


Harbour East Community Council
July 7, 2011

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY: 
For Paul Dunphy, Director of Community Development

DATE: June 14, 2011

SUBJECT: Temporary Accessory Shelters in Dartmouth

ORIGIN

On January 13, 2011 Harbour East Community Council (HECC) passed the following motion:

Moved by Councillor Karsten, seconded by Councillor Nicoll, that Harbour East Community Council request staff to initiate a report to address the issue of Temporary Fall/Winter Shelters as currently applied under the Land Use By-law and to initiate the process to examine the opportunity to amend the By-law to expand site location of a temporary shelter on a property.

RECOMMENDATION

It is recommended that Harbour East Community Council take no action to allow temporary accessory shelters within the front yard of dwellings in Dartmouth.

BACKGROUND

This report responds to HECC's motion seeking information about the existing regulations for temporary accessory structures as well as options and considerations for amending the Dartmouth LUB to allow temporary accessory structures within front yards in residential zones in Dartmouth. It is the understanding of staff that these structures are typically utilized to store seasonal vehicles or equipment, such as motorcycles, during the fall and winter months.

Legislative Powers and Options

Section 235 of the *HRM Charter* enables the Municipality to regulate the location of a structure on a lot, the size and other requirements related to yards, as well as the period of time for which temporary developments may be permitted. Whether temporary or permanent, all forms of accessory structures must conform to the requirements of the applicable land use by-law, which include height, size and yard setbacks.

Current LUB Regulations

In Dartmouth, the LUB limits detached accessory buildings to a maximum height of 15 feet and 650 square feet in size. 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 or 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

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. 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 for a period of 5-6 months per year. 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 which would apply to all of Dartmouth.

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

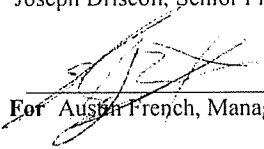
1. Council may choose to take no action and not direct staff to open a case to consider amending the Dartmouth LUB in order to permit temporary accessory shelters in the front yard of dwellings in Dartmouth. This is the recommended course of action for reasons set out in this report.
2. Council may choose to direct staff to open a case to consider amending the Dartmouth LUB in order to permit temporary accessory shelters in front yards in Dartmouth. This course of action is not recommended.

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