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**Case 23339
Variance Hearing
10 Lancaster Drive,
Dartmouth, N.S.**

Regional Centre Community Council

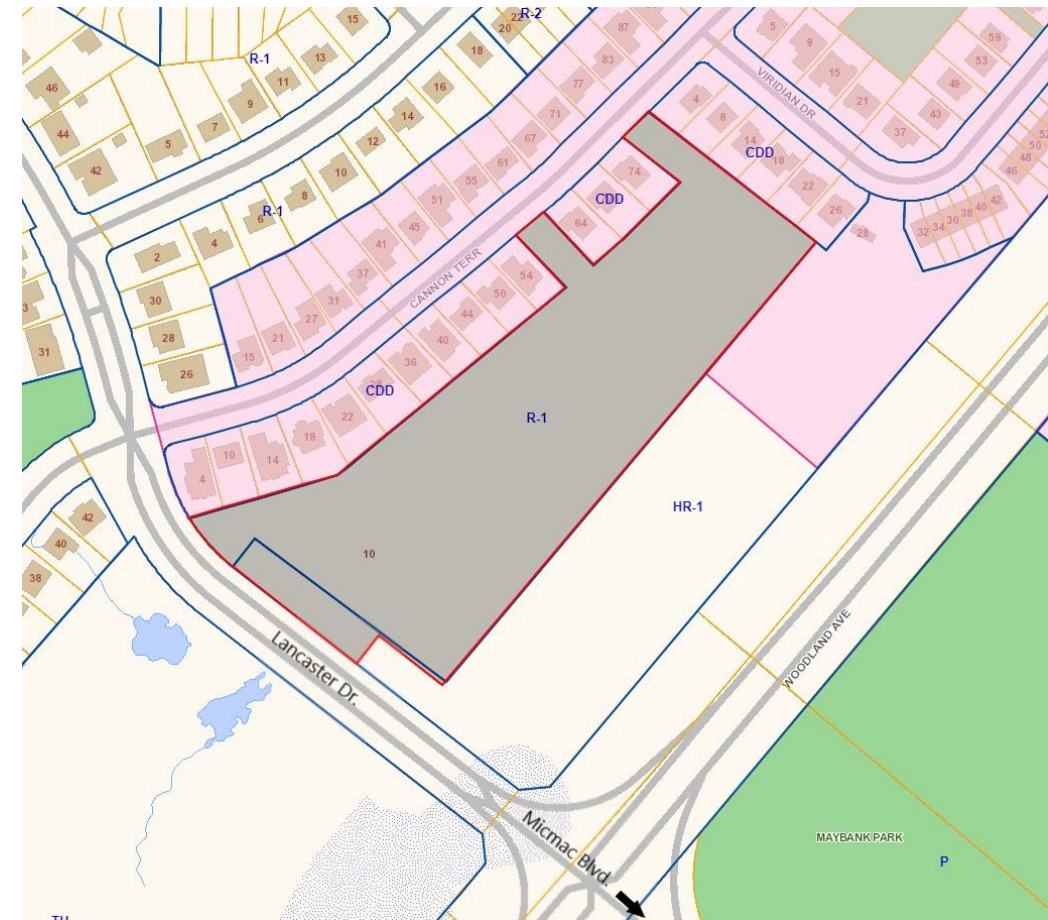
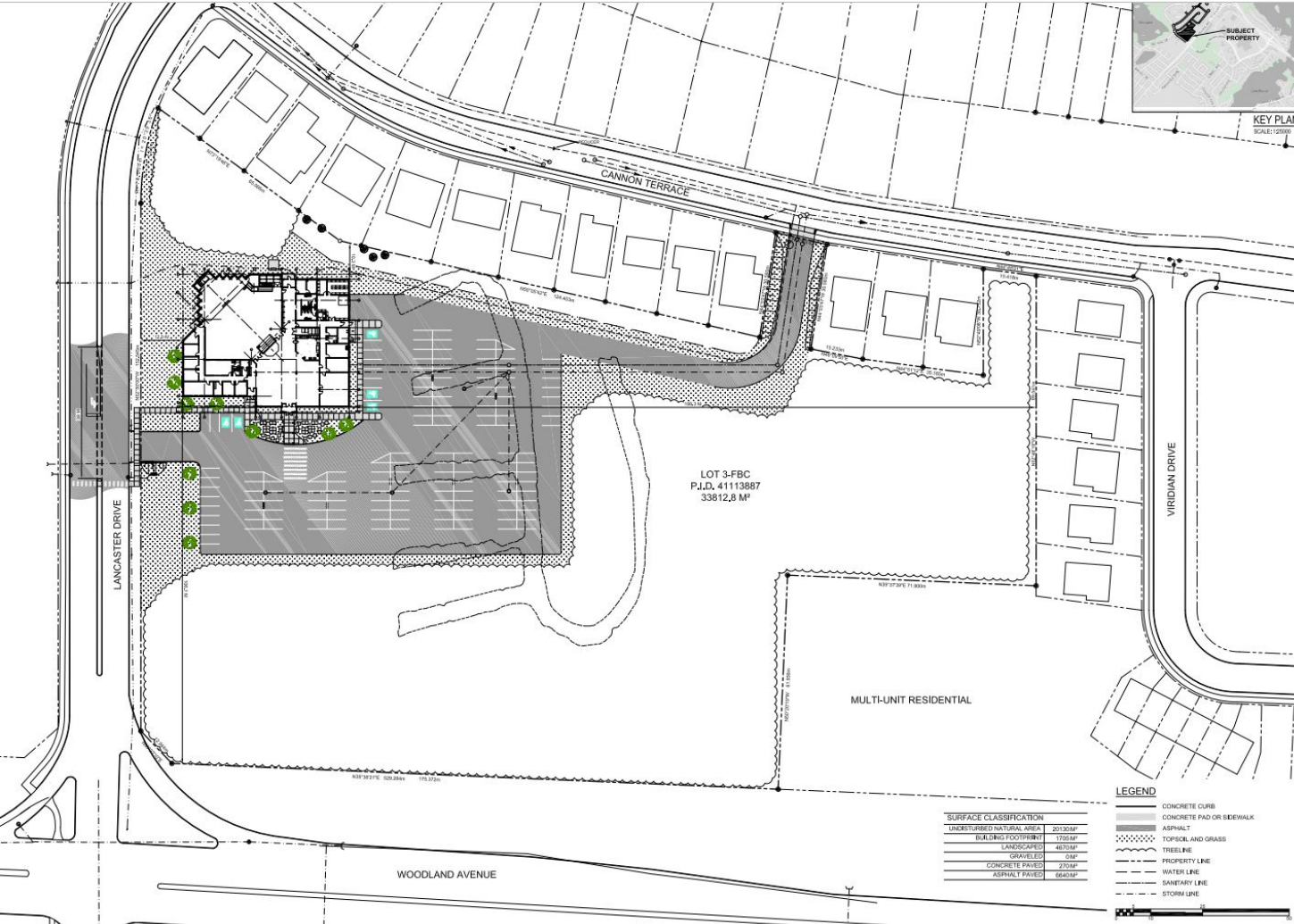
Monday, August 30, 2021

