

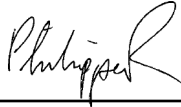
**Shediac Planning Review and Adjustment Committee /
Comité de révision de la planification de la Commission du Shediac**
Monday, September 25, 2017 / Le lundi 25 septembre, 2017

Staff Report / Rapport du personnel

Subject / Objet : Variance Request / Demandes de Dérogation

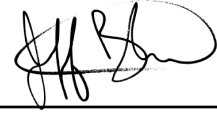
File number / Numéro du fichier : 17-1383

From / De :



Phil Robichaud

Reviewed by / Révisé par :



Jeff Boudreau

Development Officer / Agent
d'aménagement

General Information / Information générale

Applicant / Requérant :

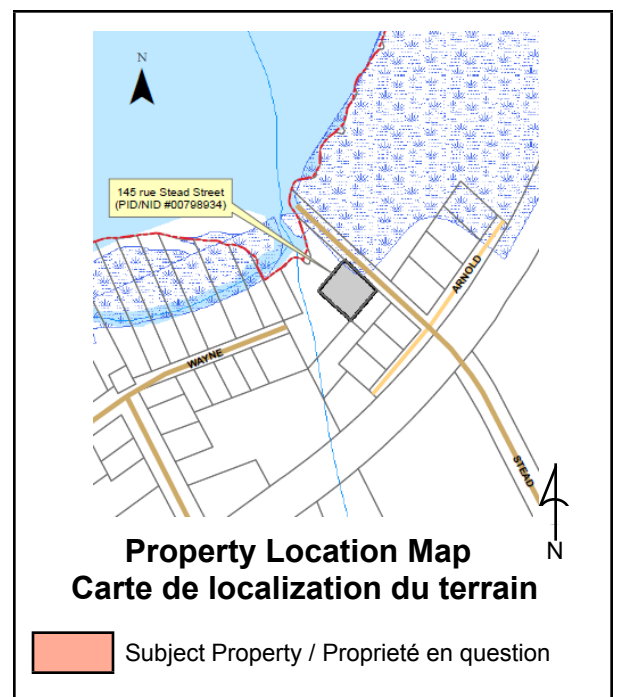
Dianne LeBlanc

Landowner / Propriétaire :

Corporation of the Anglican Parish of Shediac

Proposal / Demande :

Variance to increase maximum height of an accessory building to 5.49 meters from the allowable 5 meters.



Site Information / Information du site

PID / NID: 00798934

Lot Size / Grandeur du lot: 1733 m²

Location / Endroit :

145 STEAD ST, Ville de Shediac / Town of Shediac

Current Use / Usage présent :

Residential

Zoning / Zonage :

R1

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

Future Land Use : Residential and Sea Level Rise

Surrounding Use & Zoning / Usage des environs & Zonage :

Residential

Municipal Servicing / Services municipaux:

Public sewer and water

Access-Egress / Accès/Sortie :

Stead Road

Policies / Politiques

3.2.2 Housing and residential boroughs

Goal

Residential development is one of the main land uses in a town. The Town of Shediac has a relatively diversified, young, and healthy household demographic. The plan's goal, in terms of housing and residential neighbourhoods, is to ease the dwelling supply for residents by providing an array of dwellings with different prices, surface areas, locations, and professions. Furthermore, the town is trying to give neighbourhoods a sense of identity and lifestyle within each borough, as well as foster connectivity within the different boroughs. Therefore, it is important to protect the residential character of boroughs. The increased concentration and larger mix of people in some boroughs will have repercussions on how they look and function. Therefore, it is necessary to regulate these opportunities for denser, mixed communities in order to minimize any negative impacts on existing residential uses.

There is a population increase in Shediac. At the same time, there is a tendency towards an aging population, an increase in single-parent families and people living alone, as well as a decrease in the average number of people per household. These tendencies will bring new needs and challenges in terms of housing, so we need the proper tools to adapt to this reality.

