

Staff Report

Report To: Committee of Adjustment
Report From: Dave Aston and Aleah Clarke, MHBC Planning
Meeting Date: April 22, 2025
Report Code: CS-25-041
Subject: Minor Variance A06-2025 for 2605 3rd Avenue West

Recommendations:

THAT in consideration of Staff Report CS-25-041 respecting Minor Variance A06-2025 by David Moyer for the property known as 2605 3rd Avenue West, the Committee of Adjustment approves the minor variance, as amended, 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 David Moyer for the property known as 2605 3rd Avenue West
- The application is requesting relief from Section 6.6 of the City's Zoning By-law (2010-078, as amended), to permit a reduced minimum front yard and rear yard setback of the severed lot to facilitate the proposed consent application.
- The proposed development supports the planned function of the 'Waterfront Mixed Use' designation to accommodate a range of uses, including residential, to support growth in the area.
- A consent is proposed to create one (1) new residential building lot with road frontage on 26th Street West. The consent is considered separately under staff report CS-25-043.
- Staff recommend approval of the application to permit a reduced minimum lot, reduced minimum front yard setback to the habitable portion of the dwelling, a reduced front yard setback to an attached

garage, and reduced minimum rear yard setback for the severed lot to facilitate the proposed consent application, subject to conditions.

Strategic Plan Alignment

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 2605 3rd Avenue West in the City of Owen Sound. The property is a corner lot with a current frontage of 20.22 metres along 3rd Avenue West and a lot depth of 50.29 metres along 26th Street West. The property is 1,018 square metres (10,957.66 ft²) in size. The site contains a converted dwelling with two residential units, both of which are currently occupied. The owner is proposing to sever a portion of the property to create a new residential development parcel.

The surrounding land uses include:

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|--------|---|
| North: | Existing single detached residential dwellings |
| East: | East of the property are single detached dwellings and the Owen Sound outer Harbour. |
| South: | South of 26th Street West are commercial uses including a convenience store at the south-east corner of 26 th Street West and 3 rd Avenue West. Further south are commercial and residential uses including a restaurant, marina and the Harbourfront Condominiums. |
| West: | Existing single detached residential dwellings and apartments. |

The subject lands are designated 'Waterfront Mixed Use' and 'West Waterfront Study Area' in the City's Official Plan (OP) and are zoned 'Neighborhood commercial' (C3) 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 conceptual site plan illustrating the proposal is provided in Schedule 'D'

The applicant is proposing to sever the existing lot to create one (1) new residential lot to allow for the future construction of a single detached dwelling. To facilitate the proposal, the application is requesting relief from the minimum lot area, minimum front yard building setback, and minimum rear yard building setback for the severed parcel. The table below provides a detailed explanation of what is being proposed for the severed lot.

Severed Lot

Provision	Required	Provided	Variance
6.6b - Minimum Lot Area	400 sq m	344.2 sq m	55.8 sq m
6.6d - Minimum Front Yard Setback	6.5 m	4.5 m	2.0 m
6.6e - Minimum Rear Yard Setback	7.5 m	6.6 m	0.9 m

The applicant has been made aware that any future development on the reconfigured lots will need to comply with all other relevant provisions, including minimum lot frontage, maximum lot coverage, minimum side yard setback, maximum building height and parking.

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 area, front yard and rear yard building setback requirements of the Zoning By-law will facilitate development on an existing underutilized lot and represents orderly infill development in an existing mixed-use area. The development represents efficient use of infrastructure and the City's Engineering staff have confirmed that the subject lands have access to existing municipal services, as detailed in Schedule 'F'. The amended variance is 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 'Waterfront Mixed Use' and West Waterfront Study Area in the Owen Sound Official Plan (OP). The Waterfront Mixed Use designation is intended to integrate various uses, including industrial, residential, commercial, institutional, recreational and open space, in a compact urban form at higher development densities. Permitted residential uses within this designation include medium to high-density residential uses. Where development is proposed adjacent to existing

residential areas, low-rise townhouse development may be permitted to provide a transition to the mixed-use Harbour Area.

Section 3.8.9 of the Official Plan provides the policy framework for the West Waterfront Study Area and identifies it as having limited development potential. Redevelopment of the area should be facilitated through an Official Plan Amendment, but the proposed scale of development does not require one.

