

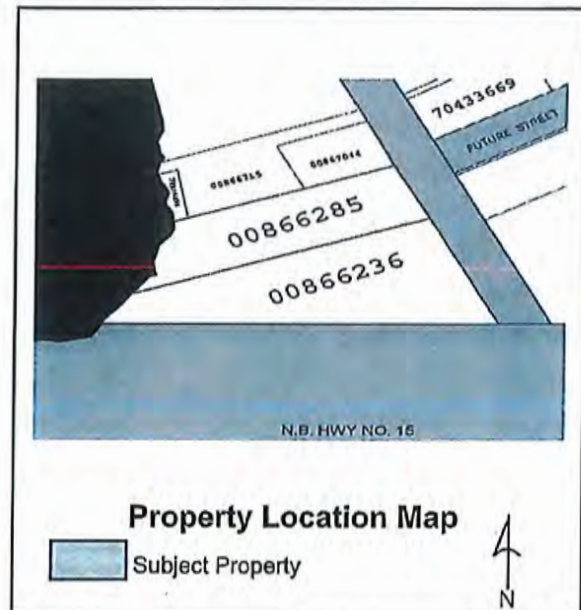
Beaubassin Planning Review and Adjustment Committee

STAFF REPORT

Subject : Maximum setback from alignment
File number: 15-742
Meeting Date: Wednesday, July 15, 2015
From : Nicolas Landriau
 Development Officer

GENERAL INFORMATION

Applicant/: Pauline Leblanc
Landowner : Pauline Leblanc
Proposal: Built a house (single family dwelling) at 36.5 meters from Riverside Drive alignment where subsection 9.4 b) of the Town of Shediac by-law is asking for a maximum of 6.5 meters.



SITE INFORMATION

Location: 217 Riverside, Ville de Shediac / Town of Shediac
PID: 00866285
Lot Size: 3504 m²
Current Use: Residential
Zoning: Low density residential zone R1
Future Land Use: Residential
Surrounding Use & Zoning: Residential and Low density residential R1
Municipal Servicing: Water and sewer
Access/Egress: Riverside street

Municipal Plan Policies

3.2.2 Housing and residential boroughs

Residential development is one of the main land uses in a town. The Town of Shediac has a relatively diversified, young, and healthy household demographic. The plan's goal, in terms of housing and residential neighbourhoods, is to ease the dwelling supply for residents by providing an array of dwellings with different prices, surface areas, locations, and professions. Furthermore, the town is trying to give neighbourhoods a sense of identity and lifestyle within each borough, as well as foster connectivity within the different

boroughs. Therefore, it is important to protect the residential character of boroughs. The increased concentration and larger mix of people in some boroughs will have repercussions on how they look and function. Therefore, it is necessary to regulate these opportunities for denser, mixed communities in order to minimize any negative impacts on existing residential uses.

There is a population increase in Shediac. At the same time, there is a tendency towards an aging population, an increase in single-parent families and people living alone, as well as a decrease in the average number of people per household. These tendencies will bring new needs and challenges in terms of housing, so we need the proper tools to adapt to this reality.

Policies related to housing

1. Council's policy is to promote a wide array of housing categories.
2. Council's policy is to allow, within the municipality, a variety of housing options that meet the needs of a diverse population, subject to Section 39 of the *Act*.
3. Council's policy is to encourage the construction of affordable housing close to the main arteries, where there is a variety of uses.
4. Council's policy is to promote the maintenance and contribution of dwelling units for people with different income levels in every neighbourhood unit, as long as they are compatible with those units.
5. Council's policy is to frame the land occupation density according to each residential sector.
6. Council's policy is to consider rezoning and sub-division requests for small residential lots, as appropriate.
7. Council's policy is to consider preparing a density bonus program for developments that will offer community facilities, affordable housing, or that will meet high environmental performance criteria.

Policies related to residential boroughs

1. Council's policy is to favour opportunities for boroughs to have adequate commercial and municipal services, within or near these boroughs, so that residents won't need their vehicle to benefit from these services.
2. Council's policy is to instil a neighbourhood feel in boroughs through better streets, signalling, urban grid and urban design.
3. Council's policy is to make sure that boroughs have buffer zones in order to minimize the impacts

on residential uses through appropriate zoning provisions.

Council's policy is to encourage home occupations/businesses, which will improve the residential work in boroughs.

5. Council's policy is to make sure that new multi-unit dwellings meet the design criteria so that they can be in harmony with the borough's defined features.

7.5.1 Development concept:

Highway 15 divides the *Scoudouc River* borough into two sectors. This borough, being mostly residential, has a very unique history. Among other things, you will find the Webster Estate, one of the town's architectural icons and the remains of the Smith quarry, one of the first stone quarries in New Brunswick.

