


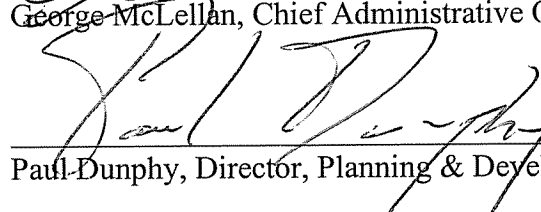
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Halifax Regional Council  
July 16, 2002

To: Mayor Kelly and Members of Regional Council

Submitted by:

  
George McLellan, Chief Administrative Officer

  
Paul Dunphy, Director, Planning & Development Services

Date: June 28, 2002

Subject: Case 00435: Halifax MPS and LUB Amendment - 7, 9, 11 & 13 Springvale Ave.

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**ORIGIN:**

An application by Tony Metlege Jr. to amend the Municipal Planning Strategy and Land Use By-law for Halifax.

**RECOMMENDATION:**

**It is recommended that Halifax Regional Council:**

1. Instruct staff to initiate a process to amend the Halifax Municipal Planning Strategy and Land Use By-law to enable consideration of an apartment building at 7, 9, 11 & 13 Springvale Ave by development agreement;
2. Request that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.

## **BACKGROUND:**

This is a report to initiate the process to amend the Halifax Municipal Planning Strategy (MPS) and land use by-law to enable consideration of an apartment building at 7 - 13 Springvale Avenue by development agreement.

The properties at 7 - 13 Springvale Avenue are located between Dutch Village Road and the CNR rail line (see Map 1). Immediately to the rear is HRM parkland, while Ashburn Golf Course is nearby. The predominant land use in the area is single family dwellings.

Section II (City wide policies) of the MPS applies. The MPS designation of 7-13 Springvale Avenue is Residential Environments, with the zoning being R-1 (Residential Single Family dwelling Zone). These four properties each contain a small apartment building for a total of 24 units (see Map 2). These structures predate the R-1 zoning and are therefore non-conforming uses. As such, they are protected by the Municipal Government Act and can continue to exist except if the use is discontinued for a continuous period of six months or if the building containing the use is destroyed or damaged by fire or otherwise to the extent of more than 75 percent of the market value of the building above its foundation.

The applicant is proposing to remove the existing structures and replace them with a single 37 unit condominium apartment building (see Map 3). A 37-unit apartment building would require rezoning to R-3 or R-4. While it is possible to consider rezoning to R-3 or R-4 within the Residential Environments designation, the applicant has requested that the MPS and land use by-law be amended to allow consideration of the apartment building by development agreement.

## **DISCUSSION:**

Site specific amendments to the MPS are generally not advocated by staff unless it can be shown that circumstances have changed since the MPS was adopted which make the current designation or policy no longer appropriate. The applicant contends that the passage of time has resulted in a change in circumstance (see Attachments A & B).

The portion of the MPS applicable to this area was adopted in 1978. The applicant suggests that demographics have changed over the past 24 years and there is now a demand for condominium apartments in this neighbourhood. He has provided information suggesting that a portion of the population of this area could benefit from this type of housing being available in this neighbourhood (see Attachment C).

The age of the existing buildings is also a factor. While the exact age of the structures is not known at this time, they appear to be approximately 50 years old. The applicant indicates that the buildings are structurally sound. They are now at a stage where they could be refurbished

and continue to exist for another 50 years. Alternatively, this investment could be made in a new structure to replace the existing ones.

One of the fundamental principles of the Halifax MPS is that future residential future growth should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services. However, in situations where redevelopment is being proposed in established neighbourhoods, the challenge is to integrate the new development into that neighbourhood. Traditional zoning may not provide adequate control to ensure that what the neighbourhood accepts as compatible, is what will actually be built. On this basis, the applicant is of the opinion and staff concur, that amendments to the MPS and land use by-law to enable consideration of development of this site by development agreement is preferred over rezoning as the method to regulate development of this site if redevelopment is to be considered.

While staff is not yet in a position to recommend approval of amendments to the MPS and land use by-law and a development agreement to allow this project to proceed, there is merit in this request.

