

PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

M E M O R A N D U M

TO: Chair and Members of North West Planning Advisory Committee

FROM: Nathan Hall, Planning Intern

DATE: August 29, 2016

SUBJECT: **Case 20603: Application to amend the Beaver Bank / Hammonds Plains / Upper Sackville Land Use By-law to permit the subdivision of two existing semi-detached dwellings at 4/6 Majestic Avenue and 473/475 Beaver Bank Road**

Background: HRM has received an application from Trevor Adams to amend the Beaver Bank/ Hammonds Plains / Upper Sackville Land Use By-law in order to permit the subdivision of two existing semi-detached dwellings at 4/6 Majestic Avenue and 473/475 Beaver Bank Road (PID 41328139 & PID 41328121), (Attachments A and B).

Although semi-detached dwellings were permitted, subdivision along a common wall was not originally permitted under the Land Use By-law, and was not considered feasible until 1994 when centralized sanitary services were extended into the Beaver Bank and Tucker Lake Road areas.

The application proposes amending Section 11.8 of the Beaver Bank / Hammonds Plains / Upper Sackville Land Use By-law. The section arises from a public hearing held on September 30, 2004 by North West Community Council, at which a motion was passed to continue permitting the construction of semi-detached dwellings in the R-6 Zone and to allow the subdivision of existing semi-detached dwellings only (Case 00611; Attachment C).

Sites: The property at 4/6 Majestic Avenue is approximately 930 square metres (10,011 square feet) in area, with 32 metres (108 ft) of frontage on Majestic Avenue (Attachment B). The property contains a semi-detached dwelling that was permitted on July 26, 2012 (Permit #125290). Final building inspection was completed November 29, 2013.

The property at 473/475 Majestic Avenue is also approximately 930 square metres (10,011 square feet) in area, with about 24 metres (78 ft) of frontage on Beaver Bank Road (Attachment B). The property contains a semi-detached dwelling that was permitted on October 19, 2012 (Permit #127536). Final building inspection was completed on November 21, 2013.

Designation: MUA (Mixed Use A) Designation under the Beaver Bank / Hammonds Plains / Upper Sackville MPS (Map1)

Zoning: R-6 (Rural Residential) Zone under the Beaver Bank / Hammonds Plains / Upper Sackville LUB (Map 2)

Proposal: The proposal is to amend Section 11.8 of the Beaver Bank / Hammonds Plains / Upper Sackville Land Use By-law by changing the cut-off date that determines what semi-detached dwellings can be considered “existing” and are eligible for subdivision along the common wall. The proposal would change this date from May 13, 2004 to January 1, 2014 (Attachment A). **It has been determined that changing the date as per the proposal would affect only the subject properties at 4/6 Majestic Avenue and 473/475 Beaver Bank Road. No other semi-detached dwellings would be able to subdivide through this proposed LUB amendment.**

MPS Policy: There is no site specific policy to enable consideration of this amendment to the land use by-law, however it is within the policy scope for two unit dwellings and can be evaluated according to Policy P-137 of the Beaver Bank / Hammonds Plains / Upper Sackville MPS.

Community Engagement:

For this application, staff conducted a post-card notification to property owners within 30 metres of the subject properties. No comments have been received, although staff answered several questions of clarification on the application.

It is worth noting that during the consultation for Case 00611, the community expressed strong opposition to the development of semi-detached dwellings. The initial public information meeting held on August 25, 2003, prompted residents of Tucker Lake Road to petition for rezoning of the area to prevent any future development of semi-detached dwellings. A second public information meeting was held on November 6, 2003. Area residents indicated that the development of semi-detached dwellings was an unexpected and undesirable outcome of the 1994 service extension into the Beaver Bank and Tucker Lake Road areas. They were not supportive of either the development or the subdivision of demi-detached dwellings in the area.

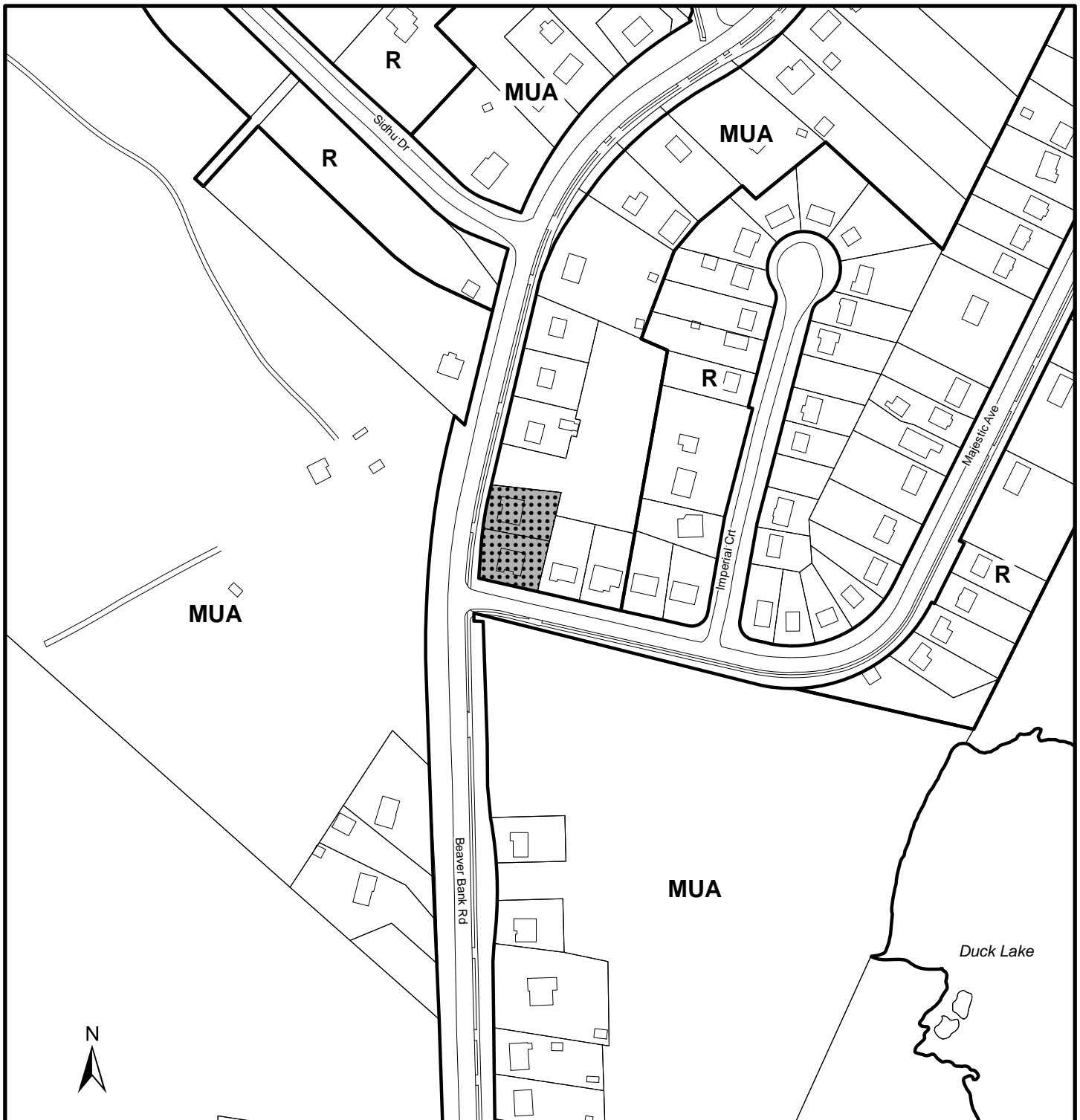
Input Sought from North West Planning Advisory Committee:

Feedback is sought from NWPAC relative to this proposed application. NWPAC's recommendation will be included in the staff report to Community Council.

