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Item No. 8.1.5
Halifax and West Community Council
April 8, 2014
May 6, 2014

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: Original Signed
Brad Anguish, Director, Community and Recreation Services

DATE: March 18, 2014

SUBJECT: Case 18734: Rezoning, 8A-8D Hillcrest Street, Halifax

ORIGIN

Application by Giovanni Cianfaglione

LEGISLATIVE AUTHORITY

HRM Charter; Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give First Reading to the proposed rezoning of 8A-8D Hillcrest Street, Halifax, from the R-2 (Two Family Dwelling) Zone to the R-2P (General Residential) Zone, as contained in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposed rezoning of 8A-8D Hillcrest Street, Halifax, from R-2 (Two Family Dwelling) Zone to R-2P (General Residential) Zone as provided in Attachment A of this report.

BACKGROUND

The subject property, 8A-8D Hillcrest Street, is located at the corner of Hillcrest Street and Sunnybrae Avenue in the Fairview area of Halifax (see Map 1). The authorized use of the dwelling currently located on the property is a two-unit dwelling, however, the property has been used as a four-unit dwelling for at least a decade. To gain authorization for the four-unit dwelling, the property owner has submitted this application to rezone the property from the R-2 (Two Family Dwelling) Zone to the R-2P (General Residential) Zone under the Land Use By-law for Halifax Mainland (LUB).

Location

The subject property is 7,800 square feet in size, has 130 feet of frontage, and is located at the northwest corner of Hillcrest Street and Sunnybrae Avenue in Halifax. It is located near the Dutch Village Road commercial area, and near major roadways including Joseph Howe Drive and Dutch Village Road. The immediate surrounding area is predominantly single and two-unit dwellings; however, there is a six-unit dwelling located immediately to the rear of the subject property. There is also a three-unit dwelling on Central Avenue within the notification area, zoned R-2P (Map 2).

Designation and Zoning

The property is designated Residential Environments under the Municipal Planning Strategy for Halifax (MPS) (see Map 1). It is not within a secondary plan area. The property is zoned R-2 (Two Family Dwelling) under the Halifax Mainland LUB (see Map 2). The R-2 Zone (Attachment B) permits single family dwellings, two unit dwellings, home occupations and a variety of institutional and recreation uses.

Enabling Policy

Section 2 of the City Wide policies in the MPS allows for the consideration of a variety of residential unit types, including single unit dwellings, two unit dwellings, townhouse units or multiple unit buildings through different zones that are enabled in the Residential Environments designation (see Attachment D).

Non-Conforming Structure and Use

A building permit was issued for the subject property for a two unit dwelling in 1965. There have been at least two additions to the building since this time, for which permits have been issued. It is important to note that construction permits were issued before the current setback requirements were established for the R-2 Zone and as such the existing building does not comply with the front yard setback and vehicle parking requirements. The property also does not comply with Streets By-law S-300, as the existing driveway (39 feet) is wider than that which is currently permitted (10 to 16 feet). As the requirements have changed since the building was originally developed, it is non-conforming structure.

Following the issuance of the permits for the original building and additions, the property became to be used as a 4 unit dwelling. This work was undertaken without a permit and as the

use is not permitted in the R2 Zone it is considered an illegal use. Staff are unaware exactly when the two additional units were developed on the property; however, Municipal Compliance staff recently became aware of the illegal land use and have been working with the property owner to bring the property into compliance. There are no other records of land use compliance complaints or actions respecting the property since the four units were established.

DISCUSSION

City-wide and Implementation Policies

In evaluating the proposed rezoning it is necessary to consider if it is consistent with applicable policies of the Halifax MPS. There are no specific policies to address a rezoning from the R-2 Zone to the R-2P Zone. Therefore, it is relevant to review the proposed rezoning by considering the City Wide and Implementation policies of the MPS. Attachment D provides an evaluation of the proposal in relation to the policies. From this review, Policy 2.4 states:

“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.”

As discussed earlier in this report, while the neighbourhood is comprised of predominantly single and two-unit dwellings, there is a six-unit dwelling to the rear of the subject property. The existing dwelling resembles a large single detached dwelling and is not out of place with the character of the neighbourhood. In addition, the building with its four units has been in existence for a considerable amount of time without any known issues. For these reasons and in consideration of the overall policies of the MPS, it is found that the four-unit building is reasonably compatible with the neighbourhood.

