

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

**From: Justin Miller, Development Planner, Community Planning**

## **Application for Consent and Minor Variance B23-24-8; A23-03-8 – Oxford Builders Inc.**

### **REPORT HIGHLIGHTS**

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- The application for consent is proposing to create a vacant residential lot and retain a vacant residential lot. The applicant proposes to construct a semi-detached dwelling on the lot to be retained and a single-detached dwelling on the lot to be severed.
- The application for minor variance proposes relief from Section 7.2, Table 7.2 – R2 Zone Provisions, to reduce the minimum required lot frontage for the lot to be retained from 18 m (59 ft) to 14.4 m (47.2 ft) or from 9 m (29.5 ft) to 7.2 m (23.6 ft) per unit; to reduce the minimum required lot frontage for the lot to be severed from 9 m (29.5 ft) to 8.5 m (51.7 ft); and to reduce the required minimum lot area of the proposed retained lands from 290 m<sup>2</sup> (3,121.6 ft<sup>2</sup>) to 285 m<sup>2</sup> (3,067.8 ft<sup>2</sup>).

The Building Department has further identified that the variance to the minimum lot area for the lands to be retained should be adjusted to being from 580 m<sup>2</sup> (6,243.3 ft<sup>2</sup>) to 574 m<sup>2</sup> (6,178.7 ft<sup>2</sup>).

- 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.

### **DISCUSSION**

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#### **Background**

APPLICANT/OWNER:

Oxford Builders Inc.  
504875 Old Stage Road, Woodstock ON N4S 7V8

AGENT:

Nesbit Coulter LLP c/o Derek Truelove  
35 Perry Street, Woodstock ON N4S 3C4

LOCATION:

The subject lands are described as Part Lot 4, South Side of Water Street, Plan 36, in the City of Woodstock. The lands are located on the south side of Water Street, between Centre Street and Teeple Street, and are municipally known as 844 Water Street.

COUNTY OF OXFORD OFFICIAL PLAN:

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

CITY OF WOODSTOCK ZONING BY-LAW 8626-10:

Existing Zoning:      'Residential Zone 2 (R2)'

SERVICES:      municipal sanitary sewer and water

ROAD ACCESS:      paved, municipal road (Water Street)

PROPOSAL:

	<u>SEVERED LOT</u>	<u>RETAINED LOT</u>
Area	346 m <sup>2</sup> (3,724.4 ft <sup>2</sup> )	575.8 m <sup>2</sup> (6,198.1 ft <sup>2</sup> )
Frontage	8.5 m (27.9 ft)	14.7 m (48.1 ft)
Depth	40.7 m (133.5 ft)	40.8 m (133.8 ft)

The purpose of the application for consent is to create a one new lot for residential purposes and retain a lot for similar use. A semi-detached dwelling is proposed to be constructed on the lands to be retained, and a single-detached dwelling is proposed to be constructed on the lands to be severed.

The applicant is proposing to obtain relief from Section 7.2, Table 7.2 – R2 Zone Provisions, to reduce the minimum required lot frontage for the lot to be retained from 18 m (59 ft) to 14.4 m (47.2 ft) or from 9 m (29.5 ft) to 7.2 m (23.6 ft) per unit; to reduce the minimum required lot frontage for the lot to be severed from 9 m (29.5 ft) to 8.5 m (27.9 ft); and to reduce the required minimum lot area of the proposed retained lands from 290 m<sup>2</sup> (3,121.6 ft<sup>2</sup>) to 285 m<sup>2</sup> (3,067.8 ft<sup>2</sup>).

The City's Building Department has requested that relief required from Section 7.2, Table 7.2 – R2 Zone Provisions for the retained lands, to reduce the minimum required lot area, be adjusted to from 580 m<sup>2</sup> (6,243.3 ft<sup>2</sup>) to 574 m<sup>2</sup> (6,178.7 ft<sup>2</sup>).

Surrounding land uses are primarily single and semi-detached dwellings to the north, industrial uses to the south and west, and Richardson Park in close proximity to the east.

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), 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.

## **Application Review**

### 2020 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 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 frontages and lot area of the retained and severed parcels.

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 2 (R2)' according to the City's Zoning By-law. The 'R2' zone permits single detached dwellings, bed and breakfasts, a duplex, a home occupations in a permitted dwelling, a semi-detached dwelling and an additional residential unit subject to Section 5.2.8. The proposed severed and retained parcels appear to meet the relevant zoning provisions, with the exception of the requested minor variances, which have 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. The minimum lot area provisions are intended to ensure there is adequate space for building, set backs and amenity space.

