



CITY OF WINDSOR

COMMITTEE OF ADJUSTMENT

MINUTES

FOR THE HEARING OF

April 27, 2023

A hearing by the Committee of Adjustment for the City of Windsor was held on April 27, 2023,
Via Electronic Participation.
The Hearing was called to order at 3:30 PM.

ATTENDANCE:

Present:

Mike Sleiman, Chair
Dante Gatti, Vice-Chair
Joe Balsamo, Member
Mohammad Baki, Member

Jessica Watson, Secretary-Treasurer

Regrets: Frank Cerasa, Member

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

Simona Simion, (Planner II – Research & Policy Support) Planning Department
Pablo Golob(Planner II - Development Review) Planning Department
Jason Campigotto (Planner Site Plan Approval Officer) Planning Department
Brian Velocci (Planner III – Site Plan Approval Officer) Planning Department
Connor Cowan (Zoning Co-coordinator) Planning Department
Mark Schaffhauser, (Technologist) Engineering & Geomatics Department
Clare Amarceilli (Transportation Engineer) Transportation Planning
Stefan Fediuk, Landscape Architect, Parks Department

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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): EMILIA D CARREIRA

Subject Lands: LOT 52-54 & PART CLOSED ALLEY ON REGISTERED PLAN 1106.
and known as Municipal Number 643 CHARLOTTE ST

Zoning: Residential RD1.3

REQUEST: To sever the above noted lands as shown on the attached drawing
for the purpose of creating a new lot.

INTERESTED PARTIES PRESENT:

Debra Lynn Gibson, 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. Gibson 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: Mohammed Baki

Seconded by: Joe Balsamo

IT IS HEREBY DECIDED that the application **GRANTED WITH CONDITIONS** 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): **WARREN HINDS**

Subject Lands: **WEST PART LOT 28 ON REGISTERED PLAN 781. and known as
Municipal Number 700 BROCK ST**

Zoning: **Residential RD2.2**

RELIEF: **The change of use from combined building to single unit
dwelling/ADU with minimum lot area, width, front-yard depth, side-
yard depth and steps with greater height in which are encroaching
into front and side-yards, and exceeding the maximum deck side-
yard encroachment.**

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

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): WALTER DEMONTE

Subject Lands: PART LOT 141 ON CONCESSION 1. and known as Municipal Number 10770 RIVERSIDE DR E

Zoning: Residential RD1.6

RELIEF: To construct a single unit dwelling with reduced minimum front yard depth.

INTERESTED PARTIES PRESENT:

Cindy Prince, 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

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

The Chair asks administration if ERCA commented on this application. The Secretary-Treasurer responds and outlines with the change in the current legislation, Committee of adjustment is not required to circulate to ERCA for comments, and the onus is on the applicant/agent, if the property falls within the radius of floodplains or conservation areas.

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): AMER CLAYB

Subject Lands: LOT 25 & PART WATER LOT ON REGISTERED PLAN 981; PART 1 ON REFERENCE PLAN 12R-8136. and known as Municipal Number 8720 RIVERSIDE DR E

Zoning: Residential RD1.6

RELIEF: Construct an addition with reduced minimum front yard depth, exceeding maximum garage width and front yard paving.

INTERESTED PARTIES PRESENT:

Amer Clayb, 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.

DISCUSSION

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

Mr. Gatti asks administration what the minimum front yard depth would be to trigger a denial of the proposal. Ms. Simion outlines that the proposal are aligned with the characteristics of the neighbourhood and abutting lots. Mr. Cowan outlines the west lot is within average, and after review at this time for this proposal he is in support of this variance. The Chair outlines on the plan the grade entrance on the Westside of the property and is it existing or new? The Owner outlines it is existing, the Chair outlines if there is an encroachment. Mr. Cowan outlines it is an existing encroachment. The Chair outlines of the address block (stone) at the front of the property and if it is in the public right of way? Mr. Schaffhauser outlines it wasn't visible at the time of the review.

