



*Planning Advisory Committee
Public Meeting Agenda
Connell House, 128 Connell Street
May 20, 2025 – 6:30 PM*

1. Call to Order
2. Recording of Attendance
3. Acceptance or Building of Agenda
4. Disclosure of Conflict if Interest
5. Approval of the Minutes
 - April 22, 2025
6. Business Arising from the Minutes
7. New Business
 - a) *Referral from the New Brunswick Assessment and Planning Appeal Board - Terms and Conditions Application and Variance Application from Martin Rentals to construct a three-unit building on property located at **108 Helen Street, identified by PID 10119535**. The Terms and Conditions Application is required to permit a multiple unit building in the One and Two Unit Residential (R1) Zone. The Variance Application is required to reduce the front yard setback from 6 metres to 5.1 metres and to reduce the rear yard setback from 6 metres to 5 metres.*
 - b) *Referral from the New Brunswick Assessment and Planning Appeal Board - Terms and Conditions Application and Variance Application from Mike Martin Rentals to construct a four-unit building on property located at **115 Helen Street, identified by PID 1019014**. The Terms and Conditions Application is*

required to permit a multiple unit building in the One and Two Unit Residential (R1) Zone. The Variance Application is required to reduce the front yard setback from 6 metres to 5.1 metres and to reduce the rear yard setback from 6 metres to 5 metres.

- c) Terms and conditions application from Brian Jones, **39 Martin Drive, identified by PID 10267011**, to add a third residential unit to an existing two-unit residential building in the One and Two Unit Residential (R1) Zone.
- d) Request from Woodstock Town Council for the PAC to provide input on revisions to the Town's Mobile Home Park By-law No. 136.
- e) Other Business

8. Next Meeting June 16, 2025, at 6:30pm

9. Adjournment



Planning Advisory Committee Meeting Minutes

April 22, 2025

Meeting of the Woodstock Planning Advisory Committee was called to order at 6:30pm by Chair Peter Kavanaugh. Also present were:

Councillor Will Belyea

Councillor Norm Brown

John Slipp

Kurt Young

Keith Bull

Monica Grant

Regrets from Sarah Leech

Acceptance / Building of the Agenda:

The agenda for the meeting was reviewed.

Motion to accept the agenda as presented. Moved by John Slipp and seconded by Will Belyea. CARRIED.

Conflict of Interest:

No conflicts of interest were disclosed.

Approval of Minutes:

Minutes from the previous meeting were reviewed.

Motion to accept the minutes from March 17, 2025, as presented. Moved by John Slipp and seconded by Kurt Young. CARRIED.

Business Arising from the Minutes:

Director of Development, Andrew Garnett, updated PAC that council held the public hearing for the application brought forth by Paul Dayton. Council also did first reading of the new bylaw.

New Business:

1. **Election of Chair and Vice Chair** – Andrew Garnett ran the election for Chair and Vice Chair.

Nominations were called for Chair from the floor with Will Belyea nominating Kurt Young. There were no other nominations from the floor; therefore, Kurt Young is the new chair.

Nominations were called for Vice Chair from the floor with Peter Kavanagh nominating John Slipp. There were no other nominations from the floor; therefore, John Slipp is the new Vice Chair.

New Chair, Kurt Young, now took over the meeting.

2. **Discussion of Mobile Home Bylaw** – Andrew has asked the committee to take a good look at the existing bylaw and start sending suggestions, if any, for possible changes. Andrew is going to create a redline document so the group can work with it.
3. **Training Session by Jamie Burke** – Jamie Burke, from Stantec Consulting, provided a training session for the members of the Planning Advisory Committee. This training focussed on roles and responsibilities for PAC. A copy of the presentation will be distributed to the group.
4. **Update of Appeal Hearing for Helen Street** – Jamie Burke explained the results from the Provincial Appeal Board and explain the process for the next meeting. Andrew will forward the decision of the appeal board to the members of PAC.

Other Business:

There was no other business.

Next Meeting Date:

Next meeting will fall on May 20, 2025, at 6:30pm.

Adjournment:

Meeting was adjourned at 8:30pm by Monica Grant

Report Date: May 14, 2025

To: Planning Advisory Committee

From: Andrew Garnett, Director of Development

Meeting Date: May 20, 2025

Property Information

Application #: 2024-027 - Referred to the Planning Advisory Committee from the New Brunswick Assessment and Planning Appeal Board.

Applicant: Martin Rental Properties

Property Owner: Martin Rental Properties

Civic Address: 108 Helen Street

PID #: 10119535

Parcel Area: 1,411 square meters

Municipal Plan Designation: Residential

Existing Zoning: R1

Application Type: Conditional Use and Variance Application

Surrounding Land Use(s) and Zoning: The area along Helen and Elizabeth Streets are residential. There is a mix of single-family homes plus a few duplex and multi-unit buildings very nearby.

Jurisdiction:

Conditional Use Application

Pursuant to 53(3)c) of the Community Planning Act, a Zoning By-law may prescribe particular purposes

- (i) in respect of which the advisory committee or regional service commission, subject to subsection (5), may impose terms and conditions, and
- (ii) (ii) that may be prohibited by the advisory committee or regional service commission if compliance with terms and conditions imposed under sub paragraph (i) cannot reasonably be expected.

53(4) Terms and conditions imposed under paragraph (3)(c) shall be limited to those considered necessary by the advisory committee or regional service commission to protect

- (a) properties within the zone or in abutting zones, or
- (b) the health, safety and welfare of the general public.

Variance Application

Pursuant to section 55(1)(b) of the Community Planning Act, the Planning Advisory Committee may permit, subject to terms and conditions it considers fit, a reasonable variance from the requirements of the Zoning By-Law if, in its opinion, it is desirable for the development of a parcel of land or a building or structure and is in keeping with the general intent of the Zoning By-law and the Town's Municipal Plan.

Application Summary

This matter was referred back to the Planning Advisory Committee by the New Brunswick Assessment and Planning Appeal Board. The decision is attached to this report as Appendix 1.

The developer is making application to construct a 3-unit dwelling. Under section 8.1.2 Conditional Uses, of the Zoning By-law, the Planning Advisory Committee has the authority to do so subject to any terms and conditions they see fit. Also, under section 8.1.3 Zone Standards, the applicant will need a variance for the minimum front and minimum rear setbacks.

Recommendations

1. It is recommended that the variance application from Martin Rental Properties, to reduce the front yard setback to 5.1 meters (6 required) and reduce the minimum rear yard setback to 5.0 meters (6 required), to accommodate the construction of a 3-unit building on property located at 108 Helen Street, identified by PID 10119535, **be approved**.
2. It is recommended that the conditional use application from Martin Rental Properties to permit a 3-unit building in the R1 zone, as per section 8.1.2 of the Zoning By-law, **be approved**, subject to the following terms and conditions:
 - a.) That the property be subdivided as per the submitted site plan (Appendix 6) prior to the issuance of the building and development permit.

Analysis

Proposal

The developer is wanting to take advantage of the size of the property at 108 Helen Street by creating a second building which would contain 3 dwelling units. Under the appendices you will find photographs of the subject property showing location of the existing building and location of the proposed new building. Along with the zoning context listed below you will see that ample space is present.

Site Characteristics and Neighbourhood Character

The area around Helen Street is definitely a family neighborhood surrounded by many single-family homes with some duplexes and multi-residential buildings. Within walking distance is the AYR Motor Centre, many baseball and soccer fields, and amazing playground, as well as Townsview School.

Municipal Plan Context

The following points can be found in the Town of Woodstock municipal plan.

LU-6 Council shall provide for a mix of residential housing types and densities in the Residential land use designation through appropriate provisions in the Zoning By-law.

H-1 Council shall encourage the construction of affordable, high-quality housing at a mix of densities in areas with adequate connections to critical amenities such as health services, retail services, schools, recreational areas, and active transportation networks.

H-3 Council shall work with the local development community to explore strategies to increase the number of affordable housing units introduced to the market.

H-4 Council shall encourage affordable units to be constructed on the ground floor of new multi-unit developments to allow for ease of access.

Zoning By-law Context

R1 - One and Two Unit Residential	<u>Permitted / Required</u>	<u>Proposed</u>
Minimum Lot Area	550 sq meters	727 sq meters
Minimum Lot Frontage	18 meters	23.68 meters
Minimum Lot Depth	30 meters	30.210 meters
Minimum Front Yard	6.0 meters	5.1 meters
Minimum Rear Yard	6.0 meters	5.0 meters
Minimum Side Yard	1.5 meters	3.0 meters
Maximum Height	9.0 meters	7.3 meters
Maximum Lot Coverage	50%	20.59 %

Conclusion

This application will help fill the housing void that is required in our municipality. The application submitted should be considered supportable as both the front and rear variances are considered minimal in nature. The front and rear yard variances are desirable for the development of the land as they will accommodate a different housing option in a location that is close to a variety of amenities. The variances meet the general intent of the Zoning By-law given that there is still adequate space in the front and rear yards for landscaping and access purposes.

The proposal consists of a 3-unit, single storey building as a conditional use, which is permitted by the Zoning By-law. Staff are of the opinion that the development is of an appropriate size and scale for the neighbourhood. Furthermore, the development is supported by the Municipal Plan and exceeds the remaining zoning requirements, staff are of the opinion that the conditional use application should also be permitted. The lot will need to be subdivided prior to the issuance of the Building and Development permit which is a recommended condition of the approval.

Stakeholder Comments

Consultation with the Director of Utilities occurred with no issues received.

Public Notice

Public notice was given to the neighborhood on May 9, 2025. The notices were hand delivered by the Woodstock Public Works Department within a 150 m radius of the address.

Authorization

Prepared by: 	Approved by: 
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Andrew Garnett Director of Development	Jamie Burke, RPP, MCIP Planning Director
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Appendices

The following appendices are included in this section:

Appendix 1: NB Assessment and Planning Appeal Board Decision

Appendix 2: Application

Appendix 3: Context Map

Appendix 4: Future Land Use Designation

Appendix 5: Zoning Map

Appendix 6: Site Photos

Appendix 7: Site Plan

Appendix 8: Site Renderings

PROVINCE OF NEW BRUNSWICK
ASSESSMENT AND PLANNING APPEAL TRIBUNAL
REGION E

BETWEEN:

ROBERT W. STOKES

Appellant,

– and –

WILLIAM HOGAN

Appellant,

– and –

TOWN OF WOODSTOCK (PAC)

Respondent,

– and –

MIKE MARTIN RENTALS

Third Party.

