

# RIVERVIEW PLANNING ADVISORY COMMITTEE

## STAFF REPORT Variance Request

**Subject :** Variance to increase attached garage size

**File number:** 23-0240

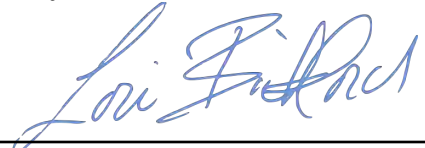
**Meeting Date:** Wednesday, May 10, 2023

**From :**

**Reviewed by :**



Kirk Brewer  
Planner / Urbaniste



Lori Bickford  
Planner / Urbaniste

### GENERAL INFORMATION

**Applicant/:** Arlan Weststrate


**Landowner :** Arlan Weststrate

**Proposal:**

To increase the permitted size of an attached garage from 85m<sup>2</sup> (914 square feet) to 178m<sup>2</sup> (1,920 square feet)



**Property Location Map**

 Subject Property



### SITE INFORMATION

**Location:** 193 Lakeside Dr, Town of Riverview / Ville de Riverview

**PID:** 00995811

**Lot Size:** 7487m<sup>2</sup> (1.85 acres)

**Current Use:** Residential

**Zoning:** R2, OS

**Future Land**

**Use:** Residential

**Surrounding**

**Use & Zoning:** Low density residential, R2 zone; wetlands and riverfront, OS zone

**Municipal**

**Servicing:** Municipal storm, sewer, and water

**Access/Egress:** Lakeside Drive

**Municipal Plan Policies**

This Plan provides urban design standards for new developments. Within the Residential Designation,

all development shall be designed to meet the following principles:

Principle 2: Development should respect its context

Context sensitive residential development that complements surrounding homes and preserves or enhances neighbourhood integrity will be encouraged. In the designing of the various types of residential buildings, the developer shall consider the relationship (height, size, bulk) between each building within a proposed development and to existing adjacent buildings. Factors to be considered include:

b) preservation of natural features (landform, water courses, mature woods, etc.), and heritage features that help define the character of Riverview.

d) height of development;

(g) massing including size of the building, its footprint and the articulation of building form (for example, the use of peaked roofs);

## **Zoning Bylaw and or Subdivision By-law Regulation**

### **Garages and carports**

73 Except in a RA Zone, a garage or carport attached to a dwelling shall not exceed 85 square metres in gross floor area

### **Internal Consultation & External Consultation**

The application was distributed to the Development Review Committee (Planning, CAO/Clerk, Engineering, Economic Development, Parks, and Fire Department) for comments. No concerns were raised. Engineering noted that a drainage plan would not be required for the extension of the foundation given the topography of the property and distance from property lines should not create any issues to adjacent properties.

### **Discussion**

The applicant is seeking to extend his existing house to accommodate additional living space as well as a 104m<sup>2</sup> (1120 square feet) attached garage. He has an existing attached two-car garage which is approximately 74m<sup>2</sup> (800 square feet). This would create a total floor area of 178m<sup>2</sup> (1920 square feet). The zoning by-law limits the size of an attached garage to 85m<sup>2</sup> (914 square feet). As such, a variance is required to increase the garage size.

The property extends from Lakeside Drive to the Petitcodiac River, and is substantially deeper than a standard residential lot (approximately 220m/715ft vs an average 30m/100ft lot), as well as larger in area than neighbouring properties (7487m<sup>2</sup>/1.85 acres vs an average 1000m<sup>2</sup>/.25 acre lot on the opposite side of Lakeside Dr.). The lot slopes gradually toward the river and as such the house is located below the street level. The garage/extension will be at the rear of the house and will not be readily visible from the street due to topography and lot fabric.

There is a municipal sewer easement to the north of the dwelling, but the extension is not proposed within this area. As well, the northern portion of the property is zoned Open Space, which generally indicates a wetland or watercourse area. However, the applicant contacted the Department of Environment and Local Government, who indicated there was no mapped wetland on the property. They did note that a wetland alteration permit may be required for any alteration within 30m of an

unmapped wetland.

