

Staff Report

Report To: Committee of Adjustment
Report From: Jocelyn Wainwright, Junior Planner
Meeting Date: July 16, 2024
Report Code: CS-24-065
Subject: Minor Variance A06-2024 for 367 29th Street West (Vasa Gataiance)

Recommendations:

THAT in consideration of Staff Report CS-24-065 respecting Minor Variance A06-2024 by Vasa Gataiance on behalf of Pam Morrison for the property known as 367 29th Street West, the Committee of Adjustment approves the minor variance as the Committee concludes that the requested variance maintains the general intent and purpose of the City's Official Plan and Zoning By-law, is minor in nature, and desirable for the appropriate development and use of the lands, subject to the conditions outlined in Schedule 'E'.

Highlights:

- A Minor Variance application has been received from Vasa Gataiance on behalf of Pam Morrison for the property known as 367 29th Street West.
- The application is requesting relief from the maximum height requirement for accessory buildings to facilitate the conversion of a single-storey garage to a two-storey accessory building containing a garage on the ground floor and an Additional Residential Unit (ARU) on the second storey.
- A variance of 0.5 metres is being requested from the maximum height requirement for accessory buildings. Accessory buildings are

- permitted to have a maximum height of 5.0 metres. The proposed accessory building height is 5.5 metres.
- Staff recommend approval of the application subject to conditions.

Strategic Plan Alignment:

[Strategic Plan](#) Priority: This report supports the delivery of Core Service.

The subject application represents a legislated review process.

Climate and Environmental Implications:

This supports the objectives of the City's Corporate Climate Change Adaptation Plan by considering climate adaptation in the development of the City's strategies, plans, and policies.

Previous Report/Authority:

[Owen Sound Official Plan \(2021\)](#)

[Owen Sound Zoning By-law 2010-078, as amended](#)

Background & Proposal:

The subject property is located in a residential neighbourhood at 367 29th St W, east of the intersection of 4th Ave W and 29th St W, on the south side of 29th St W.

The parcel is an interior lot with 16.6 m of frontage on 29th St W, 40.2 m of depth, and 667 square metres of area. The lands currently contain an existing single detached dwelling, with two (2) accessory structures (detached garage and shed) and three (3) decks located in the rear yard. The existing single detached dwelling is located in the northeast portion of the lot, with an existing driveway in the western interior side yard that extends to the existing detached garage in the rear yard.

Surrounding land uses include:

North: residential (single detached dwellings), the Township of Georgian Bluffs

East: residential (single detached dwellings), hazard lands (Georgian Bay)

South: residential (single detached dwellings, street-fronting townhouses, apartment dwellings), open space (Maitland Park)

West: residential (single detached dwellings, apartment dwellings), vacant residential lands, hazard lands

The subject lands are designated 'Residential' in the City's Official Plan (OP) and are zoned 'Single Residential' (R1) in the City's Zoning By-law (2010-078, as amended). For location context and surrounding land uses, please see the Orthophoto in Schedule 'A'. For the planning policy context, please see the Official Plan and Zoning Map in Schedule 'B'. A full description of the property is included in Schedule 'C'.

The applicant is proposing to convert a single-storey garage to a two-storey accessory building containing a garage on the ground floor and an Additional Residential Unit (ARU) on the second storey.

To facilitate the proposal, a variance of 0.5 metres is being requested from the maximum height requirement for accessory buildings. Accessory buildings are permitted to have a maximum height of 5.0 metres. The proposed accessory building height is 5.5 metres.

A fulsome review and analysis of the proposed minor variance is outlined below.

Analysis:

As stipulated in the *Planning Act* (Sec. 45(1)), a minor variance may be authorized by the Committee of Adjustment, provided that the four tests of a variance are met. All decisions with respect to a planning matter must also be consistent with the Provincial Policy Statement.

Provincial Policy Statement

The Provincial Policy Statement (PPS, 2020) has been reviewed with regard to the proposed application. The PPS promotes a mix of land uses within settlement areas that efficiently use land and resources, infrastructure and public services, while encouraging intensification and regeneration on lands with existing servicing. Settlement areas shall be the focus for growth and their vitality and regeneration shall be promoted.

The subject lands are within an existing settlement area and have access to full municipal services. The minor variance will facilitate a proposal for the

residential intensification and continued development of an existing serviced residential property, consistent with the direction provided by the PPS, subject to the recommended conditions.

