

**REPORT**  
**PLANNING/BUILDING/ENVIRONMENTAL**  
**COMMITTEE**

**DATE:** September 14, 2020

**REPORT NO:** PD-105-2020

**SUBJECT:** Recommendation Report Zoning By-law Amendment (Temporary Use By-law) Wrigley/Sims Garden Suite Application File No. 1601-004-20

**CONTACT:** **Madyson Etzl, Planner II**  
**Brian Treble, Director of Planning and Building**

**OVERVIEW:**

- An application for a temporary use by-law to permit a Garden Suite has been submitted by Harold Wrigley and Debra Sims.
- The applicant wishes to place a modular home on the property for the occupation of the applicants for a retirement residence to be closer to family (son, daughter-in-law and two granddaughters) who live in the dwelling on the subject property.
- The applicants wish to place a modular home on the property located at 3775 Canborough Road and reside in it while their son occupies the dwelling on the property.
- The applicants are requesting authority to place the garden suite for ten years at a size of 125 square meters whereas the maximum permitted size is 100 square metres in the zoning by-law regulations.
- The garden suite provisions of the Planning Act and the Township of West Lincoln Official Plan permit secondary residential units on a parcel of land to assist with the needs of family.
- The applicant has not requested a specific number of years for the temporary use to exist. Planning Staff are recommending the full length of 10 years as permitted in the Official Plan.
- Section 39.1(3) of the Planning Act allows the Council of a municipality to grant the temporary use of a Garden Suite for up to 20 years, but, the Township's Official Plan only permits the temporary use for no more than 10 years.
- If the use is required for more than 10 years, the temporary use can be renewed on a 3 year basis, as needed.
- These units are not intended to be rental units and are to be removed once no longer required by the family.
- Township Planning Staff have reviewed the application against the relevant Provincial, Regional and Local planning policies and can recommend the approval of this application.

**RECOMMENDATION:**

1. That, Report PD-105-2020, regarding “Zoning By-law Amendment (Temporary Use By-law) – Wrigley/Sims Garden Suite Application”, dated September 14th 2020, be APPROVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, an application for a Temporary Zoning By-law Amendment 1601-002-20 submitted by Harold Wrigley and Debra Sims and a corresponding Zoning By-law be APPROVED and passed; and,
4. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law amendment with the corresponding 20-day appeal period.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #3**

- Strategic, Responsible Growth

**BACKGROUND:**

An application has been submitted by Harold Wrigley and Debra Sims to request the use of a temporary 125 square metre mobile home on the property municipally known as 3775 Canborough Road. The applicants wish to move into the mobile home/ garden suite to live in while their son lives in the dwelling on the property. They are requesting this to retire into due to needing regular assistance from their son. The temporary use provisions of the Planning Act and the Township’s Official Plan permit for garden suites on a temporary basis and can be considered as an affordable style of accommodation.

The applicants are requesting to construct a 125 square metre modular home on the property whereas 100 square metres is the current permitted maximum. The applicants are requesting a larger modular home to accommodate their space needs and to allow for better accessibility as they age with the potential need for wheelchairs and walkers.

As a result of the pre-Consultation meeting on May 7<sup>th</sup>, 2020. The applicant’s septic consultant is recommending that the applicants decommission the existing septic system and put in a brand new system that would sufficiently be able to support the existing single detached dwelling on the property as well as the new modular home.

A public meeting was held on Monday July 27<sup>th</sup> 2020 where there were no public or written comments received.

## **CURRENT SITUATION:**

Township Staff have reviewed and are providing the relevant Provincial, Regional and Local policy surrounding Garden Suites below:

### **1. Provincial Policy Statement (PPS)**

The PPS does not speak to Garden Suites, but does provide general direction to provide a range of housing types in a municipality. The direction which requires municipalities to include policies for garden suites comes from the Planning Act, which allows municipalities to pass by-laws that will permit garden suites to be on a property for not more than 20 years. The Planning Act defines a “garden suite” as a one-unit detached residential structure containing a bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

The proposed structure meets this definition as it is a modular home to be put on the property (attachment 1), but there are updates required to be made to the existing septic system before the garden suite can be accommodated on-site. The purchased modular home will be 27feet by 48feet and will be 125 square metres in ground floor area. The building has 8 foot ceilings and has a 3/12 roof pitch. The modular home will look identical to the drawings attached (attachment 1)

There will be a site plan application to follow this rezoning application should it be approved and within that agreement a requirement will be included to update the septic system to meet the necessary requirements to accommodate the temporary garden suite.

### **2. A Place to Grow – Provincial Growth Plan (P2G)**

Applications filed after June 16, 2006 must conform to the A Place to Grow – Provincial Growth Plan. Section 1.2.3 of the P2G provides direction on how to read the Growth Plan, specifically noting that: *This Plan must also be read in conjunction with other provincial plans as defined in the Planning Act that may apply within the same geography.* Since there are no applicable policies within the P2G for this particular situation, the PPS will be the only set of provincial policies to apply.

### **3. Greenbelt Plan**

Applications must conform to the Greenbelt Plan if they fall within the mapping provided with the Greenbelt Plan. Since the subject lands are outside the area designated in the Greenbelt Plan, the PPS is the provincial policy that applies in this situation.

### **4. Regional Policy Plan (RPP)**

The RPP does not speak specifically to garden suites, however, does support temporary dwelling units in the agricultural area for relatives of the occupants of the principle dwelling. The RPP relies on the local OP and By-law to provide more detailed policies regarding garden suites. As such, the Township policies are what will direct the development of the garden suite.

