



**PLANNING STAFF REPORT**

**SUBJECT:** Similar or Compatible Use Variance – Mini-Home – 519 Sunnyside Avenue, Miramichi, NB (PID 40276313)

**MEETING DATE:** Tuesday, May 19<sup>th</sup>, 2025

**AGENDA ITEM:** 2026-4-2

A use variance application has been submitted by Susana Magana Sotelo to permit a Mini-Home on PID 40276313, located at 519 Sunnyside Ave. within the “Residential Low Density (R-2)” Zone. Mini-Homes are not a permitted use in this zone.

Under Section 55(1)(a) of the *Community Planning Act* (c.19) and Section 2.9.2 of the City of Miramichi Zoning By-law, the City Planning Review and Adjustment Committee (PRAC) may authorize a use not otherwise permitted in the zone if it determines the proposed use is sufficiently similar to, or compatible with, permitted uses in that zone.

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**Application Overview & Proposed Use**

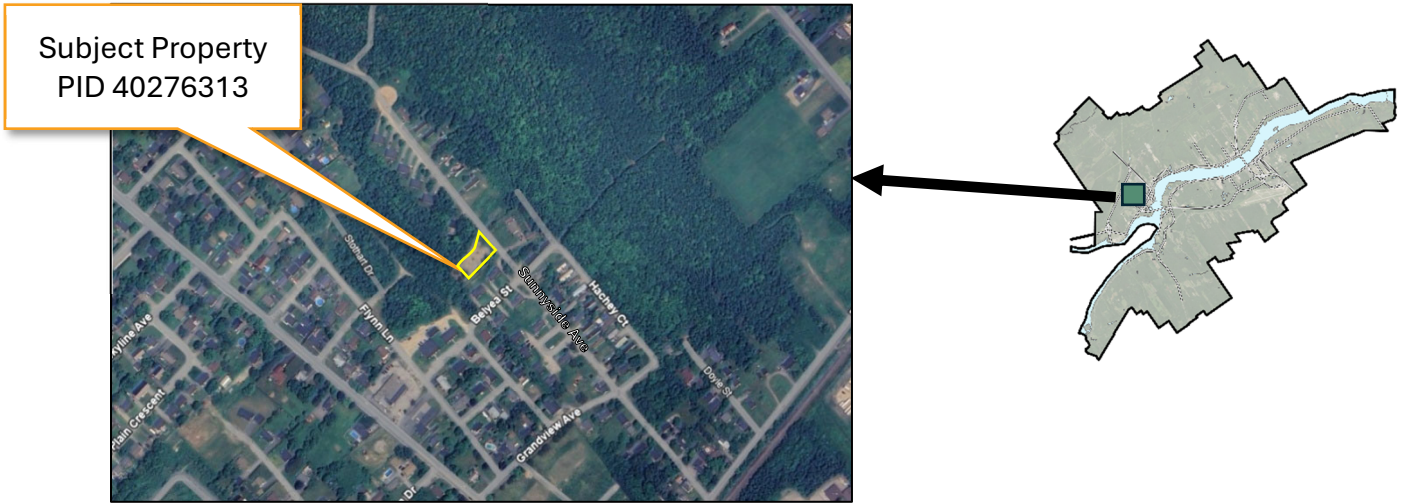
**Table 1: Property Information and Application Overview**

<b>Property Owner / Applicant</b>	Susana Magana Sotelo
<b>PID / PAN</b>	<ul style="list-style-type: none"> <li>• PID 40276313</li> <li>• PAN 02817097 – <a href="#">SNB Property Assessment Online</a></li> </ul>
<b>Property Area (per Service NB)</b>	1333m <sup>2</sup>
<b>Access</b>	None currently existing; proposed new 3m (~10') wide driveway access proposed to Sunnyside Avenue.
<b>Frontage</b>	35m
<b>Servicing</b>	Municipal water and sanitary services
<b>Current Zoning</b>	Residential Low Density (R-2)
<b>Future Land Use (Schedule A)</b>	“Residential”
<b>Residential Hierarchy (Schedule B)</b>	“Mixed Residential Area”
<b>Existing Use</b>	Vacant; cleared and filled
<b>Proposed Uses</b>	<ul style="list-style-type: none"> <li>• 4.9m x 12.2m (16 ft. x 40 ft.) Mini-home;</li> <li>• 4m x 7m (13.12 ft. x 22.97 ft.) attached deck</li> <li>• 3m (~10m) wide driveway</li> <li>• 2m (~6 ft.) tall fence encircling the rear yard</li> <li>• Backyard chicken coop</li> </ul>
<b>Similar to / Compatible with</b>	“Single-Unit Dwelling” and accessory uses
<b>Context</b>	Low-density residential area consisting of single-unit dwellings, duplexes, mini-homes, and small-scale apartment buildings

The applicant, Susana Magana Sotelo, has proposed development on the subject property, consisting of a “Mini-Home Dwelling”, attached deck, driveway, backyard chicken coop and vegetable garden. All aspects of the proposed development are subject to zoning standards and development approval. The Mini-Home Dwelling and attached deck are subject to building code review and require a building permit.

A “Mini-home Dwelling” is not a permitted use in the “Residential Low-Density (R-2)” zone. The applicant has indicated that the Mini-home Dwelling “would be consistent with the... permitted housing uses in the surrounding area”. From a land use perspective, staff consider the proposed Mini-Home Dwelling to be similar to, and compatible with, a single-unit dwelling, which is a permitted use in the R-2 zone.

