



COMMITTEE OF ADJUSTMENT

AGENDA

The Stratford Committee of Adjustment will consider the following applications at a hearing to be held on Thursday, January 21, 2021, at 3:00 p.m. This will be an electronic meeting.

The following link is provided to watch the Committee of Adjustment meeting live:

<https://stratford-ca.zoom.us/j/84048461774?pwd=QS9kLzdpWk1hdXFvSzZibnl6dWg3Zz09>

A video of the meeting will also be posted to the City's website at <http://www.stratford.ca> once available.

MINOR VARIANCE APPLICATIONS

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.

A02-21 – 183 Glastonbury Cres – 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.

CONSENT APPLICATIONS

B01-21 – 180 Mornington Street –Planner: Jeff Bannon

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 3 metres and an approximate area of 869 square metres.

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

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

REPORT TO THE COMMITTEE OF ADJUSTMENT

**Submitted By: Infrastructure & Development Services Department
Development Services Division**

Application No.: A01-21

Meeting Date: January 21, 2021

Owner: Geoffrey & Rebecca Cheney

Agent: Neil R. Cheney

**Location: 29 Glendon Road, located on the south side of Glendon Road
between Mornington Street and Bedford Drive, legally
described as Lot 31, Plan 400**

Zoning: Residential First Density – R1(2)

Official Plan Designation: Residential Area

Road Classification: Glendon Road – Local Street

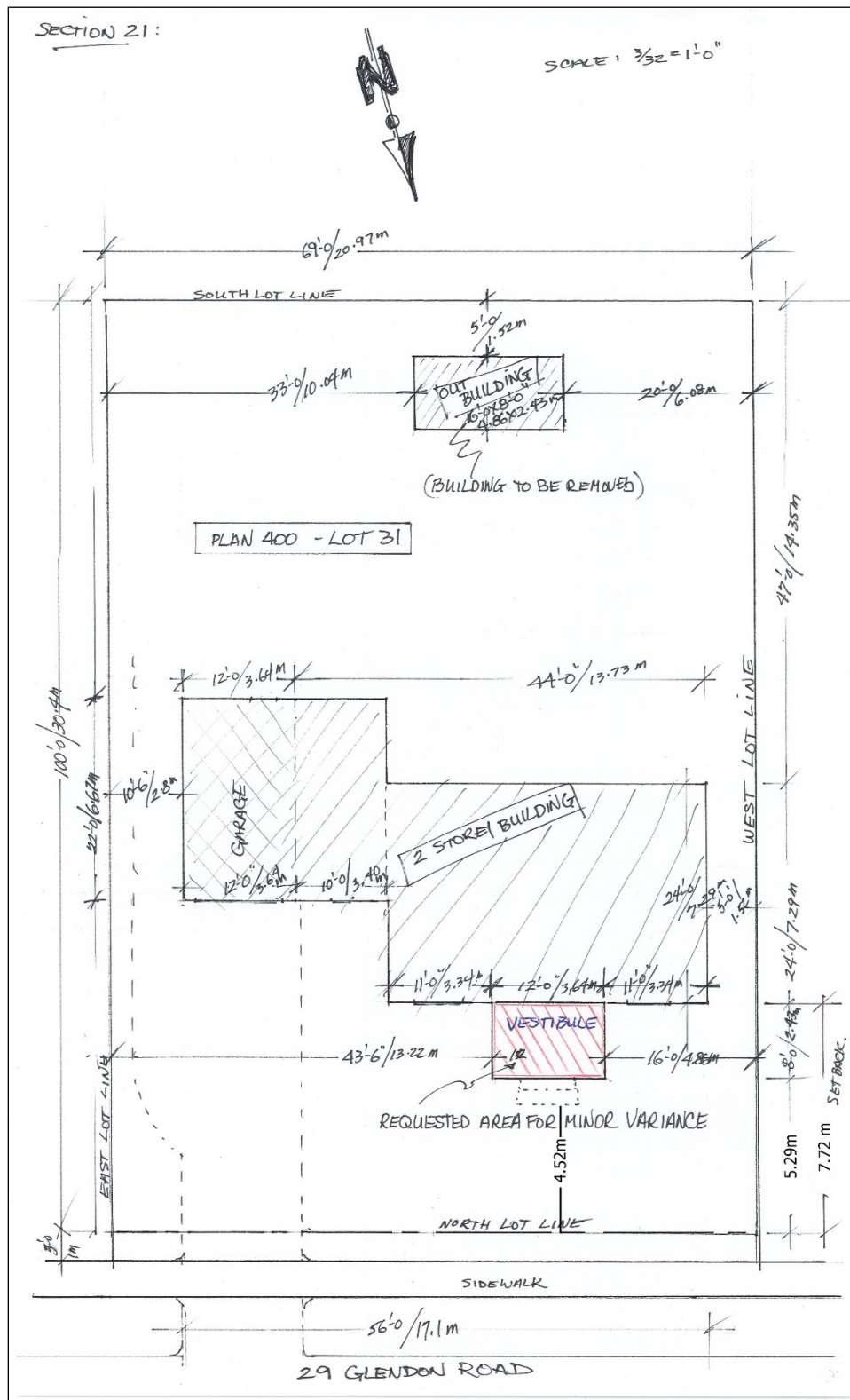
Purpose of Application:

