



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

**Item No. 10.2.1**  
**Halifax and West Community Council**  
**August 6, 2019**

**TO:** Chair and Members of Halifax and West Community Council Community Council

**SUBMITTED BY:** *-Original Signed-*

\_\_\_\_\_  
Steve Higgins, Manager, Current Planning

**DATE:** July 10, 2019

**SUBJECT:** **Case 22182: Appeal of Variance Refusal – 2424 Armcrescent East Drive, Halifax**

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**ORIGIN**

Appeal of the Development Officer's decision to refuse 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 shall be placed on the floor:

**That the appeal be allowed.**

Community Council approval of the appeal will result in approval of the variance.

Community Council denial of the appeal will result in refusal of the variance.

Staff recommend that Halifax and West Community Council deny the appeal.

## **BACKGROUND**

A variance request has been submitted for 2424 Armcrescent East Drive in Halifax to permit construction of a single-family dwelling with a Gross Floor Area (GFA) greater than that permitted by the by-law. (Map 2 and Attachment 1). The dwelling is currently under construction and complies in all respects with the land use by-law, including GFA, and a valid Construction Permit has been issued (No. 168953). The variance requested is to allow permanent access to the top floor, thereby adding habitable space and increasing the Gross Floor Area (GFA) beyond that permitted by the by-law. The maximum GFA is set at a ratio relative to the lot's area. The applicant has requested a variance to increase the minimum lot area required to accommodate the additional gross floor area. All other requirements of the Land Use By-law are met.

### **Site Details:**

#### **Zoning**

The property is located within the R-1 (Single Family Dwelling) Zone of the Halifax Peninsula Land Use By-Law (LUB). The relevant requirements of the LUB and the related variance request is as identified below:

	<b>Existing</b>	<b>Variance Requested</b>
<b>Min. Lot Area to support GFA</b>	6,604 square feet lot area (allowing 3,632 square feet GFA)	8,220 square feet lot area (to support the proposed 4,110 square feet GFA)

The lot size is 6,604 square feet and therefore a maximum GFA of 3,632 square feet is permitted. The requested variance is to allow a GFA of 4,110 square feet, which would require a lot size of 8,220 square feet. The variance requested is for lot size, from 6,604 square feet to 8,220 square feet, an increase of approximately 24%.

For the reasons detailed in the Discussion section of this report, the Development Officer refused the requested variance (Attachment C) and the applicant subsequently appealed the refusal (Attachment D). Property owners within the notification area have been notified of the appeal of the refusal and the matter is now before Halifax and West Community Council for decision.

#### **Process for Hearing an Appeal**

Administrative Order Number One, the *Procedures of the Council Administrative Order* requires that Council, in hearing any appeal, must place a motion to "allow the appeal" on the floor, even if the motion is in opposition to the staff recommendation. The recommendation section of this report contains the required wording of the appeal motion as well as a staff recommendation.

For the reasons outlined in this report, staff recommend that Community Council deny the appeal and uphold the decision of the Development Officer to refuse the 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, within the context of the criteria provided in the *Halifax Regional Municipality Charter*.

The *Charter* sets out the following criteria by which 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."*

To be approved, any proposed variance 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?**

The Halifax Municipal Planning Strategy policy 2.4 states: "...the City encourage the retention of the existing residential character of predominantly stable neighbourhoods and will seek to ensure that any change it can control will be compatible with these neighbourhoods."

In 2005 petitions were submitted by citizens concerned over large, out of character homes that were being constructed in established neighbourhoods. These large homes met the lot coverage, setback and height requirements of the by-law, but were much larger than existing residences in their immediate neighbourhood. To address these concerns, in October 2005, Council, citing in part Policy 2.4, adopted the Gross Floor Area Ratio (GFAR) amendments to the land use by-law. The GFAR was intended to limit the size of a dwelling relative to the lot area, which would therefore limit the size of dwellings to those dwellings on lots of similar size in a neighbourhood.

In July 2018 a construction application was received for a new dwelling at 2424 Armcrescent East Drive, Halifax. The dwelling includes three floors above grade and a finished basement (Attachment A). Review of the application found that the GFA was approximately 24% greater than that permitted.

The definition of GFA is:

"Gross Floor Area" means the aggregate of the area of all floors in a residential building, whether at, above or below grade, measured from the exterior faces of the exterior walls, or from the centre line of the common wall separating two buildings, and including the basement floor area where the basement ceiling height is 1.95 metres or higher, but excluding any open porch/verandah, unfinished attic that is accessed by means other than a fixed staircase, and area used for a private garage, parking and loading.

In order to begin construction as soon as possible, the applicant modified the building plans to remove permanent access to the top floor of the building, thereby excluding that area from GFA. Even though GFA is reduced, the visible size, the roof pitch and ceiling height of the top floor remained unchanged. The owner wishes to reinstate access to that floor and therefore applied for a variance of GFA.

The land use by-law intends to restrict the floor area and therefore mass of a dwelling to increase the likelihood of new construction and renovations being compatible with surrounding dwellings. As can be seen in Attachment B, the building appears materially larger than other residences in the neighbourhood.

