

HALIFAX

**Case 24071
Variance Hearing
6085 Coburg Road, Halifax**

Regional Centre Community Council

June 22nd, 2022

Site Location



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Air Photo of 6085 Coburg Road



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Site Photo – Street View



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Site Photo – Street View



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Site Photo – Street View



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Site Photo – Street View



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Proposal

- The property owners are proposing an addition of a third storey to an existing mixed-use building along with a three-storey rear addition to the building. The addition will be used to add three residential units.
- In order to facilitate this proposal, a variance has been requested to reduce the existing non-conforming side setback of 0.38m to 0.3m and the required 3m rear yard setback to 0m.

Background

- Application for the scope of work originally came in as through a Site Plan Approval.
- Adoption of Centre Plan Package B allowed the proposal to move forward “as-of-right” and removed this application from the Site Plan Approval process.
- Proposal results in three additional residential units, covered car parking spaces and internal waste storage.
- The variance is requested in order to allow for the reduction of the rear and side yard that will be a result of this addition.

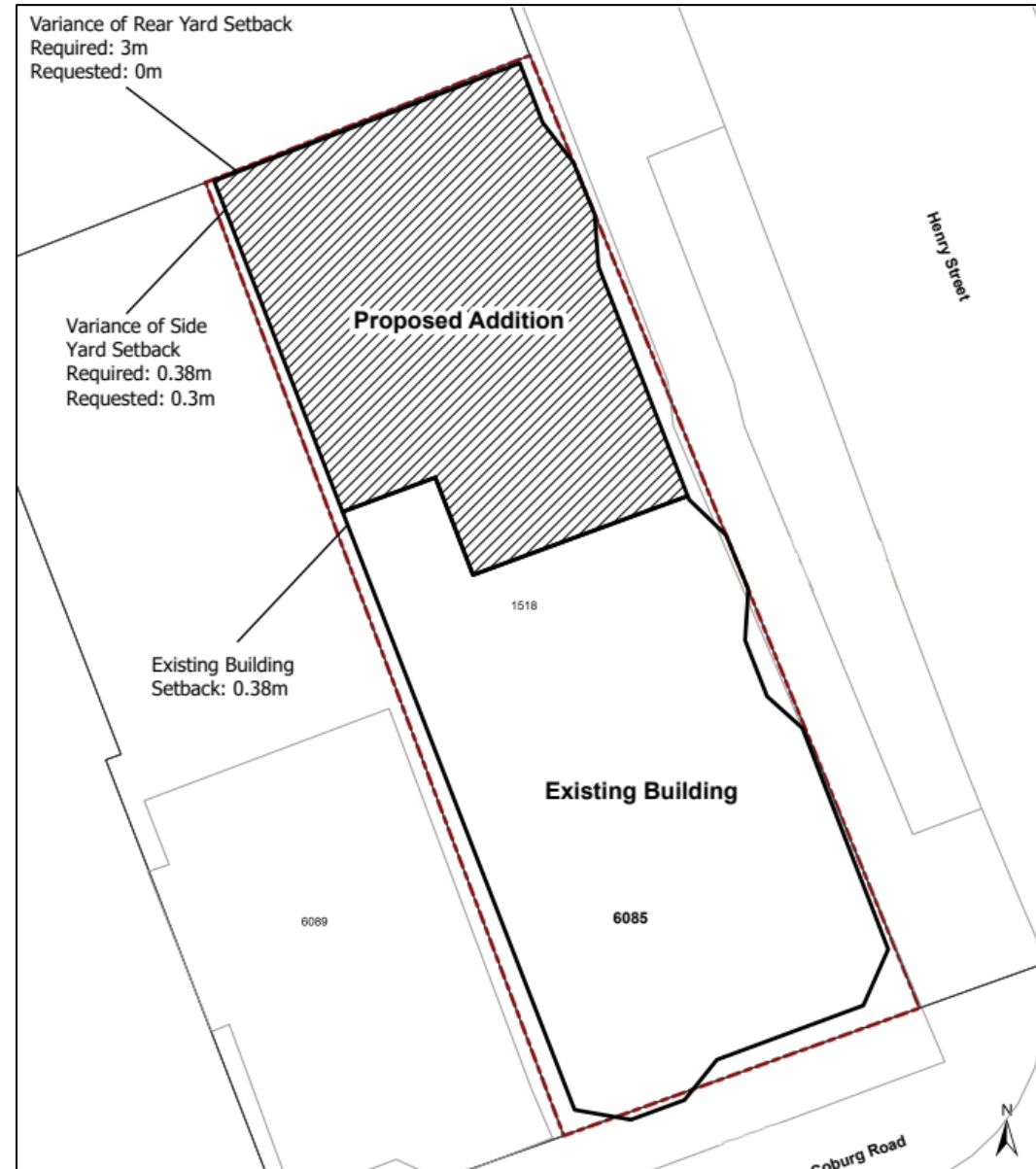
Variance Request

LUB Regulations	Zone Requirement	Variance Requested
Minimum Side Setback	2.5m existing non-conforming setback 0.38m	Reduce non-conforming setback to 0.3m
Minimum Rear Setback	3m	Reduce setback to 0m

- This variance request was approved by Stephanie Norman, Development Officer. The decision was subsequently appealed by a property owner residing within 100m of the site.

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Site Plan



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Proposed Rendering



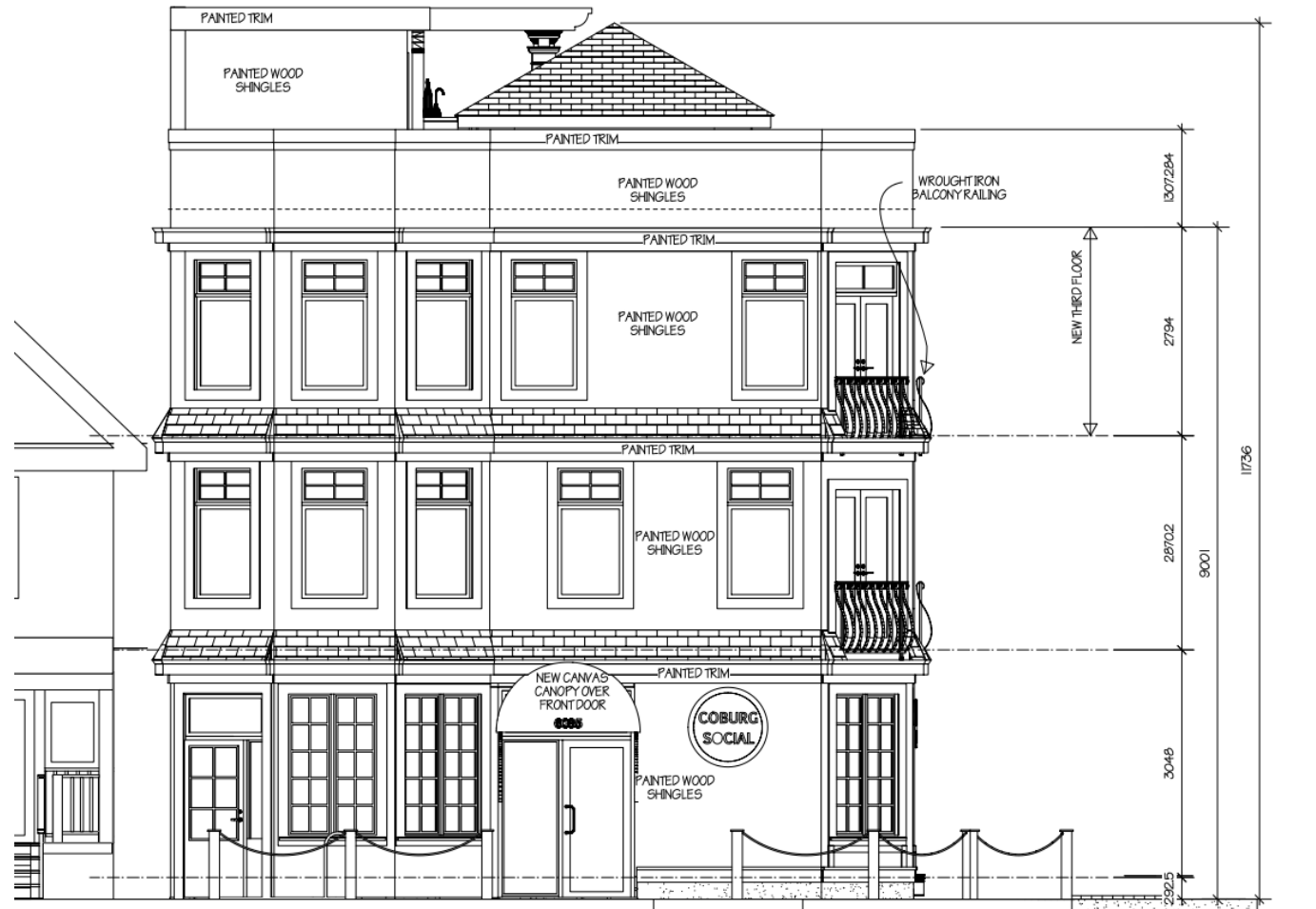
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Proposed Rendering