When assessing a variance application, the Act lays out the criteria that the project be reasonable, desirable for the property, and within the intent of the applicable by-laws. In other words, a variance should not be used to approve a project that would render the regulations null. While there is no strict rule as to what constitutes as reasonable and within the intent of the zoning by-law, staff generally uses a 10% increase as a rule of thumb for an adjustment that would not generally be noticeable to the naked eye while recognizing that what constitutes as reasonable will depend on various site-specific details.

There are no municipal plan policies that specifically address the limitation on attached garage size. Staff is of the opinion that the intention is to 1) allow enough space for a two-car garage, 2) prohibit multi-bay garages that are not aesthetically compatible with a residential neighbourhood, 3) ensure that accessory buildings do not overcrowd residential properties, 4) prohibit garages that may be appealing to use for more commercial/industrial type uses such as auto repair, manufacturing, etc..

The current proposal represents a 109% increase, which is outside the norm of what staff would normally recommend. However, there are certain factors that work in favour of the project. As mentioned, the property is significantly larger than a standard lot, and the approximate lot coverage of the house plus extension is 3% where 50% is the maximum allowable coverage. The extension will result in a total of four garage bays, which is more than the standard two, however the garage will not be visible from the street and there will be no impact to the residential character of the neighbourhood. There is no guarantee that a future owner of the property won't want to use the additional garage space for non-residential purposes, but the fact that it is attached to the house will limit the likelihood of a commercial use occupying this space.

It is also important to note that the existing attached two-car garage is being factored into the total garage space. Residential properties are permitted to have an attached garage, plus an additional 85m<sup>2</sup> detached accessory building. If the garage extension were proposed as 104m<sup>2</sup> detached building, a size variance would still be required, but would only be a 22% increase over the allowable size, which would be fairly reasonable given the lot size and topography.

For these reasons, staff is of the opinion that the size variance should be granted.

## **Public Notice**

Public notice was mailed to property owners within 60m of the subject property on April 26, 2023. As of the writing of this report, no comments have been received.

## **Legal Authority**

### **Community Planning Act 2017, c. 19**

**53(2)**For greater certainty and without limiting subsection (1), a zoning by-law shall divide the municipality into zones, prescribe the purposes for which land, buildings and structures in a zone may be used and prohibit the use of land, buildings and structures for any other purpose, and may

(a) with respect to a zone, regulate:

(iii) the height, number of storeys, ground area, floor area and bulk of buildings and structures,

**55(1)**Subject to the terms and conditions it considers fit, the advisory committee or regional service commission may permit:

(b) a reasonable variance from the requirements referred to in paragraph 53(2)(a) of a zoning by-law if it is of the opinion that the variance is desirable for the development of a parcel of land or a

building or structure and is in keeping with the general intent of the by-law and any plan under this Act affecting the development.

### **Recommendation**

Staff recommends that the Riverview Planning Advisory Committee APPROVE the variance request to increase the size of an attached garage from 85m<sup>2</sup> to 178m<sup>2</sup> at 193 Lakeside Drive, PID 00995811, because the request is reasonable and within the intent of the zoning by-law because of the large property size, and because the garage extension will be at the rear of the house and will not have a visible impact on the streetscape.



Lakeside Dr (PID/NID 00995811)

