

**NORTH WEST PLANNING ADVISORY COMMITTEE
MINUTES
April 7, 2004**

PRESENT: Ms. Ann Merritt, Chair
Ms. Jan Gerrow, Vice Chair
Councillor Len Goucher
Councillor Brad Johns
Ms. Gloria Lowther
Mr. Roddy MacDonald
Mr. Robert Morgan
Mr. George Murphy
Mr. Delphis Roy
Ms. Karen Stadnyk

REGRETS: Mr. Tony Edwards

STAFF: Gail Harnish, Admin/PAC Coordinator
Patti Halliday, Legislative Assistant

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1. CALL TO ORDER

Ms. Merritt, Chair, called the meeting to order at 7:00 p.m.

2. APPROVAL OF THE AGENDA

The following items were added to the agenda:

- 8.1 Web Site - www.sackvillenovascotia.ca
- 8.2 RSU Zone
- 8.3 Serviceable Boundaries
- 8.4 Update - Halifax Harbour Focus Groups

MOVED by Delphis Roy, seconded by Jan Gerrow, that the Agenda be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF MINUTES - FEBRUARY 4, 2004

It was noted that the vote on the motion for Item 5 - Case 00615: Development Agreement for Lot 1094 (Lot 130) Bedford Highway on Page 4 was not unanimous, and it was requested that the minutes be amended to reflect this.

MOVED by Gloria Lowther, seconded by Delphis Roy, that the minutes of February 4, 2004 be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS RISING FROM THE MINUTES

5. CASE 00660 - DISCUSSION ON POSSIBLE CHANGES TO THE HOME OCCUPATION ALLOWANCES IN BEDFORD

- C A memorandum from Richard Harvey, Planner II, dated March 17, 2004, regarding the above, was before the Committee for its consideration.

Mr. Richard Harvey, Planner, presented the report and the proposed amendments to the Bedford Land Use By-Law to the Committee.

Ms. Merritt noted an error in the amendments under Section (j). Item vi) Objectionable uses should be deleted from this section.

Councillor Goucher expressed concerns regarding the public notification process and inquired if the process followed for variances could be used for home occupations. In response, Mr.

Harvey stated procedures for variances typically deal with setbacks and are set out in the Municipal Government Act. Unfortunately, HRM does not have the same tools to deal with this issue. Councillor Goucher suggested notification regarding home occupation applications could be sent out to people living within 150 feet of the property. If there are concerns, they could be forwarded to the Development Officer.

Ms. Gerrow expressed concern with the term “massage parlour” and suggested it should be more clearly defined.

Ms. Stadnyk noted signage is an issue as well and residents only want a small sign indicating the business permitted. She also noted the amendments do not restrict the amount of traffic that can be generated by the home occupation nor does it address parking.

Mr. Morgan suggested the term “objectionable use” is defined by the standards of the community surrounding the business and perhaps feedback from immediate residents would be beneficial in defining “objectionable use.” He also expressed concern with enforcement, noting if these amendments are not enforced, they are simply words.

Ms. Lowther inquired if “accessory buildings” could be deleted from Section (c). She also inquired if the owner has to occupy the residence. In response, Mr. Harvey stated he did not think a renter could be restricted from having a home occupation as it would be deemed to be discriminatory. Ms. Lowther also requested that landscaping businesses be added under Section (k). Mr. Harvey noted the amendments do not permit any outdoor storage. He stated the amendments will not be able to address the worse case scenarios but they will reasonably cover off most concerns.

Mr. MacDonald suggested “office uses” should be more clearly defined. Mr. Morgan expressed similar concerns with the term “studio.” Mr. MacDonald stated the amendments need to provide clarity to support the Development Officers in their decisions.

Councillor Goucher inquired if it would be possible to insert a clause that states if the use is not clearly defined that the final decision would lie with the Development Officer. In response, Mr. Harvey suggested it may be worthwhile to provide the Committee with information as to how Development Services would process a home occupation application, noting the process requires a lot of detail to be provided.

With respect to notification, Mr. Harvey agreed it would be a good idea but there are some issues. He noted HRM would only have a notification tool available if the application proceeded to a development agreement. Ms. Merritt inquired if a petitioning process could be implemented whereby an applicant would have to collect the approval of a certain percentage of the neighbourhood before a home occupation would be approved. Councillor Johns suggested some people may find this process intimidating.

Mr. Morgan expanded on his concern regarding studios and what might be permitted (ie. recording studio) compared to restricting an accessory building for storage for a pool cleaning company as an example. He also questioned why the dog grooming business that created this issue could not have been shut down under the "objectionable use" clause in the current regulations. Mr. Morgan inquired if it could not be done using that clause, what power will that clause hold in future cases. Councillor Goucher responded that the dog grooming business was an allowable use and, therefore, could not be classified as an objectionable use. Mr. Morgan noted the same could be said about a studio with the proposed amendments. Councillor Goucher suggested a contract development agreement may be the way to go to resolve these issues.

Mr. Murphy stated if the amendments put forth a straightforward document on home occupations, any other issues should be addressed by HRM By-Law Enforcement. He inquired about license requirements. Mr. Harvey stated there are permit requirements with respect to land use but business licensing is a separate realm.

