



ROTHESAY

PUBLIC HEARING AGENDA

6:30 p.m.

Monday, January 15, 2024

Common Room, Rothesay Town Hall



Public access to the Live stream will be available online at 6:30 p.m.:

[**PUBLIC HEARING LIVESTREAM**](#)

PUBLIC HEARING – 7 Scott Avenue 2-unit Duplex (PID) 00064105

1. **CALL TO ORDER** Instructions

2. **PUBLIC HEARING
Documentation**

8 January 2024

22 December 2023

Memorandum prepared by Town Clerk Banks (public notices)

Community Planning Act, Section 111 notice to website/Town Hall

DRAFT

By-law 2-10-37

4 January 2024

29 December 2023

Recommendation from Planning Advisory Committee (PAC)

Staff Report to Planning Advisory Committee

Appearances/Presentations:

Presentation: Elena Zeifer

Presentation: John Jarvie, MCIP RPP, Town Manager
Director of Planning/Development Services

Appearances: n/a

Comments: n/a

3. **ADJOURNMENT**



ROTHESAY

MEMORANDUM

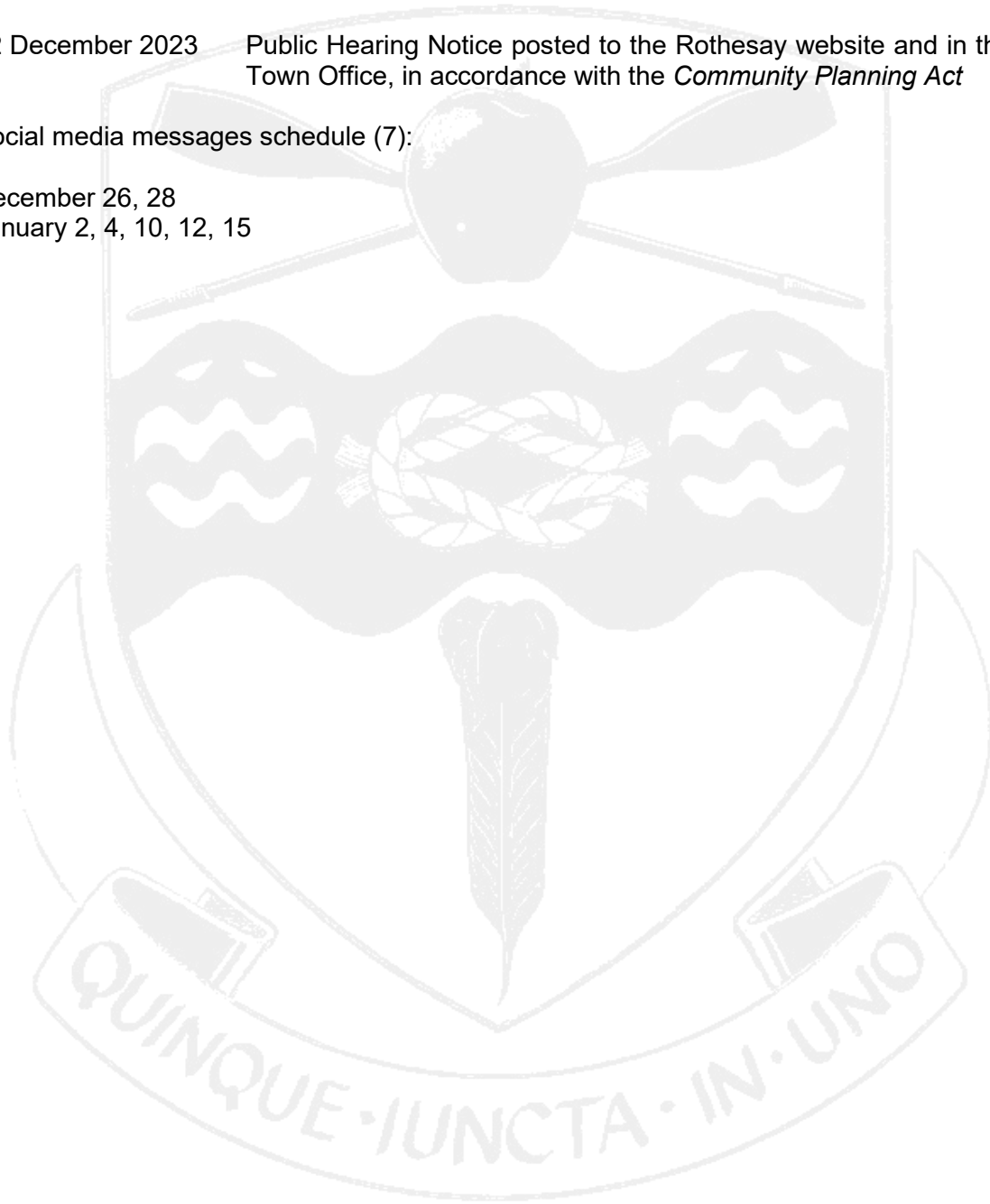


TO : Mayor and Council
FROM : Town Clerk Mary Jane Banks
DATE : 8 January 2024
RE : Social media messages for 7 Scott Avenue
Two-unit duplex (PID 00064105)

22 December 2023 Public Hearing Notice posted to the Rothesay website and in the Town Office, in accordance with the *Community Planning Act*

Social media messages schedule (7):

December 26, 28
January 2, 4, 10, 12, 15



ROTHESAY

PUBLIC HEARING NOTICE

Monday, January 15, 2024 at 6:30 p.m.

22 December 2023

In accordance with Section 111 of the *Community Planning Act*, SNB 2017, c19 and amendments thereto, PUBLIC NOTICE is hereby given that the town of Rothesay intends to consider an amendment to By-law 2-10, "Rothesay Zoning By-law" to consider a rezoning for the property located at 7 Scott Avenue (PID 00064105), from Single Family Residential [R1B] to Two Family Residential [R2] to allow for an existing building to be used as a two-unit rental apartment.



Figure 1 - Subject Lands (7 Scott Avenue)

The Public Hearing will be held **in-person** on **Monday, January 15, 2024 at 6:30 pm** in the Common Room, Rothesay Town Hall, 70 Hampton Road. You can watch the livestream at <https://www.youtube.com/user/RothesayNB> and the agenda will be available online at <https://www.rothesay.ca/town-hall/agendas/>.

