



MEETING MINUTES

Town of Riverview Planning Advisory Committee
Wednesday, October 11, 2023 at 6:00 p.m.
Gunningsville Room, Town Hall

Attendance: Shawn Dempsey, Chair
Daniel Primeau, 1st Vice Chair
John Gallant, 2nd Vice Chair
Rob Bateman, Committee Member
Tina Comeau, Committee Member
Kelvin Martin, Committee Member
Kevin Steen, Committee Member
Susan Steeves, Committee Member
Debby Warren, Committee Member
Rita Gauvin, Records and RTIPPA Clerk, Town of Riverview
Kirk Brewer, Planner, SE Regional Service Commission

Regrets: Shauna McGraw, Executive Assistant, Town of Riverview
Lori Bickford, Planning Manager, SE Regional Service Commission

1. CALL MEETING TO ORDER

Shawn Dempsey, Chair, called the meeting to order at 6:00 p.m.

2. DECLARATION OF CONFLICT OF INTEREST

NIL

3. ADOPTION OF MEETING AGENDA

Moved by Debby Warren and seconded by Susan Steeves

That the agenda for the Town of Riverview Planning Advisory Committee meeting of October 11, 2023, be APPROVED.

MOTION CARRIED

4. ADOPTION OF MINUTES

Moved by Daniel Primeau and seconded by Kevin Steen

That the minutes of the Town of Riverview Planning Advisory Committee meeting of June 14, 2023, be ADOPTED.

MOTION CARRIED

5. BUSINESS ARISING FROM THE MINUTES

NIL

6. VARIANCE, TEMPORARY APPROVALS, CONDITIONAL USES, RULINGS OF COMPATIBILITY AND NON-CONFORMING USES

- a) Grace Moore, 114 Court Street (PID 00648733) Variance application to place a garden suite in a side yard instead of the rear yard (File 23-1233)

Kirk Brewer presented and outlined the variance being requested. K. Brewer explained the purpose of the variance application is to allow a garden suite to be placed in the side yard rather than the rear yard for a property located at 114 Court Street. The property is a double-wide lot with a 30-metre frontage on the road. The current house is located on the opposite side of the property, so the garden suite would be built on the yard that is currently unoccupied.

He pointed out that the area is zoned R1, which allows for a garden suite if it complies with certain zoning provisions:

- a. such as being located in a rear yard,
- b. not exceed six metres in height,
- c. be located on a lot occupied by a single unit dwelling as a main use,
- d. not exceed 75m² (808sqft) of ground floor space area,
- e. be fully serviced by water and sanitary sewer,
- f. provide one parking space in addition to the parking required for the main use,
- g. use the same driveway and parking aisle as the main use.

As per the Municipal Plan policy, one residential dwelling is typically restricted per lot, except for a small apartment contained within a home or, in the case of a garden suite, it is a small, detached building housing an additional residential unit. Garden suites are designed to provide soft density – a separate unit on the property that can be used for a family member or as an income property – instead of an apartment.

K. Brewer noted that the definition of a garden suite specifies that the building must be located in the rear yard. This is an anomaly, since zoning provisions, not a definition, typically govern the location of buildings. The general consensus among staff is that a definition cannot be varied, and changes to a definition must be addressed through a text amendment. However, in this instance, the context is being considered in which the use is permissible rather than deviating from the definition of use. Staff is comfortable treating the request as a variance application because they believe that the *Community Planning Act* makes it clear that the Committee can vary the location in this case. Except for the rear yard requirement, all the other provisions will be met.

In order to view the second dwelling as a primary use on its own property rather than an accessory dwelling unit, the possibility of subdividing was discussed with the applicant. There is a minimum lot width of 15 metres, allowing for property division. However, because the property line would pass through part of the existing house, the location of the house on the property would prevent the creation of two 15-metre-wide lots. Therefore, in order to accommodate the second dwelling, a subdivision would need to make variances to reduce the lot width and lot area. Staff believes that varying the garden suite's location is preferable to creating a non-conforming lot.

K. Brewer mentioned a previous landowner installed the second driveway that is currently present on the property. It appears that this driveway would not be permitted by the current zoning by-law, which restricts most properties to having a single driveway. In accordance with the zoning regulations, the applicants intend to remove this driveway and utilize the driveway of the main house.

The applicants have acknowledged that the building will surpass the minimum requirement front yard setback of 6 metres, but they have not yet decided on the final design or location of the garden suite. It is also important to note that the planned garden suite and another property on the same street to the north are about the same size. The building will respect the neighbourhood's surrounding character while giving the impression that it is an independent residence because the subject property is wider than a typical lot.

