




PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Western Region Community Council
May 29, 2007

TO: Chair and Members of Western Region Community Council

SUBMITTED BY: 

Paul Dunphy, Director of Community Development

DATE: May 10, 2007

SUBJECT: **Case # 01012 - Land Use By-law Amendment for 1060 Old Sambro Road, Harrietsfield**

ORIGIN

Application by Landmark Management Incorporated to amend the Land Use By-Law for Planning District 5 (Chebucto Peninsula) by adding Isner Stables Limited located at 1060 Old Sambro Road, Harrietsfield, to Appendix "C".

RECOMMENDATION

It is recommended that Western Region Community Council:

1. Give First Reading to the amendments to the Land Use By-law for Planning District 5 (Chebucto Peninsula) as provided in Attachment "B" of this report, and schedule a Public Hearing.
2. Approve the amendments to Appendix "C" of the Land Use By-law for Planning District 5 (Chebucto Peninsula), provided in Attachment "B" of this report, to allow an existing stable and trail ride business at 1060 Old Sambro Road.

BACKGROUND

Isner Stables Limited, has been in operation at 1060 Old Sambro Road, Harrietsfield, for more than 45 years. The business provides horse, pony, wagon, and sleigh rides on the property's 6 kilometres of trails and includes a hobby farm livestock petting zoo.

The property owned by Isner Stables Limited that is the subject of this application is comprised of the following:

Parcel ID 00388504	.45 acres	V1 (Harrietsfield Village Centre) Zone
Parcel ID 00388496	4 acres	V1 (Harrietsfield Village Centre) Zone
Parcel ID 40074064	22 acres	R2 (Two Unit dwelling) Zone

The properties are developed with a single unit dwelling, stables, and accessory structures. The Harrietsfield Village centre, in which these properties are located, contains a mixture of residential, community facility, general commercial, and institutional land uses.

The applicant is seeking the ability to expand the existing stable and trail ride business. However, at present, this use is non-conforming. Therefore, the business is not permitted to expand with new buildings and facilities.

When the Planning District 5 Municipal Planning Strategy (MPS) and Land Use By-law (LUB) were adopted, certain businesses that would not be permitted by the zoning regulations applied to them were recognized as either:

- Existing businesses permitted to expand; or
- Existing businesses not permitted to expand (non-conforming use)

A list of these businesses appears within the Appendices of the LUB. Isner Stables currently appears on neither list. A determination of whether existing businesses should be able to expand is based upon land use compatibility factors.

DISCUSSION

In order for Isner Stables to be considered as an existing business permitted to expand, the following conditions must be satisfied:

- the business must have been in existence prior to the February 1995 adoption of the MPS and LUB; and
- the business must be reasonably compatible with its surroundings so as not to warrant a nonconforming land use status.

The applicant has provided sufficient information to support the existence of the stable and trail ride business on the properties for more than forty five years. Furthermore, Isner Stables demonstrates a level of compatibility and promotes the community focus of Harrietsfield. The business is also supportive of policy intent of the plan area designations. No issue of land use compatibility was raised during the public information meeting.

Should Community Council approve the requested amendment to the Land Use By-law, the applicant can then apply for development permits to expand the business only on the listed properties in accordance with the requirements of the C-2 (General Business) Zone.

Public Comment:

A public information meeting concerning this application was held on May 3, 2007 (see Attachment B) . The area of property owner notification (by mail) is shown on Map1. Should Community Council decide to hold a public hearing, in addition to published newspaper advertisements, property owners in the area shown on Map 1 will sent written notification.

BUDGET IMPLICATIONS

There are no budget implications at this time.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

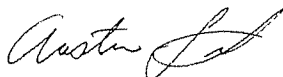
1. Approve the attached amendments to the Land Use By-law for the reasons provided. This is the recommended alternative.
2. Council may refuse to approve the amendments to the Land Use By-law. The business will remain non-conforming use and no expansion of the business will be permitted with the long term intent that it should cease to exist in that location. This alternative is not recommended as Isner Stables is a long standing use that complements the community of Harrietsfield.

