

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-064/26
Author's Phone: (519) 255-6543 ex 6198	Report Date: Jul 27, 2026
Author's E-mail: ZZwayyed@citywindsor.ca	Committee Meeting Date: Aug 13, 2026

To: Committee of Adjustment

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

Owner: 2058472 Ontario Inc. (Mukitar Singh)

Location: 4045 Seminole Street

Legal Description: PLAN 796; LOTS 77; 78 & PT LOTS 69 & 70

1. RECOMMENDATION:

That the Minor Variance application of 2058472 Ontario Inc. (Mukitar Singh) for relief from the provisions of Zoning By-Law 8600 to permit the expansion of an existing restaurant within an existing minor commercial centre with a reduced number of parking spaces on the property municipally known as 4045 Seminole Street, **BE GRANTED**, with no conditions.

2. THE REQUESTED VARIANCES:

Request for relief from the minimum required number of parking spaces for an existing minor commercial centre containing a restaurant, thereby seeking the following relief from Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	24.20.5.1	Number of Required Parking Spaces- <i>Minor Commercial Centre</i>	31 spaces	23 spaces

3. PLANNING ANALYSIS:

The subject property consists of Plan 796, Lots 77 and 78, and Part Lots 69 and 70, and features a minor commercial centre. The building contains an existing restaurant, and the applicant proposes an interior alteration to expand the restaurant dining area into an adjacent vacant unit. The expansion will increase the gross floor area of the restaurant, resulting in an increased parking requirement under Zoning By-law 8600. The existing commercial centre features an existing parking area with 23 parking spaces. However, the existing parking layout does not allow additional parking spaces to be accommodated without altering the existing parking aisle required for safe vehicular manoeuvring and access to the existing parking spaces. Therefore, the applicant is seeking relief from Zoning By-law 8600 to permit the expansion of the existing restaurant within the minor commercial centre with a reduced number of parking spaces.

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

Planning Staff has reviewed the relevant policies of the PPS - “Supporting a Modern Economy” (Policy statement 2.8.1 of the PPS). The requested minor variance is consistent with these policies, providing opportunities for a diversified economic base and maintaining a range and choice of suitable sites for employment uses that support a wide range of economic activities.

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 Mixed Use Corridor per the Official Plan. The proposed development is permitted and conforms to the associated objectives and policies. Therefore, the requested 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 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 will have minimal impact on the properties in the immediate neighbourhood. Therefore, the variance is 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 regulation being varied where the variances would increase the building envelope of a main building containing a dwelling unit, which complies with Section 11.6.6.2(d).

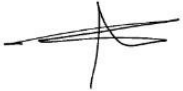
The variances are desirable for the appropriate use of the land, building, or structure and would not hinder the reasonable development and/or use of properties in the neighbourhood, thus complying with Section 11.6.6.2(e).

ZONING BY-LAW

The subject land is zoned Commercial District 2.2 (CD2.2) per Zoning By-law 8600. The proposed use is permitted and complies with the applicable provisions except for the requested variance. The requested variance will not result in undue hardship on the owner, adjoining properties, or the public realm; therefore, the variance is minor in nature. The proposed variance meets the intent of Zoning By-law 8600.

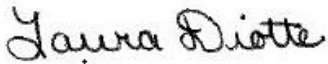
4. PLANNER'S OPINION:

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, MCIP RPP
Planner II - Development Review – 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 EVALUATION CRITERIA</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.
	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 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	24.20.5.1	Number of Required Parking Spaces- Minor Commercial Centre	31 spaces	23 spaces

[*Samuel Perry- Zoning Coordinator*]

Development, Projects & Right-of-Way

While it is not a condition of this application, it should be noted that there are encroaching items within the right-of-way fronting this property that require either removal or the property owner to enter into an encroachment agreement with the City of Windsor for legalization of said items. An encroachment application can be submitted to engineeringdept@citywindsor.ca. Right-of-way permits must be obtained for any work within the right-of-way.

This department has no objection to the proposed application.

[*Lea Marshall- Technologist*]

Transportation Planner

Transportation Planning has no comments.

[*Aashvi Sarvaiya- Transportation Planning*]

Windsor Police Service

A shortage of on-site parking for a commercial business can sometimes trigger the adverse consequence of business patrons parking within the nearby residential neighbourhood, often triggering a call to police to address and resolve. In this case, the shortage amounts to 8 spaces (26% of the required amount). However, in reviewing our incident response records over the past 2+ years, the existing parking shortage does not appear to have created this problematic outcome. The Windsor Police Service therefore has no objections to the requested variance pertaining to the shortage of on-site parking spaces for this business (a restaurant).

[*Barry Horrobin- Windsor Police Service*]

Heritage Planner

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. 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, ktang@citywindsor.ca, planningdept@citywindsor.ca

Windsor Manager of Culture and Events (A):

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

Ontario Ministry of Citizenship and Multiculturalism

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

Windsor Police: 911

Ontario Ministry of Public and Business Service Delivery and Procurement

Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures:

Ian Hember, 1-437-244-9840, ian.hember@ontario.ca

[*Ryan Upton- Heritage Planning*]