

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."*

<b>Author's Name: Brian Velocci</b>	<b>File No.: A-052/25</b>
<b>Author's Phone: (519) 255-6543 ext. 6457</b>	<b>Report Date: June 25, 2025</b>
<b>Author's E-mail: bvelocci@citywindsor.ca</b>	<b>Committee Meeting Date: July 10, 2025</b>

**To:** Committee of Adjustment

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

**Owner:** CENTURY 21 TEAMS & ASSOCIATES LTD. (TIM CAMPBELL)

**Agent:** ANTHONY PIPOLO

**Location:** 1317&1321 OTTAWA STREET

**Legal Description:** PLAN 687 LOT 120

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**1. RECOMMENDATION:**

That the Minor Variances application of **CENTURY 21 TEAMS & ASSOCIATES LTD. (TIM CAMPBELL)** for relief from the provisions of the By-law 8600, for the purpose of constructing a residential building addition to an existing commercial building with a reduced parking requirement and reduced amenity area per dwelling unit **BE APPROVED** with the no conditions:

**2. THE REQUESTED VARIANCES:**

Creation of a residential buildings with a reduced parking and reduced lot area thereby seeking the following relief:

- 1- Required Parking (24.20.3.1)
  - 5 (Required)
  - 4 (Proposed)
- 2- Amenity Area - Minimum (15.2.5.9)
  - 12.0m<sup>2</sup> per unit (Required)
  - 0m<sup>2</sup> per unit (Proposed)

*Note: An approved variance is valid and must be acted upon within one (1) year. If a granted variance is not used within 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 687 LOT 120, also municipally known as 1317-1321 Ottawa St.

The proposed development is an addition to an existing commercial building. It adds one storey to the building and contains 4 dwelling units. To accommodate the total number of units in the proposed development, a reduction in the parking requirement from 5 spaces to 4 spaces is requested. This reduction is minor in nature and still meets the intent of the by-law requirement, and the 1 space difference will not have a significant impact on the neighbouring properties.

Section 15.2.5.9 requires 12m<sup>2</sup> amenity area for each dwelling unit. To accommodate the proposed increase in the number of dwelling units, it is requested that the regulation be reduced so that no amenity area is required. This decrease in amenity area will not significantly impact future residents as public amenities exist near the subject property. It will not have an impact on neighbouring properties.

It's common along traditional main streets like Ottawa Street to have mixed use buildings (commercial uses on the ground floor with residential uses above) that were built before amenity area provisions existed in the zoning by-law. Therefore, the proposal is consistent with existing upper storey residential along Ottawa Street and other main streets in the City that do not provide amenity areas. Additionally, the subject property is one block from Lanspeary Park and 2 blocks north from Clay Park.

### **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 variances are 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**, along with Section 4.2.3. 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 variance meets 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 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 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 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 8600**

The subject land is zoned CD2.2, by Zoning By-law 8600 permitting the residential development. 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.

### **COMMENT**

Site Plan Control Application has conditional approval – SPC-2025-15

### **3. PLANNER'S OPINION:**

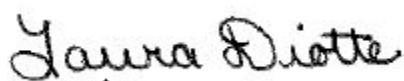
The requested variance is minor in nature and meets the general intent and purpose of the Official Plan and Zoning By-Law 8600; therefore, the variance is consistent with section 45 (1) of the Planning Act. The Planning Division recommends approval of the applicant's request for relief from provisions of By-law 8600.



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**Brian Velocci**  
**Planner III – Site Plan Approval Officer**

*I concur with the above comments and opinion of the Planners*



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**Laura Diotte, MCIP, RPP**  
**Manager of Development Applications**

**CONTACT:**

Name: Brian Velocci  
Phone: (519) 255-6543 ext. 6457

Fax: (519) 255-6544  
Email: bvelocci@citywindsor.ca

**APPENDICES:**

Appendix "A"- Excerpts from the Official Plan Volume I

## APPENDIX “A” - Excerpts from the Official Plan Volume I

	<b>4.2.3</b>	<b>Quality of Life</b>
<i>COMMUNITY NEEDS</i>	4.2.3.3	To recognize the needs of the community in terms of shelter, support services, accessibility and mobility.

	<b>11.6.6</b>	<b>Minor Variance Policies</b>
<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"> <li>(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;</li> <li>(b) The general intent and purpose of the By-law being varied is maintained;</li> <li>(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;</li> <li>(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</li> <li>(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 I 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.</li> </ul>
<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 &amp; 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 \***

- 1- Required Parking (24.20.5.1)  
-5 (Required)  
-4 (Proposed)
- 2- Amenity Area - Minimum  
-12.0m<sup>2</sup> per unit (Required)  
- 0 per unit (Proposed)

***Conner O'Rourke, Zoning Coordinator***

**PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS**

Our comments remain consistent with SPC-2025-15. Any requirements will be addressed through this process.

This department has no objection to the applicant's request.

***Thomas Huynh, Technologist***

**PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING**

Transportation Planning has no comments.

***Eli Mehrilou, Technologist***

**Environmental Policy**

Environmental Policy staff advises that the development proposal is anticipated to have no negative impact on ecological features, areas, and functions. 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](mailto: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. If trees or other vegetation (i.e., shrubs and unmaintained grasses) 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 Migratory Bird Regulations (2022), the Migratory Birds Convention Act (1992), and section 7 of the Fish and Wildlife Conservation Act (1997). 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](http://www.birdsafe.ca) and bird friendly guidelines can be found here: [Bird-Friendly Guidelines – City of Toronto](#).

Contacts:

Karen Alexander  
City of Windsor Naturalist and Supervisor of Natural Areas  
[kaalexander@citywindsor.ca](mailto:kaalexander@citywindsor.ca)

Averil Parent  
Planner II – Development Review  
[aparent@citywindsor.ca](mailto:aparent@citywindsor.ca)

**Forestry**

There are No City owned trees on the property.

There are Private trees on the property.

Forestry has concerns regarding the ability to preserve existing on-site and adjacent trees and tree canopy cover as per City Policy. A tree inventory and tree preservation plan may be requested during the Approvals / Site plan process.

***Mitchell Schinkel***