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): WINDSOR COMMONS (2021) INC

Subject Lands: PART LOTS 87 & 88 ON CONCESSION 3, PARTS 1 & 2 ON
REFERENCE PLAN 12R-13302. and known as Municipal Number 655
SYDNEY AVE

Zoning: Commercial CD4.1

RELIEF: A reduction in required minimum parking for a major commercial
centre

INTERESTED PARTIES PRESENT:

Jerry Kavanaugh, Agent
Tony Chau, 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. Kavanaugh confirms they are in agreement with the recommendations and comments provided in the report from Administration. Mr. Gatti outlines if there is a ratio with a square footage of the building. Mr. Campigotto outlines as per the Bylaw 8600, the parking ratio has been calculated and minimum regulated parking with the regulatory requirement to be 570 spaces, and the reduction with the minimum today is asking for the variance of 473 spaces. Mr. Campigotto asked confirmed there was a request of a traffic study by the applicant and confirms it was submitted and reviewed by the Transportation Planner, prior to his recommendation to the Committee, with no further concerns. Mr. Gatti asks of other commercial buildings that are with insufficient parking in the City and if they have been denied in the past? Mr. Campigotto says he doesn't recall any particularly, but he knows the traffic study, vs the regulatory bylaw outlined a surplus and this is the purpose of the variance request

Chair asks for public presentation. None noted

Moved by: Mohammed Baki

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): MEDDCO PROPERTIES INC

Subject Lands: LOTS 540-543, PART LOT 539 ON REGISTERED PLAN 435. and known as Municipal Number 325 GILES BLVD W

Zoning: Residential RD3.4

RELIEF: Existing multiple dwelling with reduced parking rate.

INTERESTED PARTIES PRESENT:

Milan Seres, 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. Seres, confirms they are in agreement with the recommendations and comments provided in the report from Administration. The Chair asks of the plans for the underground parking. Mr. Sere's outlines they would like to decommission the underground parking with the supporting beams, and he feels it would make it impossible with these beams to still be applicable. Mr. Cowan outlines it would require building or rezoning for this to happen Mr. Balsamo ask for confirmation with the reduced parking, will there be sufficient parking for all tenants in the building. Mr. Sere's outlines currently they there are enough assigned parking saves.

The Chair asks for public presentation. None noted

Moved by: Joe Balsamo

Seconded by: Dante Gatti

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): 1571621 ONTARIO LIMITED

Subject Lands: BLOCK 8, PART LOT 7, PART LOT 8 ON REGISTERED PLAN 358.
and known as Municipal Number 1291 OUELLETTE AVE

Zoning: Commercial CD3.5

RELIEF: Conversion of existing medical office into a four (4) unit multiple dwelling with maximum total tread area, side-yard encroachment and side yard below grade entrance encroachment.

INTERESTED PARTIES PRESENT:

Maged Basilious, 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. Basilious, 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: Mohammed Baki

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): 2536117 ONTARIO LIMITED

Subject Lands: LOT 1 ON REGISTERED PLAN 752. and known as Municipal Number 1252 LINCOLN RD.

Zoning: Residential RD2.1

RELIEF: Creation of additional dwelling unit within a detached accessory in the rear yard of a single unit dwelling with maximum lot coverage.

INTERESTED PARTIES PRESENT:

Patrick Daragon, Agent
Joel and Terry Brennan, Public

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. Daragon, confirms they are in agreement with the recommendations and comments provided in the report from Administration. . Mr. Balsamo asks if the agent received the objections. Mr. Daragon has outlined he did receive the objection and assured there would not be any damage or excessive noise.

The Chair asks for public presentation.

A concerned neighbour comes forward and outlines issues with overshadowing and private homes within the area, he is concerned with congestion of the amount of units and parking would be needed in an already congested issue, as this is going to be a multi-use 4 unit rental property and expresses his concerns. The agent outlines this is for a single unit dwelling only and not the 4-unit with parking on the property for the unit, and expressed the position of the dwelling would include adjacent parking behind the unit to allocate the unit's needs. Mr. Brennan outlines that it is going to be a 2 story unit. The neighbour voices concerns with respect to construction, debris in his pool, and not having the ability to open windows this season, and the respect for privacy as the proposed will be looking into their backyard. The Neighbour outlines he has a petition from the 30 nearby neighbours, which are not in support of this dwelling. He also discusses the aesthetics of the current neighbourhood and this is not comparable to it. The Agent realizes the concerns and outlines with this construction which is no different than all other builds within any neighbourhood. He feels the lot coverage is in compliance and parking. Mrs. Brennan responds with her concerns of debris, dust and privacy in her pool and the uncomfortable situation it puts her family in. Mr. Brennan outlines the proximity of the new build to his house, and it will lower his property value and the re-sale value.

