

Vision: *The City of Greater Sudbury is a growing, world-class community bringing talent, technology and a great northern lifestyle together.*



Agenda

Hearing Committee

meeting to be held

Monday, July 19th, 2010

at 4:00 pm

Committee Room C-11, Tom Davies Square

HEARING COMMITTEE AGENDA

For the 7th Hearing Committee Meeting
to be held on **Monday, July 19, 2010**
Committee Room C-11, Tom Davies Square at 4:00 pm

COUNCILLOR JACQUES BARBEAU, CHAIR

Evelyn Dutrisac, Vice-Chair

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

MANAGERS' REPORTS

1. Report dated July 15, 2010 from the Chief Financial Officer/City Treasurer regarding Tax Adjustment for 1995 Regional Road 55 (Roll #120.004.119.00.0000). **4 - 8**
(RECOMMENDATION PREPARED)
(This report seeks direction in dealing with a dispute regarding a tax adjustment on the building value for the property known as 1995 Regional Road 55 in the City of Greater Sudbury.)
2. Report dated July 9, 2010 from the General Manager of Growth and Development regarding Request to Waive Development Charge Fees - Mr. Barry Lacroix, 2790 Kingsway. **9 - 10**
(RECOMMENDATION PREPARED)
(Mr. Barry Lacroix is requesting that Development Charge fees be waived for 2790 Kingsway since the house was removed from that address and the property is part of the City's Landfill buffer and will not be used residentially.)
3. Report dated July 9, 2010 from the General Manager of Growth and Development regarding Request to Waive Development Charge Fees - Northern Home Builders. **11 - 29**
(RECOMMENDATION PREPARED)
(Northern Home Builders is requesting that Development Charge fees be waived for 291 St Agnes Street, Azilda)

ADDENDUM

Adjournment (Resolution Prepared)

ANGIE HACHÉ, CITY CLERK

FRANCA BORTOLUSSI, COUNCIL SECRETARY

Request for Decision

Tax Adjustment for 1995 Regional Road 55 (Roll #120.004.119.00.0000)

Presented To:	Hearing Committee
Presented:	Monday, Jul 19, 2010
Report Date	Thursday, Jul 15, 2010
Type:	Managers' Reports

Recommendation

That the Committee accept the value of the building demolition as provided by the Municipal Property Assessment Corporation and that the application by Mr. Bruce Purvis for a tax adjustment at 1995 Regional Road 55 be processed and further that the owner be advised that in accordance with Section 357 (7) of the Municipal Act, the option exists for him to appeal the value of the former building at 1995 Regional Road 55 that was determined by the Municipal Property Assessment Corporation, to the Assessment Review Board of Ontario.

Finance Implications

There is no financial impact resulting from this report.

Signed By

Report Prepared By

Tony Derro
Manager of Taxation
Digitally Signed Jul 15, 10

Recommended by the Department

Lorella Hayes
Chief Financial Officer/City Treasurer
Digitally Signed Jul 15, 10

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Jul 15, 10

PURPOSE

The purpose of this report is to seek direction from the Hearing Committee of Council in dealing with a dispute regarding a tax adjustment that was required based on the building value determined by the Municipal Property Assessment Corporation for the property known as 1995 Regional Road 55 in the City of Greater Sudbury.

BACKGROUND

The property known as 1995 Regional Road 55 is legally described as Graham CON 3 LOT 2 PARCEL 10130. The property is assessed in the commercial and residential tax classes.

The property has a long history of outstanding tax arrears and a tax arrears certificate was registered against title to the property on July 29, 2008. When the property taxes remained unpaid, the property became eligible to be sold in a public tax sale.

Prior to the date of the tax sale, part of the building structures were removed and relocated. No bids were received at the public tax sale on September 24, 2009.

On September 28, 2009, City staff applied for a tax adjustment for the 2009 year as a result of the building's removal. In accordance with our usual practice, the application for tax adjustment was sent to the Municipal Property

Assessment Corporation (MPAC) to provide a calculation for the value of the removed building in order for the City to adjust the taxes. This action is authorized under Section 357 of the Municipal Act which reads in part:

357.(1) Cancellation, reduction, refund of taxes-Upon application to the treasurer of a local municipality made in accordance with this section, the local municipality may cancel, reduce or refund all or part of taxes levied on land in the year in respect of which the application is made if,

(d) during the year or during the preceding year after the return of the assessment roll,
a building on the land

(I) was razed by fire, demolition or otherwise, or

(II) was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage;

The Municipal Property Assessment Corporation returned the owner's application placing the value of the former building at \$88,666 leaving a remaining value of the land at \$60,834 in the commercial tax class. On April 12, 2010 the Tax department corresponded with Mr. Purvis advising him of the calculation provided by MPAC prior to making any tax adjustment. On April 27, 2010 Mr. Purvis served notice that he objected to the recommendation provided by MPAC thereby requesting City Council not to adjust the taxes at the building value of \$88,666.

A copy of related correspondence is appended to this report as schedules A, B & C.

It is recommended that the Committee accept the value of the building demolition as provided by the Municipal Property Assessment Corporation and direct the Tax department to process the applicable refund of \$1,346.15 as a credit against the tax arrears. The Tax department will then provide the necessary documentation for Mr. Purvis to appeal to the Assessment Review Board of Ontario since it is more appropriate that disputes involving current value assessment be dealt with by the Assessment Review Board of Ontario.