ATTACHMENTS

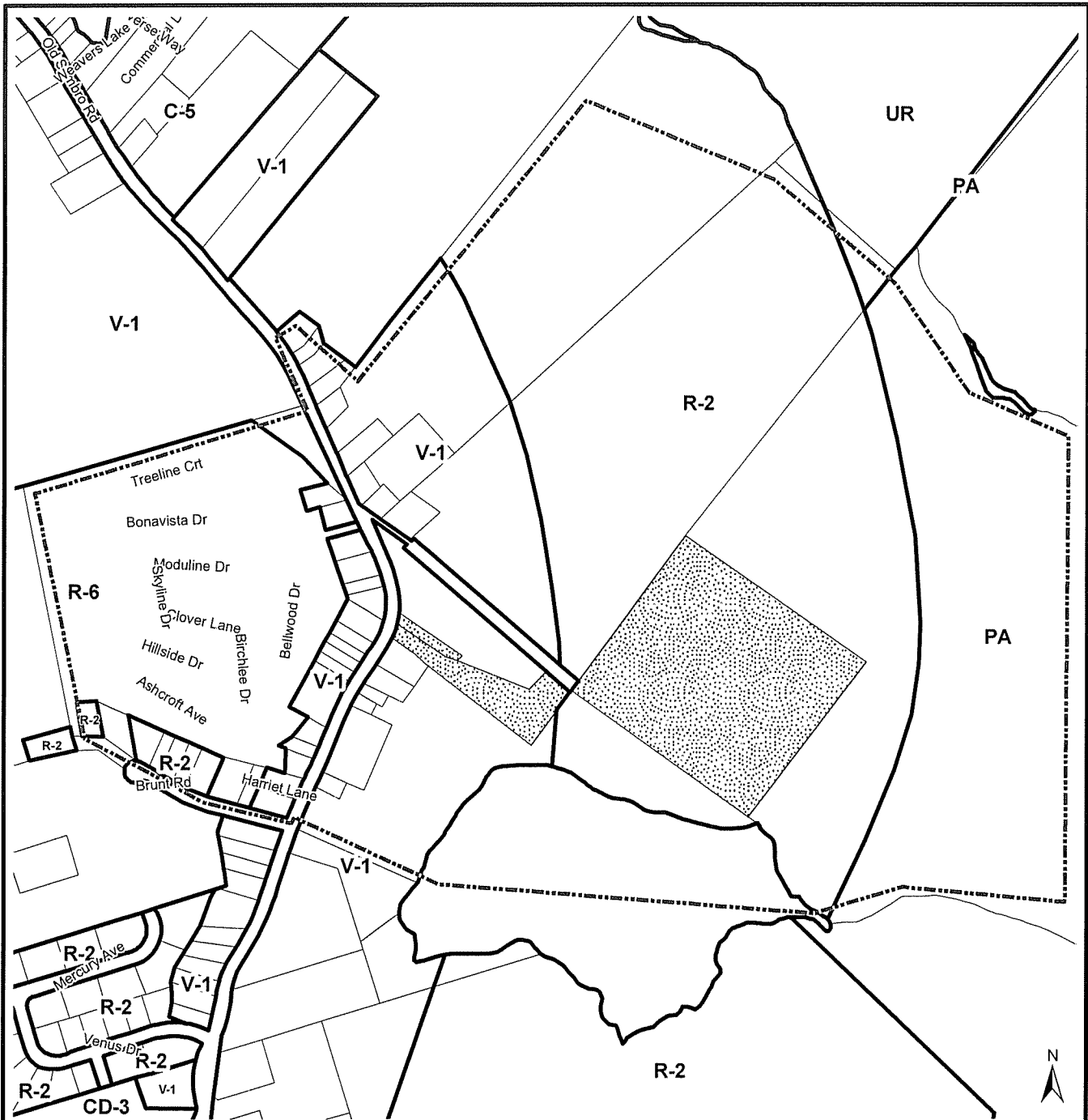
Map 1	Location and Zoning
Map 2	Generalized Future Land Use
Attachment A	Amendments to the Planning District 5 (Chebucto Peninsula) LUB
Attachment B	Minutes of the Public Information Meeting of May 3, 2007

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

Report Prepared by: Brian White, Planner I, 490-4793





Report Approved by: _____
Austin French, Manager, Planning Services, 490-6717



Map 1 - Location and Zoning

1060 Old Sambro Road
Harrietsfield

 Subject property

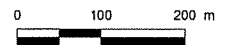
 Area of notification

Planning District 5
(Chebucto Peninsula) Plan Area

Zone

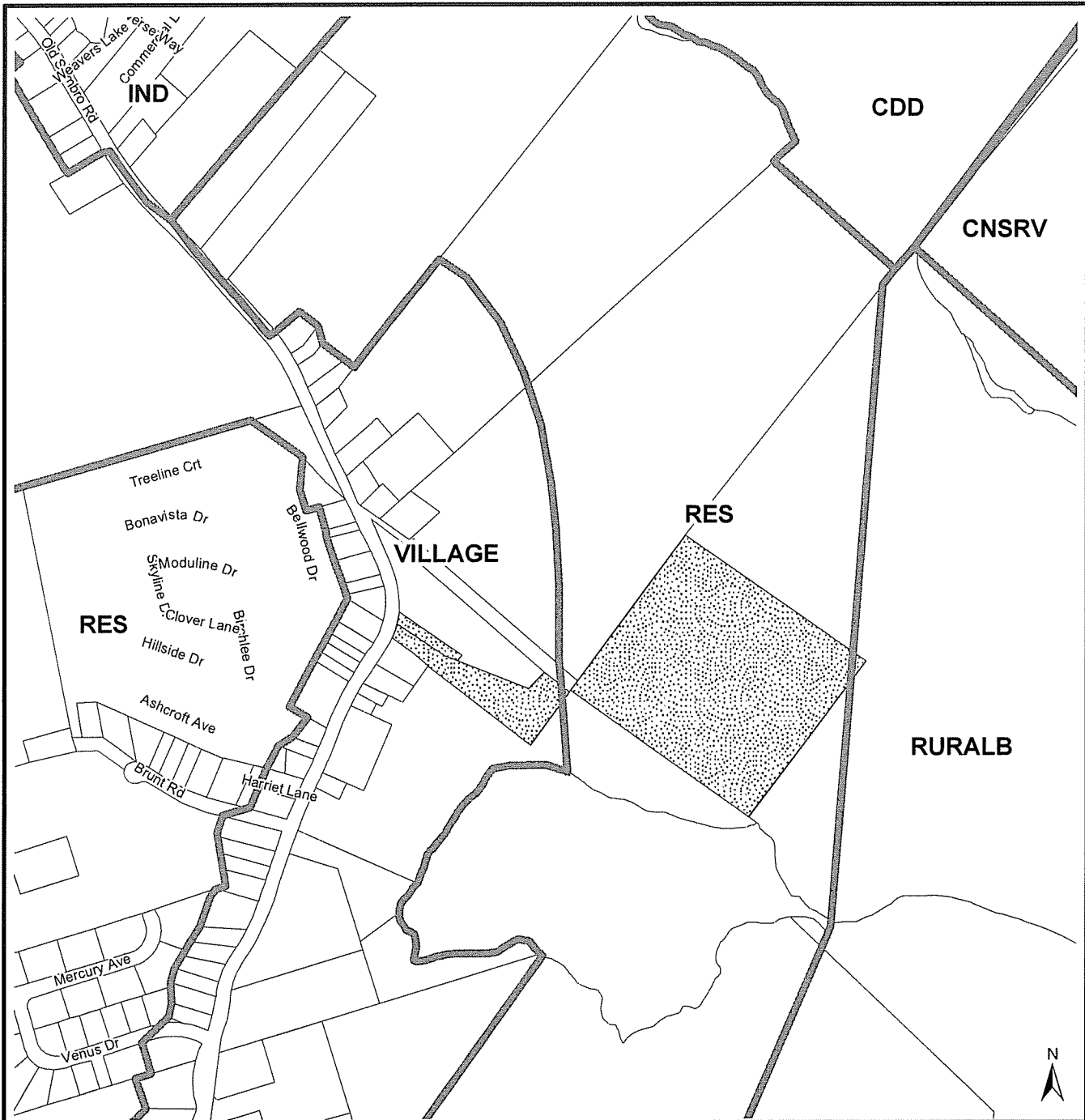
- R-2 Two Unit Dwelling
- R-6 Rural Residential
- V-1 Harrietsfield Village Centre
- C-5 Industrial - Commercial Mix
- CD-3 C&D Materials Disposal Sites
- PA Protected Area

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This map is an unofficial reproduction
of a portion of the Zoning Map for the
Planning District 5 Plan Area.