TRIBUNAL:

Brigitte M. Ouellette – Vice-Chairperson
Darlene Skaarup – Member
Gary Mersereau – Member

DATE OF HEARING:

December 6th, 2024

DATE OF DECISION:

March 30th, 2025

LOCATION:

Woodstock, NB

APPEARANCES:

For the Appellants: Robert Stokes
William Hogan

For the Respondent: Andrew Garnett
Allan Walker

For the Third Party: John Keenan

DECISION

[1] This matter comes before the Tribunal pursuant to two separate appeals filed by the Appellants, Robert Stokes and William Hogan, both dated June 26, 2024, whereby the Appellants are appealing the Planning Advisory Committee's (PAC) decision to grant variances for a three-unit and four-unit building for properties located at 108 and 115 Helen Street in Woodstock, New Brunswick, identified by PIDs 10119535 and 1019014 (hereinafter referred to as the "Properties").

[2] This hearing was held on December 6, 2024, in Woodstock, NB, and after hearing from the parties and upon due deliberation, the Tribunal made the following decision.

[3] Pursuant to subsection 5(3) of *Assessment and Planning Appeal Tribunal Regulation 2019-28* under the *Community Planning Act*, the Tribunal hereby consolidates the appeals for the purpose of the hearing, as both appeals contain the same basis allegations.

FACTS:

[4] The Tribunal admitted the following documents as exhibits, which became part of the hearing record:

- **Exhibit A-1:** Notice of Appeal (Form 1) filed by William Hogan, dated June 26, 2024;
- **Exhibit A-2:** Notice of Appeal (Form 1) filed by Robert Stokes, dated June 26, 2024;
- **Exhibit R-1:** Notice of Decision (Form 2) with attachments for William Hogan;
- **Exhibit R-2:** Notice of Decision (Form 2) with attachments for Robert Stokes;

- **Exhibit R-3:** Planning Advisory Committee meeting notes of May 21, 2024, filed on November 22, 2024, including the Planning Advisory Committee meeting notes of June 17, 2024.

[5] The Third Party is Mike Martin Rentals, the owner of the Properties located at 108 and 115 Helen Street in Woodstock and proposes to develop a three-unit and four-unit building on these Properties.

[6] The Properties are located in an area zoned One and Two Unit Residential "R1" by the Town of Woodstock Zoning By-law and the proposed 3-unit and 4-unit Rowhouse are conditional use within the R1 zone and permitted use on the Properties subject to terms and conditions.

[7] Upon application from the Third Party, the PAC approved the following variances, concluding they were minor in nature, all other requirements of the projects were met, aligned with the intent of the Zoning By-law, and are supported the Municipal Plan.

108 Helen Street development:

- The front yard variance is a total of 3 ft (0.9 meters); and
- The rear yard variance is a total of 3.2 ft (1 meter).

115 Helen Street development:

- The front yard variance is a total of 3 ft (0.9 meters); and
- The rear yard variance is a total of 8 ft (2.5 meters).

[8] It is from the granting of these approvals that the Appellants now appeal and contend that the approval of these variances resulted from a misapplication of the Act and would cause them special or unreasonable hardship.

[9] By way of preliminary matters, and as is the practice of this Tribunal, the Appellants were questioned as to the statutory provisions relied upon in bringing the appeal before the Tribunal. It was the advice of the Appellants that the appeal would go forward both on the grounds of “misapplication” and “special or unreasonable hardship”.

[10] As with any administrative tribunal, this Tribunal is a creature of the legislature and as such has only as much authority as the legislation provides.

JURISDICTION AND GROUNDS OF APPEAL:

[11] This matter comes before the Tribunal pursuant to subparagraphs 120(1)(b)(i) and 120(1)(b)(ii), which provides:

120(1) Subject to subsection (2), a person including the Director may appeal to the Board if he or she alleges that

(b) the approval of another person’s development or the granting of a permit under this Act to the person

- (i) resulted from the misapplication of this Act or a by-law or regulation under this Act, or;
- (ii) would cause that person special or unreasonable hardship by reason of the effect of the proposed development on the persons land, building or structure;

[12] The evidence before this Tribunal is that the Respondent approved the applications of the Third Party. The Tribunal therefore has jurisdiction to hear the appeals.

MISAPPLICATION:

[13] The Appellants submit that the granting of the applications to the Third Party resulted from misapplication by the Respondent pursuant to Section 120(1)(b)(i) of the *Act*, the wording of these sections having been set out *infra*.

[14] It is clear that the Tribunal has legislative authority to examine how planning officials reach their decisions. In *Acadian Peninsula District Planning Commission and Robert Branch v. New Brunswick Provincial Planning Appeal Board and Fernande Dugas*, (1997) 184 N.B.R. (2d) 241, at page 268, Deschênes, J. had this to say about the issue of a planning commission which had interpreted how to measure the height of a fence:

“As we saw earlier, the APDPC granted the building permit based on its interpretation of the municipal bylaw and of certain provisions of the Act. Consequently, the Appeal Board had to decide whether or not the APDPC had misinterpreted these provisions and if the permit had been granted as a result of “misapplication” of the Act or a municipal by-law. In my view, this duty lies at the heart of the Appeal Board’s jurisdiction since this is specifically the mandate the Legislature had given the Board. In short, it is for the Appeal Board to resolve these questions because the Legislature had asked it to”

[15] Pursuant to subsection 5(5) of the *Assessment and Planning Appeal Tribunal Regulation (2019-28)* adopted under the Act, the responsibility to make the case that there has not been any misapplication falls upon the Respondent.

[16] The Appellants argue that there has been a misapplication by the Respondent, pursuant to Section 120(1)(b)(i) of the Act, and more specifically by the following arguments:

- The public notices provided to residents lacked sufficient detail, preventing meaningful feedback;

- The deferral of the May 21, 2024, PAC meeting resulted in unanswered questions from the public;
- At the June 17, 2024, PAC meeting, PAC Chair, Peter Kavanaugh, dismissed the public from the meeting to allow PAC members to discuss the application without interruptions or disruptions from the public attendees;
- The meeting moved to a closed session for deliberation before resuming in an open session, at which point a PAC member invited the public back into the meeting for the vote;
- The PAC failed to adhere to the rules of natural justice by limiting public participation.

[17] As evidenced in Exhibits R1, R2 and R3, the Respondent has demonstrated to the Tribunal that the Public Notices were sufficiently detailed and that opportunity for feedback and questions by the concerned public were sufficiently addressed.

[18] However, the Tribunal emphasizes that a planning advisory committee must follow rules of procedural fairness and natural justice, and decision-making must at all times appear neutral and fair.

[19] The June 17, 2024, meeting minutes raises concerns in this regard. The evidence before the Tribunal suggests that the public was excluded and made to leave the meeting room for the PAC members to deliberate the variances before letting them back in for the vote. The Tribunal agrees with the Appellants that justice cannot be seen to be done if the decision-making process is not conducted openly and transparently.

[20] The Tribunal is of the opinion that the Appellants would have legitimate concerns that they did not benefit from a fair and transparent process in such circumstances. Planning advisory committees must deliberate motions before them and make their decisions in an open and transparent manner and in compliance with the principles of natural justice and procedural fairness.

SPECIAL OR UNREASONABLE HARDSHIP:

[21] Concerning the onus of proof for hardship, the Appellants have the responsibility of demonstrating to the Tribunal the “special or unreasonable hardship” alleged, as required by Section 5(5) of the *Assessment and Planning Appeal Tribunal Regulation* under the *Act*:

5(5) Only in the case of an appeal under subparagraph 120(1)(a)(ii), (b)(ii) or (c)(ii) of the *Act* shall the onus of proof be on the person appealing.

[22] There has been a significant body of jurisprudence established by this Tribunal on what is commonly referred to as “hardship”.

[23] The decision in *Chamberlain v. Planning Advisory Committee – City of Bathurst*, [1974] 16 P.P.A.B.D. has often been cited by this Tribunal as setting down an appropriate test in determining whether or not “special or unreasonable hardship” is caused.

This test is cited with approval by this Tribunal as being defined as:

some trial, oppression or need or something hard to bear, different from that which is usual or ordinary or that is not based on or in accordance with reason or sound judgment.

[24] It is necessary to set out the basics of the appeal which has been launched under Sec. 120(1)(b)(ii) of the *Act*. It refers to the allegation of a person that the approval of another

person's regional or other development (in this case approving variances for the front and back yard setbacks) would cause special or unreasonable hardship by reason of the effect of the proposed development on the land, building or structure of the person making the allegation.

[25] It must be noted the "hardship" is to the land, building or structure of the party alleging the hardship. It is not hardship to other persons, their property, nor the community in general. The requirements for making a successful claim that allowing the said variances would cause special or unreasonable hardship to one's lands, buildings or structures rests upon some significant damage or risk to one's property.

[26] The Appellants raised concerns regarding:

- Increased traffic and potential safety risks for children in the area;
- Limited parking availability affecting both existing and new residents;
- Potential adverse impacts on property values;
- Snow removal challenges due to increased density.

[27] The Respondents argued:

- The parking requirements comply with municipal zoning bylaws;
- Traffic concerns were considered by the PAC, and no extraordinary risks were identified;
- The claim of property devaluation is speculative and unsupported by substantial evidence.

[28] The Tribunal finds that the Appellants have not provided sufficient material evidence to establish special or unreasonable hardship under Section 120(1)(b)(ii) of the *Act*. Concerns related to traffic, parking, and property values, while valid community considerations, do not meet the threshold of legal hardship as defined by jurisprudence.