R-2 Zone vs. R-2P Zone

In considering the proposal, it is also relevant to compare the type of development permitted as-of-right in the R-2 Zone versus what would be permitted under the proposed R-2P Zone. Under the R-2 Zone, only dwellings to a maximum of two units are permitted. In addition to those uses permitted in the R-2 Zone, the R-2P Zone allows three and four unit apartment buildings, provided that the lot frontage, lot area and setback requirements are met.

Under both the R-2 and R-2P Zones, 50 feet of lot frontage and a 5,000 square foot lot area are required for two-unit dwellings. Three and four-unit buildings under the R-2P Zone require 60 feet of lot frontage and a 6,000 square foot lot area. The following provides a comparison of the building placement and massing requirements for each zone:

	<u>R-2 Zone (Two Units)</u>	<u>R-2P Zone (Four Units)</u>
Maximum Lot Coverage	35%	35%
Maximum Height	35 ft	35 ft
Minimum Front Yard	20 ft	15 ft
Minimum Rear Yard	8 ft	20 ft
Minimum Side Yard	8 ft	6 ft
Minimum Flankage Yard	10 ft	n/a

Building placement and massing requirements for both zones are relatively similar. The setback requirements for the R-2P Zone are larger for the rear yard than those required by the R-2 Zone, but smaller for the front and side yards. The R-2 Zone includes a specific flankage yard setback requirement for corner lots, whereas the R-2P Zone does not.

On the basis of the requirements for the R-2 and R-2P Zone, there is little in the way of additional rights that are gained with the rezoning, other than the opportunity to legalize the existing 4 dwelling units.

By-law Requirements and Variances

If the proposed rezoning is approved, the applicant would have the same rights as they have now under the R-2 Zone as the R-2P Zone allows R-2 uses. To obtain a permit for the 4 unit dwelling under the R-2P Zone, the applicant would have to apply for variances to relax the front and rear yard setback requirements. The standard variance process (submit an application, decision by Development Officer, notice to applicant and areas residents and the possibility of an appeal to Community Council) would apply.

It is important to note that the approval of the rezoning would not oblige Council or staff to approve any variances on the property.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the proposed 2014/15 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing, achieved through notices posted on the HRM website, and mailed to property owners within the notification area as shown on Map 2. In consultation with the area Councillor, it was determined that a Public Information Meeting would not be held given the limited scale of the development and nature of the rezoning request. No formal submissions were received; however, staff spoke with residents via phone and email and relayed their input to the Councillor as requested.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the rezoning. Should Halifax and West Community Council decide to

proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area will continue to be notified as shown on Map 2. The HRM website will also be updated to indicate notice of the public hearing.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all applicable environmental policies contained in the Halifax MPS. No additional items have been identified.

ALTERNATIVES

1. Community Council may choose to refuse rezoning of 8A-8D Hillcrest Street, Halifax, and in doing so must provide reasons based on a conflict with policy of the MPS for Halifax. This alternative is not recommended for the reasons outlined in this staff report.


ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Attachment A	Proposed Amendments to the Halifax Mainland Land Use By-law
Attachment B	R-2 and R-1 Zones from the LUB for Halifax Mainland
Attachment C	R-2P Zone from the LUB for Halifax Mainland
Attachment D	Review of Relevant Policies from Municipal Planning Strategy for Halifax

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: Jillian MacLellan, Planner 1, Planning Services, 490-4423
Leah Perrin, Development Technician Intern, 490-4398


Original Signed

Report Approved by:  Kelly Denty, Manager of Development Approvals, 490-4800



Map 1 - Generalized Future Land Use

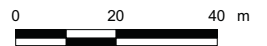
8 Hillcrest Street
Halifax

 Area proposed to be rezoned from R-2 (Two Family Dwelling) to R-2P (General Residential)

