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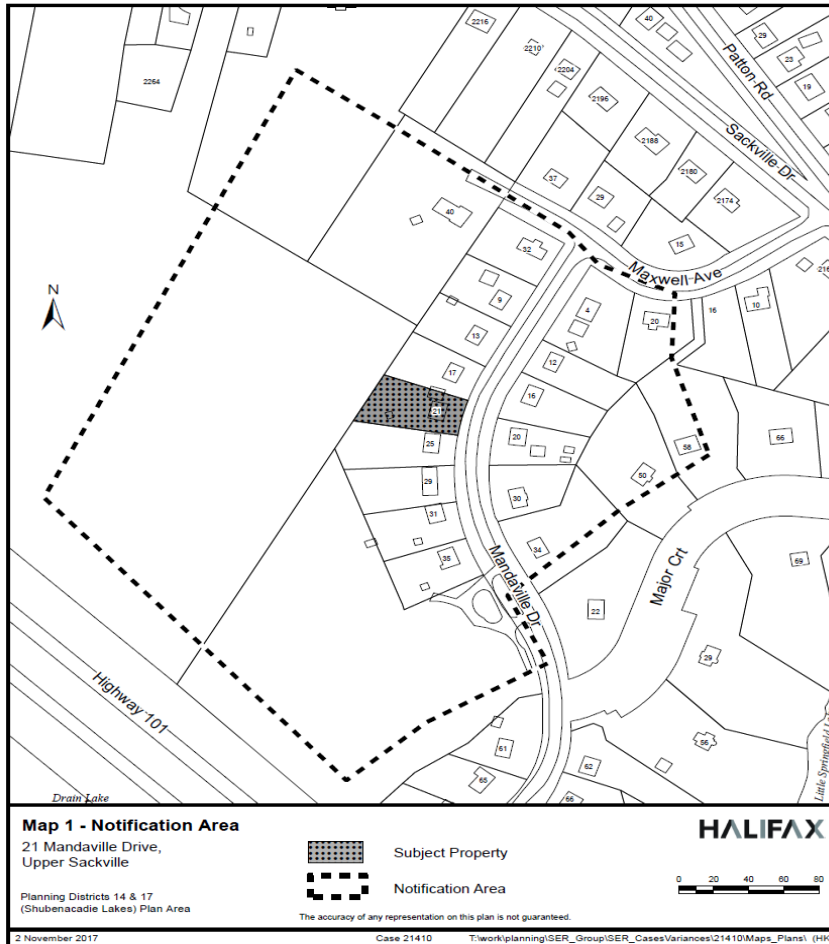
**Case 21410:
Variance Hearing for
21 Mandaville Drive**

Northwest Community Council

Background

- The subject property is zoned R-1 (single family) under the Beaver Bank, Hammonds Plains, Upper Sackville Land Use By-Law
- There was a variance set back granted in 1997 for a reduction of the side yard setback from 8 feet to 6 feet for an accessory building
- A Subsequent survey plan (May 8, 2017) shows the accessory building at 3.9 feet
- A request was made to further reduce the setback to the existing 3.9 feet

