TOWNSHIP OF
CARLING

2 West Carling Bay Road, Nobel ON P0G 1GO
Ryan Snowball Planner
Email: planning@carling.ca
Phone: 705-342-5856 ext. 9183
Fax: 705-342-9527

Notice of a Public Hearing
Application for a Minor Variance
Application No. A/7/2026

Harry Hikisch & Lori Hikisch / John Jackson Planner Inc.
(4 Parker Lane)

This is to advise that a Public Hearing will be held at 9:00 a.m. on April 14th, 2026 in the Township of Carling Council Chambers and virtually through the GoTo Meeting application. At that time, an application for a Minor Variance pursuant to Section 45(1) of the *Planning Act, R.S.O. 1990, c. P.*13, as amended will be heard by the Township of Carling Committee of Adjustment.

This notice is for your information only. Persons receiving this notice are under no obligation to attend the hearing unless they so desire. Anyone wanting to make verbal representations with respect to the above-noted application may attend the public hearing and speak either in favour of or in opposition to the proposal. Written, signed submissions will also be accepted by the Secretary-Treasurer prior to or during the hearing. Such written submissions will be available for inspection at the hearing by any interested party. Written, signed submissions can be submitted to the Committee of Adjustment at the Township of Carling municipal office (2 West Carling Bay Road, Nobel, ON P0G 1G0) or emailed to planning@carling.ca.

If you wish to attend the meeting virtually through the GoTo Meeting application, please email planning@carling.ca ahead of the scheduled Public Hearing to obtain log-in credentials.

IN THE MATTER OF APPLICATION NO. A/7/2026

Date of Hearing: Tuesday, April 14th, 2026
Time of Hearing: 9:00 a.m.
Location of Meeting: Council Chambers - 2 West Carling Bay Road, Nobel, ON P0G 1G0 or virtual attendance through the GoTo Meeting application.
Owner(s)/Applicant(s): Harry Hikisch & Lori Hikisch / John Jackson Planner Inc.
Property Location: 4 Parker Lane

The purpose of the application is to seek relief from Section 7.04.9 Rural Residential Exception 9 (RR-9) of the Township of Carling Comprehensive Zoning By-law C500-2011, being the provision that enforces that the subject property be used exclusively for a private garage or storage shed.

The effect of the application is to permit the use of a travel trailer on the subject land on a temporary basis.

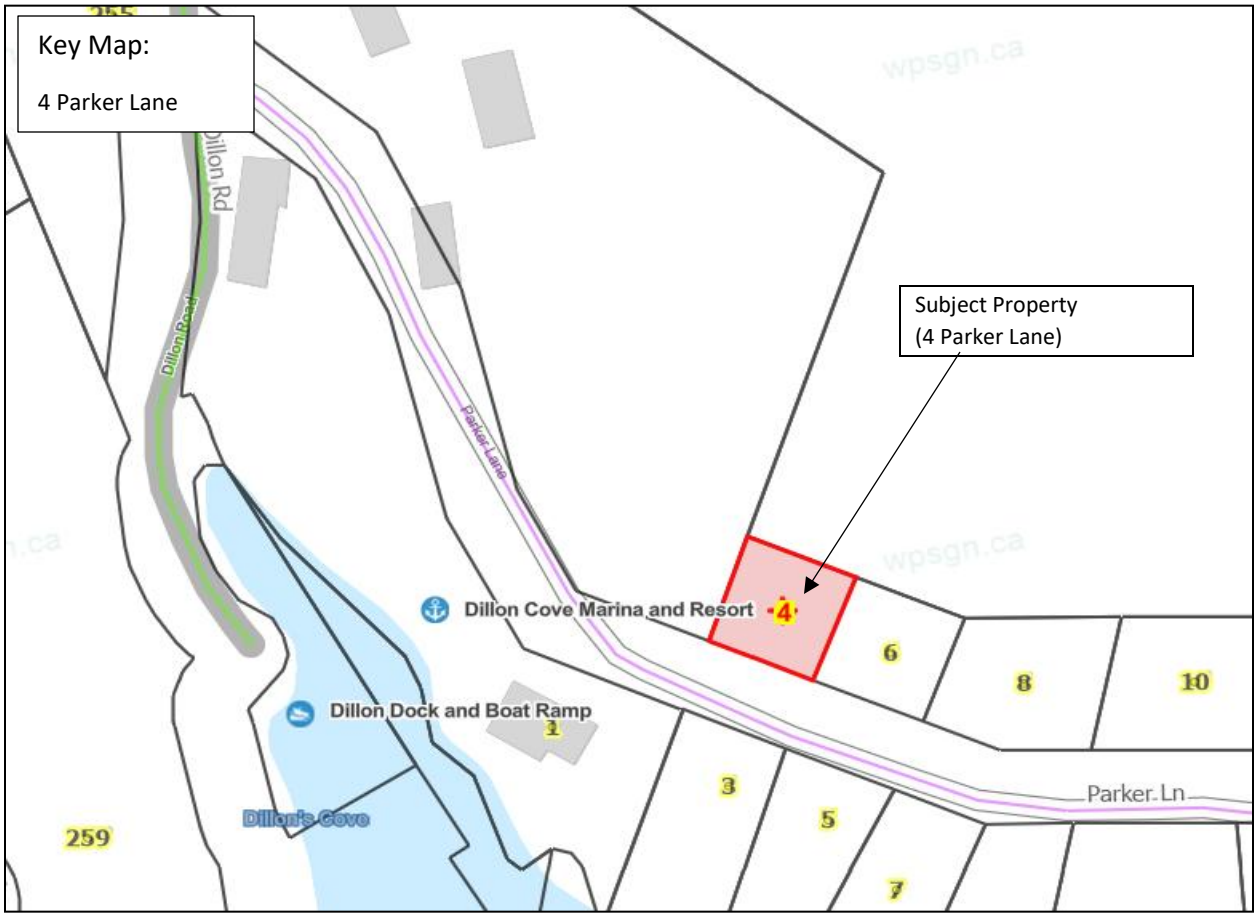
The Key Map included in this Notice of Public Hearing illustrates the lands which are the subject of this application.

Additional information, including a copy of the application, is available for inspection by the public on request at the Township of Carling municipal office by contacting the Township's Planner, Ryan Snowball, at planning@carling.ca Monday to Friday between the hours of 8:00 a.m. and 4:00 p.m. A copy of the application and any other supporting details is available for viewing and download at https://carling.ca/business-in-carling/planning-and-zoning.

For more information about this matter, please contact Ryan Snowball at planning@carling.ca.

This notice is dated the 18th day of March, 2026.

Kevin McLlwain,
Secretary-Treasurer, Committee of Adjustment



THE TOWNSHIP OF CARLING
COMMITTEE OF ADJUSTMENT APPLICATION

Information for Applicants

The Township of Carling strongly encourages applicants to consult staff in the Township's Planning Department prior to submission of an application. The Planner can be reached by phone at 705-996-9183 or by email at planning@carling.ca

The Committee of Adjustment meets on an as required basis, in conjunction with the regularly scheduled meetings of Council and the Committee of the Whole. Council meetings are generally held on the second Tuesday of each month. Committee of the Whole meetings are generally held on the fourth Tuesday of each month. A complete application must be submitted a minimum of three weeks prior to the Council meeting or Committee of the Whole meeting at which the application could first be considered. Due to the complexity of some applications, Planning staff require sufficient time to undertake a review of the application, conduct a site visit, prepare a Planning report to the Committee and to fulfill the requirements of the Planning Act with respect to the giving of Notice of a Hearing.

Township staff may conduct a site inspection of your property. By submitting this application, you are authorizing the Township to access your property for the purpose of conducting a site inspection. Please note that staff may be unable to perform site visits during the winter months on properties which are accessed by water or by seasonally maintained municipal or private roads. As such, consideration of an application by the Committee may be delayed until such time as safe access to the property can be obtained.

1. Complete Application

   All applicable information requested on the application form and the required application fee and deposit must be provided before the application will be considered complete and be considered by the Committee of Adjustment.

   As part of the application form, the owner or applicant/agent must explain the rationale behind the application and outline the reasons why it is not possible to comply with the regulations of the Township's Comprehensive Zoning By-law. Please submit a separate cover page if additional space is required.

