

HALIFAX

# Variance Appeal Hearing

3162 Ralston Avenue  
Case VAR-2024-00642

Regional Centre Community Council

July 24<sup>th</sup>, 2024

# Applicant Proposal

**Location:** 3162 Ralston Avenue

**Zone:** ER-3

**LUB:** Regional Centre

## Proposal:

A variance has been submitted at 3162 Ralston Ave in Halifax for a reduction in the minimum rear yard setback.

1

# Background

- This property is zoned ER-3 (Established Residential 3) in 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 of an attached deck in the rear yard.

# Site Context



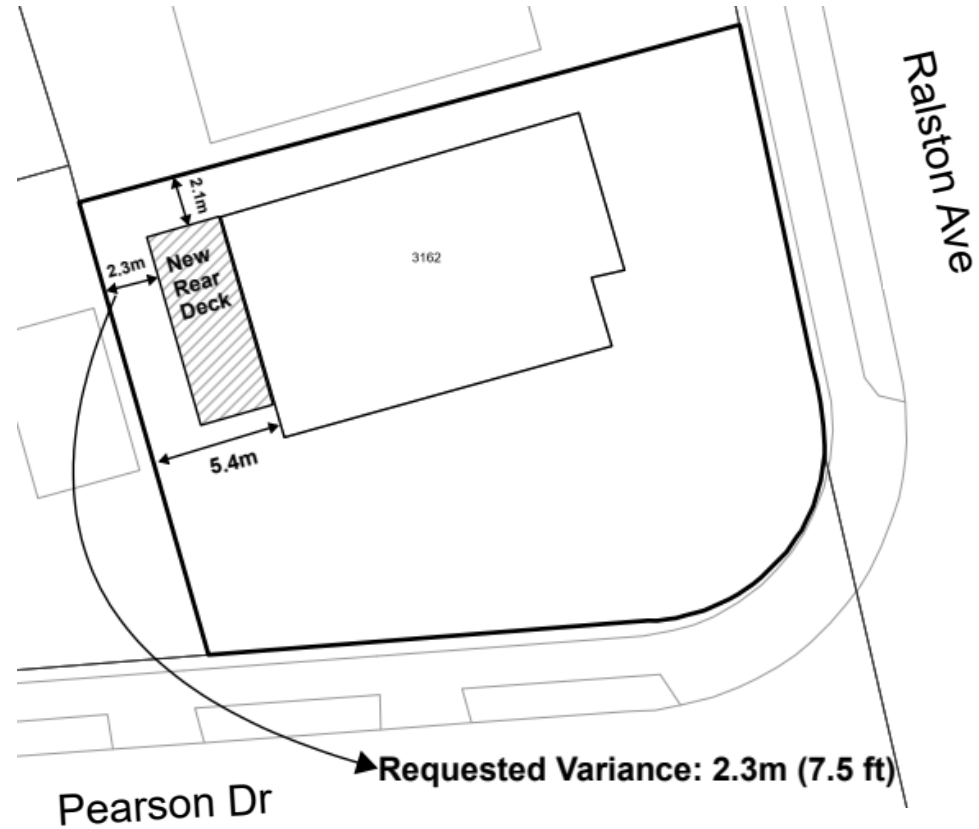
The site is located on the north-west corner of Ralston Avenue and Pearson Drive.

# Site Context (cont.)



Left: Eagleview 2024  
Right: Google Streetview 2023

# Site Plan



# Rear Elevation for Proposed Deck



# Variance Requested

Zone Requirement	Required	Requested
Minimum Rear Yard	6m	2.3m



# Consideration of Proposal

## *The Halifax Charter*

**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; or
- c) the difficulty experienced results from an **intentional disregard** for the requirements of the land use by-law.

# Consideration of Proposal

## *a) does the proposal violate the intent of the LUB?*

- Setbacks are intended to ensure that structures and uses maintain an adequate separation from adjacent structures, streets, and property lines for access, safety, privacy, and consistency of neighbourhood character.
- The proposed 2.3m setback is less than half of the minimum requirement, which is otherwise universal to the Established Residential zones.
- The proposal violates the intent of the Land Use By-law.

# Consideration of Proposal

***b) is the difficulty experienced general to properties in the area?***

- All properties in the area immediately surrounding the site share the ER-3 zoning and are uniform in shape and size.
- The difficulty experienced is general to the area.

# Consideration of Proposal

***c) is the difficulty experienced the result of an intentional disregard for the requirements of the LUB?***

- The applicant applied for a permit to reconstruct the existing attached deck, and subsequently applied for a variance upon learning that the proposal conflicts with the requirements of the land use by-law.
- Intentional disregard of LUB requirements was not a consideration in this variance request.

# Alternatives

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

**OR**

Community Council may uphold the Development Officer's decision and deny the appeal, resulting in refusal of the Variance.

**This is the recommended alternative.**

12

**HALIFAX**

**Thank you**