

Beaubassin Planning Review and Adjustment Committee

STAFF REPORT

Variance Request

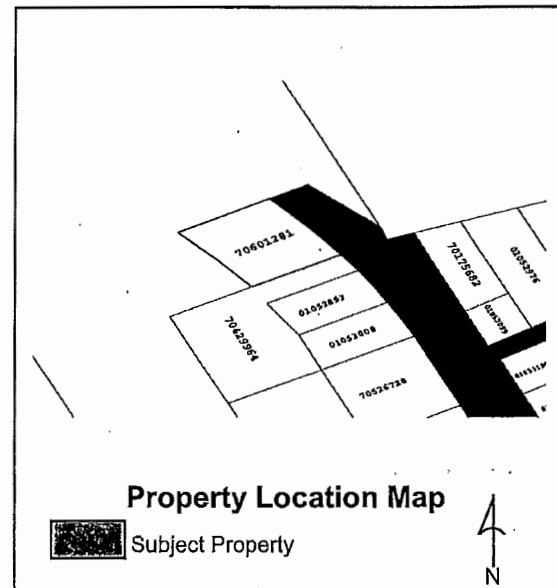
Subject : Minimum setback from an access
File number: 15-1272
Meeting Date: Wednesday, September 23, 2015
From : Nicolas Landriau
 Development Officer

GENERAL INFORMATION

Applicant/: Jeffrey Cormier

Landowner : Jeffrey Cormier

Proposal: Build an extension to the existing house that will be placed at 18' from Primrose Lane where section 10.7(1) (a)(ii) of the Beaubassin West Planning Area Rural Plan Regulation is asking for a minimum of 25'.



SITE INFORMATION

Location: 134 Gould Beach Road, LSD Pointe-du-Chêne

PID: 70601281

Lot Size: 883 m²

Current Use: Residential

Zoning: Coastal Residential

Future Land Use: Residential

Surrounding Use & Zoning: Residential, public facilities/ Coastal Residential (CR), Crown Lands (CL), Community Services (CS)

Municipal Servicing: GSSC sewer

Access/Egress: Gould Beach Road

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 and the contractor.

Discussion

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

Is it reasonable?

The property is actually located on a lot that is the result of an amalgamation of to regular lot in Pointe-du-Chêne area. There is an existing non conforming use as the two lots amalgamation result in having two main building on the same lot. One of the two is to be removed or demolished. The other building is to be enlarged on a corner lot abutting Gould Beach Road (public street) and Primrose lane (private access). The building enlargement (garage and bonus room above) is going to be at 18' from Primrose lane alignment. The access is deserving only one property and is not likely to be lengthen in a near future.

The variance is reasonable.

It is desirable for the development of the property?

The building enlargement is going to add value to the property. The required setback at 18' from Primrose lane will not compromise any security with traffic purpose. Primrose lane is basically a private access for PID 70429964 (Civic address: 30 Primrose Lane). The respect of the 25' required setback in this case may compromise the purpose of the building (garage and dwelling) by not allowing room enough. 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

Fuller
Sept. 01/15

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Gold Beach Road

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