



CITY OF WINDSOR

COMMITTEE OF ADJUSTMENT

MINUTES

FOR THE HEARING OF

October 26, 2023

A hearing by the Committee of Adjustment for the City of Windsor was held on October 26, 2023, located , Via Electronic Participation.
The Hearing was called to order at 3:30 PM.

ATTENDANCE:

Present:

Mike Sleiman, Chair
Dante Gatti, Vice-Chair
Mohamed Baki, Member
Joe Balsamo, Member
Frank Cerasa, 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 Velocci (Planner III – Site Plan Approval Officer) Planning Department
Zaid Zwayyed (Zoning Co-ordinator) Planning Department
Ana Luka (Zoning Co-ordinator) Planning Department
Mark Schaffhauser, (Technologist I) Engineering & Geomatics Department
Lea Marshall, (Technologist I), Engineering & Geomatics Department
Siddharth Dhiman (Transportation Engineer) Transportation Planning
Andrew Boroski (Transportation Engineer) Transportation Planning
Stefan Fediuk, (Landscape Architect) Parks Department
Nathan Li, (Student), Planning Department

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DISCLOSURE OF PECUNIARY INTEREST
and the general nature thereof

The Chair (M. Sleiman) has declared a conflict of interest with respect to Agenda Items # 1 and # 2 - being 1579 Ouellette Ave, as A-047/23 and B-32/23, and removes himself from the proceedings.

APPLICANT and SUBJECT LANDS:

Owner(s): 2763178 ONTARIO LIMITED

Subject Lands: LOT 30 & BLOCK 10 ON REGISTERED PLAN 358 and known as Municipal Number 1579 OUELLETTE AVE

Zoning: Commercial CD3.5

RELIEF: Proposed semi-detached dwelling, with minimum lot area (severed parcel), and minimum landscaped open space yard (retained parcel).

INTERESTED PARTIES PRESENT:

Anthony Malandruccolo, Agent

PRELIMINARY PROCEEDINGS

The Chair declares conflict and removes himself from the proceedings, and the Acting Chair Dante Gatti proceeds.

Moved by : Frank Cerasa

Seconded by: Joe Balsamo

That Items 1 & 2, on the agenda as files A-047/23 and B-032/23, property described as LOT 30 & BLOCK 10 ON REGISTERED PLAN 358 and known as Municipal Number 1579 OUELLETTE AVE to be heard concurrently.

The Secretary-Treasurer reads received public objections not in support from neighbours and gives the following updates to the committee and those in the public hearing as follows:

Objection #1

From - Kathy Castelli, Neighbour, 1576 Pelisser.

I am responding to the Proposal of Severed parcel and semidetached dwelling. I own and live at 1574-1576 Pelisser, the house next door to the lot they are trying to build a dwelling on. I am against allowing there be a relief:

1 – Is it going to conform with the rest of the neighborhood - setbacks should be the same and if they are there will be no backyard and very little room if any for a driveway.

2 – Water issues, this lot has had water issues since I have lived in my home (23 years). When it rains or the snow melts it is a very large swamp. If they grade the property, where is the water going to run

3 - Parking, if they plan on putting in a driveway for this property, it can't be alongside my. A small part of the property on the other side of the driveway is part of my property line. It would have to be far enough away so that every time they exit or entered their vehicle they didn't step on my property.

4 – One of the reasons that we purchased this home back in 2001 and was the location, we know that no structure could be built on this lot due to the varies not being adequate. Both my sunrooms face this side of my home and if a structure is built there it would block both my views and the sunlight.

5 – Final and must important reason – The lot requirements are in place for a reason and for our protection to insure that other homes that are built don't look out of place and this one certainly would being built on such a small lot Why should I as the homeowner next door have to live next door to a home that will look so out of place being built on a postage size stamp. By my math they are not just slightly short on the minimum requirements but around 12.5 % short. I don't feel this would be fair to me, i bought here because I knew nothing could be built on that lot and now someone is

trying to change the rules which I'm sure they would feel is good for them but how about the resident of 20+ years that plans on living here for the rest of her life.

