

Hanwell Working Group Meeting

April 10, 2007

Present:

Charles Davies	Kristel Desjardins	Grant Good	Tony Heatherington
Muriel Weadick	Reade Moore	Peter Michaud	Will Hyslop
Andrew Martin	Colleen Adams	Keith Manual	Detlef Rudolf

Meeting start at 7:37 pm

Dallas handed out a copy of the Ground Rules, which were discussed in the beginning of the process, but were reviewed again. **Dallas** stated that the group was doing very well but he felt at this point it would be useful to go over the information again.

Dallas also handed out a compilation of the subdivision covenants that exist currently in the Hanwell LSD and information from the Department of Public Health that outlines the Compassionate Grounds Approval Office Process with regards to garden suites.

Dallas began by explaining that at the last meeting garden suites were discussed and that it was an area where there was disagreement leading to further discussion after the meeting. **Dallas** felt that it warranted additional discussion and then went on to discuss the Compassionate Grounds Approval Office Process.

Dallas explained that a garden suite is typically a small dwelling unit that is to be used for temporary residence for the temporary accommodation of an elderly or infirm family member.

WG member: when the garden suites are placed on a lot, do they tie into the existing septic system?

Dallas: yes, but there are situations where the Dept. of Health would require the garden suite to have their own septic as states in the handout.

Dallas reviewed the materials in the Compassionate Grounds handout.

Dallas explained that although the exemption to locate a second dwelling unit on the property can be given by the Dept. of Health on Compassionate Grounds, the Rural Plan can say whether they would be permitted in certain areas or not. If we allow garden suites to locate in the area then we would act as a second layer

of enforcement in conjunction with the Dept. of Health. **Dallas** explained that without a rural plan the garden suites that are in the area now are under the control of the Dept. of Health, the Commission would only be involved for building permits and any variances for setbacks or lot sizes that may be required.

Dallas says that by looking at the restrictive covenants attached to some of the deeds in the various subdivisions in the Hanwell LSD, many of the subdivisions do not currently permit mini homes, mobile homes trailers or more than one dwelling unit. So in most situations garden suites would be a violation of the covenants. One of the things **WG members** will have to decide is how closely we want to follow the covenants.

WG member: asks about the requirement in the list that says “the size of the mobile home unit and the type and size of foundation”. What does the “type” mean?

Dallas: I believe if you look at the conditions, one of the conditions is that it does not have a permanent foundation. I’d suggest that they are asking so that they can make sure the foundation is not permanent but I can see how that part of the application and the conditions about no permanent foundation may seem to be at odds with each other. Removable foundations are required for the garden suite to be approved.

WG member: Is this a matter of density?

Dallas: Typically in rural areas, a residential building lot is required to be 1 acre in size, as set by the Department of Health, to try and ensure well water won’t be polluted and the septic system will be able to drain adequately and not pollute the water.

Garden suites are exemption from this requirement on compassionate grounds.

WG member: What are the requirements for compassionate grounds? Many people assume that it’s terminal illness or situations where people are unable to care for themselves. What do doctors use as a measure to issue compassionate grounds b/c there doesn’t seem to be any levels or requirements.

Dallas: I haven’t come across anything that lists the requirements for compassionate grounds to be issued, but I would anticipate that there is some type of accepted standard, but nothing set in stone to allow the family Doctors to make the recommendations they see fit. I can see why the system would put a lot of stock and faith in the Doctors as opposed to having a list of accepted ailments.

WG member: Some people who can live independently need someone close by in case of falls or special needs, etc... While they can live independently, they may just need someone to drop in and see them 3-4 times a day.

WG member: In a section of the *Health Act*, it does say mobile homes are listed as an acceptable form for a garden suite. There is nothing that says the garden suite has to match the style and type of the home on the lot or size restrictions, etc...

Dallas: I understand the concerns there, at the same time; I've noticed examples where the efforts are misconstrued. For instance, the sprucing up of a mini home to make in more in line with the character of the area can be seen by the neighbours as a step toward the structure becoming there permanently.

WG member: Is it usual that these garden suites are stand alone and not connected to the home?

Dallas: yes, garden suites would not be attached. However, a person can add on an additional bedroom or living space to your home, not necessarily a second unit to accommodate the relative by obtaining a building permit and not be subject to the conditions surrounding garden suites.

Dallas said that the Rural Plan could take all the existing covenants in the subdivision and put them into different zones so that all covenants could be enforced as part of the plan, but he said that he did not recommend this course of action due to the nature of some of the covenants. And so we need to decide how much we let the covenants factor in our decisions.

WG member: how many garden suites are granted yearly?

Dallas: said he would try and find that info for the area but didn't have this information on hand. **Dallas** also suggested that given the age of the many of the settlements in Hanwell, there may be less than in areas where generations of families have lived. **Dallas** went on to put the question to group. "How many of you are aware of garden suites in your subdivisions". There was one in Somerset Park and one that had been removed in another subdivision, but no other **WG members** knew of any in their neighbourhoods currently.