Background

- **Zone:** R-1 / HR-1 (Single Family Residential Zone / High-Order Residential 1 Zone) under the Dartmouth Land Use By-Law and Halifax Regional Centre Land Use Bylaw (Centre Plan), Package A
- **Lot:** 10 Lancaster Dr. Dartmouth, N.S.
 - Former lot used to front on both Lancaster Dr. & Woodland Ave.
 - Subdivision was applied for and approved in March 2021 (split into 2 lots)
- Application for a permit to construct a new institutional building (church)
 - Both zones permit this use
 - First 15m from front lot line (Lancaster Dr.) inward are zoned HR-1 under Centre Plan LUB
- A transition line & setback apply at the zoning boundary between the HR-1 & R-1 zone
 - This zoning boundary/ Transition Line is an **internal** line
- A portion of the church (3m) closest to Lancaster Dr. is proposed within the HR-1 zone. A setback of 6m **from the Transition Line** is prescribed in the Bylaw
- In order to facilitate this proposal, a variance has been requested.

Location Map

Site Plan



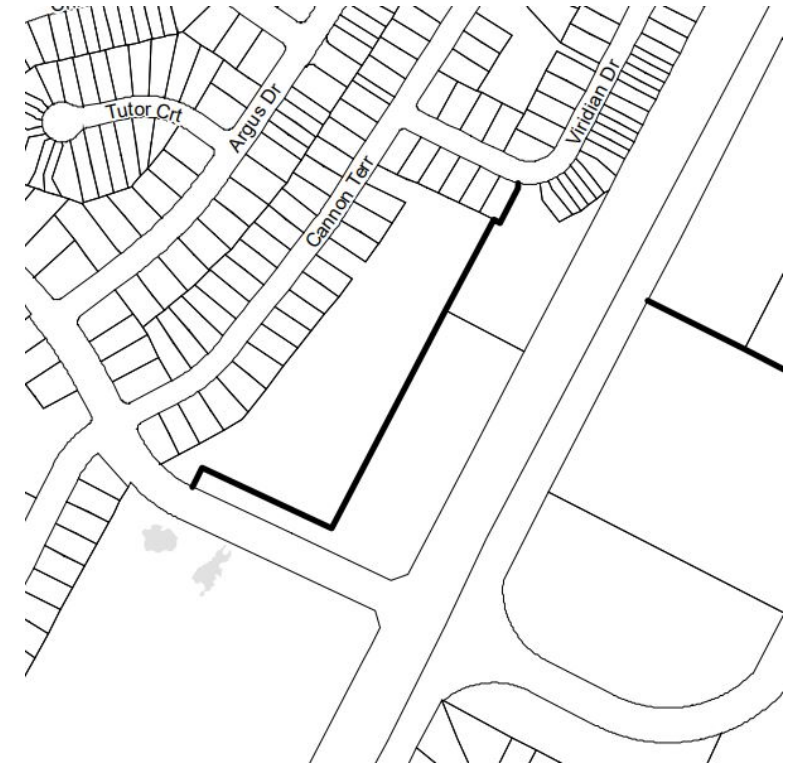
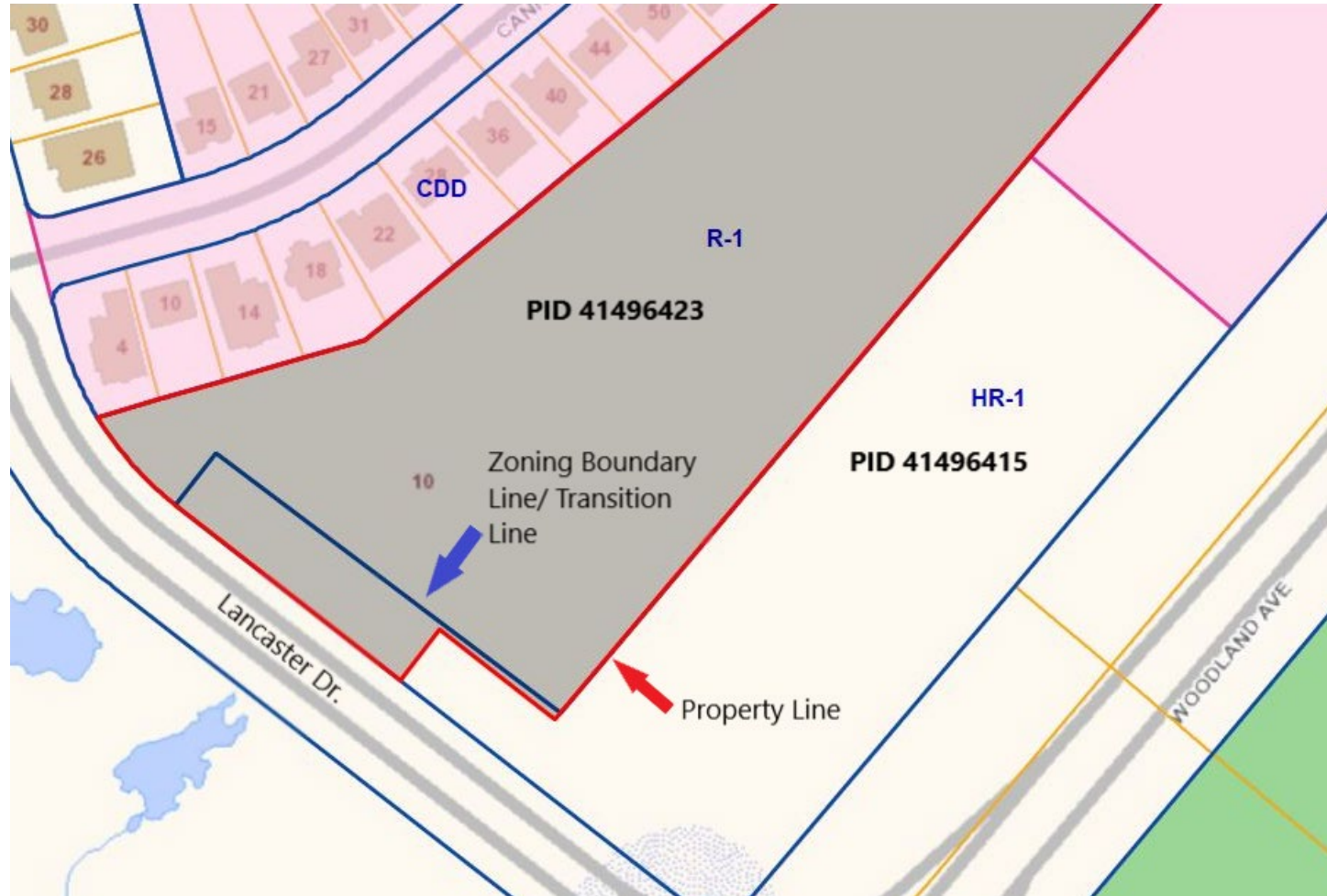
Site Map

