

**ADDENDUM
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

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

A Staff Report regarding the subject Consent Application (B02-24) and Minor Variance Application (A10-24) was prepared for the subject lands at 69 Downie Street, 55 Downie Street, 23 Albert Street, and 18 Brunswick Street in the City of Stratford (the "First Report"). The First Report is included in the Committee of Adjustment Agenda package for the March 20th, 2024 meeting.

The First Report provided a policy analysis of the Consent Application referencing the Provincial Policy Statement, Stratford Official Plan, and Stratford Zoning Bylaw. Ultimately, the First Report recommended that the applications be deferred based on the comments received from commenting agencies. The following reasoning was provided in the First Report:

- 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.

City Staff maintain the position to defer the application for the reasoning provided in the First Report.

Following the finalization of the First Report, City Staff met with the applicant and agent to discuss the background of the files and the recommended deferral. The applicant and agent provided additional information on previous discussions with the City on how to approach the applications given concerns with encroachments, servicing, and Ontario Building Code compliance, among others. These previous discussions occurred with Staff who are no longer working with the City of Stratford and concluded that the intended approach was to satisfy all concerns as conditions of approval.

As a result of this meeting, Staff have prepared this report (the "Subsequent Report") to advise the Committee of Adjustment of conditions of approval that should be required if the Committee decides to approve the applications.

Please note, Staff maintain the position to defer the application based on the analysis and reasoning provided in the First Report. This Subsequent Report has been prepared should the Committee decide to support the applications.

Evaluation of Consent

The evaluation of consent application B02-24 provided in the First Report is maintained.

Conditions of Consent Approval

This section reviews the conditions of approval that should be included for consent application B02-24 should the Committee approve the applications. This section outlines the origin of each condition of approval, and references the comments received on this application as included in the First Report. All conditions of approval would be required to be satisfied prior to the stamping of the deeds.

The following conditions of approval for consent application B02-24 are from the comments provided by the City of Stratford's Building Division on the subject applications:

1. THAT the applicant provide proof that any easements and / or agreements required to recognize any building or structure encroachments have been executed, to the satisfaction of the Chief Building Official;
2. THAT the applicant provide proof that any easements and / or agreements required to recognize any encroachments for accessory items, accessory structure, appurtenances, furniture, or otherwise have been executed, to the satisfaction of the Chief Building Official;
3. THAT the applicant provide a survey of the canopy structure at the frontage of 23 Albert Street to the satisfaction of the Chief Building Official;
4. THAT the applicant provide documentation, as signed off by a licensed Ontario Architect, that the existing buildings conform to existing fire safety, ingress requirements, and egress requirements of the Ontario Building Code, to the satisfaction of the Chief Building Official;
5. THAT the applicant provide documentation, as signed off by a Professional Engineer, confirming that the existing services for each building on the subject lands are wholly contained within each proposed parcel, and that where any services are not wholly contained within a proposed parcel, the appropriate easements and / or agreements be executed, to the satisfaction of the Chief Building Official and Manager of Engineering Services;

6. THAT the conditions of the existing Fire Order on the property municipally known as 23 Albert Street be completed to the satisfaction of the Fire Prevention Officer;
7. THAT the conditions of the existing Property Standards Order on the property municipally known as 69 Downie Street be completed to the satisfaction of the Chief Building Official;
8. THAT all open Building Permits for the properties municipally known as 55 Downie Street, 69 Downie Street, 23 Albert Street, and 18 Brunswick Street are finalized to the satisfaction of the Chief Building Official;

The following conditions of approval for consent application B02-24 are from the comments provided by the City of Stratford's Engineering Division on the subject applications:

9. THAT the applicant provide confirmation that all required deposits for any and all works required in the City of Stratford's Right-of-Way have been conveyed to the City of Stratford, to the satisfaction of the Manager of Engineering Services and prior to the issuance of building permits;
10. THAT the applicant provide an undertaking to confirm the following to the satisfaction of the Manager of Engineering Services:
 - a. all connections required to City infrastructure and services will be completed by City forces;
 - b. all estimates generated by Engineering Services relating to the required connections to City infrastructure are the responsibility of the property owner for payment; and
 - c. all private service connection details will be provided to the Manager of Engineering Services once installed;

The following conditions of approval for consent application B02-24 are from the comments provided by Festival Hydro on the subject applications:

11. THAT the applicant provide confirmation that a blanket easement has been provided to Festival Hydro over the property municipally known as 23 Albert Street, to the satisfaction of the Manager of Planning Services;

12. THAT the applicant provide confirmation that any customer-owned hydro assets used to supply electricity to other properties have the appropriate access and maintenance permissions, to the satisfaction of the Manager of Planning Services;

Enbridge Gas was circulated on the subject consent and minor variance applications, however did not provide comments. As no comments have been received, and as a result of the servicing conditions provided by the Building Division, Engineering Division, and Festival Hydro, Planning Staff would recommend the following condition of approval for consent application B02-24:

13. THAT the applicant provide confirmation that the properties at 55 Downie Street, 69 Downie Street, 23 Albert Street, and 18 Brunswick Street have individual gas service connections, to the satisfaction of the Manager of Planning Services and Manager of Engineering Services;

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, Planning Staff would recommend the following condition of approval for consent application B02-24:

14. THAT the applicant obtain, and provide to the City, Certificates of Compliance with the City of Stratford's Property Standards Bylaw for the properties at 55 Downie Street, 69 Downie Street, 23 Albert Street, and 18 Brunswick Street, to the satisfaction of the Manager of Planning;

Evaluation of 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 (A10-24) would facilitate the proposed consent application (B02-24). As such, should consent application B02-24 be approved and the aforementioned conditions fulfilled, the associated minor variance application A10-24 could meet the four tests of a minor variance.

Please note, the below evaluation of minor variance application A10-24 is provided in the context of consent application B02-24 being approved and the aforementioned conditions implemented. Should consent application B02-24 be deferred or refused, this evaluation is no longer applicable.

Is the 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. It is not expected that the proposed variance will adversely impact the character of the area or the ability of adjacent property owners to use their properties in accordance with the Zoning Bylaw. Therefore, the variance is minor should the conditions of approval for consent application B02-24 be fulfilled.

Is the variance desirable for the appropriate development or use of the land?

The proposed variance would recognize the areas and frontages of the parcels and sever the properties to allow them to function individually. This would also allow the properties to be of similar size to surrounding properties. Therefore, the variance is desirable for the appropriate use of the land, should the conditions of approval for consent application B02-24 be fulfilled,

Does the variance maintain the general intent of the Zoning Bylaw?

The existing use of the subject lands are compliant with the C3 zone in the Zoning Bylaw. 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 C3 zone also states that the minimum lot area and minimum lot frontage are to be the same as they were on the date of passage of the Zoning Bylaw. 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. Therefore, the variance maintains the general intent of the Zoning Bylaw, should the conditions of approval for consent application B02-24 be fulfilled.

Does the variance maintain the general intent of the Official Plan?

The subject lands are all designated Downtown Core in the Official Plan. The existing uses are compliant with the Downtown Core designation. The Downtown Core designation promotes and supports compact development and an efficient use of land. The subject minor variance would divide the merged parcel into four smaller, more compact parcels to encourage the intensive use of each property. Therefore, the variance maintains the general intent of the Official Plan, should the conditions of approval for consent application B02-24 be fulfilled.

Conditions of Minor Variance

In order to ensure the minor variance application is not established independent of the proposed consent, a condition of approval for the minor variance should be implemented to require the conditions of approval for B02-24 be fulfilled before the minor variance could be finalized. The following condition of approval is recommended for minor variance application A10-24:

1. THAT the applicant provide written confirmation of the finalization and registration of consent application B02-24 for 55 Downie Street, 69 Downie Street, 23 Albert Street, and 18 Brunswick Street.

Alternate Recommendation

This alternate recommendation is provided to the Committee of Adjustment should they choose to approve consent application B02-24 and minor variance application A10-24.