Written objections to the proposed amendment will be received by the undersigned until **12 noon on Wednesday, January 10, 2024** and will be provided to Council for the public hearing.

Anyone wishing to **speak at the Public Hearing** may register with the Clerk's office **no later than Wednesday, January 10, 2024 at 12 NOON**. Please contact the Clerk's office at 848-6600 or Rothesay@rothesay.ca for more information.

The following documentation is available online and can also be reviewed at the Town Office, 70 Hampton Road, Rothesay, NB Monday to Friday 8:15 am – 12 noon and 1:15 – 4:30 pm (closed between 12 noon and 1 pm), exclusive of civic holidays:

DRAFT By-law 2-10-37
30 November 2023 Staff Report to the Planning Advisory Committee

The Agenda package for the January 15th public hearing will be available here: <https://www.rothesay.ca/town-hall/agendas/>

Please note that all records in the custody or under the control of the town of Rothesay are subject to the provisions of the *Right to Information and Protection of Privacy Act*, SNB 2009, c. R-10.6 and may be subject to disclosure. Records may be shared with internal departments, Council, external agencies or released at a Town committee meeting, which may be public. Any questions regarding the collection of this information can be directed to the Rothesay Town Clerk.

Mary Jane E. Banks, BComm
Town Clerk – Rothesay



**BY-LAW 2-10-37
A BY-LAW TO AMEND THE ZONING BY-LAW
(No.2-10 Rothesay)**

The Council of the town of Rothesay, under authority vested in it by the Community Planning Act, SNB c-19 and amendments thereto, hereby amends By-Law 2-10 “Rothesay Zoning By-law” and enacts as follows:

That Schedule A, entitled “Zoning” as attached to By-Law 2-10 “ROTHESAY ZONING BY-LAW” is hereby amended, as identified on the attached sketch, identified as Attachment “2-10-37”.

The purpose of the amendment is to rezone land located at 7 Scott Avenue (PID 00064105) from Single Family Residential [R1B] to Two Family Residential Zone [R2] to allow for the property to be used as two-unit rental apartments in the building currently existing on the site in accordance with the Community Planning Act, supra.

