

**RIVERVIEW PLANNING ADVISORY COMMITTEE**  
**STAFF REPORT**  
**Conditional Use**

---

**Subject :** Conditional use / Variance for multi-unit dwellings

**File number:** 23-1599

**Meeting Date:** Wednesday, December 13, 2023

**From :**

**Reviewed by :**



Kirk Brewer

Planner / Urbaniste



Lori Bickford

Planner / Urbaniste

**GENERAL INFORMATION**

**Applicant/:** Jeffrey Archibald Moemar Homes

**Landowner :** Moemar Homes

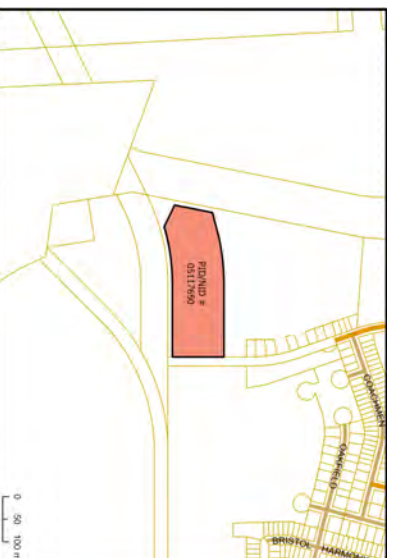
**Proposal:**

Conditional use application to:

- 1) permit more than one main building on a lot;
- 2) to permit multi-unit dwellings in an R3 zone

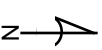
Variance application to :

- 1) increase the height of an accessory building from 3m to 4m to the underside of the eaves



**Property Location Map**

 Subject Property



**SITE INFORMATION**

**Location:** Whiterocks Drive, Town of Riverview / Ville de Riverview

**PID:** 051117650

**Lot Size:** 3.65 hectares (to be subdivided)

**Current Use:** Vacant

**Zoning:** R3

**Future Land**

**Use:** Residential

**Surrounding**

**Use & Zoning:** Vacant; R3, Residential Mix

**Municipal**

**Servicing:** Public sewer, water, and storm (under construction)

**Access/Egress:** Whiterocks Dr (under construction)

**Municipal Plan Policies**

The Municipal Plan states the following:

**Principle 1:** A variety of housing types will be provided

A variety of housing types is required in order to accommodate all residents of Riverview, at all stages of life and in different family and economic situations. The mixing of various types and designs of housing within a development and on each street while considering the context (see Principle 2) is encouraged.

**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
- a) designing subdivisions and new developments to make more efficient use of land, infrastructure, and services;
  - b) preservation of natural features (landform, water courses, mature woods, etc.), and heritage features that help define the character of Riverview;
  - c) provision of buffers between potential conflicting types of development (e.g. multi-floor multi-unit residential and single family dwellings, big box retail and residential, etc.);
  - d) height of development;
  - e) limiting views from second and third floor units into neighbouring single family yards (through use of landscaped treed buffers, angle of building, limited windows on sides of buildings facing neighbours, and prohibiting staircases on exterior of multiple unit buildings);
  - f) size and articulation of facades;
  - g) massing including size of the building, its footprint and the articulation of building form (for example, the use of peaked roofs);
  - h) the design of lower floors of multi-unit residential buildings in scale with the pedestrian environment;
  - i) the use of traditional materials;
  - j) the use of back lanes or rear-lot parking areas to enable buildings to be close to the street;
  - k) for buildings on corners, windows and/or doors that address both street frontages and that are designed to the same quality; and
- l) the layout and design of service areas, for example, waste disposal bins should be screened from the public street and neighbours

Policy 5.1.6 It shall be the intention of Council, in considering demographic changes, to provide for a range of housing types and densities by the establishment of a sufficient range and number of residential designations and zones. As a general guideline, the following densities shall apply:

- (c) High Density within the R3 – Multiple Unit Dwelling Zone: may consist of any form or combination of medium density developments or other housing forms or combinations where density generally exceeds 15 units per acre, but no more than 30 units per acre.

