

Request for Decision

953 Howey Drive, Sudbury

Presented To:	Planning Committee
Presented:	Monday, Jan 25, 2021
Report Date	Thursday, Dec 24, 2020
Type:	Public Hearings
File Number:	751-6/20-19

Resolution

THAT the City of Greater Sudbury denies the application by L.S. Bock Developments Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "R2-2", Low Density Residential Two to "R3 Special", Medium Density Residential Special on lands described as PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3, Concession 3, Township of McKim, as outlined in the report entitled "953 Howey Drive, Sudbury", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 25, 2021.

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 proposal seeks to expand the range of housing in the community and therefore aligns with the Strategic Plan.

Report Summary

An application for rezoning has been submitted in order to convert a duplex dwelling to a multiple dwelling with four (4) units. The existing building was constructed in order to accommodate four (4) units, two (2) of which are currently occupied. Applications for rezoning were previously submitted in 2010 (denied) and 2014 (conditional approval lapsed).

Consistent with the position taken on the previous applications, Planning Services does not support the proposal on the basis that it represents over-development of the lot. If Planning Committee deems to approve the application, the appropriate conditions and necessary relief are outlined in the body of the report.

Signed By

Report Prepared By

Mauro Manzon
Senior Planner
Digitally Signed Dec 24, 20

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Dec 24, 20

Recommended by the Division

Kris Longston
Manager of Community and Strategic Planning
Digitally Signed Dec 24, 20

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Jan 6, 21

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Jan 7, 21

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Jan 7, 21

Financial Implications

This report has no financial implications as staff recommends that this amendment to the Zoning By-law request be denied.

Title: L.S. Bock Developments Inc.

Date: January 4, 2021

Staff Report

Proposal:

An application for rezoning has been submitted in order to convert a duplex dwelling to a multiple dwelling with four (4) units. The existing building has two (2) occupied main floor units and two (2) unoccupied basement units according to the application.

Existing Zoning: "R2-2", Low Density Residential Two

R2-2 zoning permits low density residential uses in form of single detached, duplex and semi-detached dwellings.

Requested Zoning: "R3 Special", Medium Density Residential Special

The proposed R3 Special zoning would permit single detached, duplex and semi-detached dwellings and a multiple dwelling with a maximum of four (4) units. Site-specific relief is also requested for lot frontage, railway setback, parking in the required front yard, the amount of landscaped open space including planting strips, the location of the existing building, and retaining wall setbacks.

Location and Site Description:

PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3, Concession 3, Township of McKim (953 Howey Drive, Sudbury)

The subject lot is located on the south side of Howey Drive, east of Somerset Street. The area is fully serviced by municipal sewer and water. Howey Drive is designated as a Secondary Arterial Road and is serviced by public transit. The closest transit stops are located to the west, an approximate walking distance of 53 metres (eastbound service) and 85 metres (westbound service).

The lot has a total area of 699 m², with 12.19 metres of road frontage and an approximate depth of 58 metres. The site is occupied by a 199 m² one-storey dwelling constructed to accommodate four (4) units. The application indicates that two (2) of the units are currently occupied.

A single detached dwelling built in 1955 abuts to the east (957 Howey Drive). A triplex constructed in 1951 is situated to the west (947 Howey Drive). Both abutting dwellings have non-complying setbacks from their respective lot lines. The setbacks are deemed legal non-complying, as the dwellings were constructed prior to the implementation of zoning in 1962. Lands directly opposite the subject property are undeveloped.

The subject property backs onto the Canadian Pacific railway. The rail corridor is located at a lower elevation compared to adjacent residential uses.

Surrounding Land Uses:

The area surrounding the site includes:

North: Undeveloped residential lands

East: Single detached dwelling

South: CPR rail corridor

West: Triplex dwelling

Title: L.S. Bock Developments Inc.

Date: January 4, 2021

Related Applications:

The first rezoning application was submitted in 2011 (File 751-6/10-40), which was denied by Council on March 30, 2011 (Recommendation 2011-48). The owner appealed the decision to the Ontario Municipal Board on April 20, 2011. The appellant did not address the notice requirements as set out by the Board and the appeal was eventually withdrawn on November 24, 2011.

Concurrent with the appeal process, the owner submitted an application for a minor variance for the rear yard setback to the railway (8.23 m where a minimum of 30 m is required). Committee of Adjustment approved the variance on the basis that the dwelling was to be a duplex (File A0115/2011).

On January 2, 2013, a permit was issued for a semi-detached dwelling with a finished basement area (Permit #B11-1653). The semi-detached dwelling was constructed to accommodate four (4) units.

On October 22, 2014, a public complaint was received concerning drainage from the site. Following a site investigation by Development Engineering, Building Services issued an Order to Comply on October 29, 2014. The order requires the owner to address the following:

- Construct the retaining wall as per approved drainage plan; and,
- Construct grading as per approved plan.

The second rezoning application was submitted in 2014 (File 751-6/14-29). Resolution PL2015-27 was subsequently approved by City Council on March 31, 2015 as follows:

THAT the City of Greater Sudbury approves the application by L.S. Bock Developments Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "R2-2", Low Density Residential Two to "R3", Medium Density Residential Special on those lands described as PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3, Concession 3, Township of McKim subject to the following conditions:

- a. That prior to the adoption of the amending by-law, the owner shall meet the following conditions:
 - i) Apply for a building permit to the satisfaction of the Chief Building Official;
 - ii) Rectify outstanding drainage issues and, if required, submit a revised design lot grading plan to the satisfaction of the Director of Planning Services;
 - iii) The owner enter into an agreement with the City to dedicate on demand a 2-metre wide strip along Howey Drive; and,
- b. That the amending by-law include the following site-specific provisions:
 - i) A maximum of four (4) dwelling units within the existing building shall be permitted;
 - ii) A rear yard setback of 8.2 metres abutting a railroad right-of-way shall be permitted;
 - iii) The lot frontage of the existing lot shall be permitted;
 - iv) That an opaque fence with a minimum height of 1.5 m shall be required along the easterly and westerly lot lines from the required front yard setback to the rear lot line.

The conditional approval issued in 2015 was extended in 2017, 2018 and 2019. The conditions were never fully addressed and the approval eventually lapsed on September 30, 2019. The report and minutes from the 2015 rezoning approval are attached for review, including the floor plans for the building.

Title: L.S. Bock Developments Inc.

Date: January 4, 2021

Public Consultation:

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 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 applicant indicated no further public consultation is proposed beyond the statutory requirements under the Planning Act.

As of the date of this report, no phone calls or written submission have been received for the current application.

Policy & Regulatory Framework:

The property is subject to the following policy and regulatory framework:

- [2020 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.

Under Section 1.1 of the PPS, Planning authorities shall accommodate an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons). The location of residential intensification shall be appropriate based on the availability of existing and planned infrastructure and the proximity to community services. Section 1.1.3.4 states that 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.

Section 4.3.3 of the GPNO encourages an appropriate range and mix of housing types in Economic and Service Hubs, which includes Greater Sudbury and other major centres in Northern Ontario.

Title: L.S. Bock Developments Inc.

Date: January 4, 2021

Official Plan for the City of Greater Sudbury:

Living Area 1

The subject land is designated as Living Area 1, which permits a range of residential uses including medium density housing types. The following criteria under Section 3.2.1 of the Official Plan are to be considered:

- 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.

Residential intensification

The application is a form of residential intensification given the increased density that is proposed. Section 2.3.3 of the Plan addresses residential intensification in settlement areas. The following criteria, amongst other matters, may be used to evaluate applications for intensification:

- a. the suitability of the site in terms of the size and shape of the lot, soil conditions, topography and drainage;
- b. compatibility with the existing and planned character of the area;
- c. the provision of on-site landscaping, fencing, planting and other measures to lessen any impact the proposed development may have on the character of the area;
- d. the availability of existing and planned infrastructure and public service facilities;
- e. the provision of adequate ingress/egress, off-street parking and loading facilities, and safe and convenient vehicular circulation;
- f. the impact of traffic generated by the proposed development on the road network and surrounding land uses;
- g. the availability of existing or planned, or potential to enhance, public transit and active transportation infrastructure;
- h. the level of sun-shadowing and wind impact on the surrounding public realm;
- i. impacts of the proposed development on surrounding natural features and areas and cultural heritage resources;
- j. the relationship between the proposed development and any natural or man-made hazards; and,
- k. the provision of any facilities, services and matters if the application is made pursuant to Section 37 of the Planning Act.

Zoning By-law 2010-100Z:

Based on a review of the submitted rezoning sketch, the proposed R3 Special zoning requires the following site-specific relief in order to accommodate a fourplex dwelling:

- Lot frontage of 12 metres where 18 metres is required;
- Setback of 8.2 metres to the railway right-of-way where 30 metres is required;
- Parking which encroaches into the required front yard;
- Opaque fencing along the easterly and westerly lot lines in lieu of a planting strip;
- The amount of landscaped open space, which will likely be less than the required 30% depending on the approved design lot grading plan;
- Zero setback for retaining walls along the easterly and westerly lot lines; and,
- Interior side yard setbacks less than the required 1.2 metres for a one-storey building.

