

**PLANNING ADVISORY COMMITTEE**  
**MINUTES – June 9, 2015**

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on Tuesday, June 9, 2015 at 7:00 p.m.

In attendance:     Bob McLaughlin  
                             David Carlson  
                             Darren Bishop  
                             Jean Place  
                             Mark Hatfield  
                             Violet Brown, Secretary  
                             Pierre Rioux, Councillor  
                             S. Dwight Colbourne, P.Eng, Municipal Planning Officer

Absent:                 Darin Lamont  
                             Marc Gosselin

**1. Call to Order**

Bob MacLaughlin called the meeting to order at 7:00 p.m.

**2. Approval of the Agenda**

MOVED BY:             Mark Hatfield  
SECONDED BY:         Darren Bishop

CARRIED UNANIMOUSLY

**3. Disclosure of Interest on Agenda Items**

None

**4. Review of Previous Meeting Minutes**

MOVED BY:             Darren Bishop  
SECONDED BY:         Pierre Rioux

*That the Minutes of the May 26, 2015 PAC meeting be received and filed.*

CARRIED UNANIMOUSLY

**5. Business Arising from Minutes**

<i>Notice of Decision</i>	<i>By-Law Section</i>	<i>Address</i>
Foundation Elevation Variance	By-law #038 Section 6.(F)(1)	43 Sky View Terrace
Temporary Use Variance	By-law #038 Section 3.(B)(1)	Gondola Point Arterial (Rte 119)
Tentative Fernwood Park Subdivision Phase 1	By-law # 035	Nightingale Lane, Oriole Lane, Meadowlark Drive

MOVED BY: Mark Hatfield

SECONDED BY: David Carlson

*That the Notices of Decision be received and filed.*

CARRIED UNANIMOUSLY

**6. Unfinished Business**

None

**7. New Business**

#	<i>Variance Requested</i>	<i>By-Law Section</i>	<i>Address</i>
a)	Accessory Building in front of Main Dwelling	By-Law #038, Section 25.(O)(1)(a)(i)	137 Hammond River Road
b)	Oversized Detached Garage	By-Law #038, Section 8.(G)(1)(c)	19 Westminster Drive
c)	Front Yard Setback for Extension of Attached Garage	By-Law #038, Section 8.(E)(1)(a)	69 Stock Farm Road
d)	Fascia Sign Size Variance – Good Life Fitness Centre	By-Law #036, Section 13.A.(1)a.(i)	175 Hampton Road (strip mall bldg)
e)	Home Based Business – Hair Salon	By-Law #038, Section 6.(K)	30 Sunset Drive

**a) Accessory Building in front of Main Dwelling – 137 Hammond River Road, PID # 230722**

Ms. Sharon Giffin attended seeking approval from Zoning By-law No. 038 Section 25.(O)(1)(a)(i) for the placement of an accessory building beyond the frontline of the main dwelling. The initial variance application requested two variances (with notification sent to residents within 100 metres of the property) including a variance for an accessory building to be constructed prior to the main dwelling. This accessory building was intended for the purpose of locating temporary power on the site for construction of the main dwelling, for storage of construction tools and with the future intention of use for garbage cans and other equipment required at roadside. As the lot is larger than 5,000 square metres, the placement of an accessory building prior to a main dwelling does not require a variance.

The lot is approximately six (6) hectares and located in a Rural (RU) Zone. The accessory building is located such that the placement is in the frontline of the main dwelling. The accessory building is 17.62 metres from the front yard line (that of the Hammond River Road)

and is 12.19 metres from the side yard line (that of the old Lamb's Ferry Road) and will be approximately 25.6m away from the main dwelling. The size of the accessory building is 6.1m (20ft) x 3.66m (12ft) and is compliant with Zoning By-law for a Rural (RU) lot that exceeds 5,000 square metres.

Notification was sent to property owners within 100 metres of the property and several correspondences were received questioning the old previously named Lambs Ferry Road which is used to access their property. Ms. Roy of 145 Hammond River Road uses the road as their driveway and Mr. MacDonald states the Lambs Ferry Road was at one time designated as an access route to his property currently labeled with a civic address of 20 Kelcratis Avenue on Service New Brunswick. The Town has not received conclusive information on the rights over passage what was once called the Lamb's Ferry Road. However, this information or lack thereof, should not affect the application before the PAC. Furthermore, it is an accessory structure and relocation if required is very feasible. Any discrepancies, concerns or declarations of ownership of this strip of land is the responsibilities of the parties claiming ownership.

