

Public Hearing

PLANAPP-2023-00802

Heritage Development Agreement: 10 Kirk Road, Halifax
Halifax and West Community Council

The site plan shows the UIC campus with various buildings, streets, and green spaces. The plan is overlaid with a red boundary line and numbered 1 through 12, indicating specific areas of interest. The plan includes labels for various buildings, streets, and green spaces, as well as a legend for the numbered areas.

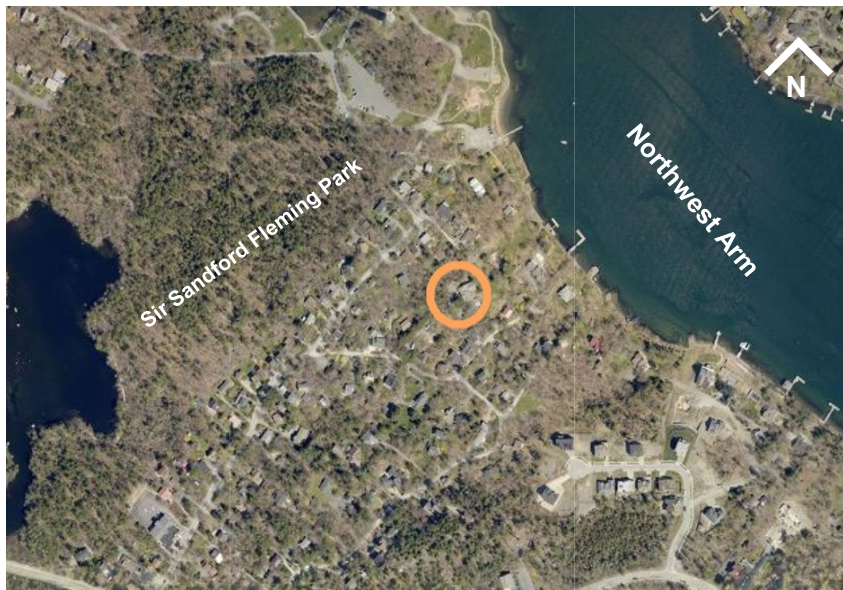
Legend:

- 1. Center of the campus
- 2. Center of the campus
- 3. Center of the campus
- 4. Center of the campus
- 5. Center of the campus
- 6. Center of the campus
- 7. Center of the campus
- 8. Center of the campus
- 9. Center of the campus
- 10. Center of the campus
- 11. Center of the campus
- 12. Center of the campus

Location: 10 Kirk Road, Halifax

Type of Application: Heritage Development Agreement

Site Context



General Site location in Orange



Site Boundaries in Orange

2

Site Context



View from near the Main House towards Northwest Arm
(March 2023)



Registered Municipal Heritage Properties. Subject
property identified in orange

Substantial Alteration

On August 22, 2023, Regional Council approved a substantial alteration to the property, which included:

- Removal of the existing 'Annex' addition (1965);
- Rehabilitation of the gabled dormers and bay window;
- Replacement in-kind of doors and windows;
- Alteration to include 14 additional residential building sites, driveway circulation, and a shared guest parking area;
- Alterations to the concrete swimming pool and surrounding hardscape to meet building code; and,
- Preservation and repairs of the stone walls and rehabilitation of naturalized areas on the property.



10 Kirk Road
(March 2023)

Heritage Property Summary

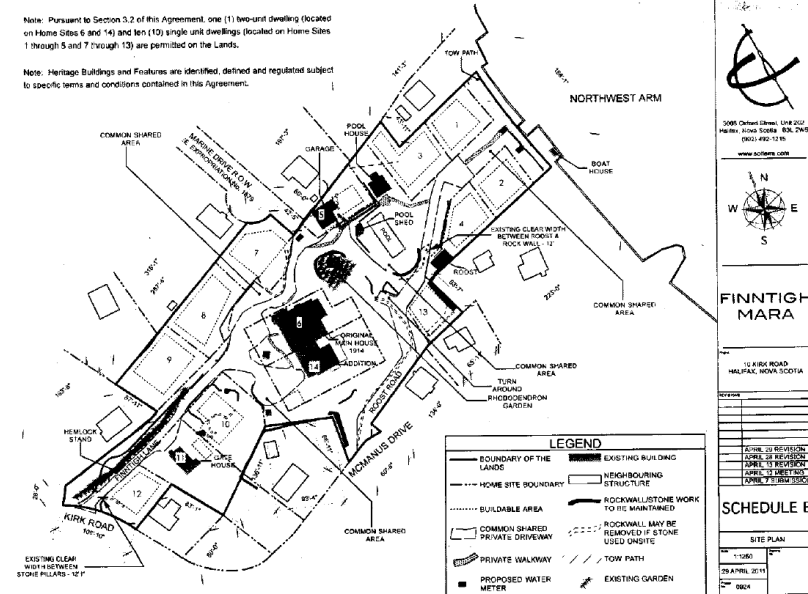
- Arts and Crafts style building designed by well-known Halifax architect William Brown;
- Historical associations with property owner Dr. R. Evatt Mathers, local eye doctor and surgeon; and,
- Contributing to the heritage value of the property include: the Roost (outbuilding), and landscape features such as stone retaining walls, in-ground concrete pool, stands of trees and rhododendron garden.



