

## Staff Report

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**Report To:** Committee of Adjustment  
**Report From:** Margaret Potter, Senior Planner  
**Meeting Date:** May 27, 2025  
**Report Code:** CS-25-052  
**Subject:** Minor Variance A08-2025 for 240 2nd Street East (Grey Rose Inc.)

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### Recommendations:

THAT in consideration of Staff Report CS-25-052 respecting Minor Variance A08-2025 by Grey Rose Inc. for the property known as 240 2<sup>nd</sup> Street 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 Grey Rose Inc. for the property known as 240 2<sup>nd</sup> Street East
- The applicant is proposing to demolish the existing dwelling and construct two (2) semi-detached dwelling units, one on each of the retained and severed lots.
- The application is requesting relief from the Zoning By-law 2010-078, as amended, to permit:
  - On the severed parcel, reduced rear and front yard setbacks
  - On the retained parcel, reduced front, rear and exterior side yard setbacks.
- Staff recommend approval of the 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 240 2<sup>nd</sup> Street East in the City of Owen Sound. The property is a corner lot with a current frontage of approximately 31.57m along 2<sup>nd</sup> Street East and 20.20 m of frontage along 3<sup>rd</sup> Avenue East. The property is approximately 637.71 m<sup>2</sup> (6,856.61 ft<sup>2</sup>) in area. The site contains an existing single detached house.

Surrounding land uses include:

North: Residential

East: Residential and the Sydenham River

South: Residential and Harrison Park

West: Residential

The subject lands are designated 'Residential' in the City's Official Plan (OP) and are zoned 'Low Density Residential' (R2) 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'.

The applicant is proposing to sever the subject lands to create one (1) new residential lot. The applicant is proposing to demolish the existing dwelling and construct two (2) semi-detached dwelling units, one unit on each of the retained and severed lots. To facilitate the consent, a minor variance is being

requested to address the following deficiencies on the severed and retained lots:

<b>Requested Variances</b>			
<b>Retained Parcel</b>			
Regulation	<b>Required (R2)</b>	<b>Proposed</b>	<b>Variance</b>
Minimum Front Yard Setback	6.5 m	5.5 m	1 m
Minimum Rear Yard Setback	7.5 m	4.5 m	3 m
Minimum Exterior Side Yard Setback	3 m	2.0 m	1 m
<b>Severed Parcel</b>			
Regulation	<b>Required (R2)</b>	<b>Proposed</b>	<b>Variance</b>
Minimum Front Yard Setback	6.5 m	5.5 m	1 m
Minimum Rear Yard Setback	7.5 m	4.5 m	3 m

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

The site plan demonstrates that the reduced front yard setback applies to a portion of the proposed building, the setback to the garage is shown to be 6.31 m.

## **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 Policy Statement.

## **Provincial Policy 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 proposed use is permitted. The proposal to amend the setback requirements of the Zoning By-law will facilitate development on an existing underutilized lot and represents orderly low density infill development in an existing residential 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 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:

### **Test 1: Conformity with the Official Plan**

The subject property is designated 'Residential' in the Owen Sound Official Plan. The Residential designation permits a range of residential uses including semi-detached dwellings. The OP generally supports site revitalization and redevelopment.

Under 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 reduced setbacks will facilitate additional residential development in an existing built-up area of the City with access to existing municipal infrastructure. Semi-detached dwellings are a permitted housing type in the neighbourhood and required parking will be accommodated for each unit by on-site driveways and attached garages. The site is not an identified heritage building.

The proposal conforms with the City's Official Plan.

### **Test 2: Conformity with the Intent and Purpose of the Zoning By-law**

The subject lands are zoned Low Density Residential 'R2' in the City's Zoning By-law (2010-078, as amended), with semi-detached dwellings being among the permitted uses in this zone.

The applicant is proposing to demolish the existing dwelling and construct two (2) semi-detached dwelling units, one unit on each of the retained and severed lots. The applicant is requesting relief from the front and rear yard setbacks for the severed parcel, and from the front, rear, and exterior side yard setbacks for the retained parcel.

The existing lot is set back from the existing sidewalk on 2<sup>nd</sup> Street East and 3<sup>rd</sup> Avenue East as the boulevard contains necessary infrastructure.

According to an earlier draft site plan provided by the applicant, the existing driveway is on the 3<sup>rd</sup> Avenue East boulevard.

The existing house is located at the southeast corner of the lot closer to both 2<sup>nd</sup> Street East and 3<sup>rd</sup> Avenue East than the proposed new dwelling unit.



Figure 1: 240 2nd Street East (Google Street View Image)

### **Retained lot:**

The proposed retained lot would be the corner lot, having frontage on both 2<sup>nd</sup> Street East and 3<sup>rd</sup> Avenue East.

### *Existing Dwelling:*

The proposed retained lot is not large enough to meet the minimum lot size requirements of the Zoning By-law for a single detached dwelling. Through consent B08-2025 a condition is recommended that prior to deed stamping the existing single detached dwelling and any associated accessory structures are removed or demonstrated to comply with zoning. As the existing single detached dwelling cannot exist together with the proposed semi-detached dwelling, no condition is recommended for the minor variance in this regard.

### *Front Yard:*

The existing dwelling is located closer to the south (2<sup>nd</sup> Street East) lot line than the proposed new dwelling units. The existing dwelling has a driveway located at least partially on the 3<sup>rd</sup> Avenue East boulevard.

