

**THE FIFTH MEETING OF THE PLANNING COMMITTEE
OF THE CITY OF GREATER SUDBURY**

**Committee Room C-11
Tom Davies Square**

**Tuesday, March 9, 2004
Commencement: 6:30 p.m.
Adjournment: 9:30 p.m.**

COUNCILLOR LYNNE REYNOLDS PRESIDING

Present Councillors Bradley, Dupuis, Thompson

Staff D. Braney, Property Negotiator / Appraiser; G. Clausen, Director of Engineering Services; R. Swiddle, Director of Legal Services/City Solicitor; Angie Haché, Deputy City Clerk; K. Bowschar-Lische, Planning Committee Secretary

Declarations of Pecuniary Interest None declared.

"In Camera" **Recommendation #2004-38:**

Dupuis-Bradley: That we move "In Camera" to deal with property matters in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, R.S.O. 1990, c.M.45, s.55(5).

CARRIED

Recess At 7:00 p.m., the Planning Committee recessed.

Reconvene At 7:12 p.m. the Planning Committee reconvened in the **Council Chambers** for the regular meeting.

COUNCILLOR RUSS THOMPSON PRESIDING

Present Councillors Bradley, Dupuis, Reynolds

Councillor Berthiaume

Staff B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Services; G. Clausen, Director of Engineering Services; G. Mazza, Chief Building Inspector; R. Swiddle, Director of Legal Services/City Solicitor; D. Braney, Property Negotiator/ Appraiser; A. Haché, Deputy City Clerk; K. Bowschar-Lische, Planning Committee Secretary; M. Burtch, Licensing & Assessment Clerk

News Media MCTV

Declarations of Pecuniary Interest None declared

MATTERS ARISING FROM THE "IN CAMERA" SESSION

<u>Rise and Report</u>	Councillor Lynne Reynolds, as Vice Chair of the Planning Committee, reported the Committee met in closed session to deal with a property matter in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, R.S.O. 1990, c.M.45, s.55(5) and the following resolution emanated therefrom:
<u>Sale of Vacant Lot 11, Plan M-1236 Parkview Dr., Azilda</u>	Report dated February 27, 2004, was received from the Director of Legal Services/City Solicitor and the General Manager of Corporate Services regarding the sale of vacant land, Lot 11, Plan M-1236, Parkview Drive, Azilda.

Recommendation #2004-39:

Bradley-Dupuis: That the City of Greater Sudbury enter into an Agreement of Purchase and Sale with Guy Belanger Homes Inc. for the land legally described as Lot 11, Plan M-1236, Parkview Drive, Azilda subject to the terms and conditions outlined in the report dated February 27th, 2004 from the General Manager of Corporate Services; the subject land is dedicated parkland.

The net proceeds from the sale will be deposited to the planning reserve for parks "Parks (Section 50) Reserve Fund"; and

That the Clerk and Property Negotiator/Appraiser be authorized to execute all documents necessary to complete the real estate transaction.

CARRIED

PUBLIC HEARINGS

APPLICATION FOR REZONING TO PERMIT THE CONSTRUCTION OF A NEW ADVERTISING GROUND SIGN TO REPLACE AN EXISTING SIGN IN THE SAME LOCATION, 695 KINGSWAY, SUDBURY - CITY OF GREATER SUDBURY (AGENT: CHRIS LAKING)

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

Report dated February 26th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit the construction of a new advertising ground sign to replace an existing sign in the same location, 695 Kingsway, Sudbury - City of Greater Sudbury (Agent: Chris Laking).

The applicant, Chris Laking, 2052 Armstrong Street, Sudbury, was present.

