

Request for Decision

Application for a temporary use by-law in order to permit a second dwelling unit on the property in the form of a garden suite, 5149 Dupuis Drive, Hanmer - Donald & Julie Rollin

Presented To:	Planning Committee
Presented:	Monday, Sep 24, 2012
Report Date	Monday, Sep 10, 2012
Type:	Public Hearings
File Number:	751-7/12-9

Recommendation

That the City of Greater Sudbury approve the application by Donald & Julie Rollin to amend Zoning By-law 2010-100Z in order to permit a garden suite for a temporary period of ten years on those lands described as PIN 73509-0317, Part 2, Plan 53R-19120, Lot 6, Concession 3, Township of Capreol in accordance with Section 39 of the Planning Act.

STAFF REPORT

Applicant:

Donald & Julie Rollin

Location:

PIN 73509-0317, Part 2, Plan 53R-19120, Lot 6, Concession 3, Township of Capreol (5149 Dupuis Drive, Hanmer)

Application:

To amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law to permit a second dwelling unit on the property in the form of a garden suite as a temporary use in accordance with Section 39 of the Planning Act.

Proposal:

To permit a garden suite to be located in the southerly rear yard of the subject lands. The garden suite is to be occupied by the parents of the land owners.

Official Plan Conformity:

Garden suites are permitted within the Rural designation subject to the following criteria that is set out in Section 3.2.9 and 5.2.1 of the Official Plan:

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Sep 10, 12

Reviewed By

Eric Taylor
Manager of Development Services
Digitally Signed Sep 10, 12

Recommended by the Division

Paul Baskcomb
Director of Planning Services
Digitally Signed Sep 10, 12

Recommended by the Department

Bill Lautenbach
General Manager of Growth and Development
Digitally Signed Sep 10, 12

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Sep 10, 12

1. A single garden suite is allowed as an accessory unit on a lot with only one existing dwelling unit;
2. Services shall be connected to the service lines of the host dwelling unit to City specifications;
3. Garden suites must be integrated with the prevailing character of the surrounding area and are to be removed at no expense to the City at the termination of its use;
4. An agreement may be required between the applicant and the City dealing with such conditions as the installation, location, maintenance, occupancy and the removal of the structure;
5. A garden suite may take the form of a mobile home within the Rural designation provided that it is located on its own foundation and constructed in accordance with the Ontario Building Code; and,
6. No garden suite should result in the creation of new residential lots within the Rural designation.

The application conforms to the Official Plan for the City of Greater Sudbury subject to a review of the above noted land use planning considerations.

Site Description & Surrounding Land Uses:

The subject lands are located on the south side of Dupuis Drive and to the north of Cote Boulevard in the community of Hanmer. The lands presently contain a single-detached residential dwelling that is under construction with final building inspections in progress. Surrounding uses are predominantly rural residential or agricultural in nature.

Departmental & Agency Comments:

Building Services

Building Services has reviewed the application and advises that a building permit will be required to construct the garden suite. Drawings prepared by a qualified designer are to be submitted showing floor plan layouts, exits and health and life safety requirements. The applicant is to contact Building Services for more information on applying for a building permit.

Development Engineering

Development Engineering has reviewed the above noted application. This site is not serviced with municipal water and sanitary. We have no objection to the temporary use of a garden suite on the subject property for a period of ten years.

Operations

No concerns.

Roads, Traffic & Transportation

No concerns.

Public Consultation:

Given the minor nature of this application, a neighbourhood information session was not recommended. At the time of writing this report, no phone calls or written submissions objecting to the application have been received by the Planning Services Division.

Planning Considerations:

Official Plan

The development proposal to construct a second dwelling unit on the property in the form of a garden suite as a temporary use is supported from an Official Plan policy perspective for the following reasons:

1. The subject development proposal seeks approval for one garden suite that would be accessory to a single-detached dwelling that is presently located on the subject lands;
2. The applicant is requesting that the garden suite have separate private well and private septic system services. The applicant has informed the City that the separate services are required in order to preserve an existing tree stand between the existing single-detached dwelling and the proposed garden suite location. The applicant further advised that the existing dwelling is at a higher elevation than the proposed garden suite and pumping sewage uphill would be cost prohibitive. Staff has attended the site and note that the garden suite is proposed to be located within an area that is already cleared of vegetation. There are limited options in terms of relocating the garden suite where shared services would become feasible. The existing tree stand also provides a good level of privacy between the existing dwelling and the proposed garden suite, as well as surrounding properties. Staff also notes that both the single-detached dwelling and the garden suite will utilize one driveway access. Staff therefore have no objections to the proposed garden suite being serviced by a separate private well and sewage system and note that once the garden suite use ceases it would be required that these services be removed.
3. The rural character of the surrounding area will not be negatively impacted by the proposed garden suite. The subject lands are sufficiently large enough to accommodate a garden suite without detracting from the rural, open-space character of the surrounding area. Staff note that the garden suite would be located behind the primary dwelling and an existing tree stand on the lands and approximately 50 m (164 ft) from the dwelling itself and in excess of 100 m (328 ft) from Dupuis Drive. The garden suite would also be situated approximately 30m (100 ft) from both side lot lines. No land use planning conflicts are envisioned as a result of this particular development proposal;
4. Staff has not identified any compelling reasons to require an agreement between the applicant and the City dealing with such conditions as the installation, location, maintenance, occupancy and the removal of the structure;
5. The proposed garden suite is permitted to take the form of a mobile home as the subject lands are located within the Rural designation. If the garden suite takes the form of a mobile home it will be required to be located on its own foundation and further it must be constructed in accordance with the Ontario Building Code;
6. The applicant has been informed that the garden suite is to be removed at no expense to the City following the termination of its use. This removal will include the removal as required of those services which are being installed to service the garden suite use; and,
7. No rural lot creation is being contemplated as part of the development proposal.

