

HALIFAX

**Case 23496
Variance Hearing
10 Shipyard Lane, Bedford**

Northwest Community Council

JANUARY 17, 2022

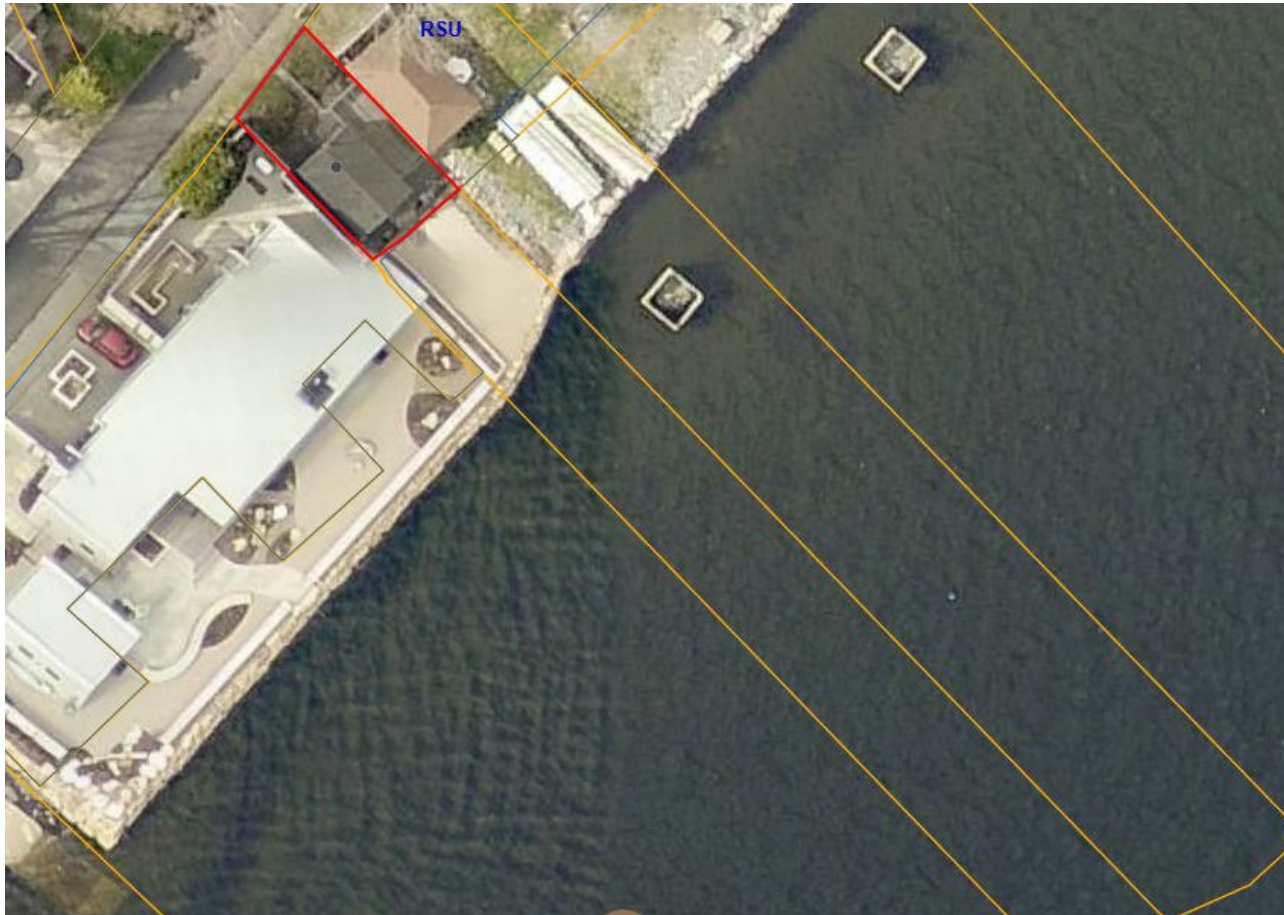
Proposal

- The property owners are proposing to construct a new Single Unit Dwelling to replace an existing boathouse
- In order to facilitate this proposal, a variance has been requested for the right side-yard set back of 3 inches and the left side-yard set back of 4 feet

