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Item No. 15.1.4
Halifax Regional Council
February 7, 2023

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

Cathie O'Toole, Chief Administrative Officer

DATE: January 27, 2023

SUBJECT: **Case 23961: Amendments to Dartmouth Municipal Planning Strategy and Land Use By-law, Greenbank Court and Cove Lane, Dartmouth**

ORIGIN

Application by Bryanna Cluett.

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 Dartmouth Municipal Planning Strategy and the Dartmouth Land Use By-law to permit the development of single unit dwellings on R-1 (Single Family Residential) zoned properties along Greenbank Court and Cove Lane; and
2. Follow the public participation program outlined in the Community Engagement section of this staff report.

BACKGROUND

Bryanna Cluett is applying to amend the Dartmouth Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) to permit the development of a single-unit dwelling on a R-1 (Single Family Residential) zoned property on Greenbank Court in Dartmouth. The MPS allows for the replacement of, or addition to, existing homes on Greenbank Court. However, the MPS contains specific policies that prohibit new residential development on Greenbank Court, and the R-1 Zone that applies to the lands does not permit new single-unit dwellings.

Subject Site	Properties on Greenbank Court and Cove Lane near and adjacent to PID 00098665
Location	The site is located on Greenbank Court, to the north of National Gypsum Wharf, on the inner portion of Wright's Cove, Dartmouth
Regional Plan Designation	Harbour Designation (HARB)
Community Plan Designation (Map 1)	Limited Use Residential (LUR) Sub-designation, Wright's Cove Secondary Planning Strategy
Zoning (Map 2)	Single Family Residential (R-1) Zone, Dartmouth Land Use Bylaw
Size of Site	761 square metres (8195 sq. ft.)
Street Frontage	Approximately 16.2 metres (53 ft.)
Current Land Use(s)	Vacant
Surrounding Use(s)	To the north: water lots, inner portion of Wright's Cove To the east: a few single-unit dwellings and vacant land To the south: a couple single-unit dwellings, a few vacant lots and National Gypsum Wharf train track To the west: a few single-unit dwellings, vacant lots and National Gypsum Wharf

Proposal Details

The applicant is proposing to amend the Dartmouth MPS and LUB to allow for a single-unit dwelling to be built on existing vacant land on Greenbank Court in Dartmouth. The proposed single-unit dwelling would be serviced by on-site septic and central water services via an existing water main. The amendments would lift the ban on new single-unit dwellings on the subject site.

While this application was initiated by a single property owner on Greenbank Court, staff recommend considering the existing approximately 26 R-1 zoned lots on Greenbank Court and Cove Lane. Of these approximate 26 lots, 12 lots are already developed.

Regional Plan Context

The subject properties are designated Harbour under the Regional Municipal Planning Strategy (Regional Plan). This designation preserves land for potential marine industrial uses and ensures that the viability of marine industrial uses is not compromised by development of incompatible used in their proximity. Relevant excerpts of the Regional Plan can be found in Attachment A.

MPS and LUB Context

On May 26, 2009, Regional Council adopted the Wright's Cove Secondary Planning Strategy (SPS). One main objective was to protect the marine industrial potential of Wright's Cove, parts of which are suitable for deep water marine berths, such as the existing marine terminal for loading gypsum. Under the SPS, coastal properties with deep water are reserved for harbour-related industrial uses through the Harbour Industrial (HI) designation (Map 1). Most land around Greenbank Court, including the marine terminal, are also designated HI. Relevant excerpts of the Wright's Cove policy can be found in Attachment A.

Residential development serviced with central water and on-site septic had been established along Greenbank Court and Cove Lane prior to the adoption of the SPS. This area was deemed better suited for recreational, commercial and residential uses, as the inner cove is too shallow for marine industrial use. Lots on Greenbank Court and Cove Lane have a Limited-Use Residential (LUR) sub-designation which

allows for the replacement or additions to existing homes but new homes are not permitted “due to their proximity to harbour-related industrial lands ...”. Policy WC-6 reads:

The Limited-Use Sub-Designation, as shown on Map 11 is applied to existing residential lots within the Secondary Plan Area and is intended to allow for the replacement of, or additions to, existing homes. Under the Land Use By-law, lands within this sub-designation shall be zoned R-1 Zone (Single Family Residential), with special provisions made to allow for replacement of, or additions to, existing residences, but new residences shall be prohibited.

This policy is implemented through the R-1 Zone. Subsection 32(6) of the LUB states:

For any R-1 zoned lot abutting Green Bank Court, Cove Lane, or Basinview Drive, no new single family dwellings shall be permitted; but existing single family dwellings and accessory uses may be replaced, repaired, and additions made to in accordance with the R-1 Zone and any other general provision of this By-law.

Due to the prohibition on new single-unit dwellings, the R-1 Zone applied to the lands along Greenbank Court and Cove Lane only permits parks, institutional and recreational uses, including schools, colleges, universities, public parks, playgrounds, tennis clubs, and golf clubs.

