

Presented To:	Planning Committee
Presented:	Monday, Jun 22, 2015
Report Date	Thursday, Jun 04, 2015
Type:	Public Hearings
File Number:	751-5/15-6

Request for Decision

Application for temporary use by-law in order to permit a garden suite for a maximum of ten (10) years, 407 Gordon Lake Road, Chelmsford – Mario Berthiaume

Resolution

THAT the City of Greater Sudbury approves the application by Mario Berthiaume to amend Zoning By-law 2010-100Z with respect to lands described as PIN 73353-0161, Parcel 25466 S.W.S., Part 4, Plan 53R-5936, Lot 1, Concession 2, Township of Dowling, in order to permit a garden suite in accordance with Section 39 of the Planning Act for a temporary period of ten (10) years.

STAFF REPORT

Applicant:

Mario Berthiaume

Location:

PIN 73353-0161, Parcel 25466 S.W.S., Part 4, Plan 53R-5936, Lot 1, Concession 2, Township of Dowling (407 Gordon Lake Road, Chelmsford)

Application:

To amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law to permit a second dwelling unit on the subject lands in the form of a garden suite as a temporary use in accordance with Section 39 of the Planning Act.

Proposal:

The application is to permit a garden suite to be located to the south of the existing single-detached dwelling on the subject lands.

Official Plan Conformity:

Garden suites are permitted within the Rural designation subject to the following criteria that is set out in Section 3.2.9 and 5.2.1 of the Official Plan:

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Jun 4, 15

Reviewed By

Eric Taylor
Manager of Development Approvals
Digitally Signed Jun 4, 15

Recommended by the Division

Mark Simeoni
Acting Director of Planning Services
Digitally Signed Jun 4, 15

Recommended by the Department

Paul Baskcomb
General Manager of Growth & Development
Digitally Signed Jun 4, 15

Recommended by the C.A.O.

Bob Johnston
Interim Chief Administrative Officer
Digitally Signed Jun 8, 15

1. A single garden suite is allowed as an accessory unit on a lot with only one existing dwelling unit;
2. Services shall be connected to the service lines of the host dwelling unit to City specifications;
3. Garden suites must be integrated with the prevailing character of the surrounding area and are to be removed at no expense to the City at the termination of its use;
4. An agreement may be required between the applicant and the City dealing with such conditions as the installation, location, maintenance, occupancy and the removal of the structure;
5. A garden suite may take the form of a mobile home within the Rural designation provided that it is located on its own foundation and constructed in accordance with the Ontario Building Code; and,
6. No garden suite should result in the creation of new residential lots within the Rural designation.

The application conforms to the Official Plan for the City of Greater Sudbury subject to a review of the above noted land use planning considerations.

Site Description & Surrounding Land Uses:

The subject lands are located at the intersection of Gordon Lake Road and Country Lane in the community of Chelmsford. The lands are an existing undersized lot of record having a total lot area of approximately 0.53 ha (1.3 acres) with approximately 64 m (209.97 ft) of frontage onto Gordon Lake Road and 168 m (551.18 ft) of corner side frontage along Country Lane. The lands presently contain a single-detached dwelling and a detached garage along with a storage shed. The proposed garden suite would be located to the south of the existing single-detached dwelling.

Surrounding uses are predominantly rural residential in nature with the majority of lots containing single-detached dwellings. There is a general mix of lot sizes in the general area including some larger vacant rural parcels. The majority of lots in the area also contain dense vegetation providing good screening and buffering between land uses.

Departmental & Agency Comments:

Building Services

No concerns. The following comments are for the information of the applicant:

1. Once this amendment has been approved, the applicant shall apply for a building permit for the proposed garden suite;
2. Drawings submitted for building permit review shall be prepared by a qualified designer in conformance with the Ontario Building Code, CGS by-laws and to the satisfaction of the Chief Building Official; and,
3. Sudbury District Health Unit approval is required prior to issuance of the building permit.

Development Engineering

No concerns. The site is not presently serviced with municipal water or sanitary sewer.

Drainage

No concerns.

Nickel District Conservation Authority

No concerns.

Roads, Traffic & Transportation

No concerns.

Public Consultation:

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail out to property owners and tenants within a minimum of 120 metres of the property. 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 objecting to the application have been received by the Planning Services Division.

