

WOODSTOCK

*Planning Advisory Committee
Public Meeting Agenda
Studio 2 – AYR Motor Centre
June 23, 2025 – 6:30 PM*

1. Call to Order
2. Recording of Attendance
3. Acceptance or Building of Agenda
4. Disclosure of Conflict of Interest

5. Approval of the Minutes
 - May 20, 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 10119014**. 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 Rick Kirkbride, **128 Gallop Court, identified by PID 10286888**, to add two, four-unit residential buildings in the Corridor Commercial (CC) Zone.

- d) Other Business

8. Next Meeting July 21, 2025, at 6:30pm

9. Adjournment



Planning Advisory Committee Meeting Minutes

May 20, 2025

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

Councillor Norm Brown

John Slipp

Sarah Leech

Keith Bull

Monica Grant

Regrets from Councillor Will Belyea

Regrets from Peter Kavanagh

Acceptance / Building of the Agenda:

The agenda for the meeting was reviewed with no changes made.

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 April 22, 2025, as presented. Moved by Councillor Norm Brown and seconded by John Slipp. CARRIED.

Business Arising from the Minutes:

There was no business arising from the minutes.

New Business:

1. *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.

Chair Kurt Young read an opening statement regarding the applications for 108 Helen Street and 115 Helen Street. He explained the results the results from the Planning Appeal Board and the process to follow this evening. Further this is a fresh start, and the application will be presented again. Jamie Burke, our planner, will review the application and receive questions from the committee and the public, should they wish to do so.

Mr. Burke reviewed the application from 108 Helen Street. He went through the report that was provided to the Planning Advisory Committee members and that was posted on the town's website. It should be noted that the application has not changed since it was last presented.

Chair Kurt Young offered John Keenan (A member of Martin Rentals) to provide any comments. John Keenan wanted it stated that since the last meeting the larger trucks that would park there are longer doing so and are off site.

Chair Kurt Young open to the floor for comments:

Bill Hogan (105 Helen Street) – His concern was the amount of parking available. Feels that although changes have been made by council there is not enough. Mr. Hogan provide photos (attached as an appendix to the minutes) to show his concerns. Also stated that perhaps these units are not necessarily needed and provided examples of other projects that are to provide rentals. Last statement of concern was the orientation of the buildings and felt they should be changed.

Heather Hogan (105 Helen Street) – Mrs. Hogan expressed her concern about the parking, especially in the morning and evening. She stated her concern of the view looking at the structure. Feels that the proposed building will not fit on the lot. She is asking that time be given to see if it will fit.

Ron Ward (111 Elizabeth Street) – Mr. Ward expressed concern over the height of the building. The height of his structure versus the height of the proposed building. He stated further about his concerns of buildings that are there illegally already. Stated a concern

about stress to the water and sewer systems and the frequency that the police already have at this location. Kids need to be protected, and this will only add to it. Snow plowing is not currently addressed and has concerns with snow in parking lot and from the street. Ended with stating he feels that this project should not go forward.

Bob Stokes (109 Helen Street) – Read a prepared statement which is attached as an appendix to the minutes. Also provided a petition that is included as an appendix to the minutes.

Doug Brown (129 Kirkpatrick Street) – Asked what the setbacks are for the buildings and referred to who gets a public notice and if any changes were made to that process.

Jamie Burke read an email that was received from Mr. Wishart (131 Helen Street) that was included in the package that PAC received.

Chair Kurt Young opened it up to PAC members for comments and/or questions.

Sarah Leech asked about the lot size and how each should be looked at. Jamie explained that the new lot would follow the current bylaw while the former is a legal non-conforming use.

Norm Brown asked if it mattered that Townsview School was not notified of the public hearing. Jamie explained that all property owners shall be notified of the meeting and that would include the school.

John Slipp asked if that included all zones outside of residential as well which Jamie responded with a yes.

Motion to table the application for 108 Helen Street until the June meeting. Moved by Councillor Norm Brown and seconded by Monica Grant. CARRIED.

2. *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.*

Motion to table the application for 115 Helen Street until the June meeting. Moved by Councillor Norm Brown and seconded by Sarah Leech. CARRIED.

3. 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.

Jamie Burke presented an application from Brian Jones. This application was for a third unit which is a conditional use under the zoning bylaw.

Chair Kurt Young offered the floor to the public for comments.

Terry Matthews (104 Avery Street) – Stated that he supported the project and only concern was the road in between them which was an item for DTI and not Mr. Jones.

Motion to approve the additional unit on property located at 39 Martin Drive, identified by PID 10267011, 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 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.

Moved by John Slipp and seconded by Monica Grant. CARRIED.

4. Request from Woodstock Town Council for the PAC to provide input on revisions to the Town's Mobile Home Park By-law No. 136.

Director of Development, Andrew Garnett, led the discussion with the committee to review the suggestions that came forth from the members. It was agreed that after the discussion that Andrew Garnett would summarize in a document and share back with the committee. Mr. Garnett wasn't sure if PAC would have to opportunity to discuss at their next meeting and this may be their last chance before going back to council.

Other Business:

There was no other business.

Next Meeting Date:

Next meeting will fall on June 23, 2025, at 6:30pm.

Adjournment:

Meeting was adjourned at 8:30pm by Monica Grant







Planning and Advisory Committee Meeting – Tues. May 20, 2025.

In June 2024 the PAC approved a variance for the construction of a four unit and three unit row-house at 115 Helen Street and 108 Helen Street and did not support the resident landowner request to deny these variances. The PAC decision was appealed, a hearing was held on Dec. 6, 2024 and a decision by the Province of New Brunswick Assessment and Planning Appeal Tribunal supporting the appeal was received on Mar. 30, 2025, referring this variance request back to the PAC.

At the June public meeting, the resident landowners attending were not supportive and were opposed to the variance request for construction of row-houses on Helen Street. They presented their reasons, being additional traffic on a dead-end street, children safety, reduced 108 Helen Street backyard space abutting onto adjacent school property possibly creating a student safety concern for their children attending Townsview School, privacy with a proposed 115 Helen Street 5 meter backyard abutting the adjacent property backyard, adequate apartment and row-house parking, concerns with snow removal, impact on property values, appearance and position of row-house not conforming to adjacent properties on street, greenspace, street parking, etc. Although these are legitimate concerns, it is the resident landowners responsibility to demonstrate if the variance requests create 'hardship' to their personal property. The variance does create 'hardship' on the row-houses as they do not conform to the required Town by-laws for construction with reduced front and backyard space. The PAC must determine if the variance application from Martin Rentals provides unreasonable 'hardship' to the resident landowners concerns and is based on sound judgement. The variance request is presented to address an issue with the existing by-law, perhaps the proposed row-houses do not fit the property, and the PAC must determine if the by-laws should be followed or the variance passes the test for the definition of a unique situation. Martin Rentals has already concluded these row-houses are reasonable, will have no impact on Helen Street resident concerns, are respectful toward their neighbours and are proceeding with the variance request knowing there was opposition to these row-houses at the June 2024 meeting.

Perhaps the PAC at the June 17, 2024 meeting did not understand that all resident landowners attending were not supportive of the variance requests. To reinforce resident concerns to the PAC and make more official in writing, I present to you a Petition signed by 45 resident landowners in close proximity to the proposed row-houses who are not supporting these variance requests. These landowners are not supporting the PAC decision of June 2024 nor this variance request of May 20th. The purpose of a PAC public meeting is to ask, answer questions and at all times be fair and maintain transparency. The PAC should be made aware, the Public Notice distributed on May 8, 2025 regarding this meeting referenced, "As a property owner within 100 meters of the above noted application, this notice was sent to you to seek any comments you would like to make." Please be advised and has been confirmed

both this past Friday and this afternoon, the landowner for Townsview School, including the Principal, on property adjacent to the proposed row-house at 108 Helen Street, did not receive notification and had no knowledge of this meeting as required and stated in the May 8th Notice. Once again, it appears the Town of Woodstock did not follow the required process for this Public meeting. As a landowner responsible for children safety on school property, one would conclude the school should be notified of this meeting and provided an opportunity to ask questions regarding the rental row-house abutting their property line to be certain this construction conforms to the Provincial rules and regulations of the NB Department of Education for student safety. Parents with children attending this school expressed their concern last June and it is recommended the PAC receive comments from government before making a decision on this variance request.

I have lived my life based on values of my parents; be honest, be kind, be supportive, help others and at all times be respectful. For this reason, I firmly believe in the motto's of organizations I've belonged and currently belong which share the same values. When one places their hand on a Bible and take an oath to abide by the tenants of their profession that support these values, at times it can be challenging to understand the rationale and thoughts of others who do not believe in these core values. Based on these values and belief, I question how the PAC at your June 2024 meeting could support these variances with a 'mover', a 'seconder' a discussion and vote in favour, knowing the many resident landowners affected by these variances in their daily lives were all opposed. These row-houses are not a unique situation requiring a by-law amendment.

What information does the PAC have that was not shared publicly with transparency at the June 2024 meeting, and perhaps this evening's meeting, that would support these variances, knowing there are 45 resident landowner signatures on a petition opposing these rental row-houses? Answer?

How can PAC members support these variances knowing they are not showing respect to the tax paying property owners in the area. I will not support a variance request with a rebuttal, "These row-houses will address our housing issue." PAC should definitely question the impact seven units would have on housing, in comparison to the high number of apartments and new housing units being created by the Cook Construction initiative in Eastwood Heights, apartments in the Middle School refurbishment and former downtown Stewarts Home Hardware and the proposed senior apartment expansion for Woodstock Masonic Housing. There also appears to be a growing interest in the small style homes, similar to the cost efficient home built by NBCC students, and perhaps property owners will consider these appropriate for placement in the one and two unit residential R1 zone or in close proximity to your property. PAC support for these variance requests possibly could set a precedent for future approval by property owners.

Only under very special or unforeseen circumstances should an amendment be considered for a Town by-law. The variance requests are an attempt to address a concern; most likely the property space is not adequate to permit these 3 and 4 unit rental row-houses to be constructed. This is not a special or unforeseen situation, it is a property issue. Town By-Law standards were written with a purpose and should be enforced. The By-Law must not be amended for poor planning. The negative impact on the daily lives of the resident landowners and issues experienced with rental tenants over the years, far exceed the benefit gained from seven units being added to the neighbourhood.

