



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 10.2.1
Halifax and West Community Council
June 12, 2018

TO: Chair and Members of Halifax and West Community Council

Original Signed

SUBMITTED BY: _____
Steven Higgins, Manager, Current Planning

DATE: May 15, 2018

SUBJECT: Case 21204: Appeal of Variance Approval – 1820 Vernon Street, Halifax

ORIGIN

Appeal of the Development Officer's decision to approve a variance.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality (HRM) Charter; Part VIII, Planning and Development:

- s. 250, a development officer may grant variances in specified land use by-law or development agreement requirements but under 250(3) a variance may not be granted if:
 - (a) the variance violates the intent of the development agreement or land use by-law;
 - (b) the difficulty experienced is general to properties in the area;
 - (c) the difficulty experienced results from an intentional disregard for the requirements of the development agreement or land use by-law.
- s. 251, regarding variance requirements for notice, appeals and associated timeframes
- s. 252, regarding requirements for appeal decisions and provisions for variance notice cost recovery

RECOMMENDATION

In accordance with Administrative Order One, the following motion must be placed on the floor:

That the appeal be allowed.

Community Council approval of the above motion will result in refusal of the variance.

Community Council denial of the above motion will result in approval of the variance.

Staff recommend that Halifax and West Community Council deny the above motion.

BACKGROUND

A variance request has been submitted to relax the minimum lot area requirement to allow conversion of an existing two-unit dwelling to a three-unit dwelling at 1820 Vernon Street (Map 2 and Attachment A).

Three dwelling units exist in the building in question. Two are occupied and the third is currently vacant. Current regulations permit only two units and no permit records exist to authorize the third unit. A Land Use By-law (LUB) compliance case is currently in process in response to the presence of the third unit. Notwithstanding the outcome of that compliance process, the owner is seeking to resolve all issues of non-compliance in order to retain the third unit on a “go-forward” basis.

The subject lot and building configuration do not comply with two minimum zoning requirements to accommodate a third unit:

- Minimum side yard separation
- Minimum lot area

In addition, the existing dwelling encroaches on to the adjacent lot over the interior side property line. The owner intends to resolve the side yard separation issue through consolidation of the subject property with a small vacant adjacent parcel. This would create a lot that would meet all requirements for a third unit except for minimum lot area. This step would also resolve the existing encroachment. That consolidation process is a by-right form of subdivision that does not require Council approval.

The above referenced consolidation would result in a 4600 square foot lot. This would not meet the minimum 5000 square foot requirement for a third unit. The owner proposes to resolve that issue through a variance. Variances to lot area requirements are only applicable to lots that were in existence at the time of the adoption of the LUB (1950). Both existing lots meet that requirement and are therefore eligible for variance approval. However, the aforementioned lot consolidation would eliminate that eligibility. As a result, any variance to lot area requirements must be in the context of the existing 3300 square foot lot and the approval process for any variance must be completed prior to any lot consolidation.

For the reasons detailed in the Discussion section of this report, the Development Officer approved the requested variance (Attachment B). That approval has been appealed and consideration of that appeal is now before Halifax and West Community Council.

Site Details:

Zoning

The subject property is zoned R-2 (General Residential) Zone under the Halifax Peninsula Land Use By-law and is within the Peninsula Centre Secondary Plan Area.

	Minimum Requirement	Variance Requested
Minimum Lot Area	5,000 square feet	3,300 square feet

Process for Hearing an Appeal

Administrative Order Number One, the *Procedures of the Council Administrative Order* requires that Council must place a motion on the floor to “allow the appeal”, even if that motion is contrary to staff’s recommendation. For Community Council’s information and clarity, the Recommendation section of this report includes the motion required by Administrative Order Number One. It also includes an explanation of the implications of approval or refusal of that motion along with staff’s recommendation.

For the reasons outlined in this report, staff recommend that Community Council deny the appeal motion which would uphold the approval of the proposed variance.

DISCUSSION

Development Officer's Assessment of Variance Request

In hearing a variance appeal, Council may make any decision that the Development Officer could have made, meaning their decision is limited to the criteria provided in the *Halifax Regional Municipality Charter*.

The *HRM Charter* sets out the following criteria outlining when the Development Officer may not grant variances to requirements of the Land Use By-law:

"250(3) A variance may not be granted if:

- (a) the variance violates the intent of the development agreement or land use by-law;*
- (b) the difficulty experienced is general to properties in the area;*
- (c) the difficulty experienced results from an intentional disregard for the requirements of the development agreement or land use by-law."*

In order to be approved, any proposed variance should be consistent with good planning principles and must not conflict with any of the criteria. The Development Officer's assessment of the proposal relative to each criterion is as follows:

1. Does the proposed variance violate the intent of the land use by-law?

Minimum lot area requirements are part of a series of bylaw requirements that serve aesthetic and practical purposes. Along with such things as frontage, sideyard and street setbacks, minimum lot sizes generally increase proportionally to the number of units. Together, they intend to provide visual separation from the street, area for future street expansion, adequate separation between dwellings and sufficient passive space on a lot.

For a three-unit dwelling in the Peninsula Centre Secondary Plan Area, the Land Use Bylaw requires a minimum lot size of 5,000 square feet. Upon consolidation of the two lots, the setback issue would be addressed and the proposed lot area would be 4,600 square feet. All other applicable LUB requirements for a third unit would be met with the exception of a 400 square foot shortfall on lot area. Subsequent to the proposed lot consolidation, the reduction in required lot area is considered to be minor enough to have very limited materiality relative to the intent of the by-law.

The proposed lot area reduction was not seen to violate the intent of the land use bylaw.

2. Is the difficulty experienced general to properties in the area?

In considering variance requests, staff must consider the characteristics of the surrounding neighbourhood to determine if general application of the bylaw creates a specific difficulty or hardship that is not broadly present in the area. If these circumstances exist, then consideration can be given to the requested variance. If the difficulty is general to properties in the area, then the variance must be refused.

The existing dwelling is situated over two lots with a combined lot area of 4,600 square feet. Within the 100 metre notification area the lot sizes range from 864 square feet to 6,700 square feet with the average lot size being 3,600 square feet. Once consolidated, this property would be an above average sized lot in an area of mixed density. It is also a corner lot with an excess of frontage and has very limited impact on abutting properties.

This property has sufficient unique circumstances to justify consideration in the context of the difficulty not being general to the area.

3. Is the difficulty experienced the result of an intentional disregard for the requirements of the land use by-law?

In reviewing a proposal for intentional disregard for the requirements of the Land Use By-law, there must be evidence that the applicant had knowledge of the requirements of the By-law relative to their proposal and then took deliberate action which was contrary to those requirements. That is not the case in this request.

The applicant acquired the property in 2014 and was not the owner at the time of the installation of the third unit. The current owner had no part in any violation of land use regulation relative to the third unit and has entered into the current process in good faith. The third unit has been held vacant pending the resolution of the compliance and variance processes. This variance request is the only viable option to legitimize the third unit. If unsuccessful, the unit will be removed and the property brought into compliance with the LUB.

This variance application is not considered to be the result of intentional disregard of Bylaw requirements on the part of the current owner.

Appellant's Appeal:

While the criteria of the *HRM Charter* limits Council to making any decision that the Development Officer could have made, the appellants have raised certain points in their letters of appeal (Attachment C) for Council's consideration. These points are summarized and staff's comments on each are provided in the following table:

Appellant's Appeal Comments	Staff Response
<i>Property has been allowed to deteriorate and become poorly maintained. It is overgrown and full of trash. Allowing a third unit would only exacerbate this problem. There is little or no on-site parking for cars. One possibility would be to turn the little remain back yard into a parking area which would further detract from the property and utilize the space for something other than for which it was intended.</i>	<p>Unightly and poorly-maintained properties are not within the scope of the LUB and therefore are not evaluated when a variance is requested.</p> <p>The applicant demonstrated in the application that the parking requirements of the LUB would be met on the property.</p>
<i>Has understood this property already contains three units and this is an attempt to make legal a situation that has been in violation of the LUB. When was the original house converted to three units? Is it grandfathered? If not, does the owner need to return the house to its original condition?</i>	<p>The authorized use of the property is a two-unit dwelling. There are currently three units within the building and the applicant wishes to legalize the third. It is unknown when the third unit was placed within the building but it was there when the applicant purchased the property in 2014. It is not grandfathered and if this variance is denied the third unit must be removed.</p>
<i>The house does not appear to meet side yard requirements. It goes over the property line on the left side. Is that an old laneway owned by the city? That laneway is giving the house more space that it's actually entitled to, with last years attempted sale advertising the space as a double driveway. Is the owner entitled to half of that space?</i>	<p>The dwelling encroaches over the left side property boundary. Both properties are commonly-owned. The intention is to consolidate both lots to create one. Both the proposed variance and the proposed consolidation are required to facilitate the third unit but the variance request must be completed prior to the consolidation. The deed description does not refer to the smaller lot as an old laneway and is not owned by the city. Both properties are owned by the applicant.</p>

<i>Do all three units meet the minimum egress and fire separation standards and have functioning fire alarms? Do the units need to meet accessibility requirements?</i>	This is not evaluated during the variance review. Building Code requirements would be evaluated at the construction permit stage by a Building Official and a permit would not be issued until the Building Code is satisfied.
<i>Have the external dimensions of the building changed since 14 October 1982? Do the current units meet square footage and number of bedrooms?</i>	The external dimensions have been altered since October 14, 1982. This is why the property was not eligible for the internal conversion under Section 34E of the LUB. The applicant has established that the three units would meet requirements relative to the minimum square footage for each unit, and the maximum permitted number of bedrooms.
<i>Internal conversion means that there will be no creation of additions or expansion to the current dwelling? It is just renovating the current structure to accommodate three units?</i>	There is no proposed addition to the building at this time. As the building is not eligible for internal conversion under Section 34E of the LUB, the restrictions on the height and volume under that Section do not apply.
<i>The lot is only 3,300 sq.ft. but 5,000 is required for a three-unit dwelling. This allowance is not a trivial amount.</i>	Both the proposed variance and the proposed consolidation are required to facilitate the third unit but the variance request must be completed prior to the consolidation. Once consolidated the lot area would be 8% less than the required lot area (4600 sq. ft.).
<i>Density is single unit homes with families and children. Allowing this variance and multi-unit dwellings will change the neighbourhood into a student rental area.</i>	The existing neighbourhood has a mix of dwelling types, including single units, duplexes, and three-unit dwellings. There is a 16-unit building across Vernon Street on the corner of Cherry Street.
<i>Does allowing the variance to 5,000 sq.ft. means the owner can then renovate in the future with the assumption they have a 5,000 sq.ft. lot?</i>	The variance request is specific to the proposal of the third unit. Any future development proposal would be evaluated against the actual lot area.

Conclusion:

Staff have reviewed all the relevant information in this variance proposal. As a result of that review, the variance request was approved as it was determined that the proposal does not conflict with the statutory criteria provided by the *Charter*. The matter is now before Council to hear the appeal and render a decision.

FINANCIAL IMPLICATIONS

There are no financial implications related to this variance.

RISK CONSIDERATION

There are no significant risks associated with the recommendation contained within this report.

COMMUNITY ENGAGEMENT

Community Engagement, as described by the Community Engagement Strategy, is not applicable to this process. The procedure for public notification is mandated by the *HRM Charter*. Where a variance approval is appealed, a hearing is held by Council to provide the opportunity for the applicant, appellants and anyone who can demonstrate that they are specifically affected by the matter, to speak.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

ALTERNATIVES

As noted throughout this report, consideration of this item must be in the context of a motion to allow the appeal. Council's options are limited to denial or approval of that motion.

- 1) Denial of that motion would result in the approval of the variance. This would be in consistent with the Development Officer's decision and this is staff's recommended alternative;
- 2) Approval of that motion would result in the refusal of the variance. This would be in inconsistent with the Development Officer's decision.

