

Presented To:	Planning Committee
Presented:	Monday, Sep 23, 2019
Report Date	Friday, Aug 30, 2019
Type:	Public Hearings
File Number:	751-6/18-18

## Request for Decision

**K.S. Flinn Investments Inc. - Application for rezoning in order to permit a paint spray booth as an accessory use within an existing maintenance garage, 339 Harrison Drive, Sudbury**

### Resolution

THAT the City of Greater Sudbury approves the application by K.S. Flinn Investments Inc. to amend Zoning By law 2010-100Z by changing the zoning classification from "M1", Mixed Light Industrial/Service Commercial to "M1(S)", Mixed Light Industrial/Service Commercial Special on lands described as PIN 73475-0205, Part 1, Plan 53R-9523, Parcel 46093 S.E.S., in Lot 6, Concession 6, Township of Broder, as outlined in the report entitled "K.S. Flinn Investments Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 23, 2019, subject to the following conditions:

- a) In addition to the uses permitted in the M1 zone, one (1) paint spray booth within the existing maintenance garage shall also be permitted; and,
- b) The temporary parking or outdoor storage of vehicles for the purposes of display, hire or sale shall be permitted within the front yard, except that screening by opaque fencing shall not be required;
- c) That prior to the adoption of the amending by-law, the owner shall address the following conditions to the satisfaction of the Chief Building Official and the Director of Planning Services:
  - i) Install a Precast Test Maintenance Hole (GSSD-1001.030) or Maintenance Access Chamber (GSSD-1001.040) on the sanitary sewer service on the private property side of the property line;
  - ii) Remove the shipping containers and partially dismantled vehicles from the subject lands; and,
  - iii) Provide a minimum five (5) metre-wide planting strip along the northerly lot line abutting Parts 7 and 8, Plan 53R-12172, excluding the area occupied by the existing fueling facility.
- d) Conditional approval shall lapse on October 8, 2021 unless Condition c) above has been met or an

### Signed By

**Report Prepared By**

Mauro Manzon  
Senior Planner  
*Digitally Signed Aug 30, 19*

**Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Aug 30, 19*

**Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Aug 30, 19*

**Financial Implications**

Jim Lister  
Manager of Financial Planning and  
Budgeting  
*Digitally Signed Sep 2, 19*

**Recommended by the Department**

Tony Cecutti  
General Manager of Growth and  
Infrastructure  
*Digitally Signed Sep 9, 19*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Sep 9, 19*

extension has been granted by Council.

## **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 for rezoning has been submitted in order to permit a paint spray booth as an accessory use within the existing maintenance garage located at 339 Harrison Drive, Sudbury (Lockerby Transportation Group). The Ministry of the Environment issued a Certificate of Approval (COA) for one (1) paint spray booth subject to various operational requirements in 2008. The owner is also requesting relief to provide no planting strip abutting a Residential zone and to permit the outdoor storage of vehicles within the front yard with no screening.

The following conditions of approval are recommended, to be addressed prior to the adoption of the amending by-law to the satisfaction of the Chief Building Official and the Director of Planning Services:

- Removal of the shipping containers and partially dismantled vehicles from the site;
- Installation of a test manhole in compliance with the Sewer Use By-law 2010-188;
- Provide a minimum five (5) metre-wide planting strip along the northerly lot line abutting the Residential zone, excluding the area occupied by the fuelling facility.

It is further recommended that the approval be limited to one (1) paint spray booth to be located within the existing maintenance garage.

## **Financial Implications**

If approved, there will not be any development charges as there are no planned additions to any building. Any change in taxation is unknown at this time as rezoning may increase the assessment value based on the change in the zoning.

**Title: KS Flinn Investments Inc.**

**Date: August 27, 2019**

## **STAFF REPORT**

### **PROPOSAL:**

An application for rezoning has been submitted in order to permit a paint spray booth as an accessory use within the existing maintenance garage on the southwest portion of the subject property. Site-specific relief is also requested for a planting strip abutting a Residential zone and to permit the unscreened outdoor storage of vehicles within the front yard.

**Existing Zoning:** "M1", Mixed Light Industrial/Service Commercial

The subject land is zoned "M1", Mixed Light Industrial/Service Commercial under Zoning By-law 2010-100Z, which permits a range of light industrial and commercial uses.

**Requested Zoning:** "M1", Mixed Light Industrial/Service Commercial Special

The site-specific zoning as requested would permit a paint spray booth as an accessory use within the existing maintenance garage; provide relief for no planting strip abutting a Residential zone; and, permit the outdoor storage of vehicles within the front yard with no screening.

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

PIN 73475-0205, Part 1, Plan 53R-9523, Parcel 46093 S.E.S., in Lot 6, Concession 6, Township of Broder (339 Harrison Drive, Sudbury)

The subject property is located on Harrison Drive in the South End. The area is fully serviced by municipal water and sanitary sewer. Harrison Drive is classified as a Local Road and is constructed to a rural standard. Public transit is available at the Smart Centres site on Long Lake Road.

