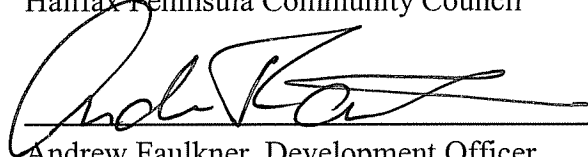

Halifax Peninsula Community Council
September 12, 2005

TO: Halifax Peninsula Community Council

SUBMITTED BY:


Andrew Faulkner, Development Officer

DATE: September 6, 2005

SUBJECT: Appeal of the approval of a Variance No. 12090 - 5850 University Avenue, Halifax

ORIGIN

Pursuant to Section 236(3) of the Municipal Government Act any person served notice of a variance may appeal the decision of the Development Officer to the Municipal Council.

This is an appeal of the Development Officer's decision to approve a variance for *5850 University Avenue, Halifax*.

RECOMMENDATION

It is recommended that Council uphold the decision of the Development Officer to approve the variance.

BACKGROUND

The subject property is vacant and was once the site of the Grace Maternity Hospital. There is a parking lot on half the lot and the proposed building site is vacant. Dalhousie University owns the subject property and the Sir Charles Tupper Building located on the adjoining land. The intent is to connect the new Life Sciences Research Institute (LSRI) building with the Tupper Building at the fourth floor level.

The property is zoned P, *Park and Institutional*, in the Peninsula Land Use Bylaw. The use is permitted within the zone subject to the angle control provisions of the R-3, *Multiple Dwelling Zone*.

On August 8, 2005, the Development Officer approved a Variance of the angle control requirements and the setback provisions to permit construction of the LSRI at zero lot line setback. The variance also relaxes the setback on the Tupper Building property to permit construction of the walkway across the lot line. We received an Appeal of the Development Officer's approval of the Variance from the owner of 5845 College Street, which is situated immediately across the street from the proposed LSRI building.

DISCUSSION

The new and existing building will operate jointly and the pedestrian connection between the buildings is desirable. The walkway will also house mechanical connections which will result in venting from the Tupper Building instead of the new structure.

The new building is sited in such a way that all angle controls and setbacks are met with the exception of the internal lot line. The applicants have explored consolidating the parcels and therefore constructing the building as-of-right, however, the Tupper Building is on land which is held under long term lease and the University is not in a position to purchase the property.

There are substantial restrictions on the size of the building due to the specialized mechanical equipment height clearances and design. The applicants have attempted to redesign the structure, but are not reasonably able to configure the building in any other way than that proposed. Furthermore, the siting of the structure maintains existing parking on the property.

The benefits of the proposal were seen to outweigh the need to maintain the internal lot line setback and the Variance was approved.

BUDGET IMPLICATIONS

None.

