

The Inaugural Meeting for the Committee of Adjustment for The City of Windsor was held on the 23<sup>rd</sup> day of February, 2023, as an on-line conference meeting format, Windsor, Ontario. The meeting was called to order at 3:30 PM

Mike Sleiman opened the floor for nominations in the order as they appear below.

Moved by Joe Balsamo, seconded by Frank Cerasa  
That Mike Sleiman **BE APPOINTED** as the Chairperson of the Committee of Adjustment for the year 2023.  
**CARRIED.**

Moved by Mike Sleiman, seconded by Frank Cerasa that the nomination of the Vice-Chairperson of the committee of Adjustment **BE DEFERRED** to the next meeting.  
**CARRIED.**

Moved by Mike Sleiman , seconded by Joe Balsamo  
that Jessica Watson **BE APPOINTED** as the Secretary-Treasurer of the Committee of Adjustment for the year 2023.  
**CARRIED.**

Moved by Mike Sleiman , seconded by Joe Balsamo  
that Neil Robertson (Manager of Urban Design) **BE APPOINTED** as the Acting Secretary-Treasurer to the Committee of Adjustment for the year 2023.  
**CARRIED.**

Moved by Mike Sleiman , seconded by Joe Balsamo  
that Natasha McMullen **BE APPOINTED** as the Acting Secretary-Treasurer to the Committee of Adjustment for the year 2023.  
**CARRIED.**



# **CITY OF WINDSOR**

## **COMMITTEE OF ADJUSTMENT**

### **MINUTES**

**FOR THE HEARING OF**

**February 23, 2023**

A hearing by the Committee of Adjustment for the City of Windsor was held on February 23, 2023, located , Via Electronic Participation.  
The Hearing was called to order at 3:30 PM.

**ATTENDANCE:**

**Present:**

Mike Sleiman, Chair  
Joe Balsamo, Member  
Frank Cerasa, Member  
Mohammed Baki, Member

Jessica Watson, Secretary-Treasurer  
Natasha McMullin, Committee Clerk

Regrets: Dante Gatti

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 III – Site Plan Approval Officer) Planning Department  
Connor Cowan (Zoning Co-ordinator) Planning Department  
Amy Kurek (Technologist I) Engineering & Geomatics Department  
Clare Amicarelli, (Transportation Engineer) Transportation Planning  
Stefan Fediuk, Landscape Architect, Planning Department

\* \* \* \* \*

**DISCLOSURE OF PECUNIARY INTEREST**  
**and the general nature thereof**

Mr. Balsamo disclosed pecuniary interest in Item # 4 - 6200 EDGAR ST, and will remove himself at such time for discussion.

**APPLICANT and SUBJECT LANDS:**

**Owner(s):** ALLAN KENNETH LEWIS

**Subject Lands:** PART LOT 69 ON REGISTERED PLAN 1478 and known as Municipal Number 4325 CASGRAIN DR

**Zoning:** Residential RD1.4

**REQUEST:** The severance of lands, as shown on the attached for the purpose of creating a new Lot.

**INTERESTED PARTIES PRESENT:**

Allen Lewis, Applicant

**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. Lewis 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: Mohammed Bakki

**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):** MUHAMET BAKIR BASTURK

**Subject Lands:** PART LOT 1421, 1423, WEST PART LOT 1423 & PART CLOSED STREET, LOT 1422 & 1424 ON REGISTERED PLAN 1059 and known as Municipal Number 2883 & 2891 TECUMSEH RD W

**Zoning:** Residential RD2.2

**REQUEST:** Technical severance as shown on the attached drawing, for the purpose of creating a new Lot.

**INTERESTED PARTIES PRESENT:**

Ali Parla, 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. Parla confirms they are in agreement with the recommendations and comments provided in the report from Administration. Mr. Parla, asks for confirmation from administration about the comment of legalization of the concrete steps, and that he has spoken with his client as he had no knowledge of the condition. Mr. Parla has emailed the applicant, whom is out of the country currently, and the client outlined he will do what is required to be sure everything is legal as per the satisfaction of the City Engineer.

