# RIVERVIEW PLANNING ADVISORY COMMITTEE STAFF REPORT

Subject : Conditional Use application with variance for 4 unit townhouse.

**File number:** 25-0218

Meeting Date: Wednesday, April 9, 2025

From :

Sam Gerrand Planner

**Reviewed by :** 

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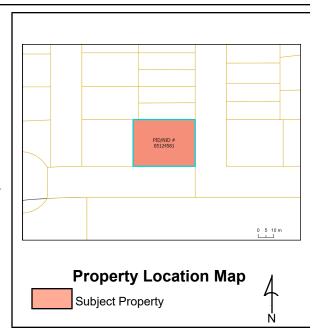
Lori Bickford Planning Manager/Planner

### **GENERAL INFORMATION**

Applicant/:Maurice Leblanc Moemar HomesLandowner :Maurice Leblanc Moemar Homes

### **Proposal:**

Applicant proposes a 4 unit townhouse in the RM zone with a variance to reduce the rear yard setback from 6m to 3.25m and a variance to reduce the required driveway separation from a streetline from 11m to 8.91m.



## SITE INFORMATION

Location: 132-138 Whiterocks Drive, Town of Riverview

**PID:** 05124581

Lot Size: 1093m2

Current Use: Vacant

Zoning:	Residential Mix (RM)
Future Land Use:	Residential
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

(1) 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

The applicant is proposing a 4 unit townhouse at 132-138 Whiterocks Drive (PID 05124581).

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 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 reasonable 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 3.25m; and, a second to reduce the required driveway separation from a street line from 11m to 8.91m. 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 Ashland Crescent. 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 Ashland Crescent is considered the front yard and the lot line shared with 124-130 Whiterocks Drive is considered the rear yard. The required rear and side setbacks are applied based on this determination, requiring that the setback between 132-138 Whiterocks Drive and 124-130 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 3.25m, requiring a setback variance.

This variance request is considered 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 124-130 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 Ashland Crescent, 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 132-138 Whiterocks Drive, this measurement is 8.91m, requiring a variance. This variance request is considered 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 14.11m, 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 March 26th, 2025.

#### Legal Authority

#### 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 05124581 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 is completed.

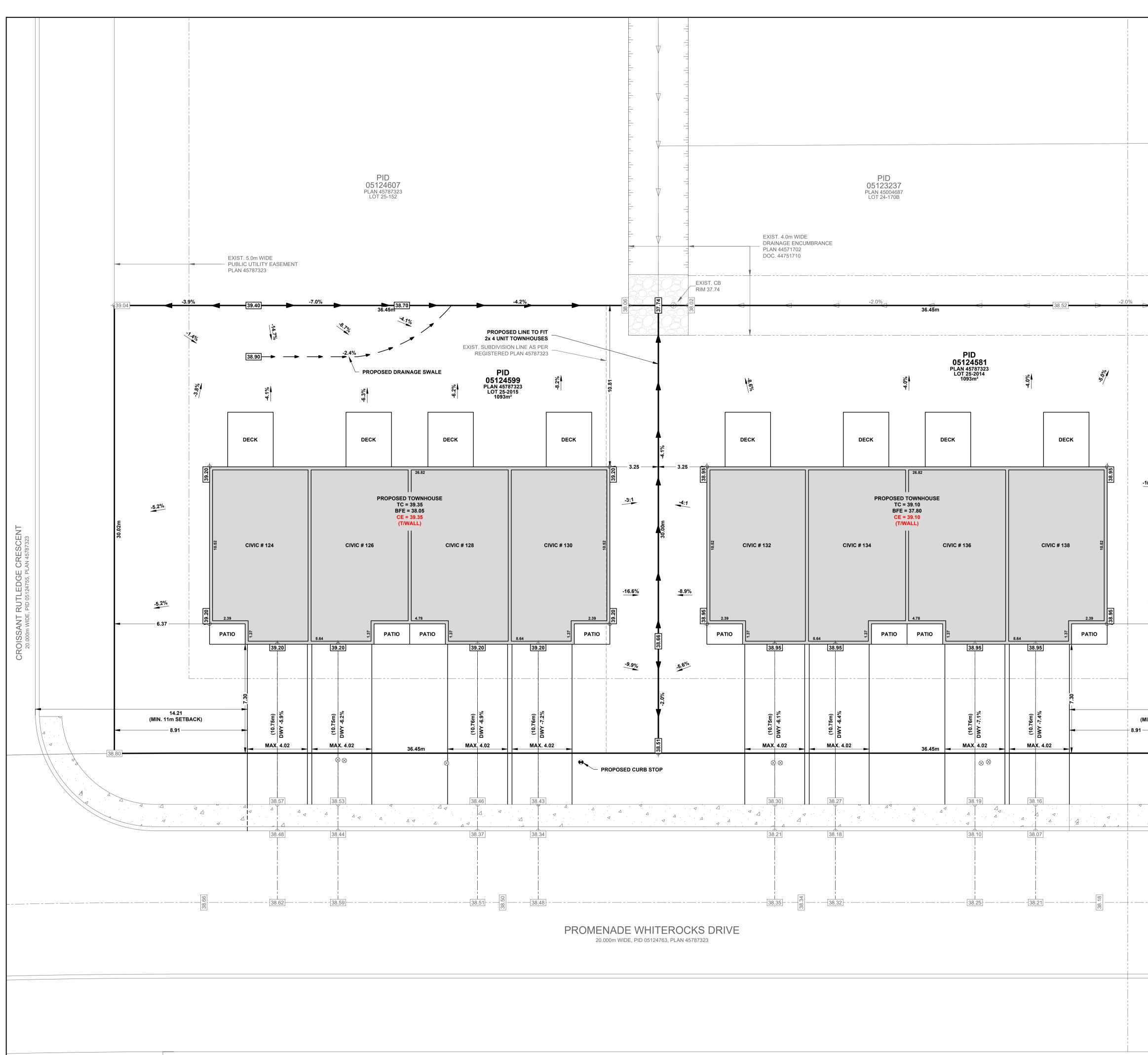
# Item 2

Staff recommend that the Riverview Planning Advisory Committee APPROVE the proposed variance to reduce the required rear yard setback from 6m to 3.25m.