ORDERS AND DECISIONS:

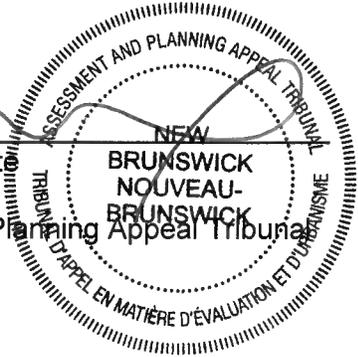
[29] The appeals on the grounds of special or unreasonable hardship are hereby dismissed.

[30] While the variances in question appear to be minor in nature and the PAC's conclusion may ultimately be just, the manner in which the meetings were conducted did not adhere to the rules of natural justice.

[31] Given the failure to maintain transparency and public participation in the June 17, 2024, meeting, the Tribunal orders that this matter be remitted back to the PAC for a new meeting, ensuring compliance with the rules of natural justice and that the meeting is fully open to the public.

DATED at Grand Falls, New Brunswick, this 30th day of March 2025.


Brigitte M. Ouellette
Vice-President
Assessment and Planning Appeal Tribunal





WOODSTOCK
WHERE THE RIVERS MEET
- New Brunswick's First Town -

General Application Form

CIVIC ADDRESS: <i>108 Helen Street</i>	PID #: <i>1011 9535</i>
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STAFF USE	APPLICATION #:	DATE RECEIVED:
		RECEIVED BY:

APPLICANT INFORMATION	APPLICANT <i>Martin Rental Properties</i>	EMAIL <i>Kci-mike@regers.com</i>	PHONE <i>328-8112</i>
	MAILING ADDRESS <i>1-245 Rt 555 Bedell</i>		POSTAL CODE <i>E7M 4M7</i>

CONTRACTOR <i>KCI</i>	EMAIL	PHONE
MAILING ADDRESS <i>Same</i>		POSTAL CODE

OWNER <i>Same as above</i>	EMAIL	PHONE
MAILING ADDRESS		POSTAL CODE

PRESENT USE: <i>Apartment building</i>	PROPOSED USE: <i>New Apartments</i>
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CHECK ALL THAT APPLY	BUILDING	PLANNING	INFRASTRUCTURE
	<input type="checkbox"/> INTERIOR RENOVATION <input type="checkbox"/> EXTERIOR RENOVATION <input type="checkbox"/> ADDITION <input type="checkbox"/> DECK <input type="checkbox"/> CHANGE OF USE <input type="checkbox"/> MINIMUM STANDARDS	<input checked="" type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> ACCESSORY BLDG <input type="checkbox"/> POOL <input type="checkbox"/> DEMOLITION <input type="checkbox"/> SIGN <input type="checkbox"/> OTHER	<input type="checkbox"/> VARIANCE <input type="checkbox"/> PLANNING LETTER <input checked="" type="checkbox"/> PAC APPLICATION <input type="checkbox"/> COUNCIL APP <input type="checkbox"/> SUBDIVISION <input type="checkbox"/> OTHER

DESCRIPTION OF WORK	<i>To sub-divide current property to build more affordable units in the Town of Woodstock.</i>

I hereby apply for the permit(s) or approval(s), indicated above for the work described on plans, submissions and forms herewith submitted. This application includes relevant documentation necessary for the applied for permit(s) or approval(s). I agree to comply with the plans, specifications and further agree to comply with relevant Township Bylaws and conditions imposed. By submitting a complete permit application, the applicant grants permission to Township inspectors to enter the land building or premises at all reasonable times for the purposes of conducting inspection(s) associated with the permit.

Signed by *[Signature]* at Town of Woodstock, N.B. on *04/11/24*
APPLICANT SIGNATURE MM/DD/YYYY

General Collection Statement

The legal authority for collecting the information contained in this application form is to be found in the Municipalities Act and the Right to Information and Protection of Privacy Act. Unless required to do so by law, the Town of Woodstock will not share your personal information with any third party, without your expressed consent. For further information or questions with regard to the collection of personal information, please contact the Town Clerk.



WOODSTOCK
WHERE THE RIVERS MEET
- New Brunswick's First Town -

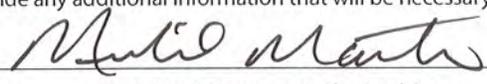
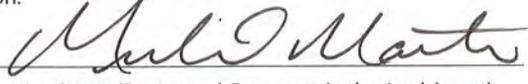
Planning Advisory Committee Application Form

STAFF USE	APPLICATION #:	DATE RECEIVED:
		RECEIVED BY:

TYPE OF APPLICATION		
<input checked="" type="checkbox"/> CONDITIONAL USE	<input type="checkbox"/> COMPATIBLE OR SIMILAR USE	<input type="checkbox"/> TEMPORARY APPROVAL
<input type="checkbox"/> VARIANCE	<input type="checkbox"/> NON-CONFORMING USE	<input type="checkbox"/> OTHER

PROPERTY AND APPLICANT INFORMATION	CIVIC ADDRESS: <u>108 Helen Street</u>	PID #: <u>10119535</u>	
	PRESENT USE: <u>Apartment building</u>	PROPOSED USE: <u>New building</u>	
	PROPERTY OWNER <u>Martin Rental Properties</u>	EMAIL <u>Kc@mikerogers.com</u>	PHONE <u>328-8112</u>
	MAILING ADDRESS <u>245 Route 555 Bedouin NB</u>	POSTAL CODE <u>E7M 4M7</u>	
	AGENT	EMAIL	PHONE
	MAILING ADDRESS	POSTAL CODE	

DESCRIPTION OF APPLICATION	<u>We would like to help fill the need of housing in Woodstock.</u>
	<u>We can density our property, and build 3 more affordable units all within site of Townview Middle School, and the Agr Motor Center.</u>

AUTHORIZATION	
As of the date of this application, I, the undersigned, am the registered owner of the land described in this application or the authorization thereof. I have examined the contents of this application and hereby certify that the information submitted with the application is correct to the extent that I have knowledge of these facts. I hereby authorize the applicant to present this matter and provide any additional information that will be necessary for this application.	
 Registered Owner or Authorized Agent	 Applicant (Registered Owner or Authorized Agent)
<u>04/11/2024</u> Date MM/DD/YYYY	<u>04/11/2024</u> Date MM/DD/YYYY

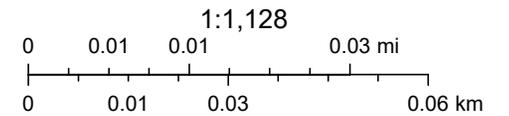
The information contained in this application and any documentation (plans, drawings, reports, and studies) provided in support of this application will become part of the public record.

GeoNB Map Viewer



4/12/2024, 9:13:34 AM

- Override 1
- Civic Addresses
- ▭ parcels
- ▭ Buildings
- ▭ Large Scale
- Year of Photography



Department of Environment and Local Government / Ministère de l'Environnement et des Gouvernements locaux

GeoNB

This map is a graphical representation which approximates the size, configuration and location of features. This map is not intended to be used for legal descriptions or to calculate exact dimensions or area.



