

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, November 19, 2025

Time: 4:00 p.m.

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

Stratford.

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

3. General Business

4. Adoption of the Previous Minutes

Motion by: Seconded by:

THAT the minutes from the Stratford Committee of Adjustment hearing dated October 15, 2025 be adopted as printed.

5. Current Applications

5.1 **B04-25 – 208-210 Forman Avenue**

The purpose and effect of this application is to sever the northern portion of the subject lands, municipally known as 210 Forman Ave, to permit individual dwelling units of an existing semi-detached dwelling to be wholly contained on separate lots. The proposed lot would have an area of 372.7 m², a depth of 38.1 m, and a frontage of 9.82 m. The lands to be retained, municipally known as 208 Forman Ave, would have an area of 382.1 m², a depth of 38.1 m, and a frontage of 9.99 m. Both the proposed severed and retained lands have road access to Forman Avenue and currently each contain one dwelling unit of an existing one (1) storey semi-detached dwelling. The northern portion of the subject lands (210 Forman Ave) also comprises a frame shed, whereas the southern portion (208 Forman Ave) also comprises a frame garage.

5.2 **B07-25 & A20-25- 91 Daly Avenue**

The purpose and effect of application B07-25 is to sever the eastern vacant portion of the subject lands, municipally known as 91 Daly Avenue, to allow the construction of a new single detached dwelling. The lands to be severed would have an area of approximately 417 m2, depth of approximately 40.2 m, and a frontage of approximately 10.3 m. The lands to be retained will have an area of 836 m2, a depth of approximately 40.2 m, and a frontage of approximately 20.8 m. Both the proposed severed and retained lands would have road access to Daly Avenue. The subject lands currently contain one single-detached dwelling located on the lands to be retained; the lands to be severed are vacant and are intended for the development of a new single-detached dwelling.

The purpose and effect of application A20-25 is to allow a reduction to the minimum required lot frontage requirement for the lands to be severed of Application for Consent B07-25 from 12 m to 10.3 m to facilitate the proposed severance.

Variance Requested:

1. Table 6.4.2: Regulations in the Residential Second Density (R2) Zone – to decrease the minimum lot frontage for a single detached dwelling on an interior lot from 12.0 m to 10.3 m.

5.3 **A21-25 – 516 Nelson Street**

The purpose of the application is to allow an increase to the maximum permitted encroachment of 2.5 metres for a proposed sunroom into a required rear yard. According to the submitted sketch, the existing single detached dwelling has a rear yard depth of 8.3 metres whereas the minimum rear yard depth requirement is 7.5 metres. The applicant is proposing a sunroom addition with a depth of 3.66 metres whereas the combination of the rear yard depth and the permitted yard encroachment allows a sunroom addition to a maximum depth of 3.3 metres. As such, an increased maximum rear yard encroachment of 2.9 metres for a sunroom is being requested compared to the maximum permitted encroachment of 2.5 metres.

The effect of the application is to add a single-storey unheated sunroom of 13.4 sq.m floor

area to an existing two-storey semi detached dwelling unit. Access to the proposed sunroom would be through an existing doorway at the rear portion of the residential dwelling.

Variance Requested:

- 1. Section 4.20.1 c) iii) Projection into Required Yards: To increase the maximum encroachment permitted for a sunroom into a required rear yard from 2.5 metres to 2.9 metres.
- 3. **Next Meeting** December 17, 2025 City Hall Council Chambers (upper level), located at 1 Wellington Street, Stratford.
- 4. **Adjournment**

Motion by: Seconded by:

THAT the November 19, 2025 Stratford Committee of Adjustment meeting adjourn.

Time Start:

Time End:

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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, October 15, 2025

Time: 4:00 p.m.

Location: Stratford City Council Chamber (upper level), located at 1 Well ngton Street,

Stratford.

Committee Members in Attendance: Ajay Mishra, Roger Black, Dan Weagant,

Andy Bicanic-Chair

Committee Members absent with notice: Charlene Gordon

Staff in Attendance: Marc Bancroft-Manager of Pla ning, Ryan Queenan-Planner,

Robyn McIntyre-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 declared

3. General Business

4. Adoption of the Previous Minutes

Motion by: R. Black Seconded by: A. Mishra

THAT the minutes from the Stratford Committee of Adjustment hearing dated September 17, 2025 be adopted as printed. Carried.

5. Current Applications

5.1 **A19-25 – 41 Matilda Street**

The purpose of the application is to permit a detached garage with an increased height, wall height, and increased floor area to accommodate a larger garage than is otherwise permitted. The effect of this application is to facilitate the development of a detached garage on the subject lands. The detached garage would be located in the ear yard and will require the removal of the existing shed.

Variances Requested:

- 1. Table 4.1.4: Accessory Use Regulations to increase the maximum floor area for an accessory structure from 75 m2 to 81 m2.
- 2. Table 4.1.4: Accessory Use Regulations o increase the maximum height for an accessory structure from 5.0 m to 5.7 m.
- 3. Table 4.1.4: Accessory Use Regulatio $\,$ s to increase the maximum wall height for an accessory structure from 3.0 m to 3.35 m.

The report was presented by R. Queenan

Questions from the Committee:

A. Mishra – asked if a building permit would be a condition of the minor variance.

R. Queenan- no it is not a condition of variance.

R. Black- asked if the shed will have a loft?

Applicant R. Klingenberg- No

R. Black- Any washroom facilities?

Applicant R. Klingenberg- No

Comments from the Applicant/Agent: Has been in contact with UTRCA about getting a permit under section 28. Both sheds in the rear yard will be removed to accommodate the new garage.

Comments from the Public: none.

Decision of the Committee:

Moved By: D. Weagant Seconded By: R. Black THAT the City of Stratford Committee of Adjustment Approve Application A19-25 as submitted by Robert Klingenberg, for lands legally described as PLAN 486 LOT 4 in the City of Stratford, and municipally known as 41 Matilda Street, as it relates to:

- 1. Table 4.1.4: Accessory Use Regulations to increase the maximum floor area for an accessory structure from 75 m2 to 81 m2.
- 2. Table 4.1.4: Accessory Use Regulations to increase the maximum height for an accessory structure from 5.0 m to 5.7 m.
- 3. Table 4.1.4: Accessory Use Regulations to increase the maximum wall height for an accessory structure from 3.0 m to 3.4 m.

For the following reasons:

- 1. The request meets the 4 tests of minor variance
- 2. The request complies with the Provincial Planning Statement
- 3. No public comments were received

Carried.

5.2 **B05-25, B06-25, B08-25 – 3184 Vivian Line 37 B09-25, B10-25, B11-25 – 3188 Vivian Line 37**

Subject Property A: 3184 Viv an Line 37 (B05-25, B06-25, B08-25)

The purpose of Consent Applications B05-25 and B06-25 is to establish two easements that were originally supposed to be created when the lands were sold by the City of Stratford and transferred ownership. In addition to these two easements, one new easement would be created. The proposed easements are outlined as follows and should be read in conjunction with the attached mapping:

- B05-25, Easement 1 Original Easement for reciprocal access.
- B06-25, Easement 2 Original Easement for fire and access.
- B08-25, Easement 3 New Easement for stormwater management.

All three (3) easements are proposed to be in favour of the owner of Subject Property B, being Stratford LTC GP Inc.

Subject Property B: 3188 Vivian Line 37 (B09-25, B10-25, B11-25)

The purpose of Consent Applications B09-25 and B10-25 is to establish two easements that were originally supposed to be created when the lands were sold by the City of Stratford and transferred ownership. In addition to these two easements, one new easement would be created. The proposed easements are outlined as follows and should be read in conjunction with the attached mapping:

- B09-25, Easement 4 Original Easement for reciprocal access.
- B10-25, Easement 5 Original Easement for fire and access.
- B11-25, Easement 6 New Easement for stormwater management.

All three (3) easements are proposed to be in favour of the owner of Subject Property A, being Stratford Lands Inc.

The report was presented by R. McIntyre.

Questions from the Committee: None

Comments from the Applicant/Agent: Mike Serra (Agent): The purpose of these applications for easements are administrative, no additional severances are being requested.

Comments from the Public: None

Decision of the Committee:

Applications B05-25, B06-25, B08-25

Moved By: A. Mishra Seconded By: D. Weagant

THAT the City of Stratford Committee of Adjustment APPROVE Applications B05-25, B06-25, and B08-25 as submitted by GSP Group c/o Rachel Bossie and Michael Serra on behalf of Stratford Lands Inc. to create access, fire access, and stormwater management easements at Part of Lot 45, Concession 3 N Easthope Designated as Parts 2, 4, and 7 on Plan 44R-6270; S/T PC226444, PC226446, PC226449; Perth East, County of Perth, being Part of PIN 53080-0027(LT), municipally known as 3184 Vivian Line 37, 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. That the said Certificate of Consent be issued concurrently with the Certificate of Consent for Applications B09-25, B10-25, and B11-25.
- 2. That satisfactory arrangements be made with the City of Stratford for the payment of any outstanding Municipal property taxes.
- 3. That any outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the City.
- 4. 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.
- 5. That prior to the stamping of the deeds, the applicant shall provide a draft transfer

prepared by the applicant's legal representative.

