

City of Stratford

COMMITTEE OF ADJUSTMENT

An electronic Public Hearing was held by the Committee of Adjustment on January 21, 2021 at 3:00 P.M. for the purpose of hearing the following applications.

MEMBERS PRESENT: Kevin Silver, Roger Black, Dave Hunt, Charlene Gordon, Gerry Reynolds

STAFF PRESENT: Jeff Bannon - Planner/Secretary Treasurer, Victoria Nikoltcheva - Planner; Lindsay Van Gestel - Recording Secretary

Call to Order

The Chair called the Meeting to Order at 3:00 P.M.

Adoption of Minutes

Committee members confirmed the minutes of December 17, 2020, and concurred with the decisions made by those members who heard the applications.

Conflict of Pecuniary Interest

None were declared

Application No: A01-21 – 29 Glendon Road – Planner: Victoria Nikoltcheva

Purpose: The purpose of this application under Section 44 of the Planning Act, R.S.O. 1990 is to reduce the front yard setback for a building addition.

Variances requested:

1. To reduce the front yard setback from 7.5m to 5.29m for the proposed addition.
2. To reduce the front yard setback from 7.5m to 4.52m for the proposed steps.

Agency Comments:

City of Stratford Infrastructure and Development Services Department – Engineering Division: No concerns.

City of Stratford Infrastructure and Development Services Department – Water Division: No concerns.

City of Stratford Infrastructure and Development Services Department –

Building Services: A building permit is required to be obtained for the construction of the proposed addition. Owner/Applicant is required to submit any variance approvals with their building permit application. It is noted on the provided survey that the Out

Building is to be removed. A demolition permit will be required to be obtained for this prior to any demolition work commencing.

Festival Hydro: No concerns.

Fire Department: No concerns.

Upper Thames River Conservation Authority: No objection.

V.Nikoltcheva introduced the application and noted that public input was received in support of the application.

No one was in attendance to represent the application.

Decision of the Committee

Moved by G.Reynolds and seconded by D.Hunt that application A01-21 to reduce the front yard setback from 7.5m to 5.29m for the proposed addition; and to reduce the front yard setback from 7.5m to 4.52m for the proposed steps.

be approved subject to the following:

1. The building permit is to be consistent with the concept site plan submitted with the minor variance application to the satisfaction of the City.

Carried.

Reasons for the Decision

1. Public input was considered
2. **It is desirable**

Application No: A02-21 – 183 Glastonbury Crescent –

Planner: Victoria Nikoltcheva

Purpose: The purpose of this application under Section 44 of the Planning Act, R.S.O. 1990 is to reduce the side yard setback for a carport.

Variances requested:

1. To reduce the side yard setback from 1.0m to 0.57m for the proposed carport.

Agency Comments:

City of Stratford Infrastructure and Development Services Department – Engineering Division: No concerns.

City of Stratford Infrastructure and Development Services Department – Water Division: No concerns.

City of Stratford Infrastructure and Development Services Department – Building Services: A building permit will be required to be obtained for the construction of the proposed carport. Owner/Applicant is required to submit any approved variances with the building permit application.

Festival Hydro: Further information shall be provided to Festival Hydro with regards to this carport. The existing hydro meter base at this address is located within the proximity of the proposed carport addition. Accessibility as well as maintaining sufficient working space surrounding the hydro meter base is a concern. This submission requires further review – additional comments may be required dependent on the customers proposed design.

Fire Department: No concerns.

Upper Thames River Conservation Authority: No objection.

V.Nikoltcheva introduced the application and noted that no public input was received.

Bud Dixon (Owner) was in attendance to represent the application. B.Dixon advised he has contacted Festival Hydro and where the carport will be built, will be 8 feet from the area. The carport will match the home, and look esthetically appealing.

Decision of the Committee

Moved by R. Black and seconded by G.Reynolds that application A02-21 to reduce the side yard setback from 1.0m to 0.57m for the proposed carport be approved subject to the following:

1. That the owner submits and obtains the necessary building permits for the proposed carport prior to construction commencing.
2. That the owner submits further information required by Festival Hydro with regards to this carport.

Carried.

Reasons for the Decision

1. No public input was received
2. **It is desirable**

Application No: B01-21 – 180 Mornington Street –
Planner: Victoria Nikoltcheva

The purpose of this application is to sever the northwest portion of 180 Mornington Street for a lot addition to 43 Duke Street. The proposed severed lands would have an approximate frontage of 3m and an approximate area of 869m².

