



CITY OF WINDSOR

COMMITTEE OF ADJUSTMENT

MINUTES

FOR THE HEARING OF

June 29, 2023

A hearing by the Committee of Adjustment for the City of Windsor was held on June 29, 2023, located, Via Electronic Participation.
The Hearing was called to order at 3:30 PM.

ATTENDANCE:

Present:

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

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
Brian Veloci (Planner III – Site Plan Approval Officer) Planning Department
Amy Kurek, (Technologist I) Engineering & Geomatics Department
Clare Amarceilli (Transportation Engineer) Transportation Planning
Amy Olsen (Technologist II) Development, Projects & Right-of-Way
Stefan Fediuk, Landscape Architect, Parks Department

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DISCLOSURE OF PECUNIARY INTEREST
and the general nature thereof

Dante Gatti has a conflict of interest with Item #10 on the Agenda, and will remove himself from the proceedings.

APPLICANT and SUBJECT LANDS:

Owner(s): 1000278790 ONTARIO LTD. / CHIYU WANG

Subject Lands: PART LOT 17 ON REGISTERED PLAN 1042 & PART LOT 24 ON REGISTERED PLAN 1148 and known as Municipal Number 716-718 JOSEPHINE AVE

Zoning: Residential RD1.3

REQUEST: Consent to create two lots for a semi-detached dwelling.

INTERESTED PARTIES PRESENT:

Chiyu Wang, 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. Wang 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: 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): JEHAN KANAGARAJAN

Subject Lands: PART LOT 5 & PART LOT 6 ON REGISTERED PLAN 1136 and known as Municipal Number 1374-1376 GOYEAU ST

Zoning: Residential RD2.2

REQUEST: Validation of Title

INTERESTED PARTIES PRESENT:

Kevin Dias, 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

The Chair outlines the purpose of Validation of Title

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): **GEFU ZHU, RUCHUAN SUN, YIHAN WANG**

Subject Lands: **LOTS 41-45 ON REGISTERED PLAN 983; PART BLOCK B & PART
CLOSED ALLEY ON REGISTERED PLAN 967 and known as
Municipal Number 2442 LAMBTON ST**

Zoning: **Residential RD1.1**

REQUEST: **The conveyance of said lands, for the purpose of creating a new Lot.**

INTERESTED PARTIES PRESENT:

Gefu Zhu, 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. Zhu 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 Baki

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): ANTHONY DIPONIO

Subject Lands: PART LOT 140 & PART BLOCK B ON REGISTERED PLAN M15, CONCESSION 2; PARTS 3 & 4 ON REFERENCE PLAN 12R-3668 and known as Municipal Number 10754 ATWATER CRES

Zoning: Residential RD1.7

REQUEST: The conveyance of said lands, for the purpose of creating a new Lot.

INTERESTED PARTIES PRESENT:

Anne Mannina, 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. Mannina 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 **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): PIER-LUC VILLENEUVE-BEAUCHAMP, JENNIFER VISCOSI

Subject Lands: PART LOTS 189-192 ON REGISTERED PLAN 435. and known as
Municipal Number 490 GILES BLVD W

Zoning: Residential RD3.1

RELIEF: Creation of a dwelling unit in the basement of a double duplex
dwelling with reduced minimum lot frontage, lot area, side yard
width, exceeding maximum lot coverage, and reduced parking rate

INTERESTED PARTIES PRESENT:

Jennifer Viscosi, 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. Viscosi 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: 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): 1027458 ONTARIO INC

Subject Lands: BLOCK 8 ON SUBDIVISION PLAN 12M-425 and known as Municipal Number 2549 MCHUGH ST (0 Mchugh St.)

Zoning: Manufacturing MD1.4

REQUEST: Conveyance of said lands, for the purpose of creating a new Lot, and easements for access, servicing, and maintenance.

