

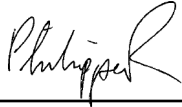
**Shediac Planning Review and Adjustment Committee /
Comité de révision de la planification de la Commission du Shediac**
Monday, October 29, 2018 / Le lundi 29 octobre, 2018

Staff Report / Rapport du personnel

Subject / Objet : Variance Request / Demandes de Dérogation

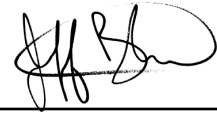
File number / Numéro du fichier : 18-1620

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 :

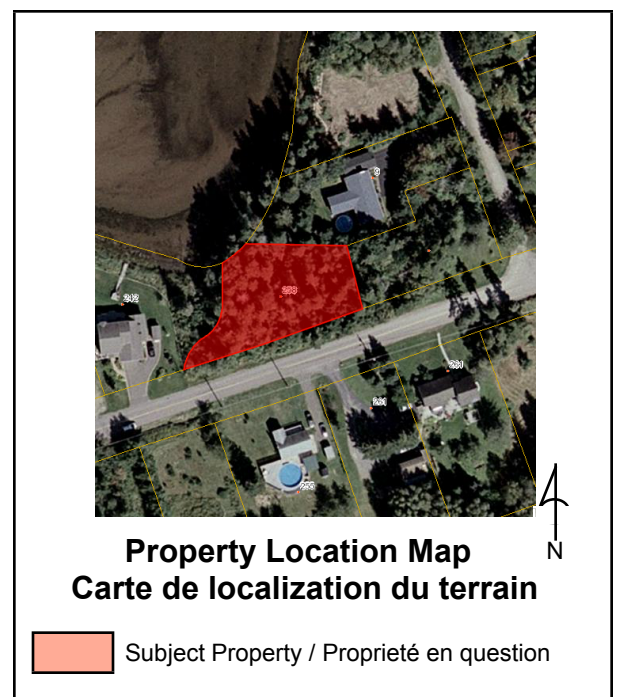
Christina Metcalf

Landowner / Propriétaire :

Christina Metcalf

Proposal / Demande :

Variance request to reduce the required front yard setback for an accessory building to allow it closer to the alignment than the existing single dwelling unit.



Site Information / Information du site

PID / NID: 70580501

Lot Size / Grandeur du lot: 1550 m2

Location / Endroit :

258 Cornwall Road, Ville de Shediac / Town of Shediac

Current Use / Usage présent :

Single dwelling unit

Zoning / Zonage :

R1 - Low Density Residential Zone

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

Residential

Surrounding Use & Zoning / Usage des environs & Zonage :

Surrounding uses: Single dwelling units.

Surrounding zoning: Low Density Residential Zone

Municipal Servicing / Services municipaux:

Public water and sewer

Access-Egress / Accès/Sortie :

Cornwall Road

Policies / Politiques

SCHEDULE B

SHEDIAC MUNICIPAL PLAN P-14-36 Consolidated July 2017

7.9 Cornwall 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

9 Low Density Residential Zone (R1)

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 - Site Plan

SCHEDULE E - Site photo

SCHEDULE F - Subdivision plan

The applicant is intending to build an accessory building (shed) on her property. Her property is on Cornwall Road in the Town of Shediac. There is a watercourse to the North of the property with a 30 meters buffer as stipulated in the Clean Water Act. The existing dwelling on the lot is on an angled. A public utility easement for NB Power is covering a part of the lot.

The proposed accessory building had a width of 14 feet (4.27 meters), a depth of 22 (6.71 meters) feet and a max height of 16.4 feet (5 meters). The proposed orientation of the accessory building is the same as the dwelling. There's limited space on the property. The applicant is intending to orient the building in this manner for practical and esthetics reasons. The placement of the shed at the same angle as the dwelling causes it to be set closer to the alignment than the dwelling. The accessory building will be 3.5 feet (1.07 meters) closer. The definition of alignment is the property line separating the lot and the road.

The Town of Shediac Zoning By-Law states that an accessory building cannot be located in the front yard of the main building (dwelling). The front yard is defined as the distance between the dwelling and the alignment. Therefore, the proposed location of the accessory building is not meeting the requirement of the zoning by-law. A variance was requested to the Shediac Planning Review and Adjustment Committee to locate the accessory building 3.5 feet (1.07 meters) closer to the alignment than the dwelling.

The Shediac Municipal Plan states that:

1. It is proposed to maintain the integrity of existing neighbourhood residential units.
6. It is proposed that the town develop design standards to ensure that new residential developments are properly integrated into the existing environment.

The applicant is intending to orient the accessory building at the same angle as the dwelling for esthetics reasons. This is following the intent of the Municipal Plan to keep the integrity of the neighbourhood residential unit. The variance request is also very minor (3.5 feet or 1.07 meters). As shown in the picture

in the schedules, it is almost unnoticeable.

The staff judges this variance to be reasonable and that it meets the intent of the Municipal Plan.

Public Notice / Avis public

A notice was sent to all property owners within 60 meters 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

(v) the placement, location and arrangement of buildings and structures, including their setting back from the boundaries of streets and other public areas, and from rivers, streams or other bodies of water

Recommendation / Recommandation

Staff respectfully recommends the Shediac Planning Review and Adjustment Committee to approve the variance to reduce the front yard setback of an accessory building to allow it 1.07 meters closer to the alignment than the dwelling.

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.*