FIRST READING BY TITLE :
SECOND READING BY TITLE :
READ IN ENTIRETY :
THIRD READING BY TITLE :
AND ENACTED :

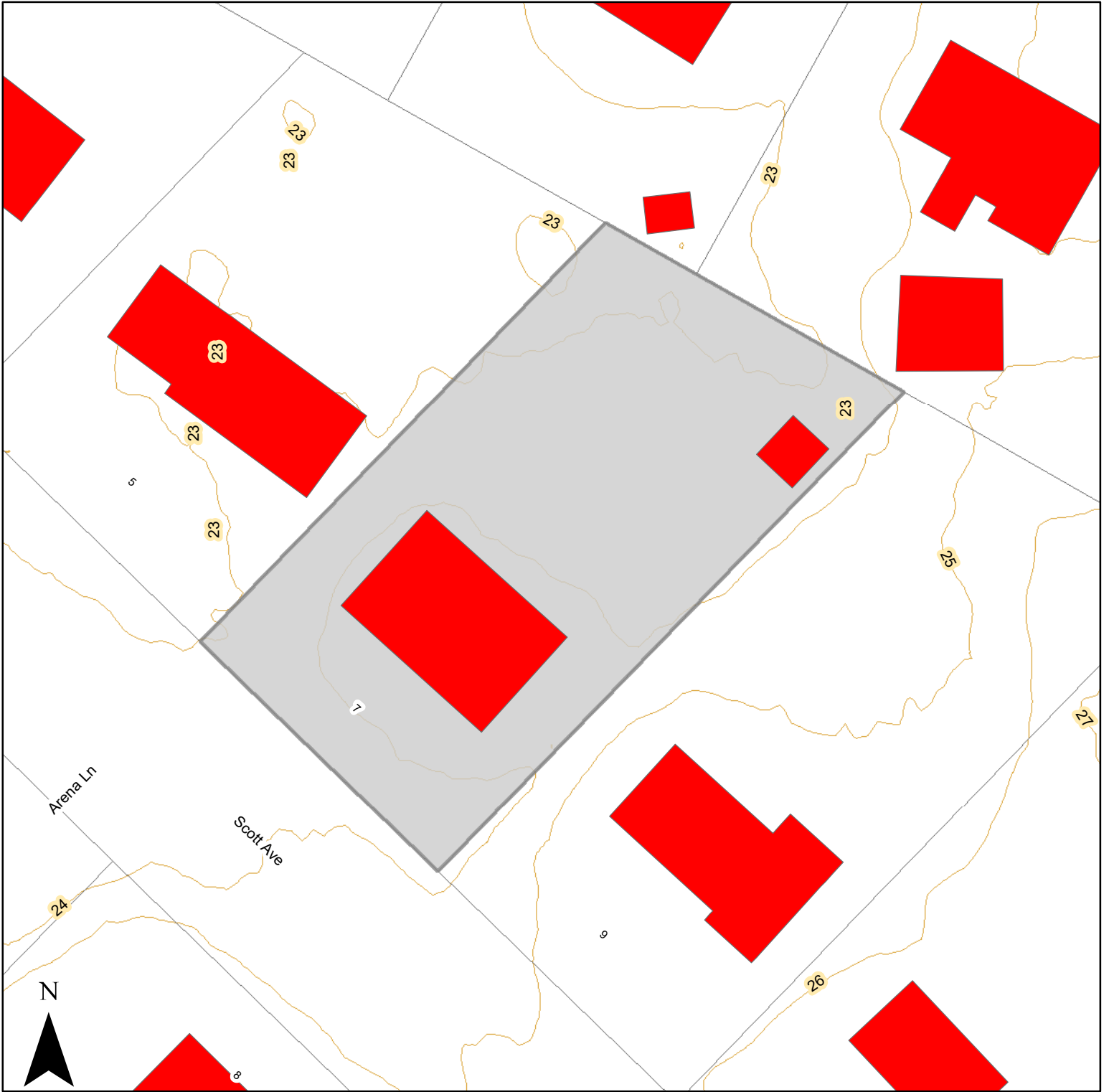
MAYOR

CLERK

Attachment - Bylaw 2-10-37

2024 January 15 7 Scott Avenue Public Hearing FINAL_005

PID 00064105

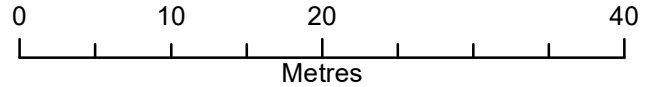


2023-12-21, 4:20:50 PM

1:500

Buildings

- Residential
- Subject Property



The Town of Rothesay does not warrant the accuracy or completeness of the information, text, graphics, links or other items contained within the material.