Total lot area is 0.8 ha, with 21 metres of frontage and an approximate depth of 129 metres. The site functions as the base of operations for Lockerby Transportation Group, including a taxi stand that has legal non-conforming status. Existing buildings include a two-storey office building and a 668 m<sup>2</sup> maintenance garage on the southwesterly portion of the property. The non-complying setback for the maintenance garage, which directly abuts the westerly lot line, was recognized through a minor variance approval in 1981.

There is unscreened outdoor storage across the site, as illustrated by the attached aerial photograph. A site visit revealed the presence of six (6) shipping containers, which are not permitted in an M1 zone. It was also noted that there are a number of unplated vehicles on the southerly portion of the property which are being disassembled and used for parts.

A fuelling facility is located in the northwest corner of the lot. The agent confirmed that the owner has an active licence to operate a Compressed Natural Gas – Fast Fill facility on the subject property (TSSA Licence No. 000261026).

A light industrial property zoned M1-1 abuts to the east, containing an auto repair shop and a service trade (311 Harrison Drive). Sudbury Boat and Canoe occupies the northwest corner lot at Long Lake Road (314 Harrison Drive).

Low and medium density residential uses form the remainder of Harrison Drive, including a fourplex dwelling directly abutting to the north (349 Harrison Drive). There is no screening or buffering installed along the length of the northerly lot line abutting the Residential zone, other than a board fence adjacent to the fuelling facility. There are also vehicles parked along the northerly lot line.

**Title: KS Flinn Investments Inc.**

**Date: August 27, 2019**

**Surrounding Land Uses:**

The area surrounding the site includes:

North:	Multiple dwelling (fourplex)
East:	Auto repair shop and service trade
South:	Vacant lands designated as Mixed Use Commercial
West:	Vacant lands designated as Living Area 1

**Related Applications:**

The subject lot was created through a consent process in 1981 (File B0226/1981). The consent file indicates that the main use was related to the rewinding of electrical engines. A concurrent minor variance was required in order to address frontage, depth, lot area and the interior side yard setback for the maintenance building (File A0164/1981).

In 1985, an application for rezoning under Interim Zoning By-law 76-327 was approved from "RU", Rural to "LI", Light Industrial District in order to recognize the automotive use of the property, being the manufacturing, repairing and dealing in automotive parts and accessories (File 751-6/85-5 - Bagley Auto Electric Ltd.).

The property is not subject to a Site Plan Control Agreement with the City.

**Public Consultation:**

As of the date of this report no written submissions have been received in opposition to this application. Notice of complete application was circulated to the public and surrounding property owners on October 1, 2018. 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 a minimum of 120 metres of the property on September 5, 2019.

The applicant 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.

The owner's agent indicated that a public information session would be conducted prior to the hearing.

**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.

**Title: KS Flinn Investments Inc.**

**Date: August 27, 2019**

**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.

The PPS identifies settlement areas as the focus of growth and development. Under Section 1.1.3.4, appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

**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.

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

The subject land is designated as Mixed Use Commercial in the *Official Plan*. All uses except Heavy Industrial may be accommodated in the Mixed Use Commercial designation through the rezoning process, subject to criteria under Section 4.3 of the Plan.

New development may be permitted provided that:

- a. sewer and water capacities are adequate for the site;
- b. parking can be adequately provided;
- c. no new access to Arterial Roads will be permitted where reasonable alternate access is available;
- d. the traffic carrying capacity of the Arterial Road is not significantly affected;
- e. traffic improvements, such as turning lanes, where required for a new development, will be provided by the proponent; and,
- f. landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided.

**Zoning By-law 2010-100Z:**

The subject land is zoned "M1", Mixed Light Industrial/Service Commercial under *Zoning By-law 2010-100Z*, which permits a range of light industrial and commercial uses. A transport terminal and a taxi stand are not permitted uses in M1 zones. However, a Letter of Opinion dated July 12, 2019 from the Chief Building Official confirmed that the property has legal existing status as a transport terminal for the purposes of operating a transportation centre for taxis and school buses, including the related repair, rebuilding and maintenance of vehicles owned or leased by K.S.Flinn Investments, as well as a taxi stand.

**Title: KS Flinn Investments Inc.**

**Date: August 27, 2019**

Under Section 4.34 of the Zoning By-law, shipping and storage containers shall not be placed or used on any lot in a Residential (R), Commercial (C), Mixed Light Industrial/Service Commercial (M1) or Business Industrial (M1-1) Zone.

Section 4.26 of the Zoning By-law prohibits the outdoor storage of partially dismantled motor vehicles or trailers or motor vehicle or trailer parts unless otherwise permitted.

