

**PLANNING ADVISORY COMMITTEE  
MINUTES OF REGULAR MEETING  
April 21, 2010**

The Planning Advisory Committee met in the Council Chambers with the following attendance:

Present: Chris Flemming (Chair), Mike Craig, Roger McNabb, Cyndy Parker, Dareth Thorne, Paul Carson, Eric Drake and Jill Stewart.

Also present was the Development Officer, Tim Henderson, and Office Administrator, Joyce Thompson.

**1. Call to Order**

Chairman Chris Flemming called the meeting to order at 7:00 p.m.

**2. Declarations of Conflict of Interest, if any**

Paul Carson declared a conflict with respect to item 8.1, an application from Paul and Barb Carson for a variance to permit the use of their auxiliary building as an apartment and a home-based business.

**3. Additions to and/or approval of Agenda**

It was moved by Cyndy Parker, seconded by Dareth Thorne and carried to approve the April 21<sup>st</sup>, 2010 Agenda as presented.

**4. Confirmation of Minutes**

It was moved by Eric Drake, seconded by Paul Carson and carried to approve the previous committee minutes (February 17<sup>th</sup>, 2010).

**5. Business Arising from the Minutes**

None

**6. Presentations / Delegations**

None

**7. Zoning Applications**

7.1. School District 10 (VMES) – 242 Carleton Street, an application to rezone a newly acquired lot from a Residential to an Institutional Land Use Classification

The VMES now owns the 242 Carleton Street property which is zoned Residential and must be the same zoning as the school which is Institutional. This process requires Amendments to the Municipal Plan and Zoning Bylaws to allow for the change in land use classifications. The Planning Advisory Committee has the opportunity to make comments and/or recommendations to be considered for conditions of the proposed Zoning Bylaw Amendment. The Department of Supply and Service purchased the 242 Carleton Street property to allow for the expansion of the

Vincent Massey Elementary School parking lot. There have been safety concerns with the vehicular, bus and pedestrian traffic on Carleton Street in front of the school for many years. The expanded parking lot will create a separation between the student drop-off area and the buses, which will remedy this situation.

The Committee reviewed the documentation provided which included the Development Officer's Planning Report, application form and accompanying information and pictures, and the polling letter. There were no letters of response from the 100 meter polling area. Carl Carson, the Director of Finance and Administration for District 10 was present and explained to Committee members that they felt the proposed expanded parking lot would be a solution to the ongoing traffic concerns with regards to buses and student drop-offs. The Chairman asked if there were any affected parties who wished to speak to the application and there were none. The Development Officer informed the members that Town staff has had the opportunity to work with the project's architect and they have included the necessary drainage structures to ensure proper storm water management for the parking lot. He noted that the design and landscaping of this property will only enhance the appeal of the neighbourhood and will improve the neighbours' enjoyment of their own properties, and added that all requirements of the Zoning Bylaw's regulations for parking lots have been met and there are no variance requirements for this rezoning process.

It was moved by Roger McNabb, seconded by Cyndy Parker and carried to recommend to Council that approval be granted to School District 10 for the rezoning of the lot at 242 Carleton Street from a Residential to an Institutional Land Use Classification to allow for the expansion of the Vincent Massey Elementary School parking lot, with the condition that cars coming out of the drop-off area be permitted to make a left turn only onto Carleton St.

## **8. Applications for Variances / Approval**

8.1. Paul and Barb Carson – 3 Argyle Court, an application for a variance to permit the use of their auxiliary building as an apartment and a home-based business.

The applicants wish to use the accessory building as a rental apartment and home-based business. A variance has previously been granted for the home-based business use as a beauty salon but the use as an apartment requires approval. The Zoning Bylaw #98-5 definition of an Accessory Building or Structure means a building or structure not used for human habitation which is subordinate to and on the same lot as the main building or use, and the use of which is incidental and complementary to the main use of the land, building, or structure. Mr. & Mrs. Carson obtained an approval in 1989 to operate "Hair with Flair" beauty salon in their then garage. They subsequently obtained a second variance in December of 1995 to operate a second business, a craft shop with a review in one-year condition attached. The craft shop did not continue to operate and the Carsons subsequently converted the craft shop into a bachelor apartment which they rented, off and on, to college students. The Carsons did not realize that they needed a variance for this secondary use and failed to obtain the required approvals.