2. Costs

i)	Minor Variance/Permission Application:	$915.00
ii)	Minor Variance/Permission Application: (amended or deferred applications)	$152.00
iii)	Deposit:	$500.00

   Pursuant to the Township's Fees By-law 2018-01, as amended the Committee of Adjustment application fee is non-refundable. The application fee does not include any costs which may be incurred for additional public meetings, the procession of objections or any functions relating to an Ontario Land Tribunal (OLT) hearing.

Costs incurred by the Committee of Adjustment for the engagement of professional services in respect of an application, including the time spent processing the application by the Township's Planner or other municipal staff, outside planning consultants, environmental consultants, lawyers, surveyors, draftsmen and engineers are not covered by the application fee. These fees are charged against the original deposit submitted with the application. Applicants will be invoiced for the full amount of any accounts rendered by such professionals for the provision of their services, unless at the discretion of the Planner, such an account or any portion thereof is deemed to be an expense of the Committee of Adjustment.

Should the costs of professional services incurred exceed that of the original deposit submitted, applicants will be invoiced for the remaining balance. Should the original deposit cover all professional costs, the remaining balance will be refunded to the applicants at the conclusion of the process.

Please note: an application is only considered minor if it is being resubmitted as an amended application or has been deferred until a future meeting of the Committee of Adjustment for decision. All other applications are subject to the standard application fee.

Committee of Adjustment Application

Application for Minor Variance or for Permission
Under Section 45 of the Planning Act
R.S.O. 1990, c.P.13, as amended

OFFICE USE ONLY

Date Received: _____ Complete Application ☐Yes ☐No Application No. _____

Date Accepted: _____ Applicable Fee Paid ☐Yes ☐No

1. Applicant / Agent Information

Name of Applicant / Agent

John Jackson Planner Inc.

Address

2-1 Mall Drive

City Parry Sound Province / State Ontario Postal / Zip Code P2A 3A9

Home Phone No._____ Business Phone No. 705-746-5667 Email JJPlan@vianet.ca

2. Owner(s) Information

Name of Owner(s)

Harry Hikisch & Lori Hikisch

Address

3 PARKER LANE

City NOBEL Province / State Ontario Postal / Zip Code P0G 1G0

Home Phone No. 416 220-1122 Business Phone No. _____ Email lhikisch@icloud.com

Please advise to whom all communication should be directed: ☑Owner ☑Applicant / Agent

3. Purpose and Type of Application

☑ Minor Variance from Comprehensive Zoning By-law

☐ Permission to extend a legal non-conforming use

From what section of the Zoning By-law is relief being sought?

Section 7.04.9 Rural Residential Exception 9 (RR-9)

What is the nature and extent of the relief being sought?

Owners wish to maintain a travel trailer alongside the garage to be able to care for the aging father on the adjacent parcel at 3 Parker Lane. This relief is being requested on a temporary basis to be terminated once the travel trailer is no longer needed.

Why is it not possible to comply with the provisions of the Zoning By-law?

The zoning by-law does not permit trailers except in tailer parks or as temporary uses in connection with a building permit.

4. Location and Description of the Subject Land

Name of Municipality: Carling

Assessment Roll Number: 4936 - 00001101424 Lot 39 Concession 6 Island No. _____

Registered Plan of Subdivision No. (if any) – Plan No. M-_____ Lot No. _____

Reference Plan No. (if any) – Plan No. 42R-PSR-2392 Part No. 1 Parcel No. 18612 S/S

Civic Address: 4 Parker Lane

Dimensions of Subject Property

Depth (metres) 30 Frontage (metres) 30 Lot Area (hectares) 0.09

5. Land Use and Zoning

What was the date of acquisition of the subject land? Harry Hikisch -1997 Harry and Lori Hikisch - Fri Nov 17 2017

What are the existing uses of the subject land? Garage, storage, trailer

How long have the existing uses been carried out on the subject land? 1970 (Construction Date of Garage)

What are the proposed uses of the subject land? Garage, storage, trailer

What are the existing uses of abutting properties? Commercial/Marina/Trailer Park

What is the current Official Plan designation of the subject land? Rural Community

What is the current zoning of the subject land? RR-9

6. Buildings and Structures (on or proposed for the subject land)

EXISTING – List all existing buildings and structures					**DISTANCE FROM LOT LINES (metres)**			
Building / Structure Type	Date of Construction	# of Storeys / Height (m)	Ground Floor Area (m^2)	Total Floor Area (m^2)	Front	Rear	Side	Side
Garage	1970	1/5	53.5	53.5	-4	25	2	18.7

PROPOSED – List all existing buildings and structures					**DISTANCE FROM LOT LINES (metres)**			
Building / Structure Type	Date of Construction	# of Storeys / Height (m)	Ground Floor Area (m^2)	Total Floor Area (m^2)	Front	Rear	Side	Side
Travel Trailer	2018	1/5	31	31	9	11	15	10

7. Service Information (check appropriate box)

Access

☐ Provincial Highway ☐ Municipal road, maintained all year ☐ Municipal road, maintained seasonally

☐ Other public road ☑ Right-of-way ☐ Water access (see below)

Private Road

If access to the subject land is by private road, or if by "other public road" or "right-of-way", indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year.

Lyn Parker - Parker Lane - ploughed privately

If access to the subject land is by water, describe the parking and docking facilities and the approximate distance of these facilities from the subject land and the nearest public road.

Water (check appropriate box)

☐ Publicly owned and operated piped water system

☐ Privately owned and operated individual well ☐ Privately owned and operated communal well

☐ Lake or other waterbody ☑ Other means Cistern

Sewage Disposal (check appropriate box)

☐ Publicly owned and operated sanitary sewage system

☐ Privately owned and operated individual septic system ☐ Privy

☐ Privately owned and operated communal septic system ☑ Other means Holding tank

Storm Drainage (check appropriate box)

☐ Sewers ☐ Ditches

☐ Swales ☑ Other means Natural

8. History

Has the owner previously applied to the Committee of Adjustment for relief in respect of the subject property?

☐ Yes ☑ No If yes, please provide Application No., if known _____

Is the subject property the subject of an application for approval of a plan of subdivision or a consent?

☐ Yes ☑ No If yes, please provide Application No., if known _____

9. Plans (to assist in the preparation of plans, please refer to the attached sample sketch)

Please include a site plan of the property drawn to an appropriate scale based on a true survey showing:

i) the boundaries and dimensions of the subject lands;

ii) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings and structures from the front yard lot line, rear yard lot line and the side yard lot lines;

iii) the approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;

iv) the current uses on land that is adjacent to the subject land;

v) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way;

vi) if access to the subject land is by water only, the location of the parking and docking facilities to be used;

vii) the location and nature of any easement affecting the subject land.

Additional information, including architectural drawings and elevations, shall be furnished by the applicant at the request of the Township.

10. Affidavit or Sworn Declaration

Dated at the Town of Parry Sound this 12th day of February, 20 26

I, Harry Hikisch & Lori Hikisch of the Township of Carling in the

County/District/Regional Municipality of Parry Sound solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the **CANADA EVIDENCE ACT**

DECLARED BEFORE ME at the Town of Parry Sound

in the District of Parry Sound this 12th day of February, 20 26.

Patrick James Christie, a Commissioner, etc.,
Province of Ontario, for
Parry Sound Area Property Consulting Inc.
Expires September 4, 2027

A Commissioner of Oaths

Signature of Owner or Authorized Applicant / Agent

11. Authorizations

Authorization of Owner(s) for Agent to Make the Application

If the applicant is not the owner of the land that is the subject of this application, authorization for the agent to make this application, as set out below, must be given. Alternatively, written authorization can be provided on a separate form and submitted with this application. Authorization must be provided by all registered owners of the subject property.

I/We, Harry Hikisch & Lori Hikisch, am/are the owner(s) of the land

that is the subject of this application and I/we authorize John Jackson Planner Inc.

to make this application on my/our behalf.

Date February 12, 2026 Signature of Owner H. Hikisch X

Date February 12, 2026 Signature of Owner L Hikisch X

Date _____ Signature of Owner _____

Authorization of Owner(s) for Agent to Provide Personal Information

If the applicant is not the owner of the land that is the subject of this application, authorization for the agent to provide personal information, as set out below, must be given. Alternatively, written authorization can be provided on a separate form and submitted with this application. Authorization must be given by all registered owners of the subject property.

I/We, Harry Hikisch & Lori Hikisch, am/are the owner(s) of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act*, I/we authorize John Jackson Planner Inc. as my/our agent for this application to provide any of my/our personal information that will be included in this application or collected during the process of the application.

Date February 12, 2026 Signature of Owner H. Hikisch X

Date February 12, 2026 Signature of Owner L Hikisch X

Date _____ Signature of Owner _____

12. Consent of the Owner(s) to the Use and Disclosure of Personal Information

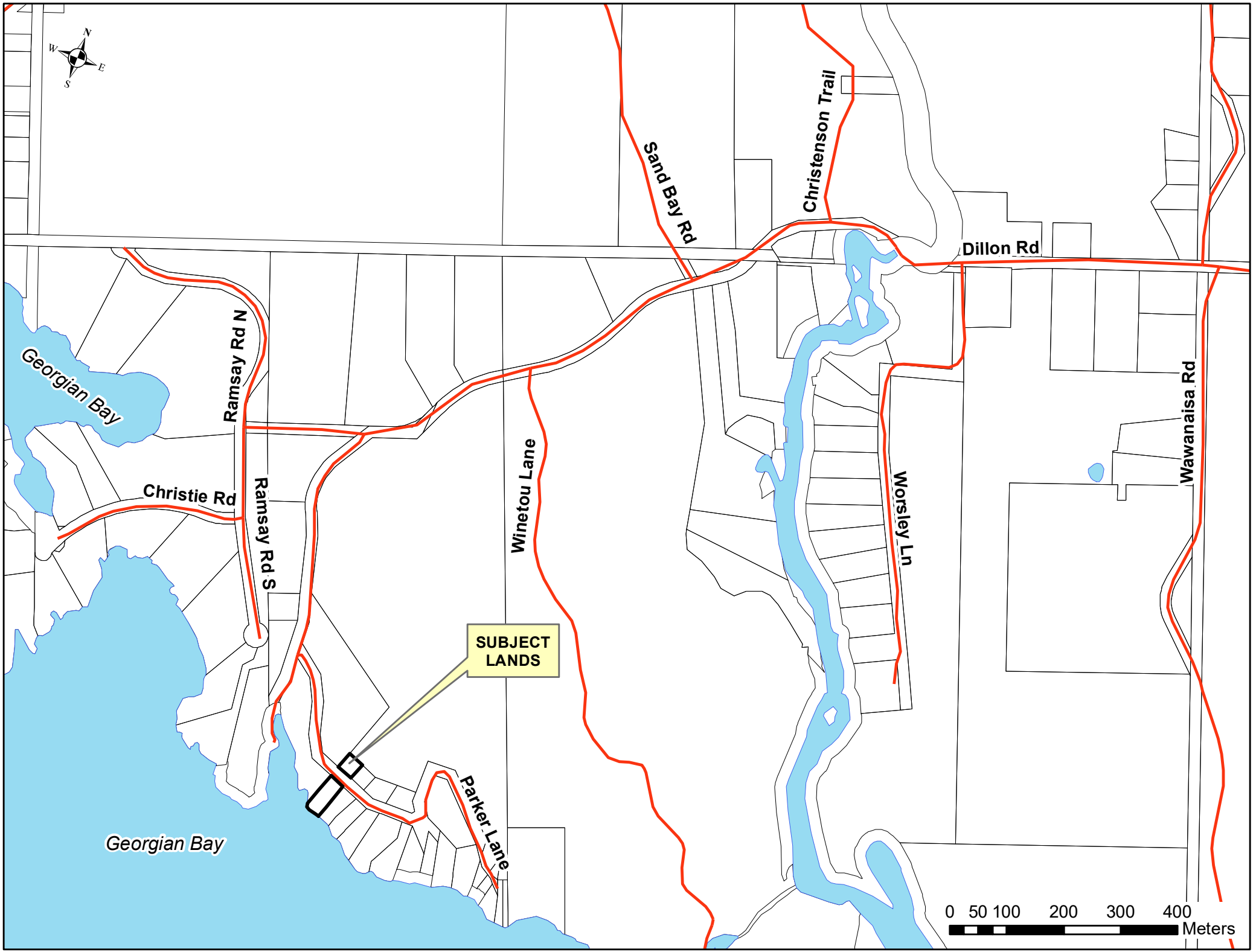
All registered owners of the subject property must provide their consent concerning the disclosure of personal information, as set out below.

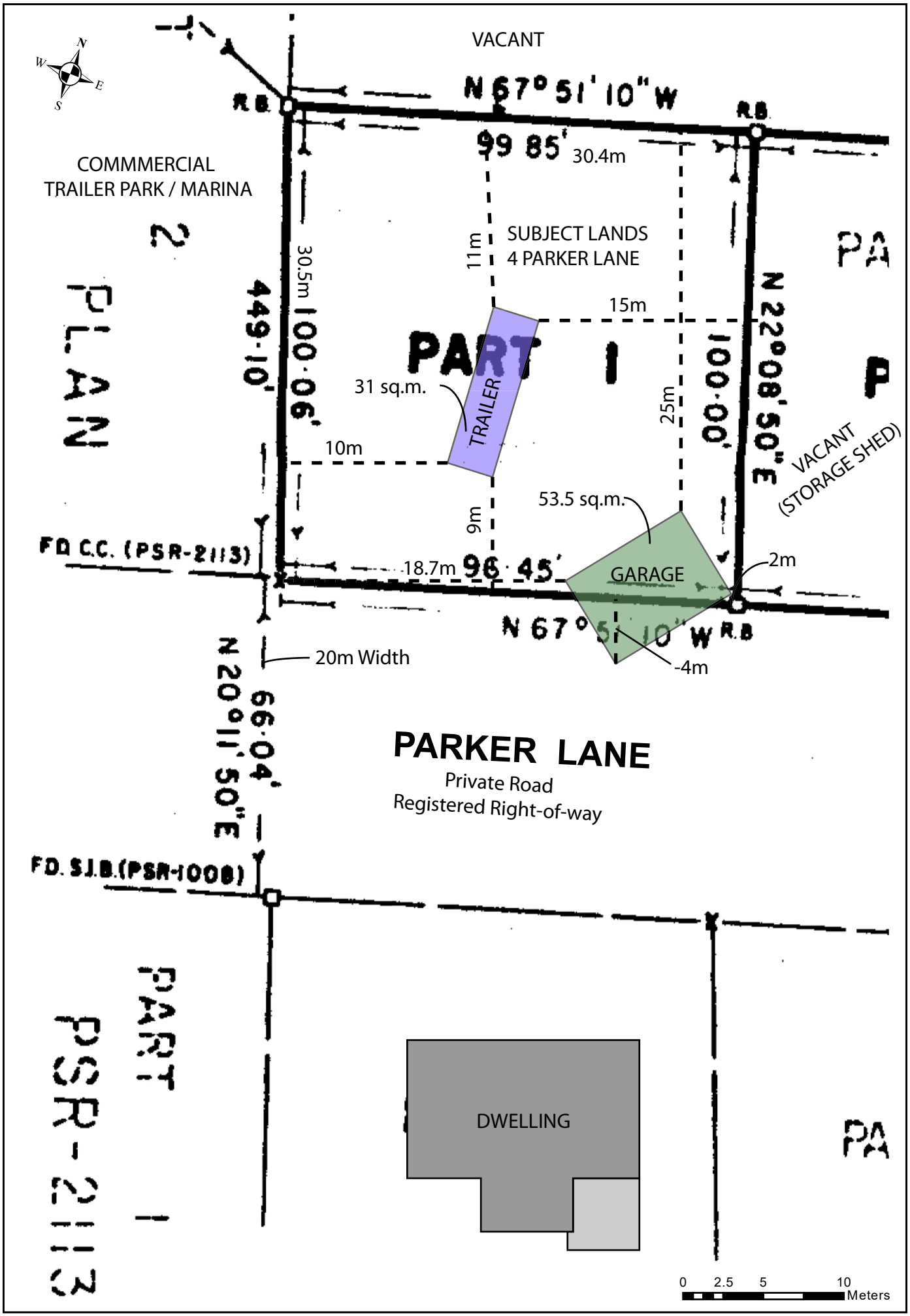
I/We, Harry Hikisch & Lori Hikisch, am/are the owner(s) of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act*, I/we authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the *Planning Act* for the purposes of processing this application.

Date February 12, 2026 Signature of Owner H. Hikisch X

Date February 12, 2026 Signature of Owner L Hikisch X

Date _____ Signature of Owner _____


N
W
E
S
Sand Bay Rd
Christenson Trail
Dillon Rd
Georgian Bay
Ramsay Rd N
Ramsay Rd S
Christie Rd
Winetou Lane
Worsley Ln
Wawanaisa Rd
SUBJECT LANDS
Parker Lane
Georgian Bay
0 50 100 200 300 400
Meters


VACANT
N 67° 51' 10" W
R.B.
R.B.
99.85'
30.4m
COMMMERCIAL
TRAILER PARK / MARINA
SUBJECT LANDS
4 PARKER LANE
11m
30.5m
449.10'
100.06'
15m
PART 1
31 sq.m.
TRAILER
10m
25m
100.00'
N 22° 08' 50" E
VACANT
(STORAGE SHED)
53.5 sq.m.
GARAGE
2m
9m
FD C.C. (PSR-2113)
18.7m
96.45'
N 67° 51' 10" W
R.B.
4m
20m Width
N 20° 11' 50" E
66.04'
PARKER LANE
Private Road
Registered Right-of-way
FD. S.I.B.(PSR-1008)
DWELLING
PART 1
PSR-2113
0
2.5
5
10
Meters

John Jackson Planner, Inc.
1 Mall Drive Unit #2, Parry Sound, Ontario P2A 3A9
Tel: (705) 746-5667 E-Mail: JJPlan@Vianet.ca

PLANNING REPORT

24 -02- 2026

IN SUPPORT OF

MINOR VARIANCE APPLICATION

4 PARKER LANE

TOWNSHIP OF CARLING

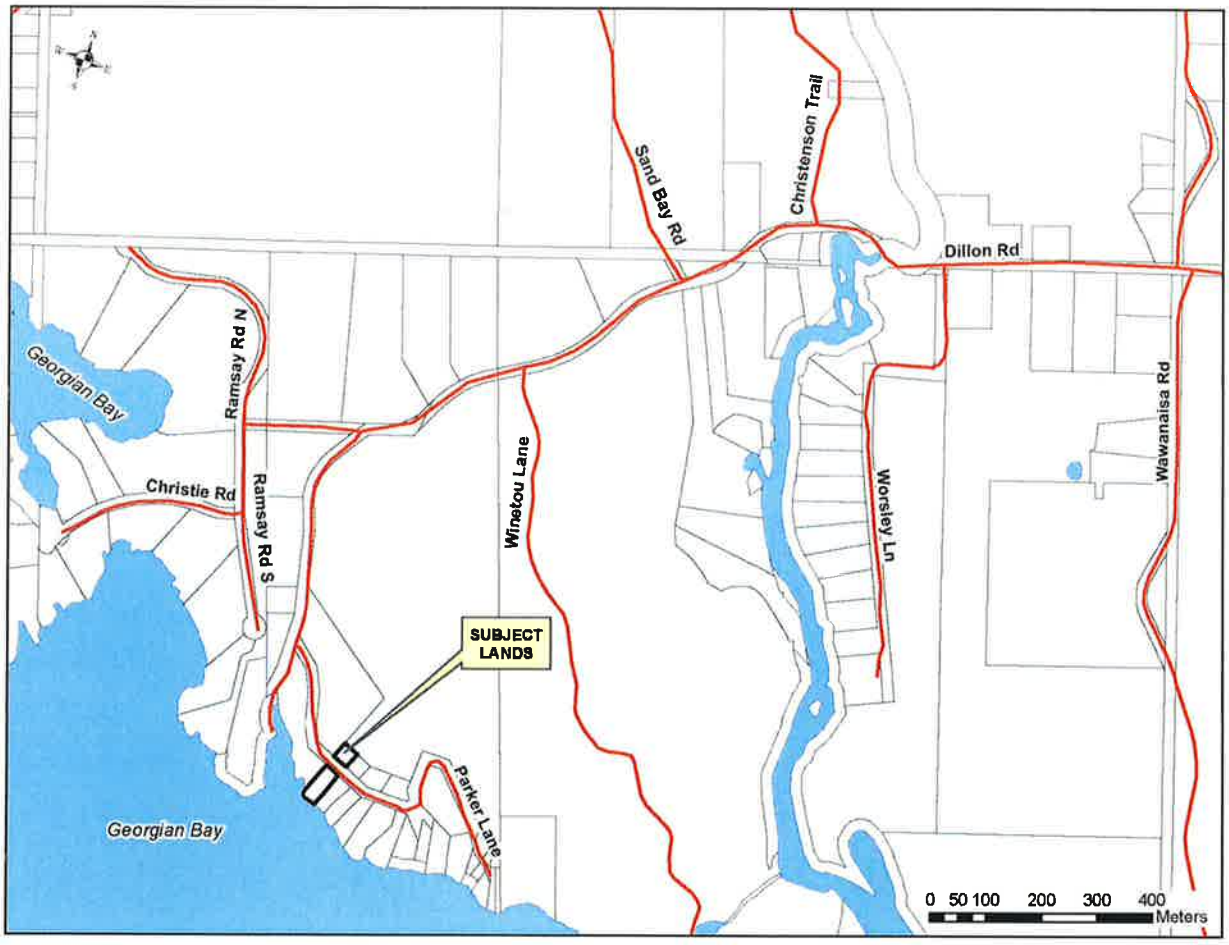
APPLICANTS: Lori and Harry Hikisch

February 17, 2026

With the Assistance of John Jackson Planner Inc.

BACKGROUND

Harry Hikisch and his daughter, Lori Hikisch own two properties at 3 and 4 Parker Lane adjacent to Dillon Cove.



Parker Lane is a private road off the terminus of Dillon Road.

No. 3 Parker Lane is where the father resides. There is a detached garage at 4 Parker Lane separated from the house by the private road owned by a third party.

There is a trailer that was placed alongside the garage a number of years ago where the daughter would use on a temporary basis to care for her father who is a nonagenarian. More recently, a new model trailer was swapped for the previous trailer due to the increasing care needed for the father. Lori has had to reside in the trailer year round to look after her aged father.

The Township declaired that the occupancy of the trailer was not permitted at 4 Parker Lane and it ordered the removal of the trailer.

The representatives from the Township approached the owners in September of 2025 that apparently was in response to a complaint filed by a neighbour.

After meeting with officials at the Township, the following summary report was provided to Lori Hikisch.

November 13, 2025 Ryan Snowball provided:

"1) You have confirmed that the trailer is being used for human habitation on a temporary basis;

2) The subject land is zoned RR-9 which permits the land to be used exclusively for a garage or storage shed. Siting of the trailer on the property is in contravention of Section 7.04.9 of the Zoning By-law.

3) Section 5.58 of the Zoning By-law stipulates that a travel trailer shall not be used for human habitation in any zone, except in accordance with Section 5.57 of the By-law (i.e. where it is sited on a property and used while a dwelling is under construction). The use of the travel trailer for human habitation is in violation of Section 5.58 of the Zoning By-law.

4) We discussed your options for moving forward with obtaining some permission to continue this use on a temporary basis. This could, theoretically, be achieved in part by applying for and obtaining a Temporary Use Zoning By-law. Such a by-law would afford the property permission to be used in a manner not in compliance with Zoning By-law C500-2011 for a temporary period of time, with option to extend the period as needed, subject to approval by Council.

5) However, I have reviewed further and such by-law would need to conform to the Township's Official Plan.

6) The Township's Official Plan notes that Trailers are not a permitted use in the Township except as specifically allowed in the Official Plan and the Zoning By-law and will only be permitted on properties specifically zoned for such uses or in trailer parks permitted by by-law in the Township (See Section 17.04.1 and 17.04.2).

7) Section 29.04.1 of the Official Plan also notes that temporary use by-laws will be subject to the use being permitted in the Official Plan and the use complying with the general requirements and policies of the Official Plan.

8) For this reason, an Official Plan Amendment would also be required in addition to the Temporary Use Zoning By-law Amendment.

9) Unlike Temporary Use By-laws, which are approved by municipal Council, Official Plan Amendments are approved by the Ministry of Municipal Affairs and Housing. Should you choose to file an Official Plan Amendment application, we would need to pre-consult with the Province on the proposal and could not proceed until such time as we received their comments. As I understand it, they have their own set of application fees that would need to be paid.

10) Submission of an application for these applications would require completion of Planning Reports, prepared by a qualified professional, to comment and establish a need for the use and to comment on the physical suitability of the lands for the proposed development. Additional study requirements may be required and the Province may request additional supporting documentation.

11) As is the case with all Planning Act applications, I cannot guarantee that any application would be successful. I do see some issues here which may present a challenge.

12) I also spoke with our Building Department who expressed some concerns with the use of a travel trailer as a dwelling from a Building Code perspective. The current servicing arrangement (i.e. regular pumping out of sewage and taking water from the hose at 3 Parker Lane) is also unlikely to be code compliant.

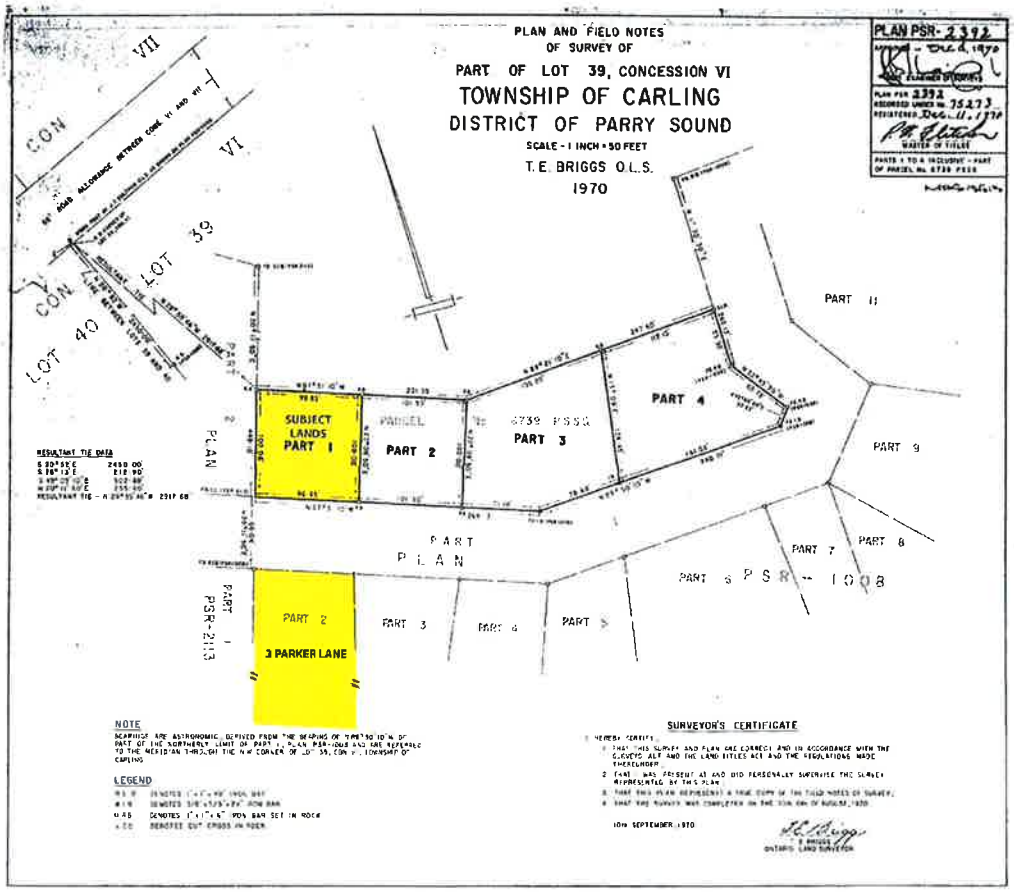
12) In the meantime, until such time as the above approvals are obtained, the current use taking place on the subject land remains not in compliance with the Township's Zoning By-law. As such, we are requiring that the current use be discontinued immediately and that the trailer be removed from the premises by no later than December 12, 2025.

13) Let me know if you wish to proceed with applications and we can have a further chat at that time. "

Lori Hikisch was overwhelmed with the above response and she retained John Jackson Planner Inc. to assist with a resolution of this By-Law contravention.

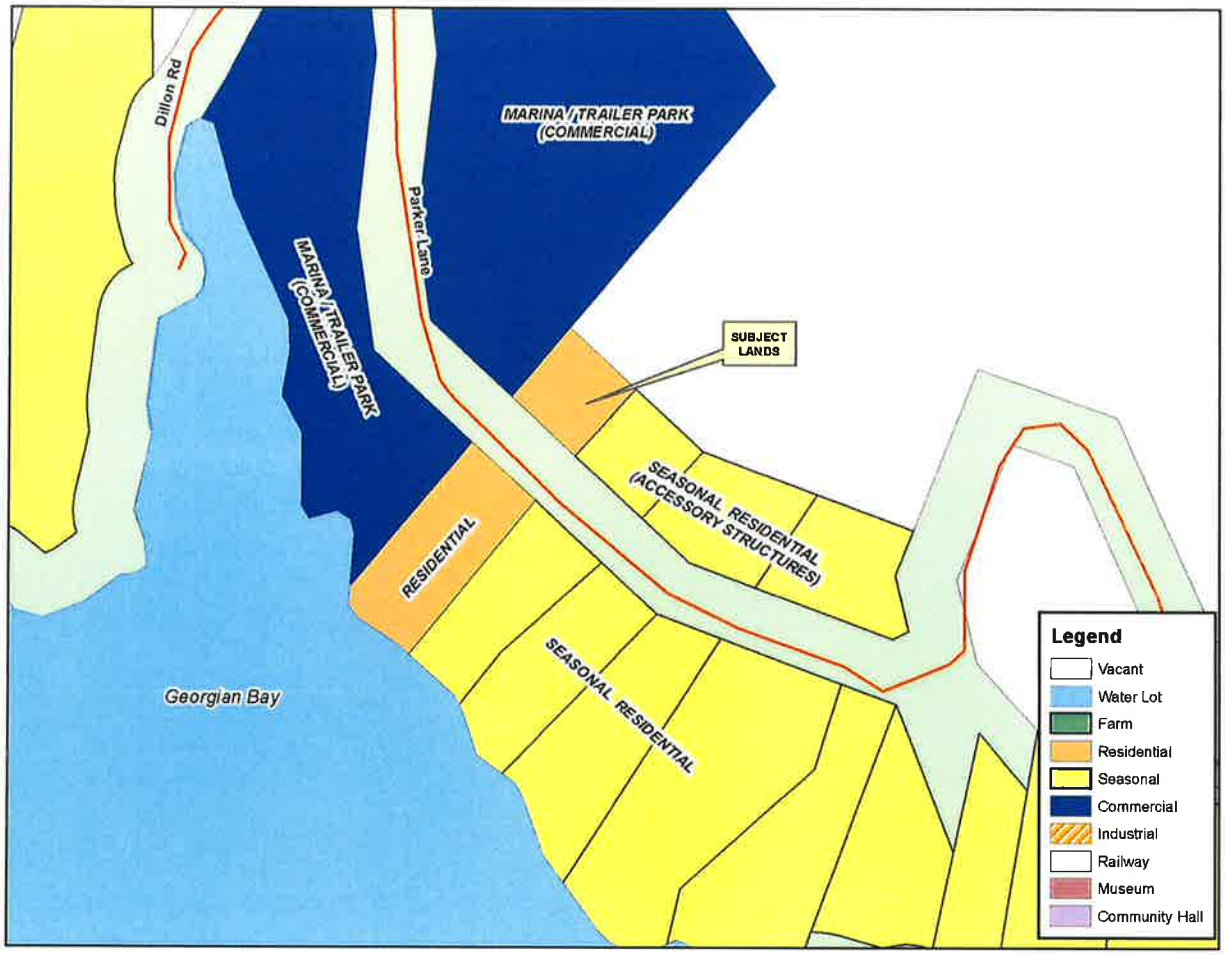
PROPERTY DESCRIPTION

Notwithstanding that the Hikisch's have two separate properties identified as 3 and 4 Parker Lane, the two parcels function as a single waterfront property.



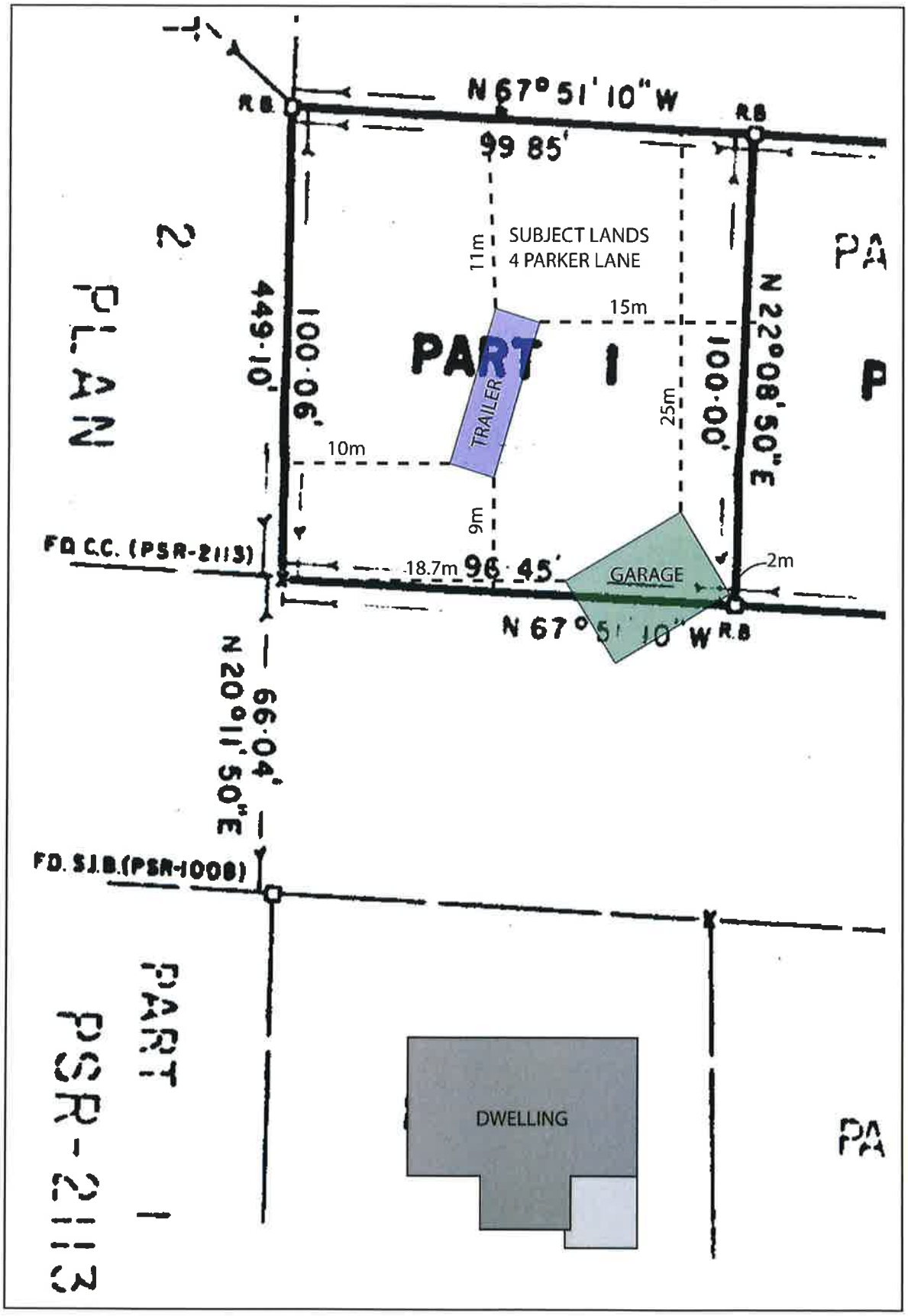
The lands are accessed through Dillon Cove Marina and resort. The property is immediately adjacent to the trailer park.

Historically, the lands were part of the resort known as Grahams and then later as part of a separate resort operated by Roy and Eileen Parker.



The house at 3 Parker Lane was one of the original cabins associated with the resort that was built in early 20th century. The home is now more than 50 years old.

The detached garage at 4 Parker Lane was initially built as a shop for the Parker Bay Resort. It is now a garage used as part of the house on the waterfront.


N 67° 51' 10" W
R.B.
99.85'
SUBJECT LANDS
4 PARKER LANE
11m
15m
PART 1
TRAILER
25m
10m
9m
449.10'
100.06'
100.00'
N 22° 08' 50" E
FD. C.C. (PSR-2113)
18.7m
96.45'
GARAGE
2m
N 67° 51' 10" W
R.B.
N 20° 11' 50" E
66.04'
FD. S.I.B. (PSR-1008)
DWELLING
PLAN
PART 1
PSR-2113

Approximately 8 years ago, Mr. Hikisch had some health concerns and his daughter Lori, had a trailer placed beside the garage that could be used temporarily while she cared for her father.

Last summer, Mr. Hikisch's health began to deteriorate (he has C.O.P.D.) so the daughter was required to spend more time at the Carling property. Proper care dictated that she move to Carling full time.

The older trailer was swapped out for a newer model with some modification to be suitable for winter use.

This replacement trailer is a "fifth wheel" Jayco 351.

No. 3 Parker Lane (the house lot) has 30.3 metres of Georgian Bay frontage with an area of 0.2 hectares.

No. 4 Parker Lane is approximately 30m square for a total area of 0.09 hectare. As illustrated in the site plan, the garage partially encroaches on the Lane.

The dwelling is serviced by a septic and private well. The trailer is serviced with a holding tank for domestic water supply and a holding tank for wastewater. These services are provided every 3 week by a local contractor.

The air photo illustrates the general features on an around the subject properties.

