

# *Town of Grand Bay-Westfield*

*(Incorporated 1<sup>st</sup> January, 1998)*

**Planning Advisory Committee**

**Minutes**

**Tuesday May 19 , 2020**

**ADOPTED**

**JUN 15 2020**

## **1. CALL TO ORDER**

The Town of Grand Bay-Westfield Planning Advisory Committee conducted a virtual meeting on Tuesday May 19, 2020 at 8:00 pm via Webex with Chair, Jim Burke presiding. The meeting was livestreamed on the Town's You Tube channel.

## **2. RECORD OF ATTENDANCE**

Members in attendance were Chair Jim Burke, Vice-Chair Brittany Merrifield, Alex Calvin, Theresa Gordon, Cathy Fawcett, Philip Reeves, Councillor Bev Day and Development Officer David Taylor.

## **3. CHAIRMAN'S REMARKS**

None

## **4. DECLARATION OF CONFLICT OF INTEREST**

None

## **5. APPLICATION FOR VARIANCE – 248 INGLEWOOD DRIVE**

- a) DEVELOPMENT OFFICER'S REPORT OF APRIL 29, 2020**
- b) EMAILS FROM PATRICK MORRIS OF APRIL 14, 25, AND MAY 9, 2020**
- c) DEVELOPMENT OFFICER'S MEMOR OF MAY 14, 2020**

Tabled from May 4, 2020 meeting.

RE: Variance – Required: 0.75 m above street Sect. 8.1.8

PROPOSED: 1.765 m below street elevation (Variance 2.515m)

RE: Variance – Required 3.5m, Section 8.2.1.3

PROPOSED: 3.048 m (Variance 0.452m)

Mr. Carruthers was present to speak in favor of his application and answer any questions. There were no questions, however Mr. Carruthers did clarify that he was not cutting any trees without a permit as stated in the emails received by Patrick Morris.

“...moved by Cathy Fawcett:

**UPON CONSIDERATING:**

- **Application for Variances received from John Carruthers, dated March 16, 2020, with Site Grading Plan dated November 26, 2019;**
- **Report from the Development Officer dated April 29, 2020;**
- **notifications sent to the Applicant and surrounding property owners;**
- **the jurisdiction of the Committee as set out in the *Community Planning Act*;**
- **Environmental Policies adopted by Council in the Municipal Plan By-law No. 121;**
- **requirements of the Zoning By-law No. 112;**
- **Approvals granted by the Department of Environment & Local Government for a Watercourse and Wetland Alteration Permit dated March 3, 2020; and May 12, 2020;**
- **Fisheries and Oceans Fish Habitat Protection Program approval (provided by the Department of Environment & Local Government dated March 3, 2020;**
- **Emails received from Patrick Morris 226 Inglewood Dr., dated April 14<sup>th</sup> , April 25<sup>th</sup>, and May 9<sup>th</sup>, 2020;**
- **Personal review of the property;**

**AND UPON HEARING (via WebEx Video Conference):**

- **presentation by John Carruthers, speaking in favor of his proposal;**
- **presentation by Patrick Morris, speaking against the proposal;**

**AND HAVING CONSIDERED THE FOLLOWING:**

- **Provincial approval granted for development of the property in relation to regulated wetlands and wetland buffering;**
- **Federal approval granted to alter the drainage watercourse on the property;**
- **Impacts of annual spring flooding through predicted water elevations up to 8 m;**
- **Section 4.11. 1. Prohibition of Development of the Zoning By-law #112, where: *No building or structure may be erected on any site where it would otherwise be permitted under this by-law when, in the opinion of the Planning Advisory***

*Committee, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.*

It is the **OPINION** of **THE COMMITTEE** that the risk of development on this site, which is marshy and subject to flooding, is being taken by the home owner under the Provincial approvals recognizing the need for Engineering approvals for imported soils and foundation support of the retaining wall and building foundation;

under the provisions permitting a reasonable Variance from the requirements of the zoning by-law, where the Committee is of the opinion that the variances are desirable for the development of this property and is considered to be in general compliance with the intent of the by-law.

**I THEREFORE MOVE** that the Planning Advisory Committee Grant approve the following variances to the Town of Grand Bay-Westfield Zoning By-law No. 112, for the development of the lot (PID Nos. 30099121/ 482034) and for construction of a new Dwelling as per submitted Site Grading Plan and Provincially approved Watercourse and Wetland Alteration Permit No. ALT 47850'19:

- a) grant a variance of 2.515 m to reduce the height of the foundation from the required 0.75m above street grade to 1.765 m below street grade;
- b) grant a variance of 0.452 m to reduce the side yard setback on the north side of the house from 3.5 m to 3.048 m..."

Seconded by Alex Calvin. Carried.

**6. APPLICATION FOR VARIANCE – 101 NEREPIS ROAD**

- a) **DEVELOPMENT OFFICER'S REPORT OF MAY 14, 2020**

RE: VARIANCE – ZONING BY-LAW SECTION 5.1.2

REQUIRED: 75 M<sup>2</sup> (800 sq ft)

PROPOSED: 111.48 M<sup>2</sup> (1200 sq ft)

Mr. Roberts was present to speak in favor of his application and to answer any questions. Mr. Roberts hope is to build a single storey double car garage with an area for an accessory building designated

for storage. Mr. Roberts explained that he now has his in-laws living with him and is in need of extra storage.

“... moved by Vice-Chair Brittany Merrifield:

**UPON CONSIDERATING:**

- **Application for Variance received from Neil Roberts, dated April 20, 2020;**
- **Report from the Development Officer dated May 14, 2020;**
- **notifications sent to the Applicant and surrounding property owners;**
- **the jurisdiction of the Committee as set out in the *Community Planning Act; Policy statements from the Municipal Plan By-law no 121;***
- **requirements of the Zoning By-law No. 112.**

**AND UPON HEARING VIA WebEx Video Conference):**

- **presentation by Neil Roberts, speaking in favor of his proposal;**

**including the provisions permitting a reasonable Variance from the requirements of the zoning by-law, the Committee is of the opinion that the variance is desirable for the development of this property and is in general intent of the by-law.**

**I THEREFORE move that the Planning Advisory Committee in its opinion may consider the application is reasonable under the circumstances, the following draft resolution is provided for your consideration:**

**“....move that the Planning Advisory Committee Grant approval of the following Variance to the Town of Grand Bay-Westfield Zoning, By-law No. 112, for the development of the lot (PID No. 00228122) and for construction of a new Detached Garage (Accessory Building) as per submitted Site Plan:**

- a) **a variance of 36.48 m<sup>2</sup> to increase the permitted maximum area of an accessory building from 75 m<sup>2</sup> to 111.48 m<sup>2</sup>....”**


**Seconded by Theresa Gordon. Carried.**

**\*Councillor Day noted that this variance was granted based on the overwhelming input received through the Municipal Plan Bylaw Review during 2019.**

7. ADJOURNMENT

“... moved by Councillor Day and seconded by Theresa Gordon to adjourn at 8:25pm...”

Respectfully submitted,

  
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Jim Burke,  
PAC Chair

  
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Heather Shannon,  
PAC Secretary