

CITY OF WINDSOR COMMITTEE OF ADJUSTMENT

MINUTES

FOR THE HEARING OF

May 30, 2024

A virtual hearing by the Committee of Adjustment for the City of Windsor was held on May 30, 2024, by Video Conference. The Hearing was called to order at 3:30 PM.

ATTENDANCE:

Present:

Committee Members

Mike Sleiman, Chair Dante Gatti, Vice-Chair Frank Cerasa, Member Mohammed Baki, Member

Jessica Watson, Secretary-Treasurer Riley Dufour, Committee Clerk

Regrets:

Joe Balsamo, Member

Also in attendance, Administrative staff representing the interests of the City of Windsor were:

Planning & Building Services Department

Simona Simion, Planner II
Zaid Zwayyed Planner II
Connor O'Rourke, Zoning Co-ordinator
Kareem Kudi, Planner II
Diane Radulescu, Planner II
Stefan Pavlica, Zoning Co-ordinator

Engineering & Geomatics Department

Thomas Huynh, Technologist I

Transportation Planning Department

Elara Mehrilou, Transportation Planner I Chris Gerardi, Transportation Planner

DISCLOSURE OF PECUNIARY INTEREST and the general nature thereof

* * * * *

There being no disclosure of pecuniary interest at this time, the following applications were considered in the order as contained herein.

FILE: A-020/24

APPLICANT and SUBJECT LANDS:

Owner(s): BILAL CHEHADE, 8957827 CANADA CORP

Subject Lands: PLAN 1126; LOT 1276 & PT ALLEY and known as Municipal Number

3244 BYNG RD

Zoning: Residential RD1.1

RELIEF: Construction of a single unit dwelling with reduced minimum lot

width, area, and side yards; maximum permitted garage width and

front yard paving

INTERESTED PARTIES PRESENT:

Andrew Lennon, Agent

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration.

DISCUSSION

Mr. Lennon confirms they are in agreement with the recommendations and comments provided in the report from Administration.

Mr. Lennon would like to contest the frontage of the variance. The Chair outlines that he is asking for what is being requested. The Chair asks administration if there are other lots in this size? Mr. Zwayyed, and outlines that there are 10-12 identifiable properties of this size within the block on Byng Rd.

The Chair asks for public presentation.

Linda Ward – Neighbour, 3245 Byng and has resided there for many years, she has a petition (attached to Minutes) with respect to this item, and has signatures with the majority of residents on the block, she has identifying her issues, with no disrespect for the proposed for this Lot. She notes – the issues are not about discouraging, which she outlines will be a "snout house" and the additions of the garages, have had to been placed at the rear of the lots. She outlines garages and driveway paving have become a norm, and she discusses trees being reinstated. She outlines the loss of vegetation, and the wildlife that lives in these trees, and feels there are too many obstacles with respect to the proposal on the lot is asking for the Committee to Deny.

Gerladine Joyce – Neighbour, 3237 Byng – Ms. Joyce outlines she has been there since 1973 and started with a small house in 89 and built and made larger. She outlined she had to stay within the building lots size and agrees with Ms. Ward. She said that a house that is going to be built should be like their neighbourhood, rather a snout house.

Joseph De Villa – Neighbour – His concerns are that is private drain is on that side, and how close would the house be to his actual property, and would he have access to do maintenance, or would this be taken over? The Chair outlines that there is 1.44 m from the property line? The Chair outlines, that the applicant would need to comply with the Ontario Building Code as well.

Mr. Ward outlines that Mr. De Villa and outlined that this lot was unable to be severed in the past, and outlines his concerns with the property lot line, and possible encroachments. She feels that past practices are not being adhered to, and she is objecting the proposal.

