



## **COMMITTEE OF ADJUSTMENT**

### **AGENDA**

The Stratford Committee of Adjustment will consider the following applications at a hearing to be held on Thursday, January 20, 2022, 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/87672074638?pwd=OWFIS2d1WGpNQ3U5dG44a05GWWwyUT09>

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

### **MINOR VARIANCE APPLICATIONS**

#### **A01-22 – 68 St.Vincent Street S – Planner: Jeff Bannon**

*Purpose:* The purpose of this application under Section 44 of the Planning Act, R.S.O. 1990 is to reduce the exterior side yard setback on St. David Street to allow for an accessory building.

*Variances requested:* To reduce the minimum exterior side yard setback on St. David Street from 7.5m to 1.59m for an accessory building.

*REPORT TO THE COMMITTEE OF ADJUSTMENT*

**Submitted By: Infrastructure & Development Services Department  
Development Services Division**

**Application No.: A01-22**

**Meeting Date: January 20, 2022**

**Owner: Roslyn MacLean and Kevin Wykes**

**Agent: Roslyn MacLean**

**Location: 68 St. Vincent Street S, located on the southwest corner of the intersection of St. David Street and St. Vincent St S, legally described as N PT LOT 1 Plan 77**

**Zoning: Residential First Density – R1( 3 )**

**Official Plan Designation: Residential Area & Heritage Area**

**Road Classification: St. David Street - Local Street, St. Vincent Street S – Collector 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 exterior side yard setback on St. David Street to allow for an accessory building.

*Variances requested:* To reduce the minimum exterior side yard setback on St. David Street from 7.5m to 1.59m for an accessory building.

Concept Plan:



## Location and Zoning Map:



## Site Characteristics

Existing Use:	Semi-Detached Dwelling
Frontage:	11.9m (39ft)
Depth:	50.3m (165ft)
Area:	597.8m <sup>2</sup> (6435ft <sup>2</sup> )
Shape:	Regular



Surrounding Land Uses:

North: Rail line  
East: Single Detached Dwelling  
South: Semi-Detached Dwelling  
West: Single Detached Dwelling

St. Vincent Street frontage (photos taken December 23, 2021)



St. David Street frontage



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:** If a future structure is built in this location that exceeds 108 sq.ft. a building permit will be required.

**Community Services:** no concerns.

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

**Clerks Office:** no parking concerns.



### 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 A01-22, 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 wellbeing 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 matters of consistency with the application. The application is consistent with the Provincial Policy Statement.

#### Official Plan

The property is designated Residential Area and Heritage Area in 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. Some secondary uses are also allowed in the Residential Area designation including convenience commercial uses, home occupations and public uses.

The exterior side yard is not screened and the placement of a shed would create building massing that is visible from the street. Planning staff are recommending that a planting strip with a minimum height of 2.44m and a minimum length of 4.4m is required in order to provide screening of the proposed structure from the street. The planting strip could take the form of a fence, wall, hedgerow or row of shrubs, or wall. The scale and location of the proposed structure with adequate screening would be

compatible with the surrounding neighbourhood. If screening is provided, the proposed accessory structure maintains the general intent and purpose of the Official Plan.

Within Heritage Areas the City is to ensure that where infilling is proposed, the inherent qualities of the area will be retained, restored and ideally enhanced unless overriding conditions of public health and safety warrant otherwise. The construction of the accessory building is not considered to be infill and the Heritage Area policy is not applicable.

#### Zoning By-law

The lands are zoned Residential First Density R1(3). The intent of the exterior side yard setback for an accessory structure is to ensure that a uniform building line is maintained which would contribute to an attractive streetscape. The proposed accessory building is to be located with an exterior side yard setback of 1.59m. Since the structure would be located closer to the public street than other structures in the surrounding neighbourhood, screening is required to ensure that the building would not negatively impact the streetscape in the area. With proper screening, the requested variance can be considered to be minor in nature and would meet the intent of the Zoning By-Law.

The applicant has noted that the structure has a height of 3.5m. The shed is under the minimum size to require a building permit and it has already been constructed in the proposed location. If a solid board fence 2.44 metres in height or a similar landscape buffer was provided the roof of the proposed shed would still be visible but the impacts on the streetscape would be considerably less.

The property immediately to the rear of the subject lands is a single detached building and the proposed accessory building is to be located over 24 meters from the rear lot line. The location of the shed in the exterior side yard will not impact the privacy of the surrounding neighbouring properties. With adequate screening, the requested minor variance is considered to be appropriate development and use of the land.

#### **Recommendation**

No public input was received. Planning staff are of the opinion that if screening is provided as recommended, the minor variance listed below conforms to the Provincial Policy Statement and meets the four tests of the Planning Act.

Planning staff have no objection to the request to reduce the exterior side yard setback from 7.5m to 1.59m for an accessory structure if the following condition is included in the decision:

1. That a planting strip with a minimum height of 2.44m and minimum length of 4.4m is provided in the exterior side yard next to the proposed shed to the satisfaction of the Manager of Planning.



Prepared by:



Jeff Bannon, MCIP, RPP  
City Planner

**January 7, 2022**

Reviewed by:



Alyssa Bridge, MAES, MCIP, RPP  
Manager of Planning