

**PLANNING ADVISORY COMMITTEE
MINUTES OF REGULAR MEETING
December 15, 2010**

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

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

Also present were 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

None.

3. Additions to and/or approval of Agenda

It was moved by Jill Stewart, seconded by Cyndy Parker and carried to approve the December 15, 2010 Agenda as presented.

4. Confirmation of Minutes

It was moved by Jill Stewart, seconded by Cyndy Parker and carried to approve the previous committee minutes (October 20, 2010).

5. Business Arising from the Minutes

None.

6. Presentations / Delegations

None

7. Zoning Applications

None

8.Applications for Variances / Approval

- 8.1. John/Richard Clark – 59 & 81 Joe’s Point Road, an application for a variance from the backyard setback regulation to enable the construction of a deck and railing .

John & Richard Clark are requesting permission to build a deck and rail system along their rear property line. Section 5.3.B.1.1(v) of the Town of Saint Andrews Zoning By-law requires a rear-yard setback of not less than 20 feet. Therefore, exemption from this setback regulation is required.

The Clark family rebuilt the entire 400 foot seawall along the rear of the properties on Joe's Point Road. There were some partial decks along the wall but a decision was made to incorporate a 4.5 to 5 foot deck along the wall with a safety railing. This added structure is above the high water mark so a building permit is required and therefore a variance. The zoning regulation for a rear yard setback is 6 meters (20 feet) and the rear yard setback of the deck is at the property's edge so no setback is being requested, in essence, it is an exemption from the regulation.

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. The applicant, John Clark, was present and when the chairman asked if there were any affected parties who wished to speak to the application, there were none. The Development Officer noted that since this area does not border on any other residential property and will add to the landscaping of this area of the Town, he therefore does not have objection to its approval.

It was moved by Eric Drake, seconded by Dareth Thorne and carried to grant approval to John and Richard Clark for a variance which would allow for an exemption from the backyard setback regulation to enable the construction of a deck and railing along the rear of the property at 59 and 81 Joe's Point Road.

9. Sign Applications

None

10. Subdivision Applications

None.

11. Organizational Matters

11.1 Provincial Appeal Board Decision

The Chairman wanted to discuss a decision of the Provincial Assessment and Planning Appeal Board with regards to the application from Bradley and Beth Armstrong of the Parish of Studholm to construct a "storage facility/garage" that was in excess of the Rural Plan requirements. Their Rural Plan for Studholm states that a storage facility/garage be no more than 100 square meters in area or a width greater than 10 meters. The applicants' proposed building was 260.1 square meters in area and 12.1 meters in width. In this case, the Royal District Planning Commission granted the applicants permission to construct the garage, even though the staff recommended that the variance not be approved, stating that the proposed variance of 260% was not minor or reasonable. The Planning Commission stated that they felt that the building size and lot size should be related and that the lot size in this case allowed for a larger garage size. The case was appealed by neighbours of the applicants and it went before the Provincial Assessment and Planning Appeal Board. The Appeal Board determined that the Parish Planning Area Rural Plan Regulation clearly states that an accessory building cannot exceed 100 square meters in area, no matter what the lot size is. The Appeals were therefore granted and the variances granted were revoked. The applicants are now in the process of appealing that decision.

The Chairman stated that he felt that the Committee members should be aware of the details of this case as this Committee has dealt with similar applications in the past. He also noted that they should continue to monitor the proceedings and outcome of this particular case.

12. Other Business

13. Question Period

None

14. Adjournment

It was moved by Dareth Thorne to adjourn the meeting at 7:45 pm.

The next scheduled regular meeting of the Committee will be January 19th, 2010.

C.G. Flemming, Chairman