

PLANNING STAFF REPORT

SUBJECT: Pursuant to Section 55(1)(a) of the Community Planning Act (C-19), and section 6.2.2 of the Village of Blackville Rural Plan (By-Law No. 57), an application has been submitted by Mathieu LeBlanc, to allow:

1. A Similar/compatible use variance to the "Rural Area (RA)" zoning of the Subject Property described as PID 40481632 located at 42 Blueberry Lane, Blackville, Miramichi River Valley to allow for construction of a small guest house, in addition to a future, larger cottage, as a recreational use on the Subject Property.

PRAC must determine whether the proposed use is sufficiently similar to or compatible with a use permitted in the "Rural Area (RA)" zone in which the Subject Property is situated.

MEETING DATE: April 16th, 2024

AGENDA ITEM: 2024-3-1

CONTENTS

I.	APPLICATION OVERVIEW	3
II.	PROPOSED USE	6
III.	PLANNING CONSIDERATIONS	7
A.	Legislative authority under Community Planning Act (C-19)	7
B.	Rural Plan (By-Law No. 57 and amending By-Law No. 88)	7
1.	Policies and proposals	7
2.	Land Uses	9
3.	Neighbourhood Character and Impact	11
4.	Site development regulations and considerations	13
5.	Views of the public	14
6.	Departmental and Agency Comments	15
IV.	STAFF RECOMMENDATION	16
I.	ATTACHMENTS	18

I. APPLICATION OVERVIEW



A Similar/compatible use variance request has been submitted by Mathieu LeBlanc to Planning Services regarding the Subject Property described as PID 40481632 located at 42 Blueberry Lane, Blackville in Miramichi River Valley to enable as a secondary use, the development of a small guest house in addition to a future, larger cottage, for recreational use on the Subject Property which is zoned "Rural Area (RA)".

A "use variance" is requested when a land use that is not expressly cited in the list of permitted uses for the zoning of a property but is similar/compatible to one of the permitted uses, is proposed for a property. Planning Services referred to the Community Planning Act (C-19) (CPA) Section 55(1)(a) "use variance", section 6.2.2 of the Blackville Rural Plan (By-Law No. 57) and the amending by-law (By-Law No. 88), to analyze the received "similar/compatible use" application.

Figure 1: Aerial Image locating subject property outlined in blue



Figure 2: Aerial Image locating subject property outlined in blue.



When considering this application (see overview in table 1 below), PRAC may approve, approve with conditions, or deny the requested variance.

Table 1: Mathieu LeBlanc - Similar/compatible use variance Application Overview

Property Owner/Applicant Details	
Property Owner	Mathieu LeBlanc
Applicant	Mathieu LeBlanc
Subject Properties Details (see attached Subject Properties Map)	
Property Identification Numbers (PID)	40481632
Shape	Rectangular
Area	1ha
Width	~60m
Depth	~195m
Lot frontage	~60m
Access	Blueberry Lane
Services	Unserviced, has an existing septic
Zoning Details	
Current Zoning	"Rural Area (RA)"
Future Land Use Designation	N/A
Land Use	
Existing	Vacant lot with existing Garage and Gazebo
Proposed Use	PID 40481632: a small guest house for recreational use

A site plan sketch is included as an attachment to this report. The reader is directed to review the plan in conjunction with the description of the proposed use that follows. Photos of the site and adjacent lands (see Attachment 2) included in this report were taken by Planning Services Staff on April 3rd, 2024.



II. PROPOSED USE

The following list provides a summary of the proposed use of the Subject Property, should the Similar/compatible use variance be approved:

1. A small guest house for recreational use (under 600 sq ft), for use by the owners, and in the future their guests;
2. Access to the proposed development is via an existing driveway from Blueberry Lane, an existing private access road (connects to Halihan Ln and then Howard Rd);
3. The Applicant's site plan is conceptual and shows: an existing septic, garage, and gazebo;
4. The proposed small guest house (under 600sqft) will be built first and then next to it, a main camp (approx. 1500 sqft) will be built within 3-5 years. Both will be for recreational/seasonal use;
5. Both the proposed guest house and future main camp will be close to the existing septic; the applicant will need to verify with NB Technical Inspection Services, Plumbing Inspection Unit, the suitability of the existing septic system for the proposed uses.

