

Presented To:	Planning Committee
Presented:	Monday, Jan 20, 2020
Report Date	Friday, Dec 13, 2019
Type:	Public Hearings
File Number:	751-3/19-3

Request for Decision

Tj Herault – Application for Zoning By-Law Amendment, 2165 Falconbridge Road, Garson

Resolution

THAT the City of Greater Sudbury approves the application by Tj Herault to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from “R1-5”, Low Density Residential One to “R3(S)”, Medium Density Residential Special on those lands described as PIN 73496-0220, Parcel 15892, Lot 2, Plan M-252, Lot 9, Concession 1, Township of Garson, as outlined in the report entitled “Tj Herault”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 20, 2020, subject to the following conditions:

1. That the amending by-law for the R3-Special zoning includes the following site-specific provisions:
 - i. A row dwelling with a maximum of four (4) dwelling units shall be permitted;
 - ii. The minimum front yard setback shall be 10 m;
 - iii. The minimum rear yard setback shall be 2.81 m;
 - iv. The maximum building height shall be one storey;
 - v. A minimum of one (1) parking space per unit shall be required; and
 - vi. The driveways for each pair of units shall be paired and centred at the common wall.
2. That prior to the enactment of the amending by-law, a lot grading plan shall be approved, to the satisfaction of the Director of Planning Services.
3. Conditional approval shall lapse on January 21, 2022 unless Condition 2 above has been met or an extension has been granted by Council.

Signed By

Report Prepared By

Wendy Kaufman
Senior Planner
Digitally Signed Dec 13, 19

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Dec 13, 19

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Dec 16, 19

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Jan 2, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Jan 7, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Jan 7, 20

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. The application contributes to the 2019-2027 City of Greater Sudbury Strategic Plan goals related to housing, by adding to the range and mix of housing available in Garson.

Report Summary

An application for rezoning has been submitted in order to permit a row dwelling building with four (4) units. Site specific relief is also requested to reduce the required front yard to 10 m where 15 m is required, reduce the rear yard to 2.81 m where 7.5 m is required, reduce the number of parking spaces to four (4) where six (6) are required, and permit the proposed 1.8 m fence in the corner side yard where a maximum of 1 m is permitted. The subject land is designated as Living Area 1 in the Official Plan and zoned R1-5, Low Density Residential One.

Staff recommend approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

Financial Implications

If approved, staff estimate approximately \$12,500 in taxation revenue, based on the assumption of 4 multiple dwelling units at an estimated assessed value of \$275,000 per dwelling unit at the 2019 property tax rates.

In addition, this would result in total development charges of approximately \$23,000 based on assumption of 4 multiple dwelling units and includes a reduction of \$17,721 from the redevelopment credit on the original building to be demolished, and are based on the rates in effect as of the date of this meeting.

Date: December 13, 2019

STAFF REPORT

PROPOSAL:

The application proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury to permit a row dwelling building with four (4) units. A reduction in the number of required parking spaces and the required front yard has also been requested.

The applicant's site sketch shows the location of the proposed row dwelling and parking on the subject lands. The elevation plan shows the proposed 1-storey building and the internal layout. Each unit is proposed to be approximately 133 m² (1426 ft²) in size, including an attached 1-car garage.

Existing Zoning: R1-5, Low Density Residential One

The R1-5 zone permits a limited range of low density residential uses including single detached dwellings, a home daycare, group home (type 1), and a bed and breakfast establishment.

Requested Zoning: R3(S), Medium Density Residential Special

The proposed R3(S) zone would permit an additional range of residential uses beyond those permitted in the R1-5 zone, including semi-detached, duplex, row dwellings and multiple dwellings. Specific relief from the following development standards has been requested to enable the development of a row dwelling building with four (4) units:

- A minimum 10 m front yard where 15 m is required;
- A minimum 2.81 m rear yard where 7.5 m is required, with eave projecting 0.46m into the rear yard (note that, though requested, relief is not required for the eave);
- A minimum of four parking spaces where six are required; and
- While not specifically requested, relief is also needed to permit the proposed 1.8 m fence shown in the corner side yard where a maximum of 1 m is permitted.