6. 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

For the following reasons:

- 1. The proposal conforms to the City's Official Plan
- 2. No public comments were received

Carried.

Decision of the Committee:

Applications B09-25, B10-25, B11-25

Moved By: A. Mishra Seconded By: R. Black

THAT the City of Stratford Committee of Adjustment APPROVE Applications B09-25, B10-25, and B11-25 as submitted by GSP Group c/o Rachel Bossie and Michael Serra on behalf of Stratford LTC GP Inc. to create access, fire access, and stormwater management easements at Part of Lot 45, Concession 3 N Easth pe designated as Parts 3, 5 and 6 Plan 44R6270; S/T PC226444, PC226446, PC226449; Perth East, County of Perth, being Part of PIN (53080-0027(LT), municipally known as 3188 Vivian Line 37, 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. That the said Certificate of Consent be issued concurrently with the Certificate of Consent for Applications B05-25, B06-25, and B08-25.
- 2. That satisfactory arrangements be made with the City of Stratford for the payment of any outstanding Municipal property taxes.
- 3. That any outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the City.
- 4. 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.
- 5. That prior to the stamping of the deeds, the applicant shall provide a draft transfer prepared by the applicant's legal representative.
- 6. Prior to the stamping of the deeds, for the purposes of satisfying any of the above ⁸

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 Provincial Planning Statement
- 2. No public input was received

Carried.

3. **Next Meeting** – November 19, 2025 – City Hall Council Chambers (upper level), located at 1 Wellington Street, Stratford.

4. **Adjournment**

Motion by: R. Black

Seconded by: D. Weagant

THAT the October 15, 2025 Stratford Committee of Adjustment meeting adjourn.

Time Start: 4:00pm Time End: 4:20pm

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MEMORANDUM

Date: November 14, 2025

To: Committee of Adjustment

From: Anu Kumar

Re: Application for Consent – B04-25 (208 & 210 Forman Avenue)

Addendum to (attached) Planning Report dated September 11, 2025

Purpose:

The purpose of this memorandum is to provide an addendum to the planning report for Application B04-25, submitted by Doug Reaume (MTE) on behalf of Terrence Finlay and Anna Hnatyshen for the lands municipally known as 208 and 210 Forman Avenue. The application is to sever the northern portion of the subject lands municipally known as 210 Forman Avenue, to permit semi-detached dwelling units to be wholly contained on separate lots.

At the September 17, 2025, hearing, the Committee of Adjustment deferred their decision on the application pending further clarification from the City's Engineering Division regarding servicing requirements and alternatively if a blanket easement would be acceptable as requested by the applicant's agent. Following the hearing, planning staff sought clarification from the Engineering Division in this regard as well as from utility providers including Enbridge and Festival Hydro.

Agency and Departmental Comments:

City of Stratford Infrastructure Services Department – Engineering Division:

The Engineering Division's **initial comments** indicated that it is the property owner's responsibility to provide proof of existing services to the satisfaction of the City. The Engineering Division noted that current records indicate that 208 Forman Avenue requires a new sanitary service, and 210 requires new stormwater and water services. Additionally, Engineering confirmed that a 1.4416-metre road widening dedication would be required along the Forman Avenue frontage, in accordance with the Zoning By-law Schedule B. Furthermore, Engineering indicated that all newly owned freehold units shall be serviced with separate sanitary, storm, and water private connections.



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Comments received from the Engineering Division <u>post-deferral</u> of the application:

Since this application is for a severance of an existing lot, the Infrastructure Standards and Specifications requires each lot to have their own (individual) servicing. Therefore, each property, severed and retained shall have their own sanitary/storm/water service. Engineering will not support the request to use their existing shared services between the two properties once severed through an easement.

Following discussions with the applicant, the Engineering Division confirmed that 208 Forman Avenue requires a new sanitary service, and 210 Forman Avenue requires a new storm service. However, it should be noted that there is currently no survey to definitively determine the location of existing services. A survey will be required to confirm the location of existing services once the R-Plan is received, which will identify road widening and severance location in relation to the existing services.

Festival Hydro:

The <u>initial comments</u> from Festival Hydro confirmed that 208 and 210 are separately serviced. Festival Hydro indicated that underground wires feeding 208 may potentially trespass onto the lands to be severed—210 Forman Avenue. Staff requested clarification from Festival Hydro as to whether the easement would be in favour of Festival Hydro or the adjacent property owner, 208 Forman Avenue.

Comments received from Festival Hydro post-deferral of the application:

Any easement would be in favour of Festival Hydro as the service wire(s) in this scenario are hydro owned assets. If the customer plans to proceed with the severance, a locate can be checked against known property bars as a starting point but it should be clarified that a locate may not provide 100% certainty as paint/flags markings can be off depending on different factors such as signal etc. Our internal guidelines note a buffer of 1m on either side of the marked center line.

Enbridge Gas:

Enbridge's <u>initial comments</u> on the application have indicated that it is the responsibility of the applicant to verify that existing gas services do not encroach on neighboring properties. Any service relocation required as a result of the severance would be at the expense of the property owner.

Comments received from Enbridge post-deferral of the application:

We have reviewed our GIS maps, and it appears that both 208 and 210 have separate gas services, each with its own meter located at the front of the building. To confirm



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that these services run directly to the meter locations and that they do not encroach on the neighboring property—locates will need to be obtained by the property owner.

If the services do encroach, an easement will be required. Our Lands Department advised that if easements are required, it would be between the landowner (transferor) and Enbridge (transferee).

Assuming the locates confirm that the services run straight to the meters, and considering the lot will be severed down the middle, each gas service should remain within its respective property boundary.

Analysis:

The consent application B04-25 is to sever lands municipally known as 208-210 Forman Avenue to allow the existing semi-detached dwelling to be wholly contained within individual lots that meet R2(1) zoning requirements. The City's Engineering Division requires fully independent municipal services for each lot. Specifically, 208 Forman Avenue requires a new sanitary service, and 210 Forman Avenue requires a new storm service. Engineering has confirmed the necessity of a survey plan to identify the precise location of existing services, and any encroachment over individual property lot lines. Consequently, the Engineering and Planning Divisions are of the opinion that the applicant would be required to obtain an approved Consent Application to establish a private easement for any existing municipal service that may encroach over the lands to be severed and/or retained prior to finalizing the deeds.

Festival Hydro notes a possible underground hydro trespass from 208 across the proposed severed lot 210, which must be confirmed by locates and can be resolved through a utility easement. Enbridge confirms separate gas services but requires verification that laterals lie within each property; easements are needed if there are encroachments. Planning staff is of the opinion that, with conditions regarding independent servicing and any necessary utility easements, the consent maintains servicing integrity, utilizes infrastructure effectively, and remains consistent with the PPS, Official Plan, and Zoning By-law, representing good planning practices.

Recommendation:

THAT the City of Stratford Committee of Adjustment APPROVE Application B04-25 to sever a parcel of land having a lot frontage of 9.82 m and a lot area of 372.7 m², submitted by MTE (c/o Doug Reaume) on behalf of Terrence Finlay and Anna Hnatyshen, for lands legally described as PLAN 11



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N PT Lot 24, in the City of Stratford and municipally known as 208 & 210 Forman Ave., 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 any outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the City.
- 4. That prior to the stamping of deeds, the owner shall obtain underground utility locates for Enbridge gas services on both the severed and retained parcels of land, confirming that all laterals and meters are wholly contained within the respective individual property boundaries and do not encroach on lot lines. Where the locates identify an encroachment, the owner shall, to the satisfaction of Enbridge and the City, register a utility easement in favour of Enbridge.
- 5. That the applicant provide confirmation, to the satisfaction of Festival Hydro, that a hydro service connection is provided and wholly contained on each parcel to independently service individual dwelling units. Alternatively, where underground locates confirm that hydro services cross or encroach individual property lot lines, the owner shall register a utility easement in favour of Festival Hydro, to the satisfaction of Festival Hydro and the City.
- 6. Prior to the stamping of the deeds, the applicant is to provide proof of existing services to the satisfaction of the City's Engineering Division and ensure that new individually owned freehold dwelling units be serviced with separate sanitary, storm and water private connections. Specifically, 208 Forman Avenue requires a new sanitary service and 210 Forman Avenue requires a new storm connection.
- 7. Prior to the stamping of deeds, the applicant shall be required to obtain an approved Consent Application for private easement purposes if the survey plan identifies any encroachment of existing services over individual property lot lines.
- 8. Prior to the stamping of the deeds, the applicant shall dedicate a 1.4416-meter road widening along the Forman Ave. frontage to the satisfaction of the City's Engineering Division.
- 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. That prior to the stamping of the deeds, the applicant shall provide a draft transfer prepared by the applicant's legal representative.



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11. 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.

Reasons:

The proposed consent is consistent with the Provincial Planning Statement. The proposed consent conforms to the City of Stratford Official Plan. The proposed consent complies with the City of Stratford Zoning By-law.

REPORT TO THE COMMITTEE OF ADJUSTMENT

Submitted By: Building & Planning Services Department - Planning Division

Application No.: B04-25

Meeting Date: September 17, 2025

Owner: Terrence Finlay & Anna Hnatyshen

Agent: MTE (c/o Doug Reaume)

Location: 208 & 210 Forman Ave, legally known as PLAN 11 N PT Lot 24,

City of Stratford.

Zoning: Residential Second Density – R2(1)

Official Plan Designation: Residential Area

Road Classification: Forman Ave. – Collector Road

Purpose and Effect of Application

The purpose and effect of this application is to sever the northern portion of the subject lands, municipally known as 210 Forman Ave, to permit individual dwelling units of an existing semi-detached dwelling to be wholly contained on separate lots. The proposed lot would have an area of 372.7 m², a depth of 38.1 m, and a frontage of 9.82 m. The lands to be retained, municipally known as 208 Forman Ave, would have an area of 382.1 m², a depth of 38.1 m, and a frontage of 9.99 m. Both the proposed severed and retained lands have road access to Forman Avenue and currently each contain one dwelling unit of an existing one (1) storey semi-detached dwelling. The northern portion of the subject lands (210 Forman Ave) also comprises a frame shed, whereas the southern portion (208 Forman Ave) also comprises a frame garage.

Background:

Attachments

- Map 1 Existing Zoning & Location Map
- Map 2 Aerial Map
- Map 3 Severance Sketch
- Site Photograph 1
- Site Photograph 2

Site Characteristics

Existing Use: Semi-detached dwelling

Frontage: 19.8 m Depth: 38.1m Area: 754.8 m² Shape: Regular

Proposal:

	Lands to be Severed	Lands to be Retained
Area	372.7 m ²	382.1m ²
Frontage	9.82 m	9.99 m
Lot Depth	38.1 m	38.1 m
Road Access	Forman Ave.	Forman Ave.

Surrounding Land Uses

North: Community of Christ church East: Single detached dwellings

South: Commercial uses

West: Single detached dwellings; institutional uses

Agency Comments

This consent application was circulated to agencies for comments on August 25, 2025. The following comments were received:

City of Stratford Infrastructure Services Department – Engineering Division:

- 1.1. A 1.4416-meter road widening is required from the Forman Avenue frontage as per the Zoning By-Law Schedule B. Forman Avenue (collector) between Fraser to Huron requires a 23-meter right-of-way.
- 1.2. It is the property owner's responsibility to provide the Engineering Division with proof of the existing servicing to these units on this property. Our records currently show that new sanitary, storm and water services connections will be required for the severance of this property. New individually owned freehold dwelling units or other occupied buildings in the City must be serviced with separate sanitary, storm and water private connections.
 - 1.2.1. 208 Forman Avenue requires a new sanitary service.
 - 1.2.2. 210 Forman Avenue requires a new storm and water service.

City of Stratford Infrastructure Services Department – Climate Action:

No comments from the Climate Action division at this time.

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

No comments

City of Stratford Fire Prevention:

No comments or concerns.

Upper Thames River Conservation Authority (UTRCA):

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. For more information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at:

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

The subject lands are not affected by any regulations made pursuant to Section 28 of the *Conservation Authorities Act.*

Festival Hydro:

Based on the records available, 208 and 210 Forman currently have separate servicing (and hydro meters) via underground conductor runs.

Both electrically connect at the same concrete hydro pole, which is located just north of the driveway to #210.

However, the underground wires feeding #208 <u>may</u> trespass the lands which are 'to be severed - #210'.

If the project proceeds, the customer shall reach out to Festival Hydro Engineering to discuss this as well as easement registration or the potential for a new U/G service to #208 which does not trespass the lands being severed.

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

Public Comments

Notice of the proposal was circulated to neighbours within 60 metres of the subject property and published in the Town Crier of the Beacon Herald on August 25, 2025. At the time of writing this report, no comments have been received.

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

Analysis:

Provincial Planning Statement (2024)

All planning decisions in the Province of Ontario shall be consistent with the Provincial Planning Statement (PPS) which came into effect on October 20th, 2024, which is intended to streamline the provincial planning framework and replaces the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe, with an emphasis on more enabling housing policies. The 2024 PPS provides policy direction on matters of provincial interest relating to Building Homes, Sustaining Strong and Competitive Communities, Infrastructure and Facilities, Wise Use and Management of Resources, and Protecting Public Health and Safety.

Section 2.2 of the PPS states that cities shall provide an appropriate range and mix of housing options and densities by permitting and facilitating all forms of residential housing required to meet the social, health and well-being requirements of current and future residents. In addition, cities shall permit and facilitate all types of residential intensification, development as well as the introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3. Section 2.3.1.3 states that planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

The proposal to sever a semi-detached dwelling into individually conveyable lots aligns with creating a broader range of more affordable housing options, supporting intensification within an existing community. Additionally, the application would create a new residential lot within the city's built boundary by utilizing existing municipal services. This severance demonstrates resource-efficient intensification. As such, staff are satisfied that the proposal is consistent with the PPS.

Official Plan

Section 9.5.1 of the Official Plan provides evaluation criteria for consent applications. The applicable criteria for the evaluation of consent applications are outlined below followed by a staff response:

 a plan of subdivision is not required to ensure the proper and orderly development of the lands, which shall generally be where more than five lots are being created and in accordance with the policies of Section 9.3 of this Plan;

The applicant proposes creating a single lot to accommodate the existing residential use on the subject lands. Thus, a plan of subdivision is not required.

the proposed consents will not adversely affect the financial status of the City;

This consent will not adversely affect the city financially as there is no physical development proposed other than a severance to wholly contain existing dwelling units on separate parcels of land.

• the proposed use is compatible with adjacent land uses and in an existing built-up residential area the lot size, frontage and configuration of the severed and retained lots shall generally be in keeping with the existing development in the area;

The existing semi-detached dwelling on the subject lands is compatible with the surrounding residential area, which predominantly comprises low-rise developments consisting of single-detached residential dwellings and institutional uses. Additionally, the proposed lot size, frontage, and configuration align with the existing neighbourhood and other semi-detached lots within the city.

 the proposed lots front on, and have direct access from, an improved public road which is maintained on a year-round basis and which is of a reasonable standard of construction;

The lands to be severed and retained both have frontage and access onto Forman Avenue, which is designated as a collector road under the City's Official Plan.

• the access to the proposed lot shall not create a traffic hazard or serve to increase an existing traffic hazard as a result of limited sight lines, curves or grades;

The existing semi-detached dwelling is accessed by driveways that would comply to the requirements of the City's Zoning By-law.

• the additional lots do not extend or create a strip of development nor limit the potential for development of the retained lands and adjacent lands, and a consent shall be given favourable consideration if it has the effect of infilling;

This proposal is an infill consent request in a residential area to recognize an existing semi-detached dwelling units on separate conveyable parcels of land

the proposed lots can be adequately serviced;

The lands to be severed and retained are capable of being independently serviced and will be required to as a condition of approval.

• the lot frontage and area of the proposed lots are adequate for the existing and proposed uses and comply with the Zoning By-law. Where it is not possible to

meet the standards of the Zoning By-law, an amendment or variance shall be required as a condition of approval, where such action is considered appropriate;

The proposed lot area meets the requirements of the Zoning By-law for a semi-detached dwelling in the R2(1) zone.

Recommendation:

THAT the City of Stratford Committee of Adjustment APPROVE Application B04-25 to sever a parcel of land having a lot frontage of 9.82 m and a lot area of 372.7 m², submitted by MTE (c/o Doug Reaume) on behalf of Terrence Finlay and Anna Hnatyshen, for lands legally described as PLAN 11 N PT Lot 24, in the City of Stratford and municipally known as 208 & 210 Forman Ave., 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 any outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the City.
- 4. That the applicant provide confirmation, to the satisfaction of the City, that gas service connections are provided and wholly contained on the severed and retained parcels to independently service each dwelling unit.
- 5. That the applicant provide confirmation, to the satisfaction of the City, that a hydro service connection is provided and wholly contained on the retained parcel to independently service the dwelling unit, or alternatively that a consent for easement purposes be obtained to recognize the hydro service accommodating the retained parcel which encroaches over the severed parcel.
- 6. Prior to the stamping of the deeds, the applicant is to provide proof of existing services to the satisfaction of the City's Engineering Division, and ensure that new sanitary, storm, and water service connections are independently provided for each parcel. 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, unless the necessary easement has been approved.
- 7. Prior to the stamping of the deeds, the applicant shall dedicate a 1.4416-meter road widening along the Forman Ave. frontage to the satisfaction of the City's Engineering Division.
- 8. 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.
- 9. That prior to the stamping of the deeds, the applicant shall provide a draft transfer prepared by the applicant's legal representative.
- 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.

