

## PLANNING REPORT



PAC – June 15, 2022  
File No.: Z-11-2022 P.R. No. 35/22

**To:** Planning Advisory Committee  
**From:** Fredrick Van Rooyen, Planner  
**Proposal:** Zone Amendment to permit an In-Law Suite  
**Property:** 150 McLeod Hill Road (PID 01487800)

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**OWNER:** Nancy & Mike Cole  
150 McLeod Hill Road  
Fredericton, NB, E3A 6J3

**APPLICANT:** First Choice Builders c/o Tony Lavigne  
12 Citation Road  
McLeod Hill, NB, E3A 5X7

### **SITE INFORMATION:**

**Location:** East side of McLeod Hill Road, north of Royal Road  
**Context:** Low-rise residential uses along McLeod Hill Road, vacant multi-residential land to the east  
**Ward No:** 2  
**Municipal Plan:** Established Neighbourhood  
**Zoning:** Multi-Residential Zone Two-Holding (MR-2(H))  
**Existing Land Use:** Single detached dwelling  
**Previous Applications:** None

### **EXECUTIVE SUMMARY:**

The Applicant is proposing to construct a 61 square metre addition to the existing single detached dwelling to be used as an in-law suite. The current property owners would occupy the in-law suite so that they can comfortably age in place and continue to reside on the property, while their daughter occupies the existing single detached dwelling. As per the Municipal Plan and Zoning By-law, in-law suites are subject to a zone amendment process. The proposed addition and in-law suite comply with all of the applicable zoning standards. Staff support the application subject to terms and conditions.

## **APPLICATION:**

First Choice Builders, on behalf of Nancy & Mike Cole, has made an application for a zone amendment to permit an in-law suite within the Multi-Residential Zone Two-Holding (MR-2(H)) as it relates to the property located at 150 McLeod Hill Road.

## **PLANNING COMMENTS:**

### Proposal:

- The Applicant is proposing to construct a 61 square metre addition to the existing single detached dwelling that would be used as an in-law suite. The in-law suite would represent 42% of the gross floor area of the single detached dwelling (see Map II). The current property owners have owned, maintained and resided at the property since 1973 when the house was first built. The current property owners would occupy the in-law suite so that they can comfortably age in place and continue to reside on the property, while their daughter occupies the existing single detached dwelling.
- The proposed addition would be one storey in height and match the existing single detached dwelling (see Map III). The proposed in-law suite would have its own separate entrance that is centered on the dwelling, giving the appearance of a main front door as the existing dwelling only has an entrance on the far left side of the building that faces the street (see Map III).

### Municipal Plan:

- The subject property is designated Established Neighbourhood in the Municipal Plan, which permits a full range of residential dwelling types. Section 3.1.1(9)(iii) of the Municipal Plan outlines that Council may provide for the use of a self-contained dwelling (in-law suite) within an existing single detached dwelling as a form of temporary accommodation within residential areas for elderly parents, or relatives of the owner of the principal dwelling subject to the following:
  - *(a) proposals shall be processed by zoning amendment and shall be subject to terms and conditions as prescribed by Council; and,*
  - *(b) the use will be removed when it is no longer required.*
- The proposed in-law suite meets the intent of the Municipal Plan as it is going through the zone amendment process and would be subject to terms and conditions, including the execution of a Section 59 Development Agreement to ensure the in-law suite will be removed when it is no longer required. Staff have worked with the Applicant and are comfortable with the proposed floor plan (see Map IV) and feel that the in-law suite can be readily converted back into floor space for the main house when no longer required.

### Zoning By-law:

- As outlined in Section 7.3(6) of *Zoning By-law Z-5*, in-law suites are permitted through a zone amendment process and shall:
  - *(i) be permitted only within or as an addition to a single detached dwelling;*
  - *(ii) be permitted only on lots with a minimum of 550m<sup>2</sup> in area and containing a single detached dwelling on the lot;*

- (iii) not exceed 60% of the gross floor area of the single detached dwelling or 75m<sup>2</sup>, whichever is less;
- (iv) not be permitted on the same lot where a basement apartment is in existence;
- (v) utilize the existing driveway access; and,
- (vi) be constructed in such a manner so as to maintain the appearance of the building as a single detached dwelling.