DISCUSSION

The Municipal Planning Strategy (MPS) is a strategic policy document that sets out the goals and direction for long term development. While the MPS provides broad direction, Regional Council may consider MPS amendments requests to enable proposed development that is inconsistent with its existing policies. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. Amendment 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(s):

- The Wright’s Cove Land Use Plan and Transportation Study (Cantwell & Associates, January 2006) noted that the inner portion of Wright’s Cove, due to its shallow nature, is best suited for residential, recreational, and commercial purposes. The current LUB restriction that prevents development of lots on Greenbank Court is therefore not aligned with the recommendation from the study, notwithstanding its adoption after the study was completed.
- The MPS restricts new housing development to avoid conflicts with marine industrial uses. However, there is no industrial activity present in the inner portion of wright’s cove where 16 Greenbank court is located along with other homes. This is contradictory in its nature as it was put into place to protect marine industrial activities that do not exist in the area and are unsuitable to be located there in the future.
- The homes that are located along this inner portion of Wright’s Cove have never impacted the industrial activities that take place, nor would the addition of a new residential dwelling, that is farther away from the gypsum port than other homes in the area.
- The proposal to construct residential homes on vacant lot in an existing residential community is in alignment with municipality’s need to expand housing development for its growing population.
- The construction of a new dwelling would not be a burden for the Municipality. No new water lines would have to be constructed as one already runs along Greenbank Court.

Attachment B contains the applicant’s application letter.

Review

A major goal of the Wright's Cove Secondary Plan is to reduce conflicts between industrial uses and residential uses – a foundational role of land use planning. This has two dimensions – ensuring residential uses are protected from industrial noise and nuisance, and ensuring industrial lands remain available for future use and development. Both are reasonable and important goals, but this application raises two questions:

- Is a total ban on new residential development in this area the best approach to mitigate residential and industrial land use conflicts?
- Is a total ban on new residential development a de facto ban on all development? If so, is this a fair burden for property owners?

Prohibiting new residential uses in a R-1 Zone is not common where residential uses are the foundation of residential zones. Staff advise that a more in depth review of this existing regulation is warranted through the course of this application for reasons including those listed below:

- Firstly, Greenbank Court and Cove Lane creates a small residential community with 12 existing dwellings. There are approximately 12 vacant lots but only a few of them are suitable for development at the moment. Therefore, the impact of new residential dwelling units will be very limited. Additionally, this is also an area identified more suitable for residential development by the Wright's Cove Land Use Plan and Transportation Study.
- Secondly, there are other ways to mitigate negative impacts of conflicts between residential and industrial land uses. A total ban on new residential development might not be the best approach for those lots along Greenbank Court and Cove Lane.
- Thirdly, other land uses allowed by the R-1 Zone (institutional and recreation) are not a good fit for private landowners or these properties. The existing ban on residential uses acts as a near-total ban on any development, which the *HRM Charter* only allows in limited circumstances. Relevant excerpts of *HRM Charter* can be found in Attachment A.

The Regional Plan designates land near Wright's Cove for Harbour related uses. Staff does not recommend reviewing these policies - reserving land for harbour related industrial uses is longstanding policy. However, staff do recommend that Council review the Dartmouth MPS policy and LUB for all R-1 properties along Greenbank Court and Cove Lane. As this is not a site-specific amendment, any changes for one lot will apply to the rest of the lots.

Staff have identified that there may be other limiting factors that might affect the ability to develop these lots such as servicing limitations in this area and the ability of the lots to meet the requirements of the R-1 Zone. Should Council initiate the request additional investigation will be undertaken to fully understand any challenges or possible upgrades which may be required to allow the lands to be developed.

Conclusion

Staff have reviewed the requested changes to the MPS and LUB and advise there is merit to the request. In general, reducing land use conflicts is good land use planning practice, but a full ban on new residential development may not be the most appropriate approach to address the potential conflicts between residential and industrial uses along Greenbank Court and Cove Lane, Dartmouth. Therefore, staff recommend that Regional Council initiate the MPS and LUB amendment 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 follow the February 1997 Public Participation Program resolution, given the localized nature and minimal impact of the proposed amendment, staff propose that the level of community engagement be achieved through the HRM website, signage on the subject lot, and a narrated power point on Shape Your City with letters mailed out to property

owners within the notification area. The proposed amendments would affect a small number of properties by allowing a single-unit dwelling typical to a R-1 zoned property.

The proposed level of community engagement is consultation and will be achieved through the Shape You City website and direct discussions between planning staff and involved members of the community. The community will have further opportunity to engage with Regional Council at the public hearing required before Council can consider approval of any amendments.

Amendments to the Wrights Cove Plan Area of the Dartmouth Municipal Planning Strategy will potentially impact local residents, property owners and National Gypsum Wharf.

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 C310 Urban and Rural Planning Applications.

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 the N.S. 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 were identified at this time.

