

5030 Dupuis Drive, Hanmer

Presented To:	Planning Committee
Meeting Date:	May 27, 2024
Type:	Public Hearing
Prepared by:	Stephanie Poirier Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-7/24-01

Report Summary

This report provides a recommendation regarding an application to extend a temporary use by-law permitting a garden suite for a time period of three years.

This report is presented by Stephanie Poirier, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Mildred Dupuis 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, on lands described as PIN 73510-0251, Part Lot 6, Concession 4, Township of Capreol, as outlined in the report entitled “5030 Dupuis Drive, Hanmer”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 27, 2024.

Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

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.

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 subject lands are located on the north side of Dupuis Drive, east of Capreol Road, and are known municipally as 5030 Dupuis Drive, Hanmer. The subject land has an area of approximately 64 ha (158 ac) and contains agricultural lands in crop production, a single detached dwelling, a garden suite, several accessory buildings, wetlands, and woodlands. The lands are serviced by an individual well and septic system and have an existing access off of Dupuis Drive.

The lands are subject to Temporary Use Zoning By-law Amendment Application 751-7/14-4, which temporarily allowed a garden suite on the subject lands for a period of 10 years effective May 27th, 2014, and expiring May 27th 2024. The purpose and effect of the Temporary Use Zoning By-law Amendment (751-7/24-01) is to rezone the subject lands from the 'Rural (RU) Zone' to the 'Rural Temporary (RU-T89) Zone' in order to continue to permit a garden suite on the subject lands for an additional period of 3 years. This is the first three-year extension request. There is no limit on the number of extensions.

Garden suites are small, self-contained independent living units that are ancillary to a single detached dwelling and designed to be portable and/or temporary. The existing garden suite has a ground floor area of 89 m² and is located closer to the road than the main single detached dwelling, approximately 75 m from the west interior lot line and approximately 88 m from the front lot line. The garden suite is serviced by an individual well and private septic system, and is accessed by the existing driveway off of Dupuis Drive.

The subject lands are designated 'Rural' within the City's Official Plan, are zoned 'Rural (RU)' within By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury, and are regulated by the Nickel District Conservation Authority (NDCA).

The surrounding land uses are rural in nature.

A location map is attached for reference.

POLICY & REGULATORY FRAMEWORK:

The property is subject to the following policy and regulatory framework:

- [Planning Act](#);
- [2020 Provincial Policy Statement](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury, 2006](#); and,
- [Zoning By-law 2010-100Z](#);

The Planning Act, 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.

Planning Act:

Section 39.1 of the Planning Act permits municipalities to allow a garden suite through a temporary use zoning by-law amendment with the option to renew in the future for a period not exceeding three years per temporary use application.

A garden suite is defined in the Planning Act as 'a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable'.

Provincial Policy Statement (PPS):

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 Zoning By-law defines a garden suite as 'A one unit detached residential structure containing bathroom and kitchen facilities that is ancillary to a single detached dwelling and that is designed to be temporary and/or portable.'

Section 4.10 of the zoning by-law speaks to garden suites and states that where a garden suite is permitted it shall meet the requirements for accessory buildings. Garden suites may be converted to secondary dwelling units subject to the applicable provisions including registration of the unit with Building Services.

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 accessory buildings standards.

CONSULTATION:

Public Comments:

Notice of Application was provided to the public by newspaper on April 20th, 2024 and by mail out to nearby landowners and tenants located within 244 m of the subject lands on April 3rd, 2024. Statutory Notice of the Public Hearing was provided by newspaper on May 4th, 2024, along with a courtesy mail out to public property owners and tenants within a minimum of 244 m of the property on May 2nd, 2024.

At the time of writing this report, no oral or written submissions were received from members of the public.

Department/Agency Comments:

The application including relevant accompanying materials have been circulated to all appropriate agencies and departments. Building Services had no concerns in regards to the garden suite but advised that residential storage sheds larger than 15 m² require a building permit.

PLANNING ANALYSIS:

The Provincial Policy Statement, the Growth Plan for Northern Ontario, and the City of Greater Sudbury Official Plan all encourage mixed forms of housing in order to accommodate a wide range of people, such as garden suites which are typically used to house additional family members on a temporary basis.

The application conforms to the Official Plan policies pertaining to garden suites, which permit one garden suite accessory to an existing single detached dwelling on private servicing for a period of 10 years, with option for 3 year renewal through a temporary use zoning by-law amendment application. The existing garden suite maintains the character of the surrounding area, being rural residential with low-density forms of housing. Staff does not anticipate compatibility concerns with surrounding land uses as a result of the continued use of the garden suite. No visual or use changes are being proposed at this time.

Staff has reviewed the existing garden suite and is satisfied that the zoning standards of Section 4.2, being the 'Accessory Buildings, Structures, and Uses' provisions are being maintained.

The owner has not indicated that they 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.

CONCLUSION:

Overall, staff is in the opinion that the application to permit the continuation of a garden suite on a rural parcel of land for a period of three years 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. It is on this basis that staff recommends the application be approved.