The alternate recommendation is as follows:

THAT the City of Stratford Committee of Adjustment APPROVE 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, subject to the following conditions:

1. THAT prior to the issuance of the Certificates of Consents under Section 53(42) of the Planning Act, the applicant fulfill all conditions of approval for consent application B02-24, and that the fulfillment of these conditions is completed within two years of the date of the mailing of the decision for application B02-24;
2. THAT the applicant provide proof that any easements and / or agreements required to recognize any building or structure encroachments have been executed, to the satisfaction of the Chief Building Official;
3. THAT the applicant provide proof that any easements and / or agreements required to recognize any encroachments for accessory items, accessory structure, appurtenances, furniture, or otherwise have been executed, to the satisfaction of the Chief Building Official;
4. THAT the applicant provide a survey of the canopy structure at the frontage of 23 Albert Street to the satisfaction of the Chief Building Official;
5. THAT the applicant provide documentation, as signed off by a licensed Ontario Architect, that the existing buildings conform to existing fire safety, ingress requirements, and egress requirements of the Ontario Building Code, to the satisfaction of the Chief Building Official;
6. THAT the applicant provide documentation, as signed off by a Professional Engineer, confirming that the existing services for each building on the subject lands are wholly contained within each proposed parcel, and that where any services are not wholly contained within a proposed parcel, the appropriate easements and / or agreements be executed, to the satisfaction of the Chief Building Official and Manager of Engineering Services;
7. THAT the conditions of the existing Fire Order on the property municipally known as 23 Albert Street be completed to the satisfaction of the Fire Prevention Officer;

8. THAT the conditions of the existing Property Standards Order on the property municipally known as 69 Downie Street be completed to the satisfaction of the Chief Building Official;
9. THAT all open Building Permits for the properties municipally known as 55 Downie Street, 69 Downie Street, 23 Albert Street, and 18 Brunswick Street are finalized to the satisfaction of the Chief Building Official;
10. THAT the applicant provide confirmation that all required deposits for any and all works required in the City of Stratford's Right-of-Way have been conveyed to the City of Stratford, to the satisfaction of the Manager of Engineering Services and prior to the issuance of building permits;
11. THAT the applicant provide an undertaking to confirm the following to the satisfaction of the Manager of Engineering Services:
 - a. all connections required to City infrastructure and services will be completed by City forces;
 - b. all estimates generated by Engineering Services relating to the required connections to City infrastructure are the responsibility of the property owner for payment; and
 - c. all private service connection details will be provided to the Manager of Engineering Services once installed;
12. THAT the applicant provide confirmation that a blanket easement has been provided to Festival Hydro over the property municipally known as 23 Albert Street, to the satisfaction of the Manager of Planning Services;
13. THAT the applicant provide confirmation that any customer-owned hydro assets used to supply electricity to other properties have the appropriate access and maintenance permissions, to the satisfaction of the Manager of Planning Services;
14. THAT the applicant provide confirmation that the properties at 55 Downie Street, 69 Downie Street, 23 Albert Street, and 18 Brunswick Street have individual gas service connections, to the satisfaction of the Manager of Planning Services and Manager of Engineering Services;;
15. THAT the applicant obtain, and provide to the City, Certificates of Compliance with the City of Stratford's Property Standards Bylaw for the properties at 55 Downie

Street, 69 Downie Street, 23 Albert Street, and 18 Brunswick Street, to the satisfaction of the Manager of Planning;

18. THAT arrangements be made with, and to the satisfaction of, the City of Stratford Finance Division for the payment of any outstanding Municipal property taxes;
19. THAT the applicant provide to the City a copy of the deposited reference plan in an electronic format compatible with the latest version of AutoCAD referenced to NAD83 UTM Zone 17 Horizontal Control Network for the City of Stratford. This Reference Plan shall be created from survey information utilizing the City's Survey Control Network. It is the responsibility of the applicant to obtain the necessary Reference Sketches and associated information required to complete the survey from the City.
20. THAT for the purposes of satisfying any of the above conditions, the Owner shall file with the City of Stratford a complete submission consisting of all required clearances and final plans, and to advise the City of Stratford in writing how each of the conditions has been satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by The City of Stratford, such submission will be returned to the Owner without detailed review by the City.

AND THAT the City of Stratford Committee of Adjustment APPROVE 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, subject to the following conditions:

1. THAT the applicant provide written confirmation of the finalization and registration of consent application B02-24 for 55 Downie Street, 69 Downie Street, 23 Albert Street, and 18 Brunswick Street.

AND THAT Minor Variance A10-24, if approved by the City of Stratford Committee of Adjustment, be applicable to lands municipally described as 55 Downie Street, 69 Downie Street, 23 Albert Street, and 18 Brunswick Street in the City of Stratford, as it relates to the following portions of the City of Stratford's Zoning Bylaw:

1. Table 7.4 – Regulations in the Commercial Zone, to set the minimum lot areas and frontages as outlined below:

- a. 55 Downie Street – the minimum lot area is 348.7 square metres and the minimum lot frontage is 11 metres.
- b. 69 Downie Street – the minimum lot area is 854.1 square metres and the minimum lot frontage is 23.2 metres.
- c. 23 Albert Street – the minimum lot area is 1,426.4 square metres and the minimum lot frontage is 44.4 metres.
- d. 18 Brunswick Street – the minimum lot area is 437.9 square metres and the minimum lot frontage is 13.7 metres.