ALTERNATIVES

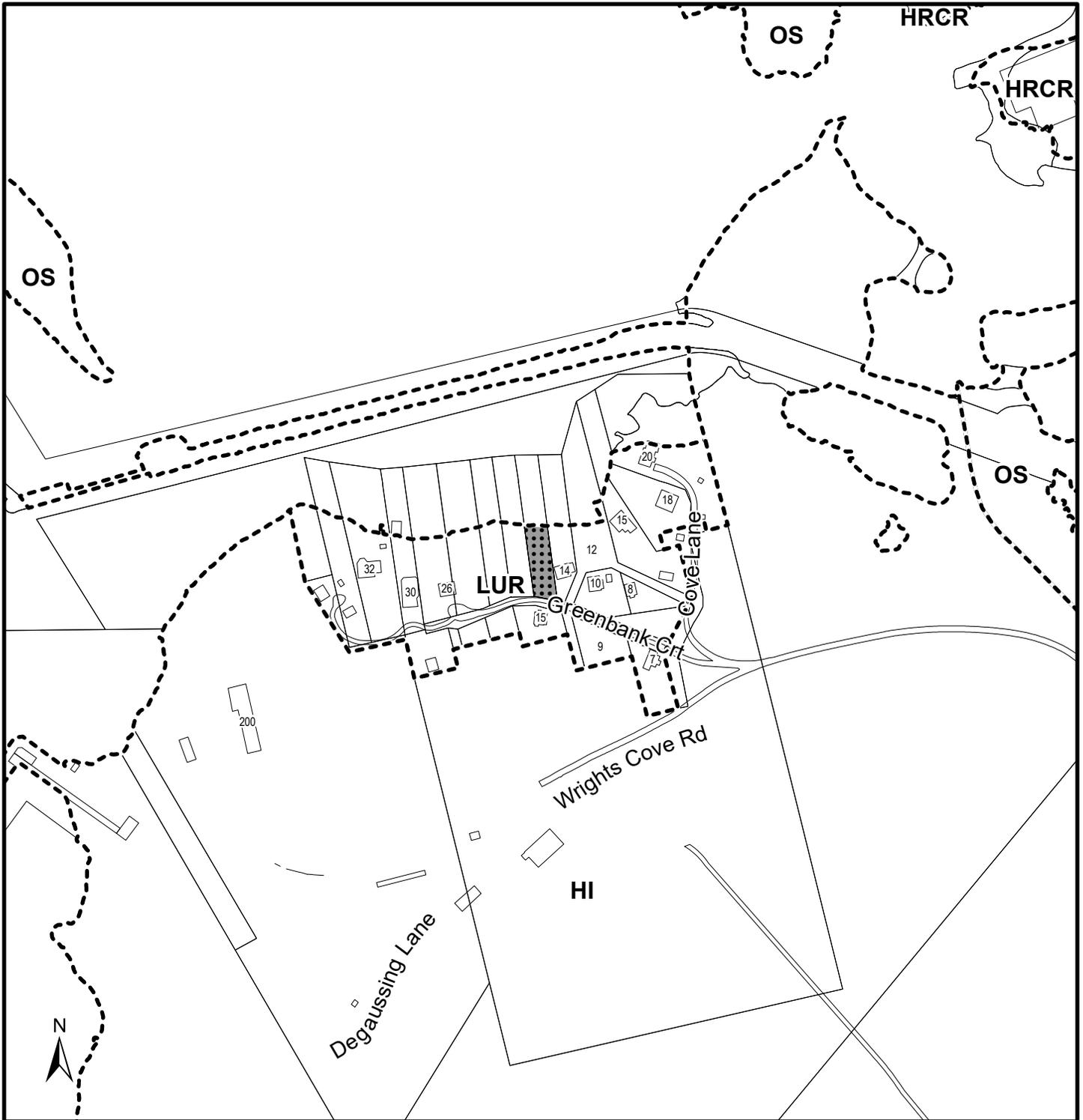
1. Regional Council may choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the Dartmouth MPS 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:	Wright's Cove Relevant Policy Excerpts
Attachment B:	Application Letter

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: Yanan Gou, Planner II, 782-641-5657



Map 1 - Generalized Future Land Use

Greenbank Court,
Dartmouth

-  Subject Property
-  Sub-Designation Boundary

Designation

WCSPS Wrights Cove Secondary Planning Strategy

Sub-Designation

- HI Harbour Industrial
- HRCR Harbour Related Commercial Residential
- LUR Limited Use Residential
- OS Open Space

