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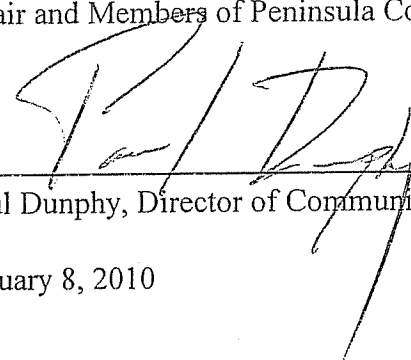


PO Box 1749
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Peninsula Community Council
February 8, 2010

TO: Chair and Members of Peninsula Community Council

SUBMITTED BY:


Paul Dunphy, Director of Community Development

DATE: January 8, 2010

SUBJECT: Case 01295: Rezoning of 2692 Connaught Avenue, Halifax

ORIGIN

Application by Christopher and Shanna Trenaman to rezone 2692 Connaught Avenue, Halifax, from R-1 (Single Family) to R-2 (General Residential).

RECOMMENDATION

It is recommended that Peninsula Community Council:

1. Give First Reading of the proposed rezoning for 2692 Connaught Avenue, Halifax, and schedule a public hearing.
2. Approve the rezoning of 2692 Connaught Avenue, Halifax, as shown on Schedule A of Attachment A, from R-1 (Single Family) to R-2 (General Residential).

BACKGROUND

The subject property is located within the R-1 (Single Family) Zone (see Map 1) and is designated Residential Environments under the Generalized Future Land Use Map for Halifax (see Map 2).

A single detached dwelling house now occupies the property. However, when the current property owners, the Trenaman's, bought the property in May of 2008, it did contain a basement apartment. The Trenaman's were unaware at the time of purchase that the basement apartment was not authorized and was in contravention of the Peninsula Land Use By-law (LUB). When they were later made aware of the infraction, the Trenaman's co-operated with HRM staff and had the basement apartment removed.

As the Trenaman's original decision to purchase 2692 Connaught Avenue was partially based on the potential income generated by a second unit, they are now requesting a rezoning to R-2 (General Residential) to permit the re-establishment of the basement apartment.

DISCUSSION

Municipal Planning Strategy Policies

The Residential Environments designation is an all-encompassing residential designation which allows Council to consider any rezoning application to another residential zone, as long as the intent of the Municipal Planning Strategy is met. In its evaluation of this application, staff has identified four policies that Council should pay particular attention to, which are listed in Attachment B. The policies speak to the compatibility of the proposed development in terms of use, intensity and scale with the existing residential neighbourhood.

Overall, the proposal is in keeping with the surrounding neighbourhood, especially when taking into account the following facts:

- The external appearance and scale of the dwelling, are not intended to change;
- The only change to the dwelling will be a slight increase in the intensity of its use;
- The property is at the end of a residential block close to the intersection of Connaught Avenue and Chebucto Road. It is bordered on three of its four sides by a public street and HRM parkland. Such a location is suitable for a more intense use as the property is not situated between different types of land uses; and
- Properties located on the opposite side of Connaught Avenue are already zoned R-2, and therefore, permit the same types of land uses.

Conclusion

The proposal satisfies the applicable policies of the Halifax Municipal Planning Strategy (Attachment B). As such, it is recommended that Peninsula Community Council approve the application to rezone 2692 Connaught Avenue.

Public Information Meeting / Area of Notification

A Public Information Meeting for this application was held on September 16, 2009. Minutes of this meeting are provided as Attachment C of this report. Should Community Council decide to hold a public hearing, in addition to published newspaper advertisements, property owners in the area shown on Map 1 will be sent written notification.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310.

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

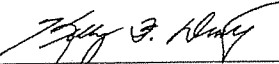
1. Council may approve the proposed rezoning. This is the recommended course of action.
2. Alternatively, Council may choose to reject the proposed rezoning. Pursuant to Section 225(5) of the *Halifax Regional Municipality Charter*, Council must provide reasons for this refusal based on the policies of the MPS.

