

A meeting of the City of Woodstock Committee of Adjustment was held on the above-mentioned date commencing 6:00 p.m. in the Council Chambers, City Hall.

Members present:

Len Reeves – Chair, Glen Yearsley, Peter Rigby, William Bes

Also present:

Andrea Hächler, City Planner

Craig Wallace, Manager of Buildings and Facilities

Sunayana Katikapalli, Acting Secretary Treasurer

DECLARATION OF CONFLICT OF INTEREST

None

MINUTES

Moved by B. Bes

Seconded by G. Yearsley

That the minutes of the **May 16, 2022**, Committee of Adjustment meeting, be adopted as printed.

Carried

APPLICATIONS FOR MINOR VARIANCE

a) MV-11-22 – 754 Pavey Street – Amandeep Buttar – Corporation 2858727
Ontario Inc.

Relief requested:

Relief from Section 5.4.2.1, Table 4 – Parking Standards; to reduce the minimum parking space requirement for a retail food store from 38 spaces to 19 spaces.

Location:

The subject property is described as Part Park Lot 7, Plan 187, in the City of Woodstock. The property is located on the south side of Pavey Street, between Norwich Avenue and Fyfe Avenue and is municipally known as 754 Pavey Street.

Presentation and Discussion:

Mrs. A. Hächler stated that the applicant is requesting relief from the above-noted provision of the City's Zoning By-law to facilitate the conversion of the existing building to a specialty retail food store on the subject property. The property comprises a single storey commercial building that is approximately 745.9 m² (8,028 ft²) in area and was most recently occupied by the Bibles for Missions thrift store.

It is the opinion of this Office that the requested relief can be considered minor and desirable for the development of the subject property.

Planning Staff are of the opinion that the proposed relief can be considered minor as the proposed retail food store is smaller in scale and will be offering specialty items which

generally do not generate the same volumes of traffic or demand on parking that is typically experienced by larger commercial grocery stores.

The proposed development can also be considered desirable as it will facilitate the establishment of a retail food store, which is in keeping with the existing highway commercial uses in the area and not anticipated to have a negative impact on neighbouring uses. Further, the proposed use is in keeping with the policies of the Official Plan respecting Service Commercial areas.

In light of the foregoing, it is the opinion of this Office that the requested relief is in keeping with the general intent and purpose of the Official Plan and City Zoning By-law and can be given favourable consideration.

Recommendation:

Moved by B. Bes
Seconded by P. Rigby

That the City of Woodstock Committee of Adjustment **approve** Application File MV 11-22, submitted by 2858727 Ontario Inc. for lands described as Part Park Lot 7, Plan 187, City of Woodstock, and municipally known as 754 Pavey Street, as it relates to:

1. Relief from **Section 5.4.2.1, Table 4 – Parking Standards**; to reduce the minimum parking space requirement for a retail food store from 38 spaces to 19 spaces.

And further that comments received from the public were reviewed and considered before the decision was made in relation to this planning matter.

Reasons

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

The proposed relief is a minor variance from the provisions of the City's Zoning By-law as it is not anticipated that the relief will compromise the ability of the site to provide adequate parking for staff and patrons;

The proposed relief is desirable for the use of the land as the said relief will allow for a use that is permitted by the Zoning By-law and compatible with surrounding uses;

The requested relief maintains the general intent and purpose of the Zoning By-law as adequate parking will be provided on the site for the proposed retail food store; and

The relief maintains the intent and purpose of the Official Plan as the proposed use is contemplated by the service commercial policies contained in the Official Plan.

Carried

b) MV-12-22 – 166 Bee Street – Martin Fischer

Relief requested:

Relief from Section 6.2, Table 6.2 – Zone Provisions – Rear Yard Width, to reduce the minimum rear yard depth from 7.5 m (24.6 ft) to 2.6 m (8.6 ft) to facilitate the construction of an attached carport in the rear yard of the existing single detached dwelling.

Location:

The subject property is described as Lot 47, Plan M27 in the City of Woodstock. The property is located on the west side of Bee Street at the junction of Lincoln Drive, and is municipally known as 166 Bee Street.

Presentation and Discussion:

Mrs. A. Hächler stated that the applicant is requesting relief from the above noted provision of the City's Zoning By-law to facilitate the construction of an attached carport on the existing single detached dwelling. The applicant is proposing to erect a 29.7 m² (320 ft²) carport that would be attached to southerly end of the single detached dwelling, immediately adjacent to an attached garage. The proposed carport would maintain a minimum rear yard depth of 2.6 m (8.6 ft) whereas a minimum rear yard depth of 7.5 m (24.6 ft) is typically required.

