



MEETING MINUTES

Town of Riverview Planning Advisory Committee
Wednesday, May 10, 2023
Riverview Council Chambers

Attendance: Shawn Dempsey, Chair
Daniel Primeau, 1st Vice Chair
Tina Comeau, Committee Member
Kevin Steen, Committee Member
Kelvin Martin, Committee Member
Debby Warren, Committee Member
Rita Gauvin, Records and RTIPPA Clerk, Town of Riverview
Shauna McGraw, Executive Assistant, Town of Riverview
Kirk Brewer, Planner, SE Regional Service Commission
Lori Bickford, Planning Manager, SE Regional Service Commission

Regrets: John Gallant, 2nd Vice Chair
Susan Steeves, Committee Member

1. CALL MEETING TO ORDER

Shawn Dempsey, Chair, called the meeting to order at 6:03 p.m.

2. DECLARATION OF CONFLICT OF INTEREST

NIL

3. ADOPTION OF MEETING AGENDA

Moved by Debby Warren and seconded by Daniel Primeau

That the agenda for the Town of Riverview Planning Advisory Committee meeting of May 10, 2023, be APPROVED.

MOTION CARRIED

4. ADOPTION OF MINUTES

Planning Advisory Committee Meeting – April 12, 2023

Moved by Tina Comeau and seconded by Kevin Steen

That the minutes of the Town of Riverview Planning Advisory Committee meeting of April 12, 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) Arlan Weststrate, 193 Lakeside Drive (PID 00995811), Variance application to increase the size of an attached garage from 85m² to 178m² (1920 square feet) (File 23-240)

Kirk Brewer gave a presentation outlining the variance being requested. K. Brewer explained that the lot is quite deep stretching from the road frontage to the river, significantly deeper than typical lots in Riverview. Zoned R2 at the street and to the rear is Open Space Zone – created to map wetlands/watercourses buffers but since the time of creation (2012) the mapping has changed and there is no longer provincially mapped wetland there, although ground truthing

might still be required. There are no overly specific guidelines within the municipal plan policies that speaks to attached garages, however Principle #2 Development Respecting its Context could be applied here since it speaks to design enhancing the neighborhood, creating uniformity throughout residential neighborhoods for height, size, roof shape, massing etc. The zoning by law limits the size of garage space to 85m² and says when a garage is attached to a house, house setbacks are what applies. The same size restrictions also apply to detached garages.

K. Brewer presented the site plans that show that the dwelling is 2.8M off the property line at the front and the garage will come out the back of the building towards the river. Due to the abnormal shape of the lot, the distance from the property line at the side varies from 10' at the front to 18' from the line at the back, which respects the minimum setback requirements.

Floor plans show the first part of the expansion is a flex bonus living space and then the garage of 1120sq ft to the rear of that. There is an existing attached garage of 800 sq ft which accounts for part of the larger sq ft consideration of 1920 sq ft because the existing space is being factored into the new space. The garage will have one standard garage door and one larger scale garage door. The homeowner is a car enthusiast and wants to be able to store his vehicles indoors.

The house is situated slightly below the street line and then the garage would extend out the back of that which means it will not be visible from the street with the exception of a small piece to the eastern side of the building. Overall, the garage will not be readily visible from the street.

The extension will work with the property's current grade with the living space addition being at the same level as the existing home and then the garage portion will be a step down into the grade.

The proposal was viewed by The Development and Review Committee with no concerns raised and The Department of Environment was consulted regarding the mapping questions, and they did indicate that ground truthing may indicate that wetlands may be on the property but as of now nothing has been flagged. Notices went out to landowners within 60m of the property and no written comments were received however, K. Brewer did speak to a neighboring landowner who asked for clarification on which direction the garage would extend and expressed no concerns once informed.

The Community Planning Act does state that variances need to be reasonable, desirable and within the intent of the zoning by law and municipal plan. This variance is for a 109% increase in garage size, however the existing attached two-car garage (which is within the main footprint of the house) is being factored into the total garage space. Residential properties are permitted to have an attached garage, plus an additional 85m² detached accessory building. If the garage extension were proposed as 104m² detached building, a size variance would still be required but would only be a 22% increase over the allowable size which would be fairly reasonable given the lot size and topography. Also, the lot is over 2 acres and 220m deep and the addition will not be visible from the street. With the extension there would only be 3% lot coverage, well below the 50% that is allowable. Variance test is in support of this application.

The applicant was present at the meeting. Arlan Weststrate thanked K. Brewer for presenting the technical side of the request and wanted to add that he has spoken to his immediate neighbours, and they have no problems with his proposal.

Member K. Steen asked a question to K. Brewer about how a future owner might attempt to use the garage in a commercial sense. K. Brewer responded that a commercial enterprise would not be permitted in a residential zone. If that were to happen, we would issue a stop work order and follow the infraction procedures to have it stopped.

Moved by Daniel Primeau and seconded by Kelvin Martin

The Planning Advisory Committee APPROVE the variance request to increase the size of an attached garage from 85m² to 178m² at 193 Lakeside Drive, PID 00995811, because the request is reasonable and within the intent of the zoning by-law because of the large property size, and because the garage extension will be at the rear of the house and will not have a visible impact on the streetscape.

