

Presented To:	Planning Committee
Presented:	Monday, Feb 23, 2015
Report Date	Monday, Feb 09, 2015
Type:	Public Hearings
File Number:	751-2/14-3

## Request for Decision

**Application for a temporary use by-law in order to permit a second dwelling unit on the property in the form of a garden suite, 3820 Hydro Road, Hanmer - Brian & Barbara Beaton**

### Recommendation

THAT the City of Greater Sudbury approve the application by Brian & Barbara Beaton to amend Zoning By-law 2010-100Z with respect to lands described as PIN 73508-0066, Parcel 53241 S.E.S., Parts 3 & 4, Plan 53R-16351, Lot 10, Concession 1, Township of Capreol, in order to permit a garden suite in accordance with Section 39 of the Planning Act for a temporary period of ten (10) years.

### STAFF REPORT

#### Applicant:

Brian & Barbara Beaton

#### Location:

PIN 73508-0066, Parcel 53241 S.E.S., Parts 3 & 4, Plan 53R-16351, Lot 10, Concession 1, Township of Capreol (3820 Hydro Road, Hanmer)

#### Application:

To amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law to permit a second dwelling unit on the subject lands in the form of a garden suite as a temporary use in accordance with Section 39 of the Planning Act.

#### Proposal:

The application is to permit a garden suite to be located to the north of the existing single-detached dwelling on the subject lands.

#### Signed By

##### Report Prepared By

Glen Ferguson  
Senior Planner  
*Digitally Signed Feb 9, 15*

##### Reviewed By

Eric Taylor  
Manager of Development Approvals  
*Digitally Signed Feb 9, 15*

##### Recommended by the Division

Mark Simeoni  
Acting Director of Planning Services  
*Digitally Signed Feb 9, 15*

##### Recommended by the Department

Paul Baskcomb  
Acting General Manager of Growth & Development  
*Digitally Signed Feb 9, 15*

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

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Feb 10, 15*

### **Official Plan Conformity:**

Garden suites are permitted within the Rural designation subject to the following criteria that is set out in Section 3.2.9 and 5.2.1 of the Official Plan:

1. A single garden suite is allowed as an accessory unit on a lot with only one existing dwelling unit;
2. Services shall be connected to the service lines of the host dwelling unit to City specifications;
3. Garden suites must be integrated with the prevailing character of the surrounding area and are to be removed at no expense to the City at the termination of its use;
4. 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;
5. A garden suite may take the form of a mobile home within the Rural designation provided that it is located on its own foundation and constructed in accordance with the Ontario Building Code; and,
6. No garden suite should result in the creation of new residential lots within the Rural designation.

The application conforms to the Official Plan for the City of Greater Sudbury subject to a review of the above noted land use planning considerations.

### **Site Description & Surrounding Land Uses:**

The subject lands are located on the east side of Hydro Road between Radar Road and Guenette Drive to the north and Bodson Drive to the south in the community of Hanmer. The lands have a total lot area of 0.40 ha (1 acre) with approximately 44.20 m (145 ft) of frontage onto Hydro Road. The lands presently contain a single-detached dwelling with a detached garage.

Surrounding uses are predominantly rural residential in nature with the majority of lots containing single-detached dwellings. There is a general mix of lot sizes in the general area including some larger vacant rural parcels. There is a railroad corridor further to the west of the lands.

### **Departmental & Agency Comments:**

#### Building Services

No concerns. The following comments are for the information of the applicant:

1. An application for a building permit will be required for the proposed second dwelling to the satisfaction of the Chief Building Official;
2. Drawings prepared by a qualified designer are to be submitted showing floor plan layouts, exits and health and life safety requirements;
3. Prior to the building permit being issued, approval from the Sudbury District Health Unit is to be obtained; and,
4. If the proposed second dwelling unit is designed and constructed as a modular building or a mobile

home, it shall comply with CSA Z240.2.1 or CSA A277 standards as per Section 9.1.1.9 "Site Assembled and Factory-Built Buildings) of the Ontario Building Code.

#### Development Engineering

No concerns. The site is not presently serviced with municipal water or sanitary sewer.

#### Drainage

No concerns.

#### Leisure Services

No comments.

#### Roads, Traffic & Transportation

No concerns.

#### **Public 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 and no written submissions objecting to the application have been received by the Planning Services Division.

