

PLANNING ADVISORY COMMITTEE
MINUTES – October 14, 2014

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on Tuesday, October 14, 2014 at 7:00 p.m.

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

Absent:

1. Call to Order

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

2. Approval of the Agenda

MOVED BY: David Carlson
SECONDED BY: Mark Hatfield

That the agenda be approved.

CARRIED UNANIMOUSLY

3. Disclosure of Interest on Agenda Items

Mark Hatfield – Item 6.a) -- Unfinished Business. Mark is representing the applicant.
Mark Hatfield – Item 7.a) – 15 Elliott Road. Mark is the applicant.

4. Review of Previous Meeting Minutes

MOVED BY: Darin Lamont
SECONDED BY: Mark Hatfield

That the Minutes of the September 23, 2014 PAC meeting be approved.

CARRIED UNANIMOUSLY

5. Business Arising from Minutes

<i>Notice of Decision</i>	<i>By-Law Section</i>	<i>Address</i>
Waterfront Development	PAC Review only	16 Forrester’s Road
Shed beyond frontline of dwelling	By-law #038 Section 8.(G)(2)(b)(iii)	2 Vegas Drive

MOVED BY: Darin Lamont
 SECONDED BY: Mark Hatfield

That the Notices of Decision be received and filed.

CARRIED UNANIMOUSLY

Mr. Mark Hatfield stepped down from the Committee at 7:01 p.m.

6. Unfinished Business

a) 112 Doncaster Drive Attached Garage *(Tabled from September 9, 2014 PAC Meeting)*

Mr. Mark Hatfield represented this application of 112 Doncaster Drive and presented a new survey completed by Mr. Gerry Roberts of Kierstead, Quigley and Roberts Ltd., which showed the house to be 6.24 metres from the property line at the front of the proposed garage and 5.52 metres at the back. The 5.03 metre garage (16 foot plus 6 inch over hanging eaves) will require a variance on the front corner of 1.8 metres and the back corner of 2.5 metres. This would locate the garage, including the eaves, at approximately four feet from the property line at the front and two feet from the property line at the rear of the garage.

Mr. Hatfield informed the PAC that the hedge is approximately six feet wide and the root structure would not be impacted during the process of digging for the foundation of the garage nor in the construction of the garage. The drainage was noted to be forward flowing into the swale and that the hedge would be out of the way of this.

It was noted that the property has a slope to the rear and therefore not conducive as placement of the garage in any other location and that the garage will be situated so that it is three times the distance required from dwelling to dwelling. It was asked if the garage could be smaller or moved forward and noted that a sixteen foot wide garage is already small and bringing the garage forward would require a front yard variance.

There were no concerns received from the residents notified within 50 metres and no one speaking against this application.

Mr. Colbourne suggested that the PAC Secretary contact the property owner at 114 Doncaster in writing to notify them of the updated variance of the adjoining property to see if there are objections. Once communication was received from the neighbor, the PAC members could then be polled for their final approval of the variance.

MOVED BY: Darren Bishop
 SECONDED BY: Darin Lamont

That the PAC approve the construction of a sixteen foot wide by twenty foot deep attached garage to be constructed at 112 Doncaster Drive at the end of the driveway whereas it will be approximately four feet from the property line at the front and just under two feet to the property line at the back, subject to the following conditions:

- 1) *The owner(s) of the adjoining property (114 Doncaster Drive) be notified in writing of the updated distances of 6.24 metres and 5.52 metres from the house to the property line and the new variances required of 1.8 and 2.5 metres to inquire on any concerns or objections;*
- 2) *If no objections are received from the owner(s) of the adjoining property (114 Doncaster Drive), a survey by phone or email is conducted with the PAC members to obtain their final vote;*
- 3) *The exterior finish of the garage is to be a cladding recognized by the National Building Code of Canada, current adopted edition;*
- 4) *The building is not to be used for business purposes or for the keeping of livestock or as a dwelling; and*
- 5) *The building is to be completed, including the exterior finish, within the one year time frame as per the National Building Code of Canada, current adopted edition.*

CARRIED UNANIMOUSLY

Mr. Mark Hatfield stepped back up to the Committee at 7:18 p.m.

b) Home Business - Dog Grooming / Boarding - 21 Vincent Road *(Tabled from September 23, 2014 PAC Meeting)*

The applicant notified the PAC Secretary that they are looking at other options and would like to postpone their variance application. Notice will be sent in when they are ready to proceed or cancel.

