



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, July 17, 2024

Time: 4:00 p.m.

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

Committee Members: Andy Bicanic – Chair, Ajay Mishra, Justine Nigro

Member Regrets: Charlene Gordon

Staff: Adam Betteridge – Director of Building and Planning Services, Alex Burnett – Planner, Juliane von Westerholt – Consulting Planner, Urja Modi – Consulting Planner, Anthony Fletcher – Recording Secretary

1. Call to Order

The Chair to call the meeting to order.

Opening remarks and land acknowledgement.

2. Disclosure of Pecuniary Interest and the General Nature Thereof

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

Name, Item and General Nature of Pecuniary Interest

3. Adoption of the Previous Minutes

Motion by:

Seconded by:

THAT the minutes from the Stratford Committee of Adjustment meeting dated June 19, 2024 be adopted as printed.

4. Current Applications

4.1 A20-24 – 378 Nelson Street

Owner: Mark Rosenfeld & Leora Rissin

Agent: The Hive Design Co. (c/o Justine Nigro)

Request: The purpose and effect of application A20-24 is to facilitate the conversion of the existing detached garage into an Additional Dwelling Unit ("ADU"). ADUs are currently defined and regulated in the City's Zoning By-law as "Garden Suites".

Variances requested:

1. Regulation 4.10 d) – permit a maximum building height of 5.2 metres, whereas the Zoning By-law permits a maximum building height of 5.0 metres.
2. Regulation 4.10 e) – permit a rear yard setback of 1.06 metres for the proposed ADU, whereas the Zoning By-law requires a minimum rear yard setback of 2.5 metres.
3. Regulation 4.10 f) – permit an exterior side yard setback of 3.11 metres, whereas the Zoning By-law requires whereas the Zoning By-law requires an exterior side-yard setback of 4.5 metres.
4. Policy 4.10 i) – shall not apply.
5. Table 6.4.2, Section 6.4.2 – permit a reduced minimum front yard setback of 4.05 metres, whereas the Zoning By-law requires a front yard setback of 6.0 metres.
6. Table 6.4.2, Section 6.4.2 – permit a reduce minimum exterior side yard setback of 3.01 metres, whereas the Zoning By-law requires an exterior side-yard setback of 4.5 metres; and,
7. Table 6.4.2, Section 6.4.2 – permit a reduced minimum lot frontage of 16.96 metres, whereas the Zoning By-law requires a minimum lot frontage of 18.0 metres.

4.2 A21-24 – 74 Church Street

Owner: Fred Bauer/Meteor Mortgage Corp. (WRIT of possession)

Agent: GRIT Engineering Inc.

Request: The subject property currently contains a 3-unit apartment building. The purpose of application A21-24 is to facilitate the development of a new, standalone 4-unit apartment building adjacent to the existing apartment building. The effect of application A21-24 is to decrease the minimum front yard depth, rear yard depth, interior and exterior side yard width, and minimum parking requirements of the Zoning By-law, as well as to increase lot coverage provisions of the Zoning By-law, to facilitate the new apartment building.

Variances requested:

1. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum front yard depth from 7.5 m to 3.0 m (existing building).
2. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum rear yard depth from 6.0 m to 2.66 m.

3. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum interior side yard width from 4.37 m to 3.56 m.
4. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum exterior side yard width from 7.5 m to 3.13 m.
5. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to increase the maximum lot coverage from 35% to 40.4%.
6. Table 5.1: Minimum Parking Space Requirements – to decrease the required parking spaces from 9 spaces to 7 spaces.
7. Table 5.4.1: Minimum Barrier Free Parking Spaces – to decrease the required barrier free space from 1 to 0.
8. Section 4.20.1 h): to permit a balcony to be located closer than 3.0 m to an exterior lot line.

4.3 A22-24 – 134 Louise Street

Owner: Dean Rintoul

Agent: GRIT Engineering Inc.

Request: The purpose of minor variance application A22-24 is to seek relief from the rear yard depth requirement of Zoning By-law 10-2022, given that the proposed covered (unenclosed) patio will be attached to the existing dwelling, as well as the proposed pool shed, and as a result, will comprise the main dwelling, which is subject to the rear yard requirement of 7.5m.

The effect of minor variance application A22-24 is to reduce the required rear yard depth from 7.5m to 1.09m, which is the distance from the rear property line to the proposed pool shed.

Variances requested:

1. Table 6.4.1 of Section 6.0 – to reduce the rear yard setback from 7.5 metres to 1.0 metres for the proposed pool shed.

5. Next Meeting – August 21, 2024, at 4:00 p.m. – City Hall Council Chambers (upper level), located at 1 Wellington Street, Stratford.

6. Adjournment

Motion by:

Seconded by:

THAT the July 17, 2024 Stratford Committee of Adjustment meeting adjourn.

If you require this document in an alternate format, please contact City Hall at 519-271-0250 extension 5237 or email clerks@stratford.ca

REPORT TO THE COMMITTEE OF ADJUSTMENT

Submitted By: Building & Planning Services Department - Planning Division

Application No.: A20-24

Meeting Date: July 17, 2024

Owner: Mark Rosenfeld & Leora Rissin

Agent: The Hive Design Co. (c/o Justine Nigro)

**Location: 378 Nelson Street, legally described as PLAN 2 PT LOT 237
RP 44R5337 PART 1 in the City of Stratford**

Zoning: R2(1) – Residential Second Density

**Official Plan Designation: Residential Area
Municipal Well
SPP Significant Threat Area**

**Road Classification: Nelson Street – Local
Walnut Drive – Local**

Purpose and Effect of Application A20-24:

Application A20-24 applies to the property municipally addressed as 378 Nelson Street (the “subject lands”) and is legally described as PLAN 2 PT LOT 237 RP 44R5337 PART 1 in the City of Stratford. The subject lands are located immediately south-west of the intersection of Nelson Street and Walnut Street, with 16.96 metres of frontage along Nelson Street and 40.23 metres of frontage along Walnut Street. The subject lands currently contain a primary dwelling (“main building”) at the south end of the property along the Nelson Street frontage, and a detached garage at the north end of the property along the Walnut Street frontage.

The purpose and effect of application A20-24 is to facilitate the conversion of the existing detached garage into an Additional Dwelling Unit (“ADU”). ADUs are currently defined and regulated in the City’s Zoning By-law as “Garden Suites”.

To facilitate the Additional Dwelling Unit, the following variances are requested:

1. Regulation 4.10 d) – permit a maximum building height of 5.2 metres, whereas the Zoning By-law permits a maximum building height of 5.0 metres.

2. Regulation 4.10 e) – permit a rear yard setback of 1.06 metres for the proposed ADU, whereas the Zoning By-law requires a minimum rear yard setback of 2.5 metres.
3. Regulation 4.10 f) – permit an exterior side yard setback of 3.11 metres, whereas the Zoning By-law requires whereas the Zoning By-law requires an exterior side-yard setback of 4.5 metres.
4. Policy 4.10 i) – shall not apply.
5. Table 6.4.2, Section 6.4.2 – permit a reduced minimum front yard setback of 4.05 metres, whereas the Zoning By-law requires a front yard setback of 6.0 metres.
6. Table 6.4.2, Section 6.4.2 – permit a reduce minimum exterior side yard setback of 3.01 metres, whereas the Zoning By-law requires an exterior side-yard setback of 4.5 metres; and,
7. Table 6.4.2, Section 6.4.2 – permit a reduced minimum lot frontage of 16.96 metres, whereas the Zoning By-law requires a minimum lot frontage of 18.0 metres.

Background:

Attachments

- Map 1 – Existing Zoning & Location Map
- Map 2 – Aerial 2020 Map
- Figure 1 – Site Plan
- Figure 2 – Site Photo 1 (June 10, 2024)
- Figure 3 – Site Photo 2 (June 10, 2024)

Site Characteristics

Existing Use: Single detached dwelling

Frontage: 16.96 m

Depth: 40.23 m

Area: 681.54 m²

Shape: Rectangular

Surrounding Land Uses (Relative to Property)

North: Multiple residential dwelling

West: Walnut and single detached dwellings

West: Single detached dwellings

South: Nelson Street and single detached dwellings

Agency Comments

This minor variance application was circulated to agencies for comments on June 20, 2024. The following comments were received:

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

- No concerns with the proposed variance.

General Information

- Building permits are required to be submitted for the conversion of the garage to an accessory dwelling unit and the construction of the proposed parking structure.
- All planning approvals are required to be submitted with the applicants building permit application.
- New proposed covered parking structure to not negatively effect neighbouring properties with grading and drainage. Designer to take this into account with the design of the structure.

City of Stratford Infrastructure Services Department – Engineering Division:

- A damage deposit of \$4,100.00 (plus Administrative Fee and HST) are required prior to construction as per "Schedule E" of the Fees and Charges By-Law 117-2023.
- The engineering consultant for the applicant should confirm that the existing sanitary/storm/water services are appropriately sized for the intended use in accordance with the OBC. If the existing services are to be used, confirm their condition prior to connecting. Provide private service connection (PDC) details once available. The City of Stratford recommends replacing all services at this property, due to the age of the existing services.
- A grading plan is required. The applicant's engineer should 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.
- The downspout locations are not to project the discharge onto the adjacent property. The overall lot grading cannot negatively impact the adjacent lands and must make certain that positive overland flow towards the frontage is met.
- If a second driveway is requested: a driveway permit is required to be obtained for proposed driveway. Please contact the By-Law Department at (519) 271-0250 x345, for additional information on Driveway Permit requirements. Driveway entrances and curb cuts shall be in accordance with OPSD 350.010 and 351.010.
- The drainage area on this parcel of land proposed for site plan control is less than the 0.1 ha outlined in the Infrastructure Standards and Specifications, Appendix C: City of Stratford CLI-ECA Stormwater Management Criteria. A Stormwater Management Plan is not required.

