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Western Region Community Council
May 25, 2009

TO: Chair and Members of Western Region Community Council

SUBMITTED BY:


Paul Dunphy, Director of Community Development

DATE: April 30, 2009

SUBJECT: Case 01264: Rezoning 59 Seafarers Lane, Whites Lake

ORIGIN

Application by Marnie Guy.

RECOMMENDATION

It is recommended that Western Region Community Council:

1. Give First Reading of the proposed rezoning and schedule a public hearing; and
2. Approve the rezoning of 59 Seafarers Lane, Whites Lake, as shown on Map 1, from the RA-3 (Residential A-3) Zone to the RA-4 (Residential A-4) Zone.

BACKGROUND

This application is to rezone the property at 59 Seafarers Lane from the RA-3 Zone to the RA-4 Zone. This will allow for the construction of an auxiliary dwelling unit as an addition to an existing single detached dwelling unit (Attachment A - Plans). The property is:

- approximately 33,000 square feet in size;
- serviced with on-site septic and well;
- bordered in part by White's Lake and a stream;
- accessed by a driveway from Seafarers Lane, which is an unpaved private road; and
- in an area that is largely comprised of low-density single-detached dwellings.

The property is within Planning District 4 (Prospect) Plan Area and is designated Residential A under the Municipal Planning Strategy.

DISCUSSION

The only difference between the RA-3 Zone and the RA-4 Zone is that the RA-4 Zone allows for auxiliary dwelling units, which are defined in the Land Use By-law as:

“a self-contained dwelling unit within an owner occupied single unit dwelling in which unrestricted access can be gained through a private entrance into the auxiliary unit, and which auxiliary unit comprises less than thirty-five (35) percent of the gross floor area of the dwelling.”

The applicant's proposal meets this definition. It also meets the requirements of the RA-4 Zone, including setbacks from property boundaries and watercourses.

In deliberating upon the rezoning proposal, Council is to consider the objectives and policies in the Municipal Planning Strategy. With regard to auxiliary dwelling units, the Municipal Planning Strategy states:

“The construction of basement apartments within single unit dwellings, to accommodate relatives or to supplement mortgage payments, has become a common occurrence within residential areas. While these uses are generally supported, there are concerns with respect to parking and density. This designation will, therefore, only permit these units by amendment to the land use by-law.

RA-3 Within the Residential A Designation, it shall be the intention of Council to create a residential A-2 zone which applies to the Brookside community and surrounding area and a residential A-4 zone which applies to the Whites Lake community and surrounding area. These zones will permit single unit dwellings, auxiliary dwelling units, open space uses and home business uses, and all

existing business uses and all existing dwellings. To minimize the effect on adjacent land uses and to ensure compatibility with the surrounding residential environment, home business uses shall be wholly contained within the dwelling and restrictions shall be placed on size, outdoor storage and display, the use of mechanical equipment and parking. Within the residential A-2 zone, signage for home business shall be prohibited and within the residential A-4 zone it shall be limited in size. Provisions will also be incorporated within the zone to ensure that these home businesses are operated by a resident of the dwelling. These zones may be applied initially to existing auxiliary dwelling unit developments and to new developments by amendment to the land use by-law and with regard to Policy IM-11.”

Policy IM-11 is a set of policy criteria that are to be considered in the review of any rezoning proposal. The criteria are largely concerned with the suitability of a site and the impact that a proposal may have on its surroundings (Attachment A, Review of Policy IM-11). The proposal to rezone 59 Seafarers Lane from RA-3 to RA-4 is found to meet this policy and the Municipal Planning Strategy in its entirety. It is therefore recommended that Council approve the rezoning of the property from the RA-3 Zone to the RA-4 Zone.

Public Information Meeting / Notification

A public information meeting is usually held for rezoning applications. However, Western Region Community Council waived this meeting. Should Community Council decide to proceed with a public hearing on this application, in addition to published newspaper advertisements, property owners in the immediate area will be individually notified as shown on Map 1.

Halifax Watershed Advisory Board

Planning applications for lands within the vicinity of fresh water bodies and coastal inlets are regularly referred to the Halifax Watershed Advisory Board (HWAB) for comment and recommendation. This application was not referred to HWAB due to the very limited impact that the auxiliary dwelling unit will have on water resources.

BUDGET IMPLICATIONS

The HRM costs associated with processing this application can be accommodated within the proposed operating budget for C310.

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

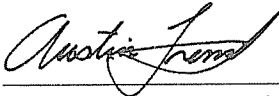
1. Council could approve the proposed rezoning. This is the recommended alternative.
2. Council could refuse the proposed rezoning. Pursuant to subsection 6 of Section 254 of the *Halifax Regional Municipality Charter*, Council must provide reasons for this refusal based on the policies of the MPS.