Title: L.S. Bock Developments Inc.

Date: January 4, 2021

Site Plan Control:

Site plan control is not implemented for a multiple dwelling under five (5) units based on the Site Plan Control By-law.

Department/Agency Review:

Commenting departments and agencies advised that if this application is approved, the same conditions should be carried forward as applied in 2015.

Planning Analysis:

Concerning the 2011 application, Council's reasons for the refusal as set out in the meeting minutes were the small size of the lot, insufficient setbacks, impact on the adjoining neighbours, potential negative impact for snow removal, lack of room for planting strips and insufficient room for parking.

The second application was approved by Council in 2015 with appropriate conditions of approval as outlined in the Background section of this report. Three (3) extensions were granted prior to lapsing in 2019.

The proposal currently before the Committee is similar to the 2011 and 2015 applications, although a more detailed rezoning sketch with a lot grading overlay has been provided. The overall layout and parking configuration are essentially the same.

Neighbourhood context

An inventory of adjacent uses based on assessment data indicates that the area is low density in character with single detached and duplex dwellings as the predominant housing types. There are some small multiple dwellings in the vicinity on lots also zoned R2-2, including a triplex which directly abuts the subject land to the west (947 Howey Drive). There are also triplexes located at 937 Howey Drive and 961 Howey Drive. The non-conforming status of these multi-residential properties is not known. A derelict multiple dwelling that previously occupied 943 Howey Drive has been demolished.

Suitability of site

The major constraint is the narrow width of the lot and the proximity of the abutting dwellings, both of which have legal non-complying setbacks along the interior side yards. Based on the rezoning sketch, it also appears the interior side yard setbacks of the subject building are deficient. The result is an extremely tight fit, which is exacerbated by the elevation of the building and the parking area that encompasses almost the entire front yard.

The property is not suitable for a multiple dwelling based on the following considerations:

- The lot has insufficient frontage for a multiple dwelling;
- Planting strips cannot be provided due to the narrow width of the lot;
- Parking encroaches into the required front yard in contravention of the Zoning By-law;
- The entire front yard would essentially function as a parking area with little or no landscaping, which is not an acceptable standard for new development;
- The parking area will directly abut the property lines, which presents safety concerns and provides no opportunity to buffer the adjacent dwellings; and,
- There is no room for snow storage.

Conclusion:

Although the Provincial Policy Statement encourages residential intensification, it is silent on site-specific considerations such as the suitability of the lot. However, the PPS does require that appropriate development standards be implemented in order to facilitate intensification. Accordingly, the policies of Section 2.3.3 of the Official Plan were expanded as part of the Phase 1 amendments adopted by Council and approved by the Province in 2018.

In this regard, the proposal fails to meet the policies applied to residential intensification under the Official Plan, being the suitability of the site to accommodate the proposed use, including the location of parking, the provision of landscaping, and drainage impacts. Consistent with the previous recommendations concerning this proposal, Planning Services cannot support the application on the basis that it represents over-development of the lot.

If the Committee deems to approve the application, it is recommended that the following conditions be addressed by the owner prior to the adoption of the amending by-law:

1. Apply for a building permit to the satisfaction of the Chief Building Official; and,
2. Rectify outstanding drainage issues and submit a revised design lot grading plan to the satisfaction of the Director of Planning Services.

The resolution should also include the following site-specific provisions incorporating the necessary relief:

- i) A maximum of four (4) dwelling units within the existing building shall be permitted;
- ii) A rear yard setback of 8.2 metres abutting a railroad right-of-way shall be permitted;
- iii) Lot frontage of 12 metres shall be permitted;
- iv) The location of the existing building shall be permitted;
- v) An opaque fence with a minimum height of 1.5 metres shall be required along the easterly and westerly lot lines from the required front yard setback to the rear lot line;
- vi) The minimum amount of landscaped open space shall be based on the approved design lot grading plan;
- vii) Parking shall be permitted within the required front yard; and,
- viii) A zero setback shall be permitted for retaining walls along the interior side lot lines.

Appendix 1

Departmental & Agency Comments

File: 751-6/20-19

RE: Application for Rezoning – L.S. Bock Developments Inc.
PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3, Concession 3,
Township of McKim (953 Howey Drive, Sudbury)

Development Engineering

This site is presently serviced with municipal water and sanitary sewer.

With respect to the lot grading, a design lot grading submission was received, with comments being issued to the lot grading professional in January 2019 and a subsequent meeting was held July 25, 2019. No further submission has been received to address the outstanding issues. This condition will need to be carried forward from the previous conditional approval which has lapsed.

Infrastructure Capital Planning Services

As a condition of approval, we require the owner transfer to the City a two-metre strip of property along the entire frontage of the land along Howey Drive. The City shall be responsible for all survey and legal costs associated with this transfer.

Building Services

A building permit application and zoning compliance review to legalize two (2) basement units in an existing semi-detached dwelling as well as two (2) retaining walls was completed and a list of comments was submitted on December 12, 2018 for the applicant's information. The previous comments are attached to this memo for your reference.

To date, the conditions imposed by Council have not been addressed.

Attachment:

Building Services comments dated December 12, 2018 related to outstanding matters:

Building Services has reviewed the building permit application and proposed lot grading plan for compliance with Zoning By-law 2010-100Z and the Ontario Building Code and provide the following comments:

1. A building permit will be required for all retaining walls over 1 m in height which have been built without benefit of a building permit on the east and west property lines. Therefore, a professional engineer's design and review of the existing retaining walls will be required. A building permit will also be required for the proposed height increase of retaining walls as well as a detailed design and review by a professional engineer. The retaining walls exceed 1 m in height and therefore require a minor variance.

2. The retaining walls on the east and west side of the property appear to encroach on the adjacent properties. There are three options available to deal with the retaining walls on the adjacent properties if approved through the lot grading review as follows:

- Obtain an easement from the adjacent property owners and minor variance;
- Purchase a portion of property from adjacent land owners and obtain a minor variance;
- Remove the retaining walls or portion to become in compliance with Zoning By-law 2010-100Z.

3. Vehicular guards will be required along the areas where there is parking and will need to be designed and construction certified by a professional engineer.

4. The required opaque fence will need to be designed and reviewed by a professional engineer for the connection to the retaining walls and compliance as a pedestrian guard.

5. One window in basement must comply with Ontario Building Code Div. B, 9.9.10, required secondary means of egress from bedrooms. This will be verified in the field. Raising grades may require window wells and if installed, clearances as per Section 9.9.10.1 may be an issue with proposed retaining walls, and proposed swales may be affected.

6. Backfill height will be exceeded on 10 inch concrete block by the proposed raising of the grades in the required lot grading plan. Permitted backfill heights are as follows:

5 ft - 11 inch laterally supported

3 ft - 11 inch laterally unsupported where windows exceeded 4 feet in width

The walls must be re-designed to accept the proposed additional backfill height.

7. Drawings submitted to legalize two (2) basement units are not acceptable as they do not show separate entrances to units. The building elevations provided, cross-section and upper floor layout do not reflect the as-built conditions and have been copied from the original building permit submission for the semi-detached dwelling. In addition, the revised elevations are required to indicate the new grades and retaining walls and must match the proposed lot grading plan.

8. No part of any parking area shall be located in any required front yard, which in this case is 7.5 m. A minor variance is required if parking is shown in the front yard. Width of parking aisles providing access to a parking space is required to be 6.0 m. Dimensions of all parking spaces are required to be shown as well as the dimension of the width of the parking aisle. A minor variance may be required once these dimensioned parking lot details are provided.

9. An as-built Ontario Land Surveyor survey will be required to ensure that the current building location meets the required setbacks and does not require a minor variance.

10. Building permit application for the construction of attached decks has not been issued and the decks have been constructed without benefit of a building permit or required inspections. The fee of \$135.00 is outstanding in order to issue the permit.