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Transition Line

Policy 4.15

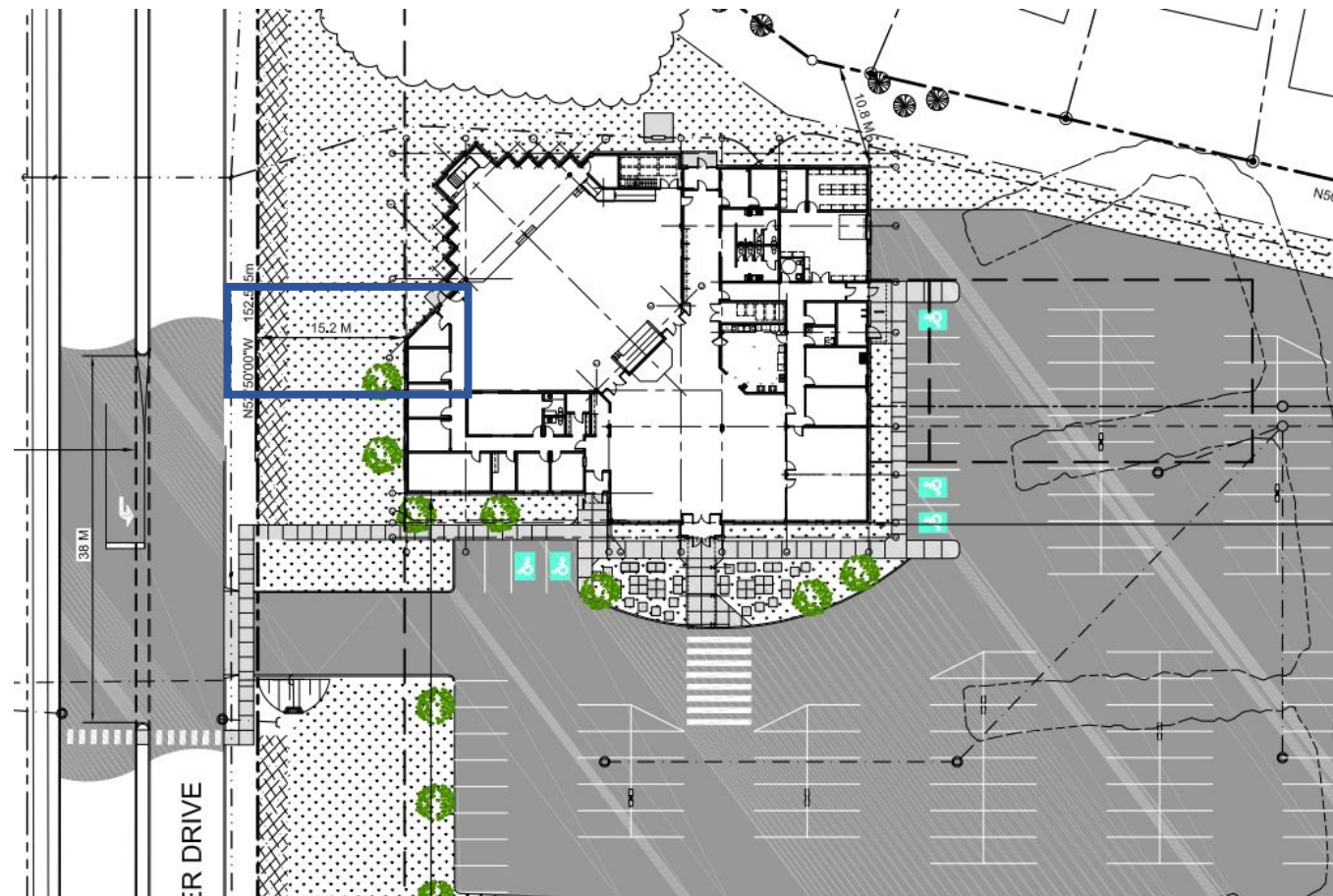
The Land Use By-law shall establish Transition Lines between mid-rise buildings, tall mid-rise buildings and high-rise buildings to adjacent residential low-rise buildings. Transition Lines shall establish regulations for transitions to lower heights, including rear yard setbacks, side and rear streetwall stepbacks, and landscaped buffers.



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Permit Background

Original Site Plan – 12m – Variance Required

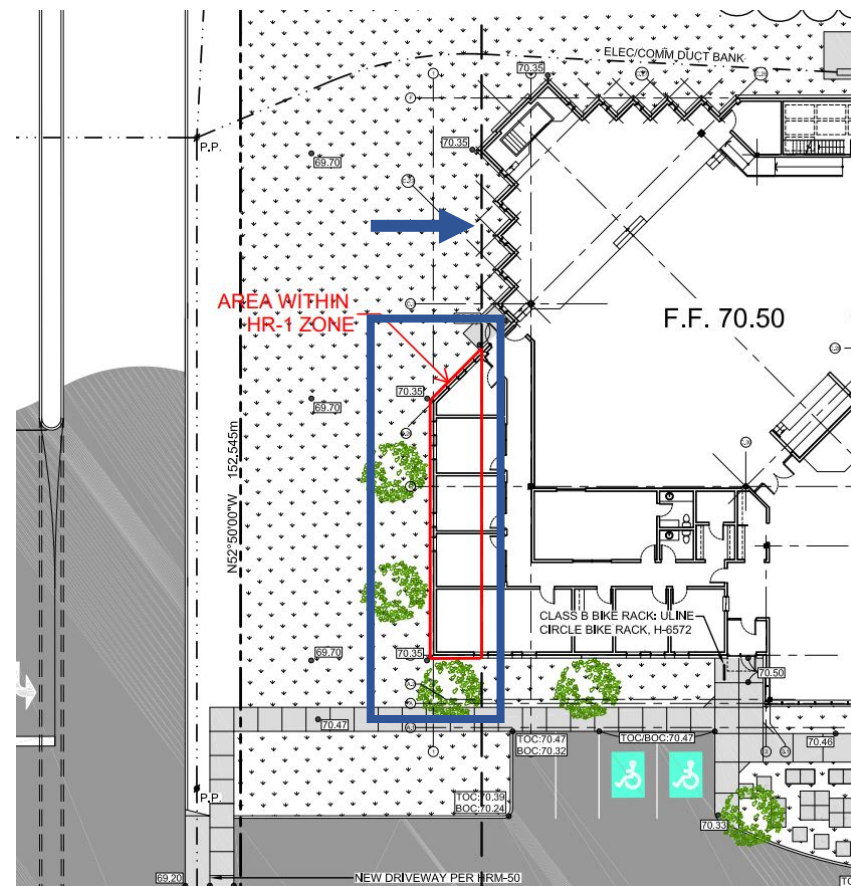


Revised Site Plan – 15.2m – No Variance Required –
Approved for construction (October 2020)

