



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Marine Drive, Valley & Canal Community Council**  
**October 28, 2009**

**TO:** Chairman and Members of Marine Drive, Valley & Canal Community Council

**SUBMITTED BY:**

  
Sean Audas - Development Officer

**DATE:** October 20, 2009

**SUBJECT:** Appeal of the Development Officer's decision to refuse a Variance at 1428 Myra Road, Porters Lake

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**ORIGIN**

This report deals with an appeal of the Development Officer's decision to refuse a Variance of the side yard for an addition (garage) to an existing dwelling at 1428 Myra Road, Porters Lake.

**RECOMMENDATION**

It is recommended that Council uphold the Development Officer's decision to refuse the Variance.

**BACKGROUND**

**Zoning:**

The property is zoned RE (Rural Enterprise) Zone under the Land Use By-Law for Planning Districts 8 & 9 (Lake Echo/Porters Lake).

**Existing Use:**

The subject property contains a single unit dwelling.

**Application:**

A Variance was approved (Case #14718) to reduce the required side yard setback from 8 feet to 4 feet. A permit was issued to construct the garage on September 12, 2008 (#95532). It was recently brought to the Municipality's attention that the garage was constructed closer to the side property boundary than the approved 4 feet (Attachment 2). The owner has moved out of province and the house is for sale. They have applied for a new Variance in hopes of correcting the situation. The current request is to approve the setback for the garage as constructed at 3.2 feet from the side property line.

**DISCUSSION**

The *Halifax Charter* sets out criteria in part 250(3) under which the Development Officer may consider variances to Land Use Bylaw requirements. The criteria are as follows:

*"A variance may not be granted where the:*

- (a) variance violates the intent of the land use bylaw;*
- (b) difficulty experienced is general to the properties in the area;*
- (c) difficulty experienced results from an intentional disregard for the requirements of the land use bylaw."*

In order to be approved, the proposed variance must not conflict with any of the above statutory criteria. An assessment of the proposal relative to these stipulations is set out below.

**Does the proposed variance violate the intent of the land use bylaw ?**

- Detached garages are permitted at 4 feet from the side property line in the Planning District 8 & 9 Land Use By-Law. The garage was constructed approximately 8-10 inches closer to the property line than what was approved. This reduction is relatively minor and was not felt to violate the intent of the Land Use By-law.

**Is the difficulty experienced general to the properties in the area ?**

- This area of the Municipality is rural with relatively large lots. It is not felt that the

constraints associated with this property is general to properties in the area.

**Is the difficulty experienced the result of intentional disregard for the requirements of the land use bylaw?**

- It was felt that the applicant did not meet this criteria under the Halifax Charter. An application was approved at 4 feet. The applicant did not construct in accordance with the approved Variance. A location certificate was provided to confirm the required setback was not met. Where the owner did not construct the garage in accordance with the approved setback it is felt that this constitutes an intentional disregard for the requirements of the land use by-law.

The applicants have outlined in their appeal letter that they feel the Municipality has approved the reduced setback, during construction and inspection of the garage. In speaking with the Building Officials it was believed the garage was meeting the approved Variance setback of 4 feet, not a reduced setback. Regardless of who is to blame in this situation, a permit was issued to construct the garage at 4 feet from the side property line. This did not occur and was confirmed by an updated location certificate. It is the owner's responsibility to ensure they meet the approved setback.

Also, a second location certificate (Attachment 5) was submitted by the property owner at 1434 Myra Road. This shows the garage is setback at 2.3 feet from the side property line. This setback distance differs from the property owners location certificate (Attachment 2) which indicates a setback of 3.2 feet. While this discrepancy complicates the property line location, the requested Variance was not approved at either setback shown. Because there is the potential difference in the survey line it was also reviewed by the Building Officials for Building Code compliance. They have confirmed that the garage meets the National Building Code at either setback.

**BUDGET IMPLICATIONS**

None.

**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 uphold the decision of the Development Officer to refuse the Variance. This is the recommended alternative.
2. Council could approve the Variance request and overturn the decision of the Development Officer.