The subject property has an approximate area of 596.8 m² (6,423.9 ft²) and contains a single detached dwelling with an attached garage.

Planning staff are satisfied that the proposed carport addition is in keeping with the general purpose and intent of the Official Plan and Zoning By-law, and is desirable for the development of the subject lands.

As the applicant will be required to demonstrate adequate drainage of rainwater run-off to the satisfaction of the City's Building Department, the presence of the carport is unlikely to adversely impact adjacent lands. Further, the owner of the adjacent lands to the south has provided a letter outlining they have no objection to the proposal.

The proposed relief can also be considered desirable as it will facilitate the construction of a residential addition (carport), which is in keeping with the existing development in the immediate area and supported by the policies of the Official Plan.

In light of the foregoing, it is the opinion of this Office that the requested relief maintains the general intent of the Official Plan and the Zoning By-law and can be given favorable consideration.

Applicant, M. Fischer, thanked staff for recommending the approval. He added that this would improve the property because the existing concrete pad is not useful. Further, he commented on the minor variance process, stating that it was overbearing and the costly.

Recommendation:

Moved by P. Rigby
Seconded by B. Bes

That the City of Woodstock Committee of Adjustment **approve** Application File MV 12-22, submitted by Martin Fischer, for lands described as Lot 47, Plan M27, City of Woodstock, and municipally known as 166 Bee Street, as it relates to:

1. Relief from **Section 6.2, Table 6.2 – Zone Provisions – Rear Yard Width**, to reduce the minimum rear yard depth from 7.5 m (24.6 ft) to 2.6 m (8.6 ft) to facilitate the construction of an attached carport in the rear yard of the existing single detached dwelling.

Subject to the following condition:

- a) The requested relief shall only apply to permit the construction of a carport of a general size and configuration as shown on Plate 3 on Report No. 2022-241.

And further that comments received from the public were reviewed and considered before the decision was made in relation to this planning matter.

Reasons

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 reduced rear yard depth is not anticipated to impact the ability of the property to provide adequate parking, access to the rear yard, or area for landscaping, and drainage;

The relief is desirable for the use of the land as the said relief will allow for development that is permitted by the Zoning By-law, the use is compatible with surrounding uses and is complimentary to the existing development in the area;

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 the reduced rear yard depth is not anticipated to adversely impact neighbouring properties; and,

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

Carried

- c) MV-13-22 – 100 Houser's Lane – Mark Gunter

Relief requested:

Relief from Section 19.2, Table 19.2 – General Industrial Zone Provisions – Rear Yard Depth, to reduce the minimum required rear yard depth from 7.5 m (24.6 ft) to 3 m (9.8 ft) to facilitate an addition to an existing industrial building.

Location:

The subject property is described as Part Lot 14, Concession 1 (Blandford) and Part 1, Plan 41R-9232 in the City of Woodstock. The subject lands are located on the east side of Houser's Lane, north of Seagrave Road and are municipally known as 100 Houser's Lane in the City of Woodstock.

Presentation and Discussion:

Mrs. A. Hächler stated that the application for minor variance has been requested to facilitate an expansion to an existing industrial building on the subject lands, which contain an existing truck terminal. Specifically, the applicant is proposing a 813.4 m² (8,756 ft²) addition to the north side of the existing industrial building and has requested a reduction to the required rear yard depth from 7.5 m (24.6 ft) to 3 m (9.8 ft).

The applicant has indicated that the requested reduction is required to accommodate tractor-trailer access and that due to the necessary turning requirements for these vehicles, the addition cannot be accommodated in another location.

The subject lands area approximately 4,853.3 m² (52,242.2 ft²) and contain the existing industrial building and tractor trailer parking area. Surrounding land uses are predominately comprised of industrial land uses, together with City-owned stormwater management infrastructure to the immediate east.

The Official Plan provides in Section 10.3.6 that the Committee of Adjustment shall take the following into account when considering if a variance is desirable;

- 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.

Planning staff have reviewed the applicant's request and are generally satisfied that approval of the requested rear yard depth reduction can be considered desirable for the development of the subject lands.

Specifically, staff are of the opinion that given the nature of the existing use on the subject lands, which consists of a truck terminal, the requested variance will allow for greater vehicle maneuverability for these vehicles. Further, the applicant has indicated that alternative designs for the proposed addition are not feasible given the need for vehicle turnaround area. Based on this, staff are generally satisfied that the requested variance can be considered minor. No comments of concern have been received, to date, from any public agencies or neighbouring property owners circulated and staff are of the opinion that approval of the applicant's request will not result in the establishment of an undesirable precedent.