Any potential development would still be subject to the "Rural Area (RA)" regulations and other zoning regulations (along with any potential conditions that PRAC wishes to impose).

III. PLANNING CONSIDERATIONS



A. Legislative authority under Community Planning Act (C-19)

The Community Planning Act (C-19) provides legislative authority that allows for the consideration of a 'density variance'.

Section 55(1)(a) of the Community Planning Act (C-19) states:

“Subject to the terms and conditions it considers fit, the advisory committee or regional service commission may permit:

a) A proposed use of land or a building that is otherwise not permitted under the zoning by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the by-law for the zone in which the land or building is situated.”

B. Rural Plan (By-Law No. 57 and amending By-Law No. 88)

1. Policies and proposals

The Rural Plan of the Village of Blackville serves as a guide to determine the compliance of future development with the overall objectives of the Blackville community. The Plan is intended to be used by Council, Staff, GMRSC Planning Services and PRAC, developers, businesses, community organizations, and residents to guide day-to-day decisions affecting development. Although the Village of Blackville has been dissolved and the community is now part of the larger Rural Community of Miramichi River Valley, the Rural Plan and amending by-law are still in effect for the former village limits.

After reviewing the amending By-Law No. 88, it doesn't impact on the proposed development and thus the analysis was done using the By-Law No. 57.

The Applicant's proposal aligns with the following objectives, policies, and proposals from the Rural Plan as per the table below:

Table 2: Mathieu LeBlanc - Project's alignment with the Rural Plan (By-Law No. 57)

Section 2: VISION, GUIDING PRINCIPLES, AND DEVELOPMENT STRATEGY	
Project's alignments :	Rural plan (By-law No. 57) excerpts:
<p>The proposed development encourages a diversity of housing by adding a residential recreational use and allowing it will help better cater to the needs of the growing population.</p>	<p>Section 6.2.1: Residential development objective</p> <p>“It shall be an objective of Council:</p> <ul style="list-style-type: none"> • to maintain the integrity of existing neighbourhoods and to protect them from encroachment of incompatible uses; • to encourage, where appropriate, a diversity of housing types;” <p>Garden suites:</p> <p>“Uses such as garden suites and accessory apartments are seen as ways to increase the accommodation options for certain segments of the population.”</p>
<p>The subject property (unserviced but equipped with an existing septic) is large enough to accommodate water services.</p>	<p>Section 6.2.1: Residential development proposal</p> <p>RDP – 4</p> <p>“Notwithstanding RDP-3, it is proposed to permit unserviced residential development to occur, provided the site is of sufficient size to accommodate on-site and water and sewer facilities and the subject property meets the requirements of this Plan and the Department of Health and Community Services regulations pertaining to unserviced development.”</p>