SCHEDULE A



P.O. Box 5555 STN A
200 Brady Street
Sudbury ON P3A 4S2

Telephone:
(705) 671-2489
Fax:
(705) 671-9327

CP 5555 SUCC A
200 rue Brady
Sudbury ON P3A 4S2

April 12, 2010

PURVIS BRUCE
1995 REGIONAL RD 55
PO BOX 59
NAUGHTON ON POM 2M0

ROLL NUMBER / NUMÉRO DE RÔLE: 120.004.11900.0000
LOCATION / ENDROIT: 1995 REGIONAL RD 55

Notice pursuant to Sections 357 & 358 of the Municipal Act **Avis donné aux termes des articles 357 et 358 de la Loi sur les municipalités**

A review of our records indicates that the above noted property is subject to an application for a reduction of taxes pursuant to Sections 357 & 358 of the Municipal Act for the following reasons:

"Destruction or damage - not voluntary"

The Municipal Property Assessment Corporation has previously reviewed your application and has the following recommendation:

Commercial Taxable: Full 143,481 to 60,834

Residential Farm Taxable: Full 6,019 to 0

September 15, 2009 - December 31, 2009

Please be advised that the application will be addressed by City Council on **May 26, 2010 @ 6:00p.m.**

If you have no objection to the recommendation then City Council will dispense with the application by ratifying the recommendations of the Municipal Property Assessment Corporation.

If you object, you may speak to the application by attending a meeting of the Hearing Committee of City Council.

If you wish to attend the Hearing Committee meeting, you must provide your intention to do so **in writing**, by notifying Angie Hache, City Clerk, within fourteen (14) days of the date of this letter. If you have an objection to the recommendation of the Municipal Property Assessment Corporation, your written intention will result in the application being removed from the City Council agenda and you will be notified of the date when the Hearing Committee will review the application.

Angie Hache can be contacted as follows:

CITY OF GREATER SUDBURY
c/o Angie Hache, City Clerk
200 Brady Street
P.O. Box 5000, Station "A"
Sudbury ON P3A 5P3

Yours truly,

Par suite d'une évaluation de nos dossiers, nous concluons que l'on peut faire une demande de réduction d'impôt pour la propriété susmentionnée, en vertu des articles 357 et 358 de la *Loi sur les municipalités*, et ce, pour les raisons suivantes :

"Destruction or damage - not voluntary"

La Société d'évaluation foncière des municipalités a d'abord évalué votre demande, puis formulé la recommandation suivante :

Commercial Taxable: Full 143,481 to 60,834

Residential Farm Taxable: Full 6,019 to 0

September 15, 2009 - December 31, 2009

Veuillez noter que le Conseil municipal se penchera sur la demande le (indiquer la date et l'heure).

May 26, 2010 @ 6:00p.m.

Si vous n'avez aucune objection à l'égard de la recommandation, le Conseil municipal traitera la demande en ratifiant les recommandations de la Société d'évaluation foncière des municipalités.

Si vous vous y opposez, vous pouvez vous exprimer sur la demande en assistant à une réunion du Comité d'audition du Conseil municipal.

Si vous désirez assister à la réunion du Comité d'audition, vous devez en aviser Angie Hache, la greffière municipale, **par écrit**, dans un délai de quatorze (14) jours suivant la date de la présente lettre. Si vous vous opposez à la recommandation de la Société d'évaluation foncière des municipalités, votre avis par écrit entraînera le retrait de votre demande de l'ordre du jour de la réunion du Conseil municipal, et on vous avisera de la date de révision de votre demande par le Comité d'audition.

On peut joindre Angie Hache à l'adresse suivante :

Angie Hache, greffière municipale
VILLE DU GRAND SUDBURY
200, rue Brady
C. P. 5000, succursale A
Sudbury ON P3A 5P3

Veuillez agréer, Madame, Monsieur, mes salutations distinguées.

Le percepteur en chef des impôts,



SCHEDULE B

DT5 #4409625

10 Brady St.
O. Box 5555 Sta. A
Sudbury ON P3A 4S2

APPLICATION FOR ADJUSTMENT OF TAXES FOR THE YEAR 2009
UNDER SECTION 357 ☒ OR SECTION 358 ☐ OF THE MUNICIPAL ACT

Application Number

Assessed Address

1995 REGIONAL ROAD 55

Roll Number

Cty. 53 Mun. 07

Map Div. 120

Sub-Div. 004

Parcel 119 00 0000

Telephone No.

Name of Assessed Person

BRUCE PHARIS

Postal Code

Mailing Address of Assessed Person

1995 REGIONAL ROAD 55

Telephone No.

Name of Applicant

P.O. BOX 59

Postal Code

Mailing Address of Applicant

NAUGHTON ONTARIO

REASON FOR APPLICATION: (CHECK APPROPRIATE BOX - ONE ONLY)

☐ Ceased to be liable to be taxed at rate it was taxed - s. 357(1)(a)☐ Mobile unit removed - s. 357(1)(e)☐ Became exempt - s. 357(1)(c)☐ Gross or manifest clerical error - s. 357(1)(f) or 358(1)☒ Destruction or damage - not voluntary - s. 357(1)(d)(i)☐ Repairs/renovations preventing normal use for a period of 3 months - s. 357(1)(g)☐ Destruction or damage - (substantially unusable) - s. 357(1)(d)(ii)