Attachments:

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Attachment A	Application letter
Attachment B	Proposed site plan
Attachment C	Case 00611 staff report (May 14, 2004) ¹
Attachment D	Excerpt of minutes from public hearing (Case 00611, NWCC, September 30, 2004)

¹ Includes minutes from public information meetings held on August 25, 2003 and November 6, 2003



Map 1 - Generalized Future Land Use

4 - 6 Majestic Avenue &
473 - 475 Beaver Bank Road,
Beaver Bank

HALIFAX

 Subject Properties

Designation

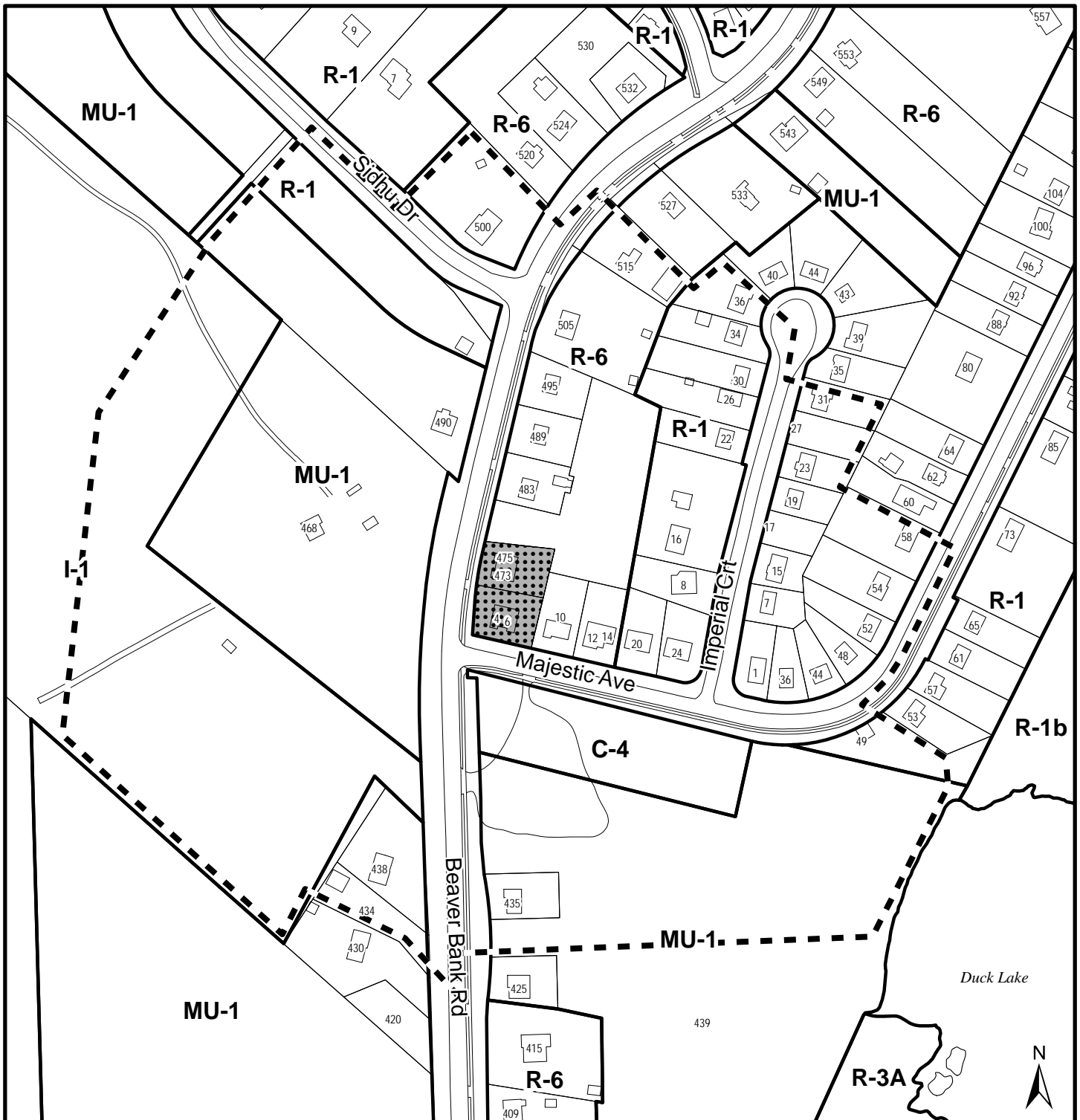
MUA Mixed Use A
R Residential

0 40 80 m

This map is an unofficial reproduction of
a portion of the Generalized Future Land
Use Map for the plan area indicated.

Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area


The accuracy of any representation on
this plan is not guaranteed.



Map 2 - Zoning and Notification

4 - 6 Majestic Avenue &
473 - 475 Beaver Bank Road,
Beaver Bank

 Subject Properties

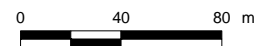
 Area of Notification

Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

Zone

- R-1 Single Unit Dwelling
- R-1b Auxiliary Dwelling with Home Business
- R-3A Mobile Home Park
- R-6 Rural Residential
- MU-1 Mixed Use 1
- C-4 Highway Commercial
- I-1 Mixed Industrial

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This map is an unofficial reproduction of
a portion of the Zoning Map for the plan
area indicated.

The accuracy of any representation on
this plan is not guaranteed.

October 27, 2015

Halifax Regional Municipality
7071 Bayers Rd
Suite 2005, Halifax, NS

Dear Sir or Madam,

Re: Application for Land Use Bylaw Amendment
4/6 Majestic Ave and 473/475 Beaver Bank Rd
Beaver Bank, NS

On behalf of Adolles MacDougall, Mark and Lois Ells, and myself, please find enclosed our application for amending the land use bylaw for Beaver Bank, Hammonds Plains and Upper Sackville to allow the subdivision of existing semi-detached dwellings. The subject properties are located within the Plan Area for Beaver Bank, Hammonds Plains and Upper Sackville.

Figure 1 illustrates the subject properties in the context of the surrounding property zoning.

Subject Properties

Civic Address	PID	Building Permit Issue Date	Tenancy
4/6 Majestic Ave.	41328139	2012	Both units owner occupied
473/475 Beaver Bank Rd.	41328121	2012	One unit owner occupied, one unit leased

Background

The properties were developed as two-unit dwellings in accordance with the R6 zoning requirements of the Land Use Bylaw. The application to amend the LUB is being made with the goal of allowing subdivision of the properties along the common wall between the semi-detached dwelling units. This would allow the option of purchasing and selling the properties individually rather than one two-unit dwelling.

