

To: Mayor and Members of Woodstock Council

From: Amy Hartley, Development Planner, Community Planning

## **Application for Consent and Minor Variance B23-25-8; A23-04-8 – David Redford & Justin Byers**

### **REPORT HIGHLIGHTS**

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- The purpose of the Application for Consent and Minor Variance is to facilitate the creation of a residential infill lot that will accommodate a single detached dwelling while the lot to be retained will be used for similar purposes.
- The applicant requires minor variances to reduce the lot area and frontage for both the lots to be severed and retained to facilitate the development.
- Planning staff are recommending approval of the application as it is consistent with the Provincial Policy Statement and maintains the intent and purpose of the Official Plan as it pertains to severances for residential infill purposes.

### **DISCUSSION**

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#### **Background**

OWNER/APPLICANT: David Redford and Justin Byers  
102 Parkview Drive, Woodstock, ON N4T 0B5

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

LOCATION:

The subject lands are legally described as Part Lot 2, West Side of Powell Street, Plan 48, in the City of Woodstock. The lands front on the west side of Powell Street, between Parkinson Road and Salter Avenue and are known municipally as 414 Powell Street.

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 Type 1 Zone (R1)'

SERVICES: Lot to be Severed – municipal water and municipal sanitary sewer  
Lot to be Retained – municipal water and municipal sanitary sewer

ROAD ACCESS:

Lots to be Severed & Retained: Paved, municipal road (Powell Street)

PROPOSAL:

	<u>Lot to be Severed</u>	<u>Lot to be Retained</u>
Area	351 m <sup>2</sup> (3,778.1 ft <sup>2</sup> )	351 m <sup>2</sup> (3,778.1 ft <sup>2</sup> )
Frontage	11.4 m (37.4 ft)	11.4 m (37.4 ft)
Depth	30.8 m (101.1 ft)	30.8 m (101.1 ft)

The purpose of the Application for Consent is to create a residential infill lot with frontage on the west side of Powell Street. The subject lands are currently vacant, a single detached dwelling is proposed for both the lot to be severed and the lot to be retained. The applicant has advised that the dwelling shown on Plate 2 has been removed from the site.

The applicant is proposing to obtain relief from Section 6.2, Table 6.2 – R1 Zone Provisions, to reduce the minimum required lot frontage for the lots to be severed and retained from 12 m (39.37 ft) to 11.4 m (37.4 ft) and to reduce the minimum lot area for the lots to be severed and retained from 370 m<sup>2</sup> (3,982.6 ft<sup>2</sup>) to 351 m<sup>2</sup> (3,778.1 ft<sup>2</sup>).

The applicant also requested a minor variance to reduce the rear yard depth (i.e. between the proposed dwellings and the rear lot line) for both lots however, granting minor variances for future proposed buildings is not within the purview of the Land Division Committee. The request for reduced rear yard depth will need to be submitted to the City of Woodstock Committee of Adjustment for approval.

Surrounding land uses consist primarily of single detached and semi-detached dwellings of varying configurations and lot sizes. Commercial uses are located to the east, Cottle Park and the old Cedar Creek golf course are located to the west of the subject lands.

Plate 1, Location Map with Existing Zoning, indicates the location of the severed and retained lots as well as the existing zoning in the immediate vicinity.

Plate 2, Aerial Map (2021), provides an aerial view of the subject lands, the dwelling shown on the map has been removed.

Plate 3, Applicant's Sketch, provides the location and dimensions of the severed and retained lands, as provided by the applicant.

## **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 consistent with the characteristics of development on both sides of the same street. In order that the street oriented infill projects are sensitive to the continuity of the existing residential streetscape, the County Land Division Committee and City Council will ensure that the proposal is compatible with the street frontage, setbacks, lot area and spacing of existing development within a two block area on the same street.

Further, the applicant has proposed minor variances to the City's Zoning By-law to reduce the lot frontages and areas of the severed and retained parcels, as detailed previously in this report.

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 1 (R1)' according to the City's Zoning By-law. The 'R1' zone permits single detached dwellings, bed and breakfasts, and home occupations accessory to a single detached dwelling.

As noted, the applicant has requested minor variances from the required lot frontage and the minimum lot area provisions both the severed and retained lands as described previously in this report. A review of the proposal indicates that the lots to be severed and retained would appear to otherwise meet the relevant R1 zone provisions.

