



Marine Drive, Valley and Canal Community Council – September 28, 2011
Harbour East Community Council – September 15, 2011
Halifax Regional Council - October 18, 2011
November 8, 2011

TO: Chairs and Members of Marine Drive, Valley and Canal Community
Council and Harbour East Community Council

 Original Signed

SUBMITTED BY: 
Austin French, Manager of Planning Services

DATE: July 29, 2011

SUBJECT: Case 16570 - MPS and LUB Amendments for Quonset Huts,
Cole Harbour/Westphal

ORIGIN

On March 1, 2011 Halifax Regional Council directed staff to initiate a planning process to consider amending the Cole Harbour/Westphal Municipal Planning Strategy (MPS) and Land Use By-law (LUB) in order to regulate the external appearance of quonset huts.

RECOMMENDATION

It is recommended that Marine Drive, Valley and Canal Community Council and Harbour East Community Council recommend that Halifax Regional Council:

1. Give First Reading and schedule a Public Hearing to consider amendments to the Cole Harbour/Westphal Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of this report; and
2. Approve the proposed amendments to the Cole Harbour/Westphal Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B in order to restrict Quonset huts in serviced residential zones.

BACKGROUND

Overview

Regional Council has directed staff to open a case to consider establishing design requirements or restrictions for quonset huts within Cole Harbour/Westphal plan area. The request responds to concerns regarding the construction of a large quonset hut that was attached to the main building on a property in a residential area of Westphal. Section 235 (5) (i), of the *HRM Charter* enables HRM to regulate the external appearance of structures in cases where a municipal planning strategy (MPS) provides for such regulation. The Cole Harbour/Westphal MPS does not contain such a policy, and as a result, any process that seeks to regulate or restrict the appearance of quonset huts requires amendments to both the MPS and the Land Use By-law (LUB).

Quonset Huts

The term quonset hut refers to a type of prefabricated structure most commonly comprised of corrugated metal in a semicircular and arching shape as generally illustrated in Attachment E. A quonset hut may be a temporary or permanent structure and may be constructed as a detached accessory building or as an addition to a main building such as a house.

Land Use Regulations

All forms of accessory or main buildings, including quonset huts, must conform to the requirements of the LUB, which typically include height, size and yard setbacks. In most cases, accessory buildings are not permitted in the front yard of a main building and the maximum height and size are less than that permitted for the main building. These requirements are intended to ensure that the scale, use and form of accessory buildings remain secondary and supportive of the primary use of the property as a residence.

An addition to a main building, such as an attached garage or storage area, may also serve the same function as a detached accessory building; however, it is not subject to the same requirements as detached accessory buildings. In these cases, the garage or addition is regulated according to the land use by-law requirements for the dwelling. Therefore, and in order to ensure that the intent of Council's direction is addressed, staff have proposed amendments related to both detached and attached quonset huts.

DISCUSSION

Generally, MPS amendments should only be considered when factors related to MPS policies have changed in a manner that was not anticipated. In this case, staff is of the opinion that the MPS did not intend to allow, or anticipate the potential of, development of large prefabricated quonset huts as accessory buildings within residential areas. As a result, the MPS and LUB needs to be amended to address or regulate this form of development in residential zones within the plan area.

Residential zones in the Cole Harbour/Westphal plan area are primarily comprised of neighbourhoods and subdivisions that are either serviced with both municipal sewer and water or with municipal water only (Maps 1 and 2). The prefabricated and corrugated materials and the

semi-circular shapes utilized in most quonset huts are more consistent with commercial type development in the plan area than residential neighbourhoods. Due to the density and form of development within these residential areas, staff recommends that Council approve amendments to the MPS and LUB to exclude quonset huts from them (see attachments A and B).

It should be noted that if Council chooses to approve any new policy or by-law provisions related to quonset huts, legally existing structures would be considered legal non-conforming and could continue to exist. The proposed amendments do not apply to commercial and resource zones, or to unserviced residential areas as quonset huts are not considered inappropriate in these areas as a form of accessory building. The unserviced residential areas mainly consist of undeveloped backlands zoned R-7 (Rural Estate Zone) which requires a minimum lot area of 80,000 sq. ft. The remaining lands are zoned for parkland, watershed protection and urban reserve (lands of Nova Scotia Home for Coloured Children which can only be developed for single unit dwellings on existing lots).

