



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.”

Author’s Name: Zaid Zwayyed	File No.: B-023/24
Author’s Phone: (519) 255-6543 ext. 6198	Report Date: July 18, 2024
Author’s E-mail: zzwayyed@citywindsor.ca	Committee Meeting Date: July 25, 2024

To: Committee of Adjustment

Subject Application: Consent to create two new lots

Owner: HAUSOLOGY INC. (Daniel Grenier)

Location: 870, 872 Arthur Road & 871 Pillette Road

Legal Description: PLAN 679; LOT 20 & PT LOT 21

1. RECOMMENDATION:

That the consent application of Hausology Inc. (Daniel Grenier) for the conveyance of part of the subject described lands, Plan 679 Lot 20 and Part Lot 21, municipally known as 870, 872 Arthur Road and 871 Pillette Road to create two new lots as identified on the drawing attached to the application, **BE GRANTED** with no conditions.

Re: A-035/24

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 two new lots.

3. PLANNING ANALYSIS:

The subject property, consisting of Plan 679 lot 20 and part lot 21, is a through lot with an existing semi-detached dwelling facing Arthur Road and an existing duplex dwelling facing Pillette Road, and the applicant is seeking to sever the property along the existing common wall that divides the semi-detached dwelling units to create an individual lot for each unit. Furthermore, the applicant aims to retain a portion of the property and create a lot to accommodate the existing duplex dwelling. The proposed severance results in a deficiency in the minimum lot area and the rear yard depth requirements of the zoning district, and a Minor Variance application is submitted concurrently (A-035/24). The proposed use of both the severed and retained lots is residential.

PLANNING ACT

Subsection 54(2) 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 POLICY STATEMENT (PPS) 2020

The 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 land conveyance 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.

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 impact upon the comprehensive development of adjacent properties.

The subject land is designated Residential in the Official Plan. The proposed consent to accommodate the existing dwellings and align with infill and intensification policies.

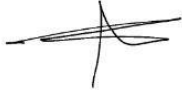
ZONING BY-LAW 8600

The subject property is zoned Residential District 3.1 (RD3.1) per By-law 8600, permitting both a semi-detached dwelling and a duplex dwelling. The applicable provisions are outlined in section 11.2.5 as referenced in section 12.1.5.55. The dwellings comply with the applicable provisions except for the requested minor variances for reduced lot area and rear yard depth, and a Minor Variance application is submitted concurrently (A035/24).

4. PLANNER'S OPINION:

The requested consent complies with the Official Plan and the intent of 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 conditions noted on the recommendation.

Zaid Zwayyed
Planner II – Development Review



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



Greg Atkinson
Manager of Development

CONTACT:

Name: Zaid Zwayyed
Phone: (519) 255-6543 ext. 6397

Fax: (519) 255-6544
Email: zzwayyed@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 to the City of Windsor Committee of Adjustment Council’s consent granting authority.
- APPROPRIATE CIRCUMSTANCES FOR CONSENTS* 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.
- CONFORM WITH PERMITTED USES* 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.
- ACCESS TO A PUBLIC HIGHWAY* 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.
- SEWER & WATER SERVICES* 11.4.3.5 All lots created by consent shall be serviced by municipal sanitary sewer and water services.
- EVALUATION CRITERIA* 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.
- CONDITIONS OF APPROVAL* 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

Creation of two new lots. The following deficiencies were identified:

Minimum lot area not met for the severed lot (section 11.2.5.2.2)

- 450.0 m² required
- 257.4 m² provided

Minimum lot area not met for the retained lot (section 11.2.5.1.2)

- 360.0 m² required
- 282.0 m² provided

Minimum rear yard depth not met (sections 11.2.5.1.6 & 11.2.5.2.6)

- 7.50 m required
- 4.40 m provided

Ana Lukas, Zoning Coordinator

PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS

The Department has no objections to the proposed application. Right of Way permits must be obtained for any work within the right of way.

Lea Marshall, Technologist I

PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING

Transportation Planning has no concerns. Parking spaces to comply with the requirements of ZBL/8600.

Elara Mehrilou, Planner I- Transportation Planning Department

PARKS & FACILITIES

There are no objections to the application from a landscape architectural or urban design perspective.

Stefan Fediuk, Landscape Architect

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

PUBLIC UTILITY- BELL CANADA

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

HERITAGE PLANNING

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, mstaaedegaard@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

However, the updated archaeological potential model indicates the subject property to be an Area of Archaeological Potential. Should the 2024 Windsor Archaeological Management Plan and associated Official Plan policies be adopted before a formal Planning Act application is submitted, please note that archaeological assessment(s) will be required.

Kristina Tang, Heritage Planner; Tracy Tang, Planner III