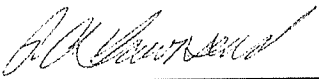




P.O. Box 1749  
Halifax, Nova Scotia  
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Peninsula Community Council  
December 12, 2011

**TO:** Chair and Members of Peninsula Community Council

**SUBMITTED BY:**   
Phillip Townsend, Director, Planning and Infrastructure

**DATE:** November 14, 2011

**SUBJECT:** Westmount Subdivision Area and Rezoning Policies

**INFORMATION REPORT**

**ORIGIN**

April 12, 2010, motion of Peninsula Community Council:

“MOVED by Councillor Watts, seconded by Councillor Uteck, that planning staff organize a community meeting for the Westmount subdivision area to discuss the existing ability to rezone within the Residential Environments Designation of the Halifax Municipal Planning Strategy and report back to Peninsula Community Council by way of an information report. MOTION PUT AND PASSED.”

## **BACKGROUND**

On April 12, 2010, Peninsula Community Council passed a motion requesting that staff organize a community meeting for the Westmount Subdivision area to discuss the existing ability to rezone within the Residential Environments Designation of the Halifax Municipal Planning Strategy (MPS) and to report back to Council by way of an information report. The meeting request was due to concerns raised by area residents following an approval by Peninsula Community Council of a rezoning at 2692 Connaught Avenue (Case 01295), Halifax, from the R-1 (Single Family) Zone to the R-2 (General Residential) Zone. The meeting was held on November 18, 2010, and provided the opportunity for residents to express their concerns about the potential for rezoning requests in the Westmount area and to gain an understanding of the MPS policies in this regard.

## **DISCUSSION**

### **Current Zoning and Designation:**

The residential properties of the Westmount Subdivision area are currently zoned R-1 (see Map 1) under the Halifax Peninsula Land Use By-Law and are designated Residential Environments (see Map 2) under the Generalized Future Land Use Map for Halifax. The only exception to the R-1 zoning is 2692 Connaught Avenue, which is zoned R-2. The R-1 Zone permits the following uses:

- a detached one-family dwelling house;
- the office of a professional person;
- a home occupation;
- a public park or playground;
- church or church hall;
- a day care facility for not more than 14 children in conjunction with a dwelling;
- a special care home containing not more than ten persons including resident staff members; and
- uses accessory to any of the foregoing uses.

The Residential Environments designation is an all-encompassing residential designation which allows Community Council to consider any rezoning application to another residential zone (R-2, R-2T, or R-3), or a local business zone (C-1), as long as the intent of the Municipal Planning Strategy is met. In order to evaluate residential rezoning applications, Council must pay particular attention to five policies, which are listed in Attachment A.

### **Rezoning Potential in the Westmount Subdivision Area:**

Only one rezoning application has been approved by Council in the Westmount Subdivision Area since the Residential Environments Designation was applied to the subject area in 1978. In fact, with the exception of 2692 Connaught Avenue, HRM and the former City of Halifax before it, have consistently maintained an R-1 Zoning for the area since a land use By-Law was first adopted for Halifax Peninsula in 1950.

In staff's opinion, the circumstances surrounding the rezoning application for 2692 Connaught Avenue were unique to that one property. The staff report that accompanied the rezoning application to Council (Case 01295) stated the following in this regard:

*"Overall, the proposal is in keeping with the surrounding neighbourhood, especially when taking into account the following facts:*

- *The external appearance and scale of the dwelling are not intended to change;*
- *The only change to the dwelling will be a slight increase in the intensity of its use;*
- *The property is at the end of a residential block close to the intersection of Connaught Avenue and Chebucto Road. It is bordered on three of its four sides by a public street and HRM parkland. Such a location is suitable for a more intense use as the property is not situated between different types of land uses; and*
- *Properties located on the opposite side of Connaught Avenue are already zoned R-2, and therefore, permit the same types of land uses. "*

Therefore, each rezoning application in the Westmount Area would likewise have to be evaluated based on its own particular circumstances. However, the Municipality is not in the business of spot zoning and very little, if any, properties within the Westmount Area would make good candidates for up-zoning. Therefore, the fear that the approval for the rezoning at 2692 Connaught Avenue would encourage other such approvals is unwarranted.

It is also important to note that the R-1 Zone is a protection in itself. A redesignation of the area from Residential Environments to a more restrictive designation such as Low Density Residential, would not necessarily prevent rezoning applications from being made. The new designation would only shift the debate over such applications to Regional Council instead of Peninsula Community Council, with no right to appeal in the event that Council did decide to allow for a municipal planning strategy amendment and a rezoning to a higher zone.

#### **Subdivision Potential in the Westmount Subdivision Area:**

Concerns were also raised during the public information meeting about the potential for the further subdivision of land in the area, which would increase development opportunities. Map 3 identifies six properties out of 318 parcels zoned R-1 in the study area which have the potential to subdivide under current regulations. However, the subdivision of any of these six properties would only achieve a yield of one additional lot per parcel.

#### **HRM by Design Centre Plan:**

On October 4, 2011, Regional Council initiated and approved the scope and schedule of the HRM by Design Centre Plan project. The Centre Plan project will deliver a new secondary municipal planning strategy and new land use By-Law for the Regional Centre, which is defined as Peninsula Halifax and Dartmouth within the Circumferential Highway.

The Centre Plan will focus on community design within the Regional Centre, and will be a model on which to base future planning efforts across the entire municipality. Among other objectives, the Centre Plan will:

- support walkable and complete neighbourhoods throughout the Regional Centre;
- focus growth, change and density on vacant and underutilized land (“opportunity sites”) and along major urban corridors; and
- protect the character and scale of existing neighbourhoods to a degree not possible under current policy.

The Centre Plan project will take place in two major phases:

Phase 1 will deliver the Centre Plan Framework (document #1) and, when completed, will be bundled with the Regional Plan 5 Year Review recommendations to be delivered to Regional Council in September, 2012.

Phase 2 will occur over the following 2-3 years. This phase will include a multi-year public consultation and outreach program, as well as the detailed drafting of the new Regional Centre Municipal Planning Strategy, Land Use By-Law, and Design Guidelines.

Through this process, neighbourhoods such as Westmount will be reviewed according to the objectives noted above and regulations will be put in place to ensure the protection of an appropriate scale and character.

### **BUDGET IMPLICATIONS**

The costs to process Council’s request for a community meeting was accommodated within the operating budget for C310 - Planning & Applications.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

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

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a public information meeting held on November 18, 2010. For the public information meeting, notices were posted on the HRM website, in a local newspaper and mailed to property owners within the notification area as shown on Map 1. Attachment B contains a copy of the minutes from the meeting.

