

## **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, MAY 9, 2023**

**Council Chambers**

**9:00 A.M.**

### **AGENDA**

#### **PURPOSE**

The purpose of this Variance Appeal Hearing is to provide the appellants, Linda K. Lane, Yvette Cherry, Mitchell J. Harlow & Natasha M. Harlow, 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 eight (8) additional dwelling units as set out in Section 5.5 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**

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## 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: 1 Canal Street Dartmouth NS B2Y 2W1

Telephone: Home: \_\_\_\_\_ Business: 902-266-2408

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.

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PID: 70275094, Liverpool Nova Scotia

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8. Indicate the existing zoning of the subject property.

RM

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9. Indicate the existing use of the subject property.

Vacant Land

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

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Minimum Lot Area variance to permit a 45 unit multi-unit development on the subject property

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11. Why is it not possible to comply with the provisions of the Region of Queens Municipality Land Use Bylaw?

The existing Land Use Bylaw minimum lot requirements restrict the possibility of development of a multi-unit building on this site, conflicting with the intent of the section 4.6 of the Municipal Planning Strategy.

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12. Subject to the Municipal Government Act, Part 8(VIII) Section 237:

- i. A Council may by resolution provide that any person applying for a variance shall pay the municipality the cost of:
  - (a) notifying affected land owners;
  - (b) posting a sign.

**The applicant agrees that they will pay for the cost associated with the variance and any other bylaw requirements.**

**NOTE: IF THIS FORM IS SIGNED BY A PERSON WHO IS NOT THE ASSESSED PROPERTY OWNER(S), WRITTEN AUTHORIZATION FROM THE OWNER(S) MUST ACCOMPANY THIS APPLICATION.**

Legal Declaration:

I, Please see attached letter.

of \_\_\_\_\_

do solemnly declare that all of the above statements and attachments are true and accurate and I make this solemn declaration conscientiously believing it to be true and accurate knowing that it has the same force and effect as if made under oath.

Dated at \_\_\_\_\_ this 17 day of February, 2023

*Chris Markides*

\_\_\_\_\_  
Signature of Applicant

February 15, 2023

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,



Francis Fares

Director

4206749 Nova Scotia Limited

Owner of PID: 70275094



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

February 17, 2023

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 RM zone of the Municipal Land Use By-Law (LUB). At this time, we are requesting a 25% reduction to the minimum lot area requirement as follows: 93.75 sqm per dwelling 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 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 RL 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 RM 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 4.6 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.



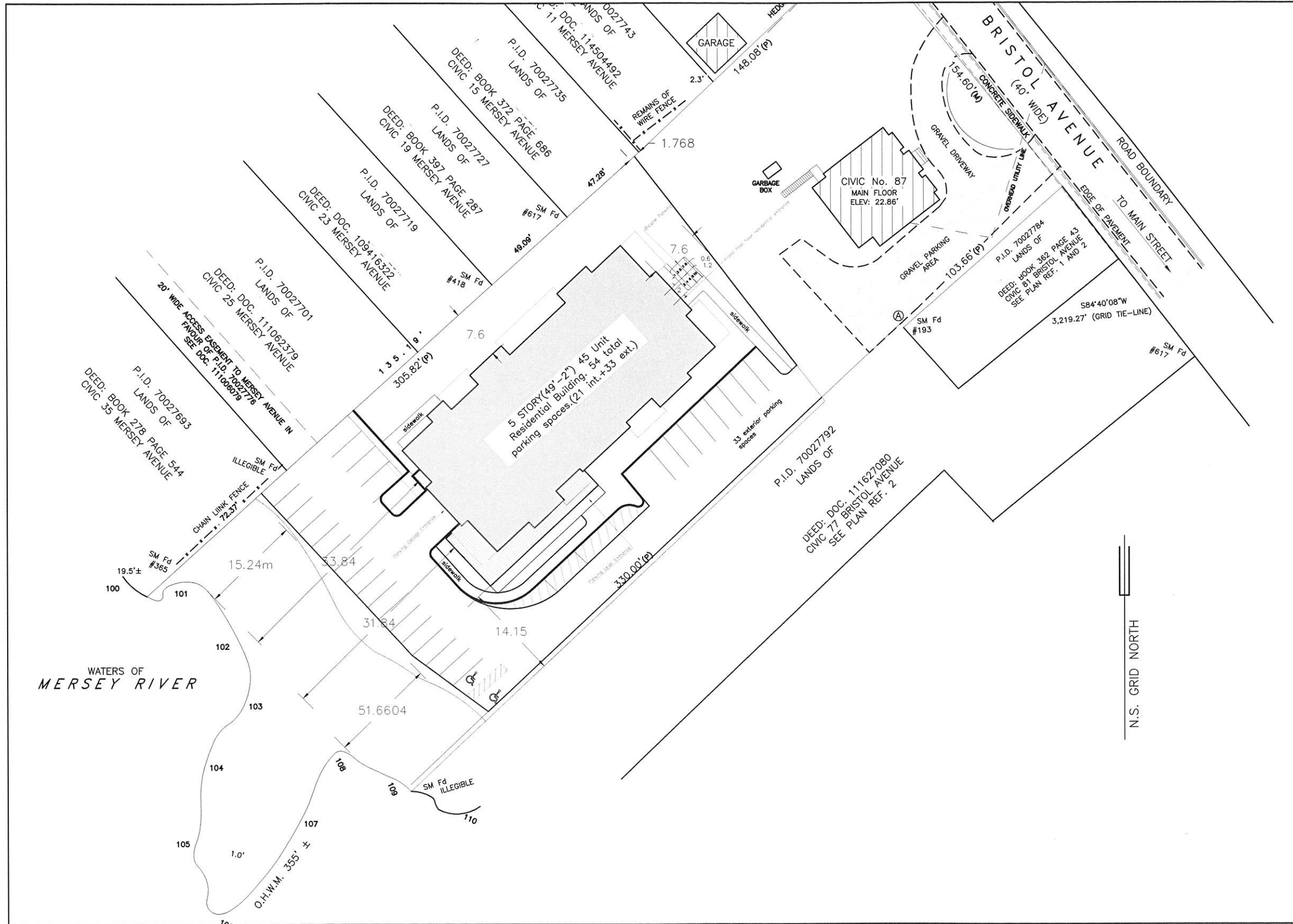
architecture + planning  
1 Canal, Dartmouth NS B2Y 2W1  
[www.zzap.ca](http://www.zzap.ca)

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.

Kind Regards,

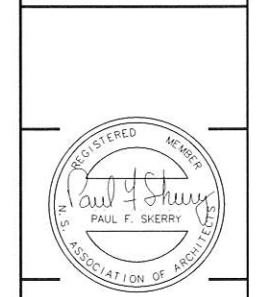
A handwritten signature in black ink, appearing to read "CM", with a long horizontal flourish extending to the right.

Chris Markides MCIP, LPP  
Urban Planner  
zzap consulting inc.



- NOTES:
- 1) THE CONTRACTOR IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS ON SITE & REPORTING ANY DISCREPANCY TO THE ARCHITECT BEFORE PROCEEDING
  - 2) DO NOT SCALE FROM DRAWINGS. USE FIGURED DIMENSIONS
  - 3) DRAWING REPRESENTATIONS MAYBE IN VARIANCE W/ DETAILED SPECS & SCHEDULES, IN WHICH CASE SPECS & SCHEDULES OVERRIDE THE DRAWINGS
  - 4) CHANGES FROM THESE PLANS & SPECS. MUST BE AGED TO IN WRITING, & APPROVED BY THE ARCHITECT & OWNER, BEFORE PROCEEDING.
  - 5) ONLY THOSE DRAWINGS MARKED APPROVED FOR CONSTRUCTION, SIGNED & DATED BY THE ARCHITECT ARE TO BE USED FOR CONSTRUCTION.
  - 6) THESE DRAWINGS ARE TO BE READ IN CONJUNCTION W/ THE SPECS.

Paul Skerry Associates Ltd.  
**ARCHITECTS**  
 5514 LIVINGSTONE PLACE  
 HUNTER, N.S. B3K 2B9  
 PHONE: 902-455-4361  
 FAX: 902-455-7778  
 EMAIL: pskerry@ns.sympatico.ca



No.	DESCRIPTION	Date
09	Added Bicycle parking	2/14/23
08	Relocated Front Entrance	1/24/23
07	Issued for Building Permit	9/20/22
06	Corrected Property Lines	8/23/22
05	Revised Parking	8/16/22
04	Corrected Annotation	8/22/22
03	Increased number of parking	5/18/22
02	Revised Building's Location	5/11/22
10	changes in dimensions to metric	2/14/23

REVISIONS

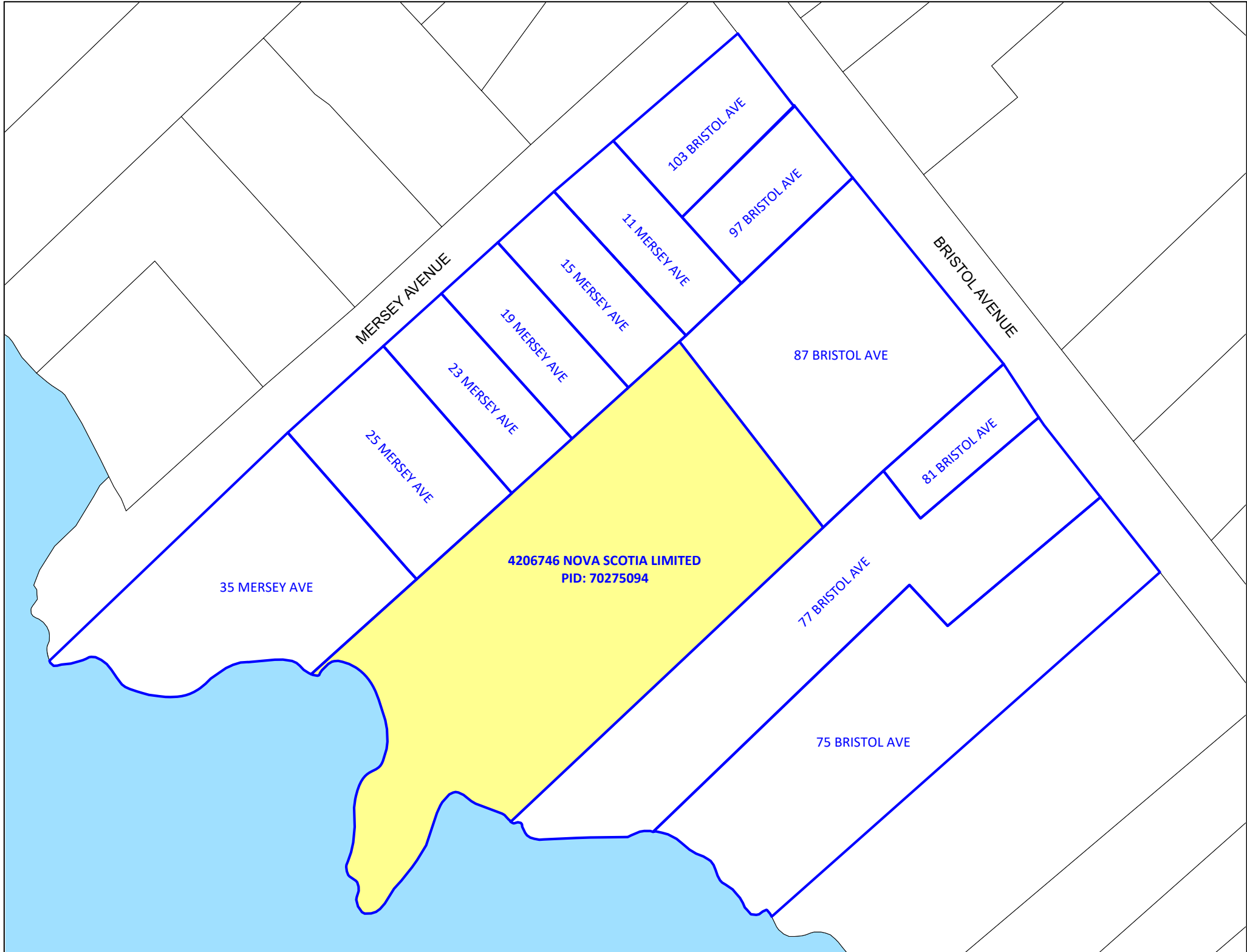
PROJECT

PROPOSED PROJECT  
 P.I.D 70027776  
 BRISTOL AVENUE  
 LIVERPOOL, NS.

TITLE

SITE PLAN

drawn by: CM	checked: PS
date: February 16/2023	approved: PS
scale: 1"=20'	dwg #: A1.0
project #: 3131	



MERSEY AVENUE

BRISTOL AVENUE

103 BRISTOL AVE

11 MERSEY AVE

97 BRISTOL AVE

15 MERSEY AVE

87 BRISTOL AVE

19 MERSEY AVE

81 BRISTOL AVE

23 MERSEY AVE

**4206746 NOVA SCOTIA LIMITED  
PID: 70275094**

25 MERSEY AVE

77 BRISTOL AVE

35 MERSEY AVE

75 BRISTOL AVE

April 17, 2023

Project No. 232031

Francis Fares  
31 King's Wharf Place, Unit 105  
Dartmouth, NS B2Y 0B4

## Re: Bristol Avenue Liverpool – Traffic Impact Statement

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### 1 Introduction

Harbourside Transportation Consultants has completed a traffic impact statement in support of the development application for a mid-rise residential development at Mersey Avenue and Bristol Avenue in Liverpool, Nova Scotia.

### 2 Site Context

The subject site is located on Mersey Avenue and Bristol Avenue, behind residential lots on both streets. The site context is shown in Figure 1.



Figure 1: Site Context



### 3 Existing Transportation Network

Bristol Avenue is a segment of Trunk 3, a provincial arterial roadway. Bristol Avenue runs north-south between Old Falls Road and Main Street. Bristol Avenue has one travel lane in each direction and a posted speed limit of 50 km/h. There are sidewalks on the west side of the roadway. The Bristol Avenue cross section near the subject site is shown in Figure 2.

Traffic data collected by the Nova Scotia Department of Public Works (NSPW) reported an annual average daily traffic (AADT) volume of 3,789 vehicles on Trunk 3 north of the proposed site near Old Falls Road in July 2021.<sup>1</sup>



Figure 2: Bristol Avenue

Mersey Avenue is a local residential cul-de-sac roadway that connects to Bristol Avenue. Mersey Avenue has one travel lane in each direction and a speed limit of 50 km/h. There are sidewalks on the south side of the roadway. The intersection with Bristol Avenue is unsignalized with stop control on Mersey Avenue. The Mersey Avenue cross section is shown in Figure 3.

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<sup>1</sup> Primary Roads – Traffic Volume Data. NSPW. March 24, 2023.



Figure 3: Mersey Avenue

#### 4 Proposed Development

The proposed development plan consists of one mid-rise five-storey residential building with 45 units. The residential building will include surface and underground parking with a total of 54 vehicle parking spaces. The proposed site development plan is shown in Figure 4.



# Mersey Avenue and Bristol Avenue, Liverpool, NS Traffic Impact Statement

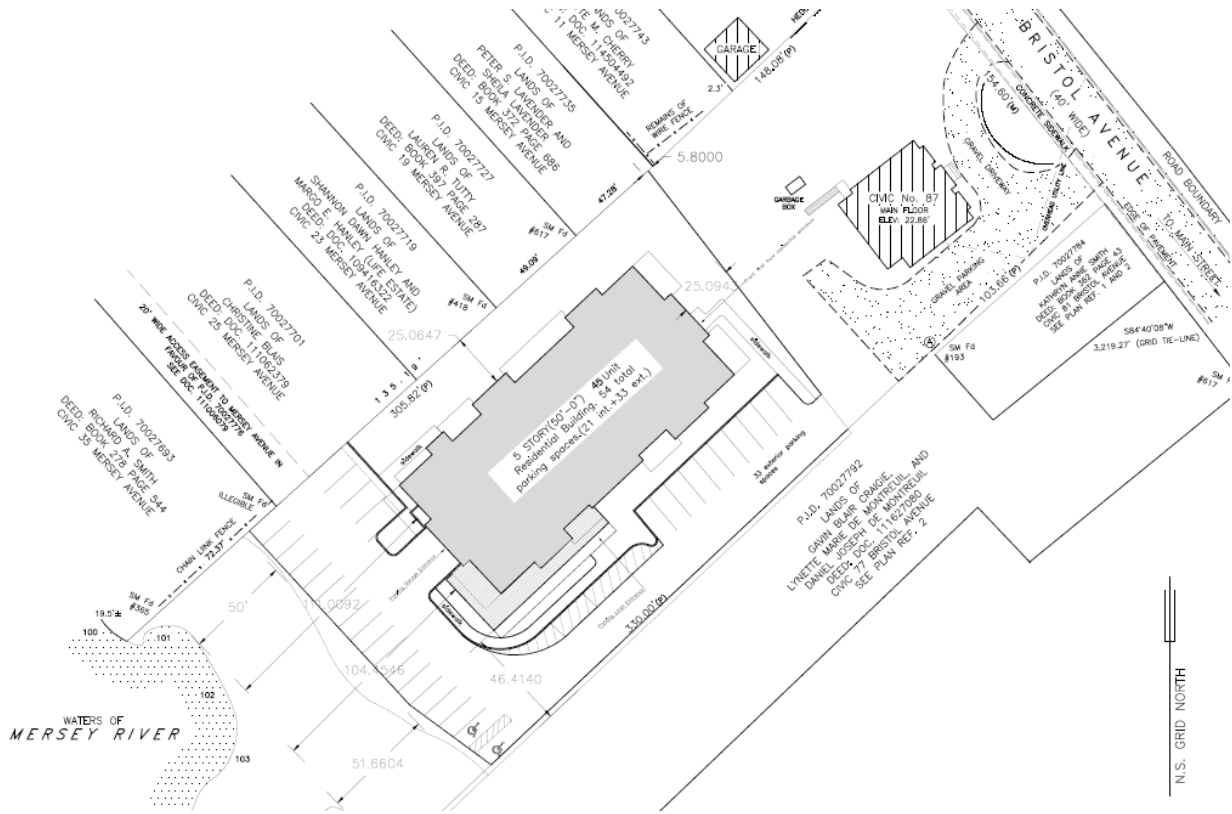


Figure 4: Site Development Plan

## 5 Site Access

Vehicle access to the site will be provided from Mersey Avenue and Bristol Avenue. The access point on Mersey Avenue will be located at the west end of the property through an easement between Civic No. 25 and 35 on Mersey Avenue. The access point on Bristol Avenue will consist of the existing southern access point to Civic No. 87 on Bristol Avenue. The locations of the site access points are shown in Figure 5.

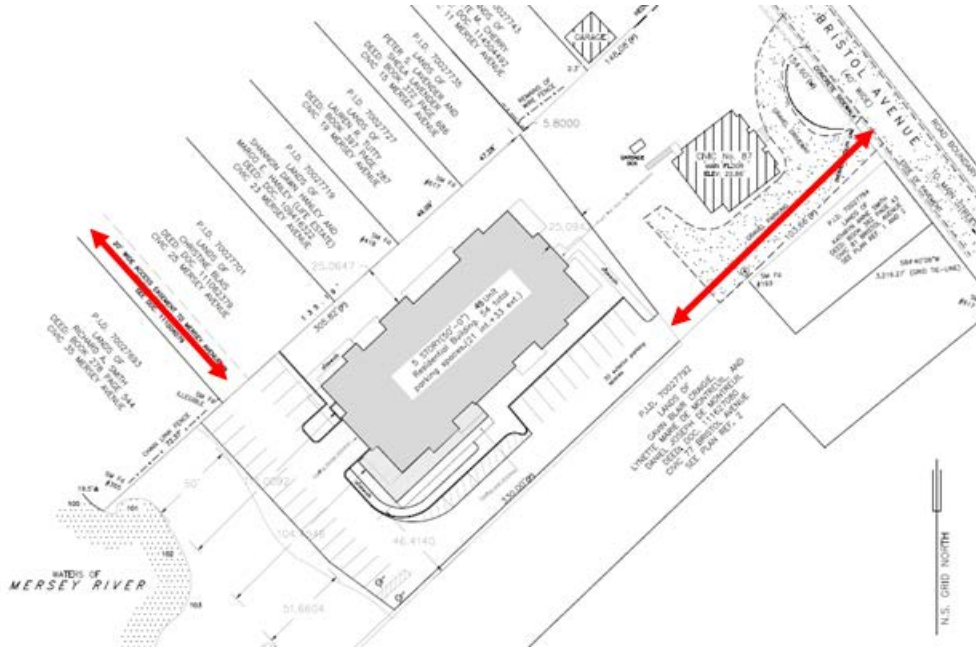


Figure 5: Site Access

A sight distance review was completed at the proposed access locations to confirm that the sight lines meet the minimum stopping and turning sight distance requirements of the Transportation Association of Canada's (TAC) Geometric Design Guide for Canadian Roads<sup>2</sup>. The minimum stopping and turning sight distance requirements for a two-lane roadway with a design speed of 50 km/h are:

- ▶ Minimum stopping sight distance = 65 metres;
- ▶ Minimum turning sight distance – left-turn from stop = 105 metres; and
- ▶ Minimum turning sight distance – right-turn from stop = 95 metres.

**Mersey Avenue:** The sight line west of the access (looking to the left) is shown in Figure 6. The sight line extends to the end of the roadway indicating that there is approximately 50 metres of sight distance available. The minimum stopping and turning sight distance requirements cannot be met west of the access due to the length of the road.

The sight line east of the access (looking to the right) is shown in Figure 7. The sight line extends to the intersection with Bristol Avenue indicating that there is approximately 110 metres of sight distance available. The minimum stopping and turning sight distance requirements are met east of the access.

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<sup>2</sup> Geometric Design Guide for Canadian Roads, Transportation Association of Canada, June 2017.



Figure 6: Sight Line West of Access (Looking to the Left)



Figure 7: Sight Line East of Access (Looking to the Right)



**Bristol Avenue:** The sight line north of the access (looking to the left) is shown in Figure 8. The sight line extends down Bristol Avenue to the signalized intersection with Trunk 8 (Milton Road) indicating that there is over 300 metres of sight distance available. The minimum stopping and turning sight distance requirements are met north of the access.

The sight line south of the access (looking to the right) is shown in Figure 9. The sight line extends to the bridge indicating that there is over 300 metres of sight distance available. The minimum stopping and turning sight distance requirements are met south of the access.



Figure 8: Sight Line North of Access (Looking to the Left)



Figure 9: Sight Line South of Access (Looking to the Right)

## 6 Site Trip Generation

The Institute of Transportation Engineers (ITE) *Trip Generation Manual*<sup>3</sup> was used to estimate the vehicle trip generation for the proposed site land uses. Land use code 221 Multifamily Housing (Mid-Rise), General Urban/Suburban was used for the proposed residential building. Table 1 summarizes the trip generation rates for the land use code.

Table 1: Trip Generation Rates

Land Use	AM Peak Hour			PM Peak Hour		
	Rate	Entering	Exiting	Rate	Entering	Exiting
221 Multifamily Housing (Mid-Rise)	0.37	23%	77%	0.39	61%	39%

Note: Rates are in vehicles per hour (vph)/dwelling unit for residential uses.

The weekday morning (AM) and afternoon (PM) peak hour trip generation estimates for the site are summarized in Table 2. On a typical weekday, the site is estimated to generate 17 vehicle trips in the morning peak hour (4 trips entering and 13 trips exiting) and 18 vehicle trips in the afternoon peak hour (11 trips entering and 7 trips exiting).

<sup>3</sup> Trip Generation Manual, 11<sup>th</sup> edition, Institute of Transportation Engineers, September 2021.



Table 2: Trip Generation Estimates

Land Use	Units	AM Peak Hour			PM Peak Hour		
		Total	Entering	Exiting	Total	Entering	Exiting
221 Multifamily Housing (Mid-Rise)	45	17	4	13	18	11	7
Total Trips Generated (vph)		17	4	13	18	11	7

Note: Units are in dwelling unit for residential uses.

## 7 Impacts

Peak hour traffic volumes on Bristol Avenue were estimated based on recent AADT volumes. Generally, the highest peak hour (typically the PM peak hour) represents approximately 10 percent of daily traffic volumes. Based on an AADT of approximately 3,800 vehicles per day, peak hour volumes of approximately 380 vehicles per hour would be expected on Bristol Avenue. The additional traffic generated by the proposed development is expected to result in an increase in traffic volumes of less than 5 percent on Bristol Avenue during the peak hours.

Vehicle trips to/from the site will be distributed between the two site access points on Mersey Avenue and Bristol Avenue. Assuming an even distribution between the two access points would result in an increase of less than 10 vehicles per hour on Mersey Avenue during peak hours.

It is recognized that the proposed development will increase traffic on Mersey Avenue and this traffic may be noticed by at least some of the adjacent residents who will perceive it to be a major change in the area, however the increased traffic volumes are not expected to be sufficient that motorists will notice any notable deterioration in level of service. The site access has reasonable sight distances for safe operations, the expected traffic generated by the development is not expected to create a safety problem on Mersey Avenue.

It is anticipated that the new vehicle trips associated with the development can be accommodated on Mersey Avenue and Bristol Avenue with a negligible impact on traffic operations. It should be noted that this consists of a high-level qualitative assessment, therefore no analytical capacity calculations have been completed to support the assessment.

If you have any questions or additional discussion, please feel free to contact the undersigned.

Regards,

Michael MacDonald, P. Eng.  
Senior Transportation Engineer, Principal  
Tel: 902-405-4655  
Email: mmacdonald@harboursideengineering.ca