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.

Background:
Concept Plan:



Location and Zoning Map:



Site Characteristics

Existing Use:	Single Detached Dwelling
Frontage:	21m (69ft)
Depth:	30.4m (100ft)
Area:	641m ² (6,900ft ²)
Shape:	Regular

Surrounding Land Uses:

North:	Single Detached Dwelling
East:	Single Detached Dwelling
South:	Single Detached Dwelling
West:	Single Detached Dwelling

29 Glendon Road (photo taken January 5, 2021)



Agency Comments

Circulation of the application to various agencies produced the following 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.

Public Comments

Any additional public comments received after the date of completion of the report will be provided to the Committee of Adjustment.

A public comment was received in support of the application. The respondent noted that the variance will keep consistency with the neighbourhood.

Public input was considered.

With respect to minor variance application A01-21, the minor variance must meet the four tests:

1. Whether the variance is minor in nature;
2. Whether the general intent and purpose of the Official Plan is maintained;
3. Whether the general intent and purpose of the Zoning By-law is maintained;
and
4. Whether the variance is desirable for the appropriate development and use of the land and/or neighbouring lands.

Analysis:

Provincial Policy Statement (PPS)

All planning decisions in the Province of Ontario shall be consistent with the PPS which came into effect on May 1, 2020. The 2020 PPS provides policy direction on matters of provincial interest relating to Building Strong Healthy Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety. Building strong communities is achieved by promoting efficient development and land use patterns that accommodate an appropriate range and mix of residential uses (including additional units, affordable housing and housing for older persons) that meet the social, health and well-being requirements and by avoiding development patterns that cause environmental, public health or safety concerns.

There are no Building Strong Healthy Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety matters of consistency with the application. The application is consistent with the Provincial Policy Statement.

Official Plan

The property is designated 'Residential Area' in the Official Plan. The primary use of land within 'Residential Areas' are dwelling units such as single-detached dwellings, duplex dwellings and apartment dwellings. The 'Residential Areas' goals and objectives include maintaining essential neighbourhood qualities, privacy, upkeep, public health, safety, compatibility with the surrounding neighbourhood and to achieve a mix of housing types to provide diversity in the housing stock and more affordable housing opportunities. The building addition is compatible with the surrounding neighbourhood and does not negatively impact abutting property owners. The variance is desirable and meets the general intent and purpose of the Official Plan, as the continued use is a single detached dwelling.

Zoning By-law

The lands are zoned 'Residential First Density' R1(2) which permits a single detached dwelling. The proposed use is permitted.