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

Prepared By



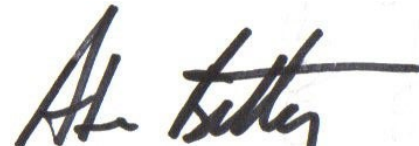
Robyn McIntyre
BES
Consulting Planner

Reviewed By



Pierre Chauvin
MA, MCIP, RPP
Consulting Planner

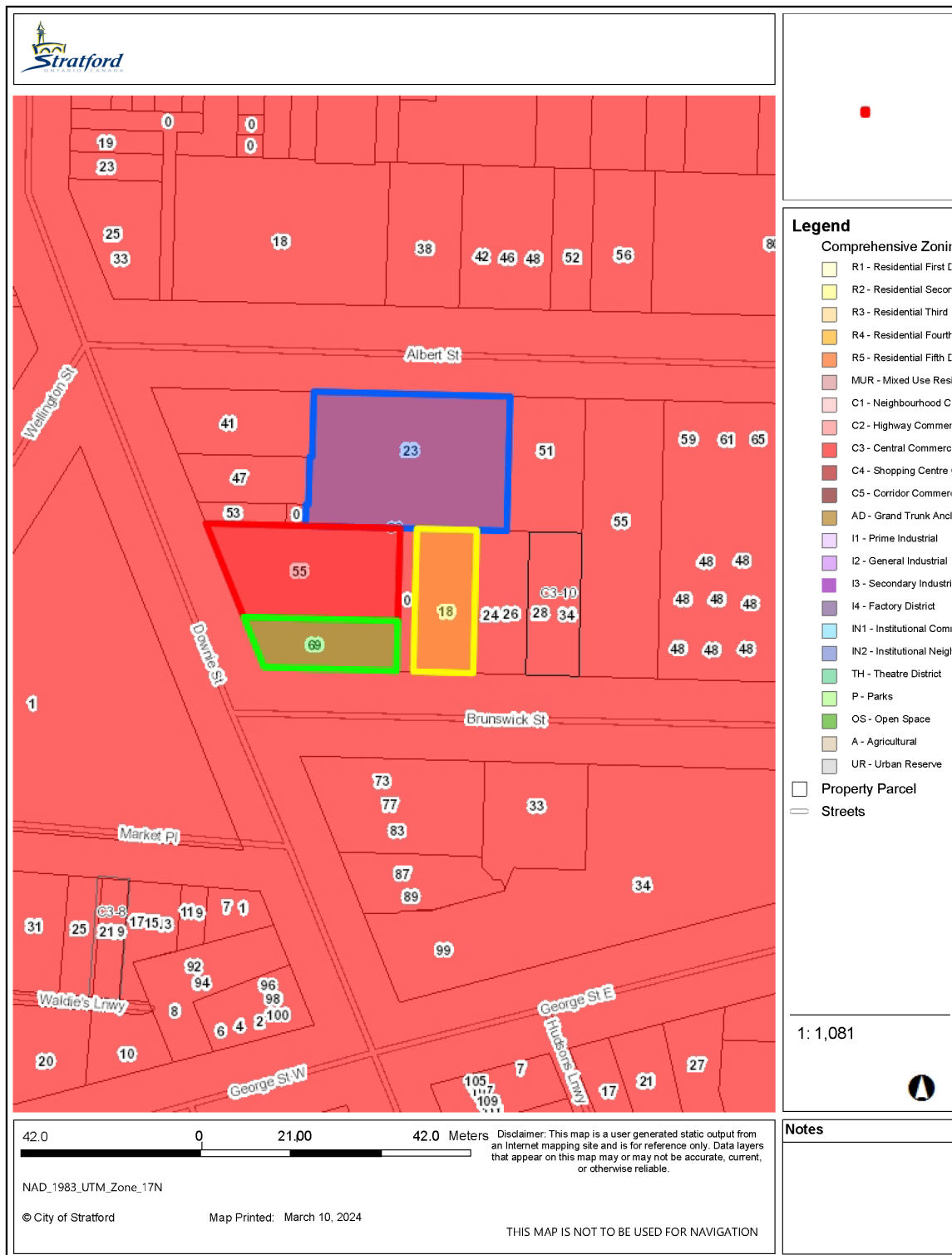
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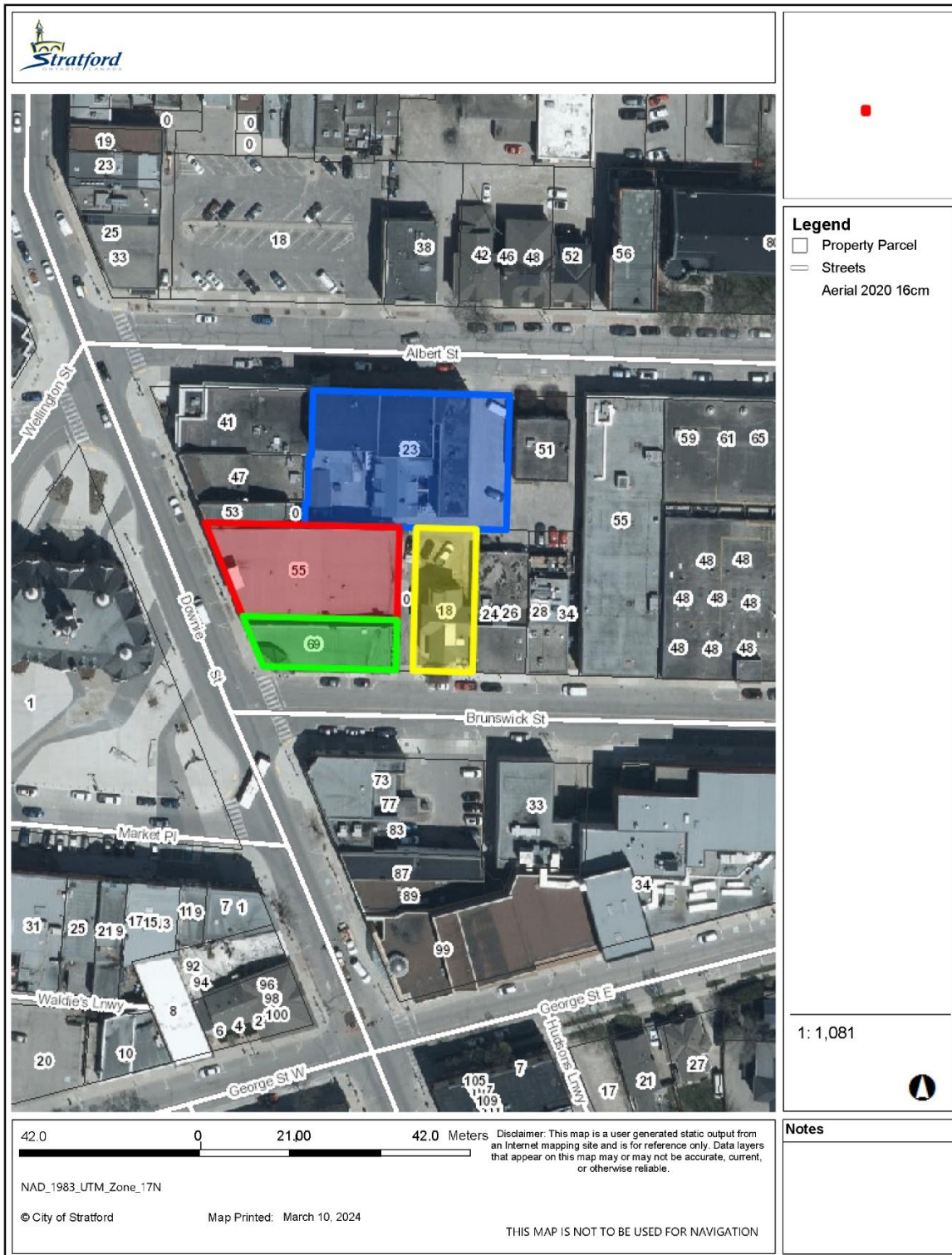
Adam Betteridge
MCIP, RPP
Director of Building & Planning

Report finalized: March 19, 2024

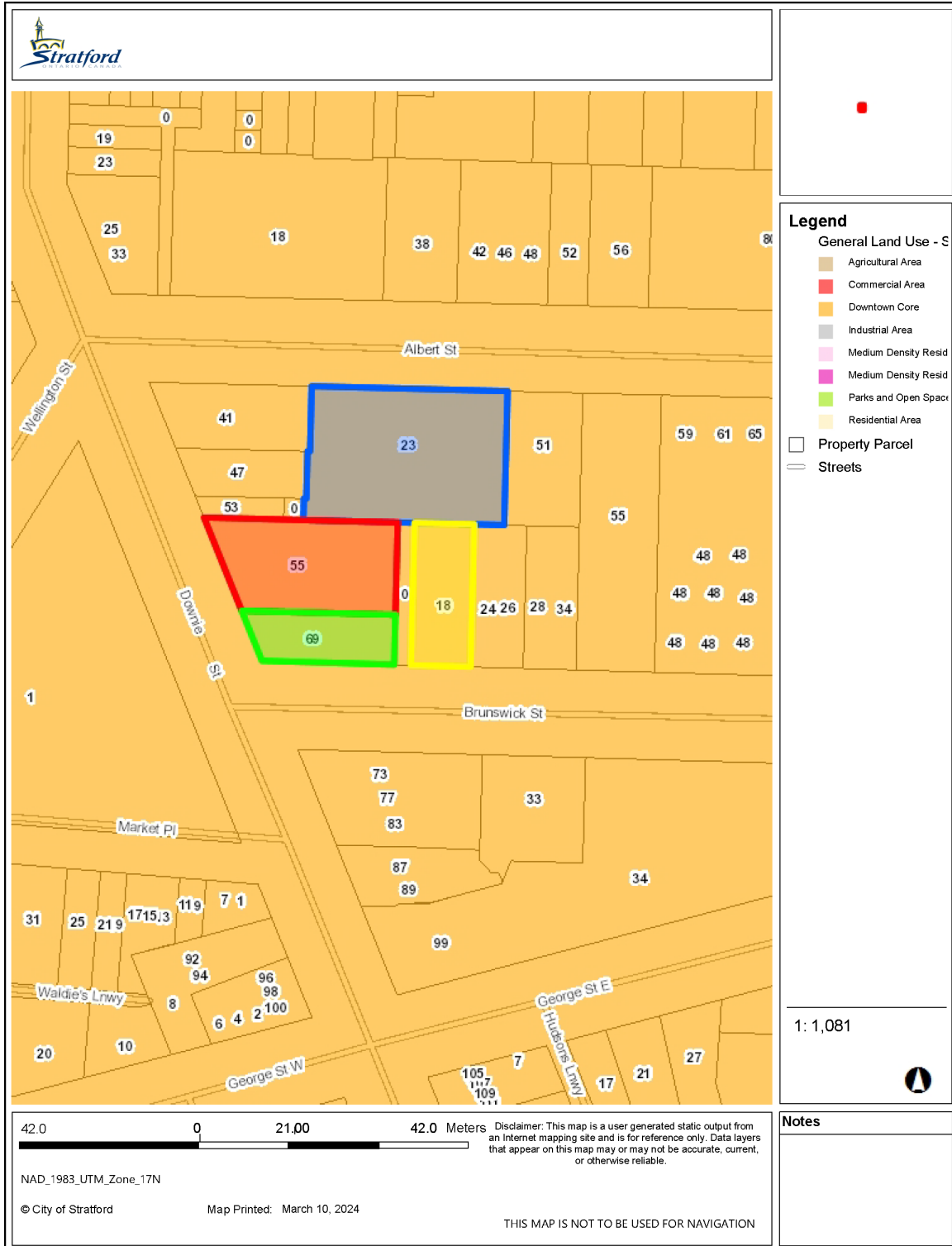
Map 1 – Existing Zoning and Location Map
File #B02-24 & A10-24
Theocharis Brothers Properties Inc.



