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Item No. 10.1.2
Halifax and West Community Council
March 21, 2018
April 17, 2018

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: Original signed

Kelly Denty, Acting Director, Planning and Development

DATE: February 5, 2018

SUBJECT: **Case 21260: Halifax Mainland Land Use By-law Amendment (Rezoning) for 135 Evans Avenue, Halifax, Mainland**

ORIGIN

Application by Kathy and Lawrence Englehart to rezone 135 Evans Avenue, Halifax from R-1 (Single Family Dwelling Zone) to R-2 (Two-Family Dwelling Zone).

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development.

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A, to rezone the lands at 135 Evans Avenue from the R-1 (Single Family Dwelling) Zone to the R-2 (Two Family Dwelling) Zone, and schedule a public hearing;
2. Adopt the amendment to Map ZM-1 of the Land Use By-law for Halifax Mainland, as set out in Attachment A of this report.

BACKGROUND

Kathy and Lawrence Englehart have applied to rezone 135 Evans Avenue, Halifax, from R-1 (Single Family Dwelling Zone) to R-2 (Two-Family Dwelling Zone). Rezoning would enable a second residential unit in the building.

Subject Site	135 Evans Avenue, Halifax
Location	Halifax Mainland
Regional Plan Designation	Urban Settlement (US) and Residential Environments (RES)
Community Plan Designation (Map 1)	Low Density Residential (LDR) under the Halifax Municipal Planning Strategy, and Fairview Secondary Planning Strategy
Zoning (Map 2)	R-1 (Single Family Dwelling)
Size of Site	561.88 sq. metres (6,048 sq. feet)
Street Frontage	22.56 metres (74 feet)
Current Land Use(s)	Single Family (one unit) dwelling
Surrounding Use(s)	The surrounding area demonstrates mixed residential use: <ul style="list-style-type: none">• R-1 along Evans Avenue middle section• R-2P and R-2AM at the ends of Evans Ave, 6 houses down• R-4 high-density is located on Glenforest Dr. immediately to the North• An R-2 bungalow of similar profile is three houses down from 135 Evans Avenue;• Most of Fairview south of 135 Evans Ave. in the Main Avenue corridor is zoned R-2

Proposal Details

The major aspects of the proposal are as follows:

- The applicants propose to add a second unit to the existing single unit dwelling.
- Zoning in the area varies from R-1 to R-4, with a variety of R-2 zoning sub-types throughout the broader community.
- The 74-foot lots frontage for the subject site is wide enough to accommodate the additional driveway width needed to support the second dwelling unit.

Enabling Policy and LUB Context

The subject site is designated Low Density Residential (LDR) in the Halifax Municipal Planning Strategy. The Low Density Residential Designation allows a variety of unit types subject to specific policy criteria. Please refer to Attachment B for an analysis of all relevant policy.

COMMUNITY ENGAGEMENT

The community engagement process on this file was consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, and letters mailed to property owners within the notification area. There have been no phone calls or emails received from the community regarding this application.

A public hearing must be held by Halifax and West Community Council before approval of the rezoning can be considered. Should 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 shown on

Map 2 will be notified of the hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposal will potentially impact neighbourhood residents and property owners.

DISCUSSION

Rezoning from R-1 to R-2 can modestly increase density with minimal impact on neighbourhood character. This type of integrated development is supported by current planning policies. Nearby properties have similarly intensified and rezoning from R-1 to R-2 is expected to have minimal impact on neighbourhood character.

Should the proposed rezoning be approved, permits for the additional unit would require compliance with the Halifax Mainland LUB.

LUB Amendment Review

Attachment B provides an evaluation of the proposed rezoning in relation to relevant MPS policies. The following items have been identified for more detailed discussion:

Halifax MPS

S.2, Residential Environments, stresses development and future growth be accommodated within Halifax Mainland, while preserving the integrity of existing neighbourhoods. The proposed rezoning is consistent with both objectives.