Objection #2

From: Sylviana Belle - Neighbour

I hope this letter finds you well. I am writing to express my concerns and objections to the proposed zoning by-law change as detailed in the application referenced above. I have reviewed the information provided and have consulted with my neighbors and fellow community members, and we have come to a collective decision to decline this application for the following reasons:

- 1. ****Impact on Neighborhood Character:**** The proposed changes are not in harmony with the existing character of our neighborhood. The increased density and building height would adversely affect the aesthetic appeal and the quality of life in the area.*
- 2. ****Traffic and Parking Concerns:**** The proposed development appears to lack adequate provisions for parking and traffic management. This could lead to congestion and safety issues on our streets.*
- 3. ****Noise and Privacy:**** We are concerned about increased noise levels and the loss of privacy for residents in neighboring properties due to the new development.*
- 4. ****Community Input:**** We believe that the community's input should be given more significant consideration in such decisions. The proposed changes do not align with the wishes and needs of the majority of residents in this area.*

Considering these concerns, I kindly request that the City of Windsor declines the application for Zoning By-law 8600 File :A-047/23 . We believe that the current zoning regulations in place are appropriate and should be maintained to protect the integrity and character of our neighborhood.

I appreciate your attention to this matter and look forward to hearing the City's decision regarding this application. Please keep us informed of any future developments related to this issue.

Objection #3

From - Noah Morgan, Neighbour

I trust this message finds you in good health. I am writing to convey my apprehensions and opposition to the proposed amendment to the zoning by-law, as elaborated in the aforementioned application. Following a thorough review of the provided information and discussions with my neighbors and fellow community members, we have collectively decided to oppose this application for the following reasons:

- 1. ****Impact on Neighborhood Character:**** The proposed alterations do not align with the current ambiance of our neighborhood. The increased population density and building height could adversely affect the visual appeal and overall quality of life in our vicinity.*
- 2. ****Traffic and Parking Concerns:**** The proposed development seems to lack adequate provisions for parking and traffic management, potentially resulting in traffic congestion and safety concerns on our streets.*
- 3. ****Noise and Privacy:**** We are worried about the potential increase in noise levels and the loss of privacy for residents in neighboring properties due to the introduction of the new development.*

Considering these concerns, I kindly urge the City of Windsor to reject the application for Zoning By-law 8600, File A-047/23.

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. Malandrucolo, feels they don't agree with the objections presents and points out that the consent and proposed severed lot, as deemed by the recommendation on the proposed lot will be in compliance of the building code, grading requirements and this application applies to the official plan, and zoning by-laws, and confirms they are in agreement with the recommendations and comments provided in the report from Administration

Mr. Golob outlines that the proposed variance should read 371.6 m² as an administrative error in the report.

Mr. Cerasa asks if a Lot grading plan is to be provided for this file.

The Chair asks for public presentation.

1576 Pelissier – Kathy Castelli, neighbour. Outlines that a variance was to be put in place and she feels the lot is not large enough for the proposal, and she has provide a letter of objection.

Mr. Golob, outlines there is only lot area is the variance being sought, and is the same size as the neighbours who is objecting's property.

Moved by: Joe Balsamo

Seconded by: Frank Cerasa

IT IS HEREBY DECIDED that the application **BE GRANTED WITH CONDITIONS** for the severance file B-032/23.

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): 2763178 ONTARIO LIMITED

Subject Lands: LOT 30 & BLOCK 10 ON REGISTERED PLAN 358 and known as
Municipal Number 1579 OUELLETTE AVE

Zoning: Commercial CD3.5

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

INTERESTED PARTIES PRESENT:

Anthony Malandrucolo, Agent

PRELIMINARY PROCEEDINGS

The Chair declares conflict and removes himself from the proceedings, and the Acting Chair Dante Gatti proceeds.

A motion is made to have Items # 1 and # 2 to be heard concurrently.

The Secretary-Treasurer provides the objections received from neighbours and gives the following updates to the committee and those in the public hearing as follows:

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Considering these concerns, I kindly request that the City of Windsor declines the application for Zoning By-law 8600 File :A-047/23 . We believe that the current zoning regulations in place are appropriate and should be maintained to protect the integrity and character of our neighborhood.

