

PLANNING REPORT

*PAC – November 20, 2024
P.R. No. 69/24, Z-21-2024*



To: Development Officer
From: Matthew Robinson, City Planner
Proposal: Zone amendment to permit a contractor’s shop use in an accessory building
Property: 691 Riverside Drive (PID 75389833)

OWNERS: Ryan Miller
439 Kingsley Road
Fredericton, NB
E3G 6C3

APPLICANT: Same as above

SITE INFORMATION:

Location: Interior lot along a major arterial
Context: Low rise residential area across from a commercial area
Ward No: 6
Municipal Plan: Established Neighbourhoods
Zoning: Residential Zone Two (R-2)
Existing Land Use: Single-detached dwelling; contractor’s shop (temporary use)
Previous Applications: PR 1/24

EXECUTIVE SUMMARY:

The Applicant purchased the subject property last year with the intention of operating their plumbing business out of the existing large accessory building. A neighbourhood complaint regarding commercial vehicles on site brought the non-conforming use to the attention of City Staff. In response, a temporary use variance was approved by PAC to allow them time to bring the site into conformance with parking standards and the building code.

The Applicant is now returning for a zone amendment to permit their use following the 1-year Temporary Use Variance period. During this time, the Applicant has worked with staff and affected neighbours to address the terms and conditions of their previous approval. All parties have agreed to the proposed parking and screening layout, and permits have been submitted for any outstanding building alterations. Staff support the application subject to terms and conditions.

APPLICATION:

Ryan Miller has made an application for a zone amendment to permit a contractor's use shop in an accessory building at 691 Riverside Drive.

PLANNING COMMENTS:

Background:

- The Applicant purchased the subject property in 2023 with the intention of operating their plumbing business out of the existing accessory building while having a member of their family live in the single-detached dwelling. The accessory building had previously been built to accommodate this type of use, though there is no record in the City's filing system of when it was first constructed. Based on available imagery of the property, there have been no significant site alterations since the Applicant has taken ownership. However, staff would note that a previously existing vegetation buffer was greatly reduced by the previous owner.
- Directly across from the subject property are multiple commercial operations, which are zoned Commercial Corridor Zone Two (COR-2) and designated within the Commercial Centres and Corridors land use.
- Staff were initially made aware of this use through a neighbourhood complaint, which noted a high number of commercial vehicles located on the property. The Applicant has provided an explanation of their business operations as follows:
 - The accessory building contains two primary offices for a manager and the owner (Applicant), a bathroom and kitchen area, and a large storage area (shown on Map III).
 - In the morning, staff arrive on the property between 7:30 and 8 am to meet and be given off-site work locations for the day.
 - During work hours and following the morning meeting, there are typically 4 vehicles parked on site and after hours, one commercial van remains along with the resident(s) of the single-detached dwelling.
 - There are no industrial/manufacturing activities or retail/customer-based activities conducted on site and there is no outdoor storage of equipment/materials.
- A Temporary Use Variance application was approved by PAC on January 17, 2024 to demonstrate the extent to which their use impacts the surrounding residential properties as well as make any site improvements to mitigate these potential impacts and bring the property into conformance with the Zoning By-law and National Building Code of Canada.

Proposal:

- Following approval of the Temporary Use Variance, the Applicant has submitted a Zone Amendment application to permit a contractor's shop use.
- In the past year, the Applicant has demonstrated that their use does not negatively impact the surrounding residential properties and has worked with City Staff to prepare a parking and landscape plan that conform to Zoning By-law standards.

- A building permit application has been made for the interior work referenced in PR 69/24, to be completed in the following months.