The Chair asks for public presentation. None noted

Moved by: Frank Cerasa

Seconded by: Mohammed Bakki

**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):** HOTEL DIEU HOSPITAL OF ST JOSEPH

**Subject Lands:** LOTS 1-14, BLOCK 5 ON REGISTERED PLAN 271; PART LOT 180 & PART DUFFERIN ST CLOSED, LOTS 168, 169, 172, 173, 176, & 177 ON REGISTERED PLAN 1303; PART 1 ON REFERENCE PLAN 12R-14793. and known as Municipal Number 1004 OUELLETTE AVE

**Zoning:** Institutional ID1.2

**RELIEF:** Erection of a Ground Sign with an partial Electronic Sign Face with maximum sign height, face area and electronic change copy.

**INTERESTED PARTIES PRESENT:**

Jeffery Dow, 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. Dow confirms they are in agreement with the recommendations and comments provided in the report from Administration. Mr. Balsamo addresses administration asking for clarification of the bylaw, that outlines 3<sup>rd</sup> Party advertising is not allowed, and makes reference to billboards only. Mr. Fediuk responds to Mr. Balasmo's and advises this is not a billboard, therefore the variance is required.

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):               **CONSEIL SCOLAIRE DE DISTRICT DES ECOLES CATHOLIQUES DU  
SUD-OUEST**

Subject Lands:       **PART LOTS 117 & 118 ON CONCESSION 1 and known as Municipal  
Number 6200 EDGAR ST**

Zoning:               **Green GD1.2**

RELIEF:               **Erection of a Ground Sign with a partial Electronic Sign Face with  
minimum separation from residential.**

**INTERESTED PARTIES PRESENT:**

Jeffery Dow, 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. Dow 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:       Frank Cerasa

Seconded by: Mohammed Bakki

**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):** VITO MAGGIO HOLDINGS INC.

**Subject Lands:** LOT 33 ON REGISTERED PLAN 543 and known as Municipal Number 677 ST LUKE RD

**Zoning:** Manufacturing MD1.2

**RELIEF:** The creation of a warehouse with reduced side yards width.

**INTERESTED PARTIES PRESENT:**

Sydney Bailey, 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. Bailey 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: Frank Cerasa

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):** YANGDONG SONG

**Subject Lands:** LOTS 8 & 9 ON REGISTERED PLAN 530. and known as Municipal Number 968 WINDSOR AVE

**Zoning:** Residential RD2.2

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

**INTERESTED PARTIES PRESENT:**

Robert Brown, 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. Brown confirms they are in agreement with the recommendations and comments provided in the report from Administration. Mr. Cerasa asks if there is an application for a Lot grading plan. The Chair outlines before us is an application for only severance at this time. The request for these types of plans will be required at the permit level, and at such time, the applicant would receive instruction.

The Chair asks for public presentation. None noted

Moved by: Mohammed Bakki

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):** JOHN RIBSON JRAD INVESTMENTS INC.

**Subject Lands:** LOT 252 ON REGISTERED PLAN 937. and known as Municipal Number 875 ERIE ST E

**Zoning:** Commercial CD2.2

**RELIEF:** The creation of a rooftop patio for existing restaurant with minimum parking spaces.

**INTERESTED PARTIES PRESENT:**

Dan Soleski, 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. Soleski outlines he has not read the report. Mr. Balsamo addresses administration with any parking restraints in the area. Mr. Golob outlines the review of the proposal and municipal lots and addition to on street parking, the deficiency of this nature would not negatively affect those surrounding the proposed location.

The Chair asks for public presentation. None noted

Moved by: Frank Cerasa

Seconded by: Mohammed Bakki

**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):** SOURAYA CHAMI

**Subject Lands:** PART LOT 2, LOT 1 & 3 ON REGISTERED PLAN 519; PART 1 ON REFERENCE PLAN 12R-26615. and known as Municipal Number 507 MARENTETTE AVE

**Zoning:** Residential RD2.2

**RELIEF:** Creation of a 4 unit townhome dwelling with reduced corner lot separation and side yard width,

**INTERESTED PARTIES PRESENT:**

Fouad Badour, Agent

**PRELIMINARY PROCEEDINGS**

The Chair confirms he knows the Agent, and does not have any financial gains in 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.

