

PLANNING STAFF REPORT

SUBJECT: Pursuant to Subsection 55(1)(a) of the *Community Planning Act (C-19)* and Section 2.9.2 of the City of Miramichi Zoning By-law (By-law No. 110), a “use variance” has been requested by Jeffrey Roy – Miramichi Valley Snowmobile Club to enable the construction of a dry storage and maintenance building on a portion of the Subject Property described as PID 40116519 (no civic address assigned) located on Chaplain Island Road/NB 430 in the City of Miramichi.

PRAC must determine whether the proposed dry storage and maintenance building is sufficiently similar to or compatible with a use permitted in the “Rural (RU)” zone in which the Subject Property is situated.

MEETING DATE: January 23rd, 2024

AGENDA ITEM: 2024-1-1

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I. APPLICATION OVERVIEW

A “use variance” is requested when a land use is proposed for a property, that is not expressly cited in the list of permitted uses for the zoning of a property. Planning Services has also referred to similar *Community Planning Act (C-19)* (CPA) Section 55(1)(a) “use variance” requests as “similar/compatible use” applications. Miramichi Valley Snowmobile Club has applied for a use variance to enable the construction of a dry storage and maintenance building on a portion of the Subject Property.

Table 1: Application Overview

Property Owner/Applicant Details	
Owner	Jeffrey Roy
Applicant	Miramichi Valley Snowmobile Club
Subject Property Details	
Property Identification Number (PID)	40116519
Civic Address	(no civic address assigned) C.I road, Miramichi
Shape	Irregular
Area	25.4 ha
Servicing	No municipal servicing available (private septic and well services proposed)
Access/Frontage	Access via proposed easement over PID 40104119 (existing access road for NB Power)
Zoning and Municipal Plan Details	
Zoning	Rural (RU)
Future Land Use Designation	Rural
Land Use	
Existing	Vacant
Proposed	Construction of a storage and maintenance building.

Figure 1: Aerial photo of Subject Property (outlined in blue)

