

To: Mayor and Members of City of Woodstock Council

From: Justin Miller, Development Planner, Community Planning

Application for Consent & Minor Variance B24-28-8 & A24-08-8 Oxford Builders Inc

REPORT HIGHLIGHTS

- The application for consent is to create a new residential lot for a proposed single detached dwelling in the City of Woodstock.
- The associated minor variance proposes relief from the minimum frontage requirement of 12 m (39.4 ft) to permit a lot frontage of 10 m (32.8 ft) for both the proposed severed and retained lots.
- Planning staff are recommending approval of the application as it is generally consistent with the Provincial Policy Statement and maintains the intent and purpose of the Official Plan.

DISCUSSION

Background

OWNER/APPLICANT: Oxford Builders Inc.
504875 Old Stage Road, Woodstock, ON N4S 7V8

AGENT: George Geerlinks
504875 Old Stage Road, Woodstock, ON N4S 7V8

LOCATION:

The subject land is described as Plan 86, Part Lot 16 in the City of Woodstock. The subject lands front the south side of Fifth Avenue, between Innes Place and Mill Street, and is known municipally as 240 Fifth Avenue.

Section 1.1.3.1 directs that settlement areas shall be the focus of growth and development. Further, according to Section 1.1.3.2, land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land, resources, existing infrastructure and public service facilities. A range of uses and opportunities for intensification and redevelopment should also be promoted where it can be accommodated in settlement areas.

Further, Section 1.4.3 directs that planning authorities shall provide for an appropriate mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households;
- Permitting and facilitating all forms of residential intensification and redevelopment and all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements;
- Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- Promoting densities for new housing which efficiently uses land, resources, infrastructure and public service facilities, and support the use of active transportation and transit areas where it exists or is to be developed; and
- Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form while maintaining appropriate levels of public health and safety.

Official Plan

The subject property is located within the 'Low Density Residential' designation according to the City of Woodstock Residential Density Plan, as contained in the Official Plan. Low density residential areas include those lands that are primarily developed or planned for a variety of low rise, low density housing forms including single detached dwellings, semi-detached dwellings, duplex, converted dwellings, quadraplexes, townhouses and low-density cluster development. In these districts, it is intended that there will be a mixing and integration of different forms of housing to achieve a low overall density of use.

The proposed severance is considered to be a form of infill housing. Infill housing is defined as the placement of new residential development (including the creation of a new lot), into established built-up areas on vacant or underutilized sites. In order to efficiently utilize the land supply designated for residential use and municipal servicing infrastructure, infill housing will be supported in Low Density Residential Areas.

More specifically, the proposed severance is considered to be a form of street oriented infill. The Official Plan states that the introduction of new residential housing into an established streetscape pattern will only be permitted if the proposal is deemed to be consistent with the characteristics of development on both sides of the same street. In order that the street oriented infill projects are sensitive to the continuity of the existing residential streetscape, the County Land Division Committee and City Council will ensure that the proposal is compatible with the street frontage, setbacks, lot area and spacing of existing development within a two block area on the same street.

Further, the applicant has proposed minor variances to the City's Zoning By-law to reduce the lot frontage of the lands to be severed and the lands to be retained.

When considering an application for minor variance to the Zoning By-law, the Committee shall take into account the following:

- The objectives of the policies of the Official Plan can be met if the minor variance is granted;
- The request for variance constitutes a minor departure from the performance standards of the Zoning By-law;
- The general intent and purpose of the Zoning By-law; and
- Whether the variance is desirable for the appropriate development of the land.

In addition to the considerations outlined above, in determining whether the variance is desirable, the following shall be taken into account:

- Whether constraints and/or restrictions to meeting the requirements of the Zoning By-law due to the physical or inherent conditions of the site are involved;
- Whether alternative designs of the proposal which would be in conformity with the relevant by-law are clearly not feasible or appropriate for the site;
- The concerns of the effect on adjacent owners, residents and community in general have been considered;
- The approval of the minor variance would not create an undesirable precedent;
- That compliance with the standards of the relevant by-law would be unreasonable or impossible and would impose an undue hardship on the applicant.

City of Woodstock Zoning By-law

The subject lands are zoned 'Residential Zone 1 (R1)' according to the City's Zoning By-law. The R1 zone permits single detached dwellings, bed and breakfasts, and a home occupation in a permitted dwelling. The proposed severed and retained parcels appear to meet the relevant zoning provisions, with the exception of the requested variance, which has been detailed previously in this report.

The minimum lot frontage provisions of the By-law are intended to ensure lots are wide enough to accommodate an adequate building envelope that maintains sufficient setbacks and area for off-street parking.

