

Item 10.2.1

**HALIFAX**

**Case 21864  
Variance Hearing  
14 Melvin Road, Halifax**

Halifax and West Community Council

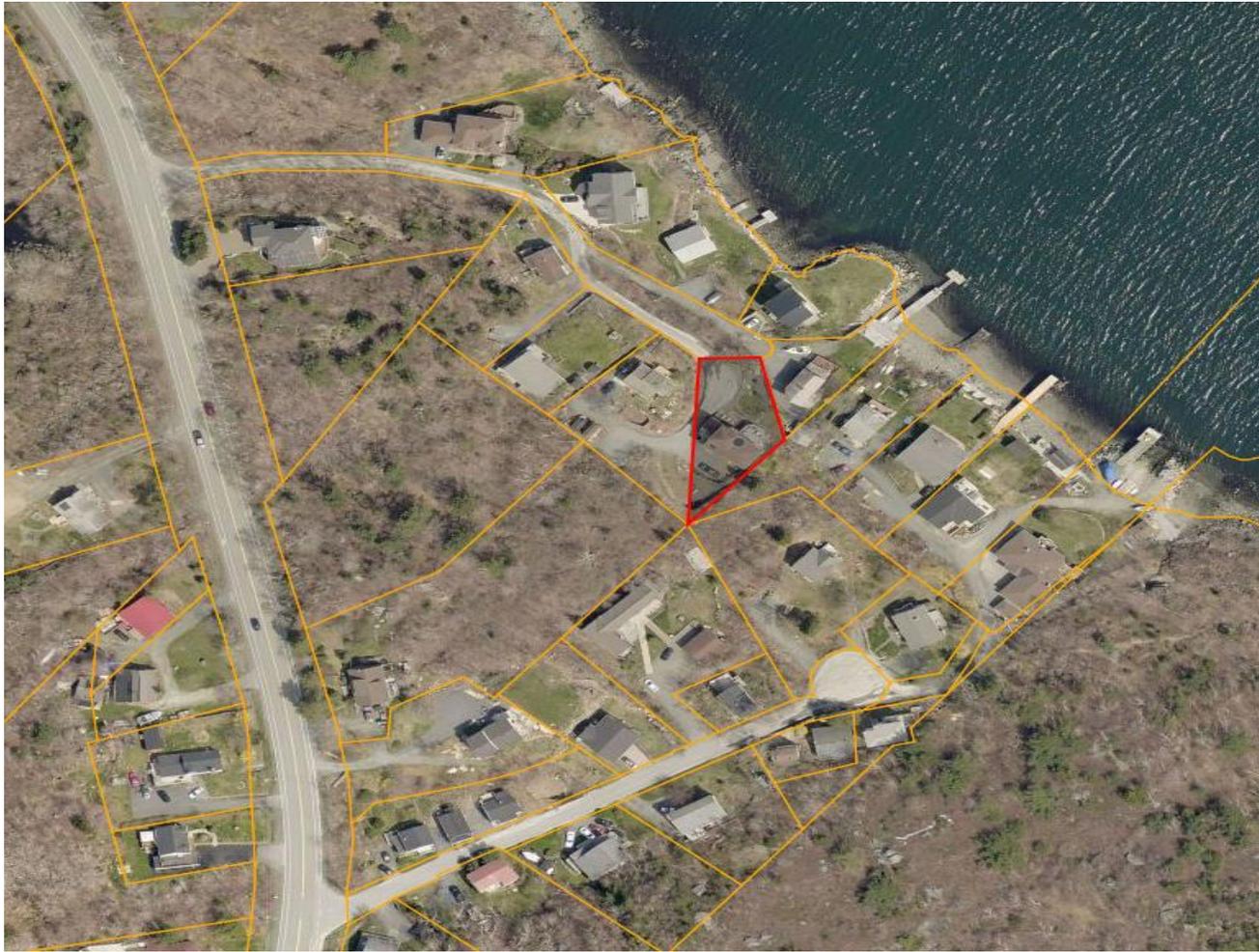
July 9, 2019

# Proposal

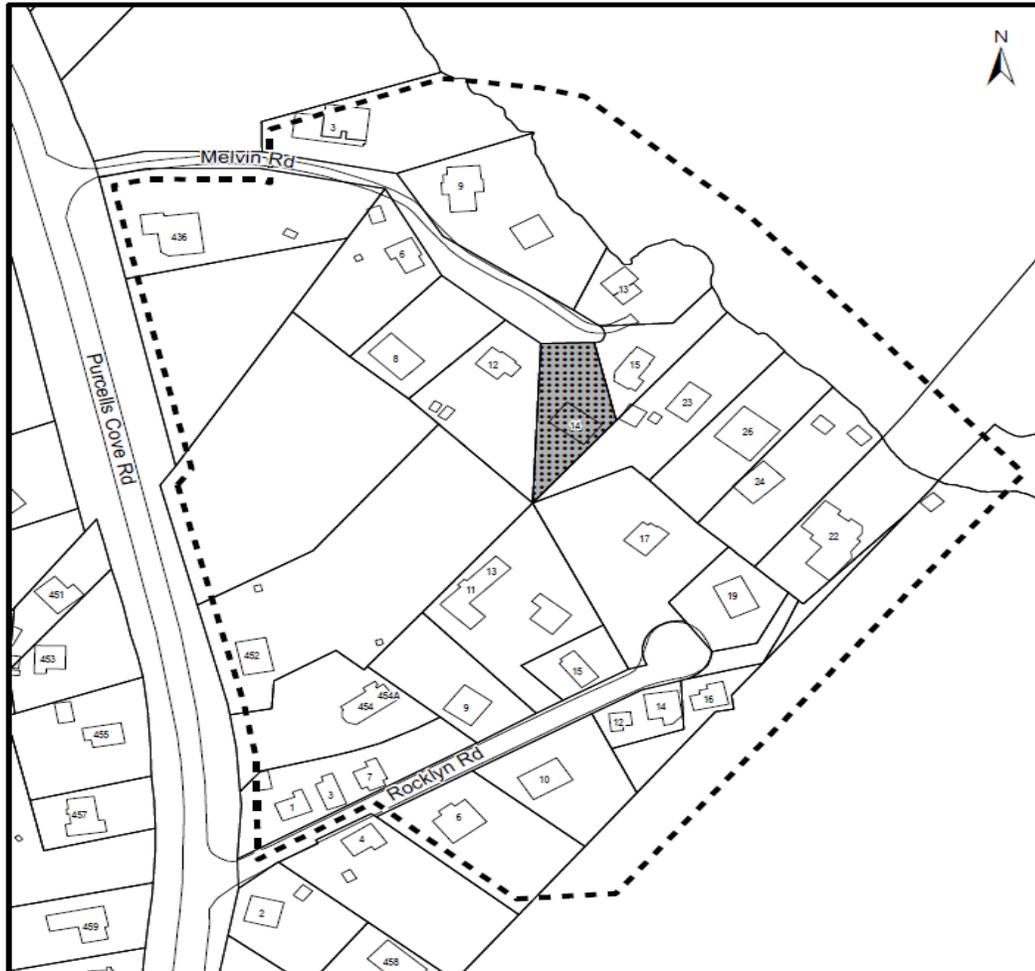
- The property owners are proposing to construct a two storey addition to side of the existing dwelling
- In order to facilitate this proposal, a variance has been requested for the side yard set back of 4 feet

# Background

- The request is to allow a two-storey addition to an existing single unit dwelling.
- The addition on the side of the dwelling will expand the structure in order to add a garage to the main level of the building and a family room and washroom on the second level of the addition



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# 100 M Notification Area for 14 Melvin Road

**Map 1 - Notification Area**

14 Melvin Road,  
Halifax



Subject Property



Notification Area

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The accuracy of any representation on this plan is not guaranteed.