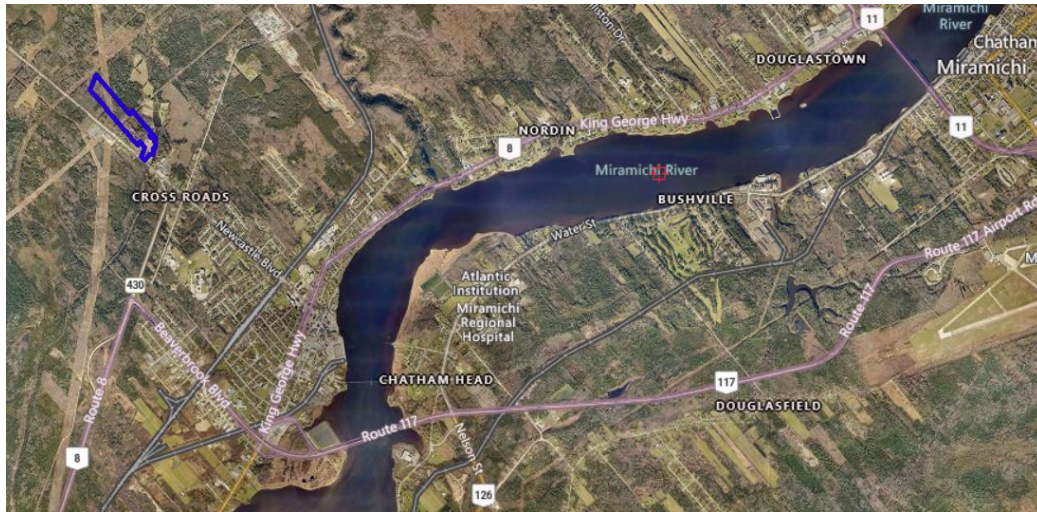
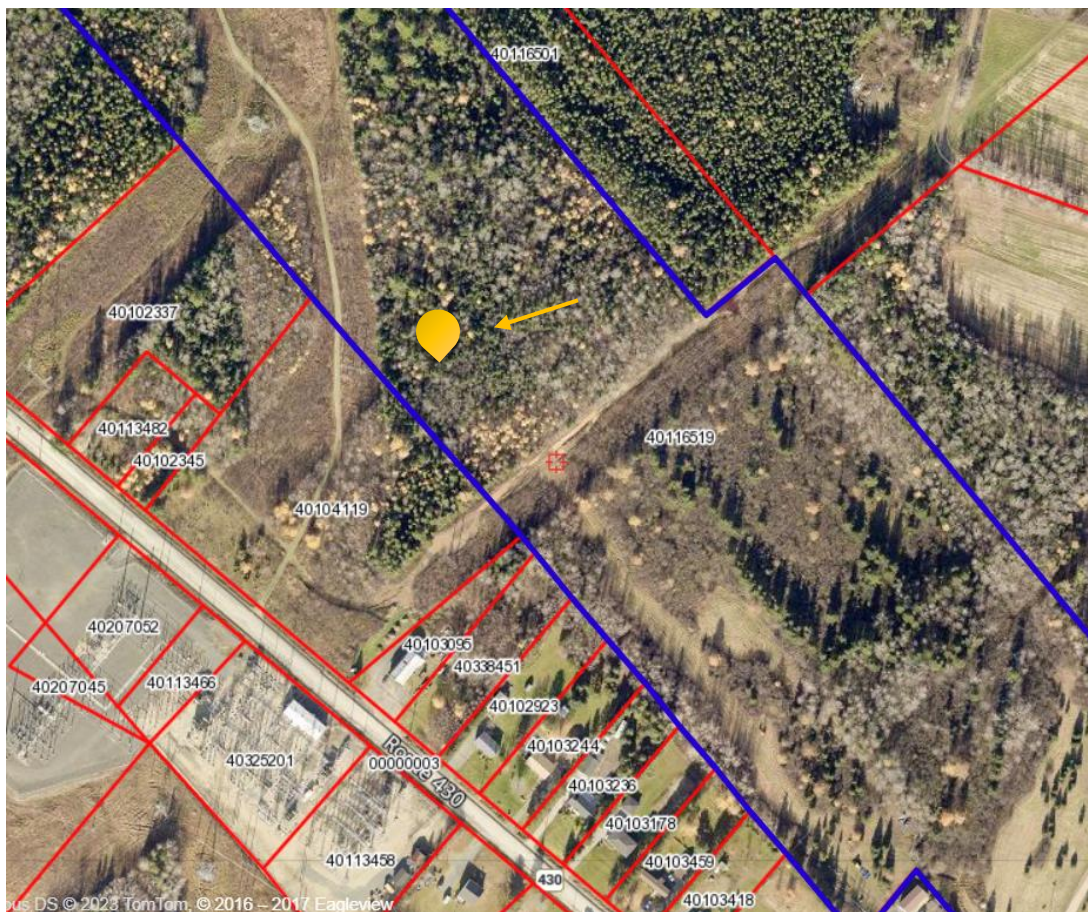


Figure 2: Aerial photo of Subject Property (outlined in blue and approximate location of proposed building indicated by the yellow pin and arrow)



II. PROPOSED USE

Because the proposed use is not expressly cited in the list of permitted uses for the “Rural (RU)” zoning of the Subject Property, the Applicant requires a “use variance” approval in order to legally establish the proposed dry storage and maintenance building. Legislatively, the Planning Review and Adjustment Committee (PRAC) is tasked with determining whether the proposed use is “sufficiently similar to” or “compatible with” the uses permitted in the “Rural (RU)” zone in which the Subject Property is situated.

The following provides a summary of the proposed development and use variance application:

- The Applicant has proposed the construction of a storage and maintenance building on a portion of the Subject Property described as PID 40116519.
- The proposed building measures 40’x60’ in total floor area.
- As per the site plan, the storage and maintenance building will be approximately in the center of the subject lot.
- The building will be accessed from CI Road through an NB Power-owned property (PID 40104119), and will be located approximately 70’ northwest of this property. The building will be located approximately 600’ from the road, and from the nearest residence.
- The building will be used to store snowmobile trail groomer equipment and have a washroom and office area.

III. PLANNING CONSIDERATIONS

(A) Municipal Plan

The Municipal Plan (By-law No. 109) serves as Council’s comprehensive policy document for managing growth and development within the City over the 10-year planning period representing 2020 through to 2030. The Plan is intended to be used by Council, City Staff, GMRSC – Planning Services and PRAC, developers, businesses, community organizations, and residents to guide day-to-day decision affecting development.

The Subject Property is designated as “Rural” by Schedule A: Future Land Use Map of the Plan. As per the Schedule D Road Hierarchy and Designations, the designation of route 430/Chaplain Island Rd is “Secondary Regional Route”. The Subject Property does not have any commercial or residential designations.

