

Presented To:	Planning Committee
Presented:	Monday, Jan 26, 2015
Report Date	Monday, Jan 12, 2015
Type:	Public Hearings
File Number:	751-6/14-30

## Request for Decision

**Application for rezoning in order to permit a multiple dwelling with three (3) units, 450 Victoria Street, Sudbury - Filippo V. Rocca Holdings Ltd**

### Recommendation

THAT the City of Greater Sudbury deny the application by Filippo V. Rocca Holdings Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification from "R2-2", Low Density Residential Two to "R2-2(S)", Low Density Residential Two Special on those lands described as PIN 73586-0419, Lot 71, Plan 4S in Lot 7, Concession 3, Township of McKim.

### STAFF REPORT

#### **Applicant:**

Filippo V. Rocca Holdings Ltd. (Agent: Matt Dumont)

#### **Location:**

PIN 73586-0419, Lot 71, Plan 4S in Lot 7, Concession 3, Township of McKim (450 Victoria Street, 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:**

Application for rezoning in order to permit a multiple dwelling with three (3) units. The owner proposes to construct a third unit in the basement of an existing duplex dwelling. Site-specific relief is also requested for the number and location of parking spaces in order to permit three (3) spaces in the required front yard where five (5) spaces are required for a triplex. The parking area partially encroaches into the municipal right-of-way. Based on the applicant's sketch, a small portion of the front yard would be restored to

#### Signed By

##### **Report Prepared By**

Mauro Manzon  
Senior Planner  
*Digitally Signed Jan 12, 15*

##### **Reviewed By**

Eric Taylor  
Manager of Development Approvals  
*Digitally Signed Jan 12, 15*

##### **Recommended by the Division**

Mark Simeoni  
Acting Director of Planning Services  
*Digitally Signed Jan 12, 15*

##### **Recommended by the Department**

Paul Baskcomb  
Acting General Manager of Growth & Development  
*Digitally Signed Jan 12, 15*

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

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Jan 12, 15*

landscaping.

### **Official Plan Conformity:**

The subject property is designated as Living Area 1 in the City of Greater Sudbury Official Plan. Within these areas, a range of residential uses are permitted subject to the rezoning process.

Applications for rezoning in Living Area 1 are reviewed based on criteria established under Section 3.2.1 of the Plan, including such matters as the suitability of the site, proposed density and built form, land use compatibility, the availability of on-site parking and the traffic impact on local streets.

The Plan also places a strong emphasis on maintaining compatibility with surrounding uses. New residential development should form a good fit with the existing physical character of established residential areas.

Conformity with the Official Plan is based on a review of the above noted considerations.

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

The subject property is located on the north side of Victoria Street between Albinson Street and Rudd Street in the West End. The area is fully serviced by municipal water and sanitary sewer. Victoria Street is constructed to an urban standard with sidewalks on both sides of the street.

The subject lot has a total area of 409 m<sup>2</sup> (4,400 sq. ft.), with 13.4 m (44 ft.) of frontage and a depth of 30m (100 ft.). The site is occupied by a two-storey duplex dwelling constructed in 1952. A driveway is located in the easterly side yard. All landscaping in the front yard has been removed to accommodate additional parking in contravention of the Zoning By-law. The rear yard is dominated by a large rock outcrop.

Single detached dwellings abut to the east and west. Vacant land abuts to the north in the form of a large rocky hill with intermittent stands of trees, which is zoned "OSP", Open Space Private, and is owned by the City.

An inventory of properties based on assessment data for the residential block between Whittaker Street and Baikie Street indicates that singles and duplexes are the predominant housing types. There is one exception in the form of a triplex located at the southeast corner of Albinson and Victoria (184 Albinson Street). Given that most dwellings pre-date the implementation of zoning, many properties have non-complying components related to setbacks, parking and landscaping.

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

#### Development Engineering

This property is currently serviced with municipal water and sanitary sewer; however, the location of the sanitary sewer service could not be confirmed. A water capacity analysis conducted for the site reveals that there is a lack of available fire flow.

We cannot support changing the zoning classification to permit a multiple dwelling with three units.

#### Roads and Transportation

We are unable to support this application that results in a significant portion of the parking spaces encroaching onto City property. The proposed width of the entrance would also exceed the maximum allowed in the City's Private Entrance By-law.

#### Drainage Section

No concerns.

#### Building Services

Building Services has the following comments for the applicant's information only:

1. An application for a building permit will be required for the additional units.
2. Drawings prepared by a qualified designer are to be submitted showing the floor layouts, exits, fire separations and all fire and life safety requirements to the satisfaction of the Chief Building Official.
3. The designer should be aware of the minimum window area requirements. Also the designer should be aware that every floor level containing a bedroom that does not have an exit door on the same level shall be provided with at least one window for egress requirements.

