
MEMORANDUM

To: FILE
From: Jean Fraser
Subject: Application ID: 2014-033
Date: 4/11/2014

Comments Submitted by: Marge Schmuckal/Zoning on 4/10/2014

This property housed Tim Horton's restaurant with a drive-thru. Tim Hortons moved out in November of 2013 from what I was told. Normally under zoning, a new restaurant owner would not need a new zoning permit (or change of use) for a different owner with the same use. However, since this was originally a conditional use approval to the Planning Board for the new drive-thru, a condition was placed on the original approval that triggered another review based upon a different restaurant tenant.

Section 14-183(a)6(a) specifically states within the text: "In addition, drive-through features shall not extend nearer than twenty-five (25) feet to the street line." There has been some concern as to where the measurement to the street line actually is located. The definition of "street line" is located in 14-47 and states: "Street line: the line of demarcation between a street and the abutting land." This definition does not use the terminology of abutting property line. Therefore I interpret the street line definition to mean the demarcation between the street pavement and the abutting land and not an abutting property line. The curb would be the specific transition point between the street and the abutting land.

I am not aware of any other zoning issues at this time. Separate permits will be required for any exterior approved changes to the drive-thru and for any new signage.

Marge Schmuckal
Zoning Administrator