City of Stratford Fire Department – Fire Prevention:

- No concerns.

City of Stratford Community Services Department – Park, Forestry & Cemetery:

- No concerns.

Public Comments

Notice of the required variances was sent to surrounding property owners on June 21, 2024, and a sign was erected on site notifying of the proposed minor variance application. In addition, notice of the required variances was published in the Town Crier of the Beacon Herald on June 21, 2024. At the time of writing this report, no comments or concerns were received from the public.

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

Analysis:

Provincial Policy Statement (PPS)

All planning decisions in the Province of Ontario shall be consistent with the Provincial Policy Statement, which came into effect on May 1, 2020. In September 2019 and November of 2022, the Government of Ontario passed Bill 108, the *More Homes, More Choices Act* and Bill 23, the *More Homes Built Faster Act*. As part of these legislations, changes to Ontario's *Planning Act* were made. One such change created new requirements for permitting Additional Dwelling Units (ADUs). As per Section 35.1, ADUs are permitted "as-of-right" on properties containing a single detached dwelling, semi-detached dwelling, or townhouse dwelling, without requiring a Zoning By-law Amendment. Further to this, Ontario Regulation 299/19 as part of Bill 108: *More Homes, More Choices Act* requires one additional parking space per ADU.

The City of Stratford's Zoning By-law Section 4.10 regulates Garden Suites which have some similarities with ADU's. However, the City's Zoning by-law currently has no specific regulations for ADU's yet to implement the provincial changes to legislation referred to above. In this regard, staff is relying on the garden suite regulations.

Currently, the subject lands contain one main building with one detached garage. The applicant's proposal for an ADU is within the existing detached garage, ancillary to the main building. Accordingly, the proposed conversion from a detached garage to an ADU is permitted by the *Planning Act*.

Section 5.6 of the Zoning By-law requires two parking spaces for the main building, and Bill 108 requires one parking space per ADU. As a result, a total of three parking spaces are required to facilitate the proposed ADU. At the time of application submission, a Site Plan was submitted illustrating two parking spaces. Accordingly, a minor variance was

required to decrease the required number of parking spaces for the main building. To avoid this variance, a revised Site Plan was submitted, attached as **Figure 1** to this Report. The revised Site Plan illustrates three (3) parking spaces which demonstrates that parking requirements can be satisfied.

Staff is of the opinion that the requested variances are considered to be consistent with the *Provincial Policy Statement*.

1. Does the request Maintain the General Intent and Purpose of the Official Plan?

The property is designated "Residential Area" on Schedule "A" of the Official Plan and further identified as being located within a Municipal Well and SPP Significant Threat Area on Schedule "C". The property is also within a Stable Residential Area, as per Section 4.5.3.1 of the Official Plan which limits potential new development or redevelopment.

The Residential Area policies allow for a range of low and medium density residential uses, including, but not limited to, single detached, semi-detached, duplex, and triplex dwellings, townhouse dwellings, low-rise apartments, back-to-back and stacked townhouses.

Intensification in Stable Residential Areas is permitted and is set out to be modest and incremental. It is subject to set of criteria, as determined by Section 4.3.5.1 of the Official Plan.

The proposed minor variances satisfy the criteria of Section 4.3.5.1 of the Official Plan for the following reasons:

- The 0.2 metres increase in height is not anticipated to result in significant negative impacts on abutting properties or the surrounding residential neighbourhood;
- Appropriate separation distance is provided between the proposed ADU and the abutting residential buildings; and,
- The ADU is proposed as a conversion of the existing detached garage, which maintains and respects the existing character and pattern of the neighbourhood (see photo below).



A maximum height of 3 storeys is permitted for residential development in Stable Residential Areas. The proposed ADU, is a single storey structure with a slight increase in height to 5.2m, which continues to meet the general intent of the maximum 3 storey height policy for Stable Residential Areas.

The ADU provides additional housing and contribute to housing diversity within the City of Stratford, supports an intensive use of land, respects the existing character of the neighbourhood, and provides for compatible development that results in modest intensification. Staff is of the opinion that the variances maintain the general intent and purpose of the Official Plan.

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

The subject lands are zoned Central Commercial ("R2(1)") on Schedule A1 – Map 5 and are identified within Wellhead Protection Area A ("WHPA-A") and Wellhead Protect Area B ("WHPA-B") on Schedule C of the City of Stratford Zoning By-law 10-2022. The R2(1) zoning permits a range of uses, including residential, commercial (day care centre), and institutional (elementary school and place of worship).

As discussed, ADUs are currently defined and regulated in the City's Zoning By-law as "Garden Suites",. Section 4.10 of the Zoning By-law sets out regulations for Garden Suites, and respectively, ADUs.

The following variances are required to facilitate the conversion of the existing detached garage into an ADU:

- Permit an increased maximum building height of 5.2 metres, whereas Regulation 4.10 d) permits a maximum building height of 5.0 metres;
- Permit a reduced rear yard setback of 1.06 metres for the proposed ADU, whereas Regulation 4.10 e) requires a minimum rear yard setback of 2.5 metres; and,
- Permit a reduced exterior side yard setback of 3.11 metres, whereas Regulation 4.10 f) requires that the minimum exterior side yard setback of the zone shall apply to the garden suite, which in this case is 4.5 metres as per R2(1) zoning.

Regulation 4.10 i) of the City Zoning By-law states that "No driveways, other than driveways existing on the lot prior to the installation of the garden suite shall be permitted." To facilitate the three required parking spaces on two separate driveways, Regulation 4.10 i) of the City's Zoning By-law shall not apply.

Table 6.4.2, Section 6.4.2 establish regulations for lands zoned R2. The following variances are required to legalize the existing legal non-conforming development standards associated to the existing main building:

- Permit a reduced minimum front yard setback of 4.05 metres, whereas Table 6.4.2 of the Zoning By-law requires a front yard setback of 6.0 metres;

- Permit a reduce minimum exterior side yard setback of 3.01 metres, whereas Table 6.4.2 of the Zoning By-law required an exterior side-yard setback of 4.5 metres; and,
- Permit a reduced minimum lot frontage of 16.96 metres, whereas Table 6.4.2 of the Zoning By-law requires a minimum lot frontage of 18.0 metres.

To ensure development is compatible, height and setback provisions are intended to ensure privacy for neighbouring properties, provide appropriate separation and sufficient space for on-site grading and drainage. The detached garage and main building are existing and staff is of the opinion that the existing buildings and the slight height increase in the proposed ADU (detached garage) structure result in compatible development with appropriate separation, with no anticipated impacts to site grading and drainage. The variances and associated conversion of the detached garage to an ADU are not anticipated to result in negative impacts on the adjacent properties.

To ensure any future structural changes are thoroughly addressed, staff recommends that the variance be subject to a condition restricting the variances to existing buildings and structures on the subject lands, as of the date of decision of the Committee of Adjustment.

Further, as identified, the subject lands are located within WHPA-A and WHPA-B. Section 4.28 and Table 4.28 of the City's Zoning By-law list uses that are prohibited within the WHPA-A and WHPA-B. The proposed variances and associated uses are permitted, and are not anticipated to result in additional impacts to the Municipal Well and Wellhead Protection Areas.

Based on the foregoing and subject to conditions, staff is of the opinion that the variances maintain the general intent and purpose of the Zoning By-law.

3. Are the requested variances desirable for the appropriate development of the lands?

The variances increase the permitted maximum height for the proposed ADU (currently a detached garage) from 5.0 metres to 5.2 metres, and request to legalize the existing legal non-conforming setbacks of the main building and the existing detached garage.

The requested height variance facilitates the conversion of an existing detached garage into an ADU with appropriate design to create a livable space. Further, the variances making efficient use of land through minor intensification and utilization of existing resources and maintain the character of the neighbourhood by utilizing an existing structure on the subject lands. Staff is of the opinion that the variances, subject to conditions, are desirable for the appropriate development of the lands.

4. Is the requested variance minor?

Whether a variance is minor is evaluated in terms of the impact the proposed development is expected to have on the surrounding neighbourhood. The variances will facilitate the conversion of the existing garage into an ADU on the subject lands. Staff is of the opinion that the variances will not have an adverse impact on the character of the area or the ability of adjacent property owners to use or redevelop their property in accordance with the Zoning By-law. As such, the variances are considered to be minor.

Recommendation:

THAT the City of Stratford Committee of Adjustment APPROVE Application A20-24, submitted by Mark Rosenfeld & Leora Rissin, for lands legally described as PLAN 2 PT LOT 237 RP 44R5337 PART 1 in the City of Stratford and municipally known as 378 Nelson Street, as it relates to:

1. Regulation 4.10 d) – permit a maximum building height of 5.2 metres, whereas the Zoning By-law permits a maximum building height of 5.0 metres.
2. Regulation 4.10 e) – permit a rear yard setback of 1.06 metres for the proposed ADU, whereas the Zoning By-law requires a minimum rear yard setback of 2.5 metres.
3. Regulation 4.10 f) – permit an exterior side yard setback of 3.11 metres, whereas the Zoning By-law requires that the minimum exterior side yard setback of 4.5 metres as per R2(1) zoning.
4. Policy 4.10 i) – shall not apply.
5. Table 6.4.2, Section 6.4.2 – permit a reduced minimum front yard setback of 4.05 metres, whereas the Zoning By-law requires a front yard setback of 6.0 metres.
6. Table 6.4.2, Section 6.4.2 – permit a reduce minimum exterior side yard setback of 3.01 metres, whereas the Zoning By-law required an exterior side-yard setback of 4.5 metres; and,
7. Table 6.4.2, Section 6.4.2 – permit a reduced minimum lot frontage of 16.96 metres, whereas the Zoning By-law requires a minimum lot frontage of 18.0 metres.

