

Request for Decision

Carole Voutier - Request for extension of conditional approval of rezoning application File # 751-3/18-2, 66-68 Eva Street, Garson

Presented To:	Planning Committee
Presented:	Wednesday, Sep 09, 2020
Report Date	Friday, Aug 14, 2020
Type:	Routine Management Reports
File Number:	751-3/18-2

Resolution

THAT the City of Greater Sudbury approves the extension of rezoning application File # 751-3/18-2 by Carole Voutier on lands described as PIN 73494-0471, Parcel 28950 S.E.S., Part of Lots 21 & 22, Plan M-195 in Lot 6, Concession 1, Township of Garson, as outlined in the report entitled "Carole Voutier", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2020, for a period of three (3) months to November 12, 2020.

Relationship to the Strategic Plan / Health Impact Assessment

The application to extend conditional zoning approval is an operational matter under the Planning Act to which the City is responding. The application is a form of residential intensification and does not conflict with the goals and objectives of the 2019-2027 City of Greater Sudbury Strategic Plan.

Report Summary

The owner has requested an extension to the conditional zoning approval of File # 751-3/18-2 for a period of three (3) months to November 12, 2020. The rezoning is required in order to recognize an existing triplex dwelling, with site-specific relief granted for parking. Planning Staff are recommending approval of the extension.

Financial Implications

If approved, staff is unable to estimate the change in assessment value and therefore unable to estimate

Signed By

Report Prepared By

Mauro Manzon
Senior Planner
Digitally Signed Aug 14, 20

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Aug 14, 20

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Aug 14, 20

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Aug 21, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Aug 24, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Aug 24, 20

any change in property taxes.

This would result in increased development charges of approximately \$10,500 based on the assumption of one multiple dwelling and based on the rates in effect as of the date of this report.

Date: August 13, 2020

STAFF REPORT

Applicant:

Carole Voutier

Location:

PIN 73494-0471, Parcel 28950 S.E.S., Part of Lots 21 & 22, Plan M-195 in Lot 6, Concession 1, Township of Garson (66-68 Eva Street, Garson)

Application:

To amend [By-law 2010-100Z](#) being the City of Greater Sudbury Zoning By-law from "R2-2", Low Density Residential Two to "R2-2(S)", Low Density Residential Two Special.

Proposal:

An application for rezoning was submitted in May 2018 in order to permit a triplex dwelling by recognizing an existing third unit. Site-specific relief is required for three (3) parking spaces where five (5) are required for a triplex dwelling.

Background:

The following recommendation PL2018-143 was passed by Planning Committee and ratified by City Council on August 14, 2018:

THAT the City of Greater Sudbury approves the application by Carole Voutier to amend Zoning By-law 2010-100Z by changing the zoning classification from "R2 2", Low Density Residential Two to "R2-2(S)", Low Density Residential Two Special on lands described as PIN 73494-0471, Parcel 28950 S.E.S., Part of Lots 21 & 22, Plan M-195 in Lot 6, Concession 1, Township of Garson, as outlined in the report entitled "Carole Voutier" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of August 14, 2018, subject to the following conditions:

- a) That prior to the adoption of the amending by-law, the owner shall submit a building permit application addressing the third dwelling unit to the satisfaction of the Chief Building Official;
- b) That the amending by-law includes the following site-specific provisions:
 - i) A maximum of three (3) dwelling units shall be permitted within the existing main building;
 - ii) A minimum 171 m² of lot area per dwelling unit shall be provided;
 - iii) A minimum of one (1) parking space per dwelling unit shall be provided in the rear yard.
- c) Conditional approval shall lapse on August 14, 2020 unless Condition a) above has been met or an extension has been granted by Council.

