

## 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:</b> Conner O'Rourke           | <b>File No.:</b> A-059/26                   |
| <b>Author's Phone:</b> (519) 255-6543 e 6918    | <b>Report Date:</b> Jul 06, 2026            |
| <b>Author's E-mail:</b> corourke@citywindsor.ca | <b>Committee Meeting Date:</b> Jul 16, 2026 |

**To:** Committee of Adjustment

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

**Owner:** Iyad Al Asi

**Applicant:** Iyad Al Asi

**Location:** 11890 Riverside Dr E

**Legal Description:** CON 1 PT LOT 148;DP 4118 PCL 67;

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### 1. RECOMMENDATION:

That the Minor Variance application of Iyad Al Asi for relief from the provisions of By-law 8600 to permit the construction of a Single Unit Dwelling with increased rear yard depth on the property municipally known as 11890 Riverside Drive East **BE GRANTED** subject to the following condition:

- I. A Stage 1 Archaeological Assessment and any further recommended assessments shall be entered into the Ontario Public Register of Archaeological Resports to the satisfaction of the City Planner.

That the Minor Variance application of Iyad Al Asi for relief from the provisions of By-law 8600 to permit the construction of a Single Unit Dwelling with increased maximum main building height on the property municipally known as 11890 Riverside Drive East **BE DENIED**.

*For questions regarding Heritage Planning, please contact Ryan Upton at [rupton@citywindsor.ca](mailto:rupton@citywindsor.ca)*

## 2. THE REQUESTED AND RECOMMENDED VARIANCES:

### Requested Variances

Requesting relief from rear yard depth and maximum building height, thereby seeking the following reliefs of Zoning By-law 8600:

|   | PROVISION  | PROVISION DESCRIPTION                                       | REQUIRED | PROPOSED |
|---|------------|-------------------------------------------------------------|----------|----------|
| 1 | 10.6.5.4   | Maximum Main Building Height                                | 10.0m    | 11.8m    |
| 2 | 10.6.5.6.n | Rear Yard Depth - Lot Located North of Riverside Drive East | 86.0m    | 35.8m    |

### Recommended Variance

Staff are in support of the site layout proposed by the applicant, however, it is recommended that the variances listed below are more appropriate to achieve the same result. The recommended variances identified in this report reflect the correct relief required for the proposal. The figures below are intended to replace the previously identified variance amounts.

|   | PROVISION  | PROVISION DESCRIPTION                                       | REQUIRED | PROPOSED |
|---|------------|-------------------------------------------------------------|----------|----------|
| 1 | 10.6.5.6.n | Rear Yard Depth - Lot Located North of Riverside Drive East | 72.1m    | 111.9m   |

## 3. PLANNING ANALYSIS:

The subject property, legally described as CON 1 PT LOT 148;DP 4118 PCL 67; currently contains a Single Unit Dwelling. The applicant proposes to demolish the existing Single Unit Dwelling to construct a new Single Unit Dwelling with a rear yard depth variance.

Within the Residential District 1.6 zoning district, rear yard depth is calculated by taking the average rear yard depth of the abutting lots. The intention of this provision, that is specific to Riverside Drive, is to create consistent setbacks for houses along Riverside Drive. This section of Riverside Drive is not characterized by a consistent lot pattern. Due to the curvilinear road alignment and the irregular shape of the Detroit River shoreline, lot depths, frontages, and setbacks vary considerably from property to property. As such, the area exhibits a wide range of lot configurations and development patterns. The adjacent property of 11880 has a house situated almost at the road whereas the other houses within this area follow a relatively consistent pattern of front and rear yard setbacks. On account of this abnormality, the required rear yard depth at the subject property is lower than the other properties in this area. The proposed rear yard depth is consistent with the rear yard depth of 11906 Riverside Drive East as well as the average of the Residential Units to the West of the subject property. For this reason, this variance is not expected to have an impact on the existing neighbourhood or the adjacent properties.

Following the submission of the application, it was determined that the requested variance of maximum building height was not required for the proposed development. The proposed Single Unit Dwelling meets the maximum building height requirements of Residential

District 1.6. As a result, there is no need to grant relief from this provisions, and for this reason, the variance has been recommended for denial.

## **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.b of the PPS). The recommended 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 Waterfront Residential per the Official Plan. The proposed development is permitted and conforms to the associated objectives and policies. Therefore, the recommended 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 recommended 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 recommended variance is minor in nature as per Section 11.6.6.2(c).

The recommended variance of rear yard depth exceeds the 20 percent threshold outlined in Section 11.6.6.2(d) of the Official Plan. However, the calculation of this provision is impacted by the unique position of the Dwelling Unit on the adjacent property. Further, the proposed development does not pose any adverse impacts on the immediate neighbourhood and it complies with all other requirements of Zoning By-law 8600, therefore, meeting the intent of Section 11.6.6.2(d).

The recommended 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**

The subject land is zoned Residential District 1.6 (RD1.6) per Zoning By-law 8600. The proposed use is permitted and complies with the applicable provisions with the exception of

the variance being recommended. The recommended variance will not result in undue hardship on the owner, adjoining properties, or the public realm; therefore, the variance is minor in nature. The recommended variance meets the intent of Zoning By-law 8600.

**4. PLANNER'S OPINION:**

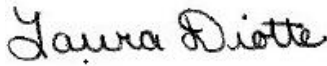
The recommended variance is minor in nature and maintains the general intent and purpose of the Official Plan and Zoning By-law 8600. Therefore, the variance is consistent with section 45 (1) of the Planning Act. The Planning Division recommends approval of the recommended variance subject to the condition noted in Section 1.



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**Conner O'Rourke**  
**Planner II - Development Review**

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



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**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</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"> <li>(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;</li> <li>(b) The general intent and purpose of the By-law being varied is maintained;</li> <li>(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;</li> <li>(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</li> <li>(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.</li> </ul> |
| <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 &amp; 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 | 10.6.5.6.n | Rear Yard Depth - Lot Located North of Riverside Drive East | 72.1m    | 111.9m   |

[ *Conner O'Rourke - Planner* ]

**Development, Projects & Right-of-Way**

This department has no objections to the proposed application. Right of way permits must be obtained for any work within the right of way.

[ *Sandy Mio- Technologist* ]

**Heritage Planner**

Heritage:

There is no apparent built heritage concern with this property.

Archaeology:

The subject property is located within the Archaeological Potential Zone (APZ) and Archaeologically Sensitive Area (ASA) (as per the Windsor Archaeological Management Plan, 2024; OPA 181; and updated 2024 archaeological potential model OP Volume I Schedule C-1). A Stage 1 archaeological assessment and any further recommended assessments are required to be entered into the Ontario Public Register of Archaeological Reports to the satisfaction of the City of Windsor and the Ontario Ministry of Citizenship and Multiculturalism, prior to any additional land disturbances. A final copy of these relevant archaeological reports and GIS study area must be submitted to the City of Windsor.

[ *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 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](mailto: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](http://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.

Contacts:

Karen Alexander

City of Windsor Naturalist & Supervisor, Natural Areas

kaalexander@citywindsor.ca

Connor Wilson

Planner II – Revitalization & Policy Initiatives

conwilson@citywindsor.ca

[ *Connor Wilson- Environmental Policy* ]