



**The Corporation of the City of Stratford  
Planning and Heritage Committee  
Open Session  
AGENDA**

**Date:** Monday, January 22, 2018

**Time:** 7:15 P.M.

**Location:** Council Chamber, City Hall

**Committee Present:** Councillor Ritsma - Chair Presiding, Councillor Ingram - Vice Chair, Mayor Mathieson, Councillor Beatty, Councillor Brown, Councillor Bunting, Councillor Clifford, Councillor Henderson, Councillor Mark, Councillor McManus, Councillor Vassilakos

**Staff Present:** Rob Horne - Chief Administrative Officer, Joan Thomson - City Clerk, Ed Dujlovic - Director of Infrastructure and Development Services, Carole Desmeules - Director of Social Services, David St. Louis - Director of Community Services, Jeff Leunissen - Manager of Development Services, John Paradis - Fire Chief, Tatiana Dafoe - Deputy Clerk

Pages

**1. Call to Order**

The Chair to call the Meeting to Order.

**2. Disclosure of Pecuniary Interest and the General Nature Thereof**

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council 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 of Council and otherwise comply with the *Act*.

Name, Item and General Nature of Pecuniary Interest

### 3. Delegations

#### 3.1 Presentation by Mr. Kevin Larson

Mr. Larson has requested to address the Committee regarding 33 Market Place.

Motion by \_\_\_\_\_

**THAT the presentation by Mr. Larson regarding 33 Market Place be heard.**

#### 3.2 Presentation by Mr. Bert Notebomer

Mr. Notebomer has requested to address the Committee regarding 33 Market Place.

Motion by \_\_\_\_\_

**THAT the presentation by Mr. Notebomer regarding 33 Market Place be heard.**

### 4. Report of the Manager of Development Services

#### 4.1 Removal of Holding Provision on 19-21 Market Place (PLA18-002)

5 - 12

\*This item is also listed for consideration at the January 22, 2018 Regular Council Reconvene meeting.

Motion by \_\_\_\_\_

**Staff Recommendation: THAT Zoning By-law No. 201-2000 be amended by removing the Holding Provision from 19-21 Market Place, located on the south side of Market Place between Downie Street and Wellington Street, and is legally described as Pt Blk B Lot 14, Pt Lots 13 and 15 Plan 87 for the following reasons:**

- The conditions outlined in the Holding Provision when the "H" can be removed have been satisfied;
- Removal of the Holding Provision will allow for development on full municipal services in conformity with the City of Stratford Official Plan; and
- Removal of the Holding Provision is consistent with the Provincial Policy Statement.

#### 4.2 Planning Report - Zone Change Application Z05-17, Britannia Street (PLA18-004)

13 - 30

Motion by \_\_\_\_\_

**Staff Recommendation:** THAT the application to rezone the north side of Britannia Street between Glastonbury Drive and Briarhill Drive, with a frontage of 82 m, a depth of 94 m and an area of 1 ha (2.4 ac), FROM Institutional/Future Residential-Special IN/FR-1 zone TO a Residential Fifth-Special R5(1)-special zone that permits an apartment dwelling, nursing home, seniors apartment dwelling and retirement home/lodge to a maximum density of 65 units per net hectare (26 units per net acre) with the front lot line being defined as Britannia Street, a minimum side yard setback of 4.5 m on the east lot line, a minimum side yard setback of 3 m on the west lot line, minimum parking rate of 1 parking spaces per dwelling unit, 0.25 visitor parking spaces per dwelling unit and 0.25 bicycle parking spaces per dwelling unit, and a minimum sight triangle of 9 m x 9 m be approved for the following reasons:

The proposed zone change encourages intensification and provides additional lands that can be used to build to meet the general needs of the overall current and future population;

The request is consistent with the Provincial Policy Statement and conforms to the City of Stratford Official Plan;

The recommendation has regard for public input;

The recommended zone change will permit development that is appropriate for the lands and is considered to be sound land use planning; and

The recommended zone change will encourage efficient use of land and existing infrastructure.

AND THAT the request to rezone the subject lands with a density of 100 units per net hectare and a minimum side yard setback of 3.0 m on the east lot line be refused because it would not conform to the Residential Area policies of the Official Plan and no detailed assessment has been provided to determine the impacts of the development on the proposed heritage site.

#### 4.3 Update on 33 Market Place (PLA18-003)

31 - 37

Motion by \_\_\_\_\_

**Staff Recommendation:** THAT Report PLA18-003 on the update of matters relating to 33 Market Place be received for information.

## 5. Adjournment

Meeting Start Time:

Meeting End Time:

Motion by \_\_\_\_\_

**Committee Decision: THAT the Planning and Heritage Committee meeting adjourn.**



## MANAGEMENT REPORT

**Date:** January 22, 2018  
**To:** Planning and Heritage Committee  
**From:** Jeff Leunissen, Manager of Development Services  
**Report#:** PLA18-002  
**Attachments:** None

**Title:** Removal of Holding Provision on 19-21 Market Place

**Objective:** The purpose of this report is to provide staff's evaluation and recommendation on the zone change application submitted by Mr. Dan Graver, on behalf of Larson Holdings Inc., to remove the Holding Provision on 19-21 Market Place, to allow a brewery with a maximum floor area of 180m<sup>2</sup>.

### **Background:**

Subject Site: The application affects the property with the municipal address of 19 and 21 Market Place which is located on the south side of Market Place between Downie Street and Wellington Street. The property is legally described as Pt Blk B, Lot 14, Pt Lots 13 and 15 Plan 87 and has 6.4 m of frontage and an area of 175.56m<sup>2</sup>.

#### Site Characteristics:

Existing Use: Mixed use - dwelling units, office, retail and vacant areas  
 Frontage: 6.4m (21ft)  
 Depth: 27.43m (90ft)  
 Area: 175.56m<sup>2</sup> (1889.6ft<sup>2</sup>)  
 Shape: Rectangular

#### Surrounding Land Uses:

North: City Hall and Market Square (City owned lands)  
 East: Art Gallery (Commercial)  
 West: Office (Commercial)  
 South: Restaurant (Commercial)

## Location and Zoning Map



#### History:

In August 2017, a rezoning application was submitted on the subject lands to amend the Central Commercial (C3) zoning to allow for a brewery (our file #Z04-17). On the recommendation from staff, Council approved the rezoning application and zoned the lands C3-10(H). The holding provision was applied because sufficient information was not available to confirm that the existing water and sanitary sewer systems were sufficient to accommodate a brewery. Further, the Engineering Division required additional information to verify if the condition and size of the existing service was sufficient to accommodate a brewery.

By email dated January 4, 2018, the Engineering Division has confirmed that they have no issues with the removal of the holding symbol.

#### Notice:

Notice of Intent to Remove the Holding Provision was sent to municipal departments and agencies on January 8, 2018 and advertised in the Town Crier on January 6, 2018. The Notice indicated Council would not make a decision on the matter before January 22, 2018. No public input or agency comments were received.

#### **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 April 30, 2014. There are no building strong healthy community, wise use and management of resources or protecting public health and safety issues associated with this application. The application is consistent with the 2014 Provincial Policy Statement.

##### Official Plan

The lands are designated 'Downtown Core' in the Official Plan. The lands are located within the Heritage Conservation District and are designated under Part V of the Ontario Heritage Act.

Section 9.2.4 Holding Provisions, of the Official Plan, sets out when Holding Provisions are to be applied and when they can be removed. The policy states the Holding symbol shall not be removed until after such time as the proposal has been approved by the City and all the provision have been complied with.

By email dated January 4, 2018, the Engineering Division has confirmed that they have no objection to the removal of the holding symbol. The application is consistent with the Official Plan.

