

THE ELEVENTH MEETING OF THE COMMITTEE OF THE WHOLE - PLANNING
OF THE CITY OF GREATER SUDBURY

Council Chambers
Tom Davies Square

Tuesday, July 10, 2001
Commencement: 4:00 p.m.
Adjournment: 5:50 p.m.

CHAIR LIONEL LALONDE PRESIDING

Present Councillors Bradley, Callaghan (A. 4:05), Courtemanche, Craig, Dupuis, Gainer, McIntaggart, Petryna, Portelance

Staff J. Rule, Chief Administrative Officer; D. Nadorozny, General Manager Economic Development and Planning Services; B. Lautenbach, Director of Planning Services; R. Irwin, Senior Planner; B. Tanos, Planning Technican, D. Wuksinic, General Manager of Corporate Services; R. Browning, General Manager of Emergency Services; G. Hanmore, Assistant Fire Chief; V. Serafini, By-law Enforcement Officer; A. Haché, Deputy City Clerk; J. Lahti, Legal Secretary; S. Hotti, Recording Secretary

Media The Box, MCTV, Sudbury Star

Declarations of Pecuniary Interest None declared.

PUBLIC HEARINGS

REZONING APPLICATION TO LEGALIZE AN EXISTING BASEMENT APARTMENT, 1246 SOUTHVIEW DRIVE, SUDBURY - ROBERT JOHNSON

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

Report dated June 29, 2001 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to legalize an existing basement apartment, 1246 Southview Drive, Sudbury - Robert Johnson.

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

Mr. Robert Johnson, applicant addressed the Committee stating that he wants to legalize the existing apartment unit within his home. He advised that in 1996, Bill 120 was introduced which allowed existing two unit housing to be legalized despite the zoning. He explained that he didn't complete his requirements under Bill 120, therefore a rezoning application was necessary. He advised that the apartment has existed since 1994 and his neighbours have not objected to it.

Cont'd...

PUBLIC HEARINGS (Cont'd)

REZONING APPLICATION TO LEGALIZE AN EXISTING BASEMENT APARTMENT, 1246 SOUTHVIEW DRIVE, SUDBURY - ROBERT JOHNSON (Cont'd)

With respect to the front yard parking he noted that the neighbours would probably not be very pleased with replacing the front lawn with a driveway.

No objectors were present.

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

The following resolution was presented:

Gainer-Craig: That the application by Robert Johnson to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury from "R1.D18", Single Residential to "R2-Special", Special Double Residential with respect to those lands described as Parcel 48352 S.E.S. being Part 2, Plan 53R-11210 in Lot 7, Concession 2, Township of McKim be denied; however, in the alternative, the following is recommended:

That an application by Robert Johnson to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury from "R1.D18", Single Residential to "R2", Double Residential with respect to those lands described as Parcel 48352 S.E.S. being Part 2, Plan 53R-11210 in Lot 7, Concession 2, Township of McKim be approved subject to the following conditions:

1. Prior to the passage of an amending zoning by-law the Director of Planning Services shall be advised by the Nickel District Conservation Authority that the subject dwelling is above the designated flood plain.
2. Prior to the passage of an amending zoning by-law the applicant shall apply for a building permit with respect to a second dwelling unit within the subject building to the satisfaction of the Director of Building Services.

The following amendment to add a condition to the resolution was presented:

2001-98 Gainer-Courtemanche: 3. The amending by-law specify that one required parking space shall be permitted within the required front yard.

CONCURRING MEMBERS: Councillors Bradley, Callaghan, Courtemanche, Craig, Dupuis, Gainer, McIntaggart, Portelance, Petryna, Lalonde

CARRIED

Cont'd....

PUBLIC HEARINGS (Cont'd)

REZONING APPLICATION TO LEGALIZE AN EXISTING BASEMENT APARTMENT, 1246 SOUTHVIEW DRIVE, SUDBURY - ROBERT JOHNSON (Cont'd)

The main motion as amended was presented:

2001-99 Gainer-Courtemanche: That the application by Robert Johnson to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury from "R1.D18", Single Residential to "R2-Special", Special Double Residential with respect to those lands described as Parcel 48352 S.E.S. being Part 2, Plan 53R-11210 in Lot 7, Concession 2, Township of McKim be denied; however, in the alternative, the following is recommended:

That an application by Robert Johnson to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury from "R1.D18", Single Residential to "R2", Double Residential with respect to those lands described as Parcel 48352 S.E.S. being Part 2, Plan 53R-11210 in Lot 7, Concession 2, Township of McKim be approved subject to the following conditions:

1. Prior to the passage of an amending zoning by-law the Director of Planning Services shall be advised by the Nickel District Conservation Authority that the subject dwelling is above the designated flood plain.
2. Prior to the passage of an amending zoning by-law the applicant shall apply for a building permit with respect to a second dwelling unit within the subject building to the satisfaction of the Director of Building Services.
3. The amending by-law specify that one required parking space shall be permitted within the required front yard.