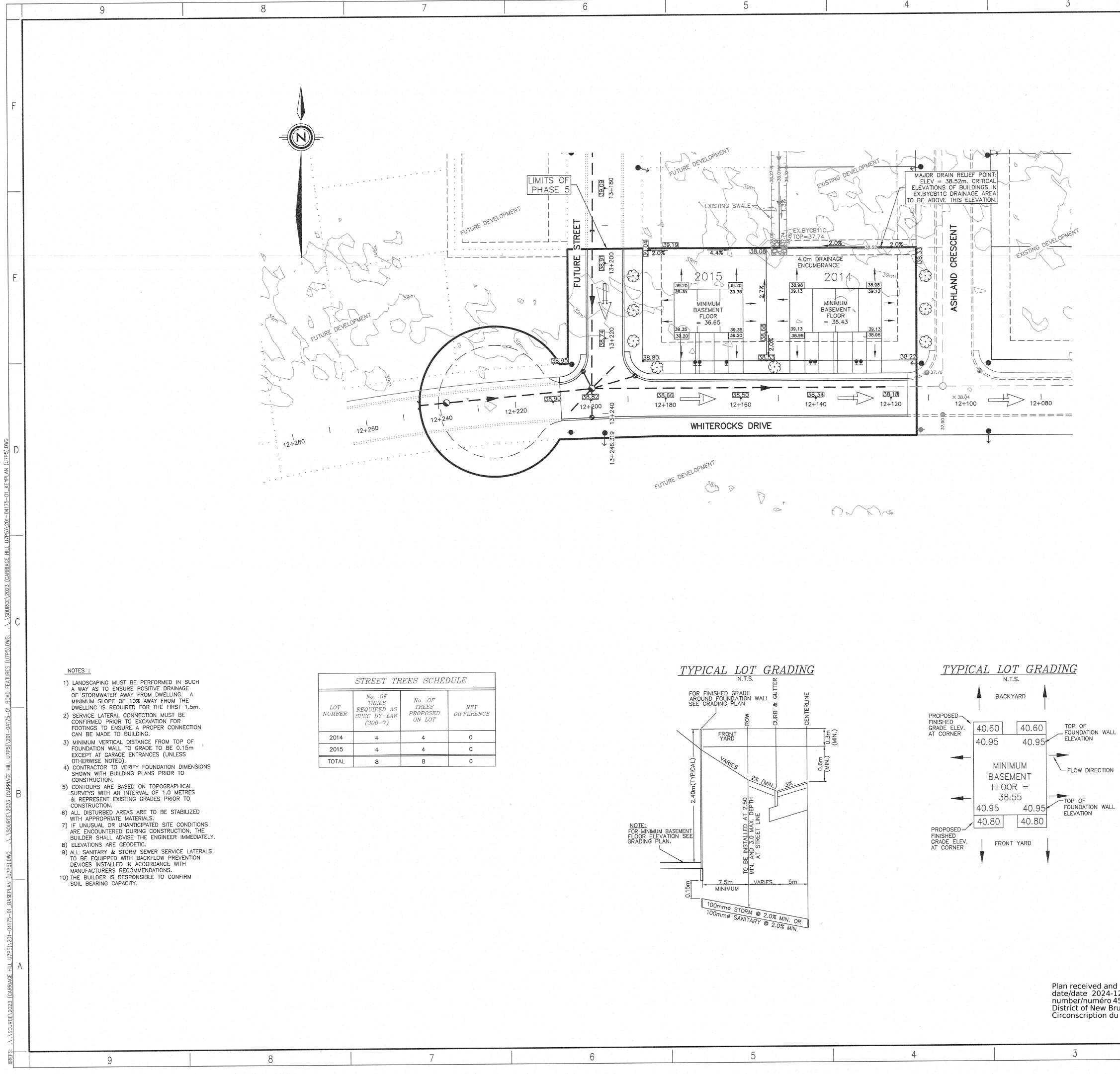
# Item 3

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 8.91m.





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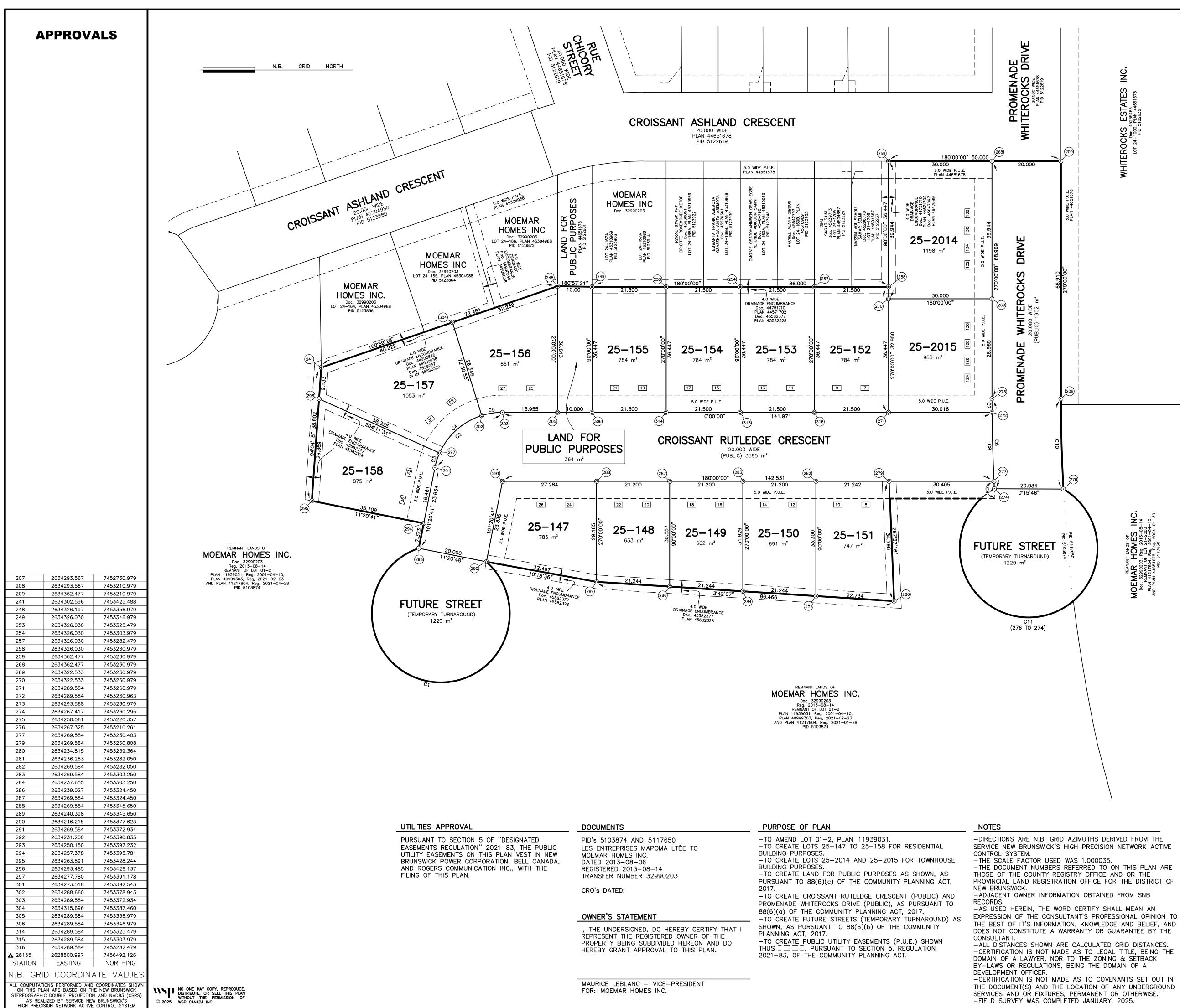
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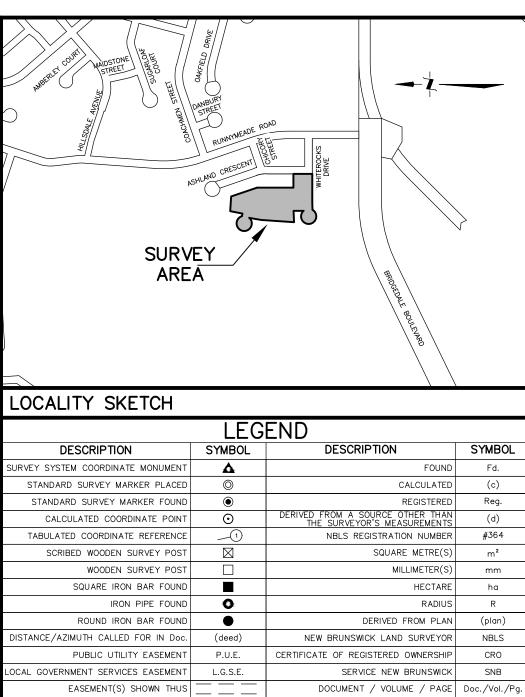
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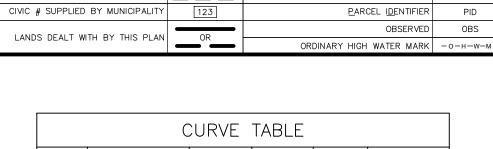
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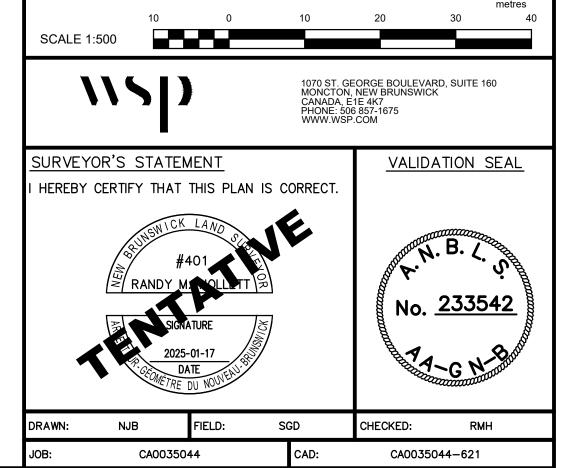


