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: Conner O'Rourke	**File No.:** A-093/26
Author's Phone: (519) 255-6543 e 6447	**Report Date:** Nov 05, 2026
Author's E-mail: corourke@citywindsor.ca	**Committee Meeting Date:** Nov 12, 2026

To: Committee of Adjustment

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

Owner: Bay 20 Inc. (Hitesh Jhaveri)

Applicant: Passa Associates Inc., Architects

Location: 880 OUELLETTE AVE

Legal Description: PLAN 256 BLK 3 LOTS 8 & 9;

1. RECOMMENDATION:

That the Minor Variance application of Bay 20 Inc for the relief from the provisions of Zoning By-Law 8600 for increased maximum number of dwelling units and reduced minimum separation from a parking area and a building wall containing a habitable room window on the property municipally known as 880 Ouellette Avenue **BE GRANTED** with no conditions.

2. THE REQUESTED VARIANCES:

Requesting relief for increased maximum number of dwelling units and reduced minimum separation from a parking area and a building wall containing a habitable room window, thereby seeking the following reliefs from Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	S.20(1)416.b	Maximum Dwelling Units	64	70
2	25.5.20.1.6	Parking Area Separation from a building wall containing a habitable room window facing the parking area where the building is located on the same lot as the parking area	4.50m	2.06m

3. PLANNING ANALYSIS:

The subject property, legally described as Plan 256 Blk 3 Lots 8 & 9; also municipally known as 880 Ouellette Avenue currently contains a combined use building with commercial office space on the first floor and 64 dwelling units on floors two through nine. The subject property had applied and received approval for a By-law amendment (File No.Z 038/20 [ZNG-6249]). This property has since gone through the Site Plan Control process and building permit process and has started construction. The applicant is now proposing to convert the first floor from commercial use to residential, creating six dwelling units.

The proposed change of use will facilitate additional residential units within the downtown core, supporting the City's objective of increased housing opportunities and residential density in areas designed high profile mixed use. The development is consistent with the planned function of the City Centre Planning District and is compatible with the surrounding mixed-use policy area. Although the introduction of ground floor parking triggers the requirement for separation between a parking area and a building wall containing a habitable room window, the requested relief is considered minor. The portion of the parking area located within 2.05 metres of the habitable room window functions solely as a parking aisle, providing access to parking spaces, rather than an area where vehicles are to be parked. The closest parking space complies with the required 4.50 metre setback of the Zoning By-law.

No exterior alterations to the building are proposed, with all changes happening within the existing footprint. As such, the proposal is not anticipated to alter the existing built form or negatively affect the character of the surrounding area. Furthermore, pursuant to Seciton 24.10.15.5 of the Zoning By-law, no additional parking, accessible parking, bicycle parking, or loading spaces are required for this change of use, as the existing building is located within the Central Business District and the proposal involves a permitted change of use within an existing building. Overall, the proposal represents an appropriate adaptive reuse of an existing building, supports intensification within the downtown area, and maintains consistency with the intent of the Official Plan and the High Profile Mixed Use designation.

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 subject land is designated High Profile Mixed Use per the Official Plan. The proposed development is permitted and conforms to the associated objectives and policies. Therefore, the requested variances 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 variances. 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 variances are minor in nature as per Section 11.6.6.2(c).

The requested variances do not exceed a 20 percent 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 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 Commercial District 3.2 (CD3.2) per Zoning By-law 8600. The proposed use is permitted and complies with the applicable provisions with the exception of the variances being requested. The requested variances will not result in undue hardship on the owner, adjoining properties, or the public realm; therefore, the variances are minor in nature. The proposed variances meet the intent of Zoning By-law 8600.

4. PLANNER'S OPINION:

The requested variances are minor in nature and maintain the general intent and purpose of the Official Plan and Zoning By-law 8600. Therefore, the variances are consistent with section 45 (1) of the Planning Act. The Planning Division recommends approval of the applicant's request with no conditions.

Conner O'Rourke
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

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	S.20(1)416.b	Maximum Dwelling Unit Density - dwelling units per hectare	64	70
2	25.5.20.1.6	Parking Area Separation from a building wall containing a habitable room window facing the parking area where the building is located on the same lot as the parking area	4.50m	2.06m

[*Stefan Pavlica- Zoning Coordinator*]

Development, Projects & Right-of-Way

This department has no objections to the proposed application. While it is not a condition of this application, it should be noted to the owner that there is an existing sign and a fence encroaching in the Right-of-Way. Items should be removed or apply for an encroachment agreement. Right-of-way permits must be obtained for any work in the right-of-way.

[*Karen Kong – Technologist*]

Heritage Planner

There is no apparent built heritage concern with this property.
Please be advised that the subject property is located adjacent to two listed heritage properties recognized by Council on the Windsor Municipal Heritage Register:
850 Ouellette Ave| Windsor Public Library - Main | c1973 | Arch. Johnson & McWhinnie | Core
895 Ouellette Ave | Anderson Funeral Home | c1951-66 | Neo Art Deco Revival; Arch.J.P.Thomson(alt.) | Core
Heritage sensitive considerations should be given to ensure that the heritage context is considered, and serve as an inspiration to create a development that is sympathetic to adjacent heritage resources in its design, and be of compatible height, massing, scale, setback and architectural style to the area.

The subject property is located within the Archaeological Potential Zone (as per the Windsor Archaeological Management Plan, 2024; OPA 181; and updated 2024 archaeological potential model OP Volume I Schedule C-1). However, the subject property is not within an Archaeologically Sensitive Area (ASA). 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 & 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

[*Ryan Upton- Heritage Planner*]

Transportation Planner

Transportation planning has no comments.

[*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- Windsor Police Service*]