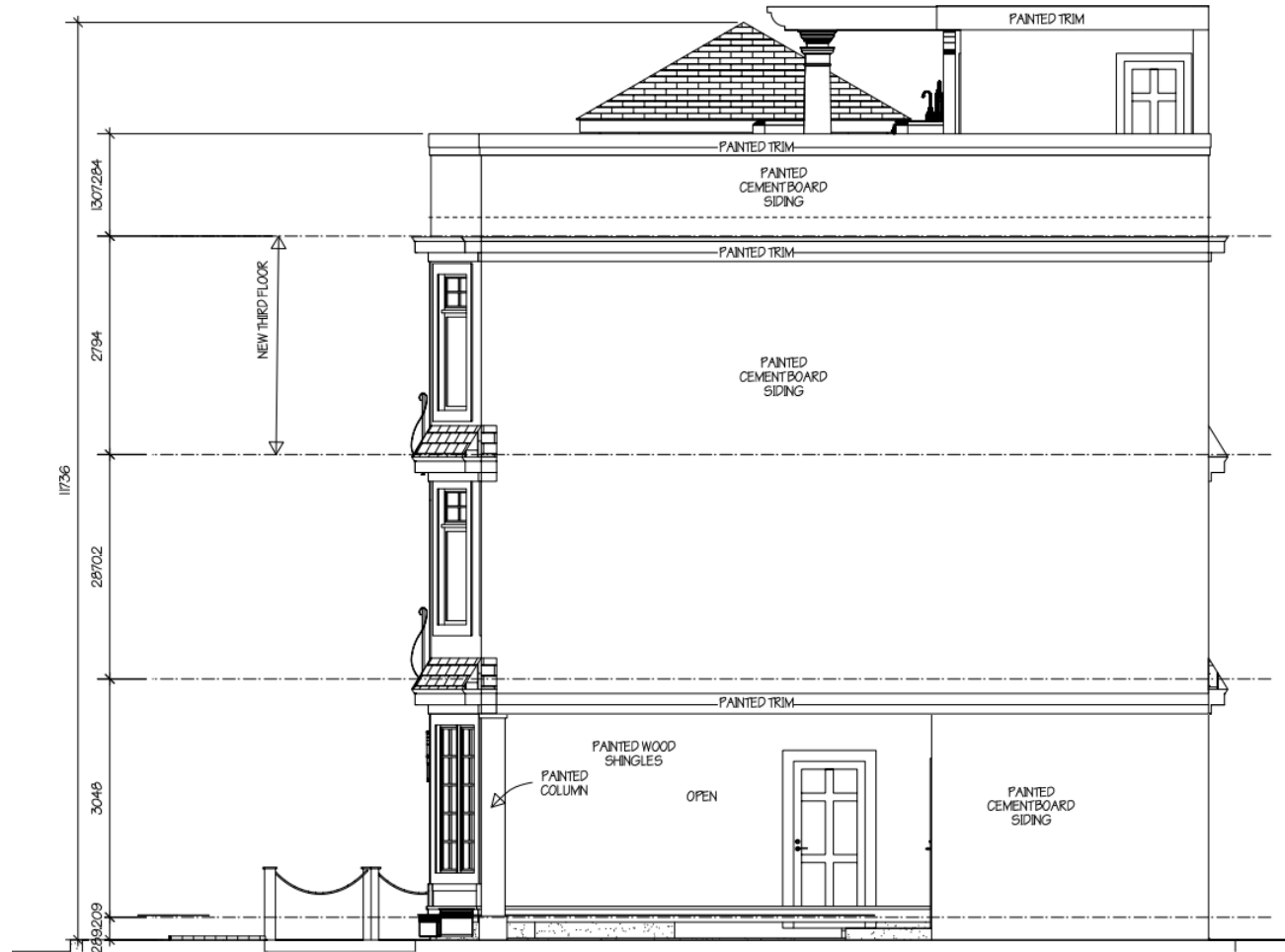
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Front Elevation for Proposed Addition



