

**HALIFAX**

**Case 24492  
Variance Hearing  
1059 Wellington St, Halifax**

Regional Centre Community Council

March 22<sup>nd</sup>, 2023

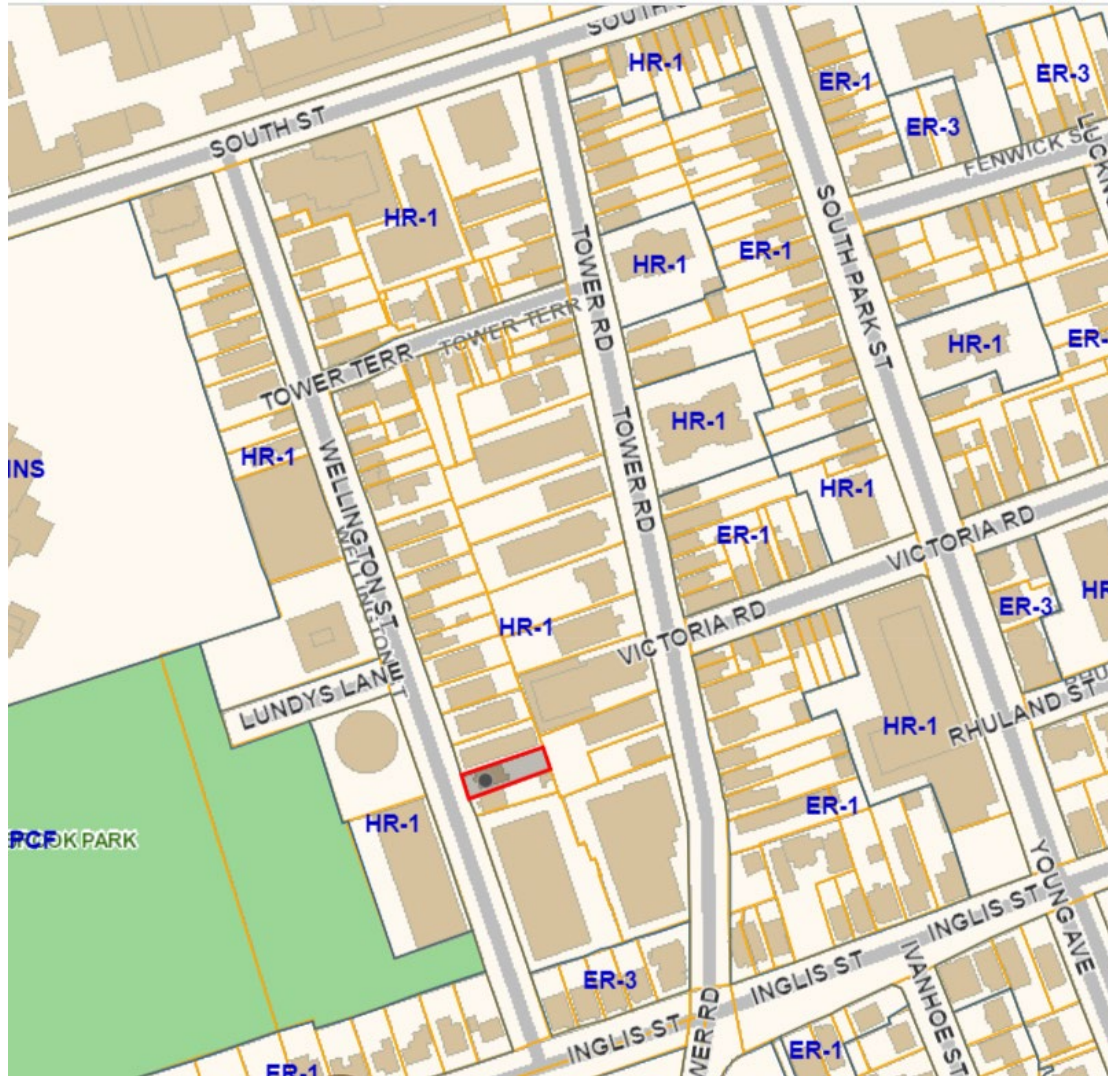
# Proposal

- A variance request has been submitted for 1059 Wellington Street in Halifax to reduce the required rear setback from 3.0 metres to 1.0 metre.
- This variance is requested to accommodate a proposed rear addition to a two-unit building to create a multi-unit dwelling containing 10 units and covered parking for four vehicles.
- The proposed addition will increase the building footprint from approximately 89.4 square metres to approximately 280 square metres.