DETAILS OF REASON

BUILDING REMOVED

PERIOD TAX RELIEF CLAIMED: From

SEPT 15/09

Date

To

DEC 31/09

Date

Applicant's Signature

TONY DENNO

Date of Application

SEPT 28/09

CLERK'S REPORT

Original RTC/RTQ

Original Current Value

CTN143,481RTES6019

ASSESSMENT REPORT

Revised RTC/RTQ

Revised Current Value

Assessment Reduction

SCHOOL BOARD: ☐ English ☐ French ☐ Other

EFFECTIVE DATE >

Comments

MPAC BUILDINGMOVED TOPLEASE ARRANGE FOR SUPP

Name of Clerk (please print)

TONY DENNO

Signature of Clerk

Date:

SEPT 28/09

Comments

Name of Assessor (please print)

Signature of Assessor

Date:

☐ NO RECOMMENDATION FOR TAX ADJUSTMENT☐ NO CHANGE IN ASSESSMENT☐ SECTION 357 REQUIRED NEXT YEAR

Assessment Review Board Report

☐ Yes☐ No

Regional Registrar's Signature

Date

Has notice of Complaint been filed under the Assessment Act during year of application for previous two years?

TREASURER'S REPORT OF TAX LIABILITY

RTC/RTQ	Taxable Realty Assessment Reduction	Tax Rate	Days	Months	Original Tax Levy	Adjusted Tax Levy	Amount of Tax Adjustment
TOTAL							

Comments

Signature

Letter Jan 21

Date

COUNCIL REPORT

Has application been reported to council: ☐ Yes ☐ No

Report Date:

May 26/10

The information on this form is collected under the authority of the Municipal Act and will be used for the purposes stated in this application. Questions should be directed to the Municipal Clerk or the Freedom of Information and Privacy Coordinator of the municipality.

Page 7 of 29

Angie Hache - Bruce Purvis

From: "McGrath, Roxanne" <Roxanne.McGrath@ne.ccac-ont.ca>
To: <angie.hache@greatersudbury.ca>
Date: 4/27/2010 1:58 PM
Subject: Bruce Purvis

It is the intent of Bruce Purvis as relates to property at 1995 Reg Rd 55 Naughton, Ontario – Roll # 12000411900, the application under section 357 and 358, to object to the amount reported by MPAC and intent to appeal. It would be Bruce's intent to speak to the application by attending a meeting of the Hearing Committee of City Council as outlined in the letter.

Presented To:	Hearing Committee
Presented:	Monday, Jul 19, 2010
Report Date	Friday, Jul 09, 2010
Type:	Managers' Reports

Request for Decision

Request to Waive Development Charge Fees - Mr. Barry Lacroix, 2790 Kingsway

Recommendation

THAT Council agrees to waive the Development Charge fees for 2790 Kingsway and refund Mr. Barry Lacroix, Lacroix Construction, accordingly.

Finance Implications

If approved, \$8,198 will be refunded to Mr. Barry Lacroix from the development charges reserve funds.

BACKGROUND

Mr. Barry Lacroix has applied for a building permit and paid his Development Charge fees for a house relocation to a lot on Garson-Coniston Road. He is requesting that Development Charges be waived in this instance.

Given the fact that the lot the house was removed from at 2790 Kingsway is part of our landfill buffer and will not be used residentially in the future, the house does not increase growth related aspects of the Development Charges By-law as there is no net growth.

Therefore it is staff's recommendation that Council suspend the Development Charge in this instance and refund Mr. Lacroix accordingly.

Attachment

Signed By

Report Prepared By

Guido Mazza
Director of Building Services/Chief
Building Official
Digitally Signed Jul 9, 10

Division Review

Guido Mazza
Director of Building Services/Chief
Building Official
Digitally Signed Jul 9, 10

Recommended by the Department

Bill Lautenbach
General Manager of Growth and
Development
Digitally Signed Jul 15, 10

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Jul 15, 10

**LACROIX CONSTRUCTION CO. (SUDBURY) LTD.
861 LAPOINTE STREET
SUDBURY, ON
P3A 5N9**

705-566-1294 PH 705-560-6341 FX

info@lacroixconstruction.com

May 27, 2010.

City of Greater Sudbury
200 Brady Street
Sudbury, Ontario.
P3A 5W5

Attn: Angie Hache
Re: Development charges (ISD09-81)

After being awarded the above contract in 2009, we determined that rather than demolishing the house at 2790 Kingsway, Sudbury, Lacroix Construction would move the residence to another lot that we would purchase. This would eliminate having to use the landfill services and essentially work with the reduce, reuse and recycle philosophy. We purchased a lot on Garson-Coniston Road and began the process of applying for various permits to move the house. It was at this time that we found out that the City of Greater Sudbury had implemented a development fee that came into force on January 1, 2010. Had we been aware of these additional charges, we would have accounted for them or would have moved the structure in 2009.

We are writing to request that this fee be waived in this instance as we are taking the house off an existing site that predates the development charges and moving it to a site subject to development charges. The fee now charged by the City is about growth and moving this structure is not growth related.

Thank you in advance for your prompt consideration of my request and I look forward to meeting with you in the near future.

Sincerely,

Barry Lacroix,
Lacroix Construction.

Request for Decision

Request to Waive Development Charge Fees - Northern Home Builders

Presented To:	Hearing Committee
Presented:	Monday, Jul 19, 2010
Report Date	Friday, Jul 09, 2010
Type:	Managers' Reports

Recommendation

THAT Council deny the request by Northern Home Builders Inc. to waive Development Charge fees for the 13 townhouse units at 291 St. Agnes Street, Azilda.

