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**Item No. 10.1.2**  
**Halifax and West Community Council**  
**July 10, 2018**

**TO:** Chair and Members of Halifax and West Community Council

**SUBMITTED BY:** Original signed  
\_\_\_\_\_  
Kelly Denty, Acting Director, Planning and Development  
  
Original signed  
\_\_\_\_\_  
Jane Fraser, A/Chief Administrative Officer

**DATE:** April 10, 2018

**SUBJECT:** Case 21419: Rezoning, Powers Road, Whites Lake (PID 41420837)

**ORIGIN**

Application by Daniel d'Entremont.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development*

**RECOMMENDATION**

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Planning District 4 (Prospect), as set out in Attachment A, to rezone lands at Powers Road, Whites Lake (PID 41420837) from the RA-3 (Residential A-3) Zone to the RA-4 (Residential A-4) Zone and schedule a public hearing;
2. Adopt the amendment to the Land Use By-law for Planning District 4 (Prospect), as set out in Attachment A.

## **BACKGROUND**

Daniel d'Entremont has applied to rezone the property on Powers Road, Whites Lake from Residential A-3 (RA-3) to Residential A-4 (RA-4) to allow the development of a new single unit dwelling with an attached auxiliary dwelling unit.

<b>Subject Site</b>	Powers Road, Whites Lake (PID 41420837)
<b>Location</b>	On the west side of Powers Road, between Hargrove Lane and Pioneer Hill
<b>Regional Plan Designation</b>	Rural Commuter
<b>Community Plan Designation (Map 1)</b>	Residential A
<b>Zoning (Map 2)</b>	Residential A-3 (RA-3)
<b>Size of Site</b>	12,125 square metres (3 acres)
<b>Street Frontage</b>	32.12 metres (105.38 feet)
<b>Current Land Use(s)</b>	Vacant
<b>Surrounding Use(s)</b>	Vacant properties and residential uses

### **Enabling Policy and LUB Context**

The proposed rezoning may be considered by Community Council in accordance with policies RA-3 and IM-11 of the Municipal Planning Strategy (MPS) for Planning District 4 (Prospect). The intent of the Residential A Designation is to support single unit dwelling development, home businesses and open space uses. Policy RA-3 recognises that basement apartments and auxiliary dwelling units can increase housing affordability and accommodate relatives in the community. However, due to concerns regarding density and parking, new auxiliary dwelling units can only be considered through an amendment to the Land Use By-law (LUB).

The subject property is zoned RA-3 which permits single unit dwellings, home businesses and open space uses. The RA-4 Zone permits RA-3 uses as well as auxiliary dwelling units. An auxiliary dwelling unit is defined under the LUB as “a self-contained dwelling unit within an owner occupied single unit dwelling in which unrestricted access can be gained through a private entrance into the auxiliary unit, and which auxiliary unit comprises less than thirty-five (35) percent of the gross floor area of the dwelling”.

## **COMMUNITY ENGAGEMENT**

The community engagement process has been consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation achieved through providing information and seeking comments through the HRM website, signage posted on the subject site and postcards mailed to property owners within the notification area. Engagement with the community resulted in general requests for further information about the proposal but no unfavourable responses were received by staff.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed LUB amendment. Should Community 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. The HRM website will also be updated to indicate notice of the public hearing.

The proposal will potentially impact local residents and property owners.

## **DISCUSSION**

Staff have reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment A contains the proposed land use bylaw amendment.

Attachment B provides an evaluation of the proposed rezoning in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

### **Compatibility of Proposed Use**

The properties surrounding the subject lot are generally zoned RA-3 and used for single unit dwellings. There are two properties in proximity to the site that are zoned RA-4. That zoning was established through the rezoning process in 1995 (97 Seafarers Lane) and 2009 (59 Seafarers Lane) to permit auxiliary dwellings.

Staff advised that the consideration of an auxiliary dwelling on the subject property is reasonable and compatible with the existing residential development pattern. Staff also advise there is sufficient area on the subject property to accommodate parking for the proposed in-law suite.

### **Built Form**

The proposed dwelling with the auxiliary unit is capable of meeting the setback and building height requirements of the RA-4 Zone, which are identical to the RA-3 Zone, allowing the proposal to be consistent with the surrounding low density residential neighbourhood. The auxiliary unit would be limited to 35 percent of the gross floor area of the dwelling.

### **Traffic Generation and Parking**

The subject property was approved in 2015. During the subdivision review, Nova Scotia Transportation and Infrastructure Renewal (NSTIR) reviewed the lot for access from Powers Road which is owned and maintained by the Province. NSTIR found no issues with access or traffic for a detached dwelling with an auxiliary unit at the subject property. The property is also large enough to accommodate on-site parking for the proposed use.

### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. An auxiliary unit dwelling is suitable for the subject property and compatible with the surrounding low density residential neighbourhood. Therefore, staff recommend that the Halifax and West Community Council approve the proposed LUB amendment.

## **FINANCIAL IMPLICATIONS**

The HRM cost associated with processing this planning application can be accommodated with the approved 2018-2019 operating budget for C310 Urban and Rural Planning Applications.

## **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendment are contained within the Discussion section of this report.

## **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

## **ALTERNATIVES**

1. Halifax and West Community Council may choose to approve the proposed LUB amendment subject to modifications. Such modifications may require further discussion with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

## **ATTACHMENTS**

Map 1: Generalized Future Land Use  
Map 2: Zoning and Notification Area

Attachment A: Proposed LUB Amendment  
Attachment B: Review of Relevant MPS Policies

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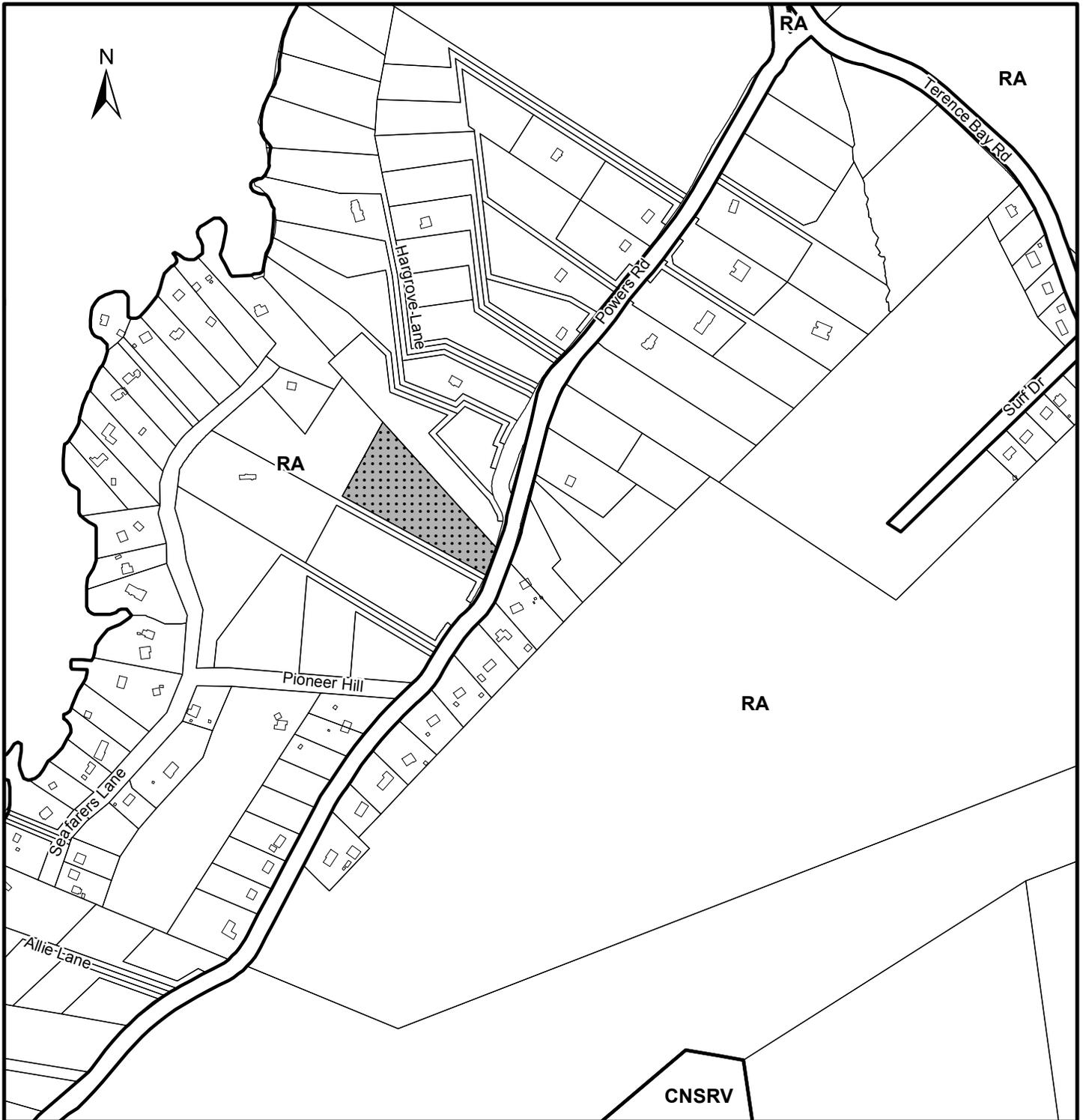
A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Stephanie Salloum, Planner II, 902.490.4223

Original signed

Report Approved by: \_\_\_\_\_  
Steve Higgins, Acting Manager of Current Planning, 902.490.4382

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**Map 1 - Generalized Future Land Use**

Powers Road  
Whites Lake

**HALIFAX**

 Subject Properties

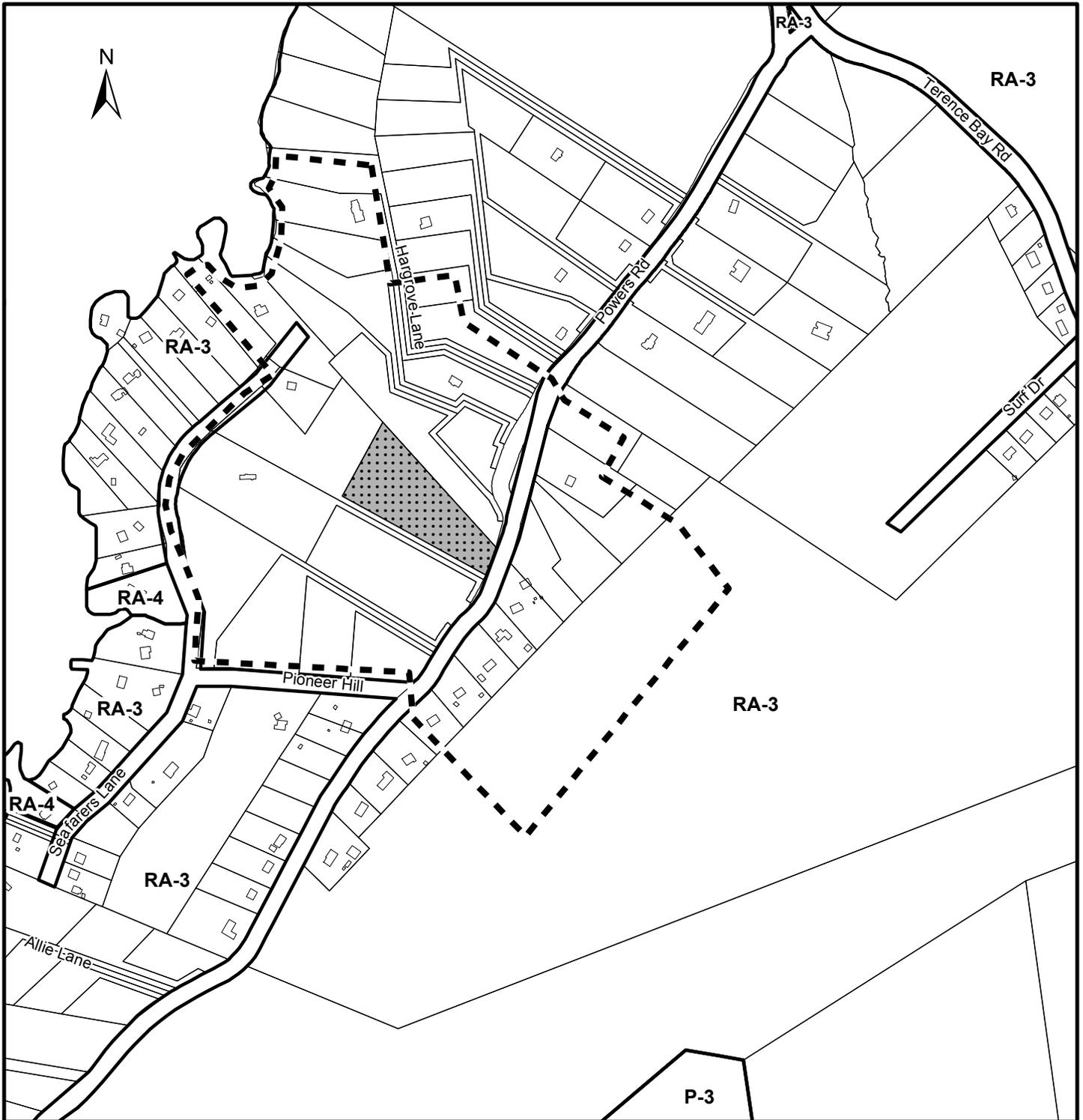
**Designation**  
RA Residential A  
CNSRV Conservation



Planning District 4  
Plan Area

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.



