

***Dr. David Sheehy - MPS and LUB  
Amendment Application***

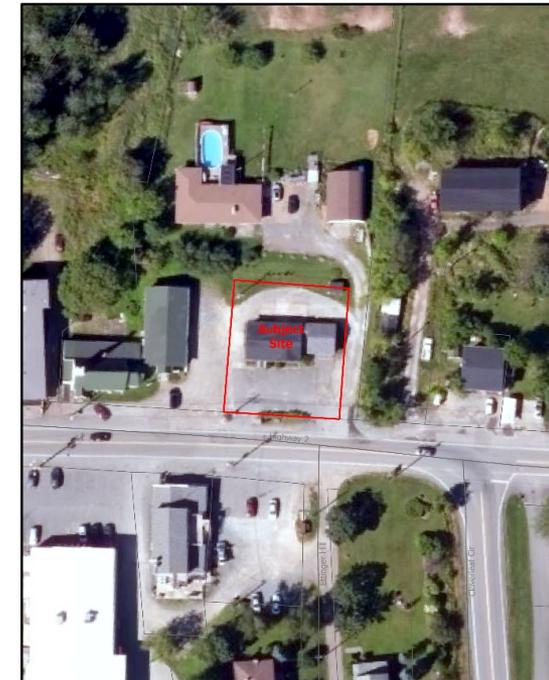
Public Hearing  
October 27, 2021



**EAST HANTS**

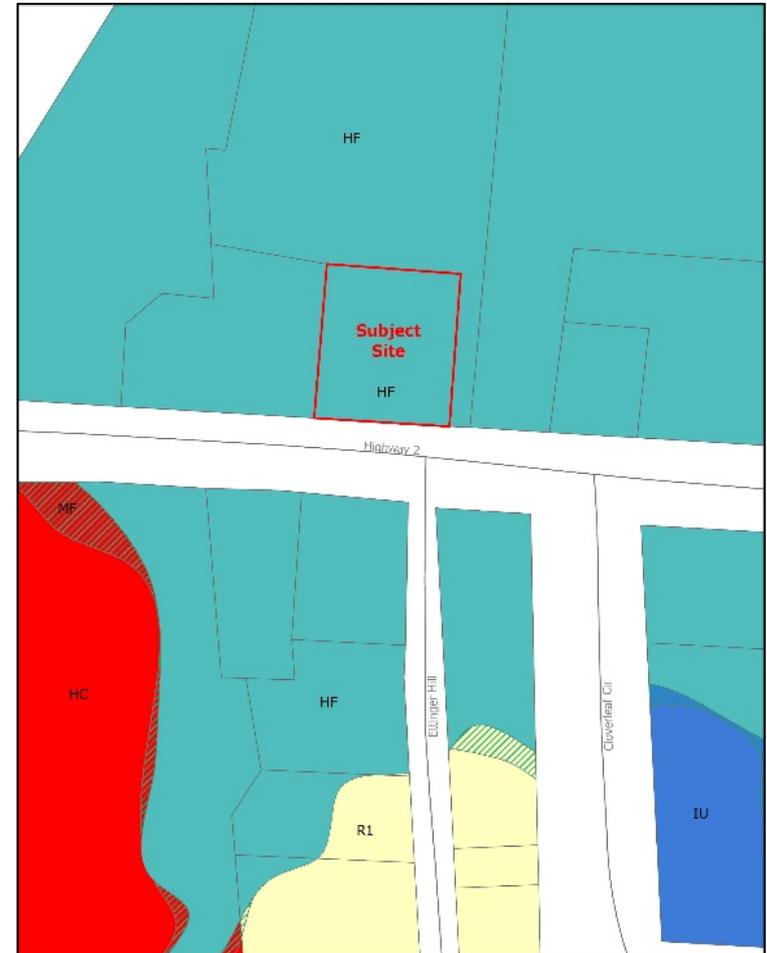
# Background

- Planning staff received an application from Dr. David Sheehy in March 2021. The applicant has operated the Shubenacadie Health Centre since 1993. The health centre is now closed (November 2020) and the property owner has been looking for another physician to take over the clinic.
- He has been trying to attract another physician to the clinic to continue on as a medical practice for the last 4-5 years but has been unsuccessful.
- The property was changed to a medical clinic following a development agreement with the municipality in 1993.



## Subject Site

- The subject land property is located at 2858 Highway 2, Shubenacadie. On the property there is an existing single storey building which has been used as a medical centre -permitted through a development agreement.
- The property is 992 sq metres in size and has approximately 29 metres of frontage onto Highway 2.
- To the west of the property is an Anglican Church. The building to the east of the property is an existing residential and commercial building operating as Papa K's Pizza. The building to the rear of the property is an existing residential use.



## Development Proposal

- The purpose of this application is to enable the property owner to convert the building to a single unit dwelling so that he can sell the property.
- The property is located in the High Risk Floodplain (HF) Zone where no permanent structures are permitted except for public works structures, associated with the provision of piped services, or unless the structure is accessory to the lawfully existing main use of the property.
- A change to residential, which is not permitted in the zone, from the existing use, is not enabled under the existing policies and regulations of the official community plan. The applicant is requesting a change to the MPS and LUB to enable him to change the property over from medical centre to residential use.
- The existing development agreements on the property enables the medical practice use. To enable the property owner to change the use to residential the development agreements will have to be discharged.

## Policy Analysis

- Regulations to limit development in a high risk floodplain are intended to protect property owners but also to enable the lands to function as an area where flood waters can flow freely which helps to protect other areas from flooding.
- Once the land use or buildings are no longer in operation in the floodplain there is an opportunity to remove the use and potentially the building from the area. This does however have an impact on existing property owners and creates a potential hardship for those people.
- A non-conforming use in a HF Zone is different to other zones with non-conforming uses, as there is no opportunity to use the building for any other uses, as all new buildings and use of buildings are prohibited unless it's for public works structures related to the provision of piped services.
- Until the new wastewater treatment plant is completed in Shubenacadie (anticipated March 2023) staff will need to undertake an analysis of whether there will be any increase in wastewater from any new uses. This would impact as-of-right and development agreement applications enabled through these new policies and regulations.

## Policy Analysis

- 22 properties throughout the whole of the HF zoned area of the municipality which are currently not in residential use.
- The amendments consider other non-conforming uses.

Amendments are proposed that (draft amendments included in the staff report)

- a non-conforming use be permitted to change to a non-conforming single unit residential **as-of-right**. Any existing basements not permitted to be used for habitable space.
- Other non conforming uses be considered by **development agreement**.
  - *The existing non-conforming use shall not have been discontinued for a continuous period of 2 years.*
  - *Uses which are restricted in the Moderate Risk Floodplain (MF) Overlay Zone will not be considered.*
  - *A use shall be compatible with the local area uses.*
  - *Any existing basements shall only be used for storage, mechanical equipment or some other type of non-habitable space.*
  - *The main structure containing the non-conforming use, may be extended, enlarged, or altered up to 25% of its original gross floor area.*

## Citizen Engagement

- A Public Information Meeting (PIM) was held on July 6, 2021. There were no comments or questions from the public.
- Following first reading,
  - questionnaires were mailed to property owners within 300 metres of the Sheehy property.
  - In addition to the questionnaire staff have used social media to request any comments from the wider community on the amendments to the MPS and LUB.
- Questionnaires have been returned from 11 property owners. There were no objections received from these property owners.
  - One property owner commented that with the NS government seeking to bring in new doctors to Nova Scotia - the amendments does not prohibit Dr. Sheehy from selling the medical practice it would simply enable him to convert to residential should he choose to.
  - One property owner does not want to see multi-unit residential in the area - if a multi-unit residential use is proposed in an existing building, as a result of these amendments, this new use will have to be considered through a development agreement and will not be as-of-right.
- No comments have been received from the additional social media posting.
- A notice advertising the public hearing was placed in the October 13<sup>th</sup> and 20<sup>th</sup> editions of the Chronicle Herald.

## Conclusion

- Planning staff have completed their review of the application by Dr. David Sheehy to enable the existing medical centre to be used as a residential property. The proposed amendments go further than just enabling the residential use and looks to address other potential uses in the HF Zone by enabling development agreements.
- Staff are recommending approval of the amendments.
- Provincial approval is required for all amendments to the Municipal Planning Strategy.

