

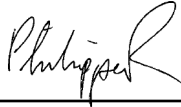
**Shediac Planning Review and Adjustment Committee /
Comité de révision de la planification de la Commission du Shediac**
Monday, March 26, 2018 / Le lundi 26 mars, 2018

Staff Report / Rapport du personnel

Subject / Objet : Variance Request / Demandes de Dérogation

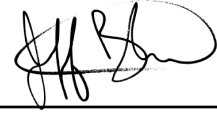
File number / Numéro du fichier : 18-149

From / De :



Phil Robichaud

Reviewed by / Révisé par :



Jeff Boudreau

Development Officer / Agent
d'aménagement

General Information / Information générale

Applicant / Requérant :

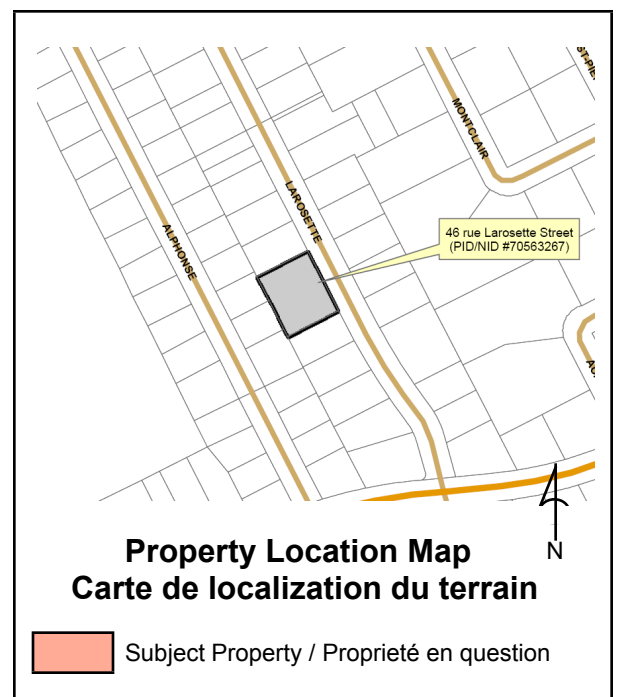
Julien Boudreau

Landowner / Propriétaire :

Julien Boudreau

Proposal / Demande :

Variance request to increase the maximum height of an accessory building incidental to a residential property from the required 16.4 feet (5 meters) to a proposed 21 feet (6.4 meters).



Site Information / Information du site

PID / NID: 70563267

Lot Size / Grandeur du lot: 1929.9 m²

Location / Endroit :

46 rue Larosette Street, Ville de Shediac / Town of Shediac

Current Use / Usage présent :

Residential

Zoning / Zonage :

R1 - Low Density Residential Zone

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

Single dwelling unit (Residential)

Surrounding Use & Zoning / Usage des environs & Zonage :

Surrounding uses: Single dwelling units

Surrounding zoning: R1 - Low Density Residential Zone

Municipal Servicing / Services municipaux:

Greater Shediac Sewerage Commission / Town of Shediac Water

Access-Egress / Accès/Sortie :

Larosette Street

Policies / Politiques

Shediac Municipal Plan P-14-36 Consolidated July 2017

3.2.2 Housing and residential boroughs

Policies related to residential boroughs

2. Council's policy is to instil a neighbourhood feel in boroughs through better streets, signalling, urban grid and urban design.

3.2.11 Urban design

Policies

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.

3. Council's policy is to favour the insertion of buildings in boroughs that will improve the boroughs' appearance thanks to its design.

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.

7.10 Contemporary West Borough

7.10.2 Proposals related to the Contemporary West borough:

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

4. It is proposed that the town develop design standards to ensure that new residential developments are properly integrated into the environment.

6. It is proposed to work with developers to set aesthetic and architectural criteria for residential developments.

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

Shediac Zoning By-Law Z-14-44 Consolidated July 2017

Part III - Zone Provisions

9. Low Density Residential Zone (R1)

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.

(By-law Z-14-44-13Z)

9.6.2 The total footprint for an accessory building or structure shall not exceed 20% of the area of the lot.

Internal Consultation & External Consultation / Consultations internes et externes

The Town of Shediac staff was consulted for comments. Staff had no comments on this proposal.

The Southeast Regional Service Commission staff was consulted.

Discussion

The applicant is proposing to build an accessory building (garage) that will be used for personal storage incidental to his single dwelling unit. The proposed accessory building is 26 feet wide (7.93 meters), 26 feet deep (7.93 meters) and has a height of 21 feet (6.4 meters). The roof pitch of the accessory building will match the pitch of the dwelling and the total height of the accessory building will be less than the dwelling

The required maximum height for accessory buildings in the R1 Zone is 16.4 feet (5 meters), however the applicant is proposing 21 feet (6.4 meters). A variance was requested to the Shediac Planning Review and Adjustment Committee to increase the maximum required height an extra 4.6 feet (1.4 meters). All other provisions of the Zoning By-Law is being respected.

Please refer to location map, zoning map and aerial view (Schedule A), the site plan (schedule B), the cross section (Schedule C) and the 3D drawing (Schedule D).

The property is located on Larosette Street in Shediac and is in the Low Density Residential Zone (R1). As shown in Schedule A, the property is a double lot and is significantly larger than most lots on this street. The lot has an area of 1929 m² compared to the average lot size of 970 m² on this street. The accessory building is proposed to be located on the right side of the dwelling and would be set further back than the dwelling. As shown on the site plan, the proposed location of the accessory building is at least 15 feet (4.57 meters) from the rear and side property lines. The required setback for accessory buildings is 3.28 feet (1 meter). This is more than 4 times the required setback prescribed in the Zoning By-Law.

One of the intent of having a maximum height for an accessory building is to keep the residential character of the neighborhood. As mentioned in the Municipal Plan: “Council’s *policy is to favour the insertion of buildings in boroughs that will improve the boroughs’ appearance thanks to its design.*” and “ *It is proposed to maintain the integrity of existing neighbourhood residential units.*” The applicant is proposing a steep 10/12 pitch to his accessory building solely to match the pitch of his dwelling for aesthetically reasons. This steep pitch greatly contribute to the total height of the building. Technically, the applicant could reduce the pitch of his accessory building and not require a variance. Because the applicant is requesting this height variance to match the pitch of dwelling for aesthetical reasons, the staff judges that this variance meets the intent of keeping the residential character of the neighborhood and the intent of the Municipal Plan. Also, note that the proposed accessory building will only have one storey with no “attic trusses” for storage.

Another intent of having a maximum height for an accessory building is to not cast shadows on neighboring properties. The applicant has a double lot and he is taking advantage of this by locating his accessory building more than 4 times the required setback prescribed in the Zoning By-Law. The staff judges that this meets the intent of not casting shadows on neighboring properties.

Staff judges this variance is reasonable and good for the development of the land because the proposed variance to increase the maximum height does meet the intent of the Zoning By-Law and the Municipal Plan.

Public Notice / Avis public

Public notice sent to all landowners within 60 metres of 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

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

Recommendation / Recommandation

Staff respectfully recommends that the Planning Review and Adjustment Committee approve the variance to increase the maximum height of an accessory building from the required 16.4 feet (5 meters) to the proposed 21 feet (6.4 meters) because the intent of having a maximum height is being respected and the intent of the Municipal Plan is being respected.

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.