

Request for Decision

Application to extend a temporary use by-law in order to permit a garden suite, 277 Linden Drive, Hanmer – Luc and Celine Legault

Presented To:	Planning Committee
Presented:	Monday, Sep 29, 2014
Report Date	Thursday, Sep 11, 2014
Type:	Public Hearings
File Number:	751-7/14-10

Recommendation

THAT the City of Greater Sudbury approve the application by Luc and Celine Legault to amend Zoning By-law 2010-100Z with respect to lands described as PIN 73508-0094, Part 1, Plan 53R-15993, Parcel 51480, Lot 11, Concession 3, 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.

STAFF REPORT

Applicant:

Luc and Celine Legault

Location:

PIN 73508-0094, Part 1, Plan 53R-15993, Parcel 51480, Lot 11, Concession 3, Township of Capreol (277 Linden Drive, Hanmer)

Application:

To extend a temporary use by-law for a period of three (3) years pursuant to Section 39.1(4) of the Planning Act.

Proposal:

To continue the use of an approximate 91 m² (980 sq. ft.) garden suite that is located in the westerly interior side yard of the subject lands.

Official Plan Conformity:

The subject lands are designated Rural in the Official Plan for the City of Greater Sudbury. Garden suites are permitted within the Rural designation subject to the policies under Section 3.2 and 5.2.1 of the Official

Signed By

Report Prepared By

Alex Singbush
Senior Planner
Digitally Signed Sep 11, 14

Reviewed By

Eric Taylor
Manager of Development Approvals
Digitally Signed Sep 11, 14

Recommended by the Division

Mark Simeoni
Acting Director of Planning Services
Digitally Signed Sep 11, 14

Recommended by the Department

Paul Baskcomb
Acting General Manager of Growth & Development
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Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Sep 12, 14

Plan. Garden suites are permitted in accordance with the following policies:

1. A single garden suite is permitted accessory to an existing dwelling unit;
2. Services shall be connected to the service lines of the host dwelling unit;
3. Garden suites should form a good fit with the prevailing character of the surrounding area; and,
4. An agreement may be required between the applicant and the City addressing such issues as the installation, location, occupancy and removal of the structure.
5. 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.
6. No garden suite should result in the creation of new residential lots within the Rural designation.

Conformity with the Official Plan is based on a review of the above noted considerations.

Site Description & Surrounding Land Uses:

The subject lands are located on the south side of Linden Drive, east of Notre Dame Avenue in Hanmer. The lands presently contain a single detached dwelling, a garden suite in the form of a mobile home, a detached garage, two sheds, and a number of other accessory structures. The lands have a total lot area of approximately 10.08 ha (24.9 acres) with approximately 111.6 m (366 ft.) frontage on Linden Drive.

The north side of Linden Drive is predominantly undeveloped with potential for future resource uses. The south side of Linden Drive is developed with rural residential uses.

Departmental & Agency Comments:

Building Services

Building Services has no objection to this application provided that the existing trailer is not altered nor relocated. Should the applicant choose to do so, a building permit will be required.

Development Engineering

This site is not presently serviced with municipal sanitary sewer but it is serviced with municipal water. We have no objection to the extension of a temporary use of the mobile home as a garden suite for a maximum period of three (3) years.

Infrastructure Services

Since the Garden Suite/Property (septic system/holding tank) is an existing threat, it is permitted but would be captured under Policy S1EF-SA. This means the property is subject to the Mandatory On-Site Sewage System Maintenance Inspection Program being administered by the SDHU. The homeowners will also receive Education and Outreach on proper septic system care from CGS.

Therefore, for the purposes of Source Protection, Water/Wastewater has no further comments or concerns with the continued use of the garden suite located at 277 Linden Drive as per application file # 751-7/14-10.

Roads and Transportation Services

No concerns.

Neighbourhood Consultation:

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 or written submissions objecting to the application have been received by the Planning Services Division.

Background:

In 1994 a temporary use by-law was passed for this property which allowed the use of a mobile home as a garden suite; the applicant is now seeking a three year approval.

The temporary use by-law passed by Council included a lapsing date of September 16, 2014. Staff sent a letter to the owner on February 24, 2014 requesting information from the owner with respect to their intentions of continuing or discontinuing the garden suite use. The owners subsequently applied for an extension to the temporary garden suite use on June 18, 2014.

Under Section 39.1(4) of the current Planning Act, Council may only grant a maximum three year extension for temporary uses in the form of a garden suite.

Planning Considerations:

Staff has reviewed the extension request and can advise that the continued use of the garden suite would not present any land use planning concerns.

