

Committee of Adjustment

MISSION STATEMENT:

“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together.”

Author’s Name: Averil Parent	File No.: B-007/26
Author’s Phone: 519-255-6100 ext.6397	Report Date: Mar 31, 2026
Author’s E-mail: aparent@citywindsor.ca	Committee Meeting Date: Apr 16, 2026

To: Committee of Adjustment

Subject Application: Consent to create a new lot.

Owner: MAHMOUD ELEYAN

Applicant: Mahmoud Eleyan

Location: 2979 RANDOLPH AVE

Legal Description: PLAN 1193 LOTS 142 & 143

1. RECOMMENDATION:

That the Consent application of Mahmoud Eleyan for conveyance of part of the subject lands, described as Plan 1193 Lots 142 & 143, municipally known as 2979 Randolph Avenue for the creation of a new lot as shown on the drawing attached to the application **BE GRANTED** with conditions¹ to be completed by the applicant/owner:

- I. Provide Site Servicing drawings for the overall property, outlining all existing services.
- II. Abandon any existing redundant services as per BP1.3.3 and to the satisfaction of the City Engineer.
- III. Obtain Right-of-Way permits for any work within the right-of-way.
- IV. Obtain a driveway permit to remove existing driveway/curb cut and place new driveway on retained lot as per transportation planning
- V. Accessory building to be demolished to the satisfaction of the City Planner.
- VI. Consult with Forestry department on the protection of all City trees which may be impacted by the development.

¹For questions about conditions I – IV contact Mark Schaffhauser at 519-255-6257 x6555 or mschaffhauser@citywindsor.ca. For questions about condition V contact Averil Parent at aparent@citywindsor.ca. For questions about condition VI contact Marc Edwards at medwards@citywindsor.ca.

Note: Severance conditions must be fulfilled after the consent has been granted. If the conditions are not satisfied within the required timeline, the application is deemed to be null and void. A new Committee of Adjustment application will be required for any expired decision order.

2. THE REQUESTED MUNICIPAL CONSENT:

The land conveyance of part of the subject land, as shown on the attached drawing, for the purpose of creating a new lot.

3. PLANNING ANALYSIS:

The subject property consists of Plan 1193 Lots 142 & 143, also municipally known as 2979 Randolph Ave. The parcel currently contains a single unit dwelling, a detached accessory building, and a vacant portion of land to the North. The applicant is seeking severance to create a new lot while retaining part of the lot for the existing single unit dwelling. A concurrent minor variance application has been submitted for reduced minimum lot width and reduced minimum lot area for both the severed and retained lots. Both lots are existing whole lots on Registered Plan 1193. There are currently lots along the block that are similar size – 0, 2995 and 2997 Randolph Avenue. A single unit dwelling is proposed for the severed lot, which meets all other provisions in the Zoning Bylaw.

To facilitate this severance, a driveway permit to remove the existing driveway/curb cut and place a new driveway on the retained lot is required. This will allow for one parking space on the retained lot as required by the Zoning Bylaw. In addition, the accessory building is to be demolished.

PLANNING ACT

Subsection 53(1) of the Planning Act gives council the authority to grant consent if satisfied that a plan of subdivision of land is not necessary for the proper and orderly development of the municipality. Council for the Corporation of the City of Windsor has delegated its consent authority to the Committee of Adjustment of the City of Windsor in accordance with Section 54(5) of the Planning Act.

Subsection 51(25) of the Planning Act allows the approval authority to impose such conditions to the approval of an application as it considers reasonable having regard to the nature of the development proposed.

PROVINCIAL PLANNING STATEMENT (PPS) 2024

Planning Staff has reviewed the relevant policies of the PPS - “Building Homes, Sustaining Strong and Competitive Communities” (Policy statement 2.2.1.b of the PPS). The requested consent is consistent with these policies permitting and facilitating all housing options required to meet the social, health, economic, and well-being requirements of current and future residents.

OFFICIAL PLAN (OP)

The Consent Policies, Section 11.4.3 of the Official Plan provide evaluation criteria and conditions of approval for consent applications. Appendix “A” attached herein shows the Consent Policies 11.4.3.

This consent is for creation of a new lot, which represents an appropriate consent per Section 11.4.3.2(a).

