

Office of the Commissioner of Economic
Development & Innovation Planning &
Building Department
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: Zaid Zwayyed	File No.: A-049/25
Author's Phone: (519) 255-6543 ext. 6198	Report Date: June 5, 2025
Author's E-mail: zzwayyed@citywindsor.ca	Committee Meeting Date: June 12, 2025

To: Committee of Adjustment

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

Owner: Lucas Gamble

Location: 2633 Parent Avenue

Legal Description: PLAN 1269; LOT 42

1. RECOMMENDATION:

That the Minor Variance application of Lucas Gamble for relief from the provisions of By-law 8600 to permit the conversion of an accessory building into an additional dwelling unit building with an increased lot coverage and reduced separation from the side lot line on the property municipally known as 2633 Parent Avenue, **BE GRANTED** with no conditions.

2. THE REQUESTED VARIANCES:

Conversion of an accessory building into an additional dwelling unit, requiring the following variances:

Section 5.10.9.10 – Maximum lot Coverage- All accessory buildings

By Law Requirements	Proposed
10.0% of the lot area	13.0% of the lot area

Section 5.99.80.1.5.b.3 – Minimum separation from a side lot line for an accessory ADU

By Law Requirements	Proposed
1.20 m from a side lot line	0.71 m from a side lot line

Note: An approved variance is valid and must be acted upon before the expiration date. The application is deemed null and void if a granted variance is not used within the required timeline. A new Committee of Adjustment application will be required for any expired application.

3. PLANNING ANALYSIS:

The subject property, legally described as Plan 1269, Lot 42, contains an existing single unit dwelling and a detached accessory building. The applicant proposes to convert the existing accessory building into an additional dwelling unit (ADU). An addition to the north side of the accessory building was constructed without a building permit, resulting in increased accessory building lot coverage and reduced separation from the side lot line. Municipal records indicate that the addition existed for over 20 years. To facilitate the proposed conversion, the applicant is seeking relief from Zoning By-law 8600 to permit the increased lot coverage and reduced separation from the side lot line. On-site parking is available for the existing building and the ADU, and no changes are proposed to the current accessory building footprint or the existing main dwelling. The proposal will be subject to review and approval by the Building Department prior to the issuance of any permits.

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. of the PPS). The requested variances are consistent with these policies, permitting and facilitating housing options required to meet the social, health, economic, and well-being requirements of residents while efficiently utilizing land, resources, and infrastructure.

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 variances are minor in nature and desirable for the subject building.

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. 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 variances are minor in nature as per Section 11.6.6.2(c).

The requested variances for increased lot coverage and reduced separation from a side lot line exceed the 20 percent variation guideline outlined in Section 11.6.6.2(d). However, the accessory building, including the north side addition, has existed in its current form for over 20 years, and no proposed expansions to the footprint are proposed. The accessory building is located at the rear of the property, well separated from the surrounding main dwellings, and is not anticipated to create adverse impacts on the neighbouring properties. Even if partial demolition were undertaken to bring the structure closer to compliance, the spatial relationship to surrounding properties and the resulting impact would remain largely unchanged. Moreover, the proposal remains compliant with the overall lot coverage requirement. It will be subject to review by the Building Department to ensure compliance with all the applicable regulations before the issuance of a permit. Given these considerations and since the use is permitted, 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 8600

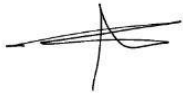
The subject land is zoned Residential District 1.3 (RD1.3) per By-law 8600, permitting a single unit dwelling and additional dwelling units. The proposed accessory buildings require minor variances for an increased lot coverage and reduced separation from a side lot line; however, the property remains compliant with the overall lot coverage requirement.

The requested variances will not result in undue hardship on the owner, adjoining properties, or the public realm; therefore, the variances are minor in nature. The proposed variances meet the intent of Zoning By-law 8600.

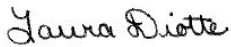
4. PLANNER'S OPINION:

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

Zaid Zwayyed
Planner II – Development Review



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



Laura Strahl, MCIP, RPP
Manager of Development Applications

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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</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.
<i>EVALUATION CRITERIA</i>	11.6.6.2	<p>When reviewing an application for minor variance the Committee of Adjustment shall be satisfied that:</p> <ul style="list-style-type: none"> (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.
<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

PLANNING DEPARTMENT - ZONING

Required Minor Variances *

Maximum lot coverage of all accessory buildings not met (section 5.10.9.10)

- 10.0% of lot area required
- 13.0% of lot area provided

Minimum separation of an accessory building ADU from a side lot line not met (section 5.99.80.1.5.b.3)

- 1.20 m required
- 0.71 m provided

Stefan Pavlica, Zoning Coordinator

PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS

While it is not a condition of this application, it should be noted to the property owner that the existing driveway is in a state of disrepair and replacement of the driveway is required. Right-of-way permit application can be submitted to engineeringdept@citywindsor.ca. The department has no objections to the proposal, permits must be obtained for any work within the right-of-way.

Lea Marshall, Technologist I

PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING

Transportation Planning has no comments.

Elara Mehrilou- Transportation Planner I- Transportation Planning Department

PARKS & FACILITIES

The applicant is to consult with the City Forester, Yemi Adeyeye (yadeyeye@citywindsor.ca) if any City trees are removed to determine whether any preservation or compensation for removal is required.

LANDSCAPE ARCHITECT/URBAN DESIGN

There are no concerns from a landscape architecture/urban design perspective.

Ryan Upton- Landscape Architect

WINDSOR POLICE SERVICES

The application being considered does not present outcomes that will negatively impact public safety or the ability of the Windsor Police Service to provide proper and adequate response to incidents and other service delivery requirements. Therefore, there are no concerns or objections to the application.

Barry Horrobin, Director of Planning & Physical Resources

HERITAGE PLANNING

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. If 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, ttang@citywindsor.ca, planningdept@citywindsor.ca

Windsor Manager of Culture and Events (A):

Michelle Staaegaard, (O) 519-253-2300x2726, (C) 519-816-0711, mstaaegaard@citywindsor.ca

Ontario Ministry of Citizenship and Multiculturalism

Archaeology Programs Unit, 1-416-212-8886, Archaeology@ontario.ca

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, Crystal.Forrest@ontario.ca

Tracy Tang, Heritage Planning