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Carl Purvis
Planning Applications Program Manager
Current Planning | Planning & Development
Halifax Regional Municipality

Re: Development Agreement Application for a Proposed Renovation and Expansion of an Existing Multi-Unit Dwelling at 8 Birches Drive, Halifax, NS (PID: 00208546)

Dear Carl,

On behalf of our client, 088962 NOVA SCOTIA LIMITED, Zzap Consulting Inc. is pleased to submit this Development Agreement (DA) application for a proposed multi-unit residential development at 8 Birches Drive, (PID 00208546). To support this application submission, the following materials are enclosed:

- Completed Planning Application Form
- Attachment A: Site Plan
- Attachment B: Building Drawings
- Attachment C: Zoning Confirmation Letter

1.0 Summary of Development Proposal

Our client is seeking to renovate and expand an existing multi-unit dwelling at the subject site. The proposed development includes the following:

- A one-storey addition to the existing building, no additional residential units proposed.
- A side addition to the building to allow for barrier free access and additional circulation space (stairs, exits, lobby and elevator).

2.0 Enabling Policies

The subject property is designated 'Low Density Residential' within the Mainland South Secondary Planning Strategy and is zoned 'R-1 Single Family' within the Halifax Mainland Land Use By-law.

The existing multi-unit dwelling on the subject property was constructed in 1969, prior to the adoption of the Halifax Mainland Land Use-Bylaw and Mainland South Secondary Planning Strategy. As such, the existing building on the property is considered a legal 'non-conforming use'. For additional information on the non-conforming status, please refer to Attachment C.

Policy 3.14 of the Halifax Municipal Planning Strategy allows Community Council to consider alterations and expansions to non-conforming uses through a DA process, subject to several policy assessment criteria that are noted in section 3.0 of this letter

3.0 Rationale and Applicable Policy Analysis

We feel that the proposed development is consistent with applicable planning policies and proposes a modern, high-quality addition and renovation to an existing multi-unit dwelling in an area where demand for this type of housing remains high. The site is within proximity to a variety of goods, services, public transportation, and recreational amenities. Please refer to Table 1 below, which outlines how the proposed development adheres to applicable DA policy assessment criteria.

Table 1: Enabling Policy 3.14

3.14 Council may, by development agreement, permit a non-conforming use to be changed to another less intensive non-conforming use, or permit the structure in which such a use is located to be altered or expanded, provided that:	
Policy Criteria	Applicant Response
<p>(a) the layout and design of the property shall be complementary to the fabric of the neighbourhood, and this shall be achieved through attention to a variety of factors including, but not limited to, the following, on which Council shall specify conditions to be met in the development agreement:</p> <ul style="list-style-type: none"> i) architectural design; ii) the size, location, and landscaping of courts, open spaces, and yards; iii) location of primary and secondary entrances to the building; and 	<p>(a) the proposed layout and design is complementary to the fabric of the neighbourhood. The one-storey addition is within the permitted height framework of the area (35 ft.) and the building footprint addition is oriented towards the St. Margaret's Bay Road, away from abutting residential uses. Existing side yard setback and front yard setback is maintained.</p> <ul style="list-style-type: none"> i) the proposed renovation includes modernizing the exterior materials of the building while maintaining the existing proportions and build form. High quality materials are proposed ii) existing side yard between the building and adjacent residential uses is proposed to be maintained and existing landscaping/vegetation within the yard is proposed to remain. Existing parking area is proposed to remain in its current location. iii) primary entrance to the building is proposed to be relocated to the northern portion of the building, closest to St. Margaret's Bay Road and furthest from abutting residential uses.



