

**TOWN OF STRATFORD
PUBLIC MEETING MINTUES
APPROVED**

DATE: April 27, 2011

PLACE: Stratford Town Hall, 234 Shakespeare Drive

TIME: 7:00 P.M. – 7:16 p.m.

COUNCIL: Mayor David Dunphy, Deputy Mayor Gary Clow, Councillor Diane Griffin, Councillor Randy Cooper,

STAFF: Robert Hughes, C.A.O., Vahid Ghomoshchi, Director of Planning, Kevin Reynolds, Development Officer and Adele Gillis, Recording Clerk.

DEVELOPER: Sterling Smith representing James & Coleen Smith

PUBLIC: Kevin Jenkins

Call to Order: Deputy Mayor Gary Clow, Chair of the Planning & Heritage Committee called the meeting to order at 7:00 p.m.

Deputy Mayor Clow:

I would like to welcome all those in attendance, and in particular Sterling Smith who is representing James & Coleen Smith.

This meeting will be held in two parts. The first part will be a request from James and Colleen Smith for a private detached garage roof height variance and the second request is a request from Jeff and Heather Gallant for a side yard variance.

We will start the meeting with development officer Kevin Reynolds, and once Kevin has finished his presentation the floor will then be open, for you, the residents to provide your input and concerns. If you have a comment please mention your name for recording purposes.

All comments will be brought back and reviewed by the Planning & Heritage Committee before they make their recommendation to Council.

An advertisement was placed in the Guardian on Wednesday, April 20, 2011.

The meeting will now be turned over to Kevin Reynolds and he will give a brief overview of the variances.

Kevin Reynolds, Development Officer:

We sent out notification letters to property owners within two hundred feet of the subject variance requests. There were 12 letters in total and we received two comments which will be forwarded in the Council package. These letters were reviewed by the Planning & Heritage Committee at their last meeting.

This notification from the Town of Stratford is to inform you of a written request from James and Colleen Smith to construct a 900 square foot private detached garage with a roof height of 21.25 feet on parcel number 914739 located at 46 Owen Lane. (*A property map was displayed for ease of reference*)

In order to achieve architectural harmony with the slope of the roof on the existing house, the Smiths are requesting a height variance of five (6.25) feet (or 41.7%) to the maximum building height of fifteen (15') feet for any private detached garage. The applicant therefore, is seeking a height variance from 15 feet to 21.25 feet.

Council may authorize variances in excess of ten (10%) percent from the provisions of the Bylaw, if Council deems such a variance is desirable and appropriate and if such a variance is in keeping with the general intent and purpose of the Bylaw.

Kevin displayed a copy of the site plan showing the location of the proposed private detached garage, elevations of the proposed cottage and private detached garage, and the location of the utility sewer line running through the property. An explanation of the proposed cottage and private detached garage was also given by Kevin.

Kevin also noted that Mr. Kevin MacLeod submitted the following letter for the meeting this evening:

Letter dated April 27, 2011 from Kevin MacLean.

I support the project and request from Mr. Smith for a height variance for his private detached garage for architectural reasons.

In the past Council has granted approval to me for two variances, one for a private detached garage located at 8 Bayside Drive and the other a carriage house at 136 Keppoch Rd. Both fit the architectural features of the main building like Mr. Smith is requesting for variance.

I hope that you take this into consideration when you are making your decision of Mr. Smith's request.

Personally, I feel that it is a wonderful thing that Mr. & Mrs. Smith are planning to make Stratford their home on returning to the Island.

A letter with detailed information was also circulated by Mr. Smith's brother Sterling to all those in attendance.

Deputy Mayor Clow asked if there were any comments or questions from the floor.

Sterling Smith noted that his brother and his wife are very excited about moving back to PEI. They have been looking for land for the last few years and this parcel came up for sale. It was in the fall and the cottage was vacant. The person who owned the cottage had passed away and the relatives, who live off Island, contacted James.

An excerpt from Colleen & James Smith letter dated April 19, 2011 was read into the minutes.

We looked at the current structure on the property and decided that major renovations would be required to make it habitable. Given the fact and the desire for a different style of home, we opted to build a new farm style home with a matching detached two-car garage. Both plans, as well as a site plan, are attached for your review. As the house will be built on a slab foundation and will feature no storage space, we are seeking permission to have a two-level garage with the upper level area to be used for storage purposes. The current zoning restricts detached garages to 15 feet in height; however the proposed garage is 21 feet, 3 inches in height. In accordance with the current bylaw, I understand that a variance to the height restriction may be approved provided the detached garage is in architectural harmony with the house. From the plans, you can readily see that this architectural harmony exists with the house. From the plans, you can readily see that the architectural harmony exists between the house and detached garage.