In 2004, Council approved an amendment to the Land Use Bylaw allowing the subdivision of semi-detached dwellings built prior to May 13, 2004 after a lengthy planning application process (Case 00611).

Based on the minutes of the public meetings, it appears that the main concern was that some local residents were opposed to the possibility of large numbers of semi-detached dwellings being constructed in areas of existing single family dwellings.

Proposed LUB Revisions

One option, which HRM staff reviewed under Case 00611, is revising the R6 zoning requirements to allow all semi-detached dwellings to be subdivided. Unless public opinion has changed significantly since 2004, this will likely not be acceptable to the public.

We propose the amendment of section 11.8 "Exemption: Existing Semi-Detached Dwellings" to revise the date of May 13, 2004 to January 1st 2013. This option would allow only the small number of semi-detached dwellings constructed in the last 9 years to be subdivided and still provide control over the large scale development of semi-detached dwellings, which was the main concern in 2004.

Also enclosed is the site plan depicting the proposed subdivision as well as the front elevation drawing for the buildings.

If you have any questions or require any further information, please call at your convenience.

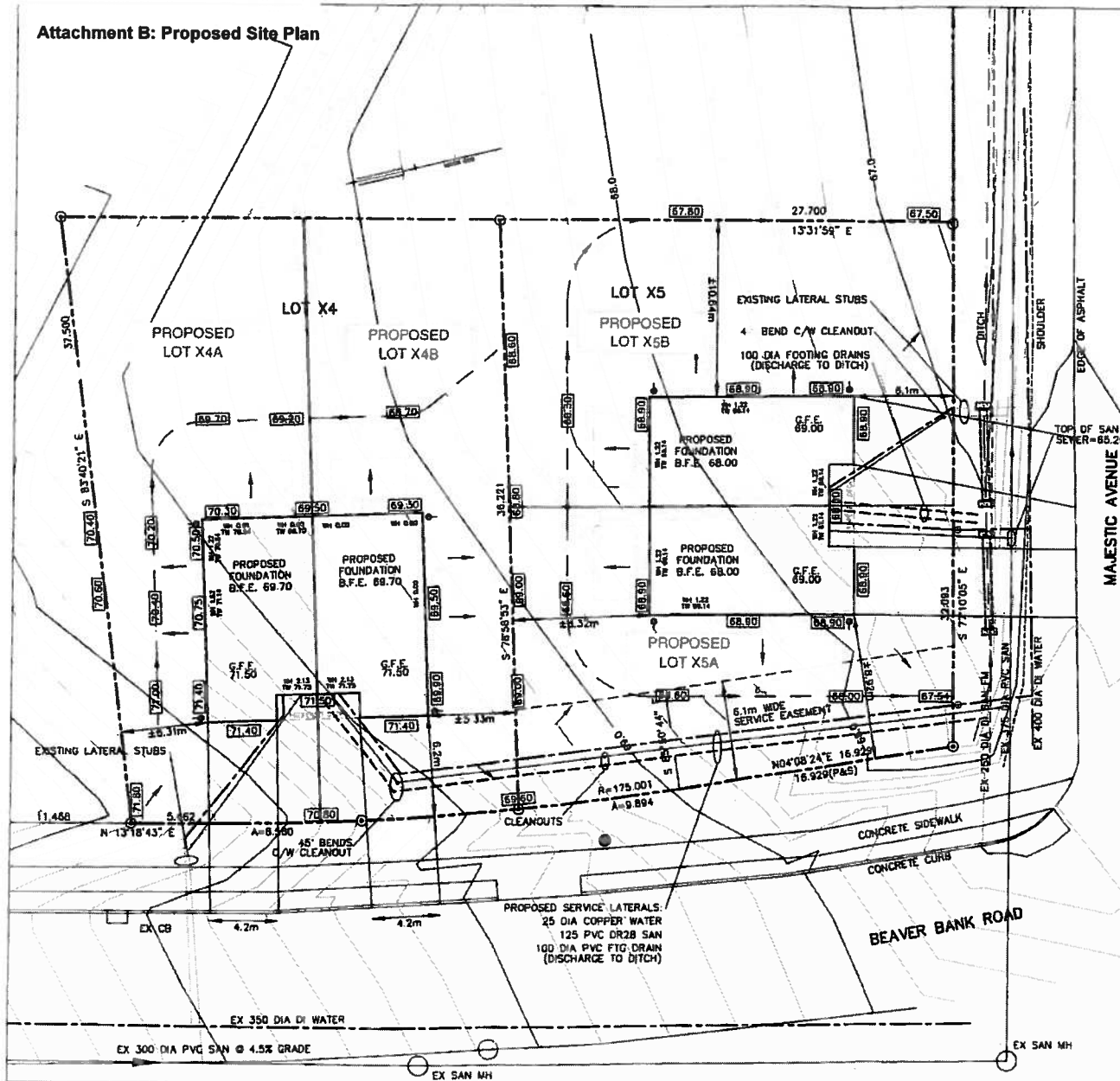
Yours truly,

Original Signed

A: Trevor Adams, P.Eng.

ATA/mtm

Attachment B: Proposed Site Plan



NOTES:

- 1) LANDSCAPING MUST BE PERFORMED IN SUCH A WAY TO ENSURE POSITIVE DRAINAGE OF STORMWATER FROM AROUND DWELLING.
- 2) SERVICE LATERALS MUST BE EXPOSED PRIOR TO EXCAVATION FOR FOOTING TO ENSURE A PROPER CONNECTION CAN BE MADE TO DWELLING.
- 3) MINIMUM VERTICAL DISTANCE FROM TOP OF FOUNDATION WALL TO GRADE TO BE 0.7' (0.21m) EXCEPT AT GARAGE ENTRANCES.
- 4) CONTRACTOR TO VERIFY FOUNDATION DIMENSIONS SHOWN WITH BUILDING PLANS PRIOR TO CONSTRUCTION.
- 5) CONTOURS ARE BASED ON TOPOGRAPHICAL SURVEYS WITH AN INTERVAL OF 0.2m AND REPRESENT EXISTING GRADES PRIOR TO HOUSE CONSTRUCTION.
- 6) ALL DISTURBED AREAS TO BE FINISHED WITH EITHER GRAVEL, ASPHALT OR TOPSOIL AND SOD, UNLESS OTHERWISE INDICATED.
- 7) IF UNUSUAL OR UNANTICIPATED SITE CONDITIONS ARE ENCOUNTERED DURING CONSTRUCTION, THE BUILDER SHALL ADVISE THE DESIGNER IMMEDIATELY.
- 8) DOWNSPOUTS TO DRAIN ONTO SPLASH PADS.

Legend

X 100.2	Existing Ground Elevation
---	Proposed Lateral Trench
---	Finished Grade
B.F.E.	Basement Floor Elevation
→	Drainage Direction
D/W	Driveway
---	Sewer
---	Curb
---	Centreline
---	Driveway Opening
WH	Wall Height
95	Existing Contour
TW102.0'	Top of Wall Elevation
DS	Proposed Downspout
---	Undisturbed Area
⊕	Water Valve
□	Catch Basin
⊕	Fire Hydrant
⊕	Manhole

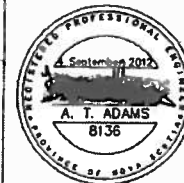
MUNICIPALITY USE ONLY:

- 1) APPLICATION FOR GRADING PERMIT
- 2) PERMISSION IS GRANTED TO COMPLETE THE LOT LOT GRADING AND DRAINAGE WORK IN COMPLIANCE WITH THIS PLAN AND THE LOT GRADING BY-LAW.

