



## **Stratford Committee of Adjustment**

### **Public Hearing Pursuant to Sections 45 and 53 of the *Planning Act R.S.O 1990, Ch. P.13.***

#### **AGENDA**

**Date:** Wednesday, March 20, 2024

**Time:** 4:00 p.m.

**Location:** Stratford City Council Chamber (upper level), located at 1 Wellington Street, Stratford.

**Committee Members:** Andy Bicanic – Chair, Charlene Gordon, Ajay Mishra, Justine Nigro

**Staff:** Adam Betteridge – Director of Building and Planning Services, Alex Burnett – Planner, Robyn McIntyre – Consulting Planner, Anthony Fletcher – Recording Secretary

#### **1. Call to Order**

The Chair to call the meeting to order.

Opening remarks and land acknowledgement.

#### **2. Disclosure of Pecuniary Interest and the General Nature Thereof**

The Municipal Conflict of Interest Act requires any member declaring a pecuniary interest and the general nature thereof, where the interest of a member has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member and to otherwise comply with the Act.

Name, Item and General Nature of Pecuniary Interest

#### **3. Adoption of the Previous Minutes**

Motion by:

Seconded by:

**THAT the minutes from the Stratford Committee of Adjustment meeting dated February 21, 2024 be adopted as printed.**

## **4. Current Applications**

### **4.1 A07-24 – 260 Douglas Street**

**Owner:** Paul Stanley and Ruth-Anne Young

**Agent:** N/A

**Request:** The purpose of application A07-24 is to increase the permitted encroachment of a covered porch and exterior steps into a required front yard, to facilitate the construction of a new covered porch.

Variance requested:

1. Section 4.20.1. c) iii): Projection into Required Yards – to increase the encroachment of a covered porch and exterior steps into a required front yard from 2.5 m to 4.45 m.

### **4.2 A08-24 – 100 Avondale Avenue**

**Owner:** Christopher Morrison

**Agent:** N/A

**Request:** The purpose and effect of application A08-24 is to reduce the minimum required front yard depth and to permit the existing exterior steps to be located within 1.5 m of the front lot line, to facilitate the closing in of the existing porch.

Variances requested:

1. Table 6.4.2: Regulations in the Residential Second Density R2(1) Zone – to reduce the minimum front yard depth from 6.0 m to 2.0 m.
2. Section 4.20.1. c) iii): Projection into Required Yards – to permit exterior steps to be located 0.84 m from the front lot line.

### **4.3 A09-24 – 299 Glendon Road**

**Owner:** Ryan Van Horne

**Agent:** N/A

**Request:** The purpose and effect of application A09-24 is to increase the maximum height, wall height, and floor area provisions for accessory buildings, to facilitate the development of a detached garage.

Variances requested:

1. Table 4.1.4: Accessory Use Regulations – to increase the maximum height of an accessory building from 5.0 m to 6.96 m.
2. Table 4.1.4: Accessory Use Regulations – to increase the maximum wall height of an accessory building from 3.0 m to 5.73 m.
3. Table 4.1.4: Accessory Use Regulations – to increase the maximum floor area of an accessory building from 100 m<sup>2</sup> to 164 m<sup>2</sup>.
4. Additional Regulations for Table 4.1.4: 2. – to permit an accessory structure with 2 storeys.

- 4.4 A10-24 & B02-24 – 55 & 69 Downie Street, 23 Albert Street & 18 Brunswick Street**  
**Owner:** Theocharis Brothers Properties Inc.  
**Agent:** Monteith Ritsma Phillips PC (c/o Matthew Orchard)

Request: The purpose and effect of application A10-24 is to recognize the lot areas and lot frontages of four properties that have merged on title. This would facilitate the consent process for each property.

The purpose and effect of application B02-24 is to sever four previously existing lots that have merged on title. The severed lands are 55 Downie Street, 23 Albert Street, and 18 Brunswick Street. The retained lands are at 69 Downie Street.

- 4.5 A11-24 & B03-24 – 71 & 75 Wellington Street & 43 Market Place**  
**Owner:** Theocharis Brothers Properties Inc.  
**Agent:** Monteith Ritsma Phillips PC (c/o Matthew Orchard)

Request: The purpose and effect of application A11-24 is to recognize the lot areas and lot frontages of three properties that have merged on title. This would facilitate the consent process for each property.

The purpose and effect of application B03-24 is to sever the previously existing lots that have merged on title. The severed lands are: 71 Wellington Street which currently contains a commercial retail store with a residential dwelling unit above the first storey; and 75 Wellington Street which currently contains a restaurant. The retained lands are 43 Market Place which currently contain a restaurant with a residential dwelling above the first storey.

- 4.6 B04-24 – 147-149 St. Patrick Street**  
**Owner:** Blum Investment Corp. and Bunker Entertainment Inc.  
**Agent:** John Crawford

Request: The purpose and effect of this application is to establish an easement at 147-149 St. Patrick Street to facilitate a pedestrian access route / right-of-way for an abutting property at 104, 106, & 108 Wellington Street. The proposed easement is irregularly shaped and is approximately 1.1 metre by 20.58 metres for a total area of 29.08 square metres.

- 5. Next Meeting** – April 17, 2024, at 4:00 p.m. – City Hall Council Chambers (upper level), located at 1 Wellington Street, Stratford.

**6. Adjournment**

Motion by:  
Seconded by:

**THAT the March 20, 2024 Stratford Committee of Adjustment meeting adjourn.**

**If you require this document in an alternate format, please contact City Hall at 519-271-0250 extension 5237 or email [clerks@stratford.ca](mailto:clerks@stratford.ca)**

## **REPORT TO THE COMMITTEE OF ADJUSTMENT**

**Submitted By: Building & Planning Services Department - Planning Division**

**Application No.: A07-24**

**Meeting Date: March 20, 2024**

**Owner: Paul Stanley and Ruth-Anne Young**

**Agent: N/A**

**Location: 260 Douglas Street, legally described as LOT 8 PLAN 144 in the City of Stratford**

**Zoning: R2(1) - Residential Second Density**

**Official Plan Designation: Residential Area  
Special Policy Area 2: 4.5.4.2**

**Road Classification: Douglas Street – Local**

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### **Purpose and Effect of Application A07-24:**

The purpose of application A07-24 is to increase the permitted encroachment of a covered porch and exterior steps into a required front yard, to facilitate the construction of a new covered porch.

Variance(s) requested:

1. Section 4.20.1. c) iii): Projection into Required Yards – to increase the encroachment of a covered porch and exterior steps into a required front yard from 2.5 m to 4.45 m.

### **Background:**

#### Attachments

- Map 1 – Existing Zoning & Location Map
- Map 2 – Aerial 2020 Map
- Map 3 – Existing Site Plan
- Map 4 – Proposed Site Plan
- Figure 1 – Site Photo



## Site Characteristics

Existing Use: Single detached dwelling

Frontage: 13.89 m

Depth: 33.589 m

Area: 466.55 m<sup>2</sup>

Shape: Rectangular

## Surrounding Land Uses

North: Single detached dwellings

East: Single detached dwellings

South: Single detached dwellings

West: Single detached dwellings

## Agency Comments

This minor variance application was circulated to agencies for comments on February 29, 2024. The following comments were received:

### **City of Stratford Building and Planning Services Department – Building Services:**

Building Permit is required to be applied for an obtained prior to construction commencing. Applicant is to provide all Planning Approvals with their Building Permit Application.

As-built Survey required to be completed prior to building permit close out confirming setback achieved.

### **City of Stratford Infrastructure Services Department – Engineering Division:**

Historical records showing the existing sanitary private drain connection located 3.66 metres from the east building line. The proposed porch location might impact sanitary service, property owner is responsible to identify location.

### **City of Stratford Infrastructure Services Department – Water Services:**

No Comments.

### **Fire Prevention and Community Services Department:**

No concerns.

### **Festival Hydro:**

The proposal may conflict with the existing incoming overhead hydro service. Customer is responsible to ensure the applicable Ontario Safety Codes (building/electrical) are reviewed to ensure compliance regarding the incoming overhead services proximity to the work area and structure addition. If needed, customer to contact Festival Hydro

requesting a service layout if alterations (or an upgrade) are required to the existing hydro service or metering to suit.

#### Other Applications

N/A

#### Public Comments

Notice of the requested variance was sent to surrounding property owners on February 28, 2024, and a sign was erected on site notifying of the proposed minor variance application. In addition, notice of the requested variance was published in the Town Crier of the Beacon Herald on March 2, 2024. At the time of writing this report, no comments or concerns were received from the public.

Any additional 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 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. As a result, the application is considered consistent with the Provincial Policy Statement.

##### Does the request Maintain the Intent and Purpose of the Official Plan?

The property is designated "Residential Area" on Schedule "A" of the Official Plan and Douglas Street is identified as a local street on Schedule "D". The Residential Area policies allow for a range of dwelling types from single detached and semi-detached dwellings to townhouses and low-rise apartment buildings. The 'Residential Area' goals and objectives include maintaining essential neighbourhood qualities, privacy, upkeep, public health, safety, and compatibility with the surrounding neighbourhood. In addition, the City of

Stratford Official Plan includes development standards within Section 4.5.3.1 for stable residential areas. These policies direct development in existing residential areas to maintain the structure and character of the immediate surrounding residential area. The subject property is also located within "Special Policy Areas 2" of the Official Plan. Section 4.5.4.2 of the Official Plan encourages a mix of residential, commercial, and institutional uses that maintain the desired residential and heritage character of these areas and prevents an undermining of the "Downtown Core".

The applicant has requested a variance to increase the permitted encroachment of a covered porch and exterior steps into a required front yard, to facilitate the construction of a new porch. Based on the submitted site plan, the scale, massing, and height of the proposed porch is not considered to be out of character within the neighborhood and other than the increased length and covering, will match the characteristics of the existing porch. The extension of the porch will maintain the desired residential and heritage character of the neighbourhood and therefore is considered to conform to the Residential policies of Section 4.5. As such, Staff are satisfied that application A07-24 maintains the intent and purpose of the Official Plan.

#### Does the request Maintain the Intent and Purpose of the Zoning By-law?

The subject lands are zoned Residential Second Density R2(1) in the City of Stratford Zoning By-law 10-2022. The R2(1) zoning permits single detached dwellings, semi-detached dwellings, and duplexes. The surrounding area primarily contains single detached dwellings.

The applicant is requesting a variance to the Zoning By-law to increase the permitted encroachment of a covered porch and exterior steps into a required front yard, to facilitate the construction of a new covered porch. Section 4.20.1 c) iii) permits porches and exterior steps to project no more than 2.5 m into a required front yard, provided that no structures project into a visibility triangle and shall not be located closer than 1.5 m to any lot line. The existing porch and exterior steps currently encroach 4.48 m into the required yard but are legally non-conforming to the current Zoning By-law. The new proposed porch maintains the same distance from the front lot line as the existing porch, but due to its increased size, will no longer maintain legal non-conforming status. The proposed porch will encroach 4.45 m into the required front yard, which is a variance of 1.88 m.

The intent of the maximum front yard encroachment provision in the Zoning By-law is to maintain a consistent streetscape and ensure development is located a safe distance from the street. The proposed porch will be located the same distance from the front yard as the existing porch and consistent with the porches of neighbouring properties. In addition, Staff are unaware of any safety concerns resulting from the existing porch's distance to the street. As such Staff are of the opinion that the requested minor variance maintains the intent and purpose of the Zoning By-law.

Are the requested variances desirable for the appropriate development of the lands?

The subject lands are classified as "Residential" in the City's Official Plan and zoned Residential Second Density R2(1) in the Zoning By-law. The requested variance is to increase the permitted encroachment of a covered porch and exterior steps into a required front yard, to facilitate the construction of a new covered porch. The proposed porch is in compliance with all other applicable zoning requirements such as side yard setbacks and lot coverage. However, because the existing dwelling is located closer to the front lot line than permitted by the current Zoning By-law, the existing and proposed porch encroaches beyond the permitted 2.5 m into the required front yard. Given the location of the dwelling, a functional porch and exterior steps cannot be constructed without a minor variance. The requested minor variance will allow the homeowners to maximize the usage and enjoyment of the property. As such, Staff are of the opinion that the requested variance is desirable for the appropriate development of the lands.

Is the requested variance minor in nature?

Whether a variance is minor is evaluated in terms of the impact the proposed development is expected to have on the surrounding neighbourhood. The proposed variance would facilitate the construction of a covered porch and exterior steps on the subject lands. Staff are of the opinion that the requested variance will not have an adverse impact on the character of the area or the ability of adjacent property owners to use their property in accordance with the Zoning By-law. As such, the requested variance is considered minor.

**Recommendation:**

**THAT the City of Stratford Committee of Adjustment APPROVE Application A07-24, submitted by Paul Stanley and Ruth-Anne Young, for lands legally described as LOT 8 PLAN 144 in the City of Stratford and municipally known as 260 Douglas Street, as it relates to:**

1. Section 4.20.1. c) iii): Projection into Required Yards – to increase the encroachment of a covered porch and exterior steps into a required front yard from 2.5 m to 4.45 m.

Subject to the following condition:

- i) This approval applies only to the existing structure proposed as part of this application, and not for any future developments.

The requested relief meets the four tests of a minor variance as set out in Section 45(1) of the Planning Act as follows:

The requested relief maintains the intent and purpose of the Official Plan as the proposal conforms to the Residential policies of the Official Plan.

The requested relief maintains the intent and purpose of the City's Zoning By-law as the proposed covered porch and exterior steps will be compatible with the streetscape and will not result in safety issues on neighbouring properties or pedestrians.

The requested relief is desirable for the use of the land as it will facilitate the construction of a covered porch and exterior steps on the subject property.

The requested relief is minor in nature as the requested variance will not affect the ability of neighbouring property owners to use their land in accordance with the provisions of the Zoning By-law.

**AND THAT the Committee of Adjustment pass a resolution that no further notice is required under Section 45(5) of the Planning Act.**

**Prepared & Recommended by:**

*ABurnett*

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Alexander Burnett  
Planner

**Reviewed & Approved by:**

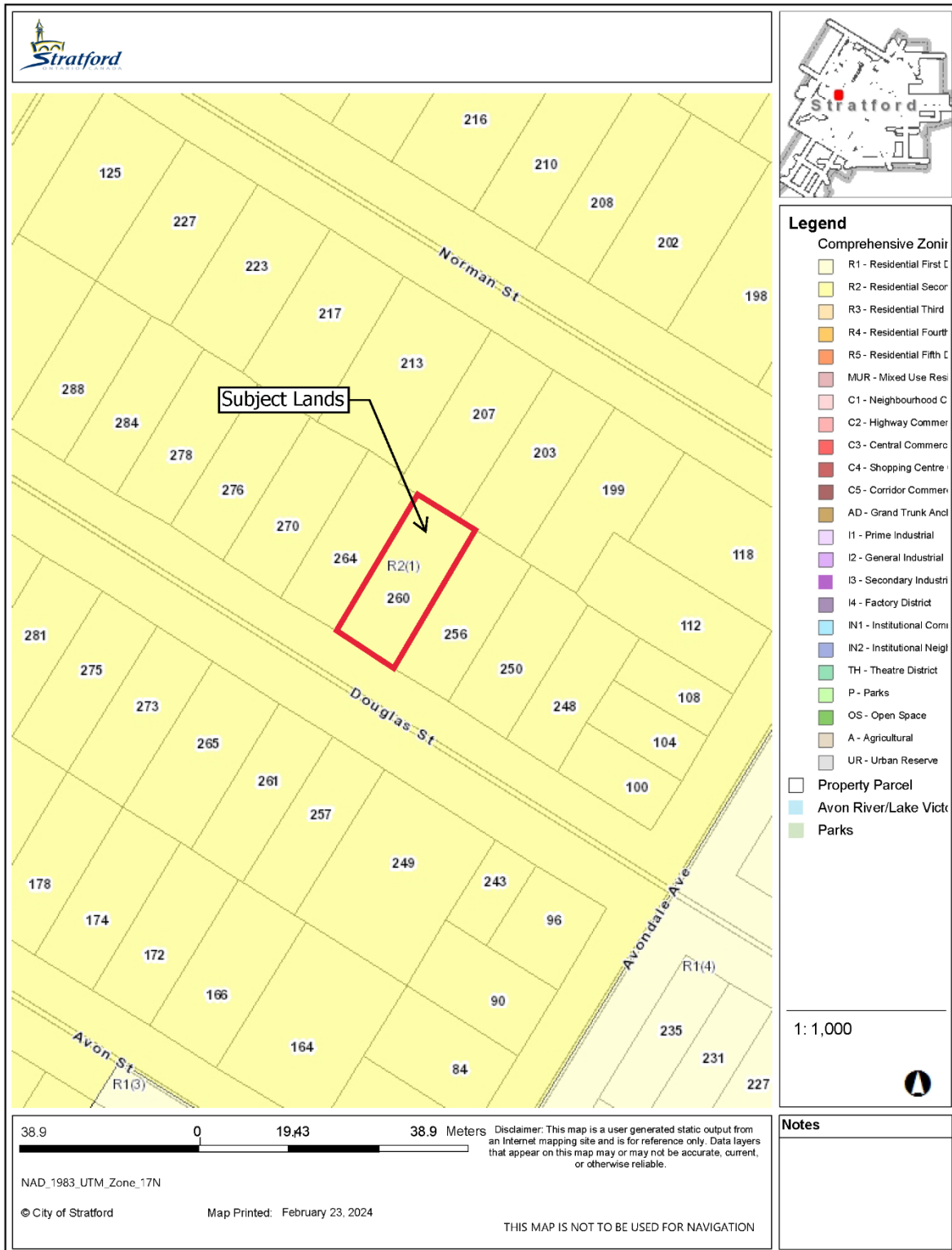
*Adam Betteridge*

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Adam Betteridge, MCIP, RPP  
Director of Building and Planning

**Report finalized:** March 12, 2023

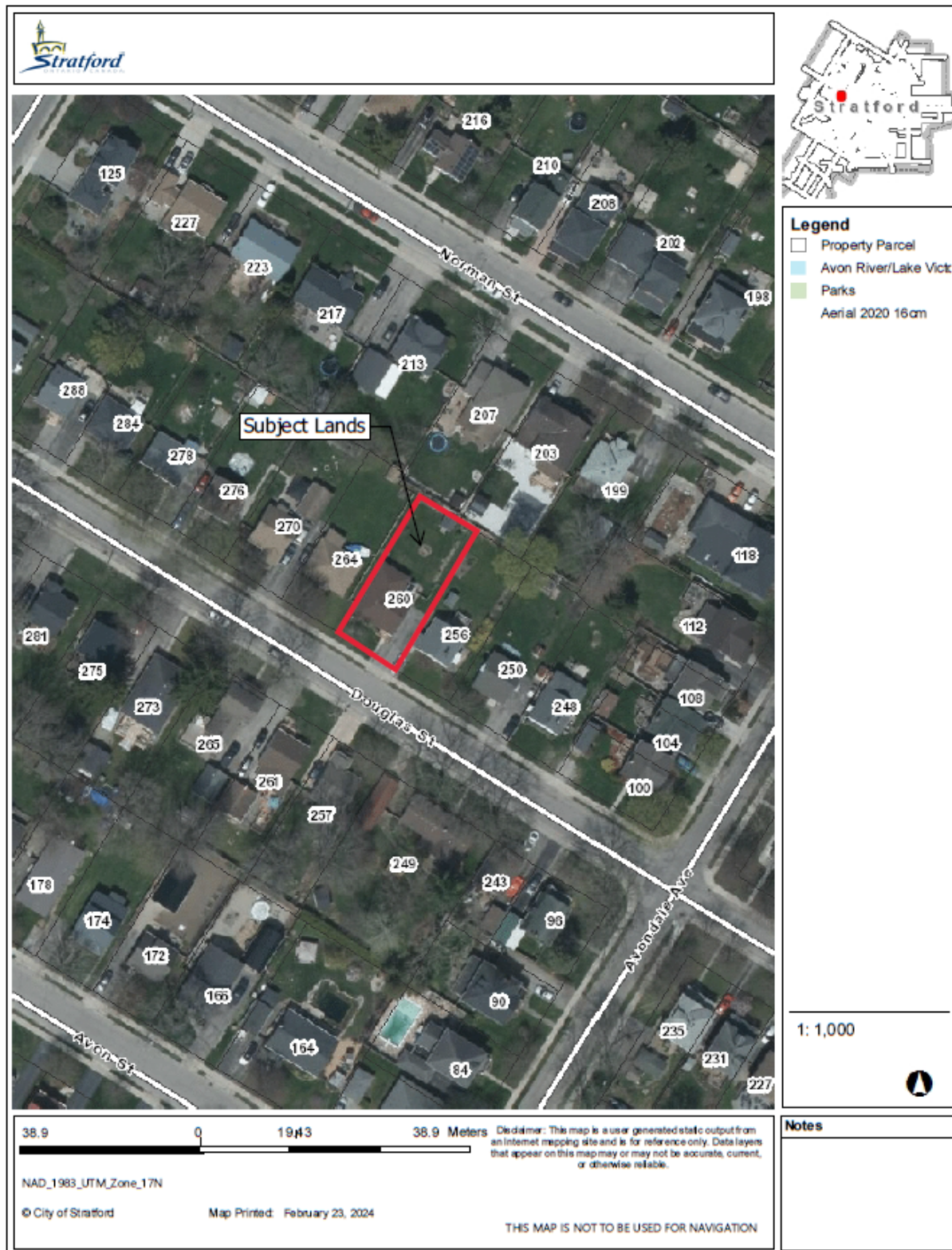
# **Map 1 – Location & Zoning Map** **File # A07-24** **Paul Stanley and Ruth-Anne Young – 260 Douglas Street**



