



CITY OF WINDSOR COMMITTEE OF ADJUSTMENT

MINUTES

FOR THE HEARING OF

January 25, 2024

The Inaugural Meeting for the Committee of Adjustment for The City of Windsor was held on the 25th day of January, 2024, by electronic participation, Windsor, Ontario. The meeting was called to order at 3:30 p.m.

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

Moved by Dante Gatti; seconded by Joe Balsamo
That Mike Sleiman **BE APPOINTED** as the Chairman of the Committee of Adjustment for the year 2024.
CARRIED.

Moved by Mike Sleiman , seconded by Joe Balsamo
That Dante Gatti **BE APPOINTED** as the Vice-Chairperson of the Committee of Adjustment for the year 2024.
CARRIED.

Moved by Frank Cerasa, seconded by Joe Balsamo
that Mohammed Bakki **BE APPOINTED** as Member of the Committee of Adjustment for the year 2024.
CARRIED.

Moved by Joe Balsamo seconded by Dante Gatti
that Frank Cerasa **BE APPOINTED** as Member of the Committee of Adjustment for the year 2024.
CARRIED.

Moved by Mike Sleiman , seconded by Joe Balsamo
that Greg Atkinson **BE APPOINTED** as the Acting Secretary-Treasurer of the Committee of Adjustment for the year 2024 (as required).
CARRIED.

Moved by Joe Balsamo , seconded by Dante Gatti
that the appointment of Committee Clerk for the year of 2024 **BE DEFERRED** until one is in place.
CARRIED.

CARRIED.

A virtual hearing by the Committee of Adjustment for the City of Windsor was held on January 25, 2024, by Video Conference. The Hearing was called to order at 3:30 PM.

ATTENDANCE:

Present:

Committee Members

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

Jessica Watson, Secretary-Treasurer

Regrets:

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

Planning & Building Services Department

Simona Simion, Planner II
Zaid Zwayyed, Planner II
Brian Velocci, Site Plan Approval Officer (SPC)
Ana Lukas, Zoning Co-ordinator
Stefan Fediuk, Landscape Architect

Engineering & Geomatics Department

Amy Olsen, Technologist I

Transportation Planning Department

Chris Gerardi, Transportation Engineer
Claire Amicarelli, Transportation Engineer

* * * * *

**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): INNOCENZO DE BELLIS, PASQUALINA DE BELLIS, PIERINA DEBELLIS, MARIA SHAFER

Subject Lands: LOT 2, REGISTERED PLAN 137 ; PT CLOSED ALLEY and known as Municipal Number 2677- 2681 PARENT AVE

Zoning: Residential RD1.3

REQUEST: To create an easement, as shown on the attached drawing for the purpose of access to abutting lands.

INTERESTED PARTIES PRESENT:

Maria Shafer, 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. Shafer confirms they are in agreement with the recommendations and comments provided in the report from Administration. Ms. Shafer outlines that the existing driveway was used for her parents, as this was a family lot and in order to sell the Lot. The proposed easement will provide an opportunity for the property 2681 Parent Ave to use the driveway to access the garage on 2681 Parent Ave.

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): JOSEPH PETER PAPIC, SUSAN PAPIC

Subject Lands: PART LOT 141 & WATER LOT; CONCESSION 1 DP 4118; PART PARCELS 5 & 6; REFERENCE PLAN 12R-6941; PART 2 and known as Municipal Number 10950 RIVERSIDE DR E

Zoning: Residential RD1.6

RELIEF: Construction of a detached Additional Dwelling Unit in a front yard.

INTERESTED PARTIES PRESENT:

Joseph Papic & Susan Papic, Owners
Jackie Lassaline, 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.

The Chair outlines due to the volume of objections received from neighbours, be it this item be moved to the end of the current Agenda.

Noted: This item was deferred from November 30, 2023, Committee of Adjustment hearing and it was agreed by administration the applicants would resubmit an application with respect to the Front yard variance only, and for the consideration of moving their ADU back and additional 10 feet onto the property for site line concerns from abutting neighbours addressed.

DISCUSSION (objections and petition from owners):

- Letter submitted to the COA.

OBJECTION #1 - David & Anna Kirby - 10930 Riverside Drive E., Windsor, ON, N8P 1A4 (Neighbour)

Please accept this letter as our formal complaint as neighbours to this Property, in opposition to the proposed Variance.

Subject: Opposition to Application for Minor Variance-Relief from the operation of Zoning By-Law 8600.
Hearing scheduled January 25, 2024@ 3:30 pm
Location: 10950 Riverside Drive E

Construction of a new Detached Additional Dwelling Unit (ADU) in the front yard.

Please accept this letter as our formal complaint as neighbours to this Property, in opposition to the proposed Variance.

Sub-section 45(1) of the Planning Act sets out the following four statutory tests which must be considered by the Committee of Adjustments before an Application can succeed. If the application fails any one of the Four tests, then the application must fail.

- Is the variance minor?
- Is the variance desirable for the appropriate development or use of land, building or structure?
- Is the general intent and purpose of the Zoning By-law maintained?
- Is the general intent and purpose of the Official Plan maintained?

The first test the application fails is the Minor Variance test: The variance can be held to be **NOT** minor for two reasons, that it is too large in actual measurement or too important to be considered minor. It is too large in actual measurement for reasons being it is not allowed in the front yard and if it was

allowed in order to comply with Section 10.6.5.5 it would need to be moved back an **additional material distance of 177.7 feet which is too LARGE an amount.** It is obvious that to comply with moving back an

front yard. The definition of a front yard is clearly defined in the section. Also, Section 10.6.5.5 "Minimum front yard depth" stipulates that the structure have a minimum front yard depth the **GREATER OF** 9 meters or the average front yard depth of the main buildings located on the abutting properties. The front yard depth of the house east of the property at 10960 Riverside Drive East is 212.2 feet (64.7 meters) and my residence which abuts the west side of the property at 10930 Riverside is 203.2 feet (62 meters) from the road. Therefore, **the average front yard depth of the 2 houses that abut the property is 207.7 feet (63.3 meters)**. To comply with section 10.6.5.5 the ADU proposed would have to be moved back an additional 177.7 feet (54.2 meters). The applicant is unable to comply with the By-Law since moving it back the required depth would put the ADU on top of the main residence currently under construction. This is most likely the reason why the applicant has removed section 10.6.5.5 from part 4, 5 and 6 from the original application sent back in November 2023. Note that the original application identified section 10.6.5.5 as one of the zoning By-Law provisions. **Why was it removed?** The proposal is not compatible with existing homes in the neighborhood with respect to setbacks, insensitive to issues such as privacy, scale and spacing and detrimental to the streetscape of the neighbourhood and as a result should not pass this test. The most practical solution and the only solution that protects the interest of the neighbours and the applicant is to incorporate the living quarters into the new home being build.

When considering this application, I assume the city would look at the long-term planning of this property. The applicant has indicated the ADU is for their aging parents for which I am sure as mentioned already, accommodations can be incorporated into the applicants home currently under construction. If the ADU is used to house family members what happens when the family members no longer live there, or the applicant moves. It may serve the needs of the applicant now, however does it become a rental unit for revenue generating purposes in the future? Buying, selling, and maintaining rental properties is what the applicant does for a living so this is very possible. The long-term vision needs to be based on the 100-year plan not 5 to 10 years.

Another major issue is the safety concerns of allowing this structure to be built. It will obstruct the site-lines for vehicles pulling out of the abutting properties and beyond given that there is a curve in this section of Riverside Drive. This is especially the case for the properties that require vehicles to have to "back out" of the driveways. It also obstructs the site-lines for road traffic, impeding the vehicle's ability to see what is coming down the road towards them, again, given the curve in this section of the road. It is our understanding that there have been serious accidents on this section of the road in the past. In the meeting in November, it was very disappointing when the traffic engineer representing the city presented schematics which only showed the traffic sightlines west of the property. For some reason the sightlines going east where the dangerous curve in the road is, was not shown to the Committee. We have recently moved into our home, purchased less than 7 months ago, which abuts to the said property and expect that the City will protect our rights. How is this protecting the best interest of the neighbours? This is detrimental to the enjoyment of our property which, being on Riverside Drive, we have paid a hefty premium to purchase and to maintain through our payment of higher-than-average property taxes. We purchased this specific home on this specific track of Riverside Drive because of its openness and clear view of the Ganatchio Trail. Although we were aware of the vacant lot next to our property and the possibility that a new construction would be built next to us, we trusted that the By-Laws in place would protect the integrity of why we purchased our property in the first place. If the City of Windsor is now saying that these By-Laws which protect our largest investment (our home) are now

negotiable, it would appear that this would be a breach of trust by the City of Windsor. This would most likely not be allowed in a suburban neighbourhood due to site-lines and the “clutter” affect, why would it be considered on Riverside Drive?