ROTHESAY MEMORANDUM



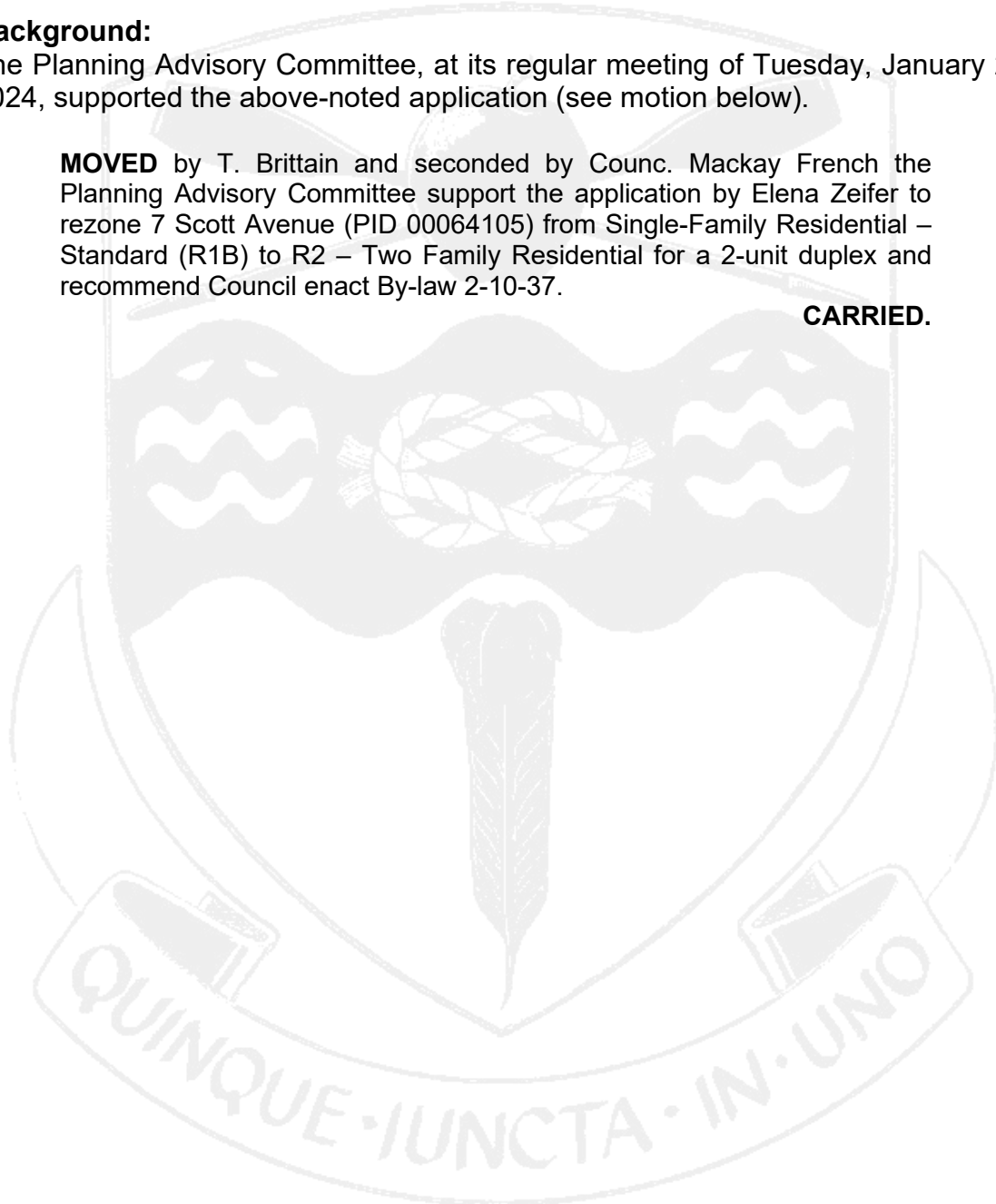
TO : Mayor Grant and Council
FROM : Planning Advisory Committee
DATE : 4 January 2024
RE : Rezoning 7 Scott Avenue (PID 00064105)

Background:

The Planning Advisory Committee, at its regular meeting of Tuesday, January 2, 2024, supported the above-noted application (see motion below).

MOVED by T. Brittain and seconded by Counc. Mackay French the Planning Advisory Committee support the application by Elena Zeifer to rezone 7 Scott Avenue (PID 00064105) from Single-Family Residential – Standard (R1B) to R2 – Two Family Residential for a 2-unit duplex and recommend Council enact By-law 2-10-37.