#### **Planning Considerations:**

##### Official Plan

The development proposal to construct a second dwelling unit on the property in the form of a garden suite as a temporary use is supported from an Official Plan policy perspective for the following reasons:

1. The subject development proposal seeks approval for one garden suite that would be located on the northerly portion of the lands and would be accessory to a single-detached dwelling that is presently located on the subject lands;
2. The owner understands and has indicated to staff that the proposed garden suite will be connected to the existing water line of the host dwelling unit. The owner has requested a separate private septic system in order to avoid having to disrupt the existing paved driveway and interlocking. The garden suite would also be located approximately 27.43 m (90 ft) from the existing private septic system. Staff has no objections to this request but would note that once the garden suite use ceases the second private septic system is required to be removed entirely. The garden suite will also be accessed from the existing driveway onto Hydro Road. Staff is satisfied that the proposed garden suite will utilize all existing services where feasible that are present on the subject lands.
3. Staff is satisfied that the rural character of the surrounding area will not be negatively impacted by the proposed garden suite. The subject lands are located in an area with a number of rural residential lots and it is the opinion of staff that a garden suite can be accommodated in this location without detracting from the rural, open-space character of the surrounding area along Hydro Road. The lands

are well buffered with trees and the garden suite is to be located in excess of 22.86 m (75 ft) from Hydro Road. No negative privacy impacts are anticipated.

4. Staff has not identified any compelling reasons to require an agreement between the applicant and the City dealing with such conditions as the installation, location, maintenance, occupancy and the removal of the structure;
5. The proposed garden suite is proposed to take the form of a mobile dwelling, which is permitted on lands designated Rural in the Official Plan. The mobile home must be constructed on its own foundation and in accordance with the Ontario Building Code;
6. The applicant is informed that the garden suite is to be removed at no expense to the City following the termination of its use. This removal will include the removal as required of those services which are being installed to service the garden suite use; and,
7. No rural lot creation is being contemplated as part of the development proposal.