While the proposed storage and maintenance building requires a use variance, it complies with the policies of the Municipal Plan as per demonstrated in the table 2 below:

Table 2: Alignment of the proposed use with the municipal plan goals and policies

Proposed use:	Municipal plan (By-law NO 109) excerpts:
<p>Tourism-Commercial uses: The proposed snowmobile storage and maintenance facility is linked to a commercial use and complements tourism activities since the snowmobile is for outdoor recreational activities.</p> <p>Similar type uses: The proposed use can be considered as a similar use to the “resource use” for the following reason:</p> <ul style="list-style-type: none"> - Sustainable and responsible utilization of natural resources: Snowmobiling is often done in natural areas and thus it is important to maintain the ecological balance, preserve the landscape and minimizes the impact on winter wildlife habitat. It is a use which prioritizes environmental conservation and protection of the ecosystems. <p>Tourism and economic resources: Snowmobiling attracts tourists and outdoor enthusiasts and thus contributes to the local economy. The use of the landscape for recreational purposes makes it a resource for tourism.</p>	<p>Section 13(B): Rural Proposal 1(g) and 1(i): “It is a proposal of Council: That areas designated “Rural” on the Future Land Use Map be intended to accommodate the following: g. Tourism-commercial uses i. Similar type uses. [...]”</p> <p>Section 7(E): Economic Development-Tourism Policy 1: It is a policy of council to: “Promote and encourage greater tourist visitation to the City through support of its [...] recreational and cultural attractions [...].”</p> <p>Policy 2: It is a policy of council to: “Build and maintain relationships with tourism businesses in strategic markets, including [...] snowmobile, [...] sport tourism.”</p> <p>Policy 3: It is a policy of council to: “Work cooperatively [...]: c. To continue to encourage the development and expansion of regional tourism attractions and events.”</p>

<p>Community gatherings: Snowmobile clubs often organize events. These activities bring the community together by promoting social interactions.</p> <p>Outdoor recreation: Snowmobiling provides accessible and enjoyable outdoor recreational activities during winter. It allows people to connect with their surroundings and promotes a healthy and active lifestyle.</p> <p>Well-being: Snowmobile clubs are very involved in safety and awareness programs/campaigns. By doing so, they contribute to the education and well-being of the community.</p>	<p>Section 7(F): Economic Development-Quality of life Policy 3: It is a policy of council to: “To provide guidance and support for community-managed recreation/cultures/tourism initiatives that have economic benefits (e.g. snowmobile, [...]).”</p>
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The storage and maintenance facility for snowmobiles is essential for the club’s operations and will ensure a proper upkeep of the equipment and facilitate the offer of outdoor recreational activities to the residents and tourists. Allowing the proposed use would support and contribute to the local tourism industry, the recreational opportunities, the protection/ conservation of the environment/ecosystem and overall, the economic well-being of the community.

