



SAINT JOHN

**Planning
Advisory
Committee
Agenda**

*Tuesday
November 20, 2012*

6:00 p.m.



SAINT JOHN

PLANNING ADVISORY COMMITTEE

Tuesday, November 20, 2012

6:00 P.M. COUNCIL CHAMBER

ADOPTION OF MINUTES

1. Minutes of October 16, 2012

REZONING & VARIANCES

2. Arthur J. Chiasson

12 Fern Street

OTHER BUSINESS



The City of Saint John

DATE: NOVEMBER 16, 2012
TO: PLANNING ADVISORY COMMITTEE
FROM: COMMUNITY PLANNING • PLANNING AND DEVELOPMENT
FOR: MEETING OF NOVEMBER 20, 2012

PREPARED BY:

REVIEWED BY:

Patrick Foran
Planning Officer

Ken Forrest, MCIP, RPP
Commissioner

SUBJECT:

Name of Applicant: Arthur J. Chiasson
Name of Owner: John Quinlan
Location: 12 Fern Street
PID: 55166029
Municipal Plan: Stable Residential
Zoning: Existing: "R-2" One and Two Family Residential
Proposed: "R-4" Four Family Residential
Proposal: To construct a three-family dwelling
Type of Application: Rezoning and variances to:

- 1) reduce the minimum required side yard setbacks from 2 metres to approximately 1.5 metres; and
- 2) permit four parking spaces within the required front yard landscaping



SAINT JOHN

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JURISDICTION OF COMMITTEE:

The *Community Planning Act* authorizes the Planning Advisory Committee to give its views to Common Council concerning proposed amendments to the Zoning By-law. The Committee recommendation will be considered by Common Council at a public hearing on **Monday, December 3, 2012**.

The *Act* also authorizes the Planning Advisory Committee to grant reasonable variances from the requirements of the Zoning By-law. The Committee can impose conditions.

STAFF RECOMMENDATION TO COMMITTEE:

- 1) That Common Council rezone a parcel of land with an area of approximately 447 square metres, located at 12 Fern Street, also identified as being PID no. 55166029 from “R-2” One and Two Family Residential to “R-4” Four Family Residential.
- 2) That, pursuant to the provisions of Section 39 of the *Community Planning Act*, the proposed rezoning of a parcel of land with an area of approximately 447 square metres, located at 12 Fern Street, also identified as being PID no. 55166029, be subject to the condition that the number of dwelling units within the building be limited to a maximum of three.
- 3) That the Planning Advisory Committee approve the requested variances to:
 - a) reduce the minimum required side yard setback from 2 metres to approximately 1.5 metres; and
 - b) permit four parking spaces within the required front yard landscaping.

INPUT FROM OTHER SOURCES:

Municipal Operations and Engineering has the following comments on the proposed rezoning and variance application:

- Municipal water and sanitary is available on Fern Street;
- It is the responsibility of the owner’s contractor to verify grades of the existing mains to accommodate gravity connections for the new services. Due to the proposed elevation of the lower apartment, likely a private sewage pump will be required – the owner will have to verify;
- There is no municipal storm sewer available;
- A site grading and stormwater management plan is required. The properties to the rear are low lying and absolutely no site water may be directed to those properties;
- All required parking should be provided for off-street. The proposed parking configuration is not ideal but is similar to several other properties on this dead-end street;
- There is an existing very low profile asphalt curb on this side of Fern Street that should be maintained; and
- All applicable permits must be obtained by the applicant prior to construction.

Buildings and Inspection Services has indicated that it does not have concerns with either the proposal to construct a three-unit building or the proposed reduction in side yard setbacks. Any other Building Code issues with the proposal will be addressed during the plans examination phase of the permit process.

Saint John Fire Department has reviewed the proposal as it relates to the above-mentioned application. There is no objection to this application provided that the requirements of the National Building and Fire Codes 2010 are adhered to and that construction plans are submitted to the Department of Public Safety Technical Inspection Division for review.

Saint John Transit has advised that the nearest bus stop to this location would be at the corner of Westmorland Road and Kilburn Avenue and that there is a very high level of service at this stop.

Saint John Energy has been advised of the application.

Maritimes & Northeast Pipeline, Enbridge Gas, and Brunswick Pipeline have advised that the area is “all clear” and that the proposal is not near any pipeline facilities.

ANALYSIS:

Site and Neighbourhood

The subject site is located near the intersection of Westmorland Road and Fern Street in the City’s east side. The surrounding neighbourhood is comprised of a mixture of residential, commercial and institutional land uses. The residential uses predominantly consist of one and two-family dwellings. However, interspersed throughout the neighbourhood are buildings containing a larger number of dwelling units. Of particular note is the five-unit building immediately to the south of the subject site (16 Fern Street) as well as a four-unit building located at 193 Westmorland Road, which is owned by the same property owner as the subject site. The latter site was rezoned to “R-4” Four Family Residential in 2003. A number of similar rezonings have taken place on Northumberland Avenue, McLaughlin Crescent and Margaret Street.

Proposal

The subject site is presently vacant and, as indicated above, the applicant is proposing to construct a three-family dwelling. At the front elevation, the building would be two storeys in height but, because the grade drops towards the rear of the property, the rear elevation would be three storeys. There would be one dwelling unit per storey and each of the apartments would contain two bedrooms. Due to both the aforementioned change in elevation as well as the configuration of the property, the applicant is proposing to provide four off-street parking spaces in front of the building, which would back directly onto Fern Street.

Municipal Plan & Rezoning

The proposed dwelling is located between three existing buildings: 16 Fern Street (a five-unit apartment block), 193 Westmorland Road (a single-family dwelling) and 195 Westmorland Road (a four-unit building). The proposal would therefore be considered an “infill” development and, given the number of

proposed dwelling units, would not be out of character with the established pattern of the surrounding neighbourhood.

The subject site is designated “Stable Residential” on the Future Land Use map of the Municipal Plan. Within this designation, the Plan encourages infill development that is “desirable and contributes positively to the neighbourhood, is compatible with surrounding land uses, is in a location where all necessary water and wastewater services, parks, schools, public transit can be adequately provided” and has a “high quality exterior building design”.

As previously identified, while the surrounding neighbourhood primarily consists of one- and two-family dwellings, there are a number of buildings containing a larger number of dwelling units. None of these higher-density buildings appear particularly out of place in the overall neighbourhood context and the proposed building would be consistent with this established pattern. Further, the complete range of City services (not just water and wastewater, but parks and transit) are available to site. In addition, the submitted building elevations indicate that the exterior building design would be of high quality. Consequently, the Municipal Plan framework is supportive of the requested change in zoning.

Notwithstanding that the proposed development requires some variances from the provisions of the Zoning By-law, the proposed land use is consistent with that of the surrounding properties and the establishment of the proposed three-unit dwelling in this context would have no perceived negative impact on the surrounding community. The proposed rezoning can therefore be supported. However, due to the size of the lot and configuration of the parking area (discussed in more detail below), Staff is recommending that the number of dwelling units be limited to a maximum of three.

Variances

The minimum required side yard as determined by the Zoning By-law is the lesser of 1.5 metres or 10% of the lot width, which in the present instance is calculated as 2 metres. However, because the property narrows towards the rear, the 2-metre would not be respected – instead, the applicant is proposing a side yard setback of 1.5 metres. This variance is considered relatively minor given the configuration of the property as well as the fact that a number of other dwellings in the immediate vicinity appear to have a similar setback. Further, the proposed setback would not be below the 1.5 metre threshold utilized as the starting point of the side yard calculation. Consequently, approval of the requested side yard variance can be supported.

With regard to the proposed off-street parking, ordinarily parking within the required front yard would not be permitted. Instead, a driveway access to a parking area elsewhere on the property would be necessary. However, due to both the slope of the property as well as the configuration of the property lines, it is not feasible to provide the four required off-street parking spaces other than at the front of the building. Given these site constraints, as well as the support of the Municipal Operations and Engineering Department for the proposed parking arrangement, support can be given for approval of the variance to allow the parking within the required front yard.

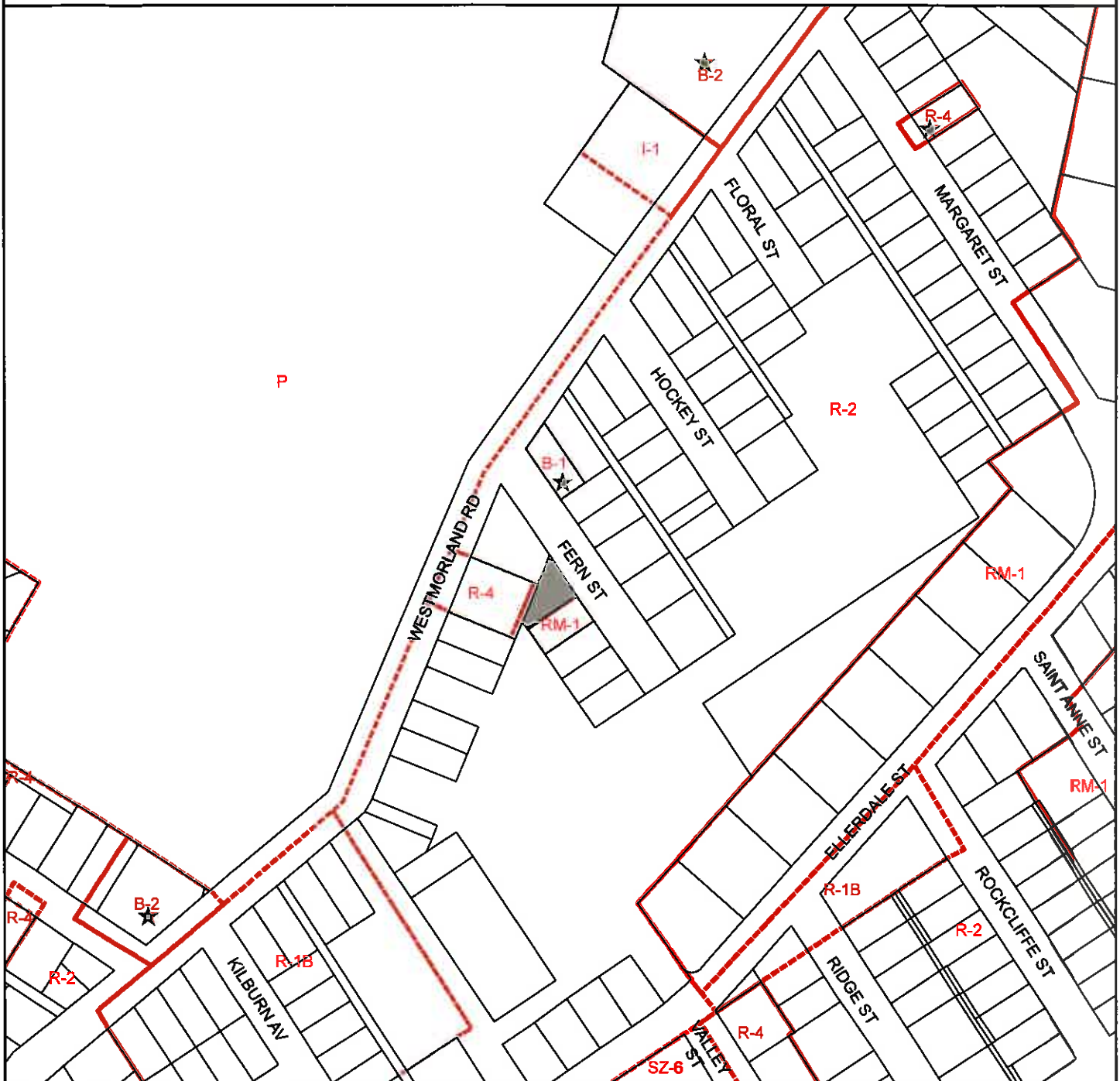
CONCLUSION:

The Municipal Plan contains policies for assessing the appropriateness of proposed infill developments. The proposed three-unit dwelling is consistent the criteria of these policies, which are based on

compatibility with the surrounding neighbourhood context and availability of the full range of City services. Consequently, approval to rezone the property at 12 Fern Street from “R-2” One and Two Family Residential to “R-4” Four Family Residential is recommended. While variances are necessary to facilitate the proposal, they are minor in nature and are necessitated by the particular site constraints (changing elevation and property configuration). Approval of these variances is also being recommended.

PF
Project No. 12-286

PLANNING AND DEVELOPMENT / URBANISME ET DÉVELOPPEMENT



Subject Site / Site en question: 

PID(s) / NIP(s):
55166029

Location: 12, rue Fern Street

Date: October / octobre 29, 2012

Scale / échelle: Not to scale / Pas à l'échelle



54.4' INV. 171.17'

180' INV. 178.26'

(90.072 METERS) 295.51'

54.4' INV. 189.31'

95' INV. 178.40' EXISTING SANITARY

SANITARY FROM BUILDING

FERN STREET

TRANSFORMER

POLE OVERHEAD WIRES

POLE

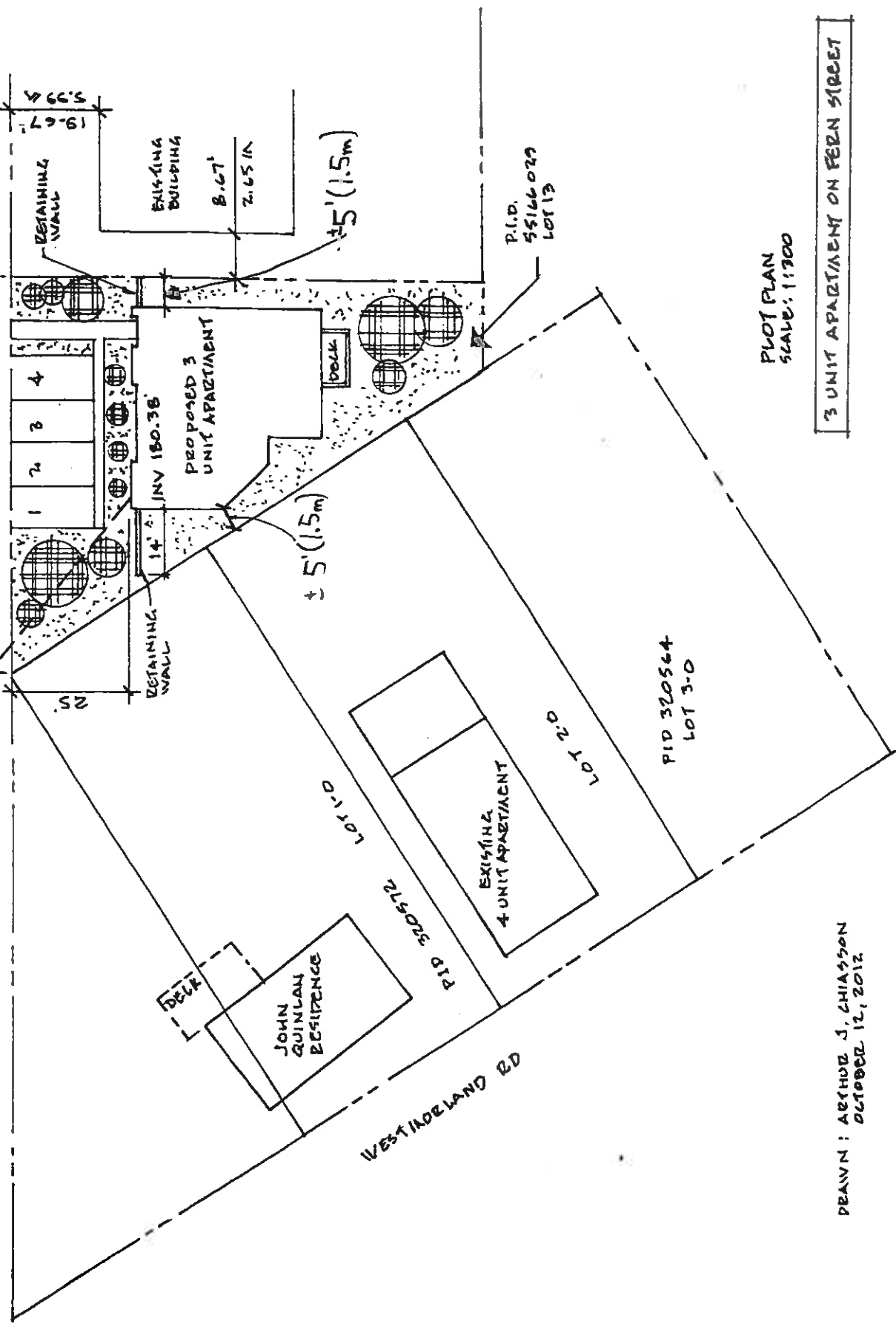
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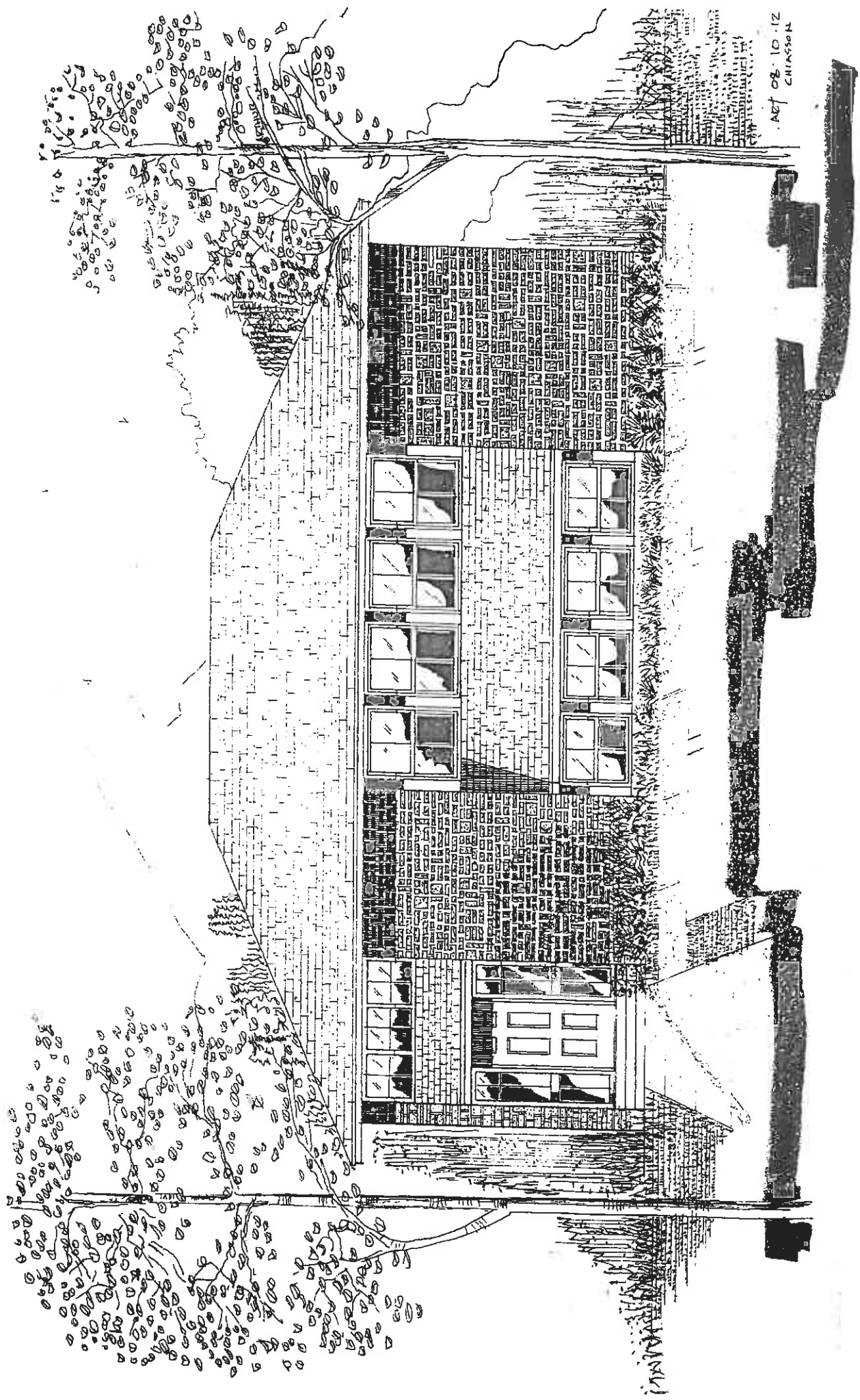
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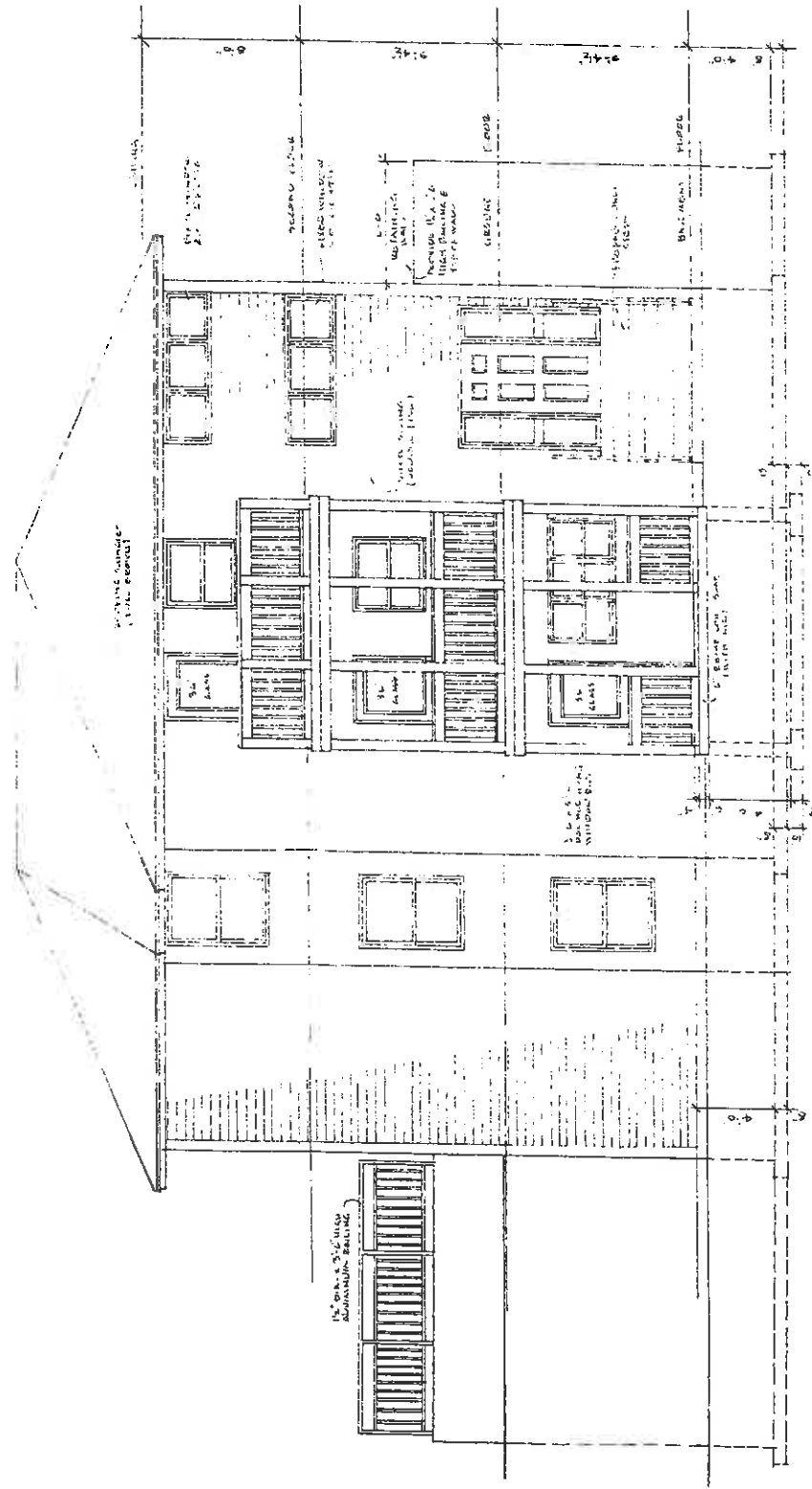
PLOT PLAN
SCALE: 1/8" = 1'-0"

3 UNIT APARTMENT ON FERN STREET

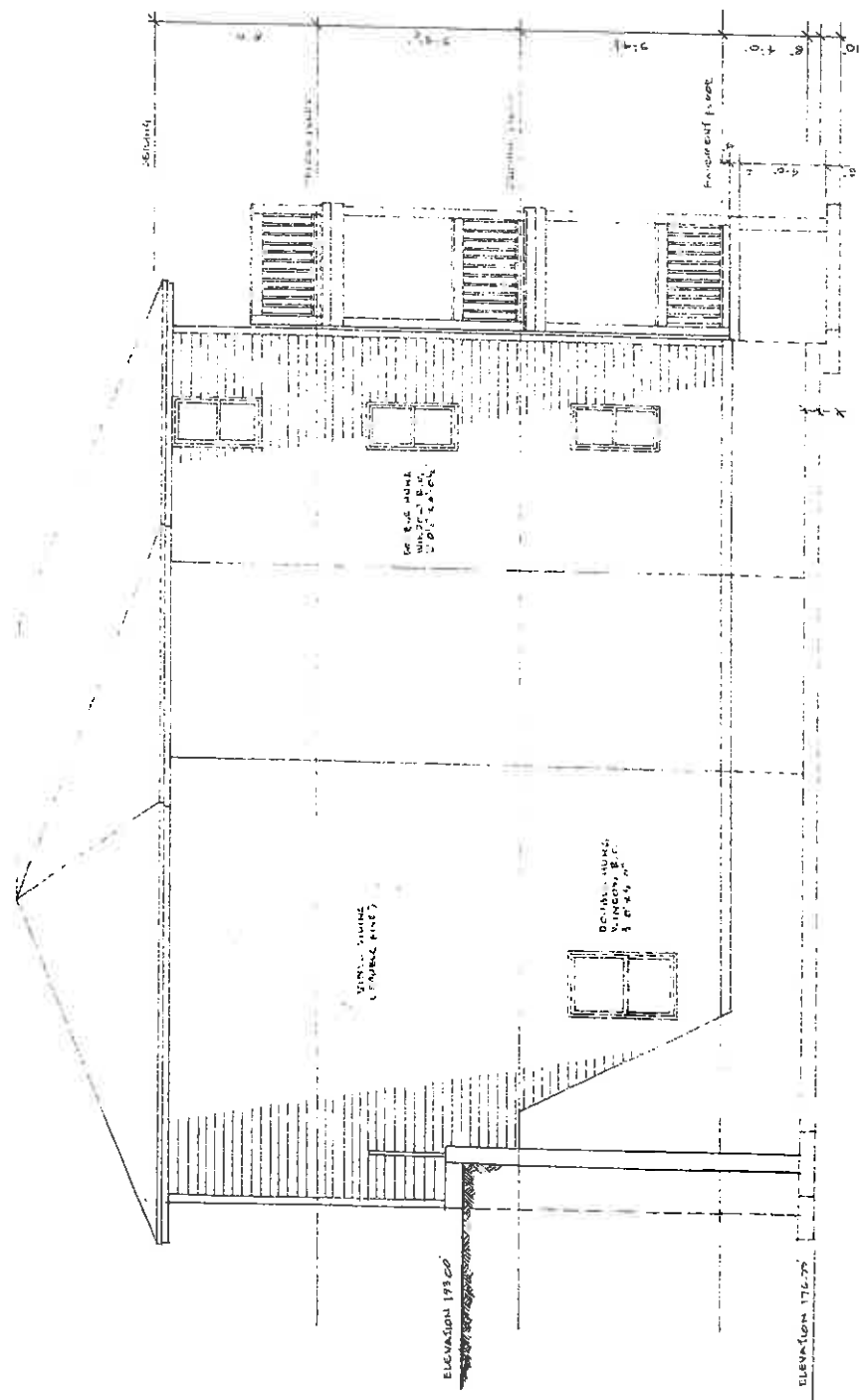
DRAWN: ARTHUR J. CHIASSON
OCTOBER 12, 2012



NET 08.10.12
CHRISTOPHER



[Symbol for electrical base 1/2" x 1/2"]



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