

SPECIAL COUNCIL MEETING

August 17, 2009

Approved Minutes

DATE: August 17, 2009

TIME: 12:00 p.m. - 12:10 p.m.

PLACE: Stratford Town Centre, 234 Shakespeare Drive

PRESENT: Mayor Kevin Jenkins, Councillors Steve MacDonald; Emile Gallant; Diane Griffin; Gary Clow; Robert Hughes, CAO; and Adele Gillis, Recording Clerk

REGRETS: Deputy Mayor Sandy McMillan and Councillor Patrick Ross

CHAIR: Mayor Kevin Jenkins

1. CALL TO ORDER

Mayor Kevin Jenkins called the meeting to order at 12:00 noon.

2. APPROVAL OF AGENDA

It was moved by Councillor Emile Gallant and seconded by Councillor Gary Clow that the agenda be approved as circulated.

Discussion: None

Question: **CARRIED**

3. Resolution PH023-09 - Official Plan and Zoning Amendment to Bylaw #29 - Mt. Herbert Road - 1st Reading

Moved by Councillor Gary Clow

Seconded by Councillor Diane Griffin

WHEREAS an application has been received from Andrew and Jennifer McCalla to rezone parcel number 289652 (1.16 acres) from the Agricultural Reserve Zone (A1) to the Single-Family Residential Zone (R1); and

WHEREAS the McCalla's are also applying to change the Land Use Designation of parcel number 289652 (1.16 acres) from Agriculture to Residential; and

WHEREAS a public meeting was held on July 22, 2009 to solicit input from residents within 150m (500 feet) of the subject property in which we had two residents attend and one formal letter was received stating they had no objection to the current request.

BE IT RESOLVED that Town of Stratford Official Plan - General Land Use Map be amended to change the designation from Agricultural Reserve Zone (A1) to Residential (Serviced); and

BE IT FURTHER RESOLVED that Zoning Amendment #29 - **A003-2009** a bylaw to amend the Town of Stratford Zoning and Subdivision Control (Development) Bylaw #29, and the Town of Stratford Revised Official Plan (2003) be hereby read and approved a first time.

Discussion: It was noted that this resolution bears the recommendation of the Planning and Heritage Committee.

Question: **CARRIED**

4. **Resolution PH024-09 Official Plan and Zoning Amendment to Bylaw #29 - A004-2009-
Amendment to Section 5.23 - Outdoor Swimming Pools**

Moved by Councillor Gary Clow

Seconded by Councillor Steve MacDonald

WHEREAS Councillor Patrick Ross requested that Planning Board review the regulations for swimming pools within the Town, particularly the height requirement for a fence, based on research from *Safe Kids Canada*; and

WHEREAS Planning Board reviewed the swimming pool regulations and is satisfied with the current fence height provision in the bylaw but has suggested some additional changes to the swimming pool regulations to increase safety; and

WHEREAS the proposed changes to the swimming pool regulations were presented to residents at a Public Meeting on Wednesday, July 22, 2009 to solicit input into the proposed changes.

BE IT RESOLVED that Zoning Amendment #29 - **A004-2009**, a bylaw to amend the Town of Stratford Zoning and Subdivision Control (Development) Bylaw, be hereby read and approved a first time.

Discussion: It was noted that this resolution bears the recommendation of the Planning and Heritage Committee.

Mayor Jenkins noted that Councillor Ross had send a number of e-mails on this issue and one of the suggestions he made was to change the word parents to residents in section (iv) where it states *the parents can take responsibility for locking doors leading to pool decks within the home.*

Councillor Griffin noted that it was suggested that we should change the word parents to landowner, as some of the properties may be rental properties and agreed that changing the word *Parents* to *Residents* is a good suggestion. The CAO also agreed that the word change from *Parents* to *Residents* would be more appropriate and is a good suggestion.

The consensus was to change the word parents with the word residents in section (iv).

