

Southwest New Brunswick Service Commission

March 14, 2019

ITEM 19-03-01

Applicant: Emily Mottram
PO Box 253, Minot, Maine

Property: 2 O'Neill Farm Road, Saint Andrews, NB
PID# 15157092

Subject: Consideration of a height variance to the Town of Saint Andrews Zoning By-law to permit a single-family dwelling in an Estate Residential "ER" zone.

Request:

This is an application by Emily Mottran, RA, on behalf of the owners, to permit a height variance to allow a two-storey, single-family dwelling.

Recommendation:

It is recommended that the Planning Review and Adjustment Committee of the Southwest New Brunswick Service Commission approve the height variance for the proposed single-family dwelling as it is reasonable and desirable for this parcel of land and is in keeping the general intent of the Town of Saint Andrews Zoning By-law and Municipal Plan By-law.

Planning Office

21 River Street, Suite A
St. Stephen NB E3L 3H2
Telephone: (506) 466-7369

Background:

The property is zoned Estate Residential “ER” zone under the Saint Andrews Zoning By-law. A single-family dwelling is a permitted use.

The maximum height for main buildings in the “ER” zone is 28 feet above the natural grade. Under section 3.20, proposed buildings within 30 metres of a *public street* shall have the top of the foundation wall not less than 0.5 metres above the crown of the street. As this building will be more than 30 metres from a public street, and is on a *private lane*, this does not apply. The grade slopes down 9 to 10 feet from the private access at the front of the property to the back-property line. The applicant has proposed a two-storey, single family dwelling with a maximum height of 30.75 feet from the natural grade. Their application includes an elevation drawing showing the average natural grade prior to any site development. The application also includes a site plan with elevation contours indicating that drainage will be directed to the back of the property away from the proposed residential structure and neighbouring residential properties.

Interdepartmental Consultation:

There are no interdepartmental consultations.

External Consultations:

Notification of this Planning Review and Adjustment Committee meeting has been sent to the Town of Saint Andrews and to the neighbours located within 100 metres of the property.

Discussion:

The Planning Review and Adjustment Committee are being asked to approve a height variance for the proposed single-family dwelling in the “ER” Zone under the Town of Saint Andrews Zoning By-Law.

Under the Community Planning Act Section 55(1)(b) a reasonable variance may be permitted if the advisory committee is of the opinion that the variance is desirable for the 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.

The intent of the by-law to regulate height *from natural grade prior to development* is to prevent any one property from skirting around the height limitation of the by-law by building up extra fill prior to construction. The point is to avoid making one building or structure predominate on the landscape and appear out-of-place. However, in this case, the property lies low and slopes downward away from the road. In this case, therefore, a residential structure 2.75’ above the natural grade by-law height requirement carries no risk of being an overly predominate or out-of-place building on the landscape.

As it is in the opinion of staff that the variance is reasonable, Staff recommends that the Planning Review and Adjustment Committee of the Southwest New Brunswick Service Commission approve the height variance for the proposed single-family dwelling, without terms or conditions, as it is reasonable and desirable for the development of the parcel of land and is

in keeping with the general intent of the Town of Saint Andrews Zoning By-law and Municipal Plan By-law.

Legal Authority:

Section 55(1) – Community Planning Act – The advisory Committee may permit, subject to such terms and conditions as it considers fit, a reasonable variance from the requirements referred to in subparagraph 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.

Attachments:

- Map 1: SNB Map
- Map 2: GeoNB Aerial Map
- Map 3: Neighbor Contact Map

- Attachment A: Excerpts from Saint Andrews Zoning By-Law
- Attachment B: Application

SNBSC Planning Director:	Alex Henderson
Development Officer:	Don Leachman
Development Officer:	Judy Hartford
Date:	