The severed and retained lots have access to a public highway paved with a hard surface and are serviced by municipal sanitary and storm services, complying with sections Section 11.4.3.4 and 11.4.3.5.

This consent satisfies the evaluation criteria in Section 11.4.3.6 for continuation of an orderly development pattern.

The City of Windsor Official Plan designates the subject property as Residential and the proposed development maintains the same use and conforms to the associated objectives and policies; therefore, the requested consent meets the general intent and purpose of the Official Plan.

Section 11.4.3.7 of the Official Plan states that the Committee of Adjustment may attach conditions as deemed appropriate to the approval of a consent.

ZONING BY-LAW

The subject land is zoned Residential Residential District 1.4 (RD1.4) per Windsor's Zoning By-law 8600. A concurrent minor variance application has been submitted for reduced minimum lot width and reduced minimum lot area for both the severed and retained lots. Both lots are existing on Registered Plan 1193. A single unit dwelling is proposed for the severed lot, which meets all other provisions in the Zoning Bylaw.

4. PLANNER'S OPINION:

This consent application is consistent with the Planning Act and Provincial Planning Statement 2024 and represents good planning. The requested Consent complies with the Official Plan and Zoning By-law 8600. The Planning Division recommends the approval of the applicant's request for consent with conditions.



Averil Parent
Planner II – Development Review

I concur with the above comments and opinion of the Planner II.



Greg Atkinson, MCIP RPP
Deputy City Planner - Development

CONTACT:

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APPENDICES:

Appendix "A" - Excerpts from the Official Plan Volume I

Appendix "B" - Comments received by the Secretary Treasurer of the Committee of Adjustment

APPENDIX “A”
Excerpts From Official Plan Volume I

	11.4.3	Consent Policies
COMMITTEE OF ADJUSTMENT	11.4.3.1	Council has delegated by by-law the authority to grant consents to the Committee of Adjustment.
APPROPRIATE REASONS FOR CONSENTS	11.4.3.2	Without limiting the relevant provisions of the Planning Act, Consents may only be granted where completing a subdivision process is deemed not to be necessary to ensure the proper and orderly development of the subject lands. The consent process will be used for matters such as granting easements and rights of way, leases or other interests in land lasting in excess of 21 years or lot line adjustments. Consents may be used for lot creation in the following circumstances; <ul style="list-style-type: none"> a) Small scale Infilling or intensification for development that is compatible with the neighbourhood; b) Lot line adjustments; c) An entire parcel is being developed and there are no remaining lands; d) There is no need to extend or improve municipal services outside of the subject lands; e) Where there is no phasing of the development; and f) Where parkland dedication may be cash-in-lieu.
CONFORM WITH PERMITTED USES	11.4.3.3	Consents shall only be granted for the creation of lots which comply with the Official Plan and Zoning By-law.
ACCESS TO A PUBLIC HIGHWAY	11.4.3.4	Consents shall only be granted for lots that will have access to a public road that meets municipal standards for construction. Where the abutting road requires improvement, the City may require the land owner to contribute to the improvement costs.
MUNICIPAL SERVICES	11.4.3.5	All new lots created by consent shall be serviced by municipal sanitary sewer and water services and provide for stormwater management.
EVALUATION CRITERIA	11.4.3.6	Without limiting the relevant provisions of the Planning Act, the approval authority shall evaluate applications for consent in the same manner as an application for plan of subdivision, including; <ul style="list-style-type: none"> a) Provincial legislation, provincial policies and applicable provincial guidelines; b) Conformity with the policies of this Plan, Volume II: Secondary Plans and Special Policy Areas and other relevant municipal standards and guidelines; c) Conformity with the recommendations of any support studies prepared as part of the application; d) The continuation of an orderly development pattern and the lot pattern in the neighbourhood; e) Impact of the development on adjacent properties and the lot pattern and density in the community; and f) The requirements or comments of Municipal departments and public agencies or authorities.
CONDITIONS OF APPROVAL	11.4.3.7	The approval authority may attach such conditions as it deems appropriate to the approval of a consent. Such conditions may include, but are not limited to, the following: <ul style="list-style-type: none"> a) The fulfillment of any financial requirement to the City; b) The conveyance of lands for public open space purposes or payments-in-lieu thereof in accordance with the Open Space policies of this Plan; c) The conveyance of lands for public highways or widenings as may be required; d) The conveyance of appropriate easements; e) The provision of municipal infrastructure or other services; f) The completion of a development or servicing agreement with the City if required; and g) Other such matters as the approval authority considers necessary and/or appropriate.
APPROPRIATE CIRCUMSTANCES FOR CONSENTS	11.4.3.8	Consents may only be granted when it is not necessary for the proper and orderly development of the city. Accordingly, consents will generally be limited to: <ul style="list-style-type: none"> a) Creation of lots for minor infilling; b) The mortgaging or leasing of land beyond 21 years; c) Lot boundary adjustments; and d) Easements and rights-of-ways.

