ADU's on Riverside Drive, and these are on specific properties on the northside of Riverside drive as these are waterlots that back on to the Detroit River or Lake St. Clair, and there is no ability for them to build within the rear yard, so the location of the front-yard has been previously approved for these reasons..

Discussions are entered with respect to other rights of purchasers, and oppositions, and he feels that this should be treated fairly and consistent and his recommendation is to support this application.

Mr. Sleiman outlines the ADU in the front and asks about ERCA notification. Mr. Golob outlines ERCA is no longer in our circulation, and the ONUS would be on the owners.

Mr. Sleiman understands the comment from administration about allowing ADUS in the front yards, with past applications, however those accessory buildings were usually garages or an addition to the existing home, however this application is slightly different. Mr. Golob disagrees and points to historical applications and the Committee granting these, as earlier in the hearing today such as Item #1 on the agenda.

Mr. Atkinson outlines that there are a lot of existing accessory buildings in the front yards that don't have ADU's. He expresses, because they are permitted, anyone could submit for a building permit tomorrow and even garages along Riverside drive to create a ADU, and as long as they comply with the By-Law provisions they could go ahead and convert those garages into ADU's.

Mr. Gatti outlines that although the committee may have granted approval in the past, it could have been facts submitted the application presented, and also we recognize that some for ADU's have been rejected. Mr. Balsamo, asks of the front yard depth of the previous ADU on Riverside drive that was approved. Mr. Golob outlines this was not looked into, and can't answer. Mr. Balsamo asks the applicant if it is possible to push back their proposed 10ft to help with the sightline?

Mr. Papic outlines that 10ft would be an acceptable setback.

Mr. Cerasa outlines that this should have been proposed with a setback of at least 150 feet to confirm with the existing homes, and he feels there may be a severance coming in the future. Mr. Golob, confirms that a severance would not be possible, the variance and ADU's are tied to the property and no future severance is possible.

The Chair asks for public presentation.

Mr. Dave Kirby and Anna Kirby, Neighbour – The neighbours would like to clarify the ADU further down the street, and has a 3 car garage the setbacks are much closer to Riverside Drive, and the greater of the 9m OR average depth of the property is more of a set back and existing. This proposal is new construction and he outlines this should have been added and in the applicant's original plans. His concern is the new built on the vacant lot, beside him and this by-laws in place for a reason, and moving the proposed back no matter how many feet, there is obstruction. If it is an ADU, and he understands the in-laws require accommodations, he feels there are other alternatives for housing them, and that should be considered. His other concerns are addressed in his objection letter submitted as noted above.

Cliff Wiley – 10910 Riverside Drive East– Mr. Wiley expressed he is handicap, and utilizes a scooter to get his mail. His concerns are he won't see oncoming traffic, and this will affect his safety.

Roman Banajac - 10960 Riverside Drive East – he feels that the property is about 900 sq.ft and it is about 5ft from his property, and there is privacy concerns of this ADU looking onto/into his home. He feels that there is danger with the views and he provided a drawing (as noted in his objection letter above), and it shows the 9.1 m from the curb, and 10.3 m long and there is only 1.5 m from his property, and if there are visitors that should be visiting the proposed ADU, he is concerned about the parking on the apron, and feels it will be problematic. He asks if that has been reviewed by administration. He feels that reversal from his driveway there are sightline issues with eastbound traffic and with the posted speed at 50KMH his wife backing out of the driveway would be hit and there isn't sufficient time for reaction. He outlines the neighbours on both sides would have the same problem. He outlines that facts that there have been accidents on this same stretch of the Riverside drive that have already occurred.

Mr. Gatti directs the Transportation Planner to speak to the matter of the sightline issues. Mr. Dhiman, provides a presentation of the possible sightline issues in question that have been addressed by the residents. He outlines from the proposed ADU to the east and west and feels it would be a clear sightline. This is a visual examination of the proposed ADU and Riverside Drive E with respect to the neighboring properties and he outlines he doesn't feel there would be obstructions, therefore there are no objections from the Transportation Department, and they are in support, as there are no obstructions in either direction.

