



Office of the Commissioner of Economic
Development
Planning & Development Services
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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Author’s Phone: 519-2550-6543 x-6397	Report Date: July 18, 2024
Author’s E-mail: dradulescu@citywindsor.ca	Committee Meeting Date: July 25, 2024

To: Committee of Adjustment

Subject Application: Consent

Owner: Adewale Dawud Aderinto

Location: 3842 Woodward Boulevard

Legal Description: Part of Lot 19 & Closed Alley, Plan 1045

1. RECOMMENDATION:

That the Consent application of Adewale Dawud Aderinto for the conveyance of part of the above-described lands, also municipally known as 3842 Woodward Boulevard, **BE GRANTED** with no condition.

2. THE REQUESTED LAND SEVERANCE:

The conveyance of part of the above-described lands for the purpose of creating a new lot.

3. PLANNING ANALYSIS:

The subject property consists of Part of Lot 19 & Closed Alley, Plan 1045, also municipally known as 3842 Woodward Boulevard.

The existing house will be demolished. The subject property was subject to Zoning Bylaw Amendment application to allow a semi-detached dwelling as a permitted use. The application was approved on April 22, 2024 by Council Resolution CR168/2024 DHSC 600.

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 in accordance with Section 54(5) of the Planning Act.

PROVINCIAL POLICY STATEMENT (PPS) 2020

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 consent is consistent with these policies promoting cost-effective development to minimize land consumption and servicing costs.

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 creation of a new lot, which represents an appropriate consent per Section 11.4.3.2(c).

This consent satisfies the evaluation criteria in Section 11.4.3.6, for continuation of an orderly development pattern.

The City of Windsor Official Plan designates the subject property as Residential. The proposed use of the severed property is a semi-detached dwelling, which complies with the current Official Plan land use designation.

ZONING BY-LAW 8600

The subject land is zoned RD1.1 S.20(1) 495 by By-law 8600. No minor variance application is required.

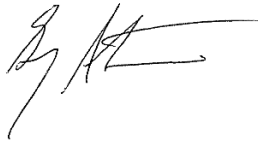
3. PLANNER’S OPINION:

This consent application is consistent with the Planning Act and Provincial Policy Statement and represents good planning. The requested Consent complies with the Official Plan and Zoning By-law 8600. The Planning Division recommends the approval of the applicant’s request for consent with no condition.



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

SS/

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

11.4.3 Consent Policies

- 11.4.3.1 Council has delegated to the City of Windsor Committee of Adjustment Council’s consent granting authority.
- 11.4.3.2 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; and
 - (b) The mortgaging or leasing of land beyond 21 years;
 - (c) Lot boundary adjustments; and
 - (d) Easements and rights-of-ways.
- 11.4.3.3 Consents shall only be granted for the creation of lots which comply with the Zoning By-law and/or unless appropriate minor variances are also granted concurrently.
- 11.4.3.4 Consents shall only be granted for lots which have access to a public highway which is paved with a hard surface and is of a reasonable standard of construction.
- 11.4.3.5 All lots created by consent shall be serviced by municipal sanitary sewer and water services.
- 11.4.3.6 The Committee of Adjustment will evaluate consent applications according to the following criteria:
- (a) Provincial legislation, policies and applicable guidelines;
 - (b) The physical layout of the proposed lots having regard to the Urban Design policies of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
 - (c) The continuation of an orderly development pattern;
 - (d) Impact upon the comprehensive development of adjacent properties;
 - (e) The requirements or comments of Municipal departments and public agencies or authorities; and
 - (f) Previous consents granted on the land holdings on or in the area.
- 11.4.3.7 The Committee of Adjustment 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 Municipality;
 - (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 application of the site plan control process;
 - (f) The provision of municipal infrastructure or other services; and
 - (g) Other such matters as the Committee of Adjustment considers necessary appropriate.

APPENDIX "B"

Comments received by the Secretary Treasurer of the Committee of Adjustment

PLANNING DEPARTMENT – ZONING

Review ownership of abutting properties: do now own abutting properties. Ensure that the lot lines depicted on the Sketch match the actual lot lines. No variances are required.

Conner O'Rourke, Zoning Coordinator

PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS

Right of way permits must be obtained for any work within the right of way. Our comments remain consistent with rezoning file ZNG-030-23 (see below). Driveways must comply with Engineering Best Practices.

Sewers

The site may be serviced by a 250m asbestos cement sanitary sewer located +/- 1.5m east of Woodward Boulevard centre line and an open ditch located +/- 1.8m west of property Line. If possible existing connections should be utilized and shall follow best practices. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

Right-of-Way

Woodward Boulevard is classified as a local road according to the Official Plan requiring a right-of-way width of 20m; the current right-of-way is 20m therefore, no conveyance required along the frontage of this property.

Additional notes to the applicant

If the intent is to sever the property and individual connections to each unit are provided;

- Each unit will be permitted a driveway as per engineering best practices.
- At the time of permit application a site plan including the right of way to the road will be required showing the layout and dimensions of the driveway and any leadwalks.
- Permits from Public Works are required for driveways and sewers.

This department has no objection to the proposed application.

Mark Schaffhauser, Technologist II

PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING

All parking must comply with ZBL 8600.

Elara Mehrilou, Transportation Planner

PARKS & FACILITIES

There are no objections from landscape architectural or urban design perspective.

Stefan Fediuk, Landscape Architect

WINDSOR POLICE SERVICES

I have reviewed the agenda items for the July 25th meeting of the Committee of Adjustment and would advise as follows:

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 & Archaeological Concerns

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 Staaedegaard, (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, Planner III

BELL CANADA

No comments were received at the time of this report.