



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 9.2
Halifax Regional Council
July 21, 2015
September 8, 2015

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

Councillor Steve Adams, Chair, Halifax and West Community Council

DATE: June 29, 2015

SUBJECT: Case 19413 - Slaunwhite Request to allow further subdivision of land without road frontage in Terence Bay

ORIGIN

June 24, 2015 Item 10.6, Halifax and West Community Council

LEGISLATIVE AUTHORITY

HRM Charter, Part 1, Clause 25(c) – “The powers and duties of a Community Council include recommending to the Council appropriate by-laws, regulations, controls and development standards for the community.”

RECOMMENDATION

It is recommended by Halifax and West Community Council that Halifax Regional Council:

1. Give First Reading to consider proposed amendments to the Planning District 4 Municipal Planning Strategy and Land Use By-law and the Halifax Regional Subdivision By-law as set out in Attachments A, B and C of the report dated May 8, 2015; and schedule a public hearing; and
2. Approve the proposed amendments to the Planning District 4 Municipal Planning Strategy and Land Use By-law and the Halifax Regional Subdivision By-law to allow the creation of an additional lot without road frontage within the Mixed Use Designation of Planning District 4, as set out in Attachments A, B and C of the report dated May 8, 2015.

BACKGROUND

A staff report dated May 8, 2015 was before the Halifax and West Community Council at their June 24, 2015 meeting.

DISCUSSION

Halifax and West Community Council discussed Case 19413 at their June 24, 2015 meeting. Community Council approved the staff recommendation in the report dated May 8, 2015, regarding the proposed amendments to the Planning District 4 Municipal Planning Strategy and Land Use By-law and the Halifax Regional Subdivision By-law to more broadly consider the benefit of using lot frontage exemptions to allow the infill of dwelling units within its coastal villages in Planning District 4.

It was noted that there were no concerns from fire services or planning staff. Community Council also noted that consideration of the staff recommendation would be more appropriate for the community instead of the alternatives listed in the staff report. In response to a question over setting precedents, staff responded that they would carefully consider any implications of the request.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this application can be accommodated within the approved 2015/16 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The Halifax and West Community Council consists of six duly elected members of Regional Council. Meetings are open to the public; agendas and reports are posted online in advance of the meeting.

ENVIRONMENTAL IMPLICATIONS

As outlined in the staff report dated May 8, 2015

ALTERNATIVES

As outlined in the staff report dated May 8, 2015, Halifax Regional Council could:

1. Choose to confine this amendment to the property of Susan Slaunwhite – Lot 7A Riverview Lane, in which case a supplementary staff report will be required to present new amending by-laws as a replacement to Attachments A, B and C.
2. Choose to refuse the requested amendments to the Planning District 4 Municipal Planning Strategy and the Halifax Regional Subdivision By-law, as contained in Attachments A and B. Regional Council is under no obligation to consider a request to amend its MPS and a decision not to amend the MPS cannot be appealed.

ATTACHMENTS

Attachment A: Staff report dated May 8, 2015

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Andrew Reid, Legislative Assistant 902.490.5934

Item No. 10.1.6
Halifax and West Community Council
June 24, 2015

TO: Chair and Members of Halifax and West Community Council
Original Signed

SUBMITTED BY: _____
Bob Bjerke, Chief Planner and Director, Planning & Development

DATE: May 8, 2015

SUBJECT: **Case 19413- Slaunwhite Request to allow further subdivision of land without road frontage in Terence Bay**

ORIGIN

At the June 24, 2014 meeting, Regional Council directed staff to initiate a process to amend the Municipal Planning Strategy for Planning District 4 and the Halifax Regional Subdivision By-law to allow the creation of an additional lot without road frontage within the Mixed Use Designation of Planning District 4, per motion of the Halifax and West Community Council.

LEGISLATIVE AUTHORITY

Section A- 3 (1) of the *Provincial Subdivision Regulations* require that all lots shall abut a public street; a private road; or Schedule "B" road.

Section A-8 (3) creates an exception to allow for the creation of a maximum of two lots without road frontage from an area of land that was in existence on August 1, 1987.

Section 281 (2) (a) (ii) of the *Halifax Regional Municipality Charter* states "A subdivision by-law must include any requirements prescribed by the *Provincial Subdivision Regulations* unless the municipal requirements implement a municipal planning strategy".

RECOMMENDATIONS

It is recommended Halifax and West Community Council recommend that Halifax Regional Council:

1. Give First Reading to consider proposed amendments to the Planning District 4 Municipal Planning Strategy and Land Use By-law and the Halifax Regional Subdivision By-law as set out in Attachments A, B and C of this report; and schedule a public hearing; and
2. Approve the proposed amendments to the Planning District 4 Municipal Planning Strategy and Land Use By-law and the Halifax Regional Subdivision By-law to allow the creation of an additional lot without road frontage within the Mixed Use Designation of Planning District 4, as set out in Attachments A, B and C.

BACKGROUND

The recommendation by Halifax and West Community Council to initiate this plan amendment originated from a request by Susan Slaunwhite.

Susan Slaunwhite is the owner of lot 7A, a 3.7 acre parcel of land situated at the end of Riverview Lane¹, in Terence Bay (Attachment D). This lot was originally subdivided from Lot 7 to create 7A and Lot 7B, in 2006. It is a landlocked parcel that has no public road frontage.

Ms. Slaunwhite wants approval for one additional lot from lot 7A to permit the development of a single dwelling unit on the western side of the parcel. She proposes to provide access to the new lot via a private shared private driveway that currently extends the width of her property to its western edge as shown on Attachment D. This branch of the lane is currently used by her neighbor on the western side of her property for access.

Although new subdivisions are generally required to comply with street frontage provisions established under the applicable land use by-law, some exemptions are made under the Subdivision By-law. Section 38 allows an area of land to be subdivided into two lots, or one lot plus a remainder lot where either one or both lots do not meet frontage requirements under the following conditions:

1. The lot to be subdivided existed on August 1, 1987;
2. Where the lot to be subdivided does not abut a public street, the proposed access to the lot from a public street to the lot is shown on the subdivision plan; and
3. The lot to be subdivided is in an area of the Municipality which is eligible for the exemption.

Although Lot 7A conforms with criterion 2 and 3, it is not eligible for this exemption because it was subdivided in 2006. The amendment proposed by the Community Council is intended to allow for the requested subdivision within a limited geographic area (the Mixed Use Designation of Planning District 4) where it may be applied.

DISCUSSION

The Planning District 4 Municipal Planning Strategy recognizes the benefit of using lot frontage exemptions to allow the infill of dwelling units within its coastal villages. Coastal villages like Terence Bay, were developed with an irregular pattern of lots clustered around the granite coves and inlets. This Municipal Planning Strategy provided policy support for the limited creation of lots without road frontage or reduced road frontage, in order to minimize the impact of road construction on the granite coves and inlets.² The policy was also created to allow the infill of one to two lot subdivisions to allow limited development opportunities for families in a development form that was compatible with the historic lot pattern throughout these coastal communities.

The Mixed Use Designation applies to the community of Terence Bay and Lower Prospect as illustrated on Attachment E. This 250 year old coastal village is located south-west of Halifax and is accessed via the Terence Bay Road. Public road access is provided throughout the community via three primary roads - Terence Bay, Sandy Cove, and Lower Prospect roads. Many of the dwellings throughout the community are accessed via private driveways that serve a cluster of homes. In all, there are 14 private driveways serving clusters of development situated throughout the community.

Riverview Lane provides access to seven lots, including the property of Susan Slaunwhite. The lots

¹ Riverview Lane is a private shared driveway and has no status as an approved private or public road.

² Policy T-7 provides policy support to allow the creation of one lot plus a remainder with reduced road frontage or no road frontage under Section 38 of the Subdivision By-law. Policy T-8 provides policy support to allow the creation of a maximum of 3 lots with a minimum of 20 feet of frontage under Section 43 the Subdivision By-law.

throughout this subdivision range in size from 0.33 hectares to 2 hectares and all have been developed with a single unit dwelling with the exception of one. The lane is situated at the end of River Road and is 0.43 kilometers in length. It is surfaced with gravel and appeared to be well maintained on the two site visits to the subdivision (Attachment F – Exhibits 1 - 4).

HRM Fire Services examined the lane in the late summer of 2013 and advised that it is adequate to allow for emergency vehicle access, egress and turning maneuvers. During the public information meeting, a resident along Riverview Lane advised that the lane tends to be soft and muddy in the spring (Attachment G). The resident noted that the front entrance to the lane was very muddy in the spring of 2014. In a follow-up letter submitted after the public information meeting, these neighbouring residents clarified that they are also concerned about the maintenance of the lane/shared driveway during major snow storm events and the potential for traffic conflict if the abutting lots become further subdivided since some portions of the lane/shared driveway is only passable by one vehicle at a time (Attachment H). The resident was also concerned that the potential future subdivision of additional lots along this road may exacerbate the situation.

A site inspection held in July of this year revealed that the foundation of a former building was removed at the front entrance to the lane and this appeared to be an area where soil had washed out onto the travel way (Attachment F – Exhibits 5-6). The lane has a 6 – 7.6 metre right-of-way from the end of River Road to the beginning of Lot 7B which is sufficient for two-way traffic (Attachment D). The width of the lane is reduced to one-way traffic for the remaining three lots from the beginning of Lot 7B. There may be occasions when drivers may have to wait for a vehicle to pass along this portion of the shared driveway.

Ms. Slaunwhite canvassed some of the property owners along Riverview Lane to see if they wanted to pursue a road maintenance agreement under the HRM Private Road Maintenance Agreement Program.³ The program requires the signatures of at least two thirds of the abutting property owners in order to commence the collection of taxes for road maintenance. Ms. Slaunwhite only has the signatures from 57% of the property owners so she cannot develop a road maintenance agreement under this program. She is prepared to maintain the lane surface with the application of gravel as needed and to maintain the lane in the winter.

If the requested amendment is approved, 24 parcels of land that are without road frontage situated in various areas throughout the Community of Terence Bay will potentially become eligible for the creation of a maximum of two lots without public road frontage. The properties are illustrated on Attachment E. Seventeen of those parcels were previously subdivided using this exemption and may become eligible for the creation of one additional lot if the parcel is large enough to meet the Nova Scotia Department of Environment requirements for on-site septic approval. Most of the lots are close to a public road and may be accessed via a private driveway.

Members of the public in attendance at the Public Information Meeting were generally in support of the application of this amendment to the entire community. Several of emails received after the Public Information Meeting noted that the requested amendment would provide an opportunity to allow infill development potentially for younger families in an aging community (Attachment H).

In order to limit the extent of infill development and to ensure that any new lots can be accessed for fire emergency services, the package of amendments outlined in Attachments A, B and C allow for only one additional lot from the parcels that have been subdivided since August 1, 1984 within the Mixed Use Designation. Given the increased opportunity for lot creation and the need to ensure adequate fire access, the shared driveway for any proposed subdivision on those lots that we created since August 1,

³ Private roads are prohibited in Halifax Regional Municipality under Policy S-26 of the Regional Municipal Planning Strategy. A private road under the Halifax Regional Subdivision By-law is defined as a non-publically owned street or road for which the right-of-way, alignment, gradient and connection to a public street has been approved by the Municipality. Riverview Lane has not been approved by the Municipality and is a shared driveway, not a private road.

1987 will have to be certified by a professional engineer for adequate access, egress and turning maneuverability for fire emergency vehicles outlined in Attachment C.

Conclusion

Allowing the creation of additional lots which do not meet the lot frontage requirement of the land use by-law would not substantially impact the Community of Terence Bay and would provide opportunities for the infill of development in a manner that is sensitive to the historic character of this community. The infill of one additional lot will also provide opportunities for development with minimal impact on the natural environment.

The proposed amendments outlined in Attachments A, B and C would allow one additional lot to be created from a parcel of land that was previously subdivided pursuant to Section 38 (formerly Part 14.1 of the Subdivision By-law of Halifax County) within the Mixed Use Designation of Planning District 4, where the proposed lot has access to an existing shared driveway.

FINANCIAL IMPLICATIONS

There are no budget implications.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. A Public Information Meeting was held on July 24, 2014 to obtain feedback on the proposed (Attachment G). Notices of the Public Information Meeting were posted on the HRM website and the Herald Chronicle for two consecutive weeks with the first notice appearing on July 12, 2014. Posters were also posted in the Terence Bay Community Centre; a facility where weekly community events area held.

Ms. Slaunwhite canvassed the residents of Terence Bay and received 107 letters of support for the requested amendment. This petition is held on file but cannot be presented as part of the public record in order to protect the privacy of individuals pursuant to the requirements of the Municipal Government Act. The petition containing 107 signatures of residents from Terence Bay stated the following:

*I understand that an application has been made by Susan Slaunwhite of 38 Riverview Lane, Terence Bay, Nova Scotia to amend the Municipal Planning Strategy for Planning District 4 and the Halifax Regional Subdivision By-law to allow an additional lot without road frontage within the Mixed Use Designation of the Planning District 4.
I would like to express that I am in support of this application and am a resident of Terence Bay, Nova Scotia.*

Thirteen submissions were sent to the Municipality after the Public Information Meeting. Twelve of those were in support of the requested amendment one was opposed (Attachment H).

Should Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

ENVIRONMENTAL IMPLICATIONS

No additional concerns other than those highlighted in this staff report.

ALTERNATIVES

1. Regional Council may choose to approve the proposed amendments to the Planning District 4 Municipal Planning Strategy and the Halifax Regional Subdivision By-law as contained in Attachments A and B. This is the recommended course of action.
2. Regional Council may choose to confine this amendment to the property of Susan Slaunwhite – Lot 7A Riverview Lane, in which case a supplementary staff report will be required to present new amending by-laws as a replacement to Attachments A, B and C.
3. Regional Council may choose to refuse the requested amendments to the Planning District 4 Municipal Planning Strategy and the Halifax Regional Subdivision By-law, as contained in Attachments A and B. Regional Council is under no obligation to consider a request to amend its MPS and a decision not to amend the MPS cannot be appealed.

ATTACHMENTS

Attachment A - By-law to amend the Planning District 4 Municipal Planning Strategy

Attachment B – By-law to amend the Planning District 5 Land Use By-law

Attachment C - By-law to amend the Regional Subdivision By-law

Attachment D - Riverview Lane Plan of Subdivision

Attachment E - Lots that may be eligible for further subdivision without road frontage in Mixed Use Designation of the Planning District 4 Municipal Planning Strategy

Attachment F - Exhibits of the Riverview Lane

Attachment G - Terence Bay July 24, 2014 Public Information Meeting Minutes

Attachment H - Letters from residents concerning the requested amendment

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Maureen Ryan, Senior Planner, 490-4799

Original Signed

Report Reviewed by:

Kelly Denty, Manager, Development Approvals, 902- 490-4800

Original Signed

Report Approved by:

Carl Purvis, Supervisor, Regional and Community Planning, 490-4797

Original Signed

Financial Approval by:

Bruce Fisher, Acting Director of Finance & ICT/CFO, 902.490.4493

**Attachment A:
Proposed Amendments to the Planning District 4 Municipal Planning Strategy**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Planning District 4 Municipal Planning Strategy as adopted by the former Halifax County Municipality on the 22nd day of June 1992, A. D. and approved with amendments by the Minister of Municipal Affairs on the 5th Day of October, 1992 A. D. which includes all amendments thereto as of the 25th Day of July, 2009 is hereby further amended as follows:

1. Amending the subsection entitled "Reduced Lot Frontages" by deleting text shown as ~~strikeout~~ and inserting text shown as **bold**, as follows:

Reduced Lot Frontages

The Subdivision By-law of 1985 also introduced a number of provisions for reduced lot frontages in certain situations. These provisions have a number of advantages for an area like Planning District 4 ~~where there are a large number of irregular shaped lots. In the past, due to a lack of road frontage, it was often impossible to subdivide these parcels of land. This situation was one of constant irritation to land owners, especially when they simply wished to give a lot to a son or daughter or to sell a parcel of land for forestry or farming purposes. At the same time, reduced lot frontages are not felt to be appropriate for commercial, industrial or institutional use~~ **particularly in the coastal villages where the development pattern is in the form of irregular shaped lots clustered around the granite coves and inlets. It is difficult to construct standard subdivision developments in these communities without destruction to the natural environment and the historic character of the village. There is also a desire to subdivide one or two lots from a larger parcel to allow some infill development or to give a parcel of land to a family member or use it for farming or forestry purposes.**

In order to allow for some limit infill development within Planning District 4 with minimal impact on the historical pattern of lot development and the natural environment, this Plan will continue to provide opportunities for the creation of a limited number of lots on land without road frontage or with reduced lot frontage which are not zoned for commercial, industrial or institutional purposes. In order to limit the application of lot frontage exemptions, these provisions may be applied to any parcel of land if the parcel was created on or before August 1, 1987. Parcels registered on or before the first notice of the intention to adopt this amendment may be subdivided using the provisions for lot frontage exemption within the Mixed Use Designation of this Municipal Planning Strategy if they are not zoned for commercial, industrial or institutional purposes.

- T-7 It shall be the intention of Council to permit the application of ~~Part 14~~ reduced lot frontages under ~~of the Subdivision By-law as specified therein, except for the reduced lot frontage provisions of Section 14.1, which~~ shall not apply where properties are zoned, used or proposed to be used for industrial, commercial or institutional purposes. Furthermore, it shall be the intention of Council that development permits shall not be issued for commercial, industrial, institutional uses on lots created pursuant to ~~Section 14.1~~ the reduced lot frontage provisions of the Subdivision By-law.

I HEREBY CERTIFY that the
amendments to the District 4 Municipal
Planning Strategy as set out above,
were passed by a majority vote of the
Halifax Regional Council held on the
_____ day of _____, 2015.

GIVEN under the hand of the Municipal
Clerk and under the Corporate Seal of
the Halifax Regional Municipality this
_____ day of _____, 2015.

Cathy Mellet
Municipal Clerk

Attachment B:
Proposed Amendments to the Planning District 4 Land Use By-law

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 4 as adopted by the former Halifax County Municipality on the 22nd day of June 1992, A.D. and approved with amendments by the Minister of Municipal Affairs on the 5th Day of October, 1992 A.D. which includes all amendments thereto as of the 25th Day of July, 2009 is hereby further amended as follows:

1. Replace the words "Part 14" in Section 4.5 (a) with the words "Section 38, 43 or 43A".

I HEREBY CERTIFY that the amendments to the Halifax Regional Municipality Land Use By-law for Planning District 4 as set out above, were passed by a majority vote of the Halifax Regional Council held on the _____ day of _____, 2015.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2015.

Cathy Mellet

Attachment C:
Proposed Amendments to the Halifax Regional Municipality Regional Subdivision By-law

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Regional Subdivision By-law for Halifax Regional Municipality which was adopted by Halifax Regional Council on the 25th day of June, 2014, and approved by the Minister of Service Nova Scotia and Municipal Relations on the 16th Day of September, 2014 is hereby further amended as follows:

1. Inserting the following text after Section 43

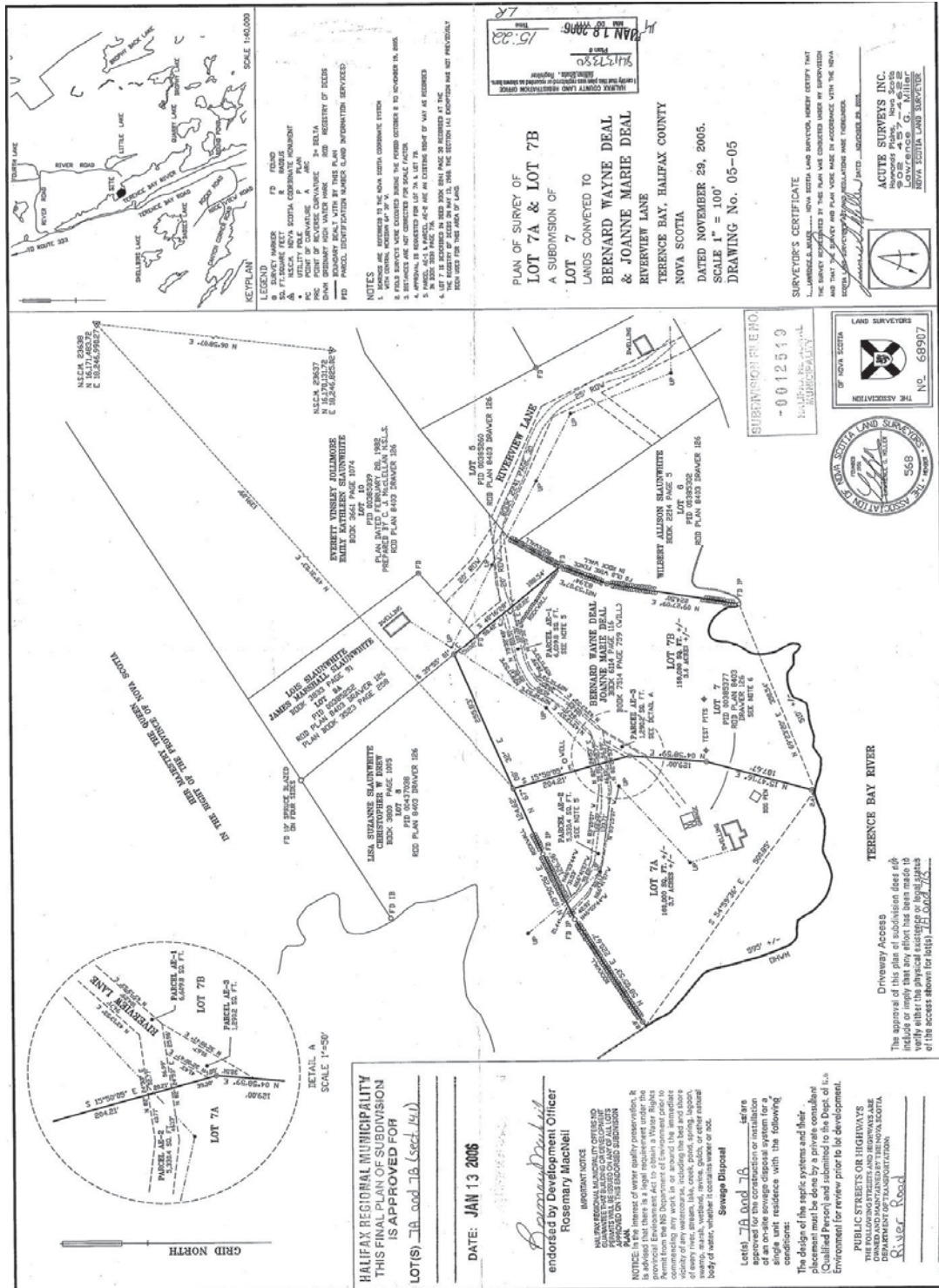
43A Within the Mixed Use Designation, within the Prospect Plan Area (former Halifax County Municipality Planning District 4) and notwithstanding the lot frontage requirements of section 7 and subsection 31(2), a lot created pursuant to Section 38 prior to Council's first notice of its intention to adopt this provision may be further subdivided into no more than one additional lot provided the proposed lot is capable of being serviced by an existing shared driveway which has a minimum width of 6.1 metres at the public street; and has been certified by a professional engineer as having adequate access, egress and maneuverability for fire emergency vehicles. The intersection of the shared driveway with the access point at the public street must also meet the access requirements of the authority having jurisdiction for public streets or highways.

I HEREBY CERTIFY that the amendments to the Halifax Regional Municipality Subdivision By-law as set out above, were passed by a majority vote of the Halifax Regional Council held on the ____ day of _____, 2015.

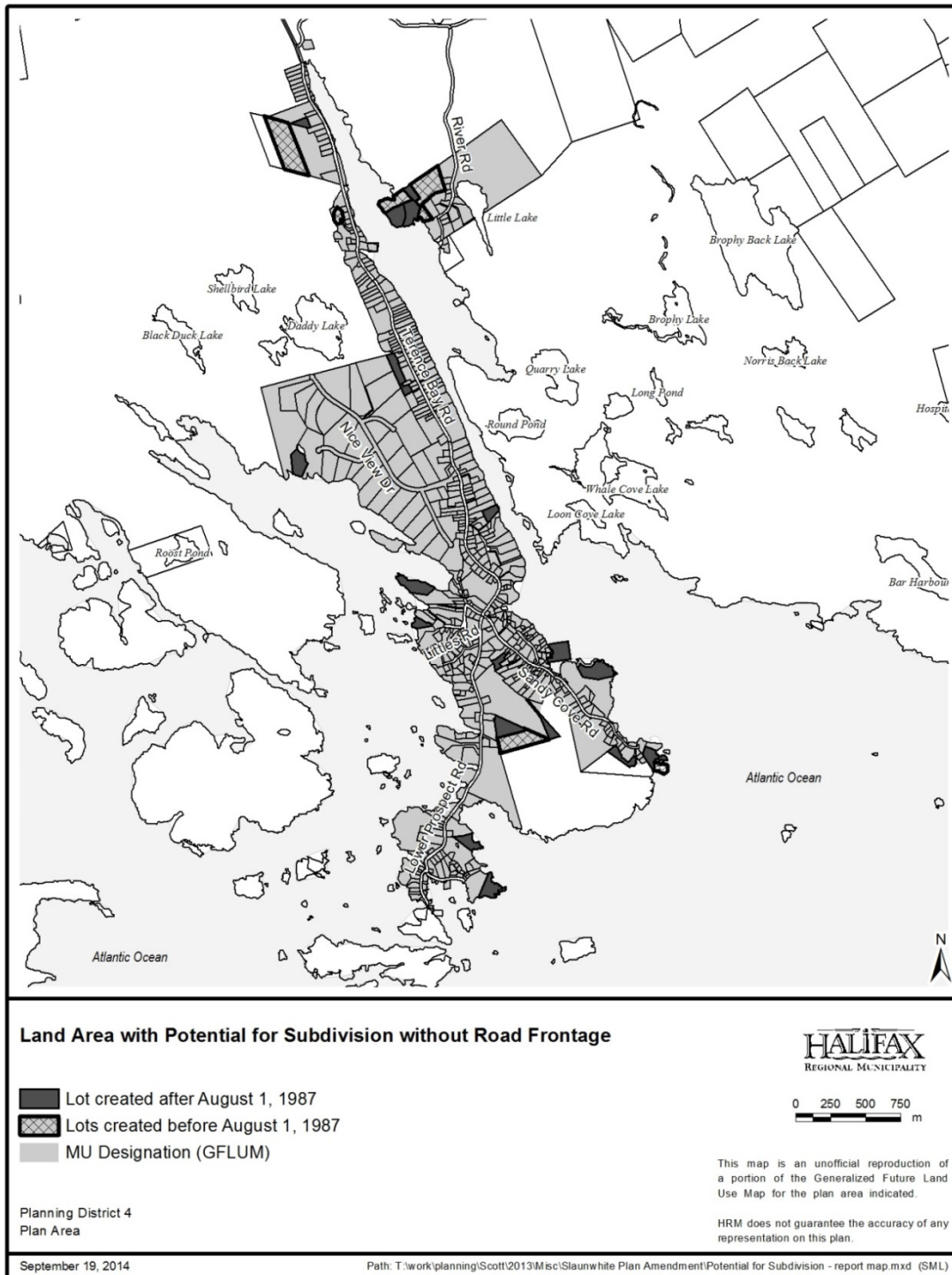
GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2015.

Cathy Mellet







Riverview Lane Plan of Subdivision



Attachment E **Mixed Use Designation for Planning District 4**



Appendix F
Riverview Lane

Exhibit 1 – Beginning of Lane	Exhibit 2 – Lane leading back to River Rd.
	
Exhibit 3 – Driveway to Lot 8 on Slaunwhite Lot	Exhibit 4 – Driveway into Slaunwhite Lot
	
Exhibit 5- Former House Site View to Lane	Exhibit 6 - Lane View to Former House Site
	

Appendix G
Public Information Meeting Minutes

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
TERENCE BAY

7:00 p.m.
Thursday, July 24, 2014
Terence Bay Fire Hall

IN ATTENDANCE: Maureen Ryan, Senior Planner, HRM Planning Services
Shanan Pictou, Urban Design Technician, HRM Planning Services
Anne Winters, Planning Intern, HRM Planning Services
Councillor Stephen Adams

PUBLIC IN
ATTENDANCE: Approximately 20

The meeting commenced at approximately 7:00 p.m.

1. Opening Remarks/Introductions/Purpose of Meeting – Maureen Ryan

Maureen Ryan opened the meeting by introducing herself as a senior planner working with Halifax as well as her colleagues Shanan Pictou and Anne Winters. She also thanked the local councillor Stephan Adams for coming to the meeting. She went on to introduce the presentation and asked that members of the public reserve their questions and comments until the end of the presentation.

2. Presentation – Maureen Ryan

Maureen Ryan started the presentation by identifying the reason for the meeting was to consult the public in regards to amending the Municipal Planning Strategy (MPS) as well as a Subdivision By-law for additional lot frontage exemptions within the Mixed Use Designation in the area. The amendment requests were put forth by Susan Slaunwhite who wants to subdivide her 4 acre parcel of land at the end of Riverview Lane into 2 lots and Regional Council had authorized Staff to proceed with public consultation on these matters.

Maureen Ryan continued with an overview of the existing regulations stating the local MPS (for Planning District 4) allows the creation of a maximum of two lots and that this exemption can only be applied to a parcel of land once. Mrs. Ryan said Ms. Slaunwhite's property was previously created using this exemption in 2006 and cannot be further subdivided without an amendment to the MPS and the Subdivision by-law.

Mrs. Ryan provided a map of the area showing which parcels of land would be influenced by the amendment highlighting the lots that had been created after the original Subdivision by-law was established (1987).

She then identified the challenges and opportunities for this amendment highlighting that this type of subdivision did fit with the lot pattern of the community as well as its historical character of the lot layout. She also provided a preliminary analysis of Mrs. Slaunwhite's property and how it would impact the laneway it is located on.

A map of the current subdivision of the properties accessed via Riverview Lane was shown and Mrs. Ryan highlighted Mrs. Slaunwhite's property to clarify what has happened on the site thus far and what would happen should this amendment be approved.

Maureen Ryan concluded by addressing the attendees asking for their comments and questions which would be recorded and passed on to Regional Council.

3. Questions/Comments

Ward Drew, Riverview Lane, asked how many houses are allowed on a single lane.

Maureen Ryan said there is no maximum number of houses on a private lane nor would HRM be doing a traffic analysis on the private lane itself.

Mr. Drew followed with another question asking if the city would be looking to take on maintenance of the road.

Mrs. Ryan answered no as the lane is a private entity.

Val Koss, Riverview Lane, asked if Mrs. Slaunwhite wanted to change the designation or amend her property to allow further subdivision, why it would affect all other Mixed Used properties in the community.

Maureen Ryan said when the city does a plan amendment it must be fair and just for all and it must apply equally to everybody in the area. The city needs to at the intent of land use and what its designation is designed to do. If it is good for one property, it should be good for all properties. If it is not good for all properties then staff would not recommend that council should proceed. Mrs. Ryan went on to explain that in the current case, the subdivision of Mrs. Slaunwhite's lot would fit the historic pattern and lay out of properties and could be beneficial for the community. She recognized Mr. Koss' point is a valid one but clarified with him that looking at properties on a case by case basis is just not something the city does.

Lisa Drew, Riverview Lane, wanted to clarify what Mrs. Ryan had presented earlier regarding the existing subdivision by-law as well as the proposed amendments.

Maureen Ryan reviewed the history and reasoning for the original by-law and the reason Mrs. Slaunwhite wanted it amended was to enable her to subdivide her property for a second time (as it had already been split in 2006). Mrs. Drew followed with a question asking should this amendment be passed, could the lot be split again in the near or distant future.

Maureen Ryan said although rare, it is possible for that to happen. Mrs. Drew expressed concern about the road being over used due to more residential properties on the lane. Mrs. Ryan acknowledged the validity of the concern and said further investigation would be done.

Kathy Slaunwhite, Terence Bay Rd, wanted further clarification on the subdividing regulations currently as well as what would happen should the amendment pass.

Maureen Ryan clarified the maximum number of properties allowed would stay the same (to only have each property be divided once) subject to soil or other environmental conditions. The only thing that would change would be the date that the subdivision by-law would come into effect. Passing this amendment would allow additional lot frontage exemptions for properties in the Mixed-Use designation to be divided once, regardless if they were divided previously or not.

Val Koss, Riverview Lane, asked if the size of the lot mattered.

Maureen Ryan said that the size of the lot does matter as it needs to meet the onsite septic system regulations but in terms of for subdivision purposes, the lot can only be subdivided in to 2 lots regardless of how big the original lot is.

Erin Doherty, Terence Bay Rd, asked if a property wanted to subdivide today could they do so again once this amendment was passed.

Maureen Ryan said yes they could if the parcel of land is in effect and approved. However, she did suggest that this report will be written and submitted to council very shortly so the likelihood of that happening seems minimal.

Ward Drew, Riverview Lane, asked what Mrs. Ryan's report would look like based on the engagement session so far.

Maureen Ryan: said the report will address the concerns of the people who live on Riverview Lane and she will have to take a fair and balanced approach of what she has heard. She advised that she didn't know what her recommendation will be as of yet as she still needed to further investigate and visit the site in question.

Erin Doherty, Terence Bay Rd, asked if the private residents paid for the maintenance and care of the laneway currently.

Lisa Drew, said that they are usually the first ones out on the street so they plow it themselves. Discussion between residents and neighbours suggested more traffic on the road could lead to more help and cost-sharing to maintain it. Mrs. Ryan informed the attendees that residents of private lanes are required to equally share the responsibility of maintaining common elements. She recognized that this was a small private lane that would need to be analyzed further to determine if it would create negative impacts with this amendment proposal.

Lisa Drew, Basically whoever is out the driveway first will have to plow or they won't be able to get out the driveway. If there is potholes someone will have to go out with a rake or get gravel in. We have been living there since '89.

Philip Slaunwhite, Most of the time I go out with the machine (or Val does) and we go out and take care of the rough spots. The piece of property they (the Drew's) are concerned about is at the end of the road

Lisa Drew, No that's not the piece of property we are concerned about!! . . my main concern is from the main road over to our driveway. As soon as you leave the pavement it gets really muddy and all the way over to where you start to go down the hill to where Val's property starts it gets really potholey and it can become quite a mess because it gets the most traffic

Philip Slaunwhite, It's because of the frost. The frost will make the gravel soft. I can fix that tomorrow (calls to friend) Stephen want to bring me a load of gravel? Done deal.

Cathy Slaunwhite, Well it seems like everyone should be maintaining the road

Susan Slaunwhite, if I may, for a while Philip and I graveled the road quite a bit costing \$1500 each shot with nobody offering to chip in which is fine but we can't afford to do that. We haven't done it recently but Philip and Val have gone out there to maintain the road but there is no open dialogue about it. If there was we'd be willing to maintain the road every year to make sure that there are no potholes. We've never asked anybody to share the cost.

Steve Jollimore, how many dwellings on this lane?

Susan Slaunwhite, 6 and currently one piece of property is up for tax sale and I'm sure whoever buys that will be interested in maintaining the road as well. We are willing to do that if that's what is going to

please everybody to have this subdivision done. It's a matter of a couple loads of gravel and we are willing to do it if that's what it takes.

Erin Doherty, Usually those on a private lane can pay a company to take care of the road. Wouldn't that be a better alternative?

Maureen Ryan, That would be a private matter that could be negotiated with the residents.

Councillor Adams, There is a process in place where residents can meet and decide to form a small society or association and they would have a vote to see if they want to pay a fee to the municipality on an annual basis. They will collect that and disperse where it would be used for your maintenance. If the majority of the residents want this, HRM will take care of the paperwork and it will be done. The majority would have to want it and if that's the case every household will have to pay it.

Maureen Ryan, Is that something the Riverview Lane residents would want?

Lisa Drew, I don't know. Not all of the residents are here. Wayne isn't here.

Susan Slaunwhite, Yes, Wayne isn't here but the other households; one is owned by the dept. of community services, the other gentleman passed away a year ago and that house is in probate right now so it would just be Wayne.

Maureen Ryan, Is that something you as residents is something that you would like to explore?

Susan Slaunwhite, I wouldn't mind. That seems fair.

Lynn Slaunwhite, River Rd, made the comment that she supports this type of development as opposed to larger scale commercial developments. She believes this is the type of development that would help the community as long as neighbours can work out the details but thinks this would complement the village and add value.

Steve Jollimore, resident, asked how big the new lot will be.

Susan Slaunwhite answered that the new lot will be 1.7 acres.

Erin Doherty, Terence Bay Rd, said it would be nice for this amendment to go through as it would allow other members in the community to buy a piece of land on the water as currently lots in close proximity to water are difficult to come by.

Difficult to hear – man had soft mumbling voice:

Unknown, resident, asked why has the side line setback regulation changed from 8ft to 15ft and why are they enforced when adjacent lots are empty.

Maureen Ryan said that the change was a long time ago and believed that the Public Participation Committee had decided that MU designation permits not just residential but also cottage streets, repair shops, etc. A 15ft. setback was therefore considered appropriate for the zoning when regulations were set in 1994.

Ward Drew, Riverview Lane, asked if Mrs. Ryan has ever gone through this much trouble for a subdivision by-law.

Maureen Ryan answered that she was an agent of the municipality and she had to do what was needed.

4. Closing comments

Maureen Ryan asked for any other questions, and again offered her assistance in finding a solution to road maintenance service through the city. She asked for all the residents of Riverview Rd to provide her with their contact information so that she could follow up with them on the procedures to follow.

Maureen Ryan thanked the community for coming out, provided her contact information and said she would be in touch with further progress.

5. Adjournment

The meeting adjourned at approximately 7:45 p.m.

Attachment H
Emails from residents concerning the requested amendment

Ryan, Maureen

From: Lindsay [REDACTED]
Sent: July-25-14 9:36 AM
To: Ryan, Maureen
Subject: Subdivision of land on Riverview Lane

Mrs Ryan,

I was present last night at the public meeting regarding the subdivision of lands owned by Susan Slaunwhite at the Terence Bay Firehall.

I wanted to express my support for this. I currently reside in Whites Lake on the Prospect Road. I have grown up on River Road, just off of Riverview Lane and love our small costal community, both on River Road and the surrounding area in Terence Bay. Land around this area is sparse and even less so on River Road. As a young family I can speak for myself and other young families that have grew up in this costal community and further development of this kind would give us an opportunity to return home.

Thank you for your time,

Lindsay Deal

Ryan, Maureen

From: Doherty, Erin [REDACTED]
Sent: July-28-14 8:22 AM
To: Ryan, Maureen
Subject: By Law Meeting

Hi Maureen,

Thank you for coming to Terence Bay on Thursday to speak with us about the potential change of the By Law regarding subdividing property.

I feel this is a great opportunity to free up some parcels of land for young families in our area.

Thank you for taking the time and effort needed to improve our community.

Erin Doherty

Ryan, Maureen

From: Bob & Kathy Slaunwhite [REDACTED]
Sent: July-28-14 8:30 PM
To: Ryan, Maureen
Subject: District 4 and Regional Subdivision by-law

We were at the meeting last Thursday night regarding the above. We just wanted to state that we are in support of this for the Terence Bay area as it will enable more young people to stay in the community. Since communities like ours are outside of the norm as far as land development goes, it makes sense to consider something like this. I'm glad to see that the municipality recognizes this and is willing to consider making changes.

Thank you for your time and consideration,

Kathy and Bob Slaunwhite

Ryan, Maureen

From: [REDACTED]
Sent: July-25-14 11:37 AM
To: Ryan, Maureen

Ms. Ryan,

I attended the public meeting in Terence Bay last night as a supporter of this application. I have been a resident of River Road and Terence Bay for almost 20 years and I am supportive of this type of positive development in the community. I am hopeful this will allow families to access land so their children will be able to continue to reside in their community.

Marcel DeChamp

Ryan, Maureen

From: Patricia Sampson [REDACTED]
Sent: July-25-14 10:26 PM
To: Ryan, Maureen
Subject: Susan Slaunwhite's Application

Dear Maureen Ryan,

I have been a resident of River Road my entire life. Now being in my mid thirties and having seen some of the world, I truly understand what a special place and community it truly is. I was unfortunately not able to attend the meeting that took place in Terence Bay last evening but I wanted to make sure my opinion is heard. I would like it known that I am supportive of Susan Slaunwhite's application and look forward to growth and development in our community. Thank you for your time.

Sincerely,
Patricia Sampson
Community Resident

Ryan, Maureen

From: Janine Sampson [REDACTED]
Sent: July-25-14 10:13 AM
To: Ryan, Maureen
Subject: Re: Susan Slaunwhite's application

Dear Maureen Ryan,

I was unable to attend the meeting in Terence Bay last night regarding the application of Susan Slaunwhite and the growth in our community. I have been a resident of river road my whole life and I am very supportive of the application and the growth as I believe it would be nothing but a good thing for our community.

: Thanks,

Janine Sampson
Resident of River Road

Ryan, Maureen

From: [REDACTED]
Sent: July-28-14 8:27 AM
To: Ryan, Maureen
Subject: Change in Suddivision By-law - Terence Bay

Hi Maureen. I was at the public hearing this past Thursday night at the Terence Bay Firehall and although I voiced my support for the change to the subdivision by-law in our area, I also wanted to write to let you know that my husband and I are both in support of the application of Susan Slaunwhite.

We live at [REDACTED] Our telephone number is [REDACTED]

Can you please confirm by way of return email that you received this message.

Thank you.

Lynn Slaunwhite

Ryan, Maureen

From: Janet Pettipas [REDACTED]
Sent: July-25-14 3:26 PM
To: Ryan, Maureen
Subject: Last nights meeting

Hello Ms.Ryan

I was unable to attend last nights meeting as I was delayed, but I would like to put forward that I am for the approval of having more land available in Terence Bay. I feel that it can only benefit the community as a whole, as we are always up for review of a school closure, firehall, churches and more historical landmarks. We look forward as a community to growth.

Thank you for your time

Ryan, Maureen

From: wanda p [REDACTED]
Sent: July-31-14 7:42 AM
To: Ryan, Maureen
Subject: Meeting - Terence Bay

Dear Maureen,

My name is Wanda Slaunwhite. I attended the meeting at the Terence Bay Fire Hall last week regarding the proposal of creating additional land lots. I would like to express my support for this application. For 35 years, I taught in Terence Bay Elementary and continuously saw the decline in enrolment in our school as people moved out of the community due to lack of opportunities and land to build new homes on. We are an aging community, that is slowly losing our identity. My hope is that this may start to rejuvenate the population and through it there will be more interest in our community's affairs. Thank you for your time and I thoroughly enjoyed the presentation as it was well presented and informative.

Ryan, Maureen

From: Russell Sampson [REDACTED]
Sent: July-25-14 10:04 AM
To: Ryan, Maureen
Subject: Re: Susan Slaunwhite's application for riverview lane

I am writing you to let you know that I could not attend the meeting regarding Susan Slaunwhite's application in regards to the lot located off of riverview lane. I just wanted to give my input and let you know that I am in support of the application and growth in the community.

Thanks,

Cynthia I. Sampson
Resident of River Road

Ryan, Maureen

From: Russell Sampson [REDACTED]
Sent: July-25-14 10:07 AM
To: Ryan, Maureen
Subject: Re: Susan Slaunwhite's Application

I, Raymond Sampson a resident of River Road would like to give my feedback on a meeting I could not attend last night regarding the application of Susan Slaunwhite, resident of Riverview Lane. I am in support of the application and think the growth would be good for the community.

Thanks,

Raymond Sampson

Ryan, Maureen

From: Russell Sampson [REDACTED]
Sent: July-25-14 10:01 AM
To: Ryan, Maureen
Subject: Re: Susan Slaunwhite's Application

I am writing you to let you know that unfortunately I could not attend last evening's meeting regarding Susan Slaunwhite's application in regards to the lot located off of riverview lane. I just wanted to give my input and let you know that I am in support of the application and growth in the community.

Thanks,

James Russell Sampson
Resident of River Road

Maureen Ryan, Senior Planner

July 25, 2014

This letter is in regard to the Community Engagement, Public Meeting which was held at the Terence Bay Fire Hall July 24, 2014 at 7p.m. concerning "Slaunwhite Request to allow further subdivision of land without road frontage in Terence Bay dated February 4, 2013" and "Initiation of Proposed Amendments to the Municipal Planning Strategy for Planning District 4 and the Regional Subdivision By-Law"

My husband Ward and I were very surprised to be informed on the evening of July 22, 2014 of a Community Engagement, Public Meeting that was scheduled to be held on Thursday, July 24, 2014 (not even 2 full days notice) to discuss the issue mentioned in the above paragraph. A member of the general public who happened to be attending a function at the Terence Bay Fire Hall Tuesday, July 22, 2014 contacted us to say there were posters on the wall stating something about Riverview Lane where we reside.

We immediately did some investigating and the only place we could find one of these posters was at the Fire Hall. Our understanding was if there was an initiation of a proposed amendment to a Subdivision By-Law, something would have to be posted on the actual property that would be affected by the change (Slaunwhite's lot). At the very least the residents of these lanes should have been informed, especially since there are so few properties (22) in the area of District 4.

In a very short period of time we had to try and find the information on-line about this proposed amendment, how it would affect us, being the last property on the lane, etc. Very stressful day!

This morning we examined the handout from this so called "Public Meeting" and we have a few questions.

Under **Background** it reads:

".....Slaunwhite property at **Riverside Drive, Terence Bay**....."

Comment: This doesn't give much confidence that care is being taken in these decisions when the name of the area involved is not correct!

Under **Discussion** it reads in paragraph 3:

".....The lane, however, according to HRM Fire Services, is adequate to allow for emergency vehicle access, egress and turning maneuvers"

Comment: In part we believe this to be true, but as mentioned at the meeting we do have our concerns especially in the spring time when the lane is very soft, muddy and during major snow storms. We believe that the lane can be maintained properly with the current amount of dwellings (vehicles) on this lane, since it has been for many many years (25 for us in total). We worry if all land owners sub-divided their property this would become a major problem. As it stands now, there are areas of the lane that only one vehicle can drive on at one time, this means backing up or down a hill, pulling over onto the edge of the lane very close to a ditch to allow a vehicle to pass.

Under section **Community Engagement**

“...seek community input...”

As mentioned earlier we were not informed of this meeting [REDACTED] Our driveway will be greatly impacted since our easement is part of the property to be sub-divided. We are not confident that others in the community unless they were at the Fire hall earlier, knew about the meeting. To our knowledge, of all the people who attended the meeting, there was no one from District 4 who lives on these lanes besides the few of us off River Road. The majority of the people at the meeting were Ms. Slaunwhite's relatives, aunts, cousins, etc. who this amendment would not apply to.

We find this very odd due to the fact it would have been beneficial for people who are in favour of this change in other areas of District #4 to be there to support this proposed amendment.

Under Alternatives

1. Regional Council may choose not to initiate a process to amend the Municipal Planning Strategy for Planning District 4 and the Halifax Regional Municipality Subdivision By-law to allow further exemptions for subdivision without road frontage in the Mixed Use Designation of Planning District 4 as requested by the Halifax and West Community Council.

Comment:

We and some others in attendance last night were surprised that the current lot frontage exemption that was in existence on August 1, 1987 would not exist if this new proposed amendment is approved. This would mean that Lot 7 which was able to be divided already, may be able to be divided again (4 lots in total), while everyone else would only be able to divide one time.

If for some reason this proposed amendment is still being considered for approval, perhaps it could be delayed by at least one year so everyone on these lanes have the opportunity to think about this current sub-division option and decide if they might like to have the same opportunity to use exemption (in existence on August 1, 1987) before changing the rules once again.

We thank you for your time and thorough consideration of the above points provided.

Lisa & Ward Drew
[REDACTED] Riverview Lane