

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Agenda **Amended July 29, 2026**

July 28, 2026 - 6:00 p.m.

In-person, Sanford Council Chambers, 76 Morison Dr, Windsor, NS

Virtual via Zoom (also YouTube Livestream)



1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda, including additions or deletions
5. Declaration(s) of Conflict of Interest
6. Approval of Previous Meeting Minutes
 - a) 2026-06-23 Council Minutes
 - b) 2026-06-23 MPS and LUB amendments to allow approval of Development and Building Permits PH Minutes
7. Public Hearings
 - a) Appeal of Variance Approval: 532-542 O'Brien Street, Windsor, PID 45054392 Development Officer Overholt and Manager Robertson
 - b) Rezoning Application for 5398 Highway 14, Currys Corner (PID 45075439) – Director Poirier
8. Second Readings (as it pertains to Public Hearings)
 - a) Appeal of Variance Approval: 532-542 O'Brien Street, Windsor, PID 45054392 Development Officer Overholt and Manager Robertson
 - b) Rezoning Application for 5398 Highway 14, Currys Corner (PID 45075439) – Director Poirier
9. Climate Action Committee (CAC) Excerpt (July 22, 2026) **(Moved up on the agenda)**
 - a) **Financial ERP System Recommendation Report – Director Rochon**
 - b) Climate Action Committee (CAC) Excerpt (July 22, 2026)
 - i. Adoption of Zero Emissions Transportation Feasibility Study Recommendation – Coordinator Ogilvie
 - ii. Report Form Template Amendments for Environmental Considerations Recommendation – Coordinator Ogilvie
10. Unfinished Business/Postponed Motions
 - a) Tregothic Trail Culvert Replacement Tender Award Recommendation Report – Manager Bennett

- b) West Hants Sports Complex LED Sign Tender Award Recommendation Report – Manager Bennett
 - c) West Hants Homelessness Engagement Discussion Report – Clerk Snair
- 11. Mayor’s Report
- 12. Committee(s) of Council Excerpts/Recommendations
 - a) Committee of the Whole Excerpts (July 14, 2026)
 - i. Annapolis Valley Regional Library Meeting and Council Direction
 - ~~ii. Blue Route Sweeping Request~~
 - iii. Change in Scope RFP Consultant Services to Complete Municipal Planning Document Review
 - iv. WHRM Reserve Policy Changes
 - v. WHRM Procurement Practices - Audit Services Excerpt
- 13. Councillor(s) Municipal Business/Activity Monthly Reports (Districts 1-11)
- 14. Councillor(s) Municipal Advisory Board Activity/Information Reports
 - a) Accessibility Advisory Committee Information Report
 - b) Valley REN LOC Information Report
- 15. New Business
 - ~~a) Financial ERP System – Recommendation Report – Director Rochon~~
 - b) Strengthening Subdivision Standards for Future Private Road Developments – Councillor Leary-Pinch
 - c) Addition of Forest Lakes development to Curbside Collection Pilot Program Recommendation Report Recommendation Report – Councillor Wheadon
- 16. Correspondence
 - a) 2024-2028 Council Term General Correspondence Received Ledger as of July 24, 2026
 - i. Waste Concerns
 - ii. 2026-07-17 AVRL to WHRM
 - b) 2024-2028 Council Term Correspondence Sent as of July 24, 2026 - None
- 17. In-Camera
 - a) 2026-06-23 Council In-Camera Minutes
 - b) MGA 22(2)(a) Land Matter
- 18. Next Meeting Date / Adjournment – September 8, 2026 Committee of the Whole Meeting

WEST HANTS REGIONAL MUNICIPALITY

Public Hearing Minutes

Appeal of Variance Approval: 532-542 O'Brien St, Windsor

July 28, 2026, 6:06 pm – 6:33 pm

Sanford Council Chambers, 76 Morison Dr, Windsor, NS

And via Zoom (also YouTube Livestreamed)



1. Call to Order – Mayor Zebian called the meeting to order at 6:03 pm.

2. Attendance

Council:

Abraham Zebian, Mayor

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2

Chrystal Remme, Councillor, District 3

Paul Wheadon, Councillor, District 4

Debbie Francis, Deputy Mayor, District 5

Bob Morton, Councillor, District 6

Kayla Leary-Pinch, Councillor, District 7

Paul Morton, Councillor, District 8

John Smith, Councillor, District 9

Bonnie Smith, Councillor, District 10

Jim Ivey, Councillor, District 11

Staff:

Mark Phillips, Chief Administrative Officer

Sara Poirier, Dir. Planning & Development

Kathy Kehoe, Dir. Community Development

John Ogilvie, Climate Action Coordinator

Nicholas Glover, IT Specialist

Kevin Bennett, Recreation Facilities Manager

Carlee Rochon, Dir. Finance

Todd Richard, Dir. Public Works

Derek Robertson, Mngr. of Development

William Overholt, Development Officer

Deanna Snair, Municipal Clerk

Presenter and Gallery:

Six (6) in the gallery

Maria Sikal, Applicant

David Mccusker, WSP

7. Public Hearings (6:06 pm)

a) Appeal of Variance Approval: 532-542 O'Brien St, Windsor (PID 45054392) – Development Officer Overholt and Manager Robertson.

Development Officer William Overholt and Manager of Development Services Derek Robertson gave a presentation to review the variance request, the rationale for granting it, and responding to the appellant's concerns. Their report was circulated with the agenda and was available on the Municipal website.

This variance application was a request to reduce the rear yard setback from 35ft (10.67m) to 15ft (4.57m) in relation to a 10-unit residential building to be constructed on 532-552 O'Brien Street, Windsor, PID 45054392. Every other aspect of the proposed development would meet the

requirements set out in the Windsor Land Use By-law (LUB), including height, other setbacks, parking and recreation space, etc. Development Officer Overholt showed a site plan for the building. The building would need to sit closer to the rear lot line to meet all other provisions of the LUB. The rear setback would vary from 15ft to 22.8ft as the building would be angled and would not parallel to the rear lot line. The applicant considered rear parking, but their engineers found there was not room for safe and efficient driveway aisles at the rear. The proposal was for the rear yard to be used for recreation space.

The application was received on May 9, 2026, from Morgan Zwicker and La'Dea Roberts. The Development Officer approved the variance on May 11, 2026, and a notice was mailed to all property owners within 30 metres, outlining a 14-day right to appeal. A property owner within this distance appealed the approval on May 26, 2026. It was now up to Council's decision based on the MGA criteria.

The subject lot was designated Residential in the Windsor Municipal Planning Strategy (MPS) and zoned High Density Residential (R-3), which permits up to 12 units as-of-right. Surrounding properties to the East and South are also R-3, Medium Density Residential (R-2) to the West, and General/Highway Commercial to the North. Neighbouring properties also have irregular shapes but have a closer length to width ratio and are better suited for the typical setbacks. The subject property was much longer than neighbouring properties and meets O'Brien Street at an angle, which created unique challenges.

The Municipal Government Act (MGA) sets out criteria by which the Development Officer may not grant a variance: the variance violates the intent of the development agreement or by-law, the difficulty experienced was general to the properties in the area, or the difficulty experienced was from an intentional disregard for the requirements of the development agreement or land use by-law. Staff evaluated the application based on these criteria and found there was no conflict:

- A 15ft separation distance was still a significant buffer to prevent light and sound intrusion, which would be focused at the front and left side of the building.
- The surrounding lots have a similar length to width ratio and are more uniform, while this property has a significantly higher ratio. This, combined with the angle of the lot relative to O'Brien Street, created unique difficulties.
- There was no intentional disregard for the requirements of the LUB. The applicant submitted a variance application prior to any construction or issuance of a development permit.

Staff responded to the appellant's concerns.

- Magnitude of reduction: There is no limit in the LUB or MGA on how large a variance can be, or that a variance must be minor in nature.
- Neighbourhood impacts: Noisier uses (parking, entry) face the front/rear of the lot, and the rear yard is lower-impact recreation space with 15-22.8ft separation.
- Justification: No layout was found for a 10-unit building with adequate parking/recreation without this setback in place, and it is still under the 12-unit as-of-right maximum. Evaluating layouts is not a part of the variance procedure.

- Increase in density: 12 units are allowed as-of-right in the R-3 zone, and past density on the site is not an MGA factor (previously 4 units).
- Fire safety: The manager of Building & Fire Inspection confirmed National Building Code limiting-distance rules can be met at 15ft, with restrictions on openings/construction type.
- Access to information: The notice met MGA s.236(6) requirements, and the site plan and applicant's justification have since been released.

There was no higher board of appeals for variances, and Council's decision was final. Staff recommended that Council uphold the decision of the Development Officer.

The Mayor opened the floor to questions and comments from Council.

Councillor Ivey asked if there was a limit on the extent of a variance within the MGA. Development Officer Overholt replied that there are no minimum or maximum setbacks in the MGA for variances. Councillor Ivey commented that additional density is subject to compliance with the zoning requirements, per the amendments made from the Housing Accelerator Fund. Variances seem to make those regulations redundant. Development Officer Overholt explained that a variance is an option for *any* as-of-right development, and only within certain criteria for each zone. There are regulations within the MGA that cannot be varied.

Councillor Ivey wondered if the applicant should have been directed to go through a development agreement. Manager Robertson replied that there is no enabling language to allow this application to go through development agreement. As-of-right development for up to 12 units is allowed in the R-3 zone. Based on staff's evaluation, this application does not violate the intent of the LUB. This variance enables a more efficient use of the lot without overriding the point of the LUB (i.e. setbacks provide some degree of separation of uses and prevent conflict, and there is still adequate distance). The other layout (parking in the rear) would create a difficult parking situation and may increase conflict. Councillor Ivey still felt it was too many units for the lot, hence the parking situation.

Councillor Jannasch asked if it was written anywhere in the planning documents what defines which uses are permissible in a rear-yard setback, and if so, is there a measure for how intrusive each use is. Development Officer Overholt replied that it is not written explicitly in the documents and is subjective based on staff evaluation.

Deputy Mayor Francis asked that this variance meets the criteria in the MGA, that there would be a significant buffer in the rear of the lot, and that the use would be recreational green space. As-of-right, for up to 12 units, to meet the buffer requirements, they would have to build to code. The Development Officers said yes, this application meets all the requirements.

Councillor John Smith asked about stormwater runoff. There will be more hard surfaces with the parking, and he asked how the developer will mitigate this. Development Officer Overholt replied that, for as-of-right development, there is no requirement for stormwater or lot grading plans, so there is no requirement to measure any runoff.

Councillor Leary-Pinch asked if Council must evaluate the variance by the same MGA criteria as staff. Development Officer Overholt said yes, and Council can make any decision the Development Officer could make.

The Mayor opened the floor to questions and comments from the public.

Sarah Ormon, abutting neighbour to the rear, commented that she has a building on the property line, and she feels the 15ft setback would still be quite intrusive. She wondered to whom a use is 'non-intrusive.' She asked what evidence shows that a 15ft setback still achieves the purpose of a 35ft setback for the neighbouring properties. Development Officer Overholt replied that staff considered what the use was in that rear yard, which is recreation space, as opposed to parking, which is considered more intrusive based on noise and light levels.

Ms. Ormon felt that with the setback reduction, the buffering has been reduced regardless of what is on the other side. She asked if the intent of the setback is still being maintained. Development Officers enforce compliance and respond to complaints. In his career, Manager Robertson has responded to more complaints about parking lots than recreation space. Ms. Ormon asked what kind of recreation space would be on 15ft of land. Manager Robertson responded that it is considered amenity space, or somewhere where people can "be outdoors," not a public park or sports field.

Ms. Ormon felt as though preference is being given to the developer rather than existing residents. She wondered if changing this setback would set a precedent for other properties in the community. She reiterated that a reduction from 35ft to 15ft is substantial and would impact her family and her community.

There were no further questions or comments. The meeting moved out of Public Hearing at 6:33 pm and the regular Council meeting resumed.

Mayor Abraham Zebian, Chair

Deanna Snair, Executive Assistant/Clerk