

Halifax and West Community Council
February 4, 2013

TO: Chair and Members of Halifax and West Community Council

Original Signed

SUBMITTED BY: _____
Jane Fraser, Director Planning and Infrastructure

DATE: January 18, 2013

SUBJECT: **Slaunwhite Request to allow further subdivision of land without road frontage in Terence Bay**

ORIGIN

Motion of the former Western Region Community Council to request a staff report on the options to amend the applicable planning documents to enable subdivision of the Slaunwhite property at Riverside Drive, Terence Bay, PID #00437038, to create one additional lot without the street frontage required by the Regional Subdivision By-Law.

LEGISLATIVE AUTHORITY

Section 281 (3)(d) of the Halifax Regional Municipality Charter, enables HRM to waive certain requirements of the Halifax Regional Municipality Subdivision By-Law.

RECOMMENDATION

It is recommended that Regional Council direct that no amendments be undertaken to the Regional Subdivision By-Law to allow for any further subdivision of land without road frontage on lands that had been previously subdivided pursuant to Section 38.

BACKGROUND

The Western Region Community Council, on behalf of Ms. Susan Slaunwhite, passed a motion at its meeting of July 23, 2012, requesting a staff report on the options to amend the applicable planning documents to enable subdivision of the Slaunwhite property at Riverside Drive, Terence Bay, PID #00437038, to create one additional lot without the street frontage required by the Subdivision By-Law.

Susan Slaunwhite is the owner of lot 7A, shown on the attached plan of subdivision (Attachment A). She is seeking the opportunity to create an additional lot from this 4 acre parcel of land which has no road frontage. Lot 7A was created in 2006 from another land locked parcel of land in 2006. Neither Lot 7A or 7B have frontage on a public road and Lot 7A can only be accessed via Riverview Lane and a private driveway over lot 7B.

DISCUSSION

The Regional Municipal Planning Strategy allows the creation of a maximum of two lots (one plus a remainder) without road frontage in accordance with Section 38 (1) of the Regional Subdivision By-Law (Policy P-31). This exemption is applicable to any parcel of land within the former County of Halifax that was in existence before August 1, 1987, but may only be applied to a parcel once. Ms. Slaunwhite's property was previously created using this exemption in 2006 and cannot be further subdivided pursuant to Section 38.

To allow any further subdivision of this property, Council would have to amend the Subdivision By-Law to allow additional subdivision on lots without road frontage. This is not recommended since it would allow all other lands without road frontage in the former County of Halifax to be further subdivided and cause challenges for municipal service. Council could limit the area of application to the Mixed Use Designation under the Municipal Planning Strategy for Planning District 4 (Prospect), wherein this property is situated (Attachment B - Map 1). This however, would create a precedent for future amendments to the Subdivision By-Law and undermine the development standards that have been established within the Municipality.

The Regional Municipal Planning Strategy standardized the approach to development under the Halifax Regional Subdivision By-Law to ensure that development meets a reasonable standard to facilitate service access and minimize future costs. Allowing further development of lots without public road frontage can indirectly lead to the creation of private lanes, which the Regional Plan prohibits under Policy S-30. With further subdivision of lands without road frontage, these lanes could emerge without having to be built to any public standard and could be left unmaintained. This could pose challenges for emergency vehicle access, damage to equipment, or expenditures to adapt local fire equipment to service properties with limited access.¹ This can also lead to future public expectations for service or public pressure to upgrade a lane to a public standard, since the Municipality does not provide garbage collection, road maintenance or any other services to developments along private lanes.

¹ In the service area of Station 58 – Lakeside, Special Equipment in the form of a pick up truck and longer hoses had to be purchased to service private lanes which cannot be access via fire truck.

Allowing further subdivision development without public road frontage would undermine the intention of the Regional Plan towards the attainment of a good public standard for subdivision development; no amendments to the Subdivision By-Law are recommended.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this recommendation. A recommendation to amend the Subdivision By-Law to allow further subdivision of land without road frontage, could lead to some long-term financial implications should the Municipality have to take over private lanes or modify equipment to provide emergency response services.

COMMUNITY ENGAGEMENT

Community engagement would be required if an amendment to the Subdivision By-Law is initiated.

ENVIRONMENTAL IMPLICATIONS

Future environmental implications will be assessed if an amendment to the Subdivision By-Law is initiated.

ALTERNATIVES

Council could direct staff to initiate an amendment to the Halifax Regional Subdivision By-Law, to allow an additional lot to be created without road frontage from any area of land that was created for any parcel of land existing as of current date for lands within the Mixed Use Designation under Planning District 4 (Prospect). This is not recommended for the reasons outlined in this report.