#### **Neighbourhood Consultation:**

The owner's agent 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.

As of the date of this report, no phone calls or written submissions have been received by Planning Services.

#### **Background:**

The dwelling was constructed in 1952 as a duplex. There was no Zoning By-law in effect at that time. Under the implementation of By-law 58-104 in 1958, the property was zoned "R2", Two Family District reflecting the predominant mix of singles and duplexes in the surrounding area. The R2 zoning was carried forward in subsequent by-laws.

The property was sold to the current owner in March 2014. In July 2014 Orders to Comply were issued by Building Services related to the construction of an exterior basement entrance and interior alterations without benefit of a permit. Furthermore, all front yard landscaping was removed and replaced with a parking area in contravention of the Zoning By-law. An attached photo illustrates the front yard landscaping that previously existed in 2009.

#### **Planning Considerations:**

##### Suitability of the site

The lot is undersized for the current use. A duplex dwelling requires 230 m<sup>2</sup> (2,476 sq. ft.) of lot area per

unit where 204.4 m<sup>2</sup> (2,200 sq. ft.) are provided. Furthermore, 15 m (49.2 ft.) of frontage are required where 13 m (42.7 ft.) are provided. Since the property is an existing lot of record, the above variances are deemed to be legal non-complying. However, this does not provide a basis on which to support further residential intensification.

The owner has requested "R2-2", Low Density Residential Two Special zoning. A triplex would result in a residential density of 75 units per hectare, which exceeds the maximum of 36 units per hectare that is permitted in low density areas based on Official Plan policies. The existing triplex at 184 Albinson has a density of 52 units per hectare. (Note: the non-conforming status of the use is not known.)

The above considerations combined with the parking deficiencies represent over-development of the lot.

#### Land use compatibility

An inventory of adjacent land uses indicates that single detached and duplex dwellings are the predominant housing types in the immediate vicinity, which comprises the residential block bounded by Whittaker Street to the east and Baikie Street to the west. There is one exception in the form of a triplex at the southeast corner of Victoria Street and Albinson Street.

Based on the existing mix of dwellings, which is almost entirely low density housing, a multiple dwelling is not considered a good fit with adjacent dwellings, most notably the front yard parking area and the elimination of landscaping.

#### Parking and landscaping

Based on Zoning By-law 2010-100Z, a triplex dwelling requires five (5) parking spaces, which shall not be located in any required exterior yard. All required parking spaces must be accessible at all times, without the need to move another vehicle (i.e., no tandem parking). Furthermore, 50% of the required front yard in low density residential zones shall be maintained as landscaped open space.

In this case, the owner is proposing three (3) parking spaces which are located in the required front yard. The proposed parking encroaches approximately 2.44 m (8 ft.) onto City property (Victoria Street road allowance). The owner is proposing to restore a small portion of the front yard to landscaping, comprising approximately 27.5% of the front yard where a minimum of 50% is required. The combined width of the driveway entrance would be 8.25 m (27 ft.), which exceeds the maximum width of 6.3 m (20.7 ft.) permitted under the City's Private Entrance By-law 2011-220.

The encroachment onto City property, the relief required for the number of parking spaces, the width of the driveway entrance, and the reduction in the amount of landscaping cannot be supported as good land use planning.

#### Servicing

The property is not adequately serviced to support residential intensification. A servicing analysis indicates a fire flow of 23.7 litres/second (L/s) where a minimum of 75 L/s is required.

#### Summary

Planning Services cannot support the application as it represents over-development of the lot based on the

following reasons:

- Lot is not adequately sized for the proposed use;
- Sufficient parking cannot be provided on-site;
- Insufficient fire flow; and,
- A multiple dwelling is not compatible with the existing mix of low density housing.

Based on the above analysis, the proposal fails to meet the rezoning criteria set out in the Official Plan and as such it is recommended that the application be denied.



# 450 VICTORIA STREET

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Proposal

- a) Front yard landscaping: 17.6' x 12.10' flower bed design
- b) 3 Parking stalls in the front yard



# FRONT YARD PERSPECTIVE

450 VICTORIA STREET







PHOTO 1 450 VICTORIA STREET, SUDBURY – VIEW OF SUBJECT PROPERTY INCLUDING FRONT YARD PARKING AREA



PHOTO 2 440 VICTORIA STREET, SUDBURY – SINGLE DETACHED DWELLING ABUTTING EAST

751-6/14-30 PHOTOGRAPHY NOV 26, 2014



PHOTO 3 450 VICTORIA STREET, SUDBURY – SINGLE DETACHED DWELLINGS WEST OF SUBJECT PROPERTY



PHOTO 4 VICTORIA STREET, SUDBURY – LOW DENSITY HOUSING OPPOSITE SUBJECT PROPERTY ON SOUTH SIDE OF VICTORIA



