



## Staff Report

**Report No.** PDS-024-25

**To:** Members of Committee of Adjustment

**From:** A. Kertesz, Planner

**Meeting Date:** May 26, 2025

**Subject:** **Application for Minor Variance (A3-25); Meghan Williamson (Applicant); Tom Johnstone (Agent) 216 Main Street, Thorndale**

### Recommendation:

**THAT** Application for Minor Variance A3-2025 filed by Tom Johnstone on behalf of Meghan Williamson to permit the expansion of a legal non-conforming use, being a mobile home having an area of 161 m<sup>2</sup> and an interior side yard setback of 1.2 metres for a property municipally known as 216 Main Street 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 allow the expansion of a legal non-conforming use, being a mobile home, to allow the applicants to replace the existing mobile home with a larger model having a setback of 1 metre from an interior side lot line within the site-specific Residential First Density (R1-1) Zone which is otherwise not permitted.

### Background:

The subject property is a 728.43 square metres (0.18 ac) residential lot situated on the north side of Main Street, west of Agnes Street in the village of Thorndale. The lands contain an existing mobile home which was placed on the lands in 1974, having a floor area of 85 square metres (914.93 ft<sup>2</sup>) serviced by municipal piped water and sanitary sewers. The

lands are used for residential purposes. The applicant is proposing to replace the existing mobile home with a new larger model with a floor area of 161 square metres (1732.99 ft<sup>2</sup>) to be situated in generally the same location as the existing mobile home. The existing mobile home is approximately 0.7 metres (2.3 ft) from the easterly lot line whereas the replacement mobile home would be located at least 1 metre (3.3 ft) from the easterly lot line. In the R1 Zone, a building or structure must have a minimum setback of at least 2 metres (6.56 ft), therefore a variance for interior side yard setback has been included in the subject application.

Additional information regarding the proposed replacement mobile home is included in the table below.

	Proposed	Existing	Requirement for a structure in the R1 Zone
<b>Front Yard Depth</b>	12 m	9 m	7.5 m (min)
<b>Rear Yard Depth</b>	15.7 m	13.3 m	8 m (min)
<b>Side Yard Width</b>	1 m (east) 5.8 m (west)	0.7 m (east) 9 m (west)	2 m (min)
<b>Height</b>	1 storey	1 storey	10 m (max)
<b>Area</b>	161 m <sup>2</sup>	85 m <sup>2</sup>	35% of lot area (max)

The lands are designated 'Residential' according to the Thames Centre Official Plan and are zoned a site-specific Residential First Density (R1-1) Zone according to the Thames Centre Comprehensive Zoning By-law. Surrounding land uses are generally residential and also include an existing mobile home park on the south side of Main Street and on the east side of Agnes Street.

## Analysis:

Under the Thames Centre Official Plan, the Committee of Adjustment should be satisfied that the following requirements have been met in regards to the expansion of a legal non-conforming use:

- ***That the proposed extension or enlargement of the established use shall not unduly aggravate the situation created by the existence of the use in regards to the policies of the Official Plan and the requirements of the Zoning By-law.***

The proposed larger replacement mobile home is not anticipated to significantly worsen the existing situation created by the existing mobile home. This is because the use will remain residential in nature, the replacement mobile home will be located generally in the same area as the existing mobile home, and the replacement mobile home will continue to reflect the character of the surrounding area; particularly given the presence of a mobile home park directly across Main Street to the south.

- ***That the proposed extension or enlargement shall be minor in nature.***

Considering the proposed replacement mobile home would be located within the same general location and would result in a mobile home being setback further from the easterly lot line than what exists today, the replacement mobile home is not anticipated to cause unacceptable adverse impacts on neighbouring lands, therefore, the proposed enlargement can be considered minor in nature.

- ***The characteristics of the existing use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting, and traffic-generating capacity.***

Given the nature of the proposed development, such impacts are not anticipated.

- ***That the neighbouring uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances, and where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc.***

As mentioned, adverse impacts with neighbouring uses are not anticipated considering the replacement mobile home would be at least 1 metre from the easterly lot line and would generally be in the same location as the existing mobile home. Additionally, neighbouring land uses include a mobile home park, resulting in the expansion of a legal non-conforming use which is not out of character for the area.

- ***That traffic and parking conditions of the vicinity will not be adversely affected by the application, and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and improvement of sight conditions, especially in proximity to intersections.***

Traffic impacts would be negligible considering the proposed development, being a mobile home for residential purposes to replace the existing mobile home, would not result in an increase in units (there would continue to only be one (1) unit on the property).

- ***That adequate provisions have been, or will be, made for off-street parking and loading facilities.***

This test is not applicable as there will not be a need for off-street parking or loading facilities.

- ***That applicable municipal services such as water supply and roads, etc. are adequate or can be made adequate.***

No issues in this regard are anticipated should the proposed replacement mobile home be permitted. The application indicates the proposed replacement mobile home would be connected to municipal water and sanitary sewers, which is also how the existing mobile home is currently serviced.

