

5. Business Arising from Minutes - Notice of Decisions

Moved By Brenda Fowlie

Seconded By Brent Preston

That the Notices of Decision be received and filed.

Motion Carried

6. Unfinished Business

6.1 5 Esdale Drive - Lot Width and Size Variance

Tabled from February 23, 2021 PAC Meeting

John and Tanya McKellar attended the meeting virtually seeking approval for a 4.5 metre Lot Width Variance and a one hundred and sixty-nine (169) square metre Lot Size Variance to permit the expansion of an existing Secondary Dwelling Unit at 5 Esdale Drive, (PID 30027668).

Jennifer Jarvis reviewed the application, noting that on March 11, 2021, the PAC passed a motion to defer the decision on the variances for 5 Esdale Drive until the applicants provided a Site Plan identifying where on the Lot the two accessory structures and the fence could be established while achieving the required yard setbacks and distance from the main building. Ms. Jarvis confirmed that on April 26, 2021 staff received a revised Site Plan for 5 Esdale Drive, PID 30027668 prepared by Don More Surveys & Engineering Ltd. The stamped survey identifies all accessory structures and fences, once relocated, to be in conformity with Zoning By-law 038. She added that it is reasonable for the PAC members to now reach a decision based on the original application for Lot Width and Lot Size Variances. She reiterated that the accessory buildings and fences will be moved to the new locations as per the survey prior to the issuance of a permit. When asked about the home inspection for the number of dwellings, Ms. Jarvis stated that staff went to the home but were not permitted in the house beyond the garage due to Covid-19 Restrictions. When asked about the second driveway, she noted that this will not be permitted due to easements.

John McKellar stated that the house is open to the existing in-law suite, so it is not a separate dwelling unit, they are just making more room in that section of the dwelling. He added that there will not be a third dwelling unit nor even a second electrical entrance for the existing in-law suite. He further added that there will not be a second driveway nor any extension of the existing driveway and added that he has removed several of the work vehicles that he used to park there such as the trailer and company truck. Mr. McKellar invited the staff to come back through the house with covid restrictions of masks, etc.

Ms. Jarvis stated that this house will contain two dwelling units, if the variances are approved, even though they are leaving the units open to each other at this time and a Two-Family Unit is a permitted use in this zone.

Mr. Colbourne reviewed the By-law definition of a "dwelling unit", that of a space having a kitchen or area where cooking can be done, a bathroom, a bedroom, and a separate entrance. Based on the definition, this property has two units. The proposed plan is to expand the square footage of the second unit. Service New Brunswick (SNB) has identified it as two units and the information we have says this is a two unit dwelling but as such is non-compliant due to the lot size. If it sells tomorrow, the interior door can be shut off and the dwelling would have two independent units. He reminded the PAC Members that the lot size and lot width was the original request, even though other issues came about through this application. If there is a third unit found, or the facilities are there to determine there could be a third unit, that would be non-compliant, and notice would be sent to the owners and to SNB if confirmed.

Ms. Alanna McNerney of 3 Esdale Drive spoke about her concerns regarding the resale of properties in the area, her water concerns and change of grade with the construction, as well as the additional water consumption on residential local wells. She also noted the parking of five cars or more on a daily basis which leads to the fact that they are parking on her property. She added her concerns for a short term rental unit and the indiscretions of previous renters. Ms. McNerney added that trees from her property were removed and gravel was put in place for extra parking, and this led to the concern for noise including vehicles coming and going all hours of the night.

Tanya McKellar responded with an apology for previous tenants, whom she said were supposed to be purchasing the dwelling. Ms. McKellar stated they were told the hedges were on their property and since that area was marshy, they removed the hedge and put down gravel not knowing this was not their property. Mr. McKellar stated that the fencing that is being moved is an enclosed fencing and will offer privacy and that any new or further fences should be privacy as well so if Ms. McNerney agrees to a privacy fence, they would prefer to erect one of that style. He added that there are only four cars in the family; his son, step-daughter, Tanya and himself, and all other vehicles have been removed from the property.

Mr. Colbourne stated that any noise complaints or on-street parking concerns should be addressed to the Kennebecasis Regional Police Force as they enforce the Noise and Traffic By-laws.

Moved By Brenda Fowlie
Seconded By

That the Staff undertake inspections to ensure that the number of dwelling units is no more than two units inclusive of the 5B unit that they are asking to expand.

No seconder; Motion defeated.

Moved By Brent Preston
Seconded By Darren Bishop

That the Planning Advisory Committee approve a four decimal five (4.5) metre Lot Width Variance and a one hundred and sixty-nine (169) square metre Lot Size Variance from Section 8.(C)(2) of Zoning By-law 038 for 5 Esdale Drive, PID 30027668 subject to the following terms and conditions:

1. The fence and accessory buildings are relocated to the locations identified on the site plan layout as shown in survey DWG:21033OVA, submitted to the Town on April 26, 2021, prior to the issuance of a Building Permit for the secondary dwelling unit expansion;
2. A privacy fence is installed by the McKellars and at their expense, between 3 Esdale Drive and 5 Esdale Drive;
3. The damage done on the lot of 3 Esdale is to be remediated and the property is restored to the original condition; and
4. A building permit is issued prior to construction of the expansion of the secondary dwelling unit.

