

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-012/26
Author’s Phone: 519-255-6100 ext.6397	Report Date: Feb 25, 2026
Author’s E-mail: aparent@citywindsor.ca	Committee Meeting Date: Mar 12, 2026

To: Committee of Adjustment

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

Owner: 2449113 ONTARIO INC

Applicant: 2449113 ONTARIO INC

Location: 533 RIVERSIDE DR E

Legal Description: PLAN 129 LOT 8 TO LOT 10;W PT LOT 7

1. RECOMMENDATION:

That the Minor Variance application of 2449113 Ontario Inc. for the property at 533 Riverside Drive East, legally described as Lot 8 to Lot 10, W Part Lot 7 on Registered Plan 129 for relief from the provisions of By-Law 8600 for the extension of legal non conforming use from Business Office to Business Office and Retail Store within the existing building on the subject property **BE GRANTED** with the no conditions.

2. THE REQUESTED VARIANCES:

Proposed extension of legal non conforming use from Business Office to Business Office and Retail Store within the existing building on the subject property. No additional relief from the Zoning By-law is required.

3. PLANNING ANALYSIS:

The subject property consists of Plan 129 Lot 8 To Lot 10;W Part Lot 7, also municipally known as 533 Riverside Drive East. The subject property represents a legal non-conforming use (a Business Office) within a residential zoning district (RD3.3). The existing Business Office was established as per Building Permit 1989 00111400000. Municipal records show that the use has been continuous up to the date of application submission.

The applicant wishes to establish a retail store in a portion of the existing building. The proposed retail store would be located in the Southern portion of the existing building and would consist of an area of 175.9 m². Interior renovations as well as the addition of one new exterior door are required to convert the existing space. The remaining 150.6 m² of the building would continue a Business Office use. Planning staff are in support of the requested extension of legal non-conforming use to include a Retail Store.

Parking requirements for the Business Office were established with the original building permit. Seven parking spaces were required and provided for on the property, accessed through a municipal alley from Glengarry Avenue. Three additional parking spaces are required as a result of the conversion of Business Office to Retail Store space. As per the Zoning Bylaw (24.26.3) required parking spaces shall be located entirely within a radius of 120m of the nearest lot line of the lands occupied by the use they are intended to serve. The owner of the subject property also owns two adjacent properties that are currently being used exclusively as parking lots (29 parking spaces in total), as shown on the site plan. The additional parking spaces required will be provided for on one of the adjacent lots. These three spots shall be identified on the site plan when the applicant applies for a building permit.

Additionally, as per the Zoning Bylaw two bicycle parking spaces are now required. These must be shown on the site plan when the applicant applies for a building permit.

PLANNING ACT

Subsection 45(2)(i) of the Planning Act authorizes the Committee of Adjustment to consider applications for enlargement or extension of a building or structure for which the non-conforming use existed prior to the passing of a Zoning By-law (Appendix A).

Subsection 45(2)(ii) authorizes the Committee to consider applications where the purpose of the use of land, building or structure is similar to the purpose for which it was used on the day the by-law was passed. Planning Staff are of the opinion that the proposed extension of the legal non-conforming use to include a Retail Store within the existing building footprint is appropriate and similar to the existing non-conforming use being a Business Office.

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)

Non-Conforming Use Policies Section 11.6.7 (Appendix A) confirm the Committee of Adjustment's authority in dealing with matters regarding non-conforming uses and also provide criteria for evaluating applications to expand or enlarge non-conforming uses. Policy 11.6.7.1 states that "The Committee of Adjustment shall evaluate applications for the extension or enlargement of a building or structure continuing as a non-conforming use".

Below is the review of the proposed extension as per the evaluation criteria in Section 11.6.7:

- The scale of the proposed extension of use is appropriate to the size of the existing non-conforming use as there is no expansion to the building footprint or alteration to its mass. The proposed scope of work consists of primarily interior alterations.