ATTACHMENTS

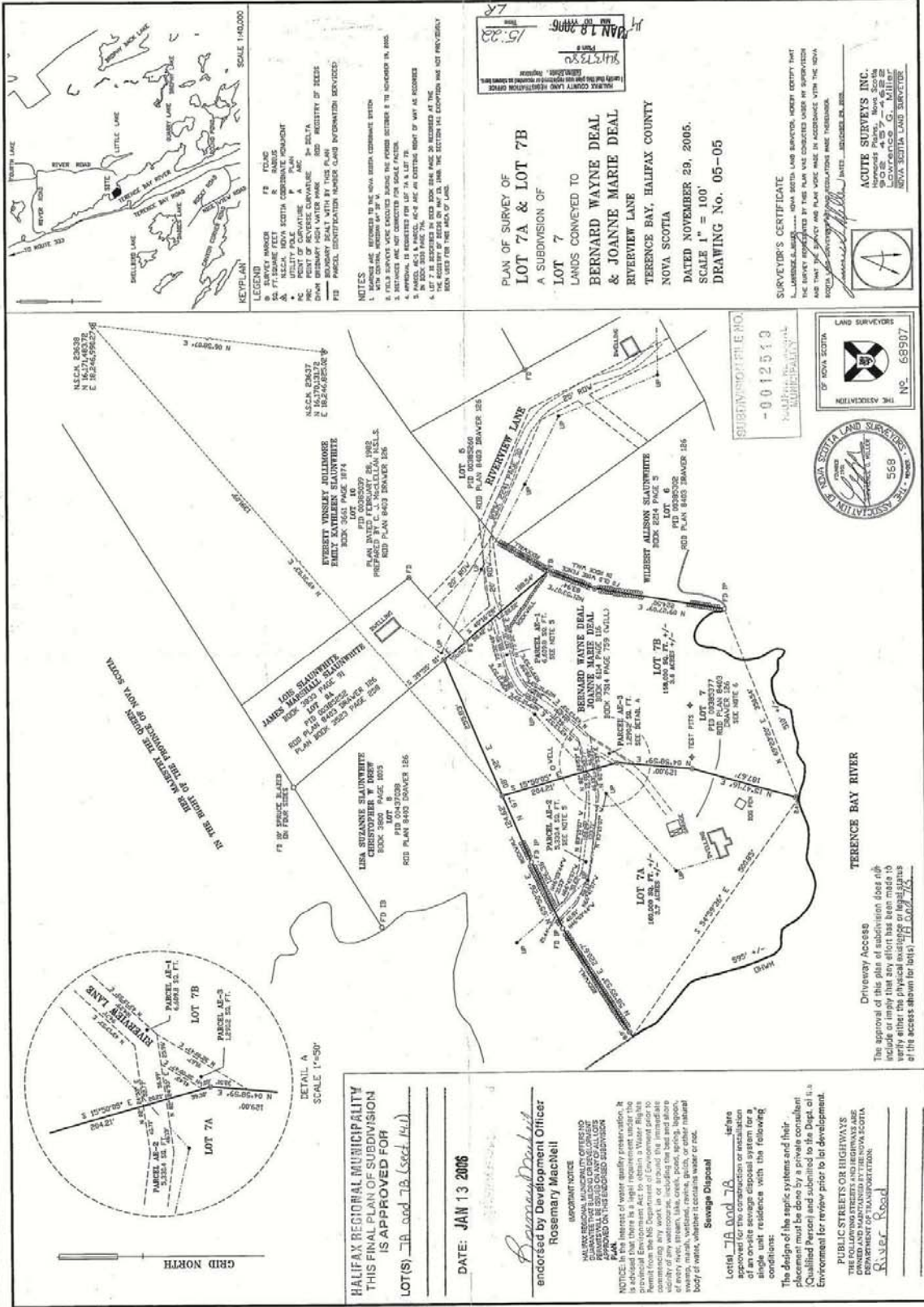
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|--------------|-----------------------------------------------------------------------------------------------------|
| Attachment A | Plan of Subdivision |
| Attachment B | Map 1 – Mixed Use Designation of the Municipal Planning Strategy for Planning District 4 (Prospect) |

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: Maureen Ryan, Senior Planner, Planning and Infrastructure, 490-4799

