



TOWN OF STRATFORD RESOLUTION

**PH034-2024 – VA003-24 & SD021-24 – Joanne Driscoll – 70 Mount
Herbert (PID 398412) –Subdivision with a Major Variance to the
Minimum Lot Size within an Agricultural Reserve (A1) Zone**

Motion Carried X
Motion Lost
Motion Withdrawn

Council Chambers
Town Council

December 11, 2024

Committee
Moved by Councilor
Seconded by Councilor

Planning & Heritage
Jeff MacDonald
Gordie Cox

WHEREAS an application (SD021-24) has been received from Joanne Driscoll to subdivide parcel number 398412, located at 70 Mount Herbert Road, into two (2) lots. The subject land, which is located within an Agricultural Reserve (A1) Zone, requires a Minimum Lot Size of 1 Acre (43,560 ft²). The purpose of the subdivision application to separate an existing dwelling from the agricultural land with a proposed lot area of only 0.55 acres, which is represents a **45% variance** in size; and

WHEREAS pursuant to subsection 6.1.2. of the Zoning and Development Bylaw #45, Variance applications shall demonstrate one of several tests for justifying Variance approval. This application has been considered against the following tests:

- a) the lot in question has peculiar conditions, including small Lot size, irregular Lot shape, or exceptional topographical conditions, which make it impractical to develop in strict conformity with Bylaw standards;*
- b) strict application of all Bylaw standards would impose undue hardship on the Applicant by excluding the Applicant from the same rights and privileges for reasonable Use of his/her Lot as enjoyed by other persons in the same zone; and*

WHEREAS on November 5, 2024, in accordance with subsection 6.1.6. where a Variance in excess of ten percent (10%) is being requested, notification letters were sent to the thirty-five (35) property owners who own parcels of land, which are located in whole (or in part) within sixty-one metres (61 m) or two hundred feet (200 ft.) from any lot line of the parcel being proposed for the Variance. Only one (1) response letter was received before the comment deadline on November 22, 2024.

BE IT RESOLVED That approval be granted to an application from Joanne Driscoll to subdivide PID 398412 into 2 lots subject to the following:

1. That a Plan of Survey be prepared by a professional surveyor licensed to practice in Prince Edward Island showing the two (2) lots as per the Preliminary Plan for Lot 2024-1 as prepared by Mantha Land Surveys, DWG. No. M-24-292 Dated: September 24, 2024.
2. The minimum lot size for the proposed lot listed in Condition 1 has been granted a variance of 45% and must be a minimum of 0.55 acres.
3. That preliminary approval of the subdivision shall be valid for a period of 3 years.
4. That all other relevant provisions of the Town of Stratford Zoning and Development Bylaw, Bylaw # 45, are met.

This resolution bears the recommendation of the Planning, Development & Heritage Committee discussed at a meeting held on November 4, 2024, and by an email poll conducted between November 23 and November 29, 2024.