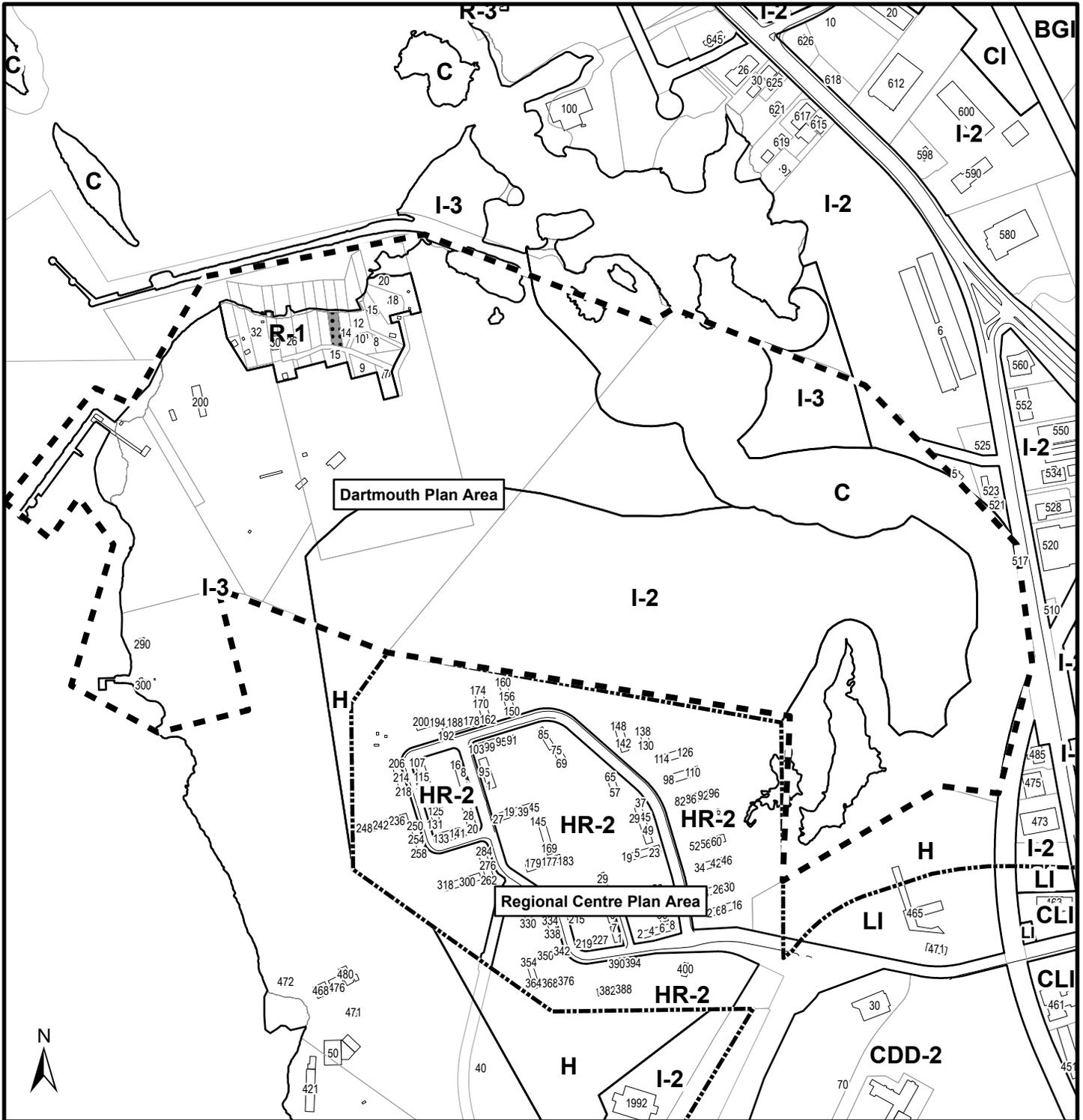
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This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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

Dartmouth Plan Area



Map 2 - Zoning and Notification Area

Greenbank Court,
Dartmouth

-  Subject Property
-  Area of Notification

Dartmouth and Regional Centre
Land Use By-Law Areas

	Zone	
DART	C	Conservation
	I-2	General Industrial
	I-3	Harbour-Oriented Industrial
	R-1	Single Family Residential
	H	Holding
	CI	Commercial Industrial
RC	BGI	Burnside General Industrial
	CDD-2	Comprehensive Development District 2
	HR-2	Higher-Order Residential 2
	LI	Light Industrial

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

Attachment A – Wright’s Cove Relevant Policy

HRM Charter Excerpts

235 (3) A land-use by-law may regulate or prohibit development, but development may not be totally prohibited, unless prohibition is permitted pursuant to this Part.

235 (5) Where a municipal planning strategy so provides, a land-use by-law may

(p) prohibit development on land that

(i) is subject to flooding or subsidence,

(ii) has steep slopes,

(iii) is low-lying, marshy, or unstable,

(iv) is otherwise hazardous for development because of its soil conditions, geological conditions, undermining or topography,

(v) is known to be contaminated within the meaning of the Environment Act, or

(vi) is located in an area where development is prohibited by a statement of provincial interest or by an enactment of the Province;

(q) regulate or prohibit development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);

Regional Plan Policy Excerpts

5.3.4 Halifax Harbour Designation

Halifax Harbour plays a strategically important economic role to HRM and the Province of Nova Scotia for shipping, ship building, naval operations and other port related industries. HRM seeks to ensure that sufficient lands are retained for these purposes and that the viability of these activities is not compromised by development of incompatible uses in their proximity.

Policy EC-12

HRM shall establish a Halifax Harbour Designation which extends from Hartlen Point in Eastern Passage to Chebucto Head, including Northwest Arm and Bedford Basin, and extends inland generally to the first major roadway paralleling the Harbour, as shown on the Generalized Future Land Use Map (Map 2). The Designation shall support a range of development opportunities including marine-dependent industrial and commercial uses, transportation uses and facilities including ferries, recreational uses, residential uses, institutional uses and matters related to environmental improvement and protection.

Policy EC-13

Within the Halifax Harbour Designation, HRM shall establish zoning under applicable land use by-laws and apply the zone on lands where existing harbour related industrial uses are located and lands or water lots determined by HRM to be suitable for these uses in the future. Corresponding land use regulations will be established under the applicable land use by-laws. Amendments to applicable land use by-laws may be made to:

(a) allow for additional lands or water lots for harbour related industrial uses that have not been previously identified where such lands are considered appropriately situated for these uses;

Attachment A – Wright’s Cove Relevant Policy

(b) implement regulations that mitigate potential negative impacts of existing and potential marine-dependent industrial and commercial areas on adjacent uses, while maintaining the economic viability of marine-dependent uses; and

(c) discourage new residential development from locating in areas that abut lands designated for intensive marine dependent industrial and commercial uses.

Policy EC-14

When considering an amendment to secondary planning strategies, land use by-laws or development agreements to permit new residential development in proximity to harbour related industrial uses, consideration shall be given to the potential for nuisances and compatibility issues and the importance to HRM in protecting the viability of the marine related industrial uses.

Dartmouth MPS Policy Excerpts

The Wrights Cove Secondary Planning Strategy is found in the Industrial Section of the Dartmouth Municipal Planning Strategy.