**Figure 1: Location within City and Satellite Imagery**



**Figure 2: Aerial View of Subject Property**



Note: Oblique aerial image looking west. The subject property is cleared and filled, rendering it development-ready. Notice the presence of multiple mini-homes within the surrounding neighbourhood.

**Legislative Context**

A Similar or Compatible Use Variance is requested when a project proposes a land use that is not explicitly listed as permitted within the zoning regulations but may reasonably be considered sufficiently similar to, or compatible with, uses within that zone. In this case, the “Mini-Home Dwelling” is not listed as a permitted or conditional use under the “Residential Low-Density (R-2)” zone; however, it may be considered similar to, or compatible, with a “single-unit dwelling”, which is a permitted use within the zone.

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Section 55(1)(a) of the Act provides the PRAC with the authority to permit similar or compatible uses:

“Subject to the terms and conditions it considers fit, the advisory committee or regional service commission may permit:

- a) 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 by-law or the zone* in which the land or building is situated.”[italics added by author]

**- Section 55(1)(a), Community Planning Act (C-19)**

The PRAC may impose terms and conditions as part any approval granted under this authority. In determining approval conditions, section 2.9.2 of the City of Miramichi Zoning By-law provides additional parameters for consideration of this variance:

- 3. In assessing a similar or compatible use variance application, the PRAC shall determine if the use and any associated structures or buildings:
  - a. Is desirable for the development of the property;
  - b. Is in accord with the general intent of the Municipal Plan and this Zoning By-law;
  - c. Does not adversely affect traffic or parking patterns in the area;
  - d. Has architectural design that is compatible with the character of the neighborhood; and,
  - e. Is viewed as being compatible with the neighbourhood, as determined by assessing public input.

**- Section 2.9.2(3), City of Miramichi Zoning By-law (By-law No. 110)**

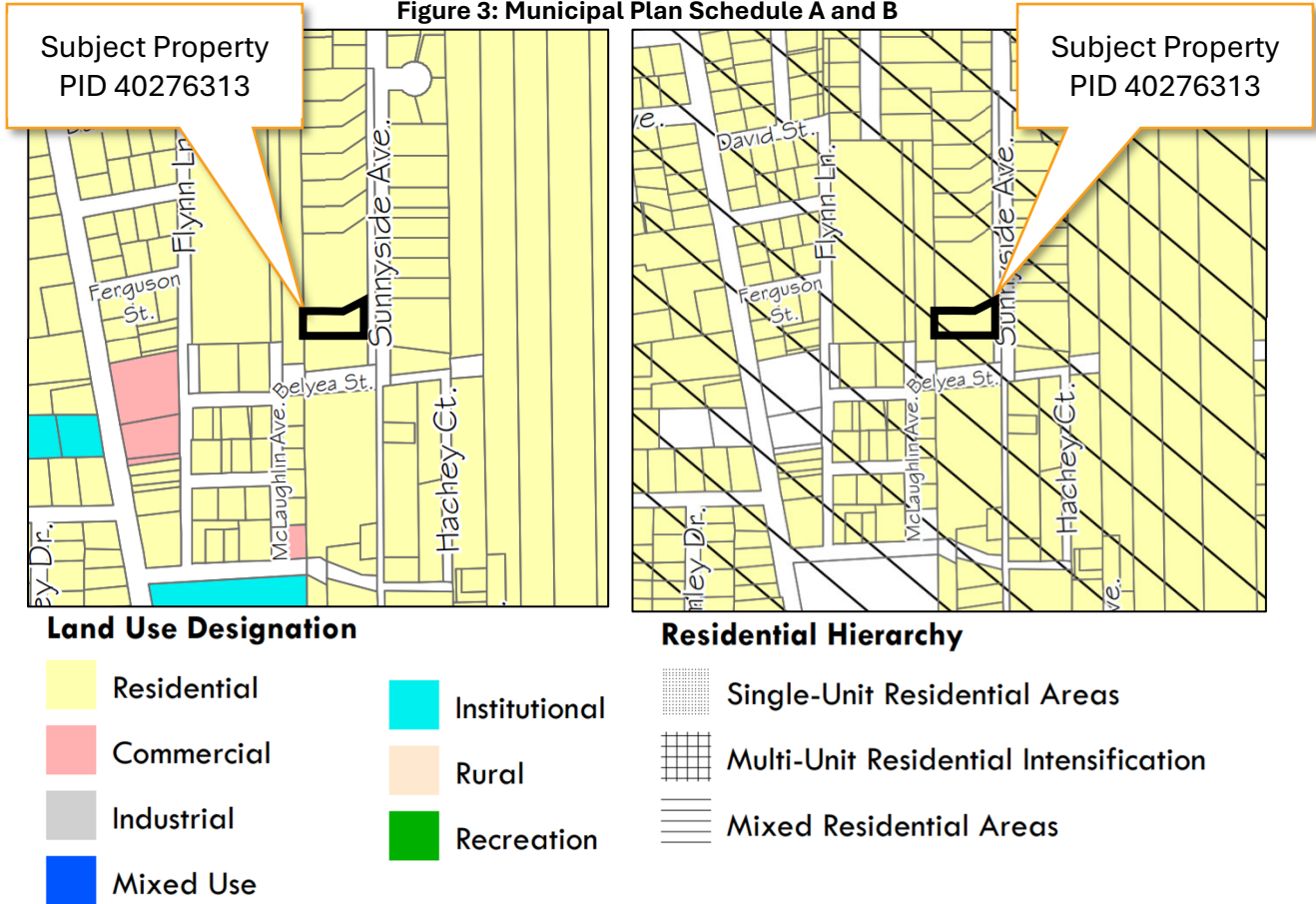
These criteria provide the framework for the Committee’s consideration of the proposed variance and any associated terms or conditions of approval.