Location and Site Description:

The subject property is described as PIN 73496-0220, Parcel 15892, Lot 2, Plan M-252, Lot 9, Concession 1, Township of Garson. The subject lands are located at the northeast corner of Falconbridge Road and Carr Avenue, and are municipally known as 2165 Falconbridge Road. The subject lands are 0.14ha in size with approximately 22.86 m of frontage. The lands are currently serviced with municipal water and sanitary sewer. There is a City transit stop on both sides of Falconbridge Road 40 m to the east of the subject lands. The existing residential structure on the subject land is intended to be demolished.

Surrounding Land Uses:

The area surrounding the site includes:

North:	Residential use, single detached dwelling
East:	Residential use, single detached dwelling
South:	Falconbridge Road and commercial use (Northern RV)
West:	Carr Avenue, residential use, single detached dwelling

Title: Tj Herault, Application for Zoning By-law Amendment, 2165 Falconbridge Road, Garson

Date: December 13, 2019

The existing zoning & location map, indicates the location of the subject lands to be rezoned and the zoning in the immediate area.

Site photos show the single detached dwellings along Carr Avenue and the north side of Falconbridge Road in this area. Carr Avenue terminates to the north at the Cedar Green Golf Club.

Public Consultation:

Notice of Complete Application was circulated to the public and surrounding property owners on October 21, 2019. Notice of Public Hearing was circulated to the public and surrounding property owners on December 19, 2019. The applicant advised that they would canvass residents in the area. As of the date of this report two phone calls have been received regarding this application, raising concerns regarding how the change in use may impact the existing character of the neighbourhood with respect to congestion and noise, and a specific request for a fence to be required as part of the planting strip along the east property line.

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.

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.

Section 1.1.3.1 and 1.4.1 of the PPS are relevant to the application. Section 1.1.3.1 identifies that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. Section 1.4.1 requires municipalities to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Forms of housing which meet social, health and well-being needs are to be encouraged.

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. There are no policies that are relevant to this application, therefore the application is considered to conform to the Growth Plan.

Date: December 13, 2019

Official Plan for the City of Greater Sudbury:

The subject property is designated as Living Area 1 in the City of Greater Sudbury Official Plan. Policies 3.2(2), 3.2.1(4) and 3.2.1(5) provide direction regarding the location of medium density housing. Medium density housing is permitted where full municipal services with adequate capacity are available, and 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.

Policies 3.2(3) and 3.2.1(5) state that sites should be of a suitable size to provide adequate landscaping and amenity features, and that new residential development must be compatible with the existing physical character 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.

Policies 3.2.1(6) establishes the following criteria to be considered when rezoning lands in the Living Area 1 designation:

- 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.

Section 2.3.3 encourages all forms of intensification and establishes a 20% residential intensification target. Intensification applications are to be evaluated with respect to criteria including site suitability, compatibility with neighbourhood character and proposed mitigation measures, availability of infrastructure and public service facilities, and traffic impacts.

Section 17 identifies a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure, including encouraging the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The Official Plan is intended to provide direction as to how housing needs and issues can be addressed in concert with the CGS Housing and Homelessness Plan.

Zoning By-law 2010-100Z:

The development standards for the requested zone permits a maximum height of 11 m. The minimum required front yard is 15 m, the minimum required rear yard is 7.5 m, the minimum required interior side yard is 1.2 m, and the minimum required corner side yard is 4.5 m. The maximum lot coverage is 40%.

Parking is not permitted in the front or corner side yard. Parking for a row dwelling is required to be provided at a rate of 1.5 spaces per unit. The minimum driveway width is 3 m.

The minimum landscaped open space requirement is 30%, and a minimum of 50% the required front yard is to be maintained as landscaped open space. A 3.0 m wide planting strip adjacent to the full length of the lot line is required abutting any residential zone, being both the northerly and easterly lot lines. The planting strip width may be reduced to 1.8 m where an opaque fence 1.5 m in height is provided.