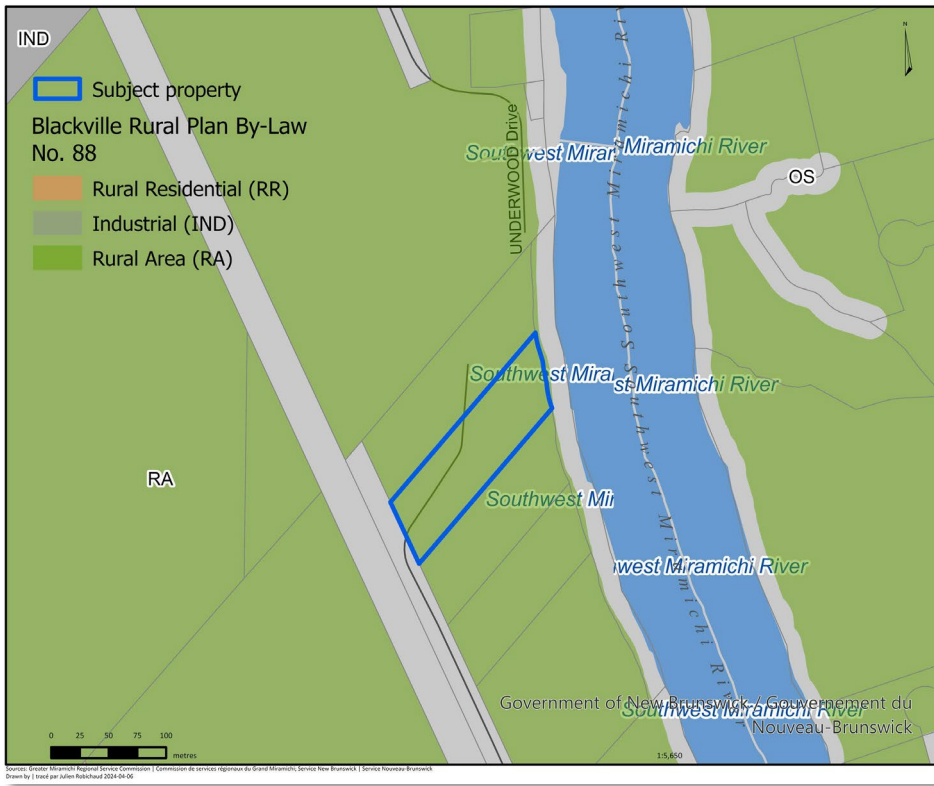
<p>Additionally, the Applicant plans to build in the future, a single unit dwelling as a main use and the guest house for recreational use as a secondary use to the single unit dwelling.</p> <p>The subject property is located next to the SW Miramichi River. Existing and proposed structures are located at a minimum distance of 15 meters (50 feet) from the riverbank.</p>	<p>RDP – 6</p> <p>“It is proposed to allow garden suites in association with a single unit dwelling [...]”</p> <p>Section 6.9.3 Rural Resource Development Policies / Proposals</p> <p>RRDP - 1</p> <p>“It is the policy of Council to allow the following activities in the rural areas of the Village; uses which utilize relatively few buildings; [...] single unit dwellings; [...] and seasonal dwellings [...]”</p> <p>RRDP - 3</p> <p>It is proposed to allow seasonal dwellings to be located in the rural areas provided the location is suitable for on-site sewerage disposal as per the Department of Health and Community Services standards and all structures are located a minimum of 15 meters (50 feet) from the riverbank.</p>
---	--

2. Land Uses

The applicable site development regulations are contained in the Rural Plan (By-law No. 57), which includes several general provisions that apply to development in all areas of the Community and provisions that are specific to the zoning of the Subject Property (e.g., permitted uses, setbacks, landscaping and screening requirements, size restrictions, etc.). The Rural plan By-law also contains regulations

that apply specifically to other site elements like driveway access, parking, loading, and signage.

Figure 3: Village of Blackville Rural Plan (By-Law No. 57) - Land Uses Map



As per the Village of Blackville Rural Plan (By-Law No. 57): The subject property is zoned as "Rural Area (RA)".

The "Rural Area (RA)" zone allows for residential uses:

- One of the following main uses:
 - a single unit dwelling;
 - a seasonal dwelling;
 - a mini-home or mobile home;
 - a mini-home or mobile home park.
- One of the following secondary uses:
 - a boarding house, rooming house or tourist home
 - a home occupation
 - a home business
 - a private stable
 - a roadside stand for the sale of agricultural produce
 - a garden centre
 - a bed and breakfast / tourist home
 - a neighbourhood daycare centre
 - a residential care facility

The proposed recreational use is not permitted under the current "Rural Area (RA)" zoning of the Subject Property as a secondary use.

The proposed recreational use is very similar to a garden suite or a bed & breakfast/ tourist home.

As per the definitions in the Rural Plan, **a garden suite** means “a portable detached dwelling unit which is designed to be temporarily placed in the yard of an existing single unit detached dwelling and removed when it is no longer occupied by the party it was established for allowed in the residential zones.”

And **a bed & breakfast/ tourist home** means “a single detached dwelling in which there is a resident owner or resident manager who provides overnight accommodation and meals (usually breakfast, but occasionally other meals as well) for the traveling public, notably tourists.”

