

Date: February 27, 2020

STAFF REPORT

Background:

This update concerns Consent Files B0023/2019, B0024/2019, and B0025/2019 which were submitted concurrently and sought to create three new urban residential lots fronting Highway #69 North in Hanmer.

The lands are designated Living Area 1 in the Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. This portion of Highway #69 North is also designated as a Primary Arterial on Schedule 6 – Transportation Network in the City's Official Plan.

Development Approvals staff advised that the proposed severed and retained lands represent a form of low density residential development that is best directed away from Primary Arterial roads in the City. Further, staff commented that the resulting lot fabric and residential density proposed did not conform to the policies identified in the City's Official Plan and that the lands are best suited to be developed with minimal driveway entrances onto Highway #69 North and at a higher residential density and built-form.

The City's Consent Official made a decision to not approve the applications on August 6, 2019.

Appeal:

The decisions of the Consent Official were appealed to the Local Planning Appeal Tribunal on August 28, 2019 by the property owner.

The appellant objected to the denial on the basis that the property had special circumstances to be taken into consideration and that the proposals were, in their opinion, in conformance with the Official Plan and the Provincial Policy Statement.

A one-day hearing before the Tribunal was conducted on February 11, 2020. The Tribunal member issued an oral decision as follows:

CONCLUSION

[19] Upon the findings made, the uncontested expert planning evidence of Mr. Ferguson and expert engineering evidence regarding roads of Mr. Shelsted, and the whole of the evidence inclusive of the documentary record, the Tribunal finds that the proposed consent does not have appropriate regard for the criteria set out in s. 51(24) of the Act, does not conform to the policies of the City's OP and does not represent good planning in the public interest.

ORDER

[20] The Tribunal orders that the appeal is dismissed and the provisional consent is not to be given."

Summary:

A copy of the Tribunal order is attached for review.