The Chair gives Mr. Golob opportunity to rebuttal. Mr. Golob outlines this is not his personal opinion for the recommendation to grant this application, as all reviews from all departments have been used to make this recommendation in his report. The Chair gives rebuttal opportunity to the Applicant/Owner.

Mr. Papic outlines it is his belief and the traffic study presented in the meeting by the Transportation Planner, there are no sightline issues, and the ADU is not a massive structure, it is 1070 sqft and meets the 9.0 m setback and they have ERCA approval.

Mr. Cerasa puts a motion on the table to deny the application as presented, and Mr. Bakki Seconds it. The Chair calls for a discussion.

Discussion is entered.

Mr. Balsamo outlines the applicants did state that they would entertain or change the suggested setback, and if they would be in agreement to change this he would be in support of the application. The Chair outlines amendments are not able to be made at the hearing. The Secretary-Treasurer outlines if the applicants would like to amend their application, it starts a new process and circulation, they would need to re-apply with the amendment and there would not be a granting today, as this would be a deferred item. The onus would be solely on the applicants to apply again.

Mr. Bakki asks of the consequences of "Denial", and would they have to re-apply. It is agreed that yes, they would have to re-apply and the financial implication could be an impact, and what if there wasn't a motion made? The Chair outlines a motion must be made today on the application. Mr. Bakki outlines he would like to withdraw his seconding of the motion. A vote is put forward for the removal of the seconding of the motion put forward. Mr. Atkinson, outlines if

the Committee thinks there is a solution that may be obtained, it would be necessary for a deferral by the Committee. The Chair feels that the committee has an obligation to vote, and if it is to return to the Committee of Adjustment, we could be in the same situation. Mr. Fediuk outlines that the motion can't be withdrawn, unless members vote, and if supported, another motion can be made again.

A motion is made to allow Mr. Bakki to withdraw his motion. Mr. Cerasa is not in support of the removal. Mr. Balsamo is in support, and Mr. Bakki, is in support. The motion has been passed. The motion has been withdrawn of the seconding of the motion by Mr. Baki,

CARRIED.

The Chair calls for a motion

Mr. Cerasa moves to deny the application. There is no seconder. The motion does not stand.

Moved by: Joe Balsamo

Seconded by: Frank Cerasa

It has been agreed to amend their application with their setback to please the neighbours.

IT IS HEREBY DECIDED that the application **BE DEFERRED** to allow the applicants to re-submit a revised application to be submitted at their request within 20-30 days with no deferral fee .The amended application to be circulated to those in attendance in today's meeting (the objector's), via email and though it may be minor variance no additional advertising in the Windsor Star will be required. A new application with revised drawings and variances listed, and notification be submitted and circulated to those objecting and not those radius abutting owners that were previously circulated, in which an objection wasn't filed. Additionally anyone that provides request in writing, will be notified prior to the hearing date, as per the notice of hearing to be posted on the City's website

CARRIED.

APPLICANT and SUBJECT LANDS:

Owner(s): MICHAEL DRYDEN COLLINS, RILEY GLEN MACNEIL

Subject Lands: LOT 248, PART LOT 247 ON REGISTERED PLAN 1145 AND PART CLOSED ALLEY and known as Municipal Number 1078 VIRGINIA AVE

Zoning: Residential RD1.1

REQUEST: Validation of Title

INTERESTED PARTIES PRESENT:

Gayle O'Neil, 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 noted.

DISCUSSION

Ms. O'Neil confirms they are in agreement with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation. None noted

Moved by: Mohammed Baki

Seconded by: Frank Cerasa

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

CARRIED.

APPLICANT and SUBJECT LANDS:

Owner(s): KHAI TUAN NGUYEN

Subject Lands: LOTS 18 & 19 ON REGISTERED PLAN 1342 ;PT CLOSED ALLEY and known as Municipal Number 1543 MARK AVE

Zoning: Residential RD1.2

REQUEST: Consent to create two lots for the development of two single unit dwellings, as shown on the attached drawing.

INTERESTED PARTIES PRESENT:

Sag Nguyen, 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 noted.