Zoning By-law Conformity

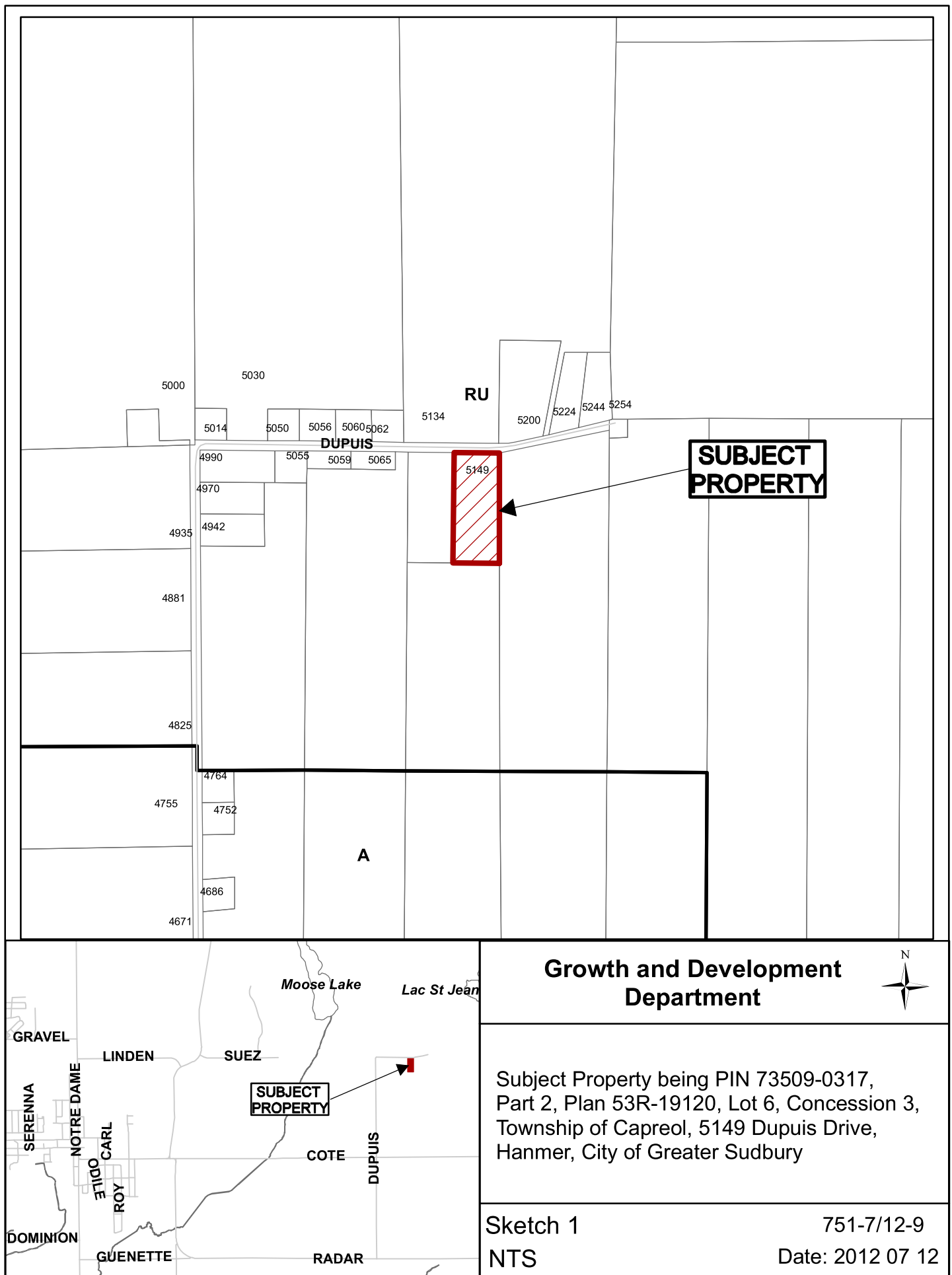
The subject lands are zoned "RU", Rural under By-law 2010-100Z. Garden suites are permitted within the RU Zone and must comply with all development standards associated with accessory buildings. Staff has reviewed the development proposal and is satisfied that the proposed garden suite would comply fully with accessory building development standards.