Title: Tj Herault, Application for Zoning By-law Amendment, 2165 Falconbridge Road, Garson

Date: December 13, 2019

Site Plan Control:

A Site Plan Control Application is not required for this development. Multiple dwellings not exceeding four units are excluded from site plan control.

Department/Agency Review:

The application, together with the applicable reports noted above, has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate zoning by-law standards.

Building Services has advised that a demolition permit would be required for the existing dwelling, and drawings prepared by a qualified designer will be required for the new row dwelling.

Drainage Section staff have indicated that the lot is low-lying in comparison to neighbouring lots and adjacent roads. Development Engineering has advised that they have no concerns with the rezoning if a lot grading plan showing paired driveways, planting strips and the current location of the community mailbox is provided. They also note that the current water and sewer service connections may require upgrading.

These comments have been addressed to the satisfaction of reviewing department and agencies.

PLANNING ANALYSIS:

Planning staff circulated the development application to internal departments and external agencies in May, 2019. The PPS (2014), the Growth Plan (2011), and Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application in respect of the applicable policies, including issues raised through agency circulation.

The application to permit a row dwelling building on the subject lands is consistent with the PPS direction to direct development to fully serviced settlement areas. The Official Plan encourages all forms of intensification.

Both the PPS and the Official Plan encourage municipalities to provide a range and mix of housing types and densities. The Official Plan identifies a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure, including the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The building form in this part of Garson consists mainly of single-detached dwellings, and the proposal to construct row dwellings in this location represents an opportunity to provide an alternative form of housing.

Given the location on Falconbridge Road, the subject property is an appropriate location for intensification to medium density. There are full municipal services with adequate capacity, the site is adjacent to Falconbridge which is an Arterial Road, and public transit stops are close to the site (40 m to the east). Employment opportunities, commercial areas, and community services are available within relatively close proximity in the community of Garson.

The site itself is relatively large and has sufficient area to accommodate a four-unit row dwelling including adequate landscaping and a privacy yard for each unit. A lot area of 350 m² per unit is proposed, where a minimum of 110 m² is required.

The proposed reduction in the required front yard is considered to be minor, and would be in keeping with

Title: Tj Herault, Application for Zoning By-law Amendment, 2165 Falconbridge Road, Garson

Date: December 13, 2019

the setbacks on the adjacent residential property fronting on Falconbridge Road.

Given the proposed orientation of the building, the reduction in the rear yard to 2.81 m where 7 m is required is considered to be appropriate considering the required 7.5 m privacy yard can be accommodated in the interior yard instead.

Traffic is not expected to be impacted by this proposal. It is recommended that the driveways be paired and centred at the common wall to minimize the impact of multiple driveway entrances. The proposal to reduce the number of parking spaces to one (1) per unit is expected to be adequate given the scale of the development and the nearby location of transit stops.

In terms of the proposed density and compatibility with adjacent lands, it is noted that the majority of the residential lands in this part of Garson are zoned R1-5 and consist of single-detached dwellings. There is one building to the west that is zoned R3 and permits a multiple dwelling of up to 10 units. The proposed four units would represent a net density of approximately 28 units per hectare, which is still considered to be relatively low. For example, the combined density of the three single-detached homes across the street on Carr Avenue would represent a density of approximately 17 units per hectare. The majority of development in Garson is very low density given that most of the lots for single-detached dwellings are relatively large.

To promote compatibility with adjacent low-density residential uses, the applicant has proposed 1.8 m fence be incorporated in the required planting strip along the rear property line. It is recommended that the fence height be stepped down to 1 m in the corner side yard, in order to protect sightlines along the road as well as the character of the neighbourhood. The applicant's sketch demonstrates there is adequate room on the site to provide a 3 m planting strip along the interior property line. It is recommended that the building form be restricted to a four unit row dwelling with a maximum height of one storey to ensure the density and built form are scaled to promote compatibility with the adjacent residential neighbourhood.

