



CITY OF WINDSOR COMMITTEE OF ADJUSTMENT

MINUTES

FOR THE HEARING OF

March 28, 2024

A virtual hearing by the Committee of Adjustment for the City of Windsor was held on March 28, 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
Joe Balsamo, Member
Frank Cerasa, Member
Mohammed Baki, Member

Jessica Watson, Secretary-Treasurer
Riley Dufour, Committee Clerk

Regrets:

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

Planning & Building Services Department

Simona Simion, Planner III
Diana Raduiescu, Planner II
Brian Velocci, Site Plan Approval Officer
Connor O'Rourke, Zoning Co-Ordinator
Ana Lukas, Zoning Co-Ordinator
Zaid Zwayyed, Planner II
Stefan Fediuk, Landscape Architect

Engineering & Geomatics Department

Sandy Mio, Technologist I

Transportation Planning Department

Chris Gerardi, Transportation Engineer)

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Moved by Joe Balsamo; seconded by Dante Gatti that Riley Dufour **BE APPOINTED** as the Committee Clerk, Committee of Adjustment for the year 2024.

CARRIED.

**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.

APPLICANT and SUBJECT LANDS:

Owner(s): JODI LYNN BREAUTL

Subject Lands: PLAN 1097 LOTS 30 & 31 & PT;CLSD ALLEY and known as
Municipal Number 698 CHARLOTTE ST

Zoning: Residential RD1.3

RELIEF: To accommodate a single unit dwelling with reduced minimum
separation of below grade entrance from side lot line and reduced
minimum separation of accessory building from side lot line
(retained lot only).

INTERESTED PARTIES PRESENT:

Phillip McCullough, Agent
Jodi Breault, Owner

PRELIMINARY PROCEEDINGS

Moved by: Joe Balsamo

Seconded by: Dante Gatti

File A-08/24 and File B-005/24 being PLAN 1097 LOTS 30 & 31 & PT;CLSD ALLEY and known as Municipal Number 698 CHARLOTTE ST are concurrent and to 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. McCullough confirms they are in agreement with the recommendations and comments provided in the report from Administration. He outlines the permit to construct has already been obtained for the project.

The Chair asks for public presentation. None noted.

Moved by: Joe Balsamo

Seconded by: Frank Cerasa

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): JODI LYNN BREault
Subject Lands: PLAN 1097 LOTS 30 & 31 & PT;CLSD ALLEY and known as
Municipal Number 698 CHARLOTTE ST
Zoning: Residential RD1.3
REQUEST: The severance of lands, for the purpose of creating a new Lot.

INTERESTED PARTIES PRESENT:

Phillip McCullough, Agent
Jodi Breault, Owner

PRELIMINARY PROCEEDINGS

Moved by: Joe Balsamo

Seconded by: Dante Gatti

File A-08/24 and File B-005/24 being PLAN 1097 LOTS 30 & 31 & PT;CLSD ALLEY and known as Municipal Number 698 CHARLOTTE ST are concurrent and to be heard together.

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

DISCUSSION

Mr. McCullough confirms they are in agreement with the recommendations and comments provided in the report from Administration. He outlines the permit to construct has already been obtained for the project.

The Chair asks for public presentation. None noted.

Moved by: Joe Balsamo

Seconded by: Frank Cerasa

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): YAFEI CORPORATION

Subject Lands: PLAN 1126 LOT 1304 LOT 1305;PT CLSD ALLEY and known as Municipal Number 3376-3382 BYNG RD

Zoning: Residential RD1.1

RELIEF: To accommodate a single unit dwelling with reduced minimum lot width and area.

INTERESTED PARTIES PRESENT:

Katherine Zang, Agent

PRELIMINARY PROCEEDINGS

Moved by: Dante Gatti
Seconded by: Joe Balsamo

File A-010/24 and File B-006/24, File B-007/24 being **PLAN 1126 LOT 1304 LOT 1305;PT CLSD ALLEY and known as Municipal Number 3376 BYNG RD** are concurrent and to be heard together.

Ms. Simion outlines there was an amendment to the drawing uploaded on the website, the proposed easement is for the common driveway between the driveways and not the rear.

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

Mrs. Zang 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: Joe Balsamo

Seconded by: Frank Cerasa

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): YAFEI CORPORATION

Subject Lands: PLAN 1126 LOT 1304 LOT 1305;PT CLSD ALLEY and known as Municipal Number 3376 BYNG RD

Zoning: Residential RD1.1

REQUEST: Severance of lands for the purpose of creating a new Lot with easement for access.

INTERESTED PARTIES PRESENT:

Katherine Zang, Agent

PRELIMINARY PROCEEDINGS

Moved by: Dante Gatti
Seconded by: Joe Balsamo

File A-010/24 and File B-006/24, File B-007/24 being **PLAN 1126 LOT 1304 LOT 1305;PT CLSD ALLEY and known as Municipal Number 3376 BYNG RD** are concurrent and to be heard together.

Ms. Simion outlines there was an amendment to the drawing uploaded on the website, the proposed easement is for the common driveway between the driveways and not the rear.