DISCUSSION

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

The Chair asks for public presentation. None noted

Moved by: Mohammed Baki

Seconded by: Frank Cerasa

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): ZORA FERLAINO

Subject Lands: PART LOT 8 ON REGISTERED 1590; PART 1 ON REFERENCE PLAN;
12R-28355 and known as Municipal Number 3023 MCROBBIE CRES

Zoning: Residential RD1.1

RELIEF: Construction of a single unit dwelling with minimum lot, minimum
side yard and exceeding maximum garage width

INTERESTED PARTIES PRESENT:

Robert Ferlaino, Owner
Zora Ferlaino, 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 noted.

DISCUSSION

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

The Chair asks for public presentation. None noted

Moved by: Frank Cerasa

Seconded by: Joe Balsamo

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): DEBORAH LOUISE DEMERS HEWITT, JEFFREY JAMES HEWITT

Subject Lands: PLAN 687; LOT 155 and known as Municipal Number 1366
SHEPHERD ST E

Zoning: Residential RD1.3

RELIEF: Construction of a detached Additional Dwelling Unit with maximum
accessory building lot coverage.

INTERESTED PARTIES PRESENT:

Andrew Folkeringa, 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 noted.

DISCUSSION

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

The Chair asks for public presentation.

Moved by: Frank Cerasa

Seconded by: Mohammed Baki

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): TRAVIS BRIAN FRICKEY, LISA MARIE FRICKEY

Subject Lands: PLAN 1215; LOTS 308 TO 310 & PT CLOSED ALLEY; RP 12R27297; PARTS 40 & 41 & 39 and known as Municipal Number 3534 BLISS RD

Zoning: Residential RD1.1

REQUEST: Consent for lot addition of part closed alley, as shown on the attached drawing.

INTERESTED PARTIES PRESENT:

Anthony Malandrucolo, 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 noted.

DISCUSSION

Mr. Malandrucolo confirms they are in agreement with the recommendations and comments provided in the report from Administration
Seeking a severance and a lot addition, with respect to severing a part alleay, and his agent has sold a parcel at time was unable to convey the alley, and is looking to solidify the conveyance as a lot addition.

The Chair asks for public presentation.

Ouana Meika, neighbour is asking if this will affect the neighbours in anyway.

Mr. Malandrucolo, outlines it is a parcel that is already owned and there are no additions or deletions, and the division of the closed alley and part of that closed alley to be severed is forming 3542 Bliss and the remainder staying with 3534 Bliss

Moved by: Mohammed Baki

Seconded by: Joe Balsamo

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): MEI WANG

Subject Lands: PLAN 146 W PT LOTS 93, 94; & N PT LOT 95; and known as
Municipal Number 907-917 WYANDOTTE ST E

Zoning: Commercial CD2.2

REQUEST: Consent to sever lands for the purpose of creating a new lot, as
shown on the attached drawing.

INTERESTED PARTIES PRESENT:

Hoa Wong, 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 noted.

DISCUSSION

Mr. Wong confirms they are in agreement with the recommendations and comments provided in the report from Administration. M. Cerasa asks why this wasn't previously registered. Mr. Wong outlines that this a separate application and this is the corner lot they are proposing to sever. Originally there were 4 parts, and now the middle two are being separated.

The Chair asks for public presentation. None noted

Moved by: Frank Cerasa

Seconded by: Joe Balsamo

IT IS HEREBY DECIDED that the application **BE GRANTED WITH CONDITIONS.**

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): KOSTA APATSIDIS, 2815868 ONTARIO INC
Subject Lands: PLAN 1126; LOTS 712 & 713; PT ALLEY; RP 12R17983; PART 36 and known as Municipal Number 3595 WALKER RD
Zoning: Commercial CD3.3
RELIEF: Minor commercial centre with minimum parking requirements.

INTERESTED PARTIES PRESENT:

Constantine Apatsidis, 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 noted.

DISCUSSION

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

The Chair asks for public presentation. None noted

Moved by: Frank Cerasa

Seconded by: Joe Balsamo

IT IS HEREBY DECIDED that the application **BE GRANTED WITH NO CONDITIONS** outside of those established thru **Site Plan control**

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): 2843928 ONTARIO INC.

