

Office of the Commissioner of Economic
Development & Innovation Planning &
Building Department
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: Diana Radulescu	File No.: A-033/25
Author’s Phone: (519) 255-6543 ext. 6918	Report Date: May 5, 2025
Author’s E-mail: dradulescu@citywindsor.ca	Committee Meeting Date: May 8, 2025

To: Committee of Adjustment
Subject Application: Relief from the provisions of By-law 8600
Owner: 2434233 Ontario Ltd. (Anwar Ghanem)
Agent: Tracey Pillon-Abbs (Pillon Abbs Inc.)
Location: 2142-2144 Daytona Avenue
Legal Description: PLAN 997; LOTS 140 & 141 & PT CLOSED ALLEY; RP 12R26351; PARTS 10; 21 & 30

1. RECOMMENDATION:

That the Minor Variance application of 2434233 Ontario Ltd. for relief from the provisions of By-law 8600 for a semi-detached dwelling with additional dwelling units (ADUs) with increased maximum main building gross floor area (GFA) and accessory building maximum GFA for the property municipally known as 2142-2144 Daytona Avenue **BE GRANTED** with no conditions.

2. THE REQUESTED VARIANCES:

Accommodating a semi-detached dwelling with additional dwelling units (ADUs) with increased maximum main building gross floor area (GFA) and accessory building maximum GFA, thereby seeking the following relief:

Section 11.2.5.2.10– Gross Floor Area – Main Building

By Law Requirements	Proposed
400 m ²	444.4 m ²

Section 5.99.80.5b.7– Gross Floor Area – Accessory Building Additional Dwelling Unit

By Law Requirements	Proposed
100 m ²	102 m ²

Note: An approved variance is valid and must be acted upon before the expiration date. The application is deemed null and void if a granted variance is not used within the required timeline. A new Committee of Adjustment application will be required for any expired application.

3. **PLANNING ANALYSIS:**

The subject property, known municipally as 2142-2144 Daytona Avenue, is currently vacant land. The applicant proposes to build a semi-detached dwelling with two additional dwelling units (ADUs) on each side for a total of six dwelling units. Four parking spaces accessible from Daytona Ave are proposed. The applicant intends to apply for a severance once the foundation is constructed.

The applicant is seeking relief from Zoning By-law 8600 for increased maximum main building gross floor area (GFA) and accessory building maximum GFA. The proposal adheres to the other relevant provisions of the zoning by-law.

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

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 minor variances are 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 variance is minor in nature.

The subject land is designated Medium/ High Profile Residential per Schedule SC-1: Development Concept in the South Cameron Secondary Plan. The Secondary Plan also permits low profile residential development within this area. Therefore, the proposed variances conform to the objectives and policies of the Secondary Plan and meet the general intent and purpose of the Official Plan as 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. Therefore, the general intent and purpose of the by-law being varied is maintained as per Section 11.6.6.2(b).

The proposal is compatible and complementary to the neighbourhood and will have minimal impact on properties in the immediate neighbourhood. Therefore, the variance is minor in nature as per Section 11.6.6.2(c). The proposal also complies with Section 11.6.6.2 (e) with no anticipated adverse impacts to the neighbourhood.

ZONING BY-LAW 8600

The subject land is zoned Residential District 2.2 (HRD2.2) per Zoning By-law 8600. The provisions of section 11.2.5 are met, except for the requested minor variances.

The requested variances will not result in undue hardship on the owner, adjoining properties, or the public realm; therefore, the variance is minor in nature. The proposed minor 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 for a semi-detached dwelling with additional dwelling units (ADUs) with increased maximum main building gross floor area (GFA) and accessory building maximum GFA with no conditions.



Diana Radulescu
Planner II – Development Review

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



Greg Atkinson, MCIP, RPP
Manager of Development Planning

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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 Plan Volume I 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

PLANNING DEPARTMENT - ZONING

Required Minor Variances *

1. Gross Floor Area – Main Building: [11.2.5.2.10]
 - a. 400m2 (Required)
 - b. 444.4m2 (Provided)
2. Gross Floor Area – Accessory Building Additional Dwelling Unit: [5.99.80.5b.7]
 - a. 100m2 (Required)
 - b. 102m2 (Provided)

Conner O'Rourke, Zoning Coordinator

PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS

The department has no objection to the proposed application. Right of way permits must be obtained for any work within the right of way.

Andrew Boroski, Technologist II

PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING

One parking space for each main unit and one for each first ADU is required.

Elara Mehrilou, Transportation Planner

FORESTRY

There are No City owned trees on the property. Forestry has no further concerns regarding tree preservation at this time.

NATURAL AREAS

The property contains natural cover that is contiguous with confirmed Species at Risk occurrence and habitat. Species at Risk Study is requested.

LANDSCAPE ARCHITECT

No comments.

WINDSOR POLICE SERVICES

No comments were received at the time of this report.

HERITAGE PLANNING

Heritage

There is no apparent built heritage concern with this property.

Archeology

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 & 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 Staadegaard, (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 Government & Consumer Services

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, Crystal.Forrest@ontario.ca

Tracy Tang, Heritage Planner

BELL CANADA

No comments were received at the time of this report.