Reasons

The proposed consent is consistent with the Provincial Planning Statement.

The proposed consent conforms to the City of Stratford Official Plan.

The proposed consent complies with the City of Stratford Zoning By-law.

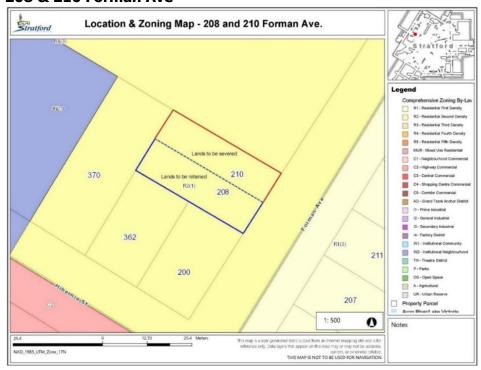
Prepared by: Anu Kumar, Planner

Recommended & approved by: Marc Bancroft, MPL, MCIP, RPP

Manager of Planning

Report finalized: September 11, 2025

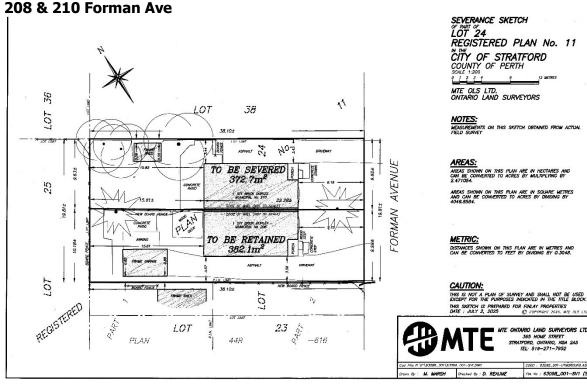
Map 1 – Location & Zoning Map File # B04-25 208 & 210 Forman Ave



Map 2 - Aerial Map File # B04-25 208 & 210 Forman Ave



Map 3 – Severance Sketch File # B04-25 208 & 210 Forman Ave



Site Photograph 1 File # B04-25 208 & 210 Forman Ave



Site Photograph 2 File # B04-25



REPORT TO THE COMMITTEE OF ADJUSTMENT

Submitted By: Building & Planning Services Department - Planning Division

Application No.: B07-25 & A20-25

Meeting Date: November 19, 2025

Owner: Lucas & Christina Collings

Agent: N/A

Location: 91 Daly Avenue, legally known as PLAN 74 E PT LOT 19 W PT

LOT 20, in the City of Stratford.

Zoning: Residential Second Density – R2(1)

Official Plan Designation: Residential Area

Road Classification: Daly Avenue – Local Road

Purpose and Effect of Application B07-25:

The purpose and effect of application B07-25 is to sever the western vacant portion of the subject lands, municipally known as 91 Daly Avenue, to allow the construction of a new single-detached dwelling. The lands to be severed would have an area of approximately 417 m², depth of approximately 40.2 m, and a frontage of approximately 10.3 m. The lands to be retained will have an area of approximately 836 m², a depth of approximately 40.2 m, and a frontage of approximately 20.8 m. Both the proposed severed and retained lands would have road access to Daly Avenue. The subject lands currently contain a single-detached dwelling located on the lands to be retained.

Purpose and Effect of Application A20-25

The purpose and effect of application A20-25 is to allow a reduction to the minimum lot frontage requirement for the lands to be severed of Application for Consent B07-25 from 12 m to 10.3 m to facilitate the proposed severance.

Variance Requested:

1. Table 6.4.2: Regulations in the Residential Second Density (R2) Zone – to decrease the minimum lot frontage for a single detached dwelling on an interior lot from 12.0 m to 10.3 m.

Background:

Attachments

Map 1 – Zoning & Location Map

Map 2 – Aerial Map

• Figure 1 – Severance Sketch

• Figure 2 – Site Photo

Site Characteristics

Existing Use: Single-detached dwelling

Frontage: 31.2 m Depth: 40.2 m Area: 1,255.5 m² Shape: Regular

Proposal:

	Lands to be Retained	Lands to be Severed
Lot Area	836.4 m ²	416.8 m ²
Lot Frontage	20.8 m	10.3 m
Lot Depth	40.2 m	40.2 m
Road Access	Daly Avenue	Daly Avenue

Surrounding Land Uses

North: Single-detached dwellings East: Single-detached dwellings South: Goderich-Exeter Railway West: Single-detached dwellings

Agency Comments

The consent and minor variance applications were circulated to agencies for comments on October 27, 2025. The following comments were received:

City of Stratford Infrastructure Services – Engineering Division:

A damage deposit of \$1,500.00 (plus Administrative Fee and HST) are required prior to construction as per "Schedule E" of the Fees and Charges By-Law 117-2023. This shall be provided to the Engineering Division during the Building Permit – Grading Plan review process.

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

The property owner is responsible for providing proof of servicing of the retained property at 91 Daly Avenue. Provide an as-built drawing that identifies existing sanitary and storm

(if applicable) services to your property. If no storm service is present, a new service shall be stubbed to the retained property line through the H.S.A. process outline below.

New sanitary, storm and water services connections are required for the severed property (note, this may be applicable for storm servicing to the retained property). The Engineering Division must be notified by the property owner/developer, requesting the new servicing estimates and installation. The requestor must provide the Engineering Division with the following: invert elevation of proposed service at property line, site servicing plan (drawing), and sizing requirements. The Engineering Division will generate estimates for the work to be completed within the public right-of-way. Based on the estimate generated, deposits will be required for the new service installations within the City of Stratford right-of-way prior to construction. Payment of these deposits are the responsibility of the property owner/developer. City forces are required to install the public drain connections (into the existing sanitary/storm/water main and up to property line). Property owner is responsible for all private drain connections (PDC) on private property (tie-into the stubbed public drain connection at property line to the house). Provide private service connection details once available.

A grading plan submission is required when applying for a Building Permit, the Engineering Division will review and approve. 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.

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 concrete stairs (retained property) located within the proposed road widening on the City right of way. A Reference Plan submission will be required for final review of the Encroachment Agreement conditions.

Approval from Goderich-Exeter Railway (GEXR) may be required for building approval.

Noise study would be required due to proximity to the existing railway, to be reviewed and approved by the Engineering Division.

A reconstruction project for Daly Avenue has been identified as a tentative 2026 Capital Project. Under the reconstruction project, new services will be provided to the property line for each lot fronting Daly Avenue.

City of Stratford Building and Planning Services – Building Services:

Building Permits will be required to be applied for prior to any construction commencing on the new dwelling unit. All planning approvals are to be provided with the building permit application. Development Charges will apply to the newly created dwelling unit at the current residential rates.

A legal survey will be required as part of the building permit application.

Please note reduced setbacks of the structure to property lines may impact Ontario Building Code requirements for construction and allowable openings along the exposed building face of the current dwelling unit. If the new setback of 1.5 m is achieved the building is to be reviewed to ensure all openings along the west building face are in compliance with the Ontario Building Code. If construction is required, a building permit must be obtained, and fees may be applied.

City of Stratford Corporate Services – Clerk's Office:

The Clerk's Office has reviewed the application and have no concerns related to parking. To note, the following parking restrictions apply to Daly Avenue:

No parking at anytime on the south side of Daly Avenue between Birmingham Street and St. Vincent Street.

City of Stratford Fire Prevention:

No comments or concerns.

investStratford - Housing Division:

As regards A20-25 & B07-25 – 91 Daly Avenue, the Housing Division of investStratford is in favour of this infill gentle intensification. Should the proponent wish to consider affordable housing as an option, please reach out to housing@investstratford.com to discuss.

Genesee & Wyoming Canada Inc.:

Please note that the GEXR railway line in this area is an active main line. According to the *Guidelines for New Development in Proximity to Railway Operations*, a minimum setback of 30 metres is recommended for new buildings located near a principal railway line.

Home - Proximity Initiative

The proposed dwelling is planned to be situated approximately 16.55 metres from the railway corridor. As a result, the future residents may experience noise, vibration, and other impacts associated with train operations.

It is important that the future property owner be made aware of the presence of this active railway corridor directly behind the property.

