

## Request for Decision

**Application for rezoning in order to permit a multiple dwelling with four (4) units, 953 Howey Drive, Sudbury - L.S. Bock Developments Inc**

Presented To: Planning Committee  
Presented: Monday, Feb 09, 2015  
Report Date: Monday, Jan 26, 2015  
Type: Public Hearings  
File Number: 751-6/14-29

### Recommendation

THAT the City of Greater Sudbury deny the application by L.S. Bock Developments Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "R2 2", Low Density Residential Two to "R3", Medium Density Residential on those lands described as PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3, Concession 3, Township of McKim.

### STAFF REPORT

#### Applicant:

L.S. Bock Developments Inc.

#### Location:

PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3, Concession 3, Township of McKim (953 Howey Drive, Sudbury)

#### Application:

To amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law from "R2-2", Low Density Residential Two to "R3", Medium Density Residential.

#### Proposal:

Application for rezoning in order to permit a multiple dwelling with four (4) units. The owner is proposing to convert an existing semi-detached dwelling to a fourplex. The newly constructed dwelling is currently unoccupied. A fourplex requires six (6) parking spaces.

#### Official Plan Conformity:

#### Signed By

##### Report Prepared By

Mauro Manzon  
Senior Planner  
*Digitally Signed Jan 26, 15*

##### Reviewed By

Eric Taylor  
Manager of Development Approvals  
*Digitally Signed Jan 26, 15*

##### Recommended by the Division

Mark Simeoni  
Acting Director of Planning Services  
*Digitally Signed Jan 26, 15*

##### Recommended by the Department

Paul Baskcomb  
Acting General Manager of Growth & Development  
*Digitally Signed Jan 26, 15*

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

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Jan 26, 15*

The subject property is designated as Living Area 1 in the City of Greater Sudbury Official Plan. Within these areas, a range of residential uses are permitted subject to the rezoning process.

Applications for rezoning in Living Area 1 are reviewed based on criteria established under Section 3.2.1 of the Plan, including such matters as the suitability of the site, proposed density and built form, land use compatibility, the availability of on-site parking and the traffic impact on local streets.

The Plan also places a strong emphasis on maintaining compatibility with surrounding uses. New residential development should form a good fit with the existing physical character of established residential areas.

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

### **Site Description & Surrounding Land Uses:**

The subject lot is located on the south side of Howey Drive, east of Somerset Street. The area is fully serviced by municipal sewer and water. Howey Drive is designated as a Secondary Arterial Road.

The lot has a total area of 699 m<sup>2</sup> (7,520 sq. ft.), with 12.19 m (40 ft.) of road frontage and an approximate depth of 58 m (190 ft.). The site is occupied by a 199 m<sup>2</sup> (2,143 sq. ft.), one-storey semi-detached dwelling with a finished basement area.

A single detached dwelling built in 1955 abuts to the east (957 Howey Drive). A triplex constructed in 1951 is situated immediately to the west (947 Howey Drive). Both abutting dwellings have non-complying setbacks from their respective lot lines: the abutting triplex has an easterly interior side yard setback of approximately 0.8 m (2.6 ft.); the single detached dwelling to the east is approximately 0.6 m (2 ft.) from the lot line. The setbacks are deemed legal non-complying, as the dwellings were constructed prior to the implementation of zoning in 1962. Lands directly opposite the subject property are undeveloped.

The subject property backs onto the Canadian Pacific railway. The rail corridor is located at a lower elevation compared to adjacent residential uses.

### **Departmental & Agency Comments:**

#### Development Engineering

This site is currently serviced with municipal water and sanitary sewer. We have no objection to changing the zoning classification from "R2-2", Low Density Residential Two to "R3", Medium Density Residential in order to permit a four-unit multiple dwelling provided the outstanding drainage issues are rectified and, if required, a revised design lot grading plan superseding the plan approved on August 27, 2012 is approved by the City.

#### Roads and Transportation

As a condition of approval, the owner understands and agrees that he will transfer to the City a 2 metre strip of property along the entire frontage of Howey Drive upon demand, if and when required for future road improvements, free of mortgages, charges, trust deeds and other encumbrances securing financing. The City shall be responsible for all survey and legal costs associated with this transfer.

