

To: David Creery, Chief Administrative Officer

From: Sunayana Katikapalli, Deputy City Clerk

Re: Minor Variance Number MV-10-23 – 262 Wellington Street North

AIM

To advise Council of an appeal received in connection with Minor Variance File Number MV-10-23 – 262 Wellington Street North.

BACKGROUND

At the June 12th, 2023, Woodstock Committee of Adjustment meeting, the Committee did not grant a minor variance application submitted by Benjamin and Rachel Reynolds for the property municipally known as 262 Wellington Street North. Instead, they granted the applicants a modified variance, as recommended by the Planning Office. An appeal of the decision was filed with the Secretary-Treasurer of the Committee of Adjustment on Friday June 30th, 2023, and the appeal is being forwarded to the Ontario Land Tribunal (OLT).

COMMENTS

A minor variance application for 262 Wellington Street North was submitted to the Committee, requesting the following variance:

Relief from **Section 5.1.1.1, Table 1 – Regulations for Accessory Buildings, Uses and Structures**, Maximum Permitted Height, to increase the maximum height for a building or structure accessory to a residential use from 4 m (13.1 ft) to 5.4 m (17.7 ft) to facilitate the construction of a detached garage.

The application was presented to the Committee on June 12th, 2023. It was the opinion of the Planning Office that the requested relief to accommodate the increased maximum height of 5.4 m (17.7 ft) is not desirable development for the subject lands. The proposed increased height does not ensure that the proposed structure will be clearly subordinate to the principal dwelling and creates a greater possibility that the structure may be used for non-residential uses.

As previously indicated by City Building staff, the request to increase the maximum height for an accessory structure is supportable, but only at a lower height. Staff recommended that the height only be permitted to a maximum of 4.5 m (14.7 ft).

The Committee agreed with the opinion provided in the planning report and approved a maximum height of 4.5 m (14.7 ft). The applicant appealed the reduced height and is seeking their original request of a maximum height of 5.4 m (17.7 ft). 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 June 12th, 2023, for Minor Variance application MV-10-23, 262 Wellington Street North;

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 June 12th, 2023, for Minor Variance application MV-10-23, 262 Wellington Street North.

Authored by: Sunayana Katikapalli, M.P.S., C.A.M.P., Deputy City Clerk

Approved by: Amy Humphries, B. Math, M.P.A., City Clerk

Approved by: David Creery, M.B.A., P. Eng., Chief Administrative Officer

Community Planning

P. O. Box 1614, 21 Reeve Street
Woodstock Ontario N4S 7Y3
Phone: 519-539-9800 • Fax: 519-421-4712
Web site: www.oxfordcounty.ca

Our File: **MV 10-23**

APPLICATION FOR MINOR VARIANCE

TO: City of Woodstock Committee of Adjustment
MEETING: June 12, 2023
REPORT NUMBER: CP 2023-186

OWNER: Benjamin & Rachel Reynolds
262 Wellington Street North, Woodstock ON, N4S 6R9

VARIANCE REQUESTED:

Relief from **Section 5.1.1.1, Table 1 – Regulations for Accessory Buildings, Uses and Structures**, Maximum Permitted Height, to increase the maximum height for a building or structure accessory to a residential use from 4 m (13.1 ft) to 5.4 m (17.7 ft) to facilitate the construction of a detached garage.

LOCATION:

The subject property is described as Lot 1, Plan 257, in the City of Woodstock. The property is located on the southeast corner of Wellington Street North and Brant Street, and is municipally known as 262 Wellington Street North.

BACKGROUND INFORMATION:

COUNTY OF OXFORD OFFICIAL PLAN: Low Density Residential

CITY OF WOODSTOCK ZONING BY-LAW: Residential Type 1 (R1)

SURROUNDING USES: Surrounding uses are a mix of existing and planned low density residential development with a retirement home to the immediate east and Northdale Public School to the northeast.

COMMENTS:

(a) Purpose of the Application:

The applicant is requesting relief from the above noted provision of the City's Zoning By-law to facilitate the construction of a 71.3 m² (768 ft²) detached garage. The proposed garage will be located in the southeast corner of the subject property.

