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# PLANNING ADVISORY COMMITTEE



The City of Saint John

November 26, 2018

His Worship Mayor Don Darling and  
Members of Common Council

Your Worship and Councillors:

**SUBJECT: Rezoning Application  
4 Second Street**

On October 22, 2018 Common Council referred the above matter to the Planning Advisory Committee for a report and recommendation. The Committee considered the attached report at its November 20, 2018 meeting.

The applicant, Michael Saunders, was unable to appear before the Committee due to a previously scheduled personal commitment.

The Committee discussed the possibility of adding a Section 59 condition to the rezoning which would require the applicant to remove the church related signage currently affixed to the structure. The Committee was concerned about the building appearing to still be operational as there is signage describing service days and times adjacent to the front entrance.

The Committee moved staff's recommendation to approve the rezoning at 4 Second Street but recommended the addition of a Section 59 condition requiring the applicant remove any signage of a religious affiliation.

**RECOMMENDATION:**

1. That Common Council rezone a parcel of land having an area of approximately 1072 square metres, located at 4 Second Street, also identified as PID No. 00026849, from Community Neighbourhood Facility (CFN) to Low-Rise Residential (R2).
2. That, pursuant to Section 59 of the *Community Planning Act*, the use of the parcel of land having an area of approximately 1072 square metres,

located at 4 Second Street, also identified as PID No. 00026849, be subject to the following conditions:

- a. That all signage related to the previous operation of a church be removed previous to the issuance of an occupancy certificate.

Respectfully submitted,



Eric Falkjar  
Chair

Attachments

- 1 – Staff Presentation
- 2 – Staff Report dated November 16, 2018



The City of Saint John

**Date:** November 16, 2018

**To:** Planning Advisory Committee

**From:** Growth & Community Planning  
Growth & Community Development Services

**For:** **Meeting of Tuesday, November 20, 2018**

**SUBJECT**

**Applicant:** Michael Saunders

**Owner:** Michael Saunders

**Location:** 4 Second Street

**PID:** 00026849

**Plan Designation:** Stable Residential

**Existing Zoning:** Neighbourhood Community Facility (CFN)

**Proposed Zoning:** **Low-Rise Residential (RL)**

**Application Type:** Rezoning

**Jurisdiction:** The *Community Planning Act* authorizes the Planning Advisory Committee to give its views to Common Council concerning proposed amendments to the Zoning By-law. Common Council will consider the Committee recommendation at a public hearing on **Monday, December 3, 2018**.

**SUMMARY**

The applicant is proposing to rezone the parcel of land at 4 Second Street from Community Neighbourhood Facility (CFN) to Low-Rise Residential (RL) to accommodate the conversion of a church and rectory to a residential dwelling. The rezoning is in response to a Stop Work Order issued in September of 2018 for work undertaken without a permit. The rezoning will facilitate the applicant obtaining appropriate building permits and a change of use permit leading to legal occupancy of the building.

**RECOMMENDATION**

1. That Common Council rezone a parcel of land having an area of approximately 1072 square metres, located at 4 Second Street, also identified as PID No. 00026849, from Community Neighbourhood Facility (CFN) to Low-Rise Residential (RL).

**DECISION HISTORY**

There are no previous decisions relevant to this application.

**ANALYSIS****Proposal**

The applicant is proposing to rezone the subject property from Community Neighbourhood Facility to Low-Rise Residential to facilitate the conversion of a church and rectory to a residential dwelling. The building will be used in the immediate future as a single dwelling occupied by the applicant. The applicant has requested flexibility in the zoning to allow for the possible addition of residential units in the future. The Low-Rise Residential zone would permit up to six residential units at the site.

**Site and Neighbourhood**

The subject property is located in the City's North End, to the east of Cranston Avenue. The surrounding neighbourhood is characterised by a mix of residential housing types including single family homes converted into multi-unit dwellings.

The existing structure housed the Hope Lutheran Church until July 2014 when the church officially disbanded. The applicant purchased the property later the same year.

A Stop Work Order was issued at the subject site on September 20, 2018 for work undertaken without a building permit. Upon an approved rezoning of the subject site, the applicant would need to apply for and obtain a building permit to facilitate the conversion of the building from a

church to a single family dwelling. The unpermitted work that was captured in the stop work order must be clearly defined in the future building permit application and a full set of floor plans must be provided for review by the Building Inspector. Permits to accommodate new or upgraded plumbing and electrical may also be required as part of the conversion. An occupancy permit must be obtained before the existing structure can be used as a residence.

