

**Title: Terry Noel & Alice Belzile**

**Date: March 10, 2020**

## **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 a 109 m<sup>2</sup> mobile home as a garden suite. 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 a single detached dwelling or a mobile home.

**Requested Zoning:** Extension of a temporary use identified as T10 in the Zoning By-law

The extension would permit the garden suite to continue for an additional three (3) years effective the date of the passing of the amending by-law.

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

PIN 73503-1286, Parcel 15481 S.E.S., in Lot 1, Concession 1, Township of Hanmer (111 Dominion Drive, Hanmer)

The subject property is located on the south side of Dominion Drive, west of Notre Dame Avenue. Dwellings in this area are not serviced by municipal sewer and water. There are no servicing connections to the pressurized wastewater main within the right-of-way. Dominion Drive is designated as a Collector Road and is constructed to a rural standard. Public transit is not available other than GOVA Plus for eligible users.

Total area is 7.75 ha, with 101 metres of road frontage and an approximate depth of 772 metres. A two-storey single detached dwelling forms the main use. Various outbuildings are also present, including the garden suite, which is located in the westerly side yard behind the main house. The surrounding area is predominantly rural residential in character.

### **Related Applications:**

The application was initially approved in 2003 (File 751-7/03-12) and extended in 2014 (File 751-7/14-12). The original garden suite was replaced in 2015 with a larger unit (Permit B15-0378).

### **Public Consultation:**

Notice of complete application was circulated to the public and surrounding property owners on January 24, 2020. 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 April 30, 2020.

As of the date of this report, no phone calls or written submissions have been received by Planning Services.

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## **POLICY & REGULATORY FRAMEWORK:**

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

- [2014 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. Garden suites are an important component of this housing mix and have been supported by Council since the 1980s. The application is consistent with the PPS.

### **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. The application conforms to the GPNO.

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

Garden suites are permitted in Rural Areas 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 application 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 and are subject to the setback requirements applied to accessory buildings.

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**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:**

There are no land use concerns related to the extension of the garden suite, which was replaced in 2015 with a larger unit. There is ample site area to accommodate a garden suite, which is discretely installed behind the main dwelling. The application demonstrates conformity with Official Plan policies applied to Rural areas, including the permitted housing type.

The agents advised Planning Services that they do not wish to make the garden suite a permanent use under the secondary dwelling unit provisions of the Zoning By-law at this time.

**CONCLUSION:**

The application to extend the temporary use by-law for another three-year period is recommended for approval. The effective date for the three-year extension will be the adoption date of the amending by-law. The owners are advised to apply for any future extension at least four months prior to the lapsing date.