



WEST HANTS
NOVA SCOTIA

MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Public Hearing
October 9, 2018
Land Use By-law Amendment
269 Town Road, Falmouth

Present:	A. Zebian	Warden
	R. Jannasch	Councillor District 1
	K. Monroe	Councillor District 2
	D. Keith	Councillor District 3
	T. Leopold	Councillor District 4
	D. Francis	Councillor District 5
	R. Hussey	Councillor District 6
	J. Daniels	Councillor District 7
	P. Morton	Deputy Warden
	R. Zwicker	Councillor District 10
	M. Laycock	Chief Administrative Officer
	M. LeMay	Director of Planning and Development
	S. Poirier	Municipal Planner
	S. Shah	Municipal Planner
	B. Carrigan	Director of Public Works
	R. Brown	Municipal Clerk
	C. Remme	Communications Coordinator

There were 30 members of the public in attendance.

Warden Zebian advised that this was a Public Hearing required under the Municipal Government Act stating the sessions, hosted by Council, provide members of the public with an opportunity to bring forward concerns and ask staff questions regarding the proposed amendment. He went on to say that upon completion of the Public Hearing, the Council meeting will resume, and members of Council may then ask questions and make comments.

Warden Zebian called on Municipal Planner, Sara Poirier, to speak on the amendment to the zoning map for the former Juniper Grove United Church.

The Municipal Planner reviewed the presentation (attached). She noted that the map included in the original report to the Planning Advisory Committee as Figure 2 was incorrect and has been updated. The Planner noted that one call was received from the public inquiring about the issue with the map in the report.

Warden Zebian asked if there were any questions from the public. There were none.

Warden Zebian called for any oral or written submissions in favour or against of the proposed amendment. There were none.

Warden Zebian declared the Public Hearing adjourned at 7:36 p.m.

Abraham Zebian, Warden

Rhonda Brown, Municipal Clerk



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**Map Amendment:
269 Town Road, Falmouth; PID #45197332
Recommendation Report
October 9, 2018**

Background

- ▶ Received an application from Colleen and Joan Mansfield to permit a single unit dwelling
- ▶ The property is the former Juniper Grove United Church
- ▶ The use will be contained within the existing building on the lot

269 Town Road



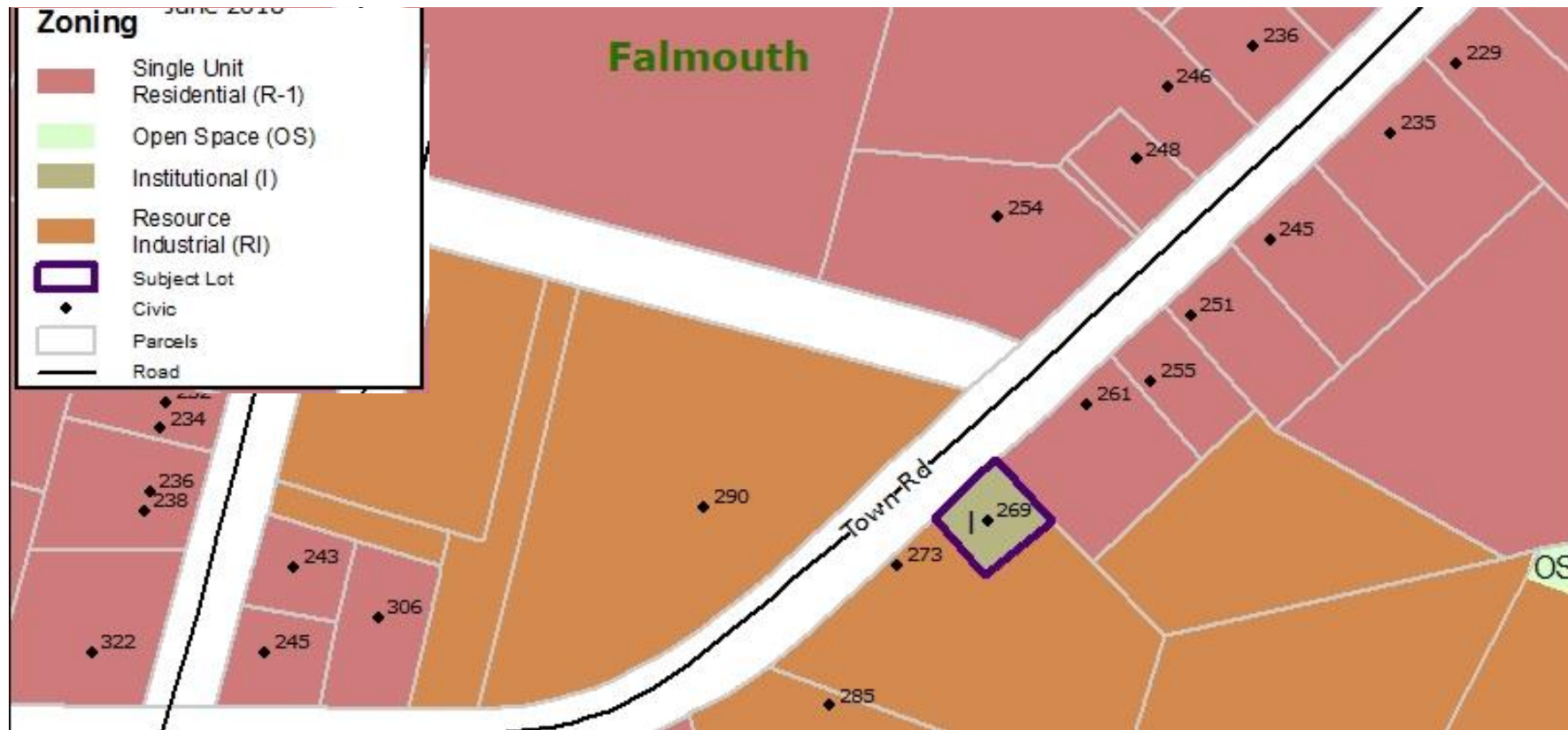
269 Town Road



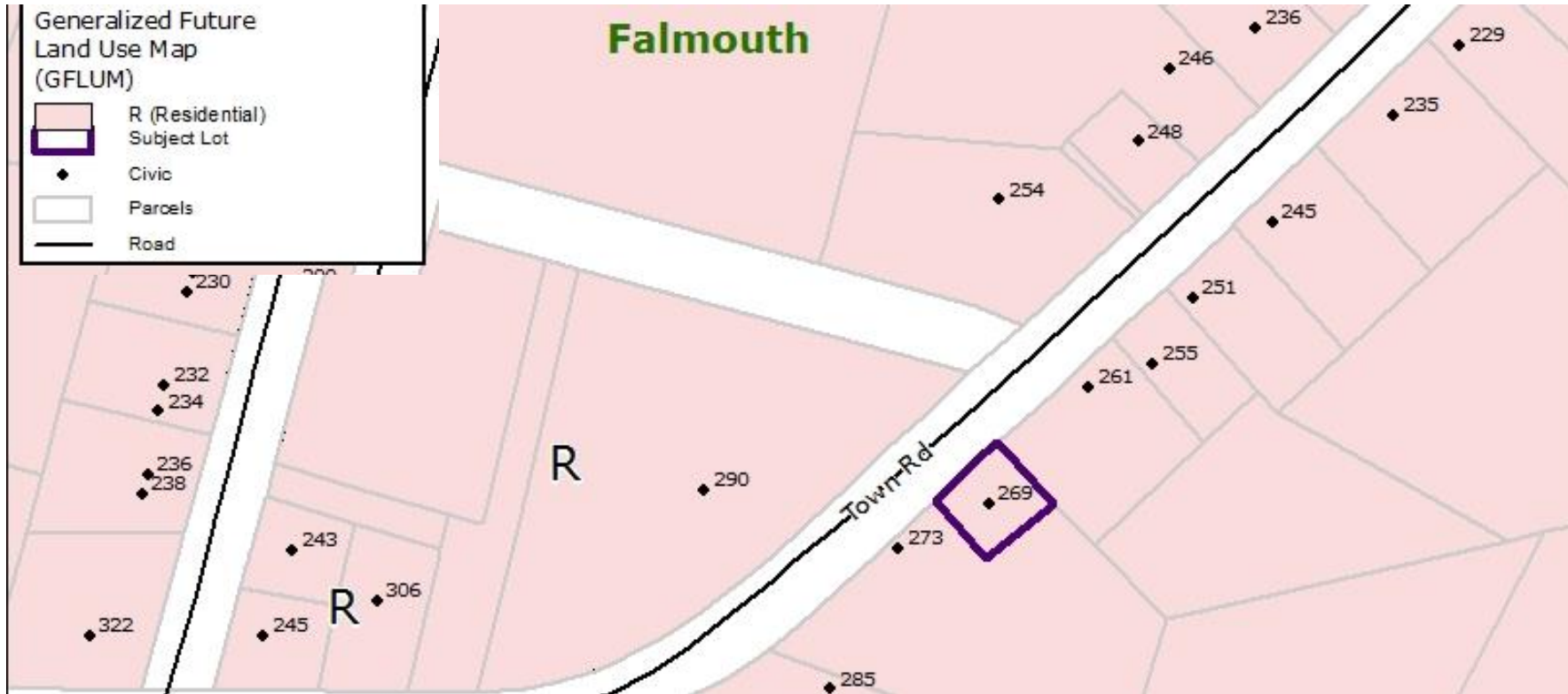
269 Town Road - Interior



Zoned – Institutional (I)



General Future Land Use - Residential



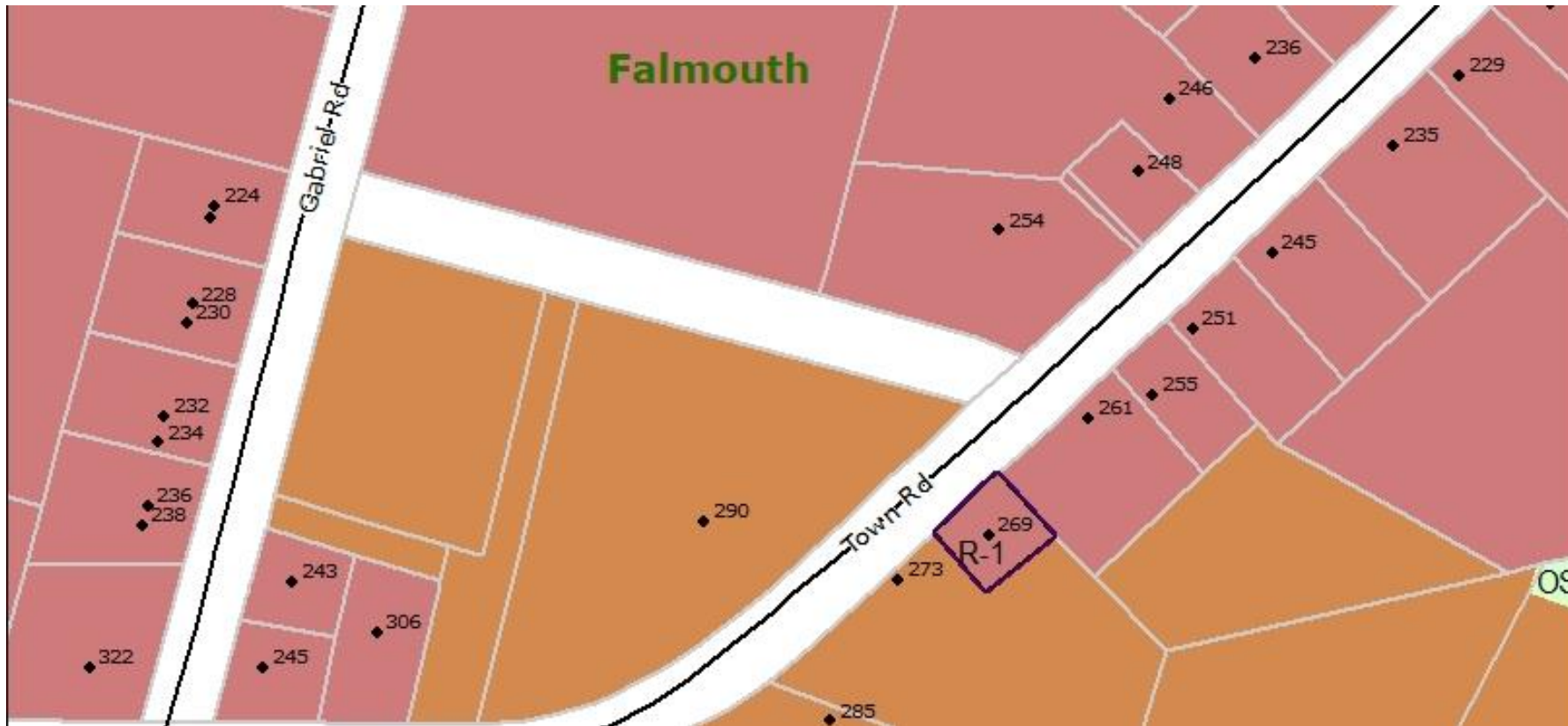
Document Review

- ▶ Section 5.4 of the WHMPS contains the residential policies for the Falmouth Growth Centre
- ▶ *Policy 5.4.2 establishes Council's intention to "consider rezoning land within the Falmouth Growth Centre to Single Unit Residential (R-1)"*

Map Amendment

- ▶ For the requested single unit dwelling to be developed within the existing building on the lot, an amendment to the Zoning Map is required

Proposed Map Amendment – Single Unit Residential (R-1)



Text Amendment

- ▶ Text amendment is not required, as a single unit dwelling is already a permitted use as-of-right in the Single Unit Residential (R-1) Zone

Non-Conforming Structure

- ▶ The structure was legally built in 1859, before the current land use regulations
- ▶ The property is currently a non-conforming structure as it does not meet the required lot area, minimum lot frontage, or minimum front and rear yard for buildings within the Institutional (I) Zone

Institutional (I) Zone Requirements

	Institutional (I) Zone	269 Town Road
Minimum lot area	24,000 ft ²	8,000 ft ²
Minimum lot frontage	120 ft	81.3 ft
Minimum front yard	30 ft	Approx. 6 ft
Minimum rear yard	30 ft	Approx. 1ft
Minimum side yard	30 ft	Approx. 15 ft
Maximum height of main building	35 ft	Approx. 25 ft

Non-Conforming Structure

- ▶ If the proposed amendments are approved, the structure would remain non-conforming as it would not meet the front and rear yard requirements of the Single Unit Residential (R-1) Zone

Single Unit Residential (R-1) Zone Requirements

		Single Unit Residential (R-1) Zone	269 Town Road
Minimum lot area		6,000 ft ²	8,000 ft ²
Minimum lot frontage		60 ft	81.3 ft
Minimum front yard		25 ft	Approx. 6 ft
Minimum rear yard		25 ft	Approx. 1ft
Minimum side yard	One side	6 ft	Approx. 15 ft
	Other side	10 ft	Approx. 15 ft
Maximum height of main building		35 ft	Approx. 25 ft

Non-Conforming Structure - Implications

- ▶ The Development Officer can issue building and development permits for a non-conforming structure if it does not further reduce the ability of the structure to meet the yards and setback requirements
- ▶ Any new building or additions would need to meet the requirements of the Single Unit Residential (R-1) Zone

Specific Criteria for Amendment

- ▶ *Policy 5.4.2* establishes criteria to be considered by Council
- ▶ In summary, the criteria are met since:
 - ✓ the property is serviced by both municipal water and sewer;
 - ✓ the proposed use will not conflict with adjacent existing uses;
 - ✓ the proposal meets the WHMPS general criteria

General Criteria for Amendment

- ▶ *Policy 16.3.1* states general criteria for any amendments considered in West Hants
- ▶ In summary:
 - ✓ the proposal is not premature or inappropriate for the area;
 - ✓ no municipal costs related to the proposal are anticipated;
 - ✓ the Municipal Building Official made specific recommendations which must be met before an occupancy permit could be issued for the property; the applicant has agreed to complete these modifications.

Conclusion

- ▶ Proposed map amendment is considered within the context of both specific and general MPS policies
- ▶ Consistent with the intent, objectives and policies of MPS
- ▶ A single unit dwelling is a permitted use within the Single Unit Residential (R-1) Zone
- ▶ Reasonable to amend the zoning of the subject lot from Institutional (I) to Single Unit Residential (R-1)

Process

Notices were placed in the local paper & properties within 300' were notified of the Public Hearing

1 call was received from the public

All statutory requirements have been met





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Recommendation

- ▶ **that Council give Second Reading to and approves the proposed amendment to the zoning map of the West Hants Land Use By-law to enable the lot located at 269 Town Road, Falmouth, PID 45197332 to be rezoned from the Institutional (I) Zone to the Single Unit Residential (R-1) Zone, as shown on the map attached to the Planning Advisory Committee report #18-06 dated July 19, 2018 as Figure 2.**