I respectfully ask the PAC not support these variances, notify Martin Rentals this variance does not adhere to Town By-Law for space requirement and respect the request of the 45 resident home landowners.

To: Woodstock Planning Advisory Committee and Woodstock Town Council
From: Landowners within the proposed zoning amendment area

Please be advised the following landowners are opposed to the Variance Application from Martin Rentals to construct a four unit and three unit building on property located at 115 Helen Street and 108 Helen Street.

Name:

Address:

Doug + Julie Brawn
Paul Watson
Jamie L. Wishart
Sarah Wishart
Ted Morris
Joanna Morris
T. Morris Bsc. DVM Msc.
Belinda Sepp
Emmanuel Miguel
Robert G. Kitch
Katie Kitch
Tracy Carson
Sierra Godwin
Casey St Amand

129 Kirkpatrick St.
132 Helen St.
131 Helen St.
131 Helen St.
128 Helen St.
128 Helen St.
127 Helen St.
126 Helen St.
123 Helen St.
123 Helen St.
123 Helen St.
121 Helen St.
121 Helen St.

To: Woodstock Planning Advisory Committee and Woodstock Town Council
From: Landowners within the proposed zoning amendment area

Please be advised the following landowners are opposed to the Variance
Application from Martin Rentals to construct a four unit and three unit building
on property located at 115 Helen Street and 108 Helen Street.

Name:

Address:

Lisa Bradley

122 Helen St.

Jan Mphahle

122 Helen St.

Wendy Dunn

112 Helen St.

Keaton Brown

129 Kirkpatrick St

Joine Hyles

130 Helen St.

Tony Hughes

130 Helen St.

Mark Hughes

130 Helen St.

MURRAY WHITEHOUSE

133 HELEN ST

Lois Whitehouse

133 Helen St.

Eleanor Ritchie

124 Helen St.

Roland Ritchie

124 Helen St.

Bonnie Stokes

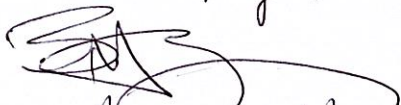
109 Helen St.

Robert Stokes

109 Helen Street.

Sean Hogan

105 Helen St.



105 Helen St.

Heather Hogan

105 Helen St.

To: Woodstock Planning Advisory Committee and Woodstock Town Council
From: Landowners within the proposed zoning amendment area

Please be advised the following landowners are opposed to the Variance
Application from Martin Rentals to construct a four unit and three unit building
on property located at 115 Helen Street and 108 Helen Street.

Name:	Address:
Camilla Pellerne	113 Elizabeth St. Woodstock NB
Enrique Savano Jacqueline Savano	112 Elizabeth St. 112 Elizabeth St.
Brenda Grant	123 Cook St.
Linda McWail	102 Crichton St. S.
Estelle Wilson	135 Elizabeth St.
PETER STARJ	138 ELIZABETH
Law Pelkey & Jan Pelkey	133 ELIZABETH
by Mr	122 Elizabeth
WILLIS DAIGLE	139 ELIZABETH
Steve Hartfield	132 Elizabeth
Shirley Hughes	120 Elizabeth
Linda Ward	111 Elizabeth St



WOODSTOCK
WHERE THE RIVERS MEET

Planning Advisory Committee Report

Report Date: June 14, 2025

To: Planning Advisory Committee

From: Andrew Garnett, Director of Development

Meeting Date: June 23, 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) 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 application was tabled at the May 20, 2025, meeting to provide time to fulfill the public notification requirements.

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 an 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 permits a 3-unit building in the R1 zone, as per section 8.1.2 of the Zoning By-law, on property located at 108 Helen Street, identified by PID 10119535, **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.

Consultation with the Acting Principle from Townsview School occurred with no issues received.

Consultation with the Fire Chief occurred with no issues received.

Consultation with the Police Chief and Deputy Chief occurred with no issues received.

Letters regarding the proposal (4 in total) have been received since the last meeting and are attached as appendix 9.

Public Notice

Public notice was given to the neighborhood on June 13, 2025. The notices were hand delivered by the Woodstock Public Works Department within a 100 m radius of the address. They were also mailed on June 10, 2025.


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 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

Appendix 9 : Letters from Citizens

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:

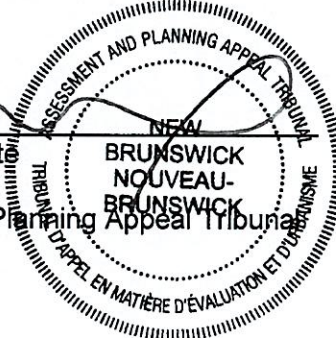
[29] The appeals on the grounds of special or unreasonable hardship are hereby dismissed.

[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



General Application Form

STAFF USE	CIVIC ADDRESS: <u>108 Helen Street</u>	PID #: <u>1011 9535</u>
--------------	--	-------------------------

STAFF USE	APPLICATION #:	DATE RECEIVED:
		RECEIVED BY:

APPLICANT INFORMATION	APPLICANT	EMAIL	PHONE
	<u>Martin Rental Properties</u>	<u>Kci-mike@regers.com</u>	<u>328-8112</u>
	MAILING ADDRESS		POSTAL CODE
	<u>1-245 Rt 555 Bed #11</u>		<u>E7M 4M7</u>
	CONTRACTOR	EMAIL	PHONE
	<u>KCI</u>		
APPLICANT INFORMATION	MAILING ADDRESS		POSTAL CODE
	<u>Same</u>		
	OWNER	EMAIL	PHONE
	<u>Same as above</u>		
APPLICANT INFORMATION	MAILING ADDRESS		POSTAL CODE

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

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

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

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.

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>Hei.mike@rogers.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

We would like to help fill the need of housing in Woodstock.

We can density our property, and build 3 more affordable units all within site of Townview Middle School, and the Agr Motor Center.

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.

Martin Martin
Registered Owner or Authorized Agent
04/11/2024
Date
MM/DD/YYYY

Martin Martin
Applicant (Registered Owner or Authorized Agent)
04/11/2024
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



parcels



Buildings

Year of Photography



1:1,128

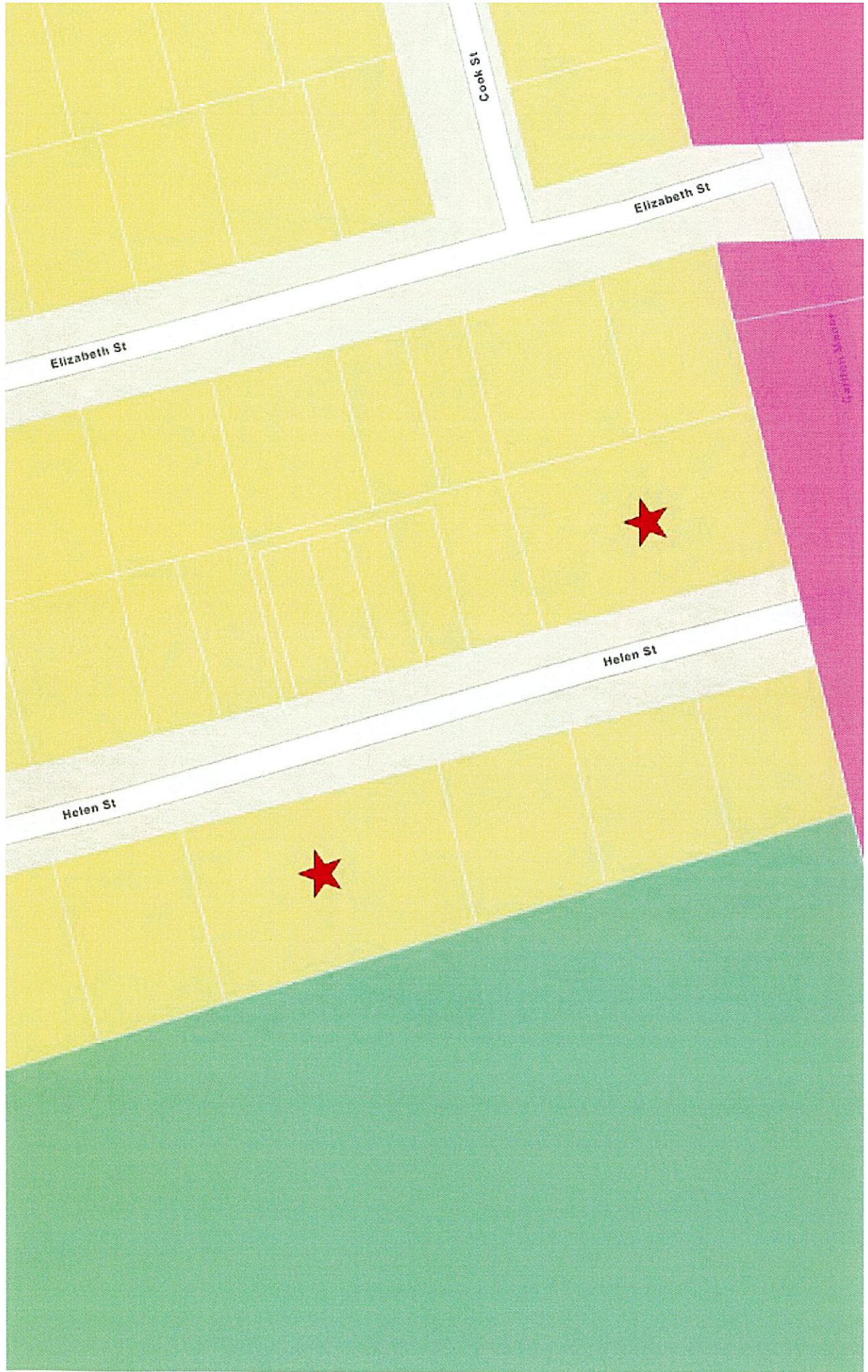
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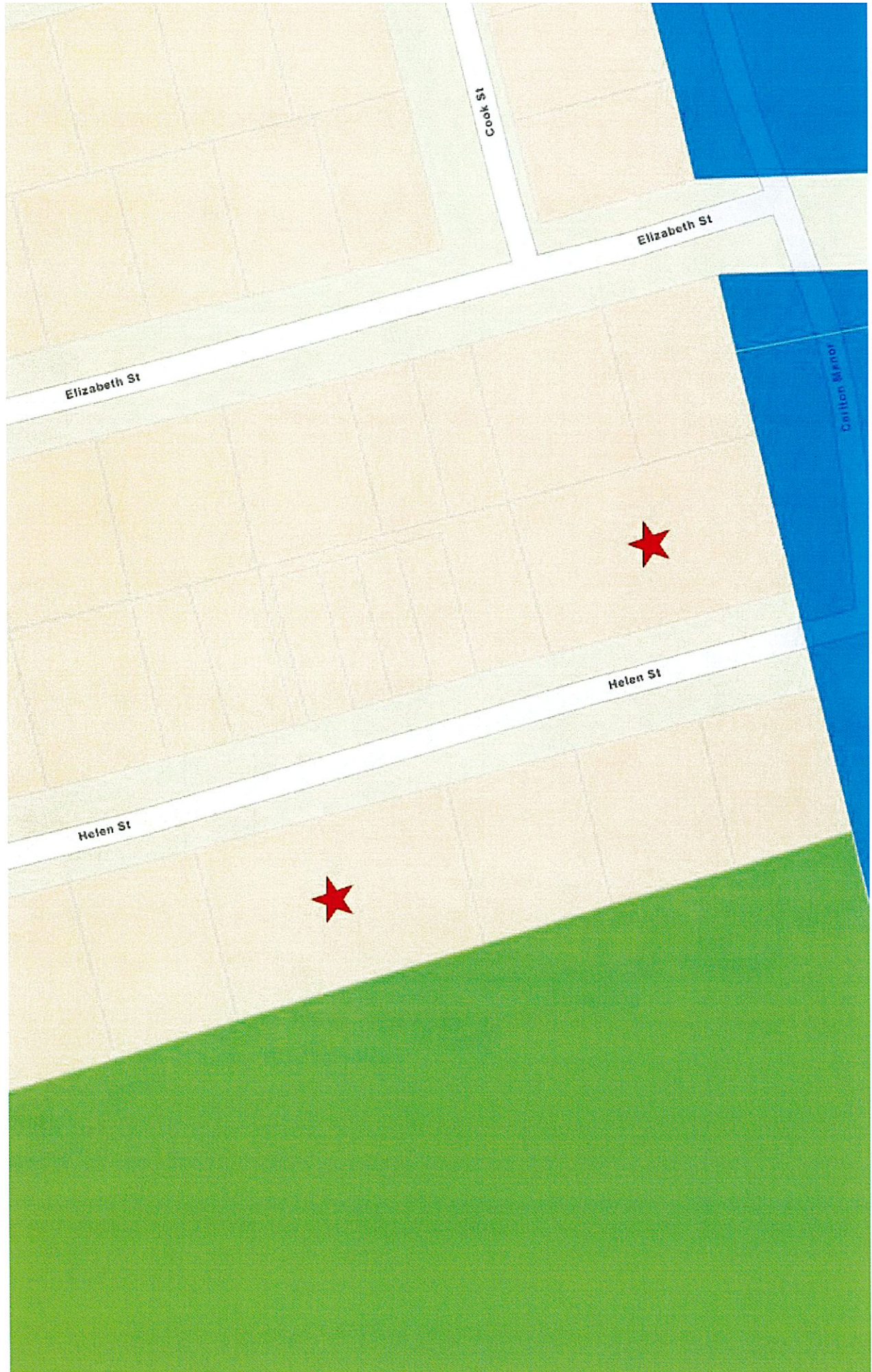
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Department of Environment and Local Government / Ministère de l'Environnement et des Gouvernements locaux

