



TOWN OF STRATFORD

RESOLUTION

**No. PH035-2009 - VA008-09 - Megan & Dylan Mullally - Sideyard Variance Request -
49 MacLauchlan Drive**

Motion Carried √
Motion Lost _____
Motion Withdrawn _____

Council Chambers
Town Hall

December 9, 2009

Committee
Moved by Councillor
Seconded by Councillor

Planning & Heritage
Gary Clow
Steve MacDonald

WHEREAS an application has been received from Megan & Dylan Mullally for a 9 foot (or 75%) side yard variance to parcel number 891358 located at 49 MacLauchlan Drive for the purpose of constructing an attached garage having a sideyard setback of only 3 feet; and

WHEREAS in the fall of 2008 the Town constructed a walking trail over an easement on the Mullally's property. It should be noted that it is unusual to have an easement for a trail, most are granted as a separate right of way owned by the Town. This construction reduced the amount of side yard on the Mullally's property. In order to address the concerns of the Mullally's, Council has agreed to purchase the 15' easement on their property. As a result of these developments, the Mullally's are now limited in any future construction of a garage along the property line that borders the trail due to the side yard setback requirements; and

WHEREAS the applicant, therefore, is seeking a side yard variance **from 12 feet to 3 feet** (the minimum side yard setback is 12 feet for any single family dwelling in the R1 zone). It should be noted that any future addition to the home would still be 18 feet from the property line of the neighboring residence at 53 MacLauchlan Drive; and

WHEREAS 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; and

WHEREAS on November 4, 2009 nine (9) notification letters were sent to property owners within 200 feet of the subject property to solicit their comments on the sideyard variance request and no negative comments have been received.

BE IT RESOLVED that approval be granted to an application received from Megan & Dylan Mullally for a sideyard variance of 9 feet (or 75%) on parcel number 891358 located at 49 MacLauchlan Drive to allow for the construction of attached garage with a sideyard setback of 3 feet.

This Resolution bears the recommendation of the Planning & Heritage Committee as discussed at a meeting held on November 30th, 2009.