- The MPS for this area has been in place for 24 years and these buildings have contained non-conforming uses for over 40 years. The existing structural integrity of the buildings indicates that, with routine upkeep, they could exist for many more years. The likelihood of them being removed and the properties used for single family dwellings is low. In addition, these structures have a very modest appearance. With these factors in mind, it may be appropriate to determine if the neighbourhood prefers either the retention of the existing buildings as non-conforming uses or construction of a new structure with an improved appearance.
- There continues to be growth in the apartment sector of the construction industry. As of right opportunities are limited, resulting in inquiries and requests for rezonings, or MPS amendments to accommodate this demand. Redevelopment of an existing and possibly underutilized apartment site is preferred to the displacement of existing dwellings as a method of creating opportunities for apartment development.
- The Springvale neighbourhood is primarily a single family dwelling area. However, one of the goals of the MPS is to ensure a variety of housing choices. There is evidence which suggests that there is an unfulfilled demand for condominium apartments in this area.

The applicant has submitted preliminary plans of a 37-unit apartment development. Although, the initial review of these plans indicates that 37 units may be excessive for the size of the site, the concept will form the basis of the public participation process. The object of the process will be to draft a policy which will allow a development that is acceptable to the neighbourhood and one which the developer is willing to build. While the consultation and review processes for the MPS and land use by-law amendments and the development agreement will take place concurrently, the MPS and land use by-law amendments will require the approval of Regional Council and the development agreement will require the approval of Chebucto Community Council.

## **BUDGET IMPLICATIONS:**

None.

## **FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN:**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating Reserves, as well as any relevant legislation.

## **ALTERNATIVES:**

1. Refuse the requested amendment. A request to amend its Municipal Planning Strategy is completely at the discretion of Council. A decision not to amend the MPS cannot be appealed. This alternative is not recommended as Staff feels that there is merit in proceeding with amendments to the Halifax Municipal Planning Strategy.

## **ATTACHMENTS:**

- A Letter from applicant dated October 30, 2001
- B Letter from applicant dated April 19, 2002
- C Letter from Harbourside Realty dated April 3, 2002
- Map 1 Area Plan
- Map 2 Plan of 7, 9, 11 & 13 Springvale Ave
- Map 3 Perspective of proposed building

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

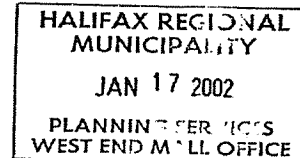
Report Prepared by: Gary Porter, Planner II, 490-4403

Attachment A

Tony Metlege, Jr.  
5 Botany Terrace  
Halifax, Nova Scotia  
B3N 2Z6  
Tel. 479-3773  
Cell. 830-2620

October 30, 2001.

Gary Potter  
Planning Services HRM  
Dutch Village Road  
Halifax, Nova Scotia



Re: Plan Amendment and new Development Agreement for  
7, 9, 11, and 13 Springvale Avenue

Dear Gary Potter:

This letter is a request to HRM to grant a plan amendment review and if approved, enter into a development agreement to redevelop the above property into a single multi-residential development.

Presently, this land is zoned R-1, however is in non-conforming use, for the last 50 years it has been four separate multi-residential buildings. The following are my justifications for rezoning:

- ☐ The Municipal Planning Strategy in which this property lies is outdated making it reasonable for council to review the use of this land, with consideration to the "core intensifying strategy".
- ☐ The structural integrity of these buildings are very sound making them able to exist as is for at least another 50 years which means this land will continue to be used as multi-residential in the future.
- ☐ The proposed new development will not be any larger in scale than what is presently there, and in fact the footprint of the project is such that it will create more open space.
- ☐ All existing infrastructure will support the redevelopment (i.e. Roads, services)

I believe this project will be an improvement to this neighborhood because there is a growing demand for condominiums, especially among seniors not wanting to leave their area of residence but can no longer maintain their own homes. This redevelopment is ideal for this subdivision that has an aging population.

With regards to the above justifications I am hopeful that council will approve my application for plan amendment and development agreement. I have included the lot description and plot plan for your use.

I will look forward to your response and please do not hesitate to contact me for any reason.

