

Beaubassin Planning Review and Adjustment Committee

STAFF REPORT

Variance Request

Subject : Maximum surface area of an accessory building

File number: 15-1138

Meeting Date: Wednesday, September 23, 2015

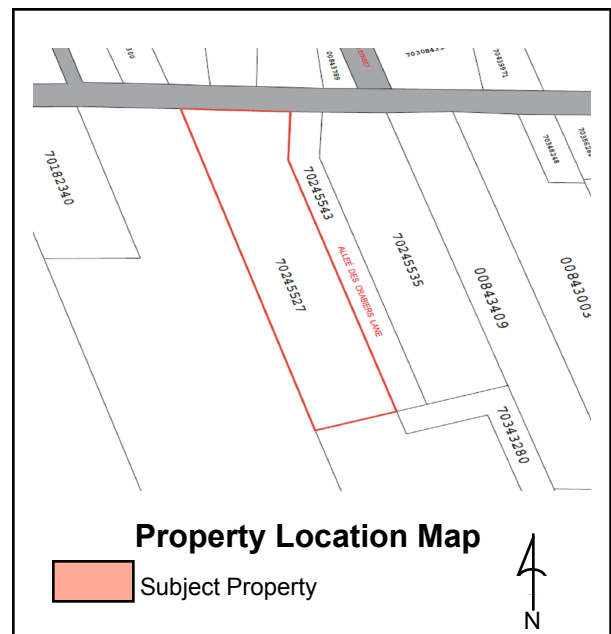
From : Nicolas Landriau
Development Officer

GENERAL INFORMATION

Applicant/: Ricky Cormier

Landowner : Ricky Cormier

Proposal: Build a detached garage for residential use with a surface area of 214m² where section 41.0 e) of the A-005 by-law of the Village of Cap-Pelé allows for a maximum surface area of 150 m²



SITE INFORMATION

Location: 19 Allée des Crabiers, Village of Cap-Pelé

PID: 70245527

Lot Size: 1.48 hectares

Current Use: residential

Zoning: R1 Residential single family

Future Land

Use: Residential

Surrounding

Use & Zoning: Residential, industrial/ Residential single unit, Light Industrial and Resource development.

Municipal

Servicing: Sewer

Access/Egress: Bas-Cap-Pelé Road

Municipal Plan Policies

2.1 Principles related to residential use

2.1(1) Council's policy is to encourage new residential developments in residential sectors or in the centre of the village.

2.1(4) Council's policy is to encourage various types of housing.

2.1(5) Council's policy is to regulate building density in residential sectors.

2.2 Proposals related to residential use

2.2(8) It is proposed that municipal by-laws be amended to allow the construction of buildings and structures that meet the specific needs of individuals with special needs (for example, an access ramp in the yard, or parking lot spaces for persons with reduced mobility).

2.2(12) It is proposed to allocate sufficient land space on the future land use map to meet the varied residential development demand.

2.2(14) It is proposed to keep certain residential sectors as low density to preserve the slower pace of life of some neighborhoods, which are family-oriented and have plentiful green spaces.

2.47 Principles related to outdoor storage

2.47(1) It is the Municipal Council's policy to minimize disturbances related to outdoor storage.

Zoning Bylaw and or Subdivision By-law Regulation

41.0 Accessory buildings and constructions

41.1(1) Accessory use, buildings and constructions are authorized in all zones, but may not, with the exception of fences :

e) have a surface area larger than 150 square meters in a residential zone (R);

Internal Consultation & External Consultation

The client has developed a project with the Development Officer. The Village of Cap-Pelé was consulted.

Discussion

During the variance evaluation, the Community Planning Act provides the following criteria or test to assess the variance requests.

Is it reasonable?

The client is requesting a variance for the construction of an accessory building covering 214m² on the allowed maximum of 150m². The request represents a 42% surplus. The building will not exceed the maximum allowed height of 7.62m for residential zones. The objective is to gain storage space for the recreational vehicle, the trailers and the recreational boat, which require a lot of space. The owner could also have the possibility of complying with the regulation by building several accessory buildings, complying with the maximum surface area allowed, but that would only make it so there would be more accessory buildings on the lot. Given that the vehicles, and especially the recreational boat, require a lot of storage space, the variance request seems reasonable.

It is desirable for the development of the property?

The personal effects currently parked behind the house will be stored in one building, improving the overall appearance of the property. Also, considering the proposed location of the construction and the slope of the land where the proposed construction would be built (see attached images), the visual impact from the Bas-Cap-Pelé Road would be greatly reduced. The proposed building should be no less than 62 meters from the lot alignment with Bas-Cap-Pelé Road. The building should only be visible from the street for people travelling from East to West on Bas-Cap-Pelé Road. The proposed variance is desirable for the property.

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

The rural plan imposes dimensional limits for accessory buildings in residential zones to preserve the residential character of the area, and to allow distinction from the rural uses, where the buildings are much larger. Also, the rural plan provides for the storage of fishing boats and recreational boats. This type of equipment often requires oversized buildings. The installation of a non-conforming accessory building complies with the intentions of the zoning by-laws, because it allows for the storage of property related to the residence and to the need for additional space for the recreational boat.

Does the variance meet the intentions of the rural plan?

Cap-Pelé is a coastal village revolving around the sea. The exploitation of the Northumberland Strait resources is the economic driver of the village, whether it is for commercial, industrial or leisure and pleasure. The rural plan provides and allows for the storage of fishing and recreational boats. The intentions of the plan are also to minimize disturbances linked to outdoor storage. For these reasons, the variance request complies with the intentions of the plan.

Public Notice

Public Notice has been issued to neighboring landowners within 60 meters of the subject property.

Un avis était envoyé par la poste aux propriétaires avoisinants dans un rayon de 60m.

Legal Authority

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

(iii) the height, number of storeys, ground area, floor area and bulk of buildings and structures,

35(1) The advisory committee or regional service commission may allow, 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 accordance with the general intent of the by-law and any plan or statement hereunder affecting such development.

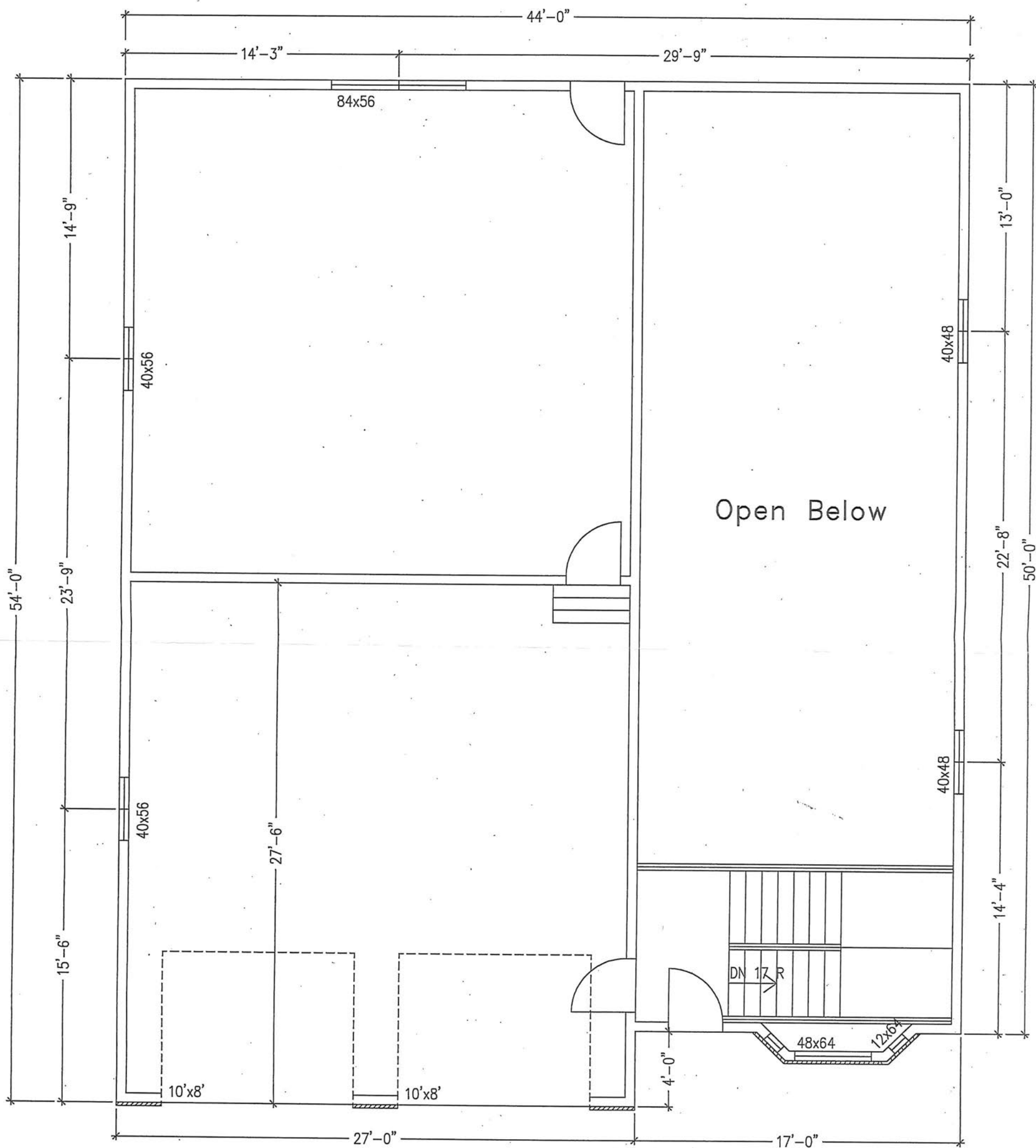
Nicolas Landriau
Development Officer

Jesse Howatt
Planner









Main Floor
 3/16" = 1'

13 Nov 2015
Rich Lewis

15-1138