The R1(2) Zone requires a minimum front yard depth of 7.5m for all buildings and structures. The proposed addition is expected to encroach on the minimum front yard depth by a total of 2.98m, leaving the depth to be 4.52m. The requested variance will allow the property owners to construct a vestibule that is 2.22m into the required setback, with steps proposed to encroach by an additional 0.77m.

Section 3.17.5 of the Zoning By-law (Established Building Lines in Residential Zones) allows for the front yard setback to be the average of the subject lands and the two

abutting properties. The intent of this provision is to create a desirable streetscape that is consistent throughout a community.

Although the proposed vestibule would be closer to the front lot line than the abutting properties, it is expected to positively contribute to the streetscape. The proposed location of the vestibule is outside of the side yard setbacks and will allow for construction and maintenance without trespassing onto City owned and neighbouring lands. The minor variance meets the general intent of the Zoning By-law and can be considered to be minor in nature due to the 2.98m difference of the proposed setback and the minimum setback specified in the zoning bylaw (an encroachment of 2.21m for the vestibule and an additional 0.77m for the steps). Based on the minor nature of the difference, the variance is desirable for the use of the lands.

Recommendation

Planning staff are of the opinion that the minor variances listed below is consistent with the PPS and meet the four tests of the Planning Act.

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.

Provided that the following conditions are included as part of any approval:

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.

Prepared by:



Victoria Nikoltcheva
City Planner

Reviewed by:



Alyssa Bridge, MAES, MCIP, RPP
Manager of Planning

Report Finalized: January 18, 2021

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Glendon Rd - Report to the Committee of Adjustment

REPORT TO THE COMMITTEE OF ADJUSTMENT

**Submitted By: Infrastructure & Development Services Department
Development Services Division**

Application No.: A02-21

Meeting Date: January 21, 2021

Owner: Robert & June Dixon

Agent: N/A

**Location: 183 Glastonbury Crescent, located on the north side of
Glastonbury Crescent south of Glastonbury Drive, legally
described as Lot 14, Plan 147.**

Zoning: Residential First Density – R1(3)

