

# TOWN OF LUMSDEN

## DEVELOPMENT APPEALS BOARD

MINUTES OF PUBLIC HEARING HELD ON AUGUST 10<sup>th</sup>, 2011

The Lumsden Development Appeals Board convened a Public Hearing, to hear the development appeal submitted by Henry Seidlitz, in the Lumsden Centennial Hall on the evening of Wednesday, August 10<sup>th</sup>, 2011 at 7:30 p.m. with Chairman Jack Spicer presiding.

<b>Present:</b>	Chairman:	Jack Spicer
	Members:	Gerry Tomkins, Robert Hill
	Secretary:	Darcie Cooper
	Appellant:	Henry Seidlitz
	Public Attendees:	Cheryl Archibald, Steve Kunz, Paul & Helen Andre, Darren Lamontagne
<b>Absent:</b>	Members:	Louise Holloway, Ken Goldie

*APPEAL #01-2011 was made by Henry Seidlitz in the matter of a reduced side and rear yard requirement for the construction of an accessory building (detached garage) located on Lot 6, Block 2, Plan No. 101911159 in the Town of Lumsden. The appellant has requested that they be granted approval of their development application for the construction of an accessory building to be built closer to the side yard than the required 3.0 meter setback and the required 9.0 meter rear yard required in the Estate Residential Zone under the Town's Zoning Bylaw.*

Jack Spicer commenced the meeting stating the purpose of the meeting and requested everyone in attendance to identify themselves for the minutes. Chairman, Jack Spicer requested any verbal or written submissions to be presented.

### Henry Seidlitz

Henry presented a verbal report on his written submission, including the following points:

- Setback variance is being requested because a concrete curb has already been installed on the property and the location of the curb did not take into account the size of garage that was required and the applicable setbacks. To relocate the concrete curb would be very costly
- The size of the proposed garage (14'x26') is required to accommodate his boat and various other storage items
- He believes that granting this variance would not be a special privilege to him as he feels that the board would grant a variance to another property owner in the same situation
- He indicated that there are much closer setbacks in other areas of Town
- He indicated that the variance request would not defeat the intent of the Town's zoning bylaw as there would still be a reasonable distance between buildings on neighboring properties. Neighbors indicated that they are in favour of the variance request and that the proposed setback would not affect them negatively and that the proposed location of the building would not appear out of line with the other buildings.

### Paul Andre

Paul Andre indicated that there would be no development at the rear of Mr. Seidlitz's property, as there is a drainage easement and the land would be turned over to the Town of Lumsden

### Steve Kunz

Mr. Kunz is the neighbour to the east of Mr Seidlitz and has seen the area that has been cleared for the proposed garage pad, and feels it will not look irregular and supports the variance.

### Darren Lamontagne

Darren Lamontagne is the neighbour to the West of Mr. Seidlitz and indicated his support for the variance.

Neighboring residents indicated that, now that they know what the setbacks are for the area, they will be planning their garages to meet the setbacks as required in the Zoning Bylaw. It was discussed that Andre's communicate the setback requirements to other residents in Schandre Estates.

There were 3 written submissions regarding this appeal.

**DEVELOPMENT APPEALS BOARD DECISION:**

1-11 Hill/Tomkins: "That in the matter of the appeal by Henry Seidlitz we hereby approve the development application and grant the variance requested by Mr. Seidlitz to locate his proposed detached garage 8 feet from the Side yard and 7 feet from the Rear yard as submitted in the development application No. 2011-013 based on the following:

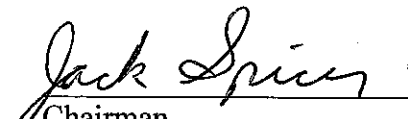
1. Section 221 sub section (d) of the Planning & Development Act, 2007 allows a variance to be granted for such cases.
2. The Board agrees that the granting of the variance will not grant the applicant a special privilege inconsistent with the restrictions on the neighbouring properties in the Estate Residential Zone as consideration is given for the concrete curb installation, the location of the property and the garage size requirement
3. There is a large enough separation between the neighbouring property owner and the appellant to keep with the intent of the municipality's Zoning Bylaw and the neighbouring property owner indicated that the location of the garage would not look out of place with respect to the neighbouring properties.
4. The Board agrees that the variance will not have a negative effect on the neighbouring property and takes into consideration the neighbouring property owners consent to the variance."

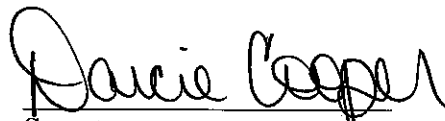
***CARRIED***

**Adjournment:**

Hill/Tomkins: "That we adjourn the public hearing at 8:00 p.m."

***CARRIED***

  
Chairman

  
Secretary