

Office of the Commissioner of Economic
Development
Planning & Development Services
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: Averil Parent	File No.: B-045-25
Author’s Phone: (519) 255-6100 ext. 6397	Report Date: June 26th, 2025
Author’s E-mail: aparent@citywindsor.ca	Committee Meeting Date: July 10th, 2025

To: Committee of Adjustment

Subject Application: Consent to create a new lot

Owner: Duo Frates Inc.

Agent: Giacomo Ramieri

Location: 1370 Argyle Rd. / 2109 Ottawa St.

Legal Description: Concession 1; Part Lots 95 & 96 / Concession 1; Part Lot 1

1. RECOMMENDATION:

That the Consent application of Duo Frates Inc. for conveyance of part of the subject lands, described as Concession 1 Part Lots 95 & 96, also municipally known as 1370 Argyle Rd and Concession 1 Part Lot 1 also municipally known as 2109 Ottawa St., for a technical severance to maintain the two distinct lots as shown on the drawing attached to the application **BE GRANTED** with no conditions.

Note: 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:

A technical severance is being requested in order to keep these two properties at 1370 Argyle Rd. and 2109 Ottawa St. separate as the companies that own the properties are merged. This is to prevent the properties from merging on title as per the Planning Act. As shown on the attached drawing, the properties will remain two distinct lots. In 2021, 1370 Argyle Rd. went through the Rezoning and Site Plan Control processes in order to construct the multiple dwelling that currently exists on the property. Of note, there are 49 parking spaces for this multiple dwelling located on 2109 Ottawa St. through adoption of By-law 124-2021. These existing conditions will remain the same after the severance.

3. PLANNING ANALYSIS:

The subject properties, identified as Concession 1 Part Lots 95 & 96, also municipally known as 1370 Argyle Rd and Concession 1 Part Lot 1 also municipally known as 2109 Ottawa St Sandwich East Concession 5 Part Lot 15, contain a commercial plaza (2109 Ottawa St.) and a multiple dwelling residential building (1370 Argyle Rd.). The applicant is seeking a technical severance to keep the existing properties separate pending a title/ownership merger. The uses of the subject properties will not change. The land is designated Mixed Use Node in the Official Plan. The proposed severance will not result in any minor variances on either the retained and severed lands.

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 - “*Building Homes, Sustaining Strong and Competitive Communities*” (Policy statement 2.8. of the PPS). The requested consent is consistent with these policies permitting and supporting a modern economy and providing services to the community while efficiently utilizing land, resources, and infrastructure.

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 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 for continuation of an orderly development pattern.

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.

ZONING BY-LAW 8600

The subject land is zoned as Commercial District 2.2 (CD2.2) with site-specific S.20(1)423 permitting many commercial uses as well as a multiple dwelling. Both the retained and severed properties will continue their existing uses.

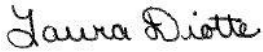
4. PLANNER'S OPINION:

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. The Planning Division in consultation with Engineering recommends approval of the applicant's request.



Averil Parent
Planner II – Development Review

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



Laura Diotte, MCIP, RPP
Manager of Development Applications

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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

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.

PLANNING DEPARTMENT - ZONING

No minor variance required.

Stefan Pavlica, Zoning Coordinator

PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS

Our comments remain consistent with SPC-013/20 AND Z-017/21. It should be noted that there is still an open Sewer permit from SPC-013/20 that is set to expire in 2026.

This department has no objection to the applicant's request.

Mark Schaffhauser – Technologist

PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING

Transportation Planning has no comments.

Elara Mehrilou - Transportation Planner

FORESTRY

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.

Marc Edwards – Supervisor, Forestry

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 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.lhoapplications.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

LANDSCAPE ARCHITECT/URBAN DESIGN

No comments provided at time of writing.

Hoda Kameli, Landscape Architect

WINDSOR POLICE SERVICES

The Windsor Police Service has no concerns or objections with any of the other applications listed in this agenda. In reviewing them, all are relatively minor in terms of their potential impact to public safety and security. None of the applications to be considered are therefore anticipated to create outcomes that will negatively impact the ability of the Windsor Police Service to provide proper and adequate response to incidents and other service delivery requirements.

Barry Horrobin, Director of Planning & Physical Resources

HERITAGE PLANNING

Since this is a technical severance application with no proposed land disturbances, Heritage Planning has no concerns and/or comments.

Tracy Tang – Heritage Planner