

HALIFAX

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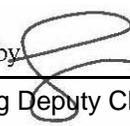
Item No. 14.1.2
Halifax Regional Council
February 21, 2017

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY:

Jacques Dubé, Chief Administrative Officer

Original Signed by 

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: January 23, 2017

**SUBJECT: Administrative Order 2016-004-ADM, Administrative Order Respecting
Variance Notification Distance**

ORIGIN

May 24, 2016 motion of Regional Council regarding item 14.1.9:

“MOVED by Councillor Mosher, seconded by Councillor Walker THAT Regional Council increase the notification distance for variance appeals to 100 metres in all areas of the Municipality and direct staff to prepare a new Administrative Order in this regard. MOTION PUT AND PASSED UNANIMOUSLY.”

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter,

251 (1) Within seven days after granting a variance, the development officer shall give notice in writing of the variance granted to every assessed owner whose property is within thirty metres of the applicant's property, **or such greater distance as determined by the Council by policy** or, where the municipal planning strategy so provides, in the land-use by-law.

(5) Where an applicant appeals the refusal to grant a variance, the Clerk or development officer shall give seven days' written notice of the hearing to every assessed owner whose property is within thirty metres of the applicant's property, **or such greater distance as determined by the Council by policy**.

RECOMMENDATION

Further to the direction provided by Regional Council at their May 24, 2016 meeting, and if deemed advisable, it is recommended that Regional Council:

1. Give Notice of Motion for the adoption of Administrative Order 2016-004-ADM, Respecting Variance Notification Distance, as set out in Attachment A of this report; and
2. Adopt Administrative Order 2016-004-ADM, as set out in Attachment A of this report.

BACKGROUND/DISCUSSION

At the May 24, 2016 meeting of Regional Council staff provided a report¹ on the proposed increase in variance notification distances. The background concerning this item is detailed in the April 15, 2016 staff report.

As directed by Council, the attached Administrative Order 2016-004-ADM, Respecting Variance Notification Distance, increases the notification distance for variance appeals from 30 metres to 100 metres throughout the Municipality.

FINANCIAL IMPLICATIONS

The additional postage costs, of up to \$5,000 per year, and other resources required for the increased notification distance for variance appeals can be accommodated within the approved Planning and Development operating budget for C420 Land Development and Subdivision.

While an increase to the notification area will increase the number of assessed owners that receive notification, it is uncertain whether doing so will generate more appeals. Application costs should be increased proportionately based on the increase in the number of properties within the notification area. Therefore, updated fees will need to be established based upon the increase in the notification area and the location of the variance (urban, suburban, or rural). Independent of changes to the notification distance, adjusted fees to offset service delivery costs will be considered through a review of fees and charges that is being undertaken as a component of the Planning and Development business unit Renewal program.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this report. The risks considered rate low. To reach this conclusion, consideration was given to legal and compliance, reputation and service delivery risks.

COMMUNITY ENGAGEMENT

Community Engagement, as described by the Community Engagement Strategy, is not applicable to this process. The adoption of an Administrative Order is an administrative function which does not require a public hearing.

ENVIRONMENTAL IMPLICATIONS

None associated with this report.

ALTERNATIVES

Regional Council may choose to:

1. Adopt Administrative Order 2016-004-ADM, Respecting Variance Notification Distance, with amendments and in doing so, direct staff to amend the proposed Administrative Order and return to Regional Council with such amendments for further consideration;

¹ See staff report at <http://www.halifax.ca/council/agendasc/documents/160524ca1419.pdf>

2. Refuse to adopt Administrative Order 2016-004-ADM, Respecting Variance Notification Distance, and retain the 30 metre notification distance as set out in the *HRM Charter*; or
3. Provide any other direction as the Council sees fit.

ATTACHMENTS

Attachment A: Proposed Administrative Order 2016-004-ADM

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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Attachment A

ADMINISTRATIVE ORDER NUMBER 2016-004-ADM RESPECTING VARIANCE NOTIFICATION DISTANCE

WHEREAS the Council of the Municipality may by policy, pursuant to sections 251(1) and 251(5) of the *Halifax Regional Municipality Charter*, increase the distance for notice of a Variance granted by a Development Officer of the Municipality and increase the distance for notice of an appeal of a Variance refused by a Development Officer of the Municipality;

AND WHEREAS Council of the Municipality directed that the distance for notice of a Variance granted by a Development Officer of the Municipality and the distance for notice of an appeal of a Variance refused by a Development Officer of the Municipality be increased to one hundred (100) meters in all areas of the Municipality;

BE IT RESOLVED as an Administrative Order of the Council of the Halifax Regional Municipality as follows:

Short Title

1. This Administrative Order may be known as the *Variance Notification Distance Administrative Order*.

Interpretation

2. In this Administrative Order,

- (a) "Development Officer" means the development officer as defined in section 209(d) of the *Halifax Regional Municipality Charter*;
- (b) "Municipality" means the Halifax Regional Municipality; and
- (c) "Variance" means a variance as prescribed in section 250 of the *Halifax Regional Municipality Charter*.

Purpose

3. The purpose of this Administrative Order is to increase the distance for notice of a Variance granted by a Development Officer of the Municipality and to increase the distance for notice of an appeal of a Variance refused by a Development Officer of the Municipality.

Policy Regulations

4. The distance for notice of a Variance granted by a Development Officer of the Municipality shall be one hundred (100) meters from the Variance applicant's property.

5. The distance for notice of an appeal of a Variance refused by a Development Officer of the Municipality shall be one hundred (100) metres from the Variance applicant's property.

Done and passed in Council this ____ day of _____, 2017.

Mayor

Municipal Clerk

I, Kevin Arjoon, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on [month], [day], 201_.

Kevin Arjoon, Municipal Clerk