

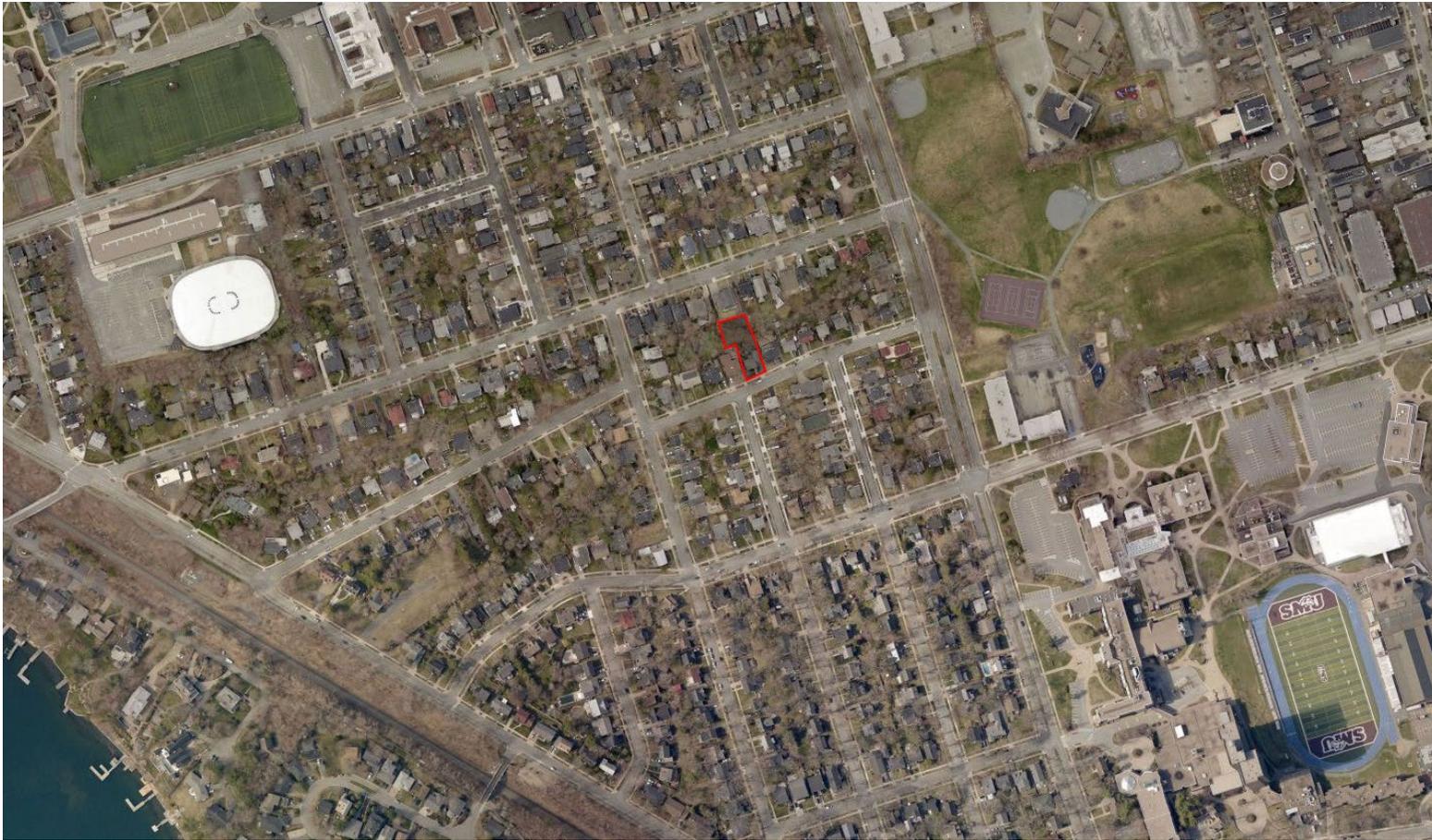
**HALIFAX**

**Case 23782**  
**Variance Hearing**  
**6069 Belmont Road, Halifax**

Regional Centre Community Council

March 23rd, 2022

# Site Location



**HALIFAX**

# Air Photo of 6069 Belmont Road



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# Site Photo – Street View



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# Proposal

- The property owners are proposing an addition to an existing single unit dwelling to add a single car garage with a home office above.
- In order to facilitate this proposal, a variance has been requested to reduce the existing non-conforming setback of 1.16m (3.8 ft.) to 1.10 m (3.6 ft).

