Allison Penner Deputy Clerk City of Owen Sound 808 2nd Avenue East Owen Sound, ON N4K 2H4



Telephone: 519-376-4440 ext. 1235 Facsimile: 519-371-0511 Email: apenner@owensound.ca Website: <u>www.owensound.ca</u>

May 27, 2025

Dear Mr. Drury,

Re: Notice of Decision File No. B07-2025

I am enclosing herewith a copy of the Decision of the Director of Community Services for the City of Owen Sound respecting the above noted application. If there are additional registered owners of this property, please provide them with a copy of this letter.

Within 20 days after the Notice of Decision is given, an appeal to the Ontario Land Tribunal in respect of the decision of the Director of Community Services may be made by the applicant, the Minister, or a specified person or public body that has an interest in the matter by filing a notice of appeal with the Secretary-Treasurer of the Committee of Adjustment at the address noted below.

A notice of appeal must set out the reasons for the appeal and must be accompanied by the fee required by the Ontario Land Tribunal in the form of a certified cheque or money order payable to the Minister of Finance.

The last date for filing a notice of appeal is June 16, 2025 by 4:30 p.m.

For more information on making an appeal, please visit: <u>https://olt.gov.on.ca/</u>.

If no notice of appeal is filed within 20 days after the giving of notice, the decision becomes final and notice to that effect will be issued to the applicant by the Secretary-Treasurer.

Warning: Conditions must be fulfilled <u>within two years</u> from the date of the giving of the Notice of Decision, failing which this application shall be deemed to be refused. Section 53(41) of the *Planning Act*, R.S.O., 1990, c. P. 13.

The last day for fulfilling conditions is May 27, 2027 by 4:30 p.m.

Allison Penner Deputy Clerk City of Owen Sound 808 2nd Avenue East Owen Sound, ON N4K 2H4



Telephone: 519-376-4440 ext. 1235 Facsimile: 519-371-0511 Email: apenner@owensound.ca Website: <u>www.owensound.ca</u>

Important Information:

Conditions of Approval: It is the applicant's responsibility to ensure that all conditions of approval have been fulfilled in accordance with the decision and the last day for fulfilling conditions (by 4:30 p.m.). Please contact the Planning Division to assist you with fulfilling these conditions.

No extension to the last day for fulfilling conditions is permissible.

Notice of Changes to the Provisional Consent: The Committee of Adjustment may change the conditions of a provisional consent at any time before the consent is given. You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

Lapsing of the Consent: If the conditions of approval are not fulfilled within the prescribed time period (as provided in Section 53(41) of the *Planning Act*), the consent is deemed refused for failure to fulfill the conditions and has lapsed.

Final Approval: Final approval of the application will be issued in the form of a Certificate (pursuant to Section 53(42) of the *Planning Act*) once <u>all</u> conditions of the provisional consent have been fulfilled.

Sincerely,

A. Penner

Allison Penner Deputy Clerk Secretary Treasurer of the Committee of Adjustment 808 2nd Avenue East Owen Sound, ON N4K 2H4 Telephone: 519-376-4440 ext. 1235 Email: notice@owensound.ca

cc: City Development Team



Undisputed Consent

B07-2024 Authority & Background:

The following is a decision respecting an Undisputed Consent made by the delegate or authorized approval authority having jurisdiction under the City's Powers of Delegation By-law 2014-019 and s. 5 of the Committee of Adjustment By-law 2022-074 and Sec. 54(2) of the Planning Act. The decision is considered on the basis of the information summarized below.

File No.	B07-2025
Staff Report No.	DA-25-011
Property Address	867 4 th Avenue A Wes
Purpose & Effect	The applicant is proposing to sever a portion from 867 4 th Avenue A West for the purposes of a lot addition to the adjoining parcel to the south, 855 4 th Avenue A West, to correct an inadvertent merger.

Decision Declaration:

I, Pamela Coulter, being the Director of Community Services of the City of Owen Sound render the following decision based on the facts of the application and the recommendation made in the abovementioned Staff Recommendation Report:

Approved, subject to the conditions outlined in Schedule 'E' of the Staff Report.

