

Case 23161: Appeal Hearing Level I Site Plan Approval 6459 Bayers Rd., Halifax

Regional Centre Community Council

Proposed Building

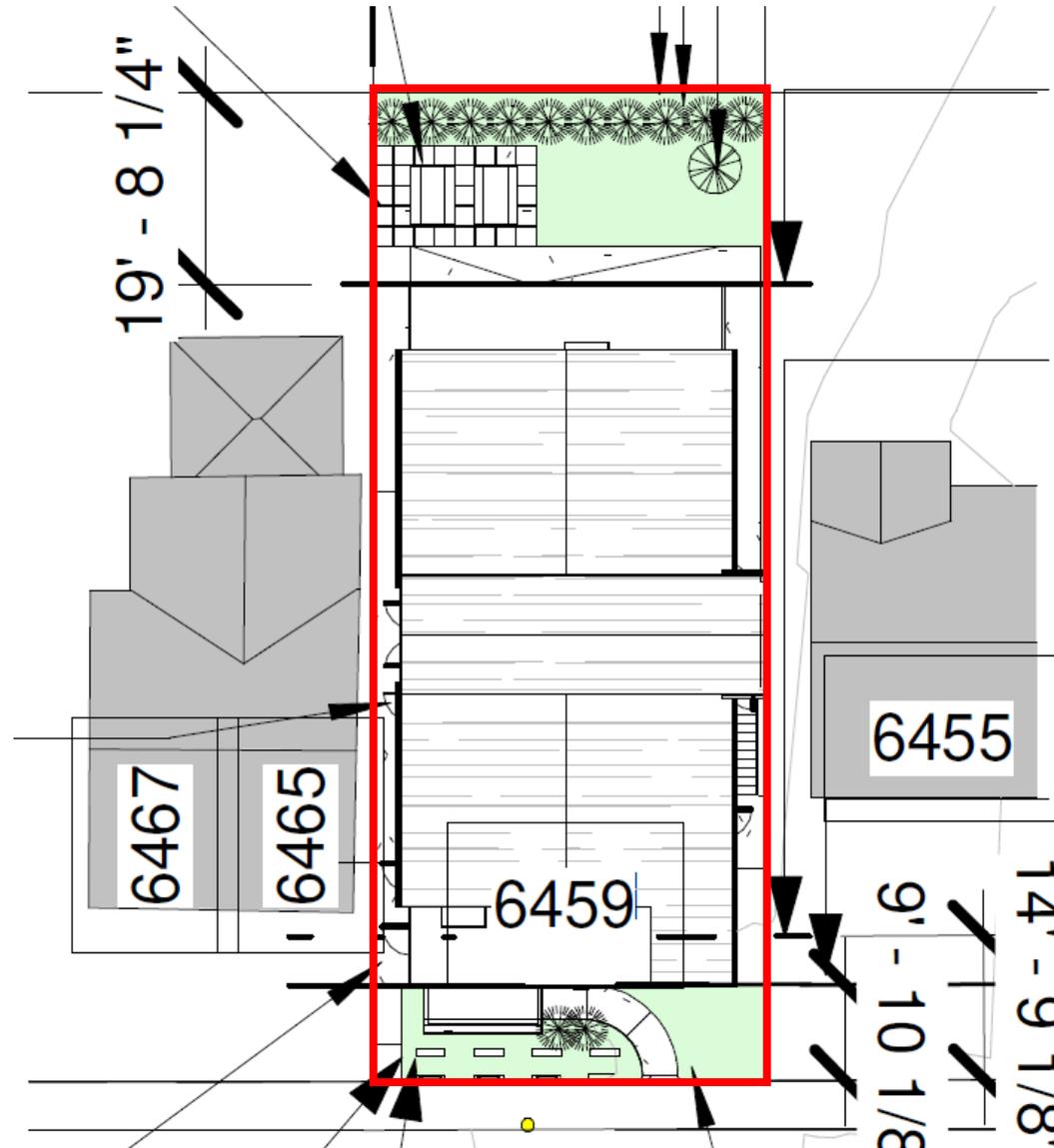


① Render View - Bayer's Rd



③ Render View - Up Bayer's Rd.

