

**HALIFAX**

# **Case 20489**

**Lot Modification Development Agreement  
5540 Kaye Street, Halifax**

**Districts 7 & 8  
Planning Advisory Committee**

**September 26, 2016**

# Application

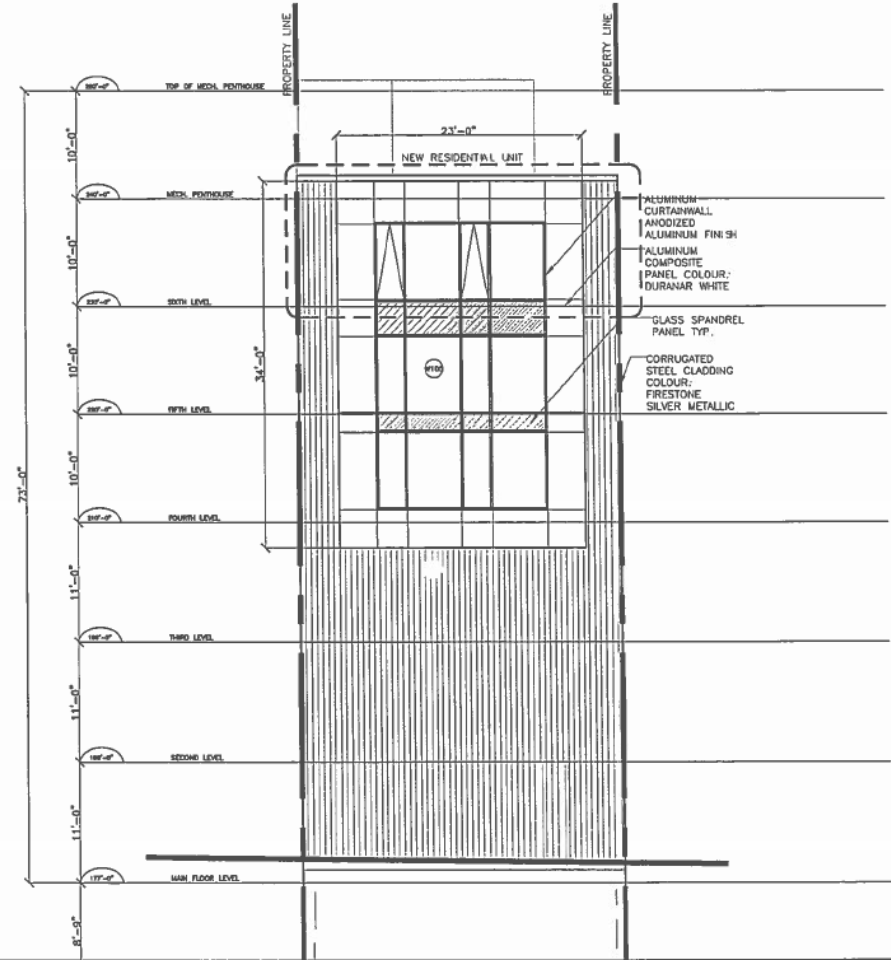
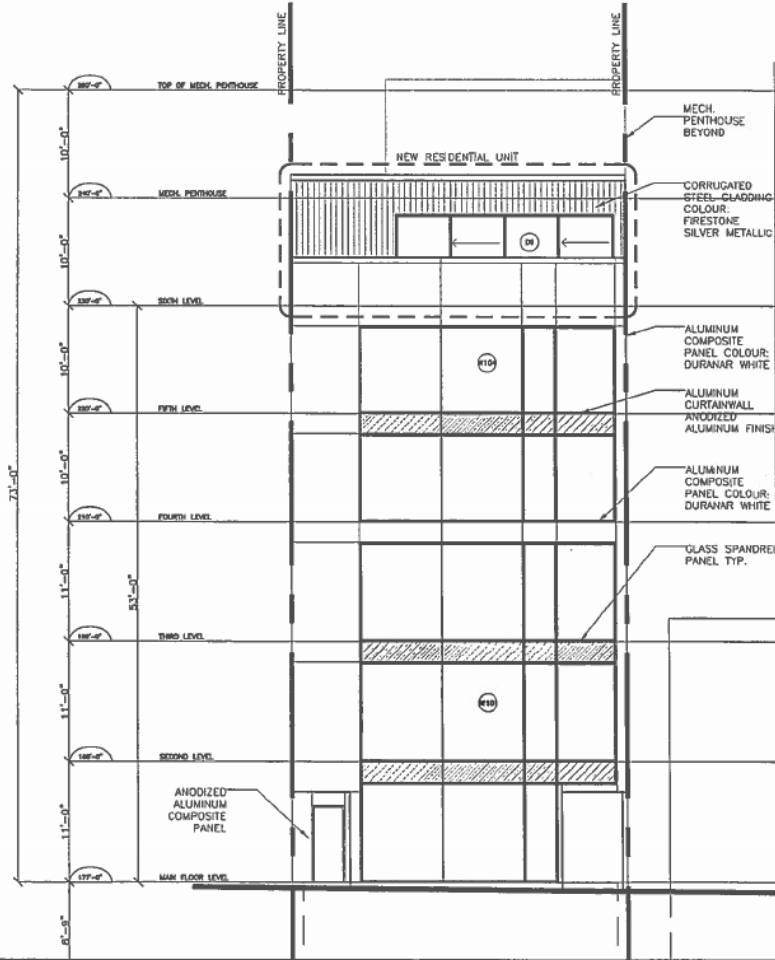
- **Applicant:** Studioworks International Inc.
- **Proposal:** The applicant wishes to enter into a development agreement for 5540 Kaye Street, Halifax to allow a single residential unit penthouse at the 6th floor of a commercial building already under construction
- **Origin:**
  - Permit issued November 2015 for a six (6) storey commercial building
  - Zone provisions do not allow for a residential unit
  - Variance not permitted







# Elevations



**STUDIO WORKS**  
INTERNATIONAL INC.  
1111 10th St. Suite 1000  
Seattle, WA 98101  
Phone: 206.461.1111  
Fax: 206.461.1112  
www.studioworks.com

title  
**KS1501 - KAYE ST. COMMERCIAL BUILDING  
ELEVATIONS**

location  
**5540 KAYE STREET**

scale  
**3/32" = 1'-0"**

date  
**29/03/16**

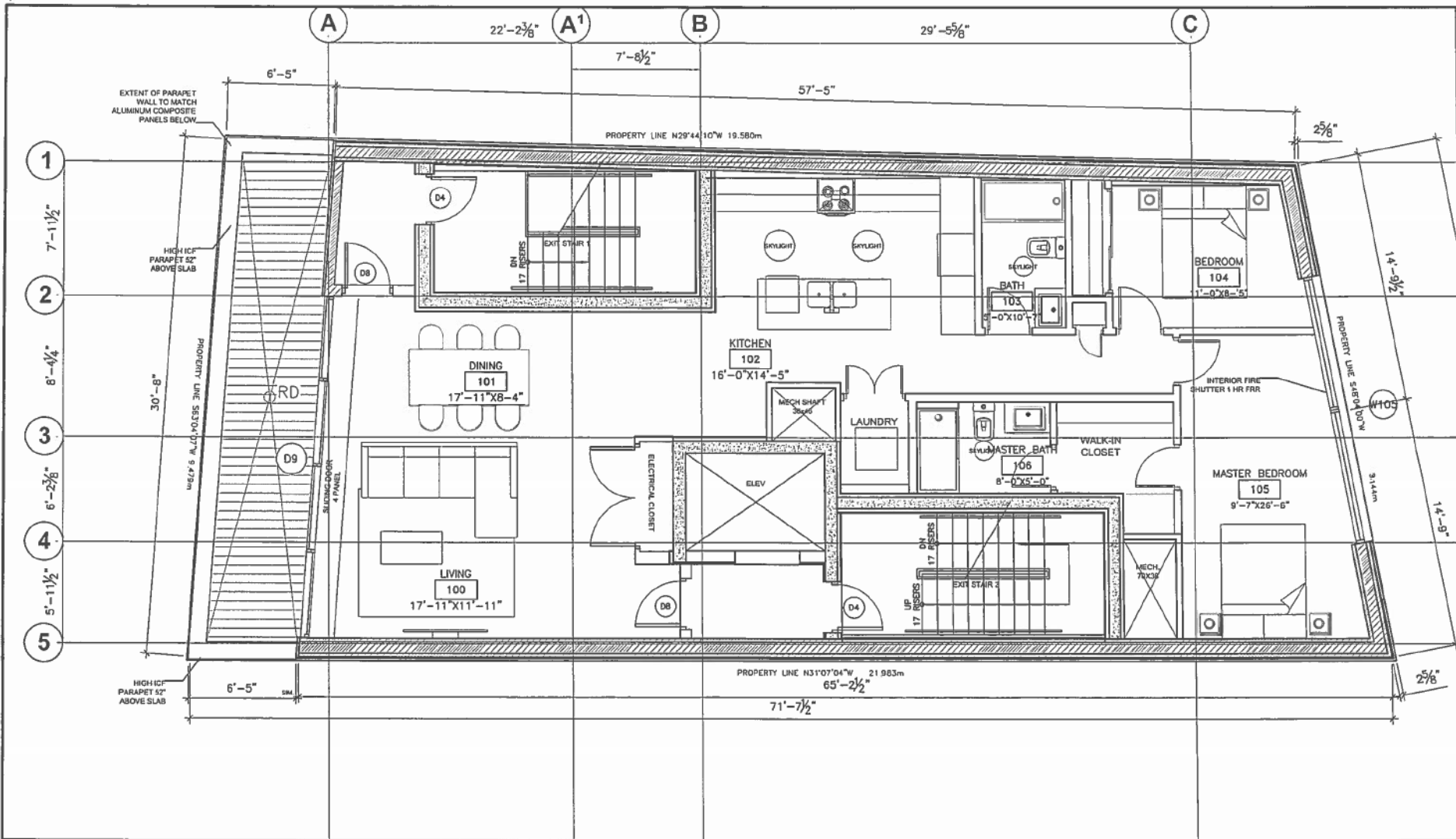
drawn  
**LG**

proj.  
**KS1501**

dwg no:  
**A02**

rev.

# Floor Plan



**STUDIO WORKS**  
INTERNATIONAL INC.  
11111 111th Street, Suite 100, Seattle, WA 98148  
Phone: 206.427.1111 | Fax: 206.427.1112  
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title	KS1501 - KAYE ST. COMMERCIAL BUILDING LEVEL 6 PENTHOUSE
location	5540 KAYE STREET



scale	3/32" = 1'-0"
date	28/03/16
drawn	LG
prof.	KS15-01

dwg no:	A01
rev.	



**HALIFAX**

# Policy Overview

- This proposal is being considered under Policy 4.6 of the Halifax Municipal Planning Strategy.
- This policy allows for the modification of the yard, lot area, or width provisions of the by-law provided a number of criteria are met.



# Policy Overview

*“4.6 – For any proposed development, the City may permit modification of the yard or lot area or width provisions of the Peninsula and Mainland Zoning By-laws under the authority of Section 33(2)(b) of the Planning Act. A decision of the Council of the City of Halifax to permit such modification may be preceded by a public hearing if deemed necessary and such modification shall be granted provided that:*

- (a) the amenity, convenience, character and value of the neighbouring properties will not be adversely affected;*
- (b) conditions necessitating such modification are unique to the lot and have not been created by either the owner of such lot or the applicant;*
- (c) The modification is necessary to secure an appropriate development of the lot where such lot is of such restricted area that it cannot be appropriately developed without such modification;*
- (d) The modification is consistent with Section II of this Plan; and*
- (e) The registered owner of the land for which the modification is sought shall enter into an agreement with Council pursuant to Section 34(1) of the Planning Act”*

# Request of the Committee

1. Merit of development agreement to allow for the consideration of a residential penthouse on the sixth level of an as-of-right commercial building under construction; and
2. The potential impact on neighbouring properties

# Next Steps

- PAC Recommendation
- Detailed Review
- Staff report to Halifax and West Community Council
- Public Hearing and Decision by HWCC
- Appeal Period