## Map 2 – Aerial 2020 Map

File # A07-24

Paul Stanley and Ruth-Anne Young – 260 Douglas Street

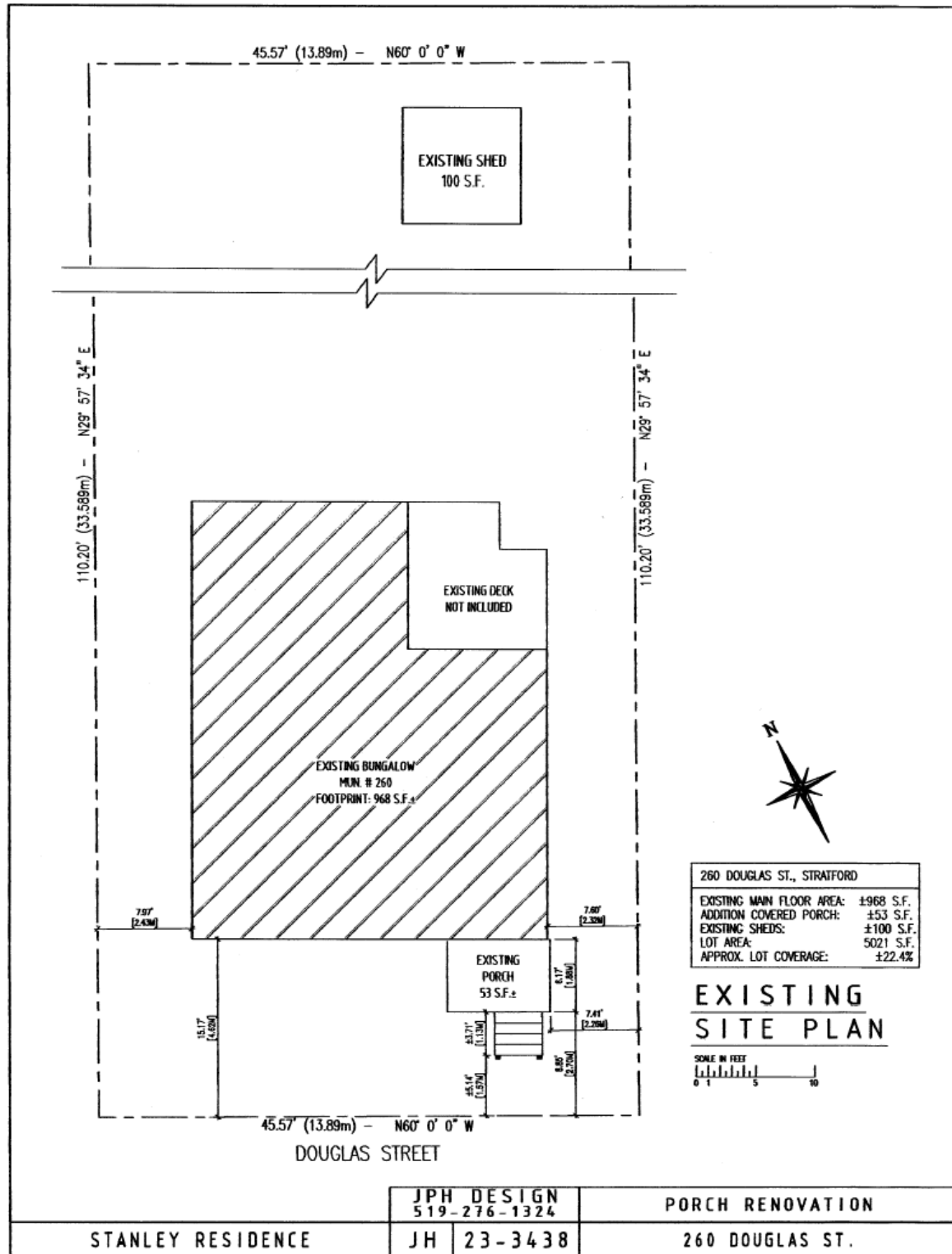




# Map 3 – Existing Site Plan

File # A07-24

Paul Stanley and Ruth-Anne Young – 260 Douglas Street

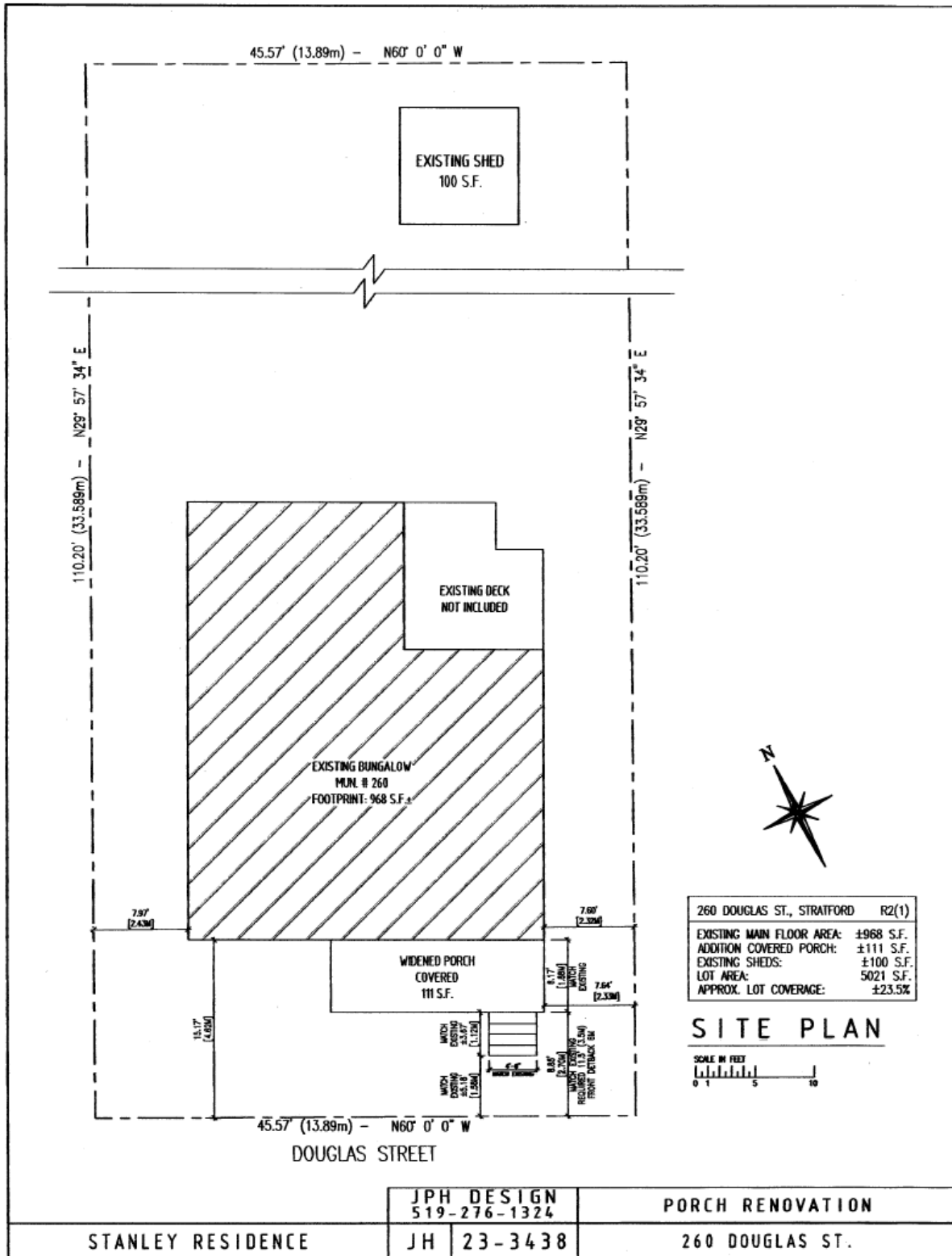




# Map 4 – Proposed Site Plan

File # A07-24

Paul Stanley and Ruth-Anne Young – 260 Douglas Street



**Figure 1 – Site Photo**  
**File # A07-24**  
**Paul Stanley and Ruth-Anne Young – 260 Douglas Street**



## **REPORT TO THE COMMITTEE OF ADJUSTMENT**

**Submitted By: Building & Planning Services Department - Planning Division**

**Application No.: A08-24**

**Meeting Date: March 20, 2024**

**Owner: Christopher Morrison**

**Agent: N/A**

**Location: 100 Avondale Avenue, legally described as LOT 13 PLAN 421  
in the City of Stratford**

**Zoning: R2(1) - Residential Second Density**

**Official Plan Designation: Residential Area  
Special Policy Area 2: 4.5.4.2**

**Road Classification: Avondale Avenue – Local**

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### **Purpose and Effect of Application A08-24:**

The purpose and effect of application A08-24 is to reduce the minimum required front yard depth and to permit the existing exterior steps to be located within 1.5 m of the front lot line, to facilitate the closing in of the existing porch.

Variance(s) requested:

1. Table 6.4.2: Regulations in the Residential Second Density R2(1) Zone – to reduce the minimum front yard depth from 6.0 m to 2.0 m.
2. Section 4.20.1. c) iii): Projection into Required Yards – to permit exterior steps to be located 0.84 m from the front lot line.

### **Background:**

#### Attachments

- Map 1 – Existing Zoning & Location Map
- Map 2 – Aerial 2020 Map
- Map 3 – Site Plan
- Figure 1 – Site Photo

## Site Characteristics

Existing Use: Single detached dwelling

Frontage: 12.20 m

Depth: 23.40 m

Area: 285.48 m<sup>2</sup>

Shape: Rectangular

## Surrounding Land Uses

North: Single detached dwellings

East: Single detached dwellings

South: Single detached dwellings

West: Single detached dwellings

## Agency Comments

This minor variance application was circulated to agencies for comments on February 29, 2024. The following comments were received:

### **City of Stratford Building and Planning Services Department – Building Services:**

Building permits are required to be applied for and obtained prior to construction commencing. Applicant to submit Planning Approval with Building Permit Application.

### **City of Stratford Infrastructure Services Department – Engineering Division:**

No comments or concerns.

### **City of Stratford Infrastructure Services Department – Water Services:**

No Comments.

### **Fire Prevention and Community Services Department:**

No concerns.

### **Festival Hydro:**

Customer to contact Festival Hydro requesting a service layout if alterations (or an upgrade) are required to the existing hydro service or metering to suit.

## Other Applications

N/A

## Public Comments

Notice of the requested variance was sent to surrounding property owners on February 28, 2024, and a sign was erected on site notifying of the proposed minor variance application. In addition, notice of the requested variance was published in the Town Crier

of the Beacon Herald on March 2, 2024. At the time of writing this report, no comments or concerns were received from the public.

Any additional 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 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. As a result, the application is considered consistent with the Provincial Policy Statement.

### Does the request Maintain the Intent and Purpose of the Official Plan?

The property is designated "Residential Area" on Schedule "A" of the Official Plan and Avondale Avenue is identified as a local street on Schedule "D". The Residential Area policies allow for a range of dwelling types from single detached and semi-detached dwellings to townhouses and low-rise apartment buildings. The 'Residential Area' goals and objectives include maintaining essential neighbourhood qualities, privacy, upkeep, public health, safety, and compatibility with the surrounding neighbourhood. In addition, the City of Stratford Official Plan includes development standards within Section 4.5.3.1 for stable residential areas. These policies direct development in existing residential areas to maintain the structure and character of the immediate surrounding residential area.

The subject property is also located within "Special Policy Areas 2" of the Official Plan. Section 4.5.4.2 of the Official Plan encourages a mix of residential, commercial, and institutional uses that maintain the desired residential and heritage character of these areas and prevents an undermining of the "Downtown Core".

The applicant has requested variances to reduce the minimum front yard depth and to permit exterior steps located within 1.5 m from a front yard lot line, to facilitate the closing in of the existing porch. Based on the submitted plans, the scale and massing of

the porch is not changing. The proposed enclosed porch will have the same dimensions as the existing porch and will maintain the desired residential and heritage character of the neighbourhood. As such, the proposed enclosed porch is considered to conform to the Residential policies of Section 4.5 and Staff are satisfied that application A08-24 maintains the intent and purpose of the Official Plan.

#### Does the request Maintain the Intent and Purpose of the Zoning By-law?

The subject lands are zoned Residential Second Density R2(1) in the City of Stratford Zoning By-law 10-2022. The R2(1) zoning permits single detached dwellings, semi-detached dwellings, and duplexes. The surrounding area primarily contains single detached dwellings.

The applicant has requested variances to the Zoning By-law to reduce the minimum front yard depth and to permit exterior steps located within 1.5 m from a front yard lot line, to facilitate the closing in of the existing porch. Table 6.4.2 requires a minimum front yard depth of 6.0 m for dwellings in the R2(1) Zone. The existing dwelling is located 4.5 m from the front property line and the proposed enclosed porch will be 2.0 m from the front property line. The existing dwelling is considered legally non-conforming to the Zoning By-law, though the enclosing of the existing porch will remove this status. As such, the variance for front yard depth is required.

Section 4.20.1 c) iii) permits porches and exterior steps to project no more than 2.5 m into a required front yard, provided that no structures project into a visibility triangle and shall not be located closer than 1.5 m to any lot line. The existing exterior steps are currently located 0.84 m away from the front lot line, and thus require a variance.

The intent of the minimum front yard depth and maximum front yard encroachment provisions in the Zoning By-law is to maintain consistent streetscapes and ensure development is located a safe distance from the street. As the porch and exterior steps are existing, and the only change is the enclosure of the porch, Staff are of the opinion that the streetscape will remain consistent. Similar porch enclosures are visible on neighbouring properties. In addition, Staff are unaware of any safety concerns resulting from the existing porch and exterior step's distance to the street. As such Staff are of the opinion that the requested minor variance maintains the intent and purpose of the Zoning By-law.

#### Are the requested variances desirable for the appropriate development of the lands?

The subject lands are classified as "Residential" in the City's Official Plan and zoned Residential Second Density R2(1) in the Zoning By-law. The requested variances are to reduce the minimum front yard depth and to permit exterior steps located within 1.5 m from a front yard lot line, to facilitate the closing in of the existing porch. The existing porch is in compliance with all other applicable zoning requirements, but because the

enclosure of the porch becomes part of the building, legal non-conforming status is no longer applicable, and the variance is required. The requested variance will allow the homeowners to maximize the usage and enjoyment of the property, while not altering the dimensions or footprint of the building. As such, Staff are of the opinion that the requested variance is desirable for the appropriate development of the lands.

Is the requested variance minor in nature?

Whether a variance is minor is evaluated in terms of the impact the proposed development is expected to have on the surrounding neighbourhood. The proposed variances would facilitate the closing in of the existing porch. Staff are of the opinion that the requested variance will not have an adverse impact on the character of the area or the ability of adjacent property owners to use their property in accordance with the Zoning By-law. As such, the requested variance is considered minor.

**Recommendation:**

**THAT the City of Stratford Committee of Adjustment APPROVE Application A08-24, submitted by Christopher Morrison, for lands legally described LOT 13 PLAN 421 in the City of Stratford and municipally known as 100 Avondale Avenue, as it relates to:**

1. Table 6.4.2: Regulations in the Residential Second Density R2(1) Zone – to reduce the minimum front yard depth from 6.0 m to 2.0 m.
2. Section 4.20.1. c) iii): Projection into Required Yards – to permit exterior steps to be located 0.84 m from the front lot line.

Subject to the following condition:

- i) These variances only apply to the existing structures proposed as part of this application, and not for any future developments.

The requested relief meets the four tests of a minor variance as set out in Section 45(1) of the Planning Act as follows:

The requested relief maintains the intent and purpose of the Official Plan as the proposal conforms to the Residential policies of the Official Plan.

The requested relief maintains the intent and purpose of the City's Zoning By-law as the proposed enclosed porch and exterior steps will be compatible with the streetscape and will not result in safety issues on neighbouring properties or pedestrians.

The requested relief is desirable for the use of the land as it will facilitate the closing in of the existing porch on the subject property.

The requested relief is minor in nature as the requested variance will not affect the ability of neighbouring property owners to use their land in accordance with the provisions of the Zoning By-law.

**AND THAT the Committee of Adjustment pass a resolution that no further notice is required under Section 45(5) of the Planning Act.**

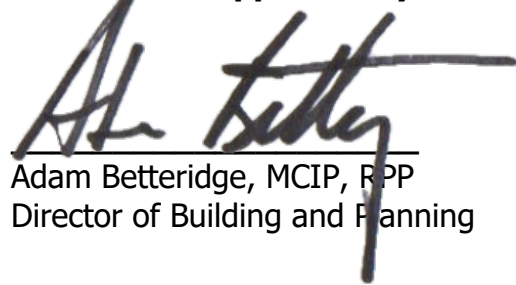
**Prepared & recommended by:**

*ABurnett*

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Alexander Burnett  
Planner

**Reviewed & Approved by:**

A handwritten signature in dark ink, appearing to read 'A. Betteridge', is written over a horizontal line.