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



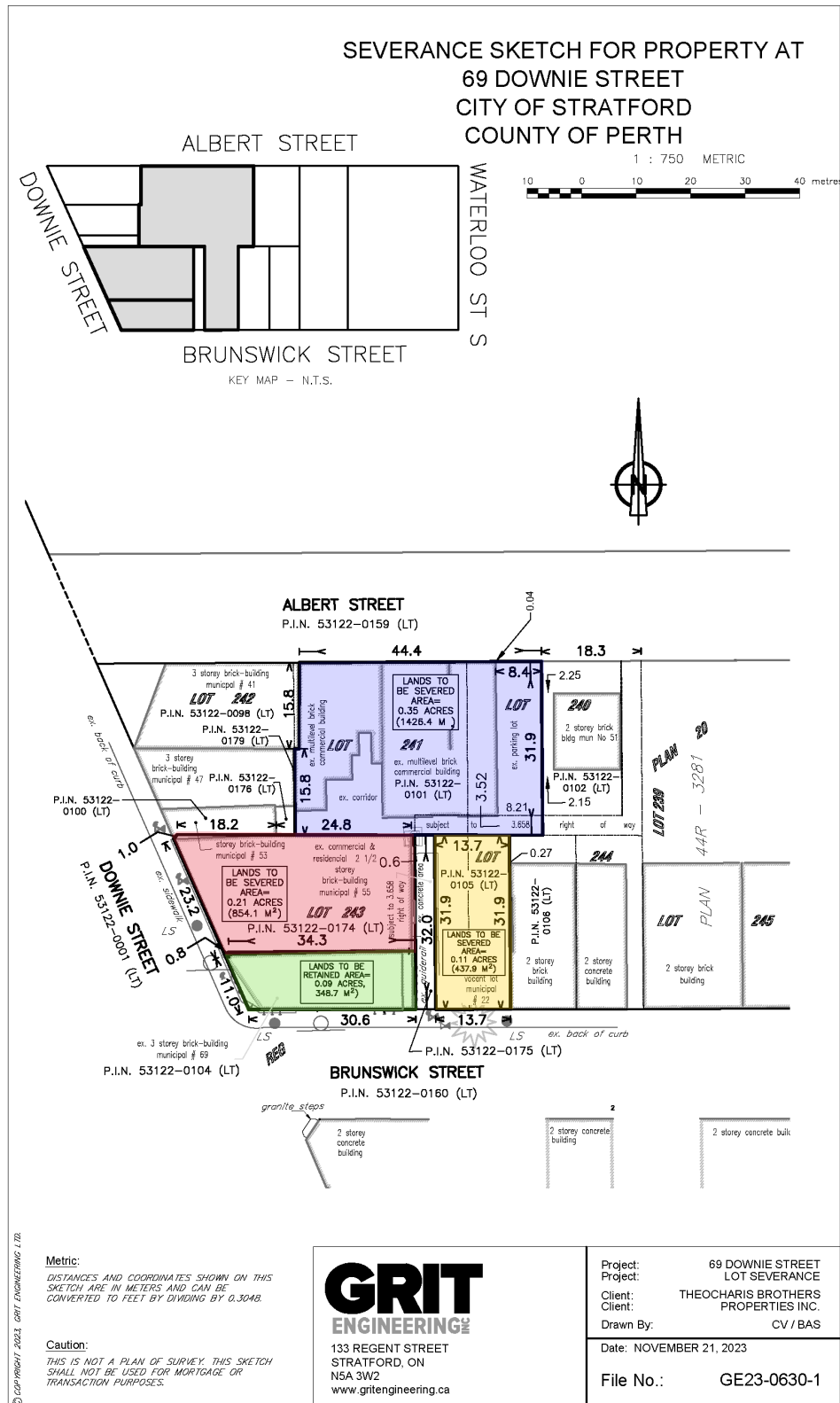
Map 3 – Official Plan Map
File #B02-24 & A10-24
Theocharis Brothers Properties Inc.



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.**



**ADDENDUM
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**

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

A Staff Report regarding the subject Consent Application (B03-24) and Minor Variance Application (A11-24) was prepared for the subject lands at 71 Wellington Street, 75 Wellington Street, and 43 Market Place in the City of Stratford (the "First Report"). The First Report is included in the Committee of Adjustment Agenda package for the March 20th, 2024 meeting.

The First Report provided a policy analysis of the Consent Application referencing the Provincial Policy Statement, Stratford Official Plan, and Stratford Zoning Bylaw. Ultimately, the First Report recommended that the applications be deferred based on the comments received from commenting agencies. The following reasoning was provided in the First Report:

- 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.

City Staff maintain the position to defer the application for the reasoning provided in the First Report.

Following the finalization of the First Report, City Staff met with the applicant and agent to discuss the background of the files and the recommended deferral. The applicant and agent provided additional information on previous discussions with the City on how to approach the applications given concerns with encroachments, servicing, strata plans, and Ontario Building Code compliance, among others. These previous discussions occurred with Staff who are no longer working with the City of Stratford and concluded that the intended approach was to satisfy all concerns as conditions of approval. As a result of this meeting, Staff have prepared this report (the "Subsequent Report") to advise the Committee of Adjustment of conditions of approval that should be required if the Committee decides to approve the applications.

Please note, Staff maintain the position to defer the application based on the analysis and reasoning provided in the First Report. This Subsequent Report has been prepared should the Committee decide to support the applications.

Evaluation of Consent

The evaluation of consent application B03-24 provided in the First Report is maintained.

Conditions of Consent Approval

This section reviews the conditions of approval that should be included for consent application B03-24 should the Committee approve the applications. This section outlines the origin of each condition of approval, and references the comments received on this application as included in the First Report. All conditions of approval would be required to be satisfied prior to the stamping of the deeds.

The following conditions of approval for consent application B03-24 are from the comments provided by the City of Stratford's Building Division on the subject applications:

1. THAT the applicant provide confirmation and sign off from a licensed Ontario Architect that the existing building is in compliance with the existing fire safety, ingress requirements, and egress requirements of the Ontario Building Code, to the satisfaction of the Chief Building Official;
2. THAT the applicant provide documentation, as signed off by a Professional Engineer, confirming that the existing services for each building on the subject lands are wholly contained within each proposed parcel, and that where any services are not wholly contained within a proposed parcel, the appropriate easements and / or agreements be executed, to the satisfaction of the Chief Building Official and Manager of Engineering Services;
3. THAT the applicant provide a Strata Plan denoting the proposed property lines on each floor of the buildings, and that also includes floor plans and sections for each floor, to the satisfaction of the Chief Building Official;

The following conditions of approval for consent application B03-24 are from the comments provided by the City of Stratford's Engineering Division on the subject applications:

4. THAT the applicant provide an undertaking to confirm the following to the satisfaction of the Manager of Engineering Services:
 - a. all connections required to City infrastructure and services will be completed by City forces;
 - b. all estimates generated by Engineering Services relating to the required connections to City infrastructure are the responsibility of the property owner for payment; and
 - c. all private service connection details will be provided to the Manager of Engineering Services once installed;
5. THAT the applicant provide confirmation that all required deposits for any and all works required in the City of Stratford's Right-of-Way have been conveyed to the City of Stratford, to the satisfaction of the Manager of Engineering Services and prior to the issuance of building permits;
6. THAT the applicant provide proof that any easements and / or agreements required to recognize any building or structure encroachments have been executed, to the satisfaction of the Manager of Engineering Services and the Chief Building Official;
7. THAT the applicant provide proof that any easements and / or agreements required to recognize any encroachments for accessory items, accessory structure, appurtenances, furniture, or otherwise have been executed, to the satisfaction of the Manager of Engineering Services and the Chief Building Official;

The following conditions of approval for consent application B03-24 are from the comments provided by Festival Hydro on the subject applications:

8. THAT the applicant provide confirmation that any customer-owned hydro assets used to supply electricity to other properties have the appropriate access and maintenance permissions, to the satisfaction of the Manager of Planning Services;

Enbridge Gas was circulated on the subject consent and minor variance applications, however did not provide comments. As no comments have been received, and as a result of the servicing conditions provided by the Building Division, Engineering Division, and Festival Hydro, Planning Staff would recommend the following condition of approval for consent application B03-24:

9. THAT the applicant provide confirmation that the properties at 71 Wellington Street, 75 Wellington Street, and 43 Market Place have individual gas service connections, to the satisfaction of the Manager of Planning Services and Manager of Engineering Services;

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, Planning Staff would recommend the following condition of approval for consent application B03-24:

10. THAT the applicant obtain, and provide to the City, Certificates of Compliance with the City of Stratford's Property Standards Bylaw for the properties at 71 Wellington Street, 75 Wellington Street, and 43 Market Place, to the satisfaction of the Manager of Planning;

Evaluation of 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). As such, should consent application B03-24 be approved and the aforementioned conditions fulfilled, the associated minor variance application A11-24 could meet the four tests of a minor variance.

Please note, the below evaluation of minor variance application A11-24 is provided in the context of consent application B03-24 being approved and the aforementioned conditions implemented. Should consent application B03-24 be deferred or refused, this evaluation is no longer applicable.

Is the 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. It is not expected that the proposed variance will adversely impact the character of the area or the ability of adjacent property owners to use their properties in accordance with the Zoning Bylaw. Therefore, the variance is minor should the conditions of approval for consent application B03-24 be fulfilled.

Is the variance desirable for the appropriate development or use of the land?

The proposed variance would recognize the areas and frontages of the parcels and sever the properties to allow them to function individually. This would also allow the properties to be of similar size to surrounding properties. Therefore, the variance is desirable for the appropriate use of the land, should the conditions of approval for consent application B03-24 be fulfilled.

Does the variance maintain the general intent of the Zoning Bylaw?

The existing use of the subject lands are compliant with the C3 zone in the Zoning Bylaw. 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 C3 zone also states that the minimum lot area and minimum lot frontage are to be the same as they were on the date of passage of the Zoning Bylaw. 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. Therefore, the

variance maintains the general intent of the Zoning Bylaw, should the conditions of approval for consent application B03-24 be fulfilled.

Does the variance maintain the general intent of the Official Plan?

The subject lands are all designated Downtown Core in the Official Plan. The existing uses are compliant with the Downtown Core designation. The Downtown Core designation promotes and supports compact development and an efficient use of land. The subject minor variance would divide the merged parcel into three smaller, more compact parcels to encourage the intensive use of each property. Therefore, the variance maintains the general intent of the Official Plan, should the conditions of approval for consent application B03-24 be fulfilled.

Conditions of Minor Variance

In order to ensure the minor variance application is not established independent of the proposed consent, a condition of approval for the minor variance should be implemented to require the conditions of approval for B03-24 be fulfilled before the minor variance could be finalized. The following condition of approval is recommended for minor variance application A11-24:

1. THAT the applicant provide written confirmation of the finalization and registration of consent application B03-24 for 71 Wellington Street, 75 Wellington Street, and 43 Market Place.

Alternate Recommendation

This alternate recommendation is provided to the Committee of Adjustment should they choose to approve consent application B03-24 and minor variance application A11-24.

The alternate recommendation is as follows:

THAT the City of Stratford Committee of Adjustment APPROVE Application B03-24 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, subject to the following conditions:

1. THAT prior to the issuance of the Certificates of Consents under Section 53(42) of the Planning Act, the applicant fulfill all conditions of approval for consent application B03-24, and that the fulfillment of these conditions is completed within two years of the date of the mailing of the decision for application B03-24;
2. THAT the applicant provide confirmation and sign off from a licensed Ontario Architect that the existing building is in compliance with the existing fire safety, ingress requirements, and egress requirements of the Ontario Building Code, to the satisfaction of the Chief Building Official;
3. THAT the applicant provide documentation, as signed off by a Professional Engineer, confirming that the existing services for each building on the subject lands are wholly contained within each proposed parcel, and that where any services are not wholly contained within a proposed parcel, the appropriate easements and / or agreements be executed, to the satisfaction of the Chief Building Official and Manager of Engineering Services;
4. THAT the applicant provide a Strata Plan denoting the proposed property lines on each floor of the buildings, and that also includes floor plans and sections for each floor, to the satisfaction of the Chief Building Official;
5. THAT the applicant provide an undertaking to confirm the following to the satisfaction of the Manager of Engineering Services:
 - d. all connections required to City infrastructure and services will be completed by City forces;
 - e. all estimates generated by Engineering Services relating to the required connections to City infrastructure are the responsibility of the property owner for payment; and
 - f. all private service connection details will be provided to the Manager of Engineering Services once installed;
6. THAT the applicant provide confirmation that all required deposits for any and all works required in the City of Stratford's Right-of-Way have been conveyed to the City of Stratford, to the satisfaction of the Manager of Engineering Services and prior to the issuance of building permits;
7. THAT the applicant provide proof that any easements and / or agreements required to recognize any building or structure encroachments have been

executed, to the satisfaction of the Manager of Engineering Services and the Chief Building Official;

8. THAT the applicant provide proof that any easements and / or agreements required to recognize any encroachments for accessory items, accessory structure, appurtenances, furniture, or otherwise have been executed, to the satisfaction of the Manager of Engineering Services and the Chief Building Official;
9. THAT the applicant provide confirmation that any customer-owned hydro assets used to supply electricity to other properties have the appropriate access and maintenance permissions, to the satisfaction of the Manager of Planning Services;
10. THAT the applicant provide confirmation that the properties at 71 Wellington Street, 75 Wellington Street, and 43 Market Place have individual gas service connections, to the satisfaction of the Manager of Planning Services and Manager of Engineering Services;
11. THAT the applicant obtain, and provide to the City, Certificates of Compliance with the City of Stratford's Property Standards Bylaw for the properties at 71 Wellington Street, 75 Wellington Street, and 43 Market Place, to the satisfaction of the Manager of Planning;
12. THAT arrangements be made with, and to the satisfaction of, the City of Stratford Finance Division for the payment of any outstanding Municipal property taxes;
13. THAT the applicant provide to the City a copy of the deposited reference plan in an electronic format compatible with the latest version of AutoCAD referenced to NAD83 UTM Zone 17 Horizontal Control Network for the City of Stratford. This Reference Plan shall be created from survey information utilizing the City's Survey Control Network. It is the responsibility of the applicant to obtain the necessary Reference Sketches and associated information required to complete the survey from the City.
14. THAT for the purposes of satisfying any of the above conditions, the Owner shall file with the City of Stratford a complete submission consisting of all required clearances and final plans, and to advise the City of Stratford in writing how each of the conditions has been satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required

by The City of Stratford, such submission will be returned to the Owner without detailed review by the City.

THAT the City of Stratford Committee of Adjustment APPROVE 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, subject to the following conditions:

1. THAT the applicant provide written confirmation of the finalization and registration of consent application B03-24 for 71 Wellington Street, 75 Wellington Street, and 43 Market Place.