**DISCUSSION**

Mr. Badour confirms they are in agreement with the recommendations and comments provided in the report from Administration. Mr. Cerasa asks for the measurements of the proposed variance, and notes he does not have the notes for this item. The Chair, asks of the measurements. The Chair outlines the requirements of the corner lot and measurements and the proposed of the 2.7 m, and the side yard of the proposed 0.5m.

Mr. Bakki outlines the measurements are outside of the by-law, and seeks further clarification with allowance on average as he feels 3 m is significant. Mr. Golob further explains the variance and consultation held with the Engineering and Public Works, and both departments outlined no concerns with reduction. The 6 metres are in place for site lines on corner lots, however with the setback, the reduction was appropriate.

The Chair asks for public presentation. None noted

Moved by: Frank Cerasa

Seconded by: Joe Balsamo

Abstain: Mohammed Bakki

**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):** CALVARY BAPTIST CHURCH

**Subject Lands:** PART LOT 139 ON CONCESSION 1; LOTS 14, 15, 37-43 & PART BLOCK B ON REGISTERED PLAN 1094; PARTS 1 & 8 ON REFERENCE PLAN 12R-27842. and known as Municipal Number 525 ELINOR ST

**Zoning:** Residential RD1.2

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

**INTERESTED PARTIES PRESENT:**

Jared Schmidt, Agent  
Serban Dumitrescu, Neighbour

**PRELIMINARY PROCEEDINGS**

The Chair asks for motion to hear items 9 and 10 together. PART LOT 139 ON CONCESSION 1; LOTS 14, 15, 37-43 & PART BLOCK B ON REGISTERED PLAN 1094; PARTS 1 & 8 ON REFERENCE PLAN 12R-27842. and known as Municipal Number 525 ELINOR ST.

Moved by: Joe Balsamo

Seconded by : Frank Cerasa

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

The Chair asks for public presentation.

There is a concern from the public present – Mr. Dumitrescu, with current parking concerns and accidents that occur on Elinor Street, being the concern with 2 additional lots on the street, what can be done about this? Mr. Golob outlines that Transportation was in support of the single unit dwelling, and will be providing a parking space, and this will not impact parking on the street.

Moved by: Joe Balsamo

Seconded by: Frank Cerasa.

**IT IS HEREBY DECIDED** that the application **BE 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):** CALVARY BAPTIST CHURCH

**Subject Lands:** PART LOT 139 ON CONCESSION 1; LOTS 14, 15, 37-43 & PART BLOCK B ON REGISTERED PLAN 1094; PARTS 1 & 8 ON REFERENCE PLAN 12R-27842. and known as Municipal Number 525 ELINOR ST

**Zoning:** Residential RD1.2

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

**INTERESTED PARTIES PRESENT:**

Jared Schmidt, Agent  
Serban Dumitrescu, Neighbour

**PRELIMINARY PROCEEDINGS**

The Chair asks for motion to hear items 9 and 10 together.

Moved by: Joe Balsamo

Seconded by : Frank Cerasa

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

The Chair asks for public presentation.

There is a concern from the public present – Mr. Dumitrescu, with current parking concerns and accidents that occur on Elinor Street, being the concern with 2 additional lots on the street, what can be done about this? Mr. Golob outlines that Transportation was in support of the single unit dwelling, and will be providing a parking space, and this will not impact parking on the street.

Moved by: Joe Balsamo

Seconded by: Frank Cerasa.