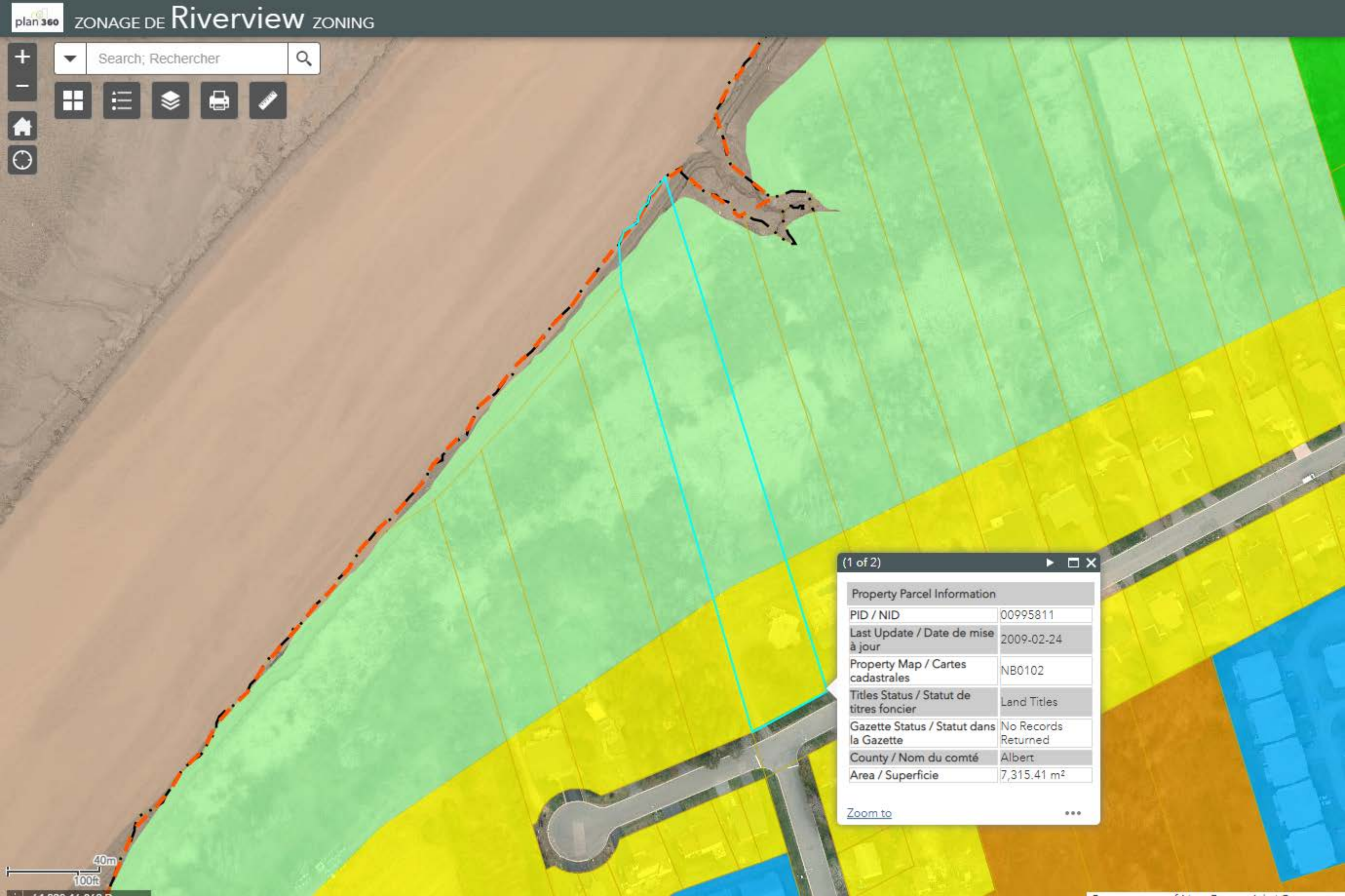
Riverview

Date: 2023-04-13





Map navigation controls including zoom in (+), zoom out (-), home, and refresh icons. A search bar contains the text "Search; Rechercher" and a magnifying glass icon.



(1 of 2)

Property Parcel Information	
PID / NID	00995811
Last Update / Date de mise à jour	2009-02-24
Property Map / Cartes cadastrales	NB0102
Titles Status / Statut de titres foncier	Land Titles
Gazette Status / Statut dans la Gazette	No Records Returned
County / Nom du comté	Albert
Area / Superficie	7,315.41 m <sup>2</sup>

[Zoom to](#) ...

