



## **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, January 22, 2025

**Time:** 4:00 p.m.

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

**Committee Members Present:** Andy Bicanic – Chair, Charlene Gordon, Ajay Mishra, Justine Nigro, Roger Black

**Staff Present:** Marc Bancroft- Manager of Planning, Alex Burnett – Intermediate Planner, Juliane vonWesterholt – MHBC Consulting Planner, Eva Baker- Secretary-Treasurer

#### **1. Call to Order**

The Chair to call the meeting to order.

Opening remarks

Land acknowledgement

Respectful Conduct Statement

#### **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

**None disclosed**

#### **3. General Business**

#### **4. Adoption of the Previous Minutes**

Motion by: C. Gordon

Seconded by: R. Black

**THAT the minutes from the Stratford Committee of Adjustment hearing dated December 18, 2024 be adopted as printed.**

**Carried.**

## **5. Current Applications**

Moved by: J. Nigro

Seconded by: C. Gordon

**THAT the Committee accept the following correspondence received after circulation of the agenda as information:**

1. Correspondence received from CN Proximity dated January 20, 2025 regarding applications B07-24 & A28-24 - 0 Moderwell Street.
2. Correspondence received from Bell Canada dated January 17, 2025 regarding application B09-24 - 16 Chestnut Street.

**Carried.**

### **5.1 B09-22 & A26-22 – 386 William Street**

**Owner:** Thomas G. Drake

**Agent:** N/A

**Request:** The purpose and effect of consent application B09-22 is to create a new residential infill lot along Joffre Street with an area of approximately 679 sq. m. to facilitate the construction of a single-storey house with an area of approximately 127.26 sq. m. The proposed lot is separated from Joffre Street by an intervening strip of land (reserve) owned by the City of Stratford.

The purpose and effect of minor variance application A26-22 is to seek relief from Section 4.2.1a) of the zoning bylaw to permit the creation of the lot without frontage on a public street and be further amended to recognize a reduction in lot depth and rear yard setback from the existing garage foundation as well as a reduction in the interior side yard setback for the retained lands in order to facilitate a severance of a lot which is intended for infill development with a single detached residence.

#### Agency Comments

This minor variance application was circulated to agencies for comments on December 31, 2024. The following comments were received:

#### **City of Stratford Infrastructure Services Department – Engineering Division:**

The Engineering Division maintains the stance to deny this request for driveway access off Joffre Street, as stated in the Management Report (ITS24-004) submitted on February 28, 2024. Their comments read: "We agree to uphold the decision from the Stratford City Council – Meeting No. 4740 held on Monday, April 8, 2024. Reasoning behind our perspective are as follows:

- An active land reserve from 1954 exists between the City owned right-of-way (Joffre Street)

and the subject property. Restricting access to the remaining adjoining properties from installing a second driveway.

- The City requires available snow storage along this land reserve. If this land reserve is removed the ability for snow maintenance equipment to access this turnaround is limited if additional driveways are added. Snow would therefore must be removed offsite using specialized equipment, increasing costs for this type of maintenance.”

Generally, there were no concerns raised by several City Departments including Climate Action and Environmental Services Division, and the Fire Department. Festival Hydro also had no concerns. The UTRCA has been circulated and has indicated no objection to this application as the lands are outside of the regulated area. The Housing Consortium is in favour of the additional density that this proposed consent provides on this long lot and the additional housing that will be created. They have indicated that should the proponent wish to talk about the possibility of creating an additional basement suite for affordable or attainable housing in the new build they could be contacted.

One public comment letter was received on behalf of several residents in opposition of the application.

J.VonWesterholt presented the application. Juliane noted that the applications were scheduled to be heard at the December 18<sup>th</sup> Committee of Adjustment meeting but was rescheduled to to allow for proper notice circulation due to the postal service disruption. The notice was circulated to adjacent neighbours and agencies on December 31, 2024 and the notice appeared in the January 4, 2025 edition of the Town Crier.

Additional variances were added to the minor variance application (A26-22) to recognize the reduced minimum lot depth of the proposed severed lot, the reduced minimum interior side yard for the existing dwelling and the reduced minimum rear yard setback for the existing garage on the proposed severed lands.

Juliane requested the addition of two standard conditions to the consent application (B09-22) including:

- (1)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, and
- (2)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.

#### Comments from the Agent & Applicant

Robert Ritz provided a document to the Committee that outlined the proposal and discussed concerns with the reserve at the end of Joffre Street.

Tom Drake explained that access to the proposed severed lot is currently impeded by a reserve. In his opinion the treatment of this reserve is not consistent with other cul-de-sacs in the area. Tom shared that in his opinion the severance application conforms to local and provincial policy and further that the proposal would be a compatible use which supports infill

and intensification.

#### Public Comments

Denise Whitehead is a resident of 30 Joffre Street. Speaking on behalf of 10 residents listed in the public comment letter received for the application she discusses their opposition to the proposal and the lengthy legal history of the proposal.

Sarah Drake spoke about her understanding of the history of the subdivision and the reserve. She is in support of severing the residential lot as the area at the rear of 386 William street was likely planned for a residential development and is well-suited to develop an additional residential development.

#### Questions from the Committee

A. Mishra asked about the history of the application and whether it would make sense to lift the reserve.

J. Vonwesterholt stated that the committee is only to make a decision on the planning request made by the applicant (severance and minor variance).

J. Nigro asked if the City Council would take the Committees decision into consideration if considering lifting the reserve.

J. Vonwesterholt stated that she could not confirm.

J. Nigro asked if engineering provided any specific proof that the reserve was needed for snow storage.

J. Vonwesterholt stated that no drawings or specific proof was provided. She spoke personally with the City Engineer and they said the reserve was required.

J. Nigro asked the property owner if an Additional Residential Unit was considered instead of a severance to accomplish the same outcome of having a family member live in the immediate area.

Tom Drake responded that the issue is there is insufficient access to the rear of the property from the front. The one side is very narrow and the other is also quite narrow and vegetated. Access to an additional residential unit would be cumbersome for the resident.

#### Decision of the Committee

#### **Application B09-22**

Moved by: J. Nigro

Seconded by: R. Black

**THAT the City of Stratford Committee of Adjustment APPROVE Application B09-22 as submitted by Dr. Thomas Drake to create an infill lot with an area of 679m<sup>2</sup> m<sup>2</sup> to facilitate the construction of a single detached one storey dwelling, 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 owner fulfills all conditions of approval for consent application B09-22, and that the fulfillment of these conditions is completed within two years of the date of the mailing of the decision for application B09-22;
2. THAT the City of Stratford removes the 0.3m reserve from the subject lands and provides access to the severed lot.
3. THAT the owner applies for and receives approval from the Committee of Adjustment for minor variance application A26-22 as amended;
4. 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;
5. THAT the owner provides 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;
6. 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.
7. 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.
8. 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.

for the following reasons:

1. The proposed severed lot will create an appropriately sized infill lot that more efficiently uses the lands and infrastructure.
2. The infill lot will provide additional housing options to the residents of the City of Stratford

**Carried.**

## **Application A26-22**

Moved by: R. Black  
Seconded by: J. Nigro

**THAT the City of Stratford Committee of Adjustment APPROVE Application A26-2022, as it relates to:**

1. Section 4.2.1 a) for the creation of the lot without frontage on a public street,
2. Table 6.4.1:
  - to reduce minimum lot depth of the severed lands from 30m to ranging from 21.9m to 24.8m (resulting from the irregular shape of the lot).
  - to reduce the minimum interior side yard for the existing dwelling on the retained lands from 1m to 0.4m.
  - to reduce the minimum rear yard setback for the existing garage foundation on the severed lands from 7.5 to 1.5m.

**AND THAT no further notice is required under Section 45(5) of the Planning Act as a result of the minor variance being amended to allow of relief to 3 other standards that weren't included in the original notice.**

for the following reason(s):

1. The variance maintains the general intent of the Official Plan;
2. The variance maintains the general intent of the Zoning Bylaw.
3. The variance is appropriate and desirable development of the lands;
4. That the variance is minor.