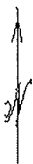
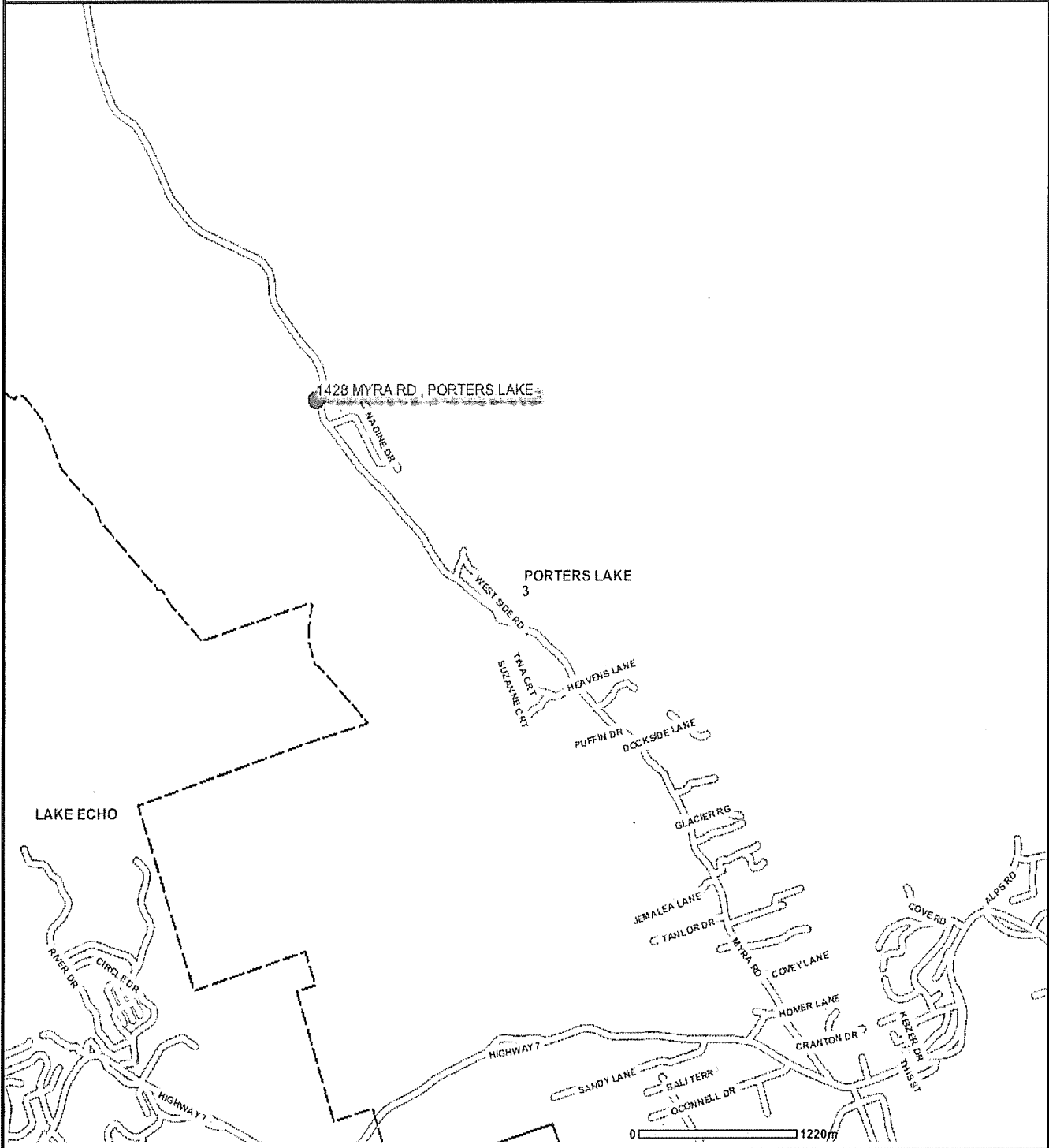
**ATTACHMENTS**

1. Location Map
2. Location Certificate - 1428 Myra Road
3. Refusal Letter
4. Appeal Letter
5. Location Certificate - 1434 Myra Road

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 and Approved by: Sean Audas, Development Officer (490-4341)

# ATTACHMENT 1



This map was prepared for the internal use of Halifax Regional Municipality(HRM). HRM takes no responsibility for errors or omissions. For further information on Street Name or Community(GSA) data please contact HRM Civic Addressing at 490-5347 or email [civicadd@halifax.ca](mailto:civicadd@halifax.ca). Date of map is not indicative of the date of data creation.

Scale: 1 inch = 50 feet

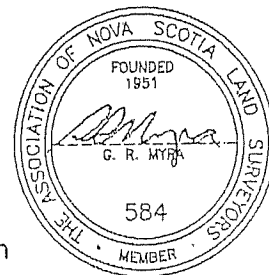
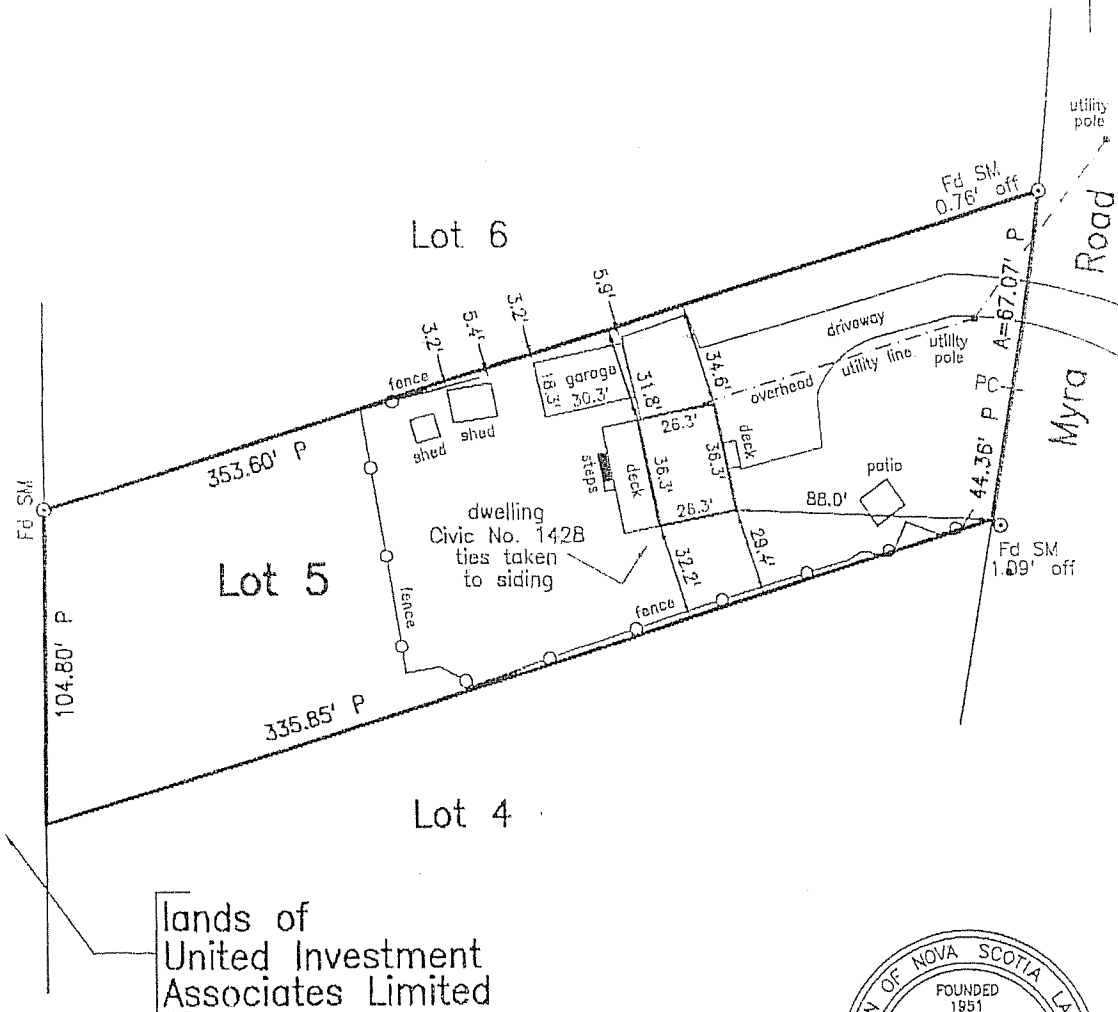
Symbol Legend

