

**Southeast Planning Review and Adjustment Committee /
Comité de révision de la planification de la Commission du Sud-Est**
Wednesday, April 25, 2016 / Le lundi 25 avril, 2016

Staff Report / Rapport du personnel

Subject / Objet : Variance Request / Demandes de Dérogation

File number / Numéro du fichier : 16-176

From / De :

Jeff Boudreau

Development Officer / Agent
d'aménagement

Reviewed by / Révisé par :

Kirk Brewer

Planner / Urbaniste

General Information / Information générale

Applicant / Requéant :

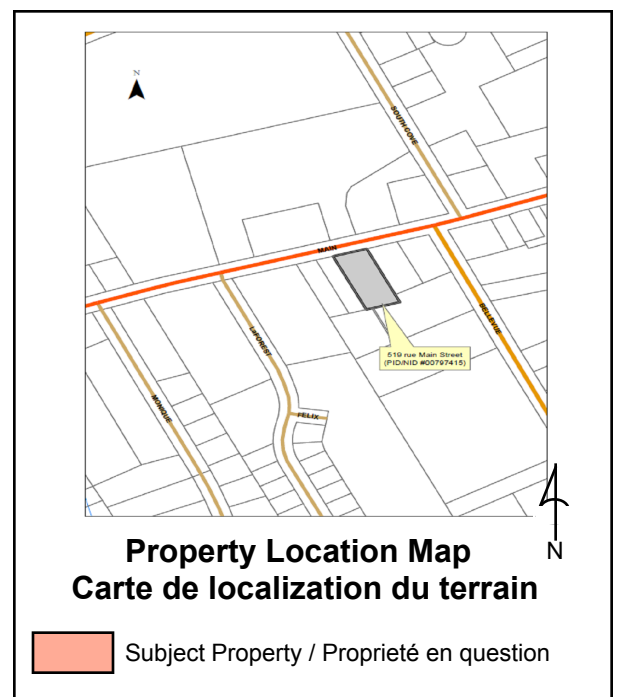
Vinh TRUONG

Landowner / Propriétaire :

Vinh TRUONG

Proposal / Demande :

Freestanding sign with an area of 12.5 sqm where the maximum size permitted is 9 sqm as per section 36.4 b) of by-law Z-14-44 Town of Shediac



Site Information / Information du site

PID / NID: 00797423

Lot Size / Grandeur du lot: 1334 m²

Location / Endroit :

519 Main street , Ville de Shediac / Town of

Current Use / Usage présent :

vacant lot

Zoning / Zonage :

General Commercial GC

Future Land Use / Usage futur :

Commercial

Surrounding Use & Zoning / Usage des environs & Zonage :

Commercial and General Commerce GC

Municipal Servicing / Services municipaux:

Public Water and sewer

Access-Egress / Accès/Sortie :

Main street

Policies / Politiques

7.11.1 Development concept:

The commercial borough is demarcated by the section of Main Street that is chiefly characterized by its roadside businesses. Some of the main components that carve out the landscape of the commercial borough are large parking areas fitted out in the front of businesses, drive-thru services and signs that attract the motoring public.

12. It is proposed to regulate the number of signs per property.

13. It is proposed to prohibit signs that create a danger or a nuisance for traffic or that impair the field of vision of drivers or pedestrians or that obstruct or interfere with municipal maintenance vehicles.

14. It is proposed that signs be attractive, well-kept, and safe.

15. It is proposed to work with business owners to set aesthetic and architectural criteria for signs, concentrating their efforts on quality rather than quantity.

16. It is proposed that people be made aware that signs should be in the province's two official languages.

Zoning and/or Subdivision Regulation / Réglementations de zonage et/ou de lotissement

36.4 Freestanding signs are permitted in all zones, except for Residential zones and Central Commercial zones, which are subject to the provisions of subsection 36.5, and provided that they not exceed:

b) a maximum gross surface area of 9 square metres, except in the case of a multiple tenancy building containing 3 or more businesses, in which case, no freestanding sign shall exceed 20 square metres in gross surface area and which shall be divided proportionally for each business;

Internal Consultation & External Consultation / Consultations internes et externes

The project was reviewed by SERSC staff.

Discussion

The project consists of a freestanding sign that is 6 m high and is 12.5 sqm. A permit was issued by the SERSC on October 20th 2015 for a 6 m high and 8.7 m² sign. The sign installed on site was bigger than the one allowed on the development permit therefore, an order to comply was issued on February 29th, 2016 giving until March 18th, 2016 to comply. The owner removed the portion of the sign in contravention and applied for a variance March 7th, 2016.

