



MUNICIPALITY OF THAMES CENTRE

PLANNING & DEVELOPMENT SERVICES

REPORT NO: PDS-062-23

FILE: Z25-23

TO: Mayor and Members of Council

FROM: Marc Bancroft, Director of Planning and Development Services

MEETING DATE: October 30, 2023

**RE: APPLICATION FOR ZONING BY-LAW AMENDMENT
MARK BENOIT AND JENNIFER BENOIT
6207 TRAFALGAR STREET**

1. 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) and to allow the ARU to be constructed in the front yard.

2. BACKGROUND (see attached map)

The subject property is a 16-hectare (40 ac) farm situated on the south side of Trafalgar Street east of Elgin Road (County Road 73). Although currently vacant, a single detached dwelling is currently under construction having a footprint of 216 square metres (2,330 ft²). The lands are to be privately serviced by a well and septic system. The lands have historically been used for field crop cultivation within the front portion of the farm whereas the balance and majority of the farm contains natural heritage features including wetlands and wooded areas.

The subject lands are designated Agricultural, Natural Area and Protection Area according to the Thames Centre Official Plan and are zoned respectively Agricultural (A), Environmental Protection (EP), and Wetland (W). Additionally, most of the lands are regulated by the Upper Thames River Conservation Authority.

The applicant is proposing to construct an ARU to accommodate a family member having a floor area of 74 square metres (800 ft²) and clustered within 30 metres (98 ft) of the proposed single detached dwelling. To be privately serviced by a well and septic system, the ARU would be located in the front yard and setback approximately 72 metres (235 ft) from the road whereas the proposed single detached dwelling is to be situated further

back and approximately 113 metres (371 ft) from the road.

Surrounding land uses are predominantly agricultural in nature in the form of field crop production with natural heritage features in the form of a wetland located to the south and west (Dorchester Swamp). Notable exceptions include rural residential uses to the north and an aggregate extraction operation to the east.

3. ANALYSIS

The Provincial Policy Statement (PPS) provides policy direction to encourage an appropriate range and mix of housing types (including ARUs) to meet long-term needs of the community. The Planning Act also requires that official plans include policies to authorize the use of ARUs either within a single, semi or townhouse dwelling and structure ancillary or accessory to that form of housing in areas specified by a municipality.

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.

The Thames Centre Official Plan provides policy direction in allowing the addition of ARUs including 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 and furthermore compliance with the Ontario Building Code shall be required. Those matters are capable of being addressed at the time of the issuance of the building permit and through the zoning regulations that limit the size of the ARU.

According to the accessory uses provisions in the Thames Centre Comprehensive Zoning By-law, a building or structure accessory to a single detached dwelling, apart from a detached garage in a residential zone, is not permitted within the front yard. The intent of this requirement is to ensure that the dwelling remains the main residential use on the property and the dominant feature from the street. Staff has no concerns with the ARU being located in the front yard clustered within 30 metres (98 ft) of the dwelling considering the ARU would remain clearly secondary to the dwelling and would be setback a significant distance from the street.

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.

- 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 the preferred method of servicing development;

The adequacy of the private servicing will need to be demonstrated as a prerequisite to obtaining a building permit.

- The road system is adequate to accommodate projected increases in traffic;

This property has access to Trafalgar Street, being a local road designed to municipal standards to primarily provide access to the surrounding area.

- 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, Trafalgar Street, which is a gravel road of a reasonable standard of construction and maintenance.

- Lot frontage and area is suitable for the proposed use and conforms to the standards required by the implementing Zoning By-law;

Although the lands are an undersized farm parcel being less than the minimum lot area of 40 hectares, the lands otherwise comply with the regulations of the Zoning By-law.

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

It has been determined that the proposed ARU would be situated approximately 82 metres (269 ft) from a provincially significant wetland feature (Dorchester Swamp). According to the PPS and the Thames Centre Official Plan, an Environmental Impact Study (EIS) is to be undertaken should *development* be proposed within 120 metres (394 ft) of a wetland feature, to demonstrate that there will be no negative impacts on the natural heritage features and their sustaining ecological or hydrologic function. *Development* means a change in land use or the construction of a building or structure requiring a Planning Act approval.

In this case, an EIS should not be required to allow the proposed ARU since the lands subject to the development are already pre-zoned Agricultural (A). Permission is currently in place to allow the construction of any building or structure in accordance with the permitted uses of the Agricultural (A) Zone regardless of the adjacent wetland feature since such building or structure do not require a Planning Act approval. The intent of the PPS and the Official Plan are maintained considering there is no change in land use per se but rather the addition of a qualifier to the permitted uses to allow the proposed ARU. Lastly, there is no logic to require an EIS for the proposed ARU when the dwelling under construction is actually closer to the wetland feature.

3.1 Agency Comments

In the circulation of the notice of public meeting 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 Drainage Superintendent: No comment.

3.1.4 Chief Building Official: the applicant be advised that building permits are required for the proposed additional residential unit and on-site sewage system prior to proceeding with any work.

3.2 Public Comments

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.

4. RECOMMENDATION

THAT Zoning By-law Amendment application Z25-23 filed by Mark Benoit and Jennifer Benoit for lands legally described as Part of Lot 16, Concession 2, NRT (geographic Township of North Dorchester), Municipality of Thames Centre be approved in principle and that the Director of Planning and Development Services be directed to bring forward the implementing by-law for Council's consideration at the next regular meeting.

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

Reviewed by: David Barrick, Chief Administrative Officer