

TOWN OF LUMSDEN
MINUTES OF THE ZONING BYLAW AMENDMENT PUBLIC HEARING
HELD ON NOVEMBER 23, 2010

The Town of Lumsden Council convened the Zoning Bylaw Amendment Public Hearing for text changes, in the Council Chambers, on the evening of Tuesday, November 23, 2010 at 7:30 p.m. with Mayor Bryan Matheson presiding.

Present:	Mayor:	Bryan Matheson
	Councillor:	Sid Sikorski, Al Sulma, Jayne Leibel, Rhonda Phillips, Doug Mader
	Administrator:	Wayne Zerff
	Asst. Administrator:	Darcie Cooper
Absent:	Councillor:	Dan Kirby
Public Attendees:		John Reitmeier, Paul Andre, Ron Kidd Bev Harbor, Les Foster, Mike Johnson, Dylan Johns

Mayor Bryan Matheson announced that the public hearing is being held to discuss Bylaw #2010-13, a bylaw to amend text within the Zoning Bylaw #2002-15. He opened the meeting indicating the forum for the meeting, how presentations will be accepted and the time line for the presentations.

There was one written submission made prior to the public hearing.

Mayor Bryan Matheson

So; my name is Bryan Matheson, by the way, and please identify yourself when you make your presentation.

Is there anybody that would like to make a presentation?

Unknown 1

At some point today are you going to discuss why these changes are being proposed?
I'm not sure what the reasoning is for...

Mayor Bryan Matheson

I'm going to try to get your question here.

Well, Wayne maybe do you want to?

I'll go first: Concerns were raised by a number of individuals from the community, residents of the community, and we react to those concerns, so that is the biggest thing. We try and be proactive instead of reactive so, as sea cans, and I'll use sea cans as an example,...if tomorrow 10 of them came into town and we had no rules or regulations, they could be in your front yard or your neighbours front yard and you'd be looking out at them forever. So you have to put some rules and regulations in for that type of thing. In terms of other structures and those types of containers as well, there has to be some rules about where they can be placed, along your property line or in your front yard or those types of things, so they're not infringing on your property or your neighbour's property or that type of thing. They also want to be aesthetically pleasing so that they look decent, and they have to be safe so that they're not just put in place and suddenly it blows away and into your yard, or into your property or your car or whatever. They have to be put back so it's not right on the property line of your neighbour, those types of things. So the reasons are, I guess in a nutshell, trying to be proactive rather than reactive. Did I miss anything?

Administrator Wayne Zerff

No, I don't think so. I think the reason that it was being looked at is because of concerns, as Bryan said, that were expressed to council, our planner that is relatively new is a contracted planner that works for a number of municipalities around the province and has put some proposed amendments together here regarding three of these issues and that's the shipping containers, the membrane covered structures and the outdoor storage compounds and that was just to address those concerns, try to regulate how they can be used in those situations and where they can be used.

WY 

Unknown 1

I just heard about this the other day and in the Waterfront Press. As I understand, you have like 7 days to use a membrane covered structure? If I'm not mistaken,

Unknown 2

It almost sounded like there is a ban on them, like we're not allowed to have them?

Mayor Bryan Matheson

That would be the intent for that type of thing would be, you're going to put something up in your yard for an anniversary...

Unknown 1

Oh, like an event tent?

Mayor Bryan Matheson

An event tent.

Unknown 1

You need a permit for that, don't you?

Mayor Bryan Matheson

Right.

Unknown 1

So after they ...that would nullify the permit wouldn't it? Isn't that already legislated under something else? I'm talking about carport tents, the ones that are sold at Canadian Tire.

Mayor Bryan Matheson

No, that's not what this one is intended for.

Unknown 1

That's kind of what's on the flyer.

Mayor Matheson

Ok, maybe I'm mixed up.

Councillor Rhonda Phillips

That's what this membrane structure refers to.

Administrator Wayne Zerff

That one would, would be covered under it. Basically, anything that is 200 square feet or less would not fall under this, it would be accepted. Anything larger than 200 square feet would fall underneath this proposed amendment and basically the idea is that any new membrane structure has to meet certain association standards, so that it is ensured that it's going to be built properly and is not going to cause problems or personal property damage in the future, so that the whole intent around this proposed amendment.

Unknown 1

And there's some guidelines around there for what is the approved structure. Like the ones that are say 12x20 'Shelter Logic' is the name of one brand sold at Canadian tire would that be approved?

Administrator Wayne Zerff

Basically what is in our amendment is that they have to meet section 4 of the National Building Code, and they have to be designed requirements for Canadian seismic snow and wind loads and there is information available on that as well.

And temporary structures of such can be up for a period of 7 days.

Unknown 1

Or if they do require...[could not hear]... for 7 days?

