



MUNICIPALITY OF THAMES CENTRE

PLANNING & DEVELOPMENT SERVICES

REPORT NO: PDS-069-23

FILE: A10-23

TO: Mayor and Members of Council

FROM: Marc Bancroft, Director of Planning and Development Services

MEETING DATE: November 27, 2023

**RE: APPLICATION FOR MINOR VARIANCE
STEVE BROWN AND ANITA FERNANDES
146 BYRON AVENUE, DORCHESTER**

1. 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 interior side yard width requirement to allow the construction of an addition to an existing single detached dwelling.

2. BACKGROUND (see attached map)

Located in the village of Dorchester, the subject property is a residential lot having an area of approximately 930 square metres (0.23 ac) and situated on the north side of Byron Avenue between Dorchester Road (County Road 32) and Canterbury Drive. The property contains a single detached dwelling and a garden shed. The dwelling is serviced by municipal water and sanitary sewers.

The applicants are proposing to construct a single storey addition of approximately 100 square metres (1,087 ft²) along the west side of the existing house and extending into the rear yard to replace an old sunroom and to provide additional living space. To allow the addition, the applicants are requesting a reduced side yard of 1.2 metres (3.9 ft) from the westerly lot line compared to the required 2 metre (6.6 ft) side yard. The proposed addition would otherwise comply with all other zoning requirements.

The lands are designated 'Residential' according to the Thames Centre Official and zoned Residential First Density (R1) according to the Thames Centre Comprehensive Zoning By-law. Surrounding land uses are residential in the form of single detached dwellings with two notable exceptions. On the south side of Byron Avenue, there is a retirement home (Dorchester Terrace) followed by a commercial plaza (Shoppers Drug Mart) located at the southeast corner of Byron Avenue and Dorchester Road (County Road 32).

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 considering the proposed addition would be at least 1.2 metres (3.9 ft) from the westerly side lot line. Neighbouring dwellings at 142 Byron Avenue and 150 Byron Avenue appear to have comparable reduced side yard widths to the requested variance. Based on the foregoing, the effects of this variance can be considered minor in nature.

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

Single detached dwellings are common in the area and in some cases subject to comparable reduced side yards. The proposed variance is an appropriate use of the land and is keeping with the character of the area.

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

Under the Residential designation, residential uses are permitted including single detached dwellings. With the proposed dwelling addition, the intent of the Plan would be maintained.

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

The intent of the side yard width requirement is to ensure sufficient access to the rear yard and to ensure a dwelling can be maintained without encroaching onto neighbouring lands. The reduced side yard would not compromise access to the rear yard or the ability to maintain the dwelling as enlarged from within the subject property. Furthermore, the side yard on the opposite side of the property is approximately 4 metres (13 ft). 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 Drainage Superintendent: No comment.

3.1.4 Director of Public Works: No comment.

3.1.5 Deputy Chief Building Official:

A building permit is required prior to the construction of the proposed addition.

3.2 Public Comments

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.

4. RECOMMENDATION

THAT Application for Minor Variance A10-23 submitted by Steve Brown and Anita Fernandes to permit a reduced interior side yard width of 1.2 metres to allow the construction of an addition on the west side of an existing single detached dwelling, compared to the required side yard of 2 metres, for a property known municipally as 146 Byron Avenue, Dorchester, 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.

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

Reviewed by: David Barrick, Chief Administrative Officer