



MUNICIPALITY OF THAMES CENTRE

REPORT NO. PDS-015-25

TO: Mayor and Members of Council

FROM: A. Kertesz, Planner

MEETING DATE: March 24, 2025

SUBJECT: **Zoning By-law Amendment Application (Z20-24); Fred and Susan Jamieson (Applicant); Stewart Findlater (Agent); 5242 Marion Street**

RECOMMENDATION:

THAT Application for Zoning By-law Amendment Z20-24 as requested by Fred and Susan Jamieson to rezone a portion of the subject property from the Agricultural (A) Zone to a site-specific Agricultural (A-#) Zone to permit an Additional Residential Unit (ARU) having a floor area of 201 square metres as a permitted use, in addition to all other uses permitted in the parent Agricultural (A) Zone, for lands legally described as Part of Lot 11, Concession 3 NRT (geographic Township of North Dorchester) and designated as Part 1 on Reference Plan 33R-21614, Municipality of Thames Centre be **REFUSED**.

REASONS

- The application is not consistent with the Provincial Planning Statement.
- The application does not conform to the County of Middlesex Official Plan.
- The application does not conform to the Municipality of Thames Centre Official Plan.

PURPOSE:

The purpose and effect of this Application is to rezone a portion of the subject property from the Agricultural (A) Zone to a site-specific Agricultural (A-#) zone to permit an Additional Residential Unit (ARU), which is otherwise not a permitted use under the current zoning.

BACKGROUND:

The subject property is a 1.09 hectare (2.71 ac) lot situated on the north side of Marion Street, Between Clara Street and Elgin Road (County Road 73). The lands contain a single detached dwelling with a floor area of 160 square metres (1,722.23 ft²) located within the urban settlement boundary. The dwelling is serviced by private well as this

section of Marion Street does not have municipal water services and is serviced by a septic system as municipal sanitary services are unavailable north of the Thames River. The lands also contain a detached garage with a floor area of 146 square metres (1571.53 ft²). Access for the lands is available off Marion Street. Based on the information provided, the unit would be accessed from the existing driveway and the application does not include details about hard surface access to the ARU.

The applicants are proposing to construct an ARU with a floor area of 201 square metres (2163.55 ft²) to be located north of the existing dwelling, within the Agricultural (A) Zone of the property. The floor area of the ARU would be approximately 125% of the floor area of the primary dwelling. Not included within the ARU floor area calculation, the ARU would be attached to a three (3) car garage. The current zoning of the property does not permit an ARU.

The lands are designated 'Residential' within the settlement area boundary and 'Agricultural' outside of the settlement area boundary according to the Thames Centre Official Plan. The lands are zoned Future Development (FD) and Agricultural (A) Zone according to the Thames Centre Comprehensive Zoning By-law. The lands contain natural heritage features identified by the Middlesex Natural Heritage Systems Study 2014 (MNHSS). These natural heritage features include significant woodlands. Surrounding land uses include residential uses within the settlement area boundary and natural heritage features. Lands to be developed for residential purposes are also located within the settlement area boundary on the south side of Marion Street. Agricultural uses and natural heritage features are found outside of the settlement area boundary.

ANALYSIS:

The *Planning Act* requires that official plans include policies to authorize the use of ARUs either within a single, semi or townhouse dwelling or within a structure ancillary or accessory to that form of housing in areas specified by a municipality.

The Provincial Planning Statement (PPS) provides policy direction to encourage an appropriate range and mix of housing types (including ARUs) to meet the long-term needs of the community. The PPS states additional residential units within a prime agricultural area are to comply with minimum distance separation formulae requirements, are compatible with surrounding agricultural operations, have appropriate servicing, are of limited scale and located within, attached or in close proximity to the primary dwelling or farm building cluster and minimize the land taken out of agricultural production.

The County of Middlesex Official Plan also encourages a broad range of housing types to meet projected demographic and market requirements of current and future residents including the provision of alternative forms of housing. Specifically, the County Plan indicates that ARUs created outside of settlement areas shall be grouped to the primary dwelling, shall meet Minimum Distance Separation (MDS) formulae, and shall be prohibited from being severed from the property unless as part of the severance of the primary dwelling unit as a residence surplus to a farming operation. The County of Middlesex Official Plan defines additional residential unit as "a dwelling unit that is self-contained, subordinate to, and located within the same building or on the same lot of a primary dwelling unit".

Additionally, the County Official Plan states local official plans and zoning by-law shall address a number of matters including that additional residential units are “clearly subordinate in scale and function to the primary dwelling unit”.