APPLICANT: _____ ENGINEER: _____
 DATE: _____ DATE: _____
 BUILDING PERMIT #: _____ CONDITIONS: _____

LOT GRADING PLAN

TO: DOLLY MACDOUGALL & MARK ELLS
 RE: LOT X4 & X5 BEAVER BANK ROAD
 BEAVER BANK, HALIFAX COUNTY, NOVA SCOTIA



KVM
 CONSULTANTS LIMITED

51 Cobeguid Road, Lvr Sackville, NS
 Phone (902)864-2267 Fax (902)864-3632
 E Mail: KVMconsultants@eastlink.ca

Drawn: ATA

Scale: 1:250

Date: OCTOBER 15, 2012

502

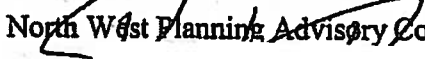
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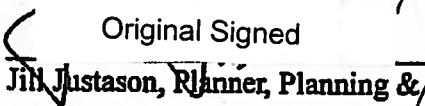


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
June 02, 2004

TO: North West Planning Advisory Committee

SUBMITTED BY:  Original Signed
Paul Dunphy, Director of Planning & Development Services

 Original Signed
Jill Justason, Planner, Planning & Development Services

DATE: May 14, 2004

SUBJECT: Case 00611 - Amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville

ORIGIN

- North West Community Council motion of July 30, 2003 requesting staff to initiate Land Use By-law amendments for Beaver Bank, Hammonds Plains and Upper Sackville to consider subdivision of two unit dwellings along a common wall.
- North West Community Council motion of August 28, 2003 requesting staff to initiate amending the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville respecting the permitted land use of two unit dwellings in the Tucker Lake Road area.

RECOMMENDATION

In respect to amendments concerning semi-detached dwellings in the Beaver Bank area, staff recommends North West Community Council:

- (1) Give First Reading to proposed amendments, and schedule a public hearing for June 24, 2004. The proposed amendments would:
 - a) Remove semi-detached dwellings as a permitted use in the Land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville; and
 - b) Permit subdivision of existing semi-detached dwellings, pursuant to the attached amendments (Attachment 3).
- (2) Approve the proposed amendments to the Land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville shown in Attachment 3.

BACKGROUND

- On July 30, 2003, North West Community Council adopted a motion requesting staff to initiate amendments to the Land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville to permit the subdivision of two unit dwellings along a common wall.
- This request was in response to the construction of a semi-detached dwelling by Rines Construction Limited on a property in Beaver Bank (PID # 41103284).
- The initial public information meeting on this matter prompted residents of the Tucker Lake Road to petition for rezoning of the area to prevent any future development of semi-detached dwellings.
- On August 28, 2003, North West Community Council adopted a motion requesting staff to initiate amendments to the Land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville to prohibit two unit dwellings along Tucker Lake Road.

Public Participation:

The first public information meeting was held on August 25, 2003 which precipitated the second motion of NWCC. A second public information meeting was held on November 06, 2003. Minutes from these meetings are included as Attachments 1 and 2 of this report.

DISCUSSION

The land use by-law for Beaver Bank, Hammonds Plains, Upper Sackville permits two unit dwellings in the R-6, MU-1, and C-2 Zones as of right. Further, a two-unit dwelling is defined in the LUB as *"a building containing two (2) dwelling units."* This includes any type of two unit building, such as basement apartments, duplexes, and semi-detached dwellings.

Although semi-detached dwellings are permitted under the Land Use By-law, subdivision of semi-detached dwellings along a common wall, normally a routine procedure, is not permitted. Subdivision was not considered feasible at the time the land use by-law was adopted as centralized sanitary services were not available then. Consequently, no provision was made to facilitate subdivision of semi-detached units.

In 1994, the Service and Development Boundary for Sackville was expanded to include the Woodbine Mobile Home Park. The Beaverbank and Tucker Lake Road areas were also included in the service boundary and centralized water and sewer services have been extended to the area, making the development of semi-detached dwellings more practical. However, area residents have indicated that the development of semi-detached dwellings is an unexpected and undesirable outcome of the service extension.

Issues

During the public information meeting concern was expressed regarding the appearance of semi-detached dwellings. This housing form is characterized by having two front entrances, two driveways, and dual facades. This is in contrast to other forms of two unit housing, such as dwellings having basement units which normally do not exhibit any external characteristics or qualities which distinguish them from a single unit dwelling. A duplex dwelling, often characterized by "over and under" units may have similar external characteristics to a semi-detached dwelling. However, the key difference between a semi-detached dwelling and a duplex dwelling is the ability to subdivide. A duplex is unable to be subdivided while a semi-detached dwelling may be capable of being subdivided along a common wall.

Area residents do not support the development and subdivision of semi-detached dwellings. Therefore, an amendment to permit the development and subdivision of semi-detached dwellings would not be viewed positively in the area.

Existing Semi-Detached Dwellings

Rines Construction Limited have constructed a semi-detached dwelling at 855 Beaver bank Road (PID# 41103284), in Beaver Bank. The dwelling was built in accordance with the current zoning as a two-unit dwelling. Mr. Rines was advised by the Development Officer that a subdivision along the common wall would not be permitted. However, upon completion of construction, Mr. Rines requested a subdivision of the existing semi-detached dwelling which prompted the NWCC to initiate action.

The semi-detached dwelling is an existing permitted land use. The request to subdivide the semi-detached dwelling would not result in any aesthetic changes as the building already exists.

Summary

In light of the fact that Rines Construction obtained a valid permit to construct the semi-detached dwelling which prompted this application, it would be reasonable to make some accommodation for their building to be subdivided in order to enable each unit to be owner-occupied. At the same time, however, provision should be made in the land use by-law to prevent a proliferation of semi-detached dwellings which is clearly opposed by the community.

Conclusion

Staff therefore recommends that the Land Use By-law be amended to:

- a) permit existing semi-detached dwellings to be subdivided along a common party wall, subject to minimum lot requirements established under the Land Use By-law; and
- b) remove semi-detached dwellings as an option wherever two unit dwellings are listed in the Land Use By-law as a permitted use.

The recommended by-law amendments are provided as Attachment 3 to this report.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. Approve the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law. This is the staff recommendation.
2. Refuse to amend the Land Use By-laws to remove semi-detached dwellings as a permitted land use. This course of action is not recommended as the proposed amendments are consistent with the Municipal Planning Strategy.

ATTACHMENTS

Attachment 1 -	Minutes from August 25, 2003 Public Information Meeting and
Attachment 2 -	Minutes from November 6, 2003 Public Information Meeting.
Attachment 3 -	Proposed Amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Jill Justason, Planner 869-4747

Attachment 1

**HALIFAX REGIONAL MUNICIPALITY
PLANNING SERVICES - SACKVILLE OFFICE
PUBLIC INFORMATION MEETING
CASE NO. 00611**

**7:00 p.m.
Monday, August 25, 2003
Fenerty Room, Acadia School**

STAFF: Thea Langille-Hanna, Planner
Cara McFarlane, Administrative Support

OTHER: Councillor Johns

**MEMBERS OF
THE PUBLIC:** 38

The meeting commenced at approximately 7:02 p.m.