Wright’s Cove Secondary Planning Strategy

The Wright’s Cove Secondary Planning Strategy is based on the recommendations of the *Wright’s Cove Land Use Plan and Transportation Study (Cantwell & Associates, January 2006)*. The study was prepared in support of the Municipality’s Regional Planning Strategy and undertaken in consultation with stakeholders and community residents.

The study area, illustrated on Schedule Map 11, encompassed a variety of uses including marine-dependent uses such as an ocean research institute, a gypsum loading facility, boat repair and restoration businesses, a yacht club, as well as numerous industrial, commercial, institutional and limited residential uses. A substantial portion of the study area was either undeveloped or had potential for redevelopment given the frontage on Halifax Harbour, close proximity to the Capital District and Burnside Business Park, and the proximity to regional road, rail, and transit systems.

The study objectives were to assess the marine industrial potential of Wright’s Cove; assess the build-out potential in consultation with area stakeholders; determine infrastructure upgrading needs and associated costs; and make recommendations for adoption under municipal planning documents.

The primary study findings are summarized as follows:

- The outer portion of Wright’s Cove is important for harbour-related industries and should be reserved for this purpose. However, the inner cove is too shallow and may be better suited for recreational, commercial, and residential uses provided that controls are established so as not to cause conflict with industrial uses.
- The salt marsh should be retained as an environmental reserve and the Navy Islands preserved as a vegetated buffer.
- Lands abutting Windmill Road should be retained for commercial and institutional uses but residential and industrial uses should not be supported.
- Lands at Ocean Breeze Estates and Shannon Park offer potential for redevelopment as higher density “urban villages” with supporting services.
- Measures should be taken to limit access points to Windmill Road to improve the safety and efficiency for traffic movement.
- A new access road to the gypsum-loading facility should be considered.
- Various transportation improvements would be needed for redevelopment of Shannon Park and

Attachment A – Wright’s Cove Relevant Policy

Ocean Breeze Estates.

The study included a future land use plan for allocation of land uses within the study area. The following policies are based on this plan and on other matters, such as sea-level rise and residential height restrictions.

Policy WC-1

The Wright’s Cove Future Land Use Plan, presented as Schedule Map 11, shall form the framework for land use allocation within the Wright’s Cove Secondary Plan Area.

Harbour-Industrial Uses:

Lands bordering Halifax Harbour, where there is sufficient depth for larger ships, have been reserved for harbour-related industrial uses and support facilities.

Policy WC-5

The Harbour-Industrial Sub-designation, as shown on Map 11, is intended to support development that is harbour-dependent and industrial in nature. Lands within this sub-designation shall be zoned I-3 (Harbour-Oriented Industrial). Amendments to the Land Use By-law may be made to revise development standards or approval requirements, but no uses shall be permitted that are not supportive of harbour-dependent industrial uses.

Existing Residential Uses:

Residential developments serviced with piped water and septic fields have been established along Green Bank Court and Cove Lane prior to the adoption of this secondary planning strategy. These developments will be accommodated but, due to their proximity to harbour-related industrial lands, no additional housing will be supported. Provisions will also be made to accommodate existing residential lots along Basinview Drive and any redevelopment of these lots will be subject to the policy provisions for the Harbour-Related Commercial Residential Sub-designation.

Policy WC-6

The Limited-Use Sub-Designation, as shown on Map 11 is applied to existing residential lots within the Secondary Plan Area and is intended to allow for the replacement of, or additions to, existing homes. Under the Land Use By-law, lands within this sub-designation shall be zoned R-1 Zone (Single Family Residential), with special provisions made to allow for replacement of, or additions to, existing residences, but new residences shall be prohibited.

The R-1 shall not be applied to any other lands within this Secondary Plan Area, but new townhouse or apartment buildings may be considered on properties zoned R-1 along Basinview Drive in accordance with the development agreement provisions of policy WC-4 and, where a residence no longer exists, the lot may be rezoned to a zone applied to abutting lands.

Dartmouth Land Use By-law Excerpt

The R-1 Zone found in the Dartmouth Land Use By-law.

PART 1: R-1 (SINGLE FAMILY RESIDENTIAL) ZONE

32(1) The following uses only shall be permitted in an R-1 Zone:

- (a) Single family dwellings;

Attachment A – Wright’s Cove Relevant Policy

- (b) **places of worship and associated halls; (HECC-Dec 4/08; E-Dec 27/08)**
 - (c) schools, colleges, universities, libraries, art galleries, and museums;
 - (d) public parks and playgrounds;
 - (e) tennis clubs, quoit clubs, lawn bowling clubs, archery clubs, golf clubs;
 - (f) yacht and boating clubs located within 200 feet of the shore of a lake or Halifax Harbour;
 - (g) uses accessory to any of the foregoing uses;
 - (h) **within the Waverley Road designation, expanded home occupations are permitted subject to site plan approval, in accordance with the requirements of Section 23A of the General Provisions. (RC-Sep 8/09;E-Nov 14/09)**
- 32(2) Buildings used for R-1 uses in an R-1 Zone shall comply with the following requirements:
- (a) Lot area minimum - 5,000 square feet
 - (b) Lot coverage maximum - 35 %
 - (c) Side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building By-laws of the City.
 - (d) **Repealed (RC – Oct 26/21; E – Nov 27/21)**
- 32(3) **Repealed (RC – Oct 26/21; E – Nov 27/21)**
- 32(4) **Notwithstanding anything else in this by-law, the following zone requirements shall apply to all new lots that were approved after October 13, 2001:**
- (1) **Zone Requirements:**