Conclusion

The proposed MPS and LUB amendments set out in Attachments A and B establish a definition for quonset huts and restrict their development within serviced residential zones. Staff recommends that Council approve the proposed amendments.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the approved 2011/12 operating budget for C310 Planning & Applications.

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

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting held on May 18, 2011. A public hearing has to be held by Regional Council before any amendments may be considered.

For the Public Information Meeting, notices were posted on the HRM website and in the newspaper. Attachment C contains a copy of the minutes from the meeting. Should Council decide to precede with a Public Hearing, in addition to the published newspaper advertisements, property owners that attended the PIM will be notified directly. The proposed amendments will potentially impact the following stakeholders: local residents and property owners.

ALTERNATIVES

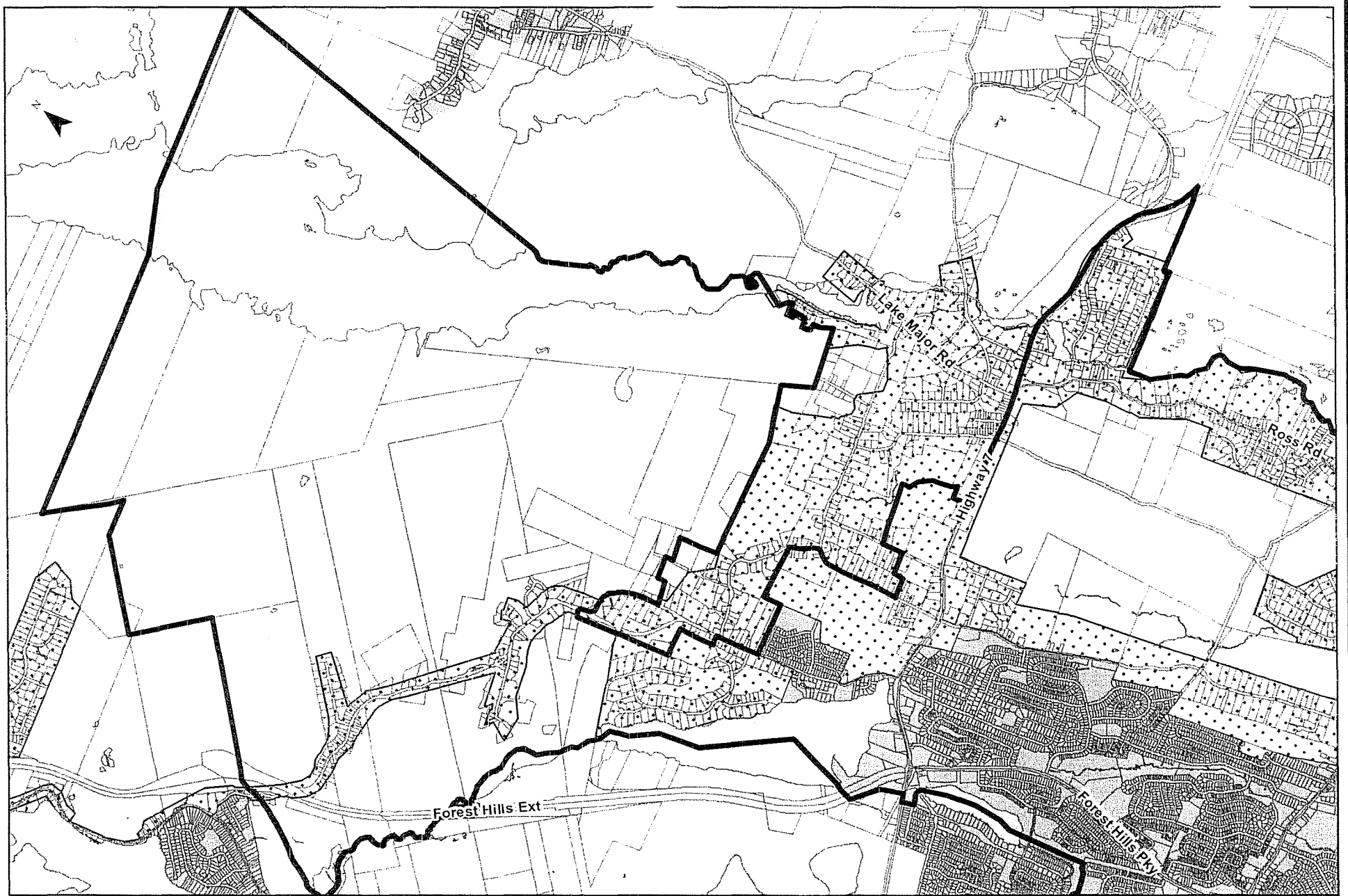
1. Council may choose to approve the proposed MPS and LUB amendments as set out in Attachments A and B. This is the recommendation of staff for reasons set out in this report.
2. Council may choose to approve the proposed MPS and LUB amendments subject to changes. This may necessitate a second Public Hearing.
3. Council may choose to refuse the proposed MPS and LUB amendments as set out in Attachments A and B.