Conclusion

Staff reviewed all relevant policy criteria and advise the proposal is consistent with the MPS. Modest intensification allows flexibility in housing and tenure and the R-2 zone is common in the area. Therefore, staff recommend that the Halifax and West Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

The HRM cost associated with processing this planning application can be accommodated with the approved 2017/2018 operating budget for C310 Urban and Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendment are contained within the discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed LUB amendment subject to modifications. Such modifications may require further discussion with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

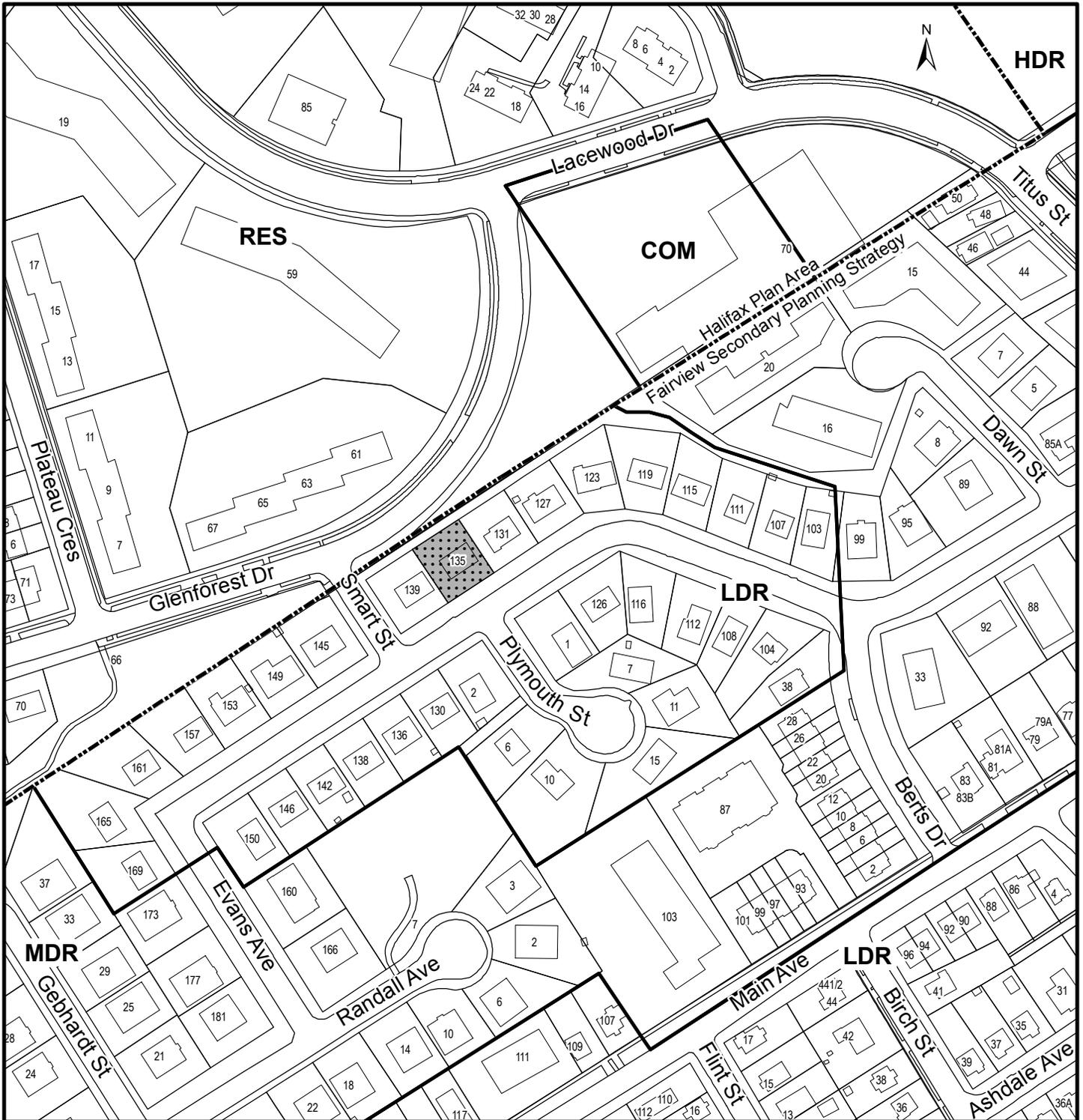
ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed LUB Amendment
Attachment B:	Relevant MPS Policies and Land Use By-law Sections

