

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: Zaid Zwayyed	File No.: A-007/26
Author's Phone: (519) 255-6543 e 6198	Report Date: February 5, 2026
Author's E-mail: ZZwayyed@citywindsor.ca	Committee Meeting Date: February 12, 2026

To: Committee of Adjustment

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

Owner: 1000928562 Ontario Inc.

Location: 345 Askin Avenue

Legal Description: PLAN 51 LOT 42

1. RECOMMENDATION:

That the Minor Variance application of 1000928562 Ontario Inc. for the relief from the provisions of By-Law 8600 to construct a semi-detached dwelling with an increased gross floor area and accessory buildings with increased lot coverage for the property municipally known as 345 Askin Avenue, **BE GRANTED** with no conditions.

2. THE REQUESTED VARIANCES:

Request for relief from the maximum main building gross floor area and maximum accessory building lot coverage for a semi-detached dwelling, thereby seeking the following reliefs of Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	11.1.5.10	Maximum Gross Floor Area - Main Building	400 m ²	433 m ²
2	5.10.9.10	Maximum lot coverage for all accessory buildings	10 %	12 %

3. **PLANNING ANALYSIS:**

The subject property, identified as Plan 51 Lot 42, contains an existing single unit dwelling. The applicant is proposing to demolish the existing dwelling and construct a semi-detached dwelling with an increased gross floor area to optimize the use of space. In addition, the proposal includes the construction of two detached accessory buildings with increased lot coverage. Accordingly, the applicant is seeking relief from Zoning By-law 8600 to construct a semi-detached dwelling with an increased gross floor area and accessory buildings with an increased lot coverage. The proposal adheres to the remaining provisions of the zoning by-law.

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 variances are 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 Residential 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 per cent variation above the bylaw regulations and therefore comply 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 Residential District 2.1 (RD2.1) per By-law 8600. The proposed use is permitted and complies with the applicable provisions, except for 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:

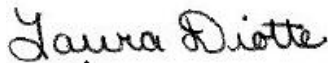
The requested variances are minor in nature and maintain the general intent and purpose of the Official Plan and Zoning By-law 8600. Therefore, the variances are consistent with section 45 (1) of the Planning Act. The Planning Division recommends approval of the applicant's request with no conditions.

Zaid Zwayyed MCIP, RPP

Planner II - Development Review – 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

<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"> (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 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.
<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.
<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	11.1.5.10	Maximum Gross Floor Area - Main Building	400 m ²	433 m ²
2	5.10.9.10	Maximum lot coverage for all accessory buildings	10 %	12 %

[*Stefan Pavlica- Zoning Coordinator*]

Development, Projects & Right-of-Way

While it is not a condition of this application, it should be noted that driveway access must be via alley, one sanitary and one storm connection are permitted per property.

While the following comments are not a condition of this application, they are noted for the applicant's future action:

Driveways shall conform to Best Practice BP2.3.2. Front yard parking is not permitted, as a gravel alley is located at the rear of the property.

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

[*Dan Perissinoitti- Technologist*]

Heritage Planner

Built Heritage

The property is located within a Mature Neighbourhood as per Schedule A-1 Special Policy Areas of the Official Plan. As per Policy 1.51.1 of Volume II, Chapter I Special Policy Areas: Infill and intensification within Mature Neighbourhoods shall be consistent with the built form, height, massing, architectural and landscape of the area. The following comments based on the Windsor Intensification Guidelines (Section 2.2.2) are provided for the applicants consideration:

- The loss of this Tudor Revival cottage-type of dwelling would be a detriment to the Mature Neighbourhood area. The Tudor Revival dwelling defines, maintains, and supports the character of Askin Avenue through its architectural style, brick materiality, age of construction, and landscaped setbacks.
 - Consider salvaging and reusing the historic bricks in any new construction, and/or incorporating nods to the Tudor Revival heritage features in the new construction
- It is recommended that the height of the new construction not exceed that of any surrounding structures. Use a height-to-width ratio for new buildings that is similar to existing buildings on blocks with built heritage resources.
 - The use of front elevation drawings with 345 Askin Avenue and both adjacent properties on the same plane, with datum lines horizontally across to compare the overall building height (ground to roof peak), eaves, floor lines, window placements, etc. to illustrate compatibility of the

proposed height with adjacent structures in the Mature Neighbourhood may assist in integrating the proposed development in with the mature neighbourhood.

- Use traditional colours that represent the palette of the Mature Neighbourhood (see PDF attached)
 - Specify colour and finishes for all materials/products (face brick, vinyl siding, metal eavestroughs and downspouts, vinyl windows and trims, asphalt shingles)
- Encourage replacing vinyl siding with a high quality material like fibre cement board (E.g. James Hardie Board) or pre-engineered wood siding
- Encourage the use of double-hung windows with dividers/grilles

Archaeology

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, ttang@citywindsor.ca, planningdept@citywindsor.ca

Windsor Manager of Culture and Events (A):

Michelle Staaadegaard, (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

[*Sohpia Di Blasi- Heritage Planning*]

Transportation Planner

All parking must comply with ZBL 8600.

[*Elara Mehirlou- Transportation Planning*]

Landscape Architect

The proposed driveway at the front of the building is located too close to the existing tree on the right-of-way and encroaches into the tree's root protection zone, which may impact the health and long-term viability of the tree. The

design shall be revised to ensure a minimum clearance of 3 meters from the tree trunk to avoid impacts on the root.

[*Hoda Kameli- Landscape Architect*]

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- 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 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 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.

[*Connor Wilson- Environmental Policy*]