It is the Development Officer's opinion that the proposed variance violates the intent of the Land Use By-Law and the variance request was subsequently refused.

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

In evaluating variance requests, staff must determine if general application of the by-law 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 should be refused.

The property at 2424 Armcrescent East Drive is not unique. As shown on Map 1 the lot is identical to abutting lots and the neighbourhood in general. With the exception of any existing non-conforming structures, all properties in this area would require a variance to build a dwelling of the same GFA as proposed. Should the proposed GFA be considered acceptable for this area, the appropriate means to achieve that end would be to amend the zoning bylaw so that an increased GFA applies equally to all properties in the area.

It is the Development Officer's opinion that the difficulty experienced is general to properties in the area and the variance request was subsequently refused.

**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 has amended their building plans to comply with the by-law requirements and requested the variance prior to commencing work in the area subject to the variance. Intentional disregard of By-law requirements was not a consideration in this variance request.

**Appellant's Submission:**

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:

**Sample:**

<b>Appellant's Appeal Comments</b>	<b>Staff Response</b>
<i>The city is currently looking to change land use by-laws (Centre Plan etc.) to increase urban density. As a result, the re-development of residential areas play a crucial role in increasing the density for permanent residences. This type of re-development requires complex negotiations with large numbers of interested parties (local residents). We feel that this is an opportunity to increase the density of an older neighbourhood without disturbing the neighbouring properties or residents. This proposed change is in line with and directly inspired by Halifax's desire to increase the density on the peninsula. The cost to coordinate and implement the increased density is also being covered entirely at our own expense.</i>	<p>The matter before Council is not about density. The zone permits a single-family residence with a maximum of 5 bedrooms, regardless of the size of the dwelling. There is no increase in density if a larger home is permitted by variance.</p> <p>There is no negotiation for by-right development, but the owner has chosen to request a variance to increase the permitted floor area of the dwelling. A variance is a discretionary process that gives neighbours an opportunity to voice their support or objection. There is no municipal requirement that the applicant negotiate with any parties.</p> <p>The proposed increase in floor area is not related to any desire of Council to increase density. It is, in fact, directly contrary to the intent of Council when implementing GFA.</p>

<p><i>We have a blended family which requires more bedrooms than a typical family. As a result, we require more space to live without feeling overcrowded. The request for increased gross square footage is not intended to violate the land use by-law. It is a proposal that aims at keep a large family together within a single dwelling. This scale of family has benefits to the surrounding community establishments such as schools, parks, transportation, shopping, and events. We feel that the bylaw prevents or deter larger families from moving to the peninsula and therefore decreases the possibility of increasing density of HRM.</i></p>	<p>There is no variance of the maximum number of bedrooms and that is not a consideration in this request. The original plans did show more bedrooms, but the plans were revised to meet the by-law.</p> <p>The amount of space required for an individual to not feel overcrowded, or whether they will or will not provide a benefit to the community, are not a consideration in a variance review. The only criteria that can be considered are in the <i>Charter</i>.</p> <p>Development and population statistics for Peninsula Halifax do not support or oppose this assertion. Without some evidence to the fact, there is no indication that GFA deters growth. This was not a consideration in refusing the variance.</p>
<p><i>We are moving from a home in the same neighbourhood on the same block that had a greater gross floor area than the current project under construction. As a result, we are deliberately decreasing our footprint to accommodate the same size of family. This is why we are of the opinion that the proposed gross square footage variance is not a general difficulty found in the immediate area. Again this seems in direct contradiction to the new intensions of the bylaw to increase density. We are decreasing our square footage and simultaneously increasing the density of the local neighbourhood.</i></p>	<p>There are many homes built prior to the GFA amendments that exceed the GFA maximum floor area ratios. Those homes are non-conforming and are permitted to be maintained.</p> <p>The majority of residential properties in the area have the same lot area. Therefore, they would require a variance to build a new home with the same GFAR proposed for this dwelling. The difficulty is, in fact, general to the neighbourhood.</p> <p>Increasing the square footage of a dwelling does not increase density as any number of people could live within a single unit dwelling.</p>
<p><i>The current dwelling under construction has been approved by the permit office. The variance proposed changes have no effect on the external form or footprint of the dwelling. The change is entirely within the interior space; therefore, it has no visual or physical effect to the property or the surrounding neighbours.</i></p>	<p>The applicant did not want to wait until the GFAR variance was resolved and revised their construction plans to comply with the by-law. This was achieved by removing access to the top floor. By removing access, the top floor area was not included in the total floor area, the GFA requirement was met and a Construction Permit was issued.</p> <p>It is correct that the external appearance of the building is unchanged, but the by-law does intend to prohibit large dwellings that are not in character with the established residential character of a neighbourhood.</p>

**Conclusion:**

Staff have reviewed all the relevant information in this variance proposal. As a result of that review, the variance request was refused as it was determined that the proposal conflicts 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 refusal is appealed, a hearing is held by Council to provide the opportunity for the applicant, all assessed owners within 100 metres of the variance 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, Administrative Order One requires that Community Council consideration of this item must be in the form of a motion to allow the appeal. Council's options are limited to denial or approval of that motion.

