

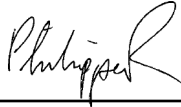
**Southeast Planning Review and Adjustment Committee /
Comité de révision de la planification de la Commission du Sud-Est**
Wednesday, November 27, 2017 / Le lundi 27 novembre, 2017

Staff Report / Rapport du personnel

Subject / Objet : Variance Request / Demandes de Dérogation

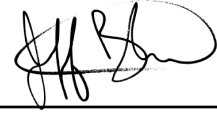
File number / Numéro du fichier : 17-1929

From / De :



Phil Robichaud

Reviewed by / Révisé par :



Jeff Boudreau

Development Officer / Agent
d'aménagement

General Information / Information générale

Applicant / Requéant :

Chris Boudreau Strum Consulting

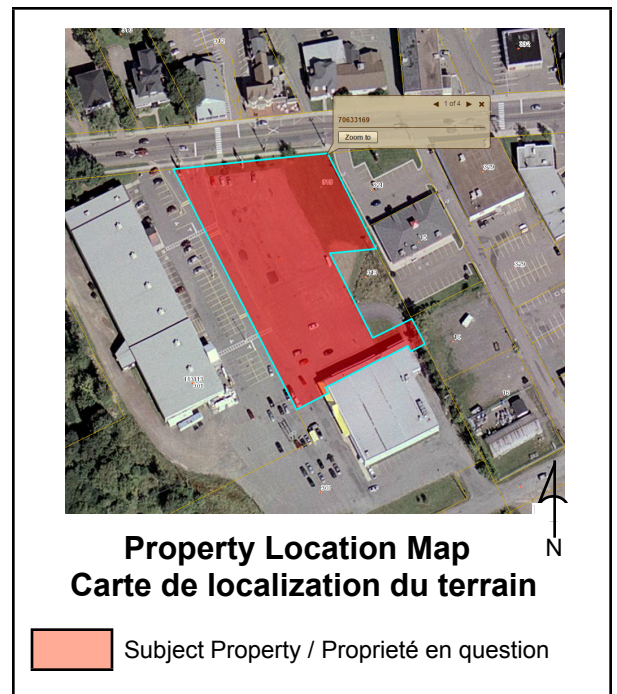
Landowner / Propriétaire :

// LOBLAWS INC. // CP REIT LPL NB PROPERTIES

Proposal / Demande :

Locate parking in the side yard of a retail building (NB Liquor).

Article 13.7 f)



Site Information / Information du site

PID / NID: 70633169

Lot Size / Grandeur du lot: 6722 m²

Location / Endroit :

313 Main Street, Ville de Shediac / Town of Shediac

Current Use / Usage présent :

Commercial

Zoning / Zonage :

CC - Central Commercial

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

Commercial

Surrounding Use & Zoning / Usage des environs & Zonage :

Uses: Commercial (Retail stores, restaurants, etc.)

Zoning: Central Commercial

Municipal Servicing / Services municipaux:

Water & Sewer

Access-Egress / Accès/Sortie :

Main Street

Policies / Politiques

3.2.4 Commercial sectors and uses

1. Council's policy is to recognize that historically, the Town of Shediac had quickly established a firmly-rooted business centre and currently, the Town of Shediac is revealing itself to be a second-tier regional service hub.
2. Council's policy is to correctly frame commercial activities.
3. Council's policy is to recognize the downtown area as the heart of commercial activity within the municipality.
5. Council's policy is to implement urban design guidelines in the downtown core and in other commercial boroughs so as to highlight its features, attract new businesses and sustain its economic viability.
6. Council's policy is to encourage continued growth in commercial developments in the Town of Shediac.
8. Council's policy is for every new commercial and institutional development to contribute to the improvement of municipal services such as roads, sidewalks, bicycle paths, and hiking trails.

3.2.11 Urban design

1. Council's policy is to encourage all new residential, commercial, and institutional development to follow the general provisions in terms of design, as shown in the zoning by-law.
2. Council's policy is to assure that all new development in the downtown core are in accordance with the CC zone guidelines that are part of the zoning by-law.
4. Council's policy is to protect and showcase interesting visual perspectives.
5. Council's policy is to assure that the provisions of the sub-division and zoning by-laws emphasize top quality urban design.
6. Council's policy is to improve the main artery's appearance, function and safety through good designs of sidewalks, signage, tree planting, and urban fittings.

