

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: Simona Simion	File No.: A-039/24
Author’s Phone: (519) 255-6543 ext. 6397	Report Date: July 18, 2024
Author’s E-mail: ssimion@citywindsor.ca	Committee Meeting Date: July 25, 2024

To: Committee of Adjustment

Subject Application: Relief from the provisions of the By-law 85-18

Applicant/Owner: Amex Properties Inc.

Location: 3915 Baseline Rd

Legal Description: Part Lot 16, Concession 7, Lot 2, according to Registered Plan 1523

1. RECOMMENDATION:

That the Minor Variance application of Amex Properties Inc. from the provisions of the By-law 85-18 for the purpose of accommodating the reduction in minimum lot area and minimum lot frontage for the subject property also municipally known as 3915 Baseline Rd, **BE APPROVED** with no conditions.

2. THE REQUESTED VARIANCES:

The proposed construction of a single detached dwelling, thereby requesting the following relief
Section 7.1.3 – Minimum Lot Area

By Law Requirements	Proposed
1858 square metres	1262.7 square metres for Part 1
	1268.5 square metres for Part 2

Section 7.1.4 – Minimum Lot Frontage

By Law Requirements	Proposed
30.0 metres	22.86 metres – Part 1 and Part 2

Note: Please refer to file(s) B-025/24

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

3. PLANNING ANALYSIS:

The subject property consists of Part Lot 16, Concession 7, Lot 2, according to Registered Plan 1523, municipally known as 3915 Baseline Rd. The property consists of a single unit dwelling, detached garage, and excess vacant land. The applicant is seeking to construct a single unit dwelling on the severed vacant part of land while accommodating the existing house on the retained part.

The applicant submitted previously in 2020 for Committee of Adjustment's approvals for minor variances and severance. The applications were deferred due to the lack of municipal services fronting the property. Engineering Department advised that these services are available at this time, therefore the applications may proceed for Committee's consideration.

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 subject land is designated Residential per the Official Plan. The proposed development as single unit dwelling is permitted and conforms to the associated objectives and policies. Therefore, the requested variances meet the general intent and purpose of the Official Plan.

The proposed development conforms to the zoning bylaw provisions with the exception of the variances being requested. Therefore, the general intent and purpose of the by-law being varied is maintained.

The proposal will have minimal impact on the properties in the immediate neighbourhood. Similar size properties exist within the immediate neighbourhood. Therefore, the variances are minor in nature.

The variances are desirable for the appropriate use of the land providing additional dwelling units.

ZONING BY-LAW 8600

The subject land is zoned Hamlet Residential Zone (RH) as per By-law 85-18 permitting the proposed single unit dwelling.

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 By-law 85-18.

COMMENT

The new construction shall be subject to Building Permit application and approval. Contact buildingdept@citywindsor.ca for questions.

The site is abutting the 6th Concession Drain and falls under ERCA jurisdiction. Approval from ERCA prior to any construction is required.

4. PLANNER'S OPINION:

The requested variances are minor in nature and maintain the general intent and purpose of the Official Plan and By-law 85-18. 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.



Simona Simion, MCIP RPP
Planner II – Research and Policy Support

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



Greg Atkinson, MCIP RPP
Development Manager / Deputy City Planner

SS/

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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 the Official Plan Volume I

11.6.6 Minor Variance Policies

*COMMITTEE OF
ADJUSTMENT*

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 by-law that implements the Official Plan.

*EVALUATION
CRITERIA*

11.6.6.2 When reviewing an application for minor variance the Committee of Adjustment shall be satisfied that:

- (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.

*TERMS &
CONDITIONS*

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.

*AGREEMENTS
WITH
MUNICIPALITY*

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

Zoned RH - Residential Hamlet 85-15

- 1. Retained Lot (Part 2) - Minimum Lot Area (7.1.3):**
 - a) 1,858.0m² (Required)
 - b) 1,268.5m² (Provided)

- 2. Retained Lot (Part 2) - Minimum Lot Frontage (7.1.4):**
 - a) 30.0m (Required)
 - b) 22.86m (Provided)

- 3. Severed Lot (Part 1) - Minimum Lot Area (7.1.3):**
 - a) 1,858.0m² (Required)
 - b) 1,262.7m² (Provided)

- 4. Severed Lot (Part 1) - Minimum Lot Frontage (7.1.4):**
 - a) 30.0m (Required)
 - b) 22.86m (Provided)

Stefan Pavlica, Zoning Coordinator

PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS

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

Lea Marshall, Technologist

PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING

Transportation planning has no comments.

Elara Mehrlou, Transportation Planner

PARKS & FACILITIES

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

The site is abutting the 6th Concession Drain and falls under ERCA jurisdiction. Approval from ERCA prior to any construction is required.

Stefan Fediuk, Landscape Architect

WINDSOR POLICE SERVICES

None of the other applications being considered present outcomes that will negatively impact public safety or the ability of the Windsor Police Service to provide proper and adequate response to incidents and other service delivery requirements. As such, we have no concerns or objections with any of the remaining applications on the July 25th meeting agenda.

Barry Horrobin, Director of Planning & Physical Resources

HERITAGE PLANNING

Built Heritage

There is no apparent built heritage concern with this property.

Archaeology

The current 2005 Windsor Archaeological Management Plan and associated Official Plan Schedule indicates that the subject property is in an area of low archaeological potential. Therefore, no archaeological assessments is requested at this time. 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 Staaedegaard, (O) 519-253-2300x2726, (C) 519-816-0711,
mstaaedegaard@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

Kristina Tang, Planner III