INTERESTED PARTIES PRESENT:

Karl Tanner, 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

The Secretary-Treasurer reads objections received to include the following:

*From: Brian & Sylvia Hennessy - 2580 Chateau Ave, Windsor, On N8P 1N2
This response is for the purpose of the meeting regarding this application on June 29, 2023 at 3:30 pm. We oppose: conveyance of land for the purpose of creating a new lot at 0 McHugh St (next west of 2400 Banwell Rd), easements for access, servicing and maintenance. Reasons for opposing: strongly oppose the future plans for the remaining parcels of land. unreasonable amount of additional traffic beside a major intersection (Banwell Rd & McHugh St), disruption of large trucks and heavy machinery, disrespectful invasion of privacy. This project will affect the residents on Chateau Ave, Questa Drive, McHugh St, McNorton St, and the surrounding areas.*

From : John Nishante – Chateau Ave Resident

- 1. What does 'Severed Lands' in the layout, behind the letter to residents mean?*
- 2. The whole land was assigned commercial zoning? Would like to know the process, timeline and procedure when this changed to 'Mixed Use'?*
- 3. Over the years, the whole land has become a storm water collection area and it fills up like a lake. What steps and actions are you going to take to make sure that the storm water is not diverted towards existing residential properties, especially properties backing right next to your boundary wall?*
- 4. The current zoning limits buildings to 14 meters, which is about 3 stories. Why are residential buildings all 6+ stories in the plan that was shared in February/March?*
- 5. The Banwell-McHugh south site is proposed to be a massive development of so many 5+ storey buildings and commercial complexes? Why is there only one entrance only from McHugh side? McHugh street residential only? What provisions are you doing to ensure safe traffic protocols?*
- 6. Banwell road is already a very busy road. On top of that, how are you going to reconstruct/add facilities to accommodate so many more residents, traffic, and commercial store patrons?*
- 7. What about the trees existing on the current property. There are few trees planted right next to property fences bordering backyards of houses on Chateau. These must be removed?*

Mr. Tanner and Mrs. O'Neil confirms they are in agreement with the recommendations and comments provided in the report from Administration

Mr. Cerasa outlines he is familiar with the area, and parcel of land. He outlines the application is incomplete and lacks detail, and he is not willing to support until more information about the development is resolved. The Chair asks if this is a motion? Mr. Cerasa outlines he will put forth a motion to defer.

Mr. Tanner speaks to the matters these concerns will be addressed with an associated zoning by-law amendment application that is before City Council in the fall and the questions are about the multi-residential proposed and not the business office proposed before us and the details associated are with Site Plan, that would be dealt with at the appropriate time. Mr. Tanner confirms the pertained lands are what is before us today to allow a construction for a business, and has nothing to do with the multi-residential development for committee of adjustment.

Mr. Cerasa, says the application lacks detail and he feels there is a residential street on both sides, and he is uncomfortable and would like to applicant to be more specific. Mr. Tanner outlines this proposal is for the severance only and not the multi-residential. Mr. Tanner outlines that SPC is a separate process that comes after the severance. Mr. Golob outlines this is to create a parcel with easements and a new lot, and at the appropriate time, the comments from the public will be addressed. There is no development being proposed at this time. At such time thru site plan control the public will be addressed and can bring forward those concerns at such time.

The Chair asks for public presentation.

Nishante Jong, Neighbour came forward and asked when construction commences, what steps would be taken for the storm water collection, zoning and drainage.

Moved by: Dante Gatti

Seconded by: Joe Balsamo

Opposed : 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): MARIO MARJANOVIC

Subject Lands: LOT 108 & 109 ON REGISTERED PLAN 717 and known as Municipal Number 1117 and 1121 JEFFERSON BLVD

Zoning: Residential RD1.1

RELIEF: Construction of two single unit dwellings with minimum lot width.

INTERESTED PARTIES PRESENT:

Mario Marjanovic, 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. Marajanovic 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 Baki

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): RIYAD HUSSEIN

Subject Lands: LOTS 444-446 ON REGISTERED PLAN 1014 and known as Municipal Number 1669 and 0 BETTS AVE (Vacant lot next North)

Zoning: Residential RD1.2

REQUEST: A Lot Addition in favour of 0 Betts Ave, for the creation of two new single unit dwellings.

INTERESTED PARTIES PRESENT:

Abdullah Hussein, 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

The Secretary Treasurer outlines there are objections with this application and brings forward the following:

From: Irene and Robert Friend - 1659 Betts Ave.

