

# RIVERVIEW PLANNING ADVISORY COMMITTEE

## STAFF REPORT

**Subject :** Conditional Use and Variance Requests for a Multiple Unit Dwelling

**File number:** 23-1714 & 23-1723

**Meeting Date:** Wednesday, March 13, 2024

**From :**

**Reviewed by :**



Jenna Stewart  
Planner



Kirk Brewer  
Planner

### GENERAL INFORMATION

**Applicant/:** Mamadou Billo Diallo Diallo

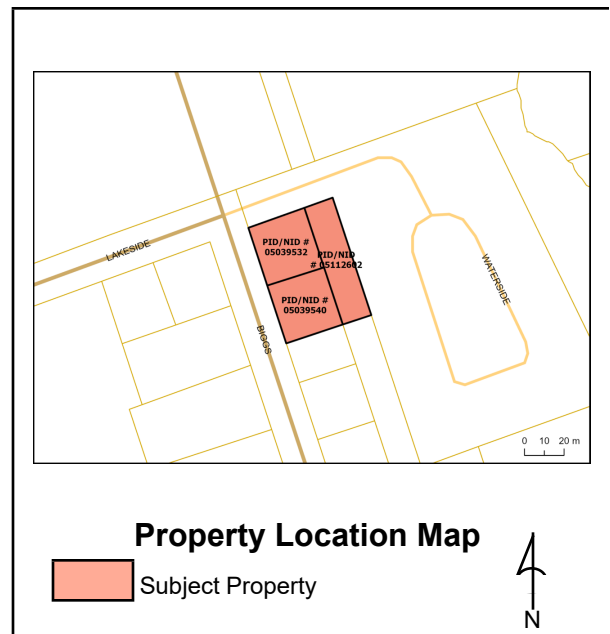
**Landowner :** Price Plumbing Ltd

**Proposal:**

Conditional use application to permit a 40-unit multi-unit dwelling;

Variance application to adjust landscaping requirements;

Variance application to permit two driveways on a lot with less than 75m of frontage



### SITE INFORMATION

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

**PID:** 05039532, 05039540, 05112602

**Lot Size:** 2821sqm

**Current Use:** Vacant

**Zoning:** SC

**Future Land**

**Use:** Commercial

**Surrounding**

**Use & Zoning:** R3 and SC

Condominium, Commercial uses, Apartment Buildings (4 unit and up)

**Municipal**

**Servicing:** Public water, sewer, and stormwater

**Access/Egress:** Biggs Drive

**Municipal Plan Policies**

**Municipal Plan Policies**

## **5.1 Developing Beautiful Complete Neighbourhoods**

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.

(d) Notwithstanding (c), it shall be the intention of Council to permit density beyond 30 units per acre in certain areas of the Town where underground or at grade parking lots are proposed. These areas are located along or in proximity of major arterials or major intersections, adjacent to major commercial nodes and are well separated from low density areas, such as single unit and two unit dwelling zones.

## **5.3 Principles for Residential Development**

**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.

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

Subject to **Table 12.1 Commercial Zones Use** and **Table 12.3 – Commercial Zone Requirements**, a multiple unit dwelling is permitted as a conditional use in the Suburban Commercial (SC) Zone. The

SC zone allows a maximum height of 15 metres.

### **Driveways for non-residential zones**

44(1) In all zones other than residential zones:

(a) the number of two-way driveways shall be limited to one per lot unless:

*(i) the lot has a frontage of more than 75 metres, in which case, two will be permitted;*

(ii) in the case of a corner lot has combined frontage and flankage of more than 75 metres, in which case, two will be permitted; and

*(iii) in both cases they are not less than 20 metres apart, measured between the centre line of each driveway at the street line.*

### **Multiple Unit Dwellings**

91(1) When permitted, the height of a multiple unit dwelling shall be subject to the following conditions:

(a) any part of a building located within 12 metres of an abutting R1 Zone, R1-C Zone or R2 Zone shall not exceed two stories with a maximum height of nine metres;

(b) any part of a building located between 12 and 15 metres of an abutting R1 Zone, R1-C Zone or R2 Zone shall not exceed three stories with a maximum height of 12 metres; and

(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:

(a) if the multiple unit dwelling lot abuts a R1 Zone, R1-C Zone or R2 Zone, a six metre wide landscaping buffer, consisting of:

(i) a minimum of one low lying shrub for every 15 square metres of landscaping area;

(ii) trees with a minimum diameter of 50 millimetre and a minimum branching height of two metres at the time of planting and placed every five metres across the width of the landscaping area; and

(iii) a two metre high decorative solid fence secured with 15.24 centimetre x 15.24 centimetre posts, no more than 2.4 metres apart, along or parallel to the common property line; or

*(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).

Engineering expressed concern for the blind crescent impacting site visibility. The developers provided a statement from an engineer on the topic and Engineering raised no concerns following the statement.

### **Discussion**

Biggs Drive is a mixed-use street with both residential and commercial. The street has a condominium corporation, multiple unit residential buildings, the Byron Dobson Memorial Arena, and commercial properties. It is close to Coverdale Road and is a good location for infill density due to its proximity to a recreation facility, commercial properties, and transit.

The proposed building is four stories with 40 units. The public entrance of the building faces Biggs Drive. The proposal conforms to all zoning provisions regarding height, setbacks, parking, etc. There are two variances that are requested: one for reducing the landscaping requirements along the south of the property and the second to permit two driveways on a lot with less than 75m of frontage.

A variance is being requested to reduce landscaping requirements to the south of the property. When a multiple unit building is proposed and is not abutting a R1, R2, or R1-C zone a 3-metre-wide landscaping buffer consisting of trees is required. However, the submitted drainage and servicing plan shows a French drain which creates conflict with the landscaping buffer as trees can not be planted. Instead, the applicant has proposed a fence to replace the trees. The proposed variance is reasonable and within the intent of the by-laws as no neighbouring residential property will be negatively impacted by any reduced landscaping. No concerns pertaining to the landscaping variance were raised as part of the development review committee.

