

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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Author’s Phone: (519) 255-6543 ext. 6918	Report Date: April 4, 2025
Author’s E-mail: dradulescu@citywindsor.ca	Committee Meeting Date: April 10, 2025

To: Committee of Adjustment
Subject Application: Consent to create a new lot
Owner: 1000552468 Ontario Inc.
Agent: Tracey Pillon-Abbs (Pillon Abbs Inc.)
Location: 1666 Randolph Ave
Legal Description: PLAN 973 LOTS 568 & 569, PT LOT 567 & PT CLOSED ALLEY

1. RECOMMENDATION:

That the consent application of 1000552468 Ontario Inc. for conveyance of part of the above-described lands also municipally known as 1666 Randolph Ave as shown on the drawing attached to the application, **BE GRANTED** with the following conditions:

- I. The applicant shall obtain an Enhanced Permit from the Right-of-Way Department for the extension of the sanitary sewer fronting the property, to the satisfaction of the City Engineer¹.

¹Please contact Thomas Huynh at thuynh@citywindsor.ca or 519.255.6257 ex.6335

- II. That the existing accessory building on the lot to be severed be demolished.

Note:

Severance conditions must be fulfilled within TWO (2) years after consent has been granted. If a condition is not satisfied 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.

2. THE REQUESTED LAND SEVERANCE:

The land 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 is municipally known as 1666 Randolph Avenue. The property currently contains a single unit residential dwelling, a detached garage and accessory structure (shed).

The applicant is seeking a severance to create a new lot while retaining a part of the lot which contains the existing dwelling. The proposed use of both the severed and retained lots is residential.

This request is made concurrently with the submission of a minor variance application (A-024/25) for reduced minimum lot width and lot area for the retained and severed lots.

PLANNING ACT

Subsection 53(1) of the Planning Act gives Council the authority to grant a consent if they are 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 in accordance with Section 54(5) of the Planning Act.

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

Planning Staff have reviewed the relevant policies of the PPS - “Building Homes, Sustaining Strong and Competitive Communities” (Policy statement 2.2.1.b of the PPS). The requested consent is consistent with these policies permitting and facilitating all housing options required to meet the social, health, economic, and well-being requirements of current and future residents.

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.

This consent is for the conveyance of part of the subject land, as shown on the attached drawing, for the purpose of creating a new lot. This represents an appropriate consent per Section 11.4.3.2(a).

There are currently no sanitary sewers fronting the subject property. It is recommended that the applicant be required to obtain an Enhanced Permit for the extension of the sanitary sewer fronting the property as a condition of approval. Once condition 1 in the Recommendation is satisfied, the proposed consent will comply with Section 11.4.3.5 for access to municipal services. This consent also satisfies the evaluation criteria in Section 11.4.3.6, for continuation of an orderly development pattern and the lot pattern in the neighbourhood.

The subject land is designated Residential in the Official Plan. The proposed consent aligns with the applicable land use policies.

ZONING BY-LAW 8600

The subject land is designated Residential District 1.1 (RD1.1), permitting a range of residential uses listed in Section 10.1.1 of By-law 8600. A minor variance application is being submitted concurrently for relief from the required minimum lot width and lot area (see A-024/25). Both the severed and retained lots comply with other requirements of the RD1.1 zoning district.

4. PLANNER’S OPINION:

This consent application is consistent with the Planning Act and Provincial Planning Statement 2024 and represents good planning. The requested consent complies with the Official Plan and Zoning By-law 8600. Planning Staff recommend the approval of the applicant’s request for consent with the listed conditions.



Diana Radulescu
Planner II – Development Review

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



Greg Atkinson, MCIP RPP
Development Manager / Deputy City Planner

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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

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	<p>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;</p> <ul style="list-style-type: none"> 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	<p>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;</p> <ul style="list-style-type: none"> 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.

APPROPRIATE CIRCUMSTANCES FOR CONSENTS

- 11.4.3.8 Consents may only be granted when it is not necessary for the proper and orderly development of the city. Accordingly, consents will generally be limited to:
- a) Creation of lots for minor infilling;
 - b) The mortgaging or leasing of land beyond 21 years;
 - c) Lot boundary adjustments; and
 - d) Easements and rights-of-ways.

APPENDIX “B”
Comments received by the Secretary Treasurer of the Committee of Adjustment

PLANNING DEPARTMENT – ZONING

Required Minor Variances *

(retained lot)

- 1. Minimum Lot Width:** [10.1.5.1]
 - a. 15.0m (Required)
 - b. 11.0m (Provided)

- 2. Minimum Lot Area:** [10.1.5.2]
 - a. 450.0m² (Required)
 - b. 358.4m² (Provided)

(severed lot)

- 1. Minimum Lot Width:** [10.1.5.1]
 - a. 15.0m (Required)
 - b. 11.9m (Provided)

- 2. Minimum Lot Area:** [10.1.5.2]
 - a. 450.0m² (Required)
 - b. 387.1m² (Provided)

Conner O'Rourke, Zoning Coordinator

PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS

There are currently no sanitary sewers fronting the subject property. As per zoning By-law 8600 5.2.10 and Official Plan 11.4.3.5 a storm and sanitary sewer extension will be required to provide services for both severed and retained lot. Remove encroaching items from the Right-of-Way. Contact City Forestry for the removal of any City owned trees within the Right-of-Way.

This department has no objection to the proposed application, subject to the following conditions:

1. Enhanced Permit – The owner(s) agrees, at their own expense and prior to the issuance of a building permit, to extend the storm and sanitary sewer to service the subject lands. The owner shall obtain, prior to the issuance of a building permit, an Enhanced Permit from the Right-of-way Division of the Engineering Department to supply, construct and install at its entire expense (offsite improvement description), in accordance with the manner, location and design to be approved by the City Engineer. The Enhanced Permit shall include all of the applicable Servicing General Provisions, as updated from time to time. Prior to issuance of the Enhanced Permit the following will be required:
 - a. The owner agrees to submit a site servicing plan for the subject lands to the satisfaction of the Chief Building Official and the City Engineer, prior to the issuance of any construction permits for the subject lands.
 - b. A detailed cost estimate for the Offsite Improvements, supported by preliminary design drawings prepared by an Engineer licensed in the Province of Ontario.
 - c. Approval by the Manager of Risk Management of all necessary securities and insurance.
 - d. Engineering Development Review fee in accordance with the current City of Windsor User Fee Schedule

Thomas Huynh, Technologist I

PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING

All parking must comply with ZBL 8600 for both retained and severed lot. Applicant must proceed with driveway permit.

Elara Mehrilou, Transportation Planner

PARKS & FACILITIES

There is 1 City owned tree on the property. There is 1 Private tree on the property. Forestry has no further concerns at this time regarding creation of a new lot

WINDSOR POLICE SERVICES

The Windsor Police Service has no concerns or objections with any of the applications listed in this agenda. In reviewing them, all are relatively minor in terms of their potential impact to public safety and security. None of the applications to be considered are therefore anticipated to create outcomes that will negatively impact the ability of the Windsor Police Service to provide proper and adequate response to incidents and other service delivery requirements.

Barry Horrobin, Director of Planning & Physical Resources

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). 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 & Development Services 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 & Development Services Department:

519-255-6543 x6179, ttang@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

Tracy Tang, Heritage Planner

BELL CANADA

No comments were received at the time of this report.