The Thames Centre Official Plan also states that a request to expand or enlarge a legal non-conforming use also needs to meet the four tests under the *Planning Act* used to evaluate minor variances, namely:

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

Unacceptable adverse impacts on neighbouring lands are not anticipated given that the proposed replacement mobile home would be in a similar location to the existing mobile home, there would be no change in use, and the mobile home would be located at least 1 metre from the easterly lot line. The proposed 1 metre setback is 0.3 metres more than what the current setback is thereby providing additional separation with the neighbouring lot. The effects of this variance would be considered minor in nature.

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

The existing use of the property, being a residential use, would not be changing as a result of the subject application. Although mobile homes are not permitted within residential zones or designations, the intent of the residential designation is to support long-term residential uses. The existing mobile home has been located on the subject property since 1974 and is connected to full municipal services. It is intended that the replacement mobile home also be connected to full municipal services.

Additionally, with regard to the proposed reduced setback, the existing mobile home has a setback of 0.7 metres from the easterly lot line. The proposed 1 metre setback would be considered an improvement to the existing setback deficiency. Furthermore, the minimum interior side yard setback for the Residential First Density (R1) Zone is 2 metres. Considering the proposed 1 metre setback would continue to allow adequate separation from the abutting lot and allow for adequate property maintenance, staff is of the opinion the setback reduction from the required 2 metres in the R1 Zone to 1 metre is appropriate. As the proposal would not be changing the use of the property and the proposed setback would be an improvement to the existing setback deficiency, staff is of the opinion the proposal is appropriate use of the land.

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

The Thames Centre Official Plan speaks to allowing for the expansion of legal non-conforming uses subject to criteria. The intent of this policy is to recognize there are existing uses within the Municipality that do not conform to the current designation, and an approval authority may wish to grant permission for the expansion of a legal non-conforming use that has existed in harmony with neighbouring uses for a considerable period of time, is not causing undue adverse impacts on neighbouring lands and is not jeopardizing the public interest.

The Official Plan indicates while it may be desirable that non-conforming uses cease to exist and be replaced by uses that are permitted, such a scenario may not be practical or feasible and may bring undue and unnecessary hardship to the owner and to the Municipality.

This application proposes to expand a legal non-conforming use by replacing an existing mobile home with a larger mobile home to be placed in generally the same location as it exists today. The subject lands are within the settlement area of Thorndale and are within the Residential designation, intended to be used for residential purposes for the long term. The requested expansion maintains the existing use, which is residential in nature and would not be out of character for the area considering the surrounding land uses are similar. The proposed mobile home is to be connected to full municipal services which is required for new dwelling units. Staff does not anticipate the replacement mobile home would cause undue adverse impacts on neighboring lands and is also of the opinion the proposal does not jeopardize the public interest. The use has existed in harmony with neighbouring uses for a considerable period of time. Additionally, staff is of the opinion the above criteria used to evaluate requests to expand legal non-conforming uses has been satisfied. Given the foregoing, the intent of the Official Plan would be maintained.

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

The intent of a legal non-conforming use is to ensure that property owners can continue to use buildings or carry out uses that were once lawfully occupied and/or existed at the date of the passing of the By-law. The subject property has contained a mobile home since 1974 and is considered a legal non-conforming use since the current site-specific Residential First Density (R1-1) Zone does not permit a mobile home. The proposed replacement mobile home would expand the legal non-conforming use and would allow the property owners to continue inhabiting a mobile home, a use that legally existed at the date of the passing of the By-law. Additionally, the intent of a minimum side yard width is to ensure appropriate separation between dwellings to provide for privacy, adequate amenity area, and room for property maintenance. Staff is of the opinion a setback of 1 metre would allow for the side yard to continue to be maintained. The lot contains ample amenity space in the rear yard and the westerly interior side yard. The intent of the Zoning By-law would be maintained.

It is important to note, based on the comments received, staff is of the opinion that it would be appropriate to require a minimum side yard setback of 1.2 metres for the proposed replacement mobile home for the reasons provided by the Chief Building Official whereas the applicant has proposed a minimum side yard setback of 1 metre. Staff have since spoken to the agent who advised no concerns with a minimum side yard setback of 1.2 metres.

## Consultation:

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

County Engineer:

No comment.

Director of Public Works:

Public Works have no comments/concerns with this application.

Drainage Superintendent:

No comment.

Chief Building Official

The proponent shall be advised that a demolition permit shall be required prior to the removal of the existing mobile home dwelling and a building permit shall be required prior to the installation of the new mobile home dwelling.

If the proposed new mobile home is set back from the property line less than 1.2m, the wall of the mobile home which is closest to the property line will need to be fire-rated and no doors or windows would be permitted in that wall, in accordance with building code requirements. I recommend that the new mobile home be set back not less than 1.2m from the property line.

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, Director of Planning and Development Services

Reviewed by: D. Barrick, Chief Administrative Officer