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

Mrs. Zang 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: Joe Balsamo

Seconded by: Frank Cerasa

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): 2504877 ONTARIO INC

Subject Lands: PLAN 256 BLK 1 LOT 1 LOT 2;PT BEING 12R4479 PART 4 and known as Municipal Number 600 OUELLETTE AVE

Zoning: Commercial CD3.1

RELIEF: To accommodate a 17 -storey, 119 -unit residential condominium with minimum required amenity area, minimum required parking spaces, and minimum required loading spaces.

INTERESTED PARTIES PRESENT:

Tracey Pillon-Abbs, 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. Pillon-Abbs confirms they are in agreement with the recommendations and comments provided in the report from Administration. Mr. Gatti expresses concerns with the lack of parking spaces. Ms. Pillon-Abbs outlines that approval was sought 2 years ago and gained approval, and this application has since expired, due to a change in the construction time, so her client is re-applying with the same applications. With respect to the parking reduction, there was consultation with the City's Transportation Department and deemed suitable parking as a parking study was conducted, and in lieu of additional spaces, they met with the Engineering Department and it was agreed additional bike storage areas would be provided. The parking study confirmed that it can be reduced and it was justified that there would not be an impact with on street parking.

Mr. Cerasa adds that for commercial use, however this is not common with residential parking. Ms. Pillon-Abbs adds that this is in the down-town core, and there is a significant amount of parking available. Mr. Cerasa outlines there are 4 levels of parking, and asks if an additional level should be considered. Ms. Pillon-Abbs outlined that in this case, the decision was expired on Site-Plan Control, and the next steps are to apply for the draft of the conidium. The application has only expired as the construction was unable to be complete at this time. Ms. Pillon-Abbs outlines nothing has changed since then. Mr. Velocci outlines that Site Plan expired, and was approved, and there is a lapse, so this is why they are re-applying at this time. Mr. Cerasa outlines this is a new application and this is a new committee, and it should be considered what is before us, and not was approved in the past. Mr. Gatti addresses administration with respect to the significant changes, and that if the building has full occupancy, there would be a shortage of spaces, and he would like to know would the expectations are occupants would not have cars.

Mr. Velocci, outlines that with bus routes, and given the location, the available of walkable amenities this deficiency they feel is ok, as there are a lot of parking in the downtown core. Mr. Gatti asks for the parking downtown. Mr. Velocci outlines that was identified in the parking study, that there are garages nearby, and on-street parking. He outlines the walkability and that every unit may not have a car. He outlines that relief in the downtown core is given for these purposes, and that is in alignment with this proposal. The Chair asks if there is an agreement with the Parking Garage. Ms. Pillon-Abbs says no, but it is definitely and option. Mr. Cerasa feels this is a substantial reduction, and the requirement is for about 22 parking spaces. Mr. Balsamo outlines there is no conditions listed, and asks if there were any in the previous submission. Mr. Velocci outlines that only conditions would be applicable thru Site-Plan control and verifies that the past application before the committee did not have any conditions.

The Chair asks for public presentation. None noted

Moved by: Dante Gatti

Seconded by: Joe Balsamo

Opposed: Frank Cerasa

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): RONAN PATRICK CARRIG, JENNIFER CARRIG

Subject Lands: PLAN 1319; LOTS 33 & 34 and known as Municipal Number 2422
KILDARE RD

Zoning: Residential RD1.2

RELIEF: Construction of a pool with reduced minimum separation from the front lot line.

INTERESTED PARTIES PRESENT:

Ronan Carraig, 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. Carrig 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: Dante Gatti

Seconded by: Joe Balsamo

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): JACOB WILLIAM PICKERSGILL

Subject Lands: PLAN 1135; LOT 32 and known as Municipal Number 7840
CEDARVIEW ST

Zoning: Residential RD1.1

RELIEF: to accommodate a single unit dwelling with minimum lot width and side yard width.

INTERESTED PARTIES PRESENT:

Doug Pickersgill, 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. Pickersgill 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: Joe Balsamo

Seconded by: Frank Cerasa

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): YAFEI CORPORATION
Subject Lands: PLAN 1126 LOT 1306;PT CLSD ALLEY; and known as Municipal Number 3382 BYNG RD
Zoning: Residential RD1.1
REQUEST: Severance of lands for the purpose of creating a new Lot with easement for access.

INTERESTED PARTIES PRESENT:

Katherine Zang, Agent

PRELIMINARY PROCEEDINGS

Moved by: Dante Gatti
Seconded by: Joe Balsamo

File A-010/24 and File B-006/24, File B-007/24 being **PLAN 1126 LOT 1304 LOT 1305; PT CLSD ALLEY and known as Municipal Number 3376 BYNG RD** are concurrent and to be heard together.

Ms. Simion outlines there was an amendment to the drawing uploaded on the website, the proposed easement is for the common driveway between the driveways and not the rear.

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

Mrs. Zang 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: Joe Balsamo

Seconded by: Frank Cerasa

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

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

ADOPTION OF MINUTES

After reviewing the draft minutes presented by the Secretary-Treasurer, it was

Moved by: Dante Gatti,

Seconded by: Joe Balsamo

That the minutes of the Committee of Adjustment Hearing held **on February 28, 2024**
BE ADOPTED.

CARRIED.

ADJOURNMENT:

There being no further business before the Committee, the meeting accordingly adjourned at 4:00 p.m.

Mike Sleiman, Chairperson

Jessica Watson, Secretary-Treasurer