

944 Radar Road, Hanmer

Presented To:	Planning Committee
Meeting Date:	May 29, 2023
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-7/23-003

Report Summary

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

This report is presented by Mauro Manzon, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Michael & Johanne Banks to amend Zoning By-law 2010-100Z with respect to lands described as PIN 73508-1091, Parcel 1139 S.E.S., in Lot 9, Concession 2, Township of Capreol 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 “944 Radar Road, Hanmer” 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 by-law has been submitted in order to extend the use of an 83 m² mobile home as a garden suite on the property municipally known as 944 Radar Road, Hanmer. The garden suite has been installed since 1994. Conservation Sudbury advised that the lands are located within a designated flood plain, and that future extensions may be subject to floodproofing verification. 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 a 83 m² mobile home as a garden suite. 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 Planning Services 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 T11 in the Zoning By-law

The extension would permit the garden suite to continue for an additional three (3) years to July 13, 2026.

Location and Site Description:

PIN 73508-1091, Parcel 1139 S.E.S., in Lot 9, Concession 2, Township of Capreol (944 Radar Road, Hanmer)

The subject property is located on the north side of Radar Road in the Township of Capreol. The area is not serviced by municipal water and sanitary sewer. Radar Road is designated as a Secondary Arterial Road. There area is serviced as GOVA Zone D and by GOVA Plus for eligible users.

Total area of the irregular-shaped parcel is 17 ha, with 92.4 metres of frontage and a depth of approximately 864 metres. The property backs onto a Hydro corridor to the north. A 163 m² single detached dwelling forms the main use. There are several accessory buildings, including an 83 m² mobile home that functions as a garden suite. Rural residential uses comprise adjacent properties.

A significant portion of the parent parcel is located in a designated flood plain, as illustrated on the attached regulation area mapping from Conservation Sudbury.

Related Applications:

The garden suite on this property was first approved as a temporary use in 1994. There have been five subsequent extensions. 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 July 13, 2023.

Public Consultation:

Notice of complete application was circulated to the public and surrounding property owners on March 9, 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:

Conservation Sudbury (NDCA) advised that the southerly portion of the subject land is located in a designated flood plain, which is not reflected on City mapping including the Zoning By-law. For the information of the owners, future applications may require floodproofing verification for the garden suite. NDCA comments and mapping are attached for review.

PLANNING ANALYSIS:

The garden suite has been in place since 1994 and maintains compliance with the provisions applied to garden suites including occupancy. The owners have initiated discussions with Conservation Sudbury related to floodproofing verification if and when required. 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 removed. 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.