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To: **Antigonish County Council**

From: **Planning Staff (EDPC)**

Date: **December 9, 2025**

Reference: **Addendum Report**

**Application by Stephan Hilber and Andrea Rueedi to amend the West River Antigonish Harbour Land Use By-law by rezoning a portion of the property located at Walsh Post Road, Fairmont PID 01231182 from Rural General (RG-1) to Tourist Commercial (TC-1).**

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### **Recommendation:**

Planning Staff is recommending that Antigonish County Council give **second reading approval** to the proposed amendments to the West River Antigonish Harbour Land Use Bylaw by rezoning a portion of the property located at PID 01231182 on Walsh Post Road from Rural General (RG-1) to Tourist Commercial (TC-1), based on meeting the requirements of the relevant policies found in the West River Antigonish Harbour Secondary Planning Strategy and after consideration of presentations made by members of the public at a Public Hearing held November 18, 2025.

### **Information:**

Staff received a request to rezone a portion of the property located at PID 01231182 on Walsh Post Road, in Fairmont, from Rural General to Tourist Commercial zone. A staff report recommending in favour of the rezoning was presented to Planning Advisory Committee at their October 6, 2025, meeting. PAC recommended Council give first reading approval to the amendments and set a public hearing date. The Public Hearing was held November 18, 2025, and given the issues raised by members of Council and the public the item was tabled and asked staff to provide further information regarding the application. The following are staff's responses to the various issues raised at the hearing:

- 1) **Accessibility** – The question was raised if any of the five cabins would be required to meet the Accessibility provisions of the *Nova Scotia Building Code Regulations* (NSBCR). The NSBCR State: "roofed accommodation" means a roofed building, part of a building or group of buildings that is intended as rental accommodation for the travelling or vacationing public and further that one sleeping unit conforming to the regulations shall be provided for every 10 sleeping units or part thereof. Therefore, one of the five cabins would need be designed and built in accordance with the accessibility requirements of the *Nova Scotia Building Code Regulations*.

- 2) **Proximity to property line** – The question was raised as to how far away the cottages will be to the back property line. The property line is approximately 165 meters (541.3 feet) from the proposed location of the cabins. Also, the proposed zone is approximately 160 meters (525 feet) from the back property line. Therefore, while the cabins can be placed anywhere within the TC-1 Zoned portion of the property the closest they could be to the back property line is 160 meters (525 feet).
- 3) **Use of the Cabins** – There was some concern regarding the use of the Cabins. On the application for rezoning the proponents had stipulated that the cabins would be for “friends, family and tourists”. The applicant in their covering letter also expressed an interest in “equestrian tourism” and “farm tourism” for families to visit and experience how they run their hobby farm. They noted their “...offer is also aimed at fishermen who want to go deep sea fishing and are looking for accommodation or hunters in the fall.” The type of tourist for which these accommodations are being provided is not a rezoning criterion.
- 4) **Other Uses Permitted** – Concerns were raised that the Tourism Commercial zone would allow for “other uses” to be permitted in the area. The Tourist Commercial Zone is very limited in what is permitted. The zone permits: Single-detached dwellings, including Bed and Breakfast establishments, Tourist cabins or cottages to a maximum of five units, and retail uses associated with tourism.

In comparison the Rural General zone permits, among other things Agricultural uses, including intensive livestock operations, Autobody shops, Bed and breakfasts, Boarding homes, Business and professional offices, Community and activity centres, Converted dwellings, Day care centres, Duplexes, Existing cottages and campgrounds, Fishing and fishing-related uses, Forestry and forestry-related uses, Funeral homes, Garden suites, Greenhouses, Institutional uses, Kennels, Open space uses, Medical Clinics, etc.

This rezoning from the Rural General Zone to the Tourist Commercial Zone could be considered a “down-zoning”.

- 5) **Public Hearing Notice** – It was suggested that there was insufficient notice to members of the Public Regarding the public hearing.

The *Municipal Government Act* has two requirements for notification of public hearings. The Act states: 206 (1) Prior to holding a public hearing required under this Part, the clerk shall provide notice of the public hearing at least fourteen days before the date of the public hearing by either (a) **placing the notice in a newspaper** circulating in the municipality, inserted at least once a week, for two successive weeks; or (b) **posting the notice on the municipality’s website**. The Municipality does both. In addition, the notice and copies of the staff report are posted on the Commission’s website.

Also, Section 2.13 of the West River Antigonish Harbour Land Use By-law states: “When an application has been received to amend the By-law, all affected property owners on abutting lots to the subject property shall be notified by the Commission of the public hearing.”

Planning staff interpreted “abutting lots” to be immediately adjacent to the property so properties across the road did not receive notification. See notification map, page 4. Therefore, seven notifications went out by regular mail prior to the hearing in accordance with Municipal Policy.

Staff are aware that some if not all these notices were received because we received emailed queries regarding specifics of the rezoning and due to the large number of residents who attended the hearing.

Council should be advised that there are only **two** main criteria for a rezoning of this nature. They are a) **compatibility with adjacent rural development** uses with respect to scale, mass and use; and b) whether **adequate landscaping and buffering** is in place or proposed to minimize any adverse impacts the development may have on adjacent uses.

The third criterion is whether the proposal is consistent with the general implementation policy. Five cottages would not be considered as an intensive use of land and is a down-zoning of the portion of the property. Nevertheless, staff reviewed and reported positively on each individual implementation policy in the original staff report.

#### **Conclusion:**

Planning Staff is recommending that Antigonish County Council give **second reading approval** to the proposed amendments to the West River Antigonish Harbour Land Use Bylaw rezoning a portion of the property located at PID 01231182 on Walsh Post Road from Rural General (RG-1) to Tourist Commercial (TC-1), based on meeting the requirements of the relevant polices found in the West River Antigonish Harbour Secondary Planning Strategy and after consideration of presentations made by members of the public at a Public Hearing held November 18, 2025.