The Development Review Committee expressed no concerns. The Engineering department did point out that although accessory buildings are exempt from the need for a drainage plan, this particular accessory dwelling would need to meet net zero drainage requirements with an engineering drainage plan that is submitted with the building permit application. Notices were sent to neighbours within 60m of the subject property, and no complaints were received.

Member J. Gallant enquired who would pay for the connection of the water and sewer services to the street as well as the repair of the asphalt. K. Brewer stated the applicant would pay for that at the building permit stage, and the Town's Public Works department would handle the work for the smaller-scale projects.

K. Brewer mentioned because this is a unique situation of a second home on a property requesting a separate service, the servicing question was discussed. The zoning by-law indicates that it must be fully connected to water and sewer but does not specify how. Since the house is older and the service is questionable, it would not be ideal to branch out another service onto the existing one. Therefore, the Public Works department is comfortable adding a second service. The applicant can work with the homeowner to resolve the double bill that the property will receive because it will share the same PID.

Member D. Warren questioned why the property could not keep the second driveway. K. Brewer clarified that the second driveway cannot remain in accordance with the zoning by-law and that the applicant would have needed to obtain another variance to remove an additional requirement. Given the increased interest in garden suites, these kinds of questions will be reviewed during the Municipal Plan and Zoning By-Law review.

Member D. Primeau asked why no variance request had been made for the driveway and whether it would not automatically be grandfathered given its current location. K. Brewer noted a variance was not requested for the driveway and it could not have been grandfathered as it was never permitted in the first place under the zoning by-law.

Chair S. Dempsey questioned if staff are willing to overlook the inclusion of the rear yard definition because of the perceived intent of allowing the Committee to make variances with respect to the location of the building. K. Brewer said that is correct; after some discussion, staff determined that a variance is permitted because the actual use is not changing.

Chair S. Dempsey pointed out it had been previously referenced the potential for a subdivision and the creation of a separate PID for the new building, and it was also mentioned one of the issues was the frontage; is it feasible to obtain a variance for the frontage? K. Brewer mentioned that another variance application can be submitted to the Committee in the future if the garden suite needs to be divided for some reason.

Member K. Martin asked if it would be sensible to include a setback in the recommendation to ensure the garden suite is situated at the back of the property so that it does appear too close to the front of the road. K. Brewer noted the applicants are proposing a setback of roughly 7.5 metres, compared to the required 6 metres, but staff believed it was not necessary to impose a setback as long as the location respects the by-law's minimum setback.

Member J. Gallant inquired about the civic address for the garden suite in relation to emergency services. K. Brewer said the garden suite would receive a new civic address.

The applicant was present at the meeting and inquired as to whether they would have to go through the same process again should they decide to subdivide the land after the house was constructed.

K. Brewer replied they would. He added if this application had gone through the subdivision variance process tonight as the preferred option, there is no guarantee that the garden suite would be built when all factors are taken into consideration. These include the possibility that it might no longer be financially feasible, the idea might be abandoned, or that the applicant would find another place to live. Now, an undersized non-conforming lot has been created for the use that was never intended. In this situation, the location of the garden suite is being approved and the applicant is free to keep it there for as long as it meets their needs. If the subdivision variance is discussed again, it would be to accommodate an existing condition.

Moved by Debby Warren and seconded by Daniel Primeau

That the Riverview Planning Advisory Committee APPROVE the variance to permit a garden suite in a side yard instead of a rear yard at 114 Court Street (PID 00648733) because there is limited space in the rear yard and the garden suite will respect the context of the surrounding neighbourhood, subject to the following conditions:

- 1) that an engineered drainage plan be submitted and approved by the Town's Engineering department prior to the issuance of a building/development permit.

MOTION CARRIED – Unanimously

7. TENTATIVE SUBDIVISIONS

NIL

8. OTHER BUSINESS

a) Election of Officers

The Committee must elect new officers each year in accordance with the policies and procedures guidelines. Chair, 1st Vice Chair, and 2nd Vice Chair are the three positions for which nominations are required. The three current officers were all re-elected by acclamation to their respective roles.

Nomination results:

Chair: Shawn Dempsey (nominated by Tina Comeau)
1st Vice Chair: Daniel Primeau (nominated by Debby Warren)
2nd Vice Chair: John Gallant (nominated by Rob Bateman)

Member R. Bateman inquired about the status of the upcoming Municipal Plan review date. K. Brewer pointed out that to complete the affordable housing strategy report by the end of the year, they are still finishing up the housing needs assessment. The review should get underway early in 2024 once discussions occur with the Mayor to determine the structure of the Committee and then start working on timelines.

9. NEXT SCHEDULED MEETING

The next scheduled meeting is Wednesday, November 8, 2023 at 6:00 p.m.

10. ADJOURNMENT

Moved by R. Bateman. Meeting adjourned at 6:35 p.m.