

objection to the proposed rezoning based on the existing pattern of land use in the neighbourhood and the fact that the basement apartment will not enlarge or physically alter the exterior of the existing dwelling.

Questions from Council

Councillor Deveaux asked if the present two unit dwellings in the area are duplexes or basement apartments. Mr. Wishart advised the existing two unit dwellings in the area are duplexes.

Councillor Wiseman clarified that the R-2 lots along Sampson Drive are all lots which were developed R-2 by virtue of an agreement with the neighbourhood housing co-operative.

Speakers in Favour of this Application

Diane Robertson advised she and her husband purchased the property in question so her son and his wife could live in Sackville, where they would prefer to live. She informed they are not in a position to afford to buy their home, so she and her husband purchased the property in question for them to live in one half and to rent the other half to somebody else. She noted this property has not been bought as a money-making venture, but to simply supplement the mortgage.

Questions from Council

Councillor DeRoche clarified the rezoning is not to facilitate her own residence. He questioned whether or not the purchase of this home is a money-making venture, stating the owners of single family dwellings pay the mortgages with no rental income.

Speakers in Opposition to this Application

None

It was moved by Councillor Lichter, seconded by Councillor Snow:

"THAT the rezoning of Lot 189-S, Phase 8 of the Lands of the Nova Scotia Housing Commission, located at 37 Sampson Drive, Lower Sackville from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone be approved by Municipal Council."

Councillor Wiseman expressed opposition to the motion, stating that absentee landlords have been a problem in the community of Sackville for the past six months. She stated many properties in Sackville are purchased as investment properties, and the maintenance runs down. She expressed sympathy for Mrs. Robertson because nobody can determine whether or not this property will be maintained adequately, but past experience leaves no desire for the possibility of other absentee landowners. She continued that Sackville is getting a reputation for a place to make fast dollar, and there is no particular consideration given to the care and quality of income buildings. She expressed concern about the look of the community in the future. Councillor

Wiseman felt there is no reason to further change the neighbourhood as it is solid R-1 except for the two spot rezonings which were referenced in the staff report.

Councillor Lichter asked if there is any contractual agreement between the Department of Housing and the buyers of the two-unit dwellings built by the Department of Housing, whereby the units would be rental units or if the owners would live in the units. Councillor Wiseman informed there is an agreement on record at the Municipality for those units. She informed the units are run by a neighbourhood cooperative, whereby everybody has equity in each of the buildings.

Councillor MacDonald expressed agreement with Councillor Wiseman with respect to problems with two unit dwellings. He stated legal and illegal two unit dwellings have been a growing controversy in Sackville. He felt there should be an effort to keep uniformity in the R-1 area. He stated he would vote against the motion.

Councillor Deveaux indicated he would support the rezoning. He stated if the surrounding area were zoned R-1, he would consider voting against this rezoning. He felt assumption are made that because the home contains a basement apartment, it will deteriorate and be left to disrepair. He objected, stating this happens to single family dwellings, as well, and this assumption should not regulate basement apartments. He continued that many people cannot afford to buy a home and pay for their mortgage, and two unit dwellings are very helpful to young people trying to get started.

Councillor McInroy expressed difficulty with changing by-law and plans according to what the public want, but when there is a rezoning request, there is little regard to the communities to which the commitment was made. He informed the Department of Housing intentionally split up the semi-detached and townhouse developments in this area so as to not have an over-abundance of these units in any given area. However, people feel they are justified in having two unit dwellings if they can see one from their home. Councillor McInroy expressed objection to planning based on personal situations. He concluded that he would vote against the motion on the basis of the expressions from the Sackville Councillors, as well as Council's obligation to enforce the by-law which the public have formulated for their communities.

Councillor Wiseman referred to the map attached to the staff report, indicating a small area zoned R-2 along Saratoga Drive which was included in the plan when it was developed by the Department of housing. Also the area zoned R-2 along Sampson Drive was put their under a Planned Unit Development agreement with a Neighbourhood Co-operative Association. Otherwise, the area is solidly zoned R-1, and the rezoning of the property in question would constitute spot rezoning, setting a precedent.

Councillor Deveaux expressed objection to the approval of this application being considered spot rezoning. He asked if opposition was received from any neighbours or surrounding areas with respect to this

rezoning. Mr. Wishart advised there was nothing with respect to this particular application.

Councillor P. Baker stated the people on this street and in the area do not seem to have any great concerns about this rezoning. He stated rent today is very high, and he would support the motion in an effort to support young people who experience difficulty getting started.

MOTION DEFEATED

7 FOR
10 AGAINST

Councillor Lichter noted there is a majority vote of the whole of Council required for this application to be approved. He asked where the application stands because it did not receive a majority of the whole of Council either way. Councillor Merrigan expressed similar concerns, asking what would have happened if the motion was to decline the application for rezoning, and there were ten in favour. Mr. Cragg informed the application requires a positive endorsement, no matter how the motion was made.

Councillor Lichter asked if the Municipal Board recently overturned a decision of Council because the majority of the whole of Council did not vote one way or the other. Mr. Cragg stated the Municipal Board recently overturned Council's decision because the motion carried by a majority, but not a majority of the whole Council. The Municipal Board found it was a rejection of the application. If the vote had been 10-7 in favour of the rezoning, it would still have failed, and the Municipal Board would have treated it as a constructive refusal by Council. Councillor Lichter clarified that a rejection can be made with less than the majority of the entire Council, but no approvals can be given on this basis.

RA-SA-43-86-20 - REQUEST BY AZZATT ASSAFF TO REZONE 48 LUMSDEN CRESENT,
LOWER SACKVILLE FROM R-1 (SINGLE UNIT DWELLING) ZONE TO R-2 (TWO UNIT
DWELLING) ZONE

Mr. Wishart reviewed the staff report respecting this rezoning application. He advised the purpose of the proposed rezoning to allow a basement apartment within the existing single family dwelling zone. He identified the location of the property in question on a map, and stated the Department of Planning and Development has no objection to the proposed rezoning based on the existing pattern of land use in the neighbourhood, and the fact that the basement apartment will not enlarge or physically alter the exterior of the existing home. He added that the existing dwelling presently has an apartment in the basement, which was rented for a period of two years, but it is not rented out at this time.

Mr. Kelly reviewed seven similar letters in favour of this application, as well as another letter and petition from Paul Hyland, Chairman of the Sackville Advisory Board in opposition to this application. The petition was signed by approximately 20 residents of Lumsden Crescent. There are 23 single family dwellings on this street.

Brant noted on the map that check marks indicate residents who signed the petition in favour of this rezoning, and the x's indicated property-owners in opposition to this rezoning.

Questions from Council

Councillor DeRoche noted there are several people along this street who signed both petitions in support of and contrary to this rezoning. Mr. Wishart informed there are two property owners who signed both petitions.

Speakers in Favour of this Application

Marion MacDow, daughter of the applicant, informed her father is quite ill, suffering from various medical problems, as does her mother. She stated people have lived in the basement apartment in the past, and they provided comfort and compassion to her parents, as well as financial assistance. Mrs. MacDow informed her parents have a number of social handicaps, preventing them from integrating with the community; they are illiterate, living in a relatively young area, and there is a language barrier. They live in fear of unwanted intruders.

Tenants in the past established a friendly give and take relationship, which narrowed the gap of human helplessness for her parents. Past tenants have helped her parents. She stated tenants are a necessity in her parents life, providing them with comfort and companionship, they would not have otherwise. In return, tenants were given extended services, such as a reasonable rental rate, full use of the property, shared laundry room facilities, etc. Mrs. MacDow informed that she and her family screen potential tenants. She stated the couple, emphasizing "couple", that share her parents home, must be upstanding citizens, and if there is an error in judgement, Mrs. MacDow stated they would vacate the premises as soon as the law would allow. She continued that her parents are hardly noticed now on their street, and she felt another couple living in the basement would change that. She also stated her parents live on a fixed income of only her father's old age pension, and everybody has fixed and predictable expenses. The additional rental income from the basement apartment would allow her parents to adequately maintain and repair their home, and if they cannot do this, the street will eventually have an unsightly, deteriorating home.

Mrs. MacDow confirmed that before her parents bought their home, it was in a state of disrepair, but her father spent \$10,000 in the first four months upgrading the property; it is now one of the better looking homes on the street. She added that her parents chose this area to buy a home because it is within walking distance to shopping, and if the R-2 zoning is not allowed, they will be forced to sell their home and move to another area legally zoned R-2.

With respect to technical points in support of this rezoning application, Mrs. MacDow informed there is strip R-2 zoning in the general area, as well as spot zoning. She stated the request in question, is simply for the same type of privilege. She noted Policy

P-31 of the Municipal Planning Strategy for Sackville previously allowed R-2 zoning, providing that the concerns outlined in Section P-104 were met. She outlined the requirements of Policy P-104, indicated her father's property meets all of those requirements.

Mrs. MacDow referred to an article written by a development consultant which appeared in the May, 1986 issue of Municipal World, stating there is no evidence that basement apartments have any detrimental effect on values of neighbouring properties. She quoted from the article, supporting this statement. She concluded there is no question about how well maintained her father's property is.

Questions from Council

Councillor McInroy asked if Ms. MacDow would have any objections to her parents entering into a contract with the Municipality to allow them to rent their basement apartment subject to their ownership of the property. Ms. MacDow replied this would be quite acceptable. Councillor McInroy stated he does not believe in spot zoning and personal situations because it relates to bad planning. He expressed support for a situation such as that in question, as long as it can be done by contract. He inquired about the legislative ability for the Municipality to enter into such contracts.

