

THE CORPORATION OF THE CITY OF WINDSOR

Community & Protective Services - Building & Development Department


MISSION STATEMENT:

"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"

LiveLink Report 13421 Z/8581	Report Date: April 15, 2008
Author's Name: Wm. Jean, P. Eng.	Date to Council: April 28, 2008
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TO: Mayor and Members of City Council

SUBJECT: 3839 Sandwich Street - Request for Exemption from Demolition Control By-law and Interim Control By-law

1. RECOMMENDATION: City Wide: Ward(s): 2

That the request of Mr. Norm Wilson, Owner of 3839 Sandwich Street, to demolish the existing accessory garage and construct a new garage at the rear of 3839 Sandwich Street **BE DENIED.**

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

On February 25, 2008, Windsor City Council by CR84-2008 further extended until January 29, 2009, By-law 19-2007 (as amended by By-laws 18-2008 and 35-2008), being an Interim Control By-law for the Olde Sandwich Towne Study Area.

Part III of CR84/2008 also directs the Acting City Planner to prepare a report defining a consistent and reasonable process for building permit exemptions and demolition permit requests for the Olde Sandwich Towne Study Area.

A report was presented to Council on February 25, 2008 (Livelink No. 13294) recommending a further extension of the Interim Control By-Law. This report also described the consistent and reasonable way of proceeding with requests for building and demolition permits which had been used to that point in time.

On April 14, 2008, Council approved the report of the Planning Department regarding building and demolition permit exemption requests in the Olde Sandwich Towne Interim Control By-law 19-2007 (as amended by By-law 18-2008 and By-law 35-2008) and Demolition Control By-Law 20-2007 as follows:

- i. While the Interim Control By-law is in effect, Administration will continue to process requests for building and demolition permits on a case-by-case basis and requested exemptions to the Interim Control By-law will be presented for Council's consideration on the merit of each application.
- ii. Reasonable requests for exemptions are reviewed in accordance with the purpose of the Interim Control By-law, and could include, but not be limited to, situations where an Emergency Order under the Ontario Building Code is required, where there is an imminent danger to the safety of the public, the request is only for interior renovations/alterations, and there will not be negative archaeological or heritage impacts.

3. DISCUSSION:

On September 17, 2007 Council denied a similar request for an exemption to the Interim Control By-law by Mr. Wilson to demolish and reconstruct a detached garage on the property. At the April 14, 2008 meeting of Council, while the Interim Control By-law was in effect, administration was directed to continue to process requests for building and demolition permits on a case-by-case basis and requests for exemptions to the Interim Control By-law will be presented for Council's consideration on the merit of each application.

The site at 3839 Sandwich Street is currently zoned MD1.4 under Zoning By-law 8600. The existing homes along this block of Sandwich Street are legal non-conforming uses. There was an existing garage on this site which has been demolished. According to the owner, it was in an unsafe condition. This Department cannot verify this claim as the garage has now been demolished. The owner wishes to construct a larger garage on the property. Any new buildings, either a main building or an accessory building such as the one proposed, will require an amendment to the Zoning By-law. If Council wishes to exempt this property from the provisions of the Interim Control By-law, further approvals will still be required unless the owner constructs a building for a use permitted in the MD1.4 zoning district.

4. FINANCIAL MATTERS:

N/A

5. CONSULTATIONS:

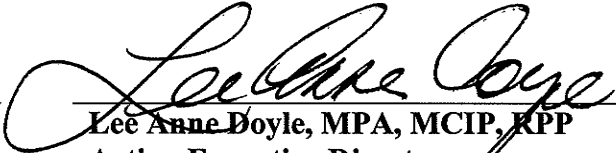
Thom Hunt, Acting City Planner
Wira Vendrasco, Legal Counsel

7. CONCLUSION:


The adoption of interim control and demolition control by-laws is an important prerequisite to the completion of a viable Sandwich Community Improvement Plan. These by-laws ensure that no actions will be taken that could potentially have the negative effect of destabilizing neighbourhoods or key components and characteristics of the community. Therefore, it is recommended that the application to construct a new garage be denied. The owner must wait until the Olde Sandwich Towne Community Improvement Plan is completed and incorporate any recommendations under the plan. Even if Council did exempt this property from the provisions of the Interim Control By-law, further approvals will be still be required unless the owner constructs a building for a use permitted in the MD1.4 zoning district.




W. Jean, P. Eng.
Manager of Permit Services/Deputy
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Lee Anne Doyle, MPA, MCIP, RPP
Acting Executive Director,
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MANU


George Wilkki, P. Eng.
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WJ/lh

APPENDICES:
N/A

DEPARTMENTS/OTHERS CONSULTED:
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