Adam Betteridge, MCIP, RPP  
Director of Building and Planning

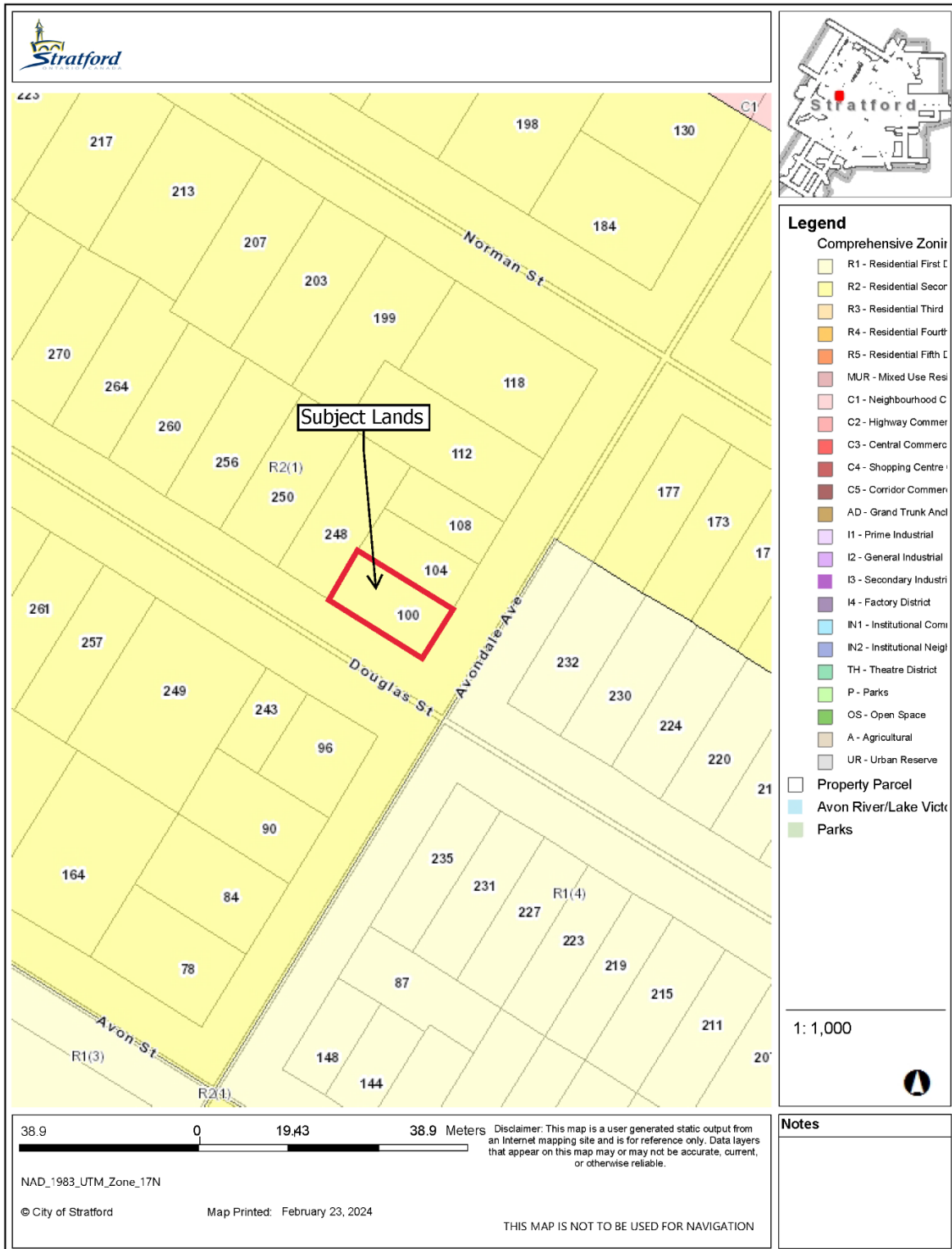
**Report finalized:** March 14, 2024



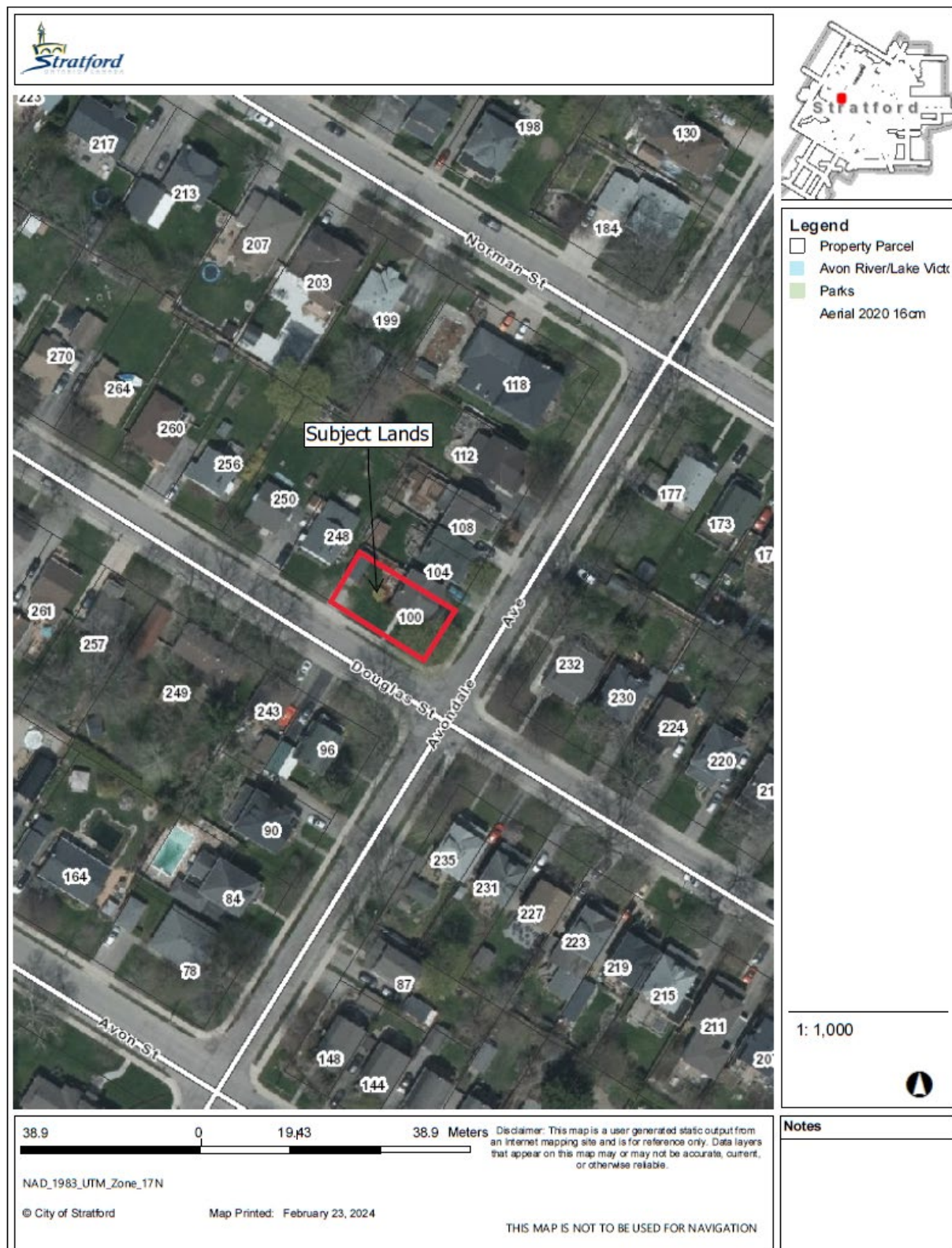
# Map 1 – Location & Zoning Map

## File # A08-24

### Christopher Morrison – 100 Avondale Avenue



**Map 2 – Aerial 2020 Map**  
**File # A08-24**  
**Christopher Morrison – 100 Avondale Avenue**



[illegible]



**Figure 1 – Site Photo**  
**File # A08-24**  
**Christopher Morrison – 100 Avondale Avenue**



## **REPORT TO THE COMMITTEE OF ADJUSTMENT**

**Submitted By: Building & Planning Services Department - Planning Division**

**Application No.: A09-24**

**Meeting Date: March 20, 2024**

**Owner: Ryan Van Horne**

**Agent: N/A**

**Location: 299 Glendon Road, legally described as LOT 24 PLAN 425 in the City of Stratford**

**Zoning: R1(2) - Residential Second Density**

**Official Plan Designation: Residential Area  
SPP Significant Threat Area**

**Road Classification: Glendon Road – Local**

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### **Purpose and Effect of Application A09-24:**

The purpose and effect of application A09-24 is to increase the maximum height, wall height, and floor area provisions for accessory buildings, to facilitate the development of a detached garage.

Variance(s) requested:

1. Table 4.1.4: Accessory Use Regulations – to increase the maximum height of an accessory building from 5.0 m to 6.96 m.
2. Table 4.1.4: Accessory Use Regulations – to increase the maximum wall height of an accessory building from 3.0 m to 5.73 m.
3. Table 4.1.4: Accessory Use Regulations – to increase the maximum floor area of an accessory building from 100 m<sup>2</sup> to 164 m<sup>2</sup>.
4. Additional Regulations for Table 4.1.4: 2. – to permit an accessory structure with 2 storeys.

## **Background:**

### Attachments

- Map 1 – Existing Zoning & Location Map
- Map 2 – Aerial 2020 Map
- Map 3 – Site Plan with Proposed Garage
- Figure 1 – Proposed Garage Elevations
- Figure 2 – Proposed Garage Elevations
- Figure 3 – Site Photo 1
- Figure 4 – Site Photo 2

### Site Characteristics

Existing Use: Single detached dwelling

Frontage: 20 m

Depth: 95.6 m

Area: 2225.77 m<sup>2</sup>

Shape: Quadrilateral

### Surrounding Land Uses

North: Single detached dwellings

East: Single detached dwellings

South: Single detached dwellings

West: Single detached dwellings

### Agency Comments

This minor variance application was circulated to agencies for comments on February 29, 2024. The following comments were received:

#### **City of Stratford Building and Planning Services Department – Building Services:**

Building Permit is required to be applied for and obtained prior to construction commencing. Applicant is to provide all Planning Approvals with their Building Permit Application.

Condition of Approval: Lot Grading Plan completed by a qualified designer is to be submitted with the building permit application.

#### **City of Stratford Infrastructure Services Department – Engineering Division:**

Provide a grading plan containing: Existing and proposed grade elevations (with legend differentiating them); Residential developments to include top of footing, underside of footing and top of foundation elevations; Direction of surface drainage flow through use of drainage arrows and percent slope; Location of rainwater leader discharge to surface; Existing and proposed driveway entrances and curbs; Type of surfacing (i.e.

sod, gravel, asphalt, etc.); Relative street grade elevations fronting site and property lines; Swales and drainage ditches (indicate slope and side slopes and, where required, cross sections).

The downspout locations are not to project the discharge onto the adjacent property. The overall lot grading cannot negatively impact the adjacent lands and must make certain that positive overland flow towards the frontage is met. Side swales may be required.

Damage deposit will be required for City right-of-way infrastructure. Due to heavy machinery and materials crossing the sidewalk/curb to deliver into rear yard. To be collected when Building Division received permit requests to begin construction.

**Fire Prevention and Community Services Department:**

No concerns.

**Festival Hydro:**

Customer to contact Festival Hydro requesting a service layout if alterations (or an upgrade) are required to the existing hydro service or metering to suit.

Other Applications

N/A

Public Comments

Notice of the requested variance was sent to surrounding property owners on February 28, 2024, and a sign was erected on site notifying of the proposed minor variance application. In addition, notice of the requested variance was published in the Town Crier of the Beacon Herald on March 2, 2024. At the time of writing this report, a few concerns have been raised by residents in the neighbourhood. The main concern raised is the potential conversion of the garage into living space in the future.

Any additional 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 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. As a result, the application is considered consistent with the Provincial Policy Statement.

#### Does the request Maintain the Intent and Purpose of the Official Plan?

The property is designated "Residential Area" on Schedule "A" of the Official Plan and further identified as being located within a Source Water Protection Plan (SPP) Significant Threat Area on Schedule "C". Glendon Road is identified as a local street on Schedule "D". The Residential Area policies allow for a range of dwelling types from single detached and semi-detached dwellings to townhouses and low-rise apartment buildings.

The 'Residential Area' goals and objectives include maintaining essential neighbourhood qualities, privacy, upkeep, public health, safety, and compatibility with the surrounding neighbourhood. In addition, the City of Stratford Official Plan includes development standards within Section 4.5.3.1 for stable residential areas. These policies direct development in existing residential areas to maintain the structure and character of the immediate surrounding residential area and to ensure there are no negative impacts with respect to privacy.

The applicant has requested variances to increase the maximum height, wall height, and floor area provisions for accessory buildings, to facilitate the development of a detached garage. Based on the submitted site plan, building design, and the scale (i.e., size) of the lot, the location and lot coverage of the proposed garage is not considered to be out of character within the neighborhood. Further, the architectural style of the building is complementary to residential form: the style is not industrial or agricultural in design. Lastly, as the garage will be used purely for storage purposes, no negative impacts are anticipated in respect to the privacy of neighboring properties. To ensure drainage from the garage does not impact neighbouring properties, staff are recommending any approval of the minor variance application be subject to a condition regarding stormwater being directed away from the property lines. As such the proposed garage is considered to conform to the Residential policies of Section 4.5.

The subject property is also within the Thames-Sydenham SPP Significant Threat Area on Schedule "C" of the Official Plan and therefore required to conform to the policies of the SPP. As the proposed garage is a residential use within a designated residential area, it is exempt from the SPP policies and therefore conforms to the Thames-



Sydenham SPP. Therefore, Staff are of the opinion that A09-24, subject to conditions, maintains the intent and purpose of the Official Plan.

Does the request Maintain the Intent and Purpose of the Zoning By-law?

The subject lands are zoned Residential First Density R1(2) in the City of Stratford Zoning By-law 10-2022. The R1(2) zoning permits single detached dwellings and group homes. The surrounding area primarily contains single detached dwellings.

The applicant is requesting variances to the Zoning By-law to increase the maximum height, wall height, and floor area provisions for accessory buildings, to facilitate the development of a detached garage. Table 4.1.4: Accessory Use Regulations in the Zoning By-law requires a maximum height of 5.0 m or 1 storey, a maximum wall height of 3.0 m, and a maximum floor area of 100 m<sup>2</sup> for accessory buildings. The proposed height of the garage is 6.96 m, the wall height is 5.73 m, and the floor area is 164 m<sup>2</sup>. These are variances of 1.96 m, 2.73 m, and 64 m<sup>2</sup> respectively.

The intent of the maximum height and wall height provisions for accessory structures in the Zoning By-law is to maintain a consistent streetscape (where structures are visible from the street) and prevent privacy issues on neighbouring properties. Given the size of the lot and the location of the proposed structure being behind the existing dwelling, Staff are of the opinion that the proposed garage will maintain a consistent streetscape. And as the garage is proposed to be used only for storage purposes, Staff do not anticipate any privacy issues for neighbouring properties. However, to ensure that the garage is not converted into non-accessory uses in the future, Staff is recommending that the requested variances only apply for the proposed garage as part of this application, and only for the proposed use of storage. The intent of the maximum floor area provision for accessory structures in the Zoning By-law is to maintain compatible massing of structures in the neighbourhood and to ensure adequate outdoor amenity area is provided. Given the size of the lot and similar structures on neighbouring properties, Staff are of the opinion that the proposed garage is compatible within the neighbourhood and that adequate amenity space is provided on the property. As such Staff are of the opinion that the requested minor variances maintain the intent and purpose of the Zoning By-law.

Regarding submitted concerns relating to the use of the structure for a residence, the application does not propose such use. However, the Province's Planning Act now mandates that additional dwelling units are permitted on residential properties. This includes residential units both within, and in accessory structures to existing dwellings as per the Planning Act. If the proposed structure were to be used for residential purposes, such would be required to comply with specific zoning and building code requirements.

Regarding privacy concerns, the submitted plans do not include second-storey windows on the south side of the building.

Are the requested variances desirable for the appropriate development of the lands?

The subject lands are classified as "Residential" in the City's Official Plan and zoned Residential First Density R1(2) in the Zoning By-law. The requested variances are to increase the maximum height, wall height, and floor area provisions for accessory buildings, to facilitate the development of a detached garage. The proposed garage is in compliance with all other applicable zoning requirements such as side yard setbacks and lot coverage. However, the applicant is proposing a second storey to use as storage, ultimately requiring the variance. The requested minor variance will allow the homeowners to maximize the usage and enjoyment of the property by providing them with more storage space. As such, Staff are of the opinion that the requested variance is desirable for the appropriate development of the lands.

Is the requested variance minor in nature?

Whether a variance is minor is evaluated in terms of the impact the proposed development is expected to have on the surrounding neighbourhood. The requested variances would facilitate the development of a detached garage on the subject lands. Staff are of the opinion that the requested variances will not have an adverse impact on the character of the area or the ability of adjacent property owners to use their property in accordance with the Zoning By-law. As such, the requested variance is considered minor.

**Recommendation:**

**THAT the City of Stratford Committee of Adjustment APPROVE Application A09-24, submitted by Ryan Van Horne, for lands legally described as LOT 24 PLAN 425 in the City of Stratford and municipally known as 299 Glendon Road, as it relates to:**

1. Table 4.1.4: Accessory Use Regulations – to increase the maximum height of an accessory building from 5.0 m to 6.96 m.
2. Table 4.1.4: Accessory Use Regulations – to increase the maximum wall height of an accessory building from 3.0 m to 5.73 m.
3. Table 4.1.4: Accessory Use Regulations – to increase the maximum floor area of an accessory building from 100 m<sup>2</sup> to 164 m<sup>2</sup>.
4. Additional Regulations for Table 4.1.4: 2. – to permit an accessory structure with 2 storeys.

Subject to the following conditions:

- i) These variances only apply to the existing structure proposed as part of this application, and not for any future developments.
- ii) The proposed garage be used only for storage purposes as shown on the submitted plan.
- iii) The Owner submit documentation to the City of Stratford which demonstrates that water from the garage is not directed onto abutting property lines, to the satisfaction of the Director of Building and Planning Services.
- iv) A Lot Grading Plan completed by a qualified designer be submitted with the Building Permit application.

The requested relief meets the four tests of a minor variance as set out in Section 45(1) of the Planning Act as follows:

The requested relief maintains the intent and purpose of the Official Plan as the proposal conforms to the Residential policies of the Official Plan.

The requested relief maintains the intent and purpose of the City's Zoning By-law as the proposed detached garage will be compatible with the streetscape and will not result in privacy issues on neighbouring properties or pedestrians.

The requested relief is desirable for the use of the land as it will facilitate the construction of a detached garage on the subject property.

The requested relief is minor in nature as the requested variance will not affect the ability of neighbouring property owners to use their land in accordance with the provisions of the Zoning By-law.

**AND THAT the Committee of Adjustment pass a resolution that no further notice is required under Section 45(5) of the Planning Act.**

**Prepared & Recommended by:**

*ABurnett*

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Alexander Burnett  
Planner

**Reviewed & Approved by:**

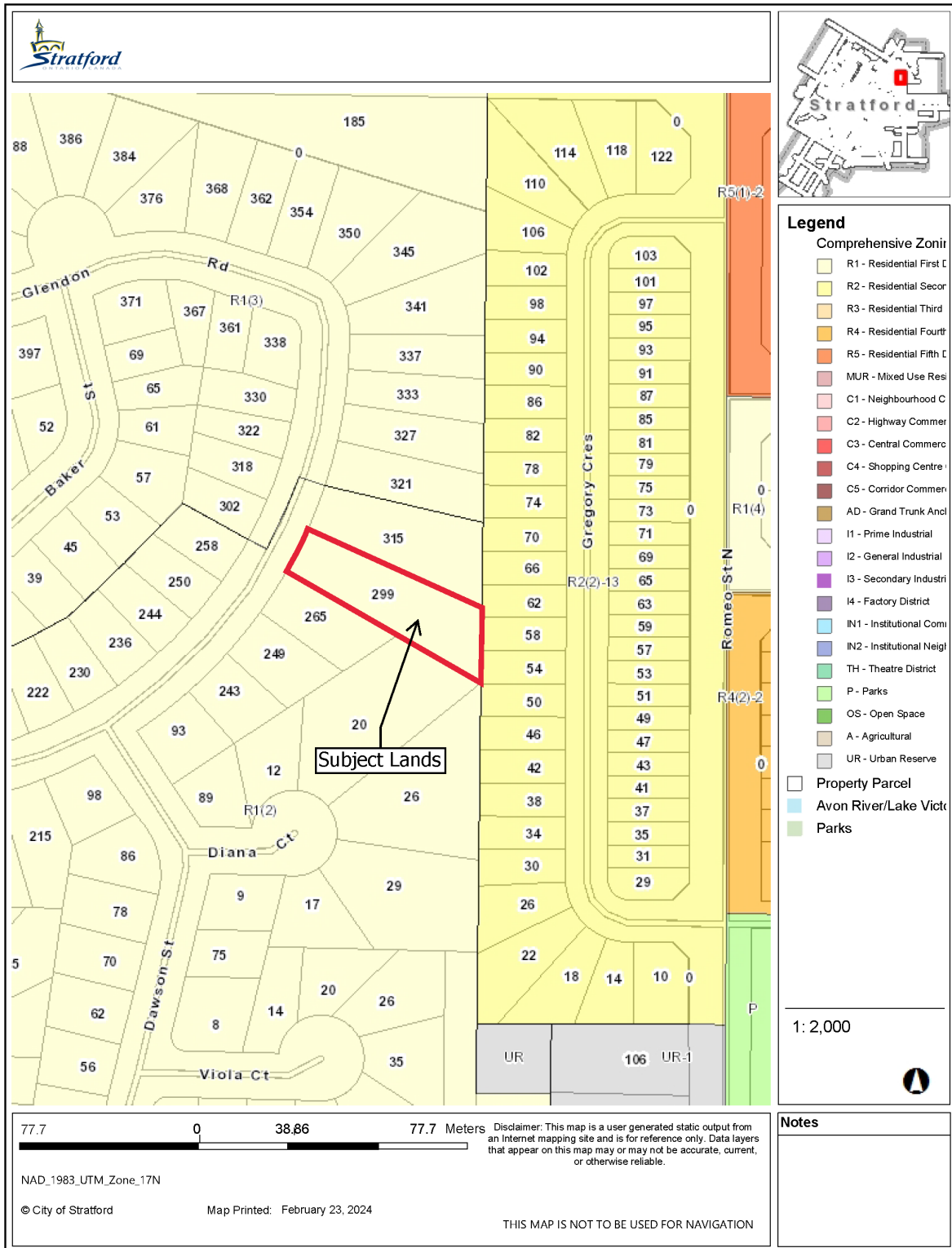
*Adam Betteridge*

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Adam Betteridge, MCIP, FPP  
Director of Building and Planning