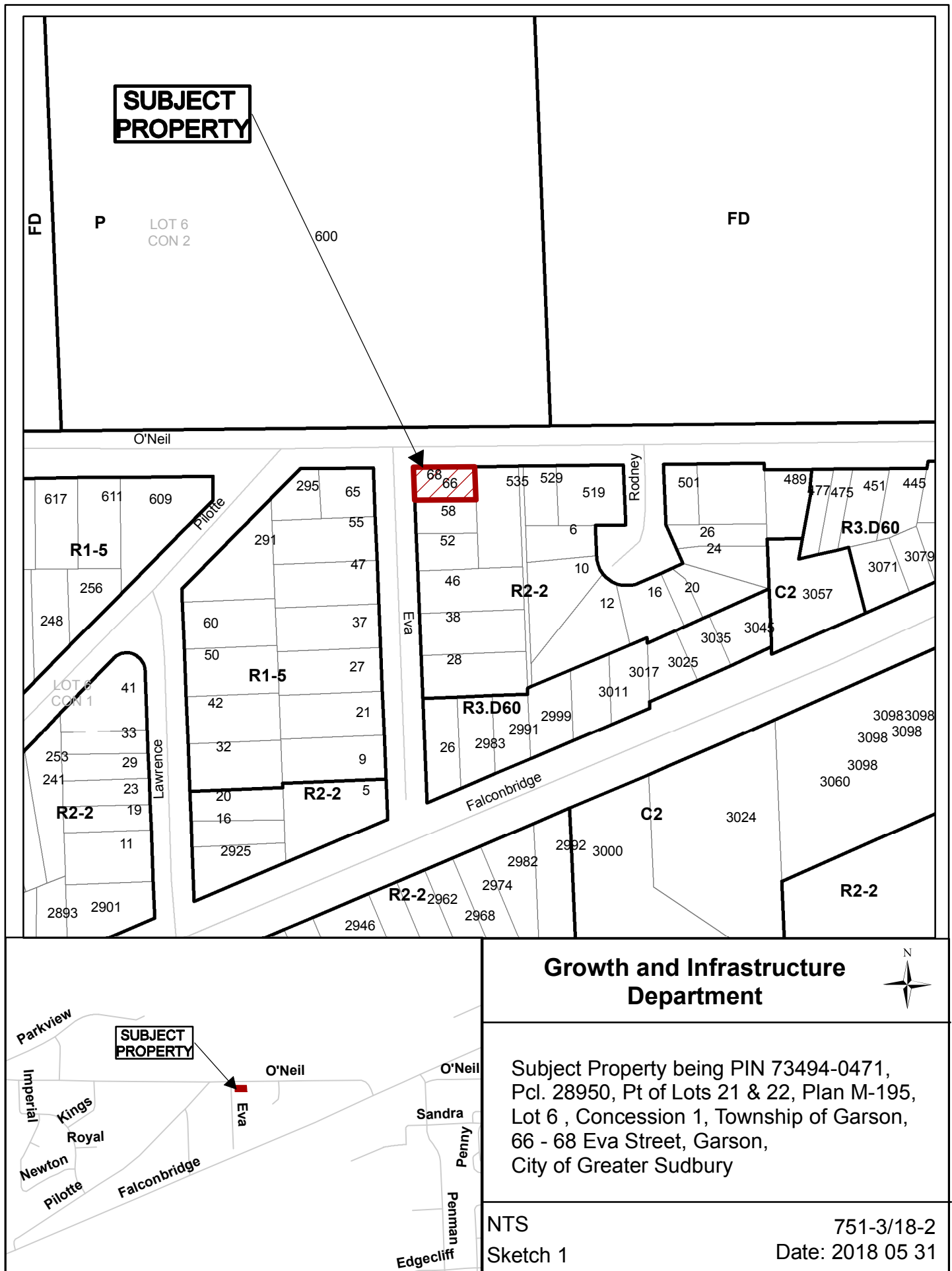
To date, the building permit condition remains outstanding and the amending by-law has not been enacted.

Date: August 13, 2020

Planning considerations:

The initial Planning report and minutes from the meeting on August 14, 2018 are attached for review. Although the owner has submitted a permit application, additional drawings are required by Building Services. The owner advised that there has been difficulty securing a designer, which has delayed the process.

Given the above circumstances, a three-month extension is appropriate and should be sufficient time to finalize the permit application to the satisfaction of Building Services. Planning Services recommends that the rezoning extension be approved.