Municipal Plan:

- The subject property is designated Established Neighbourhoods. The Municipal Plan contains the following relevant policies for the Established Neighbourhood designation:

Section 2.2.1(17): The City shall support the stability of Established Neighbourhoods by:

- i. Encouraging the maintenance of the existing housing stock;*
- ii. Discouraging the encroachment of incompatible uses;*
- iii. Routing higher volume traffic along arterial and collector roads;*
- iv. Maintaining community services and facilities at a scale appropriate for the neighbourhood;*
- v. Encouraging the relocation of existing incompatible uses;*
- vi. Enforcing by-laws to ensure acceptable maintenance and occupancy standards; and,*
- vii. Requiring that new or infill development be compatible with adjacent properties.*

Section 2.2.1(18): The following uses are considered complementary and may be located in the Established Neighbourhoods designation without a Municipal Plan amendment:

- i. Parks, open spaces, and recreation uses;*
- ii. Public and private schools;*
- iii. Places of worship and accessory uses;*
- iv. Group homes and homes for special care;*
- v. Child care centres;*
- vi. Convenience stores and local convenience centres;*
- vii. Home occupations; and,*
- viii. Bed and Breakfast.*

While the policies for Established Neighbourhoods indicate that existing incompatible uses are encouraged to be relocated, the impact of the proposed use may be closer to that of a home occupation. Furthermore, since the subject property is located on a major arterial across from commercial uses that are designated Commercial Centres and Corridors, the proposed use is not entirely incompatible with the area.

In the year following the approval of the temporary use variance application, there have been no negative impacts reported from business activities and there has been ongoing collaboration with City Staff to provide the necessary drawings to demonstrate conformance with all applicable by-laws and codes.

Zoning Bylaw:

- Per the Zoning By-law, the business owner must reside in the dwelling unit and the primary business operations must be located within the single-detached dwelling. It is therefore

more accurately defined as a 'contractor's shop'. Due to the context and operations of the proposed use, it cannot be considered a Home Occupation.

- The contractor's shop use is permitted in COR-2, only where all activities, functions and services take place within a building. Given the stated operations of the proposed use, it would meet these use requirements. To ensure the minimal impact of the use is maintained, staff are recommending a Section 59 agreement limiting the use to only the applicant.
- Any signage for the business shall be restricted to what is permitted for Home Occupations as per Section 7.3(1)(b)(iii) of the Zoning By-law.
- The maximum size of accessory buildings in a residential zone is 90 m². As indicated in Map II, the 271 m² accessory building for the proposed use exceeds this standard but based on available imagery, it has been in existence prior to the adoption of By-law 450 (1979). All other setback standards are met.

Parking and Landscaping

- Parking requirements for the contractor's shop use is listed under 'Other' in the Zoning By-law, therefore the Office use requirements of 2 spaces / 100 m² of net floor area are most applicable given the stated operations. This results in a minimum of 6 required spaces, which have been provided
- A parking area has been identified in Map II, where commercial vehicles related to the business operation will park. The proposed parking area will:
 - Be surfaced with a chip seal coat;
 - Include a barrier-free stall;
 - Be curbed with permanent continuous high curbing along the eastern edge of the paved surface;
 - Be screened with vegetation along the continuous high curbing that meets the standards for landscaped areas (Section 4.2(2)) in the Zoning By-law; and
 - Be graded or drained in such a manner as to ensure that surface water will not escape to neighbouring lands.
- Neighbouring residents along Timber Lane have agreed to allow the maintenance of the existing gravel condition along the shared property line, in lieu of requiring a fence. This area will allow for the turnaround of larger vehicles when necessary, but shall not be permitted as hard landscaping (e.g. chip seal, concrete, etc.).
- Resodding of existing gravel areas along the western edge of the property shall be completed where feasible.

Access and Servicing

- Engineering & Operations have reviewed the application and have no concerns with the proposed use.
- Lot grading and storm water management shall be designed to ensure there are no adverse impacts to adjacent properties.

Summary

- From a land use perspective, this proposal has shown to be more in keeping with a Home Occupation than a significant commercial use. The Applicant has demonstrated through the 1-year Temporary Use Variance period that there are minimal impacts from day-to-day operations and that they have worked with neighbouring residents to ensure a suitable re-establishment of a landscaped buffer. A Section 59 development agreement and associated terms and conditions will prevent any further intensification of the use.

