

January 23, 2024

**Application for rezoning on property PID#40373276 in Beaver Bank to enable auto repair shop and used car sales land use**

**MS. THEA LANGILLE**  
**Manager - Planning Applications**  
 Development Services  
 Planning and Development

Halifax Regional Municipality  
 P.O. Box 1749  
 Halifax, NS B3J 3A5

Dear Ms. Langille,

On behalf of our client Horsepower Auto Repair Inc., I am applying to the Halifax Regional Municipality for rezoning of the above identified property located at 749 Windgate Drive in Beaver Bank, NS. The property has previously been used by the business Dennis Lively Construction and Backhoe Services Ltd. for the storage of materials, heavy vehicles and construction equipment. The property is currently situated in the MU-1 (Mixed Use 1) Zone of the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville.

The main purpose of this planning application is to enable the use of the property for the operation of an auto repair and sales business, which is permitted in the I-1 (Mixed Industrial) Zone. Rezoning of the property from MU-1 to I-1 is enabled through Policy P-28 of the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy.

The following documents in support of this application are attached to this letter:

- + Basic facts about the property and its context
- + Detailed information about the proposed development
- + Analysis of the proposal's alignment with municipal planning policy
- + An attachment including:
  - Appendix A: Site plan showing existing conditions.
  - Appendix B: Site plan showing proposed use.
  - Appendix C: Existing storm water flow schematic.
  - Appendix D: Septic System Installation Certificate.

We are looking forward to work with staff, Council and the community on this proposal.

Please do not hesitate to contact me if you require further information.

Sincerely,



Paul Dec, MCIP, LPP

**1 BACKGROUND**

**1.1 LOCATION AND SITE CHARACTERISTICS**

The subject of this planning application is property PID#40373276 registered to Horsepower Auto Repair Inc. The 2.253<sup>1</sup> acre property is situated on Windgate Drive (previously called Beaverbank - Windsor Junction Cross Road) in Beaver Bank at the civic number 749 on that road.

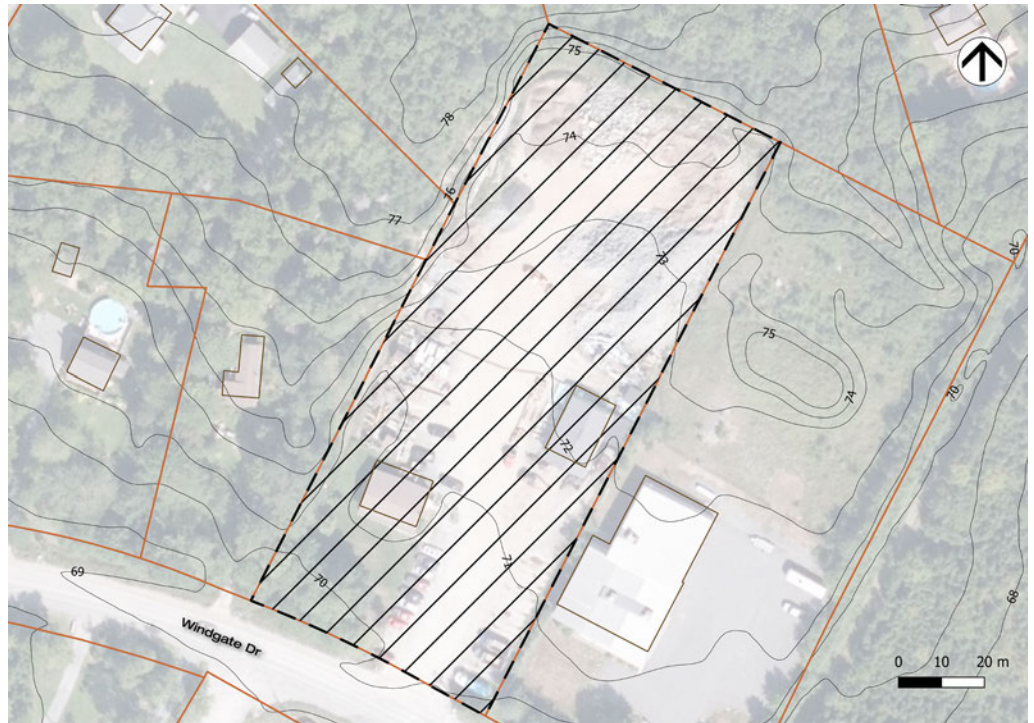


Figure 1: Site map

The property was previously used for storage of machinery and materials of a construction business. This land use ceased approximately in the fall of 2023, when the property was sold to the current owners. The site contains a building used for administrative purposes and a garage, as well as outdoor storage areas previously used for heavy and light equipment.