##### Zoning By-law

The lands are zoned Central Commercial Special Provision Holding C3-10(H) in By-law 201-2000. The Central Commercial Zone permits a broad range of uses including apartment dwellings, business offices, clinics, gas bars, hotels, inns, motor vehicle sales and service

establishments, restaurants, retail stores, liquor licensed establishments and warehouse establishments. The special provision allows a brewery with a maximum floor area of 180m<sup>2</sup> on the subject lands. Until such time as the Holding Provision is removed, only uses defined in section 14.1, which excludes a brewery, are permitted.

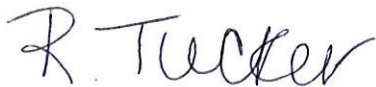
Subsection d) of the site specific zone, provides direction when the Holding Provision may be removed and that is only when servicing has been addressed to the satisfaction of the City of Stratford Engineering Department. The City of Stratford Engineering Division has confirmed servicing is adequate for a brewery use.

As servicing has been addressed to the satisfaction of the Engineering Division, it is considered appropriate to remove the Holding Provision on the subject lands.

**Financial Impact:** None.

**Staff Recommendation:** THAT Zoning By-law No. 201-2000 be amended by removing the Holding Provision from 19-21 Market Place, located on the south side of Market Place between Downie Street and Wellington Street, and is legally described as Pt Blk B Lot 14, Pt Lots 13 and 15 Plan 87 for the following reasons:

- The conditions outlined in the Holding Provision when the "H" can be removed have been satisfied;
- Removal of the Holding Provision will allow for development on full municipal services in conformity with the City of Stratford Official Plan; and
- Removal of the Holding Provision is consistent with the Provincial Policy Statement.




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Prepared by: Rachel Tucker, Planner




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Recommended by: Jeff Leunissen, MCIP, RPP – Manager of Development Services



A handwritten signature in black ink, reading "Rob Horne". The signature is written in a cursive style with a large, stylized "R" and "H".

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Rob Horne, Chief Administrative Officer

January 15, 2018

## Draft By-law

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Being a By-law to amend By-law 201-2000 as amended, with respect to removal of a holding provision application H07-17 by the City of Stratford on 19-21 Market Place, located on the south side of Market Place between Downie Street and Wellington Street, and is legally described as Pt Blk B Lot 14, Pt Lots 13 and 15 Plan 87.

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**WHEREAS** authority is given to the Council of The Corporation of the City of Stratford by Section 36 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, to pass holding provisions by-laws;

**AND WHEREAS** the said Council has provided Notice of Intent to Remove the Holding Provision to members of the public and applicable agencies in accordance with the *Planning Act*;

**AND WHEREAS** the Council of The Corporation of the City of Stratford deems it in the public interest that By-law 201-2000, as amended, known as the Zoning By-law, be further amended.

**NOW THEREFORE BE IT ENACTED** by the Council of The Corporation of the City of Stratford as follows:

1. That Schedule "A", Map 5 to By-law 201-2000 as amended, is hereby amended:

by removing the Holding Provision from those lands zoned C3-10(H) outlined in heavy solid lines on Schedule "A", attached hereto and forming part of this By-law, municipally described as 19-21 Market Place.

2. That By-law 201-2000 as amended, be further amended by replacing section 14.4.9. being the Exceptions of the Central Commercial Zone with the following:

14.4.9 a) Defined Area (19-21 Market Place)

C3-10 as shown on Schedule "A", Map 5

b) Permitted Uses

- brewery
- all other uses permitted in the C3 zone

c) Maximum floor area:

- brewery 180 m<sup>2</sup>

3. To be completed by the Clerks Department.

**Schedule "A" to By-law \_\_\_\_-2018****19-21 Market Place**



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## MANAGEMENT REPORT

**Date:** January 22, 2018  
**To:** Planning and Heritage Committee  
**From:** Jeff Leunissen, Manager of Development Services  
**Report#:** PLA18-004  
**Attachments:** None

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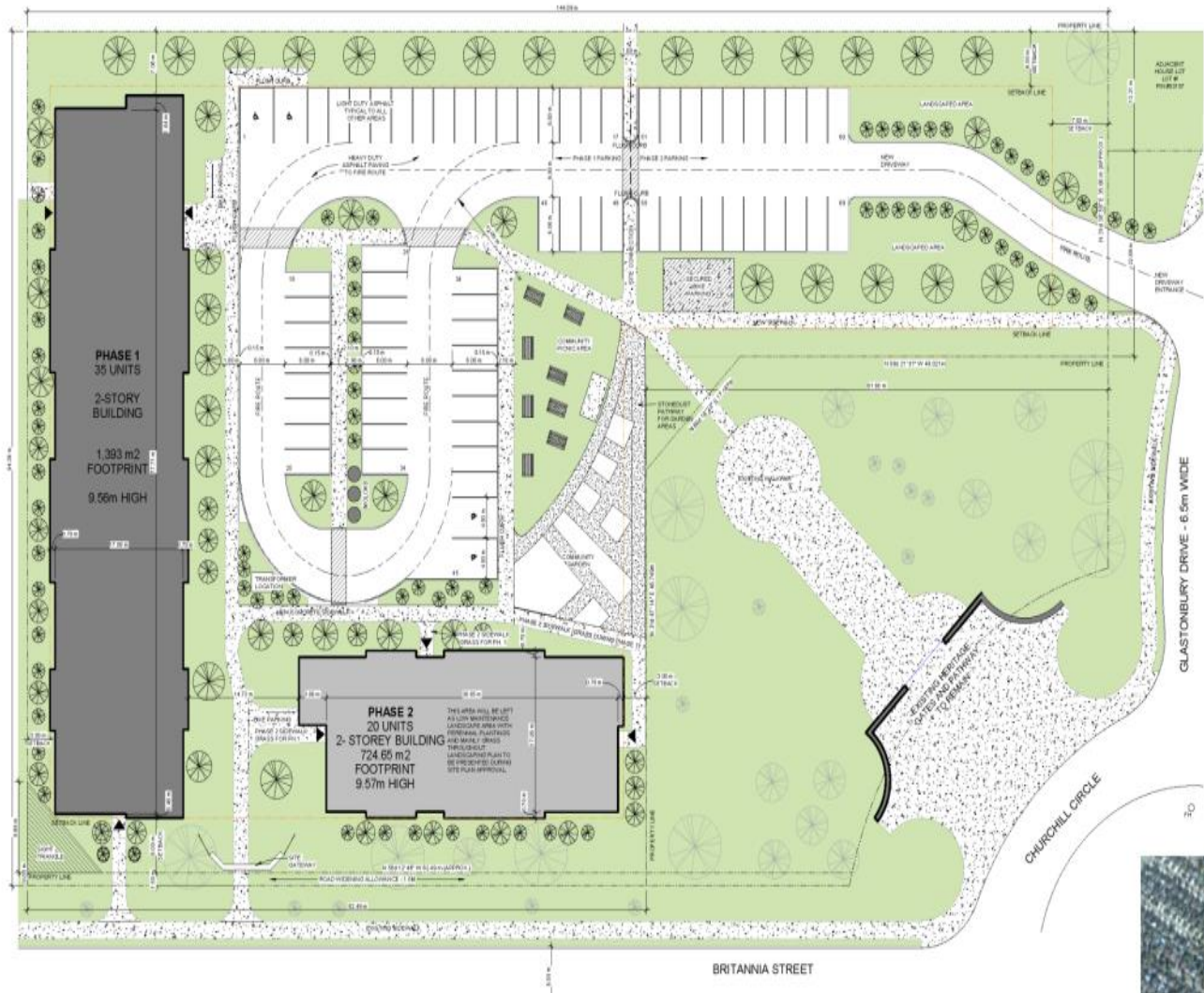
**Title:** Planning Report- Zone Change Application Z05-17, Britannia Street

**Objective:** The purpose of this report is to provide staff's evaluation and recommendation on the zone change application submitted on November 15, 2017, from Tim Welch Consulting Inc., on behalf of the Housing Division of the City of Stratford, to change the zoning on the subject lands FROM an Institutional/Future Residential-Special IN/FR-1 zone that permits a trailer camp and all other uses permitted in the institutional zone TO a Residential Fifth-Special R5(1)-special zone that permits an apartment dwelling, nursing home, seniors apartment dwelling and retirement home/lodge to a maximum density of 100 units per hectare (40 units per acre) and a maximum height of 15 m (49.2 ft). Special provisions have been requested to allow the lot line along Britannia Street to be defined as the front lot line, to reduce the interior side yard to 3 m, to reduce the exterior side yard setback on the west side to 3 m, to reduce the parking rate to 1.25 spaces per dwelling unit, and to reduce the sight triangle on the southwest corner to 9.9 m by 9.9 m for an apartment dwelling.