**Report finalized:** March 14, 2024

**Map 1 – Location & Zoning Map**  
**File # A09-24**  
**Ryan Van Horne – 299 Glendon Road**

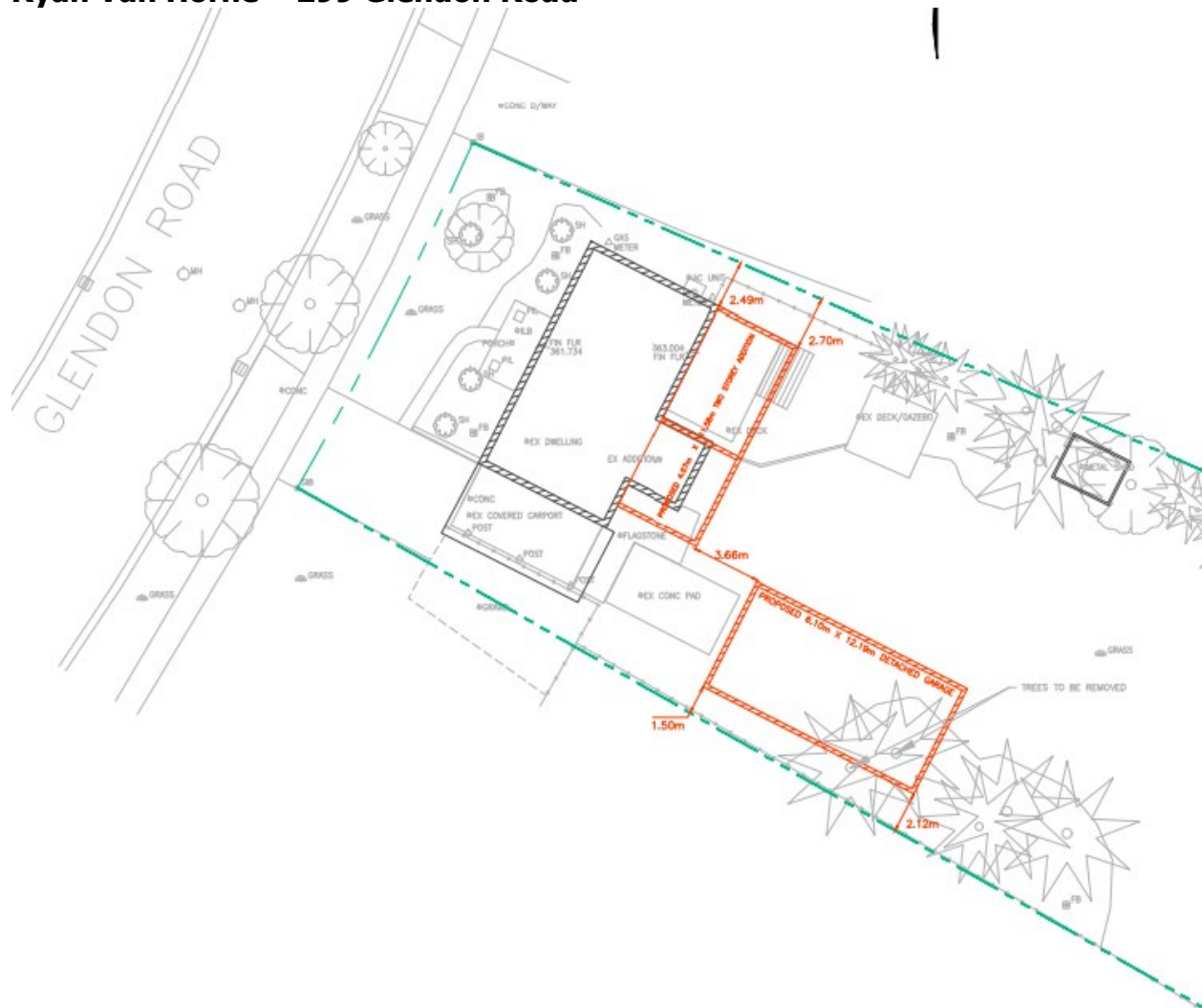


**Map 2 – Aerial 2020 Map**  
**File # A09-24**  
**Ryan Van Horne – 299 Glendon Road**

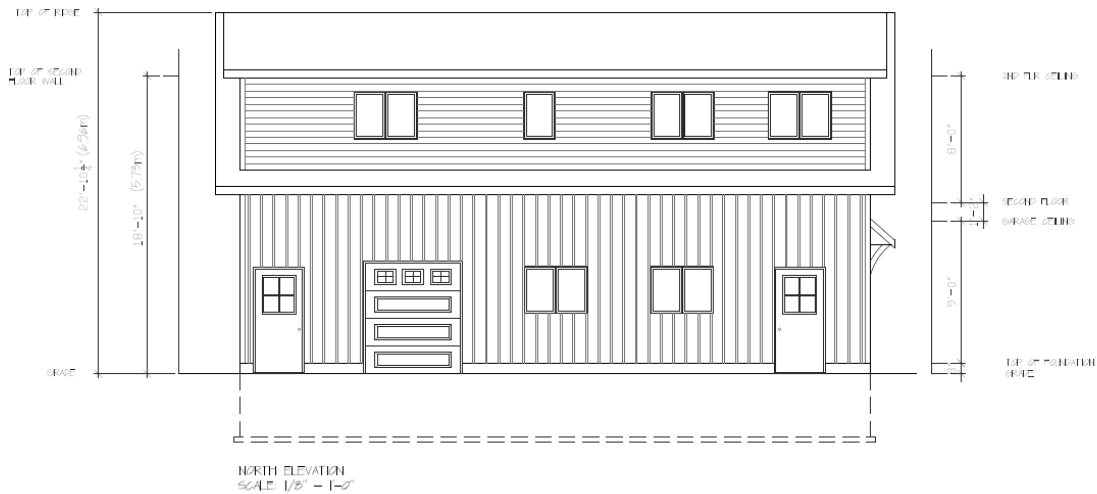




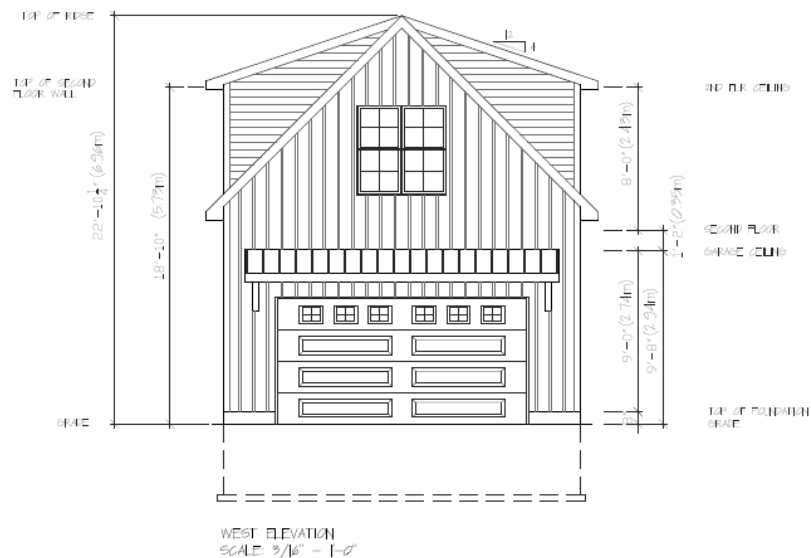
## 1



**Figure 1 – Proposed Garage elevations**  
**File # A09-24**  
**Ryan Van Horne – 299 Glendon Road**



**Figure 2 – Proposed Garage elevations**  
**File # A09-24**  
**Ryan Van Horne – 299 Glendon Road**





**Figure 3 – Site Photo**  
**File # A09-24**  
**Ryan Van Horne – 299 Glendon Road**





**Figure 4 – Site Photo**  
**File # A09-24**  
**Ryan Van Horne – 299 Glendon Road**



## **REPORT TO THE COMMITTEE OF ADJUSTMENT**

**Submitted By: Building and Planning Service Division**

**Application No.: A10-24 & B02-24**

**Meeting Date: March 20, 2024**

**Owner: Theocharis Brothers Properties Inc.**

**Agent: Monteith Ritsma Phillips PC (c/o Matthew Orchard)**

**Location: 55 & 69 Downie Street, 23 Albert Street, 18 Brunswick Street, Stratford, the east side of Downie Street and the north side of Brunswick Street, and legally described as Lots 240, 241, 243 and 244, Plan 20 in the City of Stratford**

**Zoning: Central Commercial – C3**

**Official Plan Designation: Downtown Core  
Heritage Area and Corridor**

**Road Classification: Downie Street – Collector Road  
Albert Street – Collector Road  
Brunswick Street – Collector Road**

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### **Purpose of Application**

The purpose and effect of application A10-24 is to recognize the lot areas and lot frontages of four properties that have merged on title. This would facilitate the consent process for each property.

The purpose and effect of application B02-24 is to sever four previously existing lots that have merged on title. The severed lands are 55 Downie Street, 23 Albert Street, and 18 Brunswick Street. The retained lands are at 69 Downie Street.

## **Background**

### Attachments

Map 1 – Existing Zoning & Location Map

Map 2 – Aerial Map 2020

Map 3 – Official Plan Map

Map 4 – Heritage Conservation District Map

Map 5 – Proposed Severance Sketch and Site Plan

### Site Characteristics

#### *55 Downie Street (Severed Parcel A)*

Existing Use: Ground floor commercial retail store with second floor residential units.

Frontage: 11 metres

Depth: ~30.6 metres

Area: 348.7 square metres

Shape: Irregular

#### *23 Albert Street (Severed Parcel B)*

Existing Use: Commercial Hotel

Frontage: 44.4 metres

Depth: ~31.9 metres

Area: 1,426.4 metres

Shape: Rectangular

#### *18 Brunswick Street (Severed Parcel C)*

Existing Use: Commercial Parking Lot

Frontage: 13.7 metres

Depth: 31.9 metres

Area: 437.9 square metres

Shape: Rectangular

#### *69 Downie Street (Retained)*

Existing Use: Ground floor commercial restaurant with second floor residential units.

Frontage: 23.2 metres

Depth: 43 metres

Area: 854.1 square metres

Shape: Irregular

### Surrounding Land Uses

North: Mixed Use Commercial Buildings  
East: Mixed Use Commercial Buildings  
South: Mixed Use Commercial Buildings  
West: Mixed Use Commercial Buildings

### Agency Comments

This consent application was circulated to agencies for comments on February 28<sup>th</sup>, 2024. The following comments were received:

#### *City of Stratford, Fire Prevention:*

- No concerns.

#### *City of Stratford, Parks, Forestry, & Cemetery Division:*

- No concerns.

#### *City of Stratford, Clerks Division:*

- No comments have been received as of the date this report was finalized. Should comments be received prior to the Committee of Adjustment meeting, they will be provided for consideration.

#### *City of Stratford Building and Planning Services Department, Building Division:*

- Conditions of the Consent:
  - Structure located at the North corner of Municipal Building #55 is crossing multiple property lines. Easement will be required for this structure prior to the stamping of the deed.
  - A canopy structure is located on Municipal Property at the front of 23 Albert St, updated survey required. Easement is required to be obtained for this structure prior to the stamping of the deed.
  - An Architect is required to review the existing buildings to confirm the existing fire safety and exiting/egress requirements meet the Ontario Building Code to the satisfaction of the Chief Building Official prior to the stamping of the deed.
  - An Engineer/Architect is required to confirm the existing building services are wholly contained within the proposed parcel. Any services internally crossing proposed property lines will require an easement to be obtained prior to the stamping of the deed.

- 23 Albert St has a Fire Order on the property, completion of the requirements of this Order is to be to the satisfaction of the Fire Prevention Officer prior to the stamping of the deed.
- 69 Downie St has a Property Standards Order on the property, completion of the requirements of this Order is to be to the satisfaction of the Chief Building Official prior to the stamping of the deed.
- All currently open Building Permits for the properties are to be finalized to the satisfaction of the Chief Building Official prior to the stamping of the deed.
- Minor Variance A10-24
  - No concerns from Building regarding the proposed Minor Variance.
    - *Planning Staff Note: This report ultimately recommends deferral and requests that encroachment concerns be addressed prior to the application returning to Committee as this encroachment is not permitted by the Zoning Bylaw. Concerns relating to the servicing of the site can be addressed as conditions of approval.*

*City of Stratford Infrastructure Services Department, Engineering Division:*

- All sanitary, storm and water connections for each property shall be individual services. Applicant to use plumber to investigate existing servicing and provide drawings of existing and proposed servicing plan. Deposits are required for all works in the City of Stratford right of way prior to construction. All connections to City infrastructure are to be completed by City forces. These estimates are generated by the Engineering Department and are the responsibility of the property owner/developer for payment. Please provide private service connection details once installed.
  - *Planning Staff Note: Concerns relating to the servicing of the site can be addressed as conditions of approval when the application returns to the Committee.*

*City of Stratford Infrastructure Services Department, Water Division:*

- No comments have been received as of the date this report was finalized. Should comments be received prior to the Committee of Adjustment meeting, they will be provided for consideration.

*Festival Hydro:*

- Festival Hydro has underground infrastructure, including a padmount transformer, on the severed parcel identified as 23 Albert St. There are also customer-owned assets on the same parcel that service other customers. Although this infrastructure has been there for many decades, if the lots are being severed, we

would recommend that Festival Hydro is granted an easement on the lands, as that is our typical process any time an existing lot is severed that currently has our assets on it. Any customer-owned assets that are used to supply electricity to other customers along there will need to be addressed separately, if desired, between the applicable parties to ensure there are no long-term concerns with encroachments/access.

- *Planning Staff Note: Concerns relating to the servicing of the site can be addressed as conditions of approval when the application returns to the Committee.*

#### *Enbridge Gas Inc.:*

- No comments have been received as of the date this report was finalized. Should comments be received prior to the Committee of Adjustment meeting, they will be provided for consideration.

#### *Upper Thames River Conservation Authority:*

- No comments have been received as of the date this report was finalized. Should comments be received prior to the Committee of Adjustment meeting, they will be provided for consideration.

#### Public Comments

Public Notice was provided in accordance with the provisions of the Planning Act. Neighbouring property owners were circulated a Public Notice on February 28, 2024. Additionally, Notice of Application and Public Meeting was advertised in the Town Crier on March 2, 2024.

At the time of the writing of this report, no public comments had been received. Any public comments received after the date of completion of this report will be provided to the Committee of Adjustment for consideration.

### **Consent Application Analysis**

#### The Provincial Policy Statement (2020)

All planning decisions in the Province of Ontario shall be consistent with the Provincial Policy Statement (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 Healthy Communities*

Section 1.1.3 of the PPS states that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources.

Section 1.1.3.2 states that land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment.

Section 1.1.3.4 states that appropriate development standards should be promoted to facilitate compact form.

Section 1.3.1 provides that planning authorities shall promote economic development and competitiveness by encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.

Section 1.6.6.1 (d) of the PPS states that planning for sewage and water services shall integrate servicing and land use considerations at all stages of the planning process.

Section 1.7 of the PPS states that long-term economic prosperity should be supported by: promoting opportunities for economic development and community investment-readiness; and maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets.

The subject consent application (B02-24) would sever three parcels and retain one parcel that have merged on title. This severance would maintain the existing compact form and mixed-use nature of the properties while also supporting the viability of Stratford's downtown. While concerns have been raised regarding the servicing available to the subject lands, these concerns can be addressed as conditions of consent. Once all conditions of approval have been addressed, Staff are of the opinion that the proposed consent would be consistent with the requirements of the PPS.

### City of Stratford Official Plan

The City of Stratford's Official Plan designates the subject lands as "Downtown Core" on Schedule 'A', identifies the sites as being in a "Heritage Area" on Schedule 'E', and identifies the sites as being within a 'Heritage Conservation District' on Appendix 'I'.

The Downtown Core policies state that this designation permits residential uses in the upper storeys of commercial buildings. Further, this section states that proposals which support the compactness of the Downtown Core are encouraged. The existing uses of the subject lands are permitted per the Official Plan.



Direction on Heritage Areas relates to infill development. The subject consent application and minor variance application would not result in new construction. These applications are to facilitate the re-creation of four lots that have been merged on title. Staff are of the opinion that the re-creation of these properties will not negatively impact the inherent heritage qualities of the area.

#### Heritage Conservation District

The lands are within the Stratford Heritage Conservation District ("HCD") and are therefore designated under Part V of the Ontario Heritage Act. Section 3.5.4 v) a) of the Official Plan states that, *"Development in Heritage Conservation Districts shall: be reviewed in the context of the applicable Heritage District Plan and any Heritage Conservation District Guidelines [...]."*

The City's HCD Plan discusses facades, architectural detailing, and new development in addition to heritage permits. Specifically, Section 1.1 requires that, *"Owners of buildings in the Heritage Conservation District are encouraged to rehabilitate and restore the front facades of buildings [...]."*

The proposed consent application and minor variance application are not proposing new construction or changes to the existing buildings at this time. However, given the direction of Section 3.5.4 v) a) of the Official Plan, and in an effort to ensure that the City's HCD remains in good repair, this report recommends that the applicant obtain a Certificate of Compliance for each property respecting the City's Property Standards Bylaw 141-2002 as a condition of approval. The purpose of the Certificate of Compliance is to ensure that the building's facades are in good repair and uphold the intent of the HCD Plan, which is to, *"conserve significant elements of City's heritage character through future development."*

#### Consent Policies

Section 9.5 of the Official Plan outlines the evaluation criteria for consent applications. In response to the consent criteria, the proposed severances would:

- ii) not adversely affect the financial status of the City;
- iii) not facilitate any new construction, and the existing uses would remain compatible with the adjacent land uses while keeping with the existing development of the area;
- iv) re-create four lots which have direct access from improved public roads which are maintained on a year-round basis;

- v) maintain existing access to each property, therefore not creating new traffic hazards or emphasizing an existing traffic hazard; and
- viii) be compliant with the Zoning Bylaw in terms of sufficient lot area and sufficient lot frontage once the minor variance application is approved.

In summary, the proposed severance meets the majority of the consent criteria contained in the City's Official Plan. However, criterion 9.5 vii) requires that, "the proposed lots can be adequately serviced". Further, criterion 9.5 vi) requires that, "the additional lots do not extend or create a strip of development nor limit the potential for development of the retained lands and adjacent lands [...]." The respective services of the properties have been the subject of various agency comments.

As proposed, consent application (B02-24) would result in the re-creation of four parcels who's sanitary, stormwater, water, and hydro service adequacy has not been demonstrated, based on the comments received from the Engineering Division and Festival Hydro. These concerns can be addressed as conditions of consent. Once all conditions of approval have been satisfied, Staff are of the opinion that the proposed consent would maintain the purpose and intent of the Official Plan.

#### City of Stratford Zoning Bylaw

The subject lands at 55 Downie Street, 69 Downie Street, 23 Albert Street, and 18 Brunswick Street are all zoned Central Commercial ("C3") in the City of Stratford's Zoning Bylaw. The C3 zone permits dwelling units, commercial parking lots, hotels, and restaurants. The existing uses of the subject lands are permitted in the C3 zone.

