

2548 McKenzie Road, Chelmsford

Presented To:	Planning Committee
Meeting Date:	August 12, 2024
Type:	Public Hearing
Prepared by:	Bailey Chabot Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-5/24-04

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 Bailey Chabot, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Joel and Josee Castonguay 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 73351-0243, Parcel 16518B, Part Lot 6, Concession 4, Township of Balfour as outlined in the report titled "2548 McKenzie Road, Chelmsford", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on August 12, 2024, subject to the following conditions:

1. That prior to the enactment of the amending zoning by-law, the Owner shall finalize the building permit for the garden suite to the satisfaction of the Chief Building Official.
2. That conditional approval shall lapse on February 12, 2025 unless Condition #1 above has been met or an extension has been granted by Council.

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:

Landowners Joel and Josee Castonguay are applying to extend the temporary use by-law to permit the continued use of a garden suite for an addition three (3) years. The garden suite is used to house the landowners' aging parents. The original application for temporary use by-law was approved in 2014 for 10 years.

Location and Site Description:

The subject lands are located on the north side of McKenzie Road in Chelmsford. It is approximately 42 hectares (104 acres) of land, with a frontage of approximately 133 metres. The property is generally rectangular in shape with the existing development focused on the southern portion of the property, nearest to McKenzie Road. The balance of the property remains in a naturalized state.

The subject lands contain a principal dwelling, accessory buildings (sheds, a greenhouse, and a barn) as well as a mobile home that acts as a garden suite. The principal dwelling is approximately 20 metres from McKenzie Road while the garden suite is located nearly 22 metres to the northeast of the principal dwelling. The existing garden suite is a single-storey dwelling with a ground floor area of 111 m². It is serviced by a private septic and well system, and is accessed via shared driveway off McKenzie Road. A portion of the property is within a portion of Intake Protection Zone 3 (IPZ 3) of the Vermilion River. However, neither the principal dwelling nor garden suite is within the IPZ 3.

Existing Zoning: "RU", Rural (T90)

The "RU", Rural zone permits a number of uses per Part 9.2, Tables 9.1 – Permitted Residential Uses and Table 9.2 - Permitted Non-Residential Uses of the City's Zoning By-law. However, the zone does not permit a garden suite. In 2014, the landowners applied for a temporary use to be permitted, being a garden suite. The use was permitted by Zoning By-law Amendment 2014-124Z for a time of ten (10) years, expiring this year.

Proposed Zoning: "RU", Rural (T90)

The intent is not to change the underlying zone but to extend the temporary garden suite use. This is the first three-year extension request. There is no limit on the number of extensions.

Surrounding Land Uses:

North: Naturalized rural property
East: Naturalized rural residential
South: Rural residential
West: Rural residential and naturalized rural property

The existing zoning and location map are attached to this report and together indicate the location of the parcel subject to the Zoning By-law Amendment request, as well as the applicable zoning on other parcels of land in the immediate area.

A site visit was conducted July 9, 2024 and site photos generally depict the principal dwelling, garden suite, and accessory structures.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands on May 29, 2024. The statutory Notice of Public Hearing dated July 18, 2024 was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands.

At the time of writing this report no correspondence from the public has been received.

POLICY AND REGULATORY FRAMEWORK:

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

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

The PPS and the Growth Plan for Northern Ontario, along with the City's Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision, and site plans.

2020 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. There are no policies that are relevant to this application, therefore the application does not conflict with 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.

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.

Department/Agency Review:

The application, including relevant accompanying materials, has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application.

During the review of the proposal, comments provided by circulated agencies and departments included the following:

Roads, Active Transportation, Roads Operations, Transportation and Innovation Support, Strategic and Environmental Planning Section, Fire Services, Conservation Sudbury, Development Engineering and the City’s Drainage Section have each advised that they have no concerns from their respective areas of interest.

Water/Wastewater Treatment and Compliance have advised that there are no significant drinking water threats identified at this time.

Building Services has identified that two building permits associated with the property have been made, one for the garden suite and another for a detached deck. It is noted that these permits have not been completed and require final inspection. They advise that the applicant should contact Building Services to schedule the required inspections.

There was no opposition to the proposed rezoning identified by any circulated department or agency.

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 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.

Through circulation of the application Building Services has requested that the building permit for the garden suite be completed as a condition of approval. Staff has included a condition within the recommendation. The applicant will have a 6-month period to fulfill the condition.

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:

Planning Services recommends that the application for rezoning be approved subject to the conditions outlined in the Resolution section of this report.