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.

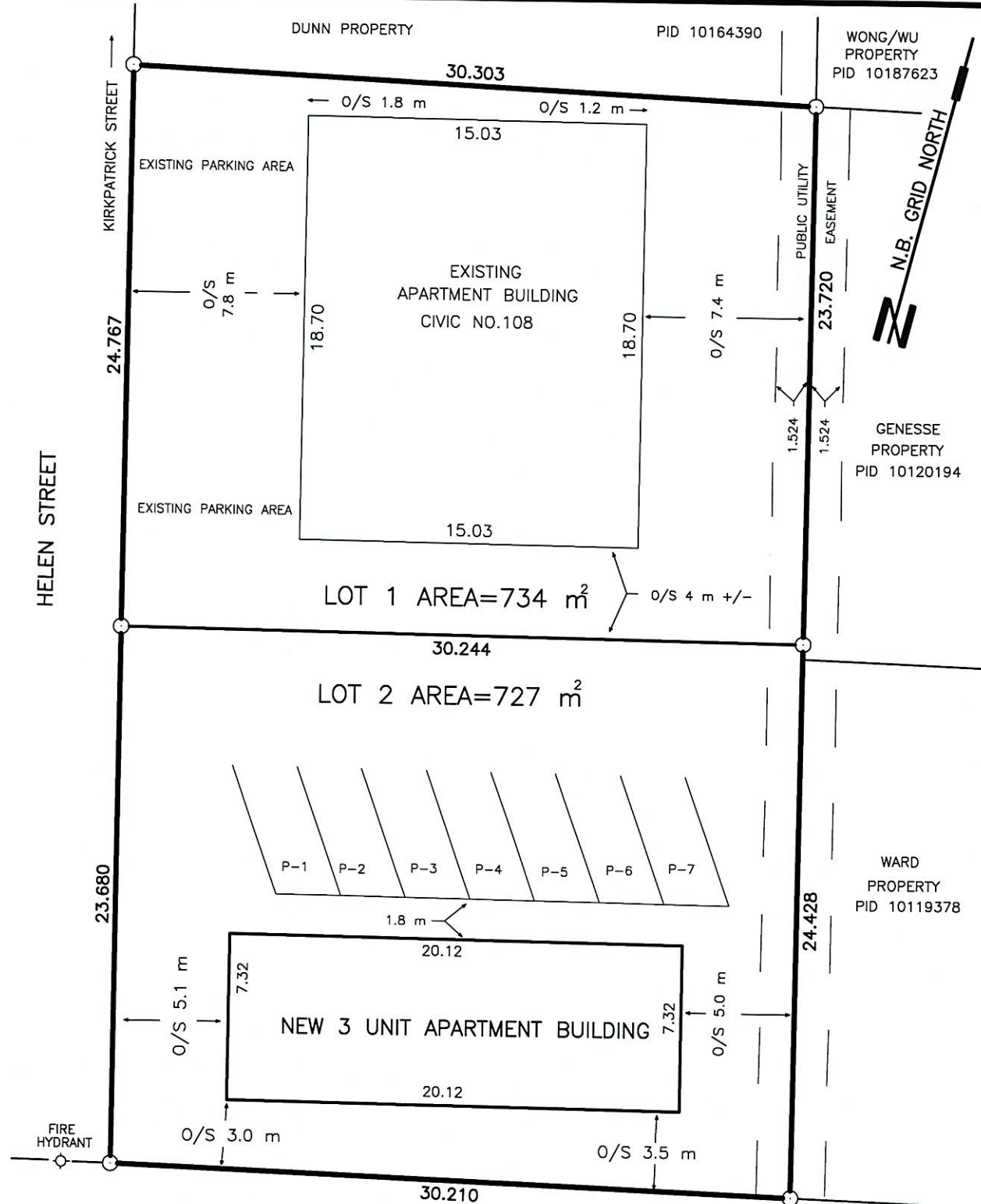
GeoNB











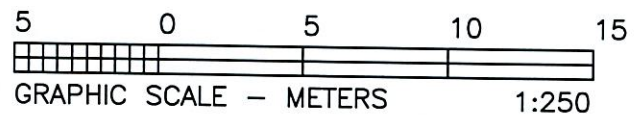
N.B. EDUCATION PROPERTY PID 10118800 (TOWNSVIEW SCHOOL)

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



To Whom It may Concern:

Mon, June 2
2025

My Name is Marion McHatten. I'm 69 yrs. old and have lived at 108 Helen Street, apartment 11 for 10 yrs.

There is need for more affordable housing options in Woodstock, especially for seniors, my health is not well. I have been battling cancer for over a year now, I need to have a ground level apartment as stairs are getting hard for me.

I love the Helen Street area as it's centrally located and when my family comes to visit we can walk to the park and the AVR Motor Center. I can not afford to live in the developments behind Sobeys. They are nice but not an affordable option for me. Tenants just ~~do~~ don't have options anymore. There is a rental shortage and people just aren't moving because there is little to no vacancy anywhere.

Having a new ground floor apartment building on Helen Street, gives me a option to have a Brand New Apartment once in my life.

Please Consider my thoughts

Thank's for your Time
Marion McHatten



Good morning

From nika tordia <n_tordia@yahoo.com>

Date Tue 6/3/2025 8:38 AM

To Andrew Garnett <Andrew.garnett@town.woodstock.nb.ca>

Town Planning Commission Woodstock PAL
June 3th 2025

My name is Nikolozi Tordia. I have lived in Woodstock on Helen street 2-108 since September 2024. Originally I am from country of Georgia (Europe). I work as a truck driver in Woodstock, hauling goods between Canada and USA.

I would like to bring my wife and 3 children to Woodstock, but I can't find suitable affordable housing. I need a 3 bedroom and now is none available. This new development on Helen street would be a good option for my family. I particularly like the Helen street, here is quite, nice friendly people and good family environment. Since my wife does not have a car my 3 children can walk easily to the middle school and the high school.

Best Regards
Nikolozi

PAC -Woodstock

June 5, 2025

To whom it may concern:

My name is David Crawford. I live at 115 Helen Street apartment 6. I have lived in this apartment building for over 25 years. I have seen many things in my time on this street. Since the closing of Centennial Elementary the traffic on Helen Street is basically non existent. There used to be at least 10 buses 2-3 times a day traveling on this street. There would be likely 200 or more cars twice a day coming to the school to drop off students and pick them back up, not to mention sporting events, concerts and special occasions.

The thought of 7 more apartments on Helen causing a traffic concern is just not true. What we do need to address is the number of parents who drop there kids off on Helen street to walk to school so they don't have to deal with the traffic issues on Main street getting to and from Townsview. Many homeowners park on the street which is not right in my opinion.

These new units will increase the Woodstock tax base and play a part in the utility fixed costs which should be a win, win for the town. No street work needed, no infrastructure expenses, plus utilizing available real estate. This seems to check all the boxes with what every city in NB is doing.