7. New Business

#	Variance Requested	By-Law Section	Address
a)	Stripping of Soils	By-law #038 Section 6.(U)(2)	15 Elliot Road
b)	Detached Garage within 10 feet of Main Dwelling	By-law #038 Section 8.(G)(1)(b)(iii)	6 Colt Drive
c)	Detached Garage beyond frontline of Main Dwelling	By-law #038 Section 25.(O)(1)(a)(i)	24 Hedley Lane
d)	Oversize Detached Garage	By-law #038 Section 8.(G)(1)(c)	22 Vegas Drive
e)	Attached Garage Front Yard Setback (Within Easement) and Waterfront Development	By-Law #038 Section 8.(G)(1)(b)	607 Gondola Point Road

Mr. Mark Hatfield stepped down from the Committee at 7:18 p.m.

a) Stripping of Soils – 15 Elliot Road

Mr. Mark Hatfield attended requesting approval for stripping and excavation of soils for future development at 15 Elliot Road. Mr. Hatfield noted his intention was to clear the land as far back as to match the adjoining property lot where the buildings and pavement are situated.

It was recognized that the adjoining property, which also belongs to Mr. Hatfield, are kept in a clean and tidy condition and reflects the expectations of 15 Elliott Road once cleared.

There were no questions from the PAC Members, no concerns received and no one speaking against this application.

MOVED BY: Marc Gosselin

SECONDED BY: David Carlson

That the PAC grant approval for site preparation for future development at 15 Elliot Road allowing the excavation and removal of soils therefrom subject to the following conditions:

- 1) The issuance an Excavation Permit in accordance with the Gravel Pit By-law, including submission of a detail site plan showing the limits of the proposed future expansion and development (including buffers, excavation elevations, building and parking lot locations);*
- 2) The Developer and their contractors shall provide for and maintain dust control at all times of the soil removal;*
- 3) The Developer and their contractors shall take all necessary precautions to prevent the depositing of mud or debris on public or private roadways adjacent to the work site, and roadways accessing off-site areas used for disposal of excess materials;*
- 4) Notification to the Department of Environment and compliance with any terms and conditions as established by them;*
- 5) Installation of sufficient soil erosion measures to prevent deposit of soils into any streams or watercourses or wetlands leading to the Hammond River watershed;*
- 6) The remaining earth is landscaped securely so as to not create future erosion concerns;*
- 7) No importing of materials or equipment for storage on the site as it relates to any business or commercial activity;*
- 8) The Developer and their contractors perform the work in conformity with all municipal By-laws with respect to noise, hours of work, night work, and holiday work;*
- 9) Existing road surfaces are to be protected during all construction activities to ensure damage is kept to an absolute minimum and of a minor nature. Any areas receiving gouges, scratches, chips, scraping, indentations or other damage, to an extent that, in the opinion of the Town Engineer, detracts from their appearance or would cause a premature deterioration or failure of the asphalt or base, will require a general seal overlay of the entire block. The Developer, at no cost to the Town, shall provide this seal;*
- 10) It is the responsibility of the Developer and their contractors to locate all underground and above ground utility structures. The Developer shall be responsible to contact the appropriate representative or authority (e.g., Town, New Brunswick Power Commission, Aliant, etc.) to notify them prior to commencing any work;*
- 11) Unless a disposal site is designated, all excess materials found upon or excavated from the work site shall become the property of the Developer and shall be disposed of in accordance with all Federal, Provincial and Municipal regulations, including the acquisition of permits and disposal approvals;*
- 12) The work shall be done in a manner that creates the least interference with traffic, consistent with safe performance of the work;*
- 13) Any approvals for as they related to this application and the development of the property are non-transferable and limited to the property owner at the time of PAC approval;*

- 14) Any proposed blasting must be approved by the Town and with proper notification to the Town twenty-four hours in advance; and
- 15) Any future development is subject to the Town's Zoning By-laws and may be subject to further approval. This soil stripping approval does not include future development of the property.