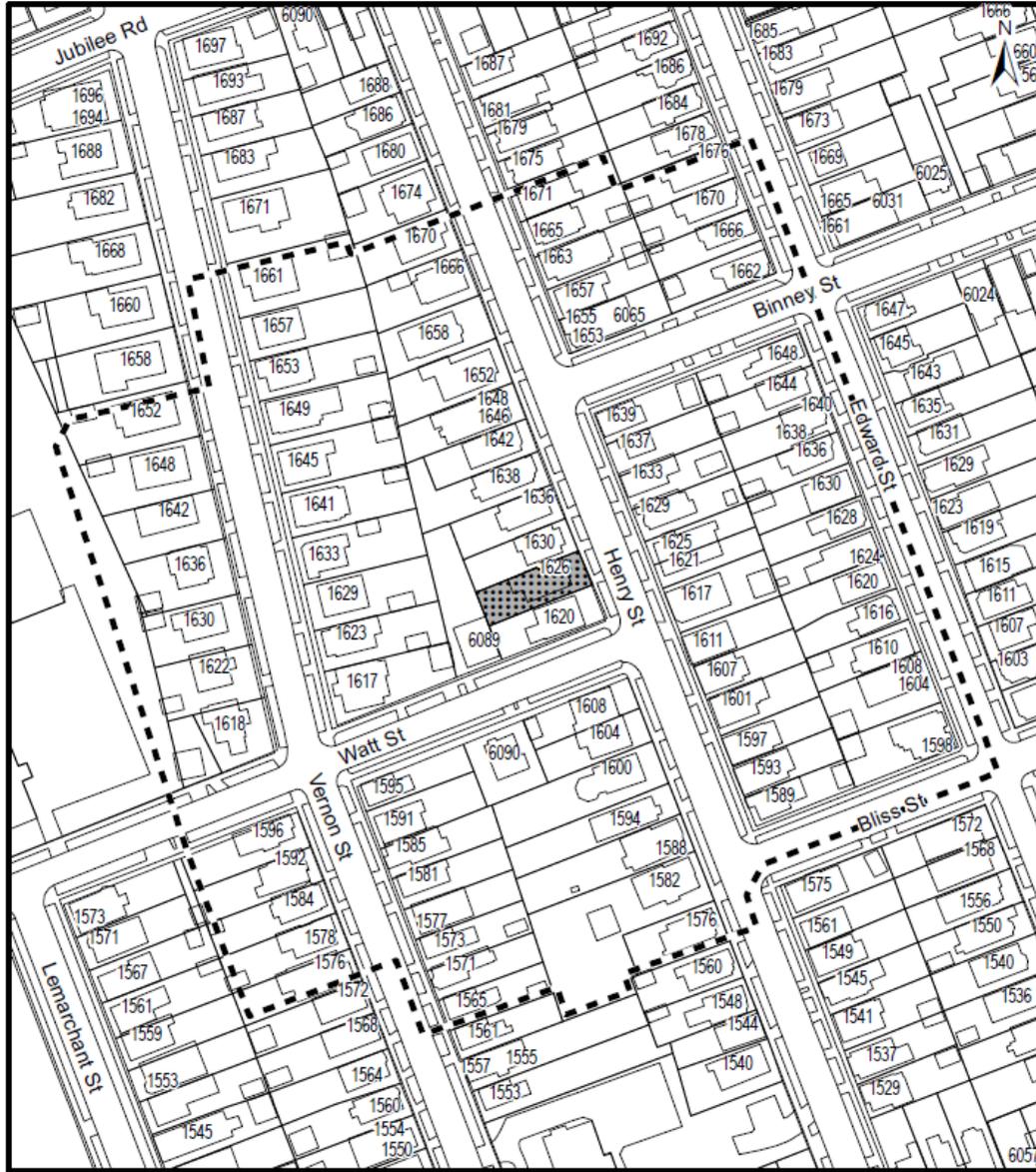
Halifax Plan Area

16 October 2018

Case 21864

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# Zoning

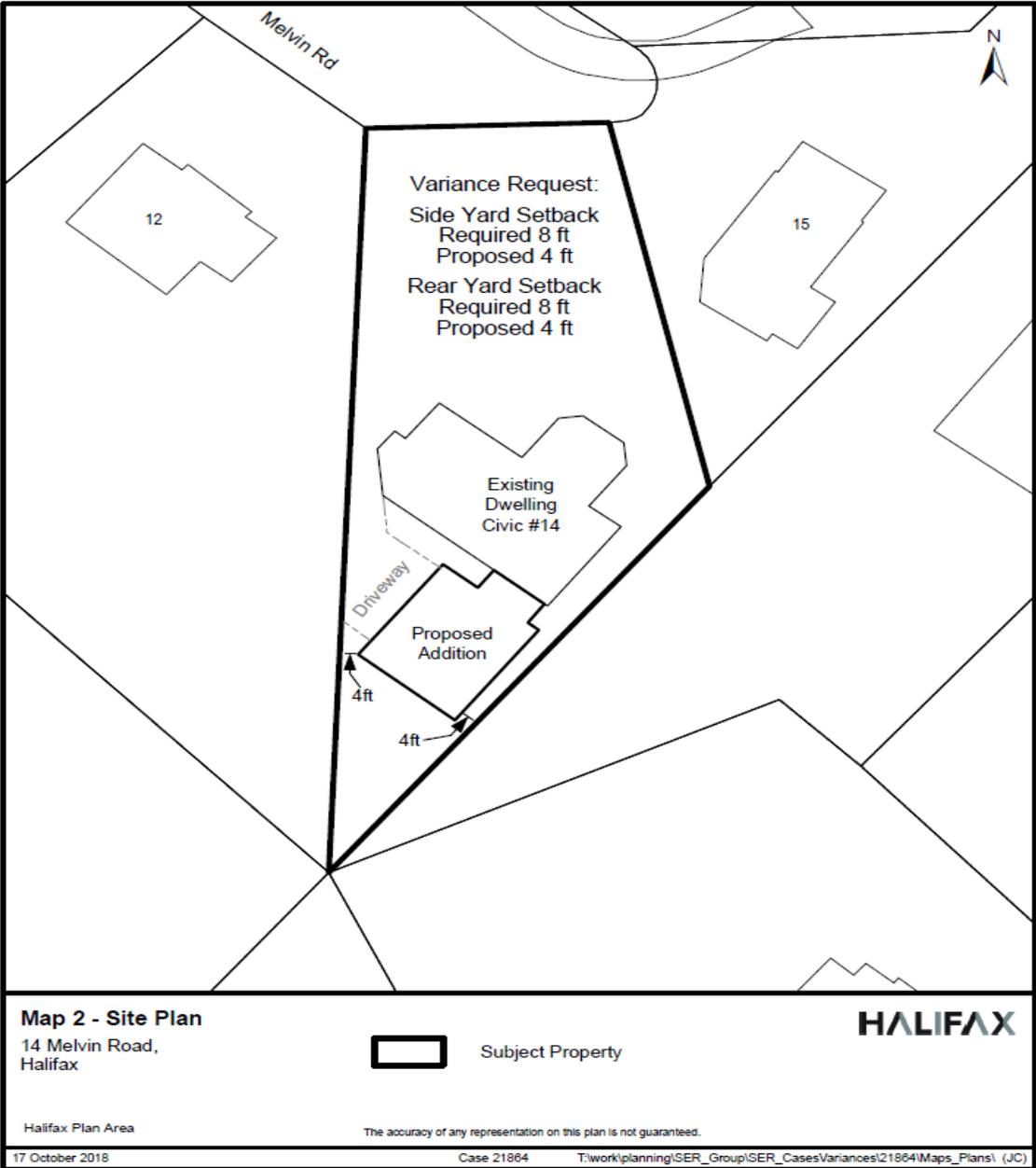
- Halifax Mainland Land Use By-law, Mainland South Secondary Plan
- H (Holding) Zone – Reverts to Section 21 (R-1 Zone)

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# Variance Request

	<b>Requirement</b>	<b>Existing</b>	<b>Variance Requested</b>
Minimum side yard setback	8 Feet for habitable area	10 Feet +/-	4 Feet

