



## PLANNING & DEVELOPMENT

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### **Temporary Zoning By-law Amendment Report to Municipality of South Huron Council**

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Re: Temporary Zoning By-law Amendment to Permit a Garden Suite (#SHu D14-Z12/18)

Location: Concession 6, Lot 17, Stephen Ward, Municipality of South Huron (70518 Parr Line)

Applicant: Sylvia and Rick Hulshof

Owner: Henry and Sadie Post

This report is submitted to South Huron Council for the Public Meeting on May 22, 2018.

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### **RECOMMENDATION**

It is recommended that the Municipality of South Huron enter into the attached agreement with the owners or applicant of the subject property regarding the placement, maintenance and removal of the Garden Suite.

Provided all parties (South Huron and owner or applicant) enter into the attached agreement and have it registered on title of the subject property, it is confirmed that this application conforms to the provisions of the South Huron Official Plan, the Provincial Policy Statement and the Planning Act, and it is therefore recommended that South Huron Council **approve** this application.

### **PURPOSE AND EFFECT**

The proposed temporary use by-law affects a property described as Concession 6, Lot 17, Stephen Ward, Municipality of South Huron. The subject lands are municipally known as 70518 Parr Line. The property is currently designated Agriculture in the South Huron Official Plan and zoned Agricultural Small Holding (AG4) in the former Township of Stephen Zoning By-law.

The applicant wishes to permit as a temporary use, permission from the Municipality of South Huron to place a garden suite (in the form of a mobile home) on their property as a form of secondary housing for a relative.

## COMMENTS

### Applicable Planning Policies

Section 39 of the Planning Act allows for Council to pass a by-law to permit the establishment of a temporary use. Temporary use provisions have been used to allow for the establishment of a “garden suite” where it is required as a second residential unit by parents and relatives on a rural property. Under the provisions of the Planning Act, a “Garden Suite” is considered as a one unit detached residential structure containing bathroom and kitchen facilities which is ancillary to an existing residential structure and which is designed to be portable. Section 7.4.4 of the South Huron Official Plan allows the Municipality to permit a Garden Suite to be located on an agricultural property in the form of a mobile home under temporary use provisions.

**Figure 1. Aerial view of Subject Lands**



**Figure 2. Aerial view of location of proposed Garden Suite as provided by applicant.**



**Figure 3 and 4. Approximate location of Garden suite. Primary dwelling located on left in Figure 4.**



Section 39(3) establishes that a temporary by-law may permit a Garden Suite to be established for a period of up to 20 years. After this 20 year period, Council may by-law grant further periods of not more than three years each during which the temporary use is authorized.

The subject lands include an approximate 4 ha parcel area with an existing residence and accessory structures. The applicant's propose the garden suite, in the form of a mobile home to be located approximately 125m from the road, 20m from the south side yard, and 43.5m from the year yard. It is understood the mobile home will be used by the parents of the applicant who currently reside in the dwelling. The applicant will be moving into the existing dwelling to take care of the parents.

When considering the application, Council should ensure that the use is of a temporary nature and can be removed when no longer required for its intended purpose. The application should have no negative impact on the surrounding area with regard to type of parking and access. The mobile home will use existing water and hydro services; a new septic system is proposed to be installed to service both the dwelling and the proposed temporary use.

The Planning Act permits Council to require the owner or applicant of the Garden Suite to enter into an agreement with the Municipality dealing with such matters including:

- a) The installation, maintenance and removal of the garden suite;
- b) The period of occupancy of the garden suite;
- c) Security that Council may require for actual or potential costs to the Municipality related to the Garden Suite.

It is recommended that Council require the owner or applicant to enter into such an agreement. By entering into an agreement, it is further assurance to Council that the use is temporary and there are provisions in place that deal with the removal of the Garden Suite when it is no longer required or the use permitted expires. Please find attached a copy of

an agreement drafted by our office that deals with this matter.

## **STAFF AND AGENCY COMMENTS**

South Huron staff were circulated on the original application and proposed zoning amendment. No formal comments were received from public or commenting agencies. Comments may arise at the public meeting. I will be in attendance at the public meeting to answer questions from Council and the public on this zoning by-law amendment.

## **SUMMARY**

It is recommended this application for a temporary use in the form of a garden suite be approved subject to an agreement between the Municipality and the owner or applicant.

Sincerely,

“original signed by”

Sarah Smith  
Planner