AND THAT Minor Variance A11-24, if approved by the City of Stratford Committee of Adjustment, be applicable to lands municipally described as 71 Wellington Street, 75 Wellington Street, and 43 Market Place in the City of Stratford, as it relates to the following portions of the City of Stratford's Zoning Bylaw:

1. Table 7.4 – Regulations in the Commercial Zone, to set the minimum lot areas and frontages as outlined below:
 - a. 71 Wellington Street – the minimum lot area is 155.4 square metres and the minimum lot frontage is 8.6 metres.
 - b. 75 Wellington Street – the minimum lot area is 168.2 square metres and the minimum lot frontage is 6.1 metres.
 - c. 43 Market Place – the minimum lot area is 348.0 square metres and the minimum lot frontage is 13.1 metres.

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

Prepared By

Reviewed By


Recommended By



Robyn McIntyre
BES
Consulting Planner



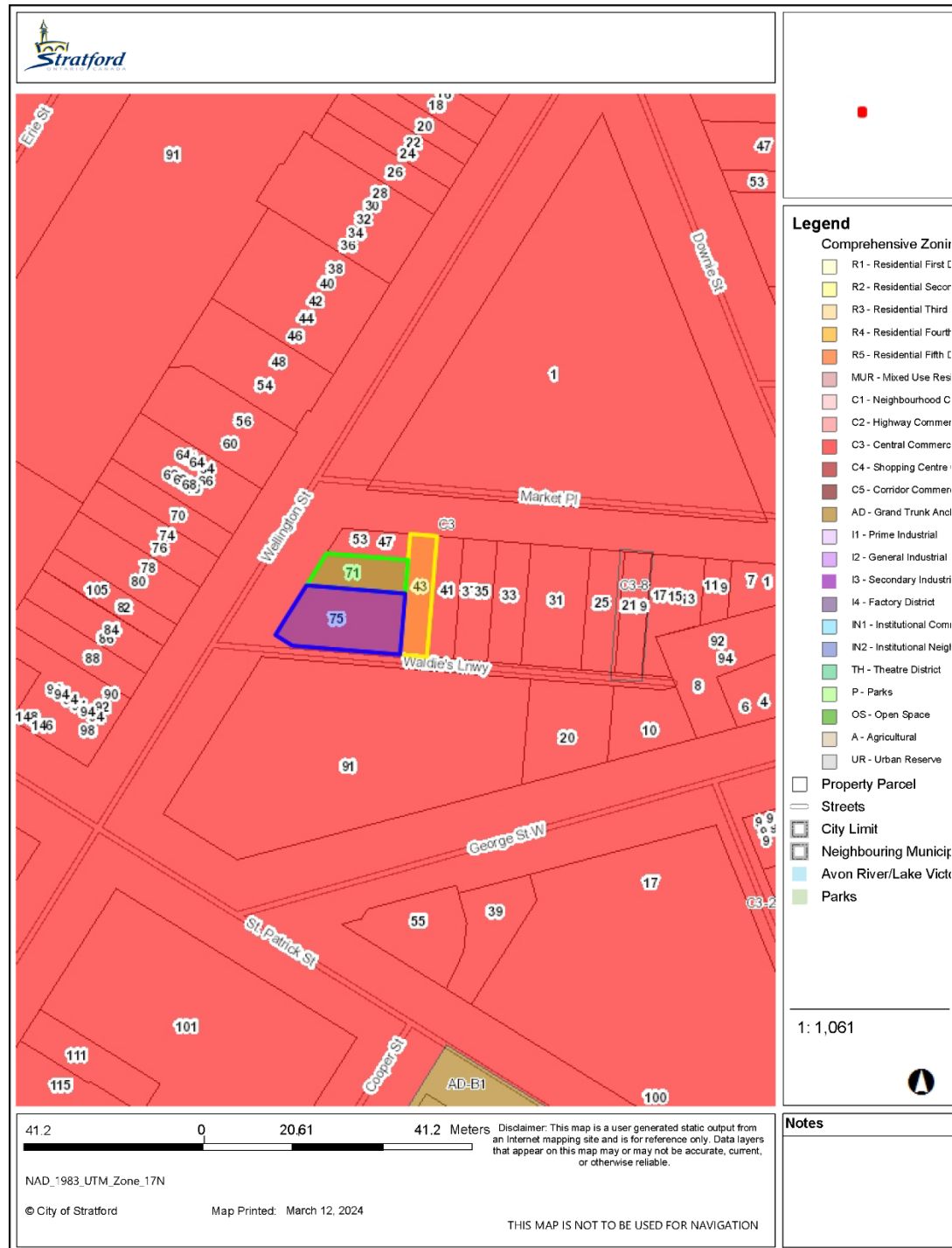
Pierre Chauvin
MA, MCIP, RPP
Consulting Planner