At the last C of A meeting in November the applicant and the City of Windsor’s Planner who was also present were trying to compare the relief given to 11820 Riverside Drive East which is constructing an accessory building. The relief being asked was for exceeding maximum gross floor area for the ADU not the location. What was also different from 11820 Riverside Drive is the fact that the ADU is **ATTACHED** to the main residence. The homes are significantly closer to the road on that section of the Drive which is why they attached it to the current house on that property.

In April 2023 Family Services Windsor Essex received a grant of \$200,000 form CMHC to develop a proof of concept regarding an ADU data mapping tool (ADUSearch.ca). This online tool allows users to determine if an ADU is allowed on their property. The map clearly shows the properties in Wards 6 and 7 that are not allowed to have ADU’s which includes our properties. With all the work and funding that has gone into this mapping tool, why is it being ignored by the City?

Based on the meeting in November 2023, the Committee in general was not in favour of approving the variance but it appeared that the City of Windsor Planner was unusually supportive of the application as we were told by the City Planner, we had no right as neighbours to oppose the application. As the owner of one of the properties that abuts 10930 Riverside Drive, I was deeply offended by his comments as it is clearly our right to oppose. The perception by the neighbours, is that there may be a conflict since one of the applicants is a City of Windsor employee. Especially with what transpired at the end of the meeting with the application being deferred as opposed to overturned, since in general, the Committee did not seem to support it. If the Committee defers their decision, it is our understanding that the deferral should only be given to allow the applicant more time to provide additional required information. However no added information has been provided in this new submission. In fact, less information has been provided as the zoning By-law provision 10.6.5.5 has been removed from section 4,5 and 6 of the submission.

In closing, we understand the role of the Committee and believe that the Committee will take into consideration the **by-laws in place** and the affect any variance relief has on **all** affected neighbours and that it will protect the integrity of our property. It is clear that based on the facts listed above we feel we have listed the hard evidence necessary to support our case while keeping focus on the Four Tests in which the application has failed two of the Four Tests. Therefore, according to the Planning Act the Application must fail if any one of the Four Tests fails and should never have been presented.

Thanking you in advance for your consideration,

Dave & Anna Kirby

OBJECTION #2 – Brooke Murray & Robert Turpin c/o James Murray - 10988 Riverside Drive East

To: Jessica Watson - Secretary-Treasurer, Committee of Adjustment

From: James Murray

Subject: Opposition to Application for Minor Variance-Relief from the operation of Zoning By-law 8600. Hearing Scheduled January 25, 2024@ 3:30 pm

Location 10950 Riverside Drive East

Construction of a new Detached Additional Dwelling Unit (ADU)

Please accept this letter as our formal Complaint as a Neighbor to this Property in Opposition to the proposed Variance.

First and foremost, the proposed ADU cannot be constructed on the South Side of the property due to site line implications on a waterfront property. To build the ADU on the front yard the set-back exceeds the 9-meter provision.

We chose to live on Riverside Drive for the aesthetics of the location and property; to enjoy this location we pay some of the highest residential taxes in the city; the proposed dwelling adds clutter to the aesthetics of a pristine location.

Riverside Drive East has become an increasingly busy traffic route for residents commuting from Tecumseh to Windsor; on some mornings when I try to exit my

driveway, I must sit for five minutes to wait for the traffic to clear. The proposed ADU will further hinder the sight line of residence on the water side exiting their properties. The proposed location of the ADU is on a curved portion of Riverside so it is already difficult to see oncoming traffic travelling from West to East.

I do not consider the addition of a second dwelling as a Minor variance; (New Construction). It is noted in the proposal that the structure is an accessory building when in fact the intended purpose is a residence dwelling.

If in fact the proposal is approved the city will be setting a precedent for other property owners along Riverside Drive and throughout the city to build structures in the Front Yard.

OBJECTION #3 Roman and Paula Bajamic – 10960 Riverside Drive East - Neighbour

Submitted prior to hearing - A. Letter of support letter from City Councillor Ward No. 7 Angelo Marignani, expressing full support for our efforts to uphold the Zoning By-law 8600.

Signed petition to oppose Variance to construct ADU at 10950 Riverside Drive East.

C. Presentation as follows:

Documents 1 and 2 - ADU eligibility maps. Document 3 - Represent property@ 10950 as of before main dwelling construction Document 4 - Represent property@ 10950 with sketch of proposed 8-meter wide ADU located in line of fence post and 1.5 meters west of fence post, totally blocking view to the Ganatchio trail and view to the Lake from street.

Documents 5,6,7 and 8 - parking habits in front of houses in Riverside area.

Documents 9 - addresses danger coming out of driveway.

Document 10 - point out property with 6 old trees not interfering with existing driveway Document 11 - point out property as of today with beautiful old trees removed contrary to recommendation of the city forester.

Submission of a support letter from City Councillor –

Begin forwarded message:

From: "Marignani, Angelo" <amarignani@citywindsor.ca>
Date: 20 January 2024 at 14:09:05 GMT-5
To: Paula Bajamic <pbajamic@gmail.com>
Subject: RE: Cmte of Adjustment

Dear, Paula Bajamic:

I am writing this letter to express my full support for your efforts to uphold the zoning bylaw 8600 . Your dedication to ensuring compliance with our local regulations demonstrates a commitment to the well-being and integrity of our community. I applaud your initiative in seeking to maintain the standards outlined in bylaw 8600 , as it plays a crucial role in preserving the safety, aesthetics, and overall quality of our neighborhoods. Your proactive approach contributes to the betterment of our municipality and I stand firmly on your endeavor .

If there is anything further I can assist you with in this matter, please do not hesitate to contact my office. Your advocacy for the community's best interest is truly commendable.
Sincerely

Angelo Marignani
City Councillor Ward No.7

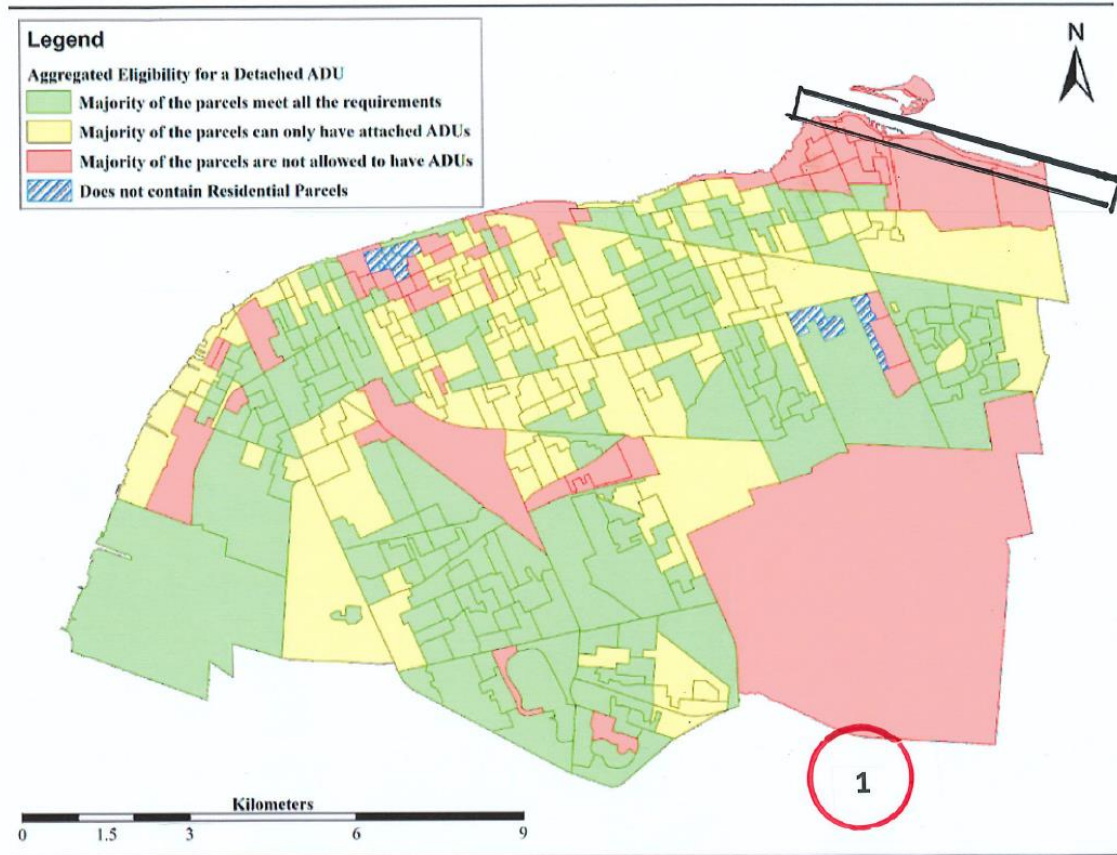
A petition signed by neighbours in opposition:

Opposition to Variance to construct ADU at 10950 Riverside Dr. East
 Committee of Adjustment Hearing January 25, 2024

PETITION

Name	Address	Signature	Date
Anna Kirby	10930 Riverside	<i>[Signature]</i>	1/19/24
Anna Kirby	" "	<i>[Signature]</i>	1/19/24
Paula B. Bajamie	10960 Riverside Dr E.	<i>[Signature]</i>	1.19.24
James B. Mooney	10988 Riverside Dr E.	<i>[Signature]</i>	1/20/24
Robert W. Torpin	" "	<i>[Signature]</i>	1/20/24
Kevin Nam Chi	10870 Riverside Dr E.	<i>[Signature]</i>	1/20/24
Oliver Li	" "	<i>[Signature]</i>	1/20/24
Mike Homelin	10976 Riverside Drive	<i>[Signature]</i>	1/20/24
Emma Homelin	"	<i>[Signature]</i>	1/20/24
EMMAN BAJAMIE	10960 RIVERSIDE DR E.	<i>[Signature]</i>	1/23/24

Presentation in pdf submitted





NO ADU'S ALLOWED NORTH OF RIVERSIDE DRIVE AS SHOWN.
 OUR HOUSES ARE LOCATED BETWEEN FLORENCE AVE AND BANWELL RD.

1/22/24, 11:57 AM

Google Maps

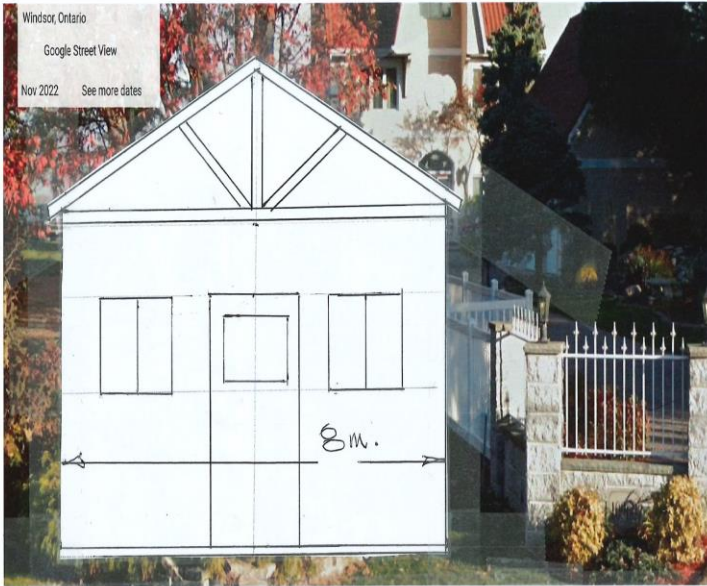


10950 AS WAS BEFORE MAIN DWELLING CONSTRUCTION

<https://www.google.ca/maps/@42.335712,-82.811929,3a,15y,356.72h,87.75t/data=!3m1!1e3!1sE800B1HMFELUJLQEQIFA4qwi2e06shps%2F%2Fstreetview/pvls-pa.googleapis.com%2Fv1%2Fth...> 1/1

1/22/24, 11:57 AM

Google Maps



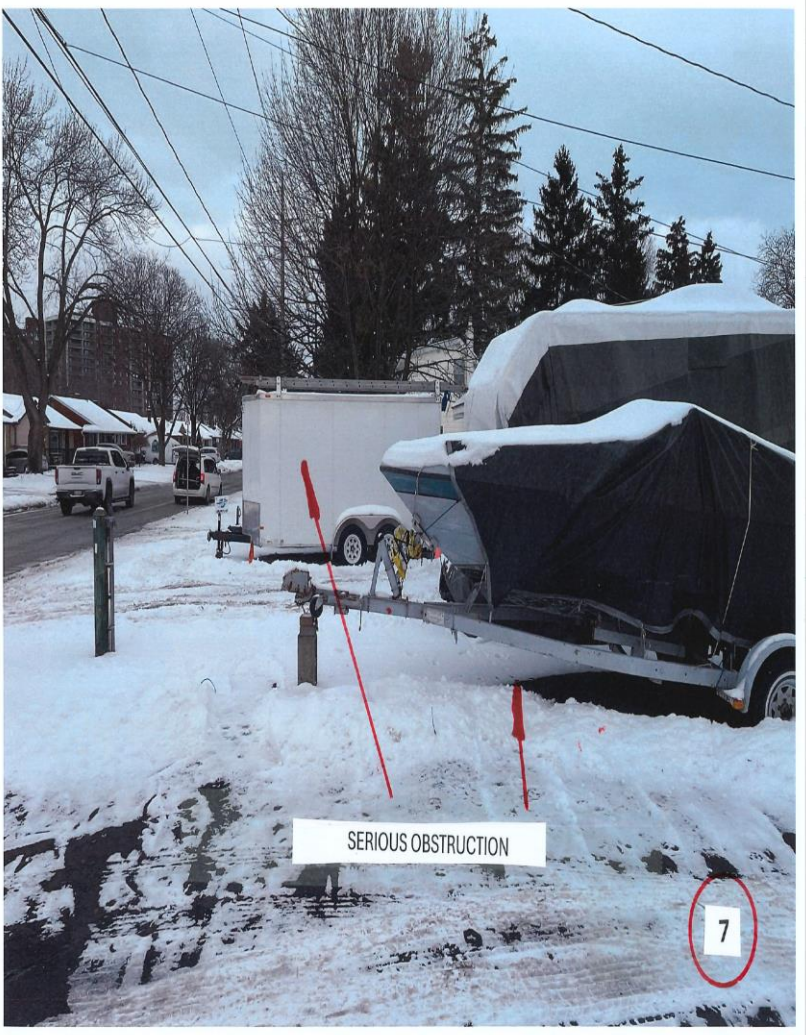
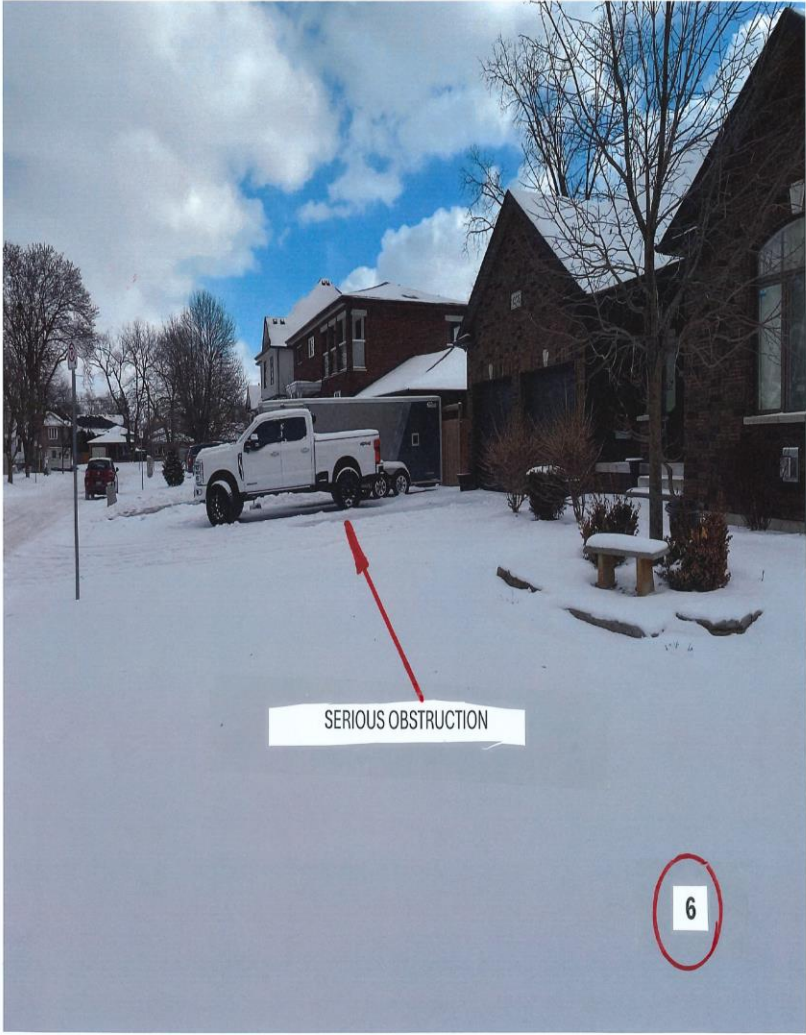
10950 WITH PROPOSED 8 METAR WIDE ADU LOCATED 1.5 METAR FROM POST

