

**To: Mayor and Members of City of Woodstock Council**

**From: Laurel Davies Snyder, Development Planner, Community Planning**

## **Application for Consent and Minor Variance B24-09-8; A24-04-8 – Jankovic**

### **REPORT HIGHLIGHTS**

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- The application for consent proposes to create a vacant residential lot and retain a lot containing a duplex dwelling. The applicant is proposing to construct a duplex dwelling on the severed lands.
- The application for minor variance proposes relief from Section 7.2, Table 7.2 – R2 Zone Provisions to reduce the minimum lot area, minimum lot frontage, and minimum lot depth of the lands to be severed. The minor variance application also proposes to reduce the minimum rear yard depth and front yard depth of the lands to be retained.
- Planning staff are recommending approval of the applications as they are consistent with the Provincial Policy Statement and maintain the intent and purpose of the Official Plan respecting residential intensification.

### **DISCUSSION**

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#### **Background**

APPLICANT/OWNER:

Zachary Blake Jankovic  
505402 Old Stage Road, Woodstock ON N4S 7V8

AGENT:

Mark Burke  
28 Wellington Street North, Woodstock ON N4S 6P3

LOCATION:

The subject lands are described as Lot 8 s/s of Queen Street, Block H, Plan 52, in the City of Woodstock. The lands are located on the southwest corner of Douglas Street and Queen Street and are municipally known as 306 Queen 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>Lot to be Severed</u>	<u>Lot to be Retained</u>
Area	278 m <sup>2</sup> (2,992.4 ft <sup>2</sup> )	661 m <sup>2</sup> (7,114.9 ft <sup>2</sup> )
Frontage	11 m (36.1 ft)	20.7 m (68.1 ft)
Depth	24.5 m (80.4 ft)	29 m (95.1 ft)

The purpose of the application for consent is to create one new lot for residential purposes and retain a lot containing an existing duplex dwelling. A duplex dwelling is proposed to be constructed on the severed lands.

The applicant is proposing to obtain relief from Section 7.2, Table 7.2 – R2 Zone Provisions to reduce the minimum lot area of the lands to be severed from 540 m<sup>2</sup> (5,8125 ft<sup>2</sup>) to 278 m<sup>2</sup> (2,992.4 ft<sup>2</sup>); to reduce the minimum lot frontage of the lands to be severed from 18 m (59 ft) to 11 m (36.1 ft); and to reduce the minimum lot depth of the lands to be severed from 28 m (91.9 ft) to 24.5 m (80.4 ft).

The applicant also proposes to reduce the minimum rear yard depth of the lands to be retained from 7.5 m (24.6 ft) to 5.5 m (18 ft), and to reduce the minimum required front yard depth on the lands to be retained from 6 m (19.7 ft) to 2 m (6.6 ft).

Surrounding land uses are primarily low density residential uses, with commercial uses in close proximity to the west along Mill Street.

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

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

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

## **Application Review**

### PROVINCIAL PLANNING STATEMENT (PPS)

Chapter 2, Introduction, states that Ontario will increase the supply and mix of housing options, addressing the full range of housing affordability needs. Every community will build homes that respond to changing market needs and local demand. Providing a sufficient supply with the necessary mix of housing options will support a diverse and growing population and workforce, now and for many years to come.

Section 2.1, Planning for People and Homes, directs that Planning authorities should support the achievement of complete communities by accommodating an appropriate range and mix of housing options.

Section 2.2, Housing, directs 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 housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
- all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3.

Section 2.2 also states that planning authorities shall promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation, and new housing requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

Section 2.3.1, General Policies for Settlement Areas, directs that Settlement areas shall be the focus of growth and development. Furthermore, that land use patterns within settlement areas should be based on densities and a mix of land uses which efficiently use land and resources, optimize existing and planned infrastructure and public service facilities; support active transportation; and are transit supportive.

Section 2.3.1 also directs that Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

### 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. It is intended that there will be a mixing and integration of different forms of housing to achieve a low overall density of use in these areas.

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 compatible 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 Land Division Committee and City Council will ensure that the proposal is consistent 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 area, lot frontage and lot depth of the lands to be severed; and to reduce the rear yard depth and front yard depth of the lands to be retained.

