

**Development Review and Recommendations**  
**Rural Municipality of Victoria**  
**Development Officer Review**

File: V-21-09

<b>Applicants Name</b>	Sabine Nuesh		
<b>Address</b>	24 Bardin Street		
<b>Email</b>	Victoriaglasstudio@hotmail.com		
<b>Phone No.</b>	<b>H/W:</b> 902-658-2038	<b>Cell:</b>	
<b>Property Location:</b>	24 Bardin St.	<b>Property No.</b>	913780
<b>Existing Use:</b>	Described within the Comment section.		
<b>Proposed Use:</b>	To add a takeout for coffee and sandwiches		
<b>Proposed Structures:</b>	To add a 12 foot by 40 foot addition on the right side of the existing building. See Plate C.		
<b>Lot Size:</b>	17,620 sq.ft. (Lot 15-2) 36,618 sq.ft. ( lots 15-1 & 15-2)	<b>Lot Frontage:</b>	90 feet (Lot 15-2) 199.72 ft. (Lots 15-1 & 15-2)
<b>Services</b>	Full municipal services		
<b>Access</b>	Bardin Street		
<b>Official Plan</b>	The property is designated as Central Core.		
<b>Z&amp;SC Bylaw 414</b>	The property zoned Central Core in Bylaw 414.		
<b>Comments:</b>	<p>The Original Application was received on May 28, 2021 that consisted of an addition by attaching an existing building to the existing building. The plan was revised on July 6, 2021 to add an addition with new construction. The Revised Site Plan is shown on Plate 'A'. The proposed addition would be 12 feet by 38 feet (456 sq.ft.) and would be on the eastern side of the existing building. The details of the proposed uses and dimensions are shown on Plate 'B'. The addition in the detailed plan shows the addition as 12 ft. by 40 ft. with as total area of 480 sq.ft.</p> <p>Based on the original site plan submitted, the addition would be approximately 18 feet from the side lot line. The proposed addition and the existing building would comply with the requirements set out in Section 7.5(1) of the Bylaw for lot area, setbacks, etc. The proposed addition based on the site plan meets the front yard setback of 20 feet and the side yard setback of 5 feet.</p> <p>The applicant states that she runs a year round business and Post office from this location and there are offices rented to the Victoria historical society , the south shore watershed group for example and previously to the municipality of Victoria and the Victoria Playhouse for several years.</p> <p>The proposed addition based on Plate 'B' would have access through the existing building, with 228 sq.ft, for retail; 144 sq.ft. for a kitchen; and, 108 sq.ft. for cool room for a total or 480 sq.ft. It appears that all three are connected since the cool room only</p>		

has a door into the kitchen. The kitchen has a door into the glass studio and the retail marché.

When application is made to the Province for a Building Permit matters such as washroom facilities and sanitary issues should be addressed at that time.

The application has seen many revisions. The application as originally received on May 27, 2021 to move an existing building measuring 16.6 feet by 14.6 feet for a total of 242.36 sq.ft. as an addition to the main building.

On September 13, 2021 a revised sketch was submitted to build a new addition measuring 12 ft. by 38 ft. for a total of 456 sq.ft. Plate "A" shows the proposed addition with details of the internal walls and proposed uses. It shows a takeout, kitchen and cool storage.

On October 15, 2021 a new application was received with the sketch showing the addition as 12 ft. by 38 ft. on one sketch and 12 ft. by 40 ft. on a plan showing the interior walls and proposed uses. The addition is similar to the one submitted on September 13<sup>th</sup> however the room dimensions are somewhat different. The uses for the kitchen and cooling room did not change. However the takeout is now referred to as retail / marché. In the application the proposed use is stated to be "commercial".

I have spoken to Sabine Nuesch about the propose use and tried to explain the expansion of a commercial use requires a notice to be circulated to neighbouring properties. I also stated the proposed use has to be one of the uses listed in 7.3 of the Bylaw. She is insistent that she has an existing commercial use and that is what the new use will be.

