



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, July 17, 2024

Time: 4:00 p.m.

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

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

Member Regrets: Charlene Gordon

Staff: Adam Betteridge – Director of Building and Planning Services, Alex Burnett – Planner, Nicollette van Oyen – Consulting Planner, Urja Modi – Consulting Planner, Anthony Fletcher – Recording Secretary

1. Call to Order

The Chair called the meeting to order at 4:07 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

2.1 A20-24 – 378 Nelson Street: Justine Nigro acting as Agent for application.

3. Adoption of the Previous Minutes

Motion by: J. Nigro

Seconded by: A. Mishra

THAT the minutes from the Stratford Committee of Adjustment meeting dated June 19, 2024 be adopted as printed.

4. Current Applications

4.1 A12-24 – 378 Nelson Street

Owner: Mark Rosenfeld and Leora Rissin

Agent: The Hive Design Co. (c/o Justine Nigro)

Request: The purpose and effect of application A20-24 is to facilitate the conversion of the existing detached garage into an Additional Dwelling Unit ("ADU"). ADUs are currently defined and regulated in the City's Zoning By-law as "Garden Suites".

Variances requested:

1. Regulation 4.10 d) – permit a maximum building height of 5.2 metres, whereas the Zoning By-law permits a maximum building height of 5.0 metres.
2. Regulation 4.10 e) – permit a rear yard setback of 1.06 metres for the proposed ADU, whereas the Zoning By-law requires a minimum rear yard setback of 2.5 metres.
3. Regulation 4.10 f) – permit an exterior side yard setback of 3.11 metres, whereas the Zoning By-law requires whereas the Zoning By-law requires an exterior side-yard setback of 4.5 metres.
4. Policy 4.10 i) – shall not apply.
5. Table 6.4.2, Section 6.4.2 – permit a reduced minimum front yard setback of 4.05 metres, whereas the Zoning By-law requires a front yard setback of 6.0 metres.
6. Table 6.4.2, Section 6.4.2 – permit a reduce minimum exterior side yard setback of 3.01 metres, whereas the Zoning By-law requires an exterior side-yard setback of 4.5 metres; and,
7. Table 6.4.2, Section 6.4.2 – permit a reduced minimum lot frontage of 16.96 metres, whereas the Zoning By-law requires a minimum lot frontage of 18.0 metres.

Agency Comments

This minor variance application was circulated to agencies for comments on June 20, 2024. The following comments were received:

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

- No concerns with the proposed variance.

General Information

- Building permits are required to be submitted for the conversion of the garage to an accessory dwelling unit and the construction of the proposed parking structure.
- All planning approvals are required to be submitted with the applicants building permit application.

- New proposed covered parking structure to not negatively effect neighbouring properties with grading and drainage. Designer to take this into account with the design of the structure.

City of Stratford Infrastructure Services Department – Engineering Division:

- A damage deposit of \$4,100.00 (plus Administrative Fee and HST) are required prior to construction as per “Schedule E” of the Fees and Charges By-Law 117-2023.
- The engineering consultant for the applicant should 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, confirm their condition prior to connecting. Provide private service connection (PDC) details once available. The City of Stratford recommends replacing all services at this property, due to the age of the existing services.
- A grading plan is required. The applicant’s engineer should ensure that the grading plan submitted follows the requirements outlined in the City of Stratford Infrastructure Standards and Specification Manual, Section 8.1 – Grading Requirements for Various Situations, Section 8.3 – Grading Design Standards and Section 8.5 – Individual Lot Grading Plans for Building Permit.
- The downspout locations are not to project the discharge onto the adjacent property. The overall lot grading cannot negatively impact the adjacent lands and must make certain that positive overland flow towards the frontage is met.
- If a second driveway is requested: a driveway permit is required to be obtained for proposed driveway. Please contact the By-Law Department at (519) 271-0250 x345, for additional information on Driveway Permit requirements. Driveway entrances and curb cuts shall be in accordance with OPSD 350.010 and 351.010.
- The drainage area on this parcel of land proposed for site plan control is less than the 0.1 ha outlined in the Infrastructure Standards and Specifications, Appendix C: City of Stratford CLI-ECA Stormwater Management Criteria. A Stormwater Management Plan is not required.

City of Stratford Fire Department – Fire Prevention:

- No concerns.

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

- No concerns.

Public Comments: No public comments received.

U. Modi introduced the application, provided context of the property and the proposal finishing with recommending approval of the application subject to a condition.

The applicant was given an opportunity to provide comments.

Justine Nigro – The Hive Design Co. (Agent)

J. Nigro provided no additional comments.

Questions were then opened to the Committee.

An. Mishra what the current use of the structure is.

U. Modi confirmed that the existing structure is used as a garage.

Questions were the opened to the public.

None were made.

Public discussion closed and J. Nigro left the room while the Committee discuss and make a decision.

