

**North West Community Council**  
**June 21, 2007**

**TO:** North West Community Council

**SUBMITTED BY:** Gail Harnish / for  
Ann Merritt, Chair  
North West Planning Advisory Committee

**RE:** Case 01015 - Rezoning: 218 and 220 Old Sackville Road, Sackville

**DATE:** June 19, 2007

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**ORIGIN**

North West Planning Advisory Committee meeting - June 18, 2007

**RECOMMENDATION**

The North West Planning Advisory Committee recommend that North West Community Council:

- (a) Give First Reading to the proposed rezoning of civic no.'s 218 and 220 Old Sackville Road from the R-6 (Rural Residential) Zone to the R-2 (Two Unit Dwelling) Zone and schedule a public hearing.
- (b) Approve the rezoning of civic no.'s 218 and 220 Old Sackville Road from the R-6 (Rural Residential) Zone to the R-2 (Two Unit Dwelling) Zone.

**ATTACHMENTS**

Staff report dated May 22, 2007

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.

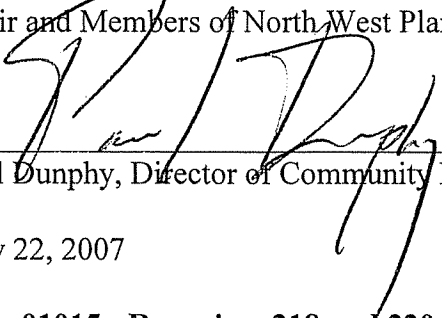
Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937  
Report reviewed by: Ann Merritt, Chair, North West PAC



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**North West Planning Advisory Committee**  
**June 18, 2007**

**TO:** Chair and Members of North West Planning Advisory Committee

**SUBMITTED BY:**   
Paul Dunphy, Director of Community Development

**DATE:** May 22, 2007

**SUBJECT:** **Case 01015 - Rezoning, 218 and 220 Old Sackville Road, Sackville**

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### **ORIGIN**

An application by Rick and Susan Paynter to rezone civic no.'s 218 and 220 Old Sackville Road from the R-6 (Rural Residential) Zone to the R-2 (Two Unit Dwelling) Zone to permit the conversion of an existing dental office to a second dwelling unit.

### **RECOMMENDATION**

It is recommended that North West Community Council:

- (a) Give First Reading to the proposed rezoning of civic no.'s 218 and 220 Old Sackville Road from the R-6 (Rural Residential) Zone to the R-2 (Two Unit Dwelling) Zone and schedule a public hearing.
- (b) Approve the rezoning of civic no.'s 218 and 220 Old Sackville Road from the R-6 (Rural Residential) Zone to the R-2 (Two Unit Dwelling) Zone.

## **BACKGROUND**

The subject property is located at civic no.'s 218 and 220 Old Sackville Road, Sackville and is described as follows:

- a 34,000 ft<sup>2</sup> lot with approximately 152 feet of frontage on Old Sackville Road;
- developed with a single family dwelling and a dental office operated by the property owners; the dental office has been in operation since 1979;
- serviced with municipal sewer and water;
- designated UR (Urban Residential) under the Sackville Municipal Planning Strategy (MPS) (Map 1); and zoned R-6 (Rural Residential) Zone under the Sackville Land Use By-law (Map 2); and
- approved for preliminary subdivision to create a single unit dwelling buffer lot (Map 4).

**Proposal:** The applicants are proposing to convert the existing dental office into an additional dwelling unit, thereby creating a two unit dwelling. At this time, they are not proposing any additions to the existing structure.

**Enabling Policy:** Policy UR-4 enables Council to consider rezoning to permit two unit dwellings, subject to the provisions provided in Attachment B.

## **DISCUSSION**

The following is an evaluation of the proposed rezoning in relation to applicable policies of the MPS (Attachment "B").

### **Policy Intent:**

The MPS discusses community concerns about the impact of two unit dwellings on single unit dwelling neighbourhoods. Policy UR-4 was designed to protect existing single unit dwellings by requiring that any proposed two unit dwellings provide a single unit buffer lot to adjacent single unit dwellings. Based on a review of those criteria, it is staff's opinion that this property qualifies for consideration.

There are a mix of uses surrounding the subject property. To the east of the property, at 210 Old Sackville Road, is an existing two unit dwelling. To the south of the property, behind the house, are lands of the Department of National Defence which are partially developed as a rifle range. The property to the west, 232 Old Sackville Road, is a single unit dwelling. The enabling policy does not require a buffer lot to the two unit dwelling and the DND lands; only the single unit dwelling

would require a buffer lot. The applicants have received preliminary subdivision approval showing that it would be possible to create a single unit dwelling lot (as per R-6 requirements, see Attachment "C") between the existing single unit dwelling at 232 Old Sackville Road and the proposed two unit dwelling.

Policy UR-4 states that a buffer lot must be shown on a final or tentative plan of subdivision. It is the opinion of staff that preliminary subdivision approval would be sufficient to meet the intent of the policy, as preliminary approval serves to indicate whether subdivision approval is possible. The policy was interpreted to read that the subject property must be capable of creating the lot, without requiring the actual subdivision. The applicants do not intend to subdivide the lot and received preliminary subdivision approval solely to meet the requirements of the policy.

#### **Other Related Issues:**

**Potential for other two unit dwellings:** Neighbours were concerned that approving the proposed second unit would set a precedent and increase the likelihood of future two units. The subject property is unusual because it is large enough meet the buffer requirements of the enabling policy. In staff's experience, few properties have been able to provide the necessary buffers. In addition, each property proposing a rezoning would be reviewed on a case by case basis and be subject to a full review and decision by Council. It is the opinion of staff that approval of this case by Council would not set a precedent for the neighbourhood.