CARRIED UNANIMOUSLY

Mr. Mark Hatfield stepped back up to the Committee at 7:24 p.m.

b) Detached Garage within 10 feet of Main Dwelling – 6 Colt Drive

Ms. Jessica Chico attended seeking approval to construct a twenty-two by twenty-four foot detached garage that is to be located such that it is six feet, six inches (1.98m) away from the main dwelling, which is three feet, four inches (1.02m) less than the minimum requirement of 3.0 meters. Although the property is in the Rural (RU) zone, the lot contains a total area of less than 5,000 square metres as such the provision of Section 8.(G)(1) of the Zoning By-law are applicable.

It was acknowledged that the foundation was already in place due to the fact that the property owners are new home owners and did not know they required a building permit for the foundation portion of the construction. Ms. Chico's fiancée works out west and was not home when the foundation was put in place. When the carpenter was called to start construction, he informed them that they required a permit which notified the Town that the foundation was too close to the dwelling. Ms. Chico stated that the foundation contractor thought the garage needed to be six feet (6') from the main dwelling, not ten feet (10') as the By-law #038 states Section 8.(G)(1)(b)(iii).

It was noted that the property already has two accessory buildings and neither is on record with the Town therefore no building permits were issued. Also, the accessory building in the front yard did not obtain a variance for being beyond the front line of the main dwelling. Ms. Chico stated that the sheds were in place when they purchased the property and they would like to keep them both but are willing to move the one that is out front if the Town requires it.

Mr. Dwight Colbourne made comment on variance requests and how they are set up for situations where there is usually no other alternative. On the lot of 6 Colt Drive, there is sufficient room to locate the detached garage further to the rear of the property in order to be in compliance with the By-law #038 Section 8.(G)(1)(b)(iii). The accessory building that is behind where the garage is proposed could have been moved to accommodate the garage location. If the applicants applied for the required permits for the garage before construction began, the Building Inspector would have informed them of the By-laws and Building Codes. The cost to remove the foundation and start from scratch was recognized as being thousands of dollars. It was noted that the detached garage is not directly at the side of the house but situated so that the corner is six feet six inches from the corner of the main dwelling which doesn't create as much concern for fire safety as it would if side by side. Options were suggested on different ways to protect the home from fire hazards which included an inexpensive metal sheeting that would go under the outer finish of the garage.

Notice was sent to residents within fifty metres and there were no concerns or objections received. No one attended to speak against the application.

MOVED BY: Mark Hatfield
SECONDED BY: Darren Bishop

That the Planning Advisory Committee grant the variance of one decimal zero two metres (1.02m) so that the detached garage can be constructed six feet six inches (6' 6") from the main dwelling subject to the following conditions:

- 1) The garage construction includes sheet metal under the exterior finish for the first ten feet (10') of the side of the garage nearest the main dwelling and five feet (5') across the front of the garage nearest the main dwelling;*
- 2) There are no windows or doors with windows for the first twelve feet (12') from the main dwelling on the side facing the main dwelling;*
- 3) The building is to be completed, including the exterior finish, within the one year time frame;*
- 4) The exterior finish of the garage is to be a cladding recognized by the National Building Code of Canada, current adopted edition;*
- 5) The building is not to be used for business purposes or for the keeping of livestock, or be used as a dwelling unit; and*
- 6) The property owners apply for a variance for the shed that sits beyond the front line of the main dwelling or move it behind the front line of the main dwelling.*

CARRIED UNANIMOUSLY

c) Detached Garage Beyond Frontline of Main Dwelling – 24 Hedley Lane

Mr Robert Dekany attending seeking approval to construct a 9.75 metre (32') x 9.14 metre (30') detached garage with a height of 5.18 metres (17') to be located such that the placement of the building on an angle to the main dwelling will result in a portion of the garage projecting beyond its frontline.