County of Grey Official Plan

The entire City of Owen Sound is designated as a 'Primary Settlement Area' in the 2019 County of Grey Official Plan (County OP). The County OP promotes a full range of residential, commercial, industrial, recreational, and institutional land uses within a Primary Settlement Area. Land use policies and development standards are to be in accordance with the local Official Plan. County staff have been consulted on the proposal and have no objection to the requested variance.

Test 1: Conformity with the Official Plan

The subject property is designated 'Residential' in the Owen Sound Official Plan. The designation permits a range of residential uses, including single detached dwellings, accessory structures, and additional residential units (ARUs). The OP generally supports site revitalization and redevelopment.

ARU policies of the OP (Sec. 3.1.7) provide that an ARU may be established in a structure ancillary to a single detached dwelling in accordance with the following:

- a) Not more than two ARUs are permitted in association with an existing legal dwelling unit on a lot, and a lot may not contain more than two ARUs.*

Comment: The proposal will result in a total of two (2) residential dwelling units on the lot.

- b) All requirements of the Zoning By-law, the Ontario Building Code, the Ontario Fire Code, the Property Standards By-law and relevant municipal and provincial regulations can be satisfied.*

Comment: Comments from the City's Building Division indicate that existing municipal services are connected to the garage through the main dwelling. The services will need to be extended to the dwelling unit on the second floor as part of the Building Permit for the ARU.

- c) Adequate on-site parking to serve the ARU on one driveway.*

Comment: Parking is provided on-site within the driveway and the 1st storey of the existing detached garage.

d) Municipal services and community facilities are adequate to meet the anticipated demand in the neighbourhood to the satisfaction of the City.

Comment: Comments from the City's Engineering Division note that the City's watermain and sanitary sewer fronting the property have sufficient capacity to support the proposed development.

e) The outward appearance of the principal dwelling is not changed, and the neighbourhood character is maintained.

Comment: The outward appearance of the principal dwelling is not proposed to change. However, the addition of the second storey will alter the appearance of the accessory building. As discussed below, staff anticipate that the neighbourhood's residential character will be maintained.

The subject proposal conforms to the ARU policies of the OP.

Section 8 of the OP provides urban design direction and seeks to achieve well-coordinated and designed streetscapes and compatible built form. Within a residential area, heights and setbacks should be consistent with the general form of existing development (Sec.8.6.1.3).

The subject property is a large rectangular interior lot with frontage on 29th St W. The 29th St W streetscape neighbourhood consists of rectangular lots of different sizes and orientations, which contain single detached dwellings that vary somewhat in design and massing. Nonetheless, the neighbourhood exhibits a consistently large front yard setback.

The proposed converted garage will be in full view from 29th St W, as the existing dwelling and garage are located on the east and west sides of the lot, respectively. The elevation of the proposed building attached as Schedule 'D' does not include any windows on the second storey of the building where the proposed ARU is located. To ensure that the proposed building maintains the appearance of a residential building rather than an industrial-type storage building, recommended conditions of approval require that the proposed building design be revised to show that a minimum of two (2) windows are provided on the second storey of the front (north) façade of the building.

The proposed building design includes a flat roof for a rooftop patio accessed by an enclosed staircase. The rooftop patio will provide an enhanced amenity area for the ARU residents. However, given the rooftop patio, the impact of the requested increase to the permitted building height on the neighbouring properties to the south and west merits consideration.

A row of mature cedar trees along the rear (southern) property line will provide some screening between the proposed rooftop patio and the neighbouring property to the south, so long as the trees remain. Staff strongly encourage the applicant to retain all mature trees on-site to the greatest extent possible. To minimize the impact of the proposed building and rooftop amenity space on the neighbouring property to the west, recommended conditions of approval require that the owner install an opaque privacy screen at least 1.5 metres high measured from the floor of the rooftop patio, spanning across the south and west sides of the patio. Staff anticipate that the recommended conditions of approval will ensure that the impact of the proposed building and rooftop amenity space on the adjacent property to the west and the south will be minimized. The proposal conforms with the City's Official Plan.

Test 2: Conformity with the Intent and Purpose of the Zoning By-law

The property is zoned 'Single Residential' (R1) in the City's Zoning By-law (2010-078, as amended). Single detached dwellings, accessory structures and ARUs are among the permitted uses in the R1 Zone.

