

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: Brian Velocci, Diana Radulescu	File No.: A-055/25
Author's Phone: (519) 255-6543 ext. 6457 and ext. 6918	Report Date: July 4, 2025
Author's E-mail: bvelocci@citywindsor.ca, dradulescu@citywindsor.ca	Committee Meeting Date: July 10, 2025

To: Committee of Adjustment
Subject Application: Relief from the provisions of By-law 8600
Owner: HD DEVELOPMENT GROUP (HAIDER HABIB)
Agent: JACKIE LASSALINE
Location: 1850 NORTH SERVICE ROAD
Legal Description: SANDWICH EAST CON 2; MCNIFF; PT LOT 95; RP 12R28716; PARTS 1 & 2

1. RECOMMENDATION:

That the Minor Variance application of **HD DEVELOPMENT GROUP (HAIDER HABIB)** for relief from the provisions of By-law 8600, for the purpose of constructing 5 residential buildings with an increased building height **BE DENIED**.

2. THE REQUESTED VARIANCES:

Creation of 5 residential buildings with increased maximum building height, thereby seeking the following relief:

Section 12.3.5.4 – Maximum building height

By Law Requirements	Proposed
24 m	27 m

3. PLANNING ANALYSIS:

The subject property consists of SANDWICH EAST CON 2; MCNIFF; PT LOT 95; RP 12R28716; PARTS 1 & 2, also known municipally as 1850 North Service Rd.

The proposal is a phased development with 5 multiple unit dwellings and a total of

440 dwelling units. The proposed height of the buildings is 27m (8 stories).

In 2022, a rezoning was completed (Z-021-22 [ZNG-6784]) to change the zoning district from Green District GD 1.2 to Residential District RD 3.3, which permits a maximum building height of 24 metres. However, the proposal presented to the neighbourhood and Council at that time was for 5 multiple unit dwellings with a building height of approximately 20m (6 storeys) and containing 384 units. As a result of initial neighbourhood opposition and additional City requirements, several iterations of the site plan were considered during the rezoning process. The final iteration of the site plan included neighbourhood input, received City support, and was approved by Council with no appeals to the Ontario Land Tribunal.

The current minor variance application to the Committee of Adjustment is for an increase in maximum building height from 24m to 27m for all 5 multiple dwellings. While the 3m may not be considered significant in itself, the change allows for the buildings to increase from 6 stories to 8 stories and increase the total number of units on the property from 384 to 440.

Despite requests from Planning Staff, the applicant has not provided an overall site plan that shows compliance with the other regulations of Zoning By-Law 8600 that would be affected by the proposed increase in dwelling units; which includes required number of parking spaces, accessible parking spaces, loading spaces, landscape open space, etc. At this time, Planning Staff are uncertain of other variances from Zoning By-law 8600 that would be required as a result of the proposed increase in height and density.

The requested variance for increased maximum building height is not supported as outlined in this report. Planning Staff are of the opinion that the proposed increase does not meet the minor variance policies in the Official Plan and the resulting variance is not minor in nature.

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

Planning Staff have 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**. 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 as per the Official Plan land use designation and conforms to associated objectives and policies. As such, the requested variance meets the general intent and purpose of the Official Plan per Section 11.6.6.2(a).

At this time, it is unclear if the current revised proposal conforms to the Zoning By-law provisions since the applicant has not provided an updated and accurate site plan. Therefore, the general intent and purpose of the by-law being varied is not maintained as per Section 11.6.6.2(b).

The revised proposal varies from the previous rezoning application which incorporated neighbourhood input and was approved by City Council. The requested 3m variance in the maximum building height has a cumulative impact that is significant across the entire site and to the neighbourhood. This includes visual impact of the additional building height and impacts related to the addition of 56 dwelling units (e.g. traffic and servicing). Therefore, the variance is not minor in nature as per Section 11.6.6.2(c) and would be more appropriate considered through an application to amend the Zoning By-law, which would facilitate the updating and review of supporting studies provided as part of the 2022 rezoning application. Additionally, property owners within 200 metres are notified of a Zoning By-law Amendment application, providing opportunity to participate in a public Open House and public meeting at the Development and Heritage Standing Committee and Council.

The requested increased maximum building height does not exceed the by-law regulation by more than 20 percent as noted in Section 11.6.6.2(d). However, it should be noted that the increase in building height from what was presented to the neighbourhood and Council does exceed 20 percent (i.e. from 6 storeys to 8 storeys or approximately 20m to 27m).

The variance is not desirable for the appropriate use of the land, building, or structure and would detract from the character of neighbourhood, thus not complying with Section 11.6.6.2(e).

Given the increased height would allow for an additional 56 dwelling units, as well as resulting impacts on the site and neighbourhood of variances not yet identified (due to lack of information on the submitted site plan), Planning Staff are of the opinion that the requested variance is not minor and does not satisfy the criteria in Section 11.6.6.2 of the Official Plan.

ZONING BY-LAW 8600

The subject land is zoned RD3.3, by Zoning By-law 8600 permitting the residential development as proposed during the rezoning process in 2022. However, the revised proposal and lack of additional information create uncertainty about whether the current proposal meets all provisions of Zoning By-Law 8600.

As noted throughout the report, the requested variance is not minor in nature and the applicant has not demonstrated that it meets the intent of Zoning By-law 8600.

COMMENT

The Site Plan Control Application is currently in the stage 2 pre-consultation review process.

3. PLANNER'S OPINION:

The requested variance is not minor in nature and allows for a significant increase in the overall massing of the buildings, and a significant increase in the number of dwelling units compared to the proposed development that was approved by the Zoning By-Law Amendment in 2022. Planning Staff recommend denial of the applicant's request for relief from provisions of By-law 8600.

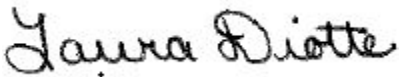


Brian Velocci
Planner III – Site Plan Approval Officer



Diana Radulescu
Planner II – Development Review

I concur with the above comments and opinion of the Planners



Laura Diotte
Manager of Development Applications

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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

Required Minor Variances *

12.3.5.4 – Maximum Building Height:

Required: 24m

Provided: 27m

Brian Velocci, Planner III – Site Plan Control

PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS

Our comments remain consistent with SPC-2025-12. Any requirements will be addressed through this process. This department has no objection to the applicant’s request.

Mark Schaffhauser, Technologist III

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 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 and bird friendly guidelines can be found here: [Bird-Friendly Guidelines – City of Toronto](#).

Karen Alexander, Naturalist and Supervisor of Natural Areas

Averil Parent, Planner II – Development Review

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 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 (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, the subject property is not within an Archaeologically Sensitive Area (ASA). 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 & Development Services 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 Staadegaard, (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 Government & Consumer Services

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

Tracy Tang, Heritage Planner

BELL CANADA

No comments were received at the time of this report.