

880 Gravel Drive, Hanmer

Presented To:	Planning Committee
Meeting Date:	June 26, 2023
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-7/23-04

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 Wendy Kaufman, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Robert E. Mills to amend Zoning By-law 2010-100Z 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 beginning from the date of passage of the by-law, on lands described as PIN 73506-0088, Parcel 49299 S.E.S., Part 1, Plan 53R-12851, Lot 4, Concession 4, Township of Hanmer, as outlined in the report entitled “880 Gravel Drive, Hanmer”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 26, 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 contributes to the 2019-2027 City of Greater Sudbury Strategic Plan goals related to housing by adding to the range and mix of housing available in this area. There is no conflict with the Community Energy and 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 permit the continued use of a detached structure as a garden suite. Staff recommends approval of the application.

Staff Report

Proposal:

The application proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury to extend a temporary use by-law permitting a garden suite.

Garden suites are small, self-contained independent living units that are designed for persons who require some level of support. In this situation, the application indicates that the garden suite is occupied by the caregiver, with their father occupying the original dwelling.

The temporary use by-law was originally approved for a maximum period of 10 years in 1994. Extensions to the approval have been granted over time and the most recent by-law expired on August 10, 2017. The applicant is now seeking a further three year approval (related files [751-7/14-11](#); 751-7/04-18; 751-7/94-7)). Under Section 39.1(4) of the Planning Act, a maximum three-year extension is permitted for garden suites.

Existing Zoning: "RU", Rural

The RU Zone permits residential use in the form of a single detached dwelling or a mobile home.

Requested Zoning: Extension of a temporary use by-law identified as T13 in the Zoning By-law

This temporary use by-law expired on August 10, 2017. The extension would permit the garden suite to continue for three years from the date of passage of the by-law.

Location and Site Description:

The subject property is described as PIN 73506-0088, Parcel 49299 S.E.S., Part 1, Plan 53R-12851, Lot 4, Concession 4, Township of Hanmer. The subject lands are located on the north side of Gravel Drive, east of Deschene Road. The lands have a total area of approximately 1.21 ha (3 acres) with approximately 96 m (315 ft) frontage on Gravel Drive. Municipal water and sanitary sewer are not available. The applicant's concept plan shows the main dwelling, garden suite labelled 'proposed bungalow' to the west of the main dwelling, and two sheds and a barn located to the north of the dwellings.

Surrounding Land Uses:

The area surrounding the site includes lands zoned "RU", Rural, being a mainly a rural residential area with some agricultural use. A garden suite is also permitted on a property to the east at 784 Gravel Drive and to the west at 976 Gravel Drive.

North: agricultural use

South: Gravel Drive, vacant land zoned "RU", Rural

East and West: rural residential use

The existing zoning & location map, indicates the location of the subject lands to be rezoned and the zoning in the immediate area.

Public Consultation:

Notice of a complete application was circulated to the public and surrounding property owners on April 13, 2023. Statutory notice of the public hearing was provided by newspaper on June 10, 2023, along with a courtesy mail out to public property owners and tenants within a minimum of 240 m of the property on June 8, 2023.

The owner was advised of the City's policy recommending that applicants consult with their neighbours, Ward Councillor and key stakeholders to inform area residents on the application prior to the public hearing. At the time of writing this report, no phone calls and no written submissions with respect to this application have been received by the Planning Services Division.

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 (PPS).

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. This application is considered to conform to the Growth Plan.

Official Plan for the City of Greater Sudbury:

The subject property is designated Rural in the City of Greater Sudbury Official Plan.

Section 2.3.5 of the Official Plan states that garden suites are small, self-contained independent living units that are designed for persons who require some level of support. Garden suites support small scale intensification and meet affordable housing needs.

Subject to rezoning under the provisions of a Temporary Use By-law in Section 19.5.3, Garden Suites are permitted in all Living Area designations in accordance with the following conditions:

- a. a Single Garden Suite is allowed as an accessory unit on a lot with only one existing dwelling unit;
- b. services will be connected to the service lines of the host dwelling unit to City specifications;
- c. 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,
- d. an agreement may be required between the application 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.

Further to these policies, section 5.2.1 Rural Residential states that a garden suite is allowed in accordance with Section 2.3.5. Despite these policies a Garden Suite may be served by its own individual on-site sewage and water services, where appropriate. Also, despite these policies 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.

Section 2.3.6 Secondary Suites states that existing Garden Suites may be considered as accessory dwellings provided they conform with the applicable policies and the Zoning By-law.

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 and lot coverage requirements applied to accessory buildings. Garden suites may be converted to secondary dwelling units subject to the applicable provisions including registration of the unit with Building Services.

Site Plan Control:

A Site Plan Control Application is not required for this project.

Department/Agency Review:

Commenting departments and agencies have no concerns related to the extension of the temporary use bylaw.

Planning Analysis:

The continued use of the garden suite does not present any land use concerns. The application conforms to the Official Plan policies pertaining to garden suites, which permit one garden suite accessory to an existing single detached dwelling. The garden suite is in keeping with the prevailing character of the surrounding area, and compatibility with the surrounding rural uses has been maintained.

The owners do not wish to make the garden suite a permanent use under the secondary dwelling unit provisions of the Zoning By-law at this time. 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 or otherwise made uninhabitable.

Given the previous temporary use by-law has expired, staff recommend the three year extension be applied from the date of Council's decision to extend the garden suite permission.

Conclusion:

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

The following are the principles of the proposed site specific zoning by-law:

- to extend a temporary use by-law permitting a garden suite.

The development of the subject lands supports policy directives related to the provision of a range and mix of housing types. Staff has considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is satisfied that the application is consistent with the PPS and conforms to the Growth Plan and the Official Plan. Staff is of the opinion that the proposed zoning by-law amendment is appropriate based on the following:

- One garden suite will continue to be permitted accessory to an existing single detached dwelling.
- The garden suite is in keeping with the prevailing character of the surrounding area, and compatibility with the surrounding rural uses has been maintained.

Staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.