

To: Mayor and Members of Council

August 22, 2011

Re: Resident Concern – 45 Fernwood Street

### **Background**

Attached is a letter from Mr. Blaine Ferrara, in response to a letter from Town Administration requesting him to have the rocks in the ditch adjacent to his driveway removed.

### **Discussion**

There are a couple of items mentioned in the letter that Administration was able to research.

- 1) Accessory Building – Blaine Ferrara requested a relaxation of the Zoning Bylaw for height restriction. The Zoning Bylaw states the maximum height of 3.66 meters (12ft) to the top plate. Blaine requested a relaxation of 2 feet so he could build his walls to 14 feet to the top plate. The appeal was denied stating the reasons as:
  - The relaxation contravenes the Towns BPS and the Zoning Bylaw.
  - The Town opposed the relaxation to allow an accessory building with 14" walls.
  - The relaxation to allow a higher than permitted building adversely affects neighbouring properties.
  - The relaxation would constitute a special privilege as others have not been granted similar relaxation of the Zoning Bylaw.

The shop Blaine Ferrara referred to in the area is located at 49 Fernwood St. According to the permit application, the walls on the accessory building are 12 feet to the top plate. The height of the building is 20 feet. The door on the building is 12 feet, which gives the illusion of the wall height as greater than 12 feet.

- 2) Hard Surface Driveways
  - At the time the permit was taken out, the Town had not yet instituted the builder's deposit. The developer, Great Plains Leaseholds did not have caveats on this subdivision. Therefore it has been extremely difficult to enforce property owners to have a hard surface driveway.

- Great Plains Leaseholds and the Town have contacted all property owners in this area to complete their landscaping. The Town sent letters in May of 2011.
- Hard surface driveways are part of the agreement the optionee signs with Great Plains Leaseholds Ltd. as stated in Section 2.07- (h) the Optionee must, within two (2) years after completion of construction, finish the driveway with an appropriate hard surfacing of concrete, asphalt or paving stone.

### **Budget Implications**

none

### **Conclusion**

It is a Bylaw of the Town that States that ditches cannot be landscaped with anything other than grass. Administration can only enforce the policies that Council makes.

The purpose of this report is to provide Council information on items mentioned in the letter written by Brian Ferrara.

### **Recommendation**

Respectfully submitted,

Shauna Bzdel,  
Town Manager

August 16, 2001

To Whom It May Concern:

Re: Yard Inspection 45 Fernwood St. White City – Bylaw 265-97

I recently received a letter from the Town of White City regarding the above. Attached to the letter was a copy of the Bylaw 265-97. The area of my concern is “the ditch area shall be landscaped using grass only, please remove your rocks”. Quite frankly, this makes me furious. Why all of a sudden is this not acceptable? Our driveway area has been done for over two years and looks very professional. No one from the Town of White City has ever said anything to me about this until the recent letter. In fact, Town of White City maintenance workers were going by our place several times while I was landscaping the area, nothing was said. I can also remember these very same maintenance workers going by, waving a hand and saying real nice job. Nothing ever mentioned that I can't use crushed rock etc.

I have spent a substantial amount of money landscaping each side of my cement driveway with fill dirt, crushed rocks, and other small rocks around the culvert area making it weed free and very professional looking. In fact I have had several positive comments on how well this area is completed. I invite Town Council to come and have a look for themselves.

Acreage lots such as ours should not have to follow the same landscape treatment as the conventional smaller White City lots. In our case, the ditch in front of our property is 3 -4 feet deep which requires a lot of fill dirt creating difficulty to landscape thus the use of fill dirt, crushed rock, and small stones. I might mention that I used fill dirt a couple of times only to find the dirt washed away after heavy rain. I also believe the grade on some acreage lots should be looked at as well. For example, our neighbours lot to the West of us is three to four feet higher in the middle than it is suppose to be causing water to run towards the neighbours east and west. While it has not created a problem yet, I do believe in the future it may. If this was a regular size lot, this would not be tolerated by the neighbours thus my point of landscaping a regular size lot versus an acreage lot. This same neighbour has added dirt to the ditch in front of the property in question restricting the flow of water to go west. Now after a rain, water backs up in the ditch in front of our property to a point where the Sask. Power/Sasktel service box sits in water. Now, I don't want to cause problems with the neighbours, but I do believe this should be a

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priority for the Town of White City.

Back in September 2006, I wanted to build an Accessory Building/shop detached from the house. The dimensions were to be 40' x 60' with 14' walls. The Town of White City Bylaw stated buildings of this nature could only have 12' walls. In speaking to the Town Administrator about this, she encouraged me ( for a fee of \$50.00) to present my case before the Appeals Board to see if maybe they would relax the rules. What a joke that was, I was flatly turned down. It appeared to me that it was a rubber stamp situation, as they were more interested in my \$50.00 than reconsidering the Bylaw. I also find out there has been a shop built in the area with 14' walls. Where is the Bylaw?

Other items that I feel are way more important than the Bylaw in question are:

Hard surface driveways – There are homeowners who were living in their homes long before we started building and still don't have a hard surface driveway.

Sump pumps – It should be mandatory that all homeowners have sump pumps that drain outside away from the house. Many homeowners have no sump pump, and after a heavy rain, the weeping tile drains into the sump box. Rather than the sump box overflowing causing the basement to flood the homeowner opens the sewage bong/valve and lets the water down the domestic sewer creating a system overload, lift station problems etc. While I don't blame the homeowner for this, it should have been done right in the first place. Developers and Home Builders should be made aware of this as well. The proper way is to have a drain pipe from the sump box to the sump pit where the sump pump is located, then after the water reaches a certain level it is pumped outside away from the house. This is very important and Town Council should be policing this immediately. As the Town grows this is only going to get worse.

In view of some of the items mentioned above, I would ask Town Council to give my situation further consideration to leave my landscaping on each side of the driveway as is. I would be very much in favour of the Bylaw if my property was an eye sore to the public. I believe, and I have been told by others, that our driveway landscaping is the best in the area.

Sincerely,

  
Blaine Ferrara