RIVERVIEW PLANNING ADVISORY COMMITTEE STAFF REPORT

Subject : Conditional Use application with variance to permit a 4 unit townhouse

File number: 24-1536

Meeting Date: Monday, February 12, 2024

From :

Sam Gerrand Planner

Reviewed by :

Ini The

Lori Bickford Planning Manager/Planner

GENERAL INFORMATION

Applicant/: Maurice Leblanc Moemar Homes Inc.Landowner : MoeMar Homes Accounts

Proposal:

Applicant proposes a 4 unit town house in the RM zone with a variance to reduce the rear yard setback from 6m to 3.23m and a variance to reduce the required driveway separation from a streetline from 11m to 8.93m.



SITE INFORMATION

Location: 152-158 Whiterocks Drive, Town of Riverview

PID: 05122585

Lot Size: 1202 sqm

Current Use: Vacant

Zoning:	Residential Mix (RM)
Future Land Use:	
Surrounding Use & Zoning:	Residential Mix (RM) zoning with a mix of vacant and developed residential land.
Municipal Servicing:	Municipal Services are available on Whiterocks Drive.
Access/Egress:	Access is provided on Whiterocks Drive.

Municipal Plan Policies

5.3 Principles for Residential Development

Principle 1: A variety of housing types will be provided

A variety of housing types is required in order to accommodate all residents of Riverview, at all stages of life and in different family and economic situations. The mixing of various types and designs of housing within a development and on each street while considering the context (see Principle 2) is encouraged.

Principle 2: Development should respect its context

Context sensitive residential development that complements surrounding homes and preserves or enhances neighbourhood integrity will be encouraged. In the designing of the various types of residential buildings, the developer shall consider the relationship (height, size, bulk) between each building within a proposed development and to existing adjacent buildings. Factors to be considered include:

(a) designing subdivisions and new developments to make more efficient use of land, infrastructure, and services;

(b) preservation of natural features (landform, water courses, mature woods, etc.), and heritage features that help define the character of Riverview.

(c) provision of buffers between potential conflicting types of development (e.g. multi-floor multi-unit residential and single family dwellings, big box retail and residential, etc.)

(d) height of development;

(e) limiting views from second and third floor units into neighbouring single family yards (through use of landscaped treed buffers, angle of building, limited windows on sides of buildings facing neighbours, and prohibiting staircases on exterior of multiple unit buildings);

(f) size and articulation of facades;

(g) massing including size of the building, its footprint and the articulation of building form (for example, the use of peaked roofs);

(h) the design of lower floors of multi-unit residential buildings in scale with the pedestrian environment;

(i) the use of traditional materials

(j) the use of back lanes or rear-lot parking areas to enable buildings to be close to the street;

(k) for buildings on corners, windows and/or doors that address both street frontages and that are designed to the same quality; and

(l) the layout and design of service areas, for example, waste disposal bins should be screened from the public street and neighbours.

Policy 5.6.1 It shall be the intention of Council, in recognition of the changing housing needs of current and future generations, within the Residential Designation, to create a Residential Mix (RM) zone which will encompass most of the serviceable, but undeveloped land in the Town.

Policy 5.6.5 In the interest of encouraging a diverse range of housing types and styles and to ensure careful integration of these future development areas, it shall be the intent of Council to establish a provision in the RM Zone whereby the Committee may consider, subject to terms and conditions, additional forms of residential development such as townhouses, rowhouses and multiple unit dwellings to a maximum of 15 units an acre, and supportive commercial and service use on a variety of lot sizes where the developer provides a "generalized area development plan" which shows the general location of each building together with any streets, public lands, parking areas and proposed landscaping.

Zoning Bylaw and or Subdivision By-law Regulation

Definitions

"front lot line" means either the shorter lot line abutting the street on a corner lot or the only lot line abutting the street or access road, but when the lot lines on a corner lot are of equal distance, and a building is located thereon, the front lot line shall be that line that is parallel to the front of the building.

"rear lot line" means the lot line or point of intersection of the side lot lines farthest from and opposite the front lot line

"rear yard" means a yard extending across the lot width, or in the case of a corner lot the yard extending to the flankage lot line, between the rear lot line and nearest main wall of a main building or main structure on the lot.

"street line" means the boundary line of a street.

43(3) When a driveway provides access to a residential corner lot, it shall be at least 11 metres from the intersection of the street lines, or the point of intersection of their extensions.

90 When permitted, townhouse dwellings or rowhouse dwellings shall:

(a) be limited to six dwelling units;

(b) despite subsection 90(a), be limited to four dwelling units on a local street, unless a common off street parking lot is provided;

(c) where located on a collector or arterial street, as set out in the Town's Subdivision Development – Procedures, Standards and Guidelines document, be designed with a common off street parking lot including a two metre wide landscape buffers between the parking lot and property line and have no more than two entrances;

(d) have the ground floor building façade, from the established grade to the top of the ground floor, finished with traditional materials that includes at least ten percent brick or masonry material; and(e) be designed so that each dwelling has jogs or recesses of not less than 0.6 metres along the façade of the building

103 No development shall be permitted and no main building or structure shall be used on a lot in a residential zone unless the requirements within Table 11.3 (a) or Table 11.3 (b) are complied with.

Required rear yard in RM zone: 6m

Internal Consultation & External Consultation

The application was discussed with the Development Review Committee (Planning, CAO/Clerk, Engineering, Economic Development, Parks, and Fire Department). No concerns were raised.

Discussion

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The applicant is proposing a 4 unit townhouse at 152-158 Whiterocks Drive (PID 05122585).