Halifax Plan Area

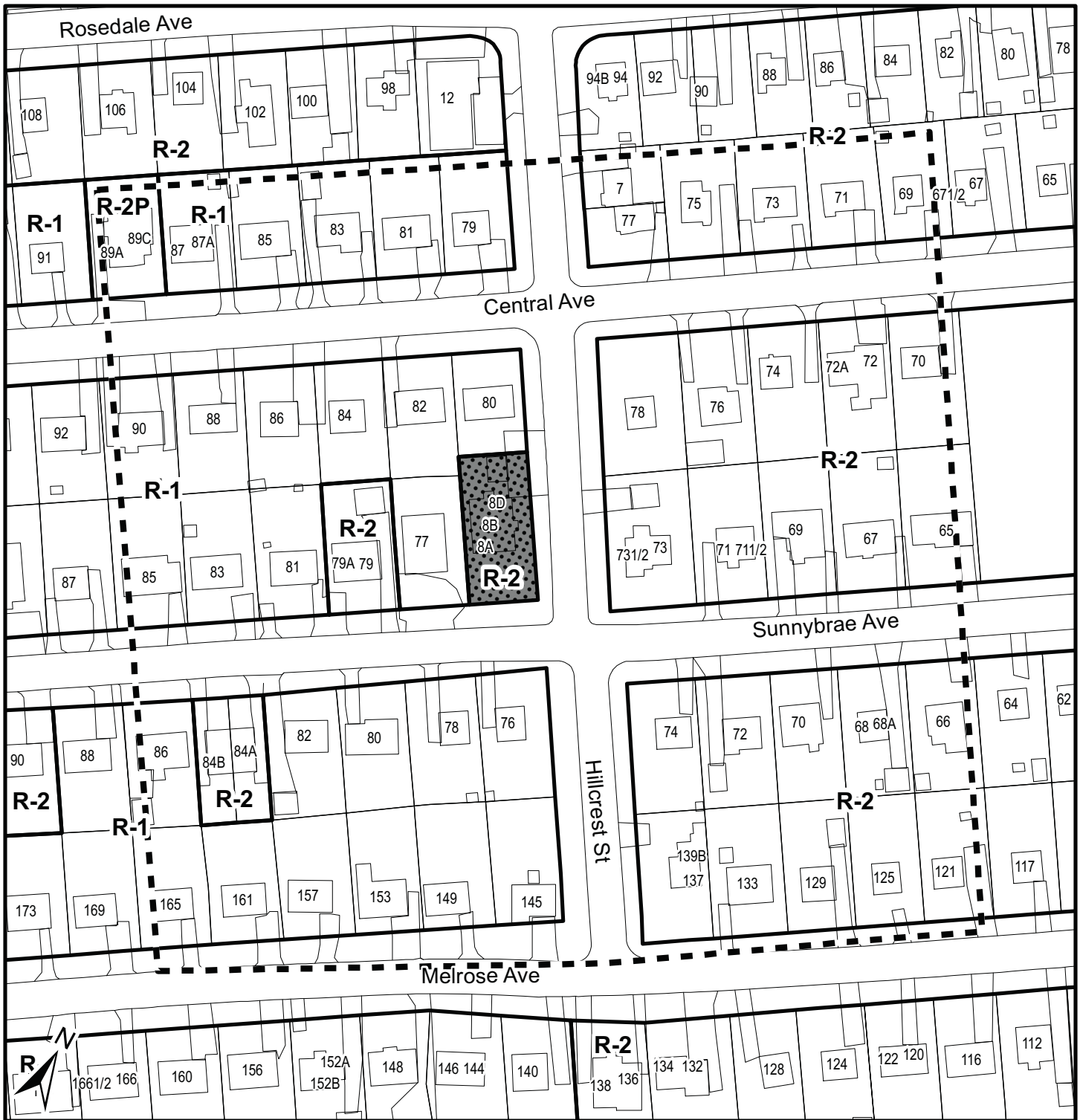
Designation

RES Residential Environments




This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.


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



Map 2 - Zoning and Notification

8 Hillcrest Street
Halifax

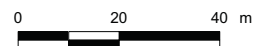
 Area proposed to be rezoned from R-2 (Two Family Dwelling) to R-2P (General Residential)

 Area of notification

Halifax Mainland
Land Use By-Law Area

Zone

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-2P General Residential



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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Attachment A
Proposed Amendments to the Halifax Mainland Land Use By-law

BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Mainland Halifax, as amended, is hereby further amended as follows:

1. Map ZM-1 (Halifax Zoning Map) is further amended by rezoning 8A-8D Hillcrest Street, Halifax from R-2 (Two Family Dwelling) Zone to R-2P (General Residential) Zone, as shown on Schedule A.

I HEREBY CERTIFY that the amendments to the Land Use By-law for the Halifax Mainland as set out above, were passed by a majority vote of the Halifax and West Community Council of the Halifax Regional Municipality at a meeting held on the _____ day of _____, 2014.


GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2014.

Municipal Clerk



Schedule A

8 Hillcrest Street
Halifax

 Area to be rezoned
from R-2 (Two Family Dwelling)
to R-2P (General Residential)

Halifax Mainland
Land Use By-Law Area

Zone	
R-1	Single Family Dwelling
R-2	Two Family Dwelling



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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

Case 18734 – Attachment B
R-2 and R-1 Zones from the LUB for Halifax Mainland

R-2 ZONE

TWO-FAMILY DWELLING ZONE

- 24(1) The following uses shall be permitted in any R-2 Zone:
- (a) all R-1 Zone uses;
 - (b) a semi-detached dwelling;
 - (c) a duplex dwelling;
 - (d) (Deleted)
 - (e) (Deleted)
 - (f) in the "**Fairview Area**", conversions of existing buildings used for institutional purposes to a maximum of 4 units, provided that the height and floor area of the building are not increased.
 - (g) uses accessory to any of the foregoing uses.
- 24(2) No person shall, in any R-2 Zone, carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1)
- 24(3) No person shall, in any R-2 Zone, use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1)
- 24(4) (Deleted)

R-1 USES IN R-2 ZONE

- 25 Buildings erected, altered or used for R-1 uses in an R-2 Zone shall comply with the requirements of an R-1 Zone.
- 25A (Deleted)

REQUIREMENTS

- 26 Buildings erected, altered or used for R-2 uses in an R-2 Zone shall comply with the following requirements:
- (a) Lot frontage minimum 50 feet except when a lot faces on the outer side of a curve in the street, in which case the minimum frontage may be reduced to 30 feet

- (b) Lot area minimum 5,000 square feet
- (ba) Notwithstanding clause (b), the minimum lot area for lots abutting an inland watercourse in the "**Mainland South Area**", shall be 6,000 square feet;
- (c) Lot coverage maximum 35 percent
- (ca) The maximum height shall be 35 feet
- (d) Floor coverage of 900 square feet living space, minimum
- (e) Every building shall be at least 12 feet from any other building and at least 8 feet from the rear and both side lines of the lot on which it is situated and at least 20 feet from any street line in front of such building;

ACCESSORY BUILDINGS

- (f) Notwithstanding the provisions of clause (e), a carport or a detached or attached non-commercial garage may be located not less than 4 feet from the rear and both side lines of the lot on which it is situated and shall be located 8 feet from any other building;
- (g) Notwithstanding the provisions of clause (f), any accessory building shall not require any side or rear yard nor any setback from any other building if such building is located entirely within the rear yard of the lot on which such building is located; provided, however, that such accessory building shall not be closer than 15 feet to any street line.

BUILDINGS ON CORNER LOTS

- (h) Where a building is situated on a corner lot, it shall be at least 10 feet from the flanking street line abutting such lot;

SEMI-DETACHED DWELLINGS

- (i) Notwithstanding the provisions of other requirements:
 - (1) For each unit of a semi-detached dwelling, the minimum lot frontage shall be 25 feet, the minimum lot area shall be 2,500 square feet, and the maximum lot coverage shall be not greater than 35 percent.
 - (2) Every semi-detached dwelling shall be at least 12 feet from any other building and at least 8 ft. from the rear and side lines of the lot on which it is situated and at least 20 ft. from any street line in front of such dwelling.
 - (3) Where a semi-detached dwelling is situated on a corner lot, such dwelling and accessory buildings or uses shall be at least 10 feet from the flanking street line abutting such lot.
 - (4) Notwithstanding subsection (2) where a lot containing a semi-detached dwelling is to be or has been subdivided so that each unit is on its own lot, there shall be no setback required from the common lot boundary.

DAY NURSERY

- (j) (Deleted)
- (k) (Deleted)

BOARDERS AND LODGERS

- 27 The keeping of not more than three boarders or lodgers in an R-2 Zone shall be permitted, but no window display or sign of any kind in respect to the use permitted by this section shall be allowed.

