

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-040/26
Author’s Phone: (519) 255-6543 e 6918	Report Date: Jun 01, 2026
Author’s E-mail: corourke@citywindsor.ca	Committee Meeting Date: Jun 11, 2026

To: Committee of Adjustment

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

Owner: 1690035 ONTARIO INC

Applicant: Baird AE Inc.

Location: 8401 Wyandotte St E

Legal Description: PLAN 1627 LOT 74; PT LOTS 72 73 75 TO 78 106 107; PT PARKHILL GATE & PT LANE RP 12R13644; PT PART 3; RP 12R21179 PART 1

1. RECOMMENDATION:

That the Minor Variance application of 1690035 Ontario Inc. for the relief from the provisions of By-Law 8600 to permit the construction of a multiple dwelling with decreased minimum landscaped open space yard and a parking area cover with increased maximum accessory building height, on the property municipally known as 8401 Wyandotte St E **BE GRANTED** with no conditions.

2. THE REQUESTED VARIANCES:

Requesting relief for reduced minimum landscaped open space yard and increased maximum accessory building height, thereby seeking the following reliefs of Zoning By-law 8600:

	PROVISION	PROVISION DESCRIPTION	REQUIRED	PROPOSED
1	12.2.5.8	Minimum Landscaped Open Space Yard	35%	32.5%
2	5.10.9.1	Maximum Accessory Building Height	3.0m	3.9m

3. **PLANNING ANALYSIS:**

The subject property, legally described as Plan 1627 Lot 74; Pt Lots 72 73 75 To 78 106 107; Pt Parkhill Gate & Pt Lane RP 12R13644; Pt Part 3; RP 12R21179 Part 1, is currently in the process of constructing a multiple dwelling. This proposal has already been through the Site Plan Control (SPC) process and received approval. Since receiving SPC approval a pool and an accessory structure have been added to the proposed plans. As a result of these changes, the proposal no longer complies with the provisions of Zoning By-law 8600. In order to implement the proposed changes, the applicant is seeking relief from Zoning By-law 8600 for reduced minimum landscaped open space yard and increased maximum accessory building height.

The proposed reduction in landscaped open space yard is meant to increase amenity space for the residents of the multiple dwelling building. The removal of grass and the addition of the pool would not diminish the perceived landscaped open space, as this space will be used as a functional outdoor recreational area. The other requested variance of maximum accessory building height has been requested to permit the construction of an unenclosed covered parking area for spots 22 through 42. The proposed structure complies with all setback requirements of Zoning By-law 8600 and is not located adjacent to any exterior lot lines. The proposed structure is only meant to provide overhead coverage for a section of the parking area, having a minor impact on the intended use of the site or 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 - “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 variances are minor in nature and desirable for the subject building.

The subject land is designated Mixed Use Corridor 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. Therefore, the variances are minor in nature as per Section 11.6.6.2(c).

While one of the requested variances exceeds a 20 percent variation above the bylaw regulations, Section 11.6.6.2(d) does not apply to accessory buildings not containing dwelling units.

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

The subject land is zoned Residential District 3.2 with site specific S.20(1)444 per By-law 8600. The proposed use is permitted and complies with the applicable provisions with the exception of the variances being requested. The requested variances will not result in undue hardship on the owner, adjoining properties, or the public realm; therefore, the variances are minor in nature. The proposed variances meet the intent of Zoning By-law 8600.

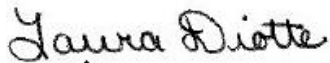
4. PLANNER'S OPINION:

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 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

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

COMMITTEE OF ADJUSTMENT

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.

EVALUATION CRITERIA

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.

EXISTING UNDERSIZED LOTS

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.

TERMS & CONDITIONS

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.

AGREEMENTS

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	12.2.5.8	Minimum Landscaped Open Space Yard	35%	32.5%
2	5.10.9.1	Maximum Accessory Building Height	3.0m	3.9m

[*Samuel Perry- Zoning Coordinator*]

Development, Projects & Right-of-Way

Our comments remain consistent with SPC PCS2

[*Thomas Huynh- Technologist*]

Heritage Planner

Built Heritage

There is no apparent built heritage concern with this property.

Archaeology

Archaeological Assessment Report Entitled "Stage 1 Archaeological Assessment 8401 Wyandotte Street East Lot 74, Part of Lots 72, 73, 75, 76, 77, 78, 106 & 107 Part of Parkhill Gate and Part of Lane Registered Plan 1627 City of Windsor Part of Lots 129 and 130, Concession 1 Petite Cote Geographic Township Sandwich Essex County", Dated May 9, 2025, Filed with MCM on N/A, MCM Project Information Form Number P1037-0357-2025, MCM File Number 0023721 has been entered into the Ontario Public Register of Archaeological Reports. Although the report recommends that no further archaeological assessment of the property is recommended, the applicant is still to note the following archaeological precautions.

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:

Ian Hember, 1-437-244-9840, ian.hember@ontario.ca

[*Kristina Tang- 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*]