iv) size, location, and design of fences.	iv) no fences proposed.
(b) vehicular activity, particularly parking and loading, shall be controlled so as not adversely to affect the neighbourhood in terms of traffic flow and nuisance.	(b) the existing parking area between the building is proposed to be maintained and enhanced through this development proposal to improve circulation mitigate traffic flow.
<p>(c) facilities for parking, loading, vehicular access, outdoor display, and outdoor storage shall be designed to avoid any adverse effects on adjacent properties and to ameliorate existing problems, through attention to factors including but not limited to:</p> <ul style="list-style-type: none"> i) location; ii) surface treatment; iii) storm drainage; iv) access from the street; and v) screening, buffering, and landscaping. 	<p>Parking and vehicle access is proposed to remain in its current location between the building and Birches Drive. Enhancements to the parking area are proposed to improve circulation and mitigate adverse impacts on adjacent properties. Parking areas will be treated with a hard surface and designed to mitigate storm drainage in accordance with municipal engineering requirements. Proposed bulk and refuse area is located furthest from adjacent properties and is screened from the street and immediate neighbourhood.</p>
<p>(d) except where specific benefits to the neighbourhood can be demonstrated, all additions to a building, all off-street parking and loading areas, and all outdoor display and storage areas shall be set back from the street line by the more restrictive of:</p> <ul style="list-style-type: none"> i) the minimum setback of the existing building; or ii) the mean setback of the buildings on the adjacent properties on either side; or iii) the minimum setback specified for the zone in which the use is located. 	<p>The proposed addition to the building meets the minimum street line setback in the R-1 zone (20 ft.), which is the most restrictive condition noted in Policy 3.14(d).</p> <p>Off street parking areas are proposed to remain in their current location.</p> <p>No outdoor storage or display proposed.</p>
(e) except where specific benefits to the neighbourhood can be	



<p>demonstrated, additions to the structures on the property shall not:</p> <ul style="list-style-type: none">i) further encroach upon the minimum side and rear yards stipulated for the zone in which the property is located; orii) result in the total lot coverage or building height exceeding the maximum stipulated for the zone in which the property is located;	<ul style="list-style-type: none">i.) proposed addition is adjacent to the street line and is outside of the minimum street line setback. The proposed addition does not further encroach upon the minimum side or rear yard.ii.) Proposed lot coverage and building height do not exceed the maximums stipulated in the R-1 zone.
<p>(f) any outdoor lighting or sign illumination shall be directed away from, or screened from, adjacent residential properties;</p>	<p>All outdoor lighting is directed towards building entrances and parking areas and away from adjacent residential properties.</p>
<p>(g) no bulk refuse containers shall be visible from the street or from the immediate neighbourhood;</p>	<p>Bulk and refuse area is screened from the street and immediate neighbourhood.</p>
<p>(h) no additional lot area shall be used for outdoor storage, and measures shall be taken to screen any outdoor storage areas from the street and immediate neighbourhood;</p>	<p>No outdoor storage proposed.</p>
<p>(i) with regard to on-site advertising for commercial or industrial uses:</p> <ul style="list-style-type: none">i) where the property is located in a residential zone, no additional advertising surface area or illuminated signage shall be added; andii) in all other cases, such advertising shall not exceed the limits prescribed for the zone in which the property is located.	<p>N/A – no commercial or industrial uses proposed.</p>



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(j) in the case of commercial and industrial operations in residential zones, the following additional considerations shall also apply: i) there shall be a demonstrable improvement to the neighbourhood; ii) existing conditions resulting in noise, dust, vibration, odour, and emissions shall be required to be ameliorated where these cause a nuisance or hazard; and iii) operating hours shall be restricted to prevent nuisance.	N/A – no commercial or industrial uses proposed.
(k) No subdivision of the lot shall have occurred subsequent to the time of the adoption of this section.	No subdivision has occurred since the non-conforming use on the property was constructed.

4.0 Closing

We trust that the enclosed materials satisfy the application requirements, and we look forward to working with Staff, Council and members of the public throughout the application process. Should you have any questions, clarifications or comments regarding this application, please do not hesitate to contact the undersigned.

Sincerely,

Connor Wallace, MCIP, LPP
Principal
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