The proposed retained lands would have a frontage of approximately 13.5m, and approximate depth of 46.7m and an approximate area of 1279m².

The retained lands are occupied with a single detached dwelling and the severed lands are occupied with a garage.

Agency Comments:

City of Stratford Infrastructure and Development Services Department – Engineering Division: A 3.815m road widening is required from the frontage on Duke Street of the lands to be severed and 1.44m road widening from the Mornington Street frontage of the lands to be retained.

City of Stratford Infrastructure and Development Services Department – Water Division: No concerns.

City of Stratford Infrastructure and Development Services Department – Building Services: No concerns.

Festival Hydro: No hydro related concerns.

Fire Department: No concerns.

Upper Thames River Conservation Authority: No objection.

Bell Canada: Requests a 3.0m easement to measure 1.5m on either side of the buried facilities on the submitted sketch.

V.Nikoltcheva introduced the application and noted that no public input was received.

Katie DeBlock (Solicitor for Agent, Cyril Moss) was in attendance to represent the application. Concerns about conditions #6 and #7 – both are agreeable to the road widening, but questioned why the parties (not the City) would be responsible for lawyer fees. In regards to #7 and the cables on Bells Mapping, an easement can be accepted, but again, the cost. Could Bell pay to register this easement? The Planning Report does not advise who will pay for those costs. Could the condition be changed to add that any costs associated would be payable by Bell. If Bell would not, then the client could negotiate with them (i.e. good faith efforts to pay..).

Andrew MacDonald (Solicitor) advised he concurs with Ms. DeBlock comments about the conditions.

V.Nikoltcheva advised the requests done by Engineering (#6). J.Bannon advised through the planning act we can take the road widening on the subject land which is on both properties. Within our zoning bylaw we have defined widths with what the total widths of the streets. Duke is deficient in size (smaller standard than what is needed). When we have applications, that don't meet our existing zoning bylaw, we will take the road widening so we don't have to expropriate those lands later. If we don't do that, when the road needs to be rebuilt, we have to expropriate (at a higher cost) to the City vs the planning act applications.

Decision of the Committee

Moved by R. Black and seconded by D.Hunt that application B01-21 for the creation of the new residential lot be approved subject to the following:

1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the mailing of the decision.
2. That Section 50(3) of the Planning Act shall apply to any subsequent conveyance or transaction.
3. That satisfactory arrangements be made with the City of Stratford for the payment of any outstanding Municipal property taxes.
4. Prior to the stamping of the deeds, the applicant shall provide to the City a copy of the deposited reference plan in an electronic format compatible with the latest version of AutoCAD referenced to NAD83 UTM Zone 17 Horizontal Control Network for the City of Stratford. This Reference Plan shall be created from survey information utilizing the City's Survey Control Network. It is the responsibility of the applicant to obtain the necessary Reference Sketches and associated information required to complete the survey from the City.
5. Prior to the stamping of the deeds, for the purposes of satisfying any of the above conditions, the Owner shall file with the City of Stratford a complete submission consisting of all required clearances and final plans, and to advise the City of Stratford in writing how each of the conditions has been satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by The City of Stratford, such submission will be returned to the Owner without detailed review by the City.
6. The required 3.815m road widening from the frontage on Duke Street and 1.44m road widening from the Mornington Street frontage of the lands to be conveyed to the City with the title of the lands free and clear of all encumbrances, to the satisfaction of the Infrastructure and Development Services Department,

Engineering Division. The City Solicitor costs associated with registering the conveyance documents shall be the responsibility of the applicant.

7. Prior to the stamping of the deed the applicant is to provide an easement to Bell Canada that is 3.0 metres wide (1.5 metre on either side of the buried facilities) as can reasonably be accommodated within the subject properties boundaries. The applicant may be required to survey the precise location of the cable.

Carried.

Reason for the decision

1. The use of land is good planning for the land
2. No public input was received

Adjournment

Motion by R. Black and seconded by D. Hunt to adjourn the meeting. Carried.

Time: 3:18 P.M.

Jeff Bannon, MCIP, RPP
Secretary Treasurer

Lindsay Van Gestel, Recording Secretary