The Director of Planning Services outlined the application to the Committee.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE CONSTRUCTION OF A NEW ADVERTISING GROUND SIGN TO REPLACE AN EXISTING SIGN IN THE SAME LOCATION, 695 KINGSWAY, SUDBURY - CITY OF GREATER SUDBURY (AGENT: CHRIS LAKING) (cont'd)

Mr. Chris Laking indicated that he has no problem with entering into a license of occupation agreement with the City of Greater Sudbury. He stated that the new sign will conform with Toyota Canada regulations and is actually a foot shorter than the old pylon sign.

No objectors were present.

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following recommendation was presented:

Recommendation #2004-40:

Dupuis-Reynolds: That the application by the City of Greater Sudbury (Agent: Chris Laking) to amend By-law 95-500Z being the Zoning By-law for the former City of Sudbury by changing the zoning classification of a 35 foot wide strip of the Kingsway road allowance in front of Parts 7 and 8, Plan 53R-16109, in Lot 3, Concession 4, McKim Township from "C6", Highway Commercial to "C6-Special", Highway Commercial Special to permit an advertising ground sign with a maximum sign area of 21.6m² be approved subject to the following:

- (a) That prior to the passing of an amending by-law the agent enter into a license of occupation agreement with the City of Greater Sudbury for the use of the land.

CONCURRING MEMBERS: Councillors Bradley, Dupuis, Reynolds, Thompson

CARRIED

APPLICATION FOR REZONING TO PERMIT A SECOND DWELLING UNIT IN THE EXISTING DWELLING FOR A TEMPORARY PERIOD OF THREE (3) YEARS, 285 LAURIER STREET WEST, AZILDA - RICHARD AND JUNE TAMMI

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

Report dated February 26th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit a second dwelling unit in the existing dwelling for a temporary period of three (3) years, 285 Laurier Street West, Azilda - Richard and June Tammi.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT A SECOND DWELLING UNIT IN THE EXISTING DWELLING FOR A TEMPORARY PERIOD OF THREE (3) YEARS, 285 LAURIER STREET WEST, AZILDA - RICHARD AND JUNE TAMMI (cont'd)

Letter received March 3rd, 2004, from Giuseppe and Franca PiuZZi, Azilda, in opposition to the above-noted application.

Letter dated March 4th, 2004, was received from Councillor Frances Caldarelli, Ward 5, in opposition to the above-noted application.

Richard Tammi, 285 Laurier Street West, Azilda, was present.

Councillor Bradley, Ward Councillor, inquired if the Planning Staff advised the applicant when he submitted the application as to what would be the requirements.

The Director of Planning Services advised that the applicant was told by Building Services Staff that the building permit application could not be accepted and he would need to apply for a rezoning for a second dwelling unit. Planning and Building Controls staff informed Mr. Tammi of requirements including a height restriction on detached garages.

Mr. Tammi indicated that when he first submitted his plans, he was told that if he wanted to use the upstairs for his son then he could have an apartment but not have cooking facilities. He looked at splitting the lot. He was advised by staff that his best option was to apply for a granny flat and there would be no problem. He stated that he followed all of the rules and submitted all of the information. He advised the Committee that he has very serious heart problems and that is why the granny suite is required so that his son could take care of him.

Councillor Bradley, Ward Councillor, questioned why the applicant needed a double garage, what height the garage was and how many steps were there to the 2nd floor. He also asked if the applicant had any meeting with the residents.

Mr. Tammi indicated that he and his son are both "car people", and enjoy tinkering and restoring vehicles. One side of the garage is for his son and one for himself. He said that the height of the garage is 12' 6.5" to the ceiling. He advised that there are approximately 20 steps to the second floor. He stated that he had spoken with his neighbour, Mr. PiuZZi, who had no objections to the application at that time.

