

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."*

<b>Author's Name: Zaid Zwayyed</b>	<b>File No.: A-056/25</b>
<b>Author's Phone: (519) 255-6543 ext. 6198</b>	<b>Report Date: July 31, 2025</b>
<b>Author's E-mail: zzwayyed@citywindsor.ca</b>	<b>Committee Meeting Date: August 7, 2025</b>

**To:** Committee of Adjustment

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

**Owner:** Greek Orthodox Community of Windsor (Thomas Papantonis)

**Location:** 3052 Walker Road

**Legal Description:** PLAN 1456; LOT 11; PT LOTS 10 & 12

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**1. RECOMMENDATION:**

That the Minor Variance application of the Greek Orthodox Community of Windsor (Thomas Papantonis), requesting relief from the provisions of By-law 8600 to permit the construction of an accessory building with an increased height, as shown on the drawings attached to the application, on the property municipally known as 3052 Walker Road, **BE GRANTED** with no conditions.

**2. THE REQUESTED VARIANCES:**

Construction of an accessory building with an increased building height, thereby seeking the following relief:

Section 5.10.11.1 – Maximum Accessory Building Height- Institutional District

<b>By Law Requirements</b>	<b>Proposed</b>
4.50 m	7.94 m

*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 1456; Lot 11; Part Lots 10 and 12, contains a place of worship and a club (Greek Orthodox Church and Club). The applicant proposes to erect a pre-fabricated accessory structure (pavilion) with an increased building height. Therefore, relief from Zoning By-law 8600 is required to permit the accessory structure with the proposed height. The proposed development is not expected to result in any adverse impacts and will be subject to review by the Building Department prior to the issuance of a permit.

#### **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 2.1.6.a of the PPS). The requested minor variance aligns with these policies, supporting the achievement of complete communities by accommodating an appropriate range and mix of land uses, including institutional uses that meet long-term needs.

#### **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 Minor Institutional per the Official Plan. The proposed development is permitted and conforms to the associated objectives and policies. Therefore, the requested variance 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 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 is expected to have minimal impact on the surrounding properties. The structure is situated behind the existing club building, effectively minimizing visibility and presence from the public realm. Therefore, the variance is considered minor in nature, in accordance with Section 11.6.6.2(c).

While the requested variance exceeds a 20 percent deviation from the By-law requirements, the proposed structure is sufficiently separated from adjacent industrial/ commercial properties, and its height is proportionate to other buildings on the site, resulting in no adverse impacts. As such, the proposal satisfies the criteria set out in Section 11.6.6.2(d). Furthermore, 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).

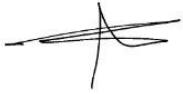
#### **ZONING BY-LAW 8600**

The subject land is zoned Institutional District 1.7 (ID1.7) per By-law 8600, which permits a place of worship, a club, and accessory buildings serving such uses. The proposed structure complies with all applicable zoning provisions, except for the specific provision for which relief is being sought. The requested variance is not expected to result in any undue hardship to the owner, adjacent properties, or the public realm, and is therefore considered minor in nature. The proposed minor variance maintains the general intent of Zoning By-law 8600.

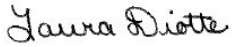
#### 4. PLANNER'S OPINION:

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**  
**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:

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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

## Minor Variance Policies

### 11.6.6

#### *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.

## **APPENDIX “A”**

### **Excerpts From Official Plan Volume I**

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 accessory building height is not met (Section 5.10.11.1)

- 4.50 m (required)
- 7.94 m (Proposed)

*Conner O’Rourke, Zoning Coordinator*

#### **PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS**

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*

#### **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.

#### **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 with the application.

*Barry Horrobin, Director of Planning & Physical Resources*

#### **HERITAGE PLANNING**

**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 recently adopted 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, ttang@citywindsor.ca, planningdept@citywindsor.ca

Windsor Manager of Culture and Events (A):

Michelle Staaedegaard, (O) 519-253-2300x2726, (C) 519-816-0711, mstaaedegaard@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 Planner***