

Staff Report

Report To: Committee of Adjustment
Report From: Dave Aston and Aleah Clarke, MHBC Planning
Meeting Date: January 28, 2025
Report Code: CS-25-012
Subject: Consent B01-2025 for 1010 6th Avenue West

Recommendations:

THAT in consideration of Staff Report CS-25-012 respecting a consent for lot creation for the property known as 1010 6th Avenue West, the Committee of Adjustment approves Consent Application B01-2025 by Barry's Construction and Insulation Ltd. subject to the conditions outlined in Schedule 'E'

Highlights:

- A consent application has been submitted by Barry's Construction and Insulation Ltd. for the property known as 1010 6th Ave West.
- Consent B01-2025 proposes severing the subject lands to create a new residential lot containing a single detached dwelling with an attached garage.
- The proposed development supports the planned function of the West City Commercial designation to accommodate medium-density residential development.
- A minor variance (A01-2025) is proposed to provide relief relating to minimum lot area, maximum lot coverage and minimum setback requirements for both the severed and the retained lots and is considered separately under staff report CS-25-011.
- Staff recommends approval of the consent, subject to the conditions.

Strategic Plan Alignment

The subject application represents a legislated review process.

Climate and Environmental Implications:

The subject application represents infill development and efficient use of municipal servicing.

There are no anticipated climate or environmental impacts.

Background & Proposal:

An application for consent has been submitted by Barry's Construction and Insulation Ltd. for the property located at 1010 6th Avenue West in the City of Owen Sound. Minor Variance A01-2025 is addressed through a separate report CS-25-011.

The severance is proposing to create a new development lot for a single-detached dwelling. The retained lands contain an existing single-detached dwelling with an attached garage.

Property Description

The subject lands are located at 1010 6th Avenue West in the City of Owen Sound. The property is a corner lot that contains an existing 1 ½ -storey building with an attached garage and with frontage and vehicular access off 10th Street West via an existing concrete driveway. The property has a lot frontage of 20.34 metres on 10th Street West, a lot depth of 28.75 metres on 6th Avenue West and is 588.21 square metres in size.

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 10th Street West and 6th Ave West. Further south of the intersection is a variety of residential and commercial uses as well as a high school.

West: To the immediate west of the property is various 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 Retail Commercial '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'.

The subject lands are fully described in Schedule 'C'.

The Proposal

The applicant is proposing to sever the existing lot and construct a 2-storey single detached dwelling on the severed lot and retain the existing lot with the existing single detached dwelling and attached garage.

The severed lot is proposed to have approximately 12.18 m of frontage on 6th Avenue West, 20.56 m of depth and 249.78 square meters of lot area. The severed lot proposes a single detached dwelling.

The retained lot is proposed to have approximately 16.57 m of frontage on 6th Avenue West, 20.34 m of depth, and 338.43 sq m of lot area, and contains an existing single detached dwelling and attached garage.

The submitted Site Plan is attached in Schedule 'D'.

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

Analysis:

The subject consent is required to meet all development standards and policies applicable to projects within the City of Owen Sound. The proposal is required to be consistent with the Provincial Planning Statement and in conformity with the City Official Plan and Zoning By-law. The application is subject to review by City Planning, Engineering and Building staff, as well as external commenting agencies. All applicable policies, standards, and comments are reviewed below in the context of the subject application.

Provincial Planning Statement

The Provincial Planning Statement (PPS, 2024) has been reviewed with regard to the subject application. Municipal decisions on planning matters are required to be consistent with the PPS.

The PPS Vision for the long-term prosperity and social well-being of Ontario focuses growth and development within settlement areas and recognizes that land use must be carefully managed. Strong, livable and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change.

The PPS directs development to full serviced, designated settlement areas and requires contiguous development that minimizes land consumption and servicing costs. The proposal represents growth within a Settlement Area that makes use of existing infrastructure and minimizes negative impacts.

All applications must demonstrate that the lands can be serviced with full municipal water and sanitary services and are designed with stormwater management best practices to ensure consistency with the PPS (Section 3.6).

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. Full municipal service infrastructure and capacity are available for the proposed development.

The proposal is consistent with the direction provided by the PPS, subject to the conditions. All conditions can be found attached hereto as Schedule 'E'.

County of Grey Official Plan

The subject property is designated 'Primary Settlement Area' in the County of Grey Official Plan (County OP, 2019). Settlement areas with full municipal services are to be the focus of the majority of growth within the County.

The County OP promotes a full range of residential, commercial, industrial, recreational, and institutional land uses within the Primary Settlement Area. Land use policies and development standards are to be in accordance with the local Official Plan.

The proposal conforms with the County of Grey Official Plan (2019).

City of Owen Sound Official Plan

The subject property is designated 'West City Commercial' in the Owen Sound Official Plan (OP). Within this designation, non-commercial uses such as medium-density forms of housing are permitted.