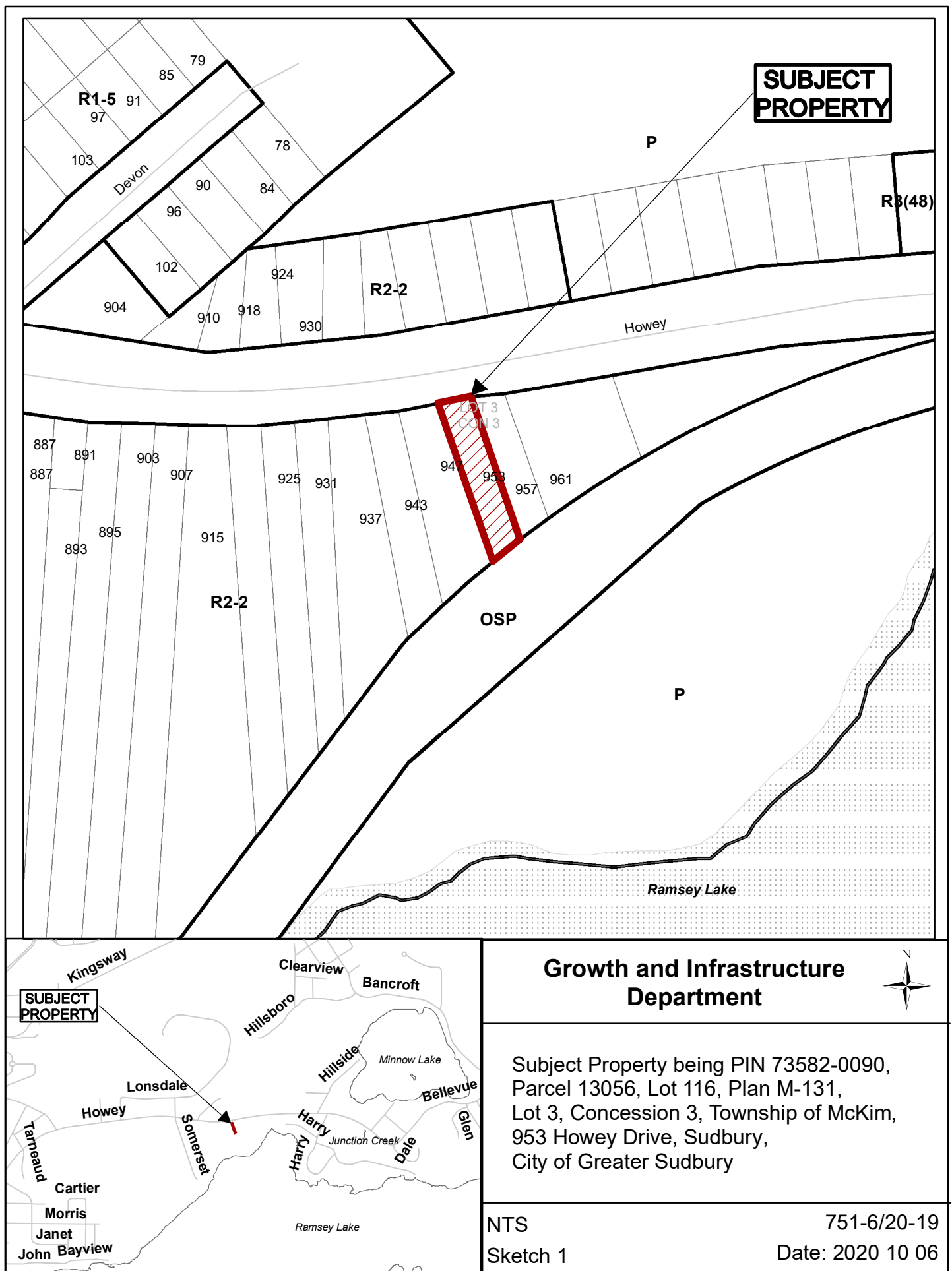
Water/Wastewater Services (Source Protection Plan)

No activity or activities engaged in or proposed to be engaged in on the above noted property are considered to be significant drinking water threats.

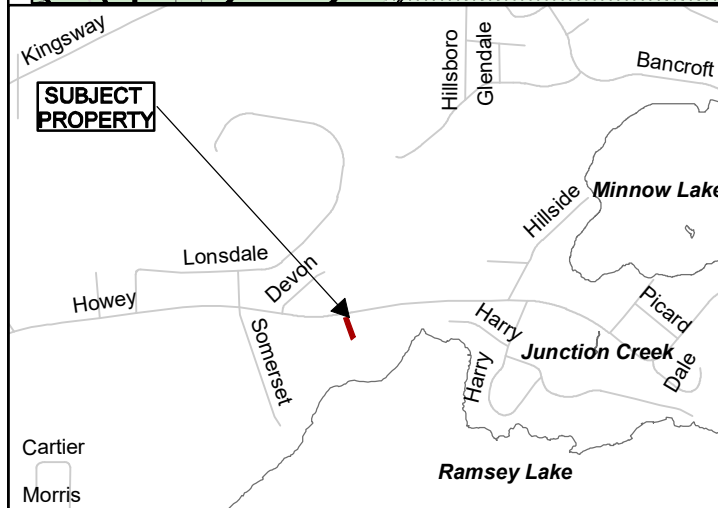
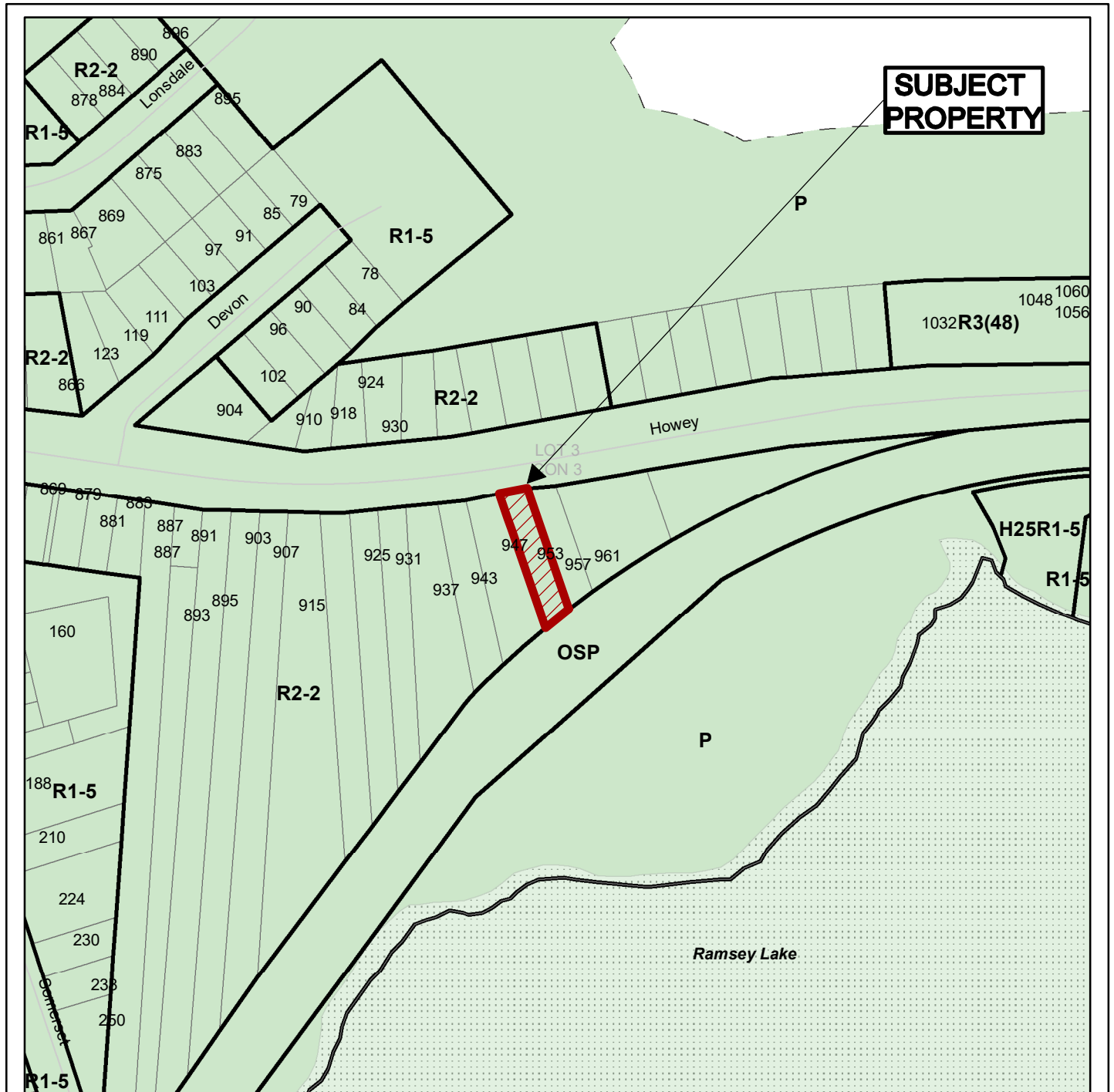
CPR

CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. Those guidelines are found at the following website address: <http://www.proximityissues.ca/>

The safety and welfare of residents can be adversely affected by rail operations. CP is not in favour of residential uses that are not compatible with rail operations. Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.