40m  
100ft



# LAKE PETITCODIAC

ORDINARY HIGH WATER MARK (1997)  
 35 ±  
 36.809 (TIE LINE)  
 40°17'17"

7 ±  
 1504

4 ±  
 1505

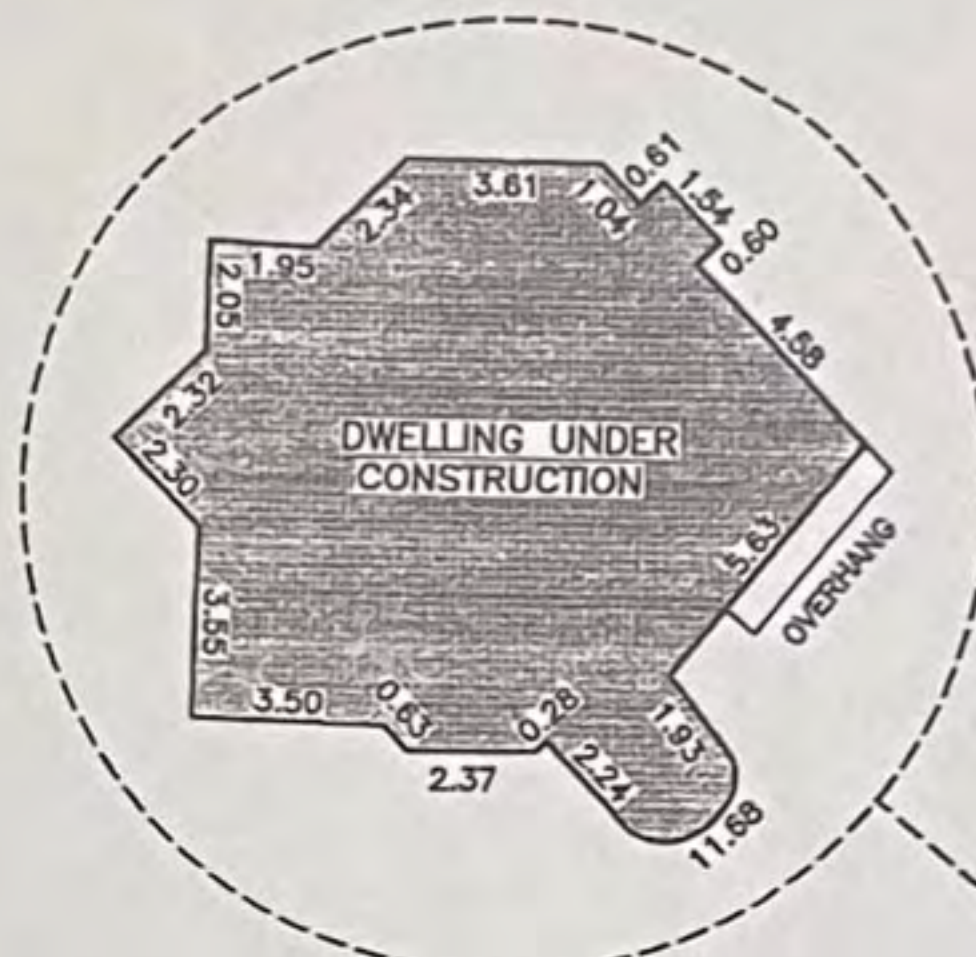
050475 N.B. LTD.

