

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: Averil Parent</b>	<b>File No.: A-053/25</b>
<b>Author's Phone: (519) 255-6543 ext. 6397</b>	<b>Report Date: June 26<sup>th</sup>, 2025</b>
<b>Author's E-mail: aparent@citywindsor.ca</b>	<b>Committee Meeting Date: July 10<sup>th</sup>, 2025</b>

**To:** Committee of Adjustment

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

**Owner:** Frank Amante

**Location:** 8254 Riverside Dr. E

**Legal Description:** PLAN 470 W PT LOT 12 WATER; LOT & PT OLD RIVER  
FR RD;CLSD

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**1. RECOMMENDATION:**

That the Minor Variance application of Frank Amante for relief from the provisions of By-law 8600 for a proposed single unit dwelling with reduced minimum front yard depth on the property municipally known as 8254 Riverside Dr. E., **BE GRANTED** with the following condition<sup>1</sup>.

1. The applicant/owner shall provide a Stage 1 Archaeological Assessment, along with any further recommended assessments, 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 further land disturbances.

<sup>1</sup>For questions regarding the archeological assessment requirements, please contact Tracy Tang at 519-255-6543 ext. 6449 or [ttang@citywindsor.ca](mailto:ttang@citywindsor.ca).

**1. THE REQUESTED VARIANCES:**

Proposed demolishing of existing single unit dwelling and construction of a new single unit dwelling with reduced minimum front yard depth thereby seeking the following relief:

## Section 10.6.5.5 – Minimum Front Yard Depth

By Law Requirements	Proposed
11.5 m	7.4 m

*Note: An approved variance is valid and must be acted upon before the expiration date. 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.*

## 2. PLANNING ANALYSIS:

The subject property, legally described as West Part Lot 12 Water; Lot & Part Old River Front Rd Closed on Plan 470, and municipally known as 8254 Riverside Dr. E. previously contained a single unit dwelling that has been demolished. The applicant proposes to construct a new single unit dwelling with parking access from Riverside Dr. E. The applicant has already received an ERCA permit to re-develop the property. To facilitate this, the applicant is seeking relief from Zoning By-law 8600 for reduced minimum front yard depth. The proposed dwelling complies with all other provisions in the zoning by-law.

As noted in comments provided by Engineering, the existing driveway width is currently too large. Through the permitting process, the owner may be required to restore boulevard in the right-of-way.

### **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. of the PPS). The requested variances are consistent with these policies permitting and facilitating housing options required to meet the social, health, economic, and well-being requirements of residents while efficiently utilizing land, resources, and infrastructure.

### **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 use of the subject property.

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 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 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).

The requested minimum lot width variance exceeds a 20 per cent variation above the bylaw regulations for front yard depth, which does not comply with Section 11.6.6.2(d). However, notwithstanding this provision, Section 11.6.6.3 allows for variances exceeding 20 per cent to enable appropriate development for existing undersized lots where infilling and intensification is occurring as long as Sections 11.6.6.3(c) and (e) have been fully addressed. Several lots with similar front yard depth from a main or accessory building exist along Riverside Dr. E. in this area including 8176, 8190, as well as the neighbouring properties at 8240 and 8266 Riverside Dr. E.

#### **ZONING BY-LAW 8600**

The subject land is zoned Residential District 1.6 (RD1.6) per By-law 8600, permitting a single unit dwelling. The proposed construction of a single unit dwelling results in a minor variance for reduced minimum front yard depth. Included in the application, the applicant notes a minor variance is required for lot width however administration has concluded that this variance is not necessary as the lot width provided is an existing condition.

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 variance meets the intent of Zoning By-law 8600.

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

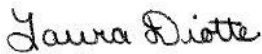
The requested variances are minor in nature and maintain the general intent and purpose of the Official Plan and Zoning By-law 8600. Therefore, the variances are consistent with section 45 (1) of the Planning Act. The Planning Division recommends approval of the applicant's request.



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**Averil Parent**  
**Planner II – Development Review**

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



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

#### **CONTACT:**

Name: Averil Parent  
Phone: (519) 255-6543 ext. 6397

Fax: (519) 255-6544  
Email: [aparent@citywindsor.ca](mailto:aparent@citywindsor.ca)

#### **APPENDICES:**

Appendix "A" - Excerpts from the Official Plan Volume I  
Appendix "B" - Comments received by the Secretary Treasurer of the Committee of Adjustment

**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"><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 Volume I 11 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.

**PLANNING DEPARTMENT - ZONING**

**Required Minor Variances**

**1. Minimum Front Yard Depth: [10.6.5.5]**

9.0m or the average front yard depth of the main building located on the abutting lots, whichever is greater.

- a) 11.5m (Required)
- b) 7.4m (Provided)

*Conner O’Rourke, Zoning Coordinator*

**PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS**

While it is not a condition of this application, it should be noted that the existing driveway width is currently too large. Owner may be required to restore boulevard in the right-of-way depending on garage size. Permits must be obtained for any work within the right-of-way.

This department has no objections to the proposed application, Right of way permits must be obtained for any work within the right of way.

*Mark Schaffhauser – Technologist*

**PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING**

All parking must comply with ZBL 8600.

*Elara Mehrilou – Transportation Planner*

**FORESTRY**

If any city trees are removed, the applicant is to consult with the City Forester, Yemi Adeyeye (yadeyeye@citywindsor.ca), to determine whether preservation or compensation for removal is required.

*Marc Edwards – Forester*

**LANDSCAPE ARCHITECT/URBAN DESIGN**

No comment at time of writing.

*Hoda Kameli – Landscape Architect*

**NATURAL AREAS**

The applicant should be notified of the following precautions:

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.liaapplications.lrc.gov.on.ca/Natural\\_Heritage/index.html?viewer=Natural\\_Heritage.Natural\\_Heritage&locale=en-CA](https://www.liaapplications.lrc.gov.on.ca/Natural_Heritage/index.html?viewer=Natural_Heritage.Natural_Heritage&locale=en-CA)

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.

***Karen Alexander, Naturalist***

### **WINDSOR POLICE SERVICES**

The Windsor Police Service has no concerns or objections with any of the other 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 and other service delivery requirements.

***Barry Horrobin, Director of Planning & Physical Resources***

### **HERITAGE PLANNING**

#### **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). 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***