Official Plan Designation: Residential Area

Road Classification: Glastonbury Crescent – Local Street

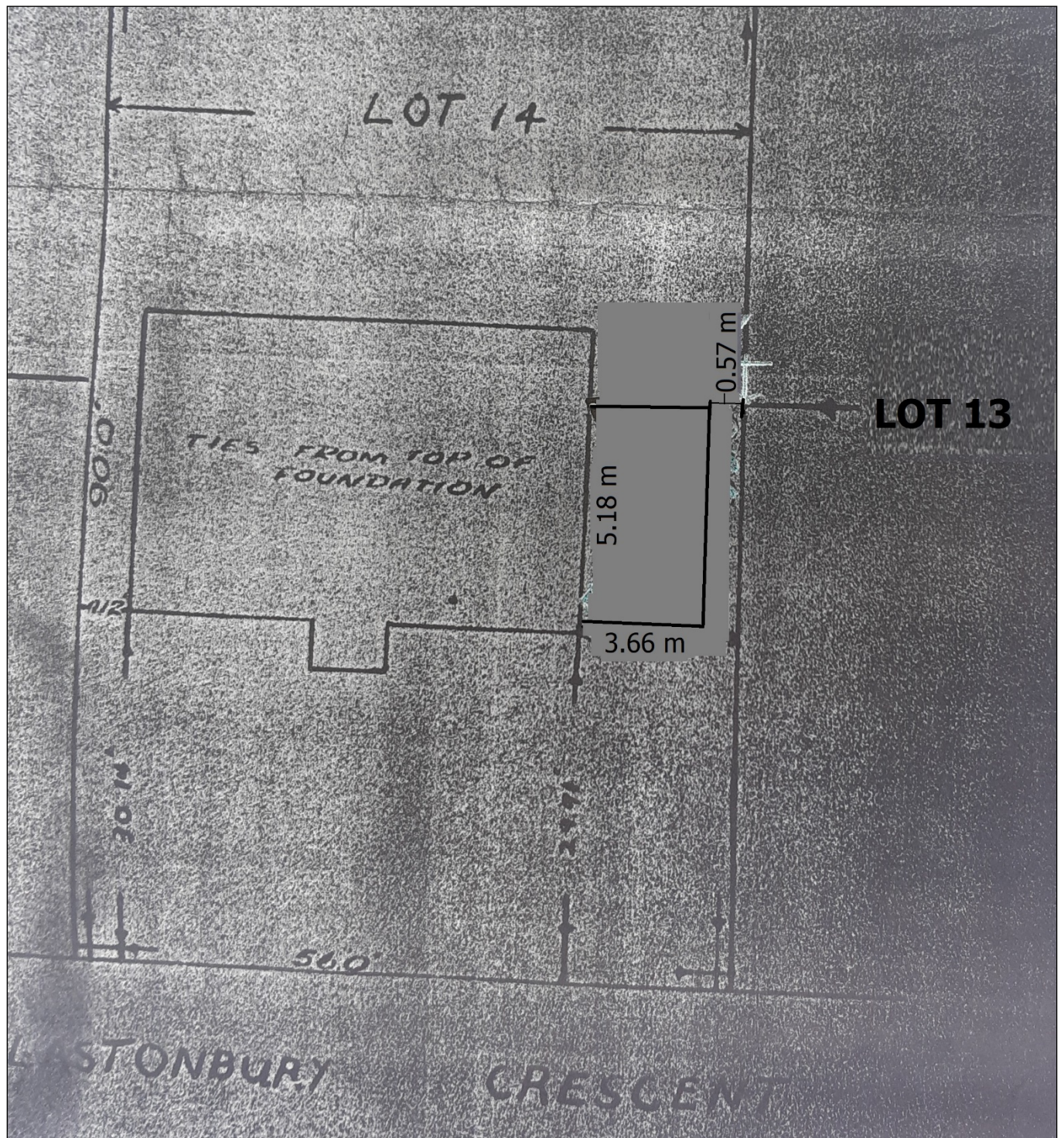
Purpose of Application:

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.