Signed By

Report Prepared By

Guido Mazza
Director of Building Services/Chief
Building Official
Digitally Signed Jul 9, 10

Division Review

Guido Mazza
Director of Building Services/Chief
Building Official
Digitally Signed Jul 9, 10

Recommended by the Department

Bill Lautenbach
General Manager of Growth and
Development
Digitally Signed Jul 15, 10

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Jul 15, 10

BACKGROUND

The property in question went before Council's Planning Committee on November 3, 2009, for a rezoning from "RU" Rural to R-3 to allow 13 townhouse Units in addition to the 12 units previously approved (see attached Appendix 'A' report and minutes of meeting).

The following was the chronological sequence of events that transpired on this project as it proceeded through the rezoning:

- Notice of Complete Application – September 21, 2009
- Notice of Public Hearing – October 15, 2009
- Planning Committee Hearing – November 3, 2009
- Council Ratification – November 12, 2009
 - Resolution #2009-221
 - Condition #1 required the submission of a plan of survey for the passing of the amending by-law
- Letter from Clerk to Peter Nault outlining the resolution and conditions – November 17, 2009
- Plan 53R-19169 recorded at Land Registry Office – December 1, 2009
- Recorded survey plan provided to Planning Services – December 15, 2009 (confirmed – Plan date stamped on receipt) – See Appendix 'B'
- Instructions to Legal Department for preparation of by-law – January 5, 2010
- By-law #2010-20Z passed January 27, 2010 – 20 day appeal period lapsed on February 17, 2010

The only meeting of Council in December was held on December 9, 2009, and the deadline for the receipt of by-laws for the December 9th meeting was December 2nd at 11:00 a.m. The research we have undertaken on this file indicates that Planning Services staff was not negligent in processing this rezoning to its completion. The obligation for providing documentation including a copy of the recorded survey plan, to comply to Planning Committee conditions rests with the applicant and/or their agents.

Further, Building Services and its Chief Building Official cannot collect Development Charges prior to the building permit application having met all "Applicable Law". The rezoning and thus Zoning By-law compliance was the item preventing Building Services from issuing a building permit prior to January 1, 2010, and the increase in Development Charges.

Therefore, the increased charges became applicable to Mr. Nault's project.

Based on the research undertaken and documentation provided herein, we can find no fault with the conduct of the City of Greater Sudbury staff in their processing of either the rezoning or building permit applications.

Recommendation

That Council deny the request by Northern Home Builders Inc. to waive Development Charge fees for the 13 townhouse units at 291 St. Agnes Street, Azilda.

Attachments

APPENDIX 'A'
Planning Committee Report
Dated October 14, 2009
& Excerpt from Planning Committee Minutes
Dated November 3, 2009

**APPLICATION FOR REZONING IN ORDER TO PERMIT THE CONSTRUCTION OF
13 ROW DWELLINGS, ST. AGNES STREET, AZILDA – JASON BERGERON AND
SHERI TOMCHIK**

The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated October 14, 2009 was received from the General Manager of Growth & Development regarding an application for rezoning in order to permit the construction of 13 row dwellings, St. Agnes Street, Azilda – Jason Bergeron and Sheri Tomchik.

Peter Nault, the applicant, was present.

The General Manager of Growth & Development outlined the application to the Committee.

Councillor Dutrisac, Ward Councillor, stated she has received no phone calls or emails and is in support of this application.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following recommendation was presented:

Recommendation #2009-221:

Dutrisac – Berthiaume: That the application by Jason Bergeron & Sheri Tomchik to amend By-law 83-302 being the Comprehensive Zoning By-Law for the (former) Town of Rayside Balfour as it applies to PINs 73347-1539 & 73347-1537, Part of Parcels 10690 'A' & 13885 'A' S.W.S., Lot 6, Concession 1, Township of Rayside, Azilda, City of Greater Sudbury, by changing the zoning classification from "RU", Rural Zone to "R3", Medium Density Residential zone be approved subject to the following:

- 1) That the applicant provide the Development Services Section with a registered plan of survey in order to enable the preparation of the amending by-law.
- 2) That the amending by-law specify that a privacy yard of 6 metres shall be provided.

YEAS: Councillors Berthiaume, Dutrisac, Rivest, Caldarelli

CARRIED

Request for Recommendation Planning Committee



Type of Decision									
Meeting Date	November 3, 2009				Report Date	October 14, 2009			
Recommendation Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title
Application for Rezoning in order to permit the construction of 13 row dwellings, St. Agnes Street, Azilda - Jason Bergeron & Sheri Tomchick

Section Review	Division Review	Department Review
 A.J. Potvin Manager of Development Approvals	 W.E. Lautenbach, General Manager, Growth & Development	 W.E. Lautenbach, General Manager, Growth & Development

Policy Implication + Budget Impact	Recommendation
This report has been reviewed by the Finance Division and the funding source has been identified.	That the application by Jason Bergeron & Sheri Tomchick to amend By-law 83-302 being the Comprehensive Zoning By-Law for the former Town of Rayside Balfour as it applies to PINs 73347-1539 & 73347-1537, Part of Parcels 10690 'A' & 13885 'A' S.W.S, Lot 6, Concession 1, Township of Rayside, Azilda, City of Greater Sudbury, by changing the zoning classification from "RU", Rural Zone to "R3", Medium Density Residential zone be approved subject to the following:
Background Attached	Recommendation Continued
Planning Staff Report	Recommended by the C.A.O.
Report Prepared by:	Doug Nadorozny Chief Administrative Officer
File #:	Page 16 of 29
Appendix 3/15 Celia Teale Senior Planner	

Date: October 14, 2009

Recommendation Cont'd

2) That the amending by law specify that a privacy yard of 6 metres shall be provided.