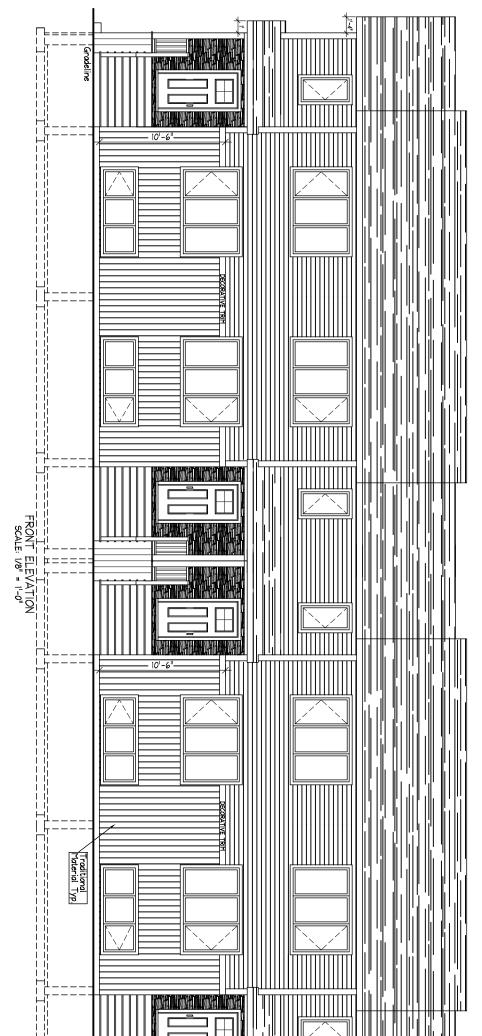


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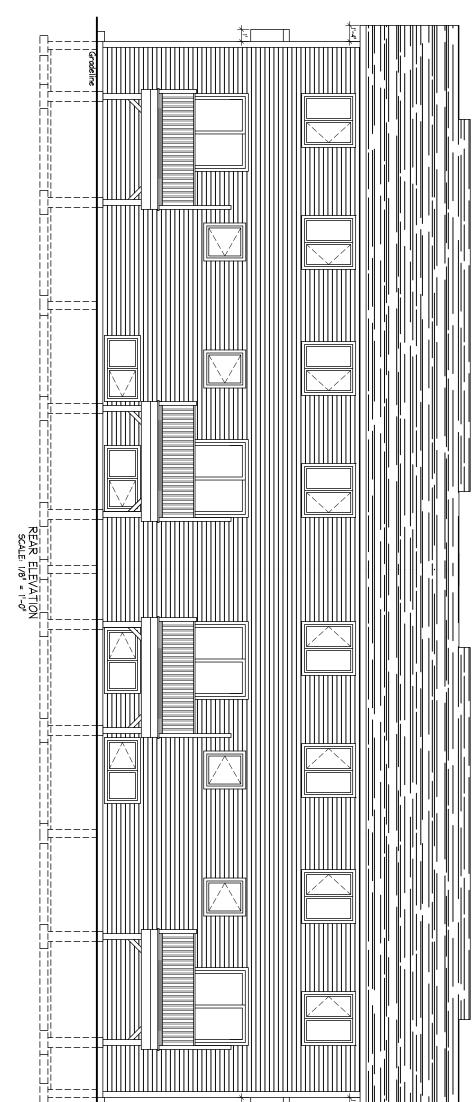
# UNIT 7, PHASE 5 AND PHASE 6 AMENDING SUBDIVISION PLAN: CARRIAGE HILL SUBDIVISION

AMENDING NEW BRUNSWICK HOUSING CORPORATION SUBDIVISION PLAN 11939031 SITUATED ON THE NORTH SIDE OF PROMENADE WHITEROCKS DRIVE, TOWN OF RIVERVIEW, PARISH OF COVERDALE, COUNTY OF ALBERT, PROVINCE OF NEW BRUNSWICK