Mr. Cragg was of the opinion that the Municipal Planning Strategy for Sackville would require that the lot in question or the surrounding area would have to be a Comprehensive Development District to enter into such a development agreement. Mr. Wishart informed in order for Council to enter into a contract for such circumstances, a plan amendment would be required.

Councillor Lichter asked how long it has been since the application for rezoning was submitted. Ms. MacDow informed application was made in September, approximately four or five months ago. Councillor Lichter stated he wanted Councillors to be aware that the suggestion of a contractual agreement is a good suggestion; the Planning Advisory Committee has debated it very much in the past four to five months and has arrived at the decision to not even attempt to amend the plan. He advised amending the plan will be a much longer process than getting this rezoning application to the public hearing stage.

Councillor Deveaux noted that the property in question was in a state of disrepair when it was bought and then brought up to good standards. He stated this overrides the assumption that two unit dwellings are left to deteriorate. He agreed that two unit dwellings do not have any effect on surrounding properties. He stated plan amendments would not be easy to administer, but he would be in favour of doing something to help people such as the applicant for this rezoning.

Speakers in Opposition to this Application

Frank Robichaud, 53 Lumsden Crescent, informed when he built in the Housing Commission 13 years ago he spent much time choosing his lot, and he chose one zoned R-1. With respect to the petitions he had

signed in opposition to this application, Mr. Robichaud informed two people signed both petitions because they did not realize the applicant was looking for a change in the zoning. Mr. Robichaud stated there is a rental property in an R-1 zone which is occupied by students, and this property is not properly maintained with beer bottles laying around, etc. He stated he wants the property in question to remain zoned R-1 so it will always be maintained as it should be.

Questions from Council

Councillor Lichter asked if the people who signed his petition read it first. Mr. Robichaud informed everybody read the petition, and he explained it to them, as well.

Councillor Lichter noted that Mr. Clack of 57 Lumsden Crescent signed both petitions. Mr. Robichaud informed the applicant had people sign the petition based on the basement apartment being occupied by their daughter. The petition also referred to a zone change, but it was not clearly read by those who signed the petition. When Mr. Robichaud presented his petition to the residents, they informed him they did not realize the application was for a rezoning.

Councillor Lichter referred to the last paragraph of the petition signed by the residents in favour of the rezoning, stating it clearly indicated they did not object to the R-2 zoning of the property located at 48 Lumsden Crescent. He commented that it appears people signed this petition without knowing what they were signing.

Councillor Wiseman inquired about the three properties involved with basement apartments. Mr. Robichaud informed those homes were at 48, 52, and 56 Lumsden Crescent. Councillor Wiseman noted the property in question is at 48 Lumsden Crescent, and none of the properties were rezoned before the basement apartments were located in them.

James Clack, 57 Lumsden Crescent, stated he was a resident who signed both petitions. He informed Mrs. Assaff asked for support for her basement apartment, provided that her daughter move in with her (that it would not be rented to other people). Mr. Clack informed he agreed to this, knowing both the applicants for some time and giving them assistance when it was required. He stated he is in opposition to the rezoning of this property to R-2 because he too chose an area zoned R-1 when he bought his lot and built his home. He continued there are two other single unit dwellings that have been changed to include a basement apartment, increasing the traffic on the street; beer bottles are left in the yards and on the street; there are fights on the street to which the police must respond, etc. He stated when these homes were single unit dwellings, there were well kept, but since they have become two unit dwellings, they have deteriorated to a wreck. He felt the people who originally moved into the area and grew up in this area should have their fair say in determining if this area should remain zoned R-1 or rezoned to R-2.

Councillor Eisenhower inquired about the location of Mr. Clack's property in relation to the property in question. Mr. Clack identified

both properties on the map, and stated there is a problem with parking with more cars are parking along the street in front of the two unit dwellings, and there are more traffic problems.

Warden MacKenzie clarified with Mr. Clack that there are other basement apartments located along Sampson Drive.

Councillor Wiseman stated there are three homes with illegal basement apartments in a row along Sampson Drive. These have been investigated by the building inspectors, and the rezoning application is the result of the investigation.

Councillor Deveaux noted that problem situations can arise in single family dwellings as they do in two unit dwellings. If something illegal is going on, somebody should take action against it. He stated rezoning applications should not be determined based on previous problems in the area. He noted the applicant in question has worked at fixing their home up and keeping it in a good state of repair. Councillor Deveaux stated he would base his decision on the circumstances surrounding each individual application.

Councillor MacDonald stated there are three illegal apartments in the area, and approval of the application in question will only support two unit dwellings in the area. The R-1 zone will deteriorate, and it will not be fair to the residents who bought their homes based on the R-1 zoning.

Councillor Lichter commented it is impossible to control the type of characters who move to any area, and this is the actual problem. He inquired about the wording of the petition which Mr. Clack signed against this rezoning. Mr. Clack informed the petition stated he is opposed to R-2 zoning for properties in the area. Councillor Lichter commented this petition is worded very loosely. He stated the wording was for "our zone", and he felt that referred to the zone of the signer's property.

Councillor Lichter stated in his district it is difficult to find people to live with senior citizens so they will not be alone. He suggested Mr. Clack should want to have people living with senior citizens to protect them against the dangers of the neighbourhood. He stated seniors did not cause the damage in the neighbourhood. Mr. Clack responded that it would not be any burdance off his shoulders if somebody moved in with these people. He stated he is across the street if the applicants need help and they have called upon him on other occasions. He stated the R-2 zone in the area will have a bad effect on the neighbourhood, as it has already been proven. He stated since the basement apartments went into the homes, the neighbourhood has been running down and causing the problem. He noted Mr. and Mrs. Assaff are the exception to the rule in this instance, but allowing this rezoning could cause further deterioration in the area in the future.

Councillor Snow stated this application may not be approved, and Mr. and Mrs. Assaff will have to move. At that time another family could move to the property in question with ten teenagers, many cars, and

cause as much trouble as those in the two unit dwellings, but nothing could be done about it because they would not be breaking the law. Mr. Clack agreed this is a possibility.

Councillor Merrigan asked if residents in the basement apartment were a problem in the past. Mr. Clack responded that Mr. and Mrs. Assaff have always screened their tenants very well, and there have not been problems in the past.

Councillor Merrigan asked if Mr. Clack would object if there were conditions attached to Mr. and Mrs. Assaff's basement apartment. Mr. Clack stated he would not have objections, as long as there is protection against noise and disturbances.

Councillor P. Baker asked if Mr. Clack finds noise, broken bottles, etc. prevails in R-2 areas, rather than R-1 areas. Mr. Clack stated he does not mean to make that definition between R-1 and a R-2 zones, but the standards of living have decreased in the area since basement apartments were developed in the area (illegally). He stated problems are on one side of the street where the two unit dwellings are located.

Councillor P. Baker stated it is people that cause the problem regardless of the zoning.

Councillor C. Baker commented the only difference between an R-1 and R-2 zone is that one family lives in unit rather than two families living in two adjoining units. He agreed the problem is the type of people residing in the units, moreso than the zone.

Mr. Clack stated a home zoned R-2 must contain adequate driveway space, etc., but in this instance there is a single family dwelling that four cars park in. He stated the problems are related to this type of action.

Councillor MacDonald stated the R-2 units in the area are privately owned, but the problem is when units are owned by absentee landlords. People then rent the units and do not look after them; illegal basement apartments are causing the problems.

It was moved by Councillor Snow, seconded by Councillor P. Baker:

"THAT the rezoning of Lot 65R-L, Phase 4-L of the Lands of the Nova Scotia Housing Commission, located at 48 Lumsden Crescent, Lower Sackville, from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone be approved by Municipal Council."

Councillor Wiseman spoke against the motion, stating she has been dealing with the concerns of the residents of this area for the past five to six months, and they have been putting up with concerns of the deteriorating area. She expressed sympathy for Mr. and Mrs. Assaff and their situation. She stated they are law-abiding citizens, and when they heard their apartment is illegal, they had it vacated. However, other instances have not been handled so well. She felt others in the area feel the same sympathy and have respect for the applicants.

However, other rezonings in the area should not be precedent-setting. Others in the area have indicated if these two applications are approved, others will be forthcoming. She stated the residents moving into any home cannot be controlled, but the zoning can be controlled and planned.

Councillor Deveaux expressed appreciation for the Sackville Councillors' concerns, but people should not be penalized for problems which have arisen from illegal basement apartments. He concluded he would support the motion.

Councillor Lichter inquired as to how long the two illegal basement apartments in the area have been in existence. Mr. Wishart informed action was initiated in August, 1986 after complaints from area residents; the apartments have been in existence since before that time.

Councillor Lichter asked if anybody can believe that these apartments will not be in existence tomorrow or six months in the future, if this application is rejected. He stated he would not be prepared to punish Mr. and Mrs. Assaff because of the characters that have moved into the adjacent properties. He stated Mr. and Mrs. Assaff have taken action to correct their illegal apartment, but others have not even tried, and no action is being taken against them. He stated he would support the application to help people who are trying to be honest.

MOTION LOST - did not obtain the required majority vote of the whole of Council (9 FOR, 8 AGAINST)

Councillor McInroy suggested action be taken to pursue a contractual agreement for illegal basement apartments, and if the Court or the Municipal Board objects to this, they could take action against this kind of agreement. Councillor Lichter informed this suggestion has been to the Planning Advisory Committee numerous times, meeting with the Chairman of the Real Estate Board and others, in an effort to amend the by-law to allow this type of situation. However, there was no support from the majority of the Planning Advisory Committee.

Warden MacKenzie asked that this discussion be left to another meeting at another time.