Helen St

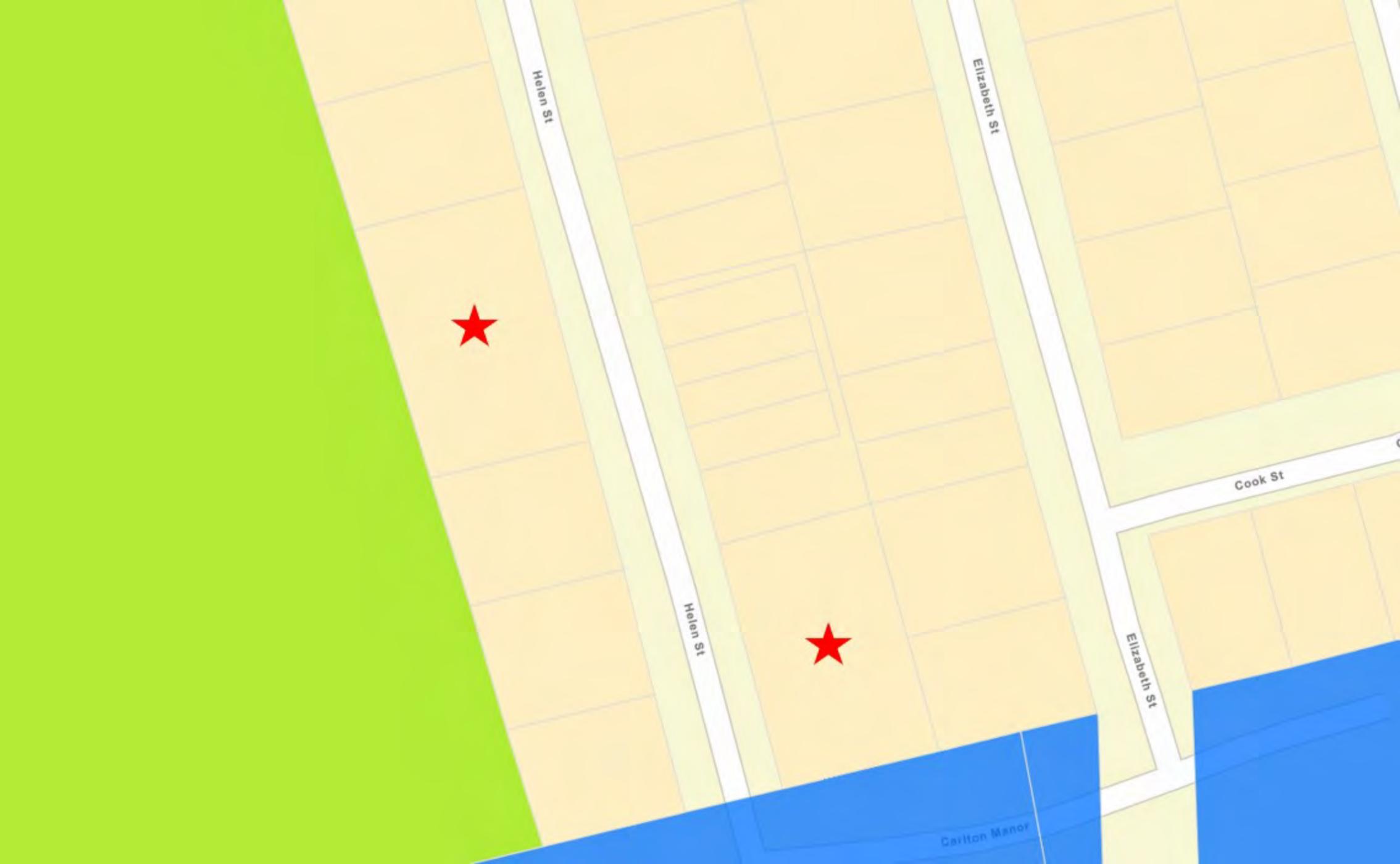
Elizabeth St

Helen St

Elizabeth St

Cook St

Carlton Manor



Helen St

Elizabeth St

Cook St

Helen St

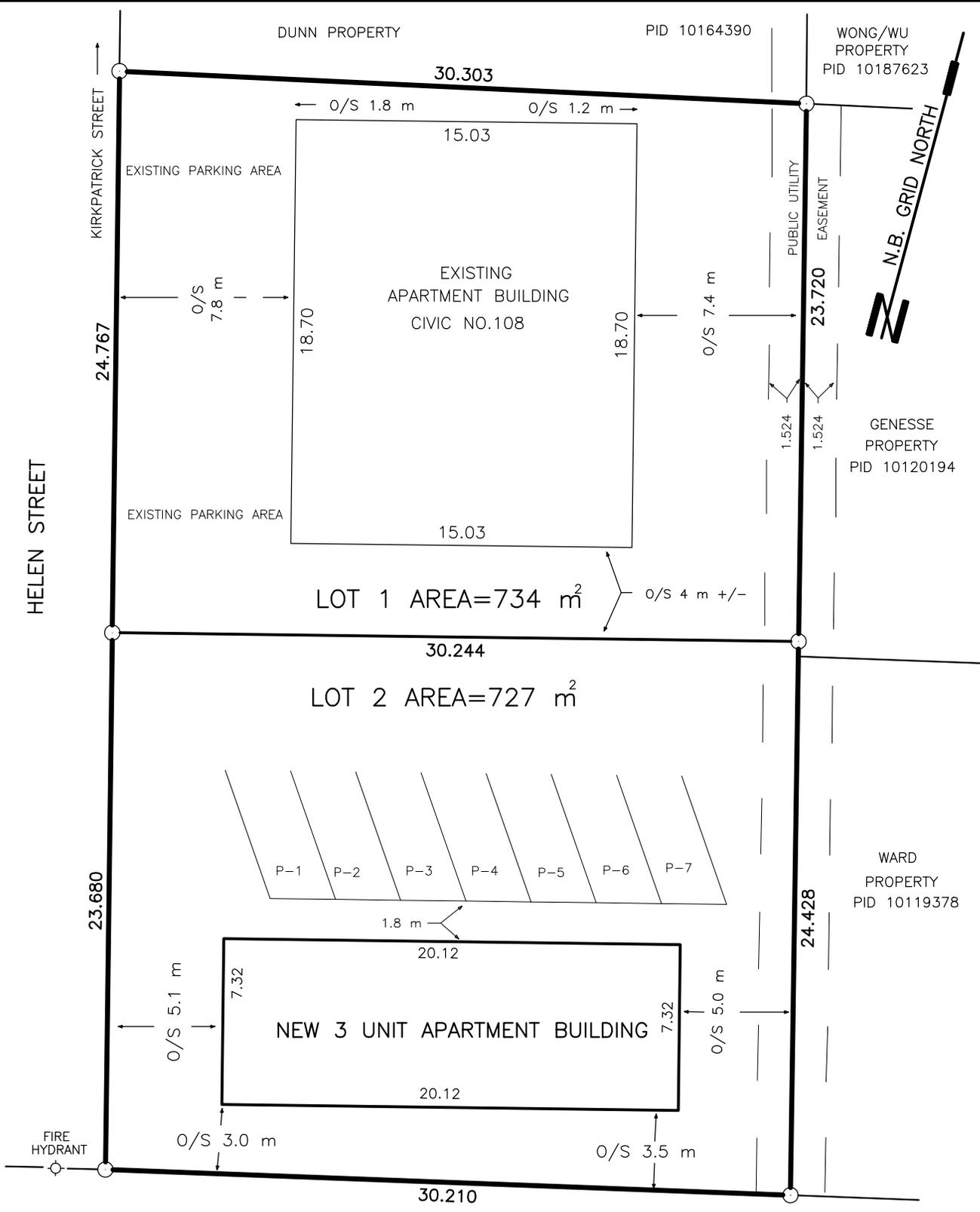
Elizabeth St

Carlton Manor









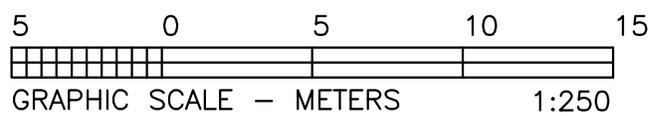
N.B. EDUCATION PROPERTY PID 10118800 (TOWNSVIEW SCHOOL)

SITE PLAN

MARTIN RENTAL PROPERTIES INC PROPERTY
 108 HELEN STREET WOODSTOCK NB

DATE : 9 APRIL 2024
 COORD FILE : 86009241
 PLOT FILE : 86009242

LAND OWNERSHIP
 MARTIN RENTAL PROPERTIES INC
 PROPERTY
 PID 10119535



Report Date: May 14, 2025

To: Planning Advisory Committee

From: Andrew Garnett, Director of Development

Meeting Date: May 20, 2025

Property Information

Application #: 2024-028 - Referred to the Planning Advisory Committee from the New Brunswick Assessment and Planning Appeal Board

Applicant: Martin Rental Properties

Property Owner: Martin Rental Properties

Civic Address: 115 Helen Street

PID #: 10119014

Parcel Area: 1,552 square meters

Municipal Plan Designation: Residential

Existing Zoning: R1

Application Type: Conditional Use and Variance Application

Surrounding Land Use(s) and Zoning: The area along Helen and Elizabeth Streets are residential. There is a mix of single-family homes plus a few duplex and multi-unit buildings very nearby.

Jurisdiction:

Conditional Use Application

Pursuant to 53(3)c) of the Community Planning Act, a Zoning By-law may prescribe particular purposes

- (i) in respect of which the advisory committee or regional service commission, subject to subsection (5), may impose terms and conditions, and
- (ii) (ii) that may be prohibited by the advisory committee or regional service commission if compliance with terms and conditions imposed under sub paragraph (i) cannot reasonably be expected.

53(4) Terms and conditions imposed under paragraph (3)(c) shall be limited to those considered necessary by the advisory committee or regional service commission to protect

- (a) properties within the zone or in abutting zones, or
- (b) the health, safety and welfare of the general public.

Variance Application

Pursuant to section 55(1)(b) of the Community Planning Act, the Planning Advisory Committee may permit, subject to terms and conditions it considers fit, a reasonable variance from the requirements of the Zoning By-Law if, in its opinion, it is desirable for the development of a parcel of land or a building or structure and is in keeping with the general intent of the Zoning By-law and the Town's Municipal Plan.

Variance Application

Pursuant to section 55(1)(b) of the Community Planning Act, the Planning Advisory Committee may permit, subject to terms and conditions it considers fit, a reasonable variance from the requirements of the Zoning By-Law if, in its opinion, it is desirable for the development of a parcel of land or a building or structure and is in keeping with the general intent of the Zoning By-law and the Town's Municipal Plan.

Application Summary

This matter was referred back to the Planning Advisory Committee by the New Brunswick Assessment and Planning Appeal Board. The decision is attached to this report as Appendix 1.

The developer is making application to construct a 4-unit dwelling. Under section 8.1.2 Conditional Uses, of the Zoning By-law, the Planning Advisory Committee has the authority to do so with any terms and conditions they see fit. Also, under section 8.1.3 Zone Standards, the applicant will need a variance for the minimum front and minimum rear setbacks.

Recommendations

1. It is recommended that the variance application from Martin Rental Properties, to reduce the front yard setback to 5.1 meters (6 required) and reduce the minimum rear yard setback to 3.5 meters (6 required), to accommodate the construction of a 4-unit building on property located at 115 Helen Street, identified by PID 1019014, **be approved**.
2. It is recommended that the conditional use application from Martin Rental Properties, to permit a 4-unit building in the R1 zone as per section 8.1.2 of the Zoning By-law, on property located at 115 Helen Street, identified by PID 1019014, **be approved**, subject to the following terms and conditions:
 - a. That the property be subdivided as per the submitted site plan (Appendix 6) prior to the issuance of the building and development permit.

Analysis

Proposal

The developer is wanting to take advantage of the size of the property at 115 Helen Street by creating a second building which would contain 4 dwelling units. Under the appendices you will find photographs of the subject property showing location of the existing building and location of the proposed new build. Along with the zoning context listed below you will see that ample space is present.

Site Characteristics and Neighbourhood Character

The area around Helen Street is definitely a family neighborhood surrounded by many single-family homes with some duplexes and multi-residential buildings. Within walking distance is the AYR Motor Centre, many baseball and soccer fields, and amazing playground as well as Townsview School.

Municipal Plan Context

The following points can be found in the Town of Woodstock municipal plan.

LU-6 Council shall provide for a mix of residential housing types and densities in the Residential land use designation through appropriate provisions in the Zoning By-law.

H-1 Council shall encourage the construction of affordable, high-quality housing at a mix of densities in areas with adequate connections to critical amenities such as health services, retail services, schools, recreational areas, and active transportation networks.

H-3 Council shall work with the local development community to explore strategies to increase the number of affordable housing units introduced to the market.

H-4 Council shall encourage affordable units to be constructed on the ground floor of new multi-unit developments to allow for ease of access.