**Tenancy:** Residents were uneasy that the units would not be owner occupied as there have been problems with landlords neglecting their properties. The Municipality cannot regulate who occupies the units and cannot ensure that the owners live in the building. The property owners have indicated that they intend to maintain their residence in the existing building.

**Traffic:** Concerns were expressed at the Public Information Meeting regarding the fact that Old Sackville Road is a well-used thoroughfare which can make access and egress hazardous. Staff estimate that the traffic generated by the proposed second unit (approximately 10 trips per day) would be significantly less than the dental office (approximately 80 trips per day with current staff and clients). In addition, HRM Development Engineering gave approval of the access to the proposed lot with the preliminary subdivision approval and have indicated that the shared access for the proposed second unit is acceptable.

**Future subdivision:** The proposed rezoning is limited to the area of the existing structure to ensure that a new lot would only permit a single unit dwelling, in keeping with the policy intent (Map 2). The northwest corner of the lot would retain the R-6 zoning, allowing for a future single unit dwelling. The remaining lands would be rezoned to the R-2, permitting the conversion of the dental office in the existing building.

**Public Information Meeting:** A Public Information Meeting was held on April 12, 2007. Approximately 10 members of the public were in attendance. In addition to the Public Information Meeting, a written submission was received. The issues raised by the public are addressed under this

section of the report. Minutes of the meeting are provided as Attachment E. 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 3. This is the notification area which was also used for the Public Information Meeting.

**Conclusion:** The proposal is a reasonable redevelopment of the existing dental office and meets the criteria for two unit development under the MPS. Staff could not identify any issues which would suggest that this use would be inappropriate for this site. The MPS recognizes the need for two unit dwellings in the Sackville Plan Area, this application is an opportunity to provide an additional unit which is buffered from adjacent properties and will not increase existing traffic. It is recommended that North West Planning Advisory Committee recommend that North West Community Council approve the rezoning application for civic no.'s 218 and 220 Old Sackville Road.

### **BUDGET IMPLICATIONS**

No budget implications.

### **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 may choose to proceed with the rezoning from R-6 (Rural Residential) Zone to R-2 (Two Unit Dwelling) Zone. This is the staff recommendation for reasons described above.
2. Council may choose to refuse the proposed rezoning, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended as staff is satisfied that the proposed rezoning is consistent with the policies and intent of the MPS.

### **ATTACHMENTS**

Map 1:	Generalized Future Land Use Map
Map 2:	Zoning Map
Map 3:	Notification Area
Map 4:	Preliminary Subdivision Plan
Attachment A:	Amendment to the Land Use By-law for Sackville
Attachment B:	MPS Policies
Attachment C:	LUB Requirements for R-6 Zone
Attachment D:	LUB Requirements for R-2 Zone
Attachment E:	Public Information Meeting Minutes- April 12, 2007

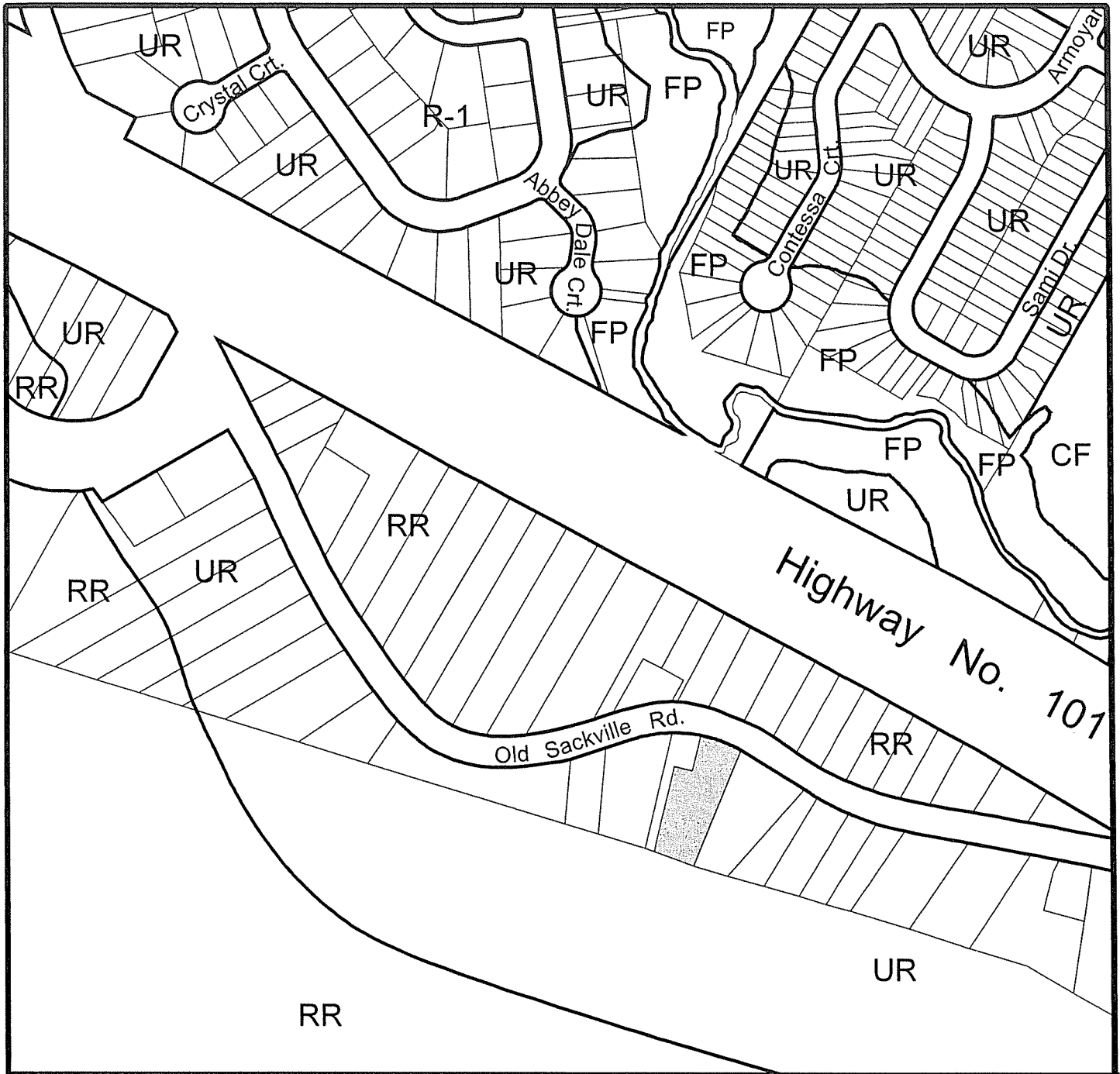
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Leticia Smillie, Planner I 869-4747

