



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, May 15, 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, Urja Modi – Consulting Planner, Robyn McIntyre – Consulting Planner, Miranda Franken – Recording Secretary

1. Call to Order

The Chair called 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

No disclosures of pecuniary interest were made by a member at the May 15, 2024, Committee of Adjustment meeting.

3. Adoption of the Previous Minutes

Motion by: C. Gordon

Seconded by: J. Nigro

THAT the minutes from the Stratford Committee of Adjustment meeting dated April 17, 2024 be adopted as printed.

Carried.

4. Current Applications

4.1 A10-24 & B02-24 - 55 & 69 Downie Street, 23 Albert Street, and 18 Brunswick

Owner: Theocharis Brothers Properties Inc.

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

Request: 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.

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.

Agency Comments:

These consent and minor variance applications were originally circulated to agencies for comments on February 28th, 2024. The comments received were reflected in the Staff Report and Addendum Report prepared for the March 20th Committee of Adjustment Meeting. Some comments resulting from the February 28th circulation are to be addressed as conditions of approval. As such, where applicable, these comments have been included under subheadings "ORIGINAL CIRCULATION".

The applications were recirculated to agencies for comments on April 19th, 2024, with comments being due on May 1st, 2024. The comments received are outlined below, under the subheadings "SUBSEQUENT CIRCULATION" as follows:

City of Stratford, Fire Prevention:

ORIGINAL CIRCULATION – No concerns.

SUBSEQUENT CIRCULATION – No concerns.

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

ORIGINAL CIRCULATION – No concerns.

SUBSEQUENT CIRCULATION – No concerns.

Enbridge Gas:

ORIGINAL CIRCULATION – No comments provided.

SUBSEQUENT CIRCULATION – Enbridge Gas Inc. does have service lines running within the area which may or may not be affected by the proposed severance. Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the District Office.

City of Stratford, Clerks Division:

ORIGINAL CIRCULATION – No comments provided.

SUBSEQUENT CIRCULATION – No comments provided.

City of Stratford Building and Planning Services Department, Building

Division:**ORIGINAL CIRCULATION** – Conditions of the Consent B02-24:

- 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. An 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.

ORIGINAL CIRCULATION – Minor Variance A10-24

- No concerns from Building regarding the proposed Minor Variance.

SUBSEQUENT CIRCULATION – Comments remain the same as those provided on the Original Circulation, with the following additions:

- Condition 1 – Encroachment of structures over Municipal property require Encroachment Agreements to be completed and registered on title prior to the finalization of the consent to the satisfaction of the Director of Building & Planning.
- Condition 2 – That the applicant provide a Building Assessment Report and Drawings, signed off by an Architect, Licensed in the Province of Ontario, which demonstrate that the existing buildings conform to building fire safety, exiting and egress requirements of the Ontario Building Code, to the satisfaction of the Chief Building Official.
- Condition 3 – Easements will be required to be completed for any internal building services that cross proposed property lines, and any shared service spaces/rooms that will require access from both parties prior to the finalization of the consent.
- Condition 4 – Easements will be required to be completed for any access required to be provided for exiting/egress between adjacent buildings prior to the finalization of the consent, to the satisfaction of the Chief Building Official.
- Condition 5 – That the conditions of the existing Fire Order on the property municipally known as 23 Albert St be completed to the satisfaction of the Fire Prevention Officer.
- Condition 6 – 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.
- Condition 7 – That all open Building Permits for the properties municipally known

as 55 Downie Street, 69 Downie Street, 23 Albert St, and 18 Brunswick St are finalized to the satisfaction of the Chief Building Official.

- Specific comments were provided on the POW Architecture Drawings, as follows:
 - Building Assessment Report to be completed to outline review of existing building for conformance with the OBC,
 - Building Sections to be provided,
 - Existing Construction is required to be verified not the minimum required under the Building Code, Architect to provide in Condition Assessment wall and floor separations provided,
 - Life/Fire Safety Systems to be reviewed and determine location of shared services areas (ie. Sprinkler Rms, Mech Rms, Annunciator Panel Locations etc.) – condition outlined in item 3,
 - Sprinkler & Fire Alarm are shared throughout 69 & 55 Downie St., any service pipes that cross property lines are required to be accessible to both parties, and any service rooms will require access to both parties.
 - Depending on access – are any upgrades required to the existing systems (ie. Additional annunciator panels etc.)
 - Denote the locations of all service equipment on the floor plans (sprinkler location, services rooms, fire alarm panels etc.)
- Denote Fire Alarm Panel locations on plans,
- Denote proposed property line locations on plans,
- Architect to confirm Building Area and Firewall Locations,
- Travel Distances to be denoted on Floor Plans,
- Architect to confirm the 2nd floor exiting:
 - Dead end corridor created on 55 Downie St side, unless access to neighbouring building of 69 Downie St is being provided. If so, easement agreement as outlined in comment 4 required to be provided.
 - Third Floor of 55 Downie St has been left with 1 exit with the creation of new property lines. Architect to review and determine 1 exit is sufficient or if horizontal exit is being provided to 69 Downie St required to be outlined on plans/assessment and easements are required to be obtained as outlined in comment 4.
- Closures and ratings are required to be confirmed on all openings, and,
- No review of 23 Albert St has been provided.