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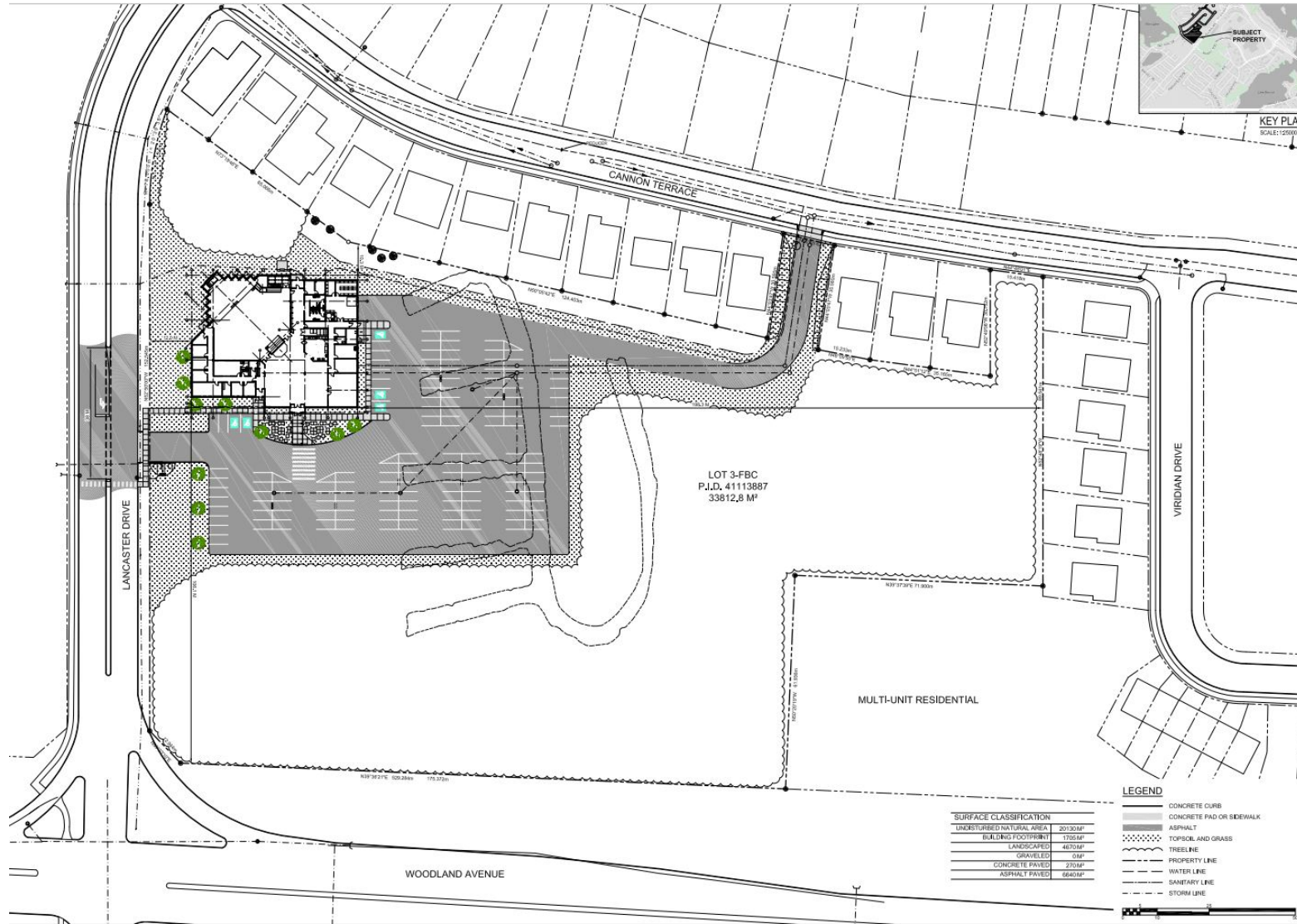
Variance Request

	Zone Requirements	Variance Requested
Minimum Setback from a Transition Line	6 metres	0 metres



