



# **CITY OF WINDSOR COMMITTEE OF ADJUSTMENT**

## **MINUTES**

**FOR THE HEARING OF**

**February 29, 2024**

A virtual hearing by the Committee of Adjustment for the City of Windsor was held on February 29, 2024, by Video Conference. The Hearing was called to order at 3:30 PM.

**ATTENDANCE:**

**Present:**

***Committee Members***

Mike Sleiman, Chair  
Dante Gatti, Vice-Chair  
Joe Balsamo, Member  
Frank Cerasa, Member

**Regrets:**

Jessica Watson, Secretary-Treasurer  
Mohammed Baki, Member

Also in attendance, Administrative staff representing the interests of the City of Windsor were:

***Planning & Building Services Department***

Simona Simion, Planner II  
Zaid Zwayyed, Planner I  
Jason Campigotto, Site Plan Approval Officer/Deputy City Planner  
Ana Lukas, Zoning Co-ordinator)  
Stefan Fediuk, Landscape Architect  
Riley Dufour, Committee of Adjustment Clerk

***Engineering & Geomatics Department***

Thomas Huynh, Technologist I

***Transportation Planning Department***

Chris Gerardi, Transportation Engineer  
Claire Amicarelli, Transportation Engineer

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**DISCLOSURE OF PECUNIARY INTEREST**  
**and the general nature thereof**

There being no disclosure of pecuniary interest at this time, the following applications were considered in the order as contained herein.

Mike Sleiman - Declares conflict of Interest on Item #5- 1646 Alexis Rd.  
Dante Gatti - Declares conflict of Interest on Item #4 - McDougall

**APPLICANT and SUBJECT LANDS:**

**Owner(s):** RAVINDRANATH THAYYIL, USHA THAYYIL

**Subject Lands:** PLAN 942 LOT 1 LOT 2;W PT LOT 3 and known as Municipal Number 731 MILL ST

**Zoning:** Residential RD3.1

**RELIEF:** Construction of a multiple dwelling with six dwelling units with reduced minimum side yard width and parking rate.

**INTERESTED PARTIES PRESENT:**

Jackie Lassaline, 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.

**DISCUSSION**

Ms. Lassaline confirms they are in agreement with the recommendations and comments provided in the report from Administration. The Chair asks why they are only proposing 4 parking stalls. Ms. Lassaline asks for the site plan to be presented to the committee. Ms. Lassaline outlines due to the irregular size of the property, the by-law prohibits parking in the front, and with the odd shape this is the only accommodation. She outlines around the corner on Felix Ave is a bus stop, and is short distance to commercial, and she has reviewed the provided sent in comments from the public, and her client is working with the city to obtain or hoping to achieve on-road permit parking. Ms. Lassaline outlines her client is working with the city to obtain this permit as long as the neighbours are in agreement, and her client agreed to work with the neighbours to get established, there is a process at City Hall. Mr. Sleiman asks what factors were considered in determine the number of parking spots installed, and how do they align with the needs of other residence and the community? Ms. Lassaline outlines there is public transit close by, and the reduction of a vehicle. Mr. Sleiman asks if a parking study was complete? Ms. Lassaline outlines a parking study was not required. She outlines that a traffic study or report, and there are no conditions requested. Mr. Sleiman asks how 4 parking spots would be feasible to this size of development.

Mr. Sleiman, outlines that it is intended that parking is not good. Mr. Sleiman asks if there have been any other accommodate parking discussed or options for shared parking in the vicinity. Mr. Sleiman asks, how would the parking be addressed, and what potential impact would the reduction have to the surrounding neighbourhood, or traffic congestion? Ms. Lassaline outlines that it will be agreed upon that parking will not be included, and that on-site parking is prohibited, the onus would be on the agent. Conversation surrounding parking, and the proposed arrangement align with others in the neighbourhood. Ms. Simion outlines that in this situation, align with the existing and zoning in the area. Ms. Simion outlines that most provide a space per dwelling unit, whereas this request is for 6 units and only 4 spaces, and that 2 units would be vehicle non-dependent. Mr. Sleiman would like to know if there was any community input on the parking? Ms. Lassaline outlines that there was circulation from the Committee only. Mr. Sleiman outlines that there as an objection from a neighbour with respect to parking.

Mr. Balsamo asks about the 2 spaces, and one is no assessable, they would look at altering. Mr. Gatti asks if there is parking on Mill Street, and there is none. Ms. Amicarelli, outlines that there is on street parking available on the east side of the street. Mr. Ceresa is satisfied that there is sufficient. Mr. Gatti asks what is complete for Administering and Mohammed Baki, Member asks how parking sufficiency is determined). From and administration perspective, how do you address parking analysis that goes into determining adequacy. They would like

determination of how this is defined. The walkable distance is 400 meters, and there are bus stops around the corner, and there is more than 1 bus route, with the closest being 50 meters. Doug Whaley, Neighbour – Mr. Whaley feels the parking is a huge concern and now with the bridge owning those lands to the tracks, from the roundabout that loss 7 parking spots right to McDonalds and there are a lot of students that use that street for Parking to attend the University of Windsor. Mr. Whaley sees there isn't parking for visitors, and his issued is with blocked driveways etc. and he isn't in support of the proposed.