**Carried.**

### **5.2 A27-24 – 641 Erie Street**

**Owner:** Mona Kumar

**Agent:** Chris Warkentin

Request:

The purpose of the application is to facilitate the alteration of the parking area of the existing restaurant to improve traffic flow. The effect of the application is to reduce the minimum number of parking and stacking spaces for an eat-in restaurant, in addition to permitting the required spaces to be located within 7.5 m from the street line.

Variance(s) Requested:

1. Section 4.8 a) iii) – Drive Throughs, Stacking Lanes and Staking Spaces: To decrease the minimum required number of stacking spaces for a drive-through service window from 10 spaces to 7.
2. Table 5.1 – Minimum Parking Space Requirements: to decrease the minimum requirement parking spaces for a eat-in restaurant from 14 spaces to 11 spaces.

3. Table 5.3.2 – Location of Driveways, Parking Areas and Parking Aisles: To reduce the minimum setback for parking spaces from the street line from 7.5m to 5m.

#### Agency Comments

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

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

Ensure queuing is appropriately sized for the proposed drive-through, as vehicles in queue shall not impede traffic on Erie Street. Vehicles should not block their entrances/exits, impede pedestrian foot traffic on the sidewalk, nor spill onto the roadway. Refer to previous comments from Formal Consultation FC22-24 for this municipal address.

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

Building has no comments on the minor variances.

#### **City of Stratford Clerks Department:**

The Clerk's Office has reviewed the application and would like to note the following related to parking:

- There is a No Parking restriction on both sides of Erie Street between St. Patrick Street and Lorne Avenue.

Our office has no concerns with the proposed reduction of parking spaces however we would like to note that no on-street parking would be available for the property on Erie Street.

#### **City of Stratford Fire Prevention:**

No comments or concerns.

#### **Festival Hydro:**

Festival Hydro has no concerns with this application.

No written public comments were received.

A. Burnett presented the application.

Questions from the Committee

J. Nigro expressed concern over queuing vehicles in the street.

A. Burnett stated that staff cannot prevent stacking but that it could potentially become an engineering concern.

Comments from the agent

Robert Hewitt stated that the original restaurant had a drivethru. The variance is being requested as the new zoning by-law made changes that require the minor variance.

Questions from the Committee

A.Bicanic asked if queuing is currently an issue.

Robert Hewitt stated that it currently is not.

Public comments- none

Decision of the Committee

Moved by: A. Mishra

Seconded by: J. Nigro

**THAT the City of Stratford Committee of Adjustment APPROVE Application A27-24, submitted by Chris Warkentin for lands described as Plan 4 Part Lot 4 with ROW subject to an easement and municipally addressed as 641 Erie Street in the City of Stratford, as it relates to:**

1. Section 4.8 a) iii) – Drive Throughs, Stacking Lanes and Staking Spaces: To decrease the minimum required number of stacking spaces for a drive-through service window from 10 spaces to 7.
2. Table 5.1 – Minimum Parking Space Requirements: to decrease the minimum requirement parking spaces for a eat-in restaurant from 14 spaces to 11 spaces.
3. Table 5.3.2 – Location of Driveways, Parking Areas and Parking Aisles: To reduce the minimum setback for parking spaces from the street line from 7.5 m to 5 m.

**Subject to the following condition:**

i) That the applicant amend Site Plan Agreement 97 in the City of Stratford to reflect these proposed changes, to the satisfaction of the City's Manager of Planning.

for the following reason(s):

1. The proposed relief is consistent with the Provincial Planning Statement and the requested relief meets the four tests of a minor variance.

**Carried.**

### **5.3 A29-24 – Worth Street (Block 93)**

**Owner:** Cachet Developments (Stratford) Inc. c/o Marcus Gagliardi

**Agent:** Glen Schnarr & Associates c/o Mark Condello

Request:

The purpose and effect of this application is seek relief from the City of Stratford Comprehensive Zoning By-law with respect to the exterior side yard width requirement to allow the construction of a street townhouse dwelling. A street townhouse dwelling containing seven (7) units is proposed.

