



CITY OF WINDSOR COMMITTEE OF ADJUSTMENT

MINUTES

FOR THE HEARING OF

April 25, 2024

A virtual hearing by the Committee of Adjustment for the City of Windsor was held on April 25, 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
Mohammed Baki, Member

Jessica Watson, Secretary-Treasurer
Riley Dufour, Committee Clerk

Regrets:

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 II
Diana Radulescu, Planner I
Brian Velocci, Site Plan Approval Officer
Connor O'Rourke, Zoning Co-ordinator
Ana Lukas, Zoning Co-ordinator
Stefan Fediuk, Landscape Architect
Aaron Farough, Counsel

Engineering & Geomatics Department

Mark Schaffhauser, Technologist I

Transportation Planning Department

Chris Gerardi, Transportation Engineer

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

Mr. Gatti, declares a conflict of interest on Item #8 of today's agenda, 1360-1380 Meadowbrook, and will remove himself from the proceedings.

APPLICANT and SUBJECT LANDS:

Owner(s): JOHN RIBSON, JOEL KELL

Subject Lands: PLAN 1053; LOT 3 and known as Municipal Number 1215 KILDARE RD

Zoning: Residential RD1.3, S.20(1)267

RELIEF: Construct a detached ADU exceeding maximum lot coverage for all accessory building and reduced minimum separation of accessory building from side lot line.

INTERESTED PARTIES PRESENT:

Andrew Liburdi, 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. None noted.

DISCUSSION

Mr. Liburdi 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: Mohammed Baki

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): NC CAPITAL HOLDINGS INC

Subject Lands: PLAN 620; LOT 33 and known as Municipal Number 1147 HICKORY RD

Zoning: Residential RD1.3

RELIEF: Construction of a single unit dwelling with ADUs with reduced minimum lot area and exceeding maximum lot coverage for all accessory buildings.

INTERESTED PARTIES PRESENT:

Clarke Gallie, 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. None noted.

DISCUSSION

Mr. Gallie, 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: 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): MOHAMMED RAQIBUL ALAM

Subject Lands: PLAN 43 N PT LOT I;S PT LOT H and known as Municipal Number 3242 BABY ST

Zoning: Residential RD2.2, S.20(1)236

RELIEF: Construction of a single unit dwelling with reduced minimum parking

INTERESTED PARTIES PRESENT:

Mohamed Alam, Owner

PRELIMINARY PROCEEDINGS

Moved and supported, File A-016/24 and File B-008/24 are concurrent and will be heard together. PLAN 43 N PT LOT I;S PT LOT H and known as Municipal Number 3242 BABY ST

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

Mr. Cerasa addresses Administration and asks if a Building permit will be required during SPC. Mr. Zayeed, outlines the development is not subject to SPC, but would require a permit to build from the building department. Mr. Cerasa outlines that drawings haven't been submitted. Mr. Zayeed outlines a sketch has been provided with the application. The sketch is provide for all to see. Chair asks for size of lot. The Planner outlines the property size and area being 3000Sq ft. Mr. Cerasa asks if the design can be pushed back to allow a driveway. Mr. Zayeed, outlines the subject land is zoned as a Residential District 2.2 (RD2.2) with a site-specific provision S.20(1)236, per By-law 8600, permitting a single unit dwelling. A minor variance application is being submitted concurrently to address the parking reduction for the proposed dwelling on the severed lot. Both the severed and retained lots comply with the minimum lot width and area requirements of the zoning district. Mr. Cerasa asks if this subject property has a heritage designation. The Chair asks if the newly constructed home would have the option to have back alley parking. Mr. Zwayeed outlines there isn't an alley. The Chair asks for public presentation. Mr. Kennedy, Neighbour - objects to the applications and feels that there wasn't full disclosure, with an impact on the current neighbours. He outlines there is a lack of parking already, and the severance of the property lines. Mr. Kennedy outlines his feelings that this severance is illegal, and outlines that the cemetery runs along the property line. Mr. Kennedy feels that further disruptions would occur, and seeks denial to the application and variances and severance being sought today.