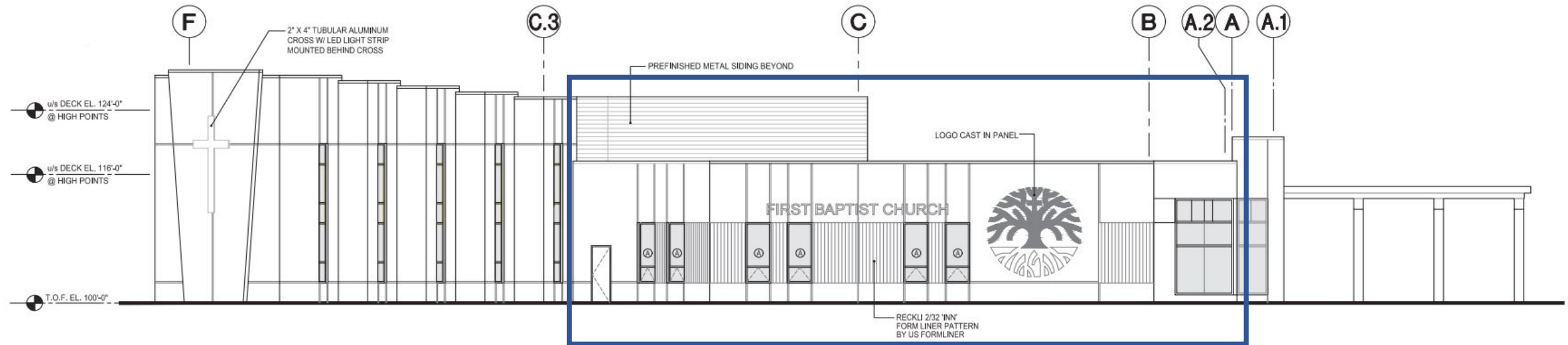
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Site Plan: Proposed Development



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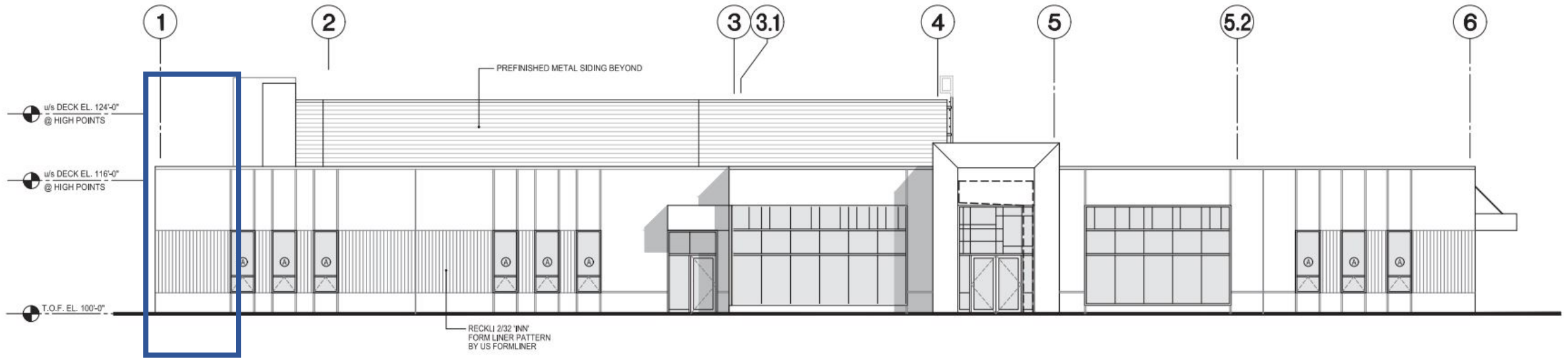
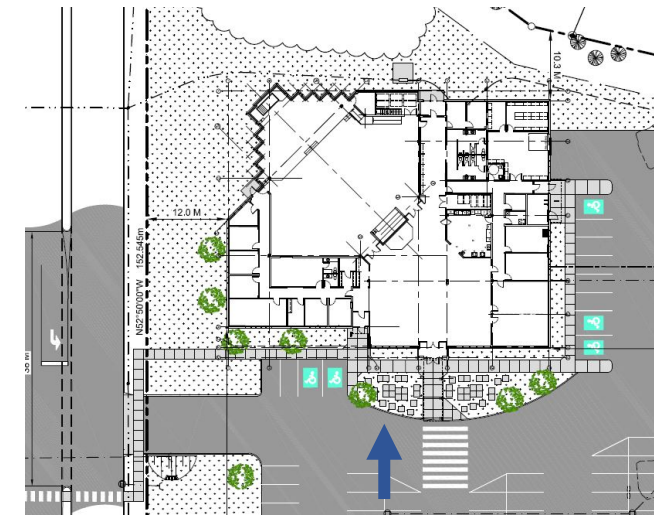
Front Elevation - West



