

# Municipality of Lakeshore – Report to Council

## Growth & Sustainability

### Community Planning



**To:** Mayor & Members of Council

**From:** Aaron Hair, Division Leader - Community Planning

**Date:** October 22, 2021

**Subject:** Zoning By-law Application ZBA-30-2021, 2730 County Road 42

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### Recommendation

Approve Temporary Zoning By-law Amendment Application ZBA-30-2021 (By-law 98-2021) to permit the temporary use of 2730 County Road 42 to allow five (5) transport trailers as storage for three years, on a parcel of land, indicated as the “Subject Property” on the Key Map, Figure 1 (Appendix 1) and adopt the implementing by-law, as presented at the November 9, 2021, Council meeting.

### Background

The subject of this application is, located at the intersection of County Road 42 and 31 (See Appendix 1). The applicant is proposing to place five (5) transport trailers on their site to act as storage containers for tires.

At the September 14, 2021, Council Meeting, Council directed Administration to prepare a Temporary Use By-law (up to 3 years, with the ability for Council to extend) to allow the use of parking transport trailers, while allowing the applicant additional time to find an alternative, such as reducing the need for storage or constructing a proper building. Resolution 276-09-2021 states:

Defer consideration of the zoning by-law amendment and the site plan application and direct Administration to prepare a Temporary Use By-law to allow the use of the parking of the transport trailers.

Subject Parcel	Existing Use – Hamlet Commercial with Exception 9 Proposed Use – Hamlet Commercial with Exception 9 Access – existing through Provincial Highway and County Road Servicing – municipal piped and operated supply
Surrounding Uses	North – residential East – residential and hamlet residential West – Mixed use South – County Road 42 and an Agricultural site

Official Plan	Hamlet
Existing Zoning	HC-9

## Comments

### ***Planning Act***

Under Section 39 of the *Planning Act*, a municipal council may pass a by-law authorizing the temporary use of land or buildings “for any purpose...otherwise prohibited by the by-law.” The by-law may be for a period of up to three years with further extension of up to three years for each increment.

### ***Provincial Policy Statement (PPS) and County Official Plan (COP)***

These two documents are silent on the matter of temporary use.

### ***Lakeshore Official Plan (LOP)***

Temporary use by-law policies are found in Section 8.3.2.2 of the LOP and are below, with comments following:

- a) the proposed use will be of a temporary nature, and will not entail major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original uses upon the termination of temporary use provisions;

Comment: the additional storage will be trailer, which can be moved and removed when required. Placing a trailer will require little to no construction for the owner and maintenance for the trailer that will remain dormant and act as a storage unit will require little repairs and maintenance.

- b) the compatibility of the proposed use with the surrounding land uses and character of the surrounding area;

Comment: the character of the surrounding area will remain largely unaffected since the tires will remain out of sight if using a trailer.

- c) the proposed use will be properly serviced and not require the extension or expansion of existing municipal services;

Comment: there will be no requirement for the extension of municipal services.

- d) the proposed use will not create any traffic problems within the surrounding area, or adversely affect the volume and/or type of traffic commonly found on the areas roads;

Comment: adding a storage unit on the existing site will not affect surrounding traffic.

- e) parking facilities will be provided entirely on-site;

Comment: all parking can be accommodated on site.

- f) the proposed use will generally be beneficial to the surrounding community; and
- g) the conformity of the proposed temporary use with the policies of this Plan. Where the proposed temporary use may not conform in its entirety with the Official Plan, the Town will consider what is in the best interests of the public.

Comment: the addition of the trailer storage will be somewhat beneficial to the community as the current tire storage will be kept within a facility as opposed to keeping all the tires outside. The temporary use will conform with the Municipality's Plan.

### ***Zoning By-law***

The subject lands are currently zoned "Hamlet Commercial exception 9 (HC-9)" which permits a retirement home and a warehouse. The regulations for this use exception are that only existing will be permitted for a warehouse use. Any need to expand an existing building or construction of a new building would require relief from this by-law.

### **Financial Impacts**

There are no adverse financial impacts resulting from the recommendation.

### **Attachments**

Appendix A – Key Map

Appendix B – Plan showing location of trailer parking

## Report Approval Details

Document Title:	Temporary Use By-law Report ZBA-30-2021.docx
Attachments:	- Appendix A – Key Plan.pdf - Appendix B – Plan showing location of trailers.pdf
Final Approval Date:	Nov 3, 2021

This report and all of its attachments were approved and signed as outlined below:

Tammie Ryall

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Kristen Newman

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