

Presented To:	Planning Committee
Presented:	Monday, Apr 25, 2016
Report Date	Tuesday, Apr 05, 2016
Type:	Public Hearings
File Number:	751-6/16-5

Request for Decision

Christopher Gartley - Application for rezoning in order to permit the construction of a three (3) unit multiple dwelling, 70 Nepahwin Avenue, Sudbury

Resolution

THAT the City of Greater Sudbury approves the application by Christopher Gartley to amend Zoning By-law 2010-100Z by changing the zoning classification "R2-2", Low Density Residential Two to "R2-2(S)", Low Density Residential Two Special to permit the construction of a new triplex dwelling on those lands described as PIN 73595-0291, Parcel 11246, Parts 3 & 4, Plan 53R-19918, Lot 6, Concession 1, Township of McKim, subject to the following conditions:

- a. That a maximum of three (3) dwelling units shall be permitted; and,
- b. That the maximum building height shall be 12.5 metres.

STAFF REPORT

Applicant:

Christopher Gartley

Location:

PIN 73595-0291, Parcel 11246, Parts 3 & 4, Plan 53R-19918, Lot 6, Concession 1, Township of McKim, 70 Nepahwin Avenue, Sudbury

Application:

To amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law from "R2-2", Low Density Residential Two to "R2-2(S)", Low Density Residential Two Special.

Proposal:

The application proposes the construction of a new triplex dwelling with an exception to allow a 12.5 m building height where the maximum building height is 11.0 m (reference sketch plan).

Official Plan Conformity:

Signed By

Report Prepared By

Alex Singbush
Senior Planner
Digitally Signed Apr 5, 16

Reviewed By

Eric Taylor
Manager of Development Approvals
Digitally Signed Apr 5, 16

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Apr 5, 16

Recommended by the Department

Tony Cecutti
General Manager of Infrastructure Services
Digitally Signed Apr 6, 16

Recommended by the C.A.O.

Kevin Fowke
Acting Chief Administrative Officer
Digitally Signed Apr 13, 16

The subject property is designated “Living Area 1” in the Official Plan for the City of Greater Sudbury. Section 3.2 Living Area Designations, states:

2. Medium density housing is permitted in all Living Area 1 designations where full municipal services are available. High density housing is only permitted in the community of Sudbury.
3. New residential development must be compatible with the existing physical character and size of established neighbourhoods, with consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties under the Zoning By-law.

Section 3.2.1 Living Area 1 Communities, states:

1. Low density development permits single detached dwellings, semi-detached dwellings and duplexes to a maximum net density of 36 units per hectare. In order to maintain existing neighbourhood character, the Zoning By-law may establish lower densities in certain areas of the City.
2. In medium density developments, all low density housing forms are permitted, as well as townhouses and small apartment buildings no more than five storeys in height to a maximum net density of ninety (90) units per hectare.
4. Medium and high density housing should be located on sites in close proximity to Arterial Roads, public transit, main employment and commercial areas, open space areas, and community/recreational services.
5. Medium and high density housing is to be located in areas with adequate servicing capacity and a road system that can accommodate growth. Sites should be of a suitable size to provide adequate landscaping and amenity features.
6. In considering applications to rezone land in Living Area 1, Council will ensure among other matters that:
 - a. The site is suitable in terms of size and shape to accommodate the proposed density and building form;
 - b. the proposed development is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks and the location of parking and amenity areas;
 - c. adequate on-site parking, lighting, landscaping and amenity areas are provided; and,
 - d. the impact of traffic on local streets is minimal.

As detailed in the Planning Considerations section of this report, the application is considered to conform to the policies in Sections 3.2 and 3.2.1 of the Official Plan respecting medium density developments.

Site Description & Surrounding Land Uses:

The subject property is located on the north side of Nepahwin Avenue, east of Paris Street in Sudbury. The property forms a part of the Living Area I in the Official Plan, and is zoned “R2-2”, Low Density Residential Two. Total lot area is approximately 1,851.5 m² (19,930 sq. ft.), with 15.24 m (50 ft.) of frontage on Nepahwin Avenue and a depth of 121.49 m (398.6 ft.). The site is currently vacant; the southern portion is level and grassed while the northern portion is occupied by a regrowth of vegetation.