ATTACHMENTS

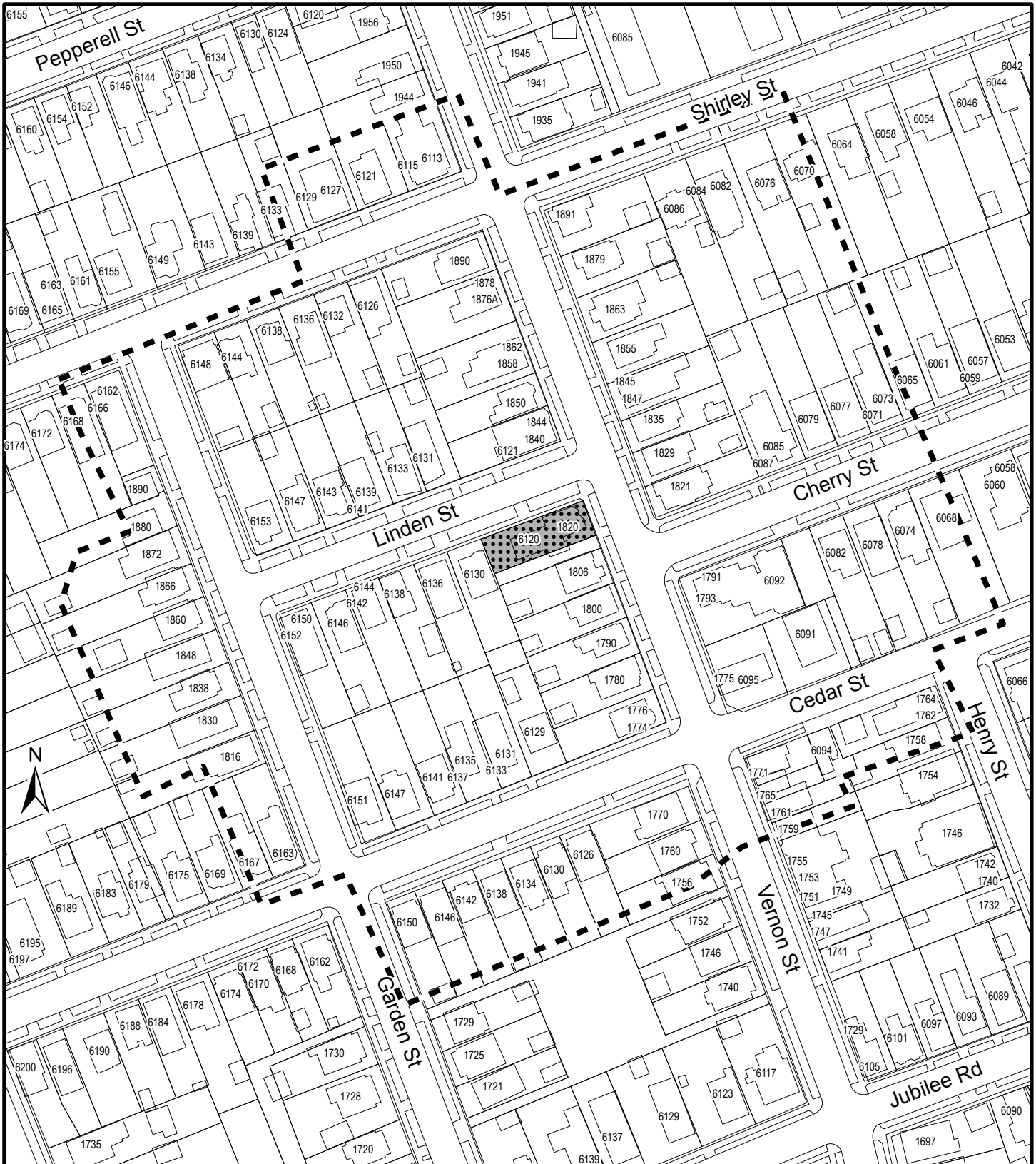
Map 1:	Notification Area
Map 2:	Site Plan
Attachment A:	Applicant's Site Plan
Attachment B:	Variance Approval Letter
Attachment C:	Letters of Appeal

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.

Report Prepared by: Dean MacDougall, Planner II, 902.490.7455
Sean Audas, Principal Planner and Development Officer, 902.490.4402

Original signed

Report Approved by: Erin MacIntyre, Program Manager- Land Development & Subdivision
902.490.1210



Map 1 - Notification Area

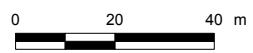
1820 Vernon Street/
6120 Linden Street,
Halifax