The applicant is proposing to convert an existing single-storey garage to a two-storey accessory building containing a garage on the ground floor and an Additional Residential Unit (ARU) on the second storey.

To facilitate the proposal, a variance of 0.5 metres is being requested from the maximum height requirement for accessory buildings. Accessory buildings are permitted to have a maximum height of 5.0 metres. The proposed accessory building height is 5.5 metres.

The maximum height provision for accessory structures is intended to ensure that the lot does not become overdeveloped, detracting from the neighbourhood's character. The existing garage is located in the southwest corner of the rear yard. The proposed development will maintain the existing setbacks of the detached garage, which exceed the required minimum interior side yard and rear yard setbacks for accessory structures. Given the location of the garage toward the rear of the lot and well within site and

building regulations, it is anticipated that the additional height will not significantly alter the neighbourhood streetscape or impair the ability of the lot to function as intended.

Staff have reviewed the proposal for conformity with Section 5.27 Additional Residential Units of the Zoning By-law. Among other matters, the Zoning By-law requires that one (1) additional on-site parking space shall be provided for each additional residential unit. There is adequate parking on-site for the proposed ARU and the existing single detached dwelling within the driveway and the first storey of the proposed building that is to remain as a garage. Additionally, the ARU provisions require that ARUs shall be required to obtain a Building Permit from the City. Recommended conditions of approval included in Schedule 'E' require that the owner obtain a Building Permit. The proposed development conforms to Section 5.27.

The proposal maintains the general intent and purpose of the City's Zoning By-law.

Test 3: Minor in Nature

The request for relief from the Zoning By-law to permit an accessory structure with a building height of 5.5 m can be considered minor in nature for a number of reasons, as follows:

- The proposed building's impact on the streetscape of 29th St W is anticipated to be minor, as the garage is located to the rear of the lot and is located in conformity with the zone provisions.
- Sufficient off-street parking is provided within the garage and driveway.
- The recommended conditions of approval require a privacy screen to be provided on the south and west sides of the rooftop patio to minimize the impact of the amenity space on the adjacent properties.
- All other site and building regulations are met or exceeded.

The proposal is deemed to be minor in nature.

Test 4: Desirable for the Development and Use of the Lands

The proposed development to convert an existing single-storey garage to a two-storey building with a garage on the first storey and an ARU on the second storey is desirable and appropriate for the development of the lands as it is consistent with and supports the property's residential function and will contribute to increasing the housing supply in the city.

The proposal is deemed to be desirable for the development and use of the lands.

Comments Received:

In accordance with the requirements of the *Planning Act* (Sec. 45, O. Reg. 200/96), Notice of the subject application was provided on July 2, 2024, to the public and prescribed bodies. Comments received by the Secretary-Treasurer as of the writing of this report are described below and included in Schedule 'F'.

City of Owen Sound Engineering & Public Works Department

Comment has been received from the City's Engineering & Public Works Department recommending approval of the subject application.

City of Owen Sound Building Division

Comment has been received from the City's Building Division with no objection to the proposed minor variance, provided that all construction is in accordance with the Ontario Building Code or successor legislation in place at the time of the building permit application and that the payment of permit fees, City, County and site-specific Development Charges will be due upon the issuance of a building permit.

Grey County

Comment has been received from Grey County with no objection to the proposed minor variance.

Financial Implications:

None to the City.

Communication Strategy:

Notice of the minor variance application was given in accordance with Section 45(5) of the *Planning Act* and Ontario Regulation 200/96.

Consultation:

The application was circulated to various City Departments and our commenting agencies as part of the consultation process.

Attachments:

Schedule 'A': Orthophoto
Schedule 'B': Official Plan and Zoning Map
Schedule 'C': Property Details
Schedule 'D': Site Plan and Building Elevations
Schedule 'E': Conditions of Approval
Schedule 'F': Agency Comments

Recommended by:

Jocelyn Wainwright, MSc, Junior Planner
Sabine Robart, MSC. (PL)., MCIP, RPP, Manager of Planning & Heritage

Submission approved by:

Pam Coulter, BA, RPP, Director of Community Services

For more information on this report, please contact Jocelyn Wainwright, Junior Planner, at jwainwright@owensound.ca or 519-376-4440 ext. 1250.