Variance Requested:

1. Section 15.4.33 j) of the By-law requires a minimum exterior side yard width of 3.5 metres whereas a reduced exterior side of 2.9 metres is being requested.



## Agency Comments

This minor variance application was circulated to agencies for comments on December 31, 2024. The following comments were received:

### **City of Stratford Building and Planning Services Department – Building Division:**

No comments.

### **City of Stratford Infrastructure Services Department:**

Ensure the proposed structures or foundation drains do not encroach into the existing sight triangle, 3.0 m & 4.6 m storm easements around the south and east property line, nor the existing 0.3 m reserve along Douro Street.

### **City of Stratford Clerk's Office:**

No concerns in relation to parking.

### **City of Stratford Community Services Department – Transit Division:**

No concerns.

### **Upper Thames River Conservation Authority:**

No objections. Through their Risk Management Official / Risk Management Inspector with respect to Drinking Water Source Protection, the subject lands are not located within a vulnerable area and therefore the property is not designated for restricted land use under S. 59 of the Clean Water Act, 2006.

### **Festival Hydro:**

No comments.

### **Quadro:**

No comments.

### **Housing Consortium (Invest Stratford):**

The Housing Consortium is in favour of permitting this reduction in setback to allow the creation of more housing stock. Should the proponent wish to discuss opportunities for affordable housing on the new development, please reach out to [housing@investstratford.com](mailto:housing@investstratford.com)

### **City of Stratford Fire Department – Fire Prevention:**

No comments.

### **Bell 911:**

Confirmed that their 911 database is updated.

M. Bancroft presented the application. He stated that the application is subject to an application for Draft Plan of Subdivision. The Draft Plan agreement was issued in March and is anticipated to be completed earlier this year.

Comments from the Agent

Mark Condello noted that he is in support of the recommendation to approve the application.

Comments from the public- None

Questions from the Committee- None

Decision of the Committee

Moved by: C. Gordon

Seconded by: J. Nigro

**THAT the City of Stratford Committee of Adjustment APPROVE Application A29-24, submitted by Glen Schnarr & Associates (c/o Mark Condello) on behalf of Cachet Developments (Stratford) Inc. (c/o Marcus Gagliardi), for lands known municipally as 3025 Ontario Street, legally described as Part of Lots 41 and 42, Concession 1 (geographic Township of South Easthope), now in the City of Stratford; being Block 93 on the proposed final plan of subdivision, situated on east side of Worth Street and the south side of the extension of Douro Street, as it relates to:**

1. Section 15.4.33 j) of the City of Stratford Comprehensive Zoning By-law requires a minimum exterior side yard width of 3.5 metres whereas a reduced exterior side of 2.9 metres is being requested.

for the following reason(s):

No public input was received and the requested relief is desirable for the appropriate development of the property.

#### **5.4 B07-24 & A28-24 – 0 Moderwell Street (lands between 45 and 43 Moderwell Street)**

**Owner:** Bardh & Dardan Investments Corp.

**Agent:** Musli Prebreza

Request:

The purpose and effect of application B07-24 is to sever an 809 m<sup>2</sup> property into two equal parts to create a new residential lot for the purposes of facilitating the development of a semi-detached dwelling on the severed and retained lands. The severed and retained lands are each to contain a semi-detached dwelling unit; the applicant is proposing to include two Additional Residential Units (ARUs) within each semi-detached dwelling unit. ARUs are self-contained residential units containing their own kitchen and bathroom facilities.

In 2019, the Provincial Government amended the Planning Act through Bill 108, being the More Homes, More Choice Act, by mandating municipalities to not prohibit ARUs to a maximum of three (3) units per lot including the primary dwelling unit. In addition, Bill 108 also clarified parking requirements associated with Additional Residential Units.

The purpose and effect of application A28-24 is to reduce the minimum required landscaped open space to facilitate the development and the required parking spaces on-site.

