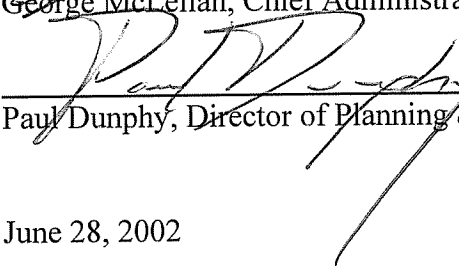


Halifax Regional Council
July 16, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Paul Dunphy, Director of Planning & Development Services

DATE: June 28, 2002

SUBJECT: Case 00323 - Plan Amendment to the Eastern Passage/Cow Bay MPS
and LUB, Cow Bay

ORIGIN:

A letter from Daniel & Beverley Woodfield requesting the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use Bylaw be amended to enable a building greater than 2,000 sq ft (609.6 m²) within the 1-3 (Local Service) zone. The plan amendment request by the Woodfield's is specific to 1174-1178 Cow Bay Road.

RECOMMENDATION:

It is recommended that Regional Council:

1. Not approve the request to initiate the process to amend the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use Bylaw to enable a building greater than 2,000 sq. ft (609.6 m²) within the 1-3 (Local Service) zone and remove limitation on the type of items permitted to be auctioned by an auction facility.

A plan amendment is not a straightforward exercise and requires considerable justification in order to change a MPS and LUB. The general staff position on plan amendments is they should be considered only when there has been a change in circumstances or there is a significantly different situation than what the existing plan policies anticipated.

The proposed amendment is a request which would double the permitted building size within the I-3 (Local Service) zone and increase the scope of an auction facility. In addition, the proposed use is not local in nature, as its large scale would attract customers from a larger area. It is the opinion of staff, there is no change in circumstance nor a different situation than what the existing plan policies anticipated. Staff does acknowledge the subject property is relatively large, however staff does not support the plan wide or site specific amendment to the 1-3 zone to enable a larger building.

BUDGET IMPLICATIONS:

None.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN:

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

ALTERNATIVES:

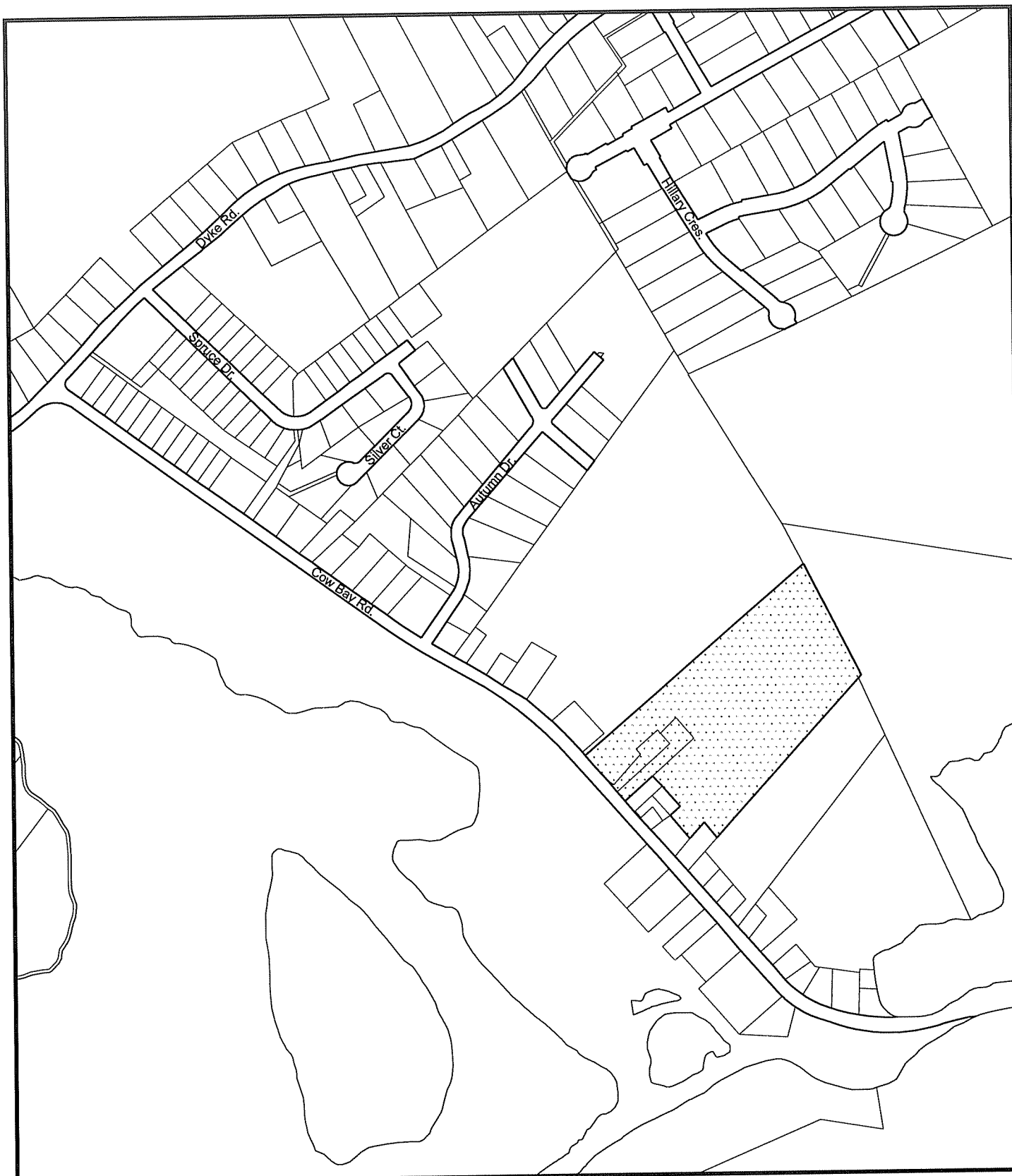
1. Council may choose to initiate the MPS amendment process. This is not recommended for reasons discussed above.

