

Presented To:	Planning Committee
Presented:	Monday, Oct 19, 2020
Report Date	Friday, Sep 25, 2020
Type:	Public Hearings
File Number:	751-5/20-2

## Request for Decision

**Daniel Forget – Application for Zoning By-law Amendment in order to recognize an existing legal non-conforming multiple dwelling and to add one further residential dwelling unit, 126 Main Street West, Chelmsford**

### Resolution

THAT the City of Greater Sudbury approves the application by Daniel Forget to amend Zoning By-law 2010-100Z by changing the zoning classification of the subject lands from “R1-5”, Low Density Residential to “R3”, Medium Density Residential on those lands described as PIN 73349-0786, Parcel 21282, Part 1, Plan 53R-9552 & Part 1, Plan SR-3264, Lot 3, Concession 3, Township of Balfour, as outlined in the report entitled “Daniel Forget”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 19, 2020, subject to the following conditions:

1. That prior to the passing of an amending zoning by-law:

a) That the owner apply for all required building permits to the satisfaction of the Chief Building Official prior to the passing of an amending zoning by-law; and,

b) That the owner submit a parking layout plan depicting all parking areas, parking spaces, parking aisles and landscaped areas associated with parking areas to the satisfaction of the Director of Planning Services prior to the passing of an amending zoning by-law.

2. That the amending zoning by-law contain the following site-specific provisions:

a) That the lands be zoned “R3(S)”, Medium Density Residential Special with the only permitted use of the lands being that of one multiple dwelling containing eleven residential dwelling units along with permitted accessory buildings, structures and uses;

b) That a minimum easterly interior side yard setback and planting strip width of 1 m (3.28 ft) be required;

c) That a fence having a minimum height of 1.5 m (4.92 ft) be required along the easterly interior side lot line to a depth that is equal to the length of the abutting low density residential lot situated to the immediate east

### Signed By

#### **Report Prepared By**

Glen Ferguson  
Senior Planner  
*Digitally Signed Sep 25, 20*

#### **Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Sep 25, 20*

#### **Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Oct 1, 20*

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

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Oct 4, 20*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Oct 7, 20*

of the subject lands;

d) That the existing two refuse containers be relocated and permitted in the rear yard of the subject lands; and,

e) That any necessary site-specific relief identified in the required parking layout plan related to sight triangles, the existing circular driveway, parking and parking-related landscaping provisions of the City's Zoning By-law be provided for accordingly.

## **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.

## **Report Summary**

This report reviews an application for Zoning By-law Amendment intended to recognize an existing legal non-conforming multiple dwelling containing ten residential dwelling units and to facilitate the addition of one further residential dwelling unit for a total of eleven residential dwelling units within the existing building. No additions to the existing building are being proposed.

Staff has reviewed the development proposal and is satisfied that it conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario. Staff also notes that circulated agencies and departments have raised no major areas of concern with respect to the proposed rezoning.

If approved, it is recommended that the amending zoning by-law rezone the lands to "R3(S)" as opposed to the requested standard "R3" Zone. Staff is generally supportive of certain site-specific relief that would be required on the lands in order to recognize the existing land use and facilitate the addition of one additional residential dwelling unit. Further to this, staff acknowledges in the report that some degree of flexibility would be prudent given the site context and legal non-complying nature of the existing use with respect to minimum landscaping and buffering requirements, minimum parking requirements and layout of parking areas, and the location of refuse containers in order to accommodate for the intended and continued residential use of the lands.

Staff notes that prior to the passing of an amending zoning by-law, the owner should be required to submit a building permit application for the additional residential dwelling unit that is being applied for to the satisfaction of the City's Chief Building Official, as well as submitting a satisfactory parking layout plan to the satisfaction of the Director of Planning Services. The Planning Services Division is therefore recommending that the rezoning application be approved with conditions as outlined and noted in the Resolution section of this report.

## **Financial Implications**

If approved, staff is unable to estimate the increase in taxation revenue based on the information available.

In addition, this development may be eligible for an exemption on development charges on intensification on existing housing if the additional 11th unit is smaller than other units within the existing building. If not exempt, then development charges of \$7,740 (excluding wastewater) would apply for the additional 11th dwelling unit based on rates in effect as of this report.

**Title: Daniel Forget**

**Date: September 21, 2020**

## **STAFF REPORT**

### **PROPOSAL:**

The application for Zoning By-law Amendment seeks to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "R1-5", Low Density Residential to "R3", Medium Density Residential.

The proposed rezoning is intended to recognize an existing legal non-conforming multiple dwelling containing ten residential dwelling units and to facilitate the addition of one further residential dwelling unit for a total of eleven residential dwelling units within the existing building. No additions to the existing building are being proposed. The existing gravel-surfaced parking area is proposed to be utilized.

The owner submitted an application for pre-consultation on April 26, 2019, that was considered by the Sudbury Planning Application Review Team (SPART) on May 15, 2019 (File # PC2019-034). The owner met with staff following the SPART Meeting and signed their Pre-Consultation Understanding Agreement (PCUA) on July 10, 2019, and subsequently submitted a formal rezoning application to the City on June 18, 2020 for consideration. The application was deemed complete on June 26, 2020 and was circulated for comments from agencies and departments on June 26, 2020.

The owner has submitted a Surveyor's Real Property Report, two Concept Plans, and a Floor Plan for proposed units #9A and #9B in support of their request to rezone the lands to recognize an existing legal non-conforming multiple dwelling containing ten residential dwelling units and to facilitate the addition of one further residential dwelling unit for a total of eleven residential dwelling units within the existing building.

The owner also submitted a Letter of Opinion from the Chief Building Official dated September 5, 2019, which grants legal non-conforming status to the use, lot and existing as being that of a multiple dwelling containing ten residential dwelling units. The existing multiple dwelling was constructed in 1968.

### **Existing Zoning:** "R1-5", Low Density Residential One

The "R1-5" Zone permits a bed and breakfast establishment within a single-detached dwelling and having a maximum of two guest rooms, group home type 1 within a single-detached dwelling and having a maximum of ten beds, private home daycare and a single-detached dwelling.

### **Requested Zoning:** "R3", Medium Density Residential

The "R3" Zone permits a bed and breakfast establishment within a single-detached dwelling and having a maximum of two guest rooms, day care centre, duplex dwelling, group home type 1 within a single-detached dwelling and having a maximum of ten beds, linked dwelling, multiple dwelling, private home daycare, row dwelling, shared housing in certain locations, semi-detached dwelling, single-detached dwelling, street townhouse dwelling, and not more than one personal service shop and one convenience store not exceeding 150 m<sup>2</sup> (1,614.59 ft<sup>2</sup>) in total net floor area provided it is accessory to and completely enclosed within and accessible only from inside a multiple dwelling located on a lot containing at least 100 residential dwelling units.