Presented To:	Planning Committee
Presented:	Tuesday, Aug 14, 2018
Report Date	Friday, Jul 13, 2018
Type:	Public Hearings
File Number:	751-3/18-2

Request for Decision

Carole Voutier - Application for rezoning in order to permit a triplex dwelling by recognizing an existing third unit and providing relief for required parking, 66-68 Eva Street, Garson

Resolution

THAT the City of Greater Sudbury approves the application by Carole Voutier to amend Zoning By-law 2010-100Z by changing the zoning classification from "R2 2", Low Density Residential Two to "R2-2(S)", Low Density Residential Two Special on lands described as PIN 73494-0471, Parcel 28950 S.E.S., Part of Lots 21 & 22, Plan M-195 in Lot 6, Concession 1, Township of Garson, as outlined in the report entitled "Carole Voutier" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of August 14, 2018, subject to the following conditions:

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- b) That the amending by-law includes the following site-specific provisions:
 - i) A maximum of three (3) dwelling units shall be permitted within the existing main building;
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 - iii) A minimum of one (1) parking space per dwelling unit shall be provided in the rear yard.
- c) Conditional approval shall lapse on August 14, 2020 unless Condition a) above has been met or an extension has been granted by Council.

Signed By

Report Prepared By

Mauro Manzon
Senior Planner
Digitally Signed Jul 13, 18

Manager Review

Eric Taylor
Manager of Development Approvals
Digitally Signed Jul 13, 18

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Jul 13, 18

Financial Implications

Jim Lister
Manager of Financial Planning and
Budgeting
Digitally Signed Jul 20, 18

Recommended by the Department

Tony Cecutti
General Manager of Growth and
Infrastructure
Digitally Signed Jul 25, 18

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Jul 26, 18

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

An application for rezoning has been submitted in order to permit a triplex dwelling by recognizing an existing third unit on the property municipally known as 66-68 Eva Street, Garson. Site-specific relief is required for three (3) parking spaces where five (5) are required for a triplex dwelling.

Planning Services recommends approval based on the following land use considerations:

- The proposal involves an interior renovation only and the dwelling will continue to maintain the same physical presence on the street as before;
- The building is appropriately sited on the corner lot, with landscaping in the front yard and corner side yard and parking at the rear;
- The resultant density is calculated at 59 dwelling units per hectare, which is less than the maximum density of 90 du/ha permitted for medium density residential uses under the Official Plan;
- Parking relief is deemed appropriate in this instance based on the preferred location of the parking area in the rear yard, adequate sight lines, no encroachment into the right-of-way, and the proximity to public transit;
- The proposal is consistent with the 2014 Provincial Policy Statement, as the subject land is located within a fully serviced urban area that offers good proximity to services including public transit; and further, the scale of development is minor and considered appropriate based on the low density character of the area;
- The proposal conforms to the 2011 Growth Plan for Northern Ontario.

As a condition of approval, it is recommended that the owner submit a building permit application prior to the adoption of the amending by-law to address the third dwelling unit to the satisfaction of the Chief Building Official.

Financial Implications

If approved, staff is unable to estimate the change in assessment value and therefore unable to estimate any change in property taxes.

This would result in increased development charges of approximately \$10,400 based on the assumption of one multiple dwelling and based on the rates in effect as of the date of this report.

Title: Carole Voutier

Date: July 12, 2018

STAFF REPORT

Applicant:

Carole Voutier

Location:

PIN 73494-0471, Parcel 28950 S.E.S., Part of Lots 21 & 22, Plan M-195 in Lot 6, Concession 1, Township of Garson (66-68 Eva Street, Garson)

Official Plan and Zoning By-law:

Official Plan

a. Living Area policies

The subject property is designated as Living Area 1 in the City of Greater Sudbury [Official Plan](#). A range of housing types are permitted subject to the rezoning process.

In reviewing applications for rezoning in Living Areas, the following criteria under Section 3.2.1 of the Official Plan are to be considered:

- suitability of the site to accommodate the proposed density and building form;
- physical compatibility with the surrounding neighbourhood in terms of scale, massing, height, siting and setbacks;
- adequate on-site parking; and,
- traffic impact on local streets.

b. Residential intensification

Section 3.3 of the Plan addresses residential intensification in settlement areas.

Opportunities for intensification will be supported on lands:

- a) that are no longer viable for the purpose for which they were intended, such as older industrial areas;
- b) where the present use is maintained but the addition of residential uses can be accomplished in a complementary manner;
- c) that are vacant and/or underutilized within previously developed areas; and,
- d) in fully-serviced Living Areas that could accommodate infill developments.

Title: Carole Voutier

Date: July 12, 2018

Any changes to the land use structure through intensification will be assessed so that the concerns of the community and the need to provide opportunities for residential intensification are balanced.

Priority will be placed on meeting housing targets by means of intensification within existing established urban areas. In particular, intensification will be encouraged on major Arterial Roads in close proximity to Employment Areas and public transit.

Conformity with the Official Plan is based on a review of the above noted considerations.

Zoning By-law

The subject land is currently zoned "R2-2", Low Density Residential Two, which permits singles, semis and duplexes.

Site Description & Surrounding Land Uses:

The subject property forms the southeast corner lot at the intersection of Eva Street and O'Neil Drive West in Garson. The area is fully serviced by municipal water and sanitary sewer. Eva Street is partially urbanized with curb and gutter but no sidewalk. O'Neil Drive West is designated as a Collector Road and is also partially urbanized with a paved shoulder on the north side of the street. Public transit is available on Municipal Road 86 to the south (Route 303).

Total lot area is 513 m², with 16.8 metres of frontage on Eva Street and 30.6 metres of flankage on O'Neil Drive West. The lot is occupied by a two-storey dwelling with three (3) units. The front and corner side yards are landscaped, with a parking area in the rear yard that can accommodate three (3) vehicles.

Single detached dwellings abut to the south and east. A public park is located on the north side of O'Neil Drive West opposite the subject property (Lorne Brady Park).

Application:

To amend [By-law 2010-100Z](#) being the City of Greater Sudbury Zoning By-law from "R2-2", Low Density Residential Two to "R2-2(S)", Low Density Residential Two Special.

Proposal:

Application for rezoning in order to permit a triplex dwelling by recognizing an existing third unit. Site-specific relief is required for three (3) parking spaces where five (5) are required for a triplex dwelling.

Departmental/Agency Circulation:

There are no objections from commenting departments and agencies. However, Roads and Transportation Section note that the proposed parking relief may impact adjacent properties.

Neighbourhood Consultation:

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out to property owners and tenants within a minimum of 120 metres of the property.

The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

Title: Carole Voutier

Date: July 12, 2018

The owner advised Planning Services that adjacent property owners and the Ward Councillor were contacted prior to the hearing.

As of the date of this report, no phone calls or written submissions were received concerning this application.

Background:

In June 1992, applications for Official Plan amendment and rezoning were submitted by a previous owner in order to permit a triplex dwelling by recognizing a third dwelling unit that was installed without benefit of a permit (Files 701-3-0/92-19 & 751-3/92-5). As part of the submission, Building Controls required drawings illustrating the details of the construction. The drawings were not provided and the applications did not proceed to a public hearing.

Planning Considerations:

Land use compatibility

The surrounding residential area is predominantly comprised of single detached dwellings. There are some exceptions, including semi-detached dwellings on Rodney Street and two (2) multiple dwellings located further to the east at 439 and 441 O'Neil Drive West. Therefore the predominant character is that of a low density residential neighbourhood.

Notwithstanding the above, there is no building addition proposed with this application. The third unit will involve an interior renovation as part of a permit process required as a condition of approval. The dwelling will continue to maintain the same physical presence on the street as exists currently. The building is also appropriately sited on the corner lot, with landscaping in the front and corner side yards and parking at the rear.

It is therefore recommended that the use be limited to a maximum of three (3) dwelling units.

Suitability of lot

With the addition of a third unit, the resultant density is calculated at 59 dwelling units per hectare. This is less than the maximum density of 90 du/ha that is permitted for medium density residential uses under the Official Plan.

Under R2-2 zoning, a minimum 230 m² of lot area is required per unit for a duplex dwelling. In this case, 171 m² of lot area per unit can be provided for the proposed triplex. Staff recommend that site-specific relief for density be provided as part of the special zoning.

Parking

The owner is requesting three (3) parking spaces where five (5) are required for a triplex dwelling based on a standard of 1.5 spaces per unit. Parking relief can be supported based on the following observations:

- The parking area is not located in any required exterior yard and there is no encroachment into the right-of-way;
- There is no sidewalk on the south side of O'Neil Drive West and therefore no conflict with pedestrian activity;
- Sight lines are adequate as the building meets the minimum corner side yard setback;
- Transit service is available on MR 86, with the closest transit stop approximately 330 metres from the subject property (approximate 5 minute walking distance).

Title: Carole Voutier

Date: July 12, 2018

2014 Provincial Policy Statement (PPS)

Under Section 1.1 of the PPS, Planning authorities shall provide for an appropriate range and mix of housing in the community. New development shall be directed to fully-serviced settlement areas, which shall be the focus of growth. The location of residential intensification shall be appropriate based on the availability of existing and planned infrastructure and the proximity to community services.

In this case, the subject land is located within a fully serviced urban area that offers good proximity to services including public transit. The scale of development is minor and considered appropriate based on the low density character of the area.

The proposal is consistent with the [2014 Provincial Policy Statement](#).

[2011 Growth Plan for Northern Ontario \(GPNO\)](#)

Greater Sudbury is identified as an Economic and Service Hub under the GPNO. Policy 4.3.2 states that these identified municipalities should be designed to accommodate a significant portion of future population and employment growth in Northern Ontario. Accordingly, a diverse range of housing is promoted. The application conforms with the GPNO.

Summary

Planning Services recommends that the application for rezoning be approved subject to the conditions outlined in the Resolution section of this report. The owner is advised that a building permit application respecting the third unit is required to the satisfaction of the Chief Building Official prior to the adoption of the amending by-law.

Appendix 1

Departmental & Agency Comments

File: 751-3/18-2

RE: Application for Rezoning – Carole Voutier
PIN 73494-0471, Parcel 28950 S.E.S., Part of Lots 21 & 22, Plan M-195 in Lot 6,
Concession 1, Township of Garson (66-68 Eva Street, Garson)

Development Engineering

This property is currently serviced with municipal water and sanitary sewer. We have no objection to changing the zoning classification in order to permit a triplex dwelling by recognizing an existing third unit.

Roads and Transportation

While we do not object to the reduction in the number of required parking spaces, it is important to note that any overflow parking that may occur from this site will affect the neighboring property owners on Eva Street or other area roadways.