Non-residential zoned properties are limited to one driveway when there is less than 75 metres of frontage. In this case, the property only has 60 metres of frontage. An underground parking garage is proposed to accommodate 34 of the 59 spaces, with 25 spaces accommodated by a surface parking lot. The driveways are 36.58m apart from center to center. The request is reasonable given the two proposed accesses respect the 20m separation distance required by the zoning by-law, and the Engineering Department has expressed no concerns about the proposal. Further, the incorporation of underground parking meets the intent of policy 5.1.6(d) of the Municipal Plan which is to enable higher densities in certain situations such as this one.

### **Public Notice**

Notices were sent to property owners within 60m of the subject property on February 28, 2024.

## **Legal Authority**

### **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.

#### **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”;

#### **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**

### **Motion 1:**

Staff recommends that the Planning Advisory Committee APPROVE the conditional use application to permit a four-story, 40 unit multiple unit building in the SC zone on PIDs 05039532, 05039540, 05112602 subject to the following conditions:

1) That as-built drawings for engineering submissions shall be required within 30 days after construction; and

2) That the proposed development shall be in substantial conformity with the site plans, elevation drawings, and rendering provided.;

3) That prior to the issuance of a building/development permit, the subject properties be consolidated to a single property.

### **Motion 2**

Staff recommends that the Planning Advisory Committee APPROVE the variance to reduce the landscaping standards to the south of the property bearing PIDs 05039532, 05039540, 05112602 as per the site plan dated January 13, 2024 as the full requirements can not be met due to the proposed French drain subject to the following condition:

1) a 2m fence be placed along the south property line

**Motion 3:**

Staff recommends that the Planning Advisory Committee APPROVE the variance to permit more than one driveway on the property bearing PIDs 05039532, 05039540, 05112602, a lot having less than 75m of frontage because the accesses respect and exceed the 20m separation distance and the inclusion of underground parking in a high density building achieves the intent of Municipal Plan policy 5.1.6.

**Location Map**



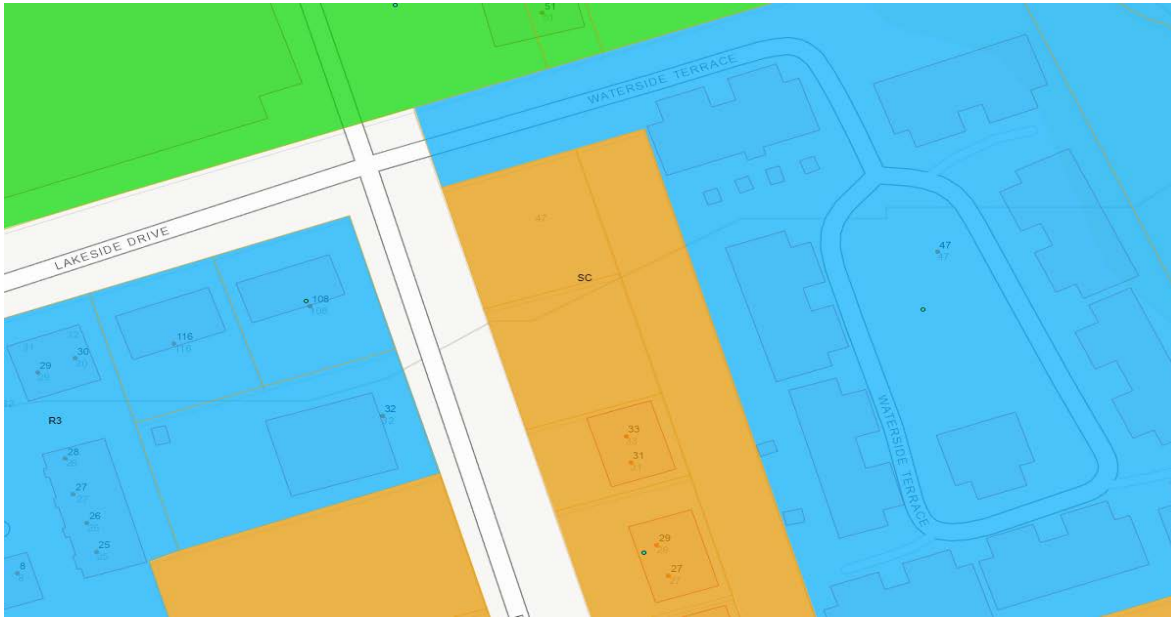
**Main / Principal**  
1234 rue Main Street, Suite 200  
Moncton, NB E1C 1H7  
(506) 238-5386

**Shediac**  
815A rue Bombardier Street  
Shediac, NB E4P 1H9  
(506) 533-3637

**Tantramar**  
112C rue Main Street  
Sackville, NB E4L 0C3  
(506) 364-4701

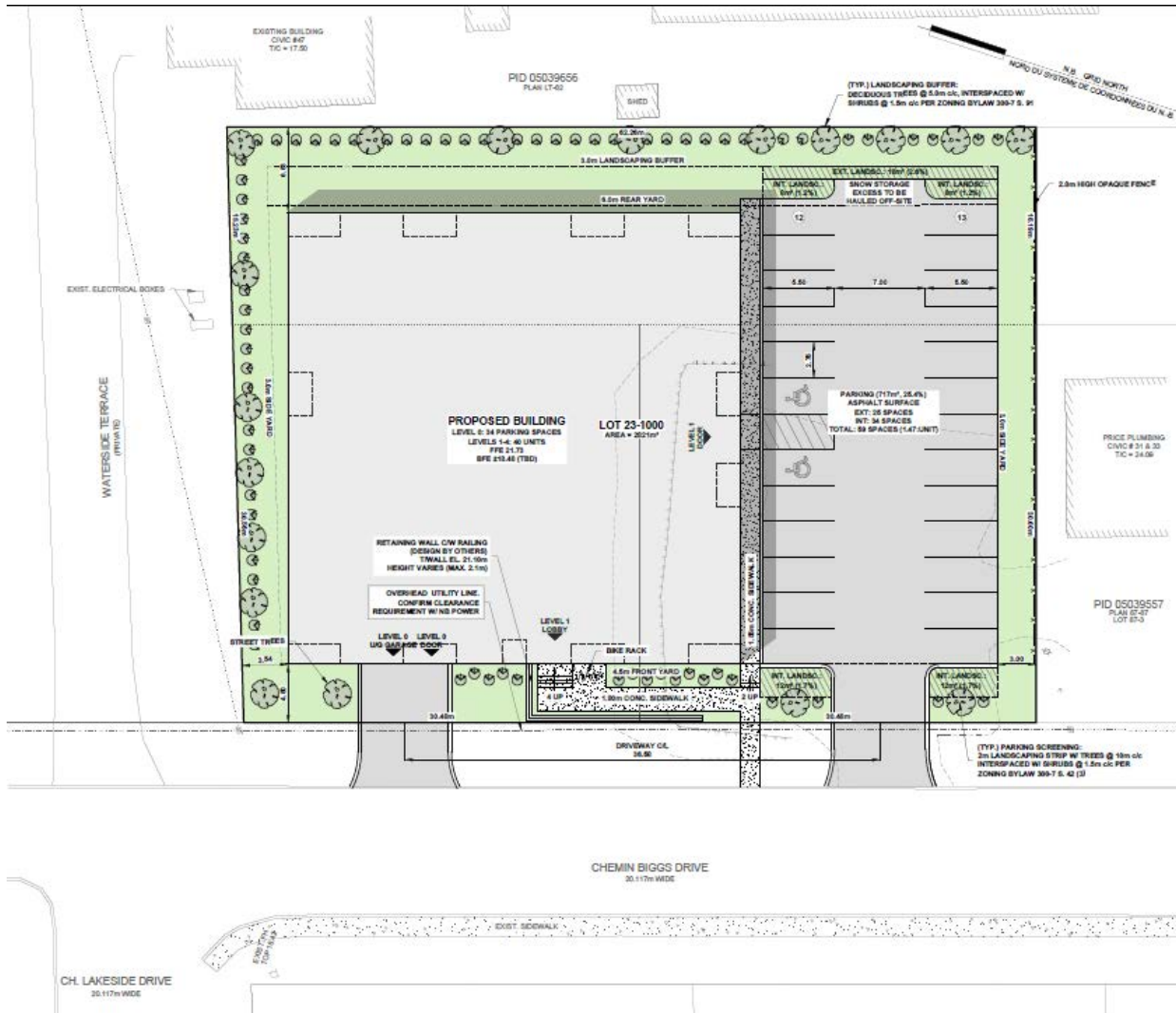
**Riverview**  
Operations Centre d'opérations  
300 rue Robertson Street  
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# Zoning Map



SC Zone  
(Orange)

# Site Plan



**Main / Principal**  
1234 rue Main Street, Suite 200  
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## Renderings



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**Site Photos (Feb 23, 2024)**



Lot from across the street  
on Biggs ↓



← Lot from intersection of Biggs and Lakeside



Lot from PID 05039540 ↓



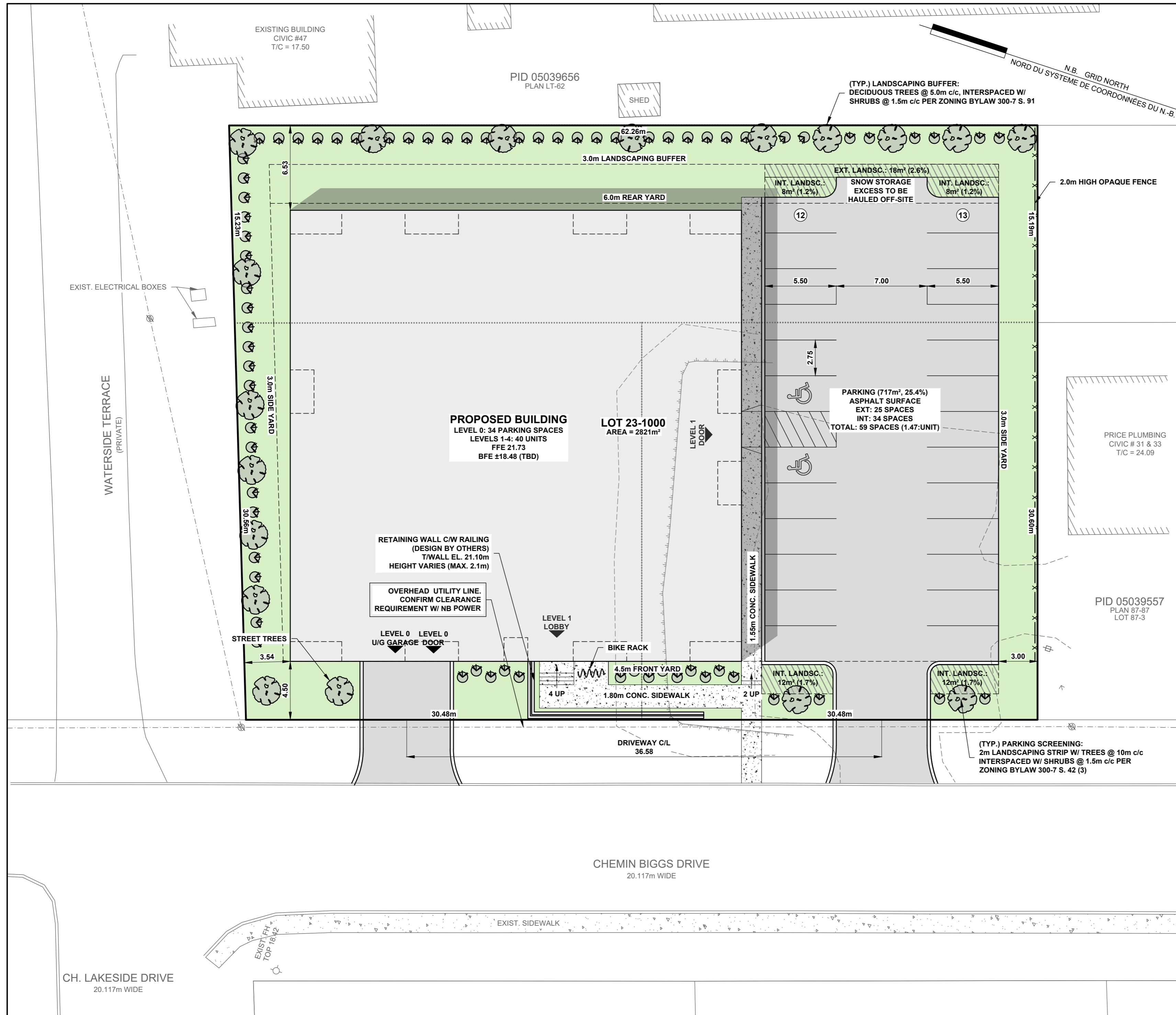
← Lot from PID 05039532

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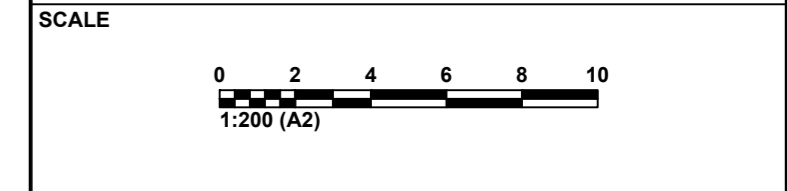
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SANITARY MANHOLE	○	●
STORM MANHOLE	○	●
SANITARY SEWER	—	—
STORM SEWER	—	—
PIPE INSULATION	▨	▨
CATCH BASIN	▨	▨
DOUBLE CATCH BASIN	▨	▨
SLUICE BOX	▨	▨
CULVERT	▨	▨
WATER MAIN	—	—
GATE VALVE	▨	▨
FIRE HYDRANT	○	●
TEE	▨	▨
BEND	▨	▨
END CAP	▨	▨
CURB STOP	▨	▨
VALVE CHAMBER	▨	▨
WATER WELL	○	●
UTILITY POLE	○	●
GUY WIRE	—	—
LIGHT STANDARD	○	●
OVERHEAD UTILITY LINE	—	—
UNDERGROUND UTILITY LINE	—	—
TELECOM. MAN HOLE	○	●
TRAFFIC SIGNALS	▨	▨
GAS LINE	—	—
FENCE	—	—
TREE LINE	—	—
TREES	○	●
EDGE OF BANK	—	—
MARSH	—	—
GROUND ELEVATION	10.50	10.50
TOP OF CONC. FOUNDATION	T/C	T/C
CRITICAL ELEVATION	C/E	C/E
BASEMENT FLOOR ELEVATION	BFE	BFE
FINISH GRADE	10.50	10.50
SURVEY MARKER	○	●
NB GRID MONUMENT	○	●
SIGN & POST	▨	▨
CURB & GUTTER	▨	▨
SIDEWALK	▨	▨
GRASS AREA	▨	▨

No.	DESCRIPTION	DATE
D	CLIENT REVIEW	2024-01-12
C	PER ARCH & TOWN COMMENTS	2023-12-21
B	PER PLANNING COMMENTS	2023-12-11
A	PRELIMINARY REVIEW	2023-11-10

CIVIL CONSULTANT

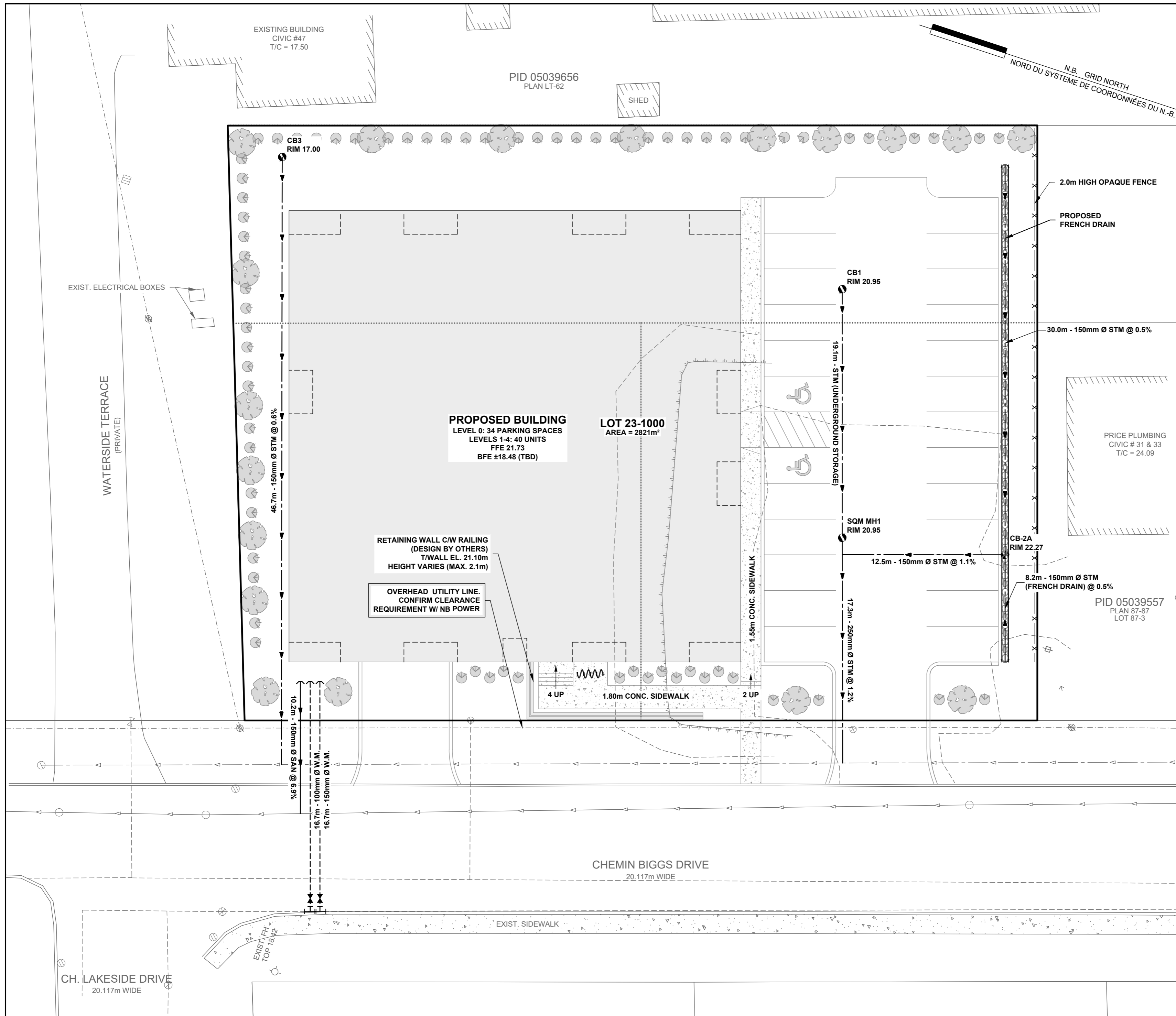
PROJECT TITLE  
**NEW APARTMENT BUILDING**  
 PIDs 05039532, 05039540 & 05112602  
 BIGGS DRIVE, RIVERVIEW, NB

DRAWING TITLE  
**SCHEMATIC SITE PLAN**



DESIGNED BY	CHECKED BY
J.D.	J.D.
DRAWN BY	CHECKED BY
D.K.	J.D.
DOCUMENT ISSUE	<b>PRELIMINARY</b>
DATE ISSUED	<b>2024-01-12</b>

REVISION	DRAWING NUMBER
<b>D</b>	<b>C-101</b>



LEGEND		
ITEM	EXISTING	PROPOSED
SANITARY MANHOLE		
STORM MANHOLE		
SANITARY SEWER		
STORM SEWER		
PIPE INSULATION		
CATCH BASIN		
DOUBLE CATCH BASIN		
SLUICE BOX		
CULVERT		
WATER MAIN		
GATE VALVE		
FIRE HYDRANT		
TEE		
BEND		
END CAP		
CURB STOP		
VALVE CHAMBER		
WATER WELL		
UTILITY POLE		
GUY WIRE		
LIGHT STANDARD		
OVERHEAD UTILITY LINE		
UNDERGROUND UTILITY LINE		
TELECOM. MAN HOLE		
TRAFFIC SIGNALS		
GAS LINE		
FENCE		
TREE LINE		
TREES		
EDGE OF BANK		
MARSH		
GROUND ELEVATION	$\times$ 10.50	
TOP OF CONC. FOUNDATION	T/C	T/C
CRITICAL ELEVATION	C/E	C/E
BASEMENT FLOOR ELEVATION	BFE	BFE
FINISH GRADE	10.50	10.50
SURVEY MARKER		
NB GRID MONUMENT		
SIGN & POST		
CURB & GUTTER		
SIDEWALK		
GRASS AREA		

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A	PRELIMINARY REVIEW	2023-11-10

CIVIL CONSULTANT	
	<b>J.R. DAIGLE</b> ingénierie • engineering arpentage • land surveying

PROJECT TITLE	
NEW APARTMENT BUILDING	
PIDs 05039532, 05039540 & 05112602	
BIGGS DRIVE, RIVERVIEW, NB	

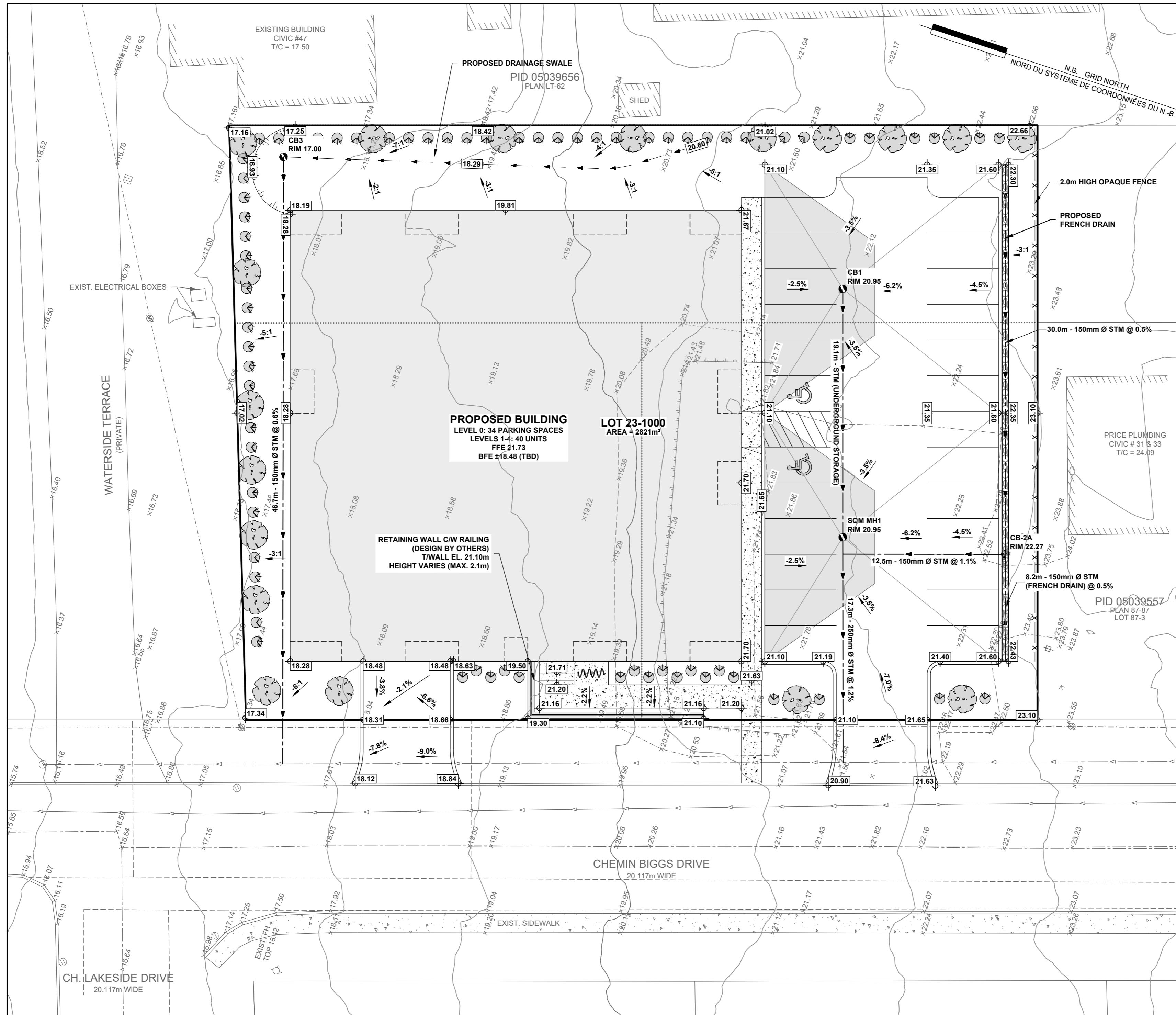
DRAWING TITLE	
SCHEMATIC SERVICING PLAN	

SCALE	
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SEAL	DESIGNED BY	CHECKED BY
 <b>PRELIMINARY</b> NOT FOR CONSTRUCTION 2024-01-12 Date	J.D.	J.D.
	D.K.	J.D.
	DOCUMENT ISSUE	
	PRELIMINARY	
	DATE ISSUED	
	2024-01-12	
	DRAWING NUMBER	
	C-102	



LEGEND		
ITEM	EXISTING	PROPOSED
SANITARY MANHOLE	○	●
STORM MANHOLE	○	●
SANITARY SEWER	—	—
STORM SEWER	—	—
PIPE INSULATION	▨	▨
CATCH BASIN	▭	▭
DOUBLE CATCH BASIN	▭	▭
SLUICE BOX	▭	▭
CULVERT	▭	▭
WATER MAIN	—	—
GATE VALVE	▭	▭
FIRE HYDRANT	○	○
TEE	┆	┆
BEND	┆	┆
END CAP	┆	┆
CURB STOP	▭	▭
VALVE CHAMBER	▭	▭
WATER WELL	○	○
UTILITY POLE	○	○
GUY WIRE	—	—
LIGHT STANDARD	○	○
OVERHEAD UTILITY LINE	—	—
UNDERGROUND UTILITY LINE	—	—
TELECOM. MAN HOLE	○	○
TRAFFIC SIGNALS	▭	▭
GAS LINE	—	—
FENCE	—	—
TREE LINE	—	—
TREES	○	○
EDGE OF BANK	—	—
MARSH	—	—
GROUND ELEVATION	x10.50	x10.50
TOP OF CONC. FOUNDATION	T/C	T/C
CRITICAL ELEVATION	C/E	C/E
BASEMENT FLOOR ELEVATION	BFE	BFE
FINISH GRADE	10.50	10.50
SURVEY MARKER	○	○
NB GRID MONUMENT	○	○
SIGN & POST	▭	▭
CURB & GUTTER	▭	▭
SIDEWALK	▭	▭
GRASS AREA	▭	▭

No.	DESCRIPTION	DATE
D	CLIENT REVIEW	2024-01-12
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B	PER PLANNING COMMENTS	2023-12-11
A	PRELIMINARY REVIEW	2023-11-10

**CIVIL CONSULTANT**

**ide J.R. DAIGLE**  
ingénierie • engineering  
arpentage • land surveying

**PROJECT TITLE**  
NEW APARTMENT BUILDING  
PIDs 05039532, 05039540 & 05112602  
BIGGS DRIVE, RIVERVIEW, NB

**DRAWING TITLE**  
SCHEMATIC GRADING  
& DRAINAGE PLAN

**SCALE**  
0 2 4 6 8 10  
1:200 (A2)

DESIGNED BY	CHECKED BY
J.D.	J.D.
DRAWN BY	CHECKED BY
D.K.	J.D.
DOCUMENT ISSUE	
<b>PRELIMINARY</b>	
DATE ISSUED	
2024-01-12	
REVISION	DRAWING NUMBER
<b>D</b>	<b>C-103</b>



# BIGGS DRIVE APARTMENTS

47 BIGGS DRIVE, RIVERVIEW, NB

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## LIST OF DRAWINGS

**ARCHITECTURAL**  
KUB ARCHITECTURE  
3355 PRINCIPALE-OUEST AVE  
DIEPPE, NB E1A 0X7  
(506) 204-9123

- A1.0 FLOOR PLAN - LEVER 0 & 1
- A1.2 FLOOR PLAN - LEVER 2, 3 & 4
- A2.0 ELEVATIONS

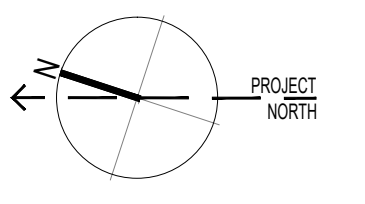
LEVEL 1-10	LEVEL 2-10	LEVEL 3-10	LEVEL 4-10	TOTAL-40
2 x BARRIER-FREE 1 x 3-BED 7 x 2-BED	10 x 2-BED	10 x 2-BED	10 x 2-BED	



3355 Avenue Principale-Ouest, Dupage NB E1A 0X7  
T 506 204 9123  
www.kubarchitecture.ca

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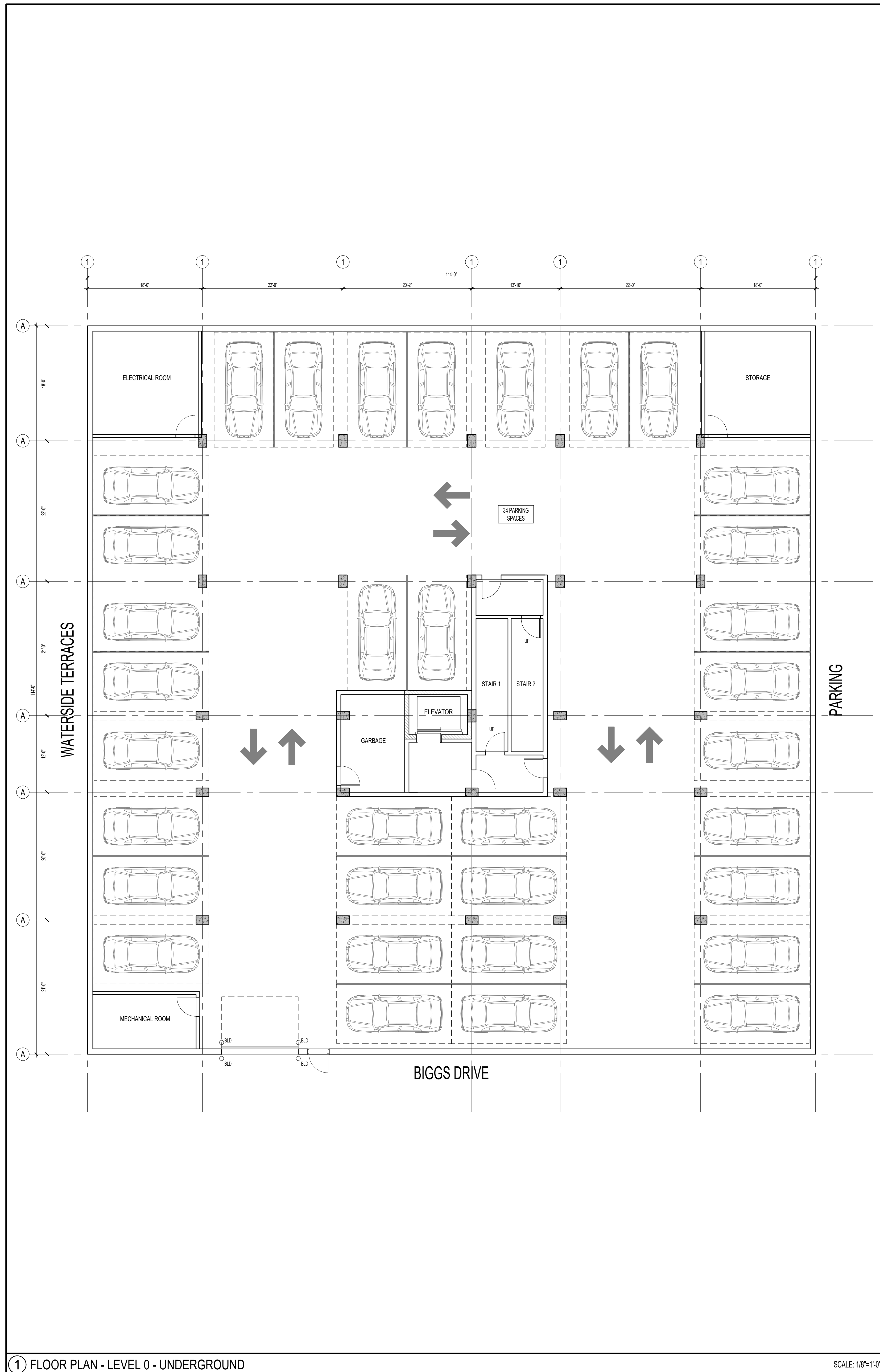
**BIGGS DRIVE APARTMENTS**  
47 BIGGS DRIVE, DUPERE, NB

REVISIONS	DATE	#
DESCRIPTION: PRELIMINARY DRAWINGS		0

**FLOOR PLANS**

**A1.0**

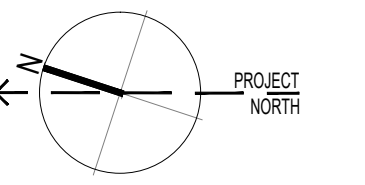
PROJECT #	KUB-2137
DATE	2024.01.12
DRAWN BY	



1 FLOOR PLAN - LEVEL 0 - UNDERGROUND

2 FLOOR PLAN - LEVEL 1 - MAIN FLOOR

SCALE: 1/8"=1'-0"



**BIGGS DRIVE APARTMENTS**  
47 BIGGS DRIVE, DIEPPE, NB

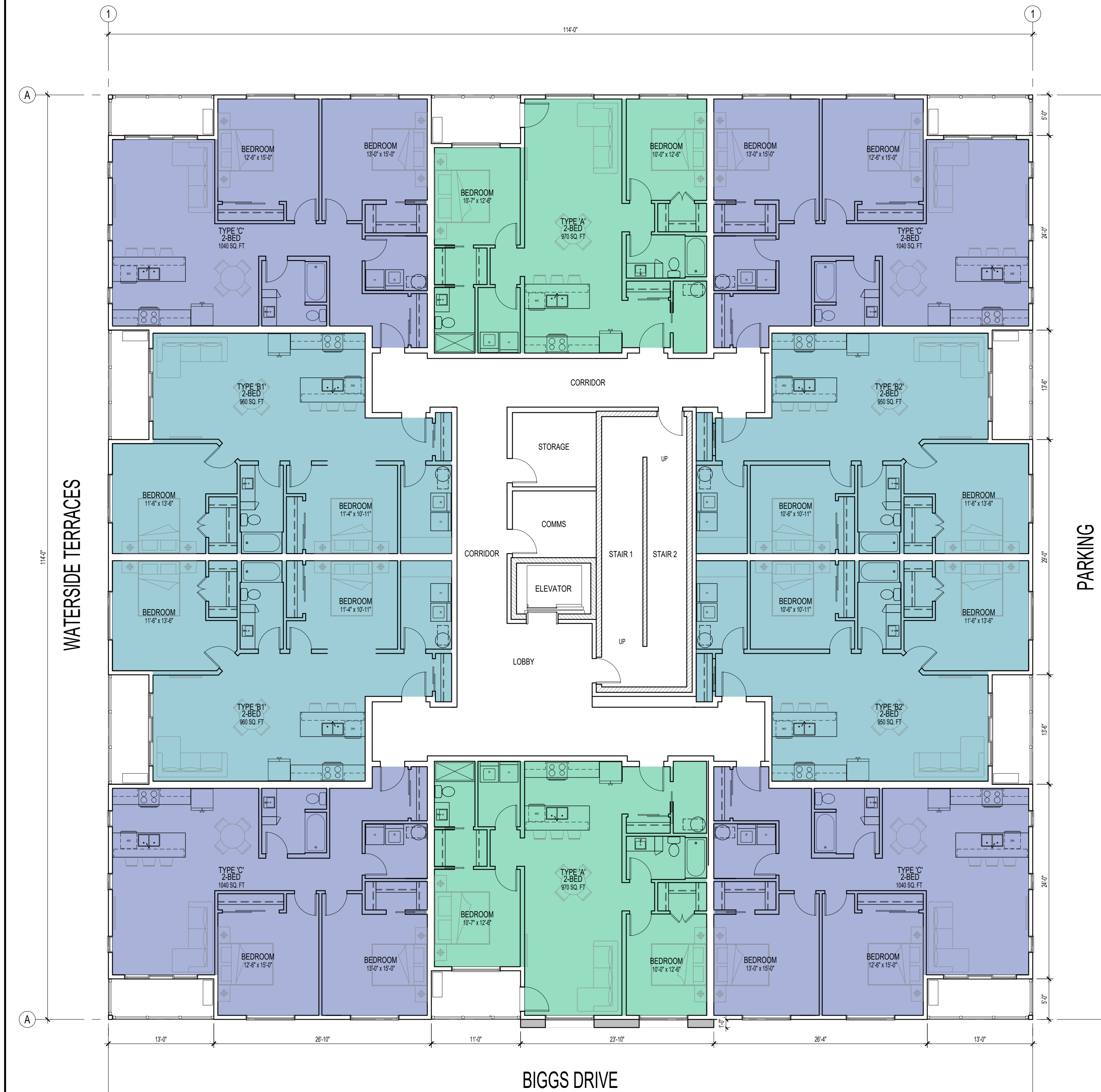
REVISIONS	DATE	#
DESCRIPTION: PRELIMINARY DRAWINGS		0

**FLOOR PLANS**

**A1.2**

PROJECT #	KUB-2337
DATE	2024.01.12
DRAWN BY	

LEVEL 1: 10	LEVEL 2: 10	LEVEL 3: 10	LEVEL 4: 10	TOTAL: 40
2 x BARRIER-FREE				
1 x 1-BED	10 x 2-BED	10 x 2-BED	10 x 2-BED	
7 x 2-BED				



① FLOOR PLAN - LEVELS 2, 3 & 4

SCALE: 1/8"=1'-0"



**BIGGS DRIVE APARTMENTS**  
47 BIGGS DRIVE OVERVIEW NB

REVISIONS	DESCRIPTION	DATE	#
	PRELIMINARY DRAWINGS		0

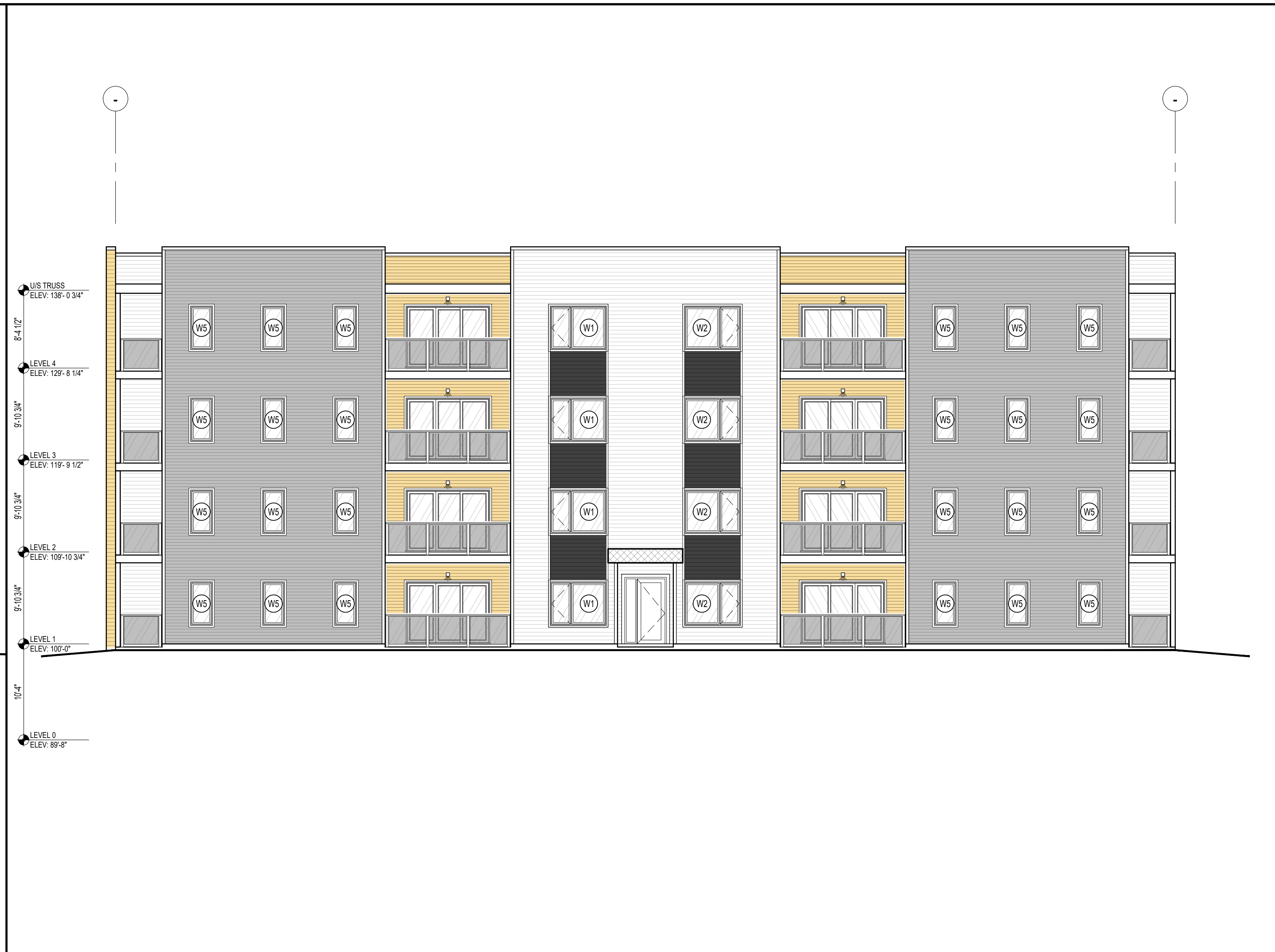
**ELEVATIONS**

**A2.0**

PROJECT #	KUB-2337
DATE	2024.01.12
DRAWN BY	



① ELEVATION - WEST (BIGGS DRIVE) SCALE: 1/8"=1'-0"



② ELEVATION - SOUTH (PARKING) SCALE: 1/8"=1'-0"



③ ELEVATION - EAST SCALE: 1/8"=1'-0"



④ ELEVATION - NORTH (WATERSIDE TERRACES) SCALE: 1/8"=1'-0"