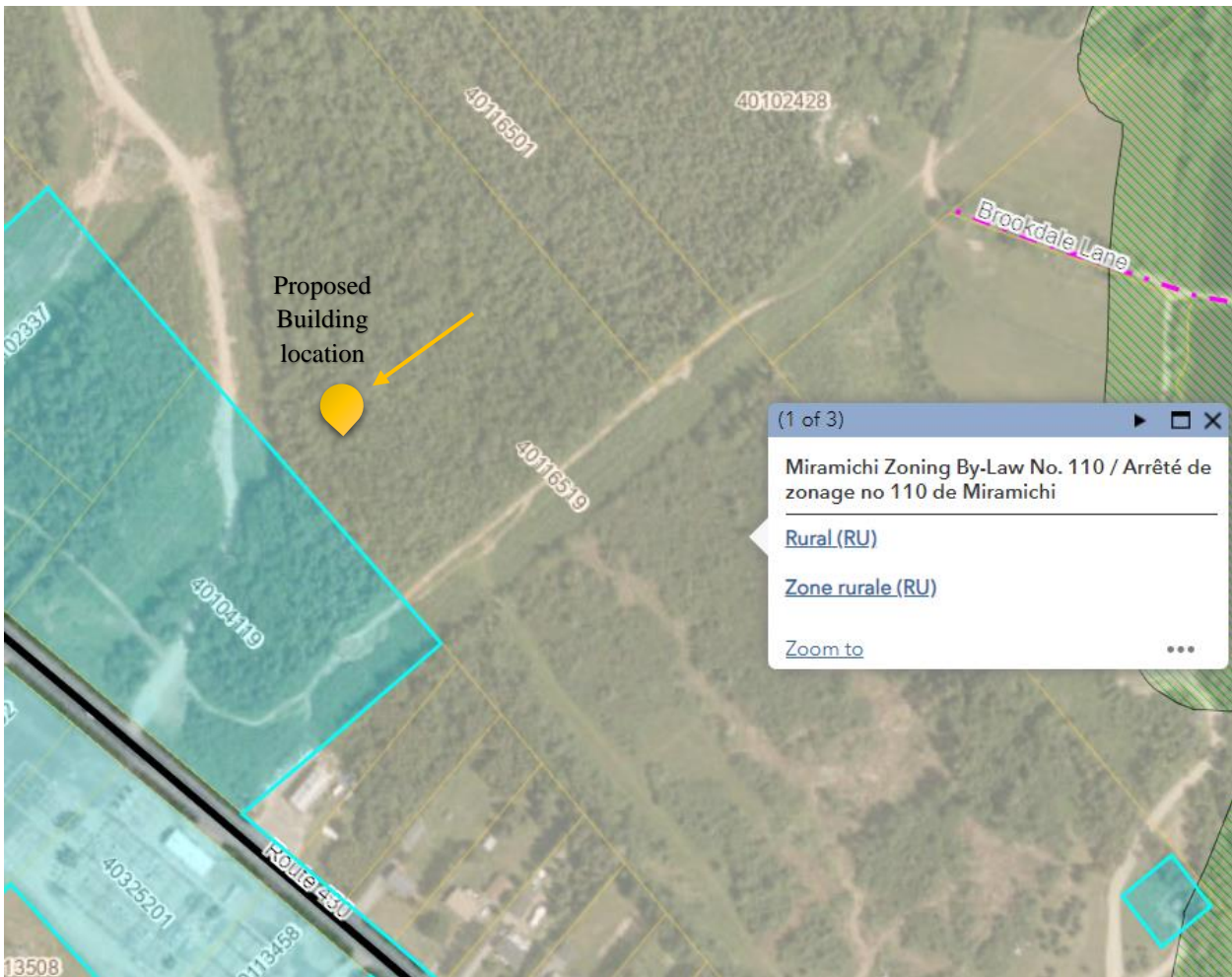
Also, the municipal Plan states in **section 13(B)(3)** that:

“It is a policy of council to establish provisions in the zoning by-law for the rural areas which will permit the PRAC to consider, subject to terms and conditions, other resource-based development and uses [...]. Council shall instruct the PRAC to have regard for the imposition of terms and conditions that consider the following: [...]:

e. The storage of materials and equipment; [...].”

(B) Zoning By-law – Site Development Regulations and Considerations

Figure 4: Zoning By-law (By-law No. 110) – Zoning Map



The “Rural (RU)” zoning of the Subject Property does not expressly regulate or cite a vehicle storage or wash facility in the list of permitted uses. Table 3, below, outlines the uses which are permitted in the “Rural (RU)” zoning of the Subject Property. The applicant’s site plan seems to demonstrate compliance with all zoning by-law requirements at this time, however, a detailed review of any final plans will be conducted as part of the building permitting process should the use be approved by PRAC.

Table 3: List of Rural (RU) Zone Permitted Uses

<i>One of the following residential uses:</i>
Mini-Home Dwelling
Single-Unit Dwelling
Tiny-Home Dwelling
Two-Unit Dwelling
<i>One of the following secondary uses (only in association with a residential uses):</i>
Backyard poultry coop (subject to section 3.2.1)

Early learning and childcare home (subject to section 3.2.3)
Garden suite (subject to section 3.2.4)
Home-based tourist accommodation (subject to section 3.2.5)
Home business (subject to section 3.2.2)
Home industry (subject to section 3.2.6)
<i>One or more of the following main uses:</i>
Agricultural operation, excluding the raising of swine and/or poultry
Cemetery, excluding a crematorium
Composting - agriculture
Fishery use
Forestry use
Kennel
Park
Resource use
Riding stable
Veterinary Clinic
<i>The following conditional uses provided herein subject to such terms and conditions as the PRAC may impose:</i>
Pit, quarry or large-scale commercial excavation
Wind farm

PRAC must determine whether the proposed use is sufficiently similar to or compatible with a use permitted in the “Rural (RU)” zone in which the Subject Property is situated (i.e., those listed in Table 2, above). When determining if a use is similar or compatible, the PRAC should consider potential land use conflicts. While a resource use is a permitted main use in the “Rural (RU)”, the proposed use is very similar to a vehicle storage or wash facility which is allowed as a secondary use in a “Resource Extraction (RE)” zone as defined in the Zoning By-law (By-law No. 110).

