COMMITTEE OF ADJUSTMENT

AGENDA

The Stratford Committee of Adjustment will consider the following applications at a hearing to be held on Thursday, August 20, 2020, at 3:00 p.m. This will be an electronic meeting.

The following link is provided to watch the Committee of Adjustment meeting live:
https://stratford-ca.zoom.us/j/97488108320?pwd=ZGR1Mk0zTi9BcDlwRVVkZndHWHYvUT09

A video of the meeting will also be posted to the City’s website at http://www.stratford.ca once available.

APPLICATIONS: RACHEL BOSSIE

MINOR VARIANCE APPLICATIONS

A09-18 – 32/34 Stratford Street – Planner: Rachel Bossie
Purpose: Application A09-18 was deferred at the October 10, 2018 Committee of Adjustment meeting. The original purpose of A09-18 was to obtain variances for 32 Stratford Street (lands that were severed through consent application B09-18) to reduce the minimum lot frontage and lot area for a duplex and for 34 Stratford Street (lands that were retained through consent application B09-18) to reduce the minimum lot frontage and lot area for a two unit converted dwelling.

The applicant has amended the original application to remove the previously requested variances for 34 Stratford Street for a converted dwelling and has added a variance for a shared driveway. For 32 Stratford Street the owner has added variances for a shared driveway, a two unit converted dwelling and for the alteration of the definition of an existing single detached dwelling. The applicant has requested that this revised application be brought back to the Committee of Adjustment for a decision.

The purpose of this application under Section 44 of the Planning Act, R.S.O. 1990 is to increase the maximum width of a shared driveway on 32 and 34 Stratford Street and to
reduce the required lot frontage and lot area required for a duplex or a two unit converted dwelling and to alter the definition of existing in the zoning by-law when referencing an existing single detached dwelling. 32 Stratford Street is currently a vacant lot.

Variance requested:

32 Stratford Street
1. To reduce the minimum lot frontage of a proposed duplex or a two unit converted dwelling from 15.0m to 12.1m.
2. To reduce the minimum lot area of a proposed duplex or two unit converted dwelling from 450m² to 407.7m².
3. To alter the definition of existing when referencing an existing single detached dwelling to a single detached dwelling lawfully in existence at the time of the conversion of the dwelling not the passing of the Zoning By-law (2000).
4. To increase the maximum width of a shared driveway from 9m to 10m.

34 Stratford Street
1. To increase the maximum width of a shared driveway from 9m to 10m.

A11-20 – 350 O’Loane Avenue – Planner: Rachel Bossie
Purpose: The purpose of this application under Section 44 of the Planning Act, R.S.O. 1990 is to increase the rear yard encroachment for a deck and stairs.

Variances requested:
1. To increase the maximum permitted encroachment into a rear yard for a deck from 2.5m to 4.1m for Units 23-26.
2. To increase the maximum permitted encroachment into a rear yard for stairs from 2.5m to 4.1m for Units 23-26.

A13-20 – 95 Kelly’s Lane – Planner: Rachel Bossie
Purpose: The purpose of this application under Section 44 of the Planning Act, R.S.O. 1990 is to increase the maximum driveway width and reduce the interior side yard setback for an accessory building and its eaves. The owners have submitted a rezoning application (city file H02-20) to remove the holding provision on the site. The holding provision limits the uses to existing uses. This application is scheduled to be heard by City Council on July 27, 2020. If the holding provision is removed the owner will be able to build the proposed single detached dwelling on the subject lands.

Variances requested:
1. To reduce the minimum setback for an accessory building from an interior lot line from 1m to 0.6m.
2. To reduce the minimum setback for eaves from 0.6m to 0m.
3. To increase the maximum driveway width from 8m to 15.2m.
CONSENT APPLICATIONS

**B12-19 (North of McCarthy Lot 1), B13-19 (North of McCarthy Lot 2), B14-19 (North of McCarthy Lot 3)— Planner: Rachel Bossie**

*Purpose:* The purpose of this submission is in response to the applicant’s July 28, 2020 request to change conditions of Provisional Consent granted on September 11, 2019 for applications B12-19, B13-19 and B14-19 for the lands addressed as 4117 Perth Line 36 that allowed the severance of the subject lands to create 3 new lots.

Section 53(23) of the Planning Act, gives the Committee of Adjustment the authority to change the conditions of a Provisional Consent any time before a consent is given and, in accordance with this Section, the applicant is requesting a change, specifically that a condition be added to B12-19, B13-19 and B14-19 requiring the owner prior to the stamping of the deed, to enter into a subdivision agreement for the first phase of the draft approved Plan of Subdivision application 31T-170001 that includes the extension of Bradshaw Drive north of McCarthy Road West.

**APPLICATIONS: JEFF BANNON**

**A12-20 – 615 Huron Street – Planner: Jeff Bannon**

*Purpose:* The purpose of this application under Section 44 of the Planning Act, R.S.O. 1990 is to reduce the setback to a parking aisle and a parking area and to increase the maximum size of a driveway width on Huron Street.

*Variances requested:* To reduce the setback to a parking aisle and parking area from 7.5m to 4.3m on Huron Street and to increase the maximum width of a driveway on Huron Street from 9m to 15.5m.

**A14-20 – 128 Brown Street – Planner: Jeff Bannon**

*Purpose:* The purpose of this application under Section 44 of the Planning Act, R.S.O. 1990 is to reduce the minimum side yard setback for a deck.

*Variances requested:* To reduce the side yard setback for a deck from 1.5m to 0m.
REPORT TO THE COMMITTEE OF ADJUSTMENT

Submitted By: Infrastructure & Development Services Department 
Development Services Division

Application No.: A09-18

Meeting Date: August 20, 2020

Owner: Nick and Rosalie Preikschas

Agent: N/A

Location: 32 Stratford Street and 34 Stratford Street, located on the west side of Stratford Street between St. David Street and Cambria Street

32 Stratford Street is legally described as Pt Lot 146 Plan 55, Pts 1 and 2 44R-5714 in the City of Stratford

34 Stratford Street is legally described as Pt Lot 146 Plan 55, Pts 3 and 4 44R-5714 in the City of Stratford

Zoning: Residential Second Density – R2(1)

Official Plan Designation: Residential Area -& Heritage Area

Road Classification: Stratford Street- Local Road

Purpose of Application:

Purpose: Application A09-18 was deferred at the October 10, 2018 Committee of Adjustment meeting. The original purpose of A09-18 was to obtain variances for 32 Stratford Street (lands that were severed through consent application B09-18) to reduce the minimum lot frontage and lot area for a duplex and for 34 Stratford Street (lands that were retained through consent application B09-18) to reduce the minimum lot frontage and lot area for a two unit converted dwelling.

The applicant has amended the original application to remove the previously requested variances for 34 Stratford Street for a converted dwelling and has added a variance for a shared driveway. For 32 Stratford Street the owner has added variances for a shared driveway, a two unit converted dwelling and for the alteration of the definition of an existing single detached dwelling. The applicant has requested that this revised application be brought back to the Committee of Adjustment for a decision.
The purpose of this application under Section 44 of the Planning Act, R.S.O. 1990 is to increase the maximum width of a shared driveway on 32 and 34 Stratford Street and to reduce the required lot frontage and lot area required for a duplex or a two unit converted dwelling and to alter the definition of existing in the zoning by-law when referencing an existing single detached dwelling. 32 Stratford Street is currently a vacant lot.

