

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 15.1.9
Halifax Regional Council
July 12, 2022

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: June 24, 2022

SUBJECT: **Case 24239: Municipal Planning Strategy and Land Use By-law amendments for PID 40064875 on Youth Camp Road, Bayside (former Bayside Youth Camp)**

ORIGIN

Application by Sunrose Land Use Consulting

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Regional Council direct the Chief Administrative Officer to:

1. Initiate a process to consider amendments to the Planning District 4 (Prospect) Municipal Planning Strategy to allow the development of single-unit dwellings on PID 40064875 located on Youth Camp Road, Bayside; and
2. Follow the public participation program for municipal planning strategy amendments as outlined within the Community Engagement section of this report.

BACKGROUND

Sunrose Land Use Consulting, on behalf of Frederick and Nancy Voegeli, wishes to subdivide and construct two single-unit dwellings on the former Bayside Youth Camp, a 4.9-hectare (12.1-acre) parcel of land on Youth Camp Road in Bayside. Subdivision of the parcel of land is permitted under the Regional Subdivision By-law; however, developing the properties with two single-unit dwellings cannot be considered under existing Planning District 4 (Prospect) Municipal Planning Strategy (MPS) policies. Therefore, the applicant is seeking amendments to the MPS to enable this proposal.

Subject Site	PID #40064875
Location	Youth Camp Road, Bayside
Regional Plan Designation	Rural Commuter (RC)
Community Plan Designation (Map 1)	Rural Residential E (RRE)
Zoning (Map 2)	Community Facility (P-2)
Size of Site	4.90 hectares (12.1 acres)
Street Frontage	0 metres
Current Land Use(s)	Vacant (formerly institutional – the Bayside Youth Camp)
Surrounding Use(s)	Rural residential

Proposal Details

The applicant wishes to subdivide a 4.9-hectare (12.1 acre) parcel into two lots for the purpose of constructing two single-unit dwellings. While subdividing an area of land into two lots with no frontage is permitted under [Section 38](#) of the Regional Subdivision By-law in this area, rezoning to the RRE-1 (Rural Residential E) zone is not permitted without meeting the lot frontage requirements in the Planning District 4 (Prospect) Land Use By-law (LUB), which is 30.48m (100 feet). The proposed two lots will have no frontage, therefore applying the RRE-1 Zone through the rezoning process is not possible unless there is a special provision included within the MPS and LUB.

History

In 1957, the Atlantic Baptist Mission Board of Canadian Baptists of Atlantic Canada acquired the property for a day camp use. On the property, there were 14 cabins, a mobile home, a main building, a few sheds, an enclosed pool, and several recreational fields. To reflect the institutional land use, the property was zoned P-2.

In May 2010, a demolition permit was issued. All the buildings were removed, and the pool was filled in. The former property owner sold the property to the current owners.

MPS and LUB Context

The primary intent of the Rural Residential E designation, as stated in Policy RRE-1 of the MPS, is to provide for the continuation of the low density rural residential environment by providing for a mix of low density residential, resource, home business and community facility uses. This notwithstanding, single-unit dwellings are not permitted in the P-2 Zone. Therefore, a rezoning to the base RRE-1 zone is necessary to construct single-unit dwellings.

Within the RRE-1 Zone, the minimum required lot frontage on a public street is 30.5 metres (100 feet). Since Youth Camp Road is not a public right-of-way, the proposed lots will not have frontage and therefore the RRE-1 Zone can only be applied to the subject site if specific provisions are included within the MPS and the LUB.

While clause 4.5(d) of the LUB allows an exemption to the frontage requirements for certain residential uses, the condition is to have obtained a development permit by April 1, 2016. As a development permit was not issued prior to April 1, 2016, this exemption provision does not apply to the subject site. There are no other exemptions or enabling policies in the MPS to consider the proposed use, therefore an amendment to the MPS is required to apply the RRE-1 Zone at this location.

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in Municipality. While the MPS provides broad direction, Regional Council may consider MPS amendment requests to enable proposed development that is inconsistent with its policies. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. Amendments should be only considered within the broader planning context and when there is reason to believe that there has been a change to the circumstances since the MPS was adopted, or last reviewed.

Applicant Rationale

The applicant has provided the following rationale in support of the proposed amendment:

- the property is in the Rural Residential E designation, which envisions land to be zoned RRE-1;
- the surrounding lands are all zoned RRE-1; and
- there is no anticipated conflict with the surrounding land uses.

Attachment A contains the applicant's letter, outlining their reasoning.

Review

Staff have reviewed the submitted rationale in the context of site circumstances and surrounding land uses. Staff advise that there is merit to the request because there are other policies enabling the rezoning to allow low density rural residential uses, such as Policies RRE-1 (the intention of Council to continue the low density rural residential environment) and T-7 (reduced lot frontage for residential uses).

Rezoning to the RRE-1 Zone in the RRE land use designation is consistent with the Council's overall intention for the area, which is to provide for the continuation of the low density rural residential environment.

A full review would consider:

- the scope and appropriateness of different planning tools to allow the RRE-1 Zone to be applied at this location; and
- the feedback received through community engagement initiatives.

Conclusion

Staff have reviewed the proposed MPS amendment request and advise that there is merit to the request. Therefore, staff recommend that Regional Council initiate the MPS amendment application process.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the MPS amendment process, the *HRM Charter* requires that Regional Council approve a public participation program. Rather than proceeding with the February 1997 Public Participation resolution, given the localized nature of the requested amendment, staff propose that community engagement can be achieved through the HRM website, signage on the subject lot, and letters mailed out to property owners within the notification area. The proposed amendment would limit the scope of change to only this property, and therefore impact properties in a very limited geographic area.

Further, staff advise that a public meeting is not necessary in this instance and engagement is better performed through a factsheet mailout and one-on-one discussion between planning staff and involved members of the community. The community will have further opportunity to engage with Regional Council at the required public hearing. Amendments to the MPS will potentially impact the following stakeholders: residents, landowners, and businesses.

FINANCIAL IMPLICATIONS

There are no financial implications. The HRM costs associated with processing this planning application can be accommodated within the approved 2022-2023 operating budget for Planning and Development.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to Nova Scotia Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified at this time.