APPLICATION NUMBER RA-24-50-86-09 REQUEST BY MARK DEVEAUX TO REZONE LOT DS-1, ESTATE OF JOSEPH PETTIPAS LOCATED ON FLYING POINT ROAD, UPPER LAWRENCETOWN FROM T (MOBILE HOME PARK) ZONE TO R-1 (SINGLE UNIT DWELLING) ZONE

Mr. Wishard identified the application and reviewed the staff report. He stated the area was zoned to R-1 in 1973, and in 1978 the single family home on the lot in question burned down. The property was then rezoned to T (Mobile Home Park) Zone to allow a mobile home to be placed here during economic hardships. The mobile home has since been removed from the property, and the lot has been purchased by the applicant to build a single family home on the site. Mr. Wishart

informed the rezoning would be in keeping with the both the surrounding zoning of the area and the land use and reflects the original zoning of the property. He recommended approval of this application.

Questions from Council

Councillor DeRoche inquired about parkland dedication with respect to this application, asking if this property is outside of the parkland dedication designation. Mr. Wishart advised he was not sure of the boudaries being discussed in the Lawrencetown plan, although the applicant did speak with the Planner for the Lawrencetown area to see if the planning process would be of assistance to him. It was understood that this site would be zoned to a residential zone, but the applicant did not have time to wait for approval of the plan because he wants to build his home. Councillor DeRoche commented that the Planner for the Lawrencetown area should have discussed this with Mr. Wishart because the same question was raised at a MPSC meeting with respect to this designation.

It was moved by Councillor DeRoche, seconded by Councillor Randall:

"THAT the rezoning of Lot DS-1 of the Lands of Joseph Garfield Pettipas, located at Upper Lawrencetown, from T (Mobile Home Park) Zone to R-1 (Single Unit Dwelling) Zone be approved by Municipal Council."

MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

It was moved by Councillor Fralick, seconded by Councillor C. Baker:

"THAT this public hearing adjourn."

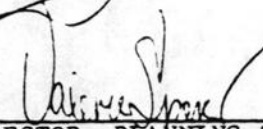
MOTION CARRIED

TO: Planning Advisory Committee
 FROM: Department of Planning & Development

DATE: 1986 10 13

Application No. RA-SA-42-86-20


 CAO


 DIRECTOR, PLANNING & DEVELOPMENT

RECOMMENDATION

THAT THE REZONING OF LOT 189-S, PHASE 8 OF THE LANDS OF THE NOVA SCOTIA HOUSING COMMISSION, LOCATED AT 37 SAMPSON DRIVE AT LOWER SACKVILLE, FROM R-1 (SINGLE UNIT DWELLING) ZONE TO R-2 (TWO UNIT DWELLING) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

Information

An application has been submitted by Ms. Dianne Robertson to rezone the property identified in Map 3 (p.3) to R-2 (Two Unit Dwelling) Zone. The purpose of the rezoning is to permit a basement apartment within the existing single unit dwelling.

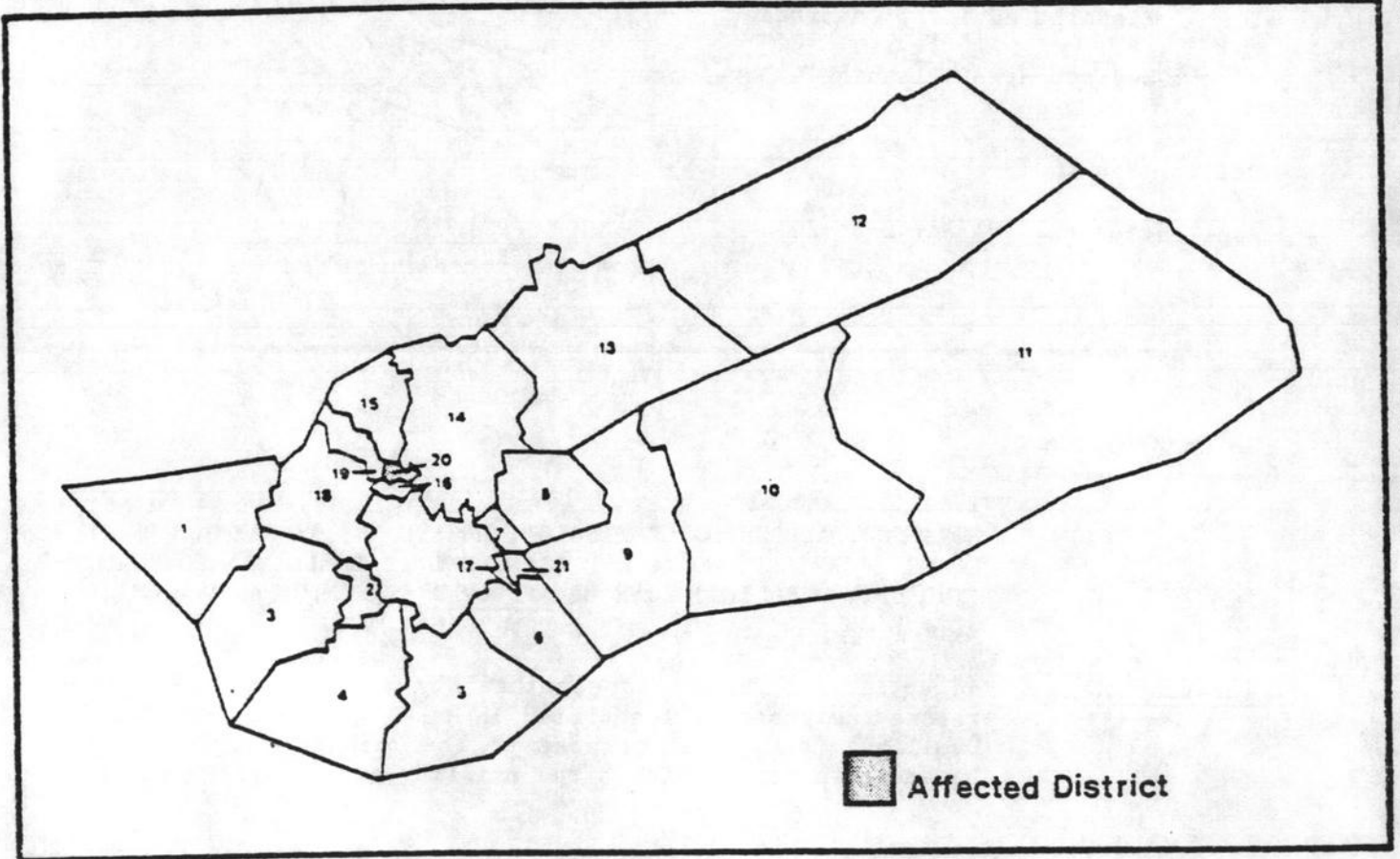
Description

MPS:	Sackville
Area:	6,300 square feet
Dimensions:	As illustrated by Map 3 (p.3)
Features:	Existing single unit dwelling

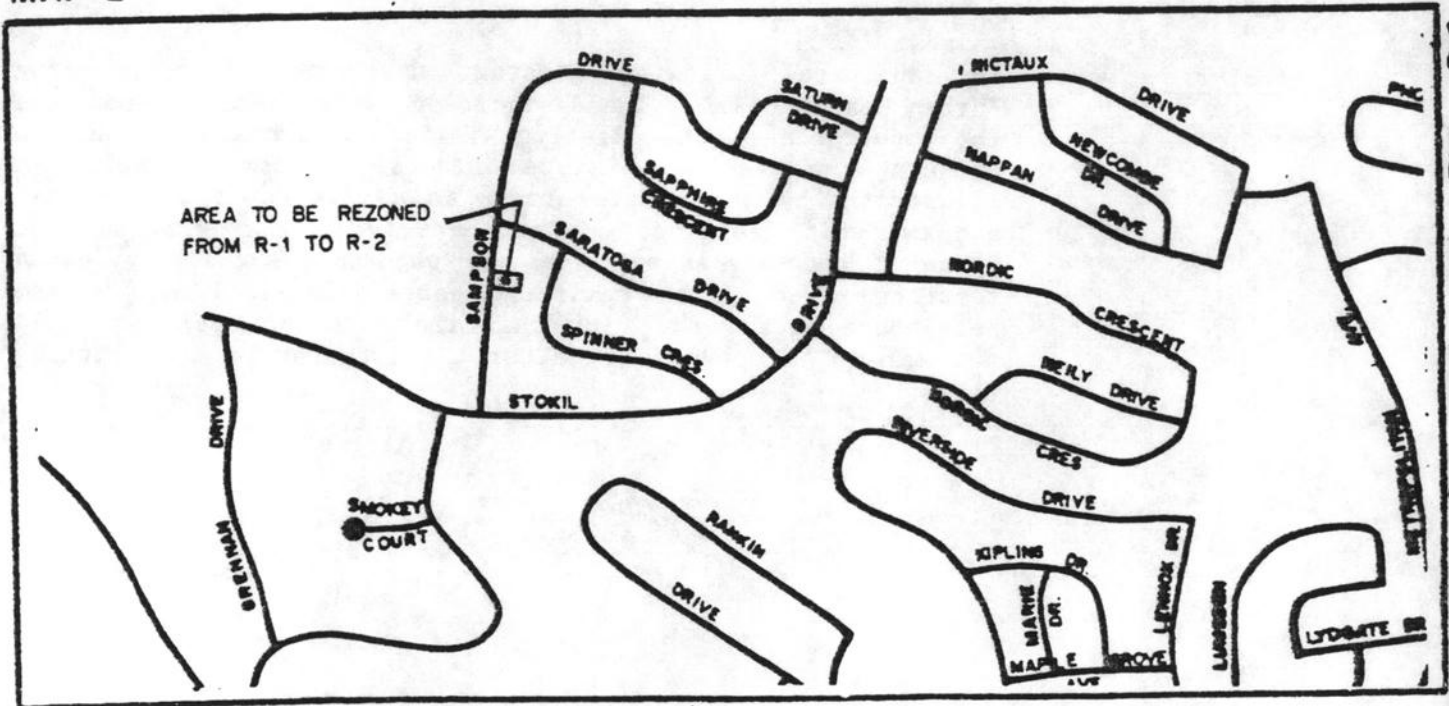
Analysis

The municipal planning strategy designates this property "Urban Residential". The designation is intended to recognize the importance of the existing single unit environment and to encourage an eventual mixture of housing accommodations. As illustrated by Map 3 (p.3) there is a mixture of single unit and two unit dwellings on Sampson Drive. The Department of Planning and Development has no objection to the proposed rezoning based on the existing pattern of land use in the neighbourhood and the fact that the basement apartment will not enlarge or physically alter the exterior of the existing home.

