

## 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:</b> Averil Parent	<b>File No.:</b> A-015/26
<b>Author’s Phone:</b> 519-255-6100 ext.6397	<b>Report Date:</b> Mar 31, 2026
<b>Author’s E-mail:</b> aparent@citywindsor.ca	<b>Committee Meeting Date:</b> Apr 16, 2026

**To:** Committee of Adjustment

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

**Owner:** MAHMOUD ELEYAN

**Applicant:** MAHMOUD ELEYAN

**Location:** 2979 RANDOLPH AVE

**Legal Description:** PLAN 1193 LOTS 142 & 143

### 1. RECOMMENDATION:

That the Minor Variance application of Mahmoud Eleyan for the relief from the provisions of By-Law 8600 to create a new lot with reduced minimum lot width and reduced minimum lot area for both the severed and retained lots on the property municipally know as 2979 Randolph Avenue **BE GRANTED** with no conditions.

### 2. THE REQUESTED VARIANCES:

Consent to create a new lot requesting relief for reduced minimum lot width and reduced minimum lot area for both the severed and retained lots, thereby seeking the following reliefs of Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	10.4.5.1	Minimum Lot Width - retained lot	18.0m	10.7m
2	10.4.5.2	Minimum Lot Area - retained lot	540.0m <sup>2</sup>	325.7m <sup>2</sup>
3	10.4.5.1	Minimum Lot Width - severed lot	18.0m	10.7m
4	10.4.5.2	Minimum Lot Area - severed lot	540.0m <sup>2</sup>	325.7m <sup>2</sup>

### 3. PLANNING ANALYSIS:

The subject property consists of Plan 1193 Lots 142 & 143, also municipally known as 2979 Randolph Ave. The parcel currently contains a single unit dwelling, a detached accessory building, and a vacant portion of land to the North. The applicant is seeking severance to create a new lot while retaining part of the lot for the existing single unit dwelling (B-007/26). Relief is being requested for reduced minimum lot width and reduced minimum lot area for both the retained and severed lots. Both lots are existing whole lots on Registered Plan 1193. Similar sized lots exist within the block at 0 Randolph Ave (i.e. between 2858 and 2868 Randolph Ave), 2995 Randolph Ave, and 2997 Randolph Ave.

To facilitate this severance, a driveway permit to remove the existing driveway/curb cut and place a new driveway on the retained lot is required. This will allow for one parking space on the retained lot as required by the Zoning Bylaw. In addition, the accessory building is to be demolished. A single unit dwelling is proposed for the severed lot, which meets all other provisions in the Zoning Bylaw.

#### 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 variance is 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 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 requested variances exceed a 20 per cent variation above the bylaw regulations which does not comply with Section 11.6.6.2(d). However, Section 11.6.6.3 allows the Committee to give further consideration to variances

required to enable appropriate development for existing undersized lots 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. The proposed severed lot is a whole lot on a registered plan, which could be conveyed without a severance.

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).

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

The subject land is zoned Residential District 1.4 (RD1.4) 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 conditions noted on the recommendation.



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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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**Greg Atkinson MCIP, RPP**  
**Deputy City Planner - Development**

#### **CONTACT:**

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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

##### COMMITTEE OF ADJUSTMENT

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.

##### EVALUATION CRITERIA

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 I 1 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.

##### EXISTING UNDERSIZED LOTS

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.

##### TERMS & CONDITIONS

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.

##### AGREEMENTS

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

#### Zoning Review

Requested variances of Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	10.4.5.1	Minimum Lot Width - retained lot	18.0m	10.7m
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3	10.4.5.1	Minimum Lot Width - severed lot	18.0m	10.7m
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*Stefan Pavlica – Zoning Coordinator*

#### Development, Projects & 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*

#### Heritage Planner

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 & Building 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 (Riley Dufour)

### **Transportation Planner**

Parking space is required for retained lot. Restored curb-cut if any.

*Aashvi Sarvaiya – Transportation Planner*

### **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, security, or public disorder. 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 City owned trees adjacent to the subject property. These trees are protected from damage or removal under City By-laws 135-2004 and 131-2019. The Applicant must consult with Forestry regarding the protection of all City trees that may be affected by the proposed development.

It is recommended that the parking area and access drive be located on the south side away from the street tree and closer to the existing building's driveway.

*Hoda Kameli – Landscape Architect*

### **Forestry**

There are City owned trees adjacent to the subject property. City Trees are protected from damages and removal under City by-law 135-2004 and 131-2019. The Applicant will be required to consult with Forestry on the protection of all City trees which may be impacted by the development.

Contact:  
Marc Edwards  
Supervisor, Parks Forestry  
[medwards@citywindsor.ca](mailto:medwards@citywindsor.ca)