STAFF REPORT

Applicant:

Jason Bergeron & Sheri Tomchick

Location:

PINs 73347-1537 & 73347-1539, Part of Parcels 10690A and 13885A SWS, Lot 6, Concession 1, Township of Rayside, south side of St. Agnes Street, Azilda

Application:

To amend By-law 83-302 being the Comprehensive Zoning By-law for the former Town of Rayside Balfour by changing the zoning classification from "RU", Rural to "R3", Medium Density Residential Special.

Proposal:

The applicant wishes to develop the property with thirteen row house dwellings as shown on the attached sketch.

Official Plan Conformity:

The subject lands are designated Living Area One which allows for a mixture of dwelling types with medium density housing permitted where municipal services are available.

The new Official Plan places an emphasis on maintaining the existing physical character of established residential neighbourhoods with special consideration extended to the proposed built form and density. This is balanced with the need to expand the range of housing options throughout the community.

The following criteria under Section 3.2.1 of the Official Plan shall be considered:

- suitability of the site to accommodate the proposed density and building form;
- physical compatibility with the surrounding neighbourhood in terms of scale, massing, height, siting, and setbacks;
- adequate on-site parking; and,
- traffic impact on local streets.

Other matters under review include the availability of municipal sewer and water, and the proximity to community services, employment areas and public transit. Conformity with the Official Plan is based on a review of the above noted considerations.

Date: October 14, 2009

Site Description & Surrounding Land Uses:

The subject lands consist of an irregular parcel of lands with 16 metres (52 feet) of frontage along St. Agnes Street. The lands have an area of 5,518 square metres (48,642 square feet). These lands will be consolidated with lands directly to the north which have recently been approved for a similar development consisting of 12 row dwellings. The subject property is relatively flat and the vegetation on the site consists of mostly grass. The lands to the west consist of a 12 unit apartment building and parkland owned by the City of Greater Sudbury. Across the street to the north of the site there is a former school that has been converted into an apartment dwelling containing approximately 36 units. The area to the east of the site consists of single family dwellings.

Departmental & Agency Comments:

Development Engineering

Development Engineering has reviewed the above noted application. Based on the upcoming lot consolidation with the parcel of land to the north, municipal water and sanitary sewer services are available for this site. We currently have an approved site plan for the development of the northern portion of the site and have no objection to amend the "R1", Single Residential to "R3-S", Medium Density Residential Special to allow the construction of thirteen row house dwellings provided that the site plan be amended to suit this new development.

Transportation Engineering Services

No concerns provided development occurs under a Site Plan Control Agreement.

Background:

The subject lands were subject of applications for rezoning and official plan amendment in 2004 that proposed the development of a seniors building containing twenty guest rooms in addition to the uses permitted in the Medium Density zone. This proposal was never followed through and subsequently the land has been sold. Lands to the north of the subject lands were recently rezoned for 12 row dwellings. It is the applicant's intent to rezone the subject lands in order to permit the construction of an additional 13 row dwellings that will be added to the 12 row dwellings previously approved.

Planning Considerations:

The applicant was advised that the immediate neighbours should be contacted and updated as to the plans for development. At the time of this report, planning services had not received any calls regarding this proposal.

As indicated earlier, the Official Plan permits a variety of housing forms. Based on a review of the mixture of dwelling types in the area and the availability of municipal services, this proposal would be deemed to conform with the Official Plan.

The subject land is currently zoned "RU", Rural. Since the applicant wishes to construct thirteen row dwellings on the subject property a rezoning is required.

