

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 e 6198	Report Date: Jun 25, 2026
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To: Committee of Adjustment

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

Owner: AGBABA HOLDINGS CORPORATION

Applicant: AGBABA HOLDINGS CORPORATION

Location: 2121 RIVERSIDE DR W

Legal Description: PLAN 1163; N PT LOT 1; CORNER

1. RECOMMENDATION:

That the Minor Variance application of AGBABA HOLDINGS CORPORATION for the relief from the provisions of By-Law 8600 to request relief from provision S.91.10.9(g) for a minimum required side yard of 1.5m and provision S.91.10.9(o) for a minimum 1.35m parking area separation from a habitable room window on the property municipally known as 2121 RIVERSIDE DR W.

2. THE REQUESTED VARIANCES:

Requesting relief from provision S.91.10.9(g) for a minimum required side yard of 1.5m and provision S.91.10.9(o) for a minimum 1.35m parking area separation from a habitable room window, thereby seeking the following reliefs of Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	S.91.10.9(g)	Minimum Required Side Yard	1.8m	1.5m
2	S.91.10.9(o)	Minimum Separation of a Parking	1.5m	1.35m

		Area from a Habitable Room Window		
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3. **PLANNING ANALYSIS:**

The subject property consists of PLAN 1163; N PT LOT 1; CORNER, also municipally known as 2121 RIVERSIDE DR W . A zoning amendment in 2025 added regulations to allow for the proposed multiple unit dwelling. The proposal has Site Plan Approval (SPC-2026-12) with a condition for Committee of Adjustment approval. The variances requested are minimal in relation to the overall development and do not have an impact on the surrounding properties.

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 requested 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 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 do not exceed a 20 per cent variation above the bylaw regulations which complies with Section 11.6.6.2(d), however this does not apply in the this situation.

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

The subject land is zoned RD2.2(9) under Zoning By-law 163-2025 per By-law 8600. The proposed use is permitted and complies with the applicable provisions with the exception of the variances being requested. 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:

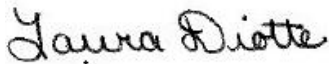
The variances were identified through the Site Plan Control process and it was concluded that the requested variances are minor in nature and maintain the general intent and purpose of the Official Plan and Zoning By-law 8600. Therefore, the variances are consistent with section 45 (1) of the Planning Act. The Planning Division recommends approval of the applicant's request with no conditions outside of the conditions of the Site Plan Approval.



Brian Velocci

Planner III - Site Plan Approval Officer – 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

<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	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 Plan I 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

Zoning Review

Requested variances from Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	S.91.10.9(g)	Minimum Required Side Yard	1.8m	1.5m
2	S.91.10.9(o)	Minimum Separation of a Parking Area from a Habitable Room Window	1.5m	1.35m

Development, Projects & Right-of-Way

Comments consistent with those provided with SPC-2023-12

Transportation Planner

Comments consistent with those provided with SPC-2023-12

Windsor Police Service

Comments consistent with those provided with SPC-2023-12