Source Protection Plan Map



Growth and Infrastructure Department



Subject Property being PIN 73582-0090,
Parcel 13056, Lot 116, Plan M-131,
Lot 3, Concession 3, Township of McKim,
953 Howey Drive, Sudbury,
City of Greater Sudbury

SPP: Ramsey Lake Watershed, IPZ 3

Sketch 1
NTS

751-6/20-19
Date: 2020 10 06



Photo 1: 953 Howey Drive, Sudbury
View of subject property and front yard parking area
File 751-6/20-19 Photography December 10, 2020



Photo 2: 953 Howey Drive, Sudbury
View of westerly interior side yard
File 751-6/20-19 Photography December 10, 2020



Photo 3: 953 Howey Drive, Sudbury
View of easterly interior side yard
File 751-6/20-19 Photography December 10, 2020



Photo 4: 947 Howey Drive, Sudbury
Triplex dwelling abutting westerly
File 751-6/20-19 Photography December 10, 2020



Photo 5: 957 Howey Drive, Sudbury
Single detached dwelling abutting easterly
File 751-6/20-19 Photography December 10, 2020

Presented To:	Planning Committee
Presented:	Monday, Feb 09, 2015
Report Date	Monday, Jan 26, 2015
Type:	Public Hearings
File Number:	751-6/14-29

Request for Decision

Application for rezoning in order to permit a multiple dwelling with four (4) units, 953 Howey Drive, Sudbury - L.S. Bock Developments Inc

Recommendation

THAT the City of Greater Sudbury deny the application by L.S. Bock Developments Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "R2 2", Low Density Residential Two to "R3", Medium Density Residential on those lands described as PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3, Concession 3, Township of McKim.

STAFF REPORT

Applicant:

L.S. Bock Developments Inc.

Location:

PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3, Concession 3, Township of McKim (953 Howey Drive, 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 "R3", Medium Density Residential.

Proposal:

Application for rezoning in order to permit a multiple dwelling with four (4) units. The owner is proposing to convert an existing semi-detached dwelling to a fourplex. The newly constructed dwelling is currently unoccupied. A fourplex requires six (6) parking spaces.

Official Plan Conformity:

Signed By

Report Prepared By

Mauro Manzon
Senior Planner
Digitally Signed Jan 26, 15

Reviewed By

Eric Taylor
Manager of Development Approvals
Digitally Signed Jan 26, 15

Recommended by the Division

Mark Simeoni
Acting Director of Planning Services
Digitally Signed Jan 26, 15

Recommended by the Department

Paul Baskcomb
Acting General Manager of Growth & Development
Digitally Signed Jan 26, 15

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Jan 26, 15

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 lot is located on the south side of Howey Drive, east of Somerset Street. The area is fully serviced by municipal sewer and water. Howey Drive is designated as a Secondary Arterial Road.

The lot has a total area of 699 m² (7,520 sq. ft.), with 12.19 m (40 ft.) of road frontage and an approximate depth of 58 m (190 ft.). The site is occupied by a 199 m² (2,143 sq. ft.), one-storey semi-detached dwelling with a finished basement area.

A single detached dwelling built in 1955 abuts to the east (957 Howey Drive). A triplex constructed in 1951 is situated immediately to the west (947 Howey Drive). Both abutting dwellings have non-complying setbacks from their respective lot lines: the abutting triplex has an easterly interior side yard setback of approximately 0.8 m (2.6 ft.); the single detached dwelling to the east is approximately 0.6 m (2 ft.) from the lot line. The setbacks are deemed legal non-complying, as the dwellings were constructed prior to the implementation of zoning in 1962. Lands directly opposite the subject property are undeveloped.

The subject property backs onto the Canadian Pacific railway. The rail corridor is located at a lower elevation compared to adjacent residential uses.

Departmental & Agency Comments:

Development Engineering

This site is currently serviced with municipal water and sanitary sewer. We have no objection to changing the zoning classification from "R2-2", Low Density Residential Two to "R3", Medium Density Residential in order to permit a four-unit multiple dwelling provided the outstanding drainage issues are rectified and, if required, a revised design lot grading plan superseding the plan approved on August 27, 2012 is approved by the City.

Roads and Transportation

As a condition of approval, the owner understands and agrees that he will transfer to the City a 2 metre strip of property along the entire frontage of Howey Drive upon demand, if and when required for future road improvements, free of mortgages, charges, trust deeds and other encumbrances securing financing. The City shall be responsible for all survey and legal costs associated with this transfer.

Building Services

Based on the information and site plan provided, we can advise that Building Services has no objections to this application other than the following comments for the applicant's information:

1. An application for a building permit will be required for the additional two (2) units.
2. Drawings prepared by a qualified designer are to be submitted showing the basement floor layout, exits, fire separations and all fire and life safety requirements to the satisfaction of the Chief Building Official.
3. As per Section 5.2.4.3 of CGS Zoning By-law 2010-100Z, outdoor parking areas shall be permitted in any part of any yard, except that no part of any parking area shall be located in any required front yard.

Neighbourhood Consultation:

The owner 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, one phone call has been received concerning negative drainage impacts on abutting properties.

Background:

The property was subject to the same application in 2011 (File 751-6/10-40), which was denied by Council on March 30, 2011 (Recommendation 2011-48). The owner appealed the decision to the Ontario Municipal Board on April 20, 2011. The notice requirements as set out by the Board were not addressed by the appellant and the appeal was eventually withdrawn by the applicant on November 24, 2011.

Concurrent with the appeal process, the owner submitted an application for a minor variance for the rear yard setback to the railway (8.23 m where a minimum of 30 m is required). Although the appeal was still active, the variance was approved by Committee of Adjustment on the basis that the dwelling was to be a duplex (File A0115/2011).

On January 2, 2013 a permit was issued for a semi-detached dwelling with a finished basement area (Permit #B11-1653). Based on the submitted plans and the subsequent construction of the building, it appears the semi-detached dwelling has been constructed to accommodate four (4) units. To date, occupancy has not been granted.

On October 22, 2014 a public complaint was received concerning drainage from the site, which is negatively impacting abutting properties. Following a site investigation by Development Engineering, an Order to Comply was issued by Building Services on October 29, 2014. The order requires the owner to address the following:

- Construct the retaining wall as per approved drainage plan;
- Construct grading as per approved plan.

Planning Considerations:

The proposal before the Committee is the same as the 2011 application. As recorded in the minutes at that time, Council's reasons for the refusal were the small size of the lot, insufficient setbacks, impact on the adjoining neighbours, potential negative impact for snow removal, lack of room for planting strips and insufficient room for parking.

A review of the building permit file and a site visit reveal that the dwelling has been constructed to facilitate conversion to a fourplex. There are four exterior entrances and a layout that it designed to accommodate two (2) more units in the basement (see attached floor plan).

Mix of existing housing

An inventory of properties comprising the residential blocks between Devon Road and CPR Bay indicates that the predominant housing types are single detached and duplex dwellings. There are some exceptions including two (2) semis and two (2) triplexes, one of which directly abuts the subject land to the west (947 Howey Drive). The second triplex is located at 937 Howey Drive in the form of a duplex with a basement apartment. The non-conforming status of these properties has not been verified.

Further to the west is a two-storey building on a property that is assessed as a multiple dwelling. It appears to have been unoccupied for some time, as the windows have been boarded up for several years (943 Howey Drive). Undeveloped lands directly opposite the subject property are zoned "R2-2", Low Density Residential Two.

Suitability of site

The property is not suitable for a multiple dwelling based on the following considerations:

- Planting strips cannot be provided due to the narrow width of the lot;
- Parking would be located within the required front yard in contravention of the Zoning By-law;
- There will be no landscaping in the front yard in order to accommodate parking, which is not an acceptable standard for new development;
- The lot has insufficient frontage for a multiple dwelling (12 m where 18 m are required);
- The parking lot will have a zero (0) setback along the easterly property line, providing no opportunity to buffer the abutting single detached dwelling; and,
- There is no room for snow storage.