Background

- The parcel was created via deed previous to Nov 20, 1978 along with the “water lot” within the Bedford Basin
- A permit was issued June 14, 2004 to replace an existing Boathouse (destroyed during Hurricane Juan)
- The owners are requesting to demolish the Boathouse and build a new Single Unit Dwelling
- The requirements of the Bedford LUB are not being met with the new proposal and therefore
- the variance is requested in order to allow for the placement of a dwelling on this lot

Air Photo of 10 Shipyard Road

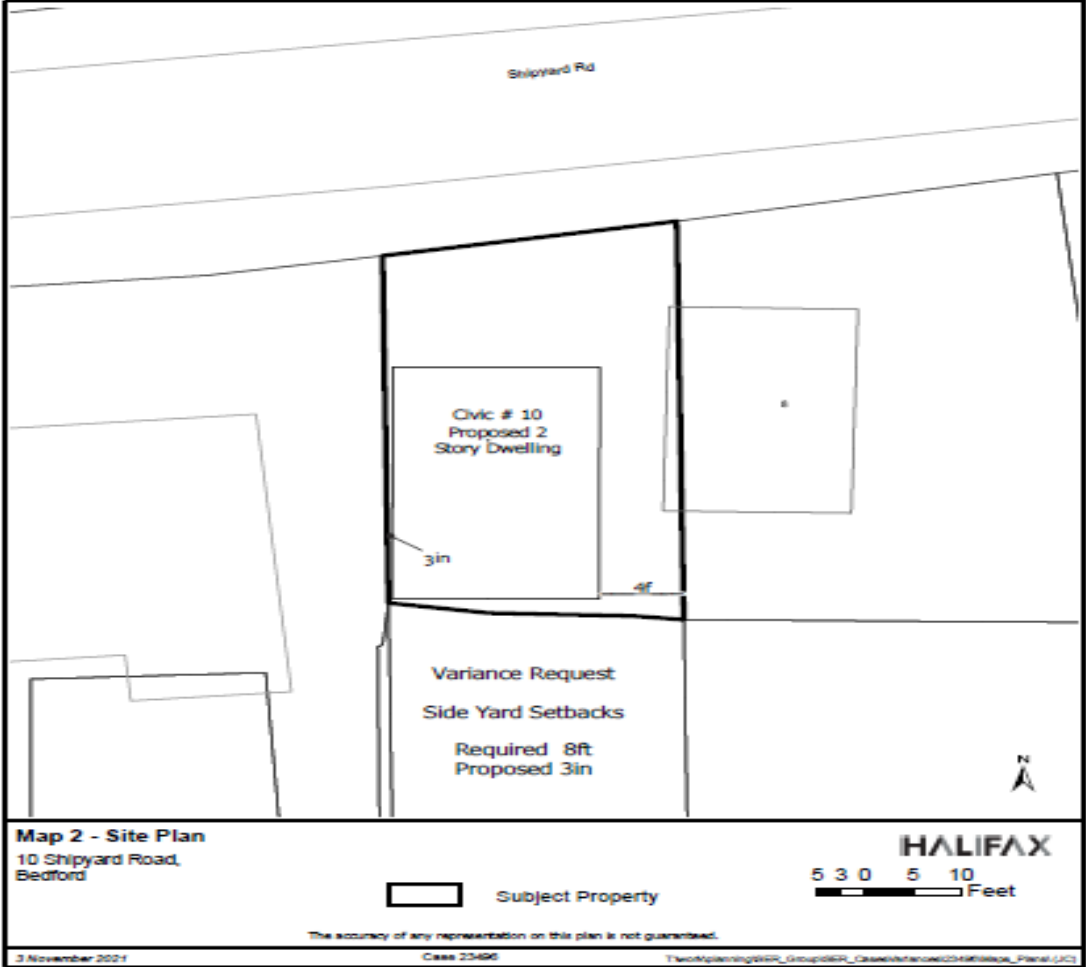


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Variance Request

LUB Regulations	Zone Requirement	Variance Requested
Minimum Right Side Setback	8 feet	3 inches
Minimum Left Side Setback	8 feet	4 feet