Table 7.4 of the Zoning Bylaw outlines the regulations for commercial zones. For the C3 zone, each property's minimum lot area and minimum lot frontage are to be the same as they were on the date of passage of the Zoning Bylaw. As the subject lands were merged on title at the date of passage of the Zoning Bylaw, minor variance A10-24 is required to facilitate the proposed consent application and recognize the frontages and areas of each parcel.

The minimum lot areas and minimum lot frontages requested for each property through minor variance A10-24 would be their existing areas and frontages. These are:

<b>Property</b>	<b>Parcel</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Frontage</b>
69 Downie Street	Retained	854.1 m <sup>2</sup>	23.2 m
55 Downie Street	Severed A	348.7 m <sup>2</sup>	11 m

23 Albert Street	Severed B	1426.4 m <sup>2</sup>	44.4 m
18 Brunswick Street	Severed C	437.9 m <sup>2</sup>	13.7 m

The C3 zone generally permits reduced setbacks to facilitate compact development in Stratford's downtown area. This includes no minimum front yard setback, a maximum front yard setback of 3 metres, and a minimum interior side yard and rear yard setback of 0 metres where abutting another C3 zone, among others.

If approved, the proposed consent would create four parcels with reduced lot areas and frontages in comparison to those existing on the date of passing of the Zoning Bylaw. This would remain consistent with the reduced setbacks provisioned for the C3 zone to accommodate compact development in the downtown area.

### *Encroachment*

Section 4.20 of the Zoning Bylaw discusses permitted yard encroachments. This section lists a series of exemptions that indicate when a building, structure, or part thereof is permitted to encroach onto a required yard.

Comments from the Building Division indicate that the building at 55 Downie Street crosses multiple property lines, encroaching onto neighbouring properties. Further, the comments from the Building department indicate that there is a canopy structure extending from the front of 23 Albert Street which is located on municipal property. There are no exemptions in section 4.20 that allow a building to cross property lines, and therefore these encroachments do not comply with the requirements of the Zoning Bylaw.

As proposed, consent application (B02-24) would result in the re-creation of four parcels, two of which have been identified as encroaching on neighbouring properties. This would not maintain the intent and purpose of the Zoning Bylaw. As such, and further to the comments received by agencies, this report recommends deferral of this application until:

- the existing encroachments at 55 Downie Street and 23 Albert Street be addressed to the satisfaction of the Chief Building Official.

### **Four Tests of a Minor Variance**

Section 45(1) of the Planning Act, R.S.O., 1990, c. P.13, grants a Committee of Adjustment the power to authorize minor variances from the provisions of the Zoning Bylaw. Minor variances under Section 45(1) must pass the following four tests:

1. Is the variance minor in nature?
2. Is the variance desirable for the appropriate development or use of the land?
3. Does the variance maintain the general intent of the Zoning Bylaw?
4. Does the variance maintain the general intent of the Official Plan?

As the subject minor variance (A10-24) would facilitate the proposed consent application (B02-24). Given that the proposed consent application does not comply with the requirements of the Zoning Bylaw, and as this report recommends deferral of the consent application until the encroachment concerns have been addressed, an evaluation of the proposed minor variance against these four tests would be premature at this time.

### **Recommendation**

**THAT the City of Stratford Committee of Adjustment DEFER Application B02-24 and Application A10-24 as submitted by Monteith Ritsma Phillips PC (c/o Matthew Orchard) on behalf of Theocharis Brothers Properties Inc. to sever three properties and retain one property, effectively re-creating four properties at 55 Downie Street, 69 Downie Street, 23 Albert Street, and 18 Brunswick Street, for the following reasons:**

- There are existing encroachments at 55 Downie Street and 23 Albert Street that are non-compliant with section 4.20 of the Zoning Bylaw. This should be addressed and appropriately dealt with to the satisfaction of the Chief Building Official prior to the application returning to the Committee of Adjustment.

#### **Prepared By**



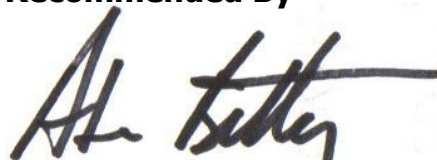
Robyn McIntyre  
BES  
Consulting Planner

#### **Reviewed By**



Pierre Chauvin  
MA, MCIP, RPP  
Consulting Planner

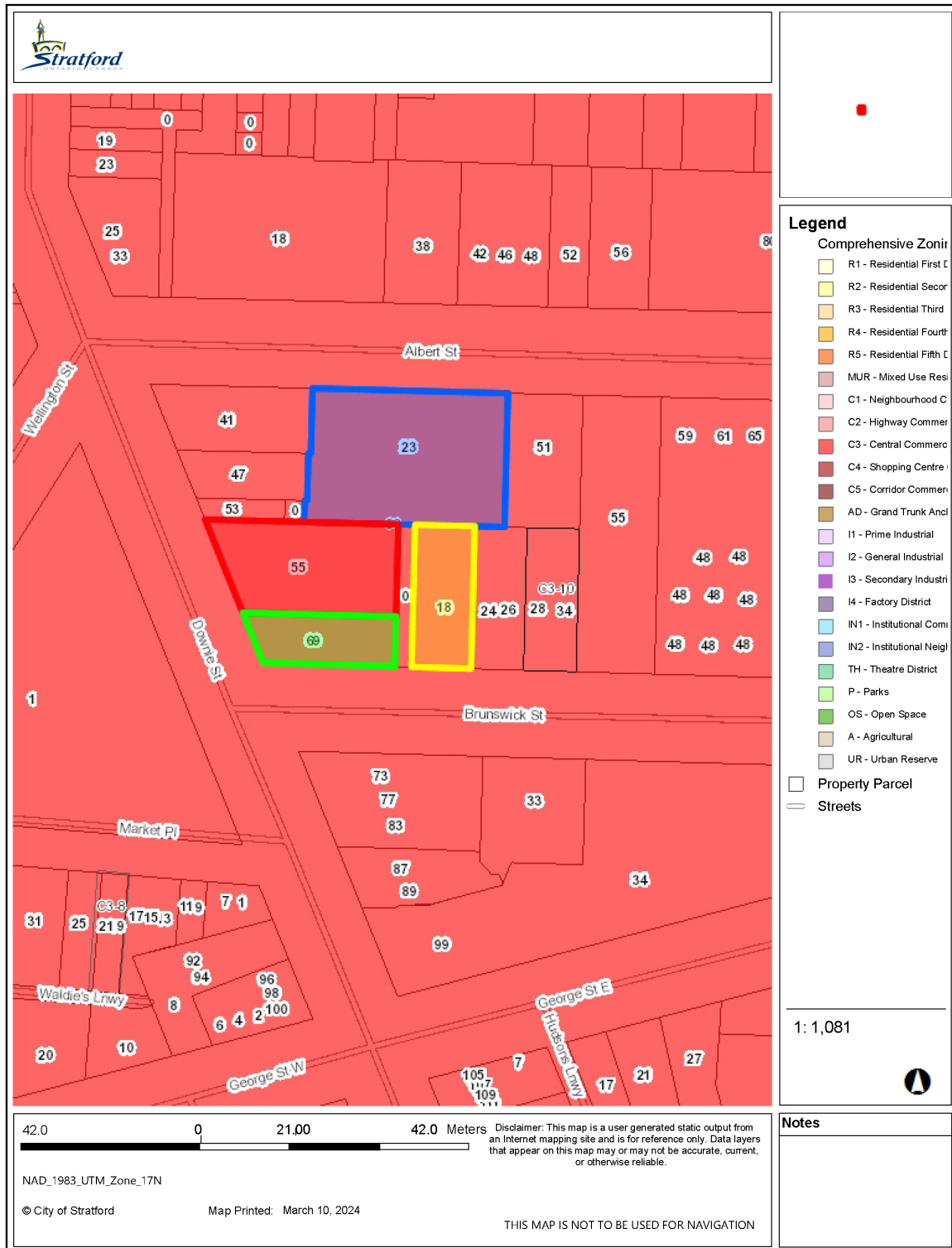
#### **Recommended By**



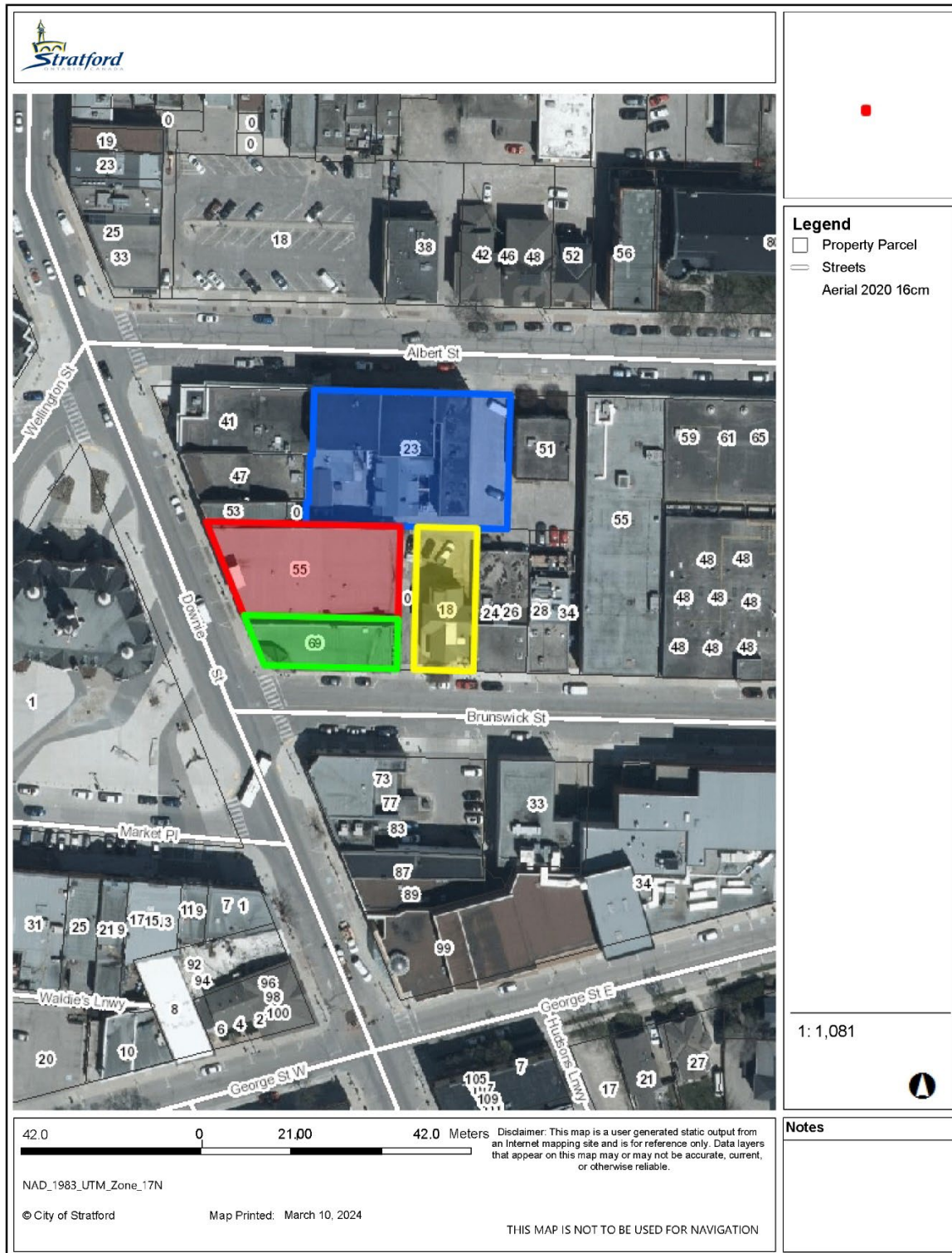
Adam Betteridge  
MCIP, RPP  
Director of Building & Planning

**Report finalized:** March 14, 2024

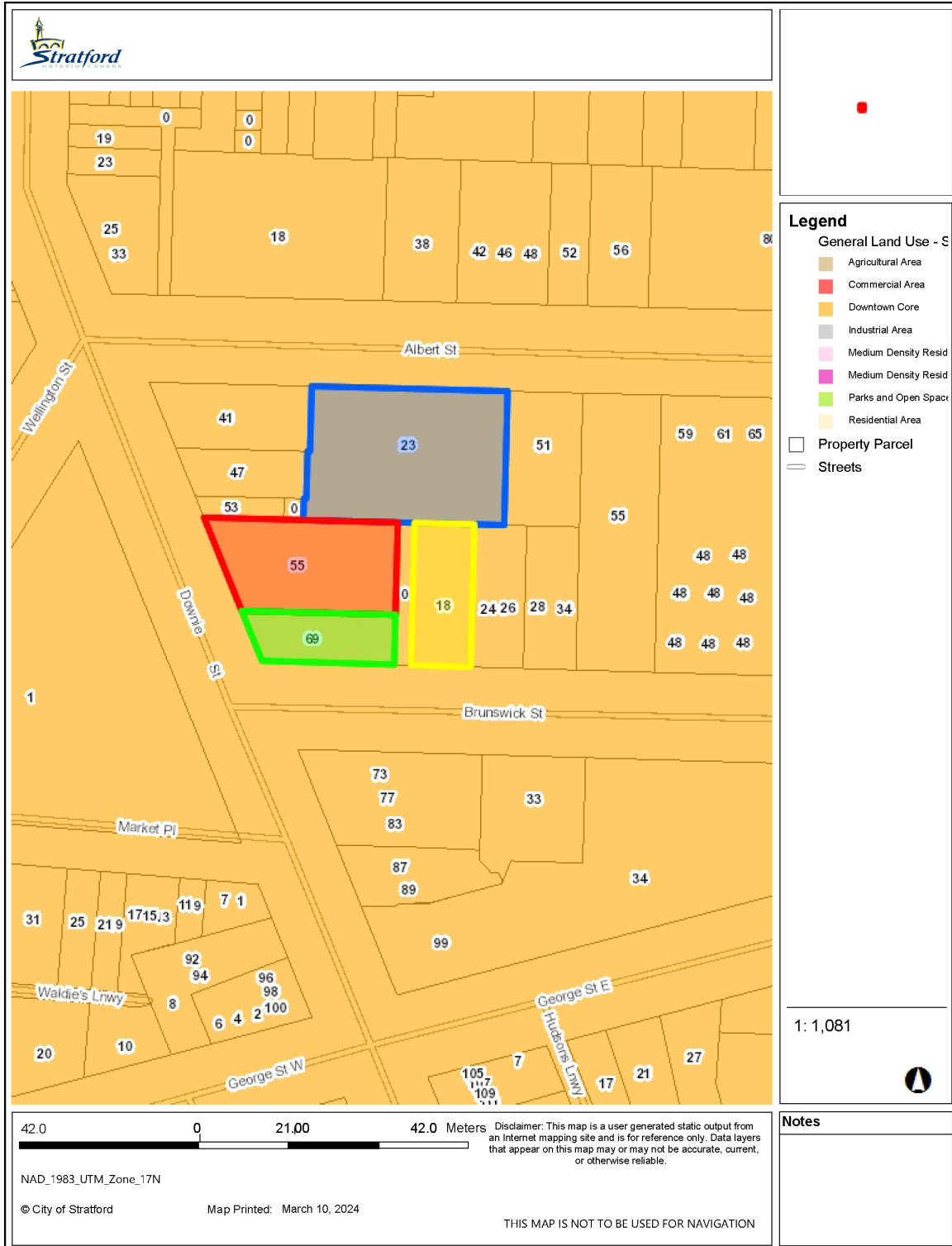
**Map 1 – Existing Zoning and Location Map**  
**File #B02-24 & A10-24**  
**Theocharis Brothers Properties Inc.**



**Map 2 – Aerial Photo Map, 2020**  
**File #B02-24 & A10-24**  
**Theocharis Brothers Properties Inc.**



**Map 3 – Official Plan Map**  
**File #B02-24 & A10-24**  
**Theocharis Brothers Properties Inc.**

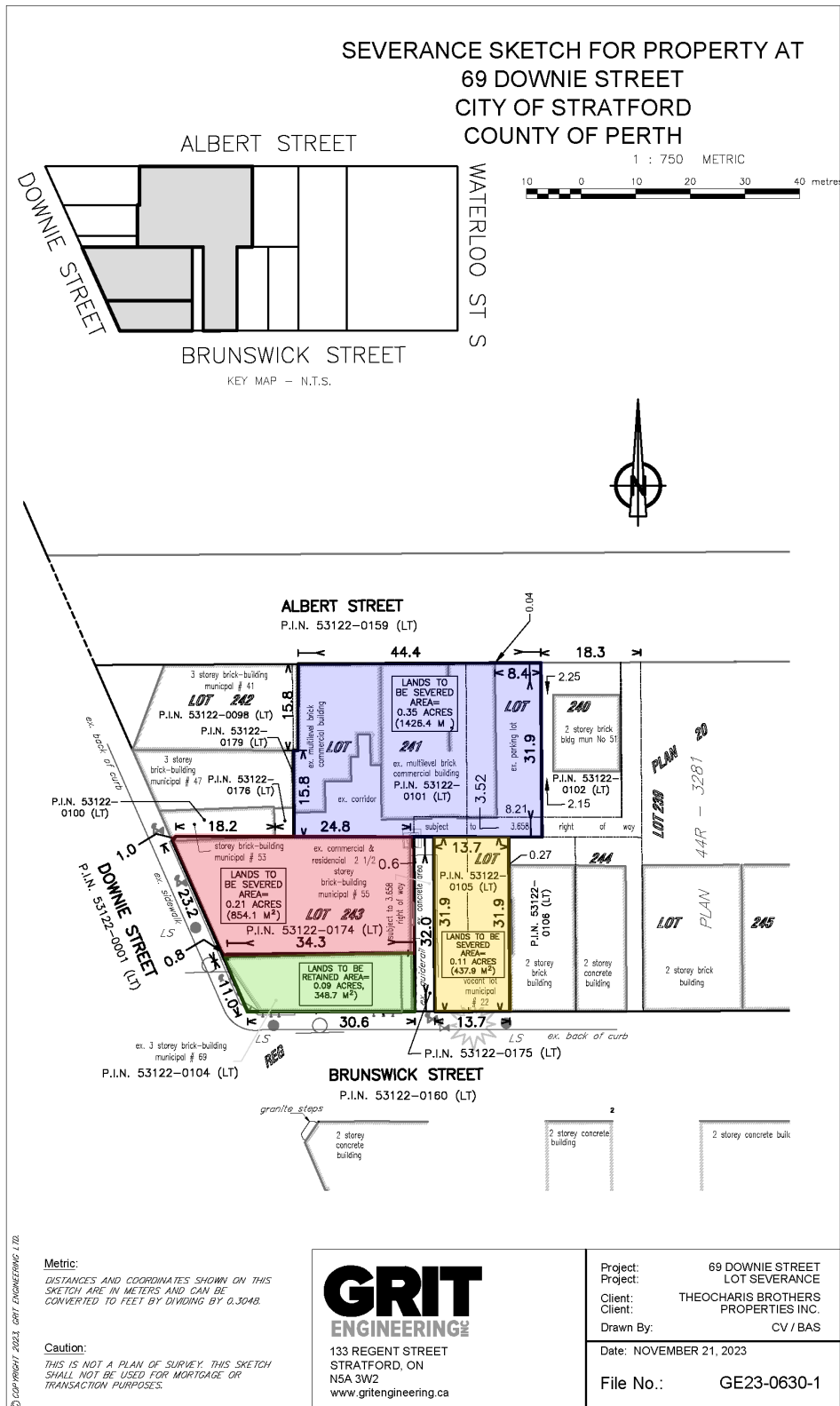




**Map 4 – Heritage Conservation District Map**  
**File #B02-24 & A10-24**  
**Theocharis Brothers Properties Inc.**



**Map 5 - Proposed Severance Sketch and Site Plan  
File #B02-24 & A10-24  
Theocharis Brothers Properties Inc.**



## **REPORT TO THE COMMITTEE OF ADJUSTMENT**

**Submitted By: Building and Planning Service Division**

**Application No.: A11-24 & B03-24**

**Meeting Date: March 20, 2024**

**Owner: Theocharis Brothers Properties Inc.**

**Agent: Monteith Ritsma Phillips PC (c/o Matthew Orchard)**

**Location: 71 & 75 Wellington Street and 43 Market Place, located on the east side of Wellington Street and the south side of Market Place, legally described as Lots 2, 3, 4 and 5 Plan 87 in the City of Stratford.**

**Zoning: Central Commercial – C3**

**Official Plan Designation: Downtown Core  
Heritage Area and Corridor**

**Road Classification: Wellington Street – Collector Road  
Market Place – Local Road**

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### **Purpose of Application**

The purpose and effect of application A11-24 is to recognize the lot areas and lot frontages of three properties that have merged on title. This would facilitate the consent process for each property.