In light of the foregoing, it is the opinion of the Community Planning Office that the relief is in keeping with the general intent and purpose of the Official Plan and the Zoning By-law and can be given favourable consideration.

Recommendation:

Moved by G. Yearsley
Seconded by B. Bes

That the City of Woodstock Committee of Adjustment **approve** Application File MV 13-22, submitted by Mark Gunter (Robert Meadus), for lands described as Part Lot 14, Concession 1 (Blandford) and Part 1, Plan 41R-9232, City of Woodstock, and municipally known as 100 Houser's Line, as it relates to:

1. Relief from **Section 19.2, Table 19.2 – General Industrial Zone Provisions – Rear Yard Depth**, to reduce the minimum required rear yard depth from 7.5 m (24.6 ft) to 3 m (9.8 ft) to facilitate an addition to an existing industrial building, subject to the following condition;
 - a. That the decision of the Committee of Adjustment regarding MV13-22 shall apply to permit the construction of an addition to the existing industrial building, of the approximate size and at the approximate location as illustrated on Plate 3 of Report 2022-239, to the satisfaction of the City of Woodstock.

And further that comments received from the public were reviewed and considered before the decision was made in relation to this planning matter.

Reasons

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 reduced rear yard depth is not anticipated to negatively impact adjacent land owners and represents a minor departure from the development provisions of the Zoning By-law;

The relief is desirable for the use of the land as it will facilitate an addition to an existing industrial building, which is the intended use for the subject property and is compatible with surrounding uses and is complimentary to the existing development in the area;

The relief maintains the general intent and purpose of the City's Zoning By-law as the development is generally in keeping with the intent of the MG zone and the reduced rear yard depth is not anticipated to impact the ability of the subject lands to provide for parking, appropriate yard maintenance or lot grading and drainage;

The relief maintains the intent and purpose of the Official Plan as the subject lands will continue to be used for industrial purposes, which is in-keeping with the intent of the Traditional Industrial designation.

Carried

- d) MV-14-22 – 403 Fairway Road – Nicholas Coburn

Relief requested:

Relief from section 5.1.1.1, Table 1 – Regulations for Accessory Buildings, Uses and Structures, to reduce the minimum required rear yard setback from 1.2 m (3.9 ft) to 0.73 m (2.39 ft) to facilitate the construction of a residential accessory building comprising approximately 12.9 m² (160 ft²).

Location:

The subject property is described as Lot 4, Plan 41M-239, in the City of Woodstock. The property is located on the east side of Fairway Rd, and is municipally known as 403 Fairway Rd.

Presentation and Discussion:

Mrs. A. Hächler stated that The applicant is requesting relief from the above noted provision of the City's Zoning By-law to facilitate the construction of a residential accessory structure measuring approximately 3.05 m (10 ft) x 4.88 m (16 ft).

The subject property has an approximate area of 638.84 m² (6,876.4 ft²) and contains an existing single-detached dwelling and swimming pool. The applicant is proposing the construction of a residential accessory structure, 14.86 m² (160 ft²) in size. The applicant has indicated that relief is required to accommodate the proposed accessory building given the presence of an existing sewer easement on the subject lands which limits the location of any structures.

Upon reviewing the application, staff note that additional relief is required to address the requirement that any projection (e.g. roof overhang, eaves trough, etc.) from the said accessory structure must remain at least 0.6 m (2 ft) from the rear lot line. Since the projection setback cannot be achieved if the accessory building's wall is only 0.73 m (2.39 ft) from the lot line, additional relief is necessary to reduce the minimum roof projection setback to 0.15 m (0.5 ft).

While the applicant did not request this latter relief from the Zoning By-law in the application and it was not mentioned in the public notice, staff believe that is appropriate to consider the extra relief as it does not significantly impact the proposal beyond the information that has been provided in the public notice. As such, staff are of the opinion that further circulation of the application is unnecessary.

It is the opinion of this Office that the requested relief can be considered minor and desirable for the development of the subject property.

Planning staff are satisfied that the requested relief can be considered minor and the applicant's request can also be considered desirable as it will facilitate the construction of an accessory structure on an existing residential property that will maintain appropriate maintenance access to the rear of the structure, while allowing for appropriate drainage and separation from the rear lot line.

Staff note that while the proposed accessory structure requires relief from rear yard setback and projections for the eaves and gutters, the property immediately adjacent to the proposed structure is municipally owned and is intended to remain park land, mitigating any potential impacts to neighbouring properties. Therefore, the required

relief is not anticipated to have a negative impact on the subject property or surrounding properties.

