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February 27, 2023

Re: 749 Herring Cove Road {Halifax} Rezoning Application PIO 40288136

Ms. Taylor MacIntosh
Planner II
Urban Enabled Applications
Development Services/Planning and Development, HRM
P.O. Box 1749
Halifax, N.S.
B3J 3A5

Via email: macintt@halifax.ca

Dear Ms. MacIntosh:

I represent NCS Real Estate Inc., the owners of the above-referenced property. I have been retained to assist in their application for a Development Agreement at 749 Herring Cove Road in Halifax to allow for the uses of C-2 (Commercial) zone. This DA will allow the existing business to continue operation and expand. The following is the rationale for supporting this request.

Background

The subject property was zoned C-2 since 1990. At this time, Tremblay Signs owned and operated a sign manufacturing business. However, this was changed to R-2 after 1995. After the zoning change, Tremblay Signs continued to operate a sign business, and were in a legal, non-conforming use. The property was purchased by the existing owner and has continued as a sign business. The new owners want to enhance their existing business, which may include adding height or increasing the footprint of the existing building. Given that this property is presently zoned R-2, expansion of their business is not permitted. The existing building is 7000 sq. ft. in area.

Please find attached a zoning letter.

Policy Support

In the Implementations' Policies' section, under the Zonings Subsection the following applies:

3.14 Council may, by development agreement, permit a non-conforming use to be changed to another less intensive non-conforming use, or **permit the structure in which such a use is located to be altered or expanded, provided that:**

a) the layout and design of the property shall be complementary to the fabric of the neighbourhood, and this shall be achieved through attention to a variety of factors including, but not limited to, the following, on which Council shall specify conditions to be met in the development agreement:

i) architectural design;

The architectural design will be similar to the existing structure, with modifications to emulate the look of homes in the area. Shutters on the windows, casing and trim around windows and doors, and siding with a residential look.

ii) the size, location, and landscaping of courts, open spaces, and yards.

Landscaping will be prominent in the front {east}of the building. This landscaping will include, but not be limited to trees, gardens, lawns. The remainder will be asphalt. The west will retain the existing buffer between the proposed addition A and the property line.

iii) location of primary and secondary entrances to the building; and,

The existing customer/employee entrance facing Herring Cove Road {east elevation} will remain, with a 12' wide roll-up door as part of proposed addition A. This door is located 75' to the rear. Proposed addition B will have a 12' wide roll-up door facing north and a 14' wide roll-up door facing east.

iv) size, location, and design of fences.

Fencing will be chain link, 6' 6" in height and will run from Herring Cove Road along the south side to the rear of the property.

b) Vehicular activity, particularly parking and loading, shall be controlled so as not adversely to affect the neighbourhood in terms of traffic flow and nuisance.

The proposed additions are designed to allow for loading and unloading to be done indoors. Work trucks will be kept inside for aesthetic and security purposes. 11 on-site parking spaces will be available. Given the nature of this business, there is very little customer in-person customer traffic. As such, these spaces will generally be used for employees and management.

c) facilities for parking, loading, vehicular access, outdoor display, and outdoor storage shall be designed to avoid any adverse effects on adjacent properties and to ameliorate existing problems, through attention to factors including but not limited to:

i) location.

ii) surface treatment.

iii) storm drainage.

iv) access from the street; and

Access from the street (Herring Cove Road) will utilize the existing entrance, which has been in use continuously since 1990

v) screening, buffering, and landscaping.

This is described above.

d) except where specific benefits to the neighbourhood can be demonstrated, all additions to a building, all off-street parking and loading areas, and all outdoor display and storage areas shall be set back from the street line by the more restrictive of:

i) the minimum setback of the existing building; or

ii) the mean setback of the buildings on the adjacent properties on either side; or

iii) the minimum setback specified for the zone in which the use is located.

Proposed addition Bis 41'+ from Herring Cove Road.

e) except where specific benefits to the neighbourhood can be demonstrated, additions to the structures on the property shall not:

i) further encroach upon the minimum side and rear yards stipulated for the zone in which the property is located; or

ii) result in the total lot coverage or building height exceeding the maximum stipulated for the zone in which the property is located.