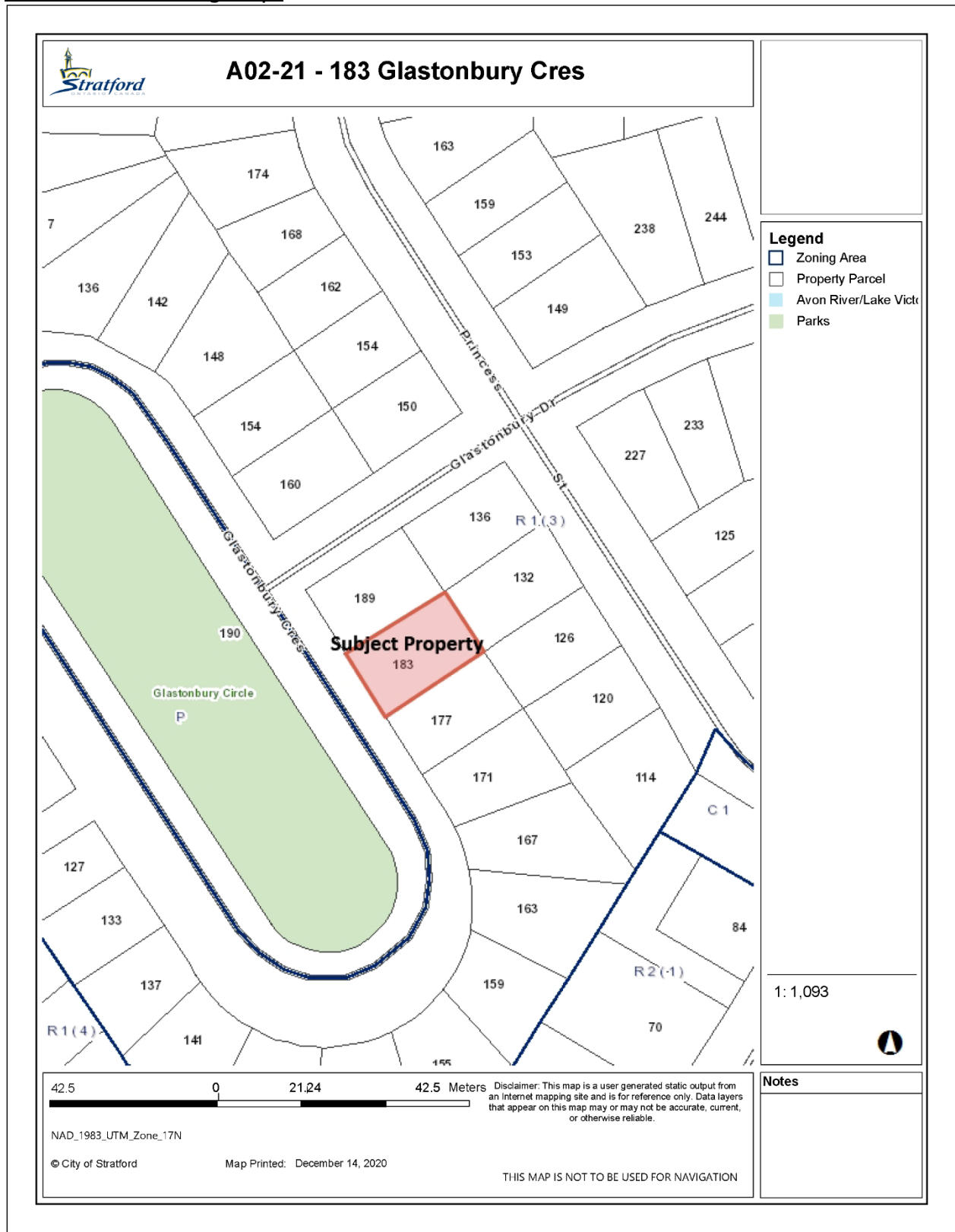
Variances requested:

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

Background:
Concept Plan:



Location and Zoning Map:



Site Characteristics

Existing Use: Single Detached Dwelling
Frontage: 17.07m (56ft)
Depth: 27.43m (90ft)
Area: 468.23m² (5040ft²)
Shape: Regular

Surrounding Land Uses:

North: Single Detached Dwelling
East: Single Detached Dwelling
South: Parkland
West: Single Detached Dwelling

183 Glastonbury Crescent (photo taken January 5, 2021)



Agency Comments

Circulation of the application to various agencies produced the following 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.

Public Comments

Planning staff have not received any public input. Any public comments received after the date of completion of the report will be provided to the Committee of Adjustment.

With respect to minor variance application A02-21, the minor variance must meet the four tests:

1. Whether the variance is minor in nature;
2. Whether the general intent and purpose of the Official Plan is maintained;
3. Whether the general intent and purpose of the Zoning By-law is maintained;
and
4. Whether the variance is desirable for the appropriate development and use of the land and/or neighbouring lands.

Analysis:

Provincial Policy Statement (PPS)

All planning decisions in the Province of Ontario shall be consistent with the PPS which came into effect on May 1, 2020. The 2020 PPS provides policy direction on matters of

provincial interest relating to Building Strong Healthy Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety. Building strong communities is achieved by promoting efficient development and land use patterns that accommodate an appropriate range and mix of residential uses (including additional units, affordable housing and housing for older persons) that meet the social, health and well-being requirements and by avoiding development patterns that cause environmental, public health or safety concerns.

There are no Building Strong Healthy Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety matters of consistency with the application. The application is consistent with the Provincial Policy Statement.

