



## MUNICIPALITY OF THAMES CENTRE

**REPORT NO.** PDS-012-24

**FILE NO.** A1-24

**TO:** Mayor and Members of Council  
**FROM:** Director of Planning & Development Services  
**MEETING DATE:** February 26, 2024  
**SUBJECT:** **APPLICATION FOR MINOR VARIANCE;  
STEVE ANJEMA; 4386 WESTCHESTER BOURNE**

### RECOMMENDATION:

**THAT** Application for Minor Variance A1-24 submitted by Steve Anjema to permit the expansion of an existing building in the form of a custom workshop with a reduced interior side yard width of 6.2 metres for a property legally described as Part of Lot 24, Concession 3, SRT (geographic Township of North Dorchester), Municipality of Thames Centre, designated as Part 1 on Plan 33R3496 and known municipally as 4386 Westchester Bourne, 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.

### 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 expansion of an existing building.

### BACKGROUND:

The subject property is a 1-hectare (2.5 ac) lot located on the east side of Westchester Bourne (County Road 74) just north of Dingman Drive. Privately serviced by a well and septic system, this property contains a residential use in the form of a single detached dwelling and an industrial use in the form of a custom shop operating as Nu-Edge Cutting Tools Ltd. These lands have access to Westchester Bourne (County Road 74) through a driveway shared with

the property to the south. These lands are designated Agricultural under the Thames Centre Official Plan and zoned site-specific Agricultural (A-16) which permits the existing land uses. The subject lands are also regulated by the Upper Thames River Conservation Authority given their proximity to Dingman Creek situated immediately north of the property. Surrounding land uses include agricultural uses to the east and west in the form of field crop cultivation, a rural residential use to the north and an industrial use to the south.

The applicant is proposing to expand his business through the partial removal of the existing building with a larger addition. The existing building has a floor area of 370 m<sup>2</sup> (3,980 ft<sup>2</sup>), of which 190 m<sup>2</sup> (2,045 ft<sup>2</sup>) is being retained with a proposed addition of 600 m<sup>2</sup> (6,458 ft<sup>2</sup>) for a building as enlarged totaling 790 m<sup>2</sup> (8,503 ft<sup>2</sup>). The existing building has an interior side yard of 7.45 m (24.4 ft) whereas the proposed addition would have an interior side yard of 6.2 m (20.3 ft) from the southerly lot line compared to the minimum side yard width of 15 metres (49.2 ft) required under existing zoning. The proposed development is otherwise capable of complying with all other zoning requirements. The applicant is unable to comply with the required side yard considering access and circulation of work between the two buildings require the proposed addition to be centered on the existing building. Complying with the required side yard would result in unusable space within the building.

The lands are also subject to Application for Consent B19-23 granted on October 30, 2023 and subject to conditions to allow a right-of-way easement to legally recognize the existing shared driveway.

## 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 south contains a large shop building. Existing trees would screen the proposed building addition from neighbouring lands to the north and the east, both of which contain green space and cultivated land, respectively. With a requested side yard of 6.2 m (20.3 ft), it is important to note that the applicant would not require a minor variance if the building addition was placed no closer to the southerly lot line than the existing building's setback of 7.45 m (24.4 ft). The effects of this variance can be considered minor in nature.

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

The proposed variance would facilitate the expansion of an existing industrial use. 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 under the Agricultural designation is to encourage all forms of agriculture including the growing of field crops and the raising of livestock. Although the subject lands are designated Agricultural, this existing industrial use is “non-conforming” meaning an existing land use that is not permitted in the land use designation in which it is located, notwithstanding existing zoning which permits the use. The Official Plan states that a non-conforming use may be permitted to reasonably expand if the use does not conflict with neighbouring land uses with respect to noise, traffic etc. Given the nature of the existing use and surrounding uses previously mentioned, the intent of the Plan would be maintained considering the proposed variance would facilitate the expansion of an existing industrial use with no unacceptable adverse impacts on surrounding lands.

- *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 enlarged building to be maintained without encroaching onto neighbouring lands, to not compromise access around the building, and to ensure compatibility with the adjacent land use. A reduced side yard of 6.2 metres (20.3 ft) would not compromise the foregoing. As such, the intent of the Zoning By-law would be maintained.

## **CIRCULATION COMMENTS:**

### **Agency Comments**

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

County Engineer: No comment.

Drainage Superintendent: No comment.

Director of Public Works: No comment.

### **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.

## **FINANCIAL IMPLICATIONS:**

None.

## STRATEGIC PLAN LINK

**Pillar:** *Smart Planning*

**Goal:** *Make smart planning decisions to grow the community, while maintaining a "hometown feel"*

## ATTACHMENTS:

Location Map  
Preliminary Site Plan

Prepared by: M. Bancroft, Director of Planning and Development Services

Reviewed by: D. Barrick, Chief Administrative Officer