

To: Mayor and Members of City of Woodstock Council

From: Justin Miller, Development Planner, Community Planning

Application for Consent and Minor Variance B24-38-8 and A24-12-8 (Lapointe and J.R. Lapointe Inc.)

REPORT HIGHLIGHTS

- The application for consent is to create a new residential lot for a proposed duplex in the City of Woodstock.
- The associated minor variance proposes relief from the minimum rear yard depth for the lands to be severed to permit a minimum rear yard depth of 7 m (23 ft) where a minimum of 7.5 m (24.6 ft) is currently required in the zoning by-law.
- 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

APPLICANT/OWNER: Jocelyn Roger Lapointe and J.R. Lapointe Inc.
566 Henry Street, Woodstock, ON N4S 1X7

AGENT: Mark Burke
28 Wellington Street, Woodstock, ON N4S 6P3

LOCATION:

The subject land is described as Part Lot 23, Plan 212 as in 425886, in the City of Woodstock. The subject land fronts on the south side of Henry Street, between Victoria Street South and Bay Street, and is known municipally as 566 Henry Street.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "W-1"	City of Woodstock Land Use Plan	Residential
----------------	---------------------------------	-------------

Schedule "W-3"	City of Woodstock Residential Density Plan	Low Density Residential
----------------	--	-------------------------

CITY OF WOODSTOCK ZONING BY-LAW 8626-10:

Existing Zoning: 'Residential Zone 2 (R2)'

PROPOSAL:

	<u>SEVERED LOT</u>	<u>RETAINED LOT</u>
Area	382 m ² (4,111.8 ft ²)	364 m ² (3,918 ft ²)
Frontage	13.7 m (44.9 ft)	13 m (42.6 ft)
Depth	28.2 m (92.5 ft)	28 m (91.9 ft)

The purpose of the application for consent is to sever a parcel and retain a parcel for the construction of a duplex dwelling.

The applicant is proposing to obtain relief from:

1. Section 7.2, Table 7.2 – R2 Zone Provisions to reduce the minimum rear yard depth of the lands to be severed from 7.5 m (24.6 ft) to 7 m (23 ft);
2. Section 7.2, Table 7.2 – R2 Zone provisions to reduce the minimum lot frontage for a duplex from 18 m (59 ft) to 13.7 m (44.9 ft);
3. Section 7.2, Table 7.2 – R2 Zone provisions to reduce the minimum lot area from 540 m² (5,812.7 ft²) to 340 m² (3,659.8 ft²); and
4. Section 5.4.4.2, Table 8 – Setback of Parking Area from Street Line to reduce the minimum street line setback for residential units with individual driveways from 1 m (3.3 ft) to nil to permit a duplex on the lands to be severed.

Surrounding land uses are a mix of commercial, industrial (north) and residential uses on a variety of lot sizes and configurations. The proposed retained lands contain a single-detached dwelling.

Plate 1, Location Map with Existing Zoning, shows the location of the subject lands, as well as the existing zoning in the immediate vicinity.

Plate 2, Aerial Map (2020), provides an aerial view of the subject lands and the surrounding lands.

Plate 3, Applicant's Sketch, provides the dimensions of the lots to be severed and retained, as provided by the applicant.

Application Review

Provincial Policy Statement (PPS)

Section 1.1.1 of the PPS states that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term and cost-effective development patterns and standards to minimize land consumption and servicing costs.

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 a minor variance to the City's Zoning By-law to reduce the rear yard depth, the lot area and the frontage of the lands to be severed.

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.

Zoning By-law

The subject lands are zoned 'Residential Zone 2 (R2)' according to the City's Zoning By-law. The R2 zone permits a single detached dwelling, a duplex dwelling, a semi-detached dwelling, a bed and breakfast, additional residential units and a home occupation in a permitted dwelling. The proposed severed and retained parcels appear to meet the relevant zoning provisions, except for the requested variances, which have been detailed previously in this report.

Agency Comments

The City of Woodstock Engineering Department (Development Division) provided the following comments:

1. The lands are zoned R2. Our comments are subject to the review of a real survey.
2. The application proposes to create a severed lot from an over-sized lot containing one half of a semi-detached dwelling house.
3. As shown on the sketch, relief is not required for the retained lot.
4. The applicant should confirm the proposed construction type of structure as relief would be required to reduce the minimum lot frontage for a duplex from 18 m to approximately 13.7 m and a reduced lot area. We suggest proposing a single detached dwelling with an ARU which is permitted using the minimum lot frontage of 12m and lot area of 340m².
5. Relief is also required from Section 5.4.4.2, Table 8 Setback Requirements for Parking Areas for residential units with individual driveways to reduce the 1 m setback from street line to nil to accommodate the proposed parking layout adjacent to Victoria St S as shown on the sketch.
6. The applicant should confirm, we are not recommending the exterior side yard relief for the main building from 4.5 m to 3.5 m. The sketch is proposing this setback to be 5.5 m.
7. We are supportive of the reduced rear yard depth from 7.5 m to 7.0 m.
8. The applicant should note, all accessory structures are to be removed from the severed lot.

Oxford County Public Works Department provided the following comments;

1. If approved, a condition of severance shall be that the owner agrees to satisfy all requirements, financial and otherwise, of the County, regarding the installation of water & sanitary sewer services, to the satisfaction of the County.(Application to Connect attached)
2. Both properties must be serviced (water/sanitary) independently, and any/all services crossing the proposed property line be disconnected to the satisfaction of the County of Oxford Public Works Department.

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 containing an existing semi-detached dwelling unit. The proposed minor variance will allow for the construction of a duplex dwelling house.

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 and dwelling types. Surrounding land uses are highly varied, from single detached dwellings to significant apartment dwelling complexes in close proximity to the east and west. Accordingly, planning staff consider the proposal to be compatible with existing development in the vicinity.

The minimum rear yard depth provision of the R2 Zone is intended to ensure that sufficient space is provided for drainage, amenities and normal enjoyment of the subject lands. The reduction in depth from 7.5 m (24.6 ft) to 7 m (23 ft) is considered a minor departure from the zone standard and is not anticipated to have a negative impact on drainage, amenities or normal enjoyment of the subject lands.

The minimum lot frontage provision of the R2 Zone is intended to ensure that sufficient space is provided for a building envelope and off-street parking. The minimum lot frontage for a duplex is 18 m (59 ft) and the applicant is requesting a minimum frontage of 13.7 m (44.9 ft). The minimum lot area provision of the R2 Zone is intended to ensure that sufficient space is provided for a building envelope, drainage and amenity space. The minimum lot area for a duplex is 540 m² (5,812.7 ft²) and the applicant is requesting a minimum area of 340 m² (3,659.8 ft²). The minimum frontage and lot area provisions for a duplex are based on the same frontage requirement as a semi-detached dwelling which is split horizontally; in this case, the applicant proposes an “up-down” duplex which is split vertically, requiring less frontage to accommodate the two units. This type of duplex has more similar frontage and area requirements to a single-detached dwelling, which is also permitted in the R2 Zone, but requires a minimum lot frontage of 9 m (29.5 ft) and a minimum lot area of 340 m² (3,659.8 ft²) for corner lots. Similarly, this application could have been

considered as a single-detached dwelling with a basement additional residential unit and would have complied with the R2 and ARU zone provisions.

The applicant has also requested a reduction in the Setback of Parking Area from Street Line to reduce the minimum street line setback for residential units with individual driveways from 1 m (3.3 ft) to nil. This setback is intended to ensure that sufficient space is provided for vehicles to be safely setback from public streets and to ensure that sufficient space is provided for off-street parking and that municipal sidewalks are not blocked by parked vehicles. The combination of a 5.5 m (18 ft) parking depth plus 1 m (3.3 ft) setback would be equal to 6.5 m (21.3 ft) in depth where the applicant intends to provide 5.5 m (18 ft). The proposed 5.5 m (18 ft) setback appears to significantly exceed the existing setbacks of adjacent properties to the south and is not anticipated to have a negative impact. Further, all required parking (four spaces) are provided on the subject lands, utilizing two garage spaces and two spaces in front of the garage (as shown on Plate 3).

In consideration of the requested minor variances, staff have reviewed the proposal in the context of the policies contained in the Official Plan and are of the opinion that the proposed variances are appropriate as they provide an adequately sized lot, and sufficient space for amenities, drainage and 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 the retained dwelling unit and proposed duplex. Staff are satisfied that the proposed variances are minor and desirable for the development of the lands and maintains the intent and purpose of the Zoning By-law.

Further, in the application, the applicant has identified a reduced front yard setback of 3 m (9.8 ft); however, the City's Established Building Line Provisions permit reduced front yard setbacks where lots on either side have legal non-conforming depths to the average yard depth or 3 m (9.8 ft), whichever is greater. It is the opinion of Building and Planning staff that the requested 3 m (9.8 ft) front yard depth complies with the Established Building Line Provisions and no additional variance is required.

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

That Woodstock Council advise the Land Division Committee that the City supports Application File A24-12-8, submitted by Lapointe and J.R. Lapointe Limited, for lands described as Part Lot 23, Plan 212 as in 425886, City of Woodstock, and municipally known as 566 Henry Street, as it relates to:

- 1. Section 7.2, Table 7.2 – R2 Zone Provisions to reduce the minimum rear yard depth of the lands to be severed from 7.5 m (24.6 ft) to 7 m (23 ft);**
- 2. Section 7.2, Table 7.2 – R2 Zone provisions to reduce the minimum lot frontage for a duplex from 18 m (59 ft) to 13.7 m (44.9 ft);**
- 3. Section 7.2, Table 7.2 – R2 Zone provisions to reduce the minimum lot area from 540 m² (5,812.7 ft²) to 340 m² (3,659.8 ft²); and**

4. Section 5.4.4.2, Table 8 – Setback of Parking Area from Street Line to reduce the minimum street line setback for residential units with individual driveways from 1 m (3.3 ft) to nil to facilitate the severance proposed in application B24-38-8.

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.

And further, it is recommended that Woodstock Council advise the Land Division Committee that the City supports the proposal to sever the subject lands, subject to the following conditions:

1. The Owner shall submit a recent survey to confirm lot sizes and building setbacks, to the satisfaction of the City of Woodstock.
2. 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.
3. 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.
4. The applicant remove all accessory structures from the lands to be severed to the satisfaction of the City of Woodstock.
5. 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.

SIGNATURES

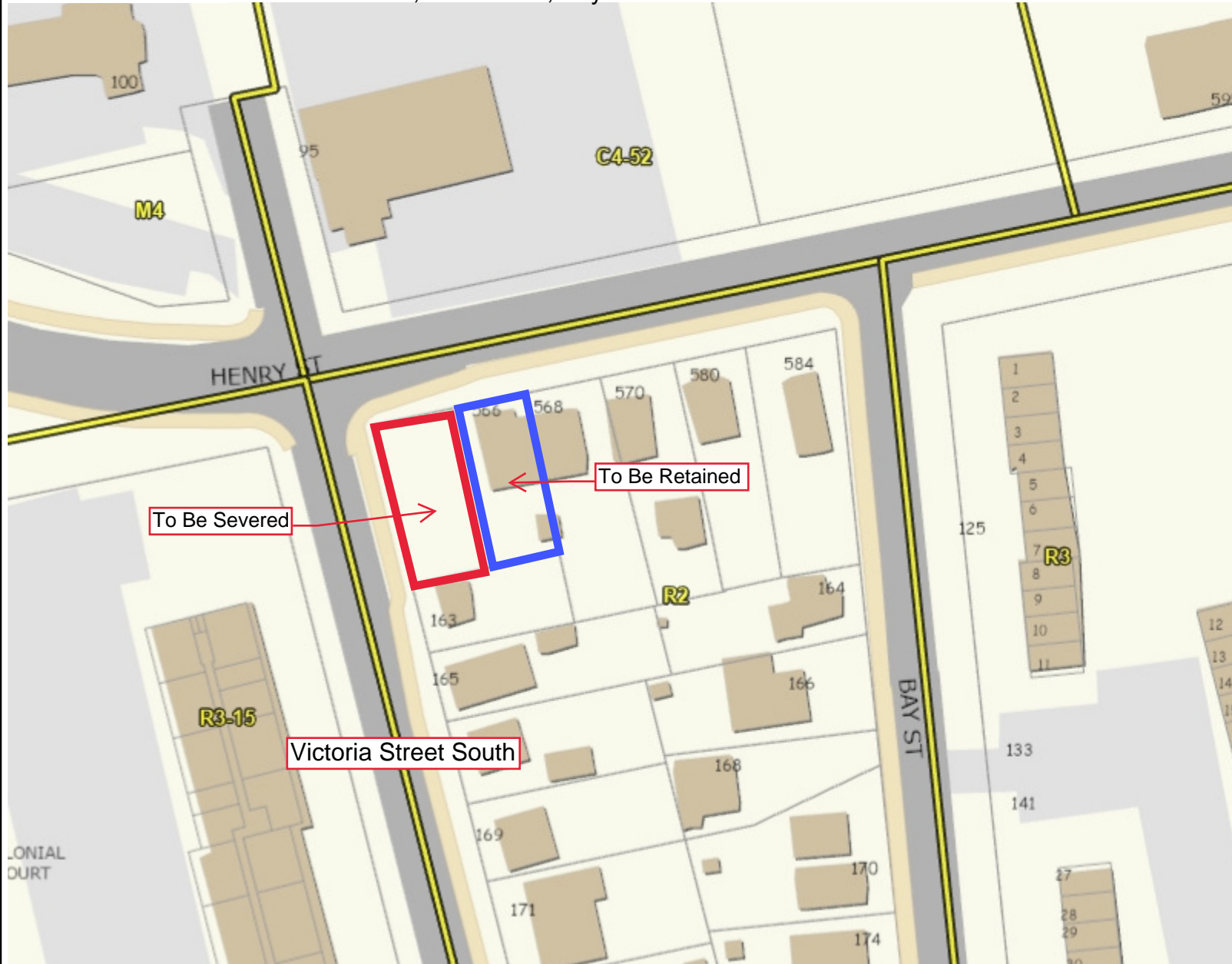
Authored by: *Original Signed By* Justin Miller
Development Planner

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

Plate 1: Location Map with Existing Zoning

File Nos.: B24-38-8; A24-12-8: Lapointe and J.R. Lapointe Inc.

Plan 212, Part Lot 23, City of Woodstock



Legend

- 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



0 26 51 Meters



NAD_1983_UTM_Zone_17N



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

May 23, 2024



Legend

Notes



0 13 26 Meters

NAD_1983_UTM_Zone_17N



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

May 23, 2024



566 Henry Street Woodstock

Lot to be Retained R2 By-Law 7.2	Semi-detached bungalow	
	Proposed	R2 Minim
Lot Area	364	290m2
Lot Coverage	30%	41%
Lot Frontage	13.0	9m
Lot Depth	28.0	28.0m
Front Yard Depth	0.0	6.0m
Rear Yard Depth	15.0	7.5m
Interior Side Yard Width	3.0	3m
Exterior Side Yard Width	n/a	4.5m
Setback	n/a	n/a
Landscaped Open Space	61%	30%
Height	2-storey	11.0m
Dwelling unit area	104	45m2

Lot to be Severed R2 By-Law 7.2	Semi-detached 2-storey	
	Proposed	R2
Lot Area	384	290m2
Lot Coverage	33%	41%
Lot Frontage	13.7m	18m
Lot Depth	28.2	28.0m
Front Yard Depth	3m	6.0m
Rear Yard Depth	7m	7.5m
Interior Side Yard Width	1.2m	3m
Exterior Side Yard Width	5.5m	4.5m
Setback	n/a	n/a
Landscaped Open Space	59%	30%
Height	2-storey	11.0m
Dwelling unit area	112m2 & 70m2	45m2