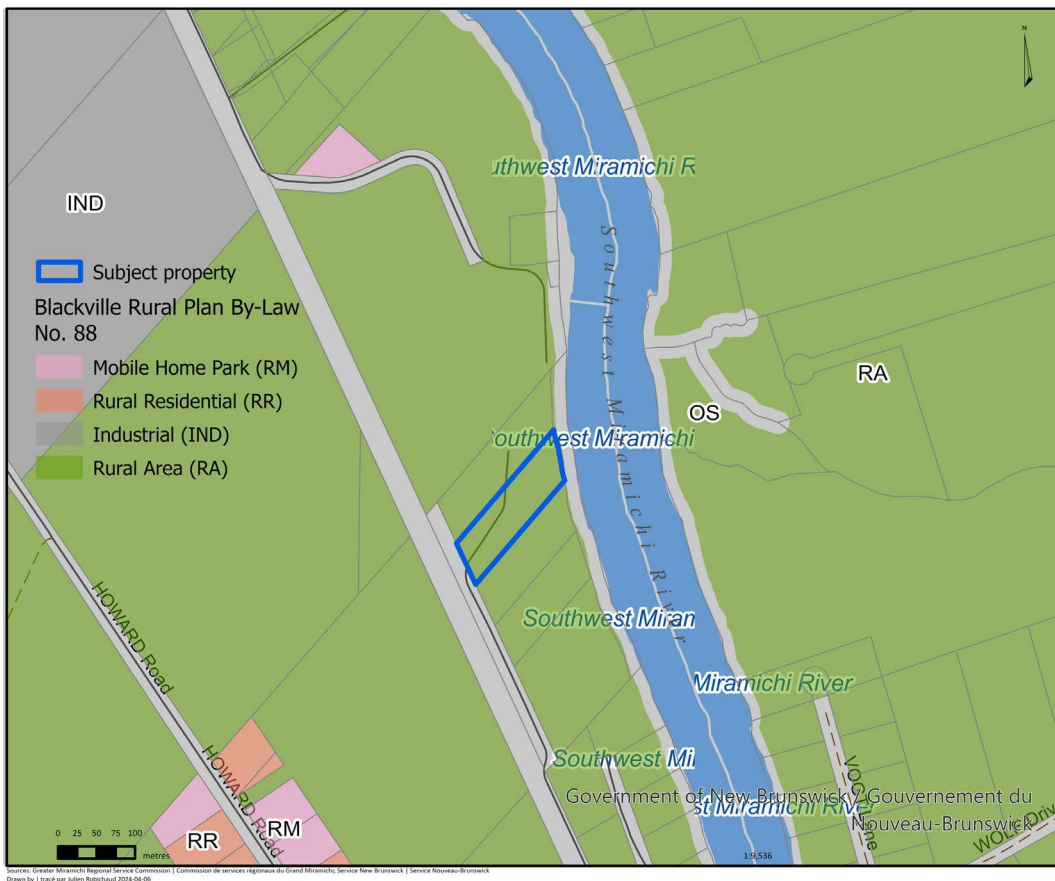
Considering the proposed use is not temporary nor portable and the applicant didn't mention any intent to rent it/offer any meal accommodations, a variance is required to allow the construction of a guest house as a similar/ compatible use.

Overall, with the actual characteristics of the proposed development, it is very compatible with the permitted uses in the Rural Plan for the Rural Area Zone.

3. Neighbourhood Character and Impact

The subject property is located in the neighbourhood of Blackville in Miramichi River Valley.

Figure 4: Village of Blackville Rural Plan (By-Law No. 57) - Surrounding Land Uses



The following points summarize land use activities in the area:

- The primary surrounding area (radius of 500m from the subject property) is zoned as a "Rural Area (RA) for a majority of the area and "Rural Residential (RR)"/ "Mobile Home Park (RM)" for a minority of the area;
- The surrounding area is sparsely developed with a few built structures sporadically spread on a few properties, including recreational uses;
- There is a cabin rental agency (Cedar Heart Cabins) at ~450 m towards the east of the subject property;
- The Blueberry Lane crosses half of the subject property on the west side;
- To the east of the Subject Property is the Southwest Miramichi River;
- The NB Trail is nearby to the west.