Mr. Joseph PiuZZi, neighbour, was present in opposition to the application. He indicated that he had no problem with Mr. Tammi building a garage, but he thought it would be approximately 10 feet in height. When he saw the height of the garage, he indicated that "scared" him and he called Building Controls. He read his submission to the Committee which was distributed at the meeting. His submission requests a guarantee that no business would be conducted on the subject property. He stated that if the applicant wanted an R-2 zoning, he should have applied for it at the beginning and not 8 months later. He requested that the building be the one requested in the building permit. Mr. PiuZZi showed photographs of the subject property to Committee Members.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT A SECOND DWELLING UNIT IN THE EXISTING DWELLING FOR A TEMPORARY PERIOD OF THREE (3) YEARS, 285 LAURIER STREET WEST, AZILDA - RICHARD AND JUNE TAMMI (cont'd)

Mrs. Franca PiuZZi, neighbour, was present in opposition to the application. She believes that Mr. Tammi is conducting a business in his garage every night and even on the weekends. She indicated it is not a hobby but a business. She wondered why Mr. Tammi put sliding doors on the building when he had applied to have storage in the garage. She was under the impression right from the beginning that it was Mr. Tammi's intention to have a business on the main floor of the garage and an apartment upstairs. She also advised that her husband has a heart problem and that they had applied for a granny suite years ago but were turned down.

Mr. Michael Gallinger, 286 Laurier Street West, Azilda was present in opposition to the application. He stated that he resides across the street from Mr. Tammi. He bought his home 2 years ago and now he is concerned about the resale value since he no longer has a view of Whitewater Lake. He does not consider the garage an attachment to the house and does not want the Committee to consider the granny flat. He also wondered why exhaust portholes were installed if the garage was only being used for storage. He has seen 10 cars at a time in the driveway and feels that the building is an eyesore. He also questioned staff on the tear down time for a granny suite.

The Manager of Development Services advised that there is no requirement for the granny flat to be torn down but there is a requirement that it be converted into something other than a residential unit.

Councillor Berthiaume, Ward Councillor, was present in opposition to the above application. He said that he has difficulty with some definitions in the report such as "temporary" and "granny" as this building looks like it is permanent. He pointed out there are allegations that the subject property is being operated as a commercial garage which would not be a permitted use. He advised that Building Controls raised many issues in the staff report regarding this application including height restrictions on detached garages. He finds it unusual to have a hoist in the garage. He felt that the regulations were being circumvented, manipulated and pushed to the limit by the applicant. He noted that when the applicant resubmitted the plot plan and construction drawings, they were slightly modified to eliminate the second dwelling unit and renamed the room areas as storage and workshop. Also, on the drawings he provided a breezeway roof connection between the two buildings which circumvented the height restriction for the detached garage. Mr. Tammi signed a letter saying that the space above the garage would not be used for a second dwelling. He indicated that neighbours have concerns especially if a deck is built which will tower over the neighbour's property. There is the issue of drainage. There are 2 separate exhausts for 2 separate furnaces. He indicated that he could not support the application.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT A SECOND DWELLING UNIT IN THE EXISTING DWELLING FOR A TEMPORARY PERIOD OF THREE (3) YEARS, 285 LAURIER STREET WEST, AZILDA - RICHARD AND JUNE TAMMI (cont'd)

Mr. Tammi advised that the garage is not being used as a business. He puts his son's car and his own on the hoist and sometimes there are a group of guys doing work in there. There is no work being done on anyone else's cars. He said that he at no time built without a building permit. He admitted that he was told about the height restriction and that is why he built the breezeway. He signed a letter saying there would be no second dwelling and was advised by staff there should be no problem with a granny flat. He paid \$1,400.00 for a building permit, paid for other permits and is here tonight to abide by the rules. He indicated that he has a bad back from years of being a mechanic and that the hoist in the garage is of great assistance.

Councillor Bradley, Ward Councillor, questioned if the application was turned down, would a bedroom upstairs in the garage be permitted or could it only be used for storage.

The Manager of Development Services indicated that the By-law would not permit a self-contained housekeeping unit.