Planning Considerations:

Official Plan

The development proposal to construct a second dwelling unit on the property in the form of a garden suite as a temporary use is supported from an Official Plan policy perspective for the following reasons:

1. The subject development proposal seeks approval for one garden suite that would be located on the southerly portion of the lands and would be accessory to a single-detached dwelling that is presently located on the subject lands;
2. The owner understands and has indicated to staff that the proposed garden suite will be connected to the private water and private sewer service lines of the host dwelling unit. The garden suite will also be accessed from the existing driveway onto Gordon Lake Road. Staff is therefore satisfied that the proposed garden suite will utilize all existing services that are present on the subject lands.
3. Staff is satisfied that the rural character of the surrounding area will not be negatively impacted by the proposed garden suite. The subject lands are located in an area with a number of rural residential lots and it is the opinion of staff that a garden suite can be accommodated in this location without detracting from the rural, open-space character of the surrounding area along Gordon Lake Road and Country Lane. The lands are well buffered with trees and the garden suite is to be located approximately 27 m (88.58 ft) from Gordon Lake Road. No negative privacy impacts are anticipated on abutting lands.
4. Staff has not identified any compelling reasons to require an agreement between the applicant and the City dealing with such conditions as the installation, location, maintenance, occupancy and the removal of the structure;
5. The proposed garden suite is proposed to take the form of a mobile dwelling, which is permitted on lands designated Rural in the Official Plan. The mobile home must be constructed on its own foundation and in accordance with the Ontario Building Code;
6. The applicant is informed that the garden suite is to be removed at no expense to the City following the termination of its use. This removal will include the removal as required of those services which are being installed to service the garden suite use; and,
7. No rural lot creation is being contemplated as part of the development proposal.