The proposed sign shows 5 different spaces for advertisement and 2 of them remain blank for the moment.

Is it reasonable?

The by-law allows a maximum of 9 sqm for a freestanding sign advertising one commerce. If there are several businesses on the property, a maximum of 20 sqm is allowed. The proposed sign is 12.5 sqm. This is 3.5 sqm more than the maximum allowed. The proposal represents a 28% variance for the area. There is currently only one business operating on the site, and 9sqm has been established as an appropriate size to accommodate sufficient advertising for a single business in the GC zone.

A 28% variance for the size of the sign is not reasonable.

Is it desirable for the development of the property?

The proposed sign currently shows information including the civic number, the restaurant name, the purpose of the business and contact information. There are two spaces left without information. While driving 50 km/h the current information can be read. Including more information on the sign may create excessive visual distraction for people driving by well as contributing to visual pollution. The purpose of the sign provisions in the zoning by-law is to establish consistent standards for signs so as to maintain an aesthetic quality and not overwhelm drivers and pedestrians.

The proposed variance is not desirable for the property.

Is it within the general intent of the Zoning By-law?

There are questions with regards to the interpretation of the by-law and whether 9 sqm includes both sides or each side. The long standing practice from the previous Beaubassin Planning Commission has been to accept 9 sqm on each side therefore this interpretation shall continue to be used. This has been noted by planning staff and should be clarified by council during a zoning by-law review.

The intent of the zoning by-law is to allow sufficient space to advertise road side commerce within Shediac along Main street. 9 sqm is considered enough space to provide sufficient information on commerce to drivers. Limiting the size and number of signs also prevents visual and esthetic clutter of the street perspective.

The general intent of the by-law is not met.

Is it within the intent of the municipal Plan?

The intention of the municipal plan is to allow freestanding signs while regulating the number, prohibiting nuisances for traffic and emphasizing quality over quantity.

The intention of the municipal plan is not met.

Public Notice / Avis public

A notice was sent to land owner within 60 m of the concerned property.

Legal Authority / Autorité légale

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

(xiii) the location, dimensions, standards of construction and purposes of public advertisement,

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 / Recommandation

It is the opinion of the South East Regional Service Commission staff that the variance request does not comply with all criteria items of the variance with regards to the proposed 12.5 m² area, instead of 9 m². It is respectfully recommended that the Committee **refuse** the variance as requested.

Note: This report was written in english and translated to a bilingual document. Where a conflict exists between the two languages, the language the report was written shall prevail. / **Note:** ce rapport a été rédigé en anglais et traduit en version bilingue. En cas de conflit entre les deux langues, la langue dans laquelle le rapport a été rédigé a préséance.