The subject property has an approximate area of 809.3 m² (8,711.5 ft²) and contains a single-detached dwelling.

Plate 1, Existing Zoning & Location Map, shows the location of the subject property and current zoning in the immediate vicinity.

Plate 2, Aerial Map (2021), provides an aerial view of the subject property and surrounding properties.

Plate 3, Applicant's Sketch, provides the location of the dwelling and proposed accessory structure on the subject property.

(b) Agency Comments:

The City of Woodstock Engineering Department (Building Division) provided the following comments in support of the application:

1. The property is zoned R1 and is considered over-sized for the typical R1 lot. Being over-sized provides the opportunity to enhance the property with additional structures.
2. The required lot coverage is being respected. The existing house, proposed covered porch and garage provides a lot coverage of approximately 28%, leaving lots of area for outdoor amenity space and landscaping.
3. A detached garage is being proposed with a request to increase the maximum height from 4 m (13.1 ft) to 5.4 m (17.7 ft). Typically requests are made to increase the height of detached garages to provide more wall height etc. We are not opposed to an increase but do not agree with the request to 5.4 m. Higher height garages may look more industrial and may lead to opportunities for commercial businesses and add a second floor.
4. We recommend a maximum height increase from 4 m (13.1 ft) to 4.5 m (14.7 ft).

If the application is approved, please include the following conditions:

1. The owner provide and maintain eaves troughs and downspouts and the roof drainage be directed to the satisfaction of the City of Woodstock Building Department.

(c) Public Consultation:

Public notice was provided to neighbouring property owners in accordance with the provisions of the Planning Act on May 18, 2023. At the time of writing this report, no comments or concerns had been received from the public.

(d) Intent and Purpose of the Official Plan:

The subject property is designated 'Low Density Residential' according to the City of Woodstock Land Use 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, quadrplexes, townhouses and low-density cluster development.

(e) Intent and Purpose of the Zoning By-law:

The subject property is zoned 'Residential Type 1 (R1)' within the City of Woodstock Zoning By-law. The 'R1' zone permits a single-detached dwelling and associated accessory structures.

The applicant is proposing relief to increase the maximum height of the proposed detached garage. Accessory structures are restricted in size (height and area) to limit the potential for such buildings to be used for purposes that are not compatible with residential areas. Accessory structures in residential areas within the City are not intended to be used for non-residential type uses and the height and floor area provisions are intended to ensure that such buildings remain of a size that is suitable for accessory residential use and in keeping with the character of the surrounding residential neighbourhood.

(f) Desirable Development/Use:

It is the opinion of this Office that the requested relief to accommodate the increased maximum height to 5.4 m (17.7 ft) is not desirable development for the subject lands. The proposed increased height does not ensure that the proposed structure will be clearly subordinate to the principal dwelling and creates a greater possibility that the structure may be used for non-residential uses.

As previously indicated by City Building staff, the request to increase the maximum height for an accessory structure is supportable, but only at a lower height. Staff recommended that the height only be permitted to a maximum of 4.5 m (14.7 ft). Staff have concerns with the proposed maximum height of 5.4 m (17.7 ft) as structures of this height can potentially be used for purposes which may create compatibility issues with surrounding residential properties.

Planning staff are of the opinion that that a maximum height of 4.5 m (14.7 ft) is appropriate for the subject property as the garage will remain clearly subordinate in relation to the existing dwelling and would not appear to negatively impact the surrounding properties.

In light of the foregoing, it is the opinion of this Office that the relief of 4.5 m (14.7 ft) is in keeping with the general intent and purpose of the Official Plan and the Zoning By-law and can be given favourable consideration, provided that the height of the proposed accessory building is reduced as recommended in this report.

