

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

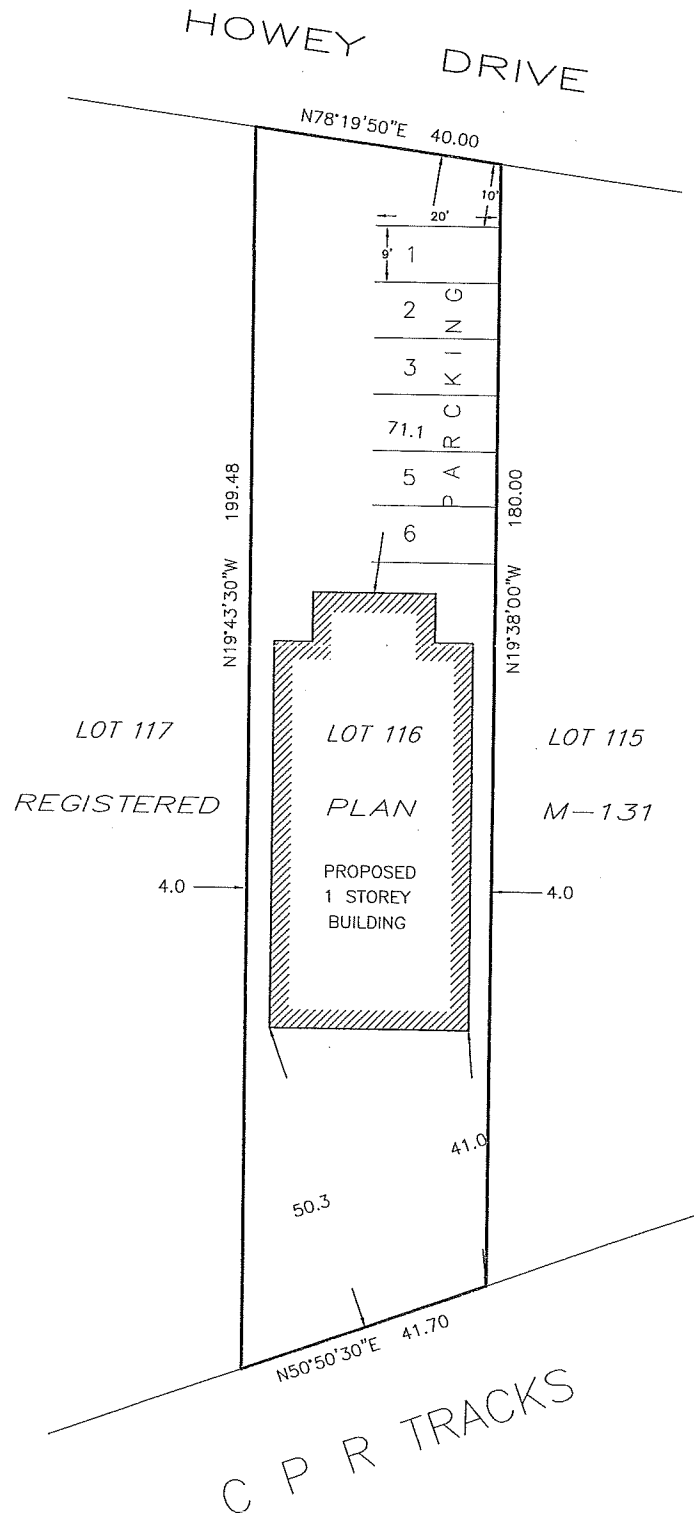
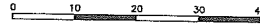
Planning Services cannot support the application on the basis that it represents over-development of the lot, as reflected by the site-specific relief required from zoning provisions. In this regard, the proposal fails to meet a key requirement of the Official Plan, that being the suitability of the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

