

PLANNING REPORT



PAC – November 15, 2023
File No.: Z-27-2023 P.R. No. 80/23

To: Planning Advisory Committee
From: Gabriela Ratcliffe, Junior Planner
Proposal: Zone Amendment to permit a second main building to be used as a dwelling unit
Property: **155 Smythe Street (PID 01437334)**

OWNER: Chantel & Erik Nielsen
155 Smythe Street
Fredericton, NB, E3B 3C7

APPLICANT: As above

SITE INFORMATION:

Location: Southwest corner of the Smythe Street, Brunswick Street, and King Street roundabout

Context: Commercial north of Brunswick Street and a mix of multi-residential and low density residential south of Brunswick Street.

Ward No: 10

Municipal Plan: City Centre Plan Area

Zoning: Mixed Use Zone Two (MX-2)

Existing Land Use: Two mixed use buildings

Previous Applications: P.R. 22/78; 33/78; 110/78 (Z), P.R. 148/86; 153/87; 130/94; 137/95 (V), P.R. 164/96 (S/D), S/16/2018, V/43/2018 (PR: 100/18), DOV/15/2023 (PR: 53/23)

EXECUTIVE SUMMARY:

The Applicants are proposing to convert the existing currently secondary building that was previously used as a commercial business with an apartment on the west corner of the property to a dwelling unit. The proposed dwelling unit would become the primary residence for the property owners and would allow the Applicants to rent out the apartment located in the main building above the commercial space, which fronts onto Smythe Street and Brunswick Street, adding to the long-term rental stock in the city. This application meets the intent of the Municipal Plan and the *Affordable Housing Strategy* by adding additional residential density to the City Centre. Staff support the application subject to terms and conditions.

APPLICATION:

Chantel & Erik Nielsen have made application for a zone amendment to permit a second main building to be used as a dwelling unit in the Mixed Use Zone Two (MX-2) on property located at 155 Smythe Street.

PLANNING COMMENTS:

Proposal:

- The Applicants are proposing to convert a vacant existing building on the west corner of their property to a dwelling unit. The property owners currently reside in the apartment above the commercial space in the larger main building that fronts onto Smythe Street and Brunswick Street. The Applicants plan to move into the proposed dwelling unit and rent out their current residence.
- The subject building was originally an accessory building used as a garage and for storage. Services were extended into the building in 1995 when it was converted into a dental laboratory. Since 1995 multiple businesses have occupied the space including an appliance repair shop and a hair salon. The building currently contains an apartment in addition to the dedicated commercial space, however, it is unknown when the apartment was added as there is no record of a building permit or a planning application on file.
- The proposed dwelling unit would occupy the entirety of the subject building on the west corner of the property. No changes to the exterior of the building are currently planned. The exterior of the building currently resembles a small single detached home as shown on Map III and it fits well with the larger building on the lot. The proposed dwelling unit is a one-bedroom, two-bathroom, two-storey, 144.54 square metre unit as shown on Map IV. The building has a lot coverage of 76.79 square metres representing approximately 7.7% of the total lot area.

Municipal Plan:

- The subject property is designated City Centre in the Municipal Plan, which permits a full range of uses, including, residential, specialty retail, and offices. Section 2.2.1 (5) states that where economically feasible, the re-use of existing buildings should be encouraged. Converting the subject building to a dwelling unit would be an example of adaptive reuse in the Urban Core while also adding to the local residential housing stock helping to further densify the neighbourhood.
- Allowing the subject building to be converted into a dwelling unit aligns well with the recommendations set out in the City's *Affordable Housing Strategy*. 'Recommendation #3: Review and amend Zoning Bylaw regulations to enable more and faster housing' in the *Affordable Housing Strategy* suggests allowing at a minimum four dwelling units as of right in the City Centre in addition to permitting more than one main building on lots in urban mixed-use nodes. The conversion of the subject building into a dwelling unit helps to satisfy both above noted suggestions from 'Recommendation #3' as it will add both a dwelling unit and a second main building on a lot within the City Centre helping to improve housing availability.

Zoning By-law:

- The property is currently zoned Mixed Use Zone Two (MX-2). This is meant to accommodate buildings that contain limited commercial uses and residential units on upper floors. Generally, the zone is located in close proximity to low density residential development.
- The current zoning of the property does not allow for second main buildings, nor does it allow for residential units to be located on the ground floor frontage of a building. The use of the subject building as a second main building was the result of a planning application in 1995 that allowed a former accessory building to be converted into a dental laboratory. While it is preferable to have ground floor commercial, allowing the subject building to be used in its entirety as a dwelling unit would not distract from the storefront of the main building. The property will still function as a mixed-use property due to the larger building containing both a retail store and an upper floor apartment. The subject building is set well back from the road towards the rear property line and away from the other main building.