ATTACHMENTS


Map 1:	Areas with Municipal Services (Sewer and/or Water)
Map 2:	Areas with Municipal Services (Sewer and/or Water) - continued
Attachment A	Proposed Amendments to the Cole Harbour/Westphal MPS
Attachment B	Proposed Amendments to the Cole Harbour/Westphal LUB
Attachment C	Public Information Meeting Minutes
Attachment D	Public Submissions
Attachment E	Examples of Quonset Huts

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.


Report Prepared by: Kurt Pyle, Supervisor of Planning Applications – Eastern Region, 490-7066




Map 1 - Municipal Services (Sewer and Water)

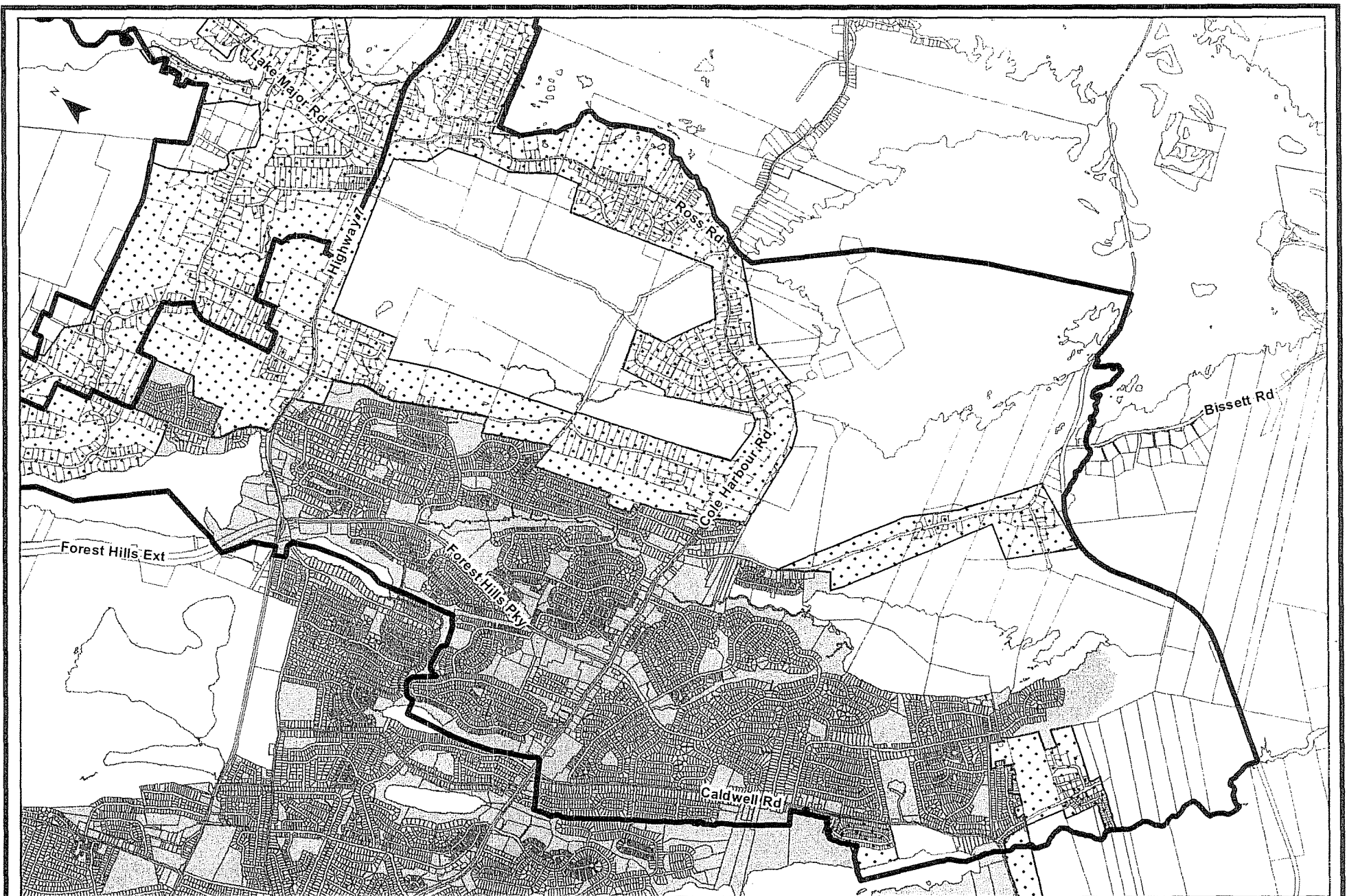
 Cole Harbour/Westphal Plan Area

HRM does not guarantee the accuracy of any base information.


 Urban Service Area

 Water Service Area


HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES




Map 2 - Municipal Services (Sewer and Water)

 Cole Harbour/Westphal Plan Area

HRM does not guarantee the accuracy of any base information.

 Urban Service Area

 Water Service Area

HALIFAX
REGIONAL AUTHORITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

Attachment A: Proposed Amendments to the Cole Harbour/Westphal MPS

BE IT ENACTED by the Halifax Regional Council that the Cole Harbour/Westphal Municipal Planning Strategy, which was adopted by the former Halifax County Municipality on the 30th day of November 1992, as amended, is hereby further amended as follows:

1. Insert Policy UR-31 immediately following Policy UR-30, as set out below:

“Quonset Huts

Quonset huts are a type of prefabricated structure most commonly comprised of corrugated metal in a semicircular and arching shape. Quonset huts are primarily utilized as detached accessory structures, although they may also be used as a standalone, or addition to a, main building. While quonset huts may be appropriate within