

To: **Antigonish County Planning Advisory Committee
Antigonish County Council**

From: **Planning Staff (EDPC)**

Date: **October 6, 2025**

Reference: **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 PID# 01231182 from Rural General (RG-1) to Tourist Commercial (TC-1).**

Recommendation:

That Planning Advisory Committee recommend to Council that the proposed amendment to rezone 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, **be given first reading and a public hearing be scheduled.**

Description

Designation:	Rural Development
Zone:	Rural General (RG-1)
Site:	Walsh Post Road, Fairmont
Request:	Rezone a portion of lot from RG-1 to TC-1
PID:	01231182

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. The owners would like to construct five tourist cabins on a four-hectare portion of the property. The current property owners are Stephan Hilber and Andrea Rueedi. Planning Staff visited the site on May 21, 2025.

Analysis:

The property is located on Walsh Post Road in Fairmont. It is a large 56.2 hectares (139 acres) property and the portion of the property which the owners would like to rezone to TC-1 is approximately 4 hectares (10 acres). The property is currently being used as a hobby farm and is in an agricultural area of the Municipality.

The proposed tourist cabins site is set back a minimum of 400 metres from Walsh Post Road and will be further away from the road than are the current dwelling and agricultural buildings.

Staff reached out to the Municipal Finance Department and there would be no issues with respect to the proposed development from a financial perspective. The Municipality has no issues with the proposed development in terms of the financial costs associated with it. The existing services are adequate, and the property owner is responsible for any costs associated with this

development. The Municipality has no costs associated with this development.

Uses in the Surrounding Area:

Land uses in proximity to the property at 720 Walsh Post Road are mainly agricultural or residential. Tourist cottages set well back from the public road are deemed to be compatible given the large lot sizes and distances from adjacent residential uses. The public road is not a busy road, and the proposed tourist accommodations would not be easily visible from the road.

Access to Public Road:

The property is accessed by Walsh Post Road and there are currently an existing dwelling and existing driveway giving access to the lot. Comments from the Area Manager for Nova Scotia Public Works were positive. The comments stated that the road network leading to the property is adequate for the development and that no new upgrades would be required because of this proposed development. The Nova Scotia Department of Public Works (NSDPW) have no issues with the access to the proposed development.

Scale and Compatibility:

The construction of five tourist cabins on a large rural lot is in keeping with the scale and compatibility of that area of Fairmont. In fact, as shown in Figure 1, the proposed cottage would be in the back field and barely visible from the public road. The cottages would be well beyond the existing agricultural buildings that can be seen in the photograph.



Figure 1: Site.

Rezoning Policy:

The West River Antigonish Harbour Secondary Planning Strategy has specific policies relating to a potential rezoning from Rural General to Tourist Commercial zone. Policy L-1.19 and L-1.20 state the following: *It shall be the policy of Council to permit the rezoning of lands from Rural General (RG-1) zone to Tourist Commercial (TC-1) Zone. and It shall be the policy of Council to permit retail uses associated with tourism and new tourist cottage developments totaling up to five (5) accommodation units in areas designated Rural Development, as shown on the Generalized Future Land Use Map by amendment to the Land Use Bylaw. In evaluating such proposals, Council shall have regard to the following: a. whether the proposed development is compatible with*

adjacent rural development uses with respect to scale, mass and use; b. whether adequate landscaping and buffering is in place or proposed in order to minimize any adverse impacts the development may have on adjacent uses; and, whether the proposed development is consistent with the criteria to amend the Land Use By-law, found in Policy I-1.10.

In addition, the Planning Strategy has a policy that sets out landscaping requirements where a tourist use abuts existing residential uses. Policy L-1.21 states the following: *"It shall be the policy of Council to set out in the Land Use By-law requirements for landscaping in the Tourist Commercial (TC-1) Zone where a tourist use abuts an existing residential use."* Staff have concluded that this policy can be met by existing conditions on the property given the proposed location of the cabins will be surrounded by thick wooded areas on three sides and is a significant distance from any abutting residence.