SIGNS

- 28 The exterior of any building in an R-2 Zone shall not be used for the purpose of advertising or erecting or maintaining any billboard or sign except the following:
- (a) one sign board not exceeding 6 square feet in size pertaining to the sale or rent of the building or lot;
 - (b) one non-illuminated no-trespassing, safety, or caution sign not exceeding one square foot in size;
 - (c) one non-illuminated sign not exceeding one square foot in area, indicating the name and the occupation, profession or trade of the occupant of the building;
 - (d) one bulletin board for a church.
 - (e) A sign not exceeding two square feet in size for a **day care facility**.
(RC-Mar 3/09;E-Mar 21/09)

DAY NURSERY - ADDITIONAL CHILDREN PROVISION

- 28A (Deleted)
- 28B (Deleted)

R-1 ZONE

SINGLE FAMILY DWELLING ZONE

- 20(1) The following uses shall be permitted in any R-1 Zone:
- (a) a detached one-family dwelling;
 - (b) the office of a professional person located in the dwelling house used by such professional person as his private residence;
 - (ba) a home occupation;
 - (c) a public park or playground;
 - (d) a church and church hall;
 - (e) a golf course;
 - (f) a tennis court;
 - (g) a yacht or boat club;
 - (h) a public recreational centre;
 - (i) **a day care facility for not more than 8 children in conjunction with a dwelling (CCC-Apr 6/09;E-Oct 8/09)**
 - (j) a special care home containing not more than ten persons including resident staff members;
 - (k) uses accessory to any of the foregoing uses.
- 20(2) No person shall in any R-1 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).
- 20(3) No person shall in any R-1 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

- 21 Buildings erected, altered or used for R-1 uses in an R-1 Zone shall comply with the following requirements:
- (a) lot frontage minimum 50 feet except when a lot faces on the outer side of a curve in the street, in which case the min. frontage may be reduced to 30 feet
 - (b) lot area minimum 5,000 square feet
 - (ba) Notwithstanding clause (b), the minimum lot area, for lots abutting an inland watercourse in the "**Mainland South Area**", shall be 6,000 square feet;
 - (c) lot coverage maximum 35 percent
 - (ca) height maximum 35 feet
 - (d) floor coverage of living 950 square feet space, minimum

- (e) every building shall be at least 12 feet from any other building and at least 8 feet from the rear and both side lines of the lot on which it is situated and at least 20 feet from any street line in front of such building

ACCESSORY BUILDINGS

- (f) notwithstanding the provisions of clause (e), a carport or a detached or attached non-commercial garage may be located not less than 4 feet from the rear and both side lines of the lot on which it is situated and shall be located 8 feet from any other building
- (g) notwithstanding the provisions of clause (f), any accessory building shall not require any side or rear yard nor any setback from any other building if such building is located entirely within the rear yard of the lot on which such building is located; provided, however, that such accessory building shall not be closer than 15 feet to any street line.

BUILDINGS ON CORNER LOTS

- (h) where a building is situated on a corner lot, it shall be at least 10 feet from the flanking street line abutting such lot.

BOSCOBEL ROAD LOT SIZES

- (i) Notwithstanding the minimum lot area requirements specified in Section 21(b) and 21(ba), the minimum lot area requirement for lots abutting or including the wetland area between Boscobel Road and Purcell's Cove Road as specified on Schedule A, shall be one acre, excepting those lots existing on the date of adoption of this Section, and excepting civic number 290 Purcell's Cove Road.

BOARDERS AND LODGERS - BED AND BREAKFAST

- 22(a) The keeping of not more than three boarders or lodgers in a one family dwelling house shall be permitted, but no window display or sign of any kind in respect to the use permitted by this section shall be allowed.
- 22(b) The provision of the bed and breakfast accommodation shall not be permitted simultaneously with the keeping of boarders and lodgers.

SIGNS

- 23 The exterior of any building in an R-1 Zone shall not be used for the purpose of advertising or erecting or maintaining any billboard or sign except the following:
 - (a) one sign board not exceeding 6 square feet in size pertaining to the sale or rent of the building or lot;

- (b) one non-illuminated no-trespassing, safety, or caution sign not exceeding 1 square foot in size;
- (c) one non-illuminated sign not exceeding 1 square foot in area, indicating the name and the occupation, profession or trade of the occupant of the building;
- (d) one bulletin board for a church;
- (e) a sign not exceeding 2 square feet in size for a **day care facility (RC-Mar 3/09;E-Mar 21/09)**;
- (f) a non-illuminated sign not to exceed 6 square feet in size for a non-residential building.
- (g) One sign not exceeding two square feet in size which can be illuminated only by reflected light, for any bed and breakfast establishment.