## Map 2 - Zoning and Notification

Powers Road  
Whites Lake

**HALIFAX**

 Subject Properties

**Zone**  
 RA-3 Residential A-3  
 RA-4 Residential A-4  
 RB-1 Residential B-1  
 P-3 Conservation



Planning District 4  
Land Use By-Law Area

This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

**ATTACHMENT A:**  
**Proposed Amendment to the Land Use By-law for Planning District 4 (Prospect)**

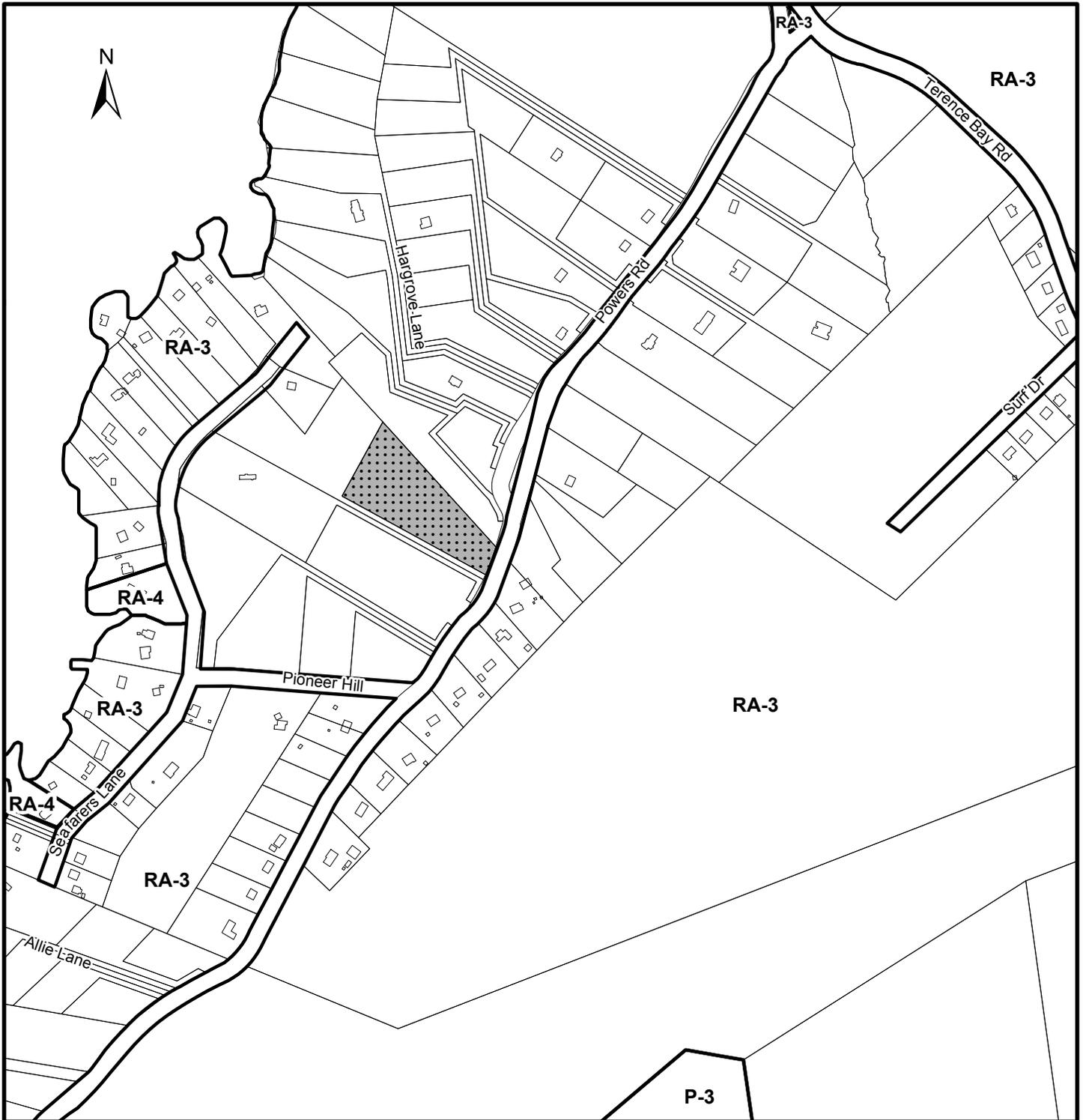
**BE IT ENACTED** by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 4 (Prospect) is hereby further amended as follows:

1. The Zoning Map, Schedule A of the Land Use By-law for Planning District 4 (Prospect), shall be amended by re-zoning the property identified as PID 41420837 from the RA-3 (Residential A-3) Zone to the RA-4 (Residential A-4) Zone, as illustrated in Schedule A attached hereto.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax and West Community Council of Halifax Regional Municipality held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Municipal Clerk



**Schedule A**

Powers Road  
Whites Lake

 Area to be rezoned from  
RA-3 (Residential A-3) Zone to  
RA-4 (Residential A-4) Zone

Zone	
RA-3	Residential A-3
RA-4	Residential A-4
RB-1	Residential B-1
P-3	Conservation



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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Planning District 4  
Land Use By-Law Area

**ATTACHMENT B**  
**REVIEW OF RELEVANT MPS POLICIES**

Policy	Comment
<p><i><b>RA-3</b> Within the Residential A Designation, it shall be the intention of Council to create a residential A-2 zone which applies to the Brookside community and surrounding area and a residential A-4 zone which applies to the Whites Lake community and surrounding area. These zones will permit single unit dwellings, auxiliary dwelling units, open space uses and home business uses, and all existing business uses and all existing dwellings. To minimize the effect on adjacent land uses and to ensure compatibility with the surrounding residential environment, home business uses shall be wholly contained within the dwelling and restrictions shall be placed on size, outdoor storage and display, the use of mechanical equipment and parking. Within the residential A-2 zone, signage for home business shall be prohibited and within the residential A-4 zone it shall be limited in size. Provisions will also be incorporated within the zone to ensure that these home businesses are operated by a resident of the dwelling. These zones may be applied initially to existing auxiliary dwelling unit developments and to new developments by amendment to the land use by-law and with regard to Policy IM-11.</i></p>	<p>The subject site is located within the Whites Lake community. The property is currently vacant and does not have an auxiliary dwelling unit, which is why the zoning is RA-3. An application to rezone the property to RA-4 to permit construction of a new auxiliary dwelling unit may be considered by an amendment to the LUB.</p>
<p><i><b>RA-4</b> For ease of implementation, it shall be the intention of Council to delineate the boundaries of the area wherein the residential A-1 zone applies and the residential A-2 zone may apply on Appendix "A" and the area wherein the residential A-3 zone applies and the residential A-4 zone may apply on Appendix "B".</i></p>	<p>The subject site is located within the boundaries identified in Appendix "B".</p>
<p><i><b>IM-11</b> In considering development agreements or amendments to the land use bylaw, in addition to all other criteria as set out in various policies of this Planning Strategy, Council shall have appropriate regard to the following matters:</i></p>	
<p><i>(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;</i></p>	<p>Policy RA-3 recognises existing auxiliary dwelling units in the Whites Lake community and allows for consideration of new auxiliary dwelling units through LUB amendment. Uses surrounding the subject site are residential, predominantly zoned RA-3. There is one property west of the site, at 59 Seafarers Lane, Whites Lake, that is zoned RA-4. An application to rezone this site from RA-3 to RA-4 to permit an auxiliary dwelling unit was approved by Western Region Community Council on June 22, 2009. The current proposal is in conformity with the intent of the MPS.</p>
<p><i>(b) that the proposal is not premature or inappropriate by reason of:</i></p>	

<i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i>	The proposed development does not impose any costs to the Municipality.
<i>(ii) the adequacy of on-site sewerage and water services;</i>	A QP has confirmed that the subject lot is large enough to accommodate an on-site septic system for a dwelling with an attached in-law suite.
<i>(iii) the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;</i>	The proposal does not pose any significant demands for surrounding community facilities and schools.
<i>(iv) the adequacy of road networks leading to or within the development; and</i>	The road networks leading to the proposed development are adequate.
<i>(v) the potential for damage to or for destruction of designated historic buildings and sites.</i>	N/A
<i>(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>	
<i>(i) type of use;</i>	The proposed use is compatible with the surrounding uses and would meet the requirements of the RA-4 zone.
<i>(ii) height, bulk and lot coverage of any proposed building;</i>	The proposed development meets the requirements of the RA-4 Zone.
<i>(iii) traffic generation, access to and egress from the site, and parking;</i>	Powers Road is owned by Nova Scotia Transportation and Infrastructure Renewal (NSTIR). NSTIR have reviewed the application and have not identified any concerns with access.
<i>(iv) open storage;</i>	N/A
<i>(v) signs; and</i>	N/A
<i>(vi) any other relevant matter of planning concern.</i>	N/A
<i>(d) that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.</i>	No concerns have been identified. There are no watercourses or wetlands running through the property.
<i>(e) 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. (RC-Jul 2/02;E-Aug 17/02)</i>	N/A