

**PLANNING ADVISORY COMMITTEE
MINUTES OF REGULAR MEETING
May 26, 2010**

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

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

Absent: Dareth Thorne

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

None.

3. Additions to and/or approval of Agenda

It was moved by Jill Stewart, seconded by Paul Carson and carried to approve the May 26th, 2010 Agenda as presented.

4. Confirmation of Minutes

It was moved by Roger McNabb, seconded by Cyndy Parker and carried to approve the previous committee minutes (April 21st, 2010).

5. Business Arising from the Minutes

None

6. Presentations / Delegations

None

7. Zoning Applications

None

8. Applications for Variances / Approval

8.1. Megan & Dan Burley – 158-160 Water Street, an application for a variance to permit a front yard encroachment to facilitate the construction of a wheel-chair accessibility ramp.

The Zoning Bylaw #98-5, section 6.3 C 1 iii) regulation states that the front yard setbacks of new structures are to be 5 feet or in line with existing buildings on either side; whichever is greater.

The applicants wish to build a wheel chair ramp adjacent to the front door of their new restaurant and as it will encroach onto the sidewalk; a front yard encroachment is required from the Planning advisory Committee before a building permit can be issued.

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 applicants were present and Dan Burley informed the Committee that they had made the restrooms wheelchair accessible and wanted to build the ramp to provide wheelchair accessibility to the restaurant itself. When the Chairman asked if there were any affected parties who wished to speak to the application, there were none. The Development Officer explained that the proposed ramp is 20 feet long and 5 feet wide and therefore will encroach into the sidewalk area. It will extend across the inner bricked area; almost to the cement slabs. He noted that the Public Works Department has verified that the structure will not interfere with snow removal operations. The Town Council has reviewed and approved the encroachment on Town-owned lands at their May 3rd Regular Meeting. The Burleys intend to design the wooden ramp in a manner to blend in with the architecture of the building. He added that in the spirit of good development practices, the Town and Development Office supports wheelchair accessibility efforts and this application's benefits certainly negate any adverse impact on the Zoning Bylaw regulation for front yard setbacks in the Commercial Zone.

It was moved by Cyndy Parker, seconded by Mike Craig and carried to grant approval to Megan & Dan Burley for a variance to permit a front yard encroachment to facilitate the construction of a wheelchair accessibility ramp at their restaurant at 158-160 Water St.

8.2. Edward (Ted) Michener – 143 Water Street, an application for a variance to permit a side yard encroachment to facilitate the construction of a structure to be used as a waitress station.

The Zoning Bylaw #98-5, section 6.3 C 1 v) regulation states that side yard setbacks for expansions of structures which were built prior to the coming into force of this Bylaw are to be 5 feet unless the neighbouring property owner agrees in writing to the placement of the structure.

The applicant wishes to complete the construction of a closed-in waitress station on the west side of the back deck of the Gables Restaurant. Mr. Michener had built the closed in structure on his rear deck without obtaining the proper approvals. He had been asked to remove the structure and obtain the proper approval for a side yard encroachment

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. Ted Michener was present and informed the Committee that he did not realize that he needed a variance for the structure when he built it as he already had the variance to build the deck. He apologized to the Committee for having built it without the proper approval in place. 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 it is not the intention of the Building Inspector or Development Office to create hardship for a business owner, nor do they wish to interfere with their ability to create business growth, especially in these times. He went on to explain that the Development Office does have to apply the regulations fairly and impartially, so Mr. Michener has been asked to obtain approval from the Planning Advisory Committee for his side yard encroachment. The waitress station is as shown in the plans and is built in keeping with the décor of the deck. Since the structure is in line with the edge of the deck and the deck is on the property line, the variance would be to allow a side yard setback exemption at 143 Water Street to permit the construct a waitress station on the back deck.

It was moved by Eric Drake, seconded by Paul Carson and carried to grant approval to Edward (Ted) Michener for a variance to permit a side yard encroachment to facilitate the construction of a structure to be used as a waitress station on the deck at his property at 143 Water St.

9. Sign Applications

None

10. Subdivision Applications

None.

12. Other Business

None

13. Question Period

None

14. Adjournment

It was moved by Paul Carson to adjourn the meeting at 7:11 PM.

The next scheduled regular meeting of the Committee will be June 16th, 2010.

C.G. Flemming, Chairman