Subject to the following conditions:

- i) These variances only apply to the existing buildings and structures located on the subject lands as of the date of the Committee of Adjustment decision for Application A20-24 and shall not apply to any future development or redevelopment of the lands municipally addressed 378 Nelson Street and legally described as PLAN 2 PT LOT 237 RP 44R5337 PART 1 in the City of Stratford.
- ii) The Owner submit documentation to the City of Stratford which demonstrates that existing sanitary/storm/water services are appropriately sized for the intended use in accordance with the OBC and confirms their

condition, to the satisfaction of the Director of Building and Planning Services.

The requested variances meet the four tests of a minor variance as set out in Section 45(1) of the *Planning Act* as follows:

The requested variances maintain the general intent and purpose of the Official Plan as the proposal conforms to the Residential Areas policies of the Official Plan.

The requested variances maintain the general intent and purpose of the City's Zoning By-law as the associated buildings and structures are existing and permitted, are not anticipated to result in negative impacts on the adjacent properties, and facilitate an additional unit that makes efficient use of land and resources.

The requested variances are desirable for the appropriate use of the land as it will facilitate the conversion of a detached garage into an Additional Dwelling Unit on the subject lands.

The requested variances are 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.

AND THAT the Committee of Adjustment pass a resolution that no further notice is required under Section 45(5) of the Planning Act.

Prepared & Recommended by:

Urja Modi, BES
Consulting Planner (Intermediate Planner, MHBC)

Reviewed by:

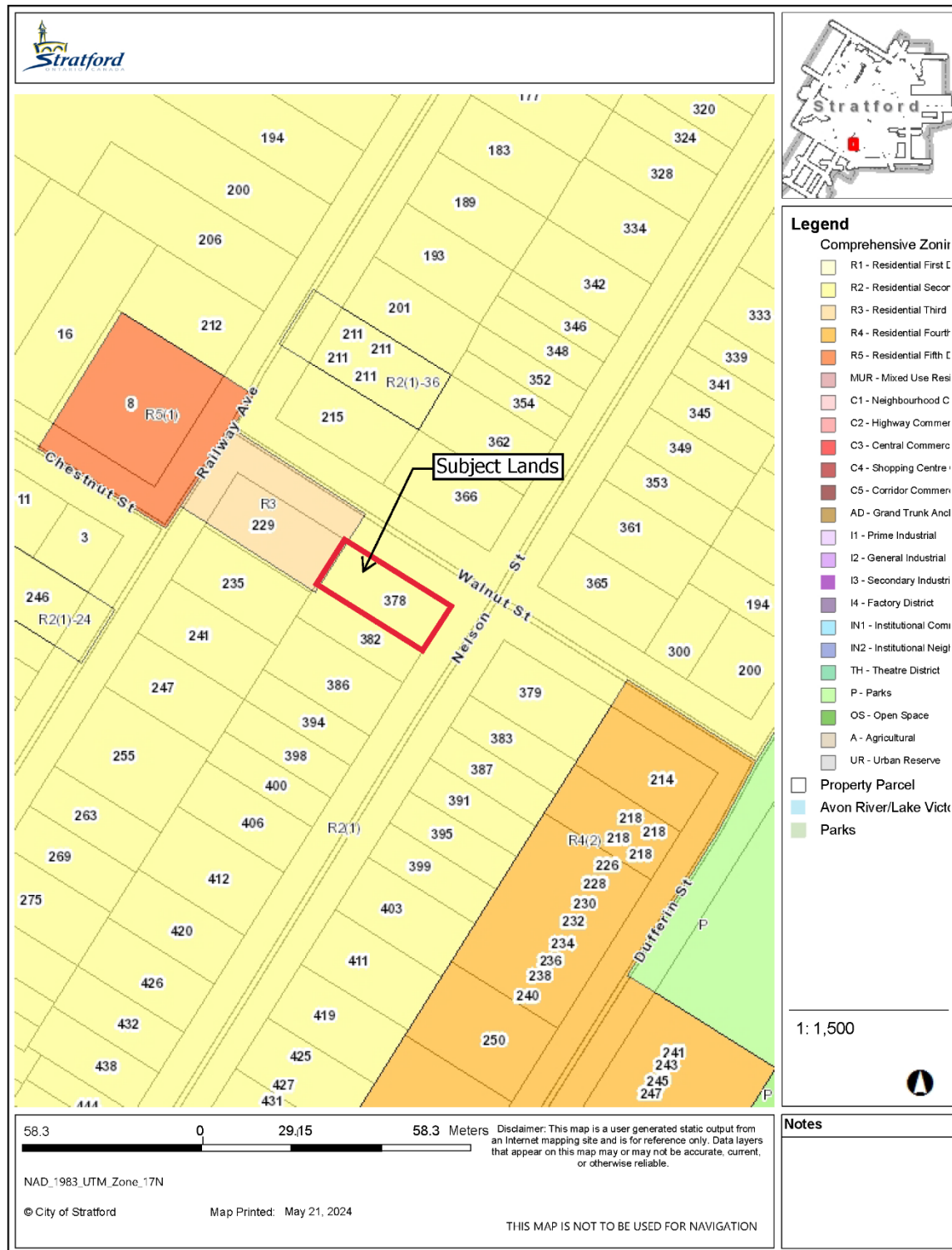
Juliane von Westerholt, BES, MCIP, RPP
Consulting Planner (Associate, MHBC)

Reviewed & Approved by:

Adam Betteridge, MCIP, RPP
Director of Building and Planning

Report finalized: July 11, 2024

Map 1 – Location & Zoning Map
File# A20-24
The Hive Design Co. – 378 Nelson Street



