

North West Planning Advisory Committee  
November 6, 2013

## MEMORANDUM

To: Chair and Members of North West Planning Advisory Committee

From: Jennifer Chapman, Planner

Date: October 18, 2013

Subject: **Case 18850 - Application by Eddy Maskine for a development agreement to legalize 5 units in an existing 67 unit building located at 145 Walker Avenue, Sackville.**

**Overview:** The applicant has requested a development agreement to legalize 5 units in an existing 67 unit building. The building has a permit for 62 units, but was built with 67 units. The building was built in 1993 with 67 units. The building is located in an area with other multiple unit buildings. In 2011, the building immediately adjacent to this site went through a development agreement process (Case 16763) to legalize 2 units in an existing 34 unit building.

**Existing Use:** There is an existing 67 unit building located on the site.

**Designation:** Urban Residential under the Sackville Municipal Planning Strategy

**Zoning:** R-4 (Multiple Unit Dwelling) Zone with a small portion of the parking lot has R-1 (Single Unit Dwelling). The building complies with the LUB requirements for amenity space and meets the lot area requirements.

**Proposals:** The proposal is to enter into a development agreement to legalize 5 units in an existing 67 unit building. The building has a permit for 62 units, but was built with 67 units. The extra dwelling units came from an internal reconfiguring of 3 bedroom units to be built as 2 bedroom units and bachelor apartments. There is existing landscaping located around the building in the form of flower beds and shrubs, which will be maintained.

**MPS Policy:** The application can be considered subject to policy UR-8, which allows council to consider multi-unit buildings greater than 6 units subject to a development agreement.

**Input Sought from the Committee:**

Staff is requesting that NWPAC review the application and provide comments related to any land use compatibility concerns or requirements for the development that should be identified. PAC's recommendation will be included in the staff report to North West Community Council.