commercial, industrial, agricultural, and resource areas, they are not compatible with low and mixed density residential neighbourhoods serviced by municipal central sewer and water (Urban Service Area) or just municipal central water (Water Service Areas) within the plan area.

UR-31 In order to prevent compatibility issues involving quonset huts in residential neighbourhoods, the Land Use By-law shall contain provisions that define and restrict the development of new quonset huts, as accessory or main buildings, within any residential zone serviced with municipal central sewer or water in the plan area.”

I HEREBY CERTIFY that the amendments to the
Municipal Planning Strategy for Eastern
Passage/Cow Bay as set out above, was passed by a
majority vote of the Halifax Regional Council of the
Halifax Regional Municipality at a meeting held on
the ____ day of _____, 2011

GIVEN under the hands of the Municipal Clerk and
under the Corporate Seal of the Halifax Regional
Municipality this ____ day of _____, 2011

Cathy Mellett
Municipal Clerk

Attachment B: Proposed Amendments to the Cole Harbour/Westphal LUB

BE IT ENACTED by the Halifax Regional Council that the Cole Harbour/Westphal Land Use By-law, which was adopted by the former Halifax County Municipality on the 30th day of November 1992, as amended, is hereby further amended as follows:

1. Insert the following definition immediately following section 2.53, as set out below:

“2.53A Quonset Hut means a building with a wall that is not vertical, with a roof that meets the foundation, or with a wall that is fluted or corrugated.”

2. Insert the following text immediately following section 4.11 (a) (vii), as set out below:

“(viii) Quonset huts shall not be permitted as an accessory building within any residential zone serviced by municipal central sewer or water.”