CARRIED.





ROTHESAY

INTEROFFICE MEMORANDUM



TO : Planning Advisory Committee
 FROM : John Jarvie
 DATE : 29 December 2023
 RE : Recommendation to Council Regarding 7 Scott Avenue Rezoning

Recommendation:

It is recommended the Committee:

- a) support the application by Elena Zeifer to rezone 7 Scott Avenue (PID 00064105) from Single Family Residential – Standard (R1B) to R2 – Two Family Residential for a 2 unit duplex and recommend to Council to enact By-law 2-10-37.

Background

Attached is the original staff report regarding a proposed rezoning at 7 Scott Avenue. Staff have polled residents in the neighbourhood and received one letter of concern that the property is not owner occupied.

On the whole the project addresses an important need for housing in a location that appears suitable for an increase in density and is capable of supporting it. Staff believe the project is worthy of the Committee's support.



To: Chair and Members of Rothesay Planning Advisory Committee

From: Darcy Hudson
Assistant Development Officer

Date: Thursday, November 30, 2023

Subject: Rezoning R1B to R2 – 7 Scott Avenue

| | | | |
|----------------------------------|--|-------------------------|---|
| Applicant: | Elena Zeifer | Property Owner: | Elena & Maxim Zeifer |
| Mailing Address: | 15 Susan Street Quispamsis, NB E2E 2H7 | Mailing Address: | 15 Susan Street Quispamsis, NB E2E 2H7 |
| Property Location: | 7 Scott Avenue | PID: | 00064105 |
| Plan Designation: | Medium Density Residential | Zone: | Single Family Residential R1B |
| Application For: | Single Family Residential (R1B) to Two Family Residential Zone [R2]. | | |
| Input from Other Sources: | Polling | | |

Origin:

Application by Ms. Elena Zeifer to rezone 7 Scott Avenue (PID# 00064105) from Single Family Residential (R1B) to Two Family Residential Zone [R2] (See Attachment A). The application to rezone would allow for the existing dwelling to be converted to a semi-detached (two unit) residential dwelling. The applicant intends to use the existing dwelling with no new development, structure or addition being added to the property.

Background:

The subject property is 1757m² in area is zoned Single Family Residential (R1B) and has an existing residential dwelling that is currently being used as a residential dwelling.



The property is in an area of Rothesay designated as medium density residential that abuts the high-density designation on the opposite side of Scott Avenue. The residential neighbourhood along Scott Avenue can be characterized as a stable residential neighbourhood where owners continue to invest in their property and therefore is an attractive residential neighbourhood.

The municipal plan states that within the low-density designation one of the goals of the Town is to “*protect and enhance existing residential neighbourhoods.*” and to “*ensure that future residential development complements existing neighbourhoods.*” The plan also states that the Town intends to “*encourage a variety of housing types to meet the residential needs of the existing and future population of Rothesay in a high-quality living environment.*” and to “*ensure that future residential development occurs in locations where appropriate municipal services and road infrastructure is available or can be provided including areas with in-fill potential.*”

The applicant has stated that they can renovate the existing dwelling without any new additions being added to the property. The potential threat or concern regarding land use compatibility with the established low-density neighbourhood does not seem to present any significant concern. Furthermore, it may be advantageous to encourage development such as the proposed use at the higher density in order to offer more variety in residential housing choice in Rothesay. Pursuant to Municipal Plan Policy 5.2.3(a),¹ Staff conducted a preliminary review of the applicant’s proposal and determined that the existing dwelling would meet the R2 zone requirements. Furthermore, the land to be rezoned is 46% larger than the size of land required to meet the R2 zone standard.

Analysis:

Staff’s analysis would suggest that a change from one Low Density form of housing R1B to another from R2 presents minimal risk of land use conflict. Staff believe, after careful review of the proposal, that the proposed density change from R1B to R2 is within the accepted range housing that can be classified as low density and is therefore compatible with the Municipal Plan. Accordingly, Staff believe that the application is not contrary to the designation of the land in the Municipal Plan and that Council should consider the application.

Polling Results

As standard procedure with all rezoning applications letters were sent to nearby residents to inform them of the application and soliciting their comment or feedback. As of Thursday, November 30, 2023 one email was received by the Town.

Recommendation:

It is recommended THAT the Planning Advisory Committee:

- A. Recommend that Rothesay Council schedule a public hearing to consider the rezoning of 7 Scott Avenue (PID# 00064105) from the Single Family Residential R1B zone to the Two-Family Residential Zone [R2].