ALTERNATIVES

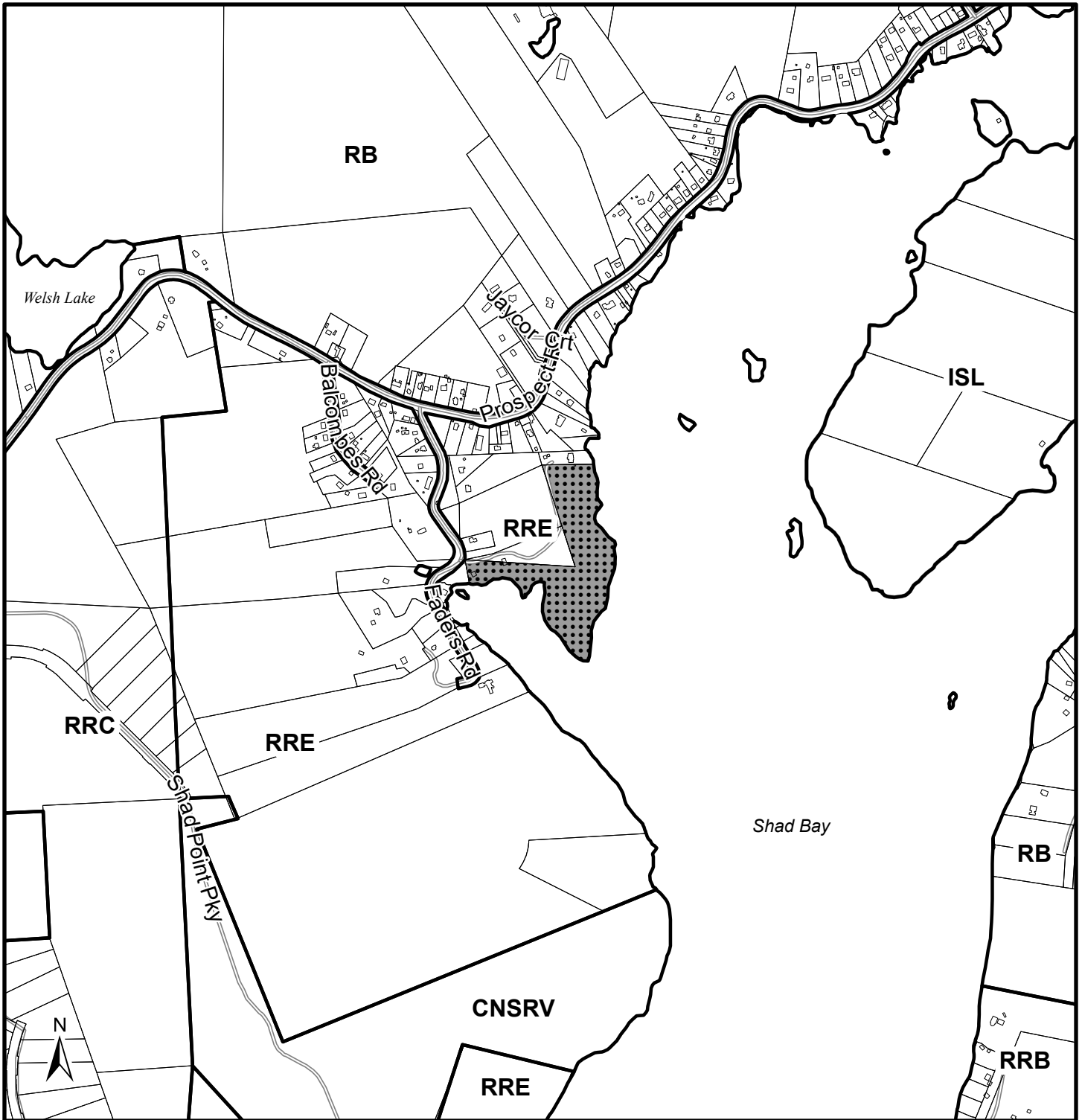
1. Regional Council may choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the Planning District 4 (Prospect) Municipal Planning Strategy is not appealable to the NS Utility and 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: Rationale letter
Attachment B: Survey plan

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: Byungjun Kang, Planner II, 782.641.0856