The Chief Building Official advised that a self-contained unit includes a bedroom, bathroom, cupboards, kitchen, etc. Staff may have indicated to the applicant that the son's bedroom was okay. The hoist was not part of the original building permit application and an Order has been issued to Mr. Tammi indicating that the hoist requires structural support and that an engineer must review the installation to ensure that it is stable and sound. An overhead hoist is not standard in a residential dwelling unit.

Councillor Bradley, Ward Councillor, indicated there were too many issues with the application such as the operation of the garage and the way the 2 buildings were connected. He felt the rules and regulations were being manipulated and stated he could not support the application.

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following Recommendation was presented:

Recommendation #2004-41:

Bradley-Reynolds: That the application by Richard and June Tammi to amend By-law 83-302 being the Zoning By-law for the former Town of Rayside-Balfour by passing a temporary by-law in accordance with Section 39 of the Planning Act with respect to Parcel 12715 S.W.S., being Lot 7, Plan M-310 in Lot 6, Concession 1, Rayside Township to permit a second dwelling unit in the existing dwelling on the subject property be denied.

CONCURRING MEMBERS: Councillors Bradley, Dupuis, Reynolds, Thompson

CARRIED

Recess The Planning Committee recessed at 8:27 p.m.

Reconvene The Planning Committee reconvened at 8:40 p.m.

APPLICATION FOR REZONING TO PERMIT A “CARNIVAL” TO OPERATE AS AN ACCESSORY USE TO A PERMITTED “I”, INSTITUTIONAL ZONE LAND USE, 688 EMILY STREET, HANMER - ST. JACQUES HOLDING CORP.

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

Report dated March 1st, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application in order to permit a “carnival” to operate as an accessory use to a permitted “I”, Institutional zone land use, 688 Emily Street, Hanmer - St. Jacques Holding Corp.

Mr. Rolland Mallet, 4634 Michelle Drive, the agent for the applicant was present and he was satisfied with the recommendation.

The Director of Planning Services outlined the application to the Committee.

Councillor Dupuis, Ward Councillor, indicated that this application is made by one of the most respected organizations in the former City of Valley East. He has never received any complaints from the neighbours with respect to this property. There is a tremendous amount of vacant land surrounding this area. When speaking with the neighbourhood residents, one issue raised was during last year’s carnival, the residents were awakened by trucks coming in to the property but the Knights of Columbus stated they would take care of this problem. Security and parking were well organized at past events. If there is a problem, this organization just needs to be called and they will fix the problem right away.

No objectors were present.

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following recommendation was presented:

Recommendation #2004-42:

Dupuis-Reynolds: That the application by St. Jacques Holding Corp. to amend By-law 83-300 being the Comprehensive Zoning By-law for the (former) City of Valley East from “I”, Institutional and “R1.D18”, Single Residential and “A”, Agricultural Reserve to “I-Special”, Special Institutional with respect to those lands described as Parcel 39464 S.E.S. and Lots 18 to 23 inclusive, Plan M-368 in Lot 3, Concession 3, Township of Hanmer be recommended for approval subject to the following conditions:

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT A "CARNIVAL" TO OPERATE AS AN ACCESSORY USE TO A PERMITTED "I", INSTITUTIONAL ZONE LAND USE, 688 EMILY STREET, HANMER - ST. JACQUES HOLDING CORP. (cont'd)

Recommendation #2004-42 (cont'd):

1. That the amending zoning by-law specify that in addition to all other "I", Institutional zone land uses a "carnival" which is an accessory use to a permitted "I", Institutional zone use shall be permitted.

CONCURRING MEMBERS: Councillors Bradley, Dupuis, Reynolds, Thompson

CARRIED

PART I - CONSENT AGENDA

The following recommendation was presented to adopt Item C-1 to C-2 contained in Part 1 of the Consent Agenda:

Recommendation #2004-43:

Reynolds-Dupuis: That Item C-1 to C-2 contained in Part 1, Consent Agenda, be adopted.

