



## TOWN OF STRATFORD RESOLUTION

**No. PH011-2023 - VA001-23 – PAL Holdings Inc. – Lot Size Variance**  
**Request – 8-10 Barkley Ave - Parcel Number 328583**

Motion Carried     X      
Motion Lost             
Motion Deferred           

Council Chambers  
Town Council

**May 10, 2023**

Committee                                   
Moved by Councilor                       
Seconded by Councilor                   

Planning & Heritage  
Jeff MacDonald  
Jill Chandler

**WHEREAS** an application has been received from PAL Holdings Inc. for a lot size variance to proposed lot 2023-2, a portion of parcel number 328583, located at 10 Barkley Avenue for the purpose of subdividing a semi-detached dwelling; and

**WHEREAS** the lot size variance request for proposed lot 2023-2 is for 36 ft<sup>2</sup> (or 8.6%), for a semi-detached dwelling lot located within the Medium Density Residential Zone (R2). The applicant, therefore, is seeking a lot size variance from 4,900 ft<sup>2</sup> per unit to 4,510 ft<sup>2</sup> per unit; and

**WHEREAS** pursuant to Section 6. Variances from the Development Bylaw:

- 6.1.1. Council may authorize a minor Variance not exceeding 10% from the provisions of this Bylaw if the Variance is appropriate in accordance with this Section.
- 6.1.2. Variance applications shall demonstrate one of the following be considered against the following tests for justifying a Variance approval:
  - (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; or
  - (c) the Variance is consistent with the intent and purpose of the Official Plan.
- 6.1.3. Authorization for a Variance shall be documented and recorded in writing.
- 6.1.4. No Variance shall be granted where the difficulty experienced is the result of intentional or negligent conduct of the Applicant in relation to the Property.
- 6.1.5. Where Council deems that a Variance application could have a significant effect on adjacent properties or properties in the general vicinity, Council may require that a public meeting be held.; and

**WHEREAS** the lot in question is located on Barkley Avenue, which is a developed area of Southport pre-existing the Town, as established in 1995. It is a narrow, dead-end street with

small, shallow lots to the South. Variances have been granted along the south side of the street in the past. In 2018, two lot size variances were granted to construct a single dwelling at 22 Barkley Avenue requiring a 22.5% variance, and to construct a semi-detached dwelling at 26 and 28 Barkley Avenue, requiring a 27.6% variance. In 2021, a lot size variance was granted to construct a semi-detached dwelling at 16 Barkley Avenue, requiring a 22% variance; and

**WHEREAS** in 2021, the applicant reached out to staff to verify a semi-detached dwelling could be constructed on the lot. Staff verified the lot could be developed as a semi-detached lot as the block contains only 27.3% semi-detached dwelling lots in a block, where up to 40% is permitted within the R2 zone. Staff also evaluated the total lot area available at the time and concluded the lot does have sufficient lot area to meet the requirement of 9,800 ft<sup>2</sup>. The applicant's lawyer explained to staff that although the lot has two parcel descriptions, creating the now proposed "common boundary," the property has been transferred as one lot since 1973. The semi-detached dwelling was designed to sit along the proposed "common boundary" per the existing lot descriptions. The areas of the proposed lots were unknown until after the Dwelling was constructed and a new survey plan was prepared; therefore, no intentional or negligent conduct of the Applicant occurred in relation to the property per section 6.1.4. above; and

**WHEREAS** The proposed lot 2023-2 meets all other lot requirements including lot coverage, frontage, and front, side, and rear yard setbacks; therefore, no significant effect is expected on adjacent properties, or other properties in the vicinity per section 6.1.5.

**BE IT RESOLVED** that Council grant approval to an application received from PAL Holdings Inc. for a lot size variance of 36 ft<sup>2</sup> (or 8.6%) to lot 2023-2 a portion of parcel number 328583 located at 10 Barkley Avenue for the purpose of subdividing a 2-unit semi-detached dwelling.

*This resolution bears the recommendation of the Planning & Heritage Committee as discussed at a meeting held on May 1, 2023.*