



The City of Saint John

Date: October 15, 2021
To: Planning Advisory Committee
From: Growth & Community Services
Meeting: October 19, 2021

SUBJECT

Applicant: Judy Mitchell
Landowner: Judy Mitchell and Terry Moore
Location: 204 Pitt Street
PID: 00003525
Plan Designation: Medium to High Density Residential
Zoning: Urban Centre Residential (RC)
Application Type: Variance
Jurisdiction: The *Community Planning Act* authorizes the Planning Advisory Committee to grant reasonable variances from certain requirements of the Zoning By-law. Terms and conditions can be imposed.

EXECUTIVE SUMMARY

The applicant is seeking approval to construct a driveway access having a width of approximately 10.06 metres which is in excess of the 4.5 metre maximum width permitted in the Urban Centre Residential (RC) zone. Denial of the variance is recommended as the proposed width is well beyond the maximum permitted in the zone and wider than the established context of driveway access widths in the surrounding area. An alternate recommendation is provided for the Committee's consideration.

RECOMMENDATION

1. That the Planning Advisory Committee deny the requested variance to increase the driveway access width to approximately 10.06 metres.
2. That the Planning Advisory Committee approve a variance to increase the driveway access width to 6 metres, measured at the curb cut, subject to the following conditions:
 - a) That the surface of the driveway area be finished with a mixture of poured-in-place or prefabricated concrete pavers and grass or other vegetative ground cover.
 - b) That the applicant submit a detailed site plan, based on a legal survey detailing site features including the fence, garage, curb cut and driveway locations in relation to the property lines of the site and the curbing along Pitt Street and Queen Street. This plan is required to be submitted to the City, for review and approval by the City prior to the issuance of the required Street Excavation Permit. This plan must also demonstrate that the curb cut location can achieve the required 5 metre spacing from the property line and 11 metre spacing from the curb line along Pitt Street with the curb cut constructed to meet this spacing criteria.

DECISION HISTORY

On November 4, 2020, the Development Officer granted a variance to increase the width of the driveway access from 4.5 metres to approximately 5.4 metres on the condition that the surface of the driveway area be finished with a mixture of poured-in-place or prefabricated concrete pavers and grass or other vegetative ground cover. While the access width was limited by restricting the size of the curb cut, the approved design allows for full access to the double car garage.

The applicant, through the Development Officer variance process, was originally seeking a driveway access width of a similar magnitude (approximately 10 metres in width) to that requested in the subject application.

The November 2020 variance approval also included variances to locate an accessory building (the recently constructed garage) within the required front yard and to increase the maximum height of the garage by 0.8 metres.

During an inspection of the property in October 2021, it was noted the area above the garage is being used as a home office, Staff will have further discussions with the applicant regarding activities associated with the area above the garage, as this may require an additional application for the Committee's consideration should these activities meet the definition of a business office as defined by the Zoning By-Law.

ANALYSIS

Proposal

The applicant is seeking a variance to increase the width of a driveway access from 5.4 metres, the width approved by the Development Officer in 2020 to approximately 10.06 metres. The Zoning By-law limits the width of driveway accesses within the Urban Centre Residential (RC) zone to 4.5 metres.

Site and Neighbourhood

The property is located at the southeast corner of Pitt Street and Queen Street. The 559 square metre property has a frontage of approximately 30.5 metres on Pitt Street and a frontage of approximately 18 metres along Queen Street. A single unit dwelling with an attached garage is located on the property along with an additional two car-garage with second story, constructed in 2020. The property has a long-standing driveway access from Pitt Street with a driveway from Queen Street constructed in conjunction with the construction of the garage.

The immediate surrounding neighbourhood generally contains a mix of residential land uses zoned Urban Centre Residential (RC). The surrounding neighbourhood is largely zoned Urban Centre Residential (RC) with dwellings of lower residential density generally ranging from one to six units. Institutionally zoned lands around the site include special care homes on Queen Street and Pitt Street and the Saint John the Baptist-King Edward School.

Municipal Plan, Zoning, and Variance

Municipal Plan

The property is designated as Medium to High Density Residential and is located within the South End Intensification Area established in the Municipal Plan. Plan policies seek to minimize the impacts of driveways and parking areas on the Public Realm. Policies UD-9 and UD-12 seek to achieve this through design approaches which include:

- limiting surface parking between the front of a building and the public street or sidewalk,
- sharing and minimizing the width of driveways and curb cuts across sidewalks; and
- generally locating surface parking, at the rear or side of the property and buffering or screening these functions from adjacent properties and the public realm, particularly in Neighbourhood Intensification Areas.

Zoning

Driveway design is subject to the standards of the City's Zoning By-law. These standards govern the width and location of driveways. Within the Urban Centre Residential (RC) zone, access widths are limited to 4.5 metres anywhere on the lot. The intent of this requirement is to mitigate the impact of wider driveways given the denser development context found in these more urban neighbourhoods which feature narrower lots and smaller lots than those found in other areas of the City which have a more suburban context. Aside from the more stringent width requirement in the RC zone, lots having frontages of 15 metres or greater would have a maximum driveway width of the greater of 6 metres or 30 percent of the lot frontage. By extension, if the subject lot were not within the RC zone, a driveway onto Pitt Street would be

limited to the greater of 5.5 metres, based on 30% of the 18.3 metres frontage along Pitt Street, or 6 metres.

A variance was issued by the Development Officer in late 2020 to grant an increased driveway access width beyond the 4.5 metre maximum width in the RC zone. At the time of the 2020 variance application, the applicant was seeking to construct a driveway of an equivalent width (10.06 metres) to that being sought with the current application. Through discussions with the applicant at that time, a reasonable compromise was reached, and a variance was granted for a 5.4 metre driveway access width. This variance was subject to the condition that the driveway area be finished with a mixture of poured-in-place or prefabricated concrete pavers and grass or other vegetative ground cover (Submission 2 – Site plan from 2020 Building Permit Application). Incorporation of a mix of hard surfacing and vegetative ground cover would mitigate much of the visual impact of a broad expanse of pavement. This design would also offset additional storm water runoff from an increased paved area.

A review of driveway access widths was undertaken based on the City's aerial photography to determine the surrounding context of residential driveways widths on properties zoned RC along the surrounding block of Queen Street. The results of this review, presented in Table 1, identified that driveway widths in the area are generally equivalent to or below the width previously approved by the Development Officer.

Table 1 – Driveway Widths, Area Properties with RC Zoning	
Address	Driveway Width
220 Queen Street	5.4 metres
228 Queen Street	6.3 metres ¹
230 Queen Street	3.5 metres
211/213 Queen Street	4.9 metres
231 Queen Street	10.1 metres ^{1, 2}
	2.78 metres
225/227 Queen Street	2.55 metres
223 Queen Street	3.21 metres
217 Queen Street	10.3 metres
521 Crown Street (accessed from Queen Street)	5.2 metres ¹

Notes

1. 228 Queen Street, 231 Queen Street and 541 Crown Street are multiple unit buildings.
2. Lot adjacent to 231 Queen Street appears to function as a parking lot for 231 Queen Street although it is under separate ownership from the adjacent building.

With respect to widths in the surrounding area, the data in Table 1 can be summarized as follows:

- Two driveways of 10.1 metres to 10.3 metres, one of which serves a parking area for a multiple unit dwelling,

- Four driveways which range from 2.5 metres to 3.5 metres in width.
- Three driveways which range from 4.9 metres to 6.3 metres in width.

The distance between driveways and adjacent intersections is also regulated by engineering design considerations and the Zoning By-Law. Standards of the Zoning By-law require the driveway to be 5 metres away from the front property line along Pitt Street. With respect to engineering design considerations, the Geometric Design Guide for Canadian Roads, published by the Transportation Association of Canada, suggests a spacing of 11 metres, which is measured from the curb line along the intersecting street. In the event a variance is approved, staff recommend a condition requiring the applicant to submit a detailed site plan, based on a legal survey that would detail site features including the fence, garage, curb cut and driveway locations in relation to the property lines of the site and the curbing along Pitt Street and Queen Street. This plan is required to be submitted to the City, should a variance be approved, for review and approval by the City prior to the issuance of the required Street Excavation Permit. This plan must also demonstrate that the curb cut location can achieve the required 5 metre spacing from the property line intersection and 11 metre spacing from the curb line along Pitt Street.

The key issue is the width of the driveway access with respect to the 4.5 metre maximum width in the Urban Centre Residential (RC) zone and the surrounding neighbourhood context. The proposed driveway width of 10.06 metres (33 feet) is well in excess of the maximum width permitted by the By-Law and the surrounding community context.

