

Item 10.2.2

**HALIFAX**

**Case 22266  
Variance Hearing  
58 Bedford Highway  
Halifax**

Halifax and West Community Council

September 19, 2019



58 Bedford Highway

**HALIFAX**

# Zoning

- Halifax Mainland Land Use By-law
- C-2B (Highway Commercial) Zone



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# Proposal

- The existing building is commercial use.
- The proposed addition of residential uses triggers application of additional zoning requirements. The current siting of the building does not comply with these requirements.

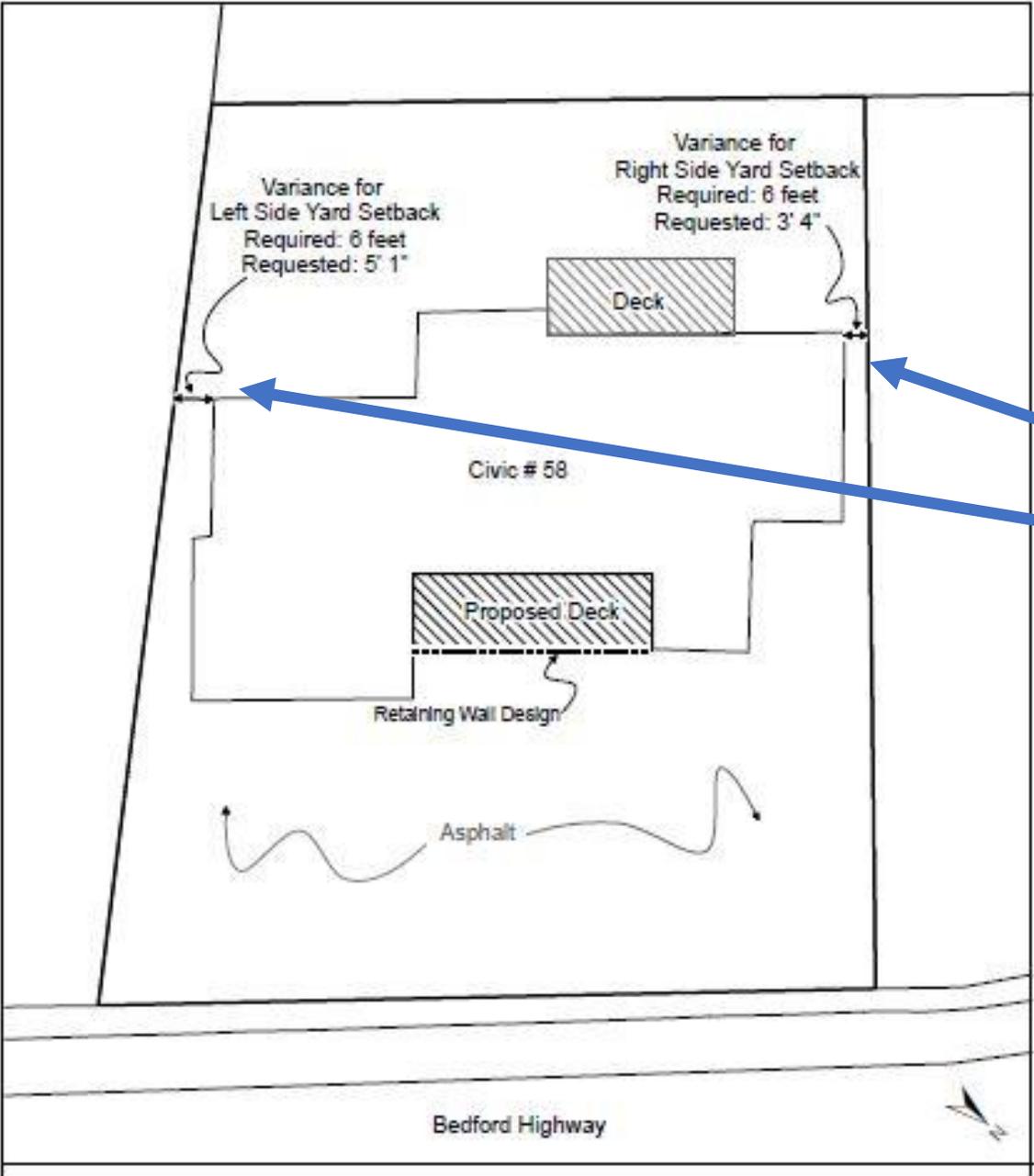
# Background

- In order to issue a permit for conversion to residential use, the building would have to be altered to comply with the side yard requirements. Alternatively, the side yard requirements would have to be altered to accommodate the building.
- The applicant's intention is to utilize the existing structure without any physical alterations.
- A variance has been requested to reduce the minimum side yard requirements for a four unit residential building.

# Variance Request

	<b>Requirement</b>	<b>Variance Requested</b>
<b>Minimum right side yard setback</b>	6 feet	3' 4" feet (existing building setback)
<b>Minimum left side yard setback</b>	6 feet	5' 1" feet (existing building setback)

# Site Plan



Location of right and left sideyard setback requiring a variance.



# Site Photos

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**Photos**

**HALIFAX**



# Site Photos

**HALIFAX**



# Site Photos

**HALIFAX**



# Site Photos

Right side yard setback

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# Site Photos

Left side yard  
setback

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# Variance Criteria

250 (3) A variance may **not** be granted where

- (a) the variance **violates the intent** of the 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 land use by-law.

# Alternatives

The alternatives before Community Council are:

- If Halifax and West Community Council approves the appeal the Variance will be denied.
- Should Halifax and West Community Council deny the appeal this would result in the Variance being approved. This is the recommended alternative.