Map 1 - Generalized Future Land Use

Youth Camp Road,
Bayside

HALIFAX

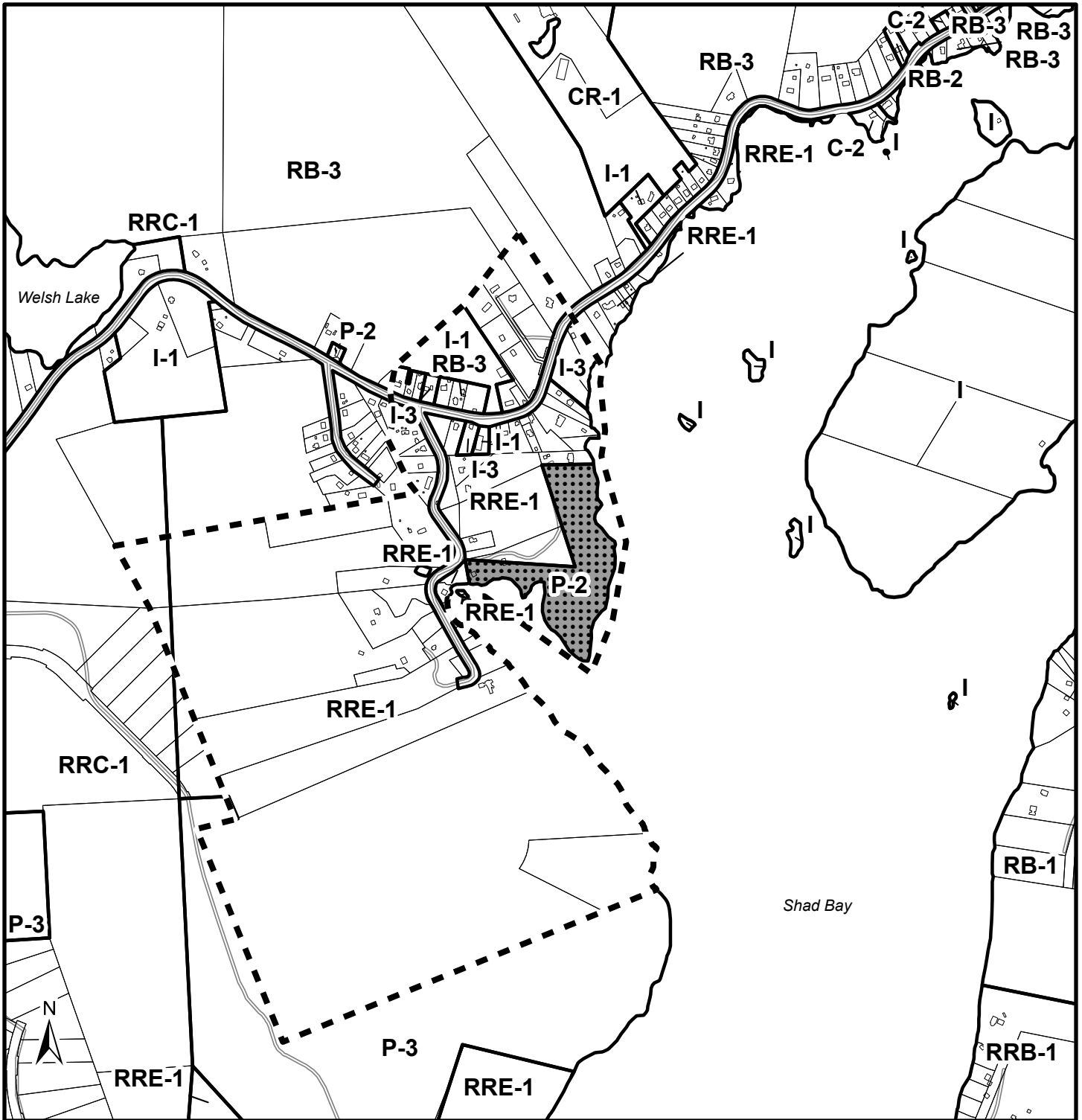
Designation	
 Subject Property	
CNSRV	Conservation
ISL	Island
RB	Residential B
RRC	Rural Residential C
RRE	Rural Residential E



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



Map 2 - Zoning

Youth Camp Road,
Bayside

Area of Notification

Planning District 4
Land Use By-Law Area

Zone

C-2	General Business	RB-1	Residential B-1
CR-1	Commercial Recreation 1	RB-2	Residential B-2
I	Island	RB-3	Residential B-3
I-1	Light Industry	RRB-1	Rural Residential B-1
I-3	Local Service	RRC-1	Rural Residential C-1
P-2	Community Facility	RRE-1	Rural Residential E-1
P-3	Conservation		

Subject Property proposed to be rezoned from P-2 (Community Facility) to RRE-1 (Rural Residential E-1)

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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.

SUNROSE



Sunrose Land Use Consulting
Halifax, Nova Scotia

April 11, 2022

Thea Langille, MCIP, LPP
Principal Planner – Rural Policy & Applications
Halifax Regional Municipality

Dear Thea:

Re: MPS amendment to re-zone Bayside property (PID 00465914) from P-2 to RRE-1

On behalf of my Clients, Fred and Nancy Voegeli, this letter is to provide planning rationale to support an amendment request to the Prospect Planning Area 4 Municipal Planning Strategy (MPS) and Land Use By-law (LUB) affecting the above noted property.

The property is the former site of a youth camp that was previously owned by the Bayside United Baptist Camp Association. When the camp was in operation there were several structures on the property including 14 cabins, a mobile home, a main building, a few sheds, an enclosed pool, and several recreational fields. All the buildings have been removed and the pool has been filled in. It is currently zoned P-2 to reflect the previous institutional land uses.