**Title: Daniel Forget**

**Date: September 21, 2020**

**Location and Site Description:**

The subject lands are located at the south-east corner of Main Street and Marion Street in the community of Chelmsford. The lands have a total lot area of approximately 3,093 m<sup>2</sup> (33,295 ft<sup>2</sup>) with approximately 34 m (112 ft) of lot frontage on Main Street. The lands form a corner lot and also maintain approximately 75 m (246 ft) of lot frontage along Marion Street. The northerly portion of the lands contains an existing multiple dwelling having a total of ten residential dwelling units. There is an existing parking area along the northerly and north-westerly portions of the lands along with an oval-shaped driveway providing access to both Main Street and Marion Street.

**Surrounding Land Uses:**

- |        |                                                                                                                                                                  |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| North: | Low density urban residential land uses with the pre-dominant built-form being single-detached dwellings and rural residential land uses to the north-west.      |
| East:  | Low density urban residential land uses with the pre-dominant built-form being single-detached dwellings and a municipal "tot-lot" park containing a playground. |
| South: | Low density urban residential land uses with the pre-dominant built-form being semi-detached dwellings.                                                          |
| West:  | Municipal water tank, rural residential land uses along with several larger and vacant rural lots.                                                               |

The existing zoning and location map attached to this report indicates the location of the subject lands to be rezoned, as well as the applicable zoning in the immediate area.

Site photos depict the subject lands containing the existing multiple dwelling and gravel surfaced parking area at the corner of Main Street and Marion Street. Photos of the immediately surrounding area also illustrate the existing lower density urban residential nature and character of residential dwellings along Main Street in Chelmsford.

**Public Consultation:**

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands on June 26, 2020. The statutory Notice of Public Hearing dated October 1, 2020 was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands.

The owner was also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. Staff understands that the owner approached neighbours within 100 m (328.08 ft) of the subject lands to explain their rezoning application and address any comments and/or concerns. Staff did not receive any feedback from the owner with respect to their public consultation strategy efforts.

At the time of writing this report, no phone calls, emails or letter submissions have been received by The Planning Services Division.

**Title: Daniel Forget**

**Date: September 21, 2020**

**POLICY AND REGULATORY FRAMEWORK:**

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

- 2020 Provincial Policy Statement (PPS);
- 2011 Growth Plan for Northern Ontario;
- Official Plan for the City of Greater Sudbury; and,
- Zoning By-law 2010-100Z.

The PPS and the Growth Plan for Northern Ontario, along with the City's Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision and site plans.

**2020 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 2020 Provincial Policy Statement (PPS). The following PPS policies are applicable to this application for rezoning:

1. With respect to Settlement Area policies, Section 1.1.3.1 outlines that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted;
2. Section 1.1.3.2 outlines that land use patterns within settlement areas shall have a mix of densities and land uses that efficiently uses land and resources, are appropriate for and efficiently use the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, are supportive of active transportation, are transit-supportive where transit is planned, exists or may be developed, and are freight-supportive;
3. Section 1.1.3.2 further outlines that land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment;
4. Section 1.1.3.3 outlines that intensification is to be promoted and opportunities for transit-supportive development, accommodating for a supply and range of housing options through intensification while taking into account existing building stock or areas, and the availability of suitable existing or planned infrastructure and public service facilities to accommodate needs are encouraged;
5. Section 1.1.3.4 outlines that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety;
6. With respect to Housing Policies, Section 1.4 generally requires municipalities to provide for an appropriate range and mix of housing options and densities to meet projected requirements for current and future residents of the regional market area;
7. Section 1.4.3 outlines that municipalities shall permit and facilitate:
  - a) All housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities;
  - b) All types of residential intensification, including additional residential units, and redevelopment in accordance with the PPS;

**Title: Daniel Forget**

**Date: September 21, 2020**

- c) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- e) Requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and,
- f) Establishing development standards for residential intensification, redevelopment and new residential development, which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of 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. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application to rezone the lands conforms to and does not conflict with the Growth Plan for Northern Ontario.

### **Official Plan for the City of Greater Sudbury:**

The subject lands are designated Living Area 1 in the Official Plan for the City of Greater Sudbury.

The Living Area 1 land use designation includes residential areas that are fully serviced by municipal water and sewer and are to be the primary focus of residential development. Living Area 1 is seen as areas of primary focus for residential development given the desire to utilize existing sewer and water capacity and reduce the impacts of un-serviced rural development. New residential development must be compatible with the existing physical character of established neighborhoods, with consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties in the City's Zoning By-law.

Section 3.2.1 of the Official Plan outlines that the Living Area 1 designation permits low density residential uses up to a maximum density of 36 units per hectare, medium density residential uses up to a maximum density of 90 units per hectare and high density residential uses up to a maximum density of 150 units per hectare. Medium density housing should be located in close proximity to Arterial Roads, public transit, main employment and commercial areas, open space areas and community/recreational services. Medium density development is to be located where adequate servicing capacities exist along with a road system that can accommodate the growth. High density residential development is only permitted in the community of Sudbury.

Section 2.3.2 notes that the subject lands are within a Settlement Area and also within the Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary. Future growth and development is to be focused in the Settlement Area through intensification and redevelopment. Settlement Area land use patterns are to be based on densities and land uses that make the most efficient use of land, resources, infrastructure and public service facilities, minimize negative impacts on air quality and climate change, promote energy efficiency and support public transit, active transportation and the efficient movement of goods. Intensification and development within the Built Boundary is encouraged, however, development outside of the Built Boundary may be considered in accordance with the policies of the Official Plan.

**Title: Daniel Forget**

**Date: September 21, 2020**

Section 2.3.3 of the Official Plan generally acknowledges that intensification of a property at a higher density than what currently exists through the development of vacant or underutilized lots is encouraged throughout the City. Intensification is considered to be essential to completing communities, making the most efficient use of land, resources, infrastructure and public service facilities, minimizing negative impacts on air quality and climate change, promoting energy efficiency and supporting public transit, active transportation and the efficient movement of goods. The key to intensification is to ensure that it occurs in a context sensitive manner. Intensification must be compatible with and reinforced the existing and planned character of an area.

Specifically, Section 2.3.3 includes the following applicable intensification policies:

1. All forms of intensification are encouraged in accordance with the policies of the Official Plan;
2. The City will aim to accommodate 20% of future residential growth and development through intensification within the Built Boundary;
3. Intensification and development is permitted in established Living Area 1 lands, in accordance with the policies of this Plan;
4. Intensification will be encouraged on sites with suitable existing or planned infrastructure and public service facilities;
5. Intensification will be compatible with the existing and planned character of an area in terms of the size and shape of the lot, as well as the siting, coverage, massing, height, traffic, parking, servicing, landscaping and amenity areas of the proposal;
6. The following criteria, amongst other matters, may be used to evaluate applications for intensification:
  - a. The suitability of the site in terms of size and shape of the lot, soil conditions, topography and drainage;
  - b. The compatibility of proposed development on 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 of surrounding natural features and areas and cultural heritage resources;
  - j. The relationship between the proposed development and any natural or man - made hazards;
  - k. The provision of any facilities, services and matters if the application is made pursuant to Section 37 of the Planning Act. Where applicable, applications for intensification of difficult sites may be subject to Section 19.7; and,

**Title: Daniel Forget**

**Date: September 21, 2020**

- I. Residential intensification proposals will be assessed so that the concerns of the community and the need to provide opportunities for residential intensification are balanced.