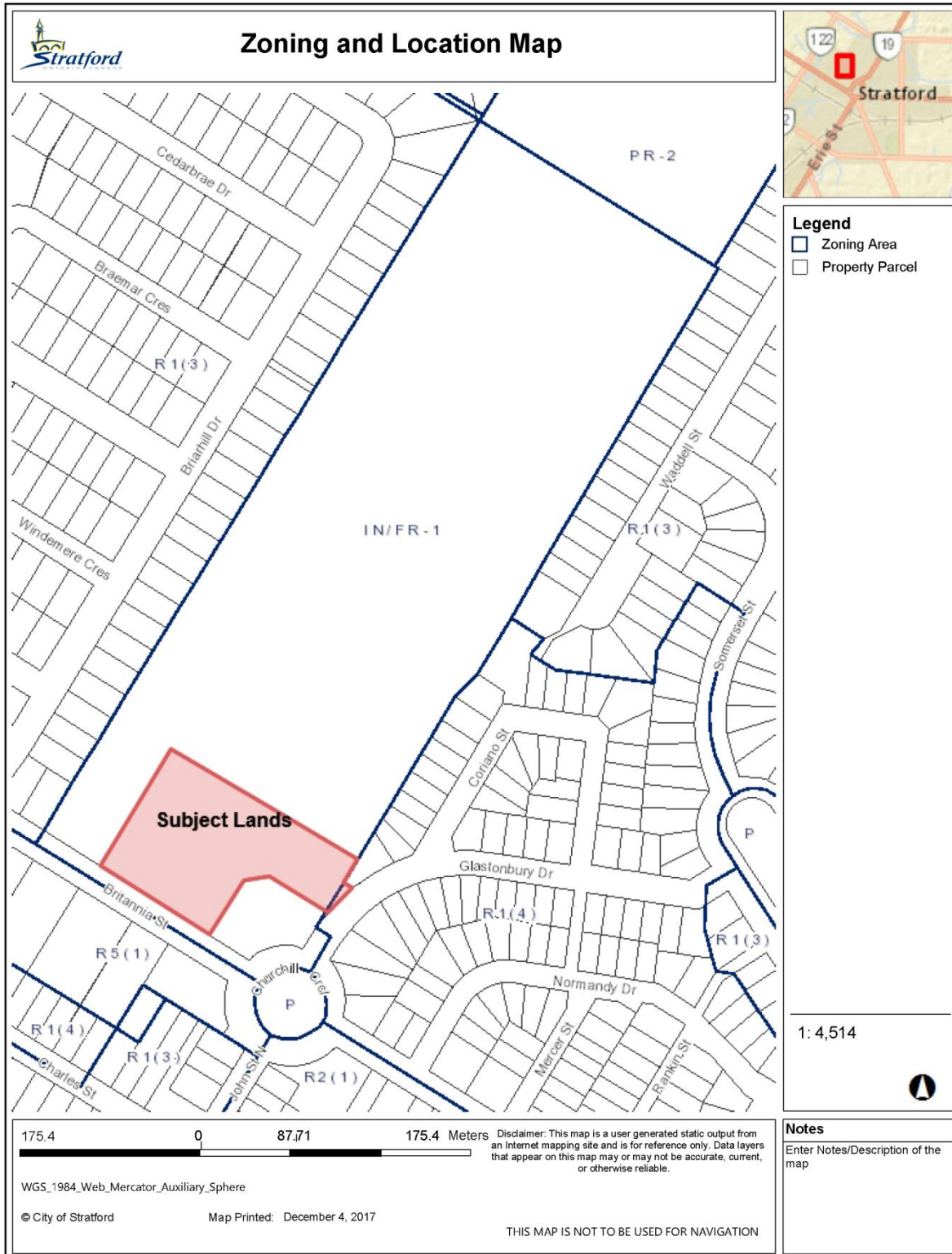
**Background:**

Subject Site: The application affects lands located on the north side of Britannia Street between Glastonbury Drive and Briarhill Drive, with a frontage of 82 m, a depth of 94 m and an area of 1 ha (2.4 ac). The applicant is proposing to build 55 residential units in two apartment buildings on the subject lands in two phases. The first phase is proposed to have 35 units and the second phase 20 units.

## Concept Plan



## Location and Zoning Map





Subject Lands- view from Britannia StreetSite Characteristics:

Existing Use:	vacant
Frontage:	82 m (269 ft) on Britannia Street, 22.7m (74.5 ft) on Glastonbury Drive
Depth:	94 m (111.5 ft)
Area:	1 ha (2.49 ac)
Shape:	Irregular

Surrounding Land Uses:

North:	vacant lands (former fairground lands) and the Rotary Complex
East:	former fairground gates (City owned lands), single detached dwellings
West:	single detached dwellings (residential)
South:	2 & 3 storey apartment dwellings (residential)



### Agency Comments

Circulation of the application to various agencies produced the following comments to date (November 30, 2017):

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

- The applicant must revise and update their functional servicing report and stormwater management analysis during the site plan application process.
- No objection to the zone change.

#### City of Stratford Infrastructure and Development Services Department- Building Division

- Spatial separation from the main building to the west lot line to be considered. A limiting distance agreement may be required.

#### City of Stratford Fire Department

- No comments received.

#### Heritage Stratford, Permit Review Committee

- No comments received.

#### Upper Thames River Conservation Authority

- No objection.

### Public Comments

Notice of the application was circulated to abutting property owners on November 17, 2017. Notice was also published in the Beacon Herald on November 18, 2017. Two emails were received. Below is a summary of the comments/questions:

- is the location of the buildings facing Britannia Street (already a busy street) the best location?
- will the units be rented or sold?
- what assessment has been made and considered regarding the impact on housing values, in the immediate area and in the City at large?
- what consideration has been made regarding noise disruptions for residences in the area and will deadlines be in place to see that the construction is done in a limited time, preventing disruptive noise from continuing longer than necessary?
- are there guidelines in place to prevent new properties from being built if a certain percentage of houses are available for sale?
- with a growth of .25% per year, according to the census, is there also a limit on the amount of new housing being built beyond what is needed to match the rate of growth?
- do the proposed 60 units reflect the degree of growth?
- who will be administering and running the retirement home?

The Applicant submitted a public consultation strategy which included a public open house at the Stratford Rotary Complex on October 19, 2017. At the open house, the applicant presented the project, had a question and answer period, and presented architectural designs, including renderings, colour boards and samples.

At the public meeting a local resident expressed concerns with the lack of balconies, excess parking and mentioned the need for a transit stop in the area.

### History

At a Council meeting on April 24, 2017, Council approved setting aside approximately 1 ha of land of the former Stratford Fairground lands for a new 55 unit affordable housing development.