Map 2 – Aerial 2020 Map
File# A20-24
The Hive Design Co. – 378 Nelson Street

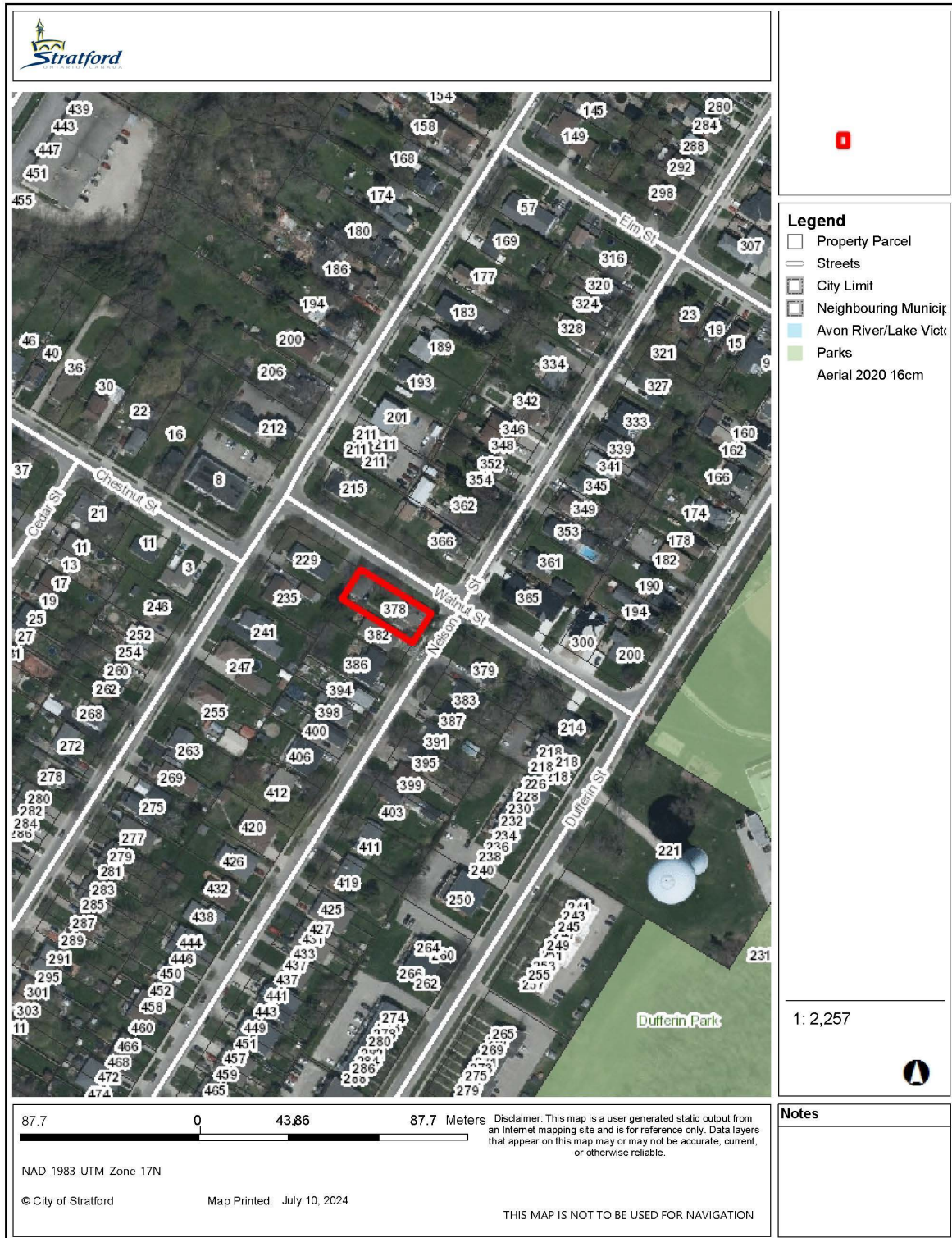


Figure 1 – Site Plan
File# A20-24
The Hive Design Co. – 378 Nelson Street

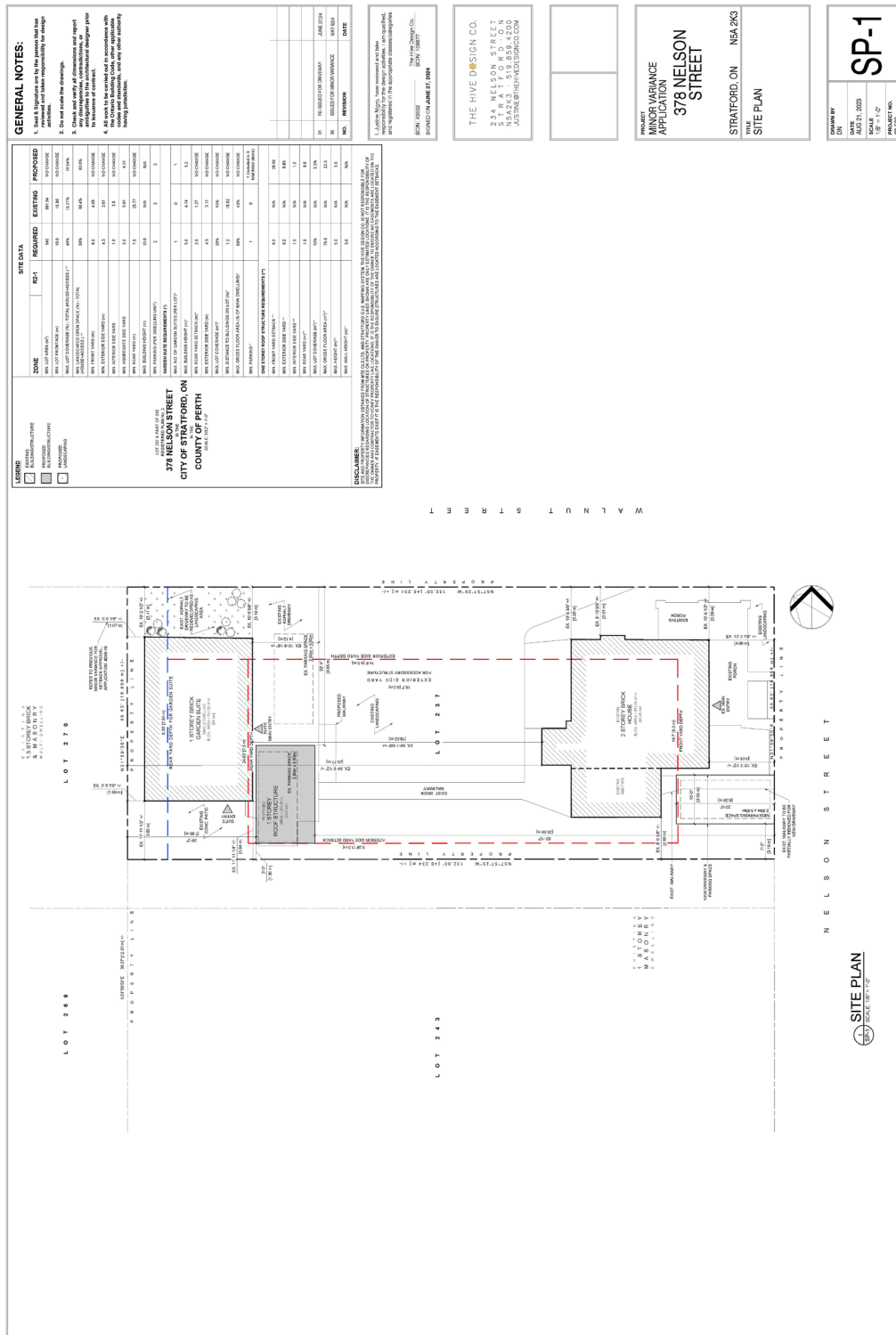


Figure 2 – Site Photo 1 (June 10, 2024)
File# A20-24
The Hive Design Co. – 378 Nelson Street



Figure 3 – Site Photo 2 (June 10, 2024)
File# A20-24
The Hive Design Co. – 378 Nelson Street



REPORT TO THE COMMITTEE OF ADJUSTMENT

Submitted By: Building & Planning Services Department - Planning Division

Application No.: A21-24

Meeting Date: July 17, 2024

Owner: Fred Bauer/Meteor Mortgage Corp. (WRIT of possession)

Agent: GRIT Engineering Inc.

**Location: 74 Church Street, legally described as PLAN 20 PT LOT 343
PT LOT 344 AS RP 44R2800 PART 1 in the City of Stratford.**

Zoning: R5(1)-23 - Residential Fifth Density

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

**Road Classification: Church Street – Local
St. Patrick Street - Collector**

Purpose and Effect of Application A21-24:

The subject property currently contains a 3-unit apartment building. The purpose of application A21-24 is to facilitate the development of a new, standalone 4-unit apartment building adjacent to the existing apartment building. The effect of application A21-24 is to decrease the minimum front yard depth, rear yard depth, interior and exterior side yard width, and minimum parking requirements of the Zoning By-law, as well as to increase lot coverage provisions of the Zoning By-law, to facilitate the new apartment building.

Variance requested:

1. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum front yard depth from 7.5 m to 3.0 m (existing building).
2. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum rear yard depth from 6.0 m to 2.66 m.
3. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum interior side yard width from 4.37 m to 3.56 m.
4. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum exterior side yard width from 7.5 m to 3.13 m.

5. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to increase the maximum lot coverage from 35% to 40.4%.
6. Table 5.1: Minimum Parking Space Requirements – to decrease the required parking spaces from 9 spaces to 7 spaces.
7. Table 5.4.1: Minimum Barrier Free Parking Spaces – to decrease the required barrier free space from 1 to 0.
8. Section 4.20.1 h): to permit a balcony to be located closer than 3.0 m to an exterior lot line.

Please be advised that the initial Notice of Application indicated that an additional variance was requested to increase the maximum density on the property. Upon completion of this report, this variance request has been determined to be unnecessary and was subsequently removed from the applicant's request.

Background:

Attachments

- Map 1 – Existing Zoning & Location Map
- Map 2 – Site Plan
- Figure 1 – Site Photo

Site Characteristics

Existing Use: Apartment building

Frontage: 28.0 m

Depth: 34.0 m

Area: 958.0 m²

Shape: Rectangular

Surrounding Land Uses

North: Single detached dwellings

East: Parking lot, Downtown Core

South: Apartment building

West: Apartment building

Agency Comments

This minor variance application was circulated to agencies for comments on June 20, 2024. The following comments were received:

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

No concerns with the proposed variances.

Please note regarding the variance on the barrier free parking condition, for context, the proposed building will be required to be reviewed to the Barrier Free Requirements under the OBC at time of building permit application review, the construction of the proposed building has not yet been determined if it will be exempt from Barrier Free requirements in the OBC.

Building permit is required to be obtained for proposed building. All planning approvals are required to be submitted with the building permit application.

City of Stratford Infrastructure Services Department – Engineering Division:

Engineering has no concerns with the requested minor variances. Applicant is reminded to see Engineering Division comments for the formal consultation FC06-24 compiled on February 23, 2024

Fire Prevention and Community Services Department:

No comments or concerns.

Accessibility Advisory Committee:

The Committee would like to point out to the Developer that the minimum requirements under the AODA are that from parking spaces numbered between 1 and 25 there must be at least one accessible parking space. This proposed decrease in accessible parking spaces will be in contravention of the AODA.

Festival Hydro:

Customer to contact Festival Hydro to discuss hydro servicing if the proposed building addition proceeds.

CN Rail:

It is noted that the subject site is within 1000 meters of CN railway operations including the CN Aldershot Yard's. CN has concerns of developing/densifying residential uses in proximity to railway operations. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. The Guidelines for New Development in Proximity to Railway Operations reinforce the safety and well-being of any existing and future occupants of the area. Please refer to these guidelines for the development of sensitive uses in proximity to railway operations. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities. CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

The following clause should be inserted on land title, in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 1000m of the railway right-of-way:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 1000 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

Other Applications

Application B09-21 was approved by the Committee of Adjustment on September 16, 2021, to create a right-of-way between 74 Church Street and 237 St. Patrick Street.

Public Comments

Notice of the requested variance was sent to surrounding property owners on June 21, 2024, and a sign was erected on site notifying of the proposed minor variance application. In addition, notice of the requested variance was published in the Town Crier of the Beacon Herald on June 22, 2024. At the time of writing this report, no comments or concerns were received from the public.

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

Analysis:

Provincial Policy Statement (PPS)

All planning decisions in the Province of Ontario shall be consistent with the PPS 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 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 matters of consistency with the application. As a result, the application is considered consistent with the Provincial Policy Statement.

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

The property is designated "Residential Area" on Schedule "A" of the Official Plan and further identified as being located within a Heritage Area on Schedule "E" of the City's Official Plan. Church Street is identified as a local street and St. Patrick Street is identified as a collector street on Schedule "D".

The Residential Area policies allow for a range of dwelling types including low-rise apartment buildings. The 'Residential Area' goals and objectives include maintaining essential neighbourhood qualities, privacy, upkeep, public health, safety, and compatibility with the surrounding neighbourhood. In addition, the City of Stratford Official Plan includes development standards within Section 4.5.3.1 for stable residential areas. These policies direct development in existing residential areas to maintain the structure and character of the immediate surrounding residential area. Intensification is intended to be modest and incremental, occurring through changes such as infill development. The proposed development promotes intensification of the area by creating a new 4-unit apartment building on the subject lands. The application encourages a more compact building form that will increase density near the Downtown Core that can be serviced through existing infrastructure.

