

Staff Report

Report To: Committee of Adjustment
Report From: Margaret Potter, Senior Planner
Meeting Date: June 24, 2025
Report Code: CS-25-065
Subject: Minor Variance A10-2025 for 863 5th Avenue West

Recommendations:

THAT in consideration of Staff Report CS-25-065 respecting Minor Variance A10-2025 by McKerroll & McKerroll for the property known as 863 5th Avenue West, 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 McKerroll & McKerroll for the property known as 863 5th Avenue West.
- The applicant is proposing to sever the lands to create one (1) new residential lot. A consent application has also been received.
- The applicant is proposing to keep the existing detached dwelling and accessory garage
- The applicant is requesting relief to address deficiencies related to the existing buildings on the proposed retained lot to provide:
 - A reduced front yard setback
 - A greater maximum lot coverage for accessory buildings
- The proposed development supports the planned function of the 'Residential' designation to accommodate a range of housing types.
- Staff recommends approval of the minor variance application, subject to conditions.

Strategic Plan Alignment:

Strategic Plan Priority: This report supports the delivery of Core Service.
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 will allow 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-25-066 for B12-2025

Background & Proposal:

An application for minor variance (A10-2025) has been submitted by McKerroll & McKerroll on behalf of owners Beverley and Gladys Hindman.

Related application for consent (B12-2025) is addressed through a separate report (CS-25-066).

Property Description

The subject property is located at 863 5th 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 5th Avenue West, 32.8 m of depth, and 1,050 m² 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 applicant is proposing to maintain the existing single detached dwelling and garage.

To facilitate the consent, a minor variance is being requested to address the following deficiencies related to the existing buildings on the proposed retained lot.

| Requested Variances | | | |
|---|----------------------|-----------------|-----------------|
| Retained Parcel | | | |
| Regulation | Required (R4) | Proposed | Variance |
| Minimum Front Yard Setback | 6.5 m | 1.64 | 4.86 |
| Maximum Lot Coverage of Accessory Building(s) or Structures | 12% | 14% | 2% |

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 proposed use is permitted.

The proposed minor variance would provide relief to the front yard setback and coverage regulations to ensure the existing dwelling and detached garage conform to the zoning by-law, no relief is requested for the proposed severed lot. The proposal will facilitate development 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.

Test 1: Conformity with the 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 proposed minor variance will facilitate additional residential development in an existing built-up area of the City with access to existing municipal infrastructure.

Single-detached dwellings are a permitted housing type in the neighbourhood and the variances requested will provide for the existing house to remain in compliance with zoning even after the proposed new lot is created.

A plan for the proposed severed lot has not been provided, however, 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.

The site is not an identified heritage building.

The proposal conforms with the City's Official Plan, subject to recommended conditions.

Test 2: Conformity with the Intent and Purpose of the 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.

The applicant is proposing to maintain the existing single detached dwelling and accessory detached garage on the retained lands. Relief is needed 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.

The Zoning By-law provides (in summary) for any legally existing and permitted use to be deemed to be in conformity with the provisions of the By-law, but new development or redevelopment shall conform to the regulations.

The relief requested to the minimum front yard setback for the existing house conforms to the intent of the Zoning By-law for existing permitted uses to be able to continue. This setback variance is not directly related to the new lot line proposed; including it in the decision will legitimize an existing situation for the future.

The relief requested to the maximum permitted lot coverage for accessory buildings and structures relates to the existing detached garage and is related to the new lot line proposed, since coverage is the percentage of the lot area covered by the area of buildings and structures. As the lot area would be reduced by the severance, the percentage lot coverage increases.

It is important to note that the Zoning By-law regulations for the R4 zone provide an overall maximum permitted lot coverage of 40% for all buildings and structures on the lot. The proposed coverage for both the house and garage on the retained lot would be approximately 32%.

The proposal does not exceed the maximum total lot coverage and does not propose any new buildings or structures.

The intent of the zoning by-law with respect to coverage is maintained by the proposal.

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

No variances are requested for the proposed severed lot.

The orthophoto shows a garden shed which would be on the proposed severed lot, a site visit confirmed that the shed has been removed.

The proposal maintains the general intent and purpose of the City's Zoning By-law, subject to recommended conditions.

Test 3: Minor in Nature

The request for relief from the Zoning By-law to address the minimum front yard setback and maximum lot coverage of accessory buildings or structures can be considered minor in nature for a number of reasons, as follows:

- The requested variances apply only to existing buildings on the proposed retained lot.
- The front yard setback of the existing house is similar to the existing homes to the north and south as is visible on the Orthophoto attached as Schedule A.
- The overall maximum coverage required in the zone is not exceeded, suggesting that the proposal provides the outside space considered to be adequate for outdoor amenity and grading and drainage purposes.
- The variance will recognize existing buildings in order to facilitate development on an otherwise underutilized lot.

The proposal is deemed to be minor in nature.

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

The requested variances will allow for existing buildings in the neighbourhood to be maintained while providing for infill development on an underutilized lot.

The applicant could demolish the existing buildings and sever the lot with no variances required.

Providing relief from front yard setback and accessory building coverage requirements of the Zoning By-law is not anticipate to have any negative impact on the existing neighbourhood as the buildings already exist.

A condition is recommended that any new construction or redevelopment of the lands would have to comply with the zoning requirements in force and effect at the time.

The requested relief will facilitate a severance for a new residential building lot. The proposed lot area and frontage meet the minimum zoning requirements and will result in a similar sized lot to those existing on the street.

The subject property is located in an existing built-up area of the City, adjacent to other residential uses. The proposal maintain existing residential buildings while facilitating infill development 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 June 10, 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.

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

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 or 519-376-4440 ext. 1236.