



**TOWN OF SAINT ANDREWS  
PLANNING ADVISORY COMMITTEE MEETING  
MINUTES**

**April 20, 2022, 7:00 p.m.  
Electronic Meeting**

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**A. RECORD OF ATTENDANCE**

*At the Planning Advisory Committee Meeting of Wednesday, April 20, 2022, at 7:00 p.m. with the following members present:*

*PAC: Chair Chris Flemming, Vice-Chair Jill Stewart, Councillor Lee Heenan, Dwight Ingalls, Kevin Simmonds*

*Staff: Paul Nopper, Clerk - Senior Administrator, Alexander Gopen, Senior Planner*

*Absent: PAC Jeff Cross*

**B. APPROVAL OF AGENDA**

**Motion: 031 - 04/22**

**Moved By PAC Stewart**

**Seconded By PAC Simmonds**

*That the Agenda be approved as presented.*

**5 – 0**

**Carried**

**C. DECLARATION OF CONFLICT OF INTEREST**

*Councillor Lee Heenan on PAC220402 140 Frederick Street Rebuild Request.*

**D. CONFIRMATION OF MINUTES**

- 1. Minutes of the 220316 Planning Advisory Committee for Wednesday, March 16, 2022, 7:00 p.m.**

**Motion: 032 - 04/22**

**Moved By Councillor Heenan**

**Seconded By PAC Stewart**

*That the Minutes of the 220316 Planning Advisory Committee Meeting of Wednesday, March 16, 2022, at 7:00 p.m. be adopted.*

**5 – 0**

**Carried**

- 2. Minutes of the 220331 Special Planning Advisory Committee Meeting for Thursday, March 31, 2022, 7:00 p.m.**

**Motion: 033 - 04/22**

**Moved By Councillor Heenan**

**Seconded By PAC Ingalls**

*That the Minutes of the Special Planning Advisory Committee Meeting of Thursday, March 31, 2022, at 7:00 p.m. be adopted.*

**5 – 0**

Carried

**E. AGENDA ITEMS**

**1. PRESENTATIONS/DELEGATIONS**

**2. ZONING APPLICATIONS**

**1. 140 Frederick Street Rebuild Request Legal Non-Conforming Use Authorization, PAC220402**

*Councillor Lee Heenan left at 7:03 p.m.*

*Councillor Lee Heenan Returned at 7:26 p.m.*

*Planner Gopen provided a presentation to the Planning Advisory Committee on 140 Frederick Street rebuild request that is legal non-conforming use. The request is to rebuild a legal non-conforming single-unit dwelling on the same lot and footprint as the original dwelling that was destroyed by fire. The original dwelling did not conform to these standards and was legally non-conforming (grandfathered) under Section 60 of the Community Planning Act. PAC may authorize a rebuild of the dwelling on this lot and in its original location, notwithstanding the Zoning By-Law. The original home was destroyed and was greater than 50% damaged. An aerial image was provided to the PAC to view 140 Frederick Street. Site photos were provided to show the site without a structure. The property is zoned Serviced Residential under the Zoning By-Law. Section 4.2.3 requires that any development is in conformity with the zoning standards. The Secondary Municipal Plan Section 3.2 Residential Street Setback and Section 3.2.2 Best Practices that all new buildings should be located at the appropriate setback from the street, with enough front lawn space to mimic the general pattern. New construction does not need to be perfect. Most of the houses on the street are on the street line. The Planning Advisory Committee is being asked to see whether restoring the structure original structure in its former location should be allowed. The Provincial Planning Branch's A Guide for Determining Legal Non-conforming Uses under the Community Planning Act (2009) was highlighted. In examining the extent of compatibility of the non-conforming use with any other surrounding non-conforming uses and with other permitted used in the same zone, the more the use is compatible. may have reason to see this restoration as largely compatible with surrounding uses. Compared lots adjacent to the property in question. There is a salient question about fire safety and restoring the dwelling in its former location, given the reduced setbacks. This question was closely reviewed by SNBSC's senior building inspector who consulted with the Fire Chief. While there would be limitations on window coverage given the 1.3m spatial separation to a property under National Building Code 2015, the proposed rebuild in the opinion of the building inspector and fire chief presents no extraordinary fire concern. 140 Frederick Street is within the perimeter of a normal, under 10-minute fire department response time which lessens requirements for fire resistance cladding. Planning staff are recommending:*

*1. Planning staff therefore recommends that PAC allow the restoration of a legal non-conforming use of a single-unit dwelling at*

*140 Frederick Street with the dimensional standards per the original footprint and as shown on the site plan submitted by the applicant.*

*2. That authorization does not relieve the applicant of complying with all other applicable zoning provisions of the Town of Saint Andrews Zoning By-Law and the National Building Code.*

*The PAC asked about the relations with the modern standards for setbacks versus the previous standards for setbacks and if there is a concern about closer setbacks. Planner Gopen noted that municipalities previously would have expanded the roadways and might need to take the right of way, but in Saint Andrews, this is not realistically possible based on the housing builds and street fronts. The Secondary Municipal Plan notes to look at the street itself and not just the dimensional standards. PAC asked about a median average of setbacks based on the adjacent properties. Planner Gopen noted that the reason for putting the structure back on the original foundation space is due to insurance purposes and that this question should be asked to the proponent for clarification. PAC asked about parking requirements for the house. Planner Gopen noted that single-family dwellings only require one parking space.*