Motion Carried

Brenda Fowlie: Nay

6.2 Ratify email decision - 258 Hampton Road

The Motion made at the April 27, 2021 PAC Meeting was amended on April 29, 2021 by John Groden, Seconded by Darren Bishop and voted on through email with the following results:

- Brenda Fowlie: Yay
- Marc Gosselin: Yay
- Kendal Mason: Yay
- Brent Preston: Yay

Moved By Darren Bishop
Seconded By Brent Preston

That the Planning Advisory Committee ratify the email poll conducted on April 29th with the amended motion: That the Planning Advisory Committee supports Council to amend the Development Agreement for the Elmtree Hill multiple residential apartment development at 258 Hampton Rd subject to the following:

1. That all ten (10) conditions of the Notice of Decision dated June 16, 2020 are still adhered to.

Motion Carried

7. New Business

7.1 3 Deer Path Court - Side Yard Setback for Deck

Mr. Chris Barry attended seeking approval for a one decimal five (1.5) metre side yard setback variance to permit the construction of a deck at 3 Deer Path Court, PID 00101089.

Ms. Jarvis reviewed the applicant's proposal to construct an 18.6 square metre deck (10' by 20') on the southeastern side of the main building on the lot. The projection of the deck into the side yard is proposed to be 1.5 metres within the side yard setback. She added that notice was sent to property owners within 50 metres of property and no correspondences were received for or against the application. Ms. Jarvis further added that staff had no concerns.

No one attended to speak for or against this application.

Moved By Marc Gosselin

Seconded By Kendall Mason

That the Planning Advisory Committee approve the one decimal five (1.5) metre side yard setback from the Town's Zoning By-law 038, Section 8.(E)(1)(b) to permit the construction of a deck along the southeast property line at 3 Deer Path Court, PID 00101089, with the following terms and conditions:

1. No further projections into the setback are permitted beyond this 1.5 metre variance;
2. The property lines are clearly identified prior to construction; and
3. A building permit is obtained prior to any construction.

Motion Carried

7.2 98 Elliot Road - Lot Size Variance for Secondary Dwelling Unit

Dave and Kara Stonehouse attended seeking approval for a three hundred and sixty-five (365) square metre Lot Size Variance from Section 25.(K)(2) of the Town's Zoning By-law 038 to permit the construction of an attached garage with secondary living quarters, at 98 Elliot Road, PID 30229660.

Ms. Jarvis reviewed the application including the information received concerning the requirements for improved sewage capacity. In an email from the contractor, received from Mr. Tim Brown, Plumbing Inspector with the Department of Justice and Public Safety, it was suggested that additional living space and extra water using devices alone do not necessarily trigger the need for improved sewage capacity, if the overall occupancies on the lot are not increased. The present occupants suggest that the proposed new space will be used as office space and that occupancy will not change. However, the proposed new space does provide all the elements required for a secondary dwelling unit or short-term rental so from a

Planning perspective, the Town needs to be aware of potential system loads in terms of septic system at full potential occupancy. Therefore, staff recommend that the applicants enter into a Hold Harmless Agreement with the Town. This agreement shall waive the Town of any and all responsibilities and liabilities regarding any septic system failure and subsequent damages to the subject property and or any lands impacted by the septic failure if in the event that at any time the unit becomes a secondary dwelling unit or short term rental.

When asked if the intention was to become a home based business, Mr. Stonehouse noted that they have both been working at home since the pandemic started and are currently sharing an open area which is not conducive to a quiet office environment. There is no Home Business intention currently.

No one attended to speak for or against the application.

Moved By Kendall Mason

Seconded By John Groden

That the Planning Advisory Committee approve the three hundred and sixty-five (365) square metre Lot Size Variance from Section 25.(K)(2) of Zoning By-law 038, for 98 Elliot Road, PID 30229660, subject to the following terms and conditions:

1. Correspondence is received from the Plumbing Inspector with the Department of Justice and Public Safety indicating they are in favour of the proposed Lot Size Variance. Any conditions of approval from the Department of Justice and Public Safety will be forwarded to the Town prior to the issuing of a Building Permit;
2. The applicant to enter into a Hold Harmless Agreement with the Town of Quispamsis, waiving the town of any and all responsibilities and liabilities regarding any septic system failure located at 98 Elliot Road and any subsequent damages to the subject property and or any lands impacted by the septic failure;
3. A building permit is issued prior to construction; and
4. If this office space is proposed as use for a Home Business, the applicant must return to the PAC for approval.

Motion Carried

7.3 123 Gondola Blvd - Side Yard Setback for Attached Garage and Addition

Mr. Harvey Jesso attended on behalf of the homeowners, Mr. & Mrs. Turrell, seeking approval to construct an attached garage on the property of 123 Gondola Boulevard, PID 67298.

Ms. Jarvis reviewed the application noting the requirement for a side yard setback variance of one decimal two (1.2) metres along the northern side lot line. She said with the proposed reduction to the side yard setback, it is reasonable to consider drainage impacts to adjacent properties. Therefore, a condition of approval should ensure drainage does not negatively impact adjacent landowners.

Notice was sent to property owners within 50 metres of property. No concerns were received, and no one attended to speak for or against the application.

Moved By John Groden

Seconded By Darren Bishop

That the Planning Advisory Committee approve the side yard setback variance of one decimal two (1.2) metres for the right side of the property at 123 Gondola Boulevard, PID 67298, subject to the following conditions:

1. Drainage is to be managed on site, with no impacts to adjacent properties, and drainage spouts must be directed so that water is contained to the subject lot;
2. The property line is clearly identified prior to construction; and
3. A building permit is issued prior to construction.

Motion Carried

8. Information Items and/or Discussion

Council Meeting Minutes - April 20, 2021

Moved By Brent Preston

Seconded By Brenda Fowle

That the Information Items be received and filed.

Motion Carried


9. Adjournment

Moved By Darren Bishop

Seconded By Marc Gosselin

That the PAC Meeting adjourn at 8:15 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY