



Staff Report

Report No. PDS-031-25

To: Mayor and Members of Council

From: E. Besch, Planner

Meeting Date: June 23, 2025

Subject: **Application for Minor Variance (A05-25); JC Green Inc. c/o Robert O'Neill (Applicant); Richard Pellerin (Agent); 17406 Evelyn Drive**

Recommendation:

THAT Minor Variance Application A05-25 requested by JC Green Inc. to permit a reduced front yard setback of 9.1 metres in the Agricultural Commercial (AGC-5) Zone for lands legally described as Part of Lot 6, Concession 5 (geographic Township of West Nissouri), and designated as Parts 1 to 4 on Reference Plan 33R-21305, Municipality of Thames Centre, and known municipally as 17406 Evelyn Drive be **APPROVED**.

REASONS

- The variance is considered minor in nature.
- The variance is an appropriate use of the land.
- The variance maintains the intent of Thames Centre's Official Plan.
- The variance maintains the intent of Thames Centre's Zoning By-law.

Purpose:

The purpose and effect of this Application is to seek relief from the Thames Centre Comprehensive Zoning By-law as it relates to the minimum front yard depth requirement of the site-specific Agricultural Commercial (AGC-5) Zone.

Background:

The subject property is approximately 4.5 hectares (11.12 ac) in size and located on the north side of Evelyn Drive, just east of Heritage Road. It contains a former elementary school that has been converted into a commercial greenhouse that is privately serviced with well and septic. The building is contained within a security fence and motorized sliding gates, with two accesses onto Evelyn Drive. The rear of the lot, outside of the security fence, is in agricultural production. Staff note that the lot was subject to a consent application in 2022

(File No. B2-22) that added approximately 1.2 hectares (3 ac) onto the rear of the lot for future expansion purposes.

A portion of the existing structure was recently destroyed by fire and is in the process of being rebuilt. The applicant is also moving through the site plan approval process to construct a 603 m² (6,490.6 ft²) addition onto the front of the existing building to be used as office space for the company, as well as an outdoor propagation building (File No. SP-04-2024). The site plan amendment would also see the security fence expanded to contain the area at the rear of the lot that was added through Consent B4-22. During site plan review, it was determined that the addition is proposed to have a front yard setback of 9.1 m (29.9 ft), whereas a minimum of 10 m (32.8 ft) is required in the AGC-5 zone.

The subject lands are within the Agricultural designation of the Thames Centre Official Plan, and within the site-specific Agricultural Commercial (AGC-5) Zone of the Zoning By-law. The site-specific nature of the zone requires that a greenhouse that uses artificial light for growing purposes during the night shall be located at a minimum distance of 125 metres from any residential use on a separate lot, and the lot provisions remain the same as the parent AGC zone.

Surrounding uses are primarily agricultural and rural residential in nature.

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***

Staff are of the opinion that the construction of the addition with a setback from the front lot line of 9.1 m (29.9 ft) is considered to be, in this case, minor in nature as it maintains an adequate distance between the building and the travelled portion of the road and no adverse impacts are anticipated on surrounding land uses as a result of the variance. Staff also consider a reduction of 0.9 m (3 ft) to be a nominal distance that will not be noticeable from the public right-of-way.

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

The applicant is proposing to construct the office addition in a location that functions logistically with the existing building and allows the area within the security fence to be used for the operation of the greenhouses, including truck access/loading, employee parking spaces, and supporting structures such as drying silos and mechanical equipment. Staff are of the opinion that the location of the addition is appropriate, and as it does not impact the functioning of on-site services or stormwater management, it is an appropriate use of the land.

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

The subject lands are designated as 'Agricultural' within the Thames Centre Official Plan. The primary goal of this designation is to protect agricultural uses and allow for the continued operation of farming activities, which includes the cultivation of crops within greenhouses. Staff are of the opinion that the intent of the Official Plan is maintained through this variance, as it allows for the expansion of an existing agricultural use, which supports both the local economy and employment sectors.

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

The intent of setbacks from local roads is to maintain adequate distance between the travelled portion of the road and buildings and structures for vehicular and pedestrian safety. Staff are of the opinion that the intent of the Zoning By-law is being maintained as the proposed addition will provide adequate distance from the front lot line for sightline purposes, and the existing cedar hedge and dry pond will maintain a physical buffer between the new building and travelling vehicles. Finally, the Thames Centre Director of Public Works has reviewed the application and did not provide any concerns in regard to the proposed setback, therefore staff are of the opinion that an adequate separation distance is being maintained from a vehicular and pedestrian road safety perspective and that the intent of the Zoning By-law is being maintained.

Circulation Comments:

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

Director of Public Works:

No comments or concerns.

Drainage Superintendent:

No comment.

Chief Building Official

No comment.

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: E. Besch, Planner

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

Reviewed by: D. Barrick, Chief Administrative Officer