

## THE MUNICIPALITY OF LAMBTON SHORES

**Report PL 01-2022**

**Council Meeting Date: February 1, 2022**

**TO:** Mayor Weber and Members of Council  
**FROM:** Will Nywening, Senior Planner  
**RE:** Temporary Use Agreement - 2 Allen Street, Thedford  
Karl and June Elliott

### **RECOMMENDATION:**

**THAT** Report PL 01-2022 relating to a request to temporarily have two dwellings on a property be received; and

**THAT** the request by Karl and June Elliott, to permit the occupancy of an existing dwelling during the construction of a new single detached dwelling on lands known as 2 Allen Street, Thedford, be approved; and

**THAT** By-Law 07 of 2022 to authorize execution of an agreement with Karl and June Elliott be approved.

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### **SUMMARY**

This report relates to a request by Karl and June Elliott for special permission to retain and occupy an existing house on lands known as 23 Allen Street, Thedford, during the construction of a new dwelling on the lands (Attachment 1).

### **BACKGROUND**

The subject lands are a 49 acre farm parcel designated "Agricultural" in the Lambton Shores Official Plan and zoned the standard "Agriculture-1 (A1) Zone" in Zoning By-law 1 of 2003. The permitted uses of the A1 Zone permit "one farm dwelling". The zoning definitions define a "modular home" as follows:

*"MODULAR HOME" means a prefabricated Single Detached Dwelling designed to be transported once only to a final location and constructed so as the shortest side of such Dwelling is not less than 6.0 metres in width.*

The applicants intend to construct a home on the subject lands and are in the process of submitting a building permit application. The home will be a modular home, which falls within the Zoning By-law's definition of a single detached dwelling and is permitted in the A1 Zone. (A modular home is not to be confused with a "mobile home", which is constructed on a chassis and designed to be moveable.)

The proposed dwelling can comply with all aspects of the Zoning By-law except that there is an existing house on the property and the A1 Zone permits only one. Council might notice that the property lacks legal frontage on a public road allowance, which is normally a requirement for a building permit to be issued. This situation is an exception as there is an established use. The physical street extends to their property line and is maintained by the Municipality. Services are also there, but this section of Allen Street runs across Municipally-owned land, but not a dedicated road allowance.

The only special permission the property owner requires is to temporarily have two dwellings so that they may occupy the existing house during the construction of the new house. Staff has no concerns with accommodating this request, provided there is an agreement in place for the eventual removal of the existing house, so that there is no lasting non-compliance with the A1 Zone's one dwelling limit.

Staff has prepared a draft agreement, which is included in the by-laws section of Council's agenda. The property owners have reviewed the agreement and indicated they are in agreement with the terms. The agreement requires that the existing dwelling be removed by the end of two years or within 6 months of their being granted occupancy for the new dwelling, whichever comes first. The agreement requires a \$5000 security and gives the Municipality the ability to enforce the existing house's removal, if the property owner does not do so themselves, and also to recoup the costs.

### **ALTERNATIVES TO CONSIDER**

None at this time.

### **RECOMMENDED ACTIONS**

That Council:

- Approve the request by Karl and June Elliott to maintain and occupy the existing house temporarily; and
- Pass By-Law 07 of 2021 to authorize the execution of the agreement.

### **FINANCIAL IMPACT**

The Agreement requires a deposit of \$5000.00 to the Municipality as a security.

### **CONSULTATION**

Property Owner

Randy Lovie, Chief Building Official, Municipality of Lambton Shores

## Attachment 1 – Subject Lands



Subject Lands

## Attachment 2 – Property Owner' Request

From:

Karl + June Elliott

We are putting a Royal Home up - across the Laneway  
After home is built and ready to move in, we will remove old house.

We have the Final Blueprints from Royal Homes

