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Public Hearing for Case 21524

Development Agreement for
33-35 Pleasant Street, Dartmouth

Harbour East-Marine Drive Community Council
November 1, 2019

Applicant Proposal

Applicant: Jason Fox (on behalf of Deborah Dobbin and Jason Van Meer)

Location: 33-35 Pleasant Street, Dartmouth

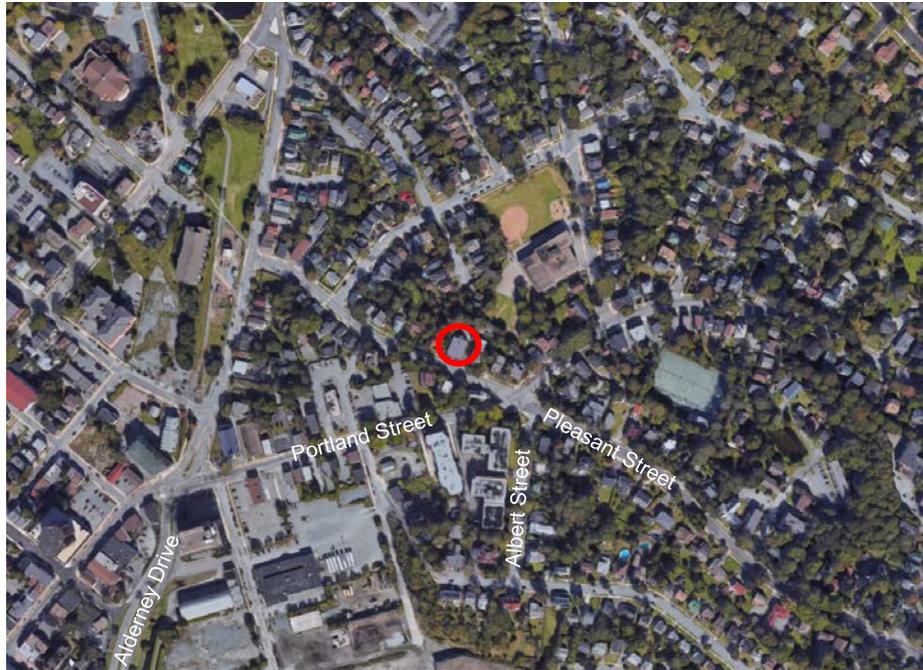
Proposal: Legalize the heritage property's current use as a six unit residential building.



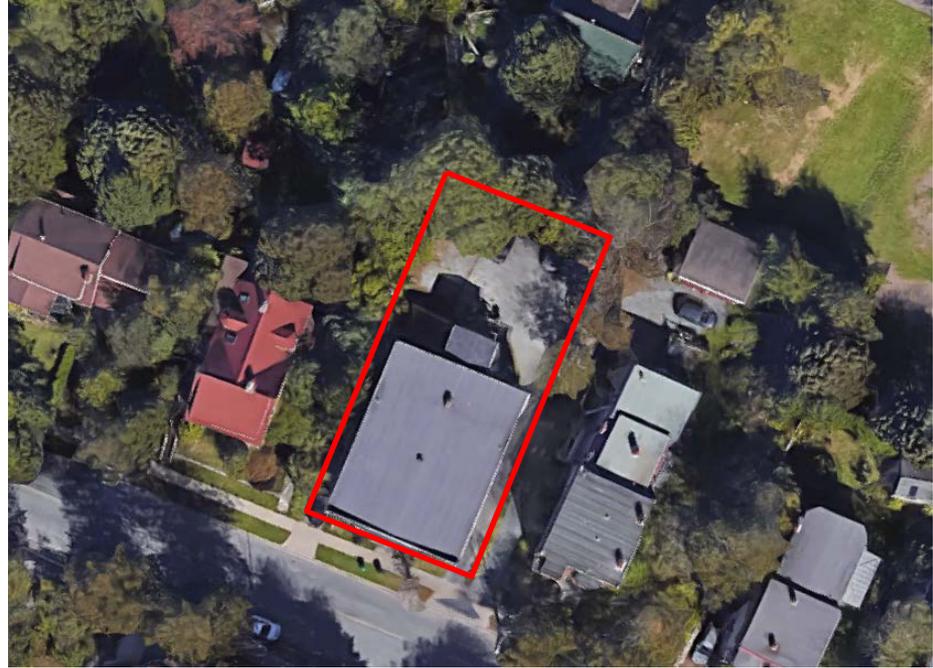
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Site Context

