

## Request for Decision

756 Suez Drive, Hanmer

Presented To:	Planning Committee
Presented:	Monday, Mar 22, 2021
Report Date	Monday, Feb 22, 2021
Type:	Public Hearings
File Number:	751-7/21-01

### Resolution

THAT the City of Greater Sudbury approves the application by Robert Savoie & Melinda Purvis to amend Zoning By-law 2010-100Z with respect to lands described as PIN 73507-1637, Parts 1 & 2, Plan 53R-17544 in Lots 9 & 10, Concession 4, Township of Capreol 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, as outlined in the report entitled “756 Suez Drive, Hanmer”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on March 22, 2021.

### Relationship to the Strategic Plan / Health Impact Assessment

The application to amend the Zoning By-law is an operational matter under the *Planning Act* to which the City is responding. The application seeks to provide an alternative form of housing for a family member that aligns with the housing objectives of the City.

### Report Summary

An application to extend a temporary use by-law has been submitted in order to extend the use of an 83m<sup>2</sup> mobile home as a garden suite on the property municipally known as 756 Suez Drive, Hanmer. The unit has been occupied since 2011 and has maintained compliance with the provisions applied to garden suites. Planning Services recommends a three-year extension pursuant to Section 39.1(4) of the Planning Act.

### Financial Implications

#### Signed By

##### **Report Prepared By**

Mauro Manzon  
Senior Planner  
*Digitally Signed Feb 22, 21*

##### **Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Feb 22, 21*

##### **Recommended by the Division**

Stephen Monet  
Manager of Environmental Planning Initiatives  
*Digitally Signed Feb 23, 21*

##### **Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Mar 7, 21*

##### **Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Mar 8, 21*

##### **Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Mar 8, 21*

There are no financial implications associated with this report.

**Title: 756 Suez Drive, Hanmer**

**Date: February 16, 2021**

## **Staff Report**

### **Proposal:**

An application to extend a temporary use by-law for a three-year period has been submitted in order to continue the use of an 83m<sup>2</sup> mobile home as a garden suite, which was installed in 2011. Under Section 39.1(4) of the *Planning Act*, a maximum three-year extension is permitted for garden suites. There is no limit on the number of extensions.

### **Existing Zoning:** “RU”, Rural

The subject land is zoned “RU”, Rural, which permits a residential use in the form of a single detached dwelling or a mobile home. Secondary dwelling units are also permitted subject to the provisions of Section 4.2.10.

Under Section 4.10 of the Zoning By-law, garden suites may be converted to secondary dwelling units subject to the applicable provisions including registration with Building Services.

### **Requested Zoning:** Extension of a temporary use identified as T55 in the Zoning By-law

The extension would permit the garden suite to continue for an additional three (3) years to March 30, 2024.

### **Location and Site Description:**

PIN 73507-1637, Parts 1 & 2, Plan 53R-17544 in Lots 9 & 10, Concession 4, Township of Capreol (756 Suez Drive, Hanmer)

The subject property is located on the north side of Suez Drive in the Township of Capreol. The area is not serviced by municipal water and sanitary sewer. Suez Drive is designated as a Local Road and is built to a rural standard. The closest public transit stop is located at the intersection of Capreol Road and Suez Drive (Route 105).

Total area of the T-shaped parcel is 10.45 ha, with 137 metres of frontage and a depth of approximately 408 metres. A 130 m<sup>2</sup> single detached dwelling forms the main use. There are several accessory buildings, including an 83m<sup>2</sup> mobile home in the westerly interior side yard that functions as a garden suite.

Single detached dwellings abut to the east and west. An aggregate operation in the form of a 50-hectare pit is located on the parcel to the north (Class A Licence 600241). The “M5(4)”, Extractive Industrial Special zoning requires a 150-metre setback to adjacent residential dwellings. Another pit operation with an authorized area of 81 ha is located to the east (Class A Licence 3857). A salvage yard is situated further to the east.

Rural residential uses are located opposite the subject land. There are two (2) other active garden suite approvals in the vicinity at 755 Suez Drive (T112) and 844 Suez Drive (T114).

### **Related Applications:**

The garden suite on this property was first approved as a temporary use in 2011 and this is the first extension. Under Section 39.1(4) of the *Planning Act*, Council may grant a maximum three (3) year extension for garden suites. There is no limit on the number of extensions. The current temporary use by-law lapses on March 30, 2021.

**Title: 756 Suez Drive, Hanmer**

**Date: February 16, 2021**

### **Public Consultation:**

Notice of complete application was circulated to the public and surrounding property owners on February 1, 2021. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out circulated to the public and surrounding property owners within 240 metres of the property on March 4, 2021.

As of the date of this report, Planning Services has not received any phone calls or written submissions.

### **Policy and 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.

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*.

Notwithstanding the above, the subject land is located in the Aggregate Reserve. Under Section 2.5.2.5 of the PPS, the following policies are applied to areas containing Mineral Aggregate Resources:

In known deposits of mineral aggregate resources and on adjacent lands, development and activities, which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or,
- b) the proposed land use or development serves a greater long-term public interest; and,
- c) issues of public health, public safety and environmental impact are addressed.

