

September 4, 2025

Brian Nagata,
Planner III-Development Review
City of Windsor, ON

(Delivered via email)

REGARDING: ZONING BYLAW AMENDMENT
401-431 Shepherd Street West
FLIPPING NUTS INC.
REVISED PRR - PC-012/25

The subject property is known municipally as 401-431 Shepherd Street West in the City of Windsor. The subject lands are located on the block between York Street and Church Street with the building spanning the frontage of Shepherd Street West.

1. BACKGROUND:

The subject lands are designated 'Residential' in the Official Plan for the City of Windsor. These lands are zoned 'Commercial District 1.3 (CD1.3)'. There is presently a 7-unit commercial building located on the property built on the front lot line, to the east and to the west lot lines. The lot has a frontage of 38.7 m and an area of 541.8 m².



Figure 1 401-431 Shepherd Street West

The existing building was constructed between 1922 and 1927 as a neighbourhood commercial building with 7 commercial units. Commercial tenants have varied over the years including hairdressers, tattoo parlour, personal service shop selling health products, etc. The majority of the building units have been predominantly vacant and unrentable for recent years: now there are squatters and homeless people breaking into and moving into units and damaging the building.



Figure 2 Existing Front Façade looking south/west



Figure 3 Existing Front Façade looking south/east

There is presently no parking spaces on site associated with the existing commercial building. The above pictures show parking on the municipal sidewalk in front of the existing building. These parking spaces are not legal parking spaces as the sidewalk is municipal lands. With the building constructed at 0m front yard setback and 0m exterior yard setback, there is no availability for onsite parking.

2. PROPOSAL:

Proposed is the re-use of the existing 1 storey, 7-unit commercial building to be adapted to **5 residential units and 1 commercial unit**. Both the 5 residential units and the 1 commercial unit will be rental units.

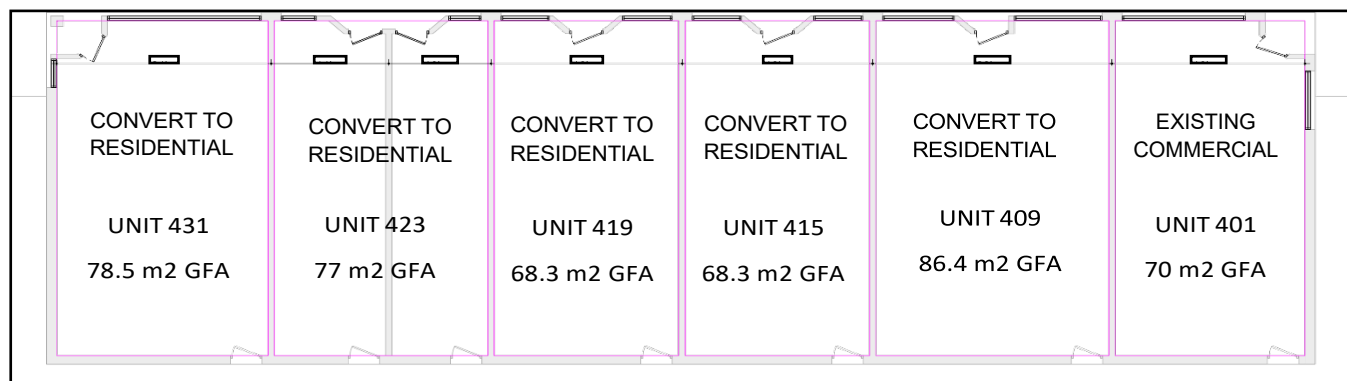


Figure 4 FLOOR PLAN

Proposed interior changes for the conversion of the existing building from commercial to a combined use building consist of the inclusion of kitchens, upgraded bathrooms, etc. Of the present 7 units, two are very small units and will be combined resulting in a total of 5 residential units and 1 commercial unit, all of a range of sizes:

- i. Commercial Unit 401 – 70 m² (753 m²);
- ii. Residential Unit 409 – 86.4 m² (9930 ft²);
- iii. Residential Unit 415 – 68.3 m² (735 ft²);
- iv. Residential Unit 419 – 68.3 m² (735 ft²);
- v. Residential Unit 423 – 77 m² (828 ft²);
- vi. Residential Unit 415 – 78.5 m² (845 ft²).

