

3213 Percy Avenue, Val Caron

Presented To:	Planning Committee
Meeting Date:	May 8, 2023
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-7/23-001

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 Daniel & Francine Gagnon to amend Zoning By-law 2010-100Z with respect to lands described as PIN 73501-1138, Parcel 33682A, Part of Lot 16, Plan M-390 in Lot 9, 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 “3213 Percy Avenue, Val Caron” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 8, 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 by-law has been submitted in order to continue the use of a garden suite on the property municipally known as 3213 Percy Avenue, Val Caron. The temporary use by-law was initially approved in 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:

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 85 m² mobile home dwelling as a garden suite. Under Section 39.1(4) of the *Planning Act*, a maximum three-year extension is permitted for garden suites.

Existing Zoning: “R1-5”, Low Density Residential One

R1-5 zoning permits single detached dwellings and related accessory uses, including secondary dwelling units.

Under the special provisions applied to the T74 temporary use approval, minimum setbacks for the garden suite shall be 15 metres from the front lot line and 3 metres from the southerly lot line.

Requested Zoning: Extension of a temporary use by-law identified as T74 in the Zoning By-law

The extension would permit the garden suite to continue for an additional three (3) years to March 26, 2026.

Location and Site Description:

PIN 73501-1138, Parcel 33682A, Part of Lot 16, Plan M-390 in Lot 9, Concession 6, Township of Blezard (3213 Percy Avenue, Val Caron)

The subject property forms a residential lot on the west side of Percy Avenue in Val Caron. The area is fully serviced by municipal sewer and water. This portion of Percy Avenue is not constructed to an urban standard. The closest public transit stops are located at the intersection of Percy Avenue and MR15, an approximate 600-metre walking distance.

The lot has a total area of 1,144 m², with a frontage of 28 metres and a depth of 40.8 metres. A 194 m² two-storey single detached dwelling occupies the northerly portion of the property. A fenced-in pool area is located immediately behind the main dwelling. The garden suite is located in the southerly interior side yard. There are currently two driveway entrances.

The surrounding area is a low density neighbourhood predominantly comprised of single detached dwellings. Single detached dwellings abut directly to the north and south. Undeveloped rural lands abut to the west.

Surrounding Land Uses:

The area surrounding the site includes the following:

North:	Single detached dwelling
East:	Single detached dwellings
South:	Single detached dwelling
West:	Vacant land zoned “A”, Agricultural

Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on February 17, 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 120 metres of the property on April 20, 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:

The subject property is designated Living Area 1 under the Official Plan. Under Section 2.3.5 of the Official Plan, garden suites are permitted in Living Areas in accordance with the following criteria:

- 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.

Mobile homes are not permitted as garden suites in Living Areas.

In this case, the owners obtained approval for a site-specific Official Plan Amendment in 2013 in order to install the mobile home as a temporary use in an area designated as Living Area 1 (OPA #38; File 701-7/12-008).

Zoning By-law 2010-100Z:

The subject land is zoned "R1-5", Low Density Residential One, which permits a range of low density residential use including singles, semis and duplexes. Secondary dwelling units are also permitted subject to the provisions of Section 4.2.10.

Mobile home dwelling units are not permitted in R1-5 zones. In this case, the owners obtained the necessary approvals in 2013 to install a mobile home as a garden suite in an R1-5 zone.

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. Building Services advised that there are some outstanding permit issues for the property as a whole. It is recommended that the owners follow-up with Building Services to address the matters noted in the Appendix to this report.

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 mobile home as a garden suite. The owners have received prior approval in 2013 in order to install a mobile home in an area designated as Living Area 1 as a temporary use. The garden suite meets the minimum setback requirements set out in the initial temporary use approval.

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 removed. 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.