# Background

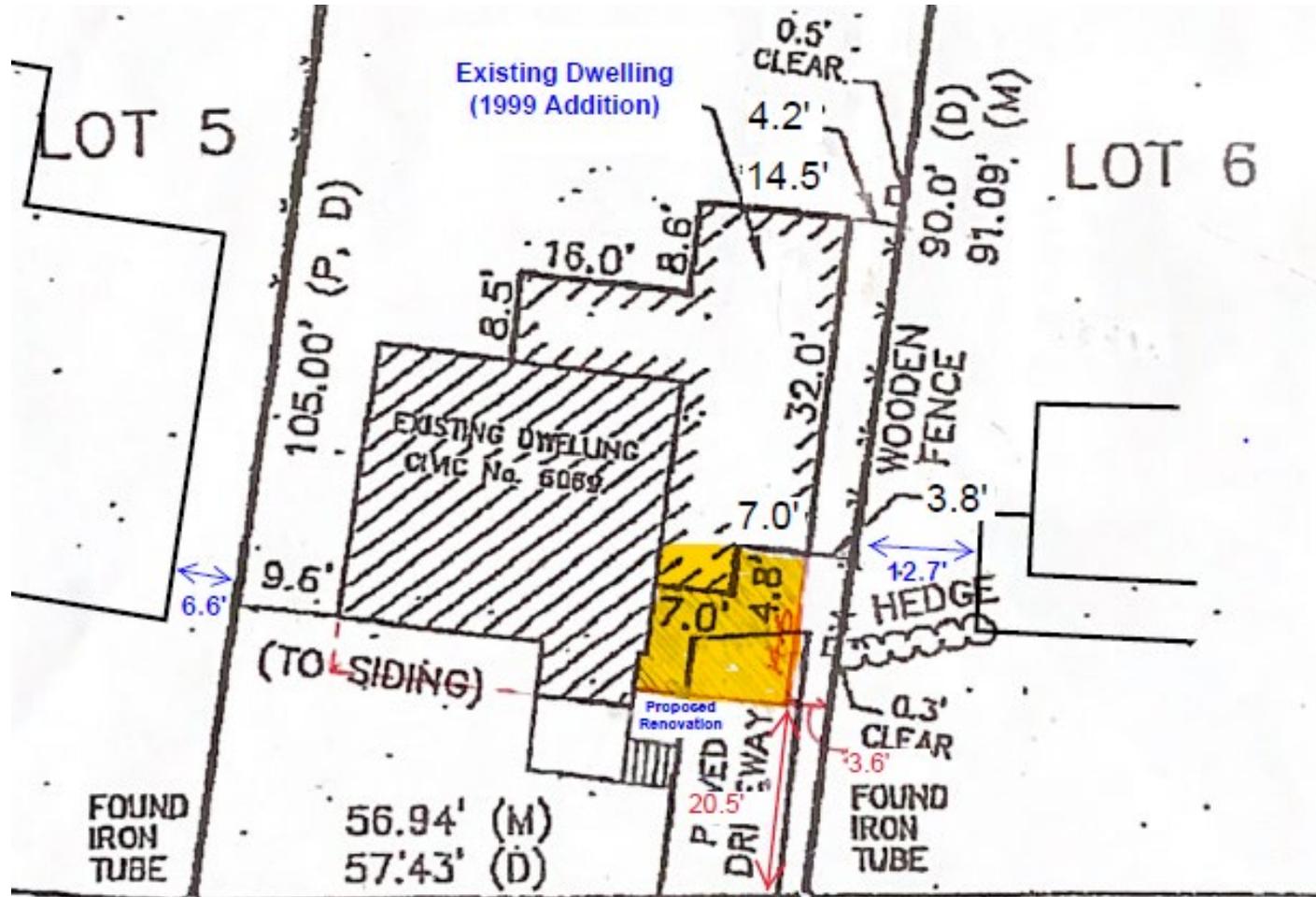
- A variance was issued in 1999 to reduce the required side yard to 4 ft from 5.74 ft. in order to construct an addition.
- A location certificate confirms that the foundation of the 1999 addition is setback 4.3 ft. from the side property line. However, a 0.5 ft. cantilever of the first and second floor reduces this setback to 3.8 ft.
- Proposal is to extend the 1999 addition towards the front lot line, maintaining the plane of the side wall.
- The variance is requested in order to allow for the reduction of the side yard that will be a result of this addition.

# Variance Request

LUB Regulations	Zone Requirement	Variance Requested
Minimum Side Setback	10% of lot width = 1.75m (5.74 ft.)  existing non-conforming setback of 1.16m or 3.8 ft.	Reduce non-conforming setback to 3.6 ft.