Proposed addition A is 15 2 3/8" from the abutting property line to the north and 10 7/8" from the south property line. All setbacks exceed the minimum required. The total lot coverage is 37.8%.

f) any outdoor lighting or sign illumination shall be directed away from, or screened from, adjacent residential properties.

There are no adjacent residential properties. However, any illuminated signage will respect abutting properties.

g) no bulk refuse containers shall be visible from the street or from the immediate neighbourhood;

Bulk refuse containers will be located at the northeast corner of the property, inside a wooden structure. This will provide an esthetically pleasing structure for neighbouring properties.

h) no additional lot area shall be used for outdoor storage, and measures shall be taken to screen any outdoor storage areas from the street and immediate neighbourhood;

There will be no outdoor storage.

i) with regard to on-site advertising for commercial or industrial uses:

i) where the property is located in a residential zone, no additional advertising surface area or illuminated signage shall be added; and

There will be no signage added

ii) in all other cases, such advertising shall not exceed the limits prescribed for the zone in which the property is located.

j) in the case of commercial and industrial operations in residential zones, the following additional considerations shall also apply:

i) there shall be a demonstrable improvement to the neighbourhood;

There are several improvements which have occurred since the new owners purchased the property. The previous business had numerous unsightly complaints, as old signs, structures and various frames and stands were stored on the north side of the property. The area was generally unkempt with very little, if any, structure in the yard. Upon purchase, the old signs and materials were removed. The parking lot in the front was paved, and assigned parking added to the structure of the lot. All unsightly aspects of the property were removed.

With the new addition, and subsequent configuration to the new building and lot, new asphalt, landscaping, buffering, and fencing will be added to enhance the site. From an operational perspective, all work will be done indoors. All storage of raw materials and finished products will also be inside.

ii) existing conditions resulting in noise, dust, vibration, odour, and emissions shall be required to be ameliorated where these cause a nuisance or hazard; and

The operation will be completely enclosed. No dust, noise, nuisance or hazard will exist.

iii) operating hours shall be restricted to prevent nuisance.

Operating hours will remain as they are; being 8:00 am to 5:00 pm

k) No subdivision of the lot shall have occurred after the time of the adoption of this section.

Property Location and Zoning

Attachment 1, Map 1 from Explore HRM illustrates the context with respect to the zoning of adjacent properties and those in proximity. To the north and east, the zoning is R-2. The zoning to the west was changed by Regional Council in 2020, which approved site-specific amendments to the Halifax MPS and Halifax Mainland LUB. These amendments permitted a mix of uses, including single family, semi-detached and townhouse units.

The property immediately to the south is zoned C-2 and is located in Herring Cove under the Planning District 5 (Chebucto Peninsula) LUB. The properties to the southwest are zone HCR, (Herring Cove Residential Zone). This also falls under Planning District 5 LUB.

Property Details

Attachment 2, Plot Plan (location certificate of 749 Herring Cove Road) shows the lot boundaries and an existing building. The building is 7000 sq. ft. in area. The lot is approximately 1.052 acres with ~153.90 feet of frontage on Herring Cove Road (Highway 349). This land is serviced with municipal water and sewer. The respective property owners have paid commercial taxes since 1987.

Summary

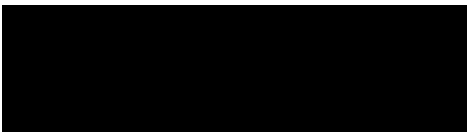
The property at 749 Herring Cove Road has continuously been utilized as a sign shop by both owners of the subject property. From 1990, it was owned and operated by Tremblay Signs. In 2019, it was purchased by NCS Real Estate Inc., which owns and operates New Century Signs Ltd.

We will exercise the clause in bold type referenced above in policy 3.14

Request

Based on the preceding information and accompanying documentation, we respectfully request that HRM Planning and Development staff provide a positive recommendation for a development agreement. This will allow the existing business to thrive, increase employment and contribute to the local economy.

Should you have any questions, or require any additional information, please feel free to contact



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