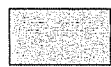
Report Approved by:



Austin French, Manager of Planning Services 490-6717



**Map 1**  
**Generalized Future Land Use**



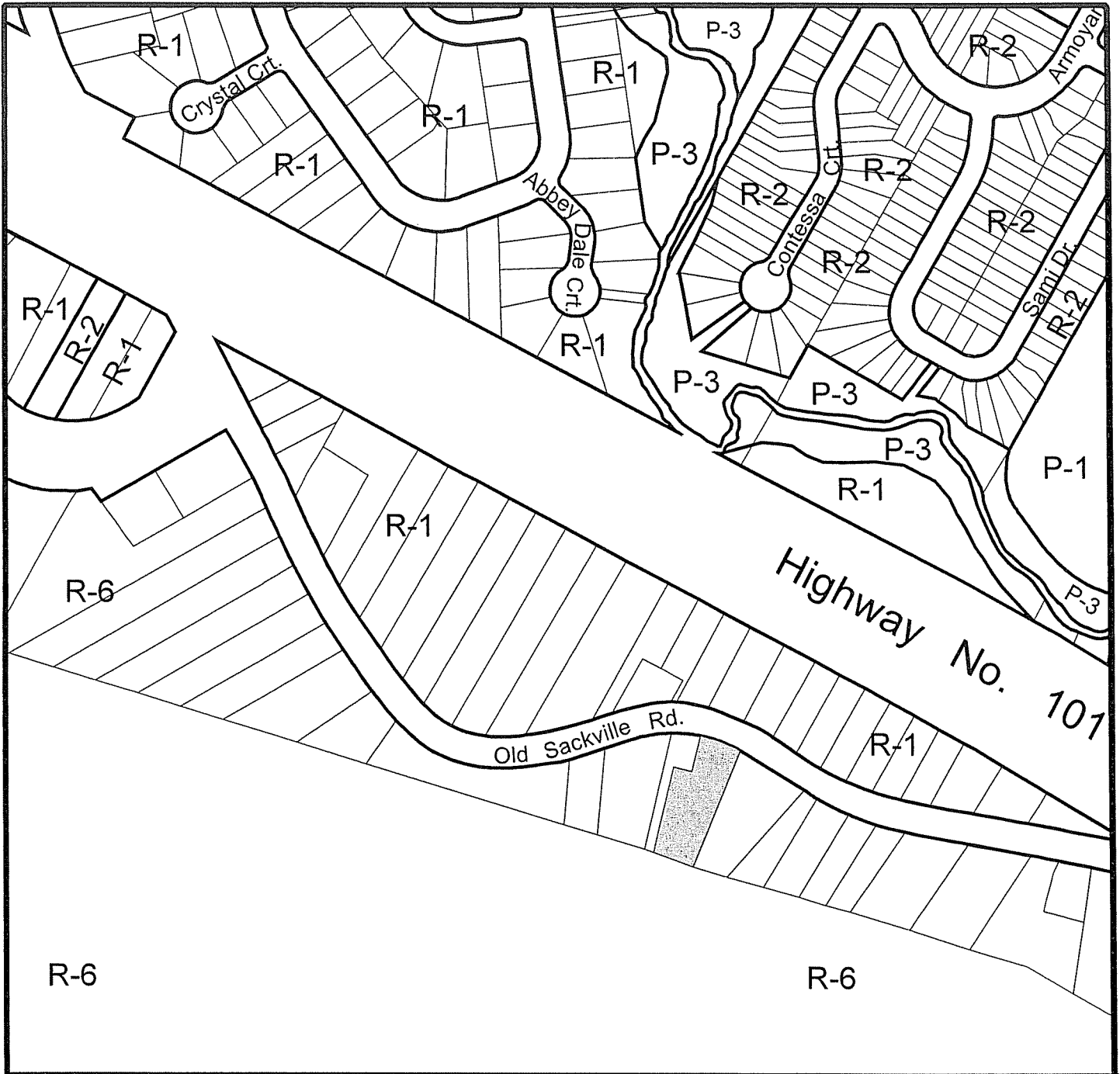
Area to be rezoned  
 from R-6 to R-2




UR Urban Residential Designation  
 RR Rural Residential Designation

FP Floodplain Designation  
 CF Community Facility Designation



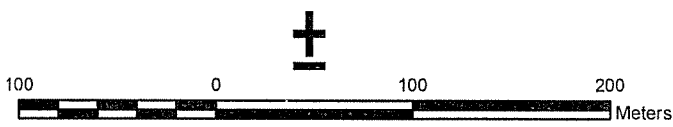