I appreciate your attention to this matter and look forward to hearing the City's decision regarding this application. Please keep us informed of any future developments related to this issue.

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- 3. ****Noise and Privacy:**** We are worried about the potential increase in noise levels and the loss of privacy for residents in neighboring properties due to the introduction of the new development.*

Considering these concerns, I kindly urge the City of Windsor to reject the application for Zoning By-law 8600, File A-047/23.

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. Malandrucolo, feels they don't agree with the objections presents and points out that the consent and proposed severed lot, as deemed by the recommendation on the proposed lot will be in compliance of the building code, grading requirements and this application applies to the official plan, and zoning by-laws, and confirms they are in agreement with the recommendations and comments provided in the report from Administration

Mr. Golob outlines that the proposed variance should read 371.6 m2 as an administrative error in the report.

Mr. Cerasa asks if a Lot grading plan is to be provided for this file.

The Chair asks for public presentation.

1576 Pelissier – Kathy Castelli, neighbour. Outlines that a variance was to be put in place and she feels the lot is not large enough for the proposal, and she has provide a letter of objection.

Mr. Golob, outlines there is only lot area is the variance being sought, and is the same size as the neighbours who is objecting's property.

Moved by: Joe Balsamo

Seconded by: Frank Cerasa

IT IS HEREBY DECIDED that the application **BE GRANTED WITH CONDITIONS** for the severance file B-032/23.

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): FORTUNA PRIME PROPERTY PARTNERS INC.
Subject Lands: LOT 81 REGISTERED PLAN 50 and known as Municipal Number 984 CALIFORNIA AVE
Zoning: Residential RD1.3
RELIEF: Construct a single unit dwelling with reduced minimum lot width, minimum lot area and minimum rear yard depth.

INTERESTED PARTIES PRESENT:

Mark Agbaba, 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. Agbaba, 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.

APPLICANT and SUBJECT LANDS:

Owner(s): FORTUNA PRIME PROPERTY PARTNERS INC
Subject Lands: LOT 82 ON REGISTERED PLAN 50 and known as Municipal Number 988 CALIFORNIA AVE
Zoning: Residential RD1.3
RELIEF: Construct a single unit dwelling with reduced minimum lot width, minimum lot area and minimum rear yard depth.

INTERESTED PARTIES PRESENT:

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

The Chair asks for public presentation. None noted

Moved by: Frank Cerasa

Seconded by: Joe Balsamo

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

CARRIED.

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

APPLICANT and SUBJECT LANDS:

Owner(s): VICTORIA ROSE, PATRICK ANDRY

Subject Lands: LOT 24, REGISTERED PLAN M3 and known as Municipal Number 8490 CLAIRVIEW AVE

Zoning: Residential RD1.1

RELIEF: Creation of a new residential addition with reduced minimum garage door setback from exterior lot line.

INTERESTED PARTIES PRESENT:

Victoria Rose, 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. Rose 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: Mohammad Baki

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): VENUS GLORY INC.

Subject Lands: PLAN 640; LOT 22; N PT LOT 23 & PT CLOSED ALLEY; RP 12R23075; PARTS 26 & 27 and known as Municipal Number 981 CAMPBELL AVE

Zoning: Residential RD2.2

RELIEF: Construction of a semi-detached dwelling, with minimum lot width requirements.

INTERESTED PARTIES PRESENT:

Shan Xu, 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. Xu, confirms they are in agreement with the recommendations and comments provided in the report from Administration, and they will be demolish the existing for the new build.

The Chair asks for public presentation. None noted

Moved by: Mohammad Baki

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.

ADOPTION OF MINUTES

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

Moved by **Dante Gatti,**
Seconded by **Joe Balsamo,**

That the minutes of the Committee of Adjustment Hearing held **October 26, 2023 BE ADOPTED AS AMENDED.**

CARRIED.

ADJOURNMENT:

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

Mike Sleiman, Chairperson

Jessica Watson, Secretary-Treasurer