There is a housing shortage in Woodstock. A select clientele can afford the new units up by the mall, I certainly can not. I ask, if we don't need more housing than why so much construction up behind the mall ? Again these are not affordable to most.

My current land lords are the best we ever had. Nothing gets neglected or ignored. They have completely flipped the building I live in. They have the equipment and a labour force to deal with the snow. They are very diligent and move the snow whenever necessary.

The fact that these 2 new small building developments on Helen Street are causing such an issue should be humiliating to this town and anyone imposing delays. This new development will create a much better living environment for myself and several others.

I struggle with noise, commotion, and stairs. All part of life in a multi level building. This new building at 115 Helen will give me a fresh new outlook on life. I will have a ground level unit with no stairs and no-one living above or below me. This will help my mental health significantly.

Please look at this new development through the eyes of someone who rents. I need a voice as well. I need a more accommodating place to live that I can afford. I love the Helen Street area.

I support more units on Helen Street they are needed !

David Crawford

A handwritten signature in black ink, appearing to read 'David Crawford', with a long, sweeping horizontal line extending to the right.

Support for Apartment Development on Helen Street

From Jayme Edwards <jaynjayron@gmail.com>

Date Tue 6/10/2025 11:09 AM

To Andrew Garnett <andrew.garnett@town.woodstock.nb.ca>

Dear Members of the Woodstock PAC,

I am writing to express my support for the proposed apartment building development on Helen Street. As a long-term resident of this area, having lived in my apartment for the past eight to nine years, I have experienced firsthand the benefits of residing in such a central and family-friendly location.

Helen Street is an ideal place for families, particularly those with school-aged children, as it is within close proximity to Townsview School and Woodstock High School. Additionally, the convenience of having essential amenities within walking distance makes daily life much easier for parents, especially single parents or those without access to a vehicle. The accessibility of recreational facilities such as the Ayr Motor Center and Connell Park further enhances the quality of life for families, providing opportunities for inclusion in community events and activities.

Currently, Woodstock is facing a shortage of housing units, particularly those suited for families. The proposed development on Helen Street, which includes three-bedroom apartments, would help address this issue by creating more space for families to enjoy the benefits of living in such a well-situated neighborhood. Also creating new, modern, clean and updated apartments that are free from moulds or other common issues renters and landlords face with older buildings. Expanding housing options in this area would not only support existing residents but also encourage new families to settle in a location that fosters community engagement and accessibility.

I urge the PAC to consider the positive impact this development would have on families and the broader community. Providing additional housing in such a convenient and welcoming area would be a significant step toward addressing the current housing shortage while ensuring that families continue to thrive in Woodstock.

Thank you for your time and consideration. I appreciate your efforts in making Woodstock a great place to live, and I hope to see this development move forward for the benefit of families in our town.

Sincerely,
Jayme Edwards
4-108 Helen Street
Woodstock, NB
[Jaynjayron@gmail.com](mailto:jaynjayron@gmail.com)
1(506)324-2254
June 7, 2025



WOODSTOCK
WHERE THE RIVERS MEET

Planning Advisory Committee Report

Report Date: June 14, 2025

To: Planning Advisory Committee

From: Andrew Garnett, Director of Development

Meeting Date: June 23, 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) 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 application was tabled at the May 20, 2025, meeting to provide time to fulfill the public notification requirements.

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 an 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 10119014, **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 10119014, **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 an 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 received.

Consultation with the Acting Principle from Townsview School occurred with no issues received.

Consultation with the Fire Chief occurred with no issues received.

Consultation with the Police Chief and Deputy Chief occurred with no issues received.

Letters regarding the proposal (4 in total) have been received since the last meeting and are attached as appendix 9.

Public Notice

Public notice was given to the neighborhood on June 13, 2025. The notices were hand delivered by the Woodstock Public Works Department within a 100m radius of the address. They were also mailed on June 10, 2025.

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 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

Appendix 9: Letters from Citizens

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:

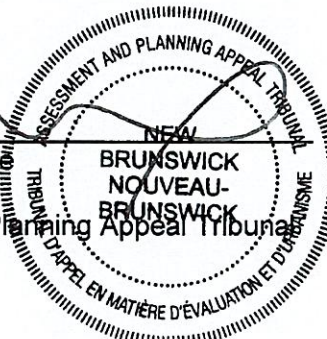
[29] The appeals on the grounds of special or unreasonable hardship are hereby dismissed.

[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



General Application Form

STAFF USE	CIVIC ADDRESS: <i>115 Helen Street</i>		PID #: <i>10119014</i>
	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 <input type="checkbox"/> INTERIOR RENOVATION <input checked="" type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> EXTERIOR RENOVATION <input type="checkbox"/> ACCESSORY BLDG <input type="checkbox"/> ADDITION <input type="checkbox"/> POOL <input type="checkbox"/> DECK <input type="checkbox"/> DEMOLITION <input type="checkbox"/> CHANGE OF USE <input type="checkbox"/> SIGN <input type="checkbox"/> MINIMUM STANDARDS <input type="checkbox"/> OTHER		PLANNING <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
	INFRASTRUCTURE <input type="checkbox"/> STREET EXCAVATION <input type="checkbox"/> DRIVEWAY CULVERT <input type="checkbox"/> DRAINAGE <input type="checkbox"/> WATER & SEWAGE <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 *04/11/20*
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.

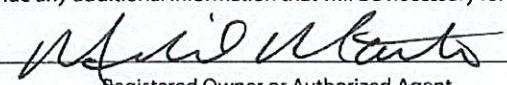
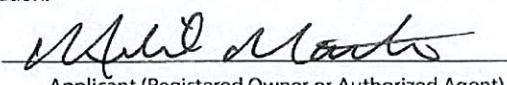
Planning Advisory Committee Application Form

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

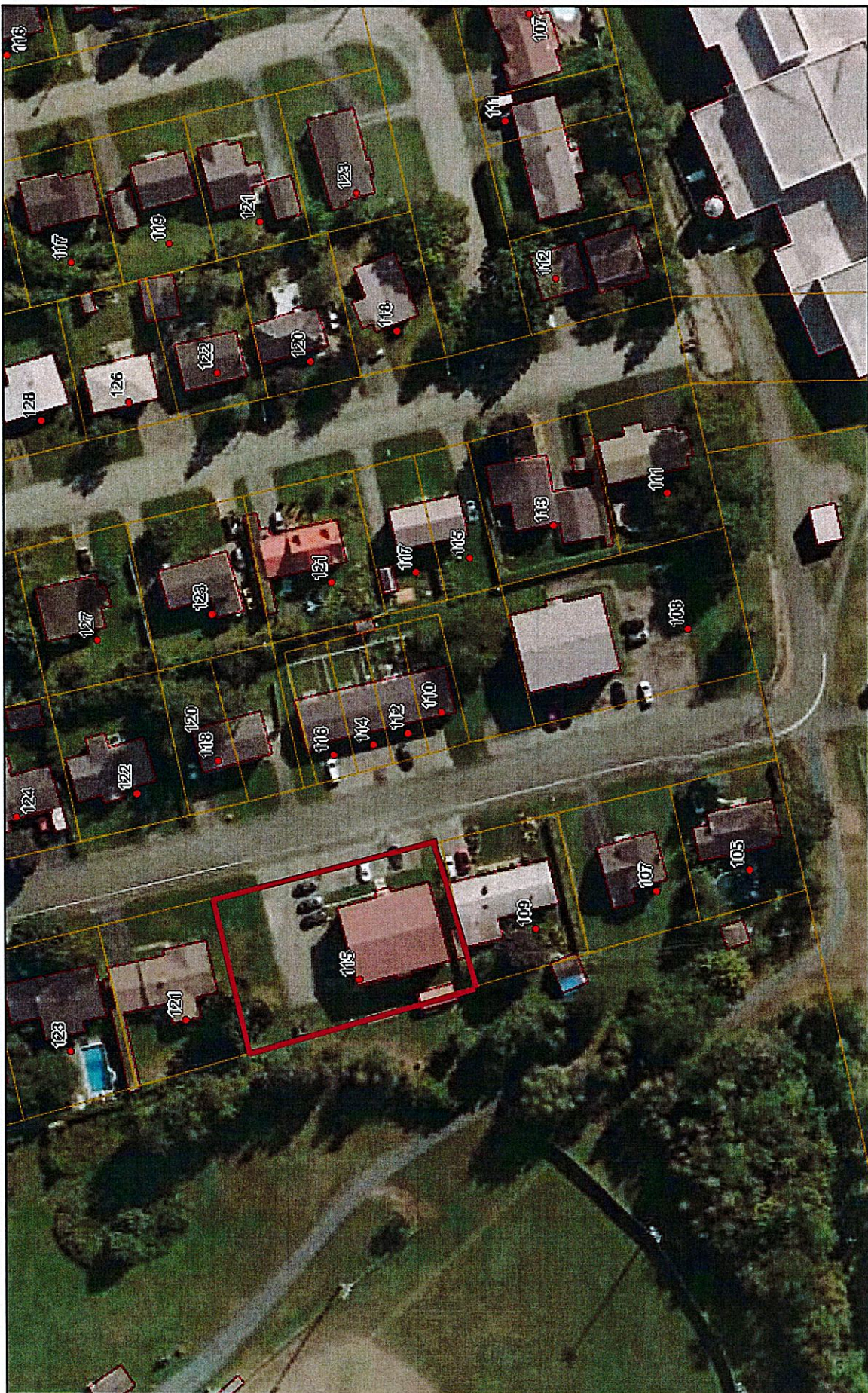
PROPERTY AND APPLICANT INFORMATION	CIVIC ADDRESS: 115 Helen Street	PID #: 10119014	
	PRESENT USE: Apartment building	PROPOSED USE: New building	
	PROPERTY OWNER: Martin Rental Properties	EMAIL: kei.mike@rogers.com	
	PHONE: 328-8112		
	MAILING ADDRESS: 245 Route 555, Bedell NB	POSTAL CODE: E7M 4M7	
	AGENT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

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

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)
04/11/2024 Date MM/DD/YYYY	04/11/2024 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