### **Planning Considerations**

The Municipal Plan (By-law No. 109) sets out Miramichi City Council's long-term policies and proposals to guide future land use and development within the Municipality. It serves as a framework for decision-making by City Council, municipal departments, GMSC – Development Services, PRAC, and the community.

The Zoning By-law (By-law No. 110) regulates the use of land in conformity with the Municipal Plan. It defines specific zones and establishes permitted uses and development standards within those zones.

**Figure 3: Municipal Plan Schedule A and B**



**Municipal Plan**

The Municipal Plan identifies one of its key themes as being “Housing Diversity and Affordability”, noting that “While demand for single detached dwellings is expected to remain strong, increasing demand for smaller dwelling units can be anticipated over the planning period... The long-term affordability of housing in Miramichi is a challenge that this Plan addresses by promoting housing type diversity within existing residential areas”.

Accordingly, the plan supports the provision of a broader range of housing forms and affordability options within established residential neighbourhoods.

The subject property is designated under Schedule A: Future Land Use Map as “Residential” and under Schedule B: Residential Hierarchy and Designations, as a “Mixed Residential Area” (Figure 3). These designations establish the applicable Municipal Plan policies relevant to the proposed development.

Below is a summary of relevant goals, policies and proposals in the Municipal Plan:

**Table 2: Supporting and Conflicting Municipal Plan Policies.**

Supporting Goals/Policies/Proposals	Conflicting Goals/Policies/Proposals
<p><b>Section 4(C) 4</b> “Encourage a mixture of housing types and prices within the City.”</p> <p><b>Section 4(C) 7</b> Provide for the appropriate location of Mini- and Tiny-homes</p> <p><b>Section 4(D) Policy 1(2)</b> “It is a policy of Council: that Mixed Residential Areas be recognized as suitable locations for infill consisting of duplex, semidetached, small multi-unit, and rowhouse dwellings”</p> <p><b>Section 2(D) Policy 7</b> “Encourage more diversity in housing types to retain and attract newcomers, young families, working people, and people participating in education and training programs, as well as providing for the expanding population of retired, seniors, and aged residents.”</p> <p><b>Section 7 (A) Goal 5</b> To encourage increases to the tax base for the City.</p>	<p><b>Section 4(G)</b> “It is a proposal of Council that Mini-Homes be permitted as follows:</p> <ol style="list-style-type: none"> <li>1. On land zoned for mini-home parks or mini-home subdivisions;</li> <li>2. In areas designated “Rural” on the Future Land Use Map on individual lots in accordance with the requirements of Section 13 (Rural);</li> <li>3. As an amendment to the Zoning By-law; and,</li> <li>4. Subject to provisions required by the Zoning and Building By-law”</li> </ol>

The Municipal Plan contains several policies that align with the theme of housing diversity and affordability, notably Sections 4(C)4, 4(C)7, and 2(D) Policy 7. These policies encourage a broader range of housing forms and explicitly recognize smaller housing options, such as Mini-Homes, as affordable choices for a broad range of residents. Mini-Homes are also generally consistent with the residential infill character envisioned for Mixed Residential Areas under Section 4(D) Policy 1(2).

At the same time, staff acknowledge a conflicting proposal in Section 4(H), which identifies three contexts where Mini-Homes should be permitted within mini-home parks or subdivisions, in areas designated Rural, or by zoning by-law amendment process. As the