Minimum Side Yard	8 feet
Minimum Rear Yard	8 feet
 - (2) **The maximum building eave projection into the minimum required side yard shall be 2 feet (HECC-Nov 1/01;E-Nov 25/01)**
- 32(5) **Notwithstanding clause 32(2) (a) of this By-law, institutional uses permitted in the R-1 Zone shall comply with the following standards:**
- (a) **The lot area minimum for all institutional uses, excluding public parks and playgrounds - 10,000 square feet**
 - (i) **Section 19 of this by-law does not apply to institutional uses permitted in the R-1 zone.**
 - (b) **For any new or expanded institutional use, the following landscaping provisions shall apply:**
 - (i) **Within the front yard area, the first ten (10) feet bordering the road right-of-way shall be fully landscaped, except where driveway or pedestrian access points are required.**

Attachment A – Wright’s Cove Relevant Policy

- (ii) Landscaping shall consist of ground cover and a minimum of one shrub for each fifty (50) square feet of required landscaped area and one tree for every fifty (50) feet of lot width. (HECC-Dec 4/08;E-Dec 27/08)**

- 32(6) For any R-1 zoned lot abutting Green Bank Court, Cove Lane, or Basinview Drive, no new single family dwellings shall be permitted; but existing single family dwellings and accessory uses may be replaced, repaired, and additions made to in accordance with the R-1 Zone and any other general provision of this By-law. (RC-May 26/09;E-Jul 25/09)**

Attachment B - Application Letter

Project Information

The purpose of this application is to amend the Dartmouth Land Use By-law text. The text that is being proposed for amendment is as follows:

32(6) For any R-1 zoned lot abutting Green Bank Court, Cove Lane, or Basinview Drive, no new single family dwellings shall be permitted; but existing single family dwellings and accessory uses may be replaced, repaired, and additions made to in accordance with the R-1 Zone and any other general provision of this By-law. (RC-May 26/09;EJul 25/09)

I am proposing to change the By-Law that “no new single family dwellings shall be permitted” on Greenbank Court, to allow for a single family dwelling to be built on land that does not have an existing dwelling. I am seeking to amend this text as I own a vacant lot; [REDACTED] that I wish to build a single family residential home on.

The property that I own is located on [REDACTED]. The land is 8195ft². The maximum proposed house given Land Use By-law setbacks and room for septic disposal field would be a home measuring 34ft x 68ft. The home is not subject to abide by the setback of a riparian buffer as the lot predates the 2006 By-Law. Any and all laws will be followed in terms of preserving coastline and not infilling the water if a dwelling is permitted to be constructed on the property. Sanitary services will be provided by a septic system for which approval has been previously granted. The dwelling will be serviced with water through an existing municipal water line.

Below features a letter of support written by previous land owner Harvey Adams which provides context and history on [REDACTED] and the surrounding area.

October 24,2021

Hi Bryanna:

For disclosure purposes, I am providing you information to assist you, in your endeavors to seek a variance within the Municipal Planning Strategy (MPS) and the Dartmouth Land Use by-law. As you are aware prior to [REDACTED], PID #00098665 Greenbank Court, Dartmouth Nova Scotia, the lot was surveyed and approved for a ST 500 Septic Disposal System. On June 13,2013, Mac Williams Engineering Limited completed the land survey and the design for the septic disposal system. I have been advised that due to a time expiry (four years) non construction, the Septic Field approval will have to be renewed, by Mac Williams Engineering.

[REDACTED]

About thirty-five or forty years ago the management of MPS was hopeful that a Marine Container Terminal could be constructed in the vicinity of Navy Island and Wrights Cove. When the risk/suitability studies were completed, it was determined that due to the prevailing winds and the shoal water east of Navy Island the project would not be feasible. Eventually, the Container Terminal was located and constructed in Fairview Cove on the Western side of Bedford Basin. Due to the Halifax Harbor Bridges (height restrictions) it is unlikely that additional Marine Industrial related ventures will be located in Bedford Basin, especially Wrights Cove. The 1978 Municipal Development plan for potential Bedford Basin Harbor-orientated industrial use is long dead and should not be used as justification to deny you a variance.

The shallow water in Wrights Cove is only suitable for yacht club and recreational boating purposes. During the past thirty years, on several occasions, I have witnessed DND Clearance Divers conduct bottom searches for possible live ammunition in Wrights Cove (1945 Bedford Basin Magazine Ammunition Depot Explosion) however, no ammunition was found near Greenbank Court and Cove Lane.

It is well known that during the past thirty-five years, Greenbank Court, Cove Lane, Basin View Drive and Wrights Cove has been rezoned from Marine Commercial to Holding and for the past twenty-five years, Residential. Since 2000, it is estimated 350-400 residential units have been constructed about half a nautical mile (3,040 feet) from [REDACTED]. I have confirmation that the people who occupy the apartments and condominiums in Wrights Cove are privy to joyful living. From my point of view, it would be morally wrong and perhaps illegal for officials within the Dartmouth MPS to deny you the fundamental right to live and enjoy [REDACTED]

[REDACTED] It is reasonable that you are motivated by the potential enjoyment and intent of constructing a single-family dwelling. [REDACTED]

In the late 1980's most all the residents of Greenbank Court and Cove Lane attended the civic meetings pertaining to changing the zoning to residential. All were in agreement the zoning change would

be beneficial to the household and landowners. Unfortunately, no discussions took place with regards to the known vacant lots. Consequently, when city council approved the Residential Zoning, we were quite surprised to learn that all vacant lots were designated as non-building lots. The fact of the matter is, the now vacant lots cannot be utilized for commercial purposes, nor can they be used for residential purposes.

