THE CORPORATION OF THE CITY OF WINDSOR
PLANNING AND DEVELOPMENT SERVICES

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-088/26
Author's Phone: (519) 255-6543 e 6447	**Report Date:** Nov 05, 2026
Author's E-mail: corourke@citywindsor.ca	**Committee Meeting Date:** Nov 12, 2026

To:	Committee of Adjustment
Subject Application:	Extension of Legal Non-Conforming Use
Owner:	Khamphou Rattanavanh
Location:	988 ALBERT RD
Legal Description:	PLAN 626; LOTS 80 & 81; PLAN 255; PART CLOSED ALLEY; PLAN 458; PT BLOCK A & PT MAISONVILLE AVE CLOSED

1. RECOMMENDATION:

That the application submitted by Khamphou Rattanavanh for an extension of legal non-conforming use to allow for the existing units within 996 Albert Road to be recognized dwelling units **BE GRANTED** with no conditions.

2. THE REQUESTED VARIANCES:

Requesting relief for an extension of legal non conforming use, to allow for the existing units within 996 Albert Road to be recognized as legal dwelling units.

3. PLANNING ANALYSIS:

The subject property, legally described as Plan 626; Lots 80 & 81; Plan 255; Part Closed Alley; Plan 458; Pt Block A & Pt Maisonville Ave Closed, currently contains three separate residential buildings. These buildings consist of 988 Albert Road, 996 Albert Road and 2644 Welpton Street. 988 Albert Road currently contains one dwelling unit, 2644 Welpton Street currently contains two dwelling units and 996 Albert Road currently contains three dwelling units. The subject property is zoned Residential District 1.3 (RD1.3). The RD1.3 zoning district allows for one single unit dwelling on a lot. The City of Windsor's records currently recognize a legal non conforming duplex (9644 Welpton Street) and two legal non conforming single unit dwellings (988 Albert Road & 996 Albert Road) on the subject property. Sometime after 996 Albert Road was originally constructed, two additional units were added

and the addresses of 2640 & 2642 Welpton Street were assigned to these additional units. The current configuration of the buildings on this site have existed for many years. The applicant is requesting an extension of legal non-conforming use to add the additional two units within 996 Albert Road, and therefore be properly recognized as legal non-conforming dwelling units. No changes have been proposed as apart of this application, so there is no expected impact to the subject property, adjacent properties or the surrounding neighbourhood.

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 extension of legal non-conforming use 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 the evaluation criteria:

There is no proposed changes or alterations to the subject property. This property is serviced by municipal services and infrastructure, therefore, complying with 11.6.7.2 (a) and (b).

The proposed extension of legal non-conforming use does not propose any changes to the existing structure or functional use. As the current parking deficiency is recognized as a legal non-conforming condition, and no changes are being proposed, additional parking is not considered necessary to facilitate the proposal. As such, the proposal complies with section 11.6.8.2 (c).

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

The proposed extension has not proposed to alter or expand the existing building, which minimizes potential negative impacts on adjacent properties, therefore, complying with 11.6.7.2(e).

ZONING BY-LAW

The subject land is zoned Residential District 1.3 (RD1.3) per Zoning By-law 8600. The proposed extension of legal non conforming use complies with the applicable provisions of Zoning By-law 8600.

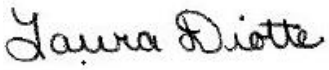
4. PLANNER’S OPINION:

The requested extension 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 requested extension 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

11.6.7 Non-Conforming Use Policies

EXTENSION & 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 extension 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 minimuze any negative impacts on adjacent properties.

LOSS OF STATUS 11.6.7.3 Notwithstanding any other provision of this Plan, where a non-conforming use has been discontinued, Counsel 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

Extension of legal non-conforming use.

[*Stefan Pavlica- Zoning Coordinator*]

Development, Projects & Right-of-Way

The Department has no objection to the applicant's request. While it is not a condition of this application, it should be noted that there are encroaching items within the right-of-way fronting this property, that require either removal or the property owner to enter into an encroachment agreement with the City of Windsor for legalization of said items. An encroachment application can be submitted to engineeringdept@citywindsor.ca. It should also be noted that the property does not have record of a driveway permit on file. The existing gravel driveway approach is not permitted within right-of-way as per By-law 25-2010 and Engineering Best Practice BP2.2.2. Right-of-way permit is required for any work completed within the right-of-way.

[*Karen Kong – Technologist*]

Heritage Planner

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

Transportation planning has no comments.

[*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*]