City of Stratford Infrastructure Services Department, Engineering Division:

ORIGINAL CIRCULATION – 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 the City. 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.

SUBSEQUENT CIRCULATION - All sanitary, storm and water connections for each property shall be individual services. Applicant to use plumber to provide drawings showing actual layout of 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.

- As per comments emailed by Nathan Bottema to Robyn McIntyre on April 22nd requesting further information from property owner:
 - 23 Albert St: existing water, requires sanitary and storm.
 - As per City Policy P.3.2 - Encroachment Policy, the property owner will be required to enter into an Encroachment Agreement with the City of Stratford for the existing canopy located within the City right of way. A Reference Plan submission will be required for final review of the Encroachment Agreement conditions.
 - 22 Brunswick St: requires sanitary, storm and water.
 - 55 Downie St: existing sanitary and water, requires storm.
 - 69 Downie St: existing water, requires sanitary and storm.

City of Stratford Infrastructure Services Department, Water Division:

ORIGINAL CIRCULATION – No comments provided.

SUBSEQUENT CIRCULATION – Included with Engineering comments.

Festival Hydro:

ORIGINAL CIRCULATION – Festival Hydro has underground infrastructure, including a pad mount 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.

SUBSEQUENT CIRCULATION – As noted originally, it is strongly recommended that as part of the severances, some type of agreements or private easements are created to note that the electrical servicing for each individual property. Any future service upgrades or changes will have a requirement for this.

- *Staff Note: Planning Staff spoke with Festival Hydro to discuss the comments provided on this application. Through this conversation, Staff confirmed that once a hydro wire extends from the main line (owned by Festival Hydro), then the wire is owned by the property owner for the lands which the wire services. Therefore, if this infrastructure (wires) crosses over another property, the appropriate permissions and agreements are required to access and maintain the infrastructure (wires) at any given time.*
- *Festival Hydro has indicated that there is some infrastructure (wires) crossing through the subject lands. The subject lands are all presently a single property and are all owned by one corporation. As such, having the wires crossing through the site is not currently an issue. However, the proposal would sever the lands and create individual parcels. When the individual parcels are created, any hydro service lines that cross property lines would cause concern.*
- *As such, Staff have included a condition to request that the applicant map and identify the specific hydro infrastructure (i.e. wires) and provide the easements and agreements in place to ensure that each property has appropriate access and maintenance permissions.*

Upper Thames River Conservation Authority:

ORIGINAL CIRCULATION – No comments provided.

SUBSEQUENT CIRCULATION – No comments provided.

Public Comments: No public comments received.

R. McIntyre provided an overview of the application, agency comments included in the report and the staff recommendation for approval of the application. Background was noted, being that the application was deferred to meet the requirement to gather additional information on encroachments prior to the subsequent circulation and this requirement has been satisfied. Noted that conditions 7, 8 and 9 are duplicates of conditions 10, 11 and 12 due to a clerical error and as follows, clearing condition 7 will also clear condition 10 and so forth.

In response to questions from the Committee, R. McIntyre noted that conditions from the first circulation are maintained with the exception of the provision to address the encroachment as part of the deferral.

The applicant was given an opportunity to provide comments.

Catherine McCorquodale – Agent

C. McCorquodale indicated the applicants are happy with the recommendations of staff and working to satisfy the conditions.

Questions were then opened to the Committee.

None were made.

Questions were the opened to the public.

None were made.

The Chair called the motion on Consent application B02-24.

Decision of the Committee

Moved by: C. Gordon

Seconded by: J. Nigro

THAT Application B02-24, submitted by Monteith Ritsma Phillips PC (c/o Matthew Orchard) on behalf of Theocharis Brothers Properties Inc. in the City of Stratford, 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, per the comments provided by the Building Division, the applicant provide a Building Assessment Report and Drawings signed off by an Architect which demonstrate that the existing buildings confirm to building fire safety, exiting, and egress requirements of the Ontario Building Code, to the satisfaction of the Chief Building Official;
3. THAT, per the comments provided by the Building Division, the applicant provide proof that easements have been registered on title and/or agreements have been executed for any services within the subject lands that cross property lines to ensure the lands benefitting from the services have the appropriate access, to the satisfaction of the Chief Building Official;
4. THAT, per the comments provided by the Building Division, the applicant provide proof that easements have been registered on title for any exists or egresses to adjacent buildings, to the satisfaction of the Chief Building Official;
5. THAT, per the comments provided by the Building Division, 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;
6. THAT, per the comments provided by the Building Division, 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;
7. THAT, per the comments provided by the Building Division, the conditions of the existing Fire Order on the property municipally known as 23 Albert St be completed to the satisfaction of the Fire Prevention Officer;
8. THAT, per the comments provided by the Building Division, 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, per the comments provided by the Building Division, all open Building Permits for the properties municipally known as 55 Downie Street, 69 Downie Street, 23 Albert St, and 18 Brunswick St are finalized to the satisfaction of the Chief Building Official.
10. THAT, per the comments provided by the Building Division, 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;
11. THAT, per the comments provided by the Building Division, 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;