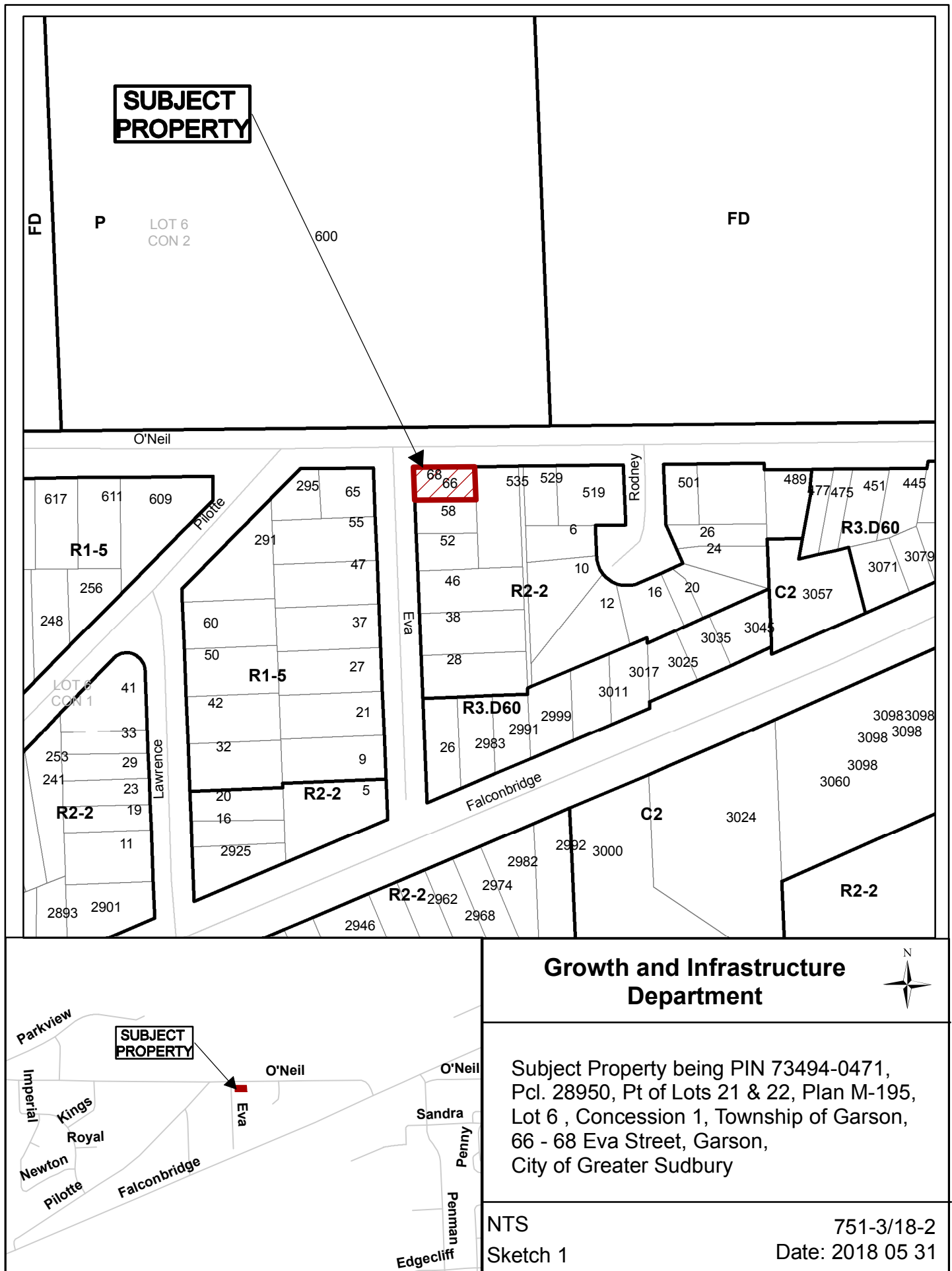
Building Services

Based on the information and site plan drawing provided, we can advise that Building Services has the following comments:

1. Prior to the passing of the amending by-law, the owner is to submit a building permit application for the illegal third unit built without benefit of a permit. Drawings prepared by a qualified designer are to be submitted showing, but not limited to, all floor layouts, exits, fire separations, and all fire and life safety requirements to the satisfaction of the Chief Building Official.
2. Living area density is a concern for the subject property and should be addressed for the request of the special use.
3. A revised plot plan is required to show all structures on-site and all structures are to be fully dimensioned. The driveway and each parking space are to be dimensioned.
4. The parking space(s) adjacent to the building is required to be 3.0 m wide as per CGS Zoning By-law 2010-100Z Part 5 - Parking and Loading Provisions, 5.2.3 Dimensions of Parking Spaces.
5. Parking of Travel Trailers, Recreation Vehicles and Campers are prohibited from parking within the required corner side yard as per CGS Zoning By-law 2010-100Z Part 5 - 5.4.7 Parking of Travel Trailers, Recreation Vehicles and Campers (b).

Nickel District Conservation Authority

No concerns.



