

**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:</b> Conner O'Rourke	<b>File No.:</b> A-090/25
<b>Author's Phone:</b> (519) 255-6543 e 6918	<b>Report Date:</b> Dec 01, 2025
<b>Author's E-mail:</b> corourke@citywindsor.ca	<b>Committee Meeting Date:</b> Dec 11, 2025

**To:** Committee of Adjustment

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

**Owner:** Scott D'amore

**Applicant:** Julie Touma

**Location:** 790 Roseland Dr S

**Legal Description:** PLAN 1478 W PT LOT 162;

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**1. RECOMMENDATION:**

That the Minor Variance application of Scott D'amore for relief from the provisions of By-Law 8600 to permit the construction of a single unit dwelling with increased maximum main building gross floor area on the property municipally known as 790 Roseland Drive South **BE GRANTED** with the following condition:

- i. The owner shall contact City Forestry for detailed guidance on how to establish an adequate tree protection zone for the municipal tree adjacent to the subject property, to the satisfaction of the City Forester.<sup>1</sup>

<sup>1</sup>For questions regarding any compensation that may be deemed necessary for loss of the municipal owned trees and for the urban forest canopy, please contact Yemi Adeyeye, City Forester at [YAdeyeye@citywindsor.ca](mailto:YAdeyeye@citywindsor.ca)

**2. THE REQUESTED VARIANCES:**

Proposed construction of a single unit dwelling with increased main building maximum gross floor area, thereby seeking the following relief:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	10.4.5.10	Maximum Gross Floor Area - Main Building	400 m <sup>2</sup>	632 m <sup>2</sup>

### 3. PLANNING ANALYSIS:

The subject property, legally described as Plan 1478 W Pt Lot 162; is currently vacant. The applicant proposes to construct a single unit dwelling with a gross floor area of 632.0m<sup>2</sup>. To facilitate this, the applicant is seeking relief from Zoning By-law 8600 to permit the construction of a single unit dwelling with an increased gross floor area.

The proposed development is situated on a large existing lot, and will comply with the lot coverage requirement as well as all other requirements of Zoning By-law 8600. The surrounding neighbourhood features similarly sized houses that exceed the current Gross Floor Area zoning requirement. The proposed development further does not pose any adverse impacts on the neighbouring properties. Therefore, the proposed construction is considered to be compatible with the neighbourhood and suitable for the subject site.

### 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.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 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 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 exceeds the 20 percent threshold outlined in Section 11.6.6.2(d) of the Official Plan. However, the requested variance is desirable for the appropriate use of the land, promoting infill development

and maximises the potential use of the site through efficient land utilization. The proposed development does not pose any adverse impacts on the immediate neighbourhood and it complies with all other requirements of Zoning By-law 8600. The proposed development further aligns with the residential land use objective that aim to promote residential redevelopment, infill and intensification in accordance with the official plan. (Section 6.3.1.3)

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**

The subject land is zoned Residential District 1.4 per Windsor's 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 considered minor in nature. The proposed variance meets the intent of Zoning By-law 8600.

#### **4. PLANNER'S OPINION:**

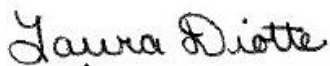
The requested variance is minor in nature and maintain the general intent and purpose of the Official Plan and Zoning By-law 8600. Therefore, the variance is consistent with section 45 (1) of the Planning Act. The Planning Division recommends approval of the applicant's request with the condition noted on the recommendation.



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**Conner O'Rourke**  
**Planner II- Development Review**

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



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**Laura Diotte MCIP, RPP**  
**Manager of Development Applications**

#### **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

	<b>11.6.6</b>	<b>Minor Variance Policies</b>
<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

#### Zoning Review

Requested variances of Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	10.4.5.10	Maximum Gross Floor Area - Main Building	400 m <sup>2</sup>	632 m <sup>2</sup>

Stefan Pavlica, Zoning Coordinator

#### Development, Projects & Right-of-Way

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

Lea Marshall, 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, ttang@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

## 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 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  
Director of Planning & Physical Resources  
Windsor Police Service

## Environmental Policy

The subject property is designated as Greenway System in the City of Windsor Official Plan Schedule B. Section 5.3.2.4 states that Council shall encourage the expansion and refinement of the Greenway System within Windsor as opportunities arise through the planning approval process or through other measures as may be appropriate.

As the identified Greenway system is the Roseland Golf Course and residential lands, Environmental Policy staff have no objection to the proposal, and nothing further is required at this time; Environmental staff encourage the applicant to improve and maintain the property's natural features to enhance the Greenway System. 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. 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 Endangered Species Act (2007). 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](http://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:**

Karen Alexander  
City of Windsor Naturalist and Supervisor of Natural Areas  
kaalexander@citywindsor.ca

Connor Wilson  
Planner II – Revitalization & Policy Initiatives  
conwilson@citywindsor.ca

**Landscape Architect**

There are is a City owned trees adjacent to the subject property. City Trees are protected from damages and removal under City by-law 135-2004 and 131-2019. The Applicant will be required to consult with Forestry on the protection of all City trees which may be impacted by the development.

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.).

Ryan Upton  
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