

**Shediac Planning Review and Adjustment Committee /
Comité de révision de la planification de la Commission du Shediac**
Monday, June 29, 2020 / Le lundi 29 juin, 2020

Staff Report / Rapport du personnel

Subject / Objet : Variance Request / Demandes de Dérogation

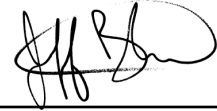
File number / Numéro du fichier 20-901

From / De :



Joshua Adams
Planner / Urbaniste

Reviewed by / Révisé par :



Jeff Boudreau
Development Officer / Agent
d'aménagement

General Information / Information générale

Applicant / Requéant :

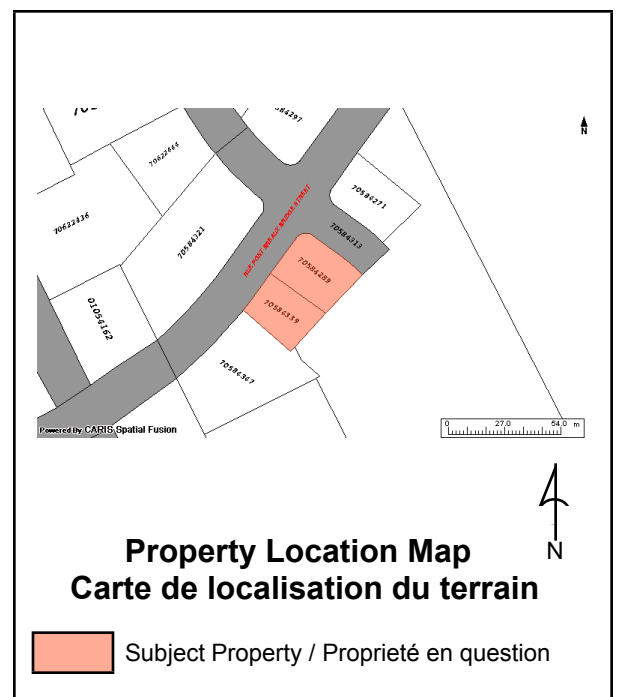
Tammy Bell Zeal Living Ltd.

Landowner / Propriétaire :

Tammy Bell Zeal Living Ltd.

Proposal / Demande :

Variance to reduce the rear yard setback to 1.5 meters,
variance to increase the maximum front yard setback to 9.95
meters.



Site Information / Information du site

PID / NID: 70584289, 70584339, 00798397

Lot Size / Grandeur du lot: 1810 square meters (proposed lot 20-100)

Location / Endroit :

rue Breaux Bridge Street, Ville de Shediac / Town of Shediac

Current Use / Usage présent :

Vacant

Zoning / Zonage :

R2

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

Residential

Surrounding Use & Zoning / Usage des environs & Zonage :

Residential, R2

Municipal Servicing / Services municipaux:

Water, Sewer

Access-Egress / Accès/Sortie :

Breaux Bridge St, Monique St

Policies / Politiques

3.2.2 Housing and residential boroughs

1. Council's policy is to promote a wide array of housing categories.
2. Council's policy is to allow, within the municipality, a variety of housing options that meet the needs of a diverse population, subject to Section 39 of the Act.
4. Council's policy is to promote the maintenance and contribution of dwelling units for people with different income levels in every neighbourhood unit, as long as they are compatible with those units.

7.14.2 Proposals related to the Bellevue borough:

1. It is proposed to take into account the future needs of the population when establishing future neighbourhood units.
2. It is proposed to promote a higher density in this borough in order to make the infrastructures cost-effective and to limit urban sprawl.
3. It is proposed to minimize the impact of future developments on its natural characteristics.
4. It is proposed that the town establish design standards to guarantee that different housing typologies are in harmony with the surrounding area.
5. It is proposed to encourage the development of interconnected neighbourhoods, built to human scale.
6. It is proposed to establish mechanisms that will preserve enough reserve land for future developments of less traditional residential projects that include different types of housing.

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

Lot line, front means the line dividing the lot from a street or access, and:

- a) In the case of a corner lot, the shorter boundary line abutting the street shall be deemed to be the front line, and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line;

Lot line, rear means the lot line farthest from or opposite to the front lot line; (limite arrière)

Lot line, side means a lot line other than a front, flankage or rear lot line; (limite latérale)

10.4 Yards for a main building or structure

Subject to the general provisions, it is prohibited to place, erect or alter a building or a structure if it is at:

- a) less than 5 metres from the street line;
- b) more than 6.5 metres from the street line except for in the case of a flag lot;
- c) less than 1.5 metres from a side lot line and less than 3 metres from the opposite side line subject to paragraph d);
- d) less than 3 metres from the side lot lines in the case of a semi-detached or rowhouse dwelling;
- e) less than 6 metres from the rear lot line.

40. Residential and Commercial Driveways

40.1 Subject to paragraph 40.2, a driveway shall be located at 15 metres or more from an intersection.

40.2 Subject to the following conditions, a driveway may be located closer than 15 metres from an intersection:

- a) if it is approved by the Public Works Director; and,
- b) if an engineering report demonstrates that such driveway shall not have a negative impact on traffic flow or the public safety

Internal Consultation & External Consultation / Consultations internes et externes

Staff contacted the Department of Environment and the Director of municipal operations for comment.

