

Committee of Adjustment

Meeting Minutes

Date: February 13, 2023
Time: 6:00 PM
Location: Council Chambers

Members Present Howard Pye, Chair
 Jay Pember
 Peter Rigby
 Matthew Roberts
 Bob Sutherland
 Glen Yearsley

Sunayana Katikapalli, Acting Secretary Treasurer
Eric Gilbert, Senior Planner
Craig Wallace, Chief Building Official

Members Absent Michelle Woodrow

This meeting was held in person in accordance with section 238 (3.3) of the Municipal Act, 2001 as amended, and section 16.6.24 of the City of Woodstock Procedure by-law.

1. **Declaration of Conflict of Interest**
2. **Approval of Minutes**
- 2.1 **January 9, 2023 - Regular meeting minutes**

Moved by M. Roberts
Seconded by P. Rigby

That the minutes of the January 9, 2023, Committee of Adjustment meeting be adopted as printed.

Carried.

3. **Business Arising from Minutes**
4. **Correspondence**
5. **Application for Minor Variance**

5.1 **MV-03-23 - Jacqueline and Victoria Gould - 244 Catharine St.**

Relief from Section 5.1.9.1, Table 2 – Permitted Projections into Required Yards, to increase the maximum projection into the front yard from 1.5 m (4.9 ft) to 2.9 m (9.5 ft) to facilitate the construction of a covered porch.

The subject lands are described as Lot 24, Plan 553, City of Woodstock. The property is located on the southeast side of Catharine Street, south of Hillside Drive, and is municipally known as 244 Catharine Street.

Mr. Eric Gilbert stated that the applicant is proposing relief from the above-noted provision of the City's Zoning By-law to facilitate the construction of a covered porch attached to an existing single detached dwelling. The proposed covered porch will be located in the front yard, on the west side of the existing dwelling.

The property comprises an area of approximately 706.9 m² (7,609.4 ft²) and contains an existing single detached dwelling and an accessory structure (shed). The proposed porch will be 3 m x 4.3 m (10 ft x 14 ft).

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

The requested relief can be considered minor as the proposed porch is small in scale and will be set back sufficiently from the travelled portion of Catharine Street (a setback of 6.1 m/20 ft is maintained with the proposed porch). Further, it is not anticipated that the porch will negatively impact sightlines along the street and will not impair the ability to undertake normal maintenance of the abutting road allowance.

Staff are also of the opinion that the proposed relief will facilitate a form of development that is desirable for the area. The proposed covered porch is in keeping with the character of the existing residential dwellings in the area, and it is not anticipated that the proposed development will have a negative impact on the neighbourhood.

In light of the foregoing, it is the opinion of this office that the requested relief can be considered minor and desirable for the development of the lands, is in keeping with the general intent and purpose of the Official Plan and Zoning By-Law, and can be given favourable consideration.

Applicant, Jackie Gould, of 244 Catharine Street, was present to answer questions.

Moved by P. Rigby

Seconded by B. Sutherland

That the City of Woodstock Committee of Adjustment **approve** Application File MV 03-23, submitted by Jacqueline and Victoria Gould for the lands described as Lot 24, Plan 553, City of Woodstock, municipally known as 244 Catharine Street, as it relates to:

Relief from **Section 5.1.9.1, Table 2 - Permitted Projections into Required Yards**, to increase the maximum projection into the front yard from 1.5 m (4.9 ft) to 2.9 m (9.5 ft) to facilitate the construction of a covered porch.

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

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 in that the relief is not anticipated to compromise the sightlines or the ability to undertake maintenance along the street;

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

The proposed relief maintains the general intent and purpose of the City's Zoning By-Law as the development is in keeping with the permitted uses of the 'R1' zone; and,

The relief maintains the intent and purpose of the Official Plan, as the proposed development of the lands for a covered porch for a single detached dwelling is a form of development contemplated by the Low Density Residential policies of the Official Plan.

Carried.

5.2 MV-04-23 - Zanel Malecka - 691 Frontenac St.

Relief from **Section 7.2, Table 7.2 - Rear Yard Depth**, to decrease the required rear yard depth from 7.5 m (34.6 ft) to 6.5 m (21.3 ft) to facilitate the construction of a stairwell.

The subject lands are described as Lot 22, Plan 41M 296, City of Woodstock. The property is located on the west side of Frontenac Crescent, between Champlain Avenue and Marquette Drive, and is municipally known as 691 Frontenac Crescent.

Mr. Eric Gilbert stated that the application for minor variance has been requested to permit a recently constructed stairwell to the rear of an existing single detached dwelling on the subject lands. The subject lands are approximately 328.6 m² (3,537.1 ft²) in area and contain an existing single detached dwelling.

It is the opinion of this Office that the applicants' request can be considered minor and desirable for the development of the subject property.

Staff are satisfied that the requested variance, which represents a departure of 1 m (3.3 ft) from the setback provisions of the Zoning By-law and is limited to a staircase on the northern end of the back of the dwelling, can be considered a minor variance from the rear yard depth requirement. Further, it is not anticipated that the relief will impact neighbouring uses, and the proposal can be considered desirable for the development of the property.

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's Zoning By-law and can be given favourable consideration.

M. Roberts asked if the stairs were constructed properly, given that they were constructed before approaching the City for a permit.

C. Wallace explained that the homeowner had built the stairwell and then realized he needed a building permit. When he approached the City, it became apparent that zoning was a problem. If the requested variance is approved, the appropriate permit can be issued.

Moved by G. Yearsley
Seconded by J. Pember

That the City of Woodstock Committee of Adjustment **approve** Application File MV 04-23, submitted by Zenel Malecka for the lands described as Lot 22, Plan 41M 296, City of Woodstock, municipally known as 691 Frontenac Crescent, as it relates to:

Relief from **Section 7.2, Table 7.2 - Rear Yard Depth**, to decrease the required rear yard depth from 7.5 m (34.6 ft) to 6.5 m (21.3 ft) to facilitate the construction of a stairwell, subject to the following condition:

- i. That the relief apply only for the purpose of a stairwell and that the said stairwell be located in a manner generally as illustrated on Plat 3 of Report No. 2023-50, to the satisfaction of the City of Woodstock Engineering Department.

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

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 in that the relief is not anticipated to compromise the ability of the property to provide adequate amenity space or drainage.

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

The proposed relief maintains the general intent and purpose of the City's Zoning By-Law as the development is in keeping with the permitted uses of the 'R2-4' zone; and,

The relief maintains the intent and purpose of the official Plan, as the proposed development of the lands for a rear stairwell for a single detached dwelling is a form of development contemplated by the Low Density Residential policies of the Official Plan.

Carried.

6. Adjournment

Moved by P. Rigby

Seconded by J. Pember

That the meeting be adjourned at 6:12 p.m.

Carried.