CN Rail:

No comments or concerns.

Festival Hydro: If the project proceeds, the existing O/H hydro service to the neighbour's [property] (#99) may cross over the parcel being severed. This would be considered an encroachment; and at this time, it's unclear if said wire will impact the proposal. The customer shall provide Festival Hydro with a copy of the approved site plan in advance of construction for further review. The customer will also require a hydro service layout for the dwelling being proposed – that process can be initiated at this same time.

Upper Thames River Conservation Authority:

The subject lands associated with applications B07-25 & A20-25 are not affected by any regulations made pursuant to Section 28 of the *Conservation Authorities Act*. The UTRCA has *no objections* to the applications, and we have *no* Section 28 approval requirements.

Upper Thames River Conservation Authority – Source Water 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. For more information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at:

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

Public Comments

Notice of the proposal was circulated to neighbours within 60 metres of the subject property and published in the Town Crier of the Beacon Herald November 1, 2025. At the time of writing this report one public comment has been received with an attached arborist's report. The comment speaks to concerns regarding the health of two mature spruce trees that exist in the rear yard of a neighbouring property adjacent to a shared property line with the subject lands. The comment states that the construction of the proposed dwelling will impact the character of their home and will endanger the health of the mature trees on their property. The arborists report states that "for safety of the trees, construction/excavation should come no closer than 3 metres from the trunks".

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

Analysis:

Provincial Planning Statement (2024)

All planning decisions in the Province of Ontario shall be consistent with the Provincial Planning Statement (PPS) which came into effect on October 20th, 2024, which is intended to streamline the provincial planning framework and replaces the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe, with an emphasis on more enabling housing policies. The 2024 PPS provides policy direction on matters of provincial interest relating to Building Homes, Sustaining Strong and Competitive Communities, Infrastructure and Facilities, Wise Use and Management of Resources, and Protecting Public Health and Safety.

Section 2.2 of the PPS states that cities shall provide for an appropriate range and mix of housing options and densities by permitting and facilitating all forms of residential housing required to meet the social, health and well-being requirements of current and future residents. In addition, cities shall permit and facilitate all types of residential intensification, development as well as the introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3. Section 2.3.1.3 states that planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

Section 3.5.1 of the PPS states that major facilities (including railways) and sensitive land uses (including residential development) shall be planned and developed to avoid or to minimize and mitigate potential adverse impacts with respect to noise and vibration impacts to ensure the long-term viability of major facilities. As a condition of consent, a noise and vibration study should be required and undertaken by a qualified professional to assess potential impacts from the adjacent railway on the proposed residential development. Any recommended mitigation measures, including but not limited to warning clauses and building design features, deemed acceptable by the City in consultation with the railway authority, would be implemented through a development agreement registered against the title of the subject lands.

Staff is of the opinion that the proposal to create a new lot is consistent with the PPS as the proposed development will contribute towards the provision of an appropriate range and mix of housing and densities, subject to appropriate mitigation measures to minimize potential adverse impacts from the adjacent railway. The application will create a new residential lot in a planned residential area within the City's built boundary, which is a form of gentle intensification and is a more efficient use of land and municipal infrastructure. As such, staff is satisfied that the proposal is consistent with the PPS.

Official Plan

Section 9.5.1 of the Official Plan provides evaluation criteria for consent applications. The applicable criteria for the evaluation of consent applications are outlined below (in italics type) followed by a staff response:

A plan of subdivision is not required to ensure the proper and orderly development of the lands, which shall generally be where more than five lots are being created and in accordance with the policies of Section 9.3 of this Plan;

• Only one lot is being proposed to be created to facilitate future residential development.

The proposed consents will not adversely affect the financial status of the City;

• This consent will result in a more efficient use of land and municipal infrastructure and as such will not adversely affect the City financially.

The proposed use is compatible with **adjacent** land uses and in an existing built-up residential area the lot size, frontage and configuration of the severed and retained lots shall generally be in keeping with the existing development in the area;

• The proposed single-detached dwelling on the proposed lands to be severed is compatible with the surrounding residential area, which predominantly consists of single-detached dwellings. The proposed lot size, frontage and configuration are in keeping with the existing nature of the surrounding area as there are several nearby properties with similar massing and lot frontages. Compatibility with the adjacent railroad is capable of being demonstrated through appropriate recommended noise and vibration mitigation measures identified by a qualified professional retained by the applicant.

The proposed lots front on, and have direct access from, an improved public road which is maintained on a year-round basis, and which is of a reasonable standard of construction;

• The lands to be severed and retained both have frontage and access onto Daly Avenue, being designated as a local road under the City's Official Plan.

The access to the proposed lot shall not create a traffic hazard or serve to increase an existing traffic hazard as a result of limited sight lines, curves or grades;

• The proposed single-detached dwelling will be accessed by a new driveway that will comply with the requirements of the City's Zoning By-law. Additionally, there were no concerns in this regard identified by the City's Infrastructure Services Department in the circulation of this proposal in this regard.

The additional lots do not extend or create a strip of development nor limit the potential for development of the retained lands and **adjacent** lands, and a consent shall be given favourable consideration if it has the effect of infilling;

• This proposal is an infill consent request in a residential area.

The proposed lots can be adequately serviced;

• The lands to be severed and retained are capable of being independently serviced and will be required to as a condition of approval.

The lot frontage and area of the proposed lots are adequate for the existing and proposed uses and comply with the Zoning By-law. Where it is not possible to meet the standards of the Zoning By-law, an amendment or variance shall be required as a condition of approval, where such action is considered appropriate;

The proposed lands to be retained meets the requirements of the Zoning By-law.
The proposed lands to be severed meets all the requirements of the Zoning By-law for a single-detached dwelling, apart from minimum lot frontage. As such, a minor variance application has been submitted concurrently with the consent application.

The City of Stratford Official Plan includes development standards within Section 4.5.3.1 for Stable Residential Areas. Within this policy framework, limited infill on existing local roads may occur where new lots and dwellings are compatible with the surrounding lotting pattern, building massing, height, and streetscape, and can be serviced by existing infrastructure. The proposed consent would create a new residential lot for a single detached dwelling, a permitted use in the Residential Area designation, and the associated frontage relief (from 12.0 m to 10.3 m) can be implemented in a manner that maintains the established character of the neighbourhood. In Staff's opinion, the proposed consent is consistent with the policies of the City's Official Plan.

Section 5.5 of the Official Plan provides policies with respect to land adjacent to railways. The intent of these policies is to mitigate the impact of railway noise and vibration on proposed residential development. To minimize land use conflicts between new residential development and railway corridors, attenuation measures will be required to buffer these uses from railways in noise sensitive and vibration areas. Noise sensitive areas are considered to areas lying within 300 metres of a railway, and vibration sensitive areas are considered to be areas lying within 75 metres of a railway. The subject lands are directly adjacent to Goderich-Exeter Railway (GEXR) line, and as such are located in both a noise and vibration sensitive area. It is noted that the GEXR railway line to the south of the subject lands is an active main line.

As noted by the railway company operating the GEXR, a minimum setback of 30 metres is recommended for new buildings located near a principal railway line, as per the *Guidelines for New Development in Proximity to Railway Operations*. The proposed dwelling is planned to be situated approximately 16.55 metres from the railway corridor, and as a result future residents may experience noise, vibration, and other impacts associated with train operations.

Given the adjacent railway and to ensure compatibility concerns are appropriately addressed, City Planning is recommending that the applicant retain a qualified professional to undertake a noise and vibration study to the satisfaction of the City, as per Official Plan policies 5.5.3 and 5.5.4, as a condition of consent. Additionally, as a condition of consent, any recommended mitigation measures, including but not limited to warning clauses and building design features, deemed acceptable by the City in consultation with the railway authority, would be implemented through a development agreement registered against the title of the subject lands.

Section 45 of the Planning Act allows the Committee of Adjustment to grant relief from zoning by-law requirements subject to four tests, as follows:

<u>Does the request Maintain the Intent and Purpose of the Official Plan?</u>

The property is designated "Residential Area" on Schedule "A" and is located on a local road on Schedule "D" of the Official Plan. The Residential Area policies allow for a range of dwelling types from single detached and semi-detached dwellings to townhouses and low-rise apartment buildings. Section 4.5 of the Official Plan includes standards for stable residential areas, such as respecting the massing, streetscape, and lotting pattern of the surrounding area.

The applicant is requesting a variance to reduce the minimum lot frontage from 12.0 m to 10.3 m to facilitate a consent to create one new lot for a single detached dwelling. A single detached dwelling is a permitted built form within the Residential Area designation and is consistent with the planned function of the neighbourhood. The proposed frontage, while narrower than the current standard is consistent with existing legal non-conforming lot frontages on Daly Avenue, and can accommodate a dwelling that aligns with established setbacks, and orientations, thereby maintain the character of the street.

