

Hanwell Working Group Meeting
April 24, 2007

Present: Reade Moore Keith Manual Tony Heatherington
John Johnston Serge Levesque Chris Robbins

Meeting start at 7:40 pm

Dallas begins the meeting by providing info requested at the last meeting.

Compassionate grounds: financial disadvantage has not, to date, qualified as compassionate grounds to establish a garden suite. A person had tried and was refused. However, likely by design, they do not have specific prescribed limitations on what qualifies as “Compassionate grounds”.

WG member: there aren’t many areas where residents would expect to establish a garden suite due to restrictive covenants.

WG member: aren’t covenants only applicable to the first person who purchases the lot and not subsequent owners?

Dallas: At times the covenants are worded that it’s the responsibility of the land owner to pass the covenants on to proceeding owners.

Dallas begins to speak about another common item in covenants: home based businesses (HBB’s) and reviews a power point presentation he has prepared (attached).

Dallas reads through the first 2 slides. On the 3rd slide *Dallas* spoke a little bit about how in a quick drive-around RPDC staff noted approx. 10 HBBs, but there are likely many more that are not apparent or have no outward appearance other than a residence.

4th slide (*Dallas* reads through the recommendations from the background report).

5th slide (*Dallas* reads through the draft objectives).

6th slide (*Dallas* reads relevant draft policies and proposals relating to residential and commercial land-uses).

Dallas spoke about how HBB’s should ideally blend in with the residential character of the area within which they are usually built. In built up subdivisions this could mean that they are non-intrusive and do not give the outward appearance of anything other than a residence. In the more rural areas, HBB’s may be more intensive and more apparent.

WG member: what would happen if someone has a HBB that is their main source of income?

Dallas: if you drove by a house that was occupied and used as a HBB by an engineer, author, bookkeeper, etc...this would not really have an impact on the outside appearance of the home, but the owner may get 100% of their income from this business. The definition of a HBB does not really address or place a limit how much of the property owner's income can be derived from the HBB. It's more about the perception of what is the main use of the property. It is the difference of where someone may work out of their home, and someone who may have a dwelling attached to a business.

The Rural Plan can identify different classifications of HBB's so that they can be grouped into the situations that would be most compatible.

Dallas read slide 7 (examples of policies from the Rusagonis plan – Class 1 HBB)
These HBBs are to be confined to the dwelling unit and are not to be intrusive or really impact the outward appearance of the structure.

Slide 8 (Rusagonis RP – Class 2 HBB)
These HBB's are permitted outside the main dwelling unit in an accessory structure, with limits to appearance and types of uses that can be considered as a Class 2 HBB.

WG member: how will these be applied if we go in this direction? Would it be by a zone or on a site by site basis?

Dallas: They would be defined and either permitted or not permitted in the zone. However, properties that do not fit within the zone where they are located (non-conforming uses), may be treated differently with zoning.

WG member: when a person who is operating a non-conforming use moves away, does that non-conforming status go away?

Dallas: no. The non-conforming rights are vested with the property not the person. However, if the use stops being used as the non-conforming use for more than 10 months, the use may not be permitted to re-establish, unless the Commission deems otherwise. If the non-conforming use burns down to more than 60% of the structure, the use would not be permitted to rebuild.

Typically, when preparing a rural plan for an area that hadn't had any land-use plans before, we try, within reason, to avoid creating non-conforming uses. This may mean that though the planning process we identify uses that don't fit with the zone we envision for the area and make special accommodations to allow it as a permitted use in a separate zone. This practice is often termed "spot zoning".

Dallas reads slide 9, 10 & 11 (Class 1 & 2 HBBs)

Dallas asked the group whether or not they'd like to divulge if they operate a HBB?
(A few of the **WG members** spoke up that they do have HBBs currently on their properties).

Dallas asked the group if any of the HBB standards we reviewed would affect them and if they had any comments.

WG members then explained the situations that would apply to them from the examples listed.

WG member mentioned that he feels his neighbour operates a HBB b/c he drives a tractor trailer, but he doesn't bring the trailer part home, just the tractor.

Dallas explains that this is difficult in some cases to determine and restrict. He then goes on to give an example that if he drives a soda-pop truck. He doesn't work for himself driving the truck – he works for the soda-pop company. If he brings the vehicle home neighbours may object, but does that make it a HBB or a use of land that the plan could restrict?

WG member then said that it is a problem though when these trucks are started up really early in the morning and stink up the subdivision with their fumes and wake everyone up.

Dallas reads the 12th & 13th slide (HBBs in New Maryland – the LSD)

Dallas notes that the New Maryland example is very seems permissive, but they are very specific about what would be bothersome. They like HBBs, but they don't like to be bothered. So they regulate against the nuisances

Dallas reads slide 14 (home-based industry - New Maryland)

Basically, this is a classification that applies to those uses that could be considered a home based business, but are a bit more intrusive or on a large scale than most other HBBs.

WG member: are there specific examples of home based industries?

Dallas:autobody repair shop.

WG member: what about riding stables?

Dallas:those are permitted as of right in New Maryland b/c they really liked horses.

Dallas: laid out a map that shows the adjacent zoning in Kingsclear and New Maryland for the group to look at compared to the white, empty area of the Hanwell planning area.

Dallas then overlaid this map with transparent maps showing things such as: poorly drained soils, slopes greater than 10%, wetlands and watercourse 30m buffer, contour lines, crown lands, and assessment.

Dallas then explained that at the next meeting WG will be discussing and delineating the areas that would be considered to be environmental constraints, where development will be limited and restricted.

WG member: is there any way that if commercial will be developing along the highway, that we could require a service road or something to service them?

Dallas: if there is only one commercial operation on that one piece of property, a service road may not be the most feasible solution. If there are a bunch of uses on that one property, or the property is subdivided into numerous lots, a service or internal road would make perfect sense.

Dallas: how does the WG feel about something in the residential area that says something about 30% of a dwelling unit can be used for a home based business? Does WG want to restrict it to be contained within the dwelling or in accessory structures?

WG member: is 30% the normal amount that HBBs are permitted to take up in a home?

Dallas: It can vary within each plan and area, but most of our plans have a similar limit. It will be determined and defined by the WG through this process.

WG member: will we be getting into signage?

Dallas: yes, as we move through this process.

WG member: is there a concern about the attendance at the WG meetings? Maybe we should email or contact the people who have not been consistently showing up at the meetings.

Dallas: People are free to come when they can, but I will try to reach out to members of the WG who have not been to the recent meetings to let them know that no matter how many meetings they have missed or attended their presence and comments are needed and appreciated.

Meeting ended 9:50pm.