Subject Property

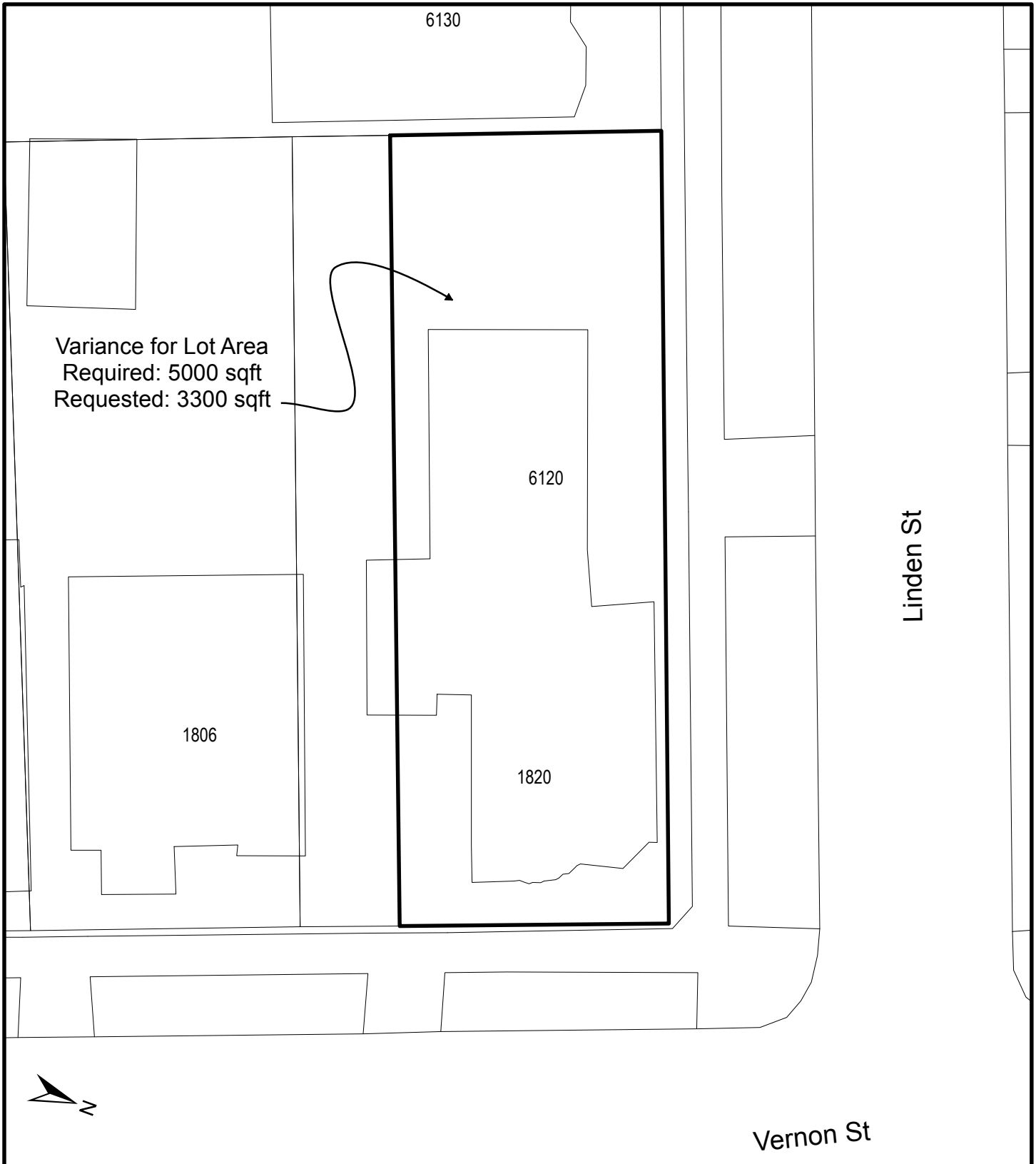


Notification Area



Halifax Plan Area

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



Map 2 - Site Plan



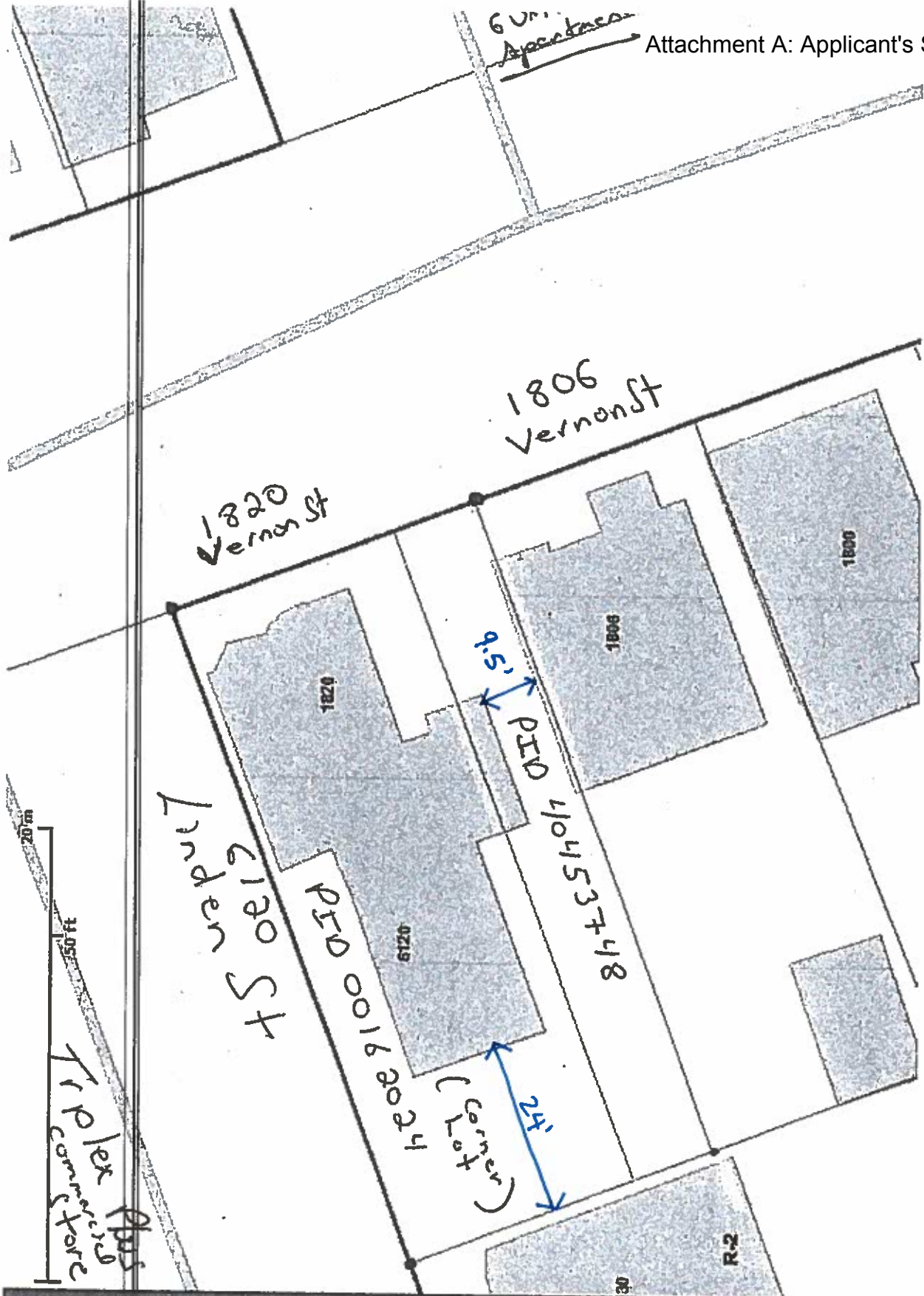
1820 Vernon Street/
6120 Linden Street,
Halifax



Subject Property

Halifax Plan Area

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



HALIFAX

ReGIS

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Created: 23/02/2017

By:

This map was produced for the use of the Municipality of Halifax Regional Municipality. It is not to be used for any other purpose without the express written consent of the Municipality. The Municipality is not responsible for any errors or omissions on this map. The Municipality is not responsible for any damages or losses resulting from the use of this map. The Municipality is not responsible for any claims or liabilities arising from the use of this map. The Municipality is not responsible for any claims or liabilities arising from the use of this map.