Based on a review of the neighbourhood context, a driveway access width of 5 metres to 6 metres is considered reasonable and is in line with a variance previously approved by the Development Officer.

Given this, Staff recommend denial of the variance to provide for the requested driveway access width of approximately 10.06 metres. An alternate recommendation proposed by Staff would provide for a driveway having a 6-metre curb cut width, and a design consistent with that previously approved by the Development Officer incorporating a mix of landscaped ground cover and concrete pavers. The location of the driveway would also conform to the Zoning By-law requirement that it be no closer than 5 metres from the front / flankage property line along Pitt Street and confirmed through a site plan submitted for City approval.

Conclusion

The requested variance for increased driveway access width is not within the context of existing driveway access widths in the surrounding neighbourhood. Staff recommend denial of the variance and the approval of an alternative variance that incorporates a curb cut width of 6 metres and conditions relating to the design and location of the driveway. Should the Committee elect to approve an alternate width, these conditions are also recommended to be attached to the variance approval.

ALTERNATIVES AND OTHER CONSIDERATIONS

Staff have provided an alternate recommendation which responds to the community context and design considerations along with conditions of the variance.

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 October 8, 2021.

APPROVALS AND CONTACT

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Mark Reade , P.Eng., MCIP, RPP	Jennifer Kirchner , MCIP, RPP

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Application: 21-147

APPENDIX

Map 1: **Aerial Photography**

Map 2: **Future Land Use**

Map 3: **Zoning**

Attachment 1: **Site Photography**

Submission 1: **Site Plan submitted with Variance application**

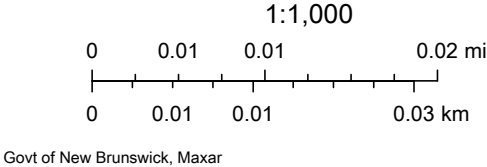
Submission 2: **Approved Site Plan from 2020 Building Permit**

204 Pitt Street - Airphoto



2021-09-23


-  Subject Site
-  Primary Development Area
-  Property Parcels



204 Pitt Street - Future Land Use



2021-10-04

 Subject Site

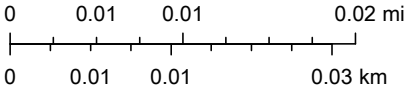
 Property Parcels

 Primary Development Area

Future Land Use

 Medium to High Density Residential

1:1,000

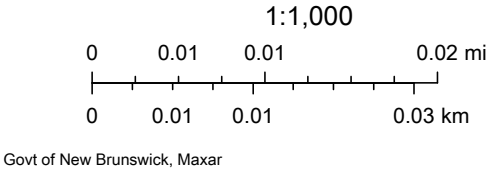


204 Pitt Street - Zoning



2021-09-23

- Subject Site
- Property Parcels
- Zoning
- RC
- CFN
- Primary Development Area





View of site from Queen Street.



View of site from Queen Street.



View of site from Pitt Street.



View of site from Pitt Street.

Site Photography - 204 Pitt Street
Judy Mitchell

City of Saint John
October 14, 2021

Proposed
Driveway Location
10.06m (33 ft.
width)

Queen St

33'

Retaining Wall

GARAGE

Pitt St

Deck

House

HOUSE

GARAGE

26

28

Purple
Fenced
Area

Concrete Strip
grass pavers

Telephone
pole

~~Retaining
Wall~~

Growth & Community Development Services
Services Axés sur la Croissance et le Développement Communautaire

APPROVED BY / APPROVÉ PAR

Assistant Building Inspector / Inspecteur Adjoint des Bâtiments

[Signature]

11/4/20 13:28



SAINT JOHN

Growth & Community Development Services

Services Axés sur la Croissance et le Développement Communautaire

APPROVED BY / APPROVÉ PAR

DEVELOPMENT OFFICER / AGENT D'AMÉNAGEMENT

[Signature]

11/4/20 14:54



SAINT JOHN

Approved Plan
from 2020 Building
Permit

Access width
5.4m at curb.

Side yard
setback
1.5m

Submission 2: Approved Site Plan from 2020 Building Permit

Access width amended by applicant 11-02-20.
Access width now proposed at approximately
5.4m at property line with adjoining
landscaping and gradual taper to
approximately 7.9m beyond required front
yard.

East Parking Area (RV) deleted by applicant
11-02-20. Proposed Garage to be located
approximately 1.5m from side property line.