

Tantramar Planning Review and Adjustment Committee

STAFF REPORT

Temporary Use Approval

Subject : To operate a automotive service shop as a temporary use
File number: 15-055
Meeting Date: Wednesday, February 25, 2015
From : Lori Bickford
Tantramar Office Manager/Planner

GENERAL INFORMATION

Applicant/: Karl Crossman

Landowner : Karl Crossman

Proposal: To permit the operation of an automotive repair shop from the property in the existing garage. The By-law prohibits this use in the Cottage Enterprise Zone. Therefore, the applicant is applying for the temporary use approval of up to 1 year.

SITE INFORMATION

Location: 15 Racetrack Road, Village of Dorchester / Village de Dorchester

PID: 70182647

Lot Size: 3691 sq m

Current Use: Residential

Zoning: Residential Cottage Enterprise

Future Land

Use: Residential Cottage Enterprise

Surrounding

Use & Zoning: Residential and Recreational

Municipal

Servicing: Full municipal services are available to the site.

Access/Egress: Racetrack Road



Municipal Plan Policies

The following sections of the Municipal Plan apply to this proposal:

“2.3 Use Interpretation - The Future Land Use Map “(Figure 1) is a graphic representation of the Land Use Designations which are to be developed in accordance with the policies of this Plan. Areas abutting or contiguous to a given designation may be considered for a zoning amendment to a use permitted within that designation without an amendment to this Plan, provided all other policies of the Plan are met.”

and

“3.2.3.6 It is a policy that a wide range of economic enterprises will be permitted within this designation, including home occupations, small scale retail, tourism related businesses, environmental related businesses, micro enterprises including computer or technology related businesses, craft related businesses, offices, boarding houses, antique dealers, restaurants and businesses. No uses will be permitted which may have a negative impact on the environment. Appropriate environmental standards will be set out in the Zoning By-law.”

Zoning Bylaw and or Subdivision By-law Regulation

The following sections of the Zoning By-law apply:

“2.4 Special Powers of the Planning Commission ... b) The Planning Commission may, subject to such terms and conditions as it considers fit, (i) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this Bylaw...”

and

Under the Residential Cottage Enterprise zone, automotive repair is prohibited:

*“COTTAGE ENTERPRISE, means the use of a residential dwelling and/or accessory structures for employment purposes involving the small scale manufacture, provision and/or sale of goods and services including restaurants, bed and breakfast, manufacturing, antique stores, bicycle repair and sales, sports wear and small engine repair which will not adversely affect adjacent residents or the natural environment **but does not include** uses that may have an adverse affect on the natural environment or adjacent residents including truck depot, **auto body or engine repair**, service station and lounges/taverns;”*

Internal Consultation & External Consultation

N/A

Discussion

The applicant is proposing to operate an automotive service from the existing 2 car garage located on the site. (See Attached photos). This business would employ the applicant. The property is zoned Residential Cottage Enterprise, which permits cottage enterprise uses are permitted within this zone. Although the definition includes a variety of uses, including small scale manufacturing, it specifically prohibits auto body and engine repair. The conflict between allowing small scale manufacturing but prohibiting engine repair and auto body, which would be considered less intrusive, is currently undergoing a text amendment by the Village.

Racetrack Road is a dead end street which terminates at a public recreation facility (ballfield). The north side of Racetrack Road is zoned Village Centre and the south side is zoned Cottage Enterprise. Although this is acceptable, there are no limitations in the surrounding area such as topographical, property size, etc. This issue has been identified to the Village and they are currently undertaking an amendment to zone both sides of Racetrack Road Village Centre.

The subject property is just under 1 acre in size, and has existing natural buffering from adjoining properties. The operation of the business will be from an existing structure on the site and therefore no additional construction on the site is necessary. The property currently has a circular driveway which would permit easy maneuverability of vehicles on site. As well as the driveway configuration would allow for adequate on site parking associated with the operation of the automotive service business.

Although there is buffering from adjoining properties, staff would recommend that the condition be added that this buffering remains and additional buffering be added to provide adequate screening from adjoining properties where necessary. Due to the proximity of residences and the Village Center, an accumulation of vehicles should be limited and no salvage activities should occur on the site. Only vehicles being repaired shall remain on site. Any outdoor storage of materials shall be safely stored in appropriate containment, located within an opaque fenced area until such time as it can be properly disposed, i.e. used oil and fluids, etc.

Public Notice

A notice to neighbours was circulated to properties within 60 m of the proposal. To date no response from surrounding landowners has been received.

Legal Authority

The Community Planning Act allows municipalities to include the ability to permit temporary uses within their zoning by-law. Dorchester has included the following section within their zoning bylaw:

“2.4 Special Powers of the Planning Commission

b) The Planning Commission may, subject to such terms and conditions as it considers fit,

(i) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this Bylaw ...

(iii) require the termination or removal of a development authorized under clause (i) at the end of the authorized period.”

Recommendation

As Dorchester is currently considering an amendment to the Zoning By-law which will rezone the south side of Racetrack Road to Village Center, permitting this use, and as the business will be contained within an existing structure, staff are recommending this as a temporary use .

Therefore, Staff recommends the following motion:

“The request by Karl Crossman to permit the operation of an automotive repair shop as a temporary use from the existing garage located on the property located at 15 Racetrack Road, Dorchester, known as PID # 70182647, for a temporary period not to exceed 1 year, be granted subject to the following conditions:

- (1) that outdoor storage of any materials associated with the business be stored safely in appropriate containment within an opaque fenced area until such time as it can be properly disposed,**
- (2) that no auto salvage activities, or excessive accumulation of vehicles, shall occur on site,**
- (3) that all vehicles associated with the business shall remain on site, and**
- (4) that the natural buffering surrounding the property remains and additional buffering/screening from adjoining properties be added as necessary.**