*Mr. Jeremy Hache, the owner of 140 Frederick Street, spoke to the PAC regarding the rebuild request. Mr. Hache noted that there was plenty of parking space for multiple vehicles on the left side of the property to allow for 3 cars. Mr. Hache also indicated that for insurance purposes the house needs to be built back on its original foundation or could cause further complications with the processes. PAC inquired about the square footage of the existing building versus what is planned. Mr. Hache said the original house was two storeys with an unfinished dirt floor and short basement and was originally 2200 square feet. The hope is to rebuild to the same square footage. PAC thanked Mr. Hache for his information.*

*PAC thanked Planner Gopen for the detailed report and thorough review of the streetscape for the discussion.*

**Motion: 034 - 04/22**

**Moved By** PAC Stewart

**Seconded By** PAC Simmonds

*That the Planning Advisory Committee allows for the restoration of a legal non-conforming use of a single-unit dwelling at 140 Frederick Street with the dimensional standards per the original structural footprint and as shown on the site plan submitted by the applicant. This authorization does not relieve the applicant of complying with all other applicable zoning provisions of the Town of Saint Andrews Zoning By-law and the National Building Code.*

**4 – 0**

**Carried**

**2. Obtain Views of PAC for Amendment MP20-05 and Amendment Z21-09 for 258 Montague Street, PAC220403**

*Planner Gopen provided a presentation on the rezoning request for 258 Montague Street. Montague rose B&B has operated on the site for some time. Property received temporary use authorization from Planning Review and Adjustments Committee to operate a Tea Room restaurant open to the general public (not allowed in a*

*Serviced Residential Zone). Temporary use was May 2021 - May 2022. Conditions on temporary use related to parking, hours of operation, and building code limits "assembly use". Staff worked closely with Building Inspector on this file. The older structure does not meet the standards of a typical restaurant on building code. The building would need to be sprinkled, new drywall, expensive renovations, etc. The terms and conditions from the Building Inspector would support the Tea Room as the building currently stands. There is an application to rezone to Tourist Commercial Zone. The owners had a successful year and wish to keep going and have to rezone to do so and require a Municipal Plan Map Amendment. No issues were brought forth during the temporary use period throughout the year. The business has had compatibility within the neighbourhood. Maps were provided to show ariels of the residential neighbourhood and a view of the property. Photos of the property from street view were shown. Municipal Plan Section 2.5.2(5) Economic Policies and 2.8.2(3) Housing Policies were highlighted. The business is in line with tourist activities including high tea, Loyalist culture, and is not offered anywhere else in town. Rezoning meets Municipal Plan goals but requires conditions added by resolution before 3rd reading. Council is asking for PAC's views and that there was no comment from the Public Hearing of Objections.*

*PAC noted that the business is providing a unique service in the community that is complimentary to the property, neighborhood, and Town. Lots of positive comments about the service and experience have been noted throughout the community and with visitors. PAC provided congratulations and support towards their business initiative. PAC inquired as to what other permits are allowed under the Tourist Commercial Zone? Planner Gopen noted art galleries, hotels, motels, inns, short-term rentals, bed and breakfasts, restaurants, and tour guiding services. Although terms and conditions put on the business limit their operating capacity, the owners have followed these regulations throughout the temporary use and are good to move forward with the business as is. PAC's opinion is to approve the recommendations by the Planning Staff and show support to the Town on the conditions outlined by the Building Inspector.*

**Motion: 035 - 04/22**

**Moved By** PAC Stewart

**Seconded By** PAC Simmonds

*That the Planning Advisory Committee of the Town of Saint Andrews provides its views to Council on the rezoning of 258 Montague Street from Serviced Residential Zone to Tourist Commercial Zone as per Section 110 of the Community Planning Act.*

**5 – 0**

**Carried**

3. **VARIANCE APPLICATIONS**
4. **TERMS AND CONDITIONS APPLICATION**
5. **SIGN APPLICATIONS**

**F. NEW BUSINESS**

*Chair Flemming informed PAC that 539 Brandy Cove Road has put in an appeal to the Provincial Appeals Board for the condition of the arborist and marking drip lines. It is PAC's job to administer the By-Laws of the Town and to be as fair to everyone without creating new rules. This is a teachable moment for the PAC and we need to ensure we are reviewing the By-Laws and reflecting on decisions based on these for the Town. We can make recommendations to Council for changes, i.e. the Urban Forestry Strategy, and it is up to Council to decide how to proceed. We can see this term overturned by the Appeals Committee and that we should use this as a learning experience moving forward. PAC acknowledges that they would overturn the condition if provided another opportunity to do so.*

*PAC asked if we can put through a motion to overturn the decision. Planner Gopen noted to allow the process to proceed as it is as this is the structure allowed under the Community Planning Act.*

**G. PAC MEMBER COMMENTS**

**H. CLOSED ITEMS**

**I. ADJOURNMENT**

**Motion: 036 - 04/22**

**Moved By PAC Flemming**

*At 7:54 p.m. that the meeting be adjourned.*

**Carried**



Chris Flemming, Chair



Paul Nopper, Clerk - Senior  
Administrator