Further to comments received from development engineering, a lot grading plan is recommended to be provided prior to passing the by-law. This will ensure the site is suitable from a draining perspective and will help avoid flooding, ponding, and related issues.

CONCLUSION:

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

The following are the principles of the proposed site specific zoning by-law:

- To rezone the lands from R1-5 to R3, with site-specific relief to enable the development of a row dwelling building with four (4) dwelling units.

The development of the subject lands achieves a number of policy directives related to intensification and the provision of a range and mix of housing types. Staff have considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

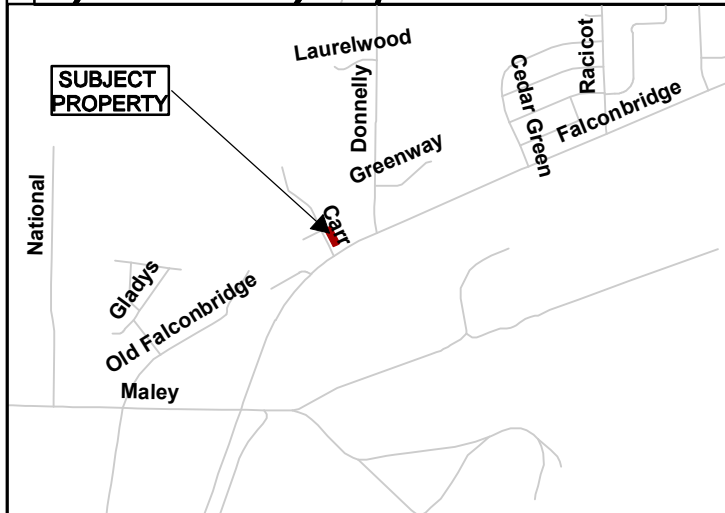
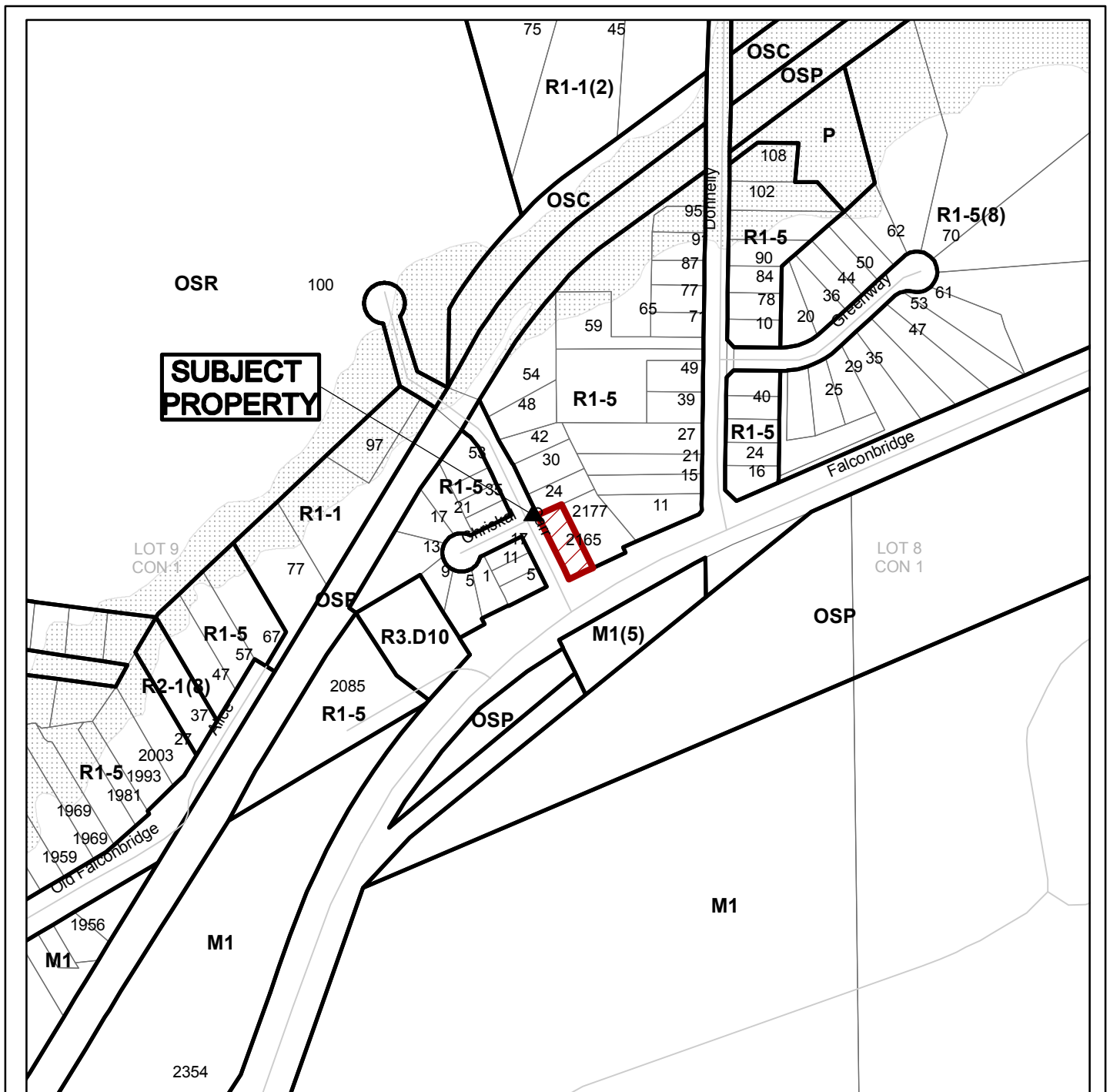
Title: Tj Herault, Application for Zoning By-law Amendment, 2165 Falconbridge Road, Garson

