

## 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> Zaid Zwayyed	<b>File No.:</b> A-029/26
<b>Author’s Phone:</b> 519-2550-6543 x-6198	<b>Report Date:</b> May 07, 2026
<b>Author’s E-mail:</b> zzwayyed@citywindsor.ca	<b>Committee Meeting Date:</b> May 14, 2026

**To:** Committee of Adjustment

**Subject Application:** Relief from the provisions of Zoning By-law 8600

**Owner:** 2424718 Ontario Limited (Magda Nawar)

**Location:** 423- 437 Ouellette Avenue

**Legal Description:** PLAN 195 BLK B LOT 6 LOT 7;S PT LOT 5

### 1. RECOMMENDATION:

That the Minor Variance application of 2424718 Ontario Limited (Magda Nawar) for the relief from the provisions of By-Law 8600 to permit the construction of eight dwelling units within a combined use building, with a reduced number of parking spaces, for property municipally known as 423- 437 Ouellette Avenue, **BE GRANTED** with no conditions.

### 2. THE REQUESTED VARIANCES:

Requesting relief from the minimum required number of parking spaces for dwelling units in a combined use building in the Central Business District, thereby seeking the following relief of Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	24.20.1.1	Required Number of Parking Spaces for Dwelling Units in a Combined Use Building within the Central Business District	2 parking spaces	0 parking spaces

### 3. PLANNING ANALYSIS:

The subject property, identified as Plan 195, Block B; Lots 6 and 7; and the south part of Lot 5, contains an existing commercial building. The applicant is proposing interior alterations to construct eight dwelling units on the second floor. The current lot size and existing building envelope limit the ability to provide additional on-site parking and comply with the minimum required parking spaces for the proposed units. Accordingly, the applicant is seeking relief from the Zoning By-law to permit the development with a reduced number of parking spaces. Previous relief from the parking requirement was granted by the Committee in 2024 (A-064/24); however, it has since lapsed, and the applicant is resubmitting the application (See Appendix C).

#### PLANNING ACT

Subsection 45(1) of the Planning Act states that the Committee of Adjustment “*may, despite any other Act, authorize minor variance from the provisions of the by-law, in respect of the land building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.*”

#### PROVINCIAL PLANNING STATEMENT (PPS) 2024

The 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 minor variance 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 Minor Variance Policies in Section 11.6.6 are hereto attached as **Appendix A**. Section 11.6.6.2 outlines the evaluation criteria for minor variance applications. The general intent and purpose of the Official Plan is maintained with the proposed development; the requested variance is minor in nature and desirable for the subject building.

The subject land is designated Mixed Use per the Official Plan. The proposed development is permitted and conforms to the associated objectives and policies. Therefore, the requested variance meets the general intent and purpose of the Official Plan per Section 11.6.6.2(a).

The proposed development is permitted and conforms to the zoning by-law provisions, except for the requested variance. Therefore, the general intent and purpose of the by-law being varied is maintained as per Section 11.6.6.2(b).

The proposal will have minimal impact on the properties in the immediate neighbourhood. Therefore, the variance is minor in nature as per Section 11.6.6.2(c).

The requested variance does not relate to any changes to the building envelope and does not conflict with the requirements of Section 11.6.6.2(d).

The variances are desirable for the appropriate use of the land, building, or structure and would not hinder the reasonable development and/or use of properties in the neighbourhood, thus complying with Section 11.6.6.2(e).

## ZONING BY-LAW

The subject land is zoned Commercial District 3.1 (CD3.1) per By-law 8600. The proposed use is permitted and complies with the applicable provisions except for the variance being requested. The requested variance will not result in undue hardship on the owner, adjoining properties, or the public realm; therefore, the variance is minor in nature. The proposed variance meets the intent of Zoning By-law 8600.

#### 4. PLANNER'S OPINION:

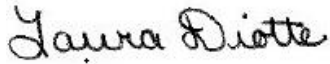
The requested variance is minor in nature and maintains the general intent and purpose of the Official Plan and Zoning By-law 8600. Therefore, the variance is consistent with section 45 (1) of the Planning Act. The Planning Administration recommends approval of the applicant's request with no conditions.