The purpose and effect of application B03-24 is to sever the previously existing lots that have merged on title. The severed lands are: 71 Wellington Street which currently contains a commercial retail store with a residential dwelling unit above the first storey; and 75 Wellington Street which currently contains a restaurant. The retained lands are 43 Market Place which currently contain a restaurant with a residential dwelling above the first storey.

## Background

### Attachments

Map 1 – Existing Zoning & Location Map

Map 2 – Aerial Map 202

Map 3 – Official Plan Map

Map 4 – Heritage Conservation District Map

Map 5 – Proposed Severance Sketch and Site Plan FOR MAIN FLOOR

Map 6 – Proposed Severance Sketch and Site Plan FOR SECOND FLOOR

### Site Characteristics

#### *71 Wellington Street (Severed Parcel A)*

Existing Use: Commercial retail store with a dwelling unit above the first storey.

Frontage: 8.6 metres

Depth: 18.5 metres & 22.3 metres

Area: 155.4 square metres

Shape: Irregular

#### *75 Market Street (Severed Parcel B)*

Existing Use: Commercial restaurant.

Frontage: 131 metres

Depth: 22.3 metres & 24.4 metres

Area: 348 square metres

Shape: Irregular

#### *43 Market Place (Retained Parcel)*

Existing Use: Commercial restaurant with a dwelling unit above the first storey.

Frontage: 6.1 metres

Depth: 27.5 metres

Area: 168.2 square metres

Shape: Rectangular

### Surrounding Land Uses

North: Institutional Building and Public Square

East: Mixed Use Commercial Buildings

South: Parking Lot and Mixed Use Commercial Buildings

West: Mixed Use Commercial Buildings

### Agency Comments

This consent application was circulated to agencies for comments on February 28<sup>th</sup>, 2024. The following comments were received:

#### *City of Stratford, Fire Prevention:*

- No concerns.

#### *City of Stratford, Parks, Forestry, & Cemetery Division:*

- No concerns.

#### *City of Stratford, Clerks Division:*

- No comments have been received as of the date this report was finalized. Should comments be received prior to the Committee of Adjustment meeting, they will be provided for consideration.

#### *City of Stratford Building and Planning Services Department, Building Division:*

- Conditions of the Consent:
  - An Architect is required to review the existing buildings to confirm the existing fire safety and exiting/egress requirements meet the Ontario Building Code to the satisfaction of the Chief Building Official prior to the stamping of the deed.
  - An Engineer/Architect is required to confirm the existing building services are wholly contained within the proposed parcel. Any services internally crossing proposed property lines will require an easement to be obtained prior to the stamping of the deed.
  - A Strata Plan is required to be provided denoting the proposed property lines. Plans and Sections are required to be a part of the Strata Plan and are required to be submitted prior to the stamping of the deeds.
- Minor Variance A11-24
  - No concerns from Building regarding the proposed Minor Variance.
    - *Planning Staff Note: This report ultimately recommends deferral of the application to address encroachment concerns and, given the complexity of the property lines on the second storey of the proposed buildings, this report also requests that a Strata Plan be prepared and provided to Staff for confirmation prior to the application returning to Committee to ensure that the request is detailed*

*appropriately. Concerns relating to servicing can be addressed as conditions of approval when the application returns to Committee.*

*City of Stratford Infrastructure Services Department, Engineering Division:*

- All sanitary, storm and water connections for each property shall be individual services. Applicant to use plumber to investigate existing servicing and provide drawings of existing and proposed servicing plan. Deposits are required for all works in the City of Stratford right of way prior to construction. All connections to City infrastructure are to be completed by City forces. These estimates are generated by the Engineering Department and are the responsibility of the property owner/developer for payment. Please provide private service connection details once installed.
- The concrete steps at 73 Wellington Street are located within the City right-of-way and will require the property owner to enter into an Encroachment Agreement as per City Policy P.3.3 - Use of Municipal Property, Boulevards and Sidewalks specifically section 6.
- The bench and flower pots at 75 Wellington Street are located within the City right-of-way and will require the property owner to enter into an Encroachment Agreement as per City Policy P.3.3 - Use of Municipal Property, Boulevards and Sidewalks specifically section 6.
  - *Planning Staff Note: This report ultimately recommends deferral of the application to address encroachment concerns and to request the preparation and Staff confirmation of a Strata Plan prior to the application returning to Committee to ensure that the request is detailed appropriately. Concerns relating to servicing can be addressed as conditions of approval when the application returns to Committee.*

*City of Stratford Infrastructure Services Department, Water Division:*

- No comments have been received as of the date this report was finalized. Should comments be received prior to the Committee of Adjustment meeting, they will be provided for consideration.

*Festival Hydro:*

- 43 Market Place, 71 Wellington St and 75 Wellington St all have their own electrical services and all are customer-owned. All services currently cross the property that is shown as 75 Wellington St on the plans. Any easements/property encroachments should be resolved directly between the various parcel owners to ensure there are no current or future concerns regarding these services.

- *Planning Staff Note: Concerns relating to servicing can be addressed as conditions of approval when the application returns to Committee.*

*Enbridge Gas Inc.:*

- No comments have been received as of the date this report was finalized. Should comments be received prior to the Committee of Adjustment meeting, they will be provided for consideration.

*Upper Thames River Conservation Authority:*

- No comments have been received as of the date this report was finalized. Should comments be received prior to the Committee of Adjustment meeting, they will be provided for consideration.

Public Comments

Public Notice was provided in accordance with the provisions of the Planning Act. Neighbouring property owners were circulated a Public Notice on February 29, 2024. Additionally, Notice of Application and Public Meeting was advertised in the Town Crier on March 2, 2024.

At the time of the writing of this report, no public comments had been received. Any public comments received after the date of completion of this report will be provided to the Committee of Adjustment for consideration.

**Consent Application Analysis**

The Provincial Policy Statement (2020)

All planning decisions in the Province of Ontario shall be consistent with the Provincial Policy Statement (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 Healthy Communities*

Section 1.1.3 of the PPS states that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources.

Section 1.1.3.2 states that land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment.



Section 1.1.3.4 states that appropriate development standards should be promoted to facilitate compact form.

Section 1.3.1 provides that planning authorities shall promote economic development and competitiveness by encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.

Section 1.6.6.1 (d) states that planning for sewage and water services shall integrate servicing and land use considerations at all stages of the planning process.

Section 1.7 of the PPS states that long-term economic prosperity should be supported by: promoting opportunities for economic development and community investment-readiness; and maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets.

The subject consent application (B03-24) would sever two parcels and retain one parcel that have merged on title. This severance would maintain the existing compact form and mixed-use nature of the properties while also supporting the viability of Stratford's downtown. While concerns have been raised regarding the servicing available to the subject lands, these concerns can be addressed as conditions of consent. Once all conditions of approval have been addressed, Staff are of the opinion that the proposed consent would be consistent with the requirements of the PPS.

#### City of Stratford Official Plan

The City of Stratford's Official Plan designates the subject lands as "Downtown Core" on Schedule 'A', identifies the sites as being in a "Heritage Area" on Schedule 'E', and identifies the sites as being within a 'Heritage Conservation District' on Appendix 'I'.

The Downtown Core policies state that this designation permits residential uses in the upper storeys of commercial buildings. Further, this section states that proposals which support the compactness of the Downtown Core are encouraged. The existing uses of the subject lands are permitted by the Official Plan.

Direction on Heritage Areas relates to infill development. The subject consent application and minor variance application would not result in new construction. These applications are to facilitate the re-creation of three lots that have been merged on title. Staff are of the opinion that the re-creation of these properties will not negatively impact the inherent heritage qualities of the area.

### *Heritage Conservation District*

The lands are within the Stratford Heritage Conservation District ("HCD") and are therefore designated under Part V of the Ontario Heritage Act. Section 3.5.4 v) a) of the Official Plan states that, "*Development in Heritage Conservation Districts shall: be reviewed in the context of the applicable Heritage District Plan and any Heritage Conservation District Guidelines [...].*"

The City's HCD Plan discusses facades, architectural detailing, and new development in addition to heritage permits. Specifically, Section 1.1 requires that, "*Owners of buildings in the Heritage Conservation District are encouraged to rehabilitate and restore the front facades of buildings [...].*"

The proposed consent application and minor variance application are not proposing new construction or changes to the existing buildings at this time. However, given the direction of Section 3.5.4 v) a) of the Official Plan, and in an effort to ensure that the City's HCD remains in good repair, this report recommends that the applicant obtain a Certificate of Compliance for each property respecting the City's Property Standards Bylaw 141-2002 as a condition of approval. The purpose of the Certificate of Compliance is to ensure that the building's facades are in good repair and uphold the intent of the HCD Plan, which is to, "*conserve significant elements of City's heritage character through future development.*"

### *Consent Policies*

Section 9.5 of the Official Plan outlines the evaluation criteria for consent applications. In response to the consent criteria, the proposed severances would:

- ii) not adversely affect the financial status of the City;
- iii) not facilitate any new construction, and the existing uses would remain compatible with the adjacent land uses while keeping with the existing development of the area;
- iv) re-create three lots which have direct access from improved public roads which are maintained on a year-round basis;
- v) maintain existing access to each property, therefore not creating new traffic hazards or emphasizing an existing traffic hazard;
- vi) not limit the ability of neighbouring property owners to use their properties in accordance with the Official Plan and Zoning Bylaw; and
- viii) be compliant with the Zoning Bylaw in terms of lot area and frontage once the related minor variance is approved.

In summary, the proposed severance meets the majority of the consent criteria contained in the City's Official Plan. However, criterion 9.5 vii) requires that, "the proposed lots can be adequately serviced". The respective services of the properties have been the subject of various agency comments.

As proposed, consent application (B03-24) would result in the re-creation of three parcels who's sanitary, stormwater, water, and hydro service adequacy has not been demonstrated, based on the comments received from the Engineering Division and Festival Hydro. These concerns can be addressed as conditions of consent. Once all conditions of approval have been satisfied, Staff are of the opinion that the proposed consent would maintain the purpose and intent of the Official Plan.

#### City of Stratford Zoning Bylaw

The subject lands at 71 Wellington Street, 75 Wellington Street, and 43 Market Place are all zoned Central Commercial ("C3") in the City of Stratford's Zoning Bylaw. The C3 zone permits dwelling units, eat-in restaurants, take-out restaurants and retail stores, among other uses. The existing uses of the subject lands are permitted in the C3 zone.

Table 7.4 of the Zoning Bylaw outlines the regulations for commercial zones. For the C3 zone, each property's minimum lot area and minimum lot frontage are to be the same as they were on the date of passage of the Zoning Bylaw. As the subject lands were merged on title at the date of passage of the Zoning Bylaw, minor variance A11-24 is required to facilitate consent application B03-24 and recognize the frontages and areas of each parcel. The minimum lot areas and minimum lot frontages requested for each property through minor variance A11-24 are:

<b>Property</b>	<b>Parcel</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Frontage</b>
75 Wellington St	Retained	168.2 m <sup>2</sup>	6.1 m
71 Wellington St	Severed A	155.4 m <sup>2</sup>	8.6 m
43 Market Place	Severed B	348.0 m <sup>2</sup>	13.1 m

The C3 zone generally permits reduced setbacks to facilitate compact development in Stratford's downtown area. This includes no minimum front yard setback, a maximum front yard setback of 3 metres, and a minimum interior side yard and rear yard setback of 0 metres where abutting another C3 zone, among others.

The subject minor variance seeks to vary this requirement by allowing the subject lands to have reduced lot areas and frontages in comparison to those existing on the date of

passing of the Zoning Bylaw. This would remain consistent with the reduced setbacks provisioned for the C3 zone to accommodate compact development in the downtown area.

### *Encroachment*

Section 4.20 of the Zoning Bylaw discusses permitted yard encroachments. This section lists a series of exemptions that indicate when a building, structure, or part thereof is permitted to encroach onto a required yard.

Comments from the Engineering Division indicate that there are concrete steps at 71-73 Wellington Street and a bench and flowerpots at 75 Wellington Street that are located within the City right-of-way. There are no exemptions in section 4.20 that allow these items to cross property lines, and therefore these encroachments do not comply with the requirements of the Zoning Bylaw.

As proposed, consent application (B03-24) would result in the re-creation of three parcels, two of which have been identified as having elements that encroach on the City's right-of-way. This would not maintain the intent and purpose of the Zoning Bylaw. As such, and further to the comments received by agencies, this report recommends deferral of this application until:

- the existing encroachments at 71 Wellington Street and 75 Wellington Street be addressed to the satisfaction of the Manager of Engineering Services.

### **Four Tests of a Minor Variance**

Section 45(1) of the Planning Act, R.S.O., 1990, c. P.13, grants a Committee of Adjustment the power to authorize minor variances from the provisions of the Zoning Bylaw. Minor variances under Section 45(1) must pass the following four tests:

1. Is the variance minor in nature?
2. Is the variance desirable for the appropriate development or use of the land?
3. Does the variance maintain the general intent of the Zoning Bylaw?
4. Does the variance maintain the general intent of the Official Plan?

The subject minor variance (A11-24) would facilitate the proposed consent application (B03-24). Given that the proposed consent application does not comply with the requirements of the Zoning Bylaw and as additional information on the proposed lot lines

in needed via Strata Plan, an evaluation of the proposed minor variance against these four tests would be premature at this time.

**Recommendation:**

**THAT the City of Stratford Committee of Adjustment DEFER Application B03-24 and Application A11-24 as submitted by Monteith Ritsma Phillips PC (c/o Matthew Orchard) on behalf of Theocharis Brothers Properties Inc. to sever two properties and retain one property, effectively re-creating three properties at 71 Wellington Street, 75 Wellington Street, and 43 Market Place, for the following reasons:**

- There are existing encroachments at 71 Wellington Street and 75 Wellington Street. This should be addressed and appropriately dealt with to the satisfaction of the Manager of Engineering Services prior to the application returning to the Committee of Adjustment; and
- Given the difference in the proposed lot boundaries on the ground floor and second floor, Staff request that a Strata Plan be prepared to include the proposed property lines, floor plans, and cross sections of the buildings on the main floor and ground floor, and that this Strata Plan be submitted to Staff for confirmation prior to the application returning to the Committee of Adjustment.

**Prepared By**



Robyn McIntyre  
BES  
Consulting Planner

**Reviewed By**



Pierre Chauvin  
MA, MCIP, RPP  
Consulting Planner

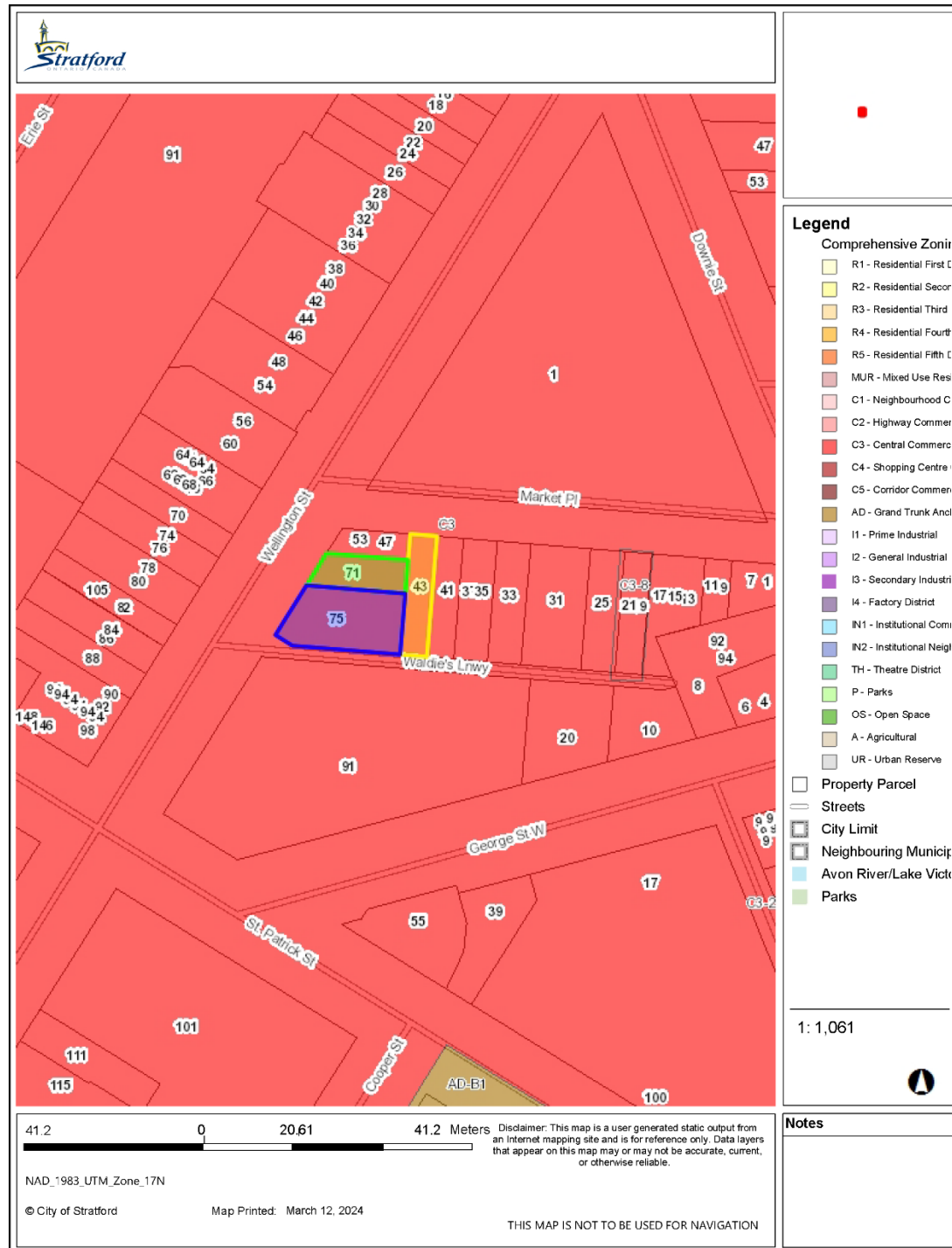
**Recommended By**



Adam Betteridge  
MCIP, RPP  
Director of Building & Planning

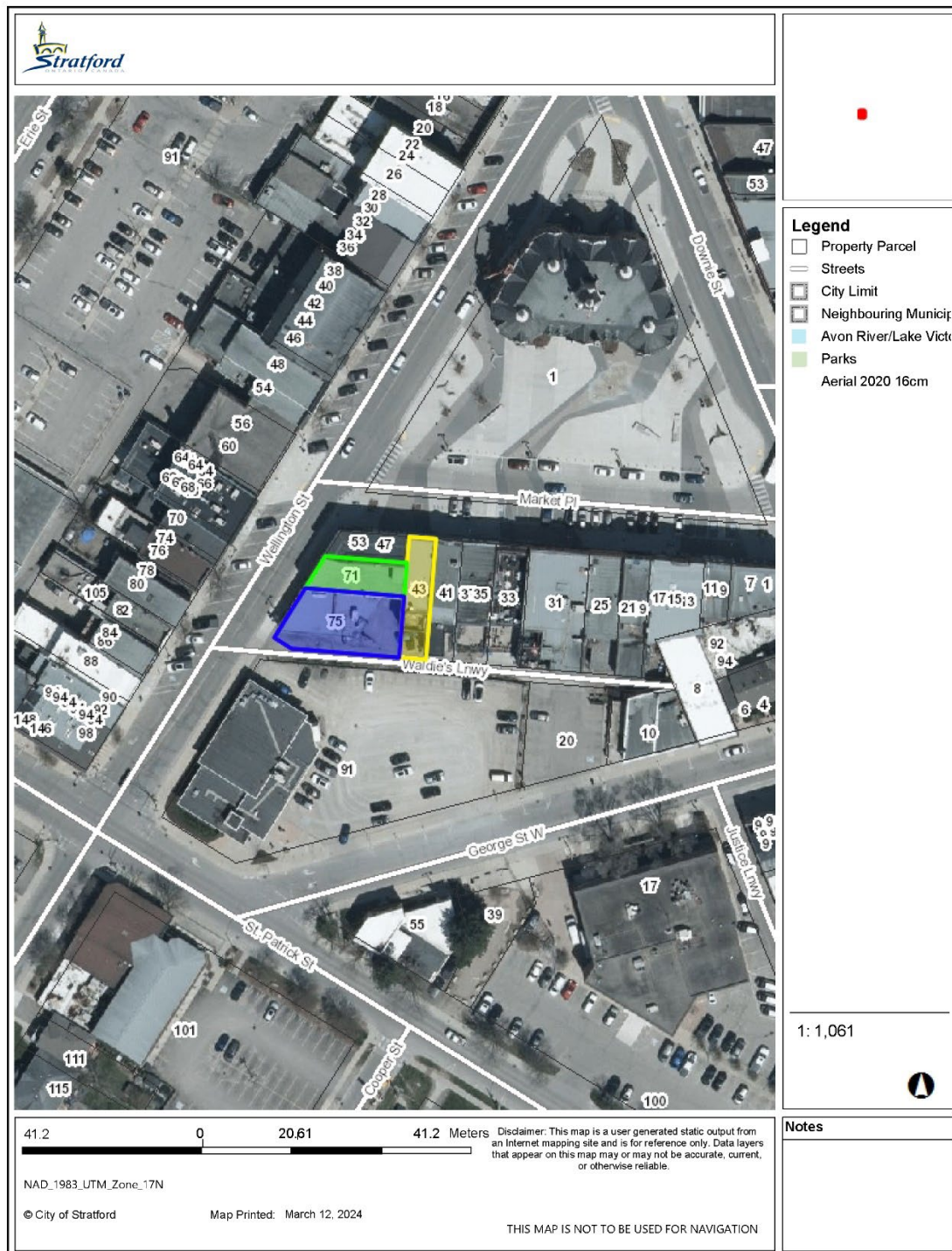
**Report finalized:** March 14, 2023

**Map 1 – Existing Zoning and Location Map**  
**File #B03-24 & #A11-24**  
**Theocharis Brothers Properties Inc.**



Retained Parcel is outlined in blue (75 Wellington); Severed Parcel A is outlined in green (71 Wellington); and Severed Parcel B is outlined in yellow (43 Market).