APPENDIX “B”

Comments Received by the Secretary Treasurer of the Committee of Adjustment

Zoning Review

Consent to create a new lot.

Requested variances of Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	10.4.5.1	Minimum Lot Width - retained lot	18.0m	10.7m
2	10.4.5.2	Minimum Lot Area - retained lot	540.0m ²	325.7m ²
3	10.4.5.1	Minimum Lot Width - severed lot	18.0m	10.7m
4	10.4.5.2	Minimum Lot Area - severed lot	540.0m ²	325.7m ²

Stefan Pavlica – Zoning Coordinator

Development, Projects & Right-of-Way

A site servicing drawing is required to determine the location of existing services, as individual connections are required for each lot. Any redundant connections to the retained property are to be abandoned as per BP 1.3.3. Redundant driveways are to be abandoned and boulevard to be restored to city standards. Driveway permit required to bring up to remove existin driveway and plave new driveway on retained lot as per Transportaion planning

This department has no objections to the proposed application, subject to the following condition:

1. Provide Site Servicing drawings for the overall property, outlining all existing services.
2. Abandon any existing redundant services as per BP1.3.3 and to the satisfaction of the City Engineer.
3. Obtain Right-of-Way permits for any work within the right-of-way.
4. Obtain a driveway permit to remove existing driveway/curb cut and place new driveway on retained lot as per transportation planning

Mark Schaffhauser – Technologist

Heritage Planner, Planning and Build

The subject property is located within the Archaeological Potential Zone (as per the recently adopted Windsor Archaeological Management Plan, 2024; OPA 181; and updated 2024 archaeological potential model OP Volume I Schedule C-1). However, the subject property is not within an Archaeologically Sensitive Area (ASA). Thus, an archaeological assessment is not requested at this time. Nevertheless, the Applicant should be notified of the following archaeological precaution.

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City’s Planning & Building Department, the City’s Manager of Culture and Events, and the Ontario Ministry of Citizenship and Multiculturalism must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured.? The local police or coroner must be

contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene.? The Local police or coroner will then notify the Ontario Ministry of Citizenship and Multiculturalism and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Citizenship and Multiculturalism.

Contacts:

Windsor Planning & Development Services Department:

519-255-6543 x6179, ttang@citywindsor.ca, planningdept@citywindsor.ca

Windsor Manager of Culture and Events (A):

Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711, mstaadegaard@citywindsor.ca

Ontario Ministry of Citizenship and Multiculturalism

Archaeology Programs Unit, 1-416-212-8886, Archaeology@ontario.ca

Windsor Police: 911

Ontario Ministry of Public and Business Service Delivery and Procurement

Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures:

Ian Hember, 1-437-244-9840, ian.hember@ontario.ca

Transportation Planner

Parking space is required for retained lot. Restored curb-cut if any.

Aashvi Sarvaiya – Transportation Planner

Windsor Police Service

The Windsor Police Service has no concerns or objections with any of the applications listed in this agenda. In reviewing them, all are relatively minor in terms of their potential impact to public safety, security, or public disorder. None of the applications to be considered are therefore anticipated to create outcomes that will negatively impact the ability of the Windsor Police Service to provide proper and adequate response to incidents, whether emergency or non-emergency in nature, and other service delivery requirements.

Barry Horrobin

Director of Planning & Physical Resources

Forestry

There are City owned trees adjacent to the subject property. City Trees are protected from damages and removal under City by-law 135-2004 and 131-2019. The Applicant will be required to consult with Forestry on the protection of all City trees which may be impacted by the development.

Contact:

Marc Edwards

Supervisor, Parks Forestry

medwards@citywindsor.ca