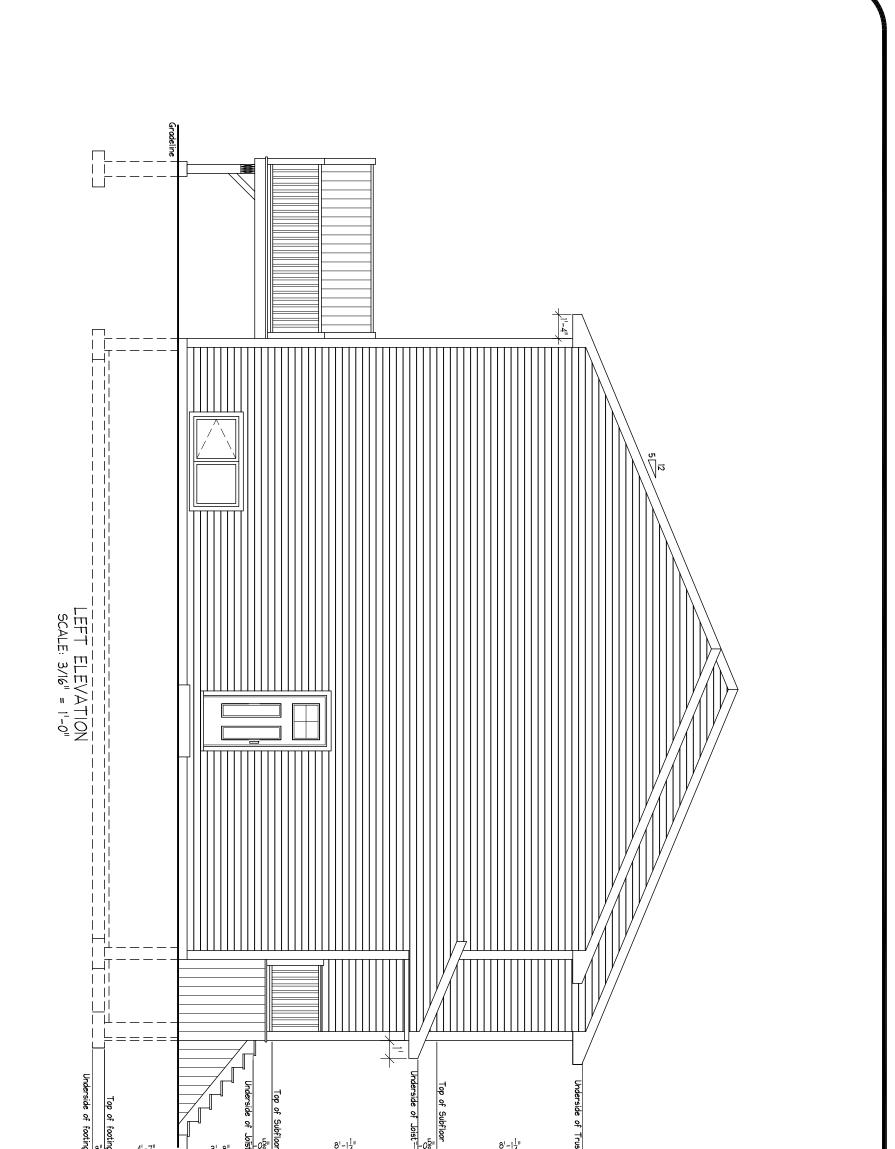




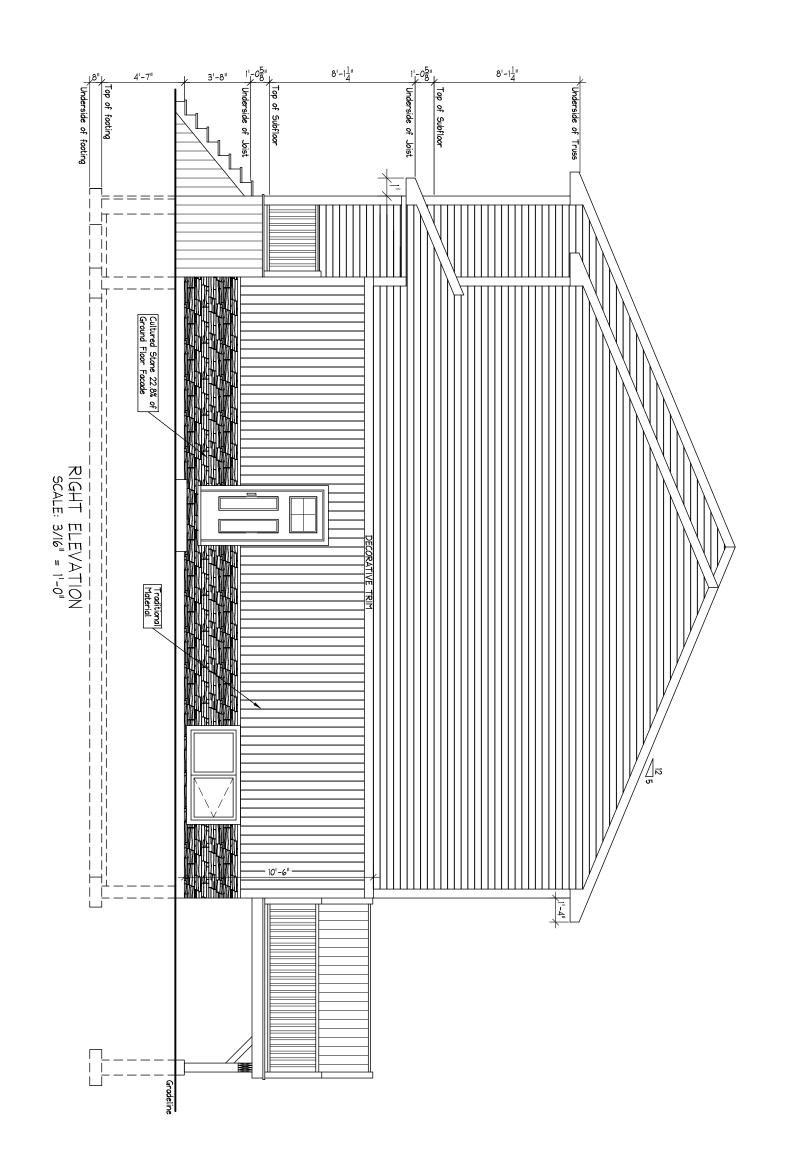
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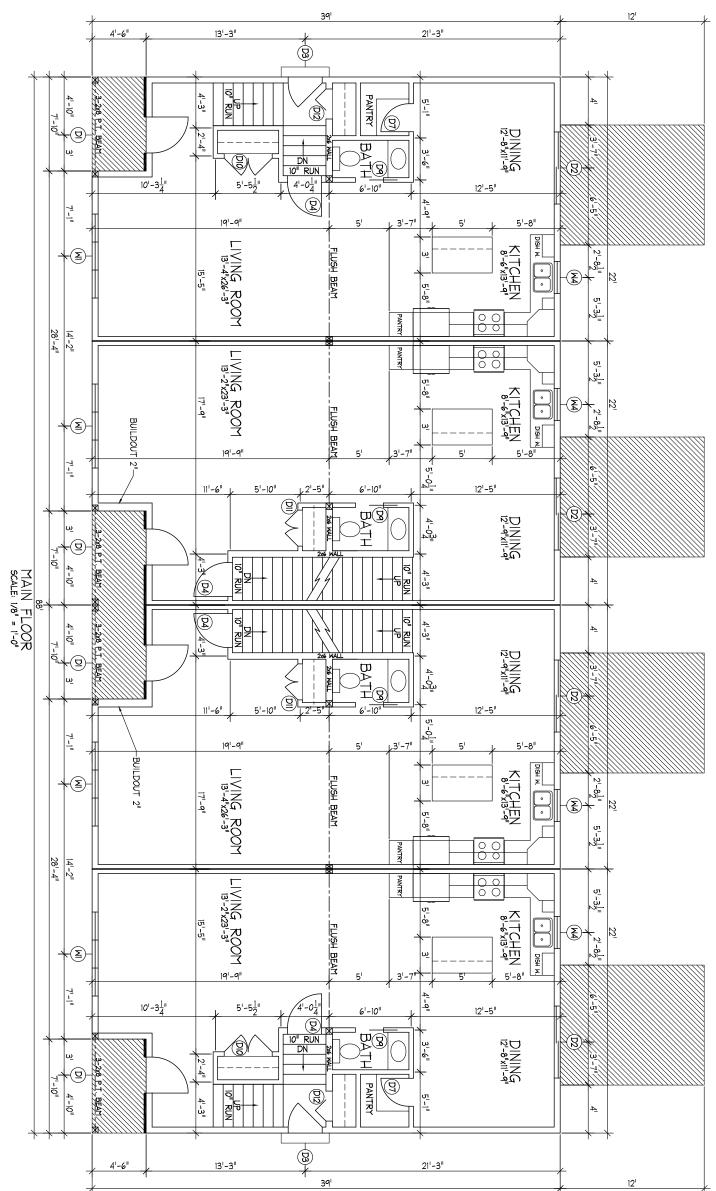
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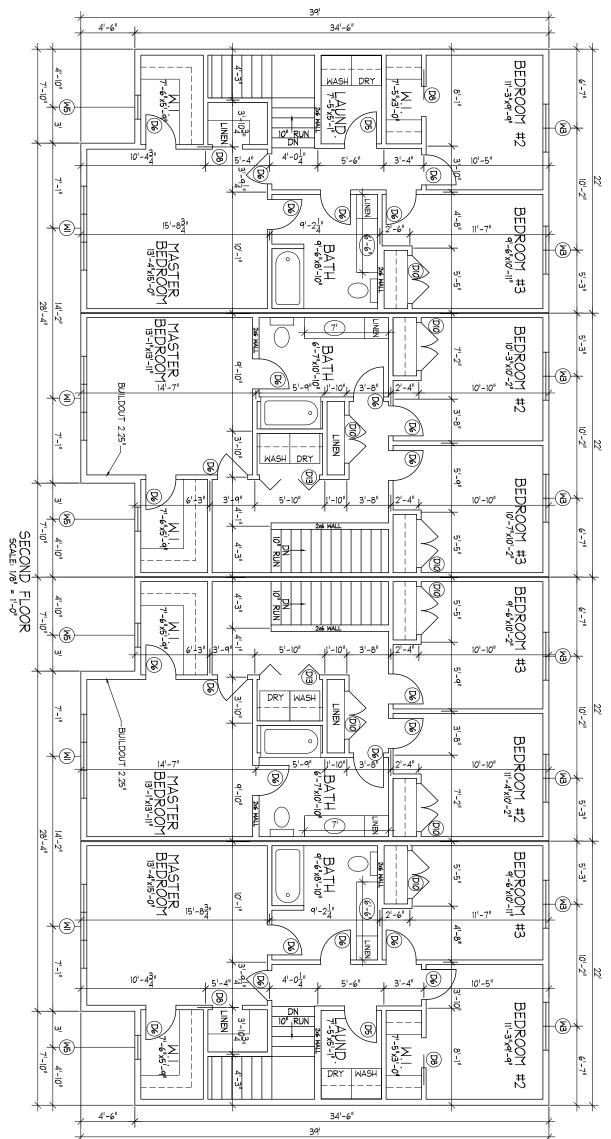
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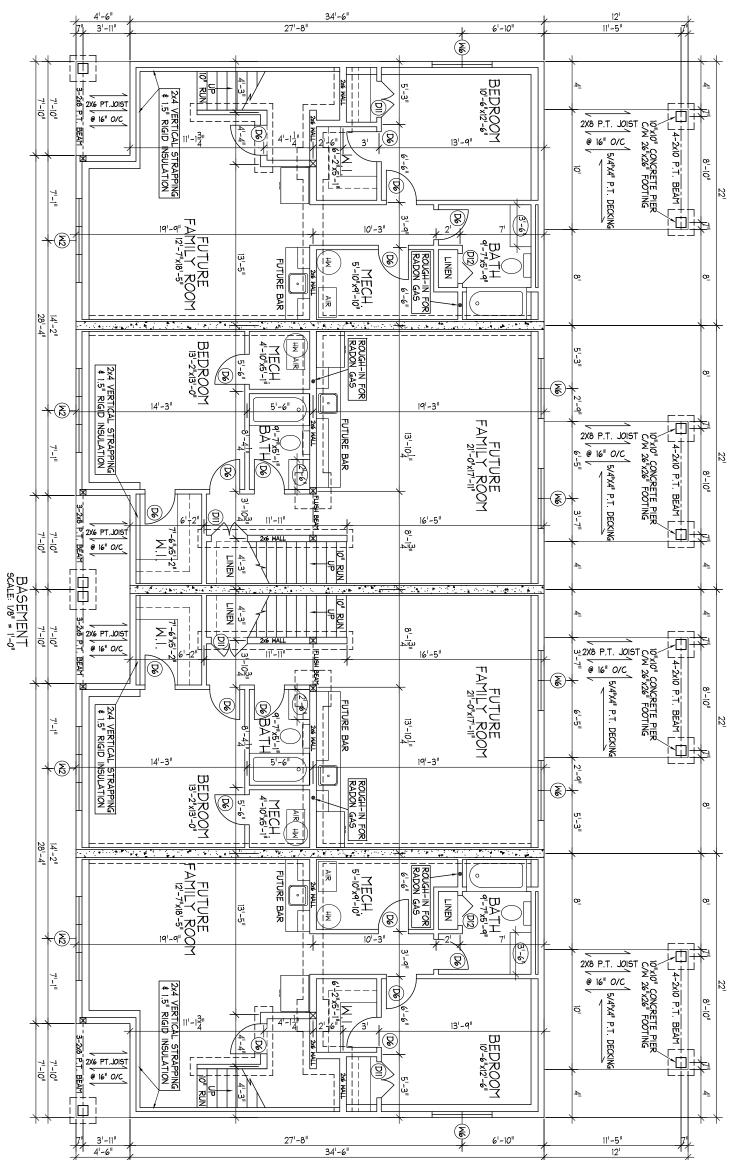
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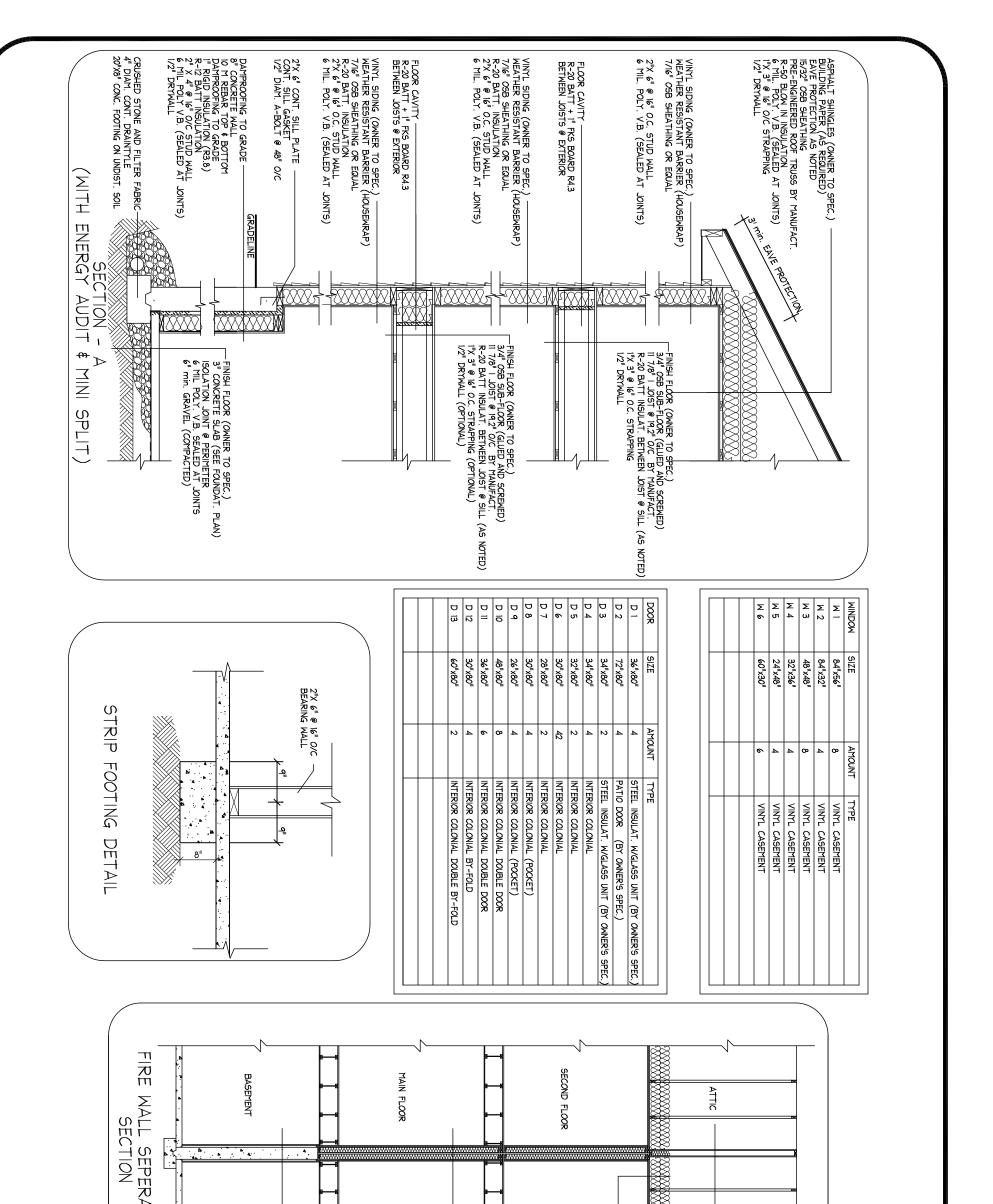
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Drawn by: MARK CORMIER Project Scale January 2024 AS NOTED Scale	Highfield Split Street Right TEL: 531-5934 Creative Home Design PROFESSIONAL DRAFTING SERVICES MARK CORMER (500) 553-1073 DMER2234HOTHAL.COM	PREA: 823 REA: 1646 arme and Ad	OF CONSTRUCTION DRAFTSMAN IS NOT RESPONSIBLE FOR ERRORS AND/OR OMMISIONS RESULTING FROM THE USE OF THESE PLANS FOR CONSTRUCTION BUILDING INSPECTOR MAY REQUIRE ENGINEERED BEAM DESIGNS, WALL DESIGNS IS THE RESPONSIBILITY OF THE BUILDER THE DRAFTSMAN IS NOT RESPONSIBLE FOR VERIFTING THE LATERAL STABILITY OF THE BUILDING, CONSULT A STRUCTRAL ENGINEER PROR 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 DE USED, ALTERED OR REFRODUCED 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 DALL OTHER LOCAL CODES AND OR STANDARDS WINDOW AND DOOR SIZES ARE APPROXIMATE. THEY MUST BE CHOSEN CONSULTATION WITH THE OWNER DUNDENS AND REPORT ON VERIFY AL DIMENSIONS AND REPORT TO BEGINING
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Drawn by: MARK CORMIER Project Date January 2024 AS NOTED AS NOTED	PROFESSIONAL DRAFTING SERVICES MARK CORMIER (504) 533-1093 DIVERZZ3440TMAL.COM	No. Revision/Issue Date Project Name and Address Proposed 2 Storey Fourplex Moemar Homes Highfield Split Street Right TEL.: 531-5934	COPPRIGHT: THESE PLANS SHALL REMAIN THE PROPERTY OF THE DRAFTSMAN WHETHER THE PROJECT IS BULLT OR NOT. THEY SHALL NOT BE USED, ALTERED OR REPRODUCED FOR ANY OTHER PROJECTS WITHOUT PERMISSION FROM THE DRAFTSMAN. MINUT PERMISSION FROM THE DRAFTSMAN. SECOND FLOOR : 823 Sq. Ft. SECOND FLOOR : 823 Sq. Ft. TOTAL AREA : 1646 Sq. Ft.	FROM THE USE OF THESE PLANS FOR CONSTRUCTION BUILDING INSPECTOR MAY REQUIRE ENGINEERED BEAM DESIGNS, WALL DESIGNS AND/OR OTHER BUILDESIGNS, WALL DESIGNS STAR DESIGNS/SIBILITY OF THESE DESIGNS IS THE RESPONSIBILITY OF THE BUILDER THE RESPONSIBILITY OF THE BUILDER THE RESPONSIBILITY OF THE BUILDER THE BUILDING, CONSULT A STRUCTRAL ENGINEER PRIOR TO CONSTRUCTION IF BUILDING STABILITY IS A CONCERN	General Notes NOTES: ALL WORK TO MEET THE STANDARDS OF THE NATIONAL BUILDING CODE OF CANADA AND ALL OTHER LOCAL CODES AND OR STANDARDS WINDOW AND DOOR SIZES ARE APPROXIMATE. THEY MUST BE CHOSEN IN CONSULTATION WITH THE OWNER BUILDER & CONTRACTOR TO VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS OR OMMISIONS AND REPORT ANY ERRORS OF CONSTRUCTION DRAFTSMAN IS NOT RESPONSIBLE FOR FERENCES AND/OR OMMISIONS RESULTING



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Project Sheet January 2024 AS NOTED	PROFESSIONAL DRAFTING SERVICES MARK CORMIER (506) 533-109 DIVERZEMENTAL COM	MAIN FLOOR :     823 Sq. Ft.       SECOND FLOOR :     823 Sq. Ft.       TOTAL AREA :     1646 Sq. Ft.       No.     Revision/Issue     Date       No.     Revision/Issue     Date       Project Name and Address     Proposed 2 Storey Fourplex       Moemar Homes     HighField Split Street Right       TEL:     S31-5934	BUILDER & CONTRACTOR TO VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS OR OMMISIONS PRIOR TO BEGINING OF CONSTRUCTION DRAFTSMAN IS NOT RESPONSIBLE FOR ERRORS AND/OR OMMISIONS RESULTING FROM THE USE OF THESE PLANS FOR CONSTRUCTOR BUILDING, INSPECTOR MAY REQUIRE ENGINEERED BEAM DESIGNS AND/OR OTHER ENGINEERED DETAILS. PROCUREMENT & COST OF THESE DESIGNS IS THE RESPONSIBILITY OF THE BUILDER THE DRAFTSMAN IS NOT RESPONSIBLE FOR VERIFTING, THE LATERAL STABILITY OF THE BUILDING, CONSTRUCTRAL ENGINEERE PROR TO CONSTRUCTRAL ENGINEER PROR TO CONSTRUCTRAL ENGINEER PROR TO CONSTRUCTRAL IN EXPONSION THE ACONCERN 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 PROJECT'S WITHOUT PERMISSION FROM THE DRAFTSMAN	General Notes NOTES: ALL WORK TO MEET THE STANDARDS OF THE NATIONAL BUILDING CODE OF CANADA AND ALL OTHER LOCAL CODES AND OR STANDARDS MINDOW AND DOOR SIZES ARE APPROXIMATE. THEY MUST BE CHOSEN IN CONSULTATION WITH THE OWNER