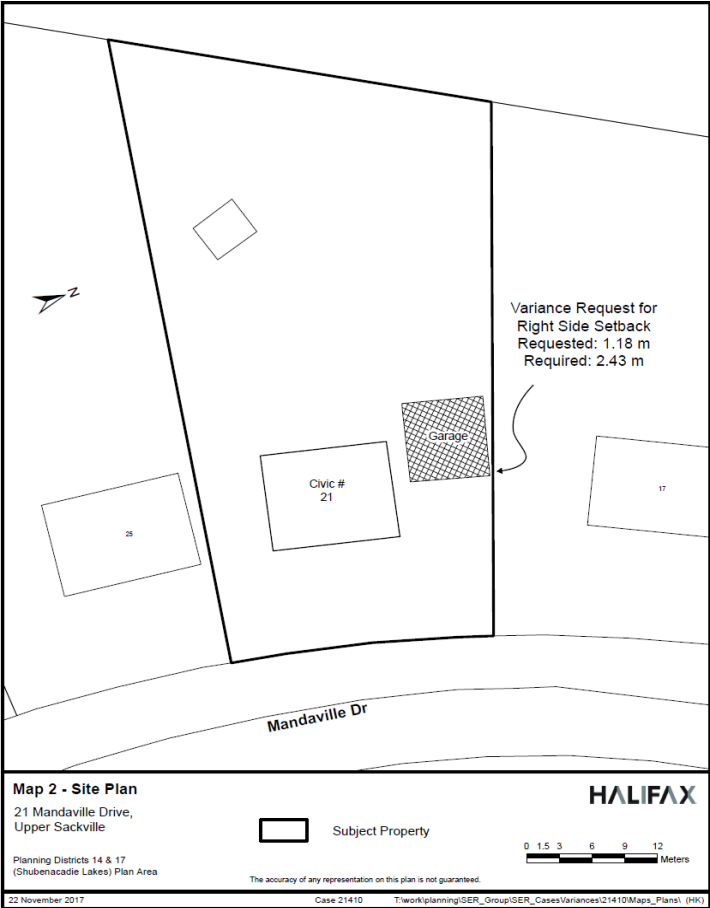
Location Map



Variance Request

- Required Side Yard Set back 8 feet
- Requested Side Yard Set back 3.9 feet

Site Plan



Photos of Site – Aerial View

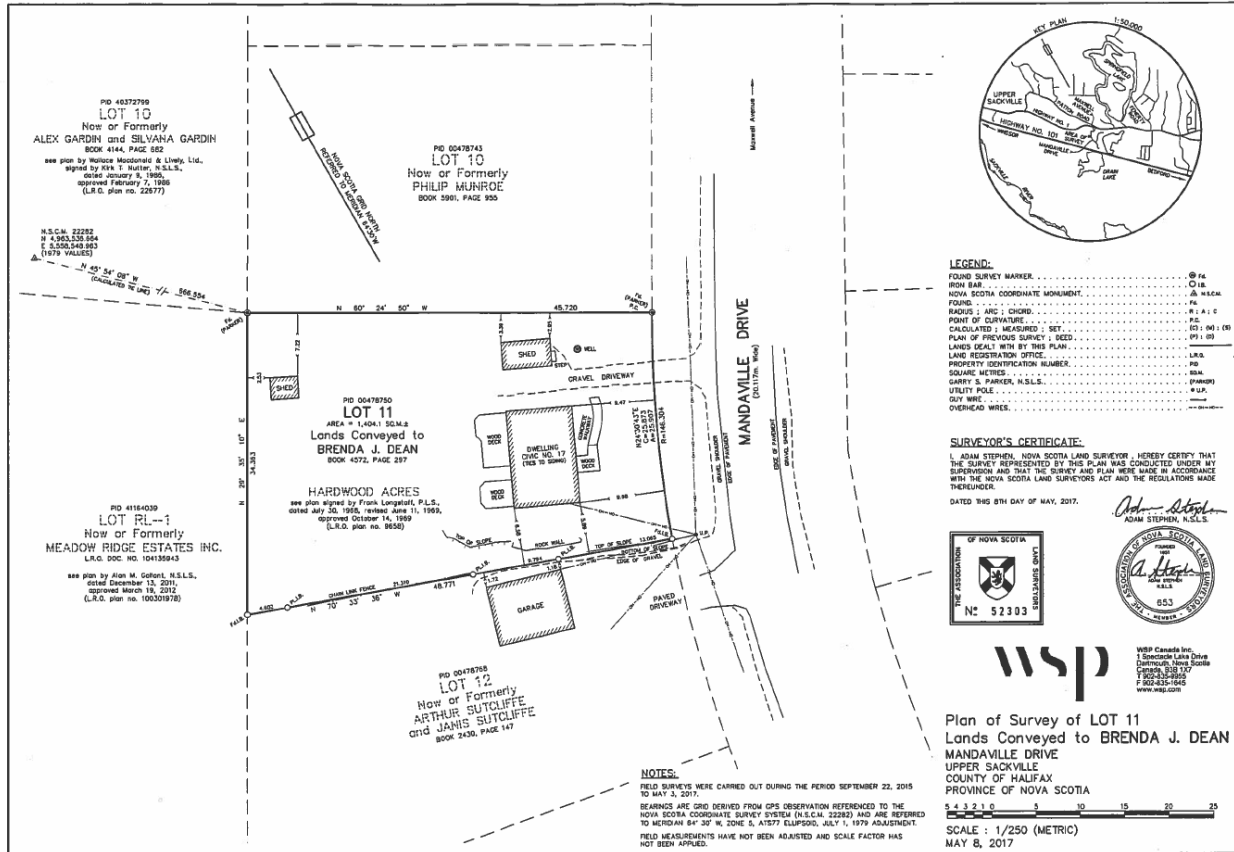


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Photos of Site - Current



Current Survey Plan of Garage Location



Consideration of Proposal

- 250(3) A variance may not be granted where:
 - (a) the variance violates the intent of the development agreement or land use by-law;
 - (b) the difficulty experienced is general to properties in the area;
 - (c) the difficulty experienced results from an intentional disregard for the requirements of the development agreement or land use by-law

Does the proposal violate the intent of the land use by-law?

- The additional 2.1 foot encroachment into the approved 6 foot setback has existed for approximately 21 years and does not seem out of context with the suburban streetscape in the area
- The additional side yard encroachment does not compromise the access to this or surrounding properties
- Minimal but adequate space is retained for building and property maintenance.
- It is the Development Officer's opinion this does not violate the intent of the LUB

Is the difficulty experienced general to properties in the area?

- In this case, the difficulty is specific and unique to this property as the 21 year old construction error has created the structure being non-compliant
- The only other option besides granting this variance is either a substantial alteration or demolition of the entire building
- Due to the long-standing existence of the building without community impacts it is considered that the demolition or alteration represents a difficulty that is not generally present in the neighbourhood

Is the difficulty experienced the result of an intentional disregard for the requirements of the LUB

- Staff are satisfied the owner believed they had complied with the previous variance for a 6 foot setback
- When the current survey was done, the owner responded in a timely manner and made application to increase the variance – with knowledge of the implications of the process

Alternatives

- The alternatives before Community Council are:
- If North West Community Council approves the appeal the Variance will be approved
- Should North West Community Council deny the appeal this would result in the Variance being granted
- The Development Officer recommends to deny the appeal

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