Moved by: Mohammed Baki

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): MOHAMMED RAQIBUL ALAM

Subject Lands: PLAN 43 N PT LOT I;S PT LOT H and known as Municipal Number 3242 BABY ST

Zoning:

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

Mohamed Alam, Owner

PRELIMINARY PROCEEDINGS

Moved and supported, File A-016/24 and File B-008/24 are concurrent and will be heard together. PLAN 43 N PT LOT I;S PT LOT H and known as Municipal Number 3242 BABY ST

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

Mr. Cerasa addresses Administration and asks if a Building permit will be required during SPC. Mr. Zayeed, outlines the development is not subject to SPC, but would require a permit to build form the building department. Mr. Cerasa outlines that drawings haven't been submitted. Mr. Zawayeed outlines a sketch has been provided with the application. The sketch is provide for all to see. Chair asks for size of lot. The Planner outlines the property size and area being 3000Sq ft. Mr. Cerasa asks if the design can be pushed back to allow a driveway. Mr. Zawayeed, outlines the subject land is zoned as a Residential District 2.2 (RD2.2) with a site-specific provision S.20(1)236, per By-law 8600, permitting a single unit dwelling. A minor variance application is being submitted concurrently to address the parking reduction for the proposed dwelling on the severed lot. Both the severed and retained lots comply with the minimum lot width and area requirements of the zoning district. Mr. Cerasa asks if this subject property has a heritage designation. The Chair asks if the newly constructed home would have the option to have back alley parking. Mr. Zwayeed outlines there isn't an alley.

The Chair asks for public presentation. Mr. Kennedy, Neighbour - objects to the applications and feels that there wasn't full disclosure, with an impact on the current neighbours. He outlines there is a lack of parking already, and the severance of the property lines. Mr. Kennedy outlines his feelings that this severance is illegal, and outlines that the cemetery runs along the property line. Mr. Kennedy feels that further disruptions would occur, and seeks denial to the application and variances and severance being sought today.

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): SHADI ALI

Subject Lands: PLAN 1478 PT LOT 47 and known as Municipal Number 4065
CASGRAIN DR

Zoning: Residential RD1.4

RELIEF: Existing structure with reduced minimum side yard width.

INTERESTED PARTIES PRESENT:

Tom Stamatovski, 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. None noted.

DISCUSSION

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

Mr. Gatti, asks if a building permit was taken out. Mr. Stamatovski, outlines that the carport was built, and now he is asking for the relief. The Chair asks if contractor was obtained for the project. The Agent outlines he wasn't aware. Mr. Cerasa addresses the Agent that he must knew the contractor. The Agent outlines it's apparent proper procedures were not complete. The Chair outlines there is an impact on the neighbouring property and safety and accessibility due to the closeness of the neighbouring property, and the long term implications. Mr. Balsamo outlines he did a site visit, and any water run off would definitely run onto the property and it was built illegally.

The agent outlines he can't say specifically if there is an encroachment. Mr. Balsamo asks if this encroachment would result in removal? The Chair asks if a site-visit was conducted. Mr. Zwayyed outlines there wasn't a site-visit, however based on the submitted drawings with the sketch and was prepared by a designer with accuracy and the roof is on the property drawing. Mr. Zwayyed outlines a review of access was taken into consideration when reviewing this there wouldn't be any impeding or access on the neighbour. Consultation was complete with other internal departments, and the slope of the roof, will not run off into the neighbours property. Mr. Zwayyed outlines that the applicant doesn't have a garage, and would like to provide shelter for his vehicle, it is outlined if it was a detached carport it would be permitted. Mr. Zwayyed outlines the carport is already constructed. The Chair outlines there is an encroachment, and he has came across many application in previous years, where the owner of the property has closed the carport and turned it into a garage, and in the event this follows suit or future owners may want to make it a garage, what happens. Mr. Cerasa outlines that the building department needs to inspect this and a fine should be imposed. Mr. Atkinson outlines that this can't be imposed by the Committee. Mr. Cerasa would like a fine to be imposed. IF there are deficiencies with an existing structure, part of the enforcement may result in fines. Mr. Gatti outlines that if there are modifications to the existing carport, he would require COA, as the applicable side yard separation isn't conditional upon the structure, once there is a granting it is for all purpose. He outlines that just because he puts boards up, as there would be already granting in place. Mr. Zwayyed outlines that the minutes of the meeting speak to carport only. Mr. Gatti addresses administration with respect to the purpose of a side-yard with a 90% reduction, and asks at what % would it not be considered a minor variance and a major, and would it change the recommendation, and asks for the 1.8 m and not the .6 m. Mr. Zwayyed outlines that the section 5.10 for ADUs of ByLaw 8600, outlines this. Mr. Atkinson, outlines that the planning analysis is based on impact and not numbers or numerical variance that shapes the recommendation. Mr. Baki asks if there are any precedence of granting similar applications in the past. Mr. Zwayyed outlines that carports are not as frequent as attached garages and he hasn't seen a carport brought to the property lines and this is existing, and today's decision is for the committee to decided. Mr. Cerasa outlines there is a violation that must be taken care

