

To: David Creery, Chief Administrative Officer

From: Amy Humphries, Deputy Chief Administrative Officer & City Clerk

Re: Minor Variance Number MV01-24– 124 Juno Crescent

AIM

To advise Council of an appeal received in connection with Minor Variance File Number MV01-24– 124 Juno Crescent.

BACKGROUND

At the January 15th, 2024 Woodstock Committee of Adjustment meeting, the Committee did not grant a minor variance application submitted by Drew Hallman for the property municipally known as 124 Juno Crescent. An appeal of the decision was filed with the Secretary-Treasurer of the Committee of Adjustment on February 2, 2024 and the appeal is being forwarded to the Ontario Land Tribunal (OLT).

COMMENTS

A minor variance application for 124 Juno Crescent was submitted to the Committee of Adjustment, requesting the following variances:

1. Relief from Section 5.2.6.2.1 – Commercial Vehicles, Recreational Vehicles and Utility Vehicles to permit a travel trailer to be parked in a Residential Zone in an exterior side yard;
2. Relief from Section 5.2.6.2.2 – Commercial Vehicles, Recreational Vehicles and Utility Vehicles to permit a travel trailer that exceeds 7.5 m (24.6 ft) in length and 2.7 m (8.9 ft) in height to permit a travel trailer with a length of 9.8 m (32.1 ft) in length within an unknown height to be parked in a residential zone;
3. Relief from Section 5.4.1.7 – Access to Parking Space to permit a parking space without unobstructed access from a public street either by a driveway or an aisle leading to a driveway;
4. Relief from Section 5.4.1.11.6 – Distance from an Intersection to reduce the minimum distance between a driveway and an intersection of street lines from 9 m (29.5 ft) to nil; and
5. Relief from Section 5.4.4.1, Table 7 – Yards Where Parking Areas Are Permitted to increase the maximum percentage of a front yard that may be used for a parking area from 50% to 61% to permit a large travel trailer to be parked in the exterior side yard of a single detached dwelling in a residential zone.

To facilitate the parking of a recreational vehicle on the subject lands on a lot zoned Residential Type 1 (R1) in the City of Woodstock.

The application was presented to the Committee of Adjustment on January 15th, 2024. The Community Planning Office recommended that the Committee of Adjustment not approve the application as it does not meet the four tests of a minor variance as set out in Section 45(1) of the Planning Act. Specifically, the requested variances are not considered to:

- (i) Maintain the general intent and purpose of the official plan;
- (ii) Maintain the general intent and purpose of the zoning by-law;
- (iii) Be desirable for the appropriate use of the land; and
- (iv) Be minor in nature.

The Committee of Adjustment agreed with the opinion provided in the planning report and did not approve the application. The planning report and the appeal are attached to this report for Council's review.

The Committee of Adjustment operates as an arms-length quasi-judicial body. As a result, there is no mechanism under the Planning Act for City Council to alter the decision of the Committee. However, City Council has an opportunity to declare its support of the decision. In this particular case, the Committee's decision was in accordance with the recommendations of the planning report. Therefore, the City can elect to send the author of the planning report to defend the Committee's decision at the OLT hearing and funding would only be required for legal representation.

If Council does not support the decision, legal representation on behalf of the City would not be provided to defend the Committee's decision. A notice of Council's decision should be sent to all persons who made submissions concerning the application and all neighbours within a 60 meter radius. By notifying all interested parties that the Committee will have no representation at the OLT hearing, the interested parties can determine how they wish to proceed at the hearing.

If Council does not wish to support the Committee's decision the following resolution is suggested:

That Woodstock City Council does not support the Committee of Adjustment's decision made on January 15th, 2024, for Minor Variance application MV01-24– 124 Juno Crescent;

And further that the City Clerk be instructed to advise all property owners within 60 meters of the subject lands and any parties who made submissions to the Committee of Adjustment.

RECOMMENDATION

That Woodstock City Council supports the Committee of Adjustment decision made on January 15th, 2024, for Minor Variance application MV01-24– 124 Juno Crescent;

Authored by: Amy Humphries, Deputy Chief Administrative Officer & City Clerk

Approved by: David Creery, Chief Administrative Officer