**SUBJECT
PROPERTY**

FD

P

LOT 6
CON 2

600

FD

O'Neil

R1-5

617 611 609

R1-5

LOT 6
CON 1

R2-2

2893 2901

R2-2

R2-2

R2-2

R3.D60

R3.D60

C2

C2

R2-2

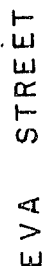
Growth and Infrastructure Department



Subject Property being PIN 73494-0471,
Pcl. 28950, Pt of Lots 21 & 22, Plan M-195,
Lot 6, Concession 1, Township of Garson,
66 - 68 Eva Street, Garson,
City of Greater Sudbury

NTS
Sketch 1

751-3/18-2
Date: 2018 05 31



77.5'

14.94'

55.0'

28.0'

CONC. BLOCK
FOUND'N. (ONLY)
DWELLING UNDER
CONSTRUCTION

1ST'LY

77.5'

23.01'

23.01'

10.83'

6' WIDE EASEMENT

34.5'

55.0'

2ND'LY

LOT 21

LOT 22

170.41'

55.0'

55.0'

167.97'

REG'D PLAN M-195

57.9'

77.5'

LOT 23

W. L. Middleton
O. L. SURVEYOR.



PHOTO 1 66 – 68 EVA STREET, GARSON – VIEW OF SUBJECT PROPERTY ON CORNER LOT AND ABUTTING SINGLE DETACHED DWELLING TO THE SOUTH



PHOTO 2 66 - 68 EVA STREET, GARSON – REAR YARD PARKING AREA OFF O'NEIL DRIVE WEST

751-3/18-2 PHOTOGRAPHY JUNE 14, 2018



PHOTO 3 EVA STREET, GARSON – LOW DENSITY RESIDENTIAL
USES ON EVA STREET OPPOSITE SUBJECT PROPERTY



PHOTO 4 O'NEIL DRIVE WEST, GARSON – PUBLIC PARK ON O'NEIL
DRIVE WEST OPPOSITE SUBJECT PROPERTY

751-3/18-2 PHOTOGRAPHY JUNE 14, 2018

Meeting minutes - August 14, 2018

Carole Voutier - Application for rezoning in order to permit a triplex dwelling by recognizing an existing third unit and providing relief for required parking, 66-68 Eva Street, Garson

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

Report dated July 13, 2018 from the General Manager of Growth and Infrastructure regarding Carole Voutier - Application for rezoning in order to permit a triplex dwelling by recognizing an existing third unit and providing relief for required parking, 66-68 Eva Street, Garson.

Carole Voutier, the applicant, was present.

Mauro Manzon, Senior Planner, outlined the report.

Mauro Manzon, Senior Planner, stated that there is no documentation for this file that would explain why the property was non-complaint in the 1990's.

Jason Ferrigan, Senior Planner, stated that this application is a historic situation that they are dealing with. Business practices have changed since the 1990's and they now work closely with colleagues in By-law Services to make sure the necessary steps are taken to make sure that each applicant is in compliance.

Ms. Voutier stated that she has owned the property for two (2) years and she is aware that it has been rented for over twenty (20) years prior to that. At this time she would like to correct the issue and bring the unit into compliance.

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 resolution was presented:

PL2018-143 Landry-Altmann/Sizer: THAT the City of Greater Sudbury approves the application by Carole Voutier to amend Zoning By-law 2010-100Z by changing the zoning classification from "R2 2", Low Density Residential Two to "R2-2(S)", Low Density Residential Two Special on lands described as PIN 73494-0471, Parcel 28950 S.E.S., Part of Lots 21 & 22, Plan M-195 in Lot 6, Concession 1, Township of Garson, as outlined in the report entitled "Carole Voutier" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of August 14, 2018, subject to the following conditions:

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i) A maximum of three (3) dwelling units shall be permitted within the existing main building;

ii) A minimum 171 m² of lot area per dwelling unit shall be provided;

iii) A minimum of one (1) parking space per dwelling unit shall be provided in the rear yard.

c) Conditional approval shall lapse on August 14, 2020 unless Condition a) above has been met or an extension has been granted by Council.

YEAS: Councillors Lapierre, Jakubo, Sizer, McIntosh, Landry-Altmann
CARRIED

As no public comment, written or oral, was received, there was no effect on the Planning Committee's decision.