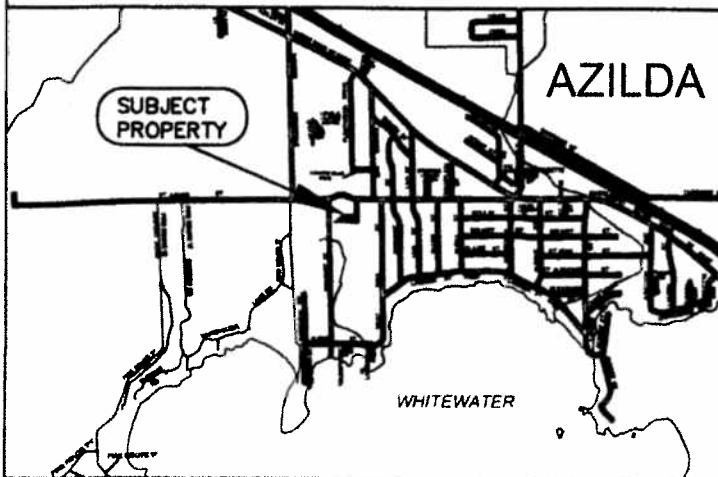
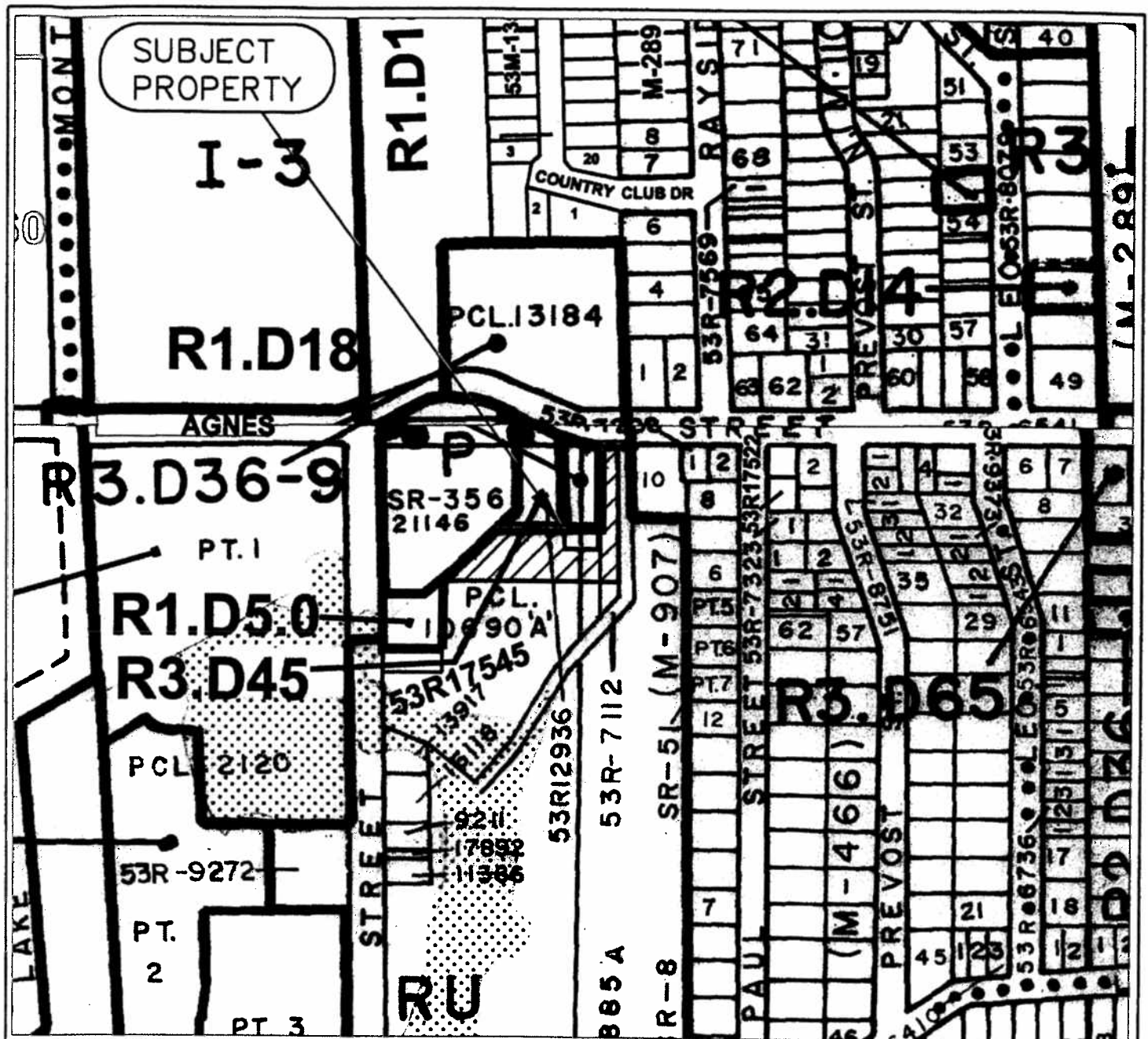
Date: October 14, 2009

As outlined in the comments from Development Engineering sewer and water services are available on St. Agnes Street.

From a land use perspective the prevailing character of the area will be maintained with the development of the lands for row dwellings.

The concern that arises with this application is the lack of frontage on St. Agnes Street and in order to address this concern the lands will be consolidated with the abutting lands to the north as a condition of the severance that will be required.

We do not anticipate any land use conflicts arising from this application, and therefore it is recommended for approval subject to the conditions outlined.



<p>Growth and Development Department</p>	
<p>Subject Property being part of PINs 73347-1539 & 73347-1537, part of Pcls 10690A & 13885A, Lot 6, Con. 1, Twp. of Rayside, St. Agnes Street, Azilda, City of Greater Sudbury</p>	
<p>Sketch 1 Not to Scale</p>	<p>751-5/09-7 Date: 2009 09 15</p>

