

Comité de révision de la planification de Beaubassin

Rapport du personnel

Objet : Front and rear setbacks plus lot occupancy for a main building

Numéro du fichier: 15-128

Date du réunion: Le mercredi 18 mars, 2015

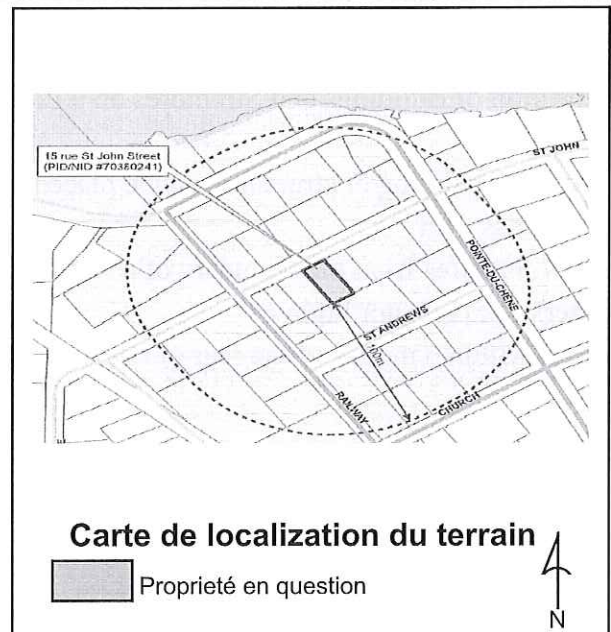
De : Nicolas Landriau
Development Officer

Information générale

Requérant/: Robert Price

Propriétaire: 23 St. John Street, Point du Chene, NB,

Demande: The owner is requesting to vary the following:
 Front Yard Setback = From 24'-6" to 19'-6" = 5' Variance
 Back Yard Setback = From 19'-6" to 14'-6" = 5' Variance
 Maximum lot occupancy = from 35% to 44.5% = 9.5% Variance



Information du site

Endroit: 15 St. John Street, LSD Pointe-du-Chêne

NID: 70380241

Grandeur du lot: 441 m²

Usage présent: Cottage & Lot

Zonage: RC

Usage futur: Residential

Usage des environs & Zonage:
Residential and Coastal Residential

Services municipaux:

Sewer system (GSSC)

Accès/Sortie: Saint-John street

Politiques de plans municipaux

(a) residential uses policy: it is the policy of the community to recognize and make efforts to enhance the quality of life for residents of coastal residential areas where a higher density of residential development exists.

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

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

Location of Buildings and Structures on a Lot

10.7(1)

No main building or structure may be placed, erected or altered so that any part of it

(a) is less than

(ii) 7.5 metres from the boundary of a street, private access, lane, right-of-way or highway other than an arterial or collector highway;

(c) is within 6 metres of the rear of lot.

Lot Occupancy

10.8

Buildings and structures on a lot shall not occupy more than 35% of the ground area of the lot where they are located.

Consultations internes et externes

The client spoke with the development officer to get his project ready.

Discussion

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

Is it reasonable?

The new construction is going to replace a 40'x25' cottage that was 12 feet from Saint-John street, 48 feet from the rear line of the lot and the lot occupancy was 21% . (Schedule A). The lot is 4746 sqf and abutting a private street. The lot is serviced by Greater Shediac Sewer Commission sewer system.

Concerning the front setback, the 19.6' setback proposed in this case will improve significantly the

situation from the previous one. The variance is asked on the Saint-John street line which is a narrow private street. The street is deserving seasonal properties and therefore receives very little and slow traffic. The variance is reasonable.

Concerning the rear setback, the 14.6' setback proposed in this case is deteriorating the situation as the actual cottage to be demolished is 48' from the rear lot line as per the location plan provided. The lot will still have a sufficient rear yard for outside activities. The variance is reasonable.

Concerning the lot occupancy, the client is asking for 44.5% of 4746 sqf where the actual cottage is 21%. The maximum allowed is 35%. The variance is reasonable as the situation will be improved with a new bungalow style building that can be turned into a year round dwelling unit.

It is desirable for the development of the property?

- The new building will be set at 19.6' from the street, 14.6' from the rear lot line and occupy 44.5% of the lot. More and more buildings are designed in Pointe-du-Chêne to be year round living units. Lots in this area were created a long time ago for seasonal cottages. Buildings are continuously getting bigger and the one expected on the lot is a prefabricated home. To change the dimensions of the building may be expensive. Considering the difference between the lot standards prevailing when the lots were subdivided and the actual building size standards, the variances are desirable for the property.

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

The by-law is asking for a 25' setback from streets, 20' from rear lot line and 35% of maximum lot occupancy. In some specific case, there is a possibility to go as far as 14.7' from the street line so the 19.6' asked meets the intentions of the zoning by-law. There will be no security issue as the traffic is very low and slow. The variance for the rear lot line will not cause any problems as the owner is reducing his own private outside yard and is not creating a problem with adjacent lots. The variance meets the intentions of the zoning by-law. The lot occupancy will allow the building to occupy the lot with no major issue even if a condition to ensure a proper drainage of the lot may be required. The variance meets the intentions of the zoning by-law.

