



**Meeting Date:** February 19, 2020

**Submitted by:** Stephanie Poirier, Planner

**Report No:** PLA 07-2020

**Subject:** Application for Zoning By-law Amendment (ZBA 04 2020), filed by Karl Pfister; 15548 Nine Mile Road

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**Recommendation:**

**THAT** Zoning By-law Amendment Application ZBA-04-20, filed by Karl Pfister, in order to permit two single-detached dwellings on one property for up to three years while a new residence is being constructed on the land, be **APPROVED, AND THAT** the owners be required to enter into a Temporary Use Agreement with the Municipality and submit a deposit of \$10,000 to ensure that the removal of the existing residence.

**Purpose:**

The purpose of this report is to provide Council with a recommendation regarding a proposal to temporarily re-zone a property located on the north side of Nine Mile Road and east of Highbury Ave North. The land is legally described as Concession 9, South Part Lot 6 (geographic Township of London), Municipality of Middlesex Centre and is known municipally as 15548 Nine Mile Road.

A location map is included as Attachment 1.

**Background:**

The owners of the subject lands have submitted a Temporary Zoning By-law Amendment in order to permit two single-detached dwellings on a rural residential property for a period not to exceed three years while a new residence is being constructed on the land. The existing residence would be removed from the land upon the expiration of the three year period or the occupancy of the new single-detached dwelling; whichever occurs first.

A sketch of the proposal is included as Attachment 2.

The subject property currently contains an existing single-detached dwelling, three agricultural buildings, and agricultural land in crop production. The subject property is serviced by private services and the surrounding uses are predominantly agricultural in nature.

The subject property is designated as 'Agriculture' by the Middlesex Centre Official Plan, and zoned 'Agricultural (A1)' by the Middlesex Centre Comprehensive Zoning By-law.

### **Consultation:**

Notice of the application has been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act.

### **Public Comments:**

At the time of writing the subject report, no comments or concerns had been received from the public regarding this proposal.

### **Agency Comments:**

The following comments were received at the time of writing this report;

The Municipality's Department of Public Works and Engineering has reviewed the subject application and has no concerns.

### **Analysis**

The Provincial Policy Statement, County and Middlesex Centre Official Plans, and the Middlesex Centre Zoning By-law all contain policies that permit agriculturally-related uses such as a primary farm residence. The Middlesex Centre Official Plan states that properties that are designated as 'Agricultural' are intended to be used predominantly for agriculture and agriculture related uses. This includes all forms of farming, including the principal farm dwelling, related buildings and structures, practices and uses of land. Additionally, the 'Agricultural (A1) Zone' permits the use of one single-detached dwelling per lot.

The *Planning Act*, County Official Plan, and Middlesex Centre Official Plan allows municipalities to authorize the temporary use of land, buildings or structures for any purpose that is otherwise prohibited by the Comprehensive Zoning By-law up to a maximum of three years.

The Middlesex Centre Official Plan authorizes Council to pass temporary use by-laws provided that the proposed use is compatible with the surrounding area; adequate services exist for the proposed use; access, traffic and parking are addressed; and that the use being proposed conforms to the Official Plan, among other items.

The effect of the application is the replacement of a single-detached dwelling with a new residence; which is a use that is permitted in this location by the Middlesex Centre Official

Plan and Zoning By-law. The new dwelling would continue to utilize private services, specifically a septic system and water well. There is no anticipated increase in traffic or parking requirements. Staff note that a security deposit in the order of \$10,000 is being requested by staff through a temporary use agreement between the applicant and the Municipality in order to ensure that the existing residence is removed upon completion of the new residence.

The new proposed dwelling appears to meet the requirements of the Agricultural (A1) Zone.

Staff are of the opinion that the proposed temporary rezoning is consistent with the Provincial Policy Statement, and is in conformity with the County and Middlesex Centre Official Plan, and Middlesex Centre's Comprehensive Zoning By-law. Therefore, planning staff are recommending that the subject application be approved.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, Council is advised to take such information into account when considering the application.