

**WEST HANTS MUNICIPALITY**  
**Public Hearing Meeting Minutes**  
**Tuesday, September 28, 2021 – 6:14 p.m.**  
**In-person Sanford Council Chambers and virtually via ZOOM (also FB Live streamed)**



1. **Call to Order** – Mayor Zebian called the Public Hearings to order at 6:14 p.m.

2. **Attendance**

**Council:**

Abraham Zebian, Mayor  
Rupert Jannasch, Councillor Dist. 1  
Scott McLean, Councillor Dist. 2  
Mark McLean, Councillor Dist. 3  
Jeff Hartt, Councillor Dist. 4  
Debbie Francis, Councillor Dist. 5  
Bob Morton, Councillor Dist. 6  
Ed Sherman, Councillor Dist. 7  
Paul Morton, Deputy Mayor Dist. 8  
John A. Smith, Councillor Dist. 9  
Laurie Murley, Councillor Dist. 10  
Jim Ivey, Councillor Dist. 11

**Staff & Guests:**

Mark Phillips, CAO  
Shelleena Thornton, Municipal Operations Supervisor  
Deanna Snair, Executive Assistant/ Municipal Clerk  
Todd Richards, Dir. Public Works  
Madelyn LeMay, Dir. Planning and Development  
Carlee Rochon, Dir. Financial Services  
Sara Poirier, Sr. Planner  
Alex Dunphy, Planner  
Troy Burgess, Manager, Public Works

Regrets: Kathy Kehoe, Dir. Community Development

3. **Public Hearings** – All public hearing presentations are available.

**d) Payzant Dr PID #s 45358314, 45366986, 45055167, 45276441, 45190493, and 45364775**

**Windsor Land Use By-law Amendment: Reduced lot specification requirements (opening)**

This is a public hearing for a Land Use By-Law Text Amendment for specific lots on Payzant Drive. A completed application was received on May 6, 2021 from Mitch Brison for consideration to reduce lot sizes to minimum lot specification requirements in the Single-unit Residential (R-1) and Two-unit Residential (R-2) zones in Windsor for the specific PID's on Payzant Drive. The lots are owned by Brison Developments Limited and 3229190 Nova Scotia Limited. Mr. Brison is the Director of those companies. The application is proposing to develop single and two-unit dwellings on the majority of the subject lots. Also proposed is that this Residential unit in Windsor connect to the Crossing via a new public street. The applicant is requesting that the WLUB be amended to permit the same minimum lot specifications for a single- and two-unit dwellings as is permitted in the mixed residential area of the Crossing development agreement in 2019. A virtual Public Hearing

was held on June 10, 2021 and broadcast live on the Municipal Facebook page. Deadline for comments was June 25, 2021 and no comments or questions were received. An additional amendment was noted at First Reading about flankage yard requirements. A conflict was determined. This needed to be addressed. The proposed amendments for the flankage yard would be that the required flankage yard be the same as the required front yard in all zones, unless otherwise specified within the zone requirements. Comments or questions can be submitted until noon on October 22, 2021.

4. **Adjournment:** The Public Hearing adjourned, and Council reconvened at 6:42 p.m.

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Mayor Abraham Zebian

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Deanna Snair, Executive Assistant/  
Municipal Clerk



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something inspiring awaits

PID 45358314, 45366986, 45055167, 45276441,  
45190493 and 45364775, Payzant Drive  
Land Use By-law Text Amendment

Public Hearing Opening  
September 28, 2021



# Application

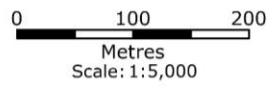
- A completed application was received on May 6, 2021 from Mitch Brison to consider reduced minimum lot specification requirements in the Single Unit Residential (R-1) and Two Unit Residential (R-2) zones in Windsor for specific PID's on Payzant Drive
- The lots are owned by Brison Developments Limited and 3229190 Nova Scotia Limited; Mitch Brison is the Director of those companies



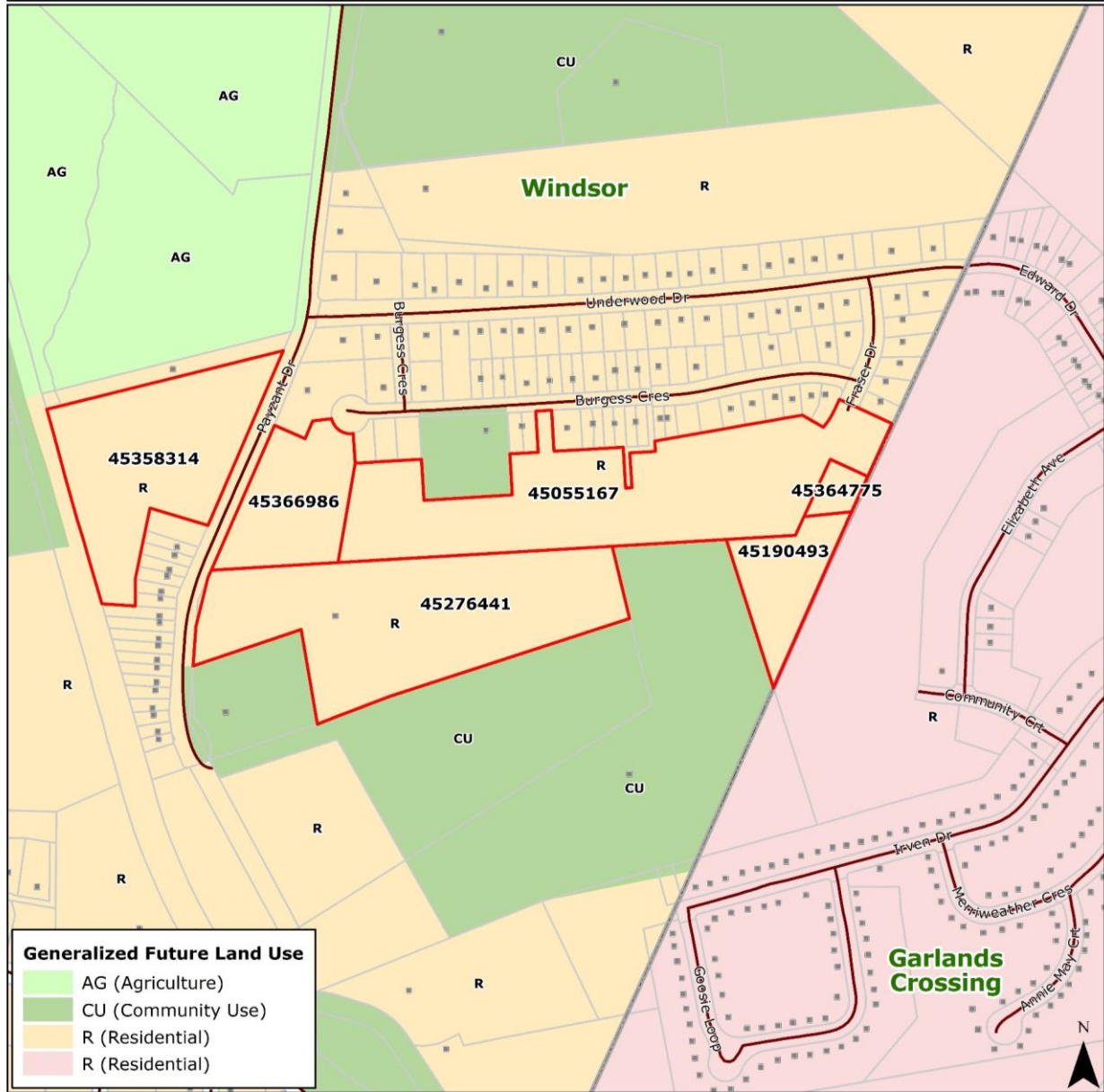


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**Orthophoto**



- Subject Parcels
- Communities
- Parcels
- Civics
- Roads

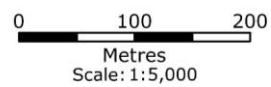


**Generalized Future Land Use**

- AG (Agriculture)
- CU (Community Use)
- R (Residential)
- R (Residential)

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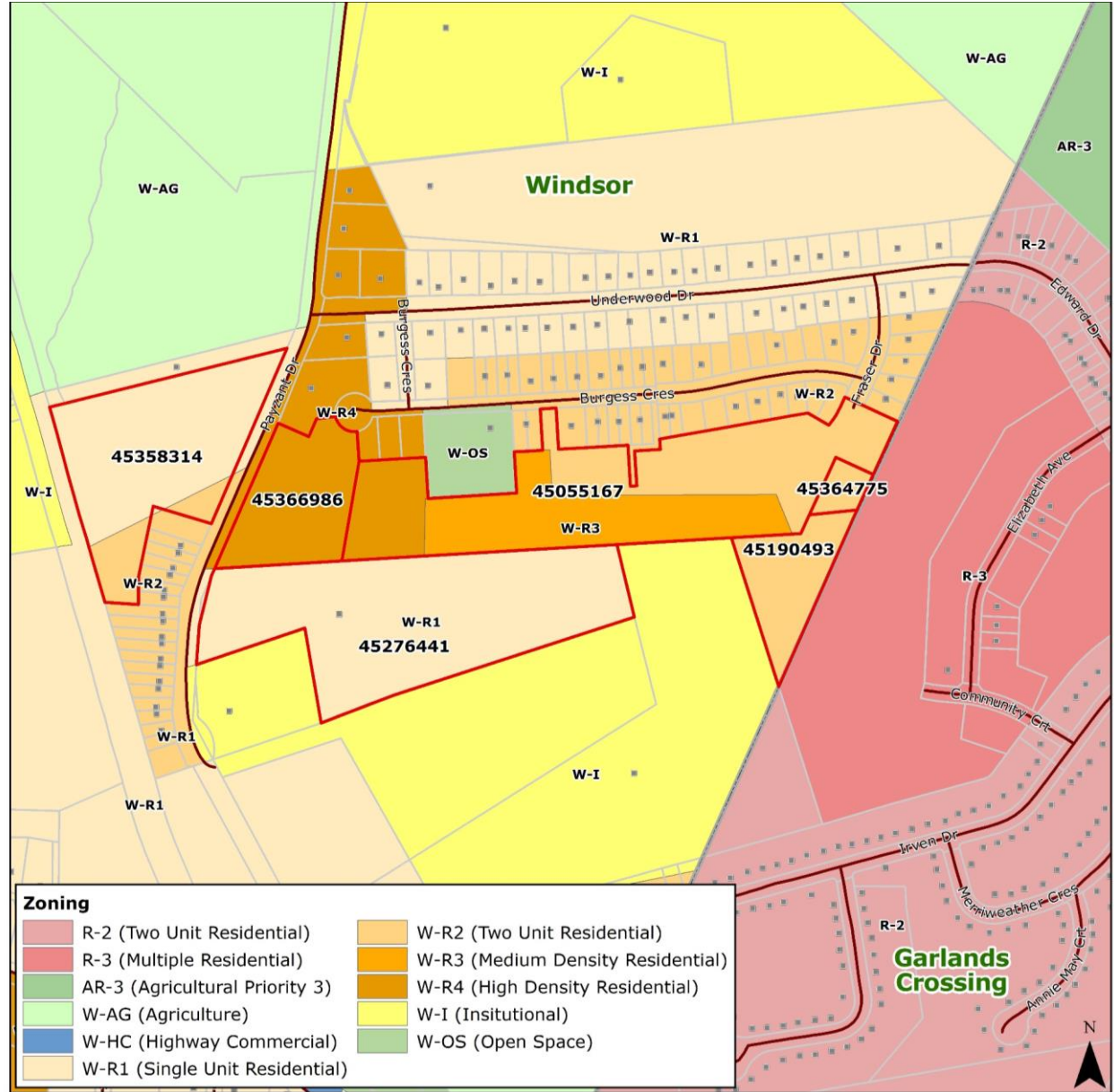
**Generalized Future Land Use**



- Subject Parcels
- Communities
- Parcels
- Civics
- Roads

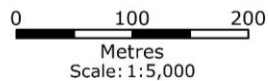
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**Zoning**



- Subject Parcels
- Communities
- Parcels
- Civics
- Roads

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# Application Cont.

- The applicant is proposing to develop single- and two-unit dwellings on the majority of subject lots which would be permitted as-of-right as per the current zoning
- The applicant is also proposing that this residential development in Windsor would connect to the Crossing via a new public street
- Therefore, the applicant is requesting Council to consider amending the Windsor Land Use By-law to permit the same minimum lot specifications for single- and two-unit dwellings as is permitted in the mixed residential area of the Crossing development agreement (2019)



# Statement of Provincial Interest

## *Housing*

- Specifies that the goal is to *“provide housing opportunities to meet the needs of all Nova Scotians”*
- The second provision states that *“depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.”*
- This application would be consistent with the Statement of Provincial Interest regarding housing



# Windsor Municipal Planning Strategy

- Part 3.0 of the WMPS outlines the concepts, principles, and initiatives for development within the community of Windsor
- One of the development principles is to *“encourage compact residential and commercial growth similar to existing development in the older sections of Town which makes best use of municipal infrastructure including roads, sidewalks and water and sewer services.”*
- Benefits of reduced minimum lot specifications include:
  - compact development patterns which reduce reliance on vehicles and create more walkable neighbourhoods, and
  - more efficient use of municipal services including sewer and water



# Policy

- There is no specific policy to amend the minimum lot specification requirements in the Single Unit Residential (R-1) and Two Unit Residential (R-2) zones in Windsor; however, Council may consider amending its documents as it deems necessary
- **Policy 16.3.1** states general criteria for any Windsor Land Use By-law amendment



# Single Unit Residential (R-1) Zone

Current Windsor Land Use By-law			Proposed Exception for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775
	with town services	with on-site services	
<b>Minimum lot area</b>	6,000 ft <sup>2</sup> (557.40 m <sup>2</sup> ) 7,000 ft <sup>2</sup> (650.30 m <sup>2</sup> ) for corner lots	30,000 ft <sup>2</sup> (2,787.00 m <sup>2</sup> )	4,000 ft <sup>2</sup> (371.60 m <sup>2</sup> ) 5,000 ft <sup>2</sup> (464.5 m <sup>2</sup> ) for corner lots
<b>Minimum lot frontage</b>	60 ft (18.29 m)	120 ft (36.58 m)	40 ft (12.19 m)
<b>Minimum front yard</b>	25 ft (7.62 m)		15 ft (4.57 m)
<b>Minimum flankage yard</b>	-		15 ft (4.57 m)
<b>Minimum rear yard</b>	25 ft (7.62 m)		25 ft (7.62 m)
<b>Minimum side yard</b>	<b>one side</b>	4 ft (1.22 m) for the first storey plus 2 ft (0.61 m) for each additional storey	4 ft (1.22 m)
	<b>other side</b>	10 ft (3.05 m)	4 ft (1.22 m)
<b>Maximum height of main building</b>	35 ft (10.67 m)		35 ft (10.67 m)
<b>Maximum height of accessory building</b>	15 ft (4.57 m)		15 ft (4.57 m)

# Two Unit Residential (R-2) Zone

Current Windsor Land Use By-law		Proposed Exception for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775
Minimum lot area	3,500 ft <sup>2</sup> /unit (325.15 m <sup>2</sup> /unit)	2,000 ft <sup>2</sup> (185.80 m <sup>2</sup> ) / unit 3,000 ft <sup>2</sup> (278.7 m <sup>2</sup> ) / unit for corner lots
Minimum lot frontage	35 ft/unit (10.67 m/unit)	20 ft (6.1 m) / unit
Minimum front yard	25 ft (7.62 m)	15 ft (4.57 m)
Minimum flankage yard	-	15 ft (4.57 m)
Minimum rear yard	25 ft (7.62 m)	25 ft (7.62 m)
Minimum side yard	10 ft (3.05 m)	4 ft (1.22 m)
Maximum height of main building	35 ft (10.67 m)	35 ft (10.67 m)
Maximum height of accessory building	15 ft (4.57 m)	15 ft (4.57 m)



- If approved this amendment would only apply to the specific PIDs listed, not every property zoned Single Unit Residential (R-1) or Two Unit Residential (R-2) in Windsor
- These are **minimum** lot specification requirements
- The National Building Code takes precedence over the Land Use By-law, therefore if this amendment is approved and added to the Windsor Land Use By-law the developer will still have to follow the National Building Code requirements for those reduced lot specifications



# General Criteria for Amendment

- *Policy 16.3.1* states the general criteria to be considered by Council
- In summary:
  - ✓ the proposal is not premature or inappropriate for the area;
  - ✓ no municipal costs related to the proposal are anticipated;
  - ✓ the Development Officer, Manager of Building and Fire Inspection Services, Director of Public Works, and Manager of Public Works Operations have no concerns.



# Public Information Meeting Notes

- A virtual Public Information Meeting was held on June 10. The meeting was broadcast live on the Municipal Facebook page.
- The deadline for comments was June 25
- No comments or questions were received

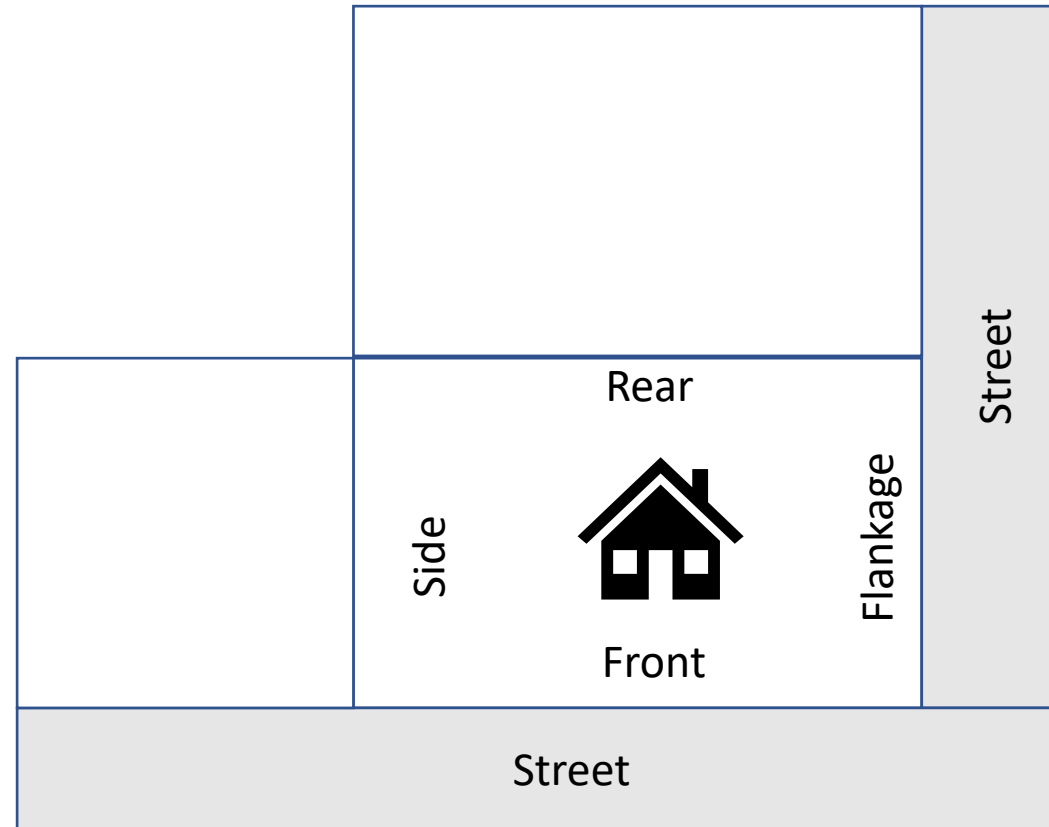
# Additional Amendment Flankage Yard Requirements

- Staff discussions at the PAC/HAC meeting determined that there was a conflict between Section 5.34 (a) of the WLUB and the proposed amendments
- This would need to be addressed to ensure the flankage yard requirements established in the proposed amendment would not be overridden by the general requirement
- Upon further review of the WLUB, it was determined that the intent of Section 5.34 (a) is to ensure the flankage yard requirements are the same as the front yard requirements in all zones unless otherwise specified within the zone requirements



# Additional Amendment Flankage Yard Requirements Cont.

Note: A flankage yard is only found on a corner lot



# Additional Amendment

## Flankage Yard Requirements Cont.

### Setback for Flanking Yard

5.34 (a) ~~Notwithstanding anything else in this By-law, on a corner lot in any residential zone, the minimum yard requirement for the flanking yard shall be 25 ft (7.62 m).~~ The required flankage yard shall be the same as the required front yard in all zones, unless otherwise specified within the zone requirements.

(b) No accessory building or structure shall be permitted within the required flanking yard.



# Process



Notices were placed in the local paper and on social media



# Comment Submission

- Comments and questions can be submitted until noon on **October 22**
- All correspondence should be sent to:  
Sara Poirier, Senior Planner

Phone	902-798-8391 ext. 117
Email	<a href="mailto:spoirier@westhants.ca">spoirier@westhants.ca</a>
Mail	76 Morison Drive, PO Box 3000 Windsor NS B0N 2T0
Drop box	Regional office at 76 Morison Drive





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