The Chair asks for public presentation.

Moved by: Joe Balsamo

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):** FARHI HOLDINGS CORPORATION

**Subject Lands:** PLAN 76 LOT 1 BLK A & PT LOT, 77 CON 1 & PT CLOSED ALLEY, RP 12R9686 PART 1 2 & 3, WEST PART LOT 1 and known as Municipal Number 0 RIVERSIDE DR W (Janette AVE)

**Zoning:** Commercial CD3.1, S.20(1)489

**RELIEF:** A proposed development consists of a mixed use tower with multi residential and commercial space, with increased maximum building height, location of parking, minimum required loading spaces.

**INTERESTED PARTIES PRESENT:**

Amy Farcas, 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.

**DISCUSSION**

Ms. Farcas confirms they are in agreement with the recommendations and comments provided in the report from Administration. Mr. Cerasa asks if the proposal is within the 15 m radius and has there been any studies completely. Ms. Farcas outlines the height was already approved, they are changing the proposed to include the top floor. Mr. Campigotto, outlines it is outside the jurisdiction of the Airport.

The Chair asks for public presentation. None noted

Moved by: Dante Gatti

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):** MAAN SMOKA

**Subject Lands:** PLAN M27; PT LOT 404; RP 12R1719; PARTS 7 & 8 and known as Municipal Number 9440 RYERSON RD

**Zoning:** Residential RD1.7

**RELIEF:** Proposed accessory building exceeding maximum lot coverage.

**INTERESTED PARTIES PRESENT:**

Nadine Smoka, Owner  
Maan Smoka, 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**

Mr. Smoka confirms they are in agreement with the recommendations and comments provided in the report from Administration. Mr. Zwayyed outlines the analysis and points to the “applicants have special needs.”

Mr. Zwayyed outlines that the applicant expressed interest that has had consultation with the applicant, due to being in a wheelchair.

The Chair asks for public presentation. None noted

Moved by: Dante Gatti

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):** WINWEST ENTERPRISES LTD

**Subject Lands:** CON 1 PT LOT 85, RP 12R10279, PT OF PART 1, and known as Municipal Number 1504 MCDOUGALL ST/

**Zoning:** Manufacturing MD2.1 S.20(1)368

**REQUEST:** Severance of lands as shown on the attached drawing, for the purpose of creating a Lot addition

**INTERESTED PARTIES PRESENT:**

Gillian Di Schiavo, Agent

**PRELIMINARY PROCEEDINGS**

Mr., Gatti, declares a conflict of Interest and will remove himself from the proceedings.

Ms. Amicarelli, outlines that there is a change in the condition for the conveyance, from 3.5 to 1.5 m.

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. Di Schiavo confirms they are in agreement with the recommendations and comments provided in the report from Administration. Mr., Cerasa asks about the severance needs. Ms. Di Schiavo outlines the purpose of the severance is to add additional parking to the commercial lots. And that she is in agreement with the change in the comments.

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 WITH CONDITIONS** - 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):** PARWAY INC.

**Subject Lands:** CON 1; PT LOT 100 and known as Municipal Number 1646 ALEXIS RD

**Zoning:** Severed Lot: Residential District 3.2 (RD3.2), S.20(1)486 Retained Lot: Institutional district 1.1 (ID1.1)

**REQUEST:** Severance of lands as shown on the attached drawing for the purpose of creating a new Lot.

**INTERESTED PARTIES PRESENT:**

Ralph Meo, Agent

**PRELIMINARY PROCEEDINGS**

The Chair declares a conflict of interest with this item, and removes himself from the proceedings.

Mr. Balsamo outlines he knows the applicant, but has no financial gains from this application.

The Acting-Chair confirms with the applicant if they are in agreement with the recommendations and comments provided in the report from Administration.

The Acting-Chair asks if there are any questions/comments from Committee Members and Administration.

**DISCUSSION**

Mr. Meo confirms they are in agreement with the recommendations and comments provided in the report from Administration

The Chair asks for public presentation.

Carol Guimond, Neighbour 1591 Alexis Rd. – outlines when previously met in October of 2023, the applicant was granted and at that time he outlined he was not going to touch the lot and now they want to sever, and in the May recommendations, it should be maintained as a school and daycare. Mr. Meo outlines that the primary purpose of the existing property is 2-fold, he outlines the primary purpose is to create a legal description for the school building which has been designated heritage site and the secondary purpose as the neighbour has pointed out that the proposal is for the second portion to address the rezoning application to build an apartment building.