## **5. Township of West Lincoln Official Plan (OP)**

The Township OP provides the following requirements for garden suites:

- i. *The unit shall only be used on a temporary basis in conjunction with an existing dwelling on the same lot;*
- ii. *The lot size/layout is designed to accommodate the garden suite without unreasonable loss of private outdoor amenity area;*
- iii. *Compatibility of the garden suite with the surrounding neighbourhood in terms of general form, privacy, shadowing and separation distance;*
- iv. *Adequacy of site access and on-site parking;*
- v. *The unit is not placed in the front yard of the lot or the required front yard as established by the Zoning By-law;*
- vi. *No additional access is provided to the lot from a public road;*
- vii. *Placement of the unit is not exclusively removed from the existing dwelling;*
- viii. *The proposed site is capable of accommodating an approved septic and water supply system as determined by the Township of West Lincoln, or verification that adequate municipal services can be provided on this lot;*
- ix. *The location of such unit shall be in accordance with the Minimum Distance Separation Formulae where the use is proposed near any livestock operation;*
- x. *The main dwelling unit and the proposed garden suite are clustered in the same general location on the property.*

The following is Planning Staff's observations in relation to the above noted policies:

- i. The proposed garden suite must be removed after it has served its purpose. As such, the use will be temporary in nature.
- ii. The property is 0.79 ha (1.95 acres) in size. The buildings currently cover less than 5% of the total lot area.
- iii. The garden suite will not adversely impact the surrounding neighborhood.
- iv. The garden suite will be accessed by a driveway branching off of the existing driveway.
- v. The garden suite will not be placed in the front yard or in front of the existing dwelling.
- vi. No additional access will be provided to the lot from a public road.
- vii. The subject lands are not currently capable of providing the required septic needs of the garden suite, but do have the room to accommodate a new septic bed to accommodate the garden suite. If approved, a site plan application will follow requiring that the septic system and cistern be updated to accommodate the garden suite on the property.
- viii. The garden suite is proposed to be clustered within the cluster of existing buildings on the property.

While the Planning Act permits Garden Suites for a maximum time-period of 20 years, the Township's Official Plan only permits a maximum of 10 years. Therefore, Planning staff are recommending a maximum time period of 10 years for the temporary use, as they feel that this is an appropriate time for this specific situation and property. For the reasons listed above, Planning Staff are of the opinion the proposal meets the intent of the Official Plans policies for Garden Suites.

## **6. Township of West Lincoln Zoning By-Law (ZBL)**

The property is zoned Agricultural in the Township's ZBL. This zone allows for agricultural and residential uses, as well as uses accessory thereto. The Agricultural zone permits a garden suite on the property as an accessory use, subject to the provisions of the Township's Garden Suite regulations. The location of the proposed garden suite is required to meet the setbacks of the Agricultural (A) zone for a dwelling unit. The applicants are requesting 125 square metres as the total gross floor area whereas 100 square metres is the permitted maximum.

The modular home is proposed to be located north of the existing single detached dwelling and east of the existing accessory buildings; approximately 38 metres back from the front property line and will have a driveway that branches off from the existing driveway.

Therefore, Planning Staff are of the opinion that the proposal meets the required zoning regulations for a Garden Suite.

### **FINANCIAL IMPLICATIONS:**

A \$5,000.00 security will be obtained as part of the site plan process. This will be held by the Township until the temporary structure is removed. This money is held as security to ensure the use is removed after it is no longer needed.

Discussions with the Treasury Department has identified that the garden suite will be taxed as part of the property taxes for the period of time that it is on the property.

### **INTER-DEPARTMENTAL COMMENTS:**

Notice of Public Meeting was circulated to all relevant agencies on June 22<sup>nd</sup> 2020. A yellow sign was posted on the property and a notice of hearing was posted to the website. The Niagara Region, Township Building Department, Septic Inspector, Public Works Department, and Drainage Superintendent have no objection to application as proposed.

The NPCA have provided comments which requested a site visit at the subject property to ensure there would not be any issues with the proposed septic system and the existing regulated lands. The NPCA visited the subject lands on July 24<sup>th</sup> 2020 and they have advised that the property no longer has lands that are regulated and they do not have any objections to the application.

### **PUBLIC COMMENTS:**

A Notice of Public Hearing was circulated to all residents within a 120m radius of the property on June 22<sup>nd</sup> 2020. In addition, a yellow sign was posted on the property and the notice of hearing was posted to the Township's website.

A public meeting was held for the application on July 27<sup>th</sup> 2020 via Zoom. There was one written comment received for this application which inquired if the modular home could be rented, leased or loaned out and if the home could be used as a business.

Planning staff have spoken to this resident and their concerns have been addressed.

**CONCLUSION:**

Township Staff have completed a review of this application against the applicable Provincial, Regional and Local planning policy. Planning staff can recommend the approval of this application as it meets the intent of the applicable Provincial, Regional and Local planning policies.

**ATTACHMENTS:**

1. Modular Home Drawings
2. Site Sketch
3. Draft By-law
4. Agency Comments
5. Public Comments

**Prepared & Submitted by:**



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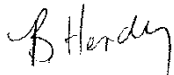
**Madyson Etzl**  
**Planner II**



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**Brian Treble**  
**Director of Planning and Building**

**Approved by:**



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**Bev Hendry, CAO**