Attachments:

- Map 1 Aerial Photo Location Map
- Map 2 Land Use Designation Map
- Map 3 Zoning Map



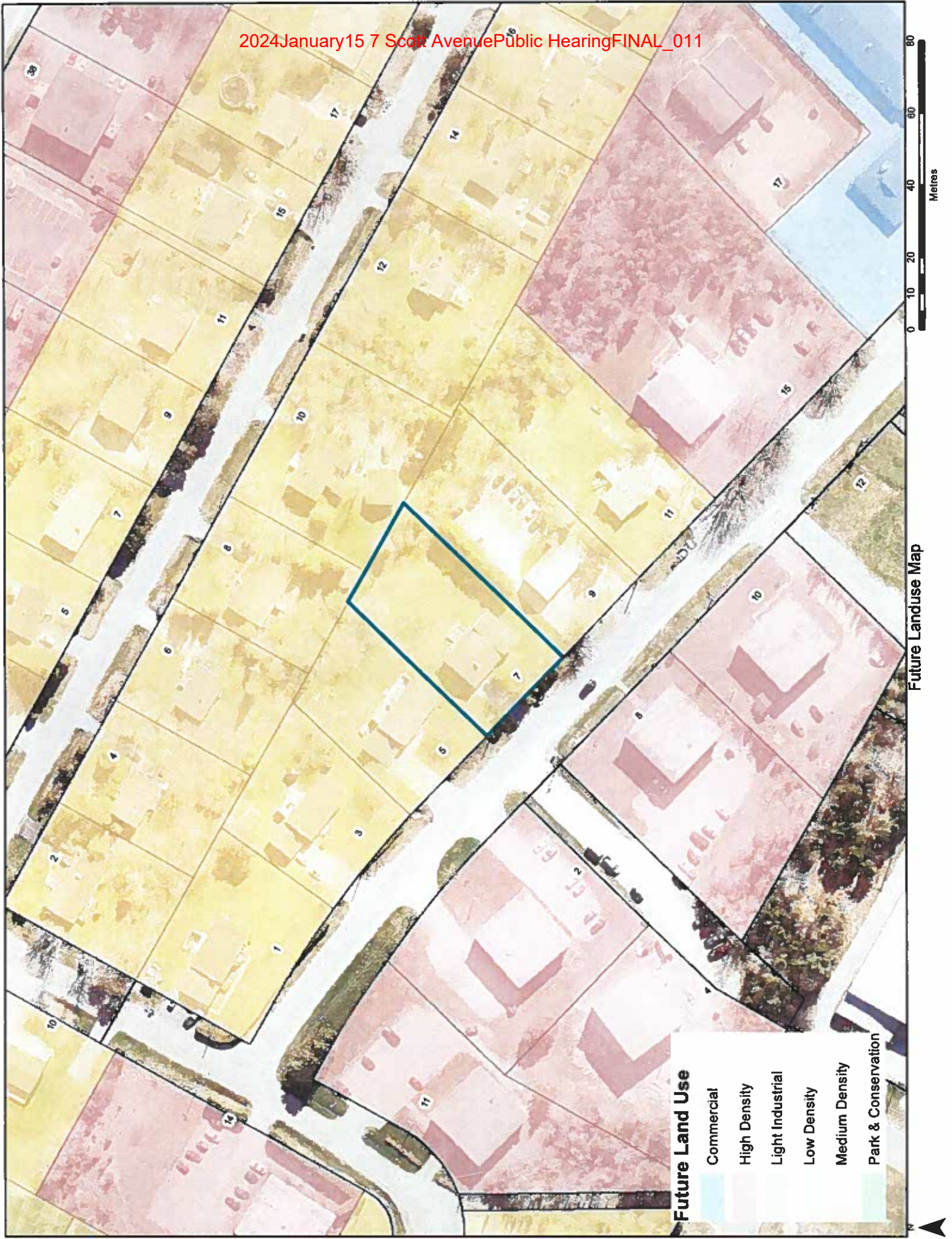
Report Prepared by: Darcy Hudson, Assistant Development Officer
Date: Thursday, November 30, 2023

¹ By-law 1-10 Policy 5.2.3 (a) The areas shown on the Future Land Use Map as low density residential shall be limited to uses that include single-family, detached housing, and in some zones, two-unit dwellings with limitations on the relative numbers of each type and uses accessory or supplementary to these.



