



## **Stratford Committee of Adjustment**

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

#### **Minutes**

**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 at 4:00 p.m.

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: J. Nigro

Seconded by: A. Mishra

**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.

#### 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.

*The applicant was given an opportunity to provide comments.*

Paul Stanley – Property Owner

P. Stanley explains that the request of the encroachment replaces where the existing steps are.

*Questions were then opened to the Committee.*

A. Mishra asks to confirm if the encroachment is going from 2.5 m to 4.45 m.

A. Betteridge explains that the width and the length of the porch in the encroachment are similar and 4.45m is correct as the front property line is not perfectly perpendicular.

J. Nigro says the committee should approve the 4.48 m for the end that encroaches further.

A. Betteridge says there are no planning concerns with approving 4.48 m.

*Questions were the opened to the public.*

None were made.

Decision of the Committee

Moved by: C. Gordon

Seconded by: A. Mishra

**THAT 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 4.48 m.

**Be approved.**

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.

**Carried.**

Reason for Decision: Public input was not received, the requests meets the 4 tests of a minor variance and is minor in nature.

## **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.

### 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.

*The applicant was given an opportunity to provide comments.*

None were made.

*Questions were then opened to the Committee.*

None were made.

*Questions were the opened to the public.*

None were made.

Decision of the Committee

Moved by: J. Nigro  
Seconded by: A. Mishra

**THAT 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.

**Be approved.**

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.

**Carried.**

Reason for decision: Public input was considered, the request is minor in nature and in keeping with character of the neighbourhood.

#### **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.

#### 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.

*The applicant was given an opportunity to provide comments.*

Ryan Van Horne – Property Owner

R. Van Horne says he looking to build garage as carport is not suitable for their needs.

*Questions were then opened to the Committee.*

J. Nigro asks if there will be windows on southwest wall of the garage.

R. Van Horne says there will be no windows on the southwest wall or rear wall.

A. Bicanic asks what the garage will be used for.

R. Van Horne says garage is for storage and a little workshop.

*Questions were the opened to the public.*

Robert Jones - Neighbour

R. Jones has concerns over the height of the garage with the potential risk of having an apartment be constructed on second floor. He questions why the applicant needs so much storage space.

A. Burnett says the conditions only allow for building is what proposed as well as an Accessory Dwelling Unit (ADU) would not meet the current Zoning By-law requirement. There would also need a building permit and no servicing is proposed to the garage.

J. Nigro asks what happens if someone does want to build an ADU there.

A. Burnett says it would depend on the specific application. However, they would need to obtain proper planning approvals and building permits.

C. Gordon asks how the storage room will be accessed.

A. Burnett says storage room can only be accessed through ground floor.

J. Nigro asks if there is a minor variance application for the proposed home addition on the site plan.

R. Van Horne says he has not decided if he wishes to do that extension yet.

Decision of the Committee

Moved by: C. Gordon

Seconded by: J. Nigro

**THAT 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.

**Be approved.**

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.

**Carried.**

Reason for Decision: Public input was received, and the request is minor in nature.

**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.

Agency Comments

This consent application was circulated to agencies for comments on February 28th, 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.

R. McIntyre gave a background of the application and explained reasoning for the addendum. Mentions staff recommend deferral in first report. Committee is provided with a deferral and approval recommendation as part of addendum.

*The applicant was given an opportunity to provide comments.*

Discussion was had about whether conditions from the Building Division and Engineering Division comments should be satisfied prior to recommending approval of the minor variance or after, these were the highlights:

- Building and Engineering Divisions request a draft reference plan be submitted prior to approval to confirm encroachments are appropriately addressed. Once this has been satisfied by the Chief Building Official and Manager of Engineering, this application can return to the Committee to be approved.
- Matthew Orchard (Agent) agrees with providing draft reference plan prior to approval.

*Questions were then opened to the Committee.*

Committee members asked for clarification on implications for moving to defer the applications versus approving the applications today. Robyn McIntyre explained implications of both draft motions and recommended deferral based on discussions regarding issues with encroachments.

*Questions were the opened to the public.*

None were made.

Decision of the Committee

Moved by: J. Nigro

Seconded by: A. Mishra

**THAT 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, be deferred.**

**Carried.**

Moved by J. Nigro

Seconded by: C. Gordon

**THAT Application B02-24 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, be deferred.**

**Carried.**

Reason for decision:

1. 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.

#### **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.

#### Agency Comments

This consent application was circulated to agencies for comments on February 28th, 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.

*The applicant was given an opportunity to provide comments.*

M. Orchard says it makes sense to defer application as issues are similar as other application.

*Questions were then opened to the Committee.*

Discussion was had about whether conditions from the Building Division and Engineering Division comments should be satisfied prior to recommending approval of the minor variance or after, these were the highlights:

- Strata plan to be submitted and to be to the satisfaction of the Chief Building Official prior to this application returning to the Committee of Adjustment
- Draft Reference Plan to be submitted prior to this application returning to the Committee of Adjustment to ensure all encroachments are appropriately addressed.

*Questions were the opened to the public.*

None were made.

Decision of the Committee

Moved by: J. Nigro

Seconded by: A. Mishra

**THAT application A11-24 submitted 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 in the City of Stratford.**

**Be deferred.**

**Carried.**

Moved by: J. Nigro

Seconded by: C. Gordon

**THAT application B03-24 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 as shown on the sketch submitted with the application, be deferred.**

**Carried.**

Reasons for the Decision

1. 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
2. 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.

#### **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.

##### Agency Comments

This consent application was circulated to agencies for comments on February 28th, 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 thoroughfare. Access to a public thoroughfare 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.



*The applicant was given an opportunity to provide comments.*

John Crawford - 104 Wellington

Discussion was had between the applicant and planning staff on issues with the proposed easement, these were the highlights:

- The current proposed easement does not include the staircase for 104, 106 & 108 Wellington Street and is not in compliance with the Ontario Building Code.

*Questions were then opened to the public.*

None were made.

Decision of the Committee

Moved by: C. Gordon

Seconded by: J. Nigro

**THAT application B04-24 as 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 as shown on the sketch submitted with the application, be deferred.**

**Carried.**

Reason for decision:

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.

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

## **6.0 Adjournment**

Moved by: J. Nigro

Seconded by: C. Gordon

**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)**

