

COMMITTEE OF ADJUSTMENT

APPLICANT : 5054545 ONTARIO INC.

ADDRESS : 1850 NORTH SERVICE ROAD

 SUBJECT LANDS

N.T.S.



CITY OF WINDSOR

File: A-055/25

COMMITTEE OF ADJUSTMENT PUBLIC HEARING

PURSUANT to Section 45 of the Planning Act, a Committee of Adjustment public hearing will be held to consider a minor variance to Zoning By-law 8600. This is not an application for a zoning change.

You are receiving this notice of hearing as a courtesy because the Committee of Adjustment identified your property as located within a 40 meters circulation area of the subject lands. Notice as required by the Planning Act was given by publication of the Committee of Adjustment’s Agenda Record in the Windsor Star on June 25, 2025.

APPLICATION FOR MINOR VARIANCE – Relief from the operation of Zoning By-law 8600

Owner:

5054545 ONTARIO INC.

Location:

1850 NORTH SERVICE RD

Legal Description:

SANDWICH EAST CON 2;
MCNIFF; PT LOT 95; RP
12R28716; PARTS 1 & 2

Zoning:

Residential RD3.3

Official Plan:

Residential

Explanation:

Seeking relief for increased maximum building height, thereby seeking the following relief:

Section 12.3.5.4 – Maximum building height

By Law Requirements	Proposed
24 m	27 m

COMMITTEE OF ADJUSTMENT HEARING - 519-255-6543 ext 6436 or 6450

When: July 10, 2025 at 3:30 pm

Where: VIA VIDEO CONFERENCE
(information on how to join the public meeting will be on the City of Windsor website prior to the meeting date)

You are invited to attend this hearing and express any interest you may have in this application. Written comments are also acceptable and may be submitted in person, by mail, by fax or by email. All comments must be received **NO LATER than 4:30PM on the Wednesday, prior to the meeting date.** Comments received after such, will not be included at time of hearing.

The applicant or agent must attend the meeting. If you do not attend or send a representative, the Committee may proceed in your absence without any further notice to you. To be notified of the decision of the Committee of Adjustment regarding this application, you must submit a written request to the Secretary-Treasurer.

It is the practice of Committee of Adjustment members to visit the site prior to considering this application. Administrative comments are available by email after 12:00 noon on the Friday prior to the hearing.

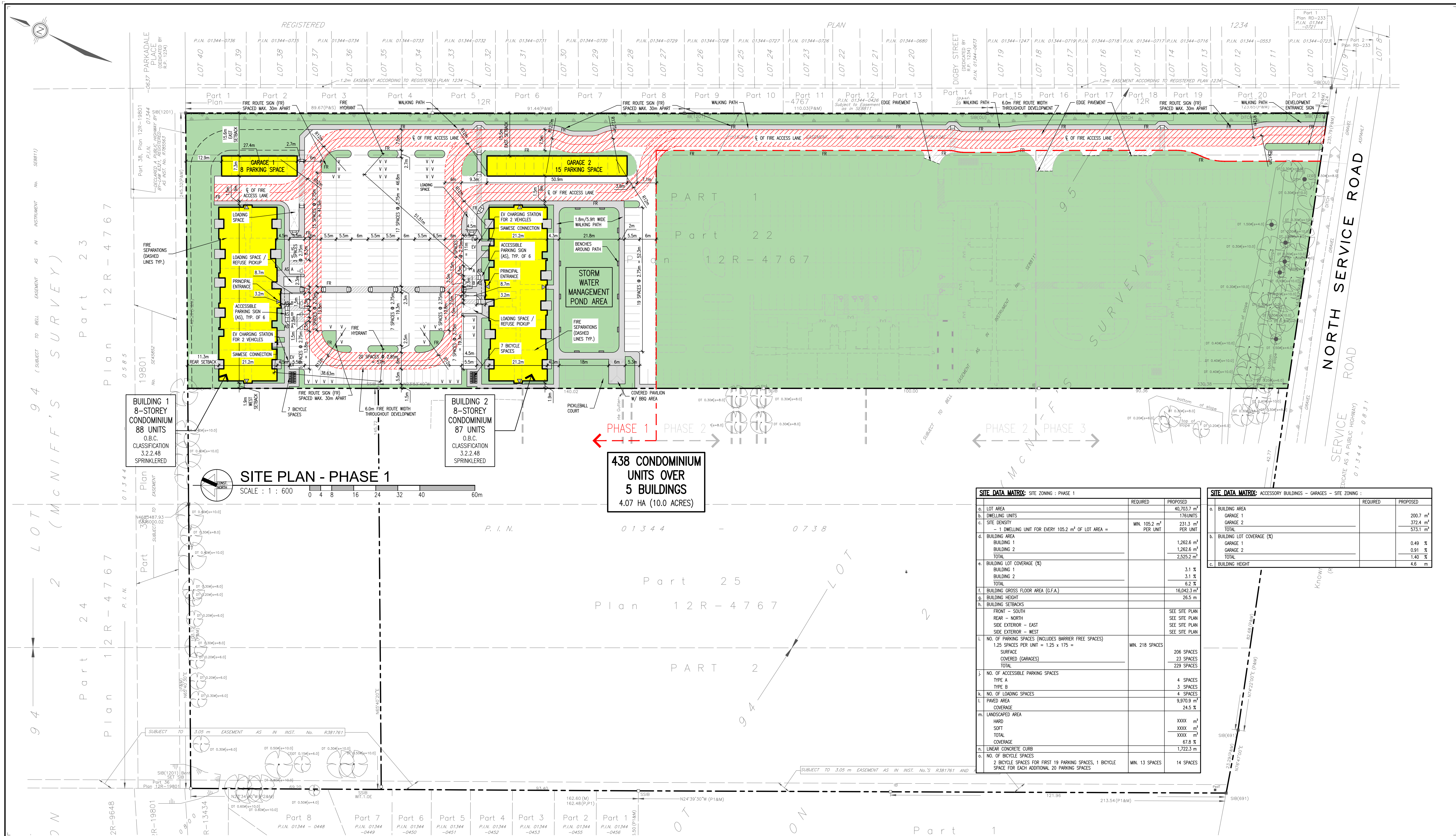
Jessica Watson
Secretary-Treasurer, Committee of Adjustment