The garage will be 9.14 metres (30') from the corner of the main dwelling and from the side yard property line, and approximately 88.39 metres (290') from waterfront property line, as such setbacks are in compliance with the Zoning By-law. As there is approximately 9.14 metres (30') along the left side yard between the main dwelling and the property line, there is not sufficient room for the possible location of the garage, thus making the right side the preferred location. The size of the proposed detached garage and the height are compliant with Zoning By-law for a Rural (RU) lot that exceeds 5,000 square metres.

No one attended speaking against the construction and no concerns were received from the notice sent to the residents within fifty metres of the property.

MOVED BY: Darin Lamont
SECONDED BY: Marc Gosselin

That the PAC grant the variance to build the 9.75 metre by 9.14 metre (32' x 30') detached garage at 24 Hedley Lane such that the placement of the building will result in a portion of the garage projecting beyond its frontline subject to the following conditions:

- 1) The exterior finish of the garage is to be a cladding recognized by the National Building Code of Canada, current adopted edition;*

- 2) *The building is not to be used for business purposes or for the keeping of livestock, or be used as a dwelling unit;*
- 3) *The location of the building is confirmed by the Building Inspection department prior to construction; and*
- 4) *The building is to be completed, including the exterior finish, within the one year time frame.*

CARRIED UNANIMOUSLY

d) Over Size Detached Garage – 22 Vegas Drive

Mr. Richard Smith and his builder Mr. Barry Thompson attended seeking approval to construct a twenty-six by thirty foot (26'x30' / 780sqft / 72.46sqm) detached garage at 22 Vegas Drive. The lot is located in the Single or Two Family Dwelling (R1) zone containing a total lot area of 1140 square metres and as such, Section 8(G) of the Zoning By-law is applicable with respect to the construction of accessory buildings.

The overall height of the garage is sixteen feet which is the maximum permitted in By-law No. 038, section 8.(G)(1)(a). With approximately six metres (20ft) to the rear lot line and two decimal four metres (8ft) to the closest side yard property line, all other setbacks are in compliance with the By-law requirements.

The submitted site plan shows a deck and stairs that are within the three metres of the structure from the house. The property owner has stated that part of the existing deck will be removed and the stairs will be relocated to the opposite end of the deck to ensure that the garage is ten feet from the main dwelling.

There is a treed buffer remaining between the detached garage and the adjoining property which will reduce the visibility level of the slightly oversize garage may have. As well, the garage is setback behind the house which will mitigate impact on the street view.

The intended use of the garage is for storage and everyday vehicles.

Notice sent to residents within 100 metres of the property; no concerns or objections received. It was asked at the meeting if the property held any covenants on the deed to prohibit detached garages. Mr. Smith stated uncertainty but would confirm with his lawyer the following day.

MOVED BY: David Carlson

SECONDED BY: Darin Lamont

That the PAC grant the variance of 102 square feet (9.47sqm) in order to construct a 26' x 30' (780sqft / 72.46sqm) detached garage at the location of 22 Vegas Drive subject to the following conditions:

- 1) *The exterior finish of the garage is to be a cladding recognized by the National Building Code of Canada, current adopted edition;*
- 2) *The building is not to be used for commercial or business purposes, or for the keeping of livestock or as a dwelling unit;*
- 3) *The existing deck and stairway are to be reconfigured to provide the 3.0 metre building separation;*
- 4) *The location of the building is confirmed by the Building Inspection department prior to*

construction; and

- 5) *The deed is researched to confirm there are no covenants that prohibit the construction of detached garages in the subdivision where 22 Vegas is located.*

CARRIED UNANIMOUSLY

e) Attached Garage within Front Municipal Easement plus Waterfront Development – 607 Gondola Point Road

Mr. David Melia attended requesting approval to demolish a detached garage and build an attached garage with a joining porch and hallway adding a bedroom above the new garage at 607 Gondola Point Road whereas it would sit 1.0 metres into the encroachment of the municipal right-of-way.

