

**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: Simona Simion</b>  | <b>File No.: B-025/24</b>                    |
| <b>Author’s Phone: (519) 255-6543 ext. 6397</b>  | <b>Report Date: July 18, 2024</b>            |
| <b>Author’s E-mail: <a href="mailto:ssimion@citywindsor.ca">ssimion@citywindsor.ca</a></b> | <b>Committee Meeting Date: July 25, 2024</b> |

**To:** Committee of Adjustment

**Subject Application:** Consent to create a new lot

**Applicant/Owner:** Amex Properties Inc.

**Location:** 3915 Baseline Rd

**Legal Description:** Part Lot 16, Concession 7, Lot 2, according to Registered Plan 1523

**1. RECOMMENDATION:**

That the Consent application of Amex Properties Inc. for severance of part of the subject land described as Part Lot 16, Concession 7, Lot 2, according to Registered Plan 1523 for the purpose of creating a new lot, **BE APPROVED** with condition:

- I. The applicant shall provide Site Servicing drawings for the overall property, outlining all existing services to the satisfaction of the City Engineer.<sup>1</sup>

<sup>1</sup>Note: For questions, please contact Engineering Department, Lea Marshall, Technologist at [lmarshall@citywindsor.ca](mailto:lmarshall@citywindsor.ca) or (519) 255-6257x6494

**2. THE REQUESTED LAND SEVERANCE:**

The conveyance of part of the above-described lands, said lands being more particularly designated as Part 1 on the draft reference plan attached, for the purpose of creating a new lot.

For further discussion on the requested minor variances, please refer to file A-039/24.

**3. PLANNING ANALYSIS:**

The subject property consists of Part Lot 16, Concession 7, Lot 2, according to Registered Plan 1523, municipally known as 3915 Baseline Rd. The property consists of a single unit dwelling, detached garage, and excess vacant land. The applicant is seeking to construct a single unit dwelling on the vacant part of land while accommodating the existing house on the retained part.

The applicant submitted previously in 2020 for Committee of Adjustment’s approvals for minor variances and severance. The applications were deferred due to the lack of municipal services

fronting the property. Engineering Department advised that these services are available at this time, therefore the applications may proceed for Committee's consideration.

### **PLANNING ACT**

Planning Act gives the 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.

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 severance 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(a).

The retained and severed lots have access to a public highway paved with a hard surface complying with Section 11.4.3.4.

Section 11.4.3.5 of the Official Plan requires all lots created by consent will be serviced by municipal sanitary sewer and water services to be available if condition is satisfied.

This consent satisfies the evaluation criteria in Section 11.4.3.6 for the 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 single unit dwelling, which complies with the current Official Plan land use designation.

Section 11.4.3.7 of the Official Plan states that the Committee of Adjustment may attach conditions as deemed appropriate to the approval of a consent; therefore, the applicant is required to provide the Site Servicing drawings for the overall property, outlining all existing services and complete condition to the satisfaction of the City Engineer.

### **ZONING BY-LAW 85-18**

The subject land is zoned RH as per By-law 85-18. The subject lots will maintain the same permitted uses and provisions listed under RH zoning category with the exception of the Minimum Lot Area and Minimum Lot Frontage (refer to the Minor Variance application A-039/24). The requested consent for creating a new lot will not result in undue hardship to the owner, adjoining properties or the public realm.

**COMMENT**

The parcel area falls within regulated area of the 6<sup>th</sup> Concession Drain. A Permit and/or Clearance from the Essex Region Conservation Authority will be required prior to any construction or site alteration.

**4. PLANNER'S OPINION:**

This consent application is consistent with the Planning Act and Provincial Policy Statement representing good planning. The requested Consent complies with the Official Plan and Zoning By-law 85-18. The Engineering Department and Planning Division recommend approval of the applicant's request with condition.



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

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



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**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**

Zoned RH - Residential Hamlet 85-15

- 1. Retained Lot (Part 2) - Minimum Lot Area (7.1.3):**
  - a) 1,858.0m<sup>2</sup> (Required)
  - b) 1,268.5m<sup>2</sup> (Provided)
  
- 2. Retained Lot (Part 2) - Minimum Lot Frontage (7.1.4):**
  - a) 30.0m (Required)
  - b) 22.86m (Provided)
  
- 3. Severed Lot (Part 1) - Minimum Lot Area (7.1.3):**
  - a) 1,858.0m<sup>2</sup> (Required)
  - b) 1,262.7m<sup>2</sup> (Provided)
  
- 4. Severed Lot (Part 1) - Minimum Lot Frontage (7.1.4):**
  - a) 30.0m (Required)
  - b) 22.86m (Provided)

*Stefan Pavlica, Zoning Coordinator*

**PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS**

While this is not a condition of the application, the owner of 3915 Baseline Road should note the existence of 6th Concession Drain at the rear of the property.

Right of way permits must be obtained for any work within the right of way.

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

1. Provide Site Servicing drawings for the overall property, outlining all existing services.

*Lea Marshall, Technologist*

**PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING**

All parking must comply with ZBL 8600.

*Elara Mehrilou, Transportation Planner*

**PARKS & FACILITIES**

There are no objections from a landscape architectural or urban design perspective related to the consent or proposed variances.

The site is abutting the 6<sup>th</sup> Concession Drain and falls under ERCA jurisdiction. Approval from ERCA prior to any construction is required.

*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 25<sup>th</sup> meeting agenda.

*Barry Horrobin, Director of Planning & Physical Resources*

## **HERITAGE PLANNING**

### **Built Heritage**

There is no apparent built heritage concern with this property.

### **Archaeology**

The current 2005 Windsor Archaeological Management Plan and associated Official Plan Schedule indicates that the subject property is in an area of low archaeological potential. Therefore, no archaeological assessments is 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 & 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](mailto:ktang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

Windsor Manager of Culture and Events (A):

Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711,  
[mstaadegaard@citywindsor.ca](mailto:mstaadegaard@citywindsor.ca)

Ontario Ministry of Citizenship and Multiculturalism

Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto: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](mailto:Crystal.Forrest@ontario.ca)

*Kristina Tang, Planner III*