



Office of the Commissioner of Economic
Development & Innovation Planning &
Building Department
Committee of Adjustment

MISSION STATEMENT:

“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together.”

Author’s Name: Zaid Zwayyed	File No.: A-035/24
Author’s Phone: (519) 255-6543 ext. 6198	Report Date: July 18, 2024
Author’s E-mail: zzwayyed@citywindsor.ca	Committee Meeting Date: July 25, 2024

To: Committee of Adjustment

Subject Application: Relief from the provisions of the By-law 8600

Owner: HAUSOLOGY INC. (Daniel Grenier)

Location: 870, 872 Arthur Road & 871 Pillette Road

Legal Description: PLAN 679; LOT 20 & PT LOT 21

1. RECOMMENDATION:

That the Minor Variance application of Hausology Inc. (Daniel Grenier) for relief from the provisions of the By-law 8600 to create new lots with reduced lot areas and rear yard depths to accommodate existing semi-detached and duplex dwellings for the property municipally known as 870, 872 Arthur Road and 871 Pillette Road **BE GRANTED** with no conditions.

2. THE REQUESTED VARIANCES:

Creation of new lots with reduced lot area and rear yard depth, thereby seeking the following reliefs:

Section 11.2.5.2.2– Minimum Lot Area – Semi-detached Dwelling (870,872 Arthur Road)

By Law Requirements	Proposed
450.0 m ²	257.40 m ²

Section 11.2.5.2.6– Minimum Rear Yard Depth -Semi-detached Dwelling (870,872 Arthur Road)

By Law Requirements	Proposed
7.50 m	4.40 m

Section 11.2.5.1.2– Minimum Lot Area – Duplex Dwelling (871 Pillette Road)

By Law Requirements	Proposed
360.0 m ²	282.0 m ²

Section 11.2.5.1.6– Minimum Rear Yard Depth -Duplex Dwelling (871 Pillette Road)

By Law Requirements	Proposed
7.50 m	4.40 m

Note: An approved variance is valid and must be acted upon before the expiration date. If a granted variance is not used within the required timeline, the application is deemed to be null and void. A new Committee of Adjustment application will be required for any expired application.

Re: B-023/24

3. PLANNING ANALYSIS:

The subject property, consisting of Plan 679 lot 20 and part lot 21, is a through lot with an existing semi-detached dwelling facing Arthur Road and an existing duplex dwelling facing Pillette Road, and the applicant is seeking to sever the property along the existing common wall that divides the semi-detached dwelling units to create an individual lot for each unit. Furthermore, the applicant aims to retain a portion of the property and create a lot to accommodate the existing duplex dwelling. The proposed severance results in a deficiency in the minimum lot area and the rear yard depth requirements of the zoning district. Therefore, the applicant is seeking relief from Zoning By-law 8600 to accommodate the existing dwellings with reduced lot areas and rear yard depths. Similar-sized lots can be observed within the vicinity and the requested variances align with the overall intent and purpose of the zoning bylaw while specifically addressing the distinctive circumstances within this established neighborhood.

PLANNING ACT

Subsection 45(1) of the Planning Act states that the Committee of Adjustment “*may, despite any other Act, authorize minor variance from the provisions of the by-law, in respect of the land building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.*”

PROVINCIAL POLICY STATEMENT (PPS) 2020

The Planning Staff has reviewed the relevant policies of the PPS - “Healthy, livable and safe communities” (Policy statement 1.1.1 of the PPS). The requested minor variances are consistent with these policies promoting cost-effective development to minimize land consumption and servicing costs.

OFFICIAL PLAN (OP)

The Minor Variance Policies in Section 11.6.6 are hereto attached as **Appendix A**. Section 11.6.6.2 outlines the evaluation criteria for minor variance applications. The general intent and purpose of the Official Plan is maintained with the proposed development; the requested variances are minor in nature and desirable for the subject buildings.

The subject land is designated Residential per the Official Plan. The proposed development is permitted and conforms to the associated objectives and policies. Therefore, the requested variances meet the general intent and purpose of the Official Plan per Section 11.6.6.2(a).

The proposed development is permitted and conforms to the zoning bylaw provisions except for the variances being requested. Therefore, the general intent and purpose of the by-law being varied is maintained as per Section 11.6.6.2(b).

The proposal will have minimal impact on the properties in the immediate neighborhood. Therefore, the variance is minor in nature as per Section 11.6.6.2(c).

The variances are desirable for the appropriate use of the land per Section 11.6.6.2(d) promoting infill development (Section 6.3.1.3).