The request that is before the PAC does not generate any concerns with respect to the proposed location, use or the overall construction of the accessory building. There was no one attending the meeting that spoke for or against this application.

MOVED BY: Jean Place  
SECONDED BY: Mark Hatfield

*That the PAC approve the accessory building to be located beyond the frontline of the main dwelling as per Zoning By-law No. 038 Section 25.(O)(1)(a)(i) at 137 Hammond River Road – PID 230722.*

CARRIED UNANIMOUSLY

**b) Oversized Detached Garage – 19 Westminster Drive, PID # 00139568**

Mr. John Smith attended seeking approval for a fourteen decimal three (14.3) square metre area variance to construct an oversized detached garage at 19 Westminster Drive, PID 00139568. Mr. Smith is requesting to build 9.7m x 7.9m (26ft x 32ft) equaling 77.3m<sup>2</sup> (832sf). The lot is located in a Single or Two Family Dwelling (R1 Zone), with a lot size of 1422 square meters. The lot has the required frontage for a second driveway and Mr. Smith has already been communicated with the Town's Works Department for a second culvert. The applicant has submitted a site plan which shows that all setback requirements will be met. The intended use of the garage is for storage and everyday vehicles. With the addition of this accessory building the property will have less than the maximum 10% of total building area of all accessory buildings.

Some of the concerns addressed by building inspection department was the basement door located on the right side of the house where the garage will be located. A detailed drainage plan would need to be submitted and approved to ensure that surface runoff is directed away from the house. Also, due to the size of the garage there will be an increase of surface drainage over the remainder of the property and a detailed site plan needs to be provided to ensure that not only it is being kept away from the main building; but additionally that it is not being dispersed onto neighboring properties. Notice was sent to property owners within 100

metres of property; no concerns have been received. No other persons spoke for or against this application.

MOVED BY: Mark Hatfield

SECONDED BY: Jean Place

*That the PAC grant the approval for a fourteen decimal three square metre (14.3sqm) area variance to construct an oversized detached garage, that of 9.7m x 7.9m (26ft x 32ft), at 19 Westminster Drive, PID 00139568, subject to the following conditions:*

- 1. The Detailed Site Plan include geodetic elevations of the garage and finished grade in the surrounding areas of the garage must be submitted and approved by the Building Inspection Department;*
- 2. The exterior finish of the garage is to be a cladding recognized by the National Building Code of Canada, current adopted edition; and*
- 3. The building is not to be used for commercial or business purposes, or for the keeping of livestock or as a dwelling unit.*

CARRIED UNANIMOUSLY

**c) Front Yard Setback for Extension of Attached Garage – 69 Stock Farm Road, PID # 30019699**

Mr. Gerald MacMillan attended requesting a front yard setback variance of two decimal seventy-one meters (2.71m) for an addition to an existing attached garage at 69 Stock Farm Road, PID 30019699. It was noted that the public notice stated, in error, that the variance was three (3) feet. The lot is located in a Rural (RU) Zone, with a lot size of 6,340 square meters. The increased setback for arterial highways is to allow for the possibility of road widening, installation of sidewalks and/or curb and gutter

Many of the buildings in the area do comply with the minimum setback requirements, however; on this side of the road there are already buildings that are encroaching much further into the minimum setback than what the applicant is requesting. The adjacent property has a detached garage located 10 meters from the right of way, further up the street there are two dwellings that are only 8.4 meters and 6.82 meters from the right of way. Ultimately, an encroachment of this distance would not infringe on the possibility of infrastructure improvement in the future, but would reduce the amount of buffer space between the building and the road. Further projection into the front yard may at some point result in less than a standard buffer between the building and the public right of way.

Notice sent to property owners within 50 metres of property; with no concerns received.