Department of Environment and Local Government

The Department of Environment and Local Government's (DELG) Environmental Impact Assessment (EIA) Branch has reviewed the information submitted regarding the construction of a new 4-unit dwelling on the lots identified by PIDs 70584289 and 70584339. The proposed work falls within the Drainage Area of Concern near Parlee Beach and as such, must be screened to determine if an EIA is required. Based on the information provided, our understanding is that the proposed work does not involve a significant increase in impervious area; it does not involve a new campground; and it does not involve a new sewage system that is not connected to a municipal system. However, it does potentially involve ground disturbance within 30 m of a potential unmapped watercourse, as seen circled in red in the attached image. (Please note that there is also a mapped wetland nearby, highlighted in orange, but it is located greater than 30 m from the lots in question, as indicated by the purple line.)

Watercourses in New Brunswick are defined as follows: A feature in which the primary function is the conveyance or containment of water, which includes: a) the bed, banks and sides of any watercourse that is depicted on the New Brunswick Hydrographic Network layer; b) the bed, banks and sides of any incised channel greater than 0.5 metres in width that displays a rock or soil (mineral or organic) bed, that is not depicted on New Brunswick Hydrographic Network layer; water/flow does not have to be continuous and may be absent during any time of year; or c) a natural or man-made basin (i.e. lakes and ponds). Should there be a watercourse as per that definition at that location, a Watercourse and Wetland Alteration (WAWA) Permit would need to be obtained from DELG prior to any ground disturbance within 30 m of the watercourse. Additional information on the WAWA process, including a link to the online application program, can be found online here: https://www2.gnb.ca/content/gnb/en/departments/elg/services/services_renderer.2935.Watercourse_and_Wetland_Alteration_Permit_.html.

Furthermore, upon completion of the screening process, it has been determined that an EIA registration and review is not required for this project. Should the project description change, or for any future projects related to this property, please consult with the EIA Branch in order to determine if an EIA is required as any EIA requirement will be determined on a case by case basis. Please note that this decision related to EIA requirements is based on the current regulatory context. Should the project not proceed within one year from the date of this decision, the proponent must contact the EIA Branch of DELG to confirm any assessment requirements. Should you have any questions, please contact the EIA Branch at 444-5382.

Discussion

The application is for a front yard and rear yard variance to accommodate a new 4-unit dwelling at the corner of Monique Street and Breaux Bridge Street (see attached site plan). At the time of writing this report, the lot does not currently exist and there is a subdivision plan to create the lot that is currently being processed (see attached subdivision plan). The variances being requested are related to the new lot that will be created.

Currently, the section of Monique Street fronting along the property is a public road, though it was never built to a public standard. Nevertheless, this is a corner lot and as per the definitions in the zoning bylaw, Monique Street is the front yard (shorter side) and Breaux Bridge is the flankage yard (longer side).

The maximum front yard (Monique) setback in the R2 Zone is 6.5 meters. The proposed building location is at 9.95 meters from the front yard. This is to accommodate a required distance of 15 meters from the intersection to the driveway as per Section 40 of the zoning bylaw. The reason for this 15-meter setback is for public safety. The applicant has made an application to the Director of Public Works to locate the driveway at approximately 11 meters from the intersection, which would shift the entire building design and would therefore meet the maximum front yard setback requirement. However, at the

time of writing this report, a decision has not been made to allow the driveway closer than 15 meters, but staff are nonetheless supportive of the variance to the setback to accommodate the driveway at 15 meters.

A second variance is also required for the rear lot line, which is the lot line opposite of front yard (Monique Street). The rear yard setback is 6 meters, but the building is proposed to be located at 1.5 meters from that property line. This is the same setback distance as the side yard, which would apply in a scenario where this lot was not a corner lot.

When assessing a variance, the Community Planning Act provides the following criteria:

Is it reasonable?

The request allows the property to be developed in a manner that respects an appropriate distance between an intersection and a driveway. It is also treating Breaux Bridge as the ‘front’ of the lot as Monique Street is not built to a public standard. All other standards in the zoning bylaw will be respected. Staff is of the opinion that the request is reasonable.

Is it desirable for the development of the property?

The variances allow the property to be developed in a way that maximizes its potential while allowing for minor accommodations that take public safety into account. Staff is of the opinion that the request is desirable for the development of the property.

Is it within the general intent of the Zoning Bylaw?

The maximum front yard setback requirement is an urban design feature that contributes to the overall appearance and aesthetics to the Town’s neighbourhoods. In this case, the building is being oriented towards Breaux Bridge instead of Monique. It is difficult to design a building oriented on Monique as the road is not built to a public standard. Staff believe the request is within the general intent of the Zoning Bylaw.

Is it within the general intent of the municipal plan?

Policies and proposals in the municipal plan point to encouraging different housing types and maximising density to support investments in existing infrastructure. As the proposal is a four-unit dwelling, staff believe that the request is within the intent of the municipal plan.

Public Notice / Avis public

Notice was sent to all properties within 60 meters on June 15, 2020.

Legal Authority / Autorité légale

Community Planning Act

Variances from zoning by-law

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.

Recommendation / Recommandation

Staff recommends that the Shediac Planning Review and Adjustment Committee APPROVES the variance request by Tammy Bell, Zeal Living ltd, for the property bearing PIDs 70584289, 70584339,

and 00798397 and located at the corner of Monique Street and Breaux Bridge Street in the Town of Shediac, to reduce the rear yard setback to 1.5 meters and increase the maximum front yard setback to 9.95 meters, subject to the following conditions:

- a) That the proposed subdivision plan amending subdivision plan domaine des faisans subdivision, dated June 2020 and attached to this report be registered prior to the issuance of a building or development permit;
- b) That a Watercourse and Wetland Alteration permit or a confirmation of exemption of a Watercourse and Wetland Alteration permit from the Department of Environment be provided prior to the issuance of a building or development permit.

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.