

## Request for Decision

**Michael Banks - Application to extend a temporary use by-law in order to permit a garden suite accessory to a single detached dwelling in a Rural zone, 944 Radar Road, Hanmer**

Presented To:	Planning Committee
Presented:	Wednesday, May 20, 2020
Report Date	Thursday, Mar 26, 2020
Type:	Public Hearings
File Number:	751-7/20-2

### Resolution

THAT the City of Greater Sudbury approves the application by Michael Banks to amend Zoning By-law 2010-100Z with respect to lands described as PIN 73508-1091, Parcel 1139 S.E.S., in Lot 9, Concession 2, 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 "Michael Banks" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 20, 2020.

### 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.

### Report Summary

An application to extend a temporary use by-law has been submitted in order to extend the use of an 83 m<sup>2</sup> mobile home as a garden suite on the property municipally known as 944 Radar Road, Hanmer. The garden suite has been occupied since 1994 and there are no land use concerns related to the application. Planning Services recommends a three-year extension pursuant to Section 39.1(4) of the Planning Act.

### Financial Implications

This report has no financial implications as the garden suite was originally approved and occupied since 1994.

#### Signed By

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

Mauro Manzon  
Senior Planner  
*Digitally Signed Mar 26, 20*

##### **Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Mar 26, 20*

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

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Mar 30, 20*

##### **Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Mar 31, 20*

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

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed May 1, 20*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed May 6, 20*

**Title: Michael Banks**

**Date: March 24, 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 83 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 of a single detached dwelling or a mobile home.

**Requested Zoning:** Extension of a temporary use identified as T11 in the Zoning By-law

The extension would permit the garden suite to continue for an additional three (3) years to July 13, 2023.

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

PIN 73508-1091, Parcel 1139 S.E.S., in Lot 9, Concession 2, Township of Capreol (944 Radar Road, Hanmer)

The subject property is located on the north side of Radar Road in the Township of Capreol. The area is not serviced by municipal water and sanitary sewer. Radar Road is designated as a Secondary Arterial Road. The area is serviced as GOVA Zone D (former TransCab) and by GOVA Plus for eligible users.

Total area of the irregular-shaped parcel is 17 ha, with 92.4 metres of frontage and a depth of approximately 864 metres. The property backs onto a Hydro corridor to the north. A 163 m<sup>2</sup> single detached dwelling forms the main use. There are several accessory buildings, including an 83 m<sup>2</sup> mobile home that functions as a garden suite. Rural residential uses comprise adjacent properties.

### **Related Applications:**

The garden suite on this property was first approved as a temporary use in 1994. There have been four subsequent extensions. 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 July 13, 2020.

### **Public Consultation:**

Notice of complete application was circulated to the public and surrounding property owners on February 3, 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.

**Title: Michael Banks**

**Date: March 24, 2020**

## **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, including persons who need to live within close proximity of family but also desire a measure of independent living. Garden suites 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 single garden suite is allowed as an accessory unit on a lot with only one existing dwelling unit;
- services will be connected to the service lines of the host dwelling unit to City specifications;
- 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,
- 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.