Subject Lands: PLAN 369 LOT 230 and known as Municipal Number 769 BRIDGE AVE

Zoning: Residential RD1.3

RELIEF: Construction of a Single Unit Dwelling with minimum lot width and lot area.

INTERESTED PARTIES PRESENT:

Shan Xue, 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

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

Mr. Balsamo outlines he is having difficulties with the item on the Agenda. The Secretary – Treasurer outlines there was an error with the City website, and the Planning Technician is looking into addressing the error. Mr. Golob outlines this item is without conditions. Mr. Cerasa confirms there are not issues with both Bridge Lots.

The Chair asks for public presentation. None noted

Moved by: Frank Cerasa

Seconded by: Joe Balsamo

Member Baki abstained from the vote.

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): BDB DEVELOPMENT INC
Subject Lands: PLAN 369 LOT 231; and known as Municipal Number 769 BRIDGE AVE
Zoning: Residential RD1.3
RELIEF: Construction of a Single Unit Dwelling with minimum lot width and lot area.

INTERESTED PARTIES PRESENT:

Shan Xue, 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 noted.

DISCUSSION

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

The Chair asks for public presentation. None noted

Moved by: Joe Balsamo

Seconded by: Frank Cerasa

Member Baki abstained from the vote.

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): HABITAT FOR HUMANITY WINDSOR-ESSEX INC
Subject Lands: PLAN 548; LOT 29 and known as Municipal Number 3393-3395
PETER ST
Zoning: Residential RD2.2 - site specific provision S.20(1)236
RELIEF: Construction of a single unit dwelling with reduced parking rate.

INTERESTED PARTIES PRESENT:

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

Mr. Balsamo outlines for confirmation of the parking rate based on the drawings. Ms. Breault outlines that she and that they hoped for alley access, but there wasn't a paved alley that allowed such, and this is the variance they are requesting now. Mr. Cerasa addresses the organization is doing great work and to keep it up.

The Chair asks for public presentation. None noted

Moved by: Frank Cerasa

Seconded by: Joe Balsamo

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): HABITAT FOR HUMANITY WINDSOR-ESSEX INC
Subject Lands: PLAN 548; LOT 20 and known as Municipal Number 3351 PETER ST
Zoning: Residential RD2.2 - site specific provision S.20(1) 236

RELIEF: Construction of a single unit dwelling with reduced parking rate

INTERESTED PARTIES PRESENT:

Pamela Breault, 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 noted.

DISCUSSION

Ms. Breault confirms they are in agreement with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation. None noted

Moved by: Frank Cerasa

Seconded by: Mohammed Baki

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): CALVERT HOME MORTGAGE INVESTMENT CORP
Subject Lands: PLAN 1136 S PT LOT 6;N PT LOT 7 and known as Municipal Number
1378 GOYEAU ST
REQUEST: Validation of Title

INTERESTED PARTIES PRESENT:

Saghi Khalili, 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 noted.

DISCUSSION

Ms. Khalili confirms they are in agreement with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation. None noted

Moved by: Mohammed Baki

Seconded by: Frank Cerasa

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

CARRIED.

APPLICANT and SUBJECT LANDS:

Owner(s): MONTYCO INVESTMENTS (WINDSOR) INC.

Subject Lands: PLAN 768; LOT 80; PT LOTS 78 & 82; RP 12R4764; PART 1 and known as Municipal Number 1306 - 1310 WESTCOTT RD

Zoning: Residential RD1.3

RELIEF: Creation of a new Single Unit Dwelling on the severed parcel with relief from maximum accessory building lot coverage, minimum separation of steps from lot line, minimum side yard width, and maximum front yard paving percentage, and relief for minimum parking requirements for the existing Single Unit Dwelling.

INTERESTED PARTIES PRESENT:

Clarke Gallie, Agent

PRELIMINARY PROCEEDINGS

Moved by : Joe Balsamo
Seconded by : Mohammed Baki

That files A-078/23 & B-049/23 subject lands described as PLAN 768; LOT 80; PT LOTS 78 & 82; RP 12R4764; PART 1 and known as Municipal Number 1306 - 1310 WESTCOTT RD as are concurrent, and will be heard together.