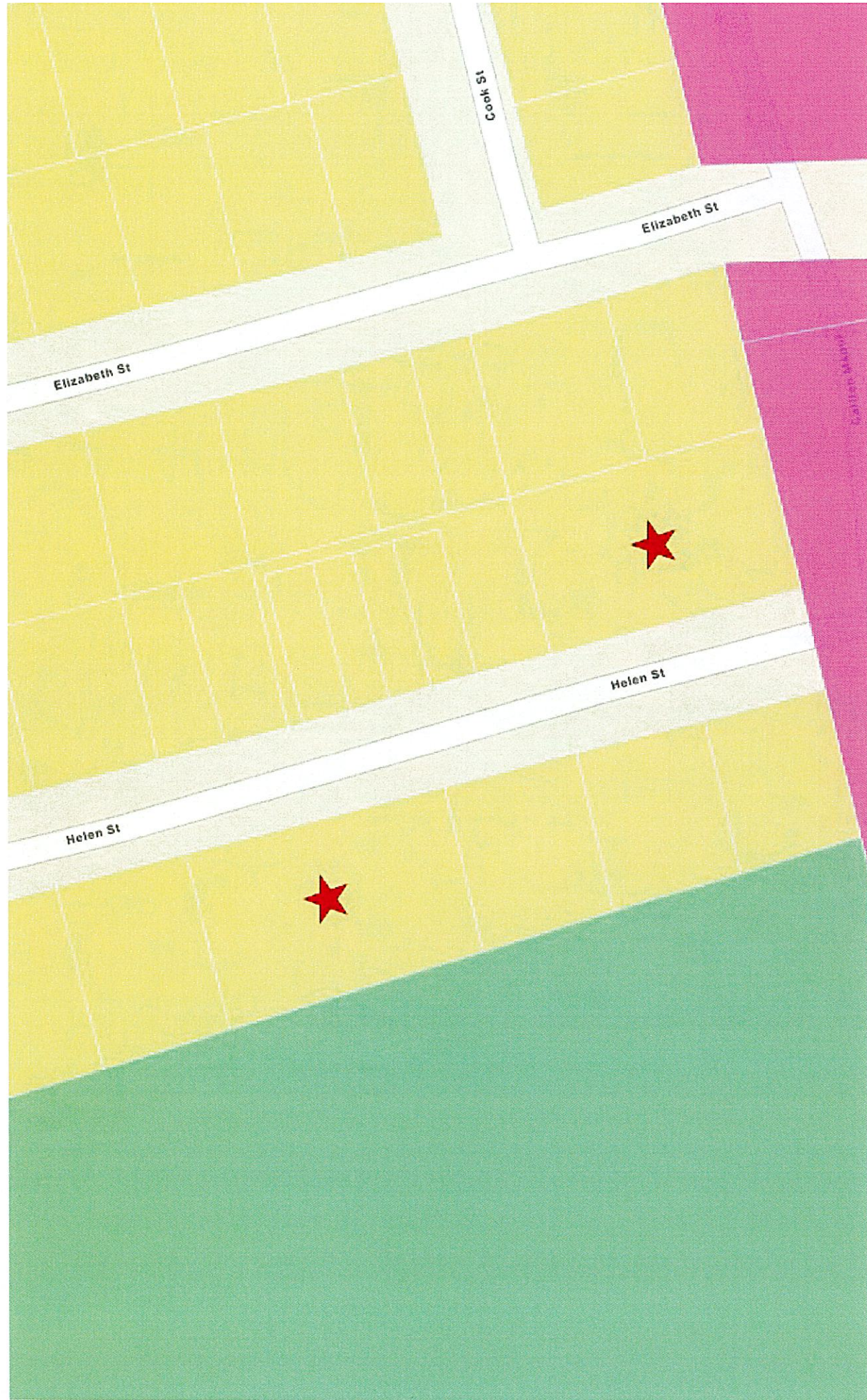
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- ☐ parcels
- ☐ Buildings
- ☐ Civic Addresses
- ☐ Year of Photography
- ☐ Large Scale

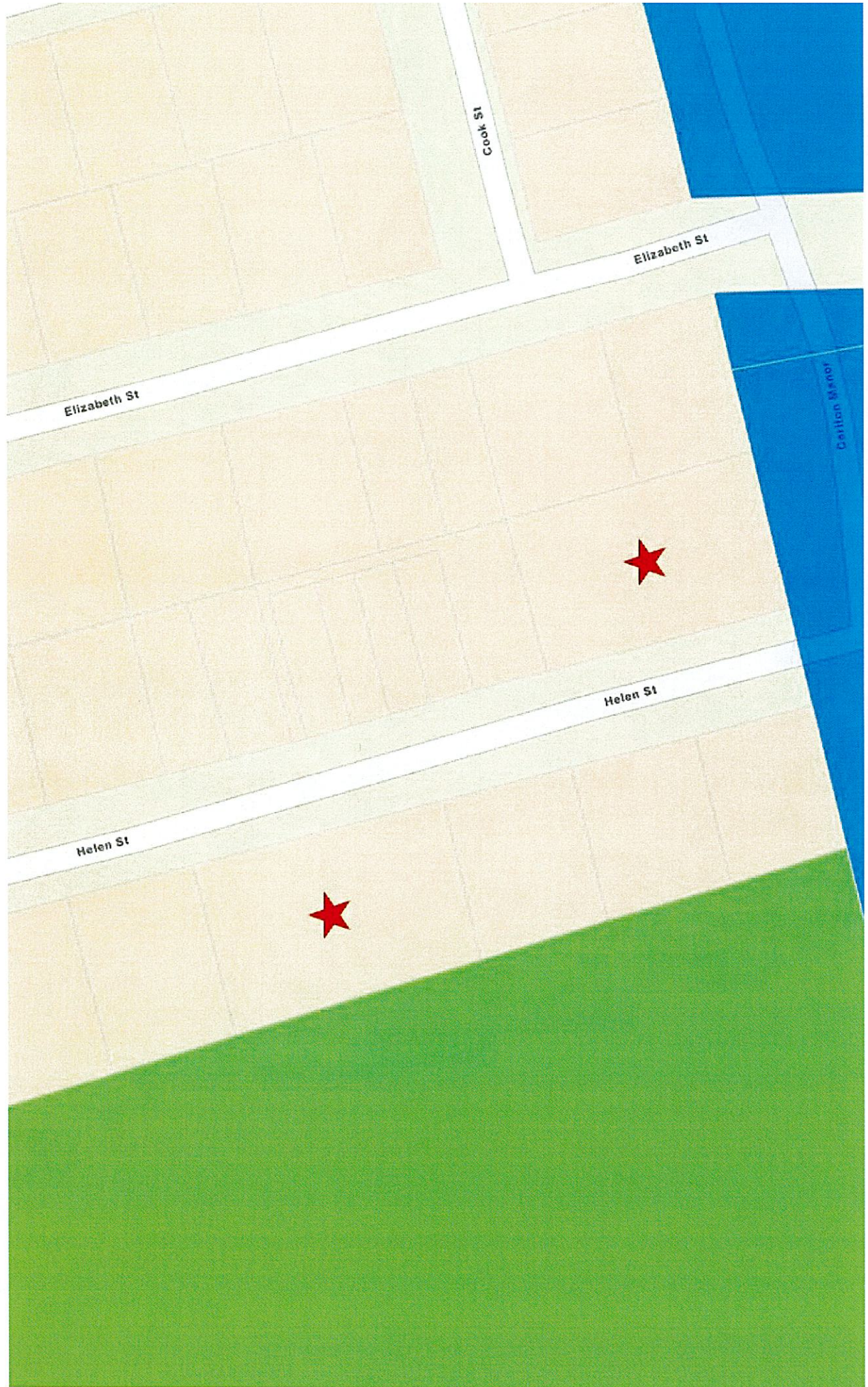
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0 0.01 0.01 0.03 0.03 0.06 mi

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.