When it was explained that the takeout cannot exceed 200 sq.ft. this notation was deleted from the sketch and is now referred to retail / marché. Retail is a general term and is not listed in the special permitted uses. A restaurant and café is a permitted use. If that is what she wants, then it could be the permitted use.

Appendix C of the Bylaw requires one loading space per 300 sq. ft. for commercial uses. For a restaurant no loading spaces are required. Therefore it is necessary to define exactly what the proposed use will be in the addition. If it is not a restaurant then a loading area would probably be necessary.

If it proceeds, the issue of parking needs to be addressed in a development agreement. As shown on the plan, the Applicant owns two separate lots (Lot 15-1 and 15-2) as shown on Plate "A". The building is on one lot and the parking is on the other lot. The agreement should deal with the potential of each lot being held separately. If this were to happen the parking for the building would have to be developed in the rear of Lot 15-2.

Based on Section 1.5 of Bylaw 414, as Development Officer I cannot issue the permit because it would be a "new commercial operations or existing commercial operations wishing to expand" (section 1.5(1)(b)) and is a "change of use (section 1.5(1)(j)). For these reasons Planning Board or Council must approve the issuance of the Development Permit.

	<p>Section 7.3(1)(d) permits a restaurant and café with no limits on size.</p> <p>Council must decide if the proposed addition is a Major Development as set out under Appendix B. Given the size of the proposed addition for the new use, there is sufficient land on the lot for parking, and it appears the addition should not conflict with surrounding uses, Council must determine if this is a Major Development.</p> <p>The addition will require a building permit that would be issued by the Province.</p>
<p><b>Summary:</b></p>	<ol style="list-style-type: none"> <li>1. Section 3 of Appendix B of the Bylaw requires a notice be sent to property owners within 30 metres (98.4 ft.) for the proposed change of use.</li> <li>2. If Council determines that the addition and new uses are not a Major Development and a public review is not necessary, then Section 4 of Appendix B would not apply. If Council determined that it is a Major Development, then Section 4 of Appendix B would apply.</li> <li>3. The Applicant needs to decide what the proposed use will be, and it must be one that is listed in Section 7.3(1) of the Bylaw.</li> <li>4. If Council upon completion of the 21 days as required under Section 3 of Appendix B, determines that the proposed new use and expansion of the commercial use is not a Major Development and a public review is not necessary, then: <ol style="list-style-type: none"> <li>a. Council could direct that the Development Permit be issued for an addition measuring 12 feet by 40 feet in the location as shown on the revised application site plan;</li> <li>b. That Council approve the proposed use as one listed in section 7.3(1) of the Bylaw after consulting with the Applicant;</li> <li>c. That a Development Agreement be entered into with respect to the parking if Lot 15-1 at some time in the future is not affiliated with lot 15-2; and</li> <li>d. That the Development Permit is issued subject to obtaining a Building Permit from the Province. The contact info is Email: <a href="mailto:landsdivision@gov.pe.ca">landsdivision@gov.pe.ca</a> or by Tel: 902-368-5590. The Building Permit application is at: <a href="http://www.princeedwardisland.ca/sites/default/files/forms/build_development_permit.pdf">www.princeedwardisland.ca/sites/default/files/forms/build_development_permit.pdf</a></li> </ol> </li> </ol>

<p><b>Date: February 14, 2022</b></p>	<p><b>By: Robert Griffiths, RPP, MCIP</b>  <b>RG Professional Planning Services</b>  <b>Development Officer</b></p>
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Plate 'A' – Revised Site Plan – October 15, 2021



SCALE 1" = 40'



