

3027 Vern Drive, Val Caron

Presented To:	Planning Committee
Meeting Date:	June 28, 2021
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-7/21-04

Report Summary

This report provides a recommendation regarding a request to extend a temporary use by-law in order to permit a garden suite accessory to a single detached dwelling.

This report is presented by Mauro Manzon, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Alain and Sandra Chouinard to amend Zoning By-law 2010-100Z with respect to lands described as PIN 73500-0054, Parcel 49368 S.E.S., Part 2, Plan 53R-12854 in Lot 12, Concession 6, Township of Blezard in order to extend the use of a garden suite in accordance with Section 39.1(4) of the Planning Act for a temporary period of three (3) years, as outlined in the report entitled “3027 Vern Drive, Val Caron”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 28, 2021.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

The application to amend the Zoning By-law is an operational matter under the *Planning Act* to which the City is responding. The application seeks to provide an alternative form of housing for family members that aligns with the housing objectives of the City.

Financial Implications

There are no financial implications associated with this report as this is an application to extend the use of an existing dwelling unit in a detached building as a garden suite.

Report Overview

An application to extend a temporary use by-law has been submitted in order to continue the use of a 77 m² garden suite on the property municipally known as 3027 Vern Drive, Val Caron. The unit has been occupied since 2011 and has maintained compliance with the provisions applied to garden suites. Planning Services recommends a three-year extension pursuant to Section 39.1(4) of the Planning Act.

STAFF REPORT

PROPOSAL:

An application to extend a temporary use by-law for a three-year period has been submitted in order to continue the use of a dwelling unit in a detached building as a garden suite, which was constructed in 2011. Under Section 39.1(4) of the *Planning Act*, a maximum three-year extension is permitted for garden suites. There is no limit on the number of extensions.

Existing Zoning: "A", Agricultural

The subject land is zoned "A", Agricultural, which permits a residential use in the form of a single detached dwelling or a mobile home. Secondary dwelling units are also permitted subject to the provisions of Section 4.2.10.

Under Section 4.10 of the Zoning By-law, garden suites may be converted to secondary dwelling units subject to the applicable provisions including registration with Building Services.

Requested Zoning: Extension of a temporary use identified as T56 in the Zoning By-law

The extension would permit the garden suite to continue for an additional three (3) years to May 11, 2024.

Location and Site Description:

PIN 73500-0054, Parcel 49368 S.E.S., Part 2, Plan 53R-12854 in Lot 12, Concession 6, Township of Blezard (3027 Vern Drive, Val Caron)

The subject property is located on the south side of Vern Drive in Blezard Valley. The area forms part of the Agricultural Reserve, and is zoned accordingly. The lot was created as part of a consent process in 1990 (File #B0706/1989).

Total lot area is 0.4 ha, with 60 metres of frontage and a depth of 68 metres. A one-storey, 194 m² single detached dwelling constructed in 2007 occupies the property. A permit was issued in 2011 for a 77 m² accessory building to be used as a garden suite (Permit #B11-1997). The garden suite is located in the rear yard approximately 48.5 metres from the street line.

Single detached dwellings on approximate 0.4 ha lots abut to the east (3013 Vern Drive) and west (3067 Vern Drive). Rural residential uses are also situated opposite the subject property. A vacant rural parcel abuts to the south.

Related Applications:

The garden suite on this property was first approved as a temporary use in 2011 and this is the first extension. Under Section 39.1(4) of the *Planning Act*, Council may grant a maximum three (3) year extension for garden suites. There is no limit on the number of extensions.

Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on April 27, 2021. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out circulated to the public and surrounding property owners within 240 metres of the property on June 10, 2021.

As of the date of this report, no phone calls or written submissions have been received by Planning Services.

POLICY & REGULATORY FRAMEWORK:

The property is subject to the following policy and regulatory framework:

- [2020 Provincial Policy Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

Provincial Policy Statement:

Municipalities in the Province of Ontario are required under Section 3 of the [Planning Act](#) to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement.

Section 1.4 of the PPS encourages a range of housing types in order to address housing needs within the community, including persons who need to live within close proximity of family members but also desire a measure of independent living. Garden suites are intended to provide such accommodation subject to the provisions of Section 39.1 of the *Planning Act*.

Growth Plan for Northern Ontario:

Municipalities in the Province of Ontario are required under Section 3 of the *Planning Act* to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario.

Section 4.3.3 of the GPNO encourages an appropriate range and mix of housing types in Economic and Services Hubs such as Greater Sudbury.

Official Plan for the City of Greater Sudbury:

The subject property is designated as part of the Agricultural Reserve. Under Section 6.2.1 of the Official Plan, garden suites are permitted in the Agricultural Reserve in accordance with the criteria under Section 2.3.5 as follows:

- a single garden suite is allowed as an accessory unit on a lot with only one existing dwelling unit;
- services will be connected to the service lines of the host dwelling unit to City specifications;
- a garden suite can be integrated with the prevailing character of the surrounding area, and will be removed at no expense to the City at the termination of its use; and,
- an agreement may be required between the applicant and the City dealing with such conditions as the installation, location, maintenance, occupancy and removal of the structure.

Notwithstanding the above, a garden suite may be served by its own individual on-site sewage and water services, where appropriate. A mobile home may be used as a garden suite if it is built on its own foundation and in accordance with the Ontario Building Code. None of these policies are intended to result in the creation of new residential lots in the Agricultural Reserve.

Zoning By-law 2010-100Z:

The subject land is zoned "A", Agricultural. Residential uses in the form of a single detached dwelling or a mobile home on a permanent foundation are permitted. Garden suites are also permitted subject to the setback requirements applied to accessory buildings.

A site visit revealed a shipping container located adjacent to the garden suite. The owners are advised that a shipping container is permitted in Agricultural zones only as an accessory structure used in conjunction with a permitted agricultural use.

Site Plan Control:

A Site Plan Control Agreement is not required.

Department/Agency Review:

Commenting departments and agencies have no concerns related to the extension of the temporary use by-law.

PLANNING ANALYSIS:

The dwelling unit has been in place since 2011 and continues to be maintained and occupied in compliance with the provisions applied to garden suites. The owners advised Planning Services that they do not wish to convert the garden suite to a secondary dwelling unit at this time. The garden suite has not created any land use conflicts and is discretely sited on the lot within the rear yard.

The owners are advised that once the garden suite is no longer required for its intended purpose, the City shall be notified, the dwelling unit must be discontinued, and the building must be converted to a non-residential use. A building permit may be required for the conversion of the garden suite.

Alternatively, the owners could register the garden suite as a secondary dwelling unit subject to the provisions of Sections 4.2.10 and 4.10 of the Zoning By-law.

If additional garden suite extensions are required in the future, the owners are advised to submit an application for extension at least four (4) months prior to the lapsing date.

The application to extend the temporary use by-law for a three-year period is recommended for approval.