Reviewing the regulations for the “Rural (RU)” zone helps make sure the proposed use follows the required regulations and won’t cause any land use conflict for the uses in the zone and those nearby. The regulations for the “Rural (RU)” zone are listed in the table below:

Table 4: Regulations for the “Rural (RU)” Zone

	<i>“Rural (RU)” Zoning Regulations</i>
Minimum lot area	4000m ²
Minimum lot frontage	54m
Minimum lot depth	38m
Maximum height	15m
Minimum front yard	In accordance with section 3.1.4
Minimum side yard	6.1m

Minimum rear yard	6.1m
Maximum lot coverage	40%
A feed lot, manure pile, lagoon, stable, barn, kennel, or including fur bearing animals shall not be located within 150m of a dwelling unit on an adjoining lot or a residential zone boundary	
No new dwelling unit shall be erected on an adjoining lot within 150m of an existing feed lot, manure pile, lagoon, stable, barn, kennel, including fur bearing animals.	

Also, as per the zoning by-law (By-law No. 110), for the “Rural (RU)” zone, a lot within that zone, which is not serviced may be developed subject to and provided for in section 3.1.2.

Overall, the proposed use complies with the regulations for the “Rural (RU)” zone.

It is the opinion of the Planning Staff that the land use impact of the proposed use would be sufficiently similar to that of a resource use which is a permitted use in the “Rural (RU)” zone. The use can also be considered very compatible with most of other permitted and existing uses in the zone.

Under paragraph 55(1)(a) of the CPA, the PRAC is empowered to permit, subject to terms and conditions, “a proposed use of land or a building that is otherwise not permitted under the zoning by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the law by-law for the zone in which the land or building is situated”.

The questions to be considered by the PRAC are:

1. Whether or not the storage and maintenance use is “similar to” a use permitted in the zone.
2. Whether or not the proposed use is “compatible with” other uses permitted in the “Rural (RU)” zone.

(C) Neighbourhood Character and Impact

The following points summarize land use activities in the area:

- The primary zone in the surrounding area is “Rural (RU)”
- There are approximately 20 homes/other residential uses within 600m of the proposed building location.
- There is a “Utility and Service (US)” zone nearby, the site of NB Power lines and a transmission substation+.

- Route 430 is designated as a “Secondary regional route” road by Schedule D: Road Hierarchy and Designations.

Considering the proposed use, the location of the subject Property and the area described above, the proposed use would likely not result in a negative land use impact to surrounding properties, considering the somewhat remote siting of the proposed building, and the existing forested area surrounding it.

(D) Views of the Public

A notice of the use variance application, including opportunity to provide comment and information on the scheduled PRAC meeting, was sent to the six closest residences to the proposed building, due to the nature and size of the property. The closest residence is approximately 175m away from the proposed building. A notification sign was also posted nearby the proposed access road to the building/property in accordance with the PRAC by-law.

IV. STAFF RECOMMENDATION

It is recommended that the Planning Review and Adjustment Committee grant an approval pursuant to Section 55(1)(a) of the *Community Planning Act (C-19)* and to Section 2.9.2 of the City of Miramichi Zoning By-law (By-law No. 110,) to allow the proposed storage and maintenance building as a “similar to and compatible with use” in the “Rural (RU)” zone of the Subject Property described as PID 40116519 (no civic address assigned) located on Chaplain Island Rd/NB 430, in the City of Miramichi.

V. ATTACHMENTS

1. Application Materials
2. Location Photos

Report Prepared on: January 18th, 2024.