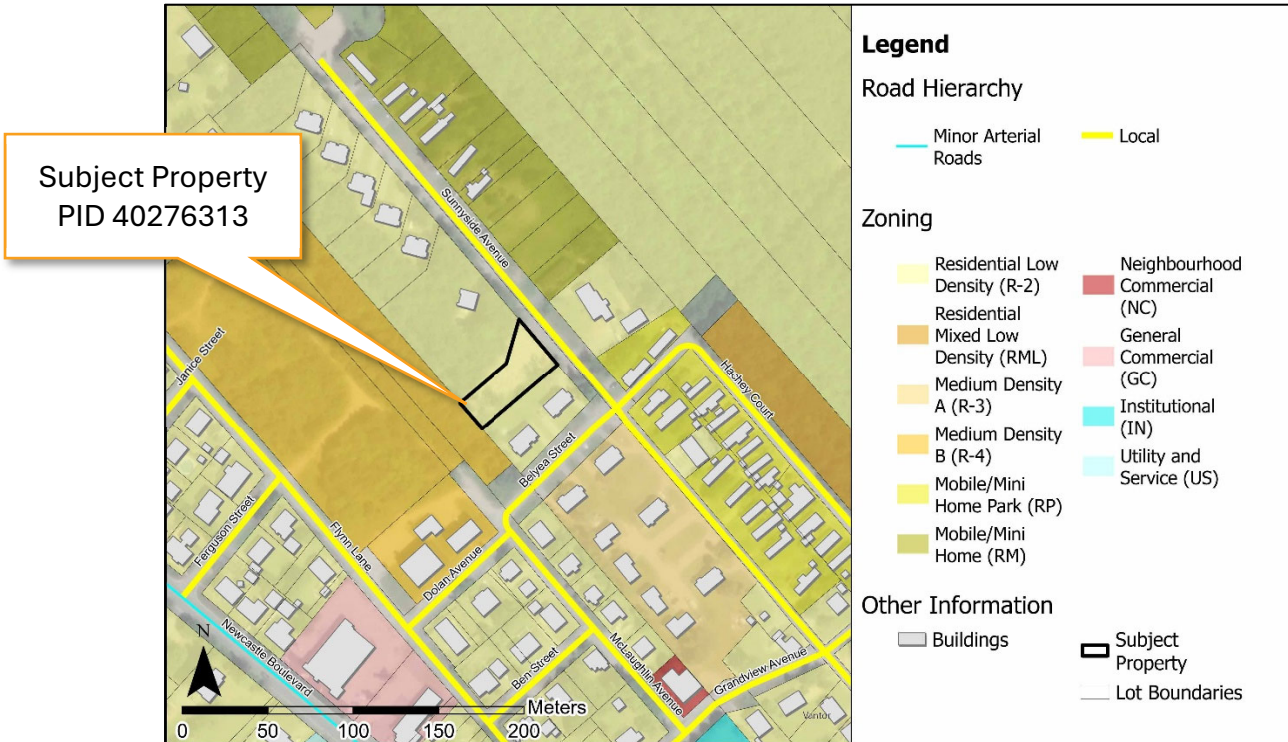
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subject property is not in a mini-home park, subdivision, or rural designation, a strict reading of Section 4(H) would suggest a zoning amendment would ordinarily be required.

However, staff interpret the broader policy direction of the Municipal Plan as supporting flexibility in considering smaller housing forms within existing residential areas, particularly where the proposed use is compatible with the surrounding neighbourhood context. Staff note that Section 4(G) does not explicitly prohibit consideration of a Similar or Compatible Use Variance under Section 55(1)(a) of the *Community Planning Act*.

From a land use planning perspective, staff generally reserve rezonings for proposals that substantially intensify development on a property (for example, increased dwelling units counts or density), or fundamentally alter the nature of the permitted use (for example, residential to commercial). In this case, the proposal remains residential in nature and is functionally comparable to a single-unit dwelling permitted within the zone. Accordingly, staff consider a Similar or Compatible Use Variance to be a more proportionate planning mechanism than a rezoning application.

**Figure 4: Zoning By-law Schedule A and Municipal Plan Schedule D**



**Zoning By-law Regulations**

The subject property is zoned Residential (R-2). While Mini-Home Dwellings are not permitted in this zone, the PRAC may consider whether the proposed use is sufficiently similar to, or compatible with, permitted uses within the zone pursuant to Section 55(1)(a) of the *Community Planning Act*.

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A summary of permitted main and secondary uses within the R-2 Zone is provided below:

**Table 3: Permitted Uses in R-2 Zone**

Category	Uses
a. Permitted Main Uses	<ul style="list-style-type: none"><li>i. Community Placement residential facility, subject to section 3.4.1</li><li>ii. Park</li><li>iii. Semi-detached dwelling, subject to sections 3.4.15</li><li><b>iv. Single-unit dwelling</b></li><li>v. Two-unit dwelling</li></ul>
b. One of the following Secondary Uses in association with a Dwelling Unit	<ul style="list-style-type: none"><li><b>i. backyard poultry coop, subject to section 3.2.1</b></li><li>ii. home business, subject to section 3.2.2</li></ul>

*Note: Bold text added to emphasize uses relevant to this application.*

The Zoning By-law provides the following definitions for a Single-Unit Dwelling and for a Mini-Home Dwelling:

Single-Unit Dwelling means a building which is a completely detached dwelling unit. A single-unit dwelling may include a modular dwelling.

Mini-Home Dwelling means any dwelling other than a mobile home that is manufactured and designed to be transported as one integral unit. A mini-home is a minimum of 4.27m and a maximum of 5.0m wide (excluding eaves), a maximum of 24.38m in length, and a maximum of 4.4m in height

The primary distinctions between a mini-home and a single-unit dwelling relate to size, construction method, and built form. Both dwelling types are detached, self-contained residential dwellings intended for permanent occupancy. Staff do not consider these distinctions to fundamentally alter the nature or intensity of the residential use.

While land use impacts can vary with the size of homes, larger homes typically accommodate more occupants and therefore place greater demand on services such as sewer, water, drainage, and traffic infrastructure. By comparison, a smaller dwelling would generally have a lesser overall impact, reinforcing the compatibility of a mini-home with a single-unit dwelling.

A potential compatibility consideration relates to architectural appearance and neighbourhood character. While Mini-Home Dwellings are often visually distinguishable from conventional site-built homes, staff note that the architectural characteristics of the proposed dwelling are reflected in, and not substantially dissimilar from, existing residential development patterns within the surrounding neighbourhood (Attachment 3).