1. Denial of the appeal motion would result in the refusal of the variance. This would uphold the Development Officer's decision, and this is staff's recommended alternative.
2. Approval of the appeal motion would result in the approval of the variance. This would overturn the decision of the Development Officer.

### **ATTACHMENTS**

Map 1:	Notification Area
Map 2:	Site Plan
Attachment A:	Building Elevations
Attachment B:	Neighbourhood Photograph
Attachment C:	Variance Refusal Notice
Attachment D:	Letter of Appeal from Applicant

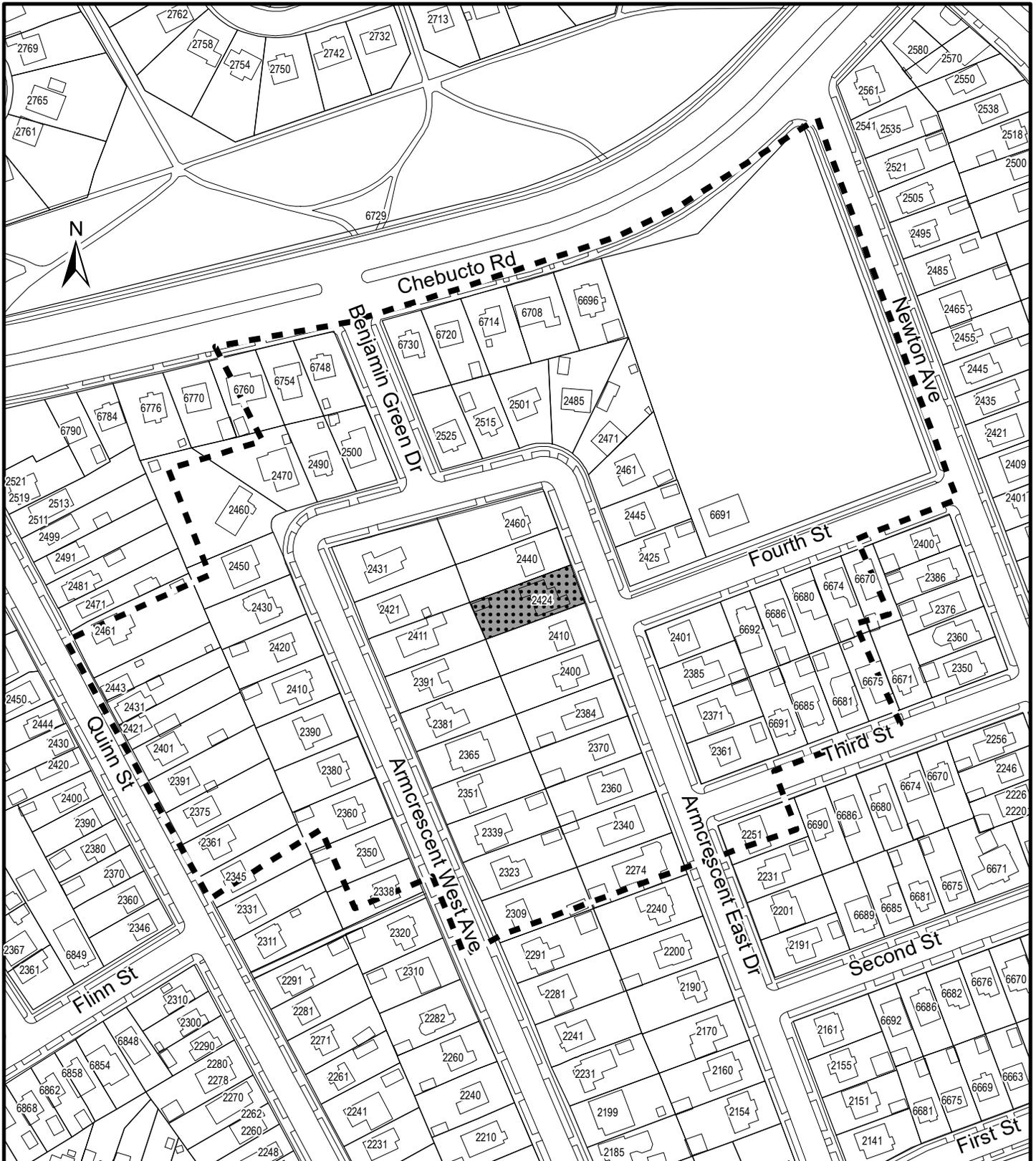
A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Andrew Faulkner, Development Officer, 902.490.4341

***-Original Signed-***

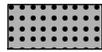
Report Approved by: Erin MacIntyre, Manager, Land Development & Subdivision, 902.490.1210

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**Map 1 - Notification Area**