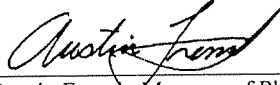
**ATTACHMENTS**

Map 1	Zoning and Location
Map 2	Generalized Future Land Use
Map 3	Lots with Subdivision Potential
Attachment A	Excerpts from the Halifax Municipal Planning Strategy
Attachment B	Minutes from the November 18, 2010 Public Information Meeting

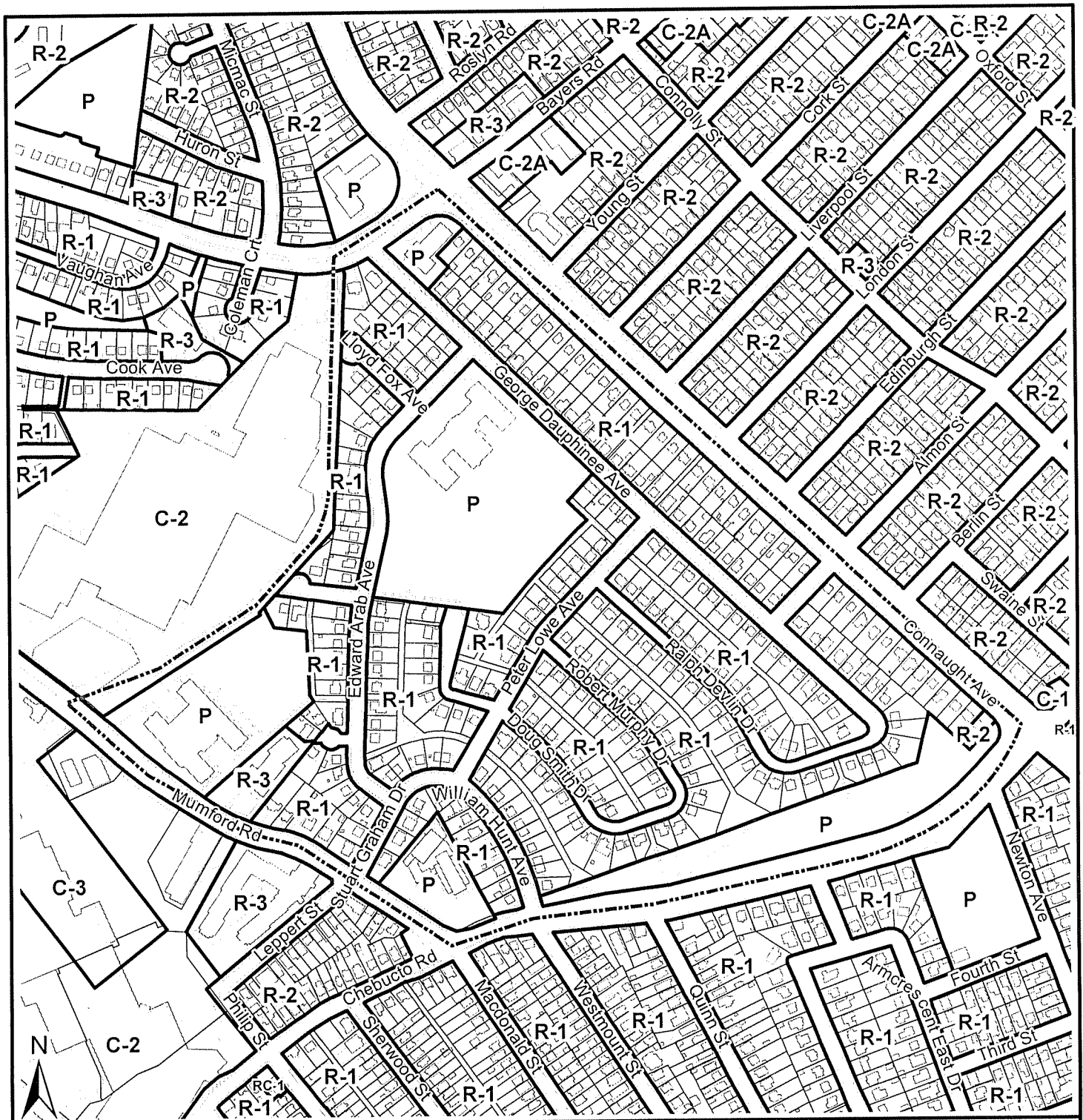
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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Luc Ouellet, Senior Planner, 490-3689

Report Approved by:   
Austin French, Manager of Planning Services, 490-6717

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## Map 1 - Location and Zoning

Westmount Subdivision

Halifax



Area of Westmount Subdivision

Halifax Peninsula

Land Use By-Law Area

### Zone

R-1	Single Family Dwelling
R-2	General Residential
R-3	Multiple Dwelling
RC-1	Neighbourhood Commercial
C-1	Local Business
C-2	General Business
C-2A	Minor Commercial
C-3	Industrial
P	Park and Institutional