33-35 Pleasant Street, Dartmouth



General Site location



Site Boundaries in Red

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Site Context



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Proposal



- Sixth unit established sometime after 1990
- Determined in 2016 that only five of the units were legal
- No physical changes to the heritage building or property are proposed

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Proposal



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Land Use By-law

Downtown Dartmouth Land Use By-law

DN Zone

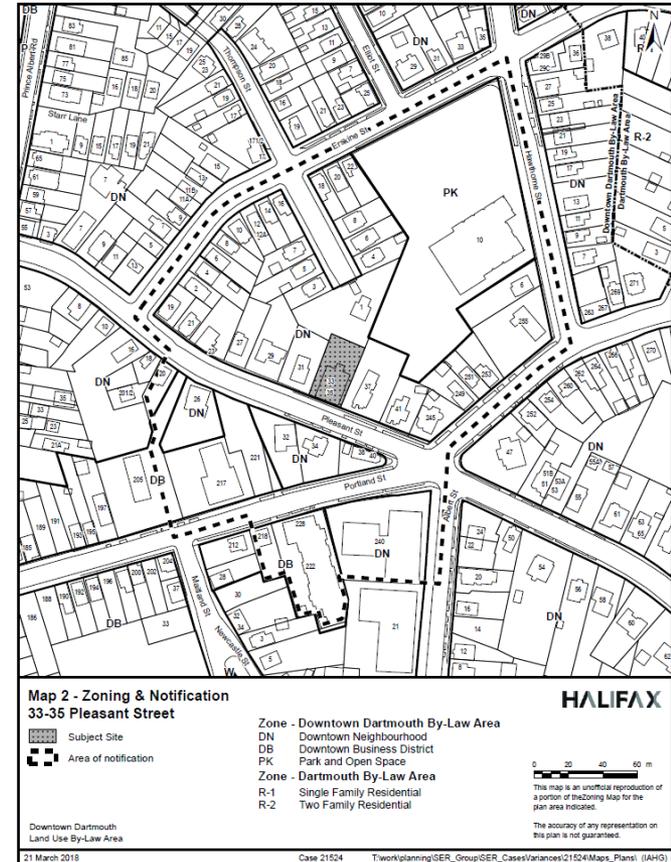
- Permits single detached dwellings, two unit dwellings, converted dwellings, bed and breakfasts, home businesses, parks and playgrounds and accessory uses