# Background

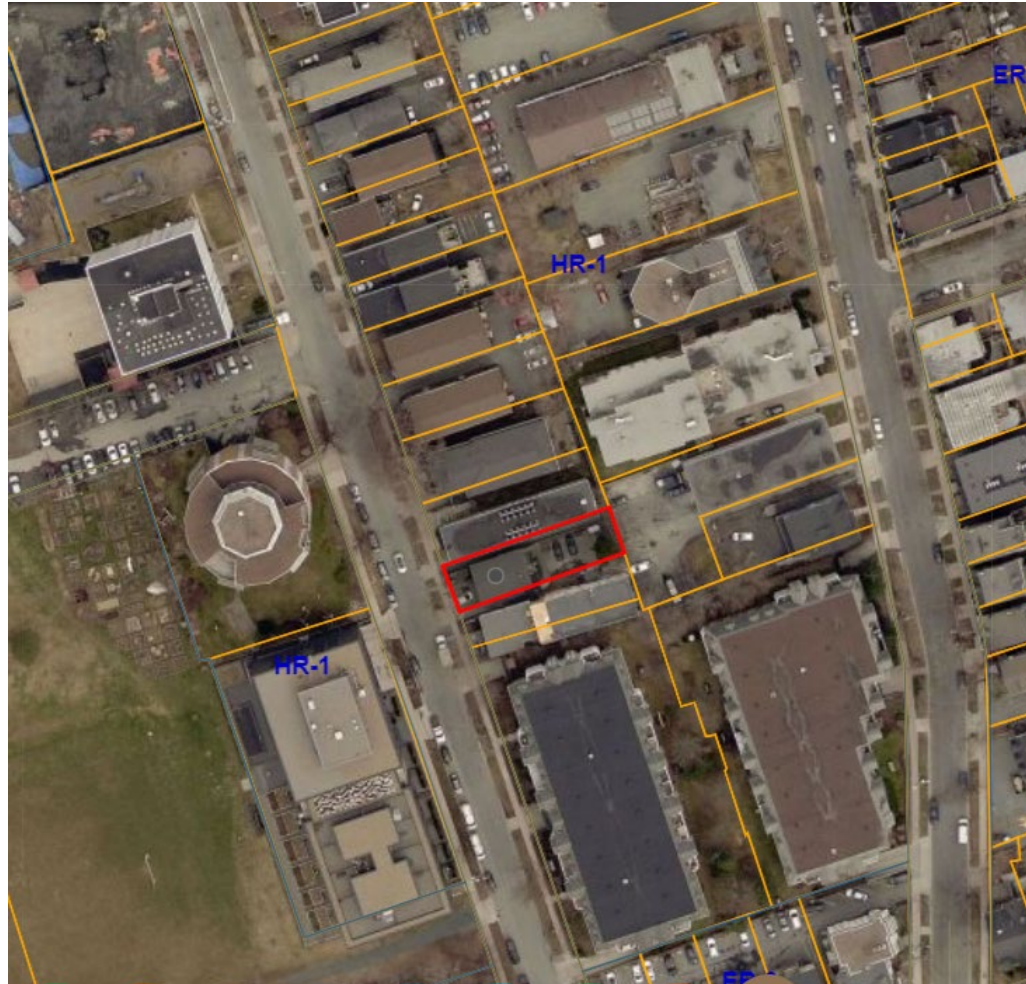
- The property is zoned HR-1 (Higher-Order Residential 1) under the Regional Centre Land Use By-law.
- The applicant's initial variance request was to reduce the required rear yard setback from 3.0 metres to 0 metres. The initial request was refused by the Development Officer.
- During the appeal period, the applicant requested the Development Officer consider a revised request to reduce the rear setback from 3.0 metres to 1.0 metre. The Development Officer considered this request, and the variance from 3.0 metres to 1.0 metre was refused.

