

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-071/26
Author's Phone: (519) 255-6543 e 6918	Report Date: Sep 02, 2026
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To: Committee of Adjustment

Subject Application: Request for enlargement or extension of a Legal Non-Conforming Use

Owner: Mohammad Maeem Walid

Applicant: Mustafa Al-Haddad

Location: 1520 Tecumseh Rd W

Legal Description: PLAN 975 LOTS 107 & 108;

1. RECOMMENDATION:

That the Minor Variance application of Mohammad Maeem Walid for an expansion of legal non-conforming use to allow for the existing lower-level storage space to be converted into habitable floor area for the existing two dwelling units within the subject building **BE GRANTED** with no conditions.

2. THE REQUESTED VARIANCES:

Requesting relief for an expansion of legal non conforming use to allow the existing lower-level storage area to be integrated into the existing dwelling units as habitable space.

3. PLANNING ANALYSIS:

The subject property currently contains a legal non-conforming combined use building with one commercial unit and two residential units. The existing building has two separate spaces on the lower-level that were created for storage. The applicant is requesting that the existing storage space be converted to habitable space that will be used by the two existing dwelling units. This will result in each of the existing dwelling units having an additional 78m² of habitable space, bringing the total residential GFA to 314.29m². No new dwelling units have been proposed as apart of this application. Minor changes have been proposed to the interior of the existing building.

The changes proposed are not expected to have any impact on the subject property, the adjacent properties or the surrounding neighbourhood and as such, the requested expansion is considered minor.

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

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 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 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 evaluation criteria.

There are only minor interior changes proposed to the subject property, therefore, complying with Section 11.6.7.2 (a).

The subject property is serviced by municipal services and infrastructure, complying with Section 11.6.7.2 (b).

There is no additional parking, loading or amenity area required to facilitate this expansion, therefore, complying with Section 11.6.7.2(c).

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

As no new units are being proposed, just expansions of existing units, there are not any expected impacts on adjacent properties, therefore, complying with Section 11.6.7.2 (e).

ZONING BY-LAW

The subject land is zoned Commercial District 3.3 (CD3.3) per Zoning By-law 8600. The proposed expansion complies with the applicable provisions of the Zoning By-law. The requested expansion will not result in undue hardship on the owner, adjoining properties, or the public realm; therefore, the requested expansion is considered minor in nature. The proposed expansion meets the intent of Zoning By-law 8600.

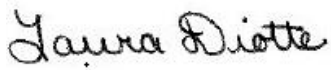
4. PLANNER'S OPINION:

The requested expansion of legal non-conforming use is minor in nature and maintains the general intent and purpose of the Official Plan and Zoning By-law 8600. Therefore, the expansion 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.



Laura Diotte MCIP, RPP
Manager of Development Applications

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 AND
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 expansion 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, Council 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

Requested an expansion of legal non-conforming use.

[*Stefan Pavlica- Zoning Coordinator*]

Development, Projects & Right-of-Way

This department has no objection to the proposed application. Right of Way permits must be obtained for any work within the Right of Way

[*Dan Perissinotti- Technologist*]

Heritage Planner

Built heritage:

There is no apparent built heritage concern with this property.

Archaeology:

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, ktang@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 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

[*Ryan Upton- Heritage Planner*]

Transportation Planner

All parking must comply with ZBL 8600.

[*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- Windsor Police Service*]