7.1.2 Proposals related to the Downtown borough:

2. It is proposed that Council enforce, by means of the zoning by-law, urban design and landscaping standards, as well as insure that nuisances to surrounding boroughs be mitigated.
3. It is proposed to invite developers to take advantage of concepts related to the conservation design philosophy in their development.
8. It is proposed to maintain and improve pedestrian networks in order to promote connections between different businesses, institutional facilities, and boroughs.
11. It is proposed to maintain an appropriate number of parking spaces in the downtown area without causing an overconsumption of this vital space to interact with local stakeholders.

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

13.7 Special provisions for lots having frontage on Main Street

No development shall be permitted nor shall any land, building or structure be used on a lot within the

CC zone for the purpose of a central commercial use unless:

f) parking shall be located in the rear yard.

Internal Consultation & External Consultation / Consultations internes et externes

Staff planners and development officers were consulted.

The town of Shediac staff was consulted for comments November 8th, 2017.

Discussion

On November 6th 2017, an application to locate a parking lot in the side yard of a retail store (NB Liquor) was received by the Southeast Regional Service Commission. The proponent had previously applied for a development/building permit for a new retail building that required several variances. These variances were processed at the Shediac Planning Review and Adjustment meeting on October 08, 2017.

Initially, the proposal that was submitted to the Southeast Regional Service Commission didn't require a variance for the parking in the side yard because the proponent was proposing the parking lot on a different property. This eliminated the need for a variance because no parking lot was located in the side yard of the property where the building was located.

(Schedule A: Initial proposal with parking on different property)

At a later date, after the deadline for the Shediac Planning Review and Adjustment meeting, the applicant informed the Commission that because of the openings on the side of the building, they could no longer locate the parking lot on the adjacent property because the property line would be too close to the building. The distance from the property line to the building and the amount of opening on this wall was not respecting the National Building Code requirements in respect to the limiting distances. The applicant consolidated the two properties and removed the parking in the side yard to respect the zoning by-law. A new site plan was submitted with landscaping to the west of the building instead of a parking lot.

(Schedule B: Proposal with landscaping on west of the property)

Variances were granted October 18th, 2017 and the development/building permit was issued with the site plan that had landscaping in the side yard on the west of the building instead of a parking lot.

(Schedule B)

Now the applicant is proposing to locate the parking lot on the same property and in the side yard. This is not respecting section 13.7 of Central Commercial Zone provisions of the Town of Shediac Zoning by-law. This section states that parking shall be situated in rear yard, which is defined as behind the main building.

(Schedule C: Variance 17-1929 proposal with parking in side yard on the west of the building)

Because the approved development now has openings on the side of the building and the limiting distances requirements require large side yard setbacks, this building can no longer follow a conventional downtown development model (buildings facing the street and attached to each other) This lot is now required to have to a large open space to the side of the building. Given that the lot now requires a large open space to the side of the property and that the existing use of the land is currently a common parking area, the Commission judges this variance reasonable, good for the development of the land, and in general accord with the by-law.

Public Notice / Avis public

A notice was sent to the owners of the surrounding lots within 60 meters of the property in question on November 7th 2017. At the time of writing this report, no comments or objections were presented to the commission.

Legal Authority / Autorité légale

Town of Shediac Zoning by-law Z-14-44

PART I - ENFORCEMENT

4 Powers of the Commission

4.2 The Commission may, subject to the terms and conditions it judges appropriate:

d) permit a reasonable variance from the requirements of the zoning by-law falling within subsection 34(3)a) of the Community Planning Act, if it is of the opinion that the variance is desirable for the development of a parcel of land or a building or structure, and accords with the general intent of the by-law and any plan or statement affecting the development in accordance with the Act;

Community Planning Act

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

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

Recommendation / Recommandation

The Southeast Regional Service Commission respectfully recommend the Shediac Planning Review and Adjustment Committee to **APPROVE** the variance with no conditions.

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.

