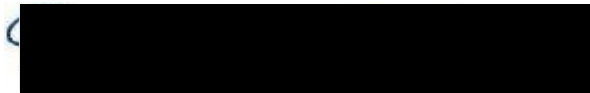




P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 10.1.1
Regional Centre Community Council
March 22, 2023

TO: Chair and Members of Regional Centre Community Council



SUBMITTED BY:

Erin MacIntyre, Director, Development Services

DATE: March 7, 2023

SUBJECT: Case 24492: Appeal of Variance Refusal – 1059 Wellington Street, Halifax

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; or
 - (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 Regional Centre Community Council deny the appeal.

BACKGROUND

A variance request has been submitted for 1059 Wellington Street in Halifax (Map 2 and Attachment A) to reduce the required rear yard setback from 3.0 metres to 1.0 metre. This variance request is required in order to accommodate a proposed rear addition to a two-unit building to create a multi-unit dwelling containing 10 units with covered parking for four vehicles.

The applicant's initial variance request was to reduce the rear yard setback from 3.0 metres to 0.0 metres. That request was refused by the Development Officer. During the appeal period, the applicant requested consideration of a revised request to reduce the required setback from 3.0 metres to 1.0 metre. The Development Officer considered the revised request and informed the applicant that the decision was unchanged and the variance from 3.0 metres to 1.0 metre was refused. The applicant submitted an appeal of the Development Officer's refusal.

The proposal meets all other land use by-law requirements.

Site Details:

Zoning

The property is zoned HR-1 (Higher-Order Residential 1) of the Regional Centre Land Use By-Law (LUB). The relevant requirements of the LUB and the related variance request is as identified below:

	HR-1 Zone Requirement	Variance Requested
Minimum Rear Setback	3.0 metres	1.0 metre

For the reasons detailed in the Discussion section of this report, the Development Officer refused the requested original variance and revised variance (Attachments B and C). The applicant has subsequently appealed the refusal (Attachment D). Property owners within the notification area (Map 1) have been notified of the appeal of the refusal and the matter is now before Regional Centre 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 request.

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 *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; or*
- (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?

Building setbacks help to ensure that structures maintain adequate separation from adjacent structures, streets, and property lines for access, safety, privacy, and consistency of neighbourhood aesthetics.

This setback was established to ensure appropriate siting and to address the increased opportunity for density, massing, and height with the adoption of the Regional Centre LUB. In some instances, there is not a maximum floor area ratio (FAR) or maximum lot coverage. The provision of a buffer creates a separation between buildings, which provides for green space and a natural separation from abutting properties. The request was felt to be substantial and would not adequately provide for the space and separation. For these reasons, the Development Officer determined that the request was not consistent with the intent of the land use by-law.

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 must be refused.

The subject property is approximately 392.4 square metres in area, with a lot depth of 39.2 metres. Properties in the surrounding area have varying rear and front setbacks; however, lot depth is generally consistent amongst lots with frontage on Wellington Street. As many properties in the area have similar lot depths, other properties in the area will face similar challenges meeting the rear setback requirements if seeking to construct comparable rear additions.

There are no lot constraints specific to this property that have been considered in this request. Difficulties arising from building construction, such as the requirement to redesign or resize a structure to comply with land use by-law requirements, are general difficulties that are not a consideration in this request.

In this case, the application of the by-law does not create a specific difficulty or hardship due to constraints on the lot. It is the Development Officer’s opinion that the difficulty experienced is general to properties in 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.

