

**Shediac Planning Review and Adjustment Committee /
Comité de révision de la planification de la Commission du Shediac**
Monday, October 15, 2018 / Le lundi 15 octobre, 2018

Staff Report / Rapport du personnel

Subject / Objet : Variance Request / Demandes de Dérogation

File number / Numéro du fichier : 18-1590

From / De :



Jeff Boudreau

Development Officer / Agent
d'aménagement

Reviewed by / Révisé par :



Phil Robichaud

Development Officer / Agent
d'aménagement

General Information / Information générale

Applicant / Requérant :

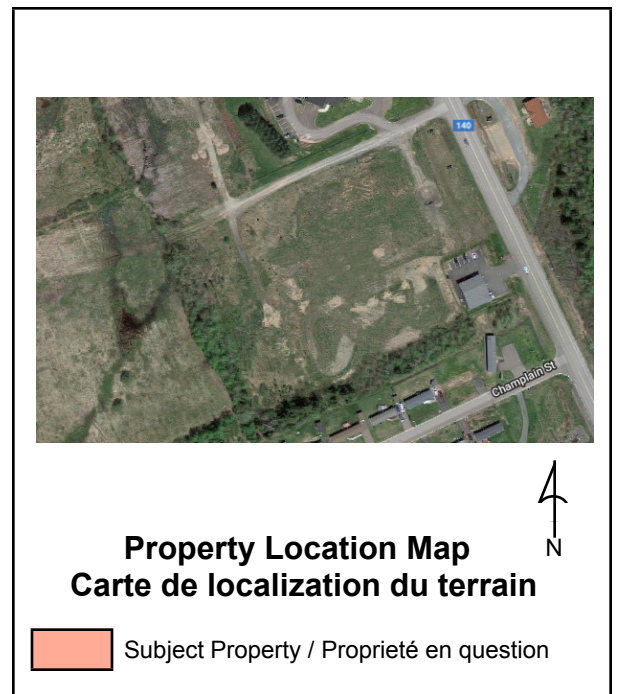
Stephen Hearn RCS

Landowner / Propriétaire :

J. D. Irving, Limited

Proposal / Demande :

- Increase the maximum set back from 6.5m to 102m and from 6.5m to 49m
- Increase the maximum number of entrances from 2 to 3
- Increase the maximum width of an entrance from 10m to 14m and from 10m to 12m
- Increase the height of a fence from 2.5m to 3m
- Reduce the number of parking area trees from 13 to 0
- Increase the maximum height of an accessory building from 6m to 7.6m



Site Information / Information du site

PID / NID: 70627997

Lot Size / Grandeur du lot: 5.67 HA

Location / Endroit :

Ohio Road, Ville de Shediac / Town of Shediac

Current Use / Usage présent :

Vacant

Zoning / Zonage :

General Commercial

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

Commercial

Surrounding Use & Zoning / Usage des environs & Zonage :

General Commercial and Multi Residential (minihome park)

Municipal Servicing / Services municipaux:

Municipal water and sewer

Access-Egress / Accès/Sortie :

Ohio Road and Breau Bridge

Policies / Politiques

3.2.4 Commercial sectors and uses

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.
9. Council's policy is to consider localizing businesses with a regional outreach and that need large parking lots close to Highway 15 and/or Highway 11, or close to the municipality's main arteries, such as Ohio Road and Main Street, up to the intersection with Cornwall Road.

7.6.2 Proposals related to the Ohio Road borough:

3. It is proposed that all new developments be serviced by the municipal water system and the sanitary sewer system.
4. It is proposed to promote the expansion of the potable water system and the wastewater system in order to stimulate economic growth within this borough.
5. 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 commercial development in this borough.
6. It is proposed to promote the diversification of commercial uses in order to create a hub of economic development.
7. It is proposed that the town develops design standards in order to guarantee that businesses will be well-integrated into this environment.
8. It is proposed to maintain a transition zone around developments with uses that are not commercial and those with neighbouring uses.
9. It is proposed to beautify the gateway into town from Highway 15 with landscaping that highlights Shediac's history and its people.

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

14.4 Yards for a main building or structure

It is prohibited to place, erect or alter a building or structure so that it is:

- a) less than 4 metres from the street line;
- b) more than 6.5 metres from the street line
except for in the case of a flag lot; (By-law Z-14-44-4Z)
- c) less than 1.5 metres from a side lot line and less than 3 metres from the opposite side lot line;
- d) less than 6 metres from the rear lot line.

31.1 When a parking lot intended to hold more than four (4) vehicles is required or proposed, the following provisions shall apply:

- c) a landscaped green area with at least one (1) tree planted shall be maintained for every 8 parking spaces;
- f) subject to paragraph g), entrance and exit ramps shall not exceed two (2) in number at the street line;
- g) the Commission may consider the creation of more than two access ramps, subject to terms and conditions that it deems appropriate;
- h) a driveway leading to or from a parking lot or loading area shall:
 - (i) in the case of a one-way driveway, have width of at least 3 metres;
 - (ii) in the case of a two-way driveway, have a width of at least 6 metres;
 - (iii) comply to a maximum width of 7.6 metres.

40.3 Subject to approval of the Director of Public Works, the maximum width of a driveway for automobiles shall be:

- a) 6 metres for a residential property; or,
- b) 10 metres for all other properties.
(By-law Z-14-44-13Z)

37.1 Notwithstanding any other provision of this by-law, a fence may be placed or located in a yard other than a sight triangle provided that:

- a) except for a fence of chain link construction located in Commercial, Commercial and Manufacturing or Institutional zones, no fence located within the required front or flankage yard shall exceed 0.75 metres in height;
- b) in any Residential zone, no fence shall exceed 2 metres in height;
- c) in any other zone, no fence shall exceed 2.5 metres in height.