The Chair thanked the neighbours for coming forward and outlines that anyone can build on his or her own lot currently provided they meet the required by-laws. He outlines the committee is here for the proposed variances as is, and the builder can build within the bylaw now, if desirable. There is a confusion with the purpose of what the need for the committee of adjustment is for and the chair outlines the purpose for the variance proposed before the Committee. Discussions from the Planner outline that this is an additional 5.4% variance only. The Chair outlines with the 10% permitted By-law in place, construction may take place as of now and a building permit would not be denied, so he understands the construction concerns, however the position of the committee is for the variance of the increased 5.4% and all the other concerns are out of the Committee's jurisdiction. Mr. Gatti, echoes the Chairs comments on the concerns being

1. The inconvenience of construction, and that anyone at any time can tear down and rebuild without coming to the committee, so it is not considered by the committee of adjustment.

2. The Aesthetics are not a consideration for the Committee to consider. The decision is only the lot coverage of 10% to 15.4%. Options for addressing the neighbours preventative possible damages, by contacting the City's 311 or the By-law officers or parking enforcement to deal with these issues/matters for future remedy.

Mr. Robertson from the Planning Department, outlines the legislation is provincial and has been passed, and has paved the way for this to happen, and every property has the same opportunity to develop as such, and concurs with the statements already provided. He outlined that the increase of the 10% – 15.4% isn't a significant difference, or impact to the neighbourhoods. Mr. Robertson outlines if any violations of by-laws happen, to contact the City of Windsor. Mr. Gatti asks to have a discussion on the motion after calling for a denial. His reason for the motion of denial for the 15.4% variance is that he understands the legislation has changed, and he is not in support and in this sort of neighbourhood with support of a petition from 30 neighbours for an objection to the variance, and he feels the ADU must be in compliance if moving forward and should be built properly and within the Bylaw requirements. In this matter, it doesn't sit right with him and he has voted for it to be denied. Mr. Gatti outlines there is a reason for people to receive notice, and due to the volume of objections and complaints before the committee today, that he is not going to support the variance as proposed and the applicant can build with the 10% By-law allowance. Mr. Baki, and Mr. Balsamo agree that the 10% ADU can still be built within the regulatory allowance, however are both not in support of the 5.4 % increase as well.

Moved by: Dante Gatti

Seconded by: Mohammed Baki

IT IS HEREBY DECIDED that the application for the increase of the 15.4% (being the 5.4% additional above the 10% maximum) minor variance **BE DENIED**.

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): CARLA JEAN DE QUEIROZ

Subject Lands: LOT 274 ON REGISTERED PLAN 906. and known as Municipal Number 1760 MOY AVE

Zoning: Residential RD2.1

RELIEF: Creation of an additional dwelling unit within a detached accessory building in the rear yard of a single unit dwelling with maximum lot coverage and minimum separation of exterior stairs from property line.

INTERESTED PARTIES PRESENT:

Patrick Daragon, 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. Daragon 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: Mohammed Baki

Seconded by: Dante Gatti

Opposed: 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): 1000018711 ONTARIO LIMITED

Subject Lands: PART LOT 1 ON REGISTERED PLAN 1034, PART 2-7 ON
REFERENCE PLAN 12R-18003, PART LOT 128 ON CONCESSION 1.
and known as Municipal Number 7931 RIVERSIDE DR E

Zoning: Commercial CD2.1

RELIEF: To reduce the minimum required parking spaces.

INTERESTED PARTIES PRESENT:

Anthony Mandarino, Agent

PRELIMINARY PROCEEDINGS

****Mr. Gatti declares a conflict of interest to this item.**

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. Mandarino confirms they are in agreement with the recommendations and comments provided in the report from Administration. Mr. Balsamo asks about parking. Mr. Mandarino outlines the number of patients at any given time that would visit the office as per appointments and rooms available, and confirms the capacity would be within the parking compliance.

The Chair asks for public presentation. None noted

Moved by: Mohammed Baki

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.

ADOPTION OF MINUTES

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

Moved by Dante Gatti,
Seconded by Mohammed Baki

That the minutes of the Committee of Adjustment Hearing held **March 30, 2023 BE**
ADOPTED.

CARRIED.

ADJOURNMENT:

There being no further business before the Committee, the meeting accordingly adjourned at
5:00 p.m.

Mike Sleiman, Chairperson

Jessica Watson, Secretary-Treasurer