The church sold the land to the current owners who wish to use the land for two single unit dwellings. They will need to subdivide the property into two lots (as per section 38 of the Regional Subdivision By-law that enables a lot without road frontage to be subdivided into two lots). The P-2 Zone does not permit single unit dwellings so a re-zoning to RRE-1 is necessary.

As per our previous discussions, HRM Planning has determined that a standard rezoning to RRE-1 is not possible because property is unable to meet the requirements of the RRE-1 Zone given its lack of road frontage. Further, that HRM has allowed re-zonings in the past for existing lots that do not meet the zone standards if it is being re-zoned to a less intensive zone. However, the proposal would not fit into this re-zoning scenario because the RRE-1 zone allows more intensive land uses than the P-2 zone.

Therefore, we must apply for an MPS amendment to the Prospect Planning District 4 to re-zone the subject property from P-2 to RRE-1. The property is in the correct designation of Rural Residential E which envisions land to be zoned RRE-1. The surrounding lands are zoned RRE-1, and there is no anticipated conflict with the surrounding land uses.

I look forward to working with you on this application.

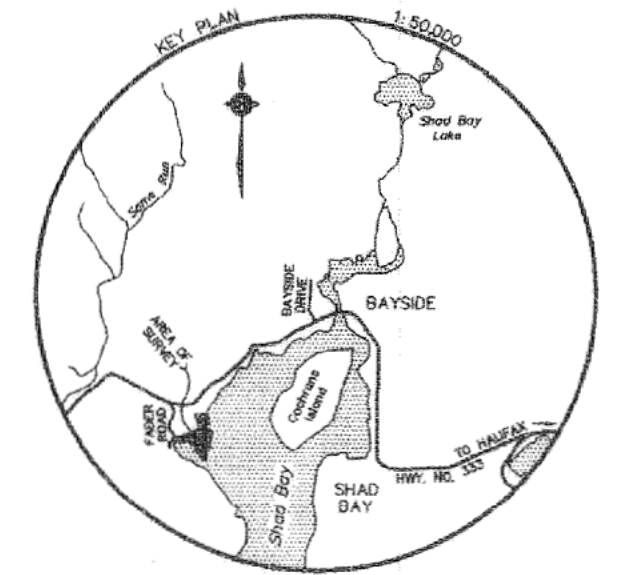
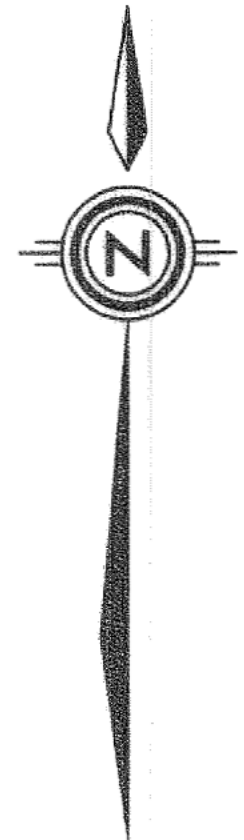
Sincerely:


Jenifer Tsang, MCIP, LPP

tel: 902.478.2541

email: sunrose@eastlink.ca

Attachment B: Survey plan



N.S.C.M. 10157 A
N 16.181 282.37
E 18.224 098.89
(1979 VALUES)

P.L.D. NO. 4006483
Now or Formerly Lands of
GARY A. DOW and LYNNE DOW
BOOK 284A, PAGE 444
see plan by Granite Legend, N.S.L.S., dated April 1, 1974
(R.O. Plan No. 13240, drawer 166)

P.L.D. NO. 4006489
Now or Formerly Lands of
FRANCOISE SZPILFOGEL and SERGE SZPILFOGEL
BOOK 301S, PAGE 501
see plan by Walter S. Saravali, N.S.L.S., dated March 24, 1972

P.L.D. NO. 00465914
LOT BSC-2
Lands of
BAYSIDE UNITED BAPTIST
CAMP ASSOCIATION
L.R.O. DOCUMENT NO. 8301382
(FIRST DESCRIPTION)
ALSO SEE STATUTORY DECLARATION
IN L.R.O. DOCUMENT NO. 87216132

P.L.D. NO. 40064875
LOT BSC-1
Lands of
BAYSIDE UNITED BAPTIST
CAMP ASSOCIATION
L.R.O. DOCUMENT NO. 8301382
(SECOND DESCRIPTION)
ALSO SEE STATUTORY DECLARATION
IN L.R.O. DOCUMENT NO. 87216132

Northwest Cove
of Shad Bay

Shad Bay

TABLE SHOWING COORDINATES OF ORDINARY HIGH WATER MARK OF SHAD BAY AND NORTHWEST COVE OF SHAD BAY

POINT	NORTHING	EASTING
242	18,180,488	18,225,872
241	18,180,470	18,225,872
10001	18,181,398	18,225,878
10004	18,181,574	18,225,833
10002	18,181,359	18,225,823
10008	18,181,350	18,225,877
10007	18,181,238	18,225,893
10006	18,181,077	18,225,893
1010	18,181,038	18,225,878
1011	18,181,024	18,225,883
1012	18,181,002	18,225,883
1013	18,180,977	18,225,847
1014	18,180,963	18,225,833
1015	18,180,923	18,225,834
1016	18,180,985	18,225,844
1017	18,180,969	18,225,863
1018	18,180,930	18,225,830
1019	18,180,748	18,225,870
1020	18,180,718	18,225,893
1021	18,180,679	18,225,878
1022	18,180,648	18,225,878
1023	18,180,630	18,225,878
1024	18,180,524	18,225,829
1025	18,180,490	18,225,827
1026	18,180,458	18,225,827
1027	18,180,434	18,225,827
1028	18,180,400	18,225,827
1029	18,180,377	18,225,827
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1034	18,180,257	18,225,827
1035	18,180,233	18,225,827
1036	18,180,209	18,225,827
1037	18,180,185	18,225,827
1038	18,180,161	18,225,827
1039	18,180,137	18,225,827
1040	18,180,113	18,225,827
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1042	18,180,065	18,225,827
1043	18,180,041	18,225,827
1044	18,180,017	18,225,827
1045	18,179,993	18,225,827
1046	18,179,969	18,225,827
1047	18,179,945	18,225,827
1048	18,179,921	18,225,827
1049	18,179,897	18,225,827
1050	18,179,873	18,225,827
1051	18,179,849	18,225,827
1052	18,179,825	18,225,827
1053	18,179,801	18,225,827
1054	18,179,777	18,225,827
1055	18,179,753	18,225,827
1056	18,179,729	18,225,827
1057	18,179,705	18,225,827
1058	18,179,681	18,225,827
1059	18,179,657	18,225,827
1060	18,179,633	18,225,827
1061	18,179,609	18,225,827
1062	18,179,585	18,225,827
1063	18,179,561	18,225,827
1064	18,179,537	18,225,827
1065	18,179,513	18,225,827
1066	18,179,489	18,225,827
1067	18,179,465	18,225,827
1068	18,179,441	18,225,827
1069	18,179,417	18,225,827
1070	18,179,393	18,225,827
1071	18,179,369	18,225,827
1072	18,179,345	18,225,827
1073	18,179,321	18,225,827
1074	18,179,297	18,225,827
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1077	18,179,225	18,225,827
1078	18,179,201	18,225,827
1079	18,179,177	18,225,827
1080	18,179,153	18,225,827
1081	18,179,129	18,225,827
1082	18,179,105	18,225,827
1083	18,179,081	18,225,827
1084	18,179,057	18,225,827
1085	18,179,033	18,225,827
1086	18,179,009	18,225,827
1087	18,178,985	18,225,827
1088	18,178,961	18,225,827
1089	18,178,937	18,225,827
1090	18,178,913	18,225,827
1091	18,178,889	18,225,827
1092	18,178,865	18,225,827
1093	18,178,841	18,225,827
1094	18,178,817	18,225,827
1095	18,178,793	18,225,827
1096	18,178,769	18,225,827
1097	18,178,745	18,225,827
1098	18,178,721	18,225,827
1099	18,178,697	18,225,827
1100	18,178,673	18,225,827
1101	18,178,649	18,225,827
1102	18,178,625	18,225,827
1103	18,178,601	18,225,827
1104	18,178,577	18,225,827
1105	18,178,553	18,225,827
1106	18,178,529	18,225,827
1107	18,178,505	18,225,827
1108	18,178,481	18,225,827
1109	18,178,457	18,225,827
1110	18,178,433	18,225,827
1111	18,178,409	18,225,827
1112	18,178,385	18,225,827
1113	18,178,361	18,225,827
1114	18,178,337	18,225,827
1115	18,178,313	18,225,827
1116	18,178,289	18,225,827
1117	18,178,265	18,225,827
1118	18,178,241	18,225,827
1119	18,178,217	18,225,827
1120	18,178,193	18,225,827
1121	18,178,169	18,225,827
1122	18,178,145	18,225,827

