
HALDIMAND COUNTY

Report PDD-07-2020 Temporary Use By-law for Mobile Home – Pearce For Consideration by Council in Committee on March 3, 2020



OBJECTIVE:

To seek approval to allow a temporary use by-law to permit a mobile home as the proponents' residence, until a permanent single detached dwelling is constructed.

RECOMMENDATIONS:

1. THAT Report PDD-07-2020 Temporary Use By-law for a Mobile Home – Pearce be received;
2. AND THAT application PLZ-HA-2019-187 to establish a Temporary Use By-law for a period of one year (1) to permit a mobile home to be located on the property be approved for reasons outlined within report PDD-07-2020;
3. AND THAT the Temporary Use By-law attached to Report PDD-07-2020 be presented for enactment;
4. AND THAT the Holding 'H' removal by-law attached to report PDD-07-2020 be presented for enactment and the General Manager of Community & Development Services be granted authority to remove the holding provision when all conditions relating to the matter are satisfactorily addressed;
5. AND THAT the application is deemed to be consistent with Provincial Policy Statement 2014, the Provincial Growth Plan and other matters of Provincial interest.

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Reviewed by: Shannon VanDalen, MCIP, RPP, Manager, Planning & Development

Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

The proponents are requesting permission to locate a mobile home on their property as a temporary living arrangement while the primary single detached dwelling is being constructed. Planning staff have reviewed the proposed zoning amendment against Provincial and County policy frameworks and the proposal is consistent with each. The Haldimand County Official Plan permits a use such as that proposed (temporary accommodation) where it is known that the use will only be established for a brief defined period of time. The mobile home is to accommodate a family while their single detached dwelling is being constructed and receives occupancy. Planning staff recommends approval of this proposal.

BACKGROUND:

The purpose of the subject zoning application is to permit the establishment of a trailer on a temporary basis for a period of one (1) year on the subject lands while the single detached dwelling is constructed. A mobile home is a temporary accommodation that is designed to be portable and consists of a self-contained portable dwelling unit containing bathroom and kitchen facilities. The overarching rationale for permitting a mobile home on a property as a stand-alone dwelling (as in this case), is to provide a temporary housing option that supports opportunities for affordable accommodation while the construction of a permanent residence is underway.

In the context of this proposal, the proposed mobile home is to be used for year-round residency by the proponents until the primary residence is completed. Staff have allotted a one year time frame to allow the applicant to receive final occupancy for the proposed single detached dwelling. The proponents are aware that the mobile home must be a certain class of mobile home as per the *Ontario Building Code*. The proposed mobile home will be located west on the subject lands approximately 30 metres (98 feet) from the proposed permanent dwelling. The proponents intend to utilize the existing driveway access for the mobile home. From a servicing perspective, the new septic for the permanent dwelling must be in place in order for the mobile home to connect temporarily to the services. The applicant is proposing to connect to an individual well for water services that will also ultimately service the permanent dwelling. Both the septic and well will service the proposed single detached dwelling. A location map and an owner's sketch are included as Attachment 1 and Attachment 2 respectively. The owner's sketch illustrates the location of the proposed structure, the proposed location of the mobile home, driveway, and the proponent's location of the septic system.

Location and Description:

The subject lands are described as geographic township of Walpole, Concession 11, Part Lot 11, now in Haldimand County and are municipally known as 3615 Highway 6. The subject lands are located on the west side of Highway 6, between Concession 10 and Concession 11 and within the prime agricultural area of the County. The subject lands are approximately 1.86 hectares (4.6 acres) in size and is currently vacant. The mobile home is proposed to be located west of the property. The subject lands are shown in Attachment 1.

ANALYSIS:

Through the review of this proposal, Planning staff have identified the following key issues:

Provincial Policy:

Provincial Policy Statement (2014):

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The *Planning Act* directs that decisions affecting planning matters "shall be consistent with" the policies of the PPS. Through the PPS, the Province determines that building strong communities is a provincial interest and it is to be addressed, in part, through promoting efficient land use and development patterns that support strong, livable and healthy communities, protecting the environment and public health and safety, and facilitating economic growth. The mobile home will not require any infrastructure upgrades on the part of the County and will provide an affordable housing option for the proponents during the construction of their single detached dwelling. The location of the mobile home on the property is outside of the hazardous area will ensure that environmental and public health and safety concerns are addressed. Overall, it is Planning staff's opinion that the proposal is consistent with the objectives of the PPS.

Provincial Growth Plan (2019):

The purpose of the Growth Plan is to address challenges related to the forecasted growth and changes in the Greater Golden Horseshoe, and to ensure the protection and effective use of finite resources. The Growth Plan establishes a unique land use planning framework for the Greater Golden Horseshoe that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity. The Growth Plan was reviewed in relation to the subject application and it was determined that there is no conflict with the subject application.