Policy 5.7.2 It shall be the intention of Council to establish a special provision in the R3 Zone whereby the Committee may consider multiple unit residential developments, subject to terms and conditions that it deems appropriate.

Policy 5.7.3 Furthermore, Council shall instruct the Committee that when considering the imposition of terms and conditions, the Committee shall have regard for the following:

- (a) the finishing materials and the architectural details proposed;
- (b) the siting of the proposed structure, including balconies, with the adjacent residential buildings;
- (c) the orientation of the building as it relates to the street and surrounding public realm;
- (d) the design of the proposed development in terms of:
  - i. building height and massing,
  - ii. setback,

- iii. roof type and pitch;
- (e) the location and access to off street parking and the design of the parking lot layout;
- (f) the landscaping that is proposed, including efforts to preserve the existing vegetation by minimizing tree and soil removal;
- (g) provisions for adequate site grading with respect to the impact on neighbouring properties;
- (h) the location and screening of service areas; and
- (i) availability and adequacy of municipal services.

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

Subject to Table 11.1 - Residential Uses, a multiple unit dwelling is a conditional use in an R3 zone.

#### **Number of buildings on the same lot**

30(1) Except in the MD Zone, no more than one main building shall be placed or erected and no building or structure may be altered to become a second main building on a lot.

*30(2) Despite subsection (1), except for the R1, R1-C and R2 Zone, the Planning Advisory Committee may permit, subject to any terms and conditions, more than one main building on a lot.*

#### **Accessory Buildings**

35(1) Accessory buildings and structures are permitted in any zone, but in a residential zone other than a RA Zone, they shall not:

- (a) exceed six metres in height from the established grade to the top of the structure or roof of the building, not including ornamental features such as weather vanes or cupolas having a horizontal dimension not exceeding one metre;
- (b) exceed 4.5 metres in height from the established grade to the deck line in the case of a building with a gambrel or mansard roof;
- (c) *exceed three metres in height from the established grade to the underside of the eaves in the case of a building with a gable or hip roof;*

#### **Parking lot screening requirements**

42(2) Except when street trees are planted pursuant to the Street Tree By-law No. 700-80, a parking lot for more than four parking spaces shall be screened from a public, future or private street by a two metre wide planting strip of at least 1.5 metres in height consisting of deciduous trees and shrubs, to be perpetually maintained, along the street line, and spaced no further apart than ten metres in the case of trees, and 1.5 metres in the case of shrubs, but no plantings shall be placed to conflict with sight triangle requirements.

#### **Multiple unit dwellings**

- 91(1) When permitted, the height of a multiple unit dwelling shall be subject to the following conditions:
- c) any part of a building located more than 15 metres from an abutting R2 Zone shall not exceed four stories with a maximum height of 15 metres.

91(2) Screening shall be provided and maintained on a lot containing a multiple unit dwelling, consisting of the existing vegetation or structures if sufficient to screen the lot from adjacent properties, but when the existing vegetation or structures are insufficient, the screening shall consist

of:

(b) if the lot does not abut a R1 Zone, R1-C Zone or R2 Zone, the standards in paragraph (a) shall apply except that the landscaping buffer may be reduced to three metres and a fence will not be required.