**IT IS HEREBY DECIDED** that the application **BE 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):** CALVARY BAPTIST CHURCH

**Subject Lands:** PART LOT 139 ON CONCESSION 1; LOTS 14, 15, 37-43 & PART BLOCK B ON REGISTERED PLAN 1094; PARTS 1 & 8 ON REFERENCE PLAN 12R-27842. and known as Municipal Number 525 ELINOR ST

**Zoning:** Residential RD1.2

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

**INTERESTED PARTIES PRESENT:**

Jared Schmidt, 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. Schmidt confirms they are in agreement with the recommendations and comments provided in the report from Administration. Mr. Balsamo asks why this particular Lot can't be approved, as the other 2 lots were. Mr. Golob and Ms. Kurek, outlines that this particular lot has an outflow sewer that is directly adjacent to the property which prohibits a connection to the storm sewer, and renders the lot unbuildable. Anything north of this lot and south of this lot, and unfortunately anything north of the pumping station does not permit service.

Mr. Cerasa asks for an approval with a condition to add or provide a tap to the connection to the existing lot subject. The Chair, outlines that this is not permitted as outlined by administration. Mr. Golob discusses even with the condition, there wouldn't be time to satisfy within the 2 years, as there is a 5 year plan. Mr. Cerasa asks again for the approval with the conditions, and said it would justify, and still asks for the approval "subject to". The Chair outlines the time will lapse within the 2 years, and be expired. Mr. Cerasa feels the applicant may be able to? The Chair outlines, it will expire and after 2 years will be null and void. Mr. Balsamo asks if in 5 years would the applicant be able to re-apply. Mr. Golob outlines yes in the future, if it meets the criteria if storm sewers were in place and the option for servicing, would be more suitable to support at such time.

The Chair asks for public presentation. None noted

Moved by: Frank Cerasa

Seconded by: Joe Balsamo

**IT IS HEREBY DECIDED** that the application **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):** CHRISTOS KOURTSIDIS, DESPINA KOURTSIDIS

**Subject Lands:** LOT 41 ON REGISTERED PLAN 1417. and known as Municipal Number 1314 DUFFERIN PL

**Zoning:** Residential RD2.2

**RELIEF:** The creation of an addition with exceeding maximum lot coverage.

**INTERESTED PARTIES PRESENT:**

Chris Matthews, 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. Matthews confirms they are in agreement with the recommendations and comments provided in the report from Administration and outlines he has increased the Lot coverage for the addition and build an elevator of accessibility.

The Chair asks for public presentation. None noted

Moved by: Frank Cerasa

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):** DARRELL ALAN CROW - TRUSTEE, KEVIN ROBERT CROW - TRUSTEE, ESTATE OF KATHLEEN MAY

**Subject Lands:** LOTS 348-353 ON REGISTERED PLAN 708. and known as Municipal Number 1535 WENTWORTH ST

**Zoning:** Development Reserve DRD1.1

**RELIEF:** Construct detached garage exceeding maximum height.

**INTERESTED PARTIES PRESENT:**

Laurie McLain, 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. McLain confirms they are in agreement with the recommendations and comments provided in the report from Administration.

Mr. Cerasa asks the use of the proposal. Ms. McLain outlines it is for residential use.

The Chair asks for public presentation. None noted

Moved by: Joe Balsamo

Seconded by: Mohammed Bakki

**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):** DEAN THOMAS WATSON, SONYA FISTROVIC

**Subject Lands:** LOT 8, N PART LOT 9 & PART CLOSED ALLEY ON REGISTERED PLAN 905; PARTS 11 & 12 ON REFERENCE PLAN 12R-16168.  
and known as Municipal Number 1182 HENRY FORD CENTRE DR

**Zoning:** Manufacturing MD1.2

**RELIEF:** Change of the existing legal-non conforming use to duplex.

**INTERESTED PARTIES PRESENT:**

Thomas Watson, 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. Watson 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 Bakki

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):** HAIYAN JIN

**Subject Lands:** LOTS 190, 191 & PART CLOSED ALLEY ON REGISTERED PLAN 1137. and known as Municipal Number 778 HILDEGARDE ST

