



MUNICIPALITY OF THAMES CENTRE

REPORT NO. PDS-037-24

FILE NO. A7-24

TO: Mayor and Members of Council

FROM: A. Kertesz, Planner

MEETING DATE: June 24, 2024

SUBJECT: **Application for Minor Variance; David Willms (Applicant); 21882
Nissouri Road**

RECOMMENDATION:

THAT Application for Minor Variance A7-2024 filed by David Willms to permit a reduced minimum lot area of 486 square metres for lands legally described as Part of Lot 16, Concession 3 (geographic Township of West Nissouri) designated as Part 1 on Reference Plan 33R-21660, Municipality of Thames Centre, and known municipally as 21882 Nissouri Road 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 seek relief from the Thames Centre Comprehensive Zoning By-law as it relates to minimum lot area requirement of the Residential First Density (R1) Zone.

BACKGROUND:

The subject property is 486 square metre (5,231 ft²) lot situated on the east side of Nissouri Road (County Road 27) and north of Elliott Trail in the village of Thorndale. The lands are vacant although a building permit application has been submitted for a single detached dwelling to be serviced by municipal piped water and sanitary sewers. Access to the subject

lands would be available off Nissouri Road (County Road 27).

The lands are subject to Minor Variance Application A11-22 which was granted in December 2022. The minor variance sought relief from the minimum lot area requirement of the Residential First Density (R1) Zone to create a lot with a minimum area of 585 square metres (6,297 ft²) as well as a reduced rear yard and front yard depth of 6 metres. The minor variance was required as a condition of consent for Consent Application B15-22 which created the subject property. The applicant applied for a building permit to construct a single detached dwelling on the subject lands and it was determined that the lot did not satisfy the previous minor variance decision. The applicant is requesting a minor variance approval to permit a lot area of 486 square metres (5,231.26 ft²), whereas the zoning by-law requires a minimum lot area of 700 square metres (7,534.7 ft²) and the previous minor variance requires a minimum lot area of 585 square metres (6,297 ft²) for a lot in the Residential First Density (R1) zone on full municipal services.

The lands are designated 'Residential' according to the Thames Centre Official Plan are zoned a Residential First Density (R1) zone according to the Thames Centre Comprehensive Zoning By-law. Surrounding land uses include residential uses to the north, south and east and farmland to the west on the opposite side of Nissouri Road (County Road 27).

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 requested minimum lot size would remain sufficient to construct a single detached dwelling on full municipal services. The effects of this variance could be considered minor in nature.

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

This development would be consistent with the character of the area which includes residential development in the form of single detached dwellings. This variance represents an appropriate use of the land.

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

The Residential designation under the Official Plan is intended to facilitate housing intensification opportunities for existing and future residents. The intent would be maintained considering residential development is being proposed and the Official Plan would not preclude this form of development.

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

The intent of the minimum lot area requirement is to ensure that lots are a sufficient size to accommodate residential development and related outdoor amenity space. Given that the lot is to be on full municipal services and it appears the proposed dwelling is capable of complying with the regulations of the Residential First Density (R1) Zone and the reduced front yard and rear yard depth through Minor Variance Application A11-22, the intent of the Zoning By-law would be maintained.

CIRCULATION CONSULTATION:

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

County Engineer:

No comment but I would remind the applicant that their proposed driveway will be required to slope back from the edge of pavement of the County road at a minimum grade of 2% which may affect the remainder of their proposed grading on the property. This will be a requirement of the entrance permit for this lot.

Drainage Superintendent:

No comment.

Upper Thames River Conservation Authority:

No objections.

Chief Building Official:

No concerns.

In the circulation of the notice of public hearing to surrounding property owners, no responses have been received from the public 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 A. Storrey, Interim Director of Planning and Development Services

Reviewed by: D. Barrick, Chief Administrative Officer