The Carsons are now selling their home and a prospective buyer would like to be assured that the proper approvals are in place to continue both the commercial and habitation use of the secondary building.

The Committee reviewed the documentation provided which included the Development Officer's Planning Report, application form and accompanying information and pictures, and the polling letter. There were two letters of response from the 100 meter polling area, and both were in favour of the variance request. The applicant was not present and when the Chairman asked if there were any affected parties who wished to speak to the application, there was one. One neighbour wanted to be assured that any future home-based business at this location would have to be a beauty salon. The Committee assured him that this was the case. The Development Officer noted that he does not have an issue with the current commercial and habitation use of the accessory building but is concerned about the future unknown use of the property. The variance granted was for a beauty salon so it should remain as a beauty salon and not be expanded without approval. The request for the apartment cannot consider who the end owner will be so, if approved, the Committee should consider conditions to ensure the neighbour's enjoyment of their own properties. He added that a condition that a fire inspection be carried out by our Fire Chief should also be considered if approved.

It was moved by Eric Drake, seconded by Mike Craig and carried to grant approval to Paul and Barb Carson for a variance to permit the use of their auxiliary building at 3 Argyle Court as an apartment, with the condition that a fire inspection be carried out by the Town's Fire Chief. The applicants already have prior approval to run a beauty salon in this building. Paul Carson declared a conflict of interest.

## **9. Sign Applications**

None

## **10. Subdivision Applications**

10.1. Sharon Ryall and Melanie Ryall-House– 563 Mowat Drive (Tara Manor Inn) , a Tentative Subdivision Plan submission for review and variance approval.

On behalf of Sharon Ryall, Melanie Ryall-House has submitted a Tentative Subdivision Plan to Council for approval. The family is in the process of selling the Tara Manor and would like to subdivide the property into two parcels which would allow them to sell the Tara Manor as a 9 acre lot and retain the second 6.3 acre lot. They would like a variance for the lot frontage to use the 66 foot entrance as a driveway to the rear lot. Section 56 of the *Community Planning Act* requires that the Planning Advisory Committee be given the opportunity to review all Tentative Subdivision Plans that come before Council and to give their opinion in areas such as suitability of development, topography and land for public purpose or cash in lieu. The Zoning Bylaw #98-5 states that in a Tourist commercial Zone, the lot frontage is the same as that provided in the Estate Residential Zone, which states that no building or structure may be placed, erected or altered on a lot unless 55 meters (180 feet) frontage requirement is met. The Tentative

Subdivision Plan provides for a 20 meter (66 foot) frontage for the New Lot 2 so a variance is required to permit this.

The Committee reviewed the documentation provided which included the Development Officer's Planning Report, application form and accompanying information and pictures, and the polling letter. There were three letters of response from the 200 meter polling area, and all were opposed to the variance request. The applicant, Melanie Ryall-House, was present and offered verbal comment. She informed Committee members that the Ryall family was in the process of selling the Tara Manor Inn and wanted to divide the property into two parcels to enable them to keep a 6.3 acre parcel in the family. She went on to explain that they would like a variance for the lot frontage to use the 20 meter (66 foot entrance as a driveway to the rear lot. The Chairman asked if there were any affected parties who wished to speak to the application and there were none. The Development Officer stated to the Committee that they must consider that they are being asked by Council for their opinion on the Tentative Subdivision Plan but they are also being asked for a variance approval to enable this Plan to move forward. The Committee therefore has the opportunity to impose conditions on the approval to protect the neighbouring properties from unknown development in the future. He referred Committee members to one of the pictures in the planning report which shows a pipe with running water and noted that this is a part of the continuous run-off from the Ryall property. The property is on a slope which drains onto adjoining properties and also adds to the run-off flow in the Champlain Subdivision through our ditching system. He went on to add that if approval of this variance is granted, conditions should not permit development without a drainage plan approval being previously submitted and that no clear-cutting take place without a Development Plan approval being in place. Additionally, a Development Plan will ensure that any type of business development is suitable for the area. A potential recommendation for the Council on land for public purpose should be that if the applicant is not required to adhere to this regulation for this application, any future subdivision should fulfill this requirement.