3. Insert the following text immediately following section 4.11A, as set out below

“4.11B QUONSET HUTS

Quonset huts shall not be permitted as an accessory building, a main building, a dwelling, or as an addition to a main building or dwelling in any residential zone serviced with municipal central sewer or water.”

I HEREBY CERTIFY that the amendments to the Land Use Bylaw for Eastern Passage/Cow Bay as set out above, was passed by a majority vote of the Halifax Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2011

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2011

Cathy Mellett
Municipal Clerk

Attachment C: Public Information Meeting Minutes

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 16507 – Quonset Huts**

**7:00 p.m.
Wednesday, May 18, 2011
Cole Harbour Place
51 Forest Hills Parkway, Westphal Room**

STAFF IN

ATTENDANCE: Joseph Driscoll, Planning Applications
Holly Kent, Planning Technician
Jennifer Little, Planning Controller

ALSO IN

ATTENDANCE: Councillor Lorelei Nicoll, District 4
Councillor Bill Karsten, District 7

PUBLIC IN

ATTENDANCE: 3

The meeting commenced at approximately 7:16p.m.

Opening remarks/Introductions/Purpose of meeting

Mr. Joseph Driscoll introduced himself as the planner guiding this application through the process; he introduced Holly Kent, Planning Technician, HRM Planning Applications and Jennifer Little, Planning Controller, HRM Planning Applications. Councillor Lorelei Nicoll, District 4 and Councillor Bill Karsten

Harbour East Community has requested that HRM consider amending the Cole Harbour/Westphal Municipal Planning Strategy and Land Use By-law in order to establish design requirements for accessory buildings are reviewed. Tonight's meeting is the initial step to advise the public about this request and its processes. Staff will provide information, answer any questions and make notes on comments and concerns received. No decisions will be made tonight.

Process and Overview of Application

Mr. Driscoll explained that Council requested that staff open this case to consider design requirements or restrictions of Quonset Huts in residential areas. He added that the only concern is that it may not be compatible with the residential environment of Cole Harbour / Westphal.

Reviewing slides of Quonset Huts, Mr. Driscoll explained that they are prefabricated structures usually comprised of corrugated metal with an arching or semi-circular shape. The HRM Charter allows for a Land Use By-Law to set out design requirements for structures provided that such controls are enabled by the Municipal Planning Strategy Policy. This case involves the potential for both the Municipal Planning Strategy and the Land Use By-Law amendments since the Municipal Planning Strategy does not currently contain policy to enable design controls in the Land Use By-Law.

Regional Council has directed further information to seek comments and feedback from residents regarding the proposal prior to further review and the report prepared by staff. Once the report is complete, it will be brought forward to Harbour East Community Council for a recommendation which then will be brought to Regional Council for the final decision.

Questions and Answers

At this time Mr. Driscoll read from two comments he previously received by email:

Ms. Carol White feels that Quonset Huts should not be allowed in residential areas. She does not believe that it is combatable with the area.

Ms. Cindy Murphy would like to see them not allowed in residential areas.

Ms. Nicole Ferguson is in favor of restricting Quonset Huts.

Mr. Driscoll explained that he would be adding these within the staff report as further consultation.

Mr. Driscoll asked the residents if they felt Quonset Huts should be allowed in a residential area and if so, should there be certain restrictions?

Mr. Peter Brabant, Cole Harbour explained that Quonset Huts have a specific place where they should be located, which is not residential. He believes that Quonset Huts would take away from the appearance of properties and should be restricted in the residential area.

Mr. Driscoll asked if Mr. Brabant had seen any Quonset Huts around.

Mr. Brabant explained that he has seen a number of them throughout Nova Scotia and appreciates their value, just not within the residential area.

Council Hendsbee asked if this restriction will be in the residential area only.

Mr. Driscoll explained that only residential zones serviced with sewer, water or both will be affected. The agricultural and commercial zones will not be affected.

Councillor Hendsbee asked if properties that currently have Quonset Huts as a nonconforming use be able to keep theirs.

Mr. Driscoll explained that those who currently have a Quonset Hutt by permit will not be asked to remove it.