Main Street

523

519

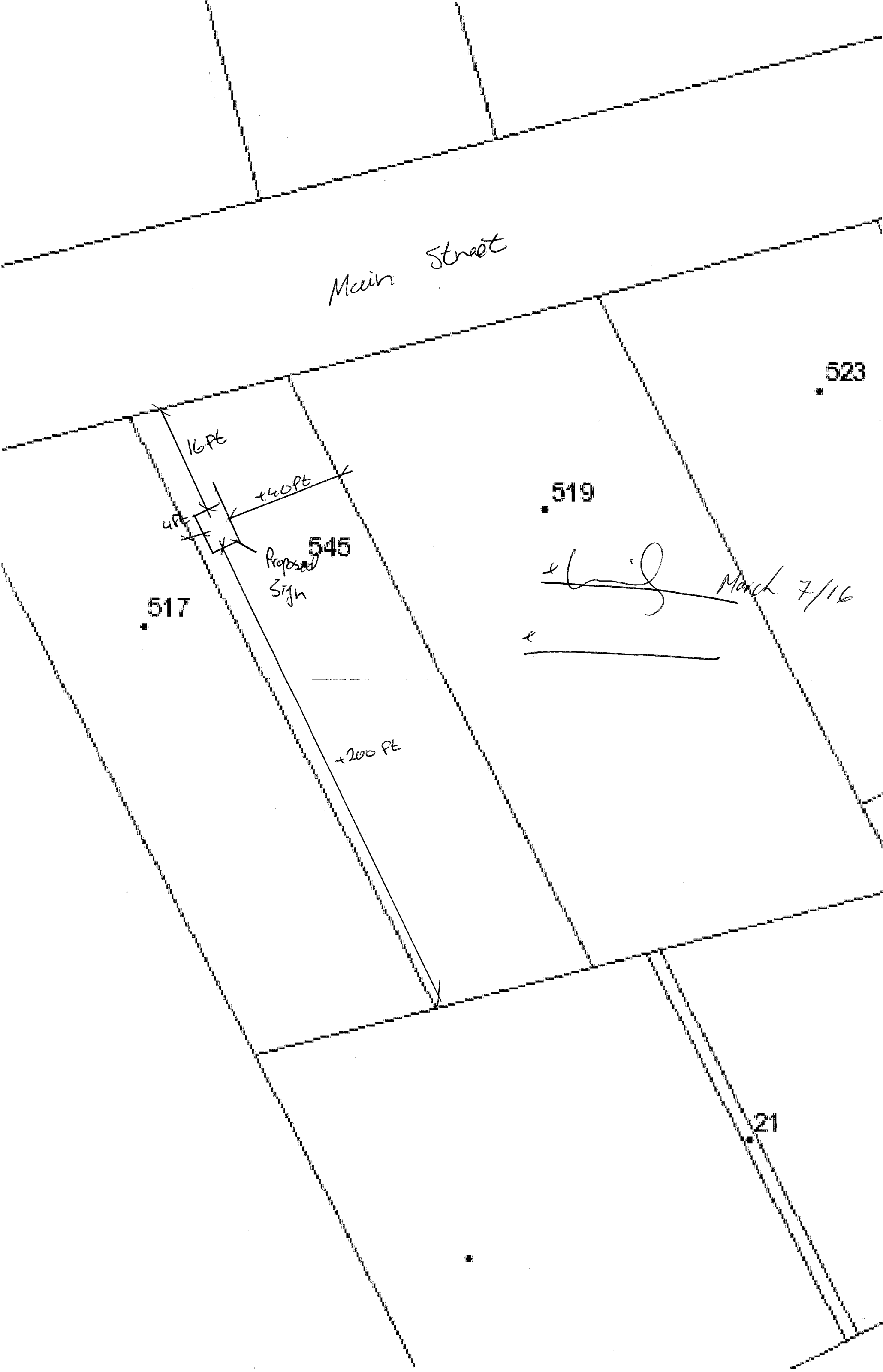
517

Proposed Sign 545

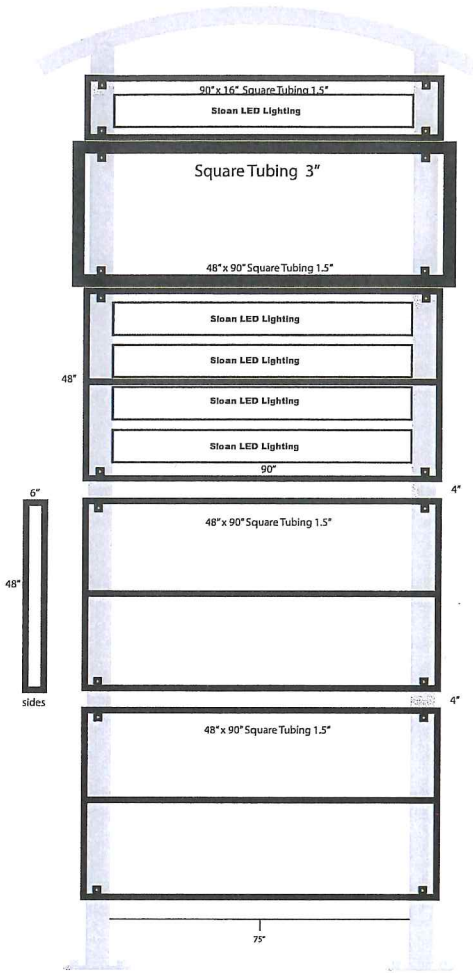
[Signature] March 7/16

+200 FT

21



Variance 16-176.



5' x 5' Square Tubing Pole + Base Plate & Anchor Bolts



20 ft High and Sign size is 13.5 feet high by 7 feet wide = 9 Square meters of surface

Setback From property line 16 feet

7' x 13.5' Double Sided Sign Made with Steel poles square tubing frames. Composite red aluminum Sheeting with backlit LED lighting. Installed on cement peers with anchors bolts. **\$12,999**

VINH TRUONG
March 7/16



519
VINN'S WOK
RESTAURANT
Buffet + Chinese
532-1313
1001 LEXINGTON - LEXINGTON, KY

VINN'S WOK
BUFFET
532-1313
RESERVATIONS AVAILABLE

Tim Hortons
DRIVE THRU

04/08/2016