*Variance requested:*

32 Stratford Street
1. To reduce the minimum lot frontage of a proposed duplex or a two unit converted dwelling from 15.0m to 12.1m.
2. To reduce the minimum lot area of a proposed duplex or two unit converted dwelling from 450m$^2$ to 407.7m$^2$.
3. To alter the definition of existing when referencing an existing single detached dwelling to a single detached dwelling lawfully in existence at the time of the conversion of the dwelling not the passing of the Zoning By-law (2000).
4. To increase the maximum width of a shared driveway from 9m to 10m.

34 Stratford Street
1. To increase the maximum width of a shared driveway from 9m to 10m.
Background:

Concept Plan:
Location and Zoning Map:
Site Characteristics: 32 Stratford Street
Existing Use: vacant lands (residential)
Frontage: 12.11 m (39.73 ft)
Depth: 33.68 m (110.50 ft)
Area: 407.86 m² (4390.22 ft²)
Shape: Regular

Site Characteristics: 34 Stratford Street
Existing Use: single detached dwelling (residential)
Frontage: 13.04 m (42.78 ft)
Depth: 33.68 m (110.50 ft)
Area: 439.18 m² (4727.37 ft²)
Shape: Regular

Surrounding Land Uses:
North: Single Detached Dwelling
East: Duplex Dwelling
South: Single Detached Dwelling
West: Single Detached Dwelling

32 Stratford Street (August 11, 2020)
34 Stratford Street (August 11, 2020)

Front Elevations
**Agency Comments**
Circulation of the application to various agencies produced the following comments:

**City of Stratford Infrastructure and Development Services Department – Engineering Division**: No comments.

**City of Stratford Infrastructure and Development Services Department – Water Division**: No comments.

**City of Stratford Infrastructure and Development Services Department – Building Services**: Building permits will be required to be obtained prior to any construction commencing for the newly proposed dwelling. The designer shall give consideration, when preparing the construction drawings, to the spatial separation requirements in the Ontario Building Code. Development charges will be applicable at the current residential rates.

**Festival Hydro**: No concerns

**Fire Department**: No concerns

**Upper Thames River Conservation Authority**: No concerns

**Public Comments**
The amended application was recirculated by planning staff to everyone that received the original notice of application in September 2018 and was included in the Beacon Harold ‘Town Crier’ on August 1, 2020. Planning staff have not received any public input on the amended application. Public input was received on the original minor variance application through the September 2018 circulation and at the October 10, 2018 Committee of Adjustment meeting. The respondents were concerned about the reduction to the minimum lot frontage required for a duplex, the existing condition of Stratford Street, additional traffic, on street parking, servicing, the elevations, and housing market impacts.

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

With respect to minor variance application A09-18, the minor variance must meet the four tests:

1. Whether the variance is minor in nature;
2. Whether the general intent and purpose of the Official Plan is maintained;
3. Whether the general intent and purpose of the Zoning By-law is maintained; and
4. Whether the variance is desirable for the appropriate development and use of the land and/or neighbouring lands.
Analysis:
Provincial Policy Statement
Every planning decision in the Province of Ontario shall be consistent with the Provincial Policy Statement which came into effect on May 1, 2020. The 2020 PPS provides policy direction on matters of provincial interest relating to Building Strong Healthy Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety. Building strong communities is achieved by promoting efficient development and land use patterns that accommodate an appropriate range and mix of residential uses (including additional units, affordable housing and housing for older persons) that meet the social, health and well-being requirements and by avoiding development patterns that cause environmental, public health or safety concerns.

There are no Building Strong Healthy Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety issues with the application. Should the application be approved it will result in an additional dwelling unit within the community. The application is consistent with the Provincial Policy Statement.

Official Plan
The properties are designated ‘Residential Area’ in the Official Plan and are within the ‘Heritage Area’. In ‘Residential Areas’ the primary use of the land is to be for single, two and multiple unit dwellings.

The housing policies in section 3.4 of the Official Plan outline that the City shall ensure that there is a full range of housing choices (form and affordability) that are designed to meet occupancy, health and safety standards to meet the needs of all current and future residents.

Essential neighbourhood qualities, privacy and compatibility with the surrounding neighbourhood are to be maintained. Intensification within ‘Stable Residential Areas’ is to be modest and incremental and must conform with the policies in section 4.5.3.1 that speak to scale, streetscapes, impacts, lotting patterns, site design, services, traffic, and access.

The subject lands are within a ‘Heritage Area’. The policies in section 3.5.8 outline that where infilling is proposed in a ‘Heritage Area’ that the inherent heritage qualities of that area shall be retained, restored and ideally enhanced.

The surrounding neighbourhood can be characterized as an older area with a range of lot sized and housing types (singles, semi-detached dwellings, converted dwellings, and low rise apartments). In accordance with the residential infill policies in section 4.4.2.5 of the Stratford Urban Design and Landscape Guidelines, infill shall be complementary to the existing built form with respect to architectural detailing through creative and careful architectural design. The elevations submitted with the amended application include architectural elements such as a covered porch, sloped roof, ornamental windows and the inclusion of brick on the front façade that will result in a positive
It is recommended that a condition be included requiring the elevations submitted for a building permit for a duplex or converted dwelling on 32 Stratford Street to be in keeping with the elevations submitted with this minor variance application.

The concept plan submitted with the minor variance application demonstrates that 32 Stratford Street can adequately accommodate two dwelling units and that the shared driveway between 32 and 34 Stratford Street will function without impacting access to the sites.

The minor variance application meets the general intent and purpose of the Official Plan.

Zoning By-law
The lands are zoned Residential Second Density R2(1) which permits a single detached dwelling, semi-detached dwelling, duplex dwelling and a two unit converted dwelling. The applicant has submitted a minor variance for 32 Stratford Street to reduce the minimum lot frontage and lot area for a duplex or two unit converted dwelling, to vary the definition of existing when referencing an existing single detached dwelling and to increase the maximum width of a shared driveway for 32 Stratford Street and 34 Stratford Street.

The Zoning By-law contains specific regulations for a converted dwelling and duplex relating to parking, lot frontage, and lot area. This is to ensure that the property can accommodate an additional dwelling unit while ensuring that amenity space, traffic, neighbourhood characteristics and compatibility with the surrounding neighbourhood is maintained.

Although 32 Stratford Street does not meet the minimum frontage or lot area requirements for a duplex or two unit converted dwelling, the concept plan submitted with the application demonstrates that the site is adequately sized to accommodate two dwelling units on the lot that meet the applicable zoning provisions such as setbacks, landscaped open space, parking requirements, lot coverage and lot depth.

The owner is requesting to increase the maximum width of a shared driveway between 32 and 34 Stratford Street from a maximum of 9m to 10m to accommodate a parking space in the proposed garage at 32 Stratford Street and a 3m wide parking abutting the property line and a 3m wide parking space abutting the property line on 34 Stratford Street in accordance with the Zoning By-law. The concept plan shows that the shared driveway will be adequate in width to ensure that each property has a sufficient portion of the driveway to park without negatively impacting the other. It is recommended that a condition be included requiring the driveway to match the concept plan submitted with the application to ensure that the shared driveway is functional.
The owner has advised that they would like to have two units on 32 Stratford Street but they do not know logistically if they will build a duplex or build a single detached dwelling that would be converted into a two unit converted dwelling. Within the R2(1) zone the conversion of an existing single detached dwelling to add an existing dwelling unit is permitted. The Zoning By-law defines existing as a building that lawfully existed on the date of the passing for the by-law (2000). A minor variance is requested to alter the definition of existing for 32 Stratford Street when referencing an existing single detached dwelling to a single detached dwelling lawfully existence at the time of the conversion of the dwelling not the passing of the Zoning By-law (2000). This minor variance was requested because the lot is current vacant and if the owner does build a single detached dwelling it would not be permitted to be converted into a two unit converted dwelling because it was not the single detached dwelling was not in existence on the date of the passing of the current by-law (2000). This minor variance would allow the owner the flexibility to decide if they want to build a duplex now or if they would like to build a single detached dwelling that would be converted into a two unit converted dwelling in the future. Staff has no issue with this minor variance request as the concept plan demonstrates that 32 Stratford Street can accommodate two units on the site.

The requested minor variances meet the general intent of the Zoning By-law and are desirable for the use of the land and are minor in nature.

**Recommendation**

No public input was received on the revised application. Planning staff are of the opinion that the minor variances listed below conform to the Provincial Policy Statement and meet the four tests of the Planning Act.

**32 Stratford Street**

1. To reduce the minimum lot frontage of a proposed duplex or a two unit converted dwelling from 15.0m to 12.1m.
2. To reduce the minimum lot area of a proposed duplex or two unit converted dwelling from 450m$^2$ to 407.7m$^2$.
3. To alter the definition of existing when referencing an existing single detached dwelling to a single detached dwelling lawfully in existence at the time of the conversion of the dwelling not the passing of the Zoning By-law (2000).
4. To increase the maximum width of a shared driveway between 32 Stratford Street and 34 Stratford Street from 9m to 10m.

**34 Stratford Street**

1. To increase the maximum width of a shared driveway between 32 Stratford Street and 34 Stratford Street from 9m to 10m.

Planning staff have no objection to the minor variances listed above provided that the following conditions are included as part of any approval:
1. The elevations submitted with a building permit for a duplex or a two unit converted dwelling on 32 Stratford Street shall be in keeping with the elevations submitted with this minor variance application to the satisfaction of the Planner.

2. Any driveway alteration permit to increase the width of a shared driveway between 32 Stratford Street and 34 Stratford Street from 9m to 10m shall be in keeping with the concept plan submitted with this minor variance application to the satisfaction of the Planner.

Prepared by: Rachel Bossie  
City Planner

Reviewed by: Ed Dujlovic P. Eng.  
Director of Infrastructure and Development Services

August 12, 2020
REPORT TO THE COMMITTEE OF ADJUSTMENT

Submitted By: Infrastructure & Development Services Department
Development Services Division

Application No.: A11-20

Meeting Date: August 20, 2020

Owner: Werner Bromberg Ltd (c/o Gary Bromberg)

Agent: Megan Gereghy, GSP Group Inc.

Location: 350 O’Loane Avenue, located on the west side of O’Loane Avenue between Thomas Street and Dannecker Road, legally described as Block 191, Plan 44M-39

Zoning: Residential Fourth Density – R4(2)-7

Official Plan Designation: Medium Density Residential Special

Road Classification: O’Loane Avenue- Arterial Road

Purpose of Application:
Purpose: The purpose of this application under Section 44 of the Planning Act, R.S.O. 1990 is to increase the rear yard encroachment for a deck and stairs.

Variances requested:
1. To increase the maximum permitted encroachment into a rear yard for a deck from 2.5m to 4.1m for Units 23-26.
2. To increase the maximum permitted encroachment into a rear yard for stairs from 2.5m to 4.1m for Units 23-26.

Background:
Overall Concept Plan:

Decks and stairs subject to the application

350 O'Loane Avenue
NOTE: UNIT NUMBERS SHOWN ARE THE CONDOMINIUM LEGAL UNIT NUMBERS
Concept Plan:

<table>
<thead>
<tr>
<th>ZONING REQUIREMENT</th>
<th>REQUIRED</th>
<th>PROVIDED/ REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>REAR YARD SETBACK FOR DWELLING</td>
<td>7.5m</td>
<td>7.5m Provided</td>
</tr>
<tr>
<td>PERMITTED ENRCROACHMENT FOR DECK</td>
<td>2.5m</td>
<td>4.1m</td>
</tr>
</tbody>
</table>

MINOR VARIANCE FOR CONDO UNITS 23-26
350 O’Loane Avenue, Stratford

Scale 1:500
July 13, 2020
Location and Zoning Map:
Site Characteristics

Existing Use: townhouses under construction
Frontage: 176.48 m (579 ft)
Depth: approximately 120 m (393.70 ft)
Area: 1.61 ha (3.98 ac)
Shape: irregular

Surrounding Land Uses:

North: Roadhouse Drain, stormwater management pond
East: Avondale Cemetery and single detached dwellings
West: Single detached dwelling
South: City limits- agriculture

Agency Comments
Circulation of the application to various agencies to date produced the following comments:

City of Stratford Infrastructure and Development Services Department – Engineering Division: No comments.
City of Stratford Infrastructure and Development Services Department – Water Division: No comments.

City of Stratford Infrastructure and Development Services Department – Building Services: No concerns with the requested variances. Building permits will be required to be obtained for the decks prior to construction commencing.

Festival Hydro: No concerns.

Fire Department: No concerns.

Upper Thames River Conservation Authority: No concerns.

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

With respect to minor variance application A11-20, the minor variance must meet the four tests:

1. Whether the variance is minor in nature;
2. Whether the general intent and purpose of the Official Plan is maintained;
3. Whether the general intent and purpose of the Zoning By-law is maintained; and
4. Whether the variance is desirable for the appropriate development and use of the land and/or neighbouring lands.

Analysis:

History
In July 2018, the lands received site plan approval (city file SP18-17) for 45 townhouse dwelling units that included 78 parking spaces (64 parking spaces in the driveway and 14 spaces off of the internal drive aisle), a walkway to the pedestrian bridge over the Roadhouse Drain to the subdivision to the west.

The owner received draft plan of condominium approval on August 12, 2019 for a vacant plan of condominium to create 50 units on the subject lands: 45 residential units and 5 parking space units (city file 31CDM-19003). Final approval on January 22, 2020 and the plans were registered on January 28, 2020.

In August 2019 the owner received a minor variance (city file A15-19) to vary the definition of “lot” to the following: In the case of a parcel of land for which a Development Agreement, Site Plan Agreement or Plan of Condominium, and/or Site Plan or any of them has been approved and registered against title pursuant to Section
41 or Section 51 of the Planning Act R.S.O. 1990, c. P. 13, as amended from time to time, then the single parcel of land to which the Development Agreement and/or plan applies shall be deemed to be the lot, notwithstanding that part of the parcel may be in separate ownership, does not otherwise satisfy the definition of lot, or does not abut an improved street.