RECOMMENDATION:

That the City of Woodstock Committee of Adjustment **approve** Application File MV 10-23, submitted by Benjamin & Rachel Reynolds, for lands described as Lot 1, Plan 257, City of Woodstock, and municipally known as 262 Wellington Street North, *and modified as recommended in Report No. CP 2023-186*, as it relates to:

Relief from **Section 5.1.1.1, Table 1 – Regulations for Accessory Buildings, Uses and Structures**, Maximum Permitted Height, to increase the maximum height of a building accessory to a residential use from 4 m (13.1 ft) to 4.5 m (14.7 ft) to facilitate the construction of a detached garage, subject to the following conditions:

- a. The owner provide and maintain eaves troughs and downspouts and the roof drainage be directed to the satisfaction of the City of Woodstock Building Department.
- b. The accessory structure proposed by the applicant be generally of a size, and in a location as identified on Plate 3 of Report No. CP 2023-186, to the satisfaction of the City of Woodstock Building Department.

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

The relief is a minor variance from the provisions of the City's Zoning By-law in that the proposed garage will remain clearly accessory and ancillary to the principal dwelling.

The relief is desirable for the use of the land as the proposed development is permitted by the Zoning By-law, is compatible with surrounding uses and will not negatively impact neighbouring properties;

The relief maintains the general intent and purpose of the City's Zoning By-law as the development is generally in keeping with the R1 zone and general provisions related to accessory structures, and all construction will be in accordance with all the other relevant provisions of that zone;

The relief maintains the intent and purpose of the Official Plan as the proposed development is complimentary to the low density residential designation.

Authored by:

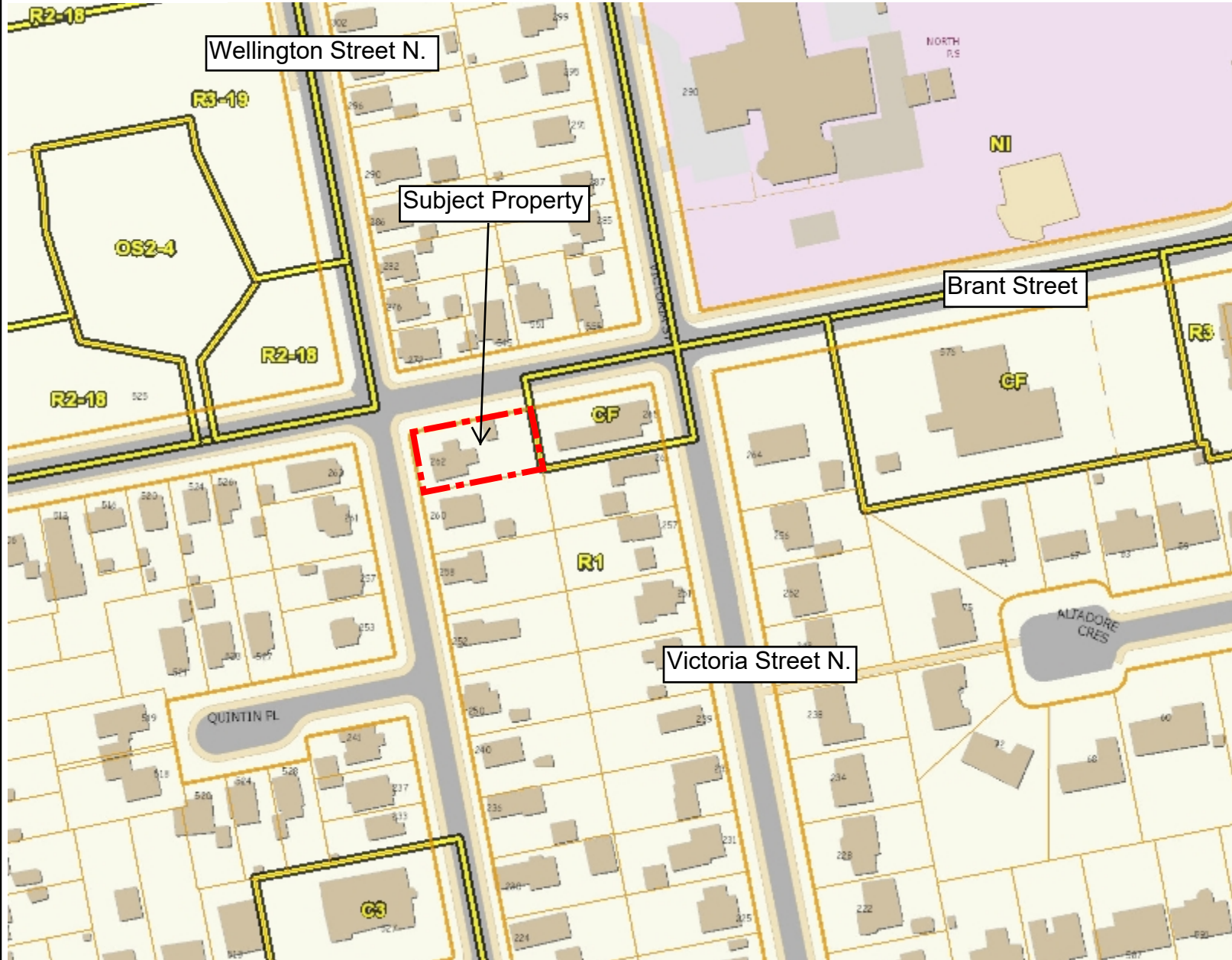
Original signed by

Justin Miller
Development Planner

Approved for submission by:

Original signed by

Gordon K. Hough, RPP
Director



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



0 48 96 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 2, 2022



Legend

- Parcel Lines
 - Property Boundary
 - Assessment Boundary
 - Unit
 - Road
 - Municipal Boundary

Notes



0 24 48 Meters

NAD_1983_UTM_Zone_17N



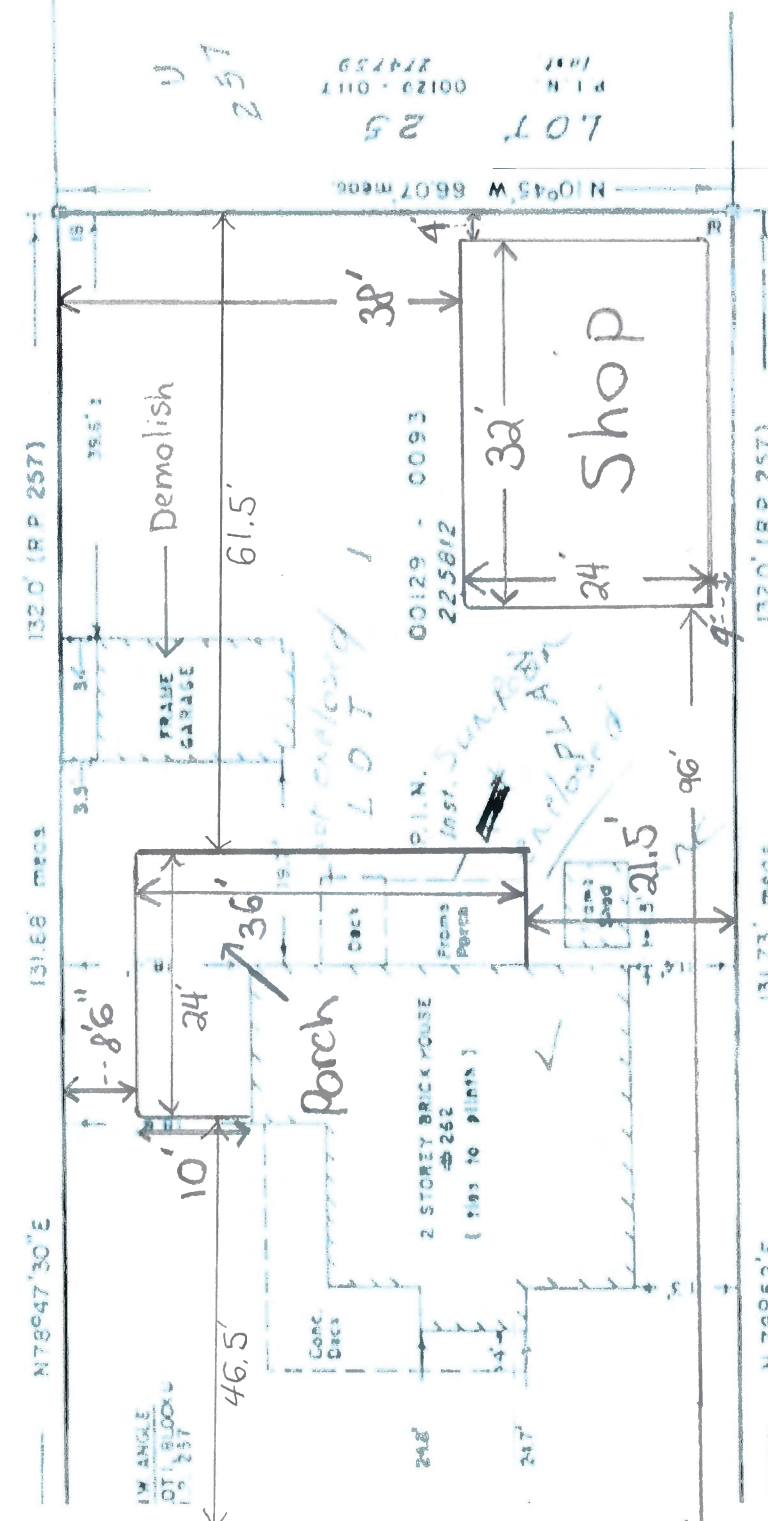
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

