

## Staff Report

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**Report To:** Committee of Adjustment  
**Report From:** Margaret Potter, Senior Planner  
**Meeting Date:** June 24, 2025  
**Report Code:** CS-25-066  
**Subject:** Consent B12-2025 for 863 5th Avenue West

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### Recommendations:

THAT in consideration of Staff Report CS-25-066 respecting a consent for lot creation for property known as 863 5<sup>th</sup> Avenue West, the Committee of Adjustment approves Consent Application B12-2025 by McKerroll & McKerroll subject to the conditions outlined in Schedule 'E'.

### Highlights:

- A Consent Application has been received from McKerroll & McKerroll for the property known as 863 5<sup>th</sup> Avenue West.
- The applicant is proposing to sever the lands to create one (1) new residential lot.
- There is an existing single detached dwelling and detached accessory garage on the proposed retained lot. The proposed severed lot is currently vacant.
- A Minor Variance (A10-2025) is proposed to provide relief related to front yard setback and accessory building coverage for the existing buildings on the proposed retained lot.

### 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. The proposal provides for existing buildings to be retained on site reducing waste and consumption that would result from demolition and reconstruction.

There are no anticipated climate or environmental impacts.

## **Previous Report/Authority:**

[City of Owen Sound Official Plan](#)

[City of Owen Sound Zoning By-law 2010-078](#), as amended

Staff Report CS-25-065 for A10-2025

## **Background & Proposal:**

An application for a Consent for lot creation (B12-2025) has been submitted by McKerroll & McKerroll on behalf of owners Beverley and Gladys Hindman.

Related application for minor variance (A10-2025) is addressed through a separate report (CS-25-065).

## **Property Description**

The subject property is located at 863 5<sup>th</sup> Avenue West in the City of Owen Sound. The property is located midblock with a current frontage of approximately 32 m on the east side of 5<sup>th</sup> Avenue West, 32.8 m of depth, and 1,050 m<sup>2</sup> in area. There is an existing house and detached garage located on the north half of the property and a garden on the south half of the property.

Surrounding land uses are residential on all sides.

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'.

## **The Proposal**

The applicant is proposing to sever the subject lands to create one (1) new residential lot.

The retained lot is proposed to have approximately 16.0 m of frontage on 5<sup>th</sup> Avenue West, 32.8 m of depth, and 525 m<sup>2</sup> of lot area, and contains an existing single detached dwelling and garage.

The vacant severed lot is proposed to have approximately 16.0 m of frontage on 5<sup>th</sup> Avenue West, 32.8 m of depth, and 525 m<sup>2</sup> of lot area.

To facilitate the consent, a minor variance (A10-2025) is being requested to address the requested relief from certain site and building regulations.

The submitted 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 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 represents growth within a Settlement Area 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 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 proposal is consistent with the direction provided by the PPS, subject to the conditions. All conditions can be found 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 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 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 'Residential' in the Owen Sound Official Plan, which permits a range of residential uses. 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 lands are designated for Residential uses and the site is walking distance to existing schools and recreational trails.

Criteria specific to new lot creation speak to many of these same considerations and are addressed in the next subsection.

### **Section 9.3.2 Committee of Adjustment**

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. I conditions is recommended to confirm existing services do not cross the proposed lot line.

Section 9.3.2.4 outlines criteria for the consideration of a consent:

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

The proposed retained and severed lots both front on and would have driveway access to 5<sup>th</sup> Avenue West, identified as a 'Local Road' by the Official Plan Schedule 'C'.

**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.

**c. Creation of the lot does not compromise the long-term use of the remaining land or retained parcel.**

Application A10-2025 will provide for the existing house to remain in compliance with zoning even after the proposed new lot is created.

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

The lot frontage and area of the proposed severed and retained lots meet the requirements of the Zoning By-law.

The size and shape of the proposed new lot is almost identical to the proposed retained lot demonstrating that the lot size can accommodate development compatible with the neighbourhood and provide on site parking.

**e. Soil and drainage conditions are suitable or can be made suitable to permit the proper siting of buildings.**

The lot size exceeds the minimum requirement of the zoning by-law. Although a variance is requested for to increase the maximum permitted

coverage for accessory buildings and structures, no relief is requested to the maximum lot coverage for all buildings and structures on the lot. As such, there is no anticipated concern for the applicant to provide appropriate grading and drainage.

It is the applicant's responsibility to design the lot grading and drainage to be appropriate for the siting of the building proposed. A lot grading and drainage plan is a standard requirement of any building permit application for new dwellings.

**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.

Fleming House (867 4<sup>th</sup> Avenue A West) also known as Highland Manor is the nearest property Listed on the City's Register of Properties of Cultural Heritage Value or Interest. The property is not "designated" and is located on the east side of 4<sup>th</sup> Avenue A West. No impact is anticipated from the subject application for additional residential development on 5<sup>th</sup> Avenue West, behind existing homes fronting on 4<sup>th</sup> Avenue A West.

**Parkland Dedication**

The Planning Act authorizes Planning Authorities to collect parkland conveyance or payment of cash-in-lieu through the consent application process. Staff have included a recommended condition of approval that requires the developer to pay cash-in-lieu of parkland at the current rate per the City's Fees and Charges By-law No. 2024-075.

The proposed consent conforms to the policies of the City of Owen Sound Official Plan subject to recommended conditions.

**City of Owen Sound Zoning By-law**

The property is zoned 'Medium Density Residential' (R4) by the City's Zoning By-law (2010-078, as amended).

Single detached dwellings are among the permitted uses in the R4 zone.

No variance is requested to lot area or frontage; the size of the proposed retained and severed lots is appropriate for the zone.

No variances are requested for the proposed severed lot.

Minor Variance is required for the proposed retained lot because the applicant is proposing to maintain the existing single detached dwelling and accessory detached garage to provide relief from the required minimum front yard setback and maximum lot coverage for accessory buildings or structures so that the existing buildings will comply with zoning even after the new lot is created. If there were no existing buildings on the proposed retained lot, no variances would be required. A detailed assessment of the requested variances can be found in staff report CS-25-065 which finds that the proposal maintains the general intent and purpose of the City's Zoning By-law.

The proposal meets the requirements of the City's Zoning By-law, subject to the conditions.

### **City Staff & Agency Comments**

In response to the request for comment from the Planning & Heritage Division, the following comments have been submitted for review pertaining to the subject 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 Department**

Comment has been received from the City's Engineering & Public Works Department. The City's Engineering & Public Works Department recommends approval of application B12-2025, subject to certain recommended conditions which have been added to Schedule 'E' Conditions of Approval.

#### **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 subject proposal.

#### **Grey Sauble Conservation Authority (GSCA)**

Comment has been received from GSCA with no objection to the subject proposal.



## **Financial Implications:**

Through the consent approval, the applicant will be required to provide levies and charges as described in the Engineering and Public Works comments and Schedule 'E' recommended conditions of approval. Future development 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': Site Plan
- Schedule 'E': Conditions of Approval
- Schedule 'F': Agency Comments

## **Recommended by:**

Margaret Potter, MCIP, RPP, Senior Planner

## **Reviewed by:**

Sabine Robart, M.SC. (PL), MCIP, RPP, Manager of Planning & Heritage

## **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.