d Resort
4
6
Parker Ln
3
5
7

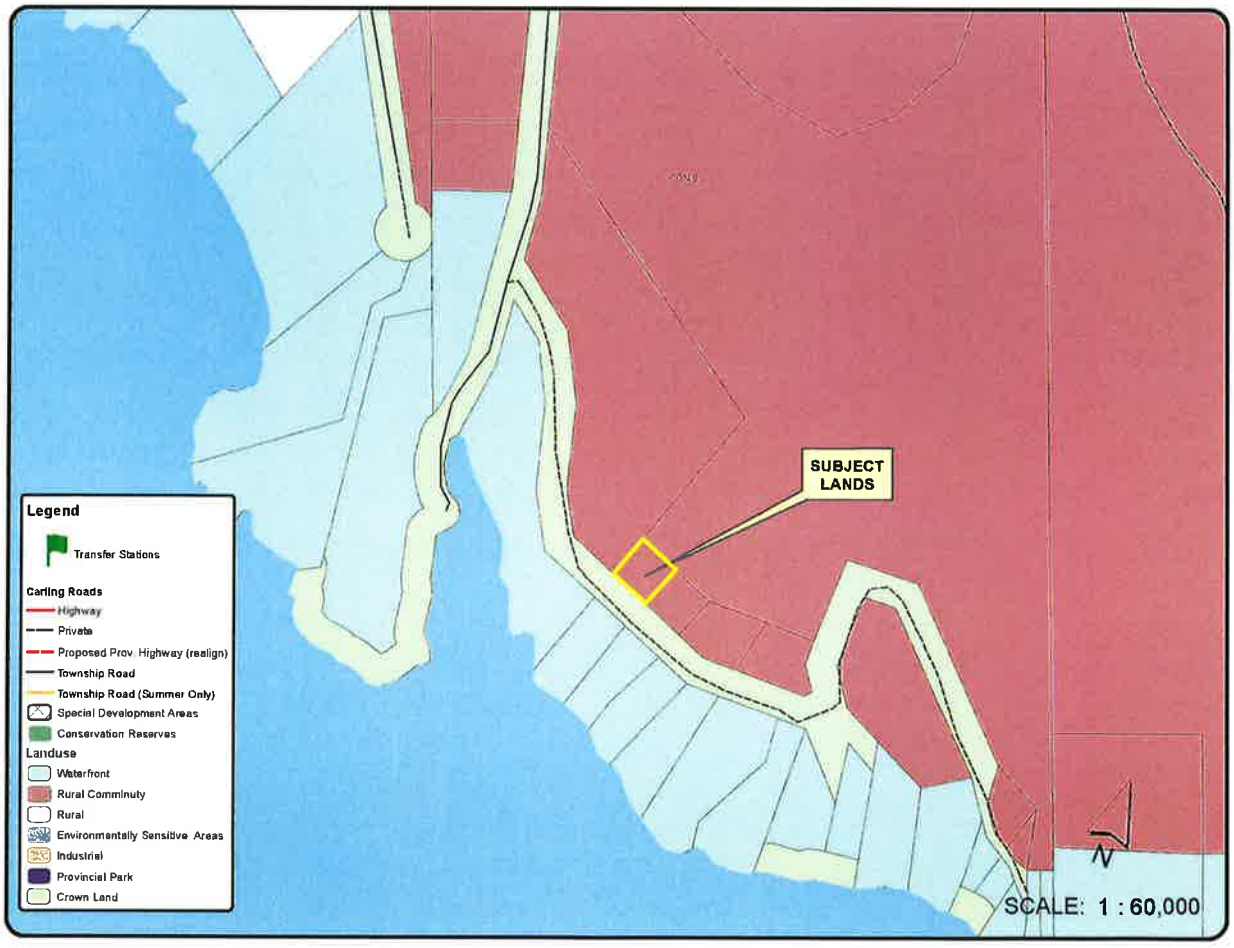
PROPOSED SOLUTIONS

The Hikisch and I spoke about a number of alternatives that could possibly resolve the problem. These included a variety of options that will be discussed below.

- Constitutional argument;
- Deeming the trailer an accessory use to the garage;
- Taking a building permit that allows a temporary trailer;
- A rezoning;
- A committee of adjustment 45(1) application;
- A committee of adjustment 45(2) application;
- Recognizing the trailer as a secondary dwelling;
- Joining the two parcels using a section 118 Land Titles restriction;
- Temporary zoning By-Law;
- Garden suite.

OFFICIAL PLAN

The subject lands are designated Waterfront and are part of the Dillon community.



The definition of Waterfront is found at section 21.01.

> ***"21.01 Definition***
>
> ***21.01.1 All of the lands adjacent to the recreational waterways of the Township are available for waterfront development, with the exception of those lands that are designated as Environmental Protection (EP) and other lands determined to be inappropriate for development based on other polices of the Official Plan. Generally these lands are designated as Waterfront and are illustrated on Schedule 'A', Land Use Plan.***
>
> ***21.01.2 These lands are generally considered to be within the first 300 metres of any recreational waterway."***

This definition would recognize both 3 and 4 Parker Lane as part of the Waterfront. The Waterfront policies in section 27.04 confirm the designation.

> ***"27.04 Waterfront***
>
> ***27.04.1 The Waterfront designation generally includes those lands with 300 metres of the Township's recreational waterbodies. These lands are shown on Schedule 'A' Land Use Plan. Any lands that physically or functionally relate to the adjoining recreational waterbody shall be considered to be within the Waterfront designation.***
>
> ***27.04.2 The permitted uses in the Waterfront designation include:***
>
> ***- residential,***
> ***- tourist commercial,***
> ***- open space,***
> ***- recreation, and***
> ***- waterfront facilities."***

GENERAL POLICIES

The Carling official plan has policies related to the use of trailers.

> ***"17.04 Trailers***
>
> ***17.04.1 Trailers will not be a permitted land use in the Township except as specifically allowed in this Official Plan and the implementing Comprehensive Zoning By-law.***
>
> ***17.04.2 Trailers will only be permitted on properties specifically zoned for such uses or in trailer parks permitted by by-law by the Township.***
>
> ***17.04.3 Upon application, the Township may allow the temporary use of a trailer on a property where a building permit has been issued for a main dwelling, and such trailer may be located on the subject property for the period required to construct the main dwelling so long as the period does not exceed two (2) years from the date of issuance of a building permit."***

This policy has been part of Carling's official plan since it was first adopted in the 1980's.

The policy was created given the potential for conflict between traditional frame dwellings and the use of trailers in their place. Trailers have traditionally deteriorated at a faster rate than "stick built" dwellings and can often be sites where there is an abundance of clutter given the absence of storage space.

In the subject case, these original concerns over a trailer use are not what is occurring at 4 Parker Lane.

Coincidently, the Hikisch's would like to proceed with a renovation that is necessary at the dwelling on 3 Parker Lane.

Because 4 Parker Lane is the parcel where the trailer is located, Township staff have rejected the ability to apply the exception under 17.04.3.

The use of the trailer at 4 Parker Lane functions more as an accessory use to the dwelling on 3 Parker Lane. To this extent, it is more properly considered as a secondary dwelling unit that will have a temporary existence while the father resides in the main dwelling.

The Township's analysis of the situation recognizes the policy that allows temporary uses under section 29.04 of the plan.

> ***"29.04 Temporary Use By-laws***
>
> ***29.04.1 The Township may enact temporary use by-laws to permit uses of land that may otherwise not be allowed subject to the following:***
> ***(a) the use is a permitted use in the Official Plan;***
> ***(b) the limits of the temporary use comply with the requirements of the Planning Act; and***
> ***(c) the use will comply with the general requirements and policies of the Official Plan.***

This analysis concluded that an official plan amendment would also be required since the use of a trailer is otherwise not permitted.

The Township, in its initial response, conveys that any remedy will include a separate application for an official plan amendment. It is also indicated that the approval authority for such applications rests with the province that has separate fees and procedures.

The Township also predicts that such an application may not be supported by the province or the Municipality.

Although not identified in the Township discussion, the official plan provides for Garden Suites.

"17.08 Garden Suites

17.08.1 Garden suites as defined in the Planning Act may be permitted by rezoning in any Rural or Rural Community designation for a period of up to twenty years, through the passing of a temporary use by-law, in accordance with the provisions of the Planning Act. Council may require the owner to enter into an agreement with the Township to deal with matters relating to installation, maintenance, and securities for the Township."

Under the Planning Act, a "Garden Suite" is defined as:

"a one unit, detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable."

Based upon this policy, there is an ability to meet these requirements to declare that there is no conflict with the official plan.

As already indicated, the owners would be quite prepared to place the two parcels under a section 118 Land Titles restriction such that parcels must always be transferred and considered as a single parcel for Planning Act purposes.

It should also be recognized that Carling has engaged this approach for other properties in the Municipality where a care giver resided on property in a separate structure.

It is also believed that the subject trailer can be interpreted to be in accord with the Planning Act definition of a "garden suite".

PROVINCIAL POLICY STATEMENT 2024 (P.P.S)

Local planning approval authorities are required to be consistent with matters of provincial interest in regard to any decisions on land use planning and development.

A number of P.P.S. apply in this matter.

"2.1 Planning for People and Homes

4. To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development; and
b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.