Agency Comments

The City of Woodstock Engineering Department provided the following comments:

1. Municipal sanitary sewer and water is available on Fifth Ave.
2. If approved, a condition of severance shall be that the owner provide confirmation of the location of any existing overhead or underground services installed to the retained and severed lots. Services cannot traverse the adjoining lots and any conflicts must be re-directed or easements created. Any proposed easements shall be reviewed by the City of Woodstock.
3. If approved, a condition of severance shall be that the owner agrees to satisfy all requirements, financial and otherwise, of the City, regarding the installation of services and drainage facilities, to the satisfaction of the City.
4. If approved, a condition of severance shall be that the Owner enter into a severance agreement with the City of Woodstock for the severed lands. The severance agreement shall be registered on title by the owner as a first encumbrance.

5. If approved, a condition of severance shall be that the Owner shall obtain a letter from the City advising the Secretary-Treasurer of the Land Division Committee that all requirements of the City have been complied with.

Canada Post has indicated that the mail delivery for all new dwelling units will be via the existing community mailbox.

Public Consultation

Public Notice of the application was circulated to neighbouring property owners in accordance with the requirements of the *Planning Act*. As of the date of this report, no comments or concerns had been received from the public.

Planning Analysis

The purpose of the severance application is to create a new lot for residential use and retain a lot for similar purposes. The proposed minor variances will facilitate the new lot configurations and allow for the construction of a new single detached dwelling on each lot.

With respect to the PPS, the proposal is consistent with the intensification, redevelopment and housing policies as the application provides for an opportunity for redevelopment and is an efficient use of land and municipal infrastructure. Further, since the proposal will facilitate the development of underutilized lands within a settlement area, staff are of the opinion that the subject application appropriately promotes intensification.

With respect to the relevant Official Plan policies for Low Density Residential areas, staff are of the opinion that the proposed severance is a form of street oriented infill and intensification. This area of the City is characterized by a variety of lot sizes on Fifth Avenue, Waterloo Street and Mill Street. Although the proposed severed and retained lots are slightly smaller than most of those in the surrounding area, the lot dimensions are similar to other lots to the west fronting on Fifth Avenue, and are of sufficient size to accommodate appropriate building envelopes, required parking and amenity space. Accordingly, planning staff consider the proposal to be compatible with existing development in the vicinity.

In consideration of the requested minor variance to lot frontage, staff have reviewed the proposal in the context of the policies contained in the Official Plan and are of the opinion that the proposed variance is appropriate as they provide adequately sized lots, and provide sufficient space for services, grading, amenity and off-street parking. The existing lot fabric, dwelling types and development in the vicinity is compatible with the proposed lots and will not be out of place with the characteristics of the surrounding area. The resulting proposed lot fabric will continue to provide an adequate building envelope for a single detached dwelling. Staff are satisfied that the reduced lot frontage is desirable for the development of the lands and maintains the intent and purpose of the Zoning By-law with respect to the provision of adequately sized building envelopes and sufficient setbacks to provide access to the rear yard, off-street parking and area to conduct normal property maintenance.

In light of the foregoing, Planning staff are of the opinion that the proposed severance is a form of street oriented infill and intensification, and the requested minor variances meet the tests for minor variances under the Planning Act and can be supported.

RECOMMENDATIONS

It is recommended that Woodstock Council advise the Land Division Committee that the City supports the proposal to sever the subject property, subject to the following conditions:

1. The Owner(s) shall enter into a Severance Agreement with the City of Woodstock as set forth in the City of Woodstock By-Law No. 5266-76, and amendments thereto. The Severance Agreement shall be registered on first title by the Owner, to the satisfaction of the City of Woodstock.
2. The Owner shall submit a recent survey to confirm lot sizes and building setbacks, to the satisfaction of the City of Woodstock.
3. The Owner(s) shall remove all accessory structures on the severed parcel to the satisfaction of the City of Woodstock Building Department.
4. The Owner(s) confirm(s) that no underground or overhead services serving the retained lands traverse the severed parcel and visa versa. Where such services exist, the owner shall relocate the services or obtain private easements over the severed and/or retained lands to the satisfaction of the City of Woodstock.
5. The Owner(s) shall agree, in writing, to satisfy all requirements, financial and otherwise, of the City of Woodstock and the County of Oxford, regarding the installation of services and drainage facilities, if required.
6. The Clerk of the City of Woodstock advise the Secretary-Treasurer of the Land Division Committee that all requirements of the City of Woodstock have been complied with.

