

# Beaubassin Planning Review and Adjustment Committee

## STAFF REPORT

### Rulings of Compatibility

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**Subject :** Home occupation, distance and height of the accessory building to the house  
**File number:** 14-1722  
**Meeting Date:** Wednesday, January 21, 2015  
**From :** Nicolas Landriau  
Development Officer

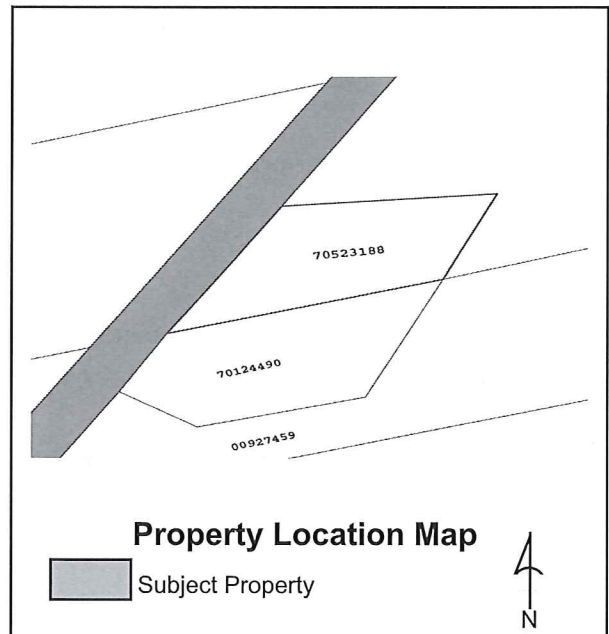
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#### GENERAL INFORMATION

**Applicant/:** Remi LEBLANC

**Landowner :** Remi LEBLANC

**Proposal:** Apply for a compatible use to allow a metal machining shop as a home occupation under section 10.15 (1)f (similar as woodwork) and 2 variances to have the accessory building at 23 meters from the main building instead of the required 30 meters and the accessory building higher than the main one.



#### SITE INFORMATION

**Location:** 829 RUE CENTRALE MEMRAMCOOK

**PID:** 70523188

**Lot Size:** 3661 m<sup>2</sup>

**Current Use:** Residential and accessory building

**Zoning:** résidentielle rurale - zone RR

#### **Future Land**

**Use:** Residential and Home occupation

#### **Surrounding**

**Use & Zoning:** Surrounding use: Residential and vacant lots; Surrounding zoning: Résidentiel rural and Développement des ressources

#### **Municipal**

**Servicing:** None

**Access/Egress:** Rue Principale

## **Municipal Plan Policies**

### ***ARTICLE 1 : ÉNONCÉ DE PRINCIPES ET PROPOSITIONS***

#### **1.1) Secteur résidentiel**

##### **Principes**

- 1.1.1 Le Conseil a pour principe d'encourager les nouveaux aménagements résidentiels à l'intérieur des secteurs résidentiels et du centre du village.
- 1.1.2 Le Conseil a pour principe de favoriser, dans toutes les unités de voisinage, le maintien et l'apport de logements pour les personnes ayant des niveaux de revenu différents, pourvu qu'ils soient compatibles avec ces unités.
- 1.1.3 Le Conseil a pour principe de favoriser diverses catégories de logement.
- 1.1.4 Le Conseil a pour principe d'encadrer la densité d'occupation du sol pour les secteurs résidentiels.
- 1.1.5 Le Conseil a pour principe de rassembler les mini maisons dans des secteurs stratégiques.

##### **Propositions**

- 1.1.21 Il est proposé de maintenir certains secteurs résidentiels à faible densité afin de préserver les quartiers orientés vers un rythme de vie plus lent, consacrés à la famille, et dont la verdure est plus abondante.
- 1.1.22 Il est proposé que ces secteurs à faible densité soient adaptés aux caractéristiques des secteurs ambiants et que des normes d'aménagement appropriées soient établies, le cas échéant.

#### **2.1) Secteur commercial**

##### **Principes**

- 2.1.1 Le Conseil a pour principe d'encourager le développement de l'activité commerciale.
- 2.1.2 Le Conseil a pour principe d'encourager la croissance commerciale à l'intérieur du périmètre d'urbanisation.

##### **Propositions**

- 2.1.6 Il est proposé que le Conseil veille à ce que les nuisances de certains aménagements commerciaux sur les secteurs résidentiels limitrophes soient atténuées par l'imposition de normes de design urbain et d'aménagement paysager.

## **Zoning Bylaw and or Subdivision By-law Regulation**

### **Exercice d'une activité professionnelle à domicile**

10.15(1) Les usages suivants sont des activités professionnelles à domicile visées par le présent arrêté sous réserve des dispositions de chacune des zones :

f) sous réserve du paragraphe (3), un métier exercé à domicile, notamment la charpenterie, l'électricité, la mécanique, l'ébénisterie, la menuiserie, la plomberie, l'aménagement paysager et la peinture;

10.15(3) Un bâtiment accessoire peut être affecté aux activités professionnelles à domicile énoncées à l'alinéa f) du paragraphe (1) pour permettre à la personne qui exerce le métier de ranger son équipement et ses matériaux, et aux mécaniciens, ébénistes et menuisiers de pratiquer leur profession, pourvu :

b) que le bâtiment accessoire se trouve dans la cour arrière à une distance minimale de 30 mètres de la maison et de 10 mètres des limites de propriété;

c) que le bâtiment accessoire n'ait pas une hauteur supérieure au bâtiment principal;

### **Internal Consultation & External Consultation**

The client spoke with the development officer to determine his project. The client provide a document from CBDC Westmorland/Albert Inc stating that the business plan approbation is conditioned to the approval of the development by the southeast regional services commission

### **Discussion**

When evaluating a variance, the Planning Act provides the following criteria or test to evaluate the requests.

