



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.”

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To: Committee of Adjustment
Subject Application: Consent for Lot Addition
Owner: Ambassador Christian Reformed Church
Location: 3033 Rivard Avenue
Legal Description: PLAN 1636 PT BLK E

1. RECOMMENDATION:

That the consent application of Ambassador Christian Reformed Church to facilitate a lot addition, comprising the transfer of part of the subject lands, described as Plan 1636 Part Block E, municipally known as 3033 Rivard Avenue, shown on the drawing attached to the application, to the abutting property described as Plan 1636 Part Block E; RP 12R17820 Parts 1 and 2, municipally known as 3025 Rivard Avenue, BE GRANTED subject to the stipulation that subsection 50(3) and/or subsection 50(5) of the Planning Act shall apply to any subsequent conveyance or transaction.

2. THE REQUESTED CONSENT:

The transfer of part of the subject land, as shown on the attached drawing, for the purpose of a lot addition.

3. PLANNING ANALYSIS:

The subject properties, legally described as Plan 1636 Part Block E (3033 Rivard Avenue) and Plan 1636 Part Block E; RP 12R17820 Parts 1 and 2 (3025 Rivard Avenue), share a common side lot line. The property at 3033 Rivard contains a church, while 3025 Rivard is currently vacant. The applicant is seeking consent for a lot addition, involving the transfer of a part of the lot from 3033 Rivard to 3025 Rivard, as shown on the drawing attached to the application. No changes are proposed to the existing building, and the lot addition has no zoning implications.

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.

Section 50(12) states that once a lot has been the subject of Planning Act consent, that consent remains valid for future conveyances of the identical lot, so that the same consent certificate can be relied upon to allow for future transfers even where the transferor retains ownership of abutting lands. In those cases, the prohibition under 50(3) and (5) of a transfer of part of a lot while retaining abutting lands no longer applies so long as the lands being transferred are identical to those for which the certificate has previously been issued. This rule has been described as “once a consent, always a consent”. However, section 50(12) also provides that the Committee may, in giving a consent, stipulate that 50(3) or 50(5) shall apply to any subsequent conveyance or transaction. This allows for a one-time consent certificate to be issued, valid for the approved transaction, but which cannot be relied upon for future transactions.

PROVINCIAL PLANNING STATEMENT (PPS) 2024

The Planning Staff has reviewed the relevant policies of the PPS - “*Building Homes, Sustaining Strong and Competitive Communities*” (Policy statement 2.2.1. of the PPS). The requested consent is consistent with these policies, permitting and facilitating housing options required to meet the social, health, economic, and well-being requirements of residents while efficiently utilizing land, resources, and infrastructure.

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 application is for a lot addition, representing an appropriate consent per Sections 11.4.3.2(b).

The 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 Residential in the Official Plan.

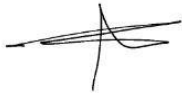
ZONING BY-LAW 8600

The subject property has a split-zoning designation, with the retained portion zoned Institutional District 1.1 (ID1.1) and the portion being transferred to 3025 Rivard Avenue zoned Residential District 1.1 (RD1.1), which matches the zoning of 3025 Rivard Avenue. The lot addition has no zoning implications. Any future development on the vacant lot must comply with 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 no conditions.

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:

Name: Zaid Zwayyed

Phone: (519) 255-6543 ext. 6397

Fax: (519) 255-6544

Email: zwayyed@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

11.4.3 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 for lot addition.

Stefan Pavlica, Zoning Coordinator

PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS

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

Thomas Huynh, Technologist I

PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING

Transportation planning has no comments.

Elara Mehrlou, 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 Urban Design/Landscape perspective.

Ryan Upton, Landscape Architect

PUBLIC UTILITY- BELL CANADA

No comments were received by Bell Canada at the time of report completion.

HERITAGE PLANNING

Heritage

There is no apparent built heritage concern with this property.

Archeology

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). A Stage 1 archaeological assessment is not required at this time, but it is required before any land disturbance.

Tracy Tang, Heritage Planning