

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-017/26
Author’s Phone: (519) 255-6543 e 6918	Report Date: Apr 02, 2026
Author’s E-mail: corourke@citywindsor.ca	Committee Meeting Date: Apr 16, 2026

To: Committee of Adjustment

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

Owner: Michelle Catherine Cook-Mcintyre

Applicant: Shawn Piskovic

Location: 1111 Drouillard Rd

Legal Description: PLAN 620; W PT LOT 138

1. RECOMMENDATION:

That the Minor Variance application of Michelle Catherine Cook-Mcintyre for an expansion of legal non conforming use from a single unit dwelling to a combined use building with a dwelling unit on the same level as a commercial unit on the property municipally known as 1111 Drouillard Road **BE GRANTED** with no conditions.

2. THE REQUESTED VARIANCES:

Change of use from an existing legal non-conforming single unit dwelling to a combined use building with a dwelling unit on the same level as a commercial unit.

3. PLANNING ANALYSIS:

The subject property contains the legal non-conforming use of a single unit dwelling within a commercial zoning district (Commercial District 2.2). The applicant is looking to legalize an existing commercial unit within this existing building. A combined use building is permitted within the CD2.2 zoning district, however, provision 15.2.5.15 states that all dwelling units shall be located above the non-residential uses. The submitted layout shows the commercial and residential uses sharing the main floor and the lower level. This expansion of use

application is to allow for the residential and non residential uses to be on the same level. Changing this property's use to a combined use building will bring this building more into compliance with its zoning district as a combined use building is permitted in CD2.2.

Fire insurance maps, city directories and building permits demonstrate that this property's residential use has been continuous up to the date of this application. There was evidence of a commercial unit existing, however, said commercial use has ceased to operate for over 20 years and therefore this property would have lost its legal non-conforming status for the commercial unit.

PLANNING ACT

Subsection 45(2) of the Planning Act authorizes the Committee of Adjustment to consider applications for enlargement or extension 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.

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)

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

There is no proposed changes or alterations to the subject property. This property is serviced by municipal services and infrastructure. Therefore complying with 11.6.7.2 (a) and (b).

The existing single unit dwelling does not currently provide any onsite parking for the dwelling unit. This parking deficiency is considered an existing condition in the zoning analysis. This property is within the Ford City BIA, as per Zoning By-law 8600, there is no requirement to provide parking for a retail space within an existing building in the BIA, therefore, complying with 11.6.7.2 (c)

The proposed extension will not inhibit or discourage conforming developments in the surrounding area, complying with 11.6.7.2(d)

The proposed extension has not proposed to change the existing building, which minimizes negative impacts on adjacent properties, complying with 11.6.7.2(e)

ZONING BY-LAW

The subject land is zoned Commercial District 2.2 (CD2.2) per By-law 8600. The proposed use is permitted and complies with the applicable provisions with the exception of the the requested expansion of legal non conforming use to allow a combined use building with a dwelling unit on the same level as a commercial. The requested expansion of legal non conforming use will not result in undue hardship on the owner, adjoining properties, or the

public realm; therefore, the variance is minor in nature. The proposed variance meets the intent of Zoning By-law 8600.

4. PLANNER'S OPINION:

The requested expansion of legal non conforming use meets the Official Plan criteria set out in section 11.6.7.2 and brings the property further into compliance with Zoning By-law 8600. Therefore, the variance is consistent with section 45 (2) of the Planning Act. The Planning Division recommends approval of the applicant's request with no conditions.



Conner O'Rourke
Planner II- Development Review

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



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

11.6.7 Non-Conforming Use Policies

Extension & Enlargement

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.

Evaluation Criteria

11.6.7.2 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:

- (a) The scale of the proposed extension or enlargement is appropriate to the size of the existing non-conforming use;
- (b) Adequate municipal services and infrastructure are or can be provided;
- (c) There are adequate on-site parking and loading facilities and amenities to accommodate the proposed expansion or enlargement;
- (d) The proposed extension will not inhibit or discourage conforming development in the surrounding area; and
- (e) The extension or enlargement will include measures that will minimize any negative impacts on adjacent properties.

Loss of Status

11.6.7.3 Notwithstanding any other provisions of this Plan, where a non-conforming use has been discontinued Counsel may enact an amendment to the Zoning By-law for a use that otherwise would not be allowed under the provisions of this Plan.

APPENDIX "B"

Comments Received by the Secretary Treasurer of the Committee of Adjustment

Zoning Review

Requesting a change of use from the existing single unit dwelling to a combined use building with residential and non residential uses on the same level.

[*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

There is no apparent built heritage concern with this property.

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:

[*Ryan Upton- Heritage 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- Windsor Police Service*]

Fire

No objection to the Minor Variance from WFRS.

[*John Smith – Fire Prevention Officer*]