Each unit is a fully contained residential unit with kitchen, bathroom, bedroom and being on the ground level, fully accessible.

With the proposed adaptive re-use of the existing building by the inclusion of residential apartment units in conjunction with the retention of a commercial unit. The commercial unit is proposed as a coffee shop restaurant. The resulting mix of uses in the building is a permitted use as a combined use building or 'combined building' in 'Commercial District 1.3 (CD1.3)' zone.

The site-specific bylaw will recognize the existing building and lot configuration while permitting the adaptive re-use of a portion of un-rentable commercial units converted to needed rental apartments.

The existing building is located on the property without a front yard (York St), rear yard (Church St), and exterior side yard (Shepherd). There was no parking on site previously when the entire 7 units were used for commercial purposes. On street parking was the only option for the commercial units. With the site specific zoning bylaw amendment to allow for a mix of uses with 6 commercial units converted to 5 residential units, a parking study was undertaken to justify the conversion and allowances of the residential units without parking.

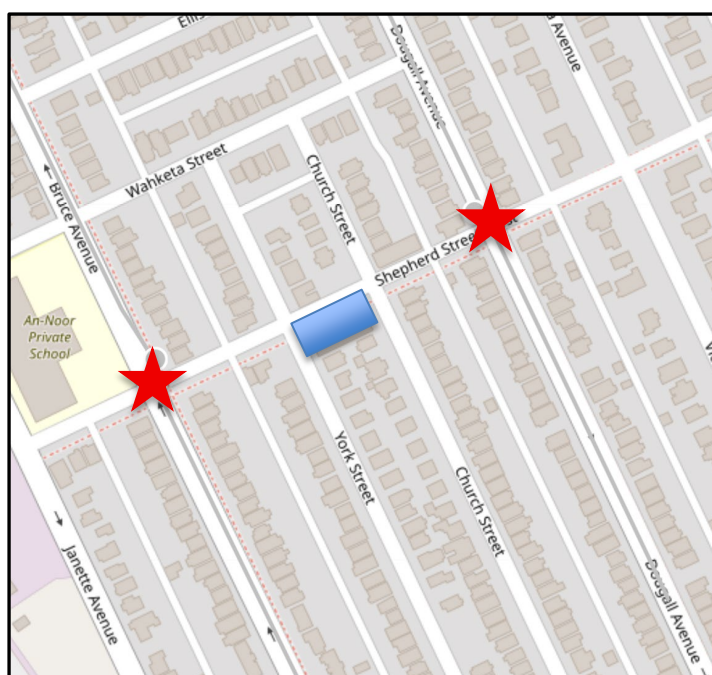


Figure 5 Transit Stops

Municipal transit is available along the Dougal Route within 100 m to the west at Bruce and Shepherd and 100 m to the east at Dougall and Shepherd.

R.C. Spencer Engineering prepared a parking study dated June 2025 and identified:

Based on the provided metrics and area characteristics (as well as the observed on-street parking surplus of 35 spaces during the critical peak parking period), it is the engineers' opinion that the available on-street parking supply should sufficiently accommodate the peak parking demand generated by the proposed residential / commercial building.

Figure 6 Excerpt 'Final Traffic Report -401 Shepherd Street West – Redevelopment'

When the new owners recently were examining the metal clad and parging over the building, it was determined that previous owners had protected the original façade by covering the façade. The metal cladding and parging was placed on top of the brick facade without damaging the original 100 year old façade.

Exterior changes to the existing building will be predominately cosmetic remediation, upgrading such items as windows, new doors, brick cleaning, and the re-establishment of the existing, covered beautiful façade. The brickwork will allow for the building's façade to be re-established and will ensure the compatibility of street view with the established neighbourhood of 1 and 1.5 storey red brick and wood residences.



Figure 7 Rendering 1 Front Façade looking south/east



Figure 8 Rendering 2 Front Façade looking south/west

With the existing building located at 0m front yard setback and 0m side yard setback on both east and west side, there is no landscaping opportunities on site. The neighbourhood has amenity park space and green space associated with the existing schools in the neighbourhood. The 0% landscaping will be recognized in the site-specific bylaw amendment.

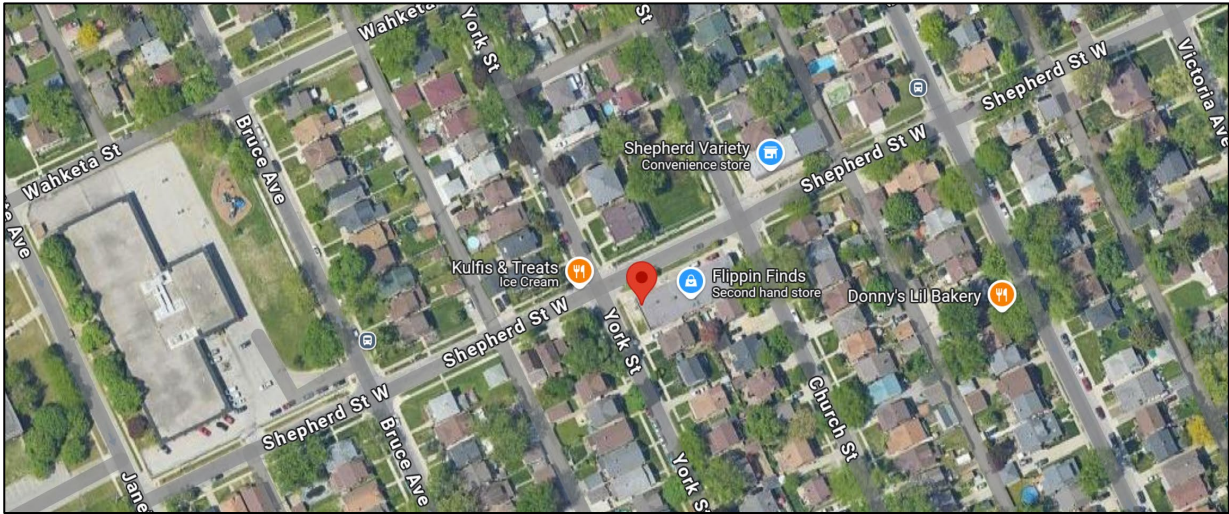


Figure 9 Parks and amenity space

The change of the building from fully commercial units to combined use units suits the interior division of the previously used commercial units and easily adapts the units to a style of single storey residential apartment units with common walls between each unit. The units will remain as residential rental units.

Adjacent to the subject lands in the neighbourhood are modest, one and two storey single detached residences. The existing single storey building being re-adapted from a commercial building to a combined use building containing 5 residential apartment units, in my professional opinion, is consistent and compatible with the existing residential neighbourhood and fits within the profile of the neighbourhood.

3. **ZBA PROPOSAL:**

The applicant has requested a Zoning Bylaw Amendment (ZBA) to establish a site specific regulatory framework to support the adaptive re-use of the building. With the proposed change of use from commercial to combined use with the inclusion of residential use, the proposed ZBA will provide site specific provisions to recognize the existing lot and 100 yr+ building configuration.

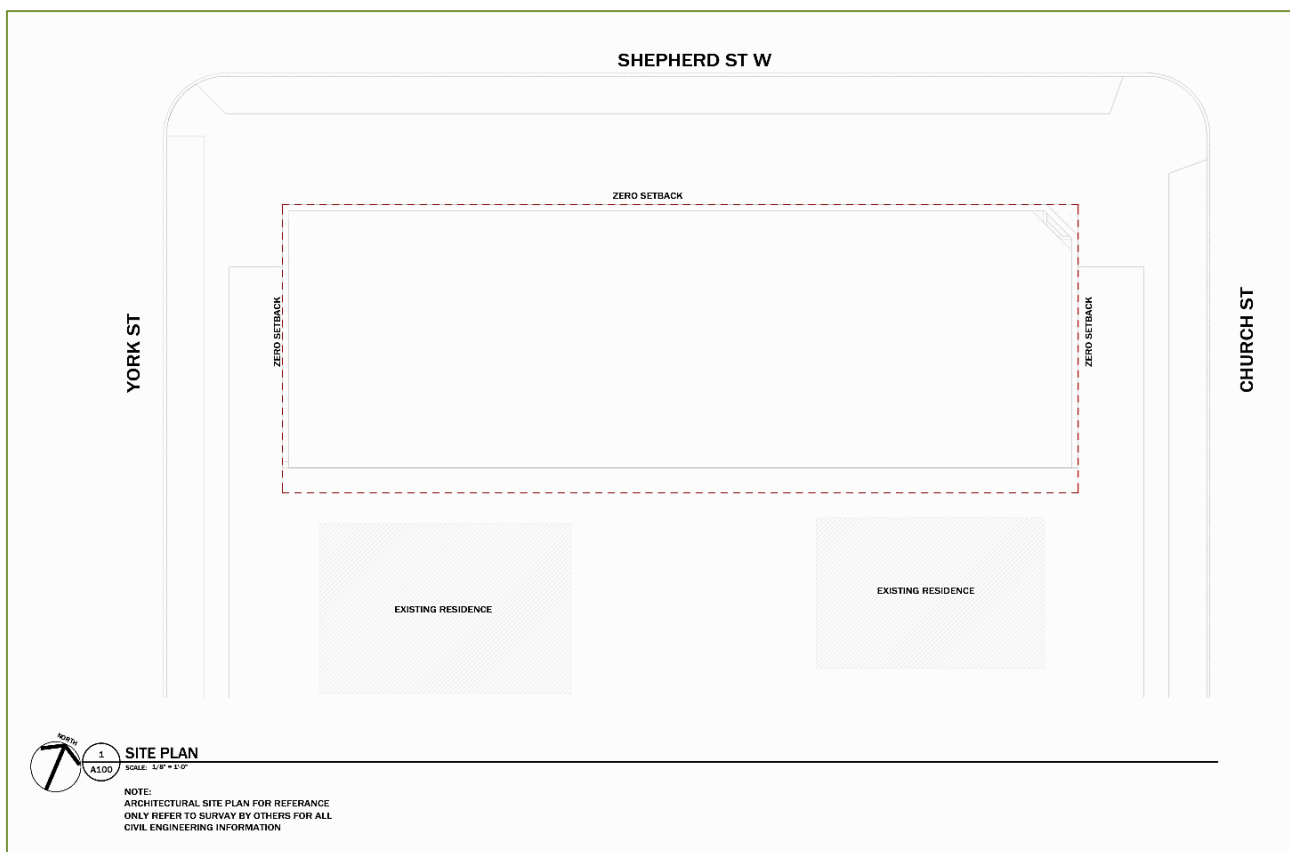


Figure 10 Site Plan – Existing Building

It is recommended that the present 'Commercial District 1.3 (CD1.3)' remain applied to the site with some site specific provisions addressed for the site:

- i) **Section 14.3.5.8 Landscaped open space:** 15% min. – 0% existing;
- ii) **Section 14.3.5.50 a) Lot Coverage:** 45% max – 91.1% existing;
- iii) **Section 14.3.5.50 c) Front Yard Setback:** 6.0m - 0m existing (York St);
- iv) **Section 14.3.5.50 d) Rear Yard Setback:** 7.50m – 0m existing (Church St);
- v) **Section 14.3.5.50 e) Side Yard Setback:** 1.2m - 0m (north) existing + 1.2m (south);
- vi) **Section 24.10.15 Existing Building Parking:** 19 spaces credited – 0 existing.

The zone change will allow for the conversion of the former commercial building to a combined use building that will provide rental residential units in an alternative style and tenure of housing. The need for housing is critical in Windsor and the provision of rental units within a residential neighbourhood will provide for the missing middle units and will allow for some of the older owners in the neighbourhood to stay and age in place.

The building and commercial uses have existed for more than 100 years without parking. Parking has always been on street and supported the 7 commercial units.

With the changes proposed, the 5 residential units and 1 commercial use has a lower parking demand than the previous 7 commercial units. Section 24.10.15 recognizes that with legally existing, non-complying buildings on existing properties, *“the {parking} deficiency is not required to be made up prior to the construction of any addition or any change in use.”* Though the residential use in a combined use building is a permitted use, the inclusion of residential use is considered a change in use of the building but does not ch

This memo has been provided to summarize planning legislative framework and to provide a brief professional planning opinion of the requested Zoning Bylaw Amendment (ZBA). The proposed site development has been reviewed and placed within context of the Provincial Planning Statements 2024 (PPS 2024), the City of Windsor Official Plan and the Comprehensive Zoning Bylaw 8600.

4. OPEN HOUSE RESULTS:

Appendix A – Open House Flyer'

There were several neighbours who attended the Open House (6 residents signed) as well as a few neighbours who attended without signing the sign-in sheet. Once the neighbourhood heard that the existing building was to be retained, the building was to be cleaned and upgraded and the units were to be upgraded to residential units was positively received by the neighbours.

Significantly, we heard clearly from the neighbourhood that the present state of the building in decline was unacceptable. The vandalism, the unsightly condition of the property, the people that broke into the building were destroying both the neighbourhood and the building, and the proposed adaptive re-use with the upgrading of the building was exactly what the neighbourhood wanted and embraced.

The neighbours viewed the renderings and were positive about the ZBA and voiced their support for the adaptive-reuse of the building from the empty commercial to allow a mix of uses including residential and a neighbourhood coffee shop.

5. PROVINCIAL PLANNING STATEMENTS 2024 (PPS 2024):

The following PPS 2024 policies apply to the proposal:

“Section 2.1 Planning for People and Homes:

6. *Planning authorities should support the achievement of complete communities by:*
 - a) *accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*
 - b) *improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*
 - c) *improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.”*

“Section 2.2 Housing policies:

1. *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:*
 - a) *establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;*
 - b) *permitting and facilitating:*
 1. *all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and*
 2. *all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;*
 - c) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.”*

The proposed development is consistent, in my professional opinion, with PPS 2024:

- The subject site is located within close proximity of the Central Business District (CBD) of the City of Windsor;
- The subject property is within an area designed and designated for residential uses;
- Re-development of the existing building will provide for a positive adaptive re-use of both the building and impact on the neighbourhood;
- Municipal services are available to the site and there is sufficient servicing capacity to service the re-development;
- The ZBA supports the adaptive re-use of the exiting building and will provide for an appropriate utilization of municipal infrastructure;
- The building is existing and as a low profile structure is well suited and compatible with the existing homes of the residential neighbourhood;
- The proposed development will allow for an adaptive re-use of an existing building for an appropriate mix of uses including residential apartment;
- The proposed residential density is consistent and compatible with the existing neighbourhood, specifically an existing two storey, multiple unit building directly across Shepperd.
- The ZBA will support the adaptive re-use of the building for rental apartments providing for a range of housing styles and tenures appropriate for the neighbourhood.

In my professional opinion, the requested ZBA to allow for the adaptive re-use of the building for the provision of combined use development with 5 residential rental units while maintaining a commercial unit is consistent with the PPS 2024 policy direction. The ZBA will provide for rental units, an alternative housing style and tenure. The proposal can be considered consistent with healthy community policies of the PPS by providing for an appropriate range and mix of housing types, densities and tenure.

6. CITY OF WINDSOR OFFICIAL PLAN (OP):

The subject lands are designated 'Residential' in the Official Plan for the City of Windsor with the following relevant policies applied to the proposed development:

"6.1.3 Goals: RESIDENTIAL

In keeping with the Strategic Directions, Council's land use goals are to achieve: Housing suited to the needs of Windsor's residents."

"6.3.1 Objects: RESIDENTIAL

In order to develop safe, caring and diverse neighbourhoods, opportunities for a broad range of housing types and complementary services and amenities are provided. The following objectives and policies establish the framework for development decisions in Residential areas."

6.3.1.1 To support a complementary range of housing forms and tenures in all neighbourhoods.

6.3.1.2 To promote compact neighbourhoods which encourage a balanced transportation system.

6.3.1.3 To promote residential redevelopment, infill and intensification initiatives in locations in accordance with this plan."

"6.3.2 Policies: RESIDENTIAL

6.3.2.3 For the purposes of this Plan, Low Profile housing development is further classified as follows:

(a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units;"

"6.3.2.5 Evaluation Criteria for a Neighbourhood Development Pattern

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:

(d) provided with adequate off street parking;

(e) capable of being provided with full municipal physical services and emergency services;"

The proposed development and requested ZBA conforms with Windsor OP for the following reasons:

- The proposal conforms with OP policies that encourage complimentary and compact built form housing within an existing neighbourhood.

- The building and site are existing. The building and site were previously used as a small, single storey, 7 unit commercial building that is well suited for an adaption to a mix use including residential use.
- The site specific ZBA provisions will provide relief for existing legal non-complying site provisions. It is my professional opinion that the ZBA will recognize the legal non-complying provisions and satisfy the change of use resulting from the conversion of 6 commercial units to 5 residential units.
- The proposed adaptive reuse will provide for the missing middle residential units and will allow for some older neighbours to age in place in their existing neighbourhood.
- Municipal services are available to service each unit. There is municipal capacity for the additional 5 residential units. The adaptive re-use of the existing building to combined use on municipal services conforms, in my professional opinion, with the OP policies.
- Adapting the low profile, single storey commercial units to a mix of both commercial and residential units conforms with the OP policies that promotes compatible uses and buildings of similar height within the neighbourhood of low profile, modest homes. In my professional opinion, the existing low profile building with a mix of residential and commercial use are compatible with the existing neighbourhood.
- OP policies encourage and support infilling and adaptive reuse such as the proposal when the building and use is compatible with the existing residential neighbourhood.
- The requested ZBA will provide a regulatory framework for the proposed alternative tenure and style of residential units that will support a healthy, diversified residential neighbourhood.

In my professional opinion, the proposed adaptive reuse of a low profile building to a mix of uses is appropriate for this neighbourhood and will support a diversity of housing style and tenure within an existing residential neighbourhood.

In my professional opinion, the proposed ZBA conforms with relevant policies of the Official Plan in support of sound residential development.

7. CITY OF WINDSOR CZB 8600:

The subject site is presently zoned 'Commercial District (CD1.3)' in the Comprehensive Zoning By-law 8600. The request is a ZBA to allow for the adaptive re-use of the existing 7 unit commercial building to be converted to 5 residential units and 1 retained commercial unit within an existing building on an existing property in the City of Windsor.

A ZBA is required to recognize the existing site specific provisions applied to the site to allow for the introduction of residential use to support the adaptive re-use of the existing building:

	(CD1.3) PROVISIONS	SUBJECT SITE
PERMITTED BLDG	Commercial Residential Personal Service Combined Use bldg	5 residential units 1 commercial unit = Combined Use bldg
FRONT YARD SETBACK	6 m	0m existing (York St)
REAR YARD SETBACK	7.5 m	0m existing (Church St)
SIDE YARD SETBACK	1.2 m	0m (north) existing exterior side 1.2m (south) existing interior side
LOT COVERAGE	45 %	91 %
MAXIMUM BLDG HEIGHT	10 m	6 m
LANDSCAPED OPEN SPACE	15%	0 % (existing)
PARKING	19 spaces credited	0 parking (existing)

The building is presently existing and can be considered legally existing, non-complying building. With the change of use from a commercial building to a combination use building, it is necessary to recognize in a site specific ZBA the site specific provisions relating to the site.

“Section 24.10.15 DEFICIENCY IN SPACES – EXISTING BUILDINGS

.1 If, on the date this Section comes into force, an existing building has insufficient parking spaces, visitor parking spaces, accessible parking spaces, bicycle parking spaces or loading spaces to conform with Sections 24.20.1, 24.20.3, 24.20.5, 24.22.1, 24.24.1, 24.30.1, 24.40.1, the deficiency is not required to be made up prior to the construction of any addition or any change in use. Any additional parking spaces, visitor parking spaces, accessible parking spaces, bicycle parking spaces or loading spaces required as a result of any such addition to the existing building or a change in use shall be provided in accordance with Sections 24.20.1, 24.20.3, 24.20.5, 24.22.1, 24.24.1, 24.30.1, 24.40.1.”