- Fd SM
- PC
- M
- C
- TW
- Fd
- SM
- IB
- RP
- PC

SURVEYOR'S LOCATION CERTIFICATE

G. R. Myra Land Surveying Limited  
 11 Carrans Drive, Lawrencetown, Nova Scotia, B2Z-1C7  
 435-4379 (tel) 434-3529 (fax) 223-7932 (cel)

ATTACHMENT 2



Issued to: Matthew Connolly and Dixie Lee Connolly  
 Concerning: Lot 5, Myra Road, Ann Whitman Adams Subdivision  
 Porters Lake, Halifax County, Nova Scotia

See the plan of survey of Lots 1 to 13, a subdivision of lands of Ann Whitman Adams, dated August 2, 1989, by Glenn M. Crews, N.S.L.S.; R.O.D. Plan No. 26591, Drawer 283.

This Surveyor's Location Certificate shall not be used for boundary definition or as a reference document for the preparation of legal descriptions.

To assure the originality of this document, all copies must be signed in red ink.

I, G. R. Myra, Nova Scotia Land Surveyor, hereby certify that this Surveyor's Location Certificate was prepared under my supervision and in accordance with Part VII of the Nova Scotia Land Surveyors Regulations made pursuant to Section 8 of the Nova Scotia Land Surveyors Act. The field survey was carried out on September 3, 2009.

Dated September 3, 2009.

*G. R. Myra*



## COMMUNITY DEVELOPMENT - EASTERN REGION

October 5, 2009

Mr. David Melvin  
 Livingston & Company  
 P.O. Box 664  
 17 Prince Street  
 Dartmouth, NS B2Y 3Y9

Dear Mr. Melvin

**RE: Application for Variance, File 15608 - 1428 Myra Road, Porters Lake, NS**

This will advise that the Development Officer for the Halifax Regional Municipality has refused your request for a variance from the zoning requirements of the RE (Rural Enterprise) Zone for Planning District 8 & 9 as follows:

<b>Location:</b>	1428 Myra Road, Porters Lake, NS.
<b>Project proposal:</b>	Addition to main dwelling.
<b>Required (i.e. setback):</b>	8 feet from side lot line.
<b>Approved (i.e. setback):</b>	3.2 feet from side lot line.

Section 250(3) of the **Halifax Regional Municipal Charter** states that:

A variance may not be granted if

- (a) the variance violates the intent of the development agreement or land-use by-law;
- (b) the difficulty experienced is general to properties in the area; or
- (c) the difficulty experienced results from an intentional disregard for the requirements of the development agreement or land-use by-law.

It has been determined the requested variance results from an intentional disregard of the requirements of the Land Use by-Law. The by-law requires an 8 foot setback for main dwellings to the side lot line. In addition, there is a four foot side yard setback for accessory buildings. The original variance was granted based on a 4 foot setback which is consistent with the accessory building requirements. The addition was not constructed in accordance with the approved variance #14718. Where the addition was not located in accordance with the approved variance it results in intentional disregard for the requirements of the Land Use By-law.

Page 2  
HRM FILE 15608  
October 5, 2009

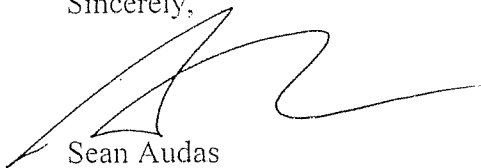
Also, in the Variance application provided by your client it was noted that two Municipal Building Officials certified that the building was located in the right location. It is not the role of the Building Official to determine property lines, which is why one inspection report, dated December 30, 2008, required a location certificate, see copy attached.

Pursuant to Section 251(4) of the **Halifax Regional Municipal Charter** you have the right to appeal the decision of the Development Officer to the Municipal Council. The appeal must be in writing, stating the grounds of the appeal, and be directed to:

**Municipal Clerk**  
*c/o Sean Audas, Development Officer*  
**Halifax Regional Municipality**  
**Development Services - Region**  
**P.O. Box 1749**  
**Halifax, NS B3J 3A5**

**Your appeal must be filed on or before *October 16, 2009***

Sincerely,



Sean Audas  
Development Officer

cc.