CARRIED

MINUTES

Item C-1
Report #2,
VETAC
Minutes of
February 4th
2004

Recommendation #2004-44:

Dupuis-Reynolds : That Report #2, Vegetation Enhancement Technical Advisory Committee Minutes of February 4th, 2004, be received.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-2
Vesting of
Properties from the
2003 Public Tax
Sale

Report dated February 27th, 2004, was received from the General Manager, Corporate Services regarding vesting of properties that did not sell in the 2003 Public Sale of Properties in Tax Arrears.

Recommendation #2004-45:

Reynolds-Dupuis: That the City of Greater Sudbury vest twenty-nine (29) properties listed in the report dated February 27th, 2004, from the General Manager, Corporate Services and proceed with the disposition of the properties;

That the City of Greater Sudbury not vest the four (4) properties identified in the report dated February 27th, 2004, from the General Manager, Corporate Services for being potential liabilities;

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-2
Vesting of
Properties from the
2003 Public Tax
Sale (cont'd)

Recommendation #2004-45 (cont'd):

That the Supervisor of Tax register new certificates of tax arrears on these four (4) properties;

That the Clerk and Property Negotiator/Appraiser be authorized to execute all documents necessary to complete the real estate transactions; and

That the net proceeds of the sales be credited to the Land Acquisition Reserve.

CARRIED

MANAGERS'S REPORTS

Item R-1
New Downtown
CIP

Report dated February 20th, 2004, was received from the General Manager, Economic Development and Planning Services regarding New Downtown CIP.

Recommendation #2004-46:

Reynolds-Dupuis: That staff and interested Members of Council, representatives of the Metro Centre Management Board, the Downtown Village Development Corporation (DVDC), the GSDC, downtown business and property owners, meet to explore what financial incentives can be developed to further encourage downtown development and redevelopment:

And further, that this group report back to Council on the options that exist.

CARRIED

Item R-2
Amend Planning
Committee
Recommendation
#2003-208,
Condition #3
to accommodate
a Lot Addition to
Parcel 20425 S.E.S.
at 2410 South Bay
Road, Sudbury

Report dated March 2nd, 2004, was received from the General Manager, Economic Development and Planning Services from the Nickel District Conservation Authority to amend Planning Committee Recommendation #2003-208, Condition #3 which accommodates a lot addition to Parcel 20425 S.E.S. at 2410 South Bay Road, Sudbury.

Recommendation #2004-47:

Dupuis-Reynolds: A. That upon review of a request by the Nickel District Conservation Authority, dated February 27, 2004, to amend Planning Committee Recommendation # 2003-208 by deleting Condition # 3 it has been determined by Council pursuant to Section 34 (17) of The Planning Act, R.S.O., 1990 that further notice for the purpose of holding a public meeting is not required in respect to the proposed zoning by-law; and that,

MANAGERS'S REPORTS (cont'd)

Item R-2 **Recommendation #2004-47 (cont'd):**
Committee
Recommendation B. Condition #3 of Planning Committee Recommendation #2003-208 be
#2003-208, deleted.
Condition #3
to accommodate _____ **CARRIED**
a Lot Addition to
Parcel 20425 S.E.S.
at 2410 South Bay
Road, Sudbury (cont'd)

Other Matters Councillor Dupuis indicated he had received a number of telephone calls
from developers regarding red tape and problems encountered
concerning subdivision applications. He recommended a Special
Meeting of the Planning Committee be held to listen to their concerns
and assist developers in speeding up the process.

Committee Members agreed that a Special Meeting be held.

The Director of Planning services will discuss the format for the Special
Meeting with the Clerks and Public Works Departments. A report will be
submitted to the Committee at their next meeting.

Adjournment **Recommendation #2004-48:**

Dupuis-Reynolds: That we do now adjourn.
Time: 9:30 p.m.

CARRIED

DEPUTY CITY CLERK

CHAIR RUSS THOMPSON PRESIDING