12. THAT, per the comments provided by the Building Division, 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;
13. THAT, per the comments provided by the Engineering Division, the applicant provide drawings for each proposed property which map the actual layout of the services existing within each building, to the satisfaction of the Manager of Engineering;
14. THAT, per the comments provided by the Engineering Division, the applicant install any private service connections, and coordinate the installation of any municipal service connections, required by the Engineering Division, and that confirmation of these installations be provided to the satisfaction of the Manager of Engineering;
15. THAT, per the comments provided by the Engineering Division, 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;
16. THAT, per the comments provided by Festival Hydro, the applicant provide confirmation that a blanket easement has been established in favour of Festival Hydro over the property municipally known as 23 Albert Street, to the satisfaction of the Director of Building and Planning Services;
17. THAT, per the comments provided by Festival Hydro, the applicant map any hydro services and/or infrastructure which crosses the proposed property lines and identifies these hydro services and/or infrastructure on a hydro servicing plan to the satisfaction of the Manager of Planning Services;
18. THAT, per the comments provided by the Building Division, Engineering Division, and Festival Hydro, the applicant provide confirmation that the appropriate access and maintenance easements have been conveyed and/or agreements have been executed for each service which crosses any of the proposed property lines, to the satisfaction of the Director of Building and Planning Services,
19. THAT, per the comments provided by Enbridge Gas Inc., 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 Director of Building and Planning Services;
20. THAT, in order to address the heritage policies of the Official Plan, the applicant obtain and provide 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 Director of Building and Planning Services;

21. 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;
22. 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;
23. 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.
24. THAT minor variance application A10-24.

Be approved.

Carried.

Reason for decision: Public input has been received and no further notice is required.

The Chair called the motion on Minor Variance application A10-24.

Moved by: J. Nigro

Seconded by: C. Gordon

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, 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 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 reduced from 3,067.1 square metres to 348.7 square metres and the minimum lot frontage is reduced from 92.3 metres to 11 metres.
- b. 69 Downie Street – the minimum lot area is reduced from 3,067.1 square metres to 854.1 square metres and the minimum lot frontage is reduced from 92.3 metres to 23.2 metres.
- c. 23 Albert Street – the minimum lot area is reduced from 3,067.1 square metres to 1,426.4 square metres and the minimum lot frontage is reduced from 92.3 metres to 44.4 metres.
- d. 18 Brunswick Street – the minimum lot area is reduced from 3,067.1 square metres to 437.9 square metres and the minimum lot frontage is reduced from 92.3 metres to 13.7 metres.

AND THAT no further notice is required under Section 45(5) of the Planning Act.

Be approved.

Carried.

Reason for decision: The application is desirable for the neighbourhood, and is keeping with the fabric of the downtown core.

A. Mishra arrived.

4.2 A11-24 & B03-24 - 71 & 75 Wellington Street and 43 Market Place

Owner: Theocharis Brothers Properties Inc.

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

Request: The purpose and effect of application B03-24 is to recreate three previously existing lots that have merged on title. The severed lands are 71 Wellington Street and 75 Wellington Street. The retained lands are 43 Market Place.

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.

Agency Comments:

These consent and minor variance applications were originally circulated to agencies for comments on February 28th, 2024. The comments received were reflected in the Staff Report and Addendum Report prepared for the March 20th Committee of Adjustment Meeting. Some comments resulting from the February 28th circulation are to be addressed as conditions of approval. As such, where applicable, these comments have been included under subheadings "ORIGINAL CIRCULATION".

The applications were recirculated to agencies for comments on April 19th, 2024, with comments being due on May 1st, 2024. The comments received are outlined below, under the subheadings "SUBSEQUENT CIRCULATION" as follows:

City of Stratford, Fire Prevention:

ORIGINAL CIRCULATION – No concerns.

SUBSEQUENT CIRCULATION – No concerns.

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

ORIGINAL CIRCULATION – No concerns.

SUBSEQUENT CIRCULATION – No concerns.

City of Stratford, Clerks Division:

ORIGINAL CIRCULATION – No comments received.

SUBSEQUENT CIRCULATION – No comments received.

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

ORIGINAL CIRCULATION – 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.

ORIGINAL CIRCULATION – Minor Variance A11-24

- No concerns from Building regarding the proposed Minor Variance.

SUBSEQUENT CIRCULATION – Comments remain the same as those provided on the Original Circulation, with the following additions:

- Condition 1 – That the applicant provide a Building Assessment Report and Drawings, signed off by an Architect, Licensed in the Province of Ontario, which demonstrate that the existing buildings conform to building fire safety, exiting and egress requirements of the Ontario Building Code, to the satisfaction of the Chief Building Official.
- Condition 2 – Easements will be required to be completed for any internal building services that cross proposed property lines, and any shared service spaces/rooms that will require access from both parties prior to the finalization of the consent.
- Condition 3 – Strata Plan is required to be registered on title to the satisfaction of the Director of Building & Planning.
- Specific comments were provided on the POW Architecture Drawings, as follows:
 - Building Assessment Report to be completed to outline review of existing building for conformance with the OBC,
 - Building Sections to be provided denoting floor-floor separations,
 - Life/Fire Safety Systems to be reviewed and determine location of shared services areas (ie. Sprinkler Rms, Mech Rms, Annunciator Panel Locations etc.) – condition outlined in item 3,
 - Denote proposed property line locations on plans,
 - Architect to confirm Building Area and Firewall Locations,
 - Travel Distances to be denoted on Floor Plans,
 - Existing Construction is required to be verified not the minimum required under the Building Code, Architect to provide in Condition Assessment wall and floor separations provided,

