

To: **Antigonish County Planning Advisory Committee
Antigonish County Council**

From: **Planning Staff (EDPC)**

Date: **October 20, 2015**

Reference: **Rezoning application by John and Lisa Sears for the property located at PID# 10056174 from Hamlet Highway Commercial (HHC-1) to Hamlet Residential (HR-1).**

Recommendation:

That Council *approve* the amendment to the Central Antigonish Land Use By-law and rezone the property from HHC-1 to HR-1, located at PID# 10056174.

Information:

Staff received a request to rezone the property located at PID# 10056174 from Hamlet Highway Commercial (HHC-1) to Hamlet Residential (HR-1) in August of 2015.

	<u>Description</u>
Designation:	Hamlet
Zone:	Hamlet Highway Commercial
Site:	4874 Hwy# 104, Lower South River, PID# 10056174.
Site Visit:	September 11, 2015.

Analysis:

Mr. and Mrs. Sears currently have a building on the property located at PID# 10056174. The building is no longer being used for commercial purposes and they would like it to be a residential use and a residential zone. The adjacent property to the west is residential and to the east is the former Dragonfly Café, which is no longer in operation.

The Municipality has stated that there is no financial burden on the Municipality for the proposed rezoning. Also, the Director of Public Works affirms that the lot is currently serviced by municipal water and sewer services.

As part of the rezoning criteria the Director of the Strait Regional School Board was asked to comment on the adequacy of school facilities in the area. Mr. Doyle stated that adequate school facilities exist within relatively close proximity to service the possible increase in students resulting from future developments in the area.

There is an existing building on the lot that is not being used commercially. The building could be used for residential use or could be demolished and replaced with a single family dwelling. A residential use is an appropriate land use for this property and there are no foreseeable problems with this potential rezoning.

The building that is presently on the lot will be removed and the proposed use is a new small house.

The following two residential policies in the Central Antigonish Municipal Planning Strategy support the proposed rezoning to a residential zone:

Policy L-9.2. It shall be the policy of Council to encourage residential development that is orderly and compact and that does not strain or exceed the capacity of community services and facilities.

Policy L-9.3. It shall be the policy of Council to encourage infill development on vacant lands within a hamlet. This proposed rezoning is consistent with these policies, and furthermore, the property is already in the Hamlet Designation and does not require a Plan Amendment.

The Rezoning criteria are listed in full in the 'Summary of Evaluation Criteria' in Appendix 'A'.

Conclusion:

The rezoning application for the property at PID# 10056174, on Highway #104 is consistent with the Central Antigonish Municipal Planning Strategy. Both the current zone (HHC-1) and the desired zone (HR-1) are in the Hamlet Designation and all the rezoning criteria have been met.



Figure A: Current main building and tool shed on the lot (to be replaced).

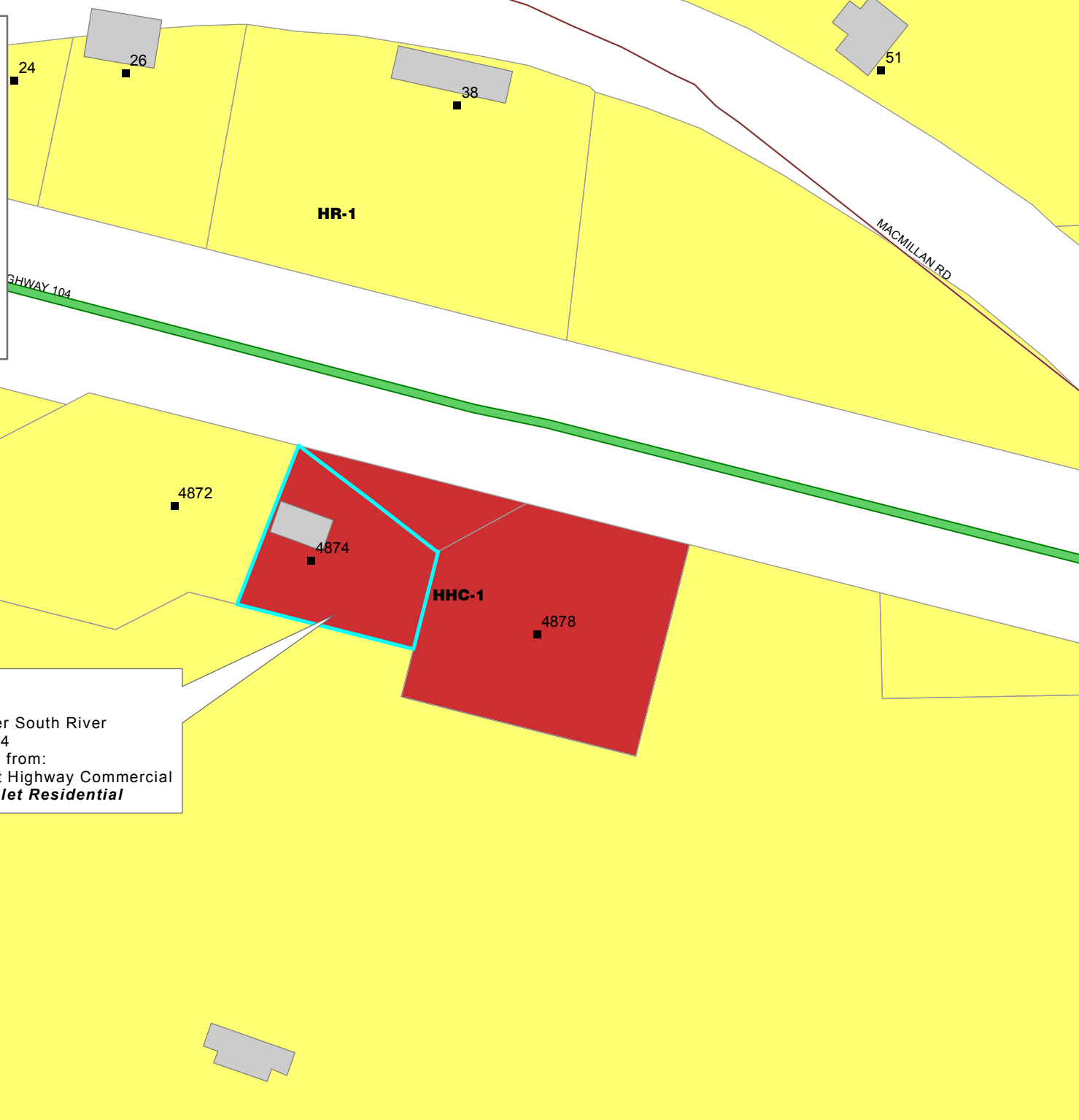
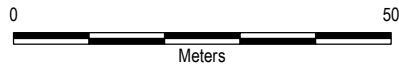
**EASTERN DISTRICT
PLANNING COMMISSION**