Section 4.5 encourages infill that makes efficient use of existing infrastructure on local roads where servicing is available and where lot creation can be achieved without adverse impacts on adjacent properties. In Staff's view, the reduced frontage will not, in itself, result in a built form that is out of scale with nearby dwellings. A well-designed single detached dwelling on the new lot can fit within the prevailing height and massing and maintain an appropriate streetscape rhythm.

Accordingly, Staff are satisfied that the requested frontage relief is compatible with the surrounding neighbourhood and upholds the Residential Area and Stable Residential Area policies of Section 4.5. Staff are of the opinion that the requested variance maintains the general intent and purpose of the Official Plan.

Does the request Maintain the Intent and Purpose of the Zoning By-law?

The subject lands are zoned Residential Second Density R2(1) in the City of Stratford Zoning By-law, which permits the existing and proposed single-detached dwellings. The lands to be retained comply with all provisions of the Zoning By-law. However, the lands to be severed do not comply with lot frontage requirements, hence the applicant is requesting a reduction for the minimum required lot frontage for a single-detached dwelling, from 12 m to 10.3 m.

The purpose of the minimum lot frontage requirement in the Zoning By-law is to ensure that sufficient access can be provided for vehicles and municipal services and that there is consistency in lot shapes and sizes within a neighbourhood. Staff are of the opinion that the requested lot frontages are consistent with the neighbourhood as similar frontages can be seen on Daly Avenue. Further, sufficient access is provided for vehicles and municipal services. As such, Staff are of the opinion that the proposed application maintains the general intent and purpose of the Zoning By-law.

<u>Is the requested variance desirable for the appropriate development of the lands?</u>

The subject lands are classified as "Residential" in the City's Official Plan and zoned Residential Second Density R2(1) in the Zoning By-law. The retained and severed lots will comply with applicable zoning standards, with the exception of the frontage on the severed lot. The requested variance is to facilitate the consent application and enable the development of a new single-detached dwelling on the subject lands. The appropriateness of this development shall also be confirmed through the undertaking of a noise and vibration study by a qualified professional to ensure compatibility with the adjacent railroad. As such, Staff is of the opinion that the requested variance is desirable for the appropriate development of the lands.

Is the requested variance minor in nature?

Whether a variance is minor is evaluated in terms of the impact the proposed development is expected to have on the surrounding neighbourhood. The requested variance, reducing the minimum lot frontage from 12.0 m to 10.3 m, would facilitate the consent application by permitting the creation of a new lot for a single detached dwelling. It is not expected that the requested variance will have an adverse impact on the character of the area given the variety of lot sizes and the presence of other newly constructed homes on the street. Further, the development will not affect the ability of adjacent property owners to use their property in accordance with the Zoning By-law. As such, the requested variance is considered minor.

Recommendation:

THAT the City of Stratford Committee of Adjustment <u>APPROVE</u> Application B07-25, to sever a parcel of land having a lot frontage of 10.3 m and a lot area of 417 m², submitted by Lucas & Christina Collings, for lands legally described as PLAN 74 E PT LOT 19 W PT LOT 20, in the City of Stratford and municipally known as 91 Daly Avenue, 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 A20-25 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 deeds, a 5% cash-in-lieu payment of parkland dedication for the subject lands in accordance with the <u>Planning Act</u> 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 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.
- 8. That prior to the stamping of deeds, the applicant shall engage the services of a qualified professional to undertake a noise and vibration study to the satisfaction of the City, in consultation with the railway authority, to ensure compatibility of the proposed residential development and the adjacent railway through recommended mitigation measures.
- 9. That prior to the stamping of deeds, a development agreement between the City and the applicant shall be executed and registered against the title of the subject lands including provisions with respect to recommended mitigation measures, including but not limited to warning clauses and building design features, deemed acceptable by the City in consultation with the railway authority.
- 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. 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 concrete stairs (retained property) located within the City right of way. A Reference Plan submission will be required for final review of the Encroachment Agreement conditions.
- 13. 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.

Reasons

The proposed consent is consistent with the Provincial Planning Statement.

The proposed consent conforms to the City of Stratford Official Plan.

The proposed consent conforms to the City of Stratford Comprehensive Zoning By-law subject to an approved minor variance to address the lot frontage deficiency of the lot to be severed.

THAT the City of Stratford Committee of Adjustment <u>APPROVE</u> Application A20-25, submitted by Lucas & Christina Collings, for lands legally described as PLAN 74 E PT LOT 19 W PT LOT 20, in the City of Stratford and municipally known as 91 Daly Avenue, as it relates to:

1. Table 6.4.2 - Regulations in the Residential Second Density (R2) Zone: to decrease the minimum lot frontage for a single detached dwelling on an interior lot from 12.0 m to 10.3 m.

Reasons

The proposed consent is consistent with the Provincial Planning Statement.

The proposed relief meets the four tests of a minor variance as set out in Section 45(1) of the Planning Act as follows:

The requested relief maintains the general intent and purpose of the Official Plan as the proposal will create a new residential lot to facilitate the development of a new single-detached dwelling that meets the policies of the Official Plan.

The requested relief maintains the general intent and purpose of the City's Zoning Bylaw as the requested lot frontages will remain consistent with the surrounding area and provide sufficient access for vehicles and municipal services.

The requested relief is desirable for the use of the land as it will facilitate the consent application to develop a new single-detached dwelling on the subject lands.

The requested relief is minor, as the requested variances will not affect the ability of neighbouring property owners to use their land in accordance with the provisions of the Zoning By-law.

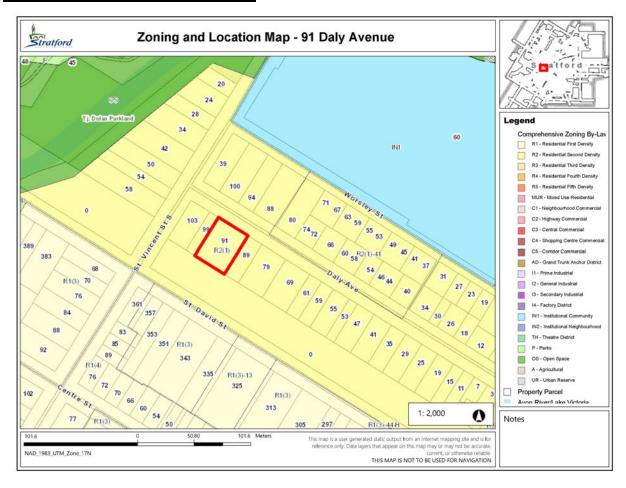
Prepared by: Ryan Queenan, Planner

Recommended & approved by: Marc Bancroft, MPL, MCIP, RPP

Manager of Planning

Report finalized: November 14th, 2025

Map 1 - Location & Zoning Map



Map 2 - Aerial Map

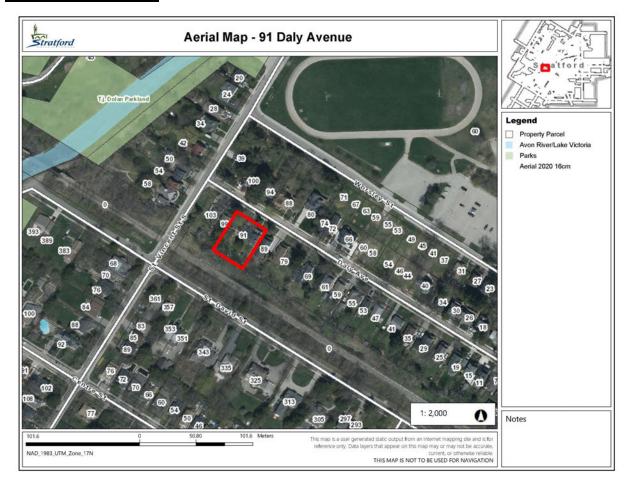
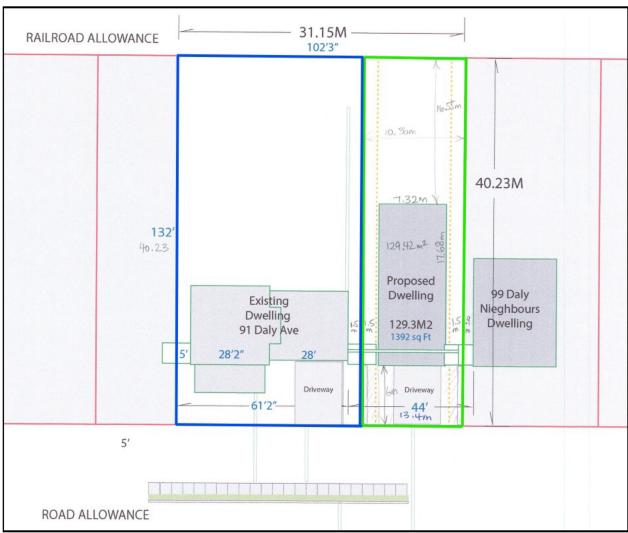