Dated: June 26, 2025

Tel: 519-255-6543
Fax: 519-255-6544
Email: jwatson@citywindsor.ca
Web: www.citywindsor.ca

Suite 210, 350 City Hall Square West
Windsor ON N9A 6S1

1	Application Information		
	Name of ALL Owners 5054545 Ontario Inc - c/o Haider Habib		Contact No. 519-818-1380
	Business Telephone No.		
	Address 5335 Outer Drive, Oldcastle ON N9G 0C4 E-Mail Address: haider@hddevelopmentgroup.com		Postal Code
	Name of Contact Person/Agent (if different than owner) Lassaline Planning Consultants, Jackie Lassaline		Contact No. 519-563-8814
	Business Telephone No.		
	Address P.O. Box 52, 1632 Co Rd 31 St. Joachim ON N0R 1S0 E-Mail Address: jackie@lassalineplan.ca		Postal Code
	Fax No.		
	PAYMENT CONTACT INFORMATION ONLY:		
	Name:		
Contact No:			
2	Date application submitted to the City of Windsor. June 4 2025		
3	Present Official Plan Provisions applying to the land: Residential (Schedule D: Land Use)		
4	Present Zoning By-law provisions applying to the land: 'Residential District 3 (RD3.3)'		
5	Nature and extent of relief applied for: (you MUST list each By-law Section etc. and relief requested) Requesting a minor variance for 1 item: i) Section 12.3.5.4 (RD3.3) Main Building Height (max) Interior Lot allows for max height of 24 m - requesting a 3 m variance to allow for 27 m height.		
6	State why it is NOT possible to comply with the provisions of the by-law. (Must be complete) New development requires relief to support the gentle intensification of the lands. The relief will provide for relief in height, reduction in loading spaces, and to provide for reduction in landscaping.		
7	Legal Description of the Subject Land(s)		
	Municipality City of Windsor	Street Name 1850 North Service Road	Street Address
	Concession Number(s)	Registered/reference Plan No.	Lot/Part No.(s)
	Parcel No.	Pt Lot 95 Con 2 McNiff's Survey, Sandwich East Pts 1 and 2, 12R28716; S/T R786174E, S/T SE8811; S/T an easement and right of way in favour of Pts 3 and 4, 12R28716 for pedestrian and vehicular access, servicing and supply of utilities as set out in CE1040237 Windsor	
8	Dimensions of Land Affected: THIS SECTION MUST BE COMPLETE		
	Lot Frontage/Width 143.87 m	Depth	Lot Area 4.7 ha
	9	Access (check appropriate space)	
	Provincial Highway Municipal road, maintained all year Municipal road, seasonally maintained Other public road Right of way Water only. If yes, the docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road _____		Yes No <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	10	Water Supply	
	Publicly owned and operated piped water system... Privately owned and operated..... Individual or communal well..... Lake or other water body..... Other _____		<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	11	Sewage Disposal	
	Publicly owned and operated piped sewage system..... Privately owned and operated individual or communal septic tank system..... Pit, privy, or other _____		<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>