2424 Amrcrescent East Drive,  
Halifax



Subject Property



Notification Area

**HALIFAX**



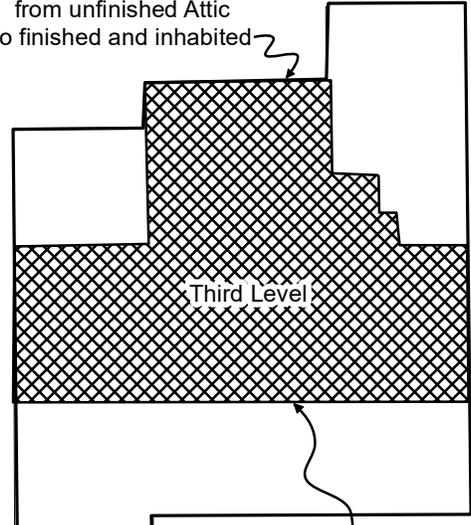
Halifax Plan Area

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



Cross-section

Proposal to change use of third level of building from unfinished Attic to finished and inhabited



Third Level

Variance for GFAR (Gross Floor Area)  
 Required: 3632 sq ft  
 Requested: 4110 sq ft

2410

2440



Armcrescent East Drive

**Map 2 - Site Plan**

2424 Armcrescent East Drive,  
 Halifax



Subject Property

**HALIFAX**



Halifax Plan Area

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

**ARMRCSCENT  
RESIDENCE**  
HARRISVILLE, SOUTH CAROLINA

No.	Description	Date
13	Issued for review	18.03.11
12	Issued Construction	18.03.07
11	Issued for review	18.03.01
10	Issued for review	18.03.01
09	Issued for review	18.02.27
08	Issued for review	18.02.27
07	Issued for review	18.02.07
06	Issued for review	18.04.18
05	Issued for review	18.03.18
04	Issued for review	18.03.23
03	Issued for review	18.03.05
02	Issued for review	18.02.10
01	Issued for review	18.02.10

NOTES:  
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The use of this drawing shall be  
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as generally accepted by the  
architectural profession.

APPROVALS: An architect and  
architectural engineer shall be  
required to certify that the  
drawing meets the minimum  
requirements of all applicable  
regulations. It is the architect's  
responsibility to ensure that the  
drawing is in accordance with  
all applicable codes and  
regulations.

DIMENSIONS: All dimensions  
shall be in feet and inches  
unless otherwise noted. All  
dimensions shall be to the  
centerline of the element  
unless otherwise noted. All  
dimensions shall be in  
accordance with the National  
Building Code of Canada.

SHIP DRAWINGS: This drawing  
is for the purpose of providing  
information to the manufacturer  
of the building materials.  
The manufacturer shall be  
responsible for providing the  
necessary information to the  
architect and engineer for  
approval.

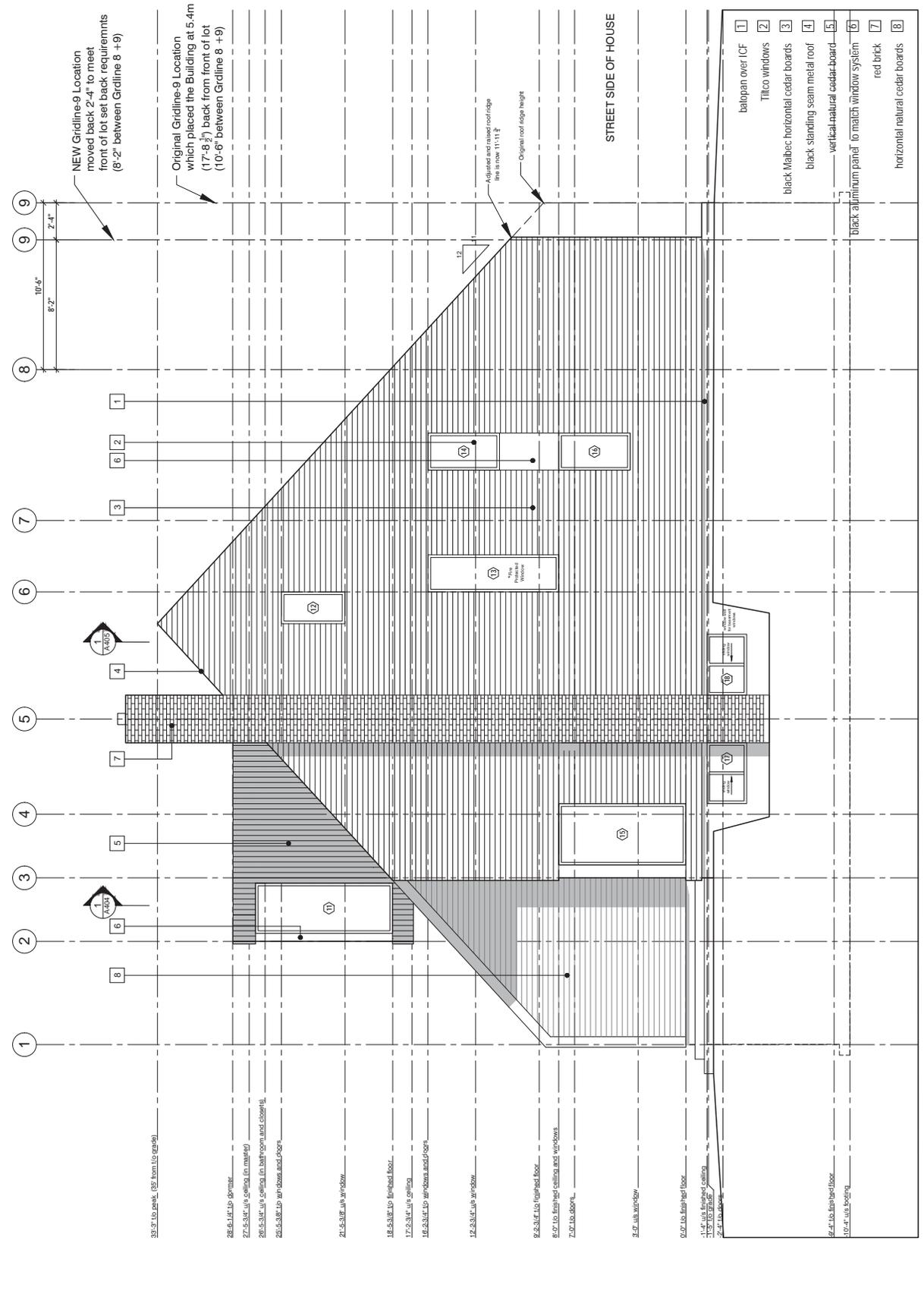
This drawing shall not be used for  
any other project without the  
written consent of the architect  
and engineer. Any use of this  
drawing for any other project  
without the written consent of  
the architect and engineer is  
prohibited.