Official Plan

The property is designated 'Residential Area' in the Official Plan. The primary use of land within 'Residential Areas' are dwelling units such as single-detached dwellings, duplex dwellings and apartment dwellings. The 'Residential Areas' goals and objectives include maintaining essential neighbourhood qualities, privacy, upkeep, public health, safety, compatibility with the surrounding neighbourhood and to achieve a mix of housing types to provide diversity in the housing stock and more affordable housing opportunities. The variance is desirable and meets the general intent and purpose of the Official Plan, as the continued use is a single detached dwelling.

Zoning By-law

The lands are zoned 'Residential First Density' R1(3) which permits a single detached dwelling. The proposed use is permitted.

The R1(3) Zone requires a minimum side yard (easterly) setback of 1.0m for all buildings and structures. The proposed covered, enclosed carport is attached to the main building on the property and as such, is subject to the 1.0m side yard setback. The variance is proposing a minimum setback of 0.57m to a covered, enclosed carport. The variance reduction would not apply to the main building on the property.

Section 3.21.1 b) of the Zoning By-law permits architectural adornment(s) to project 0.5m in the required side yard, provided that the architectural adornment(s) are not located closer than 0.6m to any lot line. The variance is requesting that an architectural adornment be permitted to project 0.43m into the required easterly wide yard and be located no closer than 0.57m to a lot line. The variance has the effect of permitting an architectural adornment to be 0.03m closer to the easterly side lot line than permitted in the Zoning By-law. The requested variance is minor as it is not a significant change from the minimum required setback and will not interfere with the easterly abutting property.

The requested variance maintains the general intent of the Zoning By-law and is minor in nature. Setbacks to architectural adornments are in part required to ensure that stormwater from eaves and downspouts are contained within each individual property. Through the building permit application, the direction of stormwater from the proposed eaves and downspouts will be addressed to ensure containment of water on the property. There are no concerns with matters related to neighbourhood characteristics and land use compatibility as the continued use of the property is residential. Overall, the proposal is appropriate development.

Recommendation

Planning staff are of the opinion that the minor variance listed below are consistent with the PPS and meet the four tests of the Planning Act.

Variances requested:

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

Planning staff have no objection to the application provided that the following condition is included as part of any approval:

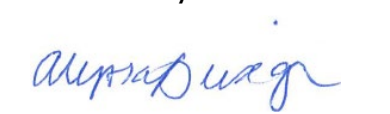
1. That the owner submits and obtains the necessary building permits for the proposed carport prior to construction commencing.
2. That the owner submits further information required by Festival Hydro with regards to this carport.

Prepared by:



Victoria Nikoltcheva
City Planner

Reviewed by:



Alyssa Bridge, MAES, MCIP, RPP
Manager of Planning

Report Finalized: January 18, 2021

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- Report to the Committee of Adjustment

REPORT TO THE COMMITTEE OF ADJUSTMENT

**Submitted By: Infrastructure & Development Services Department
Development Services Division**

Application No.: B01-21

Meeting Date: January 21, 2021

Owner: Gregory & Wanda Wolfe

Agent: Cyril Moss & Margaret Smith

**Location: 180 Mornington Street, located on the north side of
Mornington Street between Britannia Street and Waterloo
Street N, legally described as Pt Lt 3, Plan 70; Pt Lts 7-9, 27,
28 & Pt Corrie's Lane, Plan 102; Pt Lts 4-6, Pt Blk A, Plan 112**

