

Presentation to Halifax West Community Council

By:



ATLANTIC
DEVELOPMENTS INC

Appeal of Development Officer's Decision to Deny Variance

File #s 22953, 22954, 22955, 22956, 22957, and 22958

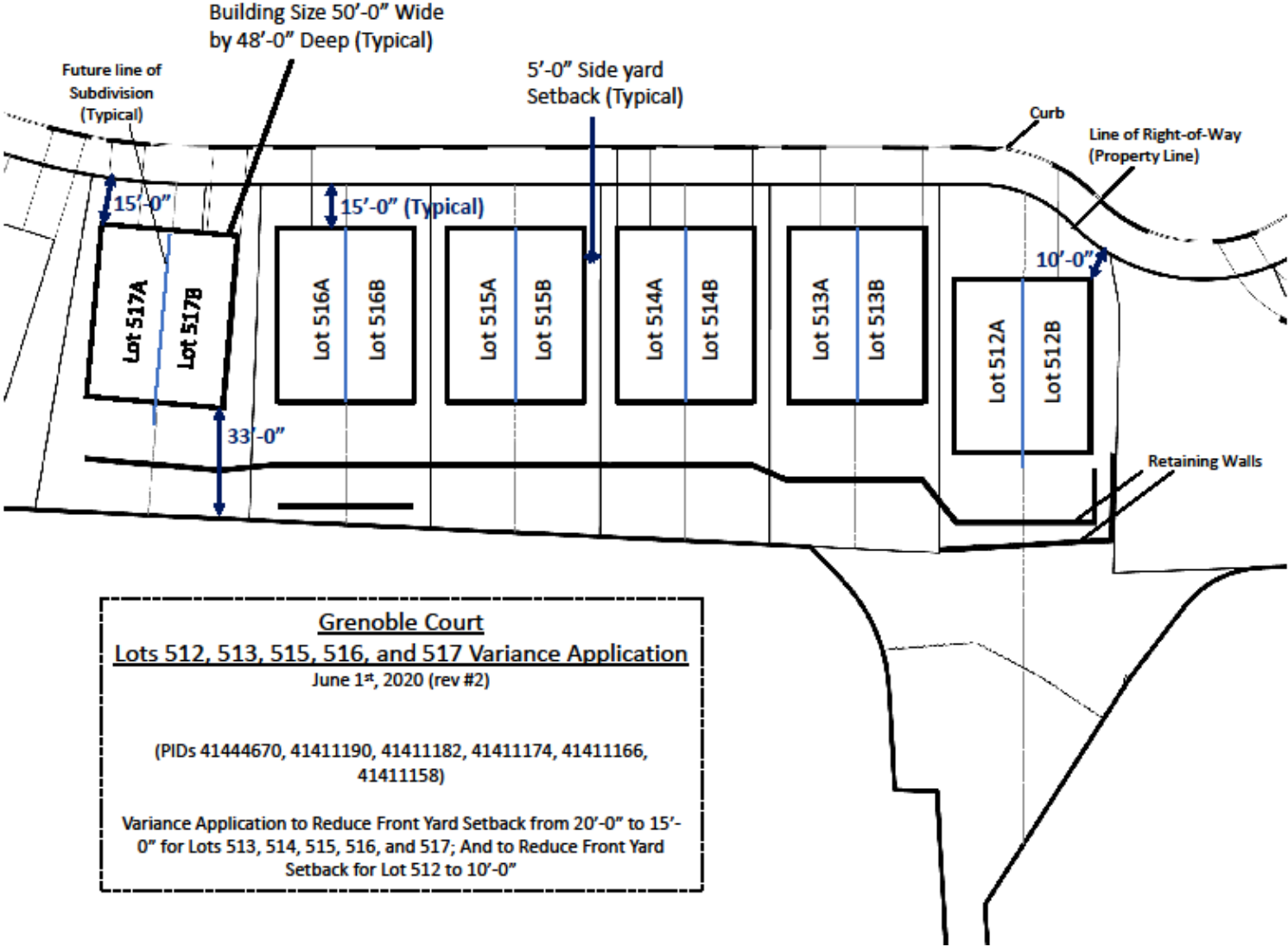
July 28th, 2020

Long Lake Village - Overview

- 40 Acre Master Planned Community connected to Cowie Hill Road and North West Arm Drive.
 - Three Neighbourhood Parks
 - Purchased land in 2007. First phase of construction started in 2012. Complete construction on final phase in 2017.
 - Paths to the attached neighbourhoods
- Five Kilometre Trail and Lake Access on Provincial Lands Across the Street



Variance Request



HRM Charter

Section 250 (1) (b) of the Halifax Charter says, *A Development Officer may grant a variance in one or more of the following terms in a development agreement, if provided for by the development agreement, or in land-use bylaw requirements:*

-
(b) size or other requirements relating to yards

This provision gives the Development Officer the discretion to approve our variance request.

Further Section 250 (3) says, *A variance may not be granted if:*

-
- (a) the variance violates the intent of the land-use by law;*
 - (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 development agreement or land-use by-law.*

The Development Officer cited both (a) and (b) in refusing our variance request.

Intent of the Land-Use By-Law

In respect to reason *(a) the variance violates the intent of the land-use by-law.* It is our opinion the request does not violate the intent of the land-use by-law.