Original Signed

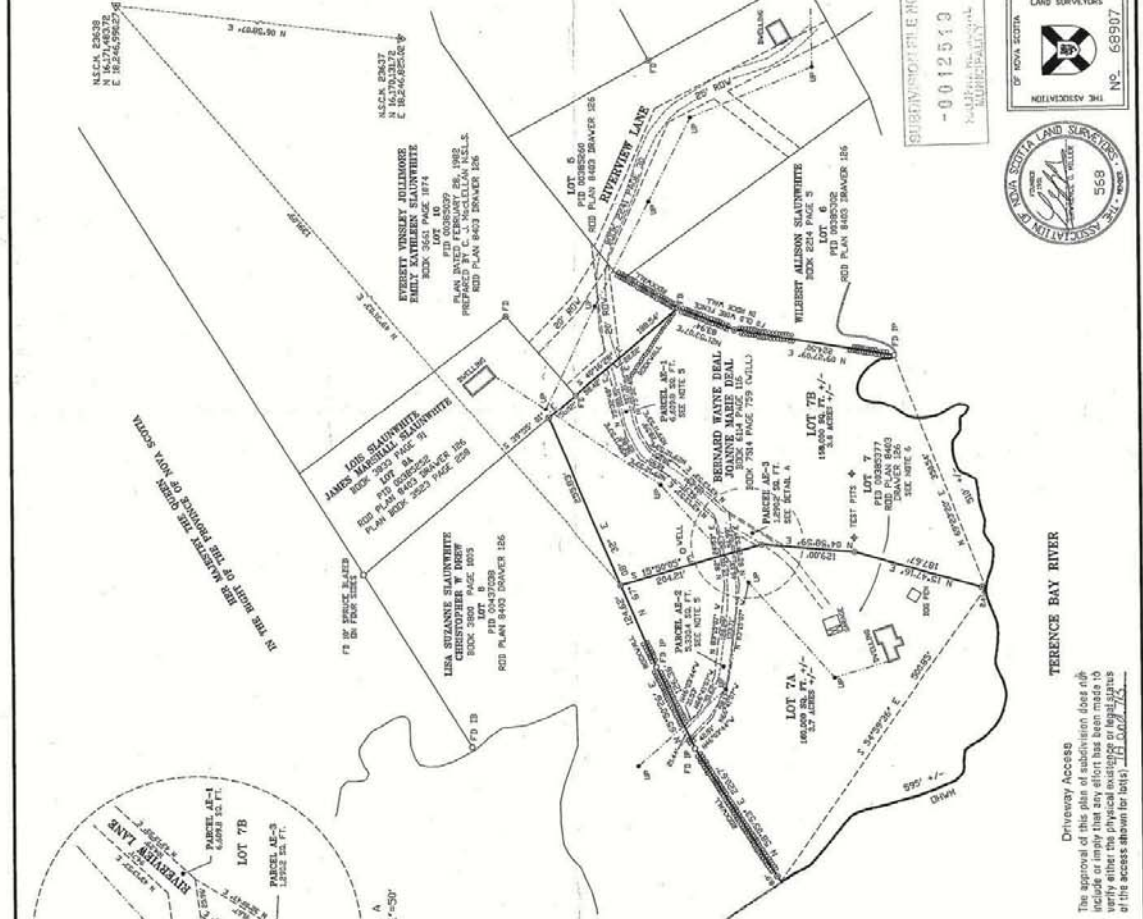
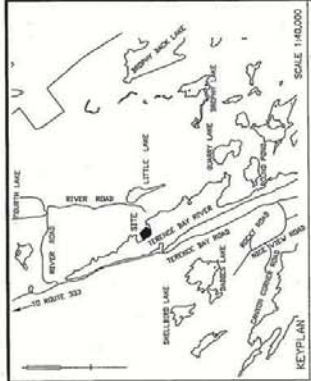
Report Approved by: Austin French, Manager, Planning and Infrastructure, 490-6717



MAN 18 2006
 15:28
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SURVEYOR'S CERTIFICATE
 I, the undersigned, being a duly qualified and licensed Surveyor in the Province of Nova Scotia, do hereby certify that the survey represented by this plan was conducted under my supervision and that the accuracy and plan were made in accordance with the Nova Scotia Survey Act and Regulations made thereunder.