When considering an application for minor variance to the Zoning By-law, the Committee shall consider 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 considered:

- 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; and,
- 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 2 (R2)' according to the City's Zoning By-law. The 'R2' zone permits single detached dwellings, semi-detached dwellings, duplex dwellings, bed and breakfasts, and a home occupation in a permitted dwelling.

The minimum lot area, frontage, and lot depth provisions of the Zoning By-law all serve to ensure that the lot provides sufficient area to accommodate a reasonable building envelope, setbacks, amenity space, off-street parking, and space for grading and drainage.

In addition to providing for adequate off-street parking opportunities, minimum front yard depth provisions are also intended to ensure that adequate space is provided to safely set the dwelling back from the right-of-way.



In addition to providing for adequate amenity area, minimum rear yard depth provisions are also intended to ensure that adequate area is provided for accessory structures/uses and adequate distance from adjacent properties is provided to address items including compatibility and privacy.

#### AGENCY COMMENTS

The application was circulated to various public agencies considered to have an interest in the proposal. All of the comments received through the circulation process are summarized below.

The Oxford County Public Works Department has provided the following comments:

- Water/sanitary servicing is available on Douglas Street and the applicant will be required to connect to the services for the new lot.
- 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 and sanitary sewer services, to the satisfaction of the County.
- 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.

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

- Municipal sanitary sewer and watermain are available on Douglas St.
- 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.
- 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.
- 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.

Canada Post has indicated that mail delivery for this development will be via the existing community mailbox. The community mailbox in question is on the municipal easement fronting the sidewalk at the property in question. This mailbox (or relocation thereof) will need to be incorporated into the design for this plan.

Enbridge Gas, Hydro One and the Upper Thames River Conservation Authority (UTRCA) indicated that they do not have any objections or requirements regarding the applications.

#### PUBLIC CONSULTATION

Notice of the proposal was provided to the public and surrounding property owners on December 19, 2024, in accordance with the requirements of the Planning Act. At the time of writing this report, no comments or concerns have been received from the public.

## **Planning Analysis**

The purpose of the application for consent is to create a vacant residential lot and retain a lot containing a duplex dwelling. The applicant has indicated that they intend to construct a duplex dwelling on the lot to be severed.

With respect to the PPS, the proposal is consistent with the intensification, redevelopment and housing policies. The proposal is considered to be 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 promotes appropriate residential intensification.

With respect to the relevant Official Plan policies for Low Density Residential areas, staff are of the opinion that the proposed severance is an appropriate form of street-oriented infill and intensification. This area of the City is characterized by a mix of single and semi-detached dwellings and the proposed severed and retained lots are compatible with other lots and development in the area.

Regarding 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. The proposed lot to be severed and the proposed lot to be retained are adequately sized, providing area for sufficient setbacks to adjacent properties/uses, sufficient building envelope, and sufficient area for amenity space.

More specifically, for the proposed lot to be severed, the applicant has requested a minimum lot area of 278 m<sup>2</sup> (2,992.4 ft<sup>2</sup>), minimum lot frontage of 11 m (36.1 ft), and minimum lot depth of 24.5 m (80.4 ft). The applicant has indicated that they intend to construct a duplex dwelling (split horizontally; upper and lower units) on the lot to be severed.

A duplex dwelling in the 'R2' zone requires a minimum lot area of 540 m<sup>2</sup> (5,8125 ft<sup>2</sup>) and a single detached dwelling in the 'R2' zone requires a minimum lot area of 290 m<sup>2</sup> (3,121.5 ft<sup>2</sup>). Staff notes that the proposed duplex dwelling will result in a structure similar to a single detached dwelling in terms of building mass and appearance, and as the 'R2' zone permits an additional residential unit (ARU) which may encompass the entire basement of a single detached dwelling, the proposed duplex dwelling is similar to a single detached dwelling containing an ARU. Therefore, Staff is of the opinion that as a duplex dwelling on the lot to be severed as proposed by the applicant would be similar to a single detached dwelling with an ARU, and the request for a reduced lot area of 278 m<sup>2</sup> (2,992.4 ft<sup>2</sup>) is reasonable.

