

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.”

Author’s Name: Conner O’Rourke	File No.: A-030/26
Author’s Phone: (519) 255-6543 x 6918	Report Date: May 07, 2026
Author’s E-mail: olaforet@citywindsor.ca	Committee Meeting Date: May 14, 2026

To: Committee of Adjustment

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

Owner: Windsor Freezer Services Ltd

Applicant: Fortis Group

Location: 1518 Mercer St.

Legal Description: PLAN 649; LOTS 34 TO 59; PLAN 573; LOT 37; PLAN 761; LOTS 7 TO 9; PLAN 130; PT LOTS 14 & 15; PT OF HIGHLAND AVE CLOSED; PT CLOSED ALLEY; PLAN 12R18444; PARTS 1 TO 9

1. RECOMMENDATION:

That the Minor Variance Application of Windsor Freezer Services Ltd. for the relief from the provisions of By-law 8600 to permit the construction of an industrial building containing office space and a cold storage warehouse with a decreased minimum side yard width from a lot line that abuts a lot on which a dwelling is located on the property municipally known as 1518 Mercer Street **BE GRANTED** with the following conditions:

- I. The applicant/owner shall provide a Noise Study to the satisfaction of the City Planner;¹
- II. That any mitigation measures outlined in the Noise Study be a requirement of Site Plan Control approval.¹

¹For questions regarding Planning Conditions, please contact Conner O’Rourke at corourke@citywindsor.ca

2. THE REQUESTED VARIANCES:

Requesting relief for reduced minimum side yard width for the proposed industrial building, thereby seeking the following reliefs of Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	19.1.5.7.a	Minimum side yard width from a side lot line that abuts a lot on which a dwelling is located	6.0m	4.3m

3. PLANNING ANALYSIS:

The subject property, legally described as Plan 649; Lots 34 To 59; Plan 573; Lot 37; Plan 761; Lots 7 To 9; Plan 130; Pt Lots 14 & 15; Pt Of Highland Ave Closed; Pt Closed Alley; Plan 12R18444; Parts 1 To 9, currently contains two existing industrial buildings. The applicant is proposing an additional industrial building to be used primarily as a freezer warehouse with an accessory business office space. To facilitate this, the applicant is seeking relief from Zoning By-law 8600 to permit the construction of said building with reduced minimum side yard width.

The desired variance is being requested in an effort to ensure that there is enough space for the safe and appropriate access and maneuvering of large tractor trailers that will regularly utilize both the proposed and existing buildings on this site. The requested variance is required due to the fact that this property abuts two dwelling units to the east. The subject property, the relevant adjacent dwellings as well as the surrounding area, are within a Manufacturing District per By-law 8600 and have an Official Plan designation of Industrial. The two adjacent properties containing dwelling units have existed within a manufacturing district for an extended period of time and have historically coexisted with the surrounding industrial uses. The proposed expansion to the existing building will be closer to the abutting dwellings, therefore a Noise Study is recommended as a condition of approval for the requested variance. The noise study will address the noise impacts on the adjacent residential dwellings and recommend mitigation measures to maintain noise at acceptable levels. Any mitigation measures will be incorporated into the required Site Plan Control agreement. Overall, the requested variance is not anticipated to result in any adverse impacts on the subject property or the surrounding area. As such, the variance is considered appropriate and compatible with the existing industrial context, while supporting safe and functional site operations.

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 Industrial 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 as described above. Therefore, the variance is minor in nature as per Section 11.6.6.2(c).

While the requested variance exceeds a 20 percent variation above the by-law regulations, Section 11.6.6.2(d) does not apply to industrial uses.

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, thus complying with Section 11.6.6.2(e).

ZONING BY-LAW

The subject land zoned Manufacturing District 2.1 (MD2.1) per By-law 8600. The proposed use is permitted and complies with the applicable provisions with the exception of 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.

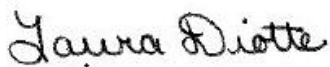
4. PLANNER'S OPINION:

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 Division recommends approval of the applicant's request with the conditions noted Section 1.



Conner O'Rourke
Planner II - Development Review

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



Laura Diotte MCIP, RPP
Manager of Development Applications

CONTACT:
Name: Conner O'Rourke

Phone: 519 255-6543 x 6918

Fax: (519) 255-6544

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

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	19.1.5.7.a	Minimum Side Yard Width	6.0m - from a side lot line that abuts a lot on which a dwelling or dwelling unit is located	4.3m

[*Stefan Pavlica- Zoning Coordinator*]

Development, Projects & Right-of-Way

Our comments remain consistent with PRE-CON-2025-51

[*Karen Kong – Technologist*]

Heritage Planner

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 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:

[*Ryan Upton- Heritage Planner*]

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*]