Site Plan



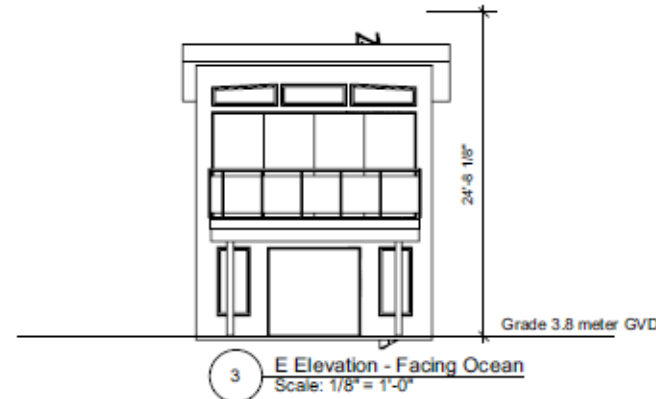
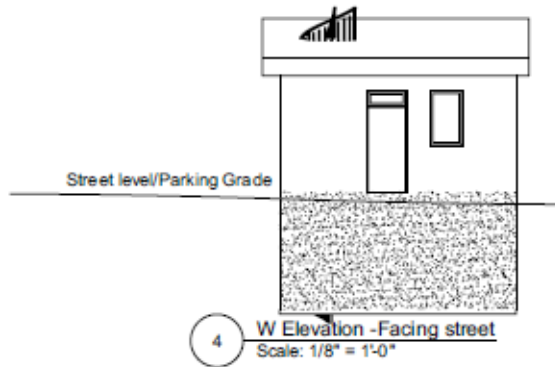
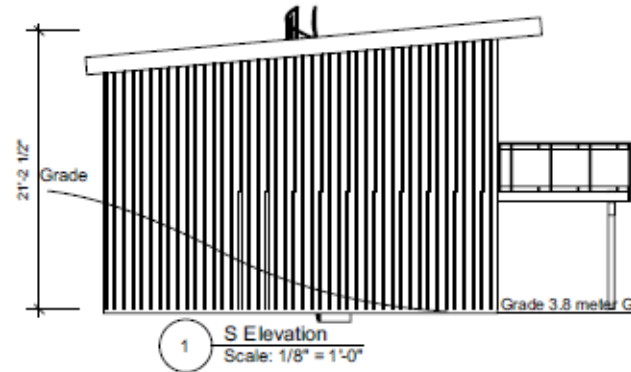
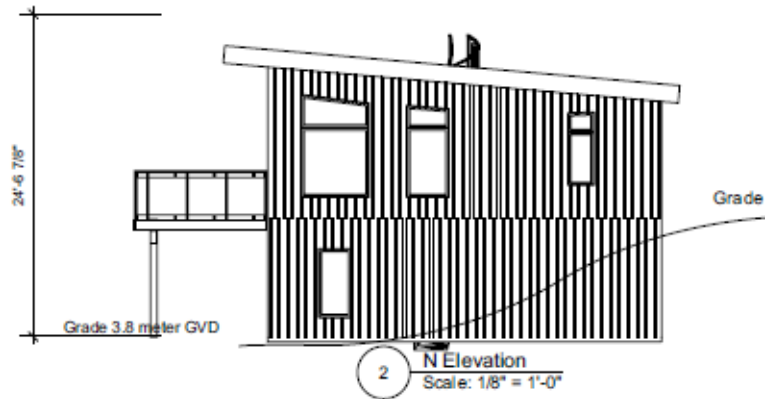
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Site Photo front view



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Elevations for Proposed Addition



Drawing

Elevations

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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.

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

- The proposed dwelling does not meet the requirements of the Land Use By-law
- The side yard encroachment may obstruct access to this or surrounding properties
- There may not be adequate space retained for building and property maintenance.

Is the difficulty experienced general to properties in the area

- The difficulty experienced is not general to properties in the area
- The dwelling is proposed on a lot that does not meet the lot size requirements for a single unit dwelling as the lot was historically used to accommodate a boathouse
- Many of the lots within the neighbourhood meet or exceed the required lot area.
- The majority of dwellings in the 100 m notification area could reasonably be enlarged and comply with the by-law

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 applicant applied for the variance prior to conducting any construction on the property. There is no intentional disregard as the owner has also made the investment in applying for a subdivision to achieve the required lot coverage and rear yard setback

Alternatives

The alternatives before Community Council are:

- If Northwest Community Council allows the appeal the decision of the Development Officer will be overturned and the Variance will be approved.
- If Northwest Community Council does not allow the appeal the decision of the Development Officer will be upheld and the Variance will be denied.
- This is the recommended alternative.