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 noted.

DISCUSSION

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

The Chair asks for public presentation.

Jennifer Trudeau, Neighbour – She would like to know how close to her property as she is the neighbour, and she feels they would be against her driveway.

Mr. Gallie, outlines they are .11 m and less than 5 inches away from her property lines. Ms. Trudeau asks if this will stretch onto her property?

Mr. Gallie outlines that this will not go onto her property. Ms. Trudeau would like to object, as she has landscaping along her property line, and there would be construction to put the house in. Ms. Trudeau also expresses it would obstruct her view from her bedroom window to the road.

Mr. Gallie, outlines that this would be next door, and not in front of the house. Mr. Baki asks if there were any objections received.

The Secretary-Treasure outlines no objections were received to date. Mr. Baki asks administration to speak to the objection received from the property owner in the meeting as addressed.

Mr. Golob outlines that this application today before the committee are for the listed variances to be addressed, and not construction issues. He outlines that the relief is for a slight reduction of separation.

Moved by: Joe Balsamo

Seconded by: Frank Cerasa

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): MONTYCO INVESTMENTS (WINDSOR) INC.

Subject Lands: PLAN 768; LOT 80; PT LOTS 78 & 82; RP 12R4764; PART 1 and known as Municipal Number 1306-1310 WESTCOTT RD

Zoning: Residential RD1.3

REQUEST: Consent to sever lands, as shown on the attached drawing, for the purpose of creating a new Lot.

INTERESTED PARTIES PRESENT:

Clarke Gallie, Agent

PRELIMINARY PROCEEDINGS

Moved by : Joe Balsamo
Seconded by : Mohammed Baki

That files A-078/23 & B-049/23 subject lands described as PLAN 768; LOT 80; PT LOTS 78 & 82; RP 12R4764; PART 1 and known as Municipal Number 1306 - 1310 WESTCOTT RD as are concurrent, and will be heard together.

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 noted.

DISCUSSION

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

The Chair asks for public presentation.

Jennifer Trudeau, Neighbour – She would like to know how close to her property as she is the neighbour, and she feels they would be against her driveway.

Mr. Gallie, outlines they are .11 m and less than 5 inches away from her property lines. Ms. Trudeau asks if this will stretch onto her property? Mr. Gallie outlines that this will not go onto her property. Ms. Trudeau would like to object, as she has landscaping along her property line, and there would be construction to put the house in. Ms. Trudeau also expresses it would obstruct her view from her bedroom window to the road. Mr. Gallie, outlines that this would be next door, and not in front of the house.

Mr. Baki asks if there were any objections received.

The Secretary-Treasure outlines no objections were received to date. Mr. Baki asks administration to speak to the objection received from the property owner in the meeting as addressed.

Mr. Golob outlines that this application today before the committee are for the listed variances to be addressed, and not construction issues. He outlines that the relief is for a slight reduction of separation.

Moved by: Joe Balsamo

Seconded by: Frank Cerasa

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): WINDSOR SALT LTD.

Subject Lands: SANDWICH WEST CON 1; PT LOTS 40 TO 43; PLAN 492; LOTS 1 TO 14; PT LOTS 15 & 16; PT WATER LOT; RP 12R2167; PARTS 1 & 2; 12R7165; PART 2; RP 12R7236; PART 1 and known as Municipal Number 200 MORTON DR

Zoning: Manufacturing MD2.5

REQUEST: The creation of a new lot together with easements as shown on the attached drawing.

INTERESTED PARTIES PRESENT:

Robert Blunt, Agent

PRELIMINARY PROCEEDINGS

Moved by : Mohammed Baki
Seconded by: Frank Cerasa

That files B-050/23 & B-048/23 subject lands described as SANDWICH WEST CON 1; PT LOTS 40 TO 43; PLAN 492; LOTS 1 TO 14; PT LOTS 15 & 16; PT WATER LOT; RP 12R2167; PARTS 1 & 2; 12R7165; PART 2; RP 12R7236; PART 1 and known as Municipal Number 200 MORTON DR are concurrent, and will be heard together.