Ken Acton – 1816 Alexis Rd, Neighbour – Mr. Acton has some concerns, and Mr. Acton applauds the applicant/agent for increasing housing as this is a situation in Windsor. Mr. Acton outlines he is on a Board of Architects and the mandate is to promote walkable communities, and with his experience from a citizen's approach. Mr. Acton expresses the heritage clause with this property, and his concerns are with the severance and the heritage designation, and if this is granted, and when the severance occurs it will be impeded and justified on the register as this is identified on the heritage registry. Mr. Acton outlines Statutory clauses with regards to Acts and Bills, including the Better Schools Act, and as an educator he points out that this building under the child licensing manual with children outdoor areas, playground and outdoor common space, for this secondary space and daycare requirements. He outlines the requirement for the space, that children need to be outdoors, and that the grades of students and the play areas that there will be insufficient space if this severance is granted. His concerns looking at the proposed sketch and the parking requirements, that have been met, but the entire north/east/south side and the rear of the building as well, the remaining greenspace that remains with a quick calculation, and use the required, that is roughly only for 285 (students). With respect to the building code and the school as is, he points out that there is not enough room. Mr. Acton reads information with respect to the acts and compares them to the legal ramifications and the City's responsibilities and the significance especially cultural the



heritage designation with the area, this is the only standing historical school that it remains. Mr. Acton feels that the school can no longer be used as a school, there is not enough space to be used as such. If this severance goes forward, this must be used as a school.

Judy Lund, 1649 Alexis Road – Ms. Lund asks if the existing property at 1646 she is asking if the north parking lot is within the severance or are these parking spaces on the northside of the property. Mr. Meo outlines there are a number of parking spaces on the north side, but the spaces will be thru the driveway which will be a shared agreement with access with the apartment. Mr. Meo outlines and a new access will be created, and the old driveway are not proper standards, and a new access will be gained. Ms. Lund asks about the housing severance will they have north/south access off Chandler. Mr. Meo outlines that 2 driveways proposed will be split in 2 separate directions, one on Alice and one on Alexis. Ms. Lund asks the applicant about the severance of the whole school property, and a huge component of the property, and that there will not be enough room for parking, playground area and this is a huge concern. Ms. Lund addresses administration and her feelings with regards to the north/south exits on chandler and would they be considered, due to the thoroughness and not having enough exits, which will bring a surplus of traffic and congestion onto Alexis. She is not opposed to the proposal, she is more concerned about traffic issues on residential streets and at the entrance of the schools, and this will offer congestion. Ms. Lund feels that the severance line that is being proposed along the city line, what is the city going to do with that property, phases, and a considerable thru street north/south on Chandler Street or Reginald Street consideration? Mr. Meo, outlines there isn't roadway on Chandler as it is a closed road allowance, private property owned by the City, so there is no way they can propose a road allowance. Mr. Atkinson outlines that this was a previous council question, and was directed to the Parks Department for follow-up and Administration will be reporting back to City Council on the future use of that site, and at present it is unknown.

Mr. Gatti, asks when is the last time this was used as a school? Mr. Meo expresses it has been closed a numerous years ago, and the city gained ownership from the Board of Education, and put it up for sale. His client purchased it, part of the school is being used presently as a high school. Mr. Acton address the applicant with respect to the students using the adjacent property to supplement education. Mr. Meo outlines he doesn't know. Mr. Acton outlines students utilize this property for BBQ's and events. He feels the developer could build more units and remove the school.

Moved by: Frank Cerasa

Seconded by: Joe Balsamo

**IT IS HEREBY DECIDED** that the application **BE GRANTED WITH CONDITIONS**

**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):** ABDULJABBAR ISMAIL, AMINAH DOSKI MOHAMMAD

**Subject Lands:** PLAN 973 LOT 710 PT LOTS 709;711 PT CLOSED ALLEY;RP 12R15654 PART 44; and known as Municipal Number 2240 RANDOLPH AVE

**Zoning:** Residential RD1.1

**RELIEF:** Conversion of an existing sunroom to a habitable room with reduced minimum rear yard depth and exceeding maximum lot coverage.

