

1799 Potvin Crescent, Sudbury

Presented To:	Planning Committee
Meeting Date:	October 3, 2022
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/22-015

Report Summary

This report provides a recommendation regarding an application to extend a temporary use by-law permitting a garden suite.

This report is presented by Mauro Manzon, Senior Planner.

Resolution

That the City of Greater Sudbury approves the application by Gloria Prevost to amend Zoning By-law 2010-100Z with respect to lands described as PIN 73479-0066, Parcel 50488 S.E.S., Parts 2 to 7, Plan 53R-14439 in Lot 11, Concession 5, Township of Dill 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 “1799 Potvin Crescent, Sudbury” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 3, 2022.

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 a family member that aligns with the housing objectives of the City. There is no conflict with the Community Energy & Emissions Plan.

Financial Implications

There are no financial implications associated with this report for the extension of a temporary use of an existing garden suite.

Report Overview

An application to extend a temporary use by-law has been submitted in order to continue the use of a garden suite on the property municipally known as 1799 Potvin Crescent, Sudbury. The temporary use by-law was initially approved in 2011 and there are no land use concerns related to the application. 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 an approximate 111 m² garden suite that forms part of a detached accessory building. Under Section 39.1(4) of the *Planning Act*, a maximum three-year extension is permitted for garden suites.

Existing Zoning: "RU", Rural

The subject land is zoned "RU", Rural, 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 of the unit with Building Services.

Requested Zoning: Extension of a temporary use by-law identified as T68 in the Zoning By-law

The extension would permit the garden suite to continue for an additional three (3) years to October 30, 2025.

Location and Site Description:

PIN 73479-0066, Parcel 50488 S.E.S., Parts 2 to 7, Plan 53R-14439 in Lot 11, Concession 5, Township of Dill (1799 Potvin Crescent, Sudbury)

The subject property is located south of Potvin Crescent in the south end of Sudbury. The area is not serviced by municipal water and sewer and is essentially rural in character. The lands are zoned and designated as Rural.

The subject property has 24.2 ha of total area, with 104 metres of frontage on Highway 69 and a depth of approximately 1 204 metres. The property is accessed via a right-of-way from Potvin Crescent across adjacent lands.

A 237 m² single detached dwelling forms the host dwelling. The 111 m² garden suite occupies the easterly portion of an existing accessory building that is situated southwest of the main dwelling.

Surrounding Land Uses:

The area surrounding the site includes the following:

North:	Single detached dwellings on Potvin Crescent
East:	Vacant rural land
South:	Vacant rural land
West:	Vacant rural land

Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on August 19, 2022. 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 September 15, 2022.

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 Rural under the Official Plan. Under Section 5.2.1 of the Official Plan, garden suites are permitted in Rural Areas 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 Rural Area.

Zoning By-law 2010-100Z:

The subject land is zoned "RU", Rural. 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.

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 garden suite maintains compliance with the provisions of the Zoning By-law and the applicable policies set out under the Official Plan. There are no land use issues related to the continued use of the dwelling unit as a garden suite, which occupies part of an accessory building. The garden suite has a significant separation distance from adjacent residential uses and there are no concerns related to compatibility.

The owner is advised that once the garden suite is no longer required for its intended purpose, the City shall be notified and the dwelling unit must be discontinued. Alternatively, the owner 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. Please advise Planning Services in writing for the purposes of this file.

If additional garden suite extensions are required in the future, the owner is advised to submit an application 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.