

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: Brian Velocci	File No.: A-077/25
Author's Phone: (519) 255-6543 ext. 6457	Report Date: Sep 29, 2025
Author's E-mail: bvelocci@citywindsor.ca	Committee Meeting Date: Oct 02, 2025

To: Committee of Adjustment

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

Owner: 13209342 CANADA INC. & 2810570 ONTARIO LTD.

Agent: VISHAL SHIVASWAMY

Location: 160 EUGINIE ST. W/2485 OULLETTE AVE.

Legal Description: PLAN 1328 LOT 106 PT LOTS;105 107 TO 109 AND PT BLK Z;RP 12R21162 PART 2;

PLAN 1328; LOTS 98 TO 104; 154 TO 159; 171 TO 176; PT LOTS 105; 153; 177; PT BLK O & Z; PT PELISSIER ST; RP 12R16943; PARTS 1 & 2; RP 12R21162; PART 1; RP 12R28472; PARTS 1 TO 4

1. RECOMMENDATION:

That the Minor Variances application of **13209342 CANADA INC. & 2810570 ONTARIO LTD.** for relief from the provisions of the By-law 8600, for the purpose of constructing a Commercial School with reduced parking area regulations, and an increased Maximum Building Height **BE APPROVED** with the no conditions:

THE REQUESTED VARIANCES:

The creation of a commercial school with increased building height and reductions in parking area regulations thereby seeking the following reliefs:

Variance #1: Section 15.1.5.4 – Maximum Main Building Height

By Law Requirements	Proposed
14.0m	15.4m

Variance #2: Section 24.40.1.9– Required Number of Loading Spaces

By Law Requirements	Proposed
2	1

Variance #3: Section 25.5.20.1.2– Parking Area Separation from the Street

By Law Requirements	Proposed
3m	1.95m

Variance #3: Section 25.5.20.1.2– Parking Area Separation from an Interior Lot Line

By Law Requirements	Proposed
0.9m	0.0m

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.

2. PLANNING ANALYSIS:

The subject property consists of PLAN 1328 LOT 106 PT LOTS; 105 107 TO 109 AND PT BLK Z; RP 12R21162 PART 2; PLAN 1328; LOTS 98 TO 104; 154 TO 159; 171 TO 176; PT LOTS 105; 153; 177; PT BLK O & Z; PT PELISSIER ST; RP 12R16943; PARTS 1 & 2; RP 12R21162; PART 1; RP 12R28472; PARTS 1 TO 4, also municipally known as 160 Eugenie St. West and 2485 Ouellette Ave.

The proposed development is 4-Storey Commercial School and associated parking area. To accommodate the number of required parking spaces, the parking area needs to be construction with reduced separations, and a reduction in the number of loading spaces. They have also requested an increase in the Maximum Building Height to accommodate the increase in floor to ceiling height. These variances are minor in nature and still meet the intent of the by-law requirement, and the deficiencies will not have a significant impact on the neighbouring properties.

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 - “Employment; Supporting a Modern Economy” (Policy statement 2.8.1.1 of the PPS). The requested minor variance is consistent with these policies. Permitting and facilitating this proposal will help to provide an appropriate mix and range of development, as well as an opportunity for a diversified economic base.

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 are minor in nature and desirable for the subject building.

The subject land is designated Mixed Use Centre per the Official Plan. The proposed development is permitted and conforms to the associated objectives and policies. Therefore, the requested variances 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 proposal will have minimal impact on the properties in the immediate neighbourhood as this parking area is situated at the end of a cul-de-sac. The frontage on Pelissier also has a significant Right of Way depth which allows for a reasonable parking area separation from the road. The relief requested for the Maximum Building Height is within 20% of the permitted Building Envelope. Therefore, the variances are minor in nature as per Section 11.6.6.2(c).

ZONING BY-LAW Zoning By-law 8600

The subject land is zoned Commercial Centre Commercial CD2.1 per By-law Zoning By-law 8600.

4. PLANNER'S OPINION:

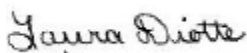
The requested variances are minor in nature and maintain the general intent and purpose of the Official Plan and Zoning By-law 8600. Therefore, the variances are consistent with section 45 (1) of the Planning Act. The Planning Division recommends approval of the applicant's request with the conditions noted on the recommendation.



Brian Velocci

Planner III- Site Plan Approval Officer – Development Review

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



Laura Diotte, MCIP, RPP

Manager Planning – Development Applications

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	When reviewing an application for minor variance the Committee of Adjustment shall be satisfied that: (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

Required Minor Variances:

- **Maximum Main Building Height:** [15.1.5.4]
 - 14.0m (Required)
 - 15.4m (Provided)
- **Required Number of Loading Spaces:** [24.40.1.9]
 - 2 (Required)
 - 1 (Provided)
- **Parking Area Separation from a street:** [25.5.20.1.2]
 - 3.00m (Required)
 - 1.95m (Provided)
- **Parking Area Separation from an interior lot line:** [25.5.20.1.3]
 - 0.90m (Required)
 - 0.00m (Provided)

Development, Projects & Right-of-Way

Our comments remain consistent with any future SPC-S2 agreements. Any requirements will be addressed through this process.

Heritage Planner, Planning and Building

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 & Building 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 Staaegaard, (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

Transportation Planner

A Reference Plan is required for conveying a 4.6m x 4.6m corner cut-off to the Municipality.

As long as the angled parking area complies with section 25.5.50 of the zoning by-law, Transportation has no further concerns.

Windsor Police Service

I have reviewed the agenda items for the October 2nd meeting of the Committee of Adjustment and would advise as follows:

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 and security. 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.

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. If trees or other vegetation (i.e., shrubs and unmaintained grasses) 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 Migratory Bird Regulations (2022), the Migratory Birds Convention Act (1994), and section 7 of the Fish and Wildlife Conservation Act (1997). 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.

Contacts:

Karen Alexander

City of Windsor Naturalist and Supervisor of Natural Areas

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Averil Parent

Planner II – Development Review

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Landscape Architect

No Concerns.