GeoNB





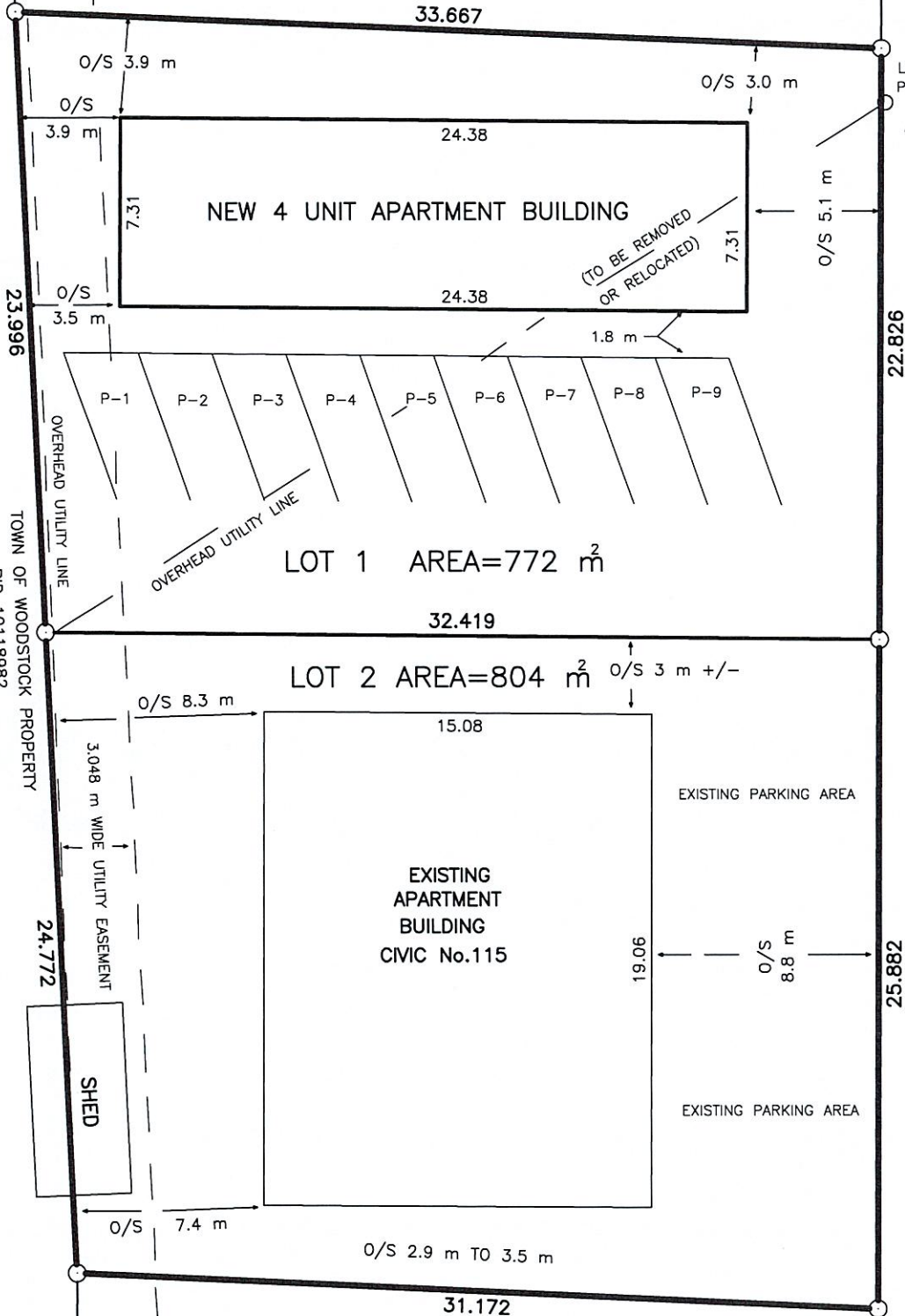






BRADLEY PROPERTY
PID 10119097

KIRKPATRICK STREET



HELEN STREET

DEAD END

LAND OWNERSHIP
MARTIN RENTAL
PROPERTIES INC
PROPERTY
PID 10119014

SITE PLAN
MARTIN RENTAL PROPERTIES INC
115 HELEN STREET WOODSTOCK NB

PID 10119212

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

1:250

To Whom It may Concern:

Mon, June 2
2025

My Name is Marion McHatten. I'am 69 yrs. old and have lived at 108 Helen Street, apartment 11 for 10 yrs.

There is need for more affordable housing options in Woodstock, especially for seniors, my health is not well. I have been battling cancer for over a year now, I need to have a ground level apartment as stairs are getting hard for me.

I love the Helen Street area as it's centrally located and when my family comes to visit we can walk to the park and the AVR Motor Center. I can not afford to live in the developments behind Sobeys. They are nice but not an affordable option for me. Tenants just ~~don't~~ don't have options anymore. There is a rental shortage and people just aren't moving because there is little to no vacancy anywhere.

Having a new ground floor apartment building on Helen Street, gives me a option to have a Brand New Apartment once in my life.

Please Consider my thoughts

Thank's for your Time
Marion McHatten



Outlook

Good morning

From nika tordia <n_tordia@yahoo.com>

Date Tue 6/3/2025 8:38 AM

To Andrew Garnett <Andrew.garnett@town.woodstock.nb.ca>

Town Planning Commission Woodstock PAL
June 3th 2025

My name is Nikoloji Tordia. I have lived in Woodstock on Helen street 2-108 since September 2024. Originally I am from country of Georgia (Europe). I work as a truck driver in Woodstock, hauling goods between Canada and USA.

I would like to bring my wife and 3 children to Woodstock, but I can't find suitable affordable housing. I need a 3 bedroom and now is none available. This new development on Helen street would be a good option for my family. I particularly like the Helen street, here is quite, nice friendly people and good family environment. Since my wife does not have a car my 3 children can walk easily to the middle school and the high school.

Best Regards
Nikoloji

PAC -Woodstock

June 5, 2025

To whom it may concern:

My name is David Crawford. I live at 115 Helen Street apartment 6. I have lived in this apartment building for over 25 years. I have seen many things in my time on this street. Since the closing of Centennial Elementary the traffic on Helen Street is basically non existent. There used to be at least 10 buses 2-3 times a day traveling on this street. There would be likely 200 or more cars twice a day coming to the school to drop off students and pick them back up, not to mention sporting events, concerts and special occasions.

The thought of 7 more apartments on Helen causing a traffic concern is just not true. What we do need to address is the number of parents who drop there kids off on Helen street to walk to school so they don't have to deal with the traffic issues on Main street getting to and from Townsview. Many homeowners park on the street which is not right in my opinion.

These new units will increase the Woodstock tax base and play a part in the utility fixed costs which should be a win, win for the town. No street work needed, no infrastructure expenses, plus utilizing available real estate. This seems to check all the boxes with what every city in NB is doing.

There is a housing shortage in Woodstock. A select clientele can afford the new units up by the mall, I certainly can not. I ask, if we don't need more housing than why so much construction up behind the mall ? Again these are not affordable to most.

My current land lords are the best we ever had. Nothing gets neglected or ignored. They have completely flipped the building I live in. They have the equipment and a labour force to deal with the snow. They are very diligent and move the snow whenever necessary.

The fact that these 2 new small building developments on Helen Street are causing such an issue should be humiliating to this town and anyone imposing delays. This new development will create a much better living environment for myself and several others.

I struggle with noise, commotion, and stairs. All part of life in a multi level building. This new building at 115 Helen will give me a fresh new outlook on life. I will have a ground level unit with no stairs and no-one living above or below me. This will help my mental health significantly.

Please look at this new development through the eyes of someone who rents. I need a voice as well. I need a more accommodating place to live that I can afford. I love the Helen Street area.

I support more units on Helen Street they are needed !

David Crawford

A handwritten signature in black ink, appearing to read 'David Crawford', with a long, sweeping horizontal line extending to the right.



Support for Apartment Development on Helen Street

From Jayme Edwards <jaynjayron@gmail.com>

Date Tue 6/10/2025 11:09 AM

To Andrew Garnett <andrew.garnett@town.woodstock.nb.ca>

Dear Members of the Woodstock PAC,

I am writing to express my support for the proposed apartment building development on Helen Street. As a long-term resident of this area, having lived in my apartment for the past eight to nine years, I have experienced firsthand the benefits of residing in such a central and family-friendly location.

Helen Street is an ideal place for families, particularly those with school-aged children, as it is within close proximity to Townsview School and Woodstock High School. Additionally, the convenience of having essential amenities within walking distance makes daily life much easier for parents, especially single parents or those without access to a vehicle. The accessibility of recreational facilities such as the Ayr Motor Center and Connell Park further enhances the quality of life for families, providing opportunities for inclusion in community events and activities.

Currently, Woodstock is facing a shortage of housing units, particularly those suited for families. The proposed development on Helen Street, which includes three-bedroom apartments, would help address this issue by creating more space for families to enjoy the benefits of living in such a well-situated neighborhood. Also creating new, modern, clean and updated apartments that are free from moulds or other common issues renters and landlords face with older buildings. Expanding housing options in this area would not only support existing residents but also encourage new families to settle in a location that fosters community engagement and accessibility.

I urge the PAC to consider the positive impact this development would have on families and the broader community. Providing additional housing in such a convenient and welcoming area would be a significant step toward addressing the current housing shortage while ensuring that families continue to thrive in Woodstock.

Thank you for your time and consideration. I appreciate your efforts in making Woodstock a great place to live, and I hope to see this development move forward for the benefit of families in our town.

Sincerely,

Jayme Edwards

4-108 Helen Street

Woodstock, NB

[Jaynjayron@gmail.com](mailto:jaynjayron@gmail.com)

1(506)324-2254

June 7, 2025



WOODSTOCK
WHERE THE RIVERS MEET

Planning Advisory Committee Report

Report Date: June 14, 2025

To: Planning Advisory Committee

From: Andrew Garnett, Director of Development

Meeting Date: June 23, 2025

Property Information

Application #: 2025-054

Applicant: Rick Kirkbride

Property Owner: Rick Kirkbride

Civic Address: 128 Gallop Court

PID #: 10286888

Parcel Area: 5391 sq meters

Municipal Plan Designation: Regional Commercial Centre

Existing Zoning: Corridor Commercial

Application Type: Conditional Use

Surrounding Land Use(s) and Zoning: The area has a mix of three zones. Along Connell Street you will find it to be corridor commercial while Gallop Court has a mix of commercial as well, however, adjacent to the property there is rural and residential.

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) 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.

Pursuant to 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 construct two buildings that will each contain 4 units. Under section 9.3.2 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.

Recommendations

1. It is recommended that the conditional use application from Rick Kirkbride, to accommodate the construction of two buildings each containing 4 units on the property located at 128 Gallop Court, identified by PID 10286888, **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 128 Gallop Court by creating two buildings which would contain 4 dwelling units in each. Under the appendices you will find photographs of the subject property showing location of the existing building and location of the proposed new buildings. Along with the zoning context listed below you will see that ample space is present.

Given the size, scale and nature of the development, it is not expected to cause any traffic issues, or other land use planning related conflicts with surrounding uses.

The property is located along the curve of Gallop Court. To ensure that the future access point is deemed to be in an appropriate location for sightline distances, the stopping site distance will have to be confirmed prior to the issuance of a development and building permit.

Site Characteristics and Neighborhood Character

The area around begins off as a commercial setting but the further you travel down Gallop Court it begins to change to a rural / residential feel.

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

Corridor Commercial	<u>Permitted / Required</u>	<u>Proposed</u>
Minimum Lot Area	550 sq meters	3125 sq meters
Minimum Lot Frontage	15 meters	101.073 meters
Minimum Lot Depth	30 meters	54.845 meters
Minimum Front Yard	3.0 meters	5.0 meters
Minimum Rear Yard	1.5 meters	7.2 meters
Minimum Side Yard	3.0 meters	7.4 meters
Maximum Height	27.0 meters	one story
Maximum Lot Coverage	70%	26%

Conclusion

This application will help fill the housing void that is required in our municipality. The application submitted should be considered supportable as it meets or exceeds all zoning requirements.

The proposal consists of two single story buildings which will contain 4 units each. 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. 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 Public Works occurred with no issues received.

Consultation with the Fire Chief occurred with no issues received.

