

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 who 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

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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)

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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.

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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)

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- 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

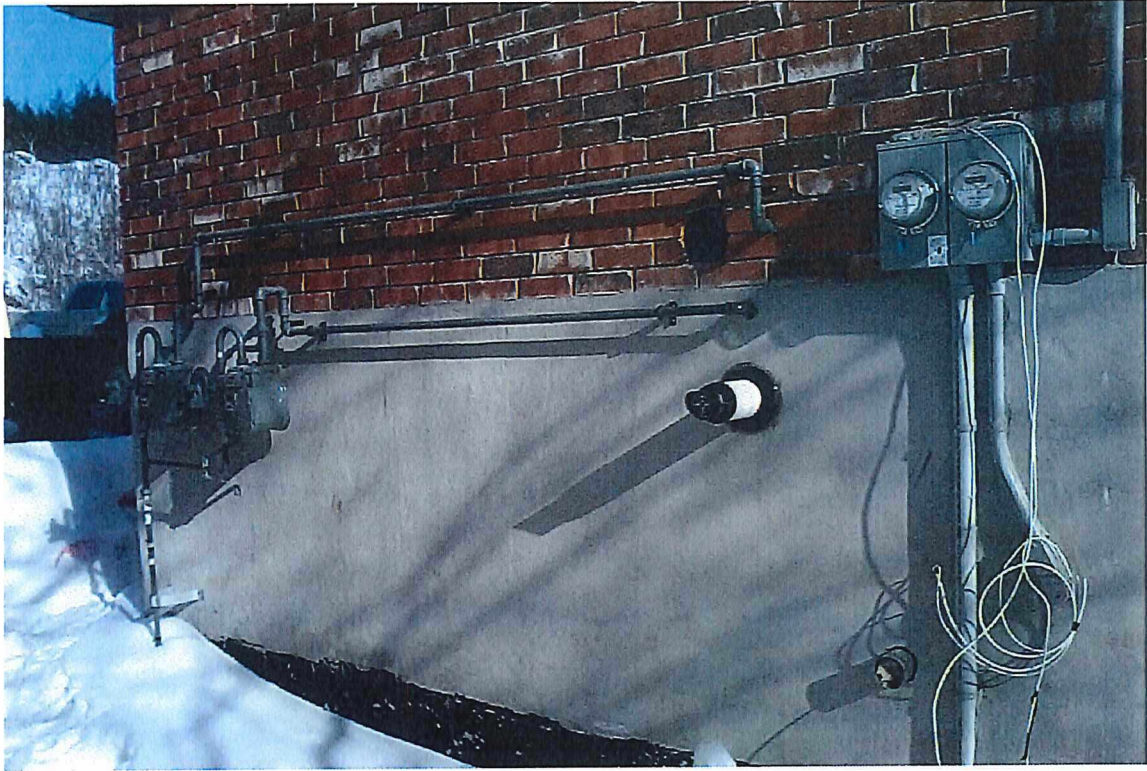
georgemelncc1701@yahoo.com

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Attachments: 9

















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