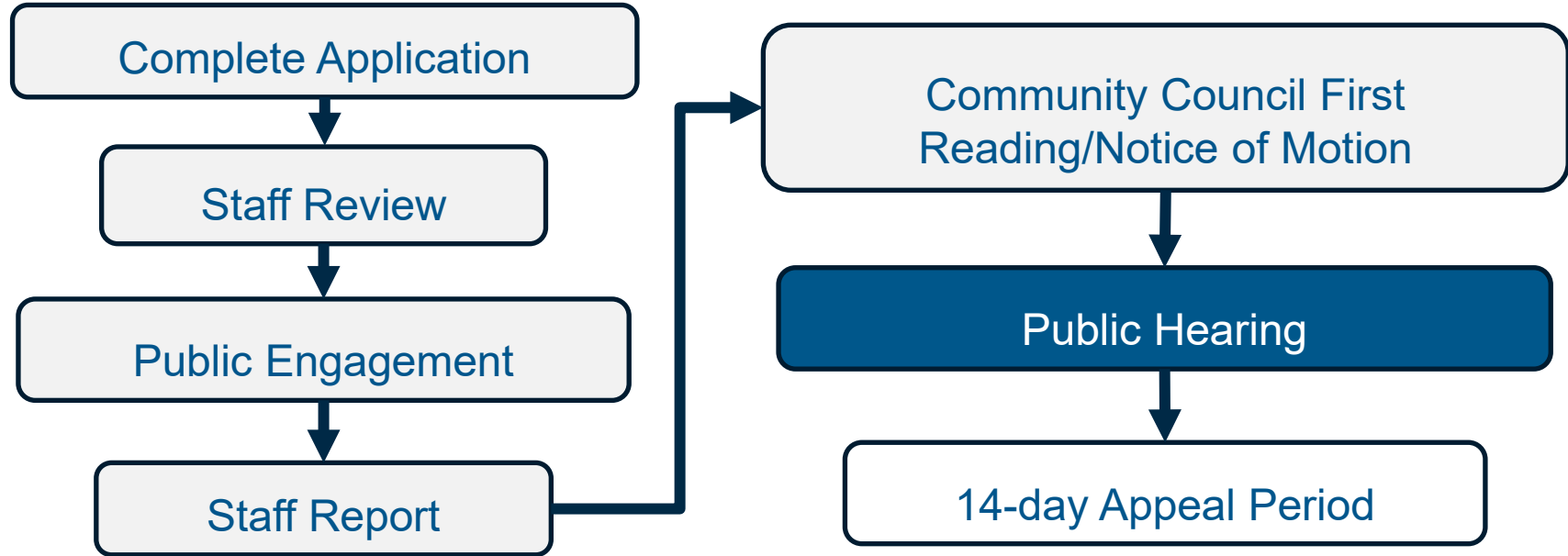
Arts and Crafts Style residence
at 10 Kirk Road (March 2023)

2011 Development Agreement

- Development Agreement on the subject property approved in 2011 (amended 2016)
- Agreement has lapsed, and property ownership has since changed
- Approved agreement was for bare land condominium with 10 building sites and two units within the heritage building (12 units total)
- Agreement has been discharged



Heritage Development Agreement



Planning Overview



Municipal Sewer and/or Water: Serviced



Zone: Single Family Dwelling Zone (R1)



Designation: Low Density Residential



Existing Use: Residential



Enabling Policy: Policy 6.8 of the Halifax Municipal Planning Strategy

Policy Consideration

Enabling Policy 6.8:

This policy enables Council to consider a proposal for any development or change in use not otherwise permitted by the Land Use By-law subject to considerations (i.e., heritage value is maintained, impact on adjacent uses minimized, level of proposed investment in conservation is proportional with additional development rights).

