

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-049/25
Author’s Phone: 519-255-6100 ext.6397	Report Date: Nov 05, 2025
Author’s E-mail: aparent@citywindsor.ca	Committee Meeting Date: Nov 13, 2025

To: Committee of Adjustment

Subject Application: Consent to create two new lots.

Owner: MOHAMMAD NASERIAN and SARA ETEMAD RAD

Applicant: Management at the Levee Inc.

Location: 940 COUSINEAU RD

Legal Description: PLAN 1478 W PT LOT 80;PT CLOSED GUPPY AVE

1. RECOMMENDATION:

That the Consent application of Mohammad Naserian and Sara Etemad Rad on the property legally described as West Part Lot 80 and Part Closed Guppy Avenue on Registered Plan 1478, also municipally known as 940 Cousineau Road for the conveyance of part of the above described lands as shown on the attached drawing for the purpose of creating two new lots **BE GRANTED** with conditions:

The applicant shall:

- Consult with the City Forester to assess any compensation that may be deemed necessary for loss of the municipal owned trees and to the urban forest canopy, to the satisfaction of the City Forester¹.*
- Provide Site Servicing drawings for the overall property, outlining all existing services to the satisfaction of the City Engineer².*
- Provide sanitary, storm and water service fronting retained lot and newly created lot to the satisfaction of the City Engineer².*
- Abandon any existing redundant services as per BP1.3.3 and to the satisfaction of the City Engineer².*
- Right of way permits must be obtained for any work within the right of way to the satisfaction of the City Engineer².*
- Provide ERCA Permits.*

- g. *Provide Draining Report to the satisfaction of the City Engineer².*
- h. *Demolish the existing single unit dwelling to the satisfaction of the City Planner³.*

¹*For questions regarding any compensation that may be deemed necessary for loss of the municipal owned trees and to the urban forest canopy, please contact the Yemi Adeyeye, City Forester at YAdeyeye@citywindsor.ca or (519) 253-2300x2760.*

²*For questions regarding Engineering conditions, please contact Engineering – Right-of-way Division, Thomas Huynh, Technologist, at thuynh@citywindsor.ca or (519) 255-6257x6335.*

³*For questions regarding Planning conditions, please contact Averil Parent – Planner II Development.*

**Severance conditions must be fulfilled within two (2) years after consent has been granted. If condition is not satisfied within required timeline, the application is deemed to be null and void. A new Committee of Adjustment application will be required for any expired application.*

2. THE REQUESTED MUNICIPAL CONSENT:

The conveyance of part of the above described lands as shown on the attached drawing for the purpose of creating two new lots.

3. PLANNING ANALYSIS:

The subject property consists of West Part Lot 80 and Part of closed Guppy Ave on Registered Plan 1478, also municipally known as 940 Cousineau Rd. The subject property consists of a single unit dwelling and a detached garage to be demolished. The applicant is seeking to convey the middle portion of the property (Part 3 and 4) to create a total of three lots for constructing three semidetached dwellings. The proposed lots conform to the Zoning Bylaw and no variances are required. A development proposal for the lots has not been brought forward by the applicant at this time.

This application was previously approved by the Committee of Adjustment on July 27th 2023 per file number B 029/23. As per the Committee decision, severance conditions must be fulfilled with two (2) years after consent has been granted. If conditions are not satisfied within the required timeline, the application is deemed to be null and void. As such, a new Committee of Adjustment application is required of the applicant. The proposal has not changed and the conditions in this report are similar to the conditions included in the B 029/23 decision. The applicant is in the process of fulfilling the conditions. In addition, ERCA permits will be required before building permits will be issued on the parcels.

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 new lots for minor infilling, 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 District 1.4 (RD1.4) subject to site-specific provision S.20(1)446 permitting a semi-detached dwelling as an additional permitted use. Future development proposals on these properties would need to conform with the zoning requirements as per the Zoning by-law. Any proposed variations from the Zoning Bylaw would be addressed through the appropriate Planning Act application process.

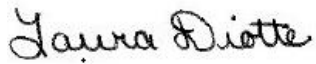
4. PLANNER’S OPINION:

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.



Laura Diotte, MCIP RPP
Manager of Development Applications

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

COMMITTEE OF ADJUSTMENT	11.4.3	Consent Policies
	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; 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; 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: 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: 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.

Zoning Review

Consent to create two new lots.