Decision of the Committee

Moved by: A. Mishra

Seconded by: A. Bicanic

THAT Application A20-24, submitted by Mark Rosenfeld & Leora Rissin, for lands legally described as PLAN 2 PT LOT 237 RP 44R5337 PART 1 in the City of Stratford and municipally known as 378 Nelson Street, as it relates to:

1. Regulation 4.10 d) – permit a maximum building height of 5.2 metres, whereas the Zoning By-law permits a maximum building height of 5.0 metres.
2. Regulation 4.10 e) – permit a rear yard setback of 1.06 metres for the proposed ADU, whereas the Zoning By-law requires a minimum rear yard setback of 2.5 metres.
3. Regulation 4.10 f) – permit an exterior side yard setback of 3.11 metres, whereas the Zoning By-law requires that the minimum exterior side yard setback of 4.5 metres as per R2(1) zoning.
4. Policy 4.10 i) – shall not apply.
5. Table 6.4.2, Section 6.4.2 – permit a reduced minimum front yard setback of 4.05 metres, whereas the Zoning By-law requires a front yard setback of 6.0 metres.
6. Table 6.4.2, Section 6.4.2 – permit a reduce minimum exterior side yard setback of 3.01 metres, whereas the Zoning By-law required an exterior side-yard setback of 4.5 metres; and,
7. Table 6.4.2, Section 6.4.2 – permit a reduced minimum lot frontage of 16.96 metres

Be approved, subject to the following conditions:

- i) These variances only apply to the existing buildings and structures located on the subject lands as of the date of the Committee of Adjustment decision for Application A20-24 and shall not apply to any future development or redevelopment of the lands municipally addressed 378 Nelson Street and legally described as PLAN 2 PT LOT 237 RP 44R5337 PART 1 in the City of Stratford.
- ii) 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.

Be approved.

Carried.

Reason for decision: Public input was received and is minor in nature.

4.2 A21-24 – 74 Church Street

Owner: Fred Bauer/Meteor Mortgage Corp. (WRIT of possession)

Agent: GRIT Engineering Inc.

Request: The purpose of application A21-24 is to facilitate the development of a new, standalone 4-unit apartment building adjacent to the existing apartment building. The effect of application A21-24 is to decrease the minimum front yard depth, rear yard depth, interior and exterior side yard width, and minimum parking requirements of the Zoning By-law, as well as to increase lot coverage provisions of the Zoning By-law, to facilitate the new apartment building.

Variances requested:

1. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum front yard depth from 7.5 m to 3.0 m (existing building).
2. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum rear yard depth from 6.0 m to 2.66 m.
3. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum interior side yard width from 4.37 m to 3.56 m.
4. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum exterior side yard width from 7.5 m to 3.13 m.
5. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to increase the maximum lot coverage from 35% to 40.4%.
6. Table 5.1: Minimum Parking Space Requirements – to decrease the required parking spaces from 9 spaces to 7 spaces.
7. Table 5.4.1: Minimum Barrier Free Parking Spaces – to decrease the required barrier free space from 1 to 0.
8. Section 4.20.1 h): to permit a balcony to be located closer than 3.0 m to an exterior lot line.

Agency Comments

This minor variance application was circulated to agencies for comments on June 20, 2024. The following comments were received:

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

No concerns with the proposed variances.

Please note regarding the variance on the barrier free parking condition, for context, the proposed building will be required to be reviewed to the Barrier Free Requirements under the OBC at time of building permit application review, the construction of the proposed building has not yet been determined if it will be exempt from Barrier Free requirements in the OBC.

Building permit is required to be obtained for proposed building. All planning approvals

are required to be submitted with the building permit application.

City of Stratford Infrastructure Services Department – Engineering Division:
Engineering has no concerns with the requested minor variances. Applicant is reminded to see Engineering Division comments for the formal consultation FC06-24 compiled on February 23, 2024

Fire Prevention and Community Services Department:
No comments or concerns.

Accessibility Advisory Committee:
The Committee would like to point out to the Developer that the minimum requirements under the AODA are that from parking spaces numbered between 1 and 25 there must be at least one accessible parking space. This proposed decrease in accessible parking spaces will be in contravention of the AODA.

Festival Hydro:
Customer to contact Festival Hydro to discuss hydro servicing if the proposed building addition proceeds.

CN Rail:
It is noted that the subject site is within 1000 meters of CN railway operations including the CN Aldershot Yard's. CN has concerns of developing/densifying residential uses in proximity to railway operations. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. The Guidelines for New Development in Proximity to Railway Operations reinforce the safety and well-being of any existing and future occupants of the area. Please refer to these guidelines for the development of sensitive uses in proximity to railway operations. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities. CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

The following clause should be inserted on land title, 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 right-of-way within 1000 metres from the land the subject hereof. 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."

Public Comments: None were received.

An. Burnett introduced application, provided context of the property and presented the recommendation.

The applicant was given an opportunity to provide comments.

Nick Preikschas – GRIT Engineering Inc. (Agent)

N. Preikschas handed updated proposed drawings to A. Burnett and Committee Members with edits that remove variances that were recommended to be denied in the Report.

Questions were then opened to the Committee.

Discussion was had between Committee Members and A. Burnett regarding:

- Confirmation of variances for new building versus legalization of existing structures;
- Options to ensure minimum parking requirements are achieved;
- Trees on site; and
- Character of proposed building.

Questions were then opened to the public.

None were made.

Decision of the Committee

Moved by: J. Nigro

Seconded by: A. Mishra

THAT Application A21-24, submitted by GRIT Engineering INC., for lands legally described as PLAN 20 PT LOT 343 PT LOT 344 AS RP 44R2800 PART 1 in the City of Stratford and municipally known as 74 Church Street, as it relates to:

1. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum front yard depth from 7.5 m to 3.0 m (existing building).
2. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum rear yard depth from 6.0 m to 2.66 m.
3. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum interior side yard width from 4.37 m to 3.56 m.
4. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum exterior side yard width from 7.5 m to 4.5 m.
5. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to increase the maximum lot coverage from 35% to 40.4%.
6. Table 5.1: Minimum Parking Space Requirements – to decrease the required parking spaces from 9 spaces to 7 spaces.

Be approved, subject to the following conditions:

- I) These variances only apply to the buildings proposed as part of this application, and as shown on the submitted Site Plan.
- II) That the Applicant submit a Landscape Plan to the Planning Department as part

- of the required Site Plan application, to the satisfaction of Planning Staff.
- III) That 1 of the required 7 parking spaces on site be a Type A barrier free parking space.
 - IV) That the Applicant secure via legal agreement at least 1 additional parking space in the adjacent (separately/privately owned) publicly accessible parking lot. Such agreement shall be registered on the title of the lands used for the parking space to ensure the required number of parking spaces on the subject lot are retained.
 - V) That two native trees are planted on the property where feasible.

Carried.

Reason for Decision: No public input received, keeps character of neighbourhood.

4.3 A22-24 – 134 Louise Street

Owner: Dean and Melissa Rintoul

Agent: GRIT Engineering Inc. (c/o Simon Culliton)

Request: The purpose of this application A22-24 under Section 45(1) of the Planning Act, R.S.O. 1990 is for a reduction in the rear yard setback requirement to permit construction of a 1 - storey enclosed (covered porch) and pool shed addition to the existing dwelling.

Variances requested:

1. Table 6.4.1 of Section 6.0 – to reduce the rear yard setback from 7.5 metres to 1.0 metres for the proposed pool shed.

Agency Comments

Circulation of the application to various agencies produced the following comments:

City of Stratford Infrastructure and Development Services Department – Engineering Division:

- A damage deposit of \$2,600.00 (plus Administrative Fee and HST) is required prior to construction as per "Schedule E" of the Fees and Charges By-Law 117-2023.
- A grading plan submission is required when applying for a Building Permit, for the Engineering Division to review and approve. The applicant's engineer shall ensure that the grading plan submitted follows the requirements outlined in the City of Stratford Infrastructure Standards and Specification Manual, Section 8.1 – Grading Requirements for Various Situations, Section 8.3 – Grading Design Standards and Section 8.5 – Individual Lot Grading Plans for Building Permit. The proposed slope along the rear property line exceeds the City's standards. As per the City of Stratford's Infrastructure Standards and Specifications – Section 8.3: Grading and Design Standards; All lot surfaces shall be built to a minimum grade of 2% and a maximum grade of 10%. Minimum swale depths must be met along northern property line proposed swale location.
- Section 6.7.7 – Rainwater Leaders: For infill or redevelopment, rainwater leaders for all buildings shall discharge to grade where proper drainage can be achieved and no adverse impact to neighbouring properties will occur.

City of Stratford Infrastructure and Development Services Department –

Building Services:

- No comments provided at the time of writing of this report.

Festival Hydro:

- No concerns

Community Services:

- No comment

Clerks:

- No comment

Quadro Cable:

- No concerns

City of Stratford Infrastructure and Development Services Department Water Division/ Fire Department/ Transit/ Community Services:

- No concerns.

Public Comments: 1 comment received.

J. von Westerholt provided an overview of the application, agency comments included in the report and the staff recommendation for approval of the application.

The applicant was given an opportunity to provide comments.

Simon Culliton – GRIT Engineering Inc. (Agent)

S. Culliton noted he agrees with report. Explains building permits have been submitted. Grading and drainage plan was completed and this variance was flagged as part of that submission. Says concern over tree will be an issue as it is far from proposed construction.

Questions were then opened to the Committee.

None were made.

Questions were the opened to the public.

None were made.

Decision of the Committee

Moved by: A. Mishra

Seconded by: J. Nigro

THAT Application A22-24, submitted by GRIT Engineering Inc. for lands described as Part of Lot 82 on Registered Plan 69 and municipally addressed as 134 Louise Street in the City of Stratford, as it relates to:

1. Table 6.4.1 of Section 6.0 – to reduce the rear yard setback from 7.5 metres to 1.0 metres for the proposed pool shed.

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

Be approved.

Carried.

Reason for Decision: Public input was received, minor in nature.

5. Next Meeting – September 18, 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

THAT the July 17, 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