We are the owners of 1659 Betts Ave. Windsor Ontario and I am writing with a number of concerns regarding the creation of a new lot by the severing of the current lot at 1669 Betts Ave.

1. *When Mr. Hussein purchased the dwelling and lot it was heavily treed. Between a number of Tree Trimmers and his Demolition Company the trees have been cut or pulled down with the exception of one tree that is on his property. This tree is heavily leaning against the fence that exists between our properties. I was told by the Demolition Company representative he wouldn't be taking it down because it might cause the fence to fall. Our concern is that if the tree issue doesn't get resolved and we are left to deal with yet another homeowner who won't deal with their responsibility to deal with this dangerous tree. I have included a number of pictures from my side of the fence line. The fence is in very bad condition and ready to fail.*

2. *We are also concerned how close to the lot line the new dwelling will be and how high the structure will be.*

3. *Our last concern is around the issue of parking, with an additional house, street parking may become an issue. There are a number of houses that rent out to large number of students and parking has become an increasingly issue for guests and home owners. We will join in on the Video Conference on June 29,2023 at 3:30. PM.*

The Chair asks for public presentation. None noted

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

Mr. Balsamo outlines that one of the comments addressed by the City Forester, with respect to tree preservation.

Mr. Golob outlines that comments were provided for the trees to require preservation and the comments outlined the applicant was to consult with the City Forester, for trees on the public property and right of way to determine what will be associated. Mr. Fediuk outlines that _____

comments are for identification of the trees and a survey list which the City, and the biggest issue will be with the city owned trees, to identify the loss, and will still require discussion with City Forester. With respect to the private trees, the applicant will have to identify if there was any habitat that was lost with the removal of the trees, and prior to building permit issuance there could be imposed fines or penalties to follow or a monetary contribution to the City of Windsor. Mr. Gatti asks if the trees were removed prior to the application. Mr. Golob outlines that we can't determine when the trees were removed, and he outlined that we use aerials to determine property imaging at the time of report preparation, so when reviewed the trees were still on the property, and this was brought to administration's attention after the fact. Mr. Gatti asks the applicant when did the trees get removed? Mr. Huessin outlined a demolition company removed everything and he did not receive anything prior (as in reports etc) that outlined noting trees, and they should not be removed. He further explained, no trees were removed on the city property but are within the private lands, and he was unaware of any of these conditions or penalties. Mr. Fediuk outlines that there were municipal trees on Betts and there are a number of trees in front of the property that were in fact on City property which have been removed and the City Forester must be made aware of this. Mr. Fediuk outlines that if this was dealt internally it would have been thru Site Plan. The Chair outlines these matters will be addressed at the time of building permit, and the only by-law will be anything dealing with SARS and municipal trees. Mr. Cerasa outlines that there would be a fine imposed for the removal of any trees.

Mr. Fediuk outlined that applicant indicated that the trees came down in the last week. The Chair outlines that if there are fines to be in place, it will be addressed by the City of Windsor and the applicant.

Mr. Cerasa agrees there should be a fine for the applicant.

Moved by: Frank Cerasa

Seconded by: Mohammed Baki

IT IS HEREBY DECIDED that the application **BE GRANTED WITH CONDITIONS** and any applicable penalties and fines to be addressed by the City Forester, prior to issuance of building permits.

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): **ERGJENT BUFAZI**

Subject Lands: **PART LOT 1 & PART LOT 2 ON REGISTERED PLAN 679. and known as Municipal Number 4661-4667 WYANDOTTE ST E and 807 PILLETTE RD**

Zoning: **Commercial CD2.2**

REQUEST: **Technical severance, for the purpose of creating a new Lot.**

INTERESTED PARTIES PRESENT:

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

Mr. Cerasa asks for the purpose of the severance, if for a sale of the property? Mr. Bufazi, outlines yes it is for a sale.

The Chair asks for public presentation. None noted

Moved by: Frank Cerasa

Seconded by: Dante Gatti

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): ALGO CAPITAL HOLDINGS INC

Subject Lands: PART LOT 85 ON CONCESSION 1, PART 3 ON REFERENCE PLAN 12R-14001, PART LOTS 11 & 12 ON REGISTERED PLAN 96. and known as Municipal Number 255 ELLIS ST E

Zoning: Manufacturing MD1.2

REQUEST: The conveyance of said lands for the purpose of creating a new Lot

INTERESTED PARTIES PRESENT:

Al Gatti, Agent

PRELIMINARY PROCEEDINGS

Mr. Gatti has a conflict of interest with this item and removed himself from the proceedings.