The applicant has applied for a construction permit, and upon learning the setback requirements have changed from Regional Centre LUB Package A to Package B, has submitted a variance application. 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 letter of appeal (Attachment D) 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
We are requesting a variance which is equal to the setback of the building under construction at 1053 Wellington Street.	The permit for the adjacent property was issued prior to amendments applying the 3 metre rear setback.
The proposed building design was developed in accordance with the provisions and requirements of Package A of The Regional Centre Land Use By-law for a rear addition resulting in a low-rise 8-unit addition in a HR-1 zone. Then, after the building was designed, changes to the requirements. These changes occurred without common public knowledge, and we didn't readily find any references on HRM Centre Plan website that these changes were occurring. We referenced Regional Centre Land Use By-Law Package-A, section 95 (1), which states no rear setback is required.	<p>In accordance with the HRM Charter, all applications received after Council's notice of intention to consider the proposed Package B By-law must comply with the proposed regulations. Council's notice was posted on October 8, 2021, and the application for the additional at 1059 Wellington was received on February 28, 2022. The building was therefor subject to the increased rear setback.</p> <p>Changes to LUB provisions in Package B included modification, removal, or clarification of certain requirements, including the removal of the section exempting low-rise or mid-rise buildings from side or rear yard setbacks or stepbacks in the HR-1 zone (referenced in Package A as Section 94(1)).</p> <p>The proposed draft Regional Centre Land Use By-law (Package B) was available to the public through the Shape your City Centre Plan Website. Information and summary documents were available online along with the proposed draft LUB.</p>
This application is a mirror of our next-door property at 1053 Wellington Street that was approved in November 2021 with no rear setback. The plan was to develop 1053 Wellington Street, then do the same development at 1059 Wellington Street where both properties share the driveway via an existing easement.	A permit was issued for an addition to the neighbouring property, 1053 Wellington Street, under the requirements of Package A. However, since the permit issuance on that adjacent property, the LUB requirements have been refined with the adoption of Package B. The application for 1053 Wellington St was submitted prior to the advertisement of the proposed Regional Centre LUB (Package B) published on October 8, 2021. Complete applications that were received prior to October 8, 2021, were reviewed under the regulations in effect at the time of application, those received afterwards must comply with the more stringent requirements until the new regulations become effective.
Originally the setback for 1053 Wellington Street was only 3" (.075m) but the rear setback landed roughly 1m from the	For reasons outlined in the Discussion section of this report, the regulation changed with the adoption of Package B, applying a new rear setback of 3 metres.

<p>boundary, which allows for a service maintenance lane. Also, the other adjacent building civic address 1061 Wellington Street, has the same lot depth with same building coverage and 1.5m rear setback.</p>	<p>The Development Officer has determined that the request for relaxation to 1 metre could not be approved, as it did not align with the intent of the LUB, as it did not sufficiently provide for separation between adjacent buildings.</p>
<p>By extending the building to a 1m setback from the property line, there will be no impact to the neighbours as it will be similar to their rear setbacks.</p>	<p>The abutting properties have been notified of the variance request and have the opportunity to speak at Council's hearing.</p> <p>The intent is that the regulations affect the siting and form from that point on, so that the required separation and space is realized within the zone over time.</p>
<p>The rear property abuts with HR-1 zone (note that other owners behind our plot could have underground parking podium walls can go to the property line).</p>	<p>Section 199(2) of the LUB allows for no minimum rear setback for underground parking structures that do not protrude more than 0.6 metres above the average finished grade in any rear yard.</p>
<p>Unfortunately, there was a six-month delay with HRM processing our 1053 Wellington Street application which put us at a disadvantage because in turn we were delayed applying for our application for 1059 Wellington Street.</p>	<p>1053 Wellington Street received a building permit after significant back and forth between the applicant, the Planner and the Building Official. The adoption of the Regional Centre LUB contained significant changes from the previous LUB, including additional and/or enhanced requirements. During the spring and summer of 2021, which coincided with this transition to the new regulations, the queue for initial review for permits ranged from 6 to 8 weeks.</p>
<p>The 3m rear setback will cause issues with regards to accessible parking, walkways and doors. The plans we had originally designed included 36" doors and ramps able to accommodate a wheelchair which would need to be resized due to a shorter building, requiring changing the slope of the access ramp making it such that the suites and washrooms are no longer fully accessible. We are already limited with a slightly shorter lot size, as well as an existing building which is farther setback from the street than 1053 Wellington Street is, which compounds this building's size problem.</p>	<p>Walkways and access ramps are permitted within any required setback per Section 94(1)(a).</p> <p>Barrier-free suites are not regulated under the Land Use By-law. Barrier-free suites must comply with the Nova Scotia Building Code's requirements for barrier-free residential suites.</p> <p>Staff acknowledge the existing front setback of approximately 19 feet 4 inches.</p>
<p>We are planning on having three concrete walls abutted against the existing wooden structure, it becomes more important to have a longer building to optimize the distribution of stresses, to make it shorter would require a complete re-engineer of the slab to deal with different transverse loads, further impacting available living space once we consider the impact of five sets of stairs.</p> <p>It really doesn't make sense, that we could build exterior staircase to the property line but not have our building 1m from the property</p>	<p>Exterior staircases, access ramps, walkways, uncovered steps, lifting devices, and patios less than 0.6 metres in height are permitted to encroach into a required rear yard setback per Section 94(1)(a) of the LUB.</p> <p>The intention of a setback is to keep the space open and unobstructed. The permitted encroachment section allows for uncovered, unenclosed building features or architectural elements to be located in these required setbacks or separation distances.</p>

line to have a protected enclosed, safer staircase layout.	
Having the two covered parking areas coincide with each other would allow tenants of both buildings to have a turning radius or 3-point turn area. If we are restricted to a 3m rear setback it will not allow for the intended design function of the now existing 1053 building's parking.	Table 15 of the LUB identifies the number of motor vehicle parking spaces required per lot, by zone and use. Within the HR-1 zone, no parking is required for the first 12 units. A minimum of 1 space is required for every additional three units beyond the first 12 units. The proposed additional will result in a total of 10 dwelling units, for which no parking is required.
There is presently an issue of parking shortage on Wellington Street and will only get worse with the future larger developments... while we are strong proponents of public transit, we don't feel removing the parking completely would be feasible with a total of 10-unit building. Street parking is always insufficient, particularly in the winter or when moving, unloading, accommodating building services for the 165-units across the street with multiple garbage trucks daily and tenants moving in/out.	

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 request. The HRM cost associated with processing this application can be accommodated with the approved 2022/2023 operating budget for Planning and Development

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 contact 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.

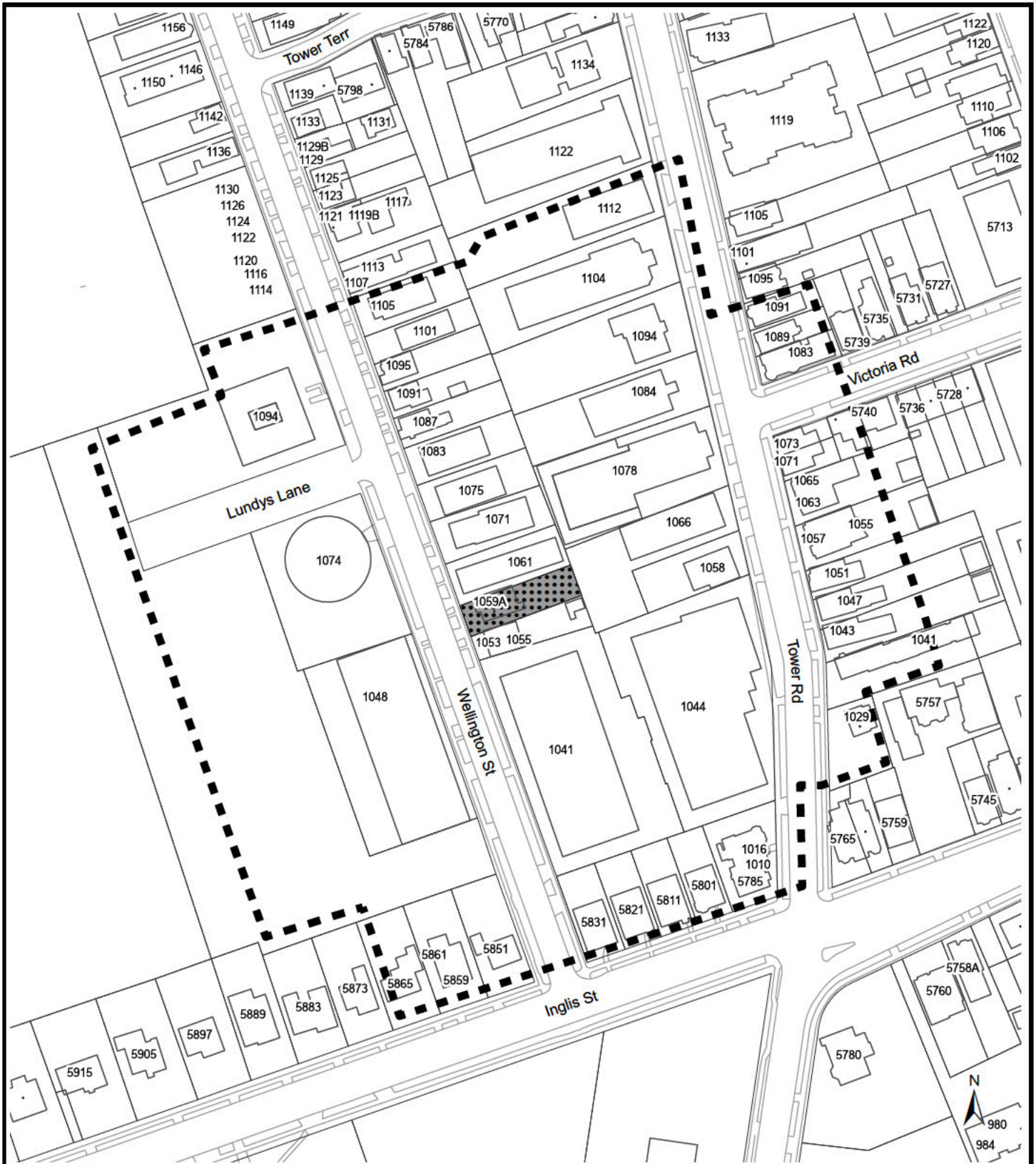
ATTACHMENTS

Map 1: Notification Area
Map 2: Site Plan

Attachment A: Building Elevation Plans
Attachment B: Initial Request Variance Refusal Letter
Attachment C: Revised Request Variance Refusal Letter
Attachment D: Letter of Appeal from Applicant
Attachment E: Applicant Appeal Submission