The PAC members recognized that the design package had several changes. It was reviewed that the public notice that was sent out stated that the applicant would require a one decimal zero (1.0) metre encroachment into the municipal right-of-way. It was proposed that the construction would match the existing building footprint and that in order to obtain a building permit, a front yard setback variance of four decimal six four metre (4.64m / 15.2 foot) is required from Zoning By-law No. 038. Section 8E(1)(a). However, a setback indicates the construction is within the property lines but not within the requirements of the current By-law so this setback variance was noted incorrectly.

Further details were received after notice was sent to the public that changes the variances requested. The front yard setback variance needs to be corrected and adjusted to include the distance that encroaches onto the Municipal Right-of-Way. The requirement is 15 metres if the lot fronts a collector road or highway such as Gondola Point Road not 7.5 metres as written in the notice, and the corner of the house where the proposed garage is to sit encroaches onto the Right-of-Way by 1.35 metres. The original site plan showed the garage sitting 5.85 metres from the property line but further review shows the applicant would require a side yard setback of one (1) metre as the existing garage sits between 1.95 and 2.0 metres from the property lines.

As a follow-up to the public notice, the Town received concern for the height of the proposed attached garage and adjoining rooms plus second floor as this could create shadows on the solar panels of the property that abuts 607 Gondola Point Road on the garage side. The solar panels are a heat source for the concerned parties' household. Since Mr. Melia became aware of this concern, adjustments were made and new design drawings were delivered to the PAC on the day of the meeting, October 14, 2014. This showed the height at approximately twenty-four feet versus the three story view on the original plan.

The original site plan showed the garage and second floor bedroom proposed at 18' 4" plus 8' 4" for the foyer and steps plus a further 12' 8" for a patio/porch equates to 39' 4" or 12 metres. Since the entire depth of the lot on the garage side is that of 18.5 metres, this puts the development fully within 30 metres of a waterfront and as such requires approval from the Department of Environment.

It was noted that the Department of Environment has restrictions on dates when work can be done within the thirty metres and that Mr. Melia may already be too late this year. His intention was to demolish the detached garage this year in hopes that his well would be

located; it is suspected that the well is located under the garage. It was stated by the PAC Secretary that Mr. Melia was advised not to demolish the existing detached garage until he was given a decision on whether or not he could rebuild. As new construction in the Town must abide by the current By-laws, Mr. Melia was informed that once the garage is demolished, the easement in which the property was granted in 1997 would be null and void, therefore, a replacement garage may not be permitted to be constructed on the same footprint. The easement was reviewed by the PAC as stating it exists “so long and until no major renovations are made to the buildings and improvements or until the portion of the buildings and improvements which encroach are destroyed or removed or otherwise cease to encroach thereon, whereupon this easement and all rights incidental hereto shall terminate”.

Mr. Melia stated that he is willing to revert to the second plan drawn which showed the garage stepped back about eight feet from the front line of the main dwelling with the attaching portion of the construction built on an angle from the corner of the existing house to the setback portion of the garage. The porch section was reviewed with regards to the measurements and it was noted by Mr. Melia that the final design would keep the measurements, including all projections, in line with the front of the house and not any further into the municipal right-of-way.

MOVED BY: Darin Lamont
 SECONDED BY: Darren Bishop

That the PAC table the decision until the next meeting to allow for a second public notice to be sent out with the accurate measurements of the setback variances required. Documents required before the next meeting include proper drawings without the porch extending into the municipal right-of-way and no further changes to the setbacks unless they were being decreased. Also required is documentation from the Department of Environment granting permission to construct within the thirty meter of the watercourse on the property.

CARRIED UNANIMOUSLY

8. Information Items

None

9. Adjournment

MOVED BY: David Carlson

That the meeting be adjourned.

The Planning Advisory Committee meeting was adjourned at 8:18 p.m.
 The next Planning Advisory Committee meeting is scheduled for October 28, 2014.

Respectfully Submitted,


 CHAIRMAN


 SECRETARY