The applicant has requested variances to reduce the minimum front yard depth, rear yard depth, interior and exterior side yard width, and minimum parking requirements of the Zoning By-law, as well as to increase the maximum lot coverage provisions of the Zoning By-law, and to permit a balcony to be located within 3 metres away from an exterior side line, to facilitate the development of a new 4-unit apartment building. Based on the submitted site plan, the massing and height of the proposed dwelling is not considered to be out of character with the neighbourhood and is considered to conform to the Residential policies of Section 4.5.

Heritage

The subject property is also within a Heritage Area and Heritage Corridor as designated in the Official Plan under Schedule "E". Section 3.5.8 of the Official Plan provides a framework for infilling in heritage areas that requires that the inherent heritage qualities of the area be retained or enhanced. The subject lands are not designated as Part IV or Part V Heritage properties under the Ontario Heritage Act and no heritage qualities of the area or corridor are identified further in the City's Official Plan. However, the abutting property to the west is designated as a Part IV Heritage property and as such, a Heritage Impact Assessment (HIA) is required.

As identified in the submitted HIA, the exterior heritage attributes of 235 St. Patrick Street are reflective of an early vernacular industrial building. These attributes include the massing, front gable roof, red brick cladding, and the entryway and brick voussoirs. The

HIA recognizes that there are potential impacts to 235 St. Patrick Street because of the proposed development, and identified the following concerns:

- Potential for accidental impacts to 235 St. Patrick Street during construction, which is increased due to the location of the proposed 4-Plex closer to the lot line.
- Potential for the design to be incompatible with the adjacent property.
- Potential for a change in grade that could impact 235 St. Patrick Street.

The HIA concludes that the following conservation and mitigation measures are suggested for the proposed development to ensure no negative impacts to 235 St. Patrick Street are experienced:

- That the proposed design details for the 4-Plex consistent with the extant building should be maintained in any further design iterations including: the hipped roof, multitone brown brick cladding, vertical rhythm, and fenestration, notably the introduction of rectangular windows.
- Additional design elements for the 4-Plex could be considered including concrete sills, voussoirs or another decorative window treatments that would add to the character of the building.
- During construction and post-construction, care should be taken not to alter the grade of the parking area between 74 Church Street and 235 St. Patrick Street to ensure slope issues are not introduced that could impact drainage and lead water runoff toward the foundation of 235 St. Patrick Street. Site plan drawings indicate the asphalt parking area is to be retained.
- During construction, it is recommended that construction fencing between the property at 235 St. Patrick Street and the project location be erected at a sufficient distance to ensure there will be no direct or indirect impacts to 235 St. Patrick Street. The fencing should be maintained throughout the duration of the construction period.
- It is recommended that a landscape buffer between the new 4-Plex and 235 St. Patrick Street be considered to mitigate some of the visual impact. This could include instating a buffer of trees or shrubs.
- Construction laydown or storage areas should be located at a sufficient distance from the subject property to prevent any damage resulting from the construction.

Planning Staff recognize these suggestions and recommend that as a condition of approval, that a Landscape Plan be submitted as part of any subsequent Site Plan application to the satisfaction of Planning Staff. As such, subject to conditions, Staff is satisfied that application A21-24 maintains the general intent and purpose of the Official Plan.

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

The subject lands are zoned Residential Fifth Density R5(1)-23 in the City of Stratford Zoning By-law 10-2022. The R5(1)-23 zoning permits apartment buildings. The

surrounding area primarily contains apartment buildings, single detached dwellings, and a parking lot.

The applicant has requested variances to the Zoning By-law to reduce the minimum front yard depth, rear yard depth, interior and exterior side yard width, and minimum parking requirements of the Zoning By-law, as well as to increase the maximum lot coverage provisions of the Zoning By-law, and to permit a balcony to be located within 3 metres away from the exterior side lot line, to facilitate the development of a new 4-unit apartment building. Table 6.4.5 of the Zoning By-law requires a minimum front yard depth and exterior side yard width of 7.5 m for buildings in the R5(1) Zone. The existing building is located 3.0 m away from the front property line and 4.5 metres away from the exterior side lot line. Though the existing building is considered legally non-conforming, the application is requesting to acknowledge this deficiency from the new provisions.

Additionally the applicant is requesting a rear yard depth of 2.66 m whereas the Zoning By-law requires 6.0 m, a minimum interior side yard width of 3.56 m, whereas the Zoning By-law requires 4.37 m, a minimum exterior side yard width of 3.13 m whereas the Zoning By-law requires 7.5 m, a maximum lot coverage of 40.4% whereas the Zoning By-law requires 35%, a maximum density of 75 upnh whereas the site specific zoning on the property requires a maximum density of 30 upnh, a minimum of 7 required parking spaces whereas the Zoning By-law requires 9, a minimum of 0 barrier-free parking spaces whereas the Zoning By-law requires 1, and to permit a balcony to be located closer than 3.0 m to an exterior lot line, whereas the Zoning By-law currently does not.

The intent of the minimum front, rear, and side yard provisions in the Zoning By-law are to maintain consistent streetscapes and privacy, allow for construction, maintenance, and drainage to be directed away from the property line, and to ensure development is located a safe distance from the street. The existing apartment building is considered legally non-conforming as it is located within the front yard and exterior side yard setback required by the R5 zoning provisions. As staff is unaware of any safety concerns resulting from the existing building's distance to St. Patrick Street and Church Street, staff is of the opinion that recognizing these legal non-confirming variance requests maintain the intent and purpose of the Zoning By-law.

However, the minor variance application seeks to obtain further relief from the Zoning By-law than what is considered legally non-conforming, as the proposed apartment building is located closer to the exterior side yard than the existing building. Staff has concerns that reducing the minimum exterior side yard width to 3.13 metres will result in an inconsistent streetscape in relation to the existing apartment building on the subject lands. Additionally, the reduced exterior side yard setback request results in a proposed balcony located closer than 3.0 metres to the exterior lot line. The intention of the zoning By-law prohibiting balconies from being located within 3.0 metres of an exterior lot line is to maintain the safety of homeowners and pedestrians. In this case, the proposed building would extend beyond the established streetscape were the variance for the

reduction in the exterior side yard be approved. As a result, Staff is of the opinion that the requests to reduce the minimum exterior side yard width to 3.13 metres and to permit a balcony located within 3.0 metres of the exterior lot line do not maintain the general intent and purpose of the Zoning By-law. Staff recommends that the proposed building maintains a minimum exterior side yard width of 4.5 metres (to match the existing legal non-conforming building) and that any proposed balcony be located a minimum of 3.0 metres away from the exterior lot line. Staff does not anticipate any maintenance or construction issues resulting from the requested rear yard depth and interior side yard width variances, as appropriate access will continue to be provided. To ensure that there are no impacts to the privacy of neighbouring properties, staff is recommending as a condition of approval, that a Landscape Plan be submitted as part of any subsequent Site Plan application to the satisfaction of Planning Staff. The Landscape Plan should show any plantings and/or fencing or screening that would help reduce any impacts on privacy. As such, subject to conditions, Staff is of the opinion that the requests to reduce the minimum rear yard depth and interior side yard width requirements maintain the general intent and purpose of the Zoning By-law.

The intent of the maximum lot coverage provision in the Zoning By-law is to maintain consistent massing among developments and to ensure acceptable stormwater control is achieved in accordance with City policies. Given the limited size of the property and that the proposed apartment is of similar massing and scale to the existing apartment, staff is satisfied that the built form will remain consistent with the neighbourhood. Furthermore, the City's Engineering Department has no concerns with the requested variances, permitted that the City's stormwater management criteria are achieved during the Site Plan process. As such, staff is of the opinion that the requested variance for increased lot coverage maintains the general intent and purpose of the Zoning By-law.

The intent of the minimum parking provisions of the Zoning By-law are to ensure that an appropriate number of parking spaces are provided for each type of development to meet the demand of the public, and not cause illegal parking, such as on landscaped (grass) areas or otherwise prohibited areas. Providing adequate parking makes it easier for residents and visitors to access their homes.

Table 5.1 of the Zoning By-law requires that apartment buildings provide 1.25 parking spaces per dwelling unit, with 0.25 of each space designated as visitor parking spaces. Table 5.4.1 of the Zoning By-law requires a minimum of 1 barrier free parking spaces for apartment buildings consisting of 1-12 parking spaces. As proposed, the subject property would consist of a total of 7 residential dwelling units, requiring a total of 9 parking spaces (including 2 designated as visitor parking and 1 designated as a barrier free space).

The submitted Site Plan proposes only 7 total parking spaces and requests a variance for the remaining 2 visitor spaces and barrier free space. As each dwelling unit would have its own parking space and the subject lands are within walking distance to the City's Downtown Core and available transit routes, parking shortages are not anticipated for

the proposed development. Furthermore, within walking distance of the property, several public parking lots are available for visitor parking.

However, Staff does have concerns regarding the request to remove the required barrier free parking space. The intent of the minimum requirement for barrier free parking spaces is to ensure that appropriate parking is provided for members of the public with accessibility requirements. The exclusion of any barrier free parking on the property presents significant accessibility concerns and as such, does not meet the general intent and purpose of the Zoning By-law. Planning Staff recommends that the total number of parking spaces on the subject lands include 1 barrier free space as part of the total 7 spaces (6 + 1 barrier free).