The proposed combined use building is a permitted use of the existing building. With the change of use, there are SIX site specific provisions that need to be addressed for the adaptive re-use of the property and building:

- i) **Section 14.3.5.8 Landscaped open space:** 15% min. – 0% existing;
 - ii) **Section 14.3.5.50 a) Lot Coverage:** 45% max – 91.1% existing;
 - iii) **Section 14.3.5.50 c) Front Yard Setback:** 6.0m - 0m existing (York St);
 - iv) **Section 14.3.5.50 d) Rear Yard Setback:** 7.50m – 0m existing (Church St);
 - v) **Section 14.3.5.50 e) Side Yard Setback:** 1.2m - 0m (north) existing + 1.2m (south);
 - vi) **Section 24.10.15 Existing Building Parking:** 19 spaces credited – 0 existing.
- The orientation of the existing building is the width of west front lot line along York Street; the rear lot line being opposite along with the building existing at the 0m setback of the exterior side property line along Shepherd and interior side yard adjacent the south lot line;
 - As an existing circumstance, it is more environmentally sound and appropriate from an access perspective to leave the building in the current location. It is my professional opinion that the requested relief to recognize there is no on site parking supports municipal transit.
 - The site specific provisions are not a result of the proposed re-development: the ZBA recognizes the existing building for a change of use from commercial to a combined use building.

- In my professional opinion, the site specific bylaw provides relief for the building's present location for a combined use building.
- The adaptive re-use of the building from 7 commercial units to 5 residential units and 1 commercial unit building allows for the re-use of an existing under utilized building while repurposing the building makes sound planning.

It is my professional opinion that the site specific Bylaw supports the adaptive reuse of an existing building and in my professional opinion when passed, will allow the proposed development to comply with the Bylaw.

8. CONCLUSION:

In my professional opinion, the proposed conversion of the existing building from 7 commercial units to 5 residential apartment units and 1 commercial unit will comply with the Comprehensive Zoning Bylaw 8600 when the bylaw is passed changing the application legislation to 'Commercial District (CD1.3)'.

The proposed adaptive re-use of a an existing commercial building to provide new residential apartments makes sound development. The proposed development adapting an existing low profile, single storey building from 7 commercial units to a combined building with 5 residential units and 1 commercial unit is appropriate in this location and compatible with the existing low profile residential neighbourhood.

The proposed adaptive re-use of the existing infrastructure is sound and represents a complimentary and compact built form of housing that provides for alternative styles and tenure supporting a healthy community with diversity in housing.

In my professional opinion the proposed ZBA and requested adaptive re-use of the existing building:

- 1) is consistent with the policies of the 2024 Provincial Planning Statements;
- 2) conforms with the relevant policies of the City of Windsor Official Plan;
- 3) complies the regulations of the Comprehensive Zoning Bylaw 8600; and
- 4) makes sound planning.

I hereby certify that this report was prepared by Jackie Lassaline RPP MCIP, a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

Regards,

Lassaline Planning Consultants

Jacqueline Lassaline

Jackie Lassaline BA MCIP RPP

Owner, Principal Planner

Appendix A – ‘Open House Flyer’

OPEN HOUSE

401 - 431 Shepherd St, Windsor

OPEN HOUSE WHEN: THURSDAY, MAY 8th 2025 – 4:00 to 5:30 pm

OPEN HOUSE WHERE: 401-431 Shepherd Street, Windsor – Unit 425

- Existing Building with 7 commercial tenants;
- Update of 1 commercial unit, combination of 2 units to 1 residential unit and the remaining 5 units to be converted to 5 residential apartment units.



FOR MORE INFORMATION ABOUT THE OPEN HOUSE, PLEASE CONTACT THE FOLLOWING:

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