

September 9, 2024

Re: Item 10.1.1
HALIFAX

Variance Appeal Hearing

Case VAR-2024-00531

3291/3297 Westerwald Street

Halifax and West Community Council

Applicant Proposal

Location: 3291/3297 Westerwald Street

Zone: C2-C

LUB: Halifax Mainland

Proposal:

A variance request has been submitted to reduce the flanking yard setback and the front, flanking, and rear building wall stepback requirements.

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Variations Requested

Zone Requirement		Required	Requested
1.	Minimum Flanking Yard Setback	1.5m	0m
2.	Required building wall stepback	3m	2m (along front, flanking, and rear walls)

Difference between a setback and a stepback...

Background

- This property is zoned C-2C (Dutch Village Road Mixed-Use) in the Halifax Mainland Land Use By-Law.
- At the time of application, there were two single unit dwellings on the lot, proposed to be demolished.
- The proposed scope of work is to construct a multi-unit dwelling on the lot.

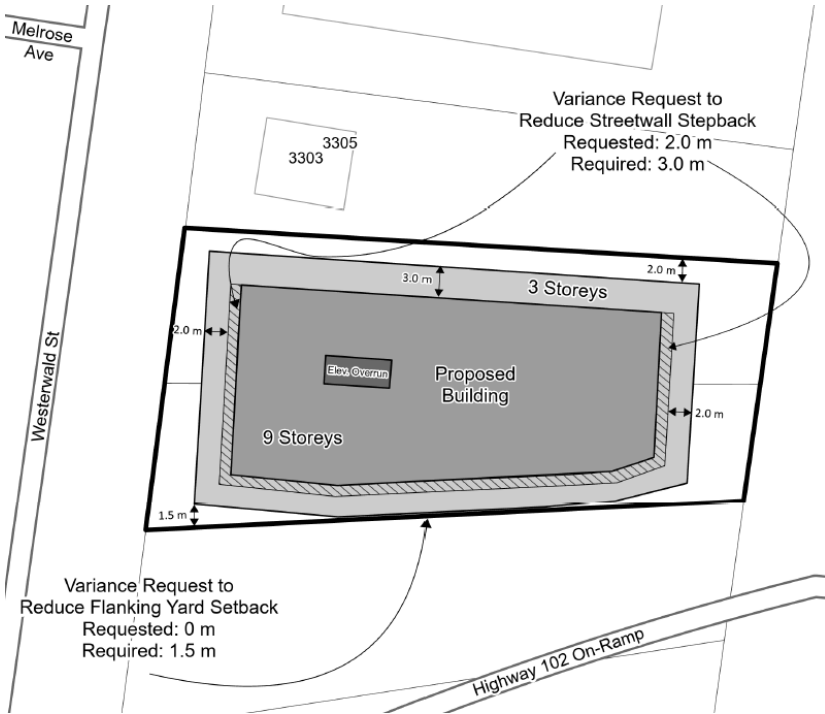
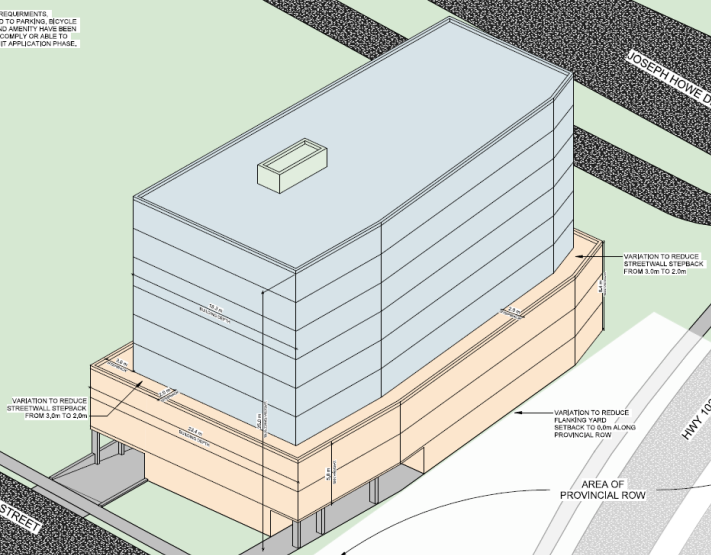
Site Context



Above: Eagleview, 2024.



Site Context



Consideration of Setback 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 Setback 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.
- This specific flanking lot line is adjacent to a provincially owned parcel, being a portion of the on-ramp from Joseph Howe Drive to Highway 102.

Consideration of Setback Proposal

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

- Only lot abutting this provincially owned right-of-way. The reduction in setback from a typical flanking yard would likely result in a greater impact on the surrounding area.
- Lot shape that narrows front-to-back can present challenges in meeting setback requirements.

Consideration of Setback Proposal

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

- There was no intentional disregard for the requirements of the LUB. The applicant submitted a variance application prior to any construction or the issuance of a building permit.
- The variance was referred to the Nova Scotia Department of Public Works, who had no concerns relative to the request.

Consideration of Stepback Proposal

The Halifax Charter

250A (1) A development officer shall grant under Section 250 a variance respecting a step back or a street wall notwithstanding any land-use by-law or development agreement unless the variance would materially conflict with the municipal planning strategy.

Alternatives

Council may allow the appeal, which would overturn the decision of the Development Officer, resulting in rejection of the Variance.

OR

Council may deny the appeal, which would uphold the Development Officer's decision to approve the Variance.
This is the recommended alternative.

HALIFAX

Thank you

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