

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: Averil Parent	File No.: A-086/25
Author's Phone: 519-255-6543 ext.6397	Report Date: Nov 28, 2025
Author's E-mail: aparent@citywindsor.ca	Committee Meeting Date: Dec 11, 2025

To: Committee of Adjustment

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

Owner: 2674404 ONTARIO INC.

Applicant: 2674404 ONTARIO INC.

Location: 591 WELLINGTON AVE

Legal Description: PLAN 68 PT LOT 35;CLOSED TECUMSEH;CLOSED ALLEY PT

1. RECOMMENDATION:

That the Minor Variance application of 2674404 Ontario Inc. for relief from the provisions of By-Law 8600 for an extension of legal non-conforming use on the property municipally known as 591 Wellington Avenue for an existing multiple dwelling to a multiple dwelling with one additional dwelling unit **BE GRANTED** with no conditions.

2. THE REQUESTED VARIANCES:

Extension of legal non-conforming use for a proposed additional dwelling unit in an existing multiple dwelling unit residential building. No other minor variances from the zoning bylaw are required.

3. PLANNING ANALYSIS:

The subject property consists of PLAN 68 PT LOT 35;CLOSED TECUMSEH;CLOSED ALLEY PT, also municipally known as 591 Wellington Avenue. The subject property contains a legal non-conforming used (a residential multiple dwelling) within a Commercial District 2.2 (CD2.2) zoning category. Municipal records show that residential use has been established on this property since 1973 when the three-storey apartment building was originally constructed.

There are currently 17 units within the existing building. The applicant intends to construct an additional dwelling unit in the basement, thereby resulting in a change of use from a multiple dwelling to a multiple dwelling with one additional dwelling unit. The proposed additional dwelling unit will require a building permit and will comply with Building Code requirements.

As per the zoning bylaw, 22 parking spaces are required for a multiple dwelling with 17 units. Currently there are 23 parking spaces located on the property.

PLANNING ACT

Subsection 45(2) of the Planning Act authorizes the Committee of Adjustment to consider applications for enlargement or extensions of a building or structure for which the non-conforming use existed prior to the passing of a Zoning By-law. The Committee may permit the enlargement or extension, or the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed. The proposed use is similar to the existing use being a small-scale residential development within the existing building footprint.

PROVINCIAL PLANNING STATEMENT (PPS) 2024

Planning Staff have 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 extension of legal non-conforming use is consistent with such policies permitting and facilitating all housing options required to meet the social, health, economic, and well-being requirements of current and future residents. Given the location of the proposed ADU in the basement of an existing multiple dwelling, the requested extension of legal-non conforming use is not anticipated to adversely affect the economic viability of employment uses in the immediate vicinity.

OFFICIAL PLAN (OP)

Non-Conforming Use Policies in Official Plan section 11.6.7 (Appendix A) confirms the Committee of Adjustment's authority in dealing with matters regarding non-conforming uses and provides criteria for evaluating applications to expand/enlarge non-conforming uses. Below is the review of the proposed development per the evaluation criteria:

- The scale of the proposed use extension is appropriate to the size of the existing non-conforming use as there is no expansion to the building footprint and massing.
- Adequate municipal services and infrastructure are currently being provided to the existing building including paved roads (Wellington Ave. and Wyandotte St. West) and sanitary and storm services.
- There will be adequate on-site parking to accommodate the proposed change of use. As per the zoning bylaw, 22 spaces are required for a multiple dwelling with 18 units and 23 parking spaces are provided.
- The proposed extension will not discourage conforming development in the surrounding area. The subject land is designated Mixed Use Corridor in the Official Plan. The surrounding area includes conforming and legal non-conforming residential and commercial properties along Wellington Avenue and Wyandotte Street West.
- The extension of the legal non-conforming use is not anticipated to have any negative impacts on the adjacent properties since the change is contained within the existing building footprint. There is adequate parking provided.

ZONING BY-LAW

The subject land is zoned Commercial District 2.2 (CD2.2) per By-law 8600 and has been used as a multiple dwelling since 1973. Permitted uses under the CD2.2 designation do not include multiple dwelling therefore the property is a legal non-conforming use.

The existing multiple dwelling provides adequate parking to accommodate the additional dwelling unit. The requested extension of legal non-confirming use is not expected to result in undue hardship on adjoining properties or the public realm as it is limited to the existing building footprint.

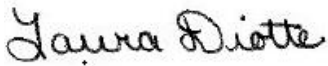
4. PLANNER'S OPINION:

The proposal meets the Non-Conforming Use Policies in the Official Plan and falls within the authority provided under section 45(2) of the Planning Act with respect to the extension of a legal non-conforming use. The Planning Division recommends approval of the applicant's request with no conditions.



Averil Parent
PlannerII- Development Review – Development Review

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



Laura Diotte MCIP, RPP
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 and the Planning Act

11.6.7 Non-Conforming Use Policies

<i>EXTENSION & ENLARGEMENT</i>	11.6.7.1	The Committee of Adjustment shall review applications for the extension or enlargement of a building or structure continuing as a non-conforming use.
<i>EVALUATION CRITERIA</i>	11.6.7.2	<p>The Committee of Adjustment will evaluate applications for the extension or enlargement of a building or structure continuing as a non-conforming use using the following criteria:</p> <ul style="list-style-type: none">• The scale of the proposed extension or enlargement is appropriate to the size of the existing non-conforming use;• Adequate municipal services and infrastructure are or can be provided;• There are adequate on-site parking and loading facilities and amenities to accommodate the proposed expansion or enlargement;• The proposed extension will not inhibit or discourage conforming development in the surrounding area; and• The extension or enlargement will include measures that will minimize any negative impacts on adjacent properties.

Planning Act Section 45(2)

45(2) In addition to its powers under subsection (1), the committee, upon any such application,

- a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,
 - i. the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or
 - ii. the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or
- b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. R.S.O. 1990, c. P.13, s. 45 (2).

Zoning Review

Extension of legal non-conforming use.

Stefan Pavlica – Zoning Coordinator

Development, Projects & Right-of-Way

While it is not a condition of this application, it should be noted that:

1. There is additional hard surface in the Right-of-Way that is in excess of what is permitted. It is the responsible of owner to maintain and keep the area safe. No parking is permitted in the Right-of-Way.

2. A 6.1 m x 6.1 m (20' x 20') Corner Cut off is required at the intersection of Wyandotte Street West and Partington Avenue right-of-way but is not being requested at this time.

Lea Marshall – Technologist

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, 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 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 (Sophia Diblasi)

Transportation Planner

6.1x6.1 m corner cut-off is required but it not requested at this time. Transportation planning has no other coments.

Elara Mehrilou – Transportation Planner

Windsor Police Service

I have reviewed the agenda items for the December 11th meeting of the Committee of Adjustment and would advise as follows:

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 - Director of Planning & Physical Resources

Landscape Architect

There are no concerns with this proposal from a landscape architect perspective. Nothing further is required at this time.

Ryan Upton – Landscape Architect