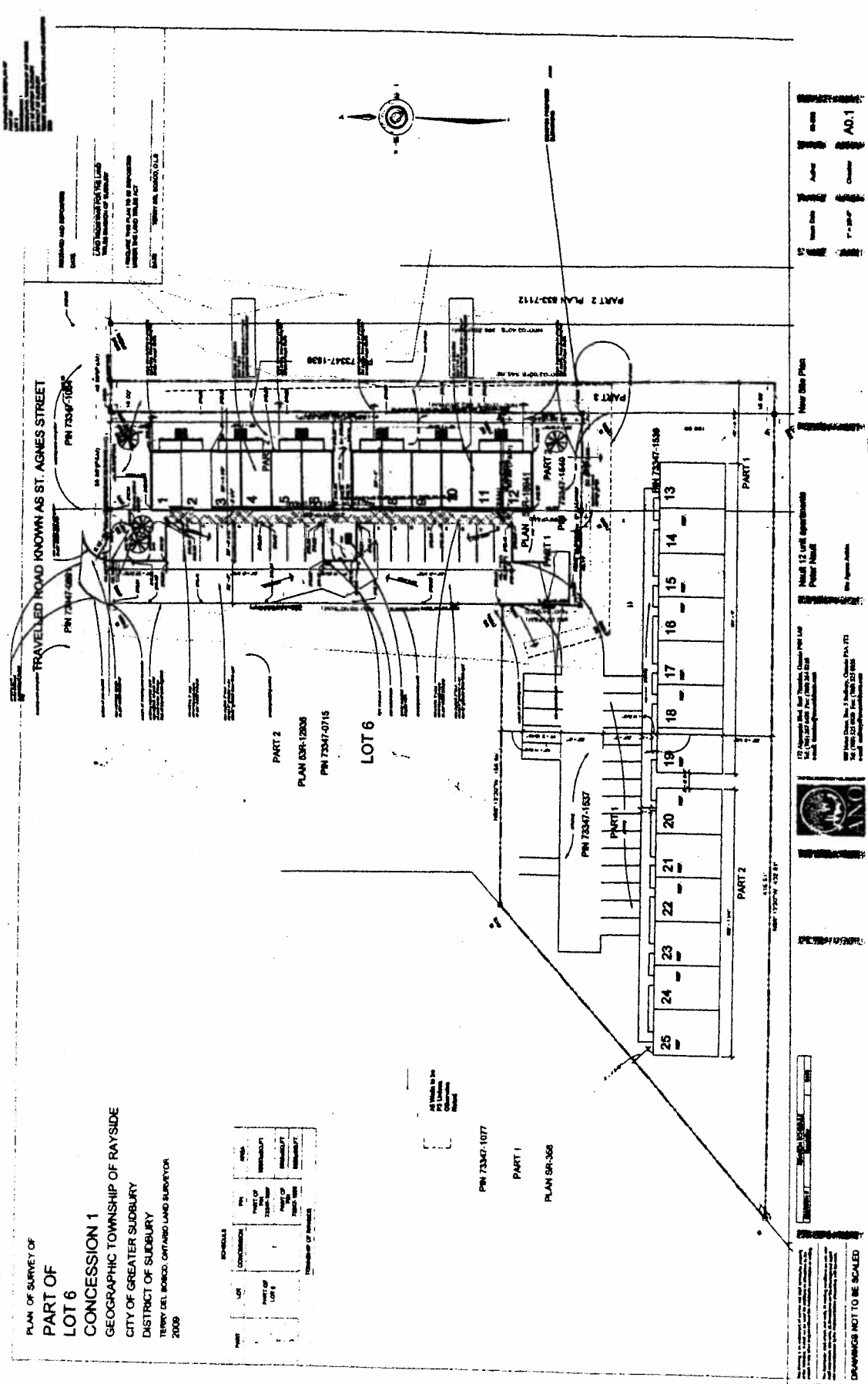




Photo 1 SUBJECT PROPERTY LOOKING SOUTH FROM
ST. AGNES STREET



Photo 2 SUBJECT PROPERTY LOOKING SOUTH FROM
ST. AGNES

751-5/09-7 Photography Sept 13, 2007



**Photo 3 12 UNIT APARTMENT BUILDING LOCATED TO THE
WEST OF THE SUBJECT PROPERTY**

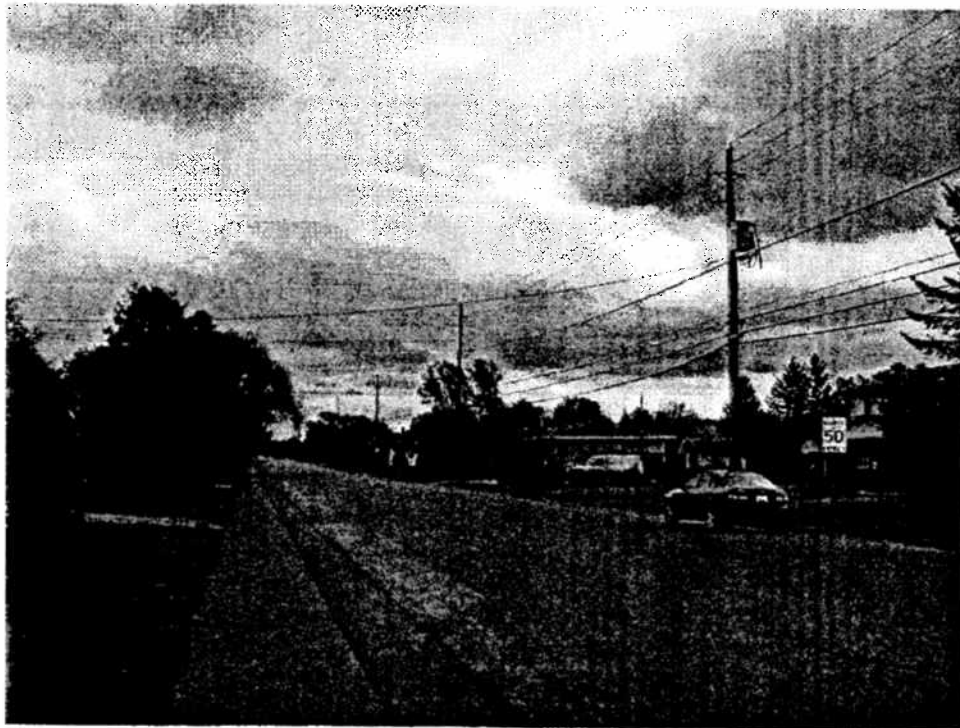


Photo 4 LOOKING EAST DOWN ST. AGNES STREET

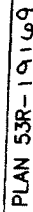
751-5/09-7 Photography Sept 13, 2007



**Photo 5 APARTMENT BUILDING LOCATED ACROSS THE
STREET TO THE NORTH OF THE SUBJECT LANDS**

751-5/09-7 Photography Sept 13, 2007

APPENDIX 'B'
Plan 53R-19169
Dated December 1, 2009



APPENDIX 'C'
Letter dated May 10, 2010
From Northern Home Builders Inc.