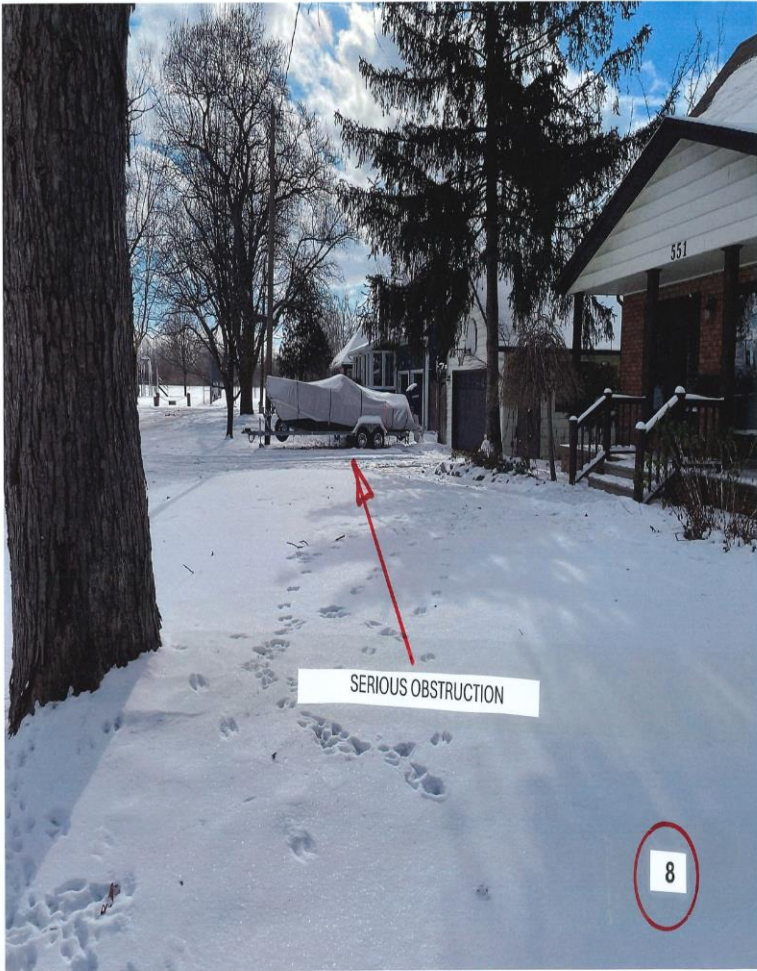
© Google

4

<https://www.google.ca/maps/@42.335712,-82.911929,3a,15y,356.72h,87.79t/data=!3m1!1e1!3m1!1sE900B1MEL3LcEOIF4qW2e09hhttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2F1%2Fbl...> 1/1



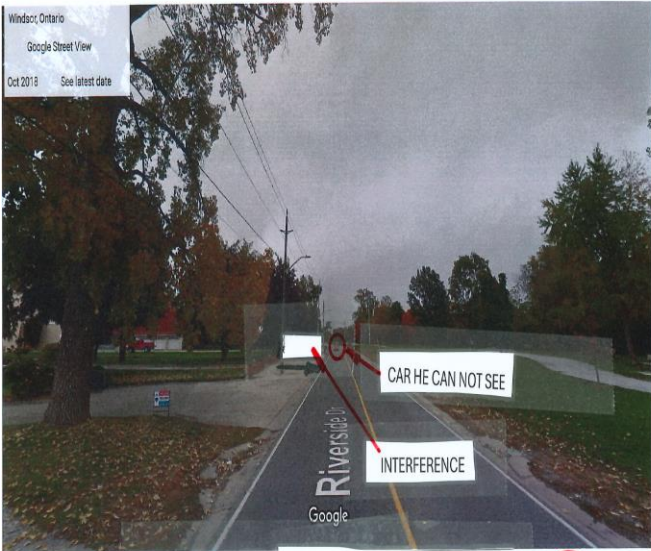




1/21/24, 2:31 PM

10930 Riverside Dr - Google Maps

Google Maps 10930 Riverside Dr

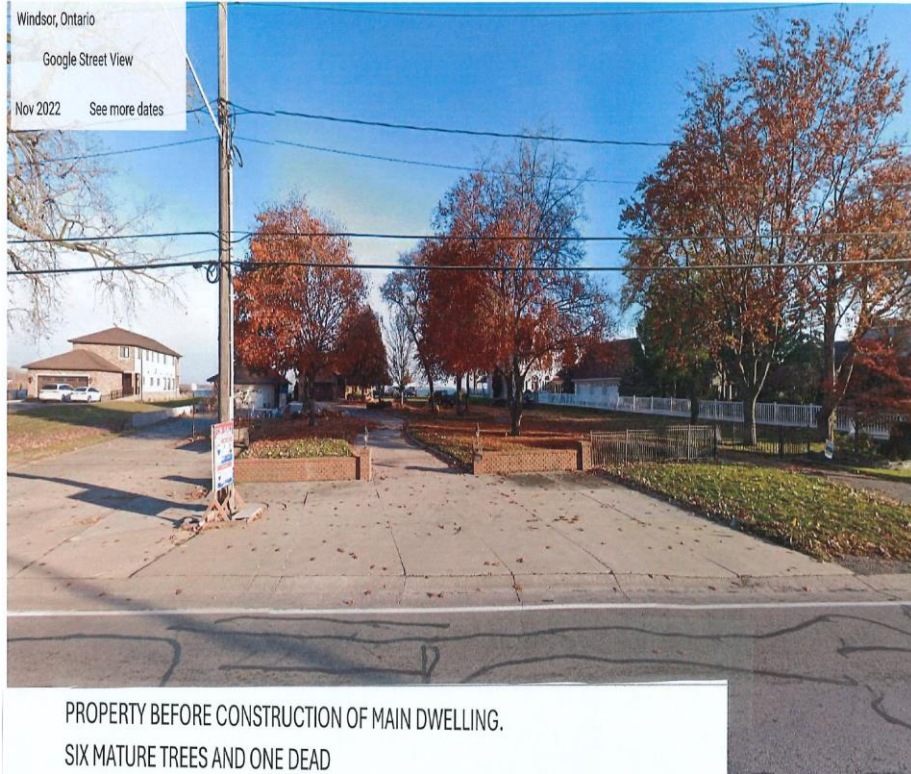


WITH OBSTRUCTION IN FRONT OF 10950 PROPERTY DRIVERS
ON WEST AND EAST OF PROPERTY CAN NOT SEE VEHICLES COMING

Imagery © 2018 © 2024 Google

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Google Maps 10950 Riverside Dr

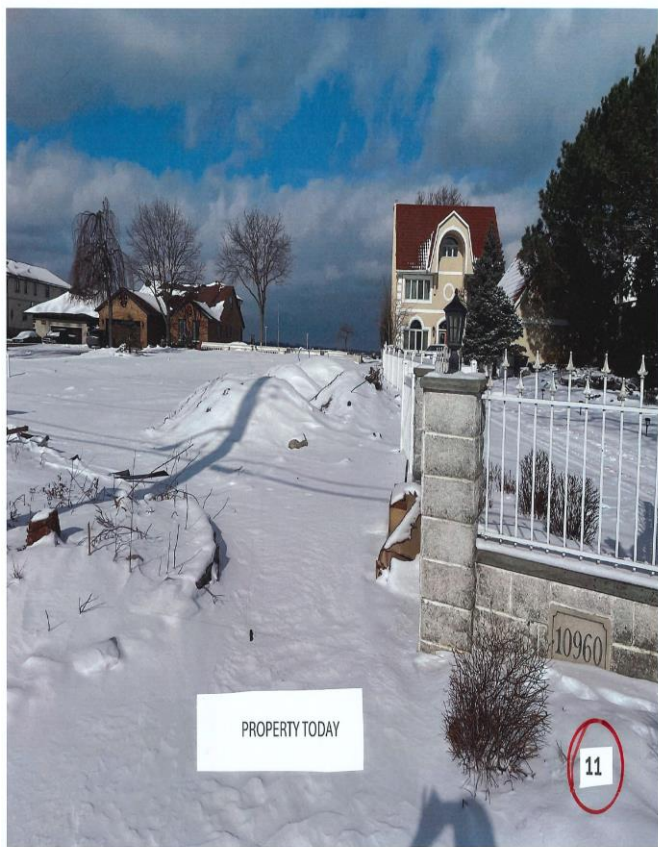


Windsor, Ontario
Google Street View
Nov 2022 See more dates

PROPERTY BEFORE CONSTRUCTION OF MAIN DWELLING.
SIX MATURE TREES AND ONE DEAD
NO NEED TO CUT THEM DOWN SINCE IS NOT INTERFERENCE
WITH DRIVEWAY.