To the north, east, and south are single detached dwellings zoned “R2-2”, Low Density Residential Two. To the west is a recently constructed semi-detached dwelling located in the “R2-2”, Low Density Residential

Two zone and a property zoned “C2(60)”, General Commercial Special, which only permits office uses, occupied by a single detached dwelling.

Departmental & Agency Comments:

Building

Building Services has the following comment:

1. The two (2) parking spaces provided for in the front of the building do not meet the requirements of Section 5.2.3.1(a) of CGS Zoning By-law 2010-100Z. The required width would be 5.75 m (18 feet, 10.5 inches).

Development Engineering

No objection. This site is currently serviced with municipal water and sanitary sewer.

Roads and Transportation Services

No concerns.

Neighbourhood Consultation:

A notice of complete application was mailed to property owners and tenants within the surrounding area on February 8, 2016. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail out to property owners and tenants within a minimum of 120 metres of the property.

The applicant was advised of the City’s policy which recommends that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application. As of the date of this report one letter from an adjoining property owner, expressing concerns with respect to increased traffic and noise resulting from the addition of a third unit on the property, has been received by the Planning Services Division.

Planning Considerations:

Provincial Policy Statement, 2014

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 (PPS).

The proposed rezoning is consistent with the Provincial Policy Statement for the following reasons:

1. Municipalities are to promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in area where it exists. Staff is satisfied that the proposed three unit residential building makes efficient use of an urban parcel of land and is appropriate within the context area which is served by public transit. Further, there is already sufficient urban infrastructure available to service the subject lands.
2. Municipalities are further encouraged to provide for a range of uses and opportunities for intensification and redevelopment. The three (3) unit apartment building proposed will positively contribute to ensuring that a continued range of residential housing opportunities in the form of medium density apartment dwelling units are available in this part of the City.
3. Municipalities are encouraged to avoid unjustified or uneconomical expansion of infrastructure. No additional municipal infrastructure is required to service the subject lands if developed as proposed.

Previous Applications

In January 2009 Planning Committee considered an application for rezoning to “R4”, Multiple Residential, to permit a proposed two (2) storey twelve (12) unit residential building on the subject lands and the lands to the west that are currently occupied by recently constructed semi-detached dwellings. At the public hearing written submissions in opposition were received and residents spoke in opposition to the application which was denied by Council.

In June 2012 an application was submitted to the City to sever the subject lands (15.24 m by 121.29 m) from the lands to the west. The application was conditionally approved in July 2012 and the consent certificate was issued in June 2013.

Parking

The Zoning By-law requires that 1.5 parking spaces be provided for each unit in a multiple dwelling. Based on three (3) dwelling units a total of five (5) parking spaces will be required for the proposed dwelling. The By-law provides that the required parking spaces shall be located outside of the required front yard which in this case requires the parking to be setback six (6) m from the front lot line. The sketch provided by the applicant indicates that five parking spaces will be provided with three spaces located in the attached garage and two spaces located in front of the building.

As noted in the comments provided by Building Services, the required width for the two spaces located outside of the garage is 5.75m where the sketch shows 5.49m. The applicant is advised that the dwelling should be moved north to fully accommodate the parking area outside of the required front yard.

Official Plan and Land Use

The subject lands are designated Living Area 1 in the Official Plan permitting the full range of residential dwelling types and densities, subject to certain requirements.

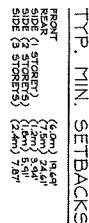
The proposal includes the construction of a triplex dwelling at a density of approximately 16.2 units per ha, within the range for low density development.

In accordance with the Official Plan, the subject lands are located in close proximity (approximately 152 m or 499 ft.) to Paris Street, and arterial road that is served by public transit. The property is also located in close proximity to the employment and commercial areas located on Paris Street.

The sketch provided by the applicant shows compliance with the minimum front, side and rear yard setbacks for the one (1) and two (2) storey portions of the building. The building elevations submitted by the applicants, attached to this report, are similar to the appearance of a large single family home with a three (3) car side loaded garage, in keeping with the character of the area. The applicants have requested an exception to the 11.0 m maximum height of the R2-2 zone, indicating that the proposed building will be 12.5 m high. Staff notes that the increased building height is for a portion of the structure proposed to be located in approximately 23 m (75 ft.) from the front property line.