HRM does not guarantee the accuracy
of any representation on this plan



Map 2 - Generalized Future Land Use

1060 Old Sambro Road
Harrietsfield

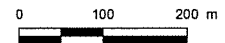
 Subject property

Planning District 5
(Chebucto Peninsula) Plan Area

Designation

- RES Residential
- VILLAGE Village Centre
- RURALB Rural "B"
- CDD Comprehensive Dev. District
- IND Industrial
- CNSRV Conservation

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This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Planning District 5 Plan Area

HRM does not guarantee the accuracy of any representation on this plan

Attachment A
Amendments to the Planning District 5 (Chebucto Peninsula) Land Use By-law

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 5 (Chebucto Peninsula) is hereby amended as follows:

1. By adding the following to Appendix "C", Existing Businesses - Expansion, at the end of the list entitled "V-1 (Harrietsfield Village Centre) Zone":

Isner Stables, Trail Rides and Farm	1060 Old Sambro Road	00388504; 00388496
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2. By adding the following new list to Appendix "C" Existing Businesses - Expansion, immediately after the list entitled "R-6 (Rural Residential) Zone":

R-2 (TWO UNIT DWELLING) ZONE

<u>Existing Use</u>	<u>Address</u>	<u>LIMS Number</u>
Isner Stables, Trail Rides and Farm	Harrietsfield	40074064

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the day of _____, A.D., 2007.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this day of _____ A.D., 2007.

Jan Gibson
Municipal Clerk

Attachment B
Public Information Meeting Minutes
Case 01012
May 3, 2007

In attendance: Councillor Adams
Brian White, Planner I, Planning Applications
Gail Harnish, Planning Services
Doug Reid
Dan Isner
3 members of the public

Mr. Brian White called the public information meeting (PIM) to order at approximately 7:15 p.m. at the Captain William Spry Centre. We are here to discuss an application by Landmark Management Inc. to recognize the lands known as the Isner Stables as an existing use in the appendix of the land use by-law.

Mr. White reviewed the amendment process:

- we received an application
- we did a preliminary review of the application
- we are now at the PIM
- staff will do a detailed review of the application
- a report is tabled with Western Region Community Council, who will decide whether or not to schedule a public hearing
- if they decide to proceed with the application, first reading is given and a public hearing is held
- there is an appeal process

Mr. White displayed a map showing the notification area, noting the property is located at 1060 Old Sambro Road. There are three properties in question. The current zoning of the property is V-1 (Harrietsfield Village Centre) and R-2 (Two Unit Dwelling).

Mr. White indicated the current situation is that it is a non-conforming use so there is no ability to expand the trail ride facility. However, if we recognize it as an existing use in the land use by-law, the applicant will be allowed under Part 17 of the land use by-law to expand the business under the commercial rules of the land use by-law.

Mr. Doug Reid stated all they want to do at Isner Stables is to continue to be Isner Stables. As it stands with a non-conforming use, they are prevented from replacing barns, for example, even if they burned down. Their desire is to have that non-conforming status disappear. They want to be able to replace the barns; they put up a garage that could be converted into a barn; they want to put in a new house in the front of the existing house; improve the paddock drainage; turn it into a much more viable business; and make the site a proper horse riding stable.

Mr. White displayed a copy of Appendix C from the land use by-law which lists existing uses, noting there is another horse stable listed as an existing use. We will be amending the land use by-law to include Isner Stables and will list the property identifier numbers which will allow the development officer to grant permits, etc.

Mr. Keating advised that he owned a piece of property beside Mr. Isner. When they build the new house they will have to do infilling. He expressed concern that by doing that infilling they cannot have excessive water running to that ditch because it runs down under the road into their drains which cannot handle any more water coming down across the road.

Mr. Reid indicated he would convey that concern to the engineer. They are only putting in a bungalow. They want to make sure the water runs to the back or the side and there will be a french drain. They had not been aware that the culvert ran under the road.

Mr. Keating indicated that was his only concern and did not have any other problem with their project.

Councillor Adams asked when the report would be tabled with Community Council, in particular whether it would be ready for their meeting at the end of May.

Mr. White indicated he would endeavor to have the report ready for the May meeting so that they could hold the public hearing at their June meeting.

It was commented that they paid \$2000 to have the septic system installed. He was shown the culvert but they did not realize it went across the road.

The meeting adjourned at approximately 7:30 p.m.