The requested alternative minimum lot frontage of 11 m (36.1 ft) where a minimum lot frontage of 18 m (59 ft) is required for a duplex dwelling on the lands to be severed is also considered in terms of the proposed footprint and building mass of a horizontally separated duplex dwelling as compared to a single detached dwelling with an ARU. In this case, as noted, the proposed horizontally separated duplex will be similar to a single detached dwelling in terms of overall footprint of the construction, where the minimum required frontage would be 9 m (29.5 ft) in the 'R2' zone. Staff is of the opinion that the request for a reduced minimum lot frontage of 11 m (36.1 ft) for a horizontally separated duplex dwelling as proposed by the applicant is reasonable. Staff is also of the opinion that the request for a minimum lot depth of 24.5 m (80.4 ft) where a minimum lot depth of 28 m (91.9 ft) is required is reasonable as it is a result of the new lot line resulting from the severance and will still allow for an adequately sized lot.

Regarding the proposed lot to be retained, applicant has requested a minimum front yard depth of 2 m (6.6 ft) where a minimum front yard depth of 6 m (19.7 ft) is required, and a minimum rear yard depth of 5.5 m (18 ft) where 7.5 m (24.6 ft) is required. The requested relief for the front yard depth is to acknowledge the location of the existing dwelling and does not impact the proposed consent on the lot to be retained. The requested relief for a reduced rear yard depth is a result of the new lot line resulting from the consent, and staff are satisfied that sufficient amenity space will be available in the rear yards of the lot to be severed and lot to be retained.

The existing lot fabric in the vicinity is characterized by a variety of lot frontages and areas, and the proposed lot to be severed and proposed lot to be retained will not be out of character or inconsistent with the surrounding area and staff is of the opinion that the proposed lot configurations are reasonable, and in the case of the lot to be severed, will provide for an adequate building envelope.

Staff are satisfied that the proposed variances are minor and desirable for the development of the lands and maintain the intent and purpose of the Zoning By-law with respect to the provision of adequately sized building envelopes and sufficient setbacks, amenity space and space for off-street parking.

Planning staff are of the opinion that the proposed severance is an appropriate 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**

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**That Woodstock Council advise the Land Division Committee that the City supports Application File A24-04-08, submitted by Zachary Jankovic, for lands described as Lot 8 s/s of Queen Street, Block H, Plan 52, City of Woodstock, and to be municipally known as 306 Queen Street, as it relates to:**

- 1. Relief from Section 7.2, Table 7.2 – R2 Zone Provisions to reduce the minimum required lot area of the lot to be severed from 540 m<sup>2</sup> (5,8125 ft<sup>2</sup>) to 278 m<sup>2</sup> (2,992.4 ft<sup>2</sup>);**
- 2. Relief from Section 7.2, Table 7.2 – R2 Zone Provisions to reduce the minimum required lot frontage of the lot to be severed from 18 m (59 ft) to 11 m (36.1 ft);**
- 3. Relief from Section 7.2, Table 7.2 – R2 Zone Provisions to reduce the minimum required lot depth of the lot to be severed from 28 m (91.9 ft) to 24.5 m (80.4 ft);**
- 4. Relief from Section 7.2, Table 7.2 – R2 Zone Provisions to reduce the minimum required rear yard depth of the lot to be retained from 7.5 m (24.6 ft) to 5.5 m (18 ft); and,**
- 5. Relief from Section 7.2, Table 7.2 – R2 Zone Provisions to reduce the minimum required front yard depth of the lot to be retained from 6 m (19.7 ft) to 2 m (6.6 ft).**

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 deemed to be minor variances 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(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 current survey to confirm lot sizes and building setbacks, to the satisfaction of the City of Woodstock.
3. The Owner shall confirm that no underground or overhead services serving the retained lands traverse the severed parcel and vice 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.
4. The Owner 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.
5. The Owner shall obtain a letter provided by the Clerk of the City of Woodstock advising the Secretary-Treasurer of the Land Division Committee that all requirements of the City of Woodstock have been complied with.