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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Report Approved by: Original signed
Steven Higgins, Acting Manager, Current Planning, 902.490.4382



Map 1 - Generalized Future Land Use

135 Evans Avenue
Halifax

HALIFAX

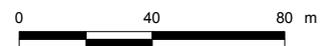
 Subject Property

Fairview Designations

- LDR Low Density Residential
- MDR Medium Density Residential
- HDR High Density Residential

Halifax Designations

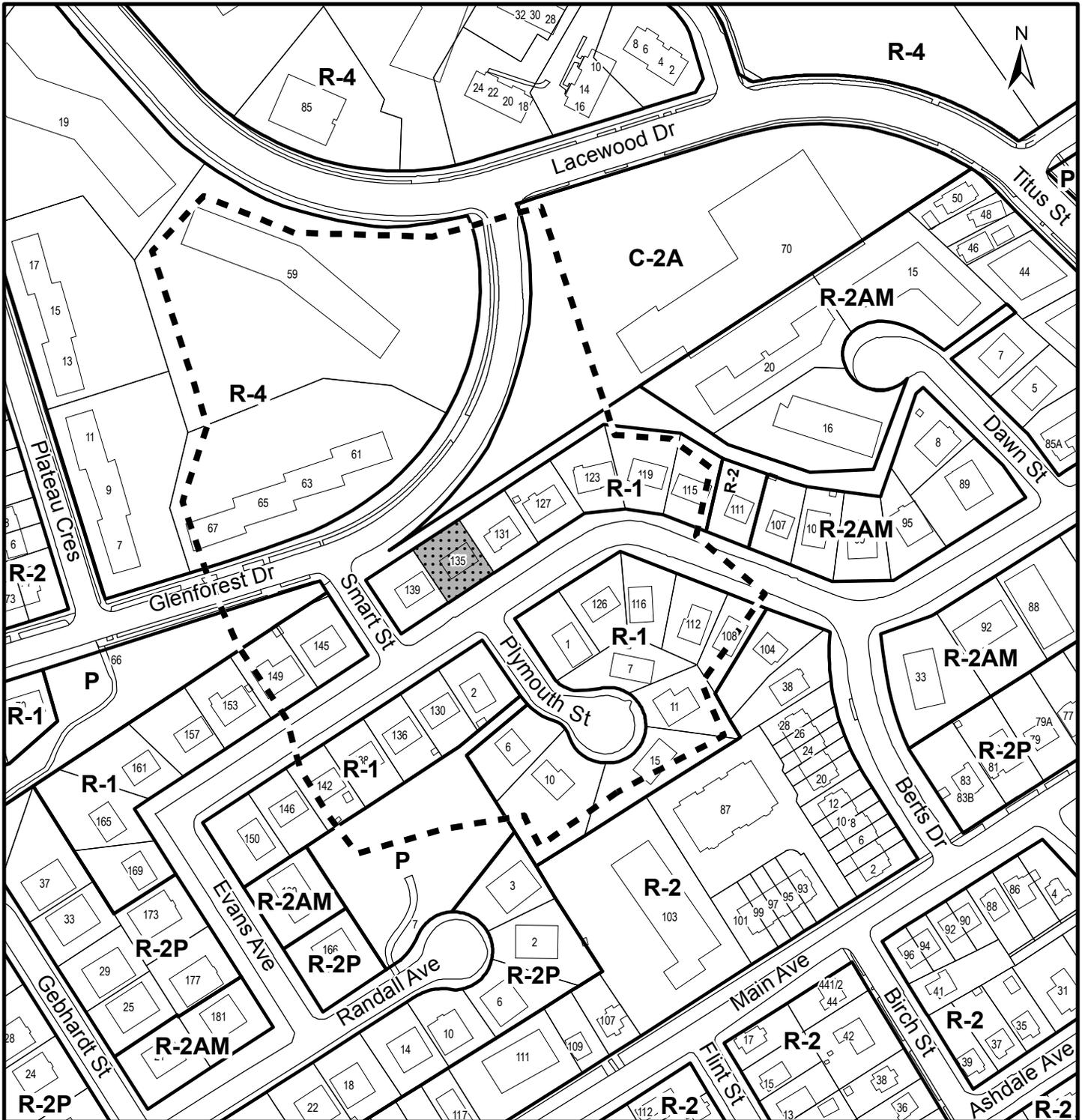
- RES Residential Environments
- COM Commercial



Halifax Plan Area
Fairview Secondary Plan Area

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

The accuracy of any representation on this plan is not guaranteed.