**HALIFAX**  
REGIONAL MUNICIPALITY  
COMMUNITY DEVELOPMENT  
PLANNING SERVICES

0 30 60 90 120 m



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

HRM does not guarantee the accuracy of any representation on this plan



## Map 2 - Generalized Future Land Use

Westmount Subdivision  
Halifax


 Area of Westmount Subdivision

Halifax Plan Area

### Designation

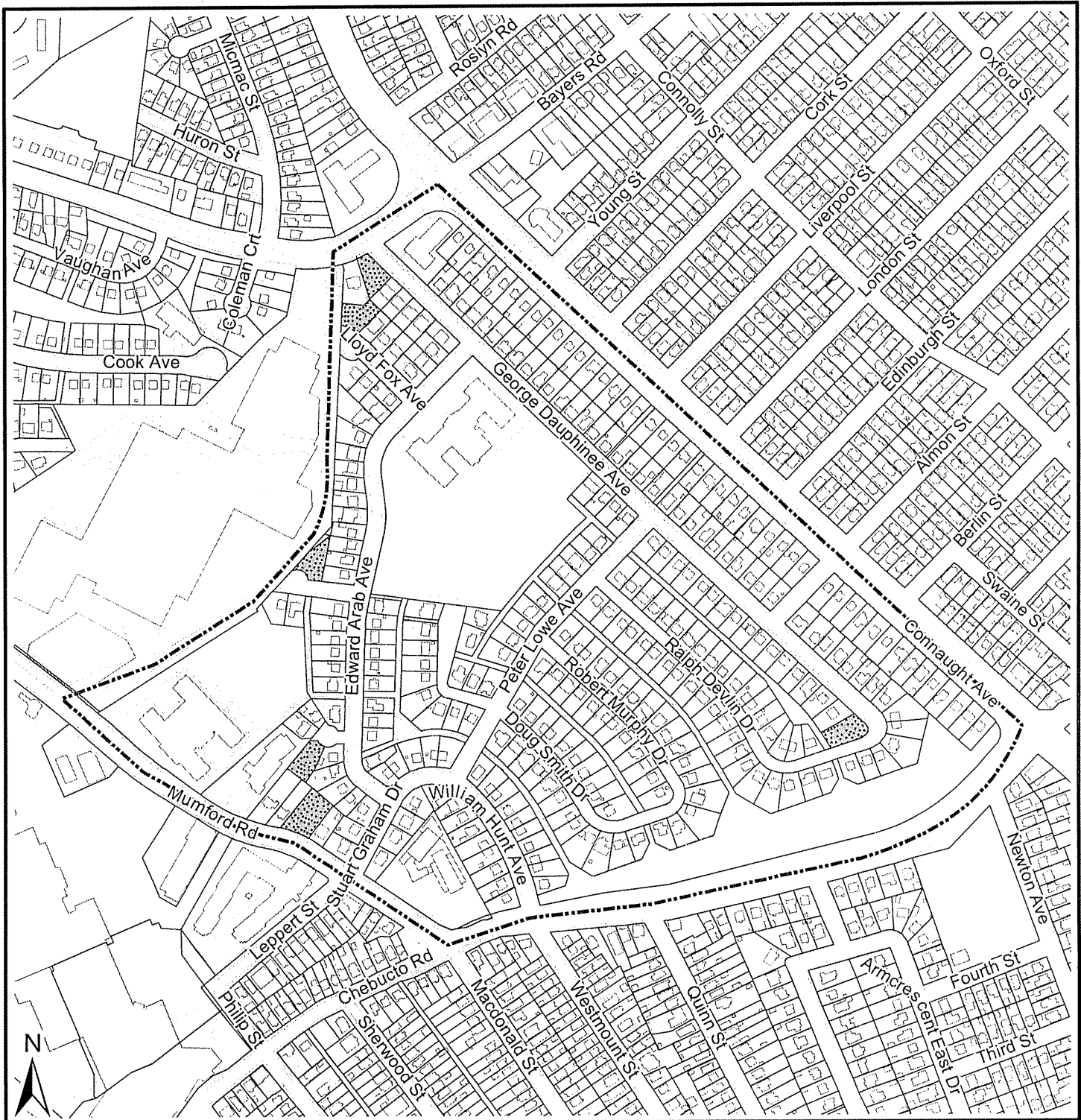
RES Residential Environments  
COMM Commercial

**HALIFAX**  
REGIONAL MUNICIPALITY  
COMMUNITY DEVELOPMENT  
PLANNING SERVICES

0 30 60 90 120 m  


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

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### Map 3 - Subdivision Potential

Westmount Subdivision  
Halifax



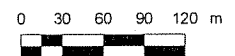
Area of Westmount Subdivision



Property with potential for subdivision into 2 lots

Halifax Peninsula  
Land Use By-Law Area

**HALIFAX**  
REGIONAL MUNICIPALITY  
COMMUNITY DEVELOPMENT  
PLANNING SERVICES



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

HRM does not guarantee the accuracy  
of any representation on this plan

## **Attachment A        Excerpts from the Halifax Municipal Planning Strategy**

### **Section II        City-Wide Objectives and Policies**

- Policy 2.1.1    On the Peninsula, residential development should be encouraged through retention, rehabilitation and infill compatible with existing neighbourhoods; and the City shall develop the means to do this through the detailed area planning process.
- Policy 2.2        The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.
- Policy 2.4        Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.
- Policy 2.7        The City should permit the redevelopment of portions of existing neighbourhoods only at a scale compatible with those neighbourhoods. The City should attempt to preclude massive redevelopment of neighbourhood housing stock and dislocations of residents by encouraging infill housing and rehabilitation. The City should prevent large and socially unjustifiable neighbourhood dislocations and should ensure change processes that are manageable and acceptable to the residents. The intent of this policy, including the manageability and acceptability of change processes, shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.

### **Implementation Policies**

- Policy 3.1.1    The City shall review all applications to amend the zoning By-Laws or the zoning map in such areas for conformity with the policies of this Plan with particular regard in residential in residential areas to Section II, Policy 2.4.

**Attachment B          Minutes from the November 18, 2010 Public Information Meeting**  
**HALIFAX REGIONAL MUNICIPALITY**  
**PUBLIC INFORMATION MEETING**  
**Westmount Subdivision**

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**7:00 p.m.**

**Wednesday, November 18, 2010**

**St. Phillips Church, 6670 Bayer's Road, Halifax**

**IN ATTENDANCE:**          Luc Ouellet, Senior Planner, Planning Services  
                                 Sharlene Seaman, Planning Controller, Planning Services  
                                 Hilary Campbell, Planning Technician, HRM Planning Services  
                                 Jillian MacLellan, Planner, Planning Services

**ALSO IN**  
**ATTENDANCE:**          Councillor Jennifer Watts

**PUBLIC IN**  
**ATTENDANCE:**          Approximately 86

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The meeting commenced at approximately 7:15 p.m.

**1.                    Purpose of Meeting/Overview of Planning Process/Presentation of Proposal -**  
**Luc Ouellet**

**Mr. Luc Ouellet** introduced himself as a Planner with the Western Region for Halifax Regional Municipality (HRM). He stated that Council had requested this community meeting to explain the current Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) that apply to the Westmount area and to hear feedback on any issues and concerns from the community. He stated that the meeting was not an application or proposal and no decisions would be made.

He advised of the area in question, which is the area bounded by Connaught Avenue, Chebucto Road, Mumford Road and the area around the Halifax Shopping Centre site. He noted that the notification area is a little larger than what is considered Westmount as Westmount does not include Connaught Avenue but it had been included as an area of interest.

Mr. Ouellet stated that about 1 year ago there was a rezoning application at 2692 Connaught Avenue. It was a request to go from R-1 to R-2. Typically the R-2 zone can have up to 4 units but this particular site only allowed 2 units because of the lot size. The application came about when the property changed hands and it was realized that the apartment downstairs was illegal. It had already been there for 40 years. The application was made and brought to Council. Staff did recommend the application based on the particular situation. The lot was on the corner of Connaught and Chebucto, next to a park. Staff felt that the location was okay. The apartment is still there and there have been no problems. The property owner stated that they were not planning to demolish and build something else. At that time, during the Public Hearing (PH),

Council had requested that a community meeting be held, as there were some concerns that were brought forward; this lead up to the meeting tonight.