Zoning By-law Context

R1 - One and Two Unit Residential	<u>Permitted / Required</u>	<u>Proposed</u>
Minimum Lot Area	550 sq meters	772 sq meters
Minimum Lot Frontage	18 meters	22.826 meters
Minimum Lot Depth	30 meters	32.419 meters
Minimum Front Yard	6.0 meters	5.1 meters
Minimum Rear Yard	6.0 meters	3.5 meters
Minimum Side Yard	1.5 meters	3.0 meters
Maximum Height	9.0 meters	7.3 meters
Maximum Lot Coverage	50%	23.09 %

Conclusion

This application will help fill the housing void that is required in our municipality. The application submitted should be considered supportable as both the front and rear variances are considered minimal in nature. The front and rear yard variances are desirable for the development of the land as they will accommodate a different housing option in a location that is close to a variety of amenities. The variances meet the general intent of the Zoning By-law given that there is still adequate space in the front and rear yards for landscaping and access purposes.

The proposal consists of a 4-unit, single storey building as a conditional use, which is permitted by the Zoning By-law. Staff are of the opinion that the development is of an appropriate size and scale for the neighbourhood. Furthermore, the development is supported by the Municipal Plan and exceeds the remaining zoning requirements, staff are of the opinion that the conditional use application should also be permitted. The lot will need to be subdivided prior to the issuance of the Building and Development permit which is a recommended condition of the approval.

Stakeholder Comments

Consultation with the Director of Utilities occurred with no issues were received.

Public Notice

Public notice was given to the neighborhood on May 9, 2025. The notices were hand delivered by the Woodstock Public Works Department within a 150 m radius of the address.

Authorization

Prepared by:



Andrew Garnett
Director of Development

Approved by:



Jamie Burke, RPP, MCIP
Planning Director

Appendices

The following appendices are included in this section:

Appendix 1: NB Assessment and Planning Appeal Board Decision

Appendix 2: Application

Appendix 2: Context Map

Appendix 3: Future Land Use Designation

Appendix 4: Zoning Map

Appendix 5: Site Photos

Appendix 6: Site Plan

Appendix 7: Site Renderings

PROVINCE OF NEW BRUNSWICK
ASSESSMENT AND PLANNING APPEAL TRIBUNAL
REGION E

BETWEEN:

ROBERT W. STOKES

Appellant,

– and –

WILLIAM HOGAN

Appellant,

– and –

TOWN OF WOODSTOCK (PAC)

Respondent,

– and –

MIKE MARTIN RENTALS

Third Party.

TRIBUNAL:

Brigitte M. Ouellette – Vice-Chairperson
Darlene Skaarup – Member
Gary Mersereau – Member

DATE OF HEARING:

December 6th, 2024

DATE OF DECISION:

March 30th, 2025

LOCATION:

Woodstock, NB

APPEARANCES:

For the Appellants: Robert Stokes
William Hogan

For the Respondent: Andrew Garnett
Allan Walker

For the Third Party: John Keenan

DECISION

[1] This matter comes before the Tribunal pursuant to two separate appeals filed by the Appellants, Robert Stokes and William Hogan, both dated June 26, 2024, whereby the Appellants are appealing the Planning Advisory Committee's (PAC) decision to grant variances for a three-unit and four-unit building for properties located at 108 and 115 Helen Street in Woodstock, New Brunswick, identified by PIDs 10119535 and 1019014 (hereinafter referred to as the "Properties").

[2] This hearing was held on December 6, 2024, in Woodstock, NB, and after hearing from the parties and upon due deliberation, the Tribunal made the following decision.

[3] Pursuant to subsection 5(3) of *Assessment and Planning Appeal Tribunal Regulation 2019-28* under the *Community Planning Act*, the Tribunal hereby consolidates the appeals for the purpose of the hearing, as both appeals contain the same basis allegations.

FACTS:

[4] The Tribunal admitted the following documents as exhibits, which became part of the hearing record:

- **Exhibit A-1:** Notice of Appeal (Form 1) filed by William Hogan, dated June 26, 2024;
- **Exhibit A-2:** Notice of Appeal (Form 1) filed by Robert Stokes, dated June 26, 2024;
- **Exhibit R-1:** Notice of Decision (Form 2) with attachments for William Hogan;
- **Exhibit R-2:** Notice of Decision (Form 2) with attachments for Robert Stokes;

- **Exhibit R-3:** Planning Advisory Committee meeting notes of May 21, 2024, filed on November 22, 2024, including the Planning Advisory Committee meeting notes of June 17, 2024.

[5] The Third Party is Mike Martin Rentals, the owner of the Properties located at 108 and 115 Helen Street in Woodstock and proposes to develop a three-unit and four-unit building on these Properties.

[6] The Properties are located in an area zoned One and Two Unit Residential "R1" by the Town of Woodstock Zoning By-law and the proposed 3-unit and 4-unit Rowhouse are conditional use within the R1 zone and permitted use on the Properties subject to terms and conditions.

[7] Upon application from the Third Party, the PAC approved the following variances, concluding they were minor in nature, all other requirements of the projects were met, aligned with the intent of the Zoning By-law, and are supported the Municipal Plan.

108 Helen Street development:

- The front yard variance is a total of 3 ft (0.9 meters); and
- The rear yard variance is a total of 3.2 ft (1 meter).

115 Helen Street development:

- The front yard variance is a total of 3 ft (0.9 meters); and
- The rear yard variance is a total of 8 ft (2.5 meters).

[8] It is from the granting of these approvals that the Appellants now appeal and contend that the approval of these variances resulted from a misapplication of the Act and would cause them special or unreasonable hardship.

[9] By way of preliminary matters, and as is the practice of this Tribunal, the Appellants were questioned as to the statutory provisions relied upon in bringing the appeal before the Tribunal. It was the advice of the Appellants that the appeal would go forward both on the grounds of “misapplication” and “special or unreasonable hardship”.

[10] As with any administrative tribunal, this Tribunal is a creature of the legislature and as such has only as much authority as the legislation provides.

JURISDICTION AND GROUNDS OF APPEAL:

[11] This matter comes before the Tribunal pursuant to subparagraphs 120(1)(b)(i) and 120(1)(b)(ii), which provides:

120(1) Subject to subsection (2), a person including the Director may appeal to the Board if he or she alleges that

(b) the approval of another person’s development or the granting of a permit under this Act to the person

- (i) resulted from the misapplication of this Act or a by-law or regulation under this Act, or;
- (ii) would cause that person special or unreasonable hardship by reason of the effect of the proposed development on the persons land, building or structure;

[12] The evidence before this Tribunal is that the Respondent approved the applications of the Third Party. The Tribunal therefore has jurisdiction to hear the appeals.

MISAPPLICATION:

[13] The Appellants submit that the granting of the applications to the Third Party resulted from misapplication by the Respondent pursuant to Section 120(1)(b)(i) of the *Act*, the wording of these sections having been set out *infra*.

[14] It is clear that the Tribunal has legislative authority to examine how planning officials reach their decisions. In *Acadian Peninsula District Planning Commission and Robert Branch v. New Brunswick Provincial Planning Appeal Board and Fernande Dugas*, (1997) 184 N.B.R. (2d) 241, at page 268, Deschênes, J. had this to say about the issue of a planning commission which had interpreted how to measure the height of a fence:

“As we saw earlier, the APDPC granted the building permit based on its interpretation of the municipal bylaw and of certain provisions of the Act. Consequently, the Appeal Board had to decide whether or not the APDPC had misinterpreted these provisions and if the permit had been granted as a result of “misapplication” of the Act or a municipal by-law. In my view, this duty lies at the heart of the Appeal Board’s jurisdiction since this is specifically the mandate the Legislature had given the Board. In short, it is for the Appeal Board to resolve these questions because the Legislature had asked it to”

[15] Pursuant to subsection 5(5) of the *Assessment and Planning Appeal Tribunal Regulation (2019-28)* adopted under the Act, the responsibility to make the case that there has not been any misapplication falls upon the Respondent.

[16] The Appellants argue that there has been a misapplication by the Respondent, pursuant to Section 120(1)(b)(i) of the Act, and more specifically by the following arguments:

- The public notices provided to residents lacked sufficient detail, preventing meaningful feedback;

- The deferral of the May 21, 2024, PAC meeting resulted in unanswered questions from the public;
- At the June 17, 2024, PAC meeting, PAC Chair, Peter Kavanaugh, dismissed the public from the meeting to allow PAC members to discuss the application without interruptions or disruptions from the public attendees;
- The meeting moved to a closed session for deliberation before resuming in an open session, at which point a PAC member invited the public back into the meeting for the vote;
- The PAC failed to adhere to the rules of natural justice by limiting public participation.

[17] As evidenced in Exhibits R1, R2 and R3, the Respondent has demonstrated to the Tribunal that the Public Notices were sufficiently detailed and that opportunity for feedback and questions by the concerned public were sufficiently addressed.

[18] However, the Tribunal emphasizes that a planning advisory committee must follow rules of procedural fairness and natural justice, and decision-making must at all times appear neutral and fair.

[19] The June 17, 2024, meeting minutes raises concerns in this regard. The evidence before the Tribunal suggests that the public was excluded and made to leave the meeting room for the PAC members to deliberate the variances before letting them back in for the vote. The Tribunal agrees with the Appellants that justice cannot be seen to be done if the decision-making process is not conducted openly and transparently.

[20] The Tribunal is of the opinion that the Appellants would have legitimate concerns that they did not benefit from a fair and transparent process in such circumstances. Planning advisory committees must deliberate motions before them and make their decisions in an open and transparent manner and in compliance with the principles of natural justice and procedural fairness.

SPECIAL OR UNREASONABLE HARDSHIP:

[21] Concerning the onus of proof for hardship, the Appellants have the responsibility of demonstrating to the Tribunal the “special or unreasonable hardship” alleged, as required by Section 5(5) of the *Assessment and Planning Appeal Tribunal Regulation* under the *Act*:

5(5) Only in the case of an appeal under subparagraph 120(1)(a)(ii), (b)(ii) or (c)(ii) of the *Act* shall the onus of proof be on the person appealing.

[22] There has been a significant body of jurisprudence established by this Tribunal on what is commonly referred to as “hardship”.

