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Halifax, Nova Scotia  
B3J 3A5 Canada

**Peninsula Community Council**  
**September 11, 2006**

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

**SUBMITTED BY:**   
Andrew Faulkner - Development Officer

**DATE:** September 6, 2006

**SUBJECT:** **Supplementary Report**  
Appeal of the Development Officer's decision to approve an application for  
a Variance - 1377 Robie Street, Halifax

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**ORIGIN**

This supplementary report deals with an error in the originally submitted report on the appeal of the Development Officer's decision to refuse a variance from the Angle Control requirements of the Halifax Peninsula Land Use Bylaw to permit construction of a 45 unit dwelling.

**RECOMMENDATION**

It is recommended that Council consider this additional information in review of the August 8, 2006 report and uphold the Development Officer's decision to refuse the variance.

### **BACKGROUND**

The original review of the proposed development contained an error in application of the angle control requirements of the Land Use Bylaw. Attached to this report is the correct site plan indicating the area of variance requested by the applicant.

### **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 refuse the variance. This is the recommended alternative.
2. Council could overturn the decision of the Development Officer and approve the variance.

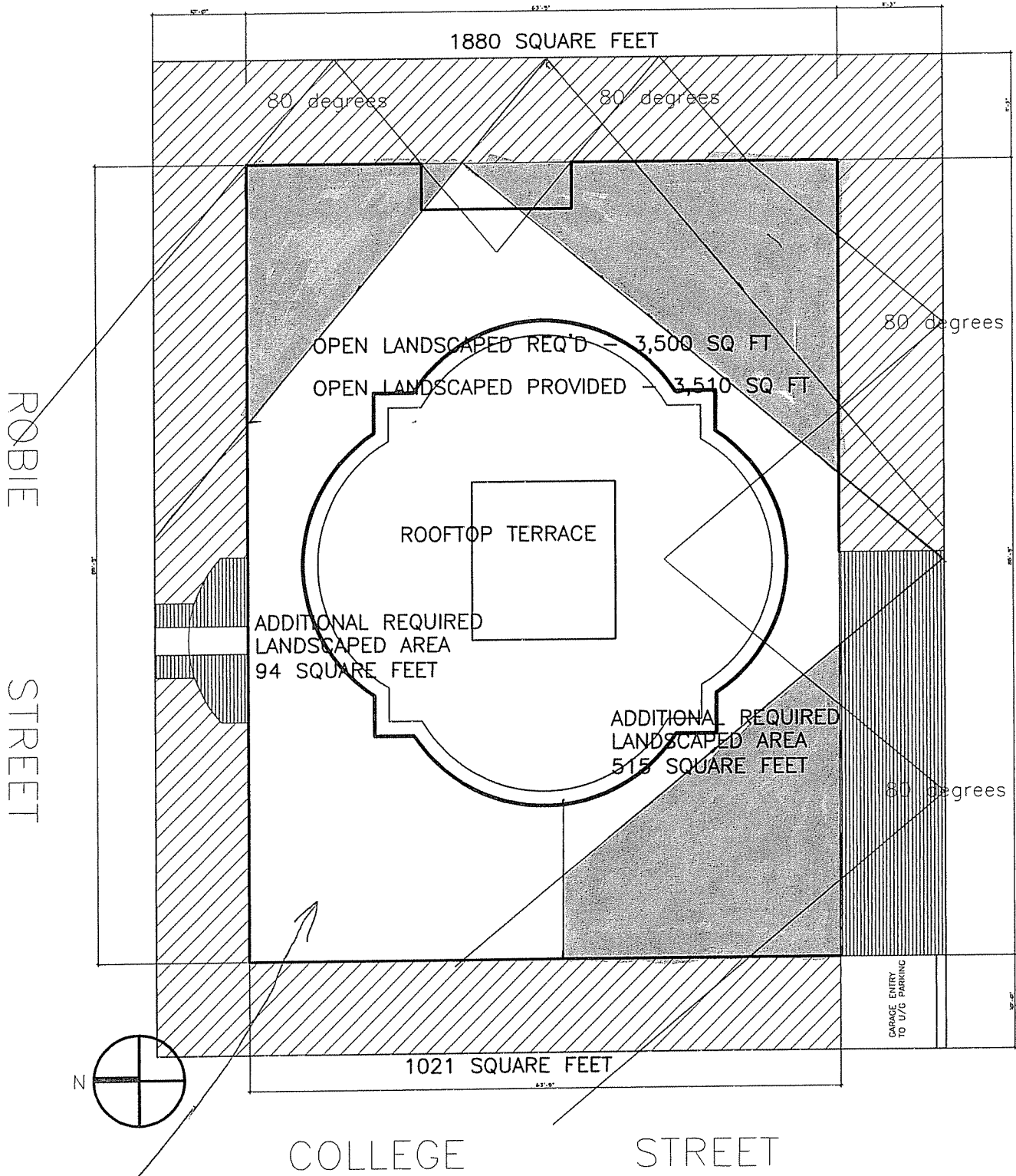
### **ATTACHMENTS**

1. Site Plan of proposed development
2. Amended notice provided to assessed owners within 30 metres of the subject property.

### **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)



SITE & ROOF PLAN

SCALE : 1/8" = 1'-0"

Portion of building that can be built as-of-right (without a variance)

Portion of building which requires Variance for 80 degree Angles

**CORRECTED NOTIFICATION**

August 31, 2006

Dear Assessed Owner:

**RE: Application for Variance, File No 13178 - 1377 Robie Street, Halifax**

This is an amended notice provided further to earlier correspondence dated August 4, 2006 and August 18, 2006. The sketches attached to both previous notices do not accurately reflect the nature of the variance required to permit the construction of the building as proposed by the applicant.

Please disregard the previous correspondence and consider this notice as the official statutory notification of the Development Officer's decision to refuse a variance from the requirements of the Halifax Peninsula Land Use Bylaw.