He explained how the planning strategy works. There usually is a municipal plan which is typically called the MPS. That is a high level planning policy or vision on how the municipality will develop the city. The plan by itself is not regulation. They appear in the LUB. It provides the zoning and the land use regulation itself, typically stuff like setbacks, heights and parking. The LUB implements the MPS. In the plan area portion of the Municipality, it falls under a designation. This designation basically tells Council what it can and cannot do. For an example, if you are to apply for a rezoning, the designation has to allow that type of rezoning.

He showed the area designated Residential Environments designation. This is applied to the area of interest. This was applied to many areas of the former City of Halifax. At that time it was applied to neighbourhoods that were deemed to be stable. The areas that were deemed to be more unstable were given a more rigorous planning regime, with either lower density, medium density or high density residential. The Residential Environments designation actually allows council to consider rezonings to R-2, which is up to four units, depending on the lot size, R-2T, which is a townhouse zone and R-3, multiple dwellings, which is an apartment building zone. The rezoning last year was the first in 32 years for the Westmount Area, although there are typically several inquiries that come in annually that cannot be supported and are turned away. In the past year, there was one inquiry that came in to rezone to an apartment zone in the Westmount Subdivision. Staff advised that they could not support it. Staff will maintain that position and they feel that the Westmount subdivision has no place for apartment buildings.

Mr. Ouellet stated that when staff are looking at rezoning applications in the Residential Environments designation, they unfortunately do not have a lot of policies to review, but there are two that they look at. They are very general, which he understands might cause some concerns. The first one is that the zone that is being applied for is compatible with the existing neighbourhood. Secondly, that new development, which differs in use or intensity of use from the present neighbourhood development pattern, must be related to the needs or the characteristics of the neighbourhood. Those policies would be used to recommend against a rezoning for an apartment building in a low density neighbourhood for example. Also, in the past, staff has not supported rezonings to R-2 when it was in the middle of a street or a neighbourhood. If it was on a corner lot, sometimes, they will support the application.

He showed the areas and the zones. The neighbourhood itself is basically an R-1, low density neighbourhood. R-1 allows for a detached one family dwelling house, no in-law suites or basement apartments. An office of a professional person, such as a Doctor or Lawyer, who lives within the dwelling is allowed. There is no limit on the size of the office. This is currently under review as it has been in place since the 1970's. A home occupation, a public park or playground is permitted and a church or church hall is permitted as well. A daycare facility with a maximum of 14 children, if the operator lives at the house is permitted and a special care home, such as a group home with a maximum of 10 people including staff that live at the house is also permitted.

He stated that in terms of the R-1 requirements, there must be a minimum lot frontage of 40 feet, the minimum lot area is 4000 square feet, there is a maximum height for the main building of 35

feet and the allowable coverage is 35 percent. This means that you can cover the lot area up to 35 percent with a building and this is standard throughout the HRM. Front yard setbacks are 15 feet, rear yard setbacks are 20 feet and side yard setbacks are 10 percent of the width of the lot to a maximum of 6 feet.

Mr. Ouellet advised of the R-2 zone. It allows for all of the uses of the R-1 Zone, semi-detached or duplex dwellings and buildings containing not more than 4 apartments. However, the lot area for the building that was approved on Chebucto Road was too small. To be able to have more units, there is a need for 80 feet of frontage and the lot area has to be 8000 square feet, minimum. There are no lots in the subdivision that are that size. This would eliminate any 3 unit, 4 unit or apartment buildings. If there were any applications, the only thing Council could consider would be a rezoning to R-2 for a maximum of 2 units. They don't typically approve applications that are in the middle of the neighbourhood.

He gave the R-2 requirements, which are a minimum lot frontage of 50 feet, minimum lot area of 5000 square feet, maximum height is 35 feet and a maximum lot coverage of 35 percent. The front yard setbacks are 15 feet, rear yard setbacks are 20 feet and side yard setbacks are 5 feet on either side.

He talked about the Regional Plan and introduced Andy Fillmore, project manager of HRM by Design. He also introduced Councillor Watts. He stated that the policies are pretty general and do allow for rezoning, which may cause concern for some people. It is not a policy that is used that often. When they are used, staff doesn't always recommend in favor. He noted that staff is about to embark on the Regional Centre Plan. Both in Dartmouth and Halifax, the existing plans date back to the 1970's and are quite old. The By-Laws date back to the 1950's and there hasn't been much change since that time. Staff is hoping to start on a new plan and By-Law that would apply to the Regional Centre, which is the Peninsula of Halifax and Dartmouth, within the circumferential highway, within the new year. They will be revisiting the area and some of the policies will disappear from the new plan. This will result in a new system that brings more stability to the neighbourhood.

He noted that an auxiliary unit is not currently allowed, but that is something they will be looking into changing in many neighborhoods. Sometimes people apply for this, as the additional income will help them pay for a mortgage. The days of allowing a rezoning to R-3, in neighborhoods like this, might be a thing of the past. HRM is looking for a balance. There will hopefully be a larger exercise next year that will go to the neighborhoods in the Regional Centre area to look forward to. This might lead to a new Plan and By-Law, which will update what has not been updated for the past 30 years.

He noted that there are some concerns about fences being placed in the neighborhood and this will be looked at during the review. There is nothing to prevent them at this time. He also understands that there are concerns about homes being taken down and replaced by bigger homes. There are controls in place for that now. The General floor area ratio (GFAR) limits the number of bedrooms in the house so it does not get too big. Every property owner has development rights and as long as they meet the requirements, such as height and setbacks, they are able to develop. If the community wants tighter controls, this should be looked at under the

bigger planning process. The one size fits all R-1 zone that applies to the entire municipality, doesn't always work because there are different character areas within Halifax. They are looking to have a better land use regime and better design guidelines in order to protect the character of the neighborhoods.

Mr. Ouellet advised of the process after the Public Information Meeting (PIM). The minutes from the meeting will be attached to the information report that has been requested by Council. Council will get a report from staff detailing what happened at this meeting. It is not Regional Council (RC), but Peninsula Community Council's (PCC) request. Aside from Councillor Watts, Councillor Uteck, Councillor Blumenthal and Councillor Sloane also sit on PCC. They will decide if they are okay with waiting for the new plan, which is what will probably be recommended. It will be their decision to make.