RECOMMENDATION:

It is recommended that the application submitted by Ryan Miller for a zone amendment to permit a contractor's shop use in an accessory building at 691 Riverside Drive be approved, subject to the following terms and conditions:

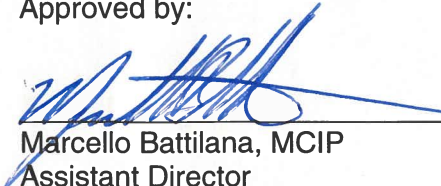
- a) The site be developed substantially in accordance with Map II attached to PR 69/24 to the satisfaction of the Development Officer;
- b) Lot grading and storm water management shall not adversely impact adjacent properties;
- c) A maximum of one (1) commercial vehicle shall be permitted to park overnight on the subject property;
- d) Hours of operation shall be between 7:30am and 6:00pm;
- e) Resodding of existing gravel areas to be done where feasible and hard landscaping shall not be permitted in the landscaped area buffer, as shown in Map II;
- f) No further intensification of the use or expansion of the accessory building be permitted;
- g) The use shall be restricted solely to the Applicant/Owner and subject to a Section 59(1)(b) development agreement to the satisfaction of the Development Officer;
- h) Signage shall be restricted to that of a Home Occupation in accordance with Section 7.3(1)(b)(iii) of the Zoning By-law; and,
- i) A building permit is required for any work conducted since the Applicant has owned the property and all work necessary to bring the building up to code.

Prepared by:

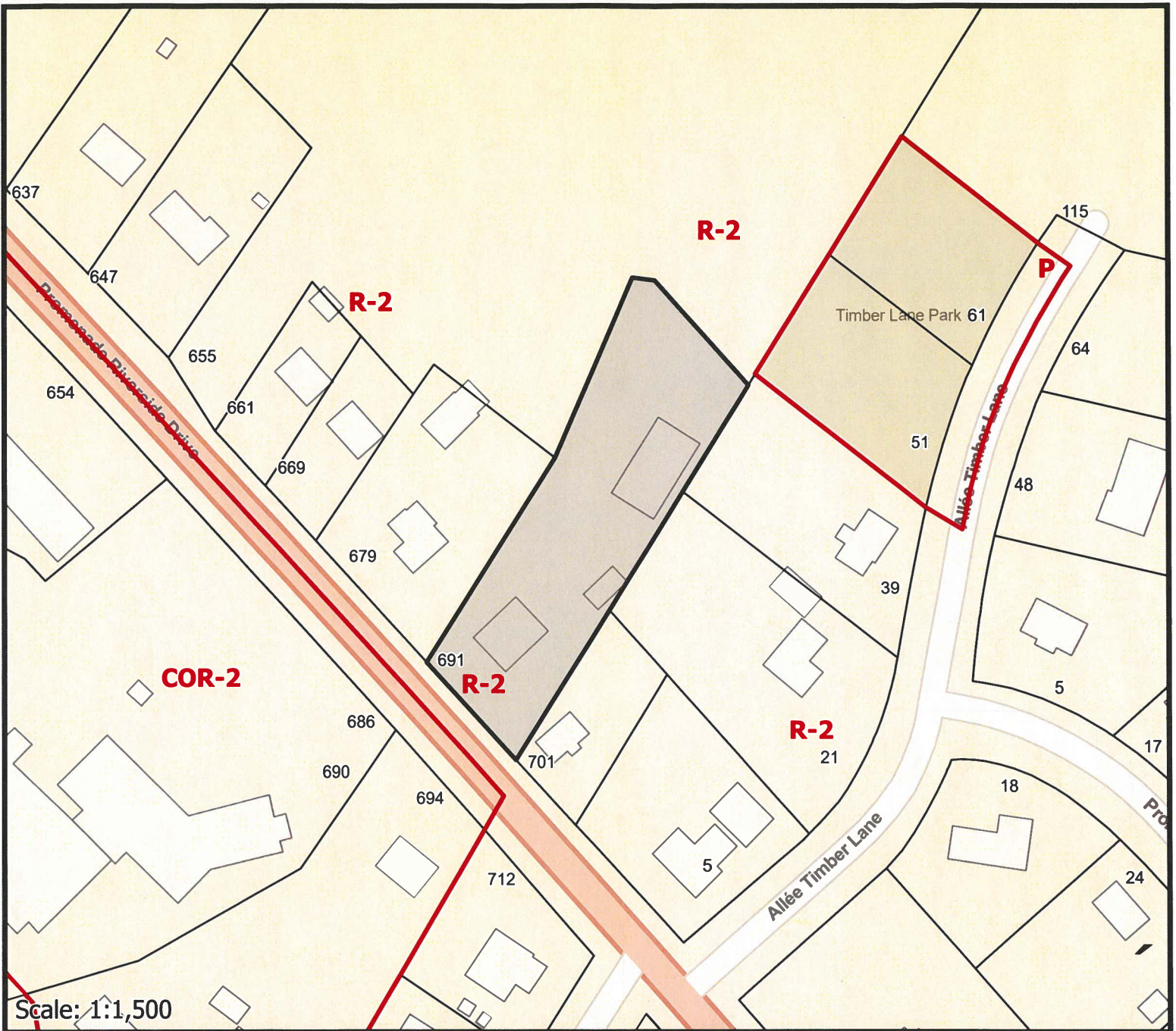


Matthew Robinson, MCP, MCIP, RPP
Planner
Community Planning

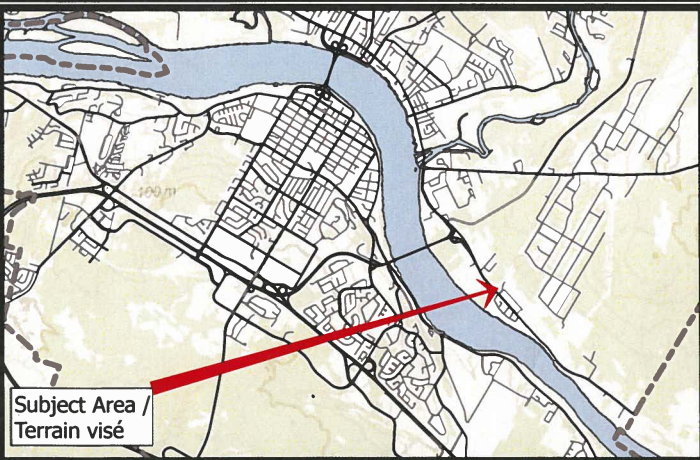
Approved by:




Marcello Battilana, MCIP
Assistant Director
Planning & Development



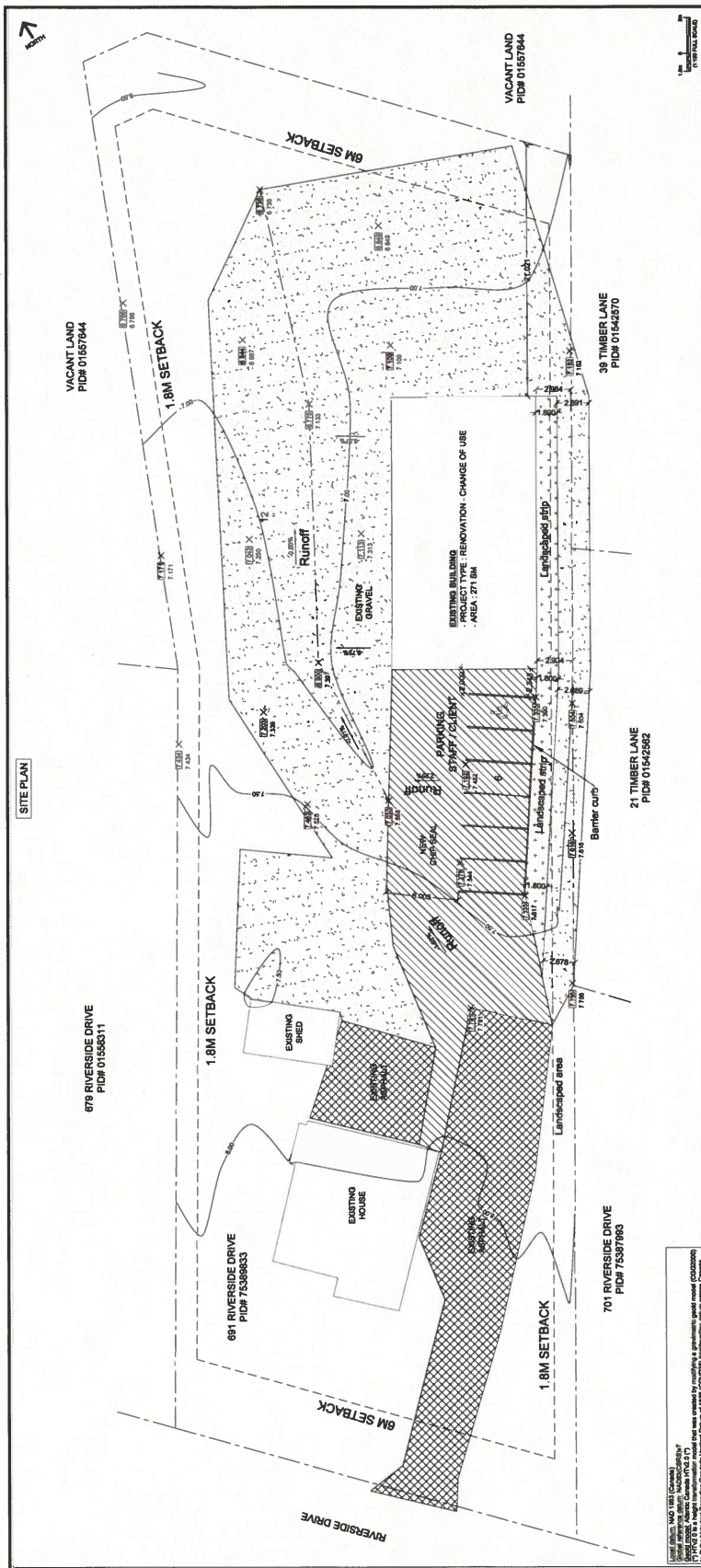
Scale: 1:1,500



Subject Area /
Terrain visé

 Subject Property / Propriete Visé
 Zone Amendment to permit a contractor shop use in an
 accessory building in the R-2 zone.

Une modification de zone visant à permettre
 l'aménagement d'un atelier d'entrepreneur dans un
 bâtiment accessoire en zone R-2.



Site Plan / Plan du site

Fredericton

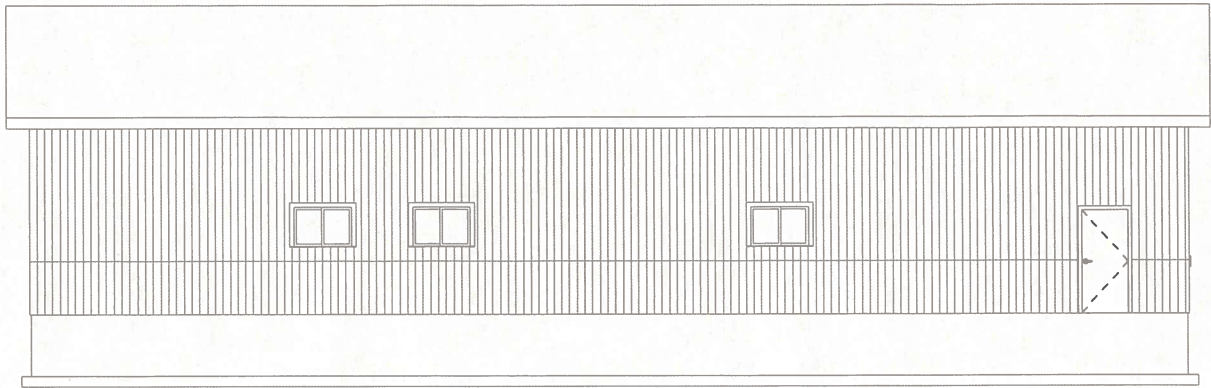
Community Planning
Planification urbaine