Decision Date:

May 2, 2025

Signature:

I affirm that I am authorized to render this decision by the City of Owen Sound and applicable legislation.

Staff Report DA-25-011: Consent B07-2025 for 867 4th Avenue A Wes (Bradford co Drury)



Staff Report

Report To:	Committee of Adjustment
Report From:	Sabine Robart, Manager of Planning & Heritage
Meeting Date:	May 3, 2025
Report Code:	DA-25-011
Subject:	Consent B07-2025 for 867 4th Avenue A West (Bradford co Drury)

Recommendations:

THAT in consideration of Staff Report DA-25-011 respecting a consent for lot severance (lot addition) for the property known as 867 4th Ave A W, the Director of Community Services as the delegate or authorized approval authority having jurisdiction under the City's Powers of Delegation By-law 2014-019 and s. 5 of the Committee of Adjustment By-law 2022-074 and Sec. 54(2) of the *Planning Act* approves Consent Application B07-2025 by Drury Law (Andrew Drury) on behalf of Linda Bradford subject to the conditions outlined in Schedule 'E'.

Highlights:

- An application for Consent has been submitted by Drury Law (Andrew Drury) on behalf of Linda Bradford, for the property known as 867 4th Avenue A West in the City of Owen Sound.
- The applicant is proposing to sever a portion from 867 4th Avenue A West for the purpose of a lot addition to the adjoining parcel to the south, 855 4th Avenue A West, to correct an inadvertent merger which occurred when a portion of 4th Avenue West was stopped up and closed and portions conveyed to adjoining landowners in the early 1990's.

- The OP permits consents for the purpose of making lot boundary corrections, granting easements, conveyances, and consolidations, and other such administrative or technical matters, provided that such matters are minor in nature.
- Staff recommend approval subject to the conditions outlined Schedule 'E'.

Strategic Plan Alignment:

The subject application represents a legislated review process.

Climate and Environmental Implications:

The subject application is a technical consent.

There are no anticipated climate or environmental impacts.

Previous Report/Authority:

Planning Act, R.S.O. 1990, c. P.13

City of Owen Sound Official Plan

City of Owen Sound Zoning By-law 2010-078, as amended

Background & Proposal:

Drury Law (Andrew Drury) has submitted an application for Consent on behalf of Linda Bradford for the property known as 867 4th Avenue A West in the City of Owen Sound.

Property Description

The lands subject to the consent are located at 867 4th Avenue A West between 8th and 9th Street West. The subject lands are an L-shaped parcel containing a residential building and accessory buildings, and structures.

The property is colloquially known as The Highland Manor and is listed on the City's Heritage Register.

The lands that are to receive the severed parcel are located at 855 4th Avenue A West and the adjoining parcel to the south of 867 4th Ave A W. The lands are currently vacant. The surrounding land uses include:

North: residential East: residential South: residential West: residential

The subject lands are designated 'Residential' in the City's Official Plan (OP) and are zoned 'Medium Density Residential with Special Provision 14.40 (R4 14.40) and 'Hazard' (ZH) 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'.

The Proposal

The applicant is proposing to sever a portion from 867 4th Avenue A West for the purposes of a lot addition to the adjoining parcel to the south, 855 4th Avenue A West, to correct an inadvertent merger which occurred when a portion of 4th Avenue West was stopped up and closed and portions conveyed to adjoining landowners in the early 1990's.

The severed parcel (Part 10) is approximately 16 metres wide, 10 metres deep, and 160 square metres in area.

The retained parcel (Parts 8, 9, and 11) is proposed to have approximately 32 metres of frontage on 4th Avenue A W, 73 metres of lot depth, and 2,336 square metres of lot area, and contains an existing detached dwelling (Highland Manor) and accessory buildings and structures.

The enlarged parcel (Parts 7 and 10), subsequent to the lot addition, is proposed to have approximately 1,184 square metres of lot area and is currently vacant.

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 directs development to fully serviced, designated settlement areas and requires contiguous development that minimizes land consumption and servicing costs. The proposal represents development within a Settlement Area that makes use of existing infrastructure and minimizes negative impacts.

