

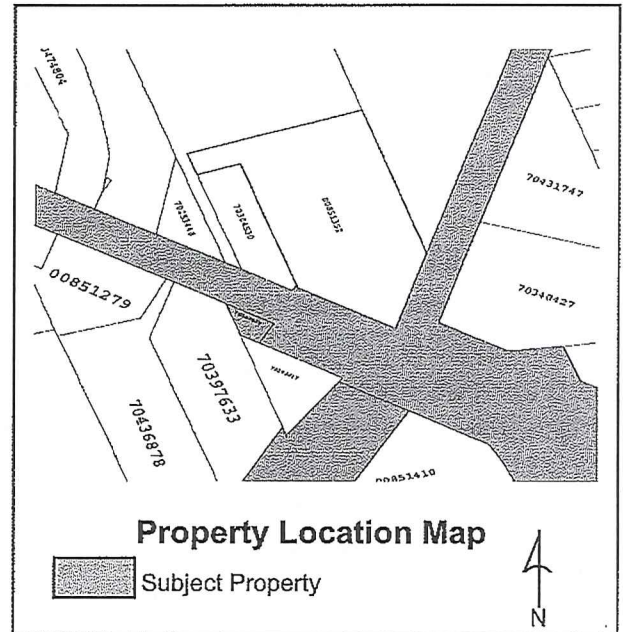
**Beaubassin Planning Review and Adjustment Committee**  
**STAFF REPORT**  
**Variance Request**

**Subject :** Vary the width of commercial access to route 133  
**File number:** 15-1049  
**Meeting Date:** Wednesday, August 19, 2015  
**From :** Nicolas Landriau  
 Development Officer

**GENERAL INFORMATION**

**Applicant/:** Kent Carter COREY CRAIG  
**Landowner :** Kent Carter COREY CRAIG

**Proposal:** Enlarge existing commercial access to Road # 133 to a width of 10.80 meters where a width of 9 meters is allowed subject to terms and conditions as per section 39.1(2) of Village of Cap-Pelé rural plan.



**SITE INFORMATION**

**Location:** 2414 Chemin Acadie , Village de Cap-Pelé/ Village of Cap-Pelé  
**PID:** 00851352  
**Lot Size:** 9189 m<sup>2</sup>  
**Current Use:** Commerce  
**Zoning:** Commerce Général  
**Future Land Use:** Commerce  
**Surrounding Use & Zoning:** Residential, Commercial/ RR, R1, CG  
**Municipal Servicing:** Sewer  
**Access/Egress:** Route 133 and Sandy beach road

## **Municipal Plan Policies**

*(in French only)*

### ***2.3 Les principes liés aux usages commerciaux***

2.3(1) Le Conseil a pour principe d'encourager le développement de l'activité commerciale.

2.3(2) Le Conseil a pour principe d'encourager la croissance continue d'aménagements commerciaux dans le Village de Cap-Pelé.

2.3(3) Le Conseil a pour principe d'appuyer les commerces liés à l'industrie touristique.

2.3(4) Le Conseil a pour principe de stimuler le développement et la croissance de l'industrie touristique.

### ***2.4 Les propositions liées aux usages commerciaux***

2.4(2) Il est proposé de recommander qu'un plan de site soit conçu pour optimiser l'usage des terrains, tout en créant un cadre agréable et efficace, avant que ne soit autorisé un aménagement à l'intérieur des secteurs commerciaux.

2.4(3) Il est proposé que le Conseil veille, par l'imposition de normes de design urbain et d'aménagement paysager, à ce que les nuisances de certains aménagements commerciaux sur les secteurs résidentiels limitrophes soient atténuées.

2.4(7) Il est proposé d'assurer une bonne desserte des services municipaux, de manière à attirer de nouveaux aménagements commerciaux.

2.4(8) Il est proposé d'affecter suffisamment de terrains de diverses grandeurs sur la carte d'utilisation future du sol, de manière à répondre à une demande diverse en matière d'aménagement commercial.

2.4(9) Il est proposé d'encourager les commerces similaires ou compatibles à se regrouper en mini centres commerciaux pourvus de stationnements, d'entrées et d'autres services en commun, plus particulièrement le long du chemin Acadie, à la hauteur de l'intersection des chemins Acadie et Saint-André, du chemin Acadie et de la rue Robichaud, ainsi qu'à l'intersection du chemin Saint-André et de la route 950.

2.4(12) Il est proposé de motiver les commerçants à investir au niveau de l'aménagement paysager, de la rénovation et de la préservation des bâtiments afin d'améliorer l'image globale et la qualité du milieu du Village de Cap-Pelé.

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

*(in French only)*

### ***39.0 Entrées privées résidentielles et commerciales***

39.1(2) Une entrée commerciale doit avoir une ouverture minimale de 7 mètres. Sous réserve des modalités et des conditions que la Commission juge appropriées, une entrée de 9 mètres pourrait

The variance request meets the intentions of the zoning by-law.