[23] The decision in *Chamberlain v. Planning Advisory Committee – City of Bathurst*, [1974] 16 P.P.A.B.D. has often been cited by this Tribunal as setting down an appropriate test in determining whether or not “special or unreasonable hardship” is caused.

This test is cited with approval by this Tribunal as being defined as:

some trial, oppression or need or something hard to bear, different from that which is usual or ordinary or that is not based on or in accordance with reason or sound judgment.

[24] It is necessary to set out the basics of the appeal which has been launched under Sec. 120(1)(b)(ii) of the *Act*. It refers to the allegation of a person that the approval of another

person's regional or other development (in this case approving variances for the front and back yard setbacks) would cause special or unreasonable hardship by reason of the effect of the proposed development on the land, building or structure of the person making the allegation.

[25] It must be noted the "hardship" is to the land, building or structure of the party alleging the hardship. It is not hardship to other persons, their property, nor the community in general. The requirements for making a successful claim that allowing the said variances would cause special or unreasonable hardship to one's lands, buildings or structures rests upon some significant damage or risk to one's property.

[26] The Appellants raised concerns regarding:

- Increased traffic and potential safety risks for children in the area;
- Limited parking availability affecting both existing and new residents;
- Potential adverse impacts on property values;
- Snow removal challenges due to increased density.

[27] The Respondents argued:

- The parking requirements comply with municipal zoning bylaws;
- Traffic concerns were considered by the PAC, and no extraordinary risks were identified;
- The claim of property devaluation is speculative and unsupported by substantial evidence.

[28] The Tribunal finds that the Appellants have not provided sufficient material evidence to establish special or unreasonable hardship under Section 120(1)(b)(ii) of the *Act*. Concerns related to traffic, parking, and property values, while valid community considerations, do not meet the threshold of legal hardship as defined by jurisprudence.

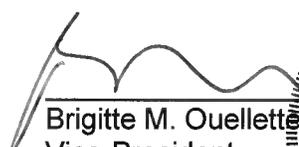
ORDERS AND DECISIONS:

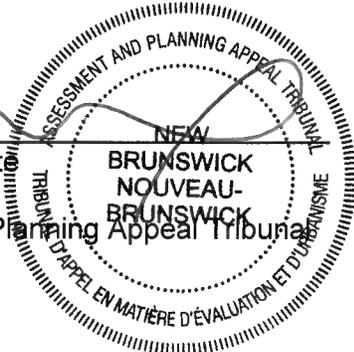
[29] The appeals on the grounds of special or unreasonable hardship are hereby dismissed.

[30] While the variances in question appear to be minor in nature and the PAC's conclusion may ultimately be just, the manner in which the meetings were conducted did not adhere to the rules of natural justice.

[31] Given the failure to maintain transparency and public participation in the June 17, 2024, meeting, the Tribunal orders that this matter be remitted back to the PAC for a new meeting, ensuring compliance with the rules of natural justice and that the meeting is fully open to the public.

DATED at Grand Falls, New Brunswick, this 30th day of March 2025.


Brigitte M. Ouellette
Vice-President
Assessment and Planning Appeal Tribunal





WOODSTOCK
WHERE THE RIVERS MEET
- New Brunswick's First Town -

General Application Form

CIVIC ADDRESS: <i>115 Helen Street</i>	PID #: <i>10119014</i>
--	------------------------

STAFF USE	APPLICATION #:	DATE RECEIVED:
		RECEIVED BY:

APPLICANT INFORMATION	APPLICANT <i>Martin Rental Properties</i>	EMAIL <i>KCI.mike@rogers.com</i>	PHONE <i>328-8112</i>
	MAILING ADDRESS <i>1-245 Route 555, Bedell</i>		POSTAL CODE <i>E7M 4M7</i>
	CONTRACTOR <i>KCI</i>	EMAIL	PHONE
	MAILING ADDRESS <i>Same</i>		POSTAL CODE
	OWNER <i>Same as above</i>	EMAIL	PHONE
	MAILING ADDRESS		POSTAL CODE

PRESENT USE: <i>Apartment building</i>	PROPOSED USE: <i>New Apartments</i>
--	-------------------------------------

CHECK ALL THAT APPLY	BUILDING	PLANNING	INFRASTRUCTURE
	<input type="checkbox"/> INTERIOR RENOVATION <input type="checkbox"/> EXTERIOR RENOVATION <input type="checkbox"/> ADDITION <input type="checkbox"/> DECK <input type="checkbox"/> CHANGE OF USE <input type="checkbox"/> MINIMUM STANDARDS	<input checked="" type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> ACCESSORY BLDG <input type="checkbox"/> POOL <input type="checkbox"/> DEMOLITION <input type="checkbox"/> SIGN <input type="checkbox"/> OTHER	<input type="checkbox"/> VARIANCE <input type="checkbox"/> PLANNING LETTER <input checked="" type="checkbox"/> PAC APPLICATION <input type="checkbox"/> COUNCIL APP <input type="checkbox"/> SUBDIVISION <input type="checkbox"/> OTHER

DESCRIPTION OF WORK	<i>To sub-divide current property to build more affordable units in the town of Woodstede.</i>

I hereby apply for the permit(s) or approval(s), indicated above for the work described on plans, submissions and forms herewith submitted. This application includes relevant documentation necessary for the applied for permit(s) or approval(s). I agree to comply with the plans, specifications and further agree to comply with relevant Township Bylaws and conditions imposed. By submitting a complete permit application, the applicant grants permission to Township inspectors to enter the land building or premises at all reasonable times for the purposes of conducting inspection(s) associated with the permit.

Signed by *[Signature]* at Town of Woodstock, N.B. on *04/11/20*
APPLICANT SIGNATURE MM/DD/YYYY

General Collection Statement

The legal authority for collecting the information contained in this application form is to be found in the Municipalities Act and the Right to Information and Protection of Privacy Act. Unless required to do so by law, the Town of Woodstock will not share your personal information with any third party, without your expressed consent. For further information or questions with regard to the collection of personal information, please contact the Town Clerk.



WOODSTOCK
WHERE THE RIVERS MEET
- New Brunswick's First Town -

Planning Advisory Committee Application Form

STAFF USE	APPLICATION #:	DATE RECEIVED:
		RECEIVED BY:

TYPE OF APPLICATION

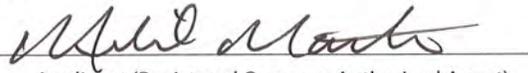
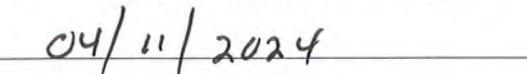
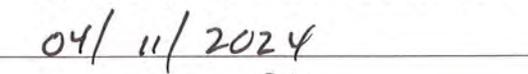
CONDITIONAL USE
 COMPATIBLE OR SIMILAR USE
 TEMPORARY APPROVAL
 VARIANCE
 NON-CONFORMING USE
 OTHER

PROPERTY AND APPLICANT INFORMATION	CIVIC ADDRESS: <i>115 Helen Street</i>	PID #: <i>10119014</i>	
	PRESENT USE: <i>Apartment building</i>	PROPOSED USE: <i>New building</i>	
	PROPERTY OWNER <i>Martin Rental Properties</i>	EMAIL <i>Kci.mike@rogers.com</i>	PHONE <i>328-8112</i>
	MAILING ADDRESS <i>245 Route 555, Bedell 103</i>	POSTAL CODE <i>E7M 4M7</i>	
	AGENT	EMAIL	PHONE
	MAILING ADDRESS	POSTAL CODE	

DESCRIPTION OF APPLICATION	<i>We would like to help fill the need of housing in Woodstock</i>
	<i>We can density our property and build 4 more affordable units, all within site of Townsview Middle School, and the Ayr Motor Center.</i>

AUTHORIZATION

As of the date of this application, I, the undersigned, am the registered owner of the land described in this application or the authorization thereof. I have examined the contents of this application and hereby certify that the information submitted with the application is correct to the extent that I have knowledge of these facts. I hereby authorize the applicant to present this matter and provide any additional information that will be necessary for this application.

 Registered Owner or Authorized Agent	 Applicant (Registered Owner or Authorized Agent)
 Date MM/DD/YYYY	 Date MM/DD/YYYY

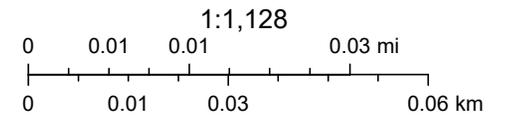
The information contained in this application and any documentation (plans, drawings, reports, and studies) provided in support of this application will become part of the public record.

GeoNB Map Viewer



4/12/2024, 9:15:11 AM

- Override 1
- Civic Addresses
- parcels
- Buildings
- Large Scale
- Year of Photography



Department of Environment and Local Government / Ministère de l'Environnement et des Gouvernements locaux

GeoNB

This map is a graphical representation which approximates the size, configuration and location of features. This map is not intended to be used for legal descriptions or to calculate exact dimensions or area.