**Attachments:**

Map 1: Generalized Future Land Use

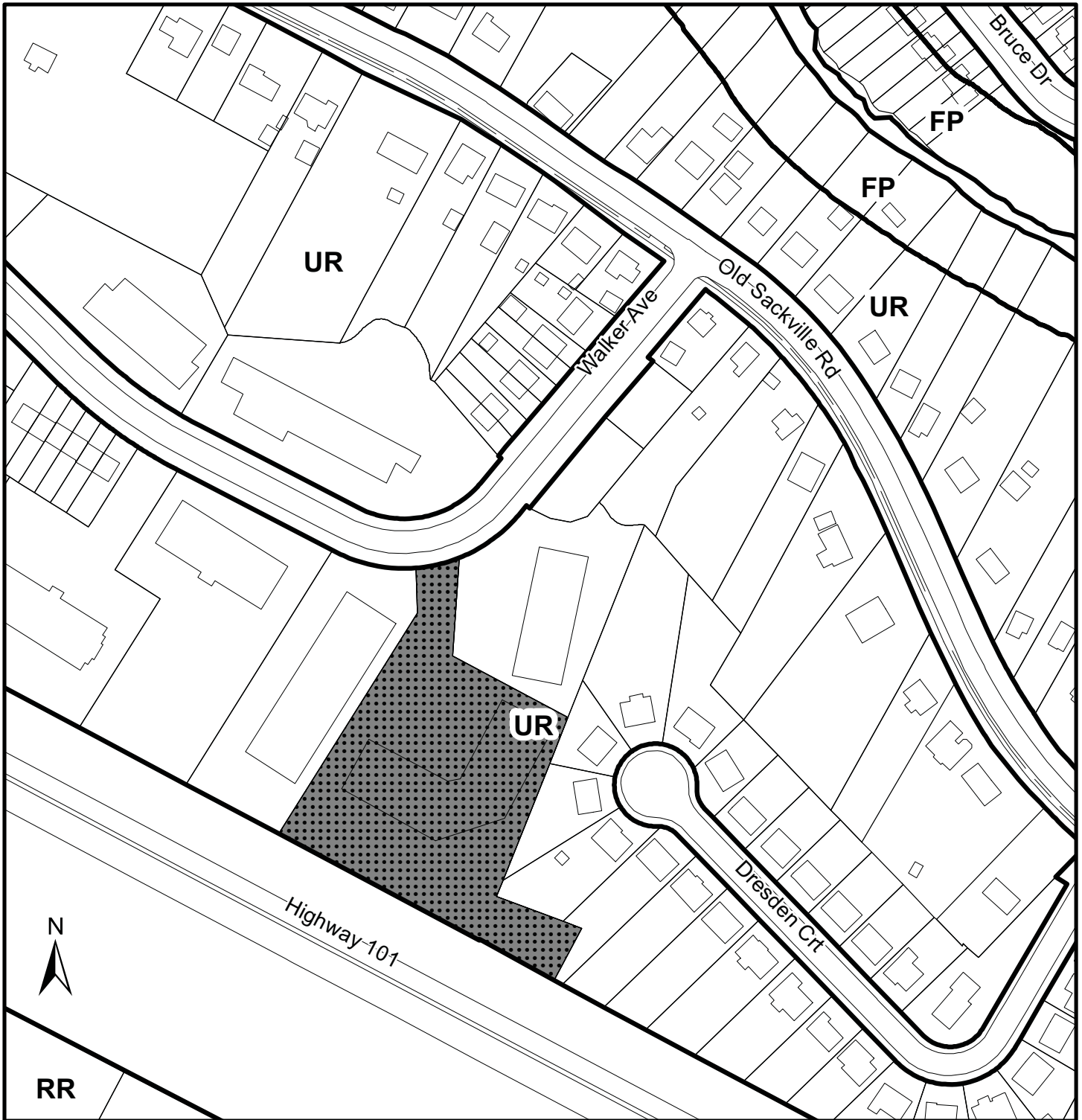
Map 2: Zoning

Attachment A: Letter from Applicant

Attachment B: Site Plan

Attachment C: Floor Plans


Attachment D: Applicable MPS Policies and Excerpts from the Sackville LUB