Summary

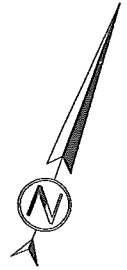
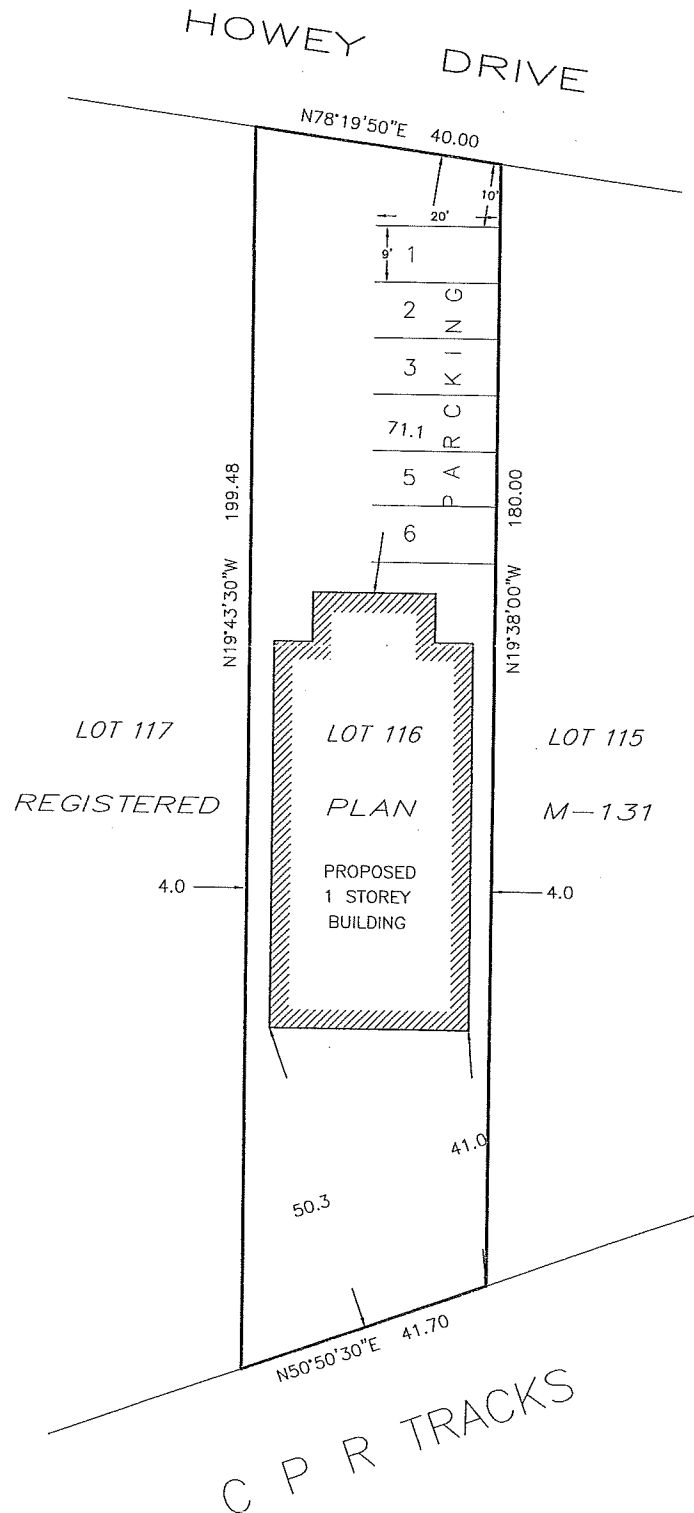
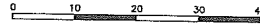
Planning Services cannot support the application on the basis that it represents over-development of the lot, as reflected by the site-specific relief required from zoning provisions. In this regard, the proposal fails to meet a key requirement of the Official Plan, that being the suitability of the site to accommodate the proposed use.

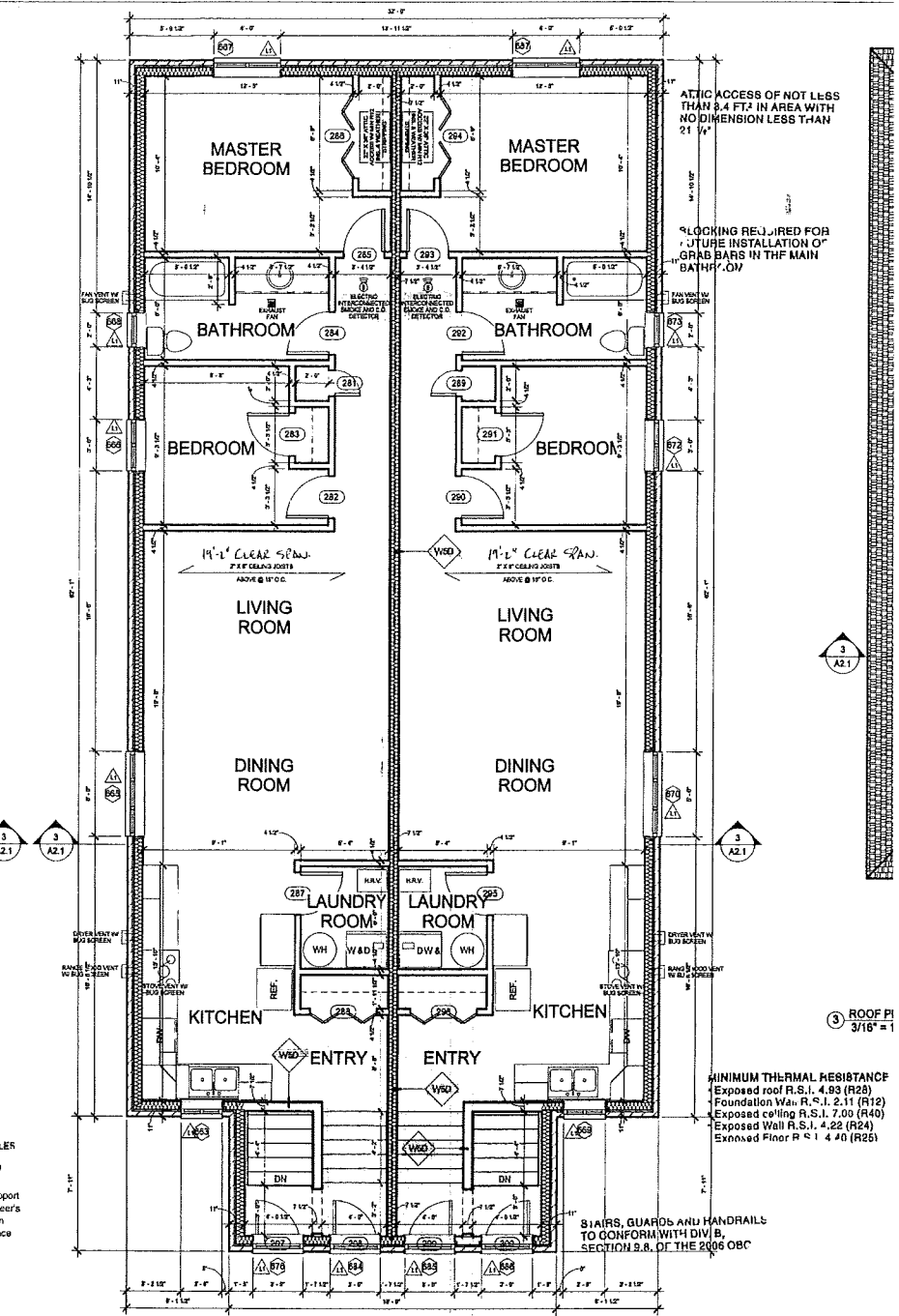
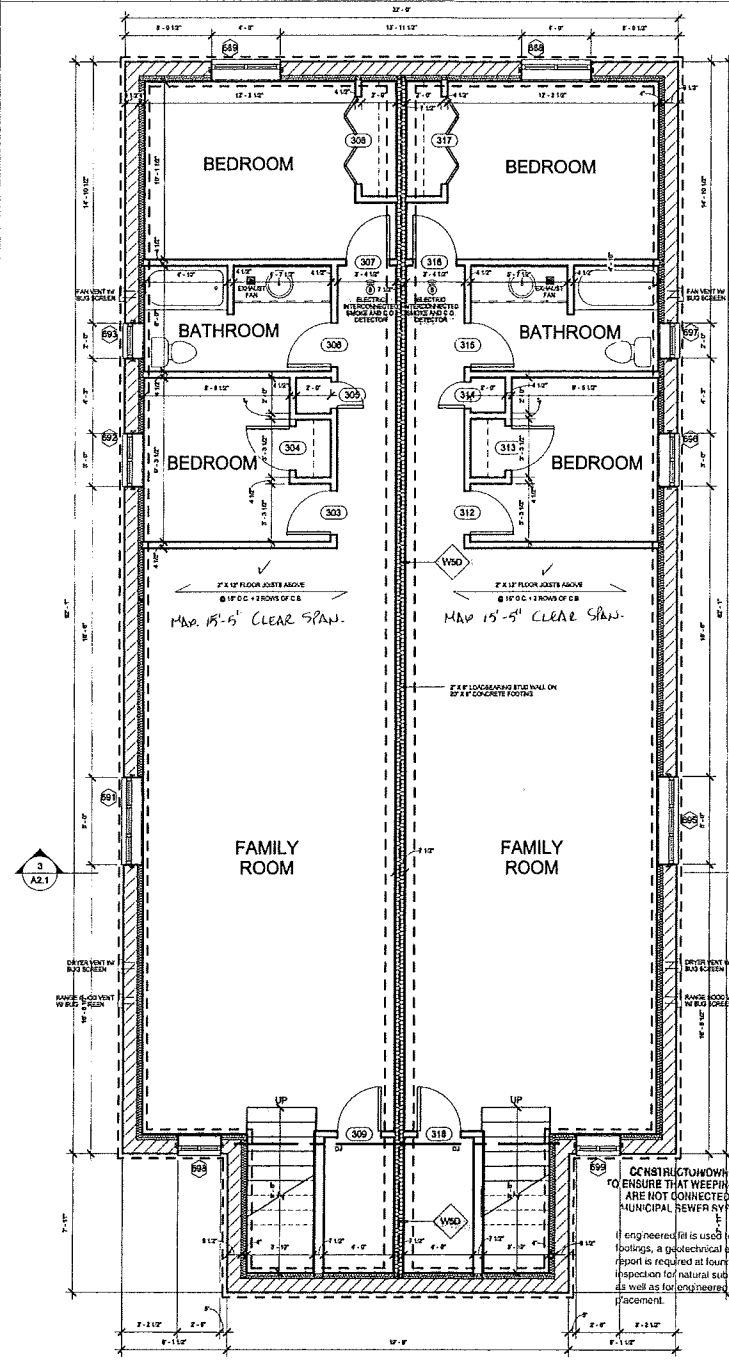
In order to provide parking and driveway access, the full width of the lot would have to be paved. Planting strips, normally intended to buffer and screen medium density uses from abutting low density residential zones, cannot be implemented. The current semi-detached dwelling is the more appropriate housing form.

