



CITY OF WINDSOR

COMMITTEE OF ADJUSTMENT

MINUTES

FOR THE HEARING OF

December 15, 2022

A hearing by the Committee of Adjustment for the City of Windsor was held on December 15, 2022, located ,Via Electronic Participation.
The Hearing was called to order at 3:30 PM.

ATTENDANCE:

Present:

Mike Sleiman, Chair
Tom McMahon, Vice-Chair
Dante Gatti, Member
Joe Balsamo, Member

Natasha McMullin, Acting Secretary-Treasurer

Regrets: Jessica Watson, Secretary-Treasurer

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
Zaid Zwayyed (Zoning Co-ordinator) Planning Department
Thomas Hynuh, (Technologist I) Engineering & Geomatics Department
Shannon Deehan (Transportation Engineer) Transportation Planning
Clare Amicarelli (Transportation Engineer) Transportation Planning
Stefan Fediuk, Landscape Architect, Parks Department
Averil Parent, Asset Coordinator Asset Planning

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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): JARF HOLDINGS LIMITED, 997075 ONTARIO LIMITED, KIDOMAT CANADA LIMITED

Subject Lands: PART LOT 102 &103; CONCESSION 2 and known as Municipal Number 2525 CENTRAL AVE

Zoning: Manufacturing MD1.4

REQUEST: The conveyance of lands as shown on the attached drawing for the purpose of creating a new Lot.

INTERESTED PARTIES PRESENT:

Donald Rodzik, Owner
Gerald Trottier, 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. Rodzik confirms they are in agreement with the recommendations and comments provided in the report from Administration.

Mr. McMahon confirms that one of the conditions prior to deferral, that the City would take a portion of existing property, but the conditions have changed where it would only affect the new lot, and an agreement had been made. Ms. Simion confirms this.

Mr. Sleiman confirms whether there would be sufficient parking for vehicles if the application was approved. Ms. Simion states that there are no deficiencies but refers the question to Zoning. Mr. Zwayyed states that there is sufficient parking but the details cannot be confirmed as they don't have records of the Gross Floor Area of the property, but it seems that they have sufficient spaces as is. Mr. Sleiman questions how this is determined. Mr. Zwayyed states that the current use doesn't require a high parking rate. Mr. Sleiman questions the total area of the factory. Mr. Rodzik cannot confirm, but approx. 250,000 sq ft. and states that there is sufficient parking along Central Ave and Meldrum. The application doesn't take away or amend any of the current parking.

The Acting Chair asks for public presentation. None noted

Moved by: Joe Balsamo

Seconded by: Dante Gatti

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): VICTORIA MARGARET BROUWER

Subject Lands: PART LOT 15, SANDWICH SOUTH CONCESSION 8 & PART 2 ON REFERENCE PLAN 12R-28324. and known as Municipal Number 4605 JOY RD

Zoning: Residential RD1.1

RELIEF: Creation of a Single Unit Dwelling with reduced side yard.

INTERESTED PARTIES PRESENT:

Kip Brouwer, 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. Brouwer 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: Tom McMahon

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): SERBIAN ORTHODOX CHURCH AND SCHOOL CONGREGATION OF ST. DIMITRIJE CHURCH

Subject Lands: LOT 31 ON REGISTERED PLAN 1216. and known as Municipal Number 1478 ALBERT RD and 2690 ALBERT RD

Zoning: Residential RD1.3 - Albert Rd; ID1.1, CD1.1, RD1.3 (2690 Seminole)

REQUEST: The severance of the above noted property, as shown on the attached drawing for the purpose of a Lot addition

INTERESTED PARTIES PRESENT:

None noted.

PRELIMINARY PROCEEDINGS

The Chair asks whether the Committee Members would like to continue with this application with no one present to represent.

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

DISCUSSION

Ms. Simion summarizes what the applicant is requesting. Seeking to convey part of the land, Plan 1216 Lot 31 (1478 Albert Rd) for the purpose of a lot addition to the property 2690 Albert Rd. The part to be severed will be added to the property to the southwest for the purpose of creating an irregular property and Part 1 will be retained. Administration is recommending approval with no conditions.

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): SARKIS KANTARJIAN, BBC INVESTMENTS LTD

Subject Lands: PART LOT 9 ON REGISTERED PLAN 1478. and known as Municipal Number 745 CABANA RD W

Zoning: Residential RD1.4

REQUEST: The severance of the above noted property as shown on the attached drawing, for the purpose of creating a new Lot.

INTERESTED PARTIES PRESENT:

Robert Crescenzi, Agent
Sandeep Kumar, Neighbour

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. Ms. Simion informed the Committee that Mr. Crescenzi is a City of Windsor employee but has had no involvement in the process of reviewing this application.

DISCUSSION

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

Mr. Sleiman questions why the proposed use for the subject property is stated as “to be determined” and the reasoning. Mr. Crescenzi states that the property will remain residential but cannot speak to what the owners are proposing. Once the lot severance is complete, then they will demolish the existing house and planning to build on the two parcels created. Mr. Sleiman confirms the zoning of the property with Administration and permitted uses as Single Unit Dwelling. Mr. Zwayyed confirms the dimensions of the lot.

The Chair asks for public presentation. Mr. Sandeep Sampath Kumar, a neighbouring resident, asks how the services will be provided to the second parcel of land that is being severed. Ms. Simion confirms that a condition of approval requires site servicing drawings and refers the question to Engineering. Mr. Kumar questions how approval and implementation of services will occur with this address and whether it's possible, as there are no existing servicing other than electrical on McGraw Ave. Mr. Huynh confirms there are sanitary and sewer connections that they can connect to on Cabana, and sanitary on McGraw. The drawings confirm that the services will be connecting to Cabana. Mr. Kumar asks who would pay for these new services. Mr. Huynh confirms that this is the applicant's responsibility.