Planning staff are satisfied that the site is suitable in terms of size and shape to accommodate the proposed density and building form and that the proposal is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks and the location of parking and amenity areas. Given the scale of the development, the proposed use will not result in any appreciable impacts on traffic and adjacent properties.

In conclusion, there do not appear to be any adverse impacts that will result from the approval of the application, and it is therefore recommended for approval subject to the conditions as noted.



LEGEND

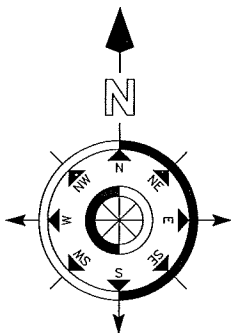
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| 3 | DEPT63 | IRON BAR |
| 4 | DEPT63 | STANDARD IRON BAR |
| 5 | DEPT63 | SHORT STANDARD IRON BAR |
| 6 | DEPT63 | MITHERS FOUNDMENT |
| 7 | DEPT63 | SET |
| 8 | DEPT63 | REGISTERED PLAN BAR-195523 |
| 9 | DEPT63 | R. T. LANE, OLS |
| 10 | DEPT63 | R. T. LANE, OLS |
| 11 | DEPT63 | W. DUNN, OLS |
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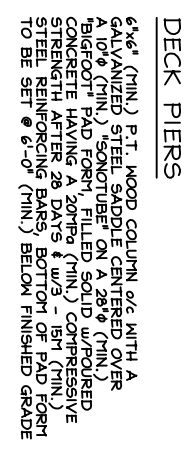
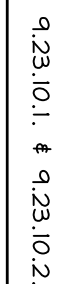
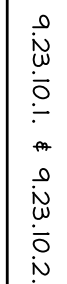
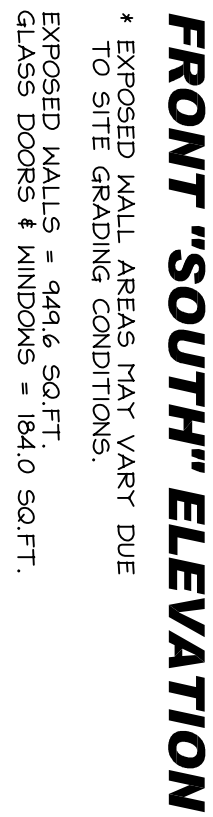
DISTRICT OF SUDBURY
CITY OF GREATER SUDBURY
TOWNSHIP OF MCKIM
LOT 6 / CON 1 PIN 73545-0291
PCL 11246
ZONING - R2-2
MUN. No. - 70 NEPAHMIN AVENUE
FRONTAGE = 49.87'
LOT AREA = 9,920.4 SQ. FT.
LOT COVERAGE = 2,779.0 SQ. FT. @ 13.95%

REFERENCE DRAWING(S):

- PART 3 OF REGISTERED PLAN 53R-19918



SP1	DWG. NO. 1 OF 10 DWG. NO.	DATE 15-10-2015	PROJECT No.: A17-2015-SR1 11/000 11/000	PROJECT TITLE: CHRIS & FAYE GURLEY, 70 NEPAHNN AVENUE, SARTLEY, ON		B.C.N. REG'D DESIGNER, CONSULTANT & PRINCIPAL 1205 HAWTHORNE DRIVE SUDBURY, ON P3A 1K6 TEL / FAX: (705) 586-8694 CELL: (705) 690-3499 E-MAIL: mpdc@bcbnregd.com	DRAWINGS AS INSTRUMENTS OF SERVICE ARE THE SOLE PROPERTY OF B.C.N. DESIGNING & CONSULTING AND ARE PROVIDED BY COPYRIGHT LAW. UNAUTHORIZED REPRODUCTION OR IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF B.C.N. DESIGNING & CONSULTING WILL RESULT IN CIVIL ACTION AGAINST ANY OFFENDERS.	NO. DATE: REV. BY:	GENERAL NOTES



