



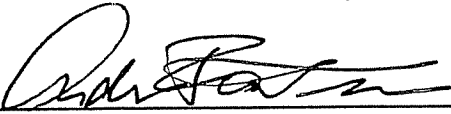
8.2.1

---

Halifax Peninsula Community Council  
February 13, 2006

**TO:** Halifax Peninsula Community Council

**SUBMITTED BY:**

  
\_\_\_\_\_  
Andrew Faulkner, Development Officer

**DATE:** February 6, 2006

**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 have received one appeal of the Development Officer's approval of the Variance from an assessed owner of Condominium No. 130 at 1470 Summer Street.

**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 ownership by two separate entities of Dalhousie University and consolidating the parcels would be difficult.

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 appeals of the variance are based upon setback

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.



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

I STRONGLY OBJECT TO THIS VARIANCE.

I LIVE AT 1470 SUMMER ST #160 AND FACE SOUTH, OVERLOOKING THE SAID PROPERTY. THE EXISTING SET BACKS ON THE OTHER 3 CORNERS OF COLLEGE AND SUMMER ST.

L.W. HOLLAND  
L.W. Holland  
Dec 27, 05

December 19th, 2005

Dear Assessed Owner:

**Re: Case No. 12090 - Variance at 5850 University Avenue, Halifax**

As the Development Officer for the Halifax Regional Municipality, I have approved a request for a variance from the requirement(s) of the land use bylaw as follows:

**Location:** 5850 University Avenue and PID 00055970 (corner of College and Summer Streets)- see attached sketch for details.

**Project proposal:** To construct a life sciences research centre in association with Dalhousie University. The proposed siting and design of the research centre would require a relaxation of side yard setbacks from 10' to 0' to allow for a connecting pedway between the existing Tupper Medical building and the proposed life sciences research centre. The presence of an internal property line also requires a relaxation of the setback of the proposed life sciences research centre to meet the angle controls. The sideyard setback is determined by applying a theoretical 60 degree vertical angle over the lot from the internal property line as described in Section 47(2) of the Halifax Peninsula Land Use bylaw.

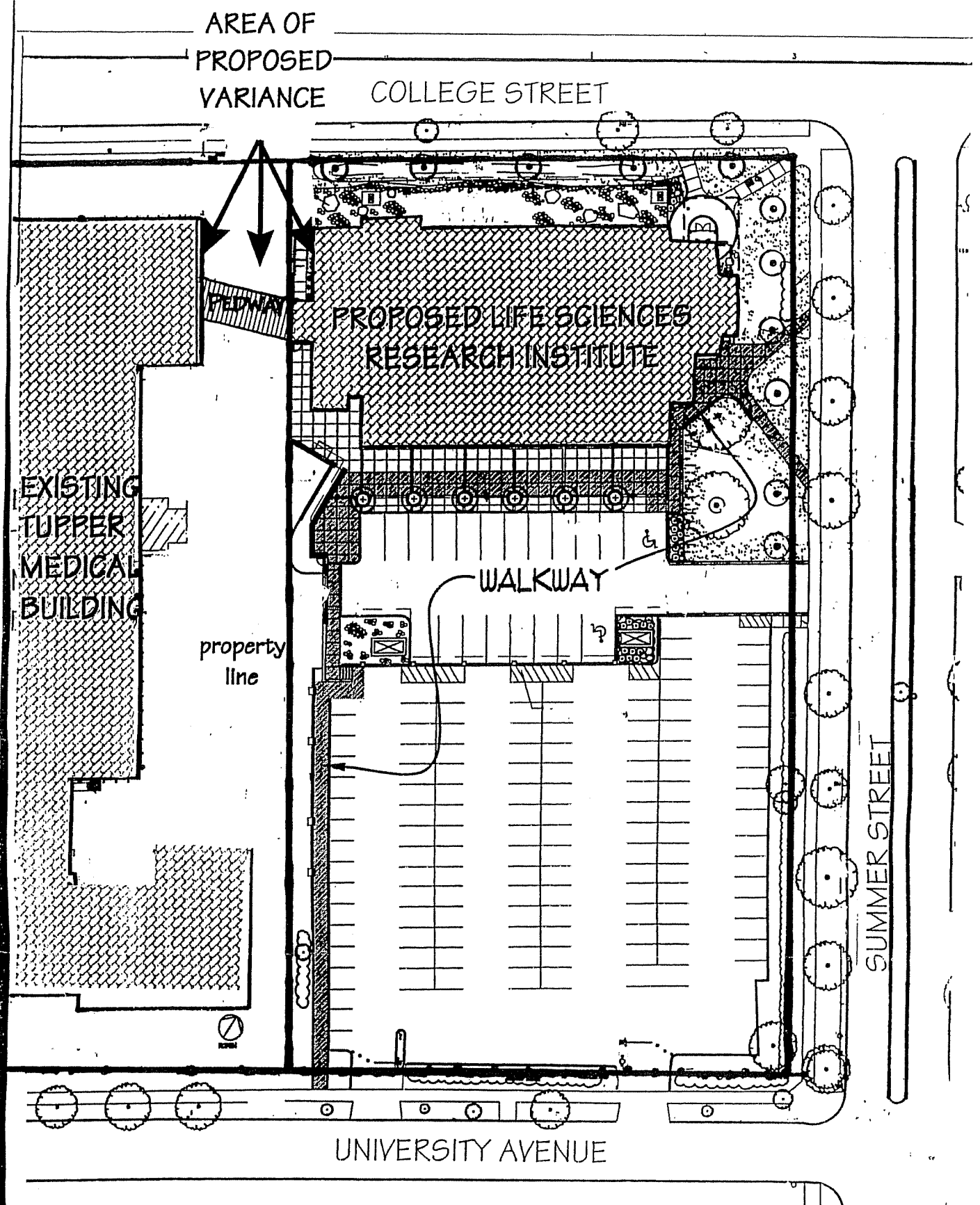
File 13  
Council Chambers

**Required:** Minimum 10 foot setback from all property lines.

**Approved:** 0 foot setback from the internal property line.

Pursuant to Section 236 of the Municipal Government Act, assessed property owners within 30 meters of the above noted address are notified of this variance. If you wish to appeal, please do so in writing, on or before **January 4th, 2006** and address your appeal to:

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



SITE PLAN FOR VARIANCE AT 5850 UNIVERSITY AVENUE  
 PROPOSED DALHOUSIE LIFE SCIENCES RESEARCH INSTITUTE

NORTH ELEVATION