- Architect to confirm services being shared for 2nd floor apartment of 45 Market Place for 21 Market Place below, covered in condition 2 above,
- Closures and ratings are required to be confirmed on all openings, and,
- Exiting Confirmation: Confirmation of 2nd floor apartment exiting of 45 Market Place, one exit sufficient?

**City of Stratford Infrastructure Services Department, Engineering Division:
ORIGINAL CIRCULATION –**

- 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 the City. 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.

SUBSEQUENT CIRCULATION –

- All sanitary, storm and water connections for each property shall be individual services. Applicant to use plumber to provide drawings showing actual layout of 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.
- As per comments emailed by Nathan Bottema to Robyn McIntyre on April 22nd requesting further information from property owner:
 - 43 & 45 Market Pl: existing sanitary and water, requires storm.
 - 71 & 73 Wellington St: existing sanitary and water, requires storm.
 - As per City Policy P.3.2 – Encroachment Policy, the property owner will be required to enter into an Encroachment Agreement with the City of Stratford for the existing stairs located within the City right of way at 73 Wellington Street. A Reference Plan submission will be required for final review of the Encroachment Agreement conditions.
 - 75 Wellington St: existing sanitary, storm and water services, nothing required.

**City of Stratford Infrastructure Services Department, Water Division:
ORIGINAL CIRCULATION – No comments received.**

SUBSEQUENT CIRCULATION – Included with Engineering comments.

Festival Hydro:

ORIGINAL CIRCULATION – 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.

SUBSEQUENT CIRCULATION – As noted originally, it is strongly recommended that as part of the severances, some type of agreements or private easements are created to note that the electrical servicing for each individual property. Any future service upgrades or changes will have a requirement for this.

- *Staff Note: Planning Staff spoke with Festival Hydro to discuss the comments provided on this application. Through this conversation, Staff confirmed that once a hydro wire extends from the main line (owned by Festival Hydro), then the wire is owned by the property owner for the lands which the wire services. Therefore, if this infrastructure (wires) crosses over another property, the appropriate permissions and agreements are required to access and maintain the infrastructure (wires) at any given time.*
- *Festival Hydro has indicated that there is some infrastructure (wires) crossing through the subject lands. The subject lands are all presently a single property and are all owned by one corporation. As such, having the wires crossing through the site is not currently an issue. However, the proposal would sever the lands and create individual parcels. When the individual parcels are created, any hydro service lines that cross property lines would cause concern.*
- *As such, Staff have included a condition to request that the applicant map and identify the specific hydro infrastructure (i.e. wires) and provide the easements and agreements in place to ensure that each property has appropriate access and maintenance permissions.*

Enbridge Gas Inc.:

ORIGINAL CIRCULATION – No comments received.

SUBSEQUENT CIRCULATION – Enbridge Gas Inc, does have service lines running within the area which may or may not be affected by the proposed severance. Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the District Office.

Upper Thames River Conservation Authority:

ORIGINAL CIRCULATION – No comments received.

SUBSEQUENT CIRCULATION – 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: No public comment received.

R. McIntyre provided an overview of the application, agency comments included in the report and the staff recommendation for approval of the application. Noted, as with the previous application, the application has been submitted by the same applicants with the same intentions, had been deferred to satisfy conditions to gather further information regarding encroachments and having satisfied said conditions, the application is being brought back to Committee.

The applicant was given an opportunity to provide comments.

Catherine McCorquodale – Agent

C. McCorquodale indicated the applicant has no further comment or presentation and as with the previous file the applicant is working to satisfy conditions.

Questions were then opened to the Committee.

None were made.

Questions were opened to the public.

None were made.

The Chair called the motion on Consent Application B03-24.

Decision of the Committee

Moved by: C. Gordon

Seconded by: J. Nigro

THAT 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, per the comments provided by the Building Division, the applicant provide a Building Assessment Report and Drawings signed off by an Architect which demonstrate that the existing buildings confirm to building fire safety, exiting, and egress requirements of the Ontario Building Code, to the satisfaction of the Chief Building Official;
3. THAT, per the comments provided by the Building Division, the applicant provide proof that easements have been registered on title and/or agreements have been executed for any services within the subject lands that cross property lines to ensure the lands benefitting from the services have the appropriate access, to the satisfaction of the Chief Building Official;

