



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.”*

<b>Author’s Name: Zaid Zwayyed</b>	<b>File No.: B-008/25</b>
<b>Author’s Phone: (519) 255-6543 ext. 6198</b>	<b>Report Date: March 20, 2025</b>
<b>Author’s E-mail: zzwayyed@citywindsor.ca</b>	<b>Committee Meeting Date: March 27, 2025</b>

**To:** Committee of Adjustment

**Subject Application:** Consent to create a new lot

**Owner:** 1000925148 Ontario Inc.

**Location:** 408 Hanna Street East

**Legal Description:** PLAN 649 LOTS 31 32 33; PT ALLEY; CON 1 PT LOT 87; RP 12R7038 PARTS 1 & 2; PLAN 573 PT LOT 46 PT LOT 47

**1. RECOMMENDATION:**

That the consent application of 1000925148 Ontario Inc for the conveyance of part of the subject lands, described as Plan 649 Lots 31, 32, 33, Part Alley, and Concession 1 Part Lot 87 (identified on 12R7038 as Parts 1 and 2), which also includes Plan 573 Part Lot 46 and Part Lot 47, municipally known as 408 Hanna Street East, to create a new lot as identified on the drawing attached to the application, **BE GRANTED** with conditions <sup>1</sup>:

- I. The Applicant/Owner shall obtain a right-of-way permit to restore the boulevard along Mercer Street and Howard Avenue per Engineering Best Practice BP3.2.2. The Applicant/Owner shall either restore the boulevard along Hanna Street East or obtain an encroachment agreement.
- II. Abandon any redundant services as per BP 1.3.3 and to the satisfaction of the City Engineer.

<sup>1</sup>For questions regarding Engineering conditions, please contact Karen Kong, Technologist, at (519) 255-6257x6216 or [kkong@citywindsor.ca](mailto:kkong@citywindsor.ca)

*Note: Severance conditions must be fulfilled after consent has been granted. If the condition is not satisfied 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.*

**2. THE REQUESTED LAND SEVERANCE:**

The conveyance of part of the subject land, as shown on the attached drawing, for the purpose of creating a new lot

**3. PLANNING ANALYSIS:**

The subject property, legally described as Plan 649 Lots 31, 32, 33, Part Alley, and Concession 1 Part Lot 87 (identified on 12R7038 as Parts 1 and 2), along with Plan 573 Part Lot 46 and Part Lot 47, municipally known as 408 Hanna Street East, features an existing industrial building (municipally known as 444 Hanna Street East) and a vacant portion north of the building. The applicant proposes to sever part of the vacant portion, as shown on the attached drawing. No changes are proposed to the existing building, and the industrial use of both properties will be maintained. Any future proposal on the severed lot must comply with the requirements of Zoning By-law 8600.

**PLANNING ACT**

Subsection 53(1) of the Planning Act gives council the authority to grant consent if satisfied that a plan of subdivision of land is not necessary for the proper and orderly development of the municipality. Council for the Corporation of the City of Windsor has delegated its consent authority to the Committee of Adjustment of the City of Windsor.

Subsection 51(25) of the Planning Act allows the approval authority to impose such conditions to the approval of an application as it considers reasonable having regard to the nature of the development proposed.

**PROVINCIAL PLANNING STATEMENT (PPS) 2024**

The Planning Staff has reviewed the relevant policies of the PPS - “*Supporting a Modern Economy*” (Policy statement 2.8.1. of the PPS). The requested consent is consistent with these policies providing opportunities for a diversified economic base and maintaining a range and choice of suitable sites for employment uses that support a wide range of economic activities.

**OFFICIAL PLAN (OP)**

The Consent Policies, Section 11.4.3 of the Official Plan provide evaluation criteria and conditions of approval for consent applications. Appendix “A” attached herein shows the Consent Policies 11.4.3.

The consent to sever application is for creating a new lot, representing an appropriate consent per Section 11.4.3.2(a).

The severed and retained lots have access to a public highway paved with a hard surface and are serviced by municipal sanitary and storm services, complying with sections Section 11.4.3.4 and 11.4.3.5.

This consent satisfies the evaluation criteria in Section 11.4.3.6 with minimal development impact on the adjacent properties. The subject land is designated Industrial in the Official Plan. The proposed consent to create a new lot is consistent with the intent of the Official Plan by providing a broad range of industrial uses and employment opportunities.

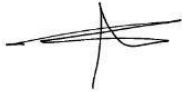
## **ZONING BY-LAW 8600**

The subject land is zoned Manufacturing District 1.2 (MD1.2), permitting a range of manufacturing uses. The lot creation does not result in any zoning changes and any future proposal on the severed lot must comply with the provisions of Zoning By-law 8600.

### **4. PLANNER'S OPINION:**

The requested consent complies with the Official Plan and Zoning By-law 8600. This consent application is consistent with the Planning Act and Provincial Policy Statement and represents good planning. Planning staff in consultation with the Engineering Department recommends approval with the condition noted on the recommendation.