Date: December 13, 2019

Staff is satisfied that the application is consistent with the PPS and conforms to the Growth Plan and the Official Plan. Staff are of the opinion that the proposed zoning by-law amendment is appropriate based on the following:

- The proposed row will contribute to the range and mix of housing available in the area.
- The site is suitable for the proposed density and building form.
- The proposal has been evaluated in the context of the surrounding and future land uses and is considered appropriate.
- Adequate parking, landscaping and amenity areas can be provided.
- The impact on local streets will be minimal.

Staff recommend approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.



Growth and Infrastructure Department



Subject Property being PIN 73496-0220, Parcel 15892, Lot 2, Plan M-252, Lot 9, Concession 1, Township of Garson, 2165 Falconbridge Highway, Garson, City of Greater Sudbury

NTS
Sketch 1

751-3/19-3
Date: 2019 10 16



① FIRST FLOOR PLAN
1:96

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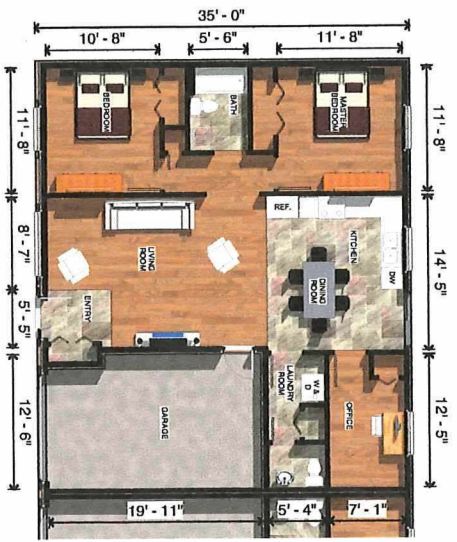
PROJECT: PROPOSED FOURPLEX FOR TU HEREAULT
DRAWING TITLE: PRELIMINARY PLANS