On July 18, 2017, a Request for Proposals was advertised for approximately 6.87 ha of the former Stratford Fairground lands (excluding the 1 ha set aside for affordable housing). The RFP deadline was September 6, 2017. In total, 6 submissions were received and on November 14, 2017, Council approved authorizing City Staff and the City Solicitor to proceed to negotiate with the preferred bidder, Werner Bromberg Limited, for the sale of the former fairground lands.

### **Analysis:**

#### Provincial Policy Statement

Every planning decision in the province of Ontario shall be consistent with the Provincial Policy Statement (PPS) which came into effect on April 30, 2014. The 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 cost-effective developments and land use patterns to minimize land consumption and servicing costs, accommodate an appropriate mix and range of residential uses to meet the social, health and well-being requirements for current and future residents (including additional units, affordable housing and housing for older persons), and by avoiding development patterns that cause environmental, public health or safety concerns. The proposed development will utilize existing municipal infrastructure and will provide additional affordable housing within the City of Stratford.

Wise use and management of resource policies include natural heritage, water, agriculture and cultural heritage and archaeology. Significant built heritage resources, which are defined as significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to the community, shall be conserved. The former fairground gates are located to the east of the subject lands. Although these lands are not currently designated under the *Ontario Heritage Act*, Heritage Stratford has recognized the cultural significance of these lands and is in the process of preparing a recommendation to Council requesting to have the fieldstone gates, fieldstone pylon holding a flag pole and commemorative

plaque, and area around these features designated under Part IV of the *Ontario Heritage Act*. The concept plan submitted includes a walkway connecting the former fairground gates site to the subject lands and a gateway with a walkway off of Britannia Street on the subject lands that is sympathetic to the architectural style of the former fairground gates. Details of the pedestrian connection as well as consultation with the Parks Board will occur during the site plan approval process. The Heritage Stratford Permit Review Committee raised no concerns about the proposal or the concept plan submitted with the application.

There are no protecting public health and safety issues with the proposal.

The application to rezone the property to an R5(1) zone with the requested special provisions is consistent with the PPS.

#### Official Plan Designation

The property is designated as 'Residential Area'- Special Policy Area #16. The primary use of land within the 'Residential Area' shall be for single, two and multiple unit dwellings. The 'Residential Area' goals and objectives include maintaining essential neighbourhood qualities, privacy, upkeep, public health, safety and compatibility with the surrounding neighbourhood. The subject lands are new residential lands surrounded by stable residential lands. As such, new development on the former fairground lands shall be consistent with the new residential area policies in section 4.5.3.2 that encourages medium density residential, street oriented designs, and linkages to parks and open space. The new development should also be reviewed against the stable residential area policies in section 4.5.3.1 to ensure that the overall site design (scale, streetscape design, density, massing) is compatible with the surrounding neighbourhood.

The special policy area builds on the existing policies and requires new residential dwellings to have a minimum net density of 25 units per hectare (10 units per acre), future buildings to have a form, massing, and appearance that is consistent with the character of adjacent buildings, and future development to provide a public road access to the City of Stratford Rotary Complex. The public road will be provided to the City of Stratford Rotary Complex when the remaining portion of the former fairground land is developed.

The requested zone allows a maximum density of 100 units per net hectare (upnh). The 'Residential Area' policies (section 4.5.3.3 ii)) limit the density in 'Residential Areas' to a maximum of 65 upnh (26 units per net acre). To comply with the density policies in the Official Plan, it is recommended that the maximum density on the subject lands be 65 upnh.

A special provision was requested to reduce the parking requirement for an apartment building from 1.5 spaces per dwelling unit to 1.25 spaces per dwelling unit. The goals and policies of the Official Plan support intensification and the reduction of the required parking spaces for residential developments where it is appropriate for the development of the lands. The subject lands are located in close proximity to two bus routes and bus stops. Easy access to public transit and infrastructure to encourage active transportation (bicycle

racks) decreases the necessity of owning a private vehicle. The Engineering Division has no objection to the requested parking rate and has raised no concerns that the reduction in parking on the subject lands will impact the function of the road. From an Official Plan perspective, the proposed parking rate of 1.25 spaces per unit is deemed to be 'appropriate' for the proposed use of the lands.

The subject property is located on Britannia Street, a collector road with an existing width of 20 m and an ultimate design width of 23 m. Once the reference plan is deposited, the City will proceed with the dedication of 1.5 m along Britannia Street as public highway.

The size and configuration of the subject lands and proposed concept plan demonstrates that the requested zone and special provisions will result in a medium density development that is consistent with the character of the existing residential dwellings on Britannia Street and that is in conformity with the new residential area policies and the site specific special policy area policies. Through the site plan control process, the site design will be reviewed to ensure compliance is achieved with the Stratford Urban Design and Landscape Guidelines and Official Plan policies. Subject to the recommendation to limit the density to a maximum of 65 upnh, the application is consistent with the goals and objectives of the Official Plan.

#### Zoning By-Law

The lands are currently zoned Institutional/Future Residential-Special IN/FR-1 which permits a trailer camp and all of the other uses permitted in the institutional zone which includes a broad range of uses including public use, private park, retirement home/lodge, and a nursing home. The request would change the zoning to a Residential Fifth Density-R5(1) special zone that would permit an apartment dwelling, nursing home, seniors apartment dwelling and retirement home/lodge to a maximum density of 100 upnh and a maximum height of 15m.

The requested special provisions would allow the lot line along Britannia Street to be defined as the front lot line, to reduce the interior side yard to 3 m, to reduce the exterior side yard setback on the west side to 3 m, to reduce the parking rate to 1.25 spaces per dwelling unit, and to reduce the sight triangle on the southwest corner to 9.9 m by 9.9 m for an apartment dwelling.

Based on the proposed concept plan and building location, defining Britannia Street as the front lot line, is appropriate.

The special provision was requested to reduce the interior side yard setback to 3 m. Interior side yard setbacks are required, in part, to ensure that the building can be built and maintained on private property without impacting city owned or neighbouring lands and to ensure that neighbours privacy and amenity areas are not impacted by structures that are in close proximity to property lines. The interior side lot line to the east abuts the former fairground gates that are proposed to remain in the City's ownership and serve as a cultural landscape and an amenity feature within the community. As no detailed

assessment interface between the proposed development and the gates has been submitted, a setback of 4.5 m is recommended. A 4.5 m setback would provide a more suitable buffer between the former fairground gates and the building, allow for additional space for landscaping and pedestrian connections, and based on the concept plan, would not alter the overall design of the proposal.

Although there is currently no public road abutting the subject lands to the west, it is anticipated that one will be built in this location when the remaining portion of the former fairground lands is developed. A special provision was requested to reduce the sight triangle from 12 m x 12 m to 9.9 m x 9.9 m. The Engineering Department has raised no objection to this request.

A special provision was requested to reduce the side yard setback along the west side to 3 m. It is expected this will ultimately be an exterior side yard when the remainder of the former fairground lands develops. In addition to ensuring that buildings can be built and maintained on private property, exterior side yards are in place to ensure that a sufficient setback is provided to ensure vehicular and pedestrian safety and to ensure compatibility with the abutting streetscape. In accordance with the Urban Design Guidelines and the Official Plan policies in section 6.2.3, the siting and massing of buildings and structures on all streets, particularly arterial and collector streets, shall generally assist in the creation of high quality streetscapes and in particular, regard shall be had to providing a sense of enclosure to the street by situating building mass adjacent to the street, and particularly at intersections, to frame the street space. The requested setbacks can result in high quality streetscape that will frame the street and provide a strong presence within the community in accordance with the policies, provided the reduced setback is mitigated through the site plan control process. It is anticipated that a local road will be built to the west of the subject lands. The applicant is proposing a 9.9 m x 9.9 m sight triangle that will ensure safety for vehicles, bicycles and pedestrians. Through the site plan approval process, tools to address the future street such as sidewalks, landscaping, and building articulation, will be considered.

