

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-033/26
Author's Phone: (519) 255-6543 e 6918	Report Date: Aug 05, 2026
Author's E-mail: corourke@citywindsor.ca	Committee Meeting Date: Aug 13, 2026

To: Committee of Adjustment

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

Owner: Garry Loxton

Applicant: Garry Loxton

Location: 2570 Allyson Ave

Legal Description: CON 2; PT LOT 104; PT BLK 62; 12M342; RP 12R14083; PART 2

1. RECOMMENDATION:

That the Minor Variance application of Garry Loxton for relief from the provisions of Zoning of By-Law 8600 for decreased minimum lot width and decreased minimum lot area on the property municipally known as 2570 Allyson Avenue **BE DENIED**.

2. THE REQUESTED VARIANCES:

Requesting relief for a decreased minimum lot width and a decreased minimum lot area, thereby seeking the following reliefs from Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	10.2.5.1	Minimum Lot Width	12.0m	8.5m
2	10.2.5.2	Minimum Lot Area	360m ²	330.9m ²

3. PLANNING ANALYSIS:

The subject property, legally described as CON 2; PT LOT 104; PT BLK 62; 12M342; RP 12R14083; PART 2, and municipally known as 2570 Allyson Avenue is currently vacant. The applicant proposes to construct a

Single Unit Dwelling with one attached Additional Dwelling Unit (ADU). The proposed reduction in lot width is considered too significant of a variance when considering the surrounding neighbourhood and zoning district. A review of the surrounding neighbourhood shows no evidence of a lot width comparable to the proposed 8.5m. The most common lot width within this area is 12.5m, with only a limited number of properties having smaller lot widths. Considering the minimum lot width requirement of 12.0m and the absence of similarly sized lots in the surrounding neighbourhood, the requested variance is not consistent with the range of lot widths found within the surround block and does not maintain the established parcel pattern along the street.

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

Planning Staff have 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 subject land is designated Residential per the Official Plan. The proposed development is permitted and conforms to the associated objectives and policies. Therefore, the requested variances meet 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 variances. The requested variances for reduced lot width and area are not considered minor as they are expected to have an impact on the subject property as well as the surrounding neighbourhood. The reduced lot width and area would result in a dwelling that does not align visually with the established scale and character of the surrounding neighbourhood. By introducing a lot that is significantly narrower than those typically found in this area, the proposal would increase density in a manner that is not reflective of the existing neighbourhood context and could erode the established pattern and scale of development contemplated by the Zoning By-law. As such, the general intent and purpose of the by-law being varied is not maintained as per Section 11.6.6.2(b).

The proposed lot width is not reflective of the prevailing lot pattern on the block or within the surrounding neighbourhood. The proposal is expected to have cumulative impacts on the pattern, scale and character of the blockface. Therefore, the requested variances are not considered minor in nature as per Section 11.6.6.2(c).

The requested variance for reduced lot width exceeds a 20 percent variation above the by-law regulations which does not comply with Section 11.6.6.2(d).

The proposed variances are not desirable for the appropriate use of the land, and is expected to detract from the character of nearby properties and the neighbourhood as a whole, thus not complying with Section 11.6.6.2(e)

ZONING BY-LAW

The subject land is zoned Residential District 1.2 (RD1.2) per Zoning By-law 8600. The proposed use is permitted and complies with the applicable provisions with the exception of the variances being requested. The requested variances are expected to have an impact on the adjoining properties, and the public realm; therefore, the variances are not considered minor in nature. The proposed variances do not meet the intent of Zoning By-law 8600.

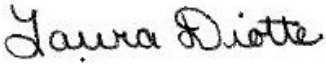
4. PLANNER'S OPINION:

The requested variances are not minor in nature and do not maintain the general intent and purpose of the Official Plan and Zoning By-law 8600. Therefore, the variances are not considered to be consistent with section 45 (1) of the Planning Act. The Planning Division recommends **DENIAL** of the applicant's request.



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

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

<i>COMMITTEE OF ADJUSTMENT EVALUATION CRITERIA</i>	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.
	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 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.
<i>EXISTING UNDERSIZED LOTS</i>	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.
<i>TERMS & CONDITIONS</i>	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.
<i>AGREEMENTS</i>	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 from Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	10.2.5.1	Minimum Lot Width	12.0m	8.5m
2	10.2.5.2	Minimum Lot Area	360m ²	330.9m ²

[*Samuel Perry- 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.

[*Lea Marshall- 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 Staaadegaard, (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 Planner*]

Transportation Planner

Transportation planning has no comments.

[*Aashvi Sarvaiya- Transportation Planner*]

Windsor Police Service

The Windsor Police Service has no concerns or objections with any of the remaining 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. To maintain high regard for Natural Heritage in the City during development, the following applies:

1. Should a Protected Species 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 Protected Species 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 Species Conservation Act (2025). 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 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.

[*Averil Parent- Environmental Policy*]