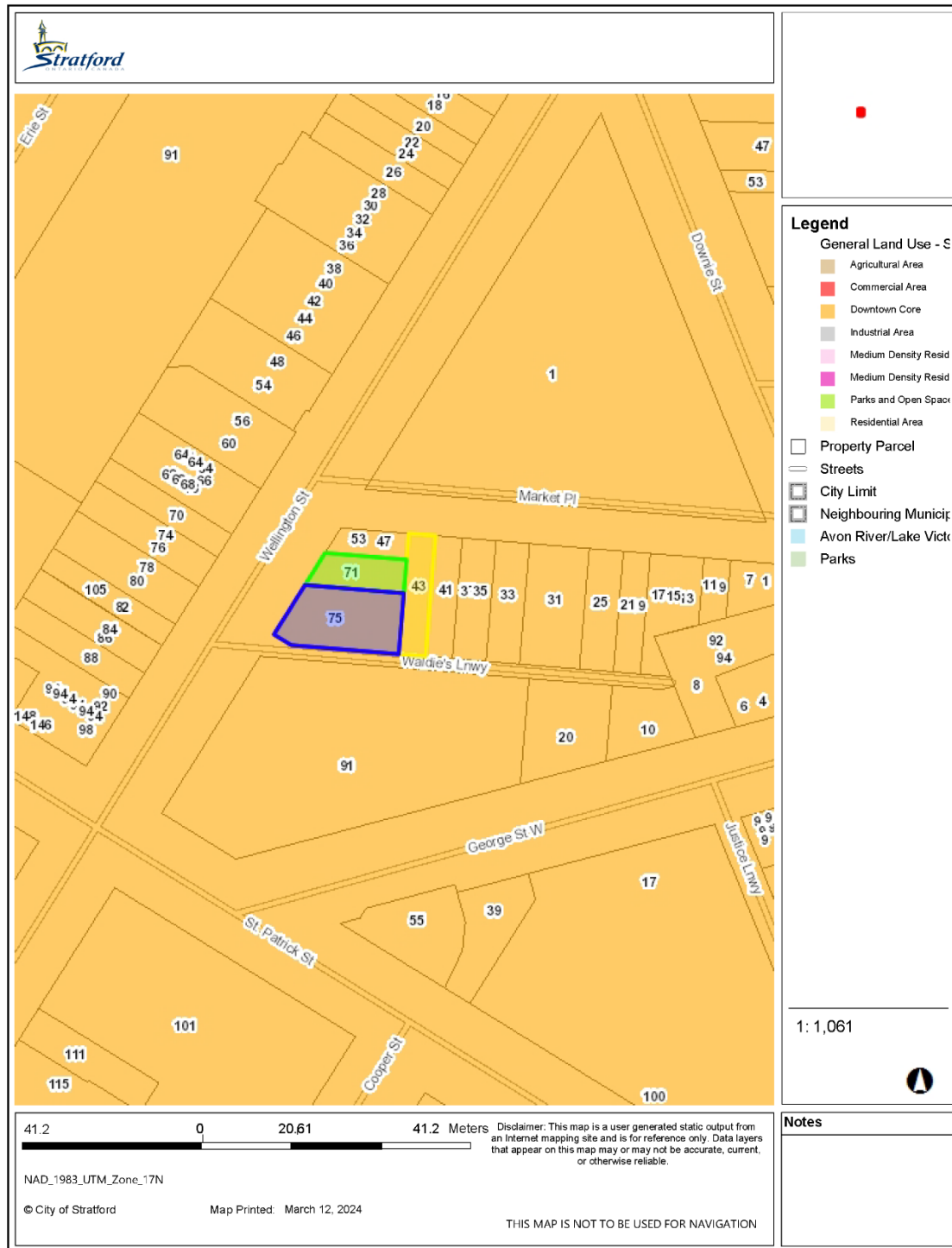
**Map 2 – Aerial Photo Map, 2020**  
**File #B03-24 & #A11-24**  
**Theocharis Brothers Properties Inc.**



Retained Parcel is outlined in blue (75 Wellington); Severed Parcel A is outlined in green (71 Wellington); and Severed Parcel B is outlined in yellow (43 Market).

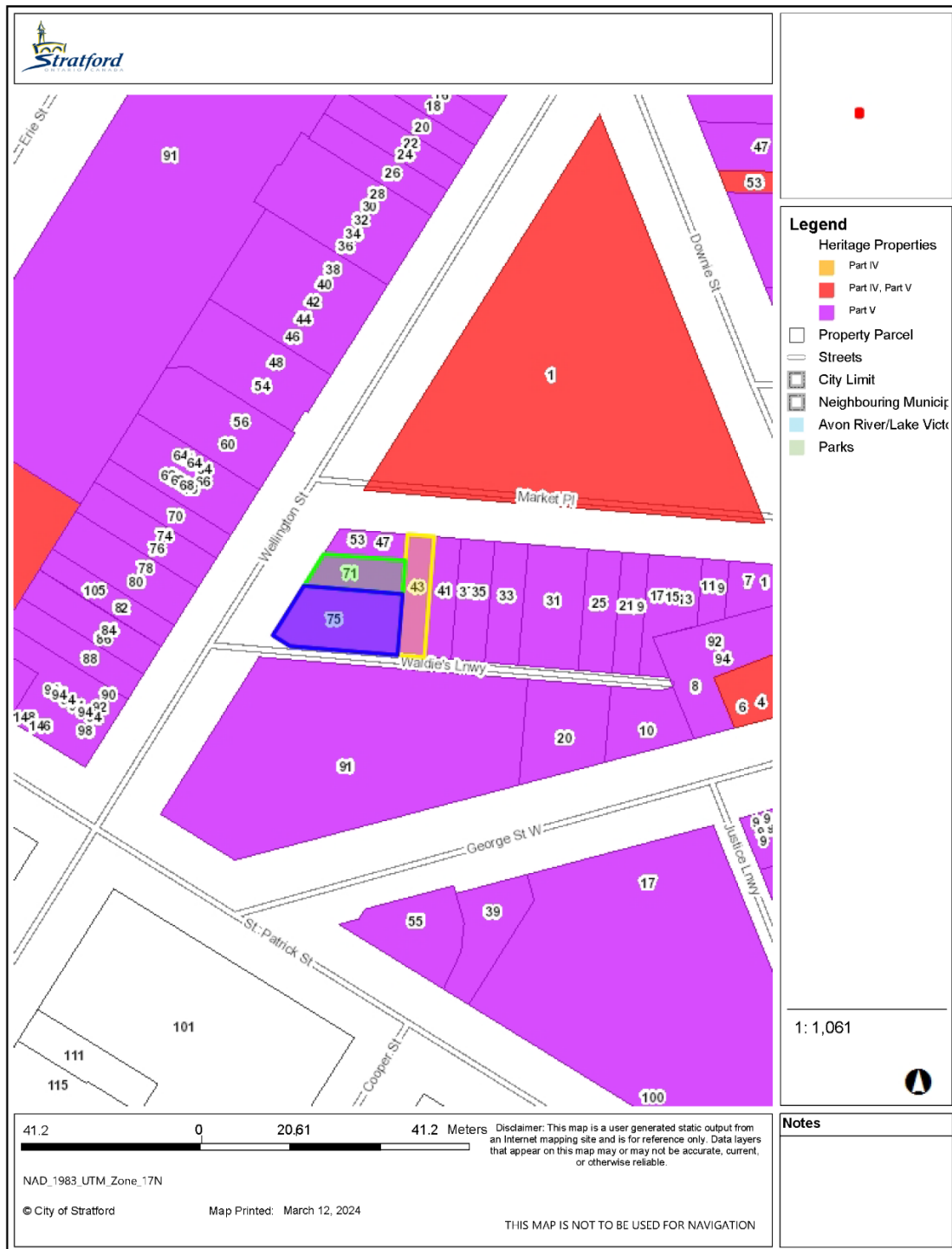


**Map 3 – Official Plan  
File #B03-24 & #A11-24  
Theocharis Brothers Properties Inc.**



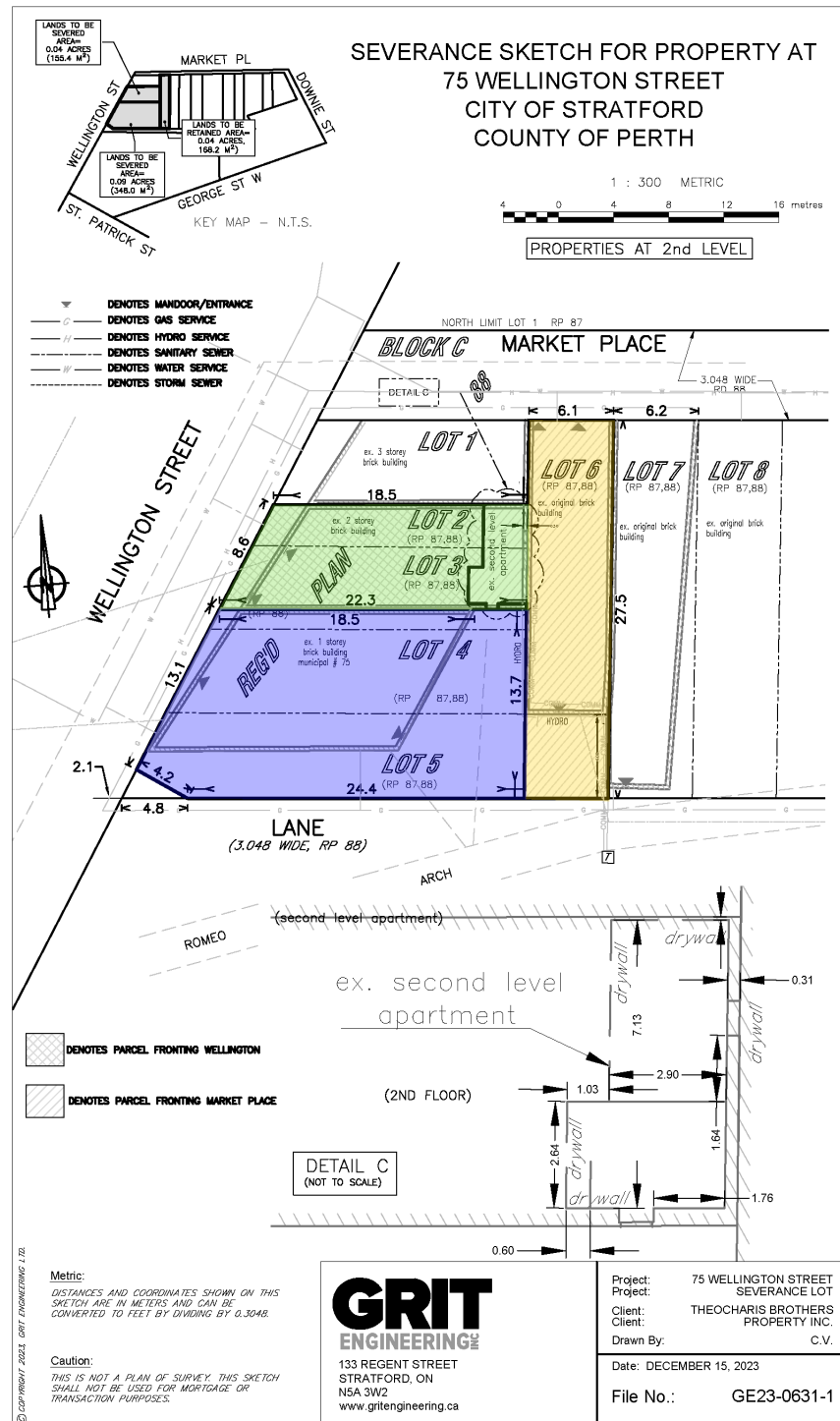
Retained Parcel is outlined in blue (75 Wellington); Severed Parcel A is outlined in green (71 Wellington); and Severed Parcel B is outlined in yellow (43 Market).

**Map 4 – Heritage Conservation District Map**  
**File #B03-24 & #A11-24**  
**Theocharis Brothers Properties Inc.**



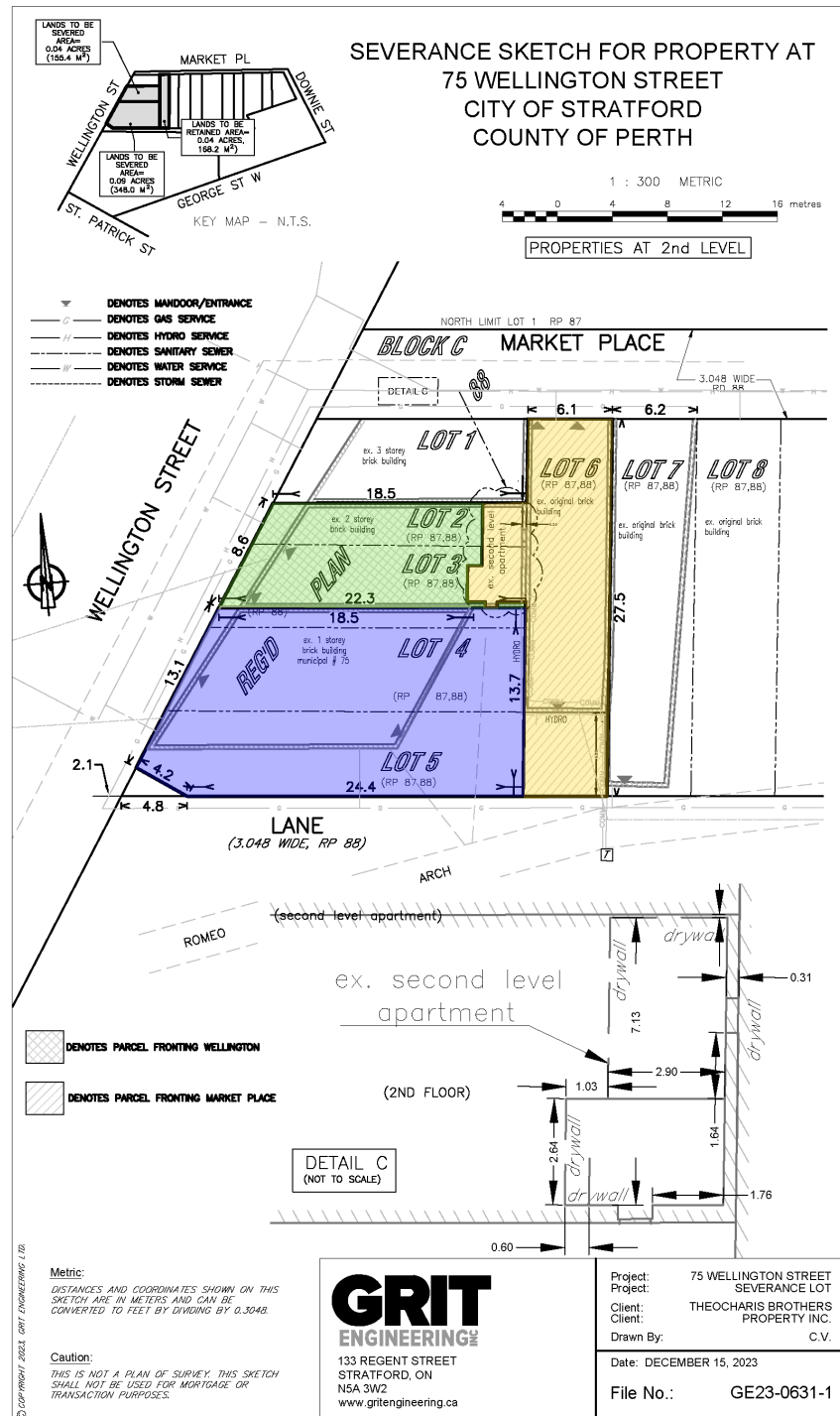
Retained Parcel is outlined in blue (75 Wellington); Severed Parcel A is outlined in green (71 Wellington); and Severed Parcel B is outlined in yellow (43 Market).

**Map 5 – Proposed Severance Sketch and Site Plan FOR MAIN FLOOR**  
**File #B03-24 & #A11-24**  
**Theocharis Brothers Properties Inc.**



Retained Parcel is outlined in blue (75 Wellington); Severed Parcel A is outlined in green (71 Wellington); and Severed Parcel B is outlined in yellow (43 Market).

# **Map 6 – Proposed Severance Sketch and Site Plan FOR SECOND FLOOR** **File #B03-24 & #A11-24** **Theocharis Brothers Properties Inc.**



Retained Parcel is outlined in blue (75 Wellington); Severed Parcel A is outlined in green (71 Wellington); and Severed Parcel B is outlined in yellow (43 Market).

## **REPORT TO THE COMMITTEE OF ADJUSTMENT**

**Submitted By: Building and Planning Service Division**

**Application No.: B04-24**

**Meeting Date: March 20, 2024**

**Owner: Blum Investment Corp.  
and  
Bunker Entertainment Inc.**

**Agent: John Crawford**

**Location: 147 – 149 St. Patrick Street, Stratford,  
Pt. Lot No. 298, Registered Plan 20, Municipality of Stratford**

**Zoning: Central Commercial – C3**

**Official Plan Designation: Downtown Core  
Heritage Area and Corridor**

**Road Classification: St. Patrick Street, Collector Road**

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### **Purpose of Application**

The purpose and effect of this application is to establish an easement at 147-149 St. Patrick Street to facilitate a pedestrian access route / right-of-way for an abutting property at 104, 106, & 108 Wellington Street. The proposed easement is irregularly shaped and is approximately 1.1 metre by 20.58 metres for a total area of 29.08 square metres.