4. THAT, per the comments provided by the Building Division, the applicant provide proof that easements have been registered on title and/or agreements have been executed for any rooms that require shared access to ensure that the appropriate owners have access, to the satisfaction of the Chief Building Official;
5. THAT, per the comments provided by the Building Division, 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;
6. THAT, per the comments provided by the Building Division, 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;
7. THAT, per the comments provided by the Building Division, a Strata Plan, as approved by the Chief Building Official, be registered on title for the affected lands, to the satisfaction of the Director of Building and Planning;
8. THAT, per the comments provided by the Engineering Division, the applicant provide drawings for each proposed property which map the actual layout of the services existing within each building, to the satisfaction of the Manager of Engineering;
9. THAT, per the comments provided by the Engineering Division, the applicant install any private service connections, and coordinate the installation of any municipal service connections, required by the Engineering Division, and that confirmation of these installations be provided to the satisfaction of the Manager of Engineering;
10. THAT, per the comments provided by the Engineering Division, 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, per the comments provided by Festival Hydro, the applicant map any hydro services and/or infrastructure which crosses the proposed property lines and identifies these hydro services and/or infrastructure on a hydro servicing plan to the satisfaction of the Manager of Planning Services;
12. THAT, per the comments provided by the Building Division, Engineering Division, and Festival Hydro, the applicant provide confirmation that the appropriate access and maintenance easements have been conveyed and/or agreements have been executed for each service which crosses any of the proposed property lines, to the satisfaction of the Director of Building and Planning Services,
13. THAT, per the comments provided by Enbridge Gas Inc., the applicant provide confirmation that the properties 43 Market Place, 71 Wellington Street, and 75 Wellington Street have individual gas service connections, to the satisfaction of the Director of Building and Planning Services;

14. 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;
15. 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;
16. 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.
17. THAT minor variance application A11-24 be approved.

Be approved.

Carried.

Reason for decision: The application allows for the re-creation of new lots, public input was requested and no further circulation is required.

The Chair called the motion on Minor Variance application A11-24.

Moved by: J. Nigro

Seconded by: C. Gordon

THAT 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, 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 – reduction in the minimum lot area from 671.6 square metres to 155.4 square metres and the reduction in minimum lot frontage from 27.8 metres to 8.6 metres.
- b. 75 Wellington Street – reduction in the minimum lot area from 671.6 square metres to 168.2 square metres and the reduction in minimum lot frontage from 27.8 metres to 6.1 metres.
- c. 43 Market Place –reduction in the minimum lot area from 671.6 square metres to 348.0 square metres and the reduction in minimum lot frontage from 27.8 metres to 13.1 metres.

AND THAT no further notice is required under Section 45(5) of the Planning Act.

Be approved.

Carried.

Reason for decision: No public input was received, does not impact the character of downtown core and it recognizes existing built forms.

4.3 A15-24 & B05-24 – 161 Nelson Street

Owner: Heinz Reiter

Agent: 1000823610 Ontario Inc.

Request: The purpose and effect of application B05-24 is to sever a 461.8 square-metre area of the subject lands to create a new residential lot. The purpose and effect of application A15-24 is to reduce the minimum side yard width to facilitate the development of a semi-detached dwelling on the subject lands.

Variance requested:

1. Table 6.4.2 – Regulations in the Residential Second Density (R2) Zone: to reduce the minimum side yard width requirement for a semi-detached dwelling from 2.5 m to 1.55 m.
2. Table 6.4.2 – Regulations in the Residential Second Density (R2) Zone: to reduce the minimum aggregate side yard width requirement for a semi-detached dwelling from 5 m to 3.1 m.

Agency Comments:

This minor variance application was circulated to agencies for comments on April 19, 2024. The following comments were received:

City of Stratford Infrastructure Services Department – Engineering Division:

A damage deposit of \$1,900.00 (plus Administrative Fee and HST) is required prior to construction as per "Schedule E" of the Fees and Charges By-law 117-2023.

New individually owned freehold dwelling units or other occupied buildings in the City must be serviced by separate sanitary, storm, and water private connections. A new

sanitary, storm, and water service will be required for both parcels.

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 the City (main to property line). These estimates are generated by the Engineering Department and are the responsibility of the property owner for payment. Please provide private service connection details once installed.

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;
If catch basins are to be used, show proposed storm sewer connections, catch basin rim elevations; 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.

The overall lot grading cannot negatively impact the adjacent lands and must make certain that positive overland flow towards the frontage is met.

Notice of Demolition form is to be completed and approved from various departments and utilities prior to work commencing.

The Owner shall remove the existing concrete pathway encroaching within the City right-of-way along the frontage of the property. Access to the new home should be within private property off the driveway.

The Owner must adhere to the Private Tree Preservation By-Law #86-2020 regarding the existing tree identified on the property.

City of Stratford Infrastructure Services Department – Water Services:

New water services will be required for both sites (minimum of 1" service). Old service will need to be decommissioned. Estimates prepared by the city and deposits required.

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

No concerns with proposal, see general comment below provided for applicant's awareness:

Demolition Permits are required to be obtained for any existing structures proposed to be removed prior to demolition works commencing. Any questions relating to demolition permits please contact Building Division at building@stratford.ca or 519-271-0250 x 345.

Building Permits are required to be obtained for any proposed structures prior to construction works commencing. Any questions relating to building permit requirements please contact Building Division at building@stratford.ca or 519-271-0250 x 345.