MAP 1

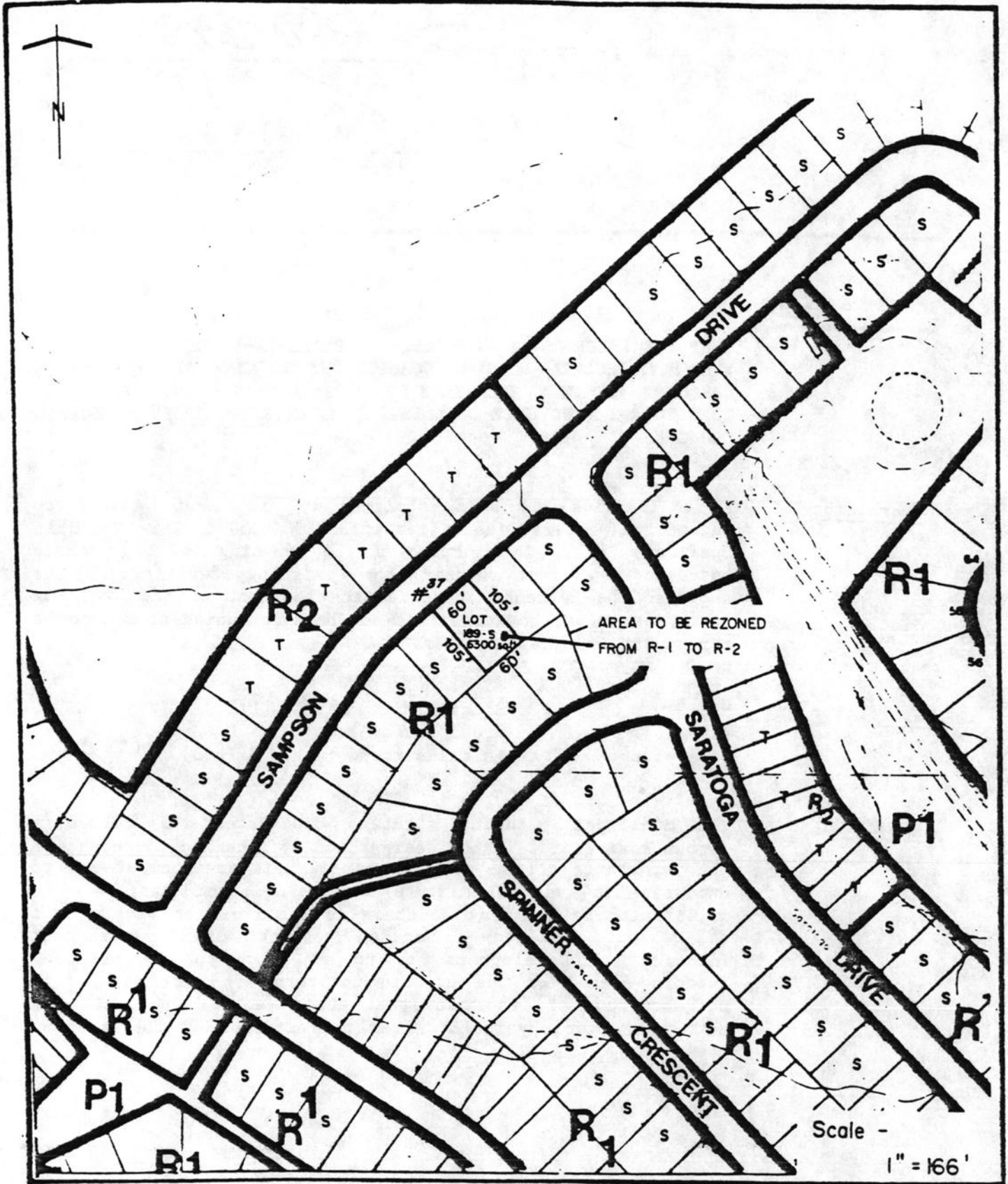


MAP 2



SURROUNDING LAND USES AND ZONING

MAP 3



TO: Planning Advisory Committee
 FROM: Department of Planning & Development
 DATE: 1986 10 13
 Application No. RA-SA-43-86-20


 CAO
 DIRECTOR, PLANNING & DEVELOPMENT

RECOMMENDATION

THAT THE REZONING OF LOT "65R-L", PHASE "4-L" OF THE LANDS OF THE NOVA SCOTIA HOUSING COMMISSION, LOCATED AT 48 LUMSDEN CRESCENT AT LOWER SACKVILLE, FROM R-1 (SINGLE UNIT DWELLING) ZONE TO R-2 (TWO UNIT DWELLING) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

Information

An application has been submitted by Mr. Azzatt Assaff to rezone the property identified in Map 3 (p.3) to R-2 (Two Unit Dwelling) Zone. The purpose of the rezoning is to permit a basement apartment within the existing dwelling. The applicant has already converted the basement of the dwelling to an apartment, however it is not being occupied or rented at this point in time.

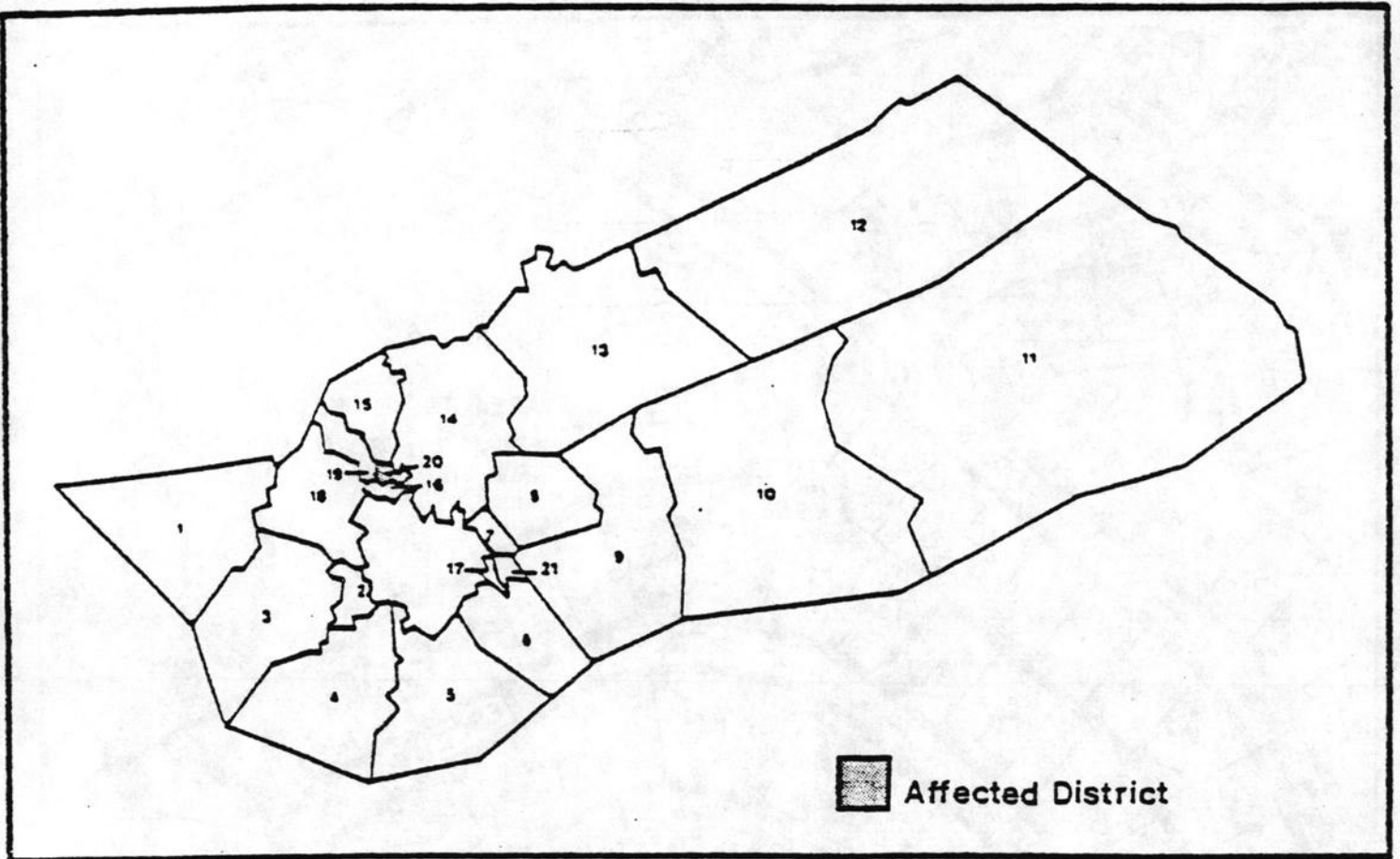
Description

MPS: Sackville
 Area: 8,055 square feet
 Dimensions: As illustrated by Map 3 (p.3)

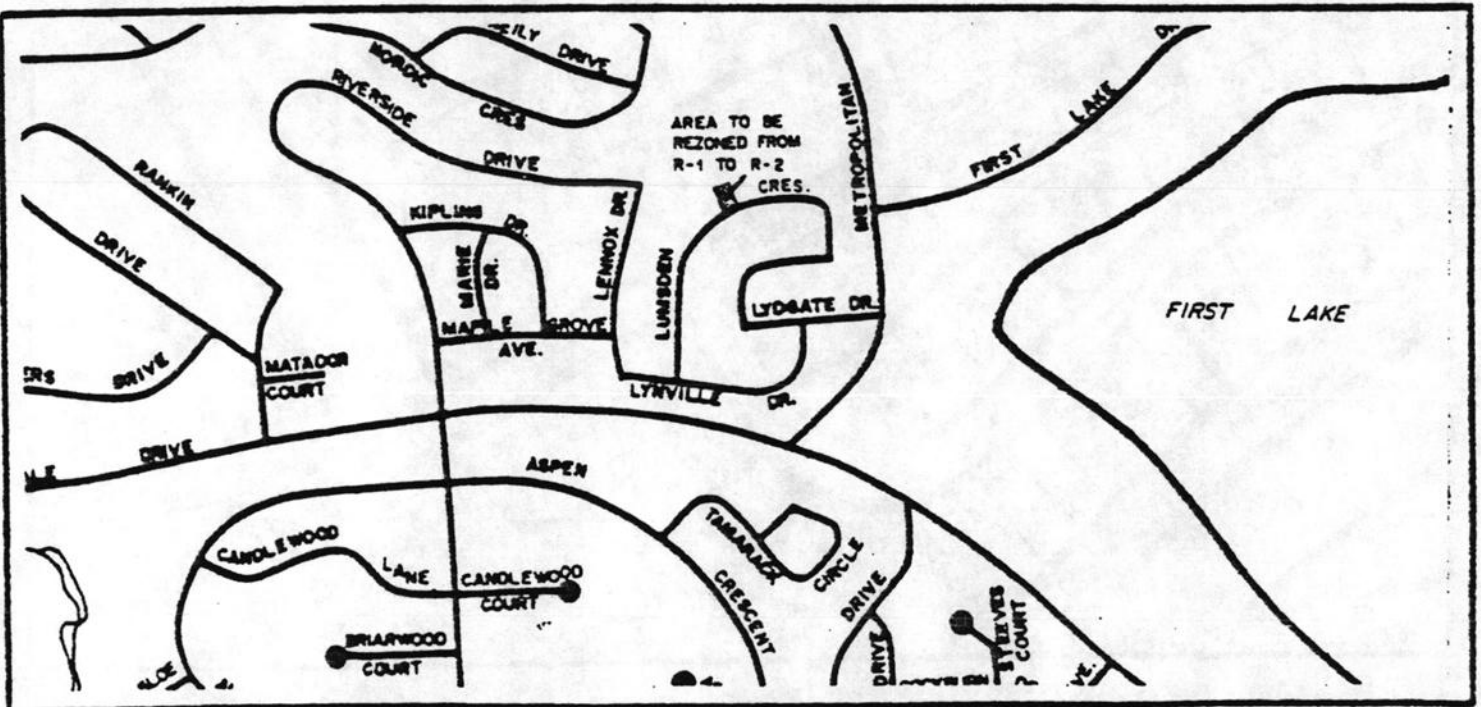
Analysis

The municipal planning strategy designates this property "Urban Residential". The designation is intended to recognize the importance of the existing single unit environment and to encourage an eventual mixture of housing accommodations. As illustrated by Map 3 (p.3) there is a mixture of single unit and two unit dwellings on Lumsden Crescent. The Department of Planning and Development has no objection to the proposed rezoning based on the existing pattern of land use in the neighbourhood and the fact that the basement apartment will not enlarge or physically alter the exterior of the existing home.

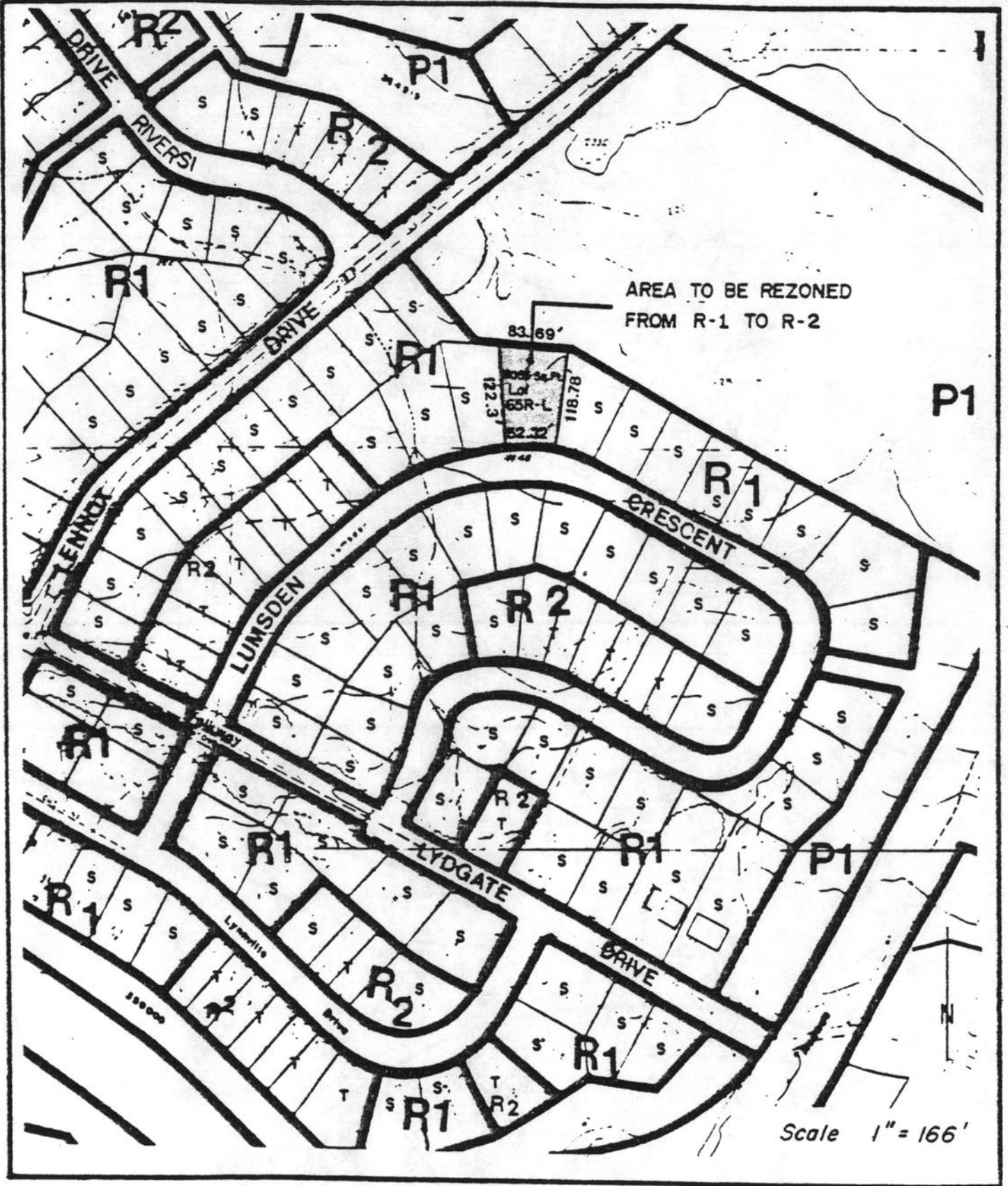
MAP 1



MAP 2



MAP 3



TO: Planning Advisory Committee
 FROM: Dept. of Planning & Development
 DATE: 1986 12 01
 APPLICATION NO. RA-24-50-86-09

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 CAO
 DIRECTOR, PLANNING & DEVELOPMENT

RECOMMENDATION

THAT THE REZONING OF LOT NO. DS-1 OF THE LANDS OF JOSEPH GARFIELD PETTIPAS, LOCATED AT UPPER LAWRENCETOWN, FROM T (MOBILE HOME PARK) ZONE TO R-1 (SINGLE FAMILY DWELLING) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

Information

An application has been submitted by Mr. Mark Deveau to rezone the lot identified on Map 3 (p.3) to R-1 (Single Family Dwelling) Zone. This property, and the surrounding area, was zoned R-1 in 1973. In February, 1978, the original single unit dwelling on the site was gutted by fire and, due to economic hardship, the owner at the time requested and received a rezoning in order to permit the location of a mobile home.

Description

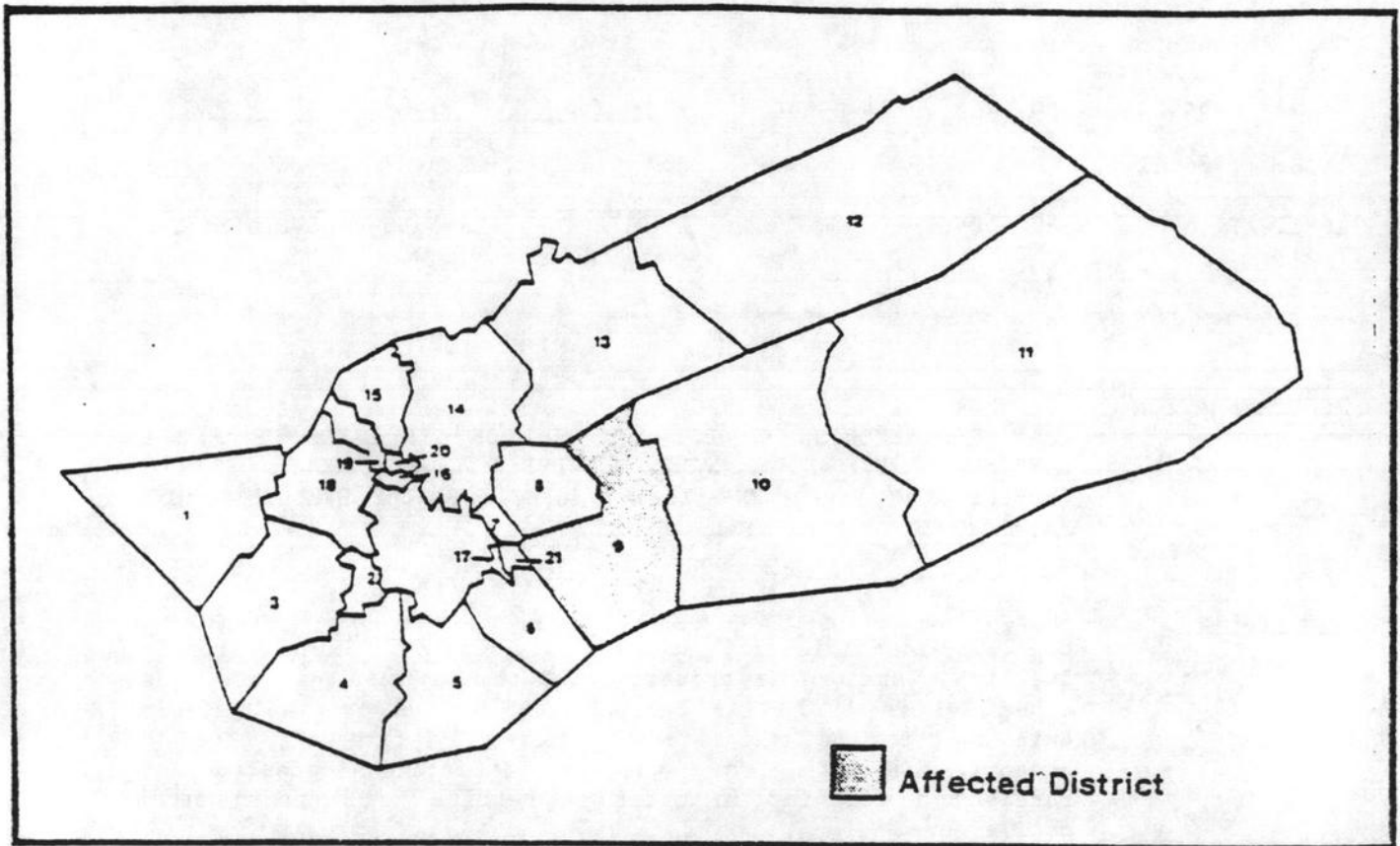
Area: 30,700 square feet.
 Dimensions: Map 3 (p.3).
 Features: Vacant.
 Surrounding Land
 Uses & Zoning: Map 3 (p. 3).

ANALYSIS:

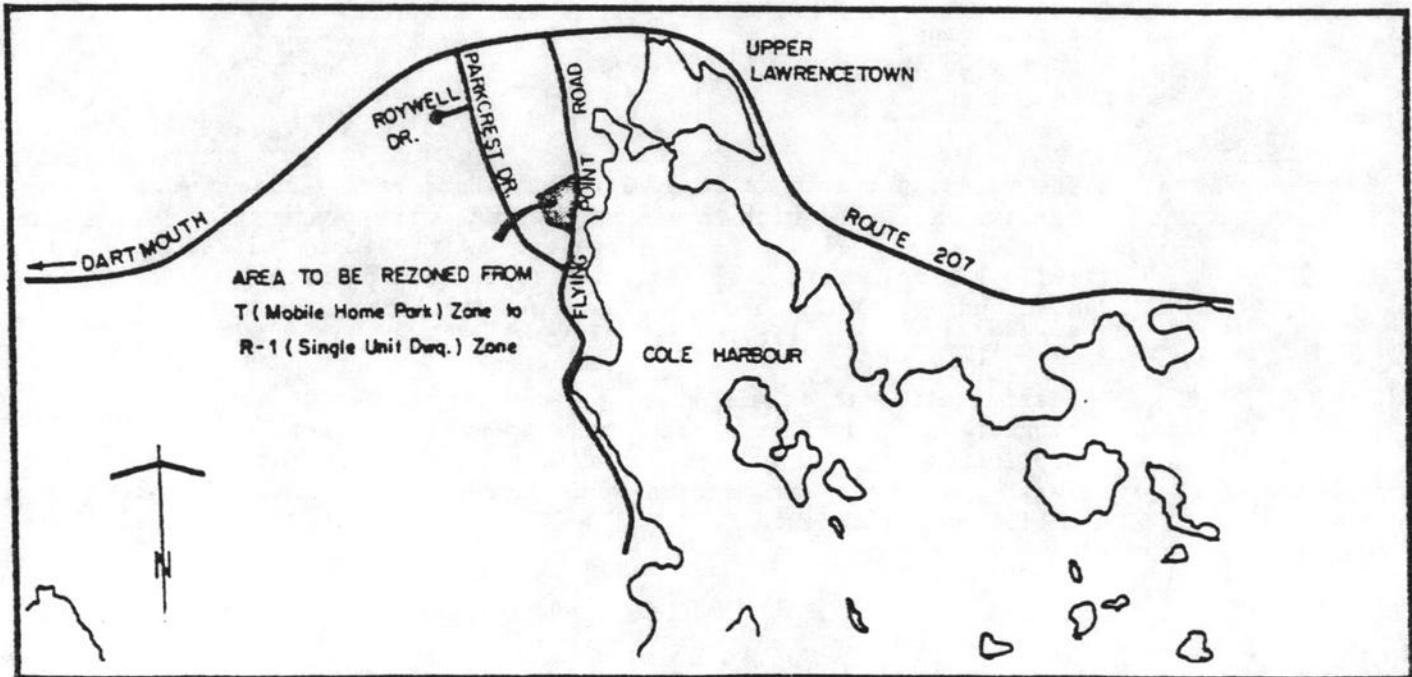
The vacant property is zoned T (Mobile Home Park) under Zoning By-law No. 24, which does not permit the construction of single unit dwellings. The present owner simply wishes to build a single unit dwelling which is in keeping with both the surrounding zoning and land use and reflects the original zoning of the property.

Staff consideration was given to amending By-law 24 to permit single unit dwellings in the T Zone as part of this application. However, the zone is primarily for mobile home parks and thus, this action would not be beneficial to most mobile home residents.

MAP 1

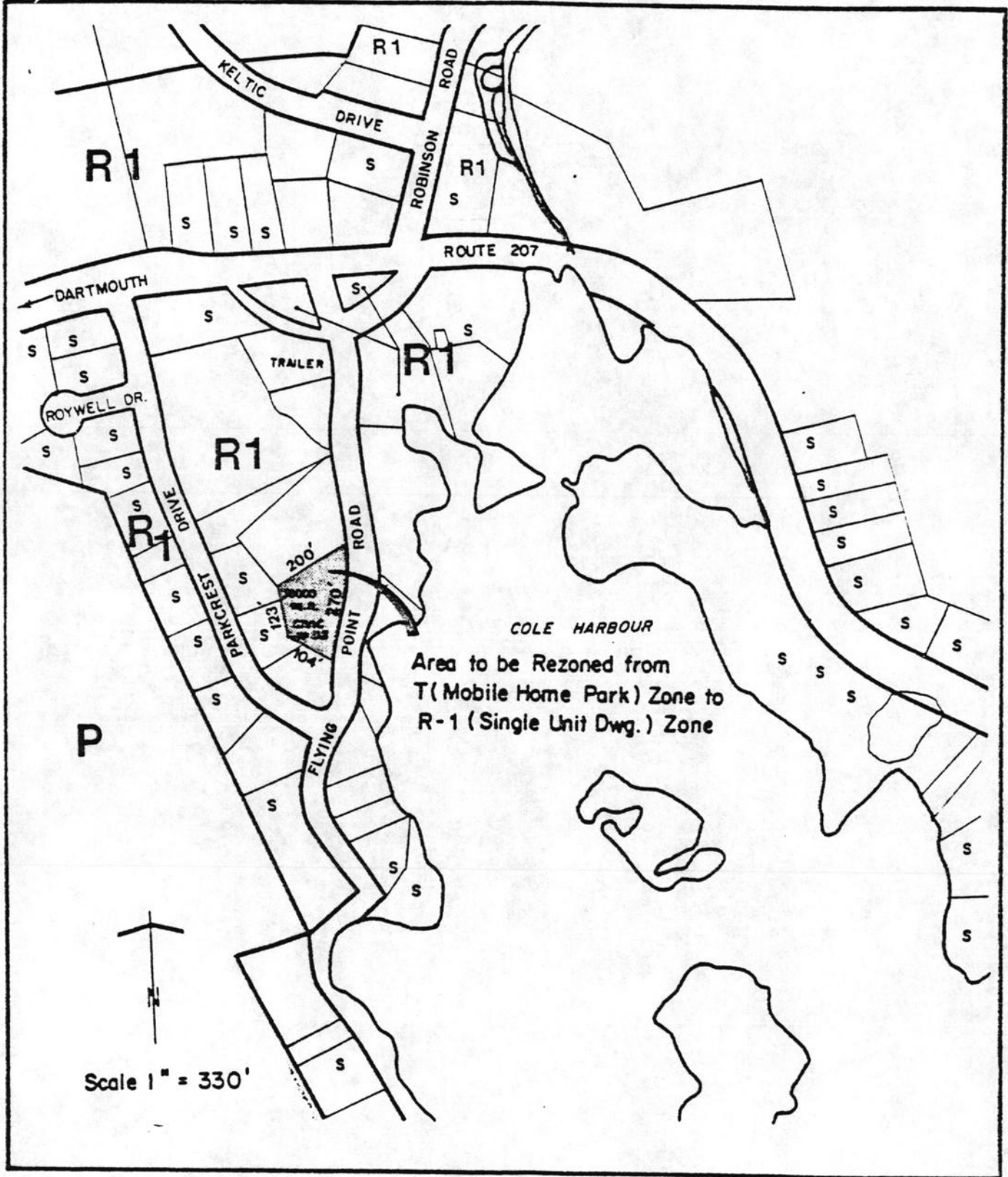


MAP 2



Surrounding Land Uses And Zoning

MAP 3



PUBLIC HEARINGS

FEBRUARY 23, 1987

PRESENT WERE: Warden MacKenzie
Councillor Walker
Councillor Rawding
Councillor Fralick
Councillor P. Baker
Councillor C. Baker
Councillor Deveaux
Councillor DeRoche
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor Merrigan
Councillor MacKay
Councillor McInroy
Councillor Eisenhauer
Councillor MacDonald
Councillor Wiseman
Deputy Warden Mont

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk
Mr. R.G. Cragg, Municipal Solicitor

SECRETARY: Glenda Higgins

Warden MacKenzie called the Public Hearings to order at 7 p.m. with the Lord's Prayer.

Mr. Kelly called the Roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor DeRoche, seconded by Councillor Deveaux:

"THAT Glenda Higgins be appointed Recording Secretary."
MOTION CARRIED

APPLICATION NO. PA-LM-12-86 - PROPOSAL TO AMEND THE MUNICIPAL PLANNING STRATEGY AND ZONING BY-LAW FOR THE COMMUNITIES OF NORTH PRESTON, LAKE MAJOR, LAKE LOON/CHERRY BROOK AND EAST PRESTON TO PERMIT TELECOMMUNICATION USES IN THE RESOURCE DESIGNATION BY DEVELOPMENT AGREEMENT

Mr. Wishart advised the Municipality received an application from Dartmouth Cable Television to erect 74 foot high tower in order to conduct a telephone paging business. He identified the site (Crane Hill Road) on the overhead projector, advising this is in the middle of the Resource Designation, which does not permit this use. The Resource Designation is the largest designation within this plan area, permitting a number of activities relating to the resource industry, as well as extractive facilities, uses supportive of resource areas, and commercial recreation activities by development agreement or rezoning. Mr. Wishart continued to review the staff report respecting this application, recommending approval of the amendments, so such towers will only be permitted through the development agreement process.

Questions from Council

None

Speakers in Favour of these Amendments

None

Speakers in Opposition to these Amendments

None

It was moved by Councillor Adams, seconded by Councillor DeRoche:

"THAT the amendments to the Municipal Development Plan for the communities of North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston to permit telecommunication uses in the resource designation by development agreement as shown in appendix "A" of the staff report be approved by Municipal Council."

MOTION CARRIED UNANIMOUSLY

It was moved by Councillor DeRoche, seconded by Councillor Randall:

"THAT the amendments to the Land Use By-law for the communities of North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston to permit telecommunication uses in the Resource Designation by development agreement as indicated in Appendix "A" of the staff report be approved by Municipal Council."

MOTION CARRIED UNANIMOUSLY

APPLICATION NO. DA-CH/W-09-86 - PROPOSED DEVELOPMENT AGREEMENT BETWEEN THE MUNICIPALITY OF THE COUNTY OF HALIFAX AND EDWARDS FINE FOODS LTD. TO PERMIT A DRIVE THRU TAKE-OUT WINDOW AT KENTUCKY FRIED CHICKEN OUTLET, COLE HARBOUR ROAD, COLE HARBOUR

Mr. Wishart identified the area in question on the overhead projector, noting the area is mainly commercial, although there is some residential development to the rear of the property. He outlined the staff report, advising the developer has reached an agreement with the nearby residents as to how the drive-thru can be best established in

the area. The Development Agreement requires that the developer construct a fence ten feet in height and of a type and design that will serve as a visual barrier to the abutting properties. Also the development agreement limits the hours of operation of the drive-thru window from 11 a.m. to 12 midnight. It also requires that an appropriate means of blocking the drive-thru be provided during off hours. The developer has also agreed to provide additional fencing and speed bumps if requested by affected abutting residents. Mr. Wishart noted that the trees and shrubs originally proposed will still be located next to the fence as an additional buffer. Mr. Wishart advised the Department of Transportation has expressed no objection to this development, although there are plans for an additional lane along the Cole Harbour Road in the future. He recommended approval of the development agreement.

Questions from Council

Deputy Warden Mont inquired about how long a car would be waiting for their orders, expressing concern about long lines of cars. Mr. Wishart advised this was discussed with the developer, and it is expected the time frame for a car at the drive-thru window is 2½ to 6 minutes. He stated there is room in the loading area for 10 to 12 cars. Deputy Warden Mont commented this could mean a long wait for customers at the back of the line.

Warden MacKenzie inquired about the location of the shrubs and trees. Mr. Wishart advised they would be located on the inside of the fence, facing the Kentucky Fried Chicken outlet. He stated these trees will provide additional buffering in terms of noise, and also to maintain the landscaping of the overall property.

Warden MacKenzie inquired about the time frame for construction of the fence. Mr. Wishart replied the fence must be built within 60 days of the issuance of the building permits to begin construction on the take-out window. The fence must also be maintained in a neat and tidy condition.

Upon questioning from Councillor McInroy, Mr. Wishart identified the location of the adjacent property owners who signed the letter of agreement. He noted one area appears to be a lot, but it is a drainage easement owned by Clayton Developments.

Speakers in Favour of this Development Agreement

Bill Frank, Edwards Fine Foods, informed a similar application was addressed and denied by Council one year ago. He stated at that time the agreement and development was not prepared as adequately as they should have been, and in the past year the objections to the original development have been addressed. He informed in September the residents of the affected area all signed a letter indicating an agreement had been reached, and they were willing to indicate they are in favour of the newly proposed development.

Mr. Frank advised the residents were approached about putting the planting on their side of the fence, but they felt it was better to have these on the Kentucky Fried Chicken side of the fence. The fence will be ten feet high, constructed of wolmanized lumber, and it will be placed to catch the lights of cars as they approach the drive-thru window. He felt a 12 car drive-thru will make Kentucky Fried Chicken the largest drive-thru circle in Halifax/Dartmouth in terms of capacity to handle customers. He stated some orders are processed in less than 30 seconds, while other orders may take as long as 15 minutes, and if somebody were in the line-up for 15 minutes, it would be no different than if they were in the store with their car parked outside for 15 minutes. He concluded his presentation, stating he is comfortable that the objections of the abutting property owners have been addressed after many discussions with them. He expressed appreciation to the County Planning Department for their support and direction in dealing with this matter. He stated this drive-thru is necessary to remain competitive in the industry, as there are at least six new drive-thrus in the area during the past year which are considered competition.

Questions from Council

Councillor DeRoche clarified that the only basic change in the present application and the one denied a year ago is the fencing. He stated the actual manner in which the cars will enter the lot and traverse through is unchanged. He asked how it is proposed pedestrians from the parking lot will make their way to the store. Mr. Frank identified two entrances to the store, and he stated two sections of the parking lot will be marked as crossing areas. The people will be required to walk in front of the drive-thru traffic, but this is a common occurrence in any drive-thru in the Cities of Halifax and Dartmouth.

Councillor DeRoche asked if it is anticipated this drive-thru may cost the outlet business. Mr. Frank indicated this is not anticipated; neither is it felt it will increase business. This development will simply allow the Kentucky Fried Chicken outlet to maintain the present level of business in competition with other fast food outlets with drive-thru windows.

Speakers in Opposition to this Development Agreement

None

It was moved by Deputy Warden Mont, seconded by Councillor Snow:

"THAT the proposed development agreement between the Municipality of the County of Halifax and Edwards Fine Foods Ltd., for the alteration of lands and premises being Lot C-2 of the Lands of Clayton Developments Limited, located at 960 Cole Harbour Road, Cole Harbour, be approve by Municipal Council with the condition that the fence be moved to the appropriate location as indicated by Mr. Frank."

MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

It was moved by Councillor Deveaux, seconded by Councillor DeRoche:

"THAT this public hearing adjourn."
MOTION CARRIED

M I N U T E S & R E P O R T S

O F T H E

S E C O N D Y E A R M E E T I N G S

O F T H E

F O R T Y - S E C O N D C O U N C I L

O F T H E

M U N I C I P A L I T Y O F T H E C O U N T Y O F H A L I F A X

M A R C H C O U N C I L S E S S I O N

T U E S D A Y , M A R C H 3 a n d 17 , 1987

&

C O M M I T T E E O F T H E W H O L E

M A R C H 20 , 25 , a n d 26 , 1987

&

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M A R C H 23 , 1987

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COUNCIL SESSION

MARCH 3, 1987

PRESENT WERE: Warden MacKenzie
Councillor Walker
Councillor Rawding
Councillor Fralick
Councillor P. Baker
Councillor C. Baker
Councillor Deveaux
Councillor Adams
Councillor Randall
Councillor Reid
Councillor Lichter
Councillor Merrigan
Councillor MacKay
Councillor McInroy
Councillor Eisenhower
Councillor MacDonald
Councillor Wiseman
Deputy Warden Mont

ALSO PRESENT: Mr. K.R. Meech, Chief Administrative Officer
Mr. G.J. Kelly, Municipal Clerk
Mr. R.G. Cragg, Municipal Solicitor

SECRETARY: Glenda Higgins

Warden MacKenzie called the Council Session to order at 6:05 p.m. with the Lord's Prayer.

