

HALIFAX

**Case 24350
Variance Hearing
6924 Armview Ave,
Halifax**

Regional Centre Community
Council

12 July 2023

Proposal

- A variance request has been submitted for 6924 Armview Avenue in Halifax for a reduction in the minimum left yard setback.

Background

- This property is zoned ER-1 (Established Residential 1) and is within the Armview Special Area of the Regional Centre Land Use By-Law.
- There is an existing single unit dwelling on the property.
- The proposed scope of work is a reconstruction and addition that will see the existing dwelling demolished to its foundation and a larger dwelling constructed located primarily within the footprint of the existing building.

Site Location



HALIFAX

Aerial View of 6924 Armview Ave



HALIFAX

Variance Request

	Zone Requirement	Variance Requested
Minimum Side Yard	4.5m	1.8m

Simplified Site Plan



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 help to ensure that structures maintain adequate separation from adjacent structures, streets, and property lines for access, safety, privacy, and consistency of neighbourhood aesthetics.
- The Armview Special Area was established to “maintain the larger than average lot areas, front yard setbacks, and side yard setbacks of the area”
- The proposed 1.8m setback is less than half of the minimum requirement.
- This proposal violates the intent of the Land Use By-Law.

HALIFAX

Is the difficulty experienced general to properties in the area?

- Dwellings with non-conforming side yards are able to be extended or reconstructed as long as the setback condition is not worsened.
- The existing dwelling on the lot establishes a 3.15m side setback that is already closer to the property boundary than the LUB requirement. All properties in the Armview Special Area would require a variance to build closer to the side lot line than an existing non-conforming setback allows.
- The difficulty experienced is general to properties in the area.

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

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

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.**

HALIFAX

