



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.”

Author’s Name: Zaid Zwayyed	File No.: A-041/24
Author’s Phone: (519) 255-6543 ext. 6198	Report Date: July 18, 2024
Author’s E-mail: zzwayyed@citywindsor.ca	Committee Meeting Date: July 25, 2024

To: Committee of Adjustment

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

Owner: Anputhasan Chandragopal

Location: 2253 Dominion Boulevard

Legal Description: PLAN 558 LOTS 334 TO 336; PT LOT 333 PT BLK A; RP 12R20068 PART 2

1. RECOMMENDATION:

That the Minor Variance application of Anputhasan Chandragopal for relief from the provisions of the By-law 8600 to construct an accessory building with an increased accessory building lot coverage and building height for the property municipally known as 2253 Dominion Boulevard, **BE GRANTED** with no conditions.

2. THE REQUESTED VARIANCES:

Construction of an accessory building with an increased lot coverage and height, thereby seeking the following reliefs:

Section 5.10.9.1 – Maximum Accessory Building Height– Roof with a slope less than 20.0 degrees

By Law Requirements	Proposed
3.0 m	4.43 m

Section 5.10.9.10 – Maximum Accessory Building Lot Coverage (All accessory buildings)

By Law Requirements	Proposed
10.0%	14.1%

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

3. PLANNING ANALYSIS:

The subject property consists of Plan 558 Lots 334 to 336; Part Lot 333 and Part Block A, outlined as Part 2 per Registered Plan 12R20068. The property features an existing single unit dwelling and a detached garage. The applicant intends to place a pre-engineered accessory building in the rear yard, resulting in a deficiency in the maximum lot coverage requirement for accessory buildings (which includes the coverage of all accessory buildings). Additionally, the pre-engineered height of the proposed building exceeds the maximum height requirement for accessory buildings with a slope of less than 20.0 degrees. Therefore, the applicant is seeking relief from Zoning By-law 8600 to accommodate an accessory building with an increased lot coverage and height. The property will remain compliant with the overall lot coverage requirement (45.0 % Required | 30.6% Proposed) and there is no adverse impact on the placement of the accessory building on the subject property.

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 POLICY STATEMENT (PPS) 2020

The Planning Staff has reviewed the relevant policies of the PPS - “Healthy, livable and safe communities” (Policy statement 1.1.1 of the PPS). The requested minor variance is consistent with these policies promoting cost-effective development to minimize land consumption and servicing costs.

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 variances are minor in nature and desirable for the subject building.

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 bylaw provisions except for the variances being requested. 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 variance is desirable for the appropriate use of the land per Section 11.6.6.2(d).

ZONING BY-LAW 8600

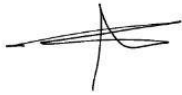
The subject land is zoned Residential District 1.1 (RD1.1) per By-law 8600, permitting an accessory building for residential use. The accessory building complies with the overall lot coverage requirement of section 10.1 (45.0% required and 30.6% provided) and complies with the requirements of section 5.10 except for the requested minor variances for an increased accessory lot coverage and building height.

The requested variances 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 Bylaw 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 condition.

Zaid Zwayyed
Planner II – Development Review



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



Greg Atkinson, MCIP RPP
Manager of Development

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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 bylaw that implements the Official Plan.
<i>EVALUATION CRITERIA</i>	11.6.6.2	When reviewing an application for minor variance the Committee of Adjustment shall be satisfied that: <ul style="list-style-type: none">(a) The general intent and purpose of the Official Plan is maintained;(b) The general intent and purpose of the By-law being varied is maintained;(c) The variance is minor in nature; and(d) The variance is desirable for the appropriate use of the land, building or structure.
<i>TERMS & CONDITIONS</i>	11.6.6.3	The Committee of Adjustment may attach such terms and conditions as it deems appropriate to the approval of the application for a minor variance.
<i>AGREEMENTS WITH MUNICIPALITY</i>	11.6.6.4	The Committee of Adjustment may require the owner of the land to enter into one or more agreements with the Municipality 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 *

Maximum accessory building height is not met (section 5.10.9.1)

- 3.0 m required
- 4.43 m provided

Maximum accessory lot coverage is not met (section 5.10.9.10)

- 10.0% required
- 14.1% provided

Ana Lukas, Zoning Coordinator

PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS

The Department has no objections to the proposed application. Right of Way permits must be obtained for any work within the right of way. Landscaping must comply with engineering best practice.

Lea Marshall, Technologist I

PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING

Transportation Planning has no concerns. Parking spaces to comply with the requirements of ZBL/8600.

Elara Mehrilou, Planner I- Transportation Planning Department

PARKS & FACILITIES

There are no objections from a landscape architectural or urban design perspective related to the proposed minor variance.

Stefan Fediuk, Landscape Architect

WINDSOR POLICE SERVICES

The Windsor Police Service has no concerns or objections to this application.

Barry Horrobin, Director of Planning & Physical Resources

HERITAGE PLANNING

Built Heritage

There is no apparent built heritage concern with this property.

Archaeology

The subject property is located on an area of low archaeological potential. 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 & Building Department:

519-255-6543 x6179, ktang@citywindsor.ca, planningdept@citywindsor.ca

Windsor Manager of Culture and Events (A):

Michelle Staaegaard, (O) 519-253-2300x2726, (C) 519-816-0711,
mstaaegaard@citywindsor.ca

Ontario Ministry of Citizenship and Multiculturalism

Archaeology Programs Unit, 1-416-212-8886, Archaeology@ontario.ca

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, Crystal.Forrest@ontario.ca

Kristina Tang, Heritage Planner; Tracy Tang, Planner II