Adam Betteridge
MCIP, RPP
Director of Building & Planning

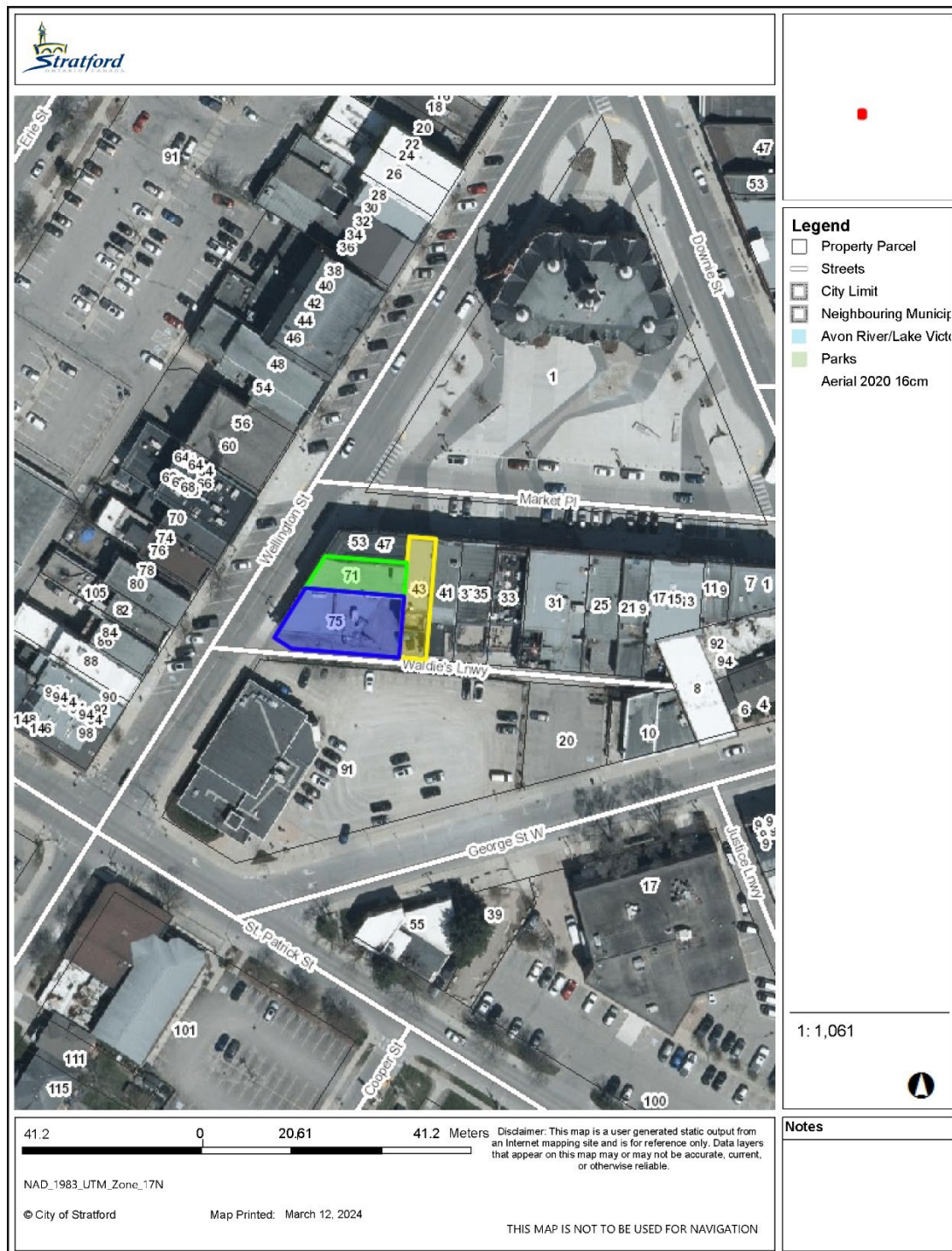
Report finalized: March 19, 2024

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



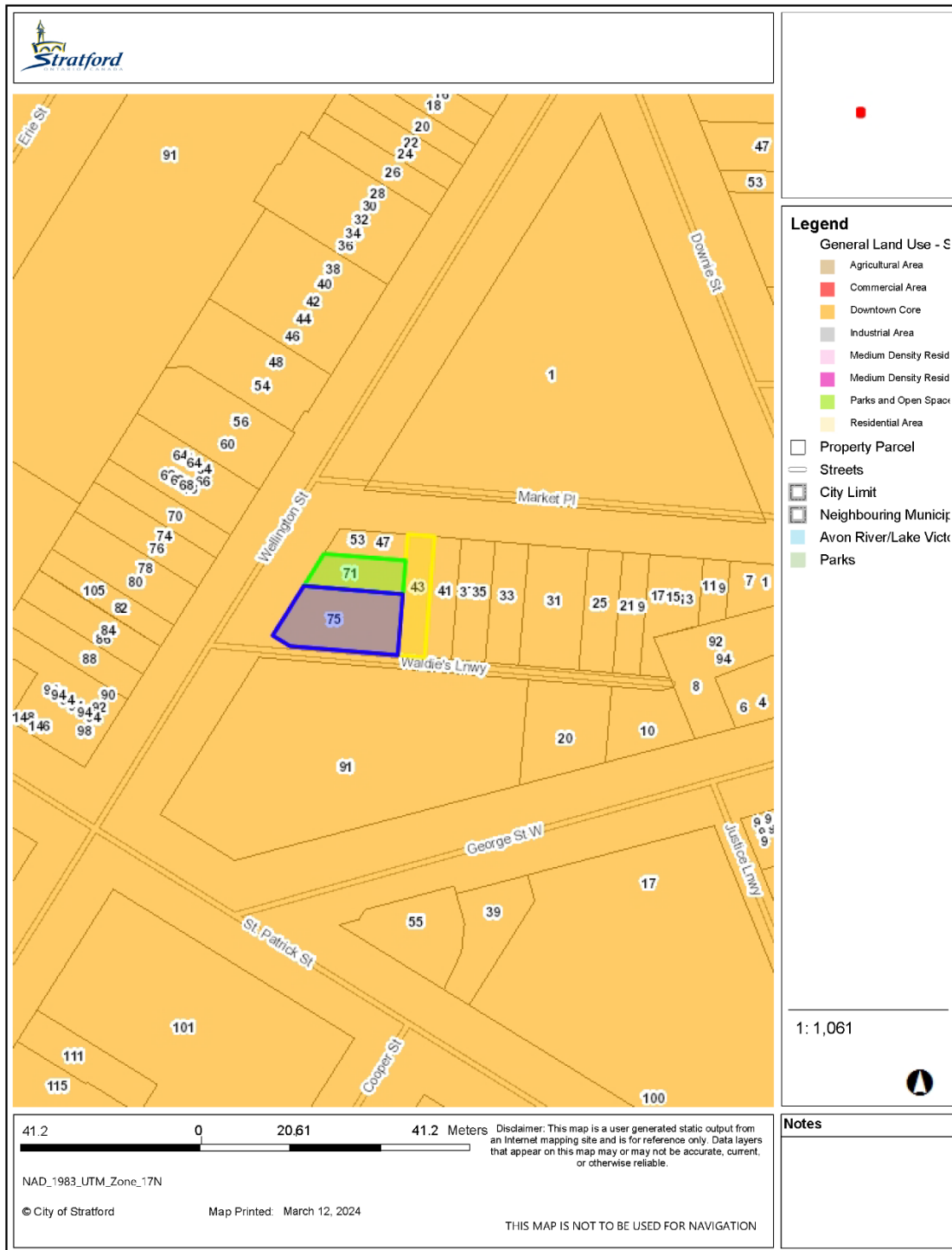
Retained Parcel is outlined in blue (75 Wellington); Severed Parcel A is outlined in green (71 Wellington); and Severed Parcel B is outlined in yellow (43 Market).

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



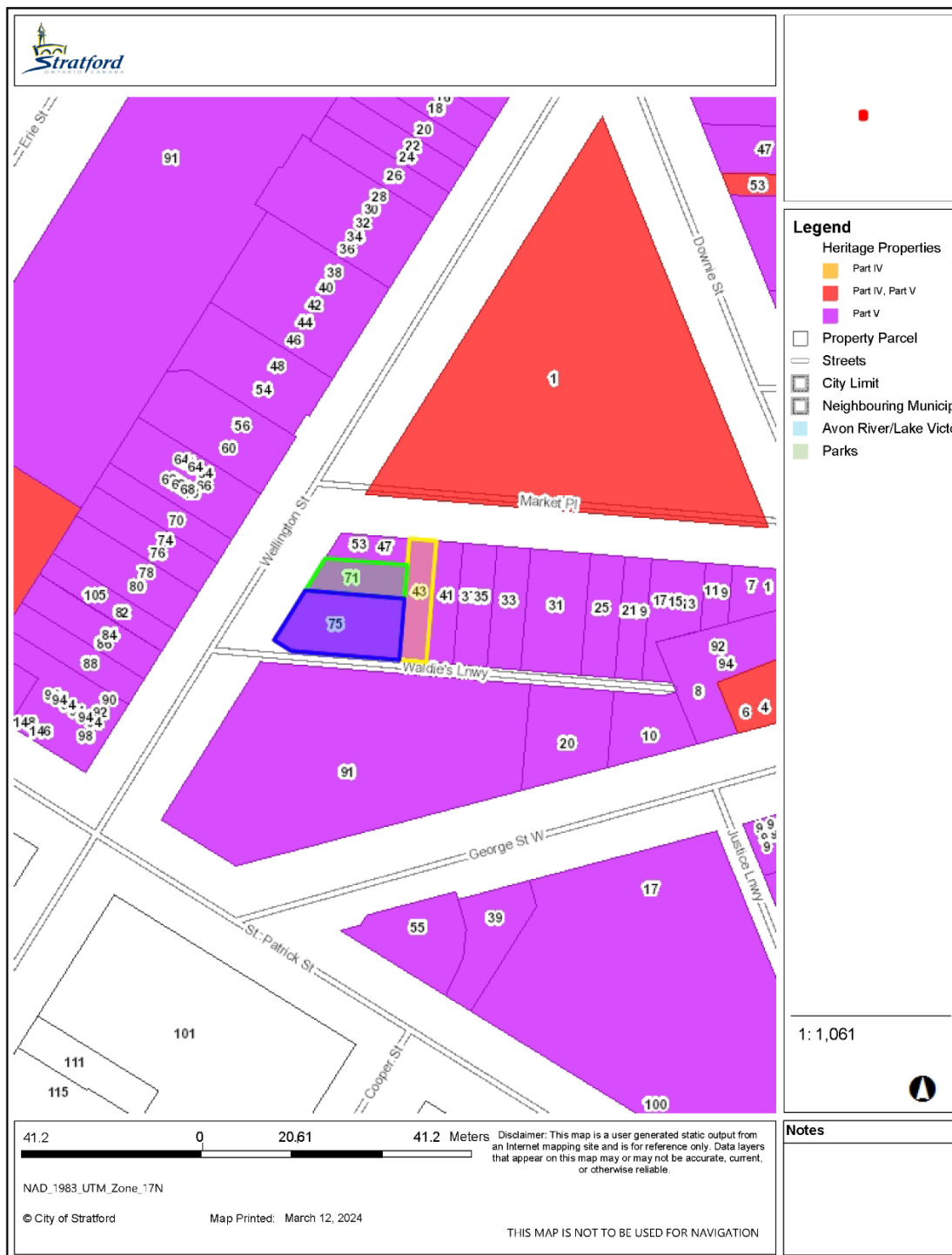
Retained Parcel is outlined in blue (75 Wellington); Severed Parcel A is outlined in green (71 Wellington); and Severed Parcel B is outlined in yellow (43 Market).

