

1823 Vermilion Lake Road, Dowling

Presented To:	Planning Committee
Meeting Date:	September 13, 2021
Type:	Routine Management Reports
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-4/19-1

Report Summary

This report provides a recommendation regarding a request to extend a conditional approval on a rezoning application, 1823 Vermilion Lake Road, Dowling – Teen Challenge Canada Inc.

Resolution

THAT the City of Greater Sudbury approves the application by Teen Challenge Canada Inc. to extend the approval of a Zoning By-law Amendment Application, File # 751-4/19-1, on those lands described as PIN 73367-0543, Part of Parcel 6425, Lot 3, Concession 6, Township of Fairbank, for a period of one year until September 24, 2022, as outlined in the report entitled “1823 Vermilion Lake Road, Dowling”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 13, 2021.

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

The application to extend the approval of a Zoning By-law Amendment is an operational matter under the Planning Act to which the City is responding.

Financial Implications

If approved, there will not be any development charges as there are no planned additions to any building. Any change in taxation is unknown at this time as rezoning may increase the assessment value based on the change in the zoning.

Report Overview

This application reviews a request to extend the conditional approval of a rezoning application that would permit a special needs facility limited to a maximum occupancy of sixteen individuals and necessary employees to provide support services on those lands known municipally as 1823 Vermilion Lake Road in Dowling. The agent for the owner is requesting a one year extension to their conditional rezoning approval.

If approved, the current request would be the first extension granted by the City's Planning Committee and Council.

The rezoning approval was conditional upon the owner satisfying three conditions. First, the owner shall apply for a building permit for a change of use to the satisfaction of the Chief Building Official. Second, the shipping containers located on the subject lands are to be removed to the satisfaction of the Chief Building Official and the Director of Planning Services. And third, that the owner shall install a 1.5 m (4.92 ft) opaque fence along the front lot line and interior side lots lines to the satisfaction of the Director of Planning Services.

At the time of writing this report, staff understands that the agent for the owner has met with and continues to have discussions with the City's Building Services Division with respect to clearing the condition requiring that a building permit for a change of use be applied for to the satisfaction of the Chief Building Official. The agent for the owner has also advised staff that the shipping containers that were present on the lands at the time of the public hearing have since been removed. Staff has no update from the agent for the owner with respect to the erection of the required opaque fence; however, staff advises that the condition remains applicable.

Staff has reviewed the request to extend the conditional rezoning approval for a period of one year and has no concerns from a good land use planning perspective. The Planning Services Division is recommending that the rezoning approval be extended for a one year period until September 24, 2022.

Staff Report

Applicant:

Teen Challenge Canada Inc.

Location:

PIN 73367-0543, Part of Parcel 6425, Lot 3, Concession 6, Township of Fairbank (1823 Vermilion Lake Road, Dowling)

Application:

The original application for rezoning for which an extension is being applied for sought to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on the subject lands from "C7", Resort Commercial to "C7(S)", Resort Commercial Special.

Proposal:

Staff received an email from the agent for the owner dated July 19, 2021, requesting that the conditional rezoning approval for Teen Challenge Canada Inc. be extended for a period of one year until September 24, 2022. If approved, this current request would be the first extension granted by Planning Committee and Council. The agent for the owner has advised that they intend on continuing to work on the conditions of approval that were ratified initially by Council on September 24, 2019.

The rezoning once completed would permit a special needs facility on the subject lands limited to a maximum occupancy of sixteen individuals and necessary employees to provide support services. At the time of the public hearing, the City's Planning Committee also imposed an additional site-specific development standard requiring the erection of an opaque fence along the front and interior side lot lines.

Site Description & Surrounding Land Uses:

The subject lands are located on the south side of Vermilion Lake Road and to the west of Gordon Lake Road in the community of Dowling. The Vermilion River is located to the south and it is noted that the lands do not have water frontage onto Vermilion Lake as they are separated by a mining-related land holding to the immediate south of the subject lands. The lands have a total lot area of approximately 5.6 ha (13.84 acres) with approximately 275 m (902.23 ft) of lot frontage on Vermilion Lake Road. There are at present four buildings located on the lands. The owner has indicated these buildings to be a single-detached dwelling, a barn-like structure previously used for sleeping and programming space, a covered gazebo and a detached garage. There is also a hydro corridor bisecting the lands and the owner has a registered easement for access purposes to access the westerly portions of the subject lands.

Surrounding uses along Vermilion Laker Road are primarily rural residential and agricultural in nature with several large vacant rural parcels also being situated nearby the subject lands. There are also privately-owned, mining-related land holdings along the shoreline of Vermilion Lake in the general area.

Planning Considerations:

The agent for the owner originally submitted their application for Zoning By-law Amendment on March 22, 2019, in order to permit a special needs facility on the subject lands limited to a maximum occupancy of sixteen individuals and necessary employees to provide support services. The rezoning application was approved by the City's Planning Committee through recommendation [PL2019-110](#) (Pages 7 and 8) on September 9, 2019, and ratified by Council on September 24, 2019.

The initial rezoning approval was conditional upon the owner satisfying the following conditions:

1. That the owner shall apply for a building permit for a change of use to the satisfaction of the Chief Building Official;
2. That the shipping containers located on the subject lands be removed to the satisfaction of the Chief Building Official and the Director of Planning Services; and,
3. That the owner shall install a 1.5 m (4.92 ft) opaque fence along the front lot line and interior side lots lines to the satisfaction of the Director of Planning Services.

The amending zoning by-law can only be passed once the above noted conditions are satisfied.

The agent for the owner has indicated that they intend on continuing to work toward satisfying the conditions of rezoning the lands and have requested a one year extension to the rezoning approval based on those reasons noted above in this staff report.

At the time of writing this report, staff understands that the agent for the owner has met with and continues to have discussions with the City's Building Services Division with respect to clearing the condition requiring that a building permit for a change of use be applied for to the satisfaction of the Chief Building Official. The agent for the owner have also advised staff that the shipping containers that were present on the lands at the time of the public hearing have since been removed. Staff has no update from the agent for the owner with respect to the erection of the required opaque fence; however, staff advises that the condition remains applicable. In this regard, staff is satisfied that sufficient progress has been demonstrated over the last two years.

A copy of the initial [staff report](#) regarding the Zoning By-law Amendment application, as well as a copy of the approved Planning Committee [minutes](#) (see Pages 3-5) and recommendation [PL2019-110](#) (Pages 7 and 8) reflecting the decision made on September 9, 2019, is attached to this report for information purposes. As was previously mentioned in this report, the recommendation from the City's Planning Committee was then subsequently ratified by Council on September 24, 2019.

Staff has reviewed the request and from a land use planning perspective have no concerns with a one year extension to the initial conditional rezoning approval at this time.

Summary:

The agent for the owner has indicated to staff that they wish to continue pursuing the rezoning of the subject lands which would permit a special needs facility limited to a maximum occupancy of sixteen individuals and necessary employees to provide support services on those lands known municipally as 1823 Vermilion Lake Road in Dowling.

The rezoning approval granted by Council is conditional upon the owner applying for a building permit for a change of use to the satisfaction of the Chief Building Official and the owner having removed shipping containers located on the lands to the satisfaction of both the Chief Building Official and the Director of Planning Services. The amending zoning by-law can only be passed once the above noted conditions are satisfied.

The Planning Services Division is supportive of and recommends approval of the request to extend the rezoning approval as it pertains to the subject lands for a period of one year until September 24, 2022.