The OP generally supports site revitalization, intensification and redevelopment within this designation. The proposed development is a minor infill development, and the subject lands are zoned C3, which permits lower-density residential built forms than contemplated in the 'Waterfront Mixed Use' designation. The subject lands are within an established residential neighbourhood, and based on the site context, lower-density housing forms are appropriate. The proposed application seeks to facilitate the development of a new residential dwelling on the severed portion of an existing residential lot. The proposed development will increase the density for each building lot to meet the density requirements for residential development as identified in 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 29 units per hectare and 30 units per hectare.

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.

Under policy 3.1.8.2 housing intensification and infill development is supported subject to:

- The proposed development meets locational and other criteria of this Plan.
- The type, size and scale of the proposed development is compatible with adjacent development and planned land use.
- The existing infrastructure, including sewer and water services, can support additional development.
- The existing community and recreational facilities, such as schools and parks are adequate to meet the additional demand.
- Required parking can be accommodated.
- The local road network can accommodate any additional traffic.

- 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 area, front yard (main building and attached garage) and rear yard building setback will facilitate additional residential development on an existing property. The minor variance will facilitate residential development on a lot with access to existing municipal infrastructure 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 staff have not raised any issues related to municipal servicing as it relates to the proposed minor variance application. The subject lands have access to existing municipal watermain, wastewater sewer and storm sewer infrastructure. Please 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). The subject lands do not appear to contain any existing trees.

The proposal conforms with the City's Official Plan.

Conformity with the Intent and Purpose of the Zoning By-law (2010-078, as amended)

The subject lands are zoned Neighbourhood Commercial 'C3' 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 proposing to sever the existing lot to create a new residential lot, which will provide a building envelope to accommodate a single detached dwelling with an attached garage. The retained lot contains a converted dwelling with two residential units, which are planned to remain.

The applicant is requesting relief from the minimum lot area, front yard and rear yard building requirements of the Zoning By-law. Under policy 7.4, any residential uses permitted within a C3 zone are to meet the provisions of Section 6.6 General Residential (R5).

The applicant is requesting relief from the minimum lot area requirement of section 6.6b of the Zoning By-law. Section 6.6b of the Zoning By-law requires a lot area of 400 square metres, and the applicant is proposing a lot area of 344 square metres. The proposed lot area is a minor reduction from the required 400 square metres, and a conceptual site plan has been submitted that demonstrates that the reduced lot area will allow for sufficient area to accommodate a dwelling in accordance with the other reduced building setbacks proposed and in compliance with other applicable zoning provisions. The reduced lot area will allow for a higher-density residential built form in an established residential area.

The rear yard setback for the severed lot is proposed to be reduced to accommodate the proposed building envelope. Section 6.6e of the Zoning By-law requires a 7.5 metre rear yard setback, whereas the applicant is proposing a 6.5 metre setback. The reduced rear yard setback will provide sufficient area for outdoor amenity for the end user, and the subject lands abut existing single detached dwellings to the north, south and east. The reduced rear yard setback provides a sufficient setback from the adjacent residential uses to act as a buffer.

The applicant has proposed a reduced front yard setback for the severed parcel. Section 6.6d of the Zoning By-law requires a front yard setback of 6.5 metres, and an amended setback of 4.5 metres is proposed. The reduced front yard setback for the severed property will provide sufficient front yard depth to buffer a future dwelling from the street and remains relatively consistent with the surrounding streetscapes.

A 4.5 m-deep front yard setback does not provide sufficient depth to accommodate a surface parking space. The site plan provided shows a 6.0m setback to the attached garage. However, the application also indicates that there are no plans to build at this time, and as such, the future design may be different.

A recommended condition of the minor variance is that a surface parking space be accommodated on site, regardless of whether there is a garage.

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

Minor in Nature

The request for relief from the Zoning By-law to reduce the lot area, front yard (habitable building and attached garage) and rear yard building setbacks required for the proposed severed residential lot can be considered minor in nature for a number of reasons, as follows:

- The amended 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 3rd Avenue West and 26th Street West 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 commercial uses. The existing property has frontage on a minor arterial road (3rd 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 April 8, 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 minor variance.

Bell Canada

Comment has been received from Bell Canada with no objection to the proposed minor variance.

Hydro One

Comment has been received from Hydro One with no objection to the proposed minor variance.

Historic Saugeen Metis

Comment has been received from the Historic Saugeen Metis with no objection to the proposed minor variance.

Grey County

Comment has been received from Grey County with no objection to the proposed minor variance.

Grey Sauble Conservation Authority (GSCA)

Comment has been received from GSCA with no objection to the proposed minor variance.

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': Conceptual Site Plan
Schedule 'E': Conditions of Approval
Schedule 'F': Agency Comments

Recommended by:

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