**Map 2  
Zoning**

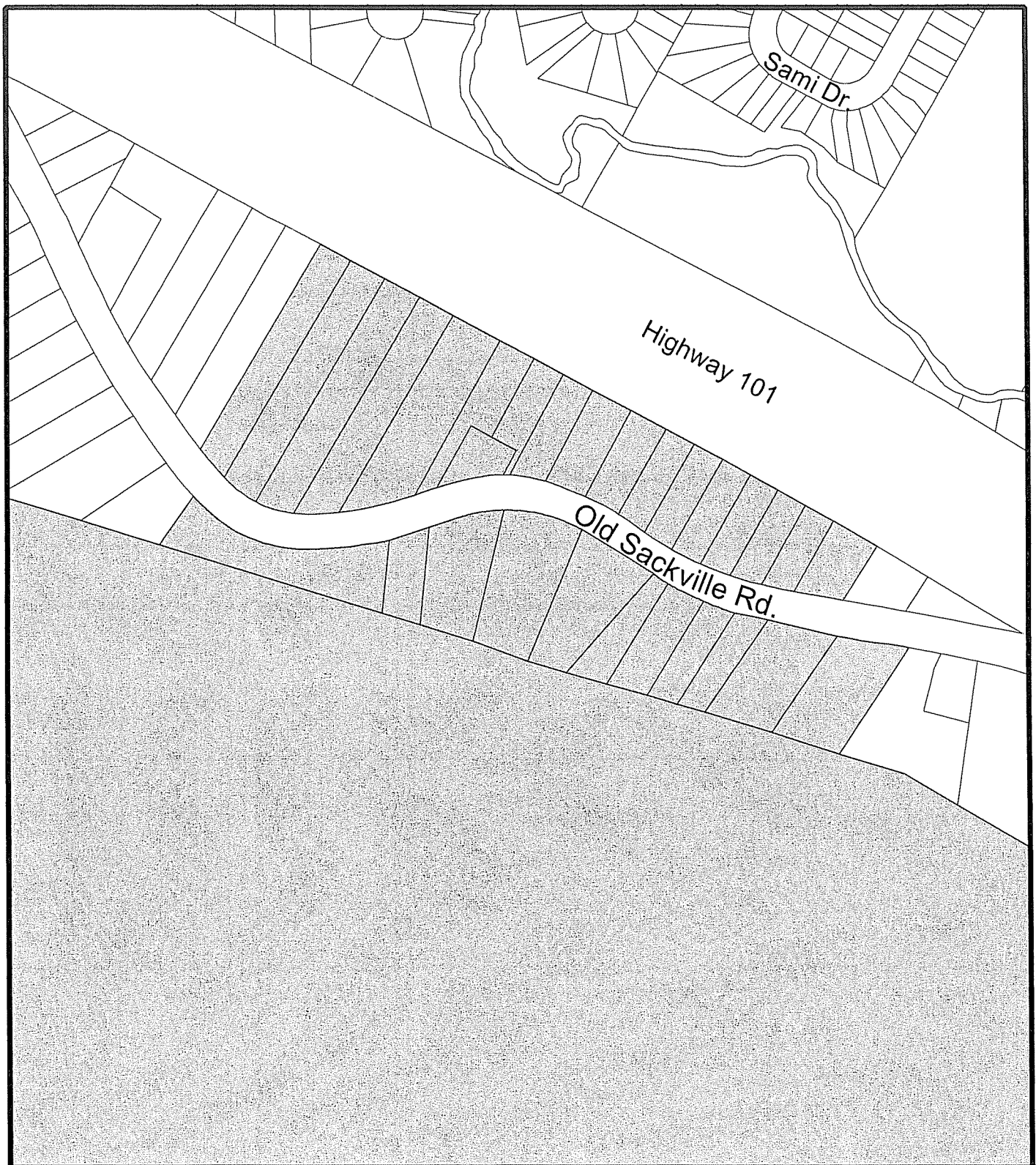
 Area to be rezoned from R-6 to R-2



- |     |                             |     |                 |
|-----|-----------------------------|-----|-----------------|
| R-1 | Single Family Dwelling Zone | P-1 | Open Space Zone |
| R-2 | Two Unit Dwelling Zone      | P-3 | Floodplain Zone |
| R-6 | Rural Residential Zone      |     |                 |



