



QUISPAMISIS PLANNING ADVISORY COMMITTEE
MEETING MINUTES – November 12, 2019

Present: Darin Lamont Kendall Mason
 Brent Preston Marc Gosselin
 John Groden Trevor Murray
 Violet Brown

Absent: Brenda Fowlie
 Darren Bishop
 S. Dwight Colbourne

1. Call to Order

Darin Lamont called the meeting to order at 7:00 p.m.

2. Approval of Agenda

Moved By Brent Preston
Seconded By Kendall Mason

That the Agenda be approved with changing 7.2 to the end since no one was in attendance to represent this application at the start of the meeting.

Motion Carried

3. Disclosures of Interest

No disclosures were declared.

4. Approval of Previous Minutes

Moved By Brent Preston
Seconded By Marc Gosselin

That the minutes October 22, 2019 PAC meeting for be received and filed.

Motion Carried

5. Business Arising from Minutes - Notice of Decisions

135 Palmer Brook Road - Developer's Agreement Amendment

587 Gondola Point Road - Waterfront Development

Moved By Marc Gosselin

Seconded By John Groden

That the Notices of Decision be received and filed.

Motion Carried

6. Unfinished Business

7. New Business

7.1 11 Elliot Road - Height Variance for Accessory Building

Mr. James Boyd, CFO, attended on behalf of Mr. Hatfield of Homestar Inc., seeking approval to construct a twelve decimal nine (12.9) metre by fifteen decimal two (15.2) metre detached garage on the property of 11 Elliot Road, PID 30318463 with a height of approximately six (6) metres. Mr. Boyd noted the height variance may only be just over one metre (4 feet) but they are asking for two (2) metres (6 feet) to be sure the building is within the approved height.

It was noted that the lot is zoned Highway Commercial and the percentage of buildings versus land was different than a residential lot. Mr. Murray, the Town's Building Inspector, stated this lot does not have too many buildings on the lot so there are no concerns from staff.

No one attended to speak for or against this item.

Moved By Marc Gosselin

Seconded By Kendall Mason

That the PAC approve the height variance of up to two (2) metres for the construction of a twelve decimal nine (12.9) metre by fifteen decimal two (15.2) metre detached garage with a height of approximately six (6) metres on the property of 11 Elliot Road, PID 30318463, subject to the following terms and conditions:

1. The garage is not to be used for living quarters or for the keeping of animals.

Motion Carried

7.2 43 Queensbury Drive - Oversize Accessory Building

Mr. Rick Hicks attended seeking approval for a twenty-one decimal six (21.6) square metre area variance for an oversize accessory building to be used as a wood working hobby space on the property of 43 Queensbury Drive, PID 30095319.

Mr. Hicks confirmed that this was for a hobby only as he recently retired and wants to have a workshop, a place to put his tools and a place he can insulate so it is comfortable to work in for his new hobby.

No one attended to speak for or against this item.

Moved By John Groden

Seconded By Kendall Mason

That the PAC approve the size variance of twenty-one decimal six (21.6) square metres for the construction of a seven decimal three (7.3) metre by six decimal one (6.1) metre accessory building to be used as a wood working hobby space on the property of 43 Queensbury Drive, PID 30095319, subject to the following terms and conditions:

1. The exterior finish of the garage is to be a cladding recognized by the National Building Code of Canada, current adopted edition; and
2. The accessory building is not to be used for the operation of a business, for living quarters or for the keeping of animals.

Motion Carried

7.3 281 Hampton Road - Clarification of Notice of Decision

The Municipal Planning Officer asked the PAC for clarification on the Notice of Decision for the Business of Pinnacle Painting located at 281 Hampton Road, PID 30082606, that was approved at the January 8, 2019 PAC Meeting. The Town's Legal Advisor stated that the wording of the approval must be clear if it was for a Similar or Compatible Use, clarifying "Similar To..." or "Compatible With..." as per the Community Planning Act, Section 55 - Variances from zoning by-law:

55(1) Subject to the terms and conditions it considers fit, the advisory committee or regional service commission may permit:

- (a) a proposed use of land or a building that is otherwise not permitted under the zoning by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the by-law for the zone in which the land or building is situated, or
- (b) a reasonable variance from the requirements referred to in paragraph 53(2)(a) of a zoning by-law if it is of the opinion that the variance is desirable for the development of a parcel of land or a building or structure

and is in keeping with the general intent of the by-law and any plan under this Act affecting the development.

