



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Peninsula Community Council**  
**March 6, 2006**

**TO:** Chairman and Members of Peninsula Community Council

**SUBMITTED BY:**

A handwritten signature in black ink, appearing to read "Andrew Faulkner", written over a horizontal line.

Andrew Faulkner - Development Officer

**DATE:** February 26, 2006

**SUBJECT:** Appeal of the Development Officer's decision to approve an application for  
a Variance - 6153 Murray Place, Halifax: Variance No. 12574

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**ORIGIN**

This report deals with an appeal of the Development Officer's decision to approve a variance from the Gross Floor Area Ratio requirements of the Halifax Peninsula Land Use Bylaw to permit an addition to a single unit dwelling.

**RECOMMENDATION**

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

## **BACKGROUND**

The subject property is located at 6153 Murray Place in Halifax (see location plan - Attachment 1). The property is zoned R-1 Single Family, South End Secondary Plan, Halifax Peninsula Land Use Bylaw. The proposed construction is an addition to a single unit dwelling.

On December 13, 2005, an application was received for construction of an addition to an existing single unit dwelling (see site plan - Attachment 2). A review of the application found that the proposed addition would result in a Gross Floor Area Ratio (GFAR) of 0.84 (4,204 square feet) where the bylaw permits a GFAR of 0.60 (3,000 square feet). All other bylaw requirements have been met.

The owner was advised and subsequently made a variance application on December 22, 2006. That request was approved by the Development Officer on January 27, 2006. Assessed property owners within 30 metres of the variance were notified and two appeals have been received (see appeal letter - Attachment 3).

## **DISCUSSION**

The *Municipal Government Act* sets out guidelines under which the Development Officer may consider variances to Land Use Bylaw requirements. Those guidelines are as follows:

*"A variance may not be granted where the:*

- (a) variance violates the intent of the land use bylaw;*
- (b) difficulty experienced is general to the properties in the area;*
- (c) difficulty experienced results from an intentional disregard for the requirements of the land use bylaw."*

In order to be approved, the proposed variance must not conflict with any of the above statutory guidelines. An assessment of the proposal relative to these stipulations is set out below.

### **Does the proposed variance violate the intent of the land use bylaw ?**

The GFAR requirements were adopted to achieve two objectives. Firstly, to limit the size of dwellings which could be converted to create an excessive number of bedrooms. The construction plans indicate the permitted number of bedrooms will not be exceeded. That is not an issue with this application.

Secondly; one of the goals in planning policies adopted for the established neighbourhoods of the Halifax Peninsula is to maintain the character and stability of these areas through Municipal Planning Strategy (MPS) policies such as Policy 2.4 which states:

*"... the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods."*

In determining whether the proposed variance violated the intent of the bylaw to “maintain the character and stability” of the neighbourhood an assessment of the GFAR of housing stock in the immediate area was undertaken. Floor areas were determined using building permit records and site inspection. On those properties where no building permit record was available, the GFAR has been rounded upwards to the nearest denominator of 5% to address any potential errors in floor area estimations.

The following is a list of addresses and GFAR for nearby properties. It is noted whether the calculation is based upon permit information or on-site assessment. The property subject to the variance is bold.

Civic Address	Approximate Floor Area (sqft)	Lot Area (sqft)	GFAR
6144 South Street	3406	5000	0.68
6150 South Street	2500	5000	0.50
6160 South Street	3600	5000	0.74
6162-6166 South Street	5182	5253	0.97
<b>6153 Murray Place</b>	<b>4204</b>	<b>5000</b>	<b>0.84</b>
6159 Murray Place	3000	5000	0.60
6165 Murray Place	2025	3800	0.53
6171 Murray Place	3150	4060	0.77
6160 Murray Place	2400	5738	0.42
6166 Murray Place	2400	6920	0.35
6170 Murray Place	2400	6240	0.38
1152 Cartaret Street	2675	2727	0.98
1156 Cartaret Street	2675	2727	0.98
1168 Cartaret Street	3750	5000	0.75

As is indicated in the above table: GFAR in the immediate area range from 0.35 to almost 1.00. There is no consistent ratio and the approval of the variance does not violate the intent of the land use bylaw, which is partly to prohibit “monster homes” in established communities.

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

The application of a GFAR is consistent across all low and medium density residential zones on the Peninsula. Therefore, the property at 6153 Murray Place is subject to the same restrictions as all other parcels regardless of their size.

However, recent GFAR variance hearings have made it clear that consideration must be given to difficulties other than simply lot size and dimensions. The owners have three children and believe they require the living space. They do not wish to leave the community they are in to purchase a larger home elsewhere. These difficulties were considered unique to their application and the variance was approved.