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The proposed site plan generally conforms to the applicable zoning standards, with two deficiencies identified by staff:

**Table 4: Lot Creation and Development Standards**

Category	Requirements	Proposed/Existing	Conformity
6.2.2(1) a. Minimum lot area (lot creation)	540m <sup>2</sup>	1333m <sup>2</sup> (as per registered Subdivision Plan)	<input checked="" type="checkbox"/>
b. Minimum lot frontage	18m	35m (as per registered Subdivision Plan)	<input checked="" type="checkbox"/>
c. Minimum lot depth	30m	38.06m (as per registered Subdivision Plan)	<input checked="" type="checkbox"/>
f. Minimum front yard (streetline setback)	7.6m	7.3m (23.92%)	<input checked="" type="checkbox"/>
g. Minimum side yard	2.4m	3.1m (10.29%)	<input checked="" type="checkbox"/>
h. Minimum rear yard	6.1m	38.6m (126.75%)	<input checked="" type="checkbox"/>
i. Maximum Height	11m	Unknown, but unlikely to be greater than 4m	<input checked="" type="checkbox"/>
j. Maximum parking area coverage	25%	3.4%	<input checked="" type="checkbox"/>
3.1.1(3)(e) Minimum setback of backyard chicken coop enclosure from property lines	3m	~0.1m (0.3%)	<input checked="" type="checkbox"/>

Note: Subsections d. and e. were omitted as they pertain to multi-unit development standards and are not applicable to this proposal.

The minimum streetline setback for this property is 7.6m, whereas the applicant has proposed a 7.3m setback. Staff note that there is more than adequate space on the site to accommodate the full requirement of 7.6m, and therefore no dimensional variance is deemed appropriate or required at this time. A revised site plan will be required at the time of development showing compliance with the required streetline setback.

The proposed chicken coop is subject to permitting and is permitted in the zone as secondary to a mini-home dwelling. Staff note a non-compliance on the site plan with section 3.2.2(1)(e), which requires a minimum 3m setback for the chicken enclosure. Staff

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deem there to be adequate space on-site to accommodate this 3m setback and a revision to the site plan is expected at the time of permitting.

Additional requirements to backyard chicken coops include a limit of 6 chickens, the prohibition of roosters, the prohibition of on-site slaughtering, and the restriction of the use to purely subsistence (not for personal gain/commercial sale). These requirements will be reinforced through the permitting process.

The fence encircling the rear of the property is proposed at ~2m (6ft) in height, which is permitted. The fence is proposed with no setback from the side and rear property lines. No setback is required for a fence from the rear and side property lines, although staff do frequently recommend that a 0.3m (~1<sup>1</sup>/<sub>2</sub>) setback from these property lines be maintained so that the fence may be maintained entirely on the subject property.

**Development Services Staff Assessment**

The proposed development generally aligns with the overall intent of the City of Miramichi Municipal Plan, particularly regarding the provision of diverse housing options and residential infill within established neighbourhoods. The use is generally similar to those permitted in the R-2 Zone and raises only minor compatibility concerns within the surrounding low-density residential context.

The following table provides a staff evaluation using the criteria outlined in Section 2.9.2 of the Municipal Plan:

**Table 5: Zoning By-law Section 2.9.2(3) - Staff Analysis**

Criteria	Staff Analysis
i. Is desirable for the development of the property;	This lot was created through an approved plan of subdivision for residential purposes. The construction of a home is aligned with the intended purpose for the lot. Staff consider residential development on the property to be desirable, and the reduced scale of the proposed dwelling does not negatively affect the suitability or desirability of the development.
ii. Is in accord with the general intent of this Plan;	Staff consider the proposal to be generally consistent with the broader intent of the Municipal Plan, particularly policies supporting housing diversity, affordability, and residential infill. Staff acknowledge there is some policy tension with Section 4(G) of the Municipal Plan, which contemplates Mini-Homes being permitted through specific zoning contexts or by rezoning. However, staff do not consider this policy

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Criteria	Staff Analysis
	direction to preclude consideration of a Similar or Compatible Use Variance under Section 55(1)(a) of the <i>Community Planning Act</i> .
iii. Does not adversely affect traffic or parking patterns in the area;	The site plan accommodates for more than the required on-site parking (one per dwelling unit), and there is no anticipated on-street parking resulting from this development. The traffic generated by the mini-home is expected to be no greater than that generated by single-unit dwellings in the neighbourhood.
iv. Has architectural design that is compatible with the character of the neighborhood;	The proposed dwelling is modest in scale and includes common residential design elements such as vinyl siding, a low-pitch gable roof, and dormers. While these characteristics are commonly associated with Mini-Home Dwellings, staff note that similar architectural forms and building styles exist within the surrounding neighbourhood context.
v. Is viewed as being compatible with the neighbourhood, as determined by assessing public input.	Seven notice letters were mailed to neighbours within a 30m radius of the subject property's boundary, and a notice sign was posted on the property (Photo 1 on page 12), as per the requirements of the Commission's PRAC By-law. As of the date of this report, no public feedback or objections have been received.

Overall, staff consider the proposed Mini-Home functionally similar to a single-unit dwelling in terms of land use impacts. It would not create greater demand on municipal services such as water, sanitary sewer, drainage, or traffic infrastructure than a conventional detached dwelling. From a neighbourhood character perspective, staff consider the proposed development to be generally consistent with the surrounding residential context.