It was moved by Roger McNabb, seconded by Dareth Thorne and carried to grant approval to Sharon Ryall and Melanie Ryall House of 563 Mowat Drive for a variance of 35 meters to allow for a lot frontage of 20 meters (66 feet), with the following conditions:

- 1) No development be permitted without a drainage plan approval being previously submitted,
- 2) No clear-cutting take place without a Development Plan approval being in place,
- 3) Prior to any development, a Development Plan be put in place to ensure that any type of business development is suitable for the area, and
- 4) The requirement of land for public purposes or cash in lieu must be fulfilled with any future subdivision of the property.

The Development Officer pointed out that with the approval of the above variance for decreased lot frontage, the Development Officer is able to approve the subdivision of the two parcels of land, and the Tentative Subdivision Plan application no longer has to go before Council for their

approval. Therefore, no recommendation is needed by the Planning Advisory Committee with regards to the Tentative Subdivision Plan.

#### 10.2. Canterbury Developments Ltd. – Canterbury Sylvan Subdivision, a Tentative Subdivision Plan submission for review and variance approval.

Section 56 of the *Community Planning Act* requires that the Planning Advisory Committee be given the opportunity to review all Tentative Subdivision Plans that come before Council and to give their opinion in areas such as suitability of development, streets, topography and land for public purpose or cash in lieu.

Mr. Richard Turner of Canterbury Development and owner of the Canterbury Sylvan Subdivision Development has applied to the Town of Saint Andrews for approval of Phase 2 & 3 of the development which provides for a new street accessed from Canterbury Close and five (5) double residential lots. The two-family homes will be independently owned but will share a joint service contract for their lawn care and snow removal. Phase 2 consists of lot #s 11, 12 and 15 while Phase 3 is the remaining two lot #s 13 and 14 as shown on the Tentative Subdivision Plan. The Developer is asking that Council consider the land already vested to the Town in Phase 1 to be considered adequate for Phase 2 and 3 as well. The applicant is also asking the Town to accept responsibility for landscaping the cul-de-sac on Canterbury Close and the creation of a walking trail from Canterbury Sylvan Subdivision to Mowat Drive near the Tim Horton's. The developer has also requested Council to approve the street name "Berkshire Place" as a new Public Street. The Zoning Bylaw provides regulations that will allow for double lots as shown on the enclosed plan. The developer has applied for a variance for this subdivision plan to permit a 15 meter roadway width instead of the regulated 20 meter width. This is an area which requires Council approval and only a recommendation from the PAC.

The Committee reviewed the documentation provided which included the Development Officer's Planning Report, application form and accompanying information and pictures, and the polling letter. There was one letter of response from the 150 meter polling area, and it was in opposition to the variance request. The applicant, Rick Turner, was present and offered verbal comment. The Chairman asked if there were any affected parties who wished to speak to the application and there were several. Heather Lewis, Blyth Chang, Diane Ingersoll, Bronwyn and John Tanner and Sheldon Ruff all stated their opposition to the new development. Most of their comments involved concerns that Phase One was never completed, in particular, the landscaping of the cul-de-sac still hadn't been finished, there still wasn't adequate street lighting and the street hadn't received the top coat of paving. Some other concerns raised were with regards to the width of the proposed new "Berkshire Street" and if it would allow for proper snow removal, or any parking on the street. The Development Officer reminded the Committee members that they are being asked to provide comment only to the Council for this Tentative Subdivision plan. He reiterated that there have been issues raised around lighting and suitability for development and added that the Committee is certainly within their right to offer suggestions to Council in these areas. He noted that the Committee is not in a position to offer comment on whether the Council

should assume responsibility for upgrading the cul-de-sac on Canterbury Close or build a walking trail, but that the Committee can certainly offer comment on the proposed street width and how turning is provided at the end

It was moved by Mike Craig, seconded by Jill Stewart and carried that the Committee make the recommendation to Council that Phase One of the Canterbury Sylvan Subdivision Development, being the Canterbury Close Project, must be completed before any consideration of the Tentative Subdivision Plan for Phase Two and Three is given.

#### **11. Organizational Matters**

Committee member Eric Drake offered the following suggestions:

- 1) The addresses of properties of all applications being considered be marked on a Town Map and included in the packages to clearly show where each property is located; and
- 2) Any persons wishing to speak to an issue during the meeting should stand up to speak as well as state their name.

#### **12. Other Business**

None

#### **13. Question Period**

None

#### **14. Adjournment**

It was moved by Dareth Thorne to adjourn the meeting at 8:32 PM.

**The next scheduled regular meeting of the Committee will be May 19<sup>th</sup>, 2010.**

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C.G. Flemming, Chairman