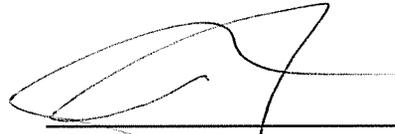


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**Halifax Regional Council**  
**5 March 2002**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**



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Allan MacLellan, Chair, Heritage Advisory Committee  
Regional Heritage Advisory Committee

**DATE:** February 27, 2002

**SUBJECT:** **Case 00404: Application by Steve Fairbairn to amend the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville**

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**ORIGIN**

See staff report dated January 7, 2002.

**RECOMMENDATION**

The Heritage Advisory Committee recommends that:

1. Regional Council give First Reading to the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-Law as contained in Attachment "A" and schedule a public hearing;
2. Regional Council adopt the amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as contained in Attachment "A".

**Case 00404: Application by Steve Fairbairn to amend the Municipal Planning Strategy for  
Beaver Bank, Hammonds Plains and Upper Sackville  
Regional Council Report**

**March 5, 2002**

**BACKGROUND**

See staff report dated January 7, 2002.

**DISCUSSION**

This matter was before the Heritage Advisory Committee on January 23, 2002 (see attached draft minute extract).

**ATTACHMENTS**

- 1) Extract from draft January 23, 2002 Heritage Advisory Committee meeting minutes

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: Patti Halliday, Assistant Municipal Clerk

Report Approved by: Allan MacLellan, Chair, Heritage Advisory Committee

**4.4 Case 00404: Application by Steve Fairbairn to amend the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville**

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

Mr. Andrew Bone, Planner, presented the report to the Committee.

Responding to a question of Mr. MacLeod, Mr. Barrett stated this is policy specifically for heritage buildings, similar to Policy 6.8 for Halifax.

In response to a question of Ms. Deborah Grant, Mr. Bone noted the policy contains very broad statements, while the details of the development will be included in the development agreement. Mr. Barrett stated if there is a change or an addition to the exterior of the building, it will come back to the Committee, as the Committee only deals with exterior changes.

Mr. Bone stated the matter is before the Committee now because it is a heritage policy and the Committee advises Council on heritage matters. Therefore, staff is looking for advice on this specific policy and whether or not it is adequate. Mr. Barrett added that the application is before the Committee because the applicant wants to do a use that is not permitted within the zone. In order to enable the use, a new policy had to be developed. Mr. Barrett noted the policy is not site specific for this application as it is for all heritage properties within the Plan area.

Mr. Creighton inquired what heritage items with respect to this application are now before the Committee. In response, Mr. Barrett stated the new policy proposed to be added to the MPS of the area would allow the Committee to address architectural issues regarding the area's heritage buildings, which does not really apply to this current application. Therefore, the Committee is mainly concerned with just the policy at this time.

Responding to a question of Ms. Deborah Grant, Mr. Bone stated with this policy Council may consider land uses which are otherwise not permitted in the existing zone by development agreement.

Ms. Sperry stated even if Council considers the proposed use of the property, it does not guarantee that the lounge will be approved.

Several members of the Committee expressed confusion as to what exactly the Committee was supposed to approve. Mr. Barrett stated the HAC will make a recommendation to Regional Council, but before the matter goes to Regional Council the HAC's recommendation will be heard by Community Council. If the Community Council approves the development agreement, it would be subject to approval by Regional Council.

Several Committee members suggested the policy and the development agreement should be voted on separately. Mr. Barrett clarified that the proposed development agreement regarding the liquor license is a modification to the original development agreement which addressed the issue of the addition.

At this time, Mr. Bone reviewed the proposed development agreement with the Committee, noting the only change is with respect to the land use and staff believes it meets the requirements of the Committee based on the building conservation standards. Mr. Bone noted the developer is not proposing any additions or alterations to the site at this point and any future ones will have to come back to the Committee.

As there was still confusion as to what the HAC recommendation should be, Mr. Barrett suggested that the Committee recommend to Regional Council the staff recommendation as set out in the January 7, 2002 staff report.

**MOVED by Councillor Meade, seconded by Sheila Sperry, that the Heritage Advisory Committee recommend that:**

- 1. Regional Council give First Reading to the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-Law as contained in Attachment "A" and schedule a public hearing;**
- 2. Regional Council adopt the amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as contained in Attachment "A"; and,**

(Councillor Uteck left the meeting at 4:35 p.m.)

Ms. Deborah Grant expressed concern regarding the motion and questioned if the Committee is approving the proposed use of this property. Mr. Bone stated it is his understanding that this matter is outside the jurisdiction of the Committee, and it is really the heritage matters contained within the development agreement and the policy that is before the Committee. Ms. Grant inquired if the Committee is then approving a different use for this property, but not specifically the use being proposed. She agreed that the Committee should look at different uses for heritage properties but expressed concern about approving a bar, without any food service requirement, on the Beaver Bank Road where people could be travelling some distances.

Ms. Arbic inquired if the Committee could vote on the heritage elements of the development agreement, and not the rest. Mr. Creighton stated the Committee should be recommending that the planning strategy heritage principles be applied to this development. He noted several issues such as a deck and lighting will probably arise with respect to this property.

Mr. MacLellan summarized that the Committee has agreed to support the amendments to the MPS as they relate to heritage, but the Committee, as a whole, is uncomfortable with supporting the proposed use. In terms of the policy's application to this property, Mr. Barrett suggested the Committee could give a positive recommendation or cite concerns. With respect to use, Mr. Barrett stated the Committee only looks at exterior alterations to buildings, and the interior use is not really something the Committee should be considering. He suggested the Committee could make a recommendation to support the proposed development agreement but express concern in terms of its potential use.

Mr. Bone stated the existing development agreement does not speak to any specific alteration. It states if there is an alteration it has to come back to the Committee. Mr. MacLeod inquired if a deck is being requested. Mr. Bone responded that the owner would like to eventually have a deck in the future but there is no current design. Ms. Deborah Grant stated she was not concerned with a deck, but was still concerned with having liquor service with no food service requirement.

Ms. Sperry stated the Committee would only be recommending that this matter proceed to a public hearing and that the developer be provided with some guidelines. She noted the matter of the proposed use will be addressed by Council and Community Councils and the people who live in the area.

Mr. MacLellan advised the Committee that the applicant has requested to address the Committee. The Committee agreed to the request.

Mr. Steve Fairbairn addressed the Committee regarding the application, noting the owners would like to preserve and protect the history of the building. He noted the building has undergone extensive interior renovations since being purchased to restore it like an old English pub. With respect to the course, Mr. Fairbairn stated it reflects the community history. He stated the proposed amendments will permit the owners to complete the work and to do it viably. Mr. Fairbairn stated the service of clientele is controlled by strict rules and there is community support for their application. He noted there will be no VLTs on the property as the owners are trying to be proactive and responsible.

Responding to a question of Ms. Deborah Grant, Mr. Fairbairn stated the restaurant only has 40 - 45 seats in two rooms. He noted that \$35,000 has been spent to provide a commercial kitchen and it would not make sense to not serve food. As the use issue was outside the boundary of the HAC's jurisdiction, Mr. Barrett suggested if Ms. Grant had strong concerns she should express them at the public hearing for the development agreement. Mr. Bone stated the only time the use issue would come to the Committee was if the aspects of the use created a physical detriment to the building. Mr. Barrett stated staff is looking for a recommendation from the Committee regarding the proposed policy and how the policy applies to this application.

The vote was then taken on the motion.

**MOTION PUT AND PASSED UNANIMOUSLY.**