

**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.

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### **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.

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**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.

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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.