Variance requested:

1. Table 6.4.2 – Regulations in the Residential Second Density Zone: to reduce the minimum landscaped open space requirement from 30% to 26%.

#### Agency Comments

This severance application was circulated to agencies for comment on November 22, 2024. Subsequently, a minor variance request was added to the application and re-circulated to adjacent property owners and agencies on December 31, 2024. The following comments were received:

#### **City of Stratford Infrastructure Services Department – Engineering Division:**

A damage deposit of \$2,100.00 (plus Administrative Fee and HST) is required prior to construction as per "Schedule E" of the Fees and Charges By-Law 117-2023.

All curb cuts are to be arranged through the Engineering Department and performed by City forces. Deposits are required prior to curb cutting construction being permitted.

Confirm that the existing sanitary and storm services are appropriately sized for the intended use in accordance with the OBC. Provide private service connection (PDC) details to the Engineering Division once available.

New services installed during Moderwell Reconstruction in 2024 as follows:

Sanitary Services:

Unit 1: One (1) – 125mm PVC stubbed at property line with invert = 358.99m.

Unit 2: One (1) – 125mm PVC stubbed at property line with invert = 358.99m.

Storm Services:

Unit 1: One (1) – 150mm PVC stubbed at property line with invert = 359.81m.

Unit 1: One (1) – 150mm PVC stubbed at property line with invert = 359.66m.

Section 6.7.7 – Rainwater Leaders: For infill or redevelopment, rainwater leaders for all buildings shall discharge to grade onto concrete splash pads in landscaped areas and directed to side yard swales, where proper drainage can be achieved and no adverse impact to neighbouring properties will occur.

Adhere to the Private Tree Preservation By-Law #86-2020 regarding the existing tree identified on the property.

#### **City of Stratford Infrastructure Services Department – Environmental Services Division:**

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. Servicing required to be updated to 1.5" (38mm) if there is development of a Triplex.

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

Building permits are required for construction of the new structure, please contact Building Division at 519-271-0250 x 345 or [building@stratford.ca](mailto:building@stratford.ca) for any questions relating to Building Permits.

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.

Building Department reserves the right to provide additional comments on future

applications or adjustments to B07-24. Applicant is to provide all Planning Approvals with their Building Permit Application.

**City of Stratford Fire Department:**

No comments or concerns.

**City of Stratford Corporate Services Department – Clerks Services:**

The Clerk's Office has reviewed the application and have no concerns related to parking.

**Festival Hydro:**

No concerns – service conduit in coordination with the City and Festival Hydro was placed during the recent Moderwell reconstruction. One (1) conduit (per lot) was stubbed near property line for future U/G hydro serving to the proposed semi-detached dwelling. The customer or customers contractor shall reach out the Festival Hydro (Engineering) to obtain a Service Layout for each lot prior to construction.

**Invest Stratford – Housing Consortium:**

As per the request on 0 Moderwell Street, the Housing Consortium is in support of this additional density via a duplex building. Should the proponent wish to discuss opportunities to create affordable or attainable housing please reach out to [housing@stratford.com](mailto:housing@stratford.com)

**Canada Post:**

No objections. Unless the plans are modified this development will be serviced within our current Community Mailbox infrastructure.

**CN Rail:**

It is noted that the subject site is adjacent to CN's Main Line. 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. Since the development is already existing, CN encourages the municipality to pursue the implementation of the following criteria as conditions of subdivision:

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 300m 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 300 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 Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

**Enbridge Gas:**

It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. Any service relocation required due to a severance would be at the cost of the property owner. For any encroachments, please contact [ONTLands@enbridge.com](mailto:ONTLands@enbridge.com)

No written public comments were received.

A. Burnett presented the application. Alex noted that application A28-24 was submitted concurrently to recognize landscape area and parking requirements.

Questions from the Committee

R. Black asked if CN's comments have been addressed.

A. Burnett responded that all comments have been addressed with the conditions as recommended.

J. Nigro asked if the variance is approved if a grading plan will be required as a condition.

A. Burnett said a grading plan is not recommended as a condition of approval.

Musli Prebeza asked what the requirements will be for building new dwellings in the area around CN railways.