CONCURRING MEMBERS: Councillors Bradley, Callaghan, Courtemanche, Craig, Dupuis, Gainer, McIntaggart, Portelance, Petryna, Lalonde

CARRIED

REZONING APPLICATION TO PERMIT THE EXPANSION OF AN EXISTING FENCING CONTRACTOR'S YARD, 826 BRUNO STREET, AZILDA - CHRISTINE AND REAL PERRAS

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

Report dated June 29, 2001 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit the expansion of an existing fencing contractor's yard, 826 Bruno Street, Azilda - Christine and Real Perras.

Cont'd...

PUBLIC HEARINGS (Cont'd)

REZONING APPLICATION TO PERMIT THE EXPANSION OF AN EXISTING FENCING CONTRACTOR'S YARD, 826 BRUNO STREET, AZILDA - CHRISTINE AND REAL PERRAS (Cont'd)

Letter of objection dated July 4, 2001 was received from Lisa Deroy, 800 Bruno Street, Azilda.

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

Mr. D. Dorland, agent and Mr. Real Perras, applicant were present.

Mr. Dorland addressed the Committee stating that the proposed zoning application will improve the present situation by establishing a significant operational buffer from all dwellings. He noted that Mr. Perras' business has been in operation for some time and is a legal business with 40 employees.

He advised there are concerns from the adjoining land owner. He pointed out that his client had entered into an agreement to purchase the adjacent property but the transaction did not go through. If the transaction had gone through there would be no objection to the proposed application. Copy of Agreement to Purchase was circulated to Members of the Committee at the meeting.

He explained the main concerns from the adjacent property owner is noise, threat of fire, difficulty with entrance and maintenance of the road. With respect to noise he noted that his client proposes to relocate the noisy machinery to the rear of the property.

With respect to fire concerns he advised the City of Greater Sudbury Fire Department inspected the property on May 26, 2001 and the business met the requirements for fire safety under the Ontario Fire Code. He pointed out that the Assistant Fire Chief had re-inspected the property today. An order to repair was issued and Mr. Perras will comply with the order and address the Assistant Fire Chief's concerns.

He stated the required 600 foot setback from the south property will be met. He noted that the present yard has storage material that will remain. He advised that most of the issues will be dealt with through the Site Plan Control Agreement.

He also pointed out that Mr. Perras and himself have spoken to a number of area residents and all but one area resident support the application. Copy of the signed petition in favour of the application was circulated to Members of the Committee at the meeting.

Mr. Perras explained that the hours of operation are from 7:00 a.m. to 7:00 p.m. With respect to vehicles and traffic he advised there are one to four transports a day, as well as delivery vehicles entering and exiting the site. There are generally three to four employees working on the site.

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PUBLIC HEARINGS (Cont'd)

REZONING APPLICATION TO PERMIT THE EXPANSION OF AN EXISTING FENCING CONTRACTOR'S YARD, 826 BRUNO STREET, AZILDA - CHRISTINE AND REAL PERRAS (Cont'd)

Ms. Lisa Deroy, 800 Bruno Street, Azilda addressed the Committee on behalf of her father, Louis Deroy. Ms. Deroy advised they were hoping Mr. Perras would purchase their property but the agreement of purchase did not go through. She stated they live adjacent to the applicant and have resided on Bruno Street since 1954.

She explained when Mr. Perras had his property rezoned to accommodate his business he had spoken to her father and had advised it was a small business. Her father had no objection. She pointed out that over the years the business has grown with an increase in vehicles and equipment. The noise and traffic from the operation has also increased substantially.

She advised that there was a fire on the applicant's property located on Regional Road 35 in 1998 that burned for three days. She expressed concerned with a fire starting on the subject property from the machinery over heating and pointed out that the cedar mulch, wood debris and hundreds of peeled and unpeeled logs would add fuel to the fire. She noted there is no fire hydrant on Bruno Street.

She advised that a meeting with residents was held in 1999 with respect to Mr. Perras relocating his business to Regional Road 35. At that meeting it was the consensus of the area residents that the applicant relocate his business to the Industrial Park. She advised that Mr. Perras moved the business back to Bruno Street.

She stated the applicant does not abide by the Noise By-law. Machinery is operated early in the morning and late at night. The only buffer between her property and the subject property is an eight foot buffer fence.

