

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: Zaid Zwayyed	File No.: B-059/25
Author’s Phone: (519) 255-6543 ex. 6198	Report Date: Nov 06, 2025
Author’s E-mail: ZZwayyed@citywindsor.ca	Committee Meeting Date: Nov 13, 2025

To: Committee of Adjustment

Subject Application: Consent to create a new lot

Owner: 2434233 ONTARIO LTD

Location: 2142-2144 DAYTONA AVENUE

Legal Description: PLAN 997; LOTS 140 & 141 & PT CLOSED ALLEY; RP 12R26351;
PARTS 10; 21 & 30

1. RECOMMENDATION:

That the consent application of 2434233 Ontario Ltd for the conveyance of part of the subject land described as Plan 997; Lots 140 & 141 & Part Closed Alley; RP 12R26351; Parts 10, 21 & 30, and municipally known as 2142-2144 Daytona Avenue, to create a new lot as identified on the drawing attached to the application, **BE GRANTED**, subject to the following conditions¹:

- I. Provide Site Servicing drawings for the overall property, outlining all existing services. Any redundant services must be abandoned as per BP1.3.3 and to the satisfaction of the City Engineer.
- II. Right-of-way permits must be obtained for any work within the right-of-way.

¹For questions regarding Engineering conditions, contact Thomas Huynh, Technologist, at (519) 255- 6257 x6335 or thuynh@citywindsor.ca

Note: Severance conditions must be fulfilled after consent has been granted. If any condition is not satisfied within (2) years from the date of the decision, the application will be deemed null and void. A new Committee of Adjustment application will be required should the consent expire.

2. THE REQUESTED MUNICIPAL CONSENT:

The conveyance of part of the subject land, as shown on the attached drawing, to create a new lot.

3. PLANNING ANALYSIS:

The subject property, identified as Plan 997; Lots 140 and 141 and Part of Closed Alley; RP 12R26351; Parts 10, 21, and 30, is currently under construction for a semi-detached dwelling. The applicant proposes to sever the property along the constructed common wall to create a new lot, thereby establishing a separate lot for each semi-detached dwelling unit. The proposed use of both the severed and retained lots is residential, and each lot complies with the minimum lot size requirements of the Zoning By-law.

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 the 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 11.4.3.4 and 11.4.3.5.

This consent satisfies the evaluation criteria in Section 11.4.3.6 with minimal impact on adjacent properties, the lot pattern, and density in the community.

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 property is zoned Residential District 2.2 (RD2.2) under Windsor Zoning By-law 8600, which permits semi-detached dwellings. Both the severed and retained lots comply with the minimum lot width and lot area requirements outlined in Section 5.23 of the Zoning By-law.

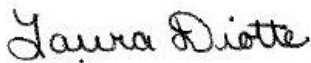
4. PLANNER'S OPINION:

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.

Zaid Zwayyed, MCIP RPP
Planner II – Development Review



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



Laura Diotte, MCIP RPP
Manager of Development Applications

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; 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.

APPENDIX “B”

Comments Received by the Secretary Treasurer of the Committee of Adjustment

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.
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Zoning Review

Consent to create a new lot.

[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 the boulevard is to be restored to city standards.

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

- 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. Right-of-way permits must be obtained for any work within the right-of-way.

[Thomas Huynh, Technologist]

Transportation Planner

The department has no comments on the proposed consent.

Windsor Police Service

The application being considered does not present outcomes that will negatively impact public safety or the ability of the Windsor Police Service to provide proper and adequate response to incidents and other service delivery requirements. Therefore, there are no concerns or objections with the application.

[Barry Horrobin, Director of Planning & Physical Resources]

Landscape Architect

There are no concerns from landscape architecture perspective.

[Ryan Upton, Landscape Architect]

Environmental Policy

Environmental Policy staff have reviewed the proposed consent application at 2142-2144 Daytona Avenue. The subject property is located west of the South Cameron Woodlot. This development proposal has the potential to impact Species at Risk (SAR) and are protected under Sections 9 and 10 of the Endangered Species Act (2007).

Environmental Policy staff has received Permit Number: AY-C-005-18, issued by the Ministry of Environment, Conservation and Parks (MECP) with an expiration date of December 31, 2031 regarding the identified Species at Risk (Butler's Gartersnake, Eastern Foxsnake, and Willowleaf Aster). As such, Environmental Policy staff have no objection to the current proposal, and nothing further is required at this time. Please note that the naturalised right-of-way adjacent to 2198 Daytona (south) cannot be used at any point during the construction of this development.

To maintain high regard for Natural Heritage in the City during development, the following applies:

The Applicant should be notified of the following precautions:

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. If trees or other vegetation (i.e., shrubs and unmaintained grasses) 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 Migratory Bird Regulations (2022), the Migratory Birds Convention Act (1992), and section 7 of the Fish and Wildlife Conservation Act (1997). 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.
- Should you have any questions regarding the above comments, requirements and recommendations, please do not hesitate to reach out to the contacts below.

Karen Alexander
City of Windsor Naturalist and Supervisor of Natural Areas
kaalexander@citywindsor.ca

Connor Wilson
Planner II – Revitalization & Policy Initiatives
aparent@citywindsor.ca (Connor Wilson)

Heritage Planning

Heritage:

There is no apparent built heritage concern with this property.

Archaeology:

The subject property is located within the Archaeological Potential Zone (as per the 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 & 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

[Sophia Di Blasi, Heritage Planning]