SITE DATA MATRIX: SITE ZONING - PHASE 1		REQUIRED	PROPOSED
a.	LOT AREA		40,703.7
b.	DWELLING UNITS		176UNG
c.	SITE DENSITY = 1 DWELLING UNIT FOR EVERY 105.2 m ² OF LOT AREA =	MIN. 105.2 m ² PER UNIT	231.3 PER UN
d.	BUILDING AREA BUILDING 1 BUILDING 2		1,262.6 1,262.6
	TOTAL		2,525.2
e.	BUILDING LOT COVERAGE (%) BUILDING 1 BUILDING 2		3.1 3.1
	TOTAL		6.2
f.	BUILDING GROSS FLOOR AREA (G.F.A.)		16,042.3
g.	BUILDING HEIGHT		26.5
h.	BUILDING SETBACKS FRONT – SOUTH REAR – NORTH SIDE EXTERIOR – EAST SIDE EXTERIOR – WEST		SEE SITE PL SEE SITE PL SEE SITE PL SEE SITE PL
i.	NO. OF PARKING SPACES (INCLUDES BARRIER FREE SPACES) 1.25 SPACES PER UNIT = 1.25 x 175 =	MIN. 218 SPACES	
	SURFACE COVERED (GARAGES)		206 SPAC 23 SPAC
	TOTAL		229 SPAC
j.	NO. OF ACCESSIBLE PARKING SPACES TYPE A TYPE B		4 SPAC 3 SPAC
k.	NO. OF LOADING SPACES		4 SPAC
l.	PAVED AREA COVERAGE		9,970.9 24.5
m.	LANDSCAPED AREA HARD SOFT TOTAL COVERAGE		XXXX XXXX XXXX 67.8
n.	LINEAR CONCRETE CURB		1,727.3
o.	NO. OF BICYCLE SPACES 2 BICYCLE SPACES FOR FIRST 19 PARKING SPACES, 1 BICYCLE SPACE FOR EACH ADDITIONAL 20 PARKING SPACES	MIN. 13 SPACES	14 SPAC

SITE DATA MATRIX: ACCESSORY BUILDINGS -- GARAGES -- SITE ZONING :		REQUIRED	PROPOSED
a.	BUILDING AREA GARAGE 1 GARAGE 2 TOTAL		200.7 m ² 372.4 m ² 573.1 m ²
b.	BUILDING LOT COVERAGE (%) GARAGE 1 GARAGE 2 TOTAL		0.49 % 0.91 % 1.40 %
c.	BUILDING HEIGHT		4.6 m

A architectural
D design
A associates
inc. architect

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ph 519.254.3430 fax 519.254.3642
email - info@ada-architect.ca www.ada-architect.ca

stamp: _____	date (yyyy/mm/dd): issued for: _____			
	2022/05/25	ZBA	2025/05/XX	SPC PLANNING CONSULT. STAGE
	2023/01/09	REVISIONS		
	2024/03/22	REVISIONS		
	2024/10/07	REVISIONS		
		SPC PLANNING		
	2025/02/28	CONSULT. STAGE 2		

general notes:

1. THIS PRINT IS AN INSTRUMENT OF SERVICE ONLY AND IS NOT A PART OF THE ARCHITECT'S DRAWINGS.
2. DRAWINGS SHALL NOT BE SCALED.
3. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR THE ACCURACY OF ALL DIMENSIONS, JOBS AND CONDITIONS. ANY OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.
4. ATTENTION IS DIRECTED TO PROVISIONS IN THE GENERAL CONDITIONS REGARDING CONTRACTOR'S RESPONSIBILITIES TO SUBMIT AND MAINTAIN RECORD DRAWINGS.
5. IN THE EVENT THE ARCHITECT IS RETAINED TO REVIEW SHOP DRAWINGS, SUBMITTALS AND TO CHECK FOR CONFORMANCE WITH DESIGN, THE ARCHITECT'S REVIEW OF THE INFORMATION GIVEN IN THE CONTRACT DOCUMENTS.
6. CONTRACTORS SHALL PROMPTLY NOTIFY THE ARCHITECT IMMEDIATELY OF THE EXISTENCE OF ANY OBSERVED VARIATION BETWEEN THE CONTRACT DOCUMENTS AND ANY APPLICABLE BUILDING OR OTHER LAWS.
7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS AND OR TECHNIQUES IN THE CONSTRUCTION OF THE PROJECT.

project:	PROPOSED RESIDENTIAL DEVELOPMENT NORTH SERVICE ROAD, WINDSOR, ONT.
client:	HD DEVELOPMENT GROUP
drawing title:	PROPOSED PHASE 1 SITE PLAN

scale:	AS SHOWN
drawn by:	TC
checked by:	SMB / TC
date:	FEB. 2025
comm. no.:	2021-062

sheet no.:

SPC 1.0

June 3, 2025

Jessica Watson, COA
Planning Department
City of Windsor

SUBJECT: 1850 North Service Rd
Minor Variance Application

Lands known as 1850 North Service Road are designated 'Residential' in the City of Windsor's Official Plan and zoned 'Residential District 3 (RD3.3)' in the Comprehensive Zoning Bylaw 8600.

Please find a site plan that has undergone SPC pre-consultation (PC-2024-91_S1) with the recognition that there are three variances required for the proposed development.

Being requested is a minor variance for **Section 12.3.5.4 (RD3.3) Main Building Height** (max) Interior Lot that provides for an interior lot with a maximum height of 24m. The proposal is for a building with an 8 storey building and a height of approximately 27m, requiring a variance of 3m.

In reviewing a minor variance, it is important to examine the requested minor variance based on the four tests established in the Planning Act that ensure the appropriateness of the request and place it in context of the Official Plan policy framework, the Zoning Bylaw regulatory framework and sound planning:

- (1) **Does the variance maintain the general intent and purpose with Official Plan policies?**
- (2) **Does the variance maintain the general intent with the Comprehensive Zoning Bylaw 890-09?**
- (3) **Is the application desirable for the appropriate development of the lands in question?**
- 4) **Is the requested variance considered minor?**

The requested Minor Variance will provide relief for the existing property to address the above issues and can be considered appropriate based on the following review:

1) Does the variance maintain the general intent and purpose with Official Plan policies?

Subject lands are designated 'Residential' on Schedule D of the Official Plan for the City of Windsor. The requested variance will allow for logical residential development that conforms with relevant policies of the Official Plan.

The requested variance will allow for the continuation of permitted land use therefore the requested Minor Variance maintains the intent of relevant Official Plan policies.

2) Does the variance maintain the general intent with the Comprehensive Zoning Bylaw 890-09?

Subject lands are zoned 'Residential District 3 (RD3.3)' in the CZB 8600 for the City of Windsor. The Residential District 3 (RD3.3) zone permits residential land use and the proposed development complies with the permitted 'multiple unit residential building' as a permitted use.

The requested variance can be considered to comply with the intent of the '(RD3.3)' zone to support the proposed residential development.

3) Is the application desirable for the appropriate development of the lands in question?

The requested variance can be considered minor as the exception will allow for the residential development providing for needed 440 residential units. The variance can be considered to allow for a minor adjustment of the height of the building from 24 m to 27 m (3 m variance) that with distance separation, won't be visually noticeable.

In my professional opinion, the proposed variance is desirable to allow for the appropriate residential development of the site.

4) Is the requested variance considered minor?

The minor variance will authorize appropriate residential development of the subject lands for 5 residential buildings with 440 units, a permitted land use for the subject property. The open space on the property and surrounding the development provides for a distance between the building and existing residences.

In my professional opinion, the variance will not have a negative impact on the neighbourhood and the variance will support appropriate minor expansion of an existing use.

In my professional opinion, the requested variance can be considered minor and supportable to allow for the new appropriate residential development.

Regards,

Lassaline Planning Consultants

Jacqueline Lassaline
Jackie Lassaline BA MCIP RPP

e.c. Haider Habib, HD Development Groups
Steve Habib, HD Development Groups