Does the variance meet the intentions of the rural plan?

- The rural plan proposes that development and construction standards are established and enforced on a consistent basis for seasonal and permanent residences. Permanent residences will require a 25' setback for public through streets, 20' rear setback and 35% of lot occupancy. The intentions of the rural plan are met.

Avis public

Public notice was sent to the neighbourhood within 100 meters around the property.

Autorité légale

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.

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

(iv) the percentage of land that may be built upon, and the depth, size or area of yards, courts, parking areas and open spaces,

(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 variance request from Robert Price, to allow a main building at 19.6' from Saint-John street alignment **BE GRANTED**.

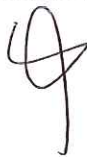
Staff recommends that the variance request from Robert Price, to allow a main building at 14.6' from rear lot line **BE GRANTED**.


Staff recommends that the variance request from Robert Price, to allow a lot occupancy at 44.5% **BE GRANTED**.

Staff recommend that the above noted request should be subject to the following conditions:

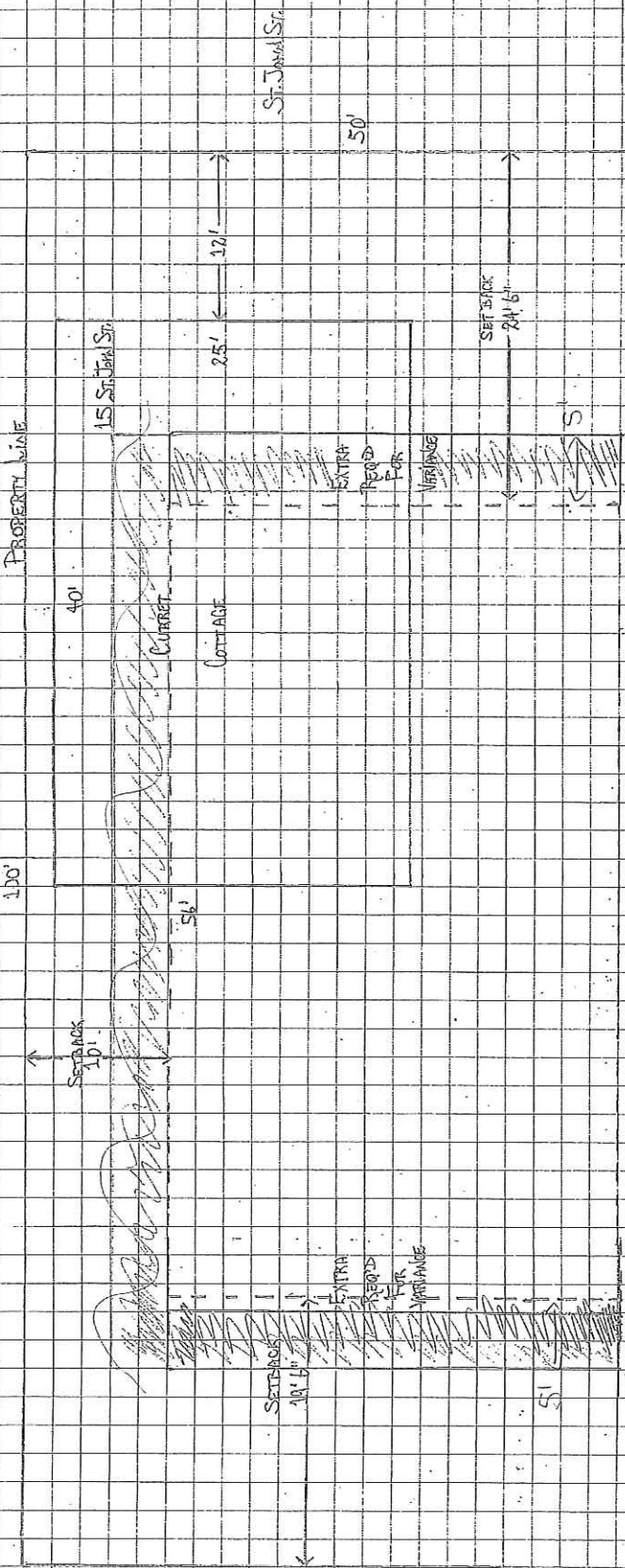
- That a licensed New Brunswick Land Surveyor pin the four corners of the building to ensure the placement of the new building prior to commencing foundation work.

- That a licensed New-Brunswick engineer provide a drainage plan and report stating that the building will not create drainage issue related to lots adjacent to PID 70380241


Nicolas Landriau
development officer


Jesse Howatt MCIP, RPP
Planner

1 SQUARE = 7'



[Signature]
 FEB. 27 / 15

Annexe A.

