

## 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.”*

<b>Author’s Name: Zaid Zwayyed</b>	<b>File No.: B-039/25</b>
<b>Author’s Phone: (519) 255-6543 ext. 6198</b>	<b>Report Date: July 3, 2025</b>
<b>Author’s E-mail: zzwayyed@citywindsor.ca</b>	<b>Committee Meeting Date: July 10, 2025</b>

**To:** Committee of Adjustment

**Subject Application:** Consent to Create an Easement

**Owner:** Tilbury Concrete Transport Inc.

**Location:** 3480 Marentette Avenue

**Legal Description:** CON 3 PT LOTS 89 & 90; RP 12R13285 PT 4 & PT OF PART 2;  
12R16182 PTS 2 & 4

### 1. RECOMMENDATION:

That the consent application of Tilbury Concrete Transport Inc., to create an easement on the property described as Concession 3, Part Lots 89 and 90; RP 12R13285 Part 4 and Part of Part 2; and 12R16182 Parts 2 and 4, municipally known as 3480 Marentette Avenue, as shown on the drawing attached to the application, **BE GRANTED**, subject to the following condition<sup>1</sup>:

I. The owner/applicant shall register the easement 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 an easement, as shown on the attached drawing, to allow access for the servicing of a stormwater management system.

### 3. PLANNING ANALYSIS:

The subject property, legally described as Concession 3, Part Lots 89 and 90; RP 12R13285 Part 4 and Part of Part 2; and 12R16182 Parts 2 and 4, contains a warehouse and a parking area. The applicant is seeking consent to establish an easement, as shown in the attached drawings, to facilitate storm 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, maintaining a range and choice of suitable sites for employment uses that support a wide range of economic activities.

## **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 an easement, 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 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 Industrial in the Official Plan.

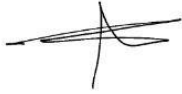
## **ZONING BY-LAW 8600**

The subject property is zoned Manufacturing District 1.1 (MD1.1). The creation of the easement has no zoning implications.

#### **4. PLANNER'S OPINION:**

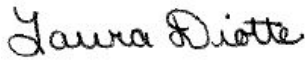
The requested consent complies with the Official Plan and Zoning By-law 8600. This consent application is consistent with the Planning Act and Provincial Policy Statement and represents good planning. Planning staff, in consultation with the Engineering Department, recommends approval with the listed condition.

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



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



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**Laura Diotte, MCIP RPP**  
**Manager of Development Applications**

**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 Official Plan Volume I

#### 11.4.3 Consent Policies

<i>COMMITTEE OF ADJUSTMENT</i>  <i>APPROPRIATE REASONS FOR CONSENTS</i>	11.4.3.1	Council has delegated by by-law the authority to grant consents to the Committee of Adjustment.
	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; <ul style="list-style-type: none"> <li>a) Small scale Infilling or intensification for development that is compatible with the neighbourhood;</li> <li>b) Lot line adjustments;</li> <li>c) An entire parcel is being developed and there are no remaining lands;</li> <li>d) There is no need to extend or improve municipal services outside of the subject lands;</li> <li>e) Where there is no phasing of the development; and</li> <li>f) Where parkland dedication may be cash-in-lieu.</li> </ul>
	11.4.3.3	Consents shall only be granted for the creation of lots which comply with the Official Plan and Zoning By-law
	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.
	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.
	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; <ul style="list-style-type: none"> <li>a) Provincial legislation, provincial policies and applicable provincial guidelines;</li> <li>b) Conformity with the policies of this Plan, Volume II: Secondary Plans and Special Policy Areas and other relevant municipal standards and guidelines;</li> <li>c) Conformity with the recommendations of any support studies prepared as part of the application;</li> <li>d) The continuation of an orderly development pattern and the lot pattern in the neighbourhood;</li> <li>e) Impact of the development on adjacent properties and the lot pattern and density in the community; and</li> <li>f) The requirements or comments of Municipal departments and public agencies or authorities.</li> </ul>
<i>CONFORM WITH PERMITTED USES</i>  <i>ACCESS TO A PUBLIC HIGHWAY</i>  <i>MUNICIPAL SERVICES</i>  <i>EVALUATION CRITERIA</i>	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: <ul style="list-style-type: none"> <li>a) The fulfillment of any financial requirement to the City;</li> <li>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;</li> <li>c) The conveyance of lands for public highways or widenings as may be required;</li> <li>d) The conveyance of appropriate easements;</li> <li>e) The provision of municipal infrastructure or other services;</li> <li>f) The completion of a development or servicing agreement with the City if required; and</li> <li>g) Other such matters as the approval authority considers necessary and/or appropriate.</li> </ul>
<i>CONDITIONS OF APPROVAL</i>		

## **APPENDIX “B”**

### **Comments Received by the Secretary Treasurer of the Committee of Adjustment**

#### **PLANNING DEPARTMENT – ZONING**

Consent to create an easement.

*Stefan Pavlica, Zoning Coordinator*

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

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

*Mark Schaffhauser, Technologist*

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

Transportation planning has no comments.

*Elara Mehrilou, Planner I- Transportation Planning Department*

#### **BUILDING DEPARTMENT**

The Building Department has no objection to the creation of an easement. However, we have not yet received a design to determine whether the proposed size and location of the easement will be suitable for the storm water management system. The engineer for the applicant should be consulted to determine the size/location of the required easement.

*Brandon Calleja – Senior Manager/Deputy Chief Building Official – Permits*

#### **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.

#### **NATURAL AREAS**

The applicant should be notified of the following precautions:

1. Should Species at Risk or their habitat be found at any time on or adjacent to the site, cease activity immediately and contact MECP at [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca) for recommendations on next steps to prevent contravention of the Endangered Species Act (2007). The City of Windsor SAR hotline (519-816-5352) can also be used for relevant questions and concerns.
2. For a list of Species at Risk and other provincially tracked species with potential to be around the site, use the Natural Heritage Information Centre (NHIC) Make A Map tool, found at [https://www.liaapplications.lrc.gov.on.ca/Natural\\_Heritage/index.html?viewer=Natural\\_Heritage.Natural\\_Heritage&locale=en-CA](https://www.liaapplications.lrc.gov.on.ca/Natural_Heritage/index.html?viewer=Natural_Heritage.Natural_Heritage&locale=en-CA)
3. If trees or other vegetation (i.e., shrubs and unmaintained grasses) on/adjacent to the site are to be removed, damaged, or disturbed during the breeding bird season (April 1 – August 31), then sweeps for nesting birds

should be conducted to prevent contravention of Migratory Bird Regulations (2022), the Migratory Birds Convention Act (1992), and section 7 of the Fish and Wildlife Conservation Act (1997). Visit <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html> for more information.

4. Beaver dams and dens of fur-bearing mammals are protected under section 8 of the Fish and Wildlife Conservation Act (1997) and are not to be damaged or destroyed without the proper authorization and/or license.
5. The City of Windsor is a Bird Friendly City. Bird Friendly Design is encouraged. Bird Friendly Design Guidelines are available from the City of Toronto (<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/bird-friendly-guidelines/>).

***Karen Alexander, Naturalist***

### **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 comments received at time of writing.

***Hoda Kameli, Landscape Architect***

### **HERITAGE PLANNING**

There is no apparent built heritage concern with this property, and it is not located within an Archaeological Potential Zone (APZ). 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 & Development Services 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 & Development Services Department:  
519-255-6543 x6179, [ttang@citywindsor.ca](mailto:ttang@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  
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

***Tracy Tang, Heritage Planning***