



# COMMITTEE OF ADJUSTMENT

APPLICANT : DYLAN JAMES KWIATKOWSKI, MIKAELA ANNISA KWIATKOWSKI

ADDRESS : 3353 BYNG ROAD

N.T.S.



 SUBJECT LANDS

 SEVERED LANDS

# CITY OF WINDSOR

File: B-025/25

## COMMITTEE OF ADJUSTMENT PUBLIC HEARING

**PURSUANT** to Section 54 (2) of the Planning Act, the City of Windsor Council has delegated consent authority to the Committee of Adjustment, and further, **PURSUANT** to Section 53 of the Planning Act, a Committee of Adjustment public hearing will be held to consider an application for consent.

**You are receiving this letter as a courtesy because the Committee of Adjustment identified your property as located within a 40 meters circulation area of the subject lands.** Notice as required by the Planning Act was given by publication of the Committee of Adjustment's Agenda Record in the Windsor Star on April 9, 2025

### APPLICATION FOR CONSENT

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**Owner:** DYLAN KWIATKOWSKI, MIKAELA KWIATKOWSKI      **Location:** 3353 BYNG RD

**Legal Description:** PLAN 1215; LOTS 144 TO 146 & PT CLOSED ALLEY; RP 12R27296; PARTS 11; 12 & 29      **Zoning:** Residential RD1.1

**Official Plan:** Residential

**Explanation:** Severance of lands, as shown on the attached drawing, for the purpose of creating a new lot.

### COMMITTEE OF ADJUSTMENT PUBLIC HEARING - 519-255-6543 ext 6436 or 6450

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**When:** April 24, 2025 at 3:30 pm

**Where:** VIA VIDEO CONFERENCE

*(information on how to join the public meeting will be on the City of Windsor website prior to the meeting date)*

You are invited to attend this hearing and express any interest you may have in this application. Written comments are also acceptable and may be submitted in person, by mail, by fax or by email. All comments must be received **NO LATER than 4:30PM on the Wednesday, prior to the meeting date.** Comments received after such, will not be included at time of hearing.

**The applicant or agent must attend the meeting.** If you do not attend or send a representative, the Committee may proceed in your absence without any further notice to you. To be notified of the decision of the Committee of Adjustment regarding this application, you must submit a written request to the Secretary-Treasurer.

If a person or public body that files an appeal of the decision of the Committee of Adjustment, in respect of the proposed consent, does not make oral submissions at a public meeting or does not make written submissions to the Committee of Adjustment before a provisional consent is given or refused, the Ontario Land Tribunal may dismiss the appeal.

It is the practice of Committee of Adjustment members to visit the site prior to considering this application. Administrative comments are available by email after 12:00 noon on the Friday prior to the hearing.

Jessica Watson  
Secretary-Treasurer, Committee of Adjustment

Dated: April 10, 2025

Suite 210, 350 City Hall Square West  
Windsor ON N9A 6S1

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Fax: 519-255-6544  
Email: [jwatson@citywindsor.ca](mailto:jwatson@citywindsor.ca)  
Web: <http://www.citywindsor.ca>