## SIGNATURES

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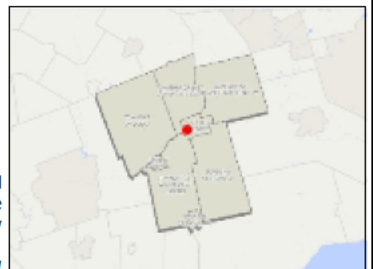
<b>Authored by:</b>	<i>Original signed by</i>	Laurel Davies Snyder, RPP, MCIP Development Planner
<b>Approved for submission:</b>	<i>Original signed by</i>	Eric Gilbert, RPP, MCIP Manager of Development Planning



**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 51 102 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

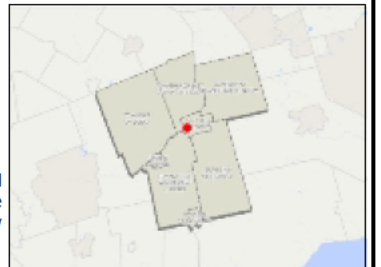
February 16, 2024





Legend

Notes



0 13 26 Meters



NAD\_1983\_UTM\_Zone\_17N



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February 16, 2024



# 306 Queen Street Woodstock



306 Queen - partial garage removal

Lot to be Retained	Existing side/side duplex	
	R2 By-Law 7.2	R2 Minimum/Maximum
Lot Area	653	540m2
Lot Coverage	23%	41%
Lot Frontage	20.77	18m
Lot Depth	28.8 & 29.2	28.0m
Front Yard Depth	2.0	6.0m
Rear Yard Depth	7.00	7.5m
Interior Side Yard Width	4.2	1.2m
Exterior Side Yard Width	8.0	4.5m
Setback	n/a	n/a
Landscaped Open Space	61%	30%
Height	2-storey	11.0m
Dwelling unit area	68m2 & 103m2	45m2

Lot to be Severed	Create single family home lot	
	R2 By-Law 7.2	R2 Minimum/Maximum
Lot Area	291	290m2
Lot Coverage	33%	41%
Lot Frontage	11.5	18m
Lot Depth	24.4 & 26.0	28.0m
Front Yard Depth	6.0	6.0m
Rear Yard Depth	7.5	7.5m
Interior Side Yard Width	1.2	1.2m
Exterior Side Yard Width	n/a	4.5m
Setback	n/a	n/a
Landscaped Open Space	54%	30%
Height	2-storey	11.0m
Dwelling unit area	145m2	45m2



# 306 Queen St. Woodstock

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In support of the  
consent and minor  
variance application



# Background - before

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- Local electrician Zach Jankovic purchased the home in January 2021
  - Older 2-storey home in disrepair



## Background - after

- Working with the building department he converted the home into 2 modern, energy efficient rental homes ([306A Queen St.](#) & [306B Queen St.](#))
- Homes were rented to local grandmother and Ukranian refugee family
- Good news story of efficient development



# Excess lands opportunity

- The orientation of the home & garage give both families their own exterior spaces on the east and west sides of the home leaving a large area in the rear yard unused
- Very natural area for another home that matches the southern neighbour's lot
- Working with planning and building Zach is willing to pare back the very large garage to make the new lot work



# Neighbour Communication

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- During the original renovation through 2021 into 2022, Zach, his father and brother were fixtures in the neighbourhood and got to know many of the neighbours so communication of the new lot was an easy discussion
- He proactively sent a letter to the neighbours with a summary of his plan and his contact information; and had several one on one conversations
- We understand that change can be uncomfortable but are confident that in the end it will be an improvement in the neighbourhood while providing another much needed home

Dear Neighbour,

First, I would like to wish you the best this upcoming holiday season. I just wanted to let you know that you will see another variance sign posted on my property. I would like to extend the offer for you to contact me with any questions or concerns you may have. My intentions are not to cause any stress or animosity, but to keep the lines of communication open.

Merry Christmas to you and your family.

