



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

**Item No. 14.1.1**  
**Halifax and West Community Council**  
**December 5, 2023**

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

**- Original Signed -**

**SUBMITTED BY:**

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Jacqueline Hamilton, Executive Director of Planning and Development

**DATE:** November 8, 2023

**SUBJECT:** Case # 2023-00191: Development Agreement for Bellarosa Way, Halifax

**ORIGIN**

Application by Brett & Lara Ryan.

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

It is recommended that Halifax and West Community Council:

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A, to allow a single unit dwelling on a lot that does not abut a public street off Bellarosa Way, Halifax, and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **BACKGROUND**

Brett & Lara Ryan are applying to build a single unit dwelling on a lot that does not abut a public street. The subject site is located off of Bellarosa Way, an existing travelled way in Halifax that has served multiple dwellings for over 40 years.

<b>Subject Site</b>	PID 00269373 (access over PID 40459992 and 00269290)
<b>Location</b>	Bellarosa Way, Halifax
<b>Regional Plan Designation</b>	Harbour
<b>Community Plan Designation (Map 1)</b>	Low Density Residential (LDR)
<b>Zoning (Map 2)</b>	Holding (H)
<b>Size of Site</b>	1,867 Square Metres
<b>Street Frontage</b>	0 metres
<b>Current Land Use(s)</b>	Vacant
<b>Surrounding Use(s)</b>	Single Unit Dwellings

### **Proposal Details**

The applicant proposes to build a single unit dwelling on a lot that does not abut a public street, using an existing access and service easement over the abutting property. This proposal is to build a dwelling on the subject site, Lot 2-X2. The proposed dwelling will use an existing well on the neighbouring lot, PID 40459992 (6 and 14 Bellarosa Way), which is under the same ownership. Wells are regulated by Nova Scotia Environment and Climate Change, and the Environment Act does not require private wells to be located on the same lot as the dwelling. A new septic system has been designed to serve the dwelling.

### **History**

Historically, 6 and 14 Bellarosa Way had three dwellings on it, with a well. The third dwelling was demolished, and there is a Development Permit which enables it to be rebuilt in the same location. The applicant is the property owner of both lots and is pursuing this application with intent to place the third dwelling on its own lot, rather than rebuild it where it was before.

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

The subject property is within the Low Density Residential Designation of the Halifax Mainland Municipal Planning Strategy (MPS), and the Holding (H) Zone of the Halifax Mainland Land Use By-law (LUB), which allows single unit dwellings. Section 5 of the LUB requires that all lots abut a public street, and the zone requires a minimum of 15.24m (50ft) of frontage. The subject site does not abut a public street, so a permit cannot be issued as-of-right for a single unit dwelling.

However, Section 71 (1) of the LUB enables Council to consider development agreements for residential uses on lots that do not abut a publicly owned and maintained street in accordance with policy 2.12 of the MPS.

## **COMMUNITY ENGAGEMENT**

The community engagement process is 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 letters mailed to property owners within the notification area. 3 comments were received from neighbouring property owners. The public comments received include the following topics:

- Concern of the proximity of the new septic system to neighbouring wells;
- Concern of the stormwater runoff down slope onto neighbouring properties; and
- Concern of disruption by construction.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the advertisement on the HRM webpage, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposal may potentially impact the abutting residents to this property.

## **DISCUSSION**

Staff has reviewed the proposal relative to all relevant policies and advise that it is consistent with the intent of the MPS. Attachment B provides an evaluation of the proposed development agreement in relation to the relevant MPS policies.

### **Proposed Development Agreement**

Attachment A contains the proposed development agreement for the subject site and the conditions under which the development may occur. The proposed development agreement addresses the following matters:

- Allows the single unit dwelling on the property without frontage on a public street using an existing easement for access; and
- Clarifies the required setback to the lot line facing Bellarosa way as 2.44m (8ft), which would be defined as a side yard setback (rather than a front yard setback) under the LUB, because the lot line is not facing a public street.

The attached development agreement will permit a single unit dwelling, subject to the controls identified above. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

### **Existing Access**

Bellarosa Way is a named, private, shared driveway that has historically served 3 dwellings. Bellarosa Way intersects with another shared driveway, St Cecilia Lane, which serves an additional 2 units. HRM records dating back as far as 1974 show that PID 40459992 (6 and 14 Bellarosa Way) historically had a third dwelling on it, which was torn down and received a development permit to rebuild in 2009. Since acquiring these properties, the applicant has completed work to widen and level Bellarosa Way and St Cecilia Lane. Bellarosa Way and St Cecilia Lane are named shared, privately-owned driveways serving multiple properties under the same ownership. The site will be accessed through Bellarosa Way, which crosses PIDs 40459992 (6 and 14 Bellarosa Way) and 00269290 (12 St. Cecilia Lane). An easement that covers both properties used for access will be registered prior to permit issuance.

### **Accessory Uses**

This development agreement will allow land uses typical of the Holding Zone, including single unit dwellings and accessory uses, which include secondary and backyard suites, as well as home business uses as permitted in the Holding (H) zone of the LUB. All other adjacent existing homes or lots that abut onto a public street would be permitted to have these accessory uses as well.

### **History**

Since this application was initially submitted, the applicant obtained a parcel of land from an adjacent property that they have added to the subject site, to increase the lot area. This parcel addition creates further separation between the proposed use (and corresponding septic system) and neighbouring properties. The subdivision process has been completed and the plan has been approved, included as Attachment C.

### **Land Use Compatibility**

The proposed use is for a single unit dwelling which is the same use as the surrounding community. The use will therefore be compatible with surrounding neighbourhood and will not be obtrusive.

### **Priorities Plans**

In accordance with Policy G-14A of the Halifax Regional Plan, this planning application was assessed against the objectives, policies and actions of the priorities plans, inclusive of the Integrated Mobility Plan, the Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027. While these priority plans often contain policies which were originally intended to apply at a regional level and inform the development of Municipal Planning Strategy policies, there are still components of each plan which can and should be considered on a site-by-site basis. Where conflict between MPS policy and priority plan policy exists, staff must weigh the specificity, age, and intent of each policy, and consider how they would be applied to a specific geographic context. In this case, the proposed development does not conflict with any specific objectives, policies or actions of the priorities plans.

### **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. The proposed dwelling will not result in a change in character of the area, and represents a negligible increase in density in the area that has existed historically, and the proposed use is compatible with the surrounding neighbourhood. Therefore, staff recommend that the Halifax and West Community Council approve the proposed development agreement.

### **FINANCIAL IMPLICATIONS**

The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2023-2024 operating budget for Planning and Development.

### **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 development agreement 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 development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this development agreement 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 development agreement, and in doing so, must provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement 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

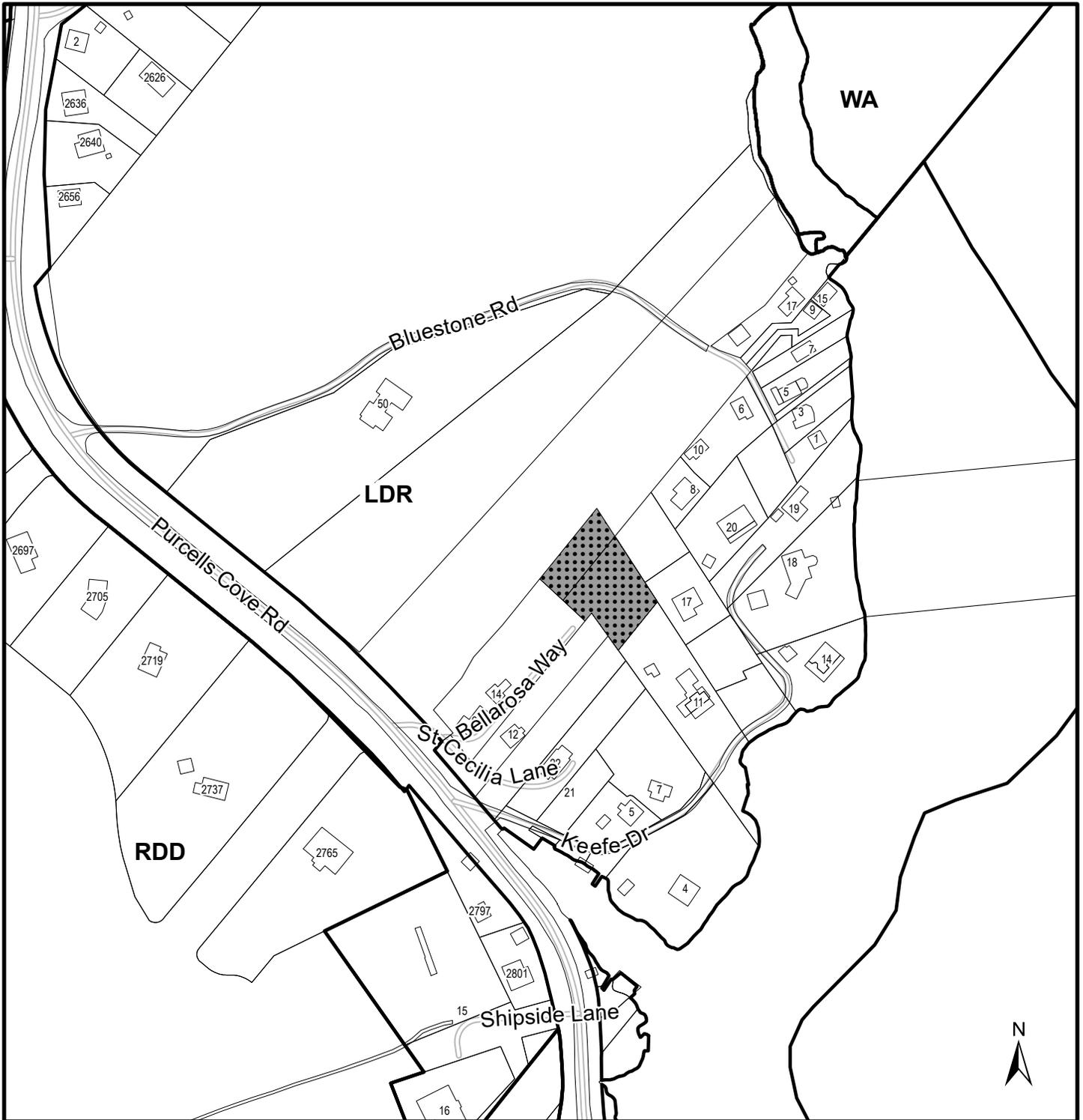
Attachment A: Proposed Development Agreement  
Attachment B: Review of Relevant MPS Policies  
Attachment C: Registered Subdivision Plan

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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: Alyson Dobrota, Planner II, 782-640-6189

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WA

Bluestone Rd

LDR

Purcells Cove Rd

RDD

Bellarosa Way  
St Cecilia Lane

Keefe Dr

Shippside Lane

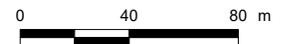


**Map 1 - Generalized Future Land Use**

Lands are located off of Bellarosa Way  
PID: 00269373

**HALIFAX**

**Designation**



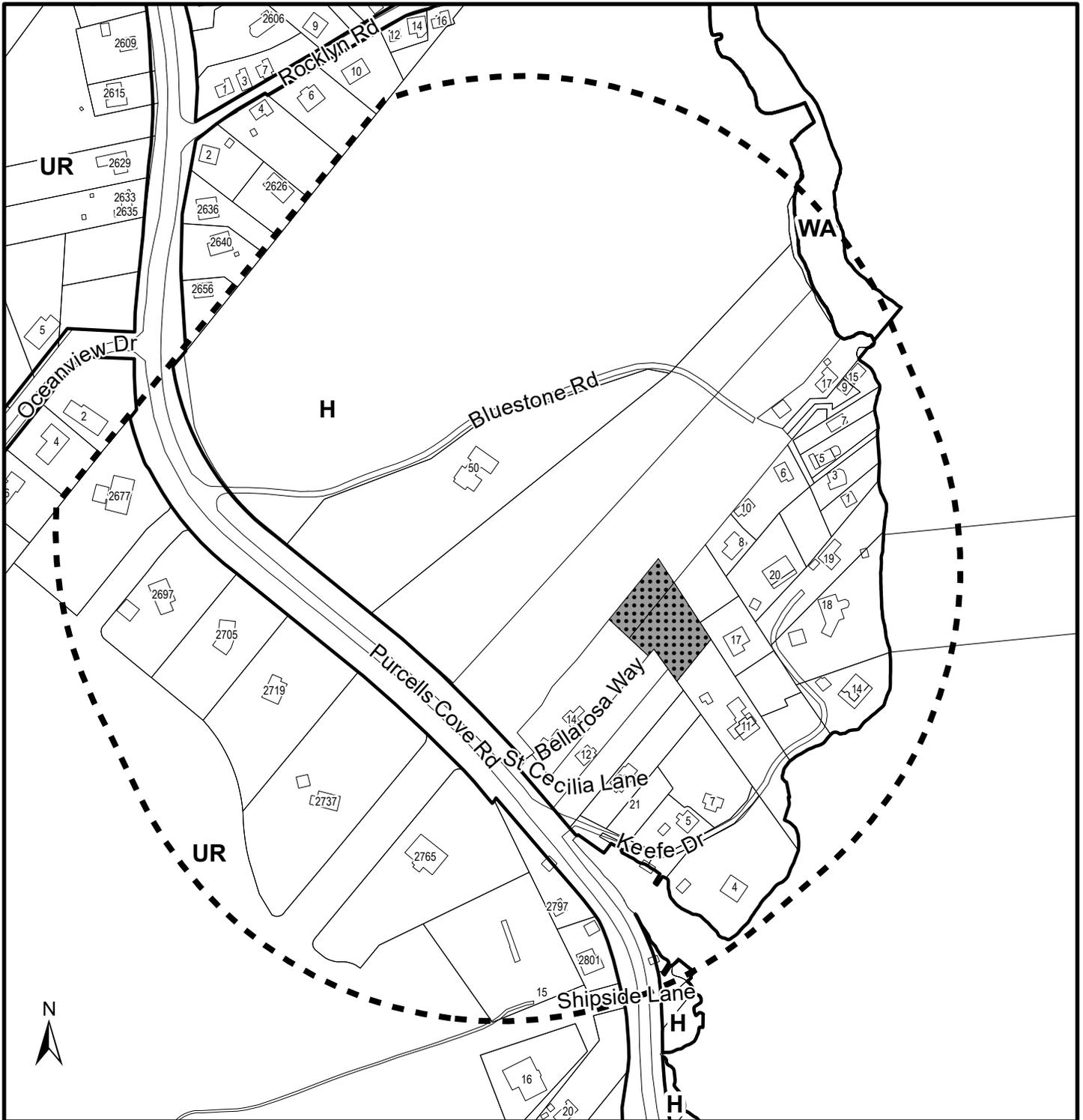
 Subject Property

- RDD Residential Development District
- LDR Low Density Residential
- WA Water Access

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.

Halifax Mainland By-Law Area



**Map 2 - Zoning and Notification Area**

Lands are located off of Bellarosa Way

**HALIFAX**

-  Subject Property
-  Area of Notification

- Zone**
- H Holding
  - UR Urban Reserve
  - WA Water Access



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.

Halifax Mainland  
By-Law Area

**Attachment A – Proposed Development Agreement**

THIS AGREEMENT made this **day of [Insert Month], 20\_\_**,

BETWEEN:

**BRETT RYAN AND LARA RYAN**

an individual, in the Halifax Regional Municipality, in the Province of Nova Scotia, (hereinafter called the "Developer")

OF THE FIRST PART

- and -

**HALIFAX REGIONAL MUNICIPALITY**, a municipal body corporate, in the Province of Nova Scotia (hereinafter called the "Municipality")

OF THE SECOND PART

**WHEREAS** the Developer is the registered owner of certain lands located at Bellarosa Way, Halifax, PID 00269373 and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

**AND WHEREAS** access to the Lands from Purcells Cove Road is over PIDs 40459992, 41501214, and 00269290.

**AND WHEREAS** the Developer has requested that the Municipality enter into a Development Agreement to allow for a single unit dwelling on the Lands which is a lot with no public road frontage pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy 2.12 of the Halifax Mainland Municipal Planning Strategy and Section 71(1) of the Halifax Mainland Land Use By-law.

**AND WHEREAS** the Halifax and West Community Council approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case 2023-00191.

**THEREFORE**, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

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## **PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION**

### **1.1 Applicability of Agreement**

- 1.1.1 The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

### **1.2 Applicability of Land Use By-law and Subdivision By-law**

- 1.2.1 Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the applicable Land Use By-law and the Regional Subdivision By-law, as amended from time to time.
- 1.2.2 Variance applications enabled under Section 250 of the *Halifax Regional Municipality Charter* shall be permitted.

### **1.3 Applicability of Other By-laws, Statutes and Regulations**

- 1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.
- 1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

### **1.4 Conflict**

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

### **1.5 Costs, Expenses, Liabilities and Obligations**

- 1.5.1 The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Lands.

## **1.6 Provisions Severable**

- 1.6.1 The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

## **1.7 Lands**

- 1.7.1 The Developer hereby represents and warrants to the Municipality that the Developer is the owner of the Lands and that all owners of the Lands have entered into this Agreement.

## **PART 2: DEFINITIONS**

### **2.1 Words Not Defined Under this Agreement**

- 2.1.1 All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

## **PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS**

### **3.1 Schedules**

- 3.1.1 The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 2023-00191.

Schedule A      Legal Description of the Lands(s)

### **3.2 Requirements Prior to Approval**

- 3.2.1 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:
- (a) A site plan demonstrating the requirements for access and parking as outlined in Section 3.5.1 of this Agreement and the applicable land use by-law are satisfied.
  - (b) Confirmation that all necessary easements are registered with the Land Registry Office as outlined in section 3.5.2.
- 3.2.2 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

### **3.3 General Description of Land Use**

- 3.3.1 The use(s) of the Lands permitted by this Agreement are a Single Unit Dwelling and associated Accessory Uses.

3.3.2 The Development Officer may permit unenclosed structures attached to a main building such as verandas, decks, porches, steps, and mobility disabled ramps to be located within the required minimum front, side and rear yards in conformance with the provisions of the Halifax Mainland Land Use Bylaw, as amended from time to time.

### **3.4 Building Siting**

3.4.1 The siting of the Single Unit Dwelling and Accessory Uses shall be in conformance with the Holding Zone (H Zone), as amended from time to time with the exception of the following:

- a) The minimum required lot frontage shall be reduced to zero metres.
- b) Section 5 of the Halifax Mainland Land Use By-law shall be waived.
- c) The Single Unit Dwelling shall be a minimum of 2.44 metres (8 feet) from the lot line facing Bellarosa Way. A maximum of 33% of the yard between the main building and the lot line facing Bellarosa Way shall be used for vehicular access, manoeuvring, and parking.
- d) A minimum of 67% of the yard between the main building and lot line facing Bellarosa Way shall be landscaped.

### **3.5 Access**

3.5.1 The access driveway shall meet the following requirements:

- (a) The driveway, in its entire length to Purcells Cove Road, shall have a clear width not less than 6 metres (19.6 feet), unless it can be shown that lesser widths are satisfactory.
- (b) The driveway shall be designed to support the expected loads imposed by firefighting equipment and be surfaced with material designed to permit accessibility under all climatic conditions.
- (c) The driveway shall have an overhead clearance not less than 5 metres (16.4 feet).

3.5.2 It is the responsibility of the Developer to convey and register all required service easements and rights-of-way to access the Lands.

### **3.6 Maintenance**

3.6.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.

3.6.2 All disturbed areas of the Lands shall be reinstated to original condition or better.

### **3.7 Subdivision**

3.7.1 Subdivision of the Lands shall not be permitted.

## **PART 4: STREETS AND MUNICIPAL SERVICES**

#### **4.1 General Provisions**

- 4.1.1 All design and construction of primary and secondary service systems shall satisfy the most current edition of the Municipal Design Guidelines and Halifax Water Design and Construction Specifications (if applicable) unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineering prior to undertaking the work.

#### **4.2 Off-Site Disturbance**

- 4.2.1 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

#### **4.3 On-Site Sanitary System**

- 4.3.1 The Lands shall be serviced through privately owned and operated sewer systems. The Developer agrees to have prepared by a qualified professional and submitted to the Municipality, the NS Department of the Environment and Climate Change and any other relevant agency, a design for all private sewer systems. No Development Permit shall be issued prior to receiving a copy of all permits, licences, and approvals required by the NS Department of the Environment and Climate Change respecting the design, installation, construction of the on-site sewer system.

### **PART 5: AMENDMENTS**

#### **5.1 Non-Substantive Amendments**

- 5.1.1 The following items are considered by both parties to be not substantive and may be amended in a matter consistent with the *Halifax Regional Municipality Charter*:
- (a) The granting of an extension to the date of commencement of construction as identified in Section 5.5 of this Agreement; and
  - (b) The granting of an extension to the length of time for the completion of the development as identified in Section 5.6.3 of this Agreement.

#### **5.2 Substantive Amendments**

- 5.2.1 Amendments to any matters not identified under Section 5.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

### **REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

#### **5.3 Registration**

- 5.3.1 A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia and the Developer shall incur all costs in recording such documents.

#### **5.4 Subsequent Owners**

5.4.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by the Chief Administrative Officer for the Municipality.

5.4.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

## **5.5 Commencement of Development**

5.5.1 In the event that development on the Lands has not commenced within five (5) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the Land Use By-law.

5.5.2 For the purpose of this section, commencement of development shall mean issuance of a Building Permit.

5.5.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 5.1.1, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

## **5.6 Completion of Development**

5.6.1 Upon the completion of the whole development, the Municipality may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement;
- (c) discharge this Agreement; or
- (d) discharge this Agreement and apply appropriate zoning pursuant to the applicable Municipal Planning Strategy and Land Use By law, as may be amended from time to time.

5.6.2 For the purpose of this section, completion of development shall mean issuance of an occupancy permit.

5.6.3 In the event that development on the Lands has not been completed within seven (7) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the Land Use By-law.

## **5.7 Discharge of Agreement**

5.7.1 If the Developer fails to complete the development after seven (7) years from the date of execution of this Agreement, the Municipality may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement; or
- (c) discharge this Agreement.

# **PART 6: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

## **6.1 Enforcement**

**6.2** The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty-four hours of receiving such a request.

**6.3 Failure to Comply**

6.3.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, then in each such case:

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

**IN WITNESS WHEREAS** the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

**SIGNED, SEALED AND DELIVERED** in the presence of:

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Position: \_\_\_\_\_

Date Signed: \_\_\_\_\_

=====

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**HALIFAX REGIONAL MUNICIPALITY**

**SIGNED, DELIVERED AND ATTESTED** to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
MAYOR

Date signed: \_\_\_\_\_

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
MUNICIPAL CLERK

Date signed: \_\_\_\_\_

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, before me, the subscriber personally came and appeared \_\_\_\_\_ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that \_\_\_\_\_, \_\_\_\_\_ of the parties thereto, signed, sealed and delivered the same in his/her presence.

---

A Commissioner of the Supreme Court  
of Nova Scotia

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, before me, the subscriber personally came and appeared \_\_\_\_\_ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Iain MacLean, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

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A Commissioner of the Supreme Court  
of Nova Scotia

## Attachment B – Review of Relevant MPS Policies

<b>Halifax Municipal Planning Strategy</b>	
<b>CITY-WIDE POLICIES</b>	
<b>Part 2: Residential Environments</b>	
<b>Policy</b>	<b>Staff Comment</b>
<p>Policy 2.1 <i>Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services.</i></p>	<p>The development is located in the Mainland South Secondary Plan Area. The proposed development can be serviced with on-site systems. The proposed development of a single unit dwelling is in a location with other single unit dwellings; an established residential development area.</p>
<p>Policy 2.2 <i>The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>Policy 3.1 – Repealed Policy 3.2 – Repealed</p> <p><b>Not applicable.</b> The integrity and use of the existing residential neighbourhood is not impacted by this development. The proposed use, a single unit dwelling, is consistent with the surrounding uses and maintains the existing residential built form.</p>
<p>Policy 2.4 <i>Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.</i></p>	<p>The proposed development retains the existing residential pattern in the area. The applicant has identified that the lot size is sufficient for the proposed use (single unit dwelling). The proposed use is compatible with the existing neighbourhood.</p>
<p>Policy 2.6 <i>The development of vacant land, or of land no longer used for industrial or institutional purposes within existing residential neighbourhoods shall be at a scale and for uses compatible with these neighbourhoods,</i></p>	<p>Policy 3.1 – Repealed Policy 3.2 – Repealed</p> <p>The proposed use is compatible with existing residential neighbourhood. As described in</p>

<p><i>in accordance with this Plan and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>staff comments relating to policy 2.2, the scale of the proposed development is consistent with the existing character of the neighbourhood, and therefore, the intent of this policy is met.</p>
<p>Policy 2.7  <i>The City should permit the redevelopment of portions of existing neighbourhoods only at a scale compatible with those neighbourhoods. The City should attempt to preclude massive redevelopment of neighbourhood housing stock and dislocations of residents by encouraging infill housing and rehabilitation. The City should prevent large and socially unjustifiable neighbourhood dislocations and should ensure change processes that are manageable and acceptable to the residents. The intent of this policy, including the manageability and acceptability of change processes, shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>Policy 3.1 – Repealed  Policy 3.2 – Repealed</p> <p>The proposed development is the development of a single unit dwelling in replacement of an old single unit dwelling that has been torn down on an adjacent lot. The new development will preserve the density of the existing residential neighbourhood; therefore, the intent of this policy is met.</p>
<p>Policy 2.8  <i>The City shall foster the provision of housing for people with different income levels in all neighbourhoods, in ways which are compatible with these neighbourhoods. In so doing, the City will pay particular attention to those groups which have special needs (for example, those groups which require subsidized housing, senior citizens, and the handicapped).</i></p>	<p>The proposal is for a single unit dwelling which would not be specifically provided to people with different income levels or needs. However, the applicant has noted that the remainder of the dwellings which they own on the lands adjacent to the subject site have been retained to provide affordable housing to tenants.</p> <p>The intent of this application is for the Development Agreement to allow either a secondary or backyard suite on the lot. This option is generally available to single unit dwellings in all zones in HRM.</p>
<p>Policy 2.10  <i>For low and medium density residential uses, controls for landscaping, parking and driveways shall ensure that the front yard is primarily landscaped. The space devoted to a driveway and parking space shall be regulated to ensure that vehicles do not encroach on sidewalks.</i></p>	<p>The applicant has completed landscaping work to improve the access, flow of stormwater, and general aesthetic on the lands on Bellarosa Way and St. Cecilia Lane, leading to the subject site. The work done on the property and surrounding lands to date has included ground levelling, the addition of retaining walls, and gardens. The controls</p>

	<p>within the H zone for single unit dwellings are sufficient for the proposed use.</p>
<p>Policy 2.12  <i>Council may permit, by development agreement, new residential uses on lots which do not abut a city owned or maintained street. In considering such proposals, Council shall not approve such a development unless:</i>  <i>(i) the proposed use is permitted by the zoning by-law;</i>  <i>(ii) the lot was in existence prior to the adoption of this provision;</i>  <i>(iii) the lot can be adequately serviced by municipal water or sewer or, where permitted by the by-law, an acceptable well and septic system;</i>  <i>(iv) the development complies with all other requirements of the by-law with the exception that Council may consider modification to the frontage, area, setback and coverage requirements in accordance with the policies of the plan;</i>  <i>(v) the lot abuts an existing recognized travelled way and that the said travelled way provides reasonable passage of motor vehicles, especially emergency apparatus and police protection;</i>  <i>(vi) the location and setback of the proposed dwelling does not adversely affect adjacent uses or watercourses, including the North West Arm.</i></p>	<p>The intent of this policy is met based on the following criteria:</p> <ul style="list-style-type: none"> <li>(i) The proposed use is permitted in the underlying zone (H)</li> <li>(ii) The lot exists since 1949, which is prior to the adoption of policy 2.12. (1978). A boundary alteration to add lot area to the parcel does not change the area of land date. The lot was in existence prior to the policy, and a boundary alteration to make the lot larger is an improvement. Therefore, the intent of the policy criteria is met.</li> <li>(iii) Development of the site is required to meet all requirements from NS Environment and Climate Change for on-site sewage and water services. Documentation submitted confirms that on-site services can be provided.</li> <li>(iv) All other requirements of the by-law can be met with the proposed development. The only requirement that must be modified through this development agreement is the road frontage requirement.</li> <li>(v) The travelled way (Bellarosa Way) has existed for over 30 years. The travelled way has since been expanded and repaired and can adequately serve emergency vehicles. The existing travelled way historically extended to the rear of the lot, where a dwelling was located near the rear lot line. Due to the orientation of the third dwelling that was historically on site, the driveway could not have directly abutted the subject site. However, the subject site has always directly abutted the property where the existing travelled way has been present.</li> <li>(vi) The development does not affect the North West Arm, and there are no surrounding watercourses. The only surrounding uses are other low-density residential uses, which are compatible with the proposed use.</li> </ul>

<p>Policy 2.12A The development agreement requirements of section 2.12 shall not apply to any lot zoned Urban Reserve and subdivided pursuant to section 38 of the Subdivision By-law and a development permit may be granted provided that the development conforms with all other applicable requirements of this By-law. (RC-Jun 25/14; E-Oct 18/14)</p>	<p><b>Not Applicable.</b> The subject site is not zoned Urban Reserve.</p>
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### PART 9: TRANSPORTATION

Policy	Staff Comment
<p>Policy 9.4 <i>The transportation system within residential neighbourhoods should favour pedestrian movement and discourage vehicular through traffic in both new and existing neighbourhoods. A pedestrian system that utilizes neighbourhood streets and paths to link the residents with the commercial and school functions serving the area will be encouraged.</i></p>	<p>No new access points are being created as a result of this planning application. The density is not proposed to increase, so the impact on the existing driveways, private roads, and access to Purcell's Cove Road, is deemed to be minimal. No vehicular through traffic will be created as a result of this proposal. Therefore, the intent of this policy is met.</p>

### IMPLEMENTATION POLICIES

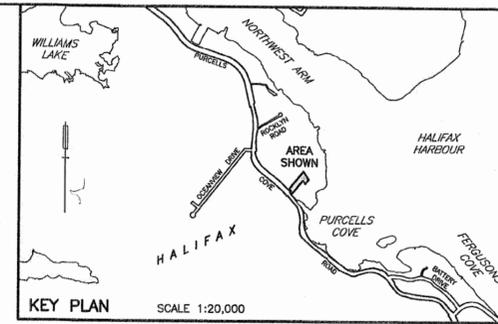
Policy	Staff Comment
<p>Policy 3.1.1 <i>The City shall review all applications to amend the zoning by-laws or the zoning map in such areas for conformity with the policies of this Plan with particular regard in residential areas to Section II, Policy 2.4.</i></p>	<p>The application of this policy is consistent with Policy 2.4 (see 2.4 above).</p>

## Halifax Regional Municipal Planning Strategy (Regional Plan)

### 5.3.4 HALIFAX HARBOUR DESIGNATION

<p>Policy EC-14  <i>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</i></p>	<p>The subject site is in the Harbour Designation of the Regional Plan. However, the proposed development of a single unit dwelling on a lot without road frontage will have minimal impact on any harbour-related industrial uses. The impact would be similar to that of the existing residential development in the area. There is no marine related industrial use adjacent to the subject site, therefore the potential for nuisances or compatibility issues is negligible.</p>
<p>Policy G-14A  <i>In considering development agreements or amendments to development agreements, or any proposed amendments to the Regional Plan, secondary planning strategies, or land use by-laws, in addition to the policies of this Plan, HRM shall consider the objectives, policies and actions of the priorities plans approved by Regional Council since 2014, including:</i>  <i>(a) The Integrated Mobility Plan;</i>  <i>(b) Halifax Green Network Plan;</i>  <i>(c) HalifACT;</i>  <i>(d) Halifax's Inclusive Economic Strategy 2022-2027; and</i>  <i>(e) any other priority plan approved by Regional Council while this policy is in effect.</i></p>	<p>(b) Halifax Green Network Plan: the subject site is not within any essential wildlife corridors or areas of high environmental value on Map 5: Green Network Ecology.</p> <p>The objectives, policies, and actions in the other Priorities Plans outlined in policy G-14A will otherwise not be affected by this proposal.</p>

Attachment C: Registered Subdivision Plan



LEGEND

△ NSHPN	NOVA SCOTIA HIGH PRECISION NETWORK MONUMENT
○	SURVEY MARKER SET
○ IB	IRON BAR
○ RR	RAILWAY SPIKE
○	UTILITY POLE & ANCHOR
HCLRO	HALIFAX COUNTY LAND REGISTRATION OFFICE
PID	PARCEL IDENTIFICATION NUMBER
Fd	FOUND
PC	POINT OF CURVATURE
A, R	ARC LENGTH, RADIUS
CONC	CONCRETE
R/W	RETAINING WALL
SQ.M	SQUARE METRES
(521)	ROBERT C. BECKER, NSLS #521

BEARINGS AND COORDINATES REFER TO ZONE 5, CENTRAL MERIDIAN 64° 30' WEST, OF THE NOVA SCOTIA 3° M TM PROJECTION OF THE NAD83(CSRS) 2010.0 HORIZONTAL REFERENCE FRAME AND ARE DERIVED FROM GNSS OBSERVATIONS.

GRID DISTANCES ARE SHOWN WITH AN AVERAGE COMBINED SCALE FACTOR OF 0.999965 APPLIED.

FIELD SURVEYS WERE CARRIED OUT DURING THE PERIOD MAY 23, 2023 TO JUNE 13, 2023 AND HAVE NOT BEEN ADJUSTED.

- NOTES:
- LOT 1 IS SUBJECT TO AN ACCESS EASEMENT OVER ST. CECILIA LANE AND BELLAROSA WAY IN FAVOUR OF PIDS 00269290 AND 40460008 (BOOK 4523, PAGE 464).
  - LOT 1 IS SUBJECT TO AN ACCESS & SERVICE EASEMENT IN FAVOUR OF LOT 2 (PID 00269373) & LOT 5 (PID 00269381). LOT 2 IS SUBJECT TO AN ACCESS & SERVICE EASEMENT IN FAVOUR OF LOT 5 (PID 00269381); HCLRO DOC. NO. 88997326.

NOTE:

THE ONLY BOUNDARIES SHOWN ON THIS PLAN WHICH HAVE BEEN SURVEYED ARE THE BOUNDARIES OF PARCELS X1, X2 AND X3. THE COMMON BOUNDARY BETWEEN EXISTING LOTS 3A-4, 1 AND 2 WHICH IS SHOWN BY A HEAVY BROKEN LINE IS HEREBY CERTIFIED AS HAVING BEEN THE COMMON BOUNDARY. THE REMAINING BOUNDARIES OF RESULTING LOTS 3A-4R1, 1-X1 AND 2-X2 SHOWN ON THIS PLAN ARE A GRAPHIC REPRESENTATION ONLY AND DO NOT REPRESENT THE ACCURATE SHAPE OR POSITION OF THE LOT BOUNDARIES WHICH ARE SUBJECT TO A FIELD SURVEY.

SURVEYOR'S CERTIFICATE

I, H. JAMES MCINTOSH, 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 Land Surveyors Act, regulations and standards made thereunder.

Dated this 15th day of JUNE, 2023

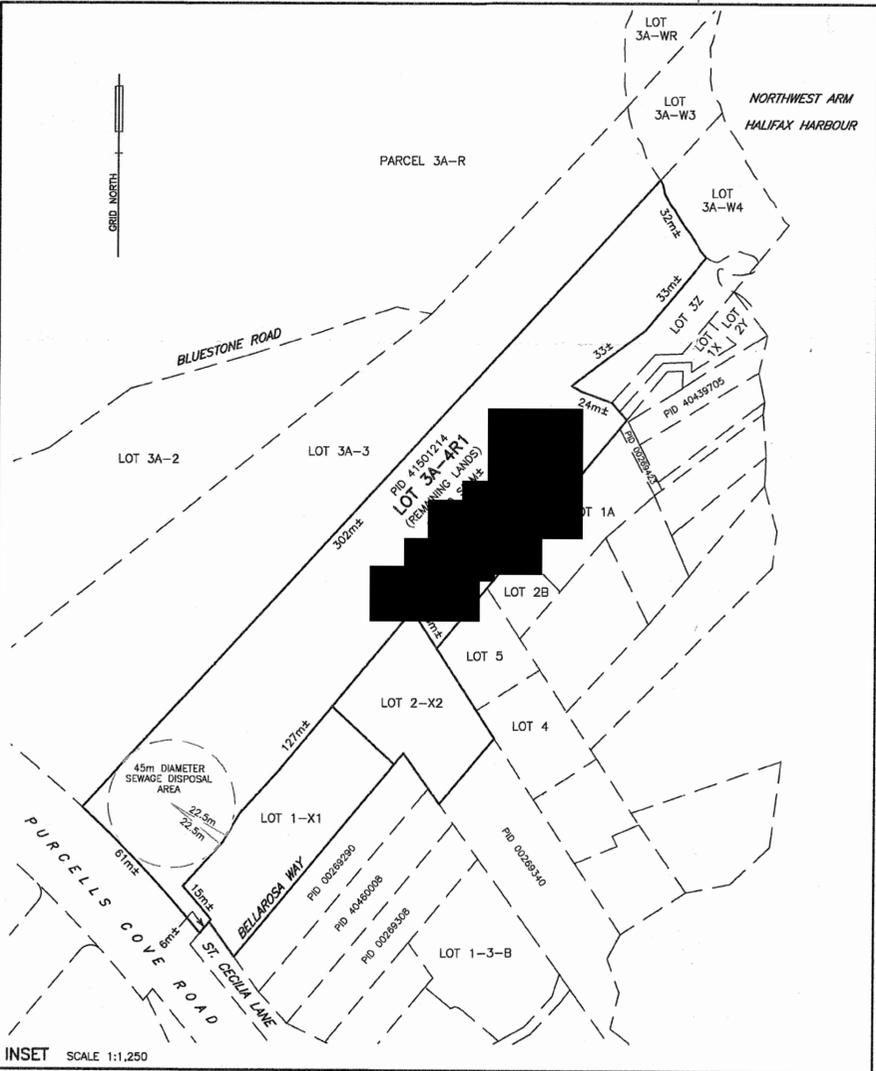
H. JAMES MCINTOSH, N.S.L.S.



PLAN OF SURVEY OF  
**PARCELS X1, X2 & X3**  
 CONSOLIDATION OF LOT 3A-4, LAND REGISTERED TO  
 3321956 NOVA SCOTIA LIMITED  
 AND LOTS 1 & 2, LANDS REGISTERED TO  
 BRETT RYAN & LARA RYAN  
 AND SUBDIVISION TO CREATE  
 LOTS 3A-4R1, 1-X1 & 2-X2  
 ST. CECILIA LANE & BELLAROSA WAY  
 HALIFAX, HALIFAX COUNTY, NOVA SCOTIA

**SDMM**  
*Servant, Dunbrack, McKenzie & MacDonald Ltd.*  
 NOVA SCOTIA LAND SURVEYORS & CONSULTING ENGINEERS  
 36 OLAND CRESCENT PHONE: (902) 455-1537  
 BAYERS LAKE BUSINESS PARK FAX: (902) 455-8479  
 HALIFAX, NS B3S 1C6 WEB: www.sdmm.ca

DATE: JUNE 15, 2023  
 SCALE 1 : 250 (METRIC)  
 FILE No. 1-2-10 (37898)  
 PLAN No. 14-2133-0



**HALIFAX REGIONAL MUNICIPALITY**

THIS FINAL PLAN OF SUBDIVISION IS APPROVED FOR

LOT(S): Parcel X1 as addition to lot 1 to create 1-X1; Parcels X2 and X3 as addition to lot 2 to create 2-X2

DATE: October 08, 2023

Approved by Development Officer  
**Trevor Creaser**

**WATERCOURSE ALTERATION & PROVINCIAL PERMITS**

In the interest of water quality preservation, it is advised that there is a legal requirement under the NS Environment Act and the Activities Designation Regulations to obtain approval from NS Environment and Climate Change prior to commencing any work in or around the immediate vicinity of any watercourse, including the bed and shore of every river, stream, lake, creek, pond, spring, lagoon, swamp, marsh, wetland, ravine, gulch or other natural body of water, whether it contains water or not.

**HRM WATERCOURSE BUFFERS & DEVELOPMENT**

HRM by-laws contain requirements for watercourse buffers relative to adjacent development. Buffers vary in width from a minimum of 20 metres increasing to a maximum of 61 metres, depending on slopes. Activity within buffers is limited and may affect the development of the lots shown on this plan. For specific information concerning watercourse buffer requirements, please contact HRM before applying for construction permits.

**SEWAGE DISPOSAL**

Lots 1-X1 are served by an existing on-site system and should a replacement system become necessary in future, approval of the replacement system from the NS Department of the Environment and Climate Change is required.

**PUBLIC STREETS OR HIGHWAYS**

THE FOLLOWING STREETS AND HIGHWAYS ARE OWNED AND MAINTAINED BY HALIFAX REGIONAL MUNICIPALITY:

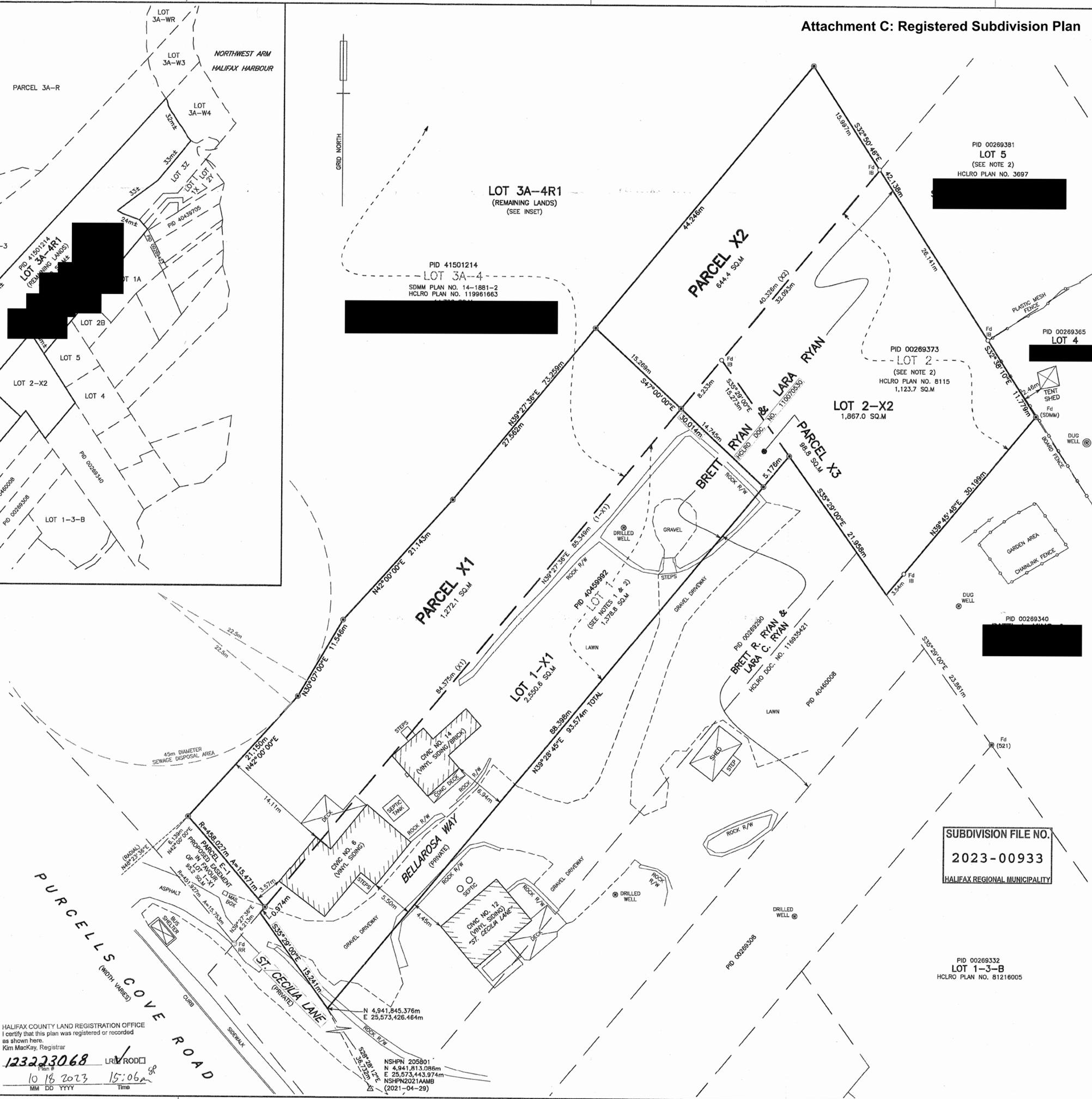
Purcells Cove Road

Note: Lot 2-X2 may only be developed by Development Agreement in accordance with MPS policies and the HRM Charter.

Any future septic is to be designed by a Qualified Person in accordance with NS Department of the Environment and Climate Change

HALIFAX COUNTY LAND REGISTRATION OFFICE  
 I certify that this plan was registered or recorded as shown here.  
 Kim MacKay, Registrar

123223068  
 10 18 2023 15:06



SUBDIVISION FILE NO.  
**2023-00933**  
 HALIFAX REGIONAL MUNICIPALITY

PID 00269332  
 LOT 1-3-B  
 HCLRO PLAN NO. 81216005

NSHPN 205801  
 N 4,941,813.086m  
 E 25,573,443.974m  
 NSHPN2021AAMB  
 (2021-04-29)



## Form 28

**Purpose: to record a non-enabling document in a parcel register**

For Office Use

Registration District: HALIFAX COUNTY  
Submitter's User Number: 2757  
Submitter's Name: HFX REGIONAL MUN - DARTMOUTH

**Take notice that** the attached plan/document relates to the following parcels registered under the Land Registration Act

PID: 269373	PID: 40459992	PID: 41501214
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**Municipal file number or land registration file number** (insert file number used when PIDs were originally assigned during pre approval): 2023-00933

**In the matter of** the recording of the following non-enabling instrument (select one) :

- plan
- boundary line agreement
- instrument of subdivision
- statutory declaration regarding de facto consolidation
- condominium declaration
- initial condominium bylaws
- condominium plan
- repeal of subdivision
- termination of condominium
- other (specify)

**And in the matter of** registered owner (insert name): **Bret Ryan and Lara Ryan**

**Note:** An amending Parcel Description Certification Application may be required.

**Dated at Halifax,** in the County of **NS**, Province of Nova Scotia, **Oct 06, 2023.**

  
Signature of applicant/municipal official/owner/agent

Name: Trevor Creaser

Address: 5251 Duke Street, Halifax, NS B3J 3A5

Phone: 9024761591

Email: westreg@halifax.ca

Fax: 902-490-4645