### **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.

Section 4.3.3 of the GPNO encourages an appropriate range and mix of housing types in Economic and Services Hubs such as Greater Sudbury.

**Title: 756 Suez Drive, Hanmer**

**Date: February 16, 2021**

**Official Plan for the City of Greater Sudbury:**

The subject property is designated as part of the Aggregate Reserve. Although lot creation for residential use is restricted within the Reserve, an alternative use may be permitted subject to Section 4.6.2 of the Official Plan as follows:

In cases where the economical and/or physical extraction is not feasible, other uses may be permitted in accordance with the applicable land use designation, if it can be shown that:

- a. the land use pattern in the area has reduced the feasibility of extraction; or,
- b. the proposed use would not have a negative impact on the natural heritage features and functions on the site and in the area; or,
- c. the aggregate is low in quality; or,
- d. there is not enough aggregate in the area to justify its economical extraction.

Subject to the above framework, the policies applied to garden suites in Rural Areas should be considered subject to the following criteria under Sections 2.3.5 and 5.2.1:

- 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.

In Rural Areas, a mobile home may be used as a garden suite if it is built on its own foundation in accordance with the Ontario Building Code.

**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 requirements applied to accessory buildings.

**Site Plan Control:**

A Site Plan Control Agreement is not required.

**Department/Agency Review:**

Commenting departments and agencies have no concerns related to the extension of the temporary use by-law.

**Planning Analysis:**

Although the subject land is located within the Aggregate Reserve and has proximity to existing aggregate operations, there is some flexibility to consider an alternative use that would not necessarily impact the feasibility of resource extraction on adjacent lands and the overall cohesiveness of the reserve itself.

In this case, it is noted that the north side of Suez Drive forms a rural residential area that is well-established. There are also some non-conforming industrial uses in the vicinity. It can therefore be stated that the existing land use pattern along the north side of Suez Drive has reduced the feasibility of extraction on the subject land, and that the application presents conformity with the Official Plan and consistency with the Provincial Policy Statement.

**Title: 756 Suez Drive, Hanmer**

**Date: February 16, 2021**

Further to the above, the garden suite has been in place since 2011 and continues to be maintained and occupied in compliance with the provisions applied to garden suites. The owners advised Planning Services that they do not wish to convert the garden suite to a secondary dwelling unit at this time.

The application to extend the temporary use by-law for a three-year period is recommended for approval.





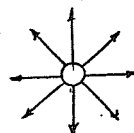
Photo 1: 756 Suez Drive, Hanmer  
Accessory garden suite located in westerly interior side yard  
File 751-7/21-01 Photography February 17, 2021



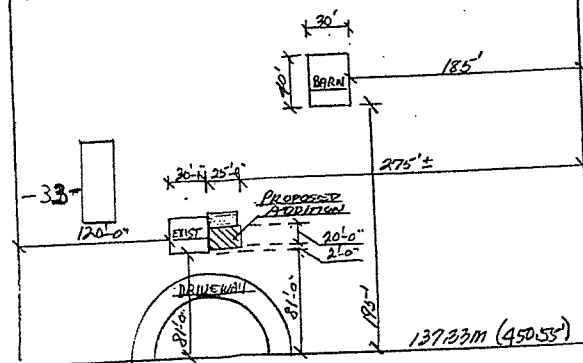


Photo 2: 756 Suez Drive, Hanmer  
View of main dwelling  
File 751-7/21-01 Photography February 17, 2021

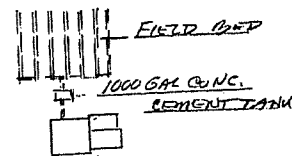
CARREN CONC 4  
PT LOTS 9-10 RP53R17524  
PLOTS 1+2  
REG. 25.82 ACRES



INDICATE  
NORTH

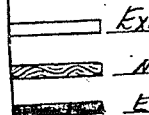


SUEZ DRIVE  
PLOT PLAN  
SCALE 1"=100'



FIELD BED LOCATION

LEGEND



53'-1"

30'-1"

RECEIVED AS mm

FEB 22 2021

PLANNING SERVICES

NTSI Holdings Inc.  
872 B Suez Dr.  
Hanmer, Ontario  
P3P 1Y7

City of Greater Sudbury  
Attn: Alex Singbush  
Manager of Development Approvals  
Planning Services Department  
PO Box 5000 STN A  
200 Brady Street  
Sudbury, ON P3A 5P3

**RE:** IN THE MATTER OF AN application under Section 34 of the Planning Act, R.S.O. 1990 Chapter P.13 LOCATION: PIN 73507-1637, Parts 1 & 2, Plan 53R-17544 in Lots 9 & 10, Concession 4, Township of Capreol (756 Suez Drive, Hanmer)

Dear Sir,

We wish to voice our opposition in the matter of the application to continue the use of a mobile home as a garden suite for 756 Suez Drive in Hanmer for applicants Robert Savoie and Melinda Purvis.