Petition and provided by residents:

IKE ET AT	NAME	SIGNAKUNE	NO	489	SMALL	DUIVA
523H	MANGWI	Kana	\mathbf{x}			· .
	N80 Y 088	1	4 20 15	-		
3225	BUULHNER	Pr ball	X 18915		-	
3215 3210	HOULK	L Hance	X			
3260	NOOLK	Loby Thatle	X			
3252	HEAL	Bruco	X			
8263	Madal	Med holowan	X		465	
3436	ZONCE	S. Joyce	X		<u>. Yes</u>	
- 3014	FARRON	My Ferran	X			:

Mr. Lenon outlines they are already in compliance, this is not a 2- story home, more so a raised ranch. He outlines that the encroachments have nothing to do with his property, however he feels the AC should be at the rear of the property. He outlines these infill lots are the intent for this type of use, they are not building old bungalows as in the past. The Agent outlines they can move the street pole/light, this can be done. Conversation continues surrounding the issues addressed by Ms. Ward. Mr. Lennon addresses with response.

Administration outlines this house is within the standard guidelines, meets the requirements, and the pitch of the roof is lower than the rest of the houses surrounding.

Mr. Gatti asks of any previous severance. Mr. Zwayyed outlines this was part of an old reference plan and existing. There is no date, but it is at least 30 years.

Moved by: M. Bakki

Seconded by: F. Cerasa

IT IS HEREBY DECIDED that the application BE GRANTED as applied for

CARRIED.

FILE: A-021/24

APPLICANT and SUBJECT LANDS:

Owner(s): LENNON DEVELOPMENTS CORP.

Subject Lands: PLAN 1215; LOTS 174 & 175 and known as Municipal Number 3215

BYNG RD

Zoning: Residential RD1.1

RELIEF: Accommodating a single unit dwelling with reduced minimum lot

width, lot area, and side yard width; exceeding maximum width of a

garage and maximum front yard paving.

INTERESTED PARTIES PRESENT:

Andrew Lennon, Agent

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr. Lennon confirms they are in agreement with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation.

Ms. Ward, Neighbour addresses her concerns. Ms. Simion outlines these are standalone lots, and no severances are required.

Moved by: F. Cerasa

Seconded by: D. Gatti

IT IS HEREBY DECIDED that the application BE GRANTED as applied for

CARRIED.

FILE: B-010/24

APPLICANT and SUBJECT LANDS:

Owner(s): ELSA MARIA MUSCEDERE, CELESTINO MUSCEDERE

Subject Lands: PLAN 287 PT LOT 9 &10 and known as Municipal Number 848

LANGLOIS AVE

Zoning: Residential RD1.3

REQUEST: Technical severance

INTERESTED PARTIES PRESENT:

Floro Culmone, Agent

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr Culmone, confirms they are in agreement with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation. None noted.

Moved by: M. Baki

Seconded by: D. Gatti

IT IS HEREBY DECIDED that the application BE GRANTED as applied for

CARRIED.

FILE: B-011/24

APPLICANT and SUBJECT LANDS:

Owner(s): RANDY CARROLL

Subject Lands: PLAN 1354 LOT 110 TO 112 and known as Municipal Number 558

EDINBOROUGH ST

Zoning: Residential RD1.3

REQUEST: The severance of above noted lands as shown on the attached

drawing to create two new lots fronting Edinborough St.

INTERESTED PARTIES PRESENT:

Anne Manina, Agent

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Ms. Manina confirms they are in agreement with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation. None noted.

Moved by: F. Cerasa

Seconded by: D. Gatti

IT IS HEREBY DECIDED that the application BE GRANTED WITH CONDITIONS

CARRIED.

FILE: A-022/24

APPLICANT and SUBJECT LANDS:

Owner(s): CESIDIO PAGLIA

Subject Lands: PLAN 1126; LOT 360 and known as Municipal Number 3341

RIBERDY RD

Zoning: Residential RD1.1

RELIEF: Construct a single unit dwelling with reduced minimum lot width, lot

area and rear yard depth.

INTERESTED PARTIES PRESENT:

Cesidio Paglia, Owner

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr. Paglia confirms they are in agreement with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation. None noted.