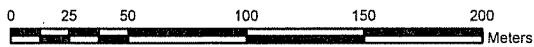




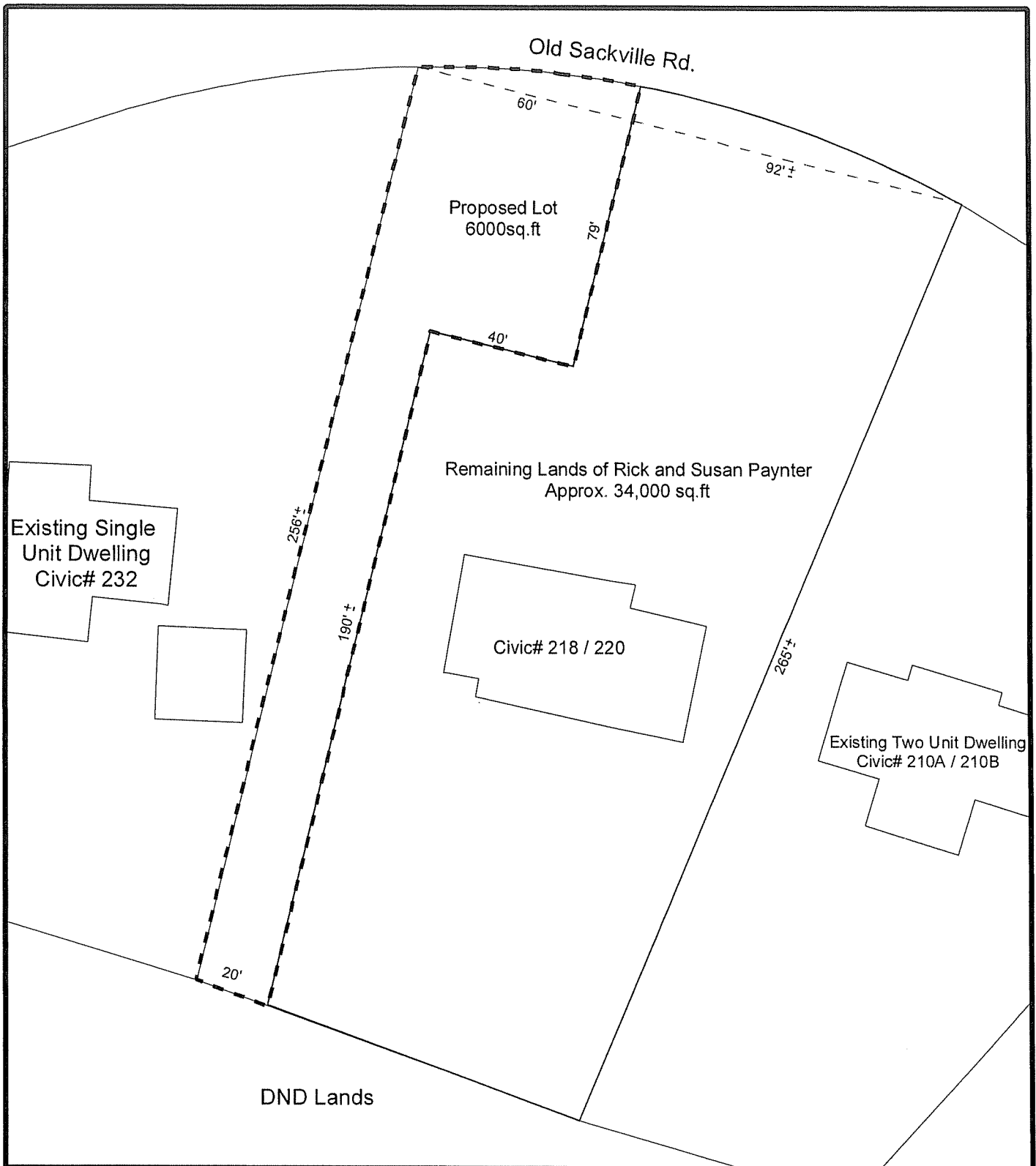
Map 3



Notification Area



**HALIFAX**  
REGIONAL MUNICIPALITY  
Planning Services



Map 4  
Preliminary Subdivision Plan



Attachment A

**Amendment to the Land Use By-law for Sackville**

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law of Sackville as enacted by the Halifax Regional Municipality on the 5<sup>th</sup> day of April, 1994 which includes all amendments thereto which have been approved by the Municipality are in effect as of the 18<sup>th</sup> day of November, 2006, is hereby further amended as follows:

1. Map 1A of the Land Use By-law shall be amended as shown in the attached Schedule "A".

I HEREBY CERTIFY that the amendment to the Land Use By-law for Sackville as set out above, was passed by a majority vote of the North West Community Council of the Halifax Regional Municipality at a meeting held on the \_\_\_\_ day of \_\_\_\_, 2007.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Jan Gibson  
Municipal Clerk

Old Sackville Rd.

60'

92'±

Proposed Lot  
6000sq.ft

R-6

79'

R-6

40'

Remaining Lands of Rick and Susan Paynter  
Approx. 34,000 sq.ft

Existing Single  
Unit Dwelling  
Civic# 232

256'±

190'±

Civic# 218 / 220

265'±

Existing Two Unit Dwelling  
Civic# 210A / 210B

20'

R-6

DND Lands

R-6

Schedule A

Admendment to the  
Land Use By-Law for Sackville



Area to be Rezoned  
from R-6 to R-2



**Attachment B**  
**Relevant MPS Policies**

Two Unit Dwellings

There are significant community concerns associated with the impact of two unit dwellings in primarily single unit neighbourhoods. These concerns exist both in the context of individual lot infill and with regard to subdivisions and portions of subdivisions proposed for two unit development, and are related both to the increases in density resulting from two unit development, and to the visual impact of these generally larger structures on existing single unit neighbourhoods.

New two unit dwellings are not considered appropriate either for infill situations or for new subdivisions where such structure would immediately abut existing single unit dwellings or neighbourhoods. New two unit development may be considered for undeveloped lands, provided that adequate separation and buffering from single unit dwelling neighbourhoods is provided within the proposed development. Provisions will be established within the land use by-law to increase the minimum lot area and yard requirements for these new developments. This is intended to reduce the bulkier appearance of such dwelling types and to provide more space for parking and other amenities.

UR-4 Notwithstanding Policy UR-2, within the Urban Residential Designation, it shall be the intention of Council to establish a residential zone which permits two unit dwellings in addition to all uses permitted in the single unit dwelling zone. Council shall only consider new two unit dwellings by amendment to the land use by-law and with regard to the following:

- (a) that where a vacant lot or parcel of land to be rezoned abuts or is immediately adjacent to properties with single unit dwelling zoning, a buffer of single unit dwelling zoned lots, as shown on a tentative or final plan of subdivision, shall be maintained between existing and proposed development;
- (b) that streets are not considered to constitute part of the buffer and, except for individual lot infill, parkland with an area of less than one acre and a depth of less than one hundred (100) feet shall not constitute part of the buffer;
- (c) that municipal central services are available and capable of supporting the development;
- (d) where new roads are being proposed as part of the development, an evaluation of the proposed road layout and the impacts on traffic circulation in the surrounding area; and
- (e) the provisions of Policy IM-13.