7.4 Shediac-North Borough

7.4.2 Proposals related to the Shediac-North borough:

1. It is proposed to maintain the integrity of existing neighbourhood residential units.
2. It is proposed to demand that all new developments that differ in use or concentration from what already exists consider the neighbourhood's needs or distinctive features.
3. It is proposed to allow new residential developments that are in harmony with the borough's distinctive features as it relates to the urban framework.
4. It is proposed to require that a site plan be designed to optimize land use, thus creating a built environment that is enjoyable and efficient, before authorizing a residential development with a concentration of people that differs from the density that currently exists in this borough.

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

9.6 Accessory buildings and structures

9.6.1 Accessory buildings or structures shall not:

- a) **exceed a height of 5 metres;**
- b) be placed, erected or altered if they are:
 - (i) in the main building or structure's front or flankage yard;
 - (ii) located at less than 1 metre from the rear lot line or side line.
- c) have a surface area larger than 84 square metres;
- d) be used, as the case may be:
 - (i) for agricultural purposes;
 - (ii) to house animals other than household pets; or,
 - (iii) to house people.

Internal Consultation & External Consultation / Consultations internes et externes

Town of Shediac Staff was consulted.

This proposal was internally consulted with staff planners, building inspectors and development officers.

Discussion

The applicant is leasing a lot with a cottage on 145 Stead Road in Shediac. This is the last lot with a dwelling on the West side of the road. There is a total of 2 dwellings on Stead road and another 3 dwellings on the adjacent Arnold Road. The applicant is proposing to build an accessory building for personal storage only. The dimensions are 26' x 30' (7.93 meters x 9.15 meters) with a height of 18' (5.49 meters). There are two storeys to this building and are both reserved for storage only. (Schedule A - Property) (Schedule B - Proposed building plans)

The proposed development is situated in the 30 meter buffer of a provincially significant wetland and is situated in the zone of concern close to Parlee Beach, according to the document titled "Parlee Beach Environmental Impact Assessment Guidelines". Approval from the Department of Environment and Local Government were received for both of these environmental requirements. (Schedule C - Environment Approvals)

The proposed height of 5.49 meters is not respecting the current maximum height as per the Shediac zoning by-law. The maximum allowable height is 5 meters (16.4ft), a 0.49 meters (1.6 feet) variance is required for this project.

Modifications to the zoning by-law were adopted by the council and registered July 27th 2017. Previously, accessory buildings were limited to one storey. Now, the plans doesn't restrict the maximum amount of storeys and only mentions the maximum height for accessory buildings (5 meters).

The intent for a maximum height of an accessory building are:

1. Preserve the residential character of the borough.
2. Projecting shadows on neighboring properties.
3. Esthetics.

The property is located at the end of a dead end road and is barely visible from the narrow road. The proposed building also doesn't have any windows on the front of the building. An increase of 0.49 meters (1.6 feet) to the maximum allowable height shouldn't have any impact on the residential character of the borough nor the general esthetics. The proposed side yard setback from neighboring property line is 4.57 meter (a minimum of 1 meters is required). The proposed locations is over 4 times the required setback. Shadows on neighboring properties shouldn't be an issue. (Schedule D - Photos of property)

The applicant has submitted a letter to the commission with their arguments for a height increase. They argued that they can't build an attached garage and can't have a basement because they would be too close to the wetland. The letter mentions that the existing cottage doesn't have enough storage space to be used as a main dwelling and additions to the dwelling would not be possible because of the existing wetland. They intend to use this dwelling as their main dwelling eventually.

These are all valid arguments that should be taken into consideration. (Schedule E - Letter from applicant)

It was observed during the site visit that there is a power line crossing the property that is serving other lots. The commission proposes to include as a condition that the approval from NB Power is received before the issuance of the building/development permit.

Is the variance reasonable? The proposal meets the intention for having a maximum height for an accessory building in a zoning by-law and the variance is minor (0.49 meters).

Good for the development of the plan? The extra loft storage will allow the applicant to use this property as their permanent residence.

Public Notice / Avis public

A notice was sent to the owners of the surrounding lots within 60 meters of the property in question on September 11th 2017.

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

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

Recommendation / Recommandation

Staff respectfully recommends that the Shediac Planning Review and Adjustment Committee to APPROVE the variance to increase the maximum height from 5 meters to 5.49 meters for the accessory building as submitted in Schedule B with the following condition:

1. An approval from NB Power must be obtained for the location of the building before the issuance of a building permit.

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.