1. INTRODUCTIONS - THEA LANGILLE-HANNA

Thea Langille-Hanna introduced herself as the Planner assigned to this application; Brad Johns, Councillor for District 19; and myself, Cara McFarlane, taking the minutes for this public information meeting.

Ms. Langille-Hanna gave an overview of the planning process and where this application stands now. The public information meeting is the first step of the process. Planning Staff has been asked to look at the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as it relates to two-unit dwellings in serviced areas.

Ms. Langille-Hanna explained that most of the Beaver Bank area is now being serviced with both Municipal water and septic in specific areas (outlined in green on the wall map and overhead). Prior to servicing the Beaver Bank area, lots were serviced with on-site septic and well. The zoning and the land use provisions reflect that. Larger lots with more frontage were needed so that they could accommodate the septic field. However, now Municipal services are being provided in the Beaver Bank area.

Currently there are three zones in the Beaver Bank area (identified on overhead and wall map) where a two unit dwelling can presently be built as-of-right. These zones are MU-1, R-6, and C-2 Zones. Because this area had never been serviced there is no ability of subdividing a two unit dwelling. Reason being the distance and lot size required for septic fields. A property must have its own septic field and well.

Joe Hefler, 248 Tucker Lake Road, asked if you could subdivide an existing building. Could a single family dwelling be reconstructed and then re-subdivided to a duplex if this proposal goes through? Ms. Langille-Hanna explained that presently you cannot subdivide because you have to have your own well and septic.

Ms. Langille-Hanna explained that Council has asked staff to look at the possibility, in serviced areas, to allow a property line to run down the middle of a property so that both sides of the duplex could be sold separately. This is typical for duplexes (semis) located in areas where there are Municipal services (i.e. Bedford and Sackville). The question this evening is...does it make sense to look at the areas where two unit dwellings are permitted should they be allowed to subdivide? It does not create any additional unit. Lot frontages or sizes will not be reduced. If you are going to build a two unit dwelling, rather than leaving it on one property and having to rent it, should we allow someone to subdivide it so they could either live in one side and rent the other or sell both sides.

Barrie Cooper, 215 Tucker Lake Road, is concerned that this will open it up for developers to build with a 50 foot road frontage. Ms. Langille-Hanna explained that if this provision is approved by Council, the only places it would apply is on properties that are zoned MU-1, R-6, or C-2, in Beaver Bank area, and serviced with Municipal water and sewer. There is little opportunity for someone to come in and build a large subdivision. Yes, each unit would have 50 feet, but the original lot has to have 100 feet. This is the way it is today.

Staff has to make sure that additional lots are not allowed because the Beaver Bank area was very specifically calculated in order to provide Municipal services. There are capacity issues at the treatment plant at Mill Cove in Bedford, which is where the sewer goes. We also have some capacity restrictions along Sackville Drive in the trunk sewer. Therefore, staff has to be very cautious in any recommendations that are made.

2. QUESTIONS AND COMMENTS

Gail Sklapsky, 223 Tucker Lake Road, asked if the Beaver Bank By-Pass is still moving forward. If so, there would be plenty of room for development in that area. Ms. Langille-Hanna explained that the connector is a Provincial initiative, but the area is outside of the serviceable area; therefore, this proposed provision would not apply. Also, the area in question is zoned R-1 and two unit dwellings are not permitted. Ms. Sklapsky asked about traffic control for the length of the Tucker Lake Road. Would there have to be a traffic study done on that? Ms. Langille-Hanna said that before property is approved and a permit is issued to build on that property, it is reviewed by a number of different agencies, both internal and external. The engineering department would review for driveway placement, stopping distance, etc. An overall study is not believed to be considered at this time just individually as lots come in. Ms. Sklapsky would like to have more information on that issue.

Mr. Cooper asked if there would be less applications with the area as it is today if this provision is approved by Council. Ms. Langille-Hanna explained that this application is the result of an inquiry. The question came up as to why Beaver Bank is different than the other plan areas. Developers have

the option now to come in and build duplexes without subdividing the property. The Municipality cannot regulate whether the unit is rented or owned. The Municipality looks at the use on the land, a two unit dwelling. Ms. Langille-Hanna indicated that it is difficult to speculate if there would be an increase in the number of units. The use is presently permitted and there is not a significant amount of vacant property.

Dennis Gudger, 313 Tucker Lake Road, mentioned that their area is different because it is in the suburbs. He is concerned that the large parcel of land outside of the serviceable boundary could be easily changed. Ms. Langille-Hanna stated that the service line cannot be changed quickly nor easily. This is a common request, but cannot be easily changed. Some take well into a year to even consider and due to capacity issues most have been refused to this point. Mr. Gudger asked if the person who has requested this revision is interested in buying the land. Ms. Langille-Hanna had no knowledge of this. Mr. Gudger suggested the reason for the public attendance should be to rezone that area to R-1. Councillor Johns explained that in some areas they want those zones as traditionally they are over and unders. A lot of times in R-6 Zones a second basement unit is permitted. In an R-1 you are not allowed to have the second dwelling. This is the reason why some areas pushed for the R-6 Zone. Certainly consideration can be given to rezoning the area to R-1, but there are areas that are zoned R-1 that would prefer to be R-6 and it is harder to accomplish that. Mr. Gudger asked if 75 feet is the distance when water and sewer are put in. Councillor Johns explained that they put them in at whatever the zoning for the property allowed is. R-6 Zone is 75 feet whereas R-1 Zone is 60 feet.

Mr. Hefler, asked for clarification on re-subdividing his own lot. Ms. Langille-Hanna explained that you can only subdivide down to the extent in which the land use by-law permits. The MU-1 Zone permits a frontage of 100 feet. Presently duplexes are allowed on that area, but if this application is approved the property could be subdivided to allow separate ownership.

Cheryl McKillop, 292 Tucker Lake Road, said that service is marked along the MU-1 Zoned property along Tucker Lake Road at every 75 feet. Therefore, she believes that it makes the number of services 12. Could that 100 feet of frontage (required in MU-1 Zone) become 75 feet once the services are put in? Ms. Langille-Hanna said that it could only be done with a change to the document. She believes that the reasoning for the 75 foot markers is probably because the other side of the road is zoned R-6 and in that particular zone 75 feet of frontage is required; therefore, they went with the 75 feet as apposed to the 100 feet to match the other side of the road. Ms. McKillop asked if the individual owners of the duplexes would be allowed to put a separate in-law suite. Ms. Langille-Hanna said they would not. Ms. McKillop also expressed a concern about traffic. Ms. Langille-Hanna reiterated that the traffic would not increase anymore than for what is permitted there now. The same number of houses are permitted in that area now as will be if this proposed provision is approved.

Hinka Chapman, 150 Tucker Lake Road, expressed that having this application go through would make the MU-1 Zone parcel of land on Tucker Lake Road more attractive to developers. Ms. Langille-Hanna agreed that it could be possible.