Map \ carte # II

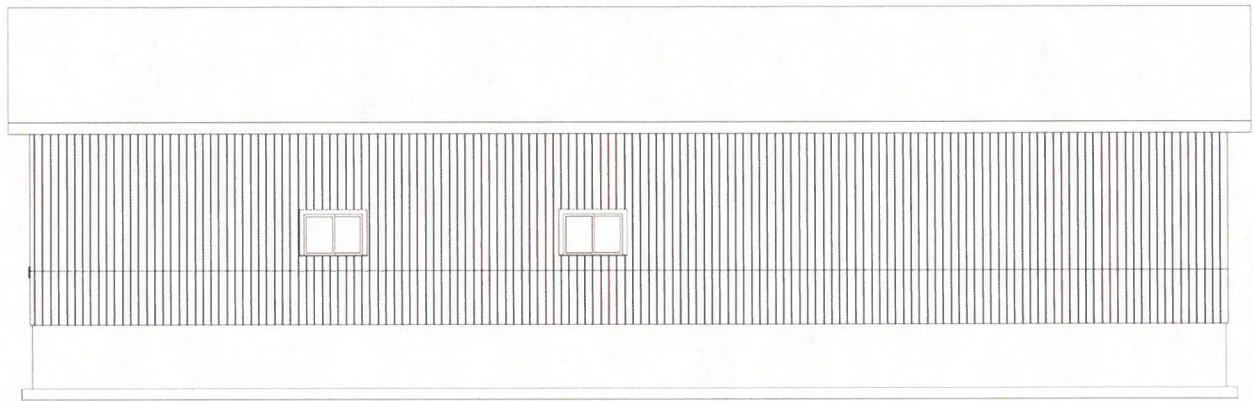
File \ fiche: PR-69-2024

Date \ date: novembre \ November 20, 2024

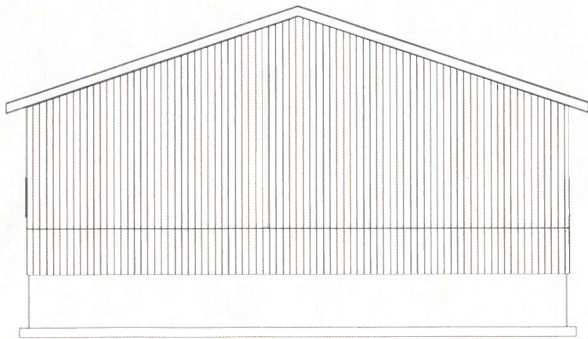
Subject \ sujet: promenade 691 Riverside Drive
Ryan Miller