August 2, 2017

Dear Sir or Madam:

RE: Variance Application #21204, 1820 Vernon St., Halifax, PID #00162024

As you have been identified as a property owner within 100 metres of the above noted address you are being notified of the following variance as per requirements of the Halifax Regional Municipal Charter, Section 251.

This will advise you that as the Development Officer for the Halifax Regional Municipality I have approved a request for a variance from the requirements of the Halifax Peninsula Land Use Bylaw as follows:

Location: 1820 Vernon St., Halifax, PID #00162024
Project Proposal: Internal Conversion to a 3 Unit Dwelling

LUB Regulation	Requirements	Proposal
Minimum Lot Area:	5,000 square feet	3,300 square feet

Pursuant to Section 251 of the Halifax Regional Municipal Charter, assessed property owners within 100 metres of the above noted address are notified of this variance. If you wish to appeal, please do so in writing, on or before August 21, 2017 and address your appeal to:

Municipal Clerk
Halifax Regional Municipality
 P.O. Box 1749, Halifax, N.S. B3J 3A5
 clerks@halifax.ca

Please note, this does not preclude further construction on this property provided the proposed construction does not require a minor variance. If you have any questions or require clarification of any of the above, please call Dean MacDougall at 490-7455.

Yours truly,

Original Signed

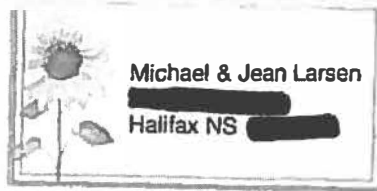
Sean Audas, Principal Planner / Development Officer
 Halifax Regional Municipality

cc. Kevin Arjoon, Municipal Clerk
 Councillor Wayne Mason

HALIFAX

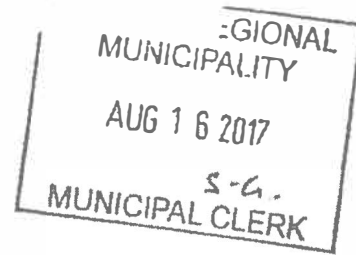
Halifax Regional Municipality
 PO Box 1749, Halifax, Nova Scotia
 Canada B3J 3A5

halifax.ca



August 10, 2017

Kevin Arjoon, Municipal Clerk
Halifax Regional Municipality
P.O. Box 1749,
Halifax, N. S. B3J 3A5



Dear Sir,

This letter is in reference to a notice from Sean Audas, Principal Planner/Development Officer regarding a Variance Application #21204, 1820 Vernon St., Halifax, PID #00162024.

The Project Proposal is for "Internal Conversion to a 3 Unit Dwelling," as stated in the notice that neighbors received. Two things immediately seem odd about this "variance" request. First, for the building itself: there are currently two addresses posted on the home: one address (on Vernon Street) identifies an Apartment B, apparently upstairs. From that, one might reasonably assume that there is already an Apartment A downstairs, on Vernon Street. The other street address is posted on Linden Street. So, a serious concern that neighbors have is this: has this dwelling been converted to a 3 unit building already, and are we being asked to acquiesce to what already exists, contrary to the procedures set forth in city by-laws? There are, we also note, 3 separate power meters evident on the Linden Street side of the building, which would suggest 3 units already exist.

Secondly, according to the letter we received from Sean Audas, the variance request has ALREADY been approved by him. Furthermore, other, so called "minor variances" may also be undertaken, with no further consultation or approvals required. So, as long term residents of the area, with much at stake with respect to the use and value of our property, we are essentially being asked if we are willing to acquiesce to a building change that may already be in place, and a tentative approval for that already made by the city. To reiterate, as residents in the area, we have an important stake in significant changes or waivers to by laws affecting dwelling density, and have an expectation to be consulted and given an opportunity to intervene PRIOR TO any preliminary approval being given. One would think that prior consultation with residents would be a priority for a city that claims it wants greater citizen participation in city life and development.

But, to the matter at hand. We strenuously object to this proposal, for a number of reasons. First of all, our neighborhood is clearly undergoing a significant upgrade in the external appearance and maintenance of the homes therein. Naturally, the city benefits from this improvement in a variety of ways, including increased taxes owing to assessment adjustments. But, importantly, 1820 Vernon Street has been a major exception. Trash bags pile up in the back yard, attracting rodents. One neighbor has been forced to remove garbage from the premises because of the impact on his own property. The grass is very rarely cut. The back yard is overgrown. The overall exterior appearance has been allowed to deteriorate. Much photographic evidence of these claims is available upon request, including that of rodents and racoons in the garbage. As well, there is already a tremendous parking problem for residents of the neighborhood, which additional density will obviously exacerbate.

So, in summary, we strongly object to the proposal, are deeply unhappy with the process, and expect our Councillor Waye Mason to represent our interests and concerns in this matter.

Sincerely,

Original Signed

[Redacted] Linda Street

Residents in the vicinity of the property in question (see attached):

c.c. Councillor Waye Mason

Neighbors in the area of 1820 Vernon Street, with respect to Variance Application #21204

Mike + Jean Lawren [redacted] Linden St. [redacted]
Leonard Tuppelo [redacted] Vernon St. [redacted]
K.F. [redacted] LINDEN ST. [redacted]
ROBERT & MARTHA ROGERS [redacted] LINDEN ST. [redacted]
Steve + Joan [redacted] LINDEN ST [redacted]
Graeme + Catherine Gunn [redacted] Linden St. [redacted]
Gregory + Lucy Hebb [redacted] Linden Street [redacted]
[redacted] [redacted] Linden St [redacted]
Deborah [redacted] Vernon St [redacted]
[redacted] [redacted] Vernon St [redacted]
John Fortune [redacted] Linden St [redacted]
John [redacted] Linden St [redacted]
Nicole Bennett [redacted] Linden St [redacted]
Judith Wright [redacted] Shirley St [redacted]
Alma [redacted] [redacted] [redacted]
Joan Sullivan [redacted] Vernon St. [redacted]
Mary [redacted] Linden St. Halifax [redacted]
[redacted] [redacted] Linden St. [redacted]
[redacted] [redacted] Garden St [redacted]
Susan Cook [redacted] Garden St. [redacted]
[redacted] [redacted] Garden St. [redacted]
Mark [redacted] Garden St [redacted]
Henry [redacted] Garden St [redacted]
M. [redacted] Garden St [redacted]
[redacted] [redacted] Garden St [redacted]
[redacted] [redacted] Vernon St [redacted]

Neighbors in the area of 1820 Vernon Street, with respect to Variance Application #21204

Peter Petropoulos [redacted] Linden St [redacted] W

Sean Quinn [redacted] Linden St

Mary Evans [redacted] Vernon St.

Stewart, April

From: Pete Brown [REDACTED]
Sent: August-20-17 7:37 PM
To: Office, Clerks
Subject: Variance #21204 Attn Sean Audas
Attachments: 1820 Vernon appeal.pdf

HALIFAX REGIONAL
MUNICIPALITY

AUG 21 2017

S.C.

MUNICIPAL CLERK

Hello,

Please find attached an appeal for Variance #21204. I will post a paper copy tomorrow as well.

Cheers

M P Brown

August 20, 2017

Municipal Clerk,
HRM
PO Box 1749, Halifax
B3J 3A5

RE: Variance Application #21204: 1820 Vernon St PID #00162024

Councillor Mason, Mr. Arjoon and Mr. Audas,

I have just received the "notification for variance" for the above mentioned address. I am a nearby property owner of a single family dwelling at [REDACTED] Vernon St (essentially "kitty corner" to 1820 Vernon).

I have several issues with the approved variance, as I understand it – please bear with me: as a layman, I find the letter a little confusing as to the exact request and what has been approved.

I am assuming that an "internal conversion" means that there will be no creation of additions or expansion to the current dwelling, but essentially renovating the current structure to accommodate 3 units, vs the "two" it currently has (based on addresses of 1820 Vernon St and 6120 Linden St). This is confusing as the "Map 2 – Site plan" has an arrow pointed at the back yard, or at least back of the house.

My understanding from the notice is that a lot-size would need to be 5000 sqft to accommodate a 3 unit dwelling of this size, and the requested variance is of 3300 sqft, indicating that the current lot is 2700 sq ft. This puts the variance request at 185% (5000/2700) of the current lot size, or put another way, it indicates that the lot is only 54% the size required (2700/5000) to hold the proposed 3 units. This allowance of 46% is not a trivial amount, indeed it's nearly the size of a whole other lot.

I have several arguments to appeal this variance:

- 1) *Not in keeping with the neighbourhood:* I feel that allowing this variance would be out of keeping of the character of our neighbourhood, and not in the spirit of the zoning. This is a family neighbourhood with single family homes. Yes, there are several rental units in our area, but these are small and well maintained; and these were approved at a different time. This neighbourhood is definitely a family area, not an area for new apartments or multi-unit homes with 6-15 people situated on a single lot, directly next to a single family home.
- 2) *Neighbourhood desirability:* People, like myself, have purchased homes in this area specifically because of The Neighbourhood - because of the zoning and because it is all single family homes with many children around. I am a physician at the QEII and I know at least 20 of my colleagues who are in the direct area, we are surrounded by Professors, Teachers and many other professionals who have been here for many years. We all purchased homes here for this reason: The Neighbourhood
- 3) *Bolling the frog:* As it stands, we have new condominiums 3 blocks away and apartments 2 blocks away. There is going to be new construction at the old Bens Bakery site with multi-unit dwellings. I feel that by allowing these changes, the city is slowly encroaching on the established

neighbourhoods of this area. We are lucky as we have several schools in walking distance. There are kids playing basketball on the streets, going to the corner stores for ice cream and walking to school. Allowing variances like these are slowly changing the neighbourhood into a student area, and this will drive families out of the area.

- 4) *Wording of the letter:* I have several issues with the notice in general – it is not very understandable to its audience - it gives no context to laymen. However, one of my major concerns is the last paragraph: "...does not preclude further construction on this property provided the proposed construction does not require a minor variance". To me, on the surface, this statement indicates that any further construction can occur unless it requires a new variance; but what is implied is that if we allow this variance, and the owner can effectively assume a 5000 sq ft lot area, then he/she can renovate in the future with the same assumption: once the variance is passed, he/she will have precedent for future renovation. I may be misinterpreting this ...but I think not.

- 5) *Current property maintenance:* This is very concerning to our neighbours. I have lived here for 7 years, and as this property stands, it is poorly maintained. There is always trash and recycling on the side of the house (street side) in containers and all over the ground in front of the entrance for Linden St. We often see rats moving around this area and the back yard. The grounds are never maintained (I know a neighbour who mowed the side grass just a few weeks ago). The back yard is unusable and fence dilapidated. It's hard for me to support an owner, or I should say landlord, who wants to renovate but cannot maintain what is there. I have attached a few pictures I took while writing this letter.

- 6) *What is actually going on here?* I am also a little confused by this request as the home already has 3 units, which it may not be zoned for currently. I have attached a capture of the Viewpoint listing from December 2016. Here is the link: <http://www.viewpoint.ca/cutsheet/201625709/3>. If this is already a 3 unit dwelling, this makes me more concerned for what will be happening at this address if the variance is not stopped.

In summary, I am not opposed to change in general, and I have no ill will towards the owner of this property. I strongly feel that allowing this quite substantial variance is not in keeping with the neighbourhood on many levels. This is a family area, not a rental area – that is the zoning and the spirit of the area. I also question the ability of the owner to maintain the home currently and in the future based on the state of the home over the past 7 years I have lived here.