**Neighbourhood Character & Impact**

The subject property is an “interior lot” located in Newcastle on Sunnyside Avenue. The neighbourhood contains a mix of dwelling types including single-units, duplexes, apartments, and mini-homes.

Mini-Home Dwellings are an established component of the surrounding neighbourhood context, and staff consider the proposed development to be generally consistent with the existing character of the area. The proposed use remains residential in nature and is not

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anticipated to create land use impacts beyond those typically associated with low-density residential development permitted within the R-2 Zone.

**Views of the Public**

Notification letters, including details on the variance application and the PRAC meeting, were mailed to Seven unique property owners. A radius of 30m from the Subject Property's boundary was used, in accordance with the PRAC By-law. Notification signage was posted on Sunnyside Ave. next to the subject property, also in accordance with the PRAC By-law.

As of the date of this report, no public feedback has been received.

Overall, the limited level of response suggests minimal public concern regarding the proposed variance. Notwithstanding, PRAC meetings are open to the public and affected or notified residents may choose to attend and provide comments at the meeting.

**Department and Agency Comments**

This application was circulated the City of Miramichi Departments of Engineering and Public Works. The Director of Engineering responded on behalf of both departments, indicating no concern, but noting that the property owner will be required to pay applicable fees to Public Works associated with connecting to municipal water and sanitary sewer services.

**Staff Recommendation**

“Pursuant to Section 55(1)(a) of the NB *Community Planning Act*, and Section 2.9.2 of the City of Miramichi Zoning By-law, it is recommended that the City of Miramichi Planning Review and Adjustment Committee (PRAC) approve the proposed variance to permit a Mini-Home Dwelling on the subject property described as PID 40276313. The proposed use is deemed sufficiently similar to, and compatible with, a single-unit dwelling, which is a permitted use within the Residential Low Density (R-2) Zone.”

**Photo 1: Subject Property and Public Notice Sign**



*Note: The GMSC notice sign placed in front of the subject property on Sunnyside Ave. Photo taken on May 8, 2026*

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**Attachments**

1. Property Location Map
  2. Applicant Submission Materials (Site Plan, Elevations, Floor Plan)
  3. Site Photos
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Report Prepared On: Thursday, May 14, 2026

Prepared by:  
Alex Hanes, MPI  
Planner



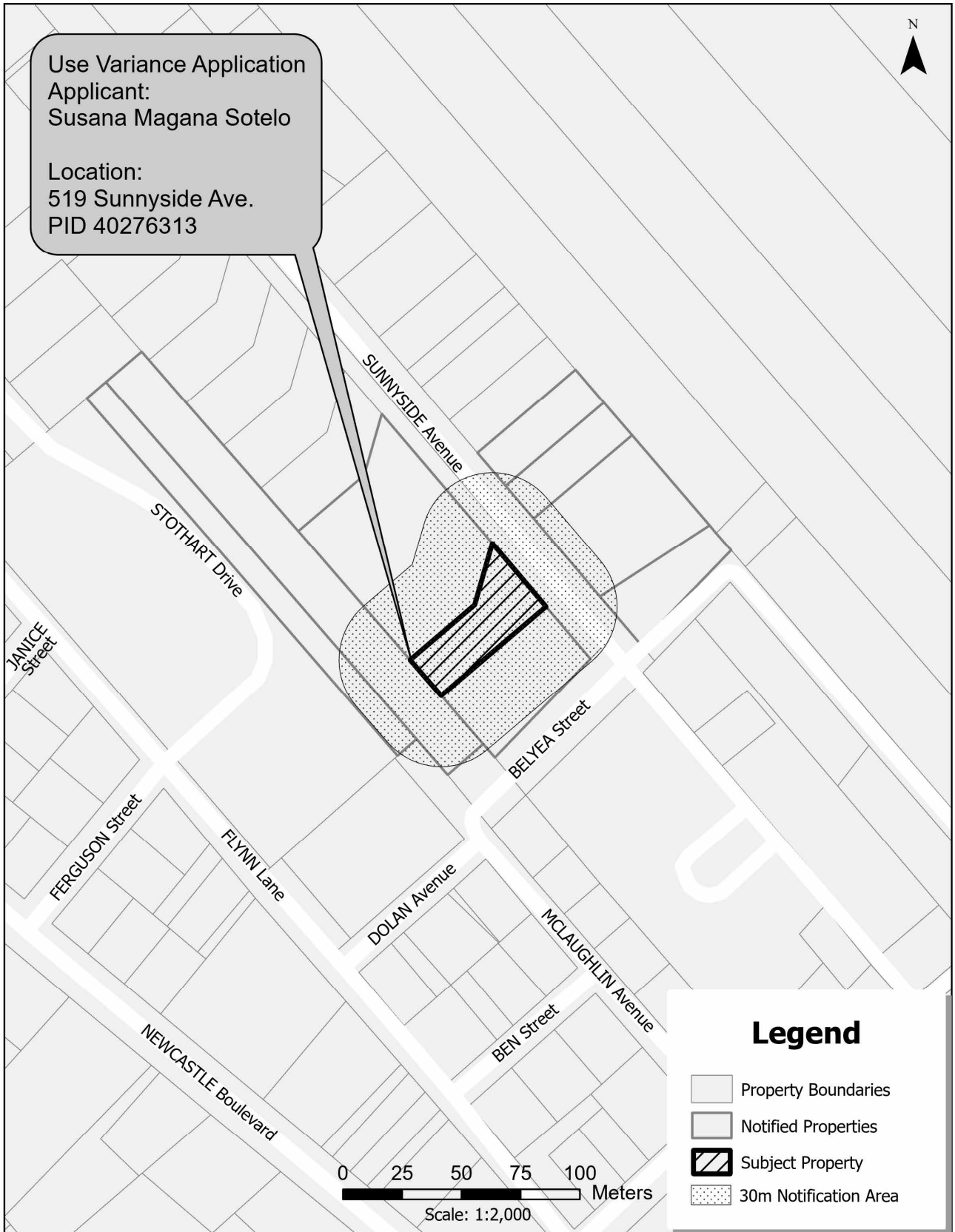
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Prepared Under the Direction of:  
Justin Forbes, RPP, MCIP  
Planning Director