**Zoning:** Residential RD1.3

**RELIEF:** Creation of a new lot with a reduced side-yard depth

**INTERESTED PARTIES PRESENT:**

Gefu Zhu, Agent  
Ed Nessier, Public  
Haiyan Jin, Applicant

**PRELIMINARY PROCEEDINGS**

The Chair asks for a motion to hear items #15 and #16 together. LOTS 190, 191 & PART CLOSED ALLEY ON REGISTERED PLAN 1137. and known as Municipal Number 778 HILDEGARDE ST

Moved by : Joe Balsamo

Seconded by: Mohammed Bakki

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. Zehu, confirms they are in agreement with the recommendations and comments provided in the report from Administration. The Chair addresses the agent, with respect to the severance and for confirmation of the house be moved more towards the lot line to gain more square footage. Mr. Zehu, outlines he wants to be more consistent to those abutting him on the street. The Chair asks if the existing house will remain and the new one will have a driveway to lead to the rear of the property. Mr. Zehu confirms.

Mr. Cerasa's addresses his concerns regarding when the property changes owners, and will need a 2 foot side yard, and he is not comfortable with this. The Chair outlines that with the new house variance of 2.44 m and the setback in the middle this would be sufficient. The Chair outlines it provides adequate room for emergency purposes as the abutting lot may be used. Mr. Cerasa, addresses the Planner with the same concern. Ms. Simiona outlines the lots are already existing, and all is being severed for the variance and that only the existing house is too close to the existing lot line, however the distance to the houses to be 2.44 m and this will satisfy any emergencies.

The Chair asks for public presentation.

Mr. Nessier ( public) outlines that past practice has not allowed a new house to be built on this property, and this should be upheld. Mr. Nessier is at 766 Hildegard to the west, and outlines it doesn't meet the agreed setback. He explains he has been a resident since 1969 and he is opposed. Mr. Cerasa asks if the severance can leave 3 ft to the west and reduce the size of the lot. Ms. Simona outlines the lot is a buildable lot already with the existing, proposed, and sufficient distance for the 2.44 m, and is compliant. There is not a reduced lot line or lot area for the newly created lot. The Chair outlines this is a buildable lot currently, and today before the committee are only the variances. Mr. Bakki asks if there are any precedence. The Chair confirms we do not set precedence; we deal with applications individually and separately. Mr. Cerasa asks for a deferral. The Chair outlines that with a deferral today, the committee would be at liberty to pay for it. The Chair asks what the reasons for a deferral are. Mr. Cerasa outlines that there is going to be an appeal, and the side yard does not conform. The Chair outlines the

house already exists and is buildable currently. Mr. Cerasa outlines there is a neighbour dispute here, and he is not approving anything until he speaks with the developer and the neighbour to see if he can mediate this matter himself between them? The Chair addresses the new Bill 123 and the neighbour is unable to appeal. Bill 23 that was recently passed the the Ontario government has removed neighbours from appealing thru the OLT. Appeals may only be now moved thru the agent/applicant or governing agencies.

Mr. Zehu outlines the variance is not on his side, and the 4 feet complies with the zoning bylaw, and this is already a buildable legal lot and severed previously, they are before the COA to sever the alley.

Mr. Cerasa asks if the neighbour would compromise. The Chair asks the neighbour if he just doesn't want a house built there period? Mr. Cerasa asks if the existing home can be changed into a multiple dwelling. The Chair outlines the zoning allows a buildable lot currently. This is not up for a discussion. This is a legal buildable lot, and fully complying with lot coverage. Ms. Simona outlines that right now, today without our approval, and all the applicant is doing is the alley severance currently. The Chair interjects that not all the points being addressed today are pertinent to this severance. Mr. Cerasa asks for a compromise again, and tells the applicant to do it. The neighbour is not sure of the compromise, and Mr. Cerasa says "well you tell me?" The Chair asks the neighbour would he rather this be a vacant lot, or add on to the existing lot?

The applicant outlines that at time of getting the permit, if the neighbour has an objection it can go at the time. Mr. Cerasa addresses the applicant if this will increase the value of the home if there is a new home beside it. The neighbour says no.

