

## Staff Report

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**Report To:** Committee of Adjustment  
**Report From:** Dave Aston and Aleah Clarke, MHBC Planning  
**Meeting Date:** January 28, 2025  
**Report Code:** CS-25-011  
**Subject:** Minor Variance A01-2025 for 1010 6th Avenue West

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### Recommendations:

THAT in consideration of Staff Report CS-25-011 respecting Minor Variance A01-2025 for the property known as 1010 6<sup>th</sup> Avenue 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 Barry's Construction and Insulation Ltd. for the property known as 1010 6th Avenue West.
- The application is requesting relief from Section 6.6 of the Zoning By-law, to permit reduced zone regulations including lot area, lot coverage, and minimum yard setbacks. The requested variances will facilitate the proposed consent application to sever the subject lands and will allow for the construction of a new detached dwelling on the severed lot.
- The proposed development supports the planned function of the West City Commercial designation to accommodate medium density residential development.
- A consent is proposed to create one (1) new residential building lot through staff report CS-25-012.

- 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 City's Climate Mitigation Plan objective to reduce community greenhouse gas emissions.

## **Previous Report/Authority:**

[City of Owen Sound Official Plan](#)

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

## **Background & Proposal:**

The subject property is located at 1010 6<sup>th</sup> Avenue West in the City of Owen Sound. The property is a corner lot with a lot frontage of 20.34 metres along 10<sup>th</sup> Street East and a lot depth of 28.75 metres on 6<sup>th</sup> Avenue West and is 588.21 square metres in size. The site contains one existing 1 ½ -storey dwelling with an attached garage. Vehicular access is provided from 10<sup>th</sup> Street West via an existing concrete driveway.

The Surrounding land uses include:

North: Residential single detached dwellings.

East: To the east of the subject property is a mix of low-density residential dwellings, and further west is forested natural hazard lands.

South: To the immediate south is the intersection of 10<sup>th</sup> Street West and 6<sup>th</sup> Ave West. Further south of the intersection are various residential and commercial uses, as well as a high school.

West: To the immediate west of the property are various commercial uses including food and drink establishments and a motel.

The subject lands are designated 'West City Commercial' in the City's Official Plan (OP) and are zoned 'C2' 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'. A Site Plan illustrating the proposal is provided in Schedule 'D'

The applicant is proposing to sever the existing lot to facilitate the construction of a new 2-storey single detached dwelling on the severed lot and the retention of the existing single detached dwelling on the retained lot. The tables below provide a detailed explanation of what is being proposed for the two (2). lots

### **Retained Lot**

<b>Regulation</b>	<b>Required</b>	<b>Provided</b>	<b>Variance</b>
- Minimum Lot Area	400 sq m	338.4 sq m	61.6 sq m
- Minimum Rear Yard Setback	7.5 m	0.0 m (existing)	7.5 m*

### **Severed Lot**

<b>Regulation</b>	<b>Required</b>	<b>Provided</b>	<b>Variance</b>
- Minimum Lot Area	400 sq m	249.8 sq m	150.2 sq m
- Maximum Lot Coverage	40%	45%	5%
- Minimum Front Yard Setback	6.5 m	6.0m	0.5 m
- Minimum Rear Yard Setback	7.5 m	4.0m	3.5m

\*Should the existing dwelling and attached garage be demolished or rebuilt, the variance shall not apply for the new structure, as provided for in the recommended conditions.

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 Planning Statement.

## **Provincial Planning Statement:**

The Provincial Planning Statement (PPS, 2024) has been reviewed regarding 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.

Policy 2.2.1, of the PPS identifies that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by permitting and facilitating all types of residential intensification.

Policy 2.3.1 identifies that land use patterns within settlement areas should be based on densities and a mix of land uses which efficiently uses and optimizes existing and planned infrastructure. The policy also identifies that planning authorities shall support general intensification and redevelopment to support the achievement of complete communities.

Policy 3.6.7 of the PPS identifies that Planning authorities may allow lot creation where there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity.

The subject lands are within an existing settlement area and have access to full municipal services. The proposal to amend the lot area, lot coverage and yard setback requirements of the Zoning By-law will facilitate development on an existing underutilized lot and represents orderly infill development in an existing residential area. The development represents an efficient use of infrastructure, and the City's Engineering Staff have confirmed that the proposed development can be adequately serviced, as detailed in Schedule 'F'.

The requested variance is consistent with the above direction provided by the PPS, subject to recommended conditions.

## **Conformity with the Official Plan**

The subject property is designated 'West City Commercial' in the Owen Sound Official Plan, which permits a variety of commercial and non-commercial uses, such as medium-density forms of housing, congregate housing, churches, and other institutional uses.

Under policy Section 2.2.4, it is the City's objective to increase housing supply by identifying and promoting opportunities for intensification and redevelopment where appropriate, and plan for a full range and mix of housing options in terms of dwelling types, densities and tenure.

Section 3.2.3.9 of the Official Plan identifies that in commercial designations, the zoning of individual sites within the commercial land use designations may not allow the full range of permitted commercial uses or the full extent of development intensity at every location based on site-specific factors. The subject lands are zoned C2, which permits lower-density residential built forms than originally contemplated in the West City Commercial designation. The subject lands are located adjacent to an established residential neighbourhood, and based on the site context, lower-density housing forms are permitted. The proposed development seeks to develop a new residential dwelling, on the severed portion of an existing residential lot. The proposed development will increase the density of each building lot to meet the medium-density residential density requirements of Section 3.1.2.1 of the Official Plan. In accordance with Section 3.1.2.1, the proposed lots will be developed at densities of 33 units per hectare and 50 units per hectare.