Through the building permit process, the owner realized that the proposed decks and stairs on municipal units 23-26 would extend beyond the maximum 2.5m permitted rear yard encroachment.

**Provincial Policy Statement**

Every planning decision in the Province of Ontario shall be consistent with the Provincial Policy Statement which came into effect on May 1, 2020. There are no Building Strong Healthy Communities, Wise Use and Management of Resources or Protecting Public Health and Safety issues with this application. The application is consistent with the Provincial Policy Statement.

**Official Plan**

The property is designated ‘Medium Density Residential Special’ in the Official Plan and was included as part of the Stratford West Secondary Plan. A small portion of the lands are located within the UTRCA Regulation Limit on Schedule "B" of the Official Plan. The ‘Residential Areas’ goals and objectives include maintaining essential neighbourhood qualities, privacy, upkeep, public health, safety and compatibility with the surrounding neighbourhood. The ‘Medium Density Residential Special’ policies in Section 11.2.11 state that the primary use of lands designated ‘Medium Density Residential Special’ shall be a mix of low density and medium density types of residential dwellings having a residential density of 23 units per hectare. The lands are zoned Residential Fourth Density - Special R4(2)-7 and this zone conforms to the ‘Medium Density Residential Special’ policies of the Official Plan.

A minor variance was requested to increase the permitted encroachment into the rear yard for decks and stairs. The deck and stairs proposed for these units is consistent with the size and location of the decks and stairs on the other townhouse units. The requested variance is consistent with the neighbourhood qualities and it will not have any impacts on abutting property owners or alter how the site functions. The application is consistent with the goals and objectives of the Official Plan.

**Zoning By-law**

The lands are zoned Residential Fourth Density – R4(2)-7 which permits an apartment dwelling nursing home, quadruplex dwelling, seniors’ apartment dwelling, street townhouse dwelling and townhouse dwelling. The site specific provisions require a minimum density of 23 units per hectare and a minimum setback of 10.5 m from O’Loane Avenue.
The lot line to the west of municipal units 23-26 is defined as the rear lot line on the property. Section 3.21.1 c) iii) of the Zoning By-law allows decks and stairs to encroach a maximum of 2.5m into the required rear yard setback. Permitted encroachments into the rear yard are limited in the Zoning By-law to ensure that the neighbours' privacy and amenity areas are not impacted by structures that are located in close proximity to property lines. The proposed encroachment of 4.1m (a 3.4m setback from the rear lot line) for the deck and stairs will allow the owner to build and maintain the decks and stairs on private property without impacting the neighbours' privacy or amenity areas.

The requested variances are consistent with the intent and objectives of the Zoning By-law.

**Recommendation**

No public input was received. Planning staff are of the opinion that the minor variances listed below conform to the Provincial Policy Statement and meet the four tests of the Planning Act.

1. To increase the maximum permitted encroachment into a rear yard for a deck from 2.5m to 4.1m for Units 23-26.
2. To increase the maximum permitted encroachment into a rear yard for stairs from 2.5m to 4.1m for Units 23-26.

Planning staff have no objection to the application provided that the following condition is included as part of any approval:

1. That the plans submitted with the building permit are in keeping with the concept plan submitted with this minor variance application to the satisfaction of the planner.

Prepared by: 

Rachel Bossie  
City Planner

Reviewed by: 

Ed Dujlovic P. Eng.  
Director of Infrastructure and Development Services

**August 12, 2020**
REPORT TO THE COMMITTEE OF ADJUSTMENT

Submitted By: Infrastructure & Development Services Department
Development Services Division

Application No.: A13-20

Meeting Date: August 20, 2020

Owner: John & Kim Jantzi

Agent: N/A

Location: 95 Kelly’s Lane, located on the north side of Kelly’s Lane off of Romeo Street North, legally described as Pt Lot 45 Con 2 North Easthope Part 1 44R-5695; t/w R372561

Zoning: Residential First Density – R1(2)-40

Official Plan Designation: Residential Area - Special Policy Area 20

Road Classification: Kelly’s Lane- private right-of-way

Purpose of Application:

Purpose: The purpose of this application under Section 44 of the Planning Act, R.S.O. 1990 is to increase the maximum driveway width and reduce the interior side yard setback for an accessory building and its eaves.

Variances requested:

1. To reduce the minimum setback for an accessory building from an interior lot line from 1m to 0.6m.
2. To reduce the minimum setback for eaves from 0.6m to 0m.
3. To increase the maximum driveway width from 8m to 15.2m.

Background:
Concept Plan:
Location and Zoning Map:

A13-20 - 95 Kelly's Lane

Legend
- Zoning Area
- Property Parcel
- Avon River/Lake Vida
- Parks

Disclaimer: This map is a user-generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

NAD_1983 UTM Zone 17N
© City of Stratford
Map Printed: July 22, 2020

THIS MAP IS NOT TO BE USED FOR NAVIGATION
Site Characteristics

Existing Use: Vacant Lands (building permit issued for the construction of a single detached dwelling)

Frontage: approximately 27m (88ft)
Depth: approximately 72m (236ft)
Area: 1,823.1m² (19,623.7ft²)
Shape: Irregular

Surrounding Land Uses:

North: Single Detached Dwelling
East: Single Detached Dwelling
West: Single Detached Dwelling
South: Golf Course

95 Kelly’s Lane (photo taken August 11, 2020)
Agency Comments
Circulation of the application to various agencies produced the following comments:

**City of Stratford Infrastructure and Development Services Department – Engineering Division:** No comments

**City of Stratford Infrastructure and Development Services Department – Water Division:** No comments

**City of Stratford Infrastructure and Development Services Department – Building Services:**
- A building permit will be required to be obtained for the accessory structure prior to any construction commencing. The designer shall give consideration, when preparing the construction drawings, to the spatial separation requirements in the Ontario Building Code, as the exterior walls may be required to be fire rated.
- Property is located within the Upper Thames River Conservation Area (UTRCA), approval from the UTRCA will be required to be submitted with the permit application for the accessory structure.

**Festival Hydro:** No concerns.

**Fire Department:** No concerns.

**Upper Thames River Conservation Authority:** No concerns.

**City of Stratford, Community Services Department- Parks and Cemetery Division:**
- Unfortunately tree removal and earth movement has begun on the site before any tree protection was considered.
- The maple tree left in the middle of the drive area, will have massive root damage from excavation around the entire circumference.
- At this point a remove and replace option may be a better solution at this point.
- A permit is required for the removal of trees on private property in accordance with the Private Tree Preservation By-law #86-2020 prior to the removal of trees on private property.

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

With respect to minor variance application A13-20, the minor variance must meet the four tests:

1. Whether the variance is minor in nature;
2. Whether the general intent and purpose of the Official Plan is maintained;
3. Whether the general intent and purpose of the Zoning By-law is maintained; and
4. Whether the variance is desirable for the appropriate development and use of the land and/or neighbouring lands.