Map 2 - Zoning and Notification

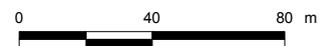
135 Evans Avenue
Halifax

HALIFAX

Subject Property

Zone

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-2AM General Residential Conversion
- R-2P General Residential
- R-4 Multiple Dwelling
- C-2A Minor Commercial
- P Park and Institutional



Area of Notification

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

Halifax Mainland
Land Use By-Law Area

The accuracy of any representation on this plan is not guaranteed.

ATTACHMENT A

Proposed Amendment to the Land Use By-law for Halifax Mainland

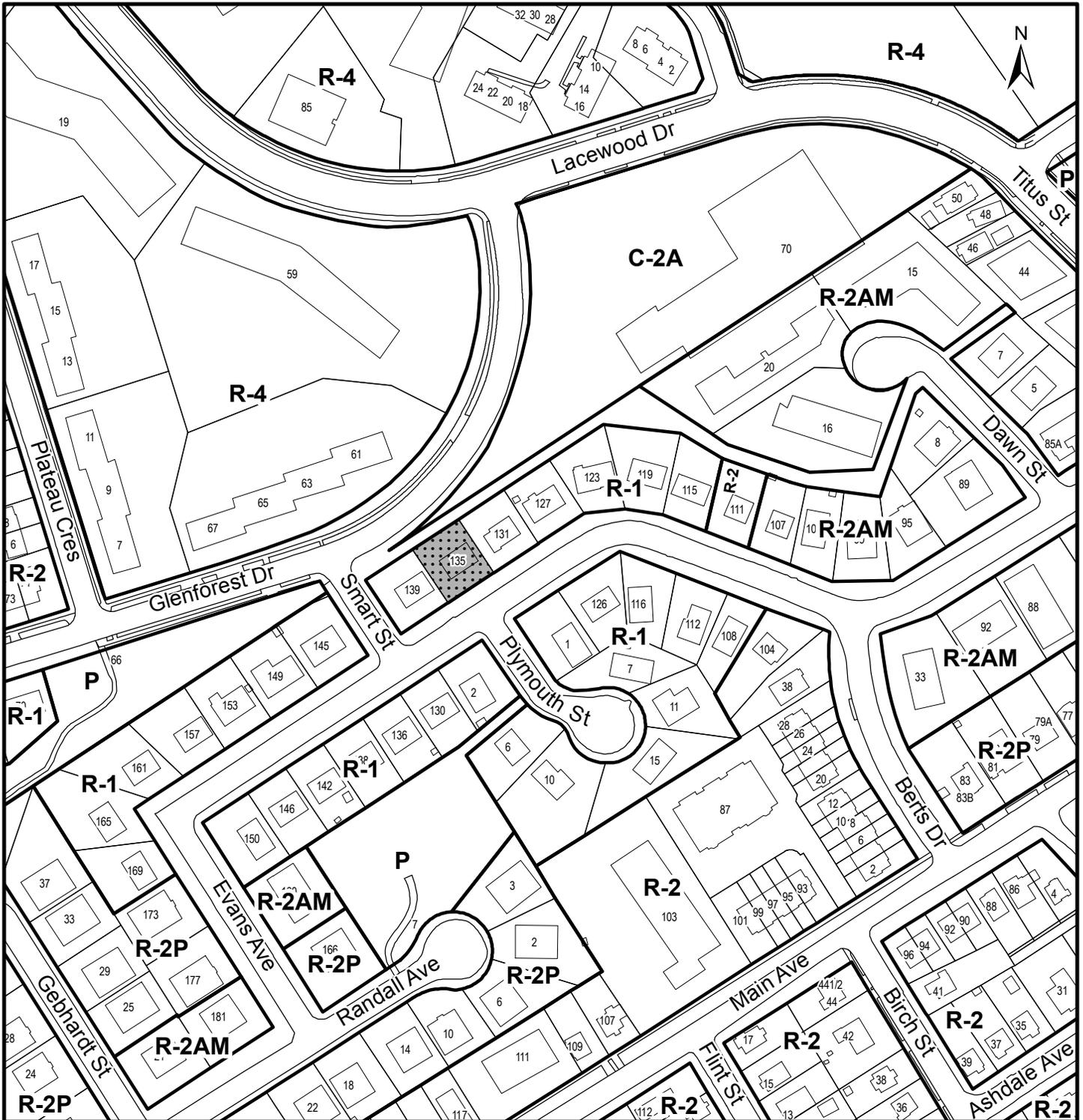
BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Mainland is hereby further amended as follows:

1. Amend Map **ZM-1**, the Zoning Map, by rezoning the property identified as 135 Evans Avenue, Halifax, from the R-1 (Single Family Dwelling) Zone to the R-2 (Two-Family Dwelling) Zone, as shown on the attached Schedule A.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax and West Community Council of Halifax Regional Municipality held on the _____ day of _____, 20__.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this ____ day of _____, 20__.

Municipal Clerk



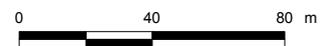
Schedule A

135 Evans Avenue
Halifax

HALIFAX

 Area to be rezoned from R-1 (Single Family Dwelling) to R-2 (Two Family Dwelling)

Zone	
R-1	Single Family Dwelling
R-2	Two Family Dwelling
R-2AM	General Residential Conversion
R-2P	General Residential
R-4	Multiple Dwelling
C-2A	Minor Commercial
P	Park and Institutional



Halifax Mainland
Land Use By-Law Area

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

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Attachment B
Relevant MPS Policies and Land Use By-law Sections

Halifax Municipal Planning Strategy

Section II – City-Wide Objectives and Policies

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.

Policy	Comment
<i>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.</i>	This residential development proposal may be accommodated within the capacity of existing services.
<i>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. [3.1 repealed June 1990; 3.2 not applicable]</i>	The proposed development is residential in nature in a neighbourhood of primarily existing single detached dwellings. This development will modestly increase unit density. Gentle intensification of adding a legal secondary suite may meet neighbourhood needs for additional units and tenure types. This development is not expected to alter the neighbourhood development pattern nor characteristics. There is a nearby R-2 zoned lot on Evans Avenue and several R-2AM (General Residential Conversion) zones in the surrounding area.
<i>2.3 The City shall investigate alternative means for encouraging well-planned, integrated development.</i>	Such an exercise would be a separate matter to be dealt with and not in conjunction with an application such as this proposal on a single site. The R-1 to R-2 application could be considered gentle intensification, a form of integrated development.
<i>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 will seek to ensure that any change it can control will be compatible with these neighbourhoods.</i>	The proposal does not seek to alter the existing residential character of the established neighbourhood. It may contribute an alternative tenure type within the neighbourhood and larger residential market. Re-development of individual sites such as this play an important role in housing delivery and often may provide sensitive renewal and intensification of existing residential areas.

<p><i>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.</i></p>	<p>Overall neighbourhood scale and pattern will be maintained as no new public streets are included as part of the proposal. Intensification proposals such as this should respond with appropriate density ranges while considering local character and transportation capacity.</p>
<p><i>2.5.1 The City views the neighbourhood as the foundation for detailed area planning. In the process of detailed area planning, residents shall be encouraged to determine what they consider to be their neighbourhoods, and to work with City Council and staff in arriving at an acceptable definition of their neighbourhood and a neighbourhood plan.</i></p>	<p>The neighbourhood plan or applicable secondary plan in this area is the Fairview Secondary Municipal Planning Strategy. Public consultation took place within this neighbourhood.</p>
<p><i>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.</i></p>	<p>This proposed intensification project does not displace existing housing but does add an additional unit. R-1 to R-2 rezoning anticipates modest scale redevelopment either by duplex or semi-detached dwelling types.</p>
<p><i>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).</i></p>	<p>This additional one dwelling unit proposal will provide an alternative housing type and tenure in the existing neighbourhood while retaining neighbourhood residential compatibility.</p>
<p><i>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.</i></p>	<p>A rezoning process does not enable site design requirements nor requirements to retain or add to existing vegetation. The LUB requires separately accessible spaces for two vehicles and a maximum 33 percent of the front yard shall be used for vehicular parking, maneuvering, and access. Under the LUB a total 67 percent of the front yard must be landscaped.</p>
<p><i>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.</i></p>	<p>All parking requirements under the Land Use By-law applicable to the R-2 zone will be followed.</p>