WG member: Does compassionate grounds deal with medical causes? What if a son or daughter is financially unable to take care of themselves, could they be granted compassionate grounds?

Dallas: I can't say for sure at this point, but I doubt it. Doctors are the people who are signing off on these applications and the onus is really on them to recommend that it is required. We assume that most doctors would not sign these applications without good reason but I'll look into it.

Dallas displayed a map for the WG to view that shows the subdivisions that are affected by covenants and grouped the areas that are similar.

Deerwood Acres' covenants are different enough that they would stand on their own.

Deerwood requires minimum and maximum floor areas and **Dallas** explained that he doesn't want to make a minimum size for dwellings requirement in the plan other Than the building regulation standard, except when used to define a particular housing type like mini homes, because it's not typically something the commission wants to put or regulate in the Plan.

Deerwood covenants permit a certain number of livestock and fowl and allow home based businesses, but limits them to offices of doctors, lawyers or engineers.

Brookdale is also a little different because the restrictive covenants do not make any reference to "no mini homes or mobile homes or trailers" like the others do. Brookdale does not allow any buildings to be used for the purpose of trade or business and the onus to pass these covenants on to subsequent owners is placed on the current owners..

WG member: who enforces these covenants?

Dallas: Ideally the developer, but in practice often no one does. The covenants are a legal agreement and there may be some third party rights, meaning you could have a responsibility to your neighbours not to break your covenants. If you are in violation, you could be taken to court, but someone has to take you to court. The government enforcement officers, police or Planning Commissions consider them a civil matter.

WG member: It's more your lawyers responsibility to bring these things to your attention while you are purchasing a property.

Dallas goes on to read through the covenants.

Sommerset, Eaglewood, Starlite, Pinecrest, Cobblestone, Mazerolle Settlement Road all have covenants that are similar and can be grouped, for convenience, together using the features that can be enforced by the Rural Plan, but they each have their own specific covenants.

Michael Avenue is also sufficiently different and could be its own group as it allows multi-unit dwellings.

Dallas explained that according to the covenants that have been reviewed, any other uses, like recreational uses, would conflict with the covenants and encouraged the group to incorporate certain portions of the covenants that can be enforceable by the plan and are reasonable and keep in line with our

objectives. For instance, in most subdivisions home based businesses would also not be permitted at all. This would probably have a big impact on many of the land owners in the area and may conflict with the objectives we stated.

WG member: is there anything from that list of covenants that we want to include in the plan? Do we want to limit things like signs, which will affect those people who have home based businesses?

Dallas: I would not recommend we apply minimum dwelling sizes. We may want to permit home based businesses but limit the size and type of home based businesses so they remain at a scale that is compatible with the area in which it's built.

Dallas: does the WG agree?

WG member: what takes precedence – a covenant or the plan?

Dallas: it's not a matter of precedence. The Covenant is an agreement between buyer and seller it is not in the same ball park as Acts and Regulations. The binding nature of a covenant is not affected by the zone in which the property is located. While a use may be permitted by the zone, you may enter in to a deed which contains an agreement, in the form of a covenant that says you won't do this or that.

WG member: the covenants are saying that it is recognized that most of the uses are residential and you're talking about businesses out of a home.

Dallas: Well the term home based businesses can include many things, but usually they are services offered as opposed to retail and the idea of a home based business is that the home is clearly the primary use and the business is secondary and appearances remain as such. A house overtop of a store is different than that and that would be more of a commercial use with a dwelling unit as a secondary use.

WG member: businesses that attract traffic should be located in areas that can accommodate the traffic and not in residential areas.

Dallas: we will be defining this in the zones as we move through the plan creation process. It seems, from discussions, that the group is willing to move away from the restrictiveness of the covenants in this case and where it meets with the objectives of the community.

WG member: covenants limiting the size of homes, if we move away from that – do the covenants still apply?

Dallas: yes.

WG member: well, we should try and accommodate those people who wish to open a home based business and need a second income.

Dallas asks the group again, on the subject of garden suites, do they feel that it's the garden suite that they don't want or is it the mini home and abuses? It seems from the covenants and from the discussion, that it's the mini homes in themselves that people don't want to see.

WG member: can appearance be regulated through the rural plan? Is there something to be done about a striped trailer beside a brick Tudor?

Dallas: We'd have to be clear, we couldn't say "it must look good", because it's too subjective. Who is to say what looks good and what looks bad.

WG member: if we look around, there are no lots available in the existing subdivisions. The only way someone is going to bring in a mini home is as a garden suite. It seems that garden suites are only going to be mini homes.

WG member: can we include a statement that says you can't bring in a structure that is older than (x – a certain date).

Dallas: I'm not sure if the plan has the power to restrict the age of dwellings under the Act. It's late and we will continue the discussion at the next meeting.

Meeting ended 10:04pm.