A. Burnett responded that CN has planning jurisdiction to provide comments on requirements due to land compatibility concerns. Their comments are addressed through the recommended conditions.

Comments from the public- None

Decision of the Committee

**Application B07-24**

Moved by: J. Nigro

Seconded by: R. Black

**THAT the City of Stratford Committee of Adjustment APPROVE Application B07-24, to sever a parcel of land having a lot frontage of 10.05 m and a lot area of 404.5 m<sup>2</sup>, submitted by Bardh & Dardan Investments Corp., for lands legally described as PLAN 41 Part MCCULLOCH Street RP 44R814 PART 1 in the City of Stratford and municipally known as 0 Moderwell 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 notice of decision.

2. That satisfactory arrangements be made with the City of Stratford for the payment of any outstanding Municipal property taxes.
3. That minor variance application A28-24 is approved by the Committee of Adjustment.
4. That any outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the City.
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. The prior to the stamping of the deed, the owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
8. That prior to the stamping of the deed, the applicant enter into a development agreement with the City to address land compatibility concerns, to the satisfaction of CN Rail and the City's Manager of Planning.
9. 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.
10. 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.
11. That prior to the stamping of the deeds, the applicant shall provide a draft transfer prepared by the applicant's legal representative.
12. 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.

For the following reasons:

1. The proposed severed lot will create an appropriately sized infill lot that more efficiently uses the lands and infrastructure.
2. The infill lot will provide additional housing options to the residents of the City of Stratford.

**Carried.**

**Application A28-24**

Decision of the Committee

Moved by: C. Gordon

Seconded by: J. Nigro

**THAT the City of Stratford Committee of Adjustment APPROVE Application A28-24, submitted by Barsh & Dardan Investments Corp., for lands legally described as PLAN 41 Part MCCULLOCH Street RP 44R814 PART 1 in the City of Stratford and municipally known as 0 Moderwell Street, as it relates to:**

1. Table 6.4.2 – Regulations in the Residential Second Density Zone: to reduce the minimum landscaped open space requirement from 30% to 26%.

For the following reasons:

- 1.The proposed relief is consistent with the Provincial Planning Statement
- 2.The proposed relief meets the four tests of minor variance

**Carried.**

## **5.5 B08-24 – 270 Lorne Ave E**

**Owner:** 2007227 Ontario Inc.

**Agent:** MTE c/o Trevor McNeil

Request:

The purpose and effect of this application is to sever the east portion of the subject lands to create a new lot to support a new industrial use. The proposed severed lands would have an approximate frontage of 35.0 metres, an approximate depth of 64.2 metres, and an approximate area of 2,245.5 square metres. The proposed retained lands would have a frontage of approximately 78.1 metres, an approximate depth of 64.2 metres and an approximate area of 5,012.4 square metres. The retained lands are occupied with an existing car wash whereas the lands to be severed are vacant.

### Agency Comments

This consent application was circulated to adjacent landowners and agencies for comments on December 31, 2024. The following comments were received:

**City of Stratford Building and Planning Services Department – Building Division:**  
No comments.

### **City of Stratford Infrastructure Services Department – Engineering Division:**

The drainage area on the proposed severed parcel of land is greater than the 0.1 ha. As outlined in the Infrastructure Standards and Specifications, Appendix C: City of Stratford CLI-ECA Stormwater Management Criteria, a Stormwater Management Plan will be required for future development when applying for a Site Plan Agreement. The proposed severed parcel will require a servicing report for future sanitary/storm/water servicing for any future development on this parcel of land.

**City of Stratford Clerk's Office:**

No concerns in relation to parking.

**City of Stratford Community Services Department – Transit Division:**

No concerns.

**Upper Thames River Conservation Authority:**

No objections. Through their Risk Management Official / Risk Management Inspector with respect to Drinking Water Source Protection, the subject lands are not located within a vulnerable area and therefore the property is not designated for restricted land use under S. 59 of the Clean Water Act, 2006.

**Festival Hydro:**

If the severance proceeds, customer/owner to contact Festival Hydro to discuss their associated hydro requirements related to servicing.

**Hydro One:**

No concerns or comments.

**Quadro:**

No comments.

**City of Stratford Fire Department – Fire Prevention:**

No comments or concerns.

**Bell 911:**

No comment.

Public written comments submitted- none.

M. Bancroft presented the application.

Comments from the Committee

J. Nigro asked if condition 1 should be amended to allow the applicant 2 years to satisfy the conditions.

M. Bancroft stated that she is correct, it should be two years.

Comments from the agent

Trevor McNeil stated some concerns with rezoning the property since prior to the current zoning by-law a carwash was a permitted use. The applicant is concerned about costs and potential issues with satisfying the condition if the rezoning does not get approved.

M. Bancroft responded that the zoning issue was caught through the review of the application and that rezoning the property is recommended to recognize the use however it is ultimately up to the Committee if they wish to include it as a condition.



A brief discussion occurred between committee members about the requirement for rezoning.

#### Comments from the Applicant

Wayne Agatz stated that the business has been operating for almost 20 years and he is surprised the planning department changed the zoning without his knowledge. He asked what would happen if the building burned down if he would be able to rebuild and continue the use.

M. Bancroft responded that there are provisions in the zoning by-law to permit a rebuild in the event of a fire.

Comments from the Public- None.

#### Decision of the Committee

Moved by: R. Black

Seconded by: J. Nigro

**THAT the City of Stratford Committee of Adjustment APPROVE Application B08-24, to sever a parcel of land having a lot frontage of 35 m and a lot area of 2,245.5 m<sup>2</sup>, submitted by MTE (c/o Trevor McNeil) on behalf of 2007227 Ontario Inc., for lands legally described as CON 2 PT LOT 3 GORE DOWNIE NOW IN THE CITY OF STRATFORD BEING RP 44R-3943 PARTS 1 & 2 and known municipally as 270 Lorne Avenue East, 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 notice of the decision.
2. That satisfactory arrangements be made with the City of Stratford for the payment of any outstanding Municipal property taxes.
3. That a municipal number is to be assigned by the City of Stratford. Any costs associated with the renumbering of properties on the street are the responsibility of the applicant.
4. That the applicant provide 2% cash in lieu of parkland dedication based on a property appraisal conducted for the lands to be severed to the satisfaction of the City.
5. That the applicant be required to confirm, to the satisfaction of the City that any services for the severed parcel are located entirely within the severed lands and the services for the retained lands are located entirely within the retained lands. If the services are not located entirely within each parcel, the applicant will be required to relocate the existing services or install new services for the retained lands to the satisfaction of the City, and amend the existing site plan agreement accordingly.
6. That the applicant provide a draft transfer prepared by the applicant's legal representative for the City's review and acceptance.
7. That any outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the City.
8. That the applicant file with the City's Manager of Planning a complete submission consisting of all required clearances and final plans, and to advise the City of Stratford in writing how each of the foregoing conditions have 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.

For the following reasons:

- 1.The proposal is consistent with the Provincial Planning Statement.
- 2.The proposal is in conformity with the City of Stratford Official Plan.

**Carried.**

## **5.6 B09-24 – 16 Chestnut Street**

**Owner:** John Carey-Woodman

**Agent:** Monteith Ritsma Phillips Professional Corporation c/o Matthew Orchard

Request:

The purpose of this application is to sever a 490.5 m<sup>2</sup> portion at the rear of the subject property to convey as a lot addition to the northwestern abutting lands, known municipally as 212 Railway Avenue, Stratford. The retained parcel will have a frontage of 20 m and a lot area of approximately 840.9 m<sup>2</sup>. The lot to be enlarged would have an area of approximately 1471.6 m<sup>2</sup>.

