

Item No. 14.1.2

PLANAPP-2024-01253

Land Use By-Law Amendments: 326 & 328
Beaver Bank Road

North West Community Council

Proposal



Applicant: Elias JeBailey

Location: 326 & 328 Beaver Bank Rd., Beaver Bank

Proposal: Amend Appendix A-1 to add 39 residential units (360 to 399)

Type of Application: Land Use By-Law Amendment

An Existing Senior Citizen Housing Use that was issued a development permit for Senior Citizens Housing prior to First Reading of this Appendix may only be re-issued for that use until May 23, 2026, and shall only be a permitted use for those properties listed below.

Any expansion or alteration of an Existing Senior Citizen Housing use may only be considered if the number of dwelling units does not exceed the Total Number of Dwelling Units listed for the property below.

Proposed Changes

- 326: Additional 26 units (266 total)
- 328: Additional 13 units (133 total)
- Amend PID for civic 326

USE	PID	Total Number of Dwelling Units	
Senior Citizens Housing	40531329	74	
→ Senior Citizens Housing	41052978	240	266
Senior Citizens Housing	41515677	74	
→ Senior Citizens Housing	41517525	120	133
Senior Citizens Housing	00346874	64 (NWCC-Dec 09/24; E-Dec 25/24)	
Senior Citizens Housing	00423343	296	
Senior Citizens Housing	00468447	424	
Senior Citizens Housing	40118648	98	
Senior Citizens Housing	40123614	92	
Senior Citizens Housing	40161713	76	
Senior Citizens Housing	41464512	64	
Senior Citizens Housing	41521618	47	
Senior Citizens Housing	41521626	46	
Senior Citizens Housing	41521634	46	
Senior Citizens Housing	41521642	34	
Senior Citizens Housing	41521659	46	
Senior Citizens Housing	41521667	46	
Senior Citizens Housing	41522574	36	
Senior Citizens Housing	41522590	8	
Senior Citizens Housing	00423103	7	
Senior Citizens Housing	00461137	8	
Senior Citizens Housing	41233677	71	
Senior Citizens Housing	41486309	4	
Senior Citizens Housing	41100603	105	
Senior Citizens Housing	41522566	98	

History

Region Wide Approach to Shared Housing (2016-2022)

- Planning regulations related to seniors housing
- Modernize & standardize the use across all By-Laws
- Major issue: HRM cannot regulate who rents an apartment/dwelling (age, race, etc.)
- Senior Citizens Housing: “*Housing designed for occupation by senior citizens*”

History

Shared Housing:

means a use that contains 4 or more bedrooms, that meets one or more of the following:

- (i) that are rented for remuneration as separate rooms for residential accommodation; or
- (ii) that are operated by a non-profit organization or a registered Canadian charitable organization that provides support services to the occupants of the shared housing use, and includes Shared Housing with Special Care but does not include short-term rental, hotel, motel, or tourist accommodation as defined in the Tourist Accommodation Regulation Act.

History

Shared Housing with Special Care:

means a type of Shared Housing Use that is designed to provide a level of care to residents with cognitive, physical or behavioural limitations, and for greater certainty, shared housing with special care may include individual dwelling units for occupants, and must meet the definition of Shared Housing Use.

HALIFAX

History

2022

- July 12, 2022: Regional Council gives 1st reading to proposed region-wide amendments for shared housing.
 - AMENDED MOTION: Senior Citizens Housing to remain in Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-Law to allow extra time for active projects to continue / complete the application process.

HALIFAX

History

2022

- July 2022: HRM staff email letters to all developers with an active application for Senior Citizens Housing.
 - Advised to get a permit issued by no later than December 31, 2022
 - Anticipated to return to Regional Council in January, 2023

HALIFAX

History

2023

- April 25, 2023: Regional Council pass 1st Reading for proposed amendments to remove Senior Citizens Housing use from Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-Law
- April 27, 2023: Regional Council publishes intent to hold a public hearing on the matter – s. 261(3) of the *Charter*
- May 23, 2023: Public Hearing

History

2023

- May 23, 2023: Regional Council hold Public Hearing for proposed amendments to remove Senior Citizens Housing use from Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-Law.
 - Developers speak at Public Hearing to issues regarding the ability to meet the 12-month deadline for commencement of construction

History

2023

- May 23, 2023: Public Hearing.
 - S. 253(2)(b) of the *Charter* : *A non-conforming structure is deemed to exist at the date of the first publication of the notice of intention to adopt or amend a land-use by-law if:*
 - *(b) the permit for its construction was in force and effect, the construction was commenced within twelve months after the date of the issuance of the permit and the construction was completed in conformity with the permit within a reasonable time.*

History

2023

- May 23, 2023: Public Hearing.
 - Deferred motion & supplementary report
 - S. 261(4) of the *Charter* : *Where the proposed land-use by-law or by-law amendment has not come into effect after the expiry of one hundred and fifty days from the publication of the first notice advertising the Council's intention to adopt or amend the by-law, the development officer shall issue the development permit if the proposed development meets the requirements of the land-use by-law. * 150 Day Rule **

History

2023

- August 22, 2023: Regional Council holds First Reading for the supplementary report for removal of Senior Citizens Housing from the By-Law.
 - “Existing Senior Citizens Housing use” introduced within Appendix A-1
 - The motion was amended to include the May 23, 2026, deadline for permits to be issued under Appendix A-1
 - Motion Passed

HALIFAX

History

2023

- September 12, 2023: Regional Council holds Public Hearing for the supplementary report for removal of Senior Citizens Housing from the By-Law.
 - Motion Passed
 - Appendix A-1 adopted into the By-Law and Senior Citizens Housing use is removed

HALIFAX

Any expansion or alteration of an Existing Senior Citizen Housing use may only be considered if the number of dwelling units does not exceed the Total Number of Dwelling Units listed for the property below.

Appendix A-1

- All 25 properties permitted to construct or have a permit reissued up to May 23, 2026
- Developers may build up to the number of units listed for each property

USE	PID	Total Number of Dwelling Units
Senior Citizens Housing	40531329	74
Senior Citizens Housing	41052978	240
Senior Citizens Housing	41515677	74
Senior Citizens Housing	41517525	120
Senior Citizens Housing	00346874	64 (NWCC-Dec 09/24; E-Dec 25/24)
Senior Citizens Housing	00423343	296
Senior Citizens Housing	00468447	424
Senior Citizens Housing	40118648	98
Senior Citizens Housing	40123614	92
Senior Citizens Housing	40161713	76
Senior Citizens Housing	41464512	64
Senior Citizens Housing	41521618	47
Senior Citizens Housing	41521626	46
Senior Citizens Housing	41521634	46
Senior Citizens Housing	41521642	34
Senior Citizens Housing	41521659	46
Senior Citizens Housing	41521667	46
Senior Citizens Housing	41522574	36
Senior Citizens Housing	41522590	8
Senior Citizens Housing	00423103	7
Senior Citizens Housing	00461137	8
Senior Citizens Housing	41233677	71
Senior Citizens Housing	41486309	4
Senior Citizens Housing	41100603	105
Senior Citizens Housing	41522566	98

Request to Amend Appendix A-1

July 12, 2022: Letter from HRM staff to applicant about the changes proposed by Regional Council to remove Senior Citizens Housing – Aim to have a permit issued by December 31, 2022

March 20, 2023: Staff complete and approve the review of permits for 120 & 240-unit developments at 326 & 328 Beaver Bank Rd.

April 11, 2023: Email exchange between applicant and Building Official. Building plans are included in the email that have converted spaces into new units, no mention of this to the Building Official, no formal application.

November 7, 2023: Formal submission of plans to convert the building to increase units provided to the Municipality

Staff Recommendation

The staff recommendation contained in the staff report was arrived at after a detailed analysis of all relevant policies in the Regional and local Municipal Planning Strategies.

Staff recommend: North West Community Council refuse to give First Reading and refuse to schedule a public hearing, thereby refusing the proposed amendments to Appendix A-1 of the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville.

Thank You

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