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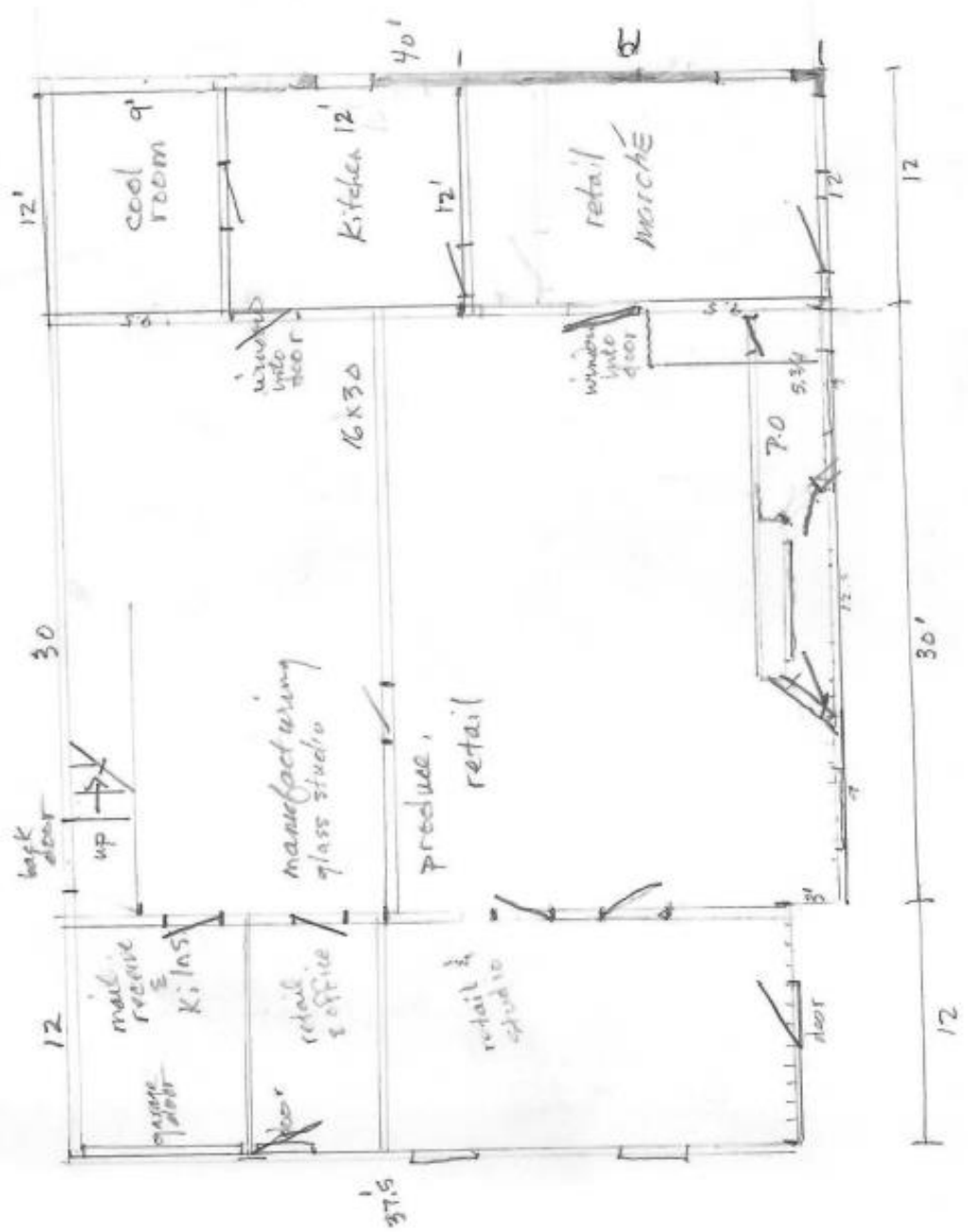
Plate 'B' - Details of Proposed Addition – October 15, 2021

25'  
12'  

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37.5'

VICTORIAS GLASS STUDIO  
+ ADD ON  
15th Oct. 2021



18'  
12'  

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30'

Plate 'C' - Details of Proposed Addition – September 13, 2021



SCALE 1" = 40'

ADDITION -



THE FIRST PART OF ADDITION WILL BE ADDED TO OUR EXISTING RETAIL OPENING UP THE WALLS. IT WILL BE ACCESSIBLE FROM OUR CURRENT SHOP. SECOND WILL BE A SMALL KITCHEN, THIRD IS A COOL ROOM FOR FOOD STORAGE.



Plate 'C' - Existing building on the lot

