



## MUNICIPALITY OF THAMES CENTRE

**REPORT NO.** PDS-023-24

**FILE NO.** A3-24

**TO:** Mayor and Members of Council  
**FROM:** Director of Planning & Development Services  
**MEETING DATE:** April 29, 2024  
**SUBJECT:** **Application for Minor Variance; David & Michelle MacArthur; 172 Boardwalk Way, Dorchester**

### RECOMMENDATION:

**THAT** Application for Minor Variance A3-24 filed by David and Michelle MacArthur to permit the construction of a greenhouse with a reduced exterior side yard width of 0.6 metres for lands legally described as Lot 69 on Registered Plan 33M-770 (geographic Township of North Dorchester), Municipality of Thames Centre, and known municipally as 172 Boardwalk Way, be **APPROVED**.

### REASONS

- The general intent and purpose of the Official Plan would be maintained;
- The general intent and purpose of the Zoning By-law would be maintained;
- The effects of the variance are considered minor in nature; and
- The variance is desirable for the appropriate use and development of the land.

### PURPOSE:

The purpose and effect of this Application is to seek relief from the Thames Centre Comprehensive Zoning By-law with respect to the exterior side yard width requirement to allow the construction of a building accessory to a single detached dwelling in the form of a greenhouse.

### BACKGROUND:

The subject property is a corner residential lot situated on the north side of Boardwalk Way and on the east side of Mill Pond Crescent. The lands contain a single detached dwelling serviced by municipal water and sanitary sewers. The rear and side yards are screened by a wood privacy fence. Access for the lands is available off Boardwalk Way.

The applicant is proposing to construct a greenhouse with a floor area of 7.5 square metres (81 ft<sup>2</sup>), a height of 3.5 metres (11.5 ft) and a reduced setback of 0.6 metres (1.96 ft) from the exterior side lot line whereas the Zoning By-law requires a minimum setback of 4.5 metres (14.8 ft) from an exterior lot line. The greenhouse is to be located within the westerly side yard considered part of the fenced backyard. The reduced setback is being requested to ensure the overall effectiveness of the greenhouse by maximizing sun exposure and reducing shadowing impacts from the house.

The lands are designated 'Residential' according to the Thames Centre Official Plan and zoned site-specific Residential First Density (R1-17) zone according to the Thames Centre Comprehensive Zoning By-law. Surrounding land uses are residential in nature as the lands are located within the Boardwalk Subdivision in the village of Dorchester.

## ANALYSIS:

Section 45 of the *Planning Act* allows the Committee of Adjustment to grant relief from zoning by-law requirements subject to four tests, as follows:

- *Is the variance considered minor in nature? YES:*

Unacceptable adverse impacts on neighbouring lands are not anticipated given that the proposed greenhouse would be located at least 0.6 metres (1.96 ft) from the westerly lot line. Additionally, the proposed greenhouse would generally be screened from neighbouring land uses to the north, west and south by the existing fence thereby mitigating visual impacts. The effects of this variance could be considered minor in nature.

- *Is the variance an appropriate use of the land? YES*

Accessory buildings are characteristic of residential lots in the area. The proposed greenhouse, accessory to a main residential use, is an appropriate use of the land and is in keeping with the character of the area.

- *Does the variance maintain the intent of the Official Plan? YES*

Under the Residential designation, permitted uses include residential uses and buildings accessory thereto. With the proposed greenhouse being accessory to a main use in the form of a single detached dwelling, the intent of the Plan would be maintained.

- *Does the variance maintain the intent of the Zoning By-law? YES*

The intent of the minimum 4.5 metre (14.8 ft) exterior side yard width for accessory buildings is to ensure adequate separation between the accessory structure and the street and also to ensure an orderly building line between neighbouring uses and the accessory structure. Although the proposed greenhouse would be closer to the lot line than permitted, staff is of the opinion the reduced setback would allow for the greenhouse to be an adequate distance from the street and continue to ensure an orderly building line as the greenhouse would generally be screened by the existing fence. Based on the foregoing, this variance would maintain the intent of the Zoning By-law.

## CIRCULATION COMMENTS:

### Agency Comments

In the circulation of the notice of public hearing to prescribed agencies, the following comments were received:

County Engineer:

No comment.

Upper Thames River Conservation Authority:

No objections.

Director of Public Works:

No comments or concerns.

Drainage Superintendent:

No comment.

Chief Building Official

Due to the size of the proposed structure, a building permit is not required.

### Public Comments

In the circulation of the notice of public hearing to surrounding property owners, no responses have been received as of the date of this report.

## FINANCIAL IMPLICATIONS:

None.

## STRATEGIC PLAN LINK

**Pillar:** *Smart Planning*

**Goal:** *Make smart planning decisions to grow the community, while maintaining a "hometown feel"*

## ATTACHMENTS:

Location Map



Prepared by: A. Kertesz, Planner, in consultation with M. Bancroft, Director of Planning and Development Services

Reviewed by: J. Nethercott, Director of Legislative Services/Clerk