



MUNICIPALITY OF THAMES CENTRE

PLANNING & DEVELOPMENT SERVICES

REPORT NO: PDS-08-24

FILE: A11-23

TO: Members of Committee of Adjustment

FROM: Marc Bancroft, Director of Planning and Development Services

MEETING DATE: January 29, 2024

**RE: APPLICATION FOR MINOR VARIANCE; 1365351 ONTARIO INC.
C/O GLEN BOGART (APPLICANT); TODD BOGART (AGENT);
1054 SHAW ROAD**

1. PURPOSE

The purpose and effect of this Application is to seek relief from the Thames Centre Comprehensive Zoning By-law for a reduced interior side yard width to allow the construction of a building accessory to an existing industrial use.

2. BACKGROUND (see attached map)

The subject property is a 2.4 hectare (6 ac) parcel of land located on the east side of Shaw Road (County Road 32) and on the south side of Gore Road (County Road 25). The lands contain an industrial use in the form of a contracting operation (Weathertech Restoration Services) and located in a building having a floor area of approximately 4,250 square metres (45,747 ft²) and privately serviced with a potable well and septic system. The property is subject to site plan control with a site plan agreement registered on title. The lands are designated Rural Industrial under the Thames Centre Official Plan and zoned Rural Industrial (M2) under the Thames Centre Comprehensive Zoning By-law. Surrounding land uses are agricultural in nature.

The applicant is proposing to construct a 557 square metre (6,000 ft²) building accessory to the main industrial use for the storage of materials and equipment. The building is to be situated behind the main building on the east side of the property with a side yard width of 8 metres (26 ft) compared to the required side yard of 18 metres (59 ft) under the M2 Zone. The applicant has indicated they are unable to comply with the required side yard due to the proximity of an existing drainage ditch.

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 recognizing the adjacent property to the east is primarily used for farming purposes in the form of field crop cultivation. Also, the dwelling on the adjacent property is situated approximately 70 metres (230 ft) from the proposed building. With a requested side yard of 8 metres (26 ft) compared to the required 18 metres (59 ft), it should also be noted that a reduced side yard of 5 metres (16 ft) applies when industrial development is adjacent to other industry. The effects of this variance can be considered minor in nature.

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

Storage buildings accessory to a main use typically apply to industrial establishments. The proposed variance is an appropriate use of the land.

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

The intent of the Official Plan is to encourage industrial development opportunities and expansions thereto considering the lands are designated Rural Industrial. The intent of the Plan would be maintained considering the proposed variance would facilitate the expansion of an existing industrial use.

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

The intent of the side yard width requirement is to ensure there is sufficient space to allow the building to be maintained without encroaching onto neighbouring lands, to not compromise access around the proposed building and the main building, and to demonstrate compatibility with the adjacent land use. A reduced side yard of 8 metres (26 ft) would not compromise the foregoing. 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:

The applicant will be required to provide a stormwater management brief showing how alterations to the site will be handled without adverse impacts to neighbouring lands.

3.1.4 Director of Public Works: No comment.

3.1.5 Chief Building Official:

That the proponent be advised that a building permit is required for the proposed building (fabric covered structure) to demonstrate compliance with all applicable zoning and Ontario Building Code requirements.

3.2 Public Comments

In the circulation of the notice of public hearing to surrounding property owners, no responses have been received as of the date of this report.

4. RECOMMENDATION

THAT Application for Minor Variance A11-23 submitted by Todd Bogart on behalf of 1365351 Ontario Inc. c/o Glen Bogart to permit the construction of a building accessory to an existing industrial operation with a reduced interior side yard width of 8 metres for a property legally described as Part of Lot 7, Concession 2, NRT (geographic Township of North Dorchester), Municipality of Thames Centre and known municipally as 1054 Shaw Road, be approved, subject to the following condition:

1. That the applicant provide a stormwater management brief by a qualified professional as part of the building permit process showing how the alterations to the site will be handled without adverse impacts to neighbouring lands and to the satisfaction of the Chief Building Official and the Drainage Superintendent.

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