

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: Conner O'Rourke	File No.: A-084/25
Author’s Phone: (519) 255-6543 e 6918	Report Date: Nov 03, 2025
Author’s E-mail: corourke@citywindsor.ca	Committee Meeting Date: Nov 13, 2025

To: Committee of Adjustment

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

Owner: Satvinder Kaur

Applicant: Reigns 740 Inc.

Location: 3398 Riberdy Rd

Legal Description: Plan 1126 Lot 65

1. RECOMMENDATION:

That the Minor Variance application of Satvinder Kaur for relief from the provisions of By-Law 8600 for decreased minimum lot width and decreased minimum lot area area on the property municipally know as 3398 Riberdy Rd, **BE GRANTED** with the condition¹

- I. The owner shall complete a noise study and shall implement the appropriate mitigation measures to the satisfaction of the City Planner.

¹For questions regarding Planning Conditions, please contact Conner O’Rourke at (519) 255 6543 x 6918

2. THE REQUESTED VARIANCES:

Relief for decreased minimum lot width and decreased minimum lot area., thereby seeking the following relief of Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	10.1.5.1	Lot Width - Minimum	15.0m	12.2m
2	10.1.5.2	Lot Area - Minimum	450.0m2	382.8m2

3. PLANNING ANALYSIS:

The subject property, legally described as Plan 1126 Lot 65, municipally known as 3398 Riberdy Road is currently vacant. The application proposes to construct a single unit dwelling containing two additional dwelling units. To facilitate this, the applicant is seeking relief from Zoning By-law 8600 for decreased minimum lot width and decreased minimum lot area.

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.b of the PPS). The requested minor variances are 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 variances are minor in nature and desirable for the subject building.

The subject land is designated Industrial per the Official Plan. Notwithstanding the land use designation, the subject property forms part of a larger group of residential lots along Riberdy Road that are deemed to conform with the Official Plan in accordance with policy 11.6.10 ‘Existing Land Use Policy’ (attached as **Appendix A**). 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 requested variances do not exceed a 20 percent variation above the bylaw regulations which complies with Section 11.6.6.2(d).

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 Air Transportation Policies in Section 7.2.10.2 are hereto attached as Appendix A. Section 7.2.10.2 outlines information on development constraint areas to protect Windsor Airport from incompatible development. This application is a redevelopment of an existing sensitive land use that is within a zone considered to be above 30 NEF/NEP and therefore, per Section 7.2.10.2b, a noise study is required to support the feasibility of the proposal and to identify and implement any appropriate mitigation measures.

ZONING BY-LAW

The subject land is zoned Residential District 1.1 (RD1.1) per By-law 8600. The proposed use is permitted and complies with the applicable provisions with the exception of the variances being requested. 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.

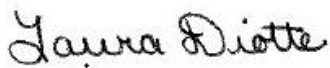
4. PLANNER'S OPINION:

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 the stated condition.



Conner O'Rourke
Planner II - Development Review

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



Laura Diotte MCIP, RPP
Manager of Development Applications

CONTACT:

Name: **Conner O'Rourke**
Phone: (519) 255-6543 e 6918

Fax: (519) 255-6544
Email: corourke@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	When reviewing an application for minor variance the Committee of Adjustment shall be satisfied that: (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 Plan1 Volume 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.
<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.

	11.6.10	Existing Land Use Policy
<i>EXISTING LAND USES</i>	11.6.10.1	Certain lawfully existing uses may, by their nature or location, not satisfy or conform to the land use policies or applicable land use designation in this Plan. They may have been established at their location for a long period of time and accepted as such within the neighbourhood or constructed more recently in compliance with the previous zoning. Notwithstanding any other provisions of this Plan in conflict herewith, such uses may be zoned as conforming uses in the zoning by-law provided that: (a) The use does not constitute a danger, a nuisance or blight to the adjacent neighbourhood by virtue of its function or operational characteristics; and (b) The extension or enlargement of the use or change in its functionality would not be detrimental to nor pose a nuisance to the adjacent neighbourhood; or
	7.2.10	(c) Where the use is deemed to be a sensitive land use, it shall be part of a viable larger grouping of similar land uses
<i>DEVELOPMENT WITHIN THE AIRPORT OPERATING AREA</i>	7.2.10.2	Air Transportation Policies Council shall protect the Windsor Airport from incompatible development. Accordingly, all proponents of development within the Airport Operating Area designated on Schedule 'C': Development Constraint Areas shall be subject to the following: (a) New sensitive land uses shall not be permitted in areas above 30 NEP/NEF as set out on maps approved by Transport Canada; (b) Redevelopment of existing sensitive land uses may only be considered above 30 NEF/NEP provided that the proponent successfully completes a noise study to: (i) Support the feasibility of the proposal; (ii) Identify and implement appropriate mitigation measures (refer to Procedures chapter) (c) Redevelopment of existing residential uses and other sensitive land use in areas above 30 NEF/NEP may only be considered if it has been demonstrated that there will be no negative impacts on the long-term function of the airport; (d) Land uses which may cause a potential aviation safety hazard are discouraged; (e) Other land uses may be permitted within the Airport Operating Area provided the proponent completes a noise study to support the feasibility of the proposal and, if feasible identify and implement appropriate mitigation measures.

APPENDIX “A”
Excerpts From Official Plan Volume I

APPENDIX “B”

Comments Received by the Secretary Treasurer of the Committee of Adjustment

Zoning Review

Requested variances of Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	10.1.5.1	Lot Width - Minimum	15.0m	12.2m
2	10.1.5.2	Lot Area - Minimum	450.0m ²	382.8m ²

Stefan Pavlica
Zoning Coordinator

Development, Projects & Right-of-Way

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

Thomas Huynh
Technologist I

Heritage Planner

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 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 Staaedegaard, (O) 519-253-2300x2726, (C) 519-816-0711,

mstaaedegaard@citywindsor.ca

Ontario Ministry of Citizenship and Multiculturalism

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

Windsor Police: 911

Ontario Ministry of Public and Business Service Delivery and Procurement

Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures:

Ian Hember, 1-437-244-9840, ian.hember@ontario.ca

Transportation Planner

The proposed development includes a large number of bedrooms which can result in shortage of on-street parking in the area; however, the proposed development complies with parking regulations of Zoning By-law 8600, therefore Transportation Services has no further comments.

Elara Mehrilou

Windsor Police Service

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, whether emergency or non-emergency in nature, and other service delivery requirements.

Barry Horrobin, B.A., M.A., CLEP, CMM-III

Director of Planning & Physical Resources

WINDSOR POLICE SERVICE

Advanced Certified Law Enforcement Planner

Environmental Policy

Environmental Policy staff have no objection to the proposal, and nothing further is required at this time. 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. 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). If trees, shrubs or ground area 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 these regulations. Protect any trees, shrub or ground area where an active nest is found, and leave the nest unharmed until the young have permanently left the vicinity of the nest. 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.
6. Ontario has a list of Regulated Species in the Ontario Invasive Species Act (2015). If any species on this list are identified on site, it is recommended that Best Management Practices be followed to remove the invasive species from the site prior to starting development activities. If guidance is required, report the occurrence to the City Naturalist. For a list of ISA Regulated species: Ontario Invasive Species Act – Invasive Species Centre.

Contacts:

Karen Alexander

City of Windsor Naturalist and Supervisor of Natural Areas

kaalexander@citywindsor.ca

Connor Wilson

Planner II – Revitalization & Policy Initiatives

conwilson@citywindsor.ca (Connor Wilson)