### Agency Comments

This consent application was circulated to adjacent property owners and agencies for comment on December 31, 2024. The following comments were received:

#### **City of Stratford Infrastructure Services Department – Engineering Division:**

Easements will be required over the retained and severed parcels for existing aerial utility wires identified on the submitted Severance Sketch. Coordination with utility owner Bell Canada to obtain easements.

As part of the 2011 road reconstruction project, an existing storm service is stubbed along the frontage of 16 Chestnut Street and one along the frontage of 212 Railway Avenue, if required in the future.

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

No concerns with proposed severance.

#### **City of Stratford Corporate Services – Clerks Services:**

The Clerk's Office has reviewed the application and would like to note the following in relation to parking:

- There are no parking restrictions on Chestnut Street
- There is a no parking restriction on the east side of Railway Avenue from the south curb line of Walnut Street to a point 38 meters southerly therefrom
- Due to the road width, parking across driveways is prohibited on Railway Avenue

Our office has no parking concerns in relation to the application however we would like to note that our office has previously received complaints for both Chestnut Street and Railway Avenue related to vehicles parked in a manner which blocks driveway access.

#### **Festival Hydro:**

No concerns with proposed severance.

**Fire Prevention:**

No comments or concerns.

**Upper Thames River Conservation Authority – Source Water Protection:**

The subject lands are located within a Wellhead Protection Area A 10 to which the policies of the Thames-Sydenham and Region Source Protection Plan apply. The land use proposed at the above noted property has been designated as residential and is not designated for Restricted Land Use under Section 59 of the Clean Water Act, 2006 and will not require any further documentation from the Risk Management Official. We do ask that due to the vulnerability of the area to take steps to protect it, such as; conserving water, properly disposing of hazardous wastes, use non-toxic products where possible, and prevent pollutants from entering into runoff. For more information pertaining to drinking water source protection, please refer to the approved Source Protection Plan

<https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

**Enbridge Gas Inc:**

It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. Any service relocation required due to a severance would be at the cost of the property owner. For any encroachments, please contact [ONTLands@enbridge.com](mailto:ONTLands@enbridge.com)

No public written comments were received.

A. Burnett Report presented the report.

Comments from the agent

Matthew Orchard did not have any comments.

Comments from the public – None.

Decision of the Committee

Moved by: J. Nigro

Seconded by: A. Mishra

**THAT the City of Stratford Committee of Adjustment APPROVE Application B09-24, submitted by John Carey-Woodman, to sever a parcel of land for lot addition purposes having an area of 490.5 square metres for lands legally described as for lands legally described as PLAN 2 LOT 79, City of Stratford and municipally known as 16 Chestnut 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 notice of decision.
2. That the lands to be severed be merged in the same name and title as the adjacent lot known municipally as 212 Railway Avenue and that Section 50(3) or 50(5) of the Planning Act shall apply to any subsequent conveyance or transaction.
3. That satisfactory arrangements be made with the City of Stratford for the payment of any outstanding Municipal property taxes.
4. That any outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the City.

5. That the applicant provide an easement in favour of Bell Canada for the existing utility wires to the satisfaction of Bell Canada.
6. That prior to the stamping of the deeds, the applicant shall provide to the satisfaction of the City a copy of the deposited reference plan to legally describe the lands to be conveyed and in general conformity with the Committee's decision, 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.
7. That prior to the stamping of the deeds, the applicant shall provide a draft transfer prepared by the applicant's legal representative for the City's review and acceptance.
8. 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.

For the following reasons:

1. The proposal is consistent with the Provincial Planning Statement
2. No comments and concerns were received

**Carried.**

6. **Next Meeting** – February 19, 2025 – City Hall Council Chambers (upper level), located at 1 Wellington Street, Stratford.
7. **Adjournment**

Motion by: C. Gordon  
Seconded by: J. Nigro

**THAT the January 22, 2025 Stratford Committee of Adjustment meeting adjourn.**

**Time Start:** 4:00pm

**Time End:** 5:40pm

If you require this document in an alternate format, please contact City Hall at 519271-0250 extension 5237 or email [clerks@stratford.ca](mailto:clerks@stratford.ca).