1	<b>Application Information</b>			
	Name of <b>All</b> Owners (as listed on deed) Dylan James Kwiatkowski & Mikaela Annisa Kwiatkowski	Contact No. 519-791-1056	Business Telephone No.	
	Address 3214 Forest Glade Dr., Windsor, ON E-Mail Address: dkplumbing1@hotmail.com	Postal Code N8R 1X3		
	Name of <b>Contact Person/Agent</b> (if different than owner) Anthony Malandrucolo	Contact No. 519-258-3201	Business Telephone No. 519-258-3201	
	Address 261 Shepherd St. E., Windsor, ON E-Mail Address: malandrucolo@stipicweisman.com	Postal Code N8X 2K6	Fax No. 519-258-2665	
<b>PAYMENT CONTACT INFORMATION ONLY:</b>				
<b>Name:</b> Norah Seage				
<b>Contact No:</b> 519-258-3201 ext.246				
2	<b>Type and purpose of proposed transaction:</b>			
	<b>Conveyance</b> <input checked="" type="checkbox"/> new lot <input type="checkbox"/> lot addition  <b>Other</b> (please specify) <input type="checkbox"/> mortgage <input type="checkbox"/> rights-of-way <input type="checkbox"/> lease in excess of 21 years <input type="checkbox"/> easement         See separate application for validation of title/power of sale			
3	<b>The name of the person(s) to whom the land or an interest in land is to be transferred, charged or leased:</b> Dylan James Kwiatkowski & Mikaela Annisa Kwiatkowski			
4	<b>Legal Description of the Subject Land (ENTIRE PARCEL – retained and severed)</b>			
	Municipality Windsor	Street Name Byng Road	Street Address 3353	
	Concession Number(s)	Registered/Reference Plan No. PL 1215 (Alley: PL 12R27296)	Lot/Part No.(s) LOTS 144,145 & 146	
	Parcel No. 01346-0352 LT & 01346-0762 LT (alley)		(Alley: Parts 11,12 & 29)	
5	<b>Are there any easements or restrictive covenants affecting the subject land?</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> unknown <b>(If Yes, please describe)</b> Easements over Parts 11, 12 & 29 (alley). Registered Easements: CE825851, CE 825852, CE825853, and CE825854  In favour of Bell Canada, Managed Network Systems, Inc., Cogeco Connexion Inc., & Enwin Utilities Ltd.			
6	<b>Description of the Subject Land and Servicing Information (to be severed/leased) (in metric units)</b>			
	<b>Description</b>		<b>(A) SEVERED</b>	<b>(B) RETAINED</b>
		Frontage	<i>metres</i> 9.14	<i>metres</i> 21.96
		Depth	<i>metres</i> 35.1	<i>metres</i> 35.1
		Area	<i>square metres</i> 320.81	<i>square metres</i> 770.8m <sup>2</sup>
		Lot/Part No.(s)	PT LT 144, 12&29	LT 146 & 145, PT LT 144, 11, 12 & 29
		Registered/Reference Plan No.	Plan 1215 & 12R27296	Plan 1215 & 12R27296
		Water Lot? Yes <input type="checkbox"/> No <input type="checkbox"/>	No	No
	<b>Use of Property</b>	Existing Use(s)	Residential (RD1.1)	Residential (RD1.1)
		Proposed Use(s)	Residential (RD1.1)	Residential (RD1.1)
	<b>Buildings or Structures</b>	Existing (Date of construction)	Approx. 1973	Approx. 1973
Proposed		N/A	N/A	

<b>Access</b> (check appropriate space)	Provincial Highway ..... Municipal road, maintained all year ..... Municipal road, seasonally maintained ..... Other public road ..... Right of way ..... Water only. If yes, the docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road _____	<b>Yes</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> N/A	<b>No</b> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<b>Yes</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> N/A	<b>No</b> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
<b>Water Supply</b>	Publicly owned and operated piped water system... Privately owned and operated..... Individual or communal well..... Lake or other water body..... Other	<b>Yes</b> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<b>Yes</b> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
<b>Sewage Disposal</b>	Publicly owned and operated piped sewage system..... Privately owned and operated individual or communal septic tank system..... Pit, privy, or other	<b>Yes</b> <input checked="" type="checkbox"/> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	<b>Yes</b> <input checked="" type="checkbox"/> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/> <input checked="" type="checkbox"/>
<b>7 The current designation of the subject property in the Official Plan</b> Residential					
<b>History of the Subject Land</b> Lands used for Residential with a single Residential dwelling					
<b>8 Has the subject land ever been the subject of an application for approval of a plan of subdivision or consent under the Planning Act?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Unknown  If yes, please provide the application file number and the decision made on the application. N/A _____ _____  If this application is a re-submission of a previous consent application, describe how it has been changed from the original application. N/A _____ _____					
<b>9 Has any land been severed from the parcel originally acquired by the owner of the subject land:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown					
<b>10 If the answer to item 9 is <u>yes</u>, the date of the transfer, the name of the transferee and the land use on the severed land:</b> N/A					
<b>11 Current Applications</b> Minor Variance Application being submitted contemporaneously with this Consent Application.  <b>If known, whether the subject land is the subject of any other application under the Act, such as an application for an amendment to an Official Plan, a Zoning By-law or Minister's Zoning Order, an application for minor variance or an application for an approval of a plan of subdivision or a consent.</b> N/A _____ _____  <b>If yes, the file number of the application and the status of the application.</b> <small>No file number issued at time of submission. Consent Application and Minor Variance Application being submitted contemporaneously.</small> _____					
<b>12 Whether the application is consistent with policy statements issued under subsection 3(1) of the Planning Act</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown					
<b>13 Whether the subject land is within an area of land designated under any provincial plan or plans.</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable					
<b>14 If the answer to section 13 is yes, whether the application conforms to or does not conflict with the applicable provincial plan or plans.</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable					