6. Planning authorities should support the achievement of complete communities by:

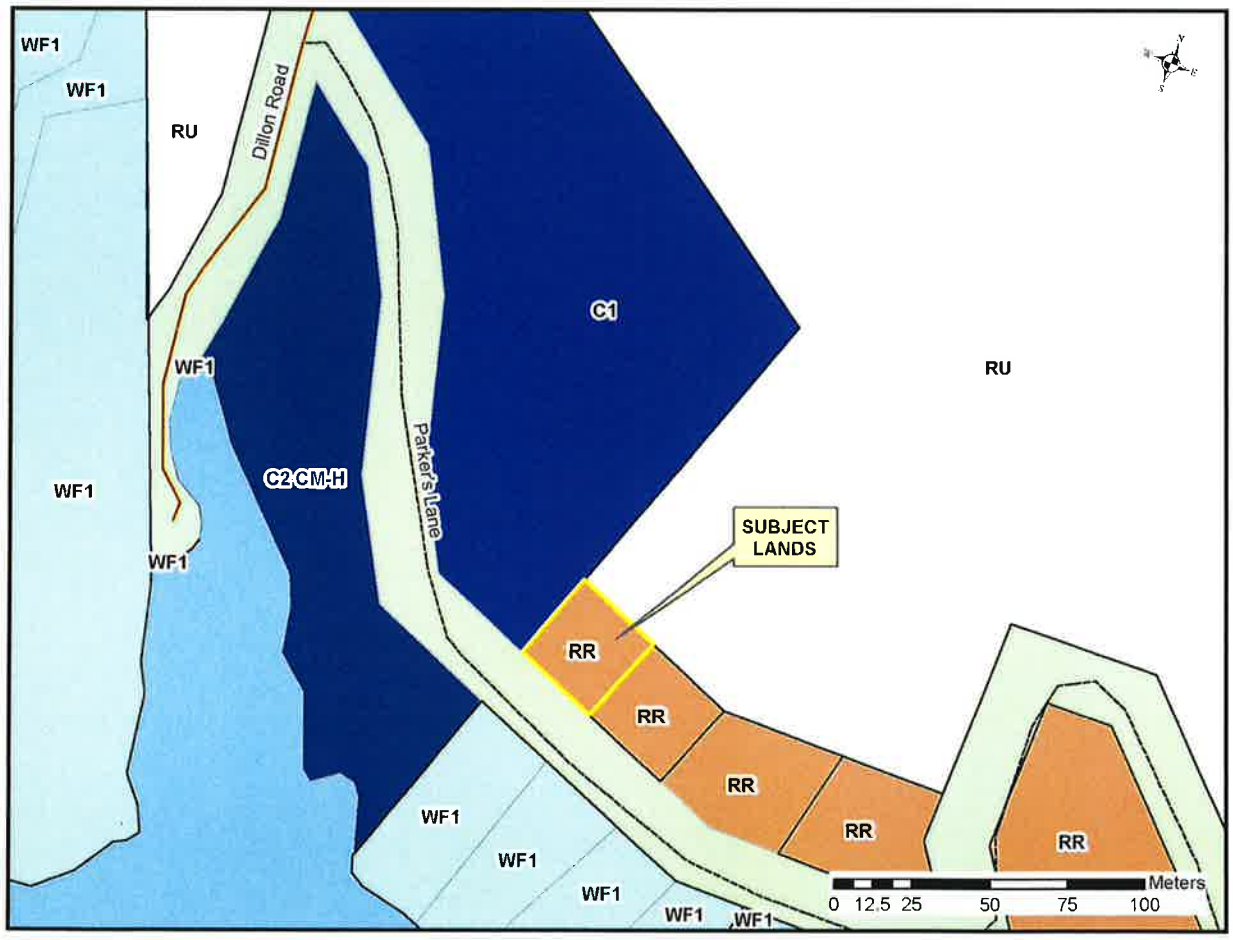
a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;
b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

Although these policies tend to be at a "higher" level, there is significant relevance to the Hikisch circumstance.

Any measures to obstruct the family in this instance would be considered inconsistent with the Provincial Policy Statement and provincial interest.

ZONING

The subject lands are zoned Rural Residential Exception No.9 (RR-9).



The Rural Residential (RR) Zone permits:

- a single detached dwelling;
- an accessory apartment;
- a home industry;
- a home occupation;
- a boarding house;
- a bed and breakfast.

Under the RR-9 exception that applies to 4 Parker Lane:

> ***"7.04.9 Rural Residential Exception 9 (RR-9)***
>
> > ***Part of Lot 39 in Concession 6 being parts 1, 2, 3, and 4 of Reference Plan No. PSR-2392 may be used exclusively for a private garage or storage shed provided the minimum yard and setback requirements are met."***

Because the general provisions of the zoning By-Law allow for accessory uses to any principal uses, there is an argument, albeit weak, that the trailer at 4 Parker Lane could be considered accessory to what would normally be an accessory garage. However, in this instance, the garage is the principal use so that the accessory provisions are reversed.

However, it has become apparent that such an interpretation is not available under section 5.58 of the By-Law.

> ***"5.58 Special Use Restrictions***
>
> > ***No person shall in any zone, use a travel trailer, truck, truck body, street car, bus, coach, railway or transport shipping container, vessel, boat or any similar structure for human habitation, except in accordance with the special and temporary uses outlined in Section 5.57."***

There was thought to be some applicability to allow for the trailer occupation under section 5.57 given the renovations proposed at 3 Parker Lane.

> ***5.57 Special and Temporary Uses***
>
> > ***The following uses are permitted in all zones within the Township:***
> >
> > > ***(c) an accessory building or structure is a permitted use where such a building or structure is incidental to the construction of a main building or structure permitted by this by-law. A travel trailer may be used for human habitation during the construction of a principal use dwelling for up to a maximum of two (2) years from the date of issuance of a building permit or until construction is abandoned."***

This provision was rejected by the Township because of the physical separation of 3 and 4 Parker Lane.

OPTIONS

1. It would appear that the Township of Carling representatives are not prepared to support the use of the property at 4 Parker Lane as a temporary trailer to provide care for her aged father at 3 Parker Lane.

   There may be a constitutional argument that is made to oppose an application of a zoning By-Law that has unjustified impact on an elderly person's ability to receive necessary care in their home.

   The section of the Charter of Rights, section 15 provides that an elderly person is clearly in a charter protected group and a zoning interpretation that would prevent a care giver would be discriminatory. The argument is that enforcing occupancy limits, limits family caregiving has a disproportionate impact on elderly and disabled people.

   This could lead to a successful application under the Ontario Human Rights Code where planning decisions have warned against vulnerable groups.

   It is believed that a municipal decision that frustrated a reasonable accommodation of care for an aged parent is discriminatory and in conflict with section 15 of the Constitution.

   It is clear by the response of the Township officials that it has no sensitivity towards the intrinsic rights of these owners in respect of the Charter of Rights.

2. A simple solution to the alleged contravention to the By-Law would be to have the trailer use deemed to be an accessory use to the principal garage use of the property.

   It is seemingly clear that the Township Officials are not prepared to interpret this as a valid solution given the general prohibition of the use of trailers as structures that are able to be inhabited.

   Such an interpretation would avoid for any protracted debate over the appropriate and reasonable use of the trailer as a short term solution to the needs of the father.

3. The owners would be prepared to obtain a building permit for needed home renovations that could allow for a temporary trailer usage during the construction on the dwelling. It is highly likely that this solution would meet the temporary occupation needs for the property to allow the use of the trailer.

   The Township officials have rejected this approach on the basis that 3 and 4 Parker Lane are separate properties and any permits issued for 3 Parker Lane would not enable a temporary trailer use on 4 Parker Lane.

4. The lands could be rezoned to allow for the occupation of the trailer on a full time basis.

   The Township has indicated that such a rezoning application would require a concurrent official plan amendment application.
   It further commented that there was a strong likelihood that such applications may not be successful.

5. The subject lands are zoned Rural Residential which makes them eligible for a garden suite notwithstanding that this option was not brought forward as a possible remedy to the alleged By-Law conflict.

   This potential solution has the attendant conditions to recognize the use as temporary and that it would cease to exist at some point.

   This option would require the interpretation of the travel trailer to be within the definition of a garden suite. This would appear to be available given the language within the Planning Act definition.

   It would appear, however, that the Township is not likely to cooperate with a positive response to this option.

6. A committee of adjustment application could be filed under its authority in either section 45(1) or 45(2) of the Planning Act.

   The minor variance application (45(1)) would be able to allow the approval subject to entering into an agreement under condition that would allow the use of the trailer for a finite period of time.

   There are many authorities that have concluded that a strict adherence to any official plan policies are not required so long as the general intent can be rationalized.

   The background to this matter is believed to provide more than adequate support for the minor variance application in meeting the four tests, particularly with an agreement in place to ensure the use is temporary and is intended to cease at some point.

   The application could be filed under the committee of adjustment authority to grant permissions to extend legal non-conforming use (section 45(2)). This authority would be available given the absence of any compliance with performance standards given that the detached garage is encroaching upon adjacent lands.

The Township has not embraced the doctrine of legal nonconformity so it would likely be unacceptable to proceed under this authority.

CONCLUSION

It has been decided that this matter is able to be dealt with a committee adjustment application with a condition requiring an agreement to recognize the temporary use of the trailer.

This option is believed to be a simple clear and understandable approach to remedy the By-Law infraction.

A copy of the committee of adjustment application is attached.

We would appreciate receiving notice when the hearing on this matter is scheduled.

Kind regards,

John Jackson