## Municipal Plan and Rezoning

### Municipal Plan

The subject site is designated Stable Residential in the Municipal Plan. The Stable Residential designation is typically applied to built-out neighbourhoods where limited change is anticipated. Municipal Plan Policy LU-88 stipulates any redevelopment in these areas generally be permitted only through a rezoning process where compliance with specific requirements is evident. An analysis of the proposal's adherence to the policy's criteria is outline in the table below:

<b>Policy LU 88: Ensure that significant new development and redevelopment in areas designated Stable Residential shall generally be permitted only through a rezoning process where compliance is demonstrated with the following requirements:</b>		
<b>Requirements:</b>	<b>Does the proposal comply?</b>	<b>Rationale</b>
The proposed land use is desirable and contributes positively to the neighbourhood.	Yes	The proposal facilitates the habitation and reuse of an otherwise vacant building.
The proposal is compatible with surrounding land uses	Yes	The surrounding neighbourhood is residential. The proposal will increase uniformity of uses in a well-established residential neighbourhood.
The development is in a location where all necessary water and wastewater services, parks and recreation services, schools, public transit and other community facilities, and protective services can readily and adequately be provided	Yes	As the structure is existing, it is fully integrated into the surrounding neighbourhood. It is notable that the proposal does not detail changes to the structure or the site that would require changes to access or servicing. Should substantial changes be made to the site or structure, adherence to this policy must be maintained.
Site design features that address such matters as safe access, buffering and landscaping, site grading, and stormwater management are incorporated	Yes	As there are no proposed changes to the site, conformity to this requirement is assumed. Any future changes to the site must be in keeping with the Municipal Plan and appropriate bylaws.
A high quality exterior building design is provided that is consistent with the Urban Design Principles in the Municipal Plan	Partially	Policy UD-10 speaks to reinforcing the physical character and uses of the surrounding neighbourhood. The proposed adaptive re-use of an existing structure which is somewhat unique in mass and materials will

		not agree with the urban design principles in their entirety however the proposal agrees with the intent of the policy. The existing building is oriented on an angle to the street with half of the building appearing residential in character while the other half is more institutional with fewer windows to accommodate a large wooden cross. The renovation and re-use of the building will bring it closer to conforming to the neighbourhood character however the building appears larger and of a different design than the neighbouring residential buildings. Therefore, it should be seen as meeting the intent of the Municipal Plan as it positively contributes to the surrounding neighbourhood.
The proposal is on a property identified as a Corridor on the City Structure map (Schedule A) or does not detract from the City's intention to direct the majority of new residential development to the Primary Centres, Local Centres, and Intensification Areas	Yes	Although not located directly on the corridor, the re-use of the building for residential purposes contributes to the stability of the area thereby agreeing with the intent of the municipal plan policy.

Municipal Plan Policy CF-30 further supports the proposal as it states:

*“Council shall: Encourage the adaptive re-use of vacant places of worship for appropriate uses.”*

As the proposed residential use agrees with the surrounding neighbourhood character it is therefore deemed to be an appropriate use.

### Zoning

The subject site is zoned Community Neighbourhood Facility (CFN) consistent with facilities of religious association. The applicant is proposing to use the existing structure for residential purposes. Considering the neighbourhood character and adjacent zoning, it was determined the Low-Rise Residential (RL) zone would accommodate the immediate intent of the applicant to use the existing structure as a single dwelling while also accommodating possible future renovation to include a secondary suite or other uses consistent with the RL zone. The RL zone can accommodate a multi-unit dwelling up to a maximum of six units. Should the applicant decide to further renovate the existing structure to accommodate multiple residential units (up to a maximum of six), it would be permissible under the requested zoning.

### **Conclusion**

Staff supports the proposed rezoning to facilitate the conversion of a church and rectory to a single family dwelling. The rezoning meets the intent of the Municipal Plan as it represents an

adaptive re-use of a place of worship while maintaining the surrounding neighbourhood character. An approved rezoning is required prior to the applicant obtaining a Change of Use permit and appropriate building permits. An occupancy permit must be obtained prior the structure being used as a residence.

### **ALTERNATIVES AND OTHER CONSIDERATIONS**

No alternatives were considered.

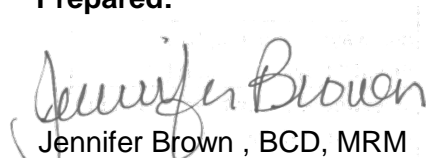
### **ENGAGEMENT**

#### **Public**

In accordance with the Committee's Rules of Procedure, notification of the proposal was sent to landowners within 100 metres of the subject property on November 9, 2018. The public hearing for the rezoning was advertised on the City of Saint John website beginning on November 8, 2018.