According to LiDAR data, the majority of the site is situated between 70 and 75 metres above sea level. The highest areas of the property are along the rear lot line in the north, with a gradual slope down to the southern end of the lot along Windgate Drive. Rainwater generally drains from the parking and storage surface downhill to the Windgate Drive ditch, as was observed during a site visit on January 11, 2024.

<sup>1</sup> Based on property survey by Kenneth Lord, NSLS; December 11, 1985.



Figure 2: Aerial Photograph of site taken by UPLAND on January 11, 2024 (dashed line showing approximate property dimensions).

**1.2 CONTEXT AND SURROUNDINGS**

The site is located close to the three-way intersection of Windgate and Rivendale Drives. This point of Windgate Drive is located at about 1.15 kilometres east of Beaver Bank Road, and about 3.5 kilometres west of Windsor Junction Road.



Figure 3: View across Windgate Drive on the other (southern) side of the road.



Figure 4: Context map

The neighbouring properties along Windgate Drive feature a mix of residential and industrial land uses. Immediately neighbouring properties on the same side of the road include a residential property and a commercial land use. The Rivendale Estates residential subdivision flanks the property's rear lot line

Residential properties to the west and north have maintained a vegetation buffer on their lands — mostly undisturbed woodland — to screen their dwellings from the previous construction business on the subject property. The exact land use of the commercial property to the east of the subject site is unclear, but it appears to be an office building with an adjacent car and machinery park as well as a greenhouse.

Across the street, two engine rebuilding businesses are present. The lot of one of these businesses includes a large storage area with various vehicles and small airplanes parked on site.

**2 DEVELOPMENT PROPOSAL**

**2.1 DEVELOPMENT SUMMARY**

The new owners of the property acquired the site in November of 2023. Their plan is to re-use the existing structures on the property for an auto repair shop and car sales business. No construction of any buildings or external structures is planned for the changing land use at this time. The only anticipated changes to the property are interior renovations to the existing buildings. The plan foresees to use the existing administration building as a sales and service office, while the existing garage will be repurposed to perform auto repairs and car maintenance.

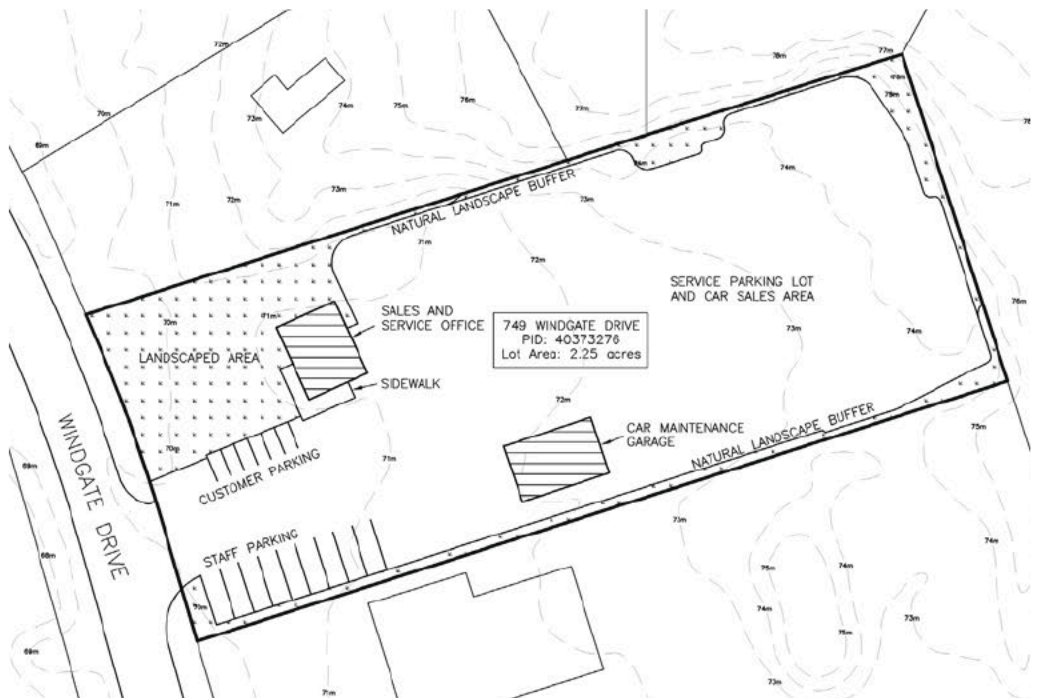


Figure 5: Proposed site plan (See Appendix B for larger version).