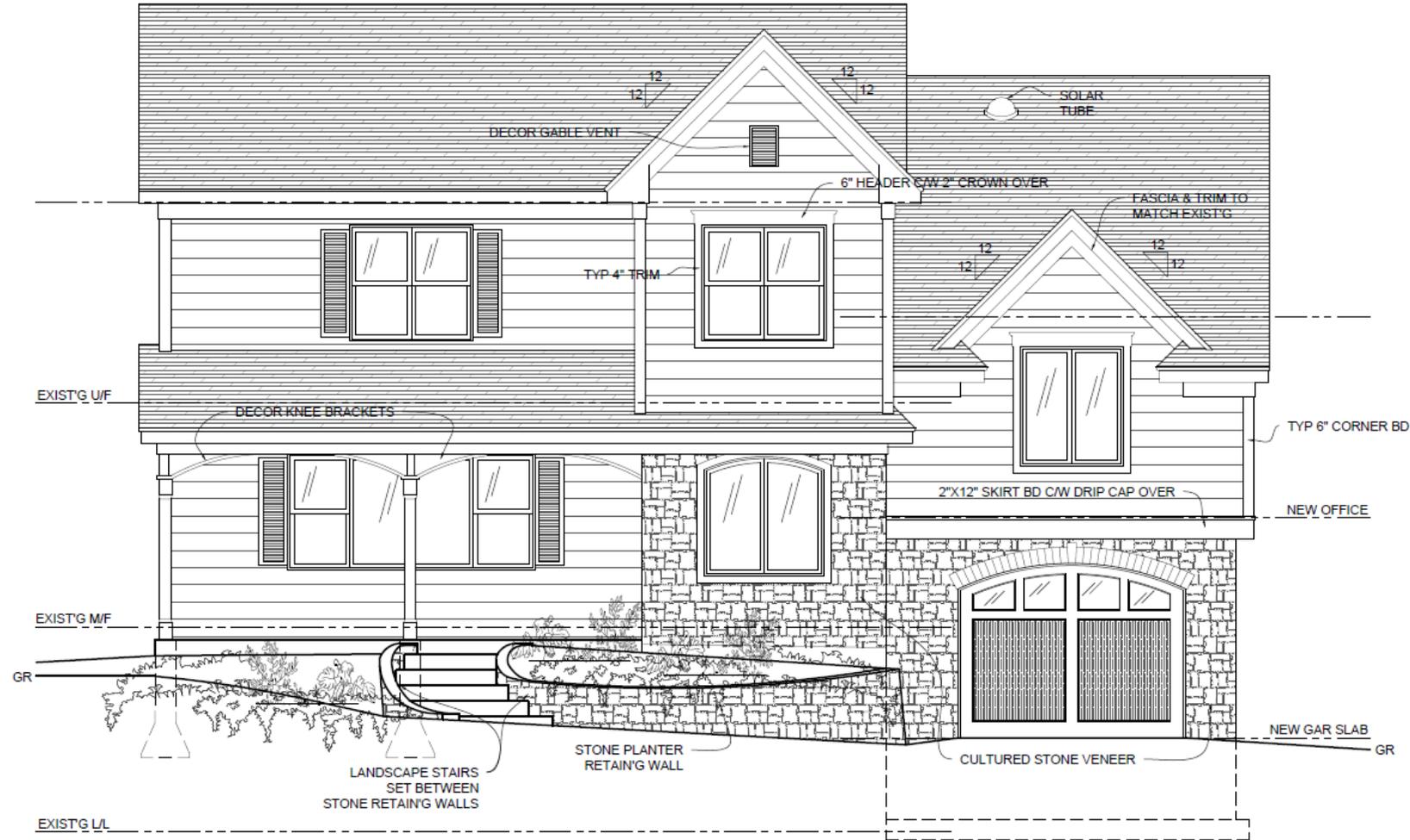
- This variance request was approved by Stephanie Norman, Development Officer. The decision was subsequently appealed by a property owner residing within 100m of the site.

