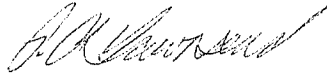


**Harbour East Community Council
November 10, 2011**

TO: Chair and Members of Harbour East Community Council



SUBMITTED BY: _____
Phil Townsend, Director, Planning & Infrastructure

DATE: October 27, 2011

SUBJECT: Temporary Accessory Buildings

SUPPLEMENTARY REPORT

ORIGIN

- On January 13, 2011, Harbour East Community Council (HECC) requested staff to prepare a report to review the issue of temporary accessory buildings within the Dartmouth Plan Area and to examine the opportunity to amend Dartmouth's Land Use By-Law (LUB) to allow temporary accessory buildings within the front yard.
- On July 7, 2011, staff presented a report, dated June 14, 2011, to HECC outlining staff's recommendation regarding temporary accessory buildings. At the meeting, HECC did not review the document but passed the following motion:

"MOVED by Councilor Karsten, seconded by Councilor Fisher, that staff amend the June 14, 2011, report to include all of the Harbour East area."

RECOMMENDATION

It is recommended that Harbour East Community Council maintain the current land use By-Law regulations regarding temporary accessory buildings within the front yard of dwellings within the Dartmouth, Eastern Passage/Cow Bay, and Cole Harbour/Westphal Plan Areas.

BACKGROUND

This report responds to HECC’s motion seeking information about the existing regulations for temporary accessory structures as well as considerations of temporary accessory buildings within front yards of dwellings in Dartmouth, Eastern Passage/Cow Bay, and Cole Harbour/Westphal Plan Areas. It is the understanding of staff that these buildings are typically utilized to store seasonal vehicles or equipment (such as motorcycles) during the fall and winter months. Temporary buildings are also used during the spring and summer months for storage of household items and equipment.

Temporary vs. Permanent Accessory Buildings

Under the various land use By-Laws within the jurisdiction of HECC, temporary accessory buildings must conform to the same requirements as applied to permanent accessory buildings. Thus, temporary accessory buildings must comply with the height, size and yard setbacks requirements of the applicable LUB as outlined in the table below:

Plan Area	Maximum Building Height	Maximum Floor Area	Setback Requirements (Any Residential Zone)
Dartmouth	15 feet	650 square feet	Subject to the National Building Code Requirements
Eastern Passage/ Cow Bay	15 feet	750 square feet	within the Urban Service Area min. of 4 feet - side or rear lot line outside the Urban Service Area min. of 8 feet - side or rear lot line
Cole Harbour/ Westphal	15 feet	750 square feet	within the Urban Service Area min. of 4 feet - side or rear lot line outside the Urban Service Area min. of 8 feet - side or rear lot line

Front Yard Setback – Accessory Buildings

In 2001, HECC approved amendments to clarify that no accessory building may be located closer to the front lot line than the main dwelling on the property within any residential zone in the Dartmouth, Cole Harbour/Westphal and Eastern Passage/Cow Bay plan areas. The provisions apply to all accessory buildings, whether temporary or permanent, and are intended to ensure that the appearance, scale and use of an accessory building remains secondary to the primary use of the property as a residence.

DISCUSSION

In terms of options to assist in the location of accessory buildings, whether temporary or permanent, the June 14th, 2011, staff report outlined what could be done under the existing LUB requirements and outlined a possible LUB amendment. The information provided in that report is also applicable to the Eastern Passage/Cow Bay and Cole Harbour/Westphal Plan Areas. The following paragraphs explain the information provided in the previous report.

Variance Process

Property owners already have the option to apply to allow temporary accessory structures in the front yard through the variance application process. In several cases, variances have been approved to allow permanent buildings in the front yard in situations where physical constraints such as steep slopes or watercourse setbacks have rendered it difficult to place an accessory building in the side or rear yard of a dwelling. The variance process would also involve the abutting property owners and enable public input if there is concern regarding the structure or its location.

LUB Amendment Option

Council may direct staff to open a case to consider amending the LUB in order to allow accessory structures to be located within front yards on a temporary basis. Temporary would mean for a few months per year. Such an approach would be difficult to enforce by Development Services. However, based on the existing direction in the LUB and the recent amendment to prohibit accessory buildings in front yards, staff do not believe that there is sufficient planning rationale to permit accessory buildings in a front yard. The issues and concerns associated with permanent structures apply at least to the same degree with temporary structures, as the nature and design of temporary buildings may be less appropriate and compatible with residential neighbourhoods. Furthermore, property owners already have the option of applying for a variance, which enables consideration of the merits and justification related to each specific property, as opposed to a plan area wide LUB Amendment.

Conclusion

Based upon the direction given by HECC in 2001 to prohibit temporary and permanent accessory buildings in front yards, staff does not believe that there is sufficient planning rationale or change in circumstances to warrant an amendment. Therefore, staff recommends that HECC maintain the current regulations regarding accessory buildings in a front yard of a residentially zoned property.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

No community engagement is required since this report responds to Council's request for information and staff has not been directed to open a case or consider amendments to any planning document. If Council directs staff to open a planning case, consultation will be conducted in accordance with the Community Engagement Strategy and *Halifax Regional Municipality Charter*.

ALTERNATIVES

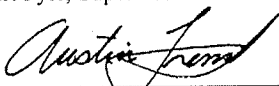
1. Council may choose not to open an application to consider amending the Dartmouth, Eastern Passage/Cow Bay, and Cole Harbour/Westphal LUB in order to permit temporary accessory buildings in the front yard of dwellings. This is the recommended course of action for reasons set out in this report.
2. Council may choose to direct staff to open a case to consider amending the Dartmouth, Eastern Passage/Cow Bay, and Cole Harbour/Westphal LUB in order to permit temporary accessory buildings in front yards.

ATTACHMENTS

None

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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