Figure 1 - Severance Sketch



Lands to be retained outlined in blue (blue), lands to be severed outlined in green (green)

Figure 2 – Site Photo



Site photo of 91 Daly Avenue, as seen from Daly Avenue looking south (November 6, 2025)

Public Comments Received- B07-25 & A20-25- 91 Daly Avenue

From: Jane Gooderham

To: Planning Division

Subject: Application A20-25, 91 Daly Avenue, Stratford

Date: Thursday, November 6, 2025 12:53:07 PM

Attachments: 99 Daly.pdf

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern:

Our names are Jane Gooderham and Laura Condlin and we reside at

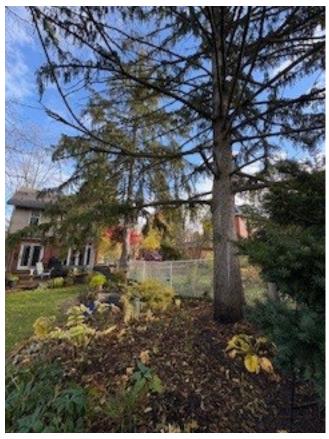
We wish to voice our deep concern regarding the above proposed building of a new dwelling that will exist 17.68 m deep into the property. Because the proposed width of the property will be significantly less than is currently deemed reasonable by the town (hence the need for a variance), the building itself must now stretch into the 'back yard' area that has been stable for decades. This will significantly change the character of our home - and most importantly endangers the health of at least one, and possibly two very large, mature trees that have existed close to the property line. We wish to voice strong concern regarding the health of these beloved trees which were planted back in the days when Stratford residents cared deeply about tree growth and nature. We have received advice and an Arborist's Report from a local tree specialist, Tim Lott, which we have attached here. We are also attaching several photos for your information.

Thank you very much for considering our concerns, and please let us know if you require any further

information.

Yours sincerely,

Jane Gooderham and Laura Condlin







To Whom It May Concern:

This report is regarding the protection and management of two mature Spruce trees along the east property line at 99 Daly Ave. The trees are approximately 18m (60ft) in height 60 and 63cm (24in) in diameter with a crown and root zone of approximately 6m (20ft). The proposed residential building in the adjacent lot will encroach these trees. The structural integrity of these trees may be compromised depending on how close the construction and the foundation of the proposed house is. For safety of the trees, construction / excavation should come no closer than 3 metres from the trunks.

Spruce trees have shallow root systems which can uproot in high wind events, when the root zone is compromised. If the construction comes within the root zone of the trees and or there is an excess amount of pruning done, this could result in the above mentioned, uprooting or the possibility of death.

These trees provide shade for the house, as well as habitat for wildlife, and a host of other positives. If death does happen to one or both of these trees it will be from the construction as they have been healthy to this point. Death may not happen overnight, it often takes trees several years to show negative impacts.

Any questions or recommendations please feel free to contact me.

Dated Nov. 6 2025 Signed, Tim Lott ISA certified arborist ON-0516 Ontario certified arborist 1202775

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Tim Lott
946 Downie Rd 112, Stratford ON N5A 6S3
519-273-2319
www.timstreecare.ca
ISA Certified Arborist ON-0516

REPORT TO THE COMMITTEE OF ADJUSTMENT

Submitted By: Building & Planning Services Department -

Planning Division

Application No.: A21-25

Meeting Date: November 19, 2025

Owner: Peter Kurn & Lesley Kurn

Agent: Shawn Sawatzky

Location: 516 Nelson Street, legally described as Plan 537, Part of Lot

18, Part 2 on Reference Plan 44R-3416, in the City of

Stratford.

Zoning: R2(1) – Residential Second Density

Official Plan

Designation: Residential Area

Road Classification: Nelson Street – Local Road

Purpose and Effect of Application:

The purpose of the application is to allow an increase to the maximum permitted encroachment of 2.5 metres for a proposed sunroom into a required rear yard. According to the submitted sketch, the existing single detached dwelling has a rear yard depth of 8.3 metres whereas the minimum rear yard depth requirement is 7.5 metres. The applicant is proposing a sunroom addition with a depth of 3.66 metres whereas the combination of the rear yard depth and the permitted yard encroachment allows a sunroom addition to a maximum depth of 3.3 metres. As such, an increased maximum rear yard encroachment of 2.9 metres for a sunroom is being requested compared to the maximum permitted encroachment of 2.5 metres.

The effect of the application is to add a single-storey unheated sunroom of 13.4 sq.m floor area to an existing two-storey semi detached dwelling unit. Access to the proposed sunroom would be through an existing doorway at the rear portion of the residential dwelling.

Variance Requested:

1. Section 4.20.1 c) iii) Projection into Required Yards: To increase the maximum encroachment permitted for a sunroom into a required rear yard from 2.5 metres to 2.9 metres.

Background:

Attachments

- Map 1 Zoning & Location Map
- Map 2 Aerial Map
- Diagram 1 Proposed Site Plan
- Diagram 2- Proposed Main Floor Plan
- Diagram 3- Proposed Elevation
- Diagram 4- Proposed Elevation
- Diagram 5 Proposed Elevation
- Figure 1 Site Photograph

Site Characteristics

Existing Use: Semi-detached Residential Dwelling Unit

Frontage: 9.14 m Depth: 30.48 m Area: 278.58 sq.m. Shape: Regular

Surrounding Land Uses to 516 Nelson Street (Subject Property)

North: Lands with semi-detached residential dwellings East: Lands with semi-detached residential dwellings

South: Lands with semi-detached residential dwellings; industrial uses are located

further south

West: Lands with residential apartment dwellings

Agency Comments

This minor variance application was circulated to agencies for comment on October 28, 2025. The following comments were received:

City of Stratford Building and Planning Services Department – BuildingNo comments.

City of Stratford Infrastructure Services Department – Engineering

- 1.1 A damage deposit of \$1,000.00 (plus Administrative Fee and HST) are required prior to construction as per "Schedule E" of the Fees and Charges By-Law 117-2023. This shall be provided to the Engineering Division during the Building Permit Grading Plan review process.
- 1.2. The Building Department may determine whether a grading plan submission is required when applying for a Building Permit. If so, the Engineering Division will review and approve the submitted grading plan. 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.

City of Stratford – Clerks

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

Upper Thames River Conservation Authority (UTRCA), Source Water 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. For more information pertaining to drinking water source protection, please refer to the approved Source Protection Plan

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

Upper Thames River Conservation Authority (UTRCA), Land Use Planning:

The subject lands associated with application A21-25 are not affected by any regulations made pursuant to Section 28 of the *Conservation Authorities Act*. The UTRCA has *no objections* to the application, and we have *no* Section 28 approval requirements.

City of Stratford Fire Department – Fire Prevention:

No comments from Fire Prevention.

Public Comments

Planning staff have not received any public input. Any additional public comments received after the date of completion of the report will be provided to the Committee of Adjustment.

Analysis:

Provincial Planning Statement (PPS)

All planning decisions in the Province of Ontario must be consistent with the Provincial Planning Statement (PPS), which came into effect on October 20, 2024. This statement is designed to streamline the provincial planning framework, replacing the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe, with an emphasis on more enabling housing policies. The PPS provides policy direction on matters of provincial interest relating to building homes, sustaining strong and competitive communities, infrastructure and facilities, the wise use and management of resources, and protecting public health and safety.

Section 2.3.1.2 of the PPS states that land use patterns within settlement areas shall efficiently use existing or planned infrastructure. Additionally, Section 2.2.1 supports the redevelopment of underutilized residential land, allowing for modest intensification in built-up areas. The subject property is located within a built-up area, which requires no additional infrastructure investment. The proposed sunroom is a modest addition to the existing residential dwelling and would provide health and wellbeing benefits to the residents. Thus, the proposed sunroom addition aligns with the PPS as it supports and promotes healthy, livable, and resilient communities.

Does the request Maintain the Intent and Purpose of the Official Plan?

The subject property is designated as a "Residential Area" in Schedule A of the City of Stratford Official Plan, permitting low- and medium-density residential uses, including single-detached and semi-detached dwellings (Section 4.5 of the City of Stratford Official Plan). The City's goals and objectives for the "Residential Area" designation include maintaining essential neighborhood qualities such as privacy, upkeep, public health, safety, and compatibility with the surrounding area.

The subject property is also subject to the 'Stable Residential Area' policies of the Official Plan, which require any new development to be compatible with the existing neighborhood character. Considering that the proposed sunroom respects the height, massing, and scale of the adjacent developments, the proposal aligns with the 'Stable Residential Area' policies of the Official Plan.