This amended notice and attached sketch have been provided to clarify any misconceptions resulting from the previously circulated sketches. It should be clearly noted that the nature and design of the proposed building has not changed since the application was initially received. Differences between the attached sketch and the earlier versions are the result of corrections in the application of the requirements of the land use bylaw by Municipal staff and not the result of changes in the design of the building by the applicant. The attached sketch reflects an accurate graphic depiction of the impact of the angle control requirements on the proposed building. We apologize for any inconvenience.

This will advise that the Development Officer for the Halifax Regional Municipality has refused a request for variance from the requirements of the Land Use Bylaw for *Halifax Peninsula* as follows:

**Location:** 1377 Robie Street, Halifax  
**Applicant:** Geoff Keddy & Associates  
**Project Proposal:** Construct Multi-Unit Dwelling  
**Variance Requested:** Vary 80 Degree Angle Control\*

\*Angle controls are theoretical angles measured from the property line to the building. They are a means to limit setbacks and mass of structures.

Section 235(3) of the Municipal Government Act states that

**No variance shall be granted where:**

- (a) the variance violates the intent of the Land Use Bylaw;**
- (b) the difficulty experienced is general to properties in the area; or**
- (c) the difficulty experienced results from the intentional disregard for the requirements of the Land Use Bylaw.**

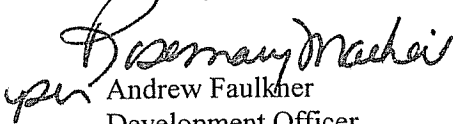
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It is the opinion of the Development Officer that the variance (a) violates the intent of the Land Use Bylaw, (b) the difficulties experienced is general to the area, therefore the request for a variance has been refused.

The applicant has appealed the Development Officer's refusal of the application for variance. The appeal will be heard by the Peninsula Community Council on **September 11, 2006 at 1841 Argyle Street, Council Chamber at City Hall, Halifax at 7:00 p.m.** If you have any questions or require additional information, please contact Steven Croft at **490-4338**.

Sincerely,

  
Andrew Faulkner  
Development Officer

cc. Jan Gibson, Municipal Clerk  
Councillor Dawn Sloane