Report Prepared by:

Nahyssa Rose Rabé Harou, B.Sc.,
Planner

Nahyssa Rose Rabé Harou

Nicholas O'Dette, RPP, MCIP
Planning Services Manager

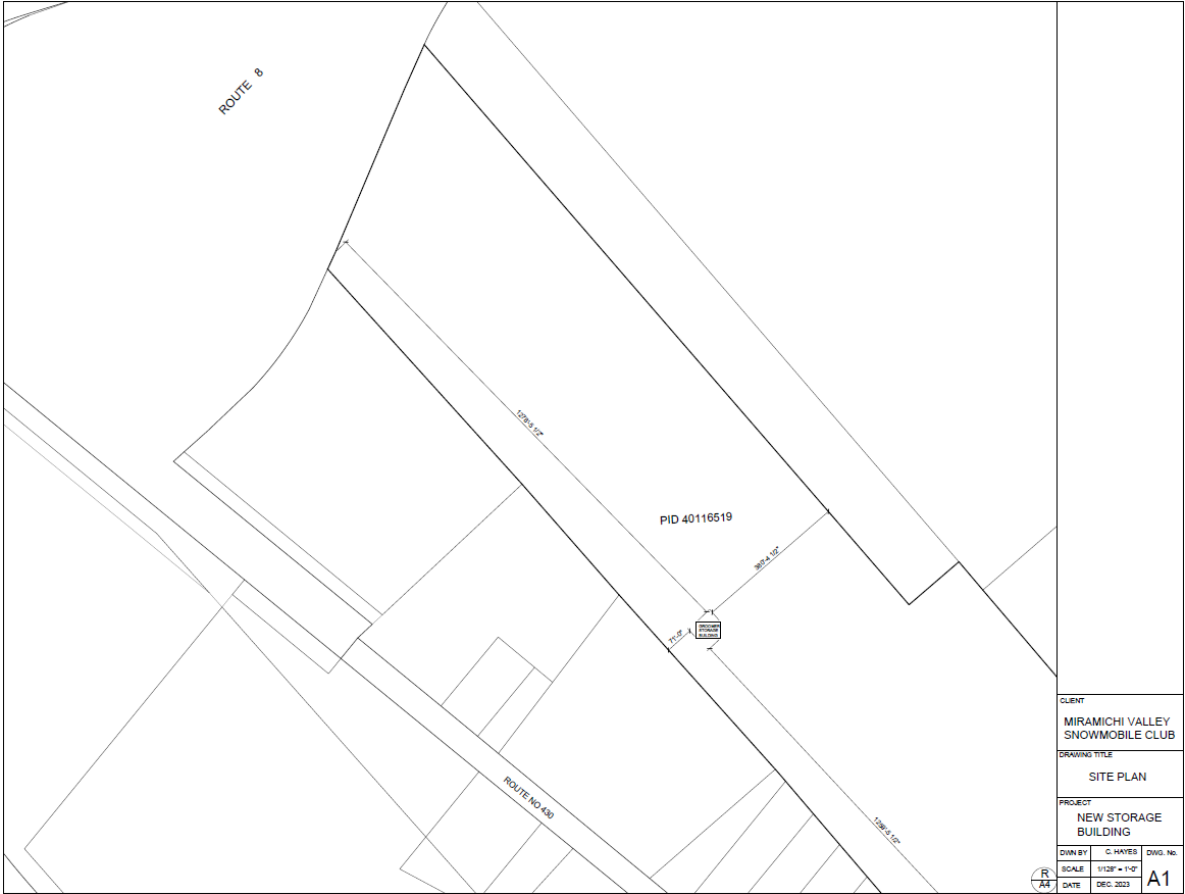
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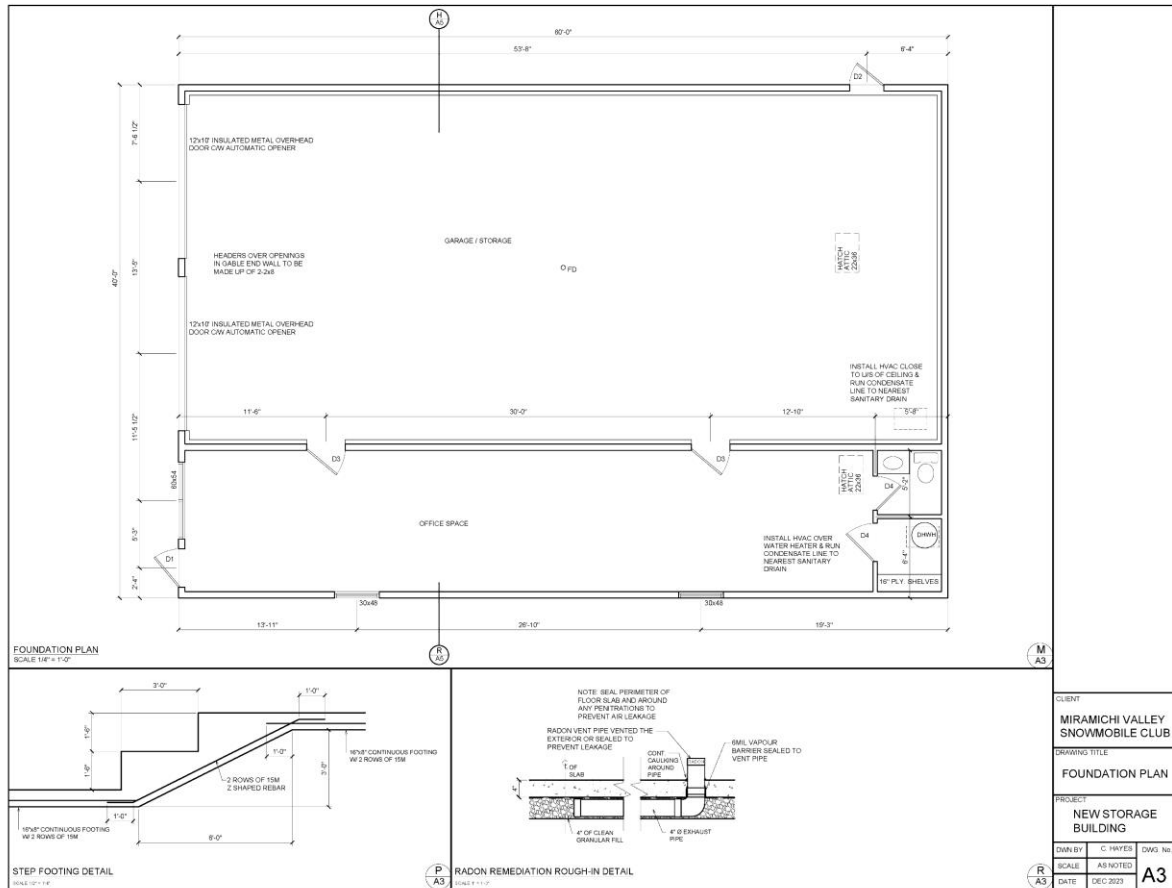
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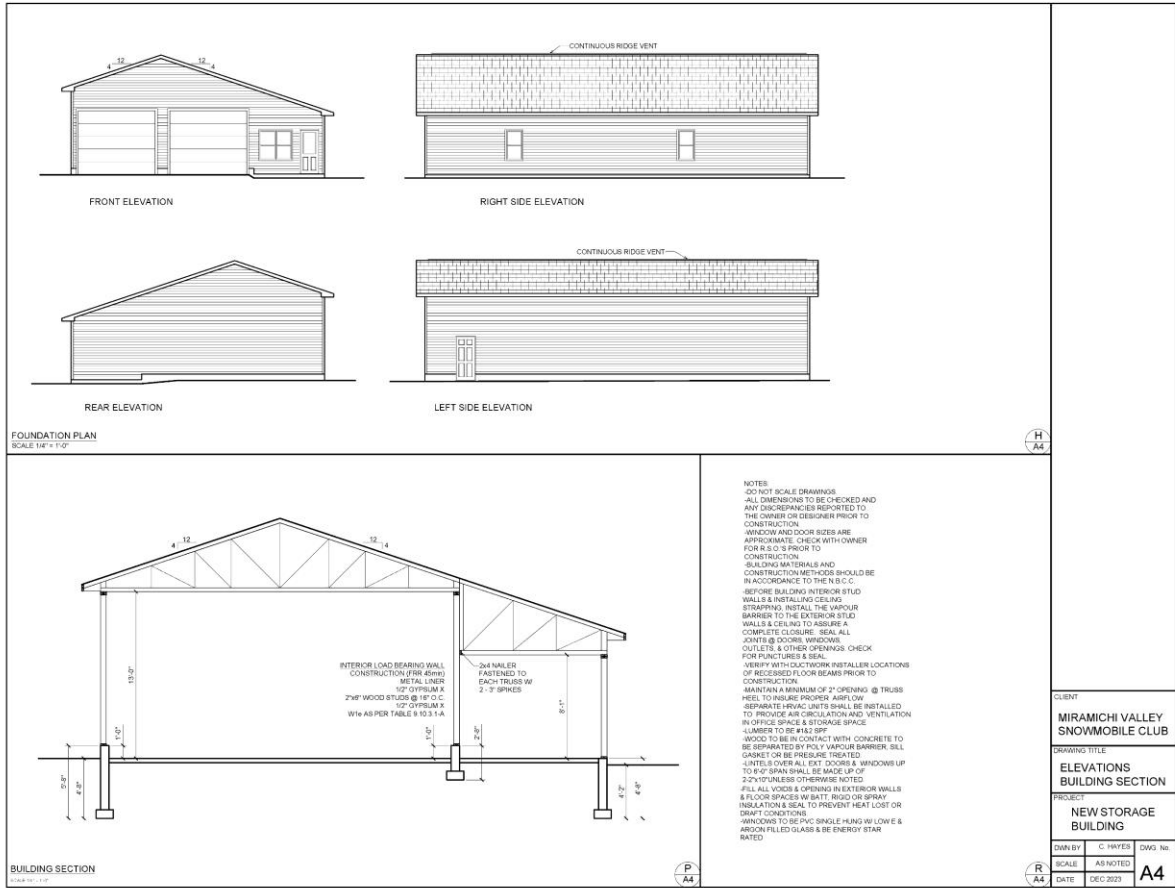
Wilson W. Bell, MCIP, RPP
CEO / Planning Director

Wilson Bell

Attachment 1: Application Materials







Attachment 2: Location Photos

Map with photos locations

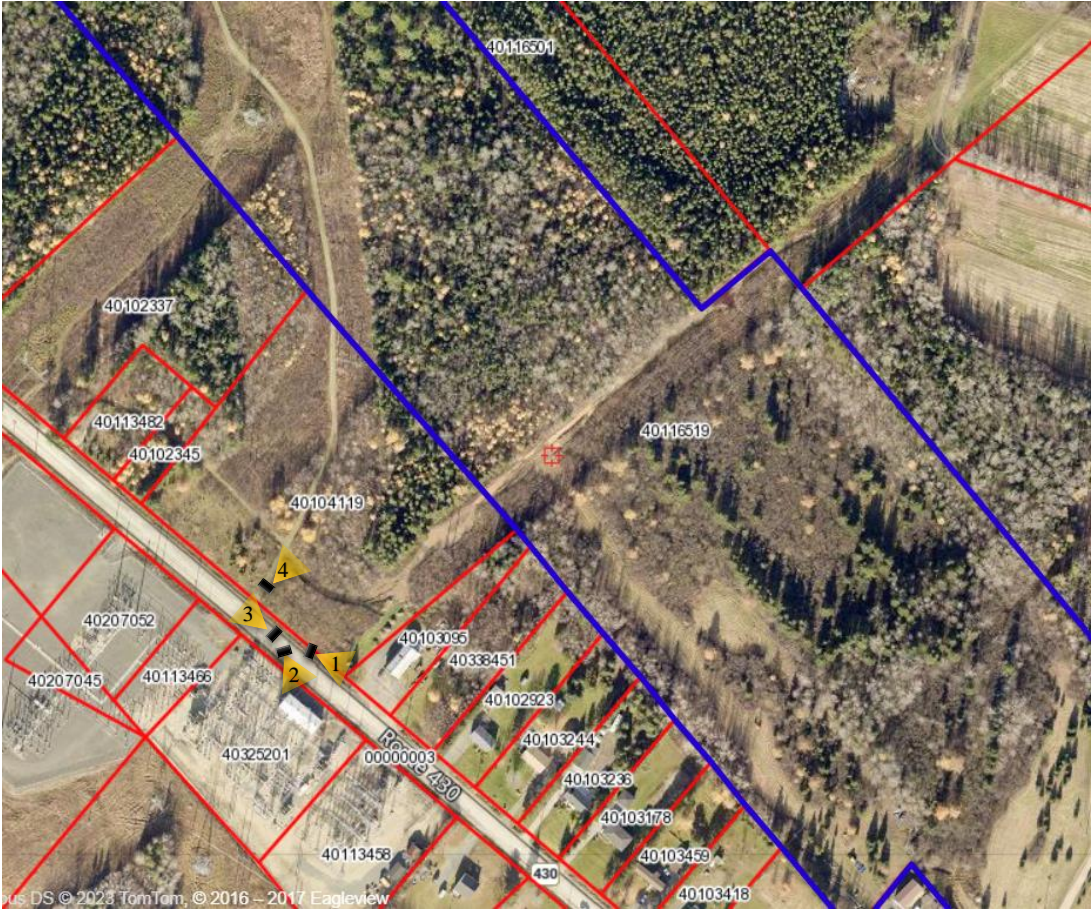


Photo 1:



Photo 2:



Photo 3:



Photo 4:

