



## MUNICIPALITY OF THAMES CENTRE

### PLANNING & DEVELOPMENT SERVICES

**REPORT NO:** PDS-073-23

**FILE:** Z33-23

**TO:** Mayor and Members of Council

**FROM:** Marc Bancroft, Director of Planning and Development Services

**MEETING DATE:** November 27, 2023

**RE: APPLICATION FOR ZONING BY-LAW AMENDMENT  
MARK JOHN AND RYAN RUNDLE  
MOSSLEY DRIVE AT LEWIS ROAD**

#### 1. PURPOSE

The purpose and effect of this Application is to rezone the subject property from the Agricultural (A) Zone to a site-specific Agricultural (A-#) zone to permit an Additional Residential Unit (ARU).

#### 2. BACKGROUND (see attached map)

The subject property is a 6-hectare (15 ac) undersized vacant farm parcel situated at the southwest corner of Mossley Drive and Lewis Road. The lands are used for agricultural purposes in the form of field crop cultivation. The CP Railway abuts the property along the southerly lot line. Surrounding land uses are generally agricultural in nature. The subject lands are designated 'Agricultural' according to the Thames Centre Official Plan and are zoned Agricultural (A) according to the Thames Centre Comprehensive Zoning By-law.

The applicants are proposing to construct a two (2) storey single detached dwelling with a floor area of approximately 371 square metres (4,000 ft<sup>2</sup>). The applicants are also proposing to construct an ARU within an accessory building in the form of a detached garage. The detached garage is proposed to have a floor area of 371 square metres (4,000 ft<sup>2</sup>) of which the ARU would have a floor area of 182 square metres (1,960 ft<sup>2</sup>). Both the primary dwelling and the detached garage including the ARU would be grouped and within 30 metres (98.4 ft) of each other. The lands are to be privately serviced by a well and septic system.

### 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 County Plan more specifically states that ARUs created outside of settlement areas shall be grouped to the primary dwelling, shall meet Minimum Distance Separation (MDS) formulae, and shall be prohibited from being severed from the property unless as part of the severance of the primary dwelling unit as a residence surplus to a farming operation.

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 and grouped to the primary dwelling. The Official Plan also notes that any regulation concerning ARUs shall limit the size of the ARU to ensure it remains clearly secondary to the primary dwelling unit 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.

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 Lewis Road, being a local road designed to municipal standards to primarily provide access to abutting properties. No concerns were identified by the Director of Public Works.

- 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, Lewis Road.

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

The lands are smaller in size than the minimum lot area of 40 hectares although 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.

Unacceptable adverse effects on surrounding uses are not anticipated considering the nature of the proposed development and that there are also no natural heritage features in proximity to the proposed building site. As part of the building permit process, the applicants will need to demonstrate compliance with MDS from any neighbouring livestock operations.

It is also important to note that the proposed development envelope would be approximately 76 metres (250 ft) from the CP railway line. In this regard, the Thames Centre Official Plan states that a noise attenuation study shall be required where residential development is proposed within 300 metres of an active railway line. In this case, a noise attenuation study should not be required to allow the proposed ARU since the subject lands are already pre-zoned Agricultural (A) to generally allow development. 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 provided a minimum setback of 30 metres (98 ft) is maintained from the railway with respect to the construction of a dwelling unit. 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.

Based on the foregoing, the subject application is consistent with the Provincial Policy Statement and in conformity with the County and Thames Centre Official Plans.

### **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 Director of Public Works: No comment.

3.1.3 Chief Building Official: The applicant be advised that building permits are required for the proposed single detached dwelling, accessory structure containing an additional residential unit and associated on-site sewage system prior to proceeding with any work. Also, 911 addressing shall be established following application for building permits.

### **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** Application for Zoning By-law Amendment Z33-23 filed by Heather Rundle and Veronica John on behalf of Mark John and Ryan Rundle for lands legally described as Part of Lot 9, Concession 3, SRT (geographic Township of North Dorchester), Municipality of Thames Centre be approved in principle and that the staff 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