

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: Averil Parent	File No.: A-065/26
Author's Phone: (519) 255-6100 e 6397	Report Date: Aug 05, 2026
Author's E-mail: aparent@citywindsor.ca	Committee Meeting Date: Aug 13, 2026

To: Committee of Adjustment

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

Owner: 1000526468 ONTARIO CORPORATION

Applicant: 1000526468 ONTARIO CORPORATION

Location: 425 MILL ST

Legal Description: PLAN 43 W PT LOT D PT LOT E

1. RECOMMENDATION:

That the Minor Variance application of 1000526468 Ontario Corporation for the relief from the provisions of Zoning By-Law 8600 for reduced minimum rear yard depth to facilitate a proposed multiple dwelling with 4 dwelling units on the property municipally known as 425 Mill Street **BE GRANTED** with no conditions.

2. THE REQUESTED VARIANCES:

Proposed multiple dwelling with 4 dwelling units requesting relief for reduced minimum rear yard depth, thereby seeking the following reliefs from Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	11.2.5.4.6	Minimum Rear Yard Depth	7.50m	1.24m

3. PLANNING ANALYSIS:

The subject property, legally described as Plan 43, West Part Lot D, Part Lot E, also municipally known as 425 Mill Street currently contains a single unit dwelling. The applicant proposes to demolish the existing single unit

dwelling and construct a multiple dwelling with 4 dwelling units and associated parking. To accommodate this proposal the applicant is seeking relief from Zoning By-law 8600 for the above noted variance.

The lot is irregularly shaped, and has frontage on both Mill Street and Baby Street. Functionally, the existing single unit dwelling and the proposed multiple dwelling will face Mill Street, with parking being accessed from Baby Street. However, as per the Zoning By-law, the *Front Lot Line* is defined as the shortest exterior lot line. This means that the front lot line of the subject property is Baby Street, and the rear lot line is the western interior lot line. Although the reduced minimum rear yard depth seems substantial, this functionally appears to represent the side yard depth of the building, which will be facing Mill Street. The required minimum side yard depth is 1.2m as per the Zoning By-law. If Mill Street was the front lot line of this property, both the proposed side yard depth and rear yard depth would comply.

The proposal complies with all other provisions in Zoning By-law 8600, including parking and height. The proposal includes placing the proposed multiple dwelling closer to Mill Street, in order to better align with the adjacent Heritage Designated building. The subject property is located in the Sandwich Town Community Improvement Plan Area, and the applicant has been working with Planning staff to incorporate the Sandwich Towne Urban Design Guidelines into the proposed multiple dwelling.

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 have 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 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 variance does exceed a 20 per cent variation above the bylaw regulation being varied where the variance would increase the building envelope of a main building containing a dwelling unit, which does not comply

with Section 11.6.6.2(d). Functionally, the existing single unit dwelling and the proposed multiple dwelling will face Mill Street, however, as per the Zoning By-law, the *Front Lot Line* is defined as the shortest exterior lot line. This means that the front lot line of the subject property is Baby Street, and the rear lot line is the western interior lot line. Although the reduced minimum rear yard depth seems substantial, this functionally appears to represent the side yard depth of the building, which will be facing Mill Street. The required minimum side yard depth is 1.2m as per the Zoning By-law. If Mill Street was the front lot line of this property, both the proposed side yard depth and rear yard depth would comply.

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

The subject land is zoned Residential District 3.1 (RD3.1) and S.20(1)236 per Zoning By-law 8600. The S.20(1)236 zoning identifies all residential uses in Target Area 3 of the Olde Sandwich Town Community Improvement Area. The regulations and prohibitions identified apply to this proposal and will be complied with. The proposed use is permitted and complies with the applicable provisions with the exception of the variance being requested. 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.

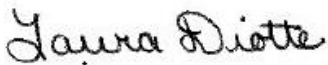
4. PLANNER'S OPINION:

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.



Averil Parent
Planner II – 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	11.2.5.4.6	Minimum Rear Yard Depth	7.50m	1.24m

Development, Projects & Right-of-Way

While it is not a condition of this application it should be noted to the property owner that the existing curb cut on Baby Street must be reused, as its width cannot be increased.

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

Lea Marshall – Technologist III

Heritage Planner

Please be advised that the subject property is located adjacent to a number of heritage property recognized by Council on the Windsor Municipal Heritage Register:

D 78 | 3203 Peter St | Mason-Girardot Manor | 1878 | Italianate/Victorian; Cast-Iron Fence | Sandwich | 5896

3215 Peter St | Vickers-Gray House | 1909 | Arts & Crafts w Flemish/Class Rev. | Sandwich

Heritage sensitive considerations should be given to ensure that the heritage context is considered, and serve as an inspiration to create a development that is sympathetic to adjacent heritage resources in its design, and be of compatible height, massing, scale, setback and architectural style to the area.

In addition, the property is located within a Mature Neighbourhood as per Schedule A-1 Special Policy Areas of the Official Plan. As per Policy 1.51.1 of Volume II, Chapter I Special Policy Areas: Infill and intensification within Mature Neighbourhoods shall be consistent with the built form, height, massing, architectural and landscape of the area. The following Windsor Intensification Guidelines 2.2.2 apply:

1. Locate and design buildings to respect and complement the scale, character, form, and siting of on-site and surrounding cultural heritage resources.
2. Ensure that conceptual design and massing of development or redevelopment projects are compatible with adjacent listed heritage buildings and/or sites.
3. New buildings located adjacent to built cultural heritage resources will be compatible with existing historical building types, colours, and material palettes having regard for modern building designs, techniques, and materials.

Also consider the following heritage neighbourhood infill best practices and principles:

- The height of the new construction should not exceed that of any surrounding structures. Use a height-to-width ratio for new buildings that is similar to existing buildings on blocks with built heritage resources
- Consider compatibility of roof types in the existing neighbourhood

- Align porch eaves, roof pitch and roof lines and other features to be similar with adjacent structures
- Use traditional materials and colours that represent the texture and palette of the Mature Neighbourhood. Consider using a high quality material like brick, fibre cement board (E.g. James Hardie Board), or pre-engineered wood siding imitating traditional building materials.

Archaeology:

The subject property 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

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 remaining 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

Director of Planning & Physical Resources

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 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 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

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Connor Wilson

Planner II – Revitalization & Policy Initiatives

conwilson@citywindsor.ca