And further, that Woodstock Council advise the Land Division Committee that the City supports Application File A24-08-8, submitted by Oxford Builders Inc., for lands described as Plan 86, Part Lot 16, City of Woodstock, and municipally known as 240 Fifth Avenue, as it relates to:

1. Relief from Section 6.2, Table 6.2 – R1 Zone Provisions to reduce the required frontage for the proposed severed and retained lands from 12 m (39.4 ft) to 10 m (32.8 ft), to facilitate the severance proposed by Consent Application B24-28-8.

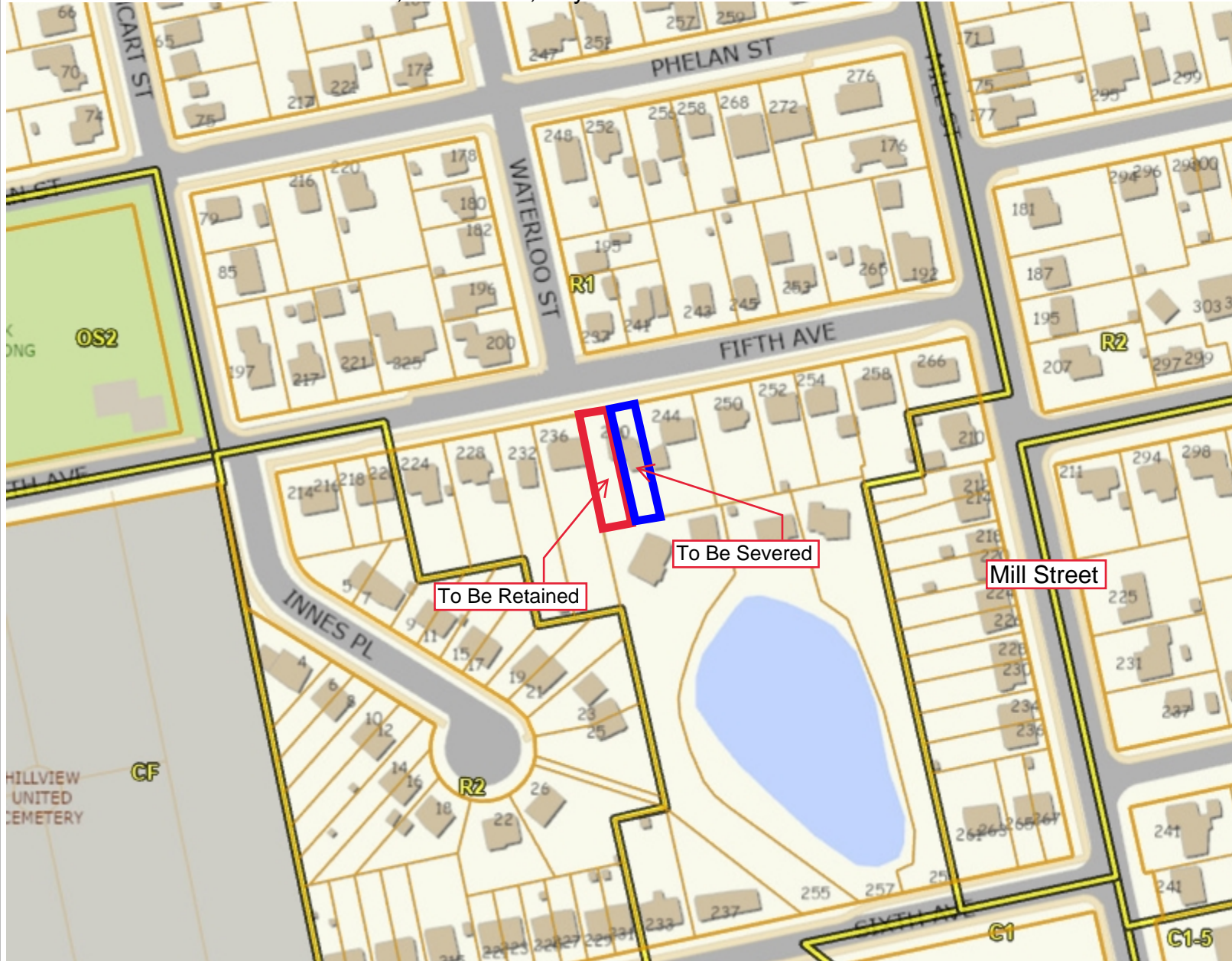
The recommended relief meets the four tests of a minor variance as set out in Section 45(1) of the Planning Act as follows:

- i) The relief is a minor variance from the provisions of the City's Zoning By-law.
- ii) The relief is desirable for the use of the land.
- iii) The relief maintains the general intent and purpose of the City's Zoning By-law.
- iv) The relief maintains the intent and purpose of the Official Plan.