15	The required sketch map is to indicate the following, in metric units and must be included with application:	Included	Not Applicable
a)	the boundaries and dimensions of any land <u>abutting</u> the subject land that is owned by the owner of the subject land;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	the <u>approximate distance between</u> the subject land and the nearest <u>Lot line or landmark</u> such as a bridge or railway crossing;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	the <u>boundaries and dimensions</u> of the subject land, the part that is intended to be <u>severed</u> and the part that is intended to be <u>retained</u> ;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	the location of all land <u>previously severed</u> from the parcel originally acquired by the <u>current owner</u> of the subject land;	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	the approximate location of all <u>natural and artificial features</u> (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that: (i) are located on the <u>subject land</u> and on land that is <u>adjacent</u> to it, and (ii) in the applicant's opinion, may affect the application;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	the <u>current uses</u> of land that are <u>adjacent</u> to the subject land (for example, residential, agricultural or commercial)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	the <u>location, width and name</u> of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right of way (i.e. alley);	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h)	if access to the subject land will be <u>by water only</u> , the location of the parking and boat docking facilities to be used; and	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	the location and nature of any easement affecting the subject land.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>The required sketch map has been included with this application form.</b>			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

**DECLARATION:**

I/WE, Dylan James Kwiatkowski & Mikaela Annisa Kwiatkowski of the City \_\_\_\_\_ (City/Town)  
of Windsor \_\_\_\_\_ (name City/Town) in the County \_\_\_\_\_ (County) of Essex \_\_\_\_\_ (name county) on

this 13th day of March, 2025, **SOLEMNLY DECLARE** that all statements contained in this application are true and I/WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

(Sign) X [Signature]  
(Sign) X [Signature]

DECLARED BEFORE ME at the City \_\_\_\_\_ of Windsor \_\_\_\_\_ in the  
County \_\_\_\_\_ of Essex \_\_\_\_\_ this 23rd day of March, 2025.

Anthony Malandrucolo \_\_\_\_\_ A Commissioner etc.

**\*\*\* THIS SECTION MUST BE COMPLETE**

**RECEIPT OF APPLICATION/AUTHORIZATION TO PROCESS**

This application has been received and is accepted for processing, as the application is complete.

Secretary-Treasurer (or Designate)

Date: March 28/25

**Minor variance for new construction:** An approved variance is valid and must be acted upon within one (1) year. If a granted variance is not used 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. [Signature] (Please Initial)