#### Building Services

Based on the information and site plan provided, we can advise that Building Services has no objections to this application other than the following comments for the applicant's information:

1. An application for a building permit will be required for the additional two (2) units.
2. Drawings prepared by a qualified designer are to be submitted showing the basement floor layout, exits, fire separations and all fire and life safety requirements to the satisfaction of the Chief Building Official.
3. As per Section 5.2.4.3 of CGS Zoning By-law 2010-100Z, outdoor parking areas shall be permitted in any part of any yard, except that no part of any parking area shall be located in any required front yard.

### **Neighbourhood Consultation:**

The owner 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.

As of the date of this report, one phone call has been received concerning negative drainage impacts on abutting properties.

### **Background:**

The property was subject to the same application in 2011 (File 751-6/10-40), which was denied by Council on March 30, 2011 (Recommendation 2011-48). The owner appealed the decision to the Ontario Municipal Board on April 20, 2011. The notice requirements as set out by the Board were not addressed by the appellant and the appeal was eventually withdrawn by the applicant on November 24, 2011.

Concurrent with the appeal process, the owner submitted an application for a minor variance for the rear yard setback to the railway (8.23 m where a minimum of 30 m is required). Although the appeal was still active, the variance was approved by Committee of Adjustment on the basis that the dwelling was to be a duplex (File A0115/2011).

On January 2, 2013 a permit was issued for a semi-detached dwelling with a finished basement area (Permit #B11-1653). Based on the submitted plans and the subsequent construction of the building, it appears the semi-detached dwelling has been constructed to accommodate four (4) units. To date, occupancy has not been granted.

On October 22, 2014 a public complaint was received concerning drainage from the site, which is negatively impacting abutting properties. Following a site investigation by Development Engineering, an Order to Comply was issued by Building Services on October 29, 2014. The order requires the owner to address the following:

- Construct the retaining wall as per approved drainage plan;
- Construct grading as per approved plan.

### **Planning Considerations:**

The proposal before the Committee is the same as the 2011 application. As recorded in the minutes at that time, Council's reasons for the refusal were the small size of the lot, insufficient setbacks, impact on the adjoining neighbours, potential negative impact for snow removal, lack of room for planting strips and insufficient room for parking.

A review of the building permit file and a site visit reveal that the dwelling has been constructed to facilitate conversion to a fourplex. There are four exterior entrances and a layout that it designed to accommodate two (2) more units in the basement (see attached floor plan).

### Mix of existing housing

An inventory of properties comprising the residential blocks between Devon Road and CPR Bay indicates that the predominant housing types are single detached and duplex dwellings. There are some exceptions including two (2) semis and two (2) triplexes, one of which directly abuts the subject land to the west (947 Howey Drive). The second triplex is located at 937 Howey Drive in the form of a duplex with a basement apartment. The non-conforming status of these properties has not been verified.

Further to the west is a two-storey building on a property that is assessed as a multiple dwelling. It appears to have been unoccupied for some time, as the windows have been boarded up for several years (943 Howey Drive). Undeveloped lands directly opposite the subject property are zoned "R2-2", Low Density Residential Two.

### Suitability of site

The property is not suitable for a multiple dwelling based on the following considerations:

- Planting strips cannot be provided due to the narrow width of the lot;
- Parking would be located within the required front yard in contravention of the Zoning By-law;
- There will be no landscaping in the front yard in order to accommodate parking, which is not an acceptable standard for new development;
- The lot has insufficient frontage for a multiple dwelling (12 m where 18 m are required);
- The parking lot will have a zero (0) setback along the easterly property line, providing no opportunity to buffer the abutting single detached dwelling; and,
- There is no room for snow storage.

### Summary

Planning Services cannot support the application on the basis that it represents over-development of the lot, as reflected by the site-specific relief required from zoning provisions. In this regard, the proposal fails to meet a key requirement of the Official Plan, that being the suitability of the site to accommodate the proposed use.

In order to provide parking and driveway access, the full width of the lot would have to be paved. Planting strips, normally intended to buffer and screen medium density uses from abutting low density residential zones, cannot be implemented. The current semi-detached dwelling is the more appropriate housing form.

Planning Services recommends that the application for rezoning be denied.