**Zaid Zwayyed, MCIP, RPP**  
**Planner II- Development Review**



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



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**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 "C" - Previous Committee of Adjustment Decision

## APPENDIX "A"

### Excerpts From Official Plan Volume I

#### 11.6.6 Minor Variance Policies

##### COMMITTEE OF ADJUSTMENT

11.6.6.1 Council has appointed a Committee of Adjustment pursuant to the Planning Act to consider applications for minor variance from the Zoning By-law (s) and/or any other by-law that implements the Official Plan.

##### EVALUATION CRITERIA

11.6.6.2 When reviewing an application for minor variance the Committee of Adjustment shall be satisfied that:

- (a) The general intent and purpose of the Official Plan, including the Strategic Directions, Goals and Objectives of the land use designation in which the property is located, is maintained;
- (b) The general intent and purpose of the By-law being varied is maintained;
- (c) The variance or the number of variances to the By-law are minor in nature, would not more appropriately be considered through an application to amend the Zoning By-law due to the cumulative impacts of the variances, preserves the pattern, scale and character of the blockface;
- (d) The variance(s) are generally not more than 20 percent above the By-law regulation being varied where the variances would increase the building envelope of a main building or accessory building containing a dwelling unit. For clarity this includes variances related to lot width; lot area; lot coverage; front, rear, and side yard depth; building height; and maximum gross floor area; and
- (e) The variance is desirable for the appropriate use of the land, building or structure and would not hinder the reasonable development and/or use of properties in the neighbourhood, would City of Windsor Official Plan1 Volume I 1 Tools 11 - 22 not cause a detriment, safety concerns, or would not detract from the character or amenity of nearby properties or the neighbourhood. The area of influence or the neighbourhood will vary with the scale of development and associated areas of potential impact.

##### EXISTING UNDERSIZED LOTS

11.6.6.3 Notwithstanding the provisions of sub-section (d) above, the Committee may give further consideration to variances required to enable appropriate development for existing undersized lots, where existing non-complying structures are being altered or where infilling and intensification is occurring provided that the Committee is satisfied that the provisions of 11.6.6.2 subsections (c) and (e) have been fully addressed.

##### TERMS & CONDITIONS

11.6.6.4 The Committee of Adjustment may attach such terms and conditions as it deems reasonable and appropriate to the approval of the application for a minor variance. The conditions shall relate directly to the impact of the variance and may include measures required to mitigate the impact of altering the zoning regulations on the resulting built form or property development, including but not limited to: a) Specifying architectural elements such as window location, outdoor amenity space, fencing or other screening and door location; b) Requiring additional landscaping including low impact design elements; c) Providing additional bicycle facilities in lieu of motor vehicle parking; and d) Improvement to grading and stormwater management.

##### AGREEMENTS

11.6.6.5 The Committee of Adjustment may require the owner of the land to enter into one or more agreements with the Municipality and address the impacts of the variance dealing with some or all of the terms and conditions of its decision. An agreement may be registered against the land to which it applies, and the Municipality is entitled to enforce the agreement against the owner and, subject to the Registry Act and the Land Titles Act, against any and all subsequent owners of the land.

## APPENDIX “B”

### Comments Received by the Secretary Treasurer of the Committee of Adjustment

#### Zoning Review

Requested variances of Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	24.20.1.1	Required Number of Parking Spaces in the Central Business District	2	0

[ *Stefan Pavlica- Zoning Coordinator* ]

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

This department has no objection to the proposed application. Right-of-way permits must be obtained for any work within the right-of-way

[ *Karen Kong- Technologist* ]

#### Heritage Planner

Built 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, ktang@citywindsor.ca, planningdept@citywindsor.ca

Windsor Manager of Culture and Events (A):

Michelle Staaedegaard, (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

[ *Ryan Upton- Heritage Planning* ]

### **Transportation Planner**

Transportation planning has no issue with proposed relief, as development is a part of the Central Business District , and on-street parking is available on Ouellette Ave.