The Chair brings order to the meeting and asks for the members to make a motion, all sides have had their say in the matter, and today they are dealing with only the severance to the alley, and not what is being built.

Moved by: Joe Balsamo

Seconded by: Frank Cerasa

Opposed by: Mohammed Bakki

**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):** HAIYAN JIN

**Subject Lands:** LOTS 190, 191 & PART CLOSED ALLEY ON REGISTERED PLAN 1137. and known as Municipal Number 778 HILDEGARDE ST

**Zoning:** Residential RD1.3

**REQUEST:** The severance of the above lands, as shown on the attached drawing for the purpose of creating a new lot.

**INTERESTED PARTIES PRESENT:**

Gefu Zhu, Agent  
Ed Nessier, Public  
Haiyan Jin, Applicant

**PRELIMINARY PROCEEDINGS**

The Chair asks for a motion to hear items #15 and #16 together. LOTS 190, 191 & PART CLOSED ALLEY ON REGISTERED PLAN 1137. and known as Municipal Number 778 HILDEGARDE ST

Moved by : Joe Balsamo

Seconded by: Mohammed Bakki

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. Zehu, confirms they are in agreement with the recommendations and comments provided in the report from Administration. The Chair addresses the agent, with respect to the severance and for confirmation of the house be moved more towards the lot line to gain more square footage. Mr. Zehu, outlines he wants to be more consistent to those abutting him on the street. The Chair asks if the existing house will remain and the new one will have a driveway to lead to the rear of the property. Mr. Zehu confirms.

Mr. Cerasa's addresses his concerns regarding when the property changes owners, and will need a 2 foot side yard, and he is not comfortable with this. The Chair outlines that with the new house variance of 2.44 m and the setback in the middle this would be sufficient. The Chair outlines it provides adequate room for emergency purposes as the abutting lot may be used. Mr. Cerasa, addresses the Planner with the same concern. Ms. Simion outlines the lots are already existing, and all is being severed for the variance and that only the existing house is too close to the existing lot line, however the distance to the houses to be 2.44 m and this will satisfy any emergencies.

The Chair asks for public presentation.

Mr. Nessier ( public) outlines that past practice has not allowed a new house to be built on this property, and this should be upheld. Mr. Nessier is at 766 Hildegard to the west, and outlines it doesn't meet the agreed setback. He explains he has been a resident since 1969 and he is opposed. Mr. Cerasa asks if the severance can leave 3 ft to the west and reduce the size of the lot. Ms. Simona outlines the lot is a buildable lot already with the existing, proposed, and sufficient distance for the 2.44 m, and is compliant. There is not a reduced lot line or lot area for the newly created lot. The Chair outlines this is a buildable lot currently, and today before the committee are only the variances. Mr. Bakki asks if there are any precedence. The Chair confirms we do not set precedence; we deal with applications individually and separately. Mr. Cerasa asks for a deferral. The Chair outlines that with a deferral today, the committee would be at liberty to pay for it. The Chair asks what the reasons for a deferral are. Mr. Cerasa outlines

that there is going to be an appeal, and the side yard does not conform. The Chair outlines the house already exists and is buildable currently. Mr. Cerasa outlines there is a neighbour dispute here, and he is not approving anything until he speaks with the developer and the neighbour to see if he can mediate this matter himself between them? The Chair addresses the new Bill 123 and the neighbour is unable to appeal. Bill 23 that was recently passed the the Ontario government has removed neighbours from appealing thru the OLT. Appeals may only be now moved thru the agent/applicant or governing agencies.

Mr. Zehu outlines the variance is not on his side, and the 4 feet complies with the zoning bylaw, and this is already a buildable legal lot and severed previously, they are before the COA to sever the alley.

