

## Staff Report

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**Report To:** Committee of Adjustment  
**Report From:** Dave Aston and Aleah Clarke, MHBC Planning  
**Meeting Date:** March 25, 2025  
**Report Code:** CS-25-034  
**Subject:** Minor Variance A02-2025 for 859 7th Avenue East

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### Recommendations:

THAT in consideration of Staff Report CSA-25-034 respecting Minor Variance A02-2025 by Ron Davidson Land Use Planning Consultant Inc. for the property known as 859 7<sup>th</sup> Avenue East, 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 Ron Davidson Land Use Planning Consultant Inc. on behalf of the owners Mr. and Mrs. Webster for the property known as 859 7<sup>th</sup> Avenue East.
- The application is requesting relief from Section 6.5a of the zoning by-law, to permit a reduced minimum lot frontage. The reduced minimum lot frontage will facilitate the proposed consent application to convey a portion of 859 7<sup>th</sup> Avenue East to the adjacent site.
- The proposed development supports the planned function of the Residential Designation to accommodate residential infill to support growth in the area.
- A consent is proposed to sever lands from 859 7th Ave East for the purpose of a lot addition to the adjoining landlocked parcel to the

east, to provide the parcel with road frontage on 7th Ave East. The consent is considered separately under staff report CS-25-033.

- 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 creating conditions to minimize health and safety risks.

## **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 859 7<sup>th</sup> Avenue East in the City of Owen Sound. The property is a rectangle-shaped lot with a current frontage of 22.84 metres along 7<sup>th</sup> Avenue East and a lot depth of 70.89 metres and 1,551 square metres in size. The site contains mature trees and previously contained a single detached dwelling, which was demolished in March 2025 with the appropriate approvals.

The applicant also owns an irregular shaped lot to the rear of 859 7<sup>th</sup> Avenue East, which is legally described as Plan 50 Part Lots 4 TO 7 Registered Plan 16R10663 Part 6, and herein referred to as "Part 6". Part 6 is a landlocked parcel with no street frontage, measuring 680 square metres in size, and contains a garage and mature trees. The owners are proposing to convey a portion of the 859 7<sup>th</sup> Avenue East property to Part 6 in order to provide road frontage to the landlocked parcel and facilitate new residential development on both lots. The owners intend to retain the existing garage on Lot 6. No new lots will be created.

The surrounding land uses include:

North: Residential detached dwellings

East: Residential detached dwellings

South: Residential detached dwellings

West: Residential detached dwellings

The subject lands are designated 'Residential' in the City's Official Plan (OP) and are zoned 'Medium Density Residential' (R4) 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 convey a 759 square metre portion of the 859 7<sup>th</sup> Avenue East property to Part 6. To facilitate the proposal, the application is requesting relief from the minimum lot frontage for the severed parcel in a residential area from 12m to 7m to create two lots fronting 7<sup>th</sup> Avenue East. The table below provides a detailed explanation of what is being proposed for the reconfigured lots.

	Provision	Required	Provided	Variance
Lot 1 (Severed parcel plus existing landlocked parcel)	6.5a- minimum lot frontage	12.0m	15.84m	0m
Lot 2 (Retained Lot)	6.5a- minimum lot frontage	12.0m	7.0m	5m

The applicant has been made aware that any future development on the reconfigured lots will need to comply with all other relevant provisions, including the rear yard, side yard, front yard, building height, and parking requirements.

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 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.

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 use and optimize 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 frontage 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 efficient use of infrastructure and the City's Engineering Services Division staff have confirmed that the proposed development can be adequately serviced, as detailed in Schedule 'F'.

The requested variance will support intensification on full municipal services and is therefore consistent with the above direction provided by the PPS, subject to recommended conditions.

**The following provides an analysis of the tests for a minor variance:**

**Conformity with the Official Plan**

The subject property is designated 'Residential' in the Owen Sound Official Plan (2021), which permits a variety of residential uses, including single detached, semi-detached, townhouses and accessory residential units. The OP generally supports site revitalization, intensification and redevelopment within this designation.

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.

Policy 3.1.3.1 identifies that lands designated Residential shall have access to full municipal services, including piped water supply, storm drainage and sanitary sewer systems, installed according to requirements of the City and other applicable agencies.