ZONING BY-LAW 8600

The subject property is zoned Residential District 3.1 (RD3.1) per By-law 8600, permitting both a semi-detached dwelling and a duplex dwelling. The applicable provisions are outlined in section 11.2.5 as referenced in section 12.1.5.55. The dwellings comply with the applicable provisions except for the requested minor variances for reduced lot area and rear yard depth.

The requested variances will not result in undue hardship on the owner, adjoining properties, or the public realm; therefore, the variances are minor in nature. The proposed minor variances meet the intent of Zoning Bylaw 8600.

4. PLANNER'S OPINION:

The requested variances are minor in nature and maintain the general intent and purpose of the Official Plan and Zoning By-Law 8600. Therefore, the variances are consistent with section 45 (1) of the Planning Act. The Planning Division recommends approval of the applicant's request with no condition.

Zaid Zwayyed
Planner II – Development Review



I concur with the above comments and opinion of the Planner II.



Greg Atkinson, MCIP RPP
Manager of Development

CONTACT:

Name: Zaid Zwayyed
Phone: (519) 255-6543 ext. 6198

Fax: (519) 255-6544
Email: zzwayyed@citywindsor.ca

APPENDICES:

Appendix "A" - Excerpts from the Official Plan Volume I
Appendix "B" - Comments received by the Secretary Treasurer of the Committee of Adjustment

APPENDIX “A”
Excerpts From Official Plan Volume I

11.6.6 Minor Variance Policies

<i>COMMITTEE OF ADJUSTMENT</i>	11.6.6.1	Council has appointed a Committee of Adjustment pursuant to the Planning Act to consider applications for minor variance from the Zoning By-law(s) and/or any other bylaw that implements the Official Plan.
<i>EVALUATION CRITERIA</i>	11.6.6.2	When reviewing an application for minor variance the Committee of Adjustment shall be satisfied that: <ul style="list-style-type: none">(a) The general intent and purpose of the Official Plan is maintained;(b) The general intent and purpose of the By-law being varied is maintained;(c) The variance is minor in nature; and(d) The variance is desirable for the appropriate use of the land, building or structure.
<i>TERMS & CONDITIONS</i>	11.6.6.3	The Committee of Adjustment may attach such terms and conditions as it deems appropriate to the approval of the application for a minor variance.
<i>AGREEMENTS WITH MUNICIPALITY</i>	11.6.6.4	The Committee of Adjustment may require the owner of the land to enter into one or more agreements with the Municipality dealing with some or all of the terms and conditions of its decision. An agreement may be registered against the land to which it applies and the Municipality is entitled to enforce the agreement against the owner and, subject to the Registry Act and the Land Titles Act, against any and all subsequent owners of the land.

APPENDIX “B”

Comments Received by the Secretary Treasurer of the Committee of Adjustment

PLANNING DEPARTMENT - ZONING

Required Minor Variances *

Minimum lot area not met for the severed lot (section 11.2.5.2.2)

- 450.0 m² required
- 257.4 m² provided

Minimum lot area not met for the retained lot (section 11.2.5.1.2)

- 360.0 m² required
- 282.0 m² provided

Minimum rear yard depth not met (sections 11.2.5.1.6 & 11.2.5.2.6)

- 7.50 m required
- 4.40 m provided

Ana Lukas, Zoning Coordinator

PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS

The Department has no objections to the proposed application. Right of Way permits must be obtained for any work within the right of way.

Lea Marshall, Technologist I

PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING

Transportation Planning has no concerns. Parking spaces to comply with the requirements of ZBL/8600.

Elara Mehrilou, Planner I- Transportation Planning Department

PARKS & FACILITIES

There are no objections from a landscape architectural or urban design perspective related to the proposed minor variances.

Stefan Fediuk, Landscape Architect

WINDSOR POLICE SERVICES

The Windsor Police Service has no concerns or objections with this application.

Barry Horrobin, Director of Planning & Physical Resources

HERITAGE PLANNING

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential.

Nevertheless, the Applicant should be notified of the following archaeological precaution.

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Citizenship and Multiculturalism must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Citizenship and Multiculturalism and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Citizenship and Multiculturalism.

Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, ktang@citywindsor.ca, planningdept@citywindsor.ca Windsor

Manager of Culture and Events (A):

Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711, mstaadegaard@citywindsor.ca

Ontario Ministry of Citizenship and Multiculturalism

Archaeology Programs Unit, 1-416-212-8886, Archaeology@ontario.ca

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, Crystal.Forrest@ontario.ca

However, the updated archaeological potential model indicates the subject property to be an Area of Archaeological Potential. Should the 2024 Windsor Archaeological Management Plan and associated Official Plan policies be adopted before a formal Planning Act application is submitted, please note that archaeological assessment(s) will be required.

Kristina Tang, Heritage Planner; Tracy Tang, Planner II