

Comité de révision de la planification de Beaubassin

Rapport du personnel

Demandes de Dérogation

Objet : Encroachment of accessory structure

Numéro du fichier: 15-1029

Date du réunion: Le mercredi 19 août, 2015

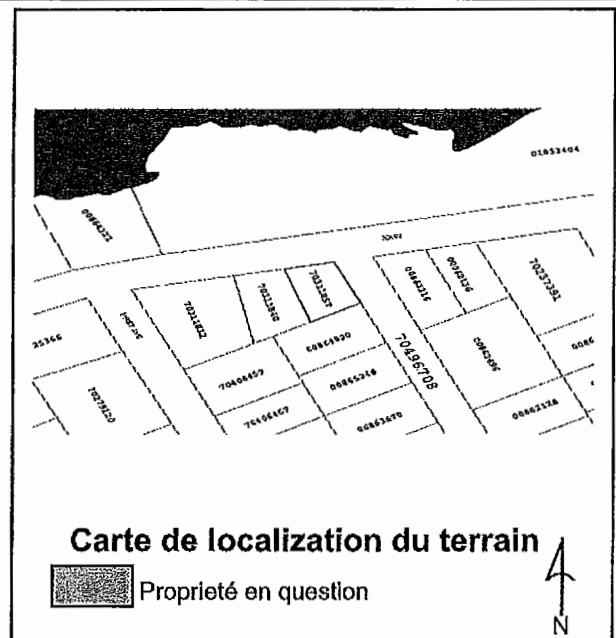
De : Nicolas Landriau
Development Officer

Information générale

Requérant/: Pauline Nelson ME Leger and son Ltd

Propriétaire: 75 Third avenue Pointe du Chêne NB

Demande: Applying for a deck that will encroach 8.5 feet into the prescribed front yard where section 10.21(1) e) (ii) of Beaubassin West planning area rural plan regulation allow a maximum encroachment of 6.5 feet.



Information du site

Endroit: 140 second avenue, LSD Pointe-du-Chêne

NID: 70311857

Grandeur du lot: 344 m²

Usage présent: Residential

Zonage: E- Environment Conservation

Usage futur: Residential

Usage des environs & Zonage:

residential, Coastal residential et Environment preservation

Services municipaux:

GSSC sewer

Accès/Sortie: Second avenue (private street)

Politiques de plans municipaux

(a) Residential Uses

Policy

It is the policy of the community to conserve the existing rural character of the residential zones.

Proposals

It is proposed that development and construction standards be established and enforced uniformly for seasonal and permanent residences.

It is proposed that cottage and resort development be controlled and coordinated so that it may eventually be transformed successfully into permanent development.

Réglementations de l'arrête de zonage et/ou l'arrêté de lotissement

Projections of Buildings and Structures

10.21(1)

The provisions of this Regulation concerning the placement, erection or alteration of a building or structure in relation to a lot line or alignment apply to all parts of the building or structure with the exception of projections on prescribed yard beyond

(a) 15 centimetres for window sills, downpipes, belt courses or other similar ornamental items;

(b) 50 centimetres for chimneys or flues;

(c) 60 centimetres for cornices or eaves;

(d) 1 metre for window awnings or doors, balconies, or open or closed emergency stairways; and

(ii) 2 metres for the upper-floor balconies of one family dwellings that are not closed in excess of 1 metre in height.

Consultations internes et externes

The applicant met with the Development Officer of the South East Regional Planning Commission in person.

Discussion

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

Is it reasonable?

The proposed house will respect the prescribed 25' setback from Saint John street. The proposed second storey deck will project out 10' from the house and encroach 8.5' feet in the prescribed front yard on Saint John street. The by-law allow a 6.5' encroachment in the prescribed front yard. A variance of 2' is needed for the remainder of the proposed deck. The foundation of the main building is 25' from the street and the deck will be 16,4 feet from the property line of the street. A deck that would meet the by-law requirements would project 8.2 feet from the house.

There is no security issue with the traffic as the proposed deck will be located to the second storey. No infringements in the sight-distances.

The variance is reasonable.

It is desirable for the development of the property?

The purpose of the lot is to face the waterfront. The property is enhanced by the deck facing the sea, it adds value to the property.

The development is desirable for the property as it will allow view to the waterfront.

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

The intentions of the zoning by-law is to allow accessory construction encroaching in prescribed front yard to a certain point. Pointe-du-Chêne is a particular place where lots are very old and small. There is a mix of cottages and houses that are occupied year-round. Lot coverage and setbacks are often an issue. The intentions of the by-law is to allow encroachment without creating any security or neighborhood problems.

The intentions of the zoning by-law are met.

Does the variance meets the intentions of the rural plan?

The intention of the plan is to enforce seasonal and permanent residences standards the same way. The proposed building is a permanent residence and lots of variances for setbacks and encroachment have been granted in Pointe-du-Chêne. The proposed building will meet Sea Level Rise adaptation measure that encourage building to rise.

The intentions of the rural plan are met.

Avis public

Public Notice has been circulated to neighbouring landowners within 100 metres of the subject property.

Autorité légale

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

(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,

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

(b) such reasonable variance from the requirements of the zoning by-law falling within paragraph 34(3)

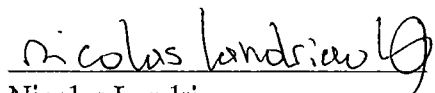
(a) as, in its opinion, is desirable for the development of a parcel of land or a building or structure and is in accord with the general intent of the by-law and any plan or statement hereunder affecting such development

Recommendation

Variance requests for larger accessory buildings are relatively frequent within the Pointe-du-Chêne area because of the seasonal aspect of the place, the fact that this is mainly dedicated to outdoor activities or a place where people try to turn their cottages into a permanent house for retirement purpose. Generally in the past the Planning Adjustment and Review Committee has approved such requests, provided that the request is reasonable and meets the general intent of the Regulation.


The size of the proposed deck is no issue for security and will enhance the property. Furthermore, staff is of the opinion that the increased size of the deck is not expected to have a negative impact on the adjacent lands and is in accord with the general intent of the Regulation.

Staff respectfully recommends to the Planning Review and Adjustment Committee that the variance request application from Pauline Nelson on behalf of Kenneth and Miriam MacLeod, 140 avenue Pointe-du-chêne (PID 70311857) to exceed the maximum encroachment in the prescribed front yard **BE APPROVED**, as submitted.



Nicolas Landriau

Agent d'aménagement/development officer



J esse Howatt

Urbaniste/Planner