Under policy 3.1.8. housing intensification and infill development is supported subject to:

- a) The proposed development meets locational and other criteria of this Plan.
- b) The type, size and scale of the proposed development is compatible with adjacent development and planned land use.
- c) The existing infrastructure, including sewer and water services, can support additional development.
- d) The existing community and recreational facilities, such as schools and parks are adequate to meet the additional demand.
- e) Required parking can be accommodated.
- f) The local road network can accommodate any additional traffic.
- g) Intensification of a heritage building or a building in a Heritage Conservation District shall be subject to the protection and preservation of the heritage character of the building or area in accordance with Heritage Conservation policies.

The proposed minor variance to permit a reduced lot frontage of 7m will facilitate residential development on an existing property that currently has

no street frontage. The minor variance will also facilitate residential development on a lot with access to existing municipal infrastructure. The development is planned to meet all other zoning requirements and will be compatible with the surrounding area.

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. The subject lands have access to existing municipal services, including water, wastewater and stormwater sewers. City Engineering Services Division 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; refer to Schedule 'F' for detailed comments.

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 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 'Medium Density Residential' (R4) in the City's Zoning By-law (2010-078, as amended) with single detached dwelling being among the uses permitted within this zone.

The applicant is requesting relief from the minimum lot frontage requirement of the Zoning By-law. Under policy 6.5a, the permitted minimum lot frontage required for the R4 zone is 12 metres. The intent of the minimum lot frontage requirement in the Zoning By-law is to ensure that the new development provides sufficient lot width to accommodate required side yard setbacks and to facilitate built forms which address the public street. While the severed lot will only have a lot frontage of 7.0m, the frontage on 7<sup>th</sup> Ave East will primarily be used as a driveway and landscape buffer, with sufficient area to the rear of the site to accommodate a building envelope and a lot

width of 22.84m. Engineering Services Division has confirmed that the proposed 7 metres is a sufficient width to permit the development of a residential driveway to access the enlarged lot.

Sufficient area exists on both lots to site a single detached dwelling in compliance with the applicable Zoning By-law site and building regulations.

As such, 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 required for 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 development proposed.
- The variance will allow for the severed and retained lots to have municipal road access from 7<sup>th</sup> Avenue East and will facilitate the development of an existing underutilized lot.
- The existing built form and character of the area will remain unchanged, and no significant adverse impacts are anticipated from the proposed development.

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 and existing community facilities. It is in an area of the city that is walkable and transit-supportive. The existing property has frontage on a Collector Road (7<sup>th</sup> Avenue East) 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**

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. In January, the application was deferred by the applicant and the hearing was postponed from January 28<sup>th</sup> to March 25<sup>th</sup>, 2025. A courtesy notice was provided on March 13, 2025 to confirm the new hearing date and that there were no changes to the application. 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 Division**

Comment has been received from the City's Engineering & Public Works Department. The City's Engineering & Public Works Department recommends approval of application A02-2025, subject to the recommended conditions included in Schedule 'E' and the complete comments can be found in Schedule 'F'.

### **City of Owen Sound Building Division**

Comment has been received from the City's Building Division with no objection to the applications.

### **Grey Sauble Conservation**

Comment has been received from Grey Sauble Conservation with no objection to the application. GSC staff note that if the existing entrance is to be altered or the new entrance is to be located within the regulated area, a permit should be obtained from the GSCA.

### **Public Comments**

One set of public comments was received, which are attached in Schedule F. The comments are:

The application states that the existing structure is to be removed. When will the house be removed?

**Planning Comment:** As noted above, the parcel previously contained a single detached dwelling, which was demolished with the appropriate approvals in March 2025.



2. What are the short—and long-term plans for the two properties? For example, will one or both properties be long-term rental properties, Airbnbs, or permanent private residences?

**Planning Comment:** The properties are proposed to contain single detached dwellings. As per the City's OP policies and Zoning By-law provisions, each property can contain two additional residential units (ARUs) for a total of three (3) residential units per property. Short-term rental of any units is subject to the City's [Short Term Rental By-law](#) and licensing.

3. If the application is approved as proposed, the application does not state what the laneway access will be for the two properties. Will there be 2 separate laneways or a mutual driveway?

**Planning Comment:** As per the attached concept plan in Schedule D, each lot will be accessed via a separate driveway.

### **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': Proposed Lot Line Adjustment Plan and Concept Plan
- Schedule 'E': Conditions of Approval
- Schedule 'F': Agency and Public Comments

**Recommended by:**

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**Reviewed by:**

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