Section II – City-Wide Objectives and Policies

8. Environment

Objective: The preservation and enhancement, where possible, of the natural and man-made environment, and especially of those social and cultural qualities of particular concern to the citizens of Halifax.

Policy	Comment
<i>8.2 et al. In reviewing public and private land use proposals, including its own capital program, the City will take into account the social, physical, economic and aesthetic effects on the natural and man-made environment, and will establish and maintain appropriate procedures to take such effects into consideration in the approval process for such land uses.</i>	Where relevant, staff provide comments relative to the development's physical and aesthetic effects on both the natural and man-made environment. So long as the applicant observes the LUB restrictions on 67% minimum front yard landscaping and a maximum of 33% dedicated to vehicular use, there should be no further impact on the environment not anticipated in the LUB.

Section IV – Fairview Secondary Planning Strategy

1. Residential Environments

Objective: Maintain and enhance the residential environment of Fairview while allowing for growth and change in designated areas.

Policy	Comment
<i>1.1 "Residential Environments" may comprise three categories: (a) low-density residential (b) medium-density residential (c) high-density residential</i>	The subject site is within the low-density designation. The rezoning from R-1 to R-2 would continue to meet that designation.
<i>1.2 In areas shown as "Low-Density Residential" on the Generalized Future Land Use Map (Map 9c) the City shall permit buildings with one or two dwelling units and appropriate community facilities.</i>	The current property and building can accommodate two dwelling units adequately.

Implementation Policies

General

Amendments to the Zoning By-Law

Policy	Comment
<i>4. When considering amendments to the Zoning By-laws and in addition to considering all relevant policies as set out in this Plan, the City shall have regard to the matters defined below.</i>	As follows.
<i>4.1 The City shall ensure that the proposal would conform to this Plan and to all other City by-laws and regulations.</i>	The application conforms to the Halifax Municipal Planning Strategy. A development application will lead to further review of by-law and regulatory compatibility.

<p>4.2 The City shall review the proposal to determine that it is not premature or inappropriate by reason of:</p> <p>i) the fiscal capacity of the City to absorb the costs relating to the development; and</p> <p>ii) the adequacy of all services provided by the City to serve the development.</p>	<p>There is no cost to HRM.</p> <p>Adequate services exist to for this subject site based on technical comments from the staff review.</p>
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Land Use By-Law: Halifax Mainland

General Provisions

Policy	Comment
<p><i>One Building Per Lot</i></p> <p>7(1) Every building erected after the coming into effect of this by-law shall be located on a lot as defined in this by-law and in no case shall there be more than one building on one lot or one building on more than one lot except as otherwise provided in this by-law.</p>	<p>There is only one building on the subject site.</p>
<p><i>Parking</i></p> <p>11B For the purposes of Section 9(a)(iii) each parking space for a motor vehicle must be separately accessible and measure at least 8 feet wide and 16 feet long.</p>	<p>While there is space for two vehicles to park at 135 Evans Ave., they must be separately accessible. Both parking spaces must measure at least 8 feet wide and 16 feet long. The applicant when applying for the development permit will be required to prove compliance. The lot appears to support the necessary parking minimums.</p>

Land Use By-Law: Halifax Mainland

R-2 Zone

Two-Family Dwelling Zone

Policy	Comment
<p>24(1) The following uses shall be permitted in any R-2 Zone:</p> <p>(a) all R-1 Zone uses;</p> <p>(b) a semi-detached dwelling;</p> <p>(c) a duplex dwelling;</p>	<p>The applicants indicate that the current building will be converted to either a semi-detached or a duplex dwelling. The development and occupancy permits will require further compliance oversight through that separate application process.</p>