Ms. Simion has requested that Condition 1 be removed, as there is no intent to build a parking area at this time, and therefore confirms that condition is no longer required.

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. Gatti 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 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): 2649710 ONTARIO INC.

Subject Lands: PART LOT 87 ON CONCESSION 1 & PARTS 5-10 ON REFERENCE PLAN 12R-22691. and known as Municipal Number 0 HOWARD AVE

Zoning: Manufacturing MD1.2

RELIEF: Construction of a new warehouse and industrial building, with minimum parking area curbing

INTERESTED PARTIES PRESENT:

The applicant/Agent is not present.

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. Velocci proceeds to discuss the proposal with the variances required, in the Agents absence. The curb height for pedestrian access is to be removed, and bollards installed be for the safety of the occupants. Mr. Cerasa asks about water retention. Mr. Velocci outlines that currently this is in place already.

The Chair asks for public presentation. None noted

Moved by: Dante Gatti

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): RICHARD F VEROSZLINDEN, SHANNON C VEROSZLINDEN

Subject Lands: LOT 198 & PART LOT 197 ON REGISTERED PLAN 908 and known as
Municipal Number 2325 LILLIAN AVE

Zoning: Residential RD1.3

RELIEF: An addition to existing Single Unit Dwelling to facilitate an
Additional Dwelling Unit with reduced rear yard setback.

INTERESTED PARTIES PRESENT:

Shannon Veroszlinden, 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. Veroszlinden 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): NICK BIBIC

Subject Lands: PART LOT 55 ON REGISTERED PLAN 867 and known as Municipal Number 2571 JOS ST LOUIS AVE

Zoning: Residential RD1.1

REQUEST: The conveyance of said lands, for the purpose of a Lot Addition.

INTERESTED PARTIES PRESENT:

Brian Chillman, Agent
Nick Bibic, 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. Chillman confirms they are in agreement with the recommendations and comments provided in the report from Administration.

Mr. Cerasa asks if the purpose of the severance and if there is going to be a neighbour to take title of the land. Mr. Chillman outlines the severance for a lot addition, and it's not to create a new lot.

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 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): NIKICA BIBIC, MARIJA ANNA BIBIC

Subject Lands: PART LOT 54 ON REGISTERED PLAN 867. and known as Municipal Number 2579 JOS ST LOUIS AVE

Zoning: Residential RD1.1

RELIEF: Create a new lot with reduced minimum Lot width (retained and severed) and reduced minimum side yard width.

INTERESTED PARTIES PRESENT:

Brian Chillman, Owner

PRELIMINARY PROCEEDINGS

Moved by: Joe Balsamo
Seconded By: Dante Gatti

For files B-024/23 and –A-035/23 to be heard concurrently

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. Chillman confirms they are in agreement with the recommendations and all the conditions provided in the report from Administration

The Chair asks for public presentation. None noted

Moved by: Frank Cerasa

Seconded by: Dante Gatti

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): NIKICA BIBIC, MARIJA ANNA BIBIC

Subject Lands: PART LOT 54 ON REGISTERED PLAN 867. and known as Municipal Number 2579 JOS ST LOUIS AVE

Zoning: Residential RD1.1

REQUEST: The conveyance of said lands, for the purpose of creating a new lot.

INTERESTED PARTIES PRESENT:

Brian Chillman, Owner

PRELIMINARY PROCEEDINGS

Moved by: Joe Balsamo
Seconded By: Dante Gatti

For files B-024/23 and –A-035/23 to be heard concurrently

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. Chillman confirms they are in agreement with the recommendations and all the conditions provided in the report from Administration

The Chair asks for public presentation. None noted

Moved by: Frank Cerasa

Seconded by: Dante Gatti

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): ROSAURA SARRHY, LEANDRO CANO MORENO, CARLO W JOE
CIARAMITARO, ISIS CIARA

Subject Lands: PART LOT 81 ON REGISTERED PLAN 1478, PART PART 2 ON
REFERENCE PLAN 12R-5119 and known as Municipal Number 855
BARTLET DR

Zoning: Residential RD1.4

RELIEF: Creation of an undersized lot with reduced side-yards.