DAY CARE FACILITIES

23A Buildings erected, altered or used for a **day care facility** shall comply with the following requirements:

- (a) Except for outdoor play space, any **day care facility** shall be wholly contained within a dwelling which is the principle residence of the operator of the facility;
- (b) One off street parking space, other than that required for the dwelling, shall be provided. The required parking space shall be eight feet wide by sixteen feet long, and be exclusive of the front yard.
- (c) The **day care facility** shall be limited to a maximum of one full storey of the dwelling; this storey may be the basement.
- (d) Only one **day care facility** shall be permitted to be located on any lot.

(RC-Mar 3/09;E-Mar 21/09)

23B Notwithstanding the provisions of Sections 20(1)(i) and 23A (a-c) a **day care facility** may be operated as an accessory use to a church, church hall, or public recreation centre. The parking provisions contained in Sections 11(1) and 11 (2) would apply.**(RC-Mar 3/09;E-Mar 21/09)**

23C (Deleted)

SPECIAL CARE HOME

23D Where any building is altered or used as a special care home in an R-1 Zone, such building, in addition to the requirements hereinbefore set out, shall comply with the following requirements:

- (i) 100 square feet of landscaped open space shall be provided for each person occupying such home;

- (ii) recreational indoor space may account for 25% of the landscaped open space;
- (iii) the building is a minimum of 1,000 feet distant from any other building used for or as a special care home;
- (iv) parking requirements as contained in subsections (1) and (2) of Section 11.

Case 18734 - Attachment C
R-2P Zone from the LUB for Halifax Mainland

R-2P ZONE

GENERAL RESIDENTIAL ZONE

28AA(1) The following uses shall be permitted in any R-2P Zone:

- (a) all R-1 and R-2 uses;
- (b) buildings containing not more than 4 apartments;
(Also note Section 28AE)
- (c) uses accessory to any of the foregoing uses.

28AA(2) No person shall, in any R-2P Zone, carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in Subsection (1)

28AA(3) No persons shall, in any R-2P Zone, use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in Subsection (1).

REQUIREMENTS

28AB(1) Buildings erected, altered or used for R-1, R-2 and R-2P in an R-2P Zone shall comply with the following requirements:

	Minimum Lot Frontage (ft.)	Minimum Lot Area (sq. ft.)	Minimum Side Yard (ft.)
R-1 Use	40	4000	4
Duplex Semi-detached Dwelling	50	5000	5
3 and 4 Unit Apt Building	60	6000	6

28AB(2) Front yard shall be 15 feet minimum;

Rear yard shall be 20 feet minimum.

28AB(3) Lot coverage shall be 35% maximum.

28AB(4) Height shall be 35 feet maximum.

SEMI-DETACHED DWELLING

28AB(5) A lot containing a semi-detached dwelling may be subdivided so that each unit is located on a separate lot provided that the lot for each unit contains a minimum frontage of 25 ft. and a minimum area of 2,500 sq.ft. No side yard shall be required along the common lot boundary dividing a semi-detached dwelling.

INTERNAL CONVERSION TO DUPLEX

28AC A building in existence on or before the 11th of May, 1950 may be converted into a duplex dwelling provided that the building, after conversion, complies with the following:

- (a) a duplex dwelling containing up to and including five habitable rooms shall require a lot containing an area of not less than 3,300 sq.ft.
- (b) a duplex dwelling containing six to eight habitable rooms shall require a lot containing an area of not less than 4,000 sq.ft.
- (c) Lot coverage - maximum lot coverage shall be 35 percent.

28AD Notwithstanding the provisions of Section 28AB, the requirements of Sections 26(f) to (h), (i)(2) and (3), 27 and 28 to 28B inclusive above shall apply.

MAINLAND SOUTH - FOUR UNITS

28AE Notwithstanding Section 28AA(1)(b) of this by-law, apartments containing a maximum of four units may be permitted in the "**Mainland South Area**" provided that, of the total number of dwelling units in the building, there is a minimum of one two-bedroom unit for each bachelor or one-bedroom unit.