Section 17.0 of the Official Plan generally includes policies which encourage the provision of adequate and affordable housing for all residents in the City of Greater Sudbury. Section 17.2.1 addresses the achievement of diversity in housing type and form. Those policies under Section 17.2.1 which are relevant to the development proposal include:

1. To encourage a wide range of housing types and forms suitable to meet the housing needs of all current and future residents;
2. To encourage production of smaller (ie. one and two bedroom) units to accommodate the growing number of smaller households; and,
3. To promote a range of housing types suitable to the needs of senior citizens.

Section 19.5.7(4) of the Official Plan outlines that in considering the recognition of an established non-conforming use, or an application for an expansion of such use, the following criteria are to be considered:

1. The development proposal will not aggravate the situation created by the existence of the use, especially in regard to the policies of the City's Official Plan and the requirements of the Zoning By-Law applied to the area;
2. The proposal will create minimal impacts on surrounding uses with regard to noise, vibrations, fumes, smoke, odours, glare, traffic generating capacity, signs and other environmental matters;
3. The neighbouring conforming uses will be protected, where necessary, by the provisions of landscaping, buffering or screening; appropriate setbacks for buildings and structures; devices and measures to reduce nuisances; and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs; and other matters;
4. The traffic and parking conditions of the vicinity will not be adversely affected by the application, and traffic hazards will be kept to a minimum by the appropriate design of access and egress points to, from and over the site; or through the improvement of site conditions, especially in proximity to intersections;
5. Adequate provisions have been or will be made for off-street parking and loading facilities; and,
6. Municipal services such as water, sanitary sewers, storm sewers and roads are adequate, or can be made adequate.

The application conforms to the Official Plan for the City of Greater Sudbury subject to a review of the above noted land use planning considerations.

**Zoning By-law 2010-100Z:**

The existing and applicable "R1-5", Low Density Residential One Zone does not permit a multiple dwelling. The owner is therefore requesting that the subject lands be rezoned to "R3", Medium Density Residential in order to recognize an existing legal non-conforming multiple dwelling containing ten residential dwelling units and to facilitate the addition of one further residential dwelling unit for a total of eleven residential dwelling units within the existing building. No site-specific relief, as it relates to the development proposal, has been identified or requested by the owner.



**Title: Daniel Forget**

**Date: September 21, 2020**

**Department/Agency Review:**

The application including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to formulate appropriate development standards in an amending zoning by-law should the application be approved.

During the review of the proposal, comments provided by circulated agencies and departments included the following:

Active Transportation, the City's Drainage Section, Fire Services, Operations, Roads, Sudbury District Health Unit, and Transit Services have each advised that they have no concerns from their respective areas of interest.

Building Services has noted that the renovation to create an additional residential dwelling unit within the existing building will require a building permit application prepared by a qualified professional to the satisfaction of the Chief Building Official.

Development Engineering advises that municipal water infrastructure is available within the Main Street right-of-way, however, the lands are not serviced with municipal sanitary sewer infrastructure. It is also noted that if an increase in the size of the water service is required to provide sufficient flow for the additional unit, all costs associated with replacement of the service would be borne by the owner. The sanitary sewer is treated by the use of a field bed. Any modification to the volume of effluent to this field bed must be reviewed and approved by the Sudbury District Health Unit.

Traffic and Transportation do not support the parking layout as depicted on the Concept Plan. The owner is encouraged to provide a parking layout plan for further review and also consideration should be given to establishing a parking area in compliance with the City's Zoning By-law to the south of the existing building as there would appear to be sufficient area in this location to provide for required parking spaces.

**Planning Analysis:**

The 2020 PPS, the 2011 Growth Plan, and the City of Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application in respect of the applicable policies, including issues raised through agency and department circulation.

The proposed rezoning is consistent with the PPS for the following reasons:

1. The community of Chelmsford is an identified settlement area in the City's Official Plan. The subject lands are also situated within the identified built boundary of the Chelmsford settlement area. The recognition of an existing legal non-conforming multiple dwelling containing ten residential dwelling units and to facilitate the addition of one further residential dwelling unit for a total of eleven residential dwelling units within the existing building in this location should be promoted and is considered to be good land use planning;
2. Staff is of the opinion that the development proposal would contribute positively to improving the mix of densities and land uses that would be permitted in this particular area of Chelmsford at the corner of Main Street and Marion Street. The lands can be serviced with both municipal water and sanitary sewer and access to public transportation is available to the east at the intersection of Main Street and Errington Avenue (ie. Route 104 – Azilda/Chelmsford). There are also a number of public open space and community facilities which exist in the general area. The proposed rezoning will make good intensified use of the subject lands from a good land use planning perspective;

**Title: Daniel Forget**

**Date: September 21, 2020**

3. Staff advises that the development proposal provides an opportunity for intensification that is appropriate in comparison to existing residential uses in the area and is within the identified settlement area of Chelmsford;
4. Staff is supportive of this opportunity for residential intensification and notes that public transportation is nearby at the corner of Main Street and Errington Avenue to the east of the subject lands. The proposed residential intensification in this instance will add one additional residential dwelling unit within the existing multiple dwelling. Staff is satisfied that the additional residential dwelling unit can be reasonably accommodate within the existing building and with minimal disruption to abutting residential land uses. Suitable infrastructure is also available and staff would therefore encourage intensification in this location;
5. Staff is satisfied that through the review of the rezoning application that appropriate development standards (eg. limiting the maximum number of residential dwelling units, providing appropriate parking relief, etc.) in order to facilitate the addition of one additional residential dwelling unit in the existing multiple dwelling and recognize the existing multiple dwelling containing ten residential units can be achieved in order to facilitate the proposed intensification while avoiding any risks to public health and safety;
6. With respect to housing policies in the PPS, staff has the following observations:
  - a) The proposed additional residential dwelling unit within the existing multiple dwelling in general provides for an expanded range and potentially mix of housing options and densities in the community of Chelmsford. Staff is satisfied that no negative impacts would be generated should the rezoning be approved from a social, health, economic and well-being perspective in terms of those current and future residents living in the local community;
  - b) Staff is generally supportive of the proposed residential intensification on the subject lands. It is noted that the addition of one residential dwelling unit within the existing multiple dwelling is reasonable and not excessive from the perspective of balancing intensification opportunities against ensuring that there are no disruptions to the existing character of this particular urban residential neighbourhood in this part of Chelmsford;
  - c) Staff is satisfied through their review and circulation of the rezoning application that new housing options can be appropriately directed to the subject lands where appropriate levels of infrastructure (eg. private sanitary sewer and public water infrastructure, public transportation, etc.) are presently available;
  - d) Staff is of the opinion that the development proposal would result in the efficient use of land, and infrastructure. It is also noted that the improved housing options in this area would positively contribute to and encourage the use of public transportation in the immediate area;
  - e) Staff notes that there are at present no identified issues with respect to prioritization of intensification in the immediate area. The development proposal being that of creating one additional residential dwelling unit within an existing ten unit multiple dwelling would not negatively impact other intensification opportunities that may exist in the area; and,
  - f) Staff is satisfied that appropriate development standards can be utilized in an amending zoning by-law to accommodate the proposed development of the subject lands without negatively impacting the cost of housing and the existing character of the area. No negative impacts on public health and safety were identified through the review and circulation of the rezoning application.