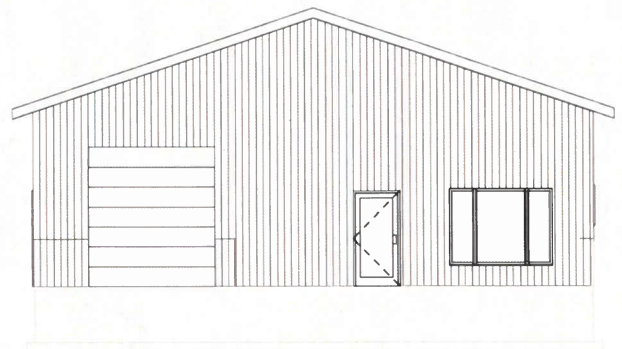
East / Est



West / Ouest

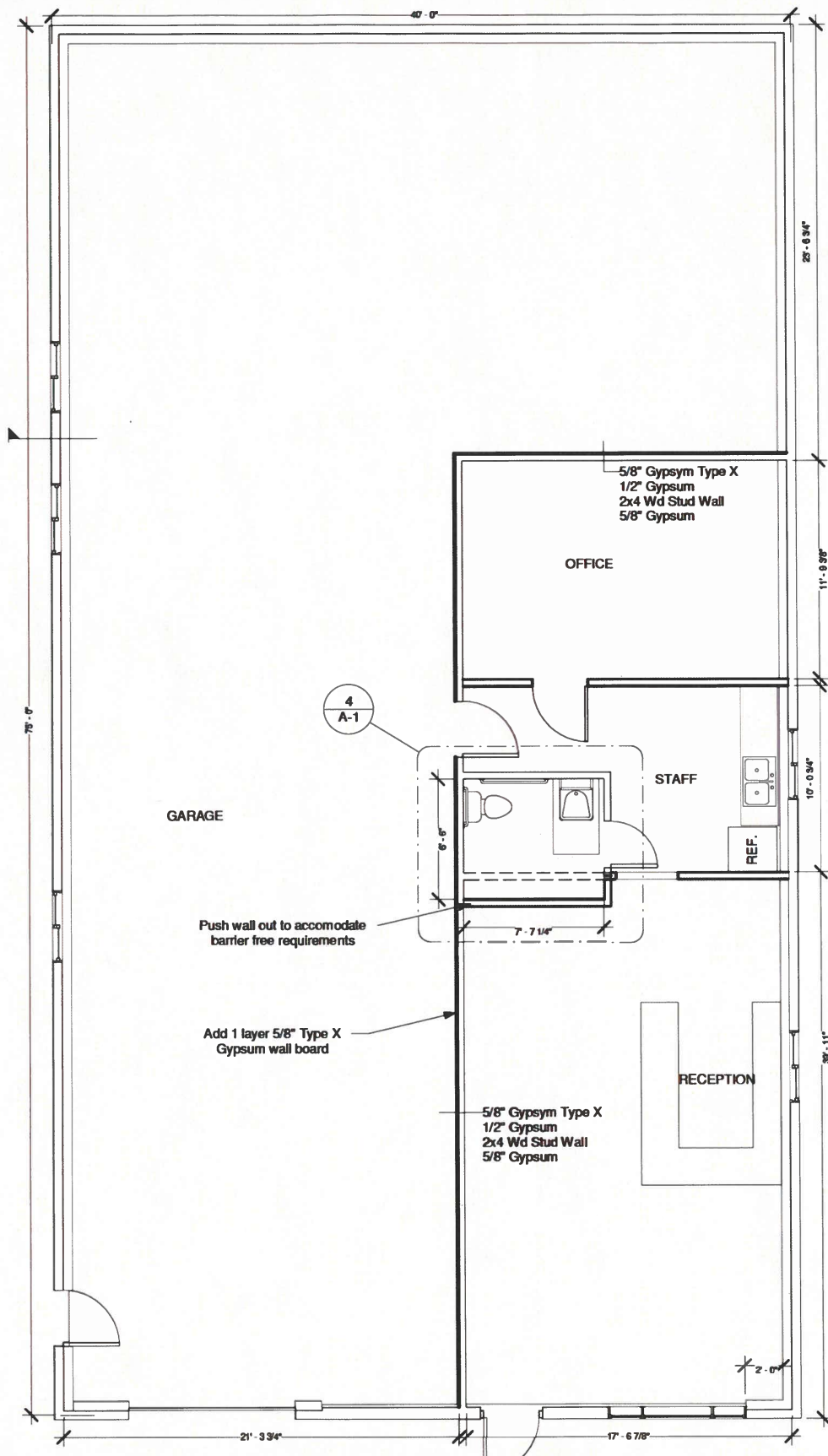


South / Sud



North / Nord

Elevations / Élévations



Floor Plan / Plans d'étage