

Item 13.1.3

**HALIFAX**

## **Case 23697**

Discharge of a Development Agreement

55 Kearney Lake Road and  
4 Grosvenor Road, Halifax

Halifax and West Community Council  
September 21, 2021

Jamy-Ellen Klenavic, MCIP LPP  
Urban Enabled Applications

**Slide 1**

# Applicant Proposal

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## Applicant and property owner:

LSJ Holdings Limited

## Location:

55 Kearney Lake Road and  
4 Grosvenor Road, Halifax

## Request:

Discharge an existing development  
agreement

## Site History:

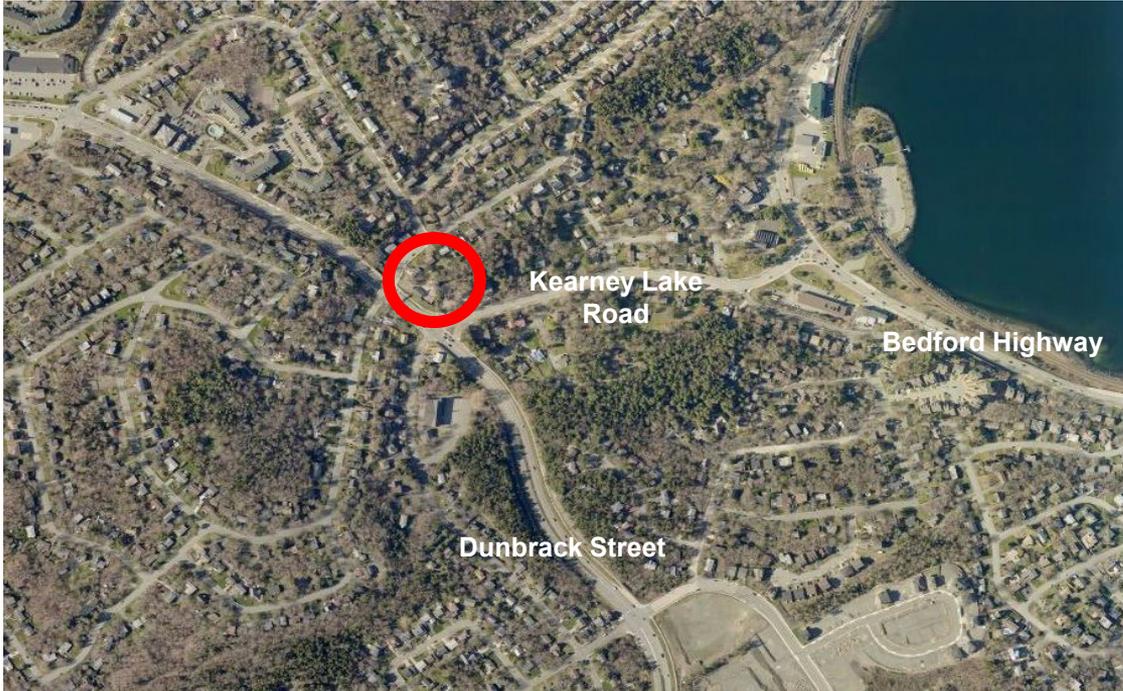
- HWCC approved one development agreement for both properties in 2019;
- Use prior to DA:
  - 55 Kearney Lake Road: Non-conforming daycare for 38 children
  - 4 Grosvenor Road: illegal daycare use

## Existing DA allows:

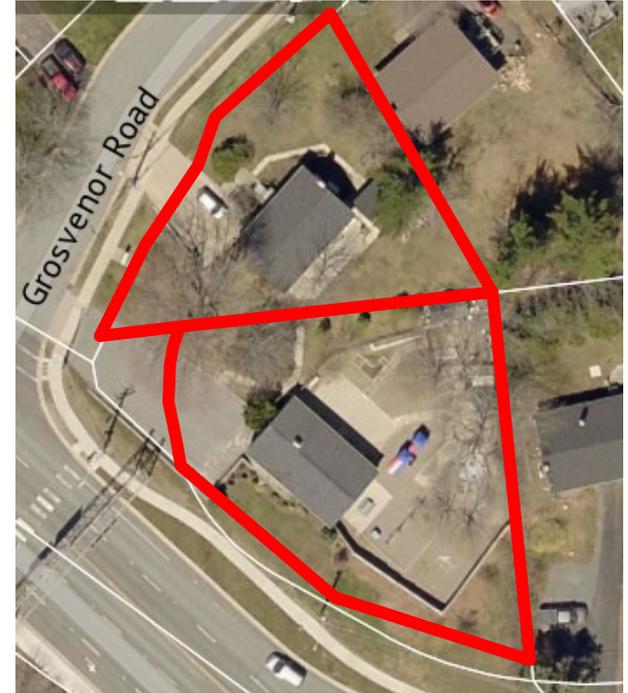
- An increase to the maximum permitted number of children in the daycare at 55 Kearney Lake Road from 38 to 40;
- Up to 40 children in the daycare at 4 Grosvenor Road;