Image capture: Nov 2022 © 2024 Google

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PROPERTY TODAY

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Letter of Objections

Objection #3 – Roman and Paula Bajamic 10960 Riverside Drive East Windsor, Ontario

re: File No. A-071/23 Joseph Papic/Susan

Papic to: Jessica Watson

Secretary - Treasurer, Committee of Adjustment

Subject: Municipal By-law 8600

We live directly to the east of the property under discussion and have serious concerns about the proposed erection of an additional dwelling unit (ADU) in their front yard. We have lived in our deem home for the past twenty-four years, enjoying the view of the lake and the peace and tranquility of the neighbourhood. For that privilege we paid in excess of twenty thousand dollars in taxes this year; a significant amount more than the average Windsor levied.

Mr. Papic, in his latest application, is asking for a minor variance to locate an ADU in his front on the lot at 10950 Riverside Drive East, although Windsor By-Law section 5.10.7 strictly prohibits the erection of such structure in his front yard.

What constitutes a MINOR variance?

A Minor Variance Application may be put forth for something simple, such as building a deck changing building height, driveway width, accessory building floor area, window.

sizes but does not permit a use which is not stipulated within the Zoning By-law. **Does this request constitute a minor variance to the By-law.**

A Minor variance is not special privilege that requires the applicant to justify the relief sought of the basis of need or hardship.

Also, a variance can be held to be not Minor for two reasons, that is too large or too important to be considered Minor. The latter reason can be resolved by determining the extent of the impact of neighbouring properties in the immediate and general area.

The first concern and reason for my letter is proposal for ADU contrary to By-law section. 5.10.7 regarding location of subject unit. **Fact:**

In any residential district, an accessory building including a detached garage, or a detached car port shall be permitted in rear yard only or a side yard and shall have a minimum separation of .60 meters from rear lot line or side lot line.

Fact:

As per above By-law section 5.10.7 it is clear that ADU, or detached garage or a detached car ports are not permitted in front yard.

What is definition of front yard?

A front yard is the portion of land between the street and the front of the house. It is usually an open space that extends the full width of the lot. A front yard may be covered in grass, in which case it may be called a front lawn.

Fact:

Zoning regulations in Windsor govern the use of land, buildings and other structures.

are part of the City of Windsor Zoning By-law 8600, which provides specific standards and requirements for different types of development. Zoning regulations are important to

ensure that development is compatible with the surrounding area and meets the needs and expectations of the community.

The city has already done its work to assess every lot and dwelling in Windsor to determine where ADU's can be built. It is well designed and thoughtful process considering people that live here in neighbourhoods. No objections to ADU's in the right area.

Government funded search tool (ADUSearch.ca) with partnership with the municipality.

Last April (2023), Family Services Windsor-Essex received a grant\$ 200,000.00 from CMHC's Housing Supply Challenge to develop a proof of concept on ADU data tool. The result is.

ADUSearch.ca This solution to the Data-Driven Round of the HSC is online interactive mapping tool that allows users to see if it is possible to build ADU in compliance with the local zoning By-laws on individual property.

Furthermore\$ 2.2 million in funding was announced by Windsor-Tecumseh MP

Irek Kusmierczyk to support the ADUSearch.ca tool. The tool provide data on the 100 largest municipalities across Canada. The funding comes through CMHC's Housing Supply Challenge, which funds projects aimed at supporting innovative solutions to Canada housing crises.

The entire process is custom built according to the municipal zoning bylaws. In general, the categories are as follows.

Enclosed General map shows Aggregated Eligibility for detached ADU.

(Please refer to attachment #1)

Red (not suitable for a detached ADU): Lot does not meet basic zoning criteria and is not suitable for building a detached ADU.

Yellow (not suitable for a detached ADU. May be suitable for internal or attached ADU)

Light green (potentially suitable for a detached ADU)

The results for City of Windsor are significant:

There are 40,144 Green Parcels, 25,201 Yellow Parcels and 2,474 Red Parcels in Windsor.

According to supplied data 63,345 total properties are suitable or potentially suitable for ADU's.

Analyzing the map, it is clear that 2,474 Parcels marked in Red in Ward 6 and 7 North of Riverside Drive East as per guideline and supported by Federal and Ontario governments are not allowed to have ADU's.

MAP-ADUSearch.com an online tool intended to educate and inform property owners, municipalities and policy makers.

Major concerns regarding subject relief application:

PRIVACY

Proposed ADU being in front yard.

Visual intrusion of this nature can take the form of views into windows, doors of abutting homes (our homes). Their back yard is directly in front of our home.

So, garbage bins, outside AC unit compressor, garden shed.

picnic table and chairs, barbeque etc. behind proposed ADU will be few feet away.

from our front door. Not a pretty sight.

To make matter worse inhabitants of such ADU and their friends have full access.

to our backyards and we do not have control over their behavior and all sudden

once private and highest taxed area in Windsor becomes public playground.

VIEWS

When we purchased this house 24 years ago, I trusted that the Windsor By-law will protect our views to the Ganatchio trail. Proposed ADU with approximately 10x8 meters which is bigger than some of the family homes on Lauzon Drive and located is only 9.1 meters from street presents a visual intrusion and blocking our view of the subject Ganatchio trail.

PARKING, TRAFIC and SAFETY issues:

Since ADU is not a garage and is virtually 9.1 meter from the street and without driveway so vehicles will be parked on the apron in front. I did some research around neighbourhood and took photos of houses in similar location and found trucks, boats and work trailers parked in front. With only 9.1 meters of parking space and length of subject obstacles ranging from 5.5 to 7 meters in length completely obstruct the sight lines to East and West.

It is known fact that after Tecumseh Road Riverside drive is most dangerous road. Although is a residential neighbourhood it is treated more like highway from East to West. Despite speed limit being 50 km/hour people often drive 15 to 20 km/hour over limit especially during morning hours.

Obstructing the line of sight would make backing of our driveways extremely dangerous. It is impossible to see oncoming traffic from either side until rear.

and front of the car ends on busy drive. During the construction of main dwelling, and trucks parked on front I needed flag men to get me on the road.

Adding ADU and cars parked on apron in front such structure is calling for a disaster. It is just not safe, and this is undisputable fact.

Additionally, not only a front apron looks cluttered with vehicles park on it, but it looks out of character and unsightly for the neighbourhood.

Attached please find study supporting obstruction claim.
photos 5,6,7 and 8

PUBLIC SAFETY and OBSTRUCTION ISSUES

In our City of Windsor and any other City in the World on the streets that allows car parking have warning signs on each corner of intersection as not to park beyond this point.

In some cases, safety convex mirrors are installed.

Subject sign by the way is regulatory sign and is design for added safety on intersection and is placed to not allow motor vehicles to close to intersection in order not to obstruct sight lines to oncoming traffic. Ignoring such sign is ticketed.

From this example it is clear that sight obstruction is a serious concern by everyone.

NEIGHBOURHOOD PROTECTION:

The character of the neighbourhood is deserving of protection. Proposed ADU is out of character, inappropriate, destabilizing the character of the neighbourhood, a break in the pattern or continuity of the street, insensitive, visually incongruous to the streetscape should be discouraged. We pay higher purchase price and higher annual taxes for the enjoyment.

of all qualities neighborhood brings and are entitled to protection from reduction in zoning standards and is breach of thrust when they are diminished. Such dwellings will compromise the safety and tranquility we currently enjoy.

COMENTTO CITY PLANER:

Planer mentioned that some dwellings in North Riverside have such ADU's.

Most post war cottages on Riverside Drive had detached garages just like garages in the city alleys. However, in seventies until now such cottages with attached garages are slowly demolished simply for use of land. Riverside has changed and is hugely popular Windsor neighbourhood and has some of the most incredible homes in the city. Idea to build ADU on front yard is not allowed as per By law 8600 and not allowed.