The zoning history is as follows:

Minister's Zoning Order under Ontario Regulation 355/70 (1970-1976);

Interim By-law 76-327: "RU", Rural (1976-1985);

Interim By-law 76-327: "LI", Light Industrial District (1985-1995);

Zoning By-law 95-500Z: "M1", Mixed Light Industrial/Service Commercial (1995-2010);

Zoning By-law 2010-100Z: "M1", Mixed Light Industrial/Service Commercial (2010 to present).

**Site Plan Control:**

Staff are not recommending the implementation of Site Plan Control at this time.

**Department/Agency Review:**

Development Engineering Section requires a test manhole to be installed prior to the adoption of the amending by-law in order to bring the property into compliance with the City's Sewer Use By-law 2010-188.

Building Services noted the presence of shipping containers and partially dismantled vehicles on the site. Staff advised that shipping containers and a salvage yard are not permitted on M1 properties. A building permit is required in order to install the paint spray booth.

Remaining commenting departments and agencies have no objections.

**PLANNING ANALYSIS:**

The site has a history of light industrial use that predates Interim Zoning By-law 76-327, which was the first zoning by-law adopted following the formation of the Regional Municipality of Sudbury. The use of the property has varied over the years, but has generally been geared to automotive uses. The current owner acquired the property on January 31, 1995.

**Land use compatibility**

The main concerns related to land use compatibility are as follows:

- Impact on existing residential uses on Harrison Drive located in close proximity to the site;
- Potential implications for vacant lands abutting to the west, which are designated as Living Area 1;
- Presence of shipping containers and partially dismantled vehicles, which are not permitted in M1 zones.

**Title: KS Flinn Investments Inc.**

**Date: August 27, 2019**

a. Existing residential uses

In 2008, the Ministry of the Environment issued a Certificate of Approval (COA) for one (1) paint spray booth subject to various operational requirements, including the hours of operation (between 7 am and 7 pm) and the design of the exhaust stack (COA no. 3927-7FHQ9Z).

The Ministry provides guidelines related to adequate separation distances for industrial uses from sensitive land uses. Under the industrial categorization criteria of Guideline D-6: Compatibility between Industrial Facilities and Sensitive Land Uses, the paint spray booth is defined as a Class II Industrial facility. The recommended separation distance is 70 metres, which may be measured from the point source if the location of the adverse activity can be addressed through site-specific zoning provisions. The Committee shall note that these are general guidelines only.

The paint spray booth will be sufficiently set back from the street line to mitigate the impact on existing residential uses. The distance from the proposed point source (stack) to the Residential zone boundary at its closest point is approximately 78 metres based on the rezoning sketch. It is on this basis that the proposal can be supported, provided the paint spray booth is restricted to the existing maintenance garage as a site-specific zoning requirement.

From a zoning perspective, a minimum 150-metre setback is established for any building, structure or open storage area either associated with, or pertaining to, an automotive body shop in an M3 zone. An automotive body shop is defined in part as a building or structure used for the painting or repairing of motor vehicle bodies. In this case, a variance is technically not required, as the provision applies only to M3 zones.

b. Designated residential lands

Vacant lands abutting to the west are designated as Living Area 1 and are intended for future residential development over the long-term planning horizon. The timing and type of development are not known at this time. The lands are unimproved and are currently zoned "FD", Future Development.

Given the uncertainty as to the nature of future development, the paint spray booth may be appropriately viewed as an accessory use that is minor in scale. If and when development of the vacant land occurs, appropriate buffers can be established through the approvals process if the adverse activity is still present on the site. The abutting landowners may also consider a lot addition to increase the separation distance and improve the non-complying setback of the existing garage.

It is therefore recommended that only one (1) paint spray booth be permitted to limit the intensity of use. This is consistent with the Certificate of Approval, which also limits the approval to one (1) paint spray booth.

c. Shipping containers and dismantled vehicles

There are a number of unscreened, partially dismantled vehicles located in the southerly rear yard. The owner's agent confirmed in writing that the vehicles are being disassembled and used as parts inventory for vehicle maintenance. It is the interpretation of the Chief Building Official that the storage and disassembling of vehicles is a salvage yard use and is not an accessory use to an automotive repair shop, transport terminal, commercial garage or taxi stand.

**Title: KS Flinn Investments Inc.**

**Date: August 27, 2019**

The definition of salvage yard is as follows:

“A place used for the wrecking or disassembling of vehicles or the storage, collecting, sale or resale of such wrecked or disassembled vehicles; a place where second-hand goods, including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be sorted and a place where used lumber and used building materials are stored, collected or sold.”

Shipping containers are also present on the site in contravention of the Zoning By-law. Shipping containers are not permitted in M1 zones.