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. Any redundant driveways are to be abandoned and boulevard to be resotred to city standards.

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. Provide sanitary, storm and water service fronting retained lot and newly created lot to the satisfaction of the City Engineer.
3. Abandon any existing redundant services as per BP1.3.3 and to the satisfaction of the City Engineer.
4. Right of way permits must be obtained for any work within the right of way.
5. ERCA Permits required
6. Draining Report is required because of the municipal drain" (Thomas Huynh)

Heritage Planner, Planning and Build

There is no apparent built heritage concern with this property, and it is not located within an Archaeological Potential Zone (APZ). 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 & Development Services 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

All parking must comply with ZBL 8600 for all three lots. (Elara Mehrilou)

Windsor Police Service

I have reviewed the agenda items for the November 13th meeting of the Committee of Adjustment and would advise as follows:

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 and security. 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.

Respectfully,

Barry Horrobin, B.A., M.A., CLEP, CMM-III
Director of Planning & Physical Resources
WINDSOR POLICE SERVICE
Advanced Certified Law Enforcement Planner

Environmental Policy

Environmental Policy staff have no objection to the proposal, and nothing further is required at this time. To maintain high regard for Natural Heritage in the City during development, the following applies:

1. Should Species at Risk or their habitat be found at any time on or adjacent to the site, cease activity immediately and contact MECP at SAROntario@ontario.ca for recommendations on next steps to prevent contravention of the Endangered Species Act (2007). The City of Windsor SAR hotline (519-816-5352) can also be used for relevant questions and concerns.
2. For a list of Species at Risk and other provincially tracked species with potential to be around the site, use the Natural Heritage Information Centre (NHIC) Make A Map tool, found at <https://www.ontario.ca/page/make-natural-heritage-area-map>
3. Active nests of most bird species are protected under the Migratory Birds Convention Act (1994), the Fish and Wildlife Conservation Act (1997), and/or the Endangered Species Act (2007). If trees, shrubs or ground area on/adjacent to the site are to be removed, damaged, or disturbed during the breeding bird season (April 1 – August 31), then sweeps for nesting birds should be conducted to prevent contravention of these regulations. Protect any trees, shrub or ground area where an active nest is found, and leave the nest unharmed until the young have permanently left the vicinity of the nest.

Visit <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html> for more information.

4. Beaver dams and dens of fur-bearing mammals are protected under section 8 of the Fish and Wildlife Conservation Act (1997) and are not to be damaged or destroyed without the proper authorization and/or license.

5. The City of Windsor is a Bird Friendly City. Bird Friendly Design is encouraged, particularly window collision mitigation. Options for integrating bird friendly design can be found here: www.birdsafe.ca and bird friendly guidelines can be found here: Bird-Friendly Guidelines – City of Toronto.

6. Ontario has a list of Regulated Species in the Ontario Invasive Species Act (2015). If any species on this list are identified on site, it is recommended that Best Management Practices be followed to remove the invasive species from the site prior to starting development activities. If guidance is required, report the occurrence to the City Naturalist. For a list of ISA Regulated species: Ontario Invasive Species Act – Invasive Species Centre.

Contacts:

Karen Alexander

City of Windsor Naturalist and Supervisor of Natural Areas

kaalexander@citywindsor.ca

Connor Wilson

Planner II – Revitalization & Policy Initiatives

conwilson@citywindsor.ca

Landscape Architect

- City trees shall be protected. Consult with Forestry.
- Attempts should be made to protect privately owned trees.

Properties Containing City Trees

City trees are protected under City by-laws 135-2004 and 131-2019. The applicant is requested to ensure adequate tree protection zones are established, safeguarding the trees from damage or removal.

To ensure proper implementation of tree protection zones, the applicant must contact City Forestry for detailed guidance on how to establish an adequate tree protection zone. If tree removal is deemed necessary due to development constraints, consultation with City Forestry is required to follow the appropriate procedures, and as a condition of the application.

Properties Containing Private Trees

The applicant is requested to attempt to preserve existing privately owned trees on the subject site. If trees within the subject site are to be removed for development, it is strongly encouraged to plant replacement trees for their various environmental benefits at a cumulative like-for-like ratio.

Thank you,

RYAN GARDINER-UPTON

LANDSCAPE ARCHITECT

ASSOCIATE MEMBER, OALA, CSLA

ONTARIO MEMBER, ISA