

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

From: **Planning Staff (EDPC)**

Date: **February 3, 2022**

Reference: **Application to rezone a property located on Main Street, Whycomomagh from Commercial (C-1) Zone to the Residential Centre (R-1) Zone to allow for the construction of a Duplex.**

Recommendation:

That Municipal Council approve a Land Use By-law amendment to rezone PID 50340280 on Main Street, Whycomomagh from the Commercial (C-1) zone to the Residential Centre (R-1) zone to permit a two unit dwelling to be located on the property. (See Rezoning Map, Page 4).

Background Information:

Staff of the Eastern District Planning Commission received an application from J.R. MacDonald of 3246925 Nova Scotia Limited to rezone property owned by their numbered company on the Main Street in Whycomomagh from Commercial to Residential Centre in order to allow for the construction of a triplex on the property. This application was later changed to allow for the construction of a duplex.

Description	
Designation:	General Development
Zoning:	Commercial (C-1)
Zoning Request:	Residential Centre (R-1)
Identification:	50340280
Total Lot Area:	10,283 sq. ft; (955 sq. m.)
Site Visits:	June 29, 2021 January 22, 2022

The property owners then applied for a development and building permit in May 2021 which was inadvertently issued. Construction commenced on the duplex sometime after the June site visit. During the January 22, 2022 site visit staff observed the building still under construction. This application is therefore now primarily to recognize the existing building on the property.

An initial site visit was conducted on June 29, 2021. During this site visit, staff paid particular attention to the state of the terrain of the individual property and the uses of surrounding properties. The site was in the process of being leveled and did not display any terrain issues present during the site visit.

Staff Report

Analysis:

Policy A-7 (a) of the Whycocomagh Municipal Planning Strategy permits the rezoning from Commercial (C-1) to Residential Centre (R-1) according to Policy A-8 and upon the provision of municipal water and sewer services. Correspondence from the Manager of Environmental & Facilities Compliance for the Municipality of the County of Inverness advised Eastern District Planning Commission staff that water and sewer facilities are close enough to be connected to the property. The Municipality related that both the water and wastewater services are over capacity; however, they would approve this development due to improvements planned for municipal services in that area.

Policy A-8 provides the criteria Council must consider in making amendments to the Land Use By-law. The rezoning is in conformity with the intent of the Municipal Planning Strategy as shown through the referenced Policy A-7, which specifically permits rezonings like the proposal.

The proposal is in close proximity to many services and amenities, including the Whycocomagh Education Centre, farmer's market, grocery store, bank, and pharmacy. The property is located far enough away from any watercourse so that contamination, erosion, or sedimentation is highly unlikely to occur.

The Residential Centre (R-1) Zone permits the development of a duplex dwelling which can be accommodated within the general lot requirements for the Residential Centre (R-1) Zone. When the footers were in place and a location certificate was provided the building was found to be too close to the back lot line. The owners contacted District Planning to apply for a variance, however, this was not an option for a permit issued in error. The property owners therefore re-subdivided their property (See survey, Page 4) to add more land to the back and then meet the zone requirements for the R-1 Zone.

The site terrain was observed to be suitable for typical residential development. Staff did notice that immediately abutting the property was what appeared to be a laydown yard. This may cause issues for the use of the property as a residential use due to large vehicles and work being done in the laydown yard.

Conclusion:

Eastern District Planning Commission staff are of the opinion that the rezoning of PID 50340280 located on Main Street, Whycocomagh, from Commercial (C-1) Zone to Residential Centre (R-1) Zone, is in keeping with the general intent of the Municipal Planning Strategy and that rezoning meets the sewer and water criteria established in Policy A-7, and the general criteria established in Policy A-8. Therefore, staff recommend approving the application to rezone PID 50340280 from Commercial (C-1) Zone to Residential Centre (R-1) Zone.

Appendix A: Summary of Policy

<p>Policy A-7 (a) rezoning from Mobile Home Park (MHP), Commercial (C-1), or Industrial (I-2) to Residential Centre (R-1) according to Policy A-8 and upon the provision of municipal water and/or sewer service</p>	<p>Complies</p>
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<p>Policy A-8</p>	
<p>In considering amendments to the Land Use By-law, in addition to all other criteria as set out in various policies of this strategy, Council shall have regard to the following matters:</p>	
<p>(a) That the proposal is in conformity with the intent of this Strategy.</p>	<p>Complies</p>
<p>(b) That the proposal is not premature or inappropriate by reason of:</p>	
<p>i) the financial capability of the Municipality to absorb any costs relating to the development;</p>	<p>All expenses borne by developer</p>
<p>ii) the adequacy of the municipal sewer services and utilities or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems;</p>	<p>Complies</p>
<p>iii) the adequacy and proximity of school, recreation, and any other community facilities;</p>	<p>Complies</p>
<p>iv) adequacy of road networks in, adjacent to, and leading to the development; and</p>	<p>Complies</p>
<p>v) the potential for the contamination of watercourses or the creation of erosion or sedimentation.</p>	<p>Not Applicable</p>
<p>(c) That 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) the height, setback and yard requirements of any proposed building;</p>	<p>Complies</p>
<p>iii) access and egress from the site and parking;</p>	<p>Complies</p>
<p>iv) open storage;</p>	<p>Complies</p>
<p>v) signs; and</p>	<p>Complies</p>
<p>vi) the hours of operation;</p>	<p>Not Applicable</p>
<p>vii) similar matters of planning concern.</p>	<p>None Identified</p>
<p>(d) The suitability of the proposed site in terms of steepness of grades, and/or location of watercourses.</p>	<p>Complies</p>