2 WEST ELEVATION
SCALE 1/8" = 1'-0"

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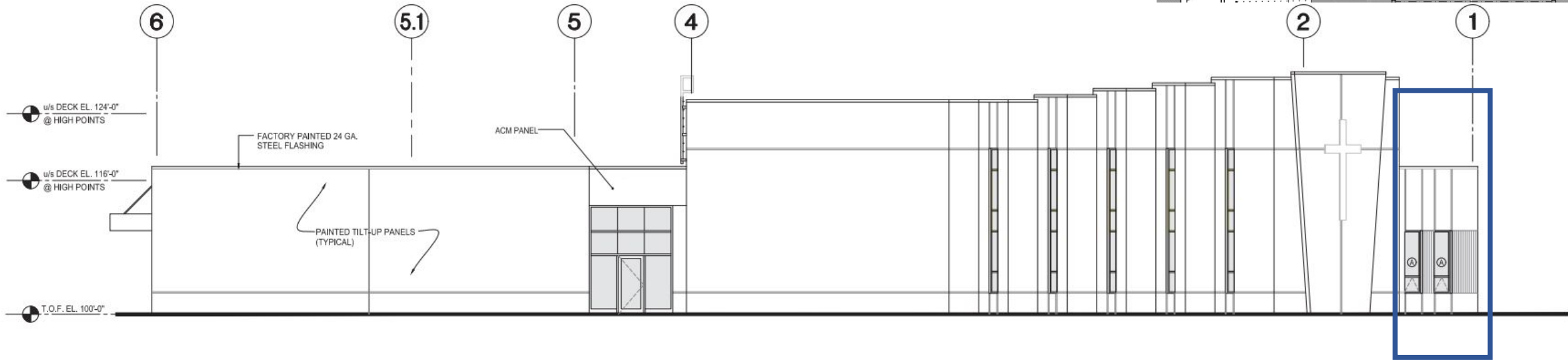
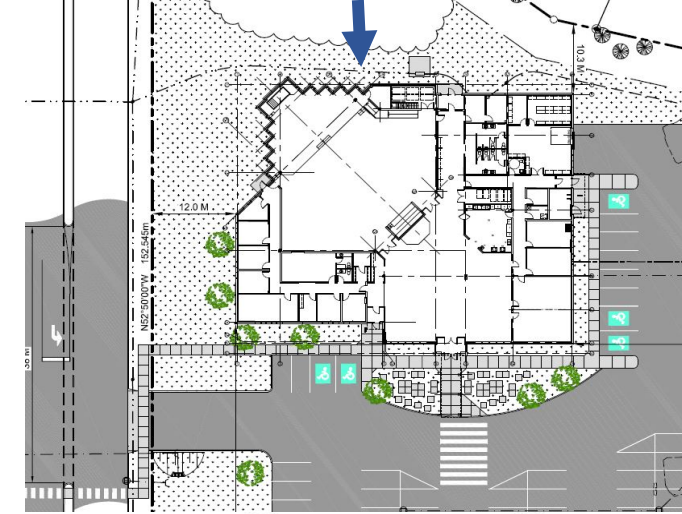
Side Elevation – Right / South



1 SOUTH ELEVATION
SCALE 1/8" = 1'-0"

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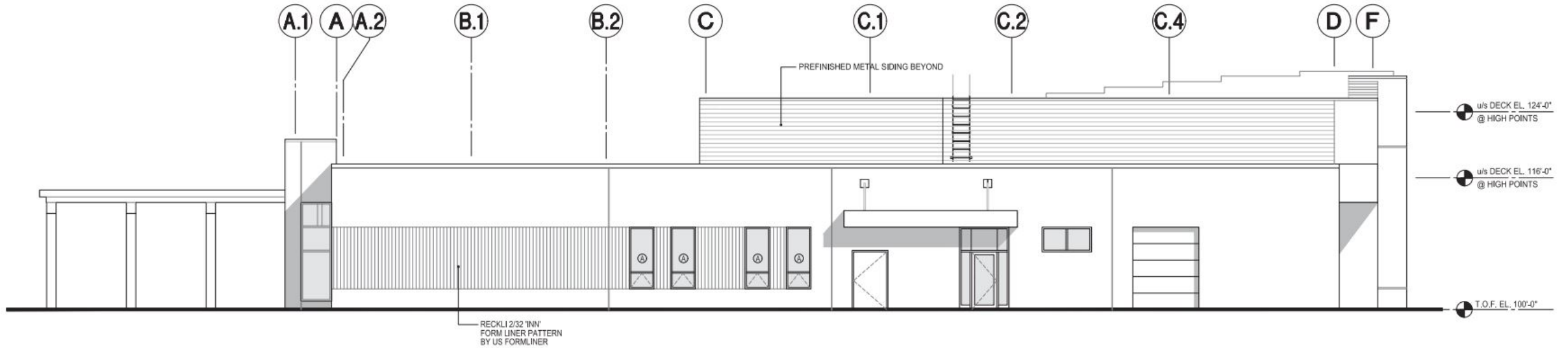
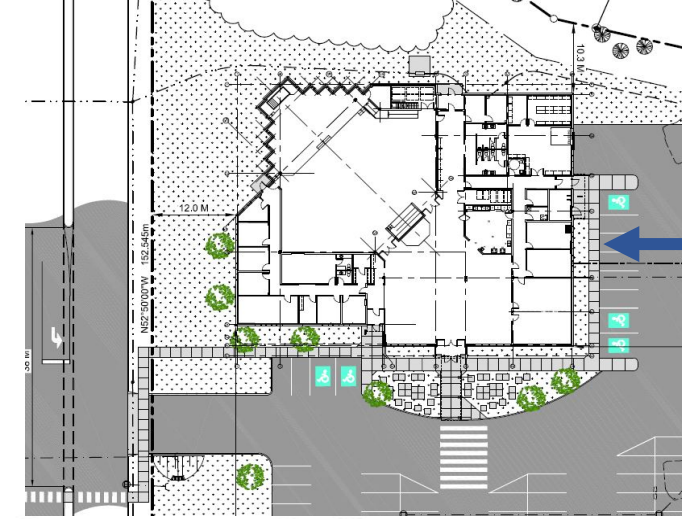
Side Elevation – Left / North



3 NORTH ELEVATION
SCALE 1/8" = 1'-0"

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Rear Elevation – East



4 EAST ELEVATION
321 SCALE 1/8" = 1'-0"

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Consideration of Proposal

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.