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: Faith Ford, Planner II, 782.640.8687
Stephanie A. Norman, Principal Planner/Development Officer, 782.640.0702



Map 1 - Notification Area

1059 Wellington St,
Halifax

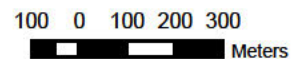


Subject Property

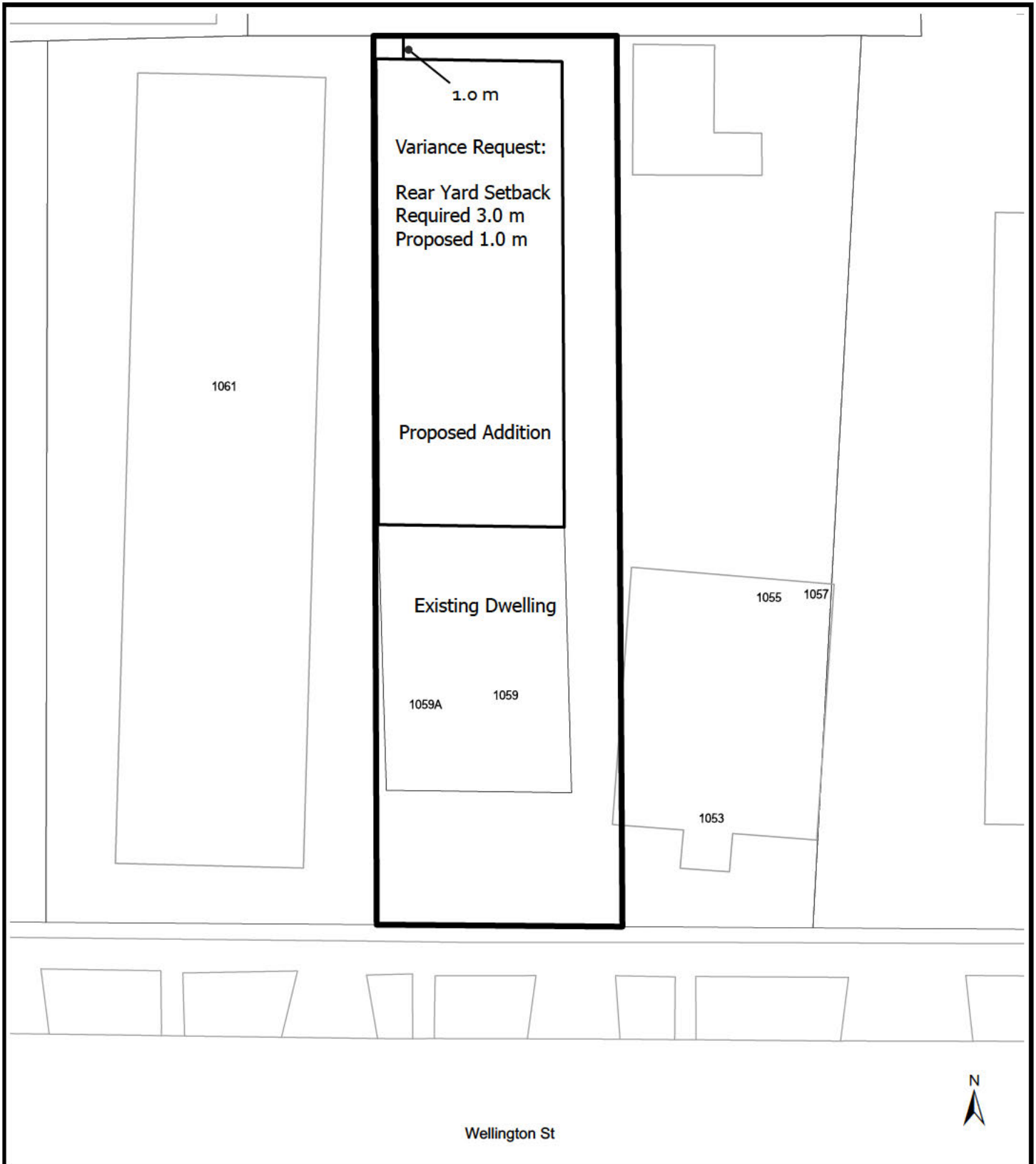


Notification Area

HALIFAX



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



Map 2 - Site Plan

1059 Wellington St,
Halifax

HALIFAX

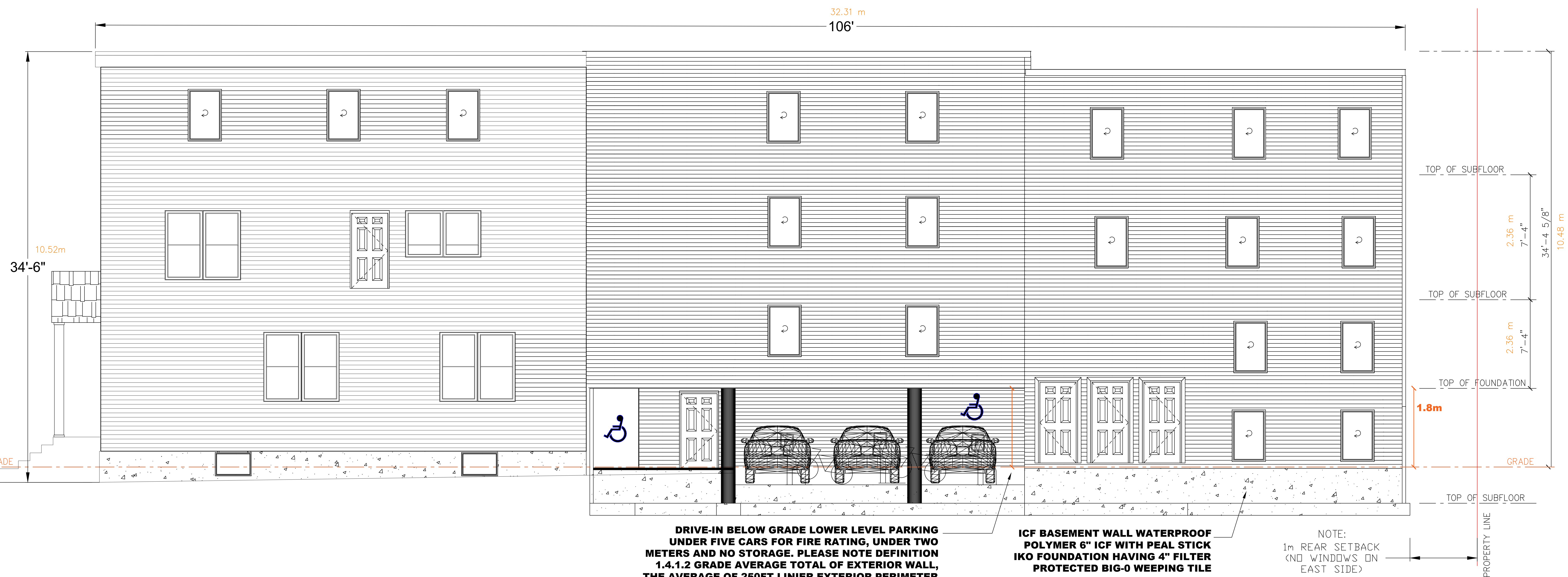


Subject Property



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

Attachment A: Building Elevation Plan



DRIVE-IN BELOW GRADE LOWER LEVEL PARKING UNDER FIVE CARS FOR FIRE RATING, UNDER TWO METERS AND NO STORAGE. PLEASE NOTE DEFINITION 1.4.1.2 GRADE AVERAGE TOTAL OF EXTERIOR WALL, THE AVERAGE OF 250FT LINIER EXTERIOR PERIMETER FOR FIRST LEVEL GRADE IS 1.5m LEAVING US WELL BELOW THE 2m LIMIT PER STEP GRADING SUBSECTION.

ICF BASEMENT WALL WATERPROOF POLYMER 6" ICF WITH PEAL STICK IKO FOUNDATION HAVING 4" FILTER PROTECTED BIG-O WEEPING TILE

NOTE:
1m REAR SETBACK
(NO WINDOWS ON EAST SIDE)

EXISTING BUILDING SECTION

PROPOSED BUILDING SECTION

VARIANCE # 24492

PID # 00054684

YHZ MECHANICAL DESIGNS & ENGINEERING, LLC
 ARMDALE PROFESSIONAL CENTRE
 PO BOX 531 STATION CENTRAL
 HALIFAX NS, B3J 2R7
 TEL: (902) 483-0483

