

STAFF REPORT

PROPOSAL:

The application proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury to permit a multiple dwelling with three (3) units.

The existing dwelling on the site is intended to be converted into a multiple dwelling containing three residential dwelling units, in order to legalize an existing third dwelling unit located in the basement. The applicant's site sketch shows the location of the proposed multiple dwelling and parking on the subject lands. There is also an accessory garage and two small sheds on the property. No addition to the existing building is proposed.

Existing Zoning: R2-2, Low Density Residential Two

The R2-2 zone permits a range of low density residential uses including a duplex and semi-detached dwellings.

Requested Zoning: R2-2(S), Low Density Residential Two Special

The proposed R2-2(S) zone would permit a multiple dwelling with three (3) units, with site specific relief to permit the location of the existing main building and two (of three) accessory buildings in the rear yard.

Location and Site Description:

The subject property is described as PIN 73589-0691, Parcel 10165, Lot 413, Plan M-99, Lot 7, Concession 2, Township of McKim. The subject lands are located on the north side of Martindale Road, and are municipally known as 890 Martindale Road. The lands are 0.05 ha in size with approximately 12.44 m of frontage and are currently serviced with municipal water and sanitary sewer. There is a City transit stop on both sides of Charlotte Street approximately 65 m to the east of the subject lands.

Surrounding Land Uses:

The area surrounding the site includes:

North:	Residential use (single detached dwelling)
East:	Unnamed Lane 26, residential use (single detached dwelling)
South:	Martindale Road Drive, residential use (multiple and single detached dwellings)
West:	Residential use (duplex dwelling)

The existing zoning & location map, indicates the location of the subject lands to be rezoned and the zoning in the immediate area.

Site photos show the residential uses along Martindale Road in this area.

Public Consultation:

Notice of complete application of the application was circulated to the public and surrounding property owners on June 24, 2020. Notice of Public Hearing was circulated to the public and surrounding property owners on August 20, 2020. The owner was 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. At the time of writing this report, no inquiries or written comments have been received by the Planning Services Division.

POLICY & REGULATORY FRAMEWORK:

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

- [2020 Provincial Policy Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

Provincial Policy Statement:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement (PPS).

Section 1.1.3.1 and 1.4.1 of the PPS are relevant to the application. Section 1.1.3.1 identifies that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. Section 1.4.1 requires municipalities to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Forms of housing which meet social, health and well-being needs are to be encouraged.

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. There are no policies that are relevant to this application, therefore the application is considered to conform to the Growth Plan.

Official Plan for the City of Greater Sudbury:

The subject property is designated as Living Area 1 in the City of Greater Sudbury Official Plan. Section 3.2.1 outlines that the Living Area 1 designation permits low density residential uses up to a maximum density of 36 units per hectare, and medium density residential uses up to a maximum density of 90 units per hectare. Policy 3.2(3) states that new residential development must be compatible with the existing physical character of established neighbourhoods, with consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties under the Zoning Bylaw.

Date: August 10, 2020

Policy 3.2.1(6) establishes the following criteria to be considered when rezoning lands in the Living Area 1 designation:

- a) the site is suitable in terms of size and shape to accommodate the proposed density and building form;
- b) the proposed development is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks, and the location of parking and amenity areas;
- c) adequate on-site parking, lighting, landscaping and amenity areas are provided; and,
- d) the impact of traffic on local streets is minimal.

Section 2.3.3 encourages all forms of intensification and establishes a 20% residential intensification target. Intensification applications are to be evaluated with respect to criteria including site suitability, compatibility with neighbourhood character and proposed mitigation measures, availability of infrastructure and public service facilities, and traffic impacts.

Section 17 identifies a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure, including encouraging the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The Official Plan is intended to provide direction as to how housing needs and issues can be addressed in concert with the CGS Housing and Homelessness Plan.

Zoning By-law 2010-100Z:

The development standards for the requested zone require a maximum height of 11m. The minimum required front yard is 6 m, rear yard is 7.5 m and interior side yard is 1.8 m. The maximum lot coverage is 40%. The general provisions of the zoning by-law require a minimum of 50% of all required front yards to be maintained as landscaped open space. Parking provisions for the proposed multiple dwelling require 1.5 spaces per unit. Accessory structures greater than 2.5 m in height are required to meet a minimum setback of 1.2 m, and if less than 2.5 m must meet a minimum setback of 0.6 m.

Site Plan Control:

A Site Plan Control Application is not required for multiple dwellings with four or less units.

Department/Agency Review:

The application has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate zoning by-law standards. Comments have been addressed to the satisfaction of reviewing department and agencies.

Development Engineering has commented that the site is currently serviced with municipal water and sanitary sewer, and that the current water and sewer services may require upgrading. Any upgrading of the water and sanitary sewer services to the lot will be borne by the owner.

Building Services has advised that a building permit application and building permit documents are required for the multiple dwelling. Drawings prepared by a qualified designer are to be submitted showing all floor plans, exits, fire separations, and all fire and life safety requirements in accordance with the current Ontario Building Code standards to the satisfaction of the Chief Building Official. They have noted the zoning bylaw provisions regarding parking space dimensions.

PLANNING ANALYSIS:

Planning staff circulated the development application to internal departments and external agencies. The PPS (2020), the Growth Plan (2011), and 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 circulation.

The application to permit a multiple dwelling building on the subject lands is consistent with the PPS direction to direct development to fully serviced settlement areas. The Official Plan encourages all forms of intensification.

Both the PPS and the Official Plan encourage municipalities to provide a range and mix of housing types and densities. The Official Plan identifies that a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure, including the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The proposal to legalize a multiple dwelling in this location, represents an opportunity to maintain an alternative form of housing.

There are full municipal services with adequate capacity, and public transit stops are available within 65 m of the site. Employment opportunities, commercial areas, and community services are available within relatively close proximity.

The site has sufficient area to accommodate a three-unit multiple dwelling including parking, landscaping and amenity space. There is an unnamed laneway that provides access to the parking area in the rear yard. There is sufficient room on the property to accommodate the required five spaces, comprised of 1 space within the garage and 4 spaces in the gravel parking area in the rear yard. Traffic is not expected to be impacted by this proposal.

The proposed density and building form is compatible with adjacent lands, which are zoned R2-2 and consist of a mix of single-detached, duplex and multiple dwellings. The proposed three units would represent a net density of approximately 60 units per hectare, which would be considered to be medium density. However, no changes are proposed to the low density built-form of the existing duplex dwelling. The proposed density is considered to be compatible with the adjacent residential uses, and this level of intensification can be reasonably accommodated in this area of Martindale Road.

Given the existing front yard setback of the building is 4.88 m, which is less than the required 6 m, it is recommended to include a provision in the amending by-law to permit the location of the existing dwelling on the lot.

Accessory buildings greater than 2.5 m in height are required to meet a minimum setback of 1.2 m from the interior side lot line. Accessory buildings up to 2.5 m in height must meet a minimum setback of 0.6 m. The height of each of the two small sheds (each less than 10 m² in gross floor area) to its peaked roof is 2.67 m, which is over this height standard by 17 cm. The sheds are setback 0.77 m and 0.65 m respectively, and as such, do not comply with the required 1.2 m setback. It is recommended to include a provision in the amending by-law to permit the location of these existing accessory buildings. This minor relief is recommended to be appropriate.

CONCLUSION:

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

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

- To rezone the lands from R2-2 to R2-2(S) to enable the development of a multiple dwelling with three (3) dwelling units, and to permit the location of the existing main building and two (of three) accessory buildings in the rear yard.

The development of the subject lands achieves a number of policy directives related to intensification and the provision of a range and mix of housing types. Staff have considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is satisfied that the application is consistent with the PPS and conforms to the Growth Plan and the Official Plan. Staff are of the opinion that the proposed zoning by-law amendment is appropriate based on the following:

- The proposed multiple dwelling will maintain the range and mix of housing available in the area.
- The site is suitable for the proposed density and building form.
- The proposal has been evaluated in the context of the surrounding and future land uses and is considered appropriate.
- Adequate parking, landscaping and amenity areas can be provided.
- The impact on local streets will be minimal.
- The sewer and water services are adequate for the site.

Staff recommend approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.