Proposed Building



 Property Boundary

January 27, 2021

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Site Plan Approval Criteria

Land Use By-law Criteria	Land Use By-law Section	Analysis
At-Grade Private Open Space Design Requirements	Part VI, Chapter 2	Requirements met
Building Design Requirements	Part VI, Chapter 3	Requirements met
Parking, Access, and Utilities Design Requirements	Part VI, Chapter 4	Requirements met
Heritage Conservation Design Requirements	Part VI, Chapter 5	Not applicable
Other Design Requirements	Part VI, Chapter 6	Requirements met
Variation Criteria	Part VI, Chapter 7	Not Applicable

Appellant Comments

Section 114: At-Grade Private Open Spaces Abutting a Public Sidewalk

- No dimensions given for the walkway connecting the at-grade private open space for the unit fronting Bayers Rd.
- Relationship of the building to the street could be improved by having a deeper front patio for the unit fronting Bayers Rd. This would better relate to the street and improve the usability of this space particularly for persons with mobility challenges

Staff Response

- The open space in front of the grade-related unit is a patio, which is a required part of the building for an at-grade unit, not an at-grade private open space, and does not have to meet the 2 metre pedestrian access requirement.
- Accessibility considerations are contained within the building code, not the land use bylaw, and will be addressed at permitting.

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Appellant Comments

Section 116: Weather Protection for At-Grade Private Open Spaces

- A new deciduous tree is shown on the site plan however, it is located at the far side of the rear yard and not adjacent to the seating area offering little weather protection for those using the seating area. The site plan refers to a separate zoning requirement for the tree which relates to requiring landscape buffers along the transition line rather than weather protection.

Staff Response

- Weather protection is provided by the deciduous tree, as well as the balconies which cantilever over the rear entrance to the building, which are both options under section 116. There is nothing in the bylaw which precludes the use of this tree to satisfy both the requirements for weather protection and landscaped buffering.

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Appellant Comments

Section 122: Articulation of Non-Streetwalls Fronting an At-Grade Private Open Space

- The side exterior walls of the proposed building abut neighbouring private open spaces which abut a public right-of-way (Bayers Road). The proposed siding treatment would not meet the requirements of Section 121 as it appears to exceed the maximum 8.0 m in width without a differentiation in materials, colours or projections and recesses.

Staff Response

- The requirements of section 122 apply to building walls along an at-grade private open space on the same lot, not side yards on adjacent lots. As there is no at-grade private open space along the sides of the building, the requirements of section 122 do not apply to these walls.

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Appellant Comments

Section 128: Ground Floor Transparency – Grade Related Uses

- We are seeking clarification on the calculation used to determine the amount of glazing required. Assuming the entire width of the ground floor façade relates to the grade-related unit, the 50 square foot of glazing provided by the one window and door would not meet the minimum requirement of 25%.

Staff Response

- A portion of the building along the streetwall is used for common building utility or storage purposes. Based on the area of the remaining portion of the streetwall, 4.4 square metres of glazing is required, and the proposal includes 4.6 square metres of glazing, which meets the requirement.

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Appellant Comments

Section 154: General Lighting

- It is unclear if the doorway and stairs shown on the front elevation is a common access or not. We have concerns about the type of lighting being proposed as this has the potential to directly impact neighbouring properties. The main shared entrance is located on the side of the building and immediately adjacent to the existing residence and lighting for the private open-space in the rear yard could impact all abutting properties.

Staff Response

- The building entrances on the front elevation are not common entrances, and are not required to be illuminated. The LUB prohibits light from being directed towards streets or adjacent properties, and requires the use of full cut-off lighting fixtures. As lighting this is not a design requirement, it will be a confirmed as part of the permit review.

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Appellant Comments

- Properties fronting on Roslyn Road are zoned R-2 and have a common rear property line that abuts the Corridor-zoned properties on Bayers Road. The Roslyn Road properties have become the transition line between the two zones. The new zoning of the Bayers Road properties allows for development that is out of keeping with the current neighbourhood. A five-storey building will stand out starkly and reduce privacy. The transition line requirements of an opaque fence, shrubbery and the 6 metre setback isn't enough for a structure of this height.

Staff Response

- The LUB applies a transition line at the common rear property line between the properties fronting on Bayers and Roslyn. The transition line regulations are not part of the design requirements and are outside the appeal consideration.

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Appellant Comments

- Residents on Roslyn were not invited to participate in the rezoning process. Request that the zoning changes be re-assessed before allowing development to proceed.

Staff Response

- There was extensive engagement in advance of Council's consideration and approval of Package A of the Regional Centre Land Use By-law. Public engagement as part of the plan and by-law adoption is outside of the appeal consideration.

Appellant Comments

- The developer has purchased another property nearby and wishes to propose a similar development there. This will impact the sunlight and view of the neighbour, between this proposal and that, and leave only a 2 metre setback on either side of their property.

Staff Response

- Sunlight, view and setbacks relative to a potential future proposal are not under consideration as part of this site plan approval process and are outside of the appeal consideration.

Recommendation

In accordance with Administrative Order One, the following motion shall be placed on the floor:

That the appeal be allowed.

Denial of the appeal motion would uphold the Development Officer's decision and result in approval of the site plan approval application. This is staff's recommended alternative.

Approval of the appeal motion would overturn the Development Officer's decision and result in refusal of the site plan approval application.

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Questions?