**FOR AGENTS – The owner must complete and sign this authorization if you have been assigned to act on their behalf**

**AUTHORIZATION:**

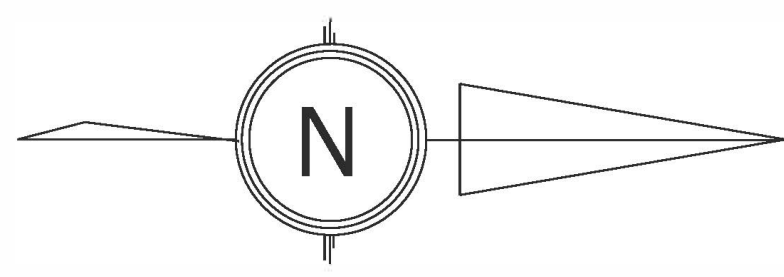
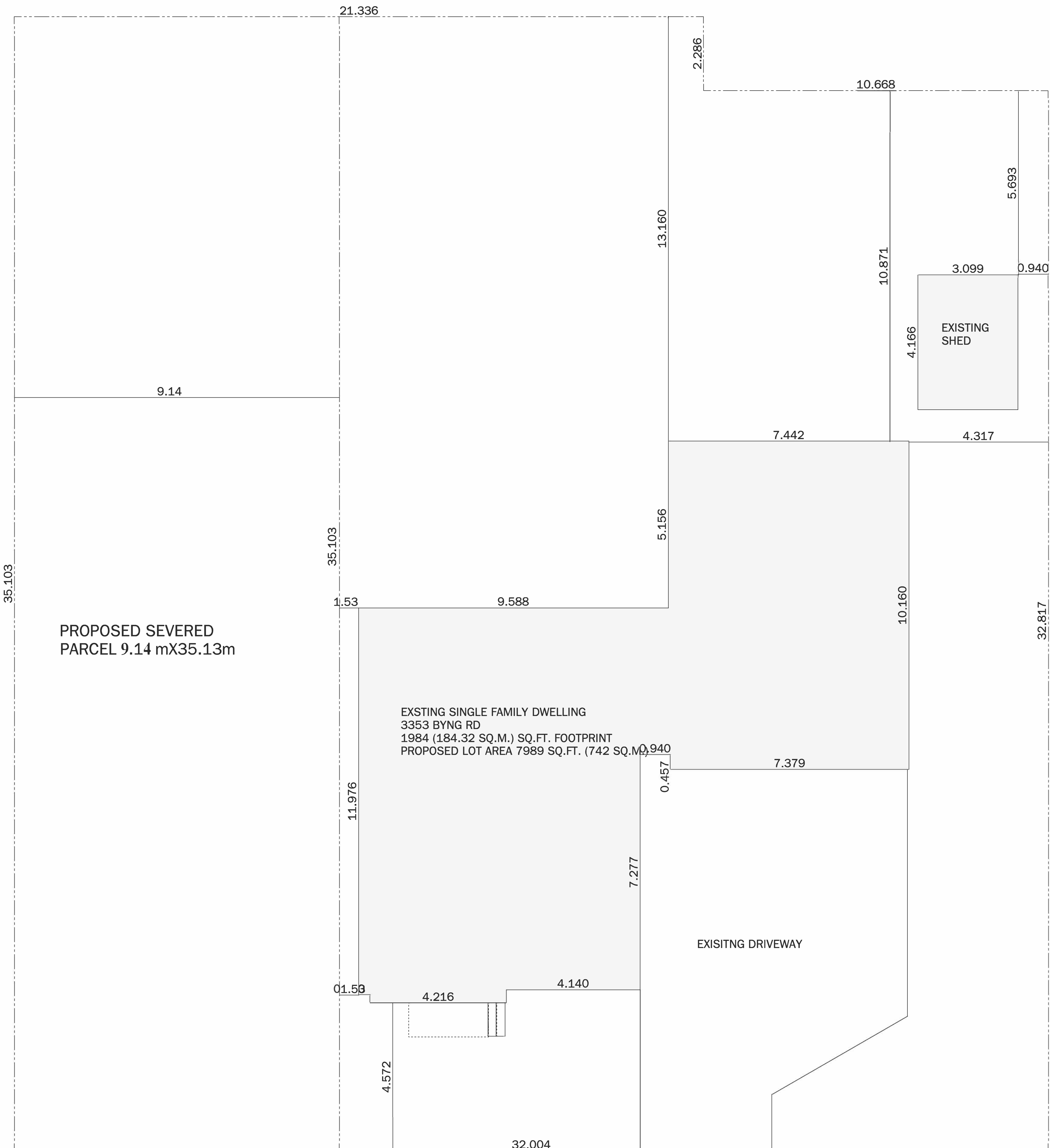
TO: The Secretary-Treasurer of The Committee of Adjustment for the City of Windsor.

DATE: March 13, 2025

I (We) (Owners of the subject lands) Dylan James Kwiatkowski & Mikaela Annisa Kwiatkowski  
of the (municipality where you reside) Windsor, hereby authorize  
and instruct (agent(s) Anthony Malandrucolo of Stipic Weisman LLP to submit an application to the  
Committee of Adjustment in respect to (municipal address or legal description) 3353 Byng Rd., Windsor, ON

Which I (we) am (are) the registered owner(s), and this shall be my (our) good and sufficient authority to act on my (our) behalf.

[Signature] X(Sign) Note: if the owner is a Corporation, affix seal (if any)  
[Signature] X (Sign)



9.14

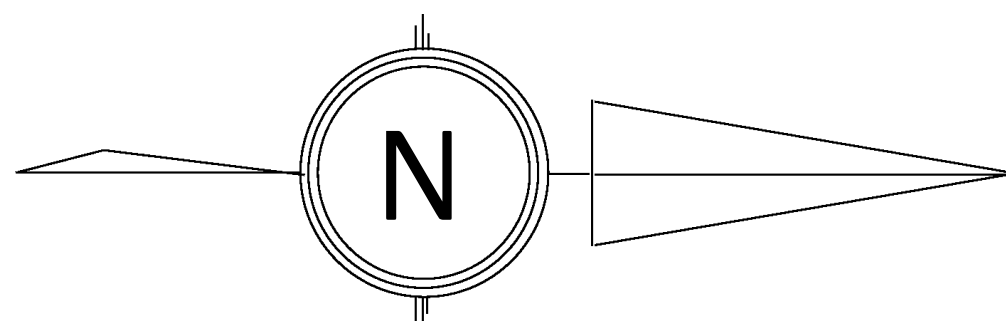
9.14

35.103

35.103

PROPOSED SEVERED PARCEL  
9.14m X 35.103m  
PART OF 3353 BYNG RD

9.14





3353 Byung Rd

105'