Section 5.2 of the Official Plan provides policies related to municipal services. Development is permitted in areas where it can be adequately serviced by municipal services, municipal water and wastewater services, stormwater management and emergency services. Policy 5.2.2.4 identifies that infilling of vacant areas that are already provided with full municipal services is encouraged and should take precedence when evaluating proposed consents. The subject lands have access to existing municipal services, including water, wastewater and stormwater sewers. City Engineering staff have confirmed that sufficient municipal services are available to support the proposed development, and there have been no issues raised related to emergency services.

Section 6 of the OP provides direction for the development and protection of the urban forest within the City including, that wherever new development is proposed, consideration will be given to the locations of existing trees in the preparation of the site plan, and to the retention of as many existing trees as possible (Sec.6.1.3.5). A condition of approval outlined in Schedule 'E' recommends that the developer demonstrate that efforts to retain the existing trees on the subject lands be made and that a tree preservation and planting plan be provided to the satisfaction of the Community Services

Department. Any tree removal must be justified and replaced in accordance with City Policy CS69 or its successor (generally at a ratio of 2:1).

The proposal conforms with the City's Official Plan.

### **Conformity with the Intent and Purpose of the Zoning By-law**

The subject lands are zoned Retail Commercial 'C2' in the City's Zoning By-law (2010-078, as amended), with single detached dwellings being among the uses permitted within this zone.

The applicant is proposing to sever the existing lot, construct a 2-storey single-detached dwelling on the severed lot, and retain the existing lot, which contains a single detached dwelling.

The proposed application is requesting relief from section 6.6 a-e) of the zoning by-law to facilitate the proposed development.

The proposed variance seeks to permit a reduced lot area for both the severed and retained properties. The purpose of the minimum lot area provision is to ensure that each lot has sufficient area to accommodate a typical building footprint, and to provide sufficient space for parking, landscaping and outdoor amenity area. The reduced lot areas are appropriate based on the location of the subject lands. The reduced lot area will allow for sufficient area to accommodate a dwelling in accordance with the other amended lot coverage and reduced building setbacks proposed. The reduced lot area will allow for a higher density residential built form, in an established residential area. The subject lands are within walking distance of commercial uses and outdoor recreation facilities and trails.

The proposed development seeks to permit a reduction in front yard and rear yard setbacks. The retained lot already has a 0 metre setback to the west property line and the minor variance seeks to legalize this setback. This is currently an interior side yard; however, with the consent, it will technically be the rear yard. If the consent is approved, the west lot line will become the rear lot line, and the variance is required to legalize the existing dwelling and attached garage on the retained lot.

The proposed rear yard setback for the severed lot will also be reduced, to accommodate the proposed building footprint. The reduced rear yard setback will provide sufficient area for outdoor amenity for the end user and provides a sufficient setback from the adjacent commercial uses to the west to act as a buffer. The reduced front yard setback for the severed property will provide

sufficient front yard depth to include one surface parking space and provide sufficient depth to act as a buffer from the street.

The proposed increased maximum lot coverage for the severed parcel is requested to facilitate the construction of a single detached dwelling. The increased lot coverage request represents a 5% increase in coverage and has minimal impact on the site's density from a visual perspective. The increased density is not anticipated to have negative effects on the surrounding land uses, and Engineering Services staff have confirmed that there are no infiltration concerns with the proposed increased density.

The proposal maintains the general intent and purpose of the City's Zoning By-law 2010-08, as amended, subject to the recommended conditions.

### **Minor in Nature**

The request for relief from the Zoning By-law to reduce the lot frontage, rear yard and front yard setbacks, and increase the lot coverage required for the proposed residential lots can be considered minor in nature for a number of reasons, as follows:

- The requested variance provides an appropriate balance of residential infill to accommodate the Official Plan's growth policies.
- The variance is not expected to impact the ability of the site to support the residential units proposed.
- The existing built form and character of the area will remain unchanged, and no significant adverse impact will result from the proposed development.
- The reduced rear yard setback for the retained property recognizes the site's existing condition.

As such, the proposal is deemed to be minor in nature.

### **Desirable for the Development and Use of the Lands**

The subject property is located within an existing built-up area of the City adjacent to other low density residential uses, commercial uses and community facilities. It is in an area of the City that is walkable and transit-supportive. The existing property has frontage on a Major Arterial Road (10<sup>th</sup> Street West) and a Local Road (6<sup>th</sup> Avenue West), and has access to full municipal services. The general appearance of the street frontage for the subject lands will not change and the proposed development maintains the character of the area. The proposed development represents infill on an existing underutilized site, which is desirable in the City's settlement area

and consistent with the policy direction provided by the PPS and the City's OP.

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 January 14, 2025 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, with acknowledgement that conditions related to the site's grading and drainage design, and servicing will be required on the related consent application.

### **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
- Schedule 'E': Conditions of Approval



Schedule 'F': Agency Comments

**Recommended by:**

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Aleah Clarke, BES, MCIP, RPP (MHBC Planning)

**Reviewed by:**

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**Submission approved by:**

Pamela Coulter, BA, RPP, Director of Community Services

For more information on this report, please contact Sabine Robart, Manager of Planning & Heritage, at [srobart@owensound.ca](mailto:srobart@owensound.ca) or 519-376-4440 ext. 1236.