Despite the historical character of some of the residences, there are also buildings from the different construction periods in this borough. In fact, the main centre for residential development lies within this borough. The physical barriers, such as the Scoudouc River, Highway 15 and the old railroad bed encourage sensible developments that will facilitate the permeability and connectivity of the urban framework, both within and without the borough.

Furthermore, there are several vacant lots that are ideal for new multi-unit dwelling developments. Most of these are adjacent to Riverside Drive and South of Highway 15. To that end, the new residential developments shall result in an urban reinsertion of existing vacant land. Considering distance and infrastructure costs, new developments south of Highway 15 shall have to be set out as medium to high density in order to maximize infrastructure extensions. Finally, the town will endeavour to provide a third interchange off Highway 15 in order to channel traffic to the residential boroughs in this part of town, and also alleviate traffic congestion in the town's main arteries and boroughs.

7.5.2 Proposals related to the *Scoudouc River* borough:

1. It is proposed to maintain the integrity of existing neighbourhood residential units.
2. It is proposed to require that all new development that differs in use or density from what already exists consider the needs of the neighbourhood or its distinctive features.
3. It is proposed to allow new residential developments that are in harmony with the borough's distinctive features as it relates to the urban framework.
4. It is proposed to require that a site plan be designed to optimize land use, thus creating a built environment that is enjoyable and efficient, before authorizing a residential development with a concentration of people that differs from the density that currently exists in this borough.
5. It is proposed to maintain a transition zone between the variable densities of residential developments.
6. It is proposed to encourage new residential developments North of Highway 15.
7. It is proposed to encourage urban integration and development of vacant land with low density residential uses in the northern part of the borough.
8. It is proposed to establish a mechanism that will encourage developers to use existing lots, and to promote the creation of new lots close to those that have already been developed.
9. It is proposed to encourage the development of interconnected neighbourhoods, built to human scale.

10. It is proposed that each neighbourhood unit can access commercial and institutional sectors with very little travel time.

11. It is proposed to improve pedestrian traffic within the borough with proper signalling, as well as connected pedestrian walkways and paths.

12. It is proposed that all new developments be serviced by the municipal water supply and the sanitary sewer system.

13. It is proposed to encourage the establishment of public pedestrian accesses to the shoreline of the Scoudouc River, as well as developing accesses for motor vehicles.

14. It is proposed to preserve the borough's tranquility by maximizing the presence of community parks.

15. It is proposed that new developments located in the flood-prone zone be adapted to mitigate the effects of sea-level rise.

16. It is proposed to create a main urban park that will service the entire community all along the Scoudouc River.

Zoning Bylaw and or Subdivision By-law Regulation

9.4 Yards for a main building or structure

Subject to the general provisions, it is prohibited to place, erect or alter a building or a structure if it is:

- a) less than 5 metres from the street line;
- b) more than 6.5 metres from the street line except for in the case of a flag lot;

Internal Consultation & External Consultation

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 maximum setback required in this area is 6.5 meters from street alignment. The goal of this regulation is to keep private parts of the properties at the rear of the houses and set street perspectives. There is already a house, located at 9.5 meters from street alignment on the lot and the client is willing to demolish this house and the existing garage to build a brand new residential unit at 36.5

meters from Riverside drive alignment. A 30 meters variance is needed. The lots in this area are historically bigger and there is few subdivision possibilities down the way as the shape of the property is a 32 wide meter strip running down to the Scoudouc river. The purpose of the lot is to face the water front. Considering those elements, the variance seems reasonable.

It is desirable for the development of the property?

The purpose of the lot, on this side of Riverside street is to enjoy the waterfront. The lot is facing the portion of Riverside drive that will become a crossroad with the extension of Miquelon street and the ground level is dropping from the street to the level of the river so the proposed location of the house will be partially hide from the view from the street level. The purpose of the requested variance is to place the house far from the future crossroad, closer form the water front and partially hide the building from the street in order to maximize privacy. The variance is desirable for the property.

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

The intentions of the by-law is to allow street perspectives that will fit in the area. The riverside drive is dedicated to the waterfront and lots in this area are bigger than elsewhere in the town of Shediac. There is a balance to find between street perspectives and the waterfront perspective. The area is wooded and there is few houses located close to the street alignment. Street perspectives are not then compromised. The intentions of the by-law are met.

Does the variance meets the intentions of the municipal plan?

The municipal plan, in this area encourage the development north of highway 15, allow new residential developments that are in harmony with the borough's distinctive features as it relates to the urban framework and propose to maintain the integrity of existing neighbourhood residential units. The requested variance is not compromising those intentions of the municipal plan.

Public Notice

A public notice was circulated to property owner with 60 meters from concerned PID

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

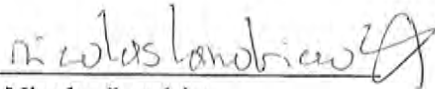
(v) the placement, location and arrangement of buildings and structures, including their setting back from the boundaries of streets and other public areas, and from rivers, streams or other bodies of water,

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

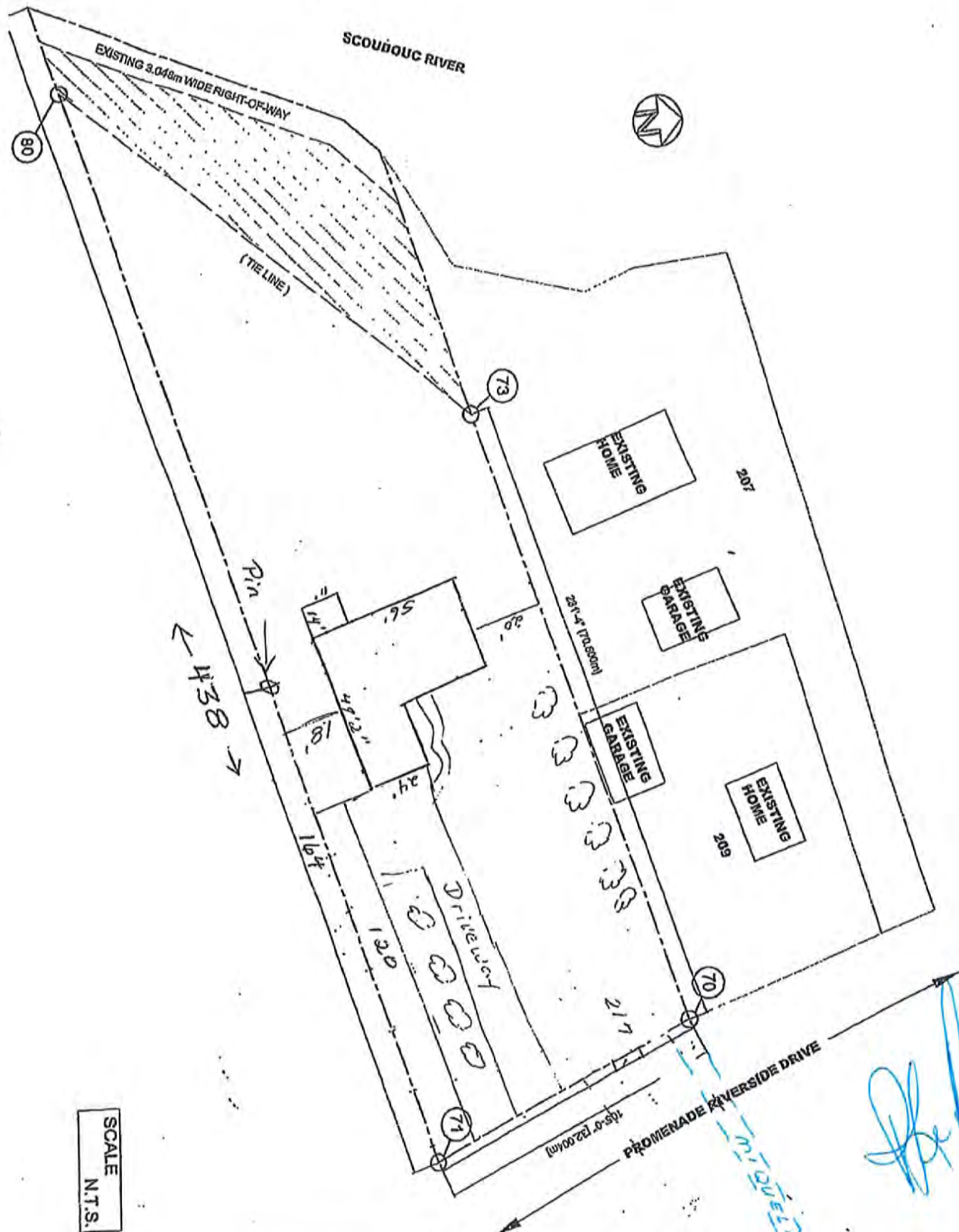
Staff recommends that the variance request from Pauline Leblanc on PID 00866285, to increase the maximum setback from the Riverside drive alignment to 36.5 meters **BE GRANTED**.



Nicolas Landriau
development officer



Jesse Howatt MCIP, RPP
Planner



SCALE
N.T.S.

[Handwritten signature]

LOCATION
217 Riverside Dr. Shediac, NB

DATE
MAY 2012