Considering the characteristics of the surrounding area described above and the existing patterns of zoning and land use, it is the opinion of the Planning Staff that the land use impact of the proposed use would be sufficiently similar to that of a garden suite/ bed & breakfast/ tourist home use which are permitted secondary uses in the "Rural (RA)" zone.

The use can also be considered very compatible with most of the other permitted and existing uses in the zone.

Additionally, the proposed development will not greatly increase the actual level of activity on the subject property and its surroundings nor the volume of traffic in the area.

4. Site development regulations and considerations

Table 3: Mathieu LeBlanc - Zoning regulations (By-Law No. 57)

Unserviced lot with a Residential use within the Rural Area (RA)"	Requirements
Front or flankage yard	15.2 meters (49.9 ft)
Minimum side yard	7.0 meters (23 ft)
Minimum rear yard	7.0 meters (23 ft)
Minimum lot depth	38 meters (125 ft)
Minimum lot frontage	54 meters (180 ft)
Maximum height of main building	8.5 meters (28 ft)

Additionally, "no accessory building or structure may:

- (a) exceed 11 metres (36 ft) in height;
- (b) be placed erected or altered so that it is:
 - except in the case of an agricultural or forestry use, within the front yard of the main building or structure;
 - in the case of an agricultural or forestry use, within 7.6 metres (25 ft) of a street line;
 - within a distance of side or rear lot line of the greater of 3 metres (10 ft) or one half the height of the building or structure."

As per the Rural plan, "A Garden Suite may be permitted as a secondary use associated with a single unit dwelling in any residential zone which permits single unit dwellings.

The use shall conform to the following:

- the garden suite be located in the rear yard of a single detached dwelling;
- does not exceed 1 storey in height;
- maintain a minimum of 2.4 metre (7.9 feet) rear yard and a minimum 1.2 metre (3.9 feet) side yard;
- not be located on any parcel or site which contains two or more permanent

- dwelling units;
- in the case of a garden suite does not exceed 75 square metres (807 square feet); is temporary and
- portable;
- requires a minimum overall lot area required by the zone;
- require one parking space in addition to the parking required for the principal dwelling;
- be subject to all other relevant provisions of this Plan; and
- no garden Suite or an In-Law suite will be permitted where the lot or building is used for any other secondary use or accessory use of the property."

Even though the proposed use is similar to a garden suite, the requirements mentioned above do not apply to the proposed development.

With the proposed development concept and based on the large size of the property, the proposed use seems to be compliant with the required zoning regulations of the "Rural Area (RA)" zone. In case the variance is approved, the Applicant will have to provide (to the Development Officer) a detailed site plan when applying for a Building/Development Permit for a further analysis to fully assess the compliance of the proposed development with the regulations.

Under paragraph 55(1)(a) of the CPA, the PRAC is empowered to permit, subject to terms and conditions, "a proposed use of land or a building that is otherwise not permitted under the zoning by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the by-law for the zone in which the land or building is situated".

The questions to be considered by the PRAC are:

1. Whether or not the proposed use is "similar to" a use permitted in the zone.
2. Whether or not the proposed use is "compatible with" other permitted (in the "Rural (RA)" zone) and existing uses.

5. Views of the public

Property owners within 30 meters of the Subject Property were sent written notification of the Similar/compatible use variance request, along with details of the

PRAC meeting. To date, no comments have been received from adjacent or other property owners.

6. Departmental and Agency Comments

The CAO/Clerk and Mayor of the Rural Community of Miramichi River Valley were notified of this application and asked to provide comments. To date, no comments have been received.

IV. STAFF RECOMMENDATION



It is recommended that the Planning Review and Adjustment Committee, pursuant to Section 55(1)(b) of the *Community Planning Act*, approve the use variance to the Rural Plan (By-law No. 57) for the Subject Property described as PID 40481632, located at 42 Blueberry Lane, Blackville in the Rural Community of Miramichi River Valley, to allow a small guest house and a larger cottage to be developed on the property.

- Report prepared on: **April 10th, 2024.**
- Report Prepared by:

Nic O'Dette, RPP, MCIP
Planning Services Manager

Signed on: April 10th, 2024

Nic O'Dette

Nahyssa Rose Rabé Harou, B.Sc.
Planner

Signed on: April 10th, 2024

Nahyssa Rose Rabé Harou

Report Reviewed and Approved By:

Wilson Bell, RPP, MCIP
CEO/Planning Director

Signed on: April 10th, 2024

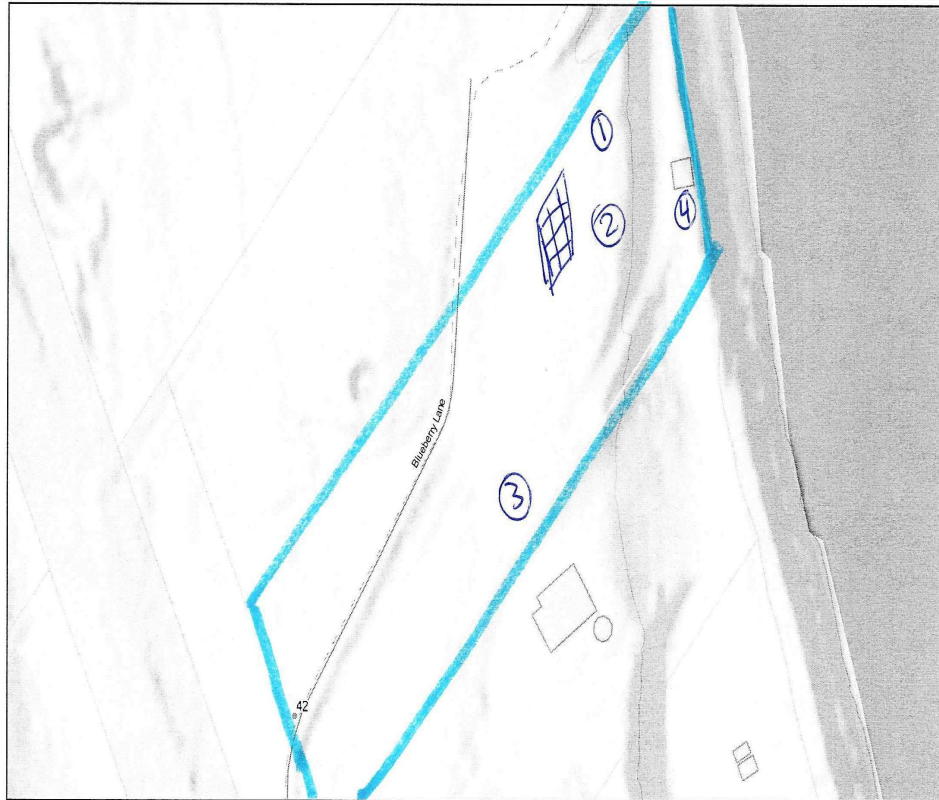
Wilson Bell



I. ATTACHMENTS

1. Applicant's Submission Documents

a. Site plan



2024-02-25, 6:51:20 PM


* Civic Addresses Buildings Large Scale
parcels Year of Photography

1:1,128
0 0.01 0.01 0.03 mi
0 0.01 0.03 0.08 km

Service New Brunswick / Service Nouveau-Brunswick, Department of Environment and Local Government / Ministère de

GeoNB

This map is a graphical representation which approximates the size, configuration and location of features. This map is not intended to be used for legal descriptions or to calculate exact dimensions or area.

 → existing Septic

1 - Guest house (proposed)

2 - Main camp (proposed)

3 - existing garage

4 - existing gazebo

2. Site Photos

- a. Photo 1: view looking down Blueberry Ln (South) from the subject property's entrance.



- b. Photo 2: view of the property, existing garage, and neighbouring cottage (looking east)



c. Photo 3: view of the NB Trail, near entrance to Blueberry Ln, looking south



d. Photo 4: view looking west along Hallihan Ln from Blueberry Ln intersection



e. Photo 5: view looking east along Hallihan Ln towards the SW Miramichi River