# Applicant's Site Plan



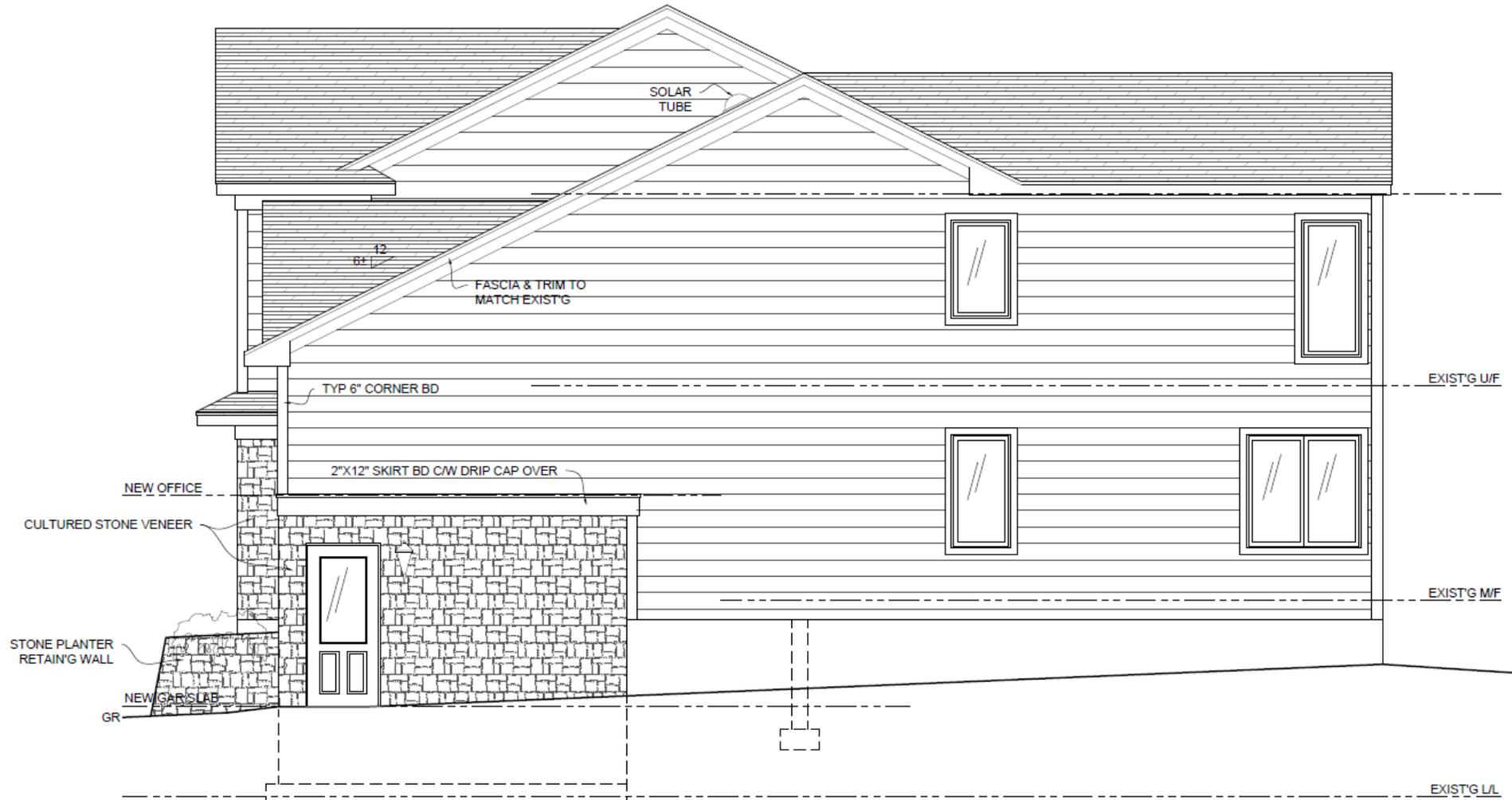
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# Front Elevation for Proposed Addition



1 PROPOSED FRONT ELEVATION  
Scale: 1/4" = 1'-0"

# Side Elevation for Proposed Addition



2

PROPOSED RIGHT ELEVATION

Scale: 1/4" = 1'-0"

# 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.
- However, the side yard provides adequate room for access while aesthetically the proposal is in line with the Oakland Road Special Area.

# Is the difficulty experienced general to properties in the area?

- The difficulty experienced is not general to properties in the area.
- The orientation of this building is such that a parallel extension of the of building's existing side wall toward the front property line would be prohibited by a side yard setback.

# 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 and building permit prior to conducting any construction on the property.

# Alternatives

- The alternatives before Community Council are:
  - a) If Regional Centre Community Council does not allow the appeal of the decision of the Development Officer will be upheld and the Variance will be approved.
  - b) If Regional Centre Community Council allows the appeal of the Development Officer's decision, the decision will be overturned and the Variance will be denied.
- a) is the recommended alternative.