A special provision was requested to reduce the parking from 1.5 spaces per dwelling unit to 1.25 spaces per dwelling unit. The intent of the off-street parking requirement in the Zoning By-Law is to ensure that adequate parking is provided for the intended land use and that there are no negative impacts on the surrounding area as a result of overflow parking spaces from land development. The Engineering Division has no objection to the requested parking reduction and has no concerns that it will negatively impact the function of the road. To ensure that adequate parking for residents, visitors and bicycles is provided, it is recommended that 1 parking space, 0.25 visitor parking spaces, and 0.25 bicycle parking spaces be required per dwelling unit.

The R5(1) zone is warranted in this location as many of the properties on the south side of Britannia Street share the same zoning, however, it is recommended that the density be limited to a maximum of 65 upnh in accordance with section 4.5.3.3 ii) of the Official Plan and that the interior side yard setback is a minimum of 4.5 m to provide a more

appropriate separation distance between the former fairground gates and the main building. The concept plan submitted with the application demonstrates that the R5(1) zone is appropriate for the site and that the site will be able to adequately function with the requested special provisions.

### Public Input

Staff received a comment at the public meeting and two emails from the public which included concerns that can be grouped into the following categories: building location, ownership, housing values, noise, impacts of development on growth rate, elevations and parking/transit. Each of these categories has been addressed below.

**Building location:** a comment was received wondering if the location of the buildings facing Britannia Street is the best location. The proposed building orientation towards Britannia Street is in keeping with the Urban Design Guidelines and Official Plan policies that speak to the siting and massing of buildings towards the street to create a high quality streetscape.

**Ownership:** at this time, the buildings are proposed to be retained within the ownership of the City of Stratford.

**Housing values:** There were questions about what assessments have been made and considered regarding the impact on housing values in the City and immediate area as a result of this development. The Provincial Policy Statement and Official Plan encourage intensification and using existing land and infrastructure to achieve intensification. The proposed rezoning and current policies provide an appropriate balance between intensification and ensuring that any future developments are compatible with the existing surrounding land uses and neighbourhood characteristics. According to the Municipal Guide for Responding to NIMBY, prepared by Affordability and Choice Today, 26 studies were completed across Canada and the United States on the impacts of affordable housing on housing prices. Of the 26 studies, 25 concluded that there were no impacts on housing prices and the 26<sup>th</sup> study was inconclusive.

**Noise:** There was a question about what consideration has been made regarding noise disruptions for residences in the area and if deadlines will be in place to see that the construction is done in a limited time, preventing disruptive noise from continuing longer than necessary. The City of Stratford has a Noise By-law (113-79) that regulates noise within the City of Stratford. The building code does not require ongoing construction to be completed within a specific time frame.

**Impacts of development on growth rate:** There was a question about if there are guidelines in place to prevent new properties from being built if a certain percentage of houses are available for sale and if there is a limit on the amount of new houses being built beyond what is required to match the growth rate. These lands are designated 'Residential Area' in the Official Plan and the City of Stratford does not limit development based on number of houses for sale or if the number of units exceed the growth rate.

Elevations: Concerns were received about the lack of balconies. Through the site plan control process, the elevations will be reviewed against the Official Plan policies and the Urban Design Guidelines.

Parking/transit: A comment was received that there is too much parking on the site and that there is a need for a transit stop in the area. The applicant requested a reduction in parking from 1.5 spaces per dwelling unit to 1.25. This is the amount of parking that the applicant deemed suitable for the development. The property is surrounded by two bus routes and is in close proximity to two bus stops. Additional public transit may be provided in the area to support the development of these lands and the lands to the north.

**Financial Impact:** No municipal infrastructure is required for the proposed development.

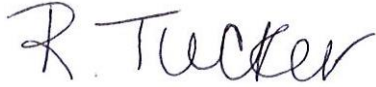
Development charges are not applicable to building permits issued to The Corporation of the City of Stratford.

Development Charges for apartment dwellings vary depending on the number of bedrooms - \$5,709 for bachelor and one bedroom units and \$8,890 for two or more bedroom units. Development Charges for a 55 unit apartment project would range from \$313,995 to \$488,950.

**Staff Recommendation: THAT the application to rezone the north side of Britannia Street between Glastonbury Drive and Briarhill Drive, with a frontage of 82 m, a depth of 94 m and an area of 1 ha (2.4 ac), FROM Institutional/Future Residential-Special IN/FR-1 zone TO a Residential Fifth-Special R5(1)-special zone that permits an apartment dwelling, nursing home, seniors apartment dwelling and retirement home/lodge to a maximum density of 65 units per net hectare (26 units per net acre) with the front lot line being defined as Britannia Street, a minimum side yard setback of 4.5 m on the east lot line, a minimum side yard setback of 3 m on the west lot line, minimum parking rate of 1 parking spaces per dwelling unit, 0.25 visitor parking spaces per dwelling unit and 0.25 bicycle parking spaces per dwelling unit, and a minimum sight triangle of 9 m x 9 m be approved for the following reasons:**

- I. The proposed zone change encourages intensification and provides additional lands that can be used to build to meet the general needs of the overall current and future population;**
- II. The request is consistent with the Provincial Policy Statement and conforms to the City of Stratford Official Plan;**
- III. The recommendation has regard for public input;**
- IV. The recommended zone change will permit development that is appropriate for the lands and is considered to be sound land use planning; and**
- V. The recommended zone change will encourage efficient use of land and existing infrastructure.**

**AND THAT the request to rezone the subject lands with a density of 100 units per net hectare and a minimum side yard setback of 3.0 m on the east lot line be refused because it would not conform to the Residential Area policies of the Official Plan and no detailed assessment has been provided to determine the impacts of the development on the proposed heritage site.**



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Prepared by: Rachel Tucker, Planner



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Recommended by: Jeff Leunissen, MCIP, RPP – Manager of Development Services



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Rob Horne, Chief Administrative Officer



## Draft By-law

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Being a By-law to amend By-law 201-2000 as amended, with respect to zone change application Z05-17 submitted by Tim Welch Consultants Inc., to rezone the lands on the north side of Britannia Street between Glastonbury Drive and Briarhill Drive to allow for a site specific Residential Fifth Density R5(1)-17 Zone.

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**WHEREAS** authority is given to the Council of The Corporation of the City of Stratford by Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, to pass this by-law;

**AND WHEREAS** the said Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

**AND WHEREAS** the Council of The Corporation of the City of Stratford deems it in the public interest that By-law 201-2000, as amended, known as the Zoning By-law, be further amended.

**NOW THEREFORE BE IT ENACTED** by the Council of The Corporation of the City of Stratford as follows:

1. That Schedule "A", Maps 1 and 2 to By-law 201-2000 as amended, is hereby amended:

by changing from Institutional/ Future Residential- Special (IN/FR-1) Zone to a Residential Fifth Density – Special R5(1)- 17 Zone, those lands outlined in heavy solid lines and described as Residential Fifth Density R5(1)-17 Zone on Schedule "A", attached hereto and forming part of this By-law, and more particularly described as the north side of Britannia Street between Glastonbury Drive and Briarhill Drive, with a frontage of 82m, depth of 94m and an area of 1ha.

