

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."

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Author's Phone: (519) 255-6543 ex 6198	Report Date: Jul 08, 2026
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To: Committee of Adjustment

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

Owner: 2709600 Ontario Ltd. (North Peak Developments)

Location: 1654 Martindale Street

Legal Description: PLAN 58 PT LOT 2

1. RECOMMENDATION:

That the Minor Variance application of 2709600 Ontario Ltd. for relief from the provisions of By-Law 8600 to construct steps with reduced separation from the side lot line for an existing multiple dwelling on the property municipally known as 1654 Martindale Street, **BE GRANTED**, with no conditions.

2. THE REQUESTED VARIANCES:

Request for relief from the required minimum separation of steps from a lot line for an existing multiple dwelling, thereby seeking the following reliefs of Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	5.30.10.76	Minimum separation from any lot line for steps having a height greater than 0.30 m above the ground	1.20 m	0.67 m

3. **PLANNING ANALYSIS:**

The subject property, described as Plan 58, Part Lot 2, contains an existing multiple dwelling. The applicant is undertaking renovations to an existing exterior stair located within the side yard that provides access to the upper-floor dwelling unit. As part of the renovations, the stairs are proposed to be reconfigured while remaining in the same general location. Since the existing stair is located closer to the side lot line than the minimum separation required by Zoning By-law 8600, relief is required to permit the proposed configuration. Therefore, the applicant is seeking relief from Zoning By-law 8600 to permit steps with reduced side yard separation. No additional variances are requested. A building permit application has been submitted for the proposed renovations, and the proposed stairs will be reviewed for compliance with the Ontario Building Code.

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 applicable policies of the Provincial Planning Statement, 2024. The requested minor variance does not conflict with the policies of the PPS and supports the continued use and improvement of an existing residential property.

OFFICIAL PLAN (OP)

The Minor Variance Policies in Section 11.6.6 are attached hereto 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 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 exceeds the 20 percent variation above the by-law requirement. However, the requested relief relates to an exterior stair and does not result in any changes to the building envelope of the existing multiple dwelling. The proposed stair renovation remains substantially in the same location as the existing stair and does not result in additional encroachment into the required side yard. Given that the proposed changes do not impact the building envelope, are limited by existing site constraints, and are not anticipated to result in adverse impacts on adjacent properties, the intent of Section 11.6.6.2(d) is maintained.

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 remains consistent with Section 11.6.6.2(e).

ZONING BY-LAW

The subject land is zoned Residential District 2.2 (RD2.2) per Zoning By-law 8600. The use is permitted and complies with the applicable provisions, except for the requested variance. 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.

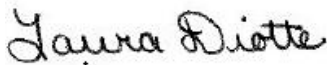
4. PLANNER'S OPINION:

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 no conditions.



Zaid Zwayyed MCIP, RPP
Planner II - Development Review – 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

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 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 from Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	5.30.10.76	Minimum separation from any lot line for steps having a height greater than 0.30 m above the ground	1.20 m	0.67 m

[*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.

[*Sandy Mio- Technologist*]

Heritage Planning

Heritage:

No Heritage Planning concerns and/or comments.

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.

[*Ryan Upton- Heritage Planning*]

Transportation Planner

Transportation planning has no comments.

[*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*]