**INTERESTED PARTIES PRESENT:**

AbdulJabbar Ismail, 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**

Mr. Ismail confirms they are in agreement with the recommendations and comments provided in the report from Administration. The Chair asks the applicant if he constructed the sunroom recently by himself, and if there was there a building permit taken out. Mr. Ismail, indicates he hired a contractor/developer to build and that he took out a permit. The Chair asks why it was built oversized. Mr. Ismail outlined that he hired someone, and after his son was married, he wanted to apply to make it bigger. The Chair asks the size – Mr. Imsail outlines it is 14X 20 feet. He outlined that this was an addition to his house, and it was a 3-season sunroom. The question was addressed to administration if there was a building permit? Mr. Zwayyed, outlines that a building permit was taken out, and how this was overlooked. The permit is already issued at this time, and they will be required to gain committee of Adjustment Minor variance to convert the sunroom to a habitable room, and it can encroach into a rear yard. Mr. Cerasa outlines that he has already received a permit, and did he receive an inspection, and if so, we should proceed and be granting it. The inspections are part of the permit, he is adding insulation, and will have an additional inspection by the building department.

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):** 1000274597 ONTARIO LTD.  
**Subject Lands:** PLAN 620; PT LOTS 143 TO 146 and known as Municipal Number 1151 DROUILLARD RD  
**Zoning:** Residential RD2.2  
**RELIEF:** Conversion of an existing combined use building into multiple dwelling with four dwelling units, with minimum lot width, area, coverage, front yard depth, rear yard depth and side yard depth.

**INTERESTED PARTIES PRESENT:**

Nyrab Tejani, Agent

**PRELIMINARY PROCEEDINGS**

Moved by Joe Balsamo  
Seconded by Frank Cerasa

**That Files A-006/24 and B-003/24 described as PLAN 620; PT LOTS 143 TO 146 and known as Municipal Number 1151 DROUILLARD RD are concurrent and will be heard together.**

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. Tejani confirms they are in agreement with the recommendations and comments provided in the report from Administration. Mr. Cerasa asks the applicant to confirm if these are residential units, and Mr. Tejani outlines yes.

The Chair asks for public presentation. None noted

Moved by: Joe Balsamo

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):** 1000274597 ONTARIO LTD.  
**Subject Lands:** PLAN 620; PT LOTS 143 TO 146 and known as Municipal Number 1151 DROUILLARD RD  
**Zoning:** Residential RD2.2  
**REQUEST:** Severance of lands as shown on the attached drawing, for the purpose of creating a new Lot.

**INTERESTED PARTIES PRESENT:**

Nyrab Tejani, Agent

**PRELIMINARY PROCEEDINGS**

Moved by Joe Balsamo  
Seconded by Frank Cerasa

**That Files A-006/24 and B-003/24 described as PLAN 620; PT LOTS 143 TO 146 and known as Municipal Number 1151 DROUILLARD RD are concurrent and will be heard together.**

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. Tejani 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: Joe Balsamo

Seconded by: Dante Gatti

**IT IS HEREBY DECIDED** that the application **BE GRANTED WITH CONDITIONS**

**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):** CUONG THI DUONG, KHEN THI DINH

**Subject Lands:** PLAN 558 LOTS 392 TO 395;PT BLK A PT 1' RESERVE;RP 12R21079 PART 2; and known as Municipal Number 2083 DOMINION BLVD

**Zoning:** Residential RD1.2

**RELIEF:** Proposed single unit dwelling with reduced minimum lot width (on retained Lot).

**INTERESTED PARTIES PRESENT:**

Michael Stocks, Agent

**PRELIMINARY PROCEEDINGS**

Moved by: Dante Gatti

Seconded by: Joe Balsamo

**That Files A-007/24 and B-004/24 described as PLAN 558 LOTS 392 TO 395;PT BLK A PT 1' RESERVE; RP 12R21079 PART 2; and known as Municipal Number 2083 DOMINION BLVD.**

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. Stocks 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: Dante Gatti

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):** CUONG THI DUONG, KHEN THI DINH

**Subject Lands:** PLAN 558 LOTS 392 TO 395;PT BLK A PT 1' RESERVE;RP 12R21079 PART 2 and known as Municipal Number 2083 DOMINION BLVD

**Zoning:** Residential RD1.1

**REQUEST:** Severance of lands as shown on the attached drawing, for the purpose of creating a new Lot.

**INTERESTED PARTIES PRESENT:**

Michael Stocks, Agent

**PRELIMINARY PROCEEDINGS**

Moved by: Dante Gatti

Seconded by: Joe Balsamo

**That Files A-007/24 and B-004/24 described as PLAN 558 LOTS 392 TO 395;PT BLK A PT 1' RESERVE; RP 12R21079 PART 2; and known as Municipal Number 2083 DOMINION BLVD.**

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. Stocks 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: Dante Gatti

Seconded by: Frank Cerasa

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

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 January 25, 2024, **BE ADOPTED AS AMENDED.**

**CARRIED.**

**ADJOURNMENT:**

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

\_\_\_\_\_  
Mike Sleiman, Chairperson

\_\_\_\_\_  
Jessica Watson, Secretary-Treasurer