ATTACHMENTS:

Map 1:	Location Map
Attachment A:	Excerpts from the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use Bylaw
Attachment B:	Letter from Daniel and Beverley Woodfield requesting a plan amendment

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Thea Langille-Hanna, Planner II, 869-4262



Map 1
Location

 Subject Properties



HALIFAX
REGIONAL MUNICIPALITY
PLANNING SERVICES

ATTACHMENT A

Excerpt from Land Use Bylaw:

PART 20: I-3 (LOCAL SERVICE) ZONE

20.1 I-3 USES PERMITTED

No development permit shall be issued in any I-3 (Local Service) Zone except for the following:

Local Service Uses

Equipment sale and rental outlets;
Auto repair and body shops;
Welding, plumbing and heating, electrical, carpentry and other special trade contracting services and shops;
Trucking, landscaping, excavating and paving services;
Cement works services and manufacturing.

Residential Uses

Single unit dwellings;
Mobile dwellings;
Two unit dwellings.

**Bed and breakfast establishments in conjunction with permitted single unit dwellings
(CHWEPCBCC - March 7, 1996 / E - March 31, 1996)**

20.2 I-3 ZONE REQUIREMENTS

In any I-3 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	40,000 square feet (3716. 1 m ²)
Minimum Frontage	125 feet RC-Feb.19/98-M-Apr.27/98
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)

20.3 CONDITION: LOCAL SERVICE USES

Notwithstanding the provisions of Section 20.1, no development permit shall be issued for any Local Service Use except where a dwelling is located on the lot.

20.4 OTHER REQUIREMENTS: LOCAL SERVICE USES

Where any use is permitted as a Local Service Use in an I-3 Zone, the following shall apply:

- (a) The total gross floor area of all buildings on any lot which are devoted to local service uses shall not exceed two thousand (2,000) square feet (185.8 m²).
- (b) No materials or mechanical equipment which is obnoxious or which creates a nuisance by virtue of noise, vibration or glare shall be used on the lot.
- (c) Any materials associated with the local service use shall be contained within a building or otherwise enclosed by a fence, vegetation or other means which provide a visual and physical barrier.
- (d) One off-street parking space, other than that required for the dwelling, shall be provided for every three hundred (300) square feet (27.9 m²) of floor area used by the local service use.
- (e) No more than one (1) sign shall be permitted for any local service use and no such sign shall exceed five (5) square feet (0.5 m²).

20.5 SPECIAL PROVISIONS

Notwithstanding the provisions of Section 20.1, an outdoor display court for the display of not more than three (3) vehicles shall be permitted on the property of Francis Horne, identified by L.M.I.S. Number 373456. (CHWEPCBCC - December 7, 1995 / E - January 3, 1996)

20.6 OTHER REQUIREMENTS: BED AND BREAKFAST ESTABLISHMENTS

Where any bed and breakfast establishments are permitted in any I-3 Zone, the following shall apply:

- (a) Not more than three (3) rooms may be let;
- (b) No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed four (4) square feet (0.4 m²) in area; and
- (c) One (1) off-street parking space in addition to that required for the dwelling shall be provided for each room to be let. (CHWEPCBCC - March 7, 1996 / E - March 31, 1996)

Excerpt from Municipal Planning Strategy:

Commercial and Industrial Uses in Residential Areas

Portions of the Urban Residential Designation and all of the Rural Area Designation are located outside of the serviceable area boundary within the community of Cow Bay. In these areas, relatively large lots provide an opportunity for the accommodation of more extensive businesses in association with residential uses, without impinging on the enjoyment of abutting properties. Within these unserviced areas, residents have traditionally operated small local service industries from an accessory building and local acceptance of this practice continues. It is recognized, however, that community acceptance of these local service uses is dependant upon whether it remains small and unobtrusive to neighbouring properties. Development control mechanisms will, therefore, be put in place to maintain reasonable limits on these business activities. As well, future development of these business activities shall be considered through an amendment to the land use by-law, in order to provide an opportunity for public input.

UR-23 Notwithstanding Policies UR-2 and RR-2, it shall be the intention of Council to establish a local service zone to accommodate new business uses in association with residential uses, within the unserviced portion of the Urban Residential Designation and all of the Rural Area Designation. This zone shall be applied to existing commercial or industrial uses which involve significant outdoor storage of materials and equipment. This zone shall contain limitations on size, provisions for screening, and provisions requiring that no mechanical equipment which is a nuisance can be used. New businesses, in association with a residential use, can be considered by amendment to the land use by-law. When considering amendments to the land use by-law to permit new local service uses, Council shall have regard to the following:

- (a) that the total floor area of all buildings and structures related to the business use shall not exceed two thousand (2,000) square feet;
- (b) that visibility of the operation and of the storage of materials is minimized;
- (c) that a dwelling shall be located on the lot to be zoned and that the lot has an area of not less than 40,000 square feet; and
- (d) the provisions of Policy IM-11.

December 31, 2000

Halifax Regional Municipality
Planning Department
Alderney Landing
Dartmouth, Nova Scotia

Re: 1174-1178 Cow Bay Road, Eastern Passage, Nova Scotia, B3G 1L4
PID #s: 00369082, 00369090, 40813255

We are seeking permission to erect a 4,000 square foot building to serve as a facility for conducting auctions and community recreational use. Auction businesses are, for the most part, family run businesses that are located primarily outside urban areas. This land is currently zoned RA, with a provision to apply for a zoning change to I3. We feel this would allow operation of this community service business. We more than meet all requirements, except for one – limit on the size of building.

As shown in the aerial photo of our property (attached), our parcel of land over 21 acres. The building we wish to erect will have the appearance of a large rural barn or community hall, 50' x 80', slab on grade, it will be insulated and heated. It will only contain bathrooms, canteen area & office, with the remainder of the space open. The canteen operation will be open to community groups as a fundraising operation and when not in use, for community events.

We understand that policies are in place to protect land development and residents. Since the current zoning allowances do not allow a suitable building size for our business, Woody's Auctions Ltd., our only option is to seek an amendment to this Policy. We feel auctions are a rural type business, the larger building requirement is necessary to contain the goods for auction. The operation of this building will be to receive goods from individuals and local businesses until enough accumulates to conduct an auction. Basically the structure operates as a low key warehouse, when a date is established to conduct an auction, the public is invited to come. They arrive & park in designated areas, buy the items and leave. Then the building is basically idle, except when receiving goods, until a next auction is conducted. Primarily our auctions consist of equipment & tools. With a multi purpose facility like this, we can broaden our base to become a well rounded auction company and conduct estate/household auctions as well. Currently, there are no reasonable facilities to conduct these auctions in the Metro area.

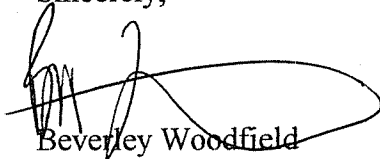
With reference to the aerial photo please note that the scale is not exact, but approximate scale is 1" = 110'. There is private road giving access to this area of the property. The large 'pit' area was established in the '70s when the current owner of this land sold fill out of this area. This photo was taken in July 1992. Since then Items A thru E are non existant structures. Through natural erosion, F is now an overgrown marsh area. G is a pond that has totally filled in. H and J are ponds that are filling in. *A is a 2.5 acre area that we would grade & gravel for parking and *B shows where we propose to erect this building. The lay of the land is such that it gradually rises about 30' from the road to about 300' back, then slopes downward to the rear of

the property. This property (from looking at the photo) is bordered by a steep hill rising about 60' on the right, deeded right of way to the cemetery on the left, woods in the rear, and a thick stand of trees separates this area from the 5 residents situated on the front right corner of this property.