Wayne

No, if it's just a temporary structure the standards don't come into play and they can be in place for 7 days. But if it's a permanent structure these standards have to be adhered to, or met.

Mayor Bryan Matheson

It says "the membrane structure's manufacturing association or www.msma.ca represents companies that manufacture these structures." So there are structures out there that meet these requirements.

Unknown 1

Okay.

Mayor Bryan Matheson

Anything, understand right now that anything that is in place today or prior to this bylaw, becomes a legal non-conformity. So it remains as-is, until such time as it has to be replaced, then it would have to meet new standards.

Unknown 2

So just these temporary structures or sea cans or what?

Councillor Rhonda Phillips

Both.

Mayor Bryan Matheson

Yes, everything.

Unknown 2

Everything.

So just for info like behind the pharmacist there, you have that big container, so that can stay there or what?

Mayor Bryan Matheson

That's my understanding.

Unknown 2

Oh, ok.

Administrator Wayne Zerff

Legal non-conforming.

Unknown 3

So basically the situation trying deal with.... [could not hear].

Administrator Wayne Zerff

Right. And this proposed amendment would allow as a discretionary use; shipping containers in highway commercial areas and industrial areas. So down town here is C1 and C2 zone and currently it wouldn't be allowed in that or wouldn't be allowed residential, except on temporary basis would in temporary situations where you're moving or such, they can be there for 10 days.

Unknown

For house construction they can have one eh? During the construction period of the house like a year, two years, whatever?

Administrator Wayne Zerff

10 days.

Councillor Rhonda Phillips

Not according to the...

Mayor Bryan Matheson

That was one that we talked about here, as council members, that 10 days was something we're thinking probably needs to be expanded a little bit. Because housing construction as you said doesn't take place in 10 days, even though sometimes the developer tells you that; that they can do it in (finger snap) that much time

Unknown

I thought I read that it looks like you can have it a lot longer.



Shipping containers, (section) 4.29, on (subsection iv) a. "Upon the completion of the construction," which seems to me it would be a year or two years, whatever it takes.

Councillor Rhonda Phillips

As Bryan said, it's more of a....

Unknown

And then (subsection) c. says apparently you gotta get rid of it.

Administrator Wayne Zerff

Yeah.

(Subsection) c would apply, so its 10 days or when construction is done, that's how its worded right now.

Mayor Bryan Matheson

So we're thinking (subsection) c. has to be amended somewhat?

Unknown

Yeah, well if you're building a house....I had a guy out there that put one on the street for a year eh, like I don't like that, that's not meant to be, put it on the property when he's building a house, put his tools in there and that. Like I say, that didn't go on for a long time.

Mayor Bryan Matheson

Yeah, but we don't want it to go forever.

Councillor Rhonda Phillips

But you're thinking that it should be for the length of the time, that it should be longer than 10 days?

Unknown

I would think, yeah, you know, like I say it costs a lot of money to get them in and get them out and you got a lot of tools in there.

Councillor Rhonda Phillips

Yeah.

Mayor Bryan Matheson

I mean once you get the house secured so you can put tools inside the house, then you can get rid of it.

Unknown

Yeah, well as a contractor, they don't like to leave 'em out...

Mayor Bryan Matheson

Right.

Unknown

Well if it's clear you know, if you're gonna... [could not hear]..you have to have it cleared.

Mayor Bryan Matheson

Ok, it appears as though no one has presentations, so are there any further questions?

Unknown 4

What areas does this whole thing cover; does it cover the Town's land as well?

Mayor Bryan Matheson

Yes.

Unknown 4

The Town compound areas?

Mayor Bryan Matheson

The Town's compound areas is public...

Handwritten signature and initials, possibly "WZ" or similar, located at the bottom right of the page.

Administrator Wayne Zerff
Public Service District.

Mayor Bryan Matheson
Public Service District, so yes it does.

Unknown 4
With all you're cars behind the building there?

Mayor Bryan Matheson
The cars with the maintenance building, right now would become legal non-conformities but if we put up another one it would have to meet the bylaw.

Unknown
And when you're talking covered fences, that's not ,you don't cover fences..[could not hear].

Mayor Bryan Matheson
I think the covered fence as I understand it is the weaving of the materials in between the holes to make it so you can't see through it.

Unknown
Does that apply in C1 and C2 areas or just plain industrial?

Mayor Bryan Matheson
Wayne is going to answer that question in a second.

Administrator Wayne Zerff
This amendment is proposed for the highway commercial district, the general commercial district and the industrial district. So the only one of the commercial and the industrial ones that it is not covering is the C1; which is the main down town area here.

Unknown
Highways just put a tent up over there, that's ugly! Is that in Town or where is that?

Administrator Wayne Zerff
That's in town.