The minimum lot frontage provision is intended to ensure that adequate space exists to locate a structure within the building envelope and to ensure that sufficient space is available for required parking and outdoor amenity areas. The minimum lot area provision is further intended to ensure that lots have enough space to provide an adequately sized building envelope that maintains sufficient space for setbacks, amenities, drainage and grading.

### Agency Comments

The County of Oxford Public Works Department noted 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 and sanitary sewer services.

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

- Relief is requested for a reduced year yard depth for the future dwelling house. Relief proposed for future buildings should be dealt with through an application to the Committee of Adjustment as it is my understanding a variance has to be a product of the consent. We would recommend a reduced front yard setback from the established building line provision as to preserve the minimum rear yard setback respecting the backyard privacy to the neighbours on Lampman Place.
- A legal or recent survey will need to be submitted to confirm minor variances requested prior to registration.

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.

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

With respect to the PPS, the proposal is consistent with the intensification, redevelopment and housing policies as the application provides for an opportunity for redevelopment and is 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 variety of lot sizes, while the proposed severed and retained lots are smaller than those in the surrounding area, the proposal is considered to be compatible with existing development and the lots are of sufficient size to accommodate building envelopes, parking and amenity space in-keeping with that found in the vicinity.

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

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

## **RECOMMENDATIONS**

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

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

6. The Clerk of the City of Woodstock advise the Secretary-Treasurer of the Land Division Committee that all requirements of the City of Woodstock have been complied with.

And further, that Woodstock Council advise the Land Division Committee that the City supports Application File A23-04-8, submitted by David Redford and Justin Byers, for lands described as Part Lot 2, West Side of Powell Street, Plan 48, City of Woodstock, and municipally known as 414 Powell Street, as it relates to:

1. Relief from Section 6.2, Table 6.2 – R1 Zone Provisions to reduce the required lot area from 370 m<sup>2</sup> (3,982.6f ft<sup>2</sup>) to 351 m<sup>2</sup> (3,778.1 ft<sup>2</sup>) for the proposed severed and retained lands; and
2. Relief from Section 6.2, Table 6.2 – R1 Zone Provisions to reduce the required frontage for the proposed severed and retained lands from 12 m (39.4 ft) to 11.4 m (37.4 ft), to facilitate the severance proposed by Consent Application B23-25-8.