Zoning By-law Conformity

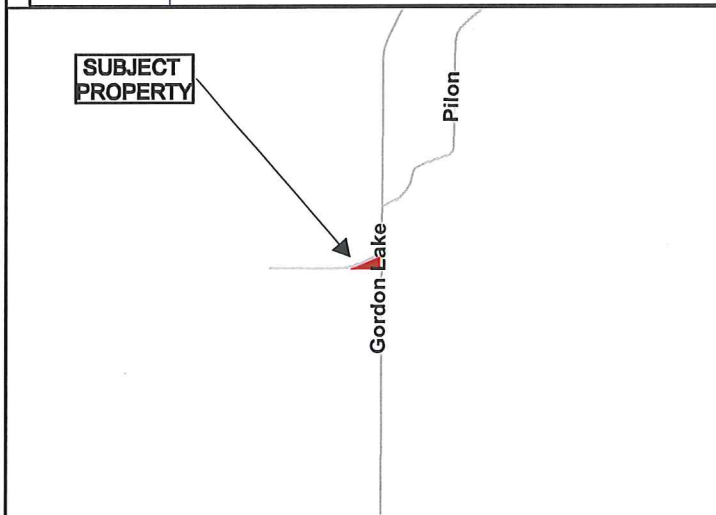
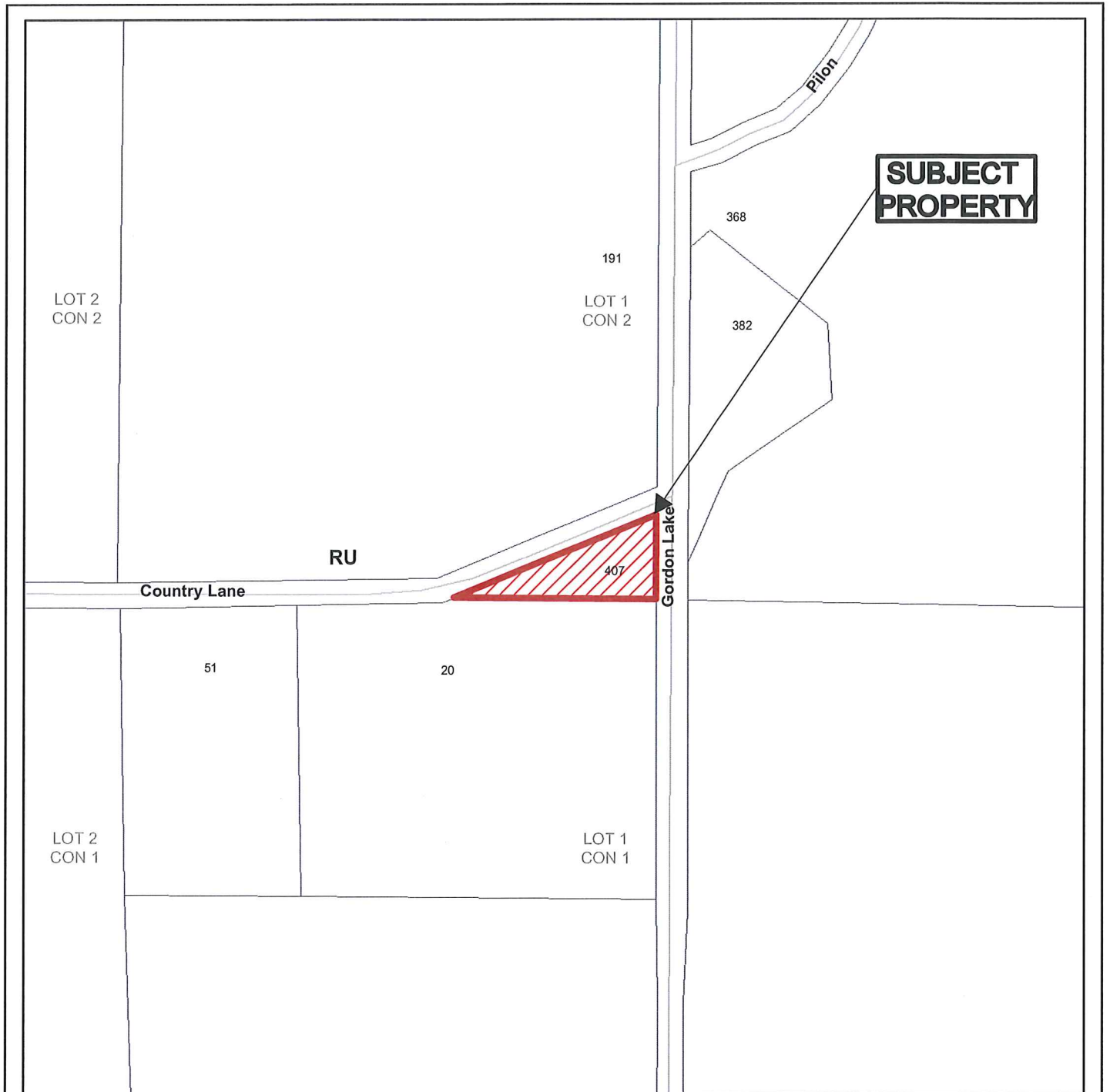
The subject lands are zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Garden suites are permitted within the "RU" Zone and must comply with all development standards associated with accessory buildings. Staff has reviewed the development proposal on the submitted sketch and is satisfied that the proposed garden suite would comply fully with accessory building development standards. The amending temporary use by-law being proposed would allow for a garden suite to be located on the subject lands for a period of ten (10) years.

Summary

Staff has reviewed the development proposed and is satisfied that it conforms to the Official Plan. The

proposed location of the garden suite would also comply with all zoning requirements under By-law 2010-100Z. The applicant has been made aware that the garden suite is to be removed at no expense to the City following the termination of its use. The initial approval for the temporary use would be in effect for ten (10) years with three (3) year extensions being possible thereafter. Staff would note that a building permit is required in order to construct the garden suite, which will include appropriate approvals from the Sudbury District Health Unit.

The Planning Services Division therefore recommends that the application to amend By-law 2010-100Z in order to permit a second dwelling unit on the property for a period of ten (10) years in the form of a garden suite as a temporary use be approved.



Growth and Development Department



Subject Property being PIN 73353-0161,
Pcl. 25466 SWS, Part 4, Plan 53R-5936,
Lot 1, Con. 2, Twp. of Dowling, 407
Gordon Lake Road, Chelmsford, City of
Greater Sudbury