Mr. Ouellet gave the rules and guidelines for the meeting and opened the floor to the public for questions and comments.

## **2. Questions/Comments**

**Councillor Watts** thanked everyone for coming to the meeting. She stated that she would be noting the public's comments, as well as staff. She stated that it is very helpful to hear all comments because HRM will be entering into a whole new set of planning processes, hopefully over the next two years. This meeting would provide staff with a good understanding of the issues and concerns on the Peninsula and will be reflected in staff's decision making process. She noted that it is difficult for her to communicate with residents on a one on one basis as she only has a budget of 2 newsletters per year. She advised that she has created an email list where she sends out a very short notice of announcements. There will be one concerning tonight's meeting. She advised that if interested, people could sign up and they will receive an update of what is happening. She provided her contact information.

**Ted Vaughan**, Halifax, lived in the neighbourhood for 48 years and does not plan to live anywhere else. He stated concern about the egress and overpopulation of the neighbourhood. He feels that anymore development will create greater problems. The school traffic already causes some problems with traffic at certain times of the day. He feels that Halifax operates in a mystery. Until he read the notice for the PIM, he had understood that they were zoned R-1 and would like it to remain R-1. He stated that clearly everyone in the neighborhood has a 50 foot lot and 100 feet of depth, or more. He feels that this hits the R-2 zoning on the nose. If you take two semis and consolidate the lot, it would be 10,000 square feet. He feels that everyone knows what could happen next.

He feels that this neighbourhood is unique, in its layout, its tribute to the armed forces and its access in and out. He feels that it has to stay that way. He would like to stop any R-2 and R-3 activity in the neighbourhood. To say that an apartment existed previously and that is the criteria of acceptance for an R-2, means that the city was not looking into where basement apartments were located. He feels that this is not an excuse to become R-2.

**Eric Thompson**, Halifax, has lived in the neighbourhood for 56 years. He remembers when the first houses had additions. He feels that he has a lot of historical background in the area. He believes they should ask the people on Joseph Street and Ashburn Avenue the problems they have had with the rezonings they have gone through. He stated that he does not trust the planning department. About 15 years ago, there was a hearing to give the 13 duplexes the ability to add an addition to their units. He went to the hearing with about 10 other people and was advised that these people could put an addition on, as-of-right.

He asked what the area would be left with. The planning department stated that he also had an as-of-right and can build onto his dwelling. He tried to argue that these homeowners knew what the zone was but it was soundly defeated. He feels that he is back there again. He never thought about having an apartment building in his subdivision. His house is about 1800 square feet per floor, with a finished basement, finished upstairs and has high ceilings. It is no different than the other building that was approved to be rezoned. He challenged the city because he feels that he could not be approved for an R-2 use. He has talked to some residents, who are appraisers and it is clear to them that the evaluations of the properties in their subdivision would be seriously impacted. There are homes being torn down and rebuilt in the neighbourhood. There is no legislation for the design or style of the homes. Most people hire architects and he is satisfied with the changes so far.

He feels that the texture of the subdivision is starting to disappear a little bit. The only restriction in the subdivision is that they are not allowed to build a shed within 60 feet of the street. He doesn't want to wait to see how the planning department is going to deal with this. He thinks that Sue Uteck, in the South End, is already trying to move forward with a similar type of change.

He stated that there are duplex lots that are 11,000 square feet. One lot was subdivided and the minimum requirement was 4000 square feet. He wonders how that ever happened as he cannot build a shed in his front yard. There are other lots at the corner of Peter Low and William Hunt that are shy of the footage required and was denied change.

He worries about rental units and non-ownership. He feels that currently, everyone in the neighbourhood is welcome into his home and he is welcome into any other neighbors home. This is the fabric of the subdivision. He stated that this includes the street along Connaught Ave. They put up with the traffic and they want Council and staff to realize that this is a very important place. There are houses that are worth \$750,000, replacement value. This is a very unique subdivision with more open space and more children per square foot than most of the places on the Peninsula. That is what would draw more people on a rental basis. He does not want to wait for a new plan. He would like to see restrictions put in place so this stays an R-1 subdivision. He doesn't want anyone to be able to come and put a duplex in. He feels that R-2 uses do not create a very pleasing or pleasant design in many instances. He does not want to see anything that will impact the current subdivision and he does not want to see any R-2 uses.

**Wayne Kirk**, Halifax, stated that there was one inquiry concerning an R-3 variance. He asked if there were any inquiries about R-2.

Mr. Ouellet stated that since he has been with the planning department, the R-2 application is the only one that came in. The only other is the R-3.

Mr. Kirk asked if an inquiry was the same as a formal application.

Mr. Ouellet stated that it was not. An inquiry is a confidential discussion with the property owner. Staff will let them know if they can make an application and if they would support it.

Mr. Kirk thought that Westmount subdivision did not include Connaught Ave. He feels that by adding that area to the meeting might put a little pressure on the Westmount area to gain the R-2 and R-3 variances.

Mr. Ouellet stated that Connaught Ave is not a part of the Westmount subdivision but the meeting was called for the Westmount subdivision area, not Westmount subdivision proper. That is where the application happened in the past and members of the community in Westmount subdivision were the ones that brought up concerns to Council. There was a request for a meeting and that is why the meeting was held for all parties involved. The policy regime applies to the designation and Westmount is designated like Connaught Avenue, as Residential Environments. Therefore an application can be made.

Mr. Kirk asked if Edinburgh, London and Liverpool streets could be the same.

Mr. Ouellet stated that they could be but he is not sure as he hasn't checked that far.

Mr. Kirk stated that the development happening on London Street, takes away from the integrity.

**Daniel Stone**, Halifax, lived in the subdivision for 15 years. He feels extremely fortunate to be a part of it. He thinks that Council and the Councillor for the area has made a fundamental error in allowing a particular home to become R-2. It has been suggested to him that Council and staff have the ability to make these kinds of changes (properties specifically). If there is a renter and they move on, the home automatically reverts to an R-1 status. If the property is sold, it reverts back to an R-1 status.

He stated that staff might want to consider that what is written in the By-Laws can be interpreted in different ways, to bend certain circumstances into a way that would satisfy another application, regardless of where it is in the Westmount subdivision, to lend to the circumstances of the person making the application. The intent with which it is given and written can be made by people today they may not be here tomorrow. Therein lies the question. He believes that is why Council has made a fundamental error. When staff and Council move on, they will be gone but the plan will remain.