The Town's Legal Advisor also noted that if approval is granted for a home business, as being a Similar To or Compatible With a Permitted Use in the Zone, then a Zoning Change would not be required. If the intention was to have the property rezoned to a zone suitable for a commercial business, such as Neighbourhood Commercial, then the approval should have been clarified as a Temporary Use until such time as the rezoning was to commence. The Developer's Agreement has been on hold until these items have been clarified since the Notice of Decision is part of the Agreement.

At 7:25 p.m. when this agenda item was introduced, there was no one in attendance to represent Pinnacle Painting.

The PAC Members discussed the difference between approvals for a Similar To, Compatible With, and a Temporary Use with respect to this application and previous approval. It was determined that this application needs to be reviewed with legal department to answer some of the following:

- 1) Does the PAC only determine the clarification of the previous approval for Pinnacle Painting and then let the Town deal with the addition to this business, the addition of a third business on the property plus the concern for parking on the street and any other by-law enforcement issue?
- 2) If the PAC clarifies the previous approval to a Similar To, or Compatible With, and the condition of Rezoning is removed, how does the Town ensure the business does not get too big for the property that it is located on? The reasoning behind this rezoning condition was due to the concern for the size being over a Home Business already and the intention of the owner to grow the business. The owner, Mr. Lively, was asked at the PAC Meeting of January 8, 2019, when he would consider moving his business to a Commercial location and he stated that he would move when the business was twice the size of the size at that time. Indications with parking and images on his Facebook indicate the business is already over the approved limit.
- 3) If the approval was for the business of Pinnacle Painting but the business is now advertising as Pinnacle Painting and Renovations, does this make the approval null and void? On January 8, 2019, the PAC set the condition of approval that no other business was to operate out of this address. On January 9, 2019, the owners reported on Facebook that they were going into the Renovation Business. The Town does not have a date of when the third business of massage therapy began operating out of the main dwelling.
- 4) Would the PAC approval for Pinnacle Painting include the addition of the renovations portion of Pinnacle Painting & Renovations without further review and approval?

- 5) If the approval cannot include the renovations portion of the business, does the applicant return to PAC for approval for two businesses in one location?
- 6) If the previous approval, once clarified, includes Pinnacle Painting & Renovations, can they continue at this location if they do not exceed the conditions of the approval or conditions pertaining to one home business as per the Zoning By-law 038 Section 6.(K)(2)(l)?
- 7) If the conditions of the approval are exceeded or if the second or third business is not approved and continues to operate at the location, how does the Town enforce the infractions and are they subject to the Fines of \$140 per day for breach of the by-law?
- 8) If the PAC clarifies the approval was to be a Temporary Use until the property owner starts the process for rezoning...
 - a. How long would a Temporary Use be in effect? Would this be one (1) year from the approval of January 08, 2019 or from the date the approval wording is amended?
 - b. What happens to the residential use of the main dwelling?
 - c. Can the property have a dwelling and a business on any type of commercial zone?
- 9) With regards to the parking on the street, can the Kennebecasis Regional Police Force ticket and tow any vehicles parked on the road prior to winter parking bands?
- 10) As the applicant was given notice of the first scheduled meeting and asked to reschedule, then did not show or send word of attendance to this meeting, what does the PAC do if there is no representation at the next meeting?

The PAC Members would like to meet with legal counsel to seek answers and information before the next meeting with the applicant for Pinnacle Painting. The PAC Secretary is to coordinate a conference call or a meeting and communicate with all parties.

Moved By Brent Preston

Seconded By Kendall Mason

To table the clarification of the wording of the previous approval of January 8, 2019 for Pinnacle Painting to operate from the property of 281 Hampton Road, PID 30082606, until the PAC Members speak to Legal Counsel for advice. And to table the by-law infractions review of this property with respect to the previous approval until the next meeting of November 26, 2019 due to lack of representation of Pinnacle Painting at this meeting, or until after PAC has the opportunity to speak with the legal department. The PAC Secretary is to confirm with the applicant on the date of the scheduled meeting.

Motion Carried

8. Information Items and/or Discussion

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Moved By Kendall Mason

Seconded By John Groden

That the Information Items be received and filed.

Motion Carried

9. Adjournment

Moved By Marc Gosselin

Meeting adjourned at 8:10 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY