

Appeal of Site Plan Approval

51 Old Enfield Road, Enfield

PID 45118221 & 45078748

May 26, 2021



EAST HANTS

Background

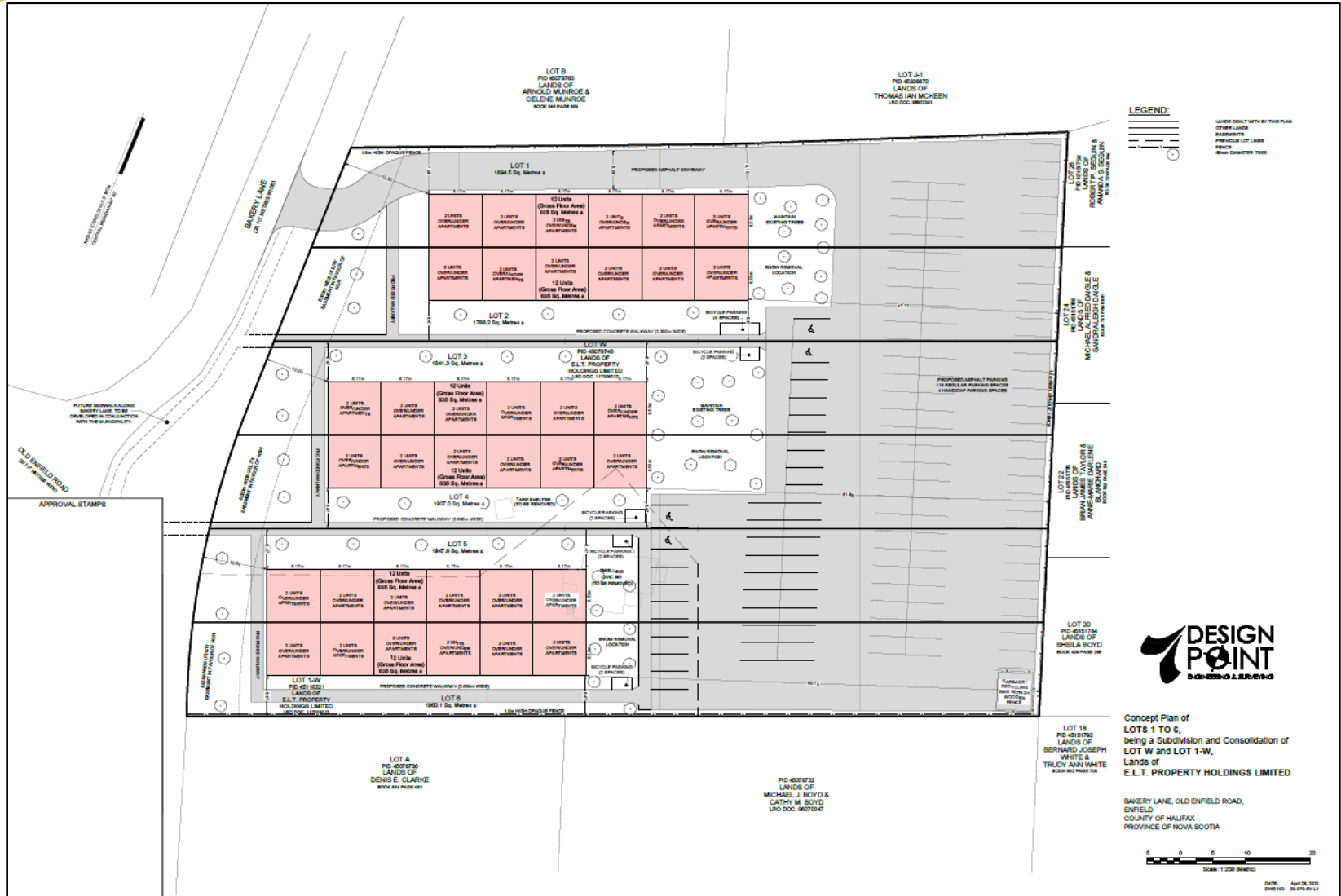
- Site plan approval is a development control tool that is enabled by the Municipal Government Act (MGA) to provide a more streamlined approach to development using the Land Use Bylaw (LUB).
- The LUB identifies the use that is subject to site plan approval, the area where site plan approval applies, the criteria the Development Officer shall consider prior to granting site plan approval, and the notification area.
- There are several zones in the Land Use Bylaw that permit development by site plan approval, including the Village Core (VC) Zone. This zone also includes architectural design and landscaping requirements through the Form-Based Zone Requirements.
- The Development Officer is obligated to grant site plan approval to any proposal that meets the requirements of the Land Use Bylaw.

Background

- An application for site plan approval was received in February 2021 for multiple unit dwellings with a minimum of 8 dwelling units to a maximum of 12 dwelling units subject to the Form-Based Zone Requirements for the Village Core (VC) Zone.
- The application is for six (6) 12-unit buildings over six (6) proposed lots.
- The development is proposed to be developed over two existing properties, PID 45118221 & 45078748.

Discussion

- Over a 2 month period, the site plan, building design drawings and stormwater management plan were reviewed by staff.
- The documents were revised several times until it was deemed to meet the requirements of the Form-Based Zone Requirements for the Village Core (VC) Zone.
- This includes architectural design standards, site design and landscape guidelines.
 - It should be noted that while no buffering is required between the development and neighbouring properties, the developer updated the site plan to show a minimum 1.8m high opaque fence.
- On April 15, 2021, property owners within 30 metres of the subject properties were notified of the site plan approval.
- An appeal was received on April 30, 2021 from Robert & Amanda Seguin, 81 Shamrock Lane, Enfield. A copy of the letter was posted for Council.



Site Plan



C:\Users\wendy.hammett\DesignPoint\Proj - 202005-070 Leno - Site Plan\01 - Drawings\Eng Design\05-070_Bldg_Elevations 3.dwg, Plot Date: 2021-Mar-4

Discussion

- A stormwater management plan was submitted as part of the package. It was reviewed and approved by the Department of Transportation & Active Transit (TAT) and Department of Infrastructure & Operations (I&O).
- Water and sewer capacity was also reviewed by I&O and sufficient capacity is available for this development.
- Old Enfield Road and Bakery Lane are owned by the province. TAT reviewed the proposed site plan and intersection design and had no objections. The developer will have to apply for a Work Within Highway Right-of-Way permit should the project proceed.
- As per Section 232 (3) of the Municipal Government Act (MGA), Council, in hearing an appeal concerning a site plan approval, may make any decision that the Development Officer could have made.
- Council may overturn the decision of the Development Officer if the approval was in contravention of the criteria as set out in the Form-Based Zone Requirements for the Village Core zone, which was used to evaluate the site plan.

Recommendation

That following the submission from the appellant, Council consider the suggested motion to uphold the decision of the Development Officer and dismiss the appeal.

Suggested Motion

Council hereby upholds the decision of the Development Officer to grant site plan approval for the proposed development on PID 45118221 & 45078748 and therefore dismisses the appeal of Robert & Amanda Seguin.