The lot is a part of the Carriage Hills Subdivision secondary plan, a master plan for 48.76 ha of land north of Bridgedale Boulevard and between Wendall Street and Harmony Drive. A road network and land use plan for this area was approved by council in 2013, and, in the past 10 years, much of this land has been developed. Whiterocks Drive parallels Bridgedale Boulevard and was identified as a higher density corridor with lots designated for townhouses and multiple unit dwellings shown in the master plan. The subject property, PID 05122585, was identified as one of the lots designated for townhouse development at this time.

Despite approval by Council for the land use, townhouse development in the Residential Mix (RM) zone has remained a conditional use, The conditional use application is not to debate the whether or not the land use is appropriate at the subject property, but rather to allow the Planning Advisory Committee to evaluate projects on a case-by-case basis, ensure design standards are met, and impose any terms and conditions the Committee sees fit.

Additionally, two variances are requested as a part of this application: one to reduce the required rear yard setback from 6m to 3.23m; and, a second to reduce the required driveway separation from a street line from 11m to 8.93m. All other requirements of the Zoning Bylaw are met, including the design requirements for Townhouses to have jogs and recesses on both frontages and traditional materials on the ground floor.

Setback Variance

The subject property is located on the corner of Whiterocks Drive and Runneymeade Road. Because it is a corner lot, the zoning bylaw specifies that the shorter of the two sides of the lot facing a street become the front lot line. The rear property line then becomes the side most opposite to the front. In the case of this project, the side of the lot facing Runneymeade Road is considered the front yard and the lot line shared with 144-150 Whiterocks Drive is considered the rear yard. The required rear and side setbacks are applied based on this determination, requiring that the setback between 152-158 Whiterocks Drive and 144-150 Whiterocks Drive is 6m (rear yard) and the setback opposite to Whiterocks Drive is 3m (side yard). The proposal meets the side yard setback (10.81m are provided), but the rear yard is proposed at 3.23m, requiring a setback variance.

This variance request is determined to be reasonable, desirable for the development of the land, and within the intent of the Municipal Plan and Zoning By-law. With the building facing Whiterocks Drive, the side yard behind the building functions as the rear yard and provides the leisure space expected in a rear yard. This 'side yard' is 10.81m deep, which is larger than the 6m requirement for rear yards. As such, planning staff see that the intention of the setback requirements of the Zoning By-law to provide ample space for rear yards are still met with this proposal. The separation between the building and the lot line nearest 144-150 Whiterocks Drive also meets the required 3m separation for side lot lines. The approval of this variance allows the lot to be developed with the intention of the Municipal Plan to have buildings oriented towards the street and create a more desirable urban form. Finally, if the lot was required to meet the 6m rear yard setback most opposite to Runneymeade Road, it might reduce the number of units that could have access to a public road and be developed in the first place. This speaks to the desirability of the variance for the development of land.

Driveway Variance

The second variance arises from the zoning requirement that residential driveways be located at least 11m from a street line. A street line has been defined as the boundary of a street, and, in Riverview, this has been interpreted to mean the distance between the driveway and edge of the lot line closest to the road right of way. At 152-158 Whiterocks Drive, this measurement is 8.93m, requiring a variance.

This variance request is determined to be reasonable, desirable for the development of the land, and within the intent of the Municipal Plan and Zoning By-law. Despite requiring a variance, the distance between the driveway and the edge of the curb is 14.16m, which indicates that the intention of the by-

law to ensure separation between driveways and the surface of the road where cars would be driving is still met. Further, Town of Riverview Engineering has reviewed the project and determined that the driveway location is adequate at the site. Planning staff are supportive of the variance as it allows the building to be oriented towards Whiterock Drive. This helps to creates an active street frontage along the higher density Whiterocks Drive and ensures that the lot is developed efficiently.

Public Notice

Public notices were sent to property owners within 60m on January 29th, 2025.

Legal Authority

Community Planning Act

Conditional uses

53(3) In prescribing the purposes for which land, buildings and structures in a zone may be used, a zoning by-law may: ...

(c) prescribe particular purposes ...

(*i*) in respect of which the advisory committee or regional service commission, subject to subsection (5), may impose terms and conditions, and

(ii) that may be prohibited by the advisory committee or regional service commission if compliance with the terms and conditions imposed under subparagraph (i) cannot reasonably be expected.

The Act also provides parameters for the PAC when imposing conditions:

53(4) Terms and conditions imposed under paragraph (3)(c) shall be limited to those considered necessary by the advisory committee or regional service commission to protect:
(a) properties within the zone or in abutting zones, or
(b) the health, safety and welfare of the general public.

The Act also provides authority of the PAC to grant variances to the 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 bylaw

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)(a)(iv) of the Act states "the percentage of land that may be built on, and the depth, size or area of yards, courts, parking areas and open spaces"

53(2)(viii) "the types, dimensions and locations of means of access of lots to street"

Recommendation

Item 1

Staff recommend that the Riverview Planning Advisory Committee APPROVE the proposed conditional use on PID 05122585 to permit a townhouse in a RM zone subject to the following conditions:

(1) That the project be developed in substantial conformity with the attached site plan and elevation drawings.

(2) That as-built drawings for engineering submissions shall be required within 30 days after construction.

Item 2

Staff recommend that the Riverview Planning Advisory Committee APPROVE the proposed variance to reduce the required rear yard setback from 6m to 3.23m.

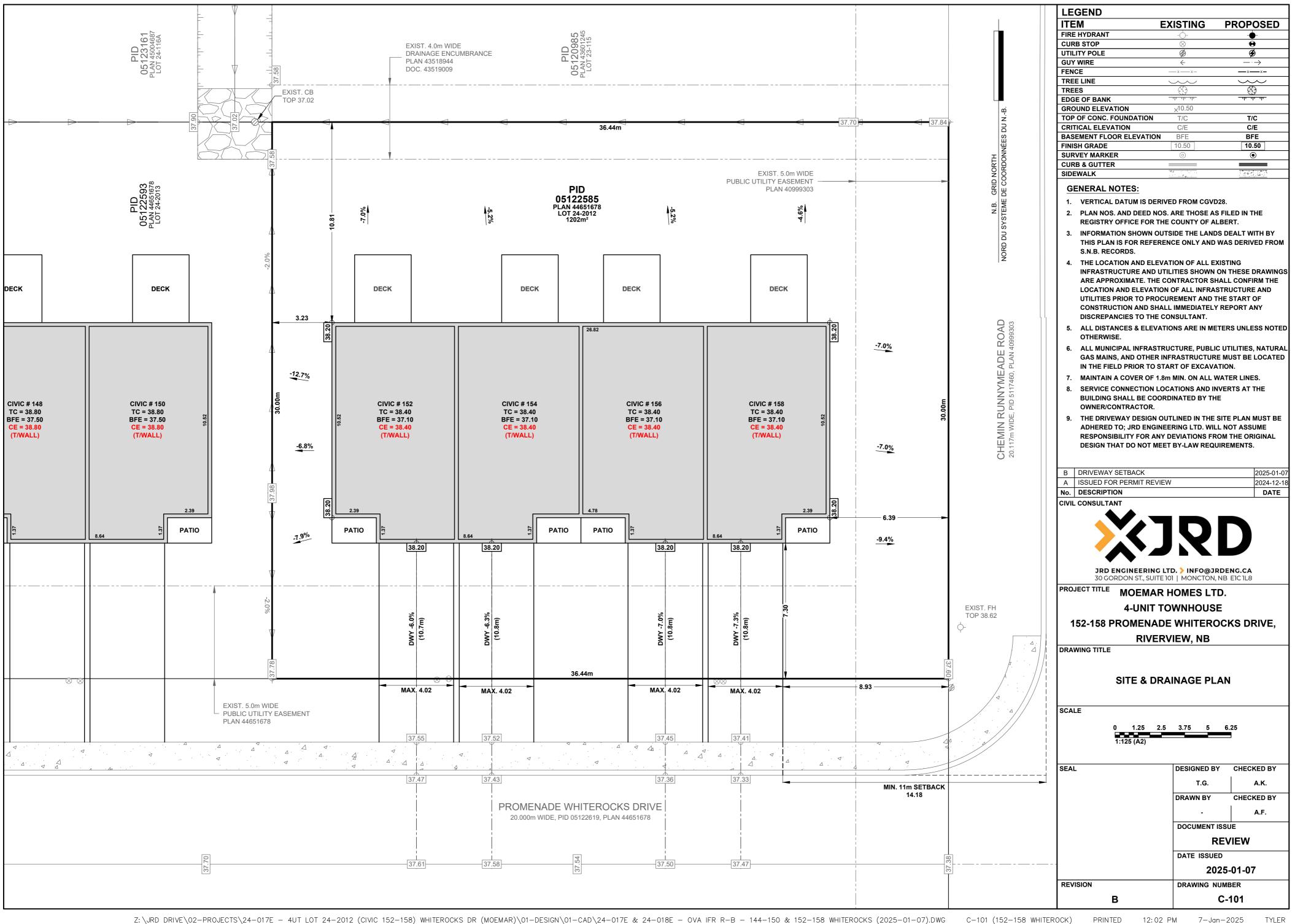
Item 3

Staff recommend that the Riverview Planning Advisory Committee APPROVE the proposed variance to reduce the required distance between a residential driveway and a street line from 11m to 8.93m.

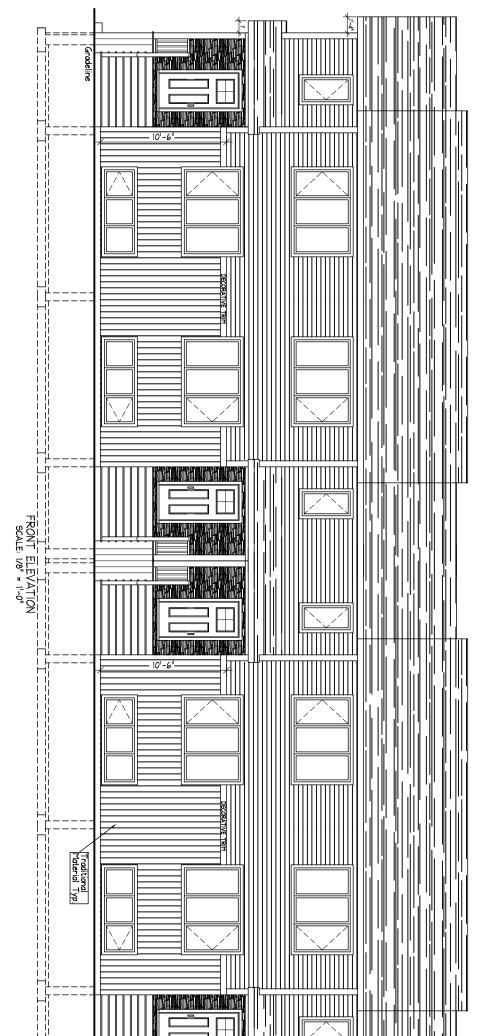
152-158 Whiterocks Drive (PID/NID 05122585) Riverview Date: 1/8/2025



