

**Meeting Date:** December 4, 2023  
**Department:** Building, By-law, and Planning  
**Report No.:** BBP-2023-137  
**Submitted by:** Tim Williams, Senior Planner  
**Approved by:** Jennifer Huff, Director, Building & Planning  
Trisha McKibbin, Chief Administrative Officer  
**SUBJECT:** Application for Rezoning (ZBA 21-2023) 21861 Cooks Road

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**RECOMMENDATION: THAT:** Report BBP-2023-137 regarding ZBA 20-2023 be received by Council for information;

**THAT:** the rezoning application, ZBA 4-2023 which would rezone the lands municipally known as 21861 Cooks Road to allow for two dwellings for a maximum time frame of 1 year, be approved; and

**THAT:** By-law 98-23 be referred to the Consideration of By-laws Section of the Agenda for approval

## SUMMARY HIGHLIGHTS

- The application seeks to rezone the lands to site specific 'General Agricultural (A1-23-T)'.
- The owner is looking to build a home on the property while continuing to live in the existing habitable home.
- Staff have not identified concerns or objections with the application.
- Staff recommend the rezoning to site-specific 'General Agricultural (A1-23-T)' for a period of one year.

## BACKGROUND:

The subject lands comprise approximately 1.57 ac (0.64 ha) located on the west side of Cooks Road, just south of Longwoods Road. The lands currently contain a single-detached dwelling and a barn. Surrounding land uses are predominately agricultural in nature (See Location Map). The applicant is looking to maintain the existing dwelling while the new house is being constructed on the property. The one-year time frame will allow the owners time to construct the new building. The owners have made an application for building permit which would be issued if this rezoning is approved.

## **POLICY AND REGULATION BACKGROUND:**

The subject lands are located on lands designated 'Agricultural' within the Strathroy-Caradoc Official Plan and the County Official Plan. The subject lands are located within a 'General Agricultural (A1)' of the Strathroy-Caradoc Zoning By-law. The location of the subject lands is shown on the Location Map, attached below.

The policies of the Strathroy-Caradoc Official Plan and County Official Plan permit second dwellings on farm parcels in select circumstances, provided the second residence is a temporary residential unit (i.e., granny flats and seasonal farm workers).

The Strathroy Caradoc Official Plan has been updated through Official Plan Amendment number 14 in 2022 and the County's Committee of the Whole recommended approval to County Council on November 21, 2023, however, it has not yet received approval from County Council. The changes in OPA 14 to the Agricultural designation are not in force and effect however they do reflect the direction of Council. For the purpose of the temporary rezonings the OPA 14 does not change the impact of the temporary use policies applicable to this application.

More specifically, the Strathroy-Caradoc Official Plan states within Section 7.4.5.2 that when considering a by-law to permit the temporary use of land, the Municipality shall have regard to the following: a) compatibility with adjacent and surrounding uses; b) effect on possible and probable future uses in the area; c) land use and development sensitivity areas as set out in Section 6 of this Plan; d) availability of adequate and approved services where required; e) satisfactory and approved vehicular access to a public road of reasonable construction and maintenance; f) satisfactory assurances that the land will be returned to its previous state and all buildings and structures removed (where deemed appropriate) upon the lapsing of the period stipulated in the by-law or upon the lapsing of any extension period that may be granted.

Section 39 of the Planning Act provides Council the ability to approve uses that are not otherwise permitted by the Zoning By-law for a maximum period of three (3) years.

## **CONSULTATION**

A Notice of Public Meeting has been circulated to agencies, as well as property owners and sign has been posted on the site in accordance with the requirements of the Planning Act. At the time this report was completed, the following comments were received:

The Director of Engineering and Public Works advised that they have no comment on the rezoning.

The Director of Planning and Building advised of no concerns with the application.

No concerns or comments have been received by the public at the time of writing this report.

## **ANALYSIS**

It is the opinion of staff that the application is consistent with the PPS and conforms to the policies of the County of Middlesex Official Plan (Consolidated 2023). As the intent of the application is to permit two dwellings on a single lot for only a temporary period while the second building is being constructed, the application is consistent with the policies of the Strathroy-Caradoc and County Official Plans. Further, the proposal will conform with the criteria for temporary zoning by-laws in the Strathroy-Caradoc Official Plan. The applicants are required to enter into a temporary use agreement with the municipality and to post security in order to ensure that the existing dwelling will be removed as required. Please note that this agreement is also on Council's agenda.

Given the above, staff are supportive of the proposed rezoning of the subject lands to permit two dwellings on the subject lands for a temporary period, in this case not to exceed one (1) year in order to provide the applicant time to complete the construction of the 'new' dwelling.

## **STRATEGIC PLAN ALIGNMENT:**

This matter is in accord with the following strategic priorities:

- 1) *Economic Development*: Strathroy-Caradoc will have a diverse tax base and be a place that offers a variety of economic opportunities to current and prospective residents and businesses.
- 2) *Growth Management*: Strathroy-Caradoc will be an inclusive community where growth is managed to accommodate a range of needs and optimize municipal resources.

## **SUMMARY**

Based on the above analysis staff are supportive of the proposed rezoning as it is considered to be consistent with the Provincial Policy Statement, in conformity with the County of Middlesex Official Plan, Strathroy Caradoc Official Plan and represents good planning.

A zoning amendment by-law has been prepared for Council's consideration. A zoning by-law amendment has a 20-day appeal period that will start on the date the Notice of Decision is sent.

## **FINANCIAL IMPLICATIONS**

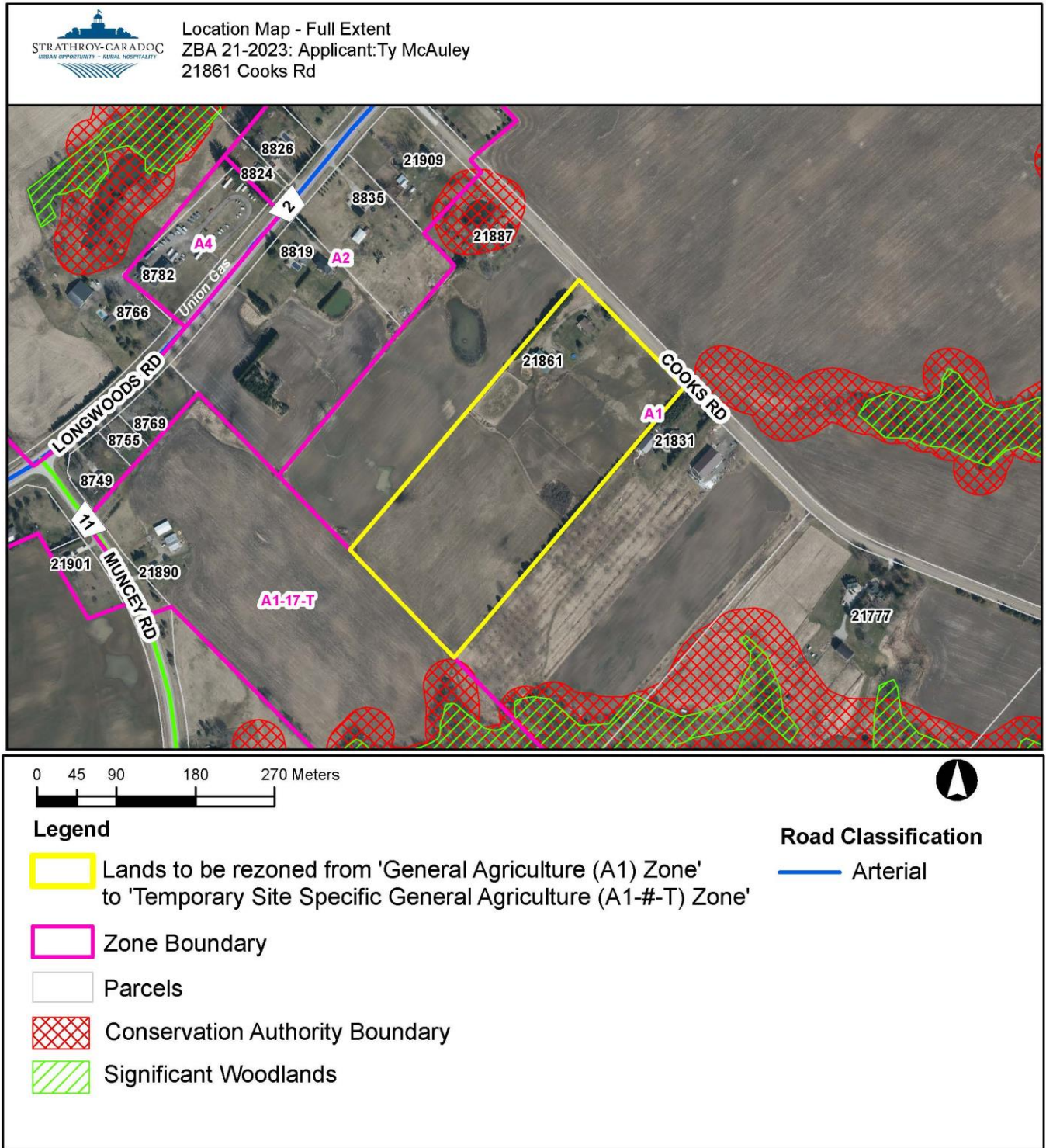
None

## **ATTACHMENT**

Location Map

Site Plan

# Location Map

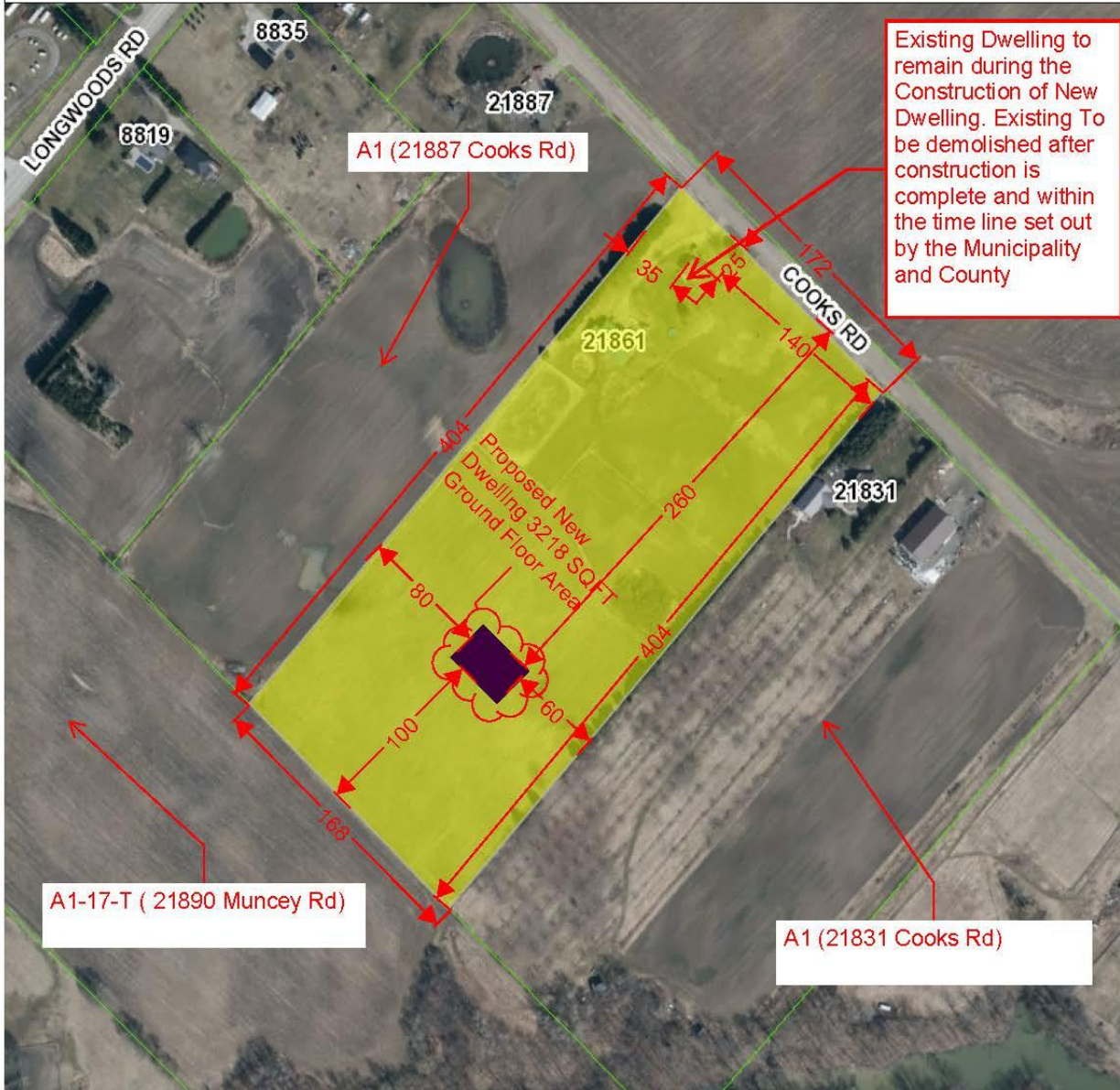




# Site Plan



## About this Parcel



Roll Number	391601401019100
Legal Description	RANGE 1S N PT LOT 19
Frontage	561
Depth	0
Area	17 ACRES