Cathy Mellett, Municipal Clerk  
Councillor David Hendsbee, District 3  
J. Holt, Supervisor Building and Inspection



Area: [Handwritten]

INSTRUCTION PERMIT NUMBER		95532		REVIEWED PLANS			
EROSION CONTROLS PROVIDED				TELEPHONE #		578-5782	
NAME		M. [Handwritten]		CULVERT REQUIRED		CULVERT SIZE	
CULVERT INSTALLED				REFER TO DA			
COMPONENT		BASEMENT		1 <sup>st</sup> FLOOR		2 <sup>nd</sup> FLOOR	
ANCHOR BOLTS				✓			
LOAD BEARING WALLS				✓			
FLOORS						FLOORS	
COLUMNS						BEAMS	
END BEARING				✓		ROOF	
NOTCHING AND DRILLING				✓			
GRADE STAMPED				✓		ENGINEERED TRUSSES	
BEAMS				✓		IF YES LATERAL SUPPORT	
LINTELS - INTERIOR						RAFTERS	
LINTELS - EXTERIOR				✓		CEILING JOISTS	
FLOOR SHEATHING						SHEATHING	
WALL SHEATHING				✓		ROOFING	
EXTERIOR WALLS				✓		OTHER REVIEWS	
STAIRS				N/A		UNDERGROUND PLUMBING	
WINDOWS - EGRESS/NATURAL LIGHT				N/A		LOCATION CERTIFICATE REVIEW	

All inspected elements have been compared to the plans submitted with the application:  
 ✓ - Acceptable, as per plans      N/A - Not Applicable      C - Complies, but not as per plans      X - Does Not Comply

Inspectors Comments: PROVIDE LOCATION CERTIFICATE TO CONFIRM SIDEYARD SETBACK - KINDER DRAINAGE FILE #1471B

SEE ATTACHED REPORT

Please note contravention of the NS Building Code or any infraction(s) noted must be corrected and our office contacted to schedule a reinspection, if required. Your cooperation is appreciated. If you require additional information please contact the undersigned at the number indicated below:

PASSED     
  FAILED     
  COMPLIES EXCEPT AS NOTED     
  RE-INSPECTION REQUIRED

SACKVILLE OFFICE (Central Region) Phone: 869-4375 Fax: 869-4254     
 ALDERNEY GATE OFFICE (Eastern Region) Phone: 490-1490 Fax: 490-1661     
 WEST END MALL (Western Region) Phone: 490-5650 Fax: 490-5214

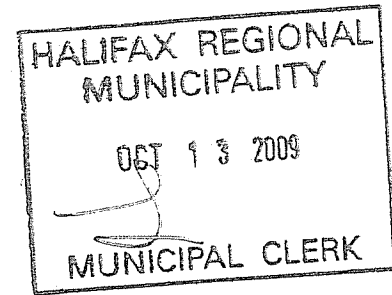
BUILDING OFFICIAL: R. MAC MILLAN      DATE: DEC 30/09      TELEPHONE: 490-4970

cc: Sherrill

Murphy

Sean Audas

Matthew Connolly &  
Dixie Lee Connolly  
c/o 14 Madison Place  
Paradise, NL A1L 3H6

*Via Mail*

October 13, 2009

Halifax Regional Municipality  
P.O. Box 1749  
Halifax, NS B3J 3A5

**Attention: Municipal Clerk**

Madam Clerk,

**RE: Appeal of the Decision of a Development Officer (File 15608)**

**Decision Date:** October 5, 2009  
**Development Officer:** Sean Audas  
**Subject Property:** 1428 Myra Road, Porters Lake, NS  
**Owners:** Matthew Connolly and Dixie Lee Connolly  
**Zoning Area:** Rural Enterprise Zone for HRM Planning District 8 and 9  
**Denied Request:** 3.2-Foot From Side Lot Line (Variance)

Please accept this letter as our appeal of the decision of Development Officer Sean Audas, dated October 5, 2009, in the matter of File 15608, an application for variance from the zoning requirements of the Rural Enterprise Zone for HRM Planning District 8 and 9. Specifically, we request a 3.2 variance (setback) from the side lot line to accommodate the garage we constructed at our home at 1428 Myra Road, Porters Lake. We previously requested, and received, a four foot variance (setback) from the side lot line to accommodate the garage (HRM Case No. 14718), but have subsequently discovered that a portion of the garage is in non-compliance with this variance, to a maximum of 10 inches.

We attempted to build this garage in compliance with all the requirements citizens of HRM should follow, including obtaining building permits and obtaining the initial variance to allow the garage to be built up to four feet from the side lot line with our neighbour (see letter from Sean Audas dated August 18, 2008).

We hired Phil Hines, the gentleman who built our home, to install the foundation of the garage. Prior to pouring the foundation, Matthew Connolly ran a line from the survey pin in the back of our property to the pin in the front. We used that reference and our existing Location Certificate for the property as the guide to position the garage foundation.

Soon after the forms were put in, a neighbour made a complaint to the HRM concerning the proximity of the garage to our shared lot boundary line. Before going any further, a representative of HRM came to the property, measured the location of the garage and advised that it was fine. If there were any issues, we would have been in the position to correct them at that time. Following this, we were issued a building permit. We believe the gentleman from HRM was the same person that signed the building permit, namely Kevin Scudder.

Mr. Audas' letter of October 5, 2009 advises that it is not the role of HRM building officials to determine property lines, however, an HRM official attended at our property in response to a pre-construction complaint concerning the location of the garage with respect to a boundary line. As such, when it was determined there were no issues with its location and a building permit issued, we took this to mean we were in compliance with our obligations under the variance we had obtained under Case No. 14718. We were not directed or advised to have a surveyor confirm the HRM representative's position that there was no problem.

We received a Framing Inspection Report from HRM on December 30, 2008, and it indicated that a Location Certificate should be provided to confirm the side yard setback. Matthew Connolly went to the HRM Planning Office in Dartmouth the next day and provided them with a copy of the Location Certificate for our property (dated September 6, 2002) with measurements drawn on it showing the location of the garage. HRM staff made no objection at that time, nor were we advised that a new Certificate had to be prepared. Again, we thought we were complying with our obligations and were not advised otherwise.