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Rear Elevation for Proposed Addition

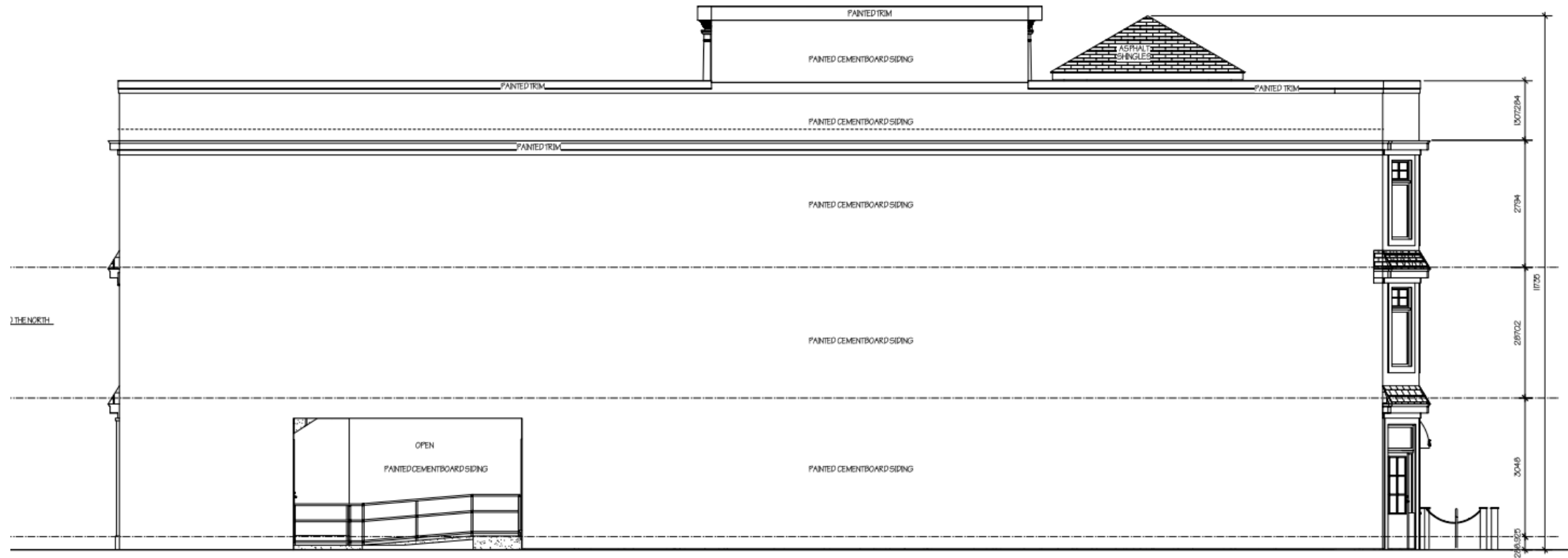


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Side Elevation for Proposed Addition



Side Elevation for Proposed Addition



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.

Does the proposal violate the intent of the land use by-law?

- While the proposal does not meet the side and rear setback requirements, it does meet the intent of the by-law.
- Regarding the rear yard, the intent of the 3m setback is to provide a buffer from abutting properties. The portion of the lot abutting the rear yard is being used as a driveway access and small parking lot for a 67-unit building.
- It was felt that the driveway access and parking lot serve as an existing buffer.

Is the difficulty experienced general to properties in the area?

- The difficulty experienced is not general to properties in the area.
- Having a rear yard which abuts a driveway access is not experienced generally to properties in the area.
- The next property over from the driveway on Henry Street is 25 metres away from the rear lot line of the subject property.

Is the difficulty experienced the result of an intentional disregard for the requirements of the LUB?

- Staff are satisfied that there is no intentional disregard as the applicant applied for a site plan approval and variance prior to conducting any construction on the property.

Alternatives

- The alternatives before Community Council are:
 - a) If Regional Centre Community Council **does not allow the appeal** of the Development Officer's decision, **the decision will be upheld** and the Variance will be approved.
 - b) If Regional Centre Community Council **allows the appeal** of the Development Officer's decision, **the decision will be overturned** and the Variance will be denied.
- a) is the recommended alternative.