

Planning Advisory / Heritage Committee Meeting

Tuesday, March 4, 2025

6:00 p.m.

Council Chambers

AGENDA

- 1. Call to order**
- 2. Selection of Chair**
- 3. Items Added / Approval of the Agenda**
- 4. Review of Minutes, Re:**
 - a) July 16, 2024
- 5. New Business**
 - a) Mapping for Land Development – EDPC Staff Update/Verbal
 - b) Registered Mail for Variance Notifications – Discussion/Verbal
 - c) Sub-Division Planning, Re: Planning new areas to have two-lane roadways with turning areas suitable for fire apparatus and provisions for water supply planning. – Discussion/Verbal
 - d) Warden, Re: Update from Developers – Memo
 - e) Request for Sale of Municipal Property – EDPC Staff Reports
 - i. PID 75178905 (No. 206 Highway, Arichat)
 - ii. PID 75029892 (41 Proctor Road, Evanston)
- 6. Old Business**
 - a) Variance Compliance – EDPC Staff Report
 - b) Private Ways – Application from Gail and George Landry - EDPC Staff Update/ Verbal
 - c) Mapping for Volunteer Fire Departments – EDPC Staff Update/ Verbal
- 7. Next Meeting Date**
- 8. Adjournment**



Planning Advisory / Heritage Committee Meeting

July 16th, 2024

Location: Council Chambers

Present: Councillor Brent Sampson, Deputy Warden Shawn Samson, Councillor Melanie Sampson, Carolyn Clackdoyle, Appointed Member, Councillor Michael Diggdon, Warden Amanda Mombourquette

Also Present: John Bain, Director/Development Officer, Eastern District Planning Commission (EDPC), Troy MacCulloch, CAO (Virtual), Shelley David, Municipal Clerk

Regrets: Doug Begg, Appointed Member

Call to Order:

Councillor Brent Sampson called the meeting to order at 6:30 P.M

Items Added to the Agenda (Approval of the Agenda)

Moved by Warden Amanda Mombourquette, seconded by Councillor Melanie Sampson, that the agenda be approved.

Motion carried.

Review of Minutes re:

a) April 16th, 2024

Moved by Warden Amanda Mombourquette, seconded by Deputy Warden Shawn Samson, that the Planning Advisory/Heritage Committee meeting minutes for April 16th, 2024, be approved.

Motion carried.

West Richmond Land Use By-Law Amendment of Part 2 “Administration”

Moved by Warden Amanda Mombourquette, seconded by Deputy Warden Shawn Samson that the Planning Advisory/Heritage Committee recommend to Council to accept the amendment of the West Richmond Land Use By-Law in Part 2 “Administration” as presented with the noted change to item 15 (d), adding receiving notice of refusal by email when possible.

Motion carried with three (3) in favor and two (2) opposed.



Central Richmond Land Use By-Law Amendment of Part 4 “ Interpretation”

Move by Warden Amanda Mombourquette, seconded by appointed member Carolyn ClackDoyle that the Planning Advisory/Heritage Committee recommend to Council to accept the amendment to the Central Richmond Land Use By-Law in Part 4 “Interpretation” as presented with the exception of change to item 3 (d) to include receiving notice of refusal by email when possible.
Motion carried with three (3) in favor and two (2) opposed.

St. Peter’s Land Use By-Law Amendment of Part 2 “Administration”

Move by Warden Amanda Mombourquette, seconded by appointed member Carolyn ClackDoyle that the Planning Advisory/Heritage Committee recommend to Council to accept the amendment to the St. Peter’s Land Use By-Law in Part 2 “Administration” as presented with the exception of item 13 (d), adding receiving notice of refusal by email when possible.
Motion carried with three (3) in favor and two (2) opposed.

Isle Madame Land Use By-Law Amendment of Part 2 “Administration”

Move by Warden Amanda Mombourquette, seconded by appointed member Carolyn ClackDoyle that the Planning Advisory/Heritage Committee recommend to Council to accept the amendment to the Isle Madame Land Use By-Law in Part 2 “Administration” as presented with the noted change to item 13 (d), adding receiving notice of refusal by email when possible.
Motion carried with three (3) in favor and two (2) opposed.

Municipality of the County of Richmond Land Use By-Law Amendment of Section 4.9 “Variances”

Move by Warden Amanda Mombourquette, seconded by appointed member Carolyn ClackDoyle that the Planning Advisory/Heritage Committee recommend to Council to accept the amendment to the Municipality of the County of Richmond Land Use By-Law in section 4.9 “Variances” as presented with the exception of 4.9.3 (d) adding in receiving notice of refusal by email when possible.
Motion carried with three (3) in favor and two (2) opposed.



A By-Law to Amend The Richmond County Subdivision By-Law for the Municipality of the County of Richmond

Moved by Warden Amanda Mombourquette, seconded by Councillor Melanie Sampson that the Planning Advisory / Heritage Committee recommend to Council to accept the amendments to the Richmond County Subdivision By-Law for the Municipality of Richmond County as presented.

Motion carried.

Honourable John A. Lohr, Minister of Municipal Affairs and Housing, Re: Summary of amendments to the Municipal Government Act

For Information Only

Items Added to the Agenda:

No additional items were added.

Next Meeting Date

To be later determined.

Germain MacDonald approached the Committee.

Adjournment

There being no further business, the meeting was adjourned at 7:42 p.m.

Municipal Clerk

Chairperson

Memorandum

To: Members of the PAC, Municipality of the County of Richmond
Troy MacCulloch, CAO, Municipality of the County of Richmond
Chris Boudreau, Director of Public Works, Municipality of the County of Richmond

From: Lois Landry, Warden and Councillor for District 2

Date: February 27, 2025

Re: Conversations with Developers

Housing Needs in Richmond County

Richmond County has an identified need in the area of affordable and market housing, both in terms of single-family dwellings and rental units. In November of 2023, Council received the *Municipality of the County of Richmond Municipal Housing Needs Report: 2023*. This report was intended to (a) identify current and future housing needs and (b) identify existing and projected gaps in housing supply (p. 1).

Key findings in this report identified a shortfall of about 370 units at the end of 2022 and projected shortfall of 515 units by 2027. It's worth noting that this data was developed without considering the potential impact of population growth that may arise from the green energy sector.

Housing has always been a priority for council. The *Strategic Plan Refresh (2022)* includes the following as one of its goals: *encourage housing development across the housing continuum*. In June of 2023, Council tasked staff with investigating what other municipal units were doing around the affordable housing. During that meeting, council urged members of the public to share any ideas that they might have that would lead to possible solutions to this pressing issue.

Council also voted to support the formation of a not-for-profit entity to support affordable housing in the region. The Chamber of Commerce has recently hired a consultant to get that not-for-profit off the ground, with that work culminating in the creation of such an organization in sometime in 2025.

In August of 2024, Council adopted the *Capital Improvement and Development Policy (Council 02-031)*. This policy establishes a framework for evaluating and awarding third-party requests for municipal funding for physical infrastructure projects related to new housing development, providing guidance for Council, municipal staff, and the public (p. 1).

Exhibit 01.02 - Richmond County Objectives

Grow the Economy GOAL

- Advance Development in Industrial Parks
- Facilitate Business & Investment Attraction
- Support Business Retention and Growth
- Advocate for Tourism Development to Build-Up 12-Month Tourism Experiences
- Develop a Branding Strategy and champion promotion of area destinations

Invest in Infrastructure GOAL

- Implement Long Term Capital Planning for Sound Fiscal Management
- Continue to Deliver and Protect Quality Water and Sewer Services and Resources
- Build-Up Funding for Facilities Renewal
- Develop and Improve Accessible Sidewalks / Pathways / Corridors
- Champion Broadband and Cell Service Expansion

Nurture Quality of Life GOAL

- Utilize an Accessibility and Age-Friendly Approach to all Services, Projects, and Initiatives
- Support, Build and Enhance Spaces for Health and Wellness
- Encourage Housing Development Across the Housing Continuum
- Address Climate Change Across the County
- Ensure a Welcoming Experience that values Equity, Diversity and Inclusion

Lead and Engage Stakeholders GOAL

- Adopt and Implement a Communications Plan and Policy, and continue to Inform and Involve Citizens and Stakeholders in a variety of ways
- Support and Connect Citizens and Volunteer Groups
- Seek and Sustain Collaborations with Organizations in a Variety of areas to Pursue Shared Goals
- Foster strong and consistent relationships with other local governments (Potlotek First Nation and the St. Peter's Village Commission)
- Find and leverage funding supports in areas including Infrastructure Renewal, Roads, Trails, Sustainability, Housing, Accessibility, and Tourism

Source: Richmond County 2022 - 2024 Strategic Plan Refresh prepared by Preferred Choice and FBM

FIGURE 1: RICHMOND COUNTY'S 2022 STRATEGIC PLAN REFRESH OBJECTIVES.

Discussions with Developers

Several developers have reached out to staff and councillors around issues related to housing. While a not-for-profit housing entity will help with a lack of supply in the area, there have been several developers who have contributed significantly to housing supply and there are others who have an interest in getting into this space. Discussions with developers were intended to get information that may help Council and staff in their ongoing efforts to meet their identified goal: to encourage housing development across the housing continuum.

Conversations took place with 10 developers in the area. Half of those are local residents who have built (or are in the process) 15 or more rental units. The other half are those who reached out with questions or concerns over the last year so that we could hear from those with an identified interest in contributing to housing stock (whether rental units or market housing) in the County.

The conversations were very free flowing, but were prompted by three questions:

- What brings you to this space?
- What has gone well?
- Where have the challenges been?

What they said

What brings you to this space?

Two themes emerged:

1. Local developers feel deeply connected to this community and want to contribute to solving a problem that affects many of their community.
2. Contributing to housing stock in an area where there is a very large population of older adults contributes to right-sized housing for seniors and supports young people looking for housing as they consider work in the area or returning home after working away.
3. This space affords developers with an avenue to invest locally as part of a stand-alone or broader business model.

While the value of housing as an investment is real, it is clear that Return on Investment is not enough to drive people to this work. There are other ways to make money, and investing in housing would be more lucrative in other parts of the province.

Example: price of materials costs as much here as in other jurisdictions, but the cap on what people can afford to pay here is significant. MUF Feasibility Study: Household income in Richmond County is 15% lower than provincial median and lower still than the national median income” (p. 4).

What has gone well?

Though several issues have made development challenging, there are some positives to report:

1. There is a **strong demand for housing**, so the possibility of building but being unable to rent new units is not a pressing concern.
2. This demand for housing has **reduced competition among developers**, with several expressing an interest in meeting and/or working with others.

3. The **relationship with local EDPC and municipal staff, particularly the local Building Inspector and Director of Public Works, has been positive**, and developers have felt that they could call the Municipal office as needed.
4. **Developers in Richmond are often their own builders**. This is significant in the face of clear challenges with the labour market. Even in instances when developers are hiring skilled trades' people, the **close nature of rural communities is significant**. Local developers know who they can rely on to work with, and local tradespeople are confident trusted developers will pay for their services on time.
5. There is a **healthy mix of experienced and new developers working in this space** in Richmond County. There are developers with a healthy cash-flow to rely on and those beginning their work in this space.
6. **Some provincial and federal programs have been helpful**. Rent supplements have helped residents access units that they otherwise couldn't. The GST Rental Rebate program has been used by some developers to reduce building costs.
7. Richmond has a number of developers who are **advancing solutions that can drive substantive increases in housing stock** (e.g., prefabricated housing, accessing new funds for housing for adults with disabilities, and alternatives to traditional water and sewer services).
8. Opening rental units often leads to seniors leaving homes that they have outgrown. Those **homes become freed up for young families**, including tradespeople and health care workers, both of which are sorely needed in the area.

What have the challenges been?

1. **Return on investment is very tight**. Any opportunities to save money is recognized as helpful to bottom line. Upfront costs have skyrocketed.
2. Rent cannot outpace **residents' ability to pay**.
3. **Provincial rent caps have made making money in this space challenging** as costs (e.g., heating, property assessments, costs of repairs, etc.) have outpaced rental caps (especially while it was at 2%).
4. **HST on new builds** makes building single family units to sell a challenge given significant up-front cost. (Current GST/HST rebates only apply builds designated for long-term rental.)
5. **Programs that have been helpful come with limitations**. Rent Supplements have been more challenging to access than previous programs, and the GST Rental Rebate program does not include triple units, for instance.

6. **Financing costs are challenging**, especially when other investment opportunities offer more Return on Investments than rentals, especially around affordable housing.
7. **Affordable housing is a challenging concept**. Actual market conditions don't often align, resulting in a mismatch between policy and reality.
8. Overwhelmingly, **CHMC has been of little help to developers** to date and sometimes feels like a rabbit-hole that drags developers off-target when there was little to no chance that the program would have been available to them at all. This was a consistent concern among developers who once considered CMHC a viable option.
9. **Some zoning issues were identified**, but those were secondary to other issues that would make builds impractical.
10. **A lack of land available in areas that currently have water and sewer services**. The cost to increase the number of serviced lots is significant.
11. **For some developers, increases to the capital gains tax rate has been off-putting**. That was not consistent across developers. (*"You make money. You pay tax."*)
12. Richmond County's aging population means that much of the market should be geared to seniors. **Additional costs to make units accessible** is a concern, though there are programs to support that work.
13. There are people interested in contributing in ways that are less traditional (e.g., tiny homes, cooperative housing) who have not found an avenue to contribute to housing stock. There is a **difficulty in incorporating creative solutions** in areas that are newly finding themselves in short supply of housing.
14. **Property tax assessment increases and passive rental income rates discourage investment** in this space.

To: **Troy MacCulloch, CAO**
Municipality of the County of Richmond (MOCR)

From: **Planning Staff (Eastern District Planning Commission - EDPC)**

Date: **March 4, 2025**

Reference: **Request for sale of municipal lands, PID 75178905 (No. 206 Highway, Arichat)**

The Municipality of the County of Richmond (MOCR) has requested the Eastern District Planning Commission (EDPC) to comment on the potential sale of municipally owned lands, identified as PID 75178905 (see Figure 1).

The subject parcel fronts onto Veterans Memorial Drive. The lot has a documented size of 1.64 acres (71 438.4 ft²) according to Property Online. The lot was acquired by the Municipality in 2002 from the previous owner.

The Arichat area is within the **Isle Madame Secondary Plan Area (IMPA)**; the property itself being in the **Rural General (RG)** zone, following the *Isle Madame Land-Use Bylaw (LUB)*. The LUB for this zone allows for the construction of any residential, commercial, or recreational use, with the prohibition of heavy industrial (HI) uses, excluding the defined permitted HI uses found in Schedule D of the LUB.



Figure 1: PID 75178905

Further, since the lot abuts the coastline, a coastal setback requirement for the RG zone stipulates that “no development permit shall be issued for any structure within 50 feet of the edge of a coast” and that land levels within 50 feet “shall not be altered by the filling in of land to a depth greater than 1 foot above the natural ground surface”. For a representation of the “permitted development zone” based off the special requirement as well as the standard setbacks for the RG zone, please refer to Figure 2. This area is based off the current property lines.

When visiting the property to assess the lot on December 20, 2024, it was apparent that substantial coastal erosion has taken place over some time. The coastal property seen in both figures is indicative of such activity, as it is now off the coast. The only accessible access point to get to the lot is via an adjacent property to the east where there is an access road down to the shore, from which you can walk along the beachfront. When walking from east to west, there is

Memorandum



Figure 2: PID 75178905 permitted development zone (yellow) given the setbacks for the RG zone and watercourse setback

immediately a steep grade cliffside from the road down to the shoreline, with a rocky beach in front that narrows considerably during high tide. Further along the property, a large rockface lines the immediate coastline, essentially leaving the remainder of the property inaccessible from the coast. When looking down over the property from its frontage along Veteran's Memorial Drive, it was apparent that the lay of the land was sloped toward the ocean, with little to no areas of zero grade topography. Overall,

considering that the development area would be smaller if the land was resurveyed to account for the erosion, it would be safe to say that more than half of the lot could be considered undevelopable.

As the lot meets both frontage and lot area requirements from its given zone, it is **not** considered to be undersized, regardless of date of creation. Given this, and the regulations of the RG zone, it is possible to construct a dwelling or building on the lot. Notwithstanding the coastal setback, the LUB excludes certain uses from abiding by it, such as docks, water treatment uses, pumphouses, among other uses found in Schedule E of the LUB.

Any development would be subject to compliance with building codes and approval of an on-site sewage disposal system. Under the On-site Sewage Disposal Systems Regulations with ideal soil conditions, the minimum lot size requirement is 2,700 square meters (approximately 29,000 sq. ft), which this lot does meet.

It is therefore Staff's opinion that this property is of sufficient size and dimension to be capable of a reasonable use. Therefore, should Council wish to dispose of this property as municipal surplus pursuant to the *Sale of Municipal Property Policy*, it should be through a method other than the "direct sale to an abutting property owner".

benefits to be gained. Municipal Council may only make the following exceptions to this section:

(a) the sale of an undersized lot to an adjacent property owner.

“Undersized” is not defined within the Policy. However, under Section 5(a), the Policy states that property must be sold under public tender, except for certain instances. One such instance is where the municipality holds that the land “is of insufficient size or dimensions to be capable of any reasonable use...” in which case the land may be sold to an abutting owner.

This lot would **not** be considered undersized within the Central Richmond Plan Area, as the lot was in its current shape prior to the land-use bylaw coming into effect. Given this information, it is possible to construct a dwelling on the lot subject to compliance with building codes and approval of an on-site sewage disposal system. If it is indeed bought for the purpose of development, one would be able to place, as illustrated on the map below for example, a 66ft. in length by 14ft. wide mini home on the lot. This assessment also considers the setback requirements which apply to all properties, whether they are existing undersized lots or not. An overlay of the “permitted development area” of the property is shown with the mini home shown within. The setback requirements are as follows:

25 ft. from front & rear lot lines

10 ft. from side lot lines

Road frontage would not be an issue with this lot, as we can infer using Figure 1 that the frontage is close to 100m along Proctor Road. However, a driveway to access the property and its potential building would still need to be approved by the provincial Department of Public Works, as they own and maintain the road.

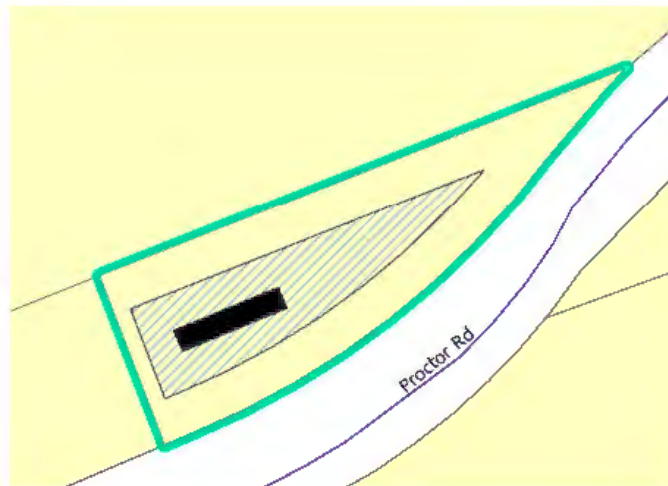


Figure 2 Developable area (hatched) and potential mini home siting.

For subdivision purposes, a new lot of this size would not obtain approval. Under the On-site Sewage Disposal Systems Regulations with ideal soil conditions, the minimum lot size requirement is 2,700 square meters (approximately 29,000 sq. ft), which this lot does not meet. However, it is possible that the lot as it exists may obtain an approval for a system selected by a professional engineer or qualified person.

It is therefore Staff’s opinion that this property is of sufficient size and dimension to be capable of a reasonable use. Therefore, should Council wish to dispose of this property as municipal surplus pursuant to the *Sale of Municipal Property Policy*, it should be through a method other than the “direct sale to an abutting property owner”.

To: **Troy MacCulloch CAO
Planning Advisory Committee**

From: **Planning Staff (Eastern District Planning Commission)**

Date: **March 4, 2025**

Reference: **2018 variance request submitted by Terry Boudreau for PID# 75139196 (Lands of Margaret Boudreau and Terry Boudreau), Pepperell Street, St. Peters, Nova Scotia from 50 to 25 feet waterside and from 20 feet] to 10 feet roadside to allow for construction of a small dwelling.**

Attached is the staff report that went to the CAO of the day and then was available for Council before they made any decisions on the two variances. As noted in the report we approved both the variance to decrease the coastal development yard requirement from fifty (50) feet to twenty-five (25) feet and the variance to decrease the front yard requirement from twenty (20) feet to ten (10) feet were approved. The staff report also noted that without the variance the two setbacks overlapped, meaning it was not possible to put a second home on this property. The staff report also mentioned that “The requested variances will still only allow a small house of approximately 20 feet of depth.”

Council has now been requested to review this decision with respect to the presentation made to Council at the time. As noted by the complainant in response to a question from a Councillor the Director mentioned a tiny home as a possible development on the property with a depth of approximately 20 feet. The Director was simply referring to a tiny home, that is a “small house”, not the technical term “Tiny House” as defined in the *Nova Scotia Building Code Regulations* which was only adopted by the Province of Nova Scotia two years later, January 1st, 2020. Also, as the complainant mentioned in some instances a “Tiny House” only has a depth of no more than 8.5 feet. The Director specifically mentioned in the staff report and in his verbal presentation a possible development of a home with a depth of approximately 20 feet.

With respect to the three questions:

- 1) At the time Richmond County Council did not uphold the variance because they thought only a “Tiny House” as defined by the *Nova Scotia Building Code Regulations* was all that could be built on the property.
- 2) There was not a restriction that only a “Tiny House” as defined by the *Nova Scotia Building Code Regulations* was all that could be built on the property.
- 3) Council was provided with accurate information as to what could be built on the property, that is “A small house of approximately 20 feet of depth” which is what we issued permits for in this instance. (See attached Location Certificate)

MEMORANDUM

To: **Kent MacIntyre, CAO**
From: **Planning Staff (EDPC)**
Date: **August 31, 2018**
Reference: **Variance request for PID# 75139196 (Lands of Terry and Margaret Boudreau), 9137 Pepperell Street, St. Peters, Richmond County, Nova Scotia.**

Background:

District Planning received a request from Mr. Terry Boudreau for a variance on his property to allow for a second dwelling to be located on his property in accordance with the recent amendments to the St. Peters planning documents and also to allow for future subdivision of the lot into two parcels. The "Coastal Development" setback requirement in the St. Peters Land Use By-law is as follows: *"Notwithstanding anything else in this By-law, all structures shall be set back a minimum distance of fifty (50) feet from the high water mark of the Bras d'Or Lakes and St. Peter's Bay with the exception of wharves and boathouses."* Also the Land Use By-law has a front yard setback from the highway right-of-way of twenty (20) feet.

The property is a wedge shaped parcel located between Pepperell Street and Stachans Cove (see attached map) with approximately 20 metres of depth at the midpoint. The two setbacks together therefore do not allow the property to be developed. The requested variances will still only allow a small house of approximately 20 feet of depth.

After reviewing the request, both the variance to decrease the coastal development yard requirement from fifty (50) feet to twenty-five (25) feet and the variance to decrease the front yard requirement from twenty (20) feet to ten (10) feet were approved. This will allow for a second single family dwelling to be located on the lot, taking advantage of recent amendments to the St. Peters Plan and By-law and as well allow for potential subdivision into two lots in the future.

Analysis:

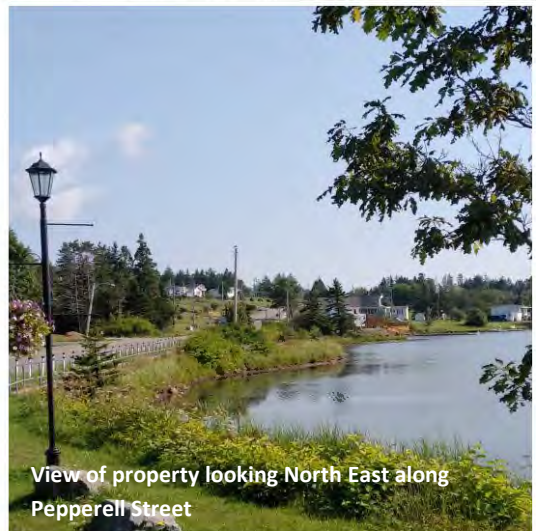
The rear yard is normally 25 feet in the Residential Village (R1) zone however there are special provisions for shoreline area setbacks to preserve the scenic landscape found along the lakes and bay,

PROPERTY DESCRIPTION

Designation: Residential Designation
Zoning: Residential Village (R1)
PID: 75139196
Site Visit: August 28, 2018
Lot Area: 17,870 square feet



View of property from Pepperell Street
looking South East



View of property looking North East along
Pepperell Street

by limiting structures from impeding on the water's edge. However the Municipal Planning Strategy also identifies areas where shallow lots make such a setback unworkable. Specifically, the exception applies to properties located on the north side of Highway 4 between the St. Peter's canal and Corbett's Cove Road. Staff therefore are of the opinion that a similar provision should be made for this property by application of the variance provisions of the *Municipal Government Act*.

The Development Officer made the decision to allow the variance after visiting the site on August 28, 2018. The St. Peters Municipal Planning Strategy has a variance policy that defers to the *Municipal Government Act*.

Policy A-12 In addition to the general powers granted in the Municipal Government Act, the Act also empowers the Development Officer to grant variances from the Land Use By-law. Specifically, the Development Officer may vary the percentage of land that may be built on, the sizes of yards, courts and other open spaces, lot frontage and area. Should the Development Officer grant a variance, a notice of this action must be served in accordance with the Municipal Government Act. Anyone served with such notice may appeal to Council.

The *Municipal Government Act* Section 235 deals with variances as follows:

235 (1) *A development officer may grant a variance in one or more of the following terms in a development agreement, if provided for in the development agreement, or land-use by-law requirements: ...*

(b) size or other requirements relating to yards.

235(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.*

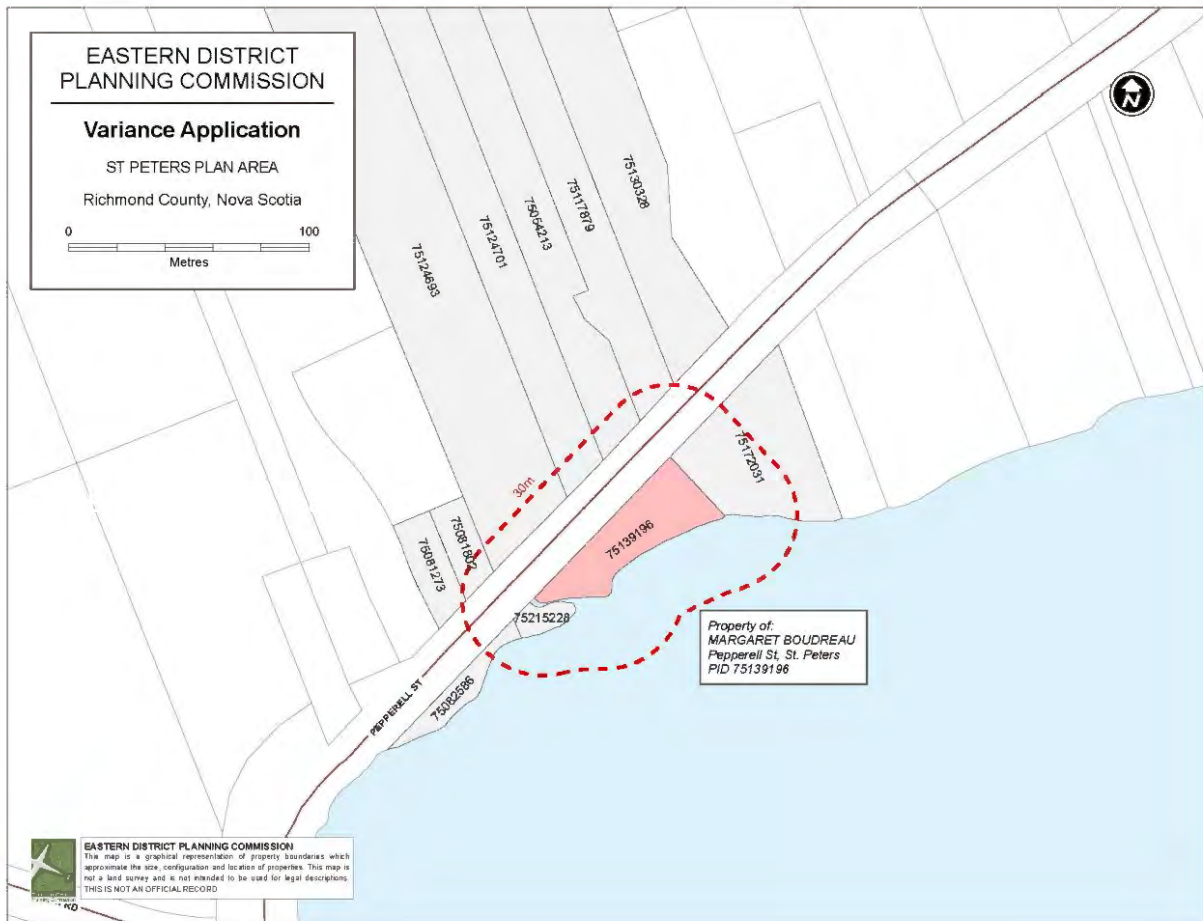
The intent of the Land Use By-law as expressed in the Municipal Planning strategy is to encourage medium density residential uses in the Residential Village zone. In keeping with this policy Council recently approved amendments which allow for the intensification of density in residential areas and specifically the Residential Village zone by allowing a second a second dwelling on a property regardless if the property could potentially be subdivided or not. Also while it is the intention of the Municipal Planning strategy to preserve the shorelines of the plan area the documents take a pragmatic approach to this by making provision for larger areas of the planning area with shallow lots to be exempt from the fifty foot shoreline setback. Given the balance of policies associated with this variance application staff concluded the variance would **not** violate the intent of the Land Use Bylaw.

Secondly, the difficulty experienced is **not** general to properties in the area. The property is deemed to be a unique situation due to the size and shape of the property. To the East of this property the lots are significantly deeper and the fifty foot setback can easily be accommodated on the lot. This is not the case with the property in question.

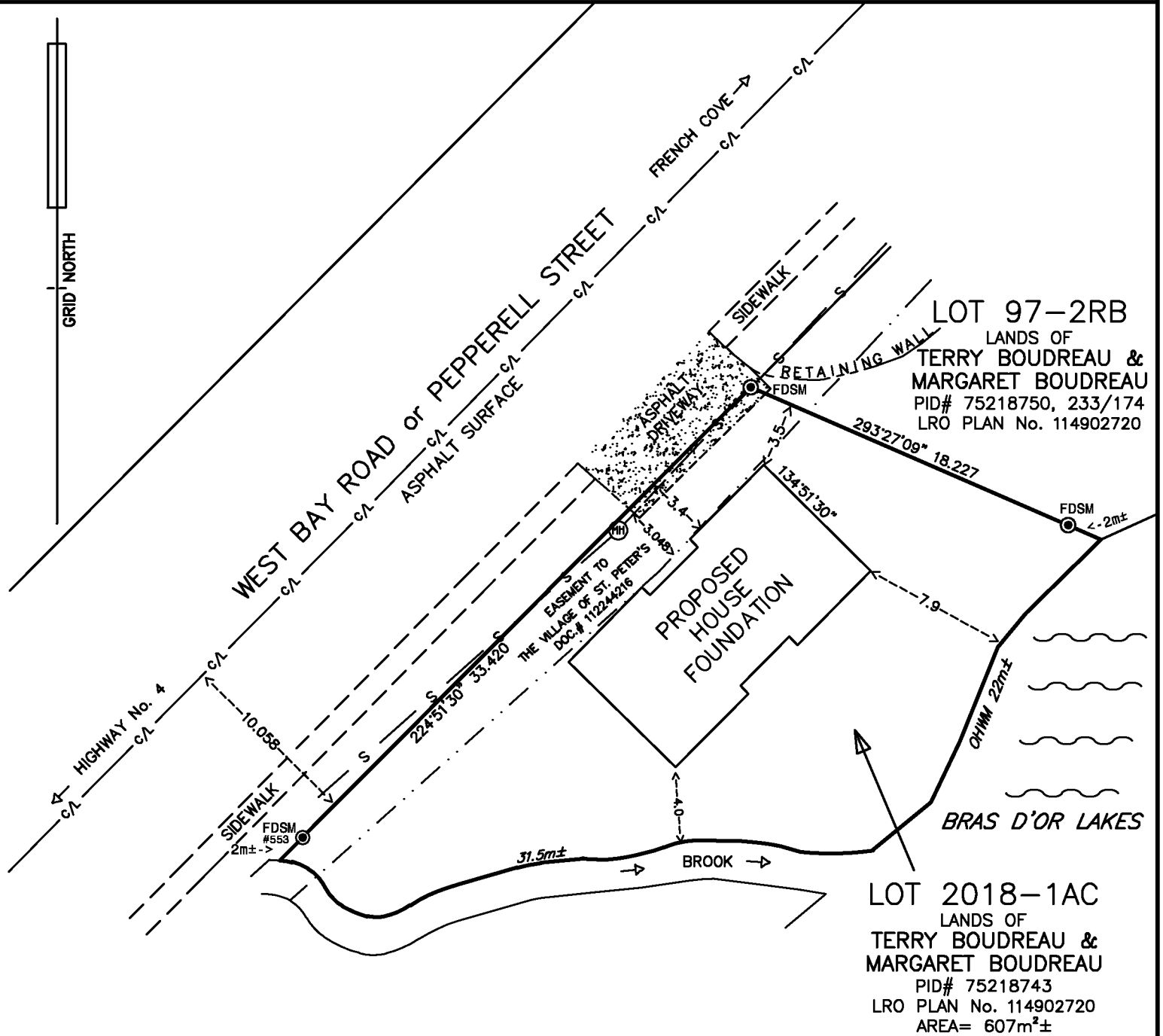
Finally there has been no intentional disregard of the requirements of the land use by-law.

Conclusion

The variance was granted by the Development Officer on August 28, 2018. Letters to the owners of the adjacent properties and any property within 30 metres (98 ft.) were sent out by Canada Post on September 1, 2018. Section 509(2) of the *Municipal Government Act* deems notice to have been served on the third day after it was sent, September 4, 2018. Therefore any appeal of the decision to grant these variances must be received on or prior to Tuesday September 16, 2018.



SURVEYOR'S LOCATION CERTIFICATE



LOT 97-2RB
 LANDS OF
**TERRY BOUDREAU &
 MARGARET BOUDREAU**
 PID# 75218750, 233/174
 LRO PLAN No. 114902720

LOT 2018-1AC
 LANDS OF
**TERRY BOUDREAU &
 MARGARET BOUDREAU**
 PID# 75218743
 LRO PLAN No. 114902720
 AREA= $607m^2 \pm$

SCALE: 1:300

CERTIFIED TO:
TERRY BOUDREAU & MARGARET BOUDREAU
 LANDS @ PEPPERELL ST., ST. PETER'S,
 RICHMOND CO., NOVA SCOTIA

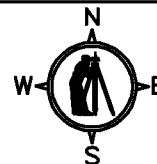
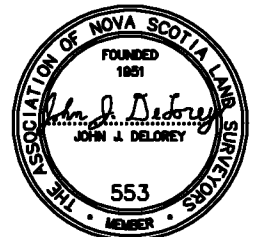
THE PROPOSED FOUNDATION SHOWN HEREON IS LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE SUBJECT LANDS AS SAID BOUNDARIES ARE DEFINED BY PID# 75218743. FOUNDATION LOCATION WAS DETERMINED FROM EXISTING FOOTINGS IN PLACE ON AUGUST 24, 2024.

THIS CERTIFICATE SHALL NOT BE USED FOR BOUNDARY DEFINITION OR AS A REFERENCE FOR PREPARATION OF A LEGAL DESCRIPTION.

DATE OF FIELD WORK: AUGUST 24, 2024.

I, John J. DeLorey, Nova Scotia Land Surveyor, hereby certify that this Surveyor's Location Certificate was prepared under my supervision and in accordance with the Land Surveyors Act, Regulations and Standards made there under. Dated August 24, 2024.

John J. DeLorey N.S.L.S.



DELOREY LAND SURVEYS INC.
 264 LINWOOD ROAD, ANTIGONISH CO., N.S.
 CELL: 902-863-8767 OFFICE: 902-232-2350
 EMAIL: JOHN@NSLANDSURVEY.CA
 WEBSITE: NSLANDSURVEY.CA

SLC NO. 75783

JOB NO. 3600