Proposed Rezoning

Central Antigonish Plan

LOWER SOUTH RIVER

Antigonish County, Nova Scotia



Property of
JOHN SEARS
Hwy 104 Lower South River
PID# 10056174
To be rezoned from:
HHC-1 Hamlet Highway Commercial
To: ***HR-1 Hamlet Residential***



EASTERN DISTRICT PLANNING COMMISSION
This map is a graphical representation of property boundaries which approximate the size, configuration and location of properties. This map is not a land survey and is not intended to be used for legal descriptions. THIS IS NOT AN OFFICIAL RECORD.

Appendix 'A': Summary of Evaluation Criteria.

<p>Policy I-1.10 In considering amendments to the Land Use By-law, in addition to all other criteria as set out in various policies of this planning strategy, Council shall have regard for the following matters:</p> <p>a. Whether the proposal conforms with the intent of this Strategy and with the requirements of all other Municipal by- laws and regulations;</p>	<p>Complies</p>
<p>b. Whether the proposal is premature or inappropriate by reason of:</p>	
<p>(i) the financial capability of the Municipality to absorb any costs relating to the proposal;</p>	<p>Complies</p>
<p>(ii) the adequacy of sewer and/or water services to support the proposal;</p>	<p>Complies</p>
<p>(iii) the adequacy and proximity of school, recreation and other community facilities;</p>	<p>Complies (See Staff Report)</p>
<p>(iv) the adequacy of road networks, in, adjacent to, or leading to the development and the adequacy of proposed accesses and parking facilities;</p>	<p>Complies</p>
<p>(v) the potential for the contamination of abutting watercourses or the creation of erosion or sedimentation as a result of the development as determined by a qualified person from the appropriate government department;</p>	<p>N.A.</p>
<p>(vi) the potential for damage to or destruction of historical buildings and sites.</p>	<p>N.A.</p>
<p>c. Whether the proposal conforms to the requirements contained in the Land Use By-law relating to the following:</p> <p>i.) the type of use;</p>	<p>Complies</p>
<p>ii.) setbacks, height, bulk, and lot coverage of a proposed building or expansion to an existing structure;</p>	<p>Complies</p>
<p>iii.) traffic generation, access to and egress from the site, and parking;</p>	<p>N.A.</p>
<p>iv.) open storage;</p>	<p>N.A.</p>
<p>v.) signs;</p>	<p>N.A.</p>
<p>vi.) provisions for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;</p>	<p>N.A.</p>
<p>vii.) the location of the development so as not to obstruct any natural drainage channels or watercourses;</p>	<p>N.A.</p>
<p>viii.) sufficient building separations to permit access to firefighting equipment and to prevent the spread of fire.</p>	<p>Complies.</p>
<p>d. Suitability and costs of the proposed development in terms of steepness of grades, soil and geological conditions, marshes, swamps, or bogs and proximity of highway ramps, railway rights-of-way and other nuisance factors.</p>	<p>N.A.</p>