**Title: Daniel Forget**

**Date: September 21, 2020**

Staff in general has no concerns with respect to the proposed rezoning conforming to the applicable policies in the Official Plan for the City of Greater Sudbury. Those policies relevant to the development proposal that would recognize an existing legal non-conforming multiple dwelling containing ten residential dwelling units and to facilitate the addition of one further residential dwelling unit for a total of eleven residential dwelling units within the existing building are discussed below.

With respect to general Living Area 1 policies in the Official Plan that are applicable to the subject lands, staff notes that proposed multiple dwelling having a total of eleven residential dwelling units would yield an overall site density of approximately 43 dwelling units per hectare, which is permitted and within the threshold of those medium density residential policies set out in the City's Official Plan.

Staff is of the opinion that the proposed residential density is not excessive and that the development proposal can be reasonably accommodated subject to several matters being resolved in this setting at the corner of Main Street and Marion Street in Chelmsford. The subject lands are situated on a Collector Road and are connected to a series of Collector Roads that provide access to both Highway #144 and Municipal Road #15 and public transportation options are available to the east at the intersection of Main Street and Errington Avenue. There is also an existing commercial area situated approximately 500 m (1,640.42 ft) to the east of the subject lands. Staff is of the opinion that sufficient open space areas and community/recreational activities are also available in the general area of the subject lands. Staff notes that the lands are partially serviced by private sanitary sewer infrastructure, however, the non-conforming policies of the City's Official Plan should be considered in this regard. It should also be noted that no concerns with respect to the servicing capacity of Main Street from a road system perspective were identified through the circulation of the rezoning application.

Staff notes again that the subject lands are designated Living Area 1 and are identified as being located within the Settlement Area and Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary to the City's Official Plan. Staff advises that recognizing the existing legal non-conforming multiple dwelling and permitting the addition of one further residential dwelling unit for a total of eleven residential dwelling units within the existing building represents an opportunity to make efficient use of existing urban land supply and existing infrastructure and other services within the City's Settlement Area and Built Boundary. No expansion to the existing limits of the Living Area 1 designation is being proposed or would result should the rezoning be approved. Staff is satisfied that a site-specific amending zoning by-law can include development standards that would be appropriate for those lands both within and outside of the Settlement Area and Built Boundary. Those development standards that would be appropriate are described later in this report.

With respect to intensification policies set out under Section 2.3.3 of the Official Plan, staff is generally of the opinion that the rezoning that would facilitate the addition of one further residential dwelling unit for a total of eleven residential dwelling units within the existing multiple dwelling can be accomplished in a complementary manner without disrupting the existing character of the residential neighbourhood in this part of Chelmsford.

Specifically, staff has the following comments with respect to those general intensification policies set out in Section 2.3.3 of the Official Plan:

1. All forms of residential intensification are encouraged in the City's Official Plan and staff advises that the proposed form of intensification amounts to recognizing a legal non-conforming use and permitting one additional residential dwelling unit within the existing building at the corner of Main Street and Marion Street. Provided that appropriate development standards are applied to the lands, staff is of the opinion that this form of residential intensification can reasonably be accommodated on the subject lands;

**Title: Daniel Forget**

**Date: September 21, 2020**

2. The development proposal would contribute to the City's aim of accommodating 20% of all future residential growth and development through intensification within the Built Boundary. The lands presently contain a multiple dwelling having ten residential dwellings units and the addition of one additional residential dwelling unit would therefore occur within the City's Built Boundary;
3. Staff notes and is of the opinion that the proposed residential intensification resulting in one additional residential dwelling unit within the existing multiple dwelling on lands which are designated Living Area 1 would be achieved in accordance with all applicable land use planning policies of the Official Plan;
4. Staff has noted in their review from those comments received in circulation for comments that Development Engineering in general has no concerns with respect to the suitability of existing infrastructure providing service to the lands. The owner is advised that if an increase in the size of the municipal water service is required to provide sufficient flow for the additional unit that all costs associated with replacement of the service would be borne by the owner. It is further noted that the lands are serviced by private sanitary sewer infrastructure and that any modification to the volume of effluent to this field bed must be reviewed and approved by the Sudbury District Health Unit;
5. Staff considers the multiple dwelling in this location to be compatible with the existing character along Main Street in terms of the varying sizes and shapes of other lots in the area, as well as the mix of residential land uses that exists in the general area. The requested "R3" Zone generally includes appropriate development standards that will ensure that the lands are recognized and developed further in a manner that is not disruptive to the other urban residential lots in close proximity to the subject lands. Staff is recommending however that the standard "R3" Zone development standards be adjusted appropriately in order to recognize the existing multiple dwelling and the proposed additional one residential dwelling unit; and,
6. Staff has reviewed the intensification criteria that is to be considered and have no concerns as the development proposal represents a good opportunity for making better and increased use of an existing multiple dwelling situated on lands that are situated within the identified Settlement Area and Built Boundary of Chelmsford.

With respect to those criteria that are to be considered when evaluating development applications that involve residential intensification, staff have the following comments:

1. Staff are satisfied that the subject lands are suitable in terms of size and shape, soil conditions, topography and drainage and capable of continuing to support the existing building located on the lands;
2. Staff is of the opinion that proposed intensification can be reasonably accommodated without negatively impacting the existing and planned character in this part of Chelmsford. Staff notes that in particular that no addition to the existing building is being proposed and that site-specific development standards can be used from a zoning perspective in order to address the provision of appropriate and improved on-site landscaping, fencing, planting and other measures to lessen any impact the proposed development may have on the character of the area;
3. Staff has no concerns with respect to the availability of existing and planned infrastructure and public service facilities given that the development proposal would recognize an existing land use and permit the expansion of said land use to include one additional residential dwelling unit within the existing building;
4. Staff are satisfied through their review of the rezoning application that site-specific development standards can be utilized in order to ensure the provision of adequate ingress/egress, off street parking and loading facilities, and safe and convenient vehicular circulation is provided on the lands;