May 2, 2022

Plate 3: Applicant's Sketch
 MV 10-23 - Benjamin & Rachel Reynolds - 262 Wellington Street North, Woodstock

BUILDING LOCATION SURVI
 OF ALL OF
 LOT 1, BLOCK U
 REGISTERED PLAN 257
 IN THE
 CITY OF WOODSTOCK
 COUNTY OF OXFORD
 SCALE 1" = 20'
 1989

B R A N T P I . N . 00129 - 0249 S T R E E T (R P 257)



REGISTERED LOT 2
 BLOCK U
 LOT 3
 P.I.N. 00129 - 0094
 218912
 (1268)

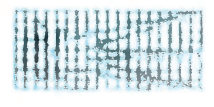
W. A. BAKI
 SURVEYING
 ONTARIO LAND SUR
 WOODSTOCK, ONT
 DATE: DECEMBER
 JOB NO.: C - 52
 NOTES: L - 23:
 FILE: S - W4

SURVEYOR'S CERTIFICATE
 The field survey represented on
 on this plan was completed on
 1 December 1989.

DATE 7 DEC 1989
 R. J. BENEDICT
 ONTARIO LAND SURVEYOR

BEARINGS ARE RELATED TO THE EASTE
 WELLINGTON ST., REGISTERED PLAN 257.
 ASTRONOMIC BEARING OF N 10° 43' W
 PLAN OF SURVEY BY T.H. BROOKS SURVY
 2 OCTOBER 1989.

Found Survey Monument (837 unles
 Planted Survey Monument
 Iron Bar
 Standard Iron Bar
 Round Iron Bar
 Measured
 Registered Plan
 Set - by - Proportion
 Denotes T.H. Brooks Surveying Ltd.
 Denotes W.A. Baker Surveying Inc.
 N.T.S. Not to scale



I copy, reproduce or alter this plan in whole or in part without the written
 signature of W.A. Baker Surveying Inc.
 This plan was not prepared for registration purposes
 and is not valid if signature is not originally embossed with surveyor's seal



BAROUDI
LAW

June 28, 2023

Sunayana Katikapalli
Acting Secretary-Treasurer
City of Woodstock Committee of Adjustment
500 Dundas St.
Woodstock ON N4S 0A7

Via email to skatikapalli@cityofwoodstock.ca and Express Post

RE: Appeal to Ontario Land Tribunal – Reynolds – Minor Variance – 262 Wellington Street North

I represent Benjamin and Rachel Reynolds. Please find enclosed an appeal to the Ontario Land Tribunal from the Decision of the Committee of Adjustment to approve a modified application for a minor variance relating to my Clients' property at 262 Wellington Street North.

The appeal fee will be paid by credit card. I understand the Tribunal will contact me to make those arrangements once the appeal has been received.

Please let me know if anything further is required.