Development Charges at the current residential rate are applicable for each proposed unit. Redevelopment allowances will be calculated and determined if applicable at time

of Building Permit Application.

Reduction in side yard setback requirements may trigger upgrades to the proposed building for compliance with the Spatial Separation requirements in the Ontario Building Code (OBC). Qualified designer is required to review during building design, this will be reviewed at time of Building Permit Application.

Applicant is to provide all Planning Approvals with their Building Permit Applications.

Festival Hydro:

Existing house to be demolished as per customer application. Therefore, the existing O/H hydro service will be removed prior to the building's removal. Customer/contractor to contact Festival Hydro requesting a service layout for the new semi-detached dwellings when necessary.

Fire Prevention & Community Services:

No concerns.

Upper Thames River Conservation Authority:

No objections.

CN Rail:

The subject site is in proximity of CN's Main Line AND within 1000m CN's rail yard operations. CN encourages the municipality to pursue the implementation of the following criteria as conditions of any project approval:

1. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 1000m of the railway right-of-way:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof in conjunction with a right-of-way within 1000 metres for yard operations. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

2. The implementation of the following mitigation measures in the dwelling design and construction:
 - Forced air ventilation systems with central air conditioning,
 - Acoustically upgraded windows meeting the minimum requirements of the Building Code and providing a maximum 35 dBA indoor limit for bedrooms and 40 dBA for living rooms,
 - Locating noise sensitive rooms away from the railway side

Enbridge Gas Inc:

Enbridge Gas Inc does have service lines running within the area which may or may not

be affected by the proposed severance. Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the District Office.

Public Comments: Concerns include the demolition of the existing dwelling, increased density within the neighbourhood, compatibility with surrounding properties, number of parking spots, and waste disposal. Additional public comments received after the date of completion of the report were provided to the Committee of Adjustment.

A. Burnett provided an overview of the application, agency comments included in the report and the staff recommendation for approval of the application.

As requested by Committee, A. Burnett read the City of Stratford Infrastructure Division comments as noted in the report and clarified that the clerical error in a condition of application A15-24 originally stated "water from the garage is not directed onto abutting property lines..." and has been corrected to say "water from the new dwelling is not directed onto abutting property lines..." and the change has been circulated to Committee. Noted the approval of B05-24 is contingent on approval of A15-24 and the satisfying of this condition.

The applicant was given an opportunity to provide comments.

Keaton Walls and Dominik Wiwatowski – Agents

K. Walls provided update that the subject property is under new ownership. The present owners are satisfied with the staff presentation.

Questions were opened to the Committee.

None were made.

Questions were opened to the public.

J. Chadillon, 168 Nelson Street;

- a letter dated April 30th, 2024, written by P. Ragogna (179 Nelson), and provided to the Committee, was read aloud and it was noted the letter had been signed by 5 other residence living on Nelson Street;
- Noted he has not seen an updated façade;
- a letter written by the speaker and provided to the Committee was read aloud;
- additional concerns being the impact of snow storage and removal, parking, pest control and increased population in the area;
- The neighbourhood was built before the idea of maximizing profits when people were reasonable and fair
- questioned why the developers name not on the notice;
- Not sufficient notice of the application.

Pamela Bartlett, 151 Nelson Street;

- Has lived in house adjacent to subject property over 30 years;
- Representing neighbours and requests that if the proposal is passed by Committee, it be conditional that the new owner address the following concerns prior to approval in a way that is satisfactory and meets with the cities approval;
 - being that the property has a historic flooding problem of over one foot deep in spring and sump pump runs continuously; that the flooding issue be corrected prior to the severance of the lot or construction of new building to avoid run off into neighbouring properties;
 - that a condition be added requiring new owners to add soils to the property lines;
 - that the owners be made responsible for replacing the existing trees with new trees and a hedge, as the current trees will be killed by the proposed development;
 - that the 8 year old maple be replaced by another maple;
- requested clarification if the minor variance is referring to the edge of the foundation of the proposed new building or the edge of the roof and eaves troughs;
- Concerns with the property being owned by an Ontario numbered company who will not be living on site and therefore not as invested in the neighbourhood;
- Asked that the requests be addressed in written conditions to the minor variance and severance;
- Information on the Notice of Minor Variance is unclear, indicates semi detached homes are to be built, however on the drawing of the new build it indicates 5 separate units will be contained, and now we hear 6 units;
- Questioned if the property will retain a grass boulevard, and the parking plan;
- Not intending to prevent the development but we have concerns;
- Want our properties to retain the value and want the new building to fit into the neighbourhood;

Steve Bartlett, 151 Nelson Street;

- Building purposed, leaves only 1.5 ft on each side of the building and no one will be able to get into the back yard;
- Asked if the house could be moved further back to accommodate parking;
- This lot can't accommodate 6 houses.

Response was opened to the Owners.

K. Walls anticipated the agenda would will live on site, occupying one unit in each building. The goal is to integrate the building into the neighbourhood. Current building has foundation and structural concerns. The build meets goals of Bill 23 to provide rentals, being that it will allow for 4-6 additional rentals and currently only one rental listed on Stratford MLS.