**Analysis:**

**History**
The owner received approval on a rezoning application at 95 Kelly’s Lane (City file Z03-16) on March 4, 2019 and received approval to remove the holding provision on the subject lands on July 27, 2020 (City file H02-20).

Section 45(1.3) of the *Planning Act* prohibits any person from applying for a minor variance from the provisions of a Zoning By-Law for a period of two years from the date of when the Zoning By-Law has been amended.

Section 45(1.4) allows Council to declare by resolution that an application can be made to the Committee of Adjustment. On August 10, 2020 Council passed a resolution to allow the submission of the minor variance application.

**Provincial Policy Statement**
Every planning decision in the Province of Ontario shall be consistent with the Provincial Policy Statement which came into effect on May 1, 2020. There are no Building Strong Healthy Communities, Wise Use and Management of Resources or Protecting Public Health and Safety issues with the requested minor variances. The application is consistent with the Provincial Policy Statement.

**Official Plan**
The property is designated ‘Residential Area- Special Policy Area 20’ in the Official Plan. The special policy area allows development off of a private right-of-way on the subject lands notwithstanding the policies in section 4.5.3.1 ix).

The primary use of land within ‘Residential Areas’ is to be single, two and multiple unit dwellings. The ‘Residential Areas’ goals and objectives include maintaining essential neighbourhood qualities, privacy, upkeep, public health, safety and compatibility with the surrounding neighbourhood.

The applicant has requested a setback of 0.6m for the accessory building and a 0m setback for the associated eaves. The owners do have a servicing easement on the lands that they are proposing to encroach on with the accessory building. The sketch submitted with the application demonstrates that the accessory building will not impede the sites ability to receive municipal services through the servicing easement as intended when the easement was created. Although the owners have a servicing easement over the lands they are proposing to encroach on, the joint use and maintenance agreement for the use of the lands does not include use for drainage or access to build and maintain accessory buildings. Planning staff are of the opinion that
a 0.6m setback for the accessory building is sufficient to allow the owner to build the building without having to access the neighbours property, but are concerned that a 0m setback for the eaves may require the owner to access the abutting property during construction and for future maintenance of the eaves. The applicant has not demonstrated how drainage will be addressed or provided a rationale of why a 0.6m encroachment (from the building) is required for the eaves. Given that this lot is vacant and that it is adequately sized to allow for the building and maintenance of the accessory structure without requiring access to the neighbouring lands it is recommended that a minimum setback of 0.3m be required for the eaves and that all drainage be directed away from neighbouring properties.

The owner has requested a minor variance to increase the maximum driveway width within the front yard setback (26.9m) from 8m to 15.14m (this is proposed to include a tree that is proposed to remain on site). In accordance with the Urban Design Guidelines residential driveways should not be wider than the width of the garage door and driveway widths should be limited in size to ensure that vehicles are not the dominant feature of residential buildings and to allow substantial landscaped open space within the front yard.

The applicant is proposing a three car garage. The driveway is proposed to be 10.78m wide in front of the garage. The applicant has dug out the driveway in accordance with the concept plan submitted with this application prior to receiving approval for the driveway. The dug out driveway is shown in the photo of the site taken August 11, 2020 (on page 4 of the report). Community Services has advised that tree protection should have been considered for this maple tree and that they are concerned that the tree will have massive root damage from excavation around the entire circumference. It is recommended that a condition be included requiring the owner to apply for a permit to remove the tree through Community Services and that a replacement tree be required in accordance with the Private Tree Preservation By-law #86-2020.

The other lots on Kelly’s Lane have greater lot frontages than this lot, contain a greater ratio of landscaped open space in the front yard and all have driveways that have been designed to minimize the dominance of parking while complying with the Zoning By-law. Given that the driveway design won’t result in the retention of the maple tree, it is out of character for the area and the design is not required for safe and functional access to the site, staff are not supportive of the minor variance. Staff would not object to the driveway being a maximum of 10.8m a minimum of 20m from the front lot line. This will allow the driveway to match the width of the three car garage approximately 6m in front of the garage for ease of use. It is recommended that a condition be included requiring the owner to reinstate areas beyond the approved driveway width to landscaped area.

The minor variances supported by staff with the recommended conditions are consistent with the goals and objectives of the Official Plan.
The lands are zoned Residential First Density Special Provision R1(2)-40. The Residential First Density Zone permits a single detached dwelling and a group home. The special provision alleviates the requirements of section 3.2 which require buildings or structures to have access from an improved street, deems the front lot line to be abutting Kelly’s Lane and requires a minimum front yard setback of 30m. Using the established building lines provisions in section 3.17.6 of the Zoning By-law a minimum front yard setback of 26.9m is permitted.

Minimum setbacks for accessory structures and maximum permitted encroachments for eaves are required to ensure that there is adequate room to build and maintain buildings on private property and accommodate drainage without impacting adjacent properties. The owners do have a servicing easement on the lands that they are proposing to encroach on to with the accessory building. The joint use and maintenance agreement for the use of the servicing easement lands does not include use of the lands for drainage or access to build and maintain accessory buildings. While the current abutting property owner does not object to the use of this portion of their property to build and maintain the accessory building, a future owner may object and they would be within their right to as the easement does not permit the use of the land for those purposes.

Although there is sufficient room on the property for the accessory building and eaves to be located in accordance with the Zoning By-law requirements as the lot is vacant, staff do not object to a minimum setback of 0.6m for the accessory building as that will provide enough room for the owner to construct and maintain the building without using neighbouring lands. Staff do not support the setback of 0m for the eaves and are of the opinion that a minimum setback of 0.3m should be required for the eaves to provide adequate room for drainage and construction and maintenance. It must all be demonstrated that drainage is directed away from neighbouring properties.

The owner has requested a minor variance to increase the driveway within the front yard setback from a maximum of 8m wide to 15.2m. The Zoning By-law limits the width of residential driveways to a maximum of 8m within the front yard setback to ensure that access is controlled, parking is not the dominant feature on site and to ensure there is substantial landscaped open space within the front yard. A driveway of this size is not required for functionality purposes and it would result in a driveway that would be the dominant feature on the site, and that would reduce the amount of landscaped open space in the front yard. Staff are not supportive of this minor variance as it does not meet the general intent and purpose of the Zoning By-law. Since the owner is building a three car garage, staff do not have an issue with the driveway being a maximum of 10.8m wide a minimum of 20m from the front lot line to ensure proper access to the garage. The minor variances supported by staff with the recommended conditions meet the general intent of the Zoning By-law.

**Recommendation**
No public input was received. Planning staff are of the opinion that the minor variances to reduce the minimum setback for eaves from 0.6m to 0m and to increase the maximum driveway width from 8m to 15.2m does not meet the four tests of the Planning Act. Planning staff object to these minor variances.

Planning staff are of the opinion that the minor variances listed below conform to the PPS and meets the four tests of the Planning Act.

1. To reduce the minimum setback for an accessory building from an interior lot line from 1m to 0.6m.
2. To reduce the minimum setback for eaves from 0.6m to 0.3m.
3. To increase the maximum driveway width from 8m to 10.8m a minimum of 20m from the front lot line.

Planning staff have no objection to the minor variances listed above provided that the following conditions are included as part of any approval:
1. That the building permit for the accessory structure is generally in keeping with the concept plan submitted with this minor variance application to the satisfaction of the Planner.
2. The building permit shall demonstrate that the drainage from the accessory structure be directed away from neighbouring properties to the satisfaction of the Building Department.
3. That the owner obtain a permit is obtained to remove the maple tree (and any other trees requiring removal for the driveway and accessory structure) in accordance with the Private Tree Preservation By-law #86-2020 prior to the removal of the trees and prior to the issuance of a driveway alteration permit to the satisfaction of the Manager of Parks, Forestry & Cemetery.
4. The owner shall be required to reinstate any excavated areas beyond the approved driveway width to landscaped open space to the satisfaction the Planner.

Prepared by:

Rachel Bossie  
City Planner

Reviewed by:

Ed Dujlovec P. Eng.  
Director of Infrastructure and Development Services

August 13, 2020
REPORT TO THE COMMITTEE OF ADJUSTMENT

Submitted By: Infrastructure & Development Services Department Development Services Division

Application No.: B12-19, B13-19, B14-19

Meeting Date: August 20, 2020

Owner: Marcor Farms Ltd.

Agent: GSP Group c/o Megan Gereghty

Location: 4117 Perth Line 36, located on the north side of McCarthy Road West, between Fraser Drive and Greenwood Drive, and legally described as Part Lots 3 and 4, Concession 2 (former Township of Ellice) in the City of Stratford, also known as Part 3, 44R-4864.


Road Classification: McCarthy Road West- Arterial Street and Perth Line 36 – Collector Street

Purpose of Submission:
The purpose of this submission is in response to the applicant’s July 28, 2020 request to change conditions of Provisional Consent granted on September 11, 2019 for applications B12-19, B13-19 and B14-19 for the lands addressed as 4117 Perth Line 36 that allowed the severance of the subject lands to create 3 new lots.

Section 53(23) of the Planning Act, gives the Committee of Adjustment the authority to change the conditions of a Provisions Consent any time before a consent is given and, in accordance with this Section, the applicant is requesting a change, specifically that a condition be added to B12-19, B13-19 and B14-19 requiring the owner prior to the stamping of the deed to enter into a subdivision agreement for the first phase of the draft approved Plan of Subdivision application 31T-170001 that includes the extension of Bradshaw Drive north of McCarthy Road West.
The proposed severed lands have an approximate frontage of 224 m (on McCarthy Road West), an approximate depth of 274 m, and an approximate area of 5.97 ha. The subject lands are labelled as “Severed Lot 1” on the severance sketch. The proposed severed lands are currently vacant.

The proposed severed lands have an approximate frontage of 338 m (on McCarthy Road West), an approximate depth of 412 m, and an approximate area of 10.67 ha. The subject lands are labelled as “Severed Lot 2” on the severance sketch. The proposed severed lands are currently vacant.

The proposed severed lands have an approximate frontage of 30 m (on Bradshaw Drive), an approximate depth of 74 m, and an approximate area of 4.97 ha. The subject lands are labelled as “Severed Lot 3” on the severance sketch. The proposed severed lands are currently vacant.

Retained Lands
The retained lands have an approximate frontage of 173 m on McCarthy Road West, an approximate depth of 523 m, and an approximate area of 21.04 ha. The subject lands are labelled “Retained Lands” on the severance sketch. The proposed retained lands are currently vacant.

Background:
Concept Plan:
Location and Zoning Map:
Site Characteristics

Existing Use: Vacant lands (agriculture)
Frontage: 680.38 m (2,232.22 ft) on McCarthy Road West
Depth: 523 m (1,715.88 ft)
Area: 42.65 ha (105.39 ac)
Shape: Irregular

Surrounding Land Uses:
North: Agriculture
East: Agriculture and Retirement Home (Residential)
South: Agriculture, Park and the Rotary Complex (Institutional)
West: Agriculture

4117 Perth Line 36 – View from McCarthy Road West (Sept 5, 2019)

By letter dated July 28, 2020 the applicants requested to add a condition requiring the owner prior to the stamping of the deed to enter into a subdivision agreement for the first phase of the draft approved plan of subdivision application 31T-17001 that includes the extension of Bradshaw Drive north of McCarthy Road West. The agent has advised that some of the consent conditions are already tied to the review and approval of the first phase of the subdivision 31T-17001 and that this additional condition is requested to ensure further alignment with the registration of that initial phase.
History
In April 2018 a Draft Plan of Subdivision application (City file 31T-17001) and Zoning By-law Amendment application (City file Z01-17) was approved on the lands to be severed to allow the lands to be developed for residential purposes. To date the applicant is working on phase 1 on the subdivision. The proposed consents will facilitate the sale and development the draft approved and rezoned lands.

Notice
Section 53(26) of the Planning Act outlines that no written notice is required to change the conditions of Provisional Consent if the change to the conditions are minor. Staff are of the opinion that the request to add a condition to B12-19, B13-19 and B14 requiring the owner prior to the stamping of the deed to enter into a subdivision agreement for the first phase of the draft approved plan of subdivision application 31T-17001 that includes the extension of Bradshaw Drive north of McCarthy Road West is minor because the proposed condition has no public impact and it does not impact the overall functionality of the site.

Current Conditions of Provisional Consent B12-19
The current conditions of Provisional Consent are as follows:

1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the mailing of the decision.

2. That satisfactory arrangements be made with the City of Stratford for the payment of any outstanding Municipal property taxes.

3. Prior to the stamping of the deed, a municipal addressing is to be assigned by the City of Stratford. Any costs associated with municipal addressing are the responsibility of the applicant.

4. Prior to the stamping of the deed, the Phase of the draft approved Plan of Subdivision Application 31T-17001 that includes the extension of Bradshaw Drive north of McCarthy Road West shall be registered.

5. Prior to the stamping of the deed, the Owner shall enter into a subdivision agreement that includes a clause allowing the owner access to the severed lands over the 0.3m reserve where Street A and Bradshaw Drive or that the applicant request and receive approval to access to the severed land from Council in a separate request to the satisfaction of the City.

6. Prior to the stamping of the deed the retained lands shall comply with the Zoning By-law.

7. Prior to the stamping of the deed, the Owner 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.

8. Prior to the stamping of the deed, 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.

Note:

1. Parkland dedication requirements shall be satisfied through Draft Approved Plan of Subdivision 31T-17001.

**Recommendation B12-19**
Planning staff support the request of the applicant that, in accordance with Section 53(23) of the *Planning Act*, the conditions of Provisional Consent for B12-19 be amended by adding the condition below and that no written notice is required pursuant to Section 53(26) of the *Planning Act*:

9. Prior to the stamping of the deed, the Owner shall enter into a subdivision agreement for the first phase of the draft approved plan of subdivision application 31T-17001 that includes the extension of Bradshaw Drive north of McCarthy Road West to the satisfaction of the City.

**Current Conditions of Provisional Consent B13-19**
The current conditions of Provisional Consent are as follows:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within one year of the date of the mailing of the decision.

2. That satisfactory arrangements be made with the City of Stratford for the payment of any outstanding Municipal property taxes.

3. Prior to the stamping of the deed, a municipal addressing is to be assigned by the City of Stratford. Any costs associated with municipal addressing are the responsibility of the applicant.
4. Prior to the stamping of the deed, the Phase of the draft approved Plan of Subdivision Application 31T-17001 that includes the extension of Bradshaw Drive north of McCarthy Road West shall be registered.

5. Prior to the stamping of the deed, the Owner shall enter into a subdivision agreement that includes a clause allowing the owner access to the severed lands over the 0.3m reserve where Street A and Bradshaw Drive or that the applicant request and receive approval to access to the severed land from Council in a separate request to the satisfaction of the City.

6. Prior to the stamping of the deed the retained lands shall comply with the Zoning By-law.

7. Prior to the stamping of the deed, the Owner 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.

8. Prior to the stamping of the deed, 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.

Note:

1. Parkland dedication requirements shall be satisfied through Draft Approved Plan of Subdivision 31T-17001.

**Recommendation B13-19**
Planning staff support the request of the applicant that, in accordance with Section 53(23) of the Planning Act, the conditions of Provisional Consent for B13-19 be amended by adding the condition below and that no written notice is required pursuant to Section 53(26) of the Planning Act:

9. Prior to the stamping of the deed, the Owner shall enter into a subdivision agreement for the first phase of the draft approved plan of subdivision
application 31T-17001 that includes the extension of Bradshaw Drive north of McCarthy Road West to the satisfaction of the City.

**Current Conditions of Provisional Consent B14-19**
The current conditions of Provisional Consent are as follows:

1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the mailing of the decision.

2. That satisfactory arrangements be made with the City of Stratford for the payment of any outstanding Municipal property taxes.

3. Prior to the stamping of the deed, a municipal addressing is to be assigned by the City of Stratford. Any costs associated with municipal addressing are the responsibility of the applicant.

4. Prior to the stamping of the deed, the Phase of the draft approved Plan of Subdivision Application 31T-17001 that includes the extension of Bradshaw Drive north of McCarthy Road West shall be registered.

5. Prior to the stamping of the deed the retained lands shall comply with the Zoning By-law.

6. Prior to the stamping of the deed, the Owner 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.

7. Prior to the stamping of the deed, 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.

Note:

1. Parkland dedication requirements shall be satisfied through Draft Approved Plan of Subdivision 31T-17001.
**Recommendation B14-19**

Planning staff support the request of the applicant that, in accordance with Section 53(23) of the *Planning Act*, the conditions of Provisional Consent for B14-19 be amended by adding the condition below and that no written notice is required pursuant to Section 53(26) of the *Planning Act*:

8. Prior to the stamping of the deed, the Owner shall enter into a subdivision agreement for the first phase of the draft approved plan of subdivision application 31T-17001 that includes the extension of Bradshaw Drive north of McCarthy Road West to the satisfaction of the City.

Prepared by:  

Rachel Bossie  
City Planner

Reviewed by:  

Ed Dujlovic P. Eng.  
Director of Infrastructure and Development Services

**August 11, 2020**
REPORT TO THE COMMITTEE OF ADJUSTMENT

Submitted By: Infrastructure & Development Services Department  
Development Services Division

Application No.: A12-20

Meeting Date: August 20, 2020

Owner: A&D Groenestege Farms Ltd

Agent: N/A

Location: 615 Huron Street, located on the south-west corner of Huron Street and O’Loane Avenue, legally described as LOTS 8,9 & 10, PLAN 450

Zoning: Highway Commercial – C2 / Highway Commercial C2-21

Official Plan Designation: Commercial Area – Special Policy 11.2.16

Road Classification: Huron Street - Arterial Street, O’Loane Avenue - Arterial Street

Purpose of Application:

Purpose: The purpose of this application under Section 44 of the Planning Act, R.S.O. 1990 is to reduce the setback to a parking aisle and a parking area and to increase the maximum size of a driveway width on Huron Street.

Variances requested: To reduce the setback to a parking aisle and parking area from 7.5m to 4.3m on Huron Street and to increase the maximum width of a driveway on Huron Street from 9m to 15.5m.

Background:

The applicant received approval for a rezoning application at 619 Huron Street on June 10, 2019. The Planning Act prohibits the submission of an application for a minor variance to the Committee of Adjustment within two years of the date from the zoning amendment unless Council has resolved to allow an application to be made. On April 27, 2020, Council resolved to allow for a minor variance submission at 615 Huron Street.

The applicant also received site plan approval for the development of a retail building on December 2, 2019. Driveway access was granted on Huron Street with right in traffic
movements. The site plan approval allowed the applicant to start construction on the proposed building before proceeding with applications to reconfigure the driveway access.

Concept Plan:
Location and Zoning Map:
Site Characteristics
- Existing Use: Retail (under construction)
- Frontage: 44.9 m (147 ft)
- Depth: 62.9 m (206 ft)
- Area: 2508.75 m² (27004 ft²)
- Shape: Irregular

Surrounding Land Uses:
- North: Commercial Plaza
- East: Commercial Plaza
- South: Single Detached Dwelling
- West: Single Detached Dwelling

Photo (August 11, 2020)

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

City of Stratford Infrastructure and Development Services Department – Engineering Division: The proposed reduction to the setback of the parking aisle and parking area and the increased width of the driveway is acceptable under the condition that the access to Huron Street remains a right-in/right-out access only. A design demonstrating that this access will function as right-in/right-out as intended will be
required at the site plan stage. Lefts into and leaving the site from the Huron Street access will not be permitted.

**City of Stratford Infrastructure and Development Services Department – Water Division:** No concerns.

**City of Stratford Infrastructure and Development Services Department – Building Services:** No concerns.

**Festival Hydro:** This property falls within Hydro One’s service territory, Festival Hydro does not provide electrical servicing to this property.

**Fire Department:** No concerns.

**Upper Thames River Conservation Authority:** No objections.

**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.

With respect to minor variance application A12-20, the minor variance must meet the four tests:

1. Whether the variance is minor in nature;
2. Whether the general intent and purpose of the Official Plan is maintained;
3. Whether the general intent and purpose of the Zoning By-law is maintained;
4. Whether the variance is desirable for the appropriate development and use of the land and/or neighbouring lands.

**Analysis:**

**Provincial Policy Statement**
Every planning decision in the Province of Ontario shall be consistent with the Provincial Policy Statement which came into effect on May 1, 2020. There are no Building Strong Healthy Communities, Wise Use and Management of Resources or Protecting Public Health and Safety issues with the requested minor variance. The proposal would continue to allow for a retail land use and the application is consistent with the Provincial Policy Statement.

**Official Plan**
The property is designated as Commercial Area with special policy 11.2.16 in the Official Plan. The primary commercial uses are those uses which require large land requirements for buildings, on-site parking, and outdoor storage, as well as, uses engaged in convenience goods and services. The special policy identifies lands through
the City’s Commercial Needs Study and Official Plan Amendment No. 10 as the potential location for large format retail development that cannot be accommodated or attracted to the Downtown Core. The approved building size is below the threshold of 1,858m² that would require further planning reports, traffic impact studies, and a retail market demand/impact study. The proposed retail store with an increased driveway width and reduced parking area setback to Huron Street meets the general intent and purpose of the Official Plan.

**Zoning By-law**
The lands are zoned Highway Commercial C2 and C2-21. The special provision C2-21 ensures that any new building is only permitted if it is connected to municipal water and sanitary services.

The previously approved site plan incorporates right in traffic on Huron Street and a rumble strip to allow truck access to the property. The applicant has expressed the desire throughout the original site plan process to have increased access from Huron Street but were unable to design an adequate access due to site constraints.

Engineering Services have expressed concerns with the proposed concept plan as access wouldn't be restricted to right in and right out traffic movements. There is the opportunity to redesign the access point to better control traffic movements and a condition should be included in any minor variance decision that the applicant must receive site plan approval for a redesigned driveway entrance. If the driveway entrance is redesigned to ensure proper movements, the design will improve the appearance of driveway from the streetscape by separating traffic movements and reducing the amount of drive aisle asphalt. The minor variance would be considered to be minor in nature and would result in a driveway entrance and parking area that is appropriate for the area.

The intent of the maximum width of the driveway entrance in the Zoning By-Law is in part to ensure that driveways are not expanded beyond the width that is required to allow for proper movements on the property. The intent of the parking aisle and parking area setback is to ensure that adequate landscaping and a uniform streetscape and building line can be provided. The redesign of the entrance will improve the appearance of the property from the street and the applicant is still able to provide sufficient landscaping between the drive aisle and the street. If access if restricted to right in and right out traffic movements, the general intent of the Zoning By-Law would be maintained.

**Recommendation**
No public input was received. Planning staff are of the opinion that the application conforms to the Provincial Policy Statement and meets the four tests of the Planning Act and Planning staff have no objection to the application if the following condition is included in the decision:
1. That the owner revises their concept plan to allow only right in and right out traffic is from Huron Street and that the owner receive site plan approval for the revisions to the existing site plan.

Prepared by:

[Signature]

Jeff Bannon, MCIP, RPP
City Planner

Reviewed by:

[Signature]

Ed Dujlovic, Director
Infrastructure & Development Services

August 12, 2020
REPORT TO THE COMMITTEE OF ADJUSTMENT

Submitted By: Infrastructure & Development Services Department
Development Services Division

Application No.: A14-20

Meeting Date: August 20, 2020

Owner: Juliet Veens

Agent: Jason Debus

Location: 128 Brown Street, located on the west side of Brown Street between Russell Drive and Thomas Street, legally described as PT LOTS 85 & 86, PLAN 44M39 RP 44R5258 PT 23

Zoning: Residential Second Density – R2(2) - 43

Official Plan Designation: Residential Area

Road Classification: Brown Street - Local Street

Purpose of Application:

Purpose: The purpose of this application under Section 44 of the Planning Act, R.S.O. 1990 is to reduce the minimum side yard setback for a deck.

Variances requested: To reduce the side yard setback for a deck from 1.5m to 0m.
Background:

Concept Plan:
Location and Zoning Map:

A12-20 -128 Brown Street

Legend
- Zoning Area
- Property Parcel
- Avon River/Lake Victoria
- Parks

Subject Area

128

Notes

Disclaimer: This map is a user-generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

NAD_1983_UTM_Zone_17N
© City of Stratford Map Printed: July 22, 2020
THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 1,128
Site Characteristics

Existing Use: Semi-Detached Dwelling
Frontage: 9.3 m (30.6 ft)
Depth: 35 m (114.8 ft)
Area: 326.4 m² (3513.3 ft²)
Shape: Regular

Surrounding Land Uses:

North: Semi-Detached Dwelling (Residential)
East: Single Detached Dwelling (Residential)
South: Semi-Detached Dwelling (Residential)
West: Single Detached Dwelling (Residential)

128 Brown Street (taken August 11, 2020)

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

City of Stratford Infrastructure and Development Services Department – Engineering Division: No concerns.
City of Stratford Infrastructure and Development Services Department – Water Division: No concerns.

City of Stratford Infrastructure and Development Services Department – Building Services: No concerns with the requested variance, a building permit is required to be obtained prior to any work commencing.

Festival Hydro: No concerns.

Transit: No concerns.

Fire Department: No concerns.

Upper Thames River Conservation Authority: No objection.

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.

With respect to minor variance application A14-20, the minor variance must meet the four tests:

9. Whether the variance is minor in nature;
10. Whether the general intent and purpose of the Official Plan is maintained;
11. Whether the general intent and purpose of the Zoning By-law is maintained;
12. Whether the variance is desirable for the appropriate development and use of the land and/or neighbouring lands.

Analysis:
Provincial Policy Statement
Every planning decision in the Province of Ontario shall be consistent with the Provincial Policy Statement which came into effect on May 1, 2020. There are no Building Strong Healthy Communities, Wise Use and Management of Resources or Protecting Public Health and Safety issues with the requested minor variance. The proposal would allow for the continued use of the existing semi-detached dwelling and the application is consistent with the Provincial Policy Statement.

Official Plan
The property is designated Residential Area in the Official Plan. The goals and policies of the Official Plan include the right to quiet enjoyment and privacy of residential properties. The applicant has requested a reduced setback to the interior side yard for a deck. Allowing a deck to be constructed without a setback could potentially result in reduced privacy for an adjacent neighbour. The building permit drawings that have been submitted limit the height of the deck floor to a maximum of 0.6 metres. If the
height is limited to 0.6 metres and the fence shown on the submitted plan is in place, the privacy of the abutting property owner is not expected to be impacted by the proposed deck.

If the deck is constructed with a maximum height of 0.6m and an opaque fence is maintained adjacent to the deck, the requested side yard setback would maintain the general intent and purpose of the Official Plan.

**Zoning By-law**
The lands are zoned Residential Second Density R2(2)-43. The minimum side yard setback requirement in the Zoning By-Law is intended, in part, to maintain privacy between properties, to provide adequate room to maintain structures and to allow for proper drainage of the area without impacting adjacent properties. The applicant is expected to maintain the structure without trespassing onto the neighbour’s property. Planning staff are of the opinion that the deck can be constructed, and drainage can be maintained with a zero metre side yard setback. The proposed deck height is 0.6m and if an opaque fence is maintained along the property line for the length of the deck, then the general intent of the Zoning By-Law is being maintained, the development is considered to be an appropriate use of the land and is minor in nature. Planning staff would have no objection to the requested minor variance.

**Recommendation**
No public input was received. Planning staff are of the opinion that the application conforms to the Provincial Policy Statement and meets the four tests of the Planning Act and Planning staff have no objection to the application if the following conditions are included in the decision:

2. That the owner obtains a building permit for the deck if required by the Ontario Building Code.
3. That the owner maintains an opaque fence that is a minimum of 1.5m in height along the south property line for the length of the deck to the satisfaction of the Manager of Planning.
4. That the drawings submitted for a site plan approval are in keeping with the concept plan submitted with the minor variance application to the satisfaction of the Manager of Planning.

Prepared by:

Jeff Bannon, MCIP, RPP
City Planner
**August 12, 2020**

Reviewed by:

Ed Dujlovic, Director
Infrastructure & Development Services