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 objections 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 (OP). Permitted uses within the Residential include a range of residential types at a range of densities, as well as complementary institutional and commercial uses.

Sec 9.3.2.7

The OP permits consents for the purpose of making lot boundary corrections, granting easements, conveyances, and consolidations, and other such administrative or technical matters, provided that such matters are minor in nature. The proposed consent seeks to correct an inadvertent merger which occurred when a portion of 4th Avenue West was stopped up and closed, and portions were conveyed to adjoining landowners in the early 1990's. The L-shape of the subject property is a result of the inadvertent merger and subsequent to the lot addition, the retained and enlarged parcel will be the same length and rectangular in nature.

Section 9.3.2.6 provides that appropriate conditions may be imposed upon the granting of an application for consent. The conditions included in Schedule 'E' require, among other matters, that the City pass a deeming bylaw for 855 4th Ave A W to ensure that the severed parcel will merge on title with 855 4th Ave A W.

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 property is zoned 'Medium Density Residential with Special Provision 14.40 (R4 14.40) and 'Hazard' (ZH) in the City's Zoning By-law (2010-078, as amended). Permitted uses in the R4 zone include a range of residential uses, including single detached dwellings and accessory buildings and structures. The Special Provision 14.40 provides specific provisions for a Bed and Breakfast establishment.

The application is for a technical severance that recognizes the site's existing conditions. A zoning conformity check has been completed as part of the application, and no variances are needed to facilitate the proposed consent. The lot frontage and area of the severed and retained parcel exceed the minimum requirements of the R4 zone provisions.

There are no proposed changes to the existing uses, buildings, and structures on the subject lands. Any future development on the retained or enlarged parcel will need to comply with applicable zone provisions in force and effect at that time.

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 March 11, for a hearing scheduled on March 25, 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 with no objections to the application and no requested conditions of approval.

County of Grey

Comment has been received from the County of Grey with no objections to the application and no requested conditions of approval.

Financial Implications:

None to the City at this time.

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':	a) Survey
	b) Survey
Schedule 'E':	Conditions of Approval B07 2025
Schedule 'F':	Agency Comments

Recommended by:

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

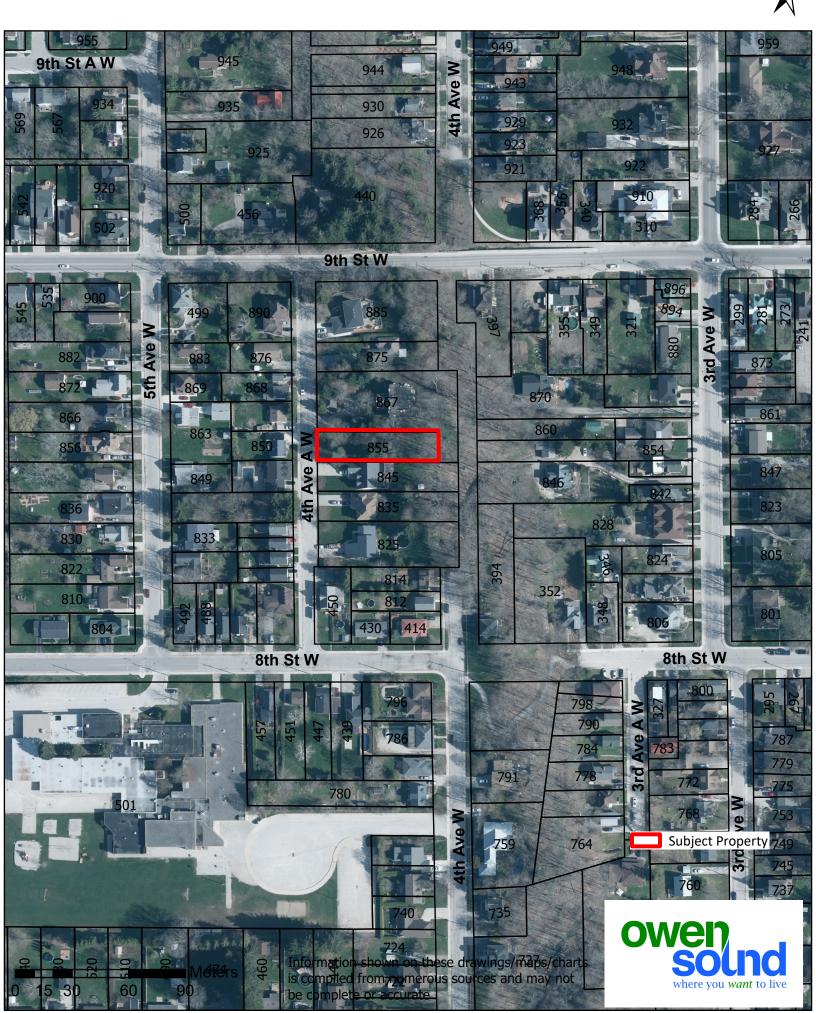
Submission approved by:

Pamela Coulter, BA, RPP, Director of Community Services

For more information on this report, please contact Sabine Robart, Manager of Planning & Heritage, at <u>srobart@owensound.ca</u> or 519-376-4440 Ext. 1236.

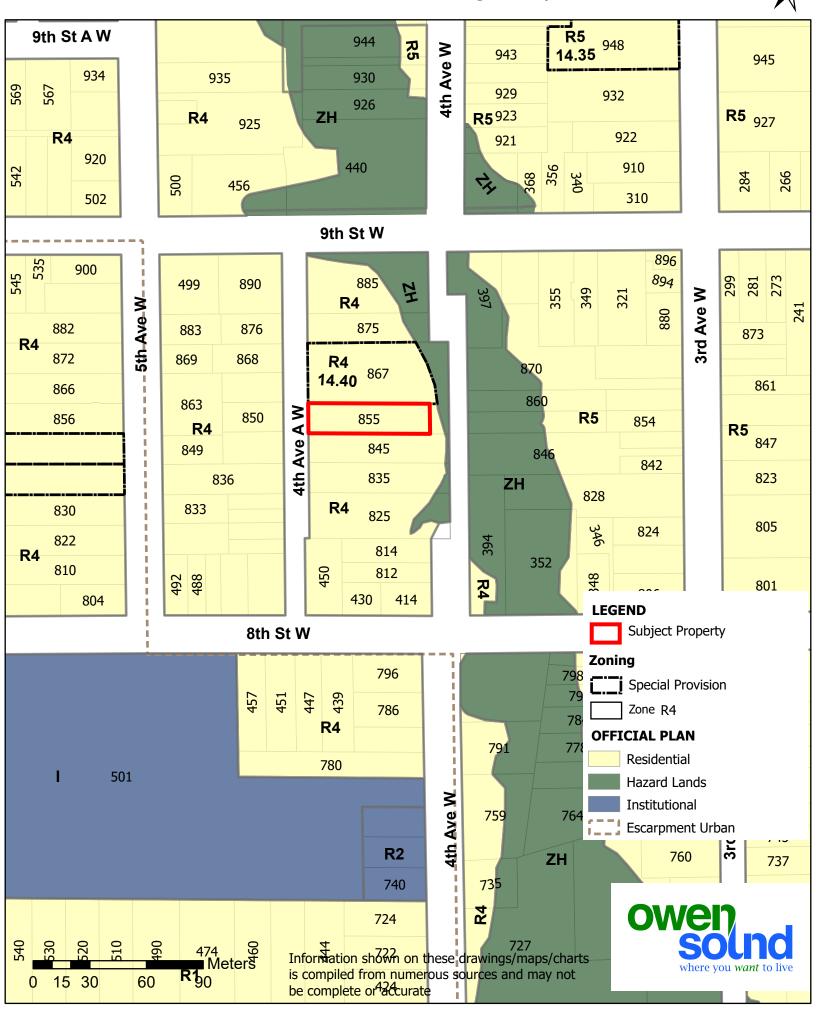
Schedule 'A': Orthophoto

Ν



Schedule 'B': Planning Policy

Ν

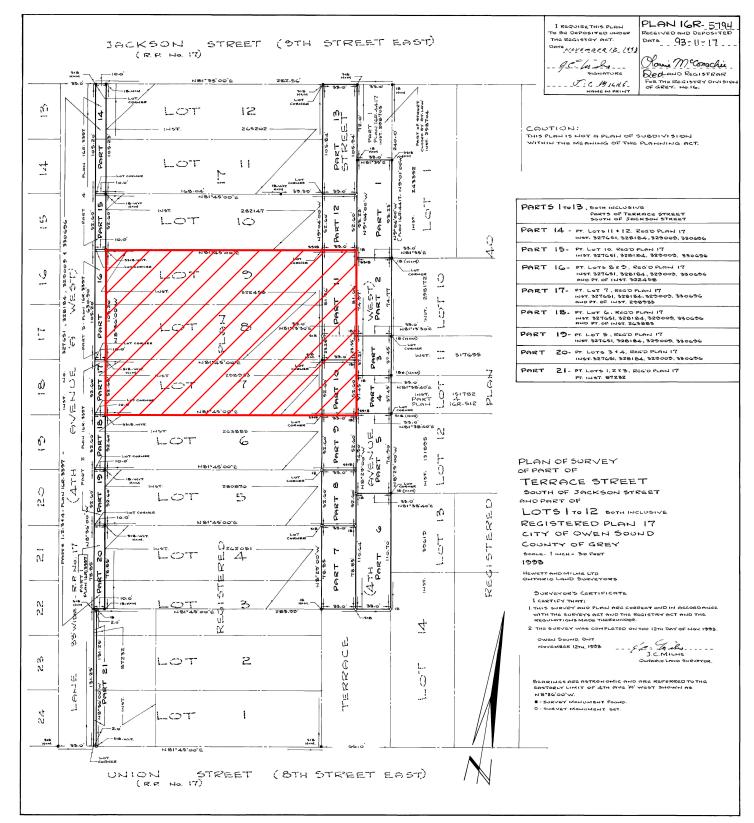


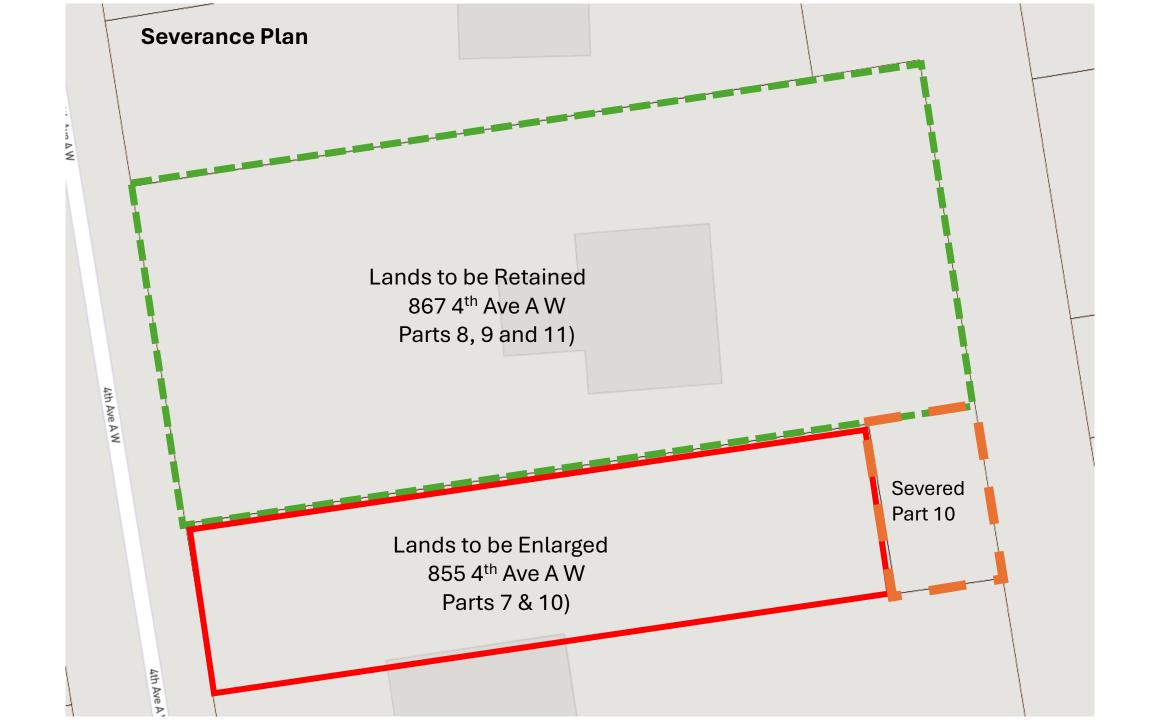


PROPERTY DETAILS

Property Information	Detail	
Civic Address	867 4TH A AVE W	855 4 th Ave A W
Roll Number	425902001508600	425902001508504
Legal Description	PLAN 17 PT LOTS 8 AND 9 PT TERRACE ST S JACKSON ST AND RP 16R5794 PARTS 10 AND 11	PLAN 17 PT LOT 7
Site Frontage	32 m	16 m
Site Depth	73 m	64 m
Site Area	~2,336 sq m	~1,024 sq m
Road Access/Frontage	4 th Avenue A West	4 th Avenue A West
Available Servicing	Detail	
Water	100 mm Ø PVC (ductile iron)	
Wastewater	225 mm Ø vitrified clay	
Stormwater	300 mm Ø PVC	
Planning Policy	Detail	
County of Grey Official Plan	Primary Settlement Area	

Property Information	Detail	
City of Owen Sound Official Plan	Residential	
City of Owen Sound Zoning By- law 2010-078, as amended	Medium Density Residential with Special Provision 14.40 (R4 14.40) & Hazard Zone (ZH)	Medium Density Residential (R4) & Hazard Zone (ZH)







SCHEDULE E

