

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: Zaid Zwayyed	File No.: A-035/25
Author's Phone: (519) 255-6543 ext. 6198	Report Date: May 1, 2025
Author's E-mail: zzwayyed@citywindsor.ca	Committee Meeting Date: May 8, 2025

To: Committee of Adjustment

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

Owner: Joseph Passa

Location: 2001 Seneca Street

Legal Description: PLAN 1475 PT BLK A RP 12R29144 PARTS 5 & 10

1. RECOMMENDATION:

That the Minor Variance application of Joseph Passa for relief from the provisions of By-law 8600 to permit the construction of a single unit dwelling containing additional dwelling units, with an increased building height and increased front yard hard surface coverage up to 65.7% of the required front yard area, on the property municipally known as 2001 Seneca Street, **BE GRANTED** with no conditions.

2. THE REQUESTED VARIANCES:

Construction of a single unit dwelling with increased height and front yard paving coverage, thereby seeking the following reliefs:

Section 11.2.5.3.4 – Maximum Main Building Height- Single Unit Dwelling

By Law Requirements	Proposed
9.0 m	10.1 m

By Law Requirements	Proposed
50.0% of the required front yard area	85.0% of the required front yard area

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, legally described as Plan 1475 Part Block A RP 12R29144 Parts 5 and 10, is currently vacant. The applicant proposes constructing a single-unit dwelling containing additional dwelling units, with increased building height and front yard hard surface coverage. Therefore, the applicant is seeking relief from Zoning By-law 8600 to permit the construction of a single unit dwelling with increased main building height and increased front yard hard surface coverage.

While the requested variance for increased building height is acceptable, the proposed 85.0% front yard hard surface represents a substantial deviation from the bylaw requirement (50.0% maximum hard surface area), engineering best practice, and beyond what is considered minor. Only one parking space is required and can be accommodated without exceeding the by-law requirement.

As submitted, the proposal provides minimal soft landscaping, which does not align with the intent of the City of Windsor Intensification Guidelines, which supports a balanced front yard treatment. The applicant is encouraged to revise the design to accommodate required parking while ensuring an appropriate distribution of hard surface and soft landscaping. In alignment with a previously approved variance for the abutting property (2015-2025 Seneca Street, formerly known as 0 Durham Place; File A-016/20), the requested increase should be limited to 65.7% front yard hard surface area, representing a controlled and previously accepted variance (See Appendix ‘C’).

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. of the PPS). The requested minor variances are consistent with these policies permitting and facilitating housing options required to meet the social, health, economic, and well-being requirements of residents while efficiently utilizing land, resources, and infrastructure.

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, as per the recommendation, 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, as modified in the recommendation, 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 proposed increase in front yard hard surface coverage, when limited to 65.7% as recommended, represents a reasonable compromise and is not expected to result in adverse impacts on adjacent properties. The variance for building height remains within 20 percent of the by-law standard and is considered minor. Therefore, both variances are consistent with the criteria outlined in Sections 11.6.6.2(c) and (d).

While the original request for 85.0% hard surface coverage exceeded the 20 percent threshold, the variance relates to surface treatment rather than the building envelope. The recommended variance for 65.7% hard surface coverage aligns with a previously approved variance (See Appendix 'C') for the abutting property and is considered appropriate and consistent with the overall intent of the Official Plan.

Furthermore, 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 8600

The subject land is zoned Residential District 2.2 (RD2.2) under Zoning By-law 8600, which permits a single-unit dwelling. The proposed development complies with the provisions of Section 11.2.5, except for the requested minor variance for increased building height. The second variance pertains to relief from the hard surface coverage requirement under Section 24.28.

The requested front yard hard surface coverage significantly exceeds the by-law standard; however, limiting it to 65.7%, in line with a previously approved variance for the abutting property (A-016/20), is acceptable.

The proposed variances, as recommended, are not anticipated to result in undue hardship on the owner, neighbouring properties, or the public realm. Therefore, the variances are considered minor in nature, and the proposed development maintains the general intent and purpose of Zoning By-law 8600.

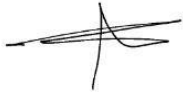
COMMENTS

The maximum Right-of-way driveway curbcut is limited to 4.5 m as per the Engineering Department requirements.

4. PLANNER'S OPINION:

The requested variances, as per the recommendation, 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 no conditions.

Zaid Zwayyed
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 "C" – Previous Committee of Adjustment Decision for the Abutting Property

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

PLANNING DEPARTMENT - ZONING

Required Minor Variances *

The maximum main building height is not met (section 11.2.5.3.4)

- 9.0 m (Required)
- 10.1 m (Provided)

The maximum hard surface area within a required front yard is not met (Section 24.28.1.3.1)

- 50.0% of the required front yard area (Required)
- 85.0% of the required front yard area (Provided)

Stefan Pavlica, Zoning Coordinator

PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS

It should be noted that the maximum driveway width for a single car garage is 15'-0" (4.5 m). 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

-Transportation Planning Has no Comments

-Elara Mehrilou- Transportation Planner I- Transportation Planning Department

PARKS & FACILITIES

The applicant is to consult with the City Forester, Yemi Adeyeye (yadeyeye@citywindsor.ca) if any City trees are removed to determine whether any preservation or compensation for removal is required.