ALTERNATIVES

1. Uphold the decision of the Development Officer to approve the variance. This is the recommended alternative.

2. Overturn the decision of the Development Officer, thereby refusing the variance.

ATTACHMENTS

1. Site plan
2. Area plan
3. Letter(s) of appeal

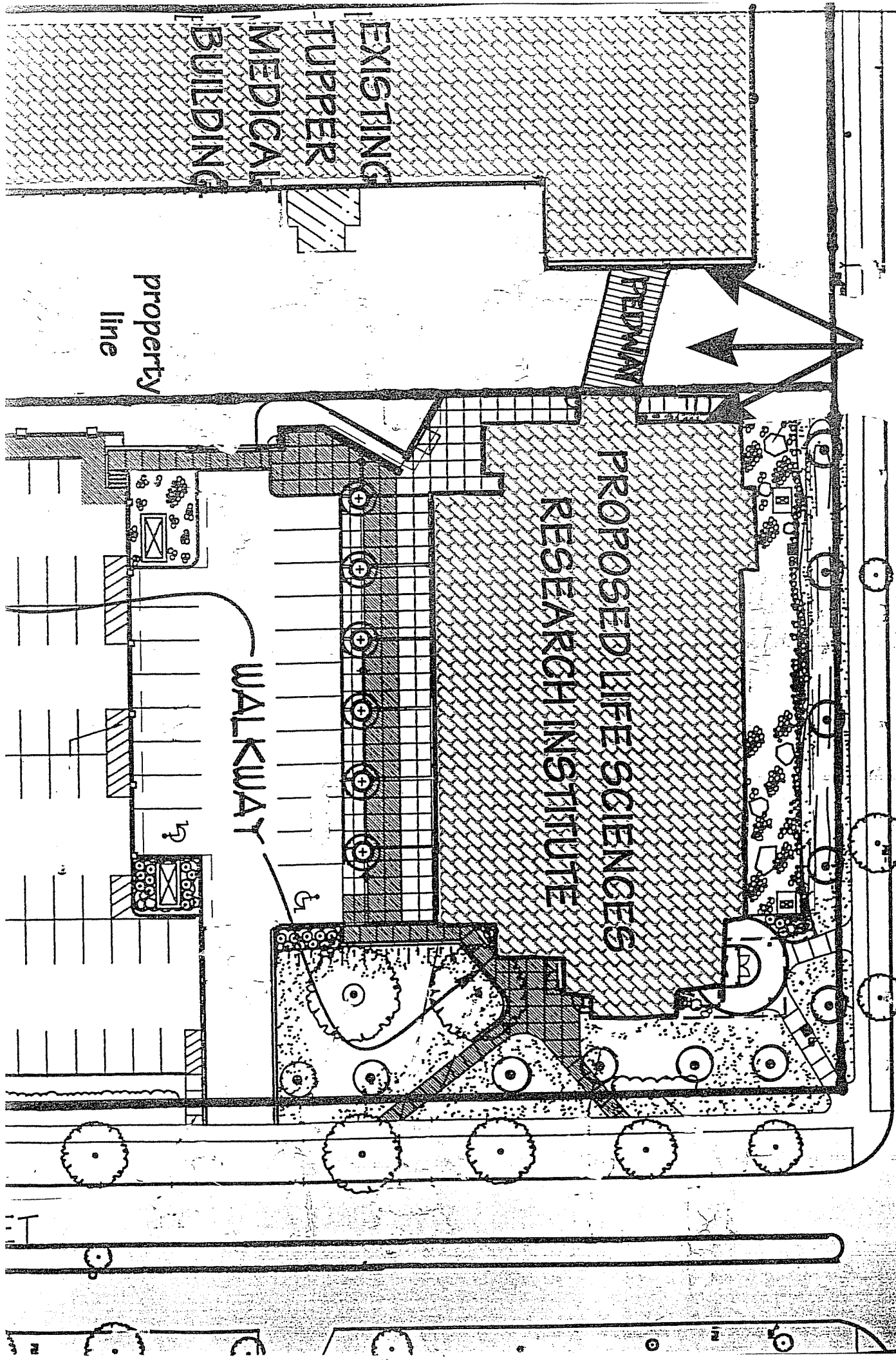
Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.
Report prepared by: Andrew Faulkner, 490-4402.