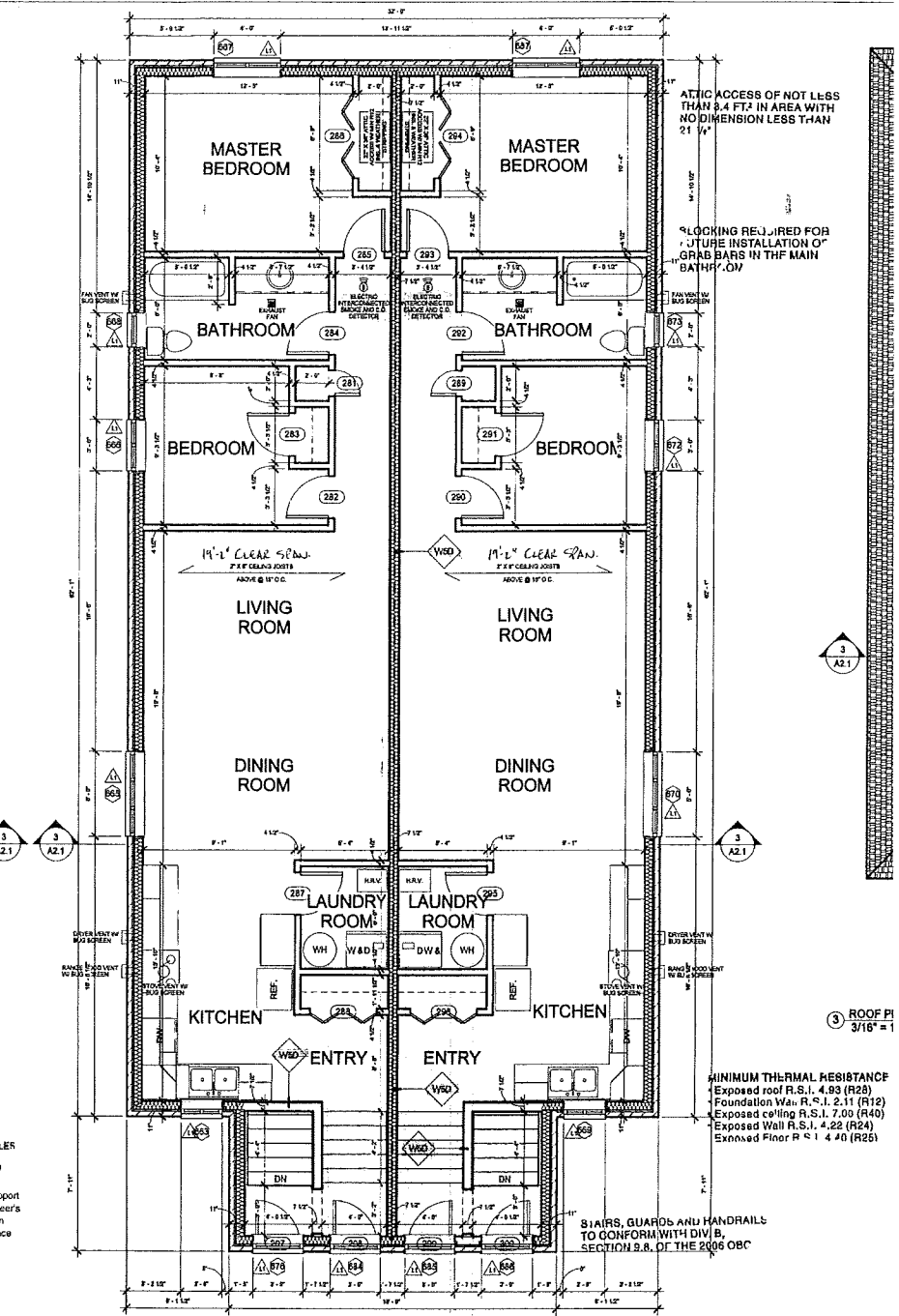
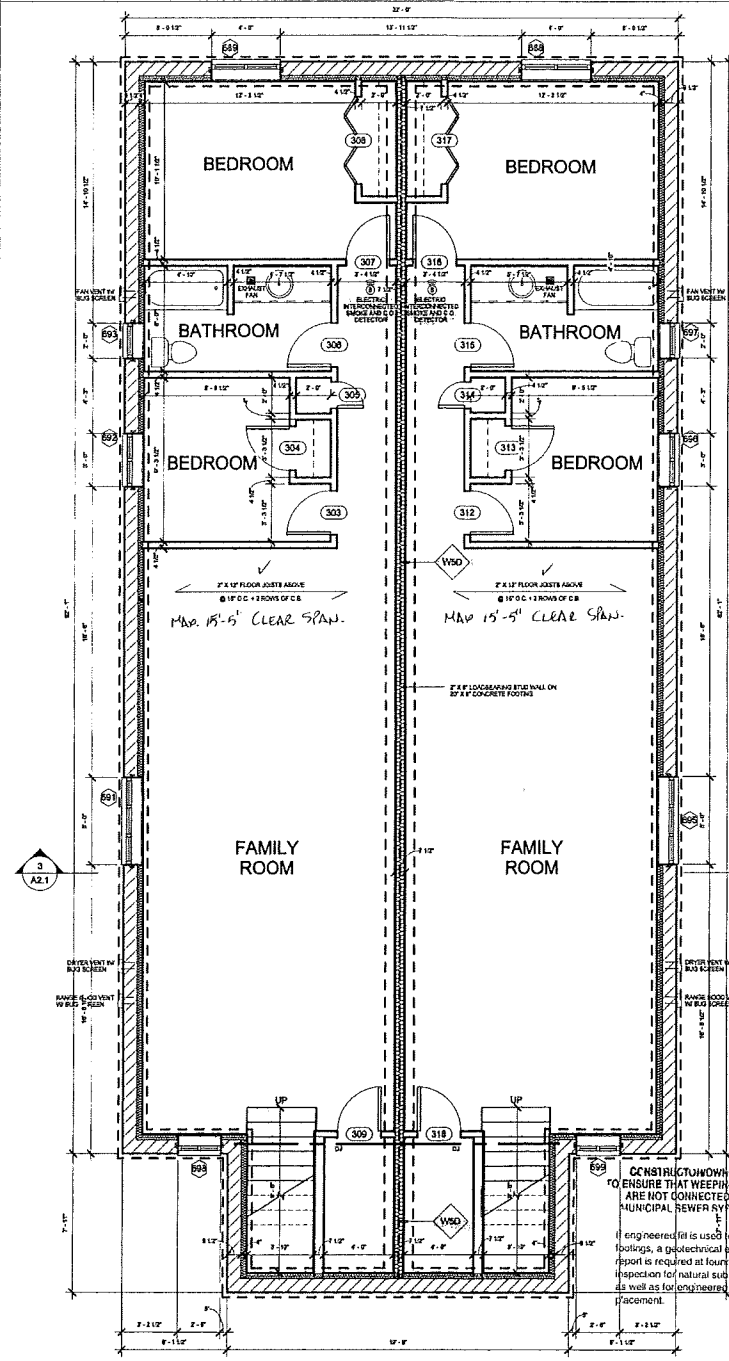
In order to provide parking and driveway access, the full width of the lot would have to be paved. Planting strips, normally intended to buffer and screen medium density uses from abutting low density residential zones, cannot be implemented. The current semi-detached dwelling is the more appropriate 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
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PROJECT
PROPOSED DUPLEX FOR
L.S. BOCK
ON THE STREET
PLANS

DATE
AM
CHECKED
AM
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.