Whoever made the decision to exclude the vacant lots from being residential building lots; it effectively made them practically valueless to most people. On the other hand, I have been offered substantial sums of money from housing developers who feel that if they owned the vacant lots, obtaining a building permit would not be a big problem. I think it would though, because the residents of the community would be adamantly opposed to apartment or condominium type housing.

I made inquiries as to why the vacant lots were exempted from residential zoning . I was given vague answers about possible marine potential etc. but nothing made any sense. The most honest answer that I received was that, if too many people live in Wrights Cove, Greenbank Court and Cove Lane, they would likely want city water, along with sewage disposal. Such senseless logic reminded me of Africville in the early sixties. The residents in that community did not have central water and sewage. So, the Mayor of Halifax and council, instead of providing water and sewage set an unprecedented example of unthinking and un- caring. The council barged blindly ahead and spent millions of dollars demolishing the Africville dwellings, their heritage and culture. The citizens were relocated to an area in the City of Halifax where it eventually turned into a ghetto like community. Poverty and crime has ruled there for years, perhaps even today?

At the present time, our fresh water supply for Greenbank Court and Cove Lane is obtained through the HRM Water Commission. However, I have been told the delivery of our water is through the kindness of the National Gypsum's water main. I can foresee that eventually this benevolent act of kindness might change and that HRM will have no choice but to provide water and sewage to the residence of Greenbank Court and Cove Lane.

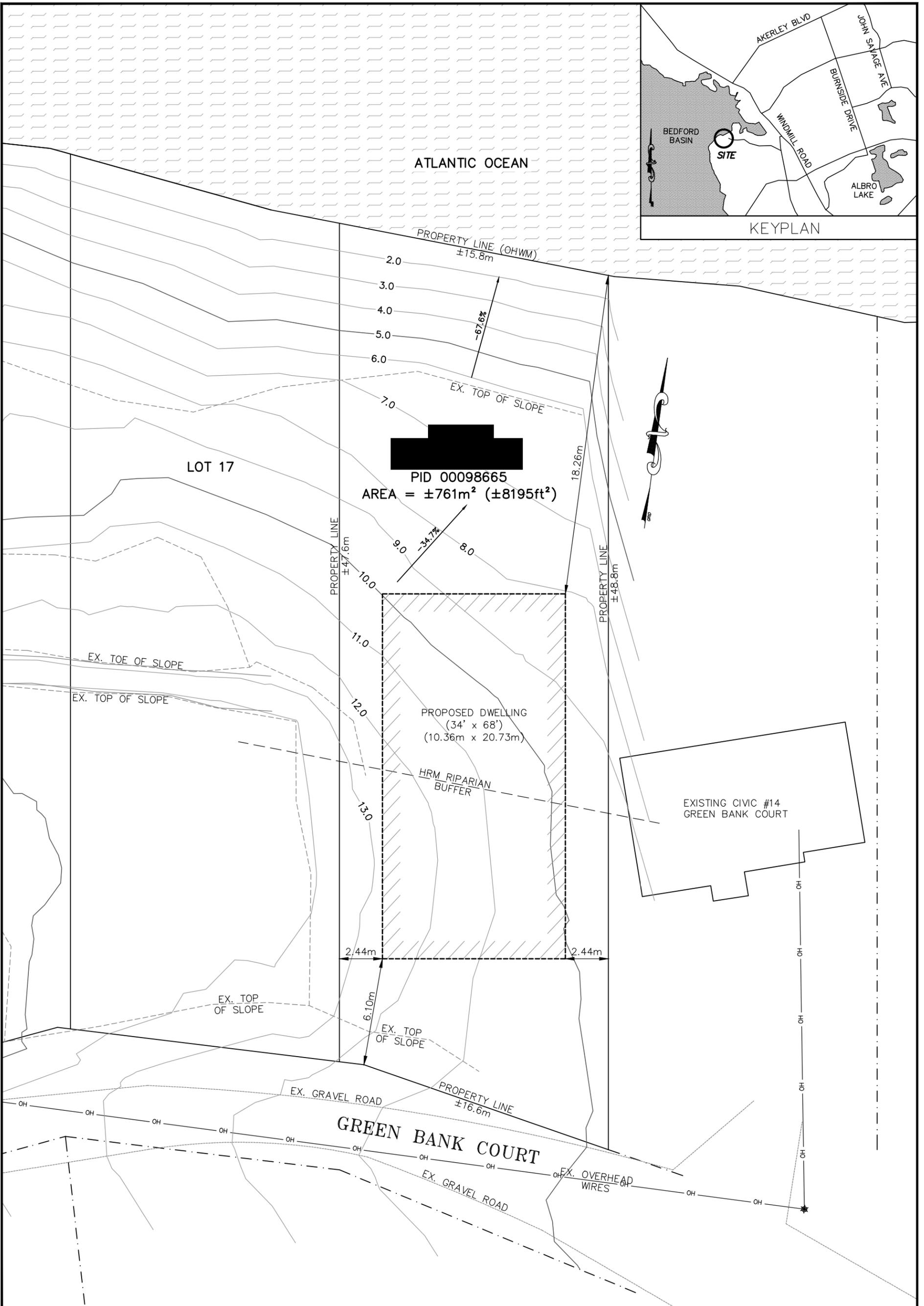
In this case it will be no cost to HRM to approve a variance for you to comply with the zoning regulations to construct a dwelling at [REDACTED]. I fail to understand why you would be expected to pay a considerable sum of money to apply for a variance. You are not in the same category as a housing developer applying for a variance to construct three or four hundred housing units, where it must take into consideration the impact on city services such as vehicle traffic, policing, fire, schooling etc.