1. It our understanding that the definition of a garden suite in the Greater City of Sudbury is as follows:

### **“OFFICIAL PLAN POLICIES**

*The Official Plan for the City of Greater Sudbury indicates, in Section 3.2. General Policies for Living Areas, that:*

***Garden suites*** are small, self-contained independent living units that are designed for family members ***who require some level of support***. Subject to rezoning under the provisions of the Temporary Use By-law in Section 20.5.3, 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 shall be connected to the service lines of the host dwelling unit to City specifications;*
- c. the 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 the removal of the structure.*

*Mobile homes are not permitted as **Garden Suites** except that:*

*In Section 5.2.1 of the Official Plan, Rural Residential Policies, it indicates that:*


*A garden suite is allowed in accordance with Section 3.2.9. 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."*

The garden suite at 756 Suez Drive, Hanmer:

1. Is not built on a permanent foundation
2. Is being occupied by the owner's son who is not an aging family member and/or to our knowledge, **does not require** any level of care
3. Is altering the **neighborhood's character** as it is visible from the road and is an eyesore
4. As previously stated in the initial request made on March 7, 2011, the home owner and family members have continuously complained and continue to do so to the city about the noise level and heavy equipment traffic from nearby businesses.

We sincerely hope that you will **not renew** the application to continue the use of a mobile home as a garden suite.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Roy', with a stylized flourish at the end.

Denis Roy  
President

AS  
mm

Denis Roy Jr & Miranda Roy  
872 A Suez dr  
Hanmer, Ontario  
P3P 1Y7

RECEIVED

February 15, 2021

FEB 22 2021

PLANNING SERVICES

To whom it may concern,

This is in regards to the Notice of Application letter we received dated February 1st, 2021 from Robert Savoie and Melinda Purvis to extend a temporary use by-law for a period of three (3) years pursuant to Section 39.1 of the Planning Act.

WE DO NOT APPROVE OF THIS EXTENSION. We have reason to believe that this "garden suite" is being used as an apartment for their son and not for an elderly family member. We feel as though the entire street should be treated fairly and both Robert and Melinda have been consistent tenants for us as neighbours who have worked tirelessly at making a living to provide for our family on Suez Drive. We followed guidelines and the by-laws put in place and both Robert and Melinda have called to complain with no grounds to do so. We can guarantee that other neighbours on this street feel the same way as we do.

Sincerely,



Denis Jr & Miranda Roy

February 1, 2021

File: 751-7/21-01

### **NOTICE OF APPLICATION**

#### **having been submitted to the City of Greater Sudbury**

IN THE MATTER OF AN application under Section 34 of The Planning Act, R.S.O. 1990, Chapter P.13:

**Applicant:** Robert Savoie & Melinda Purvis

**Location:** PIN 73507-1637, Parts 1 & 2, Plan 53R-17544 in Lots 9 & 10, Concession 4, Township of Capreol (756 Suez Drive, Hanmer)

**Application:** To extend a temporary use by-law for a period of three (3) years pursuant to Section 39.1 of the Planning Act.

**Proposal:** To continue the use of a mobile home as a garden suite.

Any person interested in voicing his/her comments on the application may write to the City of Greater Sudbury, Alex Singbush, Manager of Development Approvals, Planning Services Division, PO Box 5000, Stn A, 200 Brady Street, Sudbury, ON P3A 5P3. If you are aware of any person interested or affected by these applications who has not received a copy of this notice, it would be appreciated if you would so inform him/her.

**Please note:** Comments submitted on these matters including the originator's name and address become part of the public record, may be viewed by the general public and may be published in a planning report, included in a Planning Committee Agenda and posted on the City's website.

By submitting information, including print or electronic information, for presentation to City Council or Committee you are indicating that you have obtained the consent of persons whose personal information is included in the information to be disclosed to the public.

If a person or public body would otherwise have an ability to appeal the decision of the Council for the City of Greater Sudbury to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Greater Sudbury before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Greater Sudbury before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If you wish to be notified of the decision of the City of Greater Sudbury on the proposed zoning by-law amendment, you must make a written request to the City of Greater Sudbury, City Clerk, PO Box 5000, Stn A, 200 Brady Street, Sudbury, ON P3A 5P3.

The owner of any land that receives this notice, where the land contains seven or more residential units, is requested to post a copy of this notice in a location that is visible to all of the residents.

Additional information and material are available to the public for inspection from 8:30 a.m. to 4:30 p.m. Monday to Friday, excluding holidays in Planning Services (appointment required).

For more information please call Mauro Manzon, Senior Planner, in Planning Services at 705-674-4455, Extension 4293.

Additional notice will be provided when the application is scheduled for a public meeting.

MM/sb  
Attach.

A handwritten signature in black ink, appearing to read "Alex Singbush".

Alex Singbush, MCIP, RPP  
Manager of Development Approvals