County Policy:

Haldimand County Official Plan:

In the context of Haldimand County, the Official Plan (OP) provides the policy basis that allows for the enactment temporary use by-laws. These by-laws allow the temporary use of land for a purpose otherwise prohibited by the Zoning By-law. The subject lands are designated 'Agriculture' as they are located within the prime agricultural area of the County and the OP does not differentiate between farm parcels and rural residential lots for designation purposes. The intent of the 'Agriculture' designation is to limit development and lot creation to protect prime agricultural farmlands. The property is an existing lot of record which currently sits vacant. The proponent as of right may construct one single detached dwelling as it is a permitted use within this designation. While the subject lands are located on a rural residential lot rather than a farm parcel, the intent of the proposal remains the same, i.e. to provide temporary accommodation for the proponents.

Prior to the passage of a temporary use by-law, Council shall be satisfied that:

a) The temporary use permitted is compatible with adjacent uses or alternatively, that appropriate measures to mitigate any adverse impacts are implemented;

Planning Comment: The proposed mobile home will be located on the site that will have minimal impact on adjacent properties since a wooded area is located on the northeast portion of the property providing a buffer from the neighbouring dwelling. The location of the mobile home will maintain a greater distance from the natural features on the property of which, the location of the proposed single detached dwelling has been reviewed and approved by the Long Point Conservation Authority.

b) On-site parking is adequate for the use and no adverse impacts on traffic or transportation facilities will result;

Planning Comment: The proposed mobile home will utilize the MTO approved entrance designed for the single detached dwelling.

c) There is a reasonable probability that the temporary use will cease on or before the expiry of the by-law; and

Planning Comment: The probability that the temporary use will cease is inevitable. The temporary by-law would be in affect for a period of a one year. The timeline indicated would allow the applicants sufficient time to construct the proposed single detached dwelling and receive final occupancy. Should the dwelling not be constructed within the time indicated, the applicants will be required to remove the mobile home or apply for an extension of the temporary by-law. Once the by-law has expired, the proponent is responsible for the removal of the mobile home. This temporary use by-law will be added to the tracking system in Planning to ensure that status is monitored and any required actions (removal or extension) are acted on as required.

d) That in the case of a garden suite an agreement has been prepared addressing tenure, occupancy and conditions of removal of the unit.

Planning Comment: No garden suite agreement is being entered into as the purpose of the mobile home is not for garden suite purposes.

Based on the information provided by the proponents, staff has determined that a legitimate need exists and there is minimal impact on adjacent property owners and therefore is deemed appropriate.

City of Nanticoke Zoning By-law NE 1-2000:

The subject lands are currently zoned 'Agriculture (A)'. The Zoning By-law permits one dwelling unit per lot within the 'A' Zone. However, the passing of a temporary use by-law would permit the establishment of the mobile home as a permitted use temporarily until the single detached dwelling is completed, within a one year timeframe. The mobile home will comply with the provisions currently applicable under the 'A' Zone. A complete zoning review chart is included as Attachment 5 and the temporary use by-law for the mobile home has been included as Attachment 3. A holding has been included to ensure the septic system is installed since the mobile home must temporarily connect to a functioning septic service. A holding removal by-law is included as Attachment 4 and authority will be granted to the General Manager of Community & Development Services (through recommendation 4 of this report and the by-law to remove the 'H' once conditions are satisfied.

Planning Opinion:

Planning staff are of the opinion that the proposed use is consistent with the PPS, Growth Plan, and conforms to the policies of the Official Plan as it will promote efficient land use and a development pattern that supports a strong, livable, and healthy community, and protects the environment, public health and safety. It will also fulfill the needs of the property owners by providing an alternative and affordable living arrangement during the construction period of their single detached dwelling. As this proposal complies with the applicable policies, Planning staff recommends that the proposal be approved and the temporary use by-law with a holding provision be presented for enactment.

FINANCIAL/LEGAL OBLIGATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Building & Municipal Enforcement Services – A class 4 septic system to be fully installed prior to locating the proposed mobile home on the property. The applicant is to maintain minimum clearance distance to the septic tanks. A Holding provision has been incorporated to ensure the complete installation of the septic system.

Roads Operations – No objections.

Planning and Development (Development & Design Technologist) – No objections.

Water and Wastewater Engineering & Compliance – No objections.

Emergency Services – No objections.

Long Point Region Conservation Authority – No objections.

No comments were received from the public or the Mississaugas of the Credit First Nation, Six Nations Council, Hydro One, MTO, MPAC, and Union Gas.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location map.
2. Proponent Drawing.
3. Zoning Amendment By-law.
4. Authorization to Removal Holding By-law.
5. Zoning Confirmation Chart.