

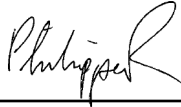
**Southeast Planning Review and Adjustment Committee /
Comité de révision de la planification de la Commission du Sud-Est**
Wednesday, March 27, 2017 / Le lundi 27 mars, 2017

Staff Report / Rapport du personnel

Subject / Objet : Variance Request / Demandes de Dérogation

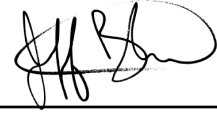
File number / Numéro du fichier : 17-064

From / De :



Phil Robichaud

Reviewed by / Révisé par :



Jeff Boudreau

Development Officer / Agent
d'aménagement

General Information / Information générale

Applicant / Requérant :

Jennifer Daigle Irving Oil Limited

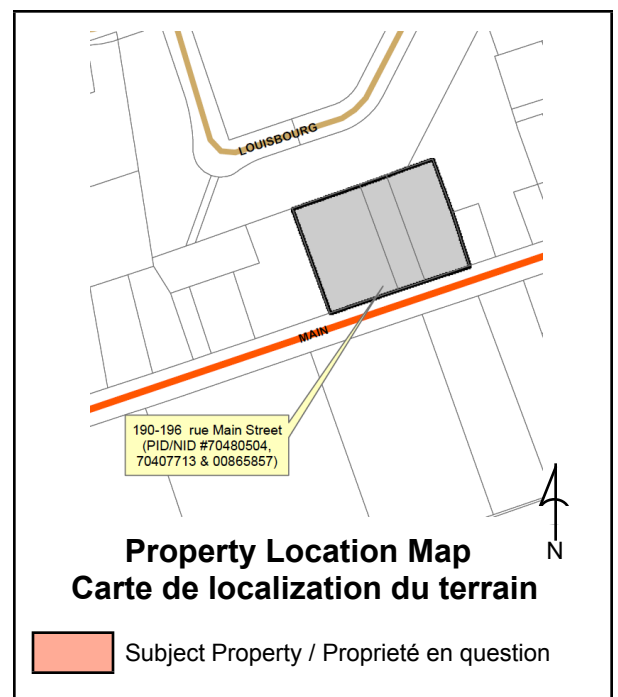
Landowner / Propriétaire :

Irving Oil Limited

Proposal / Demande :

The applicant is proposing the following four variances.

1. **Article 14.4 b)** Increase maximum front yard setback from 6.5 meters to 39.4 meters
2. **Article 14.6 c)** To allow the placement of the accessory structure in the front yard
3. **Article 14.3.2** To allow the placement of the parking in the front yard
4. **Article 40.4** Maximum driveway width variance from 10m to 12m



Site Information / Information du site

PID / NID: 70480504

Lot Size / Grandeur du lot: 3410 m² + 1338 m² + 2321 m²

Location / Endroit :

190 rue Main Street, Ville de Shediac / Town of Shediac

Current Use / Usage présent :

Vacant

Zoning / Zonage :

CG

Future Land Use Designation / Désignation de l'utilisation future du sol :

Future Land Use : Commercial

Surrounding Use & Zoning / Usage des environs & Zonage :

Commercial and Residential

Municipal Servicing / Services municipaux:

Town water and Greater Shediac Sewerage Commission sewer

Access-Egress / Accès/Sortie :

Main Street

Policies / Politiques

7.8.1 Development concept:

The Western Gateway borough is definitely a sector that has seen and that will continue to see its share of large developments in the next few years. This section of town is characterized by several of the key elements of Smart Growth. Influenced by its proximity to Highways 11 and 15, there is a mix of uses and social classes, as well as a mix of housing topology. In fact, you will find single family dwellings, two family dwellings, multi unit dwellings, and mini homes in this borough. This wide array of uses, classes and types of dwellings are key indicators of an increasing concentration of people in this borough.

It is important to take advantage of the borough's location in order to provide essential services to the people of Shediac, and to benefit from the town's regional advantage (proximity to Highways 11 and 15).

7.8.2

Proposals related to the Western Gateway borough:

1. It is proposed to maintain the integrity of existing neighbourhood residential units.

8. It is proposed that council ensure that commercial uses do not have a negative impact on the quality of life of the residents in this borough by enforcing the zoning by-law and imposing urban design and landscaping standards

10. It is proposed to maintain a transition zone around commercial uses in order to minimize nuisances to other types of uses

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

Variance 1: article 14.4 b) Increase maximum front yard setback from 6.5 meters to 39.4 meters

14.4 Yards for a main building or structure It is prohibited to place, erect or alter a building or structure so that it is:

b) more than 6.5 metres from the street line except for in the case of a flag lot;

Variance 2: article 14.6 c) To allow the placement of the accessory structure in the front yard

14.6 Accessory buildings and structures Accessory buildings and structures shall not:

c) be placed, erected or altered if they are: (i) on the front or flankage yard;

Variance 3: article 14.3.2 To allow the placement of the parking in the front yard

14.3.2 Notwithstanding the provisions of this section, no development having frontage on Main Street shall be permitted unless:

a) parking is located in the rear yard or in the side yard;

Variance 4: article 40.4 Maximum driveway width variance from 10m to 12m

40.4 In order to meet the existing conditions and legitimate needs of the future, a driveway may have a maximum width of 6 metres for a residential property or 10 metres for all other properties, provided that :

a) the Public Works Director gives his approval; and,

b) an engineering report demonstrates that the driveway shall not have a negative impact on traffic flow or the public safety.