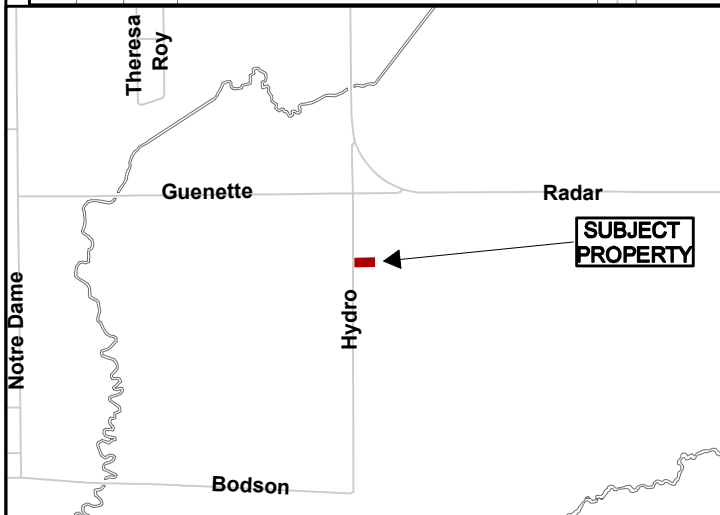
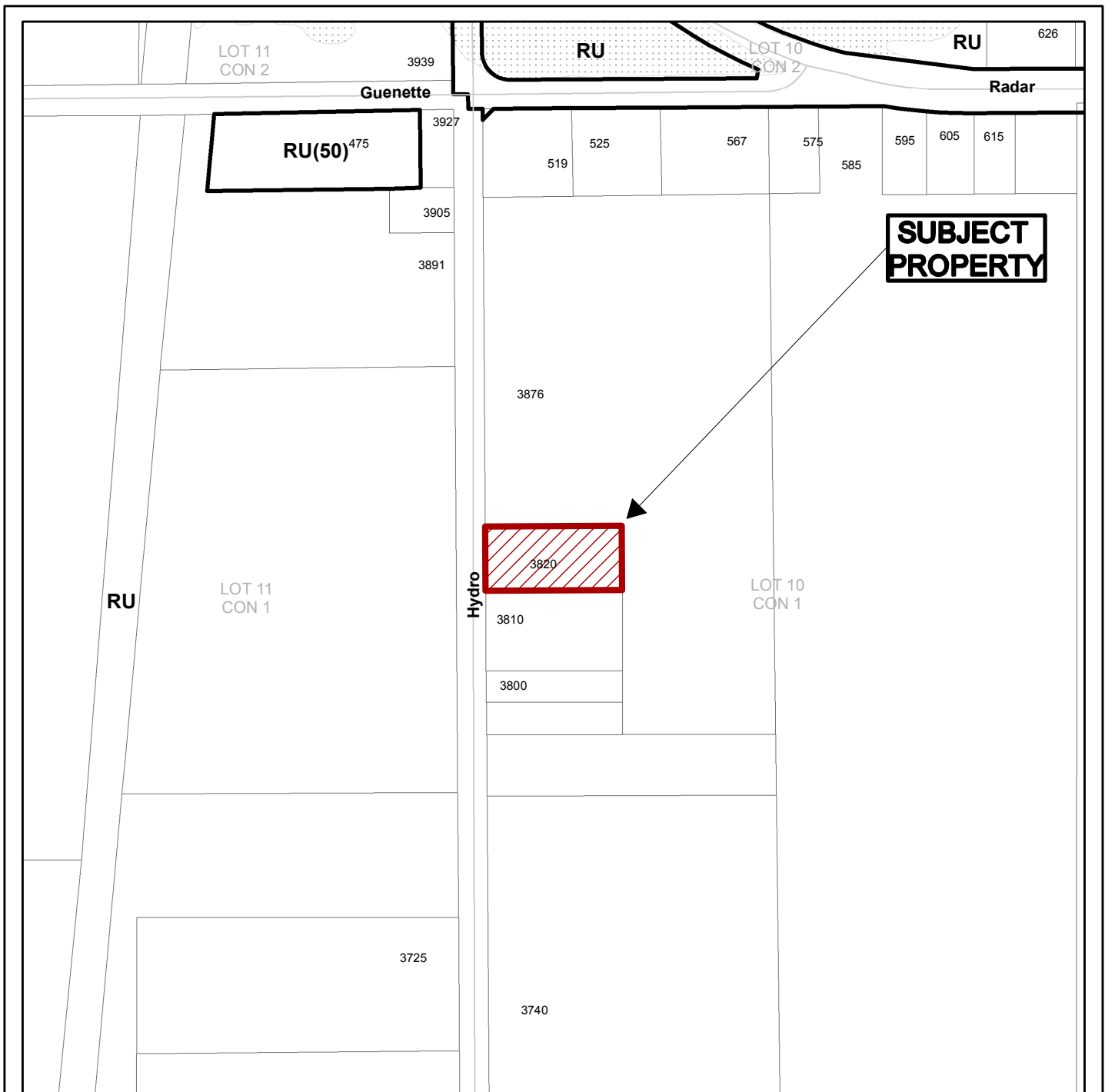
### Zoning By-law Conformity


The subject lands are zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Garden suites are permitted within the "RU" Zone and must comply with all development standards associated with accessory buildings. Staff has reviewed the development proposal on the submitted sketch and is satisfied that the proposed garden suite would comply fully with accessory building development standards. The amending temporary use by-law being proposed would allow for a garden suite to be located on the subject lands for a period of ten years.

### Summary

Staff has reviewed the development proposed and is satisfied that it conforms to the Official Plan. The proposed location of the garden suite would also comply with all zoning requirements under By-law 2010-100Z. The applicant has been made aware that the garden suite is to be removed at no expense to the City following the termination of its use including the removal of the second private septic system. The initial approval for the temporary use would be in effect for ten years with three year extensions being possible thereafter. Staff would note that a building permit is required in order to construct the garden suite, which will include appropriate approvals from the Health Unit.

The Planning Services Division therefore recommends that the application to amend By-law 2010-100Z in order to permit a second dwelling unit on the property for a period of ten years in the form of a garden suite as a temporary use be approved.



