

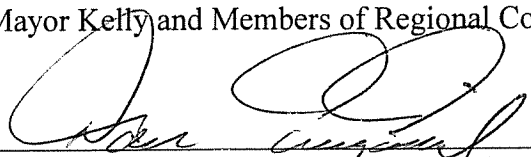
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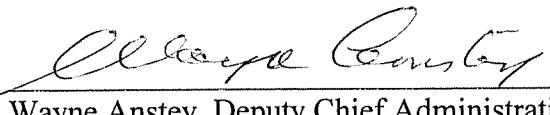
**HALIFAX** PO Box 1749  
Halifax, Nova Scotia  
REGIONAL MUNICIPALITY B3J3A5 Canada

**Halifax Regional Council**  
**April 18, 2006**

To: Mayor Kelly and Members of Regional Council

Submitted by:

  
\_\_\_\_\_  
Dan English, Chief Administrative Officer

  
\_\_\_\_\_  
Wayne Anstey, Deputy Chief Administrative Officer

Date: April 5, 2006

Subject: **Case 00891 - MPS Amendment for the South-East Corner of Creighton & Gerrish Streets (PID 40877292)**

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**ORIGIN**

Staff

**RECOMMENDATION**

**It is recommended that Halifax Regional Council:**

1. Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and Peninsula Land Use Bylaw to allow for the replacement of a 12 dwelling unit apartment building at the South-East corner of Creighton and Gerrish Streets (PID 40877292); and
2. Instruct that the Municipal Planning Strategy amendment process include a public participation program in accordance with the Public Participation Resolution adopted by Halifax Regional Council on February 25, 1997.

## **BACKGROUND**

Until March 3, 2006 there was a dilapidated 12 dwelling unit apartment building at the South-East corner of Creighton and Gerrish Streets in the North End of Halifax Peninsula. The property is within the Residential General (R-2) Zone. The land use and building predated any of the current zoning regulations with regard to matters such as permitted land use (the R-2 Zone only allows up to four dwelling units), setbacks, and parking. As such the land use and the building were non-conforming. Pursuant to the Municipal Government Act, if a building containing a non-conforming use is damaged by fire or otherwise, it may be rebuilt, but only if 75 percent of its assessed value above its foundation has been retained (so that it is not a total loss).

The Creighton and Gerrish Development Association, an affordable housing group, owns the property. In October 2005 it received a renovation permit for the building. With the permit, the Association sought government funding. Unfortunately, while this was being secured, an order to demolish the building was issued by Halifax Regional Municipality on the basis that building was dangerous and unsightly. It was ultimately demolished by the Municipality on March 3, 2006.

The demolition resulted in the permit being revoked on the basis that there is no longer a building to renovate. No other permits can be issued to allow for the replacement of the building or land use because the non-conforming status has been lost. This implication was not understood. It was expected that the demolition would allow the proposed redevelopment of the site.

The Association now has its funding in place and wishes to replace the former building. If it cannot proceed, it will lose the funding.

## **DISCUSSION**

The question under consideration is whether a new building, of the same size, position on the lot, and containing up to the same number of dwelling units as that which was previously upon the site should be allowed. Staff recommends that under the circumstance, Regional Council should initiate a process to consider possible changes to the Municipal Planning Strategy and Land Use Bylaw. Such amendments might recognize the existence of the previous land use and building and allow for their replacement.

## **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. Council may choose to initiate amendments the Municipal Planning Strategy and Peninsula Land Use Bylaw to consider allowing for the reconstruction of the apartment building. This is the staff recommendation.
2. Council may choose not to initiate amendments the Municipal Planning Strategy and Peninsula Land Use Bylaw, thereby only allowing new construction that is consistent with the existing zoning. This is not recommended for the reasons outlined above.

