

## 7379 Highway 17 West, Worthington

Presented To:	Planning Committee
Meeting Date:	February 3, 2025
Type:	Public Hearing
Prepared by:	Ugo Ufoegbune Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-8/24-04

### 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 Ugo Ufoegbune, Senior Planner.

### Resolution

THAT the City of Greater Sudbury approves the application by Eric Emond 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 73395-0295, Parcel 25470 SWS, Parts 1, 2 & 4, Plan 53R-6368, Lot 1, Concession 5, Township of Lorne, as outlined in the report titled "7379 Highway 17 West" Worthington, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on February 3, 2025.

### 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.

# Staff Report

## Proposal:

The landowner is applying to extend the Temporary Use By-law to permit the continued use of a garden suite for an additional three (3) years in accordance with Section 39.1(4) of the Planning Act. The garden suite is for residential use. The original application for Temporary Use By-law was approved in 2014 for 10 years.

## **Location, Site Description and Surrounding Land Use:**

PIN 73395-0295, Parcel 25470 SEC SWS, Parts 1, 2 & 4, Plan 53R-6368, Lot 1, Concession 5, Township of Lorne (7379 Highway 17 West, Worthington).

The subject lands are located on the south side of Highway 17 West and are to the east of Double S Road and to the west of Sleepy Hollow Road in the community of Worthington. The Vermillion River is located to the south-east of the subject lands. The lands have a total lot area of approximately 71 hectares (175.44 acres) with approximately 792.48 m (2,600 ft) of frontage onto Highway 17 West. The lands contain a single-detached dwelling with several accessory buildings. The proposed garden suite exists and is located in the front yard and to the west of the existing single-detached dwelling located on the subject lands, as shown on the submitted sketch.

Surrounding uses are rural in nature with the majority of lots fronting this portion of Highway 17 West containing a single-detached dwelling. There are also a number of larger vacant rural lots in the surrounding area.

## **Existing Zoning:** "RU", Rural (T94)

The "RU", Rural zone permits a number of uses per Part 9.2, Table 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 landowner applied for a temporary use to be permitted, being a garden suite. The use was permitted by Zoning By-law Amendment 2014-227Z for a time period of ten (10) years, expiring in 2024.

## **Proposed Zoning:** "RU", Rural (TXX)

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.

## **Concept Plan:**

The existing zoning and location map attached to this report indicates the location of the parcel subject to the Zoning By-law Amendment request. Staff notes on the submitted sketch that one of the accessory buildings is described as an "Old granny flat" (Building # 3 on the Concept Plan). The applicant / owner confirmed that the structure identified as building # 3 on the concept plan is a shed.

There was no recent site inspection, but the property owner informed staff that there have been no changes to the garden suite since the application was approved 10 years ago.

## **Public Consultation:**

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800 ft) of the subject lands on November 4, 2024. The statutory Notice of Public Hearing dated January 11, 2025, was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800 ft) of the subject lands.

It is stated on the application to amend the Zoning By-law that it is recommended that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents as to the nature of the application several weeks prior to public hearing. As well, on item # 22 of the application, the owner / applicant is given an opportunity to indicate the applicant's proposed strategy for consulting with the public on the request to amend the zoning by-law, but a proposed strategy was not provided. At the time of preparing this report, no phone calls or written submissions objecting to their application have been received by the Planning Services Division.

## **POLICY AND REGULATORY FRAMEWORK:**

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

- [2024 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.

### **2024 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 2.2 (Housing) of the PPS requires planning authorities to provide a mix of housing types in order to address housing needs of current and future residents of the community. Garden suites are intended for the housing type 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 of the City of Greater Sudbury:**

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

Section 19.5.3, Temporary Use By-laws, states *that the City may pass by-laws under the Planning Act to permit temporary use of land, buildings, or structures, in defined areas and for prescribed periods of time, for any purpose set out therein that is otherwise prohibited by the Zoning By-law.*

Section 2.3.5 (Garden Suites) 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 applicant 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 (11) Secondary Suites of the Official Plan, 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 under By-law 2010-100Z. 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.

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 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.

#### **Department/Agency Review:**

The application, including relevant accompanying materials, has been circulated to all appropriate agencies and departments including 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.

There was no opposition to the proposed application from 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 extension through a temporary use zoning by-law amendment application. This application is for a 3-year extension.

The rural character of the surrounding area is not negatively impacted by the garden suite. The garden suite is located at a lower level on the subject lands and with the lands being on a provincial highway with a higher speed limit it is the opinion of staff that the location of the garden suite does not detract from the rural, open-space character of the surrounding area.

Therefore, 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 rural lot creation or land use changes are being contemplated as part of the development proposal.

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 been 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 at the owner's expense or otherwise made uninhabitable.

## **Conclusion:**

Planning Services recommends that the application to amend By-law 2010-100Z in order to permit a secondary dwelling unit on the property in the form of a garden suite as a temporary use for a period of (3) three years be approved.