IM-13 In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this planning strategy, the Sackville Community Council shall have appropriate regard to the following matters:

- (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;
- (b) that the proposal is not premature or inappropriate by reason of:
  - (I) the financial capability of the Municipality to absorb any costs relating to the development;
  - (ii) the adequacy of sewer and water services;
  - (iii) the adequacy or proximity of school, recreation and other community facilities;
  - (iv) the adequacy of road networks leading or adjacent to, or within the development; and
  - (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (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;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) traffic generation, access to and egress from the site, and parking;
  - (iv) open storage;
  - (v) signs; and
  - (vi) any other relevant matter of planning concern.
- (d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding;
- (e) any other relevant matter of planning concern; and
- (f) **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 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.**

P-137 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;
- (b) that the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of the Municipality to absorb any costs relating to the development;
  - (ii) the adequacy of central or on-site sewerage and water services;
  - (iii) the adequacy or proximity of school, recreation or other community facilities;
  - (iv) the adequacy of road networks leading or adjacent to or within the development; and

- (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (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;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) traffic generation, access to and egress from the site, and parking;
  - (iv) open storage;
  - (v) signs; and
  - (vi) any other relevant matter of planning concern.
- (d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.
- (e) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy P-81”, Subdivision Approval shall be subject to the provisions of 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.

(RC-July 2/02; E-Aug 17/02)

Attachment C  
LUB Requirements for R-6 Zone

PART 12: R-6 (RURAL RESIDENTIAL) ZONE

NOTE: The Municipal Development Plan and Zoning By-law for Sackville approved on May 14, 1982, as amended, remains in effect for land owned by the Nova Scotia Department of Housing and Consumer Affairs shown on Map 1, Generalized Future Land Use Map in accordance with Ministerial amendments made on June 16, 1994. Any development of these lands is subject to the 1982 Plan and By-law.

12.1 R-6 USES PERMITTED

No development permit shall be issued in any R-6 (Rural Residential) Zone except for the following:

Residential Uses

Single unit dwellings  
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings  
Bed and breakfasts in conjunction with permitted dwellings  
Business uses in conjunction with permitted dwellings

Resource Uses

Agricultural uses  
Forestry uses  
Fishing and fishing related uses

Community Uses

Open space uses  
Institutional uses except day care facilities, medical clinics and fraternal centres and halls

12.2 R-6 ZONE REQUIREMENTS: RESIDENTIAL AND RESOURCE USES

In any R-6 Zone, where uses are permitted as residential uses or Resource Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	6,000 square feet (558 m <sup>2</sup> )
	on-site services	20,000 square feet (1858.1 m <sup>2</sup> )
Minimum Frontage:	central services	60 feet (18.3 m)
	on-site services	100 feet (30.5 m)



Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)
Minimum Width of Main Building	20 feet (6.1 m)

### 12.3 OTHER REQUIREMENTS: BUSINESS USES

- (a) Any business shall be wholly contained within the dwelling which is the principal residence of the operator of the business.
- (b) No more than twenty-five (25) per cent of gross floor area shall be devoted to any business use, and in no case shall any business use occupy more than three hundred (300) square feet (27.9 m<sup>2</sup>).
- (c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust which is obnoxious.
- (d) No open storage or outdoor display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.
- (e) No more than (1) sign shall be permitted for any business and no such sign shall exceed two (2) square feet (0.2 m<sup>2</sup>) in area.
- (f) One (1) off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m<sup>2</sup>) of floor area devoted to any business.
- (g) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.
- (h) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

### 12.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-6 Zone, the following shall apply:

- (a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principal residence of the operator of the facility.
- (b) No open storage or outdoor display shall be permitted.
- (c) No more than one (1) sign shall be permitted for any facility and no such sign shall exceed two (2) square feet (0.2 m<sup>2</sup>) in area.
- (d) One (1) off-street parking space, other than that required for the dwelling, shall be provided.

### 12.5 OTHER REQUIREMENTS: AGRICULTURAL USES

Notwithstanding the provisions of Section 11.2, where any barn, stable or other building intended for the keeping of more than ten (10) animals is erected in any R-6 Zone, no

such structure shall:

- (a) be less than fifty (50) feet (15.2 m) from any side lot line;
- (b) be less than one hundred (100) feet (30.5 m) from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the agricultural use; and
- (c) be less than three hundred (300) feet (91.4 m) from any watercourse or waterbody.

#### 12.6 OTHER REQUIREMENTS: BED AND BREAKFASTS

Where any bed and breakfasts are permitted in any R-6 Zone, the following shall apply:

- (a) Not more than three (3) rooms may be let.
- (b) No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m<sup>2</sup>) in area.
- (c) One off-street parking space in addition to that required for the dwelling shall be provided for each room to be let.

#### 12.7 R-6 ZONE REQUIREMENTS: COMMUNITY USES

In any R-6 Zone, where uses are permitted as community uses, no development permit shall be issued except in conformity with the provisions of Parts 19 and 20.

Attachment D  
LUB Requirements for R-2 Zone

PART 8: R-2 (TWO UNIT DWELLING) ZONE

8.1 R-2 USES PERMITTED

No development permit shall be issued in any R-2 (Two Unit Dwelling) Zone except for the following:

Residential Uses

Single unit dwellings  
Two unit dwellings  
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings  
Bed and breakfasts in conjunction with permitted dwellings  
Business uses in conjunction with permitted dwellings

Community Uses

Open space uses

8.2 R-2 ZONE REQUIREMENTS: RESIDENTIAL USES

(a) any R-2 (Two Unit Dwelling) Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Two Unit Dwellings

Minimum Lot Area                      7,000 square feet (650.3 m<sup>2</sup>) or 3,500 square feet (325.2 m<sup>2</sup>) per dwelling unit where each dwelling unit of a two unit dwelling is located on a separate lot and where central services are available;

Minimum Frontage                      20,000 square feet (1858.1 m<sup>2</sup>) where central services are not available;  
70 feet (21.3 m), or 35 feet (10.7 m) per unit where each dwelling unit of a two unit dwelling is located on a separate lot and where central services are available;

100 feet (30.5 m) where central services are not available;

Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	10 feet (3 m) or 0.0 feet (0.0 m) from the side being common with another dwelling unit
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)
Minimum Width of Main Building	20 feet (6.1 m)
(b)	Where single unit dwellings are permitted in any R-2 Zone, the requirements of Section 6.2 shall apply.