We have looked at many options to find a permanent home for our business, and all areas do not meet our requirements. Land size too small, no suitable parking areas, building too small, building needing major renovations, zoning problems and ultimately costs. Business ventures have existed on this parcel of land since the 50s, including a horse farm, sale of aggregate (pit) and commercial dog kenneling. Since this parcel of land is very large, the building & parking would be more than 300' back from the road, closest resident to the building is 250' away, these are the many reasons why we feel that our only option, to remain in the Metro area, is to submit this request. We feel that our business would be of service to this community and we would prefer to have our business on our own property.

We wish to thank you for your consideration in this matter. Should you require further information, please contact us at 471-3259 or 463-9663. Fax number is 466-0819 or email woodys@auctioneering.com.

Sincerely,



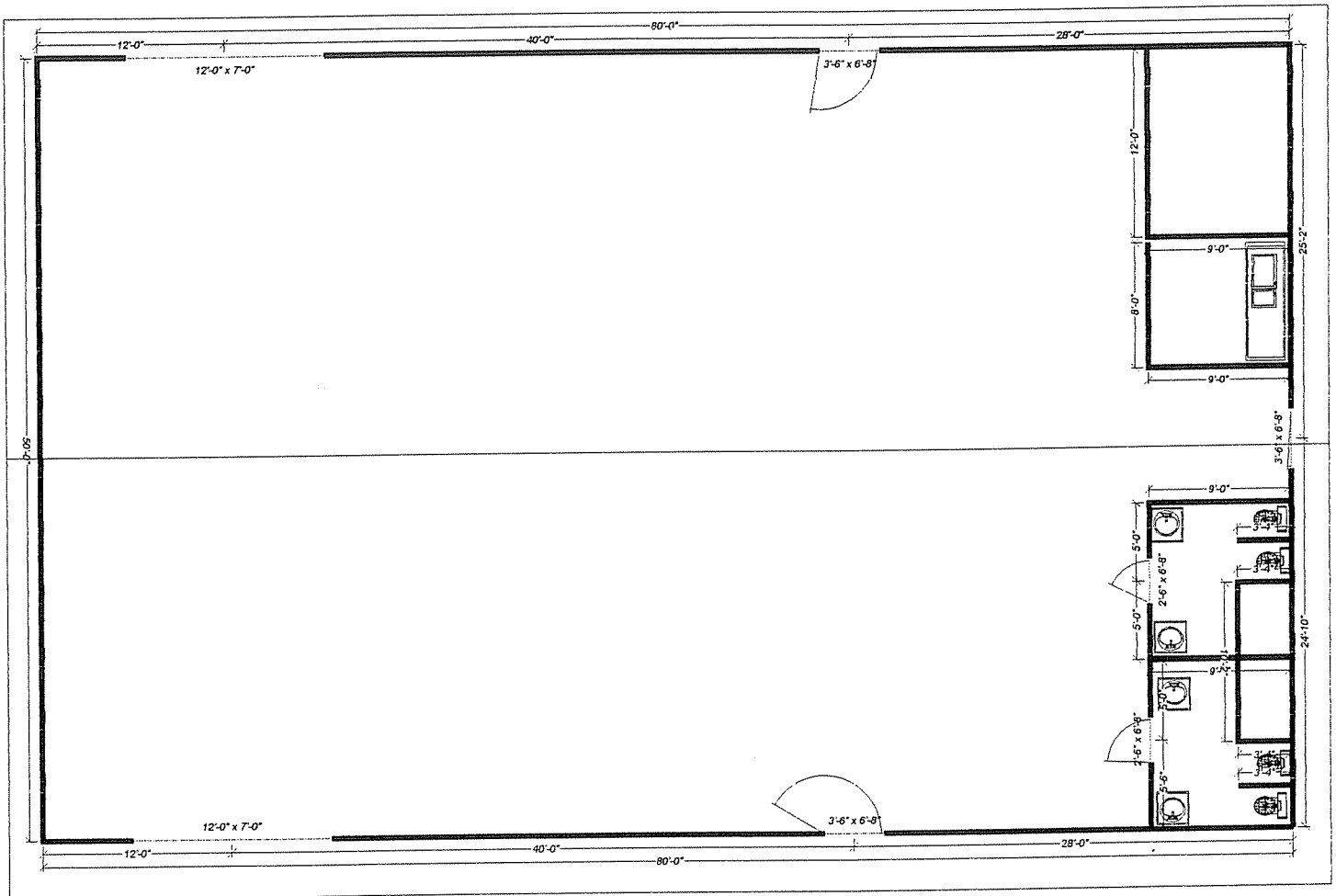
Beverley Woodfield



Daniel Woodfield

enclosures

12' walls.
~ 4000 sq'



Proposed
Auction Barn 1178 Cow Bay Road, Eastern Passage, NS

Beverley & Daniel Woodfield