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BRAITHWAITE  
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5 Rice View Drive  
Riverside 809, NS  
B3K 1Y6  
902.412.0541  
info@peterbraithwaitestudio.com

**SOUTH ELEVATION**

Scale: 3/8" = 1'  
Date: January 11, 2019  
Drawn by: J.C. & S.  
Checked by: P.B.

**A3-00**



1 SOUTH ELEVATION — CHANGED DIMENSION ON RIGHT SIDE OF DRAWING



**ARMCRESCENT  
RESIDENCE**  
HARRISVILLE, MISSISSIPPI

No.	Description	Date
13	Issued for review	18.01.11
12	Issued Construction	18.11.07
11	Issued for review	18.08.31
10	Issued for review	18.08.31
09	Issued for review	18.06.27
08	Issued for review	18.06.27
07	Issued for review	18.06.07
06	Issued for review	18.04.18
05	Issued for review	18.04.18
04	Issued for review	18.03.23
03	Issued for review	18.03.06
02	Issued for review	18.02.10
01	Issued for review	18.02.10

**NOTES:**

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The use of this drawing shall be limited to the project and site for which it was prepared. It shall not be used for any other project, or for any other site, without the prior written consent of the Architect.

**APPROVALS:** All materials and workmanship shall conform to the requirements of all applicable codes and regulations. It is the Builder's responsibility to obtain all necessary permits from all relevant Authorities.

**DIMENSIONS:** Dimensions shall be taken on the face of the work unless otherwise indicated. All dimensions shall be in feet and inches, unless otherwise indicated. All dimensions shall be rounded to the nearest 1/8" or 1/16" as appropriate.

**SHIP DRAWINGS:** This drawing shall not be used for the construction of the building. It is the responsibility of the Architect and Engineer to provide all necessary information for the construction of the building.

**THIS DRAWING SHALL NOT BE USED FOR THE CONSTRUCTION OF THE BUILDING UNLESS IT IS ACCOMPANIED BY THE ARCHITECT'S AND ENGINEER'S PROFESSIONAL SEAL AND SIGNATURE. ANY USE OF THIS DRAWING FOR ANY OTHER PROJECT, OR FOR ANY OTHER SITE, WITHOUT THE PRIOR WRITTEN CONSENT OF THE ARCHITECT AND ENGINEER IS STRICTLY PROHIBITED.**