Aerial Photo Location

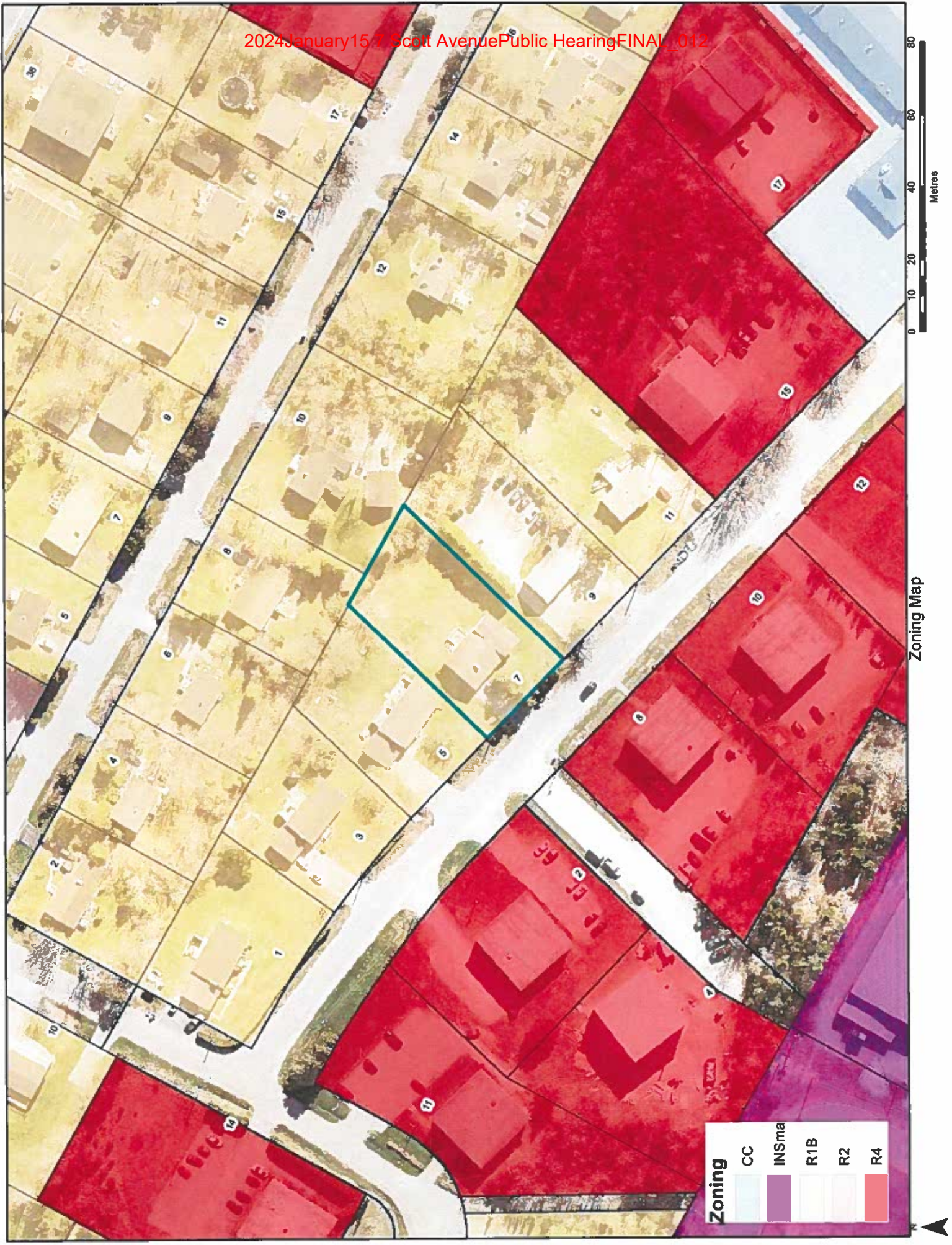
Metres



Future Land Use

- Commercial
- High Density
- Light Industrial
- Low Density
- Medium Density
- Park & Conservation