The proposal complies with the standards for in-law suites as follows:

<b>Standard</b>	<b>Proposed</b>
i) Permitted within or as an addition to SDD	Within addition to SDD
ii) Lot Area (min): 550m <sup>2</sup>	1,161m <sup>2</sup>
iii) Gross Floor Area (max): 60% of the SDD or 75m <sup>2</sup> , whichever is less	42%, 61m <sup>2</sup>
iv) SDD does not have a basement apartment	No basement apartment
v) Use existing driveway access	Use of existing driveway
vi) Maintain appearance of SDD	No external indication of in-law suite

*SDD: "single detached dwelling"*

- The proposed in-law suite complies with all of the applicable zoning standards as noted above. The proposed in-law suite is subordinate to the existing single detached dwelling as it would only be 61 square metres or 42% of the gross floor area. The proposed in-law suite maintains the appearance of the single detached dwelling through an integrated design. As the existing dwelling only has an entrance on the far left side of the building that faces the street, the proposed front entrance for the in-law suite is centered on the dwelling, giving the appearance of a main front door and maintaining the look of a single detached dwelling as having a secondary door is not uncommon.
- The property is zoned Multi-Residential Zone Two-Holding (MR-2(H)). The existing single detached dwelling would be considered legal non-conforming as it existed prior to the current MR-2 Zone. Additionally, the Holding (H) Zone indicates that urban development on the property is considered premature due to location and/or lack of municipal servicing. The proposed addition does not trigger removing the Holding (H) Zone. However, staff will include the subject property in the next Zoning By-law review.
- As an addition is proposed to a legal non-conforming use, staff would apply the Residential Zone Two (R-2) standards to the single detached dwelling and proposed addition as the MR-2 Zone does not have zone standards for single detached dwellings. The proposed addition complies with the Residential Zone Two (R-2) standards as follows:

<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Area (min)	540m <sup>2</sup>	1,161m <sup>2</sup>
Lot Frontage (min)	18m	30.37m
Lot Depth (min)	30m	38.04m
Building Setbacks (min)		
Front (McLeod Hill Rd)	6m	11.4m
Side (south)	1.8m	9.14m
Rear	6m	18.87m

- The proposed addition complies with all applicable zoning standards and no further variances are required.

#### *Parking*

- Staff would note that under Section 5 of *Zoning By-law Z-5*, there is no additional parking required for an in-law suite. Parking for the existing single detached dwelling and in-law suite can be appropriately accommodated within the existing northerly side yard. It should be noted that there is a second curb cut in the middle of the property as historically there has been a second driveway, however, the second driveway is currently grass and would be located in front of the proposed addition. As parking is prohibited in front of habitable space, the second curb cut would not be used as a second driveway and the owner has indicated that the existing driveway is sufficient.

#### *Access and Servicing:*

- Engineering & Operations have no concerns with the proposed in-law suite. Any changes to the driveway and/or municipal services to the house would require approval of the Director of Engineering & Operations.

#### **RECOMMENDATION:**

It is recommended that the application submitted by First Choice Builders, on behalf of Nancy & Mike Cole, for a zone amendment to permit an in-law suite within the Multi-Residential Zone Two-Holding (MR-2(H)) as it relates to property located at 150 McLeod Hill Road be approved subject to the following terms and conditions:

- a) The site be developed generally in accordance with Map II attached to P.R. 35/22 to the satisfaction of the Development Officer;
- b) Final building design be generally in accordance with Maps III and IV attached to P.R. 35/22 to the satisfaction of the Development Officer; and,
- c) The property owner enter into and register, prior to the issuance of a building permit, a Section 59 Development Agreement with the Municipality to ensure the in-law suite will be removed by the Applicant when no longer required.

Prepared by:

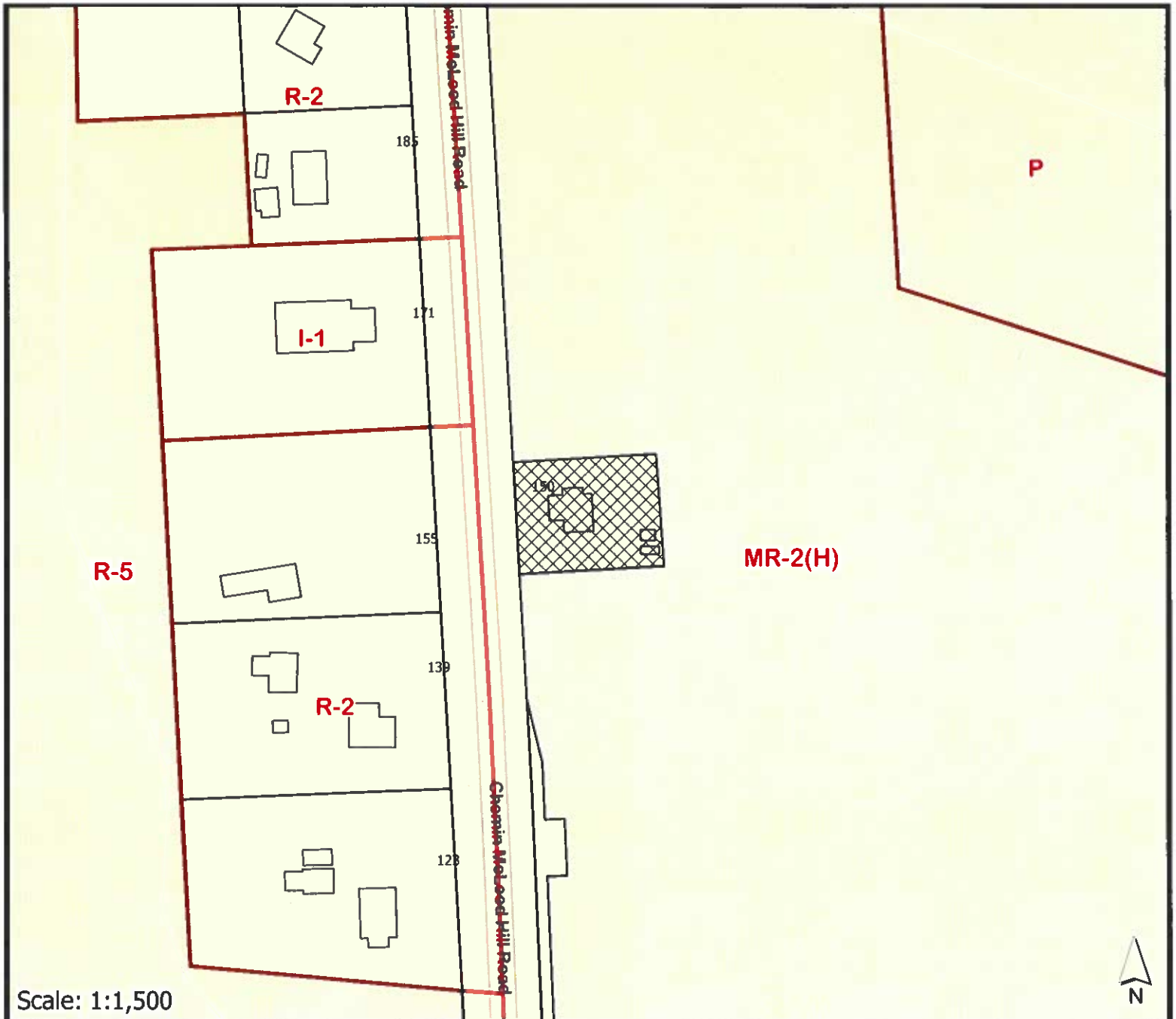


Fredrick Van Rooyen, MCIP, RPP  
Planner, Community Planning

Approved by:



Marcello Battilana, MCIP  
Manager, Community Planning



 Subject Area / Point d'intérêt

Zone Amendment application to permit an in-law suite in the MR-2(H) Zone.

Modification de zonage pour permettre une suite juridique dans la zone MR-2(H).

**Fredericton**

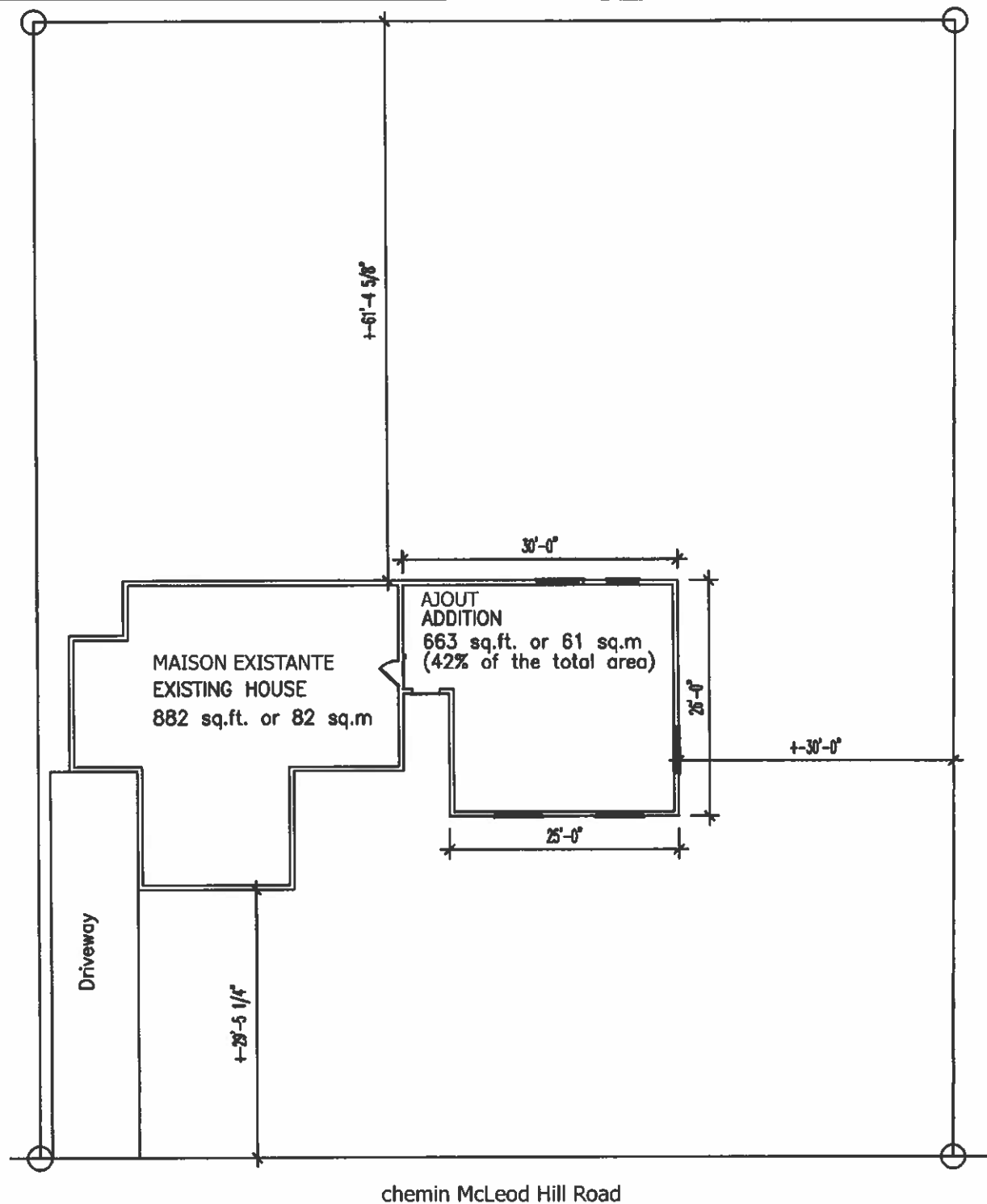
Community Planning  
Planification urbaine

Map \ carte # I

File \ fiche: PR-35-2022

Date \ date: juin \ June 15, 2022

Subject \sujet: chemin 150 McLeod Hill Road  
First Choice Builders  
c/o Tony Lavigne



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### Site Plan / Plan du Site

**Fredericton**

Community Planning  
Planification urbaine

Map \ carte # II

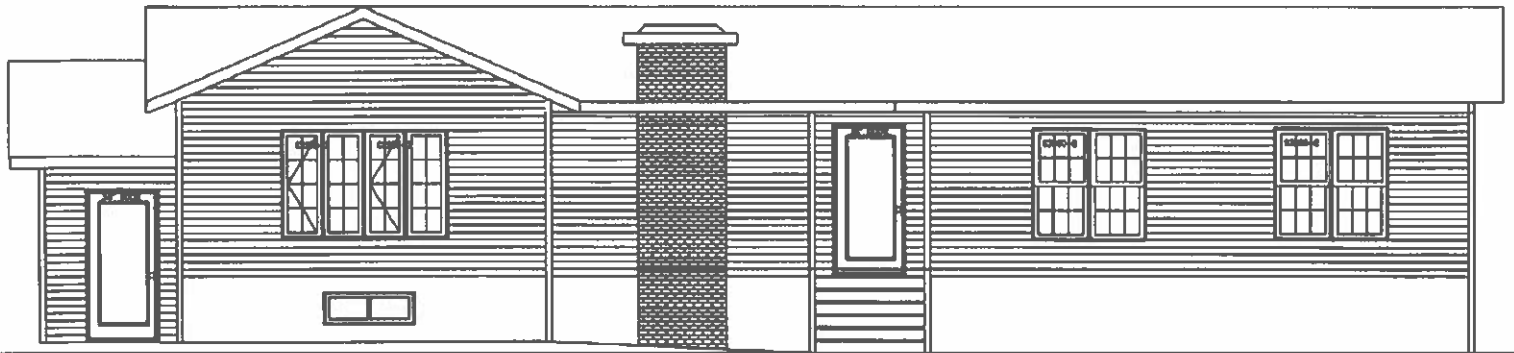
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EXISTING / EXISTANTE

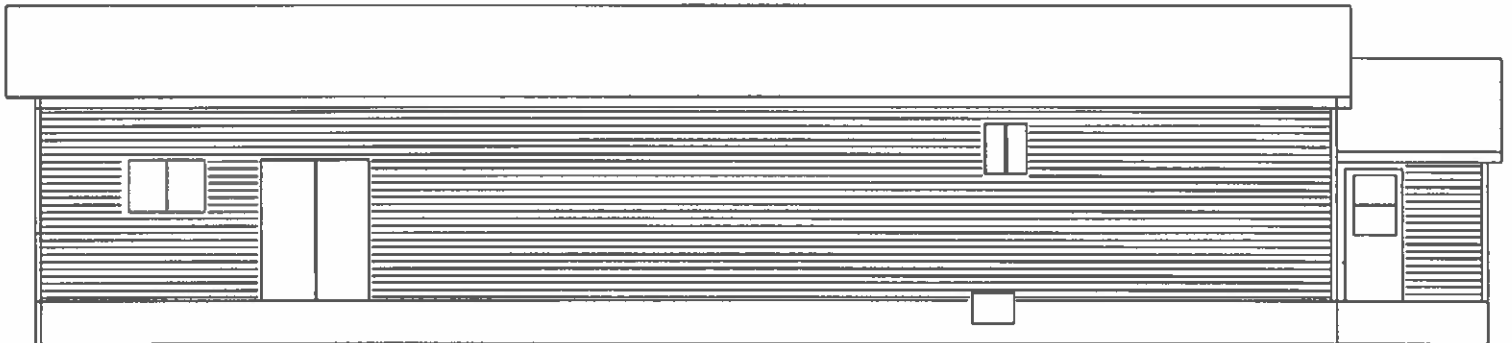
ADDITION / AJOUT



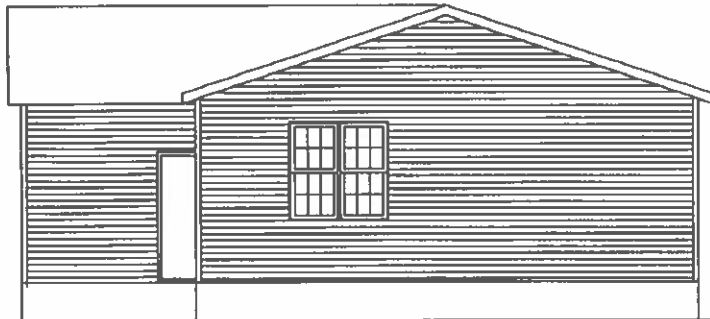
WEST (FACING MCLEOD HILL ROAD) / OUEST (FACE AU CHEMIN MCLEOD HILL)

ADDITION / AJOUT

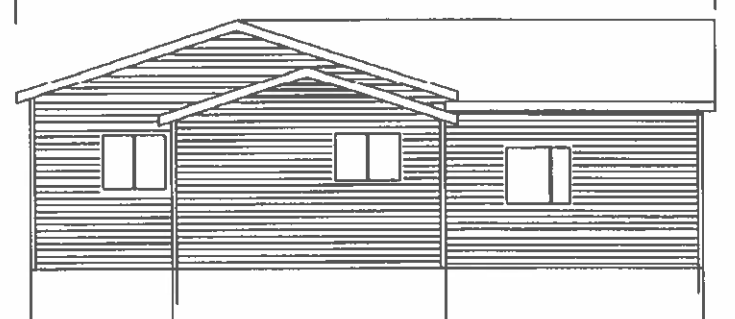
EXISTING / , EXISTANTE



EAST (REAR) / EST (ARRIÈRE)



SOUTH (SIDE) / SUD (CÔTÉ)



NORTH (SIDE) / NORD (CÔTÉ)

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### Elevations / Élévation

**Fredericton**

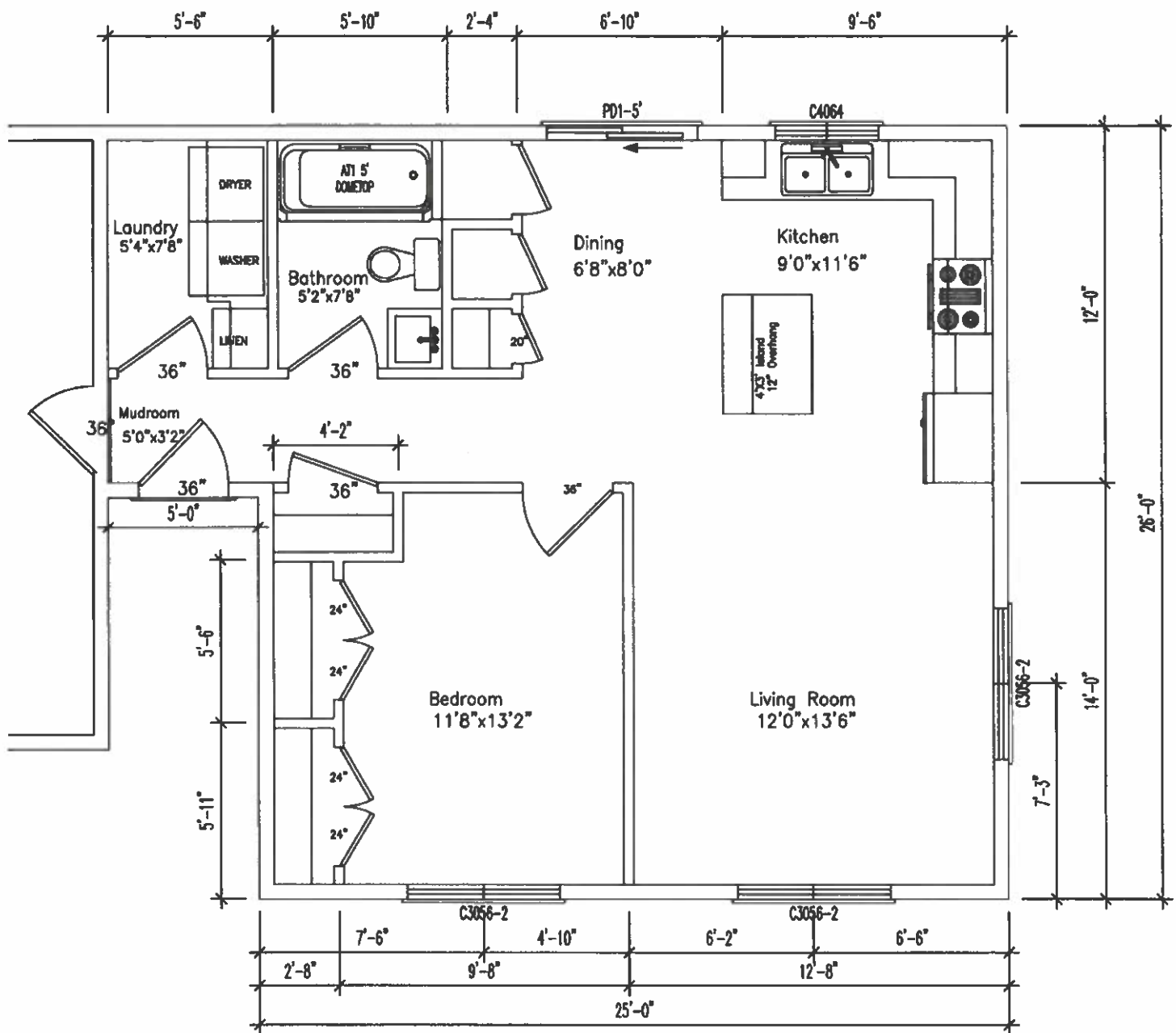
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Map \ carte # III

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ADDITION / AJOUT

**Floor plan - proposed in-law suite / Plan d'étage - suite juridique proposée**

**Fredericton**

Community Planning  
Planification urbaine

Map \ carte # IV  
File \ fiche: PR-35-2022  
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