

The word "HALIFAX" is written in a bold, white, sans-serif font against a dark blue background. The background of the entire slide features a large, abstract geometric shape composed of several overlapping triangles in various shades of blue, creating a dynamic, modern look.

North West Community Council

**Case 20589: Amendment to the
Musquodoboit Valley/Dutch
Settlement MPS and LUB and HRM
Subdivision By-law**

Maureen Ryan, Planner III

Date: October 16, 2017

Application

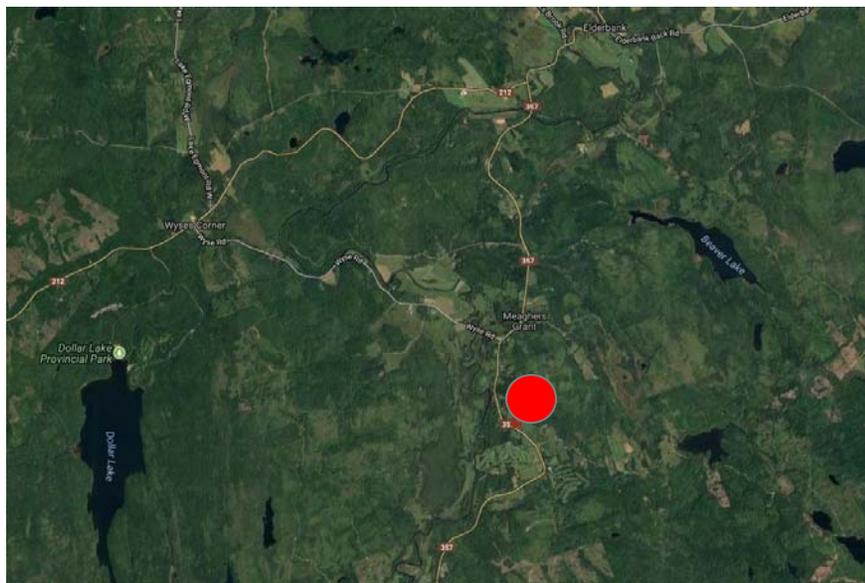
Applicant: Lorna Snair & Family

Location: Highway 357, Meaghers Grant

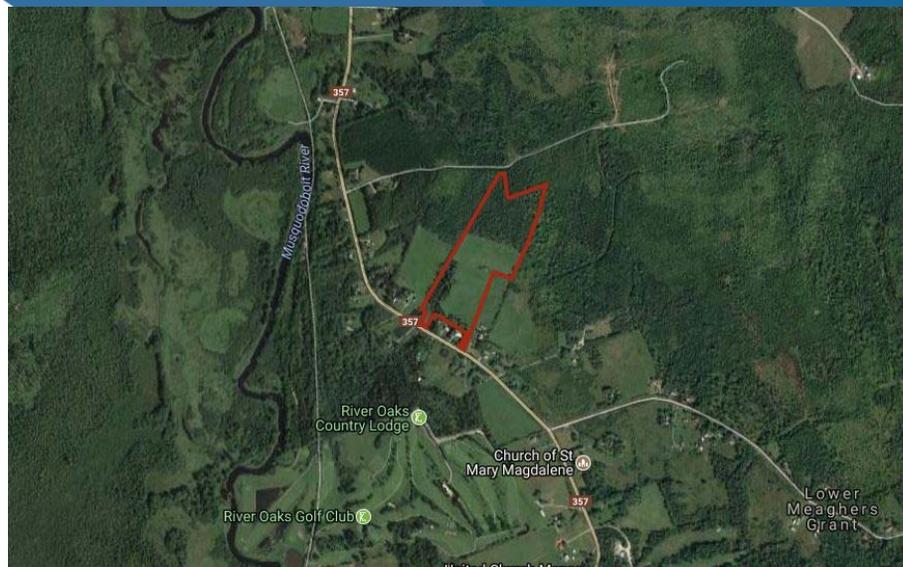
PID: 00474965

Proposal: To subdivide property into 6 lots with reduced or no road frontage so the family can convey lands to family members as per their late Mother's Will. Request is an site specific amend the Municipal Planning Strategy and Land Use By-law for the Musquodoboit Valley-Dutch Settlement and the Halifax Regional Subdivision By-law

Site Context



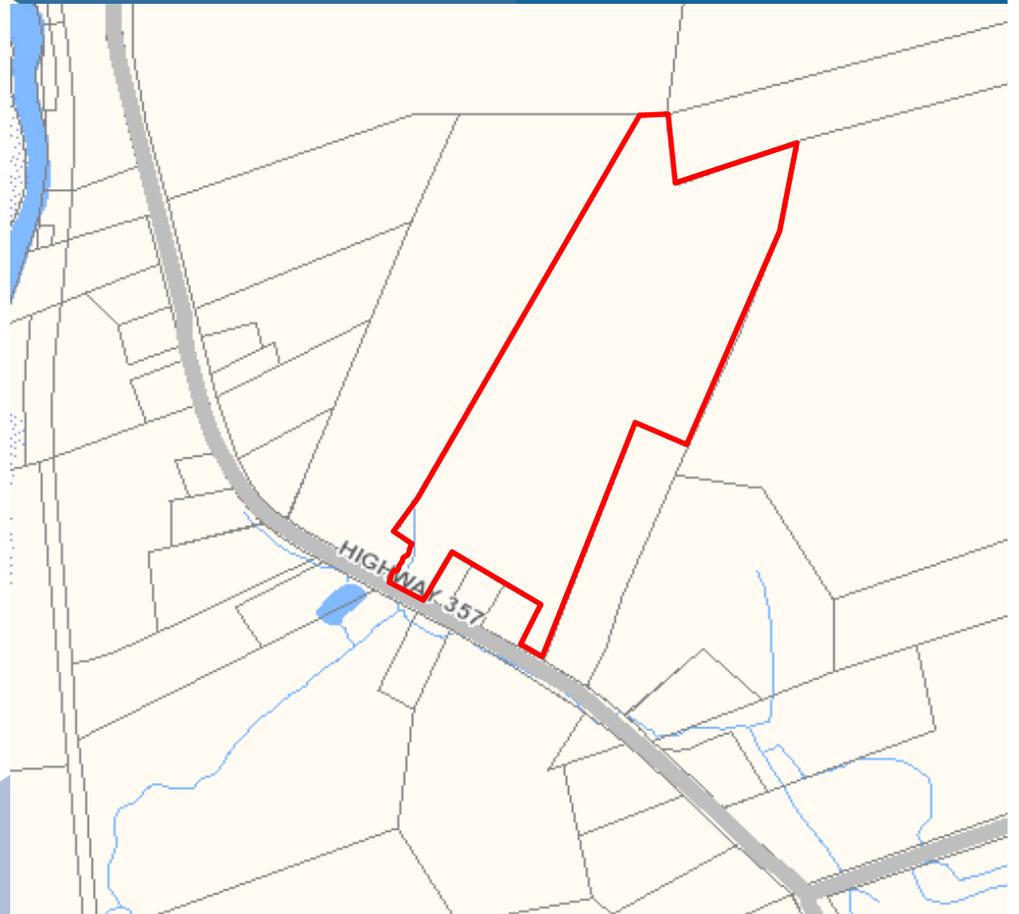
General Site location



Site Boundaries in Red

Subject Property

- 45 acres (18.2 ha)
- 100 ft (30 m) frontage east side
- 126 ft (38 m) frontage west side
- Vacant
- Surrounded by single unit dwellings and woodlands.

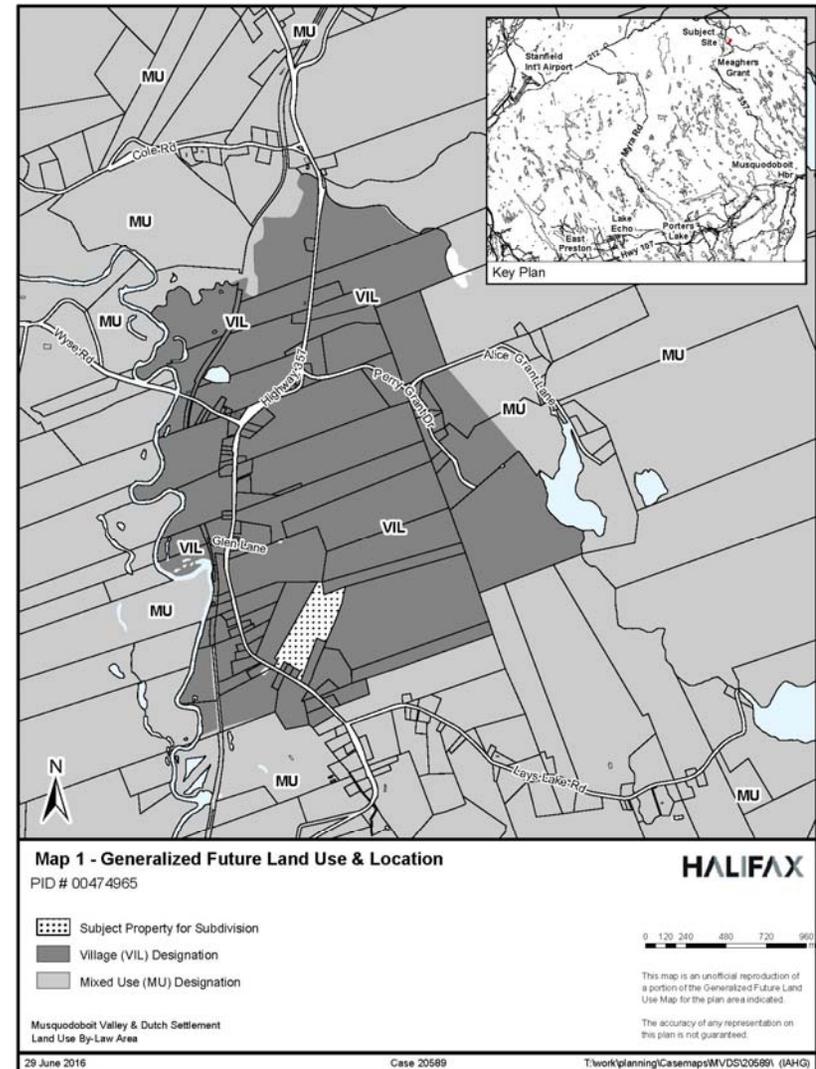


Planning Policy

Municipal Planning Strategy

Village Centre Designation

- Recognizes the potential service function to surrounding communities
- Supports low density residential and the traditional mix of residential, commercial and resource that occurred in the past.
- Does not permit heavy industry or intensive agriculture



Cultural Landscape

- The landscape of Meaghers Grant is characterized by large lots extending deeply into the backlands.
- These lots reflect the historical practice of using the front portion of the property for fishing or farming if the lot was inland and the back portion for forestry.
- Thus the traditional farmhouses and barns are close to the main highway through the area.

Lot Infill

- Policy was created to allow the creation of lots without road frontage in light of this historical lot configuration.
 - Policy SB-1 allows the creation of one lot plus a remainder in any designation from parcels of land on in existence on or before August 1, 1987
 - Policy SB-1(a) also allows the creation of one lot plus a remainder with no road frontage in any designation from parcels of land in existence on or before May 3, 1996
 - Policy SB-3 allows the creation of five lots with a minimum of 20 feet (6m) of road frontage and one remainder lot with no road frontage where the properties are situated within the Mixed Use Designation only

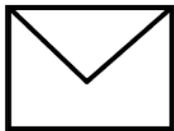
Background

- Mrs Sibley was advised by her legal counsel that she could divide her land into 6 lots without seeking Municipal Approval by will and testament under the MGA Act.
- In 1999, the MGA was changed to stop the subdivision of land by Will and Testament.
- Mrs. Sibley's will was dated April 22, 2005 and could not be used to subdivide the property as Mrs. Sibley intended.

Public Engagement Feedback

- Level of engagement completed was **consultation** achieved through **a mail out notification** and **a public information meeting held on February 23, 2017**
- Feedback from the community generally included the following:
 - Public were generally in support of the requested amendment.
 - Two members of the public did not want to see this exemption applied throughout the Village Centre Designation but were in support of the application of this exemption to this property only.

**Notifications
Mailed**



56

**Meeting
Attendees**



27

**Letters
Received**



0

**Total Public
Interactions**



83

Proposed Amendments

- MPS-amend Policy SB-3 to allow three additional lots with a minimum frontage of 6.1 metres (20 feet) and one lot with no frontage on this subject property (Attachment B).
- LUB – update Section 4.5 of the LUB to change the reference to Part 14 of the former County of Halifax SUB to Section 38, 40, 41, 42, 63 and 64 of the new HRM SUB and also add Section 63(a) to allow the issuance of permits for development on these lots (Attachment C).

Proposed Amendments

- SUB - Add Section 63(a) to the SUB to include the subject property as a property that maybe subdivided into 3 lots with a minimum of 6.1 metres (20 feet of frontage plus one lot with no frontage under the SUB (Attachment D).

Rationale

- The proposed amendments will allow the family to execute their late Mother's will.
- This will allow the creation of six lots that will not be out of character with the surrounding area.
- Confining this additional exemption to the Sibley property only will ensure that the rural character of Meager's Grant is retained.

Recommendation 1

North West Community Council recommends that Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Musquodoboit Valley/Dutch Settlement, and the Halifax Regional Subdivision By-law to allow the creation of 3 lots and a remainder, with reduced or no road frontage in addition to the 2 lots plus a remainder currently allowed on the lands of the late Mary Sibley situated on Highway 357, in Meaghers Grant as set out in Attachments B, C, and D of this report and schedule a public hearing; and

Recommendation 2

2. Approve the proposed amendments to the MPS and LUB for MV/DS and the Halifax Regional SUB, as set out in Attachments B, C and D of this Staff Report.

Thank You

Comments and Questions