Internal Consultation & External Consultation / Consultations internes et externes

The director of public works of the Town of Shediac was consulted for comments on this project.

Discussion

The applicant Irving has applied for four variances in order to accommodate their proposal for a new gas station and drive through restaurant. The four variances are:

1. Increasing the maximum front yard setback for the main building. The Shediac zoning by-law has a maximum and a minimum setback from property line abutting roads. The applicant is proposing locating the main building 39.4 meters from the front property lines to accommodate the location of the gas pumps and to follow their prototypical retail gas station layout. See schedule B for the site plan of the proposed development.
2. Allowing the placement of an accessory structure in the front yard. The accessory structure is the canopy over the gas pumps as shown in the Schedule B and C. The zoning by-law of Shediac states that in this zone, no accessory building or structure may be located in the front or flankage yard. The reasoning behind the proposed location is because the main building is being set further back than what the zoning by-law requires and because it follows the Irving's prototypical retail station layout.
3. Allow the placement of the parking in the front yard. Again, the Shediac zoning by-law mentions that parking spaces cannot be located in the front or flankage yard (distance in between the main building and the road) because this property is abutting Main Street. The nature of the project and the location of the building makes it very difficult to not locate the parking in the front yard.
4. Maximum driveway width variance from 10m to 12m. As per the Shediac zoning by-law, the maximum driveway width for a commercial property is 7 meters and a driveway may have a driveway width of up to 10 meters with the approval of the director of public works.

Is it within the general intent of the zoning by-law?

Three of the four mentioned variances (variance 1 to 3) were triggered because of the zoning by-law provisions stating the main buildings have a maximum setback from the front property line. Because the main building is set further back, it is difficult to locate the parking spaces and the accessory structure (canopy) behind the main building. Most buildings in this area are set further from the road as described in the zoning by-law.

The maximum driveway width for commercial uses in the Shediac is 10 meters. In this case, there will be a lot of traffic and fuel trucks entering the property because of the intended use. Jennifer Daigle, employee of Irving mentions in her letter (schedule D) that the reasoning for the 12 meter driveway width is required to have safe movement of the fuel truck in and out of the site.

A gas station and a drive through restaurant are both permitted in this zoning (General Commercial). Also, this zoning is the only zone that permits drive through. Gas stations are only permitted in the General Commercial Zone (CG) and Commercial and Manufacturing Zone (CM). In terms of the permitted uses in zones, the proposed uses on this lot is being used as intended to.

These variances follow the general intent of the zoning by-law.

Is it within the general intent of the municipal plan?

The municipal plan in the West Entrance Borough states that this area is influenced by the proximity of the Highways 11 and 15 and that it is important to take advantage of the borough's location in order to provide essential services. Gas stations are best located close to an entrance to a Highway for easy accessibility. The proposed layout of the gas station/drive thru also provides easy and safe access to the property.

The municipal plan also states that commercial uses must maintain the integrity of existing residential neighbourhood and that they do not have a negative impact on the quality of life of the residents in this borough. This development must follow the zoning-by-law provisions for landscaping and a separation of greens or fencing will be put between this use and residential uses.

This development is within the general intent of the municipal plan.

Is it reasonable?

Because of the nature of this development (gas station), it is reasonable to recommend the prototypical retail gas station layout.

Is it desirable for the development of a parcel or a building?

As mentioned in the letter written by Jennifer Daigle employee of Irving (Schedule D), this layout represents a prototypical retail gas station layout which provides convenient and safe access for fuelling, parking, to enter the retail store and to access the drive-thru. Increasing the width of the driveways from 10m to 12m is required for the safe movement of the fuel delivery truck in and out of the site.

This variable is desirable for the development of the parcel.

Public Notice / Avis public

Notice was sent to property owners within 60m

Legal Authority / Autorité légale

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,

(viii) the types, dimensions and location of means of access of lots to streets,

(ix) the facilities to be provided and maintained for off-street parking and loading of vehicles,

Recommendation / Recommandation

Staff respectfully recommends that the Shediac Planning Review and Adjustment Committee **approve** the four following variances :

- 1. Article 14.4 b)** Increase maximum front yard setback from 6.5 meters to 39.4 meters
- 2. Article 14.6 c)** To allow the placement of the accessory structure in the front yard
- 3. Article 14.3.2** To allow the placement of the parking in the front yard
- 4. Article 40.4** Maximum driveway width variance from 10m to 12m

subject to the following condition;

- that the development be completed in general conformity with the attached site plan.

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.