The area at the rear of the lot previously used for outdoor materials and equipment storage will be repurposed as a parking area for serviced vehicles and car sales area. The existing parking area at the southern end of the property along Windgate Drive will also remain as customer and staff parking.

It should be noted that when the realtor of the new property owners reached out about the proposed land use to the HRM planning office on October 10, 2023, she was advised by planning staff that a car garage and sales office can be operated as-of-right under current zoning. The property owners entered a purchase and sale agreement for the property based on this knowledge, only to learn afterwards that the information was given in error and that a rezoning is required.

**3 PLANNING APPLICATION**

**3.1 FRAMEWORK**

The Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Beaver Bank, Hammonds Plains and Upper Sackville subject the property to the policies and regulations of the following designations and zones:

Document	Designation / Zone
Municipal Planning Strategy	Mixed-Use A
Land Use By-law	MU-1

**3.2 REQUEST**

This application is submitted to apply for rezoning of PID#40373276 from the Mixed-Use 1 (MU-1) Zone to Mixed Industrial (I-1) Zone, in order to enable use of the lot for an auto repair shop and car sales business.

**3.3 POLICY ANALYSIS**

This application for rezoning is based on Policy P-28 of the Municipal Planning Strategy (MPS) for the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area. The latter Policy also references the generic Policy P-137 from the Implementation section of the MPS. The following analysis will demonstrate how the Development Proposal (further referred to as ‘the Proposal’) complies with the applicable Policies of the MPS.

**Policy P-28 - Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy**

*Notwithstanding the provisions of Policy P-8, it shall be the intention of Council to establish a I-1 (Mixed Industrial) Zone in the land use by-law which permits light industrial and service industries, resource uses, limited scale general commercial uses, and residential uses in association with industrial and resource related use. (...) In considering amendments to the schedules of the land use by-law to permit new industrial uses in the Mixed Use A and B Designations, Council shall have regard to the following:*

- a) *the potential for adversely affecting adjacent residential and community facility development by virtue of either the nature or scale of the proposed industrial operation;*

**Compliance:** The site has previously been used for industrial purposes and for storage of materials and equipment related to construction activity. Under the existing zoning, this land use could be re-established. By comparison, the planned operation of car repairs and sales appears to be a less intensive land use for the area. No significant changes to the site layout or new construction are proposed on the site. Consequently, the proposed operation is not expected to have adverse impacts on adjacent residential uses to the north and west.

The adjacent property to the east, and properties across Windgate Drive to the south are in the I-1 (Mixed Industrial) zone. The properties across Windgate Drive are currently used for auto repair businesses. Therefore it may be reasonably concluded that the proposed use is in keeping with the nature of existing uses in the area.

- b) *that the use is not obnoxious and does not create a nuisance for adjacent residential or community facility development by virtue of noise, dust or smell;*

**Compliance:** A car garage can create some noises during regular business hours. However, this policy needs to be read in relation to land uses that are currently permitted on the site. Current zoning allows for trucking, excavation and landscaping businesses or composting operations. The site has previously been used for industrial purposes and for outdoor storage of materials including sand, and heavy equipment. The proposed use will replace this outdoor storage area with a service parking area and car sales area, which most likely will reduce —rather than increase—nuisances to the surrounding area.

- c) *the impact of the industrial use on traffic circulation and in particular sighting distances and entrance and exit to the site;*

**Compliance:** The proposed land use will generate some limited traffic from car garage and sales staff as well as customers buying or servicing cars. Compared to some uses permitted under current zoning (e.g. retail stores or funeral homes), the traffic impact is presumably negligible.

- d) *that the use can be serviced with an on-site sewage disposal system and does not involve the use of dangerous chemicals;*

**Compliance:** The site will be serviced by an existing on-site septic field, which was newly installed in November 2023 (see Appendix D). Proper handling and disposal of car garage fluids such as used engine oil are regulated by the Province of Nova Scotia.

- e) *that the industrial operation shall not require access through a R-1(Single Unit Dwelling) or R-2(Two Unit Dwelling) Zone;*

**Compliance:** The proposed operation has direct access to Windgate Drive and does therefore not require access through a R-1 or R-2 Zone.

- f) *that no rezoning from a R-1(Single Unit Dwelling) Zone or a R-6(Rural Residential) to a I-1(Mixed Industrial) Zone shall be considered; and*

**Compliance:** The lot is currently in the MU-1 (Mixed Use 1) Zone.

- g) *the provisions of Policy P-137.*

**Compliance:** This Policy is a general collection of Policies applicable to any planning application in the plan area. No additional areas of concern were identified in P-137.