MOTION CARRIED – Unanimously

- (b) Janet Hebert, 206 Pine Glen Road (PID 05095682), Ruling of compatibility to determine if a bake shop is similar to a florist (File 23-0298)

K. Brewer gave a presentation outlining the Ruling of compatibility to be considered. The property, 206 Pine Glen Road is at the intersection of Pine Glen Rd and Harvey St. The application is to determine if a bake shop is similar to a florist. The act provides that if a specific use is not explicitly permitted then it can be deemed that if use A is permitted and use B is close enough then it should be considered within the intent of the scope of the by law.

The property is located in a transition zone between the suburban commercial zone and R1 of McAllister Park to the rear of the property. This property was subject to a conditional rezoning in 2009. At the time the consideration was for a physiotherapy clinic facing Pine Glen Road with a single unit dwelling on the top floor on the McAllister Street side. Council accepted a rezoning to Suburban Commercial subject to certain conditions that limited the commercial uses to reflect the specific nature of the request. The list of permitted uses was limited to single or two unit dwellings, medical clinic, office use, personal service shop, bed and breakfast, and florist/gift shop.

The proposal is to convert from the physiotherapy clinic to a gift shop to sell crafts and consignment crafts such as wood signs, jewelry, paintings, photographs, knitting etc but also involves a bakery component where sweets and cakes would be baked and sold on site. This would not be a commercial type of bakery where they are selling large volumes of goods daily. They will be limited by the non-commercial appliances available in the space which is only a residential stove/fridge. The gift shop portion is within the allowable types of businesses, but we have to now consider is a bake shop similar to a florist.

The site was developed as proposed in conjunction to what was approved in 2009 rezoning. The entrance would remain facing Pine Glen Road with a retail counter for the baked goods and other areas for the gift shop goods. It was noted that there are other larger commercial enterprises in the immediate area. The request was reviewed by the Development Review Committee and no concerns were raised. Notices were sent out to those property owners within 60m and K. Brewer received one call for clarification and no further concerns were raised once that was answered.

The intent of the rezoning originally was to limit the commercial uses so as to not create conflict with the residential zone nearby. The gift shop portion is within the permitted uses already, so we need to consider is the bake shop similar enough to be compatible to a florist. They will be servicing the same type of clientele, creating no higher volume of traffic and there is no expected noise volume issues or odors with the business.

Chair S. Dempsey asked whether we are considering the bake shop to be secondary to the gift shop portion of the business. K. Brewer clarified that the bake shop is not secondary to the other use but that a gift shop or florist were already permitted uses, but a bake shop is not explicitly listed so we must consider if a bake shop is similar to a florist. Chair S. Dempsey asked we could have also been asked to consider a bake shop similar to a gift shop and K. Brewer acknowledged that yes gift shop could have been used as the comparison use.

Member D. Primeau asked if there would be any on-site seating or strictly purchases for takeout. The applicant, Janet Hebert who was in the gallery responded that yes there would be some seating available to patrons.

Member D. Primeau asked about feedback from the departments as part of the Development Review Committee and his concern that none of the listed permitted uses involved cooking and wondered if fire safety was a possible concern with this use. K. Brewer responded that the Fire Department is part of the Development Review Committee, and no specific concern was raised. Based on the scale possible due to the limitations of the appliances within the building it would not have an impact. If a situation came up where more ventilation was needed, etc then building permits would be needed but from a use perspective there are currently no issues. The building inspector will look at things further at the time of permit applications.

Member K. Steen expressed concern about the subjectivity of the amount of product that could be produced in a day. K. Brewer expressed that this is a leased space with the building owner living in the upper level of the building which is going to limit the production of goods to a reasonable level.

Member D. Primeau wanted clarity around permitted uses since bed & breakfast is already permitted and he felt cooking and creating baked goods is part of a bed and breakfast business. K. Brewer concurred.

Member K. Martin asked K. Brewer if the committee shouldn't consider replacing the wording with small retail instead of these very limited uses to make it easier for other uses down the road. K. Brewer explained that Council approved this rezoning based on these conditions so Council would have to make those changes to permitted uses not this committee. The applicant was made aware that they could go the route of appealing to Council to change the rezoning or apply to this committee for a ruling of compatibility and this route was chosen. It is not in the scope of its responsibility for this committee to change the permitted uses, only to rule on the ruling of compatibility.

The applicant was present at the meeting; however she had nothing further to add.

Moved by Debby Warren and seconded by Kevin Steen

The Planning Advisory Committee APPROVE the ruling of compatibility at 206 Pine Glen Road (PID 05095682) to determine that a bake shop is similar to and compatible with a florist because:

- 1) It will not generate additional traffic, noise, or unpleasant odors for the neighbouring properties, and
- 2) The use is within the intent of permitted uses established by the rezoning approved by municipal council in 2009.

MOTION CARRIED – Unanimously

7. TENTATIVE SUBDIVISIONS

NIL

8. OTHER BUSINESS

NIL

9. NEXT SCHEDULED MEETING

The date for the next scheduled meeting is Wednesday, June 14 at 6:00 p.m.

10. ADJOURNMENT

Moved by K. Martin meeting adjourned at 6:37 p.m.