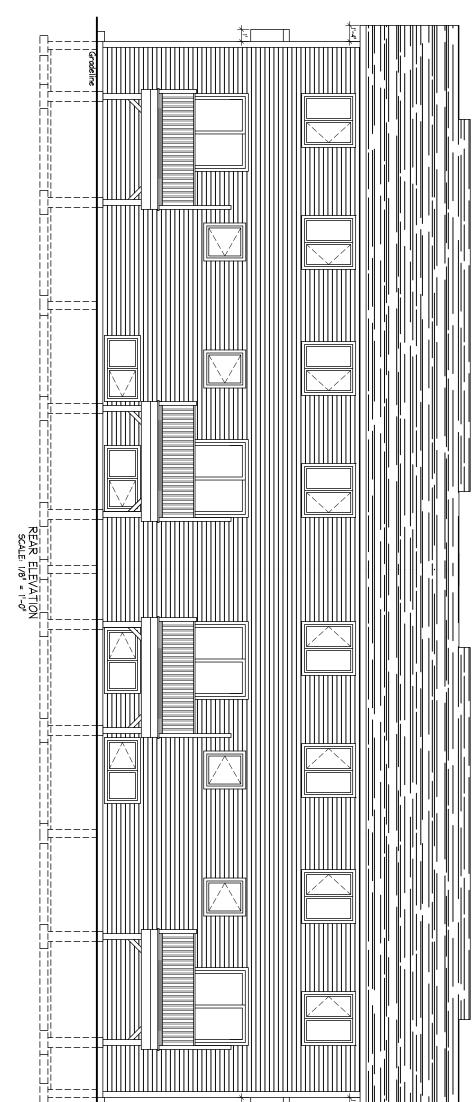




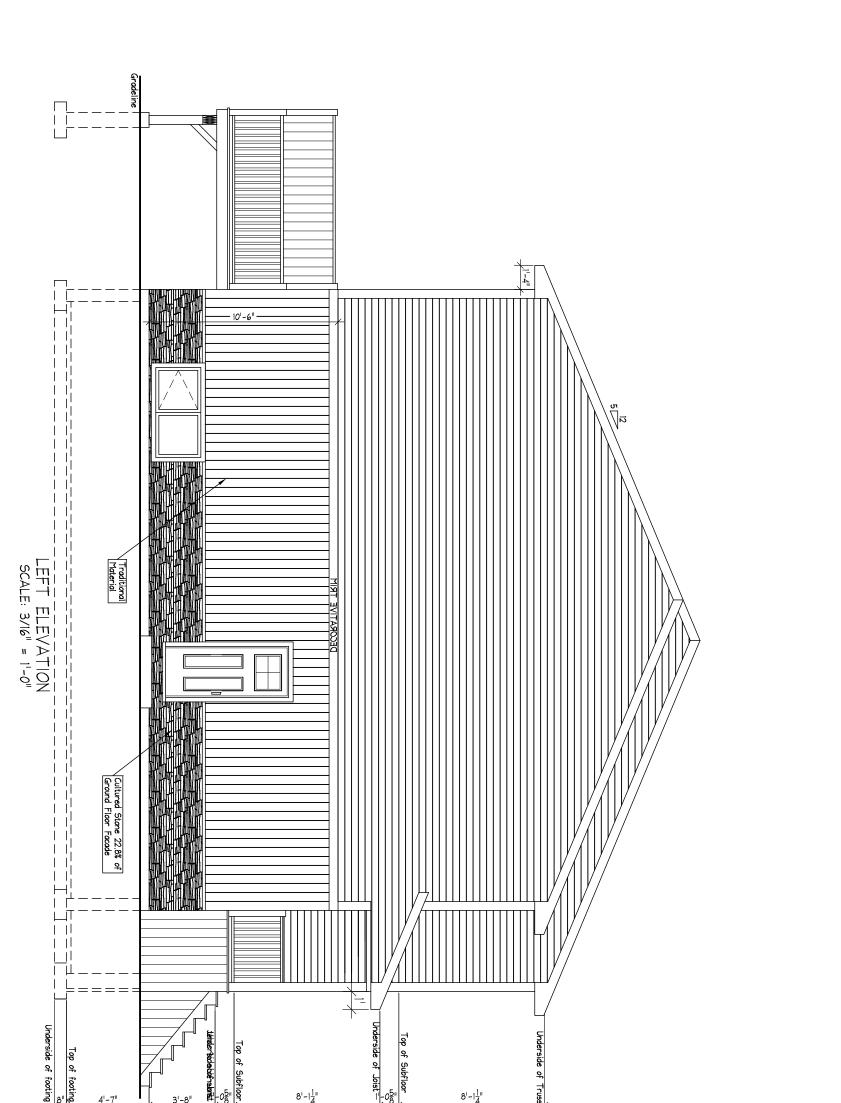
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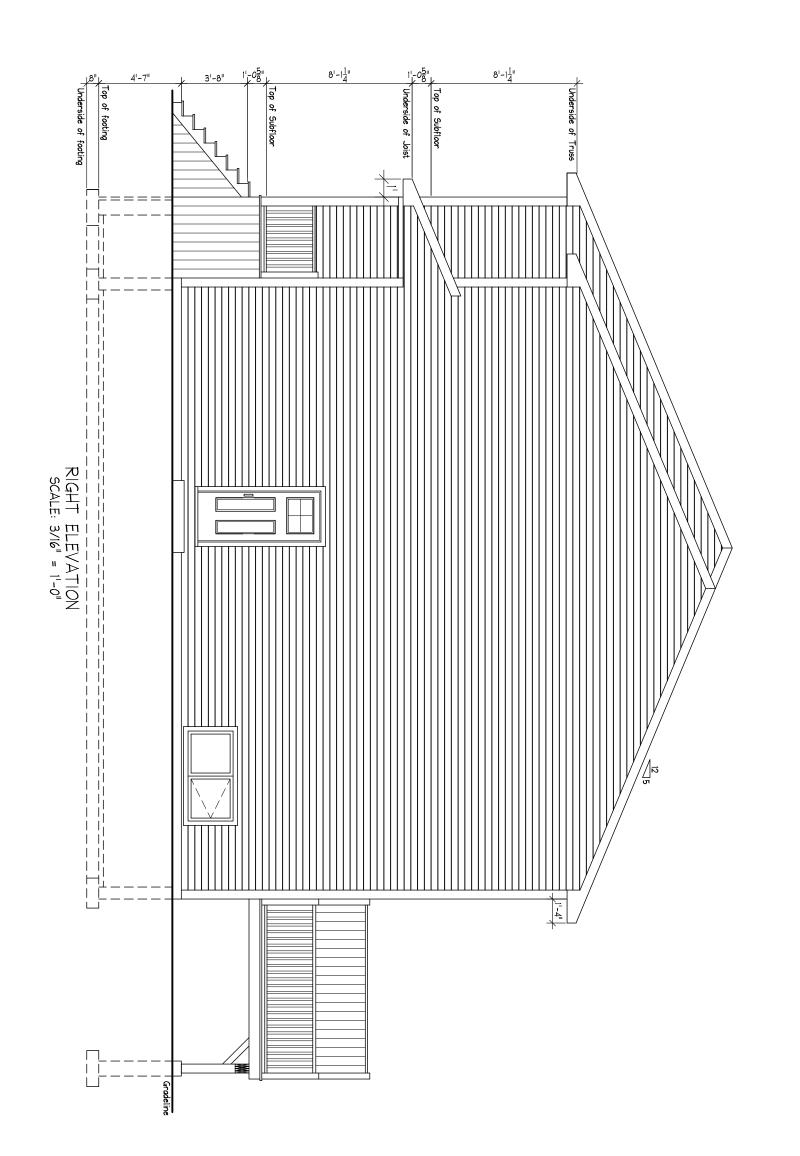
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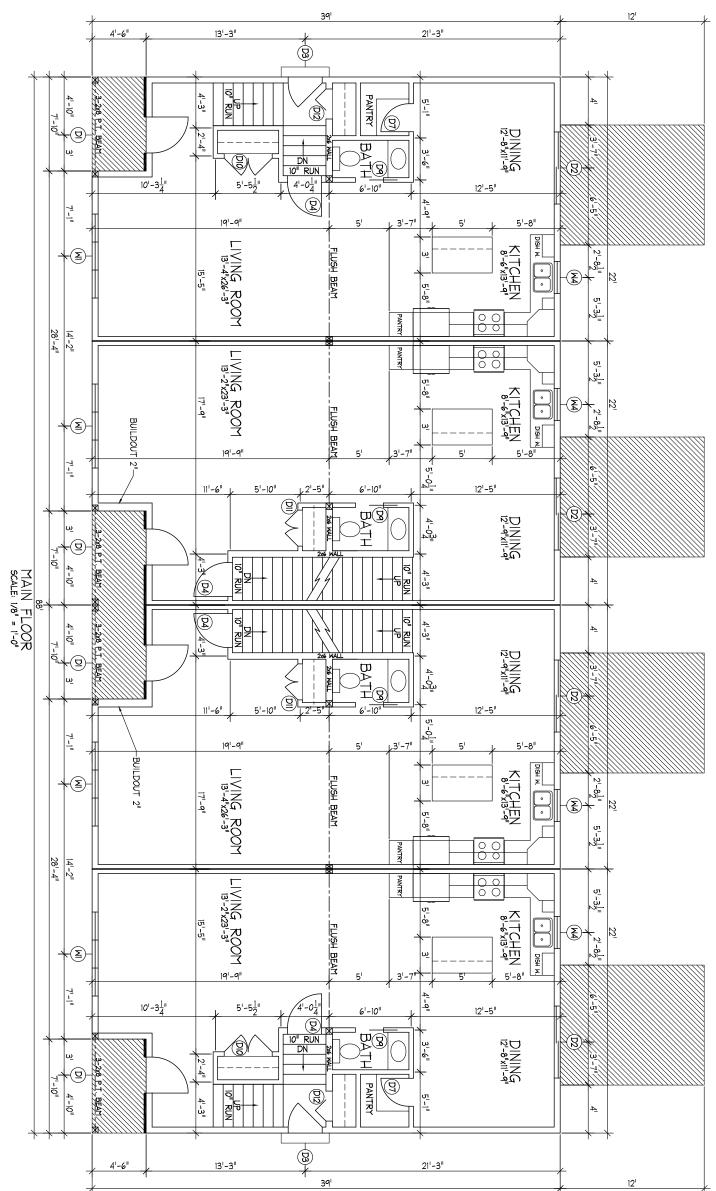
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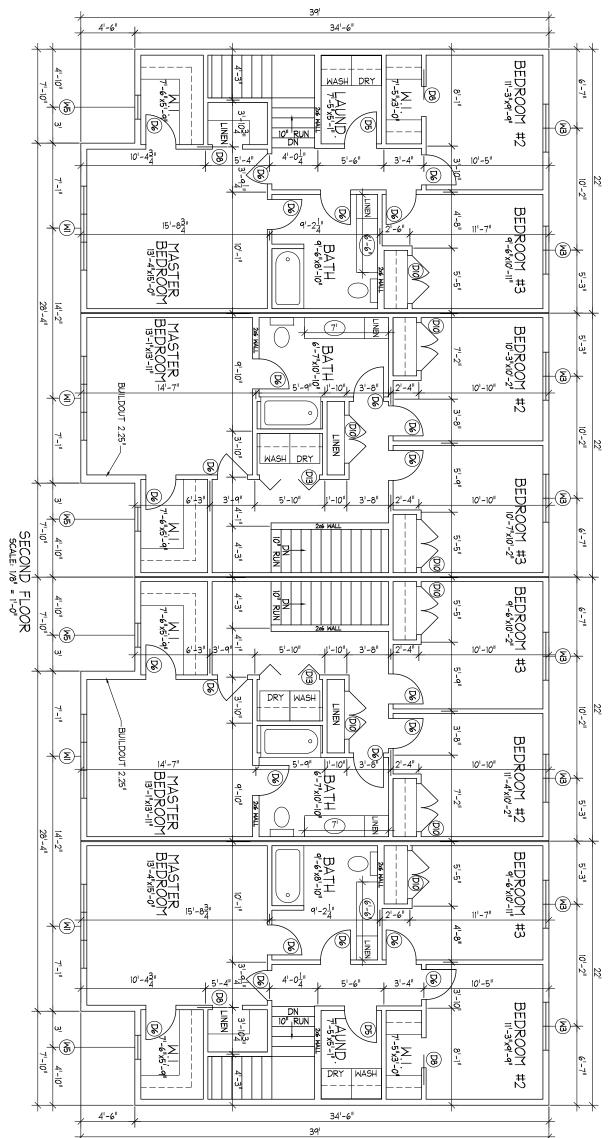
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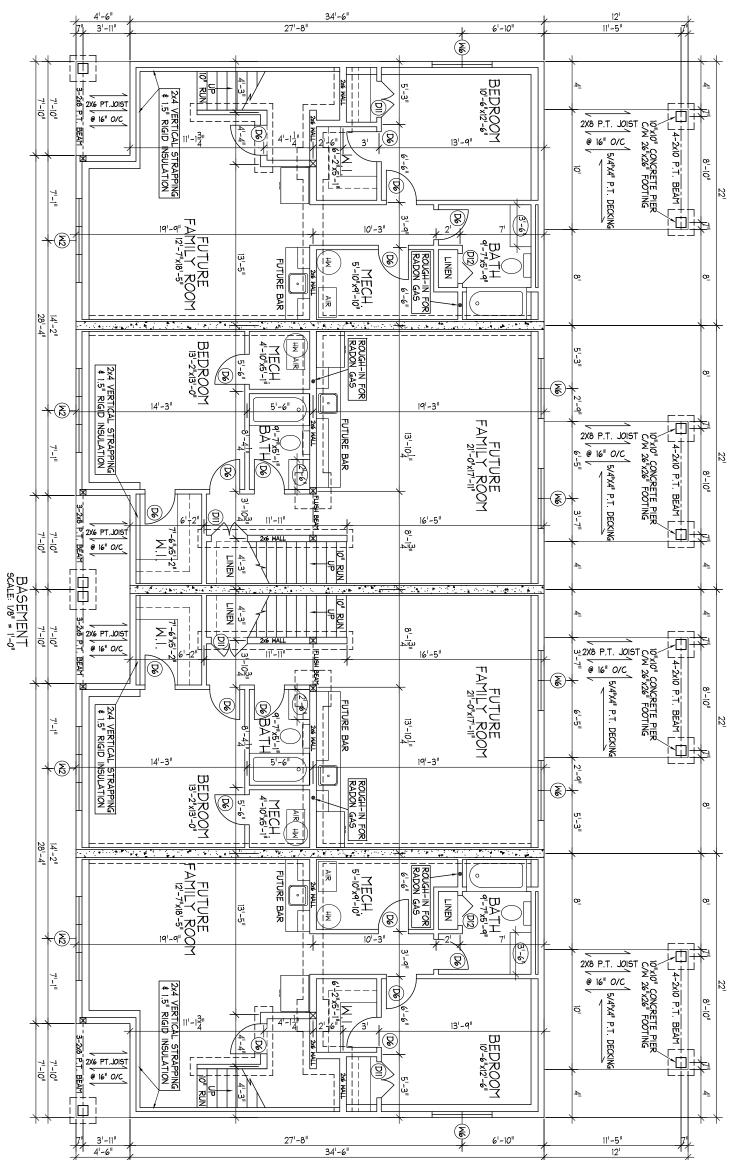
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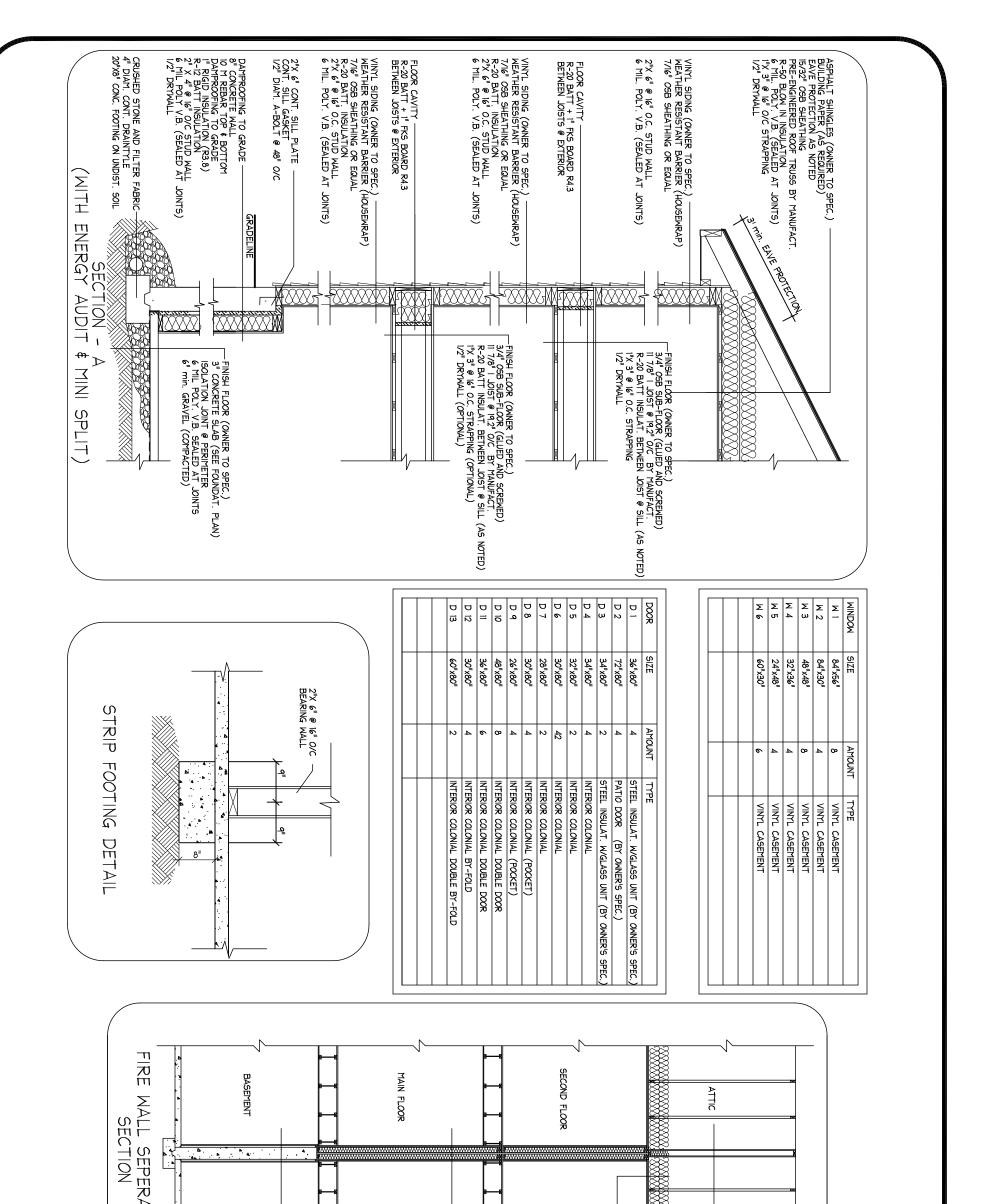