CUSTOMER:
 1059 WELLINGTON ST.
 HALIFAX NS, B3H 3A1
 PID # 00054684

TITLE:
RIGHT VIEW (NORTH ELEVATION)

DATE:
01/11/2022

SCALE:	REVIEWED BY:	DRAWN BY:	CHECKED BY:
		MB	JB
PROJECT NO:	DRAWING NO:	REVISION:	
# PP-034	029-626-04		

Attachment B: Initial Request Variance Refusal Letter

October 17, 2022

Carol Harrietha
1059 Wellington Street
Halifax, NS B3H 3A1

Dear Applicant,

RE: VARIANCE APPLICATION #24492, 1059 WELLINGTON STREET, PID # 00054684

This will advise that I have refused your request for a variance from the requirements of the Regional Centre Land Use By-law as follows:

Location: 1059 Wellington Street
Project Proposal: Reduce rear setback from 3.0 m to 0 m to accommodate an addition to a two-unit dwelling to create a multi-unit dwelling containing 10 units.

LUB Regulation	Requirement	Proposed
Minimum Rear Setback	3.0 metres	0 metres

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 by-law;
- (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 by-law.

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 by-law.

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 **October 27th, 2022**.

If filing an appeal, be advised that your submission and appeal documents will form part of the public record and will be posted on-line at www.halifax.ca. If you feel that information you consider to be personal is necessary for your appeal, please attach that as a separate document, clearly marked "PERSONAL". It will be provided to the committee and/or council members and staff, and will form part of the public record, but it will not be posted on-line. You will be contacted if there are any concerns.

If you have any questions or require clarification of any of the above, please contact Faith Ford, Planner I via email at Faith.Ford@halifax.ca or phone at (782) 640-8687.

Sincerely,

Original signed

Stephanie A. Norman, Principal Planner / Development Officer
Halifax Regional Municipality

cc. Office of the Municipal Clerk- clerks@halifax.ca
Councillor Wayne Mason

October 31, 2022

Carol Harrietha
1059 Wellington Street
Halifax, NS B3H 3A1

Sent via email: ch@yhz.ae

Dear Applicant,

RE: VARIANCE APPLICATION #24492, 1059 WELLINGTON STREET, PID # 00054684

This letter is to acknowledge that on October 25th, 2022, we received a revised variance request to reduce the rear setback from 3.0 m to 1.0 m. An initial refusal letter was mailed to you on October 17th, 2022, refusing a request to reduce the required rear setback from 3.0 m to 0 m.

This letter reflects the revised variance request and is to inform you that I refused your revised request on October 26th, 2022, for a variance from the requirements of the Regional Centre Land Use By-law as follows:

Location: 1059 Wellington Street
Project Proposal: Revised request to reduce rear setback from 3.0 m to 1.0 m to accommodate an addition to a two-unit dwelling to create a multi-unit dwelling containing 10 units.

LUB Regulation	Requirement	Proposed
Minimum Rear Setback	3.0 metres	1.0 metres

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 by-law;
- (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 by-law.

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 by-law.

As stated in the letter dated October 17th, 2022, 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 **October 27th, 2022**.

If filing an appeal, be advised that your submission and appeal documents will form part of the public record and will be posted on-line at www.halifax.ca. If you feel that information you consider to be personal is necessary for your appeal, please attach that as a separate document, clearly marked "PERSONAL". It will be provided to the committee and/or council members and staff, and will form part of the public record, but it will not be posted on-line. You will be contacted if there are any concerns.

If you have any questions or require clarification of any of the above, please contact Faith Ford, Planner II via email at Faith.Ford@halifax.ca or phone at (782) 640-8687.

Sincerely,

Original signed

Stephanie A. Norman, Principal Planner / Development Officer
Halifax Regional Municipality

cc. Office of the Municipal Clerk- clerks@halifax.ca
Councillor Wayne Mason



Armdale Professional Center
PO Box 531 Station Central
Halifax NS, B3J 2R7, Canada
Tel: (902) 483-0483

Personal letter

Thursday, October 27th 2022

To: Municipal Clerk
Halifax Regional Municipality
Development Services - Western Region
PO Box 1749
Halifax NS, B3J 3A5

Via Email: clerks@halifax.ca

Re: Appeal of Variance Application # 24492, 1059 Wellington Street (PID # 00054684)

Project Proposal: Reduce rear setback from 3.0 M to 1.0 M to accommodate an 8-unit addition to an existing 2-unit dwelling for a total of 10 living units with an assisted care & wheel chair unit.

We are writing to inform you that we are appealing Halifax Regional Municipality decision not granting our variance application #24492. We are requesting you to accept our variance application to reduce our rear setback from 3m to 1m, which is equal to the exact building we are finishing now at 1053 Wellington Street.