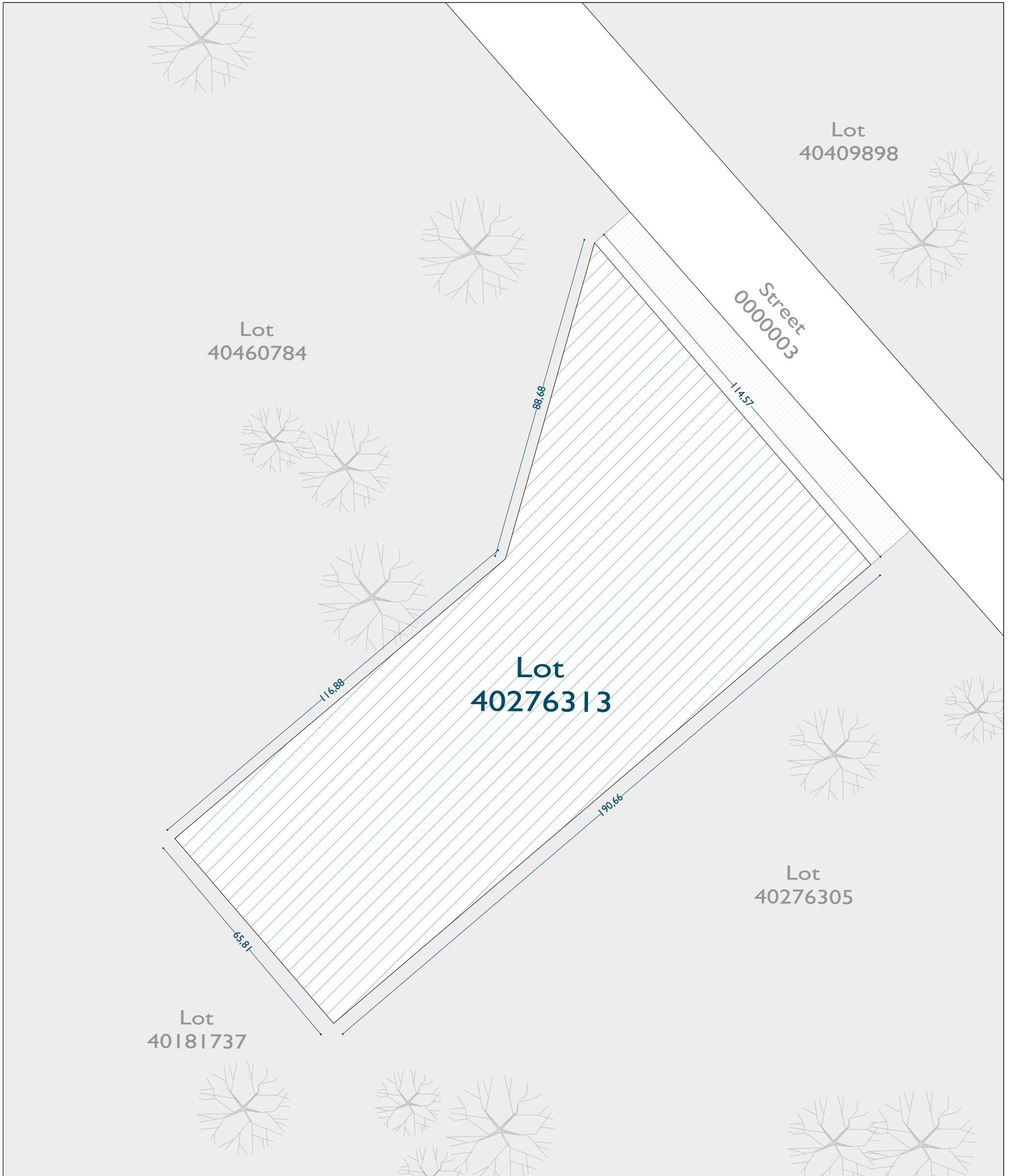
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### Attachment 1: Property Location Map