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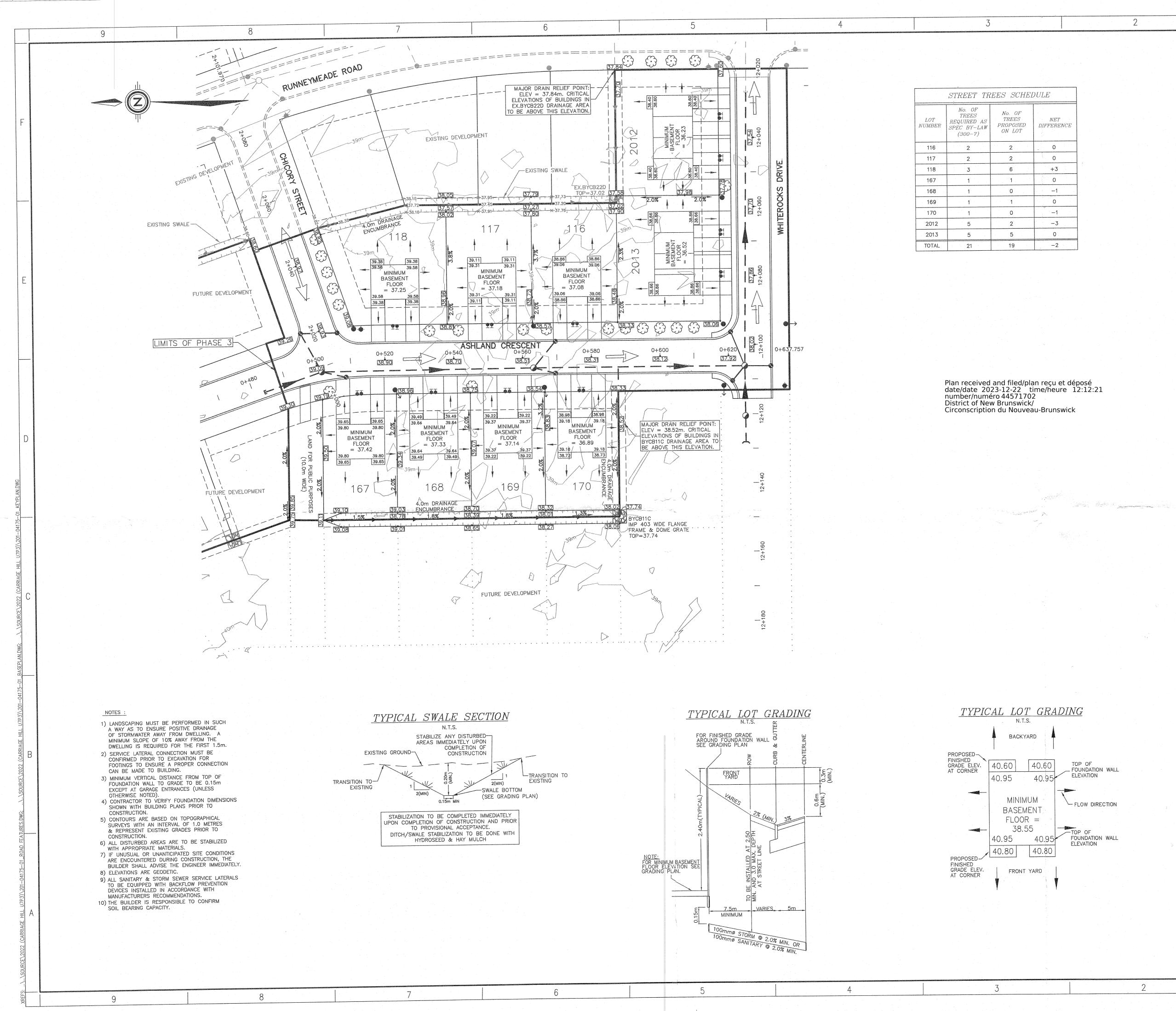
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Draun by: MARK CORMIER Project Sheet January 2024 Scale AS NOTED A - 8	Creative Home Designs PROFESSIONAL DRAFTING SERVICES MARK CORMIER (506) 533-1093 DVER223-MOTHAIL.COM	MAIN FLOOR : 823 Sq. Ft. SECOND FLOOR : 823 Sq. Ft. TOTAL AREA : 1646 Sq. Ft. No. Revision/Issue Date Proposed 2 Storey Fourplex Moemar Homes Highfield