CONCLUSION

CONCLUSION FACTS AND NOT OPINIONS:

Guided by Planning act, Section 45(1) minor Variance cannot be granted as per test #1 and certainly test 113.

Test 111.

A Variance cannot be minor if is too large or too important. It is subjective and is directly related with application in hand and should assess the impact of the variance on surrounding properties. If there is impact and an alternative solution there should be no approval.

Test 113.

A variance cannot I repeat cannot permit a use that is prohibited by Zoning By-law.

As per guide of Planning Act 45(1) Test#3 definitely fails then by rule Application must fail. Lots of people will have his and hers opinion but we cannot ignore facts.

FINAL THOUGHTS

Mr. and Ms. Papic are asking for relief from By-law to build ADU for their mother-in-law. Ms. Susan Papic's parents live in Tecumseh in beautiful house on Hebert Street so I do not think they would move in small house 9.1 meters to the street on Riverside Drive.

Mr. Joe Papic's stepmother is only one left. Since their main dwelling is large house with full basement, big, covered patio and I believe two story I am sure that they can accommodate one person without any problem.

Mr. Papic is successful developer and has been investing in the Tecumseh and West end more than 20 years. He owns 11 homes and rents 24 units to university students.

Ms. Susan Papic is employee of City of Windsor.

It is obvious they are trying to push another dwelling to their portfolio.

So, between two of them with City connection and real-estate experience it is hard to believe they are asking for variance which can not permit a use that is prohibited by the zoning By-law.

So, Mr. and Ms. Papic picked wrong lot in wrong community to advance their investments. A manor variance is not a special privilege that requires the applicant to justify the relief sought on the bases of need and hardship and cannot permit a use that is prohibited by the zoning By-law.

DOCUMENTS ENCLOSED:

Thank you for your time and consideration. We trust that, with thoughtful evaluation, we can arrive at a solution that respect the character of our beautiful neighborhood while meeting the needs of the community.

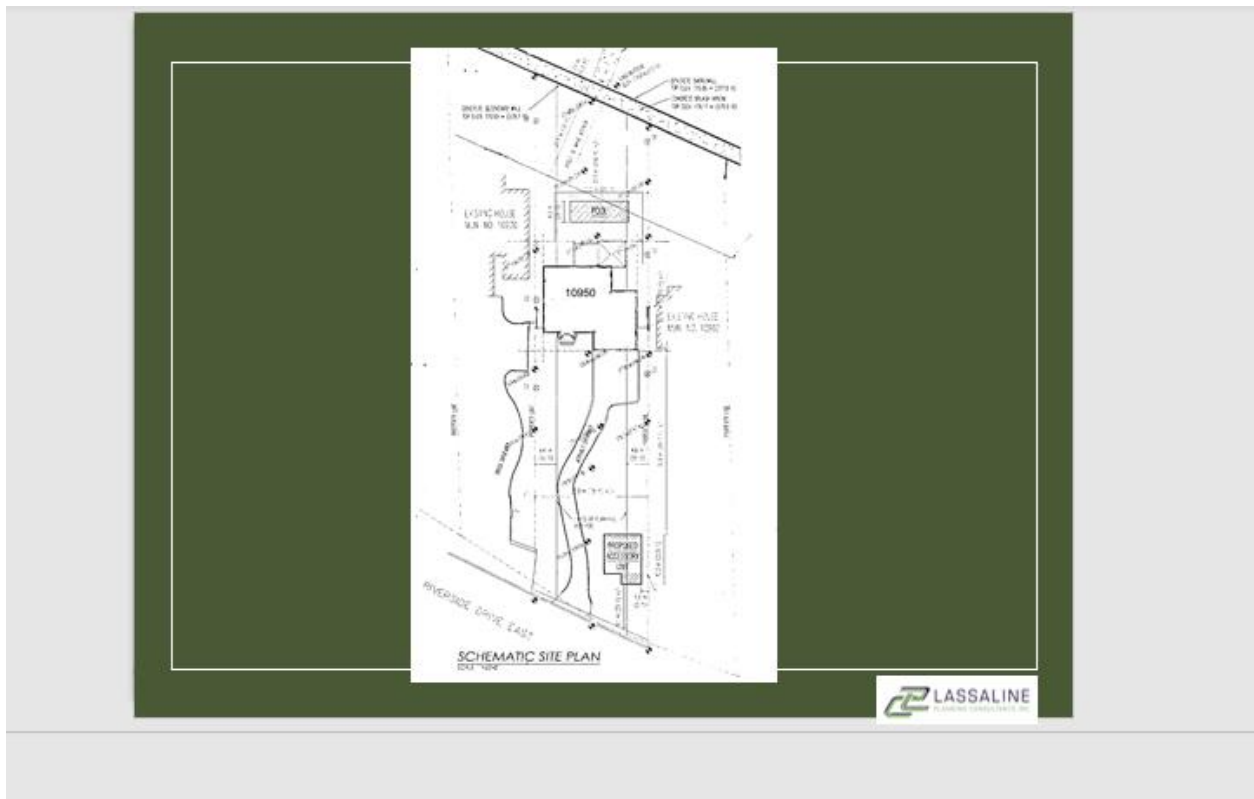
Sincerely,

Roman and Paula Bajamic.

DISCUSSION

Ms. Lassaline, outlines the relief being sought for the variance by her clients with the proposal to build an ADU in the front yard of their residence and seeking the relief from the front-yard variance and are seeking relief as it relates to the average front yard depth of the main buildings on the abutting lots.

Ms. Lassaline provides a PowerPoint presentation as follows:





4 TESTS OF A VARIANCE:

- USE CONFORMS WITH OFFICIAL PLAN
- MAINTAINS THE INTENT OF THE CZBL
- DESIRABLE FOR PROPERTY & NEIGHBOURHOOD
- CAN BE CONSIDERED MINOR



Ms. Lassaline outlines that all 4 test variances have been met, and this Minor Variance should be granted. The Papic's have provided a petition signed by nearby neighbours in support of the proposed variance as follows:

SUPPORT TO VARIANCE TO CONSTRUCT ADU AT 10950 RIVERSIDE DRIVE EAST

COMMITTEE OF ADJUSTMENT HEARING JANUARY 24, 2024

NAME	ADDRESS	SIGNATURE	DATE
Enea Petrucci	11820 Riverside drive east		Jan 24
Rachelle Bonoff	"		Jan 24
MARIO PETRILLI	"		JAN 24
A. Ouellette	10810 Rosd	A Ouellette	Jan 24
J. Chene	" "	Jessica chene	" "
Donna Newton	10796 Riverside	Donna Newton	Jan 24/24
Trevor Bennett	11310 Riverside		Jan 24/24
MARALYN SAUNDERS	11310 Riverside		Jan 24/2024

Mr. Cerasa outlines he has reviewed the application and site plan and sees a number of problems and safety concerns and he agrees with the safety issues from the neighbours and the proposed dwelling in addition to 2 residential properties to be built on this single lot, and he is not in support of it as proposed. Mr. Cerasa outlines the great reasons have been given to create a second dwelling and outlines the issue is safety and the importance to him and he feels that the applicants have plenty of land to move this building down about 100 feet from the road or provide a study that there are no safety concerns of the proposed. Mr. Cerasa outlines that at the November 30th meeting it was agreed the applicants would consider a change in the carbon print of this variance and the concerns of neighbours.

Mr. Zawyeed, addresses Mr. Ceras's concerns, and outlines the variance, front yard setback and location of the ADU and indicates the ADU is permitted, and with respect to safety these applications have been circulated to our transportation planning department as noted in their comments, there are no safety concerns reported for the proposed.

Mr. Gatti, outlines by looking at the application with the minor variance there is a minor Variance of 9.0 meter and an OR and states whichever is greater and asks for confirmation on the greater. Mr. Zawyeed outlines in this particular application the greater would be the average of the abutting properties and is greater than 9.0 m with an excess of about 20-30 m and this is why the applicant is looking to do it 9.1 m instead of the requirement. (which is only 9.0 m)

Mr. Gatti, comments if we went by the average sightlines, it would be significantly back towards the water or towards the house. Mr. Zawyeed concludes, essentially there is history of accessory obstructers being constructed in the front-yard of the homes on the north-side of Riverside Drive East, as there are examples to the immediate west of this property and the setback is actually greater than some of those accessory units you are seeing further west than this proposal.

