

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-079/26
Author's Phone: (519) 255-6100 e 6397	Report Date: Sep 25, 2026
Author's E-mail: aparent@citywindsor.ca	Committee Meeting Date: Oct 08, 2026

To: Committee of Adjustment

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

Owner: JUSTIN MURER

Applicant: JUSTIN MURER

Location: 918 RANDOLPH AVE

Legal Description: PLAN 1578 N PT LOT 20;RP 12R343 PART 1

1. RECOMMENDATION:

That the Minor Variance application of Justin Murer for the relief from the provisions of Zoning By-Law 8600 on the property municipally known as 918 Randolph Avenue for increased maximum lot coverage for an accessory building having a lot area of less than 400.0 m² **up to a maximum of 48.0 m² BE GRANTED** with no conditions.

2. THE REQUESTED VARIANCES:

Proposed detached Additional Dwelling Unit at the rear of the property requesting relief for increased maximum lot coverage for an accessory building having a lot area of less than 400.0m², thereby seeking the following reliefs from Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	5.10.9.15	Maximum lot coverage of an accessory building for a lot having a lot area of less than 400.0 m ²	40.0 m ²	49.1 m ² (*)

**Note: The Planner's recommendation differs from the applicants proposal.*

3. PLANNING ANALYSIS:

The subject property, legally described as Plan 1578 North Part Lot 20;RP 12R343 PART 1, also municipally known as 918 Randolph Avenue currently contains one half of a semi-detached dwelling. The semi-detached dwelling has been severed along the common wall, dividing it into two semi-detached dwelling units, 918 and 922 Randolph Avenue. The applicant at 918 Randolph proposes a detached Additional Dwelling Unit at the rear of the property. To accommodate this proposal the applicant is seeking relief from Zoning By-law 8600 for the above noted variance.

As the subject property has a lot area of less than 400.0 m², the maximum permitted lot coverage for all accessory buildings is 40.0 m². The proposed detached additional dwelling unit has a lot coverage of 49.1 m², representing an increase of approximately 22.8% above the maximum permitted. As a result, the application does not conform with Section 11.6.6.2(d) of the Official Plan, which states that “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”.

Given that the requested increase exceeds the Official Plan's general threshold, the variance results in overdevelopment of the site, and is not considered minor. The increased building mass and lot coverage may reduce the amount of open space available on the property and result in a built form that is not compatible with the intended development pattern of the surrounding residential neighbourhood.

Administration is recommending that the maximum permitted lot coverage for all accessory buildings be limited to 48.0 m², representing a 20 percent increase over the 40.0 m² maximum permitted by the Zoning By-law. This recommendation is consistent with the intent of Section 11.6.6.2(d) of the Official Plan.

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 section below evaluates the variance **as recommended by staff (48.0m²)**, not the variance requested by

the applicant (49.1m²). Rationale for the recommendation is provided in the Planning Analysis section of this report.

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 recommended 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 recommended 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. As recommended, the variance is minor in nature as per Section 11.6.6.2(c).

The recommended variance does 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 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 2.1 (RD2.1) per Zoning By-law 8600. The proposed use is permitted and complies with the applicable provisions with the exception of the variance being requested. The recommended variance will not result in undue hardship on the owner, adjoining properties, or the public realm; therefore, the variance is minor in nature. The variance, as recommended, meets the intent of Zoning By-law 8600.

4. PLANNER'S OPINION:

The variance, as recommended, is minor in nature and maintains the general intent and purpose of the Official Plan and Zoning By-law 8600. Therefore, the recommended variance is consistent with section 45 (1) of the Planning Act. The Planning Division recommends approval for increased maximum lot coverage for an accessory building having a lot area of less than 400.0m² **up to a maximum of 48m²** with no conditions.



Averil Parent
Planner II – Development Review

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

Laura Diotte

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

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	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.

AGREEMENTS 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 “A”

Excerpts From Official Plan Volume I

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	5.10.9.15	Maximum lot coverage of an accessory building for a lot having a lot area of less than 400.0m ²	40.0m ²	49.1m ²

Development, Projects & Right-of-Way

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

Thomas Huynh – Technologist

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

Transportation Planner

All parking must comply with ZBL 8600.

Aashvi Sarvaiya – Transportation Planner

Windsor Police Service

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, 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

Landscape Architect

There are private trees on the property that may be impacted by the development. The applicant is strongly encouraged to attempt to preserve existing privately owned trees on the subject site. If trees within the subject site are to be removed for development, it is strongly encouraged to plant replacement native trees for their various environmental benefits at a like-for-like trunk caliper size ratio (cumulative d.b.h.).

Averil Parent – Planner II Development Review