16'

Driveway

22'-6"

28'-6"

House

38'-6"

35'

27'-6"

14'

Garage

33'

32'

17'



24'

62'-6"

24'

35'

117'

12R 27296

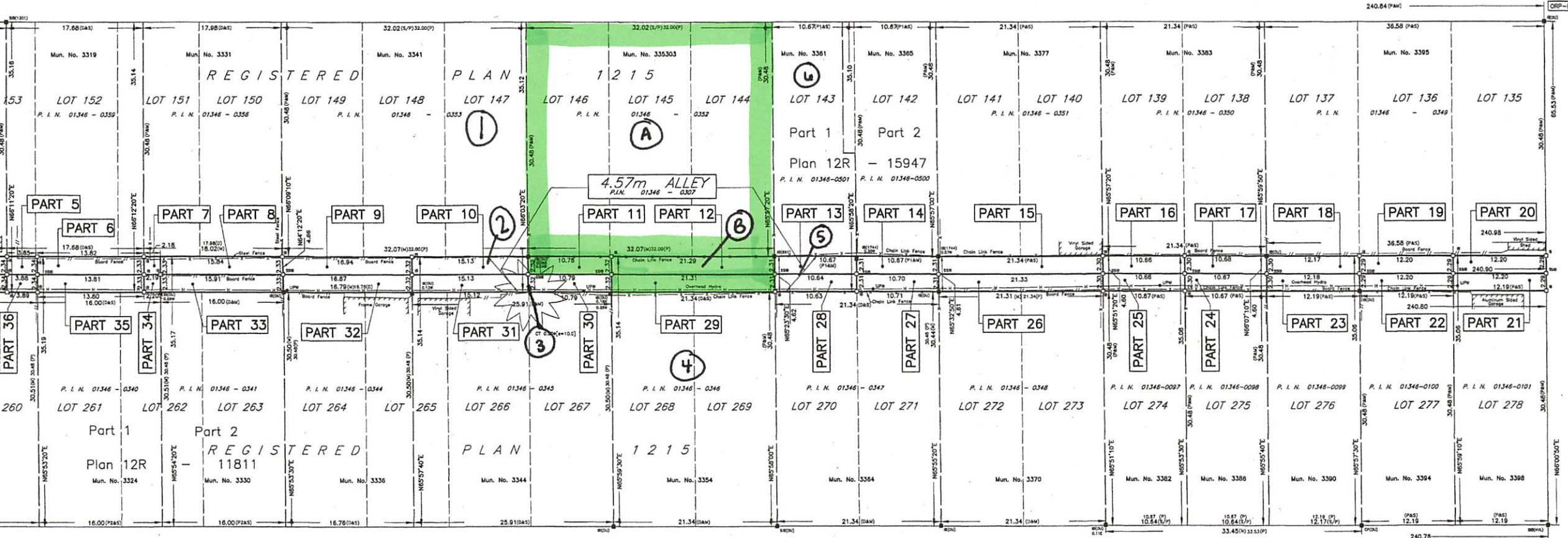
POINT ID	NORTHING	EASTING
ORP-A	N4682491.730	E336640.672
ORP-B	N4682271.105	E336737.572

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

REGISTERED PLAN 1215  
 IN THE  
 CITY OF WINDSOR  
 COUNTY OF ESSEX, ONTARIO  
 VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZAIRE INC.  
 SCALE = 1:250



BYNG (20.12m WIDE PER REGISTERED PLAN 1215) ROAD  
 P. I. N. 01346 - 0484



BLISS (20.12m WIDE PER REGISTERED PLAN 1215) ROAD  
 P. I. N. 01346 - 0306

FOSTER AVENUE  
 (20.12m WIDE PER REGISTERED PLAN 1215)  
 P. I. N. 01346 - 0485

"METRIC" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY MULTIPLYING BY 3.28084.

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THIS SURVEY WAS COMPLETED ON THE 29th DAY OF NOVEMBER, 2017.

DATE FEBRUARY 26, 2018

*Roy Simone*  
 Roy A. Simone  
 ONTARIO LAND SURVEYOR  
 for VERHAEGEN • STUBBERFIELD • HARTLEY

WINDSOR  
 844 Osborn Street  
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 Ph: (519) 258-1772  
 Fax: (519) 258-1721

VERHAEGEN  
 STUBBERFIELD  
 HARTLEY  
 BREWER  
 BEZAIRE  
 INC.

LEAMINGTON  
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ONTARIO LAND SURVEYORS  
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