In light of the foregoing, it is the opinion of this Office that the requested relief is in keeping with the general intent and purpose of the Official Plan and the Zoning By-law and can be given favourable consideration.

Recommendation:

Moved by B. Bes

Seconded by G. Yearsley

That the City of Woodstock Committee of Adjustment **approve** Application File MV 14-22, submitted by Nicholas Coburn, for lands described as Lot 4, Plan 41M-239, in the City of Woodstock, and municipally known as 403 Fairway Rd, as it relates to:

1. Relief from **Section 5.1.1.1, Table 1 – Regulations for Accessory Buildings, Uses and Structures**, to reduce the minimum required rear yard setback from 1.2 m (3.9 ft) to 0.73 m (2.39 ft); and;
2. Relief from **Section 5.1.9.3 Projections into Required Yards Permitted for Accessory Buildings, Table 3 Permitted Projections for Accessory Buildings and Structures – Rear Yard Projection, Eaves and Gutters**; to reduce the minimum setback from 0.6 m (1.96 ft) to 0.15 m (0.5 ft) between the projection and the rear lot line,

Subject to the following conditions:

- a. The owner shall install eaves troughs and down spouts on the accessory structure, directing the roof water to the satisfaction of the City Engineering Department (Building Division).
- b. The applicant shall amend Minor Variance Application MV14-22 to include the relief related to Section 5.1.9.3 to the satisfaction of the City.
- c. That the decision of the Committee of Adjustment regarding MV14-22 shall apply to permit the construction of a residential accessory structure of an approximate size and at the approximate location as identified on Plate 3 of Report No. 2022-242, to the satisfaction of the City of Woodstock Building Department.

And further that comments received from the public were reviewed and considered before the decision was made in relation to this planning matter.

Reasons

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

The proposed relief are minor variances from the provisions of the City's Zoning By-law in that the requested relief from rear yard setbacks/projections will not impact neighbouring properties, is therefore compatible with surrounding land uses, is minor and is desirable for the landowner.

The proposed relief maintains the general intent and purpose of the City's Zoning By-law as accessory structures are generally permitted with principal uses (single detached dwelling), and no negative impacts are anticipated associated with the reduced rear yard setback or reduced projections for eaves and gutters.

The relief is desirable for the use of the land as the said relief will allow for development that is permitted by the Zoning By-law, the use is compatible with surrounding uses and is complimentary to the existing development in the area;

The relief maintains the intent and purpose of the Official Plan as it permits storage structures accessory to a permitted use within the Low Density Residential designation.

Carried

- e) MV-15-22 – 75 & 85 Brock Street – Darrel Benbow & Gina Cowing/BenGi Investment Corporation Inc.

Relief requested:

Relief from Section 8.2, Table 8.2 – Zone Provisions, to reduce the minimum lot area for a multiple attached dwelling house from 120 m² (1,291.7 ft²) per dwelling unit to 118 m² (1,270 ft²), the facilitate the development of a multiple attached dwelling house with 8 residential units.

Location:

The subject lands are described as Part Lots 13 & 14, Block C, Plan 52, City of Woodstock. The property is located on the east side of Brock Street, north of Main Street and is municipally known as 75 & 85 Brock Street.

Presentation and Discussion:

Mrs. A. Hächler stated that the applicant is requesting relief from the above-noted provision of the City's Zoning By-Law to facilitate the construction of a multiple attached dwelling house with 8 residential units on the subject property.

The proposed multiple attached dwelling house will be 3 storeys in height. Each unit has a private balcony or patio and will be accessed by a private entrance at street level with no common interior corridors.

For Committee's information, an application for minor variance (MV 37-21) was previously approved for the proposed development in August 2021 to reduce the minimum lot area per unit from 150 m² (1,614.6 ft²) to 120 m² (1,291.7 ft²) and to reduce the permitted projection for unenclosed stairs. The applicant is currently proposing to further reduce the minimum lot area per unit resulting from a mapping error.

The subject lands are approximately 975.8 m² (10,503.7 ft²) in area and currently consist of 2 residential properties that each contain a single detached dwelling. The dwellings will be removed and the properties merged if the subject application is approved.

It is the opinion of staff that the requested relief can be considered minor and desirable for the development of the subject property.

The proposed relief will facilitate a form of development that is promoted in the Entrepreneurial District policies found in the Official Plan and is permitted under the C3 zoning. Further, the subject lands are located in an area that is subject to the Woodstock Central Area Design Study. The study has identified that the subject property is part of an area that has a significant inventory of Victorian-style buildings. The study recommends that new developments should be sensitive to the heritage character of these buildings. Staff are satisfied that the applicant has proposed an exterior design that is in keeping with the study recommendations and is therefore a desirable form of development for the area in this regard.