The above-mentioned policies enable the proposed rezoning for PID 01231182 to occur if all the other rezoning criteria of Policy I-1.10 are met. Staff have analyzed the proposal against the criteria, and the result is that the criteria are deemed to have been met.

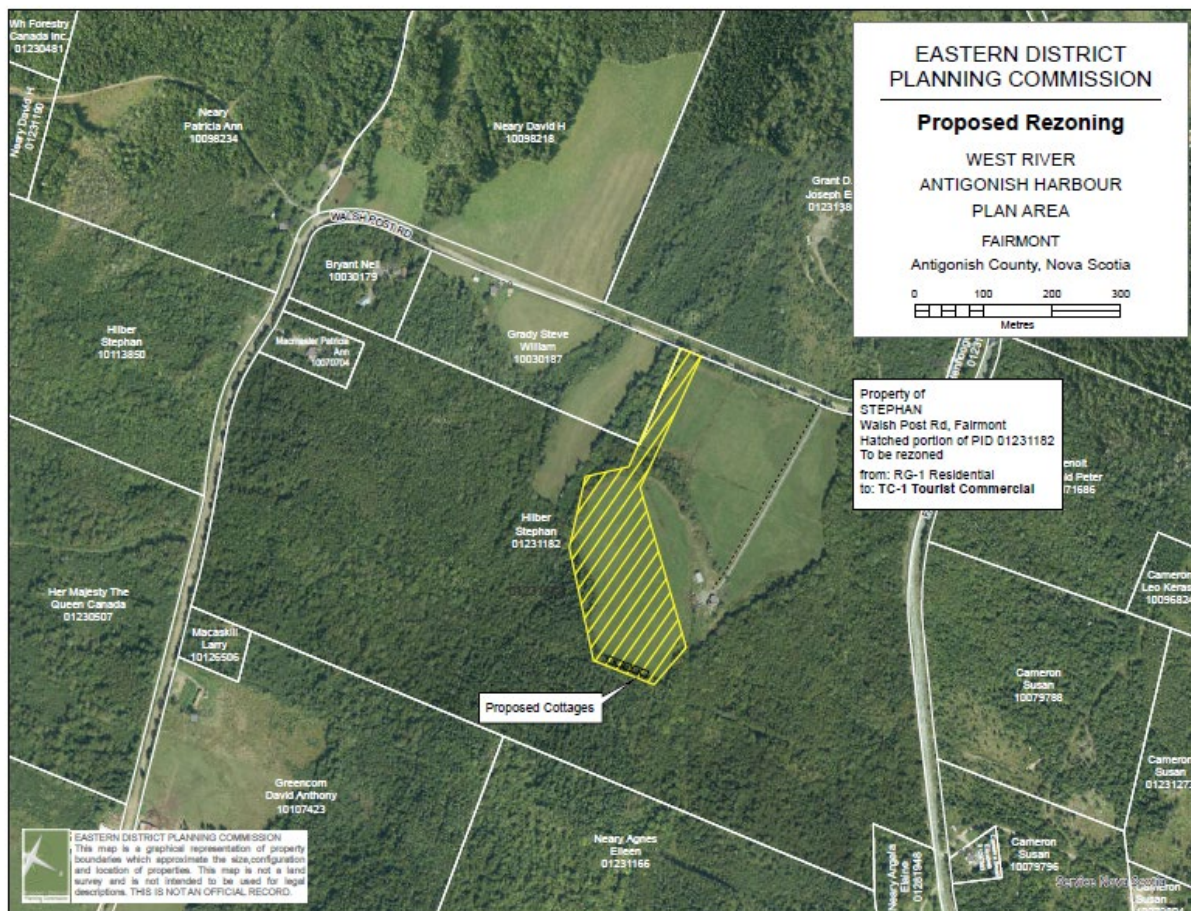


Figure 2: Context

Conclusion:

The rezoning application for the property at PID 01231182 meets the intent of the West River Antigonish Harbour Secondary Planning Strategy. The proposed rezoning from RG-1 to TC-1 is consistent with the relevant rezoning policies. The rezoning policies for the Tourist Commercial zone were intended for situations such as this proposed development.

The key factors in that support this application to rezone are:

- a. Tourist cabins are compatible with the surrounding agricultural and residential uses.
- b. Existing area of land is more than adequate and no municipal costs involved.
- c. Walsh Post Road is sufficient for this proposal, there are no upgrades needed.
- d. No significant environmental impact or concerns identified.
- e. There is natural buffering from adjacent properties from large, wooded areas.

After consideration of all the factors, Staff find that all the policies involved have been met and recommend approving this rezoning request.

Therefore staff recommend: that Planning Advisory Committee recommend to Council that the proposed amendment to rezone 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, **be given first reading and a public hearing be scheduled.**

If supported by the Planning Advisory Committee, the motion could be as follows:

The Committee recommends that Municipal Council:

Give first reading and schedule a public hearing to consider approval of the amendment to the Central Antigonish Land Use By-law to rezone a portion of the property with PID 01231182, on Walsh Post Road from Rural General (RG-1) to Tourist Commercial (TC-1) as per the Rezoning Map.

Appendix A: Amending Pages

Amending the West River Antigonish Harbour Plan Area Land Use By-law

WHEREAS Section 210 of the Municipal Government Act provides that a Municipality may make amendments to land use by-laws, the Council of the Municipality of the County of Antigonish enacts as follows:

The Land Use By-law for the Municipality of the County of Antigonish, for the **West River Antigonish Harbour Plan Area**, is hereby amended as follows:

On the Zoning map, rezoning a portion of property PID 01231182 from Rural General (RG-1) to Tourist Commercial (TC-1), as shown in Appendix A to this By-law.

READ a first time this
____ day of _____, 2025
(Min#2025-XXX).

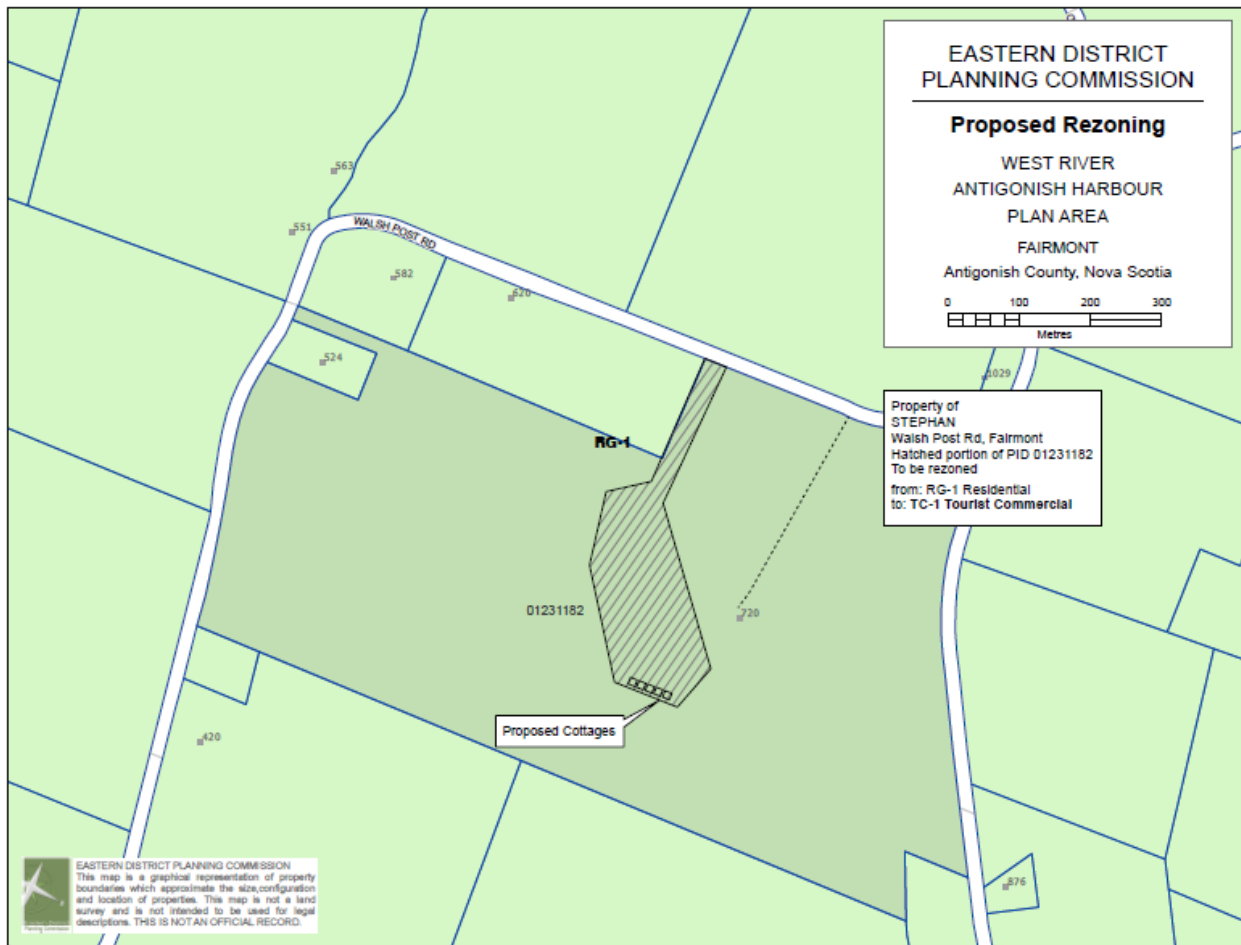
READ a second time and passed this
____ day of _____, 2025
(Min#2025-XXX).