Proposal Details

- Create a bare land condominium with 15 units
- One building site will contain rehabilitated Arts and Crafts heritage building
- Landscape elements will be rehabilitated (Roost outbuilding, hemlock stand, in-ground pool, rhododendron garden, stone retaining walls)
- Each Home Site will have its own driveway connected to the internal driveway, and five additional guest parking spaces will be accessible from McManus Drive



Hemlock stand and stone retaining wall near Kirk Road entrance
(March 2023)

Key Aspects

- New construction has been designed to be similar in massing and materials
- Main Building to be restored based on 1914 blueprints incl. removal of 1965 addition (the Annex)
- Preservation and repairs as needed of the Roost, concrete pool, stone walls and posts, and rehabilitation of naturalized areas (i.e., hemlock stands, rhododendron garden)

HA/



Design Styles for New Construction

Standards and Guidelines Evaluation

11. Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.

- Character-defining elements retained, including Arts and Crafts style residence, the Roost, concrete pool and landscape features;
- Minimal intervention approaches have been applied, with a later modification being removed (i.e., the Annex); and
- Minimal visual and physical impact to the surrounding streets.

Regional Plan: Policy G-14A

Staff considered the objectives, policies, and actions of priorities plans and determined the below to be most relevant to the proposal:

1. Increasing housing stock to accommodate the growing population in Halifax (Strategic Objective 1.6 Halifax's Inclusive Economic Strategy 2022-2027)
2. Integrate climate into land use planning policies and processes, and increase land protection and conservation on private lands through municipal planning requirements (Actions 23 and 25 HalifACT)

HALIFAX

Public Engagement Feedback

Notifications Mailed



191

Individual Calls/Emails



26

Webpage Views



2,392

PIM



64

Level of engagement completed was consultation achieved through a mail out notification and a public open house (March 23, 2023).

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Public Engagement Feedback

- Support for increasing housing units and types, bare land condominium model
- Concerns regarding emergency access, traffic, parking, construction and noise generation, increased density, groundwater supply, electrical grid capacity, tree retention and tow path



Changes Made in Response

- On-street parking removed from surrounding streets
 - HRM Traffic Services reviewed the Traffic Impact Study and determined the proposal will not generate a significant level of additional traffic to impact the existing street network
- Consultation with Halifax Regional Fire and Emergency (HRFE) resulted in a 9m access route with two access points within the proposed development
 - HRFE has thoroughly reviewed the street network and confirmed it can accommodate access by a fire vehicle
- No concerns identified by Nova Scotia Power or Halifax Water

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Elements of Development Agreement

- Developer to prepare a tree protection and preservation plan and work with HRM Environment to develop a management plan for the Hemlock Tree Stand
- No backyard or secondary suites permitted on home sites
- Garbage collection must be located within property boundaries and screened from public view
- Applicant will be required to notify of any disruption in services or construction delays and meet the requirements of Noise By-law N-200

Tow Path

- Informal path along the west shore of Northwest Arm
- Proposed Development Agreement includes clause that the developer is required to maintain the tow path
- There is no legislative authority to require a property owner to convey property to the municipality or to require public access through a development agreement
- Supplementary Report presented to Regional Council on March 25, 2025, with approved recommendation to negotiate a 4m wide easement on 10 Kirk Road
- This process is underway by HRM Parks and Recreation staff and independent of the development agreement process

Non-Substantive Amendments

A '**Non-Substantive Amendment**' is a change to the agreement which can be made without a formal Public Hearing. The Development Officer or Community Council could authorize this change by resolution. These include:

- Changes to Section 3.5 to permit construction of single accessory building for the in-ground concrete pool in the Common Shared Area, or alterations to the Boat House which shall not block the view from the Main House to the Northwest Arm and subject to the *Heritage Property Act*; and
- Changes proposed to Schedule E (Landscape Plan) that do not impact the Main House, Roost, concrete pool, stone retaining walls, rhododendron garden or tree stands.

Staff Recommendation

Staff recommend that 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.

Thank You

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