

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."

Author's Name: Zaid Zwayyed	File No.: A-073/25
Author's Phone: (519) 255-6543 ext. 6198	Report Date: September 11, 2025
Author's E-mail: zzwayyed@citywindsor.ca	Committee Meeting Date: September 18, 2025

To: Committee of Adjustment

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

Owner: 2434233 Ontario Ltd. (Abdul Habib)

Location: 2198 Daytona Avenue

Legal Description: PLAN 997; LOTS 154 & 155 & PT CLOSED ALLEY;
RP 12R26351; PARTS 1; 12 & 23

1. RECOMMENDATION:

That the Minor Variance application of 2434233 Ontario Ltd. (Abdul Habib) for relief from the provisions of By-law 8600 to permit the construction of a semi-detached dwelling containing additional dwelling units with an increased main building gross floor area, and an accessory building containing an additional dwelling unit with increased gross floor area and height, on the property municipally known as 2198 Daytona Avenue, **BE GRANTED** with no conditions.

2. THE REQUESTED VARIANCES:

Construction of a semi-detached dwelling with increased main building gross floor area, and an accessory building containing an additional dwelling unit with increased gross floor area and height, thereby requiring the following relief:

Section 11.2.5.2.10 – Maximum Main Building Gross Floor Area- Semi-Detached Dwelling

By Law Requirements	Proposed
400.0 m ²	445.0 m ²

Section 5.99.80.1.5.b.4 – Maximum Accessory Building ADU Height (Roof Pitch less than 4/12)

By Law Requirements	Proposed
6.0 m	6.24 m

Section 5.99.80.1.5.b.7 – Maximum Accessory Building ADU Gross Floor Area

By Law Requirements	Proposed
100.0 m ²	102.0 m ²

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 977 Lots 154 and 155 and Part of a Closed Alley, RP 12R26351; Parts 1, 12, and 23, is currently vacant. The applicant proposes to construct a semi-detached dwelling containing additional dwelling units with an increased main building Gross Floor Area (GFA), along with an accessory building containing an additional dwelling unit with increased GFA and height. The requested variances are intended to provide additional living space within the main and accessory buildings. Accordingly, relief from Zoning By-law 8600 is required to permit the proposed increases in the GFA for the main building and both GFA and height for the accessory building. The subject lands form part of a previously approved Hold Removal application to facilitate their development. On-site parking will be provided, and the requested variances are not anticipated to result in adverse impacts 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. of the PPS). The requested minor variances are consistent with these policies, permitting and facilitating housing options required to meet the social, health, economic, and well-being requirements of residents while efficiently utilizing land, resources, and infrastructure.

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 variances are minor in nature and desirable for the subject property.

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 in accordance with Section 11.6.6.2(b).

The requested variances are minor in nature, remaining within the Official Plan guideline of generally not more than 20 percent above the By-law standard, and are therefore consistent with Sections 11.6.6.2(c) and (d).

Finally, 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 8600

The subject land is zoned Residential District 2.2 (RD2.2) under Zoning By-law 8600, which permits a semi-detached dwelling. The proposed development complies with the provisions of Section 11.2.5, except for the requested minor variance for increased main building gross floor area. Other variances pertain to relief from the gross floor area and height for an accessory building with an additional dwelling unit under Section 5.99.80.

The proposed variances are not anticipated to result in undue hardship on the owner, neighbouring properties, or the public realm. Therefore, the variances are considered minor in nature, and the proposed development maintains the general intent and purpose of Zoning By-law 8600.

4. PLANNER'S OPINION:

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.

Zaid Zwayyed
Planner II – Development Review



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



Greg Atkinson, MCIP, RPP
Deputy City Planner - Development

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

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"> (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.
<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

PLANNING DEPARTMENT - ZONING

Required Minor Variances *

The maximum main building gross floor area is not met (11.2.5.2.10)

- 400.0 m² (Required)
- 445.0 m² (Provided)

The maximum height for an accessory building with ADU is not met (5.99.80.1.5.b.4)

- 6.0 m (Required)
- 6.24 m (Provided)

The maximum GFA for an accessory building with ADU (5.99.80.1.5.b.7)

- 100.0 m² (Required)
- 102.0 m² (Provided)

Conner O'Rourke, Zoning Coordinator

PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS

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

Dan Perissinotti, 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.

LANDSCAPE ARCHITECT/URBAN DESIGN

No comments from a landscape architecture perspective, a balance between hard surface and soft surface in the front yard is recommended.

Ryan Upton- Landscape Architect

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

ENVIRONMENTAL POLICY

This proposal has the potential to impact Species at Risk (SAR). SAR are protected under sections 9 and 10, of the Endangered Species Act (2007). We have previously received a copy of Permit AY-C-005-18 issued by the MECP for these properties and require nothing further at this time.

HERITAGE PLANNING

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 & Building 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 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