

## 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.”*

<b>Author’s Name:</b> Averil Parent	<b>File No.:</b> B-021/26
<b>Author’s Phone:</b> 519-255-6100 ext.6397	<b>Report Date:</b> June 03, 2026
<b>Author’s E-mail:</b> <a href="mailto:aparent@citywindsor.ca">aparent@citywindsor.ca</a>	<b>Committee Meeting Date:</b> June 11, 2026

**To:** Committee of Adjustment

**Subject Application:** Consent to create an easement.

**Owner:** 1256567 Ontario Ltd.

**Applicant:** Storey Samways Planning Ltd.

**Location:** 1235 Huron Church Road

**Legal Description:** Plan 1046 Lots 82 to 93 Inclusive

### 1. RECOMMENDATION:

That the Consent application of 1256567 Ontario Ltd. to create an easement on the property legally described as Plan 1046 Lots 82 to 93 inclusive and municipally known as 1235 Huron Church Road as shown on the attached drawing **BE GRANTED**, subject to the following condition<sup>1</sup>.

- I. The owner/applicant shall register the easement to the satisfaction of the City Solicitor.

*For questions regarding the condition, please contact Aaron Farough, Solicitor at 519-255-6100 ext.6850 or [afarough@citywindsor.ca](mailto:afarough@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:** Consent to create an easement, as shown on the attached drawing, to facilitate sewer servicing.

### **3. PLANNING ANALYSIS:**

The subject property consists of lots 82 to 93 inclusive on Registered Plan 1046, also municipally known as 1235 Huron Church Road. The property has recently been severed (B-055/25). The retained lot contains a vacant existing commercial building. The severed lot is vacant, and a development proposal for a multiple dwelling has been submitted. Through the Site Plan Control process (SPC PCS2 2024-14), a Stormwater Management Plan has been reviewed and approved by the Engineering Department, allowing for shared services between the two parcels. An easement is required in order to facilitate shared services. The creation of the easement has no zoning implications.

#### **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. Pursuant to Subsection 50(5)(f) of the Planning Act, consent is required for the creation of interests in land, including easements and rights-of-way. 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 Subsection 54(5) of the Planning Act. 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 granting an easement, which represents an appropriate consent per Section 11.4.3.2(a).

The 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 Open Space and the proposed development is permitted per OPA 166. 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 Commercial District 3.11 (CD3.11) per Windsor's Zoning By-law 8600, permitting a range of commercial uses and multiple dwellings. The easement does not result in any zoning changes.

### 4. PLANNER'S OPINION:

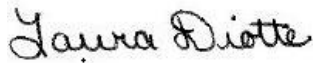
This consent application is consistent with the Planning Act and Provincial Planning Statement 2024 and represents good planning. The requested Consent complies with the Official Plan and Zoning By-law 8600. The Planning Division recommends the approval of the applicant's request for consent with conditions.



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**Averil Parent**  
**Planner II – Development Review**

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



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**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

	<b>11.4.3</b>	<b>Consent Policies</b>
COMMITTEE OF ADJUSTMENT APPROPRIATE REASONS FOR CONSENTS	11.4.3.1	Council has delegated by by-law the authority to grant consents to the Committee of Adjustment.
	11.4.3.2	<p>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;</p> <ul style="list-style-type: none"><li>a) Small scale Infilling or intensification for development that is compatible with the neighbourhood;</li><li>b) Lot line adjustments;</li><li>c) An entire parcel is being developed and there are no remaining lands;</li><li>d) There is no need to extend or improve municipal services outside of the subject lands;</li><li>e) Where there is no phasing of the development; and</li><li>f) Where parkland dedication may be cash-in-lieu.</li></ul>
CONFORM WITH PERMITTED USES ACCESS TO A PUBLIC HIGHWAY	11.4.3.3	Consents shall only be granted for the creation of lots which comply with the Official Plan and Zoning By-law.
	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	<p>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;</p> <ul style="list-style-type: none"><li>a) Provincial legislation, provincial policies and applicable provincial guidelines;</li><li>b) Conformity with the policies of this Plan, Volume II: Secondary Plans and Special Policy Areas and other relevant municipal standards and guidelines;</li><li>c) Conformity with the recommendations of any support studies prepared as part of the application;</li><li>d) The continuation of an orderly development pattern and the lot pattern in the neighbourhood;</li><li>e) Impact of the development on adjacent properties and the lot pattern and density in the community; and</li><li>f) The requirements or comments of Municipal departments and public agencies or authorities.</li></ul>
	11.4.3.7	<p>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:</p> <ul style="list-style-type: none"><li>a) The fulfillment of any financial requirement to the City;</li><li>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;</li><li>c) The conveyance of lands for public highways or widenings as may be required;</li><li>d) The conveyance of appropriate easements;</li><li>e) The provision of municipal infrastructure or other services;</li><li>f) The completion of a development or servicing agreement with the City if required; and</li><li>g) Other such matters as the approval authority considers necessary and/or appropriate.</li></ul>
CONDITIONS OF APPROVAL	11.4.3.8	<p>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:</p> <ul style="list-style-type: none"><li>a) Creation of lots for minor infilling;</li><li>b) The mortgaging or leasing of land beyond 21 years;</li><li>c) Lot boundary adjustments; and</li><li>d) Easements and rights-of-ways.</li></ul>
	11.4.3.8	
APPROPRIATE CIRCUMSTANCES FOR CONSENTS		

## **Zoning Review**

No zoning bylaw implications.

## **Development, Projects & Right-of-Way**

Our comments remain consistent with SPC PCS2 2024-14.

## **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, ktang@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

## **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