#### Conditions of approval

The following conditions of approval are recommended, to be addressed prior to the adoption of the amending by-law to the satisfaction of the Chief Building Official and the Director of Planning Services:

- Removal of the shipping containers and partially dismantled vehicles from the site;
- Installation of a test manhole in compliance with the Sewer Use By-law 2010-188 in order to control potential discharges of hazardous substances into the City's sewage system;
- Provide a minimum five (5) metre-wide planting strip along the northerly lot line abutting the Residential zone, excluding the area occupied by the fuelling facility.

It is further recommended that the approval be limited to one (1) paint spray booth to be located within the existing maintenance garage.

#### 2014 Provincial Policy Statement (PPS) and 2011 Growth Plan for Northern Ontario (GPNO)

The subject property is located in a fully serviced settlement area that is designated for mixed commercial use. The proposal is deemed to be consistent with the PPS provided appropriate development standards are implemented through the approvals process, including the installation of a test manhole, the provision of a planting strip to address the proximity to a sensitive land use, and the removal of shipping containers and partially dismantled vehicles.

The GPNO identifies Greater Sudbury as an Economic and Service Hub, which shall accommodate a significant portion of future population and employment growth and allow a diverse mix of land uses. The application conforms to the GPNO.

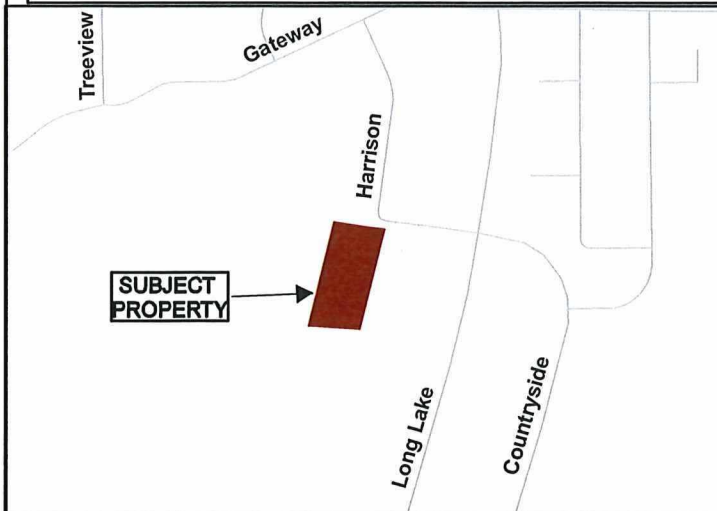
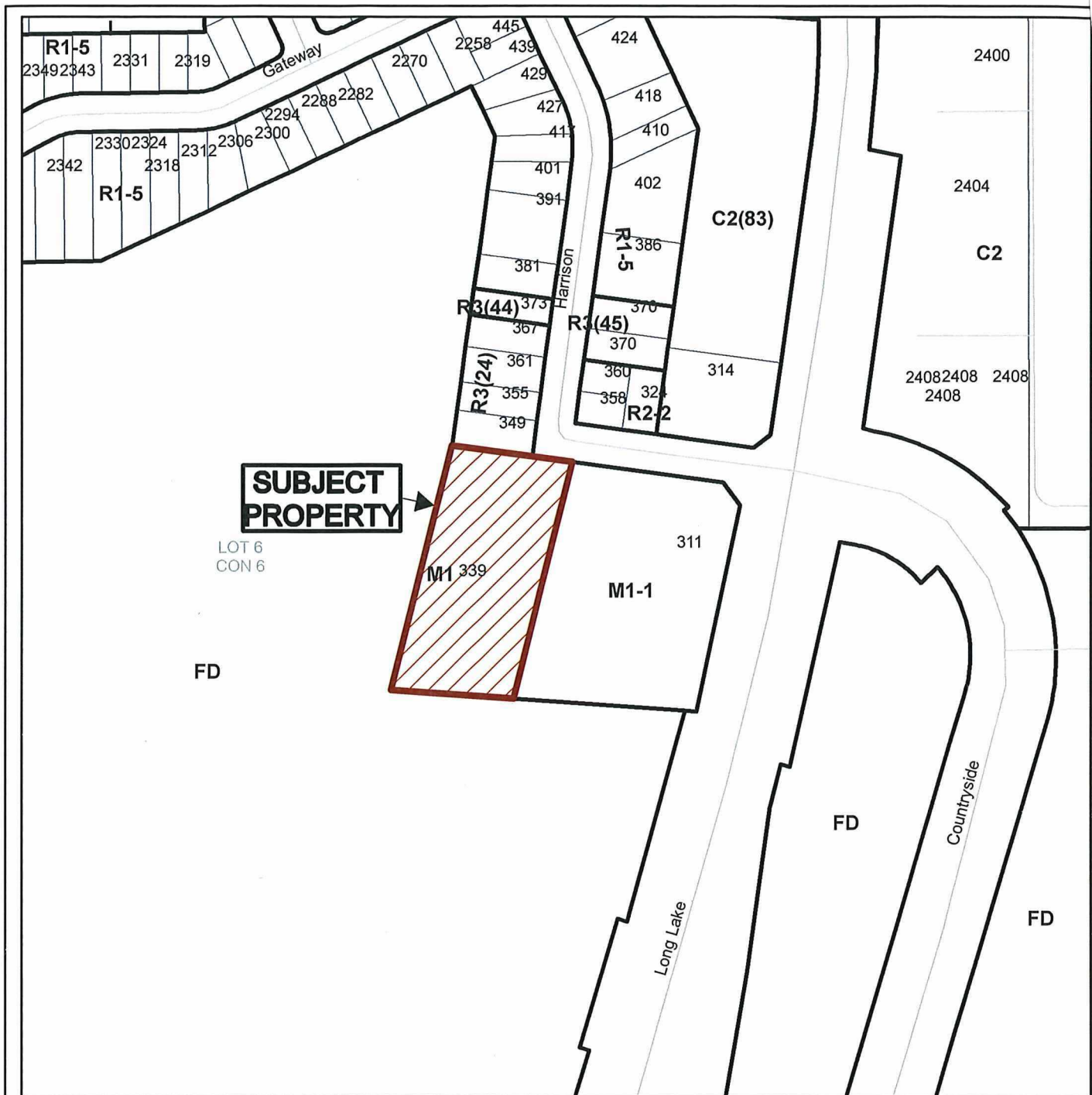
#### **CONCLUSION:**