DRAFT CONDITIONS OF APPROVAL

- That the applicant submit to the Secretary-Treasurer of the Committee of Adjustment a legal description of the subject lands which will meet the requirements of the Registrar and request in writing (either through presentation of deeds for stamping or a written statement) from the Secretary-Treasurer of the Committee of Adjustment a certificate of consent, provided however that before the said certificate is issued, any other conditions imposed by the committee have been fulfilled to the satisfaction of the Secretary-Treasurer.
- 2. That the applicant provide written evidence to the satisfaction of the Secretary-Treasurer that:
 - a. the severed parcel will be transferred to the same registered owner as the abutting lands such that the severed parcel shall merge therewith;
 - b. the Secretary-Treasurer be directed to issue a certificate of consent stating that Section 50(3) or (5) of the Planning Act 1990 (as the case may be) shall apply to any subsequent conveyance or transaction involving the identical parcel;
 - c. c. the applicant provide an undertaking to apply to the land registrar to consolidate the parcels in the land registry system within a reasonable time after registration and provide the Secretary-Treasurer with written evidence of the consolidation.
- 3. That the applicant provide to the Secretary-Treasurer written confirmation from the City Clerk that, if required, a by-law has been passed to deem the lot receiving the severed parcel (855 4th Ave A W - PLAN 17 PT LOT 7) not to be a lot within a registered plan of subdivision under the Planning Act, to the satisfaction of the Community Services Department (Planning Division)
- 4. That the applicant provide to the Secretary-Treasurer a tax certificate prepared by the City's Financial Services Department (Tax Division) indicating that property (and business) tax installments levied and due on the subject lands are paid in full as of the day of issuance of the certificate of consent.



SCHEDULE F

COMMENTS

Engineering Services Division Staff Report – April 16, 2025

Grey County Planning & Development – April 14, 2025

Grey Sauble Conservation – April 16, 2025

Staff Report

Engineering Services Division Public Works & Engineering Department



<u>Date</u> :	2025 April 16	Application:	B07/2025
<u>To</u> :	Allison Penner, Secretary-Trea Sabine Robart, Manager of Pla Pam Coulter, Director of Comn Lara Widdifield, Director of Put	nning and Heritage nunity Services	
<u>From</u> :	Matthew Pierog, Engineering T	echnologist	
Cubicatu	Application for Concert to C	Funturation	- Deview