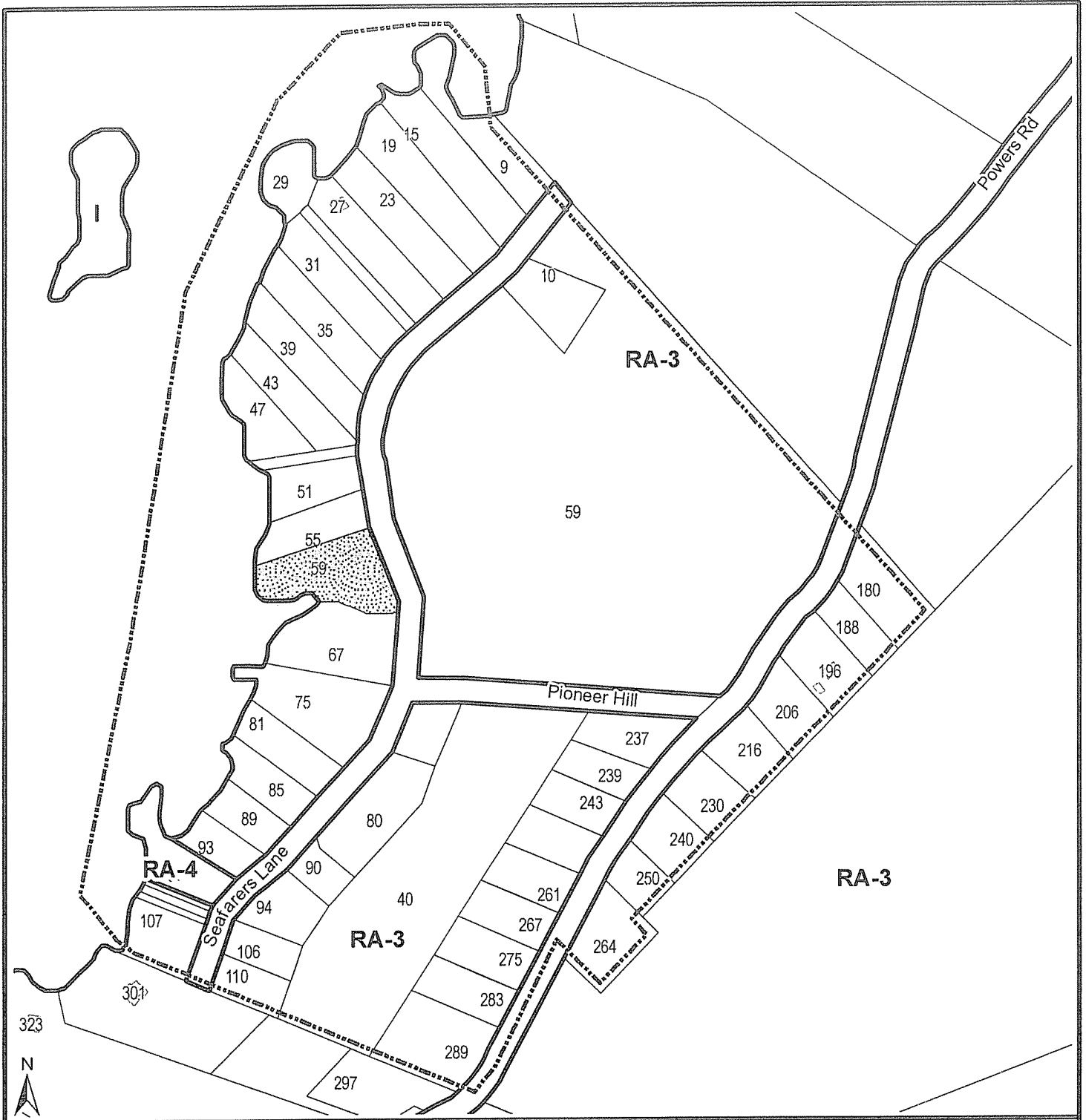
ATTACHMENTS

Map 1 Location and Zoning
Attachment A Review of Policy IM-11
Attachment B Proposal Drawings

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



Report Prepared by: Richard Harvey, Senior Planner, 490-5637

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



Map 1 - Location and Zoning

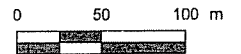
59 Seafarers Lane
White's Lake

-  Subject area
-  Area of notification

Planning District 4
(Prospect) Plan Area

Zone

- RA-3 Residential A-3
- RA-4 Residential A-4
- I Islands



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.