Doc. 123255, Vol. 410, Pg. 182  
 PID 00644088

**LOT 12, BLOCK 2**

SEE PLAN 46754  
 Doc. 136002, Vol. 506, Pg. 517  
 Reg. NOVEMBER 17, 1998  
 PID 00995811  
 6869 m<sup>2</sup> 1.7 acres

**LOT 11, BLOCK 2**  
 SEE PLAN 46754  
 PID 00995811

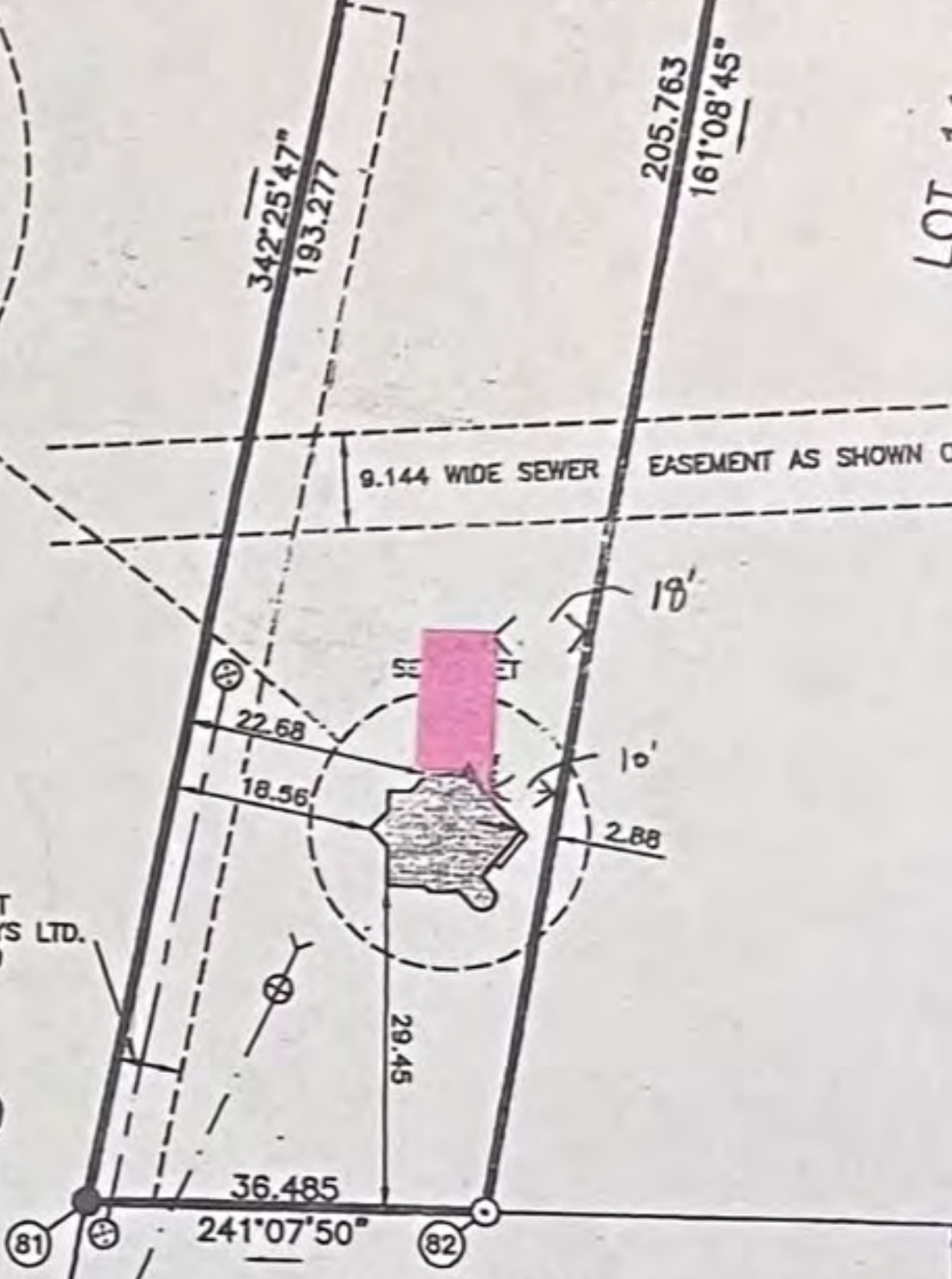


INSET  
 NOT TO SCALE

6.00 WIDE SEWER EASEMENT  
 SEE PLAN BY HENDERSON SURVEYS LTD.  
 DATED: DECEMBER 20, 1999  
 AND Doc. 10779560

**OWNSEND ROAD**

**LAKESIDE DRIVE**



2 629 620.836	7 452 583.359
2 629 652.787	7 452 600.975
2 629 562.487	7 452 767.619
2 629 586.289	7 452 795.698
2 630 015.102	7 452 528.957
2 629 687.408	7 452 356.977
<b>EASTING</b>	<b>NORTHING</b>

