

# Beaubassin planning review and adjustment committee

## STAFF REPORT

### VARIANCE REQUEST

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**Subject:** Relocate a part of the house 3 feet from the road alignment

**File number:** 15-239

**Meeting Date:** Monday, April, 20, 2015

**From:** Nicolas Landriau Development officer

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#### GENERAL INFORMATION

**Applicant:** Patrick Ashe

**Landowner:** Russel Ashe

**Proposal:** The client is seeking a development/building permit to demolish and rebuilt a part of the existing house at 3 feet from the alignment of the property with Old Shediac Road. A 22' variance is needed.

#### SITE INFORMATION

**Location:** 367 Old Shediac Road Memramcook

**PID:** 00914200

**Lot size:** 1.25 Hectares

**Current Use:** Residential

**Future land Use:** Residential

**Surrounding use & Zoning:** Residential/Résidentiel rural and Développement des ressources

**Municipal Servicing:** none

**Access/Egress:** Old Shediac Road

#### **Westmorland-Albert**

1222, rue Main Street,  
4th floor, Unit/Unité 4000,  
Moncton, NB, E1C 1H6  
Tel: 506-382-5386

#### **Beaubassin**

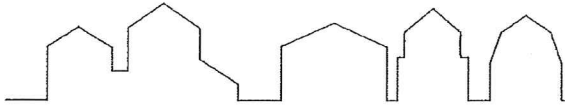
815A, rue Bombardier Street,  
Route 15, Exit/sortie 37,  
Shediac, NB, E4P 1H9  
Tel: 506-533-3637

#### **Tantramar**

131H, rue Main Street,  
Sackville, NB, E4L 4B2  
Tel: 506-364-4701

#### **Solid Waste •**

**Déchets Solides**  
2024, rue Berry Mills Road,  
Moncton, NB, E1C 8T6  
Tel: 506-877-1050



## **Municipal plan Policies**

### **1.1) Secteur résidentiel**

#### **Principes**

1.1.1 Le Conseil a pour principe d'encourager les nouveaux aménagements résidentiels 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.

#### **Propositions**

1.1.8 Il est proposé d'établir un mécanisme incitant les promoteurs à utiliser les lots existants et déjà desservis par le réseau d'eau et d'égouts.

1.1.12 Il est proposé d'alimenter les discussions et d'entreprendre des actions et des incitatifs concrets pour encourager les gens à demeurer à l'intérieur de la municipalité.

1.1.13 Il est proposé de favoriser une diversification au sein de l'offre de logements.

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

2.2(2) La Commission peut, selon les modalités et les conditions qu'elle juge appropriées :

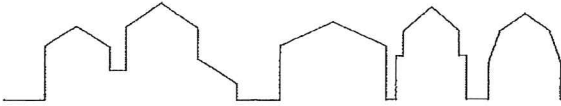
d) autoriser toute dérogation raisonnable à l'article 35 de la *Loi sur l'urbanisme* si elle estime souhaitable pour aménager une parcelle de terrain, un bâtiment ou une construction et qui est en harmonie avec l'intention générale de l'arrêté et avec tout plan ou déclaration établi en application de la présente loi et intéressant cet aménagement; et

## **Emplacement des bâtiments et des constructions**

10.4(1) Il ne peut être implanté, édifié ou modifié aucun bâtiment principal ni aucune construction principale de sorte à ce que toute partie se trouve :

a) à moins de :

ii) 7,5 mètres de la limite d'une rue, d'un accès privé, d'une ruelle, d'un droit de passage desservant des résidences ou d'une route autre qu'une route de grande communication ou route collectrice; ou



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

The client spoke with a development officer and a building inspector to elaborate his project. The environment department provided comments for the location of the construction into a regulated wetland.

### **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 demolish a section of a house that is encroaching into the path of the Old Shediac road in Memramcook to relocate it at 3' from the road alignment. The proposed construction will be smaller than the one demolished and the situation will be slightly improved as a part of the building will be relocated backward. The by-law is asking for a 25' standard setback with this kind of street and the 22' variance will allow the owner to build while improving the security issue due to the proximity of the house to the road.