NTS
Sketch 1

751-5/15-6
Date: 2015 04 02

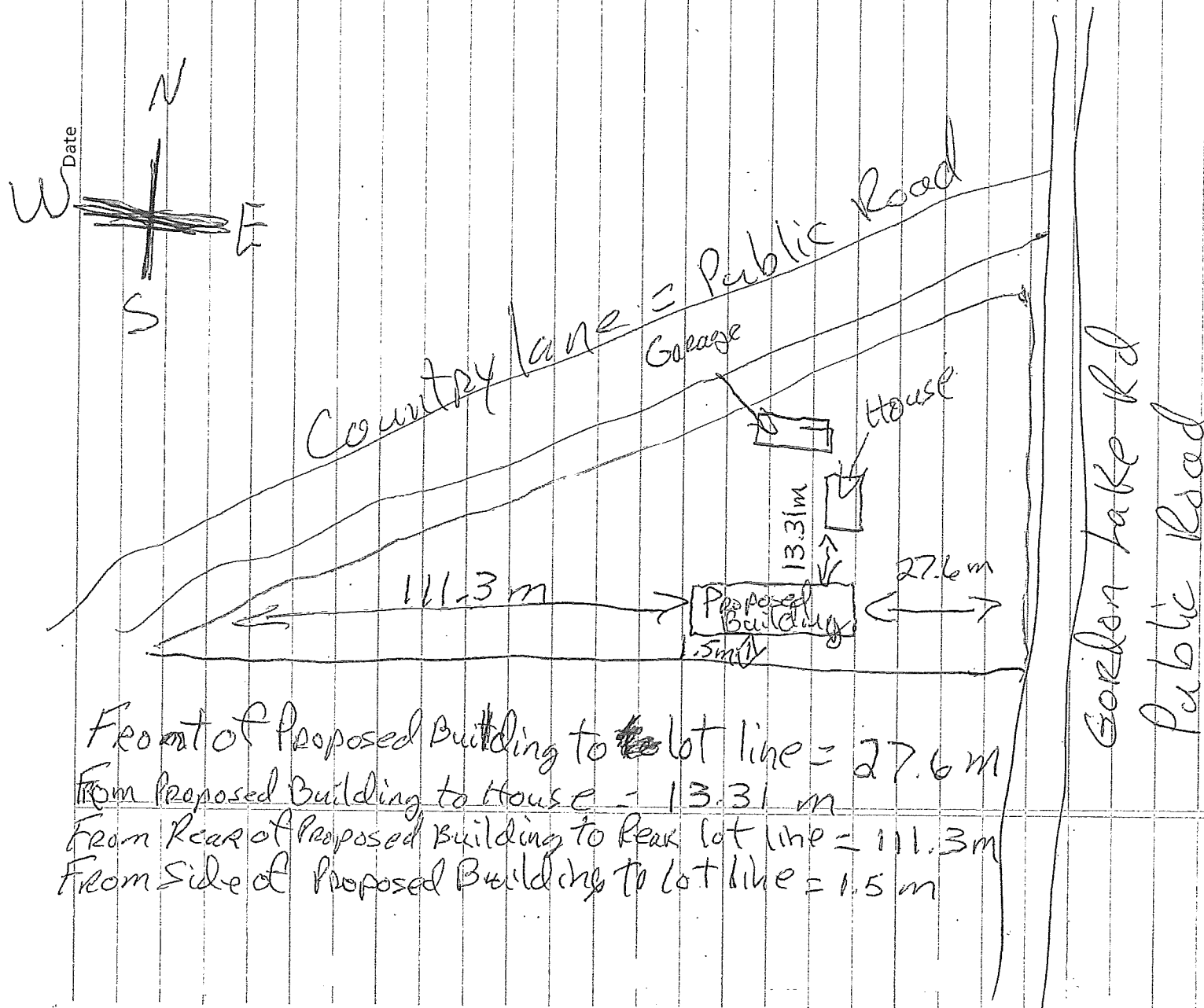




PHOTO 1 EXISTING SINGLE DETACHED DWELLING ON THE SUBJECT LANDS AS VIEWED FROM GORDON LAKE ROAD LOOKING WEST



PHOTO 2 EXISTING DETACHED GARAGE ON THE SUBJECT LANDS AS VIEWED FROM GORDON LAKE ROAD LOOKING WEST



PHOTO 3 PROPOSED LOCATION OF GARDEN SUITE TO THE SOUTH OF THE EXISTING SINGLE DETACHED DWELLING ON THE SUBJECT LANDS



PHOTO 4 PROPOSED LOCATION OF THE GARDEN SUITE TO THE SOUTH OF THE EXISTING SINGLE DETACHED DWELLING AS VIEWED FROM GORDON LAKE ROAD