[ *Aashvi Sarvaiya- Transportation Planning* ]

### **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- Windsor Police Service* ]

### **Environmental Policy**

Environmental Policy staff have no objection to the proposal, and nothing further is required at this time. Staff advise of a nearby roosting site for Chimney Swifts but are not on the subject property. To maintain high regard for Natural Heritage in the City during development, the following applies:

1. Should Species at Risk or their habitat be found at any time on or adjacent to the site, cease activity immediately and refer to the Species Conservation Act (2025) (SCA). The SCA is administered by the MECP. SAR biologists can be contacted at SAROntario@ontario.ca and may provide recommendations on next steps to prevent contravention of the SCA. 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. Active nests of most bird species are protected under the Migratory Birds Convention Act (1994), the Fish and Wildlife Conservation Act (1997), and/or the Endangered Species Act (2007). If trees, shrubs or ground area 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 these regulations. Protect any trees, shrub or ground area where an active nest is found, and leave the nest unharmed until the young have permanently left the vicinity of the nest. 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](http://www.birdsafe.ca) and bird friendly guidelines can be found here: Bird-Friendly Guidelines – City of Toronto.
6. Ontario has a list of Regulated Species in the Ontario Invasive Species Act (ISA) (2015). If any species on this list are identified on site, it is recommended that Best Management Practices be followed to remove the invasive species from the site prior to starting development activities. If guidance is required, report the occurrence to the City Naturalist. For a list of ISA Regulated species: Ontario Invasive Species Act – Invasive Species Centre.

Contacts:

Karen Alexander

City of Windsor Naturalist & Supervisor, Natural Areas

[kaalexander@citywindsor.ca](mailto:kaalexander@citywindsor.ca)

Connor Wilson

Planner II – Revitalization & Policy Initiatives

[conwilson@citywindsor.ca](mailto:conwilson@citywindsor.ca) (Connor Wilson)

**APPENDIX "C"**

Previous Committee of Adjustment Decision

**IN THE MATTER** of the Planning Act, 1990 as amended;

**AND IN THE MATTER** of Zoning By-law Number 8600, as amended, of the Corporation of the City of Windsor., as amended, of the Corporation of the City of Windsor.

**AND IN THE MATTER** of the application of 2424718 ONTARIO LIMITED, Owner(s), for relief of certain lands from the provisions and operation of Zoning By-law 8600.

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**ORDER OF THE COMMITTEE OF ADJUSTMENT OF THE CITY OF WINDSOR**

**WHEREAS**, 2424718 ONTARIO LIMITED, Owner(s) of PLAN 195 BLK B LOT 6 LOT 7;S PT LOT 5 and known as Municipal Number 423-439 OUELLETTE AVE, did on September 24, 2024, make application to the Committee of Adjustment for a variance from the provisions of said By-law Zoning By-law 8600;

**AND WHEREAS**, notice of the application has been duly given, as directed by the Committee;

**AND WHEREAS**, it is made to appear that no objections were filed in response to the notice;

**AND WHEREAS**, the Committee did conduct a public hearing into the merits of the application on October 31, 2024, considering what was requested by the applicant;

**AND WHEREAS**, in the opinion of the Committee, the variance requested is minor in nature;

**AND WHEREAS**, in the opinion of the Committee, the variance requested is desirable for the appropriate development or use of the land, building or structure;

**AND WHEREAS**, the Committee is of the opinion that the granting of the application will not depart from the general intent and purpose of Zoning By-law 8600 and the Official Plan of the Corporation of the City of Windsor;

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

**AND IT IS HEREBY ORDERED** that the lands and premises above described be, and the same are hereby exempt from **Section 24.20.1.1.** of Zoning By-law 8600, as amended, so as to permit, in a **Commercial CD3.1 District**, The construction of 8 residential units with reduced minimum required parking spaces, thereby providing and maintaining:

- I. No parking spaces.

File No. A-064/24

**AND IT IS HEREBY FURTHER ORDERED** that in the event the relief hereby granted is not used or acted upon in whole or in part within 1 YEAR after the dating hereof, the Order granting said variance(s) shall expire and shall be deemed to be annulled and rescinded by the said Committee of Adjustment. (Refer to expiry date below).

**DATE DECISION RENDERED:      October 31, 2024**

*Mike Sleiman*  
M. Sleiman, Chairperson

*J. Balsamo*  
J. Balsamo, Member

*Dante Gatti*  
D. Gatti, Vice-Chairperson

*Mohammed Baki*  
M. Baki, Member

*Frank Cerasa*  
F. Cerasa, Member