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 noted.

DISCUSSION

Mr. Blunt confirms they are in agreement with the recommendations and comments provided in the report from Administration. Mr. Blunt outlines that there is a condition that has been provided by Mr. Borkoski, and he believes there has been an amendment by the City of Windsor's Legal staff, and he hasn't seen it, but he understands it to be the servicing agreement for the water and sewer will be to the satisfaction of the City Solicitor. Mr. Blunt understands that this is satisfactory, and it protects the municipality.

Mr. Cerasa, asks for the proposed use, and understands he doesn't need to disclose. Mr. Blunt outlines the purchaser is interested in the industrial permissions and he can't really disclose, but they are aware of their neighbour and interested of joining them below and beside them. Mr. Cerasa asks if this will affect jobs? Mr. Blunt doesn't have an answer with respect to the consent increasing the jobs, however he feels that there wouldn't be a decrease in jobs. It is outlined that the purchaser is aware that Windsor Salt is already there, and the official plan and zoning by-laws, and don't want to interfere.

The Chair asks for public presentation. None noted

Moved by: Joe Balsamo
Seconded by: Frank Cerasa

IT IS HEREBY DECIDED that the application **GRANTED WITH CONDITIONS.**

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): WINDSOR SALT LTD.

Subject Lands: SANDWICH WEST CON 1; PT LOTS 40 TO 43; PLAN 492; LOTS 1 TO 14; PT LOTS 15 & 16; PT WATER LOT; RP 12R2167; PARTS 1 & 2; 12R7165; PART 2; RP 12R7236; PART 1 and known as Municipal Number 200 MORTON DR

Zoning: Manufacturing MD2.5

REQUEST: The creation of a utility easement, as shown on the attached drawing.

INTERESTED PARTIES PRESENT:

Robert Blunt, Agent

PRELIMINARY PROCEEDINGS

Moved by : Mohammed Baki
Seconded by: Frank Cerasa

That files B-050/23 & B-048/23 subject lands described as SANDWICH WEST CON 1; PT LOTS 40 TO 43; PLAN 492; LOTS 1 TO 14; PT LOTS 15 & 16; PT WATER LOT; RP 12R2167; PARTS 1 & 2; 12R7165; PART 2; RP 12R7236; PART 1 and known as Municipal Number 200 MORTON DR are concurrent, and will be heard together.

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 noted.

DISCUSSION

Mr. Blunt confirms they are in agreement with the recommendations and comments provided in the report from Administration. Mr. Blunt outlines that there is a condition that has been provided by Mr. Borkoski, and he believes there has been an amendment by the City of Windsor's Legal staff, and he hasn't seen it, but he understands it to be the servicing agreement for the water and sewer will be to the satisfaction of the City Solicitor. Mr. Blunt understands that this is satisfactory, and it protects the municipality.

Mr. Cerasa, asks for the proposed use, and understands he doesn't need to disclose. Mr. Blunt outlines the purchaser is interested in the industrial permissions and he can't really disclose, but they are aware of their neighbour and interested of joining them below and beside them. Mr. Cerasa asks if this will affect jobs? Mr. Blunt doesn't have an answer with respect to the consent increasing the jobs, however he feels that there wouldn't be a decrease in jobs. It is outlined that the purchaser is aware that Windsor Salt is already there, and the official plan and zoning by-laws, and don't want to interfere.

The Chair asks for public presentation. None noted

Moved by: Joe Balsamo

Seconded by: Frank Cerasa

IT IS HEREBY DECIDED that the application **GRANTED WITH CONDITIONS.**

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.

NEW BUSINESS:

None

ADOPTION OF PAST MINUTES:

The minutes of a meeting held October 27, 2023 to be adopted.

Moved by Joe Balsamo

Seconded by Frank Cerasa

ADJOURNMENT of MEETING:

There being no further business the meeting is adjourned at **6:00 PM**.

Mike Sleiman, Chair

Jessica Watson, Secretary-Treasurer