The Thames Centre Official Plan provides policy direction to allow ARUs in agricultural areas provided they are capable of being appropriately serviced. The Official Plan also notes that any regulation concerning ARUs shall limit their size to ensure it remains clearly secondary to the primary dwelling unit and furthermore compliance with the Ontario Building Code shall be required.

With regard to the proposed ARU, staff has concerns with the size of the proposed ARU and is of the opinion that the ARU is not limited in scale as required by the PPS, is not subordinate in scale and function to the primary dwelling unit as required by the County of Middlesex Official Plan and is not clearly secondary to the primary dwelling unit as required by the Thames Centre Official Plan since the proposed ARU is significantly larger than the primary dwelling.

The Thames Centre Official Plan requires that prior to the approval of a zoning by-law amendment, it shall be established to the satisfaction of Council that:

- **soil and drainage conditions are suitable to permit the proper siting of buildings;**

This is capable of being addressed at the building permit issuance stage.

- **the services and utilities, whether they are municipal or private, can adequately accommodate the proposed development. Full municipal or communal sanitary and water services will be preferred method of servicing development;**

The adequacy of private services will need to be demonstrated as a pre-requisite to obtaining a building permit.

- **the road system is adequate to accommodate projected increases in traffic**

This property has access to Marion Street, which is a local road within the settlement boundary and maintained to municipal standards. Staff do not anticipate a significant increase in traffic as a result of the proposal. No concerns were identified by the Director of Public Works.

- **the land fronts on a public road (unless specifically noted as an approved private road) which is of a reasonable standard of construction and maintenance;**

The lands front onto a public road, being Marion Street, which is constructed and maintained to municipal standards.

- **lot frontage and area are suitable for the proposed use and conforms to the standards required by the implementing Zoning By-law; and**

The portion of the subject lands that is zoned Agricultural (A) is less than the minimum 40

hectare (99 ac) lot area required for a lot within the Agricultural (A) Zone, however, staff believe this portion of the subject property which is zoned Agricultural (A) would be capable of accommodating an ARU considering it is approximately 0.67 hectares (1.65 acres) in size. In terms of lot frontage, the front portion of the property which has frontage along Marion Street, is located within the settlement area boundary is zoned Future Development (FD), and has a lot frontage of approximately 45 metres (148.6 ft). Staff believe the lot frontage is suitable for an ARU. Having said that, as previously noted, staff have concerns with this proposal as the size of the ARU does not meet the policy framework for ARUs.

- **adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may possibly have upon any proposed or existing or adjacent use or on the natural heritage features and functions.**

The Thames Centre Official Plan states development within 50 metres of a significant woodland requires an Environmental Impact Assessment to demonstrate there will be no negative impacts on the woodlot or its ecological functions. Unacceptable adverse effects on surrounding uses are not anticipated as the proposed ARU would be wholly located on the manicured lawn, approximately 25 metres from the natural heritage feature/ significant woodland.

As mentioned, considering the proposed ARU exceeds the size of the principal dwelling, the proposal is currently at odds with the PPS and the definition of ARU in the County OP. Therefore, staff is not supportive of the size of the proposed ARU.

Based on the foregoing, the subject proposal is not consistent with the Provincial Planning Statement and does not conform to the County of Middlesex and Thames Centre Official Plans. That stated, Council does have the option to approve or defer the subject application. Should Council wish to defer the subject application, staff offers the following for consideration:

THAT Application for Zoning By-law Amendment Z20-24 as requested by Fred and Susan Jamieson to rezone a portion of the subject property from the Agricultural (A) Zone to a site-specific Agricultural (A-#) Zone to permit an Additional Residential Unit (ARU) as a permitted use, in addition to all other uses permitted in the parent Agricultural (A) Zone, for lands legally described as Part of Lot 11, Concession 3 NRT (geographic Township of North Dorchester) and designated as Part 1 on Reference Plan 33R-21614, Municipality of Thames Centre be **DEFERRED** to provide the applicant and agent the opportunity to revise the size of the proposed ARU so that it is clearly secondary to the primary dwelling.

AND THAT staff be directed to prepare a recommendation and implementing by-law for Council's consideration at the next regular meeting.

CONSULTATION:

County Engineer:

No comment.

Director of Public Works:

Public Works have no comments or concerns with this application. It should be noted that this property is not serviced by municipal water or sanitary sewers.

Drainage Superintendent:

No comment.

Chief Building Official:

With respect to application Z20-24, should the request be approved, the applicant shall be advised that individual building permits are required to be obtained prior to the construction of the secondary dwelling unit and associated onsite sewage system.

In the circulation of the notice of public meeting 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, Director of Planning & Development Services

Reviewed by: D. Barrick, Chief Administrative Officer