Moved by: M. Baki

Seconded by: D. Gatti

IT IS HEREBY DECIDED that the application BE GRANTED WITH CONDITIONS.

CARRIED.

FILE: B-012/24

APPLICANT and SUBJECT LANDS:

Owner(s): BDB DEVELOPMENT INC

Subject Lands: PLAN 1164; LOTS 139; 140; W PT LOT 141 & PT CLOSED ALLEY;

ON ANG and known as Municipal Number 7450 ST ROSE AVE

Zoning: Residential RD1.2

REQUEST: Severance of lands, as shown on the attached drawing for the

purpose of creating a new lot.

INTERESTED PARTIES PRESENT:

Shigi Liu, Agent

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Ms. Liu confirms they are in agreement with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation.

Al Polachok, Neighbour – outlines that he is not in support of the severance in a severe developed area, and he is concerned about his property and asks how many houses will be going up.

The property features an existing single unit dwelling that the applicant intends to demolish and is seeking severance to facilitate the construction of two new single unit dwellings on the property. The proposed use of both the severed and retained lots is residential and both lots are compliant with the minimum lot width and area required per the zoning district It's being separated into 2 parcels, for the build of 2 single homes.

Mr. Polachok outlines the row of cedar hedge, and if the construction will affect that with excavation. Mr. Liu outlines he "don't think so". The discretion will come from the City Forester, with respect to any removal. Trees not on City property are not addressed by the City, and is not within our jurisdiction making it a civil matter at such time.

Carol Agapito 892 Fairview– request some information about the proposed, with regards to her property, landscaping, vegetation and a garden with well-established trees, as it hangs on her property, and feels the significance of the development would jeopardize the enjoyment of her property, another vegetation within/and on the property limits inclusive of the trees within the abutting alley in the rear. Administration confirms there will be consultation with the City Forester prior to the removal of any trees.

Moved by: F. Cerasa

Seconded by: D. Gatti

IT IS HEREBY DECIDED that the application BE GRANTED WITH CONDITIONS.

CARRIED.

FILE: B-013/24

APPLICANT and SUBJECT LANDS:

Owner(s): MATTEA INCORPORATED

Subject Lands: PLAN 73 PT LOTS 12, 13 & 14;RP 12R15597 PTS 3 4 7 8 and known

as Municipal Number 938 TECUMSEH RD W

Zoning: Manufacturing MD2.1

REQUEST: Technical severance

INTERESTED PARTIES PRESENT:

Ryan Solcz, Agent

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration.

DISCUSSION

Mr. Solcz, confirms they are in agreement with the recommendations and comments provided in the report from Administration Mr. Solcz addresses his client is restoring the Lot, it has been transferred into the incorporated and Mattea, which initiated the technical merger, and it was on renounced. This came to their attention, at the time of sale last November, and the sale can't be complete. It was and inadvertent transferred. The subject properties merged under the same ownership. The applicant is seeking to convey part of the subject land for the purpose of creating a new lot to separate the properties Ms. Simona, on behalf of the Landscape Architect, City of Windsor, in which it should be noted there are 3 municipal trees that have been already removed without consultation with the City Forester, and the possibility of fines imposed or an invoice for the removal without permission. Mr. Solcz, outlines he isn't aware of this, and will advise/discuss with his clients.

The Chair asks for public presentation. None noted

Moved by: D. Gatti

Seconded by: F. Cerasa

IT IS HEREBY DECIDED that the application BE GRANTED as applied for

CARRIED.

FILE: A-023/24

APPLICANT and SUBJECT LANDS:

Owner(s): 9636650 CANADA LTD.

Subject Lands: PLAN 148; LOT 10 and known as Municipal Number 227 LANGLOIS

AVE

Zoning: Residential RD2.2

RELIEF: Construct a semi-detached dwelling unit with reduced minimum lot

width.