### 8.3 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-2 Zone, the following shall apply:

- (a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principal residence of the operator of the facility.
- (b) No open storage or outdoor display shall be permitted.
- (c) No more than one (1) sign shall be permitted for any facility and no such sign shall exceed two (2) square feet (0.2 m<sup>2</sup>) in area.
- (d) One (1) off-street parking space, other than that required for the dwelling, shall be provided.

### 8.4 OTHER REQUIREMENTS: BUSINESS USES

Where business uses are permitted in any R-2 Zone, the following shall apply:

- (a) Any business shall be wholly contained within the dwelling which is the principal residence of the operator of the business.
- (b) No more than twenty-five (25) per cent of the gross floor area shall be devoted to any business use, and in no case shall any business use occupy more than three hundred (300) square feet (27.9 m<sup>2</sup>).
- (c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust which is obnoxious.
- (d) No open storage or outdoor display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.
- (e) No more than one (1) sign shall be permitted for any business and no such sign shall exceed two (2) square feet (0.2 m<sup>2</sup>) in area.

- (g) One (1) off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m<sup>2</sup>) of floor area devoted to any business.
- (h) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.
- (i) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

#### 8.5 OTHER REQUIREMENTS: BED AND BREAKFASTS

Where any bed and breakfasts are permitted in any R-2 Zone, the following shall apply:

- (a) Not more than three (3) rooms may be let.
- (b) No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m<sup>2</sup>) in area.
- (c) One off-street parking space in addition to that required for the dwelling shall be provided for each room to be let.

#### 8.6 OTHER REQUIREMENTS - MULTIPLE UNIT DWELLINGS

Notwithstanding Section 8.1, existing multiple unit dwellings shall be a permitted use within the R-2 Zone subject to the requirements of Section 8.2 and the maximum number of units permitted within the identified existing multiple unit dwellings shall be as follows:

<u>Civic Address</u>	<u>LRIS Index</u> <u>Number</u>	<u>Maximum Number</u> <u>of Dwellings</u>
185 Old Beaver Bank Road	40092538	3
875 Old Sackville Drive	40283244	3
11 Nelson Drive	00355925	4

#### 8.7 OTHER REQUIREMENTS: COMMUNITY USES

In any R-2 Zone where uses are permitted as community uses, no development permit shall be issued except in conformity with the provisions of Part 19.

#### 8.8 EXEMPTION: EXISTING R-2 ZONED LOTS

- (a) Notwithstanding the requirements of Section 8.2, where uses are permitted as Residential Uses on any developed R-2 zoned lands, no development permit shall be issued except in conformity with the following:  
Minimum Lot Area: 6,000 square feet (557.4 m<sup>2</sup>) or 3,000 square feet (278.7 m<sup>2</sup>) per dwelling unit where each dwelling

- 
- |                                 |   |
|---------------------------------|---|
|                                 | unit of a two unit dwelling is located on a separate lot and where central services are available 20,000 square feet (1858.1 m <sup>2</sup> ) where central services are not available. |
| Minimum Frontage:               | 60 feet (18.3 m), or 30 feet (9.1 m) per unit where each dwelling unit of a two unit dwelling is located on a separate lot and where central services are available.                    |
|                                 | 100 feet (30.5 m) where central services are not available.   |
| Minimum Front or Flankage Yard  | 20 feet (6.1 m)   |
| Minimum Rear or Side Yard       | 8 feet (2.4 m) or 0.0 feet (0.0 m) from the side being common with another dwelling unit.   |
| Maximum Lot Coverage            | 35 percent  |
| Maximum Height of Main Building | 35 feet (10.7 m)  |
| Minimum Width of Main Building  | 20 feet (6.1 m)   |
- (b) For the purposes of Subsection 8.8(a), "developed R-2 zoned lands" shall include any R-2 (Two Unit Dwelling) zoned lands for which a completed tentative or final plan of subdivision application was submitted in accordance with the requirements of the Subdivision By-law, prior to the date of the first publication of the notice of the intention to adopt this By-law.

Attachment E

**HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE NO. 01015 - 218/220 Old Sackville Road**

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**7:00 p.m.  
Thursday, April 12, 2007  
Sackville Library, Fenerty Room**

**IN ATTENDANCE:** Leticia Smillie, Planner, HRM Planning Services  
Andrew Bone, Senior Planner, HRM Planning Services  
Cara McFarlane, Administrative Support, HRM Planning Services

**APPLICANT:** Rick and Susan Paynter, Applicants

**ALSO PRESENT:** Councillor Bob Harvey, District 20

**PUBLIC IN  
ATTENDANCE:** 10

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The meeting commenced at approximately 6:57 p.m.

**1. Opening remarks/Introductions/Purpose of meeting - Leticia Smillie**

Ms. Smillie introduced herself as the Planner assigned to guide this application through the planning process; Andrew Bone, Planner at the Central Region office; Councillor Bob Harvey, District 20; Rick and Susan Paynter, Applicants; and Cara McFarlane, Administrative Support at the Central Region office.