Summary

Staff has reviewed the development proposed and is satisfied that it conforms to the Official Plan. The proposed location of the garden suite would also comply with all zoning requirements under By-law 2010-100Z. Approval for the second private septic system must be obtained from the Sudbury and District

Health Unit and a building permit to the satisfaction of the Chief Building Official is required. The applicant has been made aware that the garden suite is to be removed at no expense to the City following the termination of its use. The initial approval for the temporary use would be in effect for ten years with three year extensions being possible thereafter.

The Planning Services Division therefore recommends that the application to amend By-law 2010-100Z in order to permit a second dwelling unit on the property for a period of ten years in the form of a garden suite as a temporary use be approved.



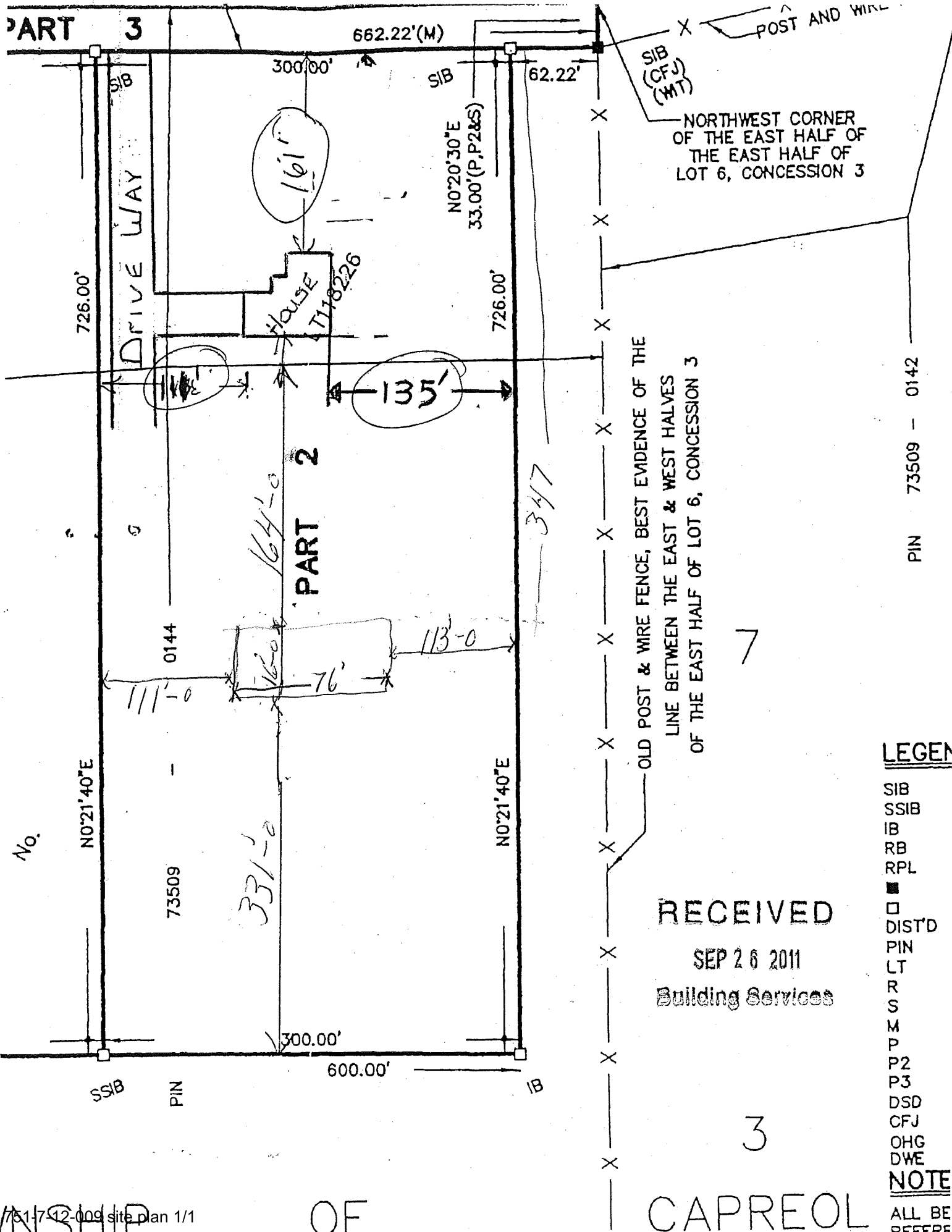




Photo 1 SUBJECT LANDS AS VIEWED FROM DUPUIS DRIVE LOOKING SOUTH



Photo 2 PROPOSED LOCATION OF THE GARDEN SUITE TO THE SOUTH OF THE EXISTING SINGLE DETACHED DWELLING

751-7/12-9 Photography Sept 5, 2012



Photo 3 PROPOSED GARDEN SUITE LOCATION LOOKING NORTH TOWARD EXISTING SINGLE DETACHED DWELLING AND DUPUIS DRIVE



Photo 4 PROPOSED GARDEN SUITE LOCATION AS VIEWED FROM THE DRIVEWAY SERVING THE EXISTING SINGLE DETACHED DWELLING

751-7/12-9 Photography Sept 5, 2012