Mr. Cooper asked if the change could be stopped if there is not enough support. Councillor Johns explained that this is the public information meeting to receive the public's thoughts and comments. Someone came forward and made a legitimate request. North West Community Council put it forward to see what people in the area thought. That is what this meeting is for. Mr. Cooper mentioned that the notification was not very clear and he had heard about the meeting through word of mouth. He feels that any more information that comes out should be more specific to the purpose. Ms. Langille-Hanna explained that the public in the area, as well as those added from the attendance sheet, will be notified in the future in the same fashion that they were for this public information meeting. This particular application was not easy to express in detail in the form of an ad that is placed in the paper. This notice also goes out to approximately 300 people. The opportunity is there for people to call and ask questions and/or request the staff report when it becomes available.

Rod Burgess, 55 Tucker Lake Road, asked what the zoning on the subdivided lots would be if this application does go through. Ms. Langille-Hanna said that there would not be a change to the existing zone.

Ms. McKillop was curious as to the criteria surrounding the mail out. Ms. Langille-Hanna explained that the only area in the Beaver Bank, Hammonds Plains and Upper Sackville area that has both Municipal water and sewer is Beaver Bank; therefore, this did not apply to the other two areas. Anybody who now has the ability to construct a two unit dwelling based on the zoning were notified. Ms. McKillop wanted clarification that if a neighbour did not have the ability to construct a two unit dwelling on the property that they would not be notified. Ms. Langille-Hanna agreed but further explained. This public information meeting is not a legislative requirement. HRM holds these meetings to ensure that people are notified of an application well into the beginning of the process so these types of questions can be answered. HRM is legislatively required to only put an ad in the paper for a public hearing. This is not always the ideal way to notify people; therefore, when dealing with one property HRM notifies people within 500 feet if you are in an unserviced area or 250 feet if you are in a serviced area. In this particular situation we needed to ensure that anyone who was going to be affected by this change, meaning their property, would be notified. Ms. Langille-Hanna ensured people in attendance that if their name is on the attendance sheet they will be added to future mail outs.

James Quann, 245 Tucker Lake Road, wanted to know how long it would take if an application was made to move the serviceable boundary and are there any plans for that area. Ms. Langille-Hanna said that she would have to say no to such a request. HRM is conducting a Regional Plan. Now that HRM is amalgamated there is the ability to take the large community that we live in and figure out how we want it to grow in the future (infrastructure for roads, water and sewer, etc.). The existing situation has to stay until it is figured out where we have to grow as a Municipality.

Ms. Sklapsky wanted it on record that she verbally opposes this proposal. Ms. Langille-Hanna suggested a letter opposing the application to be placed in the file and attach it to the staff report that would go forward in the future and be brought to the attention of the other two Councillors on North West Community Council.

Mary deGier, 172 Tucker Lake Road, would like to know how to change permitted uses of duplexes in the zone. Ms. Langille-Hanna explained that she should talk to her area Councillor. Maybe submit a petition and ask to have duplexes removed from the R-6 Zone which has implications on a lot of other properties that have that zoning as well. This would have to go through either yourselves as a community resident group and submit the application directly to HRM or through the Councillor and it would still go through this same process.

Dave Dumaesq, 125 Danny Drive, informed the people in attendance that this application has nothing to do with rezoning or traffic and the fact that these duplexes are presently permitted on their properties now. He suggested that people find out what the zoning is on their property and what is actually permitted there now. He complimented HRM for taking the time to hold this meeting to bring it to everyone's attention.

Mr. Quann asked what would happen if the area beyond the serviceable boundary was developed. Ms. Langille-Hanna assured Mr. Quann that there has not been any requests to do anything on that large piece of property but the zone permits commercial uses that are permitted in the C-2 Zone. When looking at growth management in the area, only 20 lots could be built in a four year period in that parcel.

Ms. Langille-Hanna read the permitted uses for R-6, MU-1, C-2, and R-1 Zones.

Ann Merritt, Chairman of North West Planning Advisory Committee (NWPAC), mentioned that Ms. Langille-Hanna hopes this application will go to NWPAC in October. She told the public that NWPAC meets the first Wednesday of each month. All NWPAC members will review any comments and concerns in the form of letter, e-mail, and/or fax, before the scheduled meeting.

Mr. Quann asked who would know the trend of development in the area. Ms. Langille-Hanna explained that there is a review being done on vacant properties that would be subject to this change. This is needed in order for her to conduct her review and make a recommendation.

Mr. Cooper asked Councillor Johns if any developers have shown interest in building duplexes on the property on Tucker Lake Road. Councillor Johns assured him that there hasn't been. This request originated from an individual who just built a duplex.

Councillor Johns asked if anyone in attendance is in favour of this application. There was no one in favour of the proposal.

Ms. Langille-Hanna thanked everyone for coming to the meeting this evening. The comments received have been very beneficial.

3. ADJOURNMENT

The meeting adjourned at approximately 8:25 p.m.

Attachment 2

**HALIFAX REGIONAL MUNICIPALITY
PLANNING SERVICES - SACKVILLE OFFICE
PUBLIC INFORMATION MEETING
CASE NO. 00611**

7:00 p.m.
Thursday, November 6, 2003
Harold T. Barrett Junior High

STAFF: Jill Justason, Planner
Cara McFarlane, Administrative Support

OTHER: Councillor Brad Johns

**MEMBERS OF
THE PUBLIC:** Approximately 30

The meeting commenced at approximately 7:02 p.m.

1. INTRODUCTIONS - Councillor Brad Johns

Brad Johns welcomed everyone to the meeting and introduced himself as the Councillor for District 19; Jill Justason as the Planner assigned to this application; and myself, Cara McFarlane, taking the minutes for this public information meeting.

Councillor Johns gave a brief history of the previous public information meeting pertaining to this case and why this meeting was being held. The previous meeting was due to a proposal brought forward to allow semi-detached homes in the Beaver Bank area under certain zoning to be subdivided. At that meeting, there was an overwhelming response from the residents on Tucker Lake Road and they were unaware of certain permitted uses on their properties and what this proposal would do if it was approved. After listening to the residents, it seemed necessary to have an information session with them to find out exactly what they wanted in the community.

Councillor Johns apologized for the time lapse between meetings because of damage done to Acadia School due to Hurricane Juan and the relocation of staff from the Sackville Planning and Development Services.

Jill Justason welcomed everyone to the public information meeting. The focus of this meeting is Tucker Lake Road. Ms. Justason showed a map of Tucker Lake Road, on overhead. The grey shaded area is zoned R-6 (Rural Residential Zone) and the dotted area is zoned MU-1 (Mixed Use Zone). She went through the permitted uses as well as the lot area and lot frontage requirements for the R-6 Zone. Central sewer requires a minimum lot area of 10,000 square feet and the minimum

lot frontage is 75 feet. Permitted uses, lot area and lot frontage requirements for the MU-1 Zone were shown on overhead. The minimum lot area is 29,064 square feet (approximately half an acre) and frontage of 100 feet.

2. QUESTIONS AND COMMENTS

Barry Cooper, 215 Tucker Lake Road, asked if this pertained to property with or without sewer. Ms. Justason explained that in this zone it does not give the breakdown. Currently, we would have to go with these zone requirements. If the Land Use By-law text amendments move forward from the previous meeting, it would give some requirements with services. The MU-1 requirements, because the central services were not available when the zone was applied, aren't separated from on-site and central services. If text amendments move forward and they are incorporated at that time, they would be more apt to reflect the R-6 Zone requirements. Right now, we have to go with what is in the text of the Land Use By-law.

Gail Sklapsky, 223 Tucker Lake Road, asked if the decision is made from what the majority of residents want. Ms. Justason stated that when a development officer issues a permit he/she uses what is currently written in the text of the Land Use By-law.

Mr. Cooper asked if the map on the overhead was the same one used at the first public information meeting. The map looked different as there were MU-1 lots on Tucker Lake Road on the previous map that are not shown tonight. Ms. Justason said that the maps were not exactly the same, but this particular portion was taken from the previous map. The area being discussed at this meeting is the area that was shaded on the overhead, along the lake, up to the end and back down around the other side. There is MU-1 on Beaver Bank Road which is in the serviceable boundary, however, there is only the one lot on Tucker Lake Road which has MU-1 zoning while two others have a dual zoning of R-6 and MU-1. The front portion of these lots are zoned R-6. The rest of the properties on Tucker Lake Road are zoned R-6.

Ms. Justason read the R-1 permitted uses and requirements (shown on overhead). This meeting is to get some input from the residents as to where they see their community in five to ten years taking into account the fact that there would be some implications on your lots if the R-1 Zone was put into place.

Councillor Johns mentioned that during the previous meeting concern was shown that currently in the R-6 Zone, by right, semis are permitted. Tucker Lake Road residents did not want to see a large number of semis built on their road. Currently in the R-6 Zone semis are allowed, but you cannot subdivide the property. This meeting is to address concerns for Tucker Lake Road residents individually.

Carol Cooper, 215 Tucker Lake Road, thought that the by-law amendment had been passed. Ms. Justason explained the by-law amendment process and that no decisions have been made. Councillor Johns reiterated information from the previous public information meeting.

Ms. Justason told the residents that R-1 lots have a 60 feet of frontage. One gentleman asked that if someone was to put a semi on an R-6 lot they would need 100 feet of frontage. Ms. Justason said that it would be no less than 75 feet of frontage.

Greg Feener, 128 Tucker Lake Road, is concerned because he received two different notices for the same meeting. The only thing of interest to the residents is removing two unit dwellings. Ms. Justason apologized for the different wording within the notices. The only way to remove two unit dwellings from the R-6 Zone is to remove them from all the lots in Beaver Bank, Hammonds Plains and Upper Sackville areas. This meeting is to find out what the residents of Tucker Lake Road would like to see, or not see, in their community in the future. Shelley Pearse, 128 Tucker Lake Road, said that she does not want lots with 60 feet of frontage and semis. Ms. Justason explained that with zoning requirements there is a give and take. The R-6 Zone requires larger lots (75 feet of frontage even with Municipal Services). Unfortunately, a larger permitted use category is incorporated. Our options become limited at some point and either the permitted uses or the lot size are going to have to dictate. Councillor Johns mentioned that there was thought of creating a new zone, R-6A, for Tucker Lake Road.

Bill Whitefield, 194 Tucker Lake Road, said that even if the zoning is changed to R-1 Zone, the only way there will be lots with 60 feet of frontage is if the people subdivide. Therefore, if you don't want the 60 foot lots, then don't subdivide. Councillor Johns mentioned there are quite a few people who are interested in subdivided their large lots. Mr. Whitefield would like to see the zoning remain at R-6 Zone. Ms. Justason said that there are a few mechanisms available to protect existing uses. The Municipal Government Act puts the Development Officer in charge of administrating existing uses whether we consider them to be non-conforming or incorporate them within the land use by-law. One member of the public was concerned about the value of his property.

Rob Bozin, 273 Tucker Lake Road, was curious as to what HRM's motivation is to ask residents of Tucker Lake Road to rezone their properties. Ms. Justason explained the initial meeting and reiterated the reason for the meeting this evening. Councillor Johns reminded the residents that at the initial meeting it came about that semis were not wanted on Tucker Lake Road. Mr. Bozin does not like the fact that someone else can dictate what a person can, or cannot, do to their property.

Mr. Cooper said the initial meeting was very confusing. It is not the fact that residents don't want semis, they don't want Beaver Bank opened up to developers coming in and putting semis up on any property zoned R-6. The people are not happy the way it is now under the R-6 Zone.

Ms. Cooper asked for explanation on the R-6A Zone. Councillor Johns said that an idea to create a new zone (R-6A) for Tucker Lake Road was brought up in conversation. This would create a plan amendment process, but it would allow some of the same uses, yet restrict some.

Mr. Feener asked about an R-1A Zone and what size lots are permitted in this zone. Ms. Justason said that there is an R-1A Zone that already exists. She read the permitted uses for this particular zone. The R-1A Zone does have a lot frontage of 75 feet providing the property has Municipal water and sewer services.

Ms. Sklapsky walked along Tucker Lake Road and has counted 17 or 18 services along the empty stretch of land. She is concerned that the markers are not 100 feet apart. Ms. Justason explained that when they put in the main for Municipal water and sewer, laterals are measured off at the property lines on vacant lots. In this case, the current zoning (MU-1) was used and laterals placed at the minimum lot frontage (100 feet) requirement. The engineering department would have surveyed the land before putting the laterals in. Mr. Cooper believes that the laterals were placed in accordance

with the R-6 Zone requirements. Ms. Sklapsky stated that by this gentleman building a duplex and wanting to subdivide has opened up something for the residents on Tucker Lake Road. Ms. Justason reiterated that as-of-right this gentleman can build and have rental property with duplexes. He cannot subdivide and sell the duplexes.

Mr. Whitefield asked that if you change properties along Tucker Lake Road to R-1 Zone, will it change the MU-1 to R-1 or will it still allow for duplexes on that property? He does not want to see any change, but also does not want to see duplexes.

Mr. Bozin thought the serviceable boundary could extend far beyond the shaded area on the map. Councillor Johns explained that it could not. When Municipal water and sewer were established years ago, Mill Cove in Bedford was built. A boundary was drawn as to the amount of sewer Mill Cove could hold. Ms. Justason mentioned that all the capacities in the Metro area are full.

There was some discussion as to the purpose of this second meeting. The residents were confused as they thought that change had already taken place. Ms. Justason said that nothing has been approved and as a result from the concerns brought up at the first meeting and the petition that was brought to staff's attention speaking out against duplexes in the area, staff and Council wanted to find out exactly how the residents of Tucker Lake Road would like to see their community in the future. Mr. Cooper said that the petition stated that the residents did not want the by-law changed. It had nothing to do with semis or duplexes, it was a by-law issue.

Residents of Tucker Lake Road would like to maintain a lot frontage of 75 feet. One member of the public asked if the MU-1 property could be rezoned to R-1 with 75 foot frontage. Ms. Justason stated that it could not, but an R-1A Zone would allow a 75 foot frontage with the ability to have an auxiliary dwelling unit. An auxiliary dwelling unit means a self-contained dwelling unit within a single unit dwelling which is secondary to the main residential use of the property and does not exceed 40% of the gross floor area of the main structure.