**Zoning: Residential First Density – R1(3) & Residential Second Density –
R2(2)**

Official Plan Designation: Residential Area & Heritage Area

**Road Classification: Mornington Street – Collector Street ; Duke Street –
Local Street**

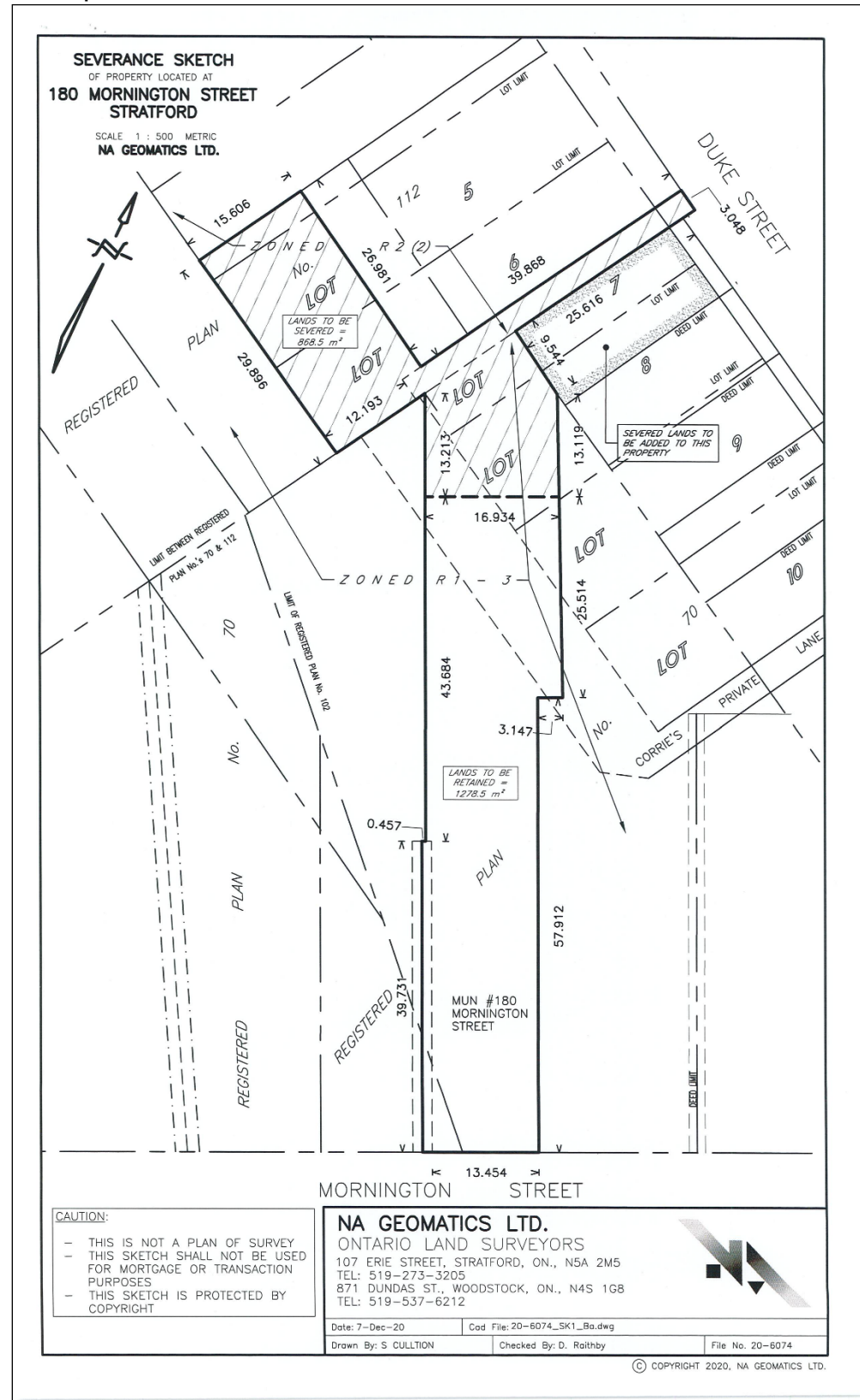
Purpose of Application:

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.