Nicholas MacInnis, Warden

Shirlyn Donovan, CAO

Notice of Approval Published (date) and (date)

Appendix "A"



Appendix B: Summary of Evaluation Criteria

Policy L-1.20 It shall be the policy of Council to permit retail uses associated with tourism and new tourist cottage developments totaling up to five (5) accommodation units in areas designated Rural Development, as shown on the Generalized Future Land Use Map by amendment to the Land Use Bylaw. In evaluating such proposals, Council shall have regard to the following:	
a) whether the proposed development is compatible with adjacent rural development uses with respect to scale, mass and use;	Complies (See Staff Report)
b) whether adequate landscaping and buffering is in place or proposed in order to minimize any adverse impacts the development may have on adjacent uses;	Complies (See Staff Report)
c) the proposal is consistent with the criteria to amend the Land Use By-law, found in Policy I-1.10	Complies, see below
Policy I-1.10 In considering amendments to the LUB, in addition to all other criteria set out in various policies of this planning strategy, Council shall have regard for the following matters:	Yes proposal complies with the intent of the MPS
a. The proposal is in conformance with the intents of this Strategy and with the requirements of all other Municipal by-laws and regulations;	
b. The proposal is not premature or inappropriate by reason of:	
i) the financial capability of the Municipality to absorb any costs relating to the development;	Complies, see comments from CAO S. Donovan
ii) the adequacy of sewer and water services to support the proposed development;	Complies
iii) the adequacy and proximity of school, recreation and other community facilities;	N.A.
iv) the adequacy of road networks adjacent to, or leading to the development;	Complies
v) the potential for the contamination of watercourses or the creation of erosion or sedimentation; and	Complies
vi) the potential for damage to or destruction of historical buildings and sites.	N.A.

c. Whether the proposal conforms to the requirements contained in the Land Use By-law relating to the following:	
i) the type of use;	Complies
ii) setbacks, height, bulk, and lot coverage of a proposed building or expansion to an existing structure;	Complies
iii) traffic generation, access to and egress from the site, and parking;	Complies
iv) open storage;	N.A.
v) signs;	N.A.
vi) provisions for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;	Complies
vii) the location of the development so as not to obstruct any natural drainage channels or watercourses;	Complies
viii) sufficient building separations to permit access to firefighting equipment and to prevent the spread of fire.	Complies
d. Suitability and costs of the proposed development in terms of steepness of grades, soil and geological conditions, marshes, swamps or bogs and proximity of highway ramps, railway rights-of-way and other nuisance factors.	Complies