of by the building department. Mr. Cerasa outlines this should be referred to them and that is his recommendation.

The Chair asks for public presentation.

Gero Lapico, he is the son of the owner of the abutting property with an objections and why they would not be in support of it. He addresses the safety and possible enclosing the carport in the future. He outlines if this was a few inches, and if he was granted the same the houses would be overlapping. He outlines these houses are already close in proximity and he outlines he has windows and wall is already 7feet, and without a survey it appears inaccurate. He outlines that it isn't safe and he objects. Mr. Stamatovski, outlines that if this was dismantled and rebuild it and makes it a detached, it would still be permitted by about 14 inches, and feels these concerns are not in his opinion serious. Mr. Cerasa outlines there is a violation of a building code, and deserves to be punished.

It is agreed that This is an illegal build, and not minor in nature.

Moved by: Joe Balsamo

Seconded by: Frank Cerasa

Opposed by: Mohammed Baki

IT IS HEREBY DECIDED that the application **BE DENIED**

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): DAVID ALASTAIR GARDNER, LORNA ROBERTA GARDNER
Subject Lands: PLAN 609 LOT 2 and known as Municipal Number 1651 PELISSIER ST
Zoning: Residential RD1.3
RELIEF: Construct a single unit dwelling with reduced minimum lot area and side yard width.

INTERESTED PARTIES PRESENT:

David Gardner, 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. Gardner 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: Mohammed Baki

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): **STEPHEN BONIFERRO**

Subject Lands: **PLAN 1056 LOT 56 PT LOT 55 and known as Municipal Number 2705
CURRY AVE**

Zoning: **Residential RD1.4**

RELIEF: **Construct an addition to a single unit dwelling with reduced
minimum rear yard depth.**

INTERESTED PARTIES PRESENT:

Stephen Boniferro, 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. Boniferro 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: 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): LITTLE RIVER LOFTS LP

Subject Lands: CON 2; PT LOTS 125 & 126; RP 12R10427; PART 4; RP 12R5019; PART 10 and known as Municipal Number 3160 MEADOWBROOK LANE

Zoning: Residential RD3.2

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

INTERESTED PARTIES PRESENT:

Giacomo Ramieri, 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. None noted.

DISCUSSION

Mr. Ramieri confirms they are in agreement with the recommendations and comments provided in the report from Administration. Mr. Ramieri, Solicitor for the Applicant is seeking to sever the subject property for the purpose of creating a new lot (Part 3 and Part 4). He explains both severed and retained lots will remain under the same ownership and function as one property. The proposed severance is for mortgage/financing purposes. The severed parcel was being conveyed to a third party, additional conditions would be recommended, including provision for reciprocal easements and sufficient arrangements for shared parking. To ensure the current recommended consent is not relied on for a future subsequent conveyance to a third party under Section 50(12) of the Planning Act the recommendation includes the stipulation that section 50(3) and/or 50(5) shall apply to any future conveyances. By including that stipulation any transfer to a third party would require a new consent and the committee would have the opportunity to consider appropriate conditions applicable in the case of a transfer that separates ownership of the lots.

The Chair asks for public presentation. None noted

Moved by: Joe Balsamo

Seconded by: Mr. Cerasa

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.

ADOPTION OF MINUTES

After reviewing the draft minutes presented by the Secretary-Treasurer,

Moved by Joe Balsamo
Seconded by Dante Gatti

That the minutes of the Committee of Adjustment Hearing held March 28, 2028 **BE ADOPTED**

CARRIED.

ADJOURNMENT:

There being no further business before the Committee, the meeting accordingly adjourned at 4: 25 p.m.

Mike Sleiman, Chairperson

Jessica Watson, Secretary-Treasurer