Moved by: Joe Balsamo

Seconded by: Dante Gatti

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): JIAN LU

Subject Lands: LOT 218 ON REGISTERED PLAN 1072 and known as Municipal Number 3626 BLOOMFIELD RD

Zoning: Residential RD1.3

REQUEST: The severance of the above noted property, as shown on the attached drawing for the purpose of creating a new Lot.

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: Tom McMahon

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): 380 GILES BLVD W INC

Subject Lands: PART LOT 411; LOT 412 & 413 ON REGISTERED PLAN 435 and known as Municipal Number 380 GILES BLVD W

Zoning: Residential RD3.1

RELIEF: The addition of an internal dwelling unit with reduced minimum Lot area and parking rate

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.

DISCUSSION

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

Mr. Balsamo asks Administration if having zero parking spots will cause on-street parking issues by having one less parking spot.

Mrs. Simion defers the application to Transportation Planning.

Ms. Deehan states a parking study and site specific demand study were conducted to determine peak parking demand, and concluded that there is sufficient parking in the parking lot, on-street parking on the adjacent streets, and it shouldn't be an issue.

Mr. Sleiman asks how many parking spots are existing currently. Ms. Deehan states that there are 15 spaces. Mr. Sleiman states that 15 spaces is not sufficient to accommodate. Ms. Deehan agreed that with the addition there would be 16 units total, but parking study states that there was never a point where all 15 parking spots were occupied during peak demand hour at 6 pm.

Mr. Sleiman asks to confirm how many units are on-site. Ms. Simion states there are 15 units, and the applicant is asking to add one more to make a total of 16 units. Mr. Sleiman asks Administration if site visits are completed to confirm the number of units. Ms. Simion states that it is not completed, and information is based on records. The applicant states there are 15 units and the records, building permits issued in the past confirm that. Mr. Sleiman asks Ms. Pillon-Abbs to confirm this, as he knows the building and he believes that the building has 16 units already. Ms. Pillon-Abbs states the floor plan submitted with the application shows 15 units, which has been confirmed with an Architect's site visit and that the new unit complied with the building code. Ms. Simion states that she will make a note to request that a building inspector will confirm the number of units and this will not be considered a condition. Mr. McMahon and Mr. Balsamo agree with Ms. Simion's suggestion, and if there is a discrepancy that they will have to come back to Committee.

Mr. Robertson states that the report makes reference to 16 units and if the application is approved then that is what Committee is comfortable with, and if the building inspector confirms that there are 16 units in the building that have legalized the 16th unit. If there is 16 units and they want 17 units, they will not issue a permit and they will have to come back to Committee for approval.

The Chair asks for public presentation. None noted.

Moved by: Tom McMahon

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): TAMARA ROSE HOFACER

Subject Lands: LOT 382 ON REGISTERED PLAN 1054. and known as Municipal Number 2196 HALL AVE

Zoning: Residential RD1.2

RELIEF: Construct canopy exceeding maximum accessory building Lot coverage and addition to main dwelling with reduced minimum side yard.

INTERESTED PARTIES PRESENT:

Tamara Hofacer, 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

Ms. Hofacer 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: Tom McMahon

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): DAVINCI'S PROPERTY SOLUTIONS INC

Subject Lands: LOTS 1276, 1277 & PART CLOSED ALLEY ON REGISTERED PLAN 1126. and known as Municipal Number 3248 BYNG RD

Zoning: Residential RD1.1

REQUEST: To sever part of the alley, as shown on the attached drawing, for the purpose of Lot addition

INTERESTED PARTIES PRESENT:

John Zuliani, 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. Zuliani 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): MANAL AMHAZ

Subject Lands: LOT 6, BLOCK D ON REGISTERED PLAN 134 and known as
Municipal Number 546 ELLIOTT ST E

Zoning: Residential RD1.3

RELIEF: Closure of the existing covered porch and construction of access
stairs at the front yard requesting relief from required front yard
depth and minimum separation of stairs from the front lot line.

INTERESTED PARTIES PRESENT:

Manal Amhaz, 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

Manal Amhaz confirms they are in agreement with the recommendations and comments provided in the report from Administration.

Mr. Balsamo confirms with the applicant that the new porch will not go on the sidewalk but before the sidewalk. Ms. Amhaz states the porch already existed and Administration stated that the position of the stairs need to be changed to create more space between the porch and the sidewalk.

Mr. Sleiman asks if the porch was there before the purchase of the house. Ms. Amhaz confirms that it was a covered porch prior. Mr. Golob confirms that the porch was existing and since has been enclosed and this has triggered these variances brought forth to Committee, therefore needing a building permit and conforming to by-laws. Mr. Sleiman has a discussion with Administration regarding how a building inspector can determine whether changes comply with interior building code. Mr. Golob states that drawings and the building permit application would be reviewed by the Building Department and if it complies with building code then the application will be approved.

Mr. McMahan confirms if the steps had been changed. Ms. Amhaz stated they haven't changed the stairs but Administration is requiring that to be an enclosed porch that it required a minor variance to comply with building code as the porch is too close to the sidewalk. Mr. Golob states that the drawings have been reviewed by the Building Department to make sure they comply with code, and it's been determined that a landing must be constructed, requiring the applicant to rotate the steps.

The Chair asks for public presentation. None noted

Moved by: Tom McMahan
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 Joe Balsamo

That the minutes of the Committee of Adjustment Hearing held **November 17, 2022 BE ADOPTED.**

CARRIED.

ADJOURNMENT:

There being no further business before the Committee, the meeting accordingly adjourned at 4:15 p.m.

Mike Sleiman, Chairperson

Natasha McMullin, Acting Secretary-Treasurer