DATE: 01/28/2018
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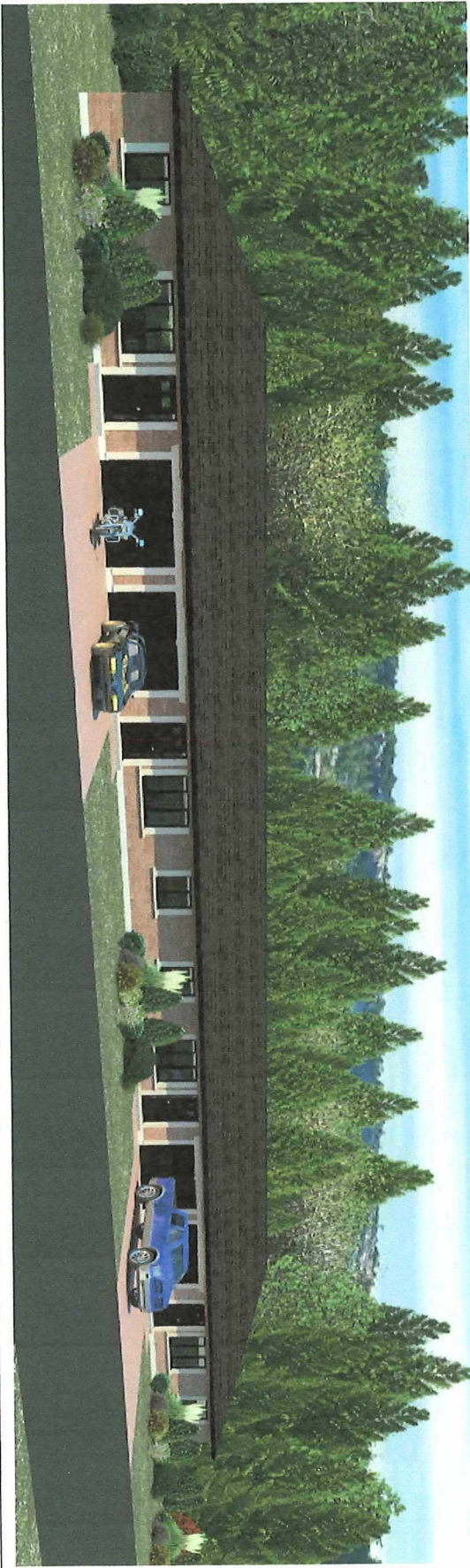
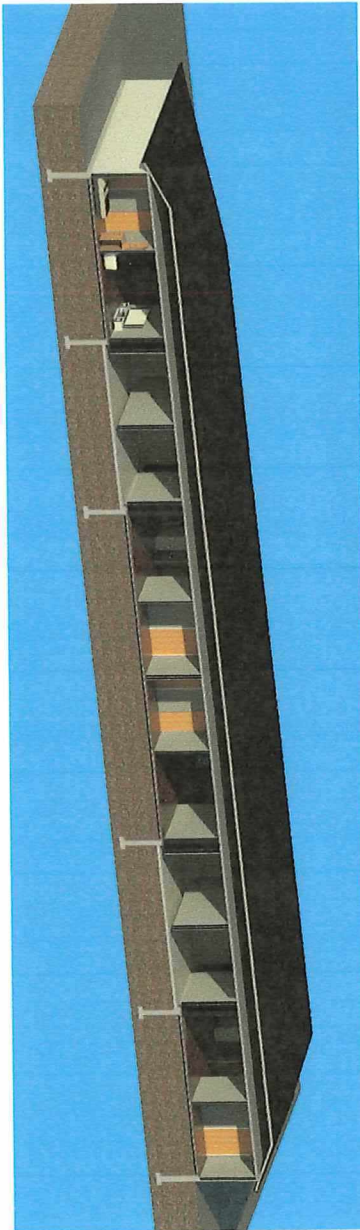
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PR1



① UNIT LAYOUT
1:54



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PROJECT:
**PROPOSED FOURPLEX FOR
TU HEREAULT**
ON THIS SITE:
PRELIMINARY PLANS

NO.	DATE	BY	APP'D
1	11/14/2018	CS	PR2



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PR2



Photo 1. Subject lands looking, northwest from Falconbridge Road.