Planning Services recommends that the application for rezoning be denied.

SKETCH OF PROPOSED FOURPLEX
LOT 116
REGISTERED PLAN M-131
CITY OF GREATER SUDBURY

SCALE : 1 INCH = 20 FEET





File 751-6/14-29
953 Howey Drive, Sudbury
Floor plan

MCCANN CONSULTING GROUP
891 CORNAUGHT AVENUE
SUDBURY, ONTARIO
P5E 5H9
PHONE: (705) 688-0018
FAX: (705) 688-0925
EMAIL: rhd@sympatico.ca

PROJECT
PROPOSED DUPLEX FOR
L.S. BOCK
ON THE STREET
PLANS

DATE
NOV/08
SCALE
As indicated





PHOTO 1 953 HOWEY DRIVE, SUDBURY – FRONT ELEVATION
OF EXISTING DWELLING ON SUBJECT LAND



PHOTO 2 953 HOWEY DRIVE, SUDBURY – EASTERLY VIEW OF
SITE EXCAVATION IN FRONT YARD



PHOTO 3 953 HOWEY DRIVE, SUDBURY – WESTERLY INTERIOR
SIDE YARD WITH VIEW OF ABUTTING TRIPLEX AT
947 HOWEY DRIVE



PHOTO 4 953 HOWEY DRIVE, SUDBURY – EASTERLY INTERIOR
SIDE YARD WITH VIEW OF ABUTTING SINGLE DETACHED
DWELLING AT 957 HOWEY DRIVE



PHOTO 5 953 HOWEY DRIVE, SUDBURY – VIEW OF REAR DECK
FACING SWIMMING POOL ON PROPERTY ABUTTING EAST



PHOTO 6 953 HOWEY DRIVE, SUDBURY – VIEW OF REAR YARD
FACING RAIL CORRIDOR AND LAKE

751-6/14-29 PHOTOGRAPHY OCT 23, 2014

APPLICATION FOR REZONING IN ORDER TO PERMIT A MULTIPLE DWELLING WITH FOUR (4) UNITS ON A LOT ZONED FOR A LOW DENSITY RESIDENTIAL USE, HOWEY DRIVE – L. S. BOCK DEVELOPMENTS INC.

The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated February 14, 2011 was received from the General Manager of Growth and Development regarding an application for rezoning in order to permit a multiple dwelling with four (4) units on a lot zoned for a low density residential use, Howey Drive – L. S. Bock Developments Inc.

Adrian Bortolussi, agent for the applicant, was present.

Letter of objection dated February 22, 2011 was received from Bonnie McAlister, area resident.

The Director of Planning Services outlined the application to the Committee.

Mr. Bortolussi stated the property owner reviewed the plans and felt it was appropriate to move the building closer to the train tracks to keep the front yard available for parking. If the building is built close to the road the visibility for the neighbor to the east would be blocked. The property will require a setback whether the building is close to the road or the train tracks. He does not believe there will be an impact on traffic. He is aware a neighbour has concerns regarding the location of the building and is willing to move it to the originally planned position.

Gerald Chamberland, adjoining property owner, questioned how the applicant will be attaching the water and sewage services for the property as the previous owner had difficulties with blasting and was not able to remove the rock. He is also concerned with damage to his property should there be any blasting.

The Supervisor of Development Engineering stated the building permit will include requirements for pre and post blasting reports.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following recommendation was presented:

2011-48 Belli - Rivest: That the application by L.S. Bock Developments Inc. to amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law by changing the zoning classification of lands described as PIN 73582-0090, Lot 116, Plan M-131 in Lot 3, Concession 3, Township of McKim from "R2-2", Low Density Residential Two to "R3-Special", Medium Density Residential Special be denied.

YEAS: Councillors Belli, Craig, Dutrisac, Rivest, Kilgour

CARRIED

The Committee denied the application due to the small size of the lot, insufficient setbacks, impact on the adjoining neighbours, potential negative impact for snow removal, lack of room for planting strips and insufficient room for parking.

MINUTES - FEBRUARY 23, 2015

REFERRED AND DEFERRED MATTERS

APPLICATION FOR REZONING IN ORDER TO PERMIT A MULTIPLE DWELLING WITH FOUR (4) UNITS, 953 HOWEY DRIVE, SUDBURY - L.S. BOCK DEVELOPMENTS INC

The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated February 9, 2015 from the Acting General Manager of Growth & Development regarding an application for rezoning in order to permit a multiple dwelling with four (4) units, 953 Howey Drive, Sudbury - L.S. Bock Developments Inc.

Luc Bock, the applicant and Dave Dorland, agent of the applicant were present.

Mauro Manzoni, Senior Planner, outlined the application to the Committee.

Mauro Manzoni, Senior Planner, stated that what is present today is a semi-detached building and they maintain two (2) parking spaces to abide to the by-law. He informed that it is legally a semi-detached building and there should only be two (2) parking spots which is the requirement for a duplex. He stated there is a significant difference between a duplex and fourplex and that any building with three (3) or more units is considered a medium density residential unit. He informed that buffer slips, width of lot, parking spaces and a whole range of additional problems are problematic in this case as it is a forty foot wide lot which does not meet the requirements for this fourplex. He stated that if the entire front yard is paved for parking it would cause draining problems which is not an acceptable standard.

Eric Taylor, Manager of Development Approvals, stated that in terms of the landscaped area, the two (2) parking spaces required would free up the front yard space for landscaping and there is opportunity for more landscaping to occur in the front yard. He stated that as for intensification, they look for medium density opportunities where there are arterial roads and suitable parking on the site and where the location is suitable for intensification. He informed there were the same issues in the previous staff report from 2011 regarding the same property, where it was recommended that the application be denied. He informed that the applicant came with an application for a duplex only and it was originally approved.

Mr. Dorland stated he received the plan showing where the building is located unfortunately, the sketch that was submitted with the application is not correct. He stated that it may have a more positive impact with planning staff's concerns about parking spaces. He informed the building was constructed with room for six (6) parking spaces in the front yard and the requirement for setback is 7.5 metres on a secondary arterial road. He stated the original plan that was prepared had 3 metre parking stalls and if you reduce the parking stall width to 2.75 metres, which is the required size, there would be 7 metres of setback from Howey Drive so that would not be an issue. He stated that he wanted to review some of the sections of the staff report applying the new information which would provide some relief regarding some of the staff's concerns. He stated that although area is zoned R2 this fourplex, multi-family dwelling is compatible with the surrounding uses and the photos provided show that there is only one single-family dwelling to east of the property. He informed that the other dwellings in the area are triplexes or sevenplexes that are no longer in use and the pictures show that all the building except one to east are multi-functional and not duplexes. He stated the owner of the single-family dwelling, to whom they are to provide a buffer and landscaping, approves this lot as multi-family zoning use and his signature is on handout page included with our submission. He stated that Staff are suggesting that if medium density designation is granted then a revised drainage and lot grading agreement would have to be prepared. He stated that construction has not yet been completed. He informed that Mr. Bock is agreeable to a 2 metre road widening when they are widening Howey Drive if that is a concern of the Planning Committee. He informed that the Applicant is also amiable to including his occupancy

REFERRED AND DEFERRED MATTERS (Cont'd)

**APPLICATION FOR REZONING IN ORDER TO PERMIT A MULTIPLE DWELLING WITH FOUR (4) UNITS,
953 HOWEY DRIVE, SUDBURY - L.S. BOCK DEVELOPMENTS INC (Cont'd)**

agreements and drainage plan prior to occupancy. He stated there is room for six (6) parking spaces and instead of 10 foot setback from Howey Drive there is room for landscaping and rear yard landscaping. He stated there is adequate room for a walkway on the side of the building to access the front or backyard from south side of the lot. He stated there is a fair bit of tree cover along the west side of adjoining property and to the east of parking stalls that face neighbor and the parking spaces are to be supported by a retaining wall atop of which an opaque fence is to provide privacy for owner east of property, who also has no problem with this development. He informed that the owner of the land to the west of the property, Mr. Chamberlain, is in the audience whose primary concern is drainage and activity by users and occupants of the building that may cross the lot-line onto his property. He informed that to address that issue they are prepared to construct a suitable barrier along his east side of the property.

Mr. Bock advised he was provided with R3 zoning in 2011 and constructed a duplex and will be rented as such until the Committee decision changes this. He informed that he intended it to be duplex however there was a mistake on the drawings when the original application changed to duplex so forgot to remove the four (4) doors on the drawing.

Mr. Dorland advised that Building Services did not have problem with the four (4) doors on the plan.