He asked if Connaught Avenue was a part of Westmount subdivision or was not a part of Westmount subdivision. He stated that Mr. Ouellet contradicted himself. He would like clarification.

Mr. Ouellet stated that he understood it to not be a part of the subdivision. His understanding was

that when the plan came to the municipality over 50 years ago, it was not the same subdivision or the same property owner, however, it is a part of the Westmount subdivision "area". It is in the neighbourhood and that is where the rezoning happened and that is what caused concern to the people in the Westmount subdivision. That is why it is included for the purpose of the meeting. It is not a part of the actual Westmount subdivision proper.

**Jim Axell**, Halifax, wanted to talk about density. Any changes in the zoning will result in a larger population in terms of traffic and there will be more hard surfaces developed. This will have an effect on the stormwater runoff. The subdivision has a combined sewer and any increase in population, as a result of a change in the zone, would increase the runoff and increase the sewage flow. All the factors leaves less capacity for stormwater runoff and there will increase overflow to the Northwest Arm. He feels that this will be a major concern in terms of servicing. This issue reinforces keeping the area to an R-1 zone.

**Rick Scott**, Halifax, lived in the area for 30 years. He hopes that something more will be added to the LUB. He feels that there is some restrictions as to where sheds can be located, however, the neighbourhood has a unique character, as it has pathways throughout. Over the years, the openness of the pathways have had the view planes changing over time with the installation of fencing. If shrubbery could hide their appearances, the neighbourhood could maintain, to some degree, the initial intent of the neighbourhood, by the installation of those pathways. He would also like to see a definition of front yard and back yard. There was a neighbor that had problems with installation of a fence in his back yard because he was told that it was actually his front yard. He would like to see a definition in the By-Law on this matter.

Luc Ouellet stated that the height of fences could be controlled. Instead of allowing 6 feet, it could be changed to 4 feet, as it better improves the visibility. There will be safety issues if everyone starts fencing off the area close to the pathways as it will reduce visibility. That is something that could be looked into.

**Greg Burke**, Halifax, lived in the area for more than 24 years. He is well aware of the history in the area and believes it is a very special neighbourhood. It is one of only two neighborhoods in North America that were planned, from start to finish, by a community planner. This means the back yards are front yards and the front yards are back yards. There are wonderful pathways and not many fences. He stated that when staff go ahead with the new plan for the Peninsula and Dartmouth, the uniqueness and historical nature should be very carefully considered. There are good reasons to maintain that and to restrict, what otherwise might not be restricted in the rest of the Peninsula.

Mr. Ouellet stated that there is in fact one other community called the Radburn Neighborhood and that is what the Westmount design was, kind of, based on. It is very famous in the planning literature.

Randy Saintange, Halifax, asked why the rezoning was approved by Council. He understands that it was approved because there was already an apartment there. He asked for clarification.

Mr. Ouellet stated that there was a basement apartment that had been there for a long time. Staff

does not give more support just because a property owner is trying to legalize something. At that time, the position of the house, on a corner, across the street from a C-1 zone, across Connaught was an R-2 Zone, with an apartment building on the corner, was something they felt they could support; especially because there were no plans to make changes to the exterior of the building. If the house was in the Westmount subdivision or mid-block, it may not have been supported. He wanted everyone to understand that for a rezoning or for a Development Agreement (DA), there is a process of appeal. If rejected, the applicant could have appealed to the Nova Scotia Utility and Review Board (NSURB). As a planner, when writing reports, it is always whether or not the application meets policy. If it does, staff feels like they need to support it. If it does not meet policy, the board can overturn it. It is always based on policy and of course Council looks at any opposition to a rezoning.

Mr. Saintange feels that it was a bad decision and it is a slippery slope to try to push Westmount into another direction. He has seen other streets get inundated with quadplexs. Westmount subdivision is a very unique community. It is an island within a Peninsula. It always been a family housing, R-1 area. He stated that he grew up and retired there. He feels that Council is very cavalier to the wants and the needs of the subdivision. He believes that the R-2 rezoning should have never happened and staff narrowed the vision and didn't look at what the ramifications would be for the neighbourhood. He would like the staff to step back and leave it as it is.

**Wayne Howard**, Halifax, is here to support the structure of Westmount so any R-2 rezonings cannot happen. He feels that developers are smart and they have money and smart lawyers. That would be the first means of progress. The handout provided states that exceptions that are made for the conversions from R-1 to R-2 for corner lots, usually large lots, or irregular shaped lots. The subdivision is full of large, irregular shaped lots. Also, those lots located in the area of transition. One can foresee that if a corner lot gets approved to rezone, a developer might find the biggest lot in the subdivision and rezone it. Then the rezonings continue down a slippery slope. He has lived on the Peninsula for about 25 years. He also lived on Duncan Street, which was an R-2 zone. Most of the properties were single family dwellings or flats. At one time, one of the neighbors, changed a building into four units, which would be inconsistent with the rest of the neighbourhood. The residents, who were opposed to the rezoning, had Council's and staff's support entirely. Three months later, the developer applied again, with a few changes, and got rejected again. This happened about 5 or 6 times. It eventually did get approved. Those are the dangers if a bar is not set with Westmount subdivision.

**John Swales**, Halifax, expressed support in other residents' comments. He asked what will happen to Saint Agnes, zoned R-1, with an apartment complex of R-3 beside it, if and when the school board passes it back to HRM. What will the process be for future use and possible redevelopment on that corner.

Mr. Ouellet advised that it is a Park and Institutional zone. Any institution can go there, if it stays the same zone. Halifax has a tradition of not having a Park zone that only allows recreational and park uses. It is a mix zone, Park and Institutional. This is something that will be looked at in the new plan as it was somewhat problematic. It is a throwback to the zonings of the 50's and 60's.

He understands everyone is concerned about the new plan happening all at once but if staff works on the plan, piecemeal, it would be a slow process. If staff works on the plan as a whole, it should take about 2 ½ years. They have been requested to go into the South End by Council. It was not staff's decision. Doing numerous amendments to a plan takes longer than creating a new plan because there are numerous questions when dealing with each new amendment. Staff also has to deal with other applications. It is better to do the whole plan, all at once.

He wants everyone to understand that any rezonings that might come forward would require a PH and a public process. Council approved the last rezoning based on the use for the area and there were some public support. He encourages everyone to show up to give their input. He talked about the previous rezoning and the notification area. He had no inquiries at the time of the application. It was only later that there was some calls about the application. There were a few people at the PH that did speak in opposition to the application. Council reviewed and made their decision. In the end, it is always up to Council.