The proposal presents general conformity with the Mixed Use Commercial policies of the Official Plan, with two exceptions that shall be addressed as conditions of approval:

1. In lieu of site plan control, the installation of improved landscaping along the northerly limit of the property to better screen the industrial use from the abutting multiple dwelling.
2. The installation of a test manhole to effectively monitor flows from the site.

Planning Services recommends that the application for rezoning be approved subject to the conditions outlined in the Resolution section of this report.





## Growth and Infrastructure Department



Subject Property being PIN 73475-0205.  
Part 1, Plan 53R-9523,  
Pcl 46093, Lot 6, Concession 6,  
Township of Broder,  
339 Harrison Drive, Sudbury,  
City of Greater Sudbury

NTS  
Sketch 1

751-6/18-18  
Date: 2018 09 19

# Appendix 1

## Departmental & Agency Comments

File: 751-6/18-18

**RE:** Application for Rezoning – K.S. Flinn Investments Inc. (Agent: Tulloch Engineering)  
PIN 73475-0205, Part 1, Plan 53R-9523, Parcel 46093 S.E.S., in Lot 6, Concession 6,  
Township of Broder (339 Harrison Drive, Sudbury)

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### Development Engineering

This site is currently serviced with municipal water and sanitary sewer. A test maintenance hole is required to be construction on the sanitary sewer service for this lot. We have no objection to changing the zoning classification provided that the sanitary test maintenance hole is installed.

### Infrastructure Capital Planning Services (Roads and Transportation)

No concerns.

### Building Services

Building Services has the following comments:

1. A 5-metre wide planting strip is required where the M1 zone abuts the Residential zone.
2. Outdoor storage is only permitted in the side and rear yards and no closer than 9.0 metres to a road or street line.
3. Five percent landscaping is required for the lot.
4. A building permit is required for the paint booth.
5. Shipping containers are not permitted and are to be removed.
6. A salvage yard is not permitted in an M1 Zone and the storage of derelict vehicles is not permitted.

### Conservation Sudbury (NDCA)

Conservation Sudbury has reviewed the subject application and has no objection to the rezoning. Please be advised that a portion of this property is located in a regulated area of the Conservation Authority as indicated on the attached map. Any development in the regulated area requires a direct application to Conservation Sudbury under Ontario Regulation 156/06.

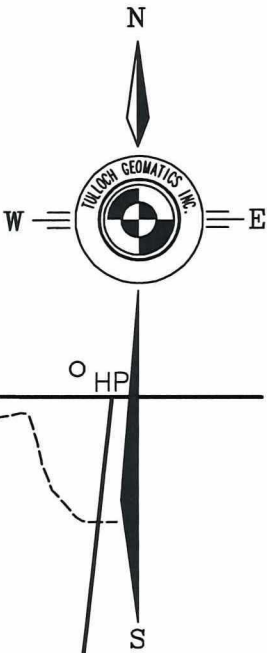
CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF TULLOCH GEOMATICS.

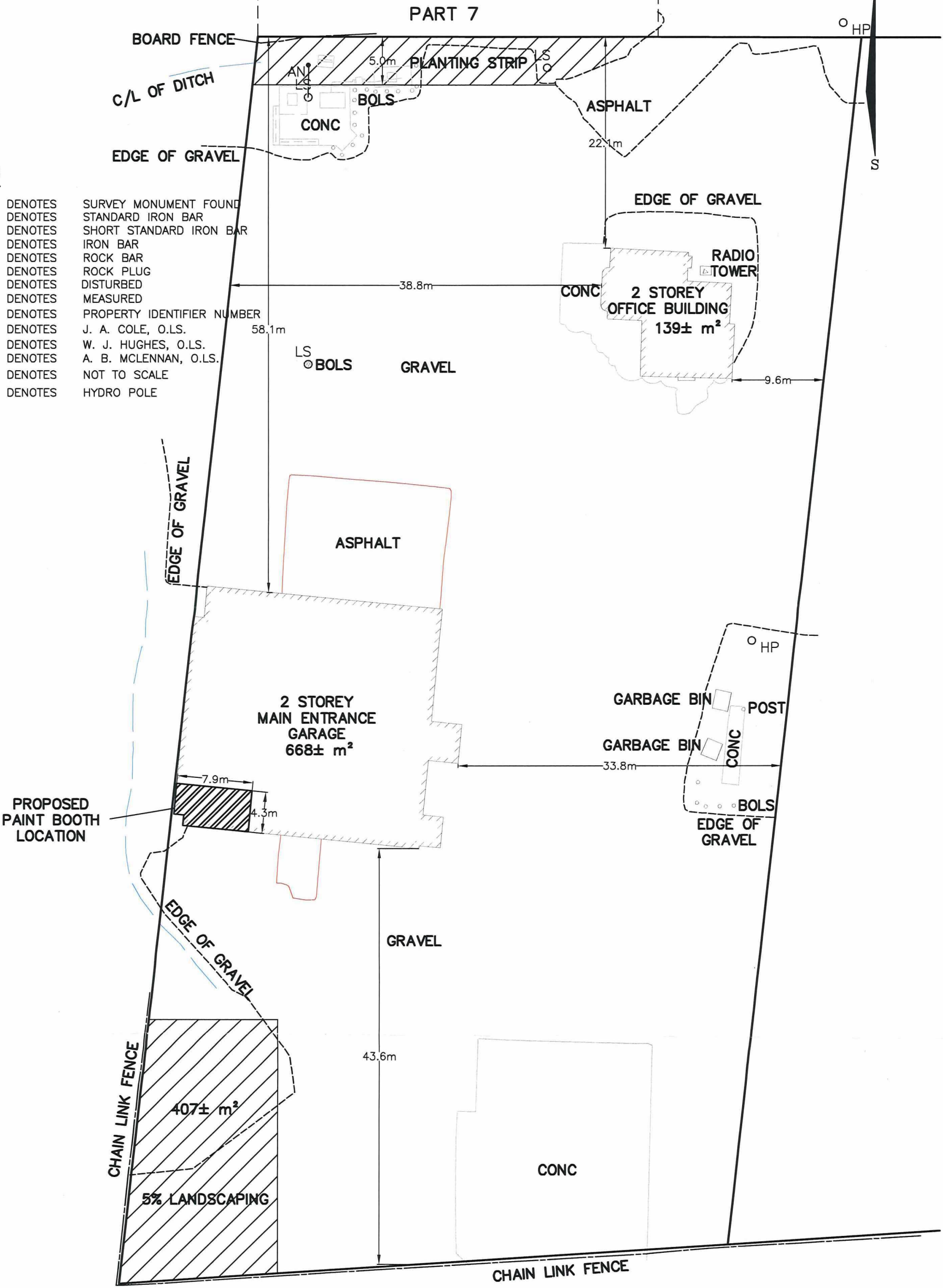
PART 5, PLAN 53R-14325  
PART 7, PLAN 53R-14325

PIN 73475-0176



LEGEND

- |      |         |                            |
|------|---------|----------------------------|
| ■    | DENOTES | SURVEY MONUMENT FOUND      |
| SIB  | DENOTES | STANDARD IRON BAR          |
| SSIB | DENOTES | SHORT STANDARD IRON BAR    |
| IB   | DENOTES | IRON BAR                   |
| RB   | DENOTES | ROCK BAR                   |
| RPL  | DENOTES | ROCK PLUG                  |
| DIST | DENOTES | DISTURBED                  |
| M    | DENOTES | MEASURED                   |
| PIN  | DENOTES | PROPERTY IDENTIFIER NUMBER |
| 1542 | DENOTES | J. A. COLE, O.L.S.         |
| 919  | DENOTES | W. J. HUGHES, O.L.S.       |
| 638  | DENOTES | A. B. MCLENNAN, O.L.S.     |
| ↗    | DENOTES | NOT TO SCALE               |
| ●    | DENOTES | HYDRO POLE                 |



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JUL 23 2019

PLANNING SERVICES



LOCKERBY TAXI AUTOSHOP  
HARRISON DRIVE, ONTARIO

ZBA SKETCH

SCALE	1:400
DRAWN	S.S.
CHECKED	K.J.
DATE	NOV 8, 2018
PROJECT No.	18-5335
SHEET	K1





Photo 1: 339 Harrison Drive, Sudbury  
View of subject property from street including two-  
storey office building  
751-6/18-18 Photography October 24, 2018



Photo 2: Harrison Drive, Sudbury  
Adjacent residential uses on Harrison Drive  
(multiple dwellings)  
751-6/18-18 Photography October 24, 2018





Photo 3: 339 Harrison Drive, Sudbury  
Northerly interior yard abutting multiple dwelling  
751-6/18-18 Photography October 24, 2018



Photo 4: 339 Harrison Drive, Sudbury  
View of maintenance garage  
751-6/18-18 Photography October 24, 2018





Photo 5: 339 Harrison Drive, Sudbury  
Proposed location of paint booth (southwest corner  
of existing maintenance garage)  
751-6/18-18 Photography October 24, 2018





Photo 6: 339 Harrison Drive, Sudbury  
View of rear yard including shipping containers and  
unplated vehicles  
751-6/18-18 Photography October 24, 2018



File 751-6/18-18  
339 Harrison Drive, Sudbury  
May 1994 aerial photography

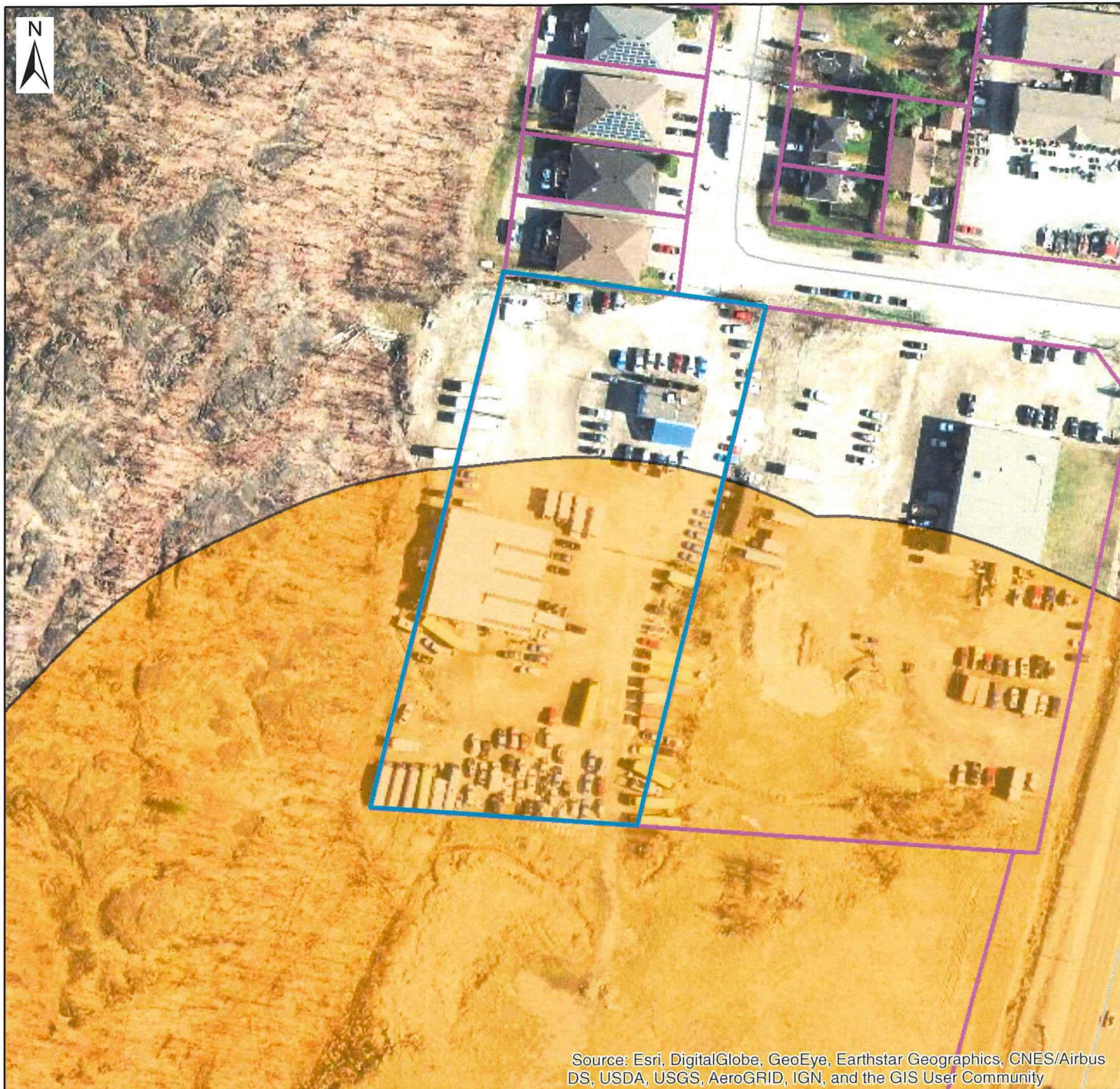




File 751-6/18-18  
339 Harrison Drive, Sudbury  
2017 Orthophotography







**Spart-PC2018-056  
ReZoning  
333 Harrison Drive  
Sudbury**

**NOTE:**

Please be advised that a portion of subject property is located in a Regulated Area of the Conservation Authority. Any Development in this area requires a direct application to the Conservation Sudbury under Ontario Regulation 156/06.