Helen St

Elizabeth St

Helen St

Elizabeth St

Cook St

Carlton Manor



Helen St

Elizabeth St

Cook St

Helen St

Elizabeth St

Carlton Manor









BRADLEY PROPERTY
PID 10119097

33.667

O/S 3.9 m

O/S 3.0 m

O/S 3.9 m

24.38

LIGHT
POLE
△
ANCHOR

NEW 4 UNIT APARTMENT BUILDING

(TO BE REMOVED
OR RELOCATED)

O/S 5.1 m

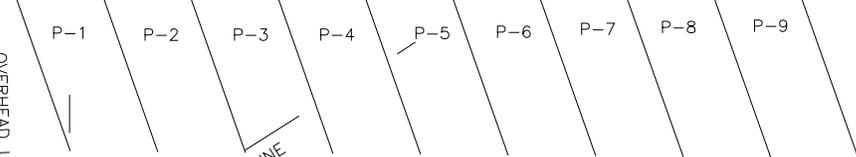
O/S 3.5 m

24.38

22.826

23.996

1.8 m



LOT 1 AREA=772 m²

32.419

LOT 2 AREA=804 m² O/S 3 m +/-

15.08

O/S 8.3 m

O/S 3 m +/-

EXISTING PARKING AREA

EXISTING
APARTMENT
BUILDING
CIVIC No.115

3.048 m WIDE UTILITY EASEMENT

O/S 8.8 m

19.06

EXISTING PARKING AREA

O/S 7.4 m

O/S 2.9 m TO 3.5 m

25.882

31.172

DEAD END

KIRKPATRICK STREET



HELEN STREET

TOWN OF WOODSTOCK PROPERTY
PID 10118982
(CONNELL PARK)

24.772

SHED

STOKES PROPERTY

PID 10119212

LAND OWNERSHIP
MARTIN RENTAL
PROPERTIES INC
PROPERTY
PID 10119014

SITE PLAN
MARTIN RENTAL PROPERTIES INC
115 HELEN STREET WOODSTOCK NB

DATE : 9 APRIL 2024
COORD FILE : 86009241
PLOT FILE : 86009241

Report Date: May 14, 2025

To: Planning Advisory Committee

From: Andrew Garnett, Director of Development

Meeting Date: May 20, 2025

Property Information

Application: 2025-041

Applicant: Brian Jones

Property Owner: Brian Jones

Civic Address: 39 Martin Drive

PID #: 10267011

Parcel Area: 6,040 square meters

Municipal Plan Designation: Residential

Existing Zoning: R1

Application Type: Conditional Use

Surrounding Land Use(s) and Zoning: The area around this application is zoned R1 - One and Two Unit Residential and is occupied by single-unit dwellings that are on large, unserviced lots.

Jurisdiction:

Pursuant to 53(3)c) of the Community Planning Act, a Zoning By-law may prescribe particular purposes

- (i) in respect of which the advisory committee or regional service commission, subject to subsection (5), may impose terms and conditions, and
- (ii) (ii) that may be prohibited by the advisory committee or regional service commission if compliance with terms and conditions imposed under sub paragraph (i) cannot reasonably be expected

53(4) Terms and conditions imposed under paragraph (3)(c) shall be limited to those considered necessary by the advisory committee or regional service commission to protect:

- (a) properties within the zone or in abutting zones, or
- (b) the health, safety and welfare of the general public.

Application Summary

The developer is making an application to add an additional dwelling unit to an existing 2-unit dwelling. Under section 8.1.2 Conditional Uses of the Zoning B-law, the Planning Advisory Committee has the authority to do so subject to any terms and conditions they deem necessary.

Recommendations

It is recommended that the Planning Advisory Committee **approve** the additional unit on property located at 39 Martin Drive, identified by PID 1026701, to create a 3-unit dwelling, subject to the following terms and conditions:

- 1) That a landscaping plan be prepared by the owner and submitted to the Development Officer to be reviewed and approved prior to the issuance of a building and development permit; and
- 2) A copy of the Approval to Install Permit from the Department of Public Safety to accommodate the additional unit, be provided to the Development Officer prior to the issuance of a building and development permit.

Analysis

Proposal

The developer is wanting to take advantage of the size of the property at PID 10267011 by adding an additional dwelling unit to an existing 2-unit, single story dwelling. The project is an interior renovation, with no additions to the footprint of the existing structure being proposed.

There is adequate space on the property for the additional unit. As noted above, the site does not have access to municipal sewer and water, so the applicant does require authorization to connect the additional unit to the existing septic system. No other concerns with this application have been identified.

Staff have noticed that the property is not currently landscaped. Therefore, a condition should be included with the approval that the owner must submit a landscaping plan that will be reviewed and approved by the Development Officer prior to a permit being issued.

Photographs of the subject property are attached, along with a location map.

Site Characteristics and Neighborhood Character

The area around 39 Martin Drive is residential in nature and can be characterized as low density, with single unit dwellings on large unserviced lots.

Municipal Plan Context

The following points can be found in the Town of Woodstock municipal plan.

LU-6 Council shall provide for a mix of residential housing types and densities in the Residential land use designation through appropriate provisions in the Zoning By-law.

H-1 Council shall encourage the construction of affordable, high-quality housing at a mix of densities in areas with adequate connections to critical amenities such as health services, retail services, schools, recreational areas, and active transportation networks.

H-3 Council shall work with the local development community to explore strategies to increase the number of affordable housing units introduced to the market.

H-4 Council shall encourage affordable units to be constructed on the ground floor of new multi-unit developments to allow for ease of access.

Zoning By-law Context

	<u>Permitted / Required</u>	<u>Proposed</u>
Minimum Lot Area	4,000 sq meters	6,040 sq meters
Minimum Lot Frontage	54 meters	102 meters
Minimum Lot Depth	30 meters	61 meters
Minimum Front Yard	6.0 meters	18.3 meters
Minimum Rear Yard	6.0 meters	15.2 meters
Minimum Side Yard	1.5 meters	18.3 / 67 meters
Maximum Height	9.0 meters	6 meters
Maximum Lot Coverage	50%	6.5 %

Conclusion

The application submitted should be considered supportable as the proposed development at this location is supported by the Municipal Plan and the lot meets all of the required zoning provisions. This application provides a gentle increase in density in this area that will help to provide alternative housing options that are required in our municipality.

Stakeholder Comments

The building is serviced by private well and septic system, so the Director of Utilities has no concerns.

Public Notice

Public notice was given to the neighborhood on May 9, 2025. The notices were hand delivered by the Woodstock Public Works Department within a 100 m radius of the address.

Authorization

Prepared by:	Approved by:
---------------------	---------------------



Andrew Garnett
Director of Development
Andrew.Garnett@woodstocknb.ca



Jamie Burke, RPP, MCIP
Planning Director

Appendices

The following appendices are included in this section:

Appendix 1: Application

Appendix 2: Context Map

Appendix 3: Future Land Use Designation

Appendix 4: Zoning Map

Appendix 5: Site Photos

Appendix 6: Site Plan

Appendix 7: Site Renderings



Planning Advisory Committee Application Form

STAFF USE	APPLICATION #:	DATE RECEIVED:
		RECEIVED BY:

TYPE OF APPLICATION		
CONDITIONAL USE	COMPATIBLE OR SIMILAR USE	TEMPORARY APPROVAL
VARIANCE	NON-CONFORMING USE	OTHER

PROPERTY AND APPLICANT INFORMATION	CIVIC ADDRESS:	PID #:	
	PRESENT USE:	PROPOSED USE:	
	PROPERTY OWNER	EMAIL	PHONE
	MAILING ADDRESS		POSTAL CODE
	AGENT	EMAIL	PHONE
	MAILING ADDRESS		POSTAL CODE

DESCRIPTION OF APPLICATION	

AUTHORIZATION	
<p>As of the date of this application, I, the undersigned, am the registered owner of the land described in this application or the authorization thereof. I have examined the contents of this application and hereby certify that the information submitted with the application is correct to the extent that I have knowledge of these facts. I hereby authorize the applicant to present this matter and provide any additional information that will be necessary for this application.</p>	
<hr style="width: 80%; margin: 0 auto;"/> <p>Registered Owner or Authorized Agent</p>	<hr style="width: 80%; margin: 0 auto;"/> <p>Applicant (Registered Owner or Authorized Agent)</p>
<hr style="width: 80%; margin: 0 auto;"/> <p>Date MM/DD/YYYY</p>	<hr style="width: 80%; margin: 0 auto;"/> <p>Date MM/DD/YYYY</p>

The information contained in this application and any documentation (plans, drawings, reports, and studies) provided in support of this application will become part of the public record.

GeoNB Map Viewer

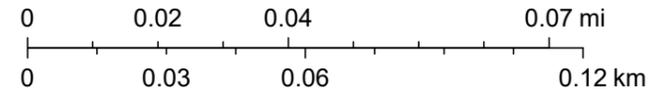


5/15/2025, 12:18:36 PM

1:1,527

- Civic Addresses
- parcels
- Buildings
- Regional Service Commissions
- Large Scale

Imagery_Basemap_Year



Department of Natural Resources Canada / Ministère des Ressources naturelles Canada, Department of Environment and Local Government / Ministère de l'Environnement et des Gouvernements locaux

This map is a graphical representation which approximates the size, configuration and location of features. This map is not intended to be used for legal descriptions or to calculate exact dimensions or area.

BL

CHOVER Street

HILLMAN Street



MAN Street

BER Street

AVERY Street













A = 18.3m
B = 18.3m
C = 15.2m
D = 67.0m

Report Date: May 14, 2025

To: Planning Advisory Committee

From: Andrew Garnett, Director of Development

Meeting Date: May 20, 2025

Property Information

Application: Request for PAC Comments on Revisions to the Mobile Home Parks By-law No. 136

Applicant: N/A

Property Owner: N/A

Civic Address: N.A

PID #: N/A

Parcel Area: N/A

Municipal Plan Designation: N/A

Existing Zoning: N/A

Application Type: N/A

Surrounding Land Use(s) and Zoning: N/A

Jurisdiction:

Although the Mobile Home Park By-law is not a by-law made under the jurisdiction of the Community Planning Act, Town Council has referred the by-law to the PAC for their input on modernizing and revising the document.

Application Summary

Woodstock Town Council is currently reviewing the Mobile Home Parks By-law, being By-law No. 136 and has asked the PAC to provide any suggested revisions. The document was reviewed at the April meeting and committee members were advised to send any comments to staff so they could be integrated into the draft document for further discussion at the May meeting.

Recommendations

That the Planning Advisory Committee asks staff to integrate the necessary comments into the revised by-law that were discussed at the May 20 meeting and forward them to the Town Council for their consideration.

Analysis

Municipal Plan Context

The Municipal Plan is silent on Mobile Home Parks.

Zoning By-law Context

The Zoning By-law contains a Mobile Home Parks Zone, which permits mobile homes, a park or playground and accessory uses. The zoning by-law also permits a variety of conditional uses, including a home occupation (subject to section 5.9), a neighbourhood day care (subject to section 5.6), a mobile or mini home sales lot, a convenience store, a clothes cleaning business in association with, or on the same lot as a convenience store or sales office, and the keeping of chickens (subject to section 5.12).