We would like to provide you a background history on our project at 1053 and 1059 Wellington Street in Halifax. During the building permit application process, we followed the approved Plan-A allowances for a low-rise 8-unit addition in a HR-1 zone onto the rear of the existing 2-unit house. Then changes occurred to Plan-A when Plan-B was ratified after we had our building designed to meet the Plan-A allowances. These changes occurred without common public knowledge and we didn't readily find any references on HRM Centre Plan website that these changes were occurring. We referenced Regional Centre Land Use By-Law Package-A, section 95 (1) states no rear setback is required.

This application is a mirror of our next-door property at 1053 Wellington Street that has already been approved having no rear setback requirement just in November 2021. It was planned to develop 1053 Wellington Street then do the same development at 1059 Wellington Street where both properties share the driveway via an existing easement. Originally the setback for 1053 Wellington Street was only 3" (.075m) but the rear setback landed roughly 1m from the boundary, which allows for a service maintenance lane. Also, the other adjacent building civic address 1061 Wellington Street, has the same lot depth with same building coverage and 1.5m rear setback. By extending the building within 1m of the property line of 1059 Wellington Street, there will be no impact to the neighbours as it will be similar to their rear setbacks. The rear property abuts with HR-1 zone (note that other owners behind our plot could have underground parking podium walls can go to the property line).

Unfortunately, there was a six-month delay with HRM processing our 1053 Wellington Street application which put us at a disadvantage because in turn we were delayed applying for our application for 1059 Wellington Street. In fact, during the process HRM advised us that Plan-A was already approved and the same bylaws will apply for 1059 Wellington Street.

In addition to the points outlined in the initial variance request, the 3m rear setback will cause issues with regards to accessible parking, walkways and doors. The plans we had originally designed included 36" doors and ramps able to accommodate a wheelchair which would need to be resized due to a shorter building, requiring changing the slope of the access ramp making it such that the suites and washrooms are no longer fully accessible. We are already limited with a slightly shorter lot size, as well as an existing building which is farther setback from the street than 1053 Wellington Street is, which compounds this building's size problem. It will also be challenging to meet building codes with a shorter build ensuring the required exits for the tenants; it would be difficult and maybe impossible to build the planned scissor staircase as required (NBC 2020). If the building is shortened and a bedroom is lost for the wheelchair accessible unit, the Provincial funding for accessible units who would require assistance living accommodations would now no longer be eligible.

Another important issue has to do with the geometry of the building. Where we are planning on having three concrete walls abutted against the existing wooden structure, it becomes more important to have a longer building to optimize the distribution of stresses, to make it shorter would require a complete re-engineer of the slab to deal with different transverse loads, further impacting available living space once we consider the impact of five sets of stairs. It really doesn't make sense, that we could build exterior staircase to the property line but not have our building 1m from the property line to have a protected enclosed, safer staircase layout.

Also, by having the two covered parking areas coincide with each other, was to allow tenants of both buildings to have a turning radius or 3-point turn area was the original planned design. If we are restricted to a 3m rear setback it will not allow for the intended design function of the now existing 1053 building's parking.

There is presently an issue of parking shortage on Wellington Street and will only get worse with the future larger developments (i.e. Lock Suites at 1110-1132 Wellington Street) taking place on the block. While we are strong proponents of public transit, we don't feel removing the parking completely would be feasible with a total of 10-unit building. Street parking is always insufficient, particularly in the winter or when moving, unloading, accommodating building services for the 165-units across the street with multiple garbage trucks daily and tenants moving in/out. With restricted parking on Wellington Street, there is often insufficient room for two cars to pass.

In closing, if this variance is not granted it may not be feasible to continue with this project because of the increased cost involved to meet the building code, cost of having a wheel chair elevator with emergency backup generator etc versus having a ground accessible unit per design. This would be unfortunate given the density zoning for this area and during times when there is a housing shortage, this build would provide 23 more bedrooms and this variance does not have any impact or effect to the neighboring properties as it is unusable space between buildings.