**Map 1 - Generalized Future Land Use**

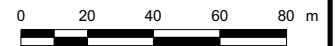
145 Walker Ave.,  
Sackville



 Area of Proposed Development Agreement

**Designation**

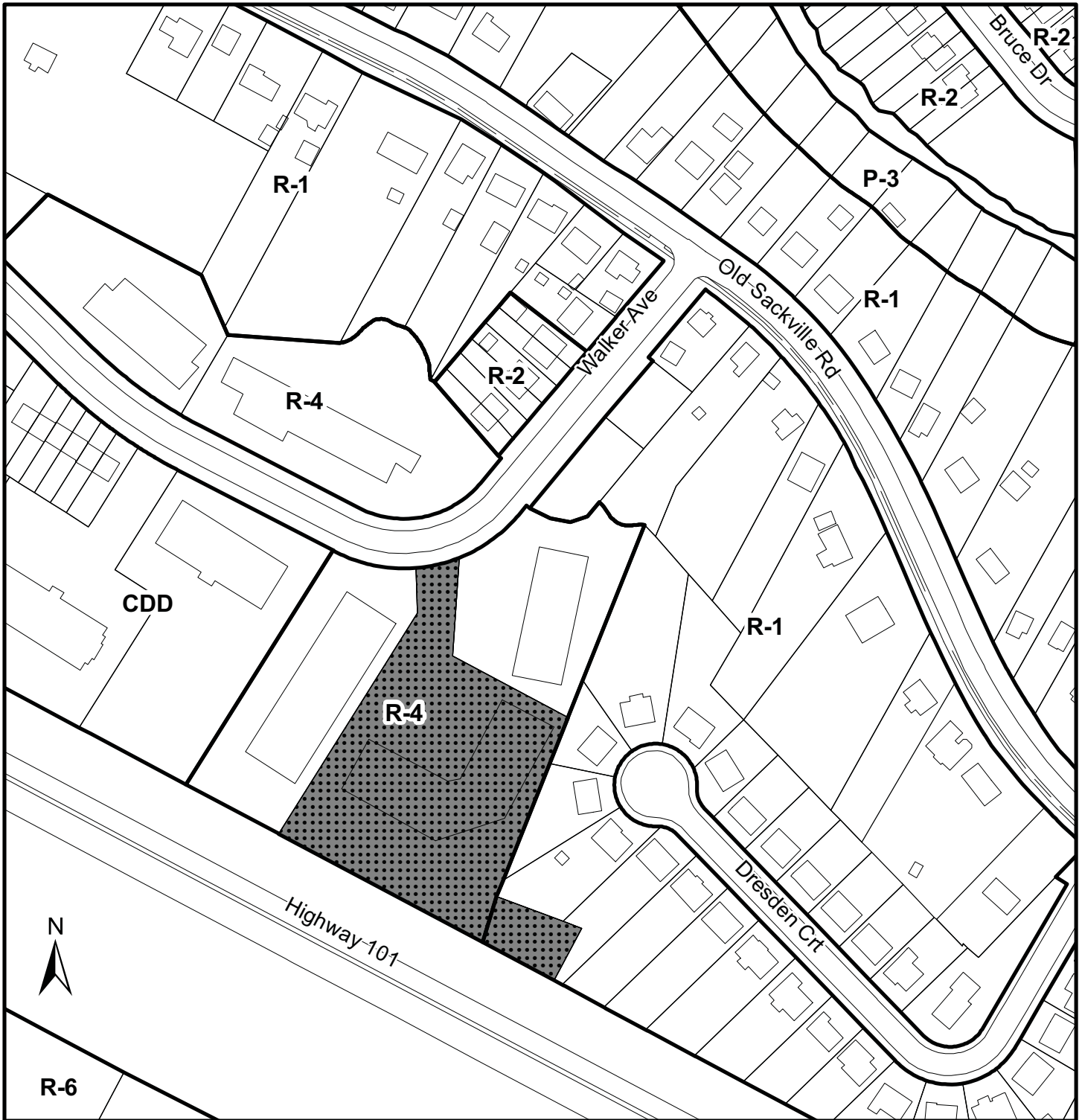
- UR Urban Residential
- RR Rural Residential
- FP Floodplain