Future Landuse Map

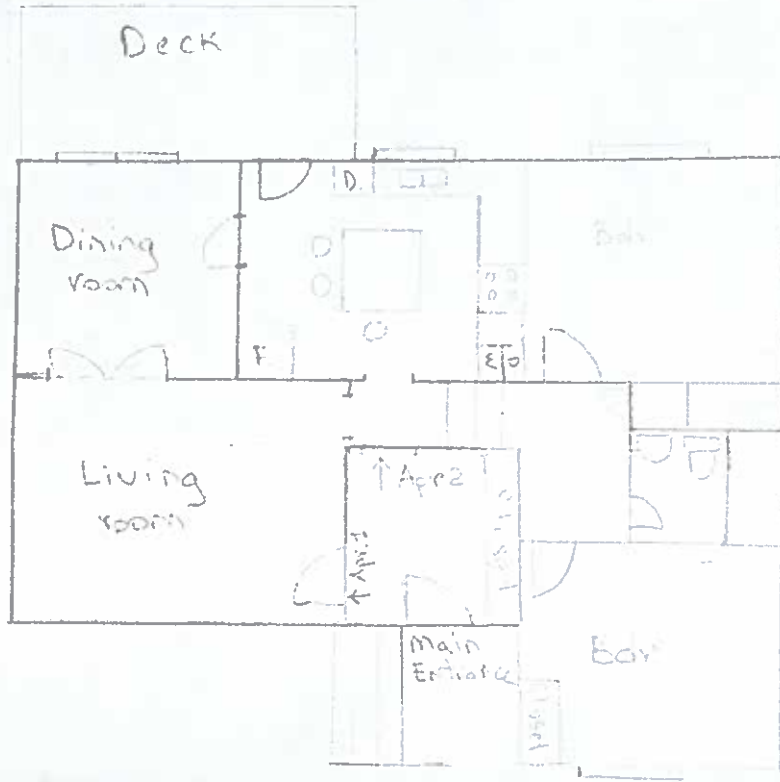


| Zoning | CC | INsma | R1B | R2 | R4 |
|--------|----|-------|-----|----|----|
| | | | | | |

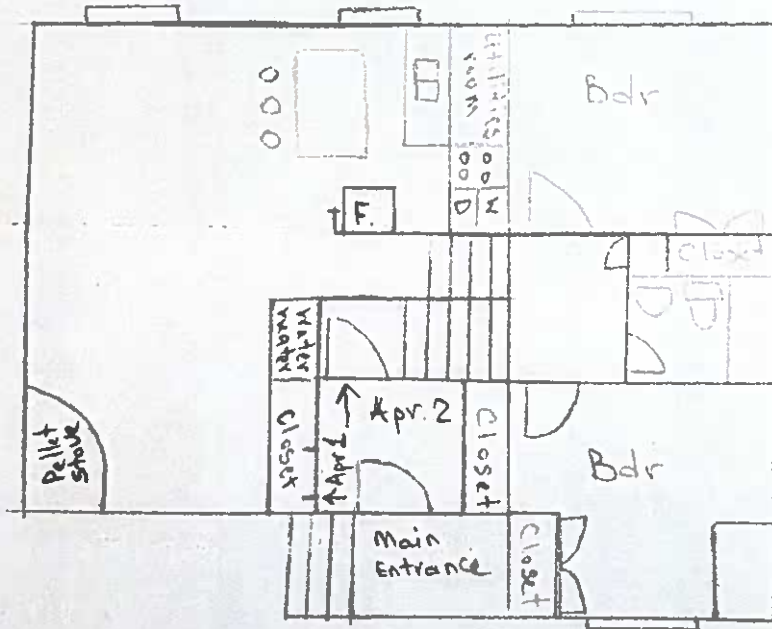
Zoning Map

Metres

Apr. 1



Apr. 2



Darcy Hudson

From:
Sent: November 30, 2023 12:51 PM
To: Darcy Hudson
Subject: Rezoning request for 7 Scott Avenue

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I realize that I am one day past the cut off date but wanted to submit my comments.

Fundamentally I do not have any issues with this request based on one caveat. As long as the residence is owner occupied I have no issue. If both units are to be rented then I do have an issue.

On Woodland Avenue there have been issues with two homes since they both became non owner occupied. Within one month of tenants moving into 3 Woodland the police showed up. Since the house at 9 Woodland has become non owner occupied, from spring to fall the tenants, on the weekends, separately are outside socially with friends and drinking until 2 to 3 am. They get so loud that we cannot sleep with our windows open. I believe that if the owner lived in the building they would ensure that their tenant abide by the midnight town noise curfew.

Where my back property butts up against the backyard of 7 Scott Avenue my concern is that I will have to put up with the same issue of people socializing in the backyard past the midnight curfew without an owner living there.

Regards

8 Woodland Avenue

[Sent from Rogers Yahoo Mail on Android](#)