Furthermore, the City's Official Plan encourages high-quality residential design that enhances comfort, health, and accessibility for residents. The proposed sunroom addition represents a compatible and context-sensitive development that supports healthy, livable communities and efficient use of land. Therefore, the proposed development aligns with the intent and purpose of the Official Plan.

Does the requested variance maintain the intent and purpose of the Zoning By-law?

The subject property is zoned Residential Second Density (R2(1)) under the City of Stratford Comprehensive Zoning By-law No. 10-2022, which permits a variety of housing types, including single-detached and semi-detached dwellings. The City's Zoning By-law allows modest additions to existing residential dwellings that would not adversely affect the existing residential use and neighboring properties. The proposed sunroom addition does not alter the primary use of the property and is consistent with the intended residential form permitted in the R2(1) zone.

According to Section 4.20.1(c)(iii), the maximum permitted encroachment for a sunroom into a required rear yard is 2.5 metres. The purpose of the permitted maximum yard encroachment provisions in the Zoning By-law is to allow architectural features and small-scale residential additions that enhance livability while ensuring that required yards remain usable and accessible, and that adequate spacing and separation are maintained between adjacent developments. In this case, the applicant proposes a sunroom with a depth of 3.66 metres, whereas the combination of the rear yard depth and the permitted yard encroachment allow a maximum sunroom depth of 3.3 metres. Thus, an encroachment of 2.9 metres is requested, which exceeds the permitted maximum encroachment by 0.4 metres.

It should be noted that although the proposed sunroom would encroach 2.9 metres into the required rear yard, it would still maintain sufficient visual and physical separation between adjacent developments. The proposed sunroom, with a maximum height of 4.3 metres, remains subordinate to the main dwelling and maintains compatibility with the form of the existing residential dwelling on the property.

With the sunroom, the dwelling would have a lot coverage of approximately 39.3%, which would be within the 40% maximum lot coverage permitted by the Zoning By-law. In addition, the Zoning By-law requires a minimum of 30% landscaped open space; based on the applicant's sketch, approximately 35% of the site would remain as landscaped open space, and the rear yard will continue to provide sufficient area for vegetation and amenity use. In the R2(1) Zone, where a minimum interior side yard width of 2.5 m is required, the proposed sunroom aligns with the existing exterior side wall of the semi-detached dwelling, which is set back 2.62 m from the interior side lot line, and therefore meets the Zoning By-law's interior side yard width requirement.

Overall, the proposed sunroom maintains adequate spatial separation, avoids adverse impacts on neighbouring properties, and upholds the intent and purpose of the Zoning By-law.

Is the requested variance desirable for the appropriate development of the lands?

The proposed sunroom addition enhances livability and comfort for residents without significantly increasing the existing residential dwelling's footprint. Therefore, the requested variance would support appropriate and desirable residential development.

Is the requested variance minor in nature?

Whether a variance is considered minor is evaluated based on the anticipated impact of the proposed development on the surrounding neighborhood. The requested increase of 0.4 metres beyond the permitted rear yard encroachment represents a minor deviation from the encroachment permitted in a required rear yard by the City's Zoning By-law. The sunroom addition would still maintain a functional and open rear yard and would not adversely impact adjacent properties, privacy, or drainage. The scale and visibility of the sunroom addition are minor in nature. Hence, the requested variance is minor in nature.

Recommendation:

That the City of Stratford Committee of Adjustment APPROVE Application A21-25, submitted by Shawn Sawatzky on behalf of Peter Kurn & Lesley Kurn, for lands known municipally as 516 Nelson Street, legally described as Plan 537, Part of Lot 18, Part 2 on Reference Plan 44R-3416, in the City of Stratford.

1. Section 4.20.1 c) iii) Projection into Required Yards: To increase the maximum encroachment permitted for a sunroom into a required rear yard from 2.5 metres to 2.9 metres.

Reasons

The proposed relief is consistent with the Provincial Planning Statement.

And the proposed relief, subject to the listed condition, meets the four tests of a minor variance as set out in Section 45(1) of the Planning Act as follows:

The requested relief maintains the intent and purpose of the Official Plan, as the proposal aligns with its residential policies.

The requested relief upholds the intent and purpose of the City's Comprehensive Zoning By-law. The proposed sunroom addition ensures adequate separation between surrounding land uses and provides sufficient space for landscaping and amenities.

The requested relief is desirable for the use of the land, as it provides additional space and comfort for residents without adverse impacts on surrounding lands.

The requested relief is minor, as the requested variance of 2.9 metres represents a minor deviation from the permitted rear-yard encroachment of 2.5 metres, and the sunroom is compatible with surrounding developments.

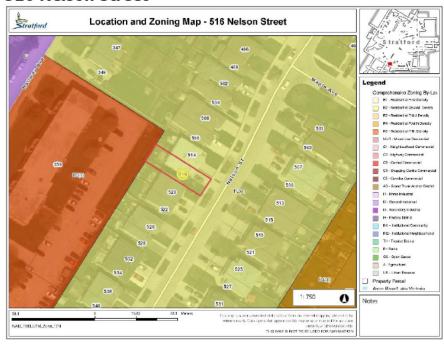
Prepared by:Anu Kumar,
Planner

Recommended and Approved by: Marc Bancroft, MPL, MCIP, RPP

Manager of Planning

Report finalized: November 14, 2025

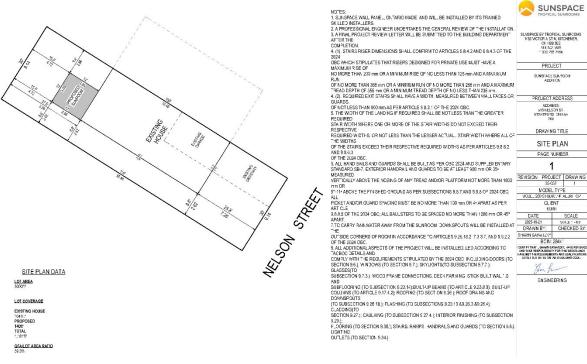
Map 1 - Location & Zoning Map File # A21-25 516 Nelson Street



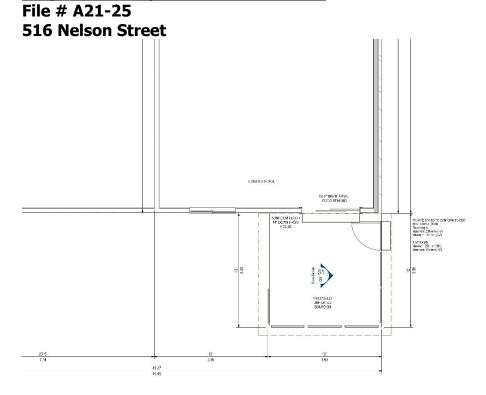
Map 2 – Aerial Map File # A21-25 516 Nelson Street



<u>Diagram 1 - Proposed Site Plan</u> File # A21-25 516 Nelson Street



<u>Diagram 2 - Proposed Main Floor Plan</u>

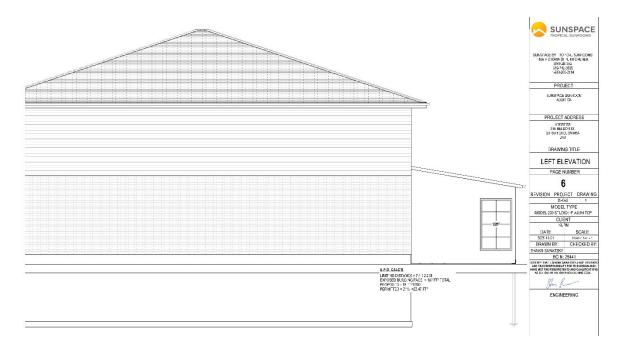


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<u>Diagram 2 - Proposed Elevation 1</u> File # A21-25 516 Nelson Street



<u>Diagram 3 - Proposed Elevation 2</u> File # A21-25 516 Nelson Street



<u>Diagram 4 - Proposed Elevation 3</u> File # A21-25 516 Nelson Street

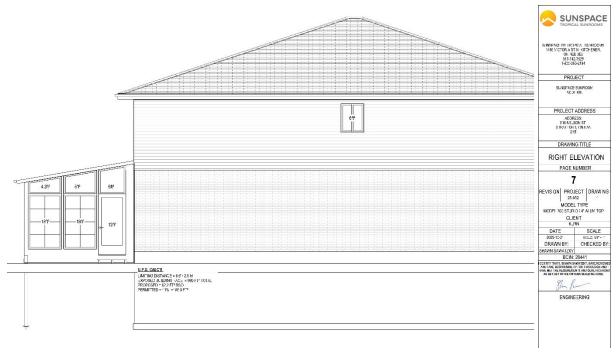


Figure 1 – Site Photograph

File # A21-25