Sec. 9.3.2.4

The OP permits lot creation through Consent where less than three (3) new lots are created and where the proposed lots represent infilling or redevelopment, have frontage on an open road, are maintained year-round, and are in an area serviced by municipal water and sewer.

The proposed severance to create one new (1) building lot represents infilling and redevelopment. Based on comments from the City's Engineering

Services Division, recommended conditions of approval in Schedule 'E' require the applicant to pay for outstanding charges for municipal infrastructure such as watermain, wastewater, stormwater, sidewalk, and urban roadway with curb and gutter.

a. The lands front onto an existing, assumed public road that is maintained on a year-round basis.

The proposed severed and retained lots are accessed from 10th Street West and 6th Avenue West, which are assumed public roads that are maintained on a year-round basis.

b. The consent shall have the effect of infilling in existing areas and not extending existing development.

The subject lands are within an existing built-up area of the City. The subject property has existing residential uses on both sides of 6th Avenue West and will infill and intensify the surrounding area. The proposed severed and retained lots each propose a single detached dwelling with an attached garage.

c. Creation of the lot does not compromise the long-term use of the remaining land or retained parcel

The severed and retained parcels each propose a single detached dwelling with an attached garage, which are permitted uses in the C2 zone. The retained parcel's long-term use is appropriate in accordance with the related minor variance application.

d. The size of the parcel of land created by consent should be appropriate for the use proposed

A minor variance (A01-2025) is being requested to address the proposed deficient lot area, lot coverage and setback requirements for the lands to be both retained and severed. The minor variance is reviewed under report CS-25-011. The report finds that the proposed variances meet the four tests of the Planning Act, and Planning staff recommends approval of the application. As a condition of B01-2025, fulfillment of any condition related to A01-2025 and approval is required.

e. Soil and drainage conditions are suitable or can be made suitable to permit the proper siting of buildings.

Comments received from the City's Engineering Division indicate a condition of approval requiring a grading and drainage plan for both the severed and

retained lots, in accordance with applicable zoning, to the satisfaction of the City's Public Works and Engineering Department and Community Services Department.

f. Impact on any adjacent built heritage or archaeological resource.

There are no identified built or archaeological resources on or adjacent to the subject lands.

The OP policies encourage streets to include street trees. The severed and retained lots will each have a driveway. Staff note that the existing boulevard trees may need to be removed as a result of the proposed development. A recommended condition of approval has been included in report CS-25-011 respecting Minor Variance A01-2025, which addresses tree removal in accordance with City Policy CS69.

The proposed consent conforms to the policies of the City Official Plan subject to the recommended conditions.

City of Owen Sound Zoning By-law

The subject property is zoned 'Retail Commercial' (C2) in the City's Zoning By-law (2010-078, as amended). Single detached dwellings are among the permitted uses in the C2 Zone.

A zoning conformity check has been completed as part of the application. The following variances are requested to facilitate severance.

As noted, the consent application is being processed concurrently with a minor variance application (A01-2025). The variance is being requested from the Zoning By-law to recognize the proposed deficient minimum lot area and setbacks of the retained lot, and the deficient minimum lot area and setbacks, and increased maximum lot coverage for the severed lot.

Retained Lot

Regulation	Required	Provided	Variance
- 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

Regulation	Required	Provided	Variance
- 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 minor variance conditions.

To meet the lot creation policy for severance, the severed and retained parcels must comply with the applicable zoning provisions in effect as of the date of application. The severed and retained lots also meet the minimum required lot frontage of the C2 Zone.

The variances to the site and building regulations for the severed and retained lots are intended to increase the development density on the lands and create two smaller, separately conveyable parcels.

The variances associated with the proposed severance are reviewed separately under report CS-25-011. The report finds that the proposed variance A01-2025 meets the four tests of the Planning Act and is recommended for approval by City Staff.

The proposal meets the requirements of the City's Zoning By-law, subject to the conditions.

City Staff & Agency Comments

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, for a hearing scheduled on January 28, 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. The City's Engineering & Public Works Department recommends approval of application B01-2025, subject to certain recommended conditions regarding conveyance of road widening and daylight triangles, site

grading and drainage, site servicing, and frontage charges. The recommended conditions are included in Schedule 'E' and the complete comments can be found in Schedule 'F'.

Financial Implications:

Through the consent approval the applicant will be required to provide levies and charges as described above. Future development on the severed parcel may be subject to City and County Development Charges prior to the issuance of a Building Permit.

Communication Strategy:

Notice of the consent application was given in accordance with Section 53 of the *Planning Act* and Ontario Regulation 197/96.

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:

Dave Aston, MSc, MCIP, RPP (MHBC Planning)

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

Reviewed by:

Sabine Robart, M.SC. (PL), MCIP, RPP, Manager of Planning & Heritage

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 or 519-376-4440 ext. 1236.