



MUNICIPALITY OF THAMES CENTRE

REPORT NO. PDS-033-24

FILE NO. Z4-24

TO: Mayor and Members of Council
FROM: Director of Planning & Development Services
MEETING DATE: May 27, 2024
SUBJECT: **APPLICATION FOR TEMPORARY ZONING BY-LAW AMENDMENT; MV MANAGEMENT INC. (APPLICANT); MARTIN VANDEBERK (AGENT); 16692 EBENEZER DRIVE**

RECOMMENDATION:

THAT the Municipality of Thames Centre Comprehensive Zoning By-law 75-2006 be **AMENDED** to permit two single unit dwellings on the property municipally known as 16692 Ebenezer Drive, for a temporary period not to exceed three (3) years, as filed by Martin Vandenberg on behalf of MV Management Inc. (Z4-24), as included in the by-law portion of the agenda;

AND THAT the Mayor and Clerk be **AUTHORIZED** to execute a Temporary Use Agreement, substantially in the form of the agreement attached, as included in the by-law portion of the agenda.

PURPOSE:

The purpose and effect of this Application is to rezone the subject lands for a temporary period not to exceed three (3) years to permit two single-detached dwellings on the subject lands for a temporary period not to exceed three (3) years to allow a new dwelling to be constructed on the subject property.

BACKGROUND:

The subject property is 40.5 hectare (100 ac) farm situated on the north side of Ebenezer Drive off Valleyview Road and adjacent to the Thames River. The lands contains a single detached dwelling with a floor area of approximately 101 square metres (1,087 ft²) serviced by private well and septic system as well as two (2) barns and a shed. Access for the lands is available off Ebenezer Drive. The lands are primarily used for agricultural purposes in the form of field crop cultivation.

According to the Thames Centre Official Plan, the lands are designated Agricultural and Protection Area. The lands are zoned Agricultural (A) and Environmental Protection (EP) according to the Thames Centre Comprehensive Zoning By-law. The property contains natural heritage features including significant woodlands as identified by the Middlesex Natural Heritage Systems Study (MNHSS, 2014) and contains lands regulated by the Upper Thames River Conservation Authority (UTRCA).

Surrounding uses are predominantly agricultural in nature. Two (2) notable exceptions include an industrial use in the form of a salvage yard located on the south side of Ebenezer Drive and directly across from the subject lands. The Thames River is located east of the subject lands where natural heritage features including significant woodlands are present.

The applicant is proposing to construct a new single detached dwelling while retaining the existing single detached dwelling on a temporary basis. Within three (3) years of the new dwelling being constructed, the applicant intends to remove the existing single detached dwelling from the property.

ANALYSIS:

The Thames Centre Official Plan allows temporary uses for up to three (3) years including the construction of a second dwelling while retaining the existing dwelling under certain circumstances. The Official Plan provides criteria for the evaluation of temporary uses namely: the proposed use is temporary; the proposed use will not create detrimental effects on the surrounding area; compatibility with adjacent and surrounding area; the proposed use can be adequately serviced and will not create any undue traffic or parking impacts; and the proposed use shall conform to the general intent of the Plan.

The foregoing criteria have been satisfied or are capable of being satisfied by having the owner enter into an agreement with the Municipality to require removal of the existing dwelling no later than six (6) months after final completion and occupancy of the new dwelling, or expiry of the temporary use by-law (whichever occurs first). A draft agreement is included for Council's consideration, which includes payment of a \$5,000 security deposit due at the time of the issuance of the building permit.

Under the Agricultural (A) zoning, one single detached dwelling is permitted. The proposed temporary use by-law would permit the existing single detached dwelling to remain until it ceases to be occupied as a residence, or at the end of the period specified in the by-law (whichever occurs first). At that time, the dwelling would have to be removed from the lands. The new dwelling is proposed to be constructed east of the existing dwelling and is capable of meeting the setback requirements of the Agricultural (A) Zone.

Furthermore, the subject application would not offend the Provincial Policy Statement or the County of Middlesex Official Plan and it would be in conformity with the Municipality of Thames Centre Official Plan.

CIRCULATION CONSULTATION:

Agency Comments

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

County Engineer:

No comment.

Chief Building Official:

No concerns.

Drainage Superintendent:

No comment.

Public Comments

To date, no written submissions have been received by the public.

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

Agreement

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

Reviewed by: D. Barrick, Chief Administrative Officer