

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-076/25
Author's Phone: (519) 255-6543 ext. 6397	Report Date: Sep 10, 2025
Author's E-mail: aparent@citywindsor.ca	Committee Meeting Date: Sep 18, 2025

To: Committee of Adjustment

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

Owner: 2454315 ONTARIO INC.

Location: 3290 RIBERDY RD

Legal Description: PLAN 1126; LOT 41 & PT ALLEY; RP 12R29322; PARTS 2 & 3

1. RECOMMENDATION:

That the Minor Variance application of 2454315 Ontario Inc. for relief from the provisions of By-law 8600 for reduced minimum lot width, reduced minimum lot area and increased maximum main building height at the property described as Plan 1126 Lot 41 & Part Alley, municipally known as 3290 Riberdy Road **BE GRANTED** with no conditions.

2. THE REQUESTED VARIANCES:

Proposed construction of a single unit dwelling thereby seeking the following relief:

Section 10.1.5.1 – Minimum Lot Width

By Law Requirements	Proposed
15.0m	10.7m

Section 10.1.5.2 – Minimum Lot Area

By Law Requirements	Proposed
450.0m ²	347.9m ²

Section 10.1.5.4 – Maximum Main Building Height

By Law Requirements	Proposed
9.0m	9.1m

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 consisting of Plan 1126 Lot 41 & Part Alley, municipally known as 3290 Riberdy Road is currently vacant. This property was the subject of previous Committee of Adjustment applications for consent (B-068/22) and minor variance (A-067/22). This property was severed from the adjacent property and was given relief for reduced minimum lot width and area. The severance was completed however the minor variance application has expired. The applicant proposes to construct a single unit dwelling and is requesting relief from reduced minimum lot width and area as well as increased maximum main building height.

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 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 building.

The subject land is designated Industrial per the Official Plan. Notwithstanding the land use designation the subject property forms part of a larger group of residential lots along Riberdy Road that is deemed to conform with the Official Plan in accordance with policy 11.6.10 ‘Existing Land Use Policy’ (attached as **Appendix A**). 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 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).

The requested minimum lot width and lot area variances exceed a 20 per cent variation above the bylaw regulations which does not comply with Section 11.6.6.2(d). However, notwithstanding this provision, Section 11.6.6.3 allows for variances exceeding 20 per cent to enable appropriate development for existing undersized lots where infilling and intensification is occurring as long as Sections 11.6.6.3(c) and (e) have been fully addressed. This lot was created as per B-068/22. The variances are desirable for the appropriate use of land promoting infill development. Several lots with similar width and area exist within the same block as the subject property.

ZONING BY-LAW Zoning By-law 8600

The subject land is zoned Residential Residential RD1.1 per By-law 8600. The proposal 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.

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 the conditions noted on the recommendation.



Averil Parent
PlannerII- 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.

11.6.10 Existing Land Use Policy

- EXISTING LAND USES* 11.6.10.1 Certain lawfully existing uses may, by their nature or location, not satisfy or conform to the land use policies or applicable land use designation in this Plan. They may have been established at their location for a long period of time and accepted as such within the neighbourhood or constructed more recently in compliance with the previous zoning. Notwithstanding any other provisions of this Plan in conflict herewith, such uses may be zoned as conforming uses in the zoning by-law provided that:
- (a) The use does not constitute a danger, a nuisance or blight to the adjacent neighbourhood by virtue of its function or operational characteristics; and
 - (b) The extension or enlargement of the use or change in its functionality would not be detrimental to nor pose a nuisance to the adjacent neighbourhood; or
 - (c) Where the use is deemed to be a sensitive land use, it shall be part of a viable larger grouping of similar land uses.

APPENDIX “B”

Comments Received by the Secretary Treasurer of the Committee of Adjustment

Zoning Review

Section 10.1.5.1 – Minimum Lot Width

By Law Requirements	Proposed
15.0m	10.7m

Section 10.1.5.2 – Minimum Lot Area

By Law Requirements	Proposed
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By Law Requirements	Proposed
9.0m	9.1m

Stefan Pavlica, Zoning Coordinator

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.

Dan Perissinotti – Technologist

Heritage Planner, Planning and Build

The subject property is located within the Archaeological Potential Zone (as per the recently adopted Windsor Archaeological Management Plan, 2024; OPA 181; and updated 2024 archaeological potential model OP Volume I Schedule C-1). However, the subject property is not within an Archaeologically Sensitive Area (ASA). Thus, an archaeological assessment is not requested at this time. 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, 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

Tracy Tang – Heritage Planner

Transportation Planner

Since no minor variance is required for reduction of the parking, Transportation has no concerns.

Elara Mehrilou – Transportation Planner

Windsor Police Service

I have reviewed the agenda items for the September 18th meeting of the Committee of Adjustment and would advise as follows:

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 and security. 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, B.A., M.A., CLEP, CMM-III

Director of Planning & Physical Resources

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 Species at Risk or their habitat be found at any time on or adjacent to the site, cease activity immediately and contact MECP at SAROntario@ontario.ca for recommendations on next steps to prevent contravention of the Endangered Species Act (2007). The City of Windsor SAR hotline (519-816-5352) can also be used for relevant questions and concerns.
2. For a list of Species at Risk 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. If trees or other vegetation (i.e., shrubs and unmaintained grasses) 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 Migratory Bird Regulations (2022), the Migratory Birds Convention Act (1992), and section 7 of the Fish and Wildlife Conservation Act (1997). 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.

Contacts:

Karen Alexander

City of Windsor Naturalist and Supervisor of Natural Areas

kaalexander@citywindsor.ca

Landscape Architecture

From a Landscape Architecture perspective, there are no comments, objections, or concerns at this time.

Ryan Upton – Landscape Architect