



Office of the Commissioner of Economic
Development & Innovation Planning &
Building Department
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.”

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Author’s Phone: (519) 255-6543 ext. 6918	Report Date: April 4, 2025
Author’s E-mail: dradulescu@citywindsor.ca	Committee Meeting Date: April 10, 2025

To: Committee of Adjustment
Subject Application: Relief from the provisions of By-law 8600
Owner: Kevin Wai Hang Hu
Location: 8150 Riverside Dr E
Legal Description: CONC. 1; PT LOT 129; PLAN 470; LOT 4 & PT LOTS 3 & 5 & PT OF WATER LOT

1. RECOMMENDATION:

That the Minor Variance application of Kevin Hu for relief from the provisions of By-law 8600 for the relocation of an accessory building in a front yard for the property municipally known as 8150 Riverside DR E. **BE GRANTED** with the following condition:

1. City Council approval of Heritage Permit, to the satisfaction of the City Planner¹.

¹Please contact Tracy Tang at ttang@citywindsor.ca or 519.255.6543 ex.6179

2. THE REQUESTED VARIANCE:

Accommodating an accessory building in a front yard, thereby seeking the following relief:

Section 5.10.7– Location of Accessory Building

By Law Requirements	Proposed
Rear Yard or Side Yard	Front Yard

Note: An approved variance is valid and must be acted upon before the expiration date. The application is deemed null and void if a granted variance is not used within the required timeline. A new Committee of Adjustment application will be required for any expired application.

3. **PLANNING ANALYSIS:**

The subject property, known municipally as 8150 Riverside Dr E, contains a single detached dwelling with a detached garage in the front yard. The applicant proposes to build an addition to the dwelling and relocate the existing garage approximately 3m to the west.

The applicant is seeking relief from Zoning By-law 8600 to locate an accessory building (detached garage) in a front yard. The proposal adheres to the other provisions of the zoning by-law. The proposed addition to the main dwelling adheres to Zoning By-law 8600 but will require ERCA permits.

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 general intent and purpose of the Official Plan is maintained with the proposed development; the requested variance is minor in nature.

The subject land is designated Waterfront 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 as 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 is compatible and complementary to existing parcels in the blockface and will have minimal impact on properties in the immediate neighbourhood. Therefore, the variance is minor in nature as per Section 11.6.6.2(c). The proposal also complies with Section 11.6.6.2 (e) with no anticipated adverse impacts to the neighbourhood.

ZONING BY-LAW 8600

The subject land is zoned Residential District 1.6 (RD1.6) per Zoning By-law 8600. The provisions of section 10.6.5 are met, except for the requested minor variance for location of an accessory building in a front yard.

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 minor variance meets the intent of Zoning By-law 8600.

4. PLANNER'S OPINION:

The requested variance for location of an accessory building in a front yard 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 for location of an accessory building in a front yard with the listed condition.



Diana Radulescu
Planner II – Development Review

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



Greg Atkinson, MCIP, RPP
Manager of Development Planning

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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

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 Plan Volume I 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

PLANNING DEPARTMENT - ZONING

Required Minor Variances *

- **Location of accessory building (5.10.7):**
 - Rear yard or Side yard (Required)
 - Front yard (Provided)

Conner O'Rourke, Zoning Coordinator

PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS

This department has no objection to the proposed application. Right-of-Way permits are required for any work within the Right-of-Way. DV permit is required to legalize driveway.

Thomas Huynh, Technologist I

PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING

Considering cyclist safety, we suggest that the door of the proposed garage open from the same side as the existing one.

Elara Mehriou, Transportation Planner

FORESTRY

There are No City owned trees on the property. There are Private trees on the property. Forestry has no further concerns regarding tree preservation at this time.

NATURAL AREAS

If development involves removal of vegetation, there must be regard to breeding birds:

- 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)
- Active nests, i.e., nests occupied by an adult bird, chick, and/or viable egg, must not be disturbed or removed
- The breeding bird window for southwestern Ontario is April 1st – August 31st
- To prevent potential harm to nests, any vegetation disturbance should occur outside of the breeding bird window
- Should disturbance be unavoidable during this window, surveys for nests must be completed by a Qualified Professional immediately prior to (i.e., within 48 hours) site alteration
- If an active nest is found, it should remain unharmed, protected by a buffer zone, until the young have permanently left the vicinity of the nest

WINDSOR POLICE SERVICES

The Windsor Police Service has no concerns or objections with any of the applications listed in this agenda. In reviewing them, all are quite 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 and other service delivery requirements.

Barry Horrobin, Director of Planning & Physical Resources

HERITAGE PLANNING

Heritage

Please be advised that this property is listed on the Windsor Municipal Heritage Register:

R | 8150 Riverside Dr E | House | 1938 | Arch. D.J. Cameron | Riverside

For a property listed on the Municipal Heritage Register but not designated, Part IV section 27 (3) of the *Ontario Heritage Act* states that “the owner of the property shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives the council of the municipality at least 60 days notice in writing of the owner’s intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure.” The applicant is required to submit necessary information for the consideration of the demolition request. If all the necessary information is provided, then a report can be prepared. During the 60 days, full heritage designation under the *Ontario Heritage Act* may be considered after review by the Development & Heritage Standing Committee, then Council.

If you are considering demolition or partial demolition of the property (“partial demolition” includes the removal of external walls, porches, and accessory structures such as detached garages), please let me know and provide me with a clear scope of work to determine if a Notice of Intent to Demolish and Heritage Permit application will be required. There is no fee or cost to submitting a Heritage Permit application. More information can be found on our City Webpage here: [Heritage Permit application, procedures, and demolition requirements](#)

If the alterations proposed do not involve demolition/removals in any form (e.g. painting the shutters and front door, replacing windows with same dimensions, etc.), there are no Heritage Planning restrictions or Heritage Permit required. There are also no Heritage Planning restrictions to interior alterations. Where standard building permits are required for exterior alterations, Heritage Planning comments may be provided to guide the alteration in a heritage-sensitive manner.

For resources on heritage conservation (maintenance, repairs, rehabilitations, restoration and reconstructions of heritage properties), historical research guides and more, please visit the City’s Webpage for Resources for Heritage Property Owners: <https://www.citywindsor.ca/residents/planning/plans-and-community-information/know-your-community/heritage-planning/resources-for-heritage-property-owners>

Archeology

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). A Stage 1 archaeological assessment and any further recommended assessments are required to be entered into the Ontario Public Register of Archaeological Reports to the satisfaction of the City of Windsor and the Ontario Ministry of Citizenship and Multiculturalism, prior to any additional land disturbances. A final copy of these relevant archaeological reports and GIS study area must be submitted to the City of Windsor.

Tracy Tang, Heritage Planner

BELL CANADA

No comments were received at the time of this report.