**PETER  
BRAITHWAITE  
STUDIO LTD.**

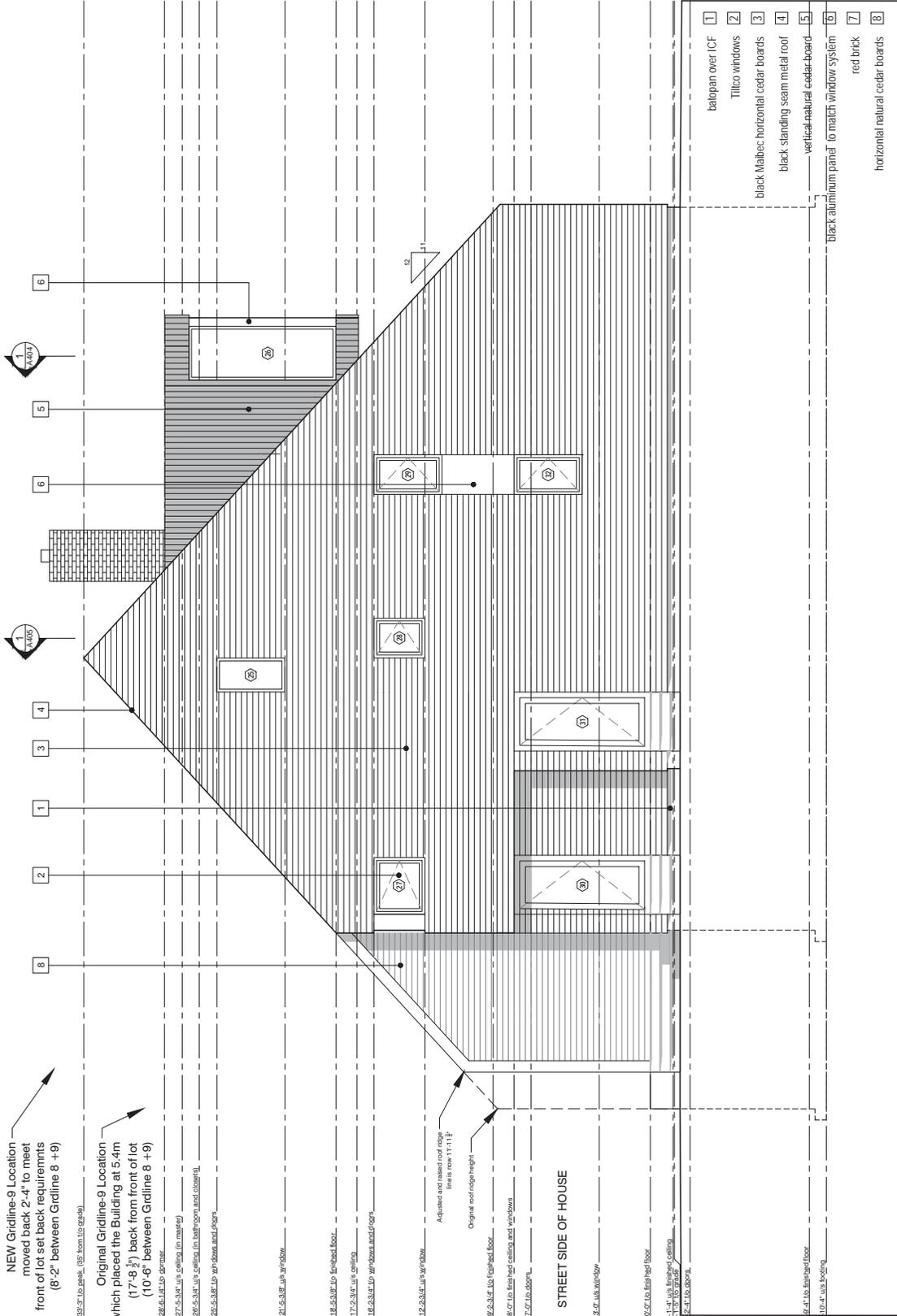
5 Rice View Drive  
Newport News, VA 23606  
802.412.0541

info@peterbraithwaitestudio.com

**NORTH ELEVATION**

Scale: 3/8" = 1'  
Date: January 11, 2019  
Drawn by: J. G. G.  
Checked by: P.B.

**A3-02**



**NEW Gridline-9 Location**  
moved back 2'-4" to meet front of lot set back requirements (8'-2" between Gridline 8 + 9)

**Original Gridline-9 Location**  
which placed the Building at 5.4m (17'-8 1/2") back from front of lot (10'-6" between Gridline 8 + 9)

18'-6.5" to peak, 105' from lot centerline  
27'-5.5" to top of window (in master)  
28'-5.5" to top of window (in bathroom and closet)  
28'-5.5" to top of window and door

21'-5.5" to top of window  
18'-6.5" to top of finished floor  
17'-5.5" to top of ceiling  
18'-6.5" to top of window and door

Adjusted and raised roof ridge line to new 11:11 pitch  
Original roof ridge height  
9'-2.5" to top of finished floor  
5'-0" to finished ceiling and window  
7'-0" to door

**STREET SIDE OF HOUSE**  
4'-0" to window  
0'-0" to finished floor  
1'-4" to finished ceiling  
2'-4" to door

18'-6.5" to peak, 105' from lot centerline  
27'-5.5" to top of window (in master)  
28'-5.5" to top of window (in bathroom and closet)  
28'-5.5" to top of window and door

21'-5.5" to top of window  
18'-6.5" to top of finished floor  
17'-5.5" to top of ceiling  
18'-6.5" to top of window and door

Adjusted and raised roof ridge line to new 11:11 pitch  
Original roof ridge height  
9'-2.5" to top of finished floor  
5'-0" to finished ceiling and window  
7'-0" to door

**STREET SIDE OF HOUSE**  
4'-0" to window  
0'-0" to finished floor  
1'-4" to finished ceiling  
2'-4" to door

18'-6.5" to peak, 105' from lot centerline  
27'-5.5" to top of window (in master)  
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5'-0" to finished ceiling and window  
7'-0" to door

**STREET SIDE OF HOUSE**  
4'-0" to window  
0'-0" to finished floor  
1'-4" to finished ceiling  
2'-4" to door

**ARMCRESCENT  
RESIDENCE**  
ANNE ARUNDEL COUNTY, MD  
HARRISVILLE, MD

No.	Description	Date
13	Issued for review	18.01.11
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**NOTES:**

**COPYRIGHT RELATED TO THE USE**  
The use of this drawing shall be limited to the project and site for which it was prepared. It is not to be used for any other project, or for any other purpose, without the written consent of the Architect.