Split Street Left TEL: 531-5934	CONSULTATION WITH THE OWNER BUILDER & CONTRACTOR TO VERIFY ALL DIFIENSIONS AND REPORT ANY ERRORS OF OMSTRUCTION DRAFTSMAN IS NOT RESPONSIBLE FOR ERRORS AND/OR OMMISIONS RESULTING FROM THE USE OF THESE PLANS FOR CONSTRUCTION MAY REQUIRE ENGINEERD BEAM DEGIGNS, WALL DESIGNS AND/OR OTHER ENGINEERED DETAILS. PROCLARENENT & COST OF THESE DESIGNS IS THE RESPONSIBILITY OF THE BUILDING, NOFTHER ENGNEERED DETAILS. PROCLARENENT & COST OF THESE DESIGNS IS THE RESPONSIBILITY OF THE BUILDING, OF THE BUILDING, CONSULT A STRUCTRAL ENGINEERE PRIOR TO CONSTRUCTION IF BUILDING STABILITY IS A CONCERN COPYRIGHT: THESE PLANS SHALL REMAIN THE PROPERTY OF THE DRAFTSMAN WHETHER THE PROJECT IS BUILT OR NOT. THEY SHALL NOT BE USED, ALTERED OR REPRODUCED FOR ANY OTHER PROJECTS WITHOUT PERMISSION FROM THE DRAFTSMAN	General Notes NOTES: ALL WORK TO MEET THE STANDARDS OF THE NATIONAL BUILDING CODE OF CANADA AND ALL OTHER LUCAL CODES AND OR STANDARDS WINDOW AND DOOR SIZES ARE APPROXIMATE THEY MUST BE CHOSEN IN