**Title: Daniel Forget**

**Date: September 21, 2020**

5. Staff circulated the application to Roads, Traffic and Transportation and no concerns were identified with respect to the development proposal and any negative impacts of traffic on the road network and surrounding land uses;
6. Staff has considered the availability of existing transportation infrastructure nearby the lands and note that the development proposal would result in an additional residential dwelling unit in the area that can further utilize public transit and active transportation options in the general area;
7. Staff have no concerns with respect to the level of sun-shadowing and wind impact on the surrounding public realm as the development proposal seeks to recognize an existing building and said building is not being altered by way of a physical addition in order to accommodate the additional one residential dwelling unit;
8. Staff have not identified in the review of the rezoning application any negative impacts that would be generated by the development proposal on surrounding natural features and areas and cultural heritage resources;
9. Staff advises that there are no concerns with the development proposal in relation to any natural or man-made hazards;
10. Staff confirms that the owner is not proposing the provision of any facilities and/or services under Section 37 of the Planning Act and the development proposal is not being considered a comprehensive planned unit development; and,
11. Staff is satisfied that the proposed residential intensification balances the concerns of the community and the need to provide opportunities for residential intensification in the community of Chelmsford.

With respect to housing policies established under Section 17.0 of the Official Plan, staff would note that in general the development proposal would contribute positively to the range of housing types and forms available to both current and future residents of Chelmsford. Staff would also note that the existing residential dwelling unit that would be converted would result in two dwellings units have three and one bedrooms respectively, which in part addresses the need for smaller dwelling units for the growing number of smaller households. The development proposal may also positively contribute to and provide for an additional housing option for senior citizens living in Chelmsford.

With respect to those non-conformity policies set out in Section 19.5.7(4) of the Official Plan, staff would note the following:

1. Staff are of the opinion that the development proposal is reasonable and not excessive in nature and that recognizing the existing building and one additional residential dwelling unit will not further aggravate the existing situation that has been created by the presence of the existing use across time. Staff are also of the opinion that the proposed rezoning offers a unique opportunity to address a number of on-site matters and that the resolution of these matters will result in a better overall and functional site layout;
2. Staff have no concerns with respect to any negative impacts on abutting residential land uses from the perspective of noise, vibrations, fumes, smoke, odours, glare, traffic generating capacity, signs and other environmental matters, should the existing residential use and proposed expansion be approved;
3. Staff advise that neighbouring conforming uses would be protected through site-specific development standards in an amending zoning by-law with respect to the provision of adequate landscaping, buffering or screening, and recognizing appropriate setbacks for the existing building and parking areas. In particular, the rear yard may be capable of accommodating parking areas and spaces and relocated refuse containers. Staff also have no concerns with respect to any nuisances on abutting urban residential land uses given that the subject lands are also intended to continue being used for urban residential purposes;

**Title: Daniel Forget**

**Date: September 21, 2020**

4. The review and circulation of the rezoning application did not identify any traffic conditions that would be negatively impacted by the development proposal. Staff is also satisfied that the existing off-street parking layout can be improved through the use of site-specific parking standards. The owner will however need to submit a satisfactory parking layout plan in order to identify those site-specific parking standards that would be appropriate; and,
5. Staff in general has no concerns with respect to existing municipal services such as water, sanitary sewers, storm sewers and roads should the proposed rezoning be approved.

Staff is therefore of the opinion that the proposed rezoning conforms to the Official Plan for the City of Greater Sudbury.

The owner is requesting that the subject lands be rezoned from "R1-5", Low Density Residential One to "R3", Medium Density Residential. Staff would however recommend that the lands be rezoned to "R3(S)", Medium Density Residential Special in order to address a number of site-specific issues that require would require the application of site-specific development standards. Staff have the following comments with respect to the requested versus recommended zone category:

1. The "R3" Zone permits a range of medium density residential as well as several small-scale commercial uses. Staff are of the opinion that it would be inappropriate to permit the full range of land uses contained within the "R3" Zone on the subject lands. It is recommended that the lands be rezoned to "R3(S)" in order to limit the permitted uses on the lands to that of a multiple dwelling containing a maximum of eleven residential dwelling units along permitted accessory buildings, structures and uses;
2. The existing parking area and parking spaces are situated within the front yard along Main Street and within the corner side yard along Marion Street. Some of the parking spaces depicted on the submitted sketch would also be situated within a required sight triangle measuring 7.5 m (24.61 ft) by 7.5 m (24.61 ft) that is required under Section 4.35 of the Zoning By-law. Staff acknowledges that site-specific constraints exist on the lands with respect to locating parking areas and parking spaces, however, some opportunity appears to exist around limiting the degree to which this sight triangle would be impacted. Staff are of the opinion that suitable parking-related development standards could be applied to the lands once the owner has considered those comments provided in this report with respect to the parking areas and has submitted a parking layout plan for further consideration and implementation through the amending zoning by-law;
3. Staff notes that the lands immediately abut a low density residential land use to the east and that the existing building maintains an approximate 1.06 m (3.50 ft) easterly interior side yard setback. Staff would be supportive of an amending zoning by-law recognizing this setback, provided that an opaque wall or fence is installed between the two residential properties at a minimum height of 1.5 m (4.92 ft). The City's Zoning By-law typically requires a 3 m (9.84 ft) wide planting strip adjacent to the full length of a lot line in this situation, however, where a planting strip contains an opaque wall or opaque fence having a height of 1.5 m (4.92 ft) or more, the width of the required planting strip may be reduced to a width of 1.8 m (5.91 ft). In this case, staff would be supportive of easterly interior side yard and planting strip width of 1.06 m (3.50 ft), provided that a fence is erected between the lands and the abutting low density residential dwelling;
4. Staff did observe two refuse containers situated in the corner side yard on the subject lands. These refuse containers are permitted in an interior side yard only under Section 4.2.9 of the Zoning By-law. Staff notes that it would be possible to re-locate these refuse containers outside of the corner side yard and slightly to the east in the rear yard, which would represent an improvement to the existing situation. Staff would also encourage the owner to consider re-locating the refuse containers in the easterly interior side yard and to the south of the existing building if possible;

**Title: Daniel Forget**

**Date: September 21, 2020**

5. The subject lands would otherwise appear to satisfy minimum lot area, minimum lot frontage, minimum lot depth, minimum front yard, minimum rear yard, minimum corner side yard, maximum lot coverage, minimum landscaped open space, and maximum building height requirements of the standard "R3" Zone. No site-specific relief is required with respect to these minimum urban residential development standards; and,
6. With respect to other general provisions that are applicable to the subject lands, staff would note the following:
  - a) The submitted sketch depicts a total of 16 parking spaces whereas 17 parking spaces for a multiple dwelling containing eleven residential dwelling units is required. Staff would generally be supportive of the lands providing for a total of between 15 and 17 parking spaces subject to the owner preparing a satisfactory parking layout plan and making appropriate changes to the lands in order to provide for said amount of parking spaces;
  - b) There appears to be sufficient area on the lands given the position of the existing building and parking areas to provide for one of parking spaces to be an accessible parking space measuring 4.4 m (14.44 ft) by 6 m (19.69 ft) as required under Section 5.2.3.5 of the Zoning By-law; and,
  - c) There appears to be sufficient area on the lands given the position of the existing building and parking areas to provide for a minimum of six bicycle parking spaces as would be required under Section 5.8 and as calculated under Table 5.10 of the Zoning By-law.

