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Item No. 10.1.1
North West Community Council
October 6, 2025 Public Hearing
September 8, 2025 First Reading

TO: Chair and Members of North West Community Council

FROM: Jacqueline Hamilton, Executive Director of Planning and Development

DATE: August 18, 2025

SUBJECT: **PLANAPP 2025-01190: Rezoning a portion of 83 Galloway Drive, Beaver Bank, from R-1B to R-6 zone**

ORIGIN

Application by Jeremy Cowan.

EXECUTIVE SUMMARY

This report recommends that North West Community Council approve a rezoning application to amend the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law by rezoning a portion of 83 Galloway Drive in Beaver Bank from the R-1B (Auxiliary Dwelling with Home Business) to R-6 (Rural Residential) zone. The property is currently 'split zoned', with different zones applying to portions of the property rather than one zone applying to the entire property. The proposed rezoning would apply the R-6 zone to the entire property. This proposed rezoning meets the intent of the Mixed Use A Designation (MUA) of the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) and other policy objectives to support increased housing variety and density in appropriate locations. Staff recommend that North West Community Council approve the proposed rezoning.

RECOMMENDATION

It is recommended that the North West Community Council:

1. Give First Reading to consider the proposed amendment to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as set out in Attachment A, to rezone a portion of 83 Galloway Drive in Beaver Bank from R-1B (Auxiliary Dwelling with Home Business) to R-6 (Rural Residential) and schedule a public hearing; and
2. Adopt the amendment to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville, as set out in Attachment A.

BACKGROUND

Jeremy Cowan (the applicant) has applied to rezone a portion of 83 Galloway Drive (PID 40160046), as shown in the map below, from R-1B (Auxiliary Dwelling with Home Business) to R-6 (Rural Residential) to apply the R-6 zone to the entire lot. Currently, the lot has 'split zoning' meaning there are different zones applied to two portions of the lands. The applicant was not aware of the "split zoning" on the subject site and applied to subdivide the lands in the spring of this year. The minimum area and frontage requirements of the R-1B zone are greater than those set out for serviced lots in the R-6 zone. The subdivision application is not able to be approved as the proposed lot does not meet the R-1B zone requirements. The subdivision application has been placed on hold pending the outcome of the rezoning. Initial review of the subdivision application indicates that the new lot would meet the requirements of the R-6 zone, should the rezoning be approved. The proposed rezoning would result in the subject site being zoned entirely R-6 and allow the applicant to then proceed with the subdivision to create a new building lot with municipal water and sanitary services.

Subject Site	83 Galloway Drive, Beaver Bank (PID 40160046)
Location	Galloway Drive across from Matthews Court
Regional Plan Designation	US (Urban Settlement), RC (Rural Commuter)
Community Plan Designation (Map 1)	MUA (Mixed Use A) under the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy
Zoning (Map 2)	R-6 (Rural Residential) zone under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law and R-1B (Auxiliary Dwelling with Home Business) under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law
Size of Site	3803.8 square metres (40943.71 square feet)
Street Frontage	Approximately 63 metres (206.7 feet) on Galloway Drive
Current Land Use(s)	Residential
Surrounding Use(s)	This area is primarily characterized as a low-density residential area



Source HRM Mapping

Enabling Policy and LUB Context

The subject property is designated Mixed Use Area A (MUA) under the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) and Land Use By-law (LUB). The MUA designation *“encompasses lands along the Beaver Bank and Kinsac Roads, as well as a portion of the Beaver Bank/Windsor Junction Cross Road, excluding most residential subdivisions which have access to local streets. These subdivisions are set back from the highway system and are therefore not readily visible from the Beaver Bank Road. This development pattern has helped to maintain the scenic rural atmosphere of the community and is a development characteristic valued by area residents.”*

Policy P-13 of the MPS enables Council to consider applying the R-6 (Rural Residential) zone to other areas, subject to compatibility criteria and the provisions of Implementation Policy P-137. Criteria within Policies P-13 and P-137 consider the design of the building, compatibility with neighbouring uses, traffic concerns, and parking requirements. Staff do not anticipate any conflict with the plan policies and note that any new development would need to meet all the criteria of the R-6 zone. A full review of the relevant policies is contained in Attachment B.

DISCUSSION

Staff have reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment A contains the proposed land use by-law amendment that would allow a portion of the property to be rezoned to from R-1B to R-6. The permitted uses between the R-6 and R-1B zone are generally the same with the exception of agriculture and forestry uses permitted in the R-6 zone. The applicant has indicated that the intention of this application is to allow for the subdivision of a second lot intended for residential use. However, once rezoned, any use within the R-6 zone would be permitted provided that all requirements within the Land Use By-law are satisfied. Attachment B provides an evaluation of the proposed rezoning in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

Land Use Compatibility and Appropriateness of Rezoning

The subject site has a portion of R-1B zoned lands on the eastern end, while the remaining of the site is zoned R-6. This site is bordered by R-6 zoned properties to the west and R-1B zoned properties to the east. The property is on Galloway Drive, an existing public street on which the proposed new lot will gain frontage. These factors make the proposed rezoning compatible with the existing community and meet the intent of Policy P-13 which seeks to continue development primarily in rural residential and suburban residential form. Furthermore, should the proposed use change at the permitting stage the requirements of the R-6 zone limit the nature and scale of the permitted uses through controls placed on outdoor storage, setbacks, and outdoor display, parking and loading areas adjacent to residential or community uses. The proposal is in keeping with the overall character of the area.

If approved, the R-6 (Rural Residential) zone would permit a number of different uses as-of-right, namely:

- Single-unit and two-unit dwellings;
- Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area;
- Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit;
- Day care facilities for not more than fourteen (14) children in conjunction with permitted dwellings;
- Business uses in conjunction with permitted dwellings;
- Open Space uses;
- Agricultural uses;
- Forestry uses;
- Secondary Suites accessory to a single or two-unit dwelling; and
- Backyard Suites accessory to a single, two or three unit dwelling.

Municipal Infrastructure

Policy 137 states that Council shall have appropriate regard to the following matters which includes that the proposal is not premature or inappropriate by reason of the adequacy of central or on-site sewerage and water services. The subject site is located within the urban service boundary, and no concerns were identified regarding the capacity of municipal infrastructure in the area during the review of this planning application. The creation of a new lot and development of the lot will be required to comply with all by-laws of HRM and Halifax Water will confirm servicing capacity at the permitting stage.

Priorities Plans

In accordance with Policy G-14A of the Halifax Regional Plan, staff considered the objectives, policies and actions of the priority plans, inclusive of the Integrated Mobility Plan, the Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027 in making its recommendation to Council. In this case, the proposed LUB amendments do not directly 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 rezoning is in an area with other Rural Residential (R-6) zoned lots. Therefore, staff recommend that North West Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

The HRM cost associated with processing this planning application can be accommodated with the approved 2025-2026 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. Regulatory and Appeals Board. Information concerning risks and other implications of adopting the proposed LUB amendments is contained within the Discussion section of this report.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and the Public Participation Administrative Order (2023-002-ADM). 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.

A total of 31 letters were mailed to property owners and tenants within the notification area (Map 2). The HRM website received a total of 43 unique pageviews throughout the application, with an average time on page of 46 seconds. The public comments received include the following topics:

- Concerns related to changing the current land use to commercial use and potential traffic impacts due to the commercial uses in the area.

A public hearing must be held by North West Community Council before it can consider approval of the proposed LUB amendments. Should North West 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 HRM website will also be updated to indicate notice of the public hearing.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

LEGISLATIVE AUTHORITY

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

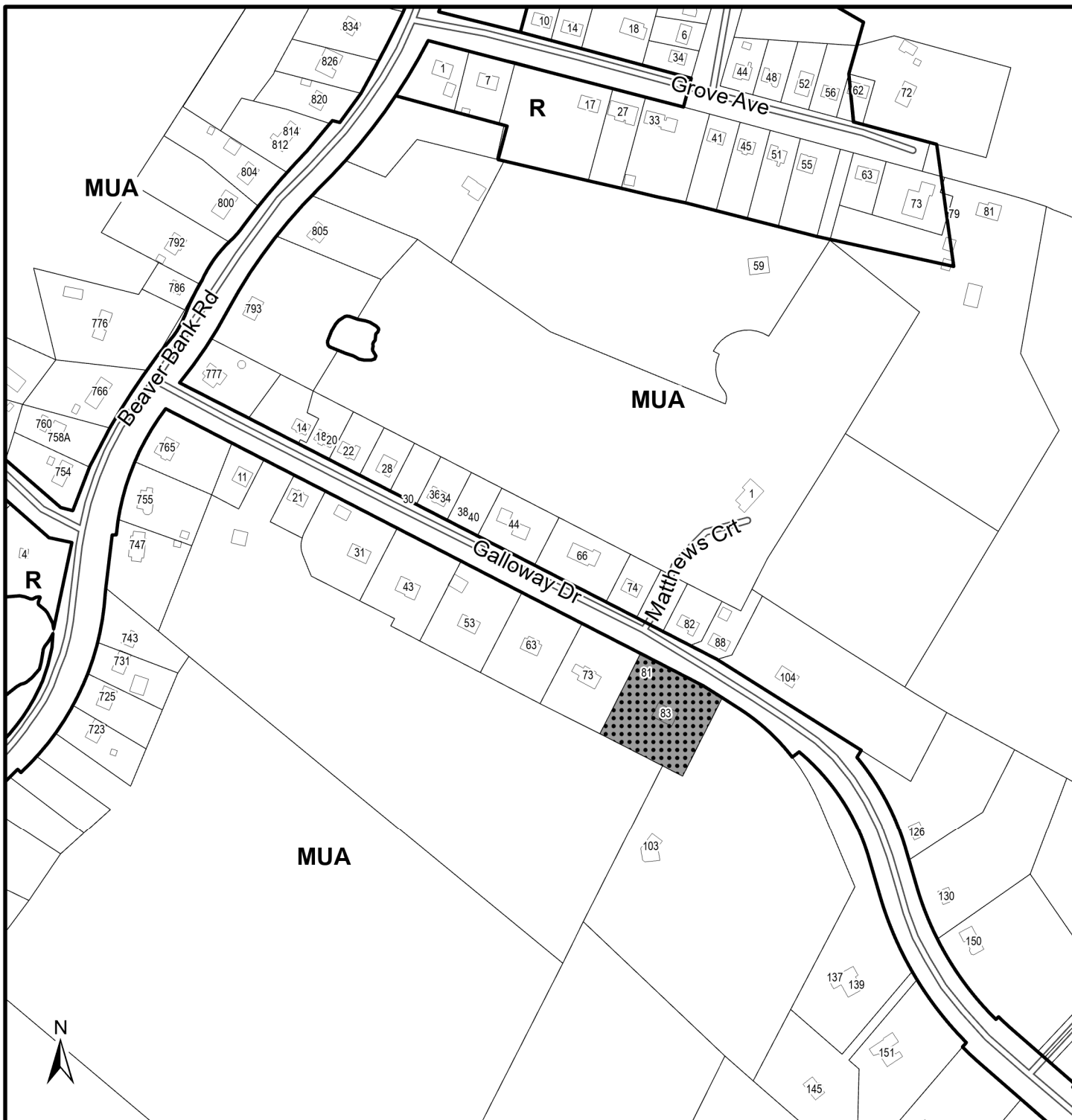
ALTERNATIVES

1. North West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Regulatory and Appeals Board as per Section 262 of the *HRM Charter*.
2. North West Community Council may choose to approve the proposed LUB amendment subject to modifications, and such modifications may require a supplementary staff report. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Regulatory and Appeals 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 LUB Amendment
Attachment B:	Review of Relevant MPS Policies

Report Prepared by: Sahar Ghasemshahi, Planner II – Planning & Development, 902.476.1747



Map 1 - Generalized Future Land Use

81 and 83 Galloway Drive
Beaver Bank

 Subject Property

Designation

MUA Mixed Use A
R Residential

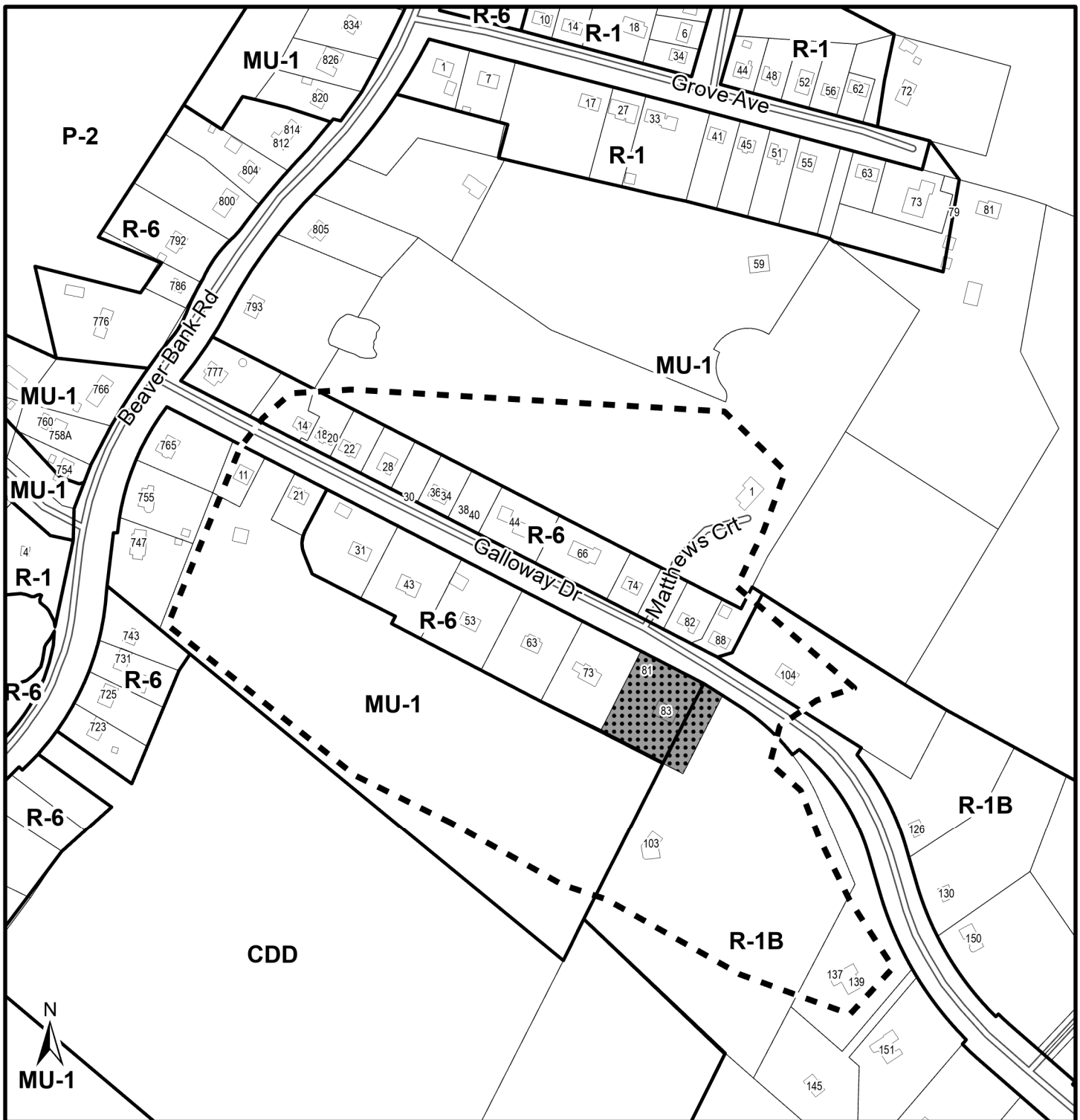
HALIFAX

0 40 80 120 m

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.

Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area



Map 2 - Zoning and Notification Area

81 and 83 Galloway Drive
Beaver Bank

-  Subject Property
-  Area of Notification

Beaver Bank, Hammonds Plains
and Upper Sackville Land Use By-Law

Zone

- R-1 Single Unit Dwelling
- R-1B Auxiliary Dwelling with Home Business
- R-6 Rural Residential
- MU-1 Mixed Use 1
- P-2 Community Facility
- CDD Comprehensive Development District

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area indicated.

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ATTACHMENT A

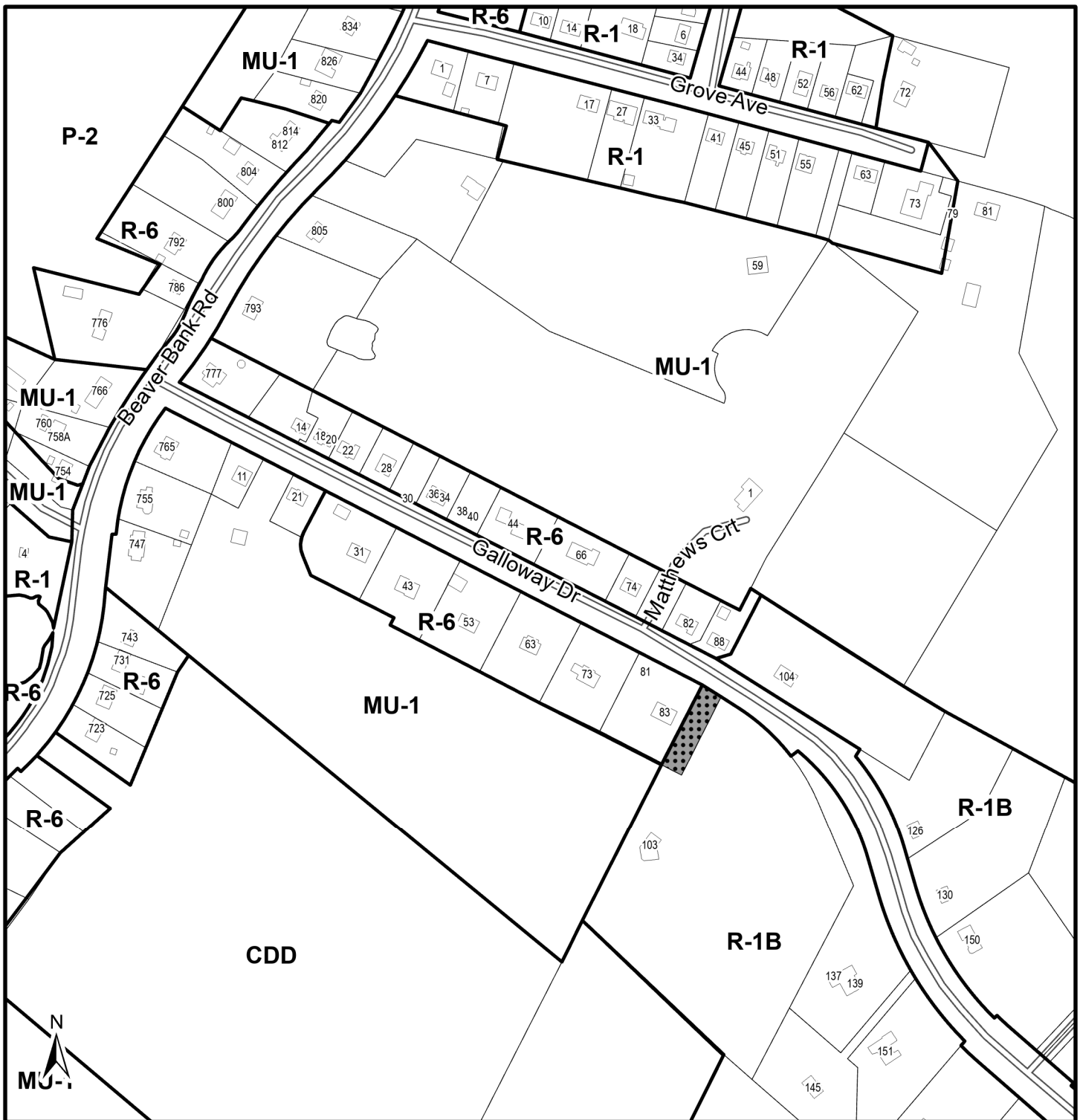
Proposed Amendment to the Land Use By-law for the Beaver Bank, Hammonds Plains and Upper Sackville Plan

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville is hereby further amended as follows:

1. Amend Zoning Schedule 1-C by rezoning a portion of 83 Galloway Drive, Beaver Bank (PID 40160046) from R-1B (Auxiliary Dwelling With Home Business) zone to R-6 (Rural Residential) zone, as shown on Schedule A, attached hereto.

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the North West Community Council held on [DATE], 2025.

Iain MacLean
Municipal Clerk



Schedule A

81 and 83 Galloway Drive
Beaver Bank

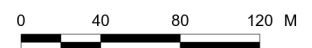
 Portion of site to be rezoned from R-1B
(Auxiliary Dwelling with Home Business)
to R-6 (Rural Residential)

Beaver Bank, Hammonds Plains
and Upper Sackville Land Use By-Law

Zone

R-1	Single Unit Dwelling
R-1B	Auxiliary Dwelling with Home Business
R-6	Rural Residential
MU-1	Mixed Use 1
P-2	Community Facility
CDD	Comprehensive Development District

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This map is an unofficial reproduction of
a portion of the Zoning Map for the plan
area indicated.

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Effective :

PLANAPP-2025-01190

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Attachment B: Review of Relevant MPS Policies

Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy	
MIXED USE DESIGNATION <u>Residential Development – Mixed Use A</u>	
Policy	Staff Comments
Policy P-13 <i>Within the Mixed Use A, B and C Designations, Council shall intend to establish a R-6 (Rural Residential) Zone within the land use by-law which permits single and two unit dwellings and the limited use of residential properties for business purposes, including day care facilities, as well as small-scale resource uses. This zone shall be applied to existing rural residential areas as well as undeveloped areas where a rural residential environment is desired. Council may consider applying the R-6 (Rural Residential) Zone to other areas subject to the following conditions:</i>	
<i>(a) the provisions of Policy P-137;</i>	See below.
<i>(b) the effect on existing non-residential development within or adjacent to the area to be rezoned; and</i>	The requested rezoning is to the R-6 (Rural Residential) zone which will result in the removal of the “split zoning” on the subject property to allow the applicant to proceed with a subdivision application for the creation of a new lot for residential purposes. This area is an existing residential neighbourhood and therefore it is not anticipated there will be impact on any non-residential development, and the proposal is compatible with the surrounding residential uses.
<i>(c) the suitability of the area to be rezoned for non-residential development in terms of road access, location, and adjacent land uses.</i>	The requested rezoning is to the R-6 zone which will result in the removal of the “split zoning” on the subject property. The permitted uses between the R-6 and R-1B zone are generally the same with the exception of agriculture and forestry uses permitted in the R-6 zone. The applicant has indicated that the intention of this application is to allow for the subdivision of a second lot intended for residential use. However, once rezoned, any use within the R-6 zone would be permitted provided that all requirements within the Land Use By-law are satisfied. The area to be rezoned is suitable as it has frontage along Galloway Drive and is within an area of other R-6 zoned properties.

Attachment B: Review of Relevant MPS Policies

IMPLEMENTATION	
Policy P-137 <i>In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:</i>	
<i>(a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;</i>	The subject property is currently a single unit dwelling within the urban service boundary. The proposal is to rezone a portion of the lot to allow the subdivision of the lands to create one new lot with municipal services. The properties located directly across the street and adjacent to the subject site on the western and northern boundary are zoned R-6. Rezoning the subject property to R-6 would be in conformity with the intent of this Plan and other municipal by-laws and regulations.
<i>(b) that the proposal is not premature or inappropriate by reason of:</i> <i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i> <i>(ii) the adequacy of central or on-site sewerage and water services;</i> <i>(iii) the adequacy or proximity of school, recreation or other community facilities;</i> <i>(iv) the adequacy of road networks leading or adjacent to or within the development; and</i> <i>(v) the potential for damage to or for destruction of designated historic buildings and sites.</i>	(i) There are no expected costs to the Municipality relating to rezoning this property. (ii) The proposed development will be serviced with municipal water services and sewer. (iii) The proposed rezoning is not expected to impact nearby schools, recreation, and other community facilities. (iv) It's not anticipated that there will be an impact on the existing road network. (v) There are no identified historic buildings or sites.
<i>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i> <i>(i) type of use;</i> <i>(ii) height, bulk and lot coverage of any proposed building;</i> <i>(iii) traffic generation, access to and egress from the site, and parking;</i> <i>(iv) open storage;</i> <i>(v) signs; and</i>	(i) The R-6 zone permits residential development, which permits single and two unit dwellings and the limited use of residential properties for business purposes, including day care facilities, as well as small-scale resource uses in the Mixed Use A designation. The subject site is bordered by R-6 zoned properties to the west and R-1B zoned properties to the east. Any future use would need to meet the requirements of the R-6 zone.

Attachment B: Review of Relevant MPS Policies

<i>(vi) any other relevant matter of planning concern.</i>	(ii) All development on the property would be regulated by the requirements for the R-6 zone of the Land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville planning districts. (iii) All development on the property would be regulated by the requirements for the R-6 zone of the Land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville planning districts. (iv) No open storage is proposed as part of this application. This type of use will be addressed in the permitting process under the Land Use By-law regulations for R-6 zone. (v) No additional signage is proposed as part of this application. The Land Use By-law contains signage requirements that any future request would be evaluated against, should it be proposed. (vi) No other relevant matters of planning concern have been identified at this time.
<i>(d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.</i>	No watercourses, marshes, or bogs have been identified on or near the subject property that need to be considered.
<i>(e) Within any designation, where a holding zone has been established pursuant to Infrastructure Charges - Policy P-81, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the Infrastructure Charges Policies of this MPS.</i>	The subject site is not located in a holding zone.
9.6 PRIORITIES PLANS	
<i>Since the adoption of this Plan in 2014, Regional Council has approved several priority plans, including the Integrated Mobility Plan, Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027. The second review of this Plan began in 2020 and is expected to be readopted by the Regional Council in 2023. The review will revise the policies of this Plan to ensure they are consistent with the priorities plans as approved. In the interim, this Plan supports the priority plans that are actively used by staff to guide ongoing work.</i>	
G-14A <i>In considering development agreements or amendments to development agreements, or any proposed amendments to</i>	The proposed application doesn't appear to conflict with any objectives, policies and actions of the Priorities Plans.

Attachment B: Review of Relevant MPS Policies

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:

- (a) The Integrated Mobility Plan;*
- (b) Halifax Green Network Plan;*
- (c) HalifACT;*
- (d) Halifax's Inclusive Economic Strategy 2022-2027; and*
- (e) any other priority plan approved by Regional Council while this policy is in Effect*