Highlights of discussion between the Committee, Planner, Owner and members of the public are as follows;

- Through Bill 23, 8 parking spaces are required and addressed on the plan;
- sections of nelson designated non-parking are not proposed to change;
- traffic provisions and control bylaws to address spillover will continue to be

- enforced, for example no parking between 2am and 6am;
- 8 parking spaces are proposed to serve the two semis, being 2 spaces for primary residence of each side, at 2 and 2, and an additional parking space for each unit;
- The parking calculation being to address the proposed 6 dwelling units, 3 units in each building shown as second floor, main floor and basement;
- Condition 7 is a Landscaping Plan to enforce grass between the two units and ensure the front yard is not paved, to retain compatible streetscape with surrounding neighbourhood;
- Boulevard along the street is city owned property with no change planned;
- Grading plan required as part of building permit application; grading of property will have to be addressed and approved by the building division before a build can begin;
- clarification that the set back is meters not feet at a 1.55 meter set back;
- footprint refers to the edge of the foundation, eaves troughs are allowed to encroach 0.66m into required set back;
- a condition addressing refuse storage could be added at the discretion of the Committee;
- This development does not require site plan approval but Committee can impose requirements that demonstrate to staff a dedicated waste area before conditions are cleared;
- the Chair cautioned that if committee is to add conditions, Committee must be mindful that this be done respectfully to the entire neighborhood and cautions of unclear conditions on a minor variance application;
- Owner agents don't want to change the beauty of Nelson Street by having bins out front, they want to work with the neighbourhood to retain the look.

Public portion of the application is closed

The Chair Called the motion on Minor Variance application A15-24.

Decision of the Committee

Moved by: C. Gordon

Seconded by: A. Mishra

Committee discussion:

- A name change in the motion for the application reflecting the change of ownership from original applicant to present ownership, is at the committee discretion but is not necessary as the application number remains as originally submitted and the ownership has been changed, which was expected by staff;
- Clarification that the Minor variance has one condition and the Consent Application has 10 conditions.

THAT Application A15-24, submitted by Heinz Reiter, for lands legally described as PLAN 83 N PT Lot 4 in the City of Stratford and municipally known as 161 Nelson Street, as it relates to:

1. Table 6.4.2 – Regulations in the Residential Second Density (R2) Zone: to reduce

the minimum side yard width requirement for a semi-detached dwelling from 2.5m to 1.55 m.

2. Table 6.4.2 – Regulations in the Residential Second Density (R2) Zone: to reduce the minimum aggregate side yard width requirement for a semi-detached dwelling from 5 m to 3.1 m.

Subject to the following condition:

- i) The Owner submit documentation to the City of Stratford which demonstrates that water from the new dwelling is not directed onto abutting property lines, to the satisfaction of the Director of Building and Planning Services.

AND THAT no further notice is required under Section 45(5) of the Planning Act.

Be approved.

Carried.

Reason for decision: The request is minor in nature, allows for the creation of a new lot, public input was considered and does not affect neighboring property owners use of their land.

The Chair Called the motion on Minor Variance application B05-24.

Moved by: A. Mishra

Seconded by J. Nigro

THAT Application B05-24 submitted by Heinz Reiter, for lands legally described as PLAN 83 N PT Lot 4 in the City of Stratford and municipally known as 161 Nelson Street, subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within two years of the date of the mailing of decision.
2. That Section 50(3) of the Planning Act shall apply to any subsequent conveyance or transaction.
3. That the minor variance A15-24 is approved.
4. That satisfactory arrangements be made with the City of Stratford for the payment of any outstanding Municipal property taxes.
5. That prior to the stamping of the deeds, a 5% cash-in-lieu payment for park and public recreational purposes for the severed lands shall be made to the City of Stratford.
6. That prior to the stamping of the deed a municipal address is to be assigned by the City of Stratford. Any costs associated with municipal addressing are the responsibility of the applicant.
7. That prior to the stamping of the deed, a landscaping plan be submitted to the

Building and Planning Services Department to ensure compatibility with the streetscape, to the satisfaction of the Director of Building and Planning Services.

8. That prior to the stamping of the deeds, the applicant is required to confirm, to the satisfaction of the City, that new sanitary, storm, and water service connections are provided for both parcels. Any services for the severed parcel shall be located entirely within the severed lands and services for the retained lands shall be located entirely within the retained lands.
9. That prior to the stamping of the deeds, the applicant shall provide to the City a copy of the deposited reference plan in an electronic format compatible with the latest version of AutoCAD referenced to NAD83 UTM Zone 17 Horizontal Control Network for the City of Stratford. This Reference Plan shall be created from survey information utilizing the City's Survey Control Network. It is the responsibility of the applicant to obtain the necessary Reference Sketches and associated information required to complete the survey from the City.
10. Prior to the stamping of the deeds, for the purposes of satisfying any of the above conditions, the Owner shall file with the City of Stratford a complete submission consisting of all required clearances and final plans, and to advise the City of Stratford in writing how each of the conditions has been satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by The City of Stratford, such submission will be returned to the Owner without detailed review by the City.

Be approved.

Carried.

Reason for decision: Appropriate for the property, public comment was considered and no further notice is required.