- There are adequate municipal services and infrastructure to accommodate the proposed development, including paved roads (Riverside Drive East and Glengarry Ave) and sanitary and storm services.
- Together with the adjacent property under the same ownership, there are adequate parking spaces accessible from the alleyway which will continue to serve the building and adhere to Zoning By-law 8600 parking requirements.
- The subject land is designated High Profile Residential in the Official Plan. The surrounding area includes Ceasars Windsor Casino, legal-non conforming residential properties and additional surface parking lots. The proposed development does not have a short or long-term impact on the surroundings since the change is contained within the existing building footprint. Given the limited scale of the proposal, it is not expected that the proposed change of use will inhibit or discourage similar development in the surrounding area and will have minimal impact on surrounding properties.

As such, the proposed extension of legal non-conforming use within a portion of the existing building suits the character of existing development within the surrounding area. The proposal conforms with Section 11.6.7 of the Official Plan.

ZONING BY-LAW

The subject land is zoned Residential District 3.3 (RD3.3) per By-law 8600. The property also has a specific zoning exception, S.20(1)246, permitting a public parking area. Permitted uses under the current zoning provisions do not include a Business Office. The Business Office has been continuous since 1989, therefore the subject property is recognized as a legal non-confirming use.

The proposed Retail Store is not expected to result in undue hardship on the owner, adjoining properties, or the public realm, as it is limited to the existing building footprint. There are no further minor variances associated with this application.

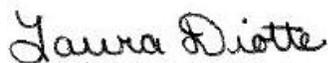
4. PLANNER'S OPINION:

Planning Staff recommend approval of the applicant's request for extension of legal non-conforming use from Business Office to Business Office and Retail Store with no conditions.



Averil Parent
PlannerII- Development Review

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



Laura Diotte MCIP, RPP
Manager of Development Applications

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APPENDICES:

Appendix "A" - Excerpts from the Official Plan Volume I and The Planning Act

Appendix "B" - Comments received by the Secretary Treasurer of the Committee of Adjustment

APPENDIX "A"

Excerpts From Official Plan Volume I and The Planning Act

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 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.

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.

11.6.7 Non-Conforming Use Policies

*EXTENSION &
ENLARGEMENT*

11.6.7.1 The Committee of Adjustment shall review applications for the extension or enlargement of a building or structure continuing as a non-conforming use.

EVALUATION CRITERIA

11.6.7.2 The Committee of Adjustment will evaluate applications for the extension or enlargement of a building or structure continuing as a non-conforming use using the following criteria:

- The scale of the proposed extension or enlargement is appropriate to the size of the existing non-conforming use;
- Adequate municipal services and infrastructure are or can be provided;
- There are adequate on-site parking and loading facilities and amenities to accommodate the proposed expansion or enlargement;
- The proposed extension will not inhibit or discourage conforming development in the surrounding area; and
- The extension or enlargement will include measures that will minimize any negative impacts on adjacent properties.

Planning Act Section 45(2)

Other powers

45(2) In addition to its powers under subsection (1), the committee, upon any such application,

- (a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,
- (i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or
 - (ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or
- (b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. R.S.O. 1990, c. P.13, s. 45 (2).

APPENDIX "B"

Comments Received by the Secretary Treasurer of the Committee of Adjustment

Zoning Review

No further minor variances required.

Stefan Pavlica, Zoning Coordinator

Development, Projects & Right-of-Way

While it is not a condition of this application, it should be noted that there are landscaping boulders within the right-of-way adjacent to this property without appropriate permissions or permitting.

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

1. A right-of-way permit application is required for the approval and/or removal of the landscape boulders within the right-of-way.

Amy Kurek, Technologist

Heritage Planner

Heritage

There is no apparent built heritage concern with this property.

Archaeology

The subject property is located within the Archaeological Potential Zone (APZ) and Archaeologically Sensitive Area (ASA) (as per the recently adopted Windsor Archaeological Management Plan, 2024; OPA 181; and updated 2024 archaeological potential model OP Volume I Schedule C-1). However, no ground disturbances are proposed, and 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 & Building 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 Staaedegaard, (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 (Averil Parent)

Transportation Planner

All Parking must comply with ZBL 8600.

Elara Mehrilou, Transportation Planning

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