The request seems reasonable.

#### **Is it desirable for the development of the property?**

The proposed new porch will be at 3' from the alignment. The trend is to move backward from the alignment and improve the overall situation. The renewal of a part of the building will lengthen the life of the building. Impose the prescribe 25'feet setback for the proposed addition will compromise the architectural integrity of the building as the remaining part of the house is 20' deep. The location of the new porch at 25 will not allow the developer to have one building in this situation.

It seems to be desirable for the property.

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

The intention of the by-law is to impose setbacks in order to keep street perspectives and secure access to the properties located along public roads. The existing situation is showing the building partially encroaching the road path and the building to be maintained is flush with the alignment. The relocation of the building at 3' from the alignment is going along the intention to set all buildings at 25'.

The intentions of the zoning by-law are met.

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

The intentions of the rural plan are to keep residential development within residential area, to promote housing for people with different income level and promote diverse housing category.

The intentions of the rural plans are met.



**Public Notice**

Public notice was send to property owner within 60 meters from the lot 00914200. The variance was first a Development officer variance but the development officer decided to bring this case to the board after an objection letter was received. (see attached document).

**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

(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**

Staff recommends that the variance request from Patrick Ashe on behalf of Russell Ashe, (PID 00914200), Village of Memramcook, to vary the minimum setback requirement of 25' to 3' **BE GRANTED**. This is a 22' variance.