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



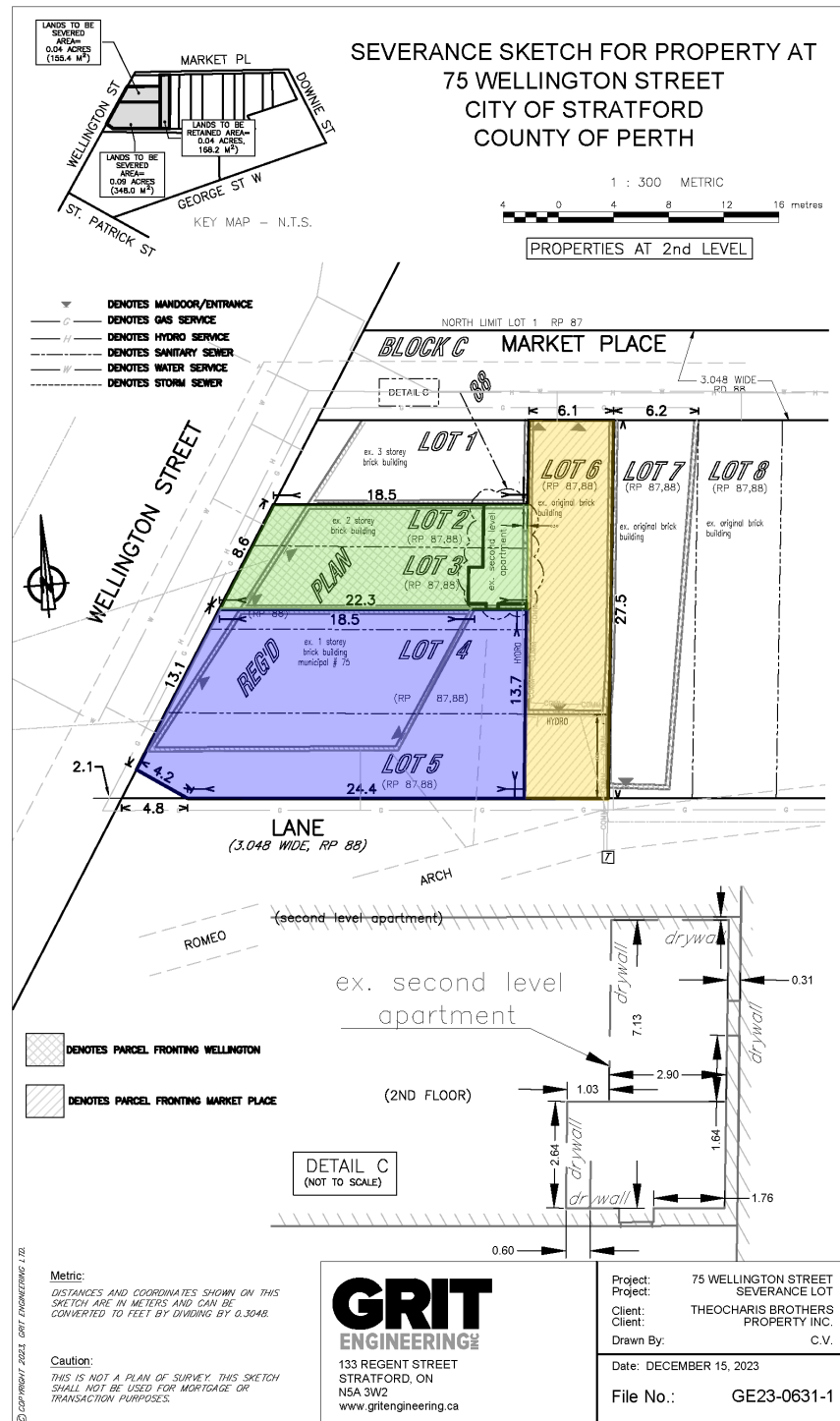
Retained Parcel is outlined in blue (75 Wellington); Severed Parcel A is outlined in green (71 Wellington); and Severed Parcel B is outlined in yellow (43 Market).

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



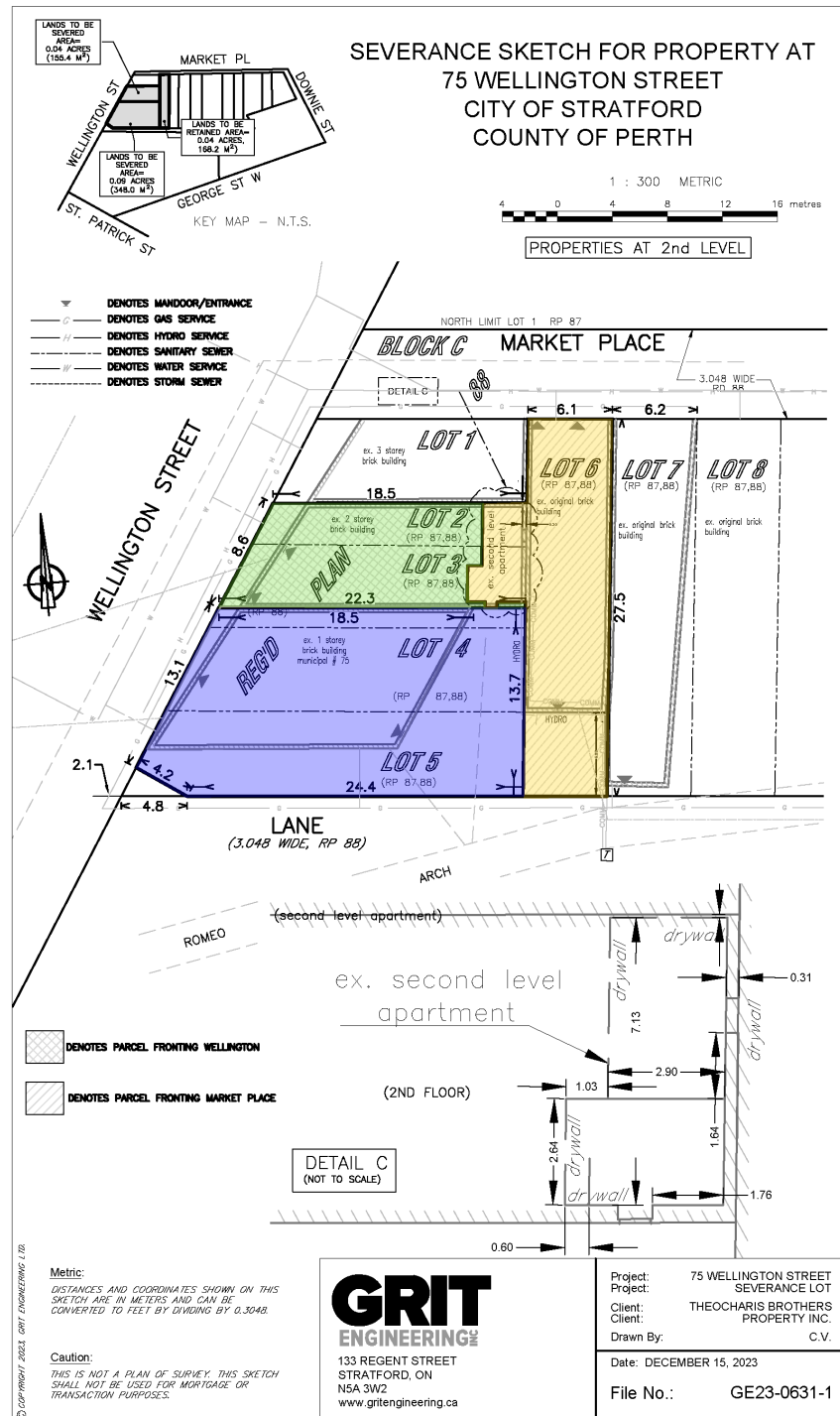
Retained Parcel is outlined in blue (75 Wellington); Severed Parcel A is outlined in green (71 Wellington); and Severed Parcel B is outlined in yellow (43 Market).

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).