Unknown
Well let's get rid of it, it's an eyesore

Administrator Wayne Zerff
It was approved by council.

Unknown
Was it?

Administrator Wayne Zerff
Yeah. It was a while ago yeah, and it's got a geo-tech report too.

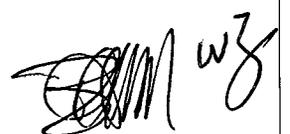
Unknown
Ok 'cause that's a coverall so I'm pretty sure that one's covered under approved structures, so unless you're Dallas Cowboys....

Mayor Bryan Matheson
It was approved prior to this council.

Unknown
They are great structures.

Unknown
How does it work on a piece of property where the property lines are bordered by water?

Mayor Bryan Matheson:
Good question.



Administrator Wayne Zerff:

For, how are you...

Mayor Bryan Matheson:

How is your property divided?

Unknown:

I'm speaking about my property, on three sides it bordered by water. So, what are you going to do there?

Administrator Wayne Zerff:

In regards to fencing, or storage compound?

Unknown:

There's a whole property.

Administrator Wayne Zerff

What the proposed amendment allows, is it gives council the flexibility to require that screening and fencing in order to minimize aesthetic impact. So, it's councils discretion as to when it needs to be a condition of the approval and when they can relax it.

Unknown

I guess where I'm going is that in the summer time when all the trees are growing and everything is all filled in, where the water channel is, I can't see the town shop and the town shop can't see my fence, so I don't see the need to put fences in, [could not hear]...then you have the dike on the other side, So I don't know what part of the dike

Administrator Wayne Zerff

Well again that would be if there was an application made for an outdoor storage compound it would be something that council has the flexibility to look at each situation and determine what is required in that situation.

Unknown

So that's the ... [could not hear].

Administrator Wayne Zerff

Yeah it basically gives council the authority to require it, when they feel it's needed. So it all depends on...

Unknown

It would be a ruling at the time then?

Administrator Wayne Zerff

Yes it would be at the time of the approval, which the approval would be subject to those conditions.

Unknown

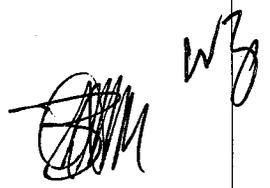
So everybody now would be grandfathered in, like Johns place and whatever eh?

Administrator Wayne Zerff

Anything that is there already is legal non-conforming, it's yes, grandfathered in.

Unknown 5

So, will the Town maybe put on their website which of these garage and carport things they can purchase? And people can put these things up, you know there's a few major brands that are sold in the City and people are going to want to buy them and put them up to throw their stuff in right. Not all of us have built brand new houses with double car garages or have the money to do so and we still have the right to protect our stuff whether its aesthetically pleasing to our neighbour or not.

 WZ

Administrator Wayne Zerff

We can certainly, regarding the membrane covered structures, we can certainly put that information up, that we have under the National Building Code design requirements and the website address for that membrane structures manufacturing association.

Unknown 5

Just so long as it's easy, so people don't have to go hunting before they go buy their tent, just to make it easy for them so they don't come home with a tent and be like 'yeah right on' and then you come and say 'no you didn't cheque out www. structured this and that' you know.

Administrator Wayne Zerff

And again, anything under 200 square feet or less this doesn't apply to it

Unknown

12x20 is the most common structure out there and that's 240 square feet, you know. It applies to most of them.

Mayor Bryan Matheson

Anything more?

Unknown

I'm just getting a comments on...It seems like there is a lot of miss-mash between what's industrial/commercial and residential. And it would be nice to see somewhat of a large vision as the down town almost quite full of businesses and things and you could almost have the street behind near Kissel's and some of that property but now it's taken up with stuff that's somewhat commercial. So it would be nice to see almost a long term vision where maybe there would be a commercial space that wasn't downtown or on the entrance to Town or some type of long term vision where we could have more of an industrial area where 'aesthetically pleasing' isn't as much of a concern as opposed to it being kind of scattered everywhere as it is right now, 'cause I think that's the, that's kind of the major crunching point.

Mayor Bryan Matheson

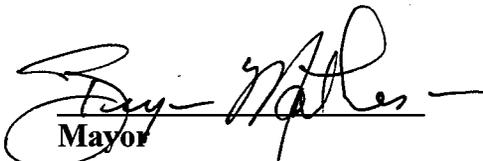
Okay, if there's nothing further we'll get back to the meeting and you're certainly welcome to sit and listen to us. This gives us a chance to be home at a reasonable hour now.

Thank you very much, much appreciated, your input is certainly appreciated.

Adjournment:

Sikorski/Sulma: "That we adjourn this meeting at 7:48 p.m."

CARRIED



Mayor



Administrator