Nicolas Landriau  
Development officer

Jesse Howatt MCIP, RPP  
Planner

# site photos



04/01/2015

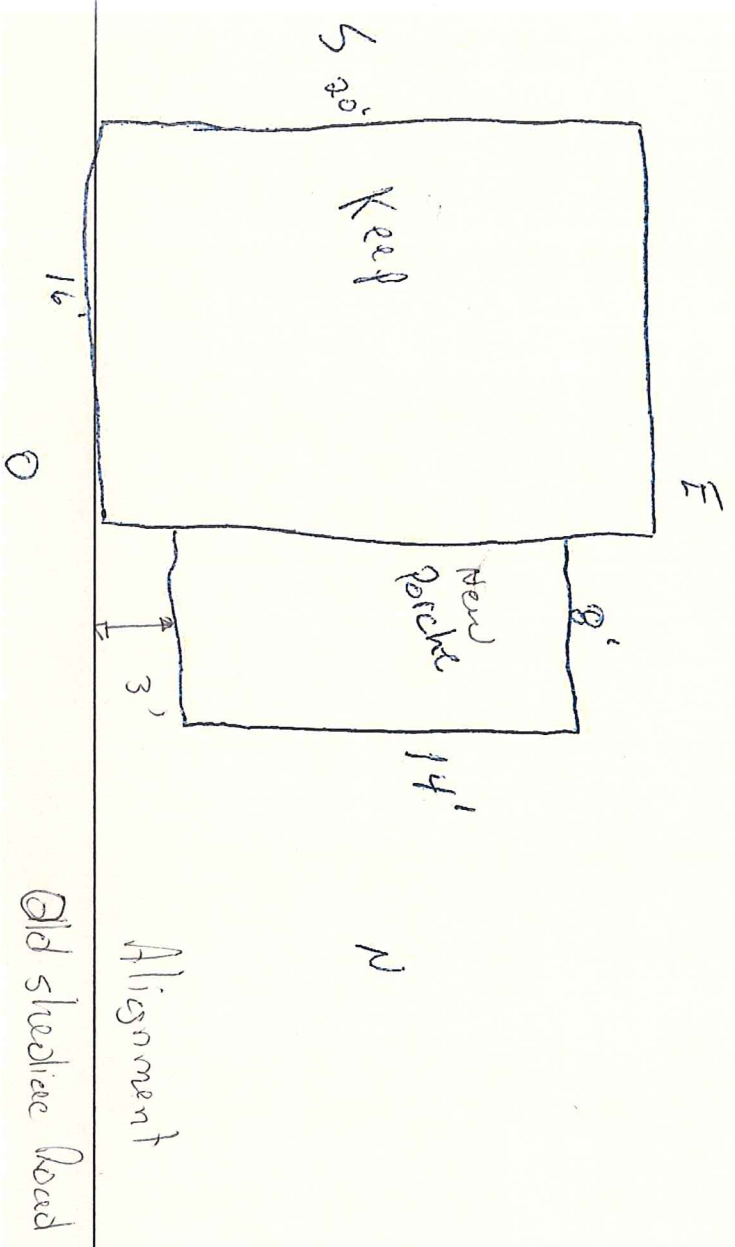
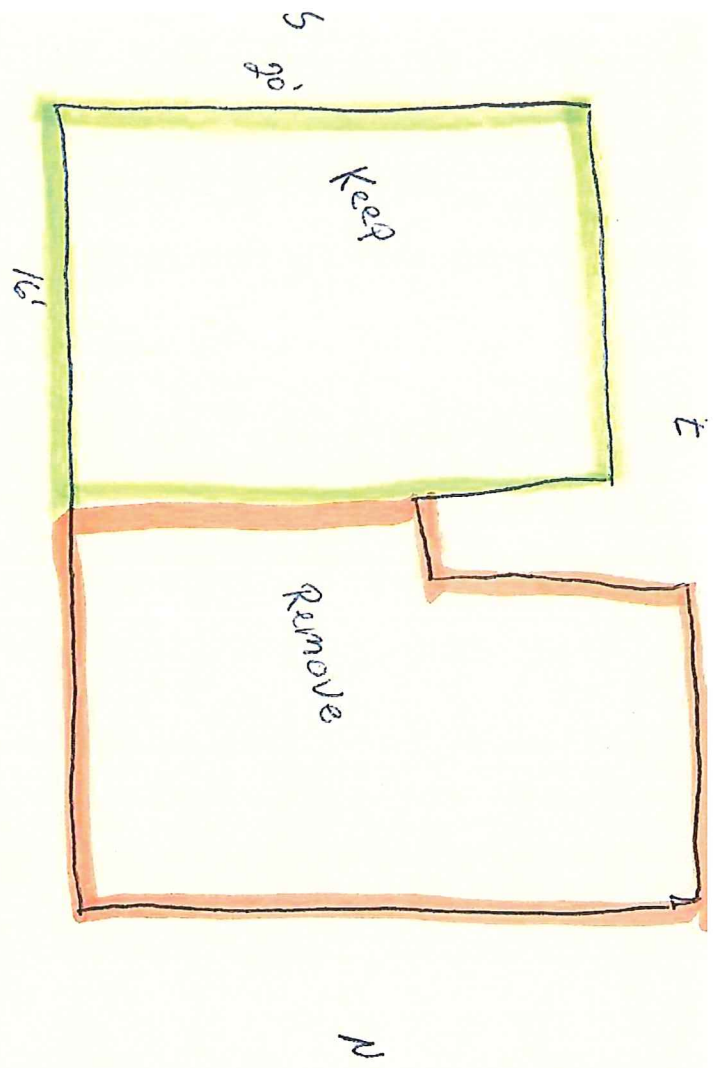
# site photos



04/01/2015

For 36' N Old Sheldice rd

Removing right side house  
and building 8' X 14' Porche.



# Location Plan

*Handwritten signature*

May 6, 2015

# site photos



04/01/2015



855-5818

Laurie Belliveau  
Margaret Belliveau  
17 MacBeath Avenue  
Moncton, New Brunswick  
E1C 6Z1

2015/april/25  
27

Regional Service Commission  
1222 Main St.  
Moncton, N.B. E1C 1H6

Re: Variance Request  
Patrick Ashe (NID #00914200)  
all other PD - Memorandum

1. Public Notice dated 2015/04/22,  
re. above, received 2015/04/24.

2. We, the (12) co-owners of  
adjoining & neighboring properties;  
- P.I.D. 00743864  
- P.I.D. 0914317

unanimously OBJECT the  
granting of the Variance Request

Truly yours

Laurie & Margaret Belliveau  
17 MacBeath Ave.  
Moncton, N.B. E1C 6Z1

Regole 29/04/2015