Yours truly,

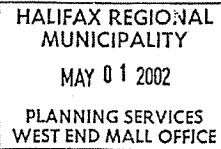
A handwritten signature in black ink, appearing to read "Tony Metlege, Jr.", written over a horizontal line.

Tony Metlege, Jr.

Attachment B

April 19, 2002

Mr. Gary Porter  
HRM Planning  
6960 Mumford Road  
Box 1749  
Halifax, NS B3J 3A5



Dear Mr. Porter:

**RE: Plan amendment request -- 7, 9, 11, 13 Springvale Avenue**

In response to your letter of February 22, 2002 I am forwarding a concept plan of what is proposed for the above site.

Since the last MPS review in 1978, there has been significant change in circumstance and I am requesting an amendment to the Municipal Planning Strategy for the following reasons:

- Changing demographics – the demand for the type of housing proposed for this site is very high and continues to rise. There is a high concentration of empty nesters in the Springvale area who are looking for homes with less maintenance and one level living. Market research shows that many long-term residences in this area are looking for this type of housing, but do not want to leave the neighborhood. Please refer to letter provided by Harbourside Reality.
- Informal discussions with many residents in the area lead us to believe that the neighborhood would seriously consider a positive change with respect to these properties. Many residents were warm to the idea of condominiums to replace the current rentals.
- This proposal is in line with the strategy for "residential intensification closer to the core". This relates to the objectives and policies of current planning principles.

In concluding, HRM staff and council should consider this amendment as the demand for high end condominiums in the area is increasing and the fact that these properties have been in use as multi-residential units for many years. Should you have any questions or would like to discuss these points further, please contact me at 830-2620.

Thank you for your consideration in this matter. I look forward to hearing from you.

Yours truly,

Tony Metlege, Jr.

Attachment C



3476 Dutch Village Rd., Halifax, N.S. B3N 2R9 FAX (902) 443-0225  
www.harboursiderealty.com



April 3, 2002

Mr. Tony Metledge  
5 Botany Terrace  
Halifax NS

HALIFAX REGIONAL  
MUNICIPALITY  
MAY 01 2002  
PLANNING SERVICES  
WEST END MALL OFFICE

Dear Mr. Metledge:

In response to your request if there would be a demand for condominiums in your area, and specifically on Springvale, my answer would be "yes".

As you are aware, I have sold many condominiums in the last five years, and specifically, a 57 unit project on Wellington Street in 1999/2000. Currently, I am in the process of selling a 62 unit project on Summer Street. I have had 15 years in real estate sales, am a CRA (Canadian Residential Appraiser) and an FRI (Fellow of the Real Estate Institute of Canada). I have conducted various studies for other developers for sales and marketing specifically for condominiums, and therefore I believe I have the expertise to answer your inquiry.

To start, the demographic of Springvale is perfect for condominium living. Most of the houses in Springvale are large and there are a lot of empty nesters living there. These seniors typically do not want the maintenance that comes along with owning a home, but do not want to leave the area. Springvale is an extremely popular neighborhood with a very low turnover rate. People tend to stay there a long while. This really gives those people no alternative living arrangements. This is one of the main reasons a condominium project would work so well in this location. It would give those people a great option to stay in the neighborhood they love, and in turn, open up the single family home market for families wanting to move into the area.

If you look at the condo statistics I have included for 1999, 2000 & 2001 (last page), you will see there has been very little in the way of sales in Area 4 (Halifax West - our MLS System puts Springvale in Area 5, but this is Clayton Park, and Area 4 best represents the Springvale market) for those years. This is not due to lack of demand, but lack of product.

Area 2 (Halifax South) is a great example where there has been a lot more condo development in this area, and you can see the activity because of this. There are typically empty nesters wanting to stay in the area. Even though this is our most active area, there is still demand for more condos in the South End.

In closing, this would indeed be a wonderful area for a condominium development and there would be an outstanding demand for such a product.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stacy Wentzell".