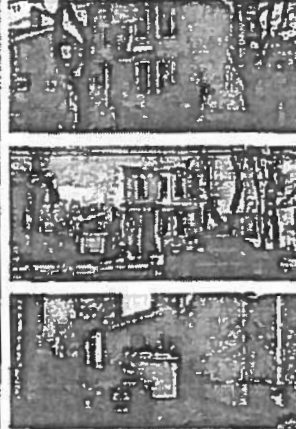
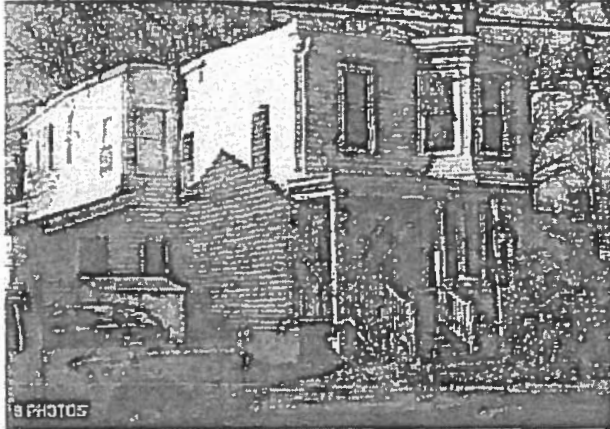
I know our neighbourhood has successfully appealed a similar variance for 1891 Vernon St for the same reasons: preservation of the family home neighbourhood. I feel this is a strong and valid argument and in keeping with the spirit of Halifax City Planning. Please don't slowly chip away our excellent family neighbourhood.

Sincerely,

Original Signed

Dr M Peter Brown, [REDACTED]

[REDACTED]
[REDACTED] Vernon St
[REDACTED]



Cancelled \$995,000

[Request Letter of Inquiries](#)

1820 Vernon Street, Halifax Peninsula
B3H 3N5

88 days on market (Listed on Dec 2, 2016)
Listing ID: 201625706 P.O. 40453748
2017 Assessment: \$641,900

DESCRIPTION

Best Location! South End Home has amazing finishes with walking distance to Hospital, Dalhousie, Shopping and all Amenities. This home has two spacious 3 Bdrm Apts and on the top level has an executive 1 Bdrm Apt with big patio & Skylights OR you have the option of making one huge 6 Bdrm Family home with or without extra Apt. Property was restored & updated throughout with too much details to list and rental has high yields and zero vacancies. The features of this property has: R2 Zone, double lot with 2 PID's, corner lot, beside a convenience store, surrounding location is growing exponentially, backyard is gorgeous with many species of trees & plants. Scms, Paved Dbl Driveway and 2 unique fireplaces. Don't miss out on this rare home with great investment value and call for info and a private viewing today.

ADD TO FAVORITES

DAVID SURETTE
VIEWPOINT REALTORS
902-482-3405

MOBILE

SEND TO A FRIEND

TRY IT BUY IT EVENT

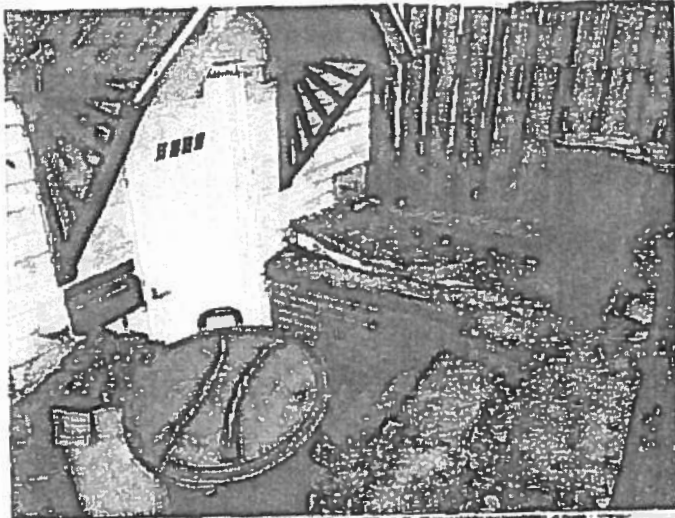
2017 Tucson 2.0L All-Wheel Drive

33 MONTH LEASE

NO-CHARGE SCHEDULED MAINTENANCE

HYUNDAI

- SALES/PRICE HISTORY >
- TAXES/ASSESSMENT HISTORY >
- DETAILS >
- PROPERTY INSIGHT >
- SCHOOL PROGRAMS >
- LAND REGISTRY >
- HRM DATA >
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Stewart, April

From: David Ehrlich [REDACTED]
Sent: August-20-17 9:35 PM
To: Office, Clerks
Subject: Variance Application #21204
Attachments: David Ehrlich Vernon St Variance Appeal pdf

HALIFAX REGIONAL
MUNICIPALITY

AUG 21 2017

S.C.

MUNICIPAL CLERK

Mr. Audus,
I've attached my appeal of Variance Application #21204, for 1820 Vernon St

Thank you,
David Ehrlich
[REDACTED] Linden St
Halifax, NS [REDACTED]

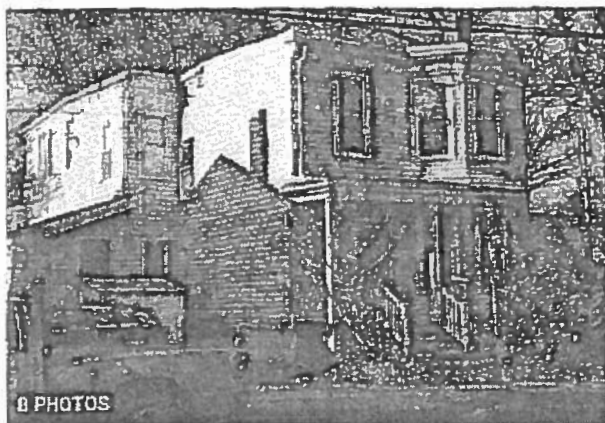
Municipal Clerk
Halifax Regional Municipality
PO Box 1749
Halifax, NS B3J 3A5

Mr Audus,

I wish to appeal Variance Application #21204 for 1820 Vernon St.