<u>Subject</u>: Application for Consent to Sever – Engineering Review

Municipal Address: 855 4th Avenue 'A' West & 867 4th Avenue 'A' West

Assessment Roll: 425902001508504 & 425902001508600

Legal Description:

- PLAN 17 PT LOT 7 PT TERRACE;ST S JACKSON ST AND RP;16R5794 PART 10; and,
- PLAN 17 LOTS 8 & 9 PT; TERRACE ST INCL RP 16R5794; PART 11

Applicant: Drury Law (Andrew Drury) on behalf of Linda Bradford

Background:

The applicant is proposing to sever a portion from 867 4th Avenue 'A' West for the purposes of a lot addition to the adjoining parcel to the south, 855 4th Avenue 'A' West, to correct an inadvertent merger which occurred when a portion of 4th Avenue West was stopped up and closed and portions conveyed to adjoining landowners.

The severed parcel (Part 10) is proposed to be approximately 16 metres wide, 10 metres deep and have an area of 160 square metres.

The retained parcel (Parts 8, 9, and 11) is proposed to have approximately 32 metres of frontage on 4th Avenue 'A' West, 73 metres of lot depth, and

2,336 square metres of lot area, and contains an existing detached dwelling and accessory buildings and structures.

The enlarged parcel (Parts 7 and 10), subsequent to the lot addition, is proposed to have 1,168 square metres of lot area and is currently vacant.

Recommendation:

Further to our review of the above noted application, the Public Works and Engineering Department recommends approval by the Committee of Adjustment.

Analysis:

Site Access:

The existing lots (855 & 867 4th Avenue 'A' West) front on 4th Avenue 'A' West, which is an improved municipal road, and classified as a Local Road. It also appears that there is a rear City lane (stopped up and closed 4th Avenue West) abutting the lots fronting 4th Avenue 'A' West within the 800 block.

There does not appear to be a satisfactory driveway constructed in accordance with City standards to provide access to the 855 4th Avenue 'A' West property. Any driveway modifications to the property will require City approval and constructed in accordance with City standards, which can occur at the time of the Building Permit under a Temporary Encroachment Permit/Special Services Application with the ESD.

The curb reinstatement from the service installation to the 855 4th Avenue 'A' West parcel (City Public Works, 2024) will be reinstated at the time of the Building Permit, as to not degrade a new concrete curb ahead of construction activities. The applicant should contact the City's Public Works Division to have this work completed, closer to finalization of on-site construction.

The existing site access to 867 4th Avenue 'A' West does not appear to be impacted as a part of this technical Consent Application.

Parking:

There does not appear to be any parking existing at the vacant property (855 4th Avenue 'A' West). It is noted that when this property is developed, the parking will be established as a part of the Building Permit. The applicant

is to be aware that the City's minimum standard parking stall dimensions are 2.65 m wide and 6.0 m in length. The temporary gravel area on-site is to be replaced with hard-surfaced material at the time of the Building Permit.

The existing parking arrangements at 867 4th Avenue 'A' West do not appear to be impacted as a part of this technical Consent Application.

Site Servicing:

The City has a 100 mm Ø ductile iron watermain (Municipal Pressure Zone), a 225 mm Ø vitrified clay wastewater main, and a 300 mm Ø PVC stormwater main fronting the proposed retained and severed lots, located in 4th Avenue 'A' West.

There does not appear to be any active City services located within the stopped up and closed City Lane (800 block - north of the existing 4th Avenue West road terminus to 9th Street East).

It appears that service laterals are installed (2024) to the lot line fronting 855 4th Avenue 'A' West, consisting of a 20 mm \emptyset water service lateral and a 100 mm \emptyset wastewater lateral.

It appears that the water service lateral for 857 4th Avenue 'A' West is connected to the watermain fronting the property in 4th Avenue 'A' West. A wastewater service card was not available for review, however, it is assumed to be serviced from 4th Avenue 'A' West.

The existing services at both 855 and 867 4th Avenue 'A' West do not appear to be impacted as a part of this technical Consent Application.

