

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