SIGNATURES

Authored by: *"Original Signed By"* Justin Miller
Development Planner

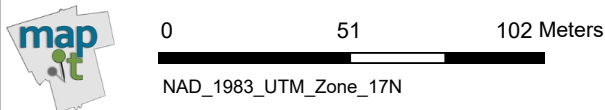
Approved for submission: *"Original Signed By"* Eric Gilbert, RPP, MCIP
Manager of Development Planning



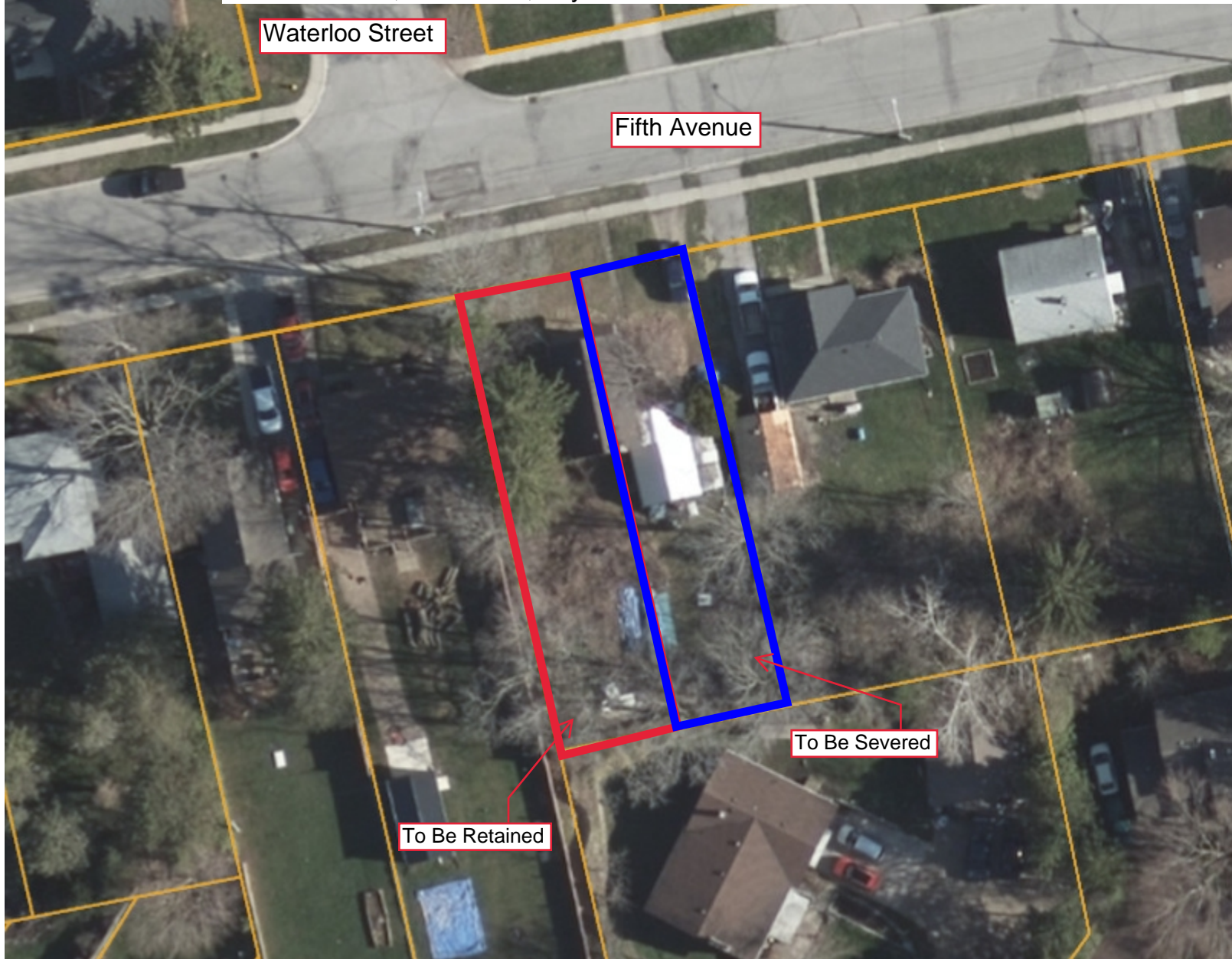
Legend

- Parcel Lines**
 - Property Boundary
 - Assessment Boundary
 - Unit
 - Road
 - Municipal Boundary
- Zoning Floodlines Regulation Limit**
 - ◆ 100 Year Flood Line
 - ▲ 30 Metre Setback
 - Conservation Authority Regulation Limit
 - Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)

Notes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey



Legend

- Parcel Lines
 - Property Boundary
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 - Unit
 - Road
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Notes



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April 22, 2024

FIFTH AVENUE

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