**Is the difficulty the result of intentional disregard for the requirements of the land use bylaw?**

There has been no intentional disregard for the requirements of the Land Use Bylaw and this was not a consideration when approving the variance application.

**BUDGET IMPLICATIONS**

There are no implications on the Capital Budget associated with this report.

**FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

**REGIONAL PLANNING IMPLICATIONS**

There are no implications on the Regional Planning process associated with this application.

**ALTERNATIVES**

1. Council could uphold the decision of the Development Officer to approve the variance. This is staff's recommended alternative.
2. Council could overturn the decision of the Development Officer.

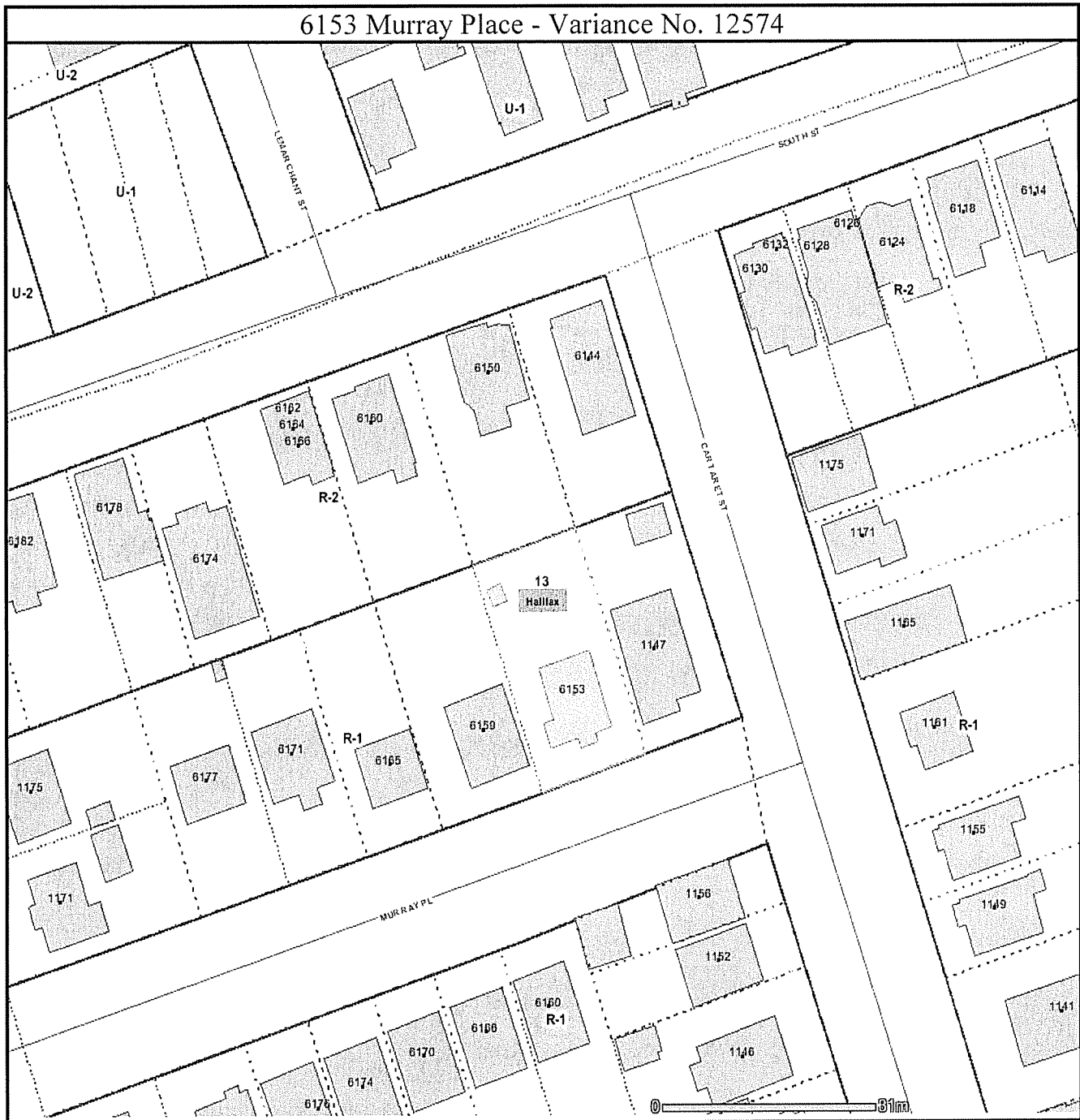
**ATTACHMENTS**

1. Location Plan
2. Site Plan
3. Appeal Letter

**INFORMATION BLOCK**

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 - Development Officer (490-4402)



