

Community of Kingston

Regular Monthly Meeting March 10, 2015

Present:

Alan Miller Chair (arrived late)

Julie Ireson

Tom Coady

Joe Dolphin

Keith Boire

Dwight Thompson

Jan Holmes

Also in attendance:

Mr. Phil Wood, Community Planner

And Dianne Dowling Administrator

CALL TO ORDER:

Meeting called to order by Acting Chair Joe Dolphin at 7 P.M.

Since the Chair was running late the meeting began with discussion on the Business arising from the minutes of the February meeting.

1. Application from Insulation Company for re-zoning: At this point the Council gave the Community Planner Mr. Wood a brief summary of this application and several pieces of correspondence were reviewed. Mr. Wood provided some insight into the advantages of the approach of attaching a development agreement to this property, as opposed to creation of a Commercial zone and re-zoning this property Commercial.

At this Point Chair Miller arrived at the meeting and assumed the Chair.

After much debate the following motion was raised:

MOTION:

“That the Council pursues the option suggested by the Community Planner Mr. Wood of attaching a development agreement to this property whereby authorizing the change of use and affixing specific conditions to this agreement based on resident’s concerns.” (M) Joe Dolphin (S) Keith Boire, Motion carried.

Mr. Wood agreed to draft this agreement for Council and the correspondence to the neighbors will be rewritten to explain the process and invite feedback. The Administrator is to call the owner of the Company Mr. McKenna to explain this process and advise that the public meeting which had been scheduled tentatively for Tuesday, March 31, 2015 is cancelled.

2. Correspondence from Dale Yeo: The Council summarized the events, for Mr. Wood that led up to this letter being received by Council. Mr. Wood also read the letter submitted by Mr. Yeo and asked for a digital copy. It was noted that Council's response to this letter should clarify Council's position regarding this file and Mr. Wood agreed to draft a response for Council. Mr. Wood also noted from the correspondence that Mr. Yeo is requesting a reconsideration of a Council decision, which is not allowed under Kingston's existing legislation.

At this point Council went back to the meeting agenda.

APPROVAL OF AGENDA:

MOTION:

"To approve the agenda as circulated." (M) Dwight Thompson (S) Joe Dolphin, Motion carried.

APPROVAL OF MINUTES:

MOTION:

"To approve the minutes of the February meeting as circulated." (M) Julie Ireson (S) Jan Holmes, Motion carried.

NEW BUSINESS:

Request for a Variance: The Administrator clarified to Council that that this application is for a variance for an accessory building at 2403 Kingston Road PID # 998575, constructed in 2013. This accessory building was built too close to the main building and does not comply with the bylaws. Council was further advised that this property is being sold and the buyers are asking for approval of a variance so that the already constructed accessory building would comply with the bylaws. Copies of the original application were circulated.

Council reviewed all submissions and it was observed that this request is beyond what would normally be a minor variance as the building is located approximately 4 feet from the main building and the regulations call for a distance of 10 feet from the main building. The Administrator advised Council that the developer was advised as to the regulations concerning accessory building set back distance, as per the direction of Planning Board. She remembers because at the May meeting another developer was required to submit a revised site plan due to concerns with their application, so it is improbable that this applicant would not be also advised of the regulations as both applications were around the same time. She indicated her recognition was the developer had a concern with lining up with the driveway, as this building was intended as a garage and at the time she advised the developer that the drawing on the Provincial form (which appears to be to scale) showing the building closer to the rear yard would be acceptable. She also noted that Planning Board was reviewing all applications early in 2013 and this application would have been reviewed at the May 14th meeting.

This application was discussed at great length and Mr. Wood pointed out under Section 10 of the Community bylaw this request can not be approved by Council, since it is beyond what would be considered a minor variance and the regulations for approval of a major variance calls for specific procedural guidelines that Council would need to follow, including possibility holding a public meeting. He continued to advise that to approve this variance would be intentionally breaking our own bylaws. He also noted that unawareness of the regulations is not an excuse to violate them and that normally applicable bylaws are not cited on permit applications. The Administrator is to cite Section 10 of the Bylaw in the response.

MOTION:

“That the application for a variance for the construction of an accessory building 4.8 feet from the main building, which would necessitate a variance of over 50% of the regulated 10 foot setback, for 2403 Kingston Road PID # 998575 be denied as per Section 10 of the Community Bylaw.” (M) Joe Dolphin
(S) Julie Ireson, Motion carried.

FINANCE:

1. **Budget 2015:** Administrator circulated copies and asked that Council review the document and advise her if there are any changes or modifications. A copy of the letter from Donna Butler of the APM center is to be circulated digitally.

CORRESPONDENCE:

1. Administrator reviewed several pieces of correspondence from the Infrastructure office.
2. Annual Meeting set for March 24th 2015 at 7 PM
3. The Chair reported that Dianne Murphy has notified him that she is unable to continue to sit on Planning Board for the next couple of months and Julie Ireson volunteered to fill in on Planning Board during her absence.

Being no further business the meeting was adjourned by Joe Dolphin at 9 PM.

Submitted,

Dianne Dowling
Administrator