This would result in 1 unit of the proposed apartment not having a dedicated parking space. Staff acknowledge that the current demand for housing does outweigh the importance of parking availability, however the City's current planning documents do not provide guidance or contemplate new units being established without at least one assigned parking space, save and except for development within the City's Downtown Core, described further in the following paragraphs. As an example, for a new basement and/or backyard additional dwelling unit ("ADU"), the City does require the provision for at least 1 parking space for each added unit.

The City's Zoning By-law (section 5.6, and as guided by Official Plan policy under section 4.4.9 – "Cash-in-lieu of Parking") does provide for payment of cash-in-lieu for some or all of the required parking spaces, however it only applies to proposed non-residential development in the City's "Downtown Core" designation of the Official Plan. The subject lands are within approximately 28 metres of the "Downtown Core".

To support the 6 spaces + 1 barrier free approach, the Committee of Adjustment could consider two possible options:

One option is requiring the property owner to secure at least 1 parking space in the adjacent (separately/privately owned) parking lot. Subject to agreement with the adjacent parking lot owner, the required space could be secured and assigned to the apartment unit.

An alternative option would be imposing a condition that requires the applicant to obtain approval from Council as per section 4.4.9 of the Official Plan and section 40 of the Planning Act for Cash-in-lieu of Parking. Planning Staff wish to remind that the subject lands are technically outside of the designated area to which cash-in-lieu applies.

In consideration of the above options, the Committee could impose one condition that flexibly provides/allows the applicant to complete either of the 2 options.

As such, subject to the revisions discussed and the imposition of a condition to address reduced parking spaces, staff is of the opinion that the request to reduce the minimum number of parking spaces for the proposed apartment building maintains the general intent and purpose of the Zoning By-law.

Are the requested variances desirable for the appropriate development of the lands?

The subject lands are classified as "Residential" in the City's Official Plan and zoned Residential Fifth Density R5(1)-23 in the Zoning By-law. The requested variances include reductions in the minimum front yard depth, rear yard depth, interior and exterior side yard width, and minimum parking requirements of the Zoning By-law, as well as an increase to the maximum lot coverage provisions of the Zoning By-law, and to permit a balcony to be located within 3 away from a lot line, to facilitate the development of a new 4-unit apartment building. The requested variances will allow the homeowners to add 4 residential dwelling units near the Downtown Core, while not altering the dimensions or footprint of the existing building. As such, Staff is of the opinion that the requested variances are desirable for the appropriate development of the lands.

Is the requested variance minor?

Whether a variance is minor is evaluated in terms of the impact the proposed development is expected to have on the surrounding neighbourhood. The proposed variances would facilitate the development of a new 4-unit apartment building on the subject property. Staff is of the opinion that, subject to the recommended conditions, including the imposition of a condition to address reduced parking spaces, the requested variances will not have an adverse impact on the character of the area or the ability of adjacent property owners to use their property in accordance with the Zoning By-law. As such, the requested variances are considered minor.

Recommendation:

THAT the City of Stratford Committee of Adjustment APPROVE Application A21-24, submitted by GRIT Engineering INC., for lands legally described as PLAN 20 PT LOT 343 PT LOT 344 AS RP 44R2800 PART 1 in the City of Stratford and municipally known as 74 Church Street, as it relates to:

1. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum front yard depth from 7.5 m to 3.0 m (existing building).
2. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum rear yard depth from 6.0 m to 2.66 m.
3. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum interior side yard width from 4.37 m to 3.56 m.

4. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum exterior side yard width from 7.5 m to 4.5 m.
5. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to increase the maximum lot coverage from 35% to 40.4%.
6. Table 5.1: Minimum Parking Space Requirements – to decrease the required parking spaces from 9 spaces to 7 spaces.

Subject to the following conditions:

- i) These variances only apply to the buildings proposed as part of this application, and as shown on the submitted Site Plan.
- ii) That the Applicant submit a Landscape Plan to the Planning Department as part of the required Site Plan application, to the satisfaction of Planning Staff.
- iii) That 1 of the required 7 parking spaces on site be a Type A barrier free parking space.
- iv) That the Applicant:
 - a. secure via legal agreement at least 1 parking space in the adjacent (separately/privately owned) publicly accessible parking lot. Such agreement shall be registered on the title of the lands used for the parking space to ensure the required number of parking spaces on the subject lot are retained; or,
 - b. obtain approval from Council, in accordance with section 4.4.9 of the Official Plan and section 40 of the Planning Act, cash-in-lieu of one (1) parking space.

AND

THAT the City of Stratford Committee of Adjustment DENY components of Application A21-24, submitted by GRIT Engineering INC., for lands legally described as PLAN 20 PT LOT 343 PT LOT 344 AS RP 44R2800 PART 1 in the City of Stratford and municipally known as 74 Church Street, as it relates to:

1. Table 6.4.5: Regulations in the Residential Fifth Density (R5) Zone – to decrease the minimum exterior side yard width from 7.5 m to 3.13 m.
2. Table 5.4.1: Minimum Barrier Free Parking Spaces – to decrease the required barrier free space from 1 to 0.
3. Section 4.20.1 h): to permit a balcony to be located closer than 3.0 m to an exterior lot line.

The requested 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 intent and purpose of the Official Plan as the proposal conforms to the Residential policies of the Official Plan.

The requested relief (save and except the requests for decreased minimum exterior side yard width and required barrier free parking space, and to permit a balcony to be located closer to an exterior lot line) maintains the intent and purpose of the City's Zoning By-law as the proposed apartment building, subject to conditions, will be compatible with the streetscape and will not result in privacy or safety issues on neighbouring properties or pedestrians.

The requested relief is desirable for the use of the land as it will facilitate the development of a 4-unit apartment building on the subject property.

The requested relief is minor in nature as the requested variance 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:

Alexander Burnett, Planner

Reviewed by:

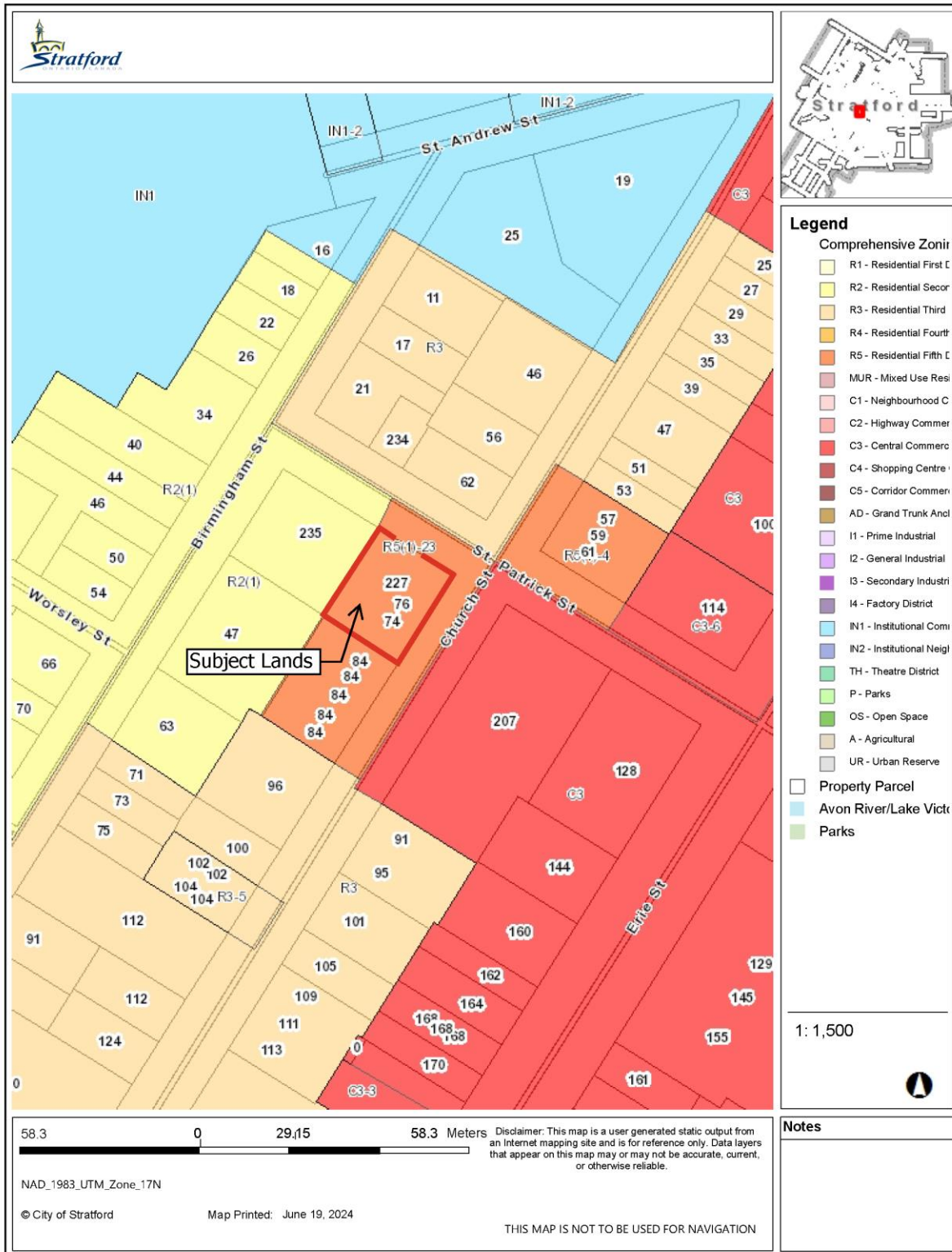
Juliane vonWesterholt, MCIP, RPP,
Consulting Planner (MHBC Planning)

Recommended & approved by:

Adam Betteridge, MCIP, RPP
Director of Building and Planning

Report finalized: July 11, 2024

Map 1 – Location & Zoning Map
File # A21-24
GRIT Engineering Inc. – 74 Church Street



Map 2 – Site Plan
File # A21-24
GRIT Engineering Inc. – 74 Church Street

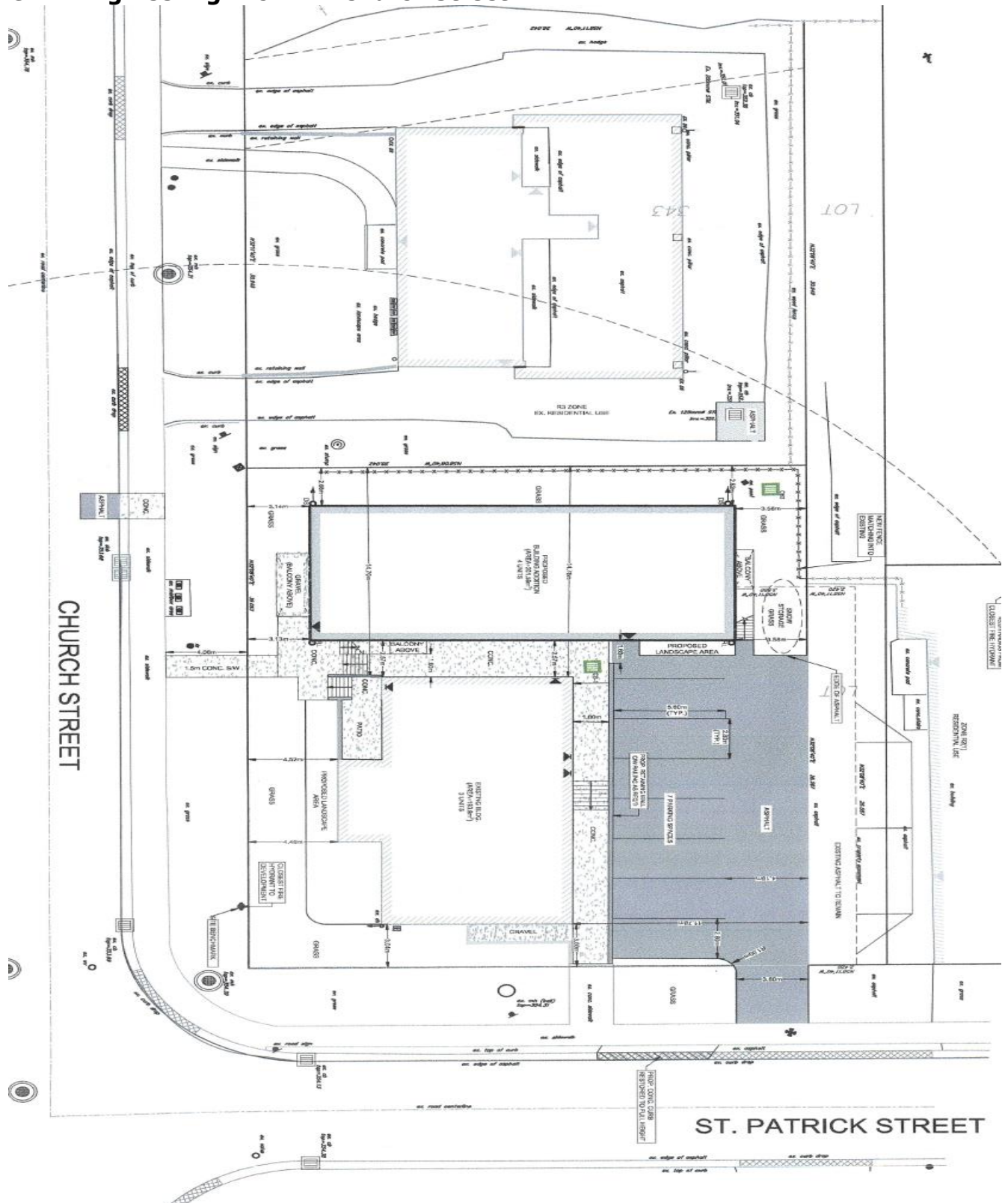


Figure 1 – Site Photo
File # A21-24
GRIT Engineering Inc. – 74 Church Street



REPORT TO THE COMMITTEE OF ADJUSTMENT

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

Application No.: A22-24

Meeting Date: July 17, 2024

Owner: Dean & Melissa Rintoul

Agent: GRIT Engineering (c/o Simon Culliton)

**Location: 134 Louise Street, legally described as Part of Lot 82 on
Registered Plan 69 in the City of Stratford**

Zoning: R1(3) – Residential First Density

Official Plan Designation: Residential Area

Road Classification: Louise Street – Local Street

Purpose of Application:

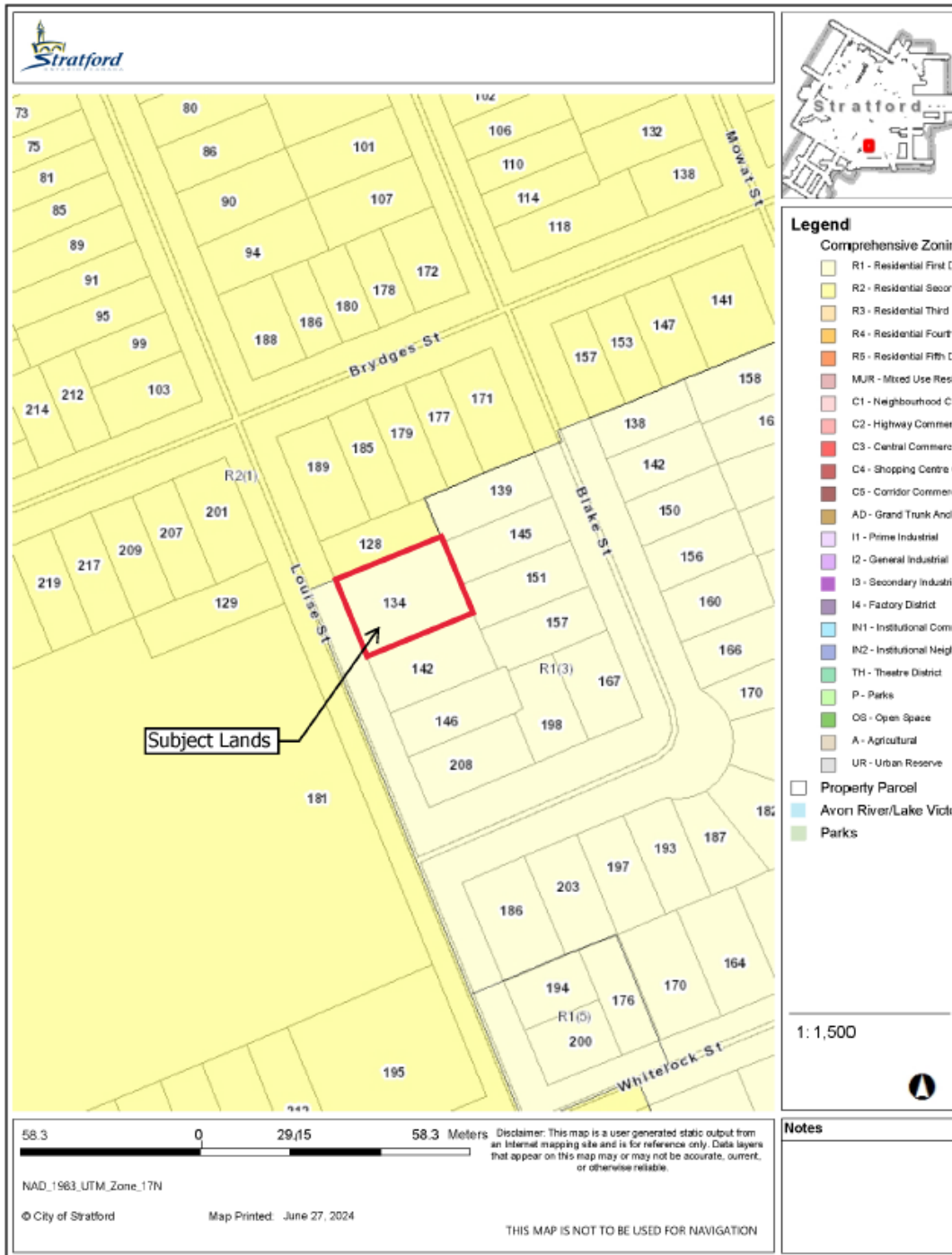
The purpose of this application A22-24 under Section 45(1) of the Planning Act, R.S.O. 1990 is for a reduction in the rear yard setback requirement to permit construction of a 1 - storey enclosed (covered porch) and pool shed addition to the existing dwelling.