The agenda for the meeting was reviewed.

The purpose of the meeting is to explain the proposed change and to gather feedback from the public. There will be no decisions made at this meeting. Decisions are made by North West Community Council.

**2. Overview of planning process - Leticia Smillie**

The application requires planning approval because the applicants are requesting a change in the zoning of their property. Development in HRM is guided by two documents, the Municipal Planning Strategy (MPS) and the Land Use By-law (LUB). The MPS basically provides the vision of how the public wants to see a community develop in the future. The LUB creates zones that have allowable uses and restrictions to help implement the vision brought forth by the MPS. The Sackville MPS has policy within it that enables community council to consider a rezoning to allow two unit dwellings.

Ms. Smillie explained the rezoning planning process.

### **3. Presentation - Leticia Smillie/Rick Paynter**

The subject property is located at 218/220 Old Sackville Road. The owners, Rick and Susan Paynter, have asked to have the property rezoned from R-6 (Rural Residential) to R-2 (Two Unit Dwelling) to allow them to renovate the existing dental office into an apartment. The current R-6 Zone only allows for single unit dwellings. By turning the dental office into an apartment they are creating a two unit dwelling. The policy within the MPS is designed to protect surrounding single unit dwellings. It requires that any proposed two unit properties must have a buffer lot when they are adjacent to a single unit dwelling. The Paynters have been through a preliminary subdivision approval with HRM and have demonstrated that they are capable of creating a buffer lot to the property at 232 Old Sackville Road, a single unit dwelling. The property at 210 Old Sackville Road is already a two unit dwelling and the property behind are undeveloped DND lands, and will not require a buffer lot.

Mr. Paynter explained that this rezoning is a plan ahead action. At some point, his wife, Dr. Susan Paynter, will be retiring and at that time, they would like to take the space from the dental clinic and convert it into a one bedroom rental unit. He would prefer not to create the buffer lot as the unique features of the property are such that they do not need to go through a subdivision process. The size of the property, setback of the house from the road, distance of the dwelling units on either side, the treed slope bank that exists between this property and 232 Old Sackville Road are features that create sufficient buffering.

Mr. Paynter thanked Planning Staff for guiding them through the planning process.

### **4. Questions/Comments**

Wayne Rhodenizer, Old Sackville Road, asked if anyone in the community can also rezone their property. Ms. Smillie mentioned that it is based on a site by site scenario and that every applicant would have to go through the same process. Mr. Rhodenizer is fine with the rezoning if the owners will be living in the house but worries that the whole house will be rented out. Renters do not care about the property. Ms. Smillie explained that the Municipality can only regulate the use not the tenancy.

Bev Welton, Old Sackville Road, assumed that the whole section would be rezoned. He didn't realize that it is done on a site-by-site basis. He wondered what rules are being used. Ms. Smillie explained that when a person applies for a rezoning, requirements of the MPS have to be met. Mr. Bone mentioned that not many lots in Sackville qualify for this type of rezoning.

Constantino Liolis, Old Sackville Road, asked when the properties in that area were zoned R-6. Councillor Harvey mentioned that the first Sackville Plan was approved in 1982. Mr. Liolis said the R-6 Zone states that this is a rural area. Why is this area not given a general zone? Mr. Bone explained that the R-6 Zone allows for development which has more of an urban standard. The R-6



Zone has slightly higher lot size requirements which is more in character with a many of the lots in the area.

Mr. Rhodenizer asked when the application will be in front of council. Ms. Smillie said the end of May at the earliest.

Mr. Liolis asked how many square feet is needed for a buffer zone to which Ms. Smillie responded 6,000 square feet. Mr. Bone explained that there has to be the capability of putting in a buffer zone on the property.

One resident asked what the zoning is of the properties across the street from the subject property. Ms. Smillie mentioned that they are zoned R-1.

Mr. Welton commented on the fact that Old Sackville Road is a through street and is very hazardous to enter onto the road from properties. He believes HRM should not allow anymore building off this road. Ms. Smillie said that traffic generated from the dentist office would be more than that of a two unit dwelling. Mr. Bone explained that Old Sackville Road has been looked at several times by Traffic Services for possible ways to minimize shortcutting. This is for more towards the Beaver Bank end of Old Sackville Road. Every planning application that comes in requires an engineer study of all access points to ensure that there is adequate site distance in both directions from the access point. He explained the process. Ms. Smillie mentioned that new applications would have to be built to standards. The Paynters will be using the same access point for the two units. Mr. Bone said there will be a review in the staff report.

Mr. Rhodenizer wanted to confirm that anyone applying for a rezoning would have to go through a public process to which Ms. Smillie agreed.

Councillor Harvey asked what the flow of traffic is like there now in terms of in and out of the driveway. Ms. Paynter mentioned that she has six employees and approximately 35 clients per day. Mr. Bone said the dental clinic would generate at least 82 trips per day whereas a typical two unit dwelling would create less than 10 trips per day.

Mr. Liolis wondered in the future, if the property was sold by the Paynters, if the community could put forth a petition to have that property rezoned back to R-6. Mr. Bone explained that the community could put their money together and make an application or they could go to council and ask them to make the application. The end result is that if the second unit is legally established at any point of time and not discontinued, it would be grandfathered and the owners would have rights to continue the use.

Ms. Paynter commented that they wanted to follow the proper process.

Mr. Welton asked if a two unit dwelling has to have a separate entrance and unit. Ms. Smillie explained that there are some building code requirements in terms of entrances and fire separation materials.

**5. Closing comments**

Mr. Welton suggested that the zoning be placed on the maps when sending the notices out to residents.

Ms. Smillie thanked everyone for coming to the meeting and expressing their comments.

**6. Adjournment**

The meeting adjourned at approximately 7:40 p.m.