This property was listed for sale in February, 2009 as we were relocating to Newfoundland. Six months after being listed, and with an accepted offer in place, a complaint was made to HRM again about the location of the garage. We were advised that HRM staff attended at the property and measured the location of the garage with respect to the boundary line and were advised by e-mail on August 25, 2009 that second variance application had to be made as

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the garage was less than four feet from the boundary line. The staff member apparently determined the boundary line to be represented by a post near the garage, which is not the case, as we installed no such posts.

In response to this situation, we retained the services of G.R. Myra, N.S.L.S. to update our Location Certificate from September 6, 2002 to determine the location of the garage. We were surprised to receive his Certificate (dated September 3, 2009) with it showing the front portion of the garage being 5.9 feet from the boundary line, but with the back corner of the garage being only 3.2 feet (not the required 4 feet).

We therefore immediately applied for a variance to be up to 3.2 feet from the boundary line. This application (File 15608) was denied by Mr. Audas in his letter to David R. Melvin, our solicitor, dated October 5, 2009.

We respectfully disagree with the assertion contained in Mr. Audas' letter of October 5, 2009 suggesting that "where the addition was not located in accordance with the approved variance it results in the intentional disregard for the requirements of the Land Use By-law" and therefore a variance will not be granted given s. 250(3)(c) of the *Halifax Regional Municipal Charter*.

We note that this section of the *Charter* is permissive as opposed to mandatory in wording. That is, a variance "may not", as opposed to "will not" or "shall not" be granted if one of the conditions exists, suggesting that even if a case falls under one of the enumerated conditions, the denial of a variance application is not to be automatic.

Second, in the specific provision noted by Mr. Audas, namely section 250(3)(c), there is a need for "intentional disregard for the requirements" for this section to apply. By Mr. Audas' reasoning, *any* construction that is done in a manner where it is later found to be in violation of a land use by-law would be considered intentional, and therefore ineligible for a variance application.

We submit that the use of the word 'intentional' in this section implies a deliberate, guilty and/or malicious disregard for the requirements, not an accidental or inadvertent situation that results in non-compliance.

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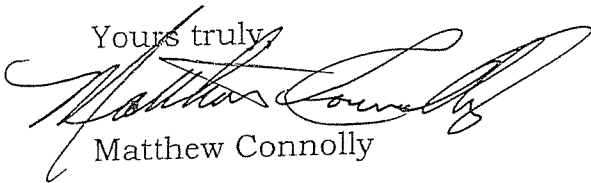
We feel our situation is one of inadvertence and not a deliberate or intentional act. The garage itself is evidence of this. If it were our intention to violate the existing four-foot variance we applied for and obtained, why would we construct the garage so that the front is in full compliance, but the rear is 10 inches in non-compliance? Clearly this was not deliberate. Combine this with the information we received (or did not receive) from HRM staff, and there is plenty of blame to go around.

We respectfully request Council to overturn the decision of Mr. Audas and grant us a variance of up to 3.2 feet, as shown in the Location Certificate prepared by G.R. Myra, N.S.L.S dated September 3, 2009. This would allow us to be 10 inches closer to the lot boundary than the variance that was originally granted to us.

Monique Cormier and Ricky Conrod have provided a letter (e-mail) of support and consent to the location of the garage, being our neighbours at 1416 Myra Road.


We appreciate the time you have taken to review our appeal, and look forward to hearing your decision.

Yours truly,



Matthew Connolly

Yours truly,



Dixie Lee Connolly

Enclosures: (1) Copy of Letter from Sean Audas to David R. Melvin, dated October 5, 2009.  
(2) Copy of Letter from Sean Audas to Matthew Karl Connolly dated August 18, 2008  
(3) Copy of HRM Building Permit (No. 95532) dated September 12, 2008.  
(4) Copy of Location Certificate prepared by G.R. Myra, N.S.L.S. dated September 3, 2009.  
(5) Copy of an e-mail from Monique Cormier and Ricky Conrod to our solicitor, David R. Melvin, dated September 10, 2009.

cc: - Sean Audas  
- David Hendsbee  
- David R. Melvin

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COMMUNITY DEVELOPMENT - EASTERN REGION

October 5, 2009

Mr. David Melvin  
Livingston & Company  
P.O. Box 664  
17 Prince Street-  
Dartmouth, NS B2Y 3Y9

Dear Mr. Melvin

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Page 2  
HRM FILE 15608  
October 5, 2009

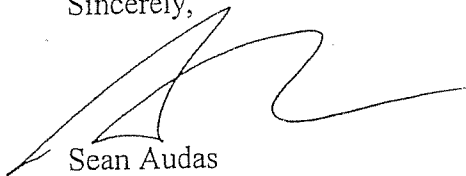
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**Municipal Clerk**  
**c/o Sean Audas, Development Officer**  
**Halifax Regional Municipality**  
**Development Services - Region**  
**P.O. Box 1749**  
**Halifax, NS B3J 3A5**

**Your appeal must be filed on or before *October 16, 2009***

Sincerely,



Sean Audas  
Development Officer

cc.

