

## **Region of Queens Municipality**

**Variance Appeal Hearing Respecting Property identified as  
PID #70275094 (located at rear of 87 Bristol Avenue) in Liverpool,  
Queens County, Nova Scotia**

**TUESDAY, APRIL 13, 2021**

**Council Chambers**

**9:00 A.M.**

### **AGENDA**

#### **PURPOSE**

The purpose of this Variance Appeal Hearing is to provide the appellant, Colin O'Toole, with an opportunity to present oral and / or written arguments to Council of Region of Queens Municipality respecting the decision of its Development Officer to issue a variance to the owner of property identified as PID #70275094 and located to the rear of 87 Bristol Avenue in Liverpool, which would allow a reduction in lot area to facilitate 6 additional apartment units as set out in Section 6.33 of the Municipality's Land Use Bylaw.

The procedure for this Variance Appeal Hearing is as follows:

#### **A. OPENING REMARKS**

- 1) Development Officer review of Variance Application.
- 2) The appellant is eligible to speak, but first must be recognized by the Chair and must give his name and address before commencing.
- 3) The applicant is then eligible to speak to their application, but first must be recognized by the Chair and must give his or her name and address before commencing.
- 4) The appellant is eligible to provide a summary argument concerning their appeal.

5) This meeting will be conducted following parliamentary procedure. This Council uses its own Rules of Order, as well as Bourinot's Rules of Order.

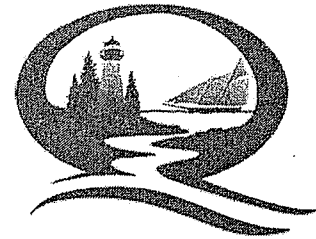
6) The appellant now has the floor to present their appeal.

**B. CLOSING REMARKS**

**C. ADJOURNMENT**

Region of Queens Municipality  
Planning  
249 White Point Rd  
P.O. Box 1264  
Liverpool, NS  
B0T 1K0

R#1  
wc Jan 21<sup>st</sup> 2021



Region of Queens Municipality

## VARIANCE APPLICATION FORM

1. Variances are considered under the provision of the Municipal Government Act, Sections 235, 236 and 237. Therefore, if your proposal is in compliance with the intent of the Municipal Government Act, the Development Officer may grant a relaxation of the appropriate provisions of the Region of Queens Municipality Land Use Bylaw. Should your application be approved, there will be a fourteen (14) day appeal period. A Development Permit cannot be issued until this appeal period expires or any appeals disposed of.
2. It is advisable to familiarize yourself with the Region of Queens Municipality Land Use Bylaw as it applies to your application. There are copies of the bylaws and maps available at the Planning Office for a nominal charge.
3. It is very important that you provide all information and submissions requested below. This will facilitate the speedy processing of your application and avoid unnecessary delay.
4. Your application must be accompanied by the following:
  - (a) One (1) copy of a plot plan, drawn to scale and showing:
    - (i) the dimensions of the subject property;
    - (ii) the location of existing buildings on the property and any proposed additions;
    - (iii) the distances from lot lines to existing buildings and proposed additions;
    - (iv) the distances from lot lines to buildings on adjacent lots.

**NOTE: A PLOT PLAN PREPARED BY A NOVA SCOTIA LAND SURVEYOR MAY BE REQUIRED TO ENABLE THE DEVELOPMENT OFFICER TO PROPERLY EVALUATE THE PROPOSAL. DEPENDING ON THE TYPE OF VARIANCE APPLIED FOR, A LOCATION CERTIFICATE PREPARED BY A NOVA SCOTIA LAND SURVEYOR WILL BE REQUIRED ONCE FOOTINGS ARE IN PLACE TO ENSURE THE SETBACKS ARE MET.**

5. Name of Applicant: Chris Markides - zzap consulting inc.

Address: \_\_\_\_\_

Telephone: Home: \_\_\_\_\_ Business: 902- \_\_\_\_\_

6. What is the nature of the variance requested?  
(Please check the appropriate space)

- (a) reduced front yard \_\_\_\_\_ (b) increased lot coverage \_\_\_\_\_  
(c) reduced side yard \_\_\_\_\_ (d) reduced amenity area \_\_\_\_\_  
(e) reduced rear yard \_\_\_\_\_ (f) number of parking spaces \_\_\_\_\_  
(g) lot area x \_\_\_\_\_ (h) number of loading spaces \_\_\_\_\_  
(i) height / area of a sign \_\_\_\_\_ (j) height / area of a structure \_\_\_\_\_  
(k) area of home-based business \_\_\_\_\_

7. Please indicate the lot number, subdivision name, civic address and location of the subject property. PID: 70275094, Liverpool Nova Scotia

8. Indicate the existing zoning of the subject property. R-3

9. Indicate the existing use of the subject property. Vacant Land

## Region of Queens Municipality

10. Give a general explanation of the proposal. (If additional space is required use another sheet)

Minimum Lot Area variance to permit a 36 unit multi-unit development on the  
subject property.



January 20, 2021

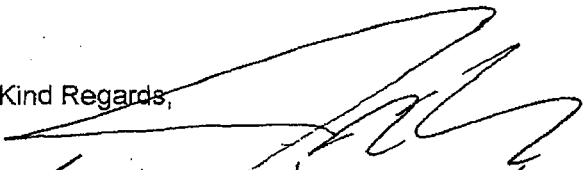
Wendy Connors  
Development Officer  
Municipality of the District of Queens

Re: Landowner Approval of Variance Request at PID: 70275094.

Dear Ms. Connors,

I hereby grant consent to ZZap Consulting Inc. to act on my behalf to apply for a variance to the minimum lot size requirement outlined in the Municipal Land Use Bylaw.

Kind Regards,

  
~~NAME~~ Jonathan Lewis  
Owner of PID: 70275094

Secretary of Upper Deck  
Development



architecture + planning  
1 Canal, Dartmouth NS B2Y 2W1  
[www.zzap.ca](http://www.zzap.ca)

January 20, 2021

Wendy Connors  
Development Officer  
Municipality of the District of Queens

**Re: Request for Minimum Lot Area Variance for PID: 70275094**

Dear Ms. Connors,

I am writing to you today on behalf of Upper Deck Developments to apply for a variance to the minimum lot area requirements of the R-3 zone of the Municipal Land Use By-Law (LUB). At this time we are requesting a 50% reduction to the minimum lot area requirement as follows: 5,000sqft for the first 4 units, 750sqft for each additional unit.

This variance request for PID 70275094 aligns with the variance request criteria of the Municipal Government Act (Section 235). Section 235 reads as follows:

- (3) A variance may not be granted where the
- (a) variance violates the intent of the development agreement or land-use by-law;
  - (b) difficulty experienced is general to properties in the area; or
  - (c) difficulty experienced results from an intentional disregard for the requirements of the development agreement or land-use by-law. 1998, c. 18, s. 235; 2003, c. 9, s. 63. 235.

The following sections outline our request's compliance with Section 235:

- a) This request is not violating the intent of the LUB. The Municipal Planning Strategy (MPS) outlines the intent of the R3 zone. The intention for the zone is to address demand for and issues surrounding the development of higher density residential housing options. Due to its size, PID 70275094 is an opportune location to address growing



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demand for higher density residential uses. The lot is significantly larger than surrounding ones and, as such, can accommodate increased residential density while complying with the remaining requirements of the LUB as shown on the attached concept plan.

b) The difficulty of minimum lot coverage is not general to properties in the area. Most of the surrounding properties are zoned R-1 and lot sizes are smaller. The footprint of low-density homes in the surrounding area do not face the same issue of minimum lot coverage because the lots requirements are less than the R-3 zone.

c) The proposed variance is not intentionally disregarding the LUB, but rather intends to integrate the objectives of the plan into the site design. Lot coverage requirements in the LUB are not outlined in the MPS, so in order to address the issue, we must follow the overall guiding intentions for residential density. Section 3.2 of the MPS outlines the intent to promote orderly and sustainable residential growth within the region, while maintaining community character, and encouraging a variety of housing alternatives on vacant lands. A higher density residential development on the subject property addresses the goals of orderly and sustainable residential growth within the region and offers a unique opportunity to address the need for increased variety of housing, while maintaining community character.

Modern trends of sustainability are shifting toward compact design. As a coastal community, it is critical to take steps toward sustainable development to mitigate impacts of climate change, such as coastal erosion and sea level rise. The variance proposed intends to carefully address this intent in the plan by promoting more compact density, leaving land area to promote natural infiltration and reduce stress on municipal stormwater and sewage infrastructure. Additionally, mitigation of the effects of sea level rise will be achieved through the careful site design.

I trust that you will agree with the above rationale and are able to issue the variance as requested in an expedited manner. Please do not hesitate to reach out if you have any additional questions or concerns.



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[www.zzap.ca](http://www.zzap.ca)

Kind Regards,

A handwritten signature in black ink, appearing to read 'CM', written over a horizontal line.

Chris Markides MCIP, LPP

Urban Planner

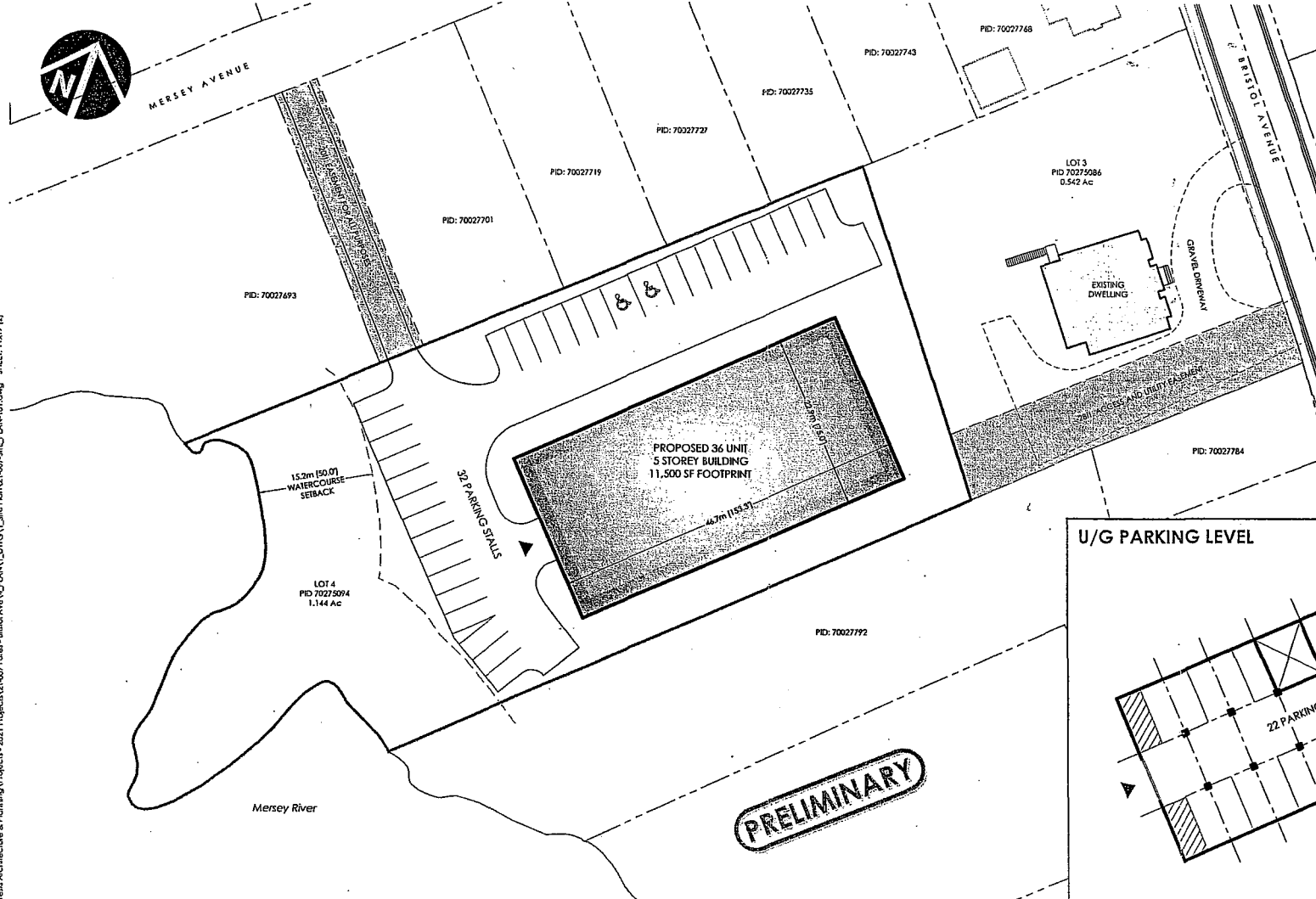
zzap consulting inc.



MERSEY AVENUE

BRISTOL AVENUE

FILE: C:\Users\Van\Documents\Projects - 2021\Projects\21-007\Site Plan\21-007-SITE\_PLAN-101.dwg SHEET: 1 of 2

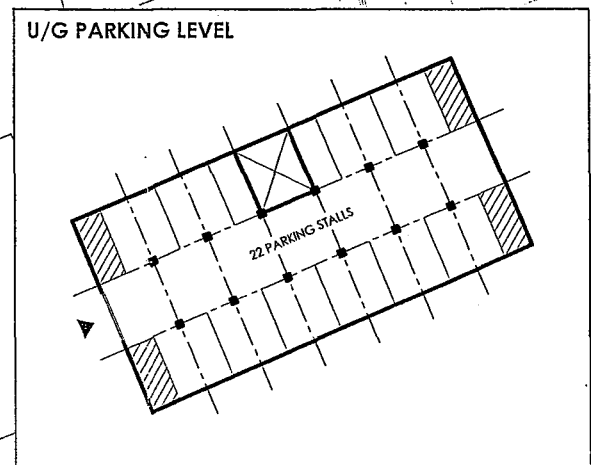


**LEGEND**  
—— Site Boundary  
- - - - Adjacent Property Boundary

**NOTES:**  
• Subject to survey, Property lines and topographic features are approximate only.  
• Site subject to by-law review and regulations.

**SOURCES:**  
• Adjacent property lines are from provincial mapping.  
• Plan based Able Eng. Services inc. Plan of Subdivision of Lot 3 and Lot 4 .pdf document drawing no. 190530-06 rev. 1, dated 12/09/19

**SCALE:**  
0 1 2 3 4 5 10 15 25m  
1:500



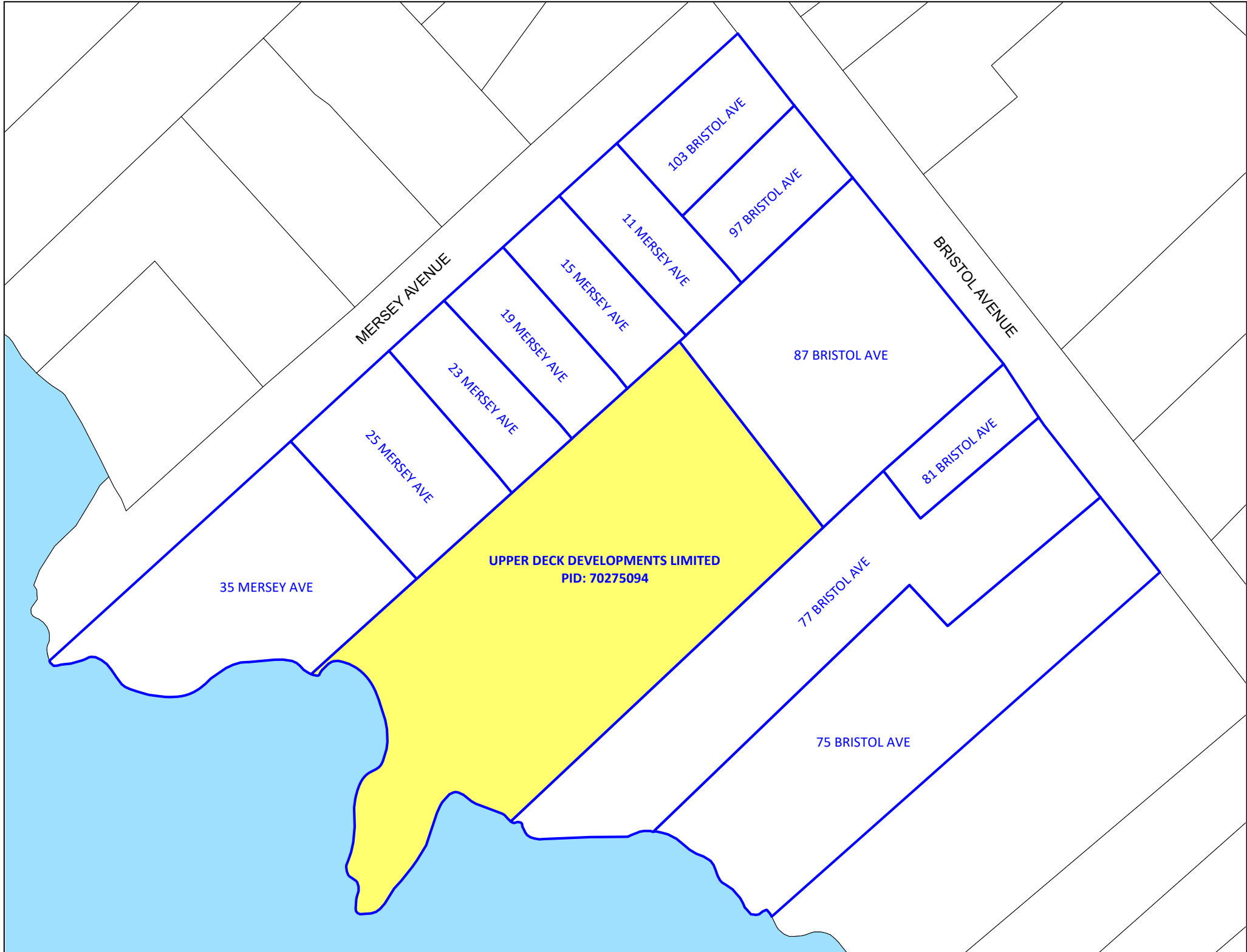
**Zzap**  
Zwicker  
Zareski  
architecture  
planning  
1 Canal Street, Dartmouth, NS B2Y2W1 | Zzap.ca

CLIENT

PROJECT  
**PROPOSED DEVELOPMENT - BRISTOL AVE.**  
Liverpool, Nova Scotia

DRAWING  
**SITE PLAN**

PROJECT NO. 21-007  
DRAWN BY: K. WATERS  
ISSUED FOR REVIEW  
DATE: JANUARY 18, 2021  
DRAWING NUMBER  
**101**



MERSEY AVENUE

BRISTOL AVENUE

103 BRISTOL AVE

97 BRISTOL AVE

11 MERSEY AVE

15 MERSEY AVE

19 MERSEY AVE

23 MERSEY AVE

25 MERSEY AVE

87 BRISTOL AVE

81 BRISTOL AVE

35 MERSEY AVE

**UPPER DECK DEVELOPMENTS LIMITED**  
**PID: 70275094**

77 BRISTOL AVE

75 BRISTOL AVE