The proposal complies with the standards for the MX-2 Zone as follows:

Standard	Permitted	Proposed	Variance
No. of Main Buildings	1	2	1
Lot Coverage (max, combined)	35%	29%	n/a
Density (min 161 m ² per dwelling unit)	6	2	n/a

- There are no proposed changes to the layout of the existing parking lot. The property is located in the Central Business District (CBD) in compliance with the parking standards. The existing parking lot accommodates parking for both the existing apartment and retail store in addition to the proposed dwelling unit.

Standard	Required	Provided
Parking (min)	Retail Store: First 280 m ² NFA: None required, 2 sp/100 m ² NFA Thereafter 200 m ² Retail Space = 0 sp Dwelling Unit: 0.5 sp/unit 2 Dwelling units x 0.5 sp/unit = 1 sp Total Parking Required = 1 Parking Spaces	11 Parking Spaces

Access and Servicing:

- Engineering & Operations have no concerns with the second main building to be used as a dwelling unit.

RECOMMENDATION:

It is recommended that the application submitted by Chantel and Erik Nielsen for a zone amendment to permit a second main building to be converted to a dwelling unit within the Mixed Use Zone Two (MX-2) on property located at 155 Smythe Street be approved subject to the following terms and conditions:

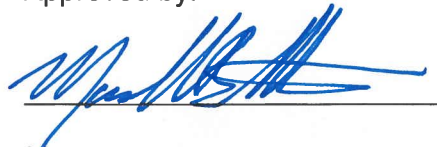
- a) The site be developed generally in accordance with Map II attached to P.R. 80/23 to the satisfaction of the Development Officer; and,
- b) Building permit to be obtained for the dwelling unit conversion.

Prepared by:

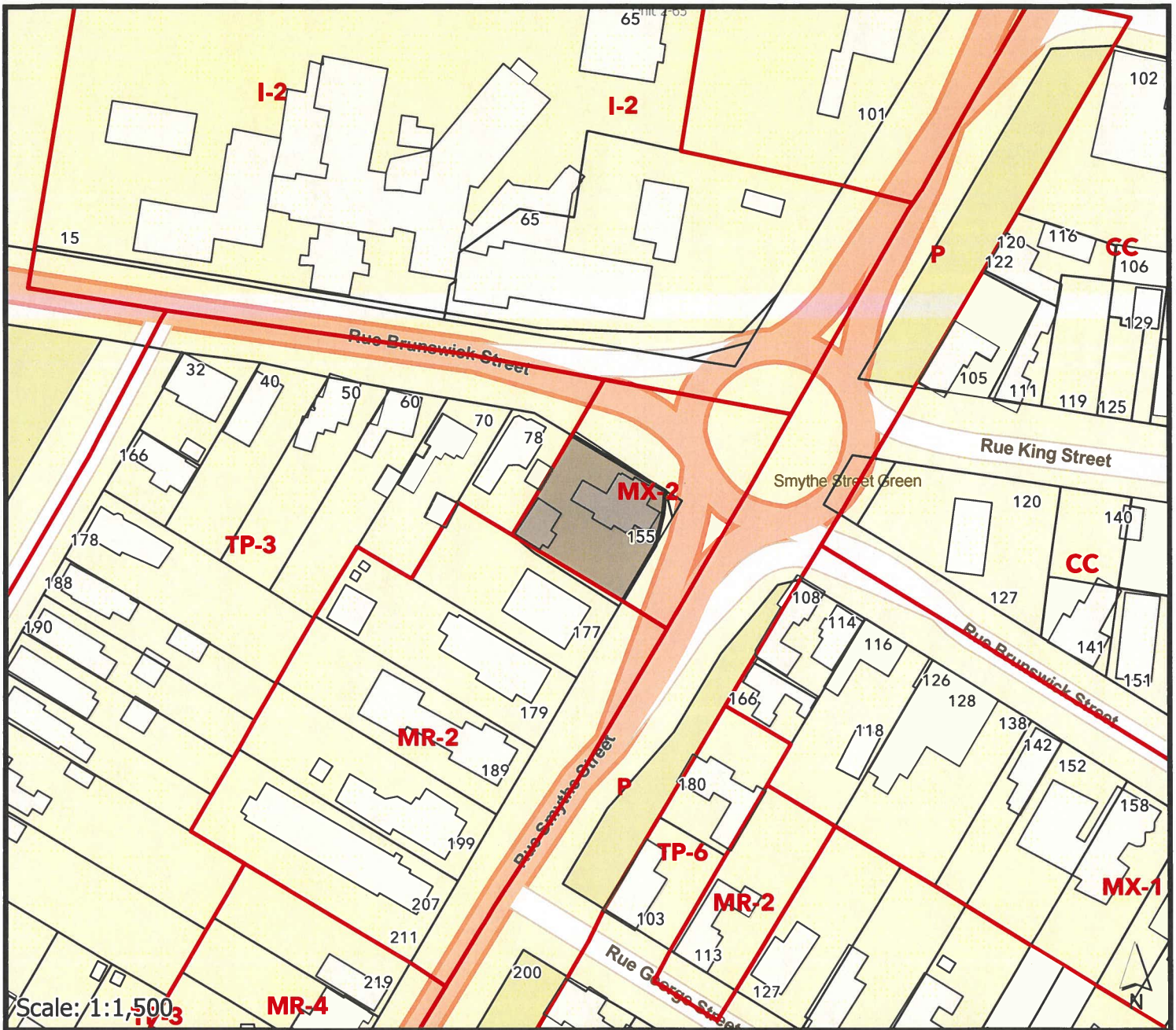


Gabriela Ratcliffe, MCP
Junior Planner, Community Planning

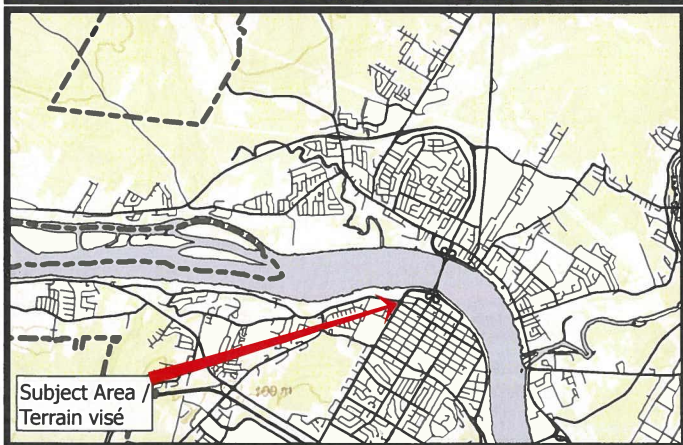
Approved by:



Marcello Battilana, RPP, MCIP
Assistant Director, Planning & Development



Scale: 1:1,500



Subject Property / Propriete Visé
 Amend the Mixed Use Zone Two (MX-2) to allow an existing second main building on the property to be used as a dwelling unit.
 Une modification de la zone à usages mixtes deux (MX-2) permettant l'utilisation d'un deuxième bâtiment principal existant comme unité d'habitation.



Community Planning
 Planification urbaine

Map \ carte # I
 File \ fiche: PR-80-2023
 Date \ date: novembre \ November 15, 2023
 Subject \ sujet: rue 155 Smythe Street
 Chantel & Erik Nielsen



Amend the Mixed Use Zone Two (MX-2) to allow an existing second main building on the property to be used as a dwelling unit.

Une modification de la zone à usages mixtes deux (MX-2) permettant l'utilisation d'un deuxième bâtiment principal existant comme unité d'habitation.



Site Plan / Plan du site

Fredericton

Community Planning
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Map \ carte # II
File \ fiche: PR-80-2023
Date \ date: novembre \ November 15, 2023
Subject \ sujet: rue 155 Smythe Street
Chantel & Erik Nielsen



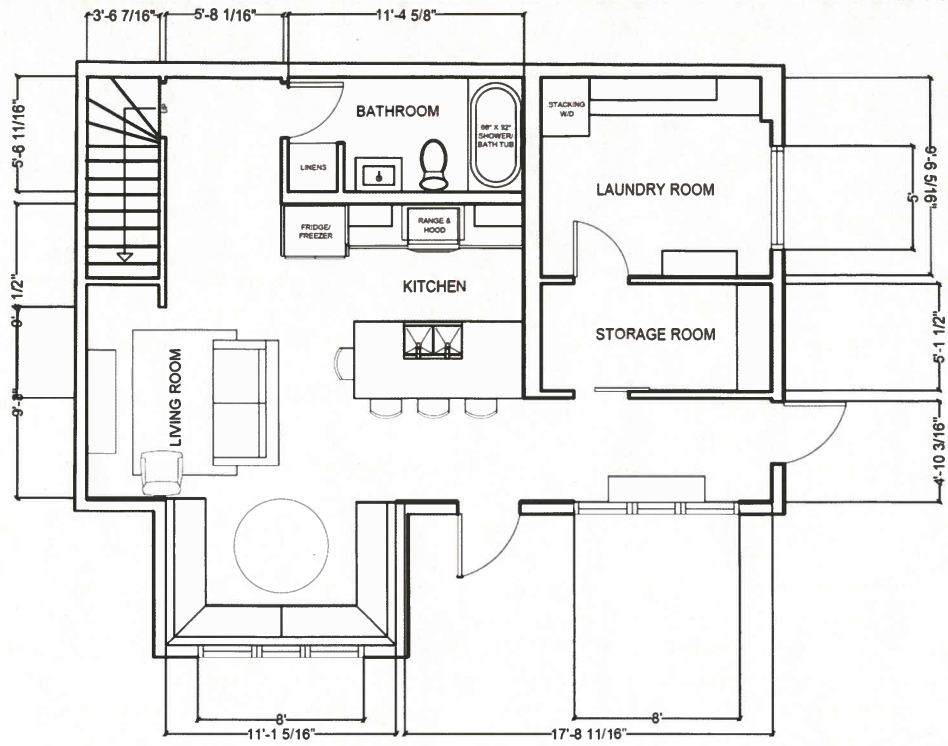
East (facing Smythe Street) / Est (face à la rue

Existing Elevation / Élévation existante

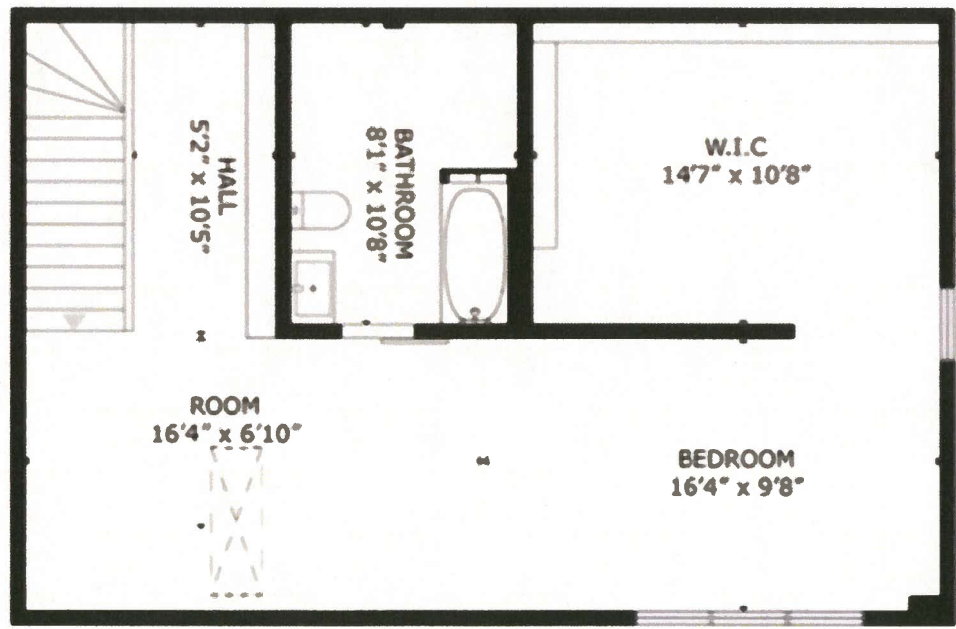
Fredericton

Community Planning
Planification urbaine

Map \ carte # III
File \ fiche: PR-80-2023
Date \ date: novembre \ November 15, 2023
Subject \ sujet: rue 155 Smythe Street
Chantel & Erik Nielsen



1st Floor / 1e étage



2nd Floor / 2e étage

Floor Plans / Plans d'étage



Community Planning
Planification urbaine

Map \ carte # IV
File \ fiche: PR-80-2023
Date \ date: novembre \ November 15, 2023
Subject \ sujet: rue 155 Smythe Street
Chantel & Erik Nielsen

155 Smythe Street

Murray, Elizabeth

From: Ben Thompson <bgt@gardiner.nb.ca>
Sent: Tuesday, November 7, 2023 11:47 AM
To: PLANNING AND DEVELOPMENT
Subject: PAC - 155 Smythe St

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Re the subject re-zoning application by Erik & Chantel Nielsen,

We own the property at 177 Smythe, directly beside the subject property. We see no issues with the re-zoning and fully support the application.

Thank you,

Ben Gardiner Thompson
Gardiner Properties Ltd.
Gardiner Holding (PEI) Ltd.
Ph: 506-259-7736
www.gardinerproperties.ca