LANDSCAPE ARCHITECT/URBAN DESIGN

No comments from a landscape architecture perspective, a balance between hard surface and soft surface in the front yard is recommended.

Ryan Upton- Landscape Architect

WINDSOR POLICE SERVICES

The application being considered does not present outcomes that will negatively impact public safety or the ability of the Windsor Police Service to provide proper and adequate response to incidents and other service delivery requirements. Therefore, there are no concerns or objections with the application.

Barry Horrobin, Director of Planning & Physical Resources

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 Staaedegaard, (O) 519-253-2300x2726, (C) 519-816-0711, mstaaedegaard@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

APPENDIX "C"

Previous Committee of Adjustment Decision for the Abutting Property

IN THE MATTER of the Planning Act, 1990 as amended;

AND IN THE MATTER of Zoning By-law Number 8600, as amended, of the Corporation of the City of Windsor., as amended, of the Corporation of the City of Windsor.

AND IN THE MATTER of the application of JOSEH PASSA, Owner(s), for relief of certain lands from the provisions and operation of Zoning By-law 8600.

ORDER OF THE COMMITTEE OF ADJUSTMENT OF THE CITY OF WINDSOR

WHEREAS, JOSEH PASSA, Owner(s) of Block A, according to Registered Plan 1475 and known as VACANT NEXT NORTH OF 1722 DURHAM PLACE Municipal Number 0 DURHAM PL, did on May 28, 2020, make application to the Committee of Adjustment for a variance from the provisions of said By-law Zoning By-law 8600;

AND WHEREAS, notice of the application has been duly given, as directed by the Committee;

AND WHEREAS, it is made to appear that no objections were filed in response to the notice;

AND WHEREAS, the Committee did conduct a public hearing into the merits of the application on July 9, 2020, considering what was requested by the applicant;

AND WHEREAS, in the opinion of the Committee, the variance requested is minor in nature;

AND WHEREAS, in the opinion of the Committee, the variance requested is desirable for the appropriate development or use of the land, building or structure;

AND WHEREAS, the Committee is of the opinion that the granting of the application will not depart from the general intent and purpose of Zoning By-law 8600 and the Official Plan of the Corporation of the City of Windsor;

IT IS HEREBY DECIDED that the application **BE GRANTED** as applied for.

AND IT IS HEREBY ORDERED that the lands and premises above described be, and the same are hereby exempt from **Section 24.28.1.1** of Zoning By-law 8600, as amended, so as to permit, in a **Residential 'H' RD2.2 and Residential RD2.2 District**, The proposed construction of two semi-detached dwelling units with additional dwelling units, the addition of new parking area (as shown the drawing attached), thereby providing and maintaining:

(a) Maximum front yard paving exceeded of 65.7%

File No. A-016/20

AND IT IS HEREBY FURTHER ORDERED that in the event the relief hereby granted is not used or acted upon in whole or in part within

☐ 1 YEAR ☒ 2 YEARS

after the dating hereof, the Order granting said variance(s) shall expire and shall be deemed to be annulled and rescinded by the said Committee of Adjustment. (Refer to expiry date below).

DATE DECISION RENDERED: July 9, 2020

Digitally approved
J. Balsamo, Member

Digitally approved
D. Gatti, Member

Digitally approved
M. Sleiman, Chairperson

Digitally approved
T. McMahon, Vice-Chairperson

CERTIFICATION OF SECRETARY-TREASURER PURSUANT TO SECTION 45(8):

I HEREBY CERTIFY this to be a true copy of the decision of the Committee of Adjustment for The City of Windsor, and that this decision was concurred in by the majority of the members who heard the application.


Secretary-Treasurer
Committee of Adjustment

The Final copy of this decision was forwarded to:

JOSEPH PASSA
PASSA ASSOCIATES INC. ARCHITECTS
374 OUELLETTE
WINDSOR, ON N9A 1A8

DATE Notice of Decision sent:

July 18, 2020

LAST DATE to appeal decision:

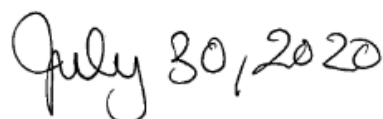
July 29, 2020

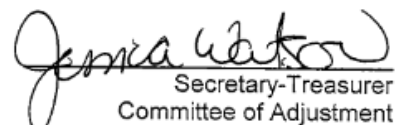
EXPIRY DATE of Order:
(Refer to 1st Paragraph above)

☐ July 9, 2021 (1 Year)
☒ July 9, 2022 (2 Years)

CERTIFICATION OF SECRETARY-TREASURER PURSUANT TO SECTION 45(14):

I HEREBY CERTIFY that this Order is FINAL and BINDING, there having been no appeals submitted in accordance with Section 45, Subsection 12 of The Planning Act, R.S.O. 1990, as amended.

DATED: 


Secretary-Treasurer
Committee of Adjustment

Note: Certification is not valid unless signed by the Secretary-Treasurer, and the Seal of The Secretary-Treasurer affixed thereto.

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