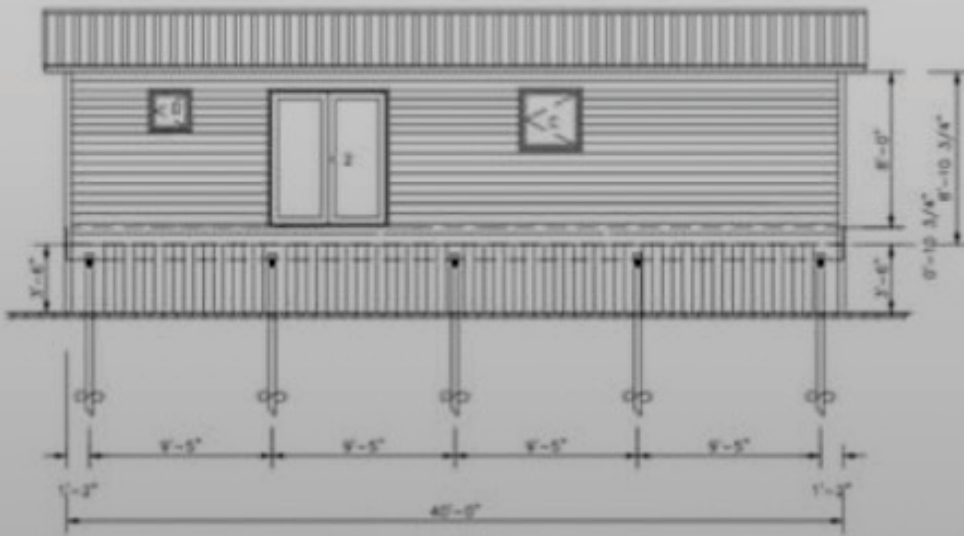
Sources: Greater Miramichi Regional Service Commission | Commission de services régionaux du Grand Miramichi; Service New Brunswick | Service Nouveau-Brunswick  
Drawn by | tracé par Alex Hanes 2026-04-29.

**Attachment 2: Applicant Submission Materials  
(Site Plan, Elevations, Floor Plan)**

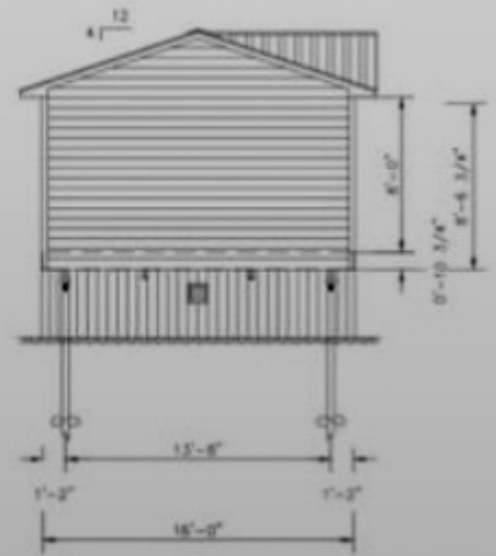


	<b>Project:</b> Home next to the woods		<b>Layout:</b>          <b>LT01</b>
	<b>Location:</b> 519 Sunnyside Ave, Miramichi, NB E1V 3T3, Canada		
	<b>Lot Site Plan</b>		
	<b>Scale:</b> 1:100	<b>Date:</b> 12.03.2026	



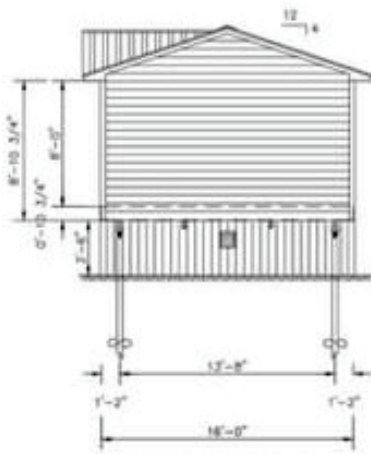


REAR VIEW ELEVATION

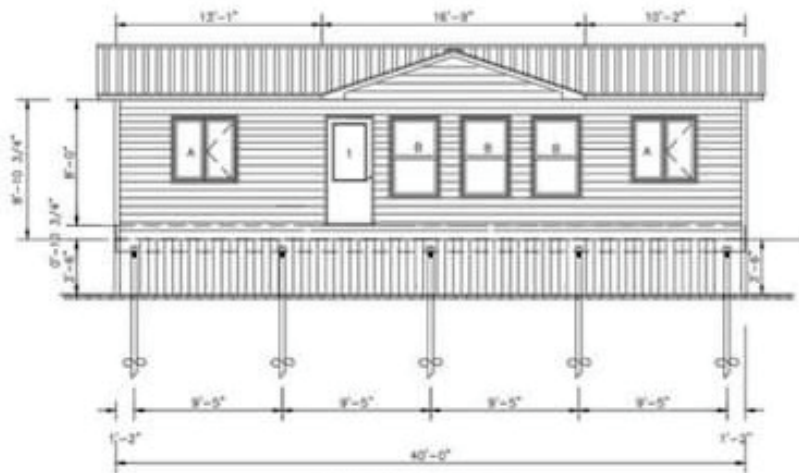


LEFT END VIEW ELEVATION





RIGHT END VIEW ELEVATION



FRONT VIEW ELEVATION

Note:  
 The General Contractor and Sub Contractor who  
 issues shall take full responsibility to verify all  
 conditions & measurements of this Project before  
 starting any work.  
 Designer will not be responsible for any error  
 of this drawing project.

**Attachment 3: Site Photos (taken 2026-05-06)**

**Photo 1: Subject property**



**Photo 2: Sunnyside Ave. Looking north**



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**Photo 3: Sunnyside Ave Looking South**