**Estelle Bryant**, Halifax, asked who was notified for the last rezoning. She stated that she did not know anything about the application.

Mr. Ouellet stated that for an application of that nature, notification would have been sent to about 25 of the closest neighbors. If it was a major development, more people would have been notified. There was an advertisement in the paper as well. That is a requirement from the province. The mail out notification is an additional thing that HRM does, but is not required or mandatory.

Ms. Bryant would like notification to go further next time.

Mr. Ouellet stated that he would take her comment into consideration.

Janet Mitchell, Halifax stated that she feels that although everyone is telling Mr. Ouellet that this is a unique community, he is not willing to take the idea forward and they should be lumped in with everyone else. This bothers her.

Mr. Ouellet stated that it is a unique community, but there are also other unique communities on the Peninsula. For example, the Hydrostone is also very problematic. You cannot actually rebuild what is there now under the current regulations. When they did the rezoning in 1978, they removed the townhouse zone. There are major difficulties with the By-Laws as they are very old and planning was different. Andy Fillmore and HRM by Design is doing very important work that needs to get done as it is very important to the neighbourhood. There are other neighborhoods that feel they have a unique character. If HRM sets off for the year working piecemeal, it would take longer. In doing the 1978 plan, it took them 12 years, and they did not do the entire Peninsula. They never got around to doing Westmount. This is a problem. If you go to the South End, you are not able to rezone to R-2 or R-2T. There is a very restricted designation which did not allow rezoning. Unfortunately, it would be very hard to fix the problems in Westmount without doing a detailed plan area. It would take at least a year to get done. Staff feels that a new plan is the best way to go.

**Rick Tully**, Halifax, stated that he was at the PH when the last rezoning was approved. He feels

that Mr. Ouellet is incorrect with some of his statements. He stated that the only people who spoke in favor was the applicant. He feels that calling it a house with a basement apartment minimizes the application as it was an R-2 rezoning. Someone can move forward at a later date to make more changes. He is offended by that. He also feels that what is happening now is piecemeal. Staff talks about long term planning and protecting the neighborhoods but what they are doing now is piecemeal. There is minimization of that. He feels that, respectfully, the rezoning was a done deal before the meeting happened. The Councillor voted for it, which all go back to his original point of confidence, openness and honesty in the Council.

**Karen Howatt**, Halifax, realizes that there are a lot of issues that staff has to deal with in trying to plan the city but she wants to clarify that with the exception of someone standing to object, the whole public in attendance is not in favor of R-2. She believes that there are at least 100 people in attendance. She has been in the area for 6 years and loves the neighbourhood. She has lived in other areas and understands that this is one of many unique areas. They moved from Edinburgh Street where there was an apartment building next door. She was not aware of this when she moved in. She thought it was a flat.

She feels that there should be awareness that there is an apartment building in any area. The basement of the apartment was an illegal unit and always a problem. Someone gets in there for a bottom, basement price and the problem begins. She feels that everyone needs a place to rent as she has rented in the past. When you finally purchase a house, which you pay a premium on, you should expect that the rules are being followed properly, to some degree. She feels that a landlord doesn't always want to pay the extra money to upkeep as they are trying to get earnings from it and not put a whole lot back into it.

She feels that the home owners are trying to keep their place decent and trying to keep it up and that tenants do not want to spend the money because it is not their place. Next, the R-1 changes from R-1 to R-2 and a bunch of apartments or rooming houses come in and it all starts to slide. She feels it is a slippery slope. She assumed a recent address, she had been given, was a house because it had no apartment number but when she arrived there, on Sherwood street, it looked like a house from the front, but it was actually 2 flats in the front and there were at least 6 apartments on the back. She feels that because it is a residential area, it was not intended to be overly developed in that way.

She stated that when she tried to sell her home, she had been asked if there were apartment buildings on the street. When she told them yes there are, that was the end of that. Yet, the apartment buildings were well kept. She feels that the value of your houses go down because of apartment people with flags up in their windows. She doesn't want that in a residential area. There is a school in the subdivision that the community puts a lot of effort into. If there were apartment buildings in the area, you will see a change in the school as well.

She stated that in regard to fences, she can see the value in having a fence because this is not the neighbourhood it was 50-65 years ago. There is a whole lot more traffic. As a mom of little ones, it only takes a second, if there is no fence. From a safety perspective, because of the amount of traffic that is now in the neighbourhood, she can understand why people would want a fence.

**David Clarke**, Halifax, has lived in the area for about 10 years and live there because they were fortunate to buy a house in the subdivision. If someone tried to offer them the most expensive house in Halifax, he would not move. He feels privileged to be there. They live there because of the character of the community and that needs to be preserved. It can only be preserved by reinforcing the R-1 zoning.

**Stephen Moore**, Halifax, wanted to show support in favor of not rezoning the neighbourhood. He has been in the neighbourhood for 3 years and moved there to raise a young family. He feels that it is a friendly, safe, well balanced neighborhood. He feels that this has been a great success for planning as there have been some bizarre neighborhoods, as he grew up in the North End. He asked for an example of where planning worked really well. He asked if having a broad set of rules has ever worked before.

Mr. Ouellet stated that they would do the plan as one document. The problem now is that no matter where you live on the Peninsula and are zoned R-1, it is one size fits all. Staff feels that this is inadequate and they would like to approach this. Everyone has the same setbacks, no matter how it looks. This does not work well. They would be looking at one new plan and one new By-Law. They would also be looking at the character of each of the neighborhoods and try to protect that character.

**Sharon Johnson-Leger**, Halifax, moved to the neighbourhood about 7 years ago to raise a young family. She feels that Westmount is a good mix of young and old. It has a family-like atmosphere. She would like to maintain a no worry neighborhood. She feels that Westmount should be considered unique and more restricted than an R-1.

**Lee Beaupian**, Halifax, asked if staff were planning on creating one document over the next two years, one that does not have one size fits all and one that has components for each different category within the city. He does not understand the fictional need for one massive document or why staff is waiting to create one document. He feels that good standards could be created for each region of Halifax and establish that on a rolling basis.

Mr. Ouellet stated that there are problems throughout the Peninsula of Halifax and throughout Dartmouth. Staff needs to replace the documents as they are too old. He feels that an exercise in amending will take longer as there are lots of neighborhoods that need amending. There is currently one document that applies to the Peninsula of Halifax as it is easier to manage. They would make sure that the plan and the By-Law respect the characteristics of each neighbourhood. They do not have the resources to do one community at a time. They have to do it as one.