### **Background**

#### Attachments

Map 1 – Existing Zoning & Location Map

Map 2 – Aerial Map 2020

Map 3 – Proposed Easement Location Plan and Site Plan

#### Surrounding Land Uses:

North: Mixed Use Commercial Buildings  
East: Mixed Use Commercial Buildings  
South: Mixed Use Commercial Buildings  
West: Mixed Use Commercial Buildings

#### 147-149 St. Patrick Street

##### Site Characteristics

Existing Use: Commercial Parking Lot, Hair Salon  
Frontage: 20 metres on St. Patrick Street  
Depth: 31 metres  
Area: 0.05 hectares (500 square metres)  
Shape: Irregular

##### Proposed Easement

Area: 29.08 square metres  
Frontage: 1.1 metre  
Depth: 20.58 metres  
Shape: Irregular  
Road Access: St. Patrick Street

#### 104, 106, 108 Wellington Street

##### Site Characteristics

Existing Use: Commercial Parking Lot, Commercial Store, Short Term Rental  
Frontage: 29.2 metres on Wellington Street  
Depth: 11.7 metres and 19.1 metres  
Area: 0.05 hectares (496 square metres)  
Shape: Irregular

##### Agency Comments

This consent application was circulated to agencies for comments on February 28<sup>th</sup>, 2024.  
The following comments were received:

##### *City of Stratford, Fire Prevention:*

- No concerns.

##### *City of Stratford, Parks, Forestry, & Cemetery Division:*

- No comments have been received as of the date this report was finalized. Should comments be received prior to the Committee of Adjustment meeting, they will be provided for consideration.

*City of Stratford, Clerks Division:*

- No comments have been received as of the date this report was finalized. Should comments be received prior to the Committee of Adjustment meeting, they will be provided for consideration.

*City of Stratford Building and Planning Services Department, Building Division:*

- Context to application:
  - Consent application B04-24 is required to be applied for approval to the Committee as the occupants of 104 Wellington St (The Bunker) want to reinstate an exit to increase the occupant load and usability of their building. Currently we cannot issue a permit for the stairs and reinstating of the exit as the occupants at 104 Wellington St do not have legal access to exit their building and get to a public throughfare. Access to a public throughfare is an exiting requirement under the Ontario Building Code.
  - If this consent application is denied by the Committee the occupants of 104 Wellington St will not be able to have the stairs or reinstate the exit of the building, alternate plans will need to be designed by their designer.
  - Please note the stairs have been constructed and are denoted as "As-Built Stairs" on the drawing but have not been done under a Building Permit, they have illegally been placed on the property. Building Division has been onsite and are working with 104 Wellington to obtain the necessary approvals, one being this consent application requirement.
  - We've asked to be named as a party on the application because if there are future modifications or removals we should be made aware as it affects the exiting of the Building and compliance with the Ontario Building Code/Fire Code. If this agreement is ever removed from title there would not be appropriate exiting available to the occupants.
- Concerns with Application
  - Stairs encroach onto neighbouring property and are to be apart of the easement application. Currently not being proposed only the right of way is denoted to be what is being applied for. Stairs need to be included in the easement approval.



- The right of way access denoted on the application circulation only denotes the 1.1m x 20.58m path, does this include the landing area at the bottom of the stairs?
- Conditions of the Consent
  - A Plan completed by an Ontario Land Surveyor is required to be submitted denoting property lines and proposed easement prior to the stamping of the deed.
  - Parking plan to be provided confirming no obstructions are within the required exit path prior to the stamping of the deed.
  - The City is to be named as a party on the Easement Agreement.
    - *Staff Note: This report ultimately recommends deferral of the application. These items can be addressed as conditions of consent when the application returns to Committee.*

*City of Stratford Infrastructure Services Department, Engineering Division:*

- Planning Department to comment on driveway entrance, does this easement designated as a “non-vehicular access route/right-of-way” encroach on the required 6.0m driveway entrance to the parking in this lot?
  - *Staff Note: This report ultimately recommends deferral of the application. This report requests that when this application returns to Committee, that a condition of approval be included to request that the applicant demonstrate that the driveway and parking area at 147-149 St. Patrick Street will be compliant with the Zoning Bylaw.*

*City of Stratford Infrastructure Services Department, Water Division:*

- No comments have been received as of the date this report was finalized. Should comments be received prior to the Committee of Adjustment meeting, they will be provided for consideration.

*Festival Hydro:*

- No comments have been received as of the date this report was finalized. Should comments be received prior to the Committee of Adjustment meeting, they will be provided for consideration.

*Enbridge Gas Inc.:*

- No comments have been received as of the date this report was finalized. Should comments be received prior to the Committee of Adjustment meeting, they will be provided for consideration.

*Upper Thames River Conservation Authority:*

- No comments have been received as of the date this report was finalized. Should comments be received prior to the Committee of Adjustment meeting, they will be provided for consideration.

Public Comments

Public Notice was provided in accordance with the provisions of the Planning Act. Neighbouring property owners were circulated a Public Notice on February 29, 2024. Additionally, Notice of Application and Public Meeting was advertised in the Town Crier on March 2, 2024.

At the time of the writing of this report, no public comments had been received. Any public comments received after the date of completion of this report will be provided to the Committee of Adjustment for consideration.

**Analysis**

The Provincial Policy Statement (2020)

All planning decisions in the Province of Ontario shall be consistent with the Provincial Policy Statement (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 Healthy Communities*

Section 1.1.3 of the PPS states that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources.

Section 1.1.3.4 states that appropriate development standards should be promoted to facilitate compact form.

Section 1.3.1 provides that planning authorities shall promote economic development and competitiveness by encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.

Section 1.4.3 of the PPS states that planning authorities shall provide for an appropriate range and mix of housing types and densities by permitting and facilitating all forms of residential housing required to meet the social, health and well-being requirements of current and future residents.

Section 1.7 of the PPS states that long-term economic prosperity should be supported by: promoting opportunities for economic development and community investment-readiness; encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce; maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets; and providing opportunities for sustainable tourism development;

The proposal would provide pedestrian access to an existing building at 104, 106, & 108 Wellington Street. As such, Staff are of the opinion that consent application B04-24 is consistent with the requirements of the PPS.

#### City of Stratford Official Plan

The City of Stratford's Official Plan designates the subject lands as "Downtown Core" on Schedule 'A' and identifies the site as being in a "Heritage Area and Corridor" on Schedule 'E'.

The Downtown Core policies state that this designation permits residential uses in the upper storeys of commercial buildings. Further, this section states that proposals which support the compactness of the Downtown Core are encouraged. The proposed easement would provide access to an existing commercial building. This use is permitted by the City's Official Plan.

Direction on Heritage Areas and Corridors relates to infill development. The proposed easement would provide access to an existing building. There are no new services proposed, and Staff are of the opinion that the creation of this easement will not negatively impact the inherent heritage qualities of the area or corridor.

#### *Consent Policies*

Section 9.5 of the Official Plan outlines the evaluation criteria for consent applications. In response to the consent criteria, the proposed easement would:

- not adversely affect the financial status of the City;
- provide access to a secondary residential use, which is a permitted use in the Downtown Core designation;
- provide a secondary residential use with pedestrian access to an improved public road, which is maintained year-round (St. Patrick Street);
- be for pedestrian access only, and would not facilitate vehicular traffic, create a traffic hazard, or emphasize an existing traffic hazard;

- provide access to a lot that is presently serviced; and
- comply with the Zoning Bylaw in terms of lot area and frontage.

Please note, there are no new lots proposed as part of application B04-24. This application would create an easement for pedestrian access to an existing building at 104, 106, & 108 Wellington Street.

Staff are of the opinion that the proposed easement would maintain the intent and purpose of the Official Plan, as subject to the appropriate conditions.

#### City of Stratford Zoning Bylaw

The subject lands at 147-149 St. Patrick Street and 104, 106, & 108 Wellington Street are all zoned Central Commercial ("C3") in the City of Stratford's Zoning Bylaw. The C3 zone permits dwelling units, commercial parking lots, professional offices, and personal care establishments, among other uses. All existing uses are permitted in the C3 zone.

The Zoning Bylaw requires that Interior and Corner lots in the C3 zone are to maintain their existing areas and frontages. Application B04-24 would not create a new lot. As such, the areas and frontages of the existing parcels at 147-149 St. Patrick Street and 104 Wellington Street are to remain as they currently are.

#### *Encroachment*

Section 4.20 of the Zoning Bylaw discusses permitted yard encroachments. This section lists a series of exemptions that indicate when a building, structure, or part thereof is permitted to encroach onto a required yard.

The Building Division's comments indicate that existing stairs and landing used to access the building at 104, 106, & 108 Wellington Street were built and placed on the property at 147-149 St. Patrick Street illegally and without a building permit. Their comments indicate that, as such, these stairs and landing are encroaching on the St. Patrick Street property. There are no exemptions in section 4.20 that allow the stairs to cross property lines, and therefore this encroachment does not comply with the requirements of the Zoning Bylaw.

The Building Division has requested that the consent application be revised to include the stairs and landing in the easement area in order to legalize the rear access to the Wellington Street Building.

As such, Staff are of the opinion that this application does not maintain the intent and purpose of the Zoning Bylaw because it does not accurately reflect the entire encroachment, and that the existing encroachment is not permitted by the Zoning Bylaw. Staff are recommending that this application be deferred until:

- the application has been revised to reflect the addition of the stairs and landing in the easement area, and for the appropriate permissions and clearances to be obtained from property owners.

#### *Walkways and Driveways*

The proposed easement would have a width of 1.1 metres and a length of 20.58 metres for a total area of 29.08 square metres; the easement is irregularly shaped. The easement would include a walkway for rear access to the building, and the walkway will be required to comply with the provisions of the Zoning Bylaw.

The Zoning Bylaw defines a walkway as: *"means a surface treated area that is designed and intended to be used principally for pedestrian or bicycle access."* The area on which the easement would be located is presently paved and would constitute a 'surface treated area'. A condition of approval will be included to require that the proposed easement area be delineated from the balance of the parking lot using road paint when the application returns to Committee.

Additional provisions regulating walkways can be found in section 4.30 of the Zoning Bylaw as follows:

- Walkways are permitted in the interior side yard;
- Where a walkway leading to a dwelling is adjacent to, or parallel with, a driveway, the walkway must not exceed 1.0 metres in width;
- Any walkway adjacent to a driveway shall be separated from the driveway by a minimum height of 10 centimeters above the grade of such driveway, where it abuts the walkway, or by a landscaped open space that is a minimum of 0.5 metres wide.

The Zoning Bylaw defines a driveway as: *"a vehicle access provided between a street or lane and a parking area or a loading or unloading space or between two parking areas but does not include a parking aisle."*

Section 5.3 of the Zoning Bylaw provides additional regulations for driveways. Among other provisions, this section of the Zoning Bylaw states that, *"Driveways leading directly*

*to a parking area, and parking aisles shall have a minimum unobstructed width of 6.0 m where two-way traffic is permitted."*

The Site Plan provided with this application does not detail and dimension the existing parking lot at 147-149 St. Patrick Street. As such, Staff could not confirm if the parking lot would maintain compliance with the Zoning Bylaw following the establishment of the easement and walkway. Staff are recommending that this be addressed via condition of consent when the application returns to the Committee of Adjustment.

**Recommendation:**

**THAT the City of Stratford Committee of Adjustment DEFER Application B04-24 submitted by John Crawford for Travis Blum, Kathleen Blum, and Derrick Brodhagen, to allow for the creation of an easement at 147-149 St. Patrick Street to provide access to 104 Wellington Street, for the following reasons:**

1. In order for the site to comply with the Ontario Building Code, the easement is required to include the stairs and landing that are used to access the rear of the Wellington Street building. The easement proposal does not currently contain the stairs and landing, and the approval of the easement as proposed would not rectify the Ontario Building Code access concerns as intended. Staff would request that the easement be revised to include the stairs and landing, and that the appropriate permissions and clearances be obtained from the owner of the St. Patrick Street parcel prior to the application returning to the Committee of Adjustment.

**Prepared By**



Robyn McIntyre  
BES  
Consulting Planner

**Reviewed By**



Pierre Chauvin  
MA, MCIP, RPP  
Consulting Planner

**Recommended By**



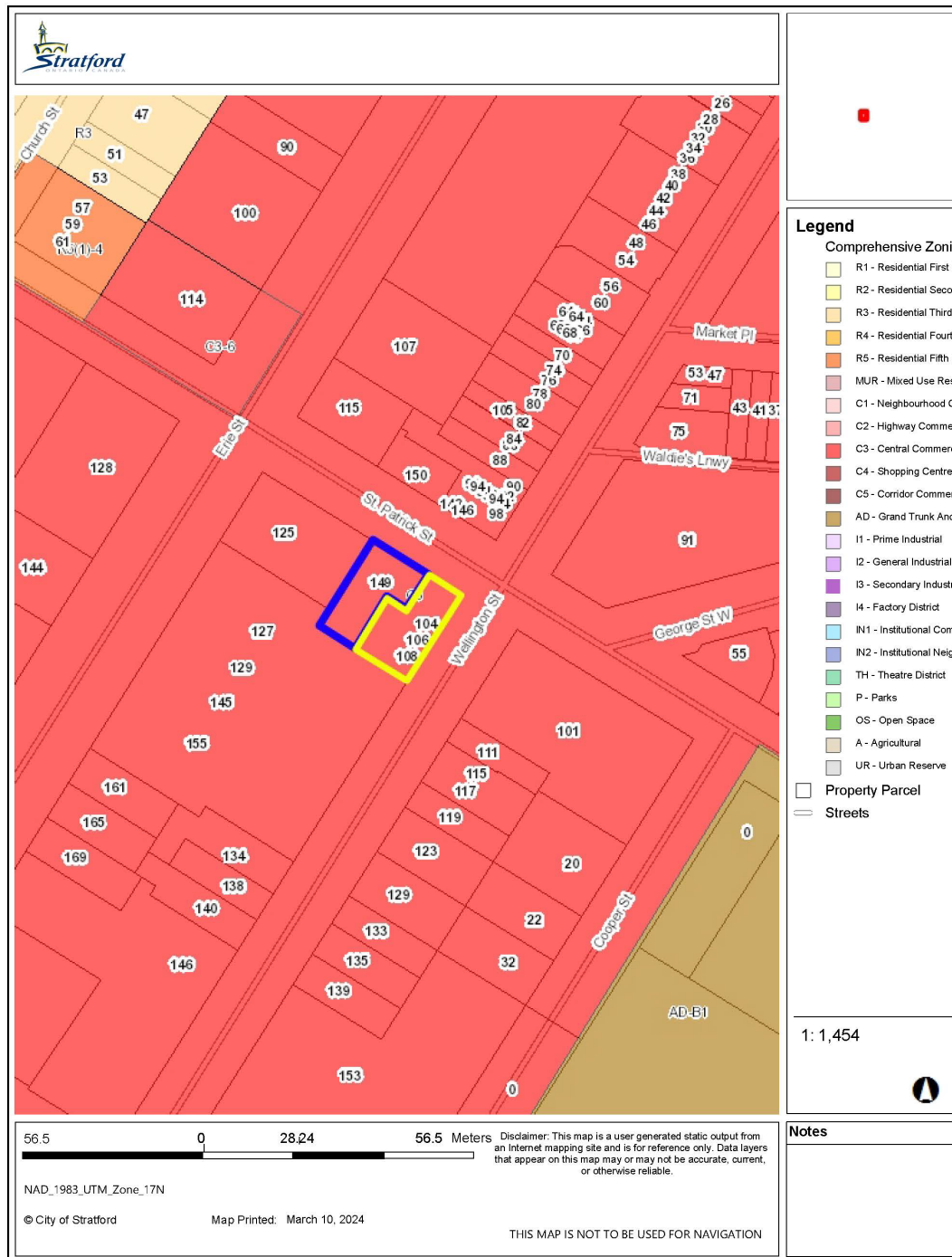
Adam Betteridge  
MCIP, RPP  
Director of Building & Planning

**Report finalized:** March 13, 2023

# Map 1 – Existing Zoning and Location Map

File #B04-24

Blum Investments Corp. and Bunker Entertainment Inc.



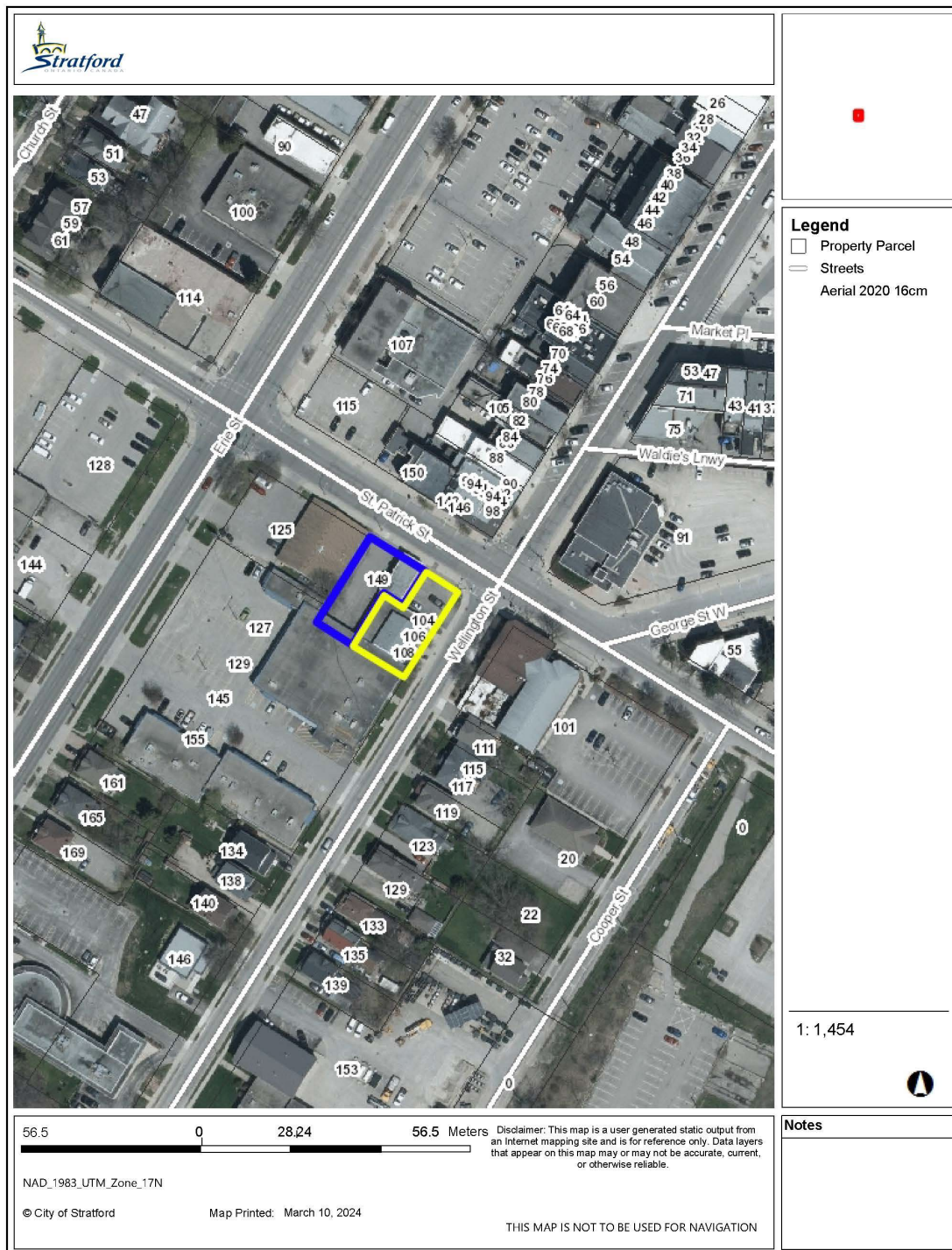
\* 147-149 St. Patrick Street is outlined in blue, and 104, 106, & 108 Wellington Street is outlined in yellow.



## Map 2 – Aerial Photo Map, 2020

File #B04-24

Blum Investments Corp. and Bunker Entertainment Inc.



\* 147-149 St. Patrick Street is outlined in blue, and 104, 106, & 108 Wellington Street is outlined in yellow.

**Map 3 – Proposed Easement Location Plan and Site Plan  
File #B04-24  
Blum Investments Corp. and Bunker Entertainment Inc.**

CONTRACTOR TO VERIFY DIMENSIONS PRIOR TO CONSTRUCTION - DESIGNER IS NOT LIABLE FOR ANY ERRORS OR OMISSIONS - DRAWINGS NOT TO BE SCALED.