Case 18734 - Attachment D
Review of Relevant Policies from the Municipal Planning Strategy for Halifax

Policy Criteria	Staff Comment
<p>2. RESIDENTIAL ENVIRONMENTS Objective: The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.</p>	
<p>2.1 Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services.</p>	<p>There are existing services to the subject property which have adequate capacity to service the proposed development and potential uses permitted under the R-2P Zone.</p>
<p>2.2 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.</p>	<p>The neighbouring uses consist primarily of single unit dwellings, with some multiple unit dwellings. A legal non-conforming 6 unit dwelling is located immediately to the rear of the subject property at 77 Sunnybrae Avenue. A 3 unit dwelling is located at 89 Central Avenue, which is zoned R-2P.</p> <p>Policy 3.1 was repealed in June 1990; however, Policy 3.1.1 (see below) requires proposed rezonings to conform with the policies of the plan with particular regard to Policy 2.4 of Section II (see below).</p> <p>Policy 3.2 discusses the creation of secondary plans in certain areas of the Halifax Planning Area. The subject property is not included within a secondary plan area.</p>
<p>2.4 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</p>	<p>The subject property is located on the corner of Hillcrest Street and Sunnybrae Avenue. The majority of the housing in the neighbourhood are single detached dwellings; however, there are some multiple unit dwellings in the area. A six unit residential building is located immediately to the rear of the subject property. The legalization of the 4 unit dwelling will not have a significant impact on the neighbourhood.</p> <p>The property owner intends to retain the existing dwelling which resembles a large single</p>

Policy Criteria	Staff Comment
<p>will seek to ensure that any change it can control will be compatible with these neighbourhoods.</p>	<p>detached dwelling that is not out of place with the character of the neighbourhood.</p> <p>Furthermore, the R-2P Zone includes height, lot coverage, and setback requirements similar to the requirements for single detached dwellings.</p>
<p>2.4.1 Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>The proposed rezoning would not affect the scale of the neighbourhood.</p> <p>No new streets or commercial uses are included as part of this planning application.</p>
<p>2.7 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.</p>	<p>The proposed application only considers the rezoning of one lot and would not be considered as a redevelopment of a portion of the existing neighbourhood.</p>
<p>2.8 The City shall foster the provision of housing for people with different income levels in all neighbourhoods, in ways which are compatible with these neighbourhoods. In so doing, the City will pay particular attention to those groups which have special needs (for example, those groups which require subsidized housing, senior citizens, and the handicapped).</p>	<p>The four unit dwelling proposed will provide further variety to the type of housing in the area, while still providing consistency with the scale of housing in the area.</p>

Policy Criteria	Staff Comment
<p>2.10 For low and medium density residential uses, controls for landscaping, parking and driveways shall ensure that the front yard is primarily landscaped. The space devoted to a driveway and parking space shall be regulated to ensure that vehicles do not encroach on sidewalks.</p>	<p>Provisions have been established in the LUB to control these aspects. Four independently accessible parking spaces will be required on the subject property. Only 33 percent of the front yard may be used for access, maneuvering, and parking.</p>
<p>2.11 For all residential uses the parking and storage of vehicles such as trailers, boats and mobile campers, shall be restricted to locations on the lot which create minimal visual impact from the street.</p>	<p>Provisions have been established in the LUB to regulate these matters.</p>
IMPLEMENTATION POLICIES	
AMENDMENTS TO THE ZONING BY-LAW	
<p>3.1.1 The City shall review all applications to amend the zoning by-laws 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.</p>	<p>Staff are of the opinion that the proposed rezoning is consistent with the applicable policies of the MPS for Halifax.</p> <p>See review of Policy 2.4 in Section II above.</p>
<p>4.1 The City shall ensure that the proposal would conform to this Plan and to all other City by-laws and regulations.</p>	<p>The proposed rezoning complies with the policies of the MPS for Halifax.</p> <p>If the proposed rezoning is approved the property owner must demonstrate that they are able to comply with all city by-laws and regulations.</p> <p>The existing structure does not meet the setback requirements of the R-2P Zone. The property owner has the ability to apply to vary the setback requirements but it is important to note that by approving the proposed rezoning this does not oblige Council or staff to approve any requested variance. As the subject property meets the minimum lot area and lot frontage requirements, the property owner would have the ability to demolish the existing structure and develop a new building.</p>

Policy Criteria	Staff Comment
<p>4.2 The City shall review the proposal to determine that it is not premature or inappropriate by reason of:</p> <ul style="list-style-type: none"> i) the fiscal capacity of the City to absorb the costs relating to the development; and ii) the adequacy of all services provided by the City to serve the development. 	<ul style="list-style-type: none"> (i) The property owner will be responsible for the costs associated with the proposed development; (ii) The application was reviewed by various municipal agencies including Halifax Water. There were no concerns regarding the adequacy of services.