The proposed development would provide attached garages for each of the dwelling units with a driveway. While the application requests a reduction in front yard setback to 5.5m the garage portion of the proposed dwellings is set back 6.31 m.

It is recommended that a conditions of the minor variance require:

- that any surface parking area provide minimum dimensions of 2.65 m X 6 m on private property;
- construction generally in accordance with the site plan provided.

*Rear Yard:*

In its existing configuration, the “front” lot line of the overall lot is technically 3<sup>rd</sup> Avenue East because that is the smaller frontage of the existing lot. If a severance were not proposed, the northerly lot line would be considered an interior side yard which would require only a 1.2 m setback. The concept plan demonstrates that there is room in the rear yard to provide a deck for amenity space.

*Exterior Side Yard:*

The travelled portion of 3<sup>rd</sup> Avenue East is quite distant from the existing dwelling, even though the existing dwelling is closer to the east (3<sup>rd</sup> Avenue East) lot line than the proposed dwelling. As there are no known concerns with the proximity of the existing dwelling to 3<sup>rd</sup> Avenue East, no concerns are anticipated with the proposed exterior side yard setback.

There is no relief requested to the maximum 40% coverage requirement suggesting there is sufficient area to provide for appropriate grading and drainage. A grading and drainage plan is a recommended condition of consent and grading details will be required at the time of building permit to ensure appropriate drainage.

The zoning by-law provides for a smaller interior side yard setback where there is an attached garage. Although no relief is requested on interior side yard setback, the intent of the zoning by-law supports relief on side yard setbacks where there is an attached garage. It is recommended that the condition requiring construction generally in accordance with the site plan provided include a stipulation that the building include attached garages for each lot (as shown on the plan provided).

Subject to recommended conditions, the proposed variances for the Retained lot maintain the general intent and purpose of the City's Zoning By-law.

**Severed Lot:**

The proposed severed lot is an interior lot having frontage on only 2<sup>nd</sup> Street East. The configuration of this lot is such that the proposed rear yard will abut the side yard of the neighbouring lot to the north, and the proposed interior side yard will abut the rear yard of the neighbouring lot to the west.

No variance is requested to the interior side yard setback.

*Front Yard:*

The existing dwelling is located closer to the south (2nd Street East) lot line than the proposed new dwelling units.

The proposed development would provide attached garages for each of the dwelling units with a driveway. While the application requests a reduction in front yard setback to 5.5m the garage portion of the proposed dwelling is set back 6.31 m.

As was noted for the retained lot, it is recommended that a condition of the minor variance require that any surface parking area provide minimum dimensions of 2.65 m X 6 m on private property and that construction be generally in accordance with the sketch provided including the provision of an attached garage.

*Rear Yard:*

In its existing configuration, the "front" lot line of the overall lot is technically 3<sup>rd</sup> Avenue East because that is the shorter frontage of the existing lot. If a severance were not proposed, the northerly lot line would be considered an interior side yard which would require only a 1.2 m setback. The concept plan demonstrates that there is room in a 4.5 m rear yard to provide a deck for amenity space.

Subject to recommended conditions, the proposed variances for the Severed lot maintain the general intent and purpose of the City's Zoning By-law.

**Test 3: Minor in Nature**

The request for relief from the Zoning By-law to reduce front and rear yard setbacks for both the proposed severed and retained lot, and exterior side



yard setback for the retained lot, can be considered minor in nature for a number of reasons, as follows:

- A semi-detached dwelling is considered a low density form of development and is a permitted use in the R2 zone.
- The proposed front and exterior side yard setback will exceed the setbacks provided by the existing dwelling from 2<sup>nd</sup> Street East and 3<sup>rd</sup> Avenue East.
- There is sufficient room proposed in front of each garage to provide a 6m parking space on each lot.
- A detached accessory structure could be developed on the existing lot closer to the north and west lot lines than the proposed dwelling units.
- There is no relief requested from the maximum coverage regulation suggesting that the proposal provides the outside space considered by the zoning by-law to be adequate for outdoor amenity and grading and drainage purposes.
- The variance will facilitate development of an existing underutilized lot.

The proposal is deemed to be minor in nature.

#### **Test 4: Desirable for the Development and Use of the Lands**

The proposed redevelopment of the site will result in greater setbacks from municipal streets than is provided by the existing dwelling. The existing driveway appears to be within the boulevard of 2<sup>nd</sup> Street East and 3<sup>rd</sup> Avenue East.

A condition is recommended to ensure that the existing driveway is removed and landscaped (sod or other appropriate plantings).

The subject property is located within an existing built-up area of the City, adjacent to other low-density residential uses and within walking distance to Harrison Park. 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 Official Plan.

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 May 13, 2025 to the public and prescribed bodies. Comments received by the Secretary-Treasurer as of the date of writing 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 application.

Conditions recommended by this department apply to the related consent B08-2025.

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

Comment has been received from the Building Division with no objection to the proposed minor variance. Detailed comments included in Schedule 'F' include considerations for the applicant's building permit application.

### **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': Site Plan, Grading and Drainage Plan, Landscape Plan
- Schedule 'E': Conditions of Approval
- Schedule 'F': Agency Comments

## **Recommended by:**

Margaret Potter, MCIP, RPP, Senior Planner

## **Submission approved by:**

Pam 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](mailto:srobart@owensound.ca) or 519-376-4440 ext. 1236.