Staff would recommend, however, that the amending zoning by-law not be enacted until such time as the owner has submitted a building permit application to the satisfaction of the Chief Building Official, as well as the submission of a parking layout plan that is to the satisfaction of the Director of Planning Services.

## **CONCLUSION:**

Staff has reviewed the development proposal and is satisfied that it conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

The following are the principles of the proposed site-specific amending zoning by-law:

- a) That the subject lands be rezoned "R3(S)" and limit the permitted uses on the lands to that of a multiple dwelling containing a maximum of eleven residential dwelling units along permitted accessory buildings, structures and uses;
- b) That a minimum easterly interior side yard setback and planting strip width of 1 m (3.28 ft) be required;
- c) That a fence having a minimum height of 1.5 m (4.92 ft) be required along the easterly interior side lot line to a depth that is equal to the length of the abutting low density residential lot situated to the immediate east of the subject lands;
- d) That the existing two refuse containers be permitted in the rear yard of the subject lands; and,
- e) That any necessary site-specific relief identified in a satisfactory parking layout plan related to sight triangles, circular driveway, parking and parking-related landscaping provisions of the City's Zoning By-law be provided for accordingly.

**Title: Daniel Forget**

**Date: September 21, 2020**

Staff is recommending, however, that prior to the passing of an amending zoning by-law, the owner be required to submit a building permit application to the satisfaction of the Chief Building Official and submit a parking layout plan to the satisfaction of the Director of Planning Services.

The Planning Services Division therefore recommends that the application for Zoning By-law Amendment be approved in accordance with the Resolution section of this report.





# SURVEYOR'S REAL PROPERTY REPORT

## PART OF LOT 3 CONCESSION 3

GEOGRAPHIC TOWNSHIP OF BALFOUR  
CITY OF GREATER SUDBURY

DISTRICT OF SUDBURY

SCALE : 1 INCH = 20 FEET

0 10 20 30 40

2019

### BEARING NOTE:

BEARINGS ARE GRID AND ARE REFERRED TO PART OF THE  
EAST LIMIT OF MARION STREET, SHOWN ON PLAN 53R-9552  
HAVING A BEARING OF N2°17'00"E

### SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

- 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE  
WITH THE SURVEYS ACT, THE SURVEYORS ACT, AND THE LAND  
TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- 2) THE SURVEY WAS COMPLETED ON AUGUST 26, 2019

AUGUST 27, 2019

A BORTOLUSSI, OLS

## REPORT

THIS PLAN & REPORT IS PREPARED FOR: MR DAN FORGET

### DESCRIPTION:

PIN 73349-1312, BEING PART OF LOT 3, CONCESSION 3,  
GEOGRAPHIC TOWNSHIP OF BALFOUR, BEING PART 1, 53R-9552 &  
PART 1, SR-3264, KNOWN AS #126 MAIN STREET

### REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY:

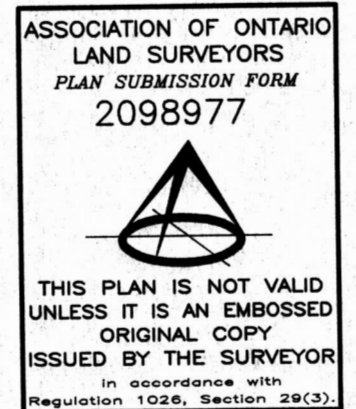
THERE ARE NO REGISTERED EASEMENTS OR RIGHTS-OF-WAY

### COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS:

NOT CERTIFIED BY THIS REPORT

### NOTES:

TIES TAKEN TO THE BRICK  
NOTE THE OVERHEAD WIRES CROSSING THE PROPERTY



TRAVELLED ROAD KNOWN AS  
MAIN STREET  
PIN 73349-1912

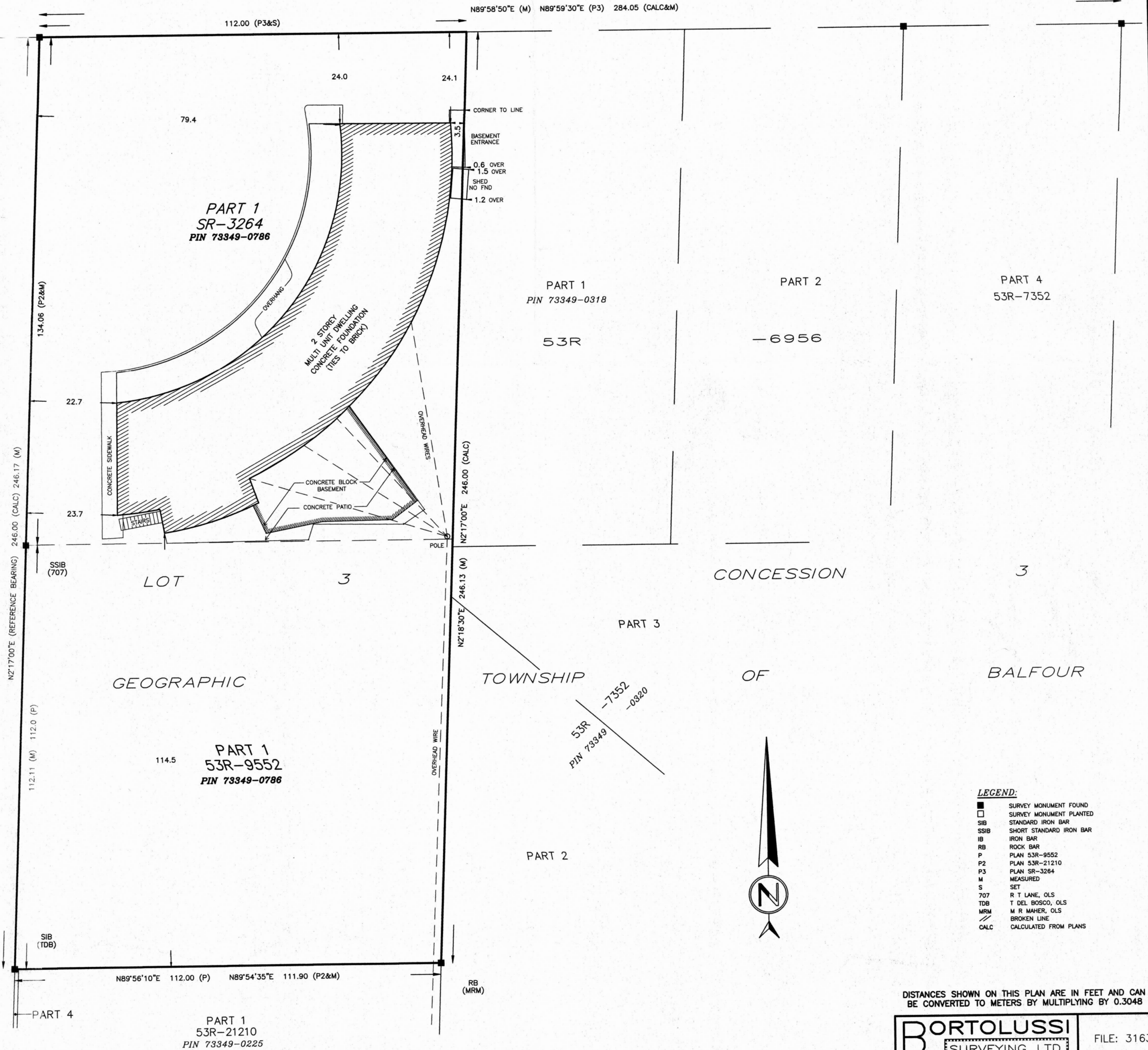
IB (MRM)  
(IN ASPHALT)

