

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: Simona Simion, Planner II	File No.: B-024-24
Author’s Phone: (519) 255-6543 ext. 6397	Report Date: July 18, 2024
Author’s E-mail: ssimion@citywindsor.ca	Committee Meeting Date: July 25, 2024

To: Committee of Adjustment

Subject Application: Consent: Lot addition

Owner: Colette St. Jules and Gilles St Jules

Location: 1617-1629 Mark Ave

Legal Description: PLAN 1342 LOTS 28 TO 30, PLAN 1342 LOT 31 PT LOT 32, RP 12R12944 PART 1

1. RECOMMENDATION:

That the Consent application of Colette St. Jules and Gilles St Jules for conveyance part of the subject lands municipally known as 1617 Mark Ave -1629 Mark Ave, said conveyance proposing to sever 4.3m from 1617 Mark Ave for a lot addition to 1629 Mark Ave, as shown in the drawing attached to the application, **BE GRANTED** with condition:

- I. The applicants shall remove the encroaching items (fence, shed, etc.) or apply to purchase part of the closed alley, to the satisfaction of the City Engineer and City Planner.

Notes:

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 property as shown on the attached drawing, for the purpose of a lot addition.

Refer to File A-36/24.

3. PLANNING ANALYSIS:

The subject properties consist of single unit dwellings municipally known as 1617 Mark Ave - 1629 Mark Ave. Both properties are owned by the applicants. The applicants are seeking severing

4.3m from 1617 Mark Ave for the purpose of a lot addition to 1629 Mark Ave, as shown in the drawing attached to the application.

In order for an application to be granted, it must be consistent with the Planning Act, the Provincial Policy Statement, the City's Official Plan and its Zoning By-law.

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 S.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 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 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 adjusting the boundaries of lots, representing an appropriate consent per Section 11.4.3.2(c).

The subject land is designated Residential in the Official Plan. The existing uses are permitted.

ZONING BY-LAW 8600

The subject land is zoned Residential District 1.2 (RD1.2) per By-law 8600, permitting a single unit dwelling.

The proposed land conveyance for lot addition does not create zoning deficiencies.

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 recommends approval with condition.



Simona Simion, MCIP RPP
Planner II – Research and Policy Support

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

APPENDIX “A” - Excerpts from the Official Plan Volume I

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

Required Minor Variances *

No variances due to lot addition.

Conner O’Rourke, Zoning Coordinator

PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS

While this is not a condition of the application, the owner of 1629 Mark Street did not obtain building permits for the accessory structure, 1617 Mark Street has an outstanding building permit* from 2011. Right of way permits must be obtained for any work within the right of way. Encroaching items within Superior Park must be removed or contact Planning and Real Estate Services to apply to purchase portion of closed alley.

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

Lea Marshalls, Technologist

*Applicant to contact Building Department buildingdept@citywindsor.ca or Phone: (519) 255-6267 for questions regarding outstanding Permit No 2011 130466 000 00 (exterior and interior renovations, two new furnaces, plumbing, eaves, alter existing sanitary sewer).

PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING

Transportation planning has no comments.

Elara Mehrilou, Transportation Planner

PARKS & FACILITIES

The development is existing and has been established for some time now. There are no objections from landscape architectural or urban design perspective.

Stefan Fediuk, Landscape Architect

WINDSOR POLICE SERVICES

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 Comments

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 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

Kristina Tang, Planner III

BELL CANADA

Comments not received at the date of this report.