**Kathleen Powell**, Halifax, asked what will happen if a request comes in for a Rezoning within the two years it will take to do the new plan. She is seriously concerned about this. She stated that Councillor Watts had said, at the beginning of the meeting, that HRM does not normally send out notification letters and the fact that Westmount received a letter for the meeting tonight is not a normal occurrence. She is concerned that only 25-30 neighbors will find out about any applications to rezone.

Mr. Ouellet stated that he does not agree with Councillor Watts statement as it is very rare that notification is not sent out for a rezoning. He will, however, pass on the message to the planning

department that if there is ever another rezoning, Westmount Subdivision should be notified as a whole. He feels that it is clear, by the number of public in attendance, that Westmount was notified for the meeting tonight.

Ms. Powell asked Mr. Ouellet if he was committed to sending out a letter to Westmount or if he was committed to passing the information on.

Mr. Ouellet stated that he could not commit to sending out the letters but he would certainly pass that information on to his supervisor.

Ms. Powell asked if Councillor Watts could send out an email to everyone on the list indicating if there are any other meetings concerning rezoning applications.

Mr. Ouellet stated that he would like to make it clear that people are able to make application for rezoning and they have the right to do so.

**Trent Doucette**, Halifax, is hoping that the planning department hasn't already set a precedence by granting the Connaught Avenue application an R-2 zoning. He would like staff to consider that there might already be illegal basement apartments, within or close to the community. He wonders how the city could say no to these units if someone applies for a rezoning because they have already approved it once before.

Mr. Ouellet stated that the planning department feels that the precedence was not set when they recommended that rezoning. The precedence was set when the policies were put in place which actually entertains those applications. Unfortunately the policies are there and staff has to allow them to come in. He would have rather been able to provide the zoning, auxiliary dwelling unit zone, to the house because currently they do have the right in the future to build a duplex, under the R-2 zone. They did not have that option under the current plan. Staff always has to follow the process.

Mr. Doucette stated that he would stay in Westmount as long as the area is not destroyed by any crazy housing proposals.

**Wayne Kirk**, Halifax, asked about the notification area. He asked why it wasn't extended to Connolly Street or Bayers road. He feels that the process of the rezoning was dishonest.

**Eric Thompson** thanked everyone for showing up at the meeting. He stated that he is the warden of the church and sometimes feels like the warden of the subdivision. He reads the paper to see if there are any notices for change. He believes that every time something happens at Halifax Shopping Centre, Westmount should be advised as he has been around for a very long time. He is concerned that there is an ability for people to enhance 2 units to 3 units if they can get a very clever architect who can deal with such things as angle control. Secondly, he believes that in order to appeal, you have to be an aggrieved party or in a certain proximity to the dwelling.

Mr. Ouellet stated that it is actually up to the Board to decide.

Mr. Thompson stated that he could not appeal the last rezoning as he lived too far away. He is

concerned that if they wait, someone else could rezone. He stated that it is actually not Mr. Ouellet's decision or interpretation of whether this is precedence setting, it is up to the Board. He feels that there is no time to waste. He recalls a time when subsidized housing was going to be placed in the field in front of his house. If it had not been for his father, stating that it was open space, it would have gone in there. He feels that the residents seem vigilant because Westmount is such a great spot to live.

He stated that the biggest house in the subdivision could easily put in 4 units and 60 to 70 percent of the houses in the subdivision have had additions out on. The historical nature of the subdivision is the same as when it was built. There was more open space as an urban subdivision than almost any other subdivision in metro, thanks to the parks and the walkways. He believes that Westmount has a great historical claim as the subdivision was named after people from the community who had died in the war.

He stated that it must have certain historical context and asked if it could be designated as a historical area, which might give it some protection. He does not think it should wait for two years. He understands that other subdivisions have problems but Westmount does not. The only problem they have is that they cannot get Council and planning to help them protect the subdivision. He noted that not one member of the public in attendance has given support to the idea. He stated that the reason he did not launch an appeal towards the last rezoning is that they talked to the homeowner and they are prepared to rezone to R-1 and justify the basement apartment. He is concerned as the precedence has been established. The person that lives next door to the last rezoning has a powerful claim to do the same. He would like for staff to support them with this.

**Daniel Stone**, Halifax, stated that the planning department feels that Westmount is not the only area asking for changes but he feels that they are not looking for any change at all. He wants it to remain at R-1. He would like to see that in the new plan.

Mr. Ouellet stated that the new master plan will be the next wave of HRM by design. They feel that they will tackle the issue at that time. He does not think that the issue will be tackled any quicker if staff does a site specific master plan. It needs to be done in coordination with the larger plan. Staff does not, unfortunately, have those kinds of resources. There are problems that need to be standardized. On the Peninsula, currently, there are 4 different ways to calculate height. It was done this way because at the time there were no proper resources for mapping. It was actually done by hand. Staff feels that there is a lot of clean up to be done and the only way to do it properly is as one exercise. He stated that Councillor Watts and her colleagues will have to give staff direction.

Randy Saintange, Halifax, wanted to reiterate that Mr. Ouellet will bring back to his supervisor that fact that notification should be sent out to Westmount. The people definitely want to be zoned R-1.

**Councillor Watts** thanked everyone for coming and appreciated all comments. She stated that she has heard everyone, loud and clear. She feels that there should be one change because Westmount is a residential environment that allows for other potential uses to be considered. This should be an issue that they ask staff to look at. This would mean, when the process goes

through, it would keep the consistency of the neighbourhood. She stated that the message is clear that the community wants to remain R-1. She asked staff to take other issues, such as fences and sheds, into consideration and maybe offer some options so it might meet the concerns of the public. She values the honesty of the community. She hopes that the community continues to give her such great feedback. She encouraged the public to add their email to her list so she can update them appropriately.

Unknown speaker asked why she supported the rezoning on Connaught.

Councillor Watts stated that it was a long standing use that had been there for over 40 years. She understood that the people that were directly affected, such as the next door neighbor, did not have a problem with the rezoning. The use was something that the homeowner had bought, not created. The fact that it was on a corner lot and it had adequate parking was also in its favor. Other than the Public Hearing, she did not hear anyone speak in favor of it other than the proponent that night. She stated that there was a phone call or two prior to the meeting but she did not hear any other comments or concerns. Her decision was made based on those things. It was not going to change the footprint of the site and those are the reasons why she supported that decision.

### **3.**                    **Closing comments**

Mr. Ouellet thanked everyone for coming, provided his contact information and advised of future notifications.

### **4.**                    **Adjournment**

The meeting adjourned at approximately 8:55 p.m.