46.1 Subject to the provisions of this section, the owner of a lot shall:

- b) in the case of a commercial property:
 - (i) landscape every part of the lot other than driveways and parking areas;
 - (ii) pave the parking areas and driveways;
 - (iii) the landscaping shall include grass, trees and/or shrubs; said trees and/or shrubs shall be planted or maintained at a minimum density of one (1) tree for every 93 square metres of the required landscaped area;
 - (iv) where any commercial lot abuts a residential zone or a lot containing a residential use, such lot shall not be used developed for commercial use unless a buffer zone of 1.5 metre adorned with trees and shrubs is landscaped and maintained in perpetuity along the entire length of the lot line shared by the residential use or zone and the proposed commercial use.

14.6 Accessory buildings and structures

Accessory buildings and structures shall not:

- a) exceed the lowest of these heights:
 - (i) 6 metres; or,
 - (ii) the height of the main building or structure for which it is an accessory building or structure.
- b) have a floor area which exceeds the floor area of the main building;
- c) be placed, erected or altered if they are:
 - (i) on the front or flankage yard;
 - (ii) located at least 1.5 metres from a side or rear lot line.
- d) be used, as the case may be, for agricultural purposes or to house animals other than household pets;
- e) take up more than 20% of the lot's surface area.

Internal Consultation & External Consultation / Consultations internes et externes

RSC Staff consulted with municipal staff and the department of environment.

Discussion

On September 25th, an application was made to build a new Kent building supply store on PID 70627997 (Ohio road)

The Proposal requires several variances to the zoning by-law as listed above.

-The first two variances are related to the setback from Ohio street and the future Breau-Bridge street. In the town of Shediac zoning by-law there are two commercial zones, either central commercial or general commercial, and both these zones have a maximum setback provision. Including a maximum set back for buildings creates a particular esthetic for the streetscape and promotes a built environment that encourages walkability and development to a human scale. The municipal plan for commercial uses seems to be in conflict with this requirement

“Council’s policy is to consider localizing businesses with a regional outreach and that need large parking lots close to Highway 15 and/or Highway 11, or close to the municipality’s main arteries, such as Ohio Road and Main Street, up to the intersection with Cornwall Road.”

As such staff is of the opinion that although the variances are very large, they are reasonable and in accordance with the general intention of the plan.

- The second and third variance relates to entrances.

The zoning by law states that entrances shall be two in number, however the commission may permit three entrances subject to terms and conditions. The by-law also states that entrances shall comply to a

maximum width of 7.6 metres and subject to approval of the Director of Public Works, the maximum width of a driveway for automobiles shall be 10 metres.

Comments received by Public Works indicate that they are in favor of the number and width of the driveway openings as shown on the submitted site plan.

- The fourth variance relates to the height of fences.

The application is to install a 3m high chain link fence around the lumber yard. This fence will also include fabric screening to meet the requirements of an opaque fence around outdoor storage areas. As such the fence will serve a dual purpose of security and as a visual barrier along the future Breau Bridge alignment. The zoning by law clearly indicates that a fence shall not exceed 2.5m in any zone, and staff is of the opinion that this fence, particularly along the alignment of Breau Bridge, should meet this requirement.

- The fifth variance relates to parking lot trees.

The zoning bylaw indicates that a landscape area with one tree is required for every 8 parking spots. There is also a requirement for tree planting in landscaped areas and buffering between residential and commercial uses. On the site plan provided there is a landscaped area around the perimeter of the property and an existing tree buffer along the south property line. RSC Staff is of the opinion that the existing tree buffer would cover both the screening requirement for residential uses, and the tree planting requirement for landscaped areas. It is also RSC staff's opinion that the specific requirement for tree planting for the parking area would still be missing and could easily be remedied by planting trees or shrubs in the areas surrounding the parking lot.

- A sixth variance was noted during the plan review and this relates to the height of the accessory building. The maximum height permitted is 6m and the proposed building is 7.6m

The height requirement could be achieved by using a flat roof system however the size of the building could require significant structural modification. The accessory building is also located behind the main building and is lower than the overall height of the main building.

Public Notice / Avis public

Notice was sent to landowners within 60m 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 / Recommendation

Staff respectfully recommends that the Shediac Planning Review and Adjustment Committee **approve** the variance to increase the maximum set back from 6.5m to 102m

Staff respectfully recommends that the Shediac Planning Review and Adjustment Committee **approve** the variance to increase the maximum set back from 6.5m to 49m

Staff respectfully recommends that the Shediac Planning Review and Adjustment Committee **approve** the variance to increase the number of accesses with no additional terms and conditions

Staff respectfully recommends that the Shediac Planning Review and Adjustment Committee **approve** the variance to increase the width of the accesses from 10m to 12m

Staff respectfully recommends that the Shediac Planning Review and Adjustment Committee **approve** the variance to increase the width of the accesses from 10m to 14m

Staff respectfully recommends that the Shediac Planning Review and Adjustment Committee **deny** the variance to increase the height of the fence from 2.5m to 3m

Staff respectfully recommends that the Shediac Planning Review and Adjustment Committee **deny** the variance to decrease the number of parking area trees from 13 to 0

Staff respectfully recommends that the Shediac Planning Review and Adjustment Committee **approve** the variance to increase the height of an accessory building from 6m to 7.6m

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.