**APPROVALS:** All materials and workmanship shall conform to the requirements of all applicable codes and regulations. It is the Builder's responsibility to obtain all necessary permits from all relevant Authorities.

**DIMENSIONS:** Dimensions shall be taken on the face of the work unless otherwise indicated. All dimensions shall be in feet and inches, unless otherwise indicated. All dimensions shall be rounded to the nearest 1/8" or 1/16" as appropriate.

**SHIP DRAWINGS:** The Architect and Engineer are not responsible for the construction of the building. The Contractor shall be responsible for the construction of the building. The Architect and Engineer are not responsible for the construction of the building.

This drawing shall not be used for any other project, or for any other purpose, without the written consent of the Architect.

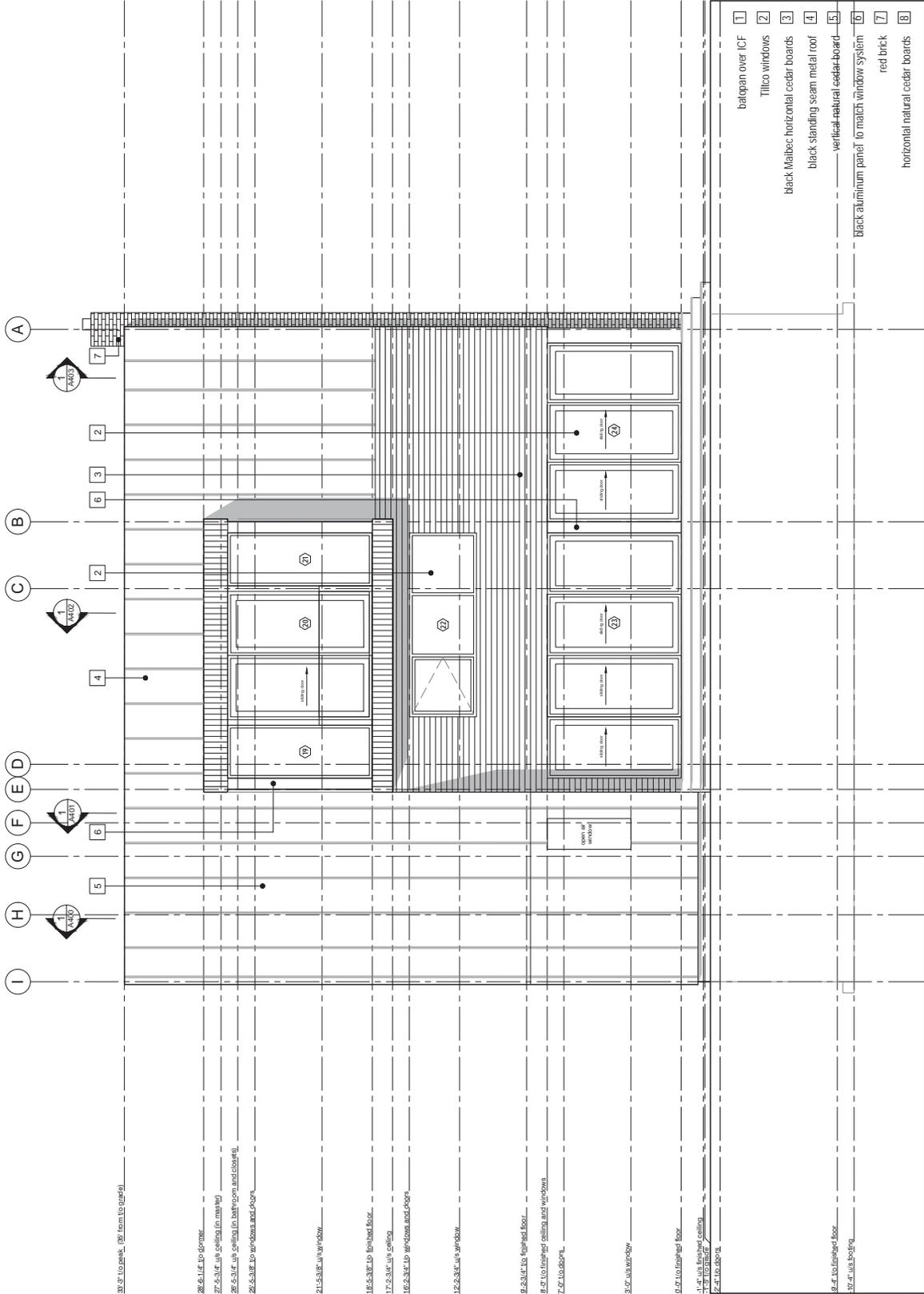
**PETER  
BRAITHWAITE  
STUDIO LTD.**

5 Rice View Drive  
Perryville, MD 21557  
301.412.0541  
info@peterbraithwaitestudio.com

**WEST ELEVATION**

Scale: 3/8" = 1'  
Date: January 11, 2019  
Sheet: 1 of 2  
Arch: P.B.