2. That By-law 201-2000 as amended, be further amended by adding to Section 9.4, being the Exceptions of the Residential Fifth Density R5 Zone the following:

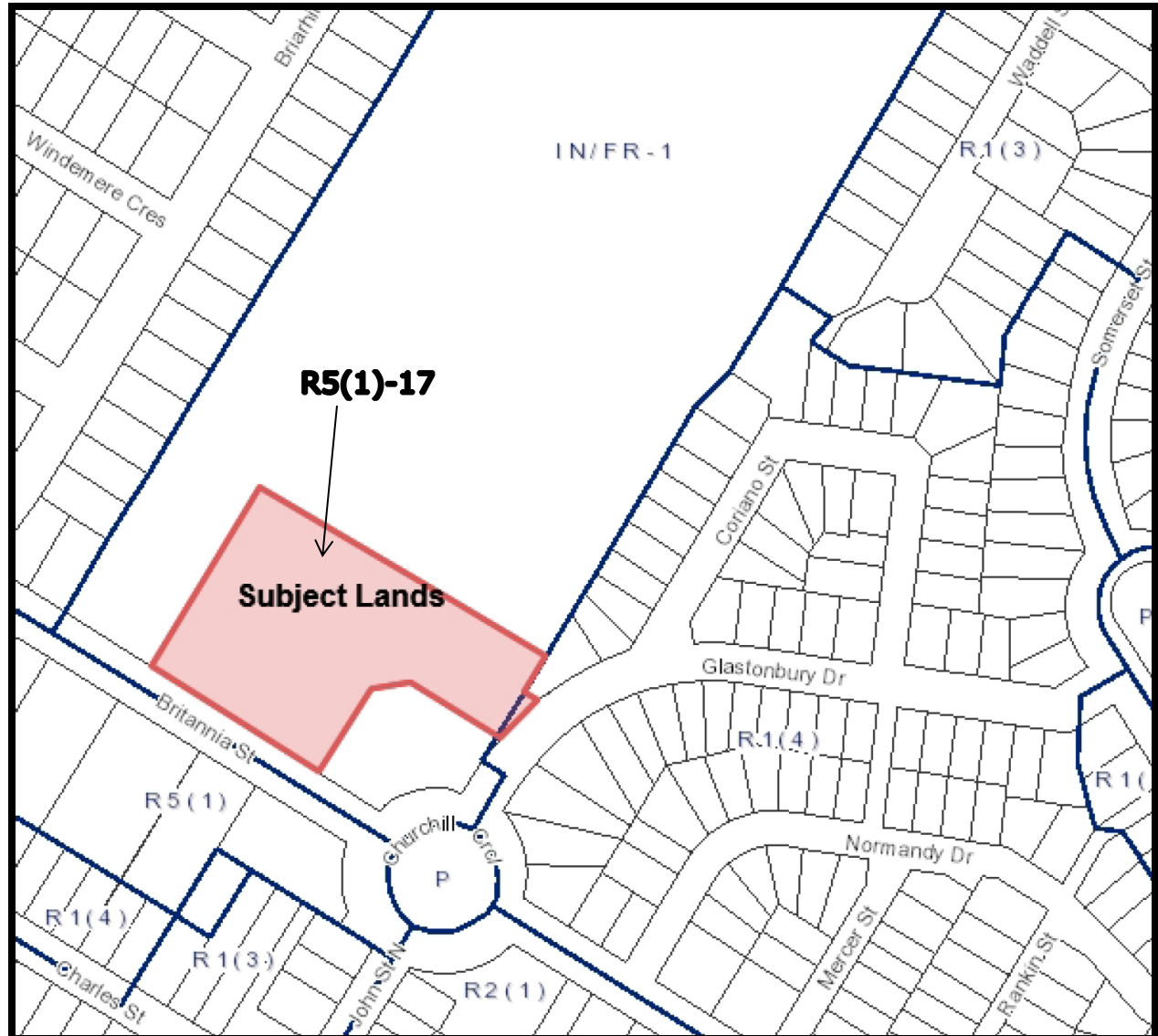
- 9.4.17      a) Defined Area (north side of Britannia Street between Glastonbury Drive and Briarhill Drive, with a frontage of 82m, depth of 94m and an area of 1ha.)  
R5(1)-17 as shown on Schedule "A", Maps 1 and 2

- b) Minimum Side Yard Width (west lot line) 3m
- c) Minimum Side Yard Width (east lot line) 4.5m
- d) Minimum sight triangle 9m x 9m
- e) Maximum Density 65 units per net hectare
- f) The front lot line shall be south lot line along Britannia Street
- g) Parking Regulations for an apartment dwelling
  - 1 parking space per dwelling unit
  - 0.25 visitor parking spaces per dwelling unit
- h) Bicycle Parking Regulations for an apartment dwelling
  - 0.25 bicycle parking spaces per dwelling unit

### 3. To be completed by the Clerks Department

## Schedule "A" to By-law ???-2018

North side of Britannia Street between Glastonbury Drive and Briarhill Drive





## **CITY OF STRATFORD PUBLIC MEETING MINUTES**

A **PUBLIC MEETING** was held on Monday, December 11, 2017 at 7:15 p.m. in the Council Chamber, City Hall, Stratford to give the public and Council an opportunity to hear all interested persons with respect to Zone Change Application Z05-17 that affects the former Stratford Fairground lands on Britannia Street, City of Stratford.

**COUNCIL PRESENT:** Mayor Dan Mathieson - Chair presiding, Councillors Tom Clifford, Bonnie Henderson, Graham Bunting, Danielle Ingram, Frank Mark, Kerry McManus, Martin Ritsma and Kathy Vassilakos.

**REGRETS:** Councillors Brad Beatty and George Brown

**STAFF PRESENT:** Mike Humble – Director of Corporate Services, Ed Dujlovic - Director of Infrastructure & Development Services, David St. Louis - Director of Community Services, John Paradis – Fire Chief, Tatiana Dafoe – Deputy Clerk, Jodi Akins – Council Clerk Secretary, Rachel Tucker – City Planner, Nancy Bridges – Recording Secretary.

**ALSO PRESENT:** Members of the public, Media.

Mayor Mathieson called the meeting to order and stated that the purpose of the meeting is to give Council and the public an opportunity to hear all interested persons with respect to the Zone Change Application Z05-17 that affects the former Stratford Fairground lands on Britannia Street.

Mayor Mathieson explained the order of procedure for the public meeting.

### **STAFF PRESENTATION:**

Rachel Tucker, City Planner, outlined the report, including a description of the subject lands and surrounding area and noted that the lands are currently vacant. She provided a brief timeline of the process so far:

April 2017 – Council approved setting aside approximately 1 ha of land for development

July 2017 – Request for Proposals was advertised for approximately 6.87 ha of the lands, excluding 1 ha for affordable housing.

November 2017 – Council approved negotiating the sale of the land

Staff noted they had not received any agency comments or concerns, however two emails were received from the public. One questioned the location of the building, housing value impact, building timelines and the number of units. The second email inquired about who will be administering and running the buildings.

Staff showed a photo of the Concept plan and explained that phase one will have 35 units and phase two will have 20 units. Staff noted that the applicant intends to move forward with the concept plan submitted with the rezoning application, however it may change through the site plan process. The Official Plan designation is 'Residential Area' with a special policy area that includes policy direction on form, massing, minimum density and the requirement for future development to provide a public road access to the Rotary Complex. She noted that when the lands to the north are developed a public road will be established.

Staff indicated that the zone change request would change zoning on the subject lands to a Residential fifth-special R5(1).

#### **QUESTIONS FROM COUNCIL:**

Councillor Henderson inquired how far it would be from the fence on Briarhill to the new buildings.

Staff indicated that she did not have that information on hand but could get it.