1. There will be no gain in density. Currently the lot meets the requirements for a semi-detached dwelling, through this variance the lots won't be able to be used for anything more than a semi-detached dwelling.
2. Moving the homes forward five feet will be indiscernible.
3. The sidewalk is on the opposite side of the street to these lots, so these lots will still have 25+ feet of usable driveway. Homes on the other street have 20+ feet from the sidewalk.

Difficulty Experienced

The second reason in the Charter the Development Officer cited for refusing the variance was (b) the difficulty experienced is general to properties in the area.

1. The Charter does not define ‘general’ or ‘area’, which gives the Development Officer latitude on a case by case basis.
2. No two lots on the street, in Long Lake Village, and adjoining neighbourhoods are the same.
3. Other lots on the street, in Long Lake Village, and adjoining neighbourhoods don’t have a rock wall and step slope in the rear.
4. Other lots on the street, Long Lake Village, and adjoining neighbourhoods don’t have a Legal Non-conforming property abutting the back-property line.
5. Further, adjoining neighborhoods don’t conform to any recent versions of the Land-use By-law, Subdivision By-law and, or Municipal specifications which would make them unlikely to be similar to our new streets in any “general” way.

Slope in Rear



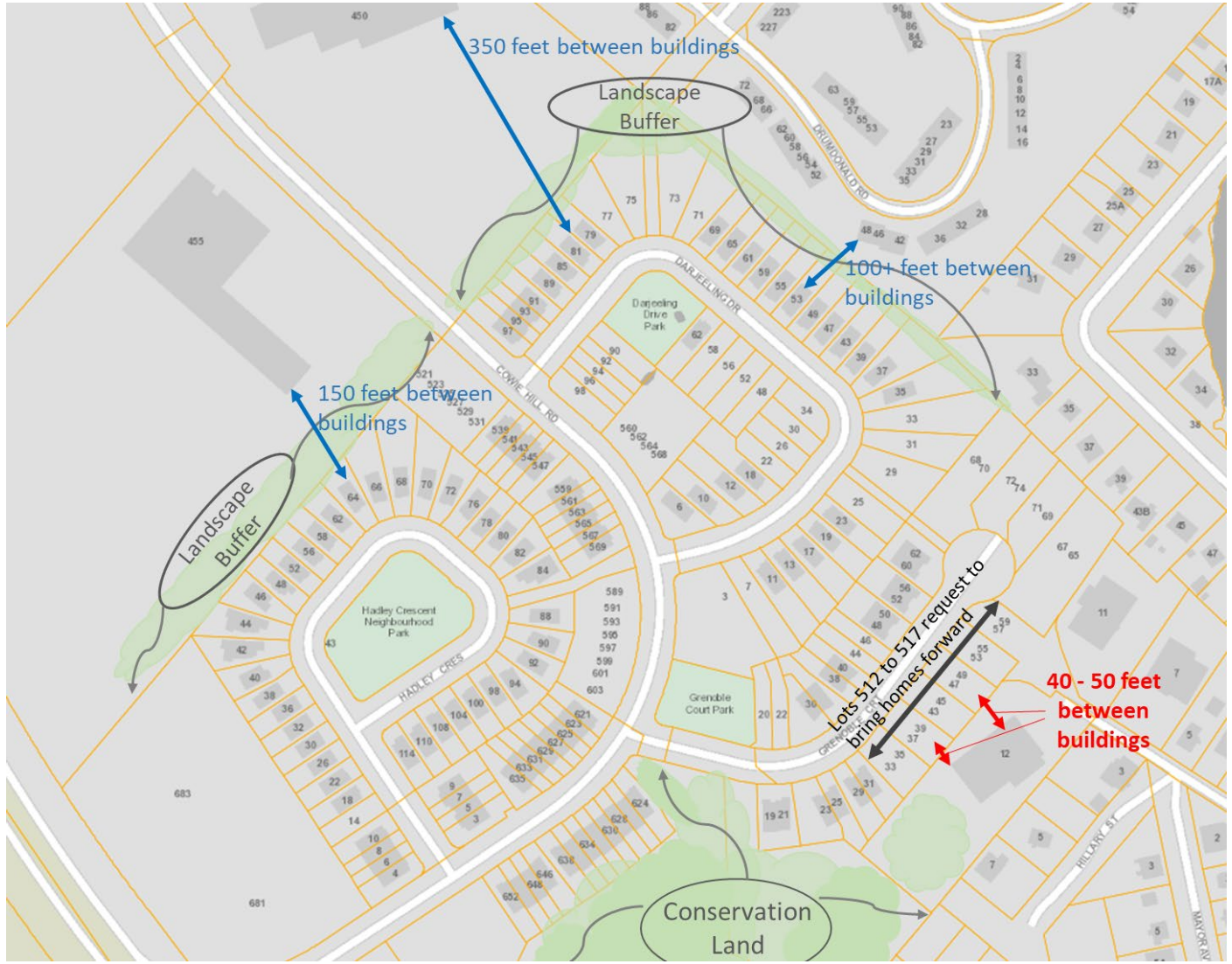
Legal Non-Conforming Commercial Property in Rear 1



Legal Non-Conforming Commercial Property in Rear 2



Neighbouring Properties



Conclusion

Given the information presented, we believe the Development officer had the latitude to grant these variances and erred in refusing the request.

We would kindly ask Halifax and West Community Council members to vote in favour of our appeal and to grant the requested variances.

Thank you for your time this evening and your consideration.