SIB (OU)  
53R-7352

SIB  
(707)

TRAVELLED ROAD KNOWN AS  
MARION STREET

PART 1 SR-3032  
PIN 73349-0225



### LEGEND:

- SURVEY MONUMENT FOUND
- SURVEY MONUMENT PLANTED
- SIB STANDARD IRON BAR
- SSIB SHORT STANDARD IRON BAR
- IB IRON BAR
- RB ROCK BAR
- P PLAN 53R-9552
- P2 PLAN 53R-21210
- P3 PLAN SR-3264
- M MEASURED
- S SET
- 707 R T LANE, OLS
- TDB T DEL BOSCO, OLS
- MRM M R MAHER, OLS
- /// BROKEN LINE
- CALC CALCULATED FROM PLANS

DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN  
BE CONVERTED TO METERS BY MULTIPLYING BY 0.3048

**BORTOLUSSI**  
SURVEYING LTD.

FILE: 3163



SUPPLOT of File: 3163 dated Aug 27/2018  
Civic Address: 126 Main St W, Chatham ON

Proposed UNIT 9 Split  
(Overview)

MAIN STREET

SIB  
(707)

N89°58'

112.00 (P3&S)

24.0

24.1

Parking

79.4

Parking

Building:  
+/- 864 sq/m

Current: 10 units  
Proposed: 11 units

PART 1  
SR-3264  
PIN 73349-0786

UNIT 9A/9B  
NOT TO SCALE

2 STOREY  
MULTI UNIT DWELLING  
CONCRETE FOUNDATION  
(TIES TO BRICK)

UNIT  
9A (1 bed)

UNIT  
9B  
(3 beds)

Patio door

Window

CONCRETE BLOCK  
BASEMENT

CONCRETE PATIO

LOT windows Proposed 3  
face

GEOGRAPHIC

PART 1  
53R-9552  
PIN 73349-0786

LEGEND:

----- Proposed New Fence (outside)  
----- Proposed closing structure of Arch passage.

TRAVELLED ROAD KNOWN AS  
MARION STREET

134.06 (P2&M)

Parking

22.7

23.7

CONCRETE SIDEWALK

Entry door

Arch Passage

Entry door

STAIRS

SSIB  
(707)

N2°17'00"E (REFERENCE BEARING) 246.00 (CALC) 246.17 (M)

112.11 (M) 112.0 (P)

PART 1 SR-3032  
PIN 73349-0225

SIB  
(TDB)

OVERHEAD WIRE

N2°17'00"E 246.00 (CALC)  
N2°18'30"E 246.13 (M)

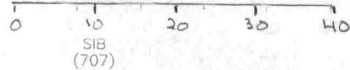
POLE

OVERHEAD WIRES

CORNER  
BASEMENT  
ENTRANCE  
0.6 ov  
1.5 ov  
SHED  
NO FND  
1.2 ov

SWIPPER & TILL 3163 dated Aug 27, 2019

SCALE: 1 inch = 20 Feet



Proposed Parkings  
(16 SPACES)

CIVIC ADDRESS:  
126 MAIN ST WEST  
CHILWORTH, ONT

MAIN STREET

N89°58'

TRAVELLED ROAD KNOWN AS  
MARION STREET

10m

(WH. 22)  
S. 31

N2°17'00"E (REFERENCE BEARING) 246.00 (CALC) 246.17 (M)

PART 1 SR-3032  
PIN 73349-0225

112.11 (M) 112.0 (P)