With respect to the medium density residential policies, the subject lands are located in an area that is characterized by a mix of housing types and densities, and based on the scale and design of the proposed townhouses, it would appear that the proposal is compatible with development in this neighbourhood. The proposed 8 units are also in keeping with the density requirements of medium density residential designation.

Further, the proposed development can also be considered desirable for the area as it is similar in nature to multiple residential uses in the vicinity and is not anticipated to negatively impact neighbouring properties. The site plan shows sufficient setbacks where landscaping and buffering can be provided. Additionally, the plan indicates that a 1.8 m (5.9 ft) wooden privacy fence will be installed around the perimeter of the property to assist with maintaining privacy between the subject lands and surrounding properties.

Staff are of the opinion that the requested relief to reduce the minimum provided lot area per unit is minor as the development is being proposed on lands that are sufficiently sized to provide space for parking, landscaping, property and building maintenance as well as grading and drainage. Further, the proposed building appears to meet all of the required setbacks for multiple attached dwelling houses.

In light of the foregoing, it is the opinion of this Office that the requested relief is considered to be minor and desirable for the development of the subject property, and is in keeping with the general intent and purpose of the Official Plan and City Zoning By-law. As such, it is the opinion of Planning staff that the requested relief can be given favourable consideration.

L. Reeves asked if the applicant had to pay another fee. A. Hachler said they did have to pay another fee.

Architect, Daryl Wettlaufer, of 322 Ontario St. Stratford, was present on behalf of the applicant. He clarified that the correct lot size should be 951.7 m, and that 975 m was the old lot size. A. Hachler agreed with this and added that as long as the 118 was accurate it was fine. D. Wettlaufer went on to explain that last time the dimension was wrong, but the correct numbers being provided today do not affect anyone.

Barrett Stemmler, of 73 Brock Street, spoke against the application. He explained that he and his wife have been dealing with the proposal for a year now. They spoke to the

Committee last time and they unanimously voted against it. The Committee had asked the applicant to come back with a smaller building, however, the applicant has come back with a larger building this year. He explained that he and his wife tried to acquire 85 Brock Street to preserve it but were unable to compete financially with the buyer.

With regards to last year's concerns, B. Stemmler stated that there was not enough green space, not a lot of parking, and potential damage to their trees' root system during construction. He also expressed concerns about lack of parking and snow removal. B. Stemmler added that they already have Purina factory workers parking on their street, so this would only worsen their snow removal and parking issues.

C. Wallace provided that trees and snow removal were matters that could be looked at through the site plan stage. The comments made today can be considered by the City of Woodstock.

A. Hachler clarified that last year's request was dealt with at Council and this year's request has come to the Committee of Adjustment for the first time.

Recommendation:

Moved by P. Rigby
Seconded by B. Bes

That the City of Woodstock Committee of Adjustment **approve** minor variance application (File No. MV 15-22), submitted by Darrel Benbow & Gina Cowing & BenGi Investment Corporation Inc. for the lands described as Part Lots 13 & 14, Block C, Plan 52, City of Woodstock, municipally known as 75 & 85 Brock Street, as it relates to:

1. Relief from **Section 8.2, Table 8.2 – Zone Provisions**, to reduce the minimum lot area for a multiple attached dwelling house from 120 m² (1,291.7 ft²) per dwelling unit to 118 m² (1,270 ft²) to facilitate the development of a multiple attached dwelling house with 8 residential units.

And further that comments received from the public were reviewed and considered before the decision was made in relation to this planning matter.

Reasons

The requested variances meet the four tests of a minor variance as set out in Section 45(1) of the *Planning Act*, as follows:

The requested variances are minor in nature, in that the subject lands are adequately sized for the subject development and can accommodate parking, landscaping and setbacks;

The requested variances are desirable for the appropriate use of the land as the proposed development is in keeping with the character of the surrounding neighbourhood;

The requested variances maintain the general intent and purpose of the Zoning By-law as the development is in keeping with the permitted uses of the 'C3' zone; and

The relief maintains the intent and purpose of the Official Plan as the proposed use is a type of development contemplated within the Entrepreneurial District.

Carried

GENERAL BUSINESS

Meeting Time

ADJOURNMENT

Moved by P. Rigby

Seconded by B. Bes

That the meeting adjourn at 6:30 p.m.

Carried

Len Reeves – Chair