- LEGEND:**
- PLACED SURVEY MARKER
 - FOUND SURVEY MARKER
 - IRON TUBE
 - IRON BAR
 - ROCK POST
 - NOVA SCOTIA COORDINATE MONUMENT
 - PLACED WOOD STAKE
 - PLACED
 - FOUND
 - WITNESS
 - BRASS; IRON; COPPER
 - POINT OF CURVATURE
 - POINT OF COMPOUND CURVATURE
 - POINT OF REVERSE CURVATURE
 - CALCULATED; MEASURED; SET
 - PLAN OF PREVIOUS SURVEY (DEED; LEASE)
 - LANDS DEALT WITH BY THIS PLAN
 - REGISTRY OFFICE
 - LAND REGISTRATION OFFICE
 - PROPERTY IDENTIFICATION NUMBER
 - SQUARE FEET
 - ORDINARY HIGH WATER MARK

NOTES:

FIELD SURVEYS WERE CARRIED OUT DURING THE PERIOD JUNE 27, 2008 TO JULY 24, 2008.

BEARINGS ARE GRID DERIVED FROM GPS OBSERVATION REFERENCED TO THE NOVA SCOTIA COORDINATE SURVEY SYSTEM (N.S.C.M. 10157) AND ARE REFERRED TO MERIDIAN 64° 30' W.

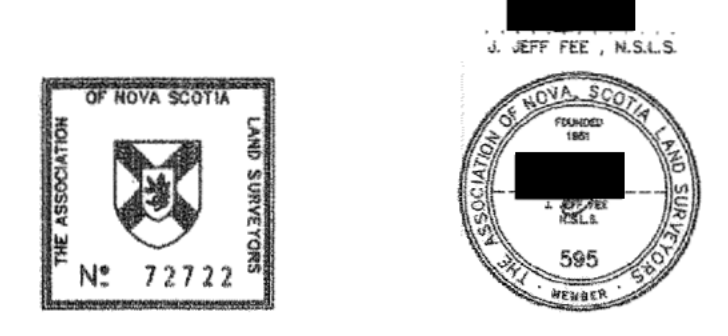
FIELD MEASUREMENTS HAVE NOT BEEN ADJUSTED. COMBINED SCALE FACTOR 0.999937 HAS BEEN APPLIED TO MEASURED DISTANCES.

LOT DESIGNATORS BSC-1 AND BSC-2 AND PARCEL DESIGNATORS ROW-1, ROW-2, ROW-3, ROW-4 AND ROW-5 ORIGINATE WITH THIS PLAN.