MOVED BY: Hark Hatfield

SECONDED BY: Darren Bishop

*That PAC approves the front yard setback variance of two decimal seventy-one meters (2.71m) for an addition to an existing attached garage at 69 Stock Farm Road, PID 30019699 subject to the following conditions:*

- 1) A building permit must be issued within one (1) year from the date of approval of this variance;*
- 2) A final inspection must be completed before the building permit expires; and*

- 3) *The garage must be cladded with a siding recognized by the National Building Code of Canada, current edition.*

CARRIED UNANIMOUSLY

**d) Fascia Sign Size Variance – Good Life Fitness Centre – 175 Hampton Road**

MOVED BY: Pierre Rioux  
SECONDED BY: Mark Hatfield

*That the PAC move this agenda item to the end of the meeting to see if any applicants attend.*

CARRIED UNANIMOUSLY

At 7:25pm when all other agenda items were reviewed, there were no applicants in attendance for this application.

MOVED BY: Pierre Rioux  
SECONDED BY: Mark Hatfield

*That the PAC table this agenda item until applicants attend a PAC meeting or further information is obtained on their decision to apply for this variance.*

CARRIED UNANIMOUSLY

**e) Home Based Business – Hair Salon – 30 Sunset Drive, PID # 30147573**

Kevin & Colleen Vautour attended requesting approval of a three decimal seven (3.7) square metre area variance and approval for a Beauty Salon Home Occupation at 30 Sunset Drive, PID 30147573. The applicant is proposing to build a 16ft x 24ft (384sq. ft.) addition on the existing home to be used for a beauty salon. This is approximately the size of a small attached garage. When we consider home occupations that propose the construction of additions to main dwelling for the purpose of the secondary use it is reasonable to consider if the addition can be easily incorporated back into the primary residential use of the main dwelling. In this case the applicant has indicated at the time the business is no longer operating, the addition will be converted into a garage with appropriate entrance into the main dwelling.

The addition will include a washroom as per Cosmetology Association requirements; however, the applicant has indicated the washroom could be removed should the space be converted to a garage. The dwelling is two-storey, forty feet by twenty-eight feet, offering 1120 sq. ft. per level, is connected to the Town's sewer and has their own individual well for water. The applicant is the proprietor and is a part time nurse and mother of four children. She is proposing part time hours to begin with a maximum of one other staff member as the business grows. The salon is proposing to be open Tuesday through Saturday by appointment only. There will be a proposed sign on the dwelling which must meet the Town's Sign By-law. The property has a U-shaped driveway plus an extension running parallel to the dwelling which offers approximately 140 feet of space for parking. As such off-street parking should not be an issue and furthermore the business will operate by appointment with a maximum

Notice was sent to residents within 100 metres of the property; one concern was received for increased traffic and increased water usage with the added concern that other businesses will follow. The Town staff has no concerns and stated that generally the property has the ability

to support the proposed used and in terms of business scale it will be a smaller scale operation.

MOVED BY: Pierre Rioux  
SECONDED BY: Jean Place

That the PAC approve of a three decimal seven (3.7) square metre area variance from Section from 6K(2)(d) of the Zoning By-law #038 and grant approval for a Beauty Salon Home Occupation at 30 Sunset Drive, PID 30147573 subject to the following conditions:

- 1) *It shall be secondary to the main residential use of the dwelling;*
- 2) *Not more than one person is engaged therein in addition to any permanent resident of the dwelling unit in which it is located;*
- 3) *It is confined to the dwelling unit and no part of it is located in an accessory building or structure;*
- 4) *No change, except for a sign, pursuant to the Town's Sign By-law is made in the outside appearance of the building which would indicate that a home occupation is being conducted therein;*
- 5) *No goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;*
- 6) *No equipment or material used therein is stored other than in the dwelling unit;*
- 7) *Not more than one (1) commercial vehicle used in connection therewith, or not more than one (1) vehicle of any kind bearing a sign in connection therewith is parked on the lot.*
- 8) *The operation is restricted to the hours as proposed;*
- 9) *The business space be converted to a garage at such time as the business is no longer in operation unless otherwise approved the PAC and*
- 10) *The PAC approval to operate the business is non-transferable. The approval is solely for the benefit of the property owner named herein. In the event the hair salon is discontinued or the lands are transferred, the said approvals shall terminate.*

## 8. Information Items

None

## 9. Adjournment

MOVED BY: David Carlson

*That the meeting be adjourned.*

The Planning Advisory Committee meeting was adjourned at 7:26 p.m.

The next Planning Advisory Committee meeting is scheduled for June 23, 2015.

Respectfully Submitted,

  
CHAIRMAN  
SECRETARY