



Stratford Committee of Adjustment

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

AGENDA

Date: Wednesday, October 16, 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, Roger Black

Staff: Marc Bancroft – Manager of Planning, Alex Burnett – Planner, Jade McGowan – Planning Student, Sofia Melo – Planning Student, Eva Baker – Planning Coordinator, Adam Betteridge – Director of Building and Planning

1. Call to Order

The Chair to call the meeting to order.

Opening remarks and land acknowledgement.

2. Disclosure of Pecuniary Interest and the General Nature Thereof

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

Name, Item and General Nature of Pecuniary Interest

3. General Business

3.1 Appointment of Secretary-Treasurer

Motion by:

Seconded by:

THAT the City of Stratford Committee of Adjustment appoint Eva Baker as the Secretary-Treasurer of the Committee of Adjustment.

3.2 Appointment of Committee Member

Motion by:
Seconded by:

THAT the City of Stratford Committee of Adjustment appoint Roger Black as a member of the Committee of Adjustment.

4. **Adoption of the Previous Minutes**

Motion by:
Seconded by:

THAT the minutes from the Stratford Committee of Adjustment meeting dated September 18, 2024 be adopted as printed.

5. **Current Applications**

5.1 **A25-24 – 14 Milton Street** **Owner:** Ken & Ewa Murphy **Agent:** N/A

Request: The purpose of this application A25-24 under Section 45(1) of the Planning Act, R.S.O. 1990 is for a reduction in the eastern side yard setback requirement to permit construction of a two storey addition to the existing dwelling to accommodate another dwelling unit or a short term rental unit.

Permission requested:

- Section 15.3.11: To reduce the eastern side yard setback from 4.2 metres to 1.61 metres.

6. **Inquiries by Members**

6.1 Andy Bicanic- Proposal to adjust Committee of Adjustment Meeting time.

7. **Next Meeting** – November 20, 2024, at 4:00 p.m. – City Hall Council Chambers (upper level), located at 1 Wellington Street, Stratford.

8. **Adjournment**

Motion by:
Seconded by:

THAT the October 16, 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

REPORT TO THE COMMITTEE OF ADJUSTMENT

**Submitted By: Planning and Building Services Department
Planning Services Division**

Application No.: A25-24

Meeting Date: October 16, 2024

Owner: Ken & Ewa Murphy

Agent: N/A

Location: 14 Milton Street, legally described as Lot 39 and Part of Lot 42 on PLAN No. 75, Part 2 on Registered Plan 44R3277 in the City of Stratford

Zoning: R3-11 – Residential Third Density with Site Specific Regulations Permitting All R3 Zone Uses and an Inn

Official Plan Designation: Downtown Core

Road Classification: Milton Street – Local Street

Purpose of Application:

The purpose of this application A25-24 under Section 45(1) of the Planning Act, R.S.O. 1990 is for a reduction in the eastern side yard setback requirement to permit construction of a two storey addition to the existing dwelling to accommodate another dwelling unit or a short term rental unit.

Variance requested:

1. Section 15.3.11: To reduce the eastern side yard setback from 4.2 metres to 1.61 metres.

Background:

Attachments

- Map 1 – Location & Zoning Map
- Map 2 – Concept Site Plan

Site Characteristics

Existing Use:	Single detached dwelling with duplex short-term rental
Frontage:	23.77 m (78.00 ft)
Depth:	37.22 m (122.10 ft)
Area:	884.72 m ² (9523.80 ft ²)
Shape:	Rectangular

Surrounding Land Uses:

North:	Large Apartment Complex (Heritage Designated Part IV)
East:	Single detached dwelling
South:	Apartment Complex
West:	Commercial Building and Storage

Agency Comments

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

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

1. General Comments

- 1.1. A damage deposit of \$3,400.00 (plus administrative fee and HST) is required prior to construction as per "Schedule E" of the Fees and Charges By-Law 117-2023.
- 1.2. Adhere to the Private Tree Preservation By-Law #86-2020 regarding the existing tree identified on the property.

2. General Drawing Requirements

- 2.1. A grading plan submission is required during the Building permit application phase for review by the Engineering Division
 - 2.1.1. The overall lot grading cannot negatively impact the adjacent lands, and if grading permits positive overland flow towards the frontage should be established.
 - 2.1.2. A side yard swale may be beneficial along the east property line, and if possible shall be located on the common lot line between adjacent lots.
 - 2.1.3. More information regarding the grading plan submissions can be found in the City of Stratford Infrastructure Standards and Specification Manual.

3. Site Plan

- 3.1. The 'Lot Data' shown on the Site Plan is for the incorrect address (shown as 26 Oak Street).
- 3.2. Identify existing and proposed types surfacing (i.e. Sod, gravel, asphalt, concrete, etc.).
- 3.3. Show location of snow storage area.

4. Site Servicing

- 4.1. Confirm that the existing sanitary and water services are appropriately sized for the intended use in accordance with the OBC. It is the property owner's responsibility to confirm the condition of their existing services if they are to be reused. Provide the private drain connection (servicing) details once available to the Engineering Division.
 - 4.1.1. The City of Stratford recommends replacing all existing private service connections at this property, due to the age of the in our records.
 - 4.1.1.1. A newer sanitary public drain connection was installed in 2000, during the Milton Street Reconstruction, and is available and stubbed at the property line.
 - 4.1.1.2. A 450mm diameter storm sewer (main) installed in 2000, during the Milton Street Reconstruction, is available along the frontage of this address. If a new storm service is required, the Engineering Division will generate estimates for the work to be completed. Payment of these deposits are the responsibility of the property owner.
- 4.2. As per the City of Stratford Sewer By-Law 65-70:
 - 4.2.1. Section 8: Notwithstanding any other provision to the contrary, weeping tile shall not be connected to the sanitary private drain connection on any new construction or any exterior renovations to houses or additions added.
 - 4.2.2. Section 9: Notwithstanding any other provision to the contrary, unless permitted to do otherwise under this by-law, it shall be illegal to have rainwater leaders on any house in the City of Stratford connected to a sanitary sewer.

City of Stratford Infrastructure and Development Services Department – Building Services:

1. Variance Concerns

- 1.1. Concerns with the future proposal and Inn use on the property. With the proposed addition now creating a Triplex on the property we have concerns with the building meeting the definition of an Inn and its capability of being licensed through the Short-Term Rental By-Law.

2. General Comments

- 2.1. Applicant to submit all Planning Approvals to the Building Department for review with their building permit application. Current building permit

application on hold until variance achieved or revisions made to show conformance with the Zoning By-Law.

- 2.2. Designer will be required to review spatial separation requirements in accordance with the Ontario Building Code and this will be reviewed at time of building permit review.

City of Stratford Clerks Department:

- Sufficient Parking to be provided on site

City of Stratford Community Services Department – Parks Division:

- No concerns

Festival Hydro:

- If there are any changes required to the existing electrical service or metering as part of the project, customer to contact Festival Hydro 'Services' to request a service layout.

CN Rail

It is noted that the subject site is located within 300 meters of CN's Stratford Rail Yard. CN has concerns of developing/densifying residential uses in proximity to rail yard operations.

CN requests for the implementation of the following criteria as conditions of an eventual application approval:

1. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of the new dwelling unit:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-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."

2. The implementation of the following mitigation measures in the dwelling design and construction:

- Inclusion of an air conditioning system,
- 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.

Canada Post:

- No comments unless the plans are modified where the development will be serviced within our current Community Mailbox infrastructure.

Upper Thames River Conservation Authority:

- No concerns.

Invest Stratford:

- The Housing Consortium supports additional residential density and thus supports this minor variance request. The applicant is encouraged to reach out to the Housing Consortium at housing@investstratford.com to discuss the possibility of new units being affordable.

Public Comments

A Public Notice was provided to neighbouring property owners within 60 metres on September 19th, 2024, in accordance with the provisions of the *Planning Act*. In addition, notice of the proposed application was published in the Town Crier of the Beacon Herald on September 21st, 2024. At the time of writing this report, no comments or concerns were received from the public.

Any additional public comments received after the date of completion of the report will be provided to the Committee of Adjustment.

Planning Analysis:

Does the variance meet the General Intent of the Official Plan?

The Subject Lands are designated 'Downtown Core' on Schedule 'A' of the Official Plan and further identified as being located within a 'Heritage Area' on Schedule 'E'. Milton Street is identified as a local road on 'Schedule D'.

As per Section 4.4.2, 'Downtown Core' designations permit a range of uses including, but not limited to retail; business, professional and administrative offices; business and personal services of all types, including hotels, conference facilities and other similar uses; culture, entertainment, dining and accommodation; government facilities, public administration and other institutional uses; facilities for community and indoor recreation

activities and parks and open space. The 'Downtown Core' goals and objectives include encouraging re-development, enhancement and maintenance of a Downtown which is vibrant compact and multi-functional. Additionally, increasing diversity and number of residential opportunities is emphasized.

The applicant has requested a variance for a reduced eastern side yard setback from 4.2 metres to 1.61 metres to facilitate the construction of a 2 - storey addition to the property to accommodate an additional dwelling unit.

As identified on Schedule 'E' of the Official Plan, the Subject Lands are located within a 'Heritage Area'. Section 3.5.8 provides a framework for infilling in 'Heritage Areas' that require that the inherent heritage qualities of the area be retained or enhanced through similar built form. As infilling policies are intended to be applied to the creation of additional residential units, this policy does apply.

Furthermore, the subject lands are abutting a Part IV Heritage Designated property under the *Ontario Heritage Act*. Section 3.5.7 viii) of the City's Official Plan requires "Development and site alteration on lands adjacent to designated heritage properties or heritage conservation districts shall not be permitted except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. The City shall require submission of a heritage impact assessment prepared by a qualified professional to address this requirement." As a Heritage Impact Assessment (HIA) was not received, Planning Staff are unable to determine the subject application's impact on the abutting heritage property.

Based on the application as submitted and in the absence of an HIA, Planning Staff are of the opinion that the requested variance does not meet the general intent of the City of Stratford Official Plan. Although this request continues to maintain the alignment with the Official Plan policy direction in Section 4.4, section 3.5.7 viii) is not satisfied and will further require an HIA.

Recommendation:

THAT the City of Stratford Committee of Adjustment DEFER Application A25-24, submitted by Ken and Ewa Murphy for lands described as Lot 39 and Part of Lot 42 on Registered Plan 75 and municipally addressed as 14 Milton Street in the City of Stratford, as it relates to:

1. Section 15.3.11 – to reduce the eastern yard setback from from 4.2 metres to 1.61 metres for the proposed secondary storey addition;

Prepared by:

Sofia Melo, Planning Student

Reviewed by:

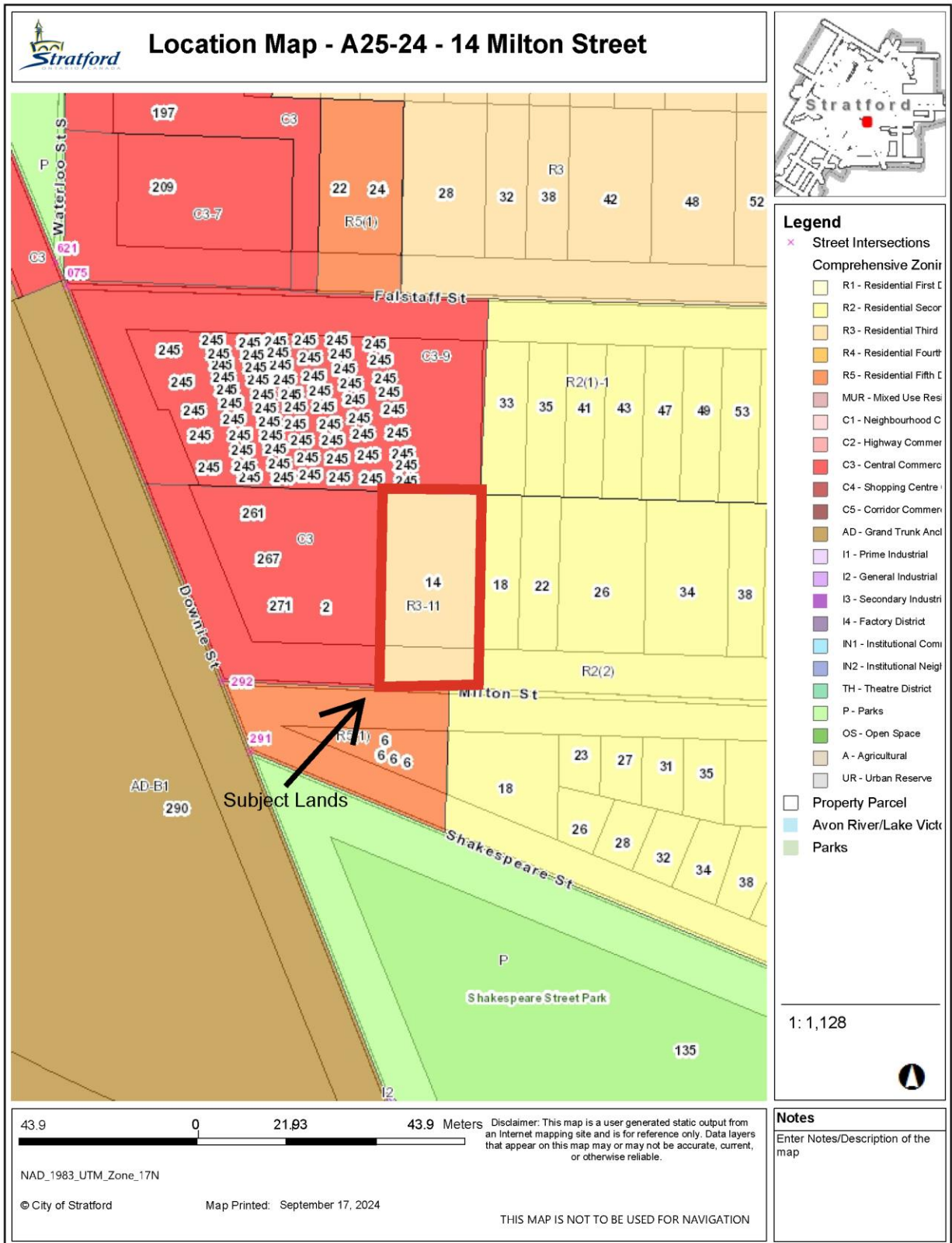
Alexander Burnett, Planner

Recommended & Approved by:

Marc Bancroft, Manager of
Planning, MPL, MCIP, RPP

Report finalized: September 11th, 2024

Map 1 – Location & Zoning Map



Map 2 - Concept Site Plan