Mr. Gatti outlines the purpose of the By-law is to protect an unobstructed view and if this is permitted, there would definitely be an obstruction that would affect a number of the neighbours. Mr. Zawyeed expresses he disagrees, and this is why his recommendation is in support of the proposed approval, as the set back is more than adequate and there are no impacts with sightlines. Mr. Gatti states that based upon the new legislation/By-law ADU's are supposed to be on side-yards or rear-yards, and not in front-yards.

Discussion is entered with respect to the historical allowed front yard ADU's on Riverside Drive, and these are on specific properties on the northside of Riverside drive as these are water lots that back on to the Detroit River or Lake St. Clair, and there is no ability for residents to build within the rear yard, so the location of the front-yard has been previously approved for these reasons. Discussions are entered with respect to other rights of purchasers, and oppositions, and he feels that this should be treated fairly and consistent and his recommendation is to support this application.

Mr. Sleiman understands the comment from administration about allowing ADUS in the front yards, with past applications, however those accessory buildings were usually garages or an addition to the existing home, however this application is slightly different. Mr. Atkinson outlines that there are a lot of existing accessory buildings in the front yards that don't have ADU's. He expresses, because they are permitted, anyone could submit for a building permit tomorrow and even garages along Riverside drive to create an ADU, and as long as they comply with the By-Law provisions they could go ahead and convert those garages into ADU's.

Mr. Balsamo, outlines that at the November Committee of Adjustment meeting, it was agreed that the applicant's/owners would consider revising their proposal, and pushing the ADU back on the property to appease the neighbours, he outlines that the applicants/owners have chosen to not revise the drawings or the considerations from the previous meeting. A review of the new submission confirms the ADU is still in the same spot and the disregard of previous sightline concerns of neighbours and the committee was not applied. Mrs. Papic, outlines that they feel there is no need to further push back the ADU, and the previous variance was in error. She outlines today the only variance being sought is front-yard allowance, and there have been past applications provided for such, and would like a broader understanding of how this is any different. Ms. Papic gives address's of examples of other granting's from previous hearings.

The Chair asks for public presentation.

Mr. Dave Kirby and Anna Kirby, Neighbour – The neighbours would like to clarify the ADU further down the street and has a 3 car garage the setbacks are much closer to Riverside Drive, and the greater of the 9m OR average depth of the property is more of a set back and existing. This proposal is new construction, and he outlines this should have been added the applicant's original plans. His concern is the new built on the vacant lot, beside him and this by-laws in place for a reason and moving the proposed back no matter how many feet, there is obstruction. If it is an ADU, and he understands the in-laws require accommodations, he feels there are other alternatives for housing them, and that should be considered. His other concerns are addressed in his objection letter submitted as noted above.

Roman Banajac - 10960 Riverside Drive East – he feels that the property is about 900 sq. ft, and it is about 5ft from his property, and there are privacy concerns of this ADU looking onto/into his home. He feels that there is danger with the views and he provided a drawing (as noted in his objection letter above), and it shows the 9.1 m from the curb, and 10.3 m long and there is only 1.5 m from his property, and if there are visitors that should be visiting the proposed ADU, he is concerned about the parking on the apron, and feels it will be problematic. He asks if that has been reviewed by administration. He feels that reversal from his driveway there are sightline issues with eastbound traffic and with the posted speed at 50KMH his wife backing out of the driveway would be hit and there isn't sufficient time for reaction. He outlines the neighbours on both sides would have the same problem. He outlines that facts that there have been accidents on this same stretch of the Riverside drive that have already occurred.

Mr. Balsamo outlines the applicants did state that they would entertain or change the suggested setback, and if they would be in agreement to change this he would be in support of the application. Seeing that this did not come back with any changes, he to would be in support of the denial.

Moved by: Frank Cerasa

Seconded by: Joe Balsamo

IT IS HEREBY DECIDED that the application BE DENIED

CARRIED.

APPLICANT and SUBJECT LANDS:

Owner(s): 1998308 ONTARIO INC

Subject Lands: PLAN 1106; PT PARK LOT & PT OF GRAND MARAIS RD WIDENING;
RP 12R28235; PARTS 1 & 3 and known as Municipal Number 636
GRAND MARAIS RD E & 636 ATKINSON ST

Zoning: Residential RD2.1

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

INTERESTED PARTIES PRESENT:

Abdullah Kayli, Owner

PRELIMINARY PROCEEDINGS

Moved by: Frank Cerasa
Seconded by: Dante Gatti

That files A-087/23 & B-051/23 subject lands described as PLAN 1106; PT PARK LOT & PT OF GRAND MARAIS RD WIDENING; RP 12R28235; PARTS 1 & 3 and known as Municipal Number 636 GRAND MARAIS RD E & 635 ATKINSON ST are concurrent and will be heard together.

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. Kayli 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 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.

FILE: A-087/23

APPLICANT and SUBJECT LANDS:

Owner(s): 1998308 ONTARIO INC

Subject Lands: PLAN 1106; PT PARK LOT & PT OF GRAND MARAIS RD WIDENING;
RP 12R28235; PARTS 1 & 3 and known as Municipal Number 636
GRAND MARAIS RD E & 635 ATKINSON ST

Zoning: Residential RD2.1

RELIEF: Accommodate a semi-detached dwelling with reduced minimum rear
yard depth.

INTERESTED PARTIES PRESENT:

Abdullah Kayli, Owner

PRELIMINARY PROCEEDINGS

Moved by: Joe Balsamo
Seconded by: Dante Gatti

That files A-087/23 & B-051/23 subject lands described as PLAN 1106; PT PARK LOT & PT OF GRAND MARAIS RD WIDENING; RP 12R28235; PARTS 1 & 3 and known as Municipal Number 636 GRAND MARAIS RD E & 635 ATKINSON ST are concurrent and will be heard together.

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. Kayli 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 Baki

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): 2794957 ONTARIO INC

Subject Lands: PLAN 1106; PT PARK LOT & PT OF GRAND MARAIS RD WIDENING;
RP 12R28235; PARTS 2; 4 TO 6 and known as Municipal Number 642
GRAND MARAIS RD E & 641 ATKINSON ST

Zoning: Residential RD2.1

REQUEST: To sever the above lands, as show on the attached drawings, for the
purpose of creating a new Lot.

INTERESTED PARTIES PRESENT:

Abdullah Kayli, Owner

PRELIMINARY PROCEEDINGS

Moved by: Frank Cerasa
Seconded by: Dante Gatti

That files A-086/23 & B-053/23 subject lands described as PLAN 1106; PT PARK LOT & PT OF GRAND MARAIS RD WIDENING; RP 12R28235; PARTS 2; 4 TO 6 and known as Municipal Number 642 GRAND MARAIS RD E & 641 ATKINSON ST. are concurrent and will be heard together.

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. Kayli 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 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): 2794957 ONTARIO INC

Subject Lands: PLAN 1106; PT PARK LOT & PT OF GRAND MARAIS RD WIDENING; RP 12R28235; PARTS 2; 4 TO 6 and known as Municipal Number 642 GRAND MARAIS RD E & 641 ATKINSON ST

Zoning: Residential RD2.1

RELIEF: Accommodate a semi-detached dwelling with reduced minimum rear yard depth.

INTERESTED PARTIES PRESENT:

Abdullah Kayli, Owner

PRELIMINARY PROCEEDINGS

Moved by: Frank Cerasa
Seconded by: Dante Gatti

That files A-086/23 & B-053/23 subject lands described as PLAN 1106; PT PARK LOT & PT OF GRAND MARAIS RD WIDENING; RP 12R28235; PARTS 2; 4 TO 6 and known as Municipal Number 642 GRAND MARAIS RD E & 641 ATKINSON ST. are concurrent and will be heard together.

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. Kayli 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 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): GARY CHARLES HENDERSON

Subject Lands: PLAN 1340; PT LOT 73; PT LOT 74 & PT CLOSED ALLEY and known as Municipal Number 1685 AUBIN RD

Zoning: Residential RD1.2

RELIEF: Maximum accessory building height requirement and the minimum required separation between accessory buildings.

INTERESTED PARTIES PRESENT:

Applicant – absent.

The Chair asks if the committee would like to proceed with the applicant absent.

CARRIED

PRELIMINARY PROCEEDINGS

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

DISCUSSION

Ms. Simion outlines she is the Planner for the Report before the Committee today and outlines the Minor Variance application is for relief from the provisions of the By-law 8600 to accommodate an accessory building with reduced minimum separation between accessory buildings and increased maximum accessory building height, and to be granted with no conditions. Ms. Simion outlines, the subject accessory building is already in place.

The Chair asks the size of the accessory building. Ms. Simion outlines it is 12 ft in height.

