

Beaubassin Planning Review and Adjustment Committee

STAFF REPORT

Variance Request

Subject : Minimum setback from alignment for a main building

File number: 15-1153

Meeting Date: Wednesday, September 23, 2015

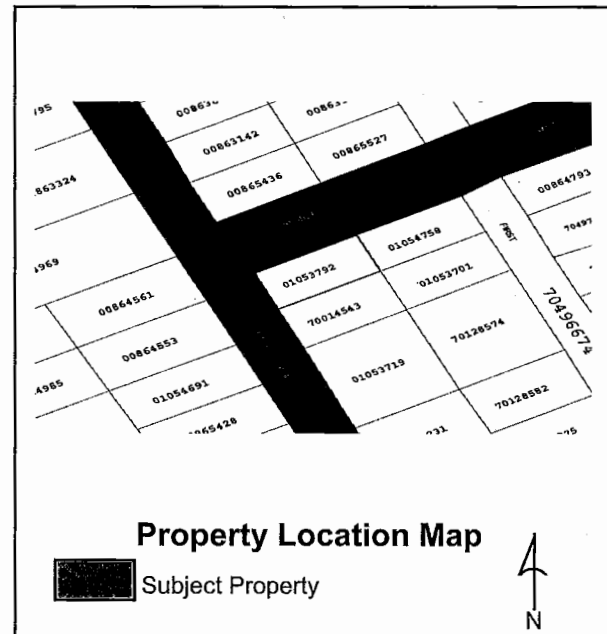
From : Nicolas Landriau
Development Officer

GENERAL INFORMATION

Applicant/: Wayne Fraser

Landowner : THE CORPORATION OF THE ANGLICAN

Proposal: Build a house (single family dwelling) at 21' from Brydges street alignment when Beaubassin West planning area rural plan section 10.7(1)a)ii) ask for a minimum of 25'.



SITE INFORMATION

Location: Pointe-du-Chêne street, LSD Pointe-du-Chêne

PID: 01053792

Lot Size: 465 m²

Current Use: vacant

Zoning: Coastal Residential

Future Land Use: Residential

Surrounding Use & Zoning: Residential/Coastal Residential

Municipal Servicing: GSSC sewer

Access/Egress: Brydges street

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 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;

Internal Consultation & External Consultation

The client discussed the application with the development officer.

Discussion

When evaluating a variance, the Community Planning Act provides the following criteria or test to evaluate the requests.

Is it reasonable?

The lot is actually vacant and located at the intersection of Brydges street and Pointe-du-Chêne street, two public streets. The lot surface is diminished by a little parcel dedicated to a Bell Aliant easement. The proposed location of the new building is 21' from the alignment with Brydges street. This is a 4' variance from alignment with a public street.

The variance is reasonable.

It is desirable for the development of the property?

The new building is going to be 24' wide on a lot that is 50' wide on Pointe-du-Chêne road. The

variance will allow the developer to build a house that is in accordance with actual size specification for permanent dwelling unit. The 2 streets are probably the most busy in all Pointe-du-Chêne area. However, the required variance is not likely to compromise the security at the crossroad. The variance is desirable for the property.

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

The by-law is asking for a 25' setback from streets. In some specific case, there is a possibility to go as far as 14.7 ' from the street. There will be no security issue. The variance meets the intentions of the zoning by-law.

Does the variance meets the intentions of the rural plan?

The rural plan proposes that development and construction standards are established and enforced on a consistent basis for seasonal and permanent residences. Permanent residences will require a 25' setback for public through streets. The intentions of the rural plan are met.

Public Notice

Public Notice has been circulated to neighbouring landowners within 100 metres of the subject property.

Legal Authority

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.

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

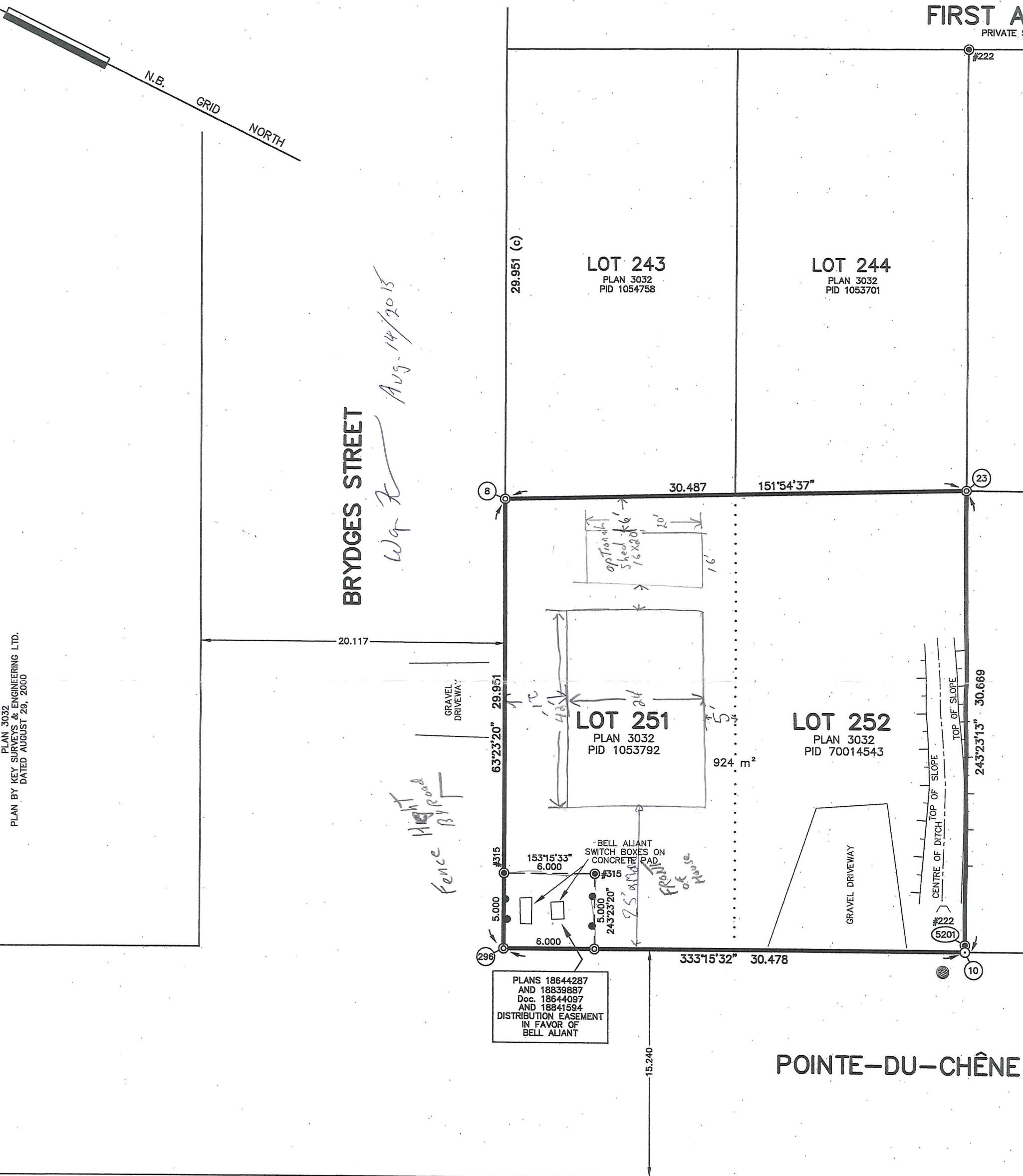
(v) the placement, location and arrangement of buildings and structures, including their setting back from the boundaries of streets and other public areas, and from rivers, streams or other bodies of water,

Nicolas Landriau
development officer

Jesse Howatt MCIP, RPP
Planner







PLAN 3032
PLAN BY KEY SURVEYS & ENGINEERING LTD.
DATED AUGUST 29, 2000

BRYDGES STREET

Wg R Aug. 14/2013

Fence Hgt 8' 0"

PLANS 18644287
AND 18839887
Doc. 18644097
AND 18841594
DISTRIBUTION EASEMENT
IN FAVOR OF
BELL ALIANT

POINTE-DU-CHÊNE

PLAN 3032
PLAN BY TERRAIN GROUP INC.
DATED OCTOBER 19, 2006

PLAN 3032
PLAN BY KEY SURVEYS & ENGINEERING LTD.
DATED JUNE 3, 2002

ALL COMPUTATIONS PERFORMED AND COORDINATES SHOWN
ON THIS PLAN ARE BASED ON THE NEW BRUNSWICK
GEOGRAPHIC DOUBLE PROJECTION AND THE NAD83(CSRS)
ELLIPSOID AS REALIZED BY SERVICE NEW BRUNSWICK'S
ADJUSTED COORDINATE MONUMENT SYSTEM.

8	2652879.956	7472525.300
10	2652866.892	7472484.666
23	2652894.311	7472498.404
296	2652853.178	7472511.884
5201	2652867.038	7472484.750
20481	2652835.159	7472515.154
20482	2652644.906	7472921.678
STATION	EASTING	NORTHING

N.B. GRID COORDINATES

DOCUMENT

CROWN GRANT No. 2393 TO
SAINT MARTIN IN THE WOODS CHURCH
(NOW THE CORPORATION OF THE ANGLICAN
PARISH OF SHEDIAC)
NOVEMBER 15, 1828

PURPOSE OF PLAN

TO SURVEY LOTS 251 AND 252, PLAN 3032
PIDs 1053792 AND 70014543.