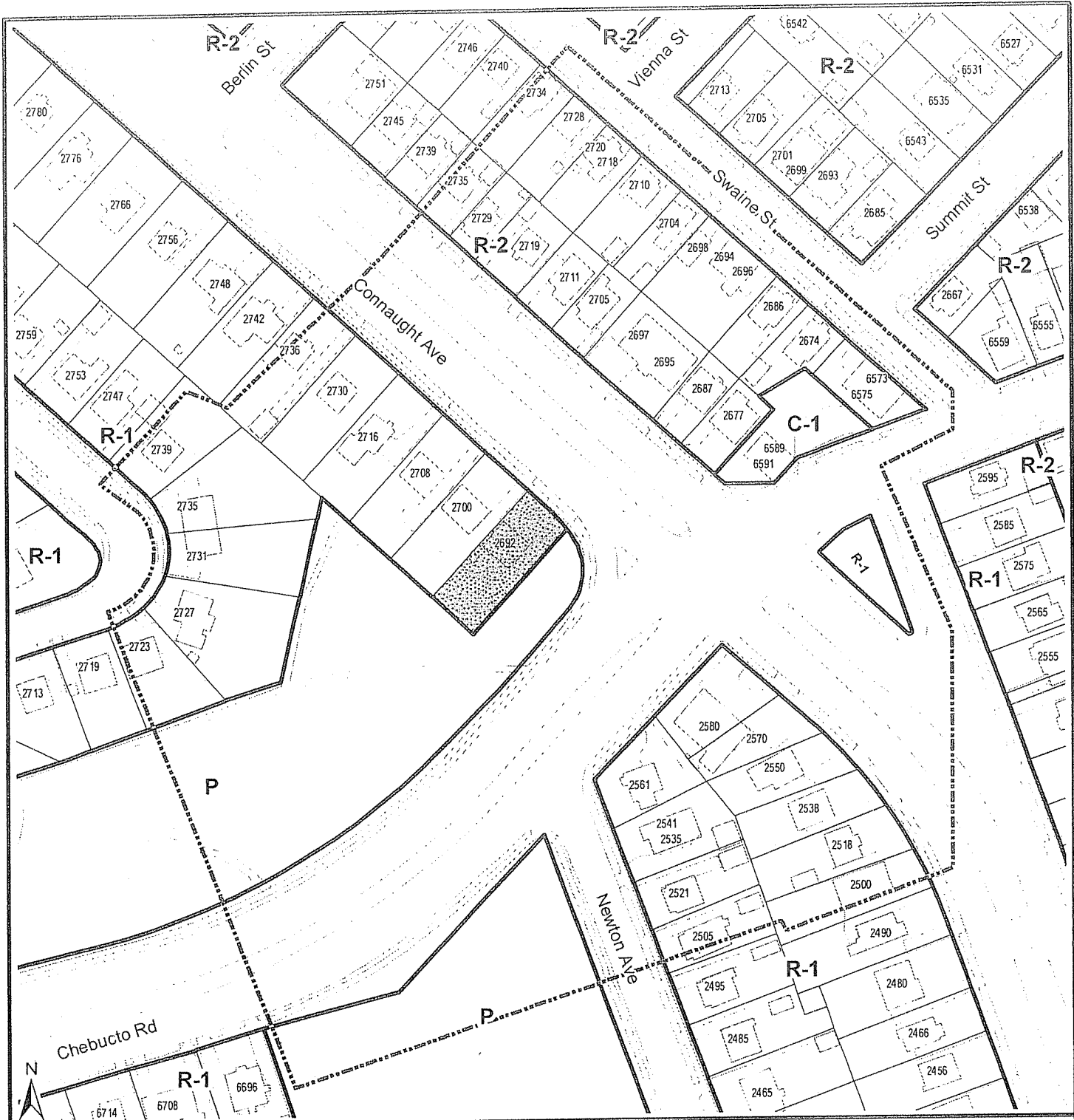
ATTACHMENTS

Map 1	Zoning and Area of Notification
Map 2	Generalized Future Land Use
Attachment A	Amendments to the Halifax Peninsula Land Use By-law
Attachment B	Excerpts form the Halifax Municipal Planning Strategy
Attachment C	Minutes form the September 16, 2009 Public Information Meeting

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

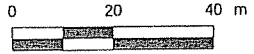
Report Prepared by : Luc Ouellet, Planner I, 490-3689



Report Approved by: 
Kelly Denty, Acting Manager of Planning Services, 490-6011



Map 1 - Location and Zoning

2692 Connaught Avenue
Halifax



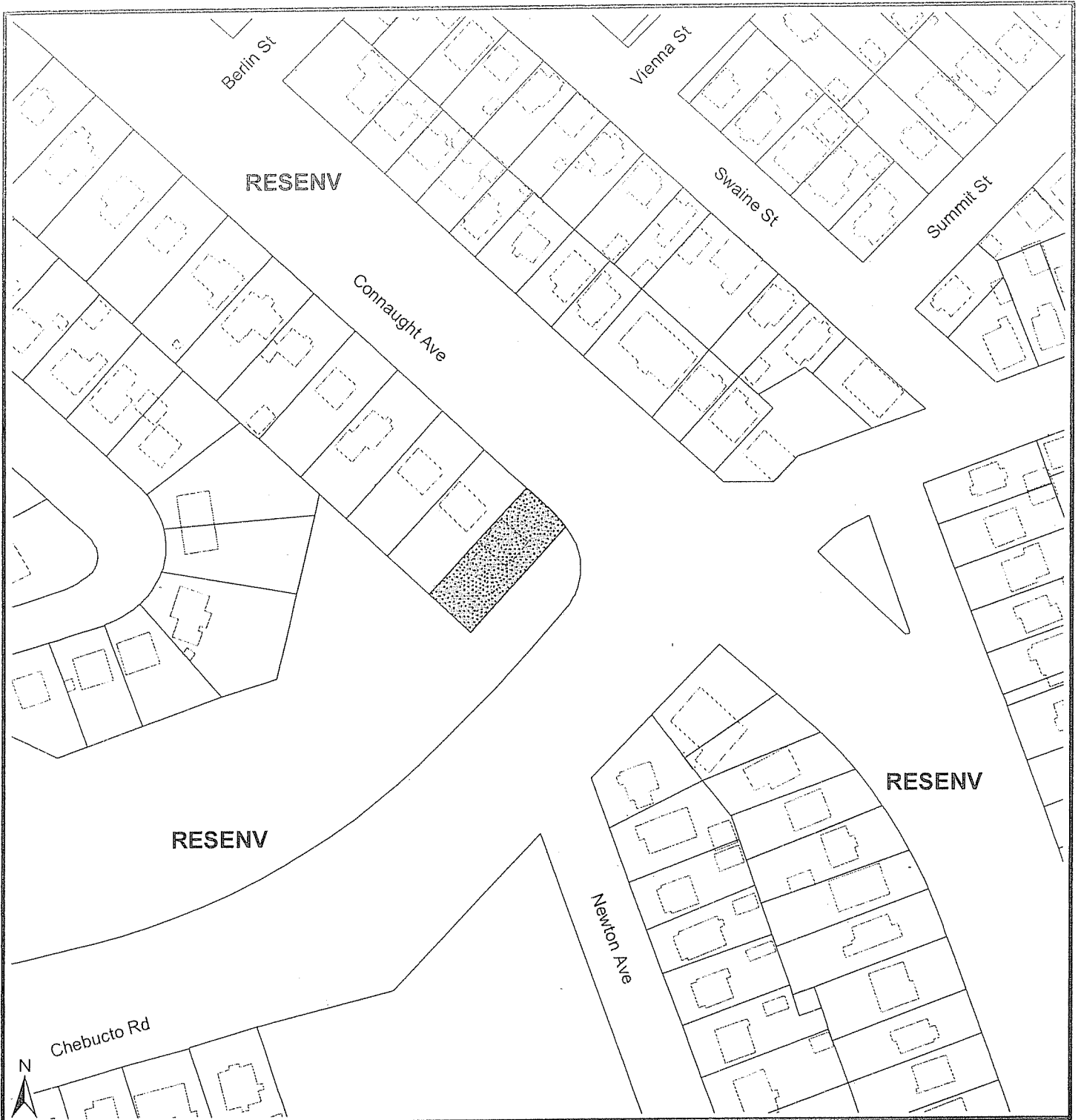
-  Area proposed to be rezoned from R-1 (Single Family Dwelling) to R-2 (General Residential)
-  Area of notification

Zone	
R-1	Single Family Dwelling
R-2	General Residential
C-2A	Minor Commercial
P	Park and Institutional

Halifax Peninsula
Land Use By-Law Area


This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Peninsula Land Use By-Law Area.

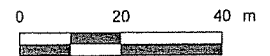
HRM does not guarantee the accuracy of any representation on this plan.



Map 2 - Generalized Future Land Use

2692 Connaught Avenue
Halifax

 Area proposed to be rezoned from R-1 (Single Family Dwelling) to R-2 (General Residential)



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Halifax Plan Area

HRM does not guarantee the accuracy of any representation on this plan.

Designation

RESENV Residential Environments

Halifax Plan Area

Attachment A Amendments to the Halifax Peninsula Land Use By-law

BE IT ENACTED by the Peninsula Community Council of the Halifax Regional Municipality that the Halifax Peninsula Land Use By-law is hereby amended as follows:

1. By amending Map ZM-1 as shown on Schedule A:

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Peninsula Community Council of Halifax Regional Municipality held on the _____ day of _____, 2010.


GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this _____ day of _____, 2010.

Municipal Clerk



Schedule A - Zoning

2692 Connaught Avenue
Halifax

 Area to be rezoned from
R-1 (Single Family Dwelling)
to R-2 (General Residential)

Halifax Peninsula
Land Use By-Law Area

Zone

- R-1 Single Family Dwelling
- R-2 General Residential
- P Park and Institutional



This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Peninsula Land Use By-Law Area.

HRM does not guarantee the accuracy of any representation on this plan

Attachment B Excerpts form the Halifax Municipal Planning Strategy

Policy 2.2 (Part II, Section II City-Wide Policies):

The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.

Policy 2.4 (Part II, Section II City-Wide Policies):

Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.

Policy 2.7 (Part II, Section City-Wide Policies):

The City should permit the redevelopment of portions of existing neighbourhoods only at a scale compatible with those neighbourhoods. The City should attempt to preclude massive redevelopment of neighbourhood housing stock and dislocations of residents by encouraging infill housing and rehabilitation. The City should prevent large and socially unjustifiable neighbourhood dislocations and should ensure change processes that are manageable and acceptable to the residents. The intent of this policy, including the manageability and acceptability of change processes, shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.

Policy 3.1.1 (Part II, Implementation Policies):

The City shall review all applications to amend the zoning bylaws or the zoning map in such areas for conformity with the policies of this Plan with particular regard in residential areas to Section II, Policy 2.4.

Attachment C Minutes from the September 16, 2009 Public Information Meeting

Public Information Meeting
Case 01295
September 16, 2009

In attendance: Councillor Watts
Luc Ouellet, Planner, Planning Applications
Gail Harnish, Planning Services
Shanna & Chris Trenaman, Applicants

Also in attendance: 1 member of the public

Opening remarks, introductions, purpose of meeting

Mr. Luc Ouellet called the public information meeting (PIM) to order at approximately 7:10 p.m. at St. Andrew's Centre. The purpose of tonight's meeting is to consider an application by Christopher and Shanna Trenaman to rezone 2692 Connaught Avenue, Halifax, from R-1 (Single Family) to R-2 (General Residential).

Overview of planning process

Mr. Ouellet noted the application is to rezone from R-1 to R-2. The R-2 zone on the Peninsula allows you to have up to four units, however, there are other minimum requirements which must be met such as lot frontage, lot area, and side yards.

Mr. Ouellet provided an overview of the rezoning process:

- tonight we are at the PIM
- staff will do a detailed review of the application
- staff will prepare a staff report, which includes a recommendation, and is tabled with Peninsula Community Council
- Community Council will decide to either proceed and schedule a public hearing, or they will reject the application
- the public hearing is held (if they proceed)
- there is an appeal process

Mr. Ouellet noted excerpts from the Land Use By-law have been provided for the R-1 and R-2 zones. The only major difference between the two zones is you can have up to four units in the R-2 zone. For the R-2 zone, you are required to have a lot area of 5000 square feet. Three and four units, however, require a minimum of 8000 square feet. The lot area for the property in question is about 6500 square feet so they would be limited to a duplex.

Proposal

Mr. Chris Trenaman advised they moved into their house on Connaught Avenue about one year ago. When they moved into it, there was an existing apartment in the basement which had been there for about fifty-three years so they just missed the cut off date for two unit conversions. One of the reasons they got a house with a basement apartment was because they had a relative going to Dalhousie who is staying in the apartment. Shortly after they moved in, they received a letter from the City saying the apartment in the house was not a legal basement apartment. At that time, they were required to bring it into compliance and had to remove the kitchen to turn it into a legal one unit dwelling. They are going through this process to get the kitchen back into the apartment and to turn it into a two unit dwelling.

Questions and comments from members of the public

Mr. Jeremy Fenton commented he did not have any interest in this particular development. He was curious about the planning process.

Councillor Watts asked how many neighbours the applicants had.

Mr. Trenaman advised they have a park to the right side and to the back, a neighbour on the left side, and across the street from the median is an apartment building. The direct impact would be the one residential unit beside them.

Councillor Watts asked if they could fit more than one car in the driveway.

Ms. Shanna Trenaman advised it holds three cars.

Mr. Trenaman indicated if the application is approved, they might make the driveway wider. There is definitely more than enough room to be in compliance with that. Two cars can get in side by side.

Councillor Watts noted parking is often a concern for this type of rezoning. It sounds like they would be able to accommodate a car or two.

Mr. Ouellet clarified there are two ways to get two units. For a rezoning to R-2, you need 50' of lot frontage, 5000 square feet in lot area, and a side yard of 5'. If they did not meet the 5' side yard requirement, then they would need a variance in addition to the rezoning. The second way is through a two unit conversion if you have an existing building on or before the 11th day of May, 1950 and it complies with the other requirements laid out in the LUB. The R-1 zone does not require a parking space.

Mr. Trenaman advised their driveway is 13' wide, so if they went by way of the two unit conversion they would have to remove 3' of lawn to make the full width.

Councillor Watts asked if they spoke to their next door neighbour.

Mr. Trenaman responded not a lot, but their neighbour was comfortable signing a property disclosure questionnaire indicating the basement apartment was there for the past 53+ years.

Mr. Fenton asked if there was a Planning Advisory Committee involved.

Mr. Ouellet confirmed not for this area; only in District 12 for the peninsula.

Mr. Fenton asked who would hear the appeal.

Mr. Ouellet advised it would be heard by the Provincial Nova Scotia Utility and Review Board.

Councillor Watts asked about the timeline for the report.

Mr. Ouellet advised he hoped it would be ready for the November meeting of Peninsula Community Council.

The meeting adjourned at approximately 7:30 p.m.