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

The rural plan intentions are to encourage economic development, provide good access to municipal services for commercial development and encourage commerce to enhance and maintain their building and properties.

The intentions of the rural plan are respected.

**Public Notice**

Public Notice has been circulated to neighbouring landowners within 60 metres of the subject property.

**Legal Authority**

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
- (viii) the types, dimensions and location of means of access of lots to streets,

34(4) In prescribing the purposes for which land, buildings and structures in any zone may be used, a zoning by-law may

- (c) prescribe particular purposes therefor
- (i) in respect of which the advisory committee or regional service commission, subject to subsection (5), may impose terms and conditions, and
- (ii) that may be prohibited by the advisory committee or regional service commission where compliance with terms and conditions imposed under subparagraph (i) cannot reasonably be expected.

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.

être permise afin de respecter des conditions existantes et des besoins légitimes des commerces futurs.

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

The Village of Cap-Pelé and DTI have been involved and provide commentaries.

As per DTI comments, the submission is accepted.

The Village of Cap-Pelé want to make sure that the minimum distance of the access to the intersection is respected according to their rural plan.

### **Discussion**

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

The developer, Corey Craig Ltd licensee from Tim Hortons restaurant want to enlarge the existing commercial access to road 133 for the parking and drive-thru facilities of Tim Hortons restaurant in Cap-Pelé (PID 00851352). Section 39.1 (2) of Village de Cap-Pelé rural plan provide that a 9 meters wide commercial access may be permitted by the commission under terms and conditions as it considers fit. The proposed access is 10.80 meters wide so the commission will have to take a decision on a 1.80 meter variance and eventually impose conditions. The purpose of the enlargement is to fix access from the road 133 to the parking and limit traffic jam occurring in the parking lot when clients are leaving the drive-thru service and the parking space facing road 133 at the same time.

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

The proposed access is 10.80 meters wide so the commission will have to take a decision on a 1,80 meter variance and eventually impose conditions. The minimum width of a commercial access is 7 meters, the by-law is allowing a 9 meters wide access under conditions and the client is asking for a 10.80 meters wide. The variance seems reasonable.

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

The purpose of the access enlargement is to fix traffic access problem from the road 133 to the parking and limit traffic jam occurring in the parking lot when clients are leaving the drive-thru service lane and the parking space facing road 133 at the same time. The overall situation is improved and traffic on the lot itself will be improved.

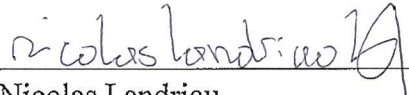
The variance is desirable for the property.

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


The by-law is framing commercial access width and location in order to prevent traffic security issue and accommodate existing conditions. In this case, the proposed enlargement and the variance request intention is to accommodate existing condition and prevent potential security issue.

**Recommendation**

Staff respectfully recommends to the Planning Review and Adjustment Committee that the variance request application from Corey Craig Ltd, 2414 Acadie Road, Cap-Pelé to exceed the 9 meters width allowed in the rural plan to 10.80 meters for a commercial access **BE APPROVED**, as submitted.

  
\_\_\_\_\_  
Nicolas Landriau

Agent d'aménagement/development officer

  
\_\_\_\_\_

Jesse Howatt  
Urbaniste/planner









OPERATED BY THE T.D.L. GROUP LTD.  
 P.O. BOX 280, MELBURN ROAD  
 BERTIE, NOVA SCOTIA, CANADA  
 B0T 1X0  
 TELEPHONE (902) 682-2522  
 FACSIMILE (902) 682-2201

NOTES:  
 THESE DRAWINGS SHOULD BE CHECKED FOR  
 CONFIRMATION TO LOCAL, PROVINCIAL, AND  
 STATE BUILDING CODES.  
 THE CONTRACTOR SHOULD INSURE THAT THESE  
 DRAWINGS ARE SUBMITTED FOR ARCHITECTURAL,  
 STRUCTURAL, MECHANICAL, ELECTRICAL, AND  
 ELECTRICAL REQUIREMENTS TO SUIT MUNICIPAL,  
 REGIONAL, PROVINCIAL AND STATE REQUIREMENTS.  
 DO NOT SCALE THIS DRAWING.

| REVISION                  | NO. | DATE          |
|---------------------------|-----|---------------|
| DISTANCE TO ROW INDICATED | 1   | JULY 20, 2015 |

PROJECT:  
**RESTAURANT 1601**  
**Tim Hortons**  
 2414 ACADIE ROAD  
 CAP-PELE  
 NEW BRUNSWICK

DWG. TITLE:  
**PROPOSED ACCESS  
 MODIFICATIONS**

DRN BY: L. SUTHERLAND  
 DATE: OCTOBER 2014  
 SCALE: 1:200 (METRIC)  
 DWG. NO.: **SP-1**

