

TOWN OF LUMSDEN

DEVELOPMENT APPEALS BOARD

MINUTES OF PUBLIC HEARING HELD ON DECEMBER 16th, 2008

The Lumsden Development Appeals Board convened a Public Hearing, to hear the development appeal by Bob and Niki Gibson, in the Council Chambers of the Town Office on the evening of Tuesday, December 16th 2008 at 7:02 p.m. with Chairman Jack Spicer presiding.

Present:	Chairman:	Jack Spicer
	Board Members:	Louise Holloway, Robert Hill, Bert Hamilton, Kenner Lees,
	Secretary:	Darcie Cooper
Absent:	Board Member:	Orval Hannah

APPEAL #01-2008 was made by Bob & Niki Gibson in the matter of a reduced sideyard requirement for the construction of an accessory building (garage) located on Lot 2, Block A, Plan No. 98RA25424 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 under the Town's Zoning Bylaw.

DELEGATIONS:

1-08 7:05 p.m. **Bob & Niki Gibson** presented a verbal submission to the board citing the following reasons they feel their development application should be granted:

- The zoning information they received from the office indicated a set-back of about 2 feet and they felt they would be safe to have a 4 foot setback
- Engineer looked at the plans and indicated that everything was good, and they were told that the permit wasn't ready but they were okay to start without it. They began the project based upon the verbal approval as the contractor was there and ready to start
- They received a call that the permit was in, but when they came to pick it up, they were told that the setbacks were actually incorrect and it should be 3 meters (10 feet) back from the side yard. At that point the cement pad was poured and it was all framed in with the roof on.
- They have contacted the affected neighbours and no one has a concern with the location of the garage and said their adjacent neighbour has sent a letter indicating that they have no problem with the location of the garage

Kristopher White and Danielle Tuchelt White of 15 James Bay submitted a written letter indicating that they have no problem and happily support the placement of the newly constructed garage.

There were no other submissions regarding this appeal.

DEVELOPMENT APPEALS BOARD DECISION:

2-08 Holloway/Hill: "That in the matter of the appeal by Bob and Nicola Gibson we hereby grant approval of the development application 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 there is a large enough separation between the appellant's garage and the neighbor's garage for the control of fire.
3. The Board agrees that the addition will not have a negative effect on the neighboring property.
4. The appellants allege to have been given misinformation and miscommunication from the office regarding the required setbacks and the appellants appeared to act in good faith with the information they said they were given."

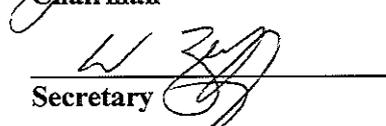
CARRIED

ADJOURNMENT:

The meeting was adjourned 7:35 p.m."

CARRIED


Chairman


Secretary