114.5

PART 1  
53R-9552  
PIN 73349-0786

GEOGRAPHIC

LOT

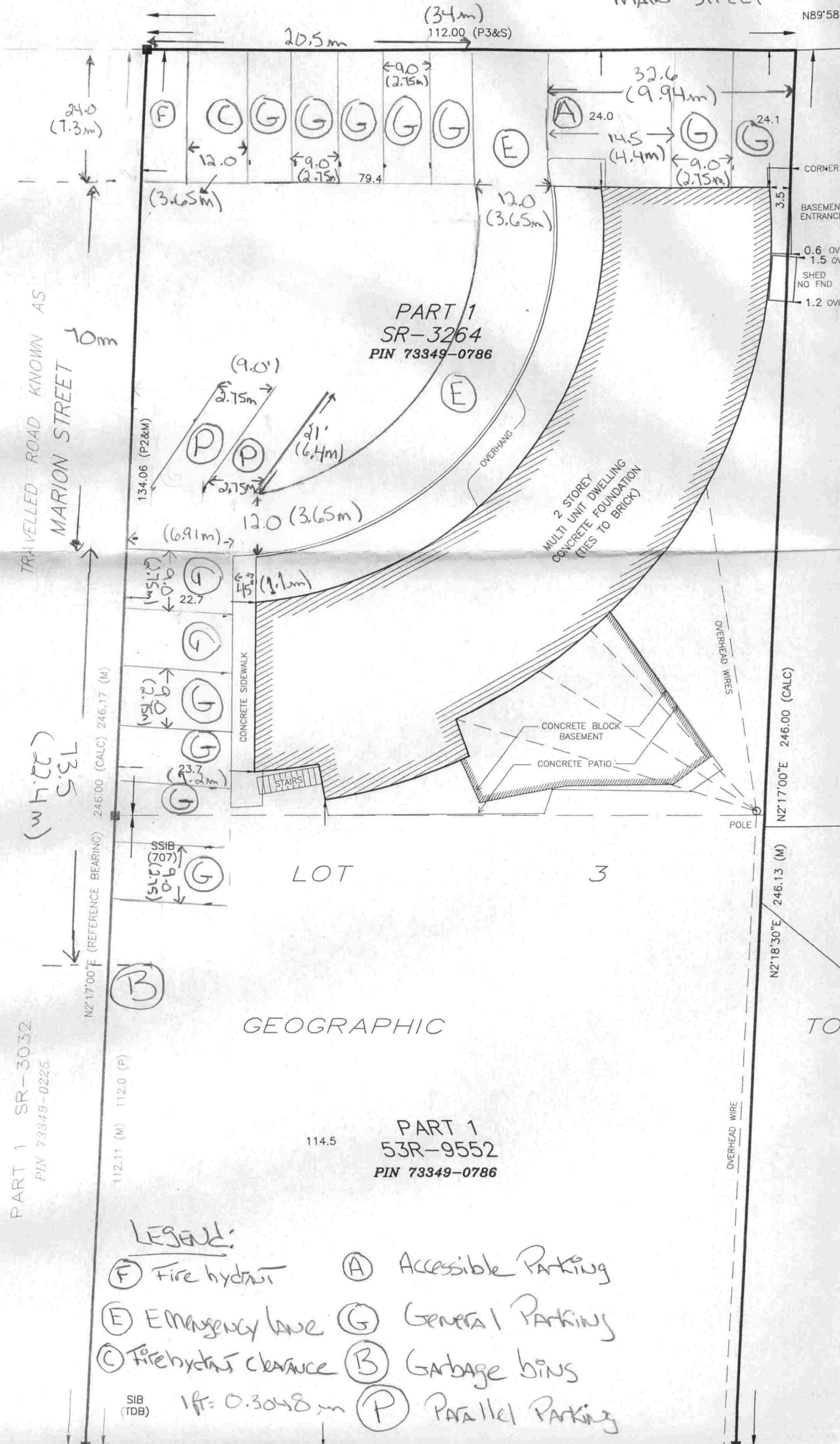
3

TO

SIB  
(TDB)

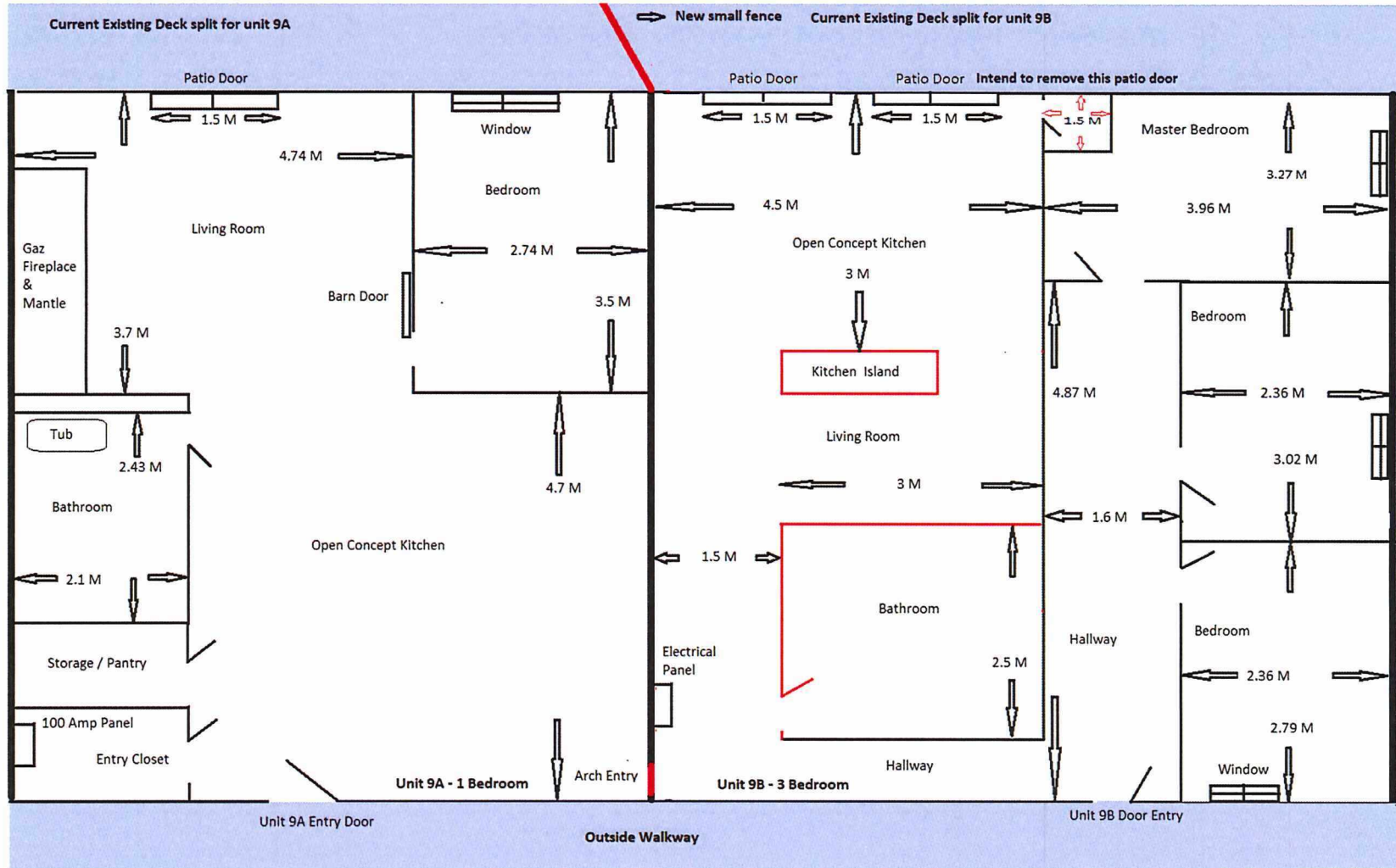
1 ft = 0.3048 m

- LEGEND:**
- (F) Fire hydrant
  - (A) Accessible Parking
  - (E) Emergency lane
  - (G) General Parking
  - (C) Fire hydrant clearance
  - (B) Garbage bins
  - (P) Parallel Parking



Dan Forget  
126 Main St W,  
Chelmsford  
Unit 9 Splitting Project

Legend  
New - Proposed New Structure  
Black - Existing Structure  
Concrete/Brick Wall  
Not to scale  
1 Gridline = 10cm







**PHOTO #1 – Subject lands as viewed from the intersection of Main Street and Marion Street looking south-east.**



**PHOTO #2 – Existing parking area situated within the front yard along the Main Street frontage looking south-east.**





**PHOTO #3 – Existing parking area situated in the corner side yard along Marion Street looking east.**





**PHOTO #4 – Existing rear yard and corner side with refuse containers as viewed from Marion Street looking south.**



**PHOTO #5 – Existing low density residential buildings situated to the east of the subject lands as viewed from Main Street looking south.**





**PHOTO #6 – Existing low density residential buildings situated to the east of the subject lands as viewed from Main Street looking north.**



**PHOTO #7 – Existing municipal water tank situated to the west of the subject lands as viewed from the intersection of Main Street and Marion Street.**