**Title: Michael Banks**

**Date: March 24, 2020**

**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.

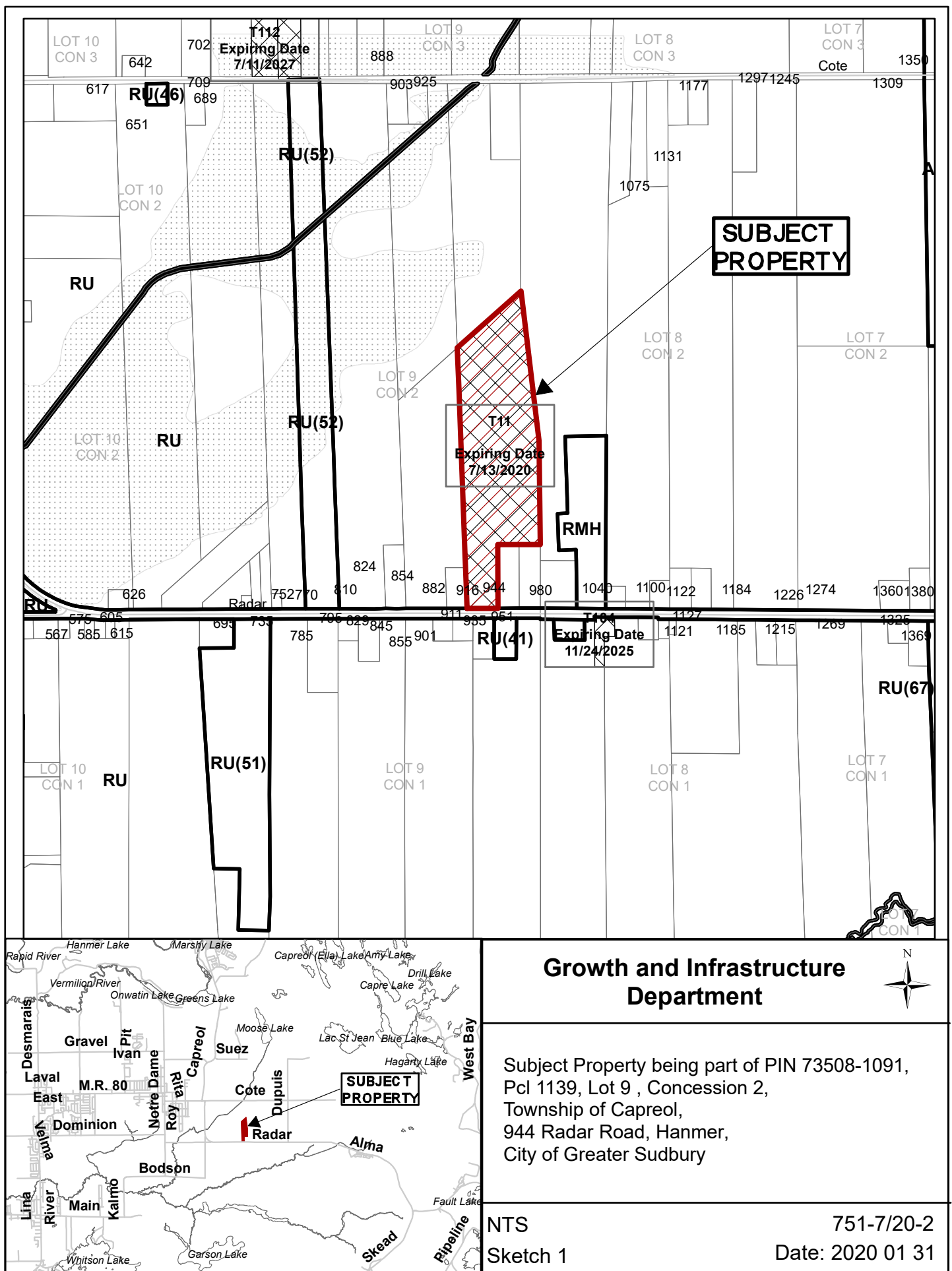
**PLANNING ANALYSIS:**

The garden suite has been in place since 1994 and does not present any land use concerns, as it is discretely located behind the main dwelling. The unit continues to be maintained and occupied in compliance with the provisions applied to garden suites. The application to extend the temporary use by-law for a three-year period is recommended for approval.

The owner advised Planning Services that he does not want to convert the garden suite to 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.



COTE BLVD.