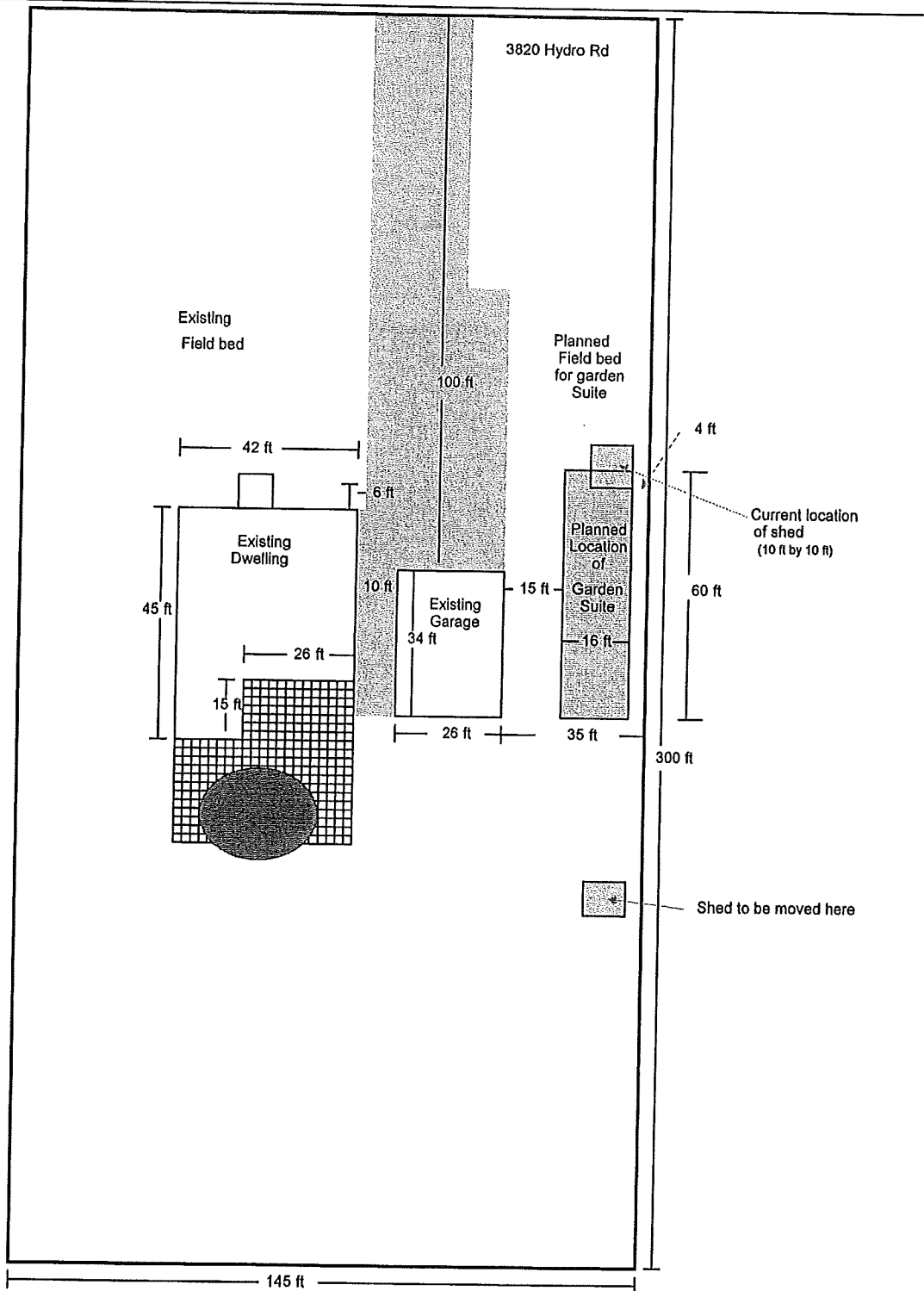
**Growth and Development Department** 

Subject Property being PIN 73508-0066, Pcl. 53241 SES, Parts 3 & 4, Plan 53R-16351, Lot 10, Con. 1, Twp. of Capreol, 3820 Hydro Road, Hanmer, City of Greater Sudbury

NTS 751-2/14-03  
 Sketch 1 Date: 2014 11 18

NORTH----->

HYDRO ROAD, Hanmer, Ontario



Required Sketch



PHOTO 1 SUBJECT LANDS AS VIEWED FROM HYDRO ROAD  
LOOKING EAST



PHOTO 2 APPROXIMATE LOCATION OF THE PROPOSED GARDEN  
SUITE TO THE NORTH OF THE EXISTING DWELLING  
AND DETACHED GARAGE



PHOTO 3 APPROXIMATE LOCATION OF PROPOSED GARDEN SUITE TO THE NORTH OF THE EXISTING DETACHED GARAGE



PHOTO 4 EXISTING RESIDENTIAL DWELLING TO THE SOUTH OF THE SUBJECT LANDS