

Staff Report

Report To: Committee of Adjustment
Report From: Dave Aston and Aleah Clarke, MHBC Planning
Meeting Date: March 25, 2025
Report Code: CS-25-033
Subject: Consent B02-2025 for 859 7th Avenue East (Lot Addition)

Recommendations:

THAT in consideration of Staff Report CS-25-033 respecting a consent for lot addition for the property known as 859 7th Avenue East, the Committee of Adjustment approves Consent Application B02-2025 by Ron Davidson Land Use Planning Consultant Inc. subject to the conditions outlined in Schedule 'E'.

Highlights:

- A consent application has been submitted by Ron Davidson Land Use Planning Consultant Inc. on behalf of the owners Todd and Christie Webster for the property known as 859 7th Ave East.
- Consent B02-2025 is proposing 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 proposed development supports the planned function of the Residential designation to accommodate residential infill to support growth in the area.
- A minor variance is proposed to provide relief related to the proposed minimum lot frontage requirements for the severed lot that is to be merged with the abutting property and is considered separately under staff report CS-25-034.
- Staff recommends approval of the consent application, subject to 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:

Ron Davidson, Land Use Planning Consultant Inc., has submitted an application for consent (A02-2025) for the property known as 859 7th Avenue East. Minor Variance A02-2025 is addressed in a separate report, CS-25-034.

The proposed severed parcel is to be conveyed to the adjacent lot to the east to provide street frontage to the landlocked parcel and to facilitate the construction of a new single detached dwelling. The receiving parcel contains an existing accessory structure, which is proposed to be retained.

Property Description

The subject property is located at 859 7th Avenue East in the City of Owen Sound. The property is a rectangle-shaped lot with a current frontage of 22.84 metres along 7th Avenue East and a lot depth of 70.89 metres and 1,551 square metres in size.

The applicant also owns an irregularly shaped lot to the rear of 859 7th 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 measures 680 square metres in size, contains a garage and is currently landlocked. The owners are proposing to convey a portion of the 859 7th Avenue East property to Part 6 to provide Part 6 with municipal road frontage to facilitate the construction of a detached dwelling. The owners intend to retain the existing garage on Part 6.

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'.

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

The Proposal

The applicant is proposing to sever a portion of 859 7th Avenue East and convey the severed portion to the abutting property (Part 6).

The severed lot is proposed to have approximately 7.0 metres of frontage on 7th Avenue East, 95.18 metres of depth and 1,439 square meters of lot area. The enlarged lot will contain the existing garage. The applicant is proposing to construct a single detached dwelling on the enlarged lot in the future.

The retained lot is proposed to have approximately 15.84 metres of frontage on 7th Avenue East, 50 metres of depth, and 792 square meters of lot area.

The parcel subject to the consent application previously contained a single detached dwelling, which was demolished with the appropriate approvals in March 2025.

The submitted Concept 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, liveable 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 are 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 County has been consulted on the proposal and Planning staff have not provided any comments on the application.

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

City of Owen Sound Official Plan

The subject property is designated 'Residential' in the Owen Sound Official Plan (OP).

Within the Residential designation the predominant use is for residential dwellings. Permitted residential uses within this designation include, but are not limited to, single and semi-detached dwellings, row homes at various densities and a variety of tenures and accessory residential units.

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 land conveyance to provide a landlocked parcel with frontage onto an opened and maintained road represents infilling and redevelopment. Based on comments from the City's Engineering Services Division, the 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.

At present, Part 6 is landlocked, and its only access is off 9th Avenue East through an existing easement. Through the proposed lot addition, the proposed severed and retained lots will be accessed from 7th Avenue East, which is an assumed public road maintained year-round. The Official Plan classifies 7th Avenue East as a collector road. This portion of the collector road has a municipal sidewalk on the east side of the road.

Comments received from the City's Engineering Services Division indicate a condition of approval requiring that the 3.0 metres of road widening along the frontage of 7th Avenue East shall be conveyed to the City and registered in an acceptable manner to the City Solicitor, at the applicant's expense.

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 7th Avenue East and will infill and intensify the residential area. The proposed severed and retained lots are each proposed to contain a single detached dwelling, with the potential to also add up to two additional residential units (ARU) per lot. Comments received from the City's Engineering Services Division indicate that the existing service laterals which serviced 859 7th Avenue East will need to be inspected and approved by the City if they are intended for reuse. The City will not permit shared service laterals, and the applicant will be required to ensure that both the severed and retained lots are serviced independently and connected to the infrastructure in 7th Avenue East.

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, which are permitted uses in the R4 zone. The long-term use of the retained parcel is appropriate.

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

The proposed severed and retained parcels conform to the minimum lot area provisions of the R4 zone. A minor variance (A02-2025) is being requested to address the proposed deficient lot frontage for the lands to be severed and merged with the abutting property that is landlocked (Part 6). The minor variance is reviewed under report CS-25-034. The report finds that the proposed variance meets the four tests of the Planning Act and Planning staff recommend approval of the application. As a condition of B02-2025, fulfillment of any condition related to A02-2025 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 tree may need to be removed as a result of the proposed development. A recommended condition of approval has been included in report CS-25-034 respecting Minor Variance A02-2025, 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 (2010-0748, as amended)

The subject property is zoned 'Medium Density Residential' (R4) in the City's Zoning By-law (2010-078, as amended). Single detached dwellings are among the permitted uses in the R4 Zone.

A zoning conformity check has been completed as part of the application. As noted, the consent application is being processed concurrently with a minor variance application. The variance is being requested to recognize the proposed deficient minimum lot frontage of the severed lot which is less than is required by the Zoning By-law.

Severed Lot

Regulation	Required (R4)	Proposed	Variance
Minimum Lot Frontage	12 m	7.0 m	5.0 m

In order 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 meet the minimum required lot area of the R4 Zone. The variance to the lot frontage for the severed lot is intended to increase the development density on the lands and create two separate developable parcels.

The variance associated with the proposed severance is reviewed separately under report CS-25-034. The report finds that the proposed variance A02-2025 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, to the public and prescribed bodies. In January, the application was deferred by the applicant and the hearing was postponed from January 28th to March 25th, 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 B02-2025, 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.

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':	Proposed Lot Line Adjustment Plan and Concept 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.