I don't understand why the house needs a variance. It already operates as a three unit building, so why does it need a variance now? Is this variance application intended to bring a non-compliant 3-unit home into compliance? Because calling it a conversion is misleading.

Here's a property listing from last year that says the house has three units:



Cancelled \$995,000
Cancelled on February 26, 2017

[Request Letter of Insurability](#)

1820 Vernon Street, Halifax Peninsula
B3H 3N3

88 days on market (Listed on Dec 2, 2016)

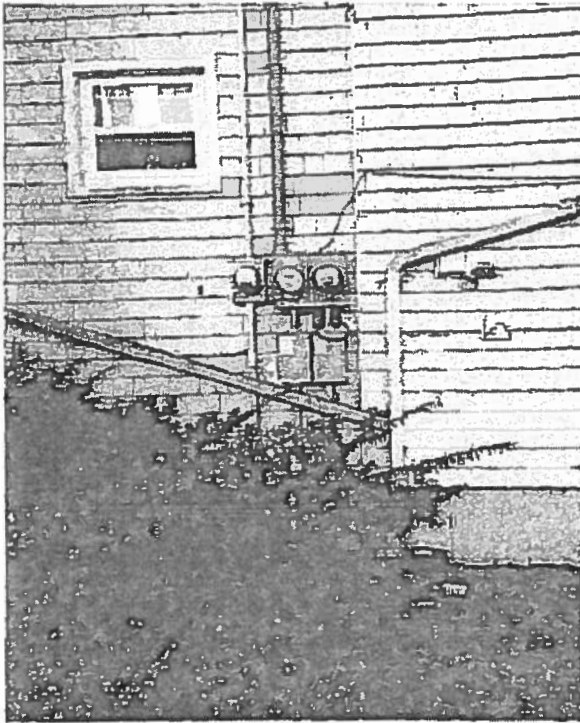
Listing ID: 201625709 PID: A0453748

2017 Assessment: \$641,900

DESCRIPTION

Best Location! South End Home has amazing attributes with walking distance to Hospital, Dalhousie, Shopping and all Amenities. This home has two spacious 3 Bdrm Apt's and on the top level has an executive 1 Bdrm Apt with big patio & Skylights... [Read More](#)

And here's a picture of three electric meters on the side of the house:



When was the house originally converted to three units? Is it grandfathered in? If so, why does it need the variance? If it's not grandfathered in, does the owner need to return the house to its original condition?

Also, the house doesn't appear to meet the side yard requirements. It goes over the property line on the left side, according to the site plan included in your notice. Is that an old laneway that's still owned by the city? That laneway is giving the house more space than it's actually entitled to, with last year's attempted sale advertising the space as a double driveway. Is the owner next door entitled to half of that space?

I'm guessing that the 5,000 square foot minimum lot requirement is there for a reason. Safety and comfort? Does the significant variance for this house compromise the safety and comfort and health of the tenants? Does it compromise the safety of the surrounding houses?

Do all three units meet minimum egress and fire separation standards and have functioning fire alarms? Do the units need to meet accessibility requirements? Have the external dimensions of the building changed since 14 October 1982? Do the current or future units meet square footage and number of bedroom requirements?

And finally, what are the consequences for operating a non-compliant multi-unit home? Is it standard practice to split a house into apartments first and ask the city for permission later?

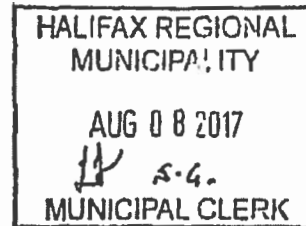
I would like answers to these questions before any work is allowed to begin on 1820 Vernon St.

Thanks for your help.

Original Signed

David Ehrlich
[REDACTED] Linden St
Halifax, NS
[REDACTED]

Municipal Clerk
Halifax Regional Municipality
P.O. Box 1749, Halifax, N.S. B3J 3A5



August 6, 2017

Dear Mr. Arjoon:

Re: Variance Application # 21204, 1820 Vernon Street

We have been identified as a property owner within 100 metres of the above noted address and wish to comment on the application. We note that the current LUB requirements for the existence of a three Unit Dwelling requires a minimum of 5,000 square feet. The proposal and variance identifies only 3,300 square feet available.

We are of the opinion that this property already contains three units and that this is an attempt to correct or make legal a situation that has been in violation of the LUB for some time. All too often in this area of the city, property has been altered without proper approvals and efforts after the fact have been brought before the city in an attempt to seek forgiveness rather than initially ask for permission.

We also are aware that this property that once was a single family home, has long since been allowed to deteriorate and become a poorly maintained corner of the neighbourhood. At present, it is overgrown and full of trash. Granting permission to formally make a three unit dwelling on this site will only exacerbate this problem. There is currently little or no onsite parking for cars for a potential three unit dwelling. One possibility would be to turn the little remaining back yard into a parking area which would further detract from the property and utilize the space for something other than for which it was intended.

We would strongly urge Community Council to turn aside this application and cause enforcement of this property to be returned to a two unit dwelling without any further modification.

Please ensure that all Community Council members receive a copy of our concerns.

Respectively,

Brian and Marion Jay
[REDACTED] Vernon Street
Halifax, NS [REDACTED]

Stewart, April

HALIFAX REGIONAL
MUNICIPALITY
AUG 22 2017
S.G.
MUNICIPAL CLERK

From: Valerie Gibson [REDACTED]
Sent: August-21-17 4:30 PM
To: Office, Clerks
Subject: Re: Variance Application #21204, 1820 Vernon St., Halifax, NS

Municipal Clerk,
Halifax Regional Municipality
clerks@halifax.ca

Dear Madam or Sir:

I wish to appeal the approval of the above variance.

Sincerely,
Valerie Gibson
[REDACTED] Cedar St
Halifax, NS [REDACTED]
[REDACTED]

Sent from Outlook