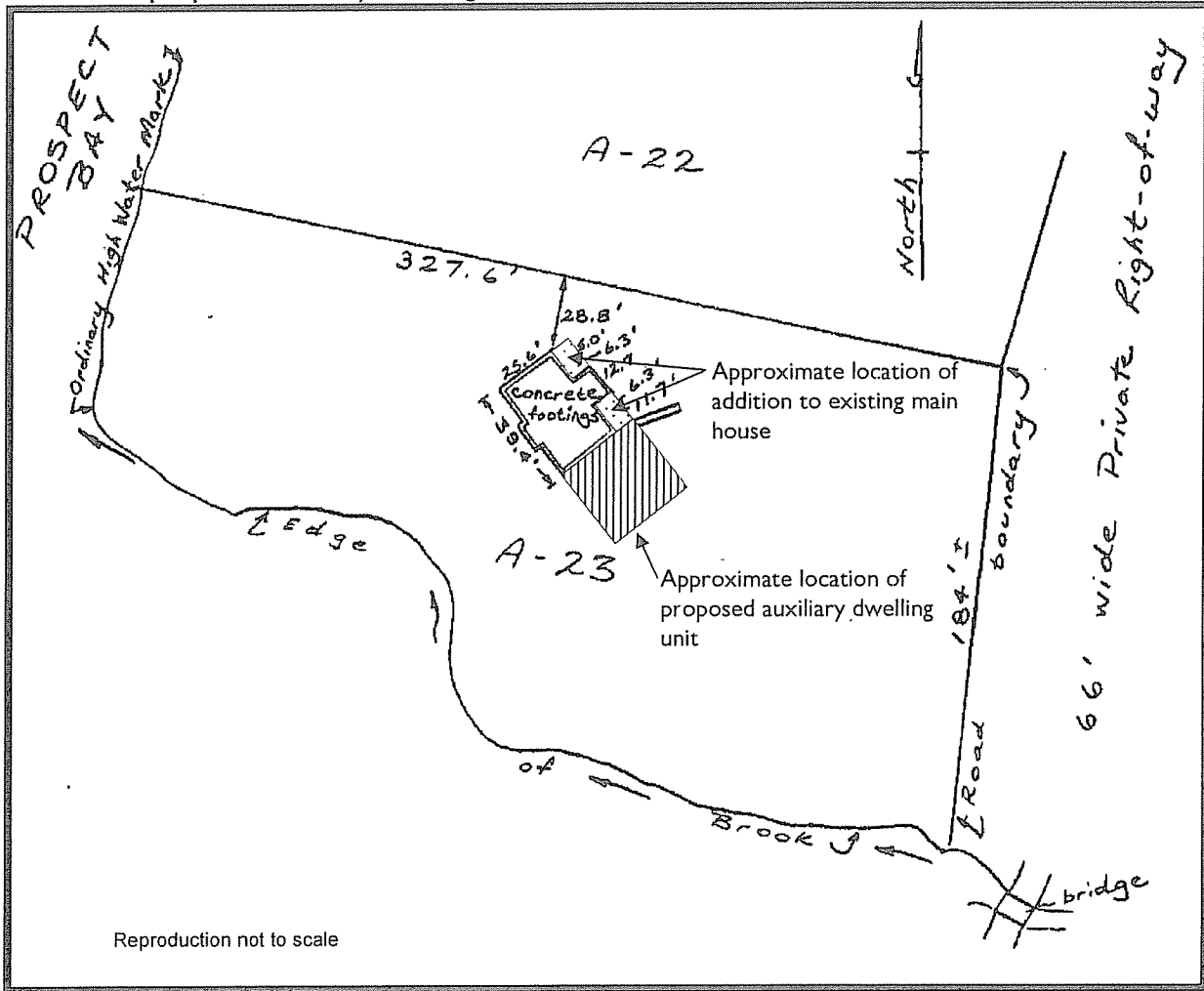
Attachment A - Review of Implementation Policy IM-11	
Policy	Staff Comment
<p>IM-11 In considering development agreements or amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Planning Strategy, Council shall have appropriate regard to the following matters:</p>	
<p>(a) that the proposal is in conformity with the intent of this Planning Strategy and with the requirements of all other municipal by-laws and regulations;</p>	<p>The proposal is found to be in conformity with the intent of the Municipal Planning Strategy and all other municipal by-laws and regulations.</p>
<p>(b) that the proposal is not premature or inappropriate by reason of:</p>	
<p>(i) the financial capability of the Municipality to absorb any costs relating to the development;</p>	<p>There are no municipal costs associated with the development.</p>
<p>(ii) the adequacy of on-site sewerage and water services;</p>	<p>The property owner has undertaken a preliminary investigation of the septic system capacity and found that an appropriately improved system can be accommodated on-site. Approval from the Department of the Environment will be required before a development permit for the second dwelling unit can be issued.</p> <p>There are no known water service issues in the area.</p>
<p>(iii) the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;</p>	<p>The limited scope of the proposal has prompted no special review of the capacity of such services.</p>

Review of Implementation Policy IM-11	
Policy	Staff Comment
(iv) the adequacy of road networks leading to or within the development; and	Although the subject property is accessed by an unpaved private road, there are no impediments or access issues that have been noted.
(v) the potential for damage to or for destruction of designated historic buildings and sites.	Not applicable
(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:	
(i) type of use;	The type of use is compatible with the low density surrounding area.
(ii) height, bulk and lot coverage of any proposed building;	The proposal will be need to meet the requirements of the Land Use By-law.
(iii) traffic generation, access to and egress from the site, and parking;	The additional dwelling unit will introduce only a minor increase in traffic. There is suitable access to the site and available parking.
(iv) open storage;	Not applicable to a residential property.
(v) signs; and	Not applicable to a residential property.
(vi) any other relevant matter of planning concern.	None observed.
(d) that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.	No apparent issues.
(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of	Not applicable.

Review of Implementation Policy IM-11	
Policy	Staff Comment
the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.	

Attachment B – Proposal Drawings

Location of proposed auxiliary dwelling unit



Attachment B – Proposal Drawings

Front and Rear Elevations