### **SIGNATURES AND CONTACT**

#### **Prepared:**



Jennifer Brown, BCD, MRM  
Planner

#### **Reviewed:**



Mark Reade, P.Eng., MCIP, RPP  
Senior Planner

#### **Approved:**



Jacqueline Hamilton, MURP, MCIP, RPP  
Commissioner

**Contact:** Jennifer Brown  
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**Project:** 18-0199

## **APPENDIX**

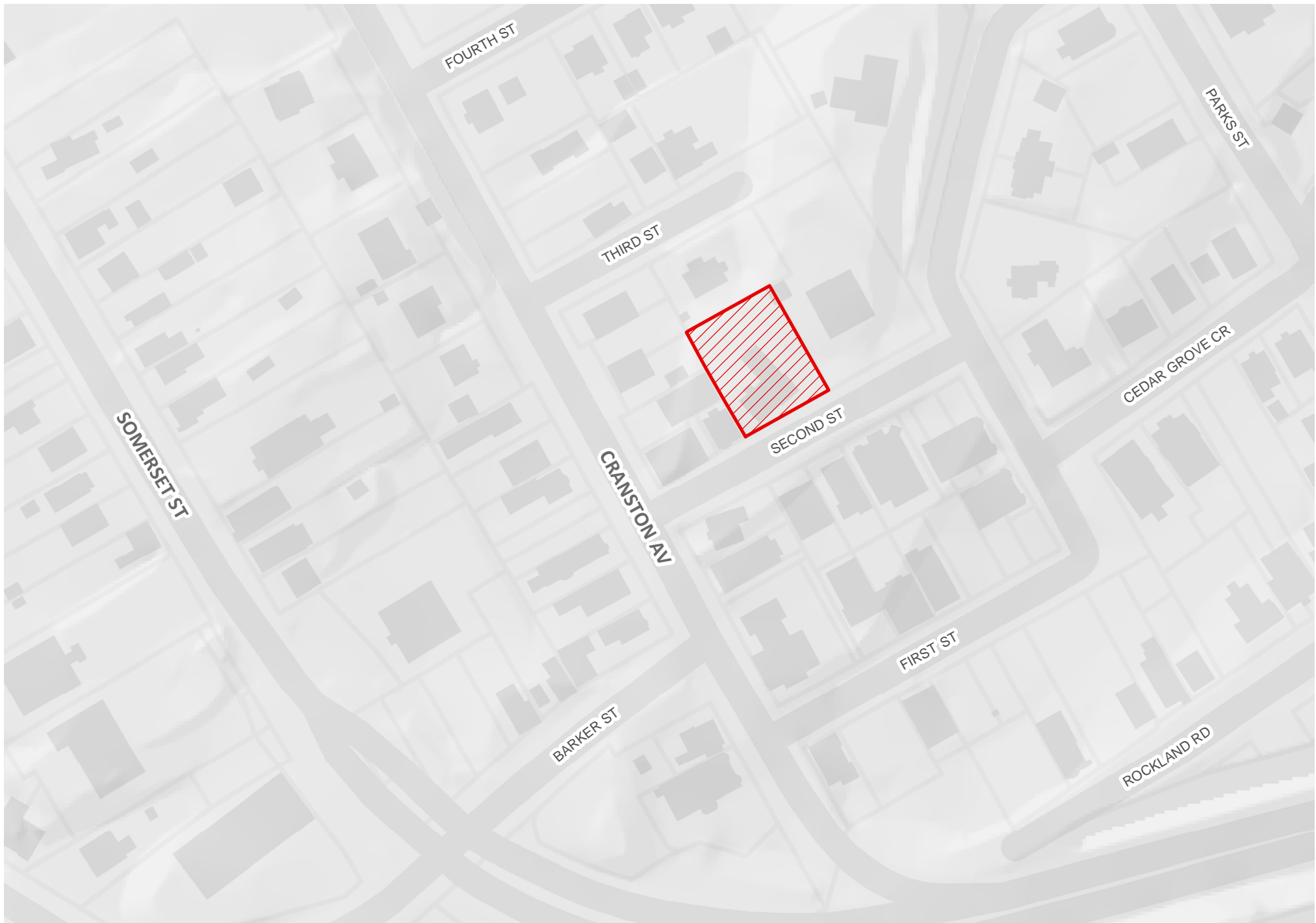
Map 1: **Site Location**

Map 2: **Municipal Plan**

Map 3: **Zoning**

Map 4: **Aerial Photography**

Map 5: **Site Photography**



# Map 1 - Site Location

Michael Saunders - 4 Second Street

The City of Saint John  
Date: October-17-18



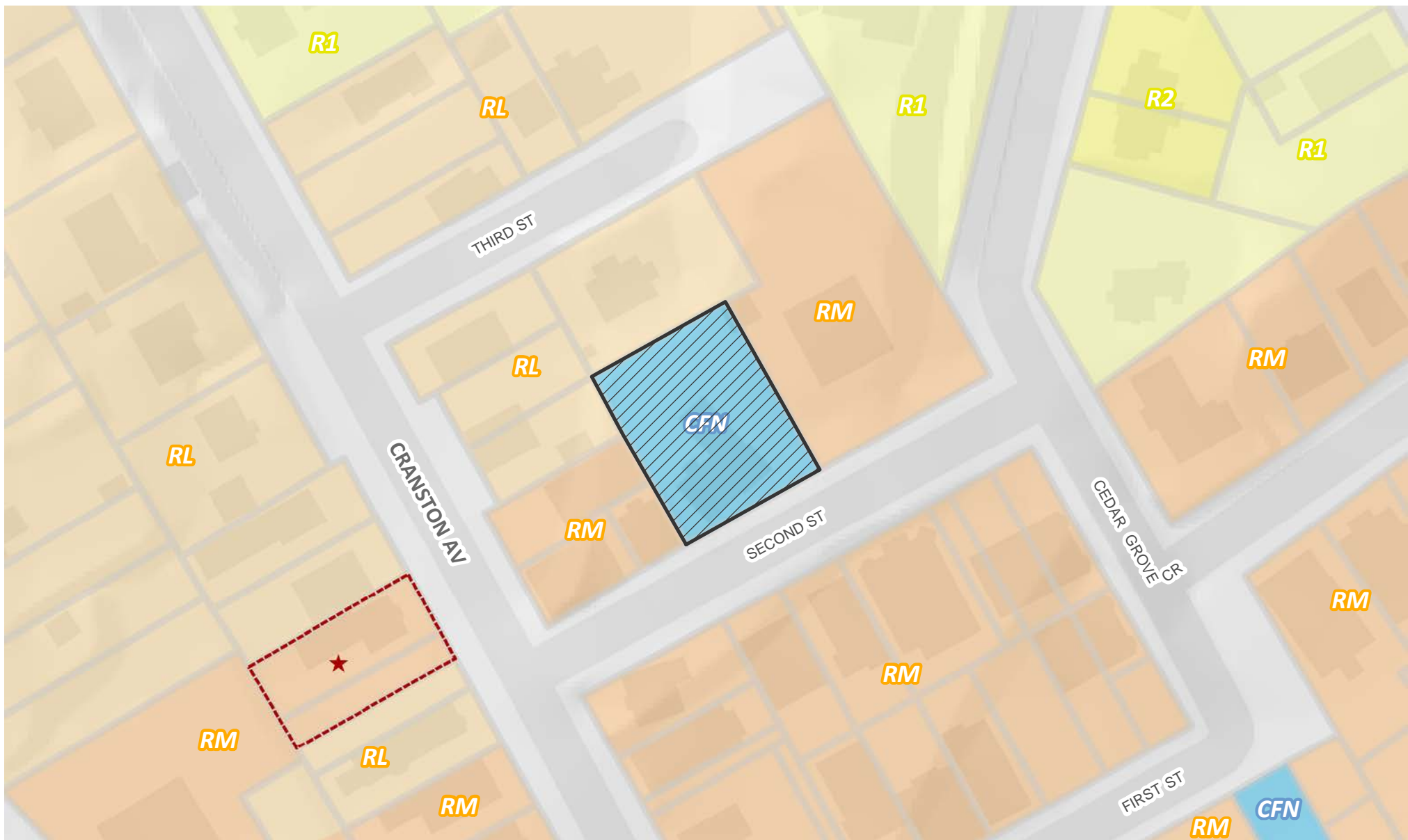


## Map 2 - Future Land Use

Michael Saunders - 4 Second Street

The City of Saint John  
Date: October-17-18





(CFN) Neighbourhood Community Facility

(R1) One-Unit Residential

(R2) Two-Unit Residential

(RL) Low-Rise Residential

(RM) Mid-Rise Residential

★ Section 39 Conditions

## Map 3 - Zoning

Michael Saunders - 4 Second Street

The City of Saint John  
Date: October-17-18





# Map 4 - Aerial Photography

Michael Saunders - 4 Second Street

The City of Saint John  
Date: October-17-18

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**Site Photography**  
Michael Saunders - 4 Second Street