Conclusion

The PAC has been asked to provide comments on the existing by-law. Staff have captured comments provided to date, and have integrated them into the existing document for discussion purposes prior to providing any revisions back to Town Council.

Stakeholder Comments

N/A

Public Notice

N/A

Authorization

Prepared by:



Andrew Garnett
Director of Development

Approved by:



Jamie Burke, RPP, MCIP
Director of Planning

Appendices

The following appendices are included in this section:

Appendix 1: Edits to Mobile Home Parks By-law No. 136

By-Law No.136
A By-Law to Regulate Mobile Home Parks

Under authority vested in it by the Municipalities Act, Chapter M-22, R.S.N.B. and amendments thereto, the Council of the Town of Woodstock enacts as follows:

Title

1. This by-law may be cited as a by-law to regulate mobile home parks.

Definitions

2. "building inspector" means the building inspector appointed by the council of the Town of Woodstock;

"mobile home" means a trailer containing a water closet and a bath or shower;

"mobile home park" means a parcel of land intended as the location, for residential purposes, of ten or more mobile homes.

"mini home" means a building unit that is designed to be used with or without a permanent foundation as a dwelling for humans, that has a width of less than six meters throughout its entire length exclusive of steps and porches, that is not fitted with facilities for towing or to which towing apparatus can be attached and that is capable of being transported by means of a flat-bed float from the site of its construction without significant Alterations;

"space" means a plot of land within a mobile home park designated to accommodate, or accommodating, one mobile home;

"trailer" means any vehicle used for sleeping or eating accommodation of persons and so constructed as to be suitable for being attached to and drawn by a motor vehicle, notwithstanding that such vehicle is jacked up or its running gear removed.

Application

3. This regulation is effective throughout the Town of Woodstock in those areas of the municipality zoned "residential, mobile home".

Scope

4. This regulation provides for the regulating of mobile home parks. For the purposes of this by-law, the words "mobile home" shall also mean "mini home".

Prohibition

5. (1) except for purposes of storage, no mobile home or mini home may be placed or located except:
- (a) In the case of a mobile home or mini home;
 - (i) In an area zoned to allow a mobile or mini home; or
 - (ii) In a trailer camp or other accommodation licensed, or of a standard which would qualify it for license, for such purpose under the tourism development act.

Park Requirements

6. (1) a mobile home park shall conform to the following requirements:
- (a) A park shall be located on a well-drained parcel of land, properly graded to insure rapid drainage and freedom from stagnant pools of water;
 - (b) Subject to subsection (2), a park shall incorporate a buffer area;
 - (c) Subject to subsection (3), a park shall be serviced by an internal roadway system;
 - (d) A park shall contain at least ten spaces;
 - (e) A park shall be serviced by public power and telephone service and the facilities installed within the park therefore shall be of a standard acceptable to the supplying utility, and shall be placed underground.
 - (f) A park shall be serviced by common water and sewer facilities as approved by the Town of Woodstock. It shall be the responsibility of the owner to build or upgrade any municipal services in order to accommodate the requirement of the park;
 - (g) All spaces shall be
 - (i) Clearly defined on the ground by permanent markers,
 - (ii) Have and contain a width of at least 12 meters and a depth of at least 30 meters,
 - (iii) Abut the internal roadway system,
 - (iv) Be indicated by numbers corresponding to numbers shown on the approved plan,
 - (v) Be serviced by facilities mentioned in paragraphs (e) and (f),
 - (vi) Not include any part of a buffer area required under paragraph (b);
 - (h) No mobile home shall be located within
 - (i) 3 meters of the internal roadway system,
 - (ii) 1 meter of the side of a space,
 - (iii) 2 meters of the rear of a space,
 - (iv) 7.5 meters of a boundary of the park, or of a service building within it,
 - (v) 30 meters of a dwelling house;

(i) Motor vehicle parking accommodation for the occupant's vehicle shall be provided on each space and, for each four spaces which do not have further accommodation for visitor parking of one vehicle, one such accommodation shall be provided in parking areas dispersed throughout the park, such accommodation being surfaced with an appropriate material and compacted so as to be durable and adequate to support maximum anticipated loads during all seasons.

J) All park entrances and exits and the internal roadway system shall be lighted at night, with the lighting so arranged that its direct rays do not fall on adjoining premises;

(k) All service buildings shall be permanent structures complying with the national building code of Canada;

(l) All mobile homes in the park shall be provided with durable skirting, designed and placed so as to harmonize therewith; and;

(m) No building, structure or mobile home appurtenance may be placed or erected on a space except

(i) A canopy, awning, expansion unit, accessory structure, carport or porch, if factory-build, designed for, attached to and harmonizing with the mobile home,

(ii) A porch or entry, if the floor area thereof does not exceed 2.5 square meters and it is designed for, attached to and harmonizing with the mobile home,

(iii) a factory-built accessory storage building, ~~or~~

(iv) a clothes drying line.

6. (2) A buffer area mentioned in paragraph (1)(b) shall

(a) Consist of an area at least 3 meters wide within and abutting the boundaries of the park, except that, where a set-back is required by regulation or by-law, the buffer area shall be in excess of the minimum required set-back

(b) Have trees or other planting planted herein and maintained in good condition, sufficient to screen the park from adjoining properties and highways;

(c) Be maintained clear of any mobile homes, buildings, structures or service facilities other than waterfront recreation facilities; and

(d) Contain no internal roadways except those which cross it as close to right angles as practicable and connect directly with the internal roadway system contained within the remainder of the park.

6. (3) an internal roadway system mentioned in paragraph 6(1) (c) shall
 - (a) Have a width of at least 12 meters;
 - (b) Have a travel portion at least 6 meters wide, with a paved surface of minimum 2" thickness and with a base sufficient to support anticipated loads;
 - (c) Give access to all spaces and service buildings in the park; and
 - (d) Afford access to a public highway, such access to meet the highway as close to right angles as practicable.
6. (4) Complete plans showing street and lot layout and sizes, together with all services shall be submitted to the building inspector who shall inspect said documents to ensure compliance with the provisions of this by-law prior to issuing approval to construct or modify any mobile home park.

Garbage and Rubbish Disposal

7. (1) the owner or operator of a mobile home park is responsible for assuring
 - (a) The provision of tightly-covered metal or plastic garbage cans or other containers acceptable to the building inspector for each mobile home in the park in sufficient quantity to preclude overflow thereof between collections mentioned in paragraph (c);
 - (b) The maintenance of containers mentioned in paragraph (a) in a sanitary condition at all times; and
 - (c) The collection and disposal of garbage and rubbish as frequently as may be necessary to preclude overflow mentioned in paragraph (a), but not less than once a week.
7. (2) the occupant of a mobile home in a mobile home park shall deposit garbage and rubbish in a container mentioned in paragraph (1)(a) and shall not otherwise allow the deposit or accumulation thereof on the space on which the mobile home is placed.
8. (1) no mobile home, mini home, mobile home appurtenance or other building or structure may be placed, located or erected on a mobile home site unless a building permit therefor has been issued.
8. (2) subject to subsection (3), a building inspector may issue a building permit to allow the placing or locating of a mobile home on a lot for a temporary period indicated on the permit, but not exceeding one year, if such mobile home is intended for use by the owner or builder of a dwelling under construction on the same lot.

8. (3) where a building permit mentioned in subsection (2) has been issued,
 - (a) The permit is valid for the period indicated thereon; and
 - (b) The owner or person in whose name the permit was issued shall remove the mobile home from the lot prior to the expiration of the permit.
9. The council of the Town of Woodstock may, by resolution, vary any provision of this By-Law.

Read a first time this 10th day of May, 1993.

Read a second time this 10th day of May, 1993.

Read a third time and enacted this 25th day of May, 1993.

Mayor

Town Clerk

By-Law No. 136-1
A by-law to amend By-Law No. 136, a By-law to
Regulate Mobile Home Parks

Under authority vested in it by the Municipalities Act, chapter M-22, R.S.N.B. and amendments thereto, the council of the Town of Woodstock enacts as follows:

Title

This by-law may be cited as a by-law to amend by-law No.136, A by-law to regulate mobile home parks.

Amendments

By-law no 136, a by-law to regulate mobile home parks is hereby amended by deleting section 9 and substituting a new section 9 as follows:

10. The planning advisory committee of the Town of Woodstock may, by resolution, grant variance(s) to any provision of this by- law.

Read a first time this 11th day of October, 2005.

Read a second time this 11th day of October, 2005.

Read a third time and enacted this 24th day of October, 2005.

Jeff Wright, Mayor

E.L. Dickinson, Director of Administrative
Services

By-Law No.136-1
A by-law to amend By-Law No. 136, a By-law to
Regulate Mobile Home Parks

Under authority vested in it by The Municipalities Act, Chapter M-22, R.S.N.B. and amendments thereto, the council of the Town of Woodstock enacts as follows:

Title

This by-law maybe cited as a by-law to amend By-law No.136, A By-law to Regulate Mobile Home Parks.

Amendments

By-law no 136, a By-law to Regulate Mobile Home Parks is hereby amended by deleting Section 9 and substituting a new Section 9 as follows:

9. The Planning Advisory Committee of the Town of Woodstock may, by resolution, grant variance(s) to any provision of this by-law.

Read a first time this 11th day of October, 2005.

Read a second time this 11th day of October, 2005.

Read a third time and enacted this 24th day of October, 2005.

Jeff Wright, Mayor

E.L. Dickinson, Director of Administrative
Services

By-Law No.136-1
A By-Law to Amend By-Law #136

The council of the Town of Woodstock, under authority vested in it by the Municipalities Act, Chapter m-22, R.S.N.B., enacts as follows:

Title

1. The by-law maybe cited as a by-law to amend by-law #136, a by-law to regulate mobile home parks.
2. Section 6 (1) (m) is hereby amended by adding:

(V) A deck no larger than 15 sq. M. (160 sq ft)

Read a first time this 9th day of September, 2014.

Read a second time this 9th day of September, 2014.

Read a third time and enacted this 22nd day of September, 2014.

Arthur Slipp, Mayor

Ann Marie Voutour, Director of Administrative Services