

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

From: **Planning Staff (EDPC)**

Date: **January 20, 2025**

Reference: **Application to rezone 1648 Addington Forks Road, Addington Forks (PID 01210582) from the Local Commercial (C-1) and Rural General (RG-1) zones to Residential (R-1) to match the existing residential use.**

Recommendation:

That Municipal Council **approve** the rezoning of 1648 Addington Forks Road, Addington Forks, Antigonish County (PID 01210582) from the Local Commercial (C-1) and Rural General (RG-1) Zone to the Residential (R-1) Zone.

Background:

District Planning received an application from Jo Ann Ortega to rezone the property located at 1648 Addington Forks Road, Addington Forks, Antigonish County (PID 01210582) to the Residential (R-1) zone. The property is currently split zoned Local Commercial (C-1) and Rural General (RG-1) to the rear under the *West River Antigonish Harbour Secondary Land Use By-law* (see Figure 1).

| Description | |
|------------------------|------------------------------------------------|
| Designation: | Residential Rural Development |
| Zoning: | Local Commercial (C-1) Rural General (RG-1) |
| Zoning Request: | Residential (R-1) |
| PID: | 01210582 |
| Total Lot Area: | 4.02 acres (16187.4 sq. m) |

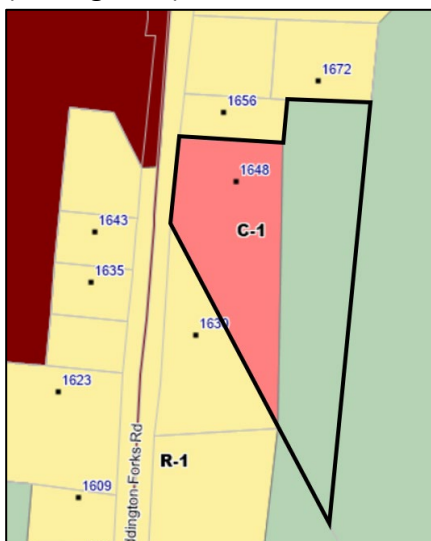


Figure 1 Area subject to rezoning to Residential (R-1).

The property was formerly used by England Paving & Contracting Ltd, which ceased operations in 2012. Since 2013, the property has been used exclusively for residential purposes. The mini home, which was formerly an office for the business, is now used as a dwelling. The shop is used for personal accessory use only and not for any commercial purposes. The lot would continue to be function as a dwelling and residential accessory building should this rezoning be approved.

While single unit residential use is permitted under the current zoning, the commercial zoning is problematic for

other reasons. The applicant has indicated that the zoning has prevented them from obtaining a residential mortgage for the property.

Analysis:

Policy L-2.2 of the *West River Antigonish Harbour Secondary Municipal Planning Strategy* establishes that the Residential (R-1) zone applies to the majority of the lands designated Residential (i.e., it is the “base zone).” Staff’s opinion is that rezoning to the base zone is permitted without requiring enabling policy. Therefore, the portion of the property can be rezoned to Residential R-1 subject to compliance with the general implementation policy (see below).

The rear portion of the property is designated Rural. Normally, rezonings to the Residential (R-1) zone would not be enabled for properties within this designation. However, Policy I-1.6 states that:

... areas immediately adjacent to a given land use designation on the Generalized Future Land Use Map may be considered for a rezoning to a use that is similar in nature to the given designation without requiring an amendment to this Strategy, provided that the general intent of all other policies of the Strategy are satisfied.

This policy also enables Council to consider rezoning the rear portion of the property to R-1.

Policy I-1.10 is a general policy that applies to any application to amend the Land Use By-law. The policy lays out several criteria which Council shall have regard for when considering a zone amendment.

The lot is currently improved by an existing mini home and workshop for personal use with no additional development planned at this time. The proposed rezoning can be considered “downzoning.” The R-1 zone generally permits less intensive uses than the C-1 zone; it may permit a converted dwelling with a maximum of 2 units in the future or a small range of other uses. The existing Local Commercial (C-1) zone would allow autobody shops, kennels, warehousing, and a range of other more intensive uses that may have a more significant impact on the surrounding residential area. Due to the development being an existing building and use, and the downzoning nature of this application, many of the policy criteria are not applicable. A summary of the criteria and comments are provided in Appendix A.

Conclusion:

The purpose of this request is to amend the zoning of the subject property to match the ongoing single unit residential use. The rezoning request is enabled by Policy I-1.6 of the *West River*

Antigonish Harbour Municipal Planning Strategy. It also meets the general implementation criteria for rezonings of Policy I-1.10, as outlined in this report and Appendix A.

For that reason, Staff recommend that Municipal Council **approve** the rezoning of 1648 Addington Forks Road, Addington Forks, Antigonish County (PID 01210582) from the Local Commercial (C-1) and Rural General (RG-1) Zone to the Residential (R-1) Zone.

Summary of Appendices

Appendix A: Summary of applicable policies

Appendix A: Summary of Applicable Policies

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| 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: | |
| (a) Whether the proposal conforms with the intent of this Strategy and the requirements of all other Municipal by-laws and regulations; | Complies, see staff report. |
| (b) That the proposal is premature or inappropriate by reason of: | |
| i. the financial capability of the municipality to absorb any costs relating to the development; | None identified. |
| ii. the adequacy of sewer and water services to support the development; | Complies. Existing municipal water and on-site sewage disposal system. |
| iii. the adequacy and proximity of school, recreation, and any other community facilities; | Complies. Up to two dwelling units would have a negligible impact on enrollment in the school district. |
| iv. the adequacy of road networks in, adjacent to, or leading to the development; and | Complies. The residential use would generate less traffic than Local Commercial (C-1) uses. |
| v. the potential for the contamination of watercourses or the creation of erosion or sedimentation; | None identified. |
| vi. the potential for damage to or destruction of historical buildings and sites. | Complies. The property does not contain a historical building or site. |
| (c) Whether the proposal conforms to the requirements contained in the Land Use By-law relating to the following: | |
| vii. type of use; | Complies. |
| i. setbacks, height, bulk, and lot coverage of a proposed building or expansion to an existing structure; | Complies. |
| ii. traffic generation, access to and egress from the site, and parking; | Complies. The site has an existing access and parking. |
| iii. open storage; | N/A – existing development |
| iv. Signs; | N/A – existing development |
| v. provisions for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic; | N/A – existing development |
| vi. the location of the development so as not to obstruct any natural drainage channels or watercourses; | N/A – existing development |
| vii. sufficient building separations to permit access to firefighting equipment and to prevent the spread of fire. | N/A – existing development |
| (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. | N/A – existing development |