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."

Author's Name: Averil Parent	**File No.:** A-091/26
Author's Phone: (519) 255-6100 e 6397	**Report Date:** Nov 04, 2026
Author's E-mail: aparent@citywindsor.ca	**Committee Meeting Date:** Nov 12, 2026

To: Committee of Adjustment

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

Owner: KRISTIN LYNN FOTOPOULOS

Applicant: KRISTIN LYNN FOTOPOULOS

Location: 3919-3921 SEMINOLE ST

Legal Description: PLAN 831; W PT LOTS 53 & 54

1. RECOMMENDATION:

That the Minor Variance application of Kristin Fotopoulos for the relief from the provisions of Zoning By-Law 8600 for reduced required number of parking spaces on the property municipally known as 3919-3921 Seminole Street **BE GRANTED** with no conditions.

2. THE REQUESTED VARIANCES:

Proposed additional accessory use of Public Hall to an existing building currently used as a Personal Service Shop. Requesting relief for reduced required number of parking spaces, thereby seeking the following reliefs from Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	24.20.5.1	Required Number of Parking Spaces	6	0

3. PLANNING ANALYSIS:

The subject property, legally described as Plan 831; West Part Lots 53 & 54, also municipally known as 3919-3921 Seminole Street contains an existing mixed-use building comprised of a commercial unit occupied by a Personal Service Shop (photography studio) as well as one dwelling unit. The property currently provides no on-site parking, and due to site constraints, there is no opportunity to accommodate additional parking spaces on the lot. Street parking is available along Seminole Street

and Aubin Road. There is a Transit Windsor bus stop directly across from the subject property on Seminole Street.

The applicant is proposing to introduce a Public Hall as an additional accessory use within a portion of the existing commercial space to facilitate small-scale “micro-weddings” with limited attendance. Based on the proposed use, a total of six additional parking spaces are required under the Zoning By-law. As no parking can be provided on-site, the proposal results in a deficiency of six parking spaces.

A parking study was required by administration to be included with the application. Administration has received and reviewed the Parking Study prepared by Stantec, dated October 13, 2026. Transportation Planning concurs with the professional opinion presented in the report that the proposed shortfall of six parking spaces can be accommodated by the available on-street parking supply within the surrounding area. The study indicates that most nearby developments provide their own dedicated parking facilities, while residential properties are generally served by private driveways. Furthermore, the availability of approximately 49% to 51% of on-street parking spaces is expected to adequately accommodate parking demand associated with the proposed use without creating adverse impacts on the surrounding neighborhood. Based on the findings of the Parking Study and the supporting professional opinion, administration accepts the parking justification and recommends approval of the minor variance.

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 Employment policies of the PPS (Policy statement 2.8 of the PPS). The proposed consent is consistent with Policies 2.8.1.1 as the proposed development provides for an appropriate mix and range of employment uses to meet long-term needs. The proposal represents an appropriate form of development that is compatible with surrounding uses and existing 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 subject land is designated Mixed Use Node 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 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 Commercial District 2.2 (CD2.2) 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 no conditions.

Averil Parent
Planner II – Development Review

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

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

11.6.6 Minor Variance Policies

COMMITTEE OF ADJUSTMENT 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.

EVALUATION CRITERIA 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.

EXISTING UNDERSIZED LOTS 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.

TERMS & CONDITIONS 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 "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	24.20.5.1	Required Number of Parking Spaces	6	0

Stefan Pavlica – Zoning Coordinator

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.

Karen Kong – Engineering Technologist

Heritage Planner

There are no concerns with this proposal from a Heritage or Archaeological perspective. Nothing further is required at this time.

Ryan Upton – Planner II Heritage

Transportation Planner

Transportation Planning has received and reviewed the Parking Study prepared by Stantec, dated October 13, 2026, for 3919-3921 Seminole Street (File No. 160500071). We note that the study was prepared in accordance with the scope provided by City staff. Transportation Planning concurs with the professional opinion presented in the report that the proposed shortfall of six parking spaces can be accommodated by the available on-street parking supply within the surrounding area. The study indicates that most nearby developments provide their own dedicated parking facilities, while residential properties are generally served by private driveways. Furthermore, the availability of approximately 49% to 51% of on-street parking spaces is expected to adequately accommodate parking demand associated with the proposed use without creating adverse impacts on the surrounding neighborhood.

Transportation Planning also recognizes the applicant's proactive approach in obtaining transportation-related information in advance of operation and notes that the proposed wedding hall is intended solely for wedding ceremony functions, which is expected to assist in managing parking demand efficiently. Based on the findings of the Parking Study and the supporting professional opinion, Transportation Planning accepts the parking justification and has no concerns with the application moving forward.

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

Environmental Policy

There are no concerns with this proposal from an Environmental Policy perspective.

Conner Wilson – Planner II

Landscape Architect

There are no concerns with this proposal from a landscape architect perspective. Nothing further is required at this time.

Ryan Upton – Planner II