SURVEYOR'S CERTIFICATE:

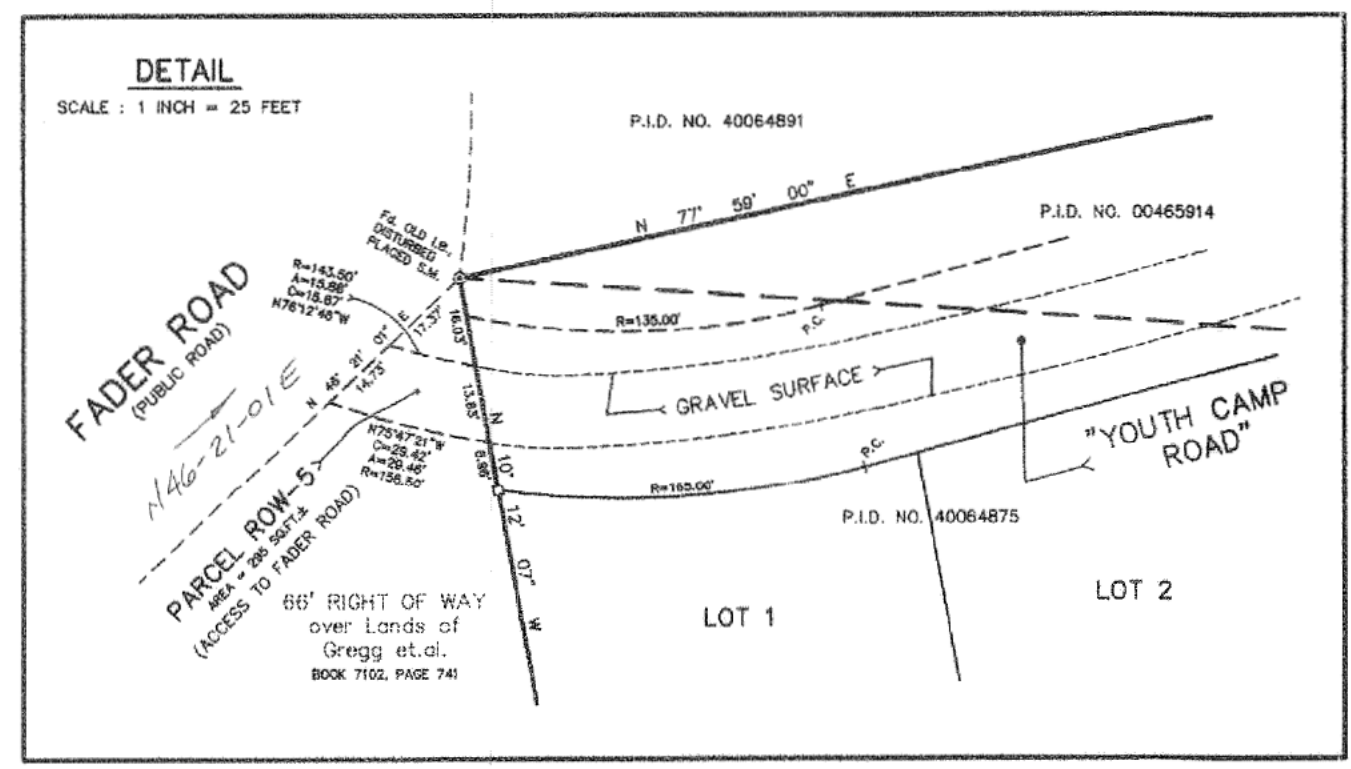
I, J. JEFF FEE, NOVA SCOTIA LAND SURVEYOR, HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAN WAS CONDUCTED UNDER MY SUPERVISION AND THAT THE SURVEY AND PLAN WERE MADE IN ACCORDANCE WITH THE NOVA SCOTIA LAND SURVEYORS ACT AND THE REGULATIONS MADE THEREUNDER.

DATED THIS 24TH DAY OF JULY, 2008.



Plan of Survey of
LOT BSC-1 and LOT BSC-2,
Lands of BAYSIDE UNITED BAPTIST
CAMP ASSOCIATION
FADER ROAD - SHAD BAY
BAYSIDE
COUNTY OF HALIFAX
PROVINCE OF NOVA SCOTIA

SCALE: 1 INCH = 50 FEET
JULY 24, 2008



Handwritten notes:

2465-43-50E
2452.06'

578-47-29E
435.81'

84-50-12-2E
493.72'