Stacy Wentzell, FRI, CRA  
HarbourSide Realty Limited  
456-2740  
cwentzell@sprint.ca  
www.harboursiderealty.com

CONDO SALES IN HALIFAX FOR:

<u>AREA</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>
1 - Central	4	5	18
2 - South	133	116	94
3 - North	38	56	59
4 - West	13	14	7





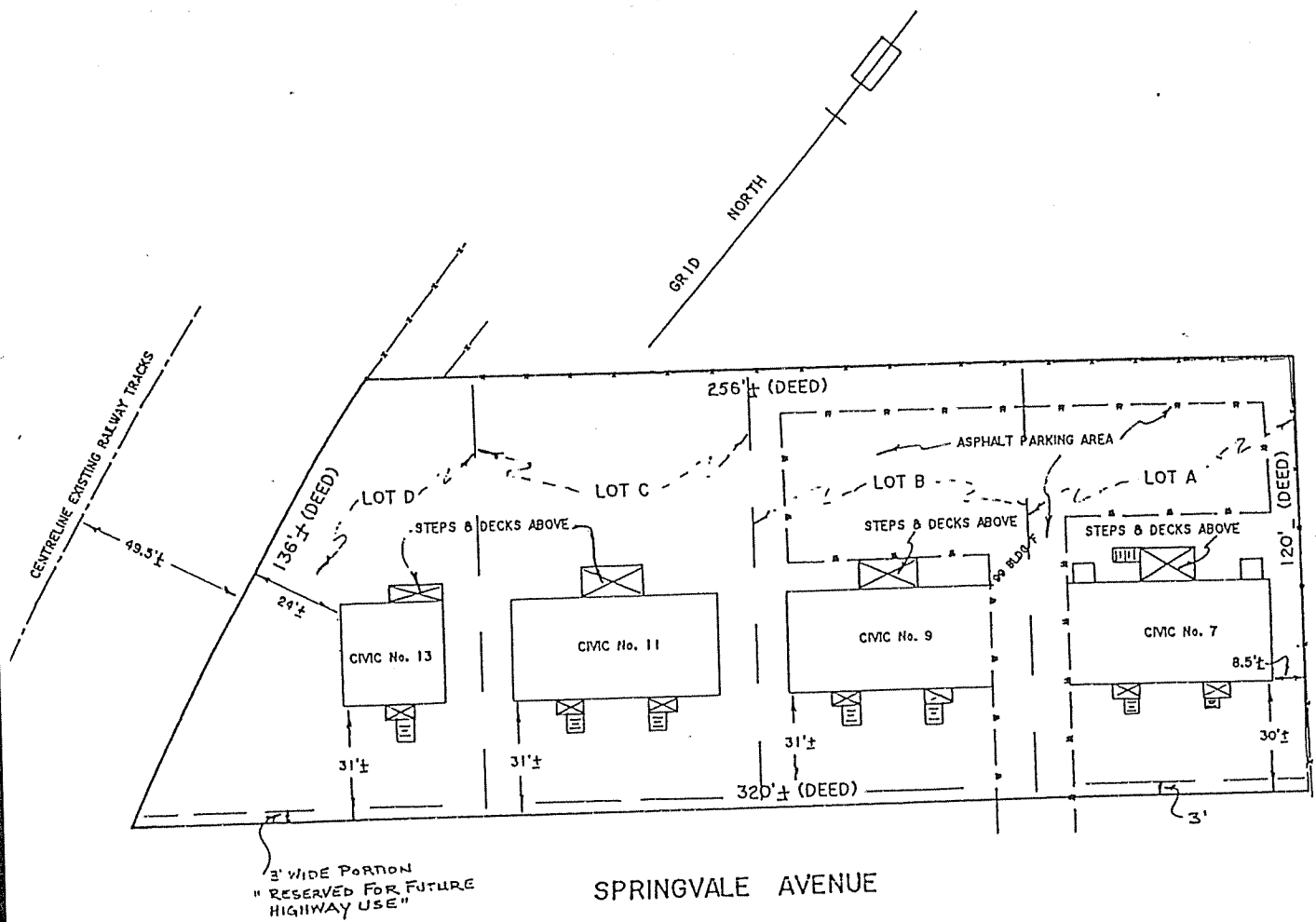
