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Item No. 13.1.1
Halifax and West Community Council
October 15, 2019

TO: Chair and Members of Halifax and West Community Council

-Original Signed-

SUBMITTED BY:

Kelly Denty, Director, Planning and Development

DATE: September 27, 2019

SUBJECT: **Case 22382: Rezoning to RA-4 to allow an Auxiliary Dwelling Unit on a property fronting Pioneer Hill, Whites Lake (PID 41420860)**

ORIGIN

Application by Mr. Tim Reich.

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 allow an auxiliary dwelling unit on PID 41420860, Pioneer Hill, Whites Lake and schedule a public hearing;
2. Adopt the amendments to the Land Use By-law for Planning District 4 (Prospect), as set out in Attachment A.

BACKGROUND

Tim Reich has applied to rezone the property on Pioneer Hill, off Powers Road, Whites Lake from Residential A-3 (RA-3) to Residential A-4 (RA-4) to allow an attached auxiliary dwelling unit.

Subject Site	Pioneer Hill, Whites Lake (PID 41420860)
Location	On the north side of Pioneer Hill, west off Powers Hill Road
Regional Plan Designation	Rural Commuter
Community Plan Designation (Map 1)	Residential A
Zoning (Map 2)	Residential A-3 (RA-3)
Size of Site	6,435.3 square metres (1.59 acres)
Street Frontage	Approx. 54.8 metres (180 feet)
Current Land Use(s)	Vacant
Surrounding Use(s)	Vacant properties and residential uses

Proposal Details

The applicant proposes to construct a new single unit dwelling (one level, slab on grade) with an attached 65 square metres (700 sq. ft.) auxiliary dwelling unit with an attached garage.

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 three 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) and more recently in 2018 (Powers Road) to permit auxiliary dwellings.

Staff advise 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 auxiliary unit.

Built Form

The proposed dwelling with the auxiliary unit would meet the setback and building height requirements of the RA-4 Zone which are identical to the RA-3 Zone. Staff advise that this form would 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 received subdivision approval in 2015. During the subdivision application review, Nova Scotia Transportation and Infrastructure Renewal (NSTIR) reviewed the lot for access on Pioneer Hill a private lane, off 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 proposed use.

Housekeeping Amendment

When preparing this staff report it was noticed the Zoning Map – Schedule A is not listed in the Table of Contents of the Land Use By-law for Planning District 4 (Prospect). To address this, Attachment A includes a small housekeeping amendment to add the Zoning Map to the Table of Contents.

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 amendments.

FINANCIAL IMPLICATIONS

The HRM cost associated with processing this planning application can be accommodated with the approved 2019-2020 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 amendments 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 amendments, 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