Councillor Johns asked what privileges are lost when rezoned from MU-1 to R-1A. Agricultural, two unit that is not an auxiliary unit, 7 children from the day care, forestry uses and existing mobile dwellings. Mr. Cooper feels that changing the MU-1 Zone to R-1A is a good idea. He wants to be assured that this R-1A will be in place before the by-law changes. Councillor Johns explained that to change the by-law is the easy way to deal with this problem. The implication of doing it in this particular case is not a big issue. Only when Tucker Lake Road is included does it get larger. There are very few R-6 lots on Tucker Lake Road that are undeveloped so the implications are very low there. We want to make sure that the residents on Tucker Lake Road are protected before we look at continuing on with any type of by-law change.

The impression given from the residents that two-unit dwellings are not favorable, but at the same time an R-1A Zone might be a solution as you maintain the ability to have an "in-law" suite or a small downstairs apartment. Mr. Cooper feels that Tucker Lake Road should be left alone and change the property zoned MU-1 to R-1A. Councillor Johns explained to him that by changing the R-6 to R-1A you can no longer put side by side semis and the frontage stays the same. There were a few people that were not in favor of rezoning from R-6 Zone. David Young, 200 Barrett Road, said that he would like to think about any change to the MU-1 Zone as he is the property owner of that piece of land.

Mr. R. Bozin would like to see all of Tucker Lake Road rezoned to R-1A as it will not make any significant changes and it would protect the area in the future.

Reg Fenerty, 2 Tucker Lake Road, does not want to see the zoning changed from R-6 as the permitted uses will be more restrictive. An R-6 Zone allows home business with employees (you can use your home as a business). An R-1A Zone only allows you to run an office out of your home. Ms. Justason said that there would be ways to look at protecting existing uses (a non-conforming use on the property). It could also be done through the Land Use By-law, but it would carry with the property and not with the owner.

Ms. Justason thanked everyone for coming out to the meeting. Comments and concerns brought about tonight were very valuable and they will be taken into consideration.

3. ADJOURNMENT

The meeting adjourned at approximately 8:43 p.m.

Attachment 3
Amendments to the Land Use By-law for Beaver Bank,
Hammonds Plains and Upper Sackville

The Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville is hereby amended as follows by:

1. Inserting the following in Section 2.20:

"2.20 (b) Dwelling, Semi-detached means a building that is divided vertically into two dwelling units each of which has an independent entrance."
2. Inserting the following in Section 11.1 immediately following the words "two unit dwellings":

"Excepting, semi-detached dwellings."
3. Inserting the following in Section 11.1 immediately following the words "existing mobile dwellings":

"Existing semi-detached dwellings"
4. Inserting the following in Section 13.1 immediately following the words "two unit dwellings":

"Excepting, semi-detached dwellings."
5. Inserting the following in Section 16.1 immediately following the words "single and two unit dwellings":

"Excepting, semi-detached dwellings."
6. Adding the following to Section 11:

"11.8 EXEMPTION: EXISTING SEMI-DETACHED DWELLINGS

(a) Notwithstanding Section 11.2, where a semi-detached dwelling was in existence prior to May 13, 2004, and capable of being serviced with central services, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	5 000 square feet (464.5 square metres)
Minimum Lot Frontage:	35 feet (10.6 metres)
Minimum Rear or Side Yard:	10 feet (3 m) or 0.0 feet (0.0 m) from the side being common with another dwelling unit

(b) Notwithstanding Section 11.8(a), all other provisions of this by-law shall be applicable.

ATTACHMENT D
NORTH WEST COMMUNITY COUNCIL MINUTES - SEPTEMBER 30, 2004

7.2 Case 00611 - Amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville (deferred Public Hearing)

- First Reading on this matter had been given at the July 8, 2004 meeting of North West Community Council
- A report from the North West Planning Advisory Committee to North West Community Council, dated July 8, 2004, with an attached staff report dated May 14, 2004 was submitted.
- A letter dated August 16, 2004 from Terrence Drisdelle, Senior Development Planner, United Gulf Developments Limited was submitted.

This public hearing was originally scheduled for August 26, 2004. At the approval of the agenda of that meeting, the Chair advised that issues had arisen on that afternoon resulting in staff requiring further investigation and therefore, were not prepared to proceed with the public hearing as scheduled. The Chair advised that the hearing would be held within 120 days from the time of First Reading; and when staff was ready to proceed, the hearing would be re-advertised.

Ms. Jill Justason, Planner, addressed Community Council and advised that staffs' original recommendation was to remove semi-detached dwellings as a permitted land use in Beaver Bank, Hammonds Plains, and Upper Sackville and permit the subdivision of existing semidetached dwellings. She added that after presenting the report to the Planning Advisory Committee, it came to light that semi-detached dwellings could be approved in the unserviced areas by the Department of Environment and Labour. Ms. Justason explained that prior to this, semi-detached dwellings were permitted land use types in the Land Use By-law, but were not permitted by the Department of Environment because of the on-site septic system requirements.

Ms. Justason advised that, in light of this new information, staff is recommending that Community Council continue to permit semi-detached dwellings as an acceptable land use and allow the subdivision of existing semi-detached dwellings on lots with central services subject to the requirements outlined in the original staff report. She explained that under the original application, the unserviced areas within the plan area were not considered, but given that cluster systems are permitted by the Department of Environment, semi-detached dwellings are a more feasible type of housing form in these areas.

Ms Justason noted that concern was expressed regarding the possible proliferation of semidetached dwellings in the Beaver Bank and Tucker Lake Road areas if subdivision of semidetached dwellings was permitted. She pointed out that this option would not permit the subdivision of semi-detached dwellings and, as a result, staff believe the development of semi-detached dwellings in these areas would be limited.

Prior to opening the public hearing to those wishing to speak, for clarification purposes, the Chair advised that if Council approves the staff recommendation this evening it means that, at present, one single building could be subdivided; and it will be permitting the housing form but not allowing the subdivision, i.e. a single home owned by a single owner.

Ms. Justason concurred.

The Chair opened the hearing for anyone wishing to speak on the matter.

Mr. Greg Simone, Beaverbank, requested clarification on the recommendation.

Ms. Justason responded that the recommendation would result in semi's but with one owner. She added that it would allow the present semi-detached dwelling (Beaver Bank Road) to be sub-divided.

The Chair called three times for anyone wishing to speak on this matter, and there being none, it was **MOVED by Councillor Johns, seconded by Councillor Harvey that the public hearing be closed. MOTION PUT AND PASSED.**

Councillor Johns indicated his support for the staff recommendation, noting that this would allow for the construction of semi-detached homes along the Tucker Lake Road currently, but not allow them to be subdivided. He added that if, in the future, the residents of Tucker Lake Road want to take this ability away, they would have to seek a rezoning from an R-6 and R-1.

MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council:

1. **Continue to permit semi-detached dwellings as a permitted use in the land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville;**
2. **Permit subdivision of existing semi-detached dwellings, pursuant to the attached amendment (Section 11.8); and**
3. **Approve the proposed amendment (Section 11.8) to the Land Use Bylaw for Beaver Bank, Hammonds Plains, and Upper Sackville.**

MOTION PUT AND PASSED.