
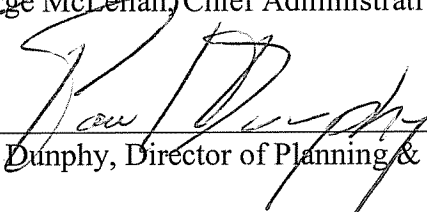


Halifax Regional Council  
July 16, 2002

To: Mayor Kelly and Members of Regional Council

Submitted by:

  
George McLellan, Chief Administrative Officer

  
Paul Dunphy, Director of Planning & Development Services

Date: July 4, 2002

Subject: Case 00450: Halifax MPS and LUB Amendment - 5706, 5710 & 5714 South Street.

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**ORIGIN:**

An application by Rick MacPherson 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 renovations to the existing buildings at 5706, 5710 & 5714 South Street by development agreement for the purpose of allowing additional dwelling units;
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 renovations to the existing buildings at 5706, 5710 and 5714 South Street by development agreement for the purpose of allowing additional dwelling units. Section V (South End Area ) of the MPS applies. The MPS designation is High Density Residential (HDR).

These properties are located between South Park Street and Tower Road (see Map 1). This site is opposite the VG hospital parking lot. The zoning is R-3 (Multiple Dwelling Zone). A 35 foot height precinct is in effect. Each of these three properties contains a converted dwelling with 5706, 5710 and 5714 consisting of 2<sup>1</sup>, 5 and 6 units respectively (see Map 2).

The applicant is proposing to construct additions to each of these buildings, including a full storey on top of 5706 and 5710 South Street (see Map 3). These additions would create one new unit in each building for a total of 18 units. Although the zoning of these properties is R-3, due to the nature of the proposed development (i.e., converted multiple dwellings), the requirements of the R-2A zone apply. Table A shows a preliminary comparison of each of the three properties with the as of right provisions of the R-2A zone as it applies in an R-3 zone. Based on the information currently available to staff, there are a variety of provisions which this proposal does not meet. There is no legislation currently available to consider granting exemptions to the areas of non compliance.

As an alternative to renovating these structures, the applicant could combine these three lots with one or two other lots he owns on South Street (i.e., 5718 and 5720), remove the existing structures and build a new apartment building. This is permitted as of right by the current zoning and is consistent with MPS policy. Potentially, the site (including 5718 and 5720) would be large enough for 120 bachelor apartment units. However, without including at least 5718 South Street, 5706, 5710 and 5714 South Street alone are not large enough to be used for R-3 purposes by right.

The applicant is of the view that a new building would be out of character with the immediate neighbourhood and as a result, retention of the existing structures is preferred. On this basis he has requested that HRM make appropriate amendments to its Municipal Planning Strategy and land use by-law to enable a development agreement that would allow the project to renovate and add units to 5706, 5710 and 5714 South Street.

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<sup>1</sup> The applicant has indicated that 5706 South Street now contains four units, although staff are only able to confirm two units at this time.

## DISCUSSION:

Site specific amendments to the MPS are generally not supported 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 portion of the MPS applicable to this area was adopted in 1982. The applicant has not presented a compelling argument to suggest that there has been a change in circumstance. He has only identified that these properties are now under a single ownership. The applicant's submission is included as Attachment A<sup>2</sup>.

Ordinarily, failure to make identify a reason to justify a change would result in staff recommending that the MPS amendment process not be undertaken. However, notwithstanding that the MPS, by designating this area HDR, contemplates that the existing structures will not be retained and rehabilitated and that the area will eventually be redeveloped with an apartment building or buildings, the owner has an interest in retaining the existing structures. Because the MPS generally encourages retention and rehabilitation of existing structures, it is reasonable to provide an opportunity to thoroughly examine the merits of the applicant's proposal and determine whether it is better than what could be allowed as of right.

As noted in Table A, this proposal results in some significant deviations from the requirements of the R-2A zone. This raises a secondary issue; the integrity of the R-2A regulations. R-2A was created in 1983 as an alternative to R-3 zoning. It provides a development incentive by allowing more units if the existing building is retained than if a new structure is constructed. However, residents have found some of the resulting structures to be out of character with their R-2A zoned neighbourhoods. As a result, the R-2A zone has been amended several times since 1983 to keep the scale of new developments consistent with the scale of R-2A zoned neighbourhoods. While the amendments have resulted in greater restrictions on the size and location of additions, the incentive still exists to retain existing structures.

However, the scale of development in R-3 zones is or potentially is much greater than the scale of development in R-2A zones. This is because there is a greater as of right potential for larger new buildings (i.e., apartment buildings) to be constructed in the R-3 zone. Because of this difference in scale, not all of the restrictions applicable in the R-2A zone for R-2A development apply to R-2A uses (i.e., converted multiple dwellings) in R-3 zone.

While Mr. MacPherson's proposal is at odds with many of the changes which have been made to R-2A to make such developments compatible with the surrounding neighbourhood, the redeeming fact is that his properties are zoned R-3 where scale is less of an issue. This may provide a rationale for consideration of changes. However, careful consideration will have to be given as to whether this proposed development warrants the concessions necessary to allow it to happen.

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<sup>2</sup> The applicant's submission was made when his proposal included the five properties he owns on South Street. The proposal has since been changed to three properties making the numeric references inaccurate. However, the rationale is still applicable.

**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:**

Table A	Comparison of proposed buildings to the as of right provisions of the land use bylaw
A	Letter from applicant dated October 30, 2001
Map 1	Area Plan
Map 2	Plan of 5706, 5710 and 5714 South Street.
Map 3	Comparison of existing and proposed

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

**Table A**

**Comparison of building proposed 5706 South Street to the as of right provisions of the land use bylaw**

Item	Required <sup>3</sup>	Provided	Comment
Unit mix	50% must be 800sq.ft.	?	undetermined
Lot frontage	40 feet	102 feet on South Park Street	meets bylaw
Lot area	4,000 square feet	2,244 square feet	non-conforming
Setback (front)	average	0 feet ±	non-conforming
Setback (west)	6 feet (for addition)	0 feet	<i>does not meet bylaw</i>
Setback (rear)	20 feet	39 feet	meets bylaw
Setback (east)	6 feet (for addition)	0 feet	<i>does not meet bylaw</i>
Lot coverage	40 percent	58.8 percent ±	<i>does not meet bylaw</i>
Height	35 feet	50 feet	<i>does not meet bylaw</i>
Open space	1,200 square feet	200 square feet ±	<i>does not meet bylaw</i>
Parking	4	2	<i>does not meet bylaw</i>

**Comparison of building proposed 5710 South Street to the as of right provisions of the land use bylaw**

Item	Required	Provided	Comment
Unit mix	50% must be 800sq.ft.	?	undetermined
Lot frontage	40 feet	25 feet	non-conforming
Lot area	4,000 square feet	2,550 square feet	non-conforming
Setback (front)	average	0 feet ±	non-conforming
Setback (west)	6 feet (for addition)	0 feet	<i>does not meet bylaw</i>
Setback (rear)	20 feet	39 feet	meets bylaw
Setback (east)	6 feet (for addition)	0 feet	<i>does not meet bylaw</i>

<sup>3</sup> All are minimum requirements except height and lot coverage which are maximums permitted.

Lot coverage	40 percent	58 percent +	<i>does not meet bylaw</i>
Height	35 feet	50 feet	<i>does not meet bylaw</i>
Open space	1,350 square feet	200 square feet ±	<i>does not meet bylaw</i>
Parking	4	3	<i>does not meet bylaw</i>

**Comparison of building proposed 5714 South Street to the as of right provisions of the land use bylaw**

Item	Required	Provided	Comment
Unit mix	50% must be 800sq.ft.	?	undetermined
Lot frontage	40 feet	25 feet	non-conforming
Lot area	4,000 square feet	2,652 square feet	non-conforming
Setback (front)	average	0 feet ±	non-conforming
Setback (west)	6 feet (for addition)	2 feet	<i>does not meet bylaw</i>
Setback (rear)	20 feet	39 feet	meets bylaw
Setback (east)	6 feet (for addition)	0 feet	<i>does not meet bylaw</i>
Lot coverage	40 percent	55 percent ±	<i>does not meet bylaw</i>
Height	35 feet	?	
Open space	1,650 square feet	265 square feet ±	<i>does not meet bylaw</i>
Parking	5	2	<i>does not meet bylaw</i>

Mr. Gary Porter  
Senior Planning Officer  
HRM

February 25<sup>th</sup>, 2002

Dear Mr. Porter,

Thank you for your prompt response to our original meetings to discuss the proposed development. In that response you outlined the possible procedures under which I could proceed. I have decided to proceed under an option of a "site specific development agreement". I feel this will allow the HRM and myself to accomplish our mutual goals for this particular area.

In your letter you outlined several key points to be addressed - the following are the responses:

- explain what change in circumstance has occurred since 1982 or if there is a significantly different situation than what the Planning Strategy anticipated at that time

A change in circumstance relates to the difference in the past multiple ownership and the present singular ownership of the consecutive properties in question - and the consequent ability to replace the existing structures with new construction. This "as of right" option goes against the natural historic presence of the area and would defeat the overall HRM interest in maintaining the integrity of this landmark corner of the south end. The significance of this particular corner in setting the style and tone for the South St. neighbourhood is undeniable and very important in maintaining the integrity of the neighbourhood. I feel it is possible to accomplish both the HDR designation and the historical value desires - hence the proposed amendment.

- show how the proposed amendment relates to the objectives and policies of the Municipal Development Plan and general planning principles

The proposed amendment is in keeping with the objectives and policies of the MDP and planning in the following ways - The enhancement and expansion of the existing properties will allow for the maintenance of six very large and mature trees on the site. It will also allow for the creation of 14 parking spaces, 12 more than existed to service the original 22 units. The proposed plan will also add a complete fire protection infrastructure to the existing buildings, a vast improvement which meets all modern day code requirements. The proposed plan will also provide emergency vehicle access to all of the concerned buildings by allowing access to the back of the present buildings as well as the adjacent properties on the street.

- provides sufficient economic, social and environmental studies and information to assess the request.

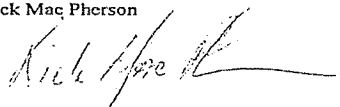
The addition of the proposed units are in keeping with the need to add housing in this high demand area, especially considering the shortage of student housing being reported by both St. Mary's University and Dalhousie. Dalhousie is predicting a 5% increase in enrollment next year with St. Mary's predicting a 3% increase. Both are predicting a tougher year for housing students. The present real estate vacancy rate in this area is less than 1%. The present mix of students in the properties in question is 70% student vs. non-student and I anticipate it remaining so, as part of the expansion plans.

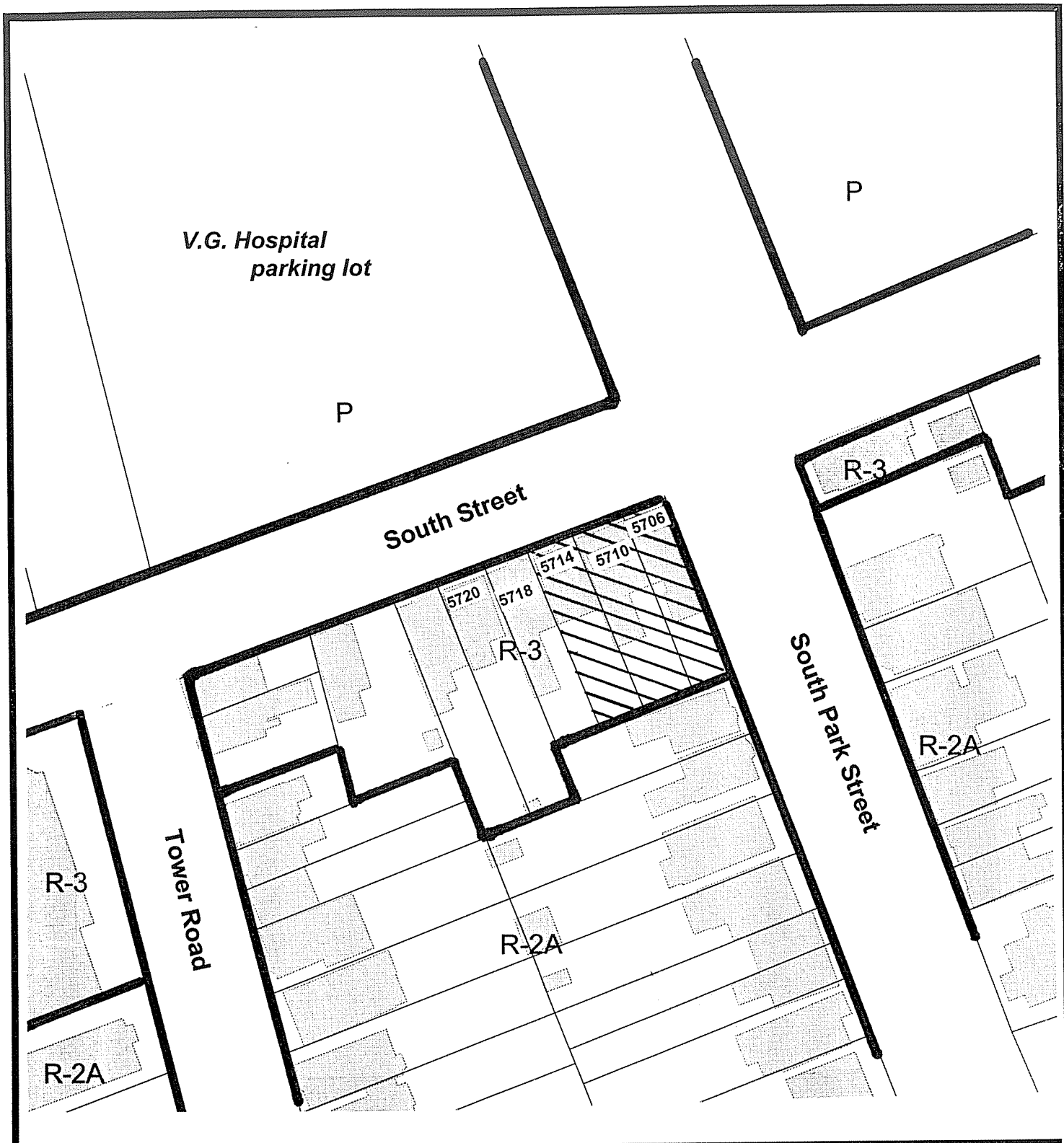
The social impact of refurbishing and adding to these properties is significant both to the present south end residents and to the future of the area. The proposed plan will add to the south end's ability to continue to grow and meet the demands of the Universities and their housing requirements. This proposed development will do so in a manner conducive with the older south end style and character. The proposed development will return the street side façade to its original style - adding architecturally correct windows and trim where allowed by code. This will be done while addressing the need for safe and congestion free emergency services and parking considerations.

Mr. Porter, I trust this outlines the reasons and general description of the proposed development plan. I look forward to your response. I have included an architectural plan outlining the additions to the present structures along with the layout of the proposed parking arrangements. A cheque made out to HRM in the amount of \$2,000.00 is also included. I understand the process as you have outlined and look forward to your response.

Respectfully,

Rick Mac Pherson





**Map 1**  
Area Plan with Zoning

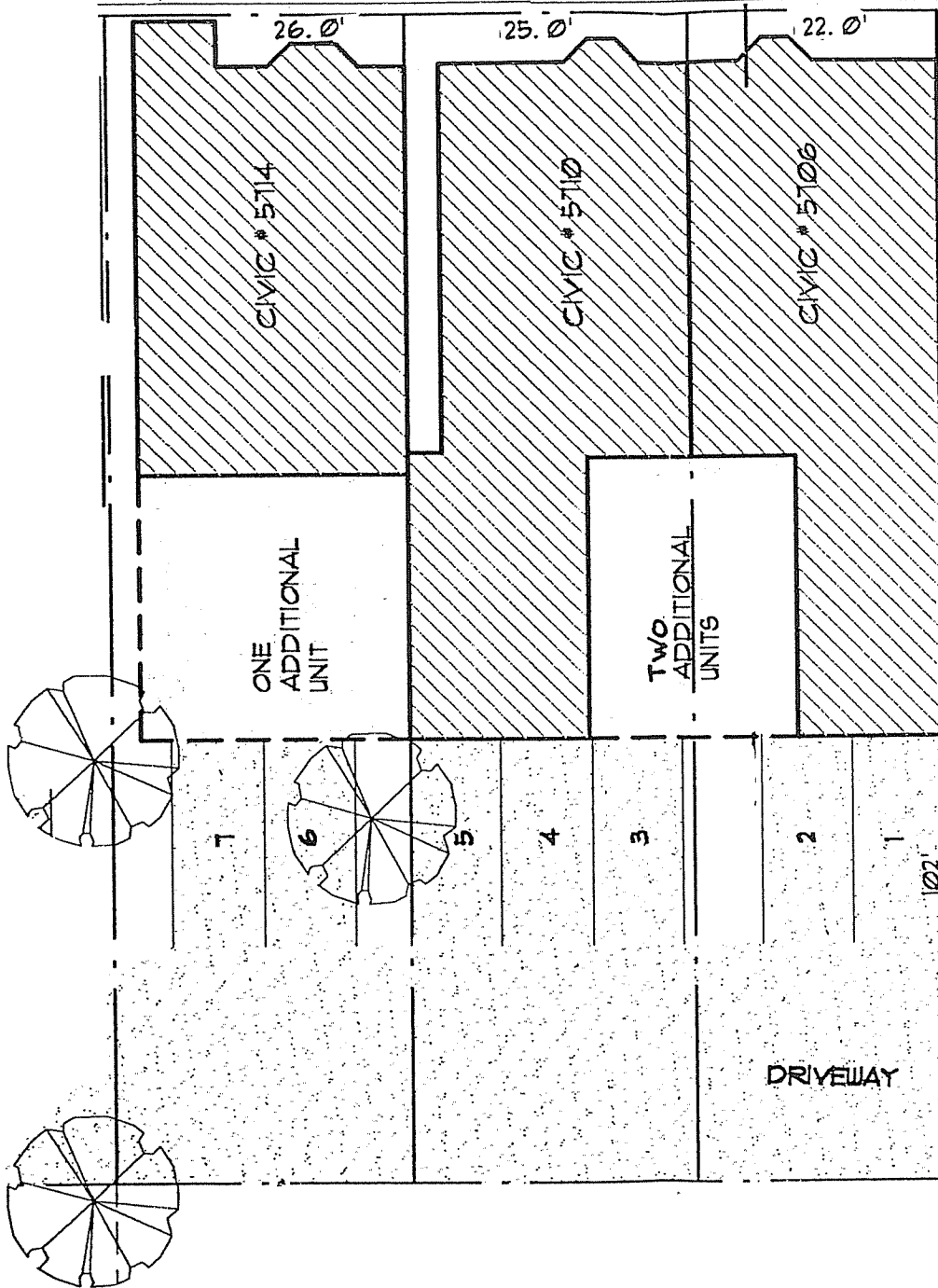
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R-2A      General Residential Conversion Zone  
R-3      Multiple Dwelling Zone  
P      Park and Institutional Zone

SOUTH STREET

SOUTH PARK STREET



**Map 2**  
**Plan of 5706, 5710 and 5714 South Street**

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**Existing**



**Proposed**

**Map 3  
Comparison**

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