



Staff Report

Report No. PDS-027-25

To: Mayor and Members of Council

From: Senior Planner

Meeting Date: May 26, 2025

Subject: Application for Temporary Use Zoning By-law Amendment; Duane Hiemstra (Owner); 21064 Rebecca Road, Thorndale

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 21064 Rebecca Road, for a temporary period not to exceed three (3) years, as filed by Duane Hiemstra (Z11-25);

AND THAT the Temporary Use Agreement **BE CONSIDERED**, 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 lands are legally described as Part of Lots 9 and 10, Concession 2 and designated Parts 7, 8, 9 of Reference Plan 33R7571 (geographic Township of West Nissouri), Municipality of Thames Centre. The subject property is located on the east side of Rebecca Road, south of Wyton Drive and abutting the CN Railway.

Analysis

The subject property is situated on the east side of Rebecca Road, south of Wyton Drive, and directly adjacent to the CN Railway. It is legally identified as Part of Lots 9 and 10, Concession 2, being Parts 7, 8, and 9 on Reference Plan 33R7571, within the geographic Township of West Nissouri, Municipality of Thames Centre.

The applicant is proposing a new house on the property, complying with all zoning provisions for the A zone. Additionally, the proposed building is setback more than 30m from the rail line, in full compliance.

The applicant is wishing to remain in the existing house while a new one is built. The Thames Centre Official Plan includes policies that allow temporary uses for a period of up to three years. The Plan outlines specific criteria for evaluating such applications, including verification that the proposed use is temporary; that it will not cause adverse impacts on the surrounding area; that it is compatible with existing land uses; that servicing can be adequately provided; and that the use will not create traffic or parking concerns. Further, the proposed use must conform to the general intent and policies of the Official Plan.

In this case, these matters can be addressed through a formal agreement with the Municipality, which would require the removal of the existing dwelling within six months of occupancy of the new dwelling, or upon expiry of the temporary use by-law, whichever occurs first.

For Council's consideration, a draft agreement has been prepared, including a \$5,000 security deposit to be collected at the time of building permit issuance to secure compliance. The lands are currently zoned Agricultural (A), which permits a single detached dwelling as a principal use. The proposed temporary use by-law would allow the continued use of the existing home until such a time as it is no longer occupied or the by-law lapses, at which point the structure would be required to be demolished.

The proposed new dwelling is to be located east of the existing house and meets the setback requirements of the Agricultural (A) Zone. The proposal is consistent with the Provincial Policy Statement, conforms to the County of Middlesex Official Plan, and complies with the policies of the Thames Centre Official Plan.

Comments:

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

Public Works: No additional temporary or permanent entrance (driveway) shall be constructed/utilized without an approved Thames Centre Entrance Permit.

Drainage Superintendent: No Comment

County Engineer/ Deputy CAO: No Comment

CN: CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

- Safety setback of principal buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at

the ends, 2.5 metres above grade at the property line, with side slopes not steeper than 2.5 to 1.

- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

- The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
- The implementation of the following mitigation measures in the dwelling design and construction:
 - Forced air ventilation systems with central air conditioning,
 - The exterior provision wall siding of buildings closest to the railway line to be brick or a masonry equivalent for the exposed facades,
 - Acoustically upgraded windows meeting the minimum requirements of the Building Code and providing a maximum 35 dBA indoor limit for bedrooms and 40 dBA for living rooms,
 - Locating noise sensitive rooms away from the railway side,
 - Future dwellings projected within 75m of CN right of way shall be constructed to include 12-inch (approximately 300 mm) thick poured concrete foundation walls, with 50 mm thick polyethylene foam or 100 mm thick polystyrene foam as the resilient material used for the entire foundation perimeter.

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: L. Nooren, Senior Planner

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

Reviewed by: D. Barrick, Chief Administrative Officer