#### Agency Comments

The Oxford County Public Works Department has indicated that 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. To that regard, both properties must be serviced (water/sanitary) independently, and if any/all services crossing the proposed property line should be disconnected to the satisfaction of the County of Oxford Public Works Department. Water/sanitary servicing is available on Metcalf

Street and the applicant will be required to connect to the services following Oxford County design guidelines which will be inspected by Oxford County as part of this condition and it also includes to payoff the payment of any outstanding fees.

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

We have reviewed the application for consent to sever a parcel having a frontage of 8.5 m (27.9 ft), average depth of 40.7 m (133.5 ft), and area of 346 m<sup>2</sup> (3,723.9 ft<sup>2</sup>) as the creation of a new residential lot for a proposed single detached dwelling. The lot to be retained will have a frontage of 14.6 m (48.1 ft), average depth of 40.7 m (133.5 ft), and area of 575.8 m<sup>2</sup> (6,198.1 ft<sup>2</sup>) , and is proposed for a semi-detached dwelling.

As part of the Severance Application, the following variances are being requested:

- Reduce the minimum lot frontage on the lot to be retained from 18 m/59 ft (9 m/29.5 ft per unit) to 14.6 m (47.9 ft); and
- Reduce the minimum lot frontage on the lot to be severed from 9 m (29.5 ft) to 8.5 m (27.9 ft).

We provide the following comments.

1. The lands are zoned R2.
2. Relief is required for the proposed lot frontages. The lot to be retained is reducing the lot frontage for the proposed semi-detached dwelling from 18m to 14.6m (9m per unit to 7.3m) and the severed lot is reducing the lot frontage for a single detached dwelling from 9m to 8.5m.
3. Relief is also required for to reduce the minimum lot area for the retained lot from 580 m<sup>2</sup> to 574m<sup>2</sup> for the proposed semi-detached dwelling.
4. A severance agreement will be required.
5. All existing structures shall be removed to the satisfaction of the Building Department.

If approved, please include the following conditions in the Notice of Decision for Consent.

- The Owner provides 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 an easement created. Any proposed easements shall be reviewed by the City of Woodstock.
- The owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the City of Woodstock regarding the installation of services and drainage facilities.
- The Owner will be required to enter into a severance agreement for the severed parcel with the City of Woodstock. The agreement will be registered on first title by the owner.
- All structures on the retained and severed parcels shall be removed to the satisfaction of the City of Woodstock Building Department.
- The Owner shall submit a recent survey to confirm the proposed lot sizes to the satisfaction of the City of Woodstock.

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

1. Municipal services are available on Water St.
2. My understanding is that a future severance application will be submitted for the lot to be retained after the foundation has been installed for the semi-detached dwelling.
3. 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.
4. 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.
5. 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.

#### Public Consultation

Notice of the proposal was provided to the public and surrounding property owners on July 25, 2023 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 subject application is to create a residential lot and retain a lot for similar purposes. The current lot is vacant, and applicant intends to construct a single-detached dwelling on the lands to be severed and a semi-detached dwelling on the lands to be retained.

With respect to the PPS, the proposal is consistent with the intensification, redevelopment and housing policies as the application provides 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 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 mix of single and semi-detached dwellings and the proposed severed and retained lots are compatible with other lots and development in the area.

In consideration of the requested minor variances to lot frontage and lot area, 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 adequately sized lots, and provide sufficient setbacks, building and amenity space.

The existing lot fabric in the vicinity is characterized by varying lot frontages and areas, and the proposed lot to be severed and retained 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 and semi-detached dwelling, respectively.

Staff are satisfied that the reduced lot frontages and lot area are minor and 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, amenity space and space for off-street parking.

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**

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**That Woodstock Council advise the Land Division Committee that the City supports Application File A23-03-08, submitted by Oxford Builders Inc., for lands described as Part Lot 4, South Side of Water Street, Plan 36, City of Woodstock, and municipally known as 844 Water Street, as it relates to:**

- 1. Relief from Section 7.2, Table 7.2 – R2 Zone Provisions to reduce the minimum required lot frontage of the lot to be retained from 18 m (59 ft) to 14.4 m (47.2 ft);**
- 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 9 m (29.5 ft) to 8.5 m (27.9 ft); and**
- 3. Relief from Section 7.2, Table 7.2 – R2 Zone Provisions to reduce the required lot area for the proposed retained lands from 580 m<sup>2</sup> (6,243.3 ft<sup>2</sup>) to 574 m<sup>2</sup> (6,178.7 ft<sup>2</sup>).**