Variances requested:

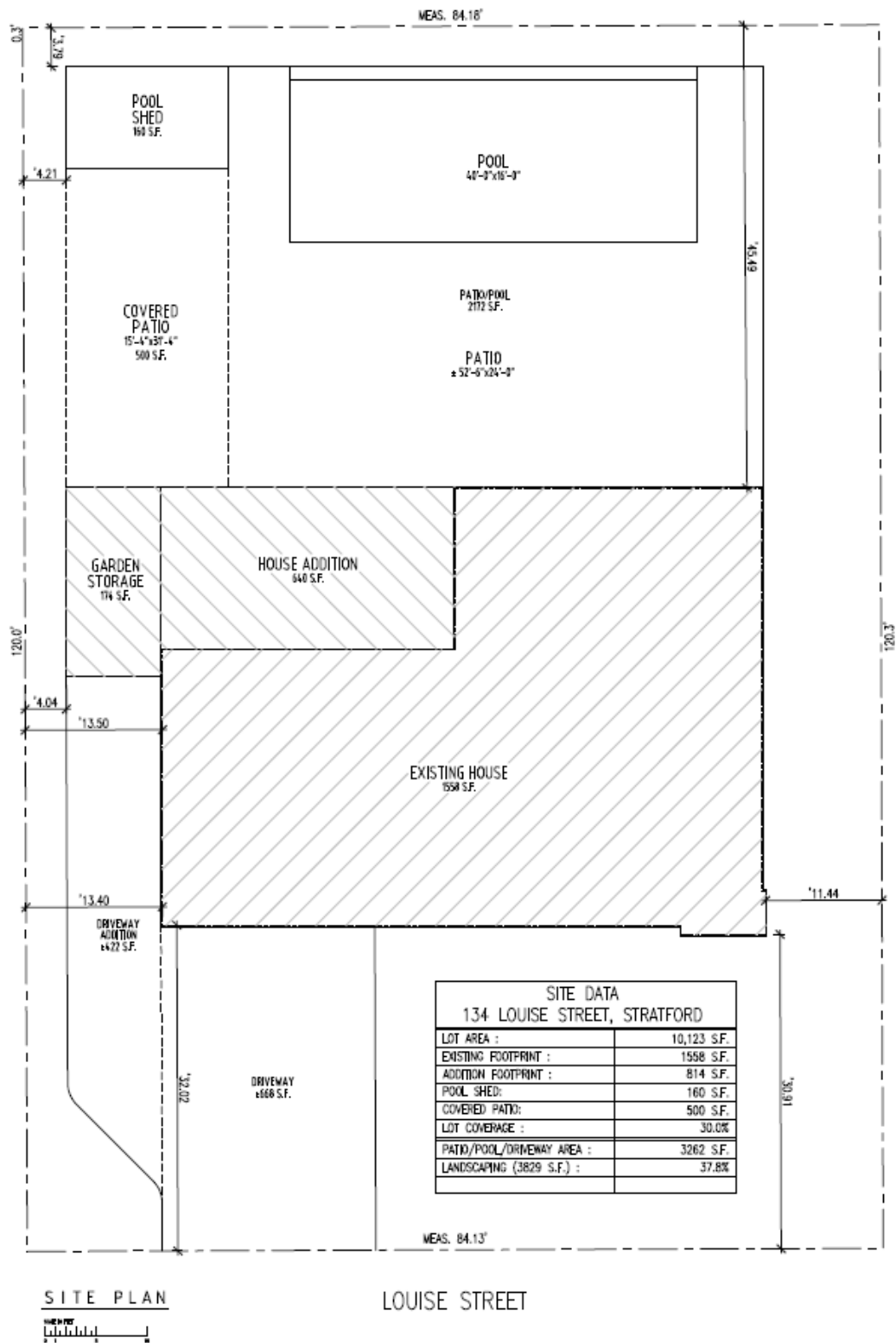
1. Table 6.4.1 of Section 6.0 – to reduce the rear yard setback from from 7.5 metres to 1.0 metres for the proposed pool shed;

Background:

Location and Zoning Map:



Concept Plan:



Site Characteristics

Existing Use:	Single detached dwelling
Frontage:	25.6 m (84.13 ft)
Depth:	36.6 m (120 ft)
Area:	940 m ² (10,123 ft ²)
Shape:	Rectangular

Surrounding Land Uses:

North:	Single detached dwellings
East:	Single detached dwellings
South:	Single detached dwellings
West:	St. Ambrose Elementary School

Agency Comments

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

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

- A damage deposit of \$2,600.00 (plus Administrative Fee and HST) is required prior to construction as per “Schedule E” of the Fees and Charges By-Law 117-2023.
- A grading plan submission is required when applying for a Building Permit, for the Engineering Division to review and approve. The applicant’s engineer shall 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. The proposed slope along the rear property line exceeds the City’s standards. As per the City of Stratford’s Infrastructure Standards and Specifications – Section 8.3: Grading and Design Standards; All lot surfaces shall be built to a minimum grade of 2% and a maximum grade of 10%. Minimum swale depths must be met along northern property line proposed swale location.
- Section 6.7.7 – Rainwater Leaders: For infill or redevelopment, rainwater leaders for all buildings shall discharge to grade where proper drainage can be achieved and no adverse impact to neighbouring properties will occur.

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

- No comments provided at the time of writing of this report

Festival Hydro:

- No concerns

Community Services:

- No comment

Clerks:

- No comment

Quadro Cable:

- No concerns

City of Stratford Infrastructure and Development Services Department Water Division/ Fire Department/ Transit/ Community Services:

- No concerns.

Public Comments

Public Notice was provided to neighbouring property owners in accordance with the provisions of the Planning Act, on July 3, 2024. At the time of writing this report, one (1) letter was received from the neighbouring property owner to the east addressed as 151 Blake Street. Concerns raised include grading and drainage, as well as consideration for an existing tree located along the rear property limit within the property limits of 151 Blake Street.

Grading and drainage will be addressed as part of the building permit approval process. It is our understanding that the tree in question is located on 151 Blake Street at its northwesterly corner along the common property boundary with the southeasterly corner of 134 Louise Street and the concern is that any excavation required for the pool may impact the tree. Accordingly, it is noted that any application for pool permit give consideration for the location and size of pool in order to ensure protection of the tree roots.

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

Planning Analysis:

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

The property is designated 'Residential Area' and according to the City of Stratford Official Plan. The primary use of lands within the 'Residential Area' designation includes dwellings such as single-detached, duplex and apartment dwellings. The 'Residential Areas' goals and objectives include maintaining essential neighbourhood qualities of privacy, upkeep, public health, safety, compatibility with the surrounding neighbourhood.

The applicant has requested a variance for a reduced rear yard setback from 7.5 metres to 1.0 metres in order to permit construction of a 1 - storey enclosed (covered porch) and pool shed addition to the existing dwelling. It should be noted that a shed constructed as an accessory structure without being attached to the main dwelling would require a 1.0 metre rear yard setback per Table 4.1.2 of Zoning Bylaw 88-2022.

In our opinion, the requested variance meets the general intent of the City of Stratford Official Plan as this request continues to maintain the low-rise residential character of these lands in alignment with the Official Plan policy direction.

Does the variance meet the General Intent of the Zoning By-law?

The subject lands are zoned Residential First Density R1(3) approved through Bylaw 88-2022, which permits single detached dwellings and accessory structures. The surrounding neighbourhood primarily contains single detached and semi-detached dwellings with an elementary school located directly across Louise Street to the west.

Provided the proposed grading and drainage can be addressed through the submission of grading and drainage plans required as part of the building permit approval process, the proposed variance is not anticipated to have any impact to adjacent properties or the neighbourhood in general. Similarly, at the time of construction consideration can be given to protection of the tree on adjacent lands to the extent possible. The request for reduced rear yard setback for the pool shed is considered minor. All other applicable regulations of the Residential First Density R1 (3) zone pertaining to single-detached dwellings will be maintained.

As a result, staff is satisfied that the requested variance maintains the general intent and purpose of the City's Zoning By-law.

Is the variance desirable?

The requested relief can be considered desirable for the development of the land, as it maintains the low-rise residential density built form contemplated in the Residential Areas policies of the Official Plan and no negative impacts to adjacent properties are anticipated as a result of the variances. Grading and drainage plans required as part of the building permit application process will assist in addressing existing grading and drainage issues.

Is the variance minor?

Given that the request for a minor variance for reduced rear yard setback is not anticipated to have any negative impacts on adjacent properties and the surrounding neighbourhood, planning staff is of the opinion that the requested relief can be considered minor and appropriate for the subject property.

Recommendation:

THAT the City of Stratford Committee of Adjustment APPROVE Application A22-24, submitted by GRIT Engineering Inc. for lands described as Part of Lot 82 on Registered Plan 69 and municipally addressed as 134 Louise Street in the City of Stratford, as it relates to:

1. Table 6.4.1 of Section 6.0 – to reduce the rear yard setback from from 7.5 metres to 1.0 metres for the proposed pool shed;

Subject to the following condition:

That the property owner contact the owner of 151 Blake Street to make arrangements for best efforts to protect the tree on the adjacent property (151 Blake St.) where feasible.

AND THAT the Committee of Adjustment pass a resolution that no further notice is required under Section 45(5) of the Planning Act.

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

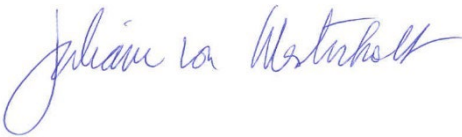
The proposed relief is a minor deviation from the provisions of the City's Zoning By-law as the reduced rear yard setback is not anticipated to negatively impact the adjacent property owners and represents a minor departure from the development provisions of the Zoning By-law.

The proposed relief maintains the general intent and purpose of the City's Zoning By-law as the development is generally in keeping with the intent of the R1(3) zone and is not anticipated to create negative impacts.

The relief is desirable for the use of the land as the said relief will facilitate an addition to the existing single detached dwelling, which is the intended use of the subject property and is compatible with the surrounding land uses.

The relief maintains the intent and purpose of the Official Plan as the subject lands will continue to be used for residential purposes, which is in keeping with the intent of the residential area designation.

Reviewed by:

A handwritten signature in blue ink, reading "Julianne von Westerholt".

Julianne von Westerholt, BES, MCIP, RPP
Associate

Prepared by:

A handwritten signature in black ink, reading "Nicolette van Oyen".

Nicolette van Oyen, BES, MCIP, RPP
Senior Planner

Report finalized: July 11, 2024