



MUNICIPALITY OF THAMES CENTRE

REPORT NO. PDS-044-024 A8-24

TO: Mayor and Members of Council

FROM: A. Kertesz, Planner

MEETING DATE: September 9, 2024

SUBJECT: **Application for Minor Variance; 731607 Ontario Limited (Applicant); Stewart Findlater, Findlater & Associates Inc. (Agent); 256 Hamilton Crescent, Dorchester**

RECOMMENDATION:

THAT Application for Minor Variance A8-2024 filed by Stewart Findlater, Findlater and Associates Inc. on behalf of 731607 Ontario Inc. c/o John Fuller to permit the placement of disused railroad cars, also known as sea containers, on a property municipally known as 256 Hamilton Crescent in the Municipality of Thames Centre, 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 a request to seek relief from the Thames Centre Comprehensive Zoning By-law as it relates to the placement of disused railroad cars, also known as sea containers, which is otherwise prohibited throughout the Municipality according to the zoning by-law.

BACKGROUND:

The subject property is a 2.6 hectare (6.42 ac) lot situated on the east side of Hamilton Crescent, between Newton Avenue and Marion Street, in Dorchester. The lands contain an existing one storey shop with a floor area of 1,952 square metres (21,011.15 ft²) and are used for industrial purposes in the form of a contractor's yard. The lands are serviced by

municipal piped water and a private septic system.

The applicants are proposing to construct a 335 square metre (3,605.01 ft²) building to be used for industrial purposes on the subject lands and is proposing to incorporate sea containers as part of the structure which is not permitted within the General Industrial (M1) Zone. To facilitate the new structure To facilitate the new structure, an application for site plan control (SP-05-2022) has been submitted to amend the existing site plan agreement. The applicant is working with staff to advance the application. This minor variance application is required for zoning compliance as part of the site plan process. The site plan control application amends the existing site plan registered on the property's title, which facilitated the current development.

The lands are designated 'Settlement Industrial' and 'Environmental Area' according to the Thames Centre Official Plan and are zoned General Industrial (M1) Zone, General Industrial (M1-h) Holding Zone and Environmental Protection (EP) Zone according to the Thames Centre Comprehensive Zoning By-law. Surrounding land uses include industrial uses to the north, west and south of the property. Residential uses are located east of the subject lands. The lands back onto natural heritage features including significant woodlands and lands regulated by the Upper Thames River Conservation Authority (UTRCA).

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 sea containers would be located in an industrial area. Considering the sea containers are to be incorporated as part of the building, the sea containers may be indistinguishable from the rest of the building. The proposed building would be situated towards the back of the property, behind the existing building. The effects of this variance could be considered minor in nature.

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

Industrial uses are characteristic of lots in the industrial subdivision. The proposed structure which would incorporate sea containers would be 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 Settlement Industrial designation, permitted uses include industrial uses. With the proposed structure utilizing the sea containers being used for industrial purposes, the intent of the Plan would be maintained.

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

The general intent of prohibiting disused railcars (sea containers) within the Municipality is to prevent property standard and land use compatibility concerns. Considering the subject lands are located within the General Industrial (M1) Zone and the General Industrial (M1-h) Holding Zone and an industrial designation, intended to be used for industrial purposes for the long term, staff is of the opinion it would be appropriate to permit sea containers to be placed on these lands as requested. The intent of the Zoning By-law would be maintained.

Staff would like to note, according to the Thames Centre Official Plan, development located within 120 metres (393.70 ft) of a natural heritage feature requires an Environmental Impact Study (EIS) to determine there would be no negative impacts on the natural heritage feature or its function as a result of the proposed development. Considering the existing industrial structures within this area and the nearby residential uses on the other side of the feature are closer than 120 metres from the natural heritage feature, staff do not believe it would be appropriate to require an EIS as part of this development proposal.

CONSULTATION:

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

Drainage Superintendent:

No comment.

Director of Public Works

Public Works have no comments/concerns with this application.

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

Reviewed by: A. Storrey, Interim Director of Planning and Development Services

Reviewed by: D. Barrick, Chief Administrative Officer