**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(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) 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.
4. The Owner(s) shall agree to remove all structures on the severed and retained lands to the satisfaction of the City of Woodstock Building Department.
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 Owner(s) 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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**Authored by:**

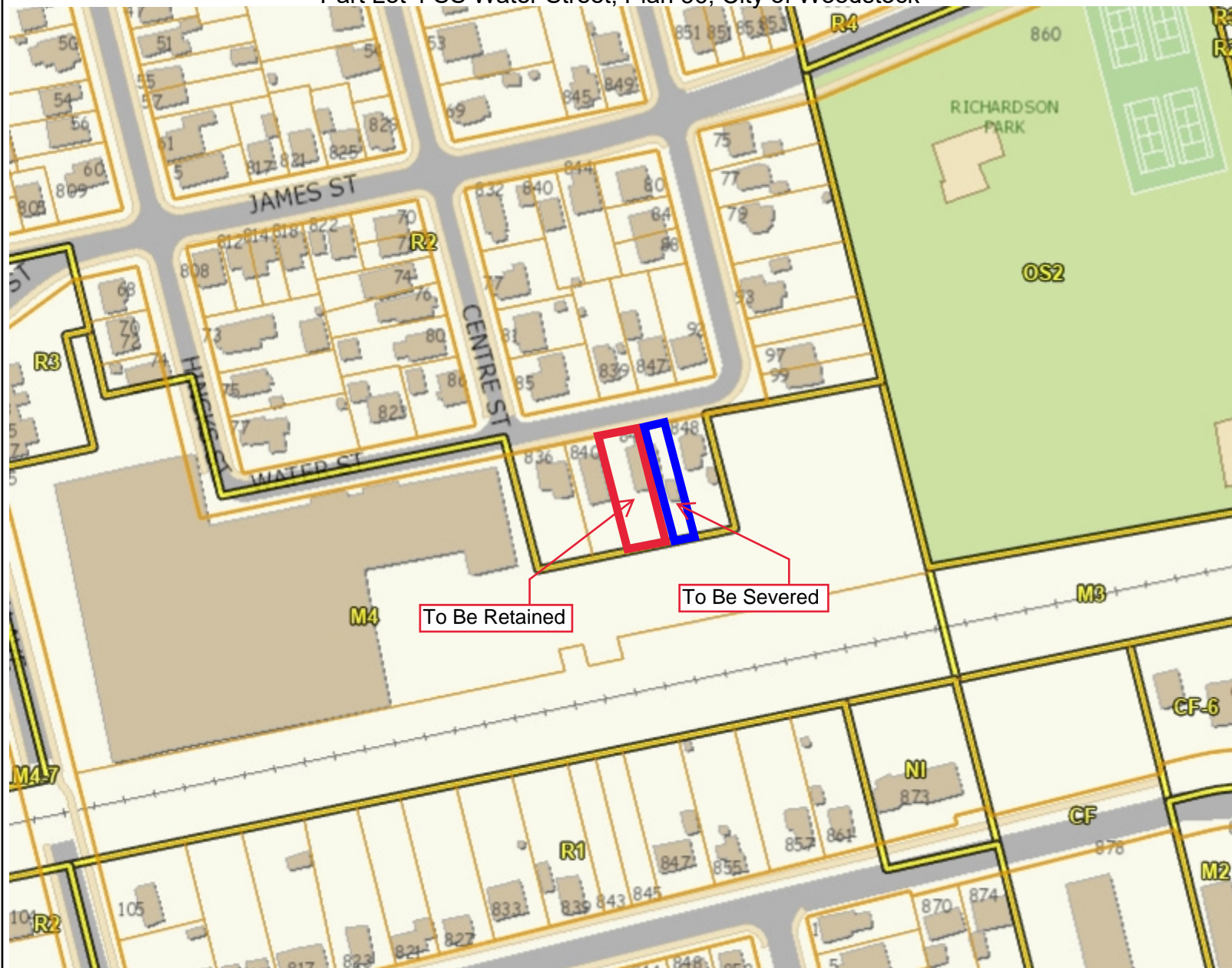
*Original signed by*

Justin Miller  
Development Planner

