

Title: Michael Banks

Date: May 4, 2017

STAFF REPORT

Applicant:

Michael Banks (Agent: Lynn Banks)

Location:

PIN 73508-1091, Parcel 1139 S.E.S., in Lot 9, Concession 2, Township of Capreol (944 Radar Road, Hanmer)

Official Plan and Zoning By-law:

[Official Plan](#)

Garden suites are permitted in Rural Areas subject to the following criteria under Section 3.2:

1. A single garden suite is permitted accessory to an existing dwelling unit;
2. Services shall be connected to the service lines of the host dwelling unit;
3. Garden suites should form a good fit with the prevailing character of the surrounding area; and,
4. An agreement may be required between the applicant and the City addressing such issues as the installation, location, occupancy and removal of the structure.

In Rural Areas, a mobile home may be used as a garden suite if it is built on its own foundation in accordance with the Ontario Building Code.

The application conforms to the Official Plan.

[Zoning By-law](#)

The subject land is zoned "RU", Rural. Residential uses in the form of a single detached dwelling or a mobile home on a permanent foundation are permitted. Garden suites are also permitted and are subject to the setback requirements applied to accessory buildings.

Site Description & Surrounding Land Uses:

The subject property is located on the north side of Radar Road in the Township of Capreol. The area is not serviced by municipal water and sanitary sewer. Radar Road is designated as a Secondary Arterial Road.

Total area of the irregular-shaped parcel is 17 ha, with 92.4 metres of frontage and a depth of approximately 864 metres. The property backs onto a Hydro corridor to the north. A 163 m² single detached dwelling forms the main use. There are several accessory buildings, including an 83 m² mobile home that functions as a garden suite. Rural residential uses comprise adjacent properties.

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Application:

To extend a temporary use by-law for a period of three (3) years, pursuant to Section 39.1(4) of the [Planning Act](#).

Proposal:

To continue the use of a mobile home as a garden suite. The unit provides accommodation for a family member.

Departmental/Agency Circulation:

Commenting departments have no concerns.

Neighbourhood Consultation:

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out to property owners and tenants within a minimum of 240 metres of the property.

The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

The applicants advised Planning Services that no neighbourhood consultation was planned prior to the public hearing due to the minor nature of the application.

As of the date of this report, no phone calls or written submissions have been received by Planning Services.

Planning Considerations:

The garden suite on this property was first approved as a temporary use in 1994 for a maximum period of three (3) years. Extensions were subsequently granted in 1997, 2004 and 2014. Under Section 39.1(4) of the Planning Act, Council may grant a maximum three (3) year extension for garden suites. There is no limit on the number of extensions. The current temporary use by-law lapses on July 13, 2017.

The continued use of the garden suite does not present any land use concerns. Compatibility with the surrounding rural residential area has been maintained. The unit continues to be occupied by a family member. The application to extend the temporary use by-law for a three-year period is recommended for approval.

The owner advised Planning Services that he does not want to convert the garden suite to a permanent use under the second dwelling unit provisions of the Zoning By-law at this time.

It is the responsibility of the owner to contact Planning Services when the temporary use is no longer required. Under such circumstances, the temporary use by-law would be repealed and the garden suite must be removed. At the termination of the three-year period, the owners may apply for another extension should they wish to continue utilizing the garden suite. The application should be submitted a minimum four months prior to the lapsing date.