# Site Location / Neighbourhood



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# Aerial View of 1059 Wellington Street



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# Aerial View of 1059 Wellington Street



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# Site Photographs



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# 100 m Notification Area



**Map 1 - Notification Area**

1059 Wellington St,  
Halifax

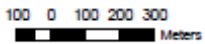


Subject Property



Notification Area

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

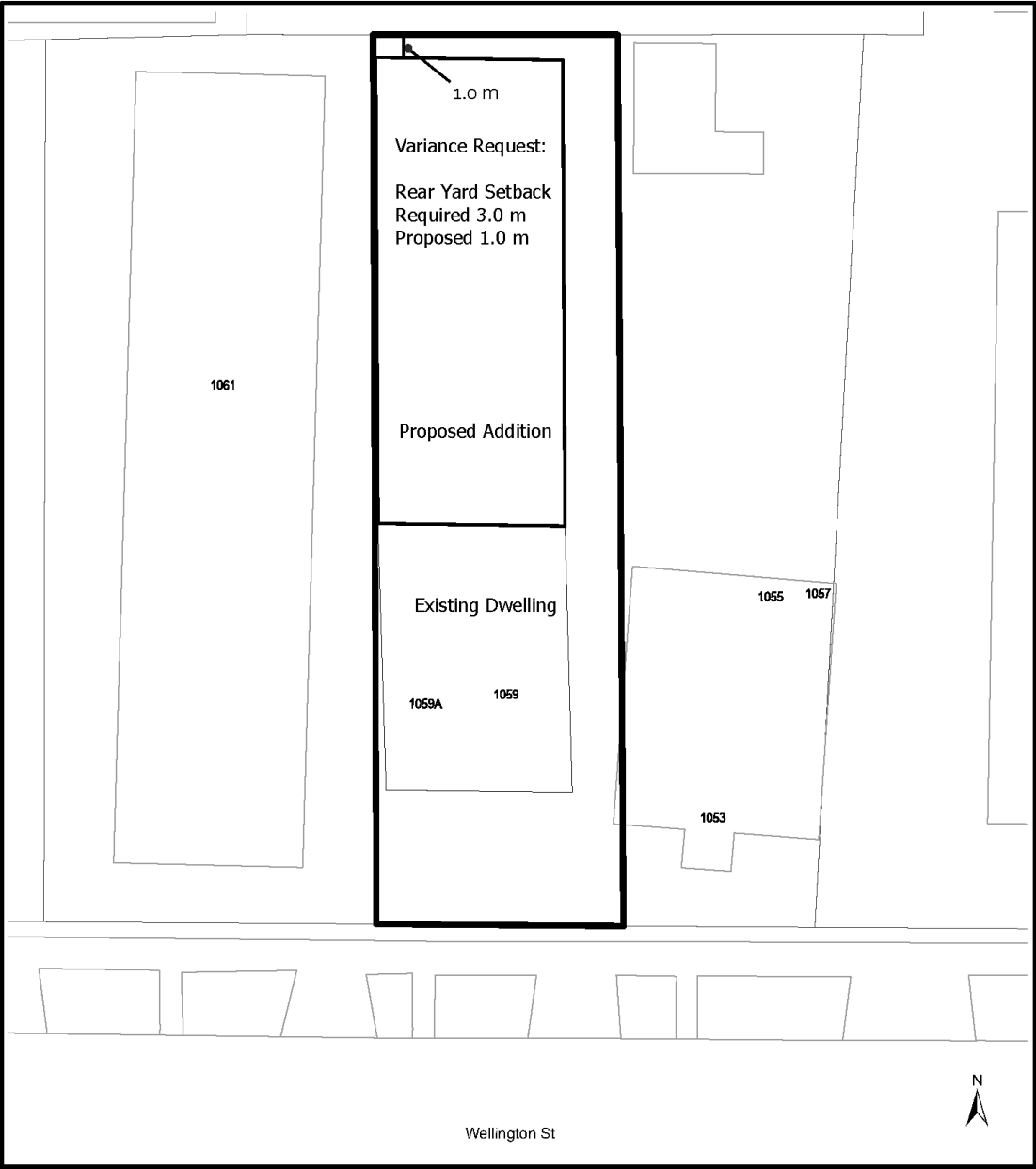




# Variance Request

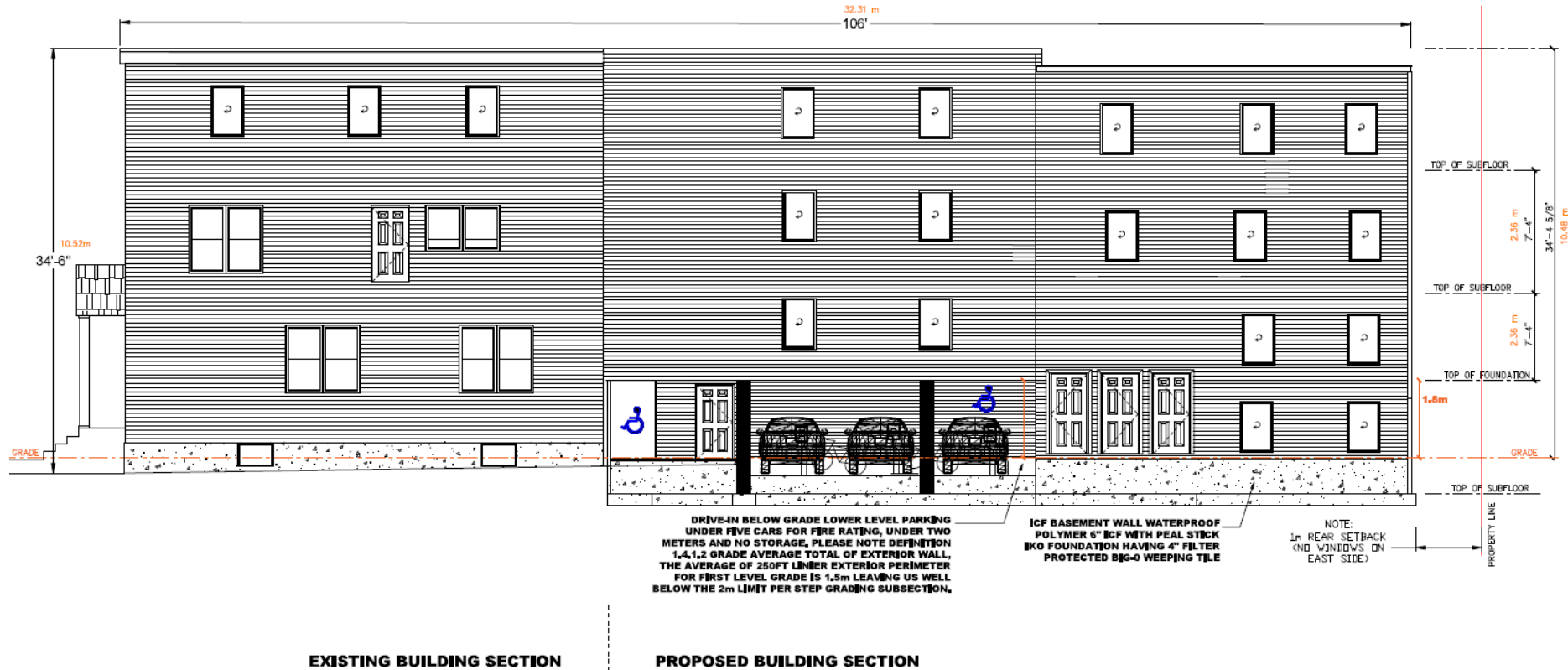
	Zone Requirement	Variance Requested
Minimum Rear Setback	3.0 metres	1.0 metre

# Site Plan



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# Building Elevations for Proposed Addition



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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

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

- Building setbacks ensure structures maintain adequate separation from adjacent structures, property lines, and streets to support access, safety, and privacy.
- Building setbacks also ensure appropriate siting and control building massing and scale. In this case, there is no maximum lot coverage and maximum floor area ratio (FAR) applicable to this property.
- It is the Development Officer's opinion that the request to reduce the rear setback is not consistent with the intent of the land use by-law.

# Is the difficulty experienced general to properties in the area?

- Lot depth is generally consistent amongst properties with frontage on Wellington Street. Other properties in the area will face similar challenges meeting the required setback if seeking to construct comparable rear additions.
- There are no lot constraints specific to this property that have been considered as part of this request.
- It is the Development Officer's opinion that the difficulty experienced is general to the area.

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

- Intentional disregard of the by-law requirements was not a consideration in this request. The applicant has applied for this variance prior to commencing any work on the property.

# Alternatives

Council may overturn the decision of the Development Officer and allow the appeal, resulting in approval of the Variance.

Or

Council may uphold the Development Officer's decision and deny the appeal, resulting in refusal of the Variance. **This is the recommended alternative.**

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