RECEIVED

JUN 01 2010

CLERK



May 10 2010

To: Angie Hache

Re: Appeal Development Charge

St-Agnes Development Phase 2

I'm writing this letter to appeal the Development Charge increase on my 2nd phase development on the above noted project. My appeal is based on my attempts to fulfill all required information required in order to avoid a large increase of development charge that would impact the cost of the proposed project.

An application for Re-Zoning was submitted Sept 21 2009 and I had emphasized the need for the completion of zoning to beat the development charge as did many other Builders and Developers who succeeded. It was expected to be completed by Dec 29 2009 which would have allowed me to obtain my building permit and pay current development charge levy. This would have saved me \$42,133.00

The process of Re-Zoning went as planned apart from a confusion in the submission or registered plan which was deposited at land registry on Dec 01 2009. The plan in question was assumed to be delivered to the planning department well in advance although it did not have the Plan's 53R-19169 number on the above right hand corner. The plan was deposited in sufficient time to be presented at the Dec 09 meeting.

Therefore I am pleading that you assume the 2009 development charge fee for this project as it is still a sufficient contribution.

Thank you,

Peter Nault
(President)

PO BOX 100 Azilda ON P0M 1B0

Phone (705) 983-4663 Fax (705) 983-4465 Mobile (705) 669-8306

E-Mail - northernhomebuilders@live.ca



PLAN OF SURVEY OF
**PART OF
LOT 6
CONCESSION 1**
GEOGRAPHIC TOWNSHIP OF RAYSIDE
COUNTY OF GREATER SUDBURY
DISTRICT OF SUDBURY
TERRY DEL BOSCO, ONTARIO LAND SURVEYOR
2009

1/1

SCHEDULE			
PART	LOT	CONCESSION	PIN AREA
1	PART OF LOT 6	1	PART OF PIN 73347-1537 380334+SQ.FT.
2			PART OF PIN 73347-1539 50894+SQ.FT.
3			55204+SQ.FT.

PARTS 1, 2, & 3: SUBJECT TO EASEMENT No. LT 119559

TRAVELLED ROAD KNOWN AS ST. AGNES STREET

PART 3 PLAN 53R-19042

PIN 73347-1064

PART 2

PIN 73347-1064

PLAN 53R-19042

PLAN 53R-19169

RECEIVED AND DEPOSITED

DATE 2009-12-01

"M. Teherne"

LAND REGISTRAR FOR THE LAND
TITLES DIVISION OF SUDBURY

I REQUIRE THIS PLAN TO BE DEPOSITED
UNDER THE LAND TITLES ACT.

DECEMBER 1, 2009

DATE

TERRY DEL BOSCO, O.L.S.

RECEIVED
DEC 15 2009

PART 2

PLAN 53R-12936

PIN 73347-0715

LOT 6

PIN 73347-1540

PIN 73347-1077

PART 1

PLAN SR-356

PLAN 53R-17545

PIN 73347-1537

PART 1

TOWNSHIP OF RAYSIDE

EASEMENT No. LT 119559

PART 2

PLAN 53R-17545

PIN 73347-1537

CONCESSION 1

LEGEND

■ DENOTES SURVEY MONUMENT FOUND
□ DENOTES SURVEY MONUMENT SET
SIB DENOTES STANDARD IRON BAR
SSB DENOTES SHORT STANDARD IRON BAR
IB DENOTES IRON BAR
R DENOTES ROCK BAR
RPL DENOTES ROCK PILE
M DENOTES MEASURED
S DENOTES SET
NM DENOTES NO VISIBLE MARKINGS
WT DENOTES WITNESS MONUMENT
PROP DENOTES PROPORTIONED
DENOTES PROPERTY IDENTIFIER NUMBER
1555 DENOTES PROPERTY IDENTIFIER NUMBER
707 DENOTES PROPERTY IDENTIFIER NUMBER
943 DENOTES PROPERTY IDENTIFIER NUMBER
1542 DENOTES PROPERTY IDENTIFIER NUMBER
1689 DENOTES PROPERTY IDENTIFIER NUMBER
P2 DENOTES PROPERTY IDENTIFIER NUMBER

Del Bosco
SURVEYING LTD.

1942 REGENT STREET SUDBURY, ONTARIO

UNIT A P3E 5V5 705-671-2295

FILE 8020 AZILDA 2nd REF PLAN

BEARING NOTE

BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO
AS TRUE BEARINGS. THE BEARING OF ST. AGNES STREET, SHOWN ON PLAN
53R-18535 TO HAVE A BEARING OF N89°15'25" W.

NOTE : DISTANCES SHOWN HEREON ARE IN FEET AND CAN BE
CONVERTED TO METERS BY MULTIPLYING BY 0.3048.

SCALE 1" = 30'

0 20 40 60 FEET

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEY ACT, THE SURVEY REGULATIONS AND THE LAND
TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 28th DAY OF
AUGUST, 2009.

AUGUST 31, 2009

DATED AT SUDBURY, ONTARIO

TERRY DEL BOSCO, O.L.S.