Mr. Bock stated there were a lot of things going on that needed to get resolved with this property and has spent almost a year going over the lot grading plan and he submitted the incorrect drawing. He informed that there was a lot of work involved 2011 to 2013 when the permit was issued and it was put forward to him that a duplex would be approved if concessions were made on his part and whether a duplex or fourplex it meets all requirements for the setbacks.

Mr. Dorland advised that he presented the previous application to the Committee of Adjustment to seek relief from the rear yard setback and the main concern was moving the building closer to the railroad tracks. He informed that this was made acceptable to the Committee as the tracks are down 30 feet of rock cut so the normal noise issues are not an issue. He stated that the minutes and decision reflected a duplex and does not recall any discussion what would happen if this was a fourplex. He stated it was a sound and vibration issue because of the nature of the location of the tracks in respect to the house and it was approved it was not the number of units that was the issue.

Eric Taylor, Manager of Development Approvals, stated that there are a couple of matters here. He informed the Committee at the time had to deal with a reduction in the set back to Canadian Pacific Railway to allow for a duplex, which was what they considered at that time. He informed that safety is the reason there is such a setback for derailment because cars can come off track and damage buildings. He stated the property is higher than the rail line, which was part of their consideration in making their decision to allow the duplex. He stated that the current application is to allow a fourplex, which is setback at that same distance, whether a duplex or a fourplex and the Committee should include exceptions to allow 30 metre setback in their decision if they decide to allow the fourplex.

Mr. Dorland advised the plan that was handed out was reviewed by City through the Development Engineer Department to put a building on the property and adjust the drainage and lot grading issues. He informed the same surveyor laid the building out and wanted to move it back to the tracks as far as possible. He stated the sketch shows 71 feet at Howey Drive but it is actually setback far enough if we use 2.75 metres for parking stall, which is the required width, and provide six (6) parking spaces to meet the requirements of not having parking in the required front yard. He stated that they could

PUBLIC HEARINGS (Cont'd)

**APPLICATION FOR REZONING IN ORDER TO PERMIT A MULTIPLE DWELLING WITH FOUR (4) UNITS,
953 HOWEY DRIVE, SUDBURY - L.S. BOCK DEVELOPMENTS INC (Cont'd)**

investigate shifting the parking to other side of lot. He stated that one of the suggested conditions of the recommendation is to submit a new lot grading plan and shift the parking spaces. He informed that planting strips cannot be provided due to narrow width of the lot which would be the same for duplex or fourplex. He informed that they could put planting strips on front of Howey Drive and some landscaping on the south boundary of the property so residents could still view Ramsey Lake. He informed that giving the scaling that has been given by the City, we can get the six (6) parking spaces, have landscaping and meet the required setback of Howey Drive. He informed that the landscaping is not complete as Mr. Bock was putting in the service connections this fall but has not finished the retaining walls to carry drainage on his property and not spill off in neighbor's properties however they are not yet completed due to weather.

George Melnyk, area resident, provided a presentation including photos opposing the application on behalf of Gerald Chamberlain his landlord.

Gerald Chamberlain, area resident, stated he is concerned with the noise level and stated that if Mr. Bock had talked to him before they could probably have worked something out. He informed that he is also concerned with the drainage issues and wondered where the drainage will go when they build the retaining walls.

Guido Mazza, Director of Building Services, advised that there is an order on this property in regards to the lack of compliance with the lot grading plan and there have been a number of visits to the property and one of the issues is the elevation of building. He informed the City has an order against Mr. Bock since October regarding the lot grading plan and the retaining wall. He stated the City's lot grading by-law requires that it be approved and be in compliance within six (6) months of occupancy being issued. He informed when developers build homes in a subdivision and occupancy occurs in the late fall, they have until May to complete the final lot grading and the building codes states that one shall not diversely affect adjoining property owners.

Rob Webb, Supervisor of Development Engineering, stated that they do not have as built for applications and the drainage did not match the design of the plan therefore the order to comply was issued. He stated that there was to be no retaining wall to be on Mr. Chamberlain's side and water drains toward the back corner of his house. He informed that the erection of a retaining wall may not be solution. He stated that this is an intricate lot, and when the original lot grading plan was not followed it has caused some problems and the space where the parking spots were proposed to be located were on same side as the proposed retaining wall.

Mr. Chamberlain stated that he did not have drainage issues prior to construction of this property which was built up by six (6) feet and was zoned an R3 in 1991. He informed that water is pooling at the corners and going underneath the house into the crawlspace and he has a sump pump now which he never needed before. He stated that when they blasted for the basement they may have blasted a vein and he has been calling the City regularly regarding his drainage issues.

Rob Webb, Supervisor of Development Engineering, advised that the surface water is draining towards the neighbor's house and this is why the City has a lot grading plan compliance order to deal with drainage issues. He stated that the footprint of the building would not be different whether it is a duplex or a fourplex. He informed that In order to follow the lot grading plan rock would have to be removed which could be done this time of year, however the retaining wall would have to wait and it is almost impossible to deal with drainage problems in the winter.

PUBLIC HEARINGS (Cont'd)

**APPLICATION FOR REZONING IN ORDER TO PERMIT A MULTIPLE DWELLING WITH FOUR (4) UNITS,
953 HOWEY DRIVE, SUDBURY - L.S. BOCK DEVELOPMENTS INC (Cont'd)**

Mr. Bock stated that the entire reason there may be some negative impact to neighboring properties is that there has been zero landscaping completed to date. He stated that when the City did their inspection, they were still digging for sewer lines and gas. He assured that as soon as the application is approved by the City staff he will complete the draining plans and the retaining wall. He stated that he has never had issues with neighbors in the past and would like to satisfy Mr. Melnyk and Mr. Chamberlain's concerns. He informed that he could not do anything about the workers making noise as this is a common occurrence on construction sites. He stated that the project is incomplete but when it is complete it will not negatively impact the neighborhood.

Mr. Dorland advised the drainage and grades on this property were designed to meet the requirements of the policies and the approved drainage plan. He stated that drainage will not flow onto either neighbor's property. He stated the photos show swale on the west side and retaining wall on the east side and given the fact most of the grade work for service connections was completed in October these issues were not addressed. He stated that Mr. Guido has advised that landscaping is to be completed six (6) months after occupancy but they do not even have occupancy for either a duplex or a fourplex. He informed that there is time to deal with those issues and we will. He stated the placement of the building mitigates and addresses many of the concerns regarding front of the property and conforms to the official plan with respect to parking and landscaping. He stated that this is not a fourplex in middle of a single-family dwelling area, it was zoned R3 and there are many multi-unit dwellings. He stated that Building Services or the neighbour to the east have not objected to this application.

Proceed Past
10:00 p.m.

THAT this meeting proceed past the hour of 10:00 p.m.

CARRIED

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following recommendation was presented:

PL2015-27 Reynolds/ Dutrisac THAT the City of Greater Sudbury approves the application by L.S. Bock Developments Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "R2-2", Low Density Residential Two to "R3", Medium Density Residential Special on those lands described as PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3, Concession 3, Township of McKim subject to the following conditions:

- a) That prior to the adoption of the amending by-law, the owner shall meet the following conditions:
 - I. Apply for a building permit to the satisfaction of the Chief Building Official;
 - II. Rectify outstanding drainage issues and, if required, submit a revised design lot grading plan to the satisfaction of the Director of Planning Services;
 - III. The owner enter into an agreement with the City to dedicate on demand a 2 metre wide strip along Howey Drive; and
- b) That the amending by-law include the following site-specific provisions:
 - i. A maximum of four (4) *dwelling units* within the *existing building* shall be permitted;
 - ii. A *rear yard setback* of 8.2 metres abutting a railroad right-of-way shall be permitted;
 - iii. The *lot frontage* of the *existing lot* shall be permitted; and,

PUBLIC HEARINGS (Cont'd)

**APPLICATION FOR REZONING IN ORDER TO PERMIT A MULTIPLE DWELLING WITH FOUR (4) UNITS,
953 HOWEY DRIVE, SUDBURY - L.S. BOCK DEVELOPMENTS INC (Cont'd)**

- iv. That an opaque fence with a minimum height of 1.5 m shall be required along the easterly and westerly lot lines from the front yard setback to the rear lot line.

YEAS: Councillors Dutrisac, Cormier, Reynolds

NAYS: Councillors McIntosh, Landry-Altmann

CARRIED

CONSENT AGENDA

The following recommendation was presented:

PL2015-28 McIntosh/Landry-Altmann: THAT the City of Greater Sudbury approves Planning Committee Consent Agenda Item C-1.

CARRIED

The following are the Consent Agenda Items.

ROUTINE MANAGEMENT REPORTS

Item C-1
Consent referral
request, Raft Lake
Subdivision – Nickel
Range Investments
Ltd.

Report dated January 27, 2015 was received from the Acting General Manager of Growth and Development regarding Consent referral, Extension to draft plan of subdivision approval, Raft Lake Subdivision, South Lane Road, Sudbury - Nickel Range Investments Ltd.