I believe that the construction of the proposed house and detached garage at 46 Owen Lane will add to the beauty and value of the neighbourhood and to the Town of Stratford and I respectfully request the support of the residents of the Town and the members of the Town Council to look at the request for variance in this light.

Deputy Mayor Clow:

This will be reviewed by the Planning and Heritage Committee and a recommendation will be forwarded to Council on May 11, 2011.

The next item is the Jeff and Heather side yard variance request.

I'll turn the meeting over to Kevin Reynolds to give the presentation on the side yard variance request.

Kevin Reynolds, Development Officer:

This property is located at 95 Rankin Drive in the Rankin Subdivision. *(A picture showing the home at 95 and 97 Rankin was displayed on screen.)*

It was explained by Kevin that the distance between the existing home and the property line is currently 15'. The applicants have an entrance on the side of their home that goes directly into the kitchen; and they would like to build an addition onto the side of the house approximately 8' in width.

The adjacent neighbor has built a detached garage which is connected by a small breeze way to the existing house. If that breeze way is less than 20% of the common wall, where it is attached, it is considered to be a detached structure and can be built as close as three feet to the property line. Due to the fact that this structure is built only three feet to the property line, that brought Mr. Gallant in to wonder if he may be granted permission to go from 12' to 7'.

This is a request from Jeff and Heather Gallant for a side yard variance to parcel number 523837, located at 95 Rankin Drive.

The side yard variance request is for five (5) feet (or 41.7%) to the minimum side yard setback requirement of 12 feet for a single family dwelling located within the Single Family Residential (R1) Zone. The applicant, therefore, is seeking a variance to the side yard setback from 12 feet to 7 feet.

Council may authorize variances in excess of ten (10%) percent from the provisions of the Bylaw, if Council deems such a variance is desirable and appropriate and if such a variance is in keeping with the general intent and purpose of the Bylaw.

There is also a clause in the minor variance section of the Bylaw, which has been just recently brought to our attention, requiring any variance in excess of 10% to be brought forward to a public meeting which is why we are here this evening. We sent out notifications to property owners within 200' of the property. Seventeen letters were sent out and no responses have been received from and of the adjacent property owners.

Deputy Mayor Clow:

Is there any questions on this variance request?

Councillor Cooper:

How did the neighbour end up with being only three to the property line?

Kevin Reynolds, Development Officer

Your main building has to be a minimum of 12' from the side property line; however, you can build a private detached garage as close as 3' to the side property line. We have had incidences where people have built garages next to their home within three feet of the property line which meets the Bylaw requirements. They would then say if I have a door on the side of my house and I'm building a garage, I would like to attach a portion of the breezeway to allow us to go into the garage from the main dwelling without having to go out into the elements. This was reviewed many years ago, and a provision was put in the Bylaw to state that the detached garage would be considered to remain detached if it was connected by no more than 20% of the common walls between the garage and the main dwelling. This garage was built under those regulations. It does give the appearance that there is an attached structure and the impression that one neighbour is being given a hard ship that the other neighbour has been allowed to develop to. It opens the opportunity for a variance to be discussed.

This variance was informally discussed last fall, and it was felt by the Planning & Heritage Committee members that there was enough merit to the application, to at least forward it through the variance process.

Deputy Mayor Clow:
Are there any other questions?

Mayor Dunphy:
How far is the garage located at 97 Heron Drive?

Kevin Reynolds, Development Officer
The garage is 3' from the property line.

Mayor Dunphy:
Is that allowable?

Kevin Reynolds, Development Officer
Yes it is.

Mayor Dunphy:
What is the minimum allowable?

Kevin Reynolds, Development Officer:
The minimum setback for a detached garage is 3'.

Mayor Dunphy:
How close does the applicant want to be from the side yard?

Kevin Reynolds, Development Officer:

Mr. Gallant has a side yard setback now of 15' and he wants to build an 8' addition which would leave a side yard setback of 7'.

Deputy Mayor Clow:

Any other questions. If not we will take this back to the Planning & Heritage Committee for a recommendation to Council.

Meeting adjourned at 7:16 p.m.