Public Notice

Public notice was given to the neighborhood on June 13, 2025. The notices were hand delivered by the Woodstock Public Works Department within a 100 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: 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



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

General Application Form

STAFF USE	CIVIC ADDRESS: <u>128 Gallop Court</u>		PID #: <u>10286888</u>
	APPLICATION #: <u>2025-054</u>		DATE RECEIVED: <u>MAY 15 / 25</u>
APPLICANT INFORMATION	APPLICANT: <u>Rick Kirkbride</u>		EMAIL: <u>rick.434@gmail.com</u>
	PHONE: <u>506 328 5720</u>		
	MAILING ADDRESS: <u>407 Connell St.</u>		POSTAL CODE: <u>E7M-5G5</u>
	CONTRACTOR: <u>Top Quality Bldrs</u>		EMAIL: <u>topqualitybuilders</u>
	PHONE: <u>506 328 5379</u>		
	MAILING ADDRESS: <u>407 Connell St.</u>		POSTAL CODE: <u>E7M-5G5</u>
OWNER: <u>Kirco Auto Inc</u>	EMAIL: <u>rick.434@gmail.com</u>		PHONE: <u>506 328 5720</u>
	MAILING ADDRESS: <u>407 Connell St.</u>		POSTAL CODE: <u>E7M-5G5</u>
PRESENT USE: <u>Vacant Land</u>		PROPOSED USE: <u>Apartments</u>	
CHECK ALL THAT APPLY	BUILDING <input type="checkbox"/> INTERIOR RENOVATION <input checked="" type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> EXTERIOR RENOVATION <input type="checkbox"/> ACCESSORY BLDG <input type="checkbox"/> ADDITION <input type="checkbox"/> POOL <input type="checkbox"/> DECK <input type="checkbox"/> DEMOLITION <input type="checkbox"/> CHANGE OF USE <input type="checkbox"/> SIGN <input type="checkbox"/> MINIMUM STANDARDS <input type="checkbox"/> OTHER		PLANNING <input type="checkbox"/> VARIANCE <input type="checkbox"/> PLANNING LETTER <input type="checkbox"/> PAC APPLICATION <input type="checkbox"/> COUNCIL APP <input type="checkbox"/> SUBDIVISION <input type="checkbox"/> OTHER
	INFRASTRUCTURE <input type="checkbox"/> STREET EXCAVATION <input type="checkbox"/> DRIVEWAY CULVERT <input type="checkbox"/> DRAINAGE <input checked="" type="checkbox"/> WATER & SEWAGE <input type="checkbox"/> OTHER		
DESCRIPTION OF WORK	<u>New Construction for 8 Apartments</u>		

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 27 2025
APPLICANT SIGNATURE MM/DD/YYYY

General Collection Statement

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Building Permit Application Form

PROPERTY INFORMATION	CIVIC ADDRESS: <u>128 Gallop Court</u>		PID #: <u>10286558</u>	
			ZONING: <u>CC</u>	
	SIZE OF LOT			
	FRONTAGE	DEPTH	AREA	
GENERAL INFORMATION	PROPERTY OWNER <u>Rick Kirkberge</u>		EMAIL <u>rick.434@gmail.com</u>	PHONE <u>328-5720</u>
	MAILING ADDRESS <u>407 CONNELL STREET</u>		POSTAL CODE <u>E7M-5G5</u>	
	CONTRACTOR <u>Top Quality Bldrs</u>		EMAIL	PHONE <u>328-5379</u>
	MAILING ADDRESS		POSTAL CODE	
	ELECTRICIAN		EMAIL	PHONE
	MAILING ADDRESS		POSTAL CODE	
CONSTRUCTION INFORMATION	TYPE OF ACTIVITY: <input checked="" type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> EXPANSION <input type="checkbox"/> ALTERATION <input type="checkbox"/> DEMOLITION			
	DETAILED DESCRIPTION OF PROJECT			
	<u>New Construction for 8 Apartments</u>			
	<u>Set Backs As Per Submitted Drawings</u>			
	SETBACKS FROM PROPERTY LINES			
	FRONT YARD	LEFT SIDE YARD	RIGHT SIDE YARD	REAR YARD
	CONSTRUCTION			
	WIDTH	DEPTH	AREA	STOREYS <u>1</u>
	PROPOSED START DATE: <u>Oct. 25</u> EXPECTED COMPLETION DATE: <u>TBD</u>			
	ESTIMATED COST OF WORK:			
AUTHORIZATION				
<u>[Signature]</u> Registered Owner or Authorized Agent		Building Inspector		
<u>04 29 2025</u> Date MM/DD/YYYY		 Date MM/DD/YYYY		

Planning Advisory Committee Application Form

STAFF USE	APPLICATION #: 2025 - 054	DATE RECEIVED: May 15 / 25
	FEE PAID: <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> N	RECEIVED BY: [Signature]

TYPE OF APPLICATION (SERVICE FEE OF \$300)

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

PROPERTY AND APPLICANT INFORMATION	CIVIC ADDRESS: 128 Gallop Court	PID #: 10286888
	PRESENT USE: Vacant Land	PROPOSED USE: Apartments
	PROPERTY OWNER: Kisco Auto Inc.	EMAIL: rick.434@gmail.com
	PHONE: 506-328-5720	
	MAILING ADDRESS: 407 Connell Road	POSTAL CODE: E7M-5G5
	AGENT	EMAIL
	MAILING ADDRESS	PHONE
		POSTAL CODE

DESCRIPTION OF APPLICATION	NEW Construction For Eight Apartments

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.

[Signature]

Registered Owner or Authorized Agent

Applicant (Registered Owner or Authorized Agent)

04 29 2025

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



6/10/2025, 2:21:52 PM

• Civic Addresses

☐ parcels

☐ Buildings

Year of Photography

☐ Regional Service Commissions

☐ Large Scale

Imagery_Basemap_Year

1:1,840

0 0.02 0.04 0.07 0.09 mi
0 0.04 0.07 0.14 km

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.



Legend

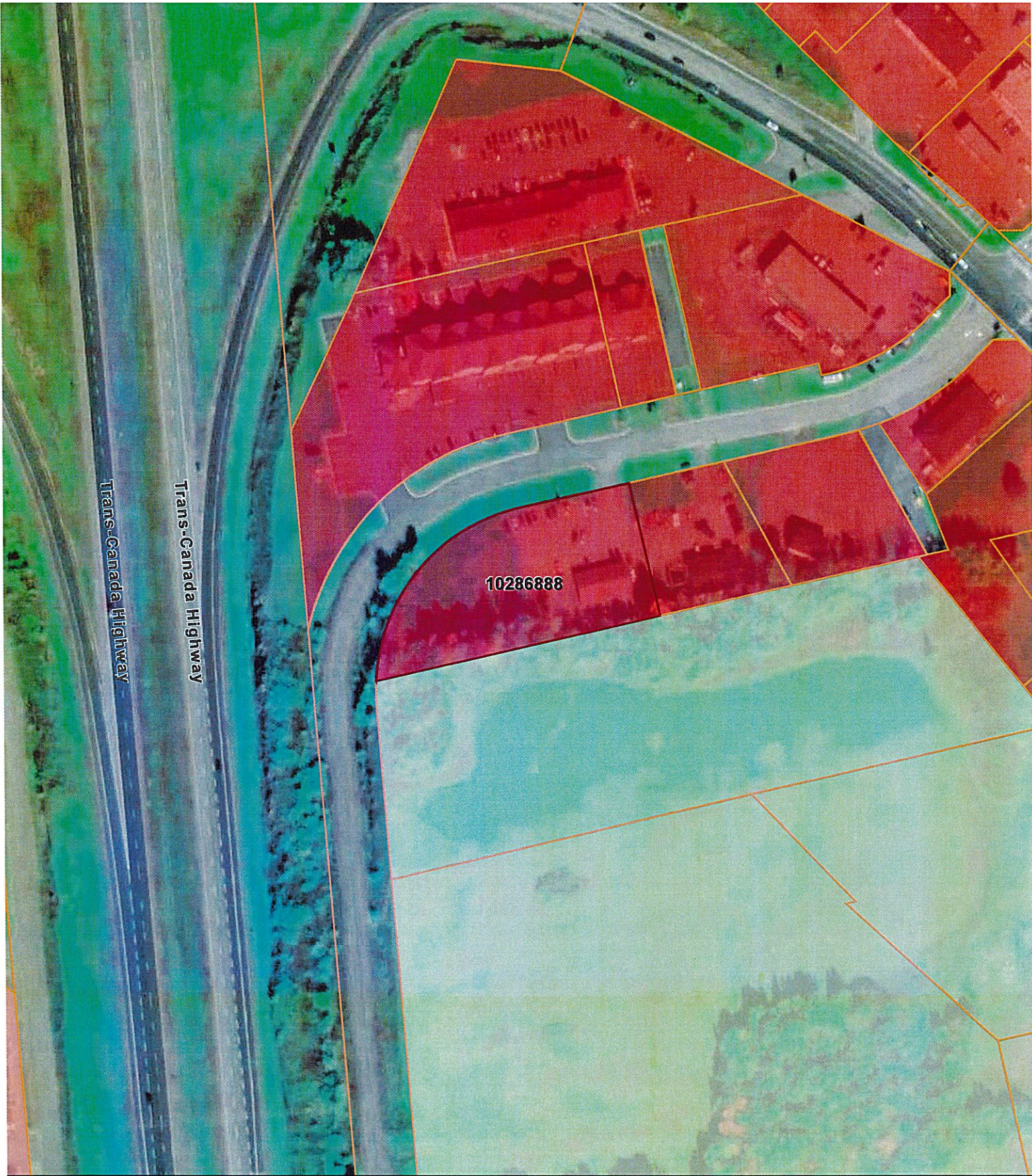
 PID 10286888

Town of Woodstock - Zoning


 Commercial Corridor

 General Commercial

Commercial Corridor - Current zoning of PID 10286888.