#### **CONSULTANT PRESENTATION:**

Ken Welch, consultant at TWC, indicated that they have been working with Social Services to develop a plan for the subject lands. He noted that they are working towards creating a positive mixed development. The plan recognizes the need for affordable and average priced rental apartments, while being a positive use of a City asset. The consultant reviewed the area in question and noted that it was 45m from the west side of the subject lands to Briarhill Drive and that there would be a public road in that area.

The consultant noted that the plan will preserve the heritage of the existing gates on Churchill Circle and the goal is to keep the buildings low rise, with the look of row housing, using an internal hallway to access the apartments. He stated that phase two will most likely happen in 3-4 years and will depend on funding.

The consultant provided a brief description of the layout of the property, showing the parking, greenspace and community garden. He noted that this development will help the City get closer to achieving their 10 year homelessness plan. He then showed a video depicting the proposed development.

#### **QUESTIONS FROM COUNCIL:**

Councillor Ingram noted that the design does not have any balconies or patios and inquired whether street activation had been considered.

The consultant indicated that there has been a lot of discussion on this issue and it would be considered more in the future with staff through the site plan process. He noted that it is more expensive to design a building with balconies and the goal is to make this property as affordable as possible.

**QUESTIONS FROM PUBLIC:**

Ken Wood, a local resident, expressed concerns with the lack of balconies, excess parking and the need for a transit stop in the area.

The consultant noted that there is a transit stop less than 100m from the property and the amount of parking continues to be reviewed.

Mayor Mathieson adjourned the meeting at 7:35 p.m.

**Requests to receive further information, as indicated on the form at the public meeting on December 11, 2017 were received from the following:**

None



## MANAGEMENT REPORT

**Date:** January 22, 2018  
**To:** Planning and Heritage Committee  
**From:** Jeff Leunissen, Manager of Development Services  
**Report#:** PLA18-003  
**Attachments:** Appendix 'A' – August 9, 2017 Building Permit

**Title:** Update on 33 Market Place

**Objective:** To provide Council an update on the matters relating to 33 Market Place.

**Background:** Mr. Kevin Larson, the owner of 33 Market Place, and Mr. Bert Notebomer, the owner of the abutting property located at 35/37 Market Place, requested to appear as a delegation and answer questions on heritage matters, and issues and concerns around the construction activities being undertaken at 33 Market Place on December 12<sup>th</sup> and December 15<sup>th</sup> respectively. The purpose of this report is to provide background on the following matters relating to 33 Market Place: building permit; property standards order as a result of impacts on an abutting property; application for a heritage alteration permit, and application of the City of Stratford Procedural By-law.

### Building Permit

A building permit was issued for 33 Market Place on August 9, 2017 allowing the rear of the 2<sup>nd</sup> floor of 33 Market Place to be removed and the construction of a new open air patio (attached as Appendix "A").

On or about the 4<sup>th</sup> of September, City building officials observed that the construction being undertaken at 33 Market Place proceeded well beyond what was approved and permitted in the building permit as almost all of the 2<sup>nd</sup> storey roof has been removed from the building.

Mr. Larson proceeded to submit a new building permit application to allow for the removal of the majority of the roof on the front portion of the building on September 11, 2017. Building permits are required to conform with applicable law. Upon review it was determined that the building permit application did not conform to the requirements of the Heritage Conservation District Standards approved under the *Ontario Heritage Act*. The

*Ontario Heritage Act* is considered applicable law and as a result no building permit was issued. As of the date of this report, this permit has not been issued.

The property owner requested revisions to the August building permit to allow new floor joists and a waterproof membrane to be installed on the front portion of the building. This revision did not include removal of the front portion of the roof or any exterior walls. The request for a revision to the August building permit was approved on October 31, 2017.

#### Property Standards Order

A property standards complaint was received on November 3, 2017, relating to water leaking into the basement of 35/37 Market Place. The common wall shared by 33 and 35/37 Market Place is currently exposed to the elements due to the unfinished construction at 33 Market Place. This has resulted in water leaking into the basement of 35/37 Market Place. Prior to the construction activities at 33 Market Place no water leaked between the properties and into the basement of 35/37 Market Place. The City issued a Property Standards Order against 33 Market Place on November 15, 2017. The Order requires the property owner to cover the walls to prevent water from entering 35/37 Market Place.

The Order does provide an opportunity for the property owner to appeal the Order. If the Order is appealed, it is heard by the Property Standards Committee. If it is not appealed, the City has the right to undertake any work necessary to resolve the violation with the cost being borne by the property owner (either directly or by including the cost on their tax bill and being collected like taxes). No appeal on the Property Standards Order was received by the appeal deadline of December 5<sup>th</sup> and the required works were not completed by the Order deadline of December 6<sup>th</sup>.

On December 14, the City Solicitor sent a letter to Mr. Larson advising that he needs to take immediate steps to resolve any impacts on the neighbouring property. The letter indicated that if a response was not received by December 15<sup>th</sup>, the City would retain contractors to complete the works and take any legal steps it considers necessary to enforce the Order up to and included prosecution. On December 15<sup>th</sup>, Mr. Larson responded to the City Solicitor requesting clarification of what work the City is requiring be undertaken. Mr. Larson provided an email setting out the list of consultants along with an estimated timeframe to complete the work but failed to provide any supporting evidence to confirm that the work listed in the email would be undertaken. The City Solicitor did advise Mr. Larson that supporting documentation was required and the timeline proposed was not acceptable to the City.

On December 19<sup>th</sup>, the property owner's architect requested clarification as to what work the City requires to be completed to meet the conditions of the Order and on December 20<sup>th</sup> proposed temporary measures to cover the exposed walls of 33 Market Place that included spray foam insulation and Tyvek. Installation of these measures began on December 21, 2017. On January 11, 2018 staff attended at 33 Market Place and observed that water was dripping into 37 Market Place from the common wall. The temporary works recommended



by the architect had not been completely installed as of January 12, 2019. Staff also attend 37 Market Place on January 12, 2018 and confirmed that water is no longer dripping from the common party wall (which could be due to current weather conditions), but did notice that the common party wall between the properties was damp. Staff plan on continuing to inspect both sites in the future to confirm the status of the works. Accordingly, the property standards complaint remains open. The City can proceed with a prosecution for failing to comply with the property standards.

#### Heritage Alteration Permit

A Heritage Alteration Permit was issued in August 2017, concurrent with the building permit (noted-above) to allow the rear of the 2<sup>nd</sup> floor of 33 Market Place to be removed to construct a new open air patio.

As indicated above the construction currently undertaken goes beyond what was allowed by the permit, as almost all of the roof on the 2<sup>nd</sup> storey was removed.

The property owner submitted a further Heritage Alteration Permit application to remove most of the roof on the front portion of the building on September 11, 2017. Additional information was provided on September 18, 2017 and September 21, 2017. The request was circulated to the Permit Review Committee of Heritage Stratford who did not support the application. The refusal of the Permit Review Committee to approve the Heritage Alteration Permit was considered by Planning and Heritage Sub-Committee on October 26, 2017. Sub-Committee recommended that the Heritage Alteration Permit not be issued. Sub-Committee recommended that the property owner build as approved in the original (August 2017) permit or submit a revised application. The Planning and Heritage Committee on November 14, 2017, and Council on November 27, 2017, adopted this resolution.

The applicant submitted minor revisions to the Heritage Alteration Permit on November 14, 2017. The Permit Review Committee recommended approval of the revised permit subject to certain conditions. The applicant does not agree with the conditions imposed and requested that the matter be considered by Council. On December 18, 2017, Council resolved that any new Heritage Alteration Permits be approved by Council and that staff work with the property owner to develop a plan that is in keeping with the Heritage Alteration Permit issued in August 2017.