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

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

## **SIGNATURES**

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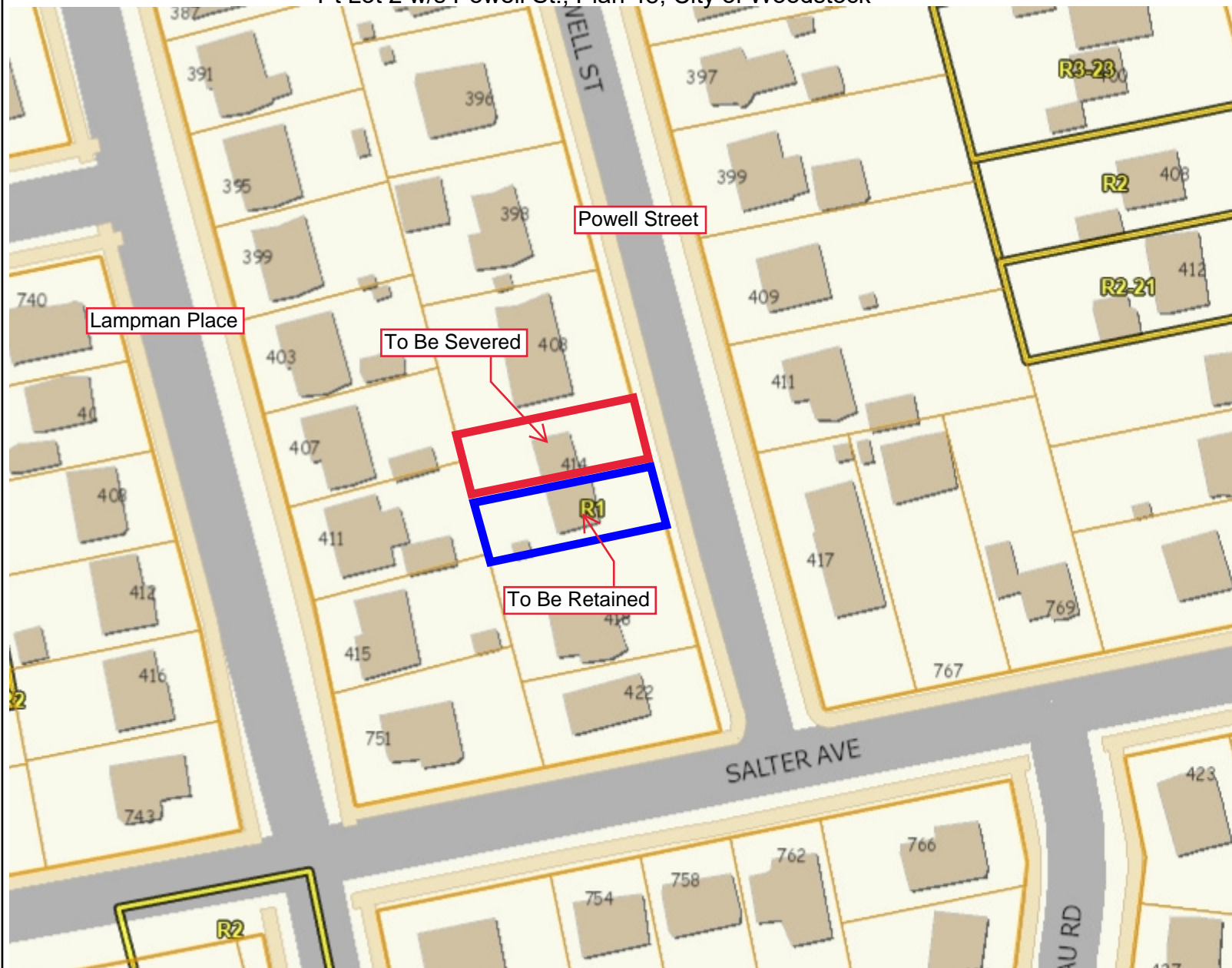
**Authored by:**                      *"Original Signed by"*                      Amy Hartley  
Development Planner

**Approved for submission:**    *"Original Signed by"*                      Gordon K. Hough, RPP  
Director

# Plate 1: Location Map with Existing Zoning

File Nos.: B23-25-8 & A23-04-8: Redford and Byers

Pt Lot 2 w/s Powell St., Plan 48, City of Woodstock



## 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 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

June 20, 2023





## Legend

- Parcel Lines**
  - Property Boundary
  - Assessment Boundary
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  - Road
  - Municipal Boundary
- Zoning Floodlines**
- Regulation Limit**
  - ◆ 100 Year Flood Line
  - ▲ 30 Metre Setback
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## Notes