INTERESTED PARTIES PRESENT:

Jay Golshani, Owner

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr. Golshani confirms they are in agreement with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation. None noted

Moved by: F. Gatti

Seconded by: M. Baki

IT IS HEREBY DECIDED that the application BE GRANTED as applied for

CARRIED.

FILE: A-024/24

APPLICANT and SUBJECT LANDS:

Owner(s): POLISH PEOPLES HOME ASSOCIATION

Subject Lands: PLAN 430 LOT 251 N PT LOT 252 and known as Municipal Number

1279 LANGLOIS AVE

Zoning: Residential RD3.1

RELIEF: Construct a multiple dwelling exceeding the maximum number of

dwelling units, minimum lot area, side yard width, landscaped open space yard, number of parking spaces, number of visitor parking spaces, and parking area separation from an interior lot line.

INTERESTED PARTIES PRESENT:

Joe Passa, Agent

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr. Passa confirms they are in agreement with the recommendations and comments provided in the report from Administration.

Mr. Passa outlines that the variances previously came before the committee, and were granted prior, today is the additional parking spaces.

An objection letter was received and read by the Secretary-Treasurer to the public with respect to an objection received by a neighbour resident.

The Chair asks for public presentation. None noted

Ms. Holec, Polish Association, responds to the concerns addressed in the objection. She outlines she understands the concerns, and the parking concerns with the abutting building which are outlined that the parking is not the Polish associations concern. She outlined she will run these concerns will be run by the by the Multicultural Council association, at their next meeting. She is confident these issues can be met and a resolved..

Moved by: M. Bakki

Seconded by: F. Cerasa

IT IS HEREBY DECIDED that the application BE GRANTED WITH CONDITIONS.

CARRIED.

FILE: A-027/24

APPLICANT and SUBJECT LANDS:

Owner(s): THE CITY OF WINDSOR CORPORATION

Subject Lands: PLAN 1246 LOT 31 TO LOT 32 and known as Municipal Number 2969

LANGLOIS AVE

Zoning: Residential RD1.1

RELIEF: Construct single unit dwelling with reduced minimum lot width.

INTERESTED PARTIES PRESENT:

Stephanie Santos, Agent

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Ms. Santos confirms they are in agreement with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation. None noted

Moved by: F. Cerasa

Seconded by: D. Gatti

IT IS HEREBY DECIDED that the application BE GRANTED WITH CONDITIONS.

CARRIED.

FILE: A-025/24

APPLICANT and SUBJECT LANDS:

Owner(s): VRUNDA BHATT, DIPEN BHATT

Subject Lands: PLAN 1536 LOT 73 and known as Municipal Number 1177

BELLEPERCHE PL

Zoning: Residential RD1.1

RELIEF: Construct a carport with reduced minimum side yard width.

INTERESTED PARTIES PRESENT:

Dipen Bhatt, Owner

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr. Bhatt confirms they are in agreement with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation. None noted

Moved by: M. Baki

Seconded by: F. Cerasa

IT IS HEREBY DECIDED that the application BE GRANTED as applied for

CARRIED.

FILE: A-026/24

APPLICANT and SUBJECT LANDS:

Owner(s): JOHN ANTHONY ROSATI

Subject Lands: PLAN 490; PT LOTS 6 & 8 and known as Municipal Number 820

MONMOUTH RD

Zoning: Residential RD2.2

RELIEF: Construct an addition to a Townhome Dwelling Unit with reduced

minimum side yard.

INTERESTED PARTIES PRESENT:

David Mady, Agent John Roasti, Owner

PRELIMINARY PROCEEDINGS

The Chair confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr. Mady confirms they are in agreement with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation. None noted

Moved by: M. Baki

Seconded by: F. Cerasa

IT IS HEREBY DECIDED that the application BE GRANTED WITH CONDITIONS.

CARRIED.

FILE: A-028/24

APPLICANT and SUBJECT LANDS:

Owner(s): 1339408 ONTARIO INC.

