

SCHEDULE E

Agency Comments

City of Owen Sound Engineering & Public Works Department – January 17, 2025

City of Owen Sound Building Division – January 15, 2025

Public Comments

Pat McCoy – January 20, 2025

Staff Report

Engineering Services Division
Public Works & Engineering Department



DATE: 2025 January 17

APPLICATION: A03/2025

TO: Allison Penner, Secretary-Treasurer, Committee of Adjustment
Sabine Robart, Manager of Planning and Heritage
Pam Coulter, Director of Community Services
Lara Widdifield, Director of Public Works & Engineering

FROM: Matthew Pierog, Engineering Technologist

SUBJECT: APPLICATION FOR MINOR VARIANCE – ENGINEERING
REVIEW

MUNICIPAL ADDRESS: 2261 9th Avenue East

ASSESSMENT ROLL: 425901000633700

LEGAL DESCRIPTION: RANGE 8 EGR LOT 5 PT LOT 4 RP 16R337 PART 3

APPLICANT: AGW Properties Inc. (Rob Wylie)

BACKGROUND:

The applicant is proposing the construction of Phase 2 of the cluster townhouse development at 2261 9th Avenue East. Phase 2 includes 15 townhouse units in three buildings.

To facilitate the proposal, a variance of 4.7 metres is being requested to the minimum required rear yard setback. The minimum rear yard setback is 7.0 m. The proposed rear yard setback for Building L is 2.3 m.

Phase 1 of the development was detailed through ST2020-010 (Staff Report CS-20-114 dated November 30, 2020). Phase 2 will require an amendment to the approved Site Plan for the subject property.

RECOMMENDATION:

Further to our review of the above noted application, the Public Works and Engineering Department recommends approval of this application for minor variance by the Committee of Adjustment.

ANALYSIS:

SITE ACCESS:

The Site (both Phase 1 and Phase 2) front on 9th Avenue East, which is an improved municipal road, and classified as a Collector Road (future Arterial Road). The existing access for the property is part of Phase 1 of the development and is from 9th Avenue East to the west, and the proposed access as a part of Phase 2 of the development is also from 9th Avenue East to the west. Comments relating to the Site access were provided as a part of the Pre-Consultation Application (PC2024-010).

There does not appear to be any impact to Site access required as a part of the minor variance application supporting Phase 2 of the development.

PARKING:

The driveways proposed for each of the townhouses (Phase 2) shown on the Site Plan appear to meet the City's minimum parking stall dimensions for 30 to 90-degree parking (2.65 m wide by 6.0 m in length).

There does not appear to be any impact to the parking arrangements at the Site required as a part of the minor variance application supporting Phase 2 of the development.

All areas used for parking shall be hard surfaced material, in accordance with City Zoning By-law (2010-078, as amended).

SITE SERVICING:

The City has a 300 mm Ø PVC watermain (Industrial Pressure Zone), a 250 mm Ø PVC wastewater sewer, and a 525 mm Ø HDPE stormwater sewer fronting the site, located in 9th Avenue East.

As a part of the Pre-Consultation Application (PC2024-010), comments were provided regarding Servicing, and it was recognized that the Servicing Feasibility Report provided as part of Phase 1 of the development is also applicable for Phase 2 of the development.

There does not appear to be any impact to the Servicing Plan at the Site required as a part of the minor variance application supporting Phase 2 of the development.

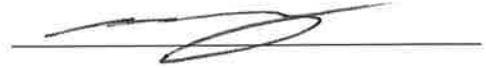
GRADING, DRAINAGE & STORMWATER MANAGEMENT:

Overall grading, drainage and stormwater management plans must conform to Section 2.2.2 of By-law 1999-030; the City of Owen Sound Property Standards By-law, and the approved grading plan.

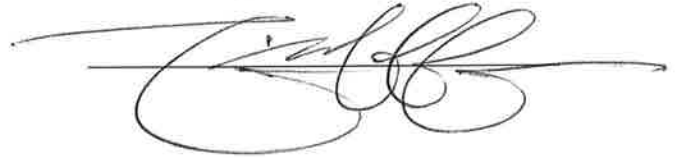
A grading and drainage plan is not required for this Minor Variance application, however, will be required as a part of the upcoming Site Plan Approval Application for Phase 2 of the development.

CONSULTATION: This document incorporates comments from all Divisions of the Public Works and Engineering Department.

Prepared By: Matthew Pierog, P.Eng.



Reviewed By: Chris Webb, P.Eng.