Background:
Concept Plan:



Location and Zoning Map:



Site Characteristics

Existing Use: Single Detached Dwelling
Frontage: 13.5m (44.3ft)
Depth: 46.7m (153.2ft)
Area: 2175m² (23411.5ft²)
Shape: Irregular

Surrounding Land Uses:

North: Single Detached Dwelling
East: Single Detached Dwelling
South: Single Detached Dwelling
West: Single Detached Dwelling

180 Mornington Street (photo taken December 16, 2020)



Right-of-Way Easement between 43 & 49 Duke Street (photo taken December 16, 2020)



Agency Comments

Circulation of the application to various agencies produced the following 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.

[illegible]

Heritage Stratford: Comments to follow - any comments received will be noted at the meeting.

Public Comments

Planning staff have not received any public input. Any public comments received after the date of completion of the report will be provided to the Committee of Adjustment.

Analysis:

Provincial Policy Statement (PPS)

All planning decisions in the Province of Ontario shall be consistent with the PPS which came into effect on May 1, 2020. The 2020 PPS provides policy direction on matters of provincial interest relating to Building Strong Healthy Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety. Building strong communities is achieved by promoting efficient development and land use patterns that accommodate an appropriate range and mix of residential uses (including additional units, affordable housing and housing for older persons) that meet the social, health and well-being requirements and by avoiding development patterns that cause environmental, public health or safety concerns.

There are no Building Strong Healthy Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety matters of consistency with the application. The application is consistent with the Provincial Policy Statement.

Official Plan

The property is designated 'Residential Area' and 'Heritage Area' in the Official Plan. The primary use of land within 'Residential Areas' are dwelling units such as single-detached dwellings, duplex dwellings and apartment dwellings. The 'Residential Areas' goals and objectives include maintaining essential neighbourhood qualities, privacy, upkeep, public health, safety, compatibility with the surrounding neighbourhood and to achieve a mix of housing types to provide diversity in the housing stock and more affordable housing opportunities.

The subject properties are within a 'Heritage Area' as designated in the Official Plan and adjacent to a designated heritage property. Official Plan Policy 3.5.7 viii) does not permit development or site alteration on lands adjacent to a designated heritage property unless a Heritage Impact Study has been prepared which demonstrates that the heritage attributes of the protected heritage property will be conserved. As the proposed lot addition does not constitute development or site alteration, a HIA was not required.

Through the application the severed lands are proposed to be added to 43 Duke Street, Lot 7 Plan 102.

The subject property has frontage on Mornington Street. Mornington Street is predominately an arterial road with a portion of it being a collector road on the south side of the street where the subject property is located.

The proposed retained and severed lands (when added to 43 Duke Street) will result in a lot frontage, size and configuration that is generally in keeping with the existing lots within the area. The existing lot frontage, proposed lot area and proposed lot depth is adequate for the permitted uses on the subject lands. The proposed lot boundary adjustment conforms to the consent evaluation criteria outlined in section 9.5 of the Official Plan and conforms to the Official Plan.

Zoning By-law

The subject lands have split zoning. The proposed severed lands are zoned 'Residential First Density' R1(3) and 'Residential Second Density' R2(2) and the proposed retained lands are zoned 'Residential First Density' R1(3). The lands zoned R1(3) permit a group home and single detached dwelling. The lands zoned R2(2) permit uses such as a single detached dwelling, semi-detached dwelling, duplex dwelling and a group home. The immediate neighbourhood is predominantly single detached dwellings.

In accordance with section 4.4.2 of the Zoning By-law, where a lot is divided into two or more zones, each such portion of said lot shall be considered to be a separate lot as defined and shall be used in accordance with the provisions of the Zoning By-law which are applicable to the zone wherein such portion of the said lot is located. The lot configuration resulting from the lot addition are compliant with the Zoning By-law.

The proposed lot addition is consistent with the general intent of the Zoning By-law.

Recommendations

Planning staff have no objection to the creation of the new residential lot, if the following conditions are included in the decision:

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.

Prepared by:



Victoria Nikoltcheva
City Planner

Reviewed by:



Alyssa Bridge, MAES, MCIP, RPP
Manager of Planning

Report Finalized: January 19, 2021

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