**Zaid Zwayyed**  
**Planner II – Development Review**



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



**Greg Atkinson, MCIP RPP, Deputy City Planner- Development**

**CONTACT:**

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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 Official Plan Volume I

**11.4.3 Consent Policies**

- COMMITTEE OF ADJUSTMENT* 11.4.3.1 Council has delegated by by-law the authority to grant consents to the Committee of Adjustment.
- APPROPRIATE REASONS FOR CONSENTS* 11.4.3.2 Without limiting the relevant provisions of the Planning Act, Consents may only be granted where completing a subdivision process is deemed not to be necessary to ensure the proper and orderly development of the subject lands. The consent process will be used for matters such as granting easements and rights of way, leases or other interests in land lasting in excess of 21 years or lot line adjustments. Consents may be used for lot creation in the following circumstances;
- a) Small scale Infilling or intensification for development that is compatible with the neighbourhood;
  - b) Lot line adjustments;
  - c) An entire parcel is being developed and there are no remaining lands;
  - d) There is no need to extend or improve municipal services outside of the subject lands;
  - e) Where there is no phasing of the development; and
  - f) Where parkland dedication may be cash-in-lieu.
- CONFORM WITH PERMITTED USES* 11.4.3.3 Consents shall only be granted for the creation of lots which comply with the Official Plan and Zoning By-law
- ACCESS TO A PUBLIC HIGHWAY* 11.4.3.4 Consents shall only be granted for lots that will have access to a public road that meets municipal standards for construction. Where the abutting road requires improvement, the City may require the land owner to contribute to the improvement costs.
- MUNICIPAL SERVICES* 11.4.3.5 All new lots created by consent shall be serviced by municipal sanitary sewer and water services and provide for stormwater management.
- EVALUATION CRITERIA* 11.4.3.6 Without limiting the relevant provisions of the Planning Act, the approval authority shall evaluate applications for consent in the same manner as an application for plan of subdivision, including;
- a) Provincial legislation, provincial policies and applicable provincial guidelines;
  - b) Conformity with the policies of this Plan, Volume II: Secondary Plans and Special Policy Areas and other relevant municipal standards and guidelines;
  - c) Conformity with the recommendations of any support studies prepared as part of the application;
  - d) The continuation of an orderly development pattern and the lot pattern in the neighbourhood;
  - e) Impact of the development on adjacent properties and the lot pattern and density in the community; and
  - f) The requirements or comments of Municipal departments and public agencies or authorities.
- CONDITIONS OF APPROVAL* 11.4.3.7 The approval authority may attach such conditions as it deems appropriate to the approval of a consent. Such conditions may include, but are not limited to, the following:
- a) The fulfillment of any financial requirement to the City;
  - b) The conveyance of lands for public open space purposes or payments-in-lieu thereof in accordance with the Open Space policies of this Plan;
  - c) The conveyance of lands for public highways or widenings as may be required;
  - d) The conveyance of appropriate easements;
  - e) The provision of municipal infrastructure or other services;
  - f) The completion of a development or servicing agreement with the City if required; and
  - g) Other such matters as the approval authority considers necessary and/or appropriate.

## **APPENDIX “B”**

### **Comments Received by the Secretary Treasurer of the Committee of Adjustment**

#### **PLANNING DEPARTMENT – ZONING**

Consent to create a new lot.

*Stefan Pavlica, Zoning Coordinator*

#### **PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS**

A site servicing drawing is required to determine the location of existing services, as individual connections are required for each lot. Any redundant connections to the retained property are to be abandoned as per BP 1.3.3. Restore Right-of-Way boulevard to City of Windsor Standards and as per Landscape Best Practice BP3.2.2 along Mercer Street, Hanna Street East and Howard Avenue.

This department has no objections to the proposed application, subject to the following condition:

1. Obtain Right-of-Way permit to restore boulevard along Mercer St, Hanna St E and Howard Ave as per Engineering Best Practice BP3.2.2.
2. Abandon any redundant services as per BP1.3.3 and to the satisfaction of the City Engineer.

*Karen Kong, Technologist I*

#### **PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING**

- All parking must comply with ZBL 8600 for retained and severed lots.

*Elara Mehrilou, Planner I- Transportation Planning Department*

#### **PARKS & FACILITIES**

If any city trees are removed, the applicant is to consult with the City Forester, Yemi Adeyeye (yadeyeye@citywindsor.ca), to determine whether preservation or compensation for removal is required.

#### **WINDSOR POLICE SERVICES**

The application being considered does not 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. Therefore, there are no concerns or objections to the application.

*Barry Horrobin, Director of Planning & Physical Resources*

#### **LANDSCAPE ARCHITECT/URBAN DESIGN**

No concerns from a landscape architecture perspective.

*Hoda Kameli, Landscape Architect.*

## **HERITAGE PLANNING**

The subject property is located within the Archaeological Potential Zone (as per the recently adopted Windsor Archaeological Management Plan, 2024; OPA 181; and updated 2024 archaeological potential model OP Volume I Schedule C-1). However, the subject property is not within an Archaeologically Sensitive Area (ASA). Thus, an archaeological assessment is not 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, [ttang@citywindsor.ca](mailto:ttang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

Windsor Manager of Culture and Events (A):

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

Ontario Ministry of Citizenship and Multiculturalism

Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto: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](mailto:Crystal.Forrest@ontario.ca)