# Site Context

Kearney Lake Road and Grosvenor Road, Halifax



General site location in red



Site boundaries in red

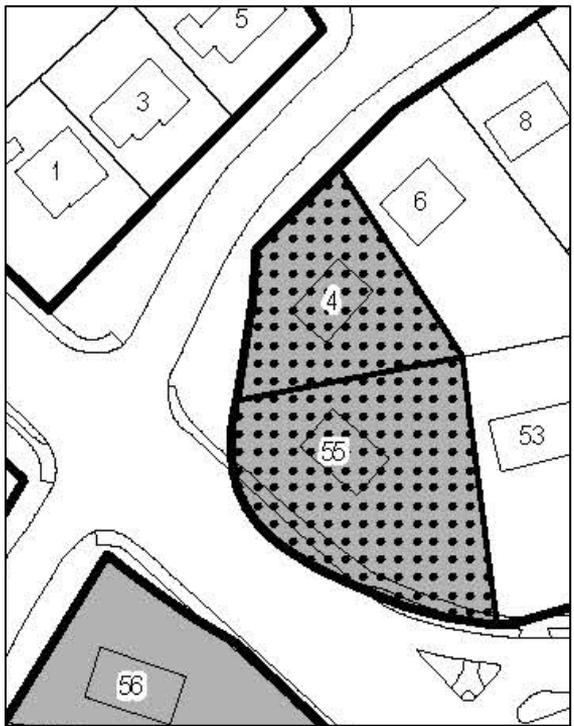


55 Kearney Lake Road

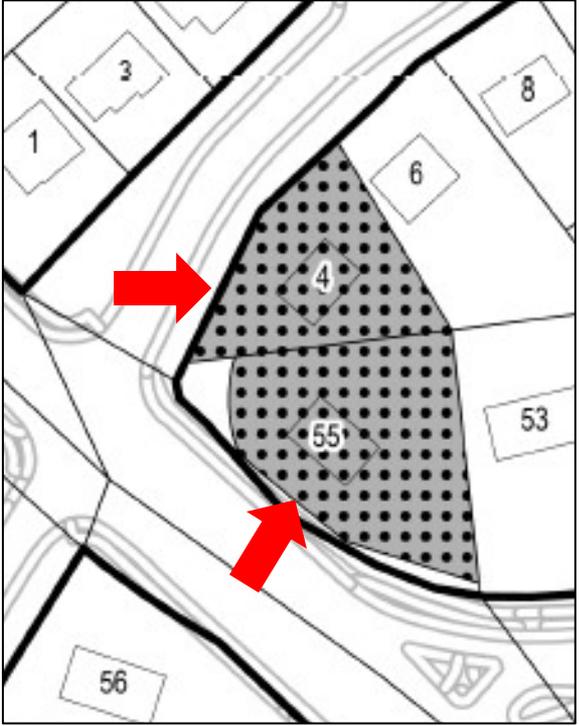


4 Grosvenor Road

# Land Transfer (HRM Street ROW)



Pre-transfer lot configuration



Current lot configuration

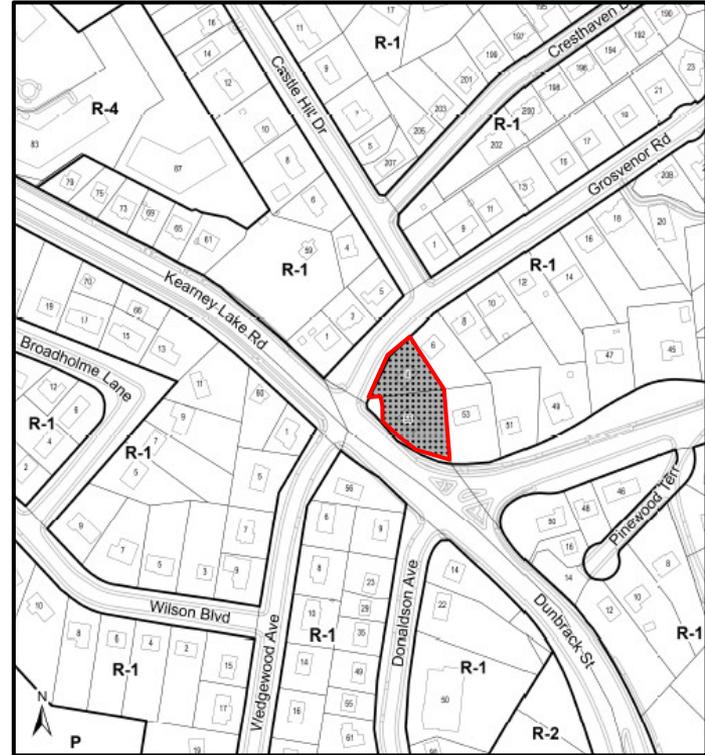
# Halifax Mainland Land Use By-law

## R-1 (Single Family Dwelling) Zone

### Permitted uses:

- Single unit dwelling;
- Day care facility for up to 8 children within a dwelling;
- Office of a professional person within a dwelling;
- Home occupation;
- Special care home for up to ten people;
- Accessory uses.

→ Daycare at 55 Kearney Lake Road is a legal non-conforming use – could continue with up to 38 children if DA is discharged



Zoning Map

# *Halifax Regional Municipality Charter*

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Discharge is enabled by Section 244 of the *Halifax Regional Municipality Charter*:

244 (1) A development agreement is in effect until discharged by the Council.

(2) The Council may discharge a development agreement, in whole or in part, in accordance with the terms of the agreement or with the concurrence of the property owner.

(3) After a development agreement is discharged, the land is subject to the land-use by-law.

# Staff Recommendation

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Staff recommend that Halifax and West Community Council:

- Approve the proposed discharging agreement as set out in Attachment A of the staff report dated August 10, 2021

# HALIFAX

## Thank You!

**Jamy-Ellen Klenavic**



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