

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-020/26
Author’s Phone: (519) 255-6543 e 6918	Report Date: Apr 08, 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: Usmani Assets Holding Corp.

Applicant: Roshaan ur Rehman Usmani

Location: 460 Frontenac Ave

Legal Description: PLAN 1305; PT LOT 117 & PT CLOSED ALLEY; RP 12R29217; PARTS 1 & 2

1. RECOMMENDATION:

That the Minor Variance application of Usmani Assets Holding Corporation for relief from the provisions of By-law 8600 for increased maximum main building gross floor area, on the property municipally known as 460 Frontenac Avenue **BE DENIED**.

2. THE REQUESTED VARIANCES:

Requesting relief for increased maximum main building gross floor area, thereby seeking the following relief from Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	10.4.5.10	Maximum Gross Floor Area	400 m2	434 m2

3. PLANNING ANALYSIS:

The subject property, legally described as Plan 1305; Pt Lot 117 & Pt Closed Alley; RP 12R29217; Parts 1 & 2, and municipally known as 460 Frontenac Avenue is currently vacant. The applicant proposes to construct a

single unit dwelling with one attached additional dwelling unit and one detached additional dwelling unit. This property is a undersized lot that was created via consent B-079/22 from the abutting property at 3659 Church Street. When severed in 2022 minor variances were also approved (A-074/22) for reduced minimum lot width of the retained and severed lots. A single unit dwelling was proposed on the severed lot, which was not constructed and the variance for the new lot expired. Recently the subject property received Committee of Adjustment approval for reduced minimum lot width to facilitate a single unit dwelling with detached ADU (A-088/25).

When the previous consent and subsequent minor variance applications were reviewed, they were evaluated based on the expectation that any future building constructed on this property would comply with all other provisions of Zoning By-law 8600. This lot is considered undersized because it does not meet the Residential District 1.4's minimum lot requirements. This undersized lot, having a main building with an attached additional dwelling unit that exceeds the maximum gross floor area plus a detached additional dwelling unit would result in the over intensification of the subject property. This over intensification of the subject property and cumulative impacts of the previously granted and requested variances is expected to have an impact on the properties in the immediate neighbourhood, therefore not meeting the criteria outlined in section 11.6.6.2(c) and 11.6.6.2 (e) of the Official Plan.

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. It is the opinion of Planning Staff that the general intent and purpose of the Official Plan is not maintained with the proposed development; the requested variance is not minor in nature or desirable for the subject property.

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 variance meets 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 variance and the previously approved variance. Given that a previous variance exists at this property and an additional variance is being requested, these two variances must be evaluated as a whole. These two variances, considered together, do not maintain the general intent and purpose of the by-law being varied as per Section 11.6.6.2(b).

The proposal is expected to have more than a minimal impact on the properties in the immediate neighbourhood. Therefore, the variance is not considered minor in nature as per Section 11.6.6.2(c).

The requested variance does not exceed a 20 percent variation above the bylaw regulations which complies with Section 11.6.6.2(d).

The variance is not desirable for the appropriate use of the land, building, or structure and would likely hinder the reasonable development and/or use of properties in the neighbourhood, therefore not 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 variance being requested and the previous variance granted. The requested variance is not considered minor in nature.

4. PLANNER'S OPINION:

The cumulative impact of the previously granted and requested variance is not minor in nature and does not maintain the general intent and purpose of the Official Plan and Zoning By-law 8600. Therefore, the variance is not consistent with section 45 (1) of the Planning Act. The Planning Division recommends **DENIAL** of the applicant's request.



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

	11.6.6	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	<p>When reviewing an application for minor variance the Committee of Adjustment shall be satisfied that:</p> <ul style="list-style-type: none">(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.
<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.

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	10.4.5.10	Maximum Gross Floor Area	400 m2	434 m2

[*Samuel Perry- 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, and it is not located within an Archaeological Potential Zone (APZ). 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, ktang@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*]

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 (ISA) (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

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Connor Wilson

Planner II – Revitalization & Policy Initiatives

conwilson@citywindsor.ca

[*Connor Wilson- Environmental Policy*]

Fire

Windsor Fire & Rescue Services does not object to this application providing that:

1. All the requirements of the Ontario Building Code and City of Windsor's Building Department will be met, including the requirements of fire department access to a building(s) and provisions for firefighting.
2. Combustible material shall not be stored on a roof or adjacent to any building so as to create a fire hazard to the building or its occupants (Division B, section 2.4.1.1 (4) of Ontario Reg. 213/07.
3. All applicable municipal bylaws shall be met and will be reviewed in the construction permit issuance process.

[*John Smith – Fire Prevention Officer*]