

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."*

|   |   |
|---|---|
| <b>Author's Name: Zaid Zwayyed</b>              | <b>File No.: A-078/25</b>                         |
| <b>Author's Phone: (519) 255-6543 ext. 6198</b> | <b>Report Date: September 11, 2025</b>            |
| <b>Author's E-mail: zzwayyed@citywindsor.ca</b> | <b>Committee Meeting Date: September 18, 2025</b> |

**To:** Committee of Adjustment

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

**Owner:** Edwin Anton Cope

**Location:** 4347 Riverside Drive East

**Legal Description:** PLAN 1526; LOT 41 & W PT LOT 42

---

**1. RECOMMENDATION:**

That the Minor Variance application of Edwin Anton Cope for relief from the provisions of By-law 8600 to permit an addition to an existing single unit dwelling with reduced front yard depth, on the property municipally known as 4347 Riverside Drive East, **BE GRANTED** with no conditions.

**2. THE REQUESTED VARIANCES:**

The construction of an addition to an existing single unit dwelling with reduced front yard depth, thereby seeking the following relief:

Section 10.6.5.5 – Minimum Front Yard Depth

| <b>By Law Requirements</b>  | <b>Existing</b> | <b>Proposed</b> |
|---|-----------------|-----------------|
| 9.0 m or the average front yard depth of the main building located on the abutting lots, whichever is greater | 14.0 m          | 10.6 m          |

*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 1526, Lot 41, and the west part of Lot 42, contains an existing single unit dwelling. The applicant proposes upgrades to the dwelling, including additions at the front and rear. The existing dwelling is positioned beyond the average front yard depth of the abutting dwellings (20.5 m). The proposed front yard addition, consisting of a covered porch and vestibule, is constrained by the existing building placement and results in a reduced front yard depth of 10.6 m. While this distance remains greater than the minimum 9.0 m requirement, it is less than the required average and therefore necessitates relief from Zoning By-law 8600.

The addition has already been constructed under an active building permit (Permit No. 2025 013459 CPBC) and will be subject to final inspection for compliance with the Ontario Building Code before completion. The proposal complies with all other provisions of the By-law.

#### **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 variance is 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 variance is minor in nature and desirable for the subject building.

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 variance is minor in nature as per Section 11.6.6.2(c).

While the requested variance exceeds the 20 percent guideline above the By-law regulation for front yard depth (20.5 m average), the fixed placement of the existing dwelling constrains the location of the proposed addition. The addition consists primarily of an open structure (a covered porch) with a small enclosed vestibule, representing a modest and contained increase to the building envelope. On this basis, the variance is considered to meet the intent of Section 11.6.6.2(d). Furthermore, the variance is desirable for the appropriate use of the property, will not hinder the reasonable development or use of neighbouring lands, thereby satisfying Section 11.6.6.2(e).

#### **ZONING BY-LAW 8600**

The subject land is zoned Residential District 1.6 (RD1.6) under Zoning By-law 8600, which permits a single-unit dwelling. The requested variance arises from existing site constraints, particularly the fixed placement of the existing dwelling.

The proposed addition consisting of an open structure (covered porch) and enclosed vestibule, will not create significant further obstruction to neighbouring water views and otherwise complies with all applicable provisions of the zoning district. The requested relief is not expected to cause undue hardship for the owner, adjoining properties, or the public realm.

Accordingly, the variance is considered minor in nature, maintains the general intent and purpose of Zoning By-law 8600, and is appropriate for the development of the subject property.

#### **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 the listed condition.

**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:**

Name: Zaid Zwayyed  
Phone: (519) 255-6543 ext. 6198

Fax: (519) 255-6544  
Email: [zzwayyed@citywindsor.ca](mailto:zzwayyed@citywindsor.ca)

#### **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"> <li>(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;</li> <li>(b) The general intent and purpose of the By-law being varied is maintained;</li> <li>(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;</li> <li>(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</li> <li>(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.</li> </ul> |
| <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 &amp; 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 \***

Minimum front yard depth is not met (section 10.6.5.5 )

- 9.0 m or the average front yard depth of the main building located on the abutting lots, whichever is greater (required)
- 10.6 m (provided)

*Stefan Pavlica, Zoning Coordinator*

#### **PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS**

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

*Dan Perissinotti, Technologist I*

#### **PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING**

-There are no comments from Transportation Planning.

*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.

#### **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**

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](http://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](mailto:kaalexander@citywindsor.ca)

Averil Parent  
Planner II – Development Review  
[aparent@citywindsor.ca](mailto:aparent@citywindsor.ca)

## **HERITAGE PLANNING**

### **Heritage Planning:**

Please be advised that the subject property located at 4347 Riverside Dr E is listed on the Municipal Heritage Register.

4347 Riverside Dr E | House | 1895| French Farm| Ford City

There are no built heritage requirements for this proposal.

### **Archaeology:**

The subject property is located within the Archaeological Potential Zone (APZ) and Archaeologically Sensitive Area (ASA) (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 proposed additions are on top of lands that have been previously disturbed, and 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