ALL COMPUTATIONS PERFORMED AND COORDINATES SHOWN ON THIS PLAN ARE BASED ON THE NEW BRUNSWICK STEREOGRAPHIC DOUBLE EXPOSURE



52

35

GARAGE ADDITION

1120 Sq Ft

GAMES ROOM

HOME THEATER

ADDITIONAL LIVING SPACE  
630 Sq Ft

Boys Play SPACE

EXISTING HOME

2"

16'

1.5'

9'

1.5' 37'

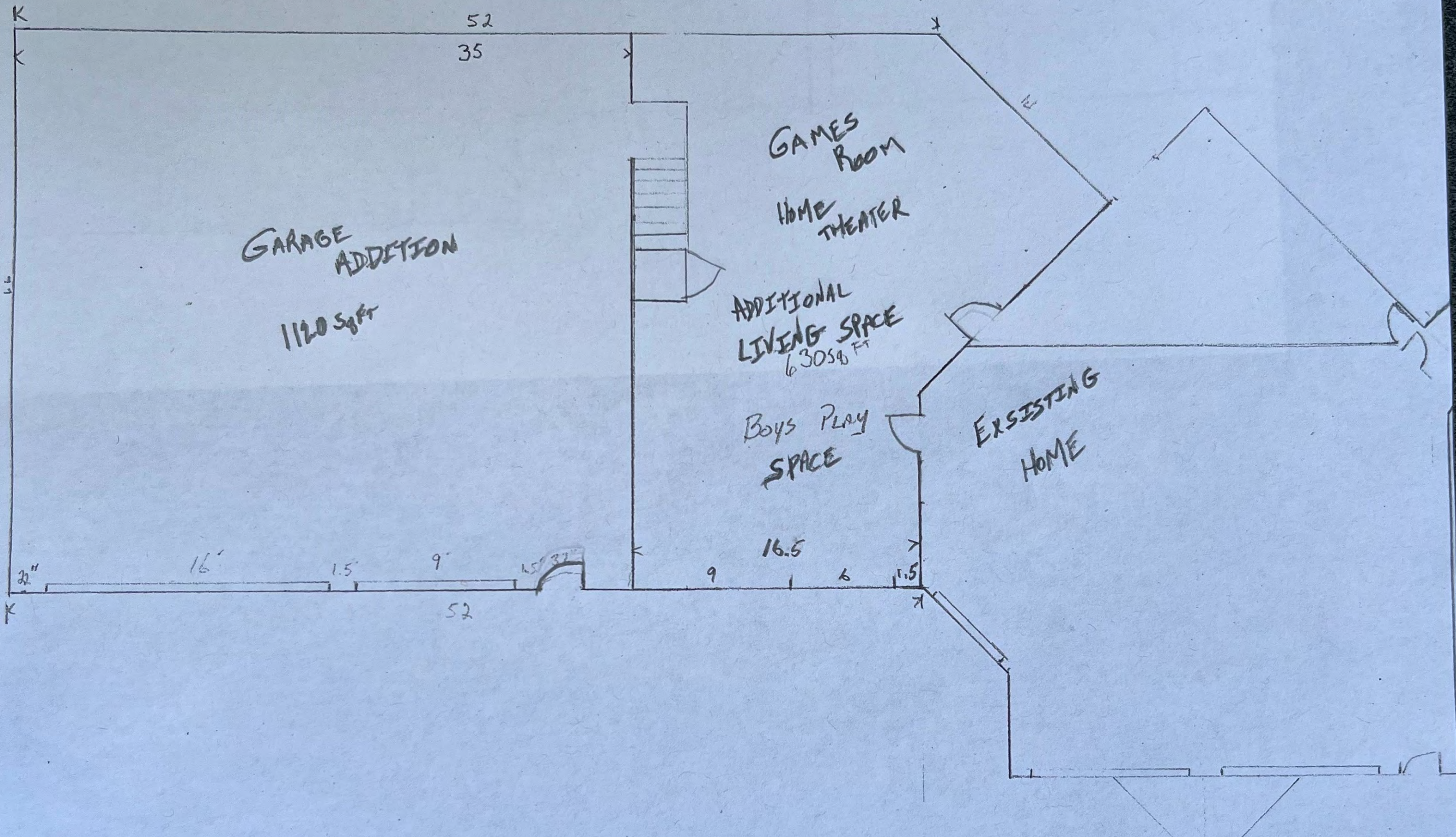
52

9

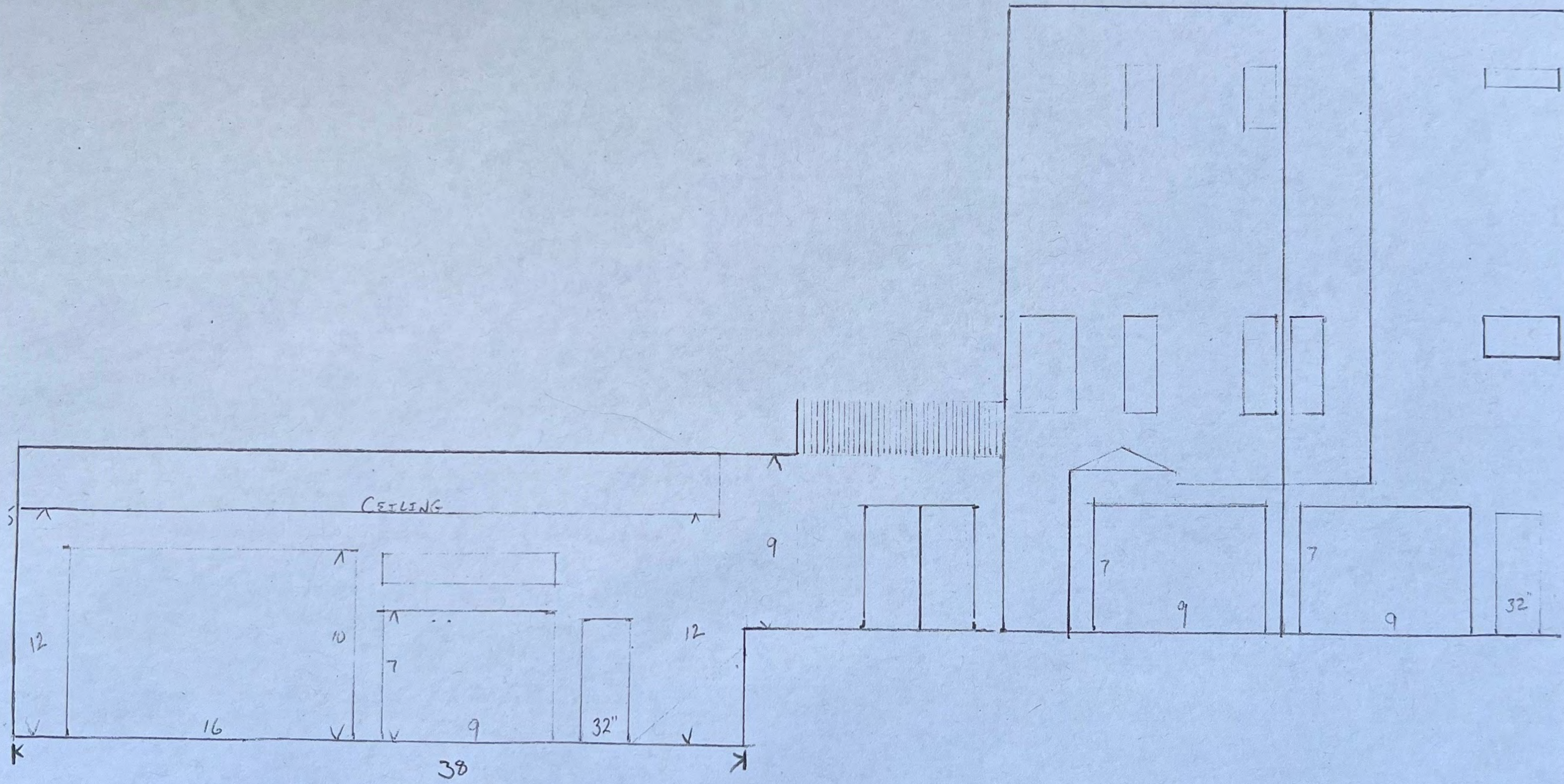
16.5

6

1.5













**From:** [Arlan W](#)  
**To:** [Kirk Brewer](#)  
**Subject:** Fwd: WAWA Regulations - 193 Lakeside Dr  
**Date:** February 17, 2023 8:12:13 AM  
**Attachments:** [image001.gif](#)  
[54092 - GeoNB Mapping.pdf](#)

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Regarding 193 lakeside dr.

This is what I got regarding that green zone. No permit required for this garage project. 30 meters would start at waters edge. That's 575 feet from my house.

Arlan

Sent from my iPhone

Begin forwarded message:

**From:** "Foreman, Brittany (ELG/EGL)" <Brittany.Foreman@gnb.ca>  
**Date:** February 14, 2023 at 8:26:22 AM AST  
**To:** [REDACTED]  
**Subject:** WAWA Regulations - 193 Lakeside Dr

Good Morning Arlan,

Further to our conversation, any alterations taking place within 30 metres of any wetland or watercourse require a valid watercourse and wetland alteration (WAWA) permit under the *Watercourse and Wetland Alteration Regulation (REG # 90-80)* of the *Clean Water Act*. An alteration is defined as a temporary or permanent change. Available mapping does not identify any mapped wetlands within 30 metres of your property (PID 00995811). It's important to note that the mapping is simply used as a reference tool and ground conditions ultimately dictate the extent of the wetland.

An application can be started by clicking on the following link; [Site - WAWA Applications / Demandes de MCETH \(gnb.ca\)](#). Please be sure to also review this list of required information for a complete permit application; [What you will need in order to submit an application \(gnb.ca\)](#)

If you have any questions during the permit application process please do not hesitate to contact me.

Have a good day!

**Brittany Foreman**

Regional Water Planning Officer/Agent regional de la planification de l'eau  
Source and Surface Water Management (Branch)/ Gestion des eaux de source et de surface (Direction)  
Environment and Local Government/ Environment et Gouvernements locaux



Phone: 506.869.6848

E-mail/Courriel: [brittany.foreman@gnb.ca](mailto:brittany.foreman@gnb.ca)

[www.gnb.ca](http://www.gnb.ca)







A three-story beige house with horizontal siding. The second floor has four windows: a double window on the left, a single window in the center, a single window on the right, and a double window on the far right. The first floor has a two-car garage with white doors and a white front door. A small porch with a gabled roof is above the left garage door. A wooden deck with a railing is visible on the left side of the house.

A large, arched black tarp structure, possibly a carport or a protective cover, situated on a snow-covered lawn. The tarp has a logo that reads "ShelterLogic" on its side.

A dark grey Ford pickup truck parked in the driveway. The truck has "TAYLOR 2022" written on the rear window and "FORD" on the tailgate. The license plate is "CVZ 481".

A dark blue sedan parked on the right side of the driveway.