ACUTE SURVEYS INC.
 3005 Highway 7
 Lawrence, G. Miller
 8005 BETHLA LANE SURVEYOR



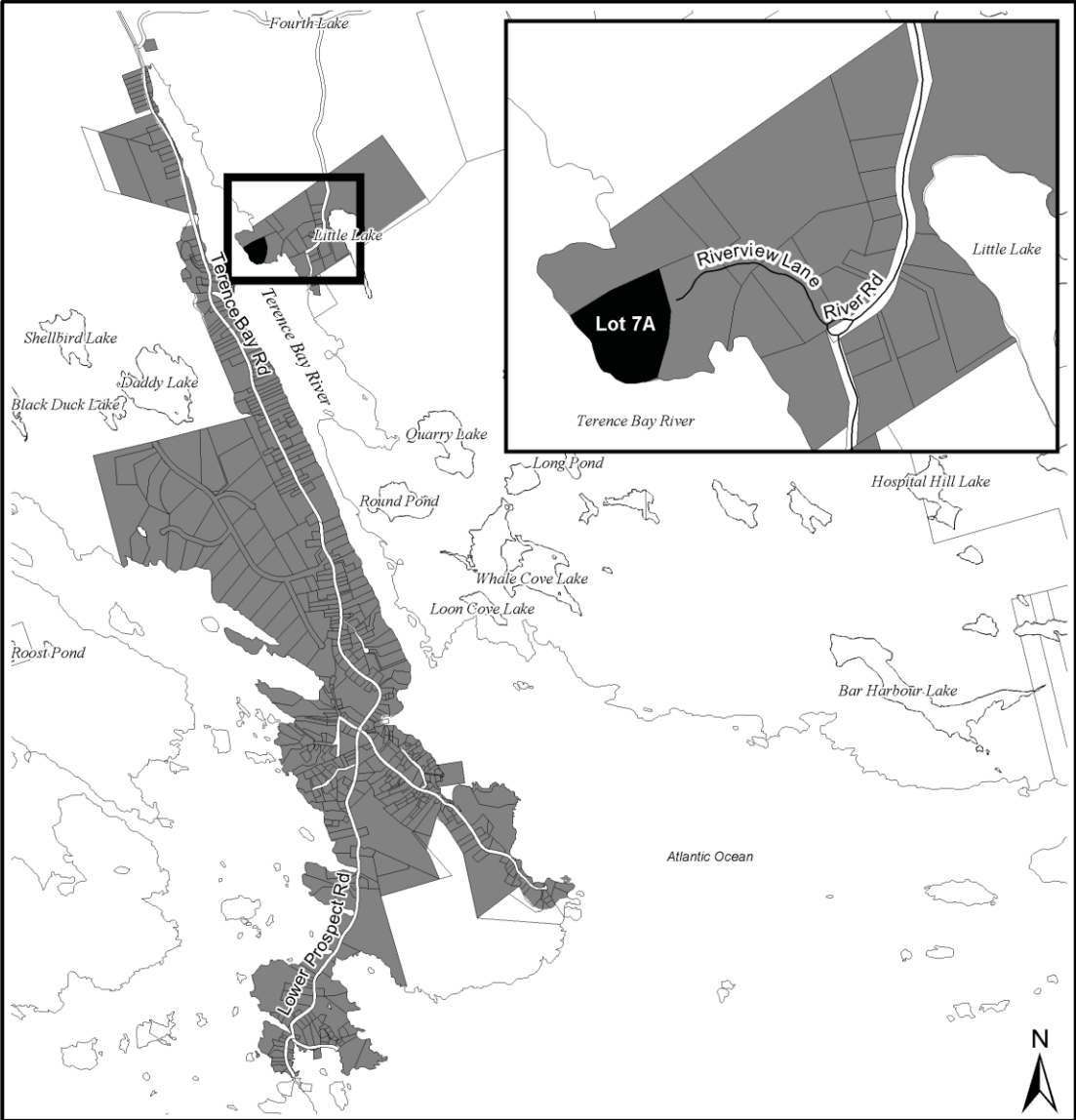
HALIFAX REGIONAL MUNICIPALITY
 THIS FINAL PLAN OF SUBDIVISION IS APPROVED FOR LOT(S) 7A and 7B. (sect. 44)

DATE: JAN 13 2006

endorsed by Development Officer
 Rosemary MacNeil




SEWERAGE DISPOSAL
 The design of the septic systems and their placement must be done by a private consultant Qualified Person and submitted to the Dept. of Environmental for review prior to development.

PUBLIC STREETS OR HIGHWAYS
 THE FOLLOWING STREETS AND HIGHWAYS ARE THE PROPERTY OF THE DEPARTMENT OF TRANSPORTATION:
 River Road



Map 1: Location and GFLUM

PID #41191263 Lot 7A

-  Property boundary
-  Subject property: PID #41191263 Lot 7A
-  Mixed-Use Designation

Planning District 4
Plan Area



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Planning District 4 Plan Area.

HRM does not guarantee the accuracy of any representation on this plan. Date of map is not indicative of the date of data creation.