



MUNICIPALITY OF THAMES CENTRE

PLANNING & DEVELOPMENT SERVICES

REPORT NO: PDS-061-23

FILE: A9-23

TO: Members of Committee of Adjustment

FROM: Marc Bancroft, Director of Planning and Development Services

MEETING DATE: October 30, 2023

RE: APPLICATION FOR MINOR VARIANCE

ELSTON INCORPORATED (C/O MICHAEL ELSTON)

16385 EBENEZER DRIVE

1. PURPOSE

The purpose and effect of this Application is to seek relief from the Thames Centre Comprehensive Zoning By-law with respect to the required interior side yard width to permit the construction of an agricultural storage building with a reduced side yard.

2. BACKGROUND (see attached map)

The subject property is a 29-hectare (73 ac) farm located on the south side of Ebenezer Drive and on the east side of Prospect Hill Road. The property contains a single detached dwelling, a garden shed (to be removed), and a ground mounted solar panel. The dwelling is privately serviced by a well and septic system. The lands are designated Agricultural according to the Thames Centre Official Plan and zoned Agricultural (A) according to the Thames Centre Comprehensive Zoning By-law.

The applicant is proposing to construct an agricultural storage building with a floor of approximately 262 square metres (2,820 ft²) and a height of approximately 7.3 metres (24 ft). The building is proposed to be located in the rear yard and 1.5 metres (5 ft) from the easterly side lot line whereas the Zoning by-law requires agricultural buildings to be setback at least 15 metres (49 ft) from a side lot line. The applicant advised the reduced setback is being requested due to the existing septic system located in the rear yard and west of the proposed building. Additionally, the applicant advised the location of the proposed building would be ideally situated at the end of their driveway.

3. 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 neighbouring lands to the east are vacant and are used for the cultivation of field crops. The proposed building would meet all other standards of the A zone. The impacts of this variance can therefore be considered minor in nature.

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

Agricultural buildings are common in the farming community. The proposed farm building is an 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 Agricultural designation, permitted uses include agricultural uses. The proposed building would be used for agricultural purposes therefore the intent of the Plan would be maintained.

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

The intent of the 15 metre (49 ft) interior side yard width for agricultural buildings is to ensure that buildings can be maintained without encroaching onto neighbouring lands and to promote compatibility with neighbouring uses. The reduced side yard of 1.5 metres (5 ft) would continue to ensure the building can be maintained without encroaching onto neighbouring lands given the proposed height of 7.3 metres (24 ft). More importantly, the proposed building would be compatible with the neighbouring farm which is used for field crop cultivation. As such, the intent of the Zoning By-law would be maintained.

3.1 Agency Comments

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

3.1.1 County Engineer: No comment.

3.1.2 Upper Thames River Conservation Authority: No objections.

3.1.3 Director of Public Works: No comment or concerns.

3.1.4 Drainage Superintendent: No comment.

3.1.5 Chief Building Official:

The proponent shall demonstrate a setback of not less than 5.0 metres between the proposed building and the septic tank and distribution piping of the adjacent on-site sewage system leaching bed to the satisfaction of the Chief Building Official.

3.2 **Public Comments**

In the circulation of the notice of public hearing to surrounding property owners, no public comments have been received to date.

4. **RECOMMENDATION**

THAT Application for Minor Variance A9-23 submitted by Elston Incorporated (c/o Michael Elston) to allow relief from Thames Centre Comprehensive Zoning By-law with respect to the required interior side yard width of 15 metres under the Agricultural (A) Zone, to facilitate the construction of an agricultural storage building with a reduced interior side yard width of 1.5 metres for a property known municipally as 16385 Ebenezer Drive, be approved subject to the following condition:

1. That the applicant demonstrate a setback of not less than 5.0 metres between the proposed agricultural storage building and the septic tank along with the distribution piping of the adjacent on-site sewage system leaching bed to the satisfaction of the Chief Building Official.

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.

Prepared by: Marc Bancroft, Director of Planning & Development Services

Reviewed by: David Barrick, Chief Administrative Officer