I wish you well in your endeavors. I sincerely believe it will only be a matter of time when all the residents of Greenbank Court and Cove lane will have the services of HRM water and sewage disposal.

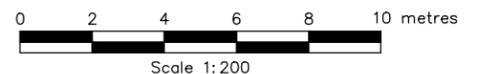
Sincerely,

Harvey Adams

[REDACTED]



- NOTES:
1. TOPOGRAPHIC INFORMATION PROVIDED BY THOMPSON CONN LIMITED.
 2. ALL BOUNDARY INFORMATION IS TO BE VERIFIED BY A NOVA SCOTIA LAND SURVEYOR.
 3. TO OUR KNOWLEDGE, [REDACTED] DOES NOT HAVE ANY MUNICIPAL SERVICES.
 4. RIPARIAN BUFFER SHOWN IS APPROXIMATE. SETBACK DETERMINED AS REQUIRED IN DARTMOUTH LAND USE BY-LAW, SECTION 32A(1)(b)



STRUM CONSULTING
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SITE PLAN
[REDACTED]
DARIMOUIH, NOVA SCOTIA

DATE: 2021-11-17
PROJECT #21-8318
REVISION 0

Note 3: Design Rationale

Written by Property Owner: Bryanna Cluett

The proposed Land Use By-Law text amendment is aligned with Municipal Planning Strategy and congruent with adjacent land in a number of ways. The Wright's Cove Land Use Plan and Transportation Study (Cantwell & Associates, January 2006) noted that the inner portion of Wright's Cove, due to its shallow nature, is best suited for residential, recreational and commercial purposes. The current By-Law text that restricts the construction on [REDACTED] is therefore not aligned with the recommended planning strategy of the Municipality.

In 2009, the zoning along Wright's Cove was changed with the support of local residents from Marine Industrial to R-1. With this change came the By-Law amendment that no new residential dwelling would be permitted. The April 3rd, 2009 meeting minutes are vague and the only justification for this restriction is that new housing development may conflict with marine industrial uses. However, there is no industrial activity present in the inner portion of Wright's cove where [REDACTED] is located along with other homes. As Cantwell & Associates explained in their study, this portion of the cove is not suitable for marine industrial use as it is too shallow. This By-Law is contradictory in its nature as it was put into place to protect marine industrial activities that do not exist in the area and are unsuitable to be located there in the future. Based on the above mentioned, I request that the By-Law should be changed to allow for the construction of a [REDACTED].

At the head of Wright's Cove is a Gypsum plant that mines and loads gypsum onto ships. The homes that are located along this inner portion of Wright's Cove have never impacted the industrial activities that take place, nor would the addition of a new residential dwelling, that is farther away from the gypsum port than other homes in the area. It is unlikely that Greenbank Court and Cove Lane will ever house industry since it is unsuitable for marine activities, and almost all of the land on this portion of the cove already have homes that have been passed down for generations.

The addition of a new residential dwelling on Greenbank Court is already in alignment with existing uses of the land. Along Greenbank Court there are eight existing residential homes. To my knowledge there are only three parcels of vacant land on the street. [REDACTED]. I have known almost all of the residents of Green Bank Court since my childhood years as it is where I spent the majority of my life. The residents are supportive of a new residential home being constructed as they do not want to see the land fall into the hands of commercial developers. [REDACTED] is right beside and across from residential homes. Given the Municipality's need to expand housing development for its growing population, it is in alignment with planning strategy to allow for the construction of a residential home on this vacant parcel of land.

The construction of a new dwelling would not be a burden for the Municipality. No new water lines would have to be constructed as one already runs along Greenbank Court. The property was also previously assessed and approved for a septic system so no further services would be requested by the property owner. In fact, if a home is to be constructed on the land it would raise the property value and the Municipality would receive a much larger portion of Property Tax than it currently receives from a vacant property.

Allowing the addition of a new residential dwelling on Greenbank Court is within the best interest of the Municipality. Council would correct an error by amending this text that unduly limited residential

land development. It has already been recommended that the inner portion of Wright's Cove on which Greenbank Court is located, is best suitable for residential use (Cantwell & Associates). Along with this, and the fact that this part of the cove has been deemed unsuitable for marine industrial activities, it is within the best interest of Council to allow this small portion of land on Greenbank Court to be developed into a residential dwelling. Any said development would not impact industry in the area and no further services from the Municipality will be required. Greenbank Court is already home to residential dwellings and the addition of a new dwelling would align with both the current land use and the Municipality's Planning Strategy.

References

Halifax Regional Municipality, Municipal Planning Strategy Dartmouth 1-187 (2019). Halifax, NS; Halifax Regional Municipality. Retrieved from https://www.halifax.ca/sites/default/files/documents/about-the-city/regional-community-planning/Dartmouth-MPS-Eff-19Nov30-RegionalCentrePlan-PackageA-TOCLinked_0.pdf