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.


Sackville Plan Area



## Map 2 - Zoning

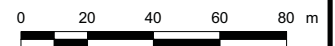
145 Walker Ave.,  
Sackville



 Area of Proposed Development Agreement

### Zone

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-4 Multiple Unit Dwelling
- R-6 Rural Residential
- P-3 Floodplain
- CDD Comprehensive Development District



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.

Sackville Plan Area

## Attachment A: Letter from Applicant



August 23, 2013

Halifax Regional Municipality  
PO Box 1749  
Halifax, NS  
B3J 3A5

Dear Mr. Bone

**Re: 145 Walker Avenue - Amendment of Occupancy Permit**

Further to our conversation re 145 Walker Avenue Lower Sackville, please accept this letter as our formal request to amend existing occupancy permit.

Currently issued permit shows 62 units and we are requesting that the same be amended to show as built in 1993 totaling 67 units. The building is wood frame 4 storey with brick veneers and is located on a parcel of land comprising 101,250 ft<sup>2</sup>. It is one of the better maintained multi-unit properties in the Sackville area and features both elevators and sprinkler system. For your consideration we present the following information:

#### **Unit Calculation per HRM Land use bylaw 10.2 R4 zone**

Land Area = 101,252 ft<sup>2</sup>

Land use bylaw states that 6,000 ft<sup>2</sup> of land is required for the 1st 3 units plus 1,500ft<sup>2</sup> for each unit thereafter  
Therefore  $(101,252 - 6,000) / 1,500 = 63.5 + 3 \text{ units} = 66.5 \text{ units (rounded to 67)}$

#### **Land use bylaw amendment 1989 Sackville Manor 1989 permitting 560 units :**

100 Walker Ave: 48 units (estimated)

119 Walker Ave 32 units

130 Walker Ave 22 units (estimated)

137 Walker Ave 36 units

145 Walker Ave 62 units

149 Walker Ave 28 units

Total 228 units (i.e., well below maximum density established in the 1989 agreement)

Since all units conform to the building code, there is sufficient land density to support these units, and we do not exceed the 1989 Sackville Manor covenant, we would request that the permit be amended to recognize these units. For the most part, the requested amendment does not represent an increase in density but rather a redistribution of space. For example, three of the large 3 bedroom units were built as a 2 bedroom plus a bachelor, resulting in similar occupancy.