She stated that she objects to the application but if approved she requested the applicant to install an efficient water system in case there is a fire. She also requested that the original rezoning approved in 1990 be revoked and the parcel of land adjacent to her property be closed off and access to the business be via Montee Rouleau. She also suggested that Mr. Perras relocate his workshop and move the cedar mulch to the Montee Rouleau access. This would eliminate traffic and noise on Bruno Street.

She questioned the number of log peelers on the site and if they would be in an enclosed building. She requested that the applicant rebuild Bruno Street because the road has been destroyed by heavy machinery from this operation. She expressed concern with the dust generated from the operation and pointed out that cottage industries are supposed to be located a minimum of one kilometre from any residential property.

Cont'd...

PUBLIC HEARINGS (Cont'd)

REZONING APPLICATION TO PERMIT THE EXPANSION OF AN EXISTING FENCING CONTRACTOR'S YARD, 826 BRUNO STREET, AZILDA - CHRISTINE AND REAL PERRAS (Cont'd)

Mrs. Anne Apolloni, 835 Bruno Street, Azilda addressed the Committee in support of the application. She advised that her family lives directly across from the subject property. She stated there is no excessive noise or dust from Mr. Perras's operation and that the business is not hindering anyone.

Mr. Remeikas, 76 Hesta Street, Dowling addressed the Committee in support of the application. He stated that Ms. Deroy's presentation is not based on any facts. He advised that he has been retained by M&G Fencing as a business consultant and that Ms. Deroy has filed many complaints with various agencies and inspections have contradicted Ms. Deroy's complaints.

Mr. Dorland advised that there will be one or two log peelers on the site. They will be inside a shelter. He advised that the proposed rezoning will improve the operation. He pointed out that his client has passed all inspections from the Ministry of Transportation, Ministry of Environment, By-law Enforcement, Fire and Planning staff. No charges have been laid. He requested the Committee to approve the staff recommendation.

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

2001-100 Courtemanche-Craig: That the application by Christine and Real Perras to amend By-law 83-302 being the Comprehensive Zoning By-law for the (former) Town of Rayside-Balfour from "RU", Rural and "RU-2", Special Rural, as the case may be, to a *revised* "RU-Special", Special Rural with respect to those lands described as Parcels 14998 and 84 S.W.S. in Lot 2, Concession 2, Township of Rayside, City of Greater Sudbury be recommended for approval subject to the following conditions:

1. In addition to all other "RU" zone uses a 'fencing contractors yard' shall be permitted.
2. That prior to the passage of an amending zoning by-law Parcels 14998 and 84 S.W.S. be consolidated to the satisfaction of the City Solicitor.
3. The amending zoning by-law specify that no fencing contractor's yard activities shall be located closer than 600 ft. from the south property limit save and except the following:
 - a fencing contractor's yard access driveway, the limits and location of which shall be established by way of site plan control agreement;
 - one existing office/maintenance building.

Cont'd...

PUBLIC HEARINGS (Cont'd)

REZONING APPLICATION TO PERMIT THE EXPANSION OF AN EXISTING FENCING CONTRACTOR'S YARD, 826 BRUNO STREET, AZILDA - CHRISTINE AND REAL PERRAS (Cont'd)

Resolution 2001-100 (Cont'd)

4. That the amending zoning by-law specify a 20 metre natural landscape buffer shall be maintained around the perimeter of any area containing the operations of a fencing contractor; and further, that a 4.5 metre by 90 metre landscape strip be established along the southwesterly interior lot line commencing at the south lot line.
5. Prior to the passage of an amending zoning by-law the owners shall enter into an agreement (which may be a Site Plan Control Agreement) with the City of Greater Sudbury to repair the existing public roadway abutting the subject lands to the satisfaction of the General Manager of Public Works.
6. Prior to the passage of an amending zoning by-law the applicants shall enter into a Site Plan Control Agreement with the City of Greater Sudbury which among other issues shall address the following:
 - the limits, location, surface treatment and maintenance of all driveways;
 - that *all* commercial vehicle parking/storage be prohibited from the area generally described as being west of the easterly limits of the existing office/maintenance building;
 - drainage;
 - maintenance of the existing opaque wooden fence abutting the southwesterly lot line.

CONCURRING MEMBERS: Councillors Bradley, Callaghan, Courtemanche, Craig, Dupuis, Gainer, McIntaggart, Portelance, Petryna, Lalonde

CARRIED

Adjournment 2001-101 Gainer-Courtemanche: That we do now adjourn.
TIME: 5:50 p.m.

CARRIED

DEPUTY CITY CLERK

CHAIR LIONEL LALONDE