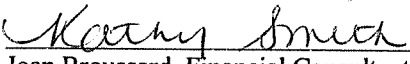
## ATTACHMENTS

Map 1      Location and Zoning


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: Richard Harvey, Senior Planner, Planning and Development Services, 490-3691

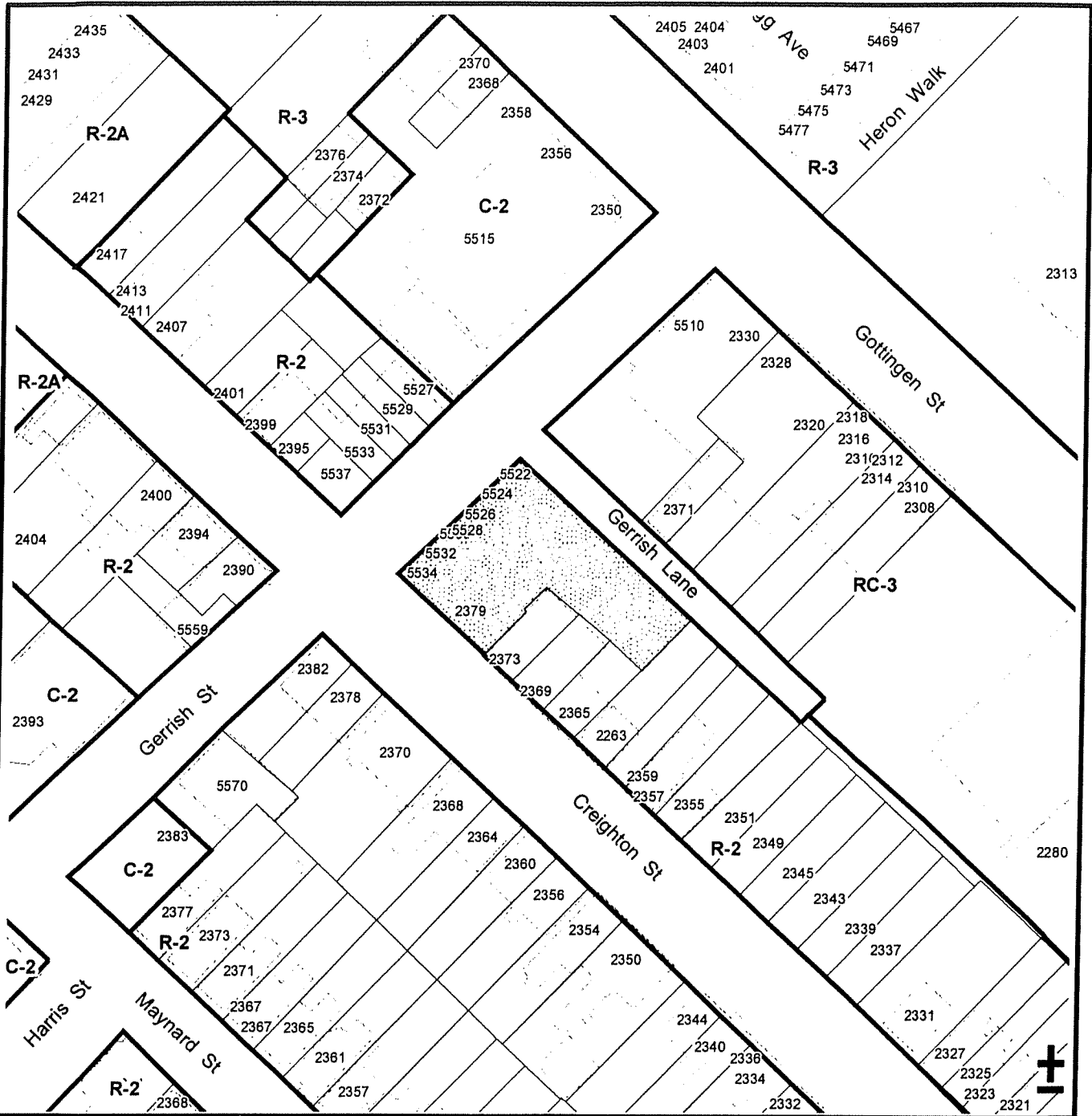
Report Reviewed by:

  
for Joan Broussard, Financial Consultant

Report Approved by:



Paul Dunphy, Director of Planning & Development Services



Map 1: Location and Zoning

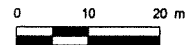
Gerrish Street  
Halifax

Halifax Peninsula By-Law Area

 Subject property

**Zone**

- R-2 General Residential
- R-2A General Residential Conversion
- R-3 Multiple Dwelling
- RC-3 High Density Residential Minor Commercial
- C-2 General Commercial



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

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