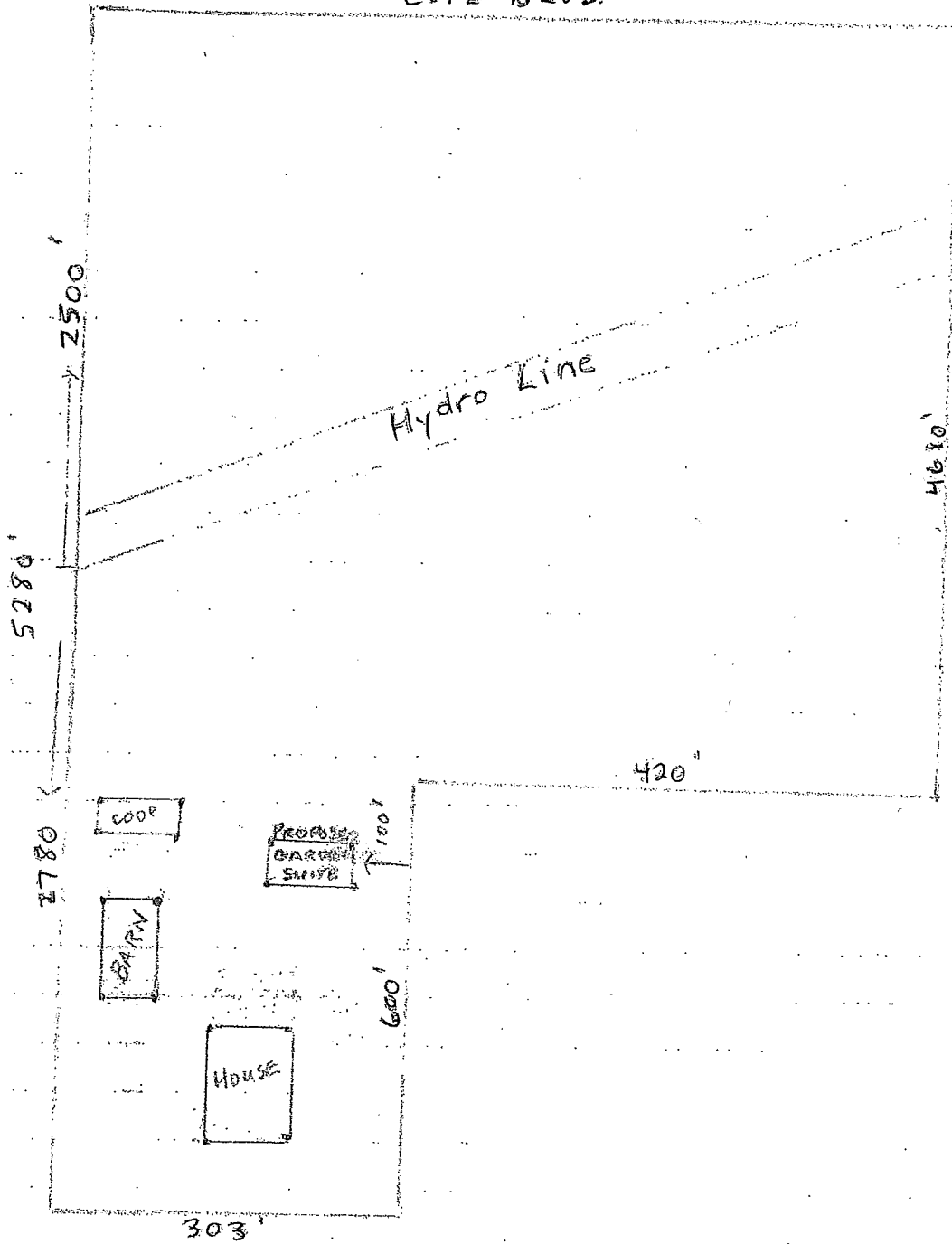




Photo 1: 944 Radar Road, Hanmer  
View of accessory garden suite behind main dwelling  
File 751-7/20-2 Photography February 5, 2020





Photo 2: 944 Radar Road, Hanmer  
View of main dwelling  
File 751-7/20-2 Photography February 5, 2020