

Staff Report

Report To: Committee of Adjustment
Report From: Dave Aston and Aleah Clarke, MHBC Planning
Meeting Date: April 22, 2025
Report Code: CS-25-043
Subject: Consent B05-2025 for 2605 3rd Avenue West

Recommendations:

THAT in consideration of Staff Report CS-25-043 respecting a consent for lot creation for the property known as 2605 3rd Avenue West, the Committee of Adjustment approves Consent Application B05-2025 by David Moyer subject to the conditions outlined in Schedule 'E'

Highlights:

- A consent application has been submitted by David Moyer for the property known as 2605 3rd Avenue West.
- Consent B05-2025 is proposing to sever lands from 2605 3rd Avenue West to create a new residential lot, which is proposed to have a building envelope to accommodate a single detached dwelling with an attached garage.
- 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 minor variance (A06-2025) is proposed to provide relief related to the proposed minimum lot area, and minimum front yard and rear yard setback requirements for the severed lot and is considered separately under staff report CS-25-041
- 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:

An application for a Consent (B06-2025) has been submitted by David Moyer for the property located at 2605 3rd Avenue West. Minor Variance A06-2025 is addressed through a separate report CS-25-041.

The severance is proposing to create a new lot for the development of a single detached dwelling and attached garage. The retained lands contain an existing converted dwelling with two units which are currently occupied and are planned to remain.

Property Description

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 meters along 3rd Avenue West and a lot depth of 50.29 meters along 26th Street West. The property is 1,018 m² (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 current rear yard to create a new residential development parcel.

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: | On the south side of 26th Street West are commercial uses, including a convenience store at the southeast 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 'Neighbourhood 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'. The subject lands are fully described in Schedule 'C'. A conceptual site plan illustrating the proposal is provided in Schedule 'D'.

The Proposal

The applicant is proposing to sever the existing lot to facilitate the construction of a new single-detached residential dwelling on the severed lot. The retained lot is proposed to contain the existing converted dwelling.

The severed lot is proposed to have approximately 17 metres of frontage on 26th Street West, 20.2 metres of depth, and 344.2 square metres of lot area. The severed lot is proposed to contain a building envelope to accommodate a single detached dwelling with an attached garage.

The retained lot is proposed to have approximately 20.22 metres of frontage on 3rd Avenue West, 33.3 metres of depth, and 674.1 square metres of lot area. The retained lot will contain the existing converted dwelling with two units.

The submitted conceptual 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, 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 fully 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 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 County staff have no objection to the application.

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

City of Owen Sound 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. The OP generally supports site revitalization, intensification and redevelopment within this designation.

The West Waterfront Study Area is identified as having limited development potential, and redevelopment of the area should be facilitated through an Official Plan Amendment. 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 located adjacent to an established residential neighbourhood, and based on the site context, lower-density housing forms are permitted. 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 medium-density 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.

Section 9.3.2.

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 (1) new building lot plus one retained lot represents infilling and redevelopment. Based on comments from the City's Engineering Services Division, the subject lands have access to existing municipal services, and there appears to be capacity to service the new residential lot.

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

At the present time, the proposed retained lot has frontage on 3rd Avenue West and 26th Street West with driveway access from both streets. The proposed severed lot will have frontage and access from 26th Street West. Both roads are assumed public roads that are maintained on a year-round basis. The Official Plan Classifies 3rd Avenue West as Minor Arterial Road.

This portion of 3rd Avenue West has a municipal sidewalk on the west side of the street. Comments received from the City's Engineering Services Division indicate a condition of approval requiring that a road widening of 5.0 metres be conveyed along 3rd Avenue West, and that sight triangles be conveyed to the City at the intersection of 3rd Avenue West and 26th Street East.

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

The subject property is within an existing built-up area of the City. The surrounding neighbourhood includes existing residential and commercial uses, and the proposal will infill and intensify the residential area. Comments received from the City's Engineering Services Division indicate that the applicant is responsible for making servicing arrangements for each of the separate lots to the satisfaction of the City's Public Works and Engineering Department.

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 residential dwellings, which are permitted uses in the C3 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 retained parcel of land conforms to the provisions of a C3 zone. A minor variance (A06-2025) is being requested to address the proposed deficient lot area, front yard and rear yard setbacks for the lands to be severed. The minor variance is reviewed under report CS-25-041. The report finds that the proposed variances meet the four tests of the Planning Act, and Planning staff recommend approval of the application. As a condition of B05-2025, fulfillment of any condition related to A06-2025 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 that the applicant will be required to provide a grading and drainage plan prepared by a qualified person for the retained and severed lots, to ensure that both lots will function independently of each other.

A Phase 1 Environmental Site Assessment (ESA) was conducted on the subject property and concluded that there are no potential environmental concerns associated with the Phase 1 subject property that would pose an environmental liability and warrant further investigation at this time.

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 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 lands are zoned 'Neighbourhood Commercial' (C3) in the City's Zoning By-law (2010-078, as amended). Single detached dwellings are among the uses permitted within this zone.

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

As noted, the consent application is being processed concurrently with a minor variance application. The variance is being requested from the Zoning By-law to recognize the proposed deficient minimum lot area, front yard (habitable portion of the dwelling and attached garage) and rear yard setback requirements of 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 to the habitable portion of a Single Detached Dwelling or Porch 6.0 m to an attached Garage	2.0 m

Provision	Required	Provided	Variance
6.6e - Minimum Rear Yard Setback	7.5 m	6.6 m	0.9 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 retained lot meets all minimum requirements of the 'C3' zone.

The variance application associated for the severed parcel is reviewed separately under report CS-25-041. The report finds that the proposed variance (A06-2025), as amended, 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 April 7, 2025, for a hearing scheduled on April 22, 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 B05-2025, subject to certain recommended conditions regarding the conveyance of a road widening along the frontage of 3rd Avenue West, the conveyance of daylight triangles at the intersection of 3rd Avenue West and 26th Street West, the preparation of grading and drainage plans, confirmation of servicing arrangements being made, and payment of outstanding 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 in the ESD comments. 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':	Conceptual Site Plan
Schedule 'E':	Conditions of Approval
Schedule 'F':	Agency Comments

Recommended by:

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Reviewed by:

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