# Site Plan



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## Site Photos front view

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# Site Photos side view

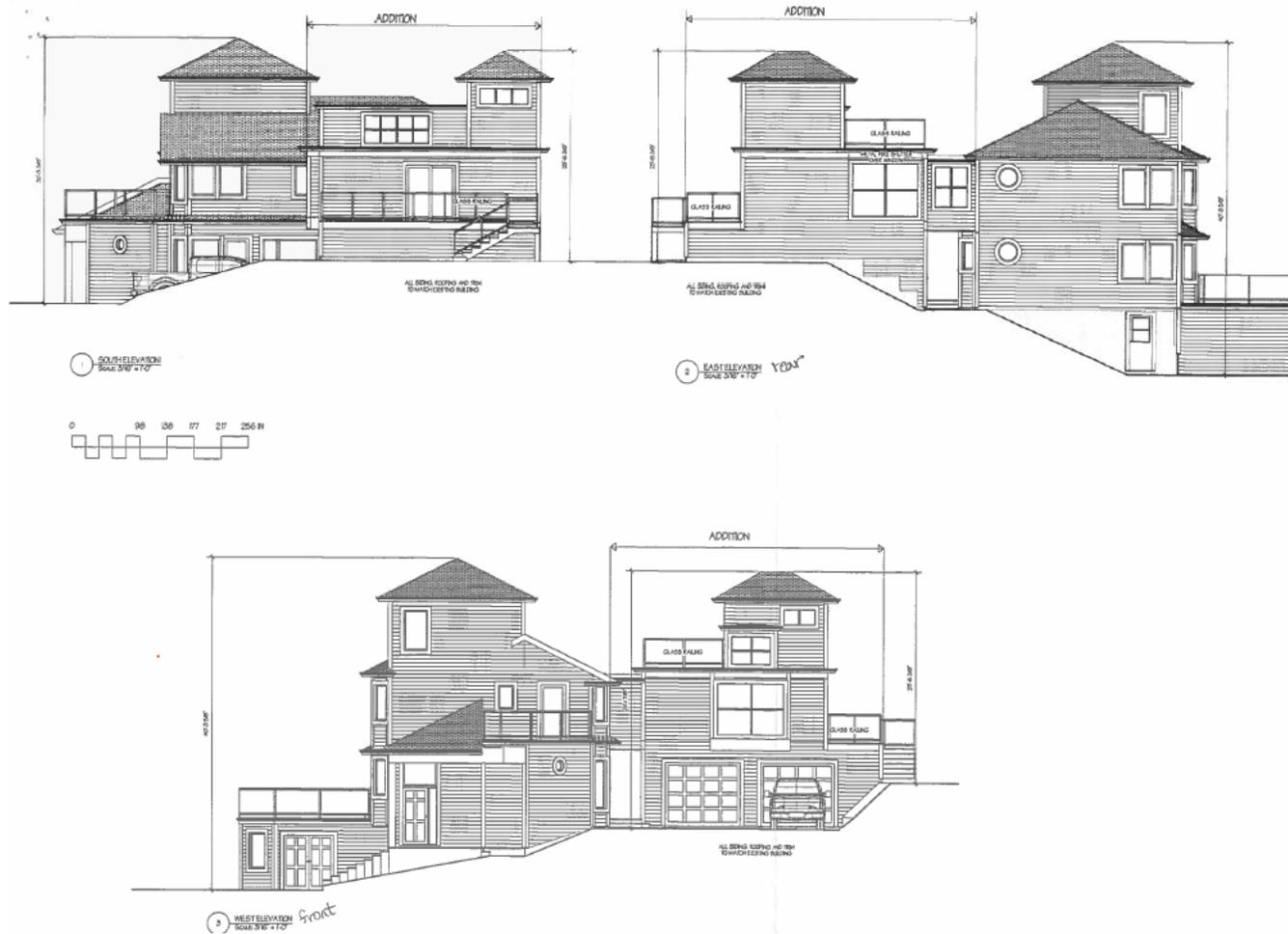
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# Site Photos Rear view

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# Elevations for Proposed Addition



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# Variance Criteria

250 (3) A variance may **not** be granted where

(a) the variance **violates the intent** of the 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 land use by-law.

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

- The garage portion of the addition does meet the requirements but the second floor habitable space does require a variance
- 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.

# Is the difficulty experienced general to properties in the area

- The difficulty experienced is specific and unique to this property
- The dwelling is situated on a steep incline which screens the proposed addition from adjacent properties.
- The majority of dwellings in the 100 m notification area could reasonably be enlarged and not require any variance

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

- Staff are satisfied that there is no intentional disregard as the variance has been applied for before any construction or construction permits have been applied for

# Alternatives

The alternatives before Community Council are:

- If Halifax and West Community Council approves the appeal the Variance will be denied.
- Should Halifax and West Community Council deny the appeal this would result in the Variance being approved. This is the recommended alternative.