

Windsor Licensing Commission – October 25, 2017

A meeting of the **Windsor Licensing Commission** is held this day commencing at 9:30 o'clock a.m. in the Council Chambers, 3rd floor, City Hall, there being present the following members:

Councillor Ed Sleiman, Chair
Councillor Paul Borrelli
Councillor John Elliott
Gino Conte
Jack Fathers

Also present are the following resource personnel:

Craig Robertson, Supervisor of Licensing
Werner Plackmann, Zoning Coordinator
Bill Tetler, Manager of By-Law Enforcement
Janna Tetler, Senior Licensing Issuer
Amanda Santia, Licence Issuer
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order at 9:30 o'clock a.m. and the Windsor Licensing Commission considers the Agenda being Schedule "A" **attached** hereto, matters which are dealt with as follows:

2. Minutes

Moved by Councillor Elliott, seconded by J. Fathers,
That the minutes of the Windsor Licensing Commission of its meeting held September 27, 2017 **BE ADOPTED** as presented.
Carried.

3. Disclosure of Interest

None disclosed.

4. Requests for Deferrals, Referrals or Withdrawals

None.

5. Communications

None.

6. Licence Transfers

None.

7. Applications/Hearings

(a) J & Y Home Care Services Inc. – Hospitality Food Service

Xum Hua Jiang, Zhi Qiang Yu and Xin Chen Yu are present and available to answer questions.

C. Robertson provides an overview of this matter as follows:

- On May 4, 2017, Ms. Xun Hua Jiang made application on behalf of J&Y Home Services Inc. for a Hospitality Food Service licence.
- On May 30, 2017, zoning is approved by Werner Plackmann, Zoning Coordinator with the following note:
 - *“Permitted as Home Occupation and must comply with the following regulations*
 - *A home occupation within an accessory building garage or carport is prohibited.*
 - *One home occupation wholly within a dwelling unit is a permitted use subject to the following provisios:*
 - *The home occupation shall be carried out by a resident of the dwelling unit.*
 - *The Maximum gross floor area of the home occupation shall be 25.0 percent of the dwelling unit.*
 - *Any visible indication from the exterior of the dwelling unit that a home occupation is being carried on is prohibited except for a sign permitted by The Windsor Sign By-law.*
 - *The retail sale or wholesale of goods from the dwelling unit is prohibited except those goods produced by the home occupation.*
 - *External storage of materials, goods or equipment is prohibited except those items customarily used for housekeeping or personal recreational purposes.*
 - *Any home occupation which generates noise, odour, fumes, vibration, dust, traffic or parking which is evident outside the dwelling unit is prohibited.”*

- On August 21, 2017 Fire Prevention Officer Mike Coste attended the property and noted the home is a single family residential home with cooking upstairs and a gas stove in the lower level. The applicant stated it is a take-out business. They do not have any commercial cooking equipment and no fire suppression system.
- Administration recommends the Windsor Licensing Commission refuse to issue a Hospitality Food Service licence as they have not complied with the requirements to obtain an approval from Fire & Rescue Services.

Xin Chen Yu provides the following comments relating to the application for a Hospitality Food Service licence:

- Fire and Rescue Services advised, they would not approve this licence as the applicant would have to install a commercial grade kitchen with steel walls. However, it is noted the commercial grade kitchen would not be permitted use at this location.
- States they will no longer produce food that requires heat, only cold dishes.
- Neighbours have no issue with parking by the patrons.
- Successfully passed two health inspections by the Windsor Essex County Health Unit.
- Will be preparing food two hours a day in the basement.

C. Robertson adds if the commercial grade kitchen was installed, approval would be denied by the Zoning Department as the use would no longer be home occupation but would be a restaurant.

W. Plackmann advises “home occupation” refers to a small business and adds a house should look like a house not a business. He notes the only other option is to rezone the property to commercial which would be subject to appeals.

Councillor Borrelli expresses concern with potential health issues and risks to the patrons.

In response to a question asked by Councillor Borrelli regarding parking by the patrons, X. Chen Yu responds he can suggest the patrons park elsewhere and walk to his establishment. W. Plackmann adds that advising people to park on another street will create issues. He notes businesses are generally required to provide their own parking.

Moved by Councillor Elliott, seconded by Councillor Borrelli,
WLC5/2017 That the Windsor Licensing Commission **REFUSE TO ISSUE** a Hospitality Food Service licence to J&Y Home Care Services Inc. at 3610 Dougall Avenue, Windsor, Ontario N9E 1T4 for failure to comply with Fire & Rescue Services.

Carried.

(b) National Auto Service & Sales – Automobile Service Station – Repairs

Vasileios Tsiolis and Athanasio Zikantas are present and available to answer questions.

C. Robertson provides the highlights of the application for an Automobile Service Station – Repairs as follows:

- On September 6, 2017, Mr. Vasileios Tsiolis made application on behalf of National Auto Service & Sales for an Automobile Service Station – Repairs licence.
- On September 29, 2017 Warner Plackmann, Zoning Coordinator sent an email to the Licensing Unit indicating that parking of unlicensed automobiles or automobiles for sale is prohibited in the rear parking area.

Moved by Councillor Borrelli, seconded by G. Conte,
WLC6/2017 That the Automobile Service Station – Repairs, application #17 154755, submitted by Mr. Vasileios Tsiolis, owner of National Service & Sales at 2748 Seminole Street, Windsor Ontario N8Y 1X9 **BE APPROVED** with the following conditions:

- i. The storage or display of an unlicensed automobile in the rear parking area is prohibited.
 - ii. The storage or display of an automobile for sale, lease or rental purposes is prohibited.
- Carried.

8. Reports and Administrative Matters

Moved by Councillor Borrelli, seconded by Councillor Elliott,
That the report of the Supervisor of Licensing dated October 6, 2017 entitled “Expired Application(s) for Business Licence” **BE RECEIVED**.
Carried.

9. In Camera Agenda

No In Camera session is held.

10. Date of Next Meeting

The next meeting will be held on Wednesday, November 22, 2017 at 9:30 o'clock a.m. in the Council Chambers, 3rd floor, City Hall.

11. Adjournment

There being no further business, the meeting is adjourned at 10:05 o'clock a.m.

CHAIR

SECRETARY