

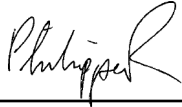
**Shediac Planning Review and Adjustment Committee /
Comité de révision de la planification de la Commission du Shediac**
Monday, September 24, 2018 / Le lundi 24 septembre, 2018

Staff Report / Rapport du personnel

Subject / Objet : Variance Request / Demandes de Dérogation

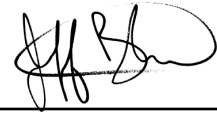
File number / Numéro du fichier : 18-1392

From / De :



Phil Robichaud
Development Officer / Agent
d'aménagement

Reviewed by / Révisé par :



Jeff Boudreau
Development Officer / Agent
d'aménagement

General Information / Information générale

Applicant / Requérant :

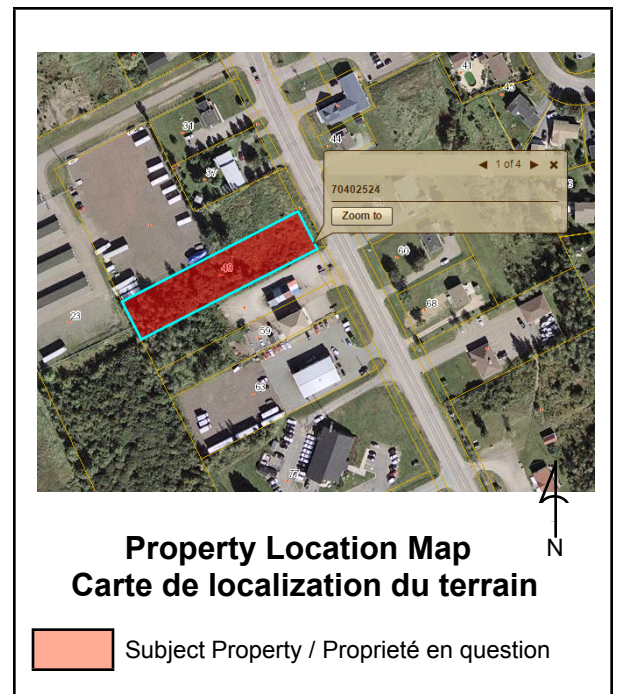
Josh Devine Atlantic Signs

Landowner / Propriétaire :

Mirzaagha Investments Inc.

Proposal / Demande :

Variance request to increase maximum permitted surface area for a fascia wall sign from 9.15 m² required to 16.14 m² proposed.



Site Information / Information du site

PID / NID: 70402524

Lot Size / Grandeur du lot: 3054 m²

Location / Endroit :

49 chemin Ohio Road, Ville de Shediac / Town of Shediac

Current Use / Usage présent :

Commercial

Zoning / Zonage :

Zone GC - General Commercial

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

Commercial

Surrounding Use & Zoning / Usage des environs & Zonage :

Surrounding uses: Commercial

Surrounding zoning: General Commercial

Municipal Servicing / Services municipaux:

Public water and sewer

Access-Egress / Accès/Sortie :

Ohio Road

Policies / Politiques

SCHEDULE B

SHEDIAC MUNICIPAL PLAN P-14-36 Consolidated July 2017

7.6 Ohio Road Borough

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

SCHEDULE C

SHEDIAC ZONING BY-LAW Z-14-44 Consolidated October 2017

36.6 Facia wall sign

Internal Consultation & External Consultation / Consultations internes et externes

General Manager and Clerk:

No comments received

Director of Municipal Operations:

No comments on behalf of the municipal operation department.

Discussion

SCHEDULE D - Sign Proposal

SCHEDULE E - Front Building Elevation

The applicant is applying for a variance to increase the maximum area of a facia wall sign at 59 Ohio Street, Shediac bearing the PID 70402524. The facia wall sign is for the new car part store that was recently built and that has recently opened. This business is titled “ Auto Choice Parts & Paint”.

A facia wall sign is defined as a sign that is placed flat and parallel against a wall of the building. The proposed sign has a surface area of 173 ft² or 16.4m² (7'-10 3/4" x 22'-0"). See schedule D. As per section 36.6 of the zoning by-law, a facia wall sign shall not cover more than 0.6 square meters per lineal meter of the wall upon which it is affixed. The wall upon which the sign is affixed is 50 feet (15.24 meters) wide. See schedule E. The maximum permitted area for this wall is 15.24 meters x 0.6 square meters per lineal meters = 9.14 square meters.

To summarize, the surface area for a facia wall sign for this building is:

Permitted = 9.14 square meters

Proposed = 16.4 square meters

Difference = 76% bigger than what is permitted in the zoning by-law.

The applicant has requested a variance request to increase the maximum surface area for a facia wall sign to 16.4 square meters.

76% is a significant difference than what is permitted in the zoning by-law. The policies specific to the Ohio Road borough states that:

7. It is proposed that the town develops design standards in order to guarantee that businesses will be well-integrated into this environment.

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

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

The Ohio Road borough is a gateway to the Town of Shediac, thus the policy of the Municipal Plan of Shediac encourages design standards for signs that is aesthetic, attractive and that prioritizes quality over quantity. Because of the significant increase of the surface area of the sign, the staff of the Southeast Regional Service Commission judges that this variance request is not reasonable, that it does not follow the intent of the Municipal Plan and that it does not follow the intent of the Zoning By-Law.

Public Notice / Avis public

Notice was sent to land owners within 60 metres of the subject property

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, SNB 2017, c. 19

55(1) Subject to the terms and conditions it considers fit, the advisory committee or regional service commission may permit

(b) a reasonable variance from the requirements referred to in paragraph 53(2)(a) of a zoning by-law 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 is in keeping with the general intent of the by-law and any plan under this Act affecting the development.

53(2) For greater certainty and without limiting subsection (1), a zoning by-law shall divide the municipality into zones, prescribe the purposes for which land, buildings and structures in a zone may be used and prohibit the use of land, buildings and structures for any other purpose, and may

(a) with respect to a zone, regulate

(xiii) the location, dimensions, standards of construction and purposes of advertising signs and billboards,

Recommendation / Recommandation

Staff respectfully recommends that the Shediac Planning Review and Adjustment Committee **deny** the variance request to increase the maximum surface area for a fascia wall sign from 9.15 m² required to 16.14 m² proposed.

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.*