

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

Subject : Maximum setbacks from alignment
File number: 15-761
Meeting Date: Wednesday, July 15, 2015
From : Nicolas Landriau
 Development Officer

GENERAL INFORMATION

Applicant/: Marc Cormier
Landowner : Kimberley FLIGHT
Proposal: Vary location of the proposed residential building at 10 meters from Webster street alignment and at 20 meters from future street alignment where a 6.5 meters maximum setback is allowed.



SITE INFORMATION

Location: Webster, Ville de Shediac / Town of Shediac
PID: 70139282
Lot Size: 4047 m2
Current Use: Vacant
Zoning: Low density residential zone R1
Future Land Use: Residential
Surrounding Use & Zoning: Residential; Low density residential and High density residential
Municipal Servicing: Water and sewer
Access/Egress: Webster 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 a 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 from non residential uses through appropriate zoning provisions.
4. Council's policy is to encourage home occupations/businesses, which will improve the residential

look 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.

7.10.1 Development concept:

The *Contemporary West* borough is defined by its new residential sub-divisions that follow the same framework as the older residential sectors just south, towards Highway 15. The tendency seems to lean towards low-density residential developments with single-family dwellings. Furthermore, it is important

to note that about a third of the borough's surface area consists of vacant land.

These vacant lands represent a great opportunity to develop intelligent growth methods that could be integrated into the neighbouring borough, which is the *Bellevue* borough.

Strong residential expansion is foreseen for this borough in the coming years. It is therefore essential to thoroughly understand the strengths and weaknesses of this borough. The town must take advantage of the existing urban framework to maintain a connectivity with other boroughs, thus easing displacements and promote local meeting places (parks, green spaces, etc.).

To accomplish this, it is essential to bring more recreational developments to the forefront in order to improve the quality of life for residents.

7.10.2 Proposals related to the *Contemporary West* borough:

1. It is proposed to maintain the integrity of existing neighbourhood residential units.
2. It is proposed to promote the expansion of the municipal water supply and the sanitary sewer system order to stimulate the borough's economic growth.
3. It is proposed to require that a site plan be designed to optimise land use, thus creating a built environment that is enjoyable and efficient, before authorizing a residential development with a different density than what already exists in this borough.
4. It is proposed that the town develop design standards to ensure that new residential developments are properly integrated into the environment.
5. It is proposed to maintain a transition zone between different density residential developments.
6. It is proposed to work with developers to set aesthetic and architectural criteria for residential developments.
7. 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 the existing lots that have already been developed.
8. It is proposed to encourage the development of interconnected neighbourhoods, built to human scale.
9. It is proposed that each neighbouring unit is guaranteed access to commercial sectors with relatively short travel times.
10. It is proposed to take advantage of the bicycle path and to highlight the value of a possible expansion.
11. It is proposed to improve pedestrian traffic within the borough with proper signalling, as well as connected pedestrian walkways and trails.
12. It is proposed to construct new sidewalks according to Council's priorities, based on available resources and citizens' needs. The construction of sidewalks would depend on the amount of traffic

that travel the roads.

13. It is proposed that all new constructions and/or new sub-divisions have access to the municipal water supply and the sanitary sewer system.

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 applicant spoke with the development officer in order to determine the 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 meters from the alignment with Webster street and 20 meters from the future street indicated on location plan. The town of Shediac zoning by-law is asking for a maximum of 6.5 meters from alignment.

The lot is at the corner of two streets in a residential area of Shediac, one street is already developed and the other one is a future street. The client is asking for a 3.5 meters variance from Webster street and 13.5 meters variance from the future street in order to built a house. The building will be located at 10 meters from webster street. This part of Webster street is located within a low density area where houses are already located, most of the time, at more than 6.5 meters from the street and where lots are bigger. The future street is not developed yet and will have to meet municipal specifications if a development permit is to be issued on lots located along this future street.

The variances seems reasonable as the Webster street perspective is not going to be compromised and the future street is a cul-de-sac.

Variances seems to be reasonable.

It is desirable for the development of the property?

The variances will allow the property to be set on the lot in order to allow a mutual embellishment

and respect proportion ratio between the proposed house and the size of the lot. This portion of Webster street is dedicated to very local residential service and the traffic is not as important as it is on Breaux-Bridge for example. The location of the building at 10 meters from Webster street and 20 meters from future street will allow also privacy and moreover it will not compromise the future subdivision possibilities on the lot as the by-law is asking for 18 meters of frontage on a public street.

Variations are desirable for the property.

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

The by-law is asking for a maximum and minimum setback from streets alignment in order to preserve street perspective. This part of Webster street is dedicated to low density residential purpose with lots having more than required size. The future street is located within the same area and is responding to the same intention. The street perspectives will not be compromised in both cases.

The variations are meeting zoning by-law intentions

Does the variance meet the intentions of the municipal plan?

The municipal plan intend to allow an array of dwellings with different prices, surface area and locations. The council policy is to frame land occupation density according to each residential sector and maintain the integrity of each existing neighbourhood residential units.

The intentions of the municipal plan are met.

Public Notice

A notice was send to property owner within 60 meters from PID 70139282

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

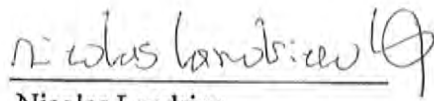
(v) the placement, location and arrangement of buildings and structures, including their setting back from the boundaries of streets and other public areas, and from rivers, streams or other bodies of water,

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 variances request from Kimberly Flight on PID 70139282, to exceed the maximum setback from the Webster street and the future alignment respectively to 10 meters and 20 meters **BE GRANTED**.



Nicolas Landriau
development officer



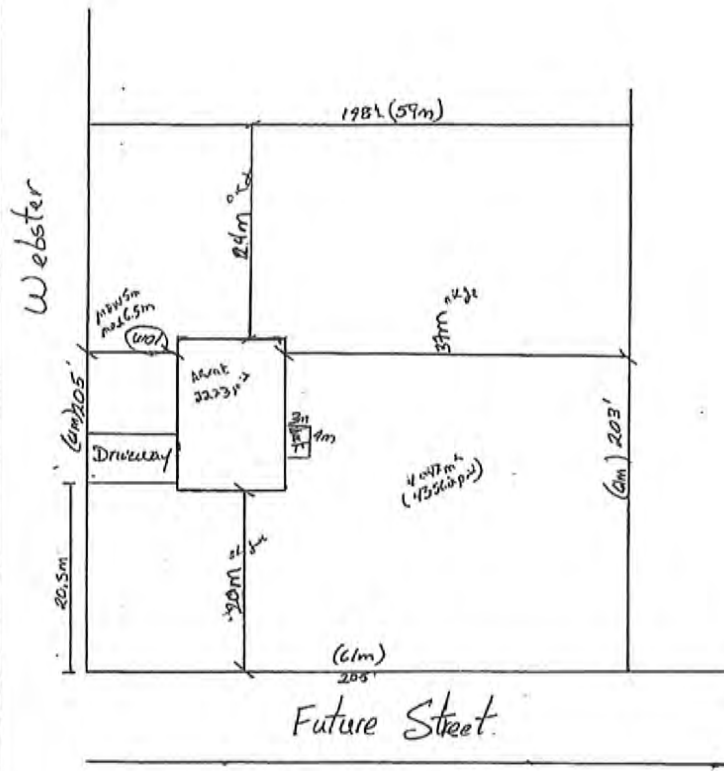
Jesse Howatt MCIP, RPP
Planner





Kim Flight lot 79-6 Webster

25' setback
+ 50' 6"



Front yard setback Webster St. MIN: 5m
MAX: 6.5m

Schedule A

David L. Lerner
23 June 2015