- Amendment** (iv) A four-sided fence shall be requested. However, the development officer may retain the ability for a home/building to take the place of the fourth wall of enclosure. Residents can take responsibility for locking doors leading to pool decks within the home.

Question: **CARRIED with Amendment**

12:05 p.m. Mayor Jenkins noted that Councillor Diane Griffin is declaring a conflict of interest and is excusing herself during the reading of this resolution.

5. Resolution PH025-09 VA004-09 Kevin Griffin - Front Yard Variance Request- Private Detached Garage - PID 191305-52 East River Drive

Moved by Councillor Gary Clow

Seconded by Councillor Steve MacDonald

WHEREAS an application has been received from Kevin Griffin for a front yard variance to parcel number 191304 located at 52 East River Drive to allow for the construction of a 528 square foot private detached garage with a front yard setback of only 15.5 feet; and

WHEREAS the front yard variance request is for 1.5 feet (or 8.8%) to the minimum front yard setback requirement of 17 feet for a single family dwelling located within the Single Family Residential Zone (R1). The applicant, therefore, is seeking a variance to the front yard setback **from 17 feet to 15.5 feet.**

BE IT RESOLVED that approval be granted to an application from Kevin Griffin for a front yard variance of 1.5 feet (or 8.8%) to parcel number 191304 located at 52 East River Drive to allow for the construction of a 528 square foot private detached garage with a front yard setback of only 15.5 feet.

Discussion: It was noted that this resolution bears the recommendation of the Planning & Heritage Committee.

The CAO gave the background information on this variance request.

It was noted that the house has a breakfast nook with glass all the way around. The applicant is requesting that the garage be moved up to allow for the view to not be blocked.

It was noted that when this application was first reviewed by the development officer, it was felt that this request would be very difficult to support due to the fact that a typical parking space is 18 feet deep and the front yard setback

in front of Mr. Griffin's proposed garage is only 15.5 feet, and therefore not allowing enough room to park a car in front of the new garage without protruding into the public right-of-way. However, after conducting a site visit to Mr. Griffin's property, the development officer noted that the street profile of all the existing dwellings along this side of street are in fact closer to the public right of way than normal. In fact, the power poles are placed approximately six feet into the public right of way, which gives you the impression that the homes are setback further then they actually measure from the property pins.

Question: **CARRIED**

6. PH026-09-VA006-Boyce Costello-Side Yard Variance Request - 50 East River Drive

Moved by Councillor Gary Clow

Seconded by Councillor Emile Gallant

WHEREAS application has been received from Mr. Boyce Costello for a side yard variance to parcel number 191148, located at 50 East River Drive to allow for the construction of 26 foot wide attached garage; and

WHEREAS the side yard variance request is for 1 foot (or 8.33%) to the minimum side yard setback requirement of 12 feet for a single family dwelling located within the Single Family Residential Zone (R1). The applicant, therefore, is seeking a variance to the side yard setback **from 12 feet to 11 feet**; and

BE IT RESOLVED that approval be granted to an application from Mr. Boyce Costello for a side yard variance of 1 foot (or 8.33%) to parcel number 191148, located at 50 East River Drive to allow for the construction of 26 foot wide attached garage.

Discussion: It was noted that this resolution bears the recommendation of the Planning & Heritage Committee.

The CAO noted that this request was added to the planning board agenda last week. This is being requested pending the sale of the home. The buyer wants to buy the home if they can build a garage, and planning board reviewed the application on Friday. It is less than 10% so notices are not required to be sent out to the neighbours. It was noted that we have a letter from neighbours Diane and Kevin Griffin who have no objection to the variance, and planning board is recommending approval of the request.

Question: **CARRIED**

7. OTHER BUSINESS

Nil

8. ADJOURNMENT

There being no further business the meeting adjourned at 12:10 p.m.

Kevin Jenkins Mayor

Robert Hughes, CAO