**Legend**

-  Roads
-  Waterbody
-  Wetlands
-  Watercourse
-  Parcels
-  Flood Plain
-  Regulation Limits



City of Greater Sudbury  
Ville du Grand Sudbury



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**JUL 18 2019**

**PLANNING SERVICES**

July 12, 2019

Sinclair & Sinclair  
214 Alder Street South  
Sudbury, Ontario  
P3C 4J2

**Attention: Mr. M.D. Sinclair**

Dear Mr. Sinclair:

**Re: Letter of Opinion – Transport Terminal  
K.S. Flinn Investments (Lockerby Taxi)  
339 Harrison Drive, Sudbury, Ontario  
Broder, Con 6, Lot 6, Pcl 46039, 53R9523, Pt 1**

PO BOX 5000 STN A  
200 BRADY STREET  
SUDBURY ON P3A 5P3

CP 5000 SUCCA  
200, RUE BRADY  
SUDBURY ON P3A 5P3

705.671.2489

[www.greatersudbury.ca](http://www.greatersudbury.ca)  
[www.grandsudbury.ca](http://www.grandsudbury.ca)

Further to a letter from Tulloch Engineering dated April 25, 2019 (Appendix 'A') requesting an opinion of this office with respect to whether or not the above referenced property has legal non-conforming status with respect to the use as a transport terminal for the purposes of operating a transportation centre for taxis and school buses, including the related repair, rebuilding and maintenance on all vehicles owned or leased by K.S. Flinn Investments, as well as a taxi stand as defined (Appendix 'B'), we offer the following comments:

- We have reviewed the zoning and zoning by-laws that have applied to this property and building since the structure's approximate construction in 1971:
  - City of Sudbury Interim Zoning By-law 76-327; effective December 22, 1976; LI, Light Industrial District
  - City of Sudbury Zoning By-law 95-500Z; effective July 12, 1995; M1, Mixed Light Industrial/Service Commercial
  - City of Greater Sudbury Zoning By-law 2010-100Z; effective September 29, 2010; M1, Mixed Light Industrial/Service Commercial
- We have reviewed correspondence between the Chief By-law Enforcement Officer for the Regional Municipality of Sudbury and Hinds & Sinclair from 1994 regarding a zoning confirmation.
- We have reviewed the signed Affidavit dated March 29, 2019 from Sharon S. Flinn.
- We have reviewed building permit 07-1221 (Pre-fab office addition).

.../2

**Page 2**

**July 12, 2019**

**339 Harrison Drive, Sudbury, Ontario**

The information provided as well as our research of your property information appears to be in alignment.

Therefore, based on this information we are prepared to agree with your assertion that this property has "legal existing" status with respect to the use, lot and building as a transport terminal for the purposes of operating a transportation centre for taxis and school buses, including the related repair, rebuilding and maintenance of vehicles owned or leased by K.S. Flinn Investments, as well as a taxi stand, as defined under the current CGS Zoning By-law 2010-100Z. However, this does not include the use of a "salvage yard" which would entail the storage of derelict vehicles observed.

Further we do not fully agree with the assertion that the absence of front yard landscaping and parking within the front yard is legal non-conforming. We provide air photos from 1994 (Appendix 'C') indicating that some landscaping was in place along the northern lot line and adjacent to the driveway entrance in 1994 and has been reduced by parking placed in this area seen in 2017 air photo (Appendix 'D').

However, as you are aware, legally we reserve our judgement pending any new information provided from whatever source that would show that the "legal existing" status was surrendered by virtue of the building having been reverted back to a lower residential density use.

Trusting this meets with your request in your correspondence, however, should you have any further questions, please do not hesitate to contact this office.

Yours very truly,



**GUIDO A. MAZZA, P.ENG.  
DIRECTOR OF BUILDING SERVICES/  
CHIEF BUILDING OFFICIAL**

GAM/cjd  
Attachments

cc: Melissa Laalo, Acting Manager of Corporate Security & By-law Services  
Alex Singbush, Manager of Development Approvals  
Sherri Budgell, Manager of Plans Examination  
Andre Guillot, Manager of Building Inspection Services  
Phil Doiron, Chief Fire Prevention Officer

Tulloch Engineering  
Attn: Mr. K. Jarus  
1942 Regent St, Unit 1  
Sudbury, ON P3E 5V5