Should you have any questions, please contact me at your convenience.

Regards,

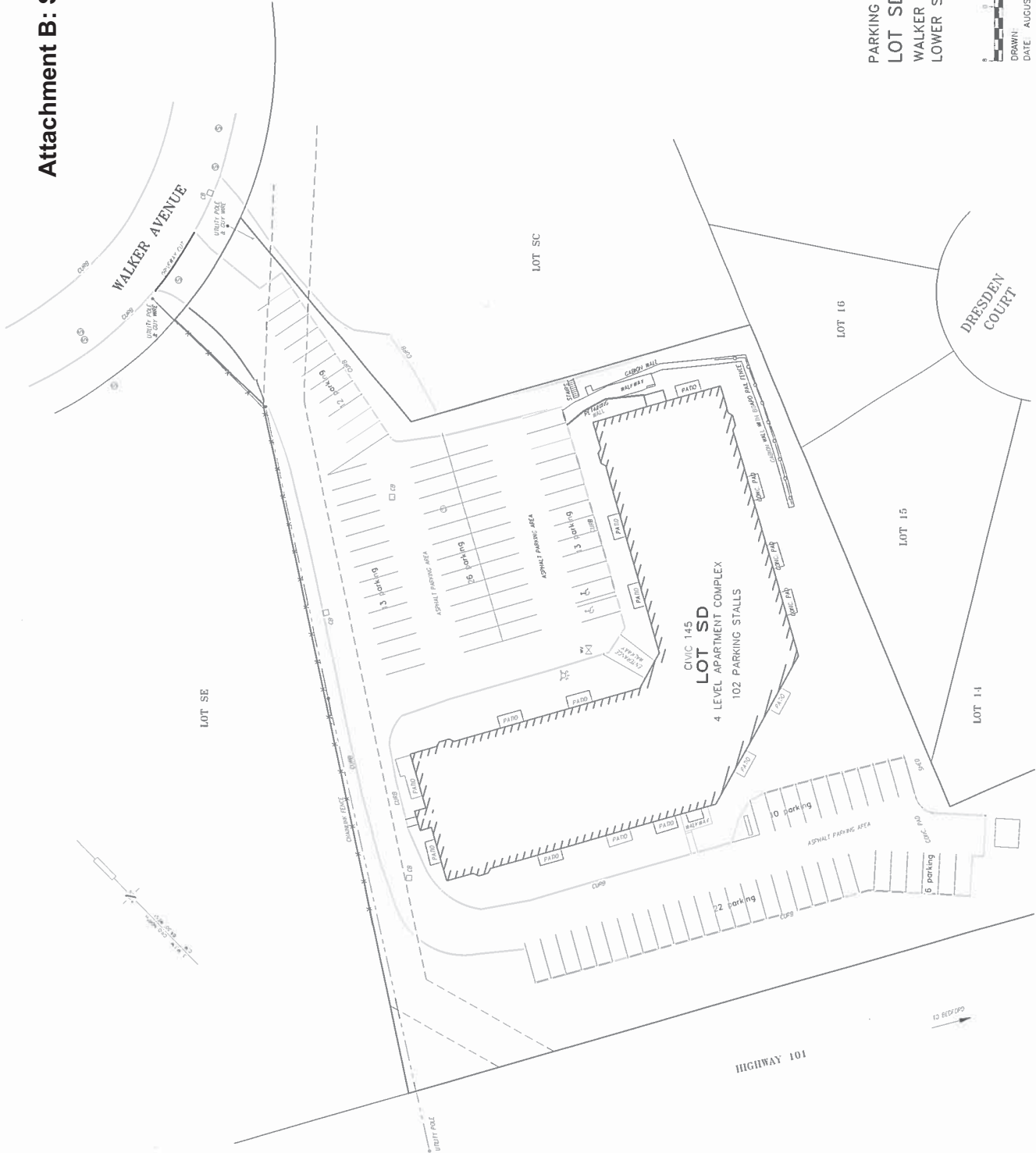
Eddy Maskine

Suite 999, Lower Sackville  
Nova Scotia, Canada, B4C 4C2

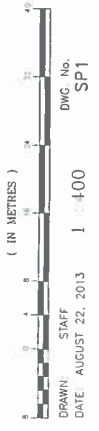
# Attachment B: Site Plan

## LEGEND

- Water Valve
- Catch Basin
- Fire Hydrant
- Manhole



PARKING PLAN  
**LOT SD - CIVIC 145**  
 WALKER AVENUE  
 LOWER SACKVILLE, HALIFAX COUNTY, N.S.







Project No.	1000000000
Sheet No.	1000000000
Scale	1/4" = 1'-0"
Date	10/1/00
Author	1000000000
Checker	1000000000
Project	1000000000

SECTION 1100000000





THIS FLOOR PLAN

Title		Date	
Project Name		Scale	
Drawing No.		Author	
Revision		Checked	
Project No.		Project Name	

Sheet No.	100-100-100-100
Project No.	100-100-100-100
Scale	1/4" = 1'-0"
Date	10/10/10
Drawn by	J. Smith
Checked by	M. Jones
Approved by	P. Brown
Project	100-100-100-100



STOR LAUND

## ATTACHMENT D

### Applicable MPS Policies and Excerpts from the Sackville LUB

UR-8 Notwithstanding Policies UR-2 and UR-7, within the Urban Residential Designation, it shall be the intention of Council to consider multiple unit dwellings over six (6) dwelling units, according to the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) the adequacy of separation distances from low density residential developments;
- (b) that the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;
- (c) that site design features, including landscaping, amenity areas, parking areas and driveways, are of an adequate size and design to address potential impacts on adjacent development and to provide for the needs of residential of the development;
- (d) preference for a site in close proximity to community facilities such as schools, recreation areas and transit routes;
- (e) that municipal central services are available and capable of supporting the development;
- (f) that appropriate controls are established to address environmental concerns, including stormwater controls, based on a report from the appropriate Municipal, Provincial, and/or Federal Government authority;
- (g) that the proposed development has direct access to a local street, minor collector or major collector as defined in Map 3 - Transportation;
- (h) that it is not being considered on lands which are presently zoned and developed for either single or two unit dwelling purposes nor where it is intended to replace a single or two unit dwelling which has been demolished, removed or destroyed by fire;
- (i) the impact on traffic circulation and, in particular, sighting distances and entrances and exits to the site;
- (j) general maintenance of the development; and
- (k) the provisions of Policy IM-13.

#### PART 10: R-4 (MULTIPLE UNIT DWELLING) ZONE

##### 10.1 R-4 USES PERMITTED

No development permit shall be issued in any R-4 (Multiple Unit Dwelling) Zone except for the following:

#### Residential Uses

Existing multiple unit dwellings in excess of six (6) units

Multiple unit dwellings containing no more than six (6) units

#### Community Uses

Open space uses

10.2 R-4 ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-4 Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	6,000 square feet (577.4 m <sup>2</sup> ) plus 1,500 square feet (139.4 m <sup>2</sup> ) per dwelling unit for each unit in excess of the first three (3) units
Minimum Frontage	60 feet (18.3 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	½ the height of the main building
Maximum Lot Coverage	50 percent
Maximum Height of Main Building	35 feet (10.7 m)

10.3 OTHER REQUIREMENTS: MULTIPLE UNIT DWELLINGS

Where multiple unit dwellings are erected in any R-4 Zone, the following shall apply:

(a) An amenity area of not less than one hundred (100) square feet (9.3 m<sup>2</sup>) per dwelling unit shall be provided.

(b) No portion of any parking space shall be located within the required front yard.

10.4 OTHER REQUIREMENTS: EXISTING MULTIPLE UNIT DWELLINGS

Existing multiple unit dwellings in excess of six (6) units shall be permitted as existing uses.

10.5 R-4 ZONE REQUIREMENTS: COMMUNITY USES

In any R-4 Zone, where uses are permitted as community uses, no development permit shall be issued except in conformity with the provisions of Part 19.