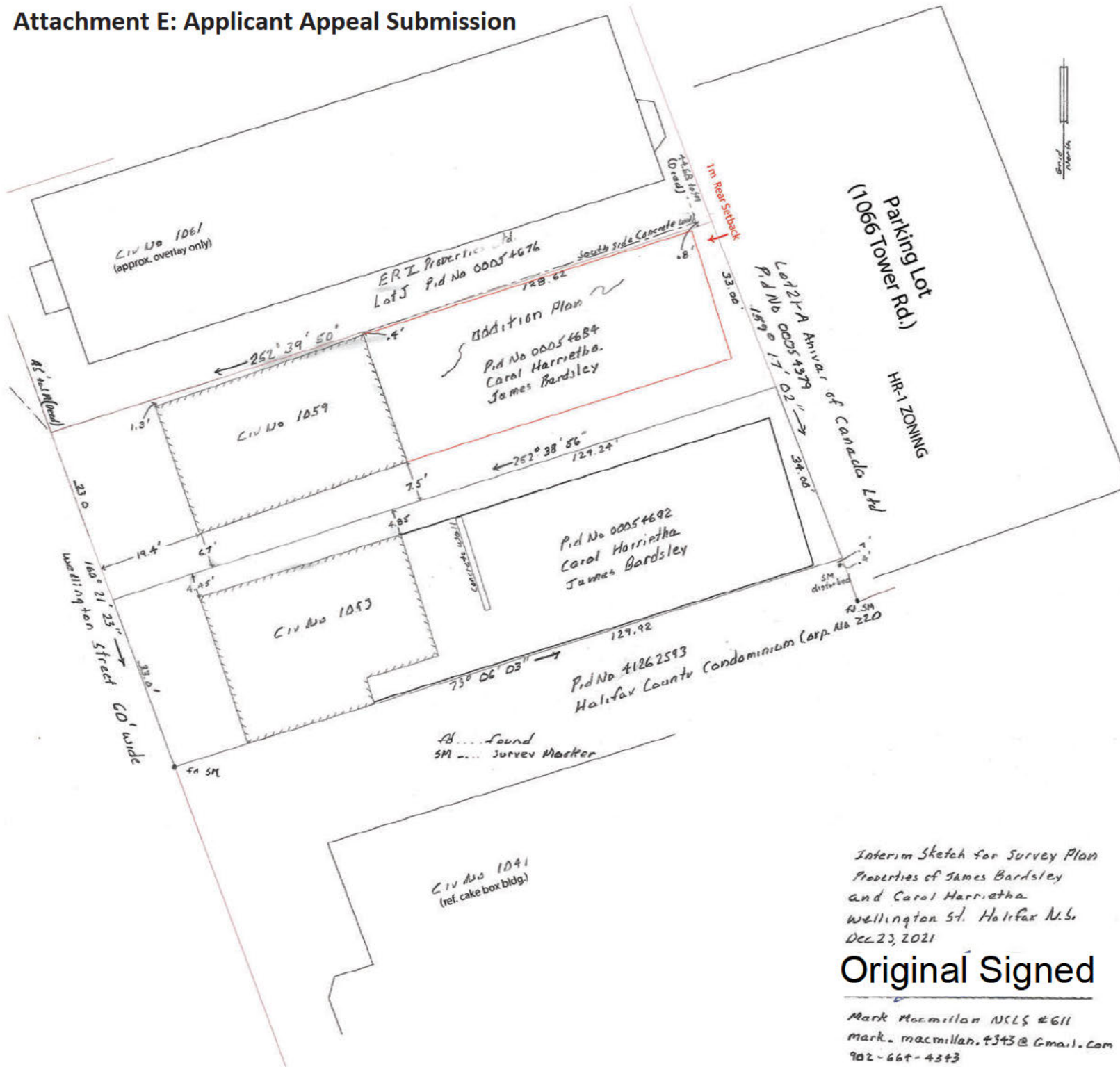
Please find the attached drawings as well as an adjacent building distances image. We would be pleased to provide you with any other information / drawings you require.

Thank you for your consideration.

Best regards,

James Bardsley
Carol Harrietha

Attachment E: Applicant Appeal Submission



Interim Sketch for Survey Plan
 Properties of James Bardsley
 and Carol Harrietha
 Wellington St. Halifax N.S.
 Dec 23, 2021

Original Signed

Mark Macmillan NCLC #611
 mark_macmillan_4343@Gmail.com
 902-664-4343

VARIANCE # 24492

PID # 00054684

YHZ MECHANICAL DESIGNS
 & ENGINEERING, LLC
 ARMDALE PROFESSIONAL CENTRE
 PO BOX 531 STATION CENTRAL
 HALIFAX NS, B3J 2R7
 TEL: (902) 483-0483

CUSTOMER:
 1053 / 55 / 57 WELLINGTON ST.
 HALIFAX NS, B3H 3A1
 PID # 00054684

TITLE:
 SURVEY PLAN OVERLAY

DATE:
 01/11/2022

SCALE:	REVIEWED BY:	DRAWN BY:	CHECKED BY:
		MB	JB
PROJECT NO: # PP-034	DRAWING NO: 034-626-16.2	REVISION:	