Staff would also note that it is the responsibility of the owners to contact the Development Approvals Section when the temporary use is no longer required. Under such circumstances, the temporary use by-law would be repealed and the garden suite must be removed. At the termination of the three year extension period, the owners may apply for another extension should they wish to continue utilizing the garden suite. The application should be submitted a minimum of four months prior to the lapsing date on the temporary use by-law.

Staff recommend that the application be approved and note that the T12 symbol in Table 12.1 – Temporary Uses under Part 12 of the Zoning By-law should be amended to reflect a three year extension with a new lapsing date of September 16, 2017.

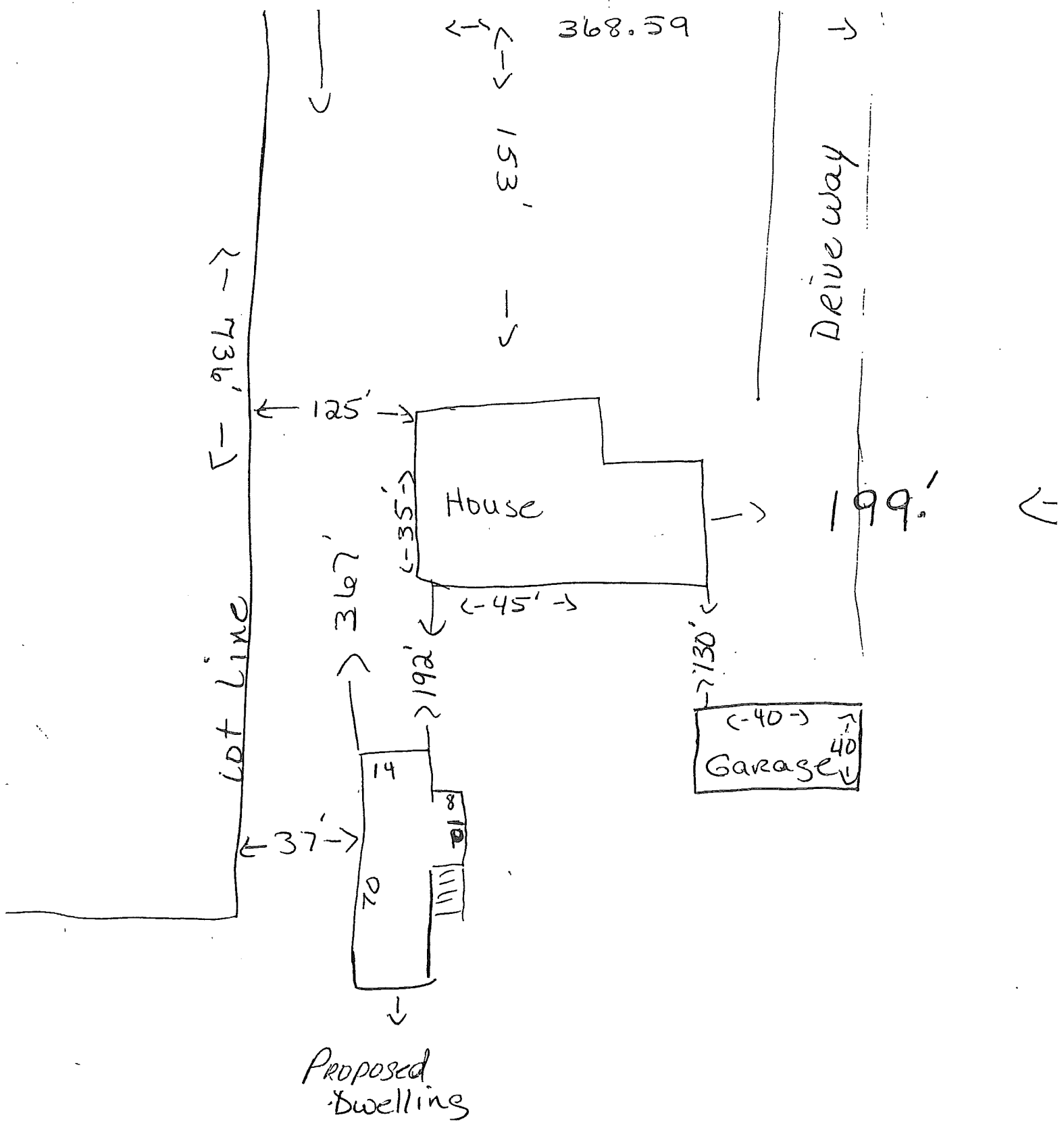




PHOTO 1 SUBJECT LANDS, 277 LINDEN DRIVE, HANMER
VIEWED LOOKING SOUTH FROM LINDEN DRIVE



PHOTO 2 GARDEN SUITE ON SUBJECT LANDS LOCATED
SOUTH OF THE PRIMARY DWELLING

751-7/14-10 PHOTOGRAPHY AUG 22, 2014