Cathy Mellett, Municipal Clerk  
Councillor David Hendsbee, District 3  
J. Holt, Supervisor Building and Inspection

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*Acc Bldg call*

CONSTRUCTION PERMIT NUMBER		95532			REVIEWED PLANS		
SITE: 1428 Myka Rd.					EROSION CONTROLS PROVIDED		
NAME: Matthew Connolly				TELEPHONE # 527-5782			
CURB CUT	CULVERT REQUIRED	CULVERT SIZE		CULVERT INSTALLED	REFER TO DA		
COMPONENT	BASEMENT	1 <sup>ST</sup> FLOOR	2 <sup>ND</sup> FLOOR	REFUSE CONTROL PROVIDED:	YES		NO
ANCHOR BOLTS		✓		PRE-ENGINEERED SYSTEMS			
BEARING WALLS		✓		FLOOR			
FLOORS				FLOORS	SHOP DRAWINGS?		
COLUMNS				BEAMS	SHOP DRAWINGS?		
END BEARING		✓		ROOF	SHOP DRAWINGS? ✓		
NOTCHING AND DRILLING		✓		ROOF			
GRADE STAMPED		✓		ENGINEERED TRUSSES			C
BEAMS		✓		IF YES LATERAL SUPPORT			C
LINTELS - INTERIOR				RAFTERS		COLLAR TIES	
LINTELS - EXTERIOR		✓		CEILING JOISTS		ATTIC ACCESS N/A	
FLOOR SHEATHING				SHEATHING	✓	VENTS ✓	
WALL SHEATHING		✓		ROOFING	✓		
EXTERIOR WALLS		✓		OTHER REVIEWS			
STAIRS		N/A		UNDERGROUND PLUMBING	N/A	ROUGH-IN PLUMBING	N/A
WINDOWS - EGRESS/NATURAL LIGHT		N/A		LOCATION CERTIFICATE REVIEW			

All inspected elements have been compared to the plans submitted with the application.

✓ - Acceptable, as per plans

N/A - Not Applicable

C - Complies, but not as per plans

X - Does Not Comply

Inspectors Comments:

*PROVIDE LOCATION CERTIFICATE*

*TO CONFIRM SIDEYARD SETBACK - HINDER USE/ACCESS FILE #14718*

SEE ATTACHED REPORT

Please note contravention of the NS Building Code or any infraction(s) noted must be corrected and our office contacted to schedule a reinspection, if required. Your cooperation is appreciated. If you require additional information please contact the undersigned at the number indicated below.



PASSED



FAILED



COMPLIES EXCEPT AS NOTED



RE-INSPECTION REQUIRED

SACKVILLE OFFICE (Central Region)  
Phone: 869-4375 Fax: 869-4254

ALDERNEY GATE OFFICE (Eastern Region)  
Phone: 490-4490 Fax: 490-4661

WEST END MALL (Western Region)  
Phone: 490-5650 Fax: 490-5214

BUILDING OFFICIAL: *E. MDC MILLAN*

DATE: *DEC 30/13*

TELEPHONE: *490 4475*



COMMUNITY PLANNING - EASTERN REGION

August 18, 2008

Matthew Karl Connolly  
1428 Myra Road  
Porters Lake, NS  
B3E 1G9

Dear Mr. Connolly:

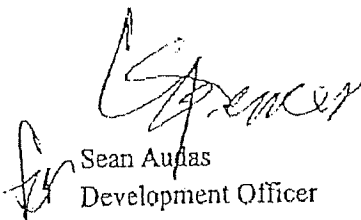
**Re: Case No. 14718 - Variance at 1428 Myra Road, Porters Lake, NS, PID - 40533457**

The appeal period regarding the variance at the above noted address has expired and the approval granted by the Development Officer is now valid.

If you have not already done so, you are required to apply for the necessary permits to carry out your proposal.

Any questions regarding the information required to complete your application can be directed to 490-4490.

Yours truly,

  
Sean Aulias  
Development Officer

cc. Councilor David Hendsbee



# PERMITS

9553

Permission is hereby granted to

Applicant: MATTHEW KARL CONNOLLY

Responsible Contractor(s):

Project Description

ADD TO SINGLE UNIT DWELLING

~~This document confirms that all applicable municipal permits as noted below have been obtained from the relevant property approval authorities.~~

Subject Property:

PID #40533457 (Lot 5) 1428 MYRA RD, PORTERS LAKE

Property owner(s):

MATTHEW KARL CONNOLLY

DIXIE LEE CONNOLLY

Date of Issue: September 12, 2008

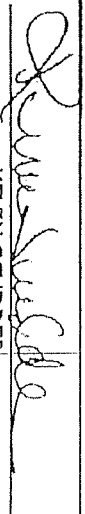
Building Permit

THIS BUILDING PERMIT EXPIRES 2 YEARS FROM THE DATE OF ISSUE.

Development Permit

These permit(s) have been issued based on plans provided by the applicant. Construction must be strictly in accordance with the approved plans. Any departure from the approved plans requires submission of revised plans and the approval of the Municipality in the form of revised permit(s).