**HALIFAX**  
REGIONAL MUNICIPALITY

This map was prepared for the internal use of Halifax Regional Municipality(HRM) HRM takes no responsibility for errors or omissions For further information on Street Name or Community(GSA) data please contact HRM Civic Addressing at 490-5347 or email civicadd@halifax.ca Date of map is not indicative of the date of data creation User: gcoinfo@halifax.ca

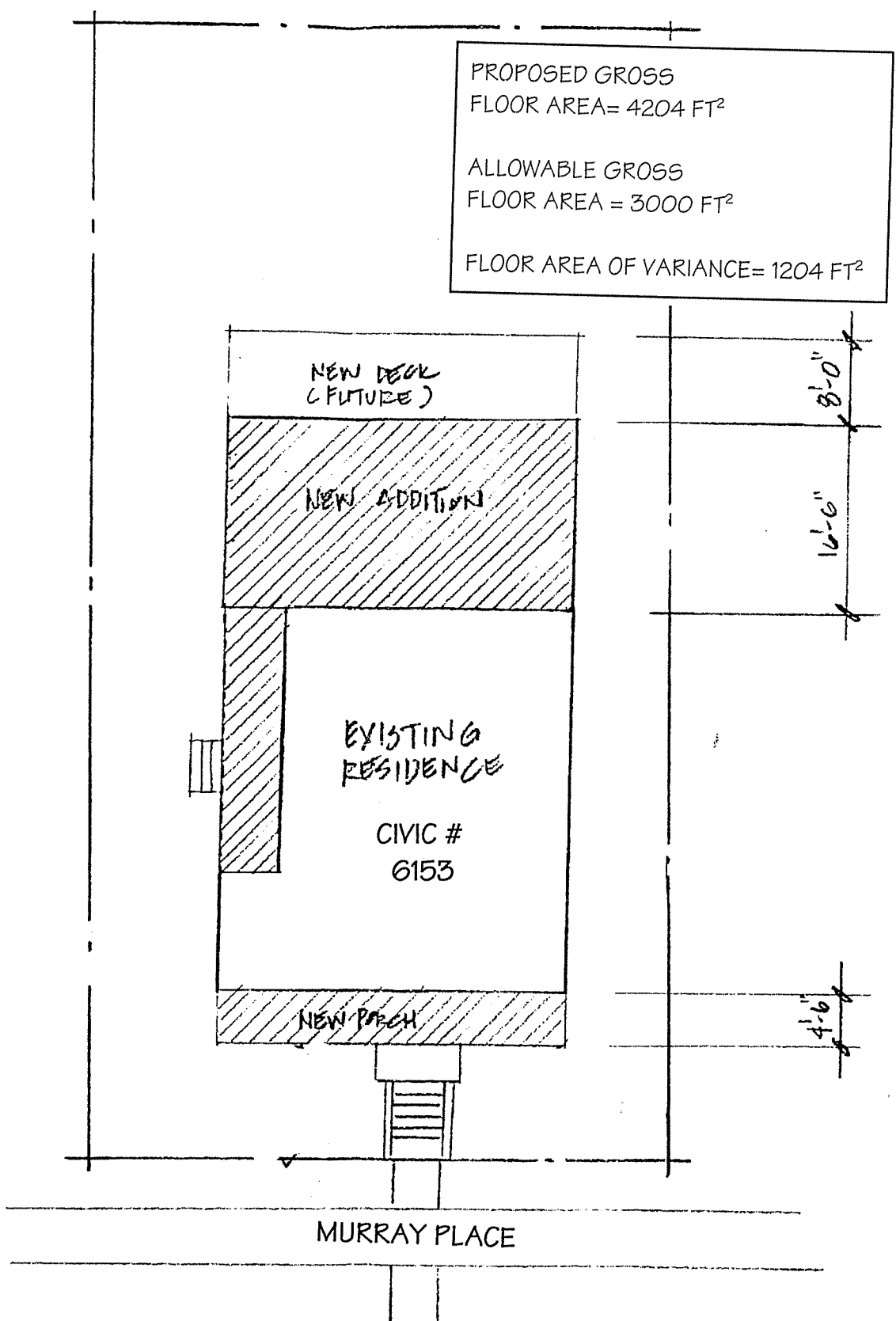
**Legend**

Selected Features	Streets	Plan Areas
■ Civic Numbers	Parcels	Lakes
	Building	
	Zoning	