Councillor Nicoll added that this is a nice step forward.

Councillor Karsten explained that now that this issue has been raised, some Quonset Huts that currently exist will be aloud as a nonconforming use however, there are some in places that do not meet the criteria.

Mr. Driscoll explained that there has been a separate request to allow larger accessory buildings only in certain areas of Eastern Passage, Cow Bay, Cole Harbour and Westphal on unserviced lots.

Closing Comments

Mr. Driscoll thanked everyone for attending. He encouraged anyone with further questions or comments to contact him.

Adjournment

The meeting adjourned at approximately 7:31 p.m.

Attachment D: Public Submissions

Submission 1

I firmly believe that quonset huts should NOT be allowed in residential areas because they are unsightly and make the area look like industrial zones regardless of size or material.

Carol White

Submission 2

May 18th, 2011

Case No 16570

To Council:

It is very interesting for HRM to suddenly consider amending the Land Use By-Law in order to establish requirements that would allow Quonset huts to be built within residential zones as it has already allowed that to be done, going against its own by-laws. In 2009, my husband and I wrote to council to decry that very situation and nothing has yet been done.

Members of Council should ask themselves as to what is the reason behind having a Quonset hut in a residential area. What is the need of such a structure? Why only in areas that have water/or sewer? I would argue that these structures are used primarily to store construction supplies, heavy machinery and the likes. One just has to visit some places in Montague Estates to verify that. In fact, a few construction businesses are being run from houses in this residential area and the city has done nothing about it.

If Council allows Quonset huts to be built, then residential area will see heavy machinery and large trucks on their street (as we are seeing daily on Lakehill Drive). Thus, the residential area is no longer a residential place but an industrial one.

As to the size of the huts, I have yet to see some small ones and, to my knowledge, these are always used to store machinery and the likes. Again, this brings about a flow of traffic that surpasses the typical one seen in residential areas. For residents who have businesses, there are plenty of rooms, sheds, lots, etc. available to be rented out of the industrial parks. These are built for this very reason. In addition, there are some empty lots and buildings available on Main Street and elsewhere.

If Council approves this change, it should also redefine what constitutes a residential area and should make it clear to the residents and to proposed buyers what conditions exist. It is worth considering that the cost of our house and its subsequent tax assessment are based not only on the quality and size of the house but mostly on its location. Location means *where is it? Is it residential? Is it secluded? Is there a lot of traffic, etc.*

I would like to emphasize as I did before to Mayor Kelly that my concerns are not meant to criticize small businesses. I know fully well how they are important to a viable economy. But we paid a substantial amount of money for this house because of location (quiet, secluded, etc.) I would like the traffic on my street to reflect that state. If Council does approve a change to zoning to allow Quonset huts, then I would ask Council to reimburse the effect that the change will have on the value of my house and to my quality of life.

Regards,

Nicole Ferguson
101 Lakehill Drive
Dartmouth

Submission 3

Hello Joseph,

Long time no speak! I hope things are well with you.

I feel compelled to express my angst and frustration regarding case #16570 - "consideration of the Cole Harbour/Westphal Municipal Planning Strategy and Land Use By-law in order to establish design requirements for Quonset huts within residential zones serviced with sewer and water."

I fully appreciate that these "huts" have their purpose but quite frankly, I'm not even remotely interested in viewing them from my living room window! These huts belong on farms, commercial areas or large parcels of land - NOT in residential areas. I was in Windsor a couple of weekends ago and saw one of these huts left in a state of disrepair. It was dilapidated, rusty and to be blunt, an eyesore!

I'm sure you are aware there are multiple types and sizes for these huts (agricultural & equestrian, commercial etc) but I personally don't feel these structures belong in residential areas nor are they "compatible with serviced residential environments".

