THE CORPORATION OF THE CITY OF WINDSOR
PLANNING AND DEVELOPMENT SERVICES

**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."*

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| **Author's Name:** Brian Velocci | **File No.:** A-084/26 |
| **Author's Phone:** (519) 255-6543 e 6457 | **Report Date:** Nov 03, 2026 |
| **Author's E-mail:** bvelocci@citywindsor.ca | **Committee Meeting Date:** Nov 12, 2026 |

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| **To:** | Committee of Adjustment |
| **Subject Application:** | Relief from the provisions of Zoning By-law 8600 |
| **Owner:** | WINDSOR REGIONAL HOSPITAL CORPORATION |
| **Applicant:** | WINDSOR REGIONAL HOSPITAL CORPORATION |
| **Location:** | 6215 CABANA RD E |
| **Legal Description:** | CON 9; PT LOTS 17 & 18; RP 12R26419; PART 3 |

## 1. RECOMMENDATION:

I. That the Minor Variance application of WINDSOR REGIONAL HOSPITAL CORPORATION for the relief from the provisions of Zoning By-Law 8600 for increased height on the property municipally known as 6215 CABANA RD E. **BE GRANTED** with the conditions below:

*a)* The applicant shall submit the proposed development to NAV CANADA for a Land Use Assessment and provide the resulting assessments/determinations and any associated requirements to the satisfaction of the City Planner prior to building permit.

*b)* The applicant shall submit the proposed development to Transport Canada for an Aeronautical Assessment, as applicable, and provide the resulting assessments/determinations and any associated requirements to the satisfaction of the City Planner prior to building permit.

*c)* The applicant shall obtain a permanent exemption from the Windsor Airport Zoning Regulation (AZR) to the satisfaction of the City Planner prior to building permit.

*d)* That no expiry timeline be imposed on the requested variance.

## 2. THE REQUESTED VARIANCES:

Minor Variance to request relief from the height provision, thereby seeking the following relief from Zoning By-law 8600:

| | PROVISION | PROVISION DESCRIPTION | REQUIRED | PROPOSED |
|---|---|---|---|---|
| 1 | S.20(1)362 | Maximum Building Height | 38m | 46.15m |

## 3. PLANNING ANALYSIS:

The subject property, legally described as CON 9; PT LOTS 17 & 18; RP 12R26419; PART 3, also municipally known as 6215 CABANA RD E is currently under development for the new Windsor Regional Hospital. The applicant proposes to construct a building with an overall building height of 46.15m. To accommodate this proposal the applicant is seeking relief from Zoning By-law 8600 S.20(1)362 for the above noted variance. The variance has little impact on the surrounding properties due to the situation of the building on the site.

Due to the location of the subject property across from the Windsor International Airport, the applicant will be responsible for obtaining necessary Federal approvals from NAV Canada and Transport Canada to ensure flight path and navigational equipment will not be impacted by the increased height or by the cranes used during construction. These approvals are listed as conditions of approval in the recommendations section of this report.

### 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 2.1.6 of the PPS). The requested minor variance is consistent with these policies by accommodating an appropriate range and mix of land uses including institutional uses.

### 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 Major Institutional per County Road 42 (CR42) Secondary Plan per the Official Plan. The proposed development is permitted and conforms to the associated objectives and land use policies. Section 8.4.6.4 of the CR42 Plan indicates that:

> "*The main hospital building may be 38 metres subject to meeting Federal height regulations associated with the Windsor International Airport. The height should be maximized to reduce the building footprint so that lands continue to be available within the designation for future expansions to the hospital and ancillary uses."*

The requested variance for increased height will maximize the height to reduce the building footprint and recommended conditions will ensure compliance with Federal height regulations. Therefore, the requested variance 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 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 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 Institutional H-ID1.2 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 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.

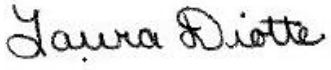
## 4. PLANNER'S OPINION:

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 the conditions outlined in Section 1 of this report.



**Brian Velocci**
**Planner III - Site Plan Approval Officer – Development Review**

*I concur with the above comments and opinion of the Planner III.*



**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**

**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 | S.20(1)362 | Maximum Building Height | 38m | 46.15m |

**Development, Projects & Right-of-Way**
Our comments remain consistent with existing SPC-2025-18 submission. All further comments will be addressed through SPC. (Karen Kong)

**Heritage Planner**
Heritage:
There is no apparent built heritage concern with this property.

Archaeology:
Multiple Archaeological Assessment Reports have been conducted on the subject property. The reports are entitled as below:

"Stage 4 Archaeological Assessment Windsor/Essex Acute Care Hospital Location 1 – AbHr-51 Part of Lot 18, Concession 9 Geographic Township of Sandwich Essex County Now City of Windsor, Ontario", dated December 2, 2024, PIF #: P450-0124-2024; with recommendation of "No Further Work" for the Location 1.

"Stage 4 Archaeological Assessment Windsor/Essex Acute Care Hospital Location 2 – AbHr-52 Part of Lot 17, Concession 9 Geographic Township of Sandwich Essex County Now City of Windsor, Ontario", dated January 24, 2024, PIF #: P450-0134-2024; with recommendation of "No Further Work" for the Location 2.

"Stage 4 Archaeological Assessment Windsor/Essex Acute Care Hospital Location 3 – AbHr-53 Part of Lot 18, Concession 9 Geographic Township of Sandwich Essex County Now City of Windsor, Ontario", dated November 5, 2024, PIF #: P450-0103-2023; with recommendation of "No Further Work" for the Location 3; and

"Stage 3 Archaeological Assessment Windsor/Essex Acute Care Hospital Location 4 – AbHr-54 Part of Lot 18, Concession 9 Geographic Township of Sandwich Essex County Now City of Windsor, Ontario", dated September 16, 2024, PIF #: P450-0108-2023; with recommendation of "Sufficiently documented" and "not recommended for Stage 3 unit excavation" for the Location 4.

The City of Windsor is in receipt of the final copies of these relevant archaeological reports. However, we also require a copy of the letter from the Ministry confirming acceptance of each report in the Ontario Public Register of Archaeological Reports as well as GIS Shapefiles of the Study Areas to clear the archaeology condition. (Ryan Upton)

**Transportation Planner**

Transportation planning has no comments. (Aashvi Sarvaiya)

**Windsor Police Service**
I have reviewed the agenda items for the November 12th 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, 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.

Respectfully,

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:
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Planner II – Revitalization & Policy Initiatives
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