



Planning Review and Adjustment Committee

Date of Meeting: April 13, 2016

Location: Board Room, 650 Main Street, Woodstock

Attendance:

Andy Leech, Chair
Alan McLaughlin
Elaine English
Trevor Welch

Regrets:

Brent Pearson, Vice Chair
Kenneth Clark
Mark Atwater

Staff:

Lonnie Forbes, Manager Building & Development Services – RSC11
Bev Gullison, Office Administrator

Meeting was called to order by Committee Chair, Andy Leech at 7:00 pm.

Approval of Minutes

None

Conflict of Interest

None

Zoning Applications

None

Subdivision Applications

None



Variance Applications

Richard Orser, Bridgeview Plaza Corp – 554 Main Street, Hartland – V-4-2016:

Lonnie Forbes, Building and Development Manager from Regional Service Commission 11 presented Planning Staff Report #6/16 to the committee members. Lonnie Forbes advised Richard Orser has made an application for setback variances for proposed additions to commercial buildings to accommodate doctors' offices and a pharmacy at 554 Main Street, Hartland.

Lonnie Forbes informed the committee members 4 letters of objections were received from Covered Bridge Farms Ltd., Valley Equipment Ltd., Courtyard Developments Ltd. and lawyer E. J Mockler. Copies of these letters, planning report, project site maps/plan and site visit photos were distributed to the committee members.

Lonnie Forbes stated after receiving the written objections he revisited the project site to review the concerns addressed in each of the objection letters and offered the following response statements:

Traffic issues:

- The Department of Transportation and Infrastructure had staff on-site to review the subject property and a letter was received from them advising they had no concerns with respect to this variance.

Water runoff issues from adjacent properties:

- The project site was reassessed and a sufficient buffer of vegetation exists to the rear of the site together with a vegetated ditch/berm, which should handle any runoff issues before reaching the subject property.

Traffic Obstruction:

- The building is a higher elevation than the street and as a result would not obstruct the view of traffic.

The side property line distance is not reasonable (2.23 meters) and the possibility the building was originally placed on the property illegally and questioned if a building permit was issued:

- The Town of Hartland was contacted and a building permit was obtained for the original construction. With respect to the 2.23 metre sideline setback, the Town of Hartland hired a consulting firm to revise their zoning by-law in 2009 and the sideyard setbacks were increased to 12 metres for reasons unknown. The zoning by-law that was in effect when the original Dollar Store was constructed (section 12) states the sideyard setback



required was 2 meters. The original building is further from the sideyard than what was required at the time of construction.

Building situated on separate PIDS

- These PIDS are parcels and not separate lots and have been consolidated to create 1 lot.

Utility pole erosion and required distances questioned:

- This pole is approximately 30 feet from where excavation will occur.

Fuel storage and vehicle safety in the new parking lot/size:

- The current fuel storage is on a concrete slab, surrounded by a page-wire fence and currently cars can park within 4 feet of this. The size of parking spaces are provided in the zoning document.

Requirement of a retaining wall or a guardrail next to Tim Horton:

- This would not be necessary as the slope of the ground facing the Tim Horton's property is well rocked to sustain without slippage.

Issues listed regarding NB Power transformers and easements

- If the easements were not sufficient NB Power would have requested a larger easement at the time.

Andy Leech inquired if all the timelines mentioned in the letter from E. J. Mockler were met and Lonnie Forbes advised this was correct.

Andy Leech asked the committee members if there were any further questions. The Committee members reviewed the site pictures and discussed where the existing municipal services stop, DTI property lines, current parking lot and the protection around the fuel storage tank.

Alan McLaughlin inquired if there were currently any issues with traffic flow coming from Tim Hortons. Lonnie Forbes advised traffic studies would fall under the jurisdiction of the Department of Transportation and Infrastructure and a letter from Peter Wood, dated April 4 was received from them notifying DTI had no issues with this request.

Lonnie Forbes stated the Town of Hartland also provided a letter stating at their regular council meeting of April 4 this application was discussed and it was determined by council that there are no objections to the request.

Alan McLaughlin inquired if the variance is approved by PRAC if it would be required to receive final approval from the Town of Hartland.



Andy Leech informed variances are approved by PRAC and do not require further municipal approval.

Andy Leech asked members of the public in attendance if they had any questions. Kevin Hoyt from Valley Equipment Ltd. questioned the purpose of having setback requirements if they are not followed.

Lonnie Forbes stated there are instances where it is appropriate to grant variances where it may not have been foreseen when the zoning documents were drafted and this is why PRAC has the ability to grant variances. Lonnie Forbes advised in almost all other jurisdictions that he is involved with, that there would be no requirement for a variance application, as the only time a sideyard setback of 12 meters or more would be necessary would be for a livestock facility. Lonnie Forbes stated he was not able to answer why the side setback in the Town of Hartland would be shown as 12 meters.

Andy Leech advised he reviewed several other municipal by-laws and in his opinion the 12 meter setback requirement for the Town of Hartland appears to be an error when the consultants drafted the new by-laws in 2009.

Trevor Welch stated there would not be many properties in the Town of Hartland that would meet those setback requirements.

Andy Leech asked if Kevin Hoyt had any further questions and he stated he believed most of their objections were covered.

Andy Leech asked Richard Orser if he would like to add any comments. Richard Orser thanked the committee and advised his desire was to simply create a better environment for the Town of Hartland as he believed this would benefit the entire town.

Motion: To approve the setback variance application from Richard Orser, Bridgeview Plaza Corp as recommended by staff in the Planning Staff Report #6/16 subject to the following terms and conditions:

- Parking being increased to the required amount as per section 3.32 of By-Law B-46 Zoning By-Law as reflected on the attached site plan; and
- The building be connected to communal services as offered by the Town of Hartland.

Moved: Elaine English

Seconded: Trevor Welch

MOTION CARRIED



Old Business

None

New Business

None

Adjournment:

A motion was made by Elaine English to adjourn.

Meeting adjourned at 7:25 pm.



Andy Leech, Chair