**A3-03**



1 WEST ELEVATION - BACK YARD VIEW

**Attachment B - Neighbourhood Photograph**



March 1, 2019

Dear Mr. Thomas,

**RE: VARIANCE APPLICATION 22182 – 2424 Armscrescent East Dr., Halifax**

This will advise that I have refused your request for a variance from the requirements of the Halifax Peninsula Land Use Bylaw as follows:

**Location: 2424 Armscrescent East Dr., Halifax**  
**Project Proposal: construct single unit dwelling**

The proposal exceeds maximum gross floor area permitted for the size of the lot. Therefore, a variance is requested for Gross Floor Area. The size of the lot restricts the size of the dwelling.

LUB Regulation	Land Use Requirements	Requested Variance
Minimum lot area for Maximum Gross Floor Area	6604 sq. ft. existing lot area Permits maximum of 3632 sq. ft. Gross Floor Area.	8220 sq. ft. lot area for proposed 4110 sq. ft. Gross Floor Area

Section 250(3) of the Halifax Regional Municipality Charter states that a variance may not be granted if:

- (a) the variance violates the intent of the land use bylaw;
- (b) the difficulty experienced is general to properties in the area; or
- (c) the difficulty experienced results from the intentional disregard for the requirements of the land use bylaw.

It is the opinion of the Development Officer that this variance application does not merit approval because:

- (a) the variance violates the intent of the land use bylaw;
- (b) the difficulty experienced is general to properties in the area;

Page 1 of 2

Pursuant to Section 251 of the Halifax Regional Municipality Charter you have the right to appeal the decision of the Development Officer to the Municipal Council. The appeal must be in writing, stating the grounds of the appeal, and be directed to:

**Municipal Clerk  
Halifax Regional Municipality  
Development Services - Western Region  
P.O. Box 1749  
Halifax, NS B3J 3A5  
clerks@halifax.ca**

Your appeal must be filed on or before March 11, 2019.

If you have any questions or require clarification of any of the above, please call Brenda Seymour, Planner 1 at 902-490-3244

Sincerely

Andrew Faulkner, Principal Planner / Development Officer  
Halifax Regional Municipality

cc. Kevin Arjoon, Municipal Clerk  
Shawn Cleary, Councillor District 9

March 5, 2019

Municipal Clerk  
Halifax Regional Municipality  
Development Service - Western Region  
P.O. Box 1749  
Halifax, NS B3J 3A5  
[clerks@halifax.ca](mailto:clerks@halifax.ca)

## **Appeal for Variance Application 22182**

Variance Project: 2424 Armscrescent East Dr.

To whom it may concern,

We would like to formally initiate the appeal process regarding the denied variance request for 2424 Armscrescent East Dr. The following section records the direct response received from Brenda Seymour at HRM on February 28, 2019:

*"Staff has reviewed your request for the Variance for 2424 Armscrescent East Drive for Gross Floor Area, and have determined it does not meet the following guidelines under the Halifax Regional Charter:*

*A variance may not be granted where:*

- 1. The variance violates the intent of the land use bylaw*
- 2. Difficulty experienced is general to the properties in the area."*

I have also attached the letter we received from the permit office regarding the variance decision.

### **Grounds of the Appeal:**

1. The city is currently looking to change land use bylaws (Centre Plan etc.) to increase urban density. As a result, the re-development of residential areas play a critical role in increasing the density for permanent residences. This type of re-development requires complex negotiations with large numbers of interested parties (local residents). We feel that this is an opportunity to increase the density of an older neighbourhood without disturbing the neighbouring properties or

residents. This proposed change is in line with and is directly inspired by Halifax's desire to increase the density on the peninsula. The cost to coordinate and implement the increased density is also being covered entirely at our own expense.

2. We have a blended family which requires more bedrooms than a typical family. As a result, we require more space to live without feeling overcrowded. The request for increased gross square footage is not intended to violate the land use by-law. It is a proposal that aims at keep a large family together within a single dwelling. This scale of family has benefits to the surrounding community establishments such as schools, parks, transportation, shopping, and events. We feel that the bylaw prevents or deter larger families from moving to the peninsula and therefore decreases the possibility of increasing the density of HRM.

3. We are moving from a home in the same neighbourhood on the same block that had a greater gross floor area than the current project under construction. As a result, we are deliberately decreasing our footprint to accommodate the same size of family. This is why we are of the opinion that the proposed gross square footage variance is not a general difficulty found in the immediate area. Again this seems in direct contradiction to the new intensions of the bylaw to increase density. We are decreasing our square footage and simultaneously increasing the density of the local neighbourhood.

4. The current dwelling under construction has been approved by the permit office. The variance proposed changes have no effect on the external form or footprint of the dwelling. The change is entirely within the interior space; therefore, it has no visual or physical effect to the property or the surrounding neighbours.

If you require any further clarification or information please do not hesitate to contact me at  
or by email at

Sincerely,