The following recommendation was presented:

PL2015-29 Reynolds/McIntosh: THAT upon payment of Council's processing fee of \$1,407.00, the conditions of draft approval for the draft plan of subdivision on those lands known as Part of Parcel 9502 S.E.S., Lot 2, Concession 3, Township of Broder, File 780-6/96003, shall be amended as follows:

a) By deleting Condition #4 and replacing it with the following:

4. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By laws of the Municipality in effect at the time such plan is presented for approval."

b) By deleting Condition #7 and replacing it with the following:

"7. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, street lighting, sanitary sewers, watermain, storm sewers and surface drainage facilities."

11300-69

23 February 2015

Public Hearing for L.S. Bock Developments Inc.

Reference: PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3,
Concession 3, Township of McKim (953 Howey Drive, Sudbury)

First of all I would like to submit photographs and a written copy of my forth coming statement to this committee.

Good Evening;

My name is George Melnyk and I have resided in the rear apartment of a triplex at 947 Howey Drive from 1954 to 1978, and from 2003 to the present for a total of 35 years. But before I go any further, I would like to bring to the attention of the Planning Committee, that there is a major type o in the letter that I received for the Notice of Public Hearing dated January 22, 2015.

Under the section named **Proposal** it reads and I quote "The owner is proposing to convert an existing semi-detached dwelling to a fourplex." unquote. This is not quite correct. It should have read "The owner has built an existing fourplex, and is applying to have his property rezoned so that the property can potentially accommodate twice the number of dwelling units than what the existing zoning presently allows.

I believe that the "semi-detached" at 953 Howey Drive is in fact a fourplex for the following reasons:

- a. in July of 2013, I approached a contractor that was working on the framing, and asked him how many units he was building. He informed me that it's a fourplex;
- b. 4 hydro meter fixtures where installed to the exterior of the building in August 2013. They were marked and numbered 1 through 4. Meters 1& 2 are located on the east wall, and meters 3&4 are on the west wall;

c. in the late part of the summer of 2014, four natural gas meters were installed in the exact configuration, and general locations as the hydro meters. They are also marked 1 through 4 (**photo 1&2**), and finally

d. The interior layout of the dwelling at 953 Howey is such that it consists of a main floor and basement equally divided into 4 separate cubicles/units. Two units are on the main floor and two units are in the basement (**photo 3**). There is no internal access between adjacent units on the main floor, nor is there internal access from the main floor units to the basement units. Access to all four units is gained by 4 exterior doors situated in the front of the dwelling (**photo 4**). I'm not a contractor, but suspect that a fourplex was indeed built at 953 Howey Drive.

In mid summer of 2013 I verified through city records that an application for a building permit for 953 Howey Drive was submitted for the construction of a "Semi-Detached with Finished Basement". After constructing a fourplex in error, I really don't blame anyone for not posting a building permit on this dwelling. In accordance with the Ontario Building Code Act quote " shall have a permit or copy posted at all times during construction" unquote. I've been looking for the past 2 1/2 years, and have yet to see one posted on this construction site.

Here is a description of the parcel of land at 953 Howey Drive Sudbury. It is situated between my dwelling at 947 Howey Drive and 957 Howey Drive. Prior to the start of construction in 2012 this parcel of land was a depression and was vacant of any dwellings or development for over 60 years. Now we have a building with a driveway that has been built up to approximately 6 ft above it's natural 2012 elevation levels. This has resulted in the reversal of the grade/slope from his property, so water now drains towards our dwelling instead of away from it, as it had in the past. At the time of the final inspection, I hope that someone will take a good look at the Architects Drainage Plan which was submitted for this newly constructed dwelling, because thanks to the grade reversal,

excavating, blasting for the foundation. water, sewer, and natural gas services, we now have 2 sump pumps recently installed in our basement. I also hear that my neighbours next to him at 957 Howey are also been having water issues in their basement since this construction began.

This new dwelling at 953 Howey is sand wedged between us and 957 Howey Drive. By sand wedged I mean that the buildings exterior is approximately 4 and 1/2 feet from the dwelling at 957 Howey (**photo 5**), and 8 feet from my apartment wall (**photo 6**). The possibility of having any side yards goes out the window for this new building.

Speaking of yards, there will be little or no yard in the front for this proposed fourplex. In accordance with municipal bylaw 210-100Z there must be 1 1/2 parking spaces per unit for a total of 6 spaces. Good luck with that. The front property would likely be totally utilized as parking only (**photo 7**).

So where would the adults, children, guests, and pets from 4 units hang out and have social intercourse? Probably in their back yard (**photo 8&9**). This yard is approximately 25 X 40 ft.in dimensions, and has 1,000 square feet of usable space. There is no landscaping, no trees, no fence, and comes with a 30 foot vertical drop to railroad tracks from a rock cliff. Our back yard on the other hand has 8,775 sq ft of space with lawn, trees, and includes a path to the railroad tracks so that you can access the shores of Lake Ramsey which is only a stones throw away (**photo 7**).

I hope that their children and pets don't notice our back yard, believing that they can use it as their playground, and a shortcut to the lake. In the past we have had issues with roaming neighbourhood dogs using our back yard as their personal toilet.

For the last 2 1/2 years I have been listening to drilling, blasting, excavating, back hoeing, buzz sawing, hammering, generators, compressors, ghetto blasters, and workers yelling & talking only a few feet away from my apartment windows. I would definitely prefer noise from 2 units any day of the week vice the proposed 4 units.

In conclusion, Mr. L.S. Bock is attempting to have his property rezoned so that the property can potentially accommodate twice the number of dwelling units than what the existing zoning presently allows. The result of such a zoning change would cause a substantial increases in noise, traffic, neighbours, roaming pets, and general unhappiness in my life, while reducing property values for existing area homes.

For all of these reasons, the L.S. Bock Developments Inc. application should be denied.

For your info and action.

Thank you.

George Melnyk

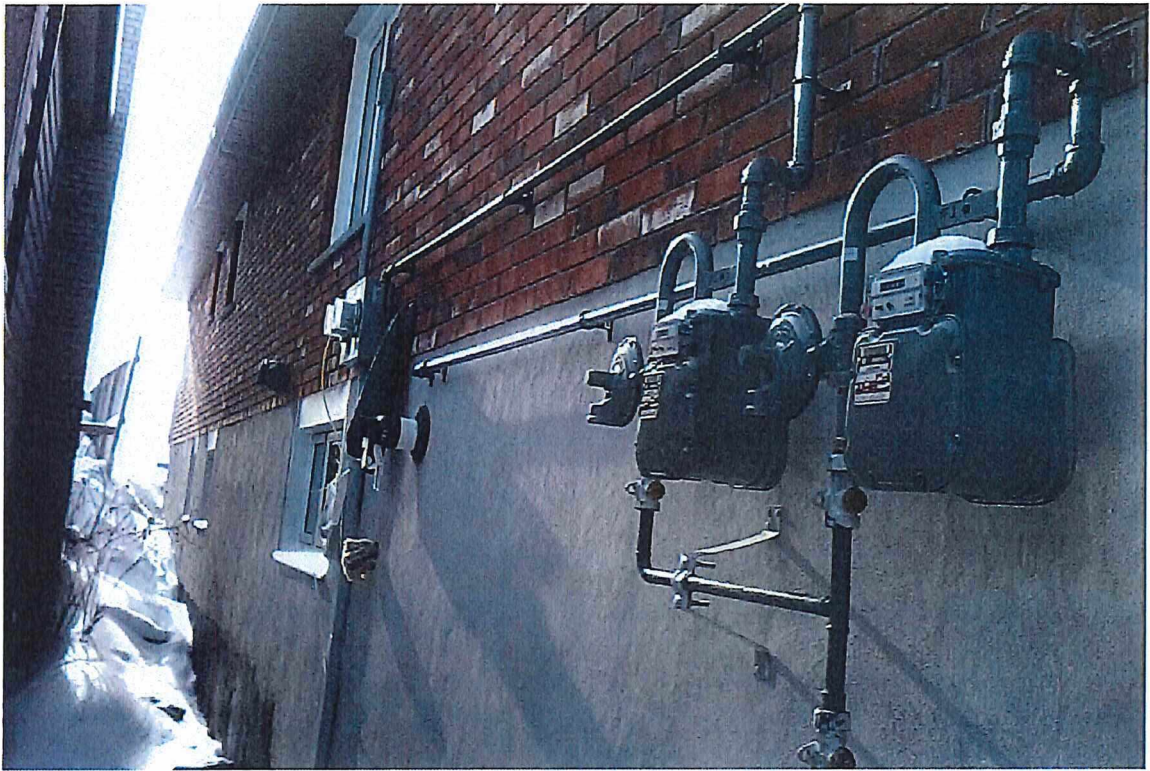
(705) 675-2102

georgemelncc1701@yahoo.com

SERVITIUM NULLI SECUNDUS

Service Second to None

Attachments: 9

















le3

Home - Greater Sudbury Recycling for Greater S... TD EasyWeb How to update A

