



TOWN OF STRATFORD RESOLUTION

**No. PH022-2023 - VA002-23 – Kreative Acres Corp. – 25 Barkley Ave.
(PID 328666) – 1 Lot Subdivision with Major Variance to Lot Frontage**

Motion Carried X
Motion Lost
Motion Deferred

Council Chambers
Town Council

August 9, 2023

Committee
Moved by Councilor
Seconded by Councilor

Planning, Development & Heritage
Jeff MacDonald
Jody Jackson

WHEREAS an application has been received from Kreative Acres Corp. to subdivide parcel number 328666, located at 25 Barkley Avenue, into two (2) single detached dwelling lots. The proposed lots are in the Low-Density Residential Zone (R1) which requires the Minimum Frontage to be 22 m (72 ft.). The Preliminary Plan of Survey shows the proposed two (2) lots each having 18.898 m (61.8 ft.) of Frontage, which is 3.102 m (10.2 ft.) less than the Minimum Frontage Requirement, thereby requiring a **14.1% variance**; and

WHEREAS pursuant to subsection 6.1.2. of the Zoning and Development Bylaw #45, Variance applications shall demonstrate one of a number of tests for justifying a 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 June 30, 2023, in accordance with subsection 6.1.6. where a Variance in excess of ten percent (10%) is being requested, thirty-four (34) notification letters were sent to property owners who own parcel(s) of lands 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. As of the response deadline on July 17, 2023, no comments have been received.

BE IT RESOLVED That approval be granted to an application from Kreative Acres to subdivide PID 328666 into 2 lots of approximately 994.3 sq. m, (10, 702 sq. ft.) & 984.8 sq. m. (10, 600 sq. ft.) for residential use (single detached dwellings) 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 23-1 & Lot 23-2 as prepared by ISE – Island Surveying & Engineering, DWG. No.23074-1 Dated: May 24, 2023.
2. That the sewer and water systems shall be designed in accordance with the Stratford Utility Corporation Servicing Standards and that a Utility Agreement shall be executed along with the payment of all applicable capital contribution fees required by the Utility Corporation.
3. That a stormwater management plan be designed by a licensed engineer using Low Impact Development Guidelines approved by both the DOTI and the Town of Stratford.
4. That the Preliminary Development Plan must meet all the DOE requirements and a plan must be prepared showing how erosion and sedimentation will be controlled and contained during construction on the lots.
5. That all other relevant provisions of the Town of Stratford Zoning and Development Bylaw, Bylaw # 45, are met.
6. That preliminary approval shall be valid for a period of 3 years.

This resolution bears the recommendation of the Planning & Heritage Committee as discussed at a meeting held on August 7, 2023.