**Map 1**  
**Area Plan**



**HALIFAX**  
REGIONAL MUNICIPALITY

Planning and Development Services

Case 00435

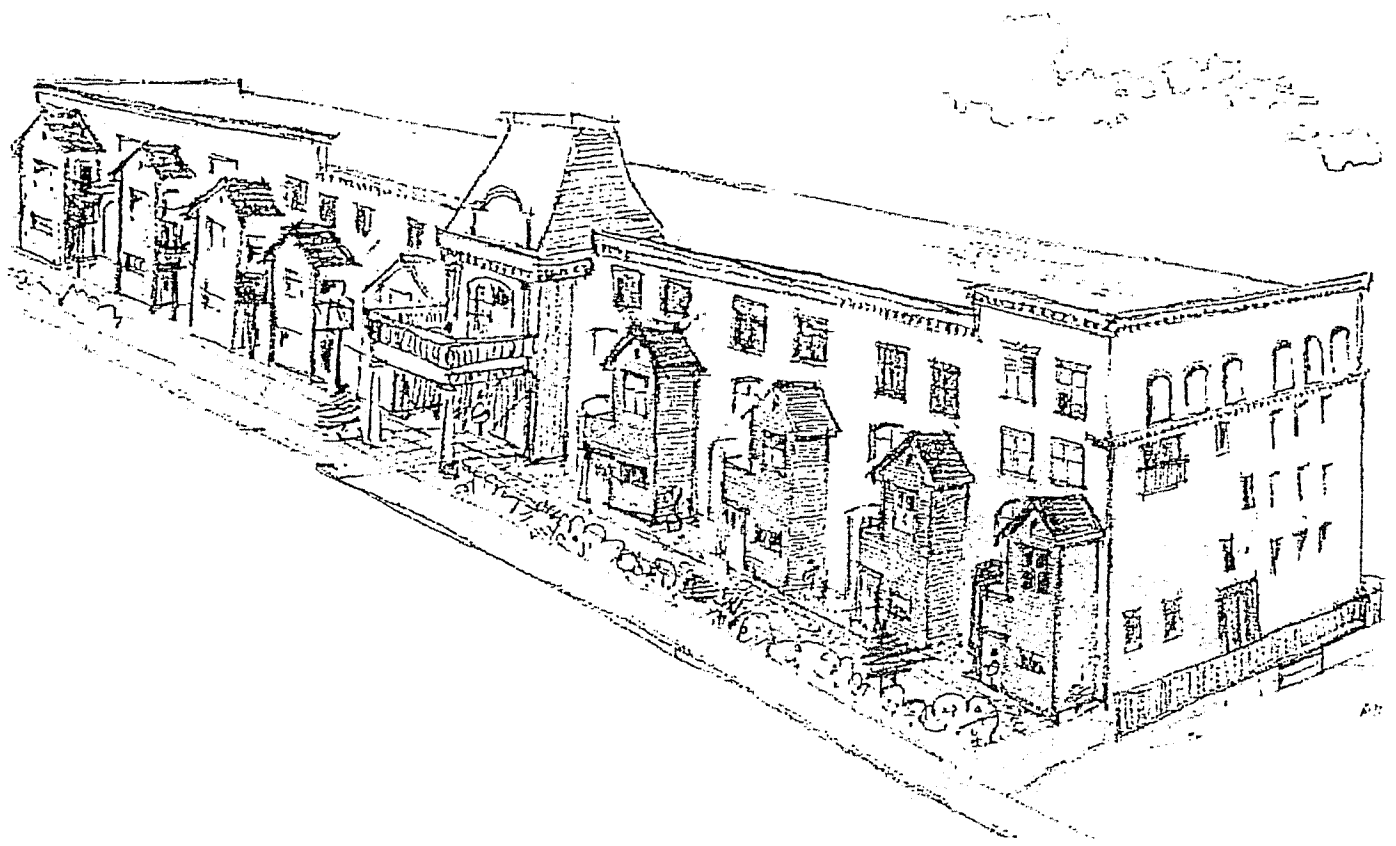


**Map 2**  
**Plan of 7, 9, 11 & 13 Springvale Ave**

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**Map 3**  
**Perspective of proposed building**

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