#### **Is it reasonable?**

The client is asking to run a metal machining shop in an accessory building and asking the board to consider this use as compatible with the permitted use "woodwork" (menuiserie), (not carpentry) as listed in section 10.15(1)f) of Memramcook rural plan. As discussed with the client, the business will subcontract works on demand such as machining little pieces of metal. Small machines will be use to cut, bend, abrade and assemble pieces of metal to be shipped afterward. There will be no employees there except the proponent. The machining of small pieces of metal seems to be reasonably similar to the permitted activity "woodwork" as they are both producing noise, dust and are proceeded in small volume. The only difference from wood to metal is that welding activities may produce harmful fumes that will have to be properly extracted from the building.

The accessory building where the client would like to run his metal machining business is already build and is located 23 meters from the main building (Mini-home). The rural plan regulation requires 30 meters of separation between the home occupation and the residential use. The variance asked for

here is 7 meters. The distance seems reasonable.

The accessory building where the client would like to run his metal machining business is already built and is 17 feet high. The main building (mini-home) is 14 feet high. The rural plan is asking for an accessory building use as a home occupation to be lower than the main building. In all other cases, accessory buildings can go as high as 25' in residential areas. The accessory building is 3' higher than the main one and lower than the maximum allowed in residential area. The variance is reasonable.

**It is desirable for the development of the property?**

The use "woodwork" is permitted as home occupation within rural residential zones in Memramcook. The aim of this disposition is to allow small businesses to grow in rural places and to reduce potential conflict of use with residential use around. The proposed use (metal machining) to be considered as reasonably similar to "woodwork" will allow the owner to have an income and improve the overall situation of the property. The dispositions to frame the potential conflict of use will apply for this use as well as the one permitted. It seems to be desirable for the property.

The accessory building is existing and already installed in the backyard. The distance from the main building is 23 meters. Asking the developer to move the building to meet by-law requirements may cause unjustified cost and won't greatly improve the situation. The actual location of the building is desirable for the development of the property.

The accessory building is existing and already installed in the backyard. The difference between the 2 building is 3 feet. As the 2 buildings are already set on the lot, the development is just about changing the use of the accessory building. There is no construction proposed. The business will improve the situation of the property and is therefore desirable for the property.

**Does the variance meets the intentions of the zoning by-law?**

The intentions of the by-law is to allow home occupation and preserve residential nature of the property. The use of a metal machining workshop will produce the same type of potential nuisance than a woodwork workshop. There is disposition in the by-law to prevent conflict with the neighborhood. The variances about the distance and the height of the accessory building to the main one won't question the by-law dispositions framing potential conflict of use. The compatible use and variances meet the intentions of the zoning by-law.

**Does the variance meets the intentions of the rural plan?**

The intentions of the rural plan about the residential areas are to allow different type of dwelling including mini-homes. Low density areas will have to be adapted with specific development standards. The intentions of the rural plan is to encourage economic development and to deem impact of commercial development in residential areas.

The intentions of the rural plans are then met.

## Public Notice

Notice was sent to land owners within 60 metres of the subject property.

## Legal Authority

35(1)The advisory committee or regional service commission may permit, subject to such terms and conditions as it considers fit,

(a) a proposed use of land or a building that is otherwise not permitted under the zoning by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the by-law for the zone in which the land or building is situated; or

(b) such reasonable variance from the requirements of the zoning by-law falling within paragraph 34 (3)(a) as, in its opinion, is desirable for the development of a parcel of land or a building or structure and is in accord with the general intent of the by-law and any plan or statement hereunder affecting such development.

34(3)Subject to subsection (4), for greater certainty without limiting the general power conferred by subsection (1) or (2), a zoning by-law mentioned therein shall divide the municipality into zones, prescribe the purposes for which land, buildings and structures in any zone may be used, and prohibit the use of land, buildings and structures for any other purpose, and may

(a) regulate as to any zone

(iii) the height, number of storeys, ground area, floor area and bulk of buildings and structures,

(v) the placement, location and arrangement of buildings and structures, including their setting back from the boundaries of streets and other public areas, and from rivers, streams or other bodies of water,

## Recommendation

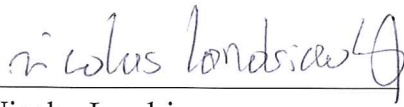
Staff recommends that the Ruling for Compatibility request from Remi Leblanc, 829 Central Street (PID 70523188), Memramcook, to allow a metal machining workshop as a woodwork workshop home occupation **BE GRANTED**, under the following conditions:

1. That the requirements for home occupations outlined in the by-law be followed.
2. Proper device to evacuate welding fumes will have to be set on the building.

Staff recommends that the variance request from Remi Leblanc, to allow an accessory building used

for home occupation at 23 meters from main building **BE GRANTED.**


Staff recommends that the variance request from Remi Leblanc, to allow an accessory building used for home occupation be 3' higher than the main building **BE GRANTED.**



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Nicolas Landriau

Agent d'aménagement/development officer



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Jesse Howatt

Urbaniste/Planner