DATE: January 27, 2006

SUBJECT: Case No. 12574 - Variance at 6153 Murray Place, Halifax

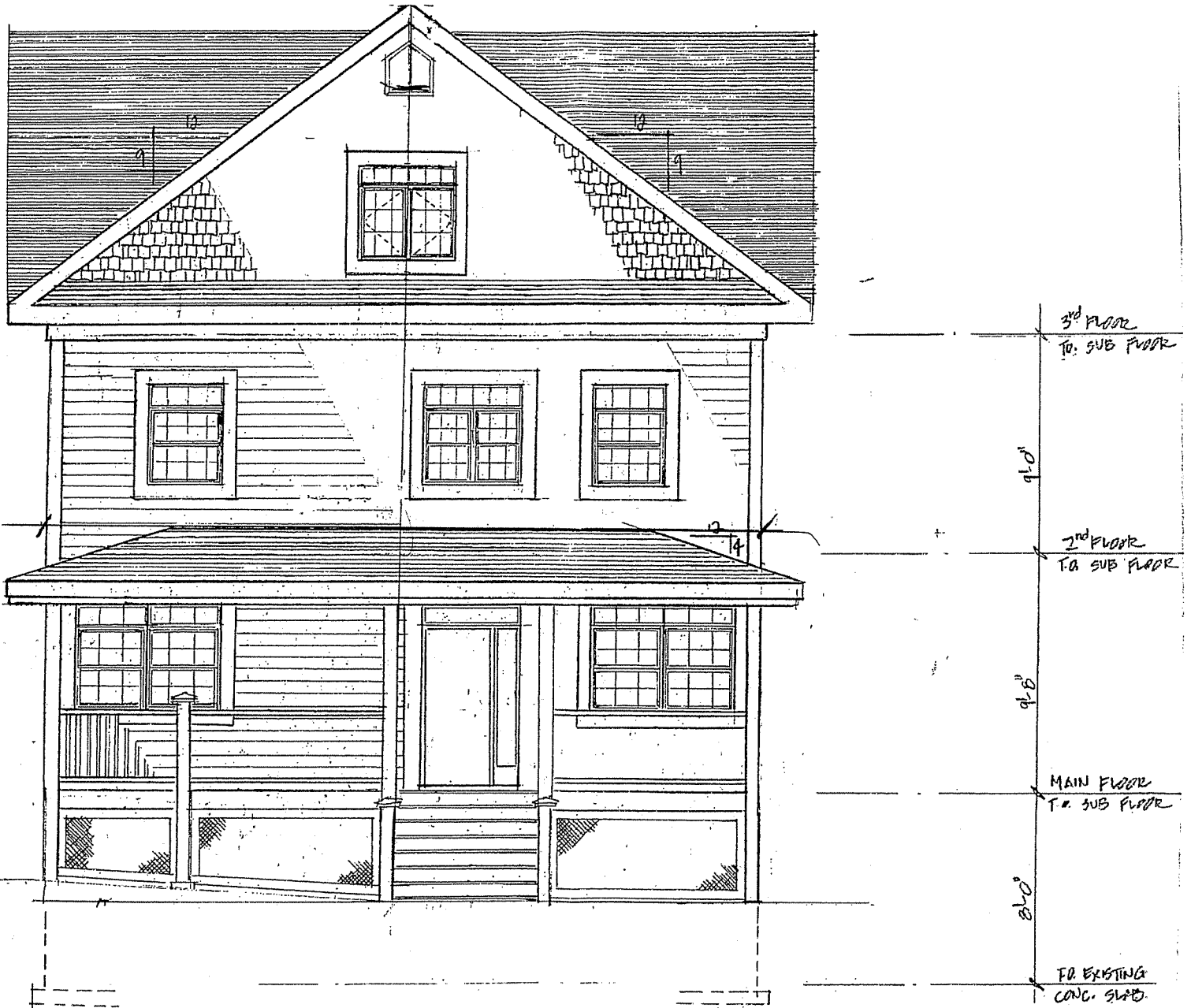
SITE PLAN



DATE: January 27, 2006

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**ELEVATION PLAN**



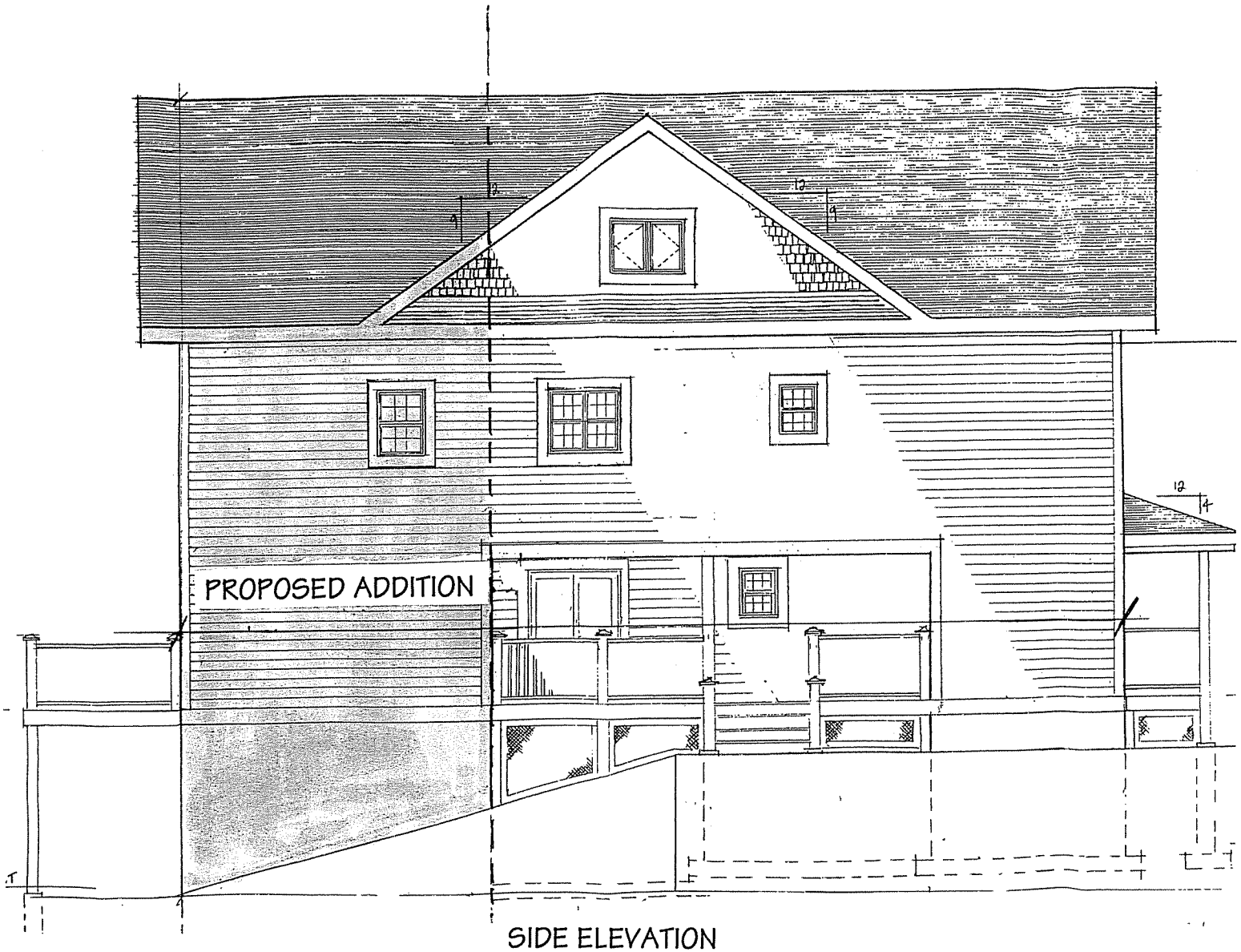
FRONT ELEVATION

DATE: January 27, 2006

SUBJECT: Case No. 12574 - Variance at 6153 Murray Place, Halifax

**ELEVATION PLAN**

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February 13, 2006

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

Dear Mr. Faulkner:

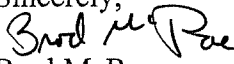
Re.: Case No. 12574

I would like to hereby appeal the variance at 6153 Murray Place. The variance at 1204 FT is almost half of the allowable gross area which is 3000 FT. If this variance is allowed, the remaining area in the back yard at 6153 Murray Place will be cut in half. This will be out of proportion with all of the other yards in the area. Secondly, HRM has just passed very innovative by-laws to prevent developers from building “Monster Homes.” One of the reasons that these by-laws were passed was to protect our sense of being in a neighbourhood. If monster houses are allowed to be built, this also affects our neighbourhoods. Allowing this variance also sets a bad precedent.

I have also checked with my neighbors on this matter and they are also against this proposal.

Please help us protect our neighbourhood. Halifax was listed as being one of the three mid-sized cities in Canada for having a livable downtown. Part of a livable downtown is keeping our homes to a reasonable scale.

Thank you for your consideration.

Sincerely,  
  
Brad McRae