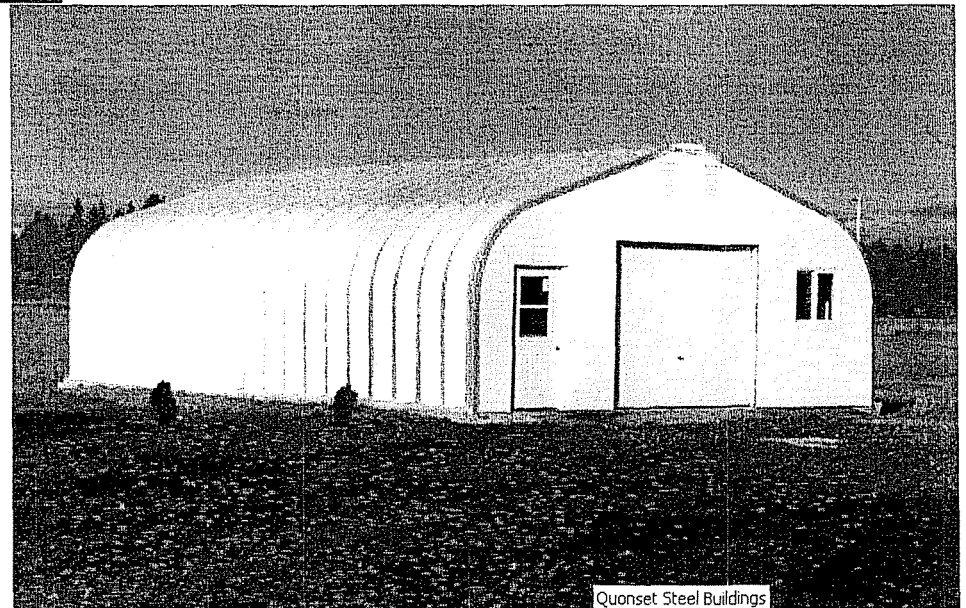
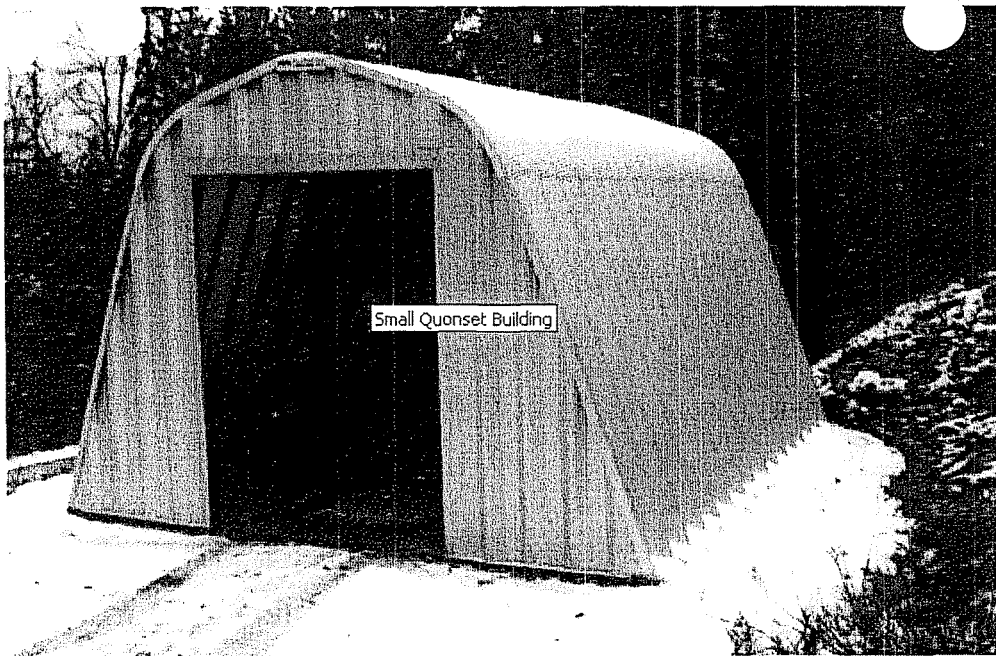
My concerns include;

- These huts can be garish and obtrusive and will reduce residential property values
- How does the municipality plan to "police" the following;

- Size restrictions
- State of repair
- Number of huts per residence

Sincerest regards,

Cindy and Mike Murtha
45 Lawlor Crescent
Cole Harbour, NS



Attachment E: Examples of Quonset Huts

HRM does not guarantee the accuracy of any base information.