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PROJECT No.: A06-2016	PROJECT TITLE: CHRIS & FAYE GARTLEY 70 NEPAHWIN AVENUE, SUDBURY, ON
DRAWING TITLE: FRONT "SOUTH" ELEVATION REAR "NORTH" ELEVATION	

CADFILE NO.:
A06-2016-A10
CADPLOT RATIO:
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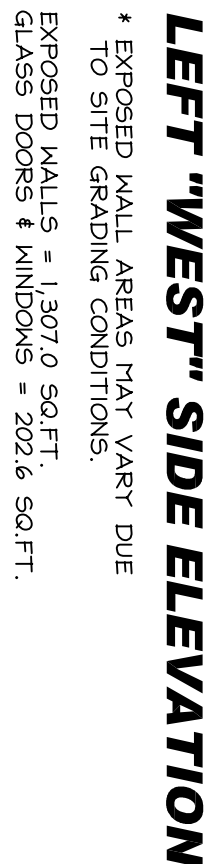
DATE: 3/16" = 1'-0"

FEB. 22, 2016
DWG. BY: MARC G. LEVASSEUR

DWG. NO:
10 OF 11

DWG. No.

COA



6"x6" (7IN.) P.T. WOOD COLUMN w/ C WITH A GALVANIZED STEEL SADDLE CENTERED OVER A 10"Ø (7IN.) "XONOTITE" ON A 20"Ø (7IN.) "BICKFORD" PAD FORM. FILLED SOLID w/ C/POURED CONCRETE HAVING A 200#PSI (MIN.) COMPRESSIVE STRENGTH AFTER 28 DAYS & w/3 - 18M (7IN.) STEEL REINFORCING BARS, BOTTOM Ø PAD FORM TO BE SET @ 6'-0" (7IN.) BELOW FINISHED GRADE.

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1206 HAWTHORNE DRIVE
SUDBURY, ON P3A 1K6
TEL. / FAX: (705) 586-9694
CELL: (705) 690-3499
E-MAIL: mglcdc@cyberbeach.net



PROJECT No.: A06-2016	PROJECT TITLE: CHRIS & FAYE GARTLEY 70 NEPAHWIN AVENUE, SUDBURY, ON
DRAWING TITLE: RIGHT "EAST" SIDE ELEVATION LEFT "WEST" SIDE ELEVATION	

CADFILE NO.:
A06-2016-A10
CADPLOT RATIO:
1:64

SCALE:
3/16" = 1'-0"

DATE:	FEB. 22, 2016
DWG. BY:	

MARC G. LEVASSEUR
DWC NO:

11 OF 11

DWG. No. A10



PHOTO 1 SUBJECT LANDS, 70 NEPAHWIN AVENUE, SUDBURY
VIEWED LOOKING NORTH FROM NEPAHWIN AVENUE



PHOTO 2 76 NEPAHWIN AVENUE, EAST OF THE SUBJECT LANDS,
VIEWED LOOKING NORTH FROM NEPAHWIN AVENUE



PHOTO 3 71 NEPAHWIN AVENUE, SOUTH OF THE SUBJECT LANDS,
VIEWED LOOKING SOUTH FROM NEPAHWIN AVENUE



PHOTO 4 66 & 68 NEPAHWIN AVENUE, WEST OF THE SUBJECT LANDS,
VIEWED LOOKING NORTH FROM NEPAHWIN AVENUE

751-6/16-5 PHOTOGRAPHY MARCH 21, 2016

751-6/16-5

ET ✓

ASV ✓

Feb 26/2016

Linda Muzzi
76 Mepahwin ave
Sudbury Ont.

To whom it may concern
This is in regards to the letter I
received about a new triplex dwelling
on 70 Mepahwin file 751-6/16-5
Pin - 73595-0291 Parcel 11246 Part #4
Plan 53R-19918, lot 6 Concession 1

I want it to stay as R2-2 & feel
that there will be too much traffic and
commotion next door to my residence
I feel that if they allow for 3 they
will try for more dwellings.
I put a lot of work and money in
my house and property and don't
want the value to go down.
I also feel that people that rent don't
look after property not belonging to
them and I have pride in my place.
I am dealing with two people now that
don't look after their property.

leaving garadage all over the
place. and not cutting the grass.

Thank you

Linda Muzzi