Road Widening:

The City will not require a road allowance widening at this time. The existing road allowance appears to be sufficiently sized to provide access to the local residents, and ESD has no plans at this time for converting this to a through road.

Grading, Drainage & Stormwater Management:

The proposed lots appear to have a positive stormwater outlet available (stormwater infrastructure located within the City's Road Allowance). Additionally, there appears to be Hazard Lands located east of the lots, and within the lot addition proposed for 855 4th Avenue 'A' West. ESD will not require a Grading and Drainage Plan as a part of the Consent Application, as this is a technical Consent Application, and the lands to be transferred to correct the former merger appear as Hazard Lands (unbuildable). A Grading and Drainage Plan prepared by a qualified person will be required for 855 4th Avenue 'A' East at the time of the Building Permit.

The overall grading, drainage and stormwater management at the properties must conform to Section 2.2.2 of By-law 1999-030; the City of Owen Sound Property Standards By-law.

Fees:

Based on the technical Consent Application, and correction of the inadvertent merger, the applicant will not be required to pay frontage fees at this time.

The Engineering Review Fee will be \$447.00 for a Consent to Sever Application.

Consultation:

This document incorporates comments from all divisions of the Public Works and Engineering Department. The comments provided above were based on the City's most recent Engineering Standards and the records available at the time of preparation of this report. The comments provided do not preclude the applicant's responsibility for meeting all applicable laws, regulations and standards, or provide any assurances.

Prepared By: Matthew Pierog, P.Eng.

Reviewed By: Chris Webb, P.Eng.

From:	planning@grey.ca
To:	Briana Bloomfield; Desiree van Dijk; OS Planning; Staci Landry; Allison Penner
Subject:	County comments for B07-2025 Bradford
Date:	Monday, April 14, 2025 1:38:53 PM

External sender <planning@grey.ca> Make sure you trust this sender before taking any actions.

County comments for B07-2025 Bradford

Hello Owen Sound,

Please note that Grey County is taking steps to streamline development review by limiting planning comments on some planning applications. This includes **all** minor variances and site plan applications, except where connected with a County application. In addition, within settlement areas, County staff may limit comments on zoning by-law amendments and consents.

As such, a fulsome planning review of the subject application has not been undertaken. Please be advised that planning decisions shall conform with the County's Official Plan and County planning staff can assist with specific questions in this respect. Please note that County Planning Ecology staff will continue to review all files.

Grey County Planning Ecology staff have reviewed the application and have no concerns, as no new buildings are proposed at this time.

Please note, a paper copy will not be provided unless requested.

Let us know if you have any questions.

Best regards,

Derek McMurdie

County of Grey, Owen Sound, ON

From:	Clinton Stredwick - Environmental Planner
То:	Allison Penner
Cc:	OS Planning
Subject:	GSCA COA Comments
Date:	Wednesday, April 16, 2025 8:44:05 AM
Attachments:	image001.png
	image002.png

External sender <c.stredwick@greysauble.on.ca> Make sure you trust this sender before taking any actions.

Hello Allison,

The GSCA has had the opportunity to review the below applications. None of the Applications proposed development within a Natural Hazard Area or regulated area. The GSCA therefore has no concern or comment with regard the he applications.

- A05-2025 for 2010 16th St. E
- A06-2025 and B05-2025 for 2605 3rd Ave. W
- A07-2025 and B06-2025 for 1875 16th Ave. E
- B07-2025 for 855 4th Ave. 'A' W

Kind regards,

Clinton Stredwick, BES, MCIP, RPP Environmental Planner

519.376.3076 <u>c.stredwick@greysauble.on.ca</u> <u>www.greysauble.on.ca</u>



We've Temporarily Moved!

While our office gets renovated, find us at 901 3rd Avenue East, Suite 215, Owen Sound (above the Post Office).

This email communication and accompanying documents are intended only for the individual or entity to which it is addressed and may contain information that is confidential, privileged or exempt from disclosure under applicable law. Any use of this information by individuals or entities other than the intended recipient is strictly prohibited. If you received this communication in error, please notify the sender immediately and delete all the copies (electronic or otherwise) immediately. Thank you for your cooperation.

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