4.4 A16-24 – 119 Albert Street

Owner: Jarret Janzi

Agent: Marc Milton

Request: The purpose and effect of application A16-24 is to facilitate the conversion of an existing ancillary structure, located at the rear of the property, into an Additional Dwelling Unit (ADU). For the purposes of this report, the structure will be referred to as a 'detached garage'. No structural changes are proposed to the building envelope at this time. However, some changes such as the addition of doors and windows to support the ADU and as required by the Ontario Building Code will be made.

The variances required to facilitate this proposal are as follows:

- Regulation 7.3.3.2 of the Zoning By-law – to permit an additional dwelling unit on the first-storey of the existing detached garage (ancillary building), whereas the Zoning By-law does not permit dwelling units on the first-storey in the C3 zone.
- Table 7.4, Section 7.4 of the Zoning By-law –to permit the legal non-conforming rear-yard setback of 0.57 metres for the existing detached garage (ancillary building), whereas the Zoning By-law requires a rear-yard setback of 2.5 metres.

Agency Comments:

This minor variance application was circulated to agencies for comments on April 19, 2024. The following comments were received:

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

- A Building Permit is required to be obtained for the change in use & renovation to the existing detached storage structure to convert to a dwelling unit.
- Applicant is to submit all Planning Approvals with the Building Permit Application.

Condition of Approval: A Site Plan drawing is required to be provided with the Building Permit application denoting the proposed service locations.

City of Stratford Infrastructure Services Department – Engineering Division:

- A damage deposit of \$1,200.00 (plus Administrative Fee and HST) is required prior to construction as per "Schedule E" of the Fees and Charges By-Law 117-2023.
- Confirm that the existing sanitary/storm/water services are appropriately sized for the intended use in accordance with the OBC. If the existing services are to be used, confirmation of their condition prior to connecting is required. If new services are required, the public drain connection is to be installed by the City. Estimates and servicing deposits will be required. These estimates are generated by the Engineering Department and are the responsibility of the property owner/developer for payment.

City of Stratford Infrastructure Services Department – Water Division:

- Confirm that existing water service is appropriately sized, only one water service per property.

City of Stratford Community Services Department – Park, Forestry & Cemetery:

- No concerns on proposed minor variance request at 119 Albert Street.

Other Applications : N/A

Public Comments: No public comments received.

U. Modi provided an overview of the application, agency comments included in the report and the staff recommendation for approval of the applicant.

The applicant was given an opportunity to provide comments.

Marc Milton - Agent

M. Milton provided comment that the application is an opportunity to bring a new unit to market relatively quickly, with little to no assets or involvement from the City, during the national housing crisis and to put an underutilized storage structure to use.

Questions were opened to the Committee.

None were made.

Questions were opened to the Public.

None were made.

Public portion of the application was closed.

Clarification from the owner as requested by Committee Member was as follows:

- a new roof with eaves troughs was installed fall 2023, discharging run off to the back and front of the property, ensuring run off remains on the subject property, not effecting neighbouring yards.

The Chair called the motion on Minor Variance application A16-24.

Decision of the Committee

Moved by: A. Mishra

Seconded by: C. Gordon

THAT Application A16-24, submitted by Marc Milton, for lands legally described as PLAN 20 W PT LOT 234 in the City of Stratford and municipally known as 119 Albert Street, as it relates to:

1. Regulation 7.3.3.2 – permits a dwelling unit on the first-storey of the existing detached garage (ancillary building)
2. Table 7.4, Section 7.4 of the Zoning By-law – permit the legal non-conforming rear-yard setback of 0.57 metres for the existing detached garage (ancillary building), whereas the Zoning By-law requires a rear-yard setback of 2.5 metres.

Subject to the following conditions:

- i) These variances only apply to the existing structure proposed as part of this application (detached garage), which is deemed to be an ancillary building, and not for the main building on the subject lands and/or for any future developments, additions and/or modifications.
- ii) The conversion of the existing detached garage be used only for one additional dwelling unit as shown on the submitted floor plans.
- iii) Commercial uses shall be maintained on the first-storey and the lower unit below the first storey within the main building, as determined and permitted by the City's Zoning By-law.
- iv) For the full and complete duration of the additional dwelling unit, appropriate signage be implemented and maintained for the existing

- parking on the subject lands for the allotment of a parking space to the additional dwelling unit. Access to this parking space must be unobstructed and clear at all times.
- v) The Owner submit documentation to the City of Stratford which demonstrates that existing sanitary/storm/water services are appropriately sized for the intended use in accordance with the OBC and confirms their condition, to the satisfaction of the Director of Building and Planning Services.
 - vi) A Site Plan completed by a qualified professional be submitted with the Building Permit application, to the satisfaction of the Director of Building and Planning Services.

AND THAT no further notice is required under Section 45(5) of the Planning Act.

Be approved.

Carried.

Reason for decision: The request is minor in nature and it is desirable for the appropriate development of the property and no further notice is required.

5. Next Meeting – June 19, 2024, at 4:00 p.m. – City Hall Council Chambers (upper level), located at 1 Wellington Street, Stratford.

6. Adjournment

Motion by: J. Nigro

Seconded by: A. Mishra

Carried

THAT the May 15, 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