Legend

 PID 10286888

Town of Woodstock - Future Land Use

 General Commercial

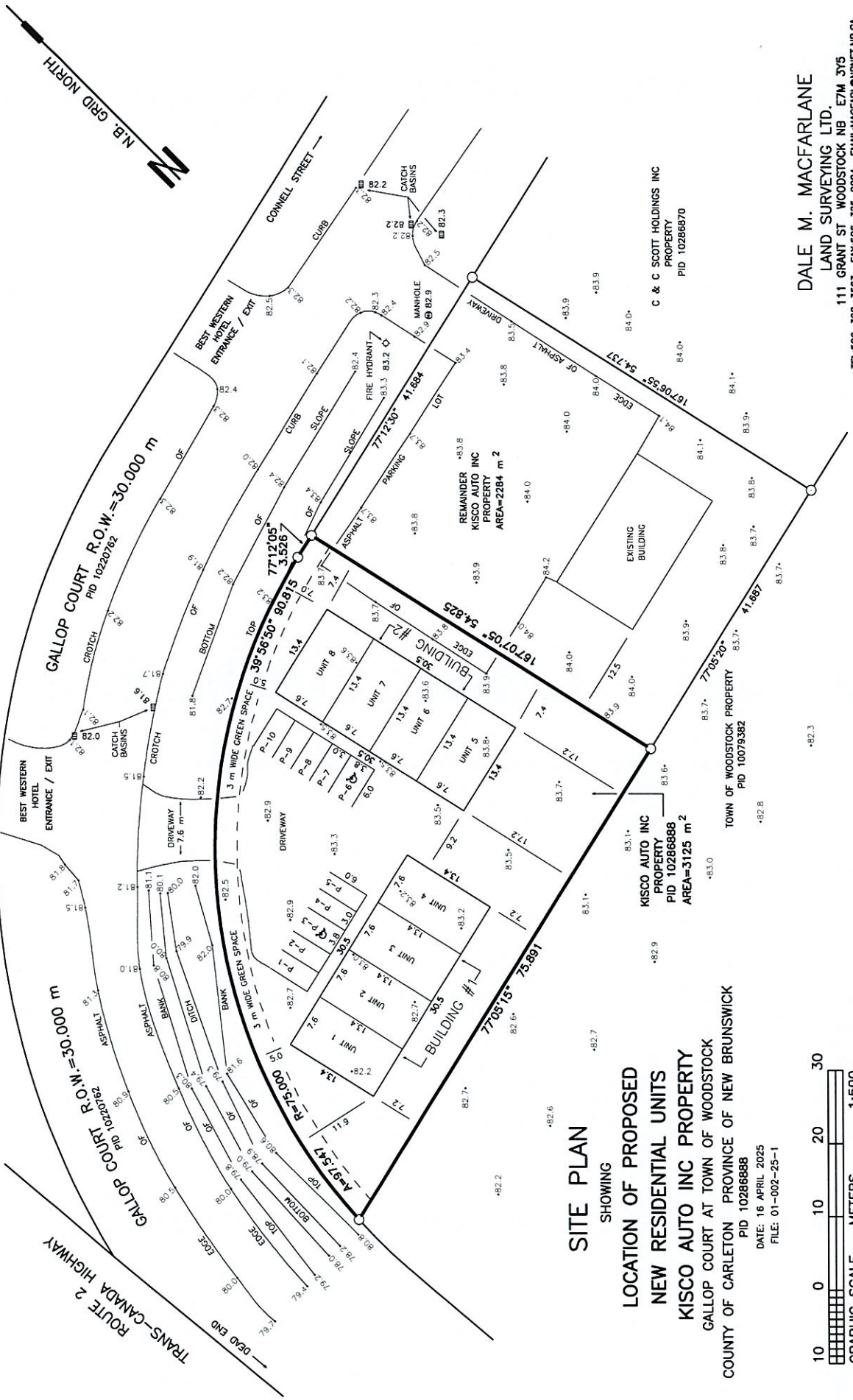
 Regional Commercial Centre

Regional Commercial Centre - Future Land Use designation of PID 10286888.









SITE PLAN

SHOWING

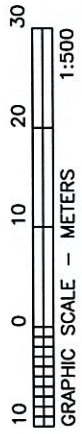
**LOCATION OF PROPOSED
NEW RESIDENTIAL UNITS**

KISCO AUTO INC PROPERTY

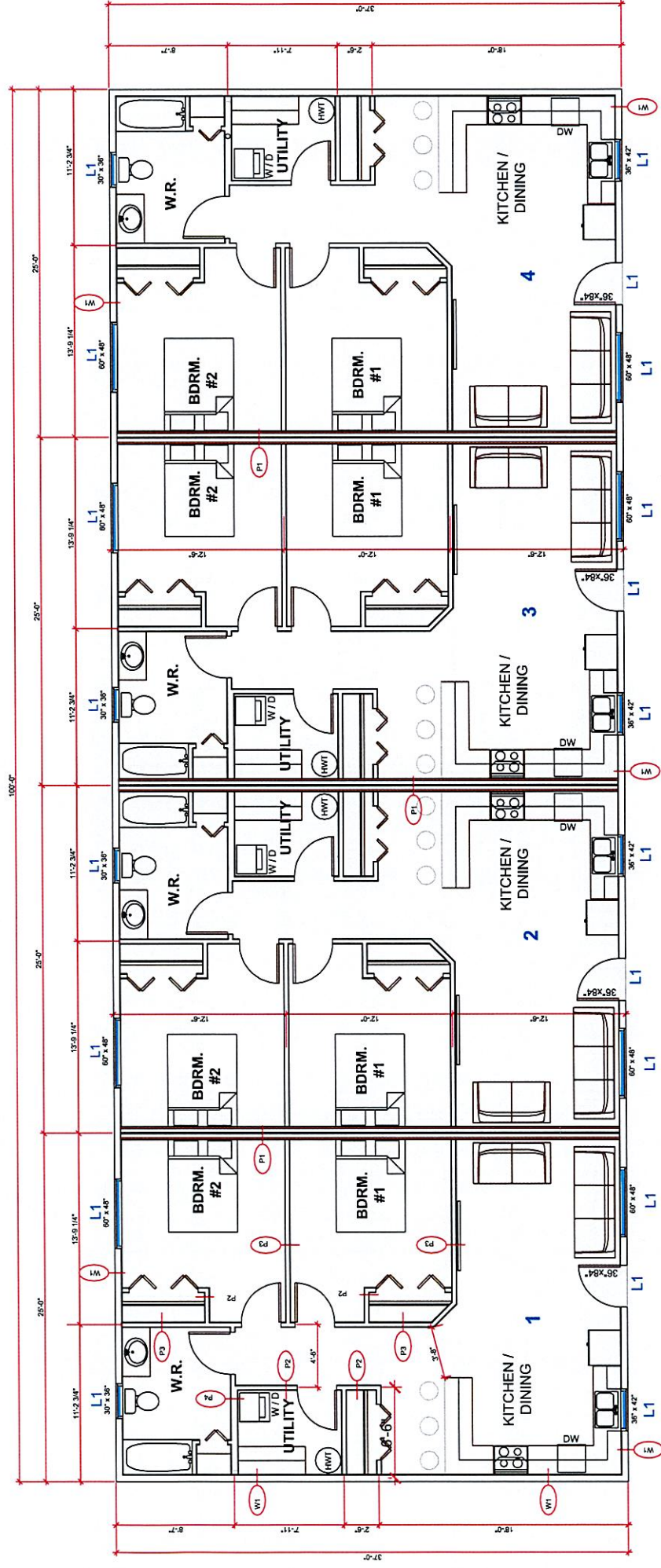
GALLOP COURT AT TOWN OF WOODSTOCK
COUNTY OF CARLETON PROVINCE OF NEW BRUNSWICK

PID 10286888

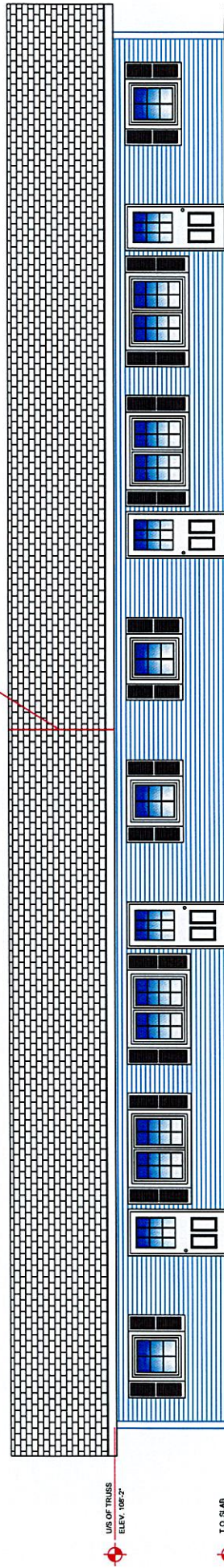
DATE: 16 APRIL 2025
FILE: 01-002-25-1



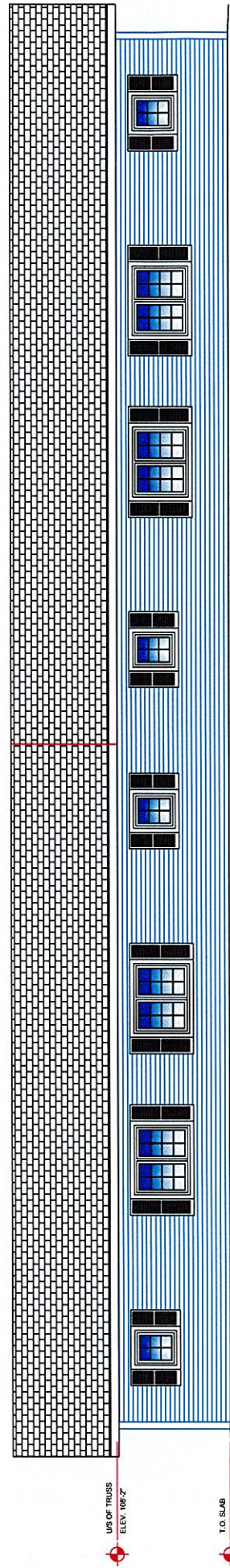
DALE M. MACFARLANE
LAND SURVEYING LTD.
111 GRANT ST WOODSTOCK NB E7M 3Y5
TEL: 506-328-3563 FAX: 506-325-9004 EMAIL: DMACFARLANE@NET.NB.CA



SMOKE STOP CONSTRUCTION
 - INSTALL 1/2" OSB SHEATHING ON ONE
 SIDE OF ROOF TRUSS WITH SELF CLOSING,
 INTERLOCKING JOINTS AND
 ALL SHEATHING JOINTS TO HAVE
 CONTINUOUS SUPPORT
 - SHEATHING TO EXTEND FROM TOP OF BTM.
 CHORD OF TRUSS AND OUT TO OUT OF
 SOFFITS TO FORM CONTINUOUS BARRIER
 - ROOF TRUSS TO HAVE VERT. SUPPORTS



FRONT VIEW



REAR VIEW