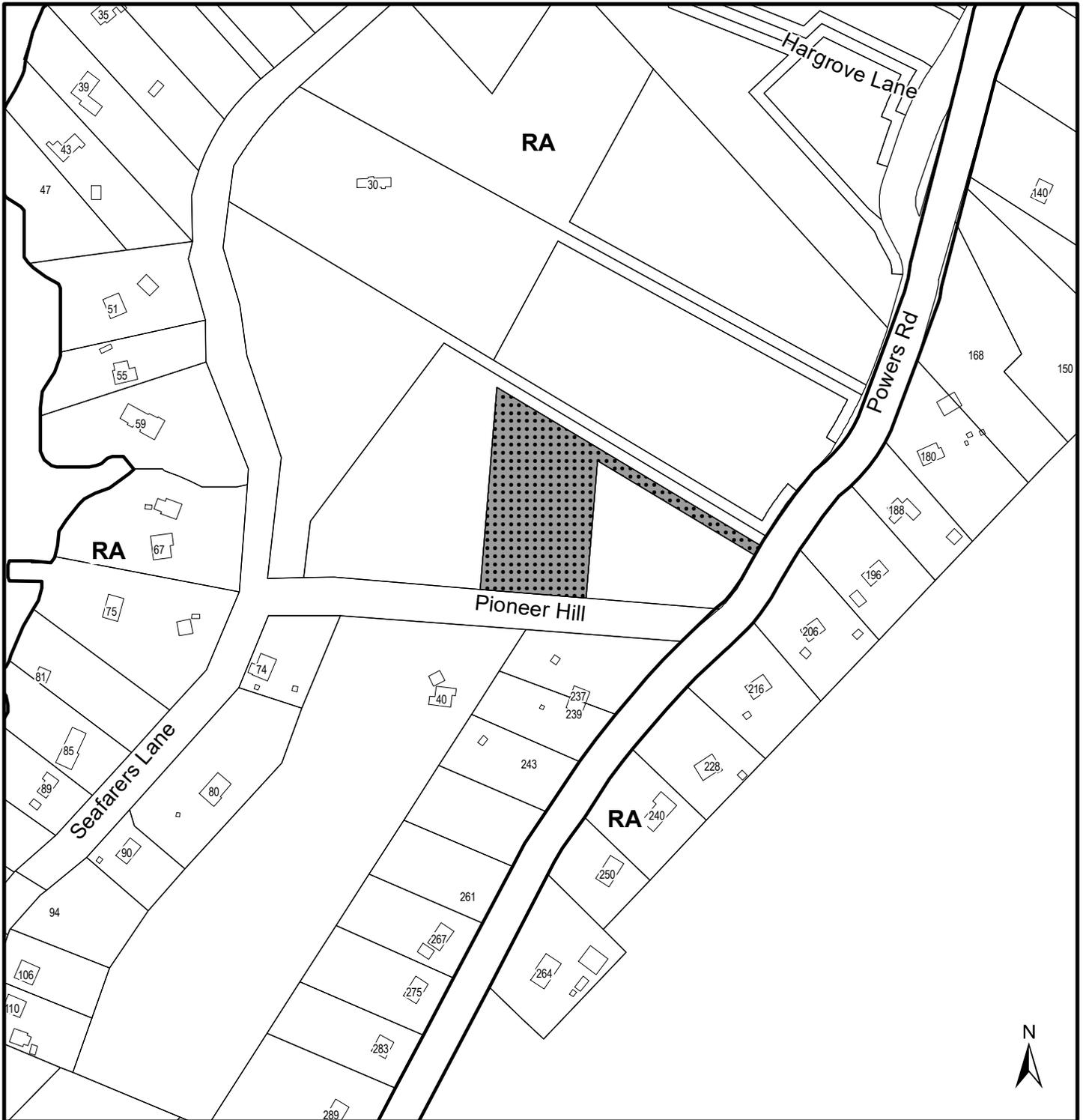
Attachment A: Proposed Amendments to the Land Use By-law for Planning District 4 (Prospect)
Attachment B: Review of Relevant MPS Policies

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Maria Jacobs, Planner II, 902.490.4911

-Original Signed-

Report Approved by: _____
Steve Higgins, Manager of Current Planning, 902.490.4382

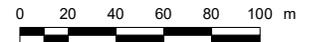


Map 1 - Generalized Future Land Use

PID 41420860, Pioneer Hill
Whites Lake

HALIFAX

 Subject Property



Designation

RA Residential A

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.

Planning District 4
Plan Area

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:

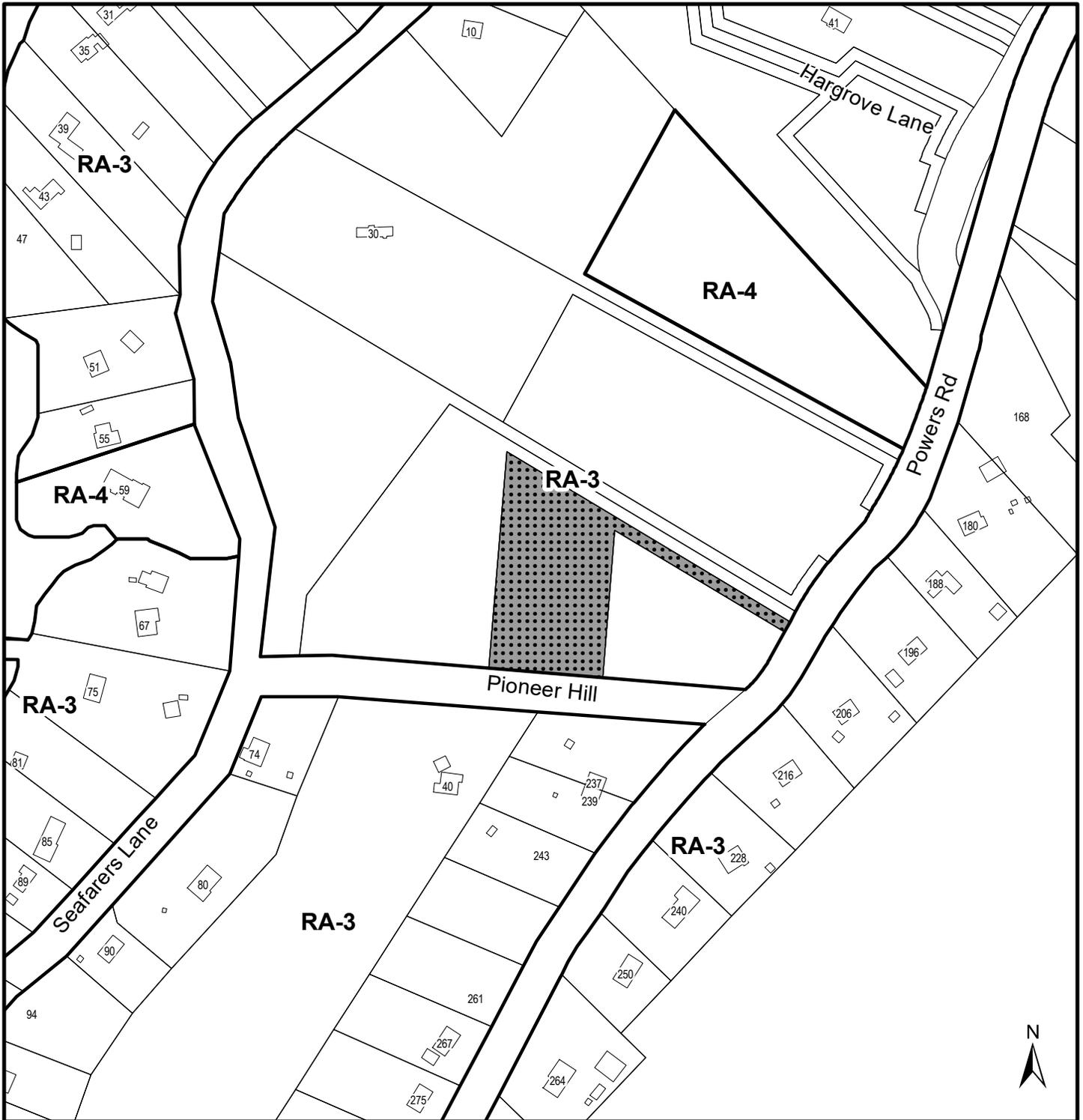
1. Amend the Zoning Map - Schedule A of the Land Use By-law for Planning District 4 (Prospect), by rezoning the property identified as PID 41420860 from the RA-3 (Residential A-3) Zone to the RA-4 (Residential A-4) Zone as shown on the attached Schedule A.
2. Within the Table of Contents the text shown in bold shall be added immediately after the text "APPENDIX A: NON-CONFORMING USES" and before "Schedule F: Areas of Elevated Archaeological Potential (RC-Jun25/14; E-Oct18/14)".

Schedule A – Zoning Map

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax and West Community Council held on **[DATE]**, 2019

Kevin Arjoon

Municipal Clerk



Schedule A

PID 41420860, Pioneer Hill
Whites Lake

HALIFAX

 Area to be rezoned
from RA-3 to RA-4



Zone

RA-3 Residential A-3
RA-4 Residential A-4

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.

Planning District 4
Land Use By-Law Area

ATTACHMENT B

REVIEW OF RELEVANT MPS POLICIES

Policy	Comment
<p>RA-3 <i>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 and designated Residential A. The property is currently vacant and zoned RA-3 which permits single unit dwellings. As described in this policy, 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>RA-4 <i>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>IM-11 <i>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 are three properties in the area, Whites Lake, that is zoned RA-4. A recent rezoning application from RA-3 to RA-4 was approved by community council in 2018. The current proposal is in conformity with the intent of the MPS.</p>

<i>(b) that the proposal is not premature or inappropriate by reason of:</i>	
<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>	NSE 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>	Pioneer Hill is private lane off Powers Road which 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