Mr. Cerasa asks if the neighbour would compromise. The Chair asks the neighbour if he just doesn't want a house built there period? Mr. Cerasa asks if the existing home can be changed into a multiple dwelling. The Chair outlines the zoning allows a buildable lot currently. This is not up for a discussion. This is a legal buildable lot, and fully complying with lot coverage. Ms. Simona outlines that right now, today without our approval, and all the applicant is doing is the alley severance currently. The Chair interjects that not all the points being addressed today are pertinent to this severance. Mr. Cerasa asks for a compromise again, and tells the applicant to do it. The neighbour is not sure of the compromise, and Mr. Cerasa says "well you tell me?" The Chair asks the neighbour would he rather this be a vacant lot, or add on to the existing lot?

The applicant outlines that at time of getting the permit, if the neighbour has an objection it can go at the time. Mr. Cerasa addresses the applicant if this will increase the value of the home if there is a new home beside it. The neighbour says no.

The Chair brings order to the meeting and asks for the members to make a motion, all sides have had their say in the matter, and today they are dealing with only the severance to the alley, and not what is being built.

Moved by: Joe Balsamo

Seconded by: Frank Cerasa

Opposed by: Mohammed Bakki

**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):** RONALD JAMES BEAUDOIN

**Subject Lands:** PART BLOCK 4 ON REGISTERED PLAN 64 and known as Municipal Number 1556, 1580 and 1588 TECUMSEH RD W and 0 Leduc St.

**Zoning:** Commercial CD3.3

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

**INTERESTED PARTIES PRESENT:**

Bart Seguin, 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 Seguin confirms they are in agreement with the recommendations and comments provided in the report from Administration, and has asked for the findings of the request of the driveway approach.

Ms. Kurek outlines that the approach off Tecumseh Rd is not the issue, the driveway was put in without a permit off the residential street, and with this zoning it was put in without a permit, and creates a thru-way and this is illegal. The only option is to provide a curb cut for closure and the driveway reinstated to grass to legalize it. Mr. Cerasa asks if the applicant would accept a recommendation from engineering., The Chair outlines it was already recommended and is a condition.

The Chair asks for public presentation. None noted

Moved by: Frank Cerasa

Seconded by: Joe Balsamo

**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):** 1000282702 ONTARIO LTD.

**Subject Lands:** PART LOTS 209, 210 & 211 ON REGISTERED PLAN 803. and known as Municipal Number 2605 SEMINOLE ST

**Zoning:** Residential RD3.1

**RELIEF:** Change of use Legal Non-Conforming combined use to a multiple dwelling (3 units) with reduced minimum, lot coverage, front, rear and side-yard depth, and parking quantity

**INTERESTED PARTIES PRESENT:**

Dan Soleski, 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 Soleski confirms they are in agreement with the recommendations and comments provided in the report from Administration and addresses the environmental assessment condition. He feels the prior use was a confectionary store so why would this be required now. Ms. Simion outlines that with any change of use to residential; this assessment is a requirement of the building permit, to ensure that the grounds beneath the building is safe for the future residents. Mr. Cerasa asks why the bureaucratic approach, and indicates this was not a laundromat without chemicals, and with the prior use being a store, there was not any contaminants. The Chair outlines this was addressed, and with the change of use, there is a Phase 1 environmental assessment required. Ms. Simion outlines correct. Mr. Robertson outlines this is an Ontario regulation, that outlines if a property is zoned commercial, is going to be residential, will be required under Reg. 154/2004. Mr. Cerasa feels the committee will be burden with this, and asks if it can be deferred to the building department, that the COA should not be dealing with it. The concern from the agent is that with manufacturing that was adjacent to the property, there could be issues with the environmental contamination, they are not adding to it and it could snowball into a phase 2 environmental. Mr. Cerasa outlines we are not issuing a building permit.

Mr. Balsamo outlines a compliment with previous applications with same conditions and thanks 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 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	Joe Balsamo,
Seconded by	Mike Sleiman,

That the minutes of the Committee of Adjustment Hearing held December 15, 2023 **BE ADOPTED.**

**CARRIED.**

### **ADJOURNMENT:**

There being no further business before the Committee, the meeting accordingly adjourned at 4:45 p.m.

Mike Sleiman, Chairperson

Jessica Watson, Secretary-Treasurer