Staff Report

Building Division

DATE: JAN 15, 2025

ROLL NO.: 4259 010 006 33700

TO: SABINE ROBART, MANAGER PLANNING AND HERITAGE

FROM: NIELS JENSEN, BUILDING OFFICIAL

SUBJECT: MINOR VARIANCE APPLICATION FOR 2261 9TH AVE EAST

PLANNING FILE: A03-2025

MUNICIPAL ADD: 2261 9TH AVE EAST

LEGAL DESCRIPTION: RANGE 8 EGR LOT 5 PT LOT 4 RP16R-337 PT 3

APPLICANT: MURPHY HOME AND DESIGN INC

BACKGROUND: The applicant is proposing the construction of Phase 2 of the cluster townhouse development at 2261 9th Ave E. Phase 2 includes 15 townhouse units in three buildings. To facilitate the proposal, a variance of 4.7 metres is being requested to the minimum required rear yard setback. The minimum rear yard setback is 7.0 m. The proposed rear yard setback for Building L is 2.3 m.

Phase 1 of the development was detailed through ST2020-010 (Staff Report CS-20-114 dated November 30, 2020). Phase 2 will require an amendment to the approved Site Plan for the subject property.

ANALYSIS: This document incorporates comments from the Building Division of the Community Service Department.

The above noted site plan has been reviewed using the requirements from the Ontario Building Code and related City and County By-laws. The following comments reflect the results of the review:

- All construction to be in accordance with either the Ontario Building Code or successor legislation in place at the time of building permit application.
- The payment of permit fees, City, County and site specific Development Charges will be due upon the issuance of a building permit.

DETAILED REVIEW: Documents reviewed in conjunction with this application are:

- *Ontario Building Code 2025*
 - *C*
- *City of Owen Sound Development Charges By-law*
- *County of Grey Development Charges By-laws*

The Building Division does not have any concerns regarding the application, please be aware that the building must comply with the Ontario Building Code in effect at the time of application and City By-laws, including but not limited to, the following:

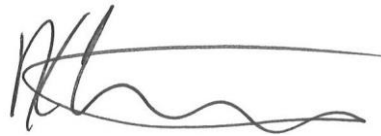
- Design to meet the requirements of Barrier Free Design as per 3.8.
- Sanitary sewer to be protected by a back water valve
- Renovation to structure to be designed by a qualified Designer. Permit drawings to include mechanical (plumbing, HVAC), structural, electrical, architectural.
- Provide detailed plans showing fire separations between units, floors, exits and occupancies meeting the requirements of the OBC.
- Provisions for Firefighting including, but not limited to, location of hydrants, location and design of access routes as per OBC 3.2.5 to be installed by the developer if required.
- Site grading and drainage plan by qualified Engineer.
- Building/Demolition permit(s) may be revoked if construction not started with 6 months of permit issuance or if construction is substantially halted, suspended, or discontinued for a period of over one year.
- Fees and charges are to be paid at the rate current at time of building permit issuance. The following estimated rates would apply if permit applied for in **2025 (rates subject to change based on Fees and Charges By-law)**:

- Building permit of \$16.76 per m2 of gross floor area of Residential Rowhouse construction/renovation (min. \$120) plus Admin Fee of \$55.13 per dwelling unit.
- City of Owen Sound Development Charges, if applicable
- County of Grey Development Charges, if applicable

Submitted by: Niels Jensen

A handwritten signature in black ink, appearing to read 'Niels Jensen', written on a light gray background.

Reviewed by: Kevin Linthorne, CBO

A handwritten signature in black ink, appearing to read 'Kevin Linthorne', written on a light gray background.

From: [Pat McCoy](#)
To: [Sabine Robart](#); [Allison Penner](#)
Subject: Hedera Minor Variance Application A03-2025
Date: January 20, 2025 4:00:44 PM

Warning: Unusual sender [REDACTED]

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Hello Sabine and Allison

My name is Pat McCoy. I live at [REDACTED], Owen Sound. I received a notice of public hearing about Hedera's application for a minor variance concerning their 9th Ave East development. The proposed building L of their second phase borders my property. I have some questions pertaining to the construction of building L, as it directly impacts my property.

According to the proposed site plan that I received in the mail, they are asking for permission to construct building L closer to their Eastern property line. Although I do not have any objections to doing so, given the size of building L, it will have a serious impact on my property.

My concerns are as follows:

1. They are proposing to create a retention pond. Will this contain water year round? Could this potentially become stagnant water? Will they be dumping snow into this pond? Will the pond be fenced off like a swimming pool?
2. I notice that all of phase one has fences dividing the development from their surrounding neighbours, Will there be a fence along the property line that separates our two properties? If yes, do I have any say in how high this fence will be? What about drainage between our two properties along the property line? Is Hedra obligated to ensure that my property is restored to good condition from any damage caused by the construction of a fence?
3. It is my understanding that the elevation of building G is approximately 14 inches higher than building B. This apparently had to do with the construction of 22nd St A. What elevation can I expect building L to be in comparison to my home. Meaning will water run onto my property from Hedra's proposed development?
4. When the gas line was extended south from in front of my home to Hedra's development, the well kept lawn I had was torn up. Even though the gas line is on city property, it is now overrun with invasive plants that normal lawn care cannot control. Will Hedra be responsible for removing all invasive plants and restoring the lawn back to its original state?

I look forward to hearing from you at your earliest convenience. I plan to attend the January 28th committee meeting.

Sincerely Pat McCoy

