

Southwest New Brunswick Service Commission
PLANNING REVIEW AND ADJUSTMENT COMMITTEE (PRAC)

MEETING #20-11 Thursday, November 19, 2020
Online Meeting via Zoom

MEMBERS PRESENT:

Dennis Blair
Sam Walsh

Gerald Gass
Vance Johnson

Raymond Hall
B. Cornish

Jill Stewart
Dean Fletcher

MEMBERS ABSENT:

Annette Townes

STAFF PRESENT:

Alex Henderson, Planning Director
Vivian Peng, Junior Planner

Judy Hartford, Development Officer

PUBLIC MEMBERS PRESENT:

See attached registration report

CALL TO ORDER:

Chairperson, Sam Walsh called the meeting to order at 6:30PM and welcomed all in attendance.

1. APPROVAL OF AGENDA:

It was moved by G. Gass and seconded by B. Cornish “that we approve the agenda as presented.”

Carried – Unanimously

2. APPROVAL OF MINUTES:

It was moved by J. Stewart and seconded by V. Johnson “that we approve the minutes as presented.”

Carried – Unanimously

3. DECLARATION OF CONFLICT OF INTEREST:

J. Stewart declared conflict with item 20-11-02 as an adjacent landowner.

4. VARIANCE APPLICATIONS:

Item 20-11-01 Applicant: Elizabeth Neve

J. Hartford presented an application in the Town of St. Andrews for consideration of a height variance to the Town of St. Andrews Zoning By-Law to permit a fence in a SR Zone.

With recommendation from Staff and one comment regarding design from the committee;

(12:35)

It was moved by B. Cornish and seconded by R. Hall that we “accept staff’s recommendation to allow a height variance to keep the deer from accessing the garden.”

Carried – Unanimously

Item 20-11-02 Applicant: Tim Hortons Saint Andrews

V. Peng presented an application in the Town of St. Andrews for consideration of three (3) sign variances regarding a menu board replacement at Tim Hortons to allow a digital menu board (a freestanding sign):

1. To be 1.847 meters high with a clearance of 77.2 centimeters from its lower edge to the ground (instead of a maximum of 1.5 meters in height and 60 centimeters in lower clearance – section 8.12.2 (3));
2. To contain electronic messaging and electronic visual display (otherwise prohibited – section 8.6 (2)(k)); and
3. To be exempt from section 8.11 (3) regarding requirements on typefaces, colours, and other style criterion.

Staff recommends in favour subject to terms and conditions that:

- the final sign placement be approved by a Building Inspector as required by the *Zoning By-law*; and
- the final sign placement does not project.

With recommendation from Staff and no comments or concerns from the committee;

(34:43)

It was moved by D. Blair and seconded by R. Hall that we “accept staff’s recommendation for variance number one.”

With recommendation from Staff and no comments or concerns from the committee;

(35:22) **It was moved** by V. Johnson and seconded by B. Cornish that we “accept staff’s recommendation on the electronic messaging.”

With recommendation from Staff and discussion held on a total exemption from the entire section of the bylaw from the committee;

(36:43) **It was moved** by V. Johnson and seconded by B. Cornish that we “accept a reasonable variance of section 8.11(3) of this bylaw regarding these requirements subject to the approval of the Development Officer.”

Item 20-11-03 Applicant: Tim Hortons St. Stephen

V. Peng presented an application in the Town of St. Stephen for consideration of a sign variance regarding three (3) replacing digital menu boards (freestanding signs):

1. To be exempt from section 9.3.2 (1)(c) - no more than one free-standing sign shall be permitted for every 30m (98ft) of lot frontage.

Staff recommends in favor subject to the following terms and conditions:

- Any use of the menu boards shall be compliant with applicable regulations, including the town’s *Bylaw No. S-14 A Bylaw to Prohibit Excessive Noises*.

With recommendation from Staff and discussion held on the diming function and speaker noise of the proposed sign;

(55:26) **It was moved** by V. Johnson and seconded by B. Cornish that we “accept staff’s recommendation to grant the variance to allow the new digital sign subject to the terms and conditions as presented in the planning presentation with regards to the noise by bylaw. Also, a second term or condition; the implementation of the auto-diming function must be employed.”

Item 20-11-04 Applicant: Percy Jesso

A. Henderson presented an application in the LSD of Lepreau for consideration of three variances to the Lepreau Musquash Planning Area Rural Plan Regulation for a development on an existing undersized lot in the Mixed Use “MU” zone.

A variance to the minimum size and dimensions of land required to add an attached garage (330 ft.²) to an existing single-family dwelling on lot in an older subdivision pre-dating (circa. 1963) the rural plan, as per sections 3.4(1) and 3.4(4) Lepreau Musquash Planning Area Rural Plan Regulation (2011), from:

- 27 m lot width from the required 54 m;
- 32 m lot depth from the required 38 m; and
- 631 m² lot area from the required 4,000 m²

Staff recommends in favor. There were comments and concerns presented from the public regarding height, location, water view and size of the lot.

(1:47:31)

It was moved by B. Cornish and seconded by R. Hall that we “accept staff’s recommendation to approve the three requested variances for 12 Davis Lane as it is reasonable and desirable for the parcel of land and is keeping the general intent of the Lepreau Musquash Planning Area Rural Plan subject to the terms & conditions that:

1. The structure’s size, height, and appearance be built in accordance with the submitted application and that the structure shall be located no closer than 3 meters (9.8’) to any lot boundary; and
2. If the development includes or will include altering an on-site sewage disposal system then a copy of the approval under the *Public Health Act*, or a written waiver from the appropriate Department, shall be provided to the development officer prior to the permit re-instatement.

5. VIEWS ON BY-LAWS AND REGULATIONS:

(1:48:54)

A. Henderson did a presentation to repeal the Village of Harvey Rural Plan, By-Law 2019-5 and replace it with a new Rural Plan, By-Law 2020-2.

Staff recommends that the committee send their views to Harvey Council in support of the proposed By-Law 2020-2.

There were favorable round table comments;

Round Table Vote – All in favor

6. NEXT MEETING:

The next meeting will be on December 17, 2020 location online via zoom.

7. ADJOURNMENT:

With there being no further business, **it was moved** by D. Blair “that we adjourn.”

Sam Walsh, Chairperson

Alex Henderson, Planning Director

Connie Klein, Recording Secretary