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WHITEROCKS DR 56.18 PROPOSED GRADE MAJOR DRAIN FLOW DIRECTION ----- STREET TREE ----- CURB BOX ----- FIRE HYDRANT UTILITY POLE STORM SEWER ____ CATCH BASIN LEAD ----- STORM MANHOLE CATCH BASIN PID# 05103874 M9030 /Denise M. d'Entremont Denje dEit. ISCLAIMER: DRAWINGS SUBJECT TO APPROVAL PRIOR TO CONSTRUCTION. THIS DRAWING AND DESIGN IS COPYRIGHT PROTECTED WHICH SHALL NOT BE USED, REPRODUCED OR REVISED WITHOUT WRITTEL PERMISSION BY WSP CANADA INC. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND UTILITY LOCATIONS AND REPORT ALL ERRORS AND OMISSIONS PRIOR TO COMMENCING WORK. REVISION: 1 2023/12/13 ISSUED FOR REGISTRATION 0 2023/12/05 ISSUED_FOR_REVIEW NO. DATE YYYY/MM/DD DESCRIPTION DATE: (YYYY/MM/DD) PROJECT NO: 201-04175 2023/12/13 ORIGINAL SCALE: IF THIS BAR IS NO HORIZONTAL: 1:500 VERTICAL: N/A 25mm LONG, ADJUST YOUR PLOTTING SCALE. DESIGNED BY: DRAWN BY: D. D'ENTREMONT D. D'ENTREMONT APPROVED BY: CHECKED BY: 25mm D. D'ENTREMONT N. ARSENEAU SCALE: 1:500 METRIC 108642 (| / |)WSP Canada Inc. 1070 St. George Boulevard, Suite 160 Moncton, New Brunswick, Canada E1E 4K7 T 506-857-1675 www.wsp.com MOEMAR HOMES INC. LIENT REF. #: PROJECT: CARRIAGE HILL ESTATES UNIT 7, PHASES 3 & 4 RIVERVIEW, NEW BRUNSWICK REGISTERED SUBDIVISION DRAINAGE PLAN UNIT 7, PHASE 3 SHEET NUMBER: 1 OF 1 HEET # REV # ISSUED FOR REGISTRATION DATE OF: 2023/12/13

KEY PLAN

SITE

RUNNEYMEADE RD