BAROUDI LAW

Analee J.M. Baroudi

Lawyer

BAROUDI LAW PROFESSIONAL CORPORATION

Tel: (519)438-3776 Fax: (519)432-6707

analee@baroudilaw.ca



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
Tel: 416-212-6349 | 1-866-448-2248
Web Site: olt.gov.on.ca

Appeal Form (A1)

**Municipal/Approval Authority
Date Stamp**

**Receipt Number
(OLT Office Use Only)**

**Date Stamp – Appeal Received
by OLT**

**OLT Case Number
(OLT Office Use Only)**

Please complete this Appeal Form by following the instructions in the companion document titled “Appeal Form Instructions”. Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal’s [website](#) for different appeal types to assist you in filing an appeal.

Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information

Last Name:

First Name:

Reynolds

Benjamin and Rachel

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):

Email Address:

Daytime Telephone Number:

Alternative Telephone Number:

ext.

Mailing Address

Unit Number:

Street Number:

Street Name:

P.O. Box:

262

Wellington Street North

City/Town:	Province:	Country:	Postal Code:
Woodstock	ON	CAN	N4S 6R9

Representative Information				
X I hereby authorize the named company and/or individual(s) to represent me				
Last Name:		First Name:		
Baroudi		Analee		
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):				
Baroudi Law Professional Corporation				
Email Address:				
analee@baroudilaw.ca				
Daytime Telephone Number:			Alternative Telephone Number:	
519-200-3776	ext.			
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
	902	Thistleridge Crescent		
City/Town:	Province:	Country:	Postal Code:	
London	ON	CAN	N6K 0B8	
<p>Note: If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the <i>OLT Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.</p>				
<p><input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.</p>				

Location Information	
Are you the current owner of the subject property? X Yes <input type="checkbox"/> No	
Address and/or Legal Description of property subject to the appeal:	
262 Wellington Street North	
Municipality:	
City of Woodstock	
Upper Tier (Example: county, district, region):	
County of Oxford	

Language Requirements

Do you require services in French? Yes No

To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	Minor Variance	<i>Planning Act</i>	45(12)
2			
3			
4			
5			

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter

Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges Act, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6

<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal
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Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:

1

Municipal Reference Number(s):

MV-10-23

List the reasons for your appeal:

See Schedule A – Reasons for Appeal

Has a public meeting been held by the municipality? Yes No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

And

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- Conformity with a provincial plan
- Conformity with the upper-tier municipality’s Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

--

Oral/Written submissions to council
Did you make your opinions regarding this matter known to council?
<input type="checkbox"/> Oral submissions at a public meeting of council
<input type="checkbox"/> Written submissions to council
<input checked="" type="checkbox"/> Not applicable

Related Matters
Are there other appeals not yet filed with the Municipality?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there other matters related to this appeal? (For example: A consent application connected to a variance application).
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)
Date application submitted to municipality if known (yyyy/mm/dd):
Date municipality deemed the application complete if known (yyyy/mm/dd):
Please briefly explain the proposal and describe the lands under appeal:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 3B Checklist(s) located here and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay? Yes No

If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed [here](#))

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*? Yes No

Identify the portions of the instrument you are seeking to appeal:

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

Outline the relief requested:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4B Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

Appeal Specific Information

Development Permit Application File No:

Address or legal description of the subject property:

Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website (www.escarpment.org))

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information

Conservation Authority:

Contact Person:

Email Address:

Daytime Telephone Number:

Alternative Telephone Number:

ext.

Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available

Unit Number:

Street Number:

Street Name:

P.O. Box:

City/Town:	Province:	Country:	Postal Code:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 6 Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 7 – Filing Fee

Required Fee

Please see the attached link to view the [OLT Fee Chart](#).

Total Fee Submitted: **\$400.00**

Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>	Money Order	<input type="checkbox"/>	Lawyer's general or trust account cheque
	<input checked="" type="checkbox"/>	Credit Card				

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. **DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.**

If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the [Fee Reduction request form](#).


Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)

Section 8 – Declaration (Mandatory)

Declaration

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Analee Baroudi		June 28, 2023

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

If the completed Section is:	You must file with the following:	
Section 3A	<p>Municipality or the Approval Authority/School Board</p> <p>*If you are filing under the <i>Ontario Heritage Act</i>, including under s. 34.1(1), please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.</p>	
Section 3A & 3B or Section 4A or Section 4B or Section 6	<p>Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5</p> <p>Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca</p>	
Section 5	<p>For the Areas of:</p> <p>Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p>File with:</p> <p>NIAGARA ESCARPMENT COMMISSION</p>	<p>For the Areas of:</p> <p>Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p>File with:</p> <p>NIAGARA ESCARPMENT COMMISSION 1450 7th Avenue</p>

	<p>232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1</p> <p>Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca</p>	<p>Owen Sound, ON N4K 2Z1</p> <p>Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca</p>
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NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

NOTE: Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.

Schedule A – Reasons for Appeal

1. The Appellants, Benjamin and Rachel Reynolds, applied for a minor variance from the City of Woodstock Zoning By-law to increase the maximum permitted height of a building or structure accessory to a residential use from 4m (13.1 ft) to 5.4m (17.7 ft) to facilitate the construction of a detached ancillary structure on property known as 262 Wellington Street North in the City of Woodstock (the Subject Property).
2. The Subject Property is located on the southeast corner of Wellington Street North and Brant Street. The Subject Property has an approximate area of 809.3 m² (8,711.5 ft²) and contains a single detached dwelling, which is used by the Appellants as their principal residence.
3. The proposed accessory structure will be 71.3m² (768 ft²) and will be located in the southeast corner of the subject property. The Appellants propose to use the main floor of the accessory structure as a garage with an additional residential unit above. The use of an ancillary structure for an additional residential unit is permitted under the *Planning Act*. The additional residential unit is also consistent with provincial policy, which requires planning authorities to provide for an appropriate mix of housing options to meet affordable housing needs.
4. The Subject Property is zoned R1 and is considered to be an over-sized lot. There is ample room on enhance the property with additional structures. The required lot coverage is being respected, leaving a lot of area for outdoor amenity space and landscaping.
5. The Committee of Adjustment heard the Appellants' application for the minor variance on June 12, 2023. Staff recommended that the application be modified and approved to permit an increase in the maximum height of a building accessory to a residential use from 4m (13.1 ft) to 4.5m (14.7 ft), subject to the following two conditions:
 - a. The owner provide and maintain eaves troughs and downspouts and the roof drainage be directed to the satisfaction of the City of Woodstock Building Department; and
 - b. The accessory structure proposed by the Applicant be generally of a size, and in a location as identified on Plate 3 of Report No. CP 2023-186, to the satisfaction of the City of Woodstock Building Department.
6. The Committee of Adjustment followed the recommendation of staff and approved the variance for 4.5m (14.7 t). The Notice of Decision was issued on June 12, 2023.

7. The Appellants hereby appeal the Committee's decision to approve the application as modified. The Appellants request that the Tribunal grant the variance as applied for, being an increase of the maximum permitted height to 5.4m (17.7ft). The full 5.4m (17.7ft) of height is required in order to accommodate the additional residential unit.
8. The variance of 5.4m (17.7ft) meets the four tests set out in section 45(1) of the *Planning Act* as follows:
 - a. The variance is minor in nature. The increase is only 1.5 additional metres over what is permitted. This increase will have no negative impacts on adjacent properties. The proposed ancillary structure will remain clearly accessory and ancillary to the single detached dwelling.
 - b. The variance is desirable for the use of the land as the lot is over-sized and will include ample room for outdoor amenity area and landscaping. The proposed ancillary structure is compatible with surrounding uses.
 - c. The variance maintains the general intent of the Official Plan. The proposed ancillary structure is consistent with the low density residential designation, as is the use of the structure for an additional residential unit and garage.
 - d. The variance maintains the general intent and purpose of the City's Zoning By-law. The development is generally in keeping with the R1 zone and general provisions related to accessory structures. The proposed ancillary structure will meet all other regulations in the R1 zone.
9. The Appellant submits that the Tribunal should grant this appeal and approve the minor variance for an increase of the maximum permitted height to 5.4m (17.7ft).
10. Such further and other grounds as Counsel may advise.