



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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| <b>Author’s Name: Zaid Zwayyed</b>              | <b>File No.: B-022/25</b>                     |
| <b>Author’s Phone: (519) 255-6543 ext. 6198</b> | <b>Report Date: April 3, 2025</b>             |
| <b>Author’s E-mail: zzwayyed@citywindsor.ca</b> | <b>Committee Meeting Date: April 10, 2025</b> |

**To:** Committee of Adjustment

**Subject Application:** Consent for Easements

**Owner:** Walkerville-Walker Developments Inc.

**Location:** 933-955 Walker Road

**Legal Description:** PLAN 490 LOTS 37, 39, 41, 43, 45 AND 47

**1. RECOMMENDATION:**

That the consent application of Walkerville-Walker Developments Inc. to create easements on the property described as Plan 490 Lots 37, 39, 41, 43, 45, and 47, municipally known as 933-955 Walker Road, shown on the drawing and schedule attached to the application, **BE GRANTED**, subject to the following condition<sup>1</sup>:

I. The owner/applicant shall register the easements to the satisfaction of the City Solicitor.

<sup>1</sup>For questions regarding the condition, please contact Aaron Farough, Solicitor at (519) 255-6100 x6850 or [afarough@citywindsor.ca](mailto:afarough@citywindsor.ca).

**2. THE REQUESTED CONSENT:**

The creation of easements, as shown on the attached drawing, to provide access for sewer servicing.

**3. PLANNING ANALYSIS:**

The subject properties, legally described as Plan 490 Lots 37, 39, 41, 43, 45, and 47, contain a combined-use building with shared walls along the common side lot lines. The applicant is seeking consent to establish easements, as shown in the attached drawings, to facilitate sewer maintenance access. No changes are proposed to the existing building, and the creation of the easements 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.

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, encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities.

## **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 granting easements, representing an appropriate consent per Section 11.4.3.2.

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 is zoned Commercial District 2.2 (CD2.2) and is subject to the following site-specific provisions: S.20(1)53, S.20(1)148, and S.20(1)267. The creation of easements has no zoning implications.

**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 listed condition.

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



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



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

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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 easements.

*Stefan Pavlica, Zoning Coordinator*

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

This department has no objection to the proposed application. Please note that this is for private easements not public ROW easements.

*Thomas Huynh, Technologist I*

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

Transportation planning has no comments.

*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 Urban Design/Landscape perspective.

*Ryan Upton, Landscape Architect*

#### **HERITAGE PLANNING**

Heritage Planning has no comments or concerns with this application.

*Tracy Tang, Heritage Planning*