

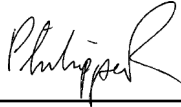
**Southeast Planning Review and Adjustment Committee /
Comité de révision de la planification de la Commission du Sud-Est**
Wednesday, April 24, 2017 / Le lundi 24 avril, 2017

Staff Report / Rapport du personnel

Subject / Objet : Variance Request / Demandes de Dérogation

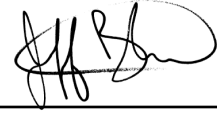
File number / Numéro du fichier : 17-199

From / De :



Phil Robichaud

Reviewed by / Révisé par :



Jeff Boudreau

Development Officer / Agent
d'aménagement

General Information / Information générale

Applicant / Requérant :

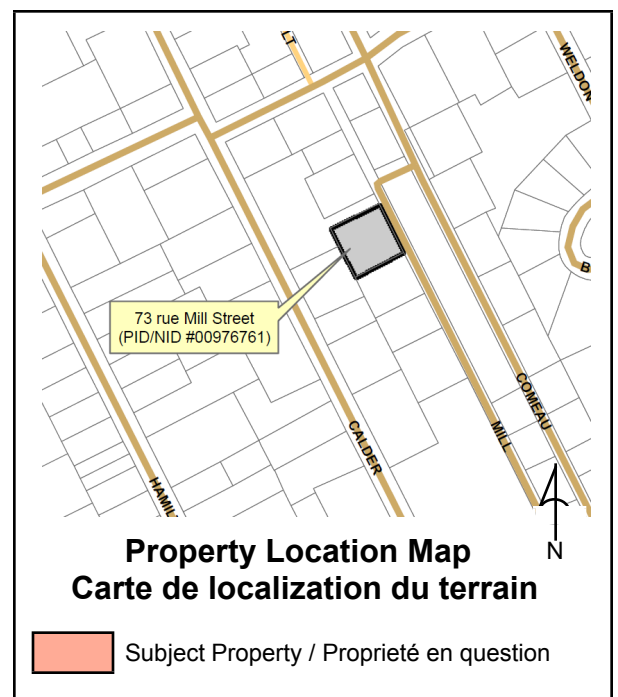
Scott Jason Colpitts

Landowner / Propriétaire :

Scott Jason Colpitts

Proposal / Demande :

Variance proposal to increase maximum height of accessory building from 5 meters to 6.05 meters (1.05 meters variance)



Site Information / Information du site

PID / NID: 00976761

Lot Size / Grandeur du lot: 929 m²

Location / Endroit :

73 Mill Street Shediac, Ville de Shediac / Town of Shediac

Current Use / Usage présent :

Residential

Zoning / Zonage :

R3

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

Future Land Use : Residential

Surrounding Use & Zoning / Usage des environs & Zonage :

High density Residential, Institutional and Central Commercial

Municipal Servicing / Services municipaux:

Water + Sewer

Access-Egress / Accès/Sortie :

Mill Road

Policies / Politiques

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

11.7 Accessory buildings and structures

11.7.1 Accessory buildings or structures shall not:

- a) have more than one storey or exceed a height of 5 metres;

Internal Consultation & External Consultation / Consultations internes et externes

Staff internally consulted

Discussion

The owner of the lot bearing the PID 00976761 located at 73 Mill Road, Shediac has applied for a one storey accessory building with an area of 30'x30' and a height of 19'-10 1/4" (6.05 meters) (Schedule A). As per the Shediac zoning by-law, the maximum permitted height for an accessory building is 5 meters. Schedule B shows the proposed location of the garage and the setbacks from the property lines. The intended use for the accessory building is for personal use only. The applicant is proposing using the garage for personal storage and to install a vehicle's lift to do some work on his personal truck. The vehicle's lift requires additional height than the one permitted in the zoning by-law and this is why the applicant has applied for a variance to increase the maximum height from 5 meters to 6.05 meters.

There are several intentions for having a maximum height for accessory buildings :

1. Projecting shadows on neighboring properties.
2. Restrict with a maximum height the ability to have two storeys accessory buildings and no lofts.
3. Aesthetics

The Southeast Regional Service Commission staff judges this variance reasonable and good for the development of this property for the following reasons :

1. Because the proposed location of the building is +10 feet from the property line, the neighboring dwelling is several meters from the property line and the proposed height is only 1.05 meters over the permitted height in the zoning by-law, the projection of shadows by the accessory building should not be an issue for the neighbor.
2. The proposed accessory building is only one storey and is not against the intention of the Shediac zoning by-law to restrict two storeys and lofts for accessory buildings.
3. The proposed accessory building (as shown in Schedule A) has a typical roof pitch. The same building could be erected without a variance with a flat roof (which is permitted) and meet the required maximum height for an accessory building. Therefore, permitting the height variance and allowing the applicant to have a typical roof pitch could be judge as more esthetic.
4. This property is located close to the downtown of Shediac and is surrounded by a variety of uses and zonings. Having an accessory building with a height of 1.05m above the permitted height will have less of an impact than one located in a purely residential zone.

Because of all the above mentioned reasons, the Southeast Regional Service Commission recommends the Shediac Planning Review and Adjustment Committee to grant this variance.

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, / *Le comité consultatif ou la commission de services régionaux peuvent autoriser, sous réserve des modalités et conditions qu'ils jugent appropriées,*

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. / *toute dérogation raisonnable aux prescriptions d'un arrêté de zonage visé à l'alinéa 34 (3)a qu'ils estiment souhaitable pour aménager une parcelle de terrain, un bâtiment ou une construction et qui est en harmonie avec l'intention générale de l'arrêté et avec tout plan ou déclaration établi en application de la présente loi et intéressant cet aménagement.*

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 / *Sous réserve du paragraphe (4), pour plus de certitude et sans restreindre la portée générale du pouvoir conféré par les paragraphes (1) ou (2), un arrêté de zonage ci-mentionné doit diviser la municipalité en zones, prescrire les fins auxquelles les terrains, bâtiments et constructions dans une zone peuvent être affectés et interdire toute autre affectation des terrains, bâtiments et constructions et peut*

a) regulate as to any zone / *réglementer pour une zone quelconque*

(iii) the height, number of storeys, ground area, floor area and bulk of buildings and structures, / *la hauteur, le nombre d'étages, la surface de terrain, la surface de plancher et l'encombrement des bâtiments et des constructions,*

Recommendation / Recommandation

Staff respectfully recommends that the Shediac Planning Review and Adjustment Committee **APPROVE** the variance proposal to increase maximum height of accessory building from 5 meters to 6.05 meters.

Note: This report was written in French 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 français et traduit en version bilingue. En cas de conflit entre les deux langues, la langue dans laquelle le rapport a été rédigé a préséance.*