Photo 2. Subject lands, looking north from Carr Avenue.



Photo 3. Single detached dwelling located to the east of the subject lands on Falconbridge Road, looking northwest.



Photo 4. Single detached dwelling on Carr Avenue to the north of the subject lands, looking east.



Photo 5. Residential use on Carr Avenue to the west of the subject lands, looking north.



Photo 6. Commercial use located to the south of the subject lands on Falconbridge Road, looking south.

JAN. 8/20

1065

ATTN.: WENDY KAUFMAN / COES

Ref.: 751-3 / 19-3
Submission / Request.

From: owner 2177 Falconbridge Rd.

TO: FAX # 705 673 2200

Please find attached as previously discussed.

We have looked at everything, and as the abutting landowner, we have some very simple suggestions/requests.

Thank You

P.S. Will call you later this week.

Jan. 06, 2020.

Page 1 of 4

Attn.: Planning Services , COGS

Attn.: Councillor Jackubo

Ref.File: 751-3 / 19-3

From: Owner 2177 Falconbridge Rd., (Adjacent Property)

Madam/Sir,

As owner of 2177 Falconbridge Rd., I believe that a fence to provide privacy and to restrict access is a required condition prior to any consideration of this re-zoning request.

The reasons for such a barrier seem obvious and should have already been considered prior to this point in this application. As you know, this is an application to modify the zoning and effectively quadruple the occupancy. In a residential setting, this can be a substantial disruption. Having said this, I feel the need to explain further, and convince all parties that a fence is a very reasonable request, benefitting all parties.

This request for re-zoning is a request for a quadrupling of the previous or current occupancy, as well as a change to a rental property and a change to an absentee landlord/owner. A possibility of anywhere of 12-20 new neighbours and their visitors is not out of the question.

As per the proposed property/site plan, the main outdoor space for this quadrupled occupancy will be completely along the entire length of 2177 Falconbridge Rd., my property. I argue that my property is "most affected" by this re-zoning. (please see site layout)

It is important to remember that this re-zoning is being sought for a business/profit venture. I believe that this makes it even more important that the outcome does not diminish adjoining properties in any AVOIDABLE manner. Nothing is worse than identifying a future problem/problems and letting them happen without taking reasonable action(s) to avoid such. In my experience with Planning, this is one of their primary goals.

Equality of treatment for all affected parties is also very important. As an example, in this particular application, the only other abutting neighbour is benefitting from a 1.9 m privacy fence. This neighbour's exposure to the proposed re-zoning is only their masonry sidewall and a four foot unuseable setback strip. Essentially, there is no reduction of privacy nor any significant potential for accidental or intentional trespass(see site plan). Furthermore, this neighbour has 22.86 m of linear exposure to the proposed re-zoning. Nevertheless, this neighbour will benefit from
CONT'D ON PAGE 2 of 4

a privacy/ physical barrier fence. My property does not benefit from a proposal for a fence. Equality of treatment, says it should. In comparison to 22.86 m of linear exposure, my property has 61.57m of linear exposure, yet the proposed plantings do not provide equal or adequate privacy nor do they provide equal or adequate barrier to physical access. Furthermore, and when you look at the site plan, you will see that the proposed "courtyards" face or are exposed to my entire open property/outdoor space (not a brick wall/four foot setback strip).

The privacy of my property is greatly more diminished and the potential for accidental or intentional trespass is greatly increased, however, the proposed ameliorative measures are not even equal, for both neighbours, in fact, they are less. This is unequal treatment.

* Regardless of the setback requirements for fencing versus plantings, I remind you that you are proposing variances of setback to the applicant along both roadways. If you can vary these to allow this business venture, then certainly you can justify an additional request (or variance) to add a fence where the applicant could get away with plantings. One variance is for profit, the other is to avoid loss (or diminishment of enjoyment).