Subject Lands: CON 2; PT LOTS 125 &126; RP 12R22621; PARTS 15 TO 28 and

known as Municipal Number 3565 FOREST GLADE DR

Zoning: Commercial CD2.1

REQUEST:

RELIEF: Reduced Building Set Back; removal of parking area landscape

separations between parking rows.

INTERESTED PARTIES PRESENT:

Bryan Pearce, Agent

PRELIMINARY PROCEEDINGS

Moved By: D. Gatti

Items A-028/24 and B-014/24, CON 2; PT LOTS 125 &126; RP 12R22621; PARTS 15 TO 28 and known as Municipal Number 3565 FOREST GLADE DR are concurrent and will be heard together.

The Chair confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr. Pearce confirms they are in agreement with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation. None noted

Moved by: M. Baki

Seconded by: F. Cerasa

IT IS HEREBY DECIDED that the application BE GRANTED WITH CONDITIONS.

CARRIED.

FILE: B-014/24

APPLICANT and SUBJECT LANDS:

Owner(s): 1339408 ONTARIO INC.

Subject Lands: CON 2; PT LOTS 125 &126; RP 12R22621; PARTS 15 TO 28 and

known as Municipal Number 3565 FOREST GLADE DR

Zoning: Commercial CD2.1

REQUEST: Consent to amend existing reciprocal access agreement. Consent to

amend the servicing agreement to allow for relocation of services.

INTERESTED PARTIES PRESENT:

Bryan Pearce, Agent

PRELIMINARY PROCEEDINGS

Moved By: D. Gatti

Items A-028/24 and B-014/24, CON 2; PT LOTS 125 &126; RP 12R22621; PARTS 15 TO 28 and known as Municipal Number 3565 FOREST GLADE DR are concurrent and will be heard together.

The Chair confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration.

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Mr. Pearce confirms they are in agreement with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation. None noted

Moved by: M. Baki

Seconded by: F. Cerasa

IT IS HEREBY DECIDED that the application BE GRANTED WITH CONDITIONS.

CARRIED.

FILE: B-015/24

APPLICANT and SUBJECT LANDS:

Owner(s): SUPREME HOMES GROUP INC.

Subject Lands: PLAN 1305 LOTS 153 154 & PT; CLOSED NORTH/SOUTH ALLEY and

known as Municipal Number 3445 CHURCH ST

Zoning: Residential RD1.4

REQUEST: Consent to sever alley.

INTERESTED PARTIES PRESENT:

PRELIMINARY PROCEEDINGS

The applicant is absent, and the Planner of the recommendation discusses the proposed development. Ms. Simion

The Chair asks if there are any questions/comments from Committee Members and Administration. None noted.

DISCUSSION

Ms. Simion discusses the proposed development and be noted that lots 153 and 154 are existing, being whole lots on a registered plan. The applicant is seeking to sever the alley only. The applicant intends to sell one of the existing lots along with half alley. The existing house will be demolished. The subject property was subject to Zoning Bylaw Amendment application to allow single unit dwellings on undersized lots. The application was approved on March 18, 2024 by Council Resolution CR123/2024 DHSC 591.

The Chair asks for public presentation. None noted

Moved by: M. Baki

Seconded by: F. Cerasa

IT IS HEREBY DECIDED that the application BE GRANTED as applied for

CARRIED.

ADOPTION OF MINUTES

After reviewing the draft minutes presented by the Secretary-Treasurer, it was								
	Moved by	D. Gatti						
	Seconded by	M. Baki,						
ADOP	That the minutes of the Committee of Adjustment Hearing held April 25, 2024 BE ADOPTED.							
	CARRIED.							
ADJOURNMENT:								
There being no further business before the Committee, the meeting accordingly adjourned at 4:45 p.m.								
Mike S	Sleiman, Chairperson		Jessica Watson, Secretary-Treasurer					