**Approved for submission:** *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 51 102 Meters

NAD\_1983\_UTM\_Zone\_17N



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June 15, 2023





## 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



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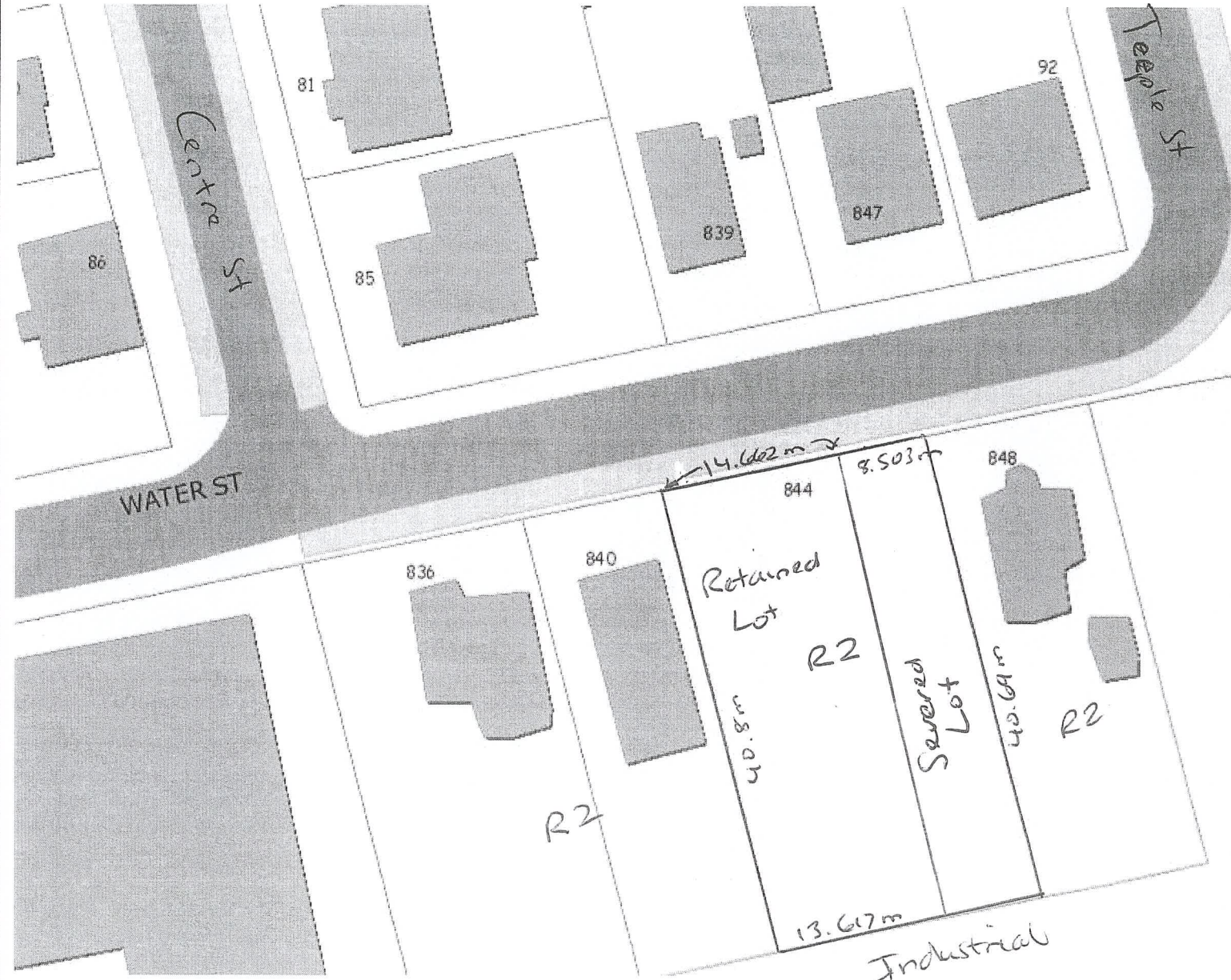
June 15, 2023



Plate 3: Applicant's Sketch

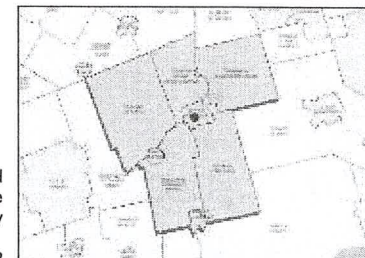
File No.: B23-24-8; A23-03-8

Part Lot 4 SS Water Street, Plan 36, City of Woodstock



Legend

Notes



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NAD\_1983\_UTM\_Zone\_17N



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April 18, 2023

Industrial