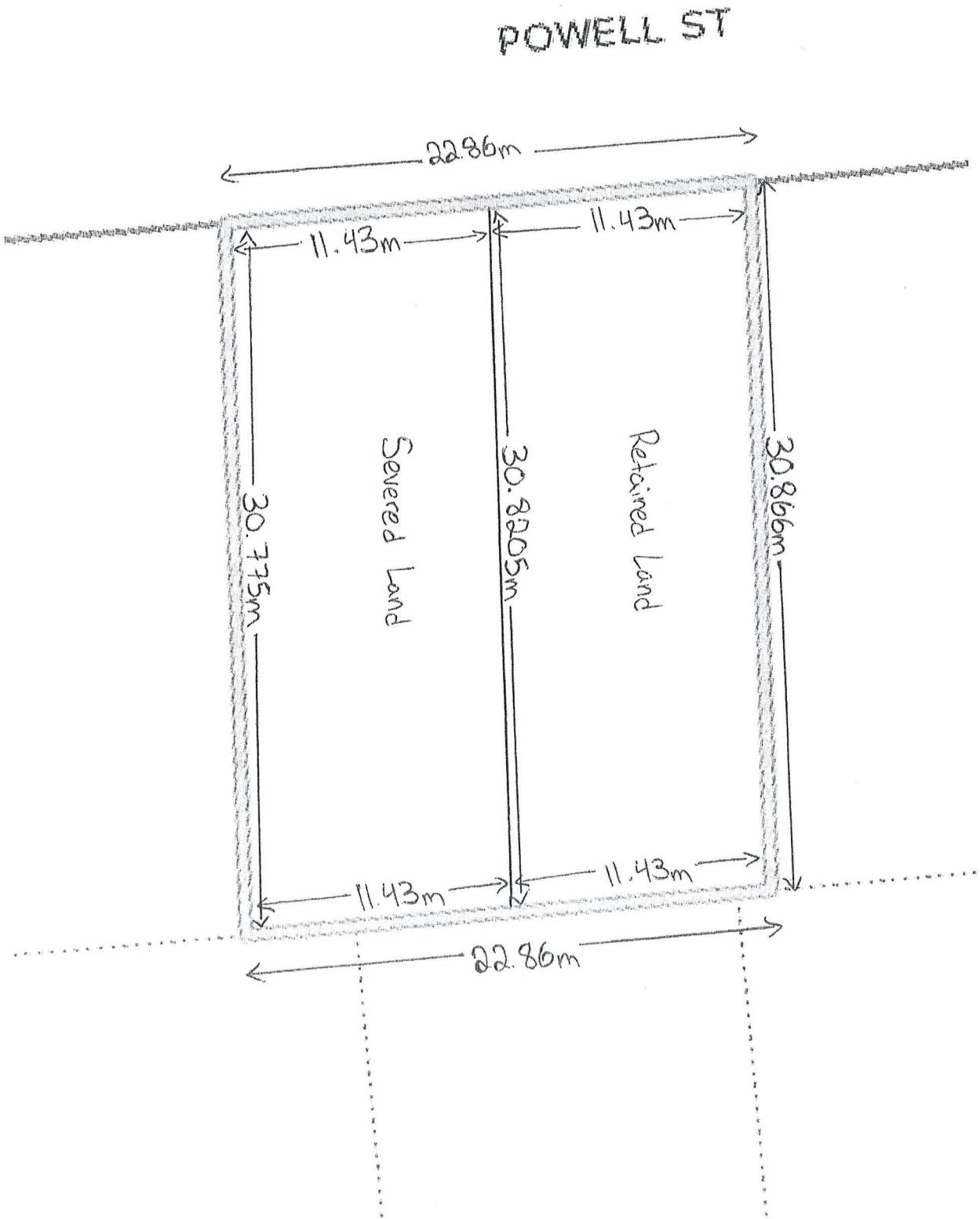
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NAD\_1983\_UTM\_Zone\_17N



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July 31, 2023



**From:** Marc Jones **To:** Planning <[planning@oxfordcounty.ca](mailto:planning@oxfordcounty.ca)>

**Subject:** File # B23-25-8; A23-04-8 - Application for Consent and Minor Variance - 414 Powell St, Woodstock, ON

Attention: County of Oxford Land Division Committee

This is in response to the File # B23-25-8; A23-04-8 - Application for Consent and Minor Variance - 414 Powell St, Woodstock, ON.

My name is Marc Jones, Woodstock and have since 2011. The subject property is directly beside my home.

I am **opposed to this application to build 2 homes on this lot** for the following reasons:

- All lots on Powell Street are of a similar size and have 1 single family detached home on them. This application would negatively change that continuity.
- Approval of this application will result in increased levels of on street parking creating visibility, traffic pass by hinderance, and snow removal.
- Increased noise levels of any/all types due to 2 families vs 1.
- 2x the construction disruptions { traffic, dust, noise, nails on road etc. } a lot of us will face due to 1 home being constructed AND then the other at a later date.
- 2x more likely the service disruptions are possible ie: severed service lines.
- Driveway parking most likely would be limited to 1 car but regardless will probably have vehicle{s} parked very close to the sidewalk causing visibility issues.

**I have no objection to 1 single family home being constructed on this R1 Zoned property.** It is obvious now, {lot severance} that this property was purchased for the reported \$500,000.00 to maximize the buyers ROI since the existing home was demolished. The construction of 2 homes on this one lot is the owners solution. This would only be possible if this application is approved.

I am not against anyone making smart business decisions obviously but I do think there needs to be a limit as to what is allowed in the name of profit. Powell Street is an old street founded in the 1950"s and shows it age {our actual road needs serious work} but it is made up of 1 lot 1 home land plots and it should remain that way.

**Note:** I am unable to attend the Tuesday August, 8, 2023 7pm meeting due to work { holiday Monday – working day before and day after to be paid for the holiday}. Otherwise I would attend.

Sincerely,

Marc Jones