In summary, if you are providing "variance" to the applicant, then you are fully able "vary" your conditions on my behalf. This comes closer to equality of treatment. In the applicant's proposed business venture, costs can be recuperated by adjusting prices. Once the project is complete, diminishment of quality of life or enjoyment on the other hand is not possible, and problems can worsen over time.

In this case, that is a request for a QUADRUPLING OF OCCUPANCY combined with the fact that this quadrupled occupancy will now be RENTAL occupancy. The reality is that there will be a changing of the occupants on a more frequent basis, and these occupant changes will potentially be quadrupled.

Once the good rules of neighbourly existence are established, they may be undermined by changing to new occupants on a potentially regular basis. Fences (some with signs) diminish most negative interactions and enhance privacy. Children understand fences. Pets cannot cross fences, and so on. My argument is that the proposed "3 m planting" is not the best reasonable solution to
CONT'D ON PAGE 3 OF 4

minimize the potential negative impacts I have identified, especially with a changing occupancy. A fence is the most effective ameliorative measure, if the goal is fairness.

Shrubs or trees would have to be a "thick impassable hedge" PRIOR TO THE OCUPANCY PERMIT. But it is a proven fact that such "plantings", as they are currently proposed, may never materialize, or even if installed fully grown, may die over time. This cannot be monitored. (see Rainbow Concrete along Falconbridge Rd. for an exact example)

Once occupancy is granted, and with diminished enjoyment of use, (among other potential problems) I will now bear the burden for fighting with by-law enforcement, and with the absentee landlord. This is not to mention the potential for conflict with a proposed quadrupled number of occupants and visitors. In a worst case scenario, this could become a nightmare. Currently, and in the past there were/are no such problems.

Another issue with quadrupling of the occupancy without a physical barrier, greatly increases the potential for trespass and the conflicts that can result from this. This increases the potential liability for my property. Neighbours, especially children and visitors, can claim ignorance. In a planning sense, a fence lessens significantly the possibility of all of the above occurrences. Requiring a fence illustrates more diligence and foresight in the planning process. I argue that when you quadruple, or otherwise significantly increase, the occupancy and increase the potential liability next to a low occupancy zoning, fences should always be demanded of the applicant, especially in a for profit business venture. COGS and Planning should make this a rule.

We should avoid creating potential burdens (and costs) on an already overburdened By-Law Enforcement department, and we must avoid adding burdens on neighbours, especially with for-profit business proposals and applications.

With all of the above being said, for the applicant, a cost-benefit analysis would show that a fence is favourable to a fully grown planting (although from my perspective and the COGS perspective the cost to the applicant should be of less of concern than to those who have no benefit).

Please consider that the COSTS of a fully grown planting prior to occupancy are high, and maintenance is also a cost.

CONT'D ON PAGE 4 of 4

Removal and re-planting are also a potential repetitive cost. Many of these costs are hard to determine.

On the other hand, the BENEFITS are numerous:

- diminishment of neighbours property rights and diminished of enjoyment are lessened; and,
- liability is lessened; and,
- potential conflict is lessened; and,
- useable yard space is increased (ie gain 3m x 48.77m of useable yard); and,
- greater safety for all children and visitors; and,
- less pets either entering or leaving property; and,
- less black bears roaming onto property looking for four barbecues (and household waste x 4); and,
- less chance of wild animals living in the proposed 3 m planting strip (directly adjacent to the dwelling); and,
- a very accurate, one-time for a fence; and,
- and appearance of fairness for neighbours of equal standing.

Considering the benefits and costs of an effective and permanent fence versus hedges that accomplish nothing if they are not impassable and permanently maintained, a fence can be argued to cost less. Not diminishing your neighbour by allowing your neighbour to remain whole is a permanent benefit.

For all of the reasons I have provided, I am only requesting a fence be added as a condition. Regardless of the setback distances, and considering this is a business venture, all parties should benefit from "variances" to the rules.

Thank you for your time and for your consideration at this preliminary stage. I will contact Councillor Jackubo with my contact information.

Sincerely,

G.Michelizza (owner 2177 Falconbridge Rd.,)