91(4) A multiple unit dwelling may be permitted if:

- (a) its massing including size of the building, its footprint and the articulation of building form (for example, the use of peaked roofs) reflects the conditions of neighbouring buildings while avoiding excessive repetition of building design and color;
- (b) no more than 35% of the lot area is devoted to parking spaces and parking aisles
- (c) the façade is designed with jogs and recesses of not less than 0.6 metres to segment the façade at least every nine metres along the length of the building;
- (d) the façade, from the established grade to the top of the first floor, is finished with traditional materials that includes at least ten percent brick or masonry;
- (e) the design of lower floors of multi-unit residential buildings shall include appropriate fenestration, entrance and other features so that they are in scale with the pedestrian environment;
- (f) only a single row of parking is permitted in the front yard. In this case, a 2.0 metre (6'6") wide landscape strip between the property line and the edge of the parking lot, and between the edge of the parking lot and the building face are required. If the parking bay contains more than 5 spaces, planted islands shall be provided after every fifth stall as a minimum;
- (g) Despite 91(f), a multiple unit building design with garage access on the front façade is not required to have landscaping between the parking lot and the building face;
- (h) for buildings on corners, windows or doors must address both street frontages and shall be designed to the same quality;
- (i) there is at least one public entrance facing a street;
- (j) service areas, including but not limited to waste disposal bins and public utility structures are screened from the street and abutting properties; and
- (k) views from the second and third floor units into neighbouring single unit dwelling yards are limited.

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

The application was discussed among Planners, Development Officers, and the Development Review Committee (Planning, CAO/Clerk, Engineering, Economic Development, Parks, and Fire Department). No concerns were raised as part of the review.

It was noted that the current proposed Land for Public Purpose is no longer satisfactory to the Town, and should be returned to the developer; LPP compensation will be revisited during the re-configuration of the subdivision master plan.

### **Discussion**

The subject property is a large 9 acre undeveloped parcel (to be subdivided in the future) that will front on Whiterocks Dr, which is part of Unit 7 of the Carriage Hill neighbourhood. This phase of development is currently under construction and subject to a subdivision agreement with the Town of Riverview. The proposal is to construct a 55-unit apartment building in the first phase in 2024, with a 71-unit building to be built in the future, likely in 2025. The property is zoned R3, which permits multiple unit buildings, as well as more than one main building on a lot subject to PAC conditional approval.

The main concerns with permitting more than one main building on a lot pertain to the overcrowding

of properties and exceeding lot coverage and density. Given the size of this property and the proposed layout, these concerns are minimized. There remains the potential to subdivide the lot in the future so that each building is on its own lot.

The proposed site layout and building design is identical to the apartment development on Runneymeade Rd (PID 05093919) constructed in 2020-2021, and it is anticipated the same buildings will be constructed to the west of the current proposed project. The 71-unit building will front onto Runneymeade Road, and the building design has been modified to incorporate the required jogs and recesses along the building façade. In addition, the building entrances along Whiterocks have been reoriented from the previous design so that they directly face the public street. The proposal conforms to all zoning requirements with respects to height, materials, setbacks, and parking requirements.

The developer plans to include two single storey storage garages at the parking entrances in order to limit the visual impact of the parking area from Whiterocks Dr. These buildings will incorporate windows and cultured stone facing the street in order to fit the surrounding aesthetic. A third accessory building is proposed to the rear of the property. Per the Zoning By-law, the height of accessory buildings is measured from the established grade to the underside of the eaves in the case of a gable roof. In a residential zone, a height of 3m is permitted for a gable roof, with a maximum of 6m total building height. The developer is requesting a variance to permit a height of 4m in order to accommodate a 10' door which will allow for access to larger vehicles for the on-site storage of salt for winter maintenance. Given that the 6m height maximum is still being met, and the accessory building is not abutting an adjacent property, staff feels the request is reasonable.

Per the original secondary planning area that was proposed in 2013, the initial concept was to vest a strip of land for public purpose along the Bridgedale Boulevard right-of-way for a linear multi-user trail along the boulevard. However, the trail was constructed within the right-of-way, which has made the LPP unusable and undesirable from the Town perspective. The developer has also acquired lands to the west, and it is anticipated that the secondary plan area will need to be revisited as a result of a reconfigured street network. Both the Town and Moenar are in agreement that the LPP contribution will need to change during that process, and the land between the subject property and Bridgedale Blvd will remain with Moenar. This will result in the subject property abutting Bridgedale, and as such will be subject to the parking lot screening provisions.

This raises the question of how best to screen the parking area from Bridgedale Blvd, which will become a main arterial road as development in the area proceeds. Members of the Development Review Committee agreed that it would be preferable to have the parking screened from the road, and that a fence is not the ideal solution. Moenar has proposed building a berm with tree planting on top as a solution. However, the details of the berm design have not yet been agreed upon with the Engineering Department, and it is not yet certain this will be an acceptable solution. As such, staff is comfortable leaving this aspect unaddressed for this approval, with the understanding that an acceptable solution be submitted at the time of the building permit application. The appropriate solution will need to be acceptable to the development officer and Town administration prior to issuance of a building permit.

### **Public Notice**

Moenar Homes (applicant) is the only landowner within 60m of the application. As such, no public notice was sent for this application.

## **Legal Authority**

### **Zoning By-law:**

7(1) The permitted main, accessory and secondary uses for the zones listed in Table 7, and their lot requirements are prescribed in Parts 11 to 15, and the following conditions apply to those uses:

(b) any particular purpose for which land, buildings or structures may be used, and which the Committee may approve subject to terms and conditions, is identified by the letter “C”;

### **Community Planning Act (2017):**

#### **Conditional uses**

**53(3)** In prescribing the purposes for which land, buildings and structures in a zone may be used, a zoning by-law may: ...

(c) prescribe particular purposes ...

(i) in respect of which the advisory committee or regional service commission, subject to subsection (5), may impose terms and conditions, and

(ii) that may be prohibited by the advisory committee or regional service commission if compliance with the terms and conditions imposed under subparagraph (i) cannot reasonably be expected.

The Act also provides parameters for the PAC when imposing conditions:

**53(4)** Terms and conditions imposed under paragraph (3)(c) shall be limited to those considered necessary by the advisory committee or regional service commission to protect:

(a) properties within the zone or in abutting zones, or

(b) the health, safety and welfare of the general public.

#### **Variances**

55(1) Subject to the terms and conditions in 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 proposed conditional uses on PID 05093919 to permit more than one main building on a lot, and to permit multiple unit dwellings in an R3 zone subject to the following conditions:

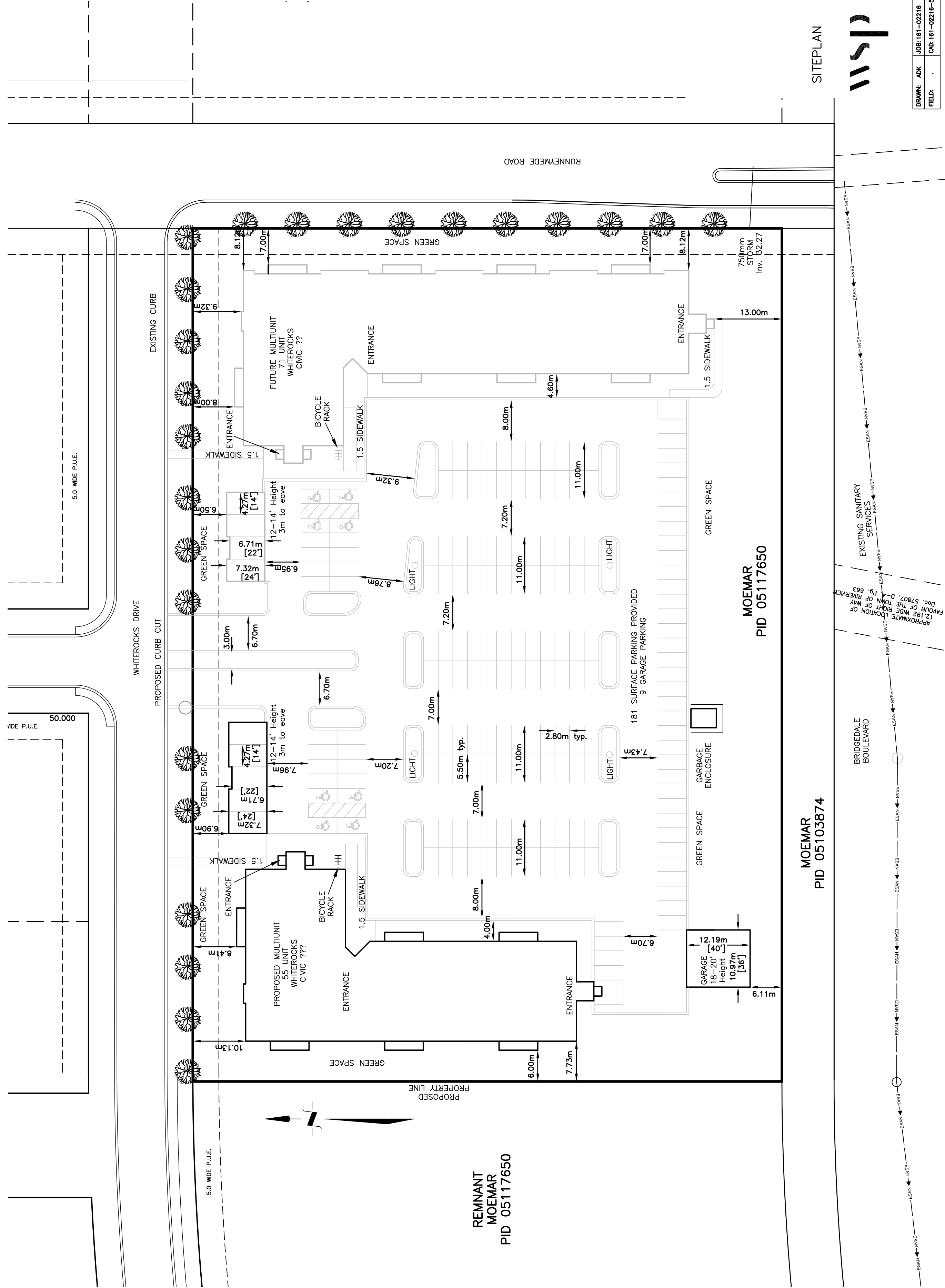
1) That the developer propose appropriate landscaping and screening between the property and Bridgedale Boulevard so as to screen the parking area from the public right-of-way;

(2) That the project be developed in substantial conformity with the submitted site plan, elevation drawings, and renderings; and

(3) that as-built drawings for engineering submissions shall be required within 30 days after construction

Staff further recommends that the Riverview Planning Advisory Committee

1) APPROVE the variance to increase the height of an accessory building from 3 metres to 4 metres to the underside of the eaves with a maximum building height of 6 metres because the proposed building will not negatively impact any adjacent properties and meets the general intent of the Municipal Plan and Zoning By-law



REMNANT  
MOEMAR  
PID 05117650

MOEMAR  
PID 05117650

MOEMAR  
PID 05103874

SITEPLAN



1070 SAINT GEORGE BOULEVARD  
MONCTON, NEW BRUNSWICK  
CANADA E1C 1A7  
PHONE: 506 857-1675  
WWW.WSP.COM

DRAWN: ADK	JOB: 161-02216	SCALE: 1:500	ZONE:
FIELD:	CAD: 161-02216-570	CHECKED:	DATE: Aug. 24, 2023

APPROXIMATE LOCATION OF  
12.192' WIDE RIGHT OF WAY  
FAVOUR OF THE TOWN OF  
SARANAC  
Doc. 57807, D-4, Pg. 683  
EXISTING SANITARY  
SERVICES

50.000  
WIDE P.U.E.

5.0 WIDE P.U.E.

5.0 WIDE P.U.E.

WHITEROCKS DRIVE

RUNNEMEDE ROAD

BRIDEDALE  
BOULEVARD



EXISTING CURB

PROPOSED CURB CUT

PROPOSED  
PROPERTY LINE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

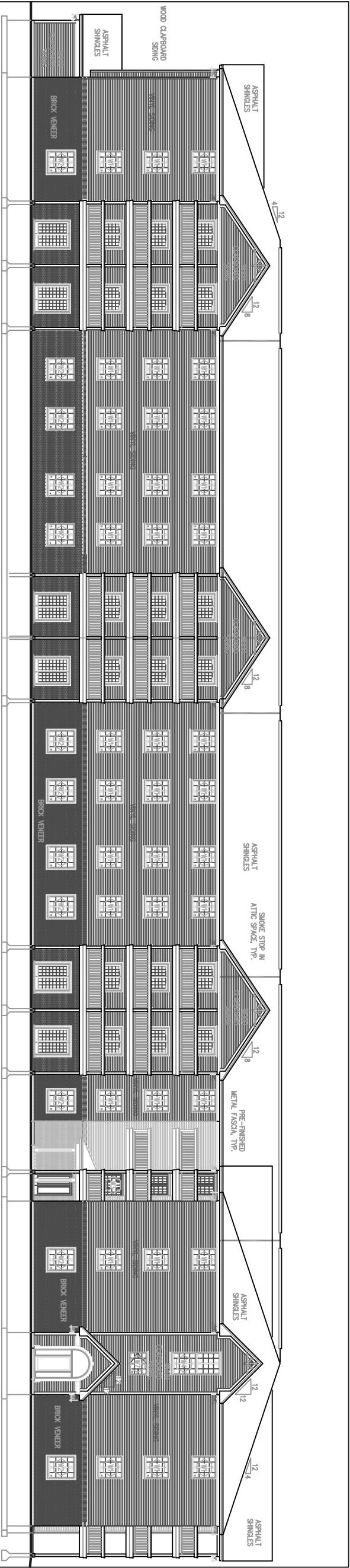
ENTRANCE



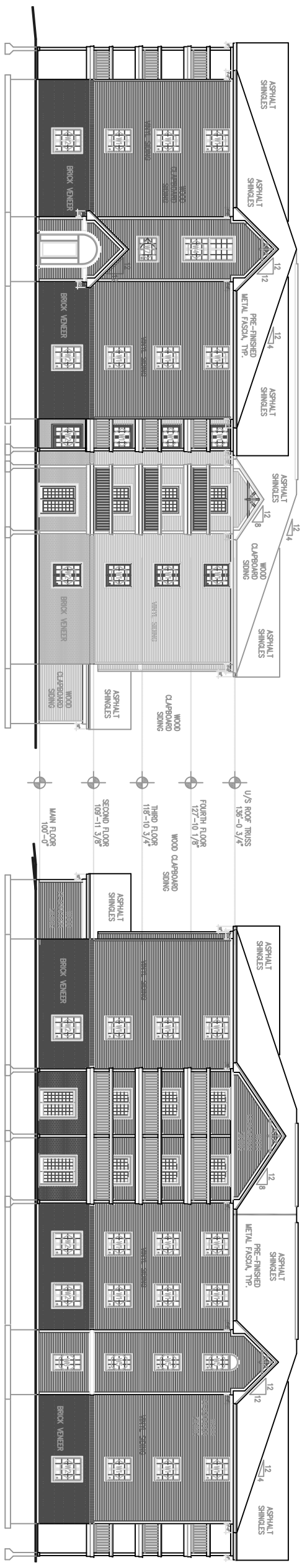








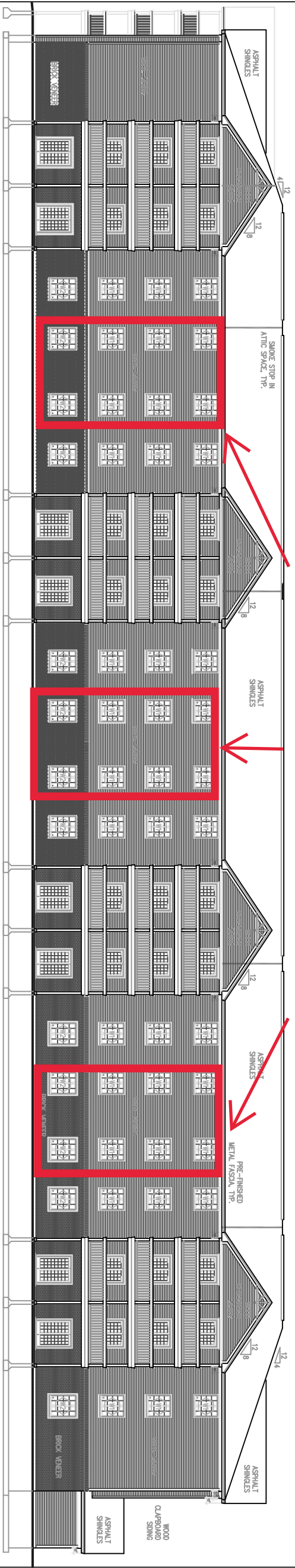
FRONT ELEVATION



LEFT SIDE ELEVATION

RIGHT SIDE ELEVATION

Jogs and recesses to be incorporated along facade



REAR ELEVATION

REAR ELEVATION

General Notes

NOTES:

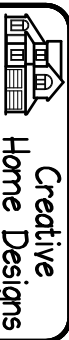
ALL WORK TO MEET THE STANDARDS OF THE NATIONAL BUILDING CODE OF CANADA AND ALL OTHER LOCAL CODES AND OR STANDARDS  
 WINDOW AND DOOR SIZES ARE APPROXIMATE. THEY MUST BE CHOSEN IN CONSULTATION WITH THE OWNER  
 BUILDER & CONTRACTOR TO VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS OR OMISSIONS PRIOR TO BEGINNING OF CONSTRUCTION  
 DRAFTSMAN IS NOT RESPONSIBLE FOR ERRORS AND/OR OMISSIONS RESULTING FROM THE USE OF THESE PLANS FOR CONSTRUCTION  
 BUILDING INSPECTOR MAY REQUIRE ENGINEERED BEAM DESIGNS, WALL DESIGNS AND/OR OTHER ENGINEERED DETAILS. PROCUREMENT & COST OF THESE DESIGNS IS THE RESPONSIBILITY OF THE BUILDER  
 THE DRAFTSMAN IS NOT RESPONSIBLE FOR VERIFYING THE LATERAL STABILITY OF THE BUILDING, CONSULT A STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION  
 IF BUILDING STABILITY IS A CONCERN  
 COPYRIGHT:  
 THESE PLANS SHALL REMAIN THE PROPERTY OF THE DRAFTSMAN WHETHER THE PROJECT IS BUILT OR NOT. THEY SHALL NOT BE USED, ALTERED OR REPRODUCED FOR ANY OTHER PROJECTS WITHOUT PERMISSION FROM THE DRAFTSMAN

GARAGE : 1440 Sq. Ft.

No.	Revision/Issue	Date

Project Name and Address

Proposed Detach Garage  
 CVR HOME IMPROVEMENTS  
 Moncton, NB  
 TEL.: 852-1048



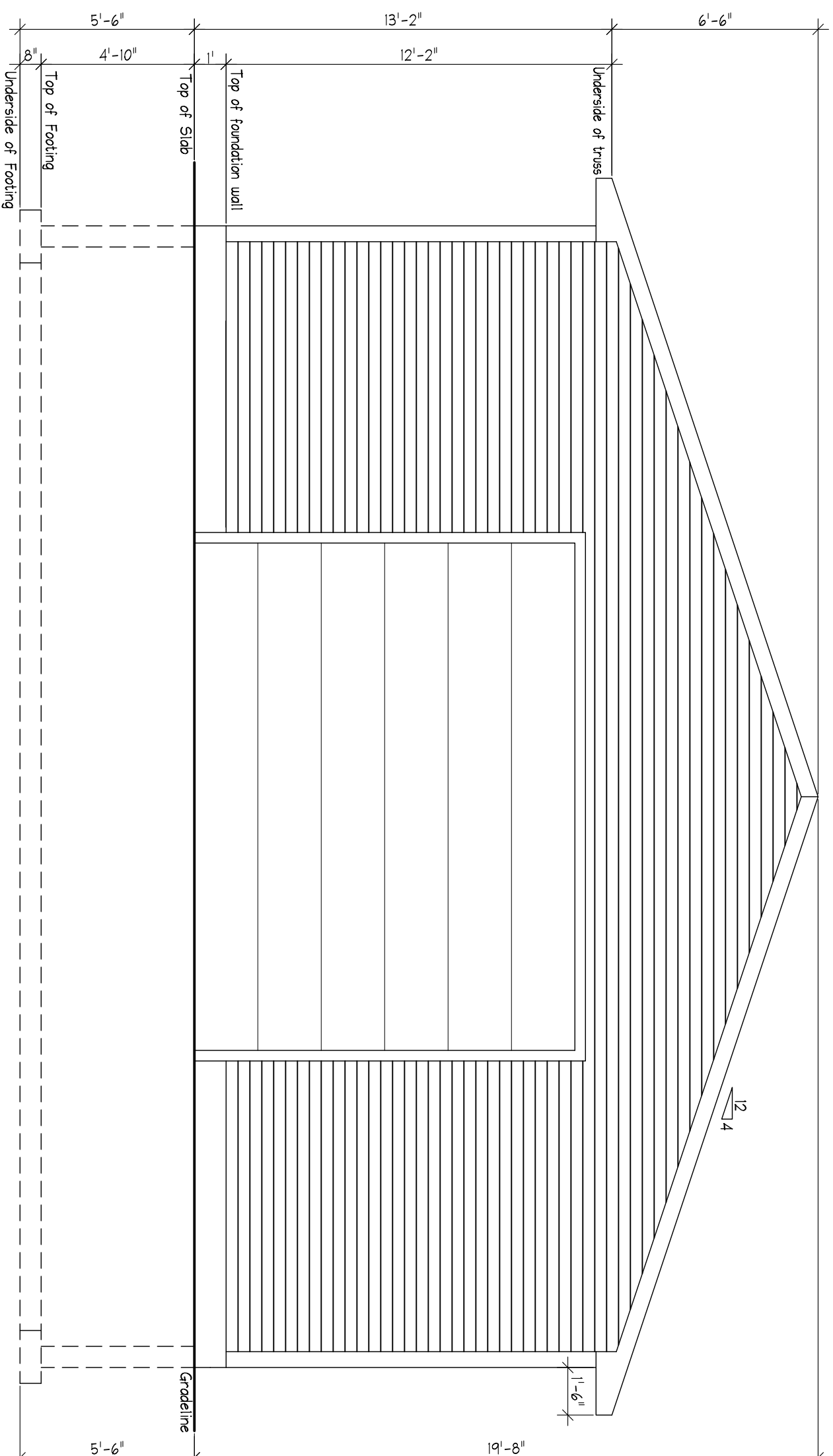
CUSTOM HOUSE PLANS  
 PROFESSIONAL DRAFTING SERVICES  
 MARK CORNIER  
 (506) 533-1098  
 DIVER23@HOTMAIL.COM

Drawn by:  
 MARK CORNIER

Project Sheet

Date: March 2020  
 Scale: AS NOTED

A-1



FRONT ELEVATION  
 SCALE: 1/4" = 1'-0"