

Beaubassin Planning Review and Adjustment Committee
STAFF REPORT
Variance Request

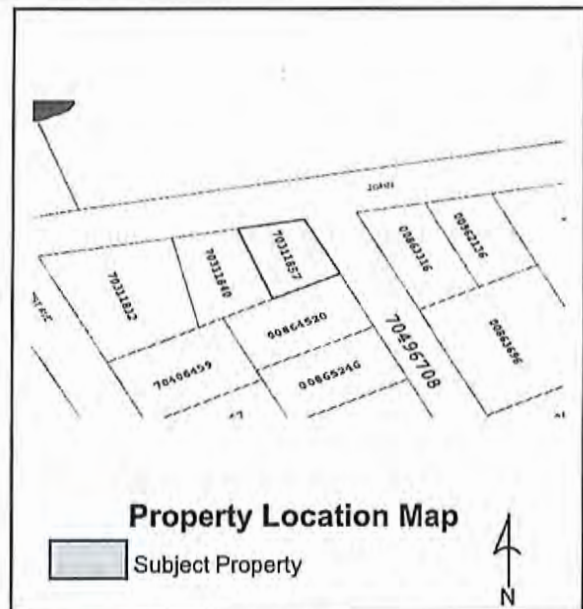
Subject : Minimum setback from street alignment and rear setback
File number: 15-756
Meeting Date: Wednesday, July 15, 2015
From : Nicolas Landriau
 Development Officer

GENERAL INFORMATION

Applicant/: Pauline Nelson

Landowner : KENNETH R

Proposal: Vary the required front setback from alignment with Second avenue from 25' to 10' and rear setback from 20' to 14' in order to allow the building of a dwelling unit. (permanent dwelling)



SITE INFORMATION

Location: 140 Second avenue, LSD Pointe-du-Chêne

PID: 70311857

Lot Size: 344 m²

Current Use: Residential

Zoning: E-Environment Conservation

Future Land

Use: Residential

Surrounding

Use & Zoning: Residential- Environment Conservation and Coastal residential

Municipal

Servicing: GSSC sewer

Access/Egress: Second avenue

Municipal Plan Policies

(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 along a secondary road be low density.

It is proposed that the residential area be predominant in areas close to community centres and integrated with previously developed areas.

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.

Zoning Bylaw and or Subdivision By-law Regulation

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.

Internal Consultation & External Consultation

The applicant spoke with the development officer in order to determine his project

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 be placed at 10 feet from the alignment with Second avenue and 14

feet from the rear lot line as indicated on location plan (see Schedule A). The Beaubassin West planning area rural plan regulation is asking for a minimum of 25' from boundary of private access and 20' from rear of lot.

The lot is at the corner of two private streets in a cottage/residential area of Pointe-du-Chêne. The client is asking for a 15' variance from Second avenue and a 6 feet variance from the rear of the lot in order to built a permanent dwelling unit. The building will be located on a lot that is only 344 m² where "standard" lots in Pointe-du-Chêne are usually around 464 m². The lot is actually even smaller than average lot in this area and this a corner lot. Those lots have been created long time ago in order to develop cottages and summer residences. Nowadays, people are more likely to get permanent houses built in this area and building standards changed. The actual by-law is not providing flankage yards provisions. Second avenue is a private street where there is very little and slow traffic, so there will be no security issue.

The variances seems reasonable as the Second avenue perspective is not going to be compromised because cottages on Second Avenue are already implanted between 5' and 8' from the boundary of access as per location plan provided (see schedule A).

Variances seems to be reasonable.

It is desirable for the development of the property?

The variances will allow the property to be set on a small corner lot and improve the situation by replacing the existing decaying cottage with a permanent dwelling unit. The overall situation will be improved in this way. The variances will allow to maximize the small area of the lot and accommodate decent living area for the proposed building. The location of the building will require adaptation measure regarding sea level rise and eventually drainage issue if the adaptation method consist of infiling the land.

Variances are desirable for the property.

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

The by-law is asking for a minimum of 25' from street or access in order to prevent security issue with the access to the lot and keep uniform street perspectives. The rear setbacks are enforced to allow people to keep outside area for properties dedicated to residential use.

Considering the traffic in the area, there is no security issue regarding the front setback variance and street perspective are already set to distance from street boundary that is less than 10'.

The rear yard will be 14' instead of 20', but the lot is very small and the developer seems more likely to use this area for parking purpose.

The variances are meeting zoning by-law intentions

Does the variance meets the intentions of the rural plan?

The rural plan propose that development and construction standards be established and enforced uniformly for seasonal and permanent residences and that cottages may be successfully transformed

into permanent development. The requested variances will allow to transform a cottage in a permanent residential development. The lot is undersize and the road is substandard in comparison with public roads so the variances will allow the enforcement of the development standards for a permanent residence with actual conditions.
the variances meets the rural plan intentions

Public Notice

Public notice was circulated to property owners within 100 meters of the 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

(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

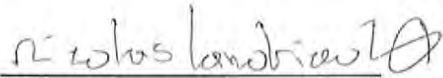
Staff recommends that the variance request from Pauline Nelson on PID 70311857, to reduce the setback from private street boundary to 10' and from the rear lot line to 14' **BE GRANTED**.

Staff recommend that the above noted requests 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 the proposed building meet sea level rise adaptation measures by placing dwelling parts at minimum level of 4.3 meters CGVD28.

- That if the sea level rise adaptation measure consist of infilling the land, a licensed New Brunswick engineer drainage plan showing that water run off will not impact adjacent lots is to be provided.



Nicolas Landriau
development officer



Jesse Howatt MCIP, RPP
Planner





