

# LUB Amendments: 2037 Highway 1, Falmouth (PID 45242112)

Council First Reading  
January 27, 2026



# Application

- A completed application was received on November 7, 2025 from Bradley Eaglestone, the owner of the Big FUR Grooming.
- The purpose is to rezone the property from General Commercial (GC) to Highway Commercial (HC) to permit a dog grooming and boarding facility and amend the section 5.20 of the West Hants Land Use By-law.





# Orthophoto

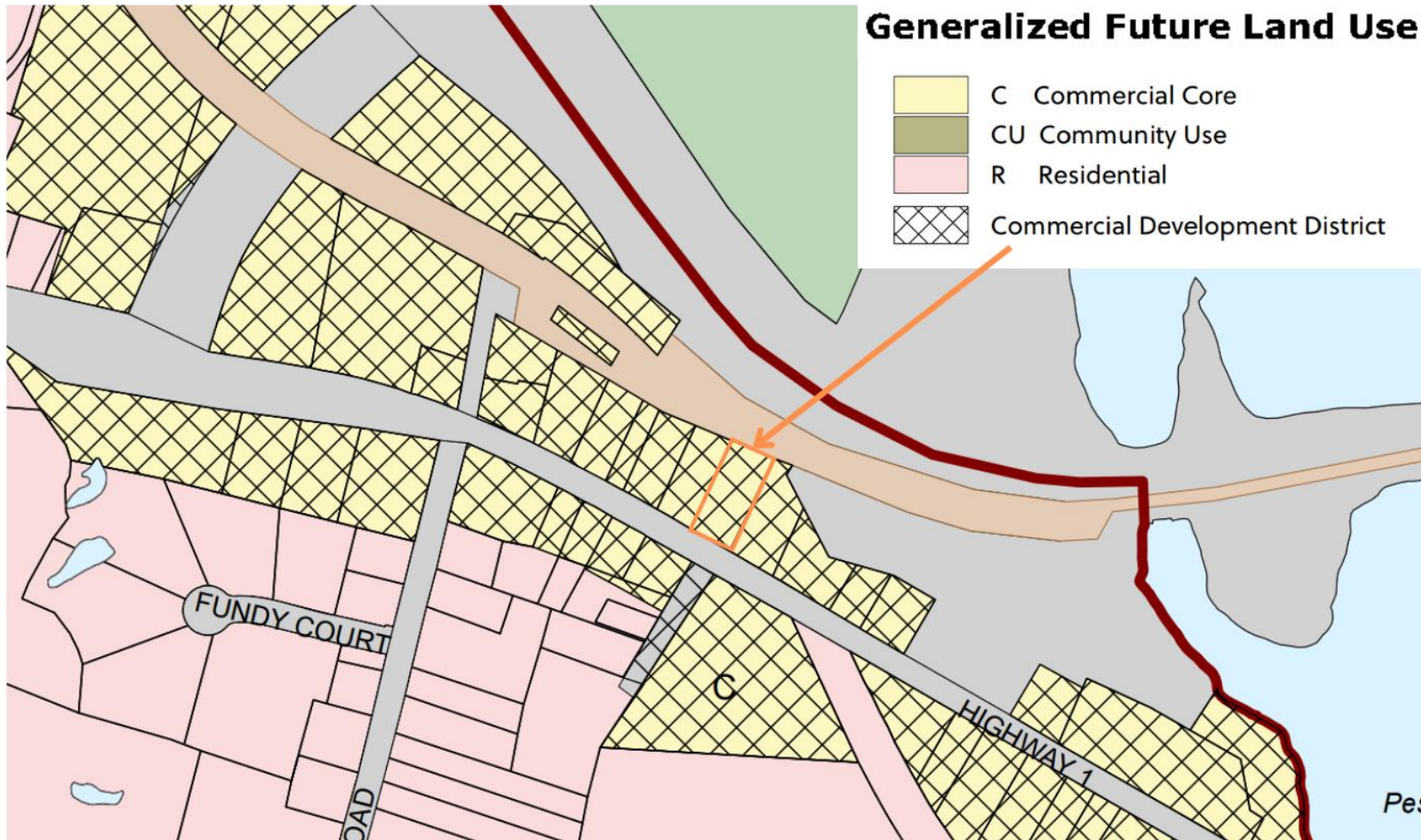
- Subject lot has road frontage on Highway 1
- The surrounding area comprises single-unit residences, commercial uses such as a dental office and a grocery store.





West Hants

## Highway 1, Falmouth PID 45242112



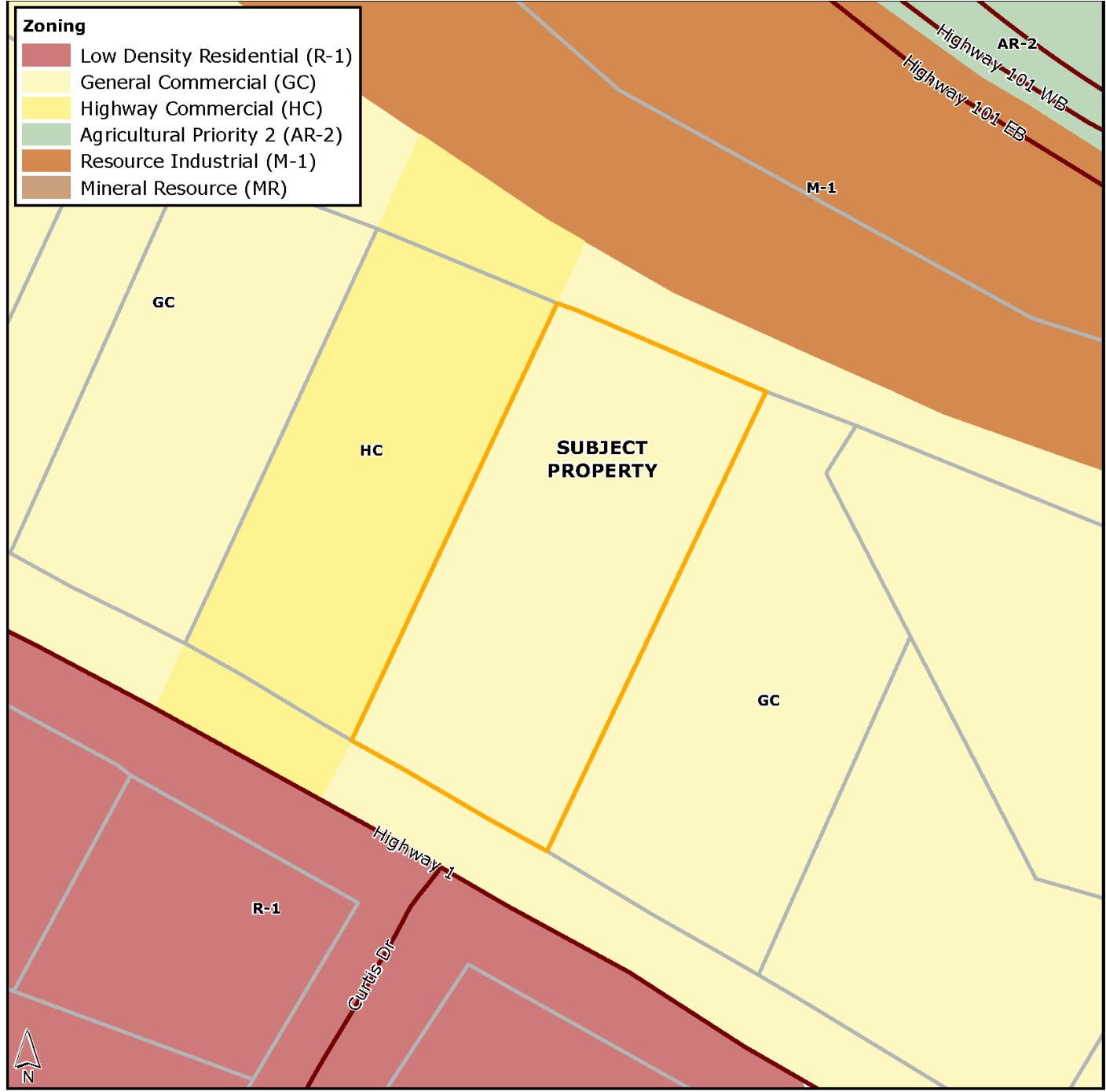
## Generalized Future Land Use Map

### Current Designation:

- Commercial Core
- Commercial Development District

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# Current Zoning

## General Commercial (GC)

Permitted uses include:

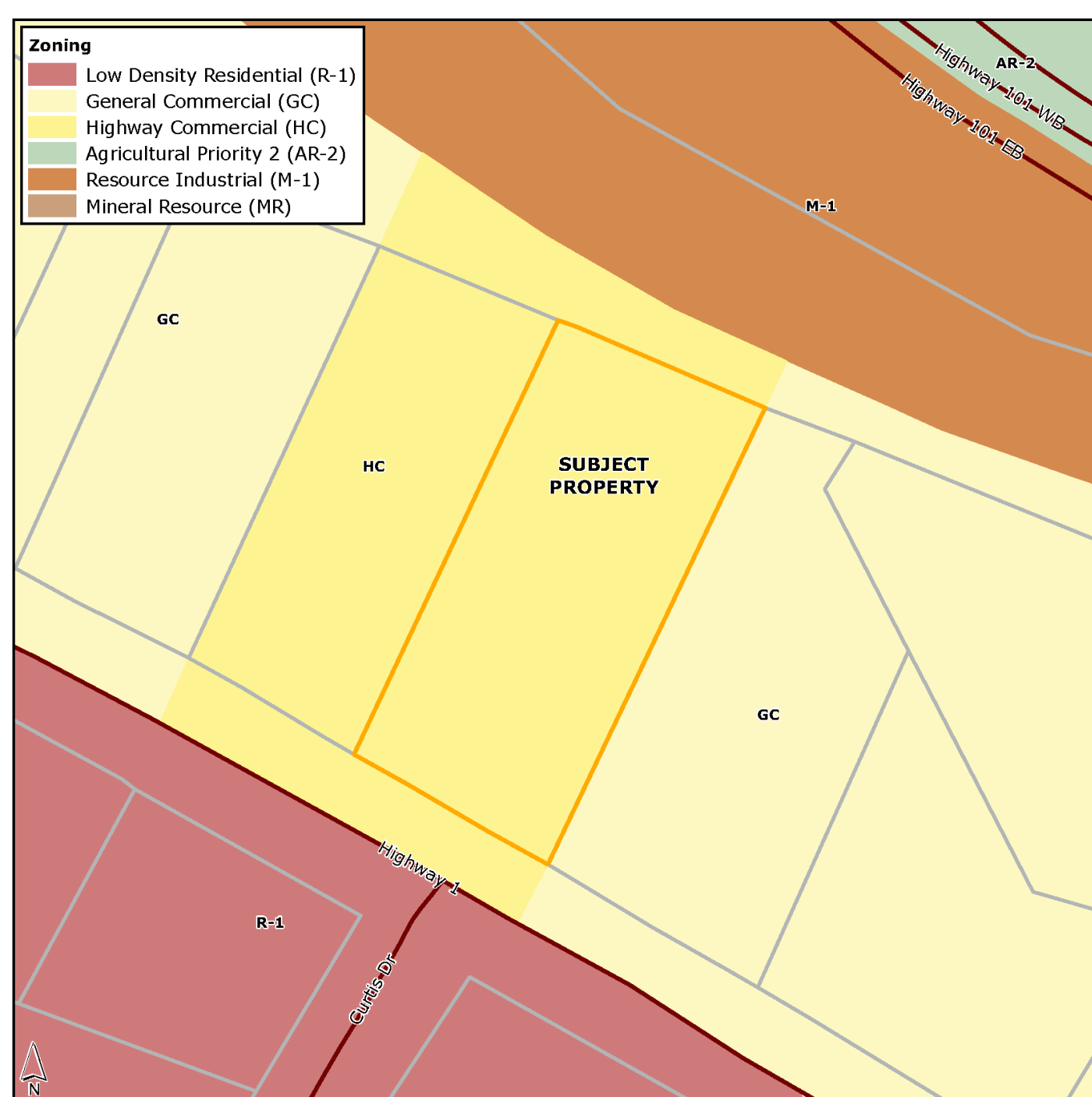
- Arts and crafts studios
- Banks and financial institutions
- Clubs and community organizations
- Farm markets
- Restaurants, excluding drive-through restaurants, etc

# Proposed Zoning

## Highway Commercial (HC) zone

Permitted uses include:

- Automobile service stations, car washes and repair centres
- Farm supplies and equipment sales and service
- Hotels, motels and other tourist accommodations
- **Kennels**



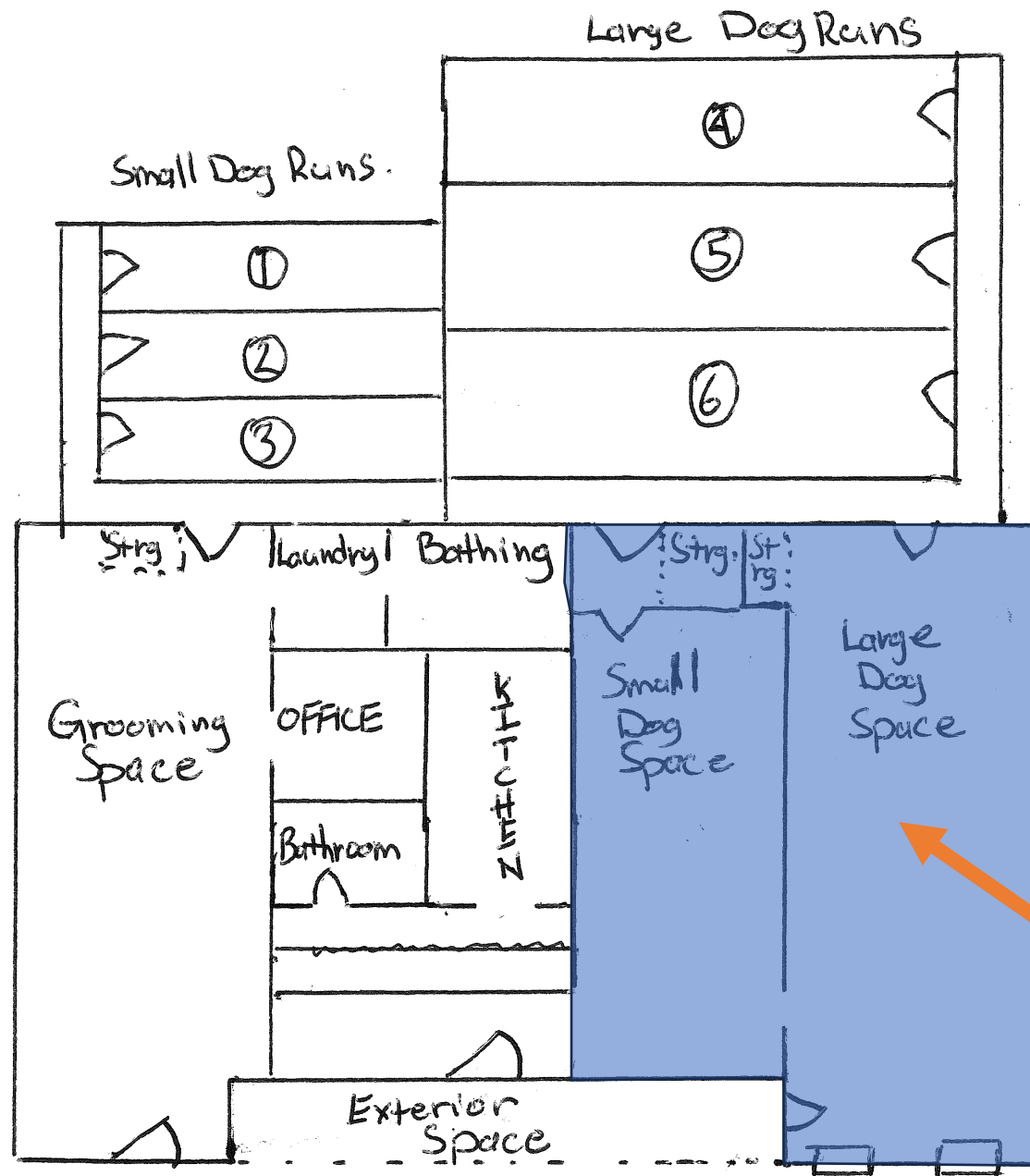
# West Hants Land Use By-law

- **Section 5.20 outlines special provisions for a Kennel use**

5.20 Where kennels are permitted by this by-law, the following special provisions shall apply:

- (a) no kennel building or structures, including outdoor exercise runs, shall be located closer than:
  - (i) 100 ft (30.48 m) from the front lot line, except in the Highway Commercial (HC) zone where the standard front yard requirement shall apply;
  - (ii) 100 ft (30.48 m) from all water wells and watercourses;
  - (iii) 50 ft (15.24 m) from the rear and side lot lines; and
  - (iv) 300 ft (91.44 m) from a dwelling on an adjacent property
- (b) the use shall include a wholly enclosed building that is properly ventilated and soundproofed to a sound transmission class of at least 50 decibels as prescribed by the National Building Code; and
- (c) no outdoor exercise run shall be occupied between the hours of 9:00 pm and 7:00 am on the following day.





Submitted Floor Plan





View of Subject Lot fronting Highway 1

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View of the rear yard of the subject lot



Adjacent Dwelling



Surrounding Context

# West Hants Municipal Planning Strategy Policy

- **Policy 5.5.11** is the enabling policy for this application and allows Council to consider rezoning lands designated Commercial Core to Highway Commercial (HC), provided the applicable criteria are met.
- In summary, this policy has been considered met as:
  - the proposal has frontage on an arterial road (i.e., Highway 1);
  - no new structures are proposed, except for the outdoor run fences;
  - no concerns were raised regarding traffic flow and safe and efficient roadway access; and
  - adequate on-site parking can be provided.



# West Hants Municipal Planning Strategy Policy (continued)

- **Policy 16.3.1** general criteria have been considered met and are summarized as the following:
  - the proposal is not considered premature or inappropriate for the area;
  - no municipal costs related to the proposal are anticipated; and
  - the Development Officer, Manager of Building and Fire Inspection Services, District Manager of the Nova Scotia Department of Public Works have no concerns which have not been addressed in this report.



# Previous Proposed Amendment

- Add the flexibility to allow Kennels to be located within 300 ft setback to an adjacent dwelling if the owner gives permission, as highlighted in purple

## Kennels

5.20 Where kennels are permitted by this by-law, the following special provisions shall apply:

- (a) no kennel building or structures, including outdoor exercise runs, shall be located closer than:
  - (i) 100 ft (30.48 m) from the front lot line, except in the Highway Commercial (HC) zone where the standard front yard requirement shall apply;
  - (ii) 100 ft (30.48 m) from all water wells and watercourses;
  - (iii) 50 ft (15.24 m) from the rear and side lot lines; and
  - (iv) 300 ft (91.44 m) from a dwelling on an adjacent property unless written permission is given by the owner of the property at the time of permitting;



# PAC/HAC Recommendation – January 8

- Committee discussed:
  - the alternative approach for the proposed kennel use, including whether a variance or development agreement could be used. Staff explained that separation distances cannot be varied and there is no supporting policy for a development agreement.
  - the definition of a “dwelling” and how separation distances apply. Staff confirmed the requirement applies only to residential dwellings, not commercial properties.



# PAC/HAC Recommendation – January 8 Cont.

- Concerns about potential noise impacts on nearby residential properties and the interpretation of “adjacent dwellings.” Staff explained during the meeting that dwellings across the street, which are separated by the highway 1, would not be considered as adjacent dwellings.
- Motion approved by PAC/HAC was to consider this development on a site-specific basis and required that permission be obtained from nearby residential dwellings within a 300-foot radius.



# Additional Information following the PAC/HAC

- Staff identified six dwellings that would fall within this 300-foot radius



# Additional Information following the PAC/HAC

- Staff sought further clarification from Development Officer and Manger of Development Control Services on the definition of “adjacent” in the context of the section 5.20 of the West Hants LUB.
- Based on further review of how the term “adjacent” has been applied within the WHLUB, and it was determined that the term applies to nearby dwellings, regardless of whether they share a property line with the subject site.



# Additional Information following the PAC/HAC

- Specifically, the preamble text of the West Hants Municipal Planning Strategy section 4.12 suggests the intention was to reduce negative impacts on nearby dwellings, not only those sharing a property line with a kennel use property.

## 4.12 Kennels

The establishment of kennels or boarding facilities close to residential properties can be a source of great annoyance to neighbours subjected to late-night barking.

Policy 4.12.1 It shall be the policy of Council to regulate the establishment of kennels in the Land Use By-law including soundproofing requirements and conditions limiting the hours during which animals will be permitted to occupy outdoor exercise runs.

# Draft Amendment as reflected in the PAC/HAC motion

- Add **site-specific** flexibility to allow Kennels to be located within 300 ft setback to an adjacent dwelling if the owner gives permission, as highlighted in **Red**

## Kennels

5.20 Where kennels are permitted by this by-law, the following special provisions shall apply:

- (a) no kennel building or structures, including outdoor exercise runs, shall be located closer than:
  - (i) 100 ft (30.48 m) from the front lot line, except in the Highway Commercial (HC) zone where the standard front yard requirement shall apply;
  - (ii) 100 ft (30.48 m) from all water wells and watercourses;
  - (iii) 50 ft (15.24 m) from the rear and side lot lines; and
  - (iv) 300 ft (91.44 m) from a dwelling on an adjacent property.
  
- (d) exception for PID 45242112 – notwithstanding Section 5.20 (a) (iv), separation distance from a dwelling may be waived if written permission is given by the owner(s) of property(ies) at the time of permitting.



# Draft Amendment refined by Staff

- Staff identified that the term ‘adjacent dwelling’ is subject to inconsistent interpretation and that the intent of the previous draft amendment was to minimize potential land use impacts on the immediately abutting dwelling
- Other nearby dwellings are buffered from the site by Highway 1, existing traffic, and applicable soundproofing requirements, whereas the abutting dwelling is anticipated to experience the greatest potential impact.
- In response to the concern regarding the scope of amendment, staff adopted a site-specific approach, thereby limiting potential unintended impacts elsewhere in the Municipality.



# Draft Amendment refined by Staff

- Add **site-specific** flexibility to allow Kennels to be located within 300 ft setback to an **abutting** dwelling if the owner gives permission, as highlighted in **Red**

## Kennels

5.20 Where kennels are permitted by this by-law, the following special provisions shall apply:

- (a) no kennel building or structures, including outdoor exercise runs, shall be located closer than:
  - (i) 100 ft (30.48 m) from the front lot line, except in the Highway Commercial (HC) zone where the standard front yard requirement shall apply;
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  - (iii) 50 ft (15.24 m) from the rear and side lot lines; and
  - (iv) 300 ft (91.44 m) from a dwelling on an adjacent property.

- (d) exception for PID 45242112 – notwithstanding Section 5.20 (a) (iv), a 300 ft (91.44 m) separation distance shall be maintained from a dwelling on an abutting property unless written permission is given by the owner of property at the time of permitting.



# Public Engagement Summary

- A Public Information Meeting was held on December 10 and broadcast on the Municipal YouTube page, with approximately eight members of the public in attendance.
- During the public comment period, staff received 23 letters, most expressing support for the application. One letter noted concerns about potential noise impacts.
- In summary, common themes raised for support include:
  - The need for a safe and dependable grooming services in the region;
  - The employment opportunities related to animal services;
  - The lack of dog boarding services in the region;
  - The growing population of pet owners in the municipality; and
  - The applicant's business history and reputation within the community.



Public Information Meeting – December 10

Staff Review

PAC/HAC Review and Recommendation –  
January 8

**Council First Reading – January 27**

Public Hearing & Second Reading – February  
24\*

Notice Placed in Paper

14 Day Appeal period

# Process

\* Anticipated dates



# Staff Recommendation

.....that Council gives First Reading and hold a Public Hearing to consider amending the maps of Schedule A of the West Hants Land Use By-law to rezone the lot as identified as PID 45242112 from General Commercial (GC) to Highway Commercial (HC) zone and amending Section 5.20 of the West Hants Land Use By-law in a manner substantively the same as the draft set out in Appendix **A** of the Council report #25-24A dated January 27, 2026.

\* This amendment would require written permission from the abutting dwelling owner only



# Alternative PAC/HAC Motion

.....that Council gives First Reading and hold a Public Hearing to consider amending the maps of Schedule A of the West Hants Land Use By-law to rezone the lot as identified as PID 45242112 from General Commercial (GC) to Highway Commercial (HC) zone and amending Section 5.20 of the West Hants Land Use By-law in a manner substantively the same as the draft set out in Appendix **B** of the Council report #25-24A dated January 27, 2026.

\* This amendment would require written permission from the owners of all six adjacent dwellings.



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