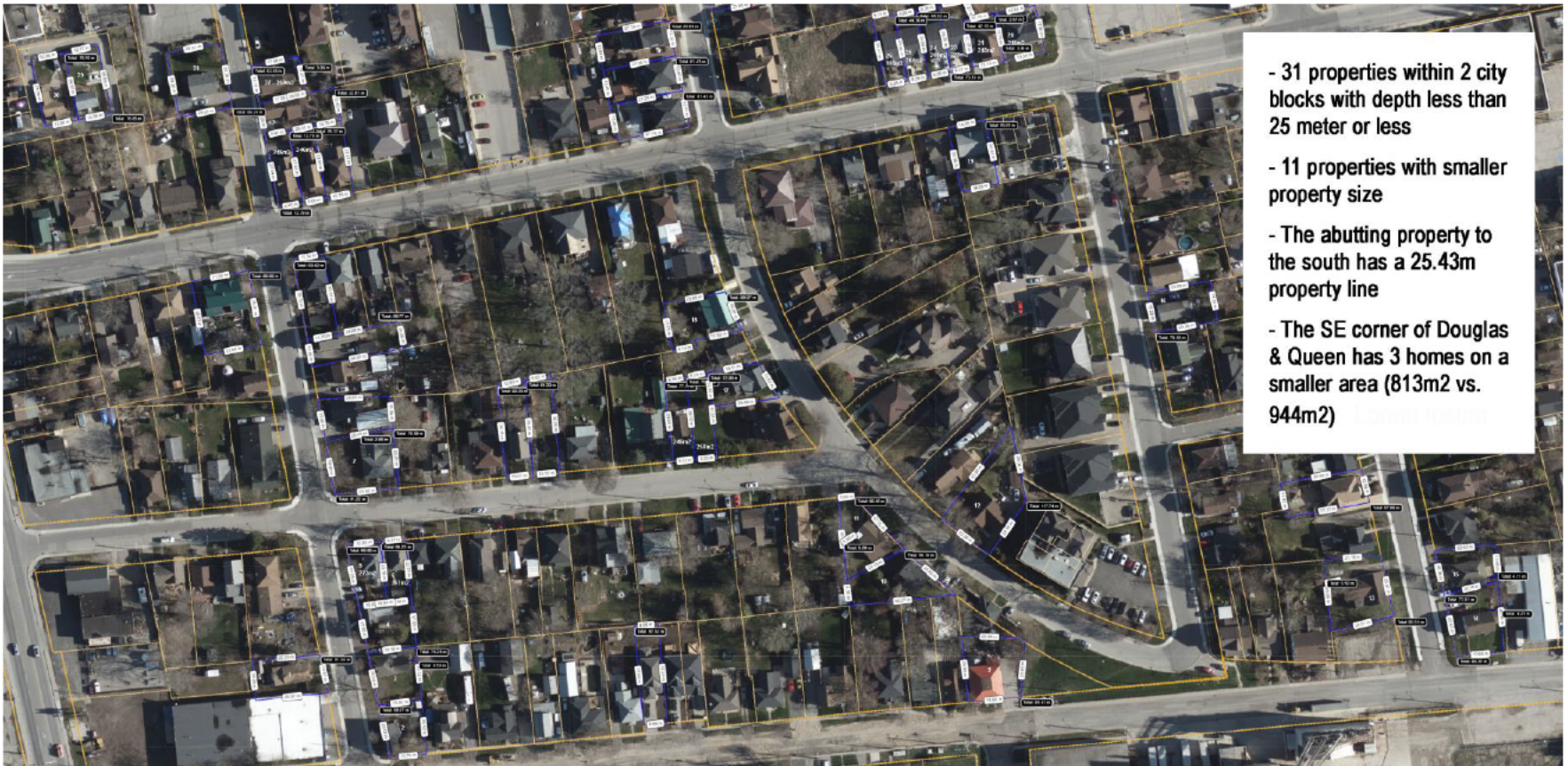
Regards,  
Zach Jankovic





# A Good Fit!

The variances requested are truly minor...similar to many properties in the neighbourhood:



- 31 properties within 2 city blocks with depth less than 25 meter or less

- 11 properties with smaller property size

- The abutting property to the south has a 25.43m property line

- The SE corner of Douglas & Queen has 3 homes on a smaller area (813m<sup>2</sup> vs. 944m<sup>2</sup>)

# Summary

- It makes good sense to support this application:
  - Conscientious local owner that has improved the property and will continue to improve the neighbourhood
  - Open communication with neighbours
  - Natural lot area that will unlock unused land
  - Similar qualities as other neighbourhood properties
  - Providing a much needed energy efficient, entry level home for a family in our community