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Alternatives

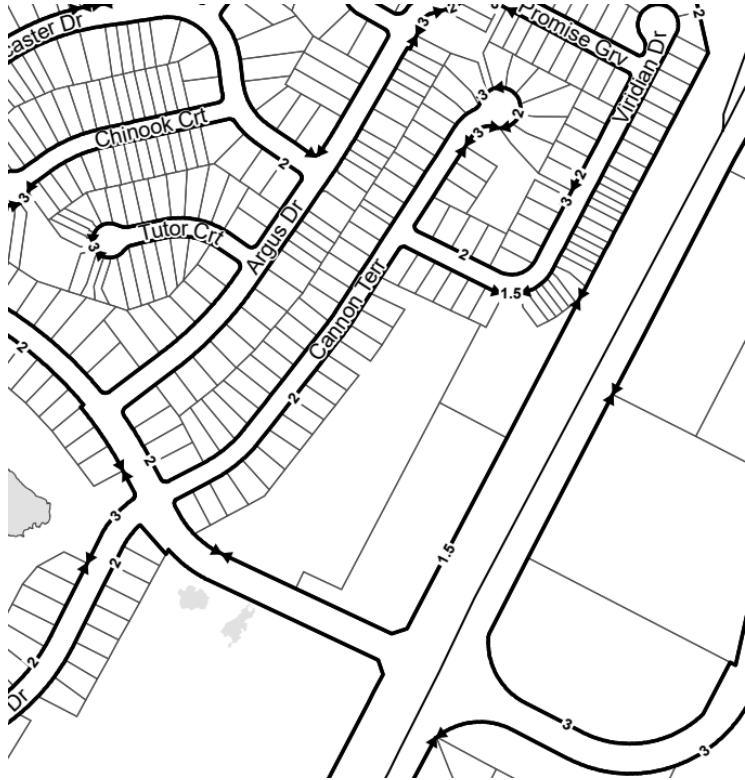
Council may overturn the decision of the Development Officer and allow the appeal.

Or

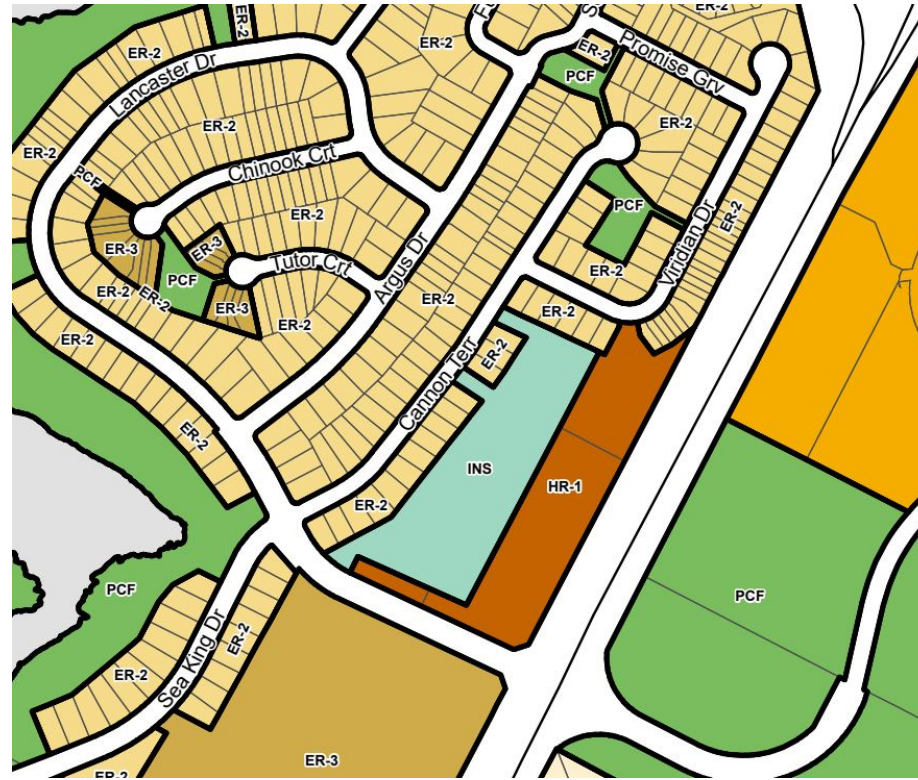
Council may uphold the Development Officer's decision and deny the appeal. **This is the recommended alternative.**

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Proposed Package B



Proposed Minimum Front Setback along Lancaster Dr. & Woodland Ave.



Proposed zoning

Side Setback Requirements:
261 (1) Subject to subsections 261(2) and 261(3) the minimum required side setback for any main building within the INS zone shall be:

- (a) Where a lot line abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, 6.0 metres from the side lot lines abutting such zone; or
- (b) 2.5 metres elsewhere