

## 278 Old Wanup Road, Wanup

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| Presented To:   | Planning Committee                              |
| Meeting Date:   | May 29, 2023                                    |
| Type:           | Public Hearing                                  |
| Prepared by:    | Mauro Manzon<br>Planning Services               |
| Recommended by: | General Manager of<br>Growth and Infrastructure |
| File Number:    | 751-9/23-001                                    |

## 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 Albert & Carol Rigg to amend Zoning By-law 2010-100Z with respect to lands described as PIN 73470-0209, Parcel 23804 S.E.S., in Lot 2, Concession 3, 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 “278 Old Wanup Road, Wanup” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 29, 2023.

## 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 approval has been submitted in order to continue the use of an approximate 59 m<sup>2</sup> detached dwelling as a garden suite for a maximum period of three (3) years on the property municipally known as 278 Old Wanup Road, Wanup. The garden suite has been installed since 2013 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:

The extension would permit the continued use of an approximate 59 m<sup>2</sup> detached dwelling as a garden suite for a maximum period of three (3) years. The garden suite was first approved as a temporary use in 2013. 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.

The owners advised that they do not wish to register the garden suite as a secondary dwelling unit at this time.

**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.

**Requested Zoning:** Extension of a temporary use identified as T79 in the Zoning By-law

The extension would permit the garden suite to continue for an additional three (3) years to June 25, 2026.

### **Location and Site Description:**

The subject property is located in a rural area in the vicinity of Wanup. The area is not serviced by municipal water, sanitary sewer or public transit. Old Wanup Road is designated as a Provincial Highway (Highway 7042) under the Official Plan and remains under the jurisdiction of the Ministry of Transportation. The roadway is constructed to a rural standard.

The property has a total area of 0.34 ha with 26 metres of road frontage and an approximate depth of 60 metres. The site is currently occupied by a 93 m<sup>2</sup> single detached dwelling built in 1967 and a 59 m<sup>2</sup> garden suite located in the rear yard directly behind the main dwelling. Other accessory buildings include a 52 m<sup>2</sup> detached garage and a small shed. There is a gentle rise in elevation in a northeasterly direction.

Single detached dwellings abut to the northwest and southeast. Vacant rural land abuts the rear property line.

### **Related Applications:**

The garden suite on this property was first approved as a temporary use in 2013. This is the first extension following the initial 10-year approval. 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. The current temporary use by-law lapses on June 25, 2023.

## **Public Consultation:**

Notice of complete application was circulated to the public and surrounding property owners on March 3, 2023. 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 May 11, 2023.

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:**

Garden suites are permitted in Rural Areas subject to the following criteria under Sections 2.3.5 and 5.2.1:

- 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.

In Rural Areas, a mobile home may be used as a garden suite if it is built on its own foundation in accordance with the Ontario Building Code.

**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 application.

**PLANNING ANALYSIS:**

The garden suite has been in place since 2013 and does not present any land use concerns. The unit continues to be maintained and occupied in compliance with the provisions applied to garden suites. There are no concerns related to compatibility and the unit is discretely located behind the main dwelling. The application to extend the temporary use by-law for a three-year period is recommended for approval.

**CONCLUSION:**

The owners are 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 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. Please advise Planning Services in writing for the purposes of this file.

If additional garden suite extensions are required in the future, the owners are 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 another three-year period is recommended for approval.