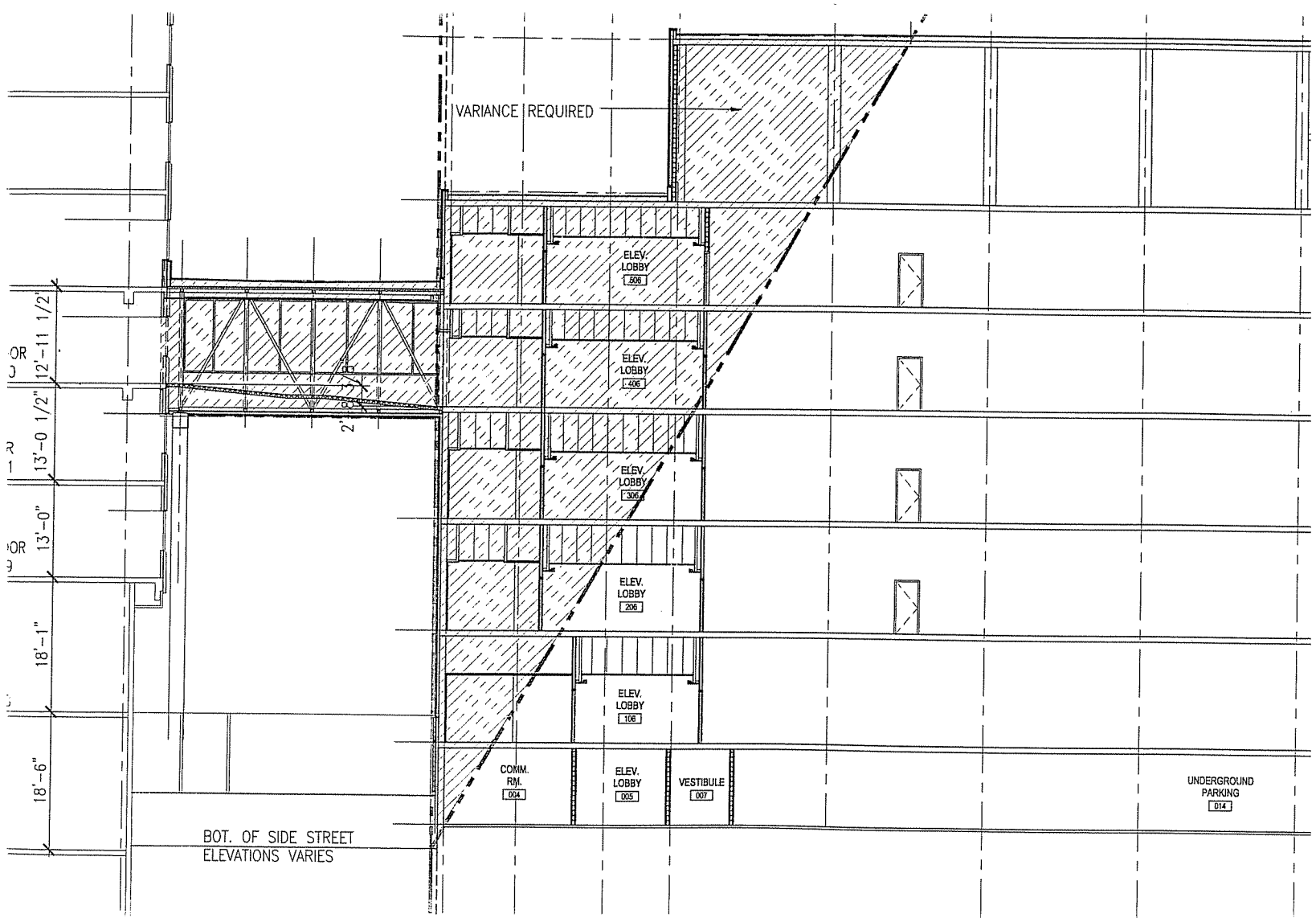
AREA OF

PROPOSED

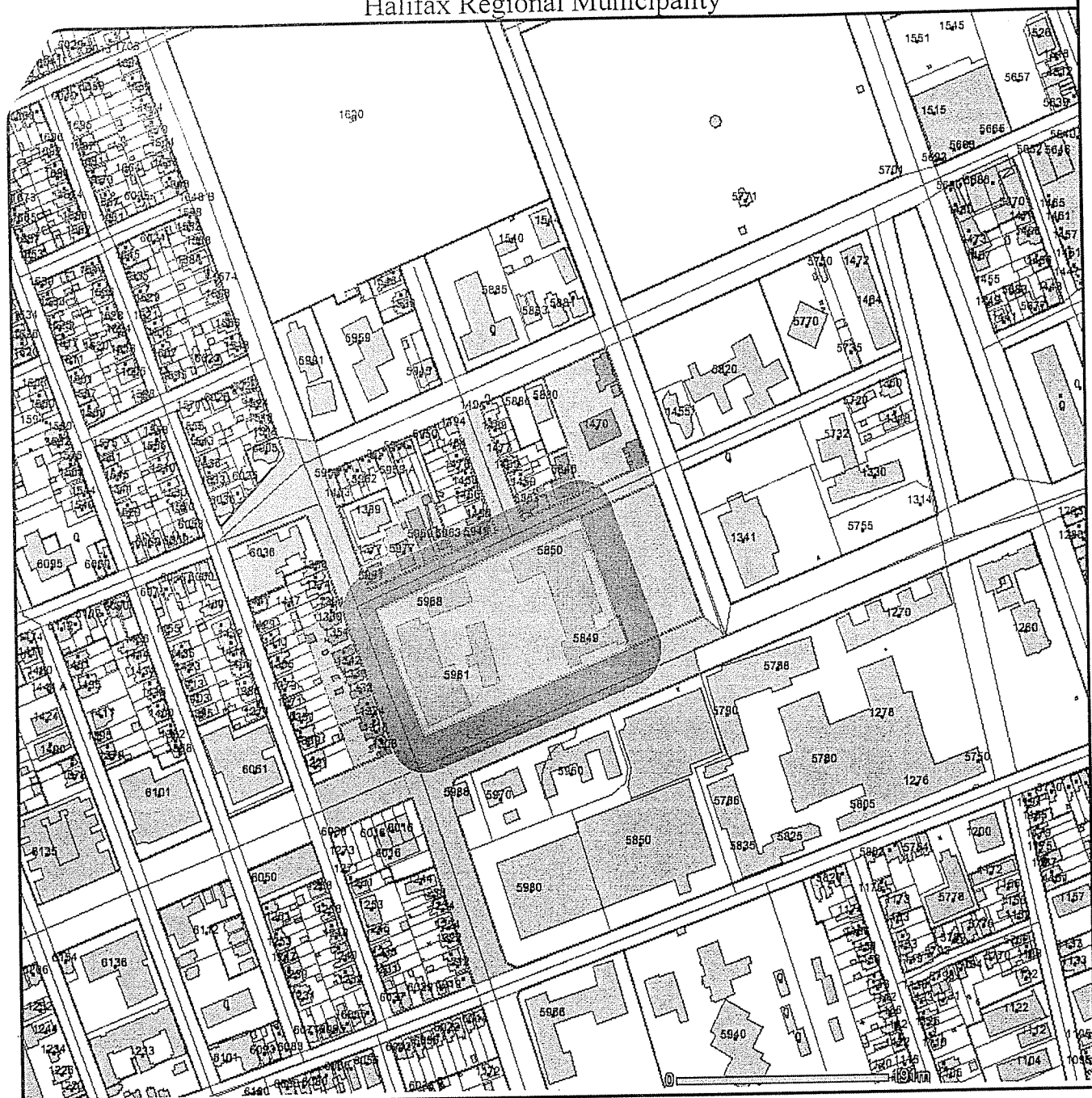
VARIANCE

COLLEGE STREET













Halifax Regional Municipality

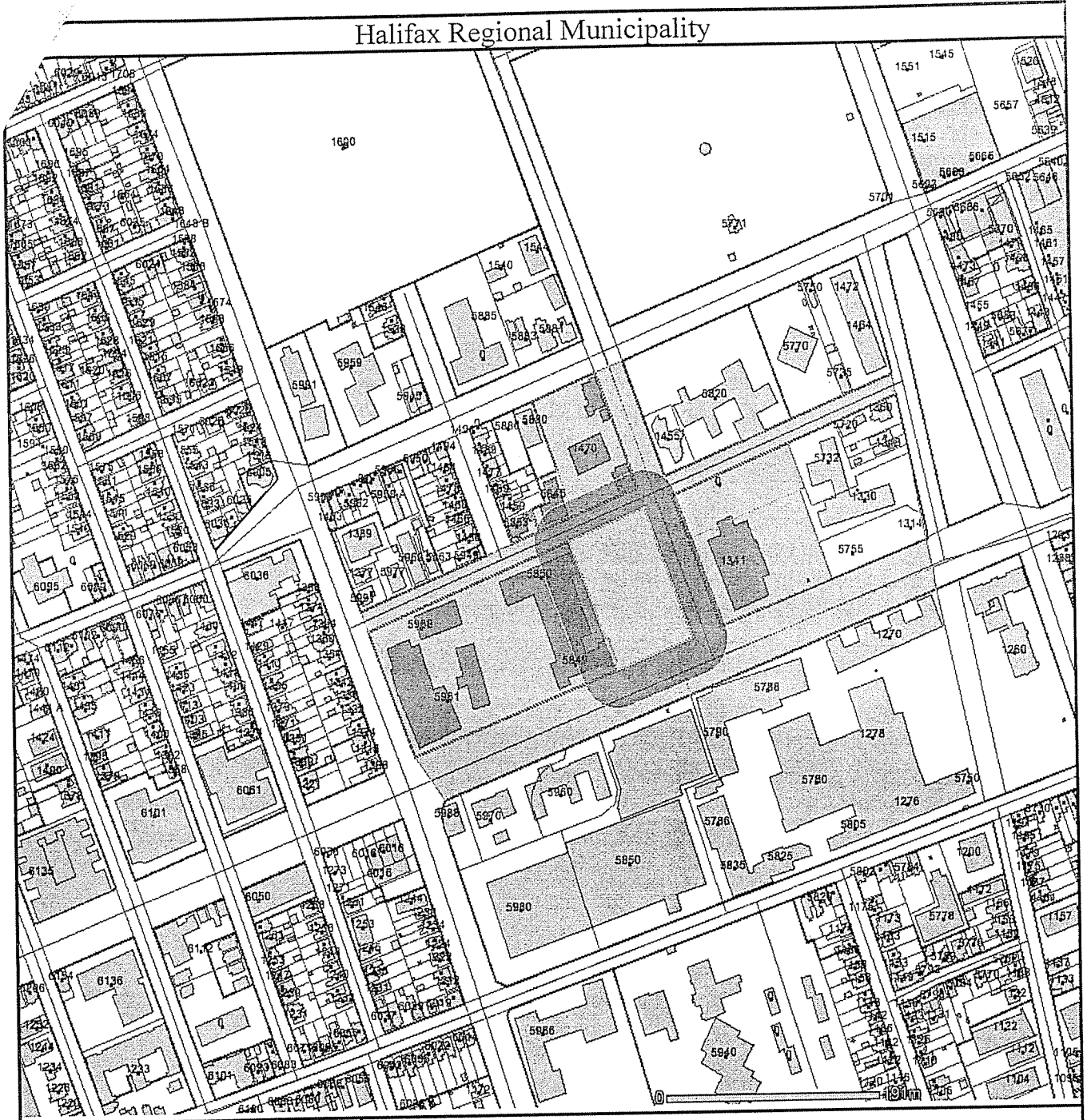


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Legend

-  Selected Features
-  theBuffer
-  theBufferTarget
-  Civic Numbers
-  Streets
-  Parcels
-  Building
-  Zoning

Halifax Regional Municipality



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Austin Park, President
College-Gardens Limited
c/o 6507 Chester Ave.
Halifax, NS
B3L 2P5
497-7788

Municipal Clerk
c/o Andrew Faulkner, Development Officer
Halifax Regional Municipality
Planning and Development – Western Region
P.O. Box 1749
Halifax, NS
B3J 3A5

August 22, 2005

Dear Sir:

Re: Case Number 12090 –Variance at 5850 University Ave., Halifax, NS

I am President of College Gardens Limited, the owner of 5845 College Street, Halifax, NS, a multi-unit residence.

Please accept this letter as notice that we would like to appeal the proposed variance pertaining to the property located at 5850 University Avenue, Halifax, NS.

We have a number of concerns relating to the proposed variance and would be pleased to discuss same with you at your convenience.

Please notify us of any further proceedings with regard to this matter at the address and telephone number noted above.

Yours truly,

College-Gardens Limited



Per: Austin Park, President

RECEIVED AUG 23 2005