Ms. Gerrow suggested Item (j) be changed from "the following shall be permitted" to "the following shall be considered" and that notification of the surrounding neighbours be conducted. If the neighbours object, then a contract development agreement could be pursued. In response, Mr. Harvey stated HRM does not have a tool in which personal opinions can be taken into account nor can discretionary authority be assigned to someone.

Councillor Goucher inquired how many applications for home occupations are received in a year in Bedford. Mr. Harvey responded he could obtain this information. The Councillor stated if the average is around six he has no problem with contract development agreements.

Mr. MacDonald suggested adding a clause to state permitting a home occupation use is intended to maintain the residential nature of the neighbourhood. Providing it does so, the following kinds of uses have been found to be permitted. He stated this would give some guidance to the Development Officer and applicant.

A discussion ensued regarding the potential for a recording studio as a home occupation. Mr. Harvey noted if noise becomes an issue it would be addressed through By-Law Enforcement. Concern was expressed that once such a business is permitted, it will be difficult to have it removed if it becomes a problem. In response, Mr. Harvey noted an appropriate definition of "studio" can be clarified.

In response to a question of Ms. Gerrow regarding restricting hours of operation, Mr. Harvey stated hours of operation cannot be addressed in a Land Use By-Law, however, they can in a development agreement.

Concerns were expressed with the lack of by-law enforcement.

Ms. Gerrow stated she now believes the development agreement process is the route to follow. Ms. Lowther agreed if certain criteria cannot be met by the applicant.

It was agreed that Mr. Harvey would develop some scenarios and meet with some members of the Committee and the Chair to discuss this issue further.

6. CASE 00535 - DEVELOPMENT AGREEMENT - 2005/2009 NO. 1 HIGHWAY (SACKVILLE DRIVE)

- C A staff report prepared for Paul Dunphy, Director, Planning and Development Services, regarding the above, was before the Committee for its consideration.

Mr. Andrew Bone, Planner, presented the report to the Committee and responded to questions.

Concerns were raised regarding the condition of the back lot, and Mr. Bone advised the Committee that it is not subject to the development agreement. With respect to the front part of the property, he noted the development agreement is basically formalizing what exists there currently.

A discussion ensued regarding office space. Mr. Bone responded that the development agreement permits a maximum space of one room of the house to be used as a office, but he noted a maximum size could be specified in the development agreement.

In response to environmental concerns expressed, Mr. Bone noted the Watershed Advisory Board recommendations have been included in the development agreement.

Following a brief further discussion, the following motion was put:

MOVED by Delphis Roy, seconded by Councillor Goucher, that the North West Planning Advisory Committee recommend that the North West Community Council:

- 1. Give Notice of Motion for the proposed development agreements, attached as Attachment #4 and Attachment #5 of the report dated March 24, 2004, to permit the addition of an outdoor display court at 2005 No.1 Highway and an outdoor display court and auto repair outlet at 2009 No. 1 Highway and schedule a public hearing.**
- 2. Approve the proposed development agreement for 2005 No. 1 Highway, as**

attached in Attachment #4 of the staff report dated March 24, 2004, with an amendment to Part 3.3 (d) to state "The Developer may maintain one room in the existing residence for the use as a sales office *to a maximum of ten (10) percent of the gross floor area.*"

3. Approve the proposed development agreement for 2009 No. 1 Highway, as attached in Attachment #5 of the staff report dated March 24, 2004, conditional upon the approval of the subdivision of the lands as indicated in Schedule "D" of Attachment #5.
4. Require that the agreements be signed within 240 days, or any extension thereof granted by Council on the request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods; otherwise, this approval will be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED.

7. **STATUS UPDATES**

7.1 **Monthly Status Sheet**

The monthly status sheet was circulated for information purposes.

8. **NEW BUSINESS**

8.1 **Web Site - www.sackvillenovascotia.ca**

Ms. Stadnyk advised the Committee of a new public web site for Sackville run by the Sackville Community Development Association. The web site includes a community calendar, and Ms. Stadnyk suggested public meetings related to planning issues could be advertised on this site. She also suggested some of the Committee's documents could be uploaded as well. Mr. Bone agreed to follow up on meeting notification through existing practices.

8.2 **RSU Zone**

Ms. Lowther raised concern regarding an existing two unit dwelling in an RSU zone. She suggested the Committee may need to review the MPS to determine if and how it needs to be amended to ensure that an RSU zone is a single unit zone. She requested that it be added to an agenda sometime in the future.

8.3 Serviceable Boundaries

Mr. Roy expressed concern with serviceable boundaries and suggested they should be abolished. In response, Councillor Johns stated a recommendation is expected to be coming forward regarding shrinking the serviceable boundaries. Ms. Merritt noted Council adopted a motion in 1998 regarding this issue. Mr. Bone stated that motion was forwarded to staff but due to budget cutbacks it was shelved. However, staff is aware of the recommendation and it is being taken into account with a review of all projects. He stated there is work taking place regarding reviewing the servicing strategy and bringing it back to the forefront.

8.4 Update - Halifax Harbour Focus Groups

Mr. Murphy commended HRM for holding focus groups regarding issues related to Halifax Harbour. He circulated information to the Committee regarding the focus group meeting he attended.

9. NEXT REGULAR MEETING DATE

The next regular meeting will be May 5, 2004.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 9:10 p.m.

Patti Halliday
Legislative Assistant