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.

APPLICANT and SUBJECT LANDS:

Owner(s): KEVIN AOUN

Subject Lands: PLAN 1126; LOTS 1063 TO 1065 & PT CLOSED ALLEY; RP 12R23188; PARTS 1 & 2 and known as Municipal Number 3873 TURNER RD

Zoning: Residential RD1.1

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

INTERESTED PARTIES PRESENT:

Kevin Aouin, 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. Aouin 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): GREEN SMART APARTMENTS INC.
Subject Lands: PLAN 50 BLK D LOT 52 (only); and known as Municipal Number 1078 CALIFORNIA AVE
Zoning: Residential RD1.3
RELIEF: To accommodate a single unit dwelling with reduced minimum lot width, lot area, rear yard depth, and side yard depth.

INTERESTED PARTIES PRESENT:

Andi Shallvari, 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. Shallvari 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: 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): SITAL SINGH GARHA, NIRMAL KAUR

Subject Lands: PLAN 1215; LOTS 584 & 585 and known as Municipal Number 3181 BLISS RD

Zoning: Residential RD1.1

RELIEF: Construct a single unit dwelling with reduced minimum lot width and lot area

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. The Chair ask for clarification with respect to the proposed application.

Ms. Pillon-Abbs outlines her applicant is seeking relief from Zoning By-Law 8600 to construct a single unit dwelling with existing reduced minimum lot width and minimum lot area. She outlines the existing vacant lands previously had 3 ADU” s and the Lots are owned by 3177 Bliss currently. These are the same owners and 3177 has already been sold. She outlined this was a sale thru the solicitor and was permitted. Her client wants to build on the vacant lot remaining.

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): 1000535656 ONTARIO INC.

Subject Lands: PLAN 282 BLK 2 N PT LOT 16; 4875.00SF 39.00FR 125.00D and known as Municipal Number 534 CARON AVE

Zoning: Residential RD2.2

RELIEF: A proposed semi-detached dwelling, with minimum Lot width.

INTERESTED PARTIES PRESENT:

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

The Chair asks for public presentation.

Ms. Diane Boismier, Neighbour at 542 Caron comes forward and outlined this is very commonly happening in this area, she has reviewed the application, and she fears this going to be not a single-family side by side, but however another rental. She outlines there are 5 bedrooms with ensuites, and she address the Committee with her concerns on everything I am seeing this does NOT appear to be a single-family home (side by side). Ms. Boismier addresses that the previous house was demolished due to a fire and excavated, and her basement flooded. She outlines roofers had difficulties installing a new roof with the other house addition on the property line prior to it burning. She asks will there be sufficient space when time to replace / paint the upper soffit of her house? She is concerned about fire safety and adequate access to the upper attic on her side of house.

The Chair outlines here concerns are valid, and the concerns with the building will be addressed at the time of permit with the Ontario Building Code at the time of the build. He outlines the matters today before us are for the minor variances alone.

Moved by: Frank Cerasa

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): HOTEL DIEU HOSPITAL OF ST JOSEPH

Subject Lands: PLAN 271 BLK 5 LOTS 17 TO 23;PARKING LOT FOR HOSPITAL;78750.00SF 350.00FR 225.00D and known as Municipal Number 1120 OUELLETTE AVE & 1106 OUELLETTE AVE.

Zoning: Commercial CD3.5

REQUEST: Consent to sever a Lot, as shown on the attached drawing for the purpose of a Lot Addition.

INTERESTED PARTIES PRESENT:

Amanda Fernandes, Agent

PRELIMINARY PROCEEDINGS

Moved By: Dante Gatti
Seconded by: Mohammed Baki

That files A-089/23 & B-062/23 subject lands described as PLAN 271 BLK 5 LOTS 17 TO 23;PARKING LOT FOR HOSPITAL;78750.00SF 350.00FR 225.00D and known as Municipal Number 1120 OUELLETTE AVE & 1106 OUELLETTE AVE. are concurrent and will be heard together.

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

The Chair asks for the purpose of the Lot addition and will the proposed be residential.

Ms. Fernandes outlines the the applicant requests a 2.13-metre-wide severance along the north part of the subject property shown as Part 1 on the draft 12R in Appendix C for the purpose of creating a new lot that will be conveyed to the abutting property at 1106 Ouellette Avenue. The applicant also requests a 4.37-metre-wide easement along the north part of the subject property shown as Part 2 on the drawing attached to the application for the purpose of restricting the erection of any building or structure. The severance and easement, together with variances requested in A-089/23, are required to facilitate the reuse of the existing building at 1106 Ouellette Avenue as a multiple dwelling.

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 with no conditions outside those specified by Site Plan Control.

CARRIED.

The Chair advised the applicant that approval of the application is subject to a 20-day appeal period, and that written notice of the decision accompanied by instructions would be duly sent to the owner or authorized agent as prescribed by the Planning Act.

APPLICANT and SUBJECT LANDS:

Owner(s): WINDSOR ESSEX COMMUNITY HOUSING CORPORATION

Subject Lands: PLAN 271 BLK 5 LOT 16 and known as Municipal Number 1106 OUELLETTE AVE

Zoning: Commercial CD3.5

RELIEF: Lot Addition/ Land Severance, with reduced minimum required building setback, and maximum dwelling unit density,.

INTERESTED PARTIES PRESENT:

Amanda Fernandes, Agent

PRELIMINARY PROCEEDINGS

Moved By: Dante Gatti
Seconded by: Mohammed Baki

That files A-089/23 & B-062/23 subject lands described as PLAN 271 BLK 5 LOTS 17 TO 23;PARKING LOT FOR HOSPITAL;78750.00SF 350.00FR 225.00D and known as Municipal Number 1120 OUELLETTE AVE & 1106 OUELLETTE AVE. are concurrent and will be heard together.

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

The Chair asks for the purpose of the Lot addition and will the proposed be residential.

Ms. Fernandes outlines the applicant requests a 2.13-metre-wide severance along the north part of the subject property shown as Part 1 on the draft 12R in Appendix C for the purpose of creating a new lot that will be conveyed to the abutting property at 1106 Ouellette Avenue. The applicant also requests a 4.37-metre-wide easement along the north part of the subject property shown as Part 2 on the drawing.

attached to the application for the purpose of restricting the erection of any building or structure. The severance and easement, together with variances requested in A-089/23, are required to facilitate the reuse of the existing building at 1106 Ouellette Avenue as a multiple dwelling.

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 with no conditions outside those specified by Site Plan Control.

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): FARHI HOLDINGS CORPORATION

Subject Lands: PLAN 12M678; PT BLOCK 42 and known as Municipal Number 1530 LAUZON RD

Zoning: Residential RD3.1

RELIEF: Reduced minimum parking rate, and reduced minimum Lot area,

INTERESTED PARTIES PRESENT:

Amy Farcus, 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. Farcus confirms they are in agreement with the recommendations and comments provided in the report from Administration. Mr. Cerasa asks if this adjoining parking lot will have a parking agreement with the other buildings for use or with there be an easement required for such. Ms. Farcus outlines this is part of Site Plan Approval process, and the parking lot will be adjacent to the building, with a pedestrian walkway, such for safety. She outlines that site specific zoning was approved by Council in 2022 based on the proposal containing a total of 304 units.

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 no conditions outside those established thru City Plan Control.

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): ST CLAIR RHODES DEVELOPMENT CORP

Subject Lands: CON. 1; PT LOT 92 & PLAN 433; LOT 6 and known as Municipal Number 1247 RIVERSIDE DR E

Zoning: Residential RD2.2

RELIEF: Proposed development of a 5-storey, 41-unit residential development with 58 parking spaces, exceeding maximum lot coverage, exceeding maximum building height and minimum parking area separation from a building wall containing a habitable room window facing the parking area.

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

Mr. Tanner confirms they are in agreement with the recommendations and comments provided in the report from Administration. Mr. Balsamo inquires about the Maximum height variance with respect to the houses at that level now in the neighbourhood, and if they required a zoning by-law amendment. Mr. Tanner outlines that a site-specific zoning was considered by Council in 2022, and a detailed zoning review that resulted in these variances. Mr. Tanner outlined that with respect to the properties next door, and confirms this proposal is slightly higher about 4 floors.

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 no conditions outside of those established through Site Plan Control.

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 **Dante Gatti**

That the minutes of the Committee of Adjustment Hearing held **December 21, 2023**, **BE ADOPTED.**

CARRIED.

ADJOURNMENT:

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

Mike Sleiman, Chairperson

Jessica Watson, Secretary-Treasurer