40 Alderney Drive, 2nd Floor, Dartmouth, NS  
Tel: (902) 490-4490 Fax: (902) 490-4661

  
KEVIN SOUDDER  
Authorized Signature

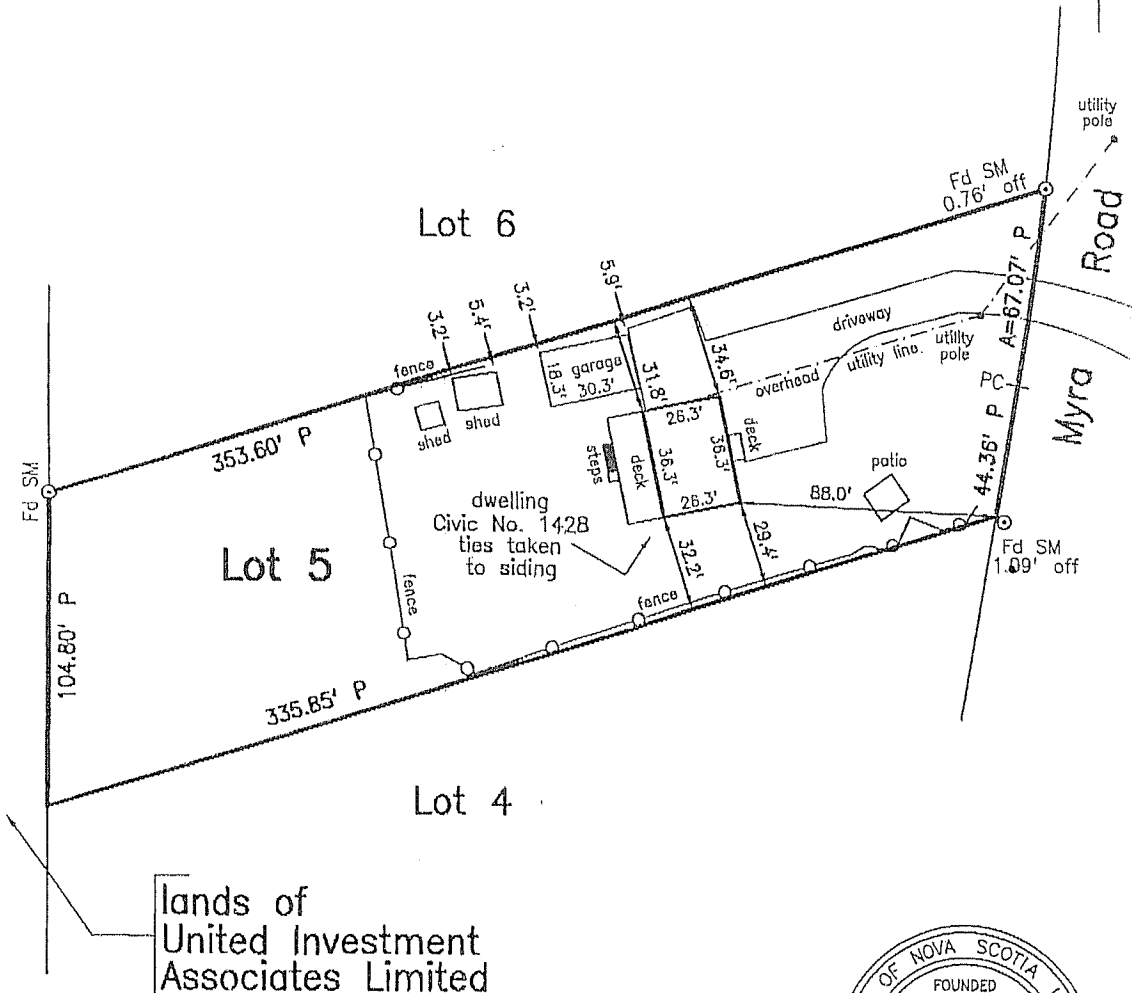
Scale: 1 inch = 50 feet

Symbol Legend

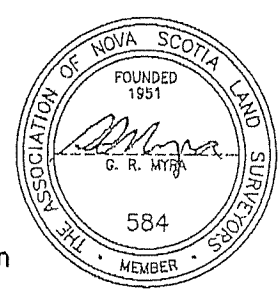
- A ..... arc
- P ..... polygon
- D ..... dead
- M ..... measured
- C ..... calculated
- TW ..... top of wall elevation
- Fd ..... found
- SM ..... survey marker
- IB ..... iron bar
- RP ..... rock post
- PC ..... point of curvature

SURVEYOR'S LOCATION CERTIFICATE

G. R. Myra Land Surveying Limited  
 11 Carmans Drive, Lawrencetown, Nova Scotia, B2Z-1C7  
 435-4379 (tel) 434-3529 (fax) 223-7932 (cel)



lands of  
 United Investment  
 Associates Limited



Issued to: Matthew Connolly and Dixie Lee Connolly  
 Concerning: Lot 5, Myra Road, Ann Whitman Adams Subdivision  
 Porters Lake, Halifax County, Nova Scotia

See the plan of survey of Lots 1 to 13, a subdivision of lands of Ann Whitman Adams, dated August 2, 1989, by Glenn M. Crews, N.S.L.S.; R.O.D. Plan No. 26591, Drawer 283.

This Surveyor's Location Certificate shall not be used for boundary definition or as a reference document for the preparation of legal descriptions.

To assure the originality of this document, all copies must be signed in red ink.

I, G. R. Myra, Nova Scotia Land Surveyor, hereby certify that this Surveyor's Location Certificate was prepared under my supervision and in accordance with Part VII of the Nova Scotia Land Surveyors Regulations made pursuant to Section 8 of the Nova Scotia Land Surveyors Act. The field survey was carried out on September 3, 2009.

Dated September 3, 2009.

*G. R. Myra*

David R. Melvin

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**From:** "monique cormier" <cormiermm@hotmail.com>  
**To:** <dmelvin@lvinco.ca>  
**Sent:** Thursday, September 10, 2009 7:53 PM  
**Subject:** no objection  
Hi David:

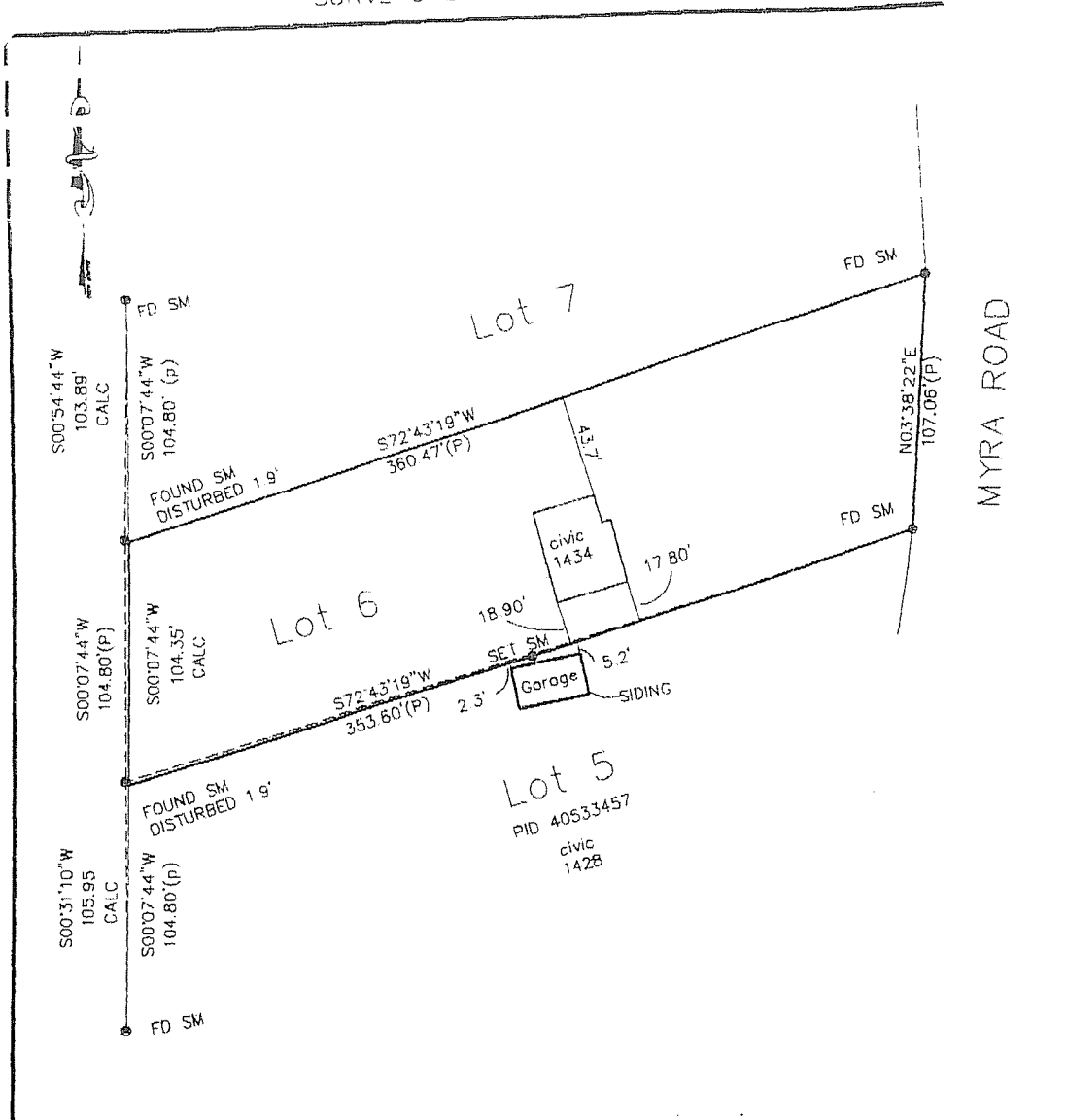
My name is Monique and my husbands name is Rickey Conrod. We live at 1416 Myra Rd. Porters Lake. I am writing to state that we have no objection to the location of the garage at 1428 Myra Rd. We are on the opposite side of the property. We will not appeal the variance. Thank you.

Monique

---

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SURVEYORS LOCATION CERTIFICATE



CERTIFIED TO: CHARLES FOUGERE LOT 6 1434 MYRA ROAD PORTERS LAKE, HRM  
 RE: VERIFICATION OF LOCATION OF GARAGE LOCATED ON LOT 5, 1428 MYRA ROAD, PID 40533457

I, THOMAS F. GIOVANNETTI, NOVA SCOTIA LAND SURVEYOR, HEREBY CERTIFY THAT THIS SURVEYORS LOCATION CERTIFICATE WAS PREPARED UNDER MY SUPERVISION AND IN ACCORDANCE WITH PART VII OF THE NOVA SCOTIA LAND SURVEYORS REGULATIONS MADE PURSUANT TO SECTION 8 OF THE LAND SURVEYORS ACT.

Thomas F. Giovannetti NSLS DATED SEPT 25, 2009

THIS SURVEYORS LOCATION CERTIFICATE SHALL NOT BE USED FOR BOUNDARY DEFINITION OR AS A REFERENCE DOCUMENT FOR THE PREPARATION OF LEGAL DESCRIPTIONS. NO FURTHER CERTIFICATION OR ASSURANCE IS IMPLIED BY OR TO BE INFERRED FROM THIS DOCUMENT.

THIS DOCUMENT IS FOR THE EXCLUSIVE USE OF THE ADDRESSEE ONLY.

BOUNDARIES OF THE SUBJECT LANDS ARE DEFINED AS FOLLOWS: \_\_\_\_\_

PLAN OF SURVEY OF LOTS 1 TO 13, PREPARED BY CREWS LAND SURVEYING LIMITED

AUGUST 2, 1989

DATE(S) OF FIELD SURVEY SEPT 21, 2009 CLEARANCES DEFINED TO A TOLERANCE OF 0.2' +/-



CIVTECH ENGINEERING & SURVEYING LIMITED  
 P.O. BOX 3237 D.E.P.S. DARTMOUTH  
 NOVA SCOTIA B2W 5G2  
 PHONE 434-4600 FAX 434-9856

SCALE: 1" = 60'

JOB No. 09184CRY  
 SLC No. 75863