#### *Ontario Heritage Act*

Upon receipt of a Heritage Alteration Permit, the municipality has 90 days to issue or refuse to grant the permit. Section 42(4) of the *Ontario Heritage Act* allows for a longer review period as agreed upon by the applicant and Council. Council, when making a decision, must consult with the City Heritage Review Committee. In making a decision, the City should be guided by the provisions of the Heritage Conservation District Standards. If Council fails to make a decision or if Council approves a permit subject to conditions, a property owner can appeal to the Conservation Review Board. To proceed with the appeal, the owner must give notice of appeal to the Conservation Review Board within 30 days after the owner receives the notice of refusal or receives the permit with the terms and conditions attached.

The Heritage Alteration Permit application was initially received on September 12, 2017, and was circulated to the Permit Review Committee of Heritage Stratford, however the details of the proposal were not provided until September 21, 2017. The Permit Review Committee recommended that the permit be denied. On October 26, 2017, the Planning and Heritage Sub-Committee received a report from staff including the results of the consultation with the Permit Review Committee, and a presentation from the agent. Planning and Heritage Sub-Committee resolved that the heritage alteration permit be denied. The Sub-Committee recommended that the property owner build as approved in original permit or submit a revised application.

Prior to receiving a Decision of Council, the applicant, on November 14, 2017, presented minor revisions to the application to the Permit Review Committee. On November 22, 2017, the Permit Review Committee informed staff they approved the revised permit, subject to conditions. After receiving an update from staff, Council, on November 27, 2017, resolved to deny the application. Upon being advised on December 18, 2017, that the Permit Review Committee no longer opposed the application as revised, Council resolved that staff work with the property owner to develop a plan that is in keeping with the Heritage Alteration Permit issued in August 2017 which has a roof on the front portion of the building and an outdoor patio situated at the rear of the building.

Notice of Decision on the Heritage Alteration Permit was sent to the Agent and Owner on of 33 Market Place on January 12, 2018 and advertised in the Beacon Herald on January 13, 2018. The last day to appeal this Decision is February 11, 2018.

#### Requests to Appear as a Delegation

Both Mr. Larson and Mr. Notebomer requested to appear as a delegation before Council. Section 14 of the City of Stratford Procedural By-law No. 140 – 2007 sets out procedures for how Council receives delegations. Delegation requests must be in writing, a copy of their presentation is to be submitted to the Clerk's at the time of the delegation, delegates need to be clear in what decision or action they are requesting of Council and they should be no longer than 10 minutes in length. Members of Council should only ask questions of clarification and obtaining additional information. Mr. Ritz did appear before Planning and Heritage Sub-Committee on October 26<sup>th</sup> regarding the Heritage Alteration Permit.

Should Council receive delegations from Mr. Larson and Mr. Notebomer, members of Council should consider the following:

- The authority to issue a building permit is delegated by the Province to the Chief Building Official;
- Matters of personal or privileged information often arise with property standards matters and Council must refrain from discussing such matters in public; and

- This property may be the subject of a future hearing.

**Analysis:** Each of the three separate applications is addressed separately below.

Building Permit – construction went beyond what was approved by the August 2017 building permit. The property owner has said it was because the roof joists had deteriorated and needed immediate attention; however, staff has not seen any evidence in support of this statement. If the roof had deteriorated to the point where immediate action was required, the property owner should have informed staff prior to taking any action. The property owner failed to contact City staff and proceeded to undertake work that had not been included in an approved permit. This permit cannot be issued unless a concurrent Heritage Alteration Permit is issued.

Property Standards – During construction, a property owner is responsible to maintain a construction site in good order and ensure that there is no impact on the abutting properties. In this instance, the property owner failed to maintain a good construction site and the temporary tarps erected to prevent moisture from seeping into the exposed bricks had gaps and were not properly fastened to the roof.

Upon confirmation of a Property Standards By-law violation, staff pursued parallel tracks to have the walls covered. Staff worked with the property owner to complete the temporary works to resolve the Order and also explored the City's legal remedies which included prosecution. Both tracks, except for the prosecution, were pursued in order to rectify the matter as soon as possible.

On December 20, 2017, the property owner's architect proposed measures to cover the walls that were acceptable to the Chief Building Official. If installed as per the property owner's timeline, these works would be completed sooner than if the City had retained a separate contractor. The temporary works commenced December 21, 2017. Staff regularly monitored the site and the abutting commercial establishment to: 1) see if all the temporary measures were installed, and 2) determine if the common party wall continued to leak. With the exception of one small area at the front the building, the temporary measures to cover the exposed brick were installed by January 12, 2018. The leaking has stopped but the bricks remained damp (which could be due to current weather conditions)

Staff will continue to monitor the site to ensure the temporary measures adequately cover the walls.

Heritage Alteration Permit – The Heritage Alteration Permit submitted September 11, 2017 with additional information submitted on September 18, 2017 and September 21, 2017 has not been issued. Notice of the Decision of Council to refuse to issue the permit was sent to the property owner by mail and published in the Beacon Herald. By email dated January 13, 2018, the property owner has indicated he intends to appeal the Decision. If a formal appeal is received, staff will submit a subsequent report advising Council on the nature of the appeal, whether the matter should be forwarded to the appeal body, and if the City

should engage the City Solicitor to attend a hearing. Should the property owner not appeal the decision, staff would work with the property owner to have the 2<sup>nd</sup> floor roof on the front portion of the building reconstructed as per the Council resolutions.

**Financial Impact:** To date, the only fees collected regarding 33 Market Place are in connection with the building permits. No monies have been collected regarding the Heritage Alteration Permit or the property standards violation. Considerable staff and City solicitor time have been expended to deal with all matters related to 33 Market Place to date. It is not possible to calculate an exact dollar figure.

**Staff Recommendation: THAT Report PLA18-003 on the update of matters relating to 33 Market Place be received for information.**



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Jeff Leunissen, Manager of Development Services



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Ed Dujlovic, Director of Infrastructure and Development Services



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Rob Horne, Chief Administrative Officer

## Appendix 'A' – August 9, 2017 Building Permit

R.M.  
B.W.



**CITY of  
STRATFORD**  
Building & Planning  
Department  
82 Erie Street, 2<sup>nd</sup> Floor  
Stratford, ON N5A 2M4  
(519) 271-0250  
Fax (519) 271-5966

**Assembly Permit**

**Permit #:** 2017 104303 000 00

**Issue Date:** Wednesday August 09, 2017

**To Construct:** Alteration  
Restaurant OL > 30  
REMOVAL OF EXISTING ROOF AND REINFORCEMENT  
OF THE FLOOR SYSTEM TO SUPPORT THE PROPOSED PATIO LOADS

**Project Location:** 33 MARKET PLACE STRATFORD

**Lot:** 10      **Plan:** 87

**Conditions:** 2250.00SF 25.00FR 90.00D CITY OF STRATFORD  
PLUMBING LICENCES ARE REQUIRED IN ACCORDANCE WITH THE  
PLUMBING AND DRAIN LAYERS TRADE LICENCING BYLAW #181-2004  
PRIOR TO CONSTRUCTION OF PLUMBING INSIDE THE BUILDING

**BUILDING INSPECTIONS/REPORTS:**

Structural Framing Inspection(s)	Insulation and Vapour Barrier Inspection
Occupancy Inspection	Final Building
Structural Report(s)	Architectural Report(s)
Life Safety/Fire Separation Insp(s)	Fire Alarm Verification Certificate

Permit Number must be used when requesting inspections. 24 hours notice required. Please call (519) 271-0250, ext. 325 to request inspections.

This permit is null and void if work is not started within 6 months of date issued. This permit card must be placed in a conspicuous place visible on the job site.

Notice: Electrical installations and modifications require inspections. Please contact the Electrical Safety Authority at 1-877-372-7233.

Chief Building Official: \_\_\_\_\_