Legal Non-Conforming

- Five unit residential building

Current Use

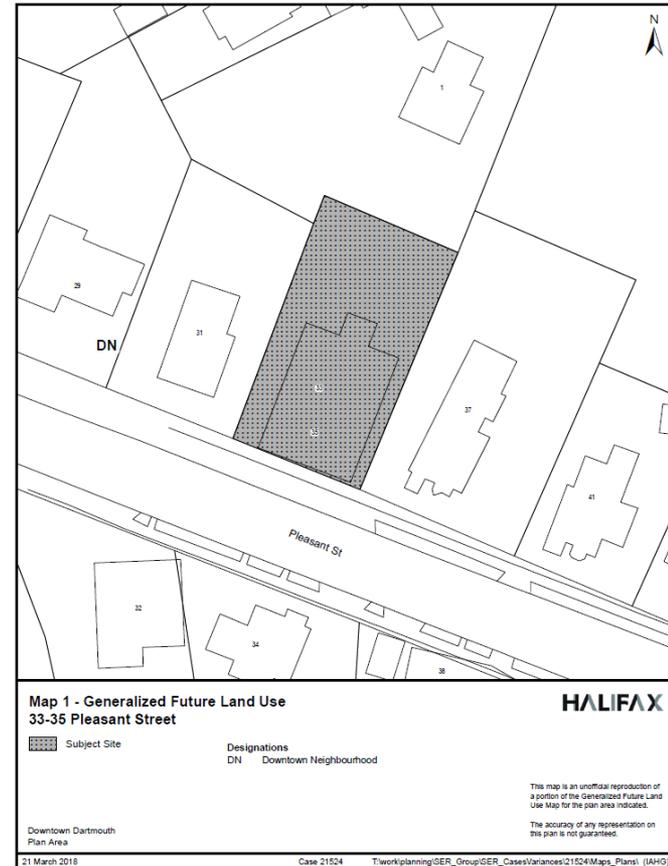
- Six unit residential building



Planning Policy

Secondary Planning Strategy for Downtown Dartmouth

- **Designation**
 - Downtown Neighbourhood
- Encourages traditional lot and housing patterns to preserve the character of residential neighbourhoods that surround Downtown Dartmouth.
- **Enabling Policy**
 - Policy H-10

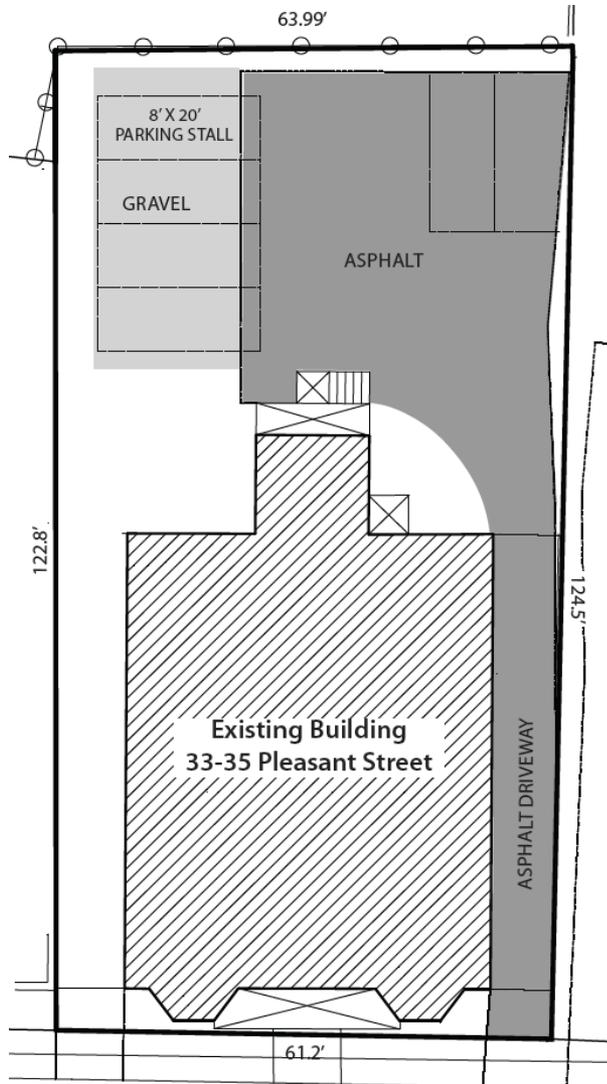


Enabling Policy (Policy H-10)

Council should encourage the reuse, restoration and retention of registered heritage properties within the downtown. One means through which this will be encouraged is by allowing for an increase in development rights for registered heritage properties, where it can be demonstrated that the current use is an impediment to its reuse. Internal conversions of registered heritage properties to accommodate uses not otherwise permitted may be considered through the development agreement process. In considering any requests, the following criteria shall be addressed:

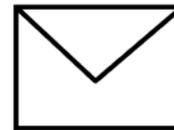
- a) the present use is an impediment to the building's retention;
- b) that the building is suitability for conversion, in terms of building size, the size of proposed individual residential units, and/or the nature of the proposed use;
- c) that adequate measures are proposed to ensure the continued protection of the building as a registered heritage property, and that renovations and additions to the building are consistent with the intent of HRM's "Heritage Building Conservation Standards" as updated from time to time;
- d) that no additions of greater than ten percent (10%) of the footprint area of the building are proposed; and that all additions including wheelchair ramps, fire escapes and emergency exits are designed to be as compatible as possible with the exterior of the building;
- e) that adequate measures are proposed to minimize impacts on abutting properties and the streetscape as a whole as a result of traffic generation, noise, hours of operation, parking requirements and such other land use impacts as may be generated as part of a development;
- f) that the placement and design of parking areas, lighting and signs, and landscaping is in keeping with the heritage character of the building;
- g) where applicable, the proposal should include an assessment and strategy to protect significant on-site archeological resources which may be impacted by the proposed development.

Public Engagement Feedback



- Level of engagement completed was consultation achieved through a mail out notification.
- Received comments from one member of the public concerned about parking for residents.

**Notifications
Mailed**



205

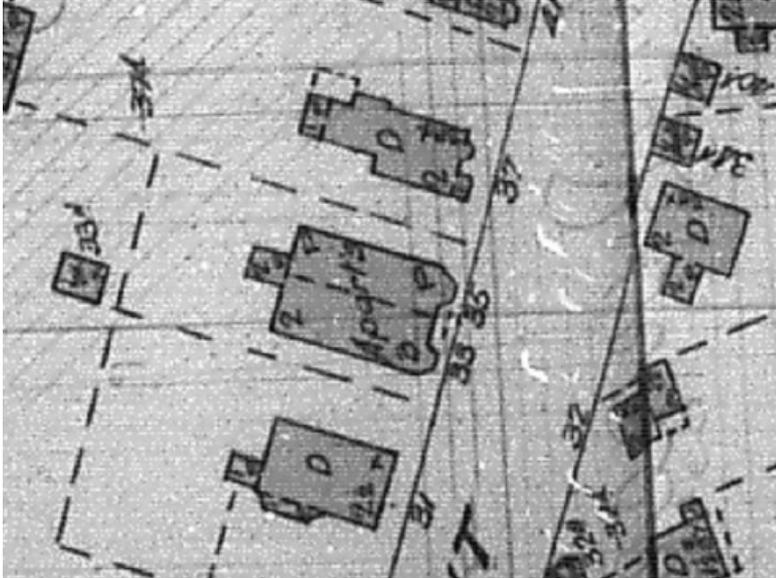
**Letters
Received**



1

HAC Recommendation

September 26, 2018



The Heritage Advisory Committee (HAC) reviewed the application and did not identify any concerns regarding the proposal. HAC recommended the approval of the proposed development agreement.

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Summary: Key Aspects of Proposed Development Agreement

- A development agreement has been requested to legalize the existing sixth dwelling unit at 33-35 Pleasant Street, Dartmouth.
- No physical changes to the heritage building or property are proposed.
- The proposal is consistent with the criteria set out in Policy H-10.
- The development agreement will support the ongoing viability and maintenance of the heritage building.

Non-Substantive Amendments

A 'Non-Substantive Amendment' is a change to the agreement which could be made without a formal Public Hearing. Instead, Community Council could authorize this change by resolution.

As proposed, Non-Substantive Amendments within this agreement would be limited to extending the date of commencement and the time for completion.

Staff Recommendation

Staff recommend that Harbour East- Marine Drive Community Council:

1. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and
2. Require the agreement be signed by the property owner within 120 days or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

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Thank You