Mr. Kelly called the Roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Walker, seconded by Councillor Fralick:

"THAT Glenda Higgins be appointed Recording Secretary."
MOTION CARRIED

APPROVAL OF MINUTES

It was moved by Councillor Deveaux, seconded by Councillor Randall:

"THAT the minutes of the Council Session, February 3, 1987 be approved as circulated."
MOTION CARRIED

It was moved by Councillor C. Baker, seconded by Councillor McInroy:

"THAT the minutes of the Public Hearings, February 9, 1987 be approved as circulated."
MOTION CARRIED

EMERGENCY AGENDA ITEMS

Deputy Warden Mont - Municipal Board Appeal

Councillor C. Baker - Federal Minister of Fisheries

Councillor Deveaux - Traffic Lights
- Burning By-law

LETTERS AND CORRESPONDENCE

Department of Transportation

Mr. Kelly reviewed this letter concerning proposed traffic lights at the intersection of Trunk 2 and Fall River Drive. The letter indicated the Department of Transportation does not consider traffic lights are necessary at this intersection, although conditions will be monitored.

Councillor Lichter informed that Councillor Snow asked him to pass the comment that he finds it rather unfortunate that several reported accidents (and possible serious accidents) must take place before traffic lights will be installed here. He suggested this should be brought to the attention of the new Minister of Transportation.

It was moved by Councillor Lichter, seconded by Councillor Fralick:

"THAT this item of correspondence be received."
MOTION CARRIED

It was moved by Councillor Lichter, seconded by Councillor MacKay:

"THAT a letter be written to the Minister of Transportation expressing regret that several serious accidents must take place anywhere in the Province before it is considered necessary to install traffic lights."

Councillor MacKay informed there is a point system which determines the need for traffic lights, with a number of points given for elevation of grade, an accident, a fatality, curves, etc. He stated there must be an accumulation of points before any action will be taken at any given location. He asked that the motion include a request to the Department of Transportation to review their point system for determining safety signals, traffic lights, etc.

Councillor Lichter agreed to incorporate this into the motion.

Councillor MacDonald also expressed concern about the manner in which determination is made for traffic signals. He felt a more logical approach should be used, i.e., traffic counts, etc.

Councillor Randall informed he would like the same concerns expressed about obtaining a crosswalk. He stated he was told he could not have a crosswalk near the school and senior citizen's home in Porter's Lake because there has not been an accumulation of points.

Councillor Lichter and Councillor MacKay agreed to include crosswalks in the motion. The final motion read:

"THAT a letter be written to the Minister of Transportation expressing regret that several serious accidents must occur in a given location, Province-wide, before it is considered necessary to install traffic lights and/or crosswalks; also that the Department be asked to review the point system for determining if traffic signals and crosswalks are necessary."
MOTION CARRIED

Department of Vocational and Technical Training

Mr. Kelly reviewed this letter respecting the announcement of project NOVA, an eight week program aimed at young people who have recently left school without graduating.

It was moved by Deputy Warden Mont, seconded by Councillor Eisenhauer:

"THAT this item of correspondence be received."
MOTION CARRIED

Proposal for Joint Federal/Provincial/Municipal Apprentice Program

Mr. Kelly reviewed the letter from the Mayor of Ville de Pierrefonds, indicating the FCM Board passed a resolution giving approval in principle to a program as indicated. The letter requested support by resolution to Members of Parliament, Provincial Members, and to the Minister of Employment and Immigration.

It was moved by Deputy Warden Mont, seconded by Councillor Fralick:

"THAT the matter of joint Federal/Provincial/Municipal apprentice program be referred to the Executive Committee."

Warden MacKenzie suggested the proposed program may be a replacement for the former Katimavik program.

MOTION CARRIED

DIRECTOR OF DEVELOPMENT REPORT

It was moved by Councillor Walker, seconded by Councillor C. Baker:

"THAT the Director of Development Report be received."
MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

Riverlake Ratepayers Association/Lockview Area Ratepayers Association

Mr. Kelly informed the report outlines the position of the two associations, after the respective chairmen of the Associations made a presentation to the Executive Committee. Mr. Kelly informed that Councillor Snow indicated his position to Executive Committee, being support for the Lockview Area Ratepayers Association and the establishment of two separate area rates.

It was moved by Councillor Lichter, seconded by Councillor Adams:

"THAT Council adopt Councillor Snow's recommendation of a Lockview Area Ratepayers Association as well as a Riverlake Ratepayers Association and the establishment of two separate area rates for the two associations."

Councillor Rawding informed at the Executive Committee level, it was determined this is a matter for Councillor Snow and his district to decide upon, and the Committee make no actual recommendation.

Deputy Warden Mont agreed with Councillor Rawding, stating although area rates are up to Council, the decision with respect to the two associations is up to the district Councillor. Therefore, Councillor Snow's recommendation was forwarded to Council for determination.

It was moved by Councillor Rawding, seconded by Councillor C. Baker:

"THAT the matter of the Riverlake Ratepayers Association and the Lockview Area Ratepayers Association be deferred to the next Council Session when Councillor Snow will be in attendance."

Councillor Lichter stated it was Councillor Snow's expressed wish to have this matter dealt with, as discussed with the Executive Committee. He felt there is no reason for deferral.

MOTION DEFEATED

ORIGINAL MOTION CARRIED

Request for General County Capital Grant

It was moved by Councillor P. Baker, seconded by Councillor Merrigan:

"THAT approval be granted for a General County Capital Grant in the amount of \$8,000 for improvement to the Waverley Ground Search and Research building."
MOTION CARRIED

Resolution - Withdrawal from Special Reserve Fund

Deputy Warden Mont declared a conflict of interest.

It was moved by Councillor Walker, seconded by Councillor Fralick:

"THAT Council approve the withdrawal of \$237,500 from the Special Reserve Fund for housing, Ocean View Manor."
MOTION CARRIED

1987 Dues - Union of Nova Scotia Municipalities

Mr. Kelly reviewed the report.

It was moved by Deputy Warden Mont, seconded by Councillor Rawding:

"THAT Council approve the 1987 dues to the Union of Nova Scotia Municipalities including the additional 8 percent voluntary contribution."

Councillor Walker clarified the Union is requesting a voluntary \$954 over and above the \$11,000 dues required. He noted Halifax County now pays approximately 10 percent of the Union's revenue from membership. Councillor Walker expressed objection to the voluntary contribution, noting Halifax County is paying roughly 40 percent of the dues between the four local municipalities. He stated Halifax County does not get the representation coherent to the area. He concluded stating the dollars is not the problem, but he expressed difficulty with the principal behind the request.

Warden MacKenzie noted Halifax County is the largest municipality in the Province, and he suggested the disipating activities of the Union must be considered for 1987. He stated the Union has been very active in the Formula Review Committee.

MOTION CARRIED

REPORT - REDISTRIBUTION COMMITTEE

Councillor Lichter noted the Rural Services Committee has submitted a supplementary report with respect to this matter. The report requested deferral of this matter in order for the Redistribution Committee to reconsider the boundary change for District 15.

There was much discussion about whether or not this report should proceed. Several Members of Council felt the matter should be deferred, giving Councillors the opportunity to review the report. Others felt the report should be reviewed by the Chairman of the Redistribution Committee for clarification purpose. After much discussion,

It was moved by Councillor Walker, seconded by Councillor Fralick:

"THAT the report of the Redistribution Committee be deferred to the next Session of Council."

MOTION DEFEATED

7 FOR

8 AGAINST

Councillor McInroy, Chairman of the Redistribution Committee, proceeded with the report. Mr. Lowerison, of the Planning Department, assisted with the presentation noting the boundary changes on the map and explaining each amendment. He informed the first boundary change is between Districts 3 and 18, relocating nine homes (near Stillwater Lake) to District 18 from District 3. This adjustment is near the corner of the Hammonds Plains Road and Highway 103. There has been some question as to where these residents belong, as they associate themselves with the Hammonds Plains area. Councillor Eisenhauer and Councillor Fralick have both concurred with this adjustment.

Mr. Lowerison informed that in the Community of Devon, District 13 there are 14 homes which are served by the Goffs Fire Department and are closer to the District 14 area. Therefore, the recommendation is to change the boundary for District 14 to include Devon.

Councillor McInroy informed there is a recommendation for a new district to replace the existing District 14. Mr. Lowerison outlined the proposed boundary changes on the map.

In the Sackville area there is a recommendation for two additional districts based on population, input from community groups, Councillors, and Planning staff. He informed the recommendation is as recommended by the Sackville Advisory Board with a couple of minor exclusions.

In the Cole Harbour area, it is now recommended there be one new district, as indicated on the plan. He informed this amendment was based on the understanding of the local Councillors, neighbourhoods, growth patterns, etc.

In conclusion to the report, Mr. Lowerison reported the 1986 census figures is slightly lower than the County's projection of its population. He informed the County estimated its population to be at 122,800, but the census figures show the County's population is actually 190,000+. Councillor McInroy noted the census figures are from June, 1986 so the estimate of 122,000 is probably more accurate. Councillor McInroy informed if there are to be future recommendations and decision with respect to redistribution, it would be helpful to have Councillor input as to how the Redistribution Committee should be dealing with proposed boundary changes.

Councillor Walker expressed difficulty with the manner in which the boundary changes are recommended. He felt if four seats are being added to Council, the entire County should be re-aligned, rather than focusing on particular areas.