INTERESTED PARTIES PRESENT:

Isis Ciara, Owner

PRELIMINARY PROCEEDINGS

Moved By: Joe Balsamo
Seconded By: Frank Cerasa

Files A-036/23 and B-026/23 to be heard concurrently.

Mr. Golob outlines a removal of the condition.

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

The Secretary Treasurer outlines there are objections received with this application and brings forward the following:

From: Jean Lin - 825 Bartlett

Had a meeting with some neighbours on June 17th, and the responses are

- 1. Everyone objects to the changes to the City By-law*
- 2. It will change the atmosphere of the neighbourhood, since most of us lived here for decades (I myself have lived here since 1970).*
- 3. Profit motive does not jibe with peace and tranquility of the neighbourhood.*
- 4. Thanks for listening to our input.*

From: Krystyn and William Breen – 875 Bartlet

- 1. Firstly and most importantly, we disagree with the extreme change to the side yard variance from 1.8 m to 1.2 m. The new builds on Guppy Court (RD1.1) was approved at 1.5 m. In our case, (RD 1.4) it in the bylaw at 1.8 m We see no reason to construct an addition that completely fills the*

whole lot. We propose a compromise of 1.5 m between our two properties and between the severed lot and our neighbour Jean Lin.

2. *There is no indication on the simple plan on the height of this addition. Will it block the sun and airflow to our backyard? Will the windows of the structure deprive us of our privacy and make our backyard a fish bowl?*
- 3 *In the sketch of this proposed addition, there was a very important omission. As the photos attached shows, a very healthy oak tree is well over 100 years old. This tree is important, not only for its aesthetic value, but for a runoff problem. As you can see, the tree barely encroaches on the driveway. To cut it down, if that is what may be proposed, goes against all the tenants of climate change just for more concrete.*
4. *In conclusion, we are against the variance change. Why have a bylaw at all?*

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

The Chair asks for public presentation. A Maria, neighbour comes forward and asks questions pertaining to the severance, the trees, the lots, the greenspace, and with the increase with housing, it reduces greenspace. She outlines she is the spoke person for the neighbours and the minimizing the spaces between the lots.

Mr. Balsamo asks if the tree on the edge of the driveway to be removed? Mr. Golob outlines that the tree wasn't identified as a concern, as there isn't a proposal for this development at this location at this time, however at such time there would be conditions in place. Mr. Golob outlines with the lot consent and any existing trees that are remaining, or a building permit issuance, at such time the trees would be further reviewed. Mr. Gatti asks what width would be considered to small? Mr. Golob outlines there is a neighbour context that is reviewed when reviewing a proposal, and there is a lot immediately down the street and across when assessed and the existing smaller lots in width and it makes this proposal compatible. It is hard to address "too small" and all proposals are considered on a case by case. Mr. Cerasa outlines he is more concerned about urban sprawling than density, and confirms the size is a buildable lot.

Public Presentation a resident at 835 Bartlet and is concerned about the variance and that 1.2 m is small when Guppy street was given consent at 1.5 m and would be happy with the 1.5 m variance.

Moved by: Frank Cerasa

Seconded by: Joe Balsamo

Opposed 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): ROSAURA SANTANA SARRHY, LEANDRO CANO MORENO, CARLO W JOE CIARAMITARO, ISIS CIARA

Subject Lands: PART LOT 81 ON REGISTERED PLAN 1478, PART PART 2 ON REFERENCE PLAN 12R-5119 and known as Municipal Number 855 BARTLET DR

Zoning: Residential RD1.4

REQUEST: The conveyance of said lands, for the purpose of creating a new Lot.

INTERESTED PARTIES PRESENT:

Isis Ciara, Owner

PRELIMINARY PROCEEDINGS

Moved By: Joe Balsamo
Seconded By: Frank Cerasa

Files A-036/23 and B-026/23 to be heard concurrently.

Mr. Golob outlines a removal of the condition.

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

The Secretary Treasurer outlines there are objections received with this application and brings forward the following:

From: Jean Lin - 825 Bartlett

Had a meeting with some neighbours on June 17th, and the responses are

- 1. Everyone objects to the changes to the City By-law*
- 2. It will change the atmosphere of the neighbourhood, since most of us lived here for decades (I myself have lived here since 1970).*
- 3. Profit motive does not jibe with peace and tranquility of the neighbourhood.*
- 4. Thanks for listening to our input.*

From: Krystyn and William Breen – 875 Bartlet

- 1. Firstly and most importantly, we disagree with the extreme change to the side yard variance from 1.8 m to 1.2 m. The new builds on Guppy Court (RD1.1) was approved at 1.5 m. In our case, (RD 1.4) it in the bylaw at 1.8 m We see no reason to construct an addition that completely fills the*

whole lot. We propose a compromise of 1.5 m between our two properties and between the severed lot and our neighbour Jean Lin.

2. *There is no indication on the simple plan on the height of this addition. Will it block the sun and airflow to our backyard? Will the windows of the structure deprive us of our privacy and make our backyard a fish bowl?*
- 3 *In the sketch of this proposed addition, there was a very important omission. As the photos attached shows, a very healthy oak tree is well over 100 years old. This tree is important, not only for its aesthetic value, but for a runoff problem. As you can see, the tree barely encroaches on the driveway. To cut it down, if that is what may be proposed, goes against all the tenants of climate change just for more concrete.*
4. *In conclusion, we are against the variance change. Why have a bylaw at all?*

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

The Chair asks for public presentation. A Maria, neighbour comes forward and asks questions pertaining to the severance, the trees, the lots, the greenspace, and with the increase with housing, it reduces greenspace. She outlines she is the spoke person for the neighbours and the minimizing the spaces between the lots.

Mr. Balsamo asks if the tree on the edge of the driveway to be removed? Mr. Golob outlines that the tree wasn't identified as a concern, as there isn't a proposal for this development at this location at this time, however at such time there would be conditions in place. Mr. Golob outlines with the lot consent and any existing trees that are remaining, or a building permit issuance, at such time the trees would be further reviewed. Mr. Gatti asks what width would be considered to small? Mr. Golob outlines there is a neighbour context that is reviewed when reviewing a proposal, and there is a lot immediately down the street and across when assessed and the existing smaller lots in width and it makes this proposal compatible. It is hard to address "too small" and all proposals are considered on a case by case. Mr. Cerasa outlines he is more concerned about urban sprawling than density, and confirms the size is a buildable lot.

Public Presentation a resident at 835 Bartlet and is concerned about the variance and that 1.2 m is small when Guppy street was given consent at 1.5 m and would be happy with the 1.5 m variance.

Moved by: Frank Cerasa

Seconded by: Joe Balsamo

Opposed 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.

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APPLICANT and SUBJECT LANDS:

Owner(s): HABITAT FOR HUMANITY WINDSOR-ESSEX INC

Subject Lands: LOT 52 ON REGISTERED PLAN 548. and known as Municipal Number 3356 BABY ST

Zoning: Residential RD2.2

RELIEF: Construction of a single unit dwelling with minimum number of required parking spaces.

INTERESTED PARTIES PRESENT:

Pam Hanna, Owner/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

Ms. Hanna 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: 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.

NEW BUSINESS

B-014/23 - 1725 Dominion Blvd. A Memo to change conditions.

That The City of Windsor Corporation's request to change the condition as shown in the Consent to sever report B-014-23, for the property municipally known as 1725 Dominion Blvd, as follows:

from

- I. The applicant shall convey gratuitously a 5.2 metres wide strip of land along the frontage of subject property (for both retained and severed lots) to the Corporation of the City of Windsor, to the satisfaction of the City Solicitor.

to

- II. The applicant shall convey gratuitously a 3 metres wide strip of land along the frontage of subject property (for both retained and severed lots) to the Corporation of the City of Windsor, to the satisfaction of the City Solicitor.

Moved by: Joe Balsamo
Seconded by: Dante Gatti

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

ADOPTION OF MINUTES

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

Moved by	Joe Balsamo
Seconded by	Dante Gatti

That the minutes of the Committee of Adjustment Hearing held June 29, 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