

MEMORANDUM



TO: Cristy Wilson, Planning Application Navigator

CC: Mike Pincivero, Manager of Engineering Services
Andrea Taylor, Planning Administrator

FROM: Dave Hatherley, Project Engineering Technologist

SUBJECT: Committee of Adjustment – A01124
820 River Road East,
Flos Con 10 PT Lot 23 RP;51R13425 PART 1
DATE: May 7, 2024

As requested, Public Works has reviewed the above noted variance application.

SUMMARY OF REQUEST:

The applicant requests relief from Section 27 “Definitions”, of Zoning By-law 2003-60 as amended, specifically:

Section 27.195.4 – To vary the definition of *Tourist Establishment - Rental Cabins* for “Cabin 18”, “Cabin 2” and “Cabin 1” as shown on the applicant’s site sketch submission to mean a tourist establishment containing one rental unit in a detached building or two rental units in a building that has a common wall between the units or a vertical separation (multiple floors) which may have individual culinary and sanitary facilities together with an office serving the patrons of the tourist establishment and having a minimum of two (2) rental cabins on a lot, whereas the existing definition only allows for two rental units in a building that has a common wall between the units.

To facilitate the replacement and enlargement of “Cabin 18”, as shown on the applicant’s site sketch submission, the applicant requests the following zoning relief:

The applicant requests relief from Section 3.22 “Non-Conforming Uses”, of Zoning By-law 2003-60 as amended, specifically:

Section 3.22.3 - To allow for the replacement and enlargement of the existing tourist establishment - cabin and its continued use as such, whereas the Zoning By-Law provision would necessitate compliance with the use permission and performance standards of the applicable Zoning requirements.

The applicant requests additional relief from Section 3.23 – Non-Complying Lots, Buildings and Structures, of Zoning By-law 2003-60 as amended, specifically:

Section 3.23.3 - To replace and enlarge the existing tourist establishment- rental cabin with a new tourist establishment - rental cabin in the same location, that will retain an existing non-complying rear yard setback of 5.1 metres (16.73 ft.), whereas a minimum rear yard setback of 7.6 metres (24.93 ft.) is required in the Environmental Protection (EP) zone.

The applicant requests additional relief from Section 23 Environmental Protection (EP) Zone of Zoning By-law 2003-60 as amended, specifically:

Section 23.3.5 – To permit a maximum building height of 10 metres (32.80 ft.) for the new proposed tourist establishment cabin, whereas a maximum building height of 6 metres (19.68 ft.) is required in the Environmental Protection (EP) zone.

Section 23.3.4 – To permit a reduced rear yard setback of 5.1 metres (16.73 ft.) for the new proposed tourist establishment cabin, whereas a minimum rear yard setback of 7.6 metres (24.93 ft.) is required in the Environmental Protection (EP) zone.

To facilitate the replacement and enlargement of “Cabin 2”, as shown on the applicant’s site sketch submission, the applicant requests the following zoning relief:

The applicant requests relief from Section 15 – Accommodation Commercial (CA), of Zoning By-law 2003-60 as amended, specifically:

Section 15.3.4 b) – to permit a reduced exterior side yard setback of 0.5 metres (2.29 ft.), whereas a minimum exterior side yard setback of 6 metres (19.68 ft.) is required.

To facilitate the replacement and enlargement of “Cabin 1”, as shown on the applicant’s site sketch submission, the applicant requests the following zoning relief:

The applicant requests relief from Section 15 – Accommodation Commercial (CA), of Zoning By-law 2003-60 as amended, specifically:

Section 15.3.6 c) – To permit a reduced rear yard setback of 2.6m, whereas a minimum rear yard setback of 3m is required.



PUBLIC WORKS / ENGINEERING COMMENTS

- 1) The subject lot must manage all storm water within the property and not impact adjacent lands.
- 2) The subject site was previously the subject of a Pre-consultation - file # PRE17/21.
- 3) It is noted that this Property is under the jurisdiction of the NVCA.
- 4) It is noted that the Proposed garage / washhouse as shown on the concept plan above is not part of this application.
- 5) A Lot Grading plan may be required at the discretion of the Chief Building official.
- 6) ESC fencing is to be provided along the beach frontage and along the watercourse as per the